

**As Pending in the Senate Finance Committee**

**136th General Assembly**

**Regular Session**

**2025-2026**

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

**Representative Stewart**

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

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amended, 243.10, 363.10, 371.20 as subsequently 374  
amended, and 373.15 as subsequently amended of 375

H.B. 2 of the 135th General Assembly, Section 376  
265.550 of H.B. 33 of the 135th General Assembly 377  
as subsequently amended, Section 14 of H.B. 238 378  
of the 135th General Assembly, and Section 5 of 379  
H.B. 554 of the 134th General Assembly as 380  
subsequently amended; to amend Section 733.61 of 381  
H.B. 166 of the 133rd General Assembly as 382  
subsequently amended to codify it as section 383  
3313.6033 of the Revised Code; and to repeal 384  
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130th General Assembly to make operating 392  
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taxes, and to provide authorization and 395  
conditions for the operation of state programs. 396

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

**Section 101.01.** That sections 3.15, 9.03, 9.07, 9.239, 397  
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5753.07, 5907.11, 5907.17, 5923.30, 6101.53, 6101.54, 6101.55, 595  
6111.01, and 6111.04 be amended; sections 122.66 (5101.311), 596  
122.67 (5101.312), 122.68 (5101.313), 122.681 (5101.314), 122.69 597  
(5101.315), 122.70 (5101.316), 122.701 (5101.317), 3517.152 598  
(3517.14), 3517.153 (3517.15), 3517.154 (3517.16), 3517.155 599  
(3517.17), 3517.157 (3517.18), 3517.992 (3517.99), 3517.993 600  
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5101.88 (5180.53), 5101.881 (5180.531), 5101.884 (5180.532), 621  
5101.885 (5180.533), 5101.886 (5180.534), 5101.887 (5180.535), 622  
5101.889 (5180.57), 5101.8811 (5180.536), 5101.8812 (5180.56), 623  
5104.50 (5180.04), and 5180.40 (5180.73) be amended for the 624  
purpose of adopting new section numbers as indicated in 625  
parentheses; and new sections 107.034, 3312.02, 3313.902, 626

3314.38, 3321.191, 3333.0415, 3345.86, 3517.991, and 3780.22 and 627  
sections 5.62, 9.05, 9.561, 9.64, 103.416, 111.29, 118.29, 628  
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5163.50, 5164.093, 5167.09, 5180.705, 5180.706, 5180.707, 648  
5180.99, 5501.57, 5703.83, 5705.17, 5705.316, 5709.89, 5726.62, 649  
5743.511, 5743.521, 5743.621, 5743.631, 5747.073, 5747.124, and 650  
5747.87 of the Revised Code be enacted to read as follows: 651

**Sec. 3.15.** (A) Except as otherwise provided in division 652  
(B) of this section, at all times during one's term of office: 653

(1) Each member of the general assembly ~~and each elected~~ 654  
~~voting member of the state board of education~~ shall be a 655  
resident of the district the member represents. 656

(2) Each judge and each elected officer of a court shall 657  
be a resident of the territory of that court. 658

(3) Each person holding an elective office of a political 659  
subdivision shall be a resident of that political subdivision. 660

(4) Each member of a municipal legislative authority who 661  
represents a ward shall be a resident of the ward the member 662  
represents, and each member of a board of education of a city 663  
school district who represents a subdistrict shall be a resident 664  
of the subdistrict the member represents. 665

(B) Any person who fails to meet any of the requirements 666  
of division (A) of this section that apply to the person shall 667  
forfeit the office. Division (A) of this section applies to 668  
persons who have been either elected or appointed to an elective 669  
office. Division (A) of this section does not apply to a member 670  
of the general assembly ~~or the state board of education~~, to a 671  
member of a municipal legislative authority who represents a 672  
ward, or to a member of a board of education of a city school 673  
district who represents a subdistrict, during the remainder of 674  
the member's existing term of office after there is a change in 675  
the member's district's, ward's, or subdistrict's boundaries 676  
that leaves the member's permanent residence outside the 677  
district, ward, or subdistrict. 678

**Sec. 5.62.** (A) The month of June is designated as 679  
"Responsible Fatherhood Month" to recognize the importance of 680  
fathers in their children's lives, how fathers contribute to 681  
their children's safety and stability, and the direct link 682  
between positive father involvement and child well-being. 683

(B) The department of children and youth, local 684  
governments, and other agencies are encouraged to sponsor events 685

to promote awareness of responsible fatherhood engagement and 686  
the contributions fathers make in the lives of their children. 687

**Sec. 9.03.** (A) As used in this section: 688

(1) "Political subdivision" means any body corporate and 689  
~~politic, except a municipal corporation that has adopted a~~ 690  
~~charter under Section 7 of Article XVIII, Ohio Constitution, and~~ 691  
~~except a county that has adopted a charter under Sections 3 and~~ 692  
~~4 of Article X, Ohio Constitution,~~ to which both of the 693  
following apply: 694

(a) It is responsible for governmental activities only in 695  
a geographic area smaller than the state. 696

(b) It is subject to the sovereign immunity of the state. 697

(2) "Cigarettes" and "tobacco product" have the same 698  
meanings as in section 5743.01 of the Revised Code. 699

(3) "Transaction" has the same meaning as in section 700  
1315.51 of the Revised Code. 701

(4) "Campaign committee," "campaign fund," "candidate," 702  
"legislative campaign fund," "political action committee," 703  
"political committee," "political party," and "separate 704  
segregated fund" have the same meanings as in section 3517.01 of 705  
the Revised Code. 706

(B) Except as otherwise provided in division (C) of this 707  
section, the governing body of a political subdivision may use 708  
public funds to publish and distribute newsletters, or to use 709  
any other means, to communicate information about the plans, 710  
policies, and operations of the political subdivision to members 711  
of the public within the political subdivision and to other 712  
persons who may be affected by the political subdivision. 713

(C) Except as otherwise provided in division (A) (7) of 714  
section 340.03 of the Revised Code, no governing body of a 715  
political subdivision shall use public funds to do any of the 716  
following: 717

(1) Publish, distribute, or otherwise communicate 718  
information that does any of the following: 719

(a) Contains defamatory, libelous, or obscene matter; 720

(b) Promotes alcoholic beverages, cigarettes or other 721  
tobacco products, or any illegal product, service, or activity; 722

(c) Promotes illegal discrimination on the basis of race, 723  
color, religion, national origin, disability, age, or ancestry; 724

(d) Supports or opposes any labor organization or any 725  
action by, on behalf of, or against any labor organization; 726

(e) Supports or opposes the nomination or election of a 727  
candidate for public office, the investigation, prosecution, or 728  
recall of a public official, or the passage of a levy or bond 729  
issue. 730

(2) Compensate any employee of the political subdivision 731  
for time spent on any activity to influence the outcome of an 732  
election for any of the purposes described in division (C) (1) (e) 733  
of this section. Division (C) (2) of this section does not 734  
prohibit the use of public funds to compensate an employee of a 735  
political subdivision for attending a public meeting to present 736  
information about the political subdivision's finances, 737  
activities, and governmental actions in a manner that is not 738  
designed to influence the outcome of an election or the passage 739  
of a levy or bond issue, even though the election, levy, or bond 740  
issue is discussed or debated at the meeting. 741

(D) Except as otherwise provided in division (A) (7) of 742  
section 340.03 of the Revised Code or in division (E) of this 743  
section, no person shall knowingly conduct a direct or indirect 744  
transaction of public funds to the benefit of any of the 745  
following: 746

- (1) A campaign committee; 747
- (2) A political action committee; 748
- (3) A legislative campaign fund; 749
- (4) A political party; 750
- (5) A campaign fund; 751
- (6) A political committee; 752
- (7) A separate segregated fund; 753
- (8) A candidate. 754

(E) Division (D) of this section does not prohibit the 755  
utilization of any person's own time to speak in support of or 756  
in opposition to any candidate, recall, referendum, levy, or 757  
bond issue unless prohibited by any other section of the Revised 758  
Code. 759

(F) Nothing in this section prohibits or restricts any 760  
political subdivision from sponsoring, participating in, or 761  
doing any of the following: 762

(1) Charitable or public service advertising that is not 763  
commercial in nature; 764

(2) Advertising of exhibitions, performances, programs, 765  
products, or services that are provided by employees of a 766  
political subdivision or are provided at or through premises 767  
owned or operated by a political subdivision; 768

(3) Licensing an interest in a name or mark that is owned 769  
or controlled by the political subdivision. 770

(G) Whoever violates division (D) of this section shall be 771  
punished as provided in section 3599.40 of the Revised Code. 772

**Sec. 9.05.** (A) As used in the Revised Code: 773

(1) "Boy" means a juvenile human male. 774

(2) "Female" means a person belonging, at conception, to 775  
the sex that produces the large reproductive cell. 776

(3) "Gender identity" means an individual's internal and 777  
subjective sense of self, disconnected from biological reality 778  
and sex and existing on an infinite continuum, that does not 779  
provide a meaningful basis for identification and cannot be 780  
recognized as a replacement for sex. 781

(4) "Girl" means a juvenile human female. 782

(5) "Male" means an individual belonging, at conception, 783  
to the sex that produces the small reproductive cell. 784

(6) "Man" means an adult human male. 785

(7) "Sex" means the biological indication of male and 786  
female, including sex chromosomes, naturally occurring sex 787  
hormones, gonads, and nonambiguous internal and external 788  
genitalia present at birth, without regard to an individual's 789  
psychological, chosen, or subjective experience of gender. 790

(8) "Woman" means an adult human female. 791

(B) It is the policy of the state of Ohio to recognize two 792  
sexes, male and female. These sexes are not changeable and are 793  
grounded in fundamental and incontrovertible reality. 794

**Sec. 9.07.** (A) As used in this section: 795



- (1) "Deadly weapon" has the same meaning as in section 796  
2923.11 of the Revised Code. 797
- (2) "Governing authority of a local public entity" means 798  
whichever of the following is applicable: 799
- (a) For a county, the board of county commissioners of the 800  
county; 801
- (b) For a municipal corporation, the legislative authority 802  
of the municipal corporation; 803
- (c) For a combination of counties, a combination of 804  
municipal corporations, or a combination of one or more counties 805  
and one or more municipal corporations, all boards of county 806  
commissioners and legislative authorities of all of the counties 807  
and municipal corporations that combined to form a local public 808  
entity for purposes of this section. 809
- (3) "Local public entity" means a county, a municipal 810  
corporation, a combination of counties, a combination of 811  
municipal corporations, or a combination of one or more counties 812  
and one or more municipal corporations. 813
- (4) "Non-contracting political subdivision" means any 814  
political subdivision to which all of the following apply: 815
- (a) A correctional facility for the housing of out-of- 816  
state prisoners in this state is or will be located in the 817  
political subdivision. 818
- (b) The correctional facility described in division (A) (4) 819  
(a) of this section is being operated and managed, or will be 820  
operated and managed, by a local public entity or a private 821  
contractor pursuant to a contract entered into prior to March 822  
17, 1998, or a contract entered into on or after March 17, 1998, 823

under this section. 824

(c) The political subdivision is not a party to the 825  
contract described in division (A) (4) (b) of this section for the 826  
management and operation of the correctional facility. 827

(5) "Out-of-state jurisdiction" means the United States, 828  
any state other than this state, and any political subdivision 829  
or other jurisdiction located in a state other than this state. 830

(6) "Out-of-state prisoner" means a person who is 831  
convicted of a crime in another state or under the laws of the 832  
United States or who is found under the laws of another state or 833  
of the United States to be a delinquent child or the 834  
substantially equivalent designation. 835

(7) "Private contractor" means either of the following: 836

(a) A person who, on or after March 17, 1998, enters into 837  
a contract under this section with a local public entity to 838  
operate and manage a correctional facility in this state for 839  
out-of-state prisoners. 840

(b) A person who, pursuant to a contract with a local 841  
public entity entered into prior to March 17, 1998, operates and 842  
manages on March 17, 1998, a correctional facility in this state 843  
for housing out-of-state prisoners. 844

(B) Subject to division (I) of this section, the only 845  
entities other than this state that are authorized to operate a 846  
correctional facility to house out-of-state prisoners in this 847  
state are a local public entity that operates a correctional 848  
facility pursuant to this section or a private contractor that 849  
operates a correctional facility pursuant to this section under 850  
a contract with a local public entity. 851

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

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

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

(a) If a private contractor will operate the facility in  
question pursuant to a contract entered into in accordance with

division (D) of this section, a requirement that, if the 882  
facility is closed or ceases to operate for any reason and if 883  
the conversion plan described in division (D) (16) of this 884  
section is not complied with, the out-of-state jurisdiction will 885  
be responsible for housing and transporting the prisoners who 886  
are in the facility at the time it is closed or ceases to 887  
operate and for the cost of so housing and transporting those 888  
prisoners; 889

(b) If a private contractor will not operate the facility 890  
in question pursuant to a contract entered into in accordance 891  
with division (D) of this section, a conversion plan that will 892  
be followed if, for any reason, the facility is closed or ceases 893  
to operate. The conversion plan shall include, but is not 894  
limited to, provisions that specify whether the local public 895  
entity or the out-of-state jurisdiction will be responsible for 896  
housing and transporting the prisoners who are in the facility 897  
at the time it is closed or ceases to operate and for the cost 898  
of so housing and transporting those prisoners. 899

(3) If a local public entity and an out-of-state 900  
jurisdiction intend to enter into a contract to house out-of- 901  
state prisoners in a correctional facility in this state as 902  
authorized under division (C) (1) of this section, or if a local 903  
public entity and a private contractor intend to enter into a 904  
contract pursuant to division (D) of this section for the 905  
private contractor's management and operation of a correctional 906  
facility in this state to house out-of-state prisoners, prior to 907  
entering into the contract the local public entity and the out- 908  
of-state jurisdiction, or the local public entity and the 909  
private contractor, whichever is applicable, shall conduct a 910  
public hearing in accordance with this division, and, prior to 911  
entering into the contract, the governing authority of the local 912

public entity in which the facility is or will be located shall 913  
authorize the location and operation of the facility. The 914  
hearing shall be conducted at a location within the municipal 915  
corporation or township in which the facility is or will be 916  
located. At least one week prior to conducting the hearing, the 917  
local public entity and the out-of-state jurisdiction or private 918  
contractor with the duty to conduct the hearing shall cause 919  
notice of the date, time, and place of the hearing to be made by 920  
publication in the newspaper with the largest general 921  
circulation in the county in which the municipal corporation or 922  
township is located. The notice shall be of a sufficient size 923  
that it covers at least one-quarter of a page of the newspaper 924  
in which it is published. This division applies to a private 925  
contractor that, pursuant to the requirement set forth in 926  
division (I) of this section, is required to enter into a 927  
contract under division (D) of this section. 928

(D) Subject to division (I) of this section, on and after 929  
March 17, 1998, if a local public entity enters into a contract 930  
with a private contractor for the management and operation of a 931  
correctional facility in this state to house out-of-state 932  
prisoners, the contract, at a minimum, shall include all of the 933  
following provisions: 934

(1) A requirement that the private contractor seek and 935  
obtain accreditation from the American correctional association 936  
for the correctional facility within two years after accepting 937  
the first out-of-state prisoner at the correctional facility 938  
under the contract and that it maintain that accreditation for 939  
the term of the contract; 940

(2) A requirement that the private contractor comply with 941  
all applicable laws, rules, or regulations of the government of 942

this state, political subdivisions of this state, and the United 943  
States, including, but not limited to, all sanitation, food 944  
service, safety, and health regulations; 945

(3) A requirement that the private contractor send copies 946  
of reports of inspections completed by appropriate authorities 947  
regarding compliance with laws, rules, and regulations of the 948  
type described in division (D) (2) of this section to the 949  
director of rehabilitation and correction or the director's 950  
designee and to the governing authority of the local public 951  
entity in which the correctional facility is located; 952

(4) A requirement that the private contractor report to 953  
the local law enforcement agencies with jurisdiction over the 954  
place at which the correctional facility is located, for 955  
investigation, all criminal offenses or delinquent acts that are 956  
committed in or on the grounds of, or otherwise in connection 957  
with, the correctional facility and report to the department of 958  
rehabilitation and correction all disturbances at the facility; 959

(5) A requirement that the private contractor immediately 960  
report all escapes from the facility, and the apprehension of 961  
all escapees, by telephone and in writing to the department of 962  
rehabilitation and correction, to all local law enforcement 963  
agencies with jurisdiction over the place at which the facility 964  
is located, to the state highway patrol, to the prosecuting 965  
attorney of the county in which the facility is located, and to 966  
a daily newspaper having general circulation in the county in 967  
which the facility is located. The written notice may be by 968  
either facsimile transmission or mail. A failure to comply with 969  
this requirement is a violation of section 2921.22 of the 970  
Revised Code. 971

(6) A requirement that the private contractor provide a 972

written report to the director of rehabilitation and correction 973  
or the director's designee and to the governing authority of the 974  
local public entity in which the correctional facility is 975  
located of all unusual incidents occurring at the correctional 976  
facility. The private contractor shall report the incidents in 977  
accordance with the incident reporting rules that, at the time 978  
of the incident, are applicable to state correctional facilities 979  
for similar incidents occurring at state correctional 980  
facilities. 981

(7) A requirement that the private contractor provide 982  
internal and perimeter security to protect the public, staff 983  
members of the correctional facility, and prisoners in the 984  
correctional facility; 985

(8) A requirement that the correctional facility be 986  
staffed at all times with a staffing pattern that is adequate to 987  
ensure supervision of inmates and maintenance of security within 988  
the correctional facility and to provide for appropriate 989  
programs, transportation, security, and other operational needs. 990  
In determining security needs for the correctional facility, the 991  
private contractor and the contract requirements shall fully 992  
take into account all relevant factors, including, but not 993  
limited to, the proximity of the facility to neighborhoods and 994  
schools. 995

(9) A requirement that the private contractor provide an 996  
adequate policy of insurance that satisfies the requirements set 997  
forth in division (D) of section 9.06 of the Revised Code 998  
regarding contractors who operate and manage a facility under 999  
that section, and that the private contractor indemnify and hold 1000  
harmless the state, its officers, agents, and employees, and any 1001  
local public entity in the state with jurisdiction over the 1002

place at which the correctional facility is located or that owns 1003  
the correctional facility, reimburse the state for its costs in 1004  
defending the state or any of its officers, agents, or 1005  
employees, and reimburse any local government entity of that 1006  
nature for its costs in defending the local government entity, 1007  
in the manner described in division (D) of that section 1008  
regarding contractors who operate and manage a facility under 1009  
that section; 1010

(10) A requirement that the private contractor adopt for 1011  
prisoners housed in the correctional facility the security 1012  
classification system and schedule adopted by the department of 1013  
rehabilitation and correction under section 5145.03 of the 1014  
Revised Code, classify in accordance with the system and 1015  
schedule each prisoner housed in the facility, and house all 1016  
prisoners in the facility in accordance with their 1017  
classification under this division; 1018

(11) A requirement that the private contractor will not 1019  
accept for housing, and will not house, in the correctional 1020  
facility any out-of-state prisoner in relation to whom any of 1021  
the following applies: 1022

(a) The private entity has not obtained from the out-of- 1023  
state jurisdiction that imposed the sentence or sanction under 1024  
which the prisoner will be confined in this state a copy of the 1025  
institutional record of the prisoner while previously confined 1026  
in that out-of-state jurisdiction or a statement that the 1027  
prisoner previously has not been confined in that out-of-state 1028  
jurisdiction and a copy of all medical records pertaining to 1029  
that prisoner that are in the possession of the out-of-state 1030  
jurisdiction. 1031

(b) The prisoner, while confined in any out-of-state 1032



jurisdiction, has a record of institutional violence involving 1033  
the use of a deadly weapon or a pattern of committing acts of an 1034  
assaultive nature against employees of, or visitors to, the 1035  
place of confinement or has a record of escape or attempted 1036  
escape from secure custody. 1037

(c) Under the security classification system and schedule 1038  
adopted by the department of rehabilitation and correction under 1039  
section 5145.03 of the Revised Code and adopted by the private 1040  
contractor under division (B) (10) of this section, the out-of- 1041  
state prisoner would be classified as being at a security level 1042  
higher than medium security. 1043

(12) A requirement that the private contractor, prior to 1044  
housing any out-of-state prisoner in the correctional facility 1045  
under the contract, enter into a written agreement with the 1046  
department of rehabilitation and correction that sets forth a 1047  
plan and procedure that will be used to coordinate law 1048  
enforcement activities of state law enforcement agencies and of 1049  
local law enforcement agencies with jurisdiction over the place 1050  
at which the facility is located in response to any riot, 1051  
rebellion, escape, insurrection, or other emergency occurring 1052  
inside or outside the facility; 1053

(13) A requirement that the private contractor cooperate 1054  
with the correctional institution inspection committee in the 1055  
committee's performance of its duties under section ~~103.73~~ 1056  
103.71 of the Revised Code and provide the committee, its 1057  
subcommittees, and its staff members, in performing those 1058  
duties, with access to the correctional facility as described in 1059  
that section; 1060

(14) A requirement that the private contractor permit any 1061  
peace officer who serves a law enforcement agency with 1062

jurisdiction over the place at which the correctional facility 1063  
is located to enter into the facility to investigate any 1064  
criminal offense or delinquent act that allegedly has been 1065  
committed in or on the grounds of, or otherwise in connection 1066  
with, the facility; 1067

(15) A requirement that the private contractor will not 1068  
employ any person at the correctional facility until after the 1069  
private contractor has submitted to the bureau of criminal 1070  
identification and investigation, on a form prescribed by the 1071  
superintendent of the bureau, a request that the bureau conduct 1072  
a criminal records check of the person and a requirement that 1073  
the private contractor will not employ any person at the 1074  
facility if the records check or other information possessed by 1075  
the contractor indicates that the person previously has engaged 1076  
in malfeasance; 1077

(16) A requirement that the private contractor will not 1078  
accept for housing, and will not house, in the correctional 1079  
facility any out-of-state prisoner unless the private contractor 1080  
and the out-of-state jurisdiction that imposed the sentence for 1081  
which the prisoner is to be confined agree that, if the out-of- 1082  
state prisoner is confined in the facility in this state, 1083  
commits a criminal offense while confined in the facility, is 1084  
convicted of or pleads guilty to that offense, and is sentenced 1085  
to a term of confinement for that offense but is not sentenced 1086  
to death for that offense, the private contractor and the out- 1087  
of-state jurisdiction will do all of the following: 1088

(a) Unless section 5120.50 of the Revised Code does not 1089  
apply in relation to the offense the prisoner committed while 1090  
confined in this state and the term of confinement imposed for 1091  
that offense, the out-of-state jurisdiction will accept the 1092

prisoner pursuant to that section for service of that term of 1093  
confinement and for any period of time remaining under the 1094  
sentence for which the prisoner was confined in the facility in 1095  
this state, the out-of-state jurisdiction will confine the 1096  
prisoner pursuant to that section for that term and that 1097  
remaining period of time, and the private contractor will 1098  
transport the prisoner to the out-of-state jurisdiction for 1099  
service of that term and that remaining period of time. 1100

(b) If section 5120.50 of the Revised Code does not apply 1101  
in relation to the offense the prisoner committed while confined 1102  
in this state and the term of confinement imposed for that 1103  
offense, the prisoner shall be returned to the out-of-state 1104  
jurisdiction or its private contractor for completion of the 1105  
period of time remaining under the out-of-state sentence for 1106  
which the prisoner was confined in the facility in this state 1107  
before starting service of the term of confinement imposed for 1108  
the offense committed while confined in this state, the out-of- 1109  
state jurisdiction or its private contractor will confine the 1110  
prisoner for that remaining period of time and will transport 1111  
the prisoner outside of this state for service of that remaining 1112  
period of time, and, if the prisoner is confined in this state 1113  
in a facility operated by the department of rehabilitation and 1114  
correction, the private contractor will be financially 1115  
responsible for reimbursing the department at the per diem cost 1116  
of confinement for the duration of that incarceration, with the 1117  
amount of the reimbursement so paid to be deposited in the 1118  
department's prisoner programs fund. 1119

(17) A requirement that the private contractor, prior to 1120  
housing any out-of-state prisoner in the correctional facility 1121  
under the contract, enter into an agreement with the local 1122  
public entity that sets forth a conversion plan that will be 1123

followed if, for any reason, the facility is closed or ceases to 1124  
operate. The conversion plan shall include, but is not limited 1125  
to, provisions that specify whether the private contractor, the 1126  
local public entity, or the out-of-state jurisdictions that 1127  
imposed the sentences for which the out-of-state prisoners are 1128  
confined in the facility will be responsible for housing and 1129  
transporting the prisoners who are in the facility at the time 1130  
it is closed or ceases to operate and for the cost of so housing 1131  
and transporting those prisoners. 1132

(18) A schedule of fines that the local public entity 1133  
shall impose upon the private contractor if the private 1134  
contractor fails to perform its contractual duties, and a 1135  
requirement that, if the private contractor fails to perform its 1136  
contractual duties, the local public entity shall impose a fine 1137  
on the private contractor from the schedule of fines and, in 1138  
addition to the fine, may exercise any other rights it has under 1139  
the contract. Division (F) (2) of this section applies regarding 1140  
a fine described in this division. 1141

(19) A requirement that the private contractor adopt and 1142  
use in the correctional facility the drug testing and treatment 1143  
program that the department of rehabilitation and correction 1144  
uses for inmates in state correctional institutions; 1145

(20) A requirement that the private contractor provide 1146  
clothing for all out-of-state prisoners housed in the 1147  
correctional facility that is conspicuous in its color, style, 1148  
or color and style, that conspicuously identifies its wearer as 1149  
a prisoner, and that is readily distinguishable from clothing of 1150  
a nature that normally is worn outside the facility by non- 1151  
prisoners, that the private contractor require all out-of-state 1152  
prisoners housed in the facility to wear the clothing so 1153

provided, and that the private contractor not permit any out-of- 1154  
state prisoner, while inside or on the premises of the facility 1155  
or while being transported to or from the facility, to wear any 1156  
clothing of a nature that does not conspicuously identify its 1157  
wearer as a prisoner and that normally is worn outside the 1158  
facility by non-prisoners; 1159

(21) A requirement that, at the time the contract is made, 1160  
the private contractor provide to all parties to the contract 1161  
adequate proof that it has complied with the requirement 1162  
described in division (D) (9) of this section, and a requirement 1163  
that, at any time during the term of the contract, the private 1164  
contractor upon request provide to any party to the contract 1165  
adequate proof that it continues to be in compliance with the 1166  
requirement described in division (D) (9) of this section. 1167

(E) A private correctional officer or other designated 1168  
employee of a private contractor that operates a correctional 1169  
facility that houses out-of-state prisoners in this state under 1170  
a contract entered into prior to, on, or after March 17, 1998, 1171  
may carry and use firearms in the course of the officer's or 1172  
employee's employment only if the officer or employee is 1173  
certified as having satisfactorily completed an approved 1174  
training program designed to qualify persons for positions as 1175  
special police officers, security guards, or persons otherwise 1176  
privately employed in a police capacity, as described in 1177  
division (A) of section 109.78 of the Revised Code. 1178

(F) (1) Upon notification by the private contractor of an 1179  
escape from, or of a disturbance at, a correctional facility 1180  
that is operated by a private contractor under a contract 1181  
entered into prior to, on, or after March 17, 1998, and that 1182  
houses out-of-state prisoners in this state, the department of 1183

rehabilitation and correction and state and local law 1184  
enforcement agencies shall use all reasonable means to recapture 1185  
persons who escaped from the facility or quell any disturbance 1186  
at the facility, in accordance with the plan and procedure 1187  
included in the written agreement entered into under division 1188  
(D) (12) of this section in relation to contracts entered into on 1189  
or after March 17, 1998, and in accordance with their normal 1190  
procedures in relation to contracts entered into prior to March 1191  
17, 1998. Any cost incurred by this state or a political 1192  
subdivision of this state relating to the apprehension of a 1193  
person who escaped from the facility, to the quelling of a 1194  
disturbance at the facility, or to the investigation or 1195  
prosecution as described in division (G) (2) of this section of 1196  
any offense relating to the escape or disturbance shall be 1197  
chargeable to and borne by the private contractor. The 1198  
contractor also shall reimburse the state or its political 1199  
subdivisions for all reasonable costs incurred relating to the 1200  
temporary detention of a person who escaped from the facility, 1201  
following the person's recapture. 1202

(2) If a private contractor that, on or after March 17, 1203  
1998, enters into a contract under this section with a local 1204  
public entity for the operation of a correctional facility that 1205  
houses out-of-state prisoners fails to perform its contractual 1206  
duties, the local public entity shall impose upon the private 1207  
contractor a fine from the schedule of fines included in the 1208  
contract and may exercise any other rights it has under the 1209  
contract. A fine imposed under this division shall be paid to 1210  
the local public entity that enters into the contract, and the 1211  
local public entity shall deposit the money so paid into its 1212  
treasury to the credit of the fund used to pay for community 1213  
policing. If a fine is imposed under this division, the local 1214

public entity may reduce the payment owed to the private 1215  
contractor pursuant to any invoice in the amount of the fine. 1216

(3) If a private contractor, on or after March 17, 1998, 1217  
enters into a contract under this section with a local public 1218  
entity for the operation of a correctional facility that houses 1219  
out-of-state prisoners in this state, the private contractor 1220  
shall comply with the insurance, indemnification, hold harmless, 1221  
and cost reimbursement provisions described in division (D) (9) 1222  
of this section. 1223

(G) (1) Any act or omission that would be a criminal 1224  
offense or a delinquent act if committed at a state correctional 1225  
institution or at a jail, workhouse, prison, or other 1226  
correctional facility operated by this state or by any political 1227  
subdivision or group of political subdivisions of this state 1228  
shall be a criminal offense or delinquent act if committed by or 1229  
with regard to any out-of-state prisoner who is housed at any 1230  
correctional facility operated by a private contractor in this 1231  
state pursuant to a contract entered into prior to, on, or after 1232  
March 17, 1998. 1233

(2) If any political subdivision of this state experiences 1234  
any cost in the investigation or prosecution of an offense 1235  
committed by an out-of-state prisoner housed in a correctional 1236  
facility operated by a private contractor in this state pursuant 1237  
to a contract entered into prior to, on, or after March 17, 1238  
1998, the private contractor shall reimburse the political 1239  
subdivision for the costs so experienced. 1240

(3) (a) Except as otherwise provided in this division, the 1241  
state, and any officer or employee, as defined in section 109.36 1242  
of the Revised Code, of the state is not liable in damages in a 1243  
civil action for any injury, death, or loss to person or 1244

property that allegedly arises from, or is related to, the 1245  
establishment, management, or operation of a correctional 1246  
facility to house out-of-state prisoners in this state pursuant 1247  
to a contract between a local public entity and an out-of-state 1248  
jurisdiction, a local public entity and a private contractor, or 1249  
a private contractor and an out-of-state jurisdiction that was 1250  
entered into prior to March 17, 1998, or that is entered into on 1251  
or after March 17, 1998, in accordance with its provisions. The 1252  
immunity provided in this division does not apply regarding an 1253  
act or omission of an officer or employee, as defined in section 1254  
109.36 of the Revised Code, of the state that is manifestly 1255  
outside the scope of the officer's or employee's official 1256  
responsibilities or regarding an act or omission of the state, 1257  
or of an officer or employee, as so defined, of the state that 1258  
is undertaken with malicious purpose, in bad faith, or in a 1259  
wanton or reckless manner. 1260

(b) Except as otherwise provided in this division, a non- 1261  
contracting political subdivision, and any employee, as defined 1262  
in section 2744.01 of the Revised Code, of a non-contracting 1263  
political subdivision is not liable in damages in a civil action 1264  
for any injury, death, or loss to person or property that 1265  
allegedly arises from, or is related to, the establishment, 1266  
management, or operation of a correctional facility to house 1267  
out-of-state prisoners in this state pursuant to a contract 1268  
between a local public entity other than the non-contracting 1269  
political subdivision and an out-of-state jurisdiction, a local 1270  
public entity other than the non-contracting political 1271  
subdivision and a private contractor, or a private contractor 1272  
and an out-of-state jurisdiction that was entered into prior to 1273  
March 17, 1998, or that is entered into on or after March 17, 1274  
1998, in accordance with its provisions. The immunity provided 1275



in this division does not apply regarding an act or omission of 1276  
an employee, as defined in section 2744.01 of the Revised Code, 1277  
of a non-contracting political subdivision that is manifestly 1278  
outside the scope of the employee's employment or official 1279  
responsibilities or regarding an act or omission of a non- 1280  
contracting political subdivision or an employee, as so defined, 1281  
of a non-contracting political subdivision that is undertaken 1282  
with malicious purpose, in bad faith, or in a wanton or reckless 1283  
manner. 1284

(c) Divisions (G) (3) (a) and (b) of this section do not 1285  
affect any immunity or defense that the state and its officers 1286  
and employees or a non-contracting political subdivision and its 1287  
employees may be entitled to under another section of the 1288  
Revised Code or the common law of this state, including, but not 1289  
limited to, section 9.86 or Chapter 2744. of the Revised Code. 1290

(H) (1) Upon the completion of an out-of-state prisoner's 1291  
term of detention at a correctional facility operated by a 1292  
private contractor in this state pursuant to a contract entered 1293  
into prior to, on, or after March 17, 1998, the operator of the 1294  
correctional facility shall transport the prisoner to the out- 1295  
of-state jurisdiction that imposed the sentence for which the 1296  
prisoner was confined before it releases the prisoner from its 1297  
custody. 1298

(2) No private contractor that operates and manages a 1299  
correctional facility housing out-of-state prisoners in this 1300  
state pursuant to a contract entered into prior to, on, or after 1301  
March 17, 1998, shall fail to comply with division (H) (1) of 1302  
this section. 1303

(3) Whoever violates division (H) (2) of this section is 1304  
guilty of a misdemeanor of the first degree. 1305

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

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

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

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

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

(B) A person that is primarily responsible for designing energy efficient commercial building property installed in a

public building may seek allocation of any deduction allowed 1335  
under section 179D of the Internal Revenue Code in connection 1336  
with that installation by submitting a written request to the 1337  
public entity that owns the building ~~and the tax commissioner.~~ 1338  
Within fifteen days of receiving such a request, the public 1339  
entity shall respond and, if merited, formally allocate the 1340  
deduction as required under that section and any associated 1341  
rules or guidance of the internal revenue service or the United 1342  
States department of the treasury. ~~The public entity shall send~~ 1343  
~~to the commissioner a copy of the response and, if applicable,~~ 1344  
~~the document or documents formally allocating the deduction.~~ 1345

(C) If a public entity does not respond within fifteen 1346  
days of receiving a request under division (B) of this section, 1347  
the entity shall be considered to have approved the request. ~~The~~ 1348  
~~commissioner shall provide the person that submitted the request~~ 1349  
~~with any documentation necessary to formally allocate the~~ 1350  
~~deduction.~~ 1351

(D) No public entity and no employee or agent of a public 1352  
entity acting in the employee's or agent's official capacity 1353  
shall seek, solicit, charge, or accept a fee, payment, or other 1354  
consideration in exchange for allocating a deduction allowed 1355  
under section 179D of the Internal Revenue Code or providing 1356  
documentation of such an allocation as required under that 1357  
section and any associated rules or guidance of the internal 1358  
revenue service or the United States department of the treasury. 1359

**Sec. 9.24.** (A) Except as may be allowed under division (F) 1360  
of this section, no state agency and no political subdivision 1361  
shall award a contract as described in division (G) (1) of this 1362  
section for goods, services, or construction, paid for in whole 1363  
or in part with state funds, to a person against whom a finding 1364

for recovery has been issued by the auditor of state on and 1365  
after January 1, 2001, if the finding for recovery is 1366  
unresolved. 1367

A contract is considered to be awarded when it is entered 1368  
into or executed, irrespective of whether the parties to the 1369  
contract have exchanged any money. 1370

(B) For purposes of this section, a finding for recovery 1371  
is unresolved unless one of the following criteria applies: 1372

(1) The money identified in the finding for recovery is 1373  
paid in full to the state agency or political subdivision to 1374  
whom the money was owed; 1375

(2) The debtor has entered into a repayment plan that is 1376  
approved by the attorney general and the state agency or 1377  
political subdivision to whom the money identified in the 1378  
finding for recovery is owed. A repayment plan may include a 1379  
provision permitting a state agency or political subdivision to 1380  
withhold payment to a debtor for goods, services, or 1381  
construction provided to or for the state agency or political 1382  
subdivision pursuant to a contract that is entered into with the 1383  
debtor after the date the finding for recovery was issued. 1384

(3) The attorney general waives a repayment plan described 1385  
in division (B) (2) of this section for good cause; 1386

(4) The debtor and state agency or political subdivision 1387  
to whom the money identified in the finding for recovery is owed 1388  
have agreed to a payment plan established through an enforceable 1389  
settlement agreement. 1390

(5) The state agency or political subdivision desiring to 1391  
enter into a contract with a debtor certifies, and the attorney 1392  
general concurs, that all of the following are true: 1393

(a) Essential services the state agency or political 1394  
subdivision is seeking to obtain from the debtor cannot be 1395  
provided by any other person besides the debtor; 1396

(b) Awarding a contract to the debtor for the essential 1397  
services described in division (B) (5) (a) of this section is in 1398  
the best interest of the state; 1399

(c) Good faith efforts have been made to collect the money 1400  
identified in the finding of recovery. 1401

(6) The debtor has commenced an action to contest the 1402  
finding for recovery and a final determination on the action has 1403  
not yet been reached; 1404

(7) The debt has been discharged in bankruptcy or is no 1405  
longer owed based on a final nonappealable court order. 1406

(C) The attorney general shall submit an initial report to 1407  
the auditor of state, not later than December 1, 2003, 1408  
indicating the status of collection for all findings for 1409  
recovery issued by the auditor of state for calendar years 2001, 1410  
2002, and 2003. Beginning on January 1, 2004, the attorney 1411  
general shall submit to the auditor of state, on the first day 1412  
of every January, April, July, and October, a list of all 1413  
findings for recovery that have been resolved in accordance with 1414  
division (B) of this section during the calendar quarter 1415  
preceding the submission of the list and a description of the 1416  
means of resolution. The attorney general shall notify the 1417  
auditor of state when a judgment is issued against an entity 1418  
described in division (F) (1) of this section. 1419

(D) The auditor of state shall maintain a database, 1420  
accessible to the public, listing persons against whom an 1421  
unresolved finding for recovery has been issued, and the amount 1422

of the money identified in the unresolved finding for recovery. 1423  
The auditor of state shall have this database operational on or 1424  
before January 1, 2004. The initial database shall contain the 1425  
information required under this division for calendar years 1426  
2001, 2002, and 2003. 1427

Beginning January 15, 2004, the auditor of state shall 1428  
update the database by the fifteenth day of every January, 1429  
April, July, and October to reflect resolved findings for 1430  
recovery that are reported to the auditor of state by the 1431  
attorney general on the first day of the same month pursuant to 1432  
division (C) of this section. 1433

(E) Before awarding a contract as described in division 1434  
(G) (1) of this section for goods, services, or construction, 1435  
paid for in whole or in part with state funds, a state agency or 1436  
political subdivision shall verify that the person to whom the 1437  
state agency or political subdivision plans to award the 1438  
contract has no unresolved finding for recovery issued against 1439  
the person. A state agency or political subdivision shall verify 1440  
that the person does not appear in the database described in 1441  
division (D) of this section or shall obtain other proof that 1442  
the person has no unresolved finding for recovery issued against 1443  
the person. 1444

(F) The prohibition of division (A) of this section and 1445  
the requirement of division (E) of this section do not apply 1446  
with respect to the companies, payments, or agreements described 1447  
in divisions (F) (1) and (2) of this section, or in the 1448  
circumstance described in division (F) (3) of this section. 1449

(1) A bonding company or a company authorized to transact 1450  
the business of insurance in this state, a self-insurance pool, 1451  
joint self-insurance pool, risk management program, or joint 1452

risk management program, unless a court has entered a final 1453  
judgment against the company and the company has not yet 1454  
satisfied the final judgment. 1455

(2) To medicaid provider agreements under the medicaid 1456  
program. 1457

(3) When federal law dictates that a specified entity 1458  
provide the goods, services, or construction for which a 1459  
contract is being awarded, regardless of whether that entity 1460  
would otherwise be prohibited from entering into the contract 1461  
pursuant to this section. 1462

(G) (1) This section applies only to contracts for goods, 1463  
services, or construction that satisfy the criteria in either 1464  
division (G) (1) (a) or (b) of this section. This section may 1465  
apply to contracts for goods, services, or construction that 1466  
satisfy the criteria in division (G) (1) (c) of this section, 1467  
provided that the contracts also satisfy the criteria in either 1468  
division (G) (1) (a) or (b) of this section. 1469

(a) The cost for the goods, services, or construction 1470  
provided under the contract is estimated to exceed twenty-five 1471  
thousand dollars. 1472

(b) The aggregate cost for the goods, services, or 1473  
construction provided under multiple contracts entered into by 1474  
the particular state agency and a single person or the 1475  
particular political subdivision and a single person within the 1476  
fiscal year preceding the fiscal year within which a contract is 1477  
being entered into by that same state agency and the same single 1478  
person or the same political subdivision and the same single 1479  
person, exceeded fifty thousand dollars. 1480

(c) The contract is a renewal of a contract previously 1481

entered into and renewed pursuant to that preceding contract. 1482

(2) This section does not apply to employment contracts. 1483

(H) As used in this section: 1484

(1) "State agency" has the same meaning as in section 9.66 1485  
of the Revised Code. 1486

(2) "Political subdivision" means a political subdivision 1487  
as defined in section 9.82 of the Revised Code that has received 1488  
more than fifty thousand dollars of state money in the current 1489  
fiscal year or the preceding fiscal year. 1490

(3) "Finding for recovery" means a determination issued by 1491  
the auditor of state, contained in a report the auditor of state 1492  
gives to the attorney general pursuant to section 117.28 of the 1493  
Revised Code, that public money has been illegally expended, 1494  
public money has been collected but not been accounted for, 1495  
public money is due but has not been collected, or public 1496  
property has been converted or misappropriated. 1497

(4) "Debtor" means a person against whom a finding for 1498  
recovery has been issued. 1499

(5) "Person" means the person named in the finding for 1500  
recovery. 1501

(6) "State money" does not include funds the state 1502  
receives from another source and passes through to a political 1503  
subdivision. 1504

**Sec. 9.28.** (A) As used in this section: 1505

(1) "Competitive ~~solicitation~~selection" means ~~a request~~ 1506  
~~for proposal or any other solicitation or announcement by a~~ 1507  
~~public office requiring bids or proposals for the provision of~~ 1508



~~goods or services to that office~~ the procedures for making 1509  
purchases as defined in section 125.01 of the Revised Code. 1510

(2) "Public office" includes any state agency, public 1511  
institution, political subdivision, or other organized body, 1512  
office, agency, institution, or entity established by the laws 1513  
of this state for the exercise of any function of government. 1514  
"Public office" does not include the nonprofit corporation 1515  
formed under section 187.01 of the Revised Code. 1516

(3) "State agency" includes every department, bureau, 1517  
board, commission, office, or other organized body established 1518  
by the constitution and laws of this state for the exercise of 1519  
any function of state government, including any state-supported 1520  
institution of higher education, the general assembly, any 1521  
legislative agency, any court or judicial agency, or any 1522  
political subdivision or agency of a political subdivision. 1523  
"State agency" does not include the nonprofit corporation formed 1524  
under section 187.01 of the Revised Code. 1525

(B) Except as provided in division (C) of this section, 1526  
materials ~~submitted to a public office in response relating to a~~ 1527  
~~competitive solicitation through competitive selection~~ shall not 1528  
be considered public records ~~for purposes of under~~ section 1529  
149.43 of the Revised Code until ~~the date the public office~~ 1530  
~~announces after~~ the award of a ~~the~~ contract based on the 1531  
competitive ~~solicitation or the cancellation of the competitive~~ 1532  
~~solicitation~~ selection. 1533

(C) If a public office rejects all bids or proposals 1534  
received in response to a ~~competitive solicitation through~~ 1535  
competitive selection and, concurrently with the announcement of 1536  
the rejection gives notice of its intent to reissue the 1537  
solicitation through competitive selection, the materials 1538

submitted in response to the original ~~competitive~~ solicitation 1539  
and the materials submitted in response to the reissued 1540  
~~competitive~~ solicitation shall not be considered public records 1541  
~~for purposes of under~~ section 149.43 of the Revised Code until 1542  
~~the date the public office announces after~~ the award of ~~a the~~ 1543  
contract based on the reissued ~~competitive~~ solicitation through 1544  
~~or the cancellation of the reissued competitive~~ 1545  
solicitationselection. 1546

**Sec. 9.312.** (A) If a state agency or political subdivision 1547  
is required by law or by an ordinance or resolution adopted 1548  
under division (C) of this section to award a contract to the 1549  
lowest responsive and responsible bidder, a bidder on the 1550  
contract shall be considered responsive if the bidder's proposal 1551  
responds to bid specifications in all material respects and 1552  
contains no irregularities or deviations from the specifications 1553  
which would affect the amount of the bid or otherwise give the 1554  
bidder a competitive advantage. The factors that the state 1555  
agency or political subdivision shall consider in determining 1556  
whether a bidder on the contract is responsible include the 1557  
experience of the bidder, the bidder's financial condition, 1558  
conduct and performance on previous contracts, facilities, 1559  
management skills, and ability to execute the contract properly. 1560

For purposes of this division, the provision of a bid 1561  
guaranty in accordance with divisions (A)(1) and (B) of section 1562  
153.54 of the Revised Code issued by a surety licensed to do 1563  
business in this state is evidence of financial responsibility, 1564  
but a state agency or political subdivision may request 1565  
additional financial information for review from an apparent low 1566  
bidder after it opens all submitted bids. A state agency or 1567  
political subdivision shall keep additional financial 1568  
information it receives pursuant to a request under this 1569

division confidential, except under proper order of a court. The 1570  
additional financial information is not a public record under 1571  
section 149.43 of the Revised Code. 1572

An apparent low bidder found not to be responsive and 1573  
responsible shall be notified by the state agency or political 1574  
subdivision of that finding and the reasons for it. Except for 1575  
contracts awarded by the department of administrative services 1576  
pursuant to section 125.11 of the Revised Code, the notification 1577  
shall be given in writing ~~and either by certified mail or, if~~ 1578  
~~the state agency or political subdivision has record of an~~ 1579  
internet identifier of record associated with the bidder, or by 1580  
ordinary certified mail and by that if no internet identifier of 1581  
record is available. When awarding contracts pursuant to section 1582  
125.11 of the Revised Code, the department may send such notice 1583  
in writing by first class mail or by electronic means. 1584

(B) Where a state agency or a political subdivision that 1585  
has adopted an ordinance or resolution under division (C) of 1586  
this section determines to award a contract to a bidder other 1587  
than the apparent low bidder or bidders for the construction, 1588  
reconstruction, improvement, enlargement, alteration, repair, 1589  
painting, or decoration of a public improvement, it shall meet 1590  
with the apparent low bidder or bidders upon a filing of a 1591  
timely written protest. The protest must be received within five 1592  
days of the notification required in division (A) of this 1593  
section. No final award shall be made until the state agency or 1594  
political subdivision either affirms or reverses its earlier 1595  
determination. Notwithstanding any other provisions of the 1596  
Revised Code, the procedure described in this division is not 1597  
subject to Chapter 119. of the Revised Code. 1598

(C) A municipal corporation, township, school district, 1599

board of county commissioners, any other county board or 1600  
commission, or any other political subdivision required by law 1601  
to award contracts by competitive bidding may by ordinance or 1602  
resolution adopt a policy of requiring each competitively bid 1603  
contract it awards to be awarded to the lowest responsive and 1604  
responsible bidder in accordance with this section. 1605

(D) As used in this section, "internet identifier of 1606  
record" means an electronic mail address, or any other 1607  
designation used for self-identification or routing in internet 1608  
communication or posting, provided for the purpose of receiving 1609  
communication. 1610

**Sec. 9.331.** (A) Before entering into a contract to employ 1611  
a construction manager or construction manager at risk, a public 1612  
authority ~~shall~~ may advertise, ~~in a newspaper of general~~ 1613  
~~circulation news media available~~ in the county where the 1614  
contract is to be performed, and ~~may~~ shall advertise by 1615  
electronic means ~~pursuant to rules adopted by the director of~~ 1616  
~~administrative services~~, notice of its intent to employ a 1617  
construction manager or construction manager at risk. The notice 1618  
shall invite interested parties to submit proposals for 1619  
consideration and shall be published at least ~~thirty-fourteen~~ 1620  
calendar days prior to the date for accepting the proposals. The 1621  
public authority also may advertise the information contained in 1622  
the notice in appropriate trade journals and otherwise notify 1623  
persons believed to be interested in employment as a 1624  
construction manager or construction manager at risk. 1625

(B) The advertisement shall include a general description 1626  
of the project, a statement of the specific management services 1627  
required, and a description of the qualifications required for 1628  
the project. 1629

**Sec. 9.334.** ~~(A)~~ (A) (1) Every public authority planning to 1630  
contract for construction management services with a 1631  
construction manager at risk shall evaluate the proposals 1632  
submitted and select not fewer than three construction managers 1633  
at risk the public authority considers to be the most qualified 1634  
to provide the required construction management services, except 1635  
that the public authority shall select and rank fewer than three 1636  
when the public authority determines in writing that fewer than 1637  
three qualified construction managers at risk are available. 1638

(2) For projects valued at less than four million dollars, 1639  
the public authority may require the construction manager at 1640  
risk to submit a proposal described in division (A) (1) of this 1641  
section along with a pricing proposal described in division (C) 1642  
of this section. The public authority shall provide each 1643  
construction manager at risk who desires to submit a proposal 1644  
under this division a pre-proposal meeting to explore the 1645  
proposals further, in which the public authority shall provide 1646  
the construction manager at risk with a description of the 1647  
project, including the scope and nature of the proposed services 1648  
and potential technical approaches. The public authority shall 1649  
proceed with selection and ranking as described in division (A) 1650  
(1) of this section, based only on the proposal submitted under 1651  
that division. Once the construction managers at risk have been 1652  
selected, the public authority shall proceed to evaluate the 1653  
pricing proposals of each selected construction manager at risk 1654  
as described in division (D) of this section, continuing the 1655  
selection process from there. 1656

(B) The public authority shall provide each construction 1657  
manager at risk selected under division (A) of this section with 1658  
a description of the project, including a statement of available 1659  
design detail, a description of how the guaranteed maximum price 1660

for the project shall be determined, including the estimated 1661  
level of design detail upon which the guaranteed maximum price 1662  
shall be based, the form of the construction management 1663  
contract, and a request for a pricing proposal. 1664

(C) The pricing proposal of each construction manager at 1665  
risk shall include at least the following regarding the 1666  
construction manager at risk: 1667

(1) A list of key personnel for the project; 1668

(2) A statement of the general conditions and contingency 1669  
requirements; 1670

(3) A fee proposal divided into a preconstruction fee, a 1671  
construction fee, and the portion of the construction fee to be 1672  
at risk in a guaranteed maximum price. 1673

(D) The public authority shall evaluate the submitted 1674  
pricing proposals and may hold discussions with individual 1675  
construction managers at risk to explore their proposals 1676  
further, including the scope and nature of the proposed services 1677  
and potential technical approaches. 1678

(E) After evaluating the pricing proposals, the public 1679  
authority shall rank the selected construction managers at risk 1680  
based on its evaluation of the value of each pricing proposal, 1681  
with such evaluation considering the proposed cost and 1682  
qualifications. 1683

(F) The public authority shall enter into negotiations for 1684  
a construction management contract with the construction manager 1685  
at risk whose pricing proposal the public authority determines 1686  
to be the best value under division (E) of this section. 1687  
Contract negotiations shall be directed toward: 1688

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

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

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

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

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

the public authority ranked next highest under division (E) of 1719  
this section. 1720

(3) If a public authority fails to negotiate a 1721  
construction management contract with a construction manager at 1722  
risk whose pricing proposal the public authority determines to 1723  
be the best value under division (E) of this section, the public 1724  
authority may select additional construction managers at risk to 1725  
provide pricing proposals to the public authority pursuant to 1726  
this section or may select an alternative delivery method for 1727  
the project. 1728

(H) If the public authority and construction manager at 1729  
risk fail to agree on a guaranteed maximum price, nothing in 1730  
this section shall prohibit the public authority from allowing 1731  
the construction manager at risk to provide the management 1732  
services that a construction manager is authorized to provide. 1733

(I) Nothing in this section affects a public authority's 1734  
right to accept or reject any or all proposals in whole or in 1735  
part. 1736

**Sec. 9.35.** (A) As used in this section, "public official" 1737  
means an elected or appointed officer, employee, or agent of any 1738  
political subdivision, board, commission, bureau, or other 1739  
public body established by law who is permitted or required in 1740  
the performance of his official duties to issue checks, keep 1741  
books and records, prepare and preserve payroll and other 1742  
employee records, and make reports or perform other similar 1743  
duties. 1744

(B) Any public official may contract for and engage the 1745  
services of a financial institution, or other person engaged in 1746  
the business or capable of rendering electronic data processing 1747



or computer services, to perform the mechanical, clerical, or 1748  
record-keeping services necessary in the performance of 1749  
~~his~~official duties. Such services may include, but are not 1750  
limited to, the preparation of payroll and other records, the 1751  
preparation, signing, and issuance of checks, the preparation of 1752  
reports and accounts, and the performance of all similar duties. 1753

(C) A contract authorized by division (B) of this section 1754  
may be entered into only: 1755

(1) If the surety bond required of such public official 1756  
includes within its coverage any loss which might occur as the 1757  
result of such contract; 1758

(2) Pursuant to a resolution duly adopted by the governing 1759  
board, commission, bureau, or other public body having 1760  
jurisdiction over such public official authorizing a contract 1761  
for the performance of such services; 1762

(3) If the contract does not conflict with the accounting 1763  
requirements prescribed by the auditor of state under section 1764  
117.43 of the Revised Code or with accounting procedures 1765  
prescribed by the director of budget and management under 1766  
section 126.21 of the Revised Code; 1767

~~(4) If assurances satisfactory to the auditor of state are 1768  
furnished by both the financial institution, or other person 1769  
engaged in the business or capable of rendering electronic data 1770  
processing or computer services, and the public official that 1771  
the books and records of the public official in the possession 1772  
of the person performing such . 1773~~

(D) Such services shall be are subject to audit by the 1774  
auditor of state to the same extent as if such services were 1775  
being performed by the public official ~~himself~~. 1776

~~(D)~~ (E) A public official, at the request of a person to  
whom the political subdivision, board, commission, bureau, or  
other public body is indebted and to whom payment is to be made,  
may send a check to a bank representing the amount due such  
person for credit to ~~his~~ the person's account in the bank subject  
to the following conditions:

(1) The person to whom payment is to be made provides the  
public official with a written request ~~on a form approved by the~~  
~~auditor of state which~~ that designates the bank and contains the  
endorsement of such bank thereon stating its willingness to act  
in this respect as agent of such person;

(2) In the event that there are two or more persons who  
designate the same bank and payments are due to such persons on  
the same regularly recurring dates, the public official may draw  
a single check for the total amount due all such persons in  
favor of the bank for credit to the accounts of the several  
persons;

(3) Payment of a check drawn in favor of and properly  
endorsed by the bank designated by a person to whom payment is  
to be made constitutes a full acquittance to the public official  
for the amount of such payment.

~~(E)~~ (F) Nothing contained in this section relieves such  
public official from the primary responsibility for the  
maintenance of the records and performance of the duties of ~~his~~  
office.

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

(1) "Government entity" means a state agency, public  
institution, political subdivision, or any other organized body,  
office, agency, institution, or entity established by the laws

of this state for the exercise of any function of government. 1806

(2) "Public building" means any building owned or occupied 1807  
by a government entity. 1808

(B) No government entity shall place menstrual products in 1809  
the men's restroom of a public building. 1810

**Sec. 9.64.** (A) As used in this section: 1811

(1) "Cybersecurity incident" means any of the following: 1812

(a) A substantial loss of confidentiality, integrity, or 1813  
availability of a covered entity's information system or 1814  
network; 1815

(b) A serious impact on the safety and resiliency of a 1816  
covered entity's operational systems and processes; 1817

(c) A disruption of a covered entity's ability to engage 1818  
in business or industrial operations, or deliver goods or 1819  
services; 1820

(d) Unauthorized access to an entity's information system 1821  
or network, or nonpublic information contained therein, that is 1822  
facilitated through or is caused by: 1823

(i) A compromise of a cloud service provider, managed 1824  
service provider, or other third-party data hosting provider; or 1825

(ii) A supply chain compromise. 1826

"Cybersecurity incident" does not include mere threats of 1827  
disruption as extortion; events perpetrated in good faith in 1828  
response to a request by the system owner or operator; or 1829  
lawfully authorized activity of a United States, state, local, 1830  
tribal, or territorial government entity. 1831

(2) "Political subdivision" means a county, township, 1832

municipal corporation, or other body corporate and politic 1833  
responsible for governmental activities in a geographic area 1834  
smaller than that of the state. 1835

(3) "Ransomware incident" means a malicious cybersecurity 1836  
incident in which a person or entity introduces software that 1837  
gains unauthorized access to or encrypts, modifies, or otherwise 1838  
renders unavailable a political subdivision's information 1839  
technology systems or data and thereafter the person or entity 1840  
demand a ransom to prevent the publication of the data, restore 1841  
access to the data, or otherwise remediate the impact of the 1842  
software. 1843

(B) A political subdivision experiencing a ransomware 1844  
incident shall not pay or otherwise comply with a ransom demand 1845  
unless the political subdivision's legislative authority 1846  
formally approves the payment or compliance with the ransom 1847  
demand in a resolution or ordinance that specifically states why 1848  
the payment or compliance with the ransom demand is in the best 1849  
interest of the political subdivision. 1850

(C) The legislative authority of a political subdivision 1851  
shall adopt a cybersecurity program that safeguards the 1852  
political subdivision's data, information technology, and 1853  
information technology resources to ensure availability, 1854  
confidentiality, and integrity. The program shall be consistent 1855  
with generally accepted best practices for cybersecurity, such 1856  
as the national institute of standards and technology 1857  
cybersecurity framework, and the center for internet security 1858  
cybersecurity best practices, and may include, but are not 1859  
limited to, the following: 1860

(1) Identify and address the critical functions and 1861  
cybersecurity risks of the political subdivision. 1862

- (2) Identify the potential impacts of a cybersecurity breach. 1863  
1864
- (3) Specify mechanisms to detect potential threats and cybersecurity events. 1865  
1866
- (4) Specify procedures for the political subdivision to establish communication channels, analyze incidents, and take actions to contain cybersecurity incidents. 1867  
1868  
1869
- (5) Establish procedures for the repair of infrastructure impacted by a cybersecurity incident, and the maintenance of security after the incident. 1870  
1871  
1872
- (6) Establish cybersecurity training requirements for all employees of the political subdivision; the frequency, duration, and detail of which shall correspond to the duties of each employee. Annual cybersecurity training provided by the state, and training provided for local governments by the Ohio persistent cyber initiative program of the Ohio cyber range institute, satisfy the requirements of this division. 1873  
1874  
1875  
1876  
1877  
1878  
1879
- (D) The legislative authority of a political subdivision, following each cybersecurity incident or ransomware incident, shall notify both of the following: 1880  
1881  
1882
- (1) The executive director of the division of homeland security within the department of public safety, in a manner prescribed by the executive director, as soon as possible but not later than seven days after the political subdivision discovers the incident; 1883  
1884  
1885  
1886  
1887
- (2) The auditor of state, in a manner prescribed by the auditor of state, as soon as possible but not later than thirty days after the political subdivision discovers the incident. 1888  
1889  
1890

(E) Any records, documents, or reports related to the 1891  
cybersecurity program and framework in division (C) of this 1892  
section, and the reports of a cybersecurity incident or 1893  
ransomware incident under division (D) of this section, are not 1894  
public records under section 149.43 of the Revised Code. 1895

(F) A record identifying cybersecurity-related software, 1896  
hardware, goods, and services, that are being considered for 1897  
procurement, have been procured, or are being used by a 1898  
political subdivision, including the vendor name, product name, 1899  
project name, or project description, is a security record under 1900  
section 149.433 of the Revised Code. 1901

**Sec. 9.681.** (A) As used in this section, "tobacco product" 1902  
and "alternative nicotine product" have the same meanings as in 1903  
section 2927.02 of the Revised Code. 1904

(B) The regulation of tobacco products and alternative 1905  
nicotine products is a matter of general statewide concern that 1906  
requires statewide regulation. The state has adopted a 1907  
comprehensive plan with respect to all aspects of the giveaway, 1908  
sale, purchase, distribution, manufacture, use, possession, 1909  
licensing, taxation, inspection, and marketing of tobacco 1910  
products and alternative nicotine products. No political 1911  
subdivision may enact, adopt, renew, maintain, enforce, or 1912  
continue in existence any charter provision, ordinance, 1913  
resolution, rule, or other measure that conflicts with or 1914  
preempts any policy of the state regarding the regulation of 1915  
tobacco products or alternative nicotine products, including, 1916  
without limitation, by: 1917

(1) Setting or imposing standards, requirements, taxes, 1918  
fees, assessments, or charges of any kind regarding tobacco 1919  
products or alternative nicotine products that are the same as 1920

or similar to, that conflict with, that are different from, or 1921  
that are in addition to, any standard, requirement, tax, fee, 1922  
assessment, or other charge established or authorized by state 1923  
law; 1924

(2) Lowering or raising an age requirement provided for in 1925  
state law in connection with the giveaway, sale, purchase, 1926  
distribution, manufacture, use, possession, licensing, taxation, 1927  
inspection, and marketing of tobacco products or alternative 1928  
nicotine products; 1929

(3) Prohibiting an employee eighteen years of age or older 1930  
of a manufacturer, producer, distributor, wholesaler, or 1931  
retailer of tobacco products or alternative nicotine products 1932  
from selling tobacco products or alternative nicotine products; 1933

(4) Prohibiting an employee eighteen years of age or older 1934  
of a manufacturer, producer, distributor, wholesaler, or 1935  
retailer of tobacco products or alternative nicotine products 1936  
from handling tobacco products or alternative nicotine products 1937  
in sealed containers in connection with manufacturing, storage, 1938  
warehousing, placement, stocking, bagging, loading, or 1939  
unloading. 1940

(C) In addition to any other relief provided, the court 1941  
shall award costs and reasonable ~~attorney~~attorney's fees to any 1942  
person, group, or entity that prevails in a challenge to an 1943  
ordinance, resolution, regulation, local law, or other action as 1944  
being in conflict with this section. 1945

(D) The general assembly finds and declares that this 1946  
section is part of a statewide and comprehensive legislative 1947  
enactment regulating all aspects of the giveaway, sale, 1948  
purchase, distribution, manufacture, use, possession, licensing, 1949

taxation, inspection, and marketing of tobacco products and 1950  
alternative nicotine products. The general assembly further 1951  
finds and declares that the imposition of tobacco product and 1952  
alternative nicotine product regulation by any political 1953  
subdivision is a matter of statewide concern and would be 1954  
inconsistent with that statewide, comprehensive enactment. 1955  
Therefore, regulation of the giveaway, sale, purchase, 1956  
distribution, manufacture, use, possession, licensing, taxation, 1957  
inspection, and marketing of tobacco products and alternative 1958  
nicotine products is a matter of general statewide concern that 1959  
requires uniform statewide regulation. By the enactment of this 1960  
section, it is the intent of the general assembly to preempt 1961  
political subdivisions from the regulation of tobacco products 1962  
and alternative nicotine products. 1963

(E) This section does not prohibit a political subdivision 1964  
from levying a tax expressly authorized by state law, including 1965  
the taxes authorized under Chapters 5739. and 5741. or sections 1966  
5743.021, 5743.024, 5743.026, 5743.321, 5743.323, ~~and 5743.324,~~ 1967  
5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code. 1968

**Sec. 9.821.** (A) The department of administrative services 1969  
shall direct and manage for state agencies all risk management 1970  
and insurance programs authorized under section 9.822 of the 1971  
Revised Code. 1972

(B) The office of risk management is hereby established 1973  
within the department of administrative services. The director 1974  
of administrative services, or a deputy director appointed by 1975  
the director, shall control and supervise the office. 1976

(C) The office may take any of the following actions that 1977  
it determines to be in the best interests of the state: 1978



(1) Provide all insurance coverages for the state, 1979  
including, but not limited to, vehicle liability, casualty, 1980  
property, public liability, and fidelity bonding. The cost of 1981  
insurance coverage shall be paid from appropriations made to the 1982  
state agencies that the office has designated to receive the 1983  
coverage. 1984

(2) Provide coverage of legal expenses that are necessary 1985  
and related to the legal defense of claims against the state; 1986

(3) Purchase insurance policies consistent with sections 1987  
125.01 to 125.111 of the Revised Code, develop and administer 1988  
self-insurance programs, or do both; 1989

(4) Consolidate and combine state insurance coverages; 1990

(5) Provide technical services in risk management and 1991  
insurance to state agencies; 1992

(6) Adopt and publish, in accordance with section 111.15 1993  
of the Revised Code, necessary rules and procedures governing 1994  
the administration of the state's insurance and risk management 1995  
activities. 1996

(D) No state agency, except a state agency exempted under 1997  
section 125.02 or 125.04 of the Revised Code from the 1998  
department's purchasing authority, shall purchase any insurance 1999  
described in this section except as authorized by the 2000  
department, when the office of risk management determines that 2001  
the purchase is in the best interest of the state pursuant to 2002  
division (C)(1) of this section, and in accordance with terms, 2003  
conditions, and procurement methods established by the 2004  
department. 2005

(E) With respect to any civil action, demand, or claim 2006  
against the state that could be filed in the court of claims, 2007

nothing in sections 9.82 to 9.823 of the Revised Code shall be 2008  
interpreted to permit the settlement or compromise of those 2009  
civil actions, demands, or claims, except in the manner provided 2010  
in Chapter 2743. of the Revised Code. 2011

(F) The department of administrative services and the 2012  
office of risk management, while acting pursuant to the 2013  
responsibilities prescribed in sections 9.82 to 9.83 of the 2014  
Revised Code, are performing a public duty, as defined in 2015  
section 2743.01 of the Revised Code. 2016

(G) The office of the attorney general or counsel 2017  
appointed by the office of the attorney general, including any 2018  
legal representatives thereof, shall provide and share 2019  
communications and documents that are made for the purpose of 2020  
seeking or providing legal advice or counsel in connection with 2021  
actual or potential litigation, liability claims, contract 2022  
disputes, risk management issues, and other matters involving 2023  
the programs of the office of risk management with the office. 2024  
All such communications and documents shared between the office, 2025  
a state agency, and the office of the attorney general or 2026  
counsel appointed by the office of the attorney general, 2027  
including any legal representatives thereof, are privileged and 2028  
confidential. 2029

**Sec. 101.352.** If the joint committee on agency rule review 2030  
becomes aware that an agency subject to its jurisdiction is 2031  
relying upon a principle of law or policy that, under section 2032  
121.93 of the Revised Code, should have been supplanted by its 2033  
restatement in a rule, the chairperson of the joint committee 2034  
responsible for calling and conducting meetings under section 2035  
101.35 of the Revised Code, in that chairperson's sole 2036  
discretion, may request the agency to appear before the joint 2037

committee to address why, notwithstanding section 121.93 of the 2038  
Revised Code, it is so relying. The request shall specify the 2039  
time and place at which a designee of the agency is to appear 2040  
before the joint committee to address, and to answer the joint 2041  
committee's questions concerning, the agency's reliance. The 2042  
date set for the appearance shall be not earlier than thirty 2043  
days after the joint committee transmits the request to the 2044  
agency. The joint committee shall transmit the request to the 2045  
agency electronically. The joint committee also shall publish 2046  
the request on its web site, as part of the relevant meeting 2047  
agenda, and shall indicate in conjunction with the published 2048  
request that any person is invited to appear before the joint 2049  
committee when the agency appears to offer and make comments to 2050  
the joint committee concerning the agency's reliance. 2051

Upon receiving the request, the agency shall designate a 2052  
suitable agency officer or employee to appear on behalf of the 2053  
agency before the joint committee as directed in the request. 2054  
The agency electronically shall notify the joint committee of 2055  
the name, title, telephone number, and electronic mail address 2056  
of the officer or employee who has been designated to appear 2057  
before the joint committee in response to the request. 2058

Upon appearing before the joint committee, the agency's 2059  
designee shall address why the agency is relying upon a 2060  
principle of law or policy that, notwithstanding section 121.93 2061  
of the Revised Code, has not been supplanted by its restatement 2062  
in a rule. The members of the joint committee may question the 2063  
agency's designee concerning the agency's reliance. Any person 2064  
may offer and make comments to the joint committee concerning 2065  
the agency's reliance. 2066

After the appearance has concluded, the joint committee, 2067

by vote of a majority of its members, in writing may recommend 2068  
to the agency that it supplant the principle of law or policy 2069  
that it is relying upon by its restatement in a rule. The joint 2070  
committee shall support its recommendation with a brief 2071  
rationale of why, under section 121.93 of the Revised Code, the 2072  
principle of law or policy should be supplanted by its 2073  
restatement in a rule. The joint committee shall transmit the 2074  
recommendation electronically to the agency. 2075

After receiving the recommendation from the joint 2076  
committee, the agency shall commence the rule-making process as 2077  
soon as it is reasonably feasible to do so, but not later than 2078  
the date that is ~~six~~three months after the recommendation was 2079  
received. The principle of law or policy as it is restated in a 2080  
rule does not need to be wholly congruent with the supplanted 2081  
principle of law or policy. The agency lawfully may improve or 2082  
develop further the supplanted principle of law or policy as it 2083  
is restated in a rule. 2084

The agency may continue to rely upon the principle of law 2085  
or policy, but only while it is complying with the preceding 2086  
paragraph. The agency may not rely upon the principle of law or 2087  
policy in advising with regard to or in determining the rights 2088  
or liabilities of a person if ~~the~~any of the following apply: 2089

(A) The agency fails to commence the rule-making process 2090  
by the deadline specified in the preceding paragraph,~~or if,~~ 2091  
~~after.~~ 2092

(B) After commencing the rule-making process, the agency 2093  
neglects or abandons the rule-making process before it is 2094  
completed. 2095

(C) The agency fails to file a rule recommended under this 2096

section in final form within one year of receiving a written 2097  
recommendation from the joint committee in accordance with this 2098  
section. 2099

(D) After filing a proposed rule and rule summary and 2100  
fiscal analysis with the joint committee, the agency notifies 2101  
the joint committee of the agency's intention to file a revised 2102  
proposed rule as described in division (B) of section 106.02 of 2103  
the Revised Code. 2104

**Sec. 101.53.** (A) A legislative action to amend or enact a 2105  
codified or uncodified statutory section shall be indicated in 2106  
bills and enrolled acts according to the following principles: 2107

(1) New matter that is to be inserted into an existing 2108  
codified or uncodified section shall be indicated by inserting 2109  
the new matter, underlined, into the section at the appropriate 2110  
place, in the same form as it is to appear in the resulting law. 2111

(2) Old matter that is to be omitted from an existing 2112  
codified or uncodified section shall be indicated by retaining 2113  
the matter as it appears in the section and striking it through 2114  
with a horizontal line. 2115

(3) A new codified section that is to be added to the law 2116  
shall be indicated by presenting the section, underlined, in the 2117  
same form as it is to appear in the resulting law. 2118

(4) A new uncodified section that is to be added to the 2119  
law shall be indicated by presenting the section, without 2120  
underlining, in the same form as it is to appear in the 2121  
resulting law. 2122

(B) (1) A legislative proposal to amend or enact a section 2123  
of the Ohio Constitution shall be indicated in a joint 2124  
resolution the same as an amendment to or an enactment of a 2125

codified statutory section in a bill. 2126

(2) A legislative proposal of a schedule or of an 2127  
amending, enacting, repeal, effective date, or other special 2128  
clause applying to a proposed amendment of the Ohio Constitution 2129  
shall be indicated in a joint resolution the same as an 2130  
enactment of a new uncodified statutory section in a bill. 2131

(C) Bills shall be printed in the exact language in which 2132  
they were passed, under the supervision of the clerk of the 2133  
house in which they originated.~~The legislative service~~ 2134  
~~commission, by rule adopted under section 111.15 of the Revised~~ 2135  
~~Code, shall direct how new matter shall be indicated and old~~ 2136  
~~matter omitted.~~ 2137

**Sec. 101.63.** (A) (1) Not later than the first day of March 2138  
in the odd-numbered year during which an occupational licensing 2139  
board is scheduled to be triggered to expire the following even- 2140  
numbered year under section 101.62 of the Revised Code, the 2141  
speaker of the house of representatives shall direct a standing 2142  
committee of the house of representatives to hold hearings to 2143  
receive the testimony of the public and of the chief executive 2144  
officer of the board, and otherwise to review, consider, and 2145  
evaluate the usefulness, performance, and effectiveness of the 2146  
board. Not later than the fifteenth day of November of that same 2147  
odd-numbered year, the standing committee shall prepare and 2148  
publish a report of its findings and recommendations in 2149  
accordance with section 101.65 of the Revised Code. If the 2150  
standing committee's report includes a bill, the house of 2151  
representatives shall consider that bill for passage by the 2152  
thirty-first day of December of that same odd-numbered year. 2153

(2) Not later than the first day of March in the even- 2154  
numbered year during which an occupational licensing board is 2155

scheduled to be triggered to expire under section 101.62 of the Revised Code, the president of the senate shall direct a standing committee of the senate to hold hearings to receive testimony of the public and of the chief executive officer of the board, and otherwise to review, consider, and evaluate the usefulness, performance, and effectiveness of the board and any bill considered by the house of representatives related to the expiration of that board. Not later than the fifteenth day of November of that same even-numbered year, the standing committee shall prepare and publish a report of its findings and recommendations in accordance with section 101.65 of the Revised Code. If the standing committee's report includes a bill, the senate shall consider that bill for passage by the thirty-first day of December of that same even-numbered year.

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

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

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

information: 2186

(1) The board's primary purpose and its various goals and objectives; 2187  
2188

(2) The board's past and anticipated workload, the number of staff required to complete that workload, and the board's total number of staff; 2189  
2190  
2191

(3) The board's past and anticipated budgets and its sources of funding; 2192  
2193

(4) The number of members of its governing board or other governing entity and their compensation, if any. 2194  
2195

(C) Each board shall have the burden of demonstrating to the standing committee a public need for its continued existence. In determining whether a board has demonstrated that need, the standing committee shall consider, as relevant, all of the following: 2196  
2197  
2198  
2199  
2200

(1) Whether or not continuation of the board is necessary to protect the health, safety, or welfare of the public, and if so, whether or not the board's authority is narrowly tailored to protect against present, recognizable, and significant harms to the health, safety, or welfare of the public; 2201  
2202  
2203  
2204  
2205

(2) Whether or not the public could be protected or served in an alternate or less restrictive manner; 2206  
2207

(3) Whether or not the board serves a specific private interest; 2208  
2209

(4) Whether or not rules adopted by the board are consistent with the legislative mandate of the board as expressed in the statutes that created and empowered the board; 2210  
2211  
2212



(5) The extent to which the board's jurisdiction and 2213  
programs overlap or duplicate those of other boards, the extent 2214  
to which the board coordinates with those other boards, and the 2215  
extent to which the board's programs could be consolidated with 2216  
the programs of other state departments or boards; 2217

(6) How many other states regulate the occupation, whether 2218  
a license is required to engage in the occupation in other 2219  
states, whether the initial licensing and license renewal 2220  
requirements for the occupation are substantially equivalent in 2221  
every state, and the amount of regulation exercised by the board 2222  
compared to the regulation, if any, in other states; 2223

(7) The extent to which significant changes in the board's 2224  
rules could prevent an individual licensed in this state from 2225  
practicing, or allow an individual licensed in this state to 2226  
practice, the same occupation in another jurisdiction without 2227  
obtaining an occupational license for that occupation in that 2228  
other jurisdiction; 2229

(8) Whether the board recognizes national uniform 2230  
licensure requirements for the occupation; 2231

(9) Whether or not private contractors could be used, in 2232  
an effective and efficient manner, either to assist the board in 2233  
the performance of its duties or to perform these duties instead 2234  
of the board; 2235

(10) Whether or not the operation of the board has 2236  
inhibited economic growth, reduced efficiency, or increased the 2237  
cost of government; 2238

(11) An assessment of the authority of the board regarding 2239  
fees, inspections, enforcement, and penalties; 2240

(12) The extent to which the board has permitted qualified 2241

applicants to serve the public; 2242

(13) The extent to which the board has permitted 2243  
individuals to practice elements of the occupation without a 2244  
license; 2245

(14) The cost-effectiveness of the board in terms of 2246  
number of employees, services rendered, and administrative costs 2247  
incurred, both past and present; 2248

(15) Whether or not the board's operation has been impeded 2249  
or enhanced by existing statutes and procedures and by 2250  
budgetary, resource, and personnel practices; 2251

(16) Whether the board has recommended statutory changes 2252  
to the general assembly that would benefit the public as opposed 2253  
to the persons regulated by the board, if any, and whether its 2254  
recommendations and other policies have been adopted and 2255  
implemented; 2256

(17) Whether the board has required any persons it 2257  
regulates to report to it the impact of board rules and 2258  
decisions on the public as they affect service costs and service 2259  
delivery; 2260

(18) Whether persons regulated by the board, if any, have 2261  
been required to assess problems in their business operations 2262  
that affect the public; 2263

(19) Whether the board has encouraged public participation 2264  
in its rule-making and decision-making; 2265

(20) The efficiency with which formal public complaints 2266  
filed with the board have been processed to completion; 2267

(21) Whether the purpose for which the board was created 2268  
has been fulfilled, has changed, or no longer exists; 2269

(22) Whether federal law requires that the board be 2270  
renewed in some form; 2271

(23) An assessment of the administrative hearing process 2272  
of a board if the board has an administrative hearing process, 2273  
and whether or not the hearing process is consistent with due 2274  
process rights; 2275

(24) Whether the requirement for the occupational license 2276  
is consistent with the policies expressed in section 4798.02 of 2277  
the Revised Code, serves a meaningful, defined public interest, 2278  
and provides the least restrictive form of regulation that 2279  
adequately protects the public interest; 2280

(25) The extent to which licensing ensures that 2281  
practitioners have occupational skill sets or competencies that 2282  
are substantially related to protecting consumers from present, 2283  
significant, and substantiated harms that threaten public 2284  
health, safety, or welfare, and the impact that those criteria 2285  
have on applicants for a license, particularly those with 2286  
moderate or low incomes, seeking to enter the occupation or 2287  
profession; 2288

(26) The extent to which the requirement for the 2289  
occupational license stimulates or restricts competition, 2290  
affects consumer choice, and affects the cost of services; 2291

(27) An assessment of whether or not changes are needed in 2292  
the enabling laws of the board in order for it to comply with 2293  
the criteria suggested by the considerations listed in division 2294  
(C) of this section; 2295

(28) Whether the number of board members is appropriate 2296  
based on the board's workload and the number of occupational 2297  
licenses issued by the board. 2298

For division (C) of this section, a government regulatory requirement protects or serves the public interest if it provides protection from present, significant, and substantiated harms to the health, safety, or welfare of the public.

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

**Sec. 101.65.** (A) After the completion of the review of a board under section 101.63 of the Revised Code, the standing committee that conducted the review shall prepare and publish a report of its findings and recommendations. A standing committee may include in a single report its findings and recommendations regarding more than one board. The committee shall furnish a copy of the report to the president of the senate, the speaker of the house of representatives, the governor, and each affected board. Any published report shall be made available to the public on the standing committee's internet web site, and in the offices of the house of representatives and senate clerks during reasonable hours. As part of a report, the standing committee may present its recommendations to the general assembly in bill form.

(B) Recommendations made by the standing committee shall indicate how or whether their implementation will do each of the following:

(1) Improve efficiency in the management of state government;

(2) Improve services rendered to citizens of the state;

(3) Simplify and improve preparation of the state budget;

(4) Conserve the natural resources of the state;

(5) Promote the orderly growth of the state and its government; 2328  
2329

(6) Promote that occupational regulations shall be construed and applied to increase economic opportunities, promote competition, and encourage innovation; 2330  
2331  
2332

(7) Provide for the least restrictive regulation by repealing the current regulation and replacing it with a less restrictive regulation that is consistent with the policies expressed in section 4798.02 of the Revised Code; 2333  
2334  
2335  
2336

(8) Improve the effectiveness of the services performed by the service departments of the state; 2337  
2338

(9) Avoid duplication of effort by state agencies or boards; 2339  
2340

(10) Improve the organization and coordination of the state government in one or more of the ways listed in divisions (B) (1) to (9) of this section. 2341  
2342  
2343

(C) The standing committee's recommendations shall attempt to ensure that each board consists of not fewer than five members and not more than nine members. 2344  
2345  
2346

**Sec. 101.82.** As used in sections 101.82 to 101.87 of the Revised Code: 2347  
2348

(A) "Agency" means any board, commission, committee, or council, or any other similar state public body required to be established pursuant to state statutes for the exercise of any function of state government and to which members are appointed or elected. "Agency" does not include the following: 2349  
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2351  
2352  
2353

(1) The general assembly, or any commission, committee, or other body composed entirely of members of the general assembly; 2354  
2355

(2) Any court;	2356
(3) Any public body created by or directly pursuant to the constitution of this state;	2357 2358
(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;	2359 2360 2361
(5) Any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid;	2362 2363 2364
(6) The public utilities commission of Ohio;	2365
(7) The consumers' counsel governing board;	2366
(8) The Ohio board of regents;	2367
(9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;	2368 2369 2370 2371
(10) Any board of elections;	2372
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	2373 2374 2375
<del>(12) The Ohio public employees deferred compensation board;</del>	2376 2377
<del>(13)</del> The Ohio retirement study council;	2378
<del>(14)</del> <u>(13)</u> The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;	2379 2380 2381 2382

<del>(15)</del> <u>(14)</u> The industrial commission;	2383
<del>(16)</del> <u>(15)</u> The parole board;	2384
<del>(17)</del> <u>(16)</u> The board of tax appeals;	2385
<del>(18)</del> <u>(17)</u> The controlling board;	2386
<del>(19)</del> <u>(18)</u> The release authority of department of youth services;	2387 2388
<del>(20)</del> <u>(19)</u> The environmental review appeals commission;	2389
<del>(21)</del> <u>(20)</u> The Ohio ethics commission;	2390
<del>(22)</del> <u>(21)</u> The Ohio public works commission;	2391
<del>(23)</del> <u>(22)</u> The self-insuring employers evaluation board;	2392
<del>(24)</del> <u>(23)</u> The state board of deposit;	2393
<del>(25)</del> <u>(24)</u> The state employment relations board;	2394
<del>(26)</del> <u>(25)</u> An agency that is exempted from the requirements of sections 101.82 to 101.87 of the Revised Code by the agency's enabling statutes; and	2395 2396 2397
<del>(27)</del> <u>(26)</u> The following agencies, deemed to have a purpose related to federal law:	2398 2399
(a) The <del>early childhood</del> <u>children and youth</u> advisory council, under section <del>5104.50</del> <u>5180.04</u> of the Revised Code;	2400 2401
(b) The emergency response commission under section 3750.02 of the Revised Code;	2402 2403
(c) The public defender commission under section 120.01 of the Revised Code;	2404 2405
(d) The homeland security advisory council under division (E) of section 5502.011 of the Revised Code;	2406 2407

(e) The unemployment compensation review commission under 2408  
section 4141.06 of the Revised Code. 2409

(B) "Abolish" means to repeal the statutes creating and 2410  
empowering an agency, remove its personnel, and transfer its 2411  
records to the department of administrative services pursuant to 2412  
division (E) of section 149.331 of the Revised Code. 2413

(C) "Terminate" means to amend or repeal the statutes 2414  
creating and empowering an agency, remove its personnel, and 2415  
reassign its functions and records to another agency or officer 2416  
designated by the general assembly. 2417

(D) "Transfer" means to amend the statutes creating and 2418  
empowering an agency so that its functions, records, and 2419  
personnel are conveyed to another agency or officer. 2420

(E) "Renew" means to continue an agency, and may include 2421  
amendment of the statutes creating and empowering the agency, or 2422  
recommendations for changes in agency operation or personnel. 2423

**Sec. 101.83.** (A) It is the intent of the general assembly 2424  
that an agency shall expire by operation of sunset review law, 2425  
sections 101.82 to 101.87 of the Revised Code, four years more 2426  
or less after the effective date of the act that established the 2427  
agency. Unless renewed in accordance with division (E) of this 2428  
section: 2429

(1) An agency created during an even-numbered general 2430  
assembly expires at the end of the thirty-first day of December 2431  
in the second year of the next odd-numbered general assembly; 2432

(2) An agency created during an odd-numbered general 2433  
assembly expires at the end of the thirty-first day of December 2434  
in the second year of the next even-numbered general assembly; 2435  
and 2436



(3) An agency renewed by a prior sunset review committee 2437  
expires on the expiration date specified in the act that renewed 2438  
the agency. 2439

(B) Any act renewing an agency shall contain a distinct 2440  
section providing a specific expiration date for the agency in 2441  
accordance with this section. With respect to an agency 2442  
scheduled to expire through operation of sunset review law, 2443  
sections 101.82 to 101.87 of the Revised Code, the specific 2444  
expiration date shall be the thirty-first day of December in the 2445  
second year of a general assembly. 2446

(C) If the general assembly does not renew or transfer an 2447  
agency on or before its expiration date, it expires on that 2448  
date. 2449

The director of budget and management shall not authorize 2450  
the expenditure of any moneys for any agency on or after the 2451  
date of its expiration. 2452

(D) The general assembly may provide by law for the 2453  
orderly, efficient, and expeditious conclusion of an agency's 2454  
business and operation. The rules, orders, licenses, contracts, 2455  
and other actions made, taken, granted, or performed by the 2456  
agency continue in effect according to their terms 2457  
notwithstanding the agency's abolition, unless the general 2458  
assembly provides otherwise by law. The general assembly may 2459  
provide by law for the temporary or permanent transfer of some 2460  
or all of a terminated or transferred agency's functions and 2461  
personnel to a successor agency or officer. 2462

The abolition, termination, or transfer of an agency does 2463  
not cause the termination or dismissal of any claim pending 2464  
against the agency by any person, or any claim pending against 2465

any person by the agency. Unless the general assembly provides  
otherwise by law for the substitution of parties, the attorney  
general shall succeed the agency with reference to any pending  
claim.

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

(F) The chairperson of an agency listed in division ~~(A)~~  
~~(27)~~ (A) (26) of section 101.82 of the Revised Code shall notify  
the speaker of the house of representatives and the president of  
the senate, in the manner specified in section 101.68 of the  
Revised Code, and shall notify the governor, if federal law is  
modified to eliminate the purpose or necessity for the agency's  
existence. The notification shall be in writing and include the  
following disclosure:

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

**Sec. 101.84.** (A) A sunset review committee shall be  
convened during each general assembly. The committee shall be  
composed of nine members. The president of the senate shall  
appoint three members of the senate to the committee, not more  
than two of whom shall be members of the same political party.  
The speaker of the house of representatives shall appoint three

members of the house of representatives to the committee, not 2496  
more than two of whom shall be members of the same political 2497  
party. The governor, with the advice and consent of the senate, 2498  
shall appoint three members to the committee, not more than two 2499  
of whom shall be members of the same political party. Members 2500  
shall be appointed within forty-five days after the commencement 2501  
of the first regular session of each general assembly. 2502

(B) Each member of the committee who is a member of the 2503  
general assembly shall serve for the duration of the committee, 2504  
or until that committee member no longer is a member of the 2505  
senate or the house of representatives. Each member of the 2506  
committee who is appointed by the governor shall serve for the 2507  
duration of the committee, but not later than the thirty-first 2508  
day of December in the second year of the general assembly. A 2509  
vacancy on the committee shall be filled in the same manner as 2510  
the original appointment. 2511

In the first year of the general assembly, the chairperson 2512  
of the committee shall be a member of the house of 2513  
representatives, and the vice-chairperson of the committee shall 2514  
be a member of the senate. In the second year of the general 2515  
assembly, the chairperson of the committee shall be a member of 2516  
the senate, and the vice-chairperson of the committee shall be a 2517  
member of the house of representatives. 2518

Members of the committee shall receive no compensation, 2519  
but shall be reimbursed for their necessary expenses incurred in 2520  
the performance of their official duties. 2521

(C) The committee shall meet not later than ~~thirty~~-ninety 2522  
days after the first day of the first year of the general 2523  
assembly to choose a chairperson and to commence establishment 2524  
of the schedule for agency review provided for in section 101.85 2525

of the Revised Code or perform other committee duties under 2526  
sections 101.82 to 101.87 of the Revised Code. Five members of 2527  
the committee constitute a quorum for the conduct of committee 2528  
business. 2529

(D) The sunset review committee, after having prepared and 2530  
published a report of its findings and recommendations, and 2531  
furnished the report, as required under section 101.87 of the 2532  
Revised Code, ceases to exist for the remainder of the biennial 2533  
general assembly. 2534

**Sec. 102.02.** (A) (1) Except as otherwise provided in 2535  
division (H) of this section, all of the following shall file 2536  
with the appropriate ethics commission the disclosure statement 2537  
described in this division on a form prescribed by the 2538  
appropriate commission: every person who is elected to or is a 2539  
candidate for a state, county, or city office and every person 2540  
who is appointed to fill a vacancy for an unexpired term in such 2541  
an elective office; all members of the state board of education; 2542  
the director, assistant directors, deputy directors, division 2543  
chiefs, or persons of equivalent rank of any administrative 2544  
department of the state; the president or other chief 2545  
administrative officer of every state institution of higher 2546  
education as defined in section 3345.011 of the Revised Code; 2547  
the executive director and the members of the capitol square 2548  
review and advisory board appointed or employed pursuant to 2549  
section 105.41 of the Revised Code; all members of the Ohio 2550  
casino control commission, the executive director of the 2551  
commission, all professional employees of the commission, and 2552  
all technical employees of the commission who perform an 2553  
internal audit function; the individuals set forth in division 2554  
(B) (2) of section 187.03 of the Revised Code; the chief 2555  
executive officer and the members of the board of each state 2556

retirement system; each employee of a state retirement board who 2557  
is a state retirement system investment officer licensed 2558  
pursuant to section 1707.163 of the Revised Code; the members of 2559  
the Ohio retirement study council appointed pursuant to division 2560  
(C) of section 171.01 of the Revised Code; employees of the Ohio 2561  
retirement study council, other than employees who perform 2562  
purely administrative or clerical functions; the administrator 2563  
of workers' compensation and each member of the bureau of 2564  
workers' compensation board of directors; the bureau of workers' 2565  
compensation director of investments; the chief investment 2566  
officer of the bureau of workers' compensation; all members of 2567  
the board of commissioners on grievances and discipline of the 2568  
supreme court and the ethics commission created under section 2569  
102.05 of the Revised Code; every business manager, treasurer, 2570  
or superintendent of a city, local, exempted village, joint 2571  
vocational, or cooperative education school district or an 2572  
educational service center; every person who is elected to or is 2573  
a candidate for the office of member of a board of education of 2574  
a city, local, exempted village, joint vocational, or 2575  
cooperative education school district or of a governing board of 2576  
an educational service center that has a total student count of 2577  
twelve thousand or more as most recently determined by the 2578  
department of education and workforce pursuant to section 2579  
3317.03 of the Revised Code; every person who is appointed to 2580  
the board of education of a municipal school district pursuant 2581  
to division (B) or (F) of section 3311.71 of the Revised Code; 2582  
all members of the board of directors of a sanitary district 2583  
that is established under Chapter 6115. of the Revised Code and 2584  
organized wholly for the purpose of providing a water supply for 2585  
domestic, municipal, and public use, and that includes two 2586  
municipal corporations in two counties; every public official or 2587  
employee who is paid a salary or wage in accordance with 2588

schedule C of section 124.15 or schedule E-2 of section 124.152 2589  
of the Revised Code; all members appointed to the Ohio livestock 2590  
care standards board under section 904.02 of the Revised Code; 2591  
~~all entrepreneurs in residence assigned by the LeanOhio office~~ 2592  
~~in the department of administrative services under section~~ 2593  
~~125.65 of the Revised Code~~ and every other public official or 2594  
employee who is designated by the appropriate ethics commission 2595  
pursuant to division (B) of this section. 2596

(2) The disclosure statement shall include all of the 2597  
following: 2598

(a) The name of the person filing the statement and each 2599  
member of the person's immediate family and all names under 2600  
which the person or members of the person's immediate family do 2601  
business; 2602

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 2603  
this section and except as otherwise provided in section 102.022 2604  
of the Revised Code, identification of every source of income, 2605  
other than income from a legislative agent identified in 2606  
division (A) (2) (b) (ii) of this section, received during the 2607  
preceding calendar year, in the person's own name or by any 2608  
other person for the person's use or benefit, by the person 2609  
filing the statement, and a brief description of the nature of 2610  
the services for which the income was received. If the person 2611  
filing the statement is a member of the general assembly, the 2612  
statement shall identify the amount of every source of income 2613  
received in accordance with the following ranges of amounts: 2614  
zero or more, but less than one thousand dollars; one thousand 2615  
dollars or more, but less than ten thousand dollars; ten 2616  
thousand dollars or more, but less than twenty-five thousand 2617  
dollars; twenty-five thousand dollars or more, but less than 2618

fifty thousand dollars; fifty thousand dollars or more, but less 2619  
than one hundred thousand dollars; and one hundred thousand 2620  
dollars or more. Division (A) (2) (b) (i) of this section shall not 2621  
be construed to require a person filing the statement who 2622  
derives income from a business or profession to disclose the 2623  
individual items of income that constitute the gross income of 2624  
that business or profession, except for those individual items 2625  
of income that are attributable to the person's or, if the 2626  
income is shared with the person, the partner's, solicitation of 2627  
services or goods or performance, arrangement, or facilitation 2628  
of services or provision of goods on behalf of the business or 2629  
profession of clients, including corporate clients, who are 2630  
legislative agents. A person who files the statement under this 2631  
section shall disclose the identity of and the amount of income 2632  
received from a person who the public official or employee knows 2633  
or has reason to know is doing or seeking to do business of any 2634  
kind with the public official's or employee's agency. 2635

(ii) If the person filing the statement is a member of the 2636  
general assembly, the statement shall identify every source of 2637  
income and the amount of that income that was received from a 2638  
legislative agent during the preceding calendar year, in the 2639  
person's own name or by any other person for the person's use or 2640  
benefit, by the person filing the statement, and a brief 2641  
description of the nature of the services for which the income 2642  
was received. Division (A) (2) (b) (ii) of this section requires 2643  
the disclosure of clients of attorneys or persons licensed under 2644  
section 4732.12 of the Revised Code, or patients of persons 2645  
licensed under section 4731.14 of the Revised Code, if those 2646  
clients or patients are legislative agents. Division (A) (2) (b) 2647  
(ii) of this section requires a person filing the statement who 2648  
derives income from a business or profession to disclose those 2649

individual items of income that constitute the gross income of 2650  
that business or profession that are received from legislative 2651  
agents. 2652

(iii) Except as otherwise provided in division (A) (2) (b) 2653  
(iii) of this section, division (A) (2) (b) (i) of this section 2654  
applies to attorneys, physicians, and other persons who engage 2655  
in the practice of a profession and who, pursuant to a section 2656  
of the Revised Code, the common law of this state, a code of 2657  
ethics applicable to the profession, or otherwise, generally are 2658  
required not to reveal, disclose, or use confidences of clients, 2659  
patients, or other recipients of professional services except 2660  
under specified circumstances or generally are required to 2661  
maintain those types of confidences as privileged communications 2662  
except under specified circumstances. Division (A) (2) (b) (i) of 2663  
this section does not require an attorney, physician, or other 2664  
professional subject to a confidentiality requirement as 2665  
described in division (A) (2) (b) (iii) of this section to disclose 2666  
the name, other identity, or address of a client, patient, or 2667  
other recipient of professional services if the disclosure would 2668  
threaten the client, patient, or other recipient of professional 2669  
services, would reveal details of the subject matter for which 2670  
legal, medical, or professional advice or other services were 2671  
sought, or would reveal an otherwise privileged communication 2672  
involving the client, patient, or other recipient of 2673  
professional services. Division (A) (2) (b) (i) of this section 2674  
does not require an attorney, physician, or other professional 2675  
subject to a confidentiality requirement as described in 2676  
division (A) (2) (b) (iii) of this section to disclose in the brief 2677  
description of the nature of services required by division (A) 2678  
(2) (b) (i) of this section any information pertaining to specific 2679  
professional services rendered for a client, patient, or other 2680



recipient of professional services that would reveal details of 2681  
the subject matter for which legal, medical, or professional 2682  
advice was sought or would reveal an otherwise privileged 2683  
communication involving the client, patient, or other recipient 2684  
of professional services. 2685

(c) The name of every corporation on file with the 2686  
secretary of state that is incorporated in this state or holds a 2687  
certificate of compliance authorizing it to do business in this 2688  
state, trust, business trust, partnership, or association that 2689  
transacts business in this state in which the person filing the 2690  
statement or any other person for the person's use and benefit 2691  
had during the preceding calendar year an investment of over one 2692  
thousand dollars at fair market value as of the thirty-first day 2693  
of December of the preceding calendar year, or the date of 2694  
disposition, whichever is earlier, or in which the person holds 2695  
any office or has a fiduciary relationship, and a description of 2696  
the nature of the investment, office, or relationship. Division 2697  
(A) (2) (c) of this section does not require disclosure of the 2698  
name of any bank, savings and loan association, credit union, or 2699  
building and loan association with which the person filing the 2700  
statement has a deposit or a withdrawable share account. 2701

(d) All fee simple and leasehold interests to which the 2702  
person filing the statement holds legal title to or a beneficial 2703  
interest in real property located within the state, excluding 2704  
the person's residence and property used primarily for personal 2705  
recreation; 2706

(e) The names of all persons residing or transacting 2707  
business in the state to whom the person filing the statement 2708  
owes, in the person's own name or in the name of any other 2709  
person, more than one thousand dollars. Division (A) (2) (e) of 2710

this section shall not be construed to require the disclosure of 2711  
debts owed by the person resulting from the ordinary conduct of 2712  
a business or profession or debts on the person's residence or 2713  
real property used primarily for personal recreation, except 2714  
that the superintendent of financial institutions and any deputy 2715  
superintendent of banks shall disclose the names of all state- 2716  
chartered banks and all bank subsidiary corporations subject to 2717  
regulation under section 1109.44 of the Revised Code to whom the 2718  
superintendent or deputy superintendent owes any money. 2719

(f) The names of all persons residing or transacting 2720  
business in the state, other than a depository excluded under 2721  
division (A)(2)(c) of this section, who owe more than one 2722  
thousand dollars to the person filing the statement, either in 2723  
the person's own name or to any person for the person's use or 2724  
benefit. Division (A)(2)(f) of this section shall not be 2725  
construed to require the disclosure of clients of attorneys or 2726  
persons licensed under section 4732.12 of the Revised Code, or 2727  
patients of persons licensed under section 4731.14 of the 2728  
Revised Code, nor the disclosure of debts owed to the person 2729  
resulting from the ordinary conduct of a business or profession. 2730

(g) Except as otherwise provided in section 102.022 of the 2731  
Revised Code, the source of each gift of over seventy-five 2732  
dollars, or of each gift of over twenty-five dollars received by 2733  
a member of the general assembly from a legislative agent, 2734  
received by the person in the person's own name or by any other 2735  
person for the person's use or benefit during the preceding 2736  
calendar year, except gifts received by will or by virtue of 2737  
section 2105.06 of the Revised Code, or received from spouses, 2738  
parents, grandparents, children, grandchildren, siblings, 2739  
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 2740  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 2741

or any person to whom the person filing the statement stands in 2742  
loco parentis, or received by way of distribution from any inter 2743  
vivos or testamentary trust established by a spouse or by an 2744  
ancestor; 2745

(h) Except as otherwise provided in section 102.022 of the 2746  
Revised Code, identification of the source and amount of every 2747  
payment of expenses incurred for travel to destinations inside 2748  
or outside this state that is received by the person in the 2749  
person's own name or by any other person for the person's use or 2750  
benefit and that is incurred in connection with the person's 2751  
official duties, except for expenses for travel to meetings or 2752  
conventions of a national or state organization to which any 2753  
state agency, including, but not limited to, any legislative 2754  
agency or state institution of higher education as defined in 2755  
section 3345.011 of the Revised Code, pays membership dues, or 2756  
any political subdivision or any office or agency of a political 2757  
subdivision pays membership dues; 2758

(i) Except as otherwise provided in section 102.022 of the 2759  
Revised Code, identification of the source of payment of 2760  
expenses for meals and other food and beverages, other than for 2761  
meals and other food and beverages provided at a meeting at 2762  
which the person participated in a panel, seminar, or speaking 2763  
engagement or at a meeting or convention of a national or state 2764  
organization to which any state agency, including, but not 2765  
limited to, any legislative agency or state institution of 2766  
higher education as defined in section 3345.011 of the Revised 2767  
Code, pays membership dues, or any political subdivision or any 2768  
office or agency of a political subdivision pays membership 2769  
dues, that are incurred in connection with the person's official 2770  
duties and that exceed one hundred dollars aggregated per 2771  
calendar year; 2772

(j) If the disclosure statement is filed by a public 2773  
official or employee described in division (B) (2) of section 2774  
101.73 of the Revised Code or division (B) (2) of section 121.63 2775  
of the Revised Code who receives a statement from a legislative 2776  
agent, executive agency lobbyist, or employer that contains the 2777  
information described in division (F) (2) of section 101.73 of 2778  
the Revised Code or division (G) (2) of section 121.63 of the 2779  
Revised Code, all of the nondisputed information contained in 2780  
the statement delivered to that public official or employee by 2781  
the legislative agent, executive agency lobbyist, or employer 2782  
under division (F) (2) of section 101.73 or (G) (2) of section 2783  
121.63 of the Revised Code. 2784

(3) A person may file a statement required by this section 2785  
in person, by mail, or by electronic means. 2786

(4) A person who is required to file a statement under 2787  
this section shall file that statement according to the 2788  
following deadlines, as applicable: 2789

(a) Except as otherwise provided in divisions (A) (4) (b), 2790  
(c), and (d) of this section, the person shall file the 2791  
statement not later than the fifteenth day of May of each year. 2792

(b) A person who is a candidate for elective office shall 2793  
file the statement no later than the thirtieth day before the 2794  
primary, special, or general election at which the candidacy is 2795  
to be voted on, whichever election occurs soonest, except that a 2796  
person who is a write-in candidate shall file the statement no 2797  
later than the twentieth day before the earliest election at 2798  
which the person's candidacy is to be voted on. 2799

(c) A person who is appointed to fill a vacancy for an 2800  
unexpired term in an elective office shall file the statement 2801

within fifteen days after the person qualifies for office. 2802

(d) A person who is appointed or employed after the 2803  
fifteenth day of May, other than a person described in division 2804  
(A) (4) (c) of this section, shall file an annual statement within 2805  
ninety days after appointment or employment. 2806

(5) No person shall be required to file with the 2807  
appropriate ethics commission more than one statement or pay 2808  
more than one filing fee for any one calendar year. 2809

(6) The appropriate ethics commission, for good cause, may 2810  
extend for a reasonable time the deadline for filing a statement 2811  
under this section. 2812

(7) A statement filed under this section is subject to 2813  
public inspection at locations designated by the appropriate 2814  
ethics commission except as otherwise provided in this section. 2815

(B) The Ohio ethics commission, the joint legislative 2816  
ethics committee, and the board of commissioners on grievances 2817  
and discipline of the supreme court, using the rule-making 2818  
procedures of Chapter 119. of the Revised Code, may require any 2819  
class of public officials or employees under its jurisdiction 2820  
and not specifically excluded by this section whose positions 2821  
involve a substantial and material exercise of administrative 2822  
discretion in the formulation of public policy, expenditure of 2823  
public funds, enforcement of laws and rules of the state or a 2824  
county or city, or the execution of other public trusts, to file 2825  
an annual statement under division (A) of this section. The 2826  
appropriate ethics commission shall send the public officials or 2827  
employees written notice of the requirement not less than thirty 2828  
days before the applicable filing deadline unless the public 2829  
official or employee is appointed after that date, in which case 2830

the notice shall be sent within thirty days after appointment, 2831  
and the filing shall be made not later than ninety days after 2832  
appointment. 2833

Disclosure statements filed under this division with the 2834  
Ohio ethics commission by members of boards, commissions, or 2835  
bureaus of the state for which no compensation is received other 2836  
than reasonable and necessary expenses shall be kept 2837  
confidential. Disclosure statements filed with the Ohio ethics 2838  
commission under division (A) of this section by business 2839  
managers, treasurers, and superintendents of city, local, 2840  
exempted village, joint vocational, or cooperative education 2841  
school districts or educational service centers shall be kept 2842  
confidential, except that any person conducting an audit of any 2843  
such school district or educational service center pursuant to 2844  
Chapter 117. of the Revised Code may examine the disclosure 2845  
statement of any business manager, treasurer, or superintendent 2846  
of that school district or educational service center. 2847  
Disclosure statements filed with the Ohio ethics commission 2848  
under division (A) of this section by the individuals set forth 2849  
in division (B)(2) of section 187.03 of the Revised Code shall 2850  
be kept confidential. The Ohio ethics commission shall examine 2851  
each disclosure statement required to be kept confidential to 2852  
determine whether a potential conflict of interest exists for 2853  
the person who filed the disclosure statement. A potential 2854  
conflict of interest exists if the private interests of the 2855  
person, as indicated by the person's disclosure statement, might 2856  
interfere with the public interests the person is required to 2857  
serve in the exercise of the person's authority and duties in 2858  
the person's office or position of employment. If the commission 2859  
determines that a potential conflict of interest exists, it 2860  
shall notify the person who filed the disclosure statement and 2861

shall make the portions of the disclosure statement that 2862  
indicate a potential conflict of interest subject to public 2863  
inspection in the same manner as is provided for other 2864  
disclosure statements. Any portion of the disclosure statement 2865  
that the commission determines does not indicate a potential 2866  
conflict of interest shall be kept confidential by the 2867  
commission and shall not be made subject to public inspection, 2868  
except as is necessary for the enforcement of Chapters 102. and 2869  
2921. of the Revised Code and except as otherwise provided in 2870  
this division. 2871

(C) No person shall knowingly fail to file, on or before 2872  
the applicable filing deadline established under this section, a 2873  
statement that is required by this section. 2874

(D) No person shall knowingly file a false statement that 2875  
is required to be filed under this section. 2876

(E) (1) Except as provided in divisions (E) (2) and (3) of 2877  
this section, the statement required by division (A) or (B) of 2878  
this section shall be accompanied by a filing fee of sixty 2879  
dollars. 2880

(2) The statement required by division (A) of this section 2881  
shall be accompanied by the following filing fee to be paid by 2882  
the person who is elected or appointed to, or is a candidate 2883  
for, any of the following offices: 2884  
2885

1

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- |   |  |      |
|---|--|------|
| A | For state office, <del>except member of the state board of</del><br><del>education</del> | \$95 |
| B | For office of member of general assembly   | \$40 |

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

(3) No judge of a court of record or candidate for judge 2886  
of a court of record, and no referee or magistrate serving a 2887  
court of record, shall be required to pay the fee required under 2888  
division (E)(1) or (2) or (F) of this section. 2889

(4) For any public official who is appointed to a 2890  
nonelective office of the state and for any employee who holds a 2891  
nonelective position in a public agency of the state, the state 2892  
agency that is the primary employer of the state official or 2893  
employee shall pay the fee required under division (E)(1) or (F) 2894  
of this section. 2895

(F) If a statement required to be filed under this section 2896  
is not filed by the date on which it is required to be filed, 2897  
the appropriate ethics commission shall assess the person 2898  
required to file the statement a late filing fee of ten dollars 2899  
for each day the statement is not filed, except that the total 2900  
amount of the late filing fee shall not exceed two hundred fifty 2901  
dollars. 2902



(G) (1) The appropriate ethics commission other than the 2903  
Ohio ethics commission and the joint legislative ethics 2904  
committee shall deposit all fees it receives under divisions (E) 2905  
and (F) of this section into the general revenue fund of the 2906  
state. 2907

(2) The Ohio ethics commission shall deposit all receipts, 2908  
including, but not limited to, fees it receives under divisions 2909  
(E) and (F) of this section, investigative or other fees, costs, 2910  
or other funds it receives as a result of court orders, and all 2911  
moneys it receives from settlements under division (G) of 2912  
section 102.06 of the Revised Code, into the Ohio ethics 2913  
commission fund, which is hereby created in the state treasury. 2914  
All moneys credited to the fund shall be used solely for 2915  
expenses related to the operation and statutory functions of the 2916  
commission. 2917

(3) The joint legislative ethics committee shall deposit 2918  
all receipts it receives from the payment of financial 2919  
disclosure statement filing fees under divisions (E) and (F) of 2920  
this section into the joint legislative ethics committee 2921  
investigative and financial disclosure fund. 2922

(H) Division (A) of this section does not apply to a 2923  
person elected or appointed to the office of precinct, ward, or 2924  
district committee member under Chapter 3517. of the Revised 2925  
Code; a presidential elector; a delegate to a national 2926  
convention; village or township officials and employees; any 2927  
physician or psychiatrist who is paid a salary or wage in 2928  
accordance with schedule C of section 124.15 or schedule E-2 of 2929  
section 124.152 of the Revised Code and whose primary duties do 2930  
not require the exercise of administrative discretion; or any 2931  
member of a board, commission, or bureau of any county or city 2932

who receives less than one thousand dollars per year for serving 2933  
in that position. 2934

**Sec. 102.08.** (A) (1) Subject to division (A) (2) or (3) of 2935  
this section, the board of commissioners on grievances and 2936  
discipline of the supreme court and the joint legislative ethics 2937  
committee may recommend legislation relating to ethics, 2938  
conflicts of interest, and financial disclosure and shall render 2939  
advisory opinions with regard to questions concerning these 2940  
matters for persons for whom it is the appropriate ethics 2941  
commission. 2942

(2) The board of commissioners on grievances and 2943  
discipline of the supreme court shall issue advisory opinions 2944  
only in a manner consistent with Rule V of the Supreme Court 2945  
Rules for the Government of the Bar of Ohio. 2946

(3) The joint legislative ethics committee shall issue 2947  
advisory opinions related to campaign finance, as provided in 2948  
division (C) (2) of this section and division (B) (2) of section 2949  
3517.15 of the Revised Code, only for members of the general 2950  
assembly and candidates for the office of member of the general 2951  
assembly. 2952

(B) When the board of commissioners on grievances and 2953  
discipline of the supreme court renders an advisory opinion 2954  
relating to a special set of circumstances involving ethics, 2955  
conflict of interest, or financial disclosure under Chapter 102. 2956  
or section 2921.42 or 2921.43 of the Revised Code, the person to 2957  
whom the opinion was directed or who was similarly situated may 2958  
reasonably rely upon the opinion and shall be immune from 2959  
criminal prosecutions, civil suits, or actions for removal from- 2960  
his the person's office or position of employment for a 2961  
violation of Chapter 102. or section 2921.42 or 2921.43 of the 2962

Revised Code based on facts and circumstances covered by the 2963  
opinion, if the opinion states there is no violation of Chapter 2964  
102. or section 2921.42 or 2921.43 of the Revised Code. Except 2965  
as otherwise provided in division (A) (2) of this section, the 2966  
board of commissioners on grievances and discipline of the 2967  
supreme court shall include in every advisory opinion it renders 2968  
a statement as to whether the set of circumstances described in 2969  
the opinion constitutes a violation of section 2921.42 or 2970  
2921.43 of the Revised Code. 2971

(C) (1) When the joint legislative ethics committee renders 2972  
an advisory opinion that has been publicly sought and that 2973  
relates to a special set of circumstances involving ethics, 2974  
conflicts of interest, or financial disclosure under Chapter 2975  
102. or section 2921.42 or 2921.43 of the Revised Code, the 2976  
person to whom the opinion was directed or who was similarly 2977  
situated may reasonably rely upon such opinion and shall be 2978  
immune from criminal prosecutions, civil suits, or actions for 2979  
removal from ~~his~~ the person's office or position of employment 2980  
for a violation of Chapter 102. or section 2921.42 or 2921.43 of 2981  
the Revised Code based on the facts and circumstances covered by 2982  
the opinion, if the opinion states that there is no violation of 2983  
Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. 2984  
The joint legislative ethics committee shall include in every 2985  
advisory opinion it renders a statement as to whether the set of 2986  
circumstances described in the opinion constitutes a violation 2987  
of section 2921.42 or 2921.43 of the Revised Code. When the 2988  
joint legislative ethics committee renders an advisory opinion 2989  
that has been publicly sought, the advisory opinion is a public 2990  
record available under section 149.43 of the Revised Code. 2991

(2) When the joint legislative ethics committee renders an 2992  
advisory opinion that has been publicly sought and that relates 2993

to a special set of circumstances involving campaign finance 2994  
under Title XXXV of the Revised Code and states that there is no 2995  
violation of a provision in that Title, the member of the 2996  
general assembly or candidate for member of the general assembly 2997  
to whom the opinion was directed or who was similarly situated 2998  
may reasonably rely upon the opinion and is immune from criminal 2999  
prosecution and a civil action, including, without limitation, a 3000  
civil action for removal from public office or employment, based 3001  
on facts and circumstances covered by the opinion. 3002

(3) When the joint legislative ethics committee renders a 3003  
written opinion that has been privately sought and that relates 3004  
to a special set of circumstances ~~involving ethics, conflicts of~~ 3005  
~~interest, or financial disclosure under Chapter 102. or section-~~ 3006  
~~2921.42 or 2921.43 of the Revised Code~~described in division (C) 3007  
(1) or (2) of this section, the written opinion does not have 3008  
the legal effect of an advisory opinion issued under division 3009  
(C) (1) or (2) of this section. When the joint legislative ethics 3010  
committee renders a written opinion that has been privately 3011  
sought, the written opinion is not a public record available 3012  
under section 149.43 of the Revised Code. The proceedings of the 3013  
joint legislative ethics committee relating to a written opinion 3014  
that has been privately sought shall be closed to the public and 3015  
records relating to these proceedings are not public records 3016  
available under section 149.43 of the Revised Code. 3017

The person to whom a written opinion is issued under 3018  
division ~~(C) (2)~~ (C) (3) of this section may request the committee 3019  
to issue the written opinion as an advisory opinion. Upon 3020  
receiving such a request and with the approval of a majority of 3021  
the members of the committee, the committee may issue the 3022  
written opinion as an advisory opinion. If the committee issues 3023  
the written opinion as an advisory opinion, the advisory opinion 3024

has the same legal effect as an advisory opinion issued under 3025  
division (C) (1) or (2) of this section and is a public record 3026  
available under section 149.43 of the Revised Code. 3027

~~(3)~~ (4) The joint legislative ethics committee shall issue 3028  
an advisory opinion under division (C) (1) or (2) of this section 3029  
or a written opinion under division ~~(C) (2)~~ (C) (3) of this 3030  
section, whether it is publicly or privately sought, only at a 3031  
meeting of the committee and only with the approval of a 3032  
majority of the members of the committee. 3033

(D) The board of commissioners on grievances and 3034  
discipline of the supreme court and the joint legislative ethics 3035  
committee shall provide a continuing program of education and 3036  
information concerning the provisions of Chapter 102. and 3037  
sections 2921.42 and 2921.43 of the Revised Code and other 3038  
provisions of law pertaining to ethics, conflicts of interest, 3039  
and financial disclosure. 3040

(E) The Ohio ethics commission may recommend legislation 3041  
relating to ethics, conflicts of interest, and financial 3042  
disclosure and may render advice with regard to questions 3043  
concerning these matters for persons for whom it is the 3044  
appropriate ethics commission. When the Ohio ethics commission 3045  
renders a written formal or staff advisory opinion relating to a 3046  
special set of circumstances involving ethics, conflict of 3047  
interest, or financial disclosure under Chapter 102. or section 3048  
2921.42 or 2921.43 of the Revised Code, the person to whom the 3049  
opinion was directed or who was similarly situated may 3050  
reasonably rely upon the opinion and shall be immune from 3051  
criminal prosecutions, civil suits, or actions for removal from— 3052  
~~his~~ the person's office or position of employment for a 3053  
violation of Chapter 102. or section 2921.42 or 2921.43 of the 3054

Revised Code based on facts and circumstances covered by the 3055  
opinion, if the opinion states there is no violation of Chapter 3056  
102. or section 2921.42 or 2921.43 of the Revised Code. The 3057  
commission shall provide a continuing program of education and 3058  
information concerning the provisions of Chapter 102. and 3059  
sections 2921.42 and 2921.43 of the Revised Code and other 3060  
provisions of law pertaining to ethics, conflicts of interest, 3061  
and financial disclosure. 3062

**Sec. 103.05.** (A) The director of the legislative service 3063  
commission shall be the codifier of the rules of the 3064  
administrative agencies of the state. ~~When~~ In accordance with 3065  
sections 149.21 to 149.27 of the Revised Code, the commission is 3066  
the official publisher of the Ohio administrative code. 3067

(B) The director, considering the objectives of uniform 3068  
codification and the principles of legal drafting, shall publish 3069  
a rule drafting manual that states standards and procedures to 3070  
be followed by an agency in drafting a rule that is to be 3071  
codified into the administrative code. The director shall 3072  
periodically revise and publish a new edition of the manual to 3073  
maintain the uniformity of the administrative code. In preparing 3074  
and updating the rule drafting manual, the director shall 3075  
consider sections 1.31 and 1.41 to 1.59 of the Revised Code and 3076  
apply the principles of statutory construction to rule drafting. 3077  
The rule drafting manual shall prescribe and explain any matters 3078  
the director determines are pertinent to the uniformity of the 3079  
administrative code, including: 3080

(1) The rule numbering system an agency shall follow to 3081  
codify a rule into the administrative code; 3082

(2) The structure of a rule, including: 3083

- (a) The rule number; 3084
- (b) The subject matter heading, the principal text, any 3085  
appendices, and the supplemental information, including 3086  
information with respect to the history of the rule; 3087
- (c) A certification that the rule has been lawfully 3088  
adopted; 3089
- (d) The effective date, expiration date, and periodic 3090  
five-year review date of the rule. 3091
- (3) The standard format for drafting an amendment to an 3092  
existing rule or an appendix if there is one, an enactment of a 3093  
new rule or appendix, and a rescission of an existing rule or 3094  
appendix. 3095
- (C) When a rule is filed under section 111.15 or, 119.03, 3096  
or 119.04 of the Revised Code, the director or the director's 3097  
designee shall examine the rule. If the rule is not numbered or 3098  
if the numbering of the rule is not in conformity with the 3099  
system established by the director, the director shall give the 3100  
rule its proper number by designating the proper number on the 3101  
left hand margin of the rule. The number shall be the official 3102  
administrative code number of the rule. Any number so assigned 3103  
shall be published in any publication of the administrative 3104  
code. Rules of the administrative code shall be cited and 3105  
referred to by such official numbers. 3106
- ~~The legislative service commission shall, under section~~ 3107  
~~111.15 of the Revised Code, adopt, amend, and rescind any rules~~ 3108  
~~that are necessary to provide a uniform administrative code; to~~ 3109  
~~provide standards for use by the director in determining whether~~ 3110  
~~to include in the administrative code the full text of, or a~~ 3111  
~~reference to, any rule filed with the commission; to permit the~~ 3112

~~director to discharge the director's duties and exercise the~~ 3113  
~~director's powers as described in this section; and to permit~~ 3114  
~~the director to discharge the director's duties and exercise the~~ 3115  
~~director's powers with respect to establishing and maintaining,~~ 3116  
~~and enhancing and improving, the electronic rule-filing system~~ 3117  
~~under section 103.0511 of the Revised Code.~~ 3118

~~When the commission adopts rules to provide standards for~~ 3119  
~~use by the director in determining whether to include the full~~ 3120  
~~text of, or a reference to, a rule in the administrative code,~~ 3121  
~~it shall require the director to consider all of the following:~~ 3122

~~(1) Whether the rule applies uniformly to all citizens of~~ 3123  
~~the state;~~ 3124

~~(2) Whether the rule applies uniformly to all political~~ 3125  
~~subdivisions of the state;~~ 3126

~~(3) Whether the rule affects the health, welfare, and~~ 3127  
~~safety of the citizens of the state;~~ 3128

~~(4) Whether the rule applies only to the internal affairs~~ 3129  
~~of the agency adopting the rule;~~ 3130

~~(5) The number of persons affected by the rule;~~ 3131

~~(6) Whether the rule affects the statutory or~~ 3132  
~~constitutional rights of any person.~~ 3133

~~The director or the director's designee shall accept any~~ 3134  
~~rule that is filed under section 111.15 or 119.04 of the Revised~~ 3135  
~~Code. If the director or the director's designee accepts a rule~~ 3136  
~~that is does not in compliance comply with the rules of the~~ 3137  
~~commission this section or the rule drafting manual, the director~~ 3138  
~~shall give notice of the noncompliance in electronic form to the~~ 3139  
~~agency that filed the rule within thirty days after the date on~~ 3140



which the rule is filed. The notice shall indicate why the rule 3141  
does not comply with ~~the rules of the commission~~ this section or 3142  
the rule drafting manual and how the rule can be brought into 3143  
compliance. The failure of the director to give an agency notice 3144  
within the thirty-day period presumptively establishes that the 3145  
rule complies with ~~the rules of the commission~~ this section and 3146  
the rule drafting manual. 3147

~~(B)~~ (D) Any person may publish an acceptable administrative 3148  
code. The director shall approve as acceptable any person's 3149  
publication of the code conforming to the requirements of this 3150  
division. 3151

An Ohio administrative code approved as acceptable by the 3152  
director shall: 3153

(1) Contain a compilation of the full text of, or a 3154  
reference to, each rule filed under section 111.15 or 119.04 of 3155  
the Revised Code; 3156

(2) Presumptively establish the rules of all agencies 3157  
adopting rules under section 111.15 or Chapter 119. of the 3158  
Revised Code that are in effect on the day of its initial 3159  
publication; 3160

(3) Contain the full text of, or a reference to, each rule 3161  
adopted after its initial publication and be updated at least 3162  
quarterly; 3163

(4) Contain an index of the rules and references to rules 3164  
that are included in the code and each supplement using terms 3165  
easily understood by the general public; 3166

(5) Be published in electronic or print format following, 3167  
to the extent possible, the subject matter arrangement of the 3168  
Revised Code; 3169

(6) Be numbered according to the numbering system devised 3170  
by the director. 3171

~~(C) The director may prepare and publish the code, or 3172  
contract with any person under this division to prepare and 3173  
publish the code. Any code published under this division shall 3174  
include all of the requirements of division (B) of this section. 3175  
In addition, the director shall furnish any code or supplement 3176  
published under this division to any person who requests the 3177  
code or supplement upon payment of a charge established by the 3178  
director, not to exceed the cost of preparation and publication. 3179~~

~~Upon the request of the director of the legislative 3180  
service commission under this division, the director of 3181  
administrative services, in accordance with the competitive 3182  
selection procedure of Chapter 125. of the Revised Code, shall 3183  
let a contract for the compilation, preparation, and printing or 3184  
publication of the administrative code and supplements. 3185~~

**Sec. 103.051.** The "Register of Ohio" is an electronic 3186  
publication that functions as a gazette to which members of the 3187  
public may readily resort for notice of and information about 3188  
rule-making processes. The director of the legislative service 3189  
commission shall publish the register. The register is to 3190  
include all rule-making documents that are required by statute 3191  
to be published in the register. The director shall display the 3192  
register free of charge on the internet, and shall ensure that 3193  
printed copies of all or part of a document published in the 3194  
register can be easily produced by users of the internet. 3195

The director, taking into consideration the public notice 3196  
and information functions performed by the register, shall 3197  
update the register at reasonable intervals, but not less often 3198  
than weekly. The director shall establish a reasonable deadline 3199

before each updating. A document received by the director on or 3200  
before a deadline is to be published in the register upon the 3201  
register's next updating. The director shall purge a document 3202  
from the register when its display no longer serves the public 3203  
notice and information functions performed by the register. 3204

The director upon request of any person shall provide the 3205  
person with a printed copy of all or part of a document 3206  
published in the register. The director may charge and collect a 3207  
fee for this service. Any such fee is not to exceed the actual 3208  
cost of printing and delivering the printed copy to the person 3209  
requesting it. ~~The director shall deposit the fees into the~~ 3210  
~~state treasury to the credit of the register of Ohio fund.~~ 3211

**Sec. 103.41.** (A) As used in sections 103.41 to ~~103.415~~ 3212  
103.416 of the Revised Code: 3213

(1) "JMOC" means the joint medicaid oversight committee 3214  
created under this section. 3215

(2) "State and local government medicaid agency" means all 3216  
of the following: 3217

(a) The department of medicaid; 3218

(b) Each state agency and political subdivision with which 3219  
the department of medicaid contracts under section 5162.35 of 3220  
the Revised Code to have the state agency or political 3221  
subdivision administer one or more components of the medicaid 3222  
program, or one or more aspects of a component, under the 3223  
department's supervision; 3224

(c) Each agency of a political subdivision that is 3225  
responsible for administering one or more components of the 3226  
medicaid program, or one or more aspects of a component, under 3227  
the supervision of the department or a state agency or political 3228

subdivision described in division (A) (2) (b) of this section. 3229

(B) There is hereby created the joint medicaid oversight 3230  
committee. JMOC shall consist of the following members: 3231

(1) Five members of the senate appointed by the president 3232  
of the senate, three of whom are members of the majority party 3233  
and two of whom are members of the minority party; 3234

(2) Five members of the house of representatives appointed 3235  
by the speaker of the house of representatives, three of whom 3236  
are members of the majority party and two of whom are members of 3237  
the minority party. 3238

(C) The term of each JMOC member shall begin on the day of 3239  
appointment to JMOC and end on the last day that the member 3240  
serves in the house (in the case of a member appointed by the 3241  
speaker) or senate (in the case of a member appointed by the 3242  
president) during the general assembly for which the member is 3243  
appointed to JMOC. The president and speaker shall make the 3244  
initial appointments not later than fifteen days after March 20, 3245  
2014. However, if this section takes effect before January 1, 3246  
2014, the president and speaker shall make the initial 3247  
appointments during the period beginning January 1, 2014, and 3248  
ending January 15, 2014. The president and speaker shall make 3249  
subsequent appointments not later than fifteen days after the 3250  
commencement of the first regular session of each general 3251  
assembly. JMOC members may be reappointed. A vacancy on JMOC 3252  
shall be filled in the same manner as the original appointment. 3253

(D) In odd-numbered years, the speaker shall designate one 3254  
of the majority members from the house as the JMOC chairperson, 3255  
the president shall designate one of the majority members from 3256  
the senate as the JMOC vice-chairperson, and the president shall 3257

designate one of the minority members from the senate as the 3258  
JMOC ranking minority member. In even-numbered years, the 3259  
president shall designate one of the majority members from the 3260  
senate as the JMOC chairperson, the speaker shall designate one 3261  
of the majority members from the house as the JMOC vice- 3262  
chairperson, and the speaker shall designate one of the minority 3263  
members from the house as the JMOC ranking minority member. 3264

(E) In appointing members from the minority, and in 3265  
designating ranking minority members, the president and speaker 3266  
shall consult with the minority leader of their respective 3267  
houses. 3268

(F) JMOC shall meet at the call of the JMOC chairperson. 3269  
The chairperson shall call JMOC to meet not less often than once 3270  
each calendar month, unless the chairperson and ranking minority 3271  
member agree that the chairperson should not call JMOC to meet 3272  
for a particular month. 3273

(G) Notwithstanding section 101.26 of the Revised Code, 3274  
the members, when engaged in their duties as members of JMOC on 3275  
days when there is not a voting session of the member's house of 3276  
the general assembly, shall be paid at the per diem rate of one 3277  
hundred fifty dollars, and their necessary traveling expenses, 3278  
which shall be paid from the funds appropriated for the payment 3279  
of expenses of legislative committees. 3280

(H) The JMOC chairperson may, subject to approval by the 3281  
speaker of the house of representatives or the speaker's 3282  
designee and the president of the senate or the president's 3283  
designee, employ professional, technical, and clerical employees 3284  
as are necessary for JMOC to be able successfully and 3285  
efficiently to perform its duties. All such employees are in the 3286  
unclassified service and may be terminated by the chairperson, 3287

subject to approval of the speaker or the speaker's designee and 3288  
president or the president's designee. JMOC may contract for the 3289  
services of persons who are qualified by education and 3290  
experience to advise, consult with, or otherwise assist JMOC in 3291  
the performance of its duties. 3292

(I) The JMOC chairperson, when authorized by JMOC and the 3293  
president and speaker, may issue subpoenas and subpoenas duces 3294  
tecum in aid of JMOC's performance of its duties. A subpoena may 3295  
require a witness in any part of the state to appear before JMOC 3296  
at a time and place designated in the subpoena to testify. A 3297  
subpoena duces tecum may require witnesses or other persons in 3298  
any part of the state to produce books, papers, records, and 3299  
other tangible evidence before JMOC at a time and place 3300  
designated in the subpoena duces tecum. A subpoena or subpoena 3301  
duces tecum shall be issued, served, and returned, and has 3302  
consequences, as specified in sections 101.41 to 101.45 of the 3303  
Revised Code. 3304

(J) The JMOC chairperson may administer oaths to witnesses 3305  
appearing before JMOC. 3306

**Sec. 103.416.** (A) Not later than October 1, 2025, and to 3307  
assist JMOC with fulfilling the duties described in section 3308  
103.412 of the Revised Code, the department of medicaid, the 3309  
department of job and family services, and county departments of 3310  
job and family services shall provide the JMOC executive 3311  
director and the staff of JMOC, to the extent permitted by 3312  
federal law, with access to view all of the information and 3313  
systems used for determining eligibility for public assistance 3314  
benefits, as well as for billing, payments, and tracking for 3315  
providers, including all of the following: 3316

(1) The Ohio integrated eligibility system; 3317

<u>(2) The support enforcement tracking system;</u>	3318
<u>(3) The systematic alien verification for entitlements</u>	3319
<u>system;</u>	3320
<u>(4) The electronic document management system;</u>	3321
<u>(5) The content manager;</u>	3322
<u>(6) The compass pilot;</u>	3323
<u>(7) The income and eligibility verification system;</u>	3324
<u>(8) The medicaid information technology system;</u>	3325
<u>(9) The Ohio medicaid enterprise system;</u>	3326
<u>(10) The fiscal intermediary;</u>	3327
<u>(11) The single state pharmacy benefit manager;</u>	3328
<u>(12) The provider network management module;</u>	3329
<u>(13) The electronic data interchange;</u>	3330
<u>(14) The business intelligence reporting system;</u>	3331
<u>(15) The work number;</u>	3332
<u>(16) Columbia gas;</u>	3333
<u>(17) Self-service reports.</u>	3334
<u>(B) When accessing the information and systems described</u>	3335
<u>in division (A) of this section, the JMOC executive director and</u>	3336
<u>staff of JMOC shall adhere to the confidentiality standards that</u>	3337
<u>employees of the department of medicaid, department of job and</u>	3338
<u>family services, and county departments of job and family</u>	3339
<u>services are required to adhere to when accessing the same</u>	3340
<u>information and systems. The department of medicaid, department</u>	3341
<u>of job and family services, and county departments of job and</u>	3342

family services shall provide systems training to the JMOC 3343  
executive director and the staff of JMOC to ensure proper 3344  
understanding and interpretation of information viewed. 3345

**Sec. 103.71.** (A) As used in this section: 3346

"Local public entity," "out-of-state prisoner," and 3347  
"private contractor" have the same meanings as in section 9.07 3348  
of the Revised Code. 3349

"Private correctional facility" means a correctional 3350  
facility in this state that houses out-of-state prisoners and 3351  
that is operated by a private contractor under a contract with a 3352  
local public entity pursuant to section 9.07 of the Revised 3353  
Code. 3354

(B) There is hereby created a correctional institution 3355  
inspection committee as a subcommittee of the legislative 3356  
service commission. The committee shall consist of eight 3357  
persons, four of whom shall be members of the senate appointed 3358  
by the president of the senate, not more than two of whom shall 3359  
be members of the same political party, and four of whom shall 3360  
be members of the house of representatives appointed by the 3361  
speaker of the house of representatives, not more than two of 3362  
whom shall be members of the same political party. Initial 3363  
appointments to the committee shall be made within fifteen days 3364  
after July 1, 1993, and in the manner prescribed in this 3365  
section. Thereafter, appointments to the committee shall be made 3366  
within forty-five days after the commencement of the first 3367  
regular session of the general assembly and in the manner 3368  
prescribed in this section. A vacancy on the committee shall be 3369  
filled for the unexpired term in the same manner as the original 3370  
appointment. Members of the committee shall serve on the 3371  
committee until the appointments are made in the first regular 3372



session of the following general assembly, unless they cease to 3373  
be members of the general assembly. 3374

(C) Within sixty days after the commencement of the first 3375  
regular session of the general assembly, the correctional 3376  
institution inspection committee, by a vote of a majority of 3377  
members, shall select from its membership a chairperson, vice- 3378  
chairperson, and a secretary. A member of the senate shall be 3379  
the chairperson, and a member of the house of representatives 3380  
shall be the vice-chairperson, during the first regular session 3381  
of a general assembly. A member of the house of representatives 3382  
shall be the chairperson during the second regular session of 3383  
the general assembly and a member of the senate shall be the 3384  
vice-chairperson. 3385

(D) The members of the committee shall serve without 3386  
compensation but shall be reimbursed for their actual and 3387  
necessary expenses incurred in the discharge of their official 3388  
duties. 3389

(E) The correctional institution inspection committee 3390  
shall do all of the following: 3391

(1) Subject to division (G) of this section, establish and 3392  
maintain a continuing program of inspection of each state 3393  
correctional institution used for the custody, control, 3394  
training, and rehabilitation of persons convicted of crime and 3395  
of each private correctional facility. Subject to division (G) 3396  
of this section, the committee may inspect any local 3397  
correctional institution used for the same purposes. Subject to 3398  
division (G) of this section, the committee, and each member of 3399  
the committee, for the purpose of making an inspection pursuant 3400  
to this section, shall have access to any state or local 3401  
correctional institution, to any private correctional facility, 3402

or to any part of the institution or facility and shall not be 3403  
required to give advance notice of, or to make prior 3404  
arrangements before conducting, an inspection. 3405

(2) Evaluate and assist in the development of programs to 3406  
improve the condition or operation of correctional institutions; 3407

(3) Prepare a report for submission to the succeeding 3408  
general assembly of the findings the committee makes in its 3409  
inspections and of any programs that have been proposed or 3410  
developed to improve the condition or operation of the 3411  
correctional institutions in the state. The report shall contain 3412  
a separate evaluation of the inmate grievance procedure at each 3413  
state correctional institution. The committee shall submit the 3414  
report to the succeeding general assembly within fifteen days 3415  
after commencement of that general assembly's first regular 3416  
session. 3417

(F) Subject to division (G) of this section, the committee 3418  
shall make an inspection of each state correctional institution 3419  
each biennium and of each private correctional facility each 3420  
biennium. The inspection shall include attendance at one general 3421  
meal period and one rehabilitative or educational program. 3422

(G) An inspection of a state correctional institution, a 3423  
private correctional facility, or a local correctional 3424  
institution under division (E) or (F) of this section or under 3425  
section 103.74 of the Revised Code, or an inspection under 3426  
section 103.76 of the Revised Code, is subject to and shall be 3427  
conducted in accordance with all of the following: 3428

(1) The inspection shall not be conducted unless the 3429  
chairperson of the committee grants prior approval for the 3430  
inspection. 3431

(2) The inspection shall be conducted by at least one 3432  
staff member of the committee and may include one or more of the 3433  
members appointed to the committee. 3434

(3) Unless the chairperson of the committee determines 3435  
that the inspection must be conducted outside of normal business 3436  
hours for any reason, including emergency circumstances or a 3437  
justifiable cause that perpetuates the mission of the committee, 3438  
and the chairperson specifies in the grant of prior approval for 3439  
the inspection that the chairperson has so determined, the 3440  
inspection shall be conducted only during normal business hours. 3441  
If the chairperson determines that the inspection must be 3442  
conducted outside of normal business hours and the chairperson 3443  
specifies in the grant of prior approval for the inspection that 3444  
the chairperson has so determined, the inspection may be 3445  
conducted outside of normal business hours. 3446

**Sec. 103.76.** Subject to division ~~(C)~~(G) of section ~~103.73~~ 3447  
103.71 of the Revised Code, the correctional institution 3448  
inspection committee may make an inspection of any youth 3449  
services facility at such times as it determines. 3450

**Sec. 103.77.** Subject to division ~~(C)~~(G) of section ~~103.73~~ 3451  
103.71 of the Revised Code, the correctional institution 3452  
inspection committee, and each member of the committee, for the 3453  
purpose of making inspections of youth services facilities shall 3454  
have access to any youth services facility, or to any part of 3455  
that facility and shall not be required to give advance notice 3456  
of, or to make prior arrangements before conducting, an 3457  
inspection. 3458

**Sec. 103.78.** The correctional institution inspection 3459  
committee may do the following: 3460

(A) Subject to division ~~(C)~~ (G) of section ~~103.73~~ 103.71 of 3461  
the Revised Code, establish and maintain a continuing program of 3462  
inspection of youth services facilities; 3463

(B) Evaluate and assist in the development of programs to 3464  
improve the condition or operation of youth services 3465  
facilities~~+~~. 3466

**Sec. 107.03.** (A) As used in this section, "transportation 3467  
budget" means the biennial budget that primarily includes the 3468  
following: 3469

(1) Motor fuel excise tax-related appropriations for the 3470  
department of transportation, public works commission, and 3471  
department of development; 3472

(2) Other appropriations that pertain to transportation 3473  
and infrastructure related to transportation. 3474

(B) The governor shall submit a transportation budget to 3475  
the general assembly not later than four weeks after the general 3476  
assembly's organization. 3477

(C) The governor shall submit to the general assembly, not 3478  
later than four weeks after its organization, a state budget 3479  
containing a complete financial plan for the ensuing fiscal 3480  
biennium, excluding items of revenue and expenditure described 3481  
in section 126.022 of the Revised Code. However, in years of a 3482  
new governor's inauguration, this budget shall be submitted not 3483  
later than the fifteenth day of March. 3484

(D) In years of a new governor's inauguration, only the 3485  
new governor shall submit a budget to the general assembly. In 3486  
addition to other things required by law, each of the governor's 3487  
budgets shall contain: 3488

(1) A general budget summary by function and agency 3489  
setting forth the proposed total expenses from each and all 3490  
funds and the anticipated resources for meeting such expenses; 3491  
such resources to include any available balances in the several 3492  
funds at the beginning of the biennium and a classification by 3493  
totals of all revenue receipts estimated to accrue during the 3494  
biennium under existing law and proposed legislation. 3495

(2) A detailed statement showing the amounts recommended 3496  
to be appropriated from each fund for each fiscal year of the 3497  
biennium for current expenses, including, but not limited to, 3498  
personal services, supplies and materials, equipment, subsidies 3499  
and revenue distribution, merchandise for resale, transfers, and 3500  
nonexpense disbursements, obligations, interest on debt, and 3501  
retirement of debt, and for the biennium for capital outlay, to 3502  
the respective departments, offices, institutions, as defined in 3503  
section 121.01 of the Revised Code, and all other public 3504  
purposes; and, in comparative form, the actual expenses by 3505  
source of funds during each fiscal year of the previous two 3506  
bienniums for each such purpose. No alterations shall be made in 3507  
the requests for the legislative and judicial branches of the 3508  
state filed with the director of budget and management under 3509  
section 126.02 of the Revised Code. If any amount of federal 3510  
money is recommended to be appropriated or has been expended for 3511  
a purpose for which state money also is recommended to be 3512  
appropriated or has been expended, the amounts of federal money 3513  
and state money involved shall be separately identified. 3514

(3) A detailed estimate of the revenue receipts in each 3515  
fund from each source under existing laws during each year of 3516  
the biennium; and, in comparative form, actual revenue receipts 3517  
in each fund from each source for each year of the two previous 3518  
bienniums; 3519

(4) The estimated cash balance in each fund at the 3520  
beginning of the biennium covered by the budget; the estimated 3521  
liabilities outstanding against each such balance; and the 3522  
estimated net balance remaining and available for new 3523  
appropriations; 3524

(5) A detailed estimate of the additional revenue receipts 3525  
in each fund from each source under proposed legislation, if 3526  
enacted, during each year of the biennium; 3527

(6) The most recent report prepared by the department of 3528  
taxation under section 5703.48 of the Revised Code, which shall 3529  
be submitted to the general assembly as an appendix to the 3530  
governor's budget; 3531

(7) The most recent TANF spending plan prepared by the 3532  
department of job and family services under section 5101.806 of 3533  
the Revised Code, which shall be submitted to the general 3534  
assembly as an appendix to the governor's budget; 3535

(8) The medicaid caseload and expenditure forecast report 3536  
prepared by the office of budget and management, in consultation 3537  
with the department of medicaid, under section 126.021 of the 3538  
Revised Code. The report shall be submitted to the general 3539  
assembly as a supplemental budget document to provide an in- 3540  
depth analysis of the governor's budget recommendations for the 3541  
medicaid budget as a whole and for each of the major medicaid 3542  
appropriation items. The report shall clearly distinguish a 3543  
proposed policy change from continuing law or administrative 3544  
policy and indicate whether the data used throughout the report 3545  
is proposed, estimated, or actual data for the current or 3546  
proposed budget biennium. At a minimum, the report shall 3547  
delineate a part-to-whole mapping of the state and federal 3548  
shares of the general revenue fund appropriation item 651525, 3549

medicaid health care services, or any other equivalent general 3550  
revenue fund appropriation item, by eligibility group and 3551  
subgroup, service delivery system, delivery system, medicaid 3552  
provider, and program. 3553

(E) The governor shall not submit to the general assembly 3554  
a state budget that suspends the operation of section 131.44 of 3555  
the Revised Code for the fiscal year immediately prior to the 3556  
biennium covered by the budget resulting in a beginning cash 3557  
balance for the general revenue fund for the biennium covered by 3558  
the budget that is greater than the ending fund balance required 3559  
by section 131.44 of the Revised Code, excluding any encumbered 3560  
funds that are to be disbursed in the biennium covered by the 3561  
budget. 3562

**Sec. 107.032.** As used in sections 107.033 to 107.035 of 3563  
the Revised Code: 3564

(A) "Aggregate general revenue fund appropriations" means 3565  
all appropriations made by the general assembly either directly 3566  
from the general revenue fund ~~appropriations made by the general 3567~~  
~~assembly or indirectly from any nongeneral revenue fund 3568~~  
supported by cash transfers from the general revenue fund except 3569  
for the following: 3570

(1) Appropriations of money received from the federal 3571  
government; 3572

(2) Appropriations made for tax relief or refunds of taxes 3573  
and other overpayments; 3574

(3) Appropriations of money received as gifts. 3575

~~(B) "Rate of inflation" means the percentage increase or 3576~~  
~~decrease in the consumer price index over a one-year period, 3577~~  
~~based on the most recent consumer price index for all urban 3578~~

~~consumers, midwest region, all items, as determined by the~~ 3579  
~~bureau of labor statistics of the United States department of~~ 3580  
~~labor or, if that index is no longer published, a generally~~ 3581  
~~available comparable index.~~ 3582

~~(C) "Rate of population change" means the percentage~~ 3583  
~~increase or decrease in the population of this state over a one-~~ 3584  
~~year period, based on the most recent population data available~~ 3585  
~~for the state published by the bureau of the census of the~~ 3586  
~~United States department of commerce, or its successor in~~ 3587  
~~responsibility, in the population estimates program, or its~~ 3588  
~~successive equivalent.~~ 3589

~~(D) "Recast fiscal year" means fiscal years 2012, 2016,~~ 3590  
~~2020, and each fourth fiscal year thereafter.~~ 3591

**Sec. 107.033.** As part of the state budget the governor 3592  
submits to the general assembly under section 107.03 of the 3593  
Revised Code, the governor shall include the state appropriation 3594  
limitations the general assembly shall not exceed when making 3595  
aggregate general revenue fund appropriations for each 3596  
respective fiscal year of the biennium covered by that budget. 3597  
The aggregate general revenue fund appropriations the governor 3598  
proposes in the state budget also shall not exceed those 3599  
limitations for each respective fiscal year of the biennium 3600  
covered by that budget. As part of this submission, the governor 3601  
shall identify all nongeneral revenue fund appropriation line 3602  
items that are subject to the state appropriation limitation for 3603  
the current fiscal year. If the governor decides to continue 3604  
funding any of those nongeneral revenue fund line items, the 3605  
governor shall, to the greatest extent possible, propose funding 3606  
for those nongeneral revenue fund line items from the general 3607  
revenue fund for each respective fiscal year of the biennium 3608



covered by that budget. Also as part of this submission, the 3609  
governor shall include a table listing any remaining nongeneral 3610  
revenue fund appropriation line items that are subject to the 3611  
state appropriation limitation for the current fiscal year and 3612  
for each respective fiscal year of the biennium covered by that 3613  
budget. 3614

~~(A) For fiscal year 2008, the state appropriation-~~ 3615  
~~limitation is the sum of the following:~~ 3616

~~(1) The aggregate general revenue fund appropriations for~~ 3617  
~~fiscal year 2007; plus~~ 3618

~~(2) The aggregate general revenue fund appropriations for~~ 3619  
~~fiscal year 2007 multiplied by either three and one-half per-~~ 3620  
~~cent, or the sum of the rate of inflation plus the rate of~~ 3621  
~~population change, whichever is greater.~~ 3622

~~(B)~~ For each fiscal year ~~thereafter~~ that is not a recast 3623  
fiscal year, the state appropriation limitation is the sum of 3624  
the following: 3625

(1) The state appropriation limitation for the previous 3626  
fiscal year; plus 3627

(2) The state appropriation limitation for the previous 3628  
fiscal year multiplied by ~~either three and one-half per cent, or~~ 3629  
~~the sum of the rate of inflation plus the rate of population~~ 3630  
~~change, whichever is greater.~~ 3631

~~(C)~~ (B) For each recast fiscal year, the state 3632  
appropriation limitation is the sum of the following: 3633

(1) The aggregate general revenue fund appropriations for 3634  
the previous fiscal year; plus 3635

(2) The aggregate general revenue fund appropriations for 3636

the previous fiscal year multiplied by ~~either three and one-half~~ 3637  
~~per cent, or the sum of the rate of inflation plus the rate of~~ 3638  
~~population change, whichever is greater.~~ 3639

~~(D)~~ (C) The state appropriation limitation for a fiscal 3640  
year shall be increased by the amount of a nongeneral revenue 3641  
fund appropriation made in the immediately preceding fiscal 3642  
year, if all of the following apply to the nongeneral revenue 3643  
fund appropriation: 3644

(1) It was made on or after July 1, 2013. 3645

(2) It is included in the aggregate general revenue fund 3646  
appropriations proposed for that fiscal year. 3647

(3) It is being made for the first time from the general 3648  
revenue fund. 3649

(D) The main operating appropriations act shall contain a 3650  
list of all nongeneral revenue fund appropriation line items 3651  
subject to the state appropriation limitations under this 3652  
section. 3653

**Sec. 107.034.** For the purpose of calculations made on and 3654  
after the effective date of this section, any tax revenue 3655  
credited to the general revenue fund under section 113.09 of the 3656  
Revised Code any time during fiscal years 2026 and 2027 shall be 3657  
considered a general revenue fund tax source to fund general 3658  
revenue fund appropriations for each succeeding fiscal year with 3659  
respect to the determination of the state appropriation 3660  
limitations under section 107.033 of the Revised Code, even if 3661  
that tax revenue is subsequently credited to a nongeneral 3662  
revenue fund account. An appropriation made from that nongeneral 3663  
revenue fund account shall be considered as if it were made from 3664  
the general revenue fund. 3665

**Sec. 107.12.** (A) As used in this section, "organization" 3666  
means a faith-based or other organization that is exempt from 3667  
federal income taxation under section 501(c)(3) of the "Internal 3668  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 3669  
and provides charitable services to needy residents of this 3670  
state. 3671

(B) There is hereby established within the office of the 3672  
governor the governor's office of faith-based and community 3673  
initiatives. The office shall: 3674

(1) Serve as a clearinghouse of information on federal, 3675  
state, and local funding for charitable services performed by 3676  
organizations; 3677

(2) Encourage organizations to seek public funding for 3678  
their charitable services; 3679

(3) Assist local, state, and federal agencies in 3680  
coordinating their activities to secure maximum use of funds and 3681  
efforts that benefit people receiving charitable services from 3682  
organizations; 3683

(4) Advise the governor, general assembly, and the 3684  
advisory board of the governor's office of faith-based and 3685  
community initiatives on the barriers that exist to 3686  
collaboration between organizations and governmental entities 3687  
and on ways to remove the barriers. 3688

(C) The governor shall appoint an executive director and 3689  
such other staff as may be necessary to manage the office and 3690  
perform or oversee the performance of the duties of the office. 3691  
Within sixty days after being appointed, and every twelve months 3692  
thereafter, the executive director shall distribute to the 3693  
advisory board and review with the board a strategic plan. The 3694

executive director shall report to the board at least quarterly 3695  
on proposed initiatives and policies. A report shall include the 3696  
condition of the budget and the finances of the office. 3697

(D) (1) There is hereby created the advisory board of the 3698  
governor's office of faith-based and community initiatives. The 3699  
board shall consist of the following members: 3700

(a) Four individuals appointed by the governor; 3701

(b) One member of the house of representatives appointed 3702  
by the speaker of the house of representatives; 3703

(c) One member of the senate appointed by the president of 3704  
the senate; 3705

(d) Two individuals to represent the faith-based and other 3706  
nonprofit community, one appointed by the speaker of the house 3707  
of representatives, and one appointed by the president of the 3708  
senate. 3709

(2) Members of the house of representatives and of the 3710  
senate who are appointed to serve on the advisory board shall 3711  
serve on the board for the duration of the general assembly 3712  
during which they were appointed. Terms of the office for all 3713  
other members of the advisory board shall be one year. Any 3714  
vacancy that occurs on the board shall be filled in the same 3715  
manner as the original appointment. 3716

(3) Members of the board are not entitled to compensation, 3717  
but public members appointed by the governor, the speaker of the 3718  
house of representatives, and the president of the senate shall 3719  
be reimbursed for their actual and necessary expenses that are 3720  
incurred in relation to board meetings. 3721

(4) The board shall be presided over by a chairperson and 3722

a vice-chairperson, who shall be the members of the board who 3723  
are also members of the house of representatives or the senate. 3724  
Annually on the first day of January, the chairpersonship and 3725  
vice-chairpersonship shall alternate between the members of the 3726  
house of representatives and the senate. The member of the 3727  
senate shall be the chairperson during the first regular session 3728  
of a general assembly and the member of the house of 3729  
representatives shall be the chairperson during the second 3730  
regular session of the general assembly. 3731

(E) The board shall have the following duties: 3732

(1) Provide direction, guidance, and oversight to the 3733  
office; 3734

(2) Assist in the dissemination of information about, and 3735  
in the stimulation of public awareness of, the service programs 3736  
supported by the office; 3737

(3) Review the budget and finances of the office, proposed 3738  
initiatives and policies, and the executive director's annual 3739  
strategic plan at board meetings; 3740

(4) Provide feedback for and proposed modifications of the 3741  
executive director's strategic plan. Within forty-five days 3742  
after submitting a strategic plan, the executive director shall 3743  
contact each advisory board member to obtain feedback. With the 3744  
approval of the advisory board chairperson, the executive 3745  
director shall lead a strategic plan discussion at the first 3746  
board meeting following the distribution of the strategic plan. 3747

(5) Publish a report of its activities and accomplishments 3748  
on or before the first day of August of each year, and deliver 3749  
copies of the report to the governor, the speaker and minority 3750  
leader of the house of representatives, and the president and 3751

minority leader of the senate. 3752

(F) No member of the board or organization that the member 3753  
is affiliated or involved with is eligible to receive any grant 3754  
that the office administers or assists in administering. 3755

**Sec. 109.02.** The attorney general is the chief law officer 3756  
for the state and all its departments and shall be provided with 3757  
adequate office space in Columbus. Except as provided in 3758  
division (E) of section 120.06 and in sections 101.55, 107.13, 3759  
and ~~3517.152 to 3517.157~~ 3517.14 to 3517.18 of the Revised Code, 3760  
no state officer or board, or head of a department or 3761  
institution of the state shall employ, or be represented by, 3762  
other counsel or attorneys at law. The attorney general shall 3763  
appear for the state in the trial and argument of all civil and 3764  
criminal causes in the supreme court in which the state is 3765  
directly or indirectly interested. When required by the governor 3766  
or the general assembly, the attorney general shall appear for 3767  
the state in any court or tribunal in a cause in which the state 3768  
is a party, or in which the state is directly interested. Upon 3769  
the written request of the governor, the attorney general shall 3770  
prosecute any person indicted for a crime. 3771

**Sec. 109.73.** (A) The Ohio peace officer training 3772  
commission shall recommend rules to the attorney general with 3773  
respect to all of the following: 3774

(1) The approval, or revocation of approval, of peace 3775  
officer training schools administered by the state, counties, 3776  
municipal corporations, public school districts, technical 3777  
college districts, and the department of natural resources; 3778

(2) Minimum courses of study, attendance requirements, and 3779  
equipment and facilities to be required at approved state, 3780

county, municipal, and department of natural resources peace 3781  
officer training schools; 3782

(3) Minimum qualifications for instructors at approved 3783  
state, county, municipal, and department of natural resources 3784  
peace officer training schools; 3785

(4) The requirements of minimum basic training that peace 3786  
officers appointed to probationary terms shall complete before 3787  
being eligible for permanent appointment, which requirements 3788  
shall include training in the handling of the offense of 3789  
domestic violence, other types of domestic violence-related 3790  
offenses and incidents, and protection orders and consent 3791  
agreements issued or approved under section 2919.26 or 3113.31 3792  
of the Revised Code; crisis intervention training; and training 3793  
in the handling of missing children and child abuse and neglect 3794  
cases; and training in handling violations of section 2905.32 of 3795  
the Revised Code; and the time within which such basic training 3796  
shall be completed following appointment to a probationary term; 3797

(5) The requirements of minimum basic training that peace 3798  
officers not appointed for probationary terms but appointed on 3799  
other than a permanent basis shall complete in order to be 3800  
eligible for continued employment or permanent appointment, 3801  
which requirements shall include training in the handling of the 3802  
offense of domestic violence, other types of domestic violence- 3803  
related offenses and incidents, and protection orders and 3804  
consent agreements issued or approved under section 2919.26 or 3805  
3113.31 of the Revised Code, crisis intervention training, and 3806  
training in the handling of missing children and child abuse and 3807  
neglect cases, and training in handling violations of section 3808  
2905.32 of the Revised Code, and the time within which such 3809  
basic training shall be completed following appointment on other 3810

than a permanent basis; 3811

(6) Categories or classifications of advanced in-service 3812  
training programs for peace officers, including programs in the 3813  
handling of the offense of domestic violence, other types of 3814  
domestic violence-related offenses and incidents, and protection 3815  
orders and consent agreements issued or approved under section 3816  
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 3817  
and in the handling of missing children and child abuse and 3818  
neglect cases, and in handling violations of section 2905.32 of 3819  
the Revised Code, and minimum courses of study and attendance 3820  
requirements with respect to such categories or classifications; 3821

(7) Permitting persons, who are employed as members of a 3822  
campus police department appointed under section 1713.50 of the 3823  
Revised Code; who are employed as police officers by a qualified 3824  
nonprofit corporation police department pursuant to section 3825  
1702.80 of the Revised Code; who are appointed and commissioned 3826  
as bank, savings and loan association, savings bank, credit 3827  
union, or association of banks, savings and loan associations, 3828  
savings banks, or credit unions police officers, as railroad 3829  
police officers, or as hospital police officers pursuant to 3830  
sections 4973.17 to 4973.22 of the Revised Code; or who are 3831  
appointed and commissioned as amusement park police officers 3832  
pursuant to section 4973.17 of the Revised Code, to attend 3833  
approved peace officer training schools, including the Ohio 3834  
peace officer training academy, and to receive certificates of 3835  
satisfactory completion of basic training programs, if the 3836  
private college or university that established the campus police 3837  
department; qualified nonprofit corporation police department; 3838  
bank, savings and loan association, savings bank, credit union, 3839  
or association of banks, savings and loan associations, savings 3840  
banks, or credit unions; railroad company; hospital; or 3841



amusement park sponsoring the police officers pays the entire 3842  
cost of the training and certification and if trainee vacancies 3843  
are available; 3844

(8) Permitting undercover drug agents to attend approved 3845  
peace officer training schools, other than the Ohio peace 3846  
officer training academy, and to receive certificates of 3847  
satisfactory completion of basic training programs, if, for each 3848  
undercover drug agent, the county, township, or municipal 3849  
corporation that employs that undercover drug agent pays the 3850  
entire cost of the training and certification; 3851

(9) (a) The requirements for basic training programs for 3852  
bailiffs and deputy bailiffs of courts of record of this state 3853  
and for criminal investigators employed by the state public 3854  
defender that those persons shall complete before they may carry 3855  
a firearm while on duty; 3856

(b) The requirements for any training received by a 3857  
bailiff or deputy bailiff of a court of record of this state or 3858  
by a criminal investigator employed by the state public defender 3859  
prior to June 6, 1986, that is to be considered equivalent to 3860  
the training described in division (A) (9) (a) of this section. 3861

(10) Establishing minimum qualifications and requirements 3862  
for certification for dogs utilized by law enforcement agencies; 3863

(11) Establishing minimum requirements for certification 3864  
of persons who are employed as correction officers in a full- 3865  
service jail, five-day facility, or eight-hour holding facility 3866  
or who provide correction services in such a jail or facility; 3867

(12) Establishing requirements for the training of humane 3868  
society agents under section 1717.061 of the Revised Code, 3869  
including, without limitation, a requirement that the agents 3870

receive instruction on traditional animal husbandry methods and 3871  
training techniques, including customary owner-performed 3872  
practices; 3873

(13) Permitting tactical medical professionals to attend 3874  
approved peace officer training schools, including the Ohio 3875  
peace officer training academy, to receive training of the type 3876  
described in division (A) (14) of this section and to receive 3877  
certificates of satisfactory completion of training programs 3878  
described in that division; 3879

(14) The requirements for training programs that tactical 3880  
medical professionals shall complete to qualify them to carry 3881  
firearms while on duty under section 109.771 of the Revised 3882  
Code, which requirements shall include at least the firearms 3883  
training specified in division (A) of section 109.748 of the 3884  
Revised Code; 3885

(15) Procedures and requirements for a portion of basic 3886  
training that peace officers complete in proper interactions 3887  
with civilians during traffic stops and other in-person 3888  
encounters as specified in division (B) (4) of section 109.803 of 3889  
the Revised Code and including the topics of instruction listed 3890  
for active duty peace officers under divisions (B) (4) (a) to (d) 3891  
of that section; 3892

(16) Permitting county correctional officers to attend 3893  
approved peace officer training schools, including the Ohio 3894  
peace officer training academy, to receive training of the type 3895  
described in division (A) (17) of this section, and to receive 3896  
certificates of satisfactory completion of basic training 3897  
programs described in that division; 3898

(17) The requirements for basic training programs that 3899

county correctional officers shall complete to qualify them to 3900  
carry firearms while on duty under section 109.772 of the 3901  
Revised Code, which requirements shall include the firearms 3902  
training specified in section 109.773 of the Revised Code; 3903

(18) Permitting fire investigators to attend approved 3904  
peace officer training schools, including the Ohio peace officer 3905  
training academy, to receive training of the type described in 3906  
division (A) (19) of this section, and to receive certificates of 3907  
satisfactory completion of training programs described in that 3908  
division; 3909

(19) The requirements for training programs that fire 3910  
investigators shall complete to qualify them to carry firearms 3911  
while on duty under section 109.774 of the Revised Code, which 3912  
requirements shall include at least the firearms training 3913  
specified in division (A) of section 109.7481 of the Revised 3914  
Code; 3915

(20) The requirements for refresher training under 3916  
division (M) of section 109.77 of the Revised Code. 3917

(B) The commission shall appoint an executive director, 3918  
with the approval of the attorney general, who shall hold office 3919  
during the pleasure of the commission. The executive director 3920  
shall perform such duties assigned by the commission. The 3921  
executive director shall receive a salary fixed pursuant to 3922  
Chapter 124. of the Revised Code and reimbursement for expenses 3923  
within the amounts available by appropriation. The executive 3924  
director may appoint officers, employees, agents, and 3925  
consultants as the executive director considers necessary, 3926  
prescribe their duties, and provide for reimbursement of their 3927  
expenses within the amounts available for reimbursement by 3928  
appropriation and with the approval of the commission. 3929

- (C) The commission may do all of the following: 3930
- (1) Recommend studies, surveys, and reports to be made by 3931  
the executive director regarding the carrying out of the 3932  
objectives and purposes of sections 109.71 to 109.77 of the 3933  
Revised Code; 3934
- (2) Visit and inspect any peace officer training school 3935  
that has been approved by the executive director or for which 3936  
application for approval has been made; 3937
- (3) Make recommendations, from time to time, to the 3938  
executive director, the attorney general, and the general 3939  
assembly regarding the carrying out of the purposes of sections 3940  
109.71 to 109.77 of the Revised Code; 3941
- (4) Report to the attorney general from time to time, and 3942  
to the governor and the general assembly at least annually, 3943  
concerning the activities of the commission; 3944
- (5) Establish fees for the services the commission offers 3945  
under sections 109.71 to 109.79 of the Revised Code, including, 3946  
but not limited to, fees for training, certification, and 3947  
testing; 3948
- (6) Perform such other acts as are necessary or 3949  
appropriate to carry out the powers and duties of the commission 3950  
as set forth in sections 109.71 to 109.77 of the Revised Code. 3951
- (D) In establishing the requirements, under division (A) 3952  
(12) of this section, the commission may consider any portions 3953  
of the curriculum for instruction on the topic of animal 3954  
husbandry practices, if any, of the Ohio state university 3955  
college of veterinary medicine. No person or entity that fails 3956  
to provide instruction on traditional animal husbandry methods 3957  
and training techniques, including customary owner-performed 3958

practices, shall qualify to train a humane society agent for 3959  
appointment under section 1717.06 of the Revised Code. 3960

(E) (1) As used in this division, "license" has the same 3961  
meaning as in section 4796.01 of the Revised Code, except that 3962  
it includes a certificate of completion of a training program 3963  
required under sections 109.71 to 109.804 of the Revised Code. 3964  
"License" does not include a certificate of completion of a 3965  
firearm basic training program under division (B) (1) of section 3966  
109.78 of the Revised Code or a certificate of completion of any 3967  
firearm requalification training program. 3968

(2) Notwithstanding any requirement for a license issued 3969  
by the commission, the commission shall issue a license in 3970  
accordance with Chapter 4796. of the Revised Code to an 3971  
individual if either of the following applies: 3972

(a) The individual holds a license in another state. 3973

(b) The individual has satisfactory work experience, a 3974  
government certification, or a private certification as 3975  
described in that chapter in the same profession, occupation, or 3976  
occupational activity as the profession, occupation, or 3977  
occupational activity for which the license is required in this 3978  
state in a state that does not require such a license. 3979

**Sec. 109.77.** (A) As used in this section: 3980

(1) "Felony" has the same meaning as in section 109.511 of 3981  
the Revised Code. 3982

(2) "Companion animal" has the same meaning as in section 3983  
959.131 of the Revised Code. 3984

(B) (1) Notwithstanding any general, special, or local law 3985  
or charter to the contrary, and except as otherwise provided in 3986

this section, no person shall receive an original appointment on 3987  
a permanent basis as any of the following unless the person 3988  
previously has been awarded a certificate by the executive 3989  
director of the Ohio peace officer training commission attesting 3990  
to the person's satisfactory completion of an approved state, 3991  
county, municipal, or department of natural resources peace 3992  
officer basic training program: 3993

(a) A peace officer of any county, township, municipal 3994  
corporation, regional transit authority, or metropolitan housing 3995  
authority; 3996

(b) A natural resources law enforcement staff officer, 3997  
forest-fire investigator, wildlife officer, or natural resources 3998  
officer of the department of natural resources; 3999

(c) An employee of a park district under section 511.232 4000  
or 1545.13 of the Revised Code; 4001

(d) An employee of a conservancy district who is 4002  
designated pursuant to section 6101.75 of the Revised Code; 4003

(e) A state university law enforcement officer; 4004

(f) A special police officer employed by the department of 4005  
mental health and addiction services pursuant to section 5119.08 4006  
of the Revised Code or the department of developmental 4007  
disabilities pursuant to section 5123.13 of the Revised Code; 4008

(g) An enforcement agent of the department of public 4009  
safety whom the director of public safety designates under 4010  
section 5502.14 of the Revised Code; 4011

(h) A special police officer employed by a port authority 4012  
under section 4582.04 or 4582.28 of the Revised Code; 4013

(i) A special police officer employed by a municipal 4014

corporation at a municipal airport, or other municipal air 4015  
navigation facility, that has scheduled operations, as defined 4016  
in section 119.3 of Title 14 of the Code of Federal Regulations, 4017  
14 C.F.R. 119.3, as amended, and that is required to be under a 4018  
security program and is governed by aviation security rules of 4019  
the transportation security administration of the United States 4020  
department of transportation as provided in Parts 1542. and 4021  
1544. of Title 49 of the Code of Federal Regulations, as 4022  
amended; 4023

(j) A gaming agent employed under section 3772.03 of the 4024  
Revised Code. 4025

(2) Every person who is appointed on a temporary basis or 4026  
for a probationary term or on other than a permanent basis as 4027  
any of the following shall forfeit the appointed position unless 4028  
the person previously has completed satisfactorily or, within 4029  
the time prescribed by rules adopted by the attorney general 4030  
pursuant to section 109.74 of the Revised Code, satisfactorily 4031  
completes a state, county, municipal, or department of natural 4032  
resources peace officer basic training program for temporary or 4033  
probationary officers and is awarded a certificate by the 4034  
director attesting to the satisfactory completion of the 4035  
program: 4036

(a) A peace officer of any county, township, municipal 4037  
corporation, regional transit authority, or metropolitan housing 4038  
authority; 4039

(b) A natural resources law enforcement staff officer, 4040  
park officer, forest officer, preserve officer, wildlife 4041  
officer, or state watercraft officer of the department of 4042  
natural resources; 4043

(c) An employee of a park district under section 511.232	4044
or 1545.13 of the Revised Code;	4045
(d) An employee of a conservancy district who is	4046
designated pursuant to section 6101.75 of the Revised Code;	4047
(e) A special police officer employed by the department of	4048
mental health and addiction services pursuant to section 5119.08	4049
of the Revised Code or the department of developmental	4050
disabilities pursuant to section 5123.13 of the Revised Code;	4051
(f) An enforcement agent of the department of public	4052
safety whom the director of public safety designates under	4053
section 5502.14 of the Revised Code;	4054
(g) A special police officer employed by a port authority	4055
under section 4582.04 or 4582.28 of the Revised Code;	4056
(h) A special police officer employed by a municipal	4057
corporation at a municipal airport, or other municipal air	4058
navigation facility, that has scheduled operations, as defined	4059
in section 119.3 of Title 14 of the Code of Federal Regulations,	4060
14 C.F.R. 119.3, as amended, and that is required to be under a	4061
security program and is governed by aviation security rules of	4062
the transportation security administration of the United States	4063
department of transportation as provided in Parts 1542. and	4064
1544. of Title 49 of the Code of Federal Regulations, as	4065
amended.	4066
(3) For purposes of division (B) of this section, a state,	4067
county, municipal, or department of natural resources peace	4068
officer basic training program, regardless of whether the	4069
program is to be completed by peace officers appointed on a	4070
permanent or temporary, probationary, or other nonpermanent	4071
basis, shall include training in the handling of the offense of	4072



domestic violence, other types of domestic violence-related 4073  
offenses and incidents, protection orders and consent agreements 4074  
issued or approved under section 2919.26 or 3113.31 of the 4075  
Revised Code, crisis intervention training, and training on 4076  
companion animal encounters and companion animal behavior. The 4077  
requirement to complete training in the handling of the offense 4078  
of domestic violence, other types of domestic violence-related 4079  
offenses and incidents, and protection orders and consent 4080  
agreements issued or approved under section 2919.26 or 3113.31 4081  
of the Revised Code does not apply to any person serving as a 4082  
peace officer on March 27, 1979, and the requirement to complete 4083  
training in crisis intervention does not apply to any person 4084  
serving as a peace officer on April 4, 1985. Any person who is 4085  
serving as a peace officer on April 4, 1985, who terminates that 4086  
employment after that date, and who subsequently is hired as a 4087  
peace officer by the same or another law enforcement agency 4088  
shall complete training in crisis intervention as prescribed by 4089  
rules adopted by the attorney general pursuant to section 4090  
109.742 of the Revised Code. No peace officer shall have 4091  
employment as a peace officer terminated and then be reinstated 4092  
with intent to circumvent this section. 4093

(4) Division (B) of this section does not apply to any 4094  
person serving on a permanent basis on March 28, 1985, as a park 4095  
officer, forest officer, preserve officer, wildlife officer, or 4096  
state watercraft officer of the department of natural resources 4097  
or as an employee of a park district under section 511.232 or 4098  
1545.13 of the Revised Code, to any person serving on a 4099  
permanent basis on March 6, 1986, as an employee of a 4100  
conservancy district designated pursuant to section 6101.75 of 4101  
the Revised Code, to any person serving on a permanent basis on 4102  
January 10, 1991, as a preserve officer of the department of 4103

natural resources, to any person employed on a permanent basis 4104  
on July 2, 1992, as a special police officer by the department 4105  
of mental health and addiction services pursuant to section 4106  
5119.08 of the Revised Code or by the department of 4107  
developmental disabilities pursuant to section 5123.13 of the 4108  
Revised Code, to any person serving on a permanent basis on May 4109  
17, 2000, as a special police officer employed by a port 4110  
authority under section 4582.04 or 4582.28 of the Revised Code, 4111  
to any person serving on a permanent basis on March 19, 2003, as 4112  
a special police officer employed by a municipal corporation at 4113  
a municipal airport or other municipal air navigation facility 4114  
described in division (A) (19) of section 109.71 of the Revised 4115  
Code, to any person serving on a permanent basis on June 19, 4116  
1978, as a state university law enforcement officer pursuant to 4117  
section 3345.04 of the Revised Code and who, immediately prior 4118  
to June 19, 1978, was serving as a special police officer 4119  
designated under authority of that section, or to any person 4120  
serving on a permanent basis on September 20, 1984, as a liquor 4121  
control investigator, known after June 30, 1999, as an 4122  
enforcement agent of the department of public safety, engaged in 4123  
the enforcement of Chapters 4301. and 4303. of the Revised Code. 4124

(5) Division (B) of this section does not apply to any 4125  
person who is appointed as a regional transit authority police 4126  
officer pursuant to division (Y) of section 306.35 of the 4127  
Revised Code if, on or before July 1, 1996, the person has 4128  
completed satisfactorily an approved state, county, municipal, 4129  
or department of natural resources peace officer basic training 4130  
program and has been awarded a certificate by the executive 4131  
director of the Ohio peace officer training commission attesting 4132  
to the person's satisfactory completion of such an approved 4133  
program and if, on July 1, 1996, the person is performing peace 4134

officer functions for a regional transit authority. 4135

(C) No person, after September 20, 1984, shall receive an 4136  
original appointment on a permanent basis as a veterans' home 4137  
police officer designated under section 5907.02 of the Revised 4138  
Code unless the person previously has been awarded a certificate 4139  
by the executive director of the Ohio peace officer training 4140  
commission attesting to the person's satisfactory completion of 4141  
an approved police officer basic training program. Every person 4142  
who is appointed on a temporary basis or for a probationary term 4143  
or on other than a permanent basis as a veterans' home police 4144  
officer designated under section 5907.02 of the Revised Code 4145  
shall forfeit that position unless the person previously has 4146  
completed satisfactorily or, within one year from the time of 4147  
appointment, satisfactorily completes an approved police officer 4148  
basic training program. 4149

(D) No bailiff or deputy bailiff of a court of record of 4150  
this state and no criminal investigator who is employed by the 4151  
state public defender shall carry a firearm, as defined in 4152  
section 2923.11 of the Revised Code, while on duty unless the 4153  
bailiff, deputy bailiff, or criminal investigator has done or 4154  
received one of the following: 4155

(1) Has been awarded a certificate by the executive 4156  
director of the Ohio peace officer training commission, which 4157  
certificate attests to satisfactory completion of an approved 4158  
state, county, or municipal basic training program for bailiffs 4159  
and deputy bailiffs of courts of record and for criminal 4160  
investigators employed by the state public defender that has 4161  
been recommended by the Ohio peace officer training commission; 4162

(2) Has successfully completed a firearms training program 4163  
approved by the Ohio peace officer training commission prior to 4164

employment as a bailiff, deputy bailiff, or criminal 4165  
investigator; 4166

(3) Prior to June 6, 1986, was authorized to carry a 4167  
firearm by the court that employed the bailiff or deputy bailiff 4168  
or, in the case of a criminal investigator, by the state public 4169  
defender and has received training in the use of firearms that 4170  
the Ohio peace officer training commission determines is 4171  
equivalent to the training that otherwise is required by 4172  
division (D) of this section. 4173

(E) (1) Before a person seeking a certificate completes an 4174  
approved peace officer basic training program, the executive 4175  
director of the Ohio peace officer training commission shall 4176  
request the person to disclose, and the person shall disclose, 4177  
any previous criminal conviction of or plea of guilty of that 4178  
person to a felony. 4179

(2) Before a person seeking a certificate completes an 4180  
approved peace officer basic training program, the executive 4181  
director shall request a criminal history records check on the 4182  
person. The executive director shall submit the person's 4183  
fingerprints to the bureau of criminal identification and 4184  
investigation, which shall submit the fingerprints to the 4185  
federal bureau of investigation for a national criminal history 4186  
records check. 4187

Upon receipt of the executive director's request, the 4188  
bureau of criminal identification and investigation and the 4189  
federal bureau of investigation shall conduct a criminal history 4190  
records check on the person and, upon completion of the check, 4191  
shall provide a copy of the criminal history records check to 4192  
the executive director. The executive director shall not award 4193  
any certificate prescribed in this section unless the executive 4194

director has received a copy of the criminal history records 4195  
check on the person to whom the certificate is to be awarded. 4196

(3) The executive director of the commission shall not 4197  
award a certificate prescribed in this section to a person who 4198  
has been convicted of or has pleaded guilty to a felony or who 4199  
fails to disclose any previous criminal conviction of or plea of 4200  
guilty to a felony as required under division (E) (1) of this 4201  
section. 4202

(4) The executive director of the commission shall revoke 4203  
the certificate awarded to a person as prescribed in this 4204  
section, and that person shall forfeit all of the benefits 4205  
derived from being certified as a peace officer under this 4206  
section, if the person, before completion of an approved peace 4207  
officer basic training program, failed to disclose any previous 4208  
criminal conviction of or plea of guilty to a felony as required 4209  
under division (E) (1) of this section. 4210

(F) (1) Regardless of whether the person has been awarded 4211  
the certificate or has been classified as a peace officer prior 4212  
to, on, or after October 16, 1996, the executive director of the 4213  
Ohio peace officer training commission shall revoke any 4214  
certificate that has been awarded to a person as prescribed in 4215  
this section if the person does either of the following: 4216

(a) Pleads guilty to a felony committed on or after 4217  
January 1, 1997; 4218

(b) Pleads guilty to a misdemeanor committed on or after 4219  
January 1, 1997, pursuant to a negotiated plea agreement as 4220  
provided in division (D) of section 2929.43 of the Revised Code 4221  
in which the person agrees to surrender the certificate awarded 4222  
to the person under this section. 4223

(2) The executive director of the commission shall suspend 4224  
any certificate that has been awarded to a person as prescribed 4225  
in this section if the person is convicted, after trial, of a 4226  
felony committed on or after January 1, 1997. The executive 4227  
director shall suspend the certificate pursuant to division (F) 4228  
(2) of this section pending the outcome of an appeal by the 4229  
person from that conviction to the highest court to which the 4230  
appeal is taken or until the expiration of the period in which 4231  
an appeal is required to be filed. If the person files an appeal 4232  
that results in that person's acquittal of the felony or 4233  
conviction of a misdemeanor, or in the dismissal of the felony 4234  
charge against that person, the executive director shall 4235  
reinstate the certificate awarded to the person under this 4236  
section. If the person files an appeal from that person's 4237  
conviction of the felony and the conviction is upheld by the 4238  
highest court to which the appeal is taken or if the person does 4239  
not file a timely appeal, the executive director shall revoke 4240  
the certificate awarded to the person under this section. 4241

(G) (1) If a person is awarded a certificate under this 4242  
section and the certificate is revoked pursuant to division (E) 4243  
(4) or (F) of this section, the person shall not be eligible to 4244  
receive, at any time, a certificate attesting to the person's 4245  
satisfactory completion of a peace officer basic training 4246  
program. 4247

(2) The revocation or suspension of a certificate under 4248  
division (E) (4) or (F) of this section shall be in accordance 4249  
with Chapter 119. of the Revised Code. 4250

(H) (1) A person who was employed as a peace officer of a 4251  
county, township, or municipal corporation of the state on 4252  
January 1, 1966, and who has completed at least sixteen years of 4253

full-time active service as such a peace officer, or equivalent 4254  
service as determined by the executive director of the Ohio 4255  
peace officer training commission, may receive an original 4256  
appointment on a permanent basis and serve as a peace officer of 4257  
a county, township, or municipal corporation, or as a state 4258  
university law enforcement officer, without complying with the 4259  
requirements of division (B) of this section. 4260

(2) Any person who held an appointment as a state highway 4261  
trooper on January 1, 1966, may receive an original appointment 4262  
on a permanent basis and serve as a peace officer of a county, 4263  
township, or municipal corporation, or as a state university law 4264  
enforcement officer, without complying with the requirements of 4265  
division (B) of this section. 4266

(I) No person who is appointed as a peace officer of a 4267  
county, township, or municipal corporation on or after April 9, 4268  
1985, shall serve as a peace officer of that county, township, 4269  
or municipal corporation unless the person has received training 4270  
in the handling of missing children and child abuse and neglect 4271  
cases from an approved state, county, township, or municipal 4272  
police officer basic training program or receives the training 4273  
within the time prescribed by rules adopted by the attorney 4274  
general pursuant to section 109.741 of the Revised Code. 4275

(J) No part of any approved state, county, or municipal 4276  
basic training program for bailiffs and deputy bailiffs of 4277  
courts of record and no part of any approved state, county, or 4278  
municipal basic training program for criminal investigators 4279  
employed by the state public defender shall be used as credit 4280  
toward the completion by a peace officer of any part of the 4281  
approved state, county, or municipal peace officer basic 4282  
training program that the peace officer is required by this 4283

section to complete satisfactorily. 4284

(K) This section does not apply to any member of the 4285  
police department of a municipal corporation in an adjoining 4286  
state serving in this state under a contract pursuant to section 4287  
737.04 of the Revised Code. 4288

(L) The executive director of the commission shall issue a 4289  
certificate of completion of a training program required under 4290  
this section in accordance with Chapter 4796. of the Revised 4291  
Code to an individual if either of the following applies: 4292

(1) The individual holds a certificate of completion of 4293  
such a program in another state. 4294

(2) The individual has satisfactory work experience, a 4295  
government certification, or a private certification as 4296  
described in that chapter in the same profession, occupation, or 4297  
occupational activity as the profession, occupation, or 4298  
occupational activity for which the certificate is required in 4299  
this state in a state that does not require completion of such a 4300  
training program. 4301

(M) (1) Except as provided in division (M) (2) of this 4302  
section, no certificate awarded by the executive director of the 4303  
Ohio peace officer training commission attesting to a person's 4304  
satisfactory completion of an approved state, county, municipal, 4305  
or department of natural resources peace officer basic training 4306  
program shall be deemed insufficient for an appointment to a 4307  
position listed in division (B) (1) of this section because of a 4308  
lapse in the person's service as a peace officer. 4309

(2) The Ohio peace officer training commission shall 4310  
require a re-appointed peace officer to complete refresher 4311  
training of the following duration prior to performing the 4312



functions of a peace officer, if the peace officer, having 4313  
previously been awarded a certificate by the executive director 4314  
of the commission attesting to the person's satisfactory 4315  
completion of an approved state, county, municipal, or 4316  
department of natural resources peace officer basic training 4317  
program or pursuant to Chapter 4796. of the Revised Code, for at 4318  
least one year prior to an appointment, was not employed as a 4319  
peace officer: 4320

(a) If the period of lapse was at least one year, but less 4321  
than four years, up to forty hours; 4322

(b) If the period of lapse was four years or longer, 4323  
eighty hours. 4324

**Sec. 109.803.** (A) (1) Subject to divisions (A) (2) and (B) 4325  
of this section, every appointing authority shall require each 4326  
of its appointed peace officers and troopers to complete twenty- 4327  
four hours of continuing professional training each calendar 4328  
year. Twenty-four hours is intended to be a minimum requirement, 4329  
and appointing authorities are encouraged to exceed the twenty- 4330  
four hour minimum. A minimum of twenty-four hours of continuing 4331  
professional training shall be reimbursed each calendar year and 4332  
a maximum of forty hours of continuing professional training may 4333  
be reimbursed each calendar year. No reimbursement shall be 4334  
available under this section for continuing professional 4335  
training provided for a peace officer or trooper appointed by a 4336  
state agency. 4337

(2) An appointing authority may submit a written request 4338  
to the peace officer training commission that requests for a 4339  
calendar year because of emergency circumstances an extension of 4340  
the time within which one or more of its appointed peace 4341  
officers or troopers must complete the required minimum number 4342

of hours of continuing professional training set by the 4343  
commission, as described in division (A)(1) of this section. A 4344  
request made under this division shall set forth the name of 4345  
each of the appointing authority's peace officers or troopers 4346  
for whom an extension is requested, identify the emergency 4347  
circumstances related to that peace officer or trooper, include 4348  
documentation of those emergency circumstances, and set forth 4349  
the date on which the request is submitted to the commission. A 4350  
request shall be made under this division not later than the 4351  
fifteenth day of December in the calendar year for which the 4352  
extension is requested. 4353

Upon receipt of a written request made under this 4354  
division, the executive director of the commission shall review 4355  
the request and the submitted documentation. If the executive 4356  
director of the commission is satisfied that emergency 4357  
circumstances exist for any peace officer or trooper for whom a 4358  
request was made under this division, the executive director may 4359  
approve the request for that peace officer or trooper and grant 4360  
an extension of the time within which that peace officer or 4361  
trooper must complete the required minimum number of hours of 4362  
continuing professional training set by the commission. An 4363  
extension granted under this division may be for any period of 4364  
time the executive director believes to be appropriate, and the 4365  
executive director shall specify in the notice granting the 4366  
extension the date on which the extension ends. Not later than 4367  
thirty days after the date on which a request is submitted to 4368  
the commission, for each peace officer and trooper for whom an 4369  
extension is requested, the executive director either shall 4370  
approve the request and grant an extension or deny the request 4371  
and deny an extension and shall send to the appointing authority 4372  
that submitted the request written notice of the executive 4373

director's decision. 4374

If the executive director grants an extension of the time 4375  
within which a particular appointed peace officer or trooper of 4376  
an appointing authority must complete the required minimum 4377  
number of hours of continuing professional training set by the 4378  
commission, the appointing authority shall require that peace 4379  
officer or trooper to complete the required minimum number of 4380  
hours of training not later than the date on which the extension 4381  
ends. 4382

(B) With the advice of the Ohio peace officer training 4383  
commission, the attorney general shall adopt in accordance with 4384  
Chapter 119. of the Revised Code rules setting forth minimum 4385  
standards for continuing professional training for peace 4386  
officers and troopers and governing the administration of 4387  
continuing professional training programs for peace officers and 4388  
troopers. The rules adopted by the attorney general under 4389  
division (B) of this section shall do all of the following: 4390

(1) Allow peace officers and troopers to earn credit for 4391  
up to four hours of continuing professional training for time 4392  
spent while on duty providing drug use prevention education 4393  
training that utilizes evidence-based curricula to students in 4394  
school districts, community schools established under Chapter 4395  
3314., STEM schools established under Chapter 3326., and 4396  
college-preparatory boarding schools established under Chapter 4397  
3328. of the Revised Code. 4398

(2) Allow a peace officer or trooper appointed by a law 4399  
enforcement agency to earn hours of continuing professional 4400  
training for other peace officers or troopers appointed by the 4401  
law enforcement agency by providing drug use prevention 4402  
education training under division (B) (1) of this section so that 4403

hours earned by the peace officer or trooper providing the 4404  
training in excess of four hours may be applied to offset the 4405  
number of continuing professional training hours required of 4406  
another peace officer or trooper appointed by that law 4407  
enforcement agency. 4408

(3) Prohibit the use of continuing professional training 4409  
hours earned under division (B)(1) or (2) of this section from 4410  
being used to offset any mandatory hands-on training 4411  
requirement. 4412

(4) Require a peace officer to complete training on proper 4413  
interactions with civilians during traffic stops and other in- 4414  
person encounters, which training shall have an online offering 4415  
and shall include all of the following topics: 4416

(a) A person's rights during an interaction with a peace 4417  
officer, including all of the following: 4418

(i) When a peace officer may require a person to exit a 4419  
vehicle; 4420

(ii) Constitutional protections from illegal search and 4421  
seizure; 4422

(iii) The rights of a passenger in a vehicle who has been 4423  
pulled over for a traffic stop; 4424

(iv) The right for a citizen to record an encounter with a 4425  
peace officer. 4426

(b) Proper actions for interacting with a civilian and 4427  
methods for diffusing a stressful encounter with a civilian; 4428

(c) Laws regarding questioning and detention by peace 4429  
officers, including any law requiring a person to present proof 4430  
of identity to a peace officer, and the consequences for a 4431

person's or officer's failure to comply with those laws; 4432

(d) Any other requirements and procedures necessary for 4433  
the proper implementation of this section. 4434

(C) The attorney general shall transmit a certified copy 4435  
of any rule adopted under this section to the secretary of 4436  
state. 4437

(D) As used in this section: 4438

(1) "Peace officer" has the same meaning as in section 4439  
109.71 of the Revised Code. 4440

(2) "Trooper" means an individual appointed as a state 4441  
highway patrol trooper under section 5503.01 of the Revised 4442  
Code. 4443

(3) "Appointing authority" means any agency or entity that 4444  
appoints a peace officer or trooper. 4445

**Sec. 111.15.** (A) As used in this section: 4446

(1) "Rule" includes any rule, regulation, bylaw, or 4447  
standard having a general and uniform operation adopted by an 4448  
agency under the authority of the laws governing the agency; any 4449  
appendix to a rule; and any internal management rule. "Rule" 4450  
does not include any guideline adopted pursuant to section 4451  
3301.0714 of the Revised Code, any order respecting the duties 4452  
of employees, any finding, any determination of a question of 4453  
law or fact in a matter presented to an agency, or any rule 4454  
promulgated pursuant to Chapter 119. or division (C)(1) or (2) 4455  
of section 5117.02 of the Revised Code. "Rule" includes any 4456  
amendment or rescission of a rule. 4457

(2) "Agency" means any governmental entity of the state 4458  
and includes, but is not limited to, any board, department, 4459

division, commission, bureau, society, council, institution, 4460  
state college or university, community college district, 4461  
technical college district, or state community college. "Agency" 4462  
does not include the general assembly, the controlling board, 4463  
the adjutant general's department, or any court. 4464

(3) "Internal management rule" means any rule, regulation, 4465  
bylaw, or standard governing the day-to-day staff procedures and 4466  
operations within an agency. 4467

(B)(1) Any rule, other than a rule of an emergency nature, 4468  
adopted by any agency pursuant to this section shall be 4469  
effective on the tenth day after the day on which the rule in 4470  
final form and in compliance with division (B)(3) of this 4471  
section is filed as follows: 4472

(a) The rule shall be filed in electronic form with both 4473  
the secretary of state and the director of the legislative 4474  
service commission; 4475

(b) The rule shall be filed in electronic form with the 4476  
joint committee on agency rule review. Division (B)(1)(b) of 4477  
this section does not apply to any rule to which division (D) of 4478  
this section does not apply. 4479

An agency that adopts or amends a rule that is subject to 4480  
division (D) of this section shall assign a review date to the 4481  
rule that is not later than five years after its effective date. 4482  
If a review date assigned to a rule exceeds the five-year 4483  
maximum, the review date for the rule is five years after its 4484  
effective date. A rule with a review date is subject to review 4485  
under section 106.03 of the Revised Code. This paragraph does 4486  
not apply to a rule of a state college or university, community 4487  
college district, technical college district, or state community 4488

college. 4489

If an agency in adopting a rule designates an effective 4490  
date that is later than the effective date provided for by 4491  
division (B) (1) of this section, the rule if filed as required 4492  
by such division shall become effective on the later date 4493  
designated by the agency. 4494

Any rule that is required to be filed under division (B) 4495  
(1) of this section is also subject to division (D) of this 4496  
section if not exempted by that division. 4497

If a rule incorporates a text or other material by 4498  
reference, the agency shall comply with sections 121.71 to 4499  
121.75 of the Revised Code. 4500

(2) A rule of an emergency nature necessary for the 4501  
immediate preservation of the public peace, health, or safety 4502  
shall state the reasons for the necessity. The emergency rule, 4503  
in final form and in compliance with division (B) (3) of this 4504  
section, shall be filed in electronic form with the secretary of 4505  
state, the director of the legislative service commission, and 4506  
the joint committee on agency rule review. The emergency rule is 4507  
effective immediately upon completion of the latest filing, 4508  
except that if the agency in adopting the emergency rule 4509  
designates an effective date, or date and time of day, that is 4510  
later than the effective date and time provided for by division 4511  
(B) (2) of this section, the emergency rule if filed as required 4512  
by such division shall become effective at the later date, or 4513  
later date and time of day, designated by the agency. 4514

Except as provided in section 107.43 of the Revised Code, 4515  
an emergency rule becomes invalid at the end of the one hundred 4516  
twentieth day it is in effect. Prior to that date, the agency 4517

may file the emergency rule as a nonemergency rule in compliance 4518  
with division (B) (1) of this section. The agency may not refile 4519  
the emergency rule in compliance with division (B) (2) of this 4520  
section so that, upon the emergency rule becoming invalid under 4521  
such division, the emergency rule will continue in effect 4522  
without interruption for another one hundred twenty-day period. 4523

The adoption of an emergency rule under division (B) (2) of 4524  
this section in response to a state of emergency, as defined 4525  
under section 107.42 of the Revised Code, may be invalidated by 4526  
the general assembly, in whole or in part, by adopting a 4527  
concurrent resolution in accordance with section 107.43 of the 4528  
Revised Code. 4529

(3) An agency shall file a rule under division (B) (1) or 4530  
(2) of this section in compliance with the following standards 4531  
and procedures: 4532

(a) The rule shall be numbered in accordance with the 4533  
numbering system devised by the director for the Ohio 4534  
administrative code. 4535

(b) The rule shall be prepared and submitted in compliance 4536  
with ~~the rules~~ section 103.05 of the Revised Code and the rule 4537  
drafting manual of the legislative service commission. 4538

(c) The rule shall clearly state the date on which it is 4539  
to be effective and the date on which it will expire, if known. 4540

(d) Each rule that amends or rescinds another rule shall 4541  
clearly refer to the rule that is amended or rescinded. Each 4542  
amendment shall fully restate the rule as amended. 4543

If the director of the legislative service commission or 4544  
the director's designee gives an agency notice pursuant to 4545  
section 103.05 of the Revised Code that a rule filed by the 4546



agency is not in compliance with ~~the rules~~ section 103.05 of the 4547  
Revised Code and the rule drafting manual of the legislative 4548  
service commission, the agency shall within thirty days after 4549  
receipt of the notice conform the rule to the rules of the 4550  
commission as directed in the notice. 4551

(C) All rules filed pursuant to divisions (B) (1) (a) and 4552  
(2) of this section shall be recorded by the secretary of state 4553  
and the director under the title of the agency adopting the rule 4554  
and shall be numbered according to the numbering system devised 4555  
by the director. The secretary of state and the director shall 4556  
preserve the rules in an accessible manner. Each such rule shall 4557  
be a public record open to public inspection and may be 4558  
transmitted to any law publishing company that wishes to 4559  
reproduce it. 4560

(D) At least sixty-five days before a board, commission, 4561  
department, division, or bureau of the government of the state 4562  
files a rule under division (B) (1) of this section, it shall 4563  
file the full text of the proposed rule in electronic form with 4564  
the joint committee on agency rule review, and the proposed rule 4565  
is subject to legislative review and invalidation under section 4566  
106.021 of the Revised Code. If a state board, commission, 4567  
department, division, or bureau makes a revision in a proposed 4568  
rule after it is filed with the joint committee, the state 4569  
board, commission, department, division, or bureau shall 4570  
promptly file the full text of the proposed rule in its revised 4571  
form in electronic form with the joint committee. A state board, 4572  
commission, department, division, or bureau shall also file the 4573  
rule summary and fiscal analysis prepared under section 106.024 4574  
of the Revised Code in electronic form along with a proposed 4575  
rule, and along with a proposed rule in revised form, that is 4576  
filed under this division. If a proposed rule has an adverse 4577

impact on businesses, the state board, commission, department, 4578  
division, or bureau also shall file the business impact 4579  
analysis, any recommendations received from the common sense 4580  
initiative office, and the associated memorandum of response, if 4581  
any, in electronic form along with the proposed rule, or the 4582  
proposed rule in revised form, that is filed under this 4583  
division. 4584

A proposed rule that is subject to legislative review 4585  
under this division may not be adopted and filed in final form 4586  
under division (B) (1) of this section unless the proposed rule 4587  
has been filed with the joint committee on agency rule review 4588  
under this division and the time for the joint committee to 4589  
review the proposed rule has expired without recommendation of a 4590  
concurrent resolution to invalidate the proposed rule. 4591

If a proposed rule that is subject to legislative review 4592  
under this division implements a federal law or rule, the agency 4593  
shall provide to the joint committee a citation to the federal 4594  
law or rule the proposed rule implements and a statement as to 4595  
whether the proposed rule implements the federal law or rule in 4596  
a manner that is more or less stringent or burdensome than the 4597  
federal law or rule requires. 4598

As used in this division, "commission" includes the public 4599  
utilities commission when adopting rules under a federal or 4600  
state statute. 4601

This division does not apply to any of the following: 4602

(1) A proposed rule of an emergency nature; 4603

(2) A rule proposed under section 1121.05, 1121.06, 4604  
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4605  
4123.342, 4123.345, 4123.40, 4123.411, 4123.44, or 4123.442 of 4606

the Revised Code; 4607

(3) A rule proposed by an agency other than a board, 4608  
commission, department, division, or bureau of the government of 4609  
the state; 4610

(4) A proposed internal management rule of a board, 4611  
commission, department, division, or bureau of the government of 4612  
the state; 4613

(5) Any proposed rule that must be adopted verbatim by an 4614  
agency pursuant to federal law or rule, to become effective 4615  
within sixty days of adoption, in order to continue the 4616  
operation of a federally reimbursed program in this state, so 4617  
long as the proposed rule contains both of the following: 4618

(a) A statement that it is proposed for the purpose of 4619  
complying with a federal law or rule; 4620

(b) A citation to the federal law or rule that requires 4621  
verbatim compliance. 4622

(6) An initial rule proposed by the director of health to 4623  
impose quality standards on a health care facility as defined in 4624  
section 3702.30 of the Revised Code; 4625

(7) A rule of the state lottery commission pertaining to 4626  
instant game rules. 4627

If a rule is exempt from legislative review under division 4628  
(D) (5) of this section, and if the federal law or rule pursuant 4629  
to which the rule was adopted expires, is repealed or rescinded, 4630  
or otherwise terminates, the rule is thereafter subject to 4631  
legislative review under division (D) of this section. 4632

Whenever a state board, commission, department, division, 4633  
or bureau files a proposed rule or a proposed rule in revised 4634

form under division (D) of this section, it shall also file the 4635  
full text of the same proposed rule or proposed rule in revised 4636  
form in electronic form with the secretary of state and the 4637  
director of the legislative service commission. A state board, 4638  
commission, department, division, or bureau shall file the rule 4639  
summary and fiscal analysis prepared under section 106.024 of 4640  
the Revised Code in electronic form along with a proposed rule 4641  
or proposed rule in revised form that is filed with the 4642  
secretary of state or the director of the legislative service 4643  
commission. 4644

Sec. 111.29. The Ohio election integrity commission fund 4645  
is created in the state treasury. The secretary of state shall 4646  
use the money in the fund for the sole purpose of paying 4647  
expenses related to the operation of the Ohio election integrity 4648  
commission established under section 3517.14 of the Revised 4649  
Code. 4650

**Sec. 113.05.** (A) As used in sections 113.05 to 113.40 of 4651  
the Revised Code: 4652

(1) "Account," "appropriation," "disbursement," 4653  
"electronic funds transfer," "fund," and "warrant" have the same 4654  
meanings as in section 131.01 of the Revised Code. 4655

(2) "Assets" has the same meaning as in section 131.01 of 4656  
the Revised Code, but does not include items held in safekeeping 4657  
by the treasurer of state including, but not limited to, 4658  
collateral pledged to a state agency. 4659

(3) "Custodial funds" do not include items held in 4660  
safekeeping by the treasurer of state including, but not limited 4661  
to, collateral pledged to a state agency. 4662

(B) The state treasury consists of the moneys, claims, 4663

bonds, notes, other obligations, stocks, and other securities, 4664  
receipts or other evidences of ownership, and other intangible 4665  
assets of the state that are required by law to be deposited in 4666  
the state treasury or are otherwise a part of the state 4667  
treasury. All assets of the state treasury shall be kept in the 4668  
rooms assigned the treasurer of state, with the vaults, safes, 4669  
and other appliances therein; provided, that: 4670

(1) Securities required by law to be deposited or kept in 4671  
the state treasury may be deposited for safekeeping with the 4672  
federal reserve bank of Cleveland, Ohio or secured and insured 4673  
depositories in or out of this state as designated by the 4674  
treasurer of state. 4675

(2) Public moneys may be kept in constituted state 4676  
depositories. 4677

(C) The custodial funds of the treasurer of state consist 4678  
of the moneys, claims, bonds, notes, other obligations, stocks, 4679  
and other securities, receipts or other evidences of ownership, 4680  
and other intangible assets that are required by law to be kept 4681  
in the custody of the treasurer of state but are not part of the 4682  
state treasury. All assets of the custodial funds of the 4683  
treasurer of state shall be kept in either or both of the 4684  
following: 4685

(1) The rooms assigned the treasurer of state, with the 4686  
vaults, safes, and other appliances therein; 4687

(2) The federal reserve bank of Cleveland, Ohio or secured 4688  
and insured depositories in or out of this state as designated 4689  
by the treasurer of state. 4690

(D) Assets of the state treasury shall not be commingled 4691  
with assets of the custodial funds of the treasurer of state. 4692

~~The repositing and deposit of payments pursuant to section 4693~~  
~~113.06 of the Revised Code is in compliance with this section. 4694~~

**Sec. 113.13.** The treasurer of state shall have available 4695  
and, as requested, transmit to the director of budget and 4696  
management and to the governor information concerning the amount 4697  
in the ~~inactive account, the amount in the active account,~~ and 4698  
the amount of cash on hand. 4699

**Sec. 113.51.** (A) The treasurer of state shall implement 4700  
and administer a program under the terms and conditions 4701  
established under sections 113.50 to 113.56 of the Revised Code. 4702  
For that purpose, the treasurer shall do all of the following: 4703

(1) Develop and implement the program in a manner 4704  
consistent with the provisions of sections 113.50 to 113.56 of 4705  
the Revised Code; 4706

(2) Engage the services of consultants on a contract basis 4707  
for rendering professional and technical assistance and advice; 4708

(3) Seek rulings and other guidance from the secretary and 4709  
the internal revenue service relating to the program; 4710

(4) Make modifications to the program as necessary for 4711  
participants in the program to qualify for the federal income 4712  
tax benefits or treatment provided under section 529A of the 4713  
Internal Revenue Code or rules adopted thereunder; 4714

(5) Impose and collect administrative fees and service 4715  
charges in connection with any agreement or transaction relating 4716  
to the program; 4717

(6) Develop marketing plans and promotional materials to 4718  
publicize the program; 4719

(7) Establish the procedures by which funds held in 4720

program accounts shall be disbursed; 4721

(8) Administer the issuance of interests by the Ohio ABLE 4722  
savings program trust fund to designated beneficiaries; 4723

(9) Establish the procedures by which funds held in 4724  
program accounts shall be allocated to pay for administrative 4725  
costs; 4726

(10) Take any other action necessary to implement and 4727  
administer the program; 4728

(11) Adopt rules in accordance with Chapter 119. of the 4729  
Revised Code necessary to implement and administer the program; 4730

(12) Notify the secretary when a program account has been 4731  
opened for a designated beneficiary and submit other reports 4732  
concerning the program as required by the secretary or under 4733  
section 529A of the Internal Revenue Code. 4734

(B) The treasurer of state may enter into agreements with 4735  
other states or agencies of, subdivisions of, or residents of 4736  
those states related to the program or a similar ABLE account 4737  
program established by another state in accordance with section 4738  
529A of the Internal Revenue Code. 4739

(C) Any record of the treasurer of state indicating the 4740  
identity of account beneficiaries and the balances and activity 4741  
in ABLE accounts is not a public record under section 149.43 of 4742  
the Revised Code. 4743

(D) The treasurer of state shall pay account fees 4744  
associated with an ABLE account on behalf of an Ohio account 4745  
owner or beneficiary. 4746

**Sec. 113.53.** (A) A designated beneficiary, or a trustee or 4747  
guardian of a designated beneficiary who lacks capacity to enter 4748

into an agreement, may apply, on forms prescribed by the 4749  
treasurer of state, to open a program account. A beneficiary may 4750  
have only one ABLE account. The treasurer of state may impose a 4751  
nonrefundable application fee. The application shall require the 4752  
applicant to provide the following information: 4753

(1) The name, address, social security number, and birth 4754  
date of the designated beneficiary; 4755

(2) The name, address, and social security number of the 4756  
designated beneficiary's trustee or guardian, if applicable; 4757

(3) Certification by the applicant that the applicant 4758  
understands the maximum account value and the consequences under 4759  
division (C) of this section for excess contributions and 4760  
understands how program account values exceeding the amount 4761  
designated under section 103 of the "Stephen Beck, Jr., ABLE Act 4762  
of 2014," 26 U.S.C. 529A note, may affect the applicant's 4763  
resources for determining the applicant's eligibility for the 4764  
supplemental security income program; 4765

(4) Any additional information required by the treasurer 4766  
of state. 4767

(B) (1) To qualify for a program account, a designated 4768  
beneficiary must be an eligible individual at the time the 4769  
program account is opened. Before opening a program account, the 4770  
treasurer of state or program manager shall enter into an 4771  
agreement with the account owner that discloses the requirements 4772  
and restrictions on contributions and withdrawals from the 4773  
program account. 4774

(2) Any person may make contributions to a program account 4775  
after the account is opened, subject to the limitations imposed 4776  
by section 529A of the Internal Revenue Code and any rules 4777



adopted by the secretary. 4778

(C) Contributions to a program account shall be made in 4779  
cash. The treasurer of state or program manager shall reject or 4780  
promptly withdraw a contribution to a program account if that 4781  
contribution would exceed the annual limits prescribed in 4782  
subsection (b) (2) (B) of section 529A of the Internal Revenue 4783  
Code. The treasurer or program manager shall reject or promptly 4784  
withdraw a contribution if the value of the program account 4785  
equals or exceeds the maximum account value or the designated 4786  
beneficiary is not an eligible individual in the current 4787  
calendar year. 4788

(D) (1) To the extent authorized by federal law, and in 4789  
accordance with rules adopted by the treasurer of state, an 4790  
account owner may change the designated beneficiary of a program 4791  
account to another individual. 4792

(2) No account owner may use an interest in an ABLE 4793  
account as security for a loan. Any pledge of an interest in an 4794  
account shall be void and of no force and effect. 4795

(E) (1) A distribution from a program account to any 4796  
individual or for the benefit of any individual during a 4797  
calendar year shall be reported to the internal revenue service 4798  
and the designated beneficiary or the distributee to the extent 4799  
required under state or federal law. 4800

(2) Statements shall be provided to each account owner of 4801  
a program account at least four times each year within thirty 4802  
days after the end of the quarterly period to which a statement 4803  
relates. The statement shall identify the contributions made 4804  
during the preceding quarter, the total contributions made to 4805  
the account through the last day of that quarter, the value of 4806

the account on the last day of that quarter, distributions made 4807  
during that quarter, and any other information that the 4808  
treasurer of state requires to be reported to the account owner. 4809

(3) Statements and information relating to program 4810  
accounts shall be prepared and filed to the extent required 4811  
under sections 113.50 to 113.56 of the Revised Code and any 4812  
other state or federal law. 4813

(F) The program shall provide separate accounting for each 4814  
designated beneficiary. An annual fee may be imposed upon the 4815  
account owner for the maintenance of a program account. 4816

~~(G)~~ (G) (1) Money in an ABLE account shall be exempt from 4817  
attachment, execution, or garnishment as provided in section 4818  
2329.66 of the Revised Code, ~~and is~~. 4819

(2) Unless required by federal law, money in an ABLE 4820  
account is not subject to claims made under the medicaid estate 4821  
recovery program instituted pursuant to section 5162.21 of the 4822  
Revised Code, in accordance with subsection (f) of section 529A 4823  
of the Internal Revenue Code and subject to any limitations 4824  
imposed by the secretary. 4825

(H) (1) Notwithstanding any other provision of state law, 4826  
all of the following shall be disregarded for the purposes of 4827  
determining an individual's eligibility for a means-tested 4828  
public assistance program funded only with state, local, or 4829  
state and local funds and the amount of assistance or benefits 4830  
the individual is eligible to receive under the program: 4831

(a) Any amount in an ABLE account, including earnings on 4832  
the account; 4833

(b) Any contributions to an ABLE account; 4834

(c) Any distribution from an ABLE account for qualified disability expenses. 4835  
4836

(2) Division (H)(1) of this section applies only to an individual who is either of the following: 4837  
4838

(a) The designated beneficiary of the ABLE account; 4839

(b) An individual whose eligibility for the means-tested program is conditioned on the ABLE account's designated beneficiary disclosing the designated beneficiary's income, resources, or both to the entity administering the means-tested public assistance program. 4840  
4841  
4842  
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4844

**Sec. 113.78.** The medical quality assurance fund is created, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The fund shall consist of all money transferred to it as a result of the repeal of section 3701.89 of the Revised Code on January 1, 2026, by H.B. 238 of the 135th ~~General Assembly~~ general assembly and its requirements related to the repeal of that section. All investment earnings of the fund shall be credited to the fund. 4845  
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All money in the fund shall be used as directed by the general assembly, ~~which may include funding any of the following programs that the former Ohio medical quality foundation was authorized to fund in a similar manner under division (F) of section 3701.89 of the Revised Code before the repeal of that section by this act;~~ 4853  
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4855  
4856  
4857  
4858

~~(A) Programs approved under criteria established under section 4731.251 of the Revised Code;~~ 4859  
4860

~~(B) Programs designed to improve the quality of graduate medical education;~~ 4861  
4862

~~(C) Programs designed to improve risk management and~~ 4863  
~~quality assurance in hospitals, as defined in section 3722.01 of~~ 4864  
~~the Revised Code, and in outpatient settings, including~~ 4865  
~~physician offices;~~ 4866

~~(D) Other programs, meetings, and educational seminars~~ 4867  
~~that are designed to improve the quality of medical care in this~~ 4868  
~~state.~~ 4869

**Sec. 117.11.** (A) Except as otherwise provided in this 4870  
division and in ~~sections~~ section 117.112 and ~~117.113~~ of the 4871  
Revised Code, the auditor of state shall audit each public 4872  
office at least once every two fiscal years. The auditor of 4873  
state shall audit a public office each fiscal year if that 4874  
public office is required to be audited on an annual basis 4875  
pursuant to "The Single Audit Act of 1984," 98 Stat. 2327, 31 4876  
U.S.C.A. 7501 et seq., as amended. In the annual or biennial 4877  
audit, inquiry shall be made into the methods, accuracy, and 4878  
legality of the accounts, financial reports, records, files, and 4879  
reports of the office, whether the laws, rules, ordinances, and 4880  
orders pertaining to the office have been observed, and whether 4881  
the requirements and rules of the auditor of state have been 4882  
complied with. Except as otherwise provided in this division or 4883  
where auditing standards or procedures dictate otherwise, each 4884  
audit shall cover at least one fiscal year. If a public office 4885  
is audited only once every two fiscal years, the audit shall 4886  
cover both fiscal years. 4887

(B) In addition to the annual or biennial audit provided 4888  
for in division (A) of this section, the auditor of state may 4889  
conduct an audit of a public office at any time when so 4890  
requested by the public office or upon the auditor of state's 4891  
own initiative if the auditor of state has reasonable cause to 4892

believe that an additional audit is in the public interest. 4893

(C) (1) The auditor of state shall identify any public 4894  
office in which the auditor of state will be unable to conduct 4895  
an audit at least once every two fiscal years as required by 4896  
division (A) of this section and shall provide immediate written 4897  
notice to the clerk of the legislative authority or governing 4898  
board of the public office so identified. Within six months of 4899  
the receipt of such notice, the legislative authority or 4900  
governing board may engage an independent certified public 4901  
accountant to conduct an audit pursuant to section 117.12 of the 4902  
Revised Code. 4903

(2) When the chief fiscal officer of a public office 4904  
notifies the auditor of state that an audit is required at a 4905  
time prior to the next regularly scheduled audit by the auditor 4906  
of state, the auditor of state shall either cause an earlier 4907  
audit to be made by the auditor of state or authorize the 4908  
legislative authority or governing board of the public office to 4909  
engage an independent certified public accountant to conduct the 4910  
required audit. The scope of the audit shall be as authorized by 4911  
the auditor of state. 4912

(3) The auditor of state shall approve the scope of an 4913  
audit under division (C) (1) or (2) of this section as set forth 4914  
in the contract for the proposed audit before the contract is 4915  
executed on behalf of the public office that is to be audited. 4916  
The independent accountant conducting an audit under division 4917  
(C) (1) or (2) of this section shall be paid by the public 4918  
office. 4919

(4) The contract for attest services with an independent 4920  
accountant employed pursuant to this section or section 117.115 4921  
of the Revised Code may include binding arbitration provisions, 4922

provisions of Chapter 2711. of the Revised Code, or any other 4923  
alternative dispute resolution procedures to be followed in the 4924  
event a dispute remains between the state or public office and 4925  
the independent accountant concerning the terms of or services 4926  
under the contract, or a breach of the contract, after the 4927  
administrative provisions of the contract have been exhausted. 4928

(D) If a uniform accounting network is established under 4929  
section 117.101 of the Revised Code, the auditor of state or a 4930  
certified public accountant employed pursuant to this section or 4931  
section 117.112 or 117.115 of the Revised Code shall, to the 4932  
extent practicable, utilize services offered by the network in 4933  
order to conduct efficient and economical audits of public 4934  
offices. 4935

(E) The auditor of state, in accordance with division (A) 4936  
(3) of section 9.65 of the Revised Code and this section, may 4937  
audit an annuity program for volunteer fire fighters established 4938  
by a political subdivision under section 9.65 of the Revised 4939  
Code. As used in this section, "volunteer fire fighters" and 4940  
"political subdivision" have the same meanings as in division 4941  
(C) of section 9.65 of the Revised Code. 4942

(F) The auditor of state may establish by rule an agreed- 4943  
upon procedure by which political subdivisions may be audited. 4944  
The rules shall set forth the standards, procedures, guidelines, 4945  
and reporting requirements for an agreed-upon procedure audit. 4946

**Sec. 117.38.** (A) Each public office, other than a state 4947  
agency, shall file a financial report for each fiscal year. The 4948  
auditor of state may prescribe forms by rule or may issue 4949  
guidelines, or both, for such reports. If the auditor of state 4950  
has not prescribed a rule regarding the form for the report, the 4951  
public office shall submit its report on the form utilized by 4952

the public office. 4953

(B) The report shall be certified by the proper officer or 4954  
board and filed with the auditor of state within sixty days 4955  
after the close of the fiscal year, except that public offices 4956  
reporting pursuant to generally accepted accounting principles 4957  
shall file their reports within one hundred fifty days after the 4958  
close of the fiscal year. The auditor of state may extend the 4959  
deadline for filing a financial report and establish terms and 4960  
conditions for any such extension. At the time the report is 4961  
filed with the auditor of state, the chief fiscal officer, 4962  
except as otherwise provided in section 319.11 of the Revised 4963  
Code, shall publish notice in a newspaper published in the 4964  
political subdivision or taxing district, and if there is no 4965  
such newspaper, then in a newspaper of general circulation in 4966  
the political subdivision or taxing district. The notice shall 4967  
state that the financial report has been completed by the public 4968  
office and is available for public inspection at the office of 4969  
the chief fiscal officer. 4970

(C) The report shall contain the following: 4971

(1) Amount of collections and receipts, and accounts due 4972  
from each source; 4973

(2) Amount of expenditures for each purpose; 4974

(3) Income of each public service industry owned or 4975  
operated by a municipal corporation, and the cost of such 4976  
ownership or operation; 4977

(4) Amount of public debt of each taxing district, the 4978  
purpose for which each item of such debt was created, and the 4979  
provision made for the payment thereof; 4980

(5) Budgetary comparison information as required by the 4981

applicable reporting framework or as prescribed by the auditor 4982  
of state. 4983

(D) Any public office, other than a state agency, that 4984  
does not file its financial report at the time required by this 4985  
section shall pay to the auditor of state twenty-five dollars 4986  
for each day the report remains unfiled after the filing date; 4987  
provided, that the penalty payments shall not exceed the sum of 4988  
seven hundred fifty dollars. The auditor of state may waive all 4989  
or any part of the penalty assessed under this section upon the 4990  
filing of the past due financial report. All sums collected from 4991  
such penalties shall be placed in the public audit expense 4992  
fund--local government. If the auditor of state fails to receive 4993  
payment for penalties not paid within one year from the required 4994  
filing date, the auditor may recover the penalties through the 4995  
process in division (D) of section 117.13 of the Revised Code. 4996

(E) Every county agency, board, or commission shall 4997  
provide to the county auditor, not later than the first day of 4998  
March each year unless a later date is authorized by the county 4999  
auditor, all information determined by the county auditor to be 5000  
necessary for the preparation of the report required by this 5001  
section. 5002

(F) The auditor of state shall publish the substance of 5003  
the report submitted under this section in an electronic format 5004  
that is available to the public. 5005

**Sec. 117.44.** To enhance local officials' background and 5006  
working knowledge of government accounting, budgeting and 5007  
financing, financial report preparation, and the rules adopted 5008  
by the auditor of state, the auditor of state shall hold 5009  
training programs for persons elected for the first time as 5010  
township fiscal officers, city auditors, and village clerks, 5011



between the first day of December and the first day of April 5012  
immediately following a general election for any of these 5013  
offices. Similar training may also be provided to any township 5014  
fiscal officer, city auditor, or village clerk who is appointed 5015  
to fill a vacancy or who is elected in a special election. 5016

The auditor of state also shall develop and provide an 5017  
annual training program of continuing education for village 5018  
clerks. 5019

The auditor of state shall determine the manner, content, 5020  
and length of the training programs after consultation with 5021  
appropriate statewide organizations of local governmental 5022  
officials. The auditor of state shall charge the political 5023  
subdivisions that the trainees represent a registration fee that 5024  
will meet actual and necessary expenses of the training, 5025  
including instructor fees, site acquisition costs, and the cost 5026  
of course materials. The necessary personal expenses incurred by 5027  
the officials as a result of attending the training program 5028  
shall be borne by the political subdivisions they represent. 5029

The auditor of state shall allow any other interested 5030  
person to attend any of the training programs that the auditor 5031  
of state holds pursuant to this section; provided, that before 5032  
attending any such training program, the interested person shall 5033  
pay to the auditor of state the full registration fee that the 5034  
auditor of state has set for the training program. 5035

The auditor of state may provide any other appropriate 5036  
training or educational programs that may be developed and 5037  
offered by the auditor of state or in collaboration with one or 5038  
more other state agencies, political subdivisions, or other 5039  
public or private entities. 5040

There is hereby established in the state treasury the 5041  
auditor of state training program fund, to be used by the 5042  
auditor of state for the actual and necessary expenses of any 5043  
training programs held pursuant to this section, ~~section~~ 5044  
~~117.441~~, or section 321.46 of the Revised Code. All registration 5045  
fees collected under this section shall be paid into the fund. 5046

Sec. 118.29. (A) The financial supervisor, or the 5047  
legislative authority of a municipal corporation, board of 5048  
county commissioners, or board of township trustees of a 5049  
municipal corporation, county, or township in fiscal emergency, 5050  
may make a referral to the attorney general for the creation of 5051  
a receivership over the municipal corporation, county, or 5052  
township in fiscal emergency if both the following conditions 5053  
are met: 5054

(1) The municipal corporation, county, or township 5055  
satisfies either of the following: 5056

(a) It has been in a state of fiscal emergency for a 5057  
continuous period of ten years. 5058

(b) It has been in a state of fiscal emergency at least 5059  
twice in a period of ten years, and the combined period of 5060  
fiscal emergency is at least five years. 5061

(2) The municipal corporation, county, or township has 5062  
demonstrated one or more of the following, as determined by the 5063  
financial supervisor: 5064

(a) Failure to comply with the applicable budgetary and 5065  
spending processes in Chapter 5705. of the Revised Code; 5066

(b) Failure to ensure that appropriations comply with the 5067  
financial plan in accordance with section 118.13 of the Revised 5068  
Code; 5069

(c) Assuming debt without the approval of the financial 5070  
planning and supervision commission in violation of section 5071  
118.15 of the Revised Code; 5072

(d) Undertaking administrative or legislative action that 5073  
is not in accordance with the terms of the financial plan or, 5074  
when applicable, without permission of the commission. 5075

(B) Upon receipt of a referral, the attorney general shall 5076  
promptly file a petition for a receivership with the court of 5077  
claims. The judge that has served the longest on the court as of 5078  
the date the petition is filed promptly shall appoint a 5079  
receiver. The appointed receiver shall satisfy the requirements 5080  
of section 2735.02 of the Revised Code and shall comply with 5081  
section 2735.03 of the Revised Code. With the approval of the 5082  
court, the receiver may request reasonable fees for work 5083  
performed including, but not limited to, costs associated with 5084  
retaining legal counsel, accountants, or other similar advisors 5085  
that the receiver considers necessary in the performance of the 5086  
receiver's duties. The fees shall be paid from funds 5087  
appropriated to the office of budget and management during the 5088  
period of fiscal emergency. 5089

(C) A receiver appointed under this section has all of the 5090  
following powers and duties in addition to the powers stated in 5091  
section 2735.04 of the Revised Code: 5092

(1) Consult with the legislative authority of the 5093  
municipal corporation, board of county commissioners, or board 5094  
of township trustees to make recommendations or, if necessary, 5095  
to assume responsibility for implementing cost reductions and 5096  
revenue increases to achieve a balanced budget and carry out the 5097  
financial plan, and to make reductions in force or spending to 5098  
resolve the fiscal emergency conditions; 5099

(2) Ensure the municipal corporation, county, or township 5100  
in fiscal emergency complies with all aspects of the financial 5101  
plan approved by the commission in accordance with section 5102  
118.06 of the Revised Code, or as amended in accordance with 5103  
this chapter. If no financial plan has been approved by the 5104  
commission in accordance with section 118.06 of the Revised 5105  
Code, the receiver, after consulting with the legislative 5106  
authority of the municipal corporation, board of county 5107  
commissioners, or board of township trustees, shall make 5108  
recommendations, or assume, if necessary, the responsibility for 5109  
crafting and submitting the financial plan to the financial 5110  
planning and supervision commission. 5111

(3) Ensure the municipal corporation, county, or township 5112  
in fiscal emergency complies with any other relevant aspects of 5113  
this chapter; 5114

(4) Provide monthly, written reports about the progress 5115  
toward resolving the conditions of fiscal emergency to the 5116  
financial planning and supervision commission, to the 5117  
legislative authority of the municipal corporation, board of 5118  
county commissioners, or board of township trustees, and to the 5119  
mayor or city manager in the case of a municipal corporation; 5120

(5) Appear at least quarterly to present information about 5121  
progress toward resolving the conditions of fiscal emergency at 5122  
an open meeting and, if allowable under section 121.22 of the 5123  
Revised Code, in executive session, of the legislative authority 5124  
of municipal corporation, board of county commissioners, or 5125  
board of township trustees; 5126

(6) Appear at least quarterly to present information about 5127  
progress toward resolving the conditions of fiscal emergency at 5128  
an open meeting and, if allowable under section 121.22 of the 5129

Revised Code, in executive session, of the financial planning 5130  
and supervision commission of the municipal corporation, county, 5131  
or township in fiscal emergency; 5132

(7) At the receiver's initiative or upon invitation, 5133  
attend executive sessions of the legislative authority of the 5134  
municipal corporation, board of county commissioners, or board 5135  
of township trustees; 5136

(8) Exercise any other powers granted to the receiver by 5137  
the court necessary to perform the duties stated in this 5138  
section. 5139

(D) (1) If, in the judgment of the receiver, the criteria 5140  
required to file for bankruptcy under the "Federal Bankruptcy 5141  
Act," 11 U.S.C. 101, et seq., are satisfied and no reasonable 5142  
alternative exists to eliminate the fiscal emergency condition 5143  
within three years, the receiver may present findings and submit 5144  
a written recommendation on filing for bankruptcy to the 5145  
financial planning and supervision commission and the 5146  
legislative authority of the municipal corporation, board of 5147  
county commissioners, or board of township trustees. Beginning 5148  
sixty days after submitting the recommendation, the receiver may 5149  
initiate bankruptcy proceedings unless both of the following 5150  
occur: 5151

(a) The legislative authority or board adopts an ordinance 5152  
or resolution, effective within sixty days of receipt of the 5153  
recommendation, opposing the recommendation. The ordinance or 5154  
resolution shall specify the legislative authority's or board's 5155  
plan to satisfy and discharge the debts and liabilities included 5156  
in the receiver's recommendation for bankruptcy within seven 5157  
years of the adoption of the ordinance or resolution and 5158  
promptly alleviate the fiscal emergency conditions using 5159

expenditure reductions or available and future tax revenue, 5160  
including necessary tax rate increases, of the municipal 5161  
corporation, county, or township. 5162

(b) After reviewing the ordinance or resolution under 5163  
division (D) (1) (a) of this section, the financial planning and 5164  
supervision commission determines the plan is sufficient to 5165  
satisfy and discharge the debts and liabilities included in the 5166  
receiver's recommendation for bankruptcy within seven years of 5167  
the adoption of the resolution and promptly alleviate the fiscal 5168  
emergency conditions. 5169

If the financial planning and supervision commission 5170  
determines that the plan is not sufficient, the receiver may 5171  
initiate bankruptcy proceedings notwithstanding the ordinance or 5172  
resolution opposing the recommendation. 5173

(2) If the financial planning and supervision commission 5174  
determines under division (D) (1) of this section that the plan 5175  
is sufficient and the plan requires voted taxes authorized under 5176  
another Revised Code section, the legislative authority of the 5177  
municipal corporation, board of county commissioners, or board 5178  
of trustees shall direct the board of elections to submit the 5179  
tax question to the electors at the next general election or at 5180  
a special election conducted on the day of the next primary 5181  
election in the municipal corporation, township, or county 5182  
occurring not less than ninety days after the resolution is 5183  
certified to the board, as applicable under the provision 5184  
authorizing the tax question. If the taxes are not approved by 5185  
the electors, the receiver may initiate bankruptcy proceedings, 5186  
notwithstanding the resolution or ordinance opposing bankruptcy. 5187  
If the taxes are approved by the electors, the legislative 5188  
authority of the municipal corporation, board of county 5189

commissioners, or board of trustees shall implement the plan to 5190  
satisfy and discharge the debts and liabilities included in the 5191  
receiver's recommendation for bankruptcy within seven years of 5192  
the adoption of the ordinance or resolution and promptly 5193  
alleviate the fiscal emergency conditions. 5194

(E) The court shall terminate the receivership when the 5195  
municipal corporation, county, or township has corrected and 5196  
eliminated all of the fiscal emergency conditions determined 5197  
pursuant to section 118.04 of the Revised Code, and no new 5198  
fiscal emergency conditions have occurred. 5199

(F) Conditions in division (A) of this section may be 5200  
applied retroactively in a remedial nature. 5201

**Sec. 119.04.** (A) (1) Any rule adopted by any agency shall 5202  
be effective on the tenth day after the day on which the rule in 5203  
final form and in compliance with division (A) (2) of this 5204  
section is filed as follows: 5205

(a) The rule shall be filed in electronic form with both 5206  
the secretary of state and the director of the legislative 5207  
service commission; 5208

(b) The rule shall be filed in electronic form with the 5209  
joint committee on agency rule review. Division (A) (1) (b) of 5210  
this section does not apply to any rule to which division (C) of 5211  
section 119.03 of the Revised Code does not apply. 5212

If an agency in adopting a rule designates an effective 5213  
date that is later than the effective date provided for by this 5214  
division, the rule if filed as required by this division shall 5215  
become effective on the later date designated by the agency. 5216

An agency that adopts or amends a rule that is subject to 5217  
section 106.03 of the Revised Code shall assign a review date to 5218

the rule that is not later than five years after its effective 5219  
date. If a review date assigned to a rule exceeds the five-year 5220  
maximum, the review date for the rule is five years after its 5221  
effective date. A rule with a review date is subject to review 5222  
under section 106.03 of the Revised Code. 5223

(2) The agency shall file the rule in compliance with the 5224  
following standards and procedures: 5225

(a) The rule shall be numbered in accordance with the 5226  
numbering system devised by the director for the Ohio 5227  
administrative code. 5228

(b) The rule shall be prepared and submitted in compliance 5229  
with ~~the rules~~ section 103.05 of the Revised Code and the rule 5230  
drafting manual of the legislative service commission. 5231

(c) The rule shall clearly state the date on which it is 5232  
to be effective and the date on which it will expire, if known. 5233

(d) Each rule that amends or rescinds another rule shall 5234  
clearly refer to the rule that is amended or rescinded. Each 5235  
amendment shall fully restate the rule as amended. 5236

If the director of the legislative service commission or 5237  
the director's designee gives an agency notice pursuant to 5238  
section 103.05 of the Revised Code that a rule filed by the 5239  
agency is not in compliance with ~~the rules~~ section 103.05 of the 5240  
Revised Code and the rule drafting manual of the commission, the 5241  
agency shall within thirty days after receipt of the notice 5242  
conform the rule ~~to the rules of the commission~~ as directed in 5243  
the notice. 5244

(3) As used in this section, "rule" includes an amendment 5245  
or rescission of a rule. 5246



(B) The secretary of state and the director shall preserve 5247  
the rules filed under division (A) (1) (a) of this section in an 5248  
accessible manner. Each such rule shall be a public record open 5249  
to public inspection and may be transmitted to any law 5250  
publishing company that wishes to reproduce it. 5251

**Sec. 120.06.** (A) (1) The state public defender, when 5252  
designated by the court or requested by a county public defender 5253  
or joint county public defender, may provide legal 5254  
representation in all courts throughout the state to indigent 5255  
adults and juveniles who are charged with the commission of an 5256  
offense or act for which the penalty or any possible 5257  
adjudication includes the potential loss of liberty. 5258

(2) The state public defender may provide legal 5259  
representation to any indigent person who, while incarcerated in 5260  
any state correctional institution, is charged with a felony 5261  
offense, for which the penalty or any possible adjudication that 5262  
may be imposed by a court upon conviction includes the potential 5263  
loss of liberty. 5264

(3) The state public defender may provide legal 5265  
representation to any person incarcerated in any correctional 5266  
institution of the state, in any matter in which the person 5267  
asserts the person is unlawfully imprisoned or detained. 5268

(4) The state public defender, in any case in which the 5269  
state public defender has provided legal representation or is 5270  
requested to do so by a county public defender or joint county 5271  
public defender, may provide legal representation on appeal. 5272

~~(5) The~~ (5) (a) Except as provided in division (A) (5) (b) of 5273  
this section, the state public defender, when designated by the 5274  
court or requested by a county public defender, joint county 5275

public defender, or the director of rehabilitation and 5276  
correction, shall provide legal representation in parole and 5277  
probation revocation matters or matters relating to the 5278  
revocation of community control or post-release control under a 5279  
community control sanction or post-release control sanction, 5280  
unless the state public defender finds that the alleged parole 5281  
or probation violator or alleged violator of a community control 5282  
sanction or post-release control sanction has the financial 5283  
capacity to retain the alleged violator's own counsel. 5284

(b) If the state public defender determines that the state 5285  
public defender does not have the capacity to provide the legal 5286  
representation described in division (A) (5) (a) of this section, 5287  
the state public defender may contract with private legal 5288  
counsel to provide the legal representation described in that 5289  
division. 5290

(6) If the state public defender contracts with a county 5291  
public defender commission, a joint county public defender 5292  
commission, or a board of county commissioners for the provision 5293  
of services, under authority of division (C) (7) of section 5294  
120.04 of the Revised Code, the state public defender shall 5295  
provide legal representation in accordance with the contract. 5296

(B) The state public defender shall not be required to 5297  
prosecute any appeal, postconviction remedy, or other proceeding 5298  
pursuant to division (A) (3), (4), or (5) of this section, unless 5299  
the state public defender first is satisfied that there is 5300  
arguable merit to the proceeding. 5301

(C) A court may appoint counsel or allow an indigent 5302  
person to select the indigent's own personal counsel to assist 5303  
the state public defender as co-counsel when the interests of 5304  
justice so require. When co-counsel is appointed to assist the 5305

state public defender, the co-counsel shall receive any 5306  
compensation that the court may approve, not to exceed the 5307  
amounts provided for in section 2941.51 of the Revised Code. 5308

(D) (1) When the state public defender is designated by the 5309  
court or requested by a county public defender or joint county 5310  
public defender to provide legal representation for an indigent 5311  
person in any case, other than pursuant to a contract entered 5312  
into under authority of division (C) (7) of section 120.04 of the 5313  
Revised Code, the state public defender shall send to the county 5314  
in which the case is filed a bill detailing the actual cost of 5315  
the representation that separately itemizes legal fees and 5316  
expenses. The county, upon receipt of an itemized bill from the 5317  
state public defender pursuant to this division, shall pay the 5318  
state public defender one hundred per cent of the amount 5319  
identified as legal fees and expenses in the itemized bill. 5320

(2) Upon payment of the itemized bill under division (D) 5321  
(1) of this section, the county may submit the cost of the legal 5322  
fees and expenses to the state public defender for reimbursement 5323  
pursuant to section 120.33 of the Revised Code. 5324

(3) When the state public defender provides investigation 5325  
or mitigation services to private appointed counsel or to a 5326  
county or joint county public defender as approved by the 5327  
appointing court, other than pursuant to a contract entered into 5328  
under authority of division (C) (7) of section 120.04 of the 5329  
Revised Code, the state public defender shall send to the county 5330  
in which the case is filed a bill itemizing the actual cost of 5331  
the services provided. The county, upon receipt of an itemized 5332  
bill from the state public defender pursuant to this division, 5333  
shall pay one hundred per cent of the amount as set forth in the 5334  
itemized bill. Upon payment of the itemized bill received 5335

pursuant to this division, the county may submit the cost of the 5336  
investigation and mitigation services to the state public 5337  
defender for reimbursement pursuant to section 120.33 of the 5338  
Revised Code. 5339

(4) There is hereby created in the state treasury the 5340  
county representation fund for the deposit of moneys received 5341  
from counties under this division. All moneys credited to the 5342  
fund shall be used by the state public defender to provide legal 5343  
representation for indigent persons when designated by the court 5344  
or requested by a county or joint county public defender or to 5345  
provide investigation or mitigation services, including 5346  
investigation or mitigation services to private appointed 5347  
counsel or a county or joint county public defender, as approved 5348  
by the court. 5349

(5) If the state public defender determines that the state 5350  
public defender does not have the capacity to provide the legal 5351  
representation described in division (A) (5) (a) of this section 5352  
and the state public defender contracts with private legal 5353  
counsel to provide the legal representation, the state public 5354  
defender shall directly pay private legal counsel's fees and 5355  
expenses from the indigent defense support fund pursuant to 5356  
section 120.08 of the Revised Code. 5357

(E) (1) Notwithstanding any contrary provision of sections 5358  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised 5359  
Code that pertains to representation by the attorney general, an 5360  
assistant attorney general, or special counsel of an officer or 5361  
employee, as defined in section 109.36 of the Revised Code, or 5362  
of an entity of state government, the state public defender may 5363  
elect to contract with, and to have the state pay pursuant to 5364  
division (E) (2) of this section for the services of, private 5365

legal counsel to represent the Ohio public defender commission, 5366  
the state public defender, assistant state public defenders, 5367  
other employees of the commission or the state public defender, 5368  
and attorneys described in division (C) of section 120.41 of the 5369  
Revised Code in a malpractice or other civil action or 5370  
proceeding that arises from alleged actions or omissions related 5371  
to responsibilities derived pursuant to this chapter, or in a 5372  
civil action that is based upon alleged violations of the 5373  
constitution or statutes of the United States, including section 5374  
1983 of Title 42 of the United States Code, 93 Stat. 1284 5375  
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 5376  
alleged actions or omissions related to responsibilities derived 5377  
pursuant to this chapter, if the state public defender 5378  
determines, in good faith, that the defendant in the civil 5379  
action or proceeding did not act manifestly outside the scope of 5380  
the defendant's employment or official responsibilities, with 5381  
malicious purpose, in bad faith, or in a wanton or reckless 5382  
manner. If the state public defender elects not to contract 5383  
pursuant to this division for private legal counsel in a civil 5384  
action or proceeding, then, in accordance with sections 109.02, 5385  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 5386  
attorney general shall represent or provide for the 5387  
representation of the Ohio public defender commission, the state 5388  
public defender, assistant state public defenders, other 5389  
employees of the commission or the state public defender, or 5390  
attorneys described in division (C) of section 120.41 of the 5391  
Revised Code in the civil action or proceeding. 5392

(2) (a) Subject to division (E) (2) (b) of this section, 5393  
payment from the state treasury for the services of private 5394  
legal counsel with whom the state public defender has contracted 5395  
pursuant to division (E) (1) of this section shall be 5396

accomplished only through the following procedure: 5397

(i) The private legal counsel shall file with the attorney 5398  
general a copy of the contract; a request for an award of legal 5399  
fees, court costs, and expenses earned or incurred in connection 5400  
with the defense of the Ohio public defender commission, the 5401  
state public defender, an assistant state public defender, an 5402  
employee, or an attorney in a specified civil action or 5403  
proceeding; a written itemization of those fees, costs, and 5404  
expenses, including the signature of the state public defender 5405  
and the state public defender's attestation that the fees, 5406  
costs, and expenses were earned or incurred pursuant to division 5407  
(E) (1) of this section to the best of the state public 5408  
defender's knowledge and information; a written statement 5409  
whether the fees, costs, and expenses are for all legal services 5410  
to be rendered in connection with that defense, are only for 5411  
legal services rendered to the date of the request and 5412  
additional legal services likely will have to be provided in 5413  
connection with that defense, or are for the final legal 5414  
services rendered in connection with that defense; a written 5415  
statement indicating whether the private legal counsel 5416  
previously submitted a request for an award under division (E) 5417  
(2) of this section in connection with that defense and, if so, 5418  
the date and the amount of each award granted; and, if the fees, 5419  
costs, and expenses are for all legal services to be rendered in 5420  
connection with that defense or are for the final legal services 5421  
rendered in connection with that defense, a certified copy of 5422  
any judgment entry in the civil action or proceeding or a signed 5423  
copy of any settlement agreement entered into between the 5424  
parties to the civil action or proceeding. 5425

(ii) Upon receipt of a request for an award of legal fees, 5426  
court costs, and expenses and the requisite supportive 5427

documentation described in division (E) (2) (a) (i) of this 5428  
section, the attorney general shall review the request and 5429  
documentation; determine whether any of the limitations 5430  
specified in division (E) (2) (b) of this section apply to the 5431  
request; and, if an award of legal fees, court costs, or 5432  
expenses is permissible after applying the limitations, prepare 5433  
a document awarding legal fees, court costs, or expenses to the 5434  
private legal counsel. The document shall name the private legal 5435  
counsel as the recipient of the award; specify the total amount 5436  
of the award as determined by the attorney general; itemize the 5437  
portions of the award that represent legal fees, court costs, 5438  
and expenses; specify any limitation applied pursuant to 5439  
division (E) (2) (b) of this section to reduce the amount of the 5440  
award sought by the private legal counsel; state that the award 5441  
is payable from the state treasury pursuant to division (E) (2) 5442  
(a) (iii) of this section; and be approved by the inclusion of 5443  
the signatures of the attorney general, the state public 5444  
defender, and the private legal counsel. 5445

(iii) The attorney general shall forward a copy of the 5446  
document prepared pursuant to division (E) (2) (a) (ii) of this 5447  
section to the director of budget and management. The award of 5448  
legal fees, court costs, or expenses shall be paid out of the 5449  
state public defender's appropriations, to the extent there is a 5450  
sufficient available balance in those appropriations. If the 5451  
state public defender does not have a sufficient available 5452  
balance in the state public defender's appropriations to pay the 5453  
entire award of legal fees, court costs, or expenses, the 5454  
director shall make application for a transfer of appropriations 5455  
out of the emergency purposes account or any other appropriation 5456  
for emergencies or contingencies in an amount equal to the 5457  
portion of the award that exceeds the sufficient available 5458

balance in the state public defender's appropriations. A 5459  
transfer of appropriations out of the emergency purposes account 5460  
or any other appropriation for emergencies or contingencies 5461  
shall be authorized if there are sufficient moneys greater than 5462  
the sum total of then pending emergency purposes account 5463  
requests, or requests for releases from the other appropriation. 5464  
If a transfer of appropriations out of the emergency purposes 5465  
account or other appropriation for emergencies or contingencies 5466  
is made to pay an amount equal to the portion of the award that 5467  
exceeds the sufficient available balance in the state public 5468  
defender's appropriations, the director shall cause the payment 5469  
to be made to the private legal counsel. If sufficient moneys do 5470  
not exist in the emergency purposes account or other 5471  
appropriation for emergencies or contingencies to pay an amount 5472  
equal to the portion of the award that exceeds the sufficient 5473  
available balance in the state public defender's appropriations, 5474  
the private legal counsel shall request the general assembly to 5475  
make an appropriation sufficient to pay an amount equal to the 5476  
portion of the award that exceeds the sufficient available 5477  
balance in the state public defender's appropriations, and no 5478  
payment in that amount shall be made until the appropriation has 5479  
been made. The private legal counsel shall make the request 5480  
during the current biennium and during each succeeding biennium 5481  
until a sufficient appropriation is made. 5482

(b) An award of legal fees, court costs, and expenses 5483  
pursuant to division (E) of this section is subject to the 5484  
following limitations: 5485

(i) The maximum award or maximum aggregate of a series of 5486  
awards of legal fees, court costs, and expenses to the private 5487  
legal counsel in connection with the defense of the Ohio public 5488  
defender commission, the state public defender, an assistant 5489



state public defender, an employee, or an attorney in a 5490  
specified civil action or proceeding shall not exceed fifty 5491  
thousand dollars. 5492

(ii) The private legal counsel shall not be awarded legal 5493  
fees, court costs, or expenses to the extent the fees, costs, or 5494  
expenses are covered by a policy of malpractice or other 5495  
insurance. 5496

(iii) The private legal counsel shall be awarded legal 5497  
fees and expenses only to the extent that the fees and expenses 5498  
are reasonable in light of the legal services rendered by the 5499  
private legal counsel in connection with the defense of the Ohio 5500  
public defender commission, the state public defender, an 5501  
assistant state public defender, an employee, or an attorney in 5502  
a specified civil action or proceeding. 5503

(c) If, pursuant to division (E)(2)(a) of this section, 5504  
the attorney general denies a request for an award of legal 5505  
fees, court costs, or expenses to private legal counsel because 5506  
of the application of a limitation specified in division (E)(2) 5507  
(b) of this section, the attorney general shall notify the 5508  
private legal counsel in writing of the denial and of the 5509  
limitation applied. 5510

(d) If, pursuant to division (E)(2)(c) of this section, a 5511  
private legal counsel receives a denial of an award notification 5512  
or if a private legal counsel refuses to approve a document 5513  
under division (E)(2)(a)(ii) of this section because of the 5514  
proposed application of a limitation specified in division (E) 5515  
(2)(b) of this section, the private legal counsel may commence a 5516  
civil action against the attorney general in the court of claims 5517  
to prove the private legal counsel's entitlement to the award 5518  
sought, to prove that division (E)(2)(b) of this section does 5519

not prohibit or otherwise limit the award sought, and to recover 5520  
a judgment for the amount of the award sought. A civil action 5521  
under division (E) (2) (d) of this section shall be commenced no 5522  
later than two years after receipt of a denial of award 5523  
notification or, if the private legal counsel refused to approve 5524  
a document under division (E) (2) (a) (ii) of this section because 5525  
of the proposed application of a limitation specified in 5526  
division (E) (2) (b) of this section, no later than two years 5527  
after the refusal. Any judgment of the court of claims in favor 5528  
of the private legal counsel shall be paid from the state 5529  
treasury in accordance with division (E) (2) (a) of this section. 5530

(F) If a court appoints the office of the state public 5531  
defender to represent a petitioner in a postconviction relief 5532  
proceeding under section 2953.21 of the Revised Code, the 5533  
petitioner has received a sentence of death, and the proceeding 5534  
relates to that sentence, all of the attorneys who represent the 5535  
petitioner in the proceeding pursuant to the appointment, 5536  
whether an assistant state public defender, the state public 5537  
defender, or another attorney, shall be certified under Rule 20 5538  
of the Rules of Superintendence for the Courts of Ohio to 5539  
represent indigent defendants charged with or convicted of an 5540  
offense for which the death penalty can be or has been imposed. 5541

(G) (1) The state public defender may conduct a legal 5542  
assistance referral service for children committed to the 5543  
department of youth services relative to conditions of 5544  
confinement claims. If the legal assistance referral service 5545  
receives a request for assistance from a child confined in a 5546  
facility operated, or contracted for, by the department of youth 5547  
services and the state public defender determines that the child 5548  
has a conditions of confinement claim that has merit, the state 5549  
public defender may refer the child to a private attorney. If no 5550

private attorney who the child has been referred to by the state 5551  
public defender accepts the case within a reasonable time, the 5552  
state public defender may prepare, as appropriate, pro se 5553  
pleadings in the form of a complaint regarding the conditions of 5554  
confinement at the facility where the child is confined with a 5555  
motion for appointment of counsel and other applicable pleadings 5556  
necessary for sufficient pro se representation. 5557

(2) Division (G)(1) of this section does not authorize the 5558  
state public defender to represent a child committed to the 5559  
department of youth services in general civil matters arising 5560  
solely out of state law. 5561

(3) The state public defender shall not undertake the 5562  
representation of a child in court based on a conditions of 5563  
confinement claim arising under this division. 5564

(H) A child's right to representation or services under 5565  
this section is not affected by the child, or another person on 5566  
behalf of the child, previously having paid for similar 5567  
representation or services or having waived legal 5568  
representation. 5569

(I) The state public defender shall have reasonable access 5570  
to any child committed to the department of youth services, 5571  
department of youth services institution, and department of 5572  
youth services record as needed to implement this section. 5573

(J) As used in this section: 5574

(1) "Community control sanction" has the same meaning as 5575  
in section 2929.01 of the Revised Code. 5576

(2) "Conditions of confinement" means any issue involving 5577  
a constitutional right or other civil right related to a child's 5578  
incarceration, including, but not limited to, actions cognizable 5579

under 42 U.S.C. 1983. 5580

(3) "Post-release control sanction" has the same meaning 5581  
as in section 2967.01 of the Revised Code. 5582

**Sec. 120.08.** There is hereby created in the state treasury 5583  
the indigent defense support fund, consisting of money paid into 5584  
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 5585  
4511.19 of the Revised Code and pursuant to sections 2937.22, 5586  
2949.091, and 2949.094 of the Revised Code out of the additional 5587  
court costs imposed under those sections. The state public 5588  
defender shall use at least eighty-three per cent of the money 5589  
in the fund for the purposes of reimbursing county governments 5590  
for expenses incurred pursuant to sections 120.18, 120.28, and 5591  
120.33 of the Revised Code ~~and,~~ operating its system pursuant 5592  
to division (C) (7) of section 120.04 of the Revised Code and 5593  
division (B) of section 120.33 of the Revised Code, and directly 5594  
paying private legal counsel's fees and expenses incurred 5595  
pursuant to division (D) (5) of section 120.06 of the Revised 5596  
Code. Disbursements from the fund to county governments shall be 5597  
made at least once per year and shall be allocated 5598  
proportionately so that each county receives an equal percentage 5599  
of its cost for operating its county public defender system, its 5600  
joint county public defender system, its county appointed 5601  
counsel system, or its system operated under division (C) (7) of 5602  
section 120.04 of the Revised Code and division (B) of section 5603  
120.33 of the Revised Code. The state public defender may use 5604  
not more than seventeen per cent of the money in the fund for 5605  
the purposes of appointing assistant state public defenders, 5606  
providing other personnel, equipment, and facilities necessary 5607  
for the operation of the state public defender office, and 5608  
providing training, developing and implementing electronic 5609  
forms, or establishing and maintaining an information technology 5610

system used for the uniform operation of this chapter. 5611

**Sec. 121.02.** The following administrative departments and 5612  
their respective directors are hereby created: 5613

(A) The office of budget and management, which shall be 5614  
administered by the director of budget and management; 5615

(B) The department of commerce, which shall be 5616  
administered by the director of commerce; 5617

(C) The department of administrative services, which shall 5618  
be administered by the director of administrative services; 5619

(D) The department of transportation, which shall be 5620  
administered by the director of transportation; 5621

(E) The department of agriculture, which shall be 5622  
administered by the director of agriculture; 5623

(F) The department of natural resources, which shall be 5624  
administered by the director of natural resources; 5625

(G) The department of health, which shall be administered 5626  
by the director of health; 5627

(H) The department of job and family services, which shall 5628  
be administered by the director of job and family services; 5629

(I) The department of children and youth, which shall be 5630  
administered by the director of children and youth; 5631

(J) The department of public safety, which shall be 5632  
administered by the director of public safety; 5633

(K) The department of ~~mental behavioral health and~~ 5634  
~~addiction services~~, which shall be administered by the director 5635  
of ~~mental behavioral health and addiction services~~; 5636

(L) The department of developmental disabilities, which 5637  
shall be administered by the director of developmental 5638  
disabilities; 5639

(M) The department of insurance, which shall be 5640  
administered by the superintendent of insurance as director 5641  
thereof; 5642

(N) The department of development, which shall be 5643  
administered by the director of development; 5644

(O) The department of youth services, which shall be 5645  
administered by the director of youth services; 5646

(P) The department of rehabilitation and correction, which 5647  
shall be administered by the director of rehabilitation and 5648  
correction; 5649

(Q) The environmental protection agency, which shall be 5650  
administered by the director of environmental protection; 5651

(R) The department of aging, which shall be administered 5652  
by the director of aging; 5653

(S) The department of veterans services, which shall be 5654  
administered by the director of veterans services; 5655

(T) The department of medicaid, which shall be 5656  
administered by the medicaid director; 5657

(U) The department of education and workforce, which shall 5658  
be administered by the director of education and workforce. 5659

The director of each department shall exercise the powers 5660  
and perform the duties vested by law in such department. 5661

**Sec. 121.03.** The following administrative department heads 5662  
shall be appointed by the governor, with the advice and consent 5663

of the senate, and shall hold their offices during the term of 5664  
the appointing governor, and are subject to removal at the 5665  
pleasure of the governor. 5666

- (A) The director of budget and management; 5667
- (B) The director of commerce; 5668
- (C) The director of transportation; 5669
- (D) The director of agriculture; 5670
- (E) The director of job and family services; 5671
- (F) The director of children and youth; 5672
- (G) The director of public safety; 5673
- (H) The superintendent of insurance; 5674
- (I) The director of development; 5675
- (J) The tax commissioner; 5676
- (K) The director of administrative services; 5677
- (L) The director of natural resources; 5678
- (M) The director of ~~mental behavioral health and addiction~~ 5679  
~~services;~~ 5680
- (N) The director of developmental disabilities; 5681
- (O) The director of health; 5682
- (P) The director of youth services; 5683
- (Q) The director of rehabilitation and correction; 5684
- (R) The director of environmental protection; 5685
- (S) The director of aging; 5686

(T) The administrator of workers' compensation who meets 5687  
the qualifications required under division (A) of section 5688  
4121.121 of the Revised Code; 5689

(U) The director of veterans services who meets the 5690  
qualifications required under section 5902.01 of the Revised 5691  
Code; 5692

(V) The chancellor of higher education; 5693

(W) The medicaid director; 5694

(X) The director of education and workforce. 5695

**Sec. 121.085.** The financial literacy education fund is 5696  
hereby created in the state treasury. The fund shall consist of 5697  
funds transferred to it from the consumer finance fund pursuant 5698  
to section 1321.21 of the Revised Code. The fund shall be used 5699  
to support various ~~adult~~ financial literacy education programs 5700  
developed or implemented by the director of commerce. The fund 5701  
shall be administered by the director of commerce who shall 5702  
adopt rules for the distribution of fund moneys. ~~The director of~~ 5703  
~~commerce shall adopt a rule to require that at least one-half of~~ 5704  
~~the financial literacy education programs developed or~~ 5705  
~~implemented pursuant to this section, and offered to the public,~~ 5706  
~~be presented by or available at public community colleges or~~ 5707  
~~state institutions throughout the state.~~ The director of 5708  
commerce shall deliver to the president of the senate, the 5709  
speaker of the house of representatives, the minority leader of 5710  
the senate, the minority leader of the house of representatives, 5711  
and the governor an annual report that includes an outline of 5712  
each adult financial literacy education program developed or 5713  
implemented, the number of individuals who were educated by each 5714  
program, and an accounting for all funds distributed. 5715



Sec. 121.16. Not later than ten days after receiving 5716  
notice from the federal government about a reduction or other 5717  
modification to federal funding a state agency receives, the 5718  
state agency that received the notice shall submit a copy to the 5719  
president of the senate, or the president's designee, and to the 5720  
speaker of the house of representatives, or the speaker's 5721  
designee. 5722

Not later than ten days after receiving notice from the 5723  
federal government that a state program is or may be out of 5724  
compliance with federal requirements, the state agency that 5725  
received the notice shall submit a copy to the president of the 5726  
senate, or the president's designee, and to the speaker of the 5727  
house of representatives, or the speaker's designee. 5728

**Sec. 121.22.** (A) This section shall be liberally construed 5729  
to require public officials to take official action and to 5730  
conduct all deliberations upon official business only in open 5731  
meetings unless the subject matter is specifically excepted by 5732  
law. 5733

(B) As used in this section: 5734

(1) "Public body" means any of the following: 5735

(a) Any board, commission, committee, council, or similar 5736  
decision-making body of a state agency, institution, or 5737  
authority, and any legislative authority or board, commission, 5738  
committee, council, agency, authority, or similar decision- 5739  
making body of any county, township, municipal corporation, 5740  
school district, or other political subdivision or local public 5741  
institution; 5742

(b) Any committee or subcommittee of a body described in 5743  
division (B) (1) (a) of this section; 5744

(c) A court of jurisdiction of a sanitary district 5745  
organized wholly for the purpose of providing a water supply for 5746  
domestic, municipal, and public use when meeting for the purpose 5747  
of the appointment, removal, or reappointment of a member of the 5748  
board of directors of such a district pursuant to section 5749  
6115.10 of the Revised Code, if applicable, or for any other 5750  
matter related to such a district other than litigation 5751  
involving the district. As used in division (B) (1) (c) of this 5752  
section, "court of jurisdiction" has the same meaning as "court" 5753  
in section 6115.01 of the Revised Code. 5754

(2) "Meeting" means any prearranged discussion of the 5755  
public business of the public body by a majority of its members. 5756

(3) "Regulated individual" means either of the following: 5757

(a) A student in a state or local public educational 5758  
institution; 5759

(b) A person who is, voluntarily or involuntarily, an 5760  
inmate, patient, or resident of a state or local institution 5761  
because of criminal behavior, mental illness, an intellectual 5762  
disability, disease, disability, age, or other condition 5763  
requiring custodial care. 5764

(4) "Public office" has the same meaning as in section 5765  
149.011 of the Revised Code. 5766

(C) All meetings of any public body are declared to be 5767  
public meetings open to the public at all times. A member of a 5768  
public body shall be present in person at a meeting open to the 5769  
public to be considered present or to vote at the meeting and 5770  
for purposes of determining whether a quorum is present at the 5771  
meeting. 5772

The minutes of a regular or special meeting of any public 5773

body shall be promptly prepared, filed, and maintained and shall 5774  
be open to public inspection. The minutes need only reflect the 5775  
general subject matter of discussions in executive sessions 5776  
authorized under division (G) or (J) of this section. 5777

(D) This section does not apply to any of the following: 5778

(1) A grand jury; 5779

(2) An audit conference conducted by the auditor of state 5780  
or independent certified public accountants with officials of 5781  
the public office that is the subject of the audit; 5782

(3) The adult parole authority when its hearings are 5783  
conducted at a correctional institution for the sole purpose of 5784  
interviewing inmates to determine parole or pardon and the 5785  
department of rehabilitation and correction when its hearings 5786  
are conducted at a correctional institution for the sole purpose 5787  
of making determinations under section 2967.271 of the Revised 5788  
Code regarding the release or maintained incarceration of an 5789  
offender to whom that section applies; 5790

(4) The organized crime investigations commission 5791  
established under section 177.01 of the Revised Code; 5792

(5) Meetings of a child fatality review board established 5793  
under section 307.621 of the Revised Code, meetings related to a 5794  
review conducted pursuant to guidelines established by the 5795  
director of health under section 3701.70 of the Revised Code, 5796  
and meetings conducted pursuant to sections 5153.171 to 5153.173 5797  
of the Revised Code; 5798

(6) The state medical board when determining whether to 5799  
suspend a license or certificate without a prior hearing 5800  
pursuant to division (G) of either section 4730.25 or 4731.22 of 5801  
the Revised Code; 5802

(7) The board of nursing when determining whether to 5803  
suspend a license or certificate without a prior hearing 5804  
pursuant to division (B) of section 4723.281 of the Revised 5805  
Code; 5806

(8) The state board of pharmacy when determining whether 5807  
to do either of the following: 5808

(a) Suspend a license, certification, or registration 5809  
without a prior hearing, including during meetings conducted by 5810  
telephone conference, pursuant to Chapters 3719., 3796., 4729., 5811  
and 4752. of the Revised Code and rules adopted thereunder; or 5812

(b) Restrict a person from obtaining further information 5813  
from the drug database established in section 4729.75 of the 5814  
Revised Code without a prior hearing pursuant to division (C) of 5815  
section 4729.86 of the Revised Code. 5816

(9) The state chiropractic board when determining whether 5817  
to suspend a license without a hearing pursuant to section 5818  
4734.37 of the Revised Code; 5819

(10) The executive committee of the emergency response 5820  
commission when determining whether to issue an enforcement 5821  
order or request that a civil action, civil penalty action, or 5822  
criminal action be brought to enforce Chapter 3750. of the 5823  
Revised Code; 5824

(11) The board of directors of the nonprofit corporation 5825  
formed under section 187.01 of the Revised Code or any committee 5826  
thereof, and the board of directors of any subsidiary of that 5827  
corporation or a committee thereof; 5828

(12) An audit conference conducted by the audit staff of 5829  
the department of job and family services with officials of the 5830  
public office that is the subject of that audit under section 5831

5101.37 of the Revised Code; 5832

(13) The occupational therapy section of the occupational 5833  
therapy, physical therapy, and athletic trainers board when 5834  
determining whether to suspend a license without a hearing 5835  
pursuant to division (E) of section 4755.11 of the Revised Code; 5836

(14) The physical therapy section of the occupational 5837  
therapy, physical therapy, and athletic trainers board when 5838  
determining whether to suspend a license without a hearing 5839  
pursuant to division (F) of section 4755.47 of the Revised Code; 5840

(15) The athletic trainers section of the occupational 5841  
therapy, physical therapy, and athletic trainers board when 5842  
determining whether to suspend a license without a hearing 5843  
pursuant to division (E) of section 4755.64 of the Revised Code; 5844

(16) Meetings of the pregnancy-associated mortality review 5845  
board established under section ~~3738.01~~5180.27 of the Revised 5846  
Code; 5847

(17) Meetings of a fetal-infant mortality review board 5848  
established under section 3707.71 of the Revised Code; 5849

(18) Meetings of a drug overdose fatality review committee 5850  
described in section 307.631 of the Revised Code; 5851

(19) Meetings of a suicide fatality review committee 5852  
described in section 307.641 of the Revised Code; 5853

(20) Meetings of the officers, members, or directors of an 5854  
existing qualified nonprofit corporation that creates a special 5855  
improvement district under Chapter 1710. of the Revised Code, at 5856  
which the public business of the corporation pertaining to a 5857  
purpose for which the district is created is not discussed; 5858

(21) Meetings of a domestic violence fatality review board 5859

established under section 307.651 of the Revised Code; 5860

(22) Any nonprofit agency that has received an endorsement 5861  
under section ~~122.69~~5101.315 of the Revised Code. 5862

(E) The controlling board, the tax credit authority, or 5863  
the minority development financing advisory board, when meeting 5864  
to consider granting assistance pursuant to Chapter 122. or 166. 5865  
of the Revised Code, in order to protect the interest of the 5866  
applicant or the possible investment of public funds, by 5867  
unanimous vote of all board or authority members present, may 5868  
close the meeting during consideration of the following 5869  
information confidentially received by the authority or board 5870  
from the applicant: 5871

(1) Marketing plans; 5872

(2) Specific business strategy; 5873

(3) Production techniques and trade secrets; 5874

(4) Financial projections; 5875

(5) Personal financial statements of the applicant or 5876  
members of the applicant's immediate family, including, but not 5877  
limited to, tax records or other similar information not open to 5878  
public inspection. 5879

The vote by the authority or board to accept or reject the 5880  
application, as well as all proceedings of the authority or 5881  
board not subject to this division, shall be open to the public 5882  
and governed by this section. 5883

(F) Every public body, by rule, shall establish a 5884  
reasonable method\_whereby any person may determine the time and 5885  
place of all regularly scheduled meetings and the time, place, 5886  
and purpose of all special meetings. A public body shall not 5887

hold a special meeting unless it gives at least twenty-four 5888  
hours' advance notice to the news media that have requested 5889  
notification, except in the event of an emergency requiring 5890  
immediate official action. In the event of an emergency, the 5891  
member or members calling the meeting shall notify the news 5892  
media that have requested notification immediately of the time, 5893  
place, and purpose of the meeting. 5894

The rule shall provide that any person, upon request and 5895  
payment of a reasonable fee, may obtain reasonable advance 5896  
notification of all meetings at which any specific type of 5897  
public business is to be discussed. Provisions for advance 5898  
notification may include, but are not limited to, mailing the 5899  
agenda of meetings to all subscribers on a mailing list or 5900  
mailing notices in self-addressed, stamped envelopes provided by 5901  
the person. 5902

(G) Except as provided in divisions (G)(8) and (J) of this 5903  
section, the members of a public body may hold an executive 5904  
session only after a majority of a quorum of the public body 5905  
determines, by a roll call vote, to hold an executive session 5906  
and only at a regular or special meeting for the sole purpose of 5907  
the consideration of any of the following matters: 5908

(1) To consider the appointment, employment, dismissal, 5909  
discipline, promotion, demotion, or compensation of a public 5910  
employee or official, or the investigation of charges or 5911  
complaints against a public employee, official, licensee, or 5912  
regulated individual, unless the public employee, official, 5913  
licensee, or regulated individual requests a public hearing. 5914  
Except as otherwise provided by law, no public body shall hold 5915  
an executive session for the discipline of an elected official 5916  
for conduct related to the performance of the elected official's 5917

official duties or for the elected official's removal from 5918  
office. If a public body holds an executive session pursuant to 5919  
division (G) (1) of this section, the motion and vote to hold 5920  
that executive session shall state which one or more of the 5921  
approved purposes listed in division (G) (1) of this section are 5922  
the purposes for which the executive session is to be held, but 5923  
need not include the name of any person to be considered at the 5924  
meeting. 5925

(2) To consider the purchase of property for public 5926  
purposes, the sale of property at competitive bidding, or the 5927  
sale or other disposition of unneeded, obsolete, or unfit-for- 5928  
use property in accordance with section 505.10 of the Revised 5929  
Code, if premature disclosure of information would give an 5930  
unfair competitive or bargaining advantage to a person whose 5931  
personal, private interest is adverse to the general public 5932  
interest. No member of a public body shall use division (G) (2) 5933  
of this section as a subterfuge for providing covert information 5934  
to prospective buyers or sellers. A purchase or sale of public 5935  
property is void if the seller or buyer of the public property 5936  
has received covert information from a member of a public body 5937  
that has not been disclosed to the general public in sufficient 5938  
time for other prospective buyers and sellers to prepare and 5939  
submit offers. 5940

If the minutes of the public body show that all meetings 5941  
and deliberations of the public body have been conducted in 5942  
compliance with this section, any instrument executed by the 5943  
public body purporting to convey, lease, or otherwise dispose of 5944  
any right, title, or interest in any public property shall be 5945  
conclusively presumed to have been executed in compliance with 5946  
this section insofar as title or other interest of any bona fide 5947  
purchasers, lessees, or transferees of the property is 5948



concerned. 5949

(3) Conferences with an attorney for the public body 5950  
concerning disputes involving the public body that are the 5951  
subject of pending or imminent court action; 5952

(4) Preparing for, conducting, or reviewing negotiations 5953  
or bargaining sessions with public employees concerning their 5954  
compensation or other terms and conditions of their employment; 5955

(5) Matters required to be kept confidential by federal 5956  
law or regulations or state statutes; 5957

(6) Details relative to the security arrangements and 5958  
emergency response protocols for a public body or a public 5959  
office, if disclosure of the matters discussed could reasonably 5960  
be expected to jeopardize the security of the public body or 5961  
public office; 5962

(7) In the case of a county hospital operated pursuant to 5963  
Chapter 339. of the Revised Code, a joint township hospital 5964  
operated pursuant to Chapter 513. of the Revised Code, or a 5965  
municipal hospital operated pursuant to Chapter 749. of the 5966  
Revised Code, to consider trade secrets, as defined in section 5967  
1333.61 of the Revised Code; 5968

(8) To consider confidential information related to the 5969  
marketing plans, specific business strategy, production 5970  
techniques, trade secrets, or personal financial statements of 5971  
an applicant for economic development assistance, or to 5972  
negotiations with other political subdivisions respecting 5973  
requests for economic development assistance, provided that both 5974  
of the following conditions apply: 5975

(a) The information is directly related to a request for 5976  
economic development assistance that is to be provided or 5977

administered under any provision of Chapter 715., 725., 1724., 5978  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5979  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5980  
5709.81 of the Revised Code, or that involves public 5981  
infrastructure improvements or the extension of utility services 5982  
that are directly related to an economic development project. 5983

(b) A unanimous quorum of the public body determines, by a 5984  
roll call vote, that the executive session is necessary to 5985  
protect the interests of the applicant or the possible 5986  
investment or expenditure of public funds to be made in 5987  
connection with the economic development project. 5988

If a public body holds an executive session to consider 5989  
any of the matters listed in divisions (G) (2) to (8) of this 5990  
section, the motion and vote to hold that executive session 5991  
shall state which one or more of the approved matters listed in 5992  
those divisions are to be considered at the executive session. 5993

A public body specified in division (B) (1) (c) of this 5994  
section shall not hold an executive session when meeting for the 5995  
purposes specified in that division. 5996

(H) A resolution, rule, or formal action of any kind is 5997  
invalid unless adopted in an open meeting of the public body. A 5998  
resolution, rule, or formal action adopted in an open meeting 5999  
that results from deliberations in a meeting not open to the 6000  
public is invalid unless the deliberations were for a purpose 6001  
specifically authorized in division (G) or (J) of this section 6002  
and conducted at an executive session held in compliance with 6003  
this section. A resolution, rule, or formal action adopted in an 6004  
open meeting is invalid if the public body that adopted the 6005  
resolution, rule, or formal action violated division (F) of this 6006  
section. 6007

(I) (1) Any person may bring an action to enforce this 6008  
section. An action under division (I) (1) of this section shall 6009  
be brought within two years after the date of the alleged 6010  
violation or threatened violation. Upon proof of a violation or 6011  
threatened violation of this section in an action brought by any 6012  
person, the court of common pleas shall issue an injunction to 6013  
compel the members of the public body to comply with its 6014  
provisions. 6015

(2) (a) If the court of common pleas issues an injunction 6016  
pursuant to division (I) (1) of this section, the court shall 6017  
order the public body that it enjoins to pay a civil forfeiture 6018  
of five hundred dollars to the party that sought the injunction 6019  
and shall award to that party all court costs and, subject to 6020  
reduction as described in division (I) (2) of this section, 6021  
reasonable attorney's fees. The court, in its discretion, may 6022  
reduce an award of attorney's fees to the party that sought the 6023  
injunction or not award attorney's fees to that party if the 6024  
court determines both of the following: 6025

(i) That, based on the ordinary application of statutory 6026  
law and case law as it existed at the time of violation or 6027  
threatened violation that was the basis of the injunction, a 6028  
well-informed public body reasonably would believe that the 6029  
public body was not violating or threatening to violate this 6030  
section; 6031

(ii) That a well-informed public body reasonably would 6032  
believe that the conduct or threatened conduct that was the 6033  
basis of the injunction would serve the public policy that 6034  
underlies the authority that is asserted as permitting that 6035  
conduct or threatened conduct. 6036

(b) If the court of common pleas does not issue an 6037

injunction pursuant to division (I)(1) of this section and the 6038  
court determines at that time that the bringing of the action 6039  
was frivolous conduct, as defined in division (A) of section 6040  
2323.51 of the Revised Code, the court shall award to the public 6041  
body all court costs and reasonable attorney's fees, as 6042  
determined by the court. 6043

(3) Irreparable harm and prejudice to the party that 6044  
sought the injunction shall be conclusively and irrebuttably 6045  
presumed upon proof of a violation or threatened violation of 6046  
this section. 6047

(4) A member of a public body who knowingly violates an 6048  
injunction issued pursuant to division (I)(1) of this section 6049  
may be removed from office by an action brought in the court of 6050  
common pleas for that purpose by the prosecuting attorney or the 6051  
attorney general. 6052

(J)(1) Pursuant to division (C) of section 5901.09 of the 6053  
Revised Code, a veterans service commission shall hold an 6054  
executive session for one or more of the following purposes 6055  
unless an applicant requests a public hearing: 6056

(a) Interviewing an applicant for financial assistance 6057  
under sections 5901.01 to 5901.15 of the Revised Code; 6058

(b) Discussing applications, statements, and other 6059  
documents described in division (B) of section 5901.09 of the 6060  
Revised Code; 6061

(c) Reviewing matters relating to an applicant's request 6062  
for financial assistance under sections 5901.01 to 5901.15 of 6063  
the Revised Code. 6064

(2) A veterans service commission shall not exclude an 6065  
applicant for, recipient of, or former recipient of financial 6066

assistance under sections 5901.01 to 5901.15 of the Revised 6067  
Code, and shall not exclude representatives selected by the 6068  
applicant, recipient, or former recipient, from a meeting that 6069  
the commission conducts as an executive session that pertains to 6070  
the applicant's, recipient's, or former recipient's application 6071  
for financial assistance. 6072

(3) A veterans service commission shall vote on the grant 6073  
or denial of financial assistance under sections 5901.01 to 6074  
5901.15 of the Revised Code only in an open meeting of the 6075  
commission. The minutes of the meeting shall indicate the name, 6076  
address, and occupation of the applicant, whether the assistance 6077  
was granted or denied, the amount of the assistance if 6078  
assistance is granted, and the votes for and against the 6079  
granting of assistance. 6080

**Sec. 121.35.** (A) Subject to division (B) of this section, 6081  
the following state agencies shall collaborate to revise and 6082  
make more uniform the eligibility standards and eligibility 6083  
determination procedures of programs the state agencies 6084  
administer: 6085

- (1) The department of aging; 6086
- (2) The department of development; 6087
- (3) The department of developmental disabilities; 6088
- (4) The department of education and workforce; 6089
- (5) The department of health; 6090
- (6) The department of job and family services; 6091
- (7) The department of medicaid; 6092
- (8) The department of ~~mental-behavioral health-and-~~ 6093

~~addiction services;~~ 6094

(9) The opportunities for Ohioans with disabilities 6095  
agency; 6096

(10) The department of children and youth. 6097

(B) In revising eligibility standards and eligibility 6098  
determination procedures, a state agency shall not make any 6099  
program's eligibility standards or eligibility determination 6100  
procedures inconsistent with state or federal law. To the extent 6101  
authorized by state and federal law, the revisions may provide 6102  
for the state agencies to share administrative operations. 6103

**Sec. 121.36.** (A) As used in this section, "home care 6104  
dependent adult" means an individual who resides in a private 6105  
home or other noninstitutional and unlicensed living 6106  
arrangement, without the presence of a parent or guardian, but 6107  
has health and safety needs that require the provision of 6108  
regularly scheduled home care services to remain in the home or 6109  
other living arrangement because one of the following is the 6110  
case: 6111

(1) The individual is at least twenty-one years of age but 6112  
less than sixty years of age and has a physical disability or 6113  
mental impairment. 6114

(2) The individual is sixty years of age or older, 6115  
regardless of whether the individual has a physical disability 6116  
or mental impairment. 6117

(B) Except as provided in division (D) of this section, 6118  
the departments of developmental disabilities, aging, job and 6119  
family services, and health shall each implement this section 6120  
with respect to all contracts entered into by the department for 6121  
the provision of home care services to home care dependent 6122

adults that are paid for in whole or in part with federal, 6123  
state, or local funds. Except as provided in division (D) of 6124  
this section, each department shall also require all public and 6125  
private entities that receive money from or through the 6126  
department to comply with this section when entering into 6127  
contracts for the provision of home care services to home care 6128  
dependent adults that are paid for in whole or in part with 6129  
federal, state, or local funds. Such entities may include county 6130  
boards of developmental disabilities, area agencies on aging, 6131  
county departments of job and family services, and boards of 6132  
health of city and general health districts. 6133

(C) ~~Beginning one year after September 26, 2003, each~~ Each 6134  
contract subject to this section shall include terms requiring 6135  
that the provider of home care services to home care dependent 6136  
adults have a system in place that effectively monitors the 6137  
delivery of the services by its employees. To be considered an 6138  
effective monitoring system for purposes of the contract, the 6139  
system established by a provider must include at least the 6140  
following components: 6141

(1) When providing home care services to home care 6142  
dependent adults who have a mental impairment or life- 6143  
threatening health condition, a mechanism to verify whether the 6144  
provider's employees are present at the location where the 6145  
services are to be provided and at the time the services are to 6146  
be provided; 6147

(2) When providing home care services to all other home 6148  
care dependent adults, a system to verify at the end of each 6149  
working day whether the provider's employees have provided the 6150  
services at the proper location and time; 6151

(3) A protocol to be followed in scheduling a substitute 6152

employee when the monitoring system identifies that an employee 6153  
has failed to provide home care services at the proper location 6154  
and time, including standards for determining the length of time 6155  
that may elapse without jeopardizing the health and safety of 6156  
the home care dependent adult; 6157

(4) Procedures for maintaining records of the information 6158  
obtained through the monitoring system; 6159

(5) Procedures for compiling annual reports of the 6160  
information obtained through the monitoring system, including 6161  
statistics on the rate at which home care services were provided 6162  
at the proper location and time; 6163

(6) Procedures for conducting random checks of the 6164  
accuracy of the monitoring system. For purposes of conducting 6165  
these checks, a random check is considered to be a check of not 6166  
more than five per cent of the home care visits the provider's 6167  
employees make to different home care dependent adults within a 6168  
particular work shift. 6169

(D) In implementing this section, the departments shall 6170  
exempt ~~providers~~ the following from the section's requirements: 6171

(1) Providers of home care services who are self-employed 6172  
providers with no other employees or are otherwise considered by 6173  
the departments not to be agency providers. ~~The departments~~ 6174  
~~shall conduct a study on how the exempted providers may be made~~ 6175  
~~subject to the requirement of effectively monitoring whether~~ 6176  
~~home care services are being provided and have been provided at~~ 6177  
~~the proper location and time. Not later than two years after~~ 6178  
~~September 26, 2003, the departments shall prepare a report of~~ 6179  
~~their findings and recommendations. The report shall be~~ 6180  
~~submitted to the president of the senate and the speaker of the~~ 6181



~~house of representatives;~~ 6182

(2) Providers who utilize an electronic visit verification 6183  
system as described in section 12006 of the "21st Century Cures 6184  
Act of 2016," 42 U.S.C. 1903(1). 6185

(E) The departments of developmental disabilities, aging, 6186  
job and family services, and health shall each adopt rules as 6187  
necessary to implement this section. The rules shall be adopted 6188  
in accordance with Chapter 119. of the Revised Code. 6189

**Sec. 121.37.** (A) (1) There is hereby created the Ohio 6190  
family and children first cabinet council. The council shall be 6191  
composed of the director of education and workforce, the 6192  
executive director of the opportunities for Ohioans with 6193  
disabilities agency, the medicaid director, and the directors of 6194  
youth services, job and family services, mental-behavioral 6195  
~~health-and-addiction services,~~ health, developmental 6196  
disabilities, aging, rehabilitation and correction, children and 6197  
youth, and budget and management. The chairperson of the council 6198  
shall be the governor or the governor's designee and shall 6199  
establish procedures for the council's internal control and 6200  
management. 6201

The purpose of the cabinet council is to help families 6202  
seeking government services. This section shall not be 6203  
interpreted or applied to usurp the role of parents, but solely 6204  
to streamline and coordinate existing government services for 6205  
families seeking assistance for their children. 6206

(2) In seeking to fulfill its purpose, the council may do 6207  
any of the following: 6208

(a) Advise and make recommendations to the governor and 6209  
general assembly regarding the provision of services to 6210

children; 6211

(b) Advise and assess local governments on the 6212  
coordination of service delivery to children; 6213

(c) Hold meetings at such times and places as may be 6214  
prescribed by the council's procedures and maintain records of 6215  
the meetings, except that records identifying individual 6216  
children are confidential and shall be disclosed only as 6217  
provided by law; 6218

(d) Develop programs and projects, including pilot 6219  
projects, to encourage coordinated efforts at the state and 6220  
local level to improve the state's social service delivery 6221  
system; 6222

(e) Enter into contracts with and administer grants to 6223  
county family and children first councils, as well as other 6224  
county or multicounty organizations to plan and coordinate 6225  
service delivery between state agencies and local service 6226  
providers for families and children; 6227

(f) Enter into contracts with and apply for grants from 6228  
federal agencies or private organizations; 6229

(g) Enter into interagency agreements to encourage 6230  
coordinated efforts at the state and local level to improve the 6231  
state's social service delivery system. The agreements may 6232  
include provisions regarding the receipt, transfer, and 6233  
expenditure of funds; 6234

(h) Identify public and private funding sources for 6235  
services provided to alleged or adjudicated unruly children and 6236  
children who are at risk of being alleged or adjudicated unruly 6237  
children, including regulations governing access to and use of 6238  
the services; 6239

(i) Collect information provided by local communities 6240  
regarding successful programs for prevention, intervention, and 6241  
treatment of unruly behavior, including evaluations of the 6242  
programs; 6243

(j) Identify and disseminate publications regarding 6244  
alleged or adjudicated unruly children and children who are at 6245  
risk of being alleged or adjudicated unruly children and 6246  
regarding programs serving those types of children; 6247

(k) Maintain an inventory of strategic planning 6248  
facilitators for use by government or nonprofit entities that 6249  
serve alleged or adjudicated unruly children or children who are 6250  
at risk of being alleged or adjudicated unruly children. 6251

(3) The cabinet council shall provide for the following: 6252

(a) Reviews of service and treatment plans for children 6253  
for which such reviews are requested; 6254

(b) Assistance as the council determines to be necessary 6255  
to meet the needs of children referred by county family and 6256  
children first councils; 6257

(c) Monitoring and supervision of a statewide, 6258  
comprehensive, coordinated, multi-disciplinary, interagency 6259  
system for infants and toddlers with developmental disabilities 6260  
or delays and their families, as established pursuant to federal 6261  
grants received and administered by the department of children 6262  
and youth for early intervention services under the "Individuals 6263  
with Disabilities Education Act of 2004," 118 Stat. 2744, 20 6264  
U.S.C.A. 1400, as amended; 6265

(d) Establishing and maintaining the Ohio automated 6266  
service coordination system pursuant to section 121.376 of the 6267  
Revised Code. 6268

(4) The cabinet council shall develop and implement the 6269  
following: 6270

(a) An interagency process to select the indicators that 6271  
will be used to measure progress toward increasing child well- 6272  
being in the state and to update the indicators on an annual 6273  
basis. 6274

(b) An interagency system to offer guidance and monitor 6275  
progress toward increasing child well-being in the state and in 6276  
each county; 6277

(c) An annual plan that identifies state-level agency 6278  
efforts taken to ensure progress towards increasing child well- 6279  
being in the state; 6280

(d) A state appeals process to resolve disputes among the 6281  
members of a county council, established under division (B) of 6282  
this section, concerning whether reasonable responsibilities are 6283  
being shared. The appeals process may be accessed only by a 6284  
majority vote of the council members who are required to serve 6285  
on the council. Upon appeal, the cabinet council may order that 6286  
state funds for services to children and families be redirected 6287  
to a county's board of county commissioners. 6288

(5) On an annual basis, the cabinet council shall submit 6289  
to the governor and the general assembly a report on the status 6290  
of efforts to increase child well-being in the state. This 6291  
report shall be made available to any other person on request. 6292

(6) The cabinet council state office may adopt rules 6293  
governing the responsibilities of county family and children 6294  
first councils established in division (B)(3) \_of this section. 6295

(B)(1) Each board of county commissioners shall establish 6296  
a county family and children first council. The board may invite 6297

any local public or private agency or group that funds, 6298  
advocates, or provides services to children and families to have 6299  
a representative become a permanent or temporary member of its 6300  
county council. Each county council must include the following 6301  
individuals: 6302

(a) At least three individuals ~~who are not employed by an~~ 6303  
~~agency represented on the council and whose families are~~ 6304  
receiving or have received services from an agency represented 6305  
on the council or another county's council. If such an 6306  
individual is employed by an agency represented on the council, 6307  
the individual shall complete a conflict of interest disclosure 6308  
form and abstain from any vote that involves the agency that 6309  
employs the individual. Where possible, the number of members 6310  
representing families ~~shall~~ may be equal to twenty per cent of 6311  
the council's membership. 6312

(b) The director of the board of alcohol, drug addiction, 6313  
and mental health services that serves the county, or, in the 6314  
case of a county that has a board of alcohol and drug addiction 6315  
services and a community mental health board, the directors of 6316  
both boards. If a board of alcohol, drug addiction, and mental 6317  
health services covers more than one county, the director may 6318  
designate a person to participate on the county's council. 6319

(c) The health commissioner, or the commissioner's 6320  
designee, of the board of health of each city and general health 6321  
district in the county. If the county has two or more health 6322  
districts, the health commissioner membership may be limited to 6323  
the commissioners of the two districts with the largest 6324  
populations. 6325

(d) The director of the county department of job and 6326  
family services; 6327

- (e) The executive director of the public children services agency; 6328  
6329
- (f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee; 6330  
6331  
6332  
6333
- (g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, or a district-level administrative designee with decision-making authority, as determined by the department of education and workforce, which shall notify each board of county commissioners of its determination at least biennially; 6334  
6335  
6336  
6337  
6338  
6339
- (h) A school superintendent representing all other school districts with territory in the county, or a district-level administrative designee with decision-making authority, as designated at a biennial meeting of the superintendents of those districts; 6340  
6341  
6342  
6343  
6344
- (i) A representative of the municipal corporation with the largest population in the county; 6345  
6346
- (j) The president of the board of county commissioners or an individual designated by the board; 6347  
6348
- (k) A representative of the department of youth services or an individual designated by the department; 6349  
6350
- (l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code; 6351  
6352
- (m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with 6353  
6354  
6355

Disabilities Education Act of 2004"; 6356

(n) A representative of a local nonprofit entity that 6357  
funds, advocates, or provides services to children and families. 6358

Notwithstanding any other provision of law, the public 6359  
members of a county council are not prohibited from serving on 6360  
the council and making decisions regarding the duties of the 6361  
council, including those involving the funding of joint projects 6362  
and those outlined in the county's service coordination 6363  
mechanism implemented pursuant to division (C) of this section. 6364

The county's juvenile court judge senior in service or 6365  
another judge of the juvenile court designated by the 6366  
administrative judge or, where there is no administrative judge, 6367  
by the judge senior in service shall serve as the judicial 6368  
advisor to the county family and children first council. The 6369  
judge may advise the county council on the court's utilization 6370  
of resources, services, or programs provided by the entities 6371  
represented by the members of the county council and how those 6372  
resources, services, or programs assist the court in its 6373  
administration of justice. Service of a judge as a judicial 6374  
advisor pursuant to this section is a judicial function. 6375

(2) The purpose of the county council is to streamline and 6376  
coordinate existing government services for families seeking 6377  
services for their children. In seeking to fulfill its purpose, 6378  
a county council shall provide for the following: 6379

(a) Referrals to the cabinet council of those children for 6380  
whom the county council cannot provide adequate services; 6381

(b) Development and implementation of a process that 6382  
annually evaluates and prioritizes services, fills service gaps 6383  
where possible, and invents new approaches to achieve better 6384

results for families and children; 6385

(c) Participation in the development of a countywide, 6386  
comprehensive, coordinated, multi-disciplinary, interagency 6387  
system for infants and toddlers with developmental disabilities 6388  
or delays and their families, as established pursuant to federal 6389  
grants received and administered by the department of children 6390  
and youth for early intervention services under the "Individuals 6391  
with Disabilities Education Act of 2004"; 6392

(d) Maintenance of an accountability system to monitor the 6393  
county council's progress in achieving results for families and 6394  
children; 6395

(e) Establishment of a mechanism to ensure ongoing input 6396  
from a broad representation of families who are receiving 6397  
services within the county system. 6398

(3) A county council shall develop and implement the 6399  
following: 6400

(a) An interagency process to establish local indicators 6401  
and monitor the county's progress toward increasing child well- 6402  
being in the county; 6403

(b) An interagency process to identify local priorities to 6404  
increase child well-being. 6405

(c) An annual plan that identifies the county's 6406  
interagency efforts to increase child well-being in the county. 6407

On an annual basis, the county council shall submit a 6408  
report on the status of efforts by the county to increase child 6409  
well-being in the county to the county's board of county 6410  
commissioners and the cabinet council. This report shall be made 6411  
available to any other person on request. 6412



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

(b) On application of a county council, the cabinet council may grant an exemption from any rules or interagency agreements of a state department participating on the council if an exemption is necessary for the council to implement an alternative program or approach for service delivery to families and children. The application shall describe the proposed program or approach and specify the rules or interagency agreements from which an exemption is necessary. The cabinet council shall approve or disapprove the application in accordance with standards and procedures it shall adopt. If an application is approved, the exemption is effective only while the program or approach is being implemented, including a reasonable period during which the program or approach is being evaluated for effectiveness.

(5) (a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the county's city and general health districts; the county department of job and family services; the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code; the county board of developmental disabilities; any of the county's

boards of education or governing boards of educational service 6444  
centers; or the county's juvenile court. Any of the foregoing 6445  
public entities, other than the board of county commissioners, 6446  
may decline to serve as the council's administrative agent. 6447

A county council's administrative agent shall serve as the 6448  
council's appointing authority for any employees of the council. 6449  
The council shall file an annual budget with its administrative 6450  
agent, with copies filed with the county auditor and with the 6451  
board of county commissioners, unless the board is serving as 6452  
the council's administrative agent. The council's administrative 6453  
agent shall ensure that all expenditures are handled in 6454  
accordance with policies, procedures, and activities prescribed 6455  
by state departments in rules, grant agreements, or interagency 6456  
agreements that are applicable to the council's functions. 6457

The administrative agent of a county council ~~shall~~may 6458  
send notice of a member's absence if a member listed in division 6459  
(B)(1) of this section has been absent from either three 6460  
consecutive meetings of the county council or a county council 6461  
subcommittee, or from one-quarter of such meetings in a calendar 6462  
year, whichever is less. The notice shall be sent to the board 6463  
of county commissioners that establishes the county council and, 6464  
for the members listed in divisions (B)(1)(b), (c), (e), and (l) 6465  
of this section, to the governing board overseeing the 6466  
respective entity; for the member listed in division (B)(1)(f) 6467  
of this section, to the county board of developmental 6468  
disabilities that employs the superintendent; for a member 6469  
listed in division (B)(1)(g) or (h) of this section, to the 6470  
school board that employs the superintendent; for the member 6471  
listed in division (B)(1)(i) of this section, to the mayor of 6472  
the municipal corporation; for the member listed in division (B) 6473  
(1)(k) of this section, to the director of youth services; and 6474

for the member listed in division (B)(1)(n) of this section, to 6475  
that member's board of trustees. 6476

The administrative agent for a county council may do any 6477  
of the following on behalf of the council: 6478

(i) Enter into agreements or administer contracts with 6479  
public or private entities to fulfill specific council business. 6480  
Such agreements and contracts are exempt from the competitive 6481  
bidding requirements of section 307.86 of the Revised Code if 6482  
they have been approved by the county council and they are for 6483  
the purchase of services for families and children. The approval 6484  
of the county council is not required to exempt agreements or 6485  
contracts entered into under section 5139.34, 5139.41, or 6486  
5139.43 of the Revised Code from the competitive bidding 6487  
requirements of section 307.86 of the Revised Code. 6488

(ii) As determined by the council, provide financial 6489  
stipends, reimbursements, or both, to family representatives for 6490  
expenses related to council activity; 6491

(iii) Receive by gift, grant, devise, or bequest any 6492  
moneys, lands, or other property for the purposes for which the 6493  
council is established. The agent shall hold, apply, and dispose 6494  
of the moneys, lands, or other property according to the terms 6495  
of the gift, grant, devise, or bequest. Any interest or earnings 6496  
shall be treated in the same manner and are subject to the same 6497  
terms as the gift, grant, devise, or bequest from which it 6498  
accrues. 6499

(b)(i) If the county council designates the board of 6500  
county commissioners as its administrative agent, the board may, 6501  
by resolution, delegate any of its powers and duties as 6502  
administrative agent to an executive committee the board 6503

establishes from the membership of the county council. The board 6504  
shall name to the executive committee at least the individuals 6505  
described in divisions (B) (1) (b) to (h) of this section and may 6506  
appoint the president of the board or another individual as the 6507  
chair of the executive committee. The executive committee must 6508  
include at least one family county council representative who 6509  
does not have a family member employed by an agency represented 6510  
on the council. 6511

(ii) The executive committee may, with the approval of the 6512  
board, hire an executive director to assist the county council 6513  
in administering its powers and duties. The executive director 6514  
shall serve in the unclassified civil service at the pleasure of 6515  
the executive committee. The executive director may, with the 6516  
approval of the executive committee, hire other employees as 6517  
necessary to properly conduct the county council's business. 6518

(iii) The board may require the executive committee to 6519  
submit an annual budget to the board for approval and may amend 6520  
or repeal the resolution that delegated to the executive 6521  
committee its authority as the county council's administrative 6522  
agent. 6523

(6) Two or more county councils may enter into an 6524  
agreement to administer their county councils jointly by 6525  
creating a regional family and children first council. A 6526  
regional council possesses the same duties and authority 6527  
possessed by a county council, except that the duties and 6528  
authority apply regionally rather than to individual counties. 6529  
Prior to entering into an agreement to create a regional 6530  
council, the members of each county council to be part of the 6531  
regional council shall meet to determine whether all or part of 6532  
the members of each county council will serve as members of the 6533

regional council. 6534

(7) A board of county commissioners may approve a 6535  
resolution by a majority vote of the board's members that 6536  
requires the county council to submit a statement to the board 6537  
each time the council proposes to enter into an agreement, adopt 6538  
a plan, or make a decision, other than a decision pursuant to 6539  
section 121.38 of the Revised Code, that requires the 6540  
expenditure of funds for two or more families. The statement 6541  
shall describe the proposed agreement, plan, or decision. 6542

Not later than fifteen days after the board receives the 6543  
statement, it shall, by resolution approved by a majority of its 6544  
members, approve or disapprove the agreement, plan, or decision. 6545  
Failure of the board to pass a resolution during that time 6546  
period shall be considered approval of the agreement, plan, or 6547  
decision. 6548

An agreement, plan, or decision for which a statement is 6549  
required to be submitted to the board shall be implemented only 6550  
if it is approved by the board. 6551

(C) Each county shall develop a county service 6552  
coordination mechanism. The county service coordination 6553  
mechanism shall serve as the guiding document for coordination 6554  
of services in the county. For children who also receive 6555  
services under the early intervention program, the main provider 6556  
of service coordination shall be an early intervention service 6557  
coordinator to ensure compliance with section ~~5123.02~~ 5180.30 of 6558  
the Revised Code. All family service coordination plans shall be 6559  
developed in accordance with the county service coordination 6560  
mechanism. The mechanism shall be developed and approved with 6561  
the participation of the county entities representing child 6562  
welfare; developmental disabilities; alcohol, drug addiction, 6563

and mental health services; health; juvenile judges; education; 6564  
the county family and children first council; and the county 6565  
early intervention collaborative established pursuant to the 6566  
federal early intervention program operated under the 6567  
"Individuals with Disabilities Education Act of 2004." The 6568  
county shall establish an implementation schedule for the 6569  
mechanism. The cabinet council may monitor the implementation 6570  
and administration of each county's service coordination 6571  
mechanism. 6572

Each mechanism shall include all of the following: 6573

(1) A procedure for an agency, including a juvenile court, 6574  
or a family voluntarily seeking service coordination, to refer 6575  
the child and family to the county council for service 6576  
coordination in accordance with the mechanism; 6577

(2) A procedure ensuring that a family and all appropriate 6578  
staff from involved agencies, including a representative from 6579  
the appropriate school district, are notified of and invited to 6580  
participate in all family service coordination plan meetings; 6581

(3) A procedure that permits a family to initiate a 6582  
meeting to develop or review the family's service coordination 6583  
plan and allows the family to invite a family advocate, mentor, 6584  
or support person of the family's choice to participate in any 6585  
such meeting; 6586

(4) A procedure for ensuring that a family service 6587  
coordination plan meeting is conducted for each child who 6588  
receives service coordination under the mechanism and for whom 6589  
an emergency out-of-home placement has been made or for whom a 6590  
nonemergency out-of-home placement is being considered. The 6591  
meeting shall be conducted within ten days of an emergency out- 6592

of-home placement. The meeting shall be conducted before a 6593  
nonemergency out-of-home placement. The family service 6594  
coordination plan shall outline how the county council members 6595  
will jointly pay for services, where applicable, and provide 6596  
services in the least restrictive environment. 6597

(5) A procedure for monitoring the progress and tracking 6598  
the outcomes of each service coordination plan requested in the 6599  
county including monitoring and tracking children in out-of-home 6600  
placements to assure continued progress, appropriateness of 6601  
placement, and continuity of care after discharge from placement 6602  
with appropriate arrangements for housing, treatment, and 6603  
education; 6604

(6) A procedure for protecting the confidentiality of all 6605  
personal family information disclosed during service 6606  
coordination meetings or contained in the comprehensive family 6607  
service coordination plan; 6608

(7) A procedure for assessing the needs and strengths of 6609  
any child or family that has been referred to the council for 6610  
service coordination, including a child whose parent or 6611  
custodian is voluntarily seeking services, and for ensuring that 6612  
parents and custodians are afforded the opportunity to 6613  
participate; 6614

(8) A procedure for development of a family service 6615  
coordination plan described in division (D) of this section; 6616

(9) A local dispute resolution process to serve as the 6617  
process that must be used first to resolve disputes among the 6618  
agencies represented on the county council concerning the 6619  
provision of services to children, including children who are 6620  
abused, neglected, dependent, unruly, alleged unruly, or 6621

delinquent children and under the jurisdiction of the juvenile 6622  
court and children whose parents or custodians are voluntarily 6623  
seeking services. The local dispute resolution process shall 6624  
comply with sections 121.38, 121.381, and 121.382 of the Revised 6625  
Code. The local dispute resolution process shall be used to 6626  
resolve disputes between a child's parents or custodians and the 6627  
county council regarding service coordination. The county 6628  
council shall inform the parents or custodians of their right to 6629  
use the dispute resolution process. Parents or custodians shall 6630  
use existing local agency grievance procedures to address 6631  
disputes not involving service coordination. The dispute 6632  
resolution process is in addition to and does not replace other 6633  
rights or procedures that parents or custodians may have under 6634  
other sections of the Revised Code. 6635

The cabinet council shall adopt rules in accordance with 6636  
Chapter 119. of the Revised Code establishing an administrative 6637  
review process to address problems that arise concerning the 6638  
operation of a local dispute resolution process. 6639

Nothing in division (C) (4) of this section shall be 6640  
interpreted as overriding or affecting decisions of a juvenile 6641  
court or public children services agency regarding an out-of- 6642  
home placement, long-term placement, or emergency out-of-home 6643  
placement. 6644

(D) Each county shall develop a family service 6645  
coordination plan that does all of the following: 6646

(1) Designates service responsibilities among the various 6647  
state and local agencies that provide services to children and 6648  
their families, including children who are abused, neglected, 6649  
dependent, unruly, or delinquent children and under the 6650  
jurisdiction of the juvenile court and children whose parents or 6651



custodians are voluntarily seeking services; 6652

(2) Designates an individual, approved by the family, to 6653  
track the progress of the family service coordination plan, 6654  
schedule reviews as necessary, and facilitate the family service 6655  
coordination plan meeting process; 6656

(3) Ensures that assistance and services to be provided 6657  
are responsive to the strengths and needs of the family, as well 6658  
as the family's culture, race, and ethnic group, by allowing the 6659  
family to offer information and suggestions and participate in 6660  
decisions. Identified assistance and services shall be provided 6661  
in the least restrictive environment possible. 6662

(4) Includes a process for dealing with a child who is 6663  
alleged to be an unruly child. The process shall include methods 6664  
to divert the child from the juvenile court system; 6665

(5) Includes timelines for completion of goals specified 6666  
in the plan with regular reviews scheduled to monitor progress 6667  
toward those goals; 6668

(6) Includes a plan for dealing with short-term crisis 6669  
situations and safety concerns. 6670

(E) (1) The process provided for under division (D) (4) of 6671  
this section may include, but is not limited to, the following: 6672

(a) Designation of the person or agency to conduct the 6673  
assessment of the child and the child's family as described in 6674  
division (C) (7) of this section and designation of the 6675  
instrument or instruments to be used to conduct the assessment; 6676

(b) An emphasis on the personal responsibilities of the 6677  
child and the parental responsibilities of the parents, 6678  
guardian, or custodian of the child; 6679

(c) Involvement of local law enforcement agencies and 6680  
officials. 6681

(2) The method to divert a child from the juvenile court 6682  
system that must be included in the service coordination process 6683  
may include, but is not limited to, the following: 6684

(a) The preparation of a complaint under section 2151.27 6685  
of the Revised Code alleging that the child is an unruly child 6686  
and notifying the child and the parents, guardian, or custodian 6687  
that the complaint has been prepared to encourage the child and 6688  
the parents, guardian, or custodian to comply with other methods 6689  
to divert the child from the juvenile court system; 6690

(b) Conducting a meeting with the child, the parents, 6691  
guardian, or custodian, and other interested parties to 6692  
determine the appropriate methods to divert the child from the 6693  
juvenile court system; 6694

(c) A method to provide to the child and the child's 6695  
family a short-term respite from a short-term crisis situation 6696  
involving a confrontation between the child and the parents, 6697  
guardian, or custodian; 6698

(d) A program to provide a mentor to the child or the 6699  
parents, guardian, or custodian; 6700

(e) A program to provide parenting education to the 6701  
parents, guardian, or custodian; 6702

(f) An alternative school program for children who are 6703  
truant from school, repeatedly disruptive in school, or 6704  
suspended or expelled from school; 6705

(g) Other appropriate measures, including, but not limited 6706  
to, any alternative methods to divert a child from the juvenile 6707

court system that are identified by the Ohio family and children 6708  
first cabinet council. 6709

(F) Each county may review and revise the service 6710  
coordination process described in division (D) of this section 6711  
based on the availability of funds under Title IV-A of the 6712  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 6713  
as amended, or to the extent resources are available from any 6714  
other federal, state, or local funds. 6715

(G) As used in this section, "early intervention service 6716  
coordinator" means a person who holds an early intervention 6717  
service coordinator credential or an early intervention service 6718  
coordination supervisor credential issued by the department of 6719  
~~developmental disabilities—children and youth~~ and who assists 6720  
and enables an infant or toddler with a developmental delay or 6721  
disability and the child's family to receive the services and 6722  
rights, including procedural safeguards, required under part C 6723  
of the "Individuals with Disabilities Education Act of 2004," 20 6724  
U.S.C. 1400, as amended. 6725

**Sec. 121.93.** (A) Except as provided in division (E) of 6726  
this section, an agency shall review its operations to identify 6727  
principles of law or policy that have not been stated in a rule 6728  
and that the agency is relying upon in conducting adjudications 6729  
or other determinations of rights and liabilities or in issuing 6730  
writings and other materials, such as instructions, directives, 6731  
policy statements, guidelines, handbooks, manuals, advisories, 6732  
notices, circulars, advertisements, forms, letters, and 6733  
opinions. An agency is not required to identify principles of 6734  
law or policy relied upon in issuing internal management rules 6735  
as defined in section 111.15 of the Revised Code. The agency 6736  
shall complete at least one of the reviews during a governor's 6737

term. 6738

Within six months after the expiration of a governor's 6739  
term, the agency electronically shall transmit a report to the 6740  
joint committee on agency rule review containing the following: 6741

(1) A statement that the agency has completed one or more 6742  
of the reviews, specifying the exact number of reviews completed 6743  
during the governor's expired term; 6744

(2) The principles of law or policies identified under 6745  
this division; 6746

(3) The agency's considerations regarding the identified 6747  
principles of law or policies under division (B) of this 6748  
section; 6749

(4) Any principles of law or policies for which the agency 6750  
determines rulemaking is indicated or for which the agency has 6751  
commenced the rule-making process under division (C) of this 6752  
section. 6753

The joint committee on agency rule review shall make the 6754  
reports available on its web site. 6755

(B) The agency shall determine whether a principle of law 6756  
or policy thus identified has a general and uniform operation 6757  
and establishes a legal regulation or standard that would not 6758  
exist in its absence. If the principle of law or policy has 6759  
these characteristics, the agency shall determine whether the 6760  
principle of law or policy should be supplanted by its 6761  
restatement in a rule to achieve one or more of the following as 6762  
they are relevant to the principle of law or policy: 6763

(1) Assert the general and uniform operation of the 6764  
principle of law or policy; 6765

(2) Make the principle of law or policy more readily 6766  
available to the public; 6767

(3) Make the principle of law or policy more readily 6768  
available to persons who specifically are affected by the 6769  
principle of law or policy; 6770

(4) Enable the principle of law or policy to be better 6771  
known in advance of its application; 6772

(5) Enable greater public participation in improvement and 6773  
further development of the principle of law or policy; 6774

(6) Enable greater participation by persons specifically 6775  
affected by the principle of law or policy in the improvement 6776  
and further development of the principle of law or policy; 6777

(7) Make the principle of law or policy more easily 6778  
understandable; or 6779

(8) Make the principle of law or policy more readily 6780  
available to those legally charged with monitoring or reviewing 6781  
the agency's operations. 6782

If a principle of law or policy aids in the interpretation 6783  
of an existing rule or statute, the agency shall consider 6784  
whether the aiding effect clarifies or otherwise resolves an 6785  
uncertainty in the existing rule or statute. If the principle of 6786  
law or policy can be so characterized, the agency shall consider 6787  
whether the principle of law or policy should be supplanted by 6788  
its restatement in an interpretive rule. The agency may not 6789  
presume that a principle of law or policy that aids in the 6790  
interpretation of an existing rule or statute is simply a 6791  
reiteration of the existing rule or statute. 6792

(C) If the agency determines, in light of the foregoing 6793

standards, that rulemaking is indicated, the agency shall 6794  
commence the rule-making process as soon as it is reasonably 6795  
feasible to do so, but not later than the date that is ~~six~~-three 6796  
months after the determination was made. The principle of law or 6797  
policy as it is restated in a rule does not need to be wholly 6798  
congruent with the supplanted principle of law or policy. The 6799  
agency lawfully may improve or develop further the supplanted 6800  
principle of law or policy as it is restated in a rule. 6801

The agency may continue to rely upon the principle of law 6802  
or policy, but only while it is complying with the preceding 6803  
paragraph. The agency may not rely upon the principle of law or 6804  
policy in advising with regard to or in determining the rights 6805  
or liabilities of a person if ~~the~~ any of the following apply: 6806

(1) The agency fails to commence the rule-making process 6807  
by the deadline specified in the preceding paragraph, ~~or if,~~ 6808  
~~after.~~ 6809

(2) After commencing the rule-making process, the agency 6810  
neglects or abandons the rule-making process before it is 6811  
completed. 6812

(3) The agency fails to file a rule for which rulemaking 6813  
is indicated under this section in final form within one year of 6814  
the agency making a determination under this section. 6815

(4) After filing a proposed rule and rule summary and 6816  
fiscal analysis with the joint committee, the agency notifies 6817  
the joint committee of the agency's intention to file a revised 6818  
proposed rule as described in division (B) of section 106.02 of 6819  
the Revised Code. 6820

(D) A principle of law or policy that is relied upon 6821  
directly or by clear implication from a statute applying to the 6822

agency does not need to be supplanted by rule. 6823

(E) This section does not apply to an agency, commission, 6824  
or committee created in the legislative branch of government or 6825  
to serve the general assembly including, but not limited to, all 6826  
of the following: 6827

(1) The joint legislative ethics committee; 6828

(2) The joint medicaid oversight committee; 6829

(3) The correctional institution inspection committee; 6830

(4) The legislative service commission; 6831

(5) The legislative information services; 6832

(6) The capitol square review and advisory board. 6833

**Sec. 121.931.** (A) A person may petition an agency in 6834  
writing to restate a principle of law or policy in a rule if (1) 6835  
the person was a party to an adjudication or other determination 6836  
before an agency that has resulted in an order or other 6837  
disposition or was a party to a civil action in which judgment 6838  
has been entered, and (2) the adjudication or other 6839  
determination, or the civil action, involved a principle of law 6840  
or policy relied upon by the agency that, under section 121.93 6841  
of the Revised Code, should have been supplanted by its 6842  
restatement in a rule but has not been so supplanted. The 6843  
petition shall briefly explain why the principle of law or 6844  
policy should, under section 121.93 of the Revised Code, be 6845  
supplanted by its restatement in a rule. The person shall send 6846  
the petition to the agency not later than the ninetieth day 6847  
after the order or other disposition was issued or the judgment 6848  
was entered. The person also shall send a copy of the petition 6849  
to the joint committee on agency rule review. 6850

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

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

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

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

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

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

(d) After filing a proposed rule and rule summary and fiscal analysis with the joint committee, the agency notifies



the joint committee of the agency's intention to file a revised 6880  
proposed rule as described in division (B) of section 106.02 of 6881  
the Revised Code. 6882

(2) If the agency intends to deny the petition, it shall 6883  
send the petitioner a notice affording the petitioner an 6884  
opportunity for a hearing on the petition and briefly explaining 6885  
why the agency intends to deny the petition. If the petitioner 6886  
does not in writing request a hearing within fifteen days after 6887  
receiving the notice, the agency shall deny the petition and 6888  
notify the petitioner in writing. If the petitioner responds in 6889  
writing within the fifteen-day period requesting a hearing, the 6890  
agency, by certified mail, return receipt requested, promptly 6891  
shall notify the petitioner of the time and place for the 6892  
hearing, which shall be not earlier than the thirtieth day after 6893  
the notice was sent to the petitioner. 6894

(C) At the hearing, the agency shall explain why, 6895  
notwithstanding section 121.93 of the Revised Code, it intends 6896  
to deny the petition, and the petitioner shall explain why under 6897  
that section the petitioner believes the agency's intention to 6898  
be erroneous. The hearing shall be informal. The petitioner may 6899  
be assisted by counsel at the hearing. 6900

(D) Not later than the thirtieth day after the hearing 6901  
concludes, the agency shall grant or deny the petition. 6902

(1) If the agency grants the petition, it shall commence 6903  
the rule-making process as soon as it is reasonably feasible to 6904  
do so, but not later than the date that is ~~six~~three months 6905  
after the determination was made. The principle of law or policy 6906  
as it is restated in a rule does not need to be wholly congruent 6907  
with the supplanted principle of law or policy. The agency 6908  
lawfully may improve or develop further the supplanted principle 6909

of law or policy as it is restated in a rule. 6910

The agency may continue to rely upon the principle of law 6911  
or policy, but only while it is complying with the preceding 6912  
paragraph. The agency may not rely upon the principle of law or 6913  
policy in advising with regard to or in determining the rights 6914  
or liabilities of a person if ~~the~~ any of the following apply: 6915

(a) The agency fails to commence the rule-making process 6916  
by the deadline specified in the preceding paragraph, ~~or if,~~ 6917  
~~after.~~ 6918

(b) After commencing the rule-making process, the agency 6919  
neglects or abandons the rule-making process before it is 6920  
completed. 6921

(c) The agency fails to file a rule for which rulemaking 6922  
is required under this section in final form within one year of 6923  
the agency granting a petition under this division. 6924

(d) After filing a proposed rule and rule summary and 6925  
fiscal analysis with the joint committee, the agency notifies 6926  
the joint committee of the agency's intention to file a revised 6927  
proposed rule as described in division (B) of section 106.02 of 6928  
the Revised Code. 6929

(2) If the petitioner failed to appear at the hearing, or 6930  
if the petitioner failed to persuade the agency that its 6931  
intention to deny the petition is erroneous, the agency shall 6932  
deny the petition. 6933

The agency shall send notice in writing to the petitioner 6934  
of the outcome. If the outcome is denial of the petition, the 6935  
notice shall explain briefly why the agency is denying the 6936  
petition. The petitioner is not entitled to appeal the outcome. 6937

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

(1) ~~"Development costs"~~Eligible expenditures means expenditures paid or incurred by the property owner in completing a certified transformational mixed use development project, including architectural or engineering fees, due diligence costs, hard and soft construction costs, paid or incurred in connection with the project ~~and expenses incurred~~ before the date the project is certified by the ~~tax credit authority~~ director of development under division (C) of this section. ~~In the case of a certified transformational mixed use development project that is part of a larger contiguous project that is planned to be completed in phases, "development costs" include only expenditures associated with the portion of the project that is certified by the tax credit authority and do not include expenditures incurred for other phases of the project.~~

(2) ~~"Owner"~~"Property owner" means a person or persons holding a fee simple or leasehold interest in real property, including interests in real property acquired through a capital lease arrangement, and a person or persons in contract to acquire real property with the only remaining contractual contingency being receipt of an award under this section. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code. For the purpose of this division, "fee simple interest," "leasehold interest," and "capital lease" shall be construed in accordance with generally accepted accounting principles.

(3) "Transformational mixed use development" means a project that consists of eligible expenditures for new construction or the redevelopment, rehabilitation, expansion, or other improvement of vacant buildings or structures, or a

combination of the foregoing, and that, inclusively: 6968

(a) Will have a transformational economic impact on the 6969  
~~development project site and the surrounding area;~~ 6970

(b) Integrates ~~some combination of retail, office,~~ 6971  
~~residential, recreation, structured parking, and other similar~~ 6972  
~~uses into one mixed use development; and at least two of the~~ 6973  
following uses into one mixed use development: 6974

(i) Office; 6975

(ii) Residential; 6976

(iii) Retail, which may include restaurant space; 6977

(iv) Hotel and hospitality; 6978

(v) Recreation. 6979

(c) Satisfies one of the following criteria: 6980

(i) If the ~~development project~~ site is located within ten 6981  
miles of a major city, the project includes at least one new or 6982  
previously vacant building that is fifteen or more stories in 6983  
height or has a floor area of at least three hundred fifty 6984  
thousand square feet, or after completion will be the site of 6985  
employment accounting for at least ~~four~~ five million dollars in 6986  
annual payroll, or includes two or more buildings that are 6987  
connected to each other, are located on the same parcel or on 6988  
contiguous parcels, and that collectively have a floor area of 6989  
at least three hundred fifty thousand square feet; 6990

(ii) If the ~~development project~~ site is not located within 6991  
ten miles of a major city, the project includes at least one new 6992  
or previously vacant building that is two or more stories in 6993  
height or has a floor area of at least seventy-five thousand 6994

square feet or two or more new buildings that are located on the 6995  
same parcel or on contiguous parcels and that collectively have 6996  
a floor area of at least seventy-five thousand square feet. 6997

~~"Transformational mixed use development" may include a 6998  
portion of a larger contiguous project that is planned to be 6999  
completed in phases as long as the phases collectively meet the 7000  
criteria described in division (A)(3) of this section. 7001~~

(4) "Increase in tax collections" means the difference, if 7002  
positive, of the amount of state and local taxes estimated to be 7003  
derived from economic activity occurring within the ~~development~~ 7004  
project site and the surrounding area, but excluding other 7005  
phases of the development project for developments completed in 7006  
phases, during a the completion period of time minus the amount 7007  
of such taxes that are estimated to be derived from such 7008  
economic activity in that site ~~and surrounding area~~ during the 7009  
same period if the transformational mixed use development 7010  
project were not certified by the director of development and 7011  
completed. 7012

(5) "Completion period" means the time period beginning on 7013  
the day after a transformational mixed use development project 7014  
is certified by the ~~tax credit authority~~ director of development 7015  
and ending on the fifth anniversary of the day the project is 7016  
completed. 7017

(6) "Insurance company" means a person subject to the tax 7018  
imposed under section 5725.18 or 5729.03 of the Revised Code. 7019

(7) "Contribute capital" means to invest, loan, or donate 7020  
cash in exchange for an equity interest in an asset, or a debt 7021  
instrument, ~~or no consideration.~~ 7022

(8) "Major city" means a municipal corporation that has a 7023

population greater than one hundred thousand.

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~~(9) "Tax credit authority" means the tax credit authority  
created under section 122.17 of the Revised Code.~~

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~~(10) "Adjusted development costs" means the development  
costs attributed to a complete transformational mixed use  
development project minus the sum of the capital contributions  
of any insurance companies that are preliminarily approved for a  
tax credit in connection with the same project.~~

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~~(11) A "property owner's share" of the increase in tax  
collections equals the product obtained by multiplying the total  
increase in tax collections since the date the transformational  
mixed use development project was certified by a fraction, the  
numerator of which is the adjusted development costs and the  
denominator of which is the actual development costs attributed  
to the project.~~

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~~(12) An "insurance company's share" of the increase in tax  
collections equals the product obtained by multiplying the total  
increase in tax collections since the date the transformational  
mixed use development project was certified by a fraction, the  
numerator of which is the insurance company's capital  
contribution to the project and the denominator of which is the  
actual development costs attributed to the project~~"Project site"  
means the real property on which a transformational mixed use  
development will be constructed, which may consist of a single  
parcel or multiple parcels that are contiguous with one another,  
including parcels separated only by a publicly dedicated road.

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(B) The property owner of one or more parcels of land in  
this state within which a transformational mixed use development  
project is planned or an insurance company that contributes

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capital to be used in the planning or construction of such a 7053  
development project may apply to the ~~tax credit authority~~ 7054  
director of development for certification of the development 7055  
project and preliminary approval of a tax credit in an amount up 7056  
to ten per cent of the estimated eligible expenditures. Each 7057  
application shall be filed in the form and manner prescribed by 7058  
the director ~~of development~~ and shall, at minimum, include a 7059  
development plan comprised of all of the following information: 7060

(1) The location of the ~~development project~~ site and an 7061  
indication of whether it is located within ten miles of a major 7062  
city; 7063

(2) A detailed description of the proposed 7064  
transformational mixed use development project including site 7065  
plans, elevations, construction drawings, architectural 7066  
renderings, or other means sufficient to convey the appearance, 7067  
size, purposes, capacity, and scope of the project ~~and, if~~ 7068  
~~applicable, previously completed and future phases of the~~ 7069  
~~project~~; 7070

(3) A viable ~~financial plan project~~ budget, organized by 7071  
line item, that estimates the ~~development costs~~ eligible 7072  
expenditures that have been or will be incurred in the 7073  
completion of the project ~~and that designates a source of~~ 7074  
~~financing or a strategy for obtaining financing~~; 7075

(4) A viable financial plan showing both (a) at least 7076  
fifty-one per cent of the needed funding secured, as evidenced 7077  
by commitment letters or terms sheets and third party equity 7078  
verification, and (b) a strategy for obtaining any needed but 7079  
not yet secured funding; 7080

(5) An estimated schedule for the progression and 7081

completion of the project ~~including, if applicable, previously~~ 7082  
~~completed and future phases of the project;~~ 7083

~~(5)~~ (6) An assessment of the projected direct economic 7084  
impact of the project ~~on~~ based upon the projected increase in 7085  
tax collections during the completion period from the 7086  
~~development project site and the surrounding area~~ prepared by an 7087  
economic impact consultant with experience performing economic 7088  
impact studies in Ohio; 7089

~~(6)~~ (7) Evidence that the increase in tax collections 7090  
during the completion period will exceed ten per cent of the 7091  
estimated ~~development costs~~ eligible expenditures reported under 7092  
division (B) (3) of this section; 7093

~~(7) If the~~ (8) The portion of any tax credit issued that 7094  
the applicant is would like issued to the property owner or to 7095  
an insurance company that is not the property owner, the amount 7096  
of the insurance company's, financial institution, or other 7097  
person based upon capital contribution contributions that have 7098  
been made or will be made to the development and the date on 7099  
which it was or will be made project; 7100

~~(8)~~ (9) Evidence that ~~the project will not be completed~~ 7101  
~~unless the applicant receives the credit, but for the~~ 7102  
applicant's receipt of the credit, the project will not be 7103  
completed. If any portion of the project the applicant seeks 7104  
certification and preliminary approval for has the same scope of 7105  
work as a project that has already closed on construction 7106  
financing or commenced construction, excluding brownfield 7107  
remediation and demolition, this division's standard is not met 7108  
and the project is not eligible for certification and 7109  
preliminary approval. 7110



(C) (1) In determining whether to certify a project that is 7111  
the subject of an application submitted under division (B) of 7112  
this section, the ~~tax credit authority~~ director of development 7113  
shall consider the potential impact of the transformational 7114  
mixed use development on the ~~development project site and the~~ 7115  
~~surrounding area~~ in terms of architecture, accessibility to 7116  
pedestrians, retail entertainment and dining sales, job 7117  
creation, property values, connectivity, and revenue from sales, 7118  
income, lodging, and property taxes. The ~~tax credit authority~~ 7119  
director shall not certify a project unless it satisfies the 7120  
following conditions: 7121

(a) The project qualifies as a transformational mixed use 7122  
development project and satisfies all other criteria prescribed 7123  
by this section or by rule of the ~~director of development~~; 7124

(b) The estimated increase in tax collections from the 7125  
project site during the completion period exceeds ten per cent 7126  
of the estimated ~~development costs~~ eligible expenditures for the 7127  
project reported under division (B) (3) of this section; 7128

(c) The applicant will not be able to (i) close on 7129  
construction financing, (ii) commence construction, excluding 7130  
any brownfield remediation or demolition that may have already 7131  
been performed, and (iii) complete the project will not be 7132  
~~completed~~ unless the applicant receives the credit; 7133

(d) If the ~~development project~~ project site is located within ten 7134  
miles of a major city, the estimated ~~development costs~~ eligible 7135  
expenditures to complete the project ~~plus, if applicable, the~~ 7136  
~~estimated expenditures that have been or will be incurred to~~ 7137  
~~complete all other contiguous phases of the project,~~ exceed 7138  
fifty million dollars. 7139

In making its determination of whether or not to approve 7140  
an application, the ~~tax credit authority~~ director may conduct an 7141  
interview of the applicant. 7142

(2) If the ~~tax credit authority~~ director of development 7143  
approves an application, the ~~authority~~ director shall issue a 7144  
statement certifying the associated transformational mixed use 7145  
development project and preliminarily approving a tax credit. 7146  
The statement shall stipulate that ~~receipt approval~~ of a tax 7147  
credit ~~certificate~~ is contingent upon completion of the 7148  
transformational mixed use development project as described in 7149  
the development plan for the project. The statement shall 7150  
specify the estimated amount of the tax credit preliminarily 7151  
approved and the amount of credit preliminarily approved for 7152  
each person identified in the application pursuant to division 7153  
(B) (8) of this section, but state that the amount of the credit 7154  
is dependent upon determination of the actual ~~development~~ 7155  
~~costs~~ eligible expenditures attributed to the project ~~and, unless~~ 7156  
~~the tax credit authority grants a request by the property owner~~ 7157  
~~under division (F) of this section, of the increase in tax~~ 7158  
~~collections during the completion period.~~ 7159

The amount of the credit shall not exceed the amount 7160  
applied for in the application approved by the director. 7161

(3) ~~Except as otherwise provided in this division, if the~~ 7162  
~~applicant is an insurance company that is not the property~~ 7163  
~~owner, the estimated amount of the tax credit shall equal ten~~ 7164  
~~per cent of the insurance company's capital contribution to the~~ 7165  
~~project as reported in the development plan pursuant to division~~ 7166  
~~(B) (7) of this section. Except as otherwise provided in this~~ 7167  
~~division, if the applicant is the property owner, the~~ The total 7168  
estimated amount of the tax credit shall equal up to ten per 7169

cent of the estimated ~~development costs~~ eligible expenditures 7170  
for the project as reported in the project development plan 7171  
pursuant to division ~~(B) (3)~~ (B) of this section ~~minus any~~ 7172  
~~estimated credit amounts that have been preliminarily approved~~ 7173  
~~for insurance companies contributing capital to the project.~~ The 7174  
estimated credit amounts may be reduced by the ~~tax credit~~ 7175  
~~authority~~ director of development as a condition of certifying 7176  
the project if such a reduction is necessary to comply with the 7177  
limitations on the amount of credits that may be preliminarily 7178  
approved as prescribed by division (C) (5) of this section. The 7179  
estimated credit amounts shall not be adjusted after the 7180  
statement described in division (C) (2) of this section has been 7181  
issued, except as provided by division (G) of this section. 7182

(4) If the ~~tax credit authority~~ director of development 7183  
denies an application, the ~~authority~~ director shall notify the 7184  
applicant of the reason or reasons for such determination. The 7185  
~~authority's~~ director's determination is final, but an applicant 7186  
may revise and resubmit a previously denied application in a 7187  
future year. 7188

(5) (a) The ~~tax credit authority~~ director of development 7189  
shall not certify any transformational mixed use development 7190  
projects after June 30, ~~2025~~ 2027. 7191

(b) The ~~tax credit authority~~ director of development may 7192  
not preliminarily approve more than one hundred fifty million 7193  
dollars of new estimated tax credits in each of fiscal years 7194  
~~2022, 2023, 2024, and 2025~~ 2026 and 2027. 7195

Tax credits preliminarily approved under this section in 7196  
preceding fiscal years and for which preliminary approval was 7197  
rescinded in the fiscal year immediately preceding the current 7198  
fiscal year shall be available for preliminary approval under 7199

this section in the current fiscal year. Credit amounts 7200  
available due to such rescission do not apply towards the one 7201  
hundred fifty million dollar limit prescribed in this division. 7202

(c) ~~Not~~ Except as provided in division (C) (6) of this 7203  
section, not more than ~~eighty one~~ hundred million dollars of 7204  
estimated ~~new~~ tax credits ~~in each such~~, plus an amount equal to 7205  
two-thirds of any credits for which preliminary approval was 7206  
rescinded in the preceding fiscal year, may be preliminarily 7207  
approved in connection with projects that are located within ten 7208  
miles of a major city in the current fiscal year. 7209

(d) Not more than ~~forty twenty~~ million dollars of 7210  
estimated tax credits may be preliminarily approved in 7211  
connection with the same transformational mixed use development 7212  
project. 7213

(6) If, for the current fiscal year, the dollar amount of 7214  
tax credits applied for under division (B) of this section in 7215  
connection with projects that are not located within ten miles 7216  
of a major city exceeds ~~eighty fifty~~ million dollars ~~for a~~ 7217  
~~fiscal year,~~ plus an amount equal to one-third of any credits 7218  
for which preliminary approval was rescinded in the preceding 7219  
fiscal year, the ~~tax credit authority~~ director of development 7220  
shall rank those applications and certify and preliminarily 7221  
approve tax credits for the associated projects in order, 7222  
starting with the project that presents the best combination of 7223  
economic value and transformational impact. If the dollar amount 7224  
of tax credits applied for under division (B) of this section in 7225  
connection with such projects is less than that amount, the 7226  
difference shall be available for projects within ten miles of a 7227  
major city. 7228

If, for the current fiscal year, the dollar amount of tax 7229

credits applied for in connection with projects ~~not~~ located 7230  
within ten miles of a major city exceeds ~~twenty million dollars~~ 7231  
~~for a fiscal year~~ one hundred million dollars, plus an amount 7232  
equal to two-thirds of any credits for which preliminary 7233  
approval was rescinded in the previous fiscal year and the 7234  
amount of funds initially reserved for projects more than ten 7235  
miles from a major city but unawarded to such projects, the tax- 7236  
credit authority director shall rank those applications and 7237  
certify the associated projects in order, ~~starting with the~~ 7238  
~~project that presents the best combination of economic value and~~ 7239  
~~transformational impact~~ pursuant to division (C) (7) of this 7240  
section. In either case, the authority shall consider the 7241  
~~following factors in ranking the applications:-~~ 7242

~~(a) The projected increase in tax collections during the~~ 7243  
~~completion period as a percentage of the total amount of~~ 7244  
~~estimated tax credits that would be preliminarily approved in~~ 7245  
~~connection with the project;-~~ 7246

~~(b) The economic impact of the project on the development~~ 7247  
~~site and the surrounding area and the impact of the project in~~ 7248  
~~terms of architecture, accessibility to pedestrians, retail~~ 7249  
~~entertainment and dining sales, job creation, property values,~~ 7250  
~~and connectivity;-~~ 7251

~~(c) The expeditiousness of the schedule for completing the~~ 7252  
~~project, realizing the increase in tax collections, and~~ 7253  
~~attaining the economic and other impacts on the development site~~ 7254  
~~and the surrounding area.~~ 7255

(7) When ranking is required under division (C) (6) of this 7256  
section, the director of development shall apply a point value 7257  
to applications according to the following criteria: 7258

(a) Up to ten points based on comparative measurement of 7259  
physical scope of the projects as measured by gross square 7260  
footage of improvements including new construction and renovated 7261  
space. The largest project in terms of physical scope shall 7262  
receive ten points and the remaining projects shall receive 7263  
points based on a percentage basis in proportion to each 7264  
project's relative size as compared to the largest project in 7265  
that category, as described by division (C) (8) of this section, 7266  
by gross square footage; 7267

(b) Up to five points based on an evaluation of the 7268  
distribution of project end uses, with preference given to 7269  
projects with greater variety and distribution of uses among 7270  
retail and restaurant, residential, office, hotel and 7271  
hospitality, and recreation; 7272

(c) Up to ten points based on the project's receipt of 7273  
necessary government approvals, available as follows: 7274

(i) Two points for zoning approval or evidence, in the 7275  
form of a letter from the governmental body with jurisdiction 7276  
over the zoning of the project site or an attorney licensed to 7277  
practice law in this state, that the project site already has 7278  
the necessary zoning for the project; 7279

(ii) Two points for planning commission approval or 7280  
evidence that planning commission approval is not required; 7281

(iii) Two points available for existing utility 7282  
connections or commitments to establish utility connections 7283  
including water, sewer, sanitary storm, and electric documented 7284  
by utility service letters; 7285

(iv) Two points for an approved and executed development 7286  
agreement with each municipal corporation or township in which 7287

<u>the development project is proposed;</u>	7288
<u>(v) Two points for approved construction drawings and</u>	7289
<u>issuance of construction permits for the entirety of the scope</u>	7290
<u>of work set forth in the application.</u>	7291
<u>(d) Up to five points for local support, available as</u>	7292
<u>follows:</u>	7293
<u>(i) One point for a letter in support of the project and</u>	7294
<u>the application from the mayor, city manager, or other chief</u>	7295
<u>executive of each municipal corporation and the chief executive</u>	7296
<u>of each township where the development project is to be located;</u>	7297
<u>(ii) One point for an ordinance or resolution in support</u>	7298
<u>of the project and application passed by the legislative</u>	7299
<u>authority of each municipal corporation or board of township</u>	7300
<u>trustees for each municipal corporation and each township where</u>	7301
<u>the development project is to be located;</u>	7302
<u>(iii) One point for a letter in support of the project and</u>	7303
<u>the application from the chief executive of each county where</u>	7304
<u>the development project is to be located;</u>	7305
<u>(iv) One point for a resolution in support of the project</u>	7306
<u>and the application from the board of county commissioners for</u>	7307
<u>each county where the development project is to be located;</u>	7308
<u>(v) One point available for documented financial support</u>	7309
<u>for the project from each municipal corporation or township in</u>	7310
<u>which the project, which may include tax increment financing or</u>	7311
<u>creation of a community reinvestment area under section 3735.66</u>	7312
<u>of the Revised Code.</u>	7313
<u>(e) Up to twenty points based on the extent of committed</u>	7314
<u>funding sources as a percentage of total eligible expenditures.</u>	7315

Loan term sheets for loan proceeds that will satisfy eligible 7316  
expenditures qualify for fifty per cent of available points with 7317  
respect to funding those eligible expenditures. Loan commitments 7318  
for loan proceeds that will satisfy eligible expenditures 7319  
qualify for one hundred per cent with respect to funding those 7320  
eligible expenditures. A project that has financial commitments 7321  
for all projected eligible expenditures shall receive twenty 7322  
points, and projects with financial commitments for less than 7323  
all projected eligible expenditures shall receive a number of 7324  
points based on the relative amount of committed funding 7325  
compared to total eligible expenditures of the given project. 7326

(f) Up to eleven points based on purchase or lease 7327  
commitments from end users for the space created by the project. 7328  
Projects that have received commitments for all space shall 7329  
receive eleven points, and projects with less than all end users 7330  
committed shall be allocated points based on the relative square 7331  
footage of committed space compared to total project square 7332  
footage. 7333

(g) Up to four points for projects in areas of higher 7334  
relative walkability as measured by the United States 7335  
environmental protection agency's walkability index for the 7336  
project's census tract with projects in areas designated as the 7337  
highest level of walkability receiving four points and projects 7338  
in areas with lower levels of walkability receiving proportional 7339  
points; 7340

(h) Up to ten points based on a comparative measurement of 7341  
total retail and restaurant sales to be generated by the 7342  
project. Projects generating the largest return on investment 7343  
shall receive ten points, and the remaining projects shall be 7344  
allocated points based on relative return on investment in 7345



comparison to the highest scoring project in this category. 7346

(i) Up to ten points based on a comparative measurement of 7347  
the total new payroll to be generated by the project. Projects 7348  
generating the largest return on investment shall receive ten 7349  
points, and remaining projects shall be allocated points based 7350  
on relative return on investment in comparison to the highest 7351  
scoring project in this category. 7352

(j) Up to fifteen points based on a comparative 7353  
measurement of the total sales, income, lodging, and property 7354  
taxes to be generated by the project. Projects generating the 7355  
largest return on investment shall receive fifteen points, and 7356  
remaining projects allocated points based on relative return on 7357  
investment in comparison to the highest scoring project in this 7358  
category. 7359

(8) When projects are assigned point values and ranked, 7360  
the director shall compare projects that are within ten miles of 7361  
a major city only to other projects that are within ten miles of 7362  
a major city and projects that are more than ten miles from a 7363  
major city only with other projects that are more than ten miles 7364  
from a major city. 7365

(9) When calculating the economic impact of a project 7366  
previously completed and future phases of a phased development 7367  
are not permitted to be included in the economic impact analysis 7368  
or scoring. 7369

(D) Within twelve months of the date a project is 7370  
certified, the property owner shall provide the ~~tax credit~~ 7371  
~~authority~~ director of development with an updated schedule for 7372  
the progression and completion of the project and documentation 7373  
sufficient to demonstrate that construction of the project has 7374

begun. If the property owner does not provide the schedule and 7375  
documentation or if construction of the project has not begun 7376  
within the time prescribed by this division, the ~~tax credit~~ 7377  
~~authority director~~ shall rescind certification of the project 7378  
and send notice of the rescission to the property owner and each 7379  
insurance company that is preliminarily approved for a tax 7380  
credit in connection with the project. A property owner that 7381  
receives notice of rescission may submit a new application 7382  
concerning the same project under division (B) of this section. 7383

(E) An applicant that ~~is the property owner and is~~ 7384  
preliminarily approved for a tax credit under this section may 7385  
sell or transfer the rights to all or a portion of that credit 7386  
to one or more persons ~~for the purpose of raising capital for~~ 7387  
~~the certified project. The applicant shall notify the tax credit~~ 7388  
~~authority upon selling or transferring the rights to the credit.~~ 7389  
~~The notice shall identify the person or persons to which the~~ 7390  
~~credit was sold or transferred and the credit amount sold or~~ 7391  
~~transferred to each such person. Only an applicant that owns the~~ 7392  
~~property may sell or transfer a credit under this division. A~~ 7393  
credit may be divided among multiple purchasers through more 7394  
than one transaction ~~but once a particular credit amount is~~ 7395  
~~acquired by a person other than the applicant it may not be sold~~ 7396  
~~or transferred again~~ and any person to whom the right to claim 7397  
all or a portion of a credit was transferred may transfer that 7398  
right, in whole or in part, to another person. 7399

~~(F) After a transformational mixed use development project~~ 7400  
~~is certified and before it is completed, the property owner may~~ 7401  
~~request that the value of the tax credit certificates awarded in~~ 7402  
~~connection with the project be computed using the alternative~~ 7403  
~~method described in division (I) of this section. The tax credit~~ 7404  
~~authority shall grant the request if the authority determines,~~ 7405

and a third party engaged by the authority at the expense of the 7406  
property owner affirms, that it is reasonably certain that the 7407  
increase in tax collections will exceed ten per cent of the 7408  
estimated development costs within one year after the project is 7409  
completed. Otherwise, the authority shall deny the request and 7410  
the amount of each credit awarded in connection with the project 7411  
shall be computed under division (H) of this section. The 7412  
authority's determination under this division shall be delivered 7413  
in writing and is final and not appealable. 7414

~~(G) (1)~~ (F) (1) The property owner shall notify the ~~tax~~ 7415  
~~credit authority~~ director of development upon completion of a 7416  
certified transformational mixed use development project. The 7417  
notification shall include a report prepared by a third-party 7418  
certified public accountant that contains a detailed accounting 7419  
of the actual ~~development costs~~ eligible expenditures attributed 7420  
to the project. 7421

(2) Upon receiving such a notice, ~~unless the tax credit~~ 7422  
~~authority has previously granted a request by the property owner~~ 7423  
~~under division (F) of this section, the authority shall~~ 7424  
~~determine the increase in tax collections since the date the~~ 7425  
~~project was certified by consulting with the tax commissioner~~ 7426  
~~and with the tax administrator of any municipal corporation that~~ 7427  
~~levies an income tax within the project site and the surrounding~~ 7428  
~~area. The tax commissioner and the tax administrators that are~~ 7429  
~~consulted pursuant to this division shall provide the tax credit~~ 7430  
~~authority with any information that is necessary to determine~~ 7431  
~~the increase in tax collections.~~ 7432

~~(3) After determining the increase in tax collections~~ 7433  
~~under division (G) (2) of this section, if required, and~~ 7434  
~~computing the value of the tax credit under division (H) or (I)~~ 7435

~~of this section, as applicable, the tax credit authority—~~ 7436  
~~director of development shall issue a tax credit certificate to~~ 7437  
~~each applicant, or other person identified in the application~~ 7438  
~~pursuant to division (B) (8) of this section, that is~~ 7439  
~~preliminarily approved for a credit associated with the project—~~ 7440  
~~or to the person or persons to which such an applicant sold or~~ 7441  
~~transferred the rights to the credit under division (E) of this—~~ 7442  
~~section. If the amount of the tax credit awarded to the property~~ 7443  
~~owner is less than the credit amount estimated under division—~~ 7444  
~~(C) of this section and the property owner sold or transferred~~ 7445  
~~the rights to the credit, the tax credit authority shall reduce—~~ 7446  
~~the amount of each tax credit certificate issued to each—~~ 7447  
~~purchaser or recipient on a pro rata basis unless the property—~~ 7448  
~~owner requests an alternative allocation of the credit.~~ 7449

~~(H) (1) Unless the tax credit authority granted a request—~~ 7450  
~~by the property owner under division (F) of this section, the—~~ 7451  
~~aggregate value of the tax credit certificates issued under—~~ 7452  
~~division (C) of this section to the property owner and to any—~~ 7453  
~~persons to whom the property owner sold or transferred the—~~ 7454  
~~rights to the credit shall equal the lesser of the following:—~~ 7455

~~(a) Ten per cent of the adjusted development costs;—~~ 7456

~~(b) Five per cent of the adjusted development costs plus—~~ 7457  
~~any amount by which the property owner's share of the increase—~~ 7458  
~~in tax collections since the date the project was certified—~~ 7459  
~~exceeds five per cent of the adjusted development costs;—~~ 7460

~~(c) The estimated credit amount specified in the tax—~~ 7461  
~~credit authority's statement certifying the project and—~~ 7462  
~~preliminarily approving the tax credit under division (C) of—~~ 7463  
~~this section.—~~ 7464

~~(2) The value of a tax credit certificate issued under~~ 7465  
~~division (C) of this section to an insurance company that~~ 7466  
~~contributed capital to the project shall equal the lesser of the~~ 7467  
~~following:—~~ 7468

~~(a) Ten per cent of the insurance company's actual capital~~ 7469  
~~contribution;—~~ 7470

~~(b) Five per cent of such capital contribution plus any~~ 7471  
~~amount by which the insurance company's share of the increase in~~ 7472  
~~tax collections since the date the project was certified exceeds~~ 7473  
~~five per cent of the insurance company's capital contribution;—~~ 7474

~~(c) The estimated credit amount specified in the tax~~ 7475  
~~credit authority's statement certifying the project and~~ 7476  
~~preliminarily approving the tax credit under division (C) of~~ 7477  
~~this section.~~ 7478

~~(I) If the tax credit authority granted a request by the~~ 7479  
~~property owner under division (F) of this section, the (G) The~~ 7480  
~~value of the tax credit certificates issued in connection with~~ 7481  
~~the transformational mixed use development project shall be~~ 7482  
~~computed as follows:—~~ 7483

~~(1) For the property owner or any person to which the~~ 7484  
~~property owner sold or transferred the rights to the credit, the~~ 7485  
~~lesser of the amount preliminarily approved for the tax credit~~ 7486  
~~or ten per cent of the actual development costs eligible~~ 7487  
~~expenditures attributed to the project. If the amount of the~~ 7488  
~~credit is less than the credit amount estimated under division~~ 7489  
~~(C) of this section and the property owner sold or transferred~~ 7490  
~~the rights to the credit to more than one person, the authority~~ 7491  
~~shall reduce the amount of each tax credit certificate on a pro~~ 7492  
~~rata basis unless the property owner requests an alternative~~ 7493

~~allocation of the credit.~~ 7494

~~(2) For an insurance company that contributed capital to  
the project, ten per cent of the insurance company's actual  
capital contribution.~~ 7495  
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~~(J) If the value of a tax credit certificate was computed  
under division (H) of this section for a project, the property  
owner, on or before the thirtieth day following the first,  
second, third, fourth, and fifth anniversaries of the date the  
certified transformational mixed use development project is  
completed, may request in writing that the tax credit authority  
update the increase in tax collections during the completion  
period. Upon receiving such a request, the tax credit authority  
shall update the increase in tax collections in the same manner  
described by division (G) of this section. If the tax credit  
authority determines that the value of the tax credit  
certificates computed under division (H) of this section would  
be greater if computed based on the updated increase in tax  
collections, the authority shall issue an additional tax credit  
certificate to each person that previously received a  
certificate for the project under those divisions. The value of  
each additional tax credit certificate shall equal the amount by  
which the tax credit certificate computed under division (H) of  
this section upon completion of the project would have been  
greater had the value of such certificate been computed based on  
the updated increase in tax collections, less the value of any  
additional tax credit certificates previously issued under this  
division to the same person respecting the same project.~~ 7498  
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~~(K)~~ (H) The aggregate value of all tax credit certificates  
issued under this section for the same transformational mixed  
use development project shall not exceed (1) ten per cent of the 7521  
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actual ~~development costs~~ eligible expenditures of that project 7524  
or (2) the ~~sum of all estimated credit amounts~~ amount 7525  
preliminarily approved by the ~~tax credit authority~~ director of 7526  
development in connection with the project. 7527

~~(I)~~ (I) Issuance of a tax credit certificate under this 7528  
section does not represent a verification or certification by 7529  
the ~~tax credit authority~~ director of development of the actual 7530  
~~development costs~~ eligible expenditures of the project or the 7531  
capital contributions to the project by an insurance company. 7532  
Such amounts are subject to inspection and examination by the 7533  
superintendent of insurance. 7534

~~(M)~~ (J) Upon the issuance of a tax credit certificate under 7535  
~~division (G) or (J) of this section, the tax credit authority~~ 7536  
director of development shall certify to the superintendent of 7537  
insurance and the tax commissioner (1) the name of each person 7538  
that was issued a tax credit certificate, (2) whether the person 7539  
is the property owner or, an insurance company that contributed 7540  
capital to the development, ~~or a person that acquired the rights~~ 7541  
~~to the tax credit certificate from the property owner,~~ (3) the 7542  
credit amount shown on each tax credit certificate, and (4) any 7543  
other information required by the rules adopted under this 7544  
section. A person that holds the rights to a tax credit 7545  
certificate issued under this section ~~and that is an insurance~~ 7546  
~~company~~ may claim a tax credit under section 5725.35 ~~or~~, 7547  
5726.62, 5729.18, or 5747.87 of the Revised Code, subject to any 7548  
limitations in those sections. 7549

~~(N)~~ (K) The ~~tax credit authority~~ director of development 7550  
shall publish information about each transformational mixed use 7551  
development on the web site of the department of development not 7552  
later than the first day of August following certification of 7553

the project. The ~~tax credit authority director~~ shall update the 7554  
published information annually until the project is complete and 7555  
the credit or credits are fully claimed. The published 7556  
information shall include all of the following: 7557

(1) The location of the transformational mixed use 7558  
development and the name by which it is known; 7559

(2) The estimated schedule for progression and completion 7560  
of the project included in the development plan pursuant to 7561  
division (B) (4) of this section; 7562

(3) The assessment of the projected economic impact of the 7563  
project included in the development plan pursuant to division 7564  
(B) (5) of this section; 7565

(4) The evidence supporting the estimated increase in tax 7566  
collections included in the development plan pursuant to 7567  
division (B) (6) of this section, except that the ~~tax credit~~ 7568  
~~authority director~~ may omit any proprietary or sensitive 7569  
information included in such evidence; 7570

(5) The estimated ~~development costs~~ eligible expenditures 7571  
that have been or will be incurred in completion of the project 7572  
and, if applicable, the amount of the insurance company's 7573  
capital contribution to the development and the date on which it 7574  
was made, as reported in the development plan pursuant to 7575  
divisions (B) (3) and (7) of this section; 7576

(6) A copy of each report submitted to the ~~tax credit~~ 7577  
~~authority director of development~~ by the applicant under 7578  
division (D) of this section. 7579

~~(D)~~ (L) The director of development, in accordance with 7580  
Chapter 119. of the Revised Code, shall adopt rules that 7581  
establish all of the following: 7582



(1) Forms and procedures by which applicants may apply for 7583  
a transformational investment tax credit, and any deadlines for 7584  
applying; 7585

(2) Criteria and procedures for reviewing, evaluating, 7586  
ranking, and approving applications within the limitations 7587  
prescribed by this section, including rules prescribing the 7588  
timing and frequency by which the ~~tax credit authority director~~ 7589  
of development must rank applications and preliminarily approve 7590  
tax credits under division (C) of this section; 7591

(3) Eligibility requirements for obtaining a tax credit 7592  
certificate under this section; 7593

(4) The form of the tax credit certificate; 7594

(5) Reporting requirements and monitoring procedures; 7595

~~(6) Procedures for computing the increase in tax-~~ 7596  
~~collections within the project site and the surrounding area;~~ 7597

~~(7) Forms and procedures by which property owners may~~ 7598  
~~request the alternative method of computing the value of tax-~~ 7599  
~~credit certificates under division (I) of this section that are~~ 7600  
~~awarded in connection with a project and criteria for evaluating~~ 7601  
~~and making a determination on such requests;~~ 7602

~~(8) Any other rules necessary to implement and administer~~ 7603  
this section. 7604

**Sec. 122.14.** ~~(A)~~ There is hereby created in the state 7605  
treasury the roadwork development fund. The fund shall consist 7606  
of the investment earnings of the security deposit fund created 7607  
by section 4509.27 of the Revised Code and revenue transferred 7608  
to it by the director of budget and management from the highway 7609  
operating fund created in section 5735.051 of the Revised Code. 7610

The fund shall be used by the development services agency in 7611  
accordance with Section 5a of Article XII, Ohio Constitution, to 7612  
make road improvements associated with retaining or attracting 7613  
business for this state, including both of the following: 7614

~~(1)~~ (A) Construction, reconstruction, maintenance, or 7615  
repair of public roads that provide access to a public airport 7616  
or are located within a public airport; 7617

~~(2)~~ (B) Construction, reconstruction, maintenance, or 7618  
repair of public roads that provide or improve access to tourism 7619  
attractions. 7620

~~(B) All investment earnings of the fund shall be credited~~ 7621  
~~to the fund.~~ 7622

**Sec. 122.175.** (A) As used in this section: 7623

(1) "Capital investment project" means a plan of 7624  
investment at a project site for the acquisition, construction, 7625  
renovation, expansion, replacement, or repair of a computer data 7626  
center or of computer data center equipment, but does not 7627  
include any of the following: 7628

(a) Project costs paid before a date determined by the tax 7629  
credit authority for each capital investment project; 7630

(b) Payments made to a related member as defined in 7631  
section 5733.042 of the Revised Code or to a consolidated 7632  
elected taxpayer or a combined taxpayer as defined in section 7633  
5751.01 of the Revised Code. 7634

(2) "Computer data center" means a facility used or to be 7635  
used primarily to house computer data center equipment used or 7636  
to be used in conducting one or more computer data center 7637  
businesses, as determined by the tax credit authority. 7638

(3) "Computer data center business" means, as may be 7639  
further determined by the tax credit authority, a business that 7640  
provides electronic information services as defined in division 7641  
(Y) (1) (c) of section 5739.01 of the Revised Code, or that leases 7642  
a facility to one or more such businesses. "Computer data center 7643  
business" does not include providing electronic publishing as 7644  
defined in that section. 7645

(4) "Computer data center equipment" means tangible 7646  
personal property used or to be used for any of the following: 7647

(a) To conduct a computer data center business, including 7648  
equipment cooling systems to manage the performance of computer 7649  
data center equipment; 7650

(b) To generate, transform, transmit, distribute, or 7651  
manage electricity necessary to operate the tangible personal 7652  
property used or to be used in conducting a computer data center 7653  
business; 7654

(c) As building and construction materials sold to 7655  
construction contractors for incorporation into a computer data 7656  
center. 7657

(5) "Eligible computer data center" means a computer data 7658  
center that satisfies all of the following requirements: 7659

(a) One or more taxpayers operating a computer data center 7660  
business at the project site will, in the aggregate, make 7661  
payments for a capital investment project of at least one 7662  
hundred million dollars at the project site during one of the 7663  
following cumulative periods: 7664

(i) For projects beginning in 2013, six consecutive 7665  
calendar years; 7666

(ii) For projects beginning in 2014, four consecutive 7667  
calendar years; 7668

(iii) For projects beginning in or after 2015, three 7669  
consecutive calendar years. 7670

(b) One or more taxpayers operating a computer data center 7671  
business at the project site will, in the aggregate, pay annual 7672  
compensation that is subject to the withholding obligation 7673  
imposed under section 5747.06 of the Revised Code of at least 7674  
one million five hundred thousand dollars to employees employed 7675  
at the project site for each year of the agreement beginning on 7676  
or after the first day of the twenty-fifth month after the 7677  
agreement was entered into under this section. 7678

(6) "Person" has the same meaning as in section 5701.01 of 7679  
the Revised Code. 7680

(7) "Project site," "related member," and "tax credit 7681  
authority" have the same meanings as in sections 122.17 and 7682  
122.171 of the Revised Code. 7683

(8) "Taxpayer" means any person subject to the taxes 7684  
imposed under Chapters 5739. and 5741. of the Revised Code. 7685

(B) The tax credit authority may completely or partially 7686  
exempt from the taxes levied under Chapters 5739. and 5741. of 7687  
the Revised Code the sale, storage, use, or other consumption of 7688  
computer data center equipment used or to be used at an eligible 7689  
computer data center. Any such exemption shall extend to charges 7690  
for the delivery, installation, or repair of the computer data 7691  
center equipment subject to the exemption under this section. 7692

(C) A taxpayer that proposes a capital improvement project 7693  
for an eligible computer data center in this state may apply to 7694  
the tax credit authority to enter into an agreement under this 7695

section authorizing a complete or partial exemption from the 7696  
taxes imposed under Chapters 5739. and 5741. of the Revised Code 7697  
on computer data center equipment purchased by the applicant or 7698  
any other taxpayer that operates a computer data center business 7699  
at the project site and used or to be used at the eligible 7700  
computer data center. The director of development ~~services~~ shall 7701  
prescribe the form of the application. After receipt of an 7702  
application, the authority shall forward copies of the 7703  
application to ~~the director of budget and management and the tax~~ 7704  
~~commissioner, each of whom~~ who shall review the application to 7705  
determine the economic impact that the proposed eligible 7706  
computer data center would have on the state and any affected 7707  
political subdivisions and submit to the authority a summary of 7708  
their determinations. The authority shall also forward a copy of 7709  
the application to the director of development ~~services~~ who 7710  
shall review the application to determine the economic impact 7711  
that the proposed eligible computer data center would have on 7712  
the state and the affected political subdivisions and shall 7713  
submit a summary of their determinations and recommendations to 7714  
the authority. 7715

(D) Upon review and consideration of such determinations 7716  
and recommendations, the tax credit authority , before October 7717  
1, 2025, may enter into an agreement with the applicant and any 7718  
other taxpayer that operates a computer data center business at 7719  
the project site for a complete or partial exemption from the 7720  
taxes imposed under Chapters 5739. and 5741. of the Revised Code 7721  
on computer data center equipment used or to be used at an 7722  
eligible computer data center if the authority determines all of 7723  
the following: 7724

(1) The capital investment project for the eligible 7725  
computer data center will increase payroll and the amount of 7726

income taxes to be withheld from employee compensation pursuant 7727  
to section 5747.06 of the Revised Code. 7728

(2) The applicant is economically sound and has the 7729  
ability to complete or effect the completion of the proposed 7730  
capital investment project. 7731

(3) The applicant intends to and has the ability to 7732  
maintain operations at the project site for the term of the 7733  
agreement. 7734

(4) Receiving the exemption is a major factor in the 7735  
applicant's decision to begin, continue with, or complete the 7736  
capital investment project. 7737

(E) An agreement entered into under this section shall 7738  
include all of the following: 7739

(1) A detailed description of the capital investment 7740  
project that is the subject of the agreement, including the 7741  
amount of the investment, the period over which the investment 7742  
has been or is being made, the annual compensation to be paid by 7743  
each taxpayer subject to the agreement to its employees at the 7744  
project site, and the anticipated amount of income taxes to be 7745  
withheld from employee compensation pursuant to section 5747.06 7746  
of the Revised Code. 7747

(2) The percentage of the exemption from the taxes imposed 7748  
under Chapters 5739. and 5741. of the Revised Code for the 7749  
computer data center equipment used or to be used at the 7750  
eligible computer data center, the length of time the computer 7751  
data center equipment will be exempted, and the first date on 7752  
which the exemption applies. 7753

(3) A requirement that the computer data center remain an 7754  
eligible computer data center during the term of the agreement 7755

and that the applicant maintain operations at the eligible 7756  
computer data center during that term. An applicant does not 7757  
violate the requirement described in division (E)(3) of this 7758  
section if the applicant ceases operations at the eligible 7759  
computer data center during the term of the agreement but 7760  
resumes those operations within eighteen months after the date 7761  
of cessation. The agreement shall provide that, in such a case, 7762  
the applicant and any other taxpayer that operates a computer 7763  
data center business at the project site shall not claim the tax 7764  
exemption authorized in the agreement for any purchase of 7765  
computer data center equipment made during the period in which 7766  
the applicant did not maintain operations at the eligible 7767  
computer data center. 7768

(4) A requirement that, for each year of the term of the 7769  
agreement beginning on or after the first day of the twenty- 7770  
fifth month after the date the agreement was entered into, one 7771  
or more taxpayers operating a computer data center business at 7772  
the project site will, in the aggregate, pay annual compensation 7773  
that is subject to the withholding obligation imposed under 7774  
section 5747.06 of the Revised Code of at least one million five 7775  
hundred thousand dollars to employees at the eligible computer 7776  
data center. 7777

(5) A requirement that each taxpayer subject to the 7778  
agreement annually report to the director of development 7779  
~~services~~ employment, tax withholding, capital investment, and 7780  
other information required by the director to perform the 7781  
director's duties under this section. 7782

(6) A requirement that the director of development 7783  
~~services~~ annually review the annual reports of each taxpayer 7784  
subject to the agreement to verify the information reported 7785

under division (E) (5) of this section and compliance with the 7786  
agreement. Upon verification, the director shall issue a 7787  
certificate to each such taxpayer stating that the information 7788  
has been verified and that the taxpayer remains eligible for the 7789  
exemption specified in the agreement. 7790

(7) A provision providing that the taxpayers subject to 7791  
the agreement may not relocate a substantial number of 7792  
employment positions from elsewhere in this state to the project 7793  
site unless the director of development ~~services~~ determines that 7794  
the appropriate taxpayer notified the legislative authority of 7795  
the county, township, or municipal corporation from which the 7796  
employment positions would be relocated. For purposes of this 7797  
paragraph, the movement of an employment position from one 7798  
political subdivision to another political subdivision shall be 7799  
considered a relocation of an employment position unless the 7800  
movement is confined to the project site. The transfer of an 7801  
employment position from one political subdivision to another 7802  
political subdivision shall not be considered a relocation of an 7803  
employment position if the employment position in the first 7804  
political subdivision is replaced by another employment 7805  
position. 7806

(8) A waiver by each taxpayer subject to the agreement of 7807  
any limitations periods relating to assessments or adjustments 7808  
resulting from the taxpayer's failure to comply with the 7809  
agreement. 7810

(F) The term of an agreement under this section shall be 7811  
determined by the tax credit authority, and the amount of the 7812  
exemption shall not exceed one hundred per cent of such taxes 7813  
that would otherwise be owed in respect to the exempted computer 7814  
data center equipment. 7815



(G) If any taxpayer subject to an agreement under this 7816  
section fails to meet or comply with any condition or 7817  
requirement set forth in the agreement, the tax credit authority 7818  
may amend the agreement to reduce the percentage of the 7819  
exemption or term during which the exemption applies to the 7820  
computer data center equipment used or to be used by the 7821  
noncompliant taxpayer at an eligible computer data center. The 7822  
reduction of the percentage or term may take effect in the 7823  
current calendar year. 7824

(H) Financial statements and other information submitted 7825  
to the department of development ~~services~~ or the tax credit 7826  
authority by an applicant for or recipient of an exemption under 7827  
this section, and any information taken for any purpose from 7828  
such statements or information, are not public records subject 7829  
to section 149.43 of the Revised Code. However, the chairperson 7830  
of the authority may make use of the statements and other 7831  
information for purposes of issuing public reports or in 7832  
connection with court proceedings concerning tax exemption 7833  
agreements under this section. Upon the request of the tax 7834  
commissioner, the chairperson of the authority shall provide to 7835  
the tax commissioner any statement or other information 7836  
submitted by an applicant for or recipient of an exemption under 7837  
this section. The tax commissioner shall preserve the 7838  
confidentiality of the statement or other information. 7839

(I) The tax commissioner shall issue a direct payment 7840  
permit under section 5739.031 of the Revised Code to each 7841  
taxpayer subject to an agreement under this section. Such direct 7842  
payment permit shall authorize the taxpayer to pay any sales and 7843  
use taxes due on purchases of computer data center equipment 7844  
used or to be used in an eligible computer data center and to 7845  
pay any sales and use taxes due on purchases of tangible 7846

personal property or taxable services other than computer data 7847  
center equipment used or to be used in an eligible computer data 7848  
center directly to the tax commissioner. Each such taxpayer 7849  
shall pay pursuant to such direct payment permit all sales tax 7850  
levied on such purchases under sections 5739.02, 5739.021, 7851  
5739.023, and 5739.026 of the Revised Code and all use tax 7852  
levied on such purchases under sections 5741.02, 5741.021, 7853  
5741.022, and 5741.023 of the Revised Code, consistent with the 7854  
terms of the agreement entered into under this section. 7855

During the term of an agreement under this section each 7856  
taxpayer subject to the agreement shall submit to the tax 7857  
commissioner a return that shows the amount of computer data 7858  
center equipment purchased for use at the eligible computer data 7859  
center, the amount of tangible personal property and taxable 7860  
services other than computer data center equipment purchased for 7861  
use at the eligible computer data center, the amount of tax 7862  
under Chapter 5739. or 5741. of the Revised Code that would be 7863  
due in the absence of the agreement under this section, the 7864  
exemption percentage for computer data center equipment 7865  
specified in the agreement, and the amount of tax due under 7866  
Chapter 5739. or 5741. of the Revised Code as a result of the 7867  
agreement under this section. Each such taxpayer shall pay the 7868  
tax shown on the return to be due in the manner and at the times 7869  
as may be further prescribed by the tax commissioner. Each such 7870  
taxpayer shall include a copy of the director of ~~development-~~ 7871  
~~services'~~ development's certificate of verification issued under 7872  
division (E) (6) of this section. Failure to submit a copy of the 7873  
certificate with the return does not invalidate the claim for 7874  
exemption if the taxpayer submits a copy of the certificate to 7875  
the tax commissioner within the time prescribed by section 7876  
5703.0510 of the Revised Code. 7877

(J) If the director of development ~~services~~ determines 7878  
that one or more taxpayers received an exemption from taxes due 7879  
on the purchase of computer data center equipment purchased for 7880  
use at a computer data center that no longer complies with the 7881  
requirement under division (E) (3) of this section, the director 7882  
shall notify the tax credit authority and, if applicable, the 7883  
taxpayer that applied to enter the agreement for the exemption 7884  
under division (C) of this section of the noncompliance. After 7885  
receiving such a notice, and after giving each taxpayer subject 7886  
to the agreement an opportunity to explain the noncompliance, 7887  
the authority may terminate the agreement and require each such 7888  
taxpayer to pay to the state all or a portion of the taxes that 7889  
would have been owed in regards to the exempt equipment in 7890  
previous years, all as determined under rules adopted pursuant 7891  
to division (K) of this section. In determining the portion of 7892  
the taxes that would have been owed on the previously exempted 7893  
equipment to be paid to this state by a taxpayer, the authority 7894  
shall consider the effect of market conditions on the eligible 7895  
computer data center, whether the taxpayer continues to maintain 7896  
other operations in this state, and, with respect to agreements 7897  
involving multiple taxpayers, the taxpayer's level of 7898  
responsibility for the noncompliance. After making the 7899  
determination, the authority shall certify to the tax 7900  
commissioner the amount to be paid by each taxpayer subject to 7901  
the agreement. The tax commissioner shall make an assessment for 7902  
that amount against each such taxpayer under Chapter 5739. or 7903  
5741. of the Revised Code. The time limitations on assessments 7904  
under those chapters do not apply to an assessment under this 7905  
division, but the tax commissioner shall make the assessment 7906  
within one year after the date the authority certifies to the 7907  
tax commissioner the amount to be paid by the taxpayer. 7908

(K) The director of development ~~services~~, after 7909  
consultation with the tax commissioner and in accordance with 7910  
Chapter 119. of the Revised Code, shall adopt rules necessary to 7911  
implement this section. The rules may provide for recipients of 7912  
tax exemptions under this section to be charged fees to cover 7913  
administrative costs incurred in the administration of this 7914  
section. The fees collected shall be credited to the tax 7915  
incentives operating fund created in section 122.174 of the 7916  
Revised Code. At the time the director gives public notice under 7917  
division (A) of section 119.03 of the Revised Code of the 7918  
adoption of the rules, the director shall submit copies of the 7919  
proposed rules to the chairpersons of the standing committees on 7920  
economic development in the senate and the house of 7921  
representatives. 7922

(L) On or before the first day of August of each year, the 7923  
director of development ~~services~~ shall submit a report to the 7924  
governor, the president of the senate, and the speaker of the 7925  
house of representatives on the tax exemption authorized under 7926  
this section. The report shall include information on the number 7927  
of agreements that were entered into under this section during 7928  
the preceding calendar year, a description of the eligible 7929  
computer data center that is the subject of each such agreement, 7930  
and an update on the status of eligible computer data centers 7931  
under agreements entered into before the preceding calendar 7932  
year. 7933

(M) A taxpayer may be made a party to an existing 7934  
agreement entered into under this section by the tax credit 7935  
authority and another taxpayer or group of taxpayers. In such a 7936  
case, the taxpayer shall be entitled to all benefits and bound 7937  
by all obligations contained in the agreement and all 7938  
requirements described in this section. When an agreement 7939

includes multiple taxpayers, each taxpayer shall be entitled to 7940  
a direct payment permit as authorized in division (I) of this 7941  
section. 7942

**Sec. 122.1710.** (A) As used in this section: 7943

(1) "Low-income individual" has the same meaning as "low- 7944  
income person" in section ~~122.66~~ 5101.311 of the Revised Code. 7945

(2) "Microcredential" has the same meaning as in section 7946  
122.178 of the Revised Code. 7947

(3) "OhioMeansJobs web site" has the same meaning as in 7948  
section 6301.01 of the Revised Code. 7949

(4) "Partially unemployed" and "totally unemployed" have 7950  
the same meanings as in section 4141.01 of the Revised Code. 7951

(5) "Training provider" means all of the following: 7952

(a) A state institution of higher education as defined in 7953  
section 3345.011 of the Revised Code; 7954

(b) An Ohio technical center as defined in section 3333.94 7955  
of the Revised Code; 7956

(c) A private business or institution that offers training 7957  
to allow an individual to earn one or more microcredentials. 7958

(B) There is hereby created the individual microcredential 7959  
assistance program to reimburse training providers for training 7960  
costs for individuals to earn a microcredential. The department 7961  
of development, in consultation with the governor's office of 7962  
workforce transformation, shall administer the program. 7963

(C) A training provider seeking to participate in the 7964  
program shall submit an application to the director of 7965  
development. The training provider shall include in the 7966

application all of the following information: 7967

(1) The number of microcredentials the training provider 7968  
will seek a reimbursement for and the names of the 7969  
microcredentials; 7970

(2) The cost of the training for each microcredential; 7971

(3) The total amount of the reimbursement the training 7972  
provider will seek; 7973

(4) The training provider's plan to provide opportunities 7974  
for individuals who are low income, partially unemployed, or 7975  
totally unemployed to participate in a training program and 7976  
receive a microcredential; 7977

(5) Any other information the director requires. 7978

(D) (1) The director shall consider the following factors 7979  
in determining whether to approve an application submitted under 7980  
division (C) of this section: 7981

(a) The duration of the training program; 7982

(b) The cost of the training; 7983

(c) Whether approving an application will promote regional 7984  
diversity in apportioning reimbursements uniformly across the 7985  
state; 7986

(d) The training provider's commitment to providing 7987  
opportunities for individuals who are low income, partially 7988  
unemployed, or totally unemployed to participate in a training 7989  
program and receive a microcredential. 7990

(2) In determining regional diversity under division (D) 7991  
(1) (c) of this section, the director shall use the regions 7992  
established under division (G) of section 122.178 of the Revised 7993

Code. 7994

(3) The director shall not approve an application 7995  
submitted under this section if either of the following apply: 7996

(a) The microcredentials identified in the application are 7997  
not included in the list the chancellor of higher education 7998  
establishes under section 122.178 of the Revised Code. 7999

(b) The training provider has violated Chapter 4111. of 8000  
the Revised Code within the four fiscal years immediately 8001  
preceding the date of application. 8002

(4) The director shall notify a training provider in 8003  
writing of the director's decision to approve or deny the 8004  
training provider's application to participate in the program. 8005

(E) A participating training provider shall not charge an 8006  
individual participating in a training program to earn a 8007  
microcredential for which the training provider is seeking a 8008  
reimbursement for either of the following: 8009

(1) Any costs associated with the individual's 8010  
participation in the training program; 8011

(2) Any costs to the training provider resulting from an 8012  
individual not completing the training program. 8013

(F) (1) Each participating training provider seeking 8014  
reimbursement for training costs for one or more 8015  
microcredentials earned by one or more individuals in a training 8016  
program shall submit an application to the director after the 8017  
individual or individuals have earned a microcredential. The 8018  
training provider shall include in the reimbursement application 8019  
all of the following information: 8020

(a) The actual cost for the training provider to provide 8021

each individual with the training; 8022

(b) Evidence that each individual earned a 8023  
microcredential; 8024

(c) Any demographic information of each individual that 8025  
the individual provides to the training provider, including race 8026  
and gender. 8027

(2) The amount of the reimbursement shall be not more than 8028  
three thousand dollars for each microcredential an individual 8029  
receives. A participating training provider may not receive a 8030  
reimbursement for any additional individual who earns a 8031  
microcredential beyond the number of microcredentials included 8032  
in the application under division (C) of this section. A 8033  
participating training provider may receive a total 8034  
reimbursement of five hundred thousand dollars in a fiscal year. 8035

(3) A training provider may request that an individual 8036  
participating in the training provider's program provide 8037  
demographic information to the training provider, including race 8038  
and gender. An individual is not required to provide that 8039  
information. 8040

(G) The director shall do both of the following regarding 8041  
the operation of the program: 8042

(1) Create an application to participate in the program 8043  
and an application for reimbursement; 8044

(2) Create and distribute a survey to each individual who 8045  
successfully earned a microcredential because of a reimbursement 8046  
to a training provider under this section inquiring as to the 8047  
individual's occupation and wages at the time of completing the 8048  
survey. 8049



(H) The director shall include on the internet web site 8050  
maintained by the department, and the governor's office of 8051  
workforce transformation shall include on the office's internet 8052  
web site and the OhioMeansJobs web site, all of the content 8053  
created under division (G) of this section. 8054

(I) The director may adopt rules in accordance with 8055  
Chapter 119. of the Revised Code as the director considers 8056  
necessary to implement this section, including establishing 8057  
priority guidelines for approving applications under division 8058  
(D) of this section. 8059

(J) Any personal information of an individual the director 8060  
receives in connection with the individual microcredential 8061  
assistance program created under this section is not a public 8062  
record for purposes of section 149.43 of the Revised Code. 8063  
However, the director may use the information as necessary to 8064  
complete the reports required under section 122.1711 of the 8065  
Revised Code. 8066

**Sec. 122.41.** The director of development ~~services is~~ 8067  
invested with the powers and duties provided in Chapter 122. of 8068  
the Revised Code, in order to promote the welfare of the people 8069  
of the state, to stabilize the economy, to provide employment, 8070  
to assist in the development within the state of industrial, 8071  
commercial, distribution, and research activities required for 8072  
the people of the state, and for their gainful employment, or 8073  
otherwise to create or preserve jobs and employment 8074  
opportunities, or improve the economic welfare of the people of 8075  
the state, ~~and also to assist in the financing of air, water, or~~ 8076  
~~thermal pollution control facilities and solid waste disposal~~ 8077  
~~facilities by mortgage insurance as provided in section 122.451-~~ 8078  
~~of the Revised Code.~~ It is hereby determined that the 8079

accomplishment of such purposes is essential so that the people 8080  
of the state may maintain their present high standards in 8081  
comparison with the people of other states and so that 8082  
opportunities for employment and for favorable markets for the 8083  
products of the state's natural resources, agriculture, and 8084  
manufacturing shall be improved and that it is necessary for the 8085  
state to establish the programs authorized pursuant to Chapter 8086  
122. of the Revised Code and invest the director of development 8087  
~~services~~ with the powers and duties provided in Chapter 122. of 8088  
the Revised Code. The powers granted to the director by Chapter 8089  
165. of the Revised Code are independent of and in addition and 8090  
alternate to, and are not limited or restricted by, Chapter 122. 8091  
of the Revised Code. 8092

**Sec. 122.42.** (A) The director of development shall do all 8093  
of the following: 8094

(1) Receive applications for assistance under sections 8095  
122.39 and 122.41 to 122.62 of the Revised Code; 8096

(2) Make a final determination whether to approve the 8097  
application for assistance; 8098

(3) Transmit determinations to approve assistance to the 8099  
controlling board together with any information the controlling 8100  
board requires for the board's review and decision as to whether 8101  
to approve the assistance; 8102

(4) Issue revenue bonds of the state through the treasurer 8103  
of state, as necessary, payable solely from revenues and other 8104  
sources as provided in sections 122.39 and 122.41 to 122.62 of 8105  
the Revised Code. 8106

(B) The director may do all of the following: 8107

(1) Fix the rate of interest and charges to be made upon 8108

or with respect to moneys loaned by the director and the terms 8109  
upon which mortgages and lease rentals may be guaranteed and the 8110  
rates of charges to be made for the loans and guarantees and to 8111  
make provisions for the operation of the funds established by 8112  
the director in accordance with this section and ~~sections~~ 8113  
section 122.54, 122.55, 122.56, and 122.57 of the Revised Code; 8114

(2) Loan moneys from the fund established in accordance 8115  
with section 122.54 of the Revised Code pursuant to and in 8116  
compliance with sections 122.39 and 122.41 to 122.62 of the 8117  
Revised Code; 8118

(3) Acquire in the name of the director any property of 8119  
any kind or character in accordance with sections 122.39 and 8120  
122.41 to 122.62 of the Revised Code, by purchase, purchase at 8121  
foreclosure, or exchange on such terms and in such manner as the 8122  
director considers proper; 8123

(4) Make and enter into all contracts and agreements 8124  
necessary or incidental to the performance of the director's 8125  
duties and the exercise of the director's powers under sections 8126  
122.39 and 122.41 to 122.62 of the Revised Code; 8127

(5) Maintain, protect, repair, improve, and insure any 8128  
property which the director has acquired and dispose of the same 8129  
by sale, exchange, or lease for the consideration and on the 8130  
terms and in the manner as the director considers proper, but is 8131  
not authorized to operate any such property as a business except 8132  
as the lessor of the property; 8133

(6) (a) When the cost of any contract for the maintenance, 8134  
protection, repair, or improvement of any property held by the 8135  
director other than compensation for personal services involves 8136  
an expenditure of more than one thousand dollars, the director 8137

shall make a written contract with the lowest responsive and 8138  
responsible bidder in accordance with section 9.312 of the 8139  
Revised Code after advertisement for not less than two 8140  
consecutive weeks in a newspaper of general circulation in the 8141  
county where such contract, or some substantial part of it, is 8142  
to be performed, and in such other publications as the director 8143  
determines, which notice shall state the general character of 8144  
the work and the general character of the materials to be 8145  
furnished, the place where plans and specifications may be 8146  
examined, and the time and place of receiving bids. 8147

(b) Each bid for a contract for the construction, 8148  
demolition, alteration, repair, or reconstruction of an 8149  
improvement shall contain the full name of every person 8150  
interested in it and meet the requirements of section 153.54 of 8151  
the Revised Code. 8152

(c) Each bid for a contract, except as provided in 8153  
division (B) (6) (b) of this section, shall contain the full name 8154  
of every person interested in it and shall be accompanied by 8155  
bond or certified check on a solvent bank, in such amount as the 8156  
director considers sufficient, that if the bid is accepted a 8157  
contract will be entered into and the performance of the 8158  
proposal secured. 8159

(d) The director may reject any and all bids. 8160

(e) A bond with good and sufficient surety, approved by 8161  
the director, shall be required of every contractor awarded a 8162  
contract except as provided in division (B) (6) (b) of this 8163  
section, in an amount equal to at least fifty per cent of the 8164  
contract price, conditioned upon faithful performance of the 8165  
contract. 8166

(7) Employ financial consultants, appraisers, consulting 8167  
engineers, superintendents, managers, construction and 8168  
accounting experts, attorneys, and other employees and agents as 8169  
are necessary in the director's judgment and fix their 8170  
compensation; 8171

(8) Assist qualified persons in the coordination and 8172  
formation of a small business development company, having a 8173  
statewide area of operation, conditional upon the company's 8174  
agreeing to seek to obtain certification from the federal small 8175  
business administration as a certified statewide development 8176  
company and participation in the guaranteed loan program 8177  
administered by the small business administration pursuant to 8178  
the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During 8179  
the initial period of formation of the statewide small business 8180  
development company, the director shall provide technical and 8181  
financial expertise, legal and managerial assistance, and other 8182  
services as are necessary and proper to enable the company to 8183  
obtain and maintain federal certification and participation in 8184  
the federal guaranteed loan program. The director may charge a 8185  
fee, in such amount and on such terms and conditions as the 8186  
director determines necessary and proper, for assistance and 8187  
services provided pursuant to division (B)(8) of this section. 8188

Persons chosen by the director to receive assistance in 8189  
the formation of a statewide small business development company 8190  
pursuant to division (B)(8) of this section shall make a special 8191  
effort to use their participation in the federal guaranteed loan 8192  
program to assist small businesses which are minority business 8193  
enterprises as defined in division (E) of section 122.71 of the 8194  
Revised Code. The director, with the assistance of the minority 8195  
business development division of the department of development, 8196  
shall provide technical and financial expertise, legal and 8197

managerial assistance, and other services in such a manner to 8198  
enable the development company to provide assistance to small 8199  
businesses which are minority business enterprises, and shall 8200  
make available to the development company information pertaining 8201  
to assistance available to minority business enterprises under 8202  
programs established pursuant to sections 122.71 to 122.83, 8203  
122.87 to 122.89, 122.92 to 122.94, 122.921, and 125.081 of the 8204  
Revised Code. 8205

(9) Receive and accept grants, gifts, and contributions of 8206  
money, property, labor, and other things of value to be held, 8207  
used, and applied only for the purpose for which such grants, 8208  
gifts, and contributions are made, from individuals, private and 8209  
public corporations, from the United States or any agency of the 8210  
United States, from the state or any agency of the state, and 8211  
from any political subdivision of the state, and may agree to 8212  
repay any contribution of money or to return any property 8213  
contributed or the value of the property at such times, in such 8214  
amounts, and on such terms and conditions, excluding the payment 8215  
of interest, as the director determines at the time such 8216  
contribution is made, and may evidence such obligations by 8217  
notes, bonds, or other written instruments; 8218

(10) Establish with the treasurer of state the ~~funds~~ fund 8219  
provided in ~~sections~~ section 122.54, ~~122.55, 122.56, and 122.57~~ 8220  
of the Revised Code, in addition to such funds as the director 8221  
determines are necessary or proper; 8222

(11) Do all acts and things necessary or proper to carry 8223  
out the powers expressly granted and the duties imposed in 8224  
sections 122.39 and 122.41 to 122.62 and Chapter 163. of the 8225  
Revised Code. 8226

(C) All expenses and obligations incurred by the director 8227

in carrying out the director's powers and in exercising the 8228  
director's duties under sections 122.39 and 122.41 to 122.62 of 8229  
the Revised Code, shall be payable solely from the proceeds of 8230  
revenue bonds issued pursuant to those sections, from revenues 8231  
or other receipts or income of the director, from grants, gifts, 8232  
and contributions, or funds established in accordance with those 8233  
sections. Those sections do not authorize the director to incur 8234  
indebtedness or to impose liability on the state or any 8235  
political subdivision of the state. 8236

(D) Financial statements and financial data submitted to 8237  
the director by any corporation, partnership, or person in 8238  
connection with a loan application, or any information taken 8239  
from such statements or data for any purpose, shall not be open 8240  
to public inspection. 8241

**Sec. 122.47.** At the request of the director of 8242  
development, the treasurer of state shall issue revenue bonds of 8243  
the state for the purpose of acquiring moneys for the purposes 8244  
of this chapter, which moneys shall be credited by the treasurer 8245  
of state as the director of development shall determine to and 8246  
among the funds established in accordance with or pursuant to 8247  
sections 122.35, 122.42, and 122.54, ~~122.55, 122.56, 122.561,~~ 8248  
~~and 122.57~~ of the Revised Code. ~~The principal of and interest on~~ 8249  
~~such~~ Such revenue bonds ~~shall be payable solely from the sinking~~ 8250  
~~funds established in accordance with section 122.57 of the~~ 8251  
~~Revised Code at the times and in the order and manner provided~~ 8252  
~~in the bond issuing proceedings or in any trust agreements~~ 8253  
~~securing such bonds,~~ and shall be secured by the revenue bond 8254  
guaranty fund established in accordance with section 122.571 of 8255  
the Revised Code and shall also be secured by moneys in the 8256  
other funds established by the director to the extent and on the 8257  
terms ~~he~~ the director specifies and by covenants of the director 8258

~~that he will~~ to so manage the loans and leases and fix interest 8259  
rates, charges, and rentals so as to assure receipt of net 8260  
income and revenue sufficient to provide for the payment of the 8261  
principal of and the interest on the revenue bonds. 8262

**Sec. 122.49.** The proceeds of each issue of revenue bonds 8263  
issued pursuant to sections 122.39 and 122.41 to 122.62 of the 8264  
Revised Code shall be used for the making of loans authorized in 8265  
sections 122.43 and 122.45 of the Revised Code, for the purchase 8266  
and improvement of property authorized in section 122.46 of the 8267  
Revised Code, ~~for insuring mortgage payments authorized in~~ 8268  
~~section 122.451 of the Revised Code,~~ and for the crediting into 8269  
and among the funds established in accordance with sections 8270  
122.35, and 122.54, ~~122.55, 122.56, 122.561, and 122.57~~ of the 8271  
Revised Code, but subject to such conditions, limitations, and 8272  
covenants with the purchasers and holders of the bonds as shall 8273  
be provided for in the bond authorization proceedings and in the 8274  
trust agreement securing the same. 8275

Provision shall be made by the director of development 8276  
~~services~~ for the payment of the expenses of the director in 8277  
operating the assistance programs authorized under this chapter 8278  
in such manner and to such extent as shall be determined by the 8279  
director. 8280

**Sec. 122.53.** In the discretion of the treasurer of state, 8281  
any bonds issued under sections 122.39 and 122.41 to 122.62 of 8282  
the Revised Code, may be secured by a trust agreement between 8283  
the treasurer of state and a corporate trustee, which trustee 8284  
may be any trust company or bank having the powers of a trust 8285  
company within or without the state. 8286

Any such trust agreement may pledge or assign payments of 8287  
principal of and interest on loans, charges, fees, and other 8288



revenue to be received by the director of development ~~services,~~ 8289  
all rentals received under leases made by the director, and all 8290  
proceeds of the sale or other disposition of property held by 8291  
the director, ~~and may provide for the holding in trust by the~~ 8292  
~~trustee to the extent provided for in the proceedings~~ 8293  
~~authorizing such bonds, of all such moneys and moneys otherwise~~ 8294  
~~payable into the mortgage guarantee fund created by section~~ 8295  
122.56 of the Revised Code, and all moneys otherwise payable 8296  
~~into the mortgage insurance fund created by section 122.561 of~~ 8297  
~~the Revised Code, and of moneys payable into the sinking fund or~~ 8298  
~~funds referred to in section 122.57 of the Revised Code, but~~ 8299  
shall not convey or mortgage any of the real or personal 8300  
property held by the director or any part thereof. Any such 8301  
trust agreement, or any proceedings providing for the issuance 8302  
of such bonds, may contain such provisions for protecting and 8303  
enforcing the rights and remedies of the bondholders as are 8304  
reasonable and proper and not in violation of law, including 8305  
covenants setting forth the duties of the director in relation 8306  
to the acquisition of property, and the construction, 8307  
improvement, maintenance, repair, operation, and insurance of 8308  
facilities, the making of loans and leases and the terms and 8309  
provisions thereof, and the custody, safeguarding, investment, 8310  
and application of all moneys, and provisions for the employment 8311  
of consulting engineers or other consultants in connection with 8312  
the making of loans and leases and the construction or operation 8313  
of any facility. Any bank or trust company incorporated under 8314  
the laws of this state which may act as trustee or as depository 8315  
of the proceeds of bonds or of revenue may furnish such 8316  
indemnifying bonds or may pledge such securities as are required 8317  
by the treasurer of state. Any such trust agreement may set 8318  
forth the rights and remedies of the bondholders and of the 8319  
trustee, and may restrict the individual right of action by 8320

bondholders as is customary in trust agreements or trust 8321  
indentures securing bonds or debentures of corporations. Such 8322  
trust agreement may contain such other provisions as the 8323  
treasurer of state deems reasonable and proper for the security 8324  
of the bondholders. All expenses incurred by the treasurer of 8325  
state in carrying out the provisions of any such trust agreement 8326  
shall be treated as a part of the cost of the operation of the 8327  
assistance programs authorized pursuant to Chapter 122. of the 8328  
Revised Code. Any such trust agreement may provide the method 8329  
whereby general administrative overhead expense of the director 8330  
with respect to those assistance programs shall be allocated 8331  
among the funds established pursuant to Chapter 122. of the 8332  
Revised Code with respect to the operating expenses of the 8333  
director payable out of the income of the assistance programs. 8334

**Sec. 122.571.** ~~In addition to the separate sinking funds~~ 8335  
~~created under section 122.57 of the Revised Code, there~~ There is 8336  
hereby created the revenue bond guaranty fund to consist of all 8337  
money allocated by the director of development to guarantee 8338  
payment of interest on, principal of and redemption premium on, 8339  
the revenue bonds issued by the director under Chapter 122. of 8340  
the Revised Code, all grants, gifts, and contributions made to 8341  
the director for such purpose, and all money and property 8342  
provided by law for such purpose. 8343

**Sec. 122.59.** In the event of a default with respect to any 8344  
loan or lease, the director of development shall take such 8345  
action as ~~he~~ the director deems proper in the circumstances to 8346  
enforce and protect the rights of the director, and such action 8347  
as may be required by the provisions of any proceedings 8348  
authorizing the revenue bonds or of any trust agreement securing 8349  
such bonds, which may include any appropriate action at law or 8350  
in equity, enforcement or waiver of any provision of any 8351

mortgage or security agreement or lease, or reinstatement of any 8352  
forfeited or cancelled right, title, or privilege. 8353  
~~Notwithstanding any such action, the director shall transfer 8354~~  
~~from the mortgage guarantee fund created by section 122.56 of 8355~~  
~~the Revised Code to the sinking fund or funds referred to in 8356~~  
~~section 122.57 of the Revised Code amounts not greater than the 8357~~  
~~amounts which would have been paid upon such loan or under such 8358~~  
~~lease but for such default, at the time or times when such 8359~~  
~~amounts would have been paid but for such defaults, to the 8360~~  
~~extent provided in the proceedings authorizing and the trust 8361~~  
~~agreements securing such bonds, to be held and applied as other 8362~~  
~~moneys in the sinking fund, and shall make such other transfers 8363~~  
~~and take such other action as shall be required of the director 8364~~  
~~by any such bond issuance proceedings or trust agreement. 8365~~

**Sec. 122.631.** (A) As used in sections 122.631 to 122.633 8366  
of the Revised Code: 8367

(1) "Qualified nonprofit developer" means a nonprofit 8368  
corporation, as defined in section 1702.01 of the Revised Code, 8369  
that is all of the following: 8370

(a) Incorporated in this state; 8371

(b) Engaged in community development activities primarily 8372  
within an identified geographic area of operation in this state; 8373

(c) Has as its primary purpose the improvement of the 8374  
physical, economic, or social environment by addressing critical 8375  
problems in that geographic area of operation including housing. 8376

(2) "Electing subdivision," "county land reutilization 8377  
corporation," and "land reutilization program" have the same 8378  
meanings as in section 5722.01 of the Revised Code. 8379

~~(2)~~ (3) "Manufactured home" has the same meaning as in 8380

section 3781.06 of the Revised Code, and "mobile home" has the 8381  
same meaning as in section 4501.01 of the Revised Code. 8382

~~(3)~~ (4) "Qualifying residential property" means single- 8383  
family residential property, including a single unit of 8384  
single-family residential property that has at least eight 8385  
hundred square feet of habitable space and is either a stand- 8386  
alone unit or in a multi-unit property containing not more than 8387  
ten single-family residential units. "Qualifying residential 8388  
property" excludes mobile homes but includes both of the 8389  
following: 8390

(a) A manufactured home; 8391

(b) A single unit in a multi-unit property containing not 8392  
more than ten units but excluding manufactured homes, that has 8393  
at least one thousand square feet of habitable space per 8394  
unit that has other nonresidential units or uses. Such 8395  
nonresidential units or uses are not qualifying residential 8396  
property. 8397

~~(4)~~ (5) "Qualifying median income" means eighty one hundred 8398  
twenty per cent of median income for the county where qualifying 8399  
residential property is located, as determined by the director 8400  
of development pursuant to section 174.04 of the Revised Code. 8401

(6) "Qualifying financial literacy counseling" means a 8402  
homeownership course with a curriculum that includes basic home 8403  
maintenance training and financial literacy. 8404

(7) "Qualifying counseling provider" means an individual, 8405  
business, nonprofit organization, or political subdivision, 8406  
including an agency or instrumentality thereof, that is 8407  
licensed, certified, or authorized to provide homeownership 8408  
counseling and financial literacy as one of its primary 8409

functions, including housing counselors certified by the United 8410  
States department of housing and urban development or the Ohio 8411  
housing financing agency. 8412

(B) There is created in the department of development the 8413  
welcome home Ohio (WHO) program to administer the grants 8414  
authorized by this section and section ~~163.632~~ 122.632 of the 8415  
Revised Code and the tax credits authorized by section 122.633 8416  
of the Revised Code. The department shall create and maintain a 8417  
list of qualifying residential property to which the deed 8418  
restriction described in division (D) (4) of this section, or 8419  
division (B) (4) of section 122.632, ~~or division (C) (4) of~~ 8420  
~~section 122.633~~ of the Revised Code applies or a restrictive 8421  
covenant described in division (C) (5) of section 122.633 of the 8422  
Revised Code is recorded. That list is not a public record for 8423  
purposes of section 149.43 of the Revised Code. 8424

(C) An electing subdivision ~~or~~, a county land 8425  
reutilization corporation, or a qualified nonprofit developer 8426  
may apply to the director of development for a grant from the 8427  
welcome home Ohio fund, which is created in the state treasury, 8428  
to pay or defer the cost of purchasing qualifying residential 8429  
property for incorporation into the electing subdivision's or 8430  
county land reutilization corporation's land reutilization 8431  
program or the qualified nonprofit developer's housing program. 8432  
Up to two thousand dollars of each grant may be used to fund the 8433  
qualifying financial literacy counseling required under division 8434  
(D) (6) of this section. To the extent that funding is available 8435  
in that fund, the director may award grants to electing 8436  
subdivisions ~~and~~, county land reutilization corporations, and 8437  
qualified nonprofit developers that make such an application and 8438  
agree to comply with division (D) of this section, with a 8439  
maximum grant of one hundred thousand dollars per qualifying 8440

residential property. 8441

(D) The director of development shall require all 8442  
applicants for a grant authorized by division (C) of this 8443  
section to agree, as part of the application, to all of the 8444  
following: 8445

(1) That grant funds shall only be used to pay the cost of 8446  
purchasing qualifying residential property; 8447

(2) That qualifying residential property on which grant 8448  
funds are spent shall be held until sold to an individual or 8449  
individuals who, inclusively: 8450

(a) Have annual income that is not more than the 8451  
qualifying median income; 8452

(b) Demonstrate the financial means to purchase the 8453  
qualifying residential property; 8454

(c) Agree to maintain ownership of the qualifying 8455  
residential property, occupy it as a primary residence, and not 8456  
to rent any portion of the property to another individual for 8457  
use as a dwelling, for at least ~~five~~three years following the 8458  
date of purchase; 8459

(d) Agree not to sell the qualifying residential property, 8460  
within ~~twenty~~fifteen years after the date of the sale, to any 8461  
purchaser ~~except~~other than the electing subdivision, county 8462  
land reutilization corporation, or qualified nonprofit developer 8463  
or an individual or individuals who have annual income that is 8464  
not more than the qualifying median income; 8465

(e) Agree to pay a penalty to the director of development 8466  
for violation of the agreement required by division (D) (2) (c) of 8467  
this section that, ~~subject to divisions (F) (2) and (3) of this~~ 8468

~~section, equals ninety thousand dollars~~the amount of the grant 8469  
~~attributable to the property, less eighteen thousand dollars~~ 8470  
~~one-third of that amount~~ multiplied by the number of full years 8471  
the individual or individuals owned the property; 8472

(f) Agree that the director of development is a third- 8473  
party beneficiary of the purchase agreement; 8474

(g) Agree to participate in the applicant's qualifying 8475  
financial literacy program; 8476

(h) Agree to annually certify to the director of 8477  
~~development or the director's designee~~, during the period 8478  
described by division (D) (2) (c) of this section, that the 8479  
individual or individuals own and occupy the qualifying 8480  
residential property, and that no part of the property is being 8481  
rented to another individual for use as a dwelling. 8482

(3) That qualifying residential property on which grant 8483  
funds are spent shall be sold for not more than ~~one~~ two hundred 8484  
~~eighty~~ twenty thousand dollars per property. 8485

(4) That qualifying residential property on which grant 8486  
funds are spent shall not be sold without a deed restriction 8487  
prohibiting the sale of the property to a person that is not the 8488  
electing subdivision, county land reutilization corporation, or 8489  
qualified nonprofit developer or an individual or individuals 8490  
who have annual income that is not more than the qualifying 8491  
median income for ~~twenty~~ fifteen years after the date of the 8492  
property's first transfer from the applicant following the use 8493  
of grant funds. The deed restriction is a covenant running with 8494  
the land and is fully binding on subsequent purchasers of the 8495  
property until it expires on the fifteenth anniversary of the 8496  
property's first transfer from the applicant following the use 8497

of grant funds. The electing subdivision, county land 8498  
reutilization corporation, or qualified nonprofit developer may 8499  
include in the deed restriction a right of first refusal to 8500  
repurchase the property for the purpose of ensuring that the 8501  
property is ultimately sold to an individual or individuals who 8502  
have annual income that is not more than the qualifying median 8503  
income. 8504

(5) That the applicant shall repay all grant funds not 8505  
expended to purchase qualifying residential property or to fund 8506  
the qualifying financial literacy counseling required by 8507  
division (D) (6) of this section and all grant funds expended to 8508  
purchase qualifying residential property that is not sold to an 8509  
individual or individuals who meet the requirements described in 8510  
division (D) (2) of this section or that is sold without the deed 8511  
restriction described in division (D) (4) of this section. 8512

(6) That the applicant shall provide qualifying financial 8513  
literacy counseling, over a minimum of ~~one year~~ six months, 8514  
delivered by a qualifying counseling provider, to each purchaser 8515  
of qualifying residential property on which grant funds are 8516  
spent. An applicant may provide information regarding its 8517  
qualifying financial literacy program to the director of 8518  
development for review as part of the application or prior to 8519  
application. ~~Financial~~ Qualifying financial literacy counseling 8520  
provided by the applicant to the same purchaser, in accordance 8521  
with division (B) (6) of section 122.632 of the Revised Code or 8522  
division ~~(C) (5)~~ (C) (6) of section 122.633 of the Revised Code, 8523  
satisfies the requirements of division (D) (6) of this section. 8524

(7) That the applicant shall report to the department of 8525  
development the date when the qualifying residential property 8526  
that is the subject of the application is sold by the applicant. 8527



(E) The director of development has authority and standing 8528  
to sue for the enforcement of a deed restriction described in 8529  
division (D) (4) of this section. 8530

~~(F) (1) (F)~~ An electing subdivision ~~or, a county land~~ 8531  
~~reutilization corporation, or a qualified nonprofit developer~~ 8532  
may apply for, and the director of development may award both a 8533  
grant under this section for the purchase of qualifying 8534  
residential property, and either a grant under section 122.632 8535  
of the Revised Code, or a tax credit under section 122.633 of 8536  
the Revised Code, to rehabilitate or construct the same 8537  
qualifying residential property. 8538

~~(2) If an electing subdivision or county land~~ 8539  
~~reutilization is awarded a grant under this section and a grant~~ 8540  
~~under section 122.632 of the Revised Code for the same~~ 8541  
~~qualifying residential property, and the individual or~~ 8542  
~~individuals who purchase the property violate both of the~~ 8543  
~~agreements required by division (D) (2) (c) of this section and~~ 8544  
~~division (B) (2) (c) of section 122.632 of the Revised Code, only~~ 8545  
~~the penalty described by division (B) (2) (c) of section 122.632~~ 8546  
~~of the Revised Code applies.~~ 8547

~~(3) If an electing subdivision or county land~~ 8548  
~~reutilization is awarded a grant under this section and a tax~~ 8549  
~~credit under section 122.633 of the Revised Code for the same~~ 8550  
~~qualifying residential property, and the individual or~~ 8551  
~~individuals who purchase the property violate both of the~~ 8552  
~~agreements required by division (D) (2) (c) of this section and~~ 8553  
~~division (C) (2) (a) of section 122.633 of the Revised Code, only~~ 8554  
~~the greater of the penalties described in divisions (D) (2) (c) of~~ 8555  
~~this section and division (C) (2) (c) of section 122.633 of the~~ 8556  
~~Revised Code applies.~~ 8557

(G) (1) The director may adopt rules in accordance with 8558  
Chapter 119. Of the Revised Code as necessary to administer the 8559  
grant program. Such rules may include the following: 8560

(a) Application forms, deadlines, and procedures; 8561

(b) Criteria for evaluating and prioritizing applications; 8562

(c) Guidelines for promoting an even geographic 8563  
distribution of grants throughout the state; 8564

(d) Guidelines to determine the value of qualifying 8565  
residential property located in a building with other uses and 8566  
the total value of that building. 8567

(2) Any grants repaid under this section shall be credited 8568  
to the welcome home Ohio fund. 8569

(3) An electing subdivision, a county land reutilization 8570  
corporation, or a qualified nonprofit developer shall use all 8571  
profits derived from the sale of qualifying residential property 8572  
on which grant funds are spent, including profits derived from 8573  
the resale of such property to a subsequent purchaser, for the 8574  
electing subdivision's or county land reutilization 8575  
corporation's land reutilization program or the qualified 8576  
nonprofit developer's housing program. 8577

**Sec. 122.632.** (A) An electing subdivision~~or~~, a county 8578  
land reutilization corporation, or a qualified nonprofit 8579  
developer may apply to the director of development for a grant 8580  
from the welcome home Ohio fund created in section 122.631 of 8581  
the Revised Code to pay or defer the cost to rehabilitate or 8582  
construct qualifying residential property held by the electing 8583  
subdivision's or county land reutilization corporation's land 8584  
reutilization program or the qualified nonprofit developer's 8585  
housing program. To the extent that funding is available, in 8586

that fund the director may award grants to electing subdivisions 8587  
~~and~~, county land reutilization corporations, and qualified 8588  
nonprofit developers that make such an application and agree to 8589  
comply with division (B) of this section, with a maximum grant 8590  
of ~~thirty one~~ hundred thousand dollars per qualifying 8591  
residential property. 8592

(B) The director of development shall require all 8593  
applicants for a grant authorized by division (A) of this 8594  
section to agree, as part of the application, to all of the 8595  
following: 8596

(1) That grant funds shall ~~only~~ be used to pay the cost of 8597  
rehabilitation or construction of qualifying residential 8598  
property and all work will be completed according to all 8599  
applicable construction and design standards; ~~—~~. Up to two 8600  
thousand dollars of each grant may be used to fund the 8601  
qualifying financial literacy counseling required under division 8602  
(B) (6) of this section. If grant funds are spent to construct or 8603  
rehabilitate a qualifying residential property described in 8604  
division (A) (4) (b) of section 122.631 of the Revised Code, then 8605  
no portion of the funds shall be spent to construct or 8606  
rehabilitate portions of the building that are for 8607  
nonresidential uses, except for common areas used by the 8608  
occupants of the residential units and improvements that serve 8609  
both the residential units and the other portions of the 8610  
building. 8611

(2) That qualifying residential property on which grant 8612  
funds are spent shall be held until sold to an individual or 8613  
individuals who, inclusively: 8614

(a) Have annual income that is not more than the 8615  
qualifying median income; 8616

(b) Demonstrate the financial means to purchase the 8617  
qualifying residential property; 8618

(c) Agree to maintain ownership of the qualifying 8619  
residential property, occupy it as a primary residence, and not 8620  
to rent any portion of the property to another individual for 8621  
use as a dwelling, for at least ~~five~~three years following the 8622  
date of purchase; 8623

(d) Agree not to sell the qualifying residential property, 8624  
within ~~twenty~~fifteen years after the date of the sale, to any 8625  
purchaser ~~except~~other than the electing subdivision, county 8626  
land reutilization corporation, or qualified nonprofit developer 8627  
or an individual or individuals who have annual income that is 8628  
not more than the qualifying median income; 8629

(e) Agree to pay a penalty to the director of development 8630  
for violation of the agreement required by division (B) (2) (c) of 8631  
this section that, ~~subject to division (F) (2) of section 122.631~~ 8632  
~~of the Revised Code, equals ninety thousand dollars~~the amount of 8633  
the grant attributable to the property, less eighteen thousand 8634  
~~dollars~~one-third of that amount multiplied by the number of 8635  
full years the individual or individuals owned the property. 8636

(f) Agree that the director of development is a third- 8637  
party beneficiary of the purchase agreement; 8638

(g) Agree to participate in the applicant's qualifying 8639  
financial literacy program; 8640

(h) Agree to annually certify to the director of 8641  
development ~~or the director's designee~~, during the period 8642  
described by division (B) (2) (c) of this section, that the 8643  
individual or individuals own and occupy the qualifying 8644  
residential property, and that no part of the property is being 8645

rented to another individual for use as a dwelling. 8646

(3) That qualifying residential property on which grant 8647  
funds are spent shall be sold for not more than ~~one~~ two hundred 8648  
~~eighty~~ twenty thousand dollars per property. 8649

(4) That qualifying residential property on which grant 8650  
funds are spent shall not be sold without a deed restriction 8651  
prohibiting the sale of the property to a person that is not the 8652  
electing subdivision, county land reutilization corporation, or 8653  
qualified nonprofit developer or an individual or individuals 8654  
who have annual income that is not more than the median income 8655  
for ~~twenty~~ fifteen years after the date of the property's first 8656  
transfer from the applicant following the use of grant funds~~+~~. 8657  
The deed restriction is a covenant running with the land and is 8658  
fully binding on subsequent purchasers of the property until it 8659  
expires on the fifteenth anniversary of the property's first 8660  
transfer from the applicant following the use of grant funds. 8661  
The electing subdivision, county land reutilization corporation, 8662  
or qualified nonprofit developer may include in the deed 8663  
restriction a right of first refusal to repurchase the property 8664  
for the purpose of ensuring that the property is ultimately sold 8665  
to an individual or individuals who have annual income that is 8666  
not more than the qualifying median income. 8667

(5) That the applicant shall repay all grant funds 8668  
expended on any expenses other than the construction or 8669  
rehabilitation of qualifying residential property or financial 8670  
literacy counseling required under division (B) (6) of this 8671  
section, or on qualifying residential property that is not sold 8672  
to an individual or individuals who meet the requirements 8673  
described in division (B) (2) of this section or that is sold 8674  
without the deed restriction described in division (B) (4) of 8675

this section; 8676

(6) That the applicant shall provide financial qualifying 8677  
literacy counseling, over a minimum of ~~one year~~ six months, 8678  
delivered by the qualifying counseling provider, to each 8679  
purchaser of qualifying residential property on which grant 8680  
funds are spent. An applicant may provide information regarding 8681  
its qualifying financial literacy program to the director of 8682  
development for review as part of the application or prior to 8683  
application; 8684

(7) That the applicant shall report to the department of 8685  
development the date when the qualifying residential property 8686  
that is the subject of the application is sold by the applicant. 8687

(8) That, if grant funds are received, the qualifying 8688  
residential property that is the subject of the application 8689  
shall not be the subject of an application for a tax credit 8690  
under section 122.633 of the Revised Code. 8691

(C) The director of development is granted authority and 8692  
standing to sue for the enforcement of a deed restriction 8693  
described in division (B) (4) of this section. 8694

(D) (1) The director may adopt rules in accordance with 8695  
Chapter 119. of the Revised Code as necessary to administer the 8696  
grant program. Such rules may include the following: 8697

(a) Application forms, deadlines, and procedures; 8698

(b) Criteria for evaluating and prioritizing applications; 8699

(c) Guidelines for promoting an even geographic 8700  
distribution of grants throughout the state; 8701

(d) Guidelines to determine the value of qualifying 8702  
residential property located in a building with other uses and 8703

the total value of that building. 8704

(2) Any grants repaid under this section shall be credited 8705  
to the welcome home Ohio fund. 8706

(3) An electing subdivision, a county land reutilization 8707  
corporation, or a qualified nonprofit developer shall use all 8708  
profits derived from the sale of qualifying residential property 8709  
on which grant funds are spent, including profits derived from 8710  
the resale of such property to a subsequent purchaser, for the 8711  
electing subdivision's or county land reutilization 8712  
corporation's land reutilization program or the qualified 8713  
nonprofit developer's housing program. 8714

**Sec. 122.633.** (A) As used in this section, "eligible 8715  
developer" means any of the following: 8716

(1) A nonprofit corporation, as defined in section 1702.01 8717  
of the Revised Code, based in this state with a primary activity 8718  
of the development and preservation of affordable housing; 8719

(2) A limited partnership or domestic limited partnership, 8720  
as defined in section 1782.01 of the Revised Code, in which a 8721  
general partner is a nonprofit corporation based in this state, 8722  
a primary activity of which is the development and preservation 8723  
of affordable housing; 8724

(3) A limited liability company, as defined in section 8725  
1706.01 of the Revised Code, in which the manager is a nonprofit 8726  
corporation based in this state, a primary activity of which is 8727  
the development and preservation of affordable housing; 8728

(4) A community improvement corporation, as defined in 8729  
section 1724.01 of the Revised Code, or a community urban 8730  
redevelopment corporation, as defined in section 1728.01 of the 8731  
Revised Code. 8732

(B) An electing subdivision or eligible developer that 8733  
rehabilitates or constructs a unit of qualifying residential 8734  
property and sells the property to an individual or individuals 8735  
for the individual's or individuals' occupancy may apply to the 8736  
director of housing and development for a nonrefundable credit 8737  
against the tax levied under section 5726.02 or 5747.02 of the 8738  
Revised Code, provided the rehabilitation or construction and 8739  
the sale comply with division (C) of this section. The credit 8740  
application shall be made on forms prescribed by the director. 8741  
The credit shall equal ninety thousand dollars or ~~one-third~~ 8742  
ninety per cent of the cost to rehabilitate or construct the 8743  
property, whichever is less. 8744

(C) An ~~application~~applicant for a credit authorized by 8745  
division ~~(C)~~(B) of this section shall certify all of the 8746  
following: 8747

(1) That the rehabilitation or construction of qualifying 8748  
residential property that is the subject of the application was 8749  
completed according to all applicable construction and design 8750  
standards; 8751

(2) That each qualifying residential property that is the 8752  
subject of the application was sold to an individual or 8753  
individuals who have annual income that is not more than the 8754  
qualifying median income, and demonstrated the financial means 8755  
to purchase the qualifying residential property, ~~and agreed to~~ 8756  
~~all of the following in the purchase agreement:~~; 8757

~~(a) To maintain~~ (3) That the applicant will pay a penalty 8758  
to the director of housing and development if the individual or 8759  
individuals who purchased the qualifying residential property 8760  
that is the subject of the application, or subsequent purchasers 8761  
of that property, do any of the following: 8762



(a) Fail to maintain ownership of the qualifying 8763  
residential property, or occupy it as a primary residence, and 8764  
not to rent for at least three years following the date of 8765  
purchase; 8766

(b) Rent any portion of the property to another individual 8767  
for use as a dwelling, for at least five within three years 8768  
following the date of purchase; 8769

~~(b) Not to sell~~ (c) Sell the qualifying residential 8770  
property to a purchaser other than the applicant or an 8771  
individual or individuals who have annual income that is no more 8772  
than the qualifying median income ~~for at least~~ within twenty 8773  
years after the date of purchase; ~~—~~. 8774

~~(c) To pay a~~ The penalty to the director of development 8775  
~~for violation of the agreement required by division (C) (2) (a) of~~ 8776  
~~this section that, subject to division (F) (3) of section 122.631~~ 8777  
~~of the Revised Code, equals shall equal~~ the total amount of the 8778  
tax credit authorized by this section and attributable to the 8779  
qualifying residential property ~~purchased by the individual,~~ 8780  
reduced by ~~twenty per cent~~ one-twentieth of that amount for each 8781  
full year ~~the individual or individuals owned the property;~~ the 8782  
purchasers met the requirements of this section following the 8783  
date the applicant initially sold the property. 8784

The director of development may waive a penalty otherwise 8785  
required by division (C) (3) of this section if the purchaser or 8786  
purchasers failed to maintain ownership or occupancy as a 8787  
primary residence due to hardship. Such hardship may be caused 8788  
by divorce, disability, illness, loss of income, or other 8789  
occurrence, and must be supported by documentation suitable to 8790  
the director. 8791

~~(d) That the director of development is a third party~~ 8792  
~~beneficiary of the purchase agreement;~~ 8793

~~(e) To participate in the applicant's financial literacy~~ 8794  
~~program;~~ 8795

~~(f) Agree to annually~~ (3) That the applicant will certify 8796  
to the director of housing and development ~~or the director's~~ 8797  
~~designee,~~ upon the request of the director anytime during the 8798  
period described by ~~division (C) (2) (a)~~ divisions (C) (3) (a) and 8799  
(b) of this section, that the individual or individuals who 8800  
purchased the qualifying residential property that is the 8801  
subject of the application still own and occupy the qualifying 8802  
residential property, and that no part of the property is being 8803  
rented to another individual for use as a dwelling. 8804

~~(3)~~ (4) That the qualifying residential property that is 8805  
the subject of the application was sold for not more than ~~one~~ 8806  
two hundred eighty-two thousand dollars; 8807

~~(4)~~ (5) That the applicant has in its possession an 8808  
executed restrictive covenant for the qualifying residential 8809  
property that is the subject of the application ~~was transferred~~ 8810  
~~with a deed restriction prohibiting,~~ conditional and to be 8811  
recorded upon the award of a tax credit authorized by division 8812  
(B) of this section, that does both of the following: 8813

(a) Prohibits the sale of the property to a person other 8814  
than the applicant or an individual or individuals who have 8815  
annual income that is not more than the qualifying median income 8816  
for at least twenty years after the date of transfer; 8817

(b) Names the director of housing and development as a 8818  
third party beneficiary of the covenant. 8819

~~(5)~~ (6) That the applicant provides a minimum of ~~one year~~ 8820

six months of qualifying financial literacy counseling, 8821  
delivered by a qualifying counseling provider, to and each 8822  
purchaser of qualifying residential property that is the subject 8823  
of the application has completed the counseling. An applicant 8824  
may provide information regarding its qualifying financial 8825  
literacy program to the director of housing and development for 8826  
review as part of the application or prior to application~~+~~. 8827

~~(6)(7)~~ That the applicant ~~shall report to the department~~ 8828  
~~of development the date when provided a no-interest loan,~~ 8829  
secured by a mortgage, to the purchaser of the qualifying 8830  
residential property that is the subject of the application ~~is~~ 8831  
~~sold by the applicant and the applicant will hold the note and~~ 8832  
mortgage until maturity. 8833

~~(7)(8)~~ That the qualifying residential property that is 8834  
the subject of the application was not rehabilitated or 8835  
constructed using grant funds received under section 122.632 of 8836  
the Revised Code. 8837

~~(D) The director of development is granted authority and~~ 8838  
~~standing to sue for the enforcement of a deed restriction~~ 8839  
~~described in division (C) (4) of this section.~~ 8840

~~(E)(1)~~ (D)(1) Subject to division ~~(E)(2)~~ (D)(2) of this 8841  
section, if the director determines that the applicant qualifies 8842  
for a credit under this section, the director shall issue a tax 8843  
credit certificate to the applicant identified with a unique 8844  
number and listing the amount of the credit that is eligible to 8845  
be transferred or claimed pursuant to division ~~(E)(3)~~ (D)(3) or 8846  
~~(F)~~ (G) of this section. 8847

(2) The total amount of tax credits issued by the director 8848  
under this section after the effective date of this amendment 8849

shall not exceed ~~twenty-five~~ twenty million dollars ~~in any~~ 8850  
~~fiscal year~~, and no tax credits shall be issued after June 30, 8851  
~~2025~~ 2027. 8852

(3) A person granted a certificate pursuant to division 8853  
~~(E) (1)~~ (D) (1) of this section may claim the credit against the 8854  
tax levied under section 5726.02 of the Revised Code or against 8855  
the person's aggregate tax liability under section 5747.02 of 8856  
the Revised Code for the taxable year in which the certificate 8857  
is issued. The taxpayer shall claim the credit in the order 8858  
prescribed by section 5726.98 or 5747.98 of the Revised Code, as 8859  
applicable. Any unused amount may be carried forward for the 8860  
following five taxable years. If the person is a pass-through 8861  
entity, any taxpayer that is a direct or indirect investor in 8862  
the pass-through entity on the last day of the entity's taxable 8863  
year may claim the taxpayer's proportionate or distributive 8864  
share of the credit against the taxpayer's aggregate amount of 8865  
tax levied under section 5747.02 of the Revised Code. 8866

A taxpayer claiming a credit under this section shall 8867  
submit a copy of the certificate with the taxpayer's return or 8868  
report. 8869

~~(F)~~ (E) An applicant awarded a tax credit under this 8870  
section may reacquire the qualifying residential property on 8871  
which the credit was based without paying the penalty described 8872  
in division (C) (3) of this section if all of the following 8873  
conditions are met: 8874

(1) The individual or individuals who purchased the 8875  
qualifying residential property do or intend to do any of the 8876  
following: 8877

(a) Default on the note and mortgage held by the 8878

applicant; 8879

(b) Cease to own or occupy the property as a primary 8880  
residence within three years following the date of purchase; 8881

(c) Rent any portion of the property to another individual 8882  
for use as a dwelling within three years following the date of 8883  
purchase; 8884

(d) Sell the qualifying residential property to a person 8885  
other than an individual or individuals with an annual income 8886  
that is not more than the qualifying median income. 8887

(2) The applicant retakes ownership of the qualified 8888  
residential property through a purchase, deed in lieu of 8889  
foreclosure, foreclosure, or other means that directly transfer 8890  
the property to the applicant. 8891

(3) The applicant does not use funds from the claim or 8892  
sale of a tax credit under this section or awarded pursuant to 8893  
section 122.632 of the Revised Code to prepare the property for 8894  
resale. 8895

(4) The applicant sells the qualified residential property 8896  
to an individual or individuals who meet the requirements of 8897  
division (C) (2) of this section within twelve months of the date 8898  
the applicant retakes ownership of the property. 8899

(5) The applicant continues to perform all acts the 8900  
applicant certified pursuant to division (C) of this section as 8901  
if the applicant had not retaken ownership of the qualified 8902  
residential property until the date that is twenty years from 8903  
the applicant's initial sale of that property. 8904

(F) An eligible developer may apply for a tax credit 8905  
authorized by this section for qualified residential property 8906

that was sold under any terms, whether contained in a purchase 8907  
agreement, mortgage documents, or deed, that do not conflict 8908  
with the requirements of this section. 8909

(G) A person granted a certificate pursuant to division 8910  
~~(E) (1)~~ (D) (1) of this section may transfer the right to claim 8911  
all or part of the credit reflected on the certificate to 8912  
another person. 8913

To effectuate the transfer, the transferor shall notify 8914  
the tax commissioner, in writing, that the transferor is 8915  
transferring the right to claim all or part of the remaining 8916  
credit stated on the certificate. The transferor shall identify 8917  
in that notification the certificate's number, the name and the 8918  
tax identification number of the transferee, the amount of the 8919  
remaining credit transferred to the transferee, and, if 8920  
applicable, the amount of remaining credit retained by the 8921  
transferor. 8922

The transferee may claim the amount of the credit received 8923  
under this division against the tax levied under section 5726.02 8924  
of the Revised Code or against the person's aggregate tax 8925  
liability under section 5747.02 of the Revised Code for the 8926  
taxable year in the same manner and for the same taxable years 8927  
as it may be claimed by a person under division ~~(E) (3)~~ (D) (3) of 8928  
this section. 8929

Any person to which a credit has been transferred under 8930  
this division may transfer the right to claim all or part of the 8931  
transferred credit amount to any other person, in the same 8932  
manner prescribed by this division for the initial transfer, 8933  
including that any such transfer be reported by the transferor 8934  
to the tax commissioner as described in this division. 8935

Transferring a credit under this division does not extend 8936  
the taxable years for which the credit may be claimed or number 8937  
of years for which the unclaimed credit amount may be carried 8938  
forward. 8939

~~(G)~~—(H) The director may adopt rules in accordance with 8940  
Chapter 119. of the Revised Code as necessary to administer the 8941  
tax credits authorized by this section. Such rules may include 8942  
the following: 8943

- (1) Application forms, deadlines, and procedures; 8944
- (2) Criteria for evaluating and prioritizing applications; 8945
- (3) Guidelines for promoting an even geographic 8946  
distribution of credits throughout the state. 8947

**Sec. 122.635.** (A) As used in this section: 8948

(1) "Major economic development project" means a project 8949  
in this state that is reasonably expected to create, retain, and 8950  
attract jobs or otherwise improve the economic well-being of the 8951  
area surrounding the project site, and that meets either of the 8952  
following: 8953

(a) The project is reasonably expected to create at least 8954  
seven hundred new permanent jobs; 8955

(b) At least seven hundred million dollars in private 8956  
investments are committed to establish, expand, renovate, or 8957  
occupy a facility as part of a single project at a designated 8958  
project site, including investment in new buildings, additions 8959  
or improvements to existing buildings, machinery, equipment, 8960  
furniture, fixtures, and inventory. 8961

(2) "Major workforce housing project" means a project that 8962  
reserves at least one hundred units, designed for residential 8963

occupancy by at least one hundred individuals or families living 8964  
independently from each other. 8965

(3) "Pro-housing development policy" may include any of 8966  
the following: 8967

(a) Having a process in place to increase the rate at 8968  
which permits for housing developments are reviewed; 8969

(b) Having a pre-approval process in place for an 8970  
expedited review of permits for a diverse range of housing 8971  
developers; 8972

(c) Subsidizing or decreasing costs related to water or 8973  
sewer connections and extensions for major workforce housing 8974  
projects; 8975

(d) Acquiring and readying sites that are ready to be 8976  
financed and built upon by developers; 8977

(e) Reducing or eliminating impact, inspection, and plan 8978  
review fees for housing developers; 8979

(f) Adopting a zoning plan that includes promoting higher 8980  
density, small lot size, and minimum setback requirements; 8981

(g) Developing a comprehensive plan that promotes diverse 8982  
residential development options; 8983

(h) Having no or minimal parking requirements for 8984  
developments that include residential units; 8985

(i) Conducting a traffic study, improving water or sewer 8986  
infrastructure, improving roads, or permitting both rigid and 8987  
flexible pavement types; 8988

(j) Developing partnerships to expand the provision of 8989  
sewer and water services to new areas; 8990



(k) Promoting the use of non-traditional building 8991  
structures such as modular or manufactured homes. 8992

(4) "Residential economic development district" means all 8993  
parcels of land within a twenty-mile radius of a major economic 8994  
development project. 8995

(B) A county, township, or municipal corporation that is 8996  
fully or partially located within a residential economic 8997  
development district may apply for a grant under this section in 8998  
the form and manner prescribed by the department of development. 8999  
The county, township, or municipal corporation may submit the 9000  
application independently or in collaboration with a housing 9001  
developer, port authority, council of government, or one or more 9002  
other counties, townships, or municipal corporations. The 9003  
application shall, at minimum, include documentation or other 9004  
evidence that proves, to the satisfaction of the department, 9005  
that the applicant has done or has imminent plans to do both of 9006  
the following within the district: 9007

(1) Adopt and implement pro-housing development policies; 9008

(2) Approve a major workforce housing project. 9009

(C) The department shall review applications and award 9010  
grants under this section on a rolling basis, to the extent that 9011  
funds are available. The department shall evaluate applications 9012  
and determine the amount of each grant awarded in accordance 9013  
with scoring metrics that give preference to counties, 9014  
townships, and municipal corporations that: 9015

(1) Adopt more pro-housing development policies in terms 9016  
of both quantity and impact; 9017

(2) Allow for higher density, smaller lot size, smaller or 9018  
no side yard setbacks, and minimal open space. 9019

(D) If a county, township, or municipal corporation is 9020  
approved for a grant under this section based on imminent plans 9021  
to adopt and implement pro-housing development policies and 9022  
approve a major workforce housing project, the department shall 9023  
confirm that the county, township, or municipal corporation 9024  
follows through with those plans, as described in the grant 9025  
application, before disbursing grant funds. A grant recipient 9026  
shall use the funds only for the following purposes: 9027

(1) Providing capital for housing development through 9028  
grants or loans; 9029

(2) Acquiring and readying sites for development; 9030

(3) Providing financial assistance for housing-related 9031  
infrastructure projects including road improvements and water or 9032  
sewer connections; 9033

(4) Addressing additional service or public safety needs 9034  
due to increases in population; 9035

(5) Any other purpose deemed appropriate by the director 9036  
of development. 9037

(E) The general assembly, in enacting this section, hereby 9038  
declares its intent to encourage major workforce housing 9039  
projects in areas of the state that otherwise would not attract 9040  
such developments and to increase home ownership among Ohioans. 9041

**Sec. 122.6510.** (A) As used in this section, "federal act" 9042  
means the "Small Business Liability Relief and Brownfields 9043  
Revitalization Act," 115 Stat. 2356 (2002), 42 U.S.C. 9601 and 9044  
9604. 9045

(B) There is hereby created in the state treasury the 9046  
Brownfields Revolving Loan Fund. The Fund shall consist of all 9047

moneys received by the state from repayments of loans made under 9048  
the terms of the federal act, and any other money transferred to 9049  
the Fund. The Fund may be used to make grants and loans by the 9050  
Director of Development Services. ~~All investment earnings of the~~ 9051  
~~Fund shall be credited to the Fund.~~ 9052

(C) The Director shall administer moneys received into the 9053  
Fund and comply with all requirements imposed by the federal act 9054  
in administering the funds. 9055

(D) The Director may establish a schedule of fees and 9056  
charges payable by loan recipients to the Director for the 9057  
administration of this section. 9058

**Sec. 122.6511.** (A) As used in this section and section 9059  
122.6512 of the Revised Code: 9060

(1) "Brownfield" means an abandoned, idled, or under-used 9061  
industrial, commercial, or institutional property where 9062  
expansion or redevelopment is complicated by known or potential 9063  
releases of hazardous substances or petroleum. 9064

(2) "Lead entity" means a county, township, municipal 9065  
corporation, port authority, conservancy district, park district 9066  
or other similar park authority, county land reutilization 9067  
corporation, or organization for profit. 9068

(3) "Remediation" means any action to contain, remove, or 9069  
dispose of hazardous substances or petroleum at a brownfield. 9070  
"Remediation" includes the acquisition of a brownfield, 9071  
demolition performed at a brownfield, and the installation or 9072  
upgrade of the minimum amount of infrastructure that is 9073  
necessary to make a brownfield operational for economic 9074  
development activity. "Remediation" also includes demolition and 9075  
infrastructure development costs associated with a planned 9076

economic development project when a lead entity is an 9077  
organization for profit, the organization for profit did not 9078  
cause the environmental contamination at the brownfield, and the 9079  
planned economic development project at the brownfield exists at 9080  
the time of submission of the application for a grant under this 9081  
section. 9082

(4) "County land reutilization corporation" has the same 9083  
meaning as in section 1724.01 of the Revised Code. 9084

(5) "Demolition and infrastructure development costs" 9085  
means demolition costs and costs associated with constructing, 9086  
upgrading, or extending infrastructure necessary to make a 9087  
brownfield operational for a planned economic development 9088  
project, including any other investment in the brownfield. 9089

(6) "Planned economic development project" means a project 9090  
to be developed at a brownfield where an organization for profit 9091  
demonstrates all of the following: 9092

(a) Site control; 9093

(b) A plan for the development of the brownfield; 9094

(c) Documented support for the planned economic 9095  
development project of the municipal corporation or township in 9096  
which the brownfield is located. 9097

(7) "Site control" means holding fee simple title or a 9098  
leasehold interest in a brownfield or being in contract to 9099  
acquire a brownfield. 9100

(B) (1) There is hereby created the brownfield remediation 9101  
program to award grants for the remediation of brownfield sites 9102  
throughout Ohio. The program shall be administered by the 9103  
director of development pursuant to this section and rules 9104

adopted pursuant to division (B) (2) of this section. 9105

(2) The director shall adopt rules, under Chapter 119. of 9106  
the Revised Code, for the administration of the program. The 9107  
rules shall include provisions for determining project and 9108  
project sponsor eligibility, program administration, and any 9109  
other provisions the director finds necessary. 9110

(C) (1) There is hereby created in the state treasury the 9111  
brownfield remediation fund. The fund shall consist of moneys 9112  
appropriated to it by the general assembly, ~~and investment~~ 9113  
~~earnings on moneys in the fund shall be credited to the fund.~~ 9114

The director shall reserve funds from each appropriation 9115  
to the fund to each county in the state. The amount reserved 9116  
shall be one million dollars per county, or, if an appropriation 9117  
is less than eighty-eight million dollars, a proportionate 9118  
amount to each county. Amounts reserved pursuant to this section 9119  
are reserved for one calendar year from the date of the 9120  
appropriation. After one calendar year, the funds shall be 9121  
available pursuant to division (D) of this section. 9122

~~(2) A (2) (a) Except as provided in division (C) (2) (b) of~~ 9123  
~~this section, a lead entity may submit an initial a grant~~ 9124  
~~application for the use of funds reserved under division (C) (1)~~ 9125  
~~of this section for a planned economic development project to~~ 9126  
~~the director. The lead entity may later submit an amended~~ 9127  
~~application to the director, and the director may accept and~~ 9128  
~~approve that application for use of funds up to the amount~~ 9129  
~~reserved for that county.~~ 9130

(b) For fiscal year 2026, a lead entity may submit a grant 9131  
application for the use of funds reserved under division (C) (1) 9132  
of this section for any remediation project. 9133

(D) Funds from an appropriation not reserved under 9134  
division (C) (1) of this section shall be available for grants to 9135  
projects located anywhere in the state, and grants from those 9136  
funds shall be awarded ~~to qualifying projects on a first-come,~~ 9137  
~~first-served basis.~~ on a case by case basis. For each project, 9138  
the director shall determine the economic merit of the project 9139  
to the county, surrounding counties, and state. The director 9140  
also shall ensure that projects are in different regions of the 9141  
state. 9142

(E) ~~The~~ Except as provided in division (C) (2) (b) of this 9143  
section, the amendments to this section by ~~this act~~ this act 9144  
apply to new planned economic development projects that are 9145  
applied for and awarded funding by the director of development 9146  
on and after ~~the effective date of this amendment~~ the effective 9147  
date of this amendment. Projects that are applied for or were 9148  
applied for under this section prior to that date shall be 9149  
governed by this section as it existed prior to that date. 9150

**Sec. 122.6512.** (A) (1) There is hereby created the building 9151  
demolition and site revitalization program to award grants for 9152  
the demolition of commercial and residential buildings and 9153  
revitalization of surrounding properties on sites that are not 9154  
brownfields. The program shall be administered by the director 9155  
of development pursuant to this section and rules adopted 9156  
pursuant to division (A) (2) of this section. 9157

(2) The director shall adopt rules, under Chapter 119. of 9158  
the Revised Code, for the administration of the program. The 9159  
rules shall include provisions for determining project and 9160  
project sponsor eligibility, program administration, and any 9161  
other provisions the director finds necessary. 9162

(3) The director shall ensure that the program is 9163

operational and accepting proposals for grants not later than 9164  
ninety days after September 30, 2021. 9165

(4) To streamline funding through the program, each county 9166  
shall have one lead entity designated in accordance with the 9167  
following: 9168

(a) If the county has a population of less than one 9169  
hundred thousand according to the most recent federal decennial 9170  
census, the director shall select the lead entity from a list of 9171  
recommendations made by the board of county commissioners of the 9172  
county. The board shall submit a lead entity letter of intent 9173  
and any other documentation required by the director in order 9174  
for the director to select a lead entity for that county. 9175

(b) If the county has a population of one hundred thousand 9176  
or more according to the most recent federal decennial census 9177  
and the county does not have a county land reutilization 9178  
corporation, the director shall select the lead entity from a 9179  
list of recommendations made by the board of county 9180  
commissioners of the county. The board shall submit a lead 9181  
entity letter of intent and any other documentation required by 9182  
the director in order for the director to select a lead entity 9183  
for that county. 9184

(c) If the county has a population of one hundred thousand 9185  
or more according to the most recent federal decennial census 9186  
and the county has a county land reutilization corporation, the 9187  
county land reutilization corporation is the lead entity for 9188  
that county. 9189

(5) The lead entity of each county shall submit all grant 9190  
applications for that county. The lead entity shall submit with 9191  
a grant application any agreements executed between the lead 9192

entity with other recipients that will receive grant money 9193  
through the lead entity, if applicable. Such recipients may 9194  
include local governments, nonprofit organizations, community 9195  
development corporations, regional planning commissions, county 9196  
land reutilization corporations, and community action agencies. 9197

(B) (1) There is hereby created in the state treasury the 9198  
building demolition and site revitalization fund. The fund shall 9199  
consist of moneys appropriated to it by the general assembly, 9200  
~~and investment earnings on moneys in the fund shall be credited~~ 9201  
~~to the fund.~~ 9202

(2) The director shall reserve funds from each 9203  
appropriation to the fund to each county in the state. The 9204  
amount reserved shall be five hundred thousand dollars per 9205  
county, or, if an appropriation is less than forty-four million 9206  
dollars, a proportionate amount to each county. Amounts reserved 9207  
pursuant to this section are reserved for one calendar year from 9208  
the date of the appropriation. After one calendar year, the 9209  
funds shall be available pursuant to division (B) (3) of this 9210  
section. 9211

(3) Funds from an appropriation not reserved under 9212  
division (B) (2) of this section shall be available for grants to 9213  
projects located anywhere in the state, and grants from those 9214  
funds shall be awarded to qualifying projects on a first-come, 9215  
first-served basis. Grants awarded pursuant to this division 9216  
shall be limited to seventy-five per cent of a project's total 9217  
cost. 9218

**Sec. 122.84.** (A) As used in this section: 9219

(1) "Ohio qualified opportunity fund" means a qualified 9220  
opportunity fund that holds one hundred per cent of its invested 9221



assets in qualified opportunity zone property situated in an 9222  
Ohio opportunity zone. 9223

In the case of qualified opportunity zone property that is 9224  
qualified opportunity zone stock or qualified opportunity zone 9225  
partnership interest, the stock or interest is situated in an 9226  
Ohio opportunity zone only if, during all of the qualified 9227  
opportunity fund's holding period for such stock or interest, 9228  
all of the use of the corporation's or partnership's tangible 9229  
property was in an Ohio opportunity zone. In the case of 9230  
qualified opportunity zone property that is qualified 9231  
opportunity zone business property, the property is situated in 9232  
an Ohio opportunity zone only if, during all of the fund's 9233  
holding period for such property, all of the use of the property 9234  
was in an Ohio opportunity zone. 9235

All terms used in division (A) of this section have the 9236  
same meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 9237  
substituted for "substantially all" wherever "substantially all" 9238  
appears in the definition of those terms or in the definition of 9239  
terms used in those terms. 9240

(2) "Ohio opportunity zone" means a qualified opportunity 9241  
zone designated in this state under 26 U.S.C. 1400Z-1 before, 9242  
on, or after, October 17, 2019, the effective date of the 9243  
enactment of this section by H.B. 166 of the 133rd general 9244  
assembly. 9245

(3) "Business day" means a day of the week excluding 9246  
Saturday, Sunday, and a legal holiday as defined under section 9247  
1.14 of the Revised Code. 9248

(4) "Investment period" means the six-month period from 9249  
the first day of January to the thirtieth day of June, or from 9250

the first day of July to the thirty-first day of December. For 9251  
the application round beginning on January 12, 2026, "investment 9252  
period" also includes July 1, 2024, through December 31, 2024. 9253

(B) A person that invests in one or more Ohio qualified 9254  
opportunity funds may apply to the director of development for a 9255  
nonrefundable credit against the tax levied under section 9256  
5725.18, 5726.02, 5729.03, or 5747.02 of the Revised Code. The 9257  
application shall be made on forms prescribed by the director. 9258  
The director shall accept and review applications submitted 9259  
under this section during two annual periods, the first of which 9260  
begins on the tenth day of January and ends ~~after the first day~~ 9261  
~~of February~~ on the seventeenth day of January, and the second of 9262  
which begins on the tenth day of July and ends ~~after the first~~ 9263  
~~day of August~~ on the seventeenth day of July. If any of those 9264  
dates fall on a day that is not a business day, then the 9265  
application period begins on or ends after the next business 9266  
day, as applicable. The credit shall equal ten per cent of the 9267  
amount of the person's investment in the fund that the fund 9268  
invested during the immediately preceding investment period in 9269  
projects located in Ohio opportunity zones. 9270

The person shall include the following information with 9271  
the person's application: 9272

(1) The amount of the person's investment in Ohio 9273  
qualified opportunity funds, arranged according to the amount 9274  
invested in each such fund if the person invested in more than 9275  
one such fund; 9276

(2) A statement from an employee or officer of each Ohio 9277  
qualified opportunity fund identified by the person under 9278  
division (B)(1) of this section certifying the amount of the 9279  
person's investment in the fund and the amount of that 9280

investment the fund invested in projects located in Ohio 9281  
opportunity zones during the immediately preceding investment 9282  
period. The statement shall describe each project funded by the 9283  
investment and state each project's location and the portion of 9284  
the person's investment invested in each such project. Unless 9285  
the fund demonstrates otherwise to the director's satisfaction, 9286  
the amount of a person's investment that the fund invested in a 9287  
project located in an Ohio opportunity zone equals the same 9288  
proportion of the amount of the fund's investment in the project 9289  
as the person's investment in the fund bears to the total 9290  
investment by all investors in that fund on the date the fund 9291  
makes the investment in the project. 9292

The director shall review and process applications in the 9293  
order in which applications are received. 9294

(C) (1) Subject to division (C) (2) of this section, if the 9295  
director determines that the applicant qualifies for a credit 9296  
under this section, the director shall issue, within sixty days 9297  
after the last day on which an application may be submitted for 9298  
that application period, a tax credit certificate to the person 9299  
identified with a unique number and listing the amount of credit 9300  
the director determines is eligible to be claimed or 9301  
transferred. The director shall not issue any tax credit 9302  
certificate after June 30, 2027. 9303

(2) The total amount of tax credits issued by the director 9304  
shall not exceed: 9305

~~(a) Seventy-five million dollars for the fiscal biennium~~ 9306  
~~beginning July 1, 2021, and ending June 30, 2023;~~ 9307

~~(b) Fifty fifty million dollars for fiscal year 2024;~~ 9308

~~(c) Twenty-five million dollars for each fiscal year~~ 9309

~~thereafter~~ years 2026 and 2027. 9310

If the tax credits issued in the first year of the fiscal 9311  
biennium are less than the maximum allowed, the excess shall be 9312  
carried forward to the second year of the fiscal biennium. 9313

The director shall not issue certificates to a single 9314  
applicant in any fiscal biennium in an amount that exceeds two 9315  
million dollars. 9316

The director may not issue a certificate under this 9317  
section on the basis of any investment for which a small 9318  
business investment certificate has been issued under section 9319  
122.86 of the Revised Code. 9320

(3) The credit may be claimed by a person under section 9321  
5725.38, 5726.61, 5729.21, or 5747.86 of the Revised Code, as 9322  
applicable. A person that is not subject to taxation under 9323  
section 5725.18, 5726.02, 5729.03, or 5747.02 of the Revised 9324  
Code shall not claim the credit but if the person is the 9325  
applicant to which the certificate was initially issued, the 9326  
person may transfer the right to claim the credit under division 9327  
(D) of this section. 9328

(D) A taxpayer claiming a credit under this section shall 9329  
submit a copy of the certificate with the taxpayer's return or 9330  
report. 9331

(E) A person that holds a wholly or partially unclaimed 9332  
certificate issued under this section may transfer the right to 9333  
claim all or part of the remaining credit to any other person. 9334  
To effectuate the transfer, the transferor must notify the tax 9335  
commissioner, in writing, that the transferor is transferring 9336  
the right to claim all or part of the remaining credit stated on 9337  
the certificate. The transferor shall identify in that 9338

notification the certificate's number, the name and the tax 9339  
identification number of the transferee, the amount of remaining 9340  
credit transferred to the transferee, and, if applicable, the 9341  
amount of remaining credit retained by the transferor. The 9342  
transferee may claim the amount of credit received under this 9343  
division pursuant to and in the manner required under divisions 9344  
(C) (3) and (D) of this section. Transferring a credit under this 9345  
division does not extend the taxable year or calendar year for 9346  
which the credit may be claimed or number of years for which the 9347  
unclaimed credit amount may be carried forward under section 9348  
5725.38, 5726.61, 5729.21, or 5747.86 of the Revised Code, as 9349  
applicable. 9350

Any person to which a credit has been transferred under 9351  
this division may transfer the right to claim all or part of the 9352  
transferred credit amount to any other person, in the same 9353  
manner prescribed by this division for the initial transfer, 9354  
including that any such transfer be reported by the transferor 9355  
to the tax commissioner as described in this division. 9356

(F) On or before the first day of August each year, the 9357  
director of development shall submit a report to the governor, 9358  
the president and minority leader of the senate, and the speaker 9359  
and minority leader of the house of representatives on the tax 9360  
credit program authorized under this section. The report shall 9361  
include the following information: 9362

(1) The number of projects funded by investments for which 9363  
a tax credit application was submitted under this section during 9364  
the preceding year, the Ohio opportunity zone in which each such 9365  
project is located, the number of projects funded by investments 9366  
for which certificates were allocated during the preceding year, 9367  
a description of each such project, and the composition of an 9368

Ohio qualified opportunity fund's investments in each project 9369  
funded by investments for which a tax credit application was 9370  
submitted under this section; 9371

(2) The number of persons that invested in an Ohio 9372  
qualified opportunity fund and applied for a tax credit based on 9373  
the fund's investment in a project during the preceding year, 9374  
the name of the fund in which each such investment was made, the 9375  
number of persons allocated a credit for such investments under 9376  
this section, and the dollar amount of those credits; 9377

(3) A map that shows the location of each Ohio opportunity 9378  
zone and that indicates which zones include existing or pending 9379  
projects that are, or will be, funded by tax credit-eligible 9380  
investments. 9381

**Sec. 122.85.** (A) As used in this section and in sections 9382  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 9383

(1) "Tax credit-eligible production" means a motion 9384  
picture or Broadway theatrical production certified by the 9385  
director of development under division (B) of this section as 9386  
qualifying the production company for a tax credit under section 9387  
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code. 9388

(2) "Certificate owner" means a production company to 9389  
which a tax credit certificate is issued. 9390

(3) "Production company" means an individual, corporation, 9391  
partnership, limited liability company, or other form of 9392  
business association that is registered with the secretary of 9393  
state and that is producing a motion picture or Broadway 9394  
theatrical production. 9395

(4) "Eligible expenditures" means expenditures made after 9396  
June 30, 2009, for goods or services purchased and consumed in 9397

this state by a production company directly for the production 9398  
of a tax credit-eligible production, for postproduction 9399  
activities, or for advertising and promotion of the production. 9400

~~"Eligible expenditures" do not include qualified 9401~~  
~~expenditures for which a production company receives a tax 9402~~  
~~credit under section 122.852 of the Revised Code. 9403~~

"Eligible expenditures" include expenditures for cast and 9404  
crew wages, accommodations, costs of set construction and 9405  
operations, editing and related services, photography, sound 9406  
synchronization, lighting, wardrobe, makeup and accessories, 9407  
film processing, transfer, sound mixing, special and visual 9408  
effects, music, location fees, and the purchase or rental of 9409  
facilities and equipment. 9410

(5) "Motion picture" means entertainment content created 9411  
in whole or in part within this state for distribution or 9412  
exhibition to the general public, including, but not limited to, 9413  
feature-length films; documentaries; long-form, specials, 9414  
miniseries, series, and interstitial television programming; 9415  
interactive web sites; sound recordings; videos; music videos; 9416  
interactive television; interactive games; video games; 9417  
commercials; any format of digital media; and any trailer, 9418  
pilot, video teaser, or demo created primarily to stimulate the 9419  
sale, marketing, promotion, or exploitation of future investment 9420  
in either a product or a motion picture by any means and media 9421  
in any digital media format, film, or videotape, provided the 9422  
motion picture qualifies as a motion picture. "Motion picture" 9423  
does not include any television program created primarily as 9424  
news, weather, or financial market reports, a production 9425  
featuring current events or sporting events, an awards show or 9426  
other gala event, a production whose sole purpose is 9427

fundraising, a long-form production that primarily markets a 9428  
product or service or in-house corporate advertising or other 9429  
similar productions, a production for purposes of political 9430  
advocacy, or any production for which records are required to be 9431  
maintained under 18 U.S.C. 2257 with respect to sexually 9432  
explicit content. 9433

(6) "Broadway theatrical production" means a prebroadway 9434  
production, long run production, or tour launch that is 9435  
directed, managed, and performed by a professional cast and crew 9436  
and that is directly associated with New York city's broadway 9437  
theater district. 9438

(7) "Prebroadway production" means a live stage production 9439  
that is scheduled for presentation in New York city's broadway 9440  
theater district after the original or adaptive version is 9441  
performed in a qualified production facility. 9442

(8) "Long run production" means a live stage production 9443  
that is scheduled to be performed at a qualified production 9444  
facility for more than five weeks, with an average of at least 9445  
six performances per week. 9446

(9) "Tour launch" means a live stage production for which 9447  
the activities comprising the technical period are conducted at 9448  
a qualified production facility before a tour of the original or 9449  
adaptive version of the production begins. 9450

(10) "Qualified production facility" means a facility 9451  
located in this state that is used in the development or 9452  
presentation to the public of theater productions. 9453

(B) For the purpose of encouraging and developing strong 9454  
film and theater industries in this state, the director of 9455  
development may certify a motion picture or broadway theatrical 9456



production produced by a production company as a tax credit- 9457  
eligible production. In the case of a television series, the 9458  
director may certify the production of each episode of the 9459  
series as a separate tax credit-eligible production. A 9460  
production company shall apply for certification of a motion 9461  
picture or Broadway theatrical production as a tax credit- 9462  
eligible production on a form and in the manner prescribed by 9463  
the director. Each application shall include the following 9464  
information: 9465

(1) The name and telephone number of the production 9466  
company; 9467

(2) The name and telephone number of the company's contact 9468  
person; 9469

(3) A list of the first preproduction date through the 9470  
last production and postproduction dates in Ohio and, in the 9471  
case of a Broadway theatrical production, a list of each 9472  
scheduled performance in a qualified production facility; 9473

(4) The Ohio production office or qualified production 9474  
facility address and telephone number; 9475

(5) The total production budget; 9476

(6) The total budgeted eligible expenditures and the 9477  
percentage that amount is of the total production budget of the 9478  
motion picture or Broadway theatrical production; 9479

(7) In the case of a motion picture, the total percentage 9480  
of the production being shot in Ohio; 9481

(8) The level of employment of cast and crew who reside in 9482  
Ohio; 9483

(9) A synopsis of the script; 9484

- (10) In the case of a motion picture, the shooting script; 9485
- (11) A creative elements list that includes the names of 9486  
the principal cast and crew and the producer and director; 9487
- (12) Documentation of financial ability to undertake and 9488  
complete the motion picture or Broadway theatrical production, 9489  
including documentation that shows that the company has secured 9490  
funding equal to at least fifty per cent of the total production 9491  
budget; 9492
- (13) Estimated value of the tax credit based upon total 9493  
budgeted eligible expenditures; 9494
- (14) Estimated amount of state and local taxes to be 9495  
generated in this state from the production; 9496
- (15) Estimated economic impact of the production in this 9497  
state; 9498
- (16) Any other information considered necessary by the 9499  
director. 9500
- Within ninety days after certification of a motion picture 9501  
or Broadway theatrical production as a tax credit-eligible 9502  
production, and any time thereafter upon the request of the 9503  
director, the production company shall present to the director 9504  
sufficient evidence of reviewable progress. If the production 9505  
company fails to present sufficient evidence, the director may 9506  
rescind the certification. If the production of a motion picture 9507  
or Broadway theatrical production does not begin within ninety 9508  
days after the date it is certified as a tax credit-eligible 9509  
production, the director shall rescind the certification unless 9510  
the director finds that the production company shows good cause 9511  
for the delay, meaning that the production was delayed due to 9512  
unforeseeable circumstances beyond the production company's 9513

control or due to action or inaction by a government agency. 9514  
Upon rescission, the director shall notify the applicant that 9515  
the certification has been rescinded. Nothing in this section 9516  
prohibits an applicant whose tax credit-eligible production 9517  
certification has been rescinded from submitting a subsequent 9518  
application for certification. 9519

(C) (1) A production company whose motion picture or 9520  
broadway theatrical production has been certified as a tax 9521  
credit-eligible production may apply to the director of 9522  
development on or after July 1, 2009, for a refundable credit 9523  
against the tax imposed by section 5726.02, 5733.06, 5747.02, or 9524  
5751.02 of the Revised Code. The director in consultation with 9525  
the tax commissioner shall prescribe the form and manner of the 9526  
application and the information or documentation required to be 9527  
submitted with the application. 9528

The credit is determined as follows: 9529

(a) If the total budgeted eligible expenditures stated in 9530  
the application submitted under division (B) of this section or 9531  
the actual eligible expenditures as finally determined under 9532  
division (D) of this section, whichever is least, is less than 9533  
or equal to three hundred thousand dollars, no credit is 9534  
allowed; 9535

(b) If the total budgeted eligible expenditures stated in 9536  
the application submitted under division (B) of this section or 9537  
the actual eligible expenditures as finally determined under 9538  
division (D) of this section, whichever is least, is greater 9539  
than three hundred thousand dollars, the credit equals thirty 9540  
per cent of the least of such budgeted or actual eligible 9541  
expenditure amounts. 9542

(2) Except as provided in division (C) (4) of this section, 9543  
if the director of development approves a production company's 9544  
application for a credit, the director shall issue a tax credit 9545  
certificate to the company. The director in consultation with 9546  
the tax commissioner shall prescribe the form and manner of 9547  
issuing certificates. The director shall assign a unique 9548  
identifying number to each tax credit certificate and shall 9549  
record the certificate in a register devised and maintained by 9550  
the director for that purpose. The certificate shall state the 9551  
amount of the eligible expenditures on which the credit is based 9552  
and the amount of the credit. Upon the issuance of a 9553  
certificate, the director shall certify to the tax commissioner 9554  
the name of the production company to which the certificate was 9555  
issued, the amount of eligible expenditures shown on the 9556  
certificate, the amount of the credit, and any other information 9557  
required by the rules adopted to administer this section. 9558

(3) The amount of eligible expenditures for which a tax 9559  
credit may be claimed is subject to inspection and examination 9560  
by the tax commissioner or employees of the commissioner under 9561  
section 5703.19 of the Revised Code and any other applicable 9562  
law. Once the eligible expenditures are finally determined under 9563  
section 5703.19 of the Revised Code and division (D) of this 9564  
section, the credit amount is not subject to adjustment unless 9565  
the director determines an error was committed in the 9566  
computation of the credit amount. 9567

(4) No tax credit certificate may be issued before the 9568  
completion of the tax credit-eligible production. The amount of 9569  
tax credit allowed per fiscal year shall not exceed the sum of 9570  
~~(a) fifty million dollars, (b) the difference between the~~ 9571  
~~maximum credit amount for that fiscal year under section 122.852~~ 9572  
~~of the Revised Code and the amount the director of development~~ 9573

~~elects to allow under this section pursuant to division (D) (1) of section 122.852 of the Revised Code, and (c) the difference~~ 9574  
~~between the maximum amount of credits that could have been~~ 9575  
~~awarded in the previous fiscal year under this section and the~~ 9576  
~~amount actually awarded. Out of that sum, five million dollars~~ 9577  
~~shall be reserved for Broadway theatrical productions, and the~~ 9578  
~~balance may be allowed for any tax credit-eligible production.~~ 9579  
~~For any fiscal year in which less than five million dollars of~~ 9580  
~~tax credits are allowed for Broadway theatrical productions, the~~ 9581  
~~amount of the five million dollars not allowed and added to the~~ 9582  
~~maximum annual amount for the following fiscal year shall be~~ 9583  
~~reserved for Broadway theatrical productions in the following~~ 9584  
~~fiscal year.~~ 9585  
9586

(5) The director shall review and approve applications for 9587  
tax credits ~~in two rounds each fiscal year. The first round of~~ 9588  
~~credits shall be awarded not later than the last day of July of~~ 9589  
~~the fiscal year, and the second round of credits shall be~~ 9590  
~~awarded not later than the last day of the ensuing January. The~~ 9591  
~~amount of credits awarded in the first round of applications~~ 9592  
~~each fiscal year shall not exceed one-half of the maximum~~ 9593  
~~allowance for the fiscal year calculated under division (C) (4)~~ 9594  
~~of this section, two million five hundred thousand dollars of~~ 9595  
~~which shall be reserved for Broadway theatrical productions. For~~ 9596  
~~each round, the director shall rank applications on the basis of~~ 9597  
~~the extent of positive economic impact each tax credit-eligible~~ 9598  
~~production is likely to have in this state and the effect on~~ 9599  
~~developing a permanent workforce in motion picture or theatrical~~ 9600  
~~production industries in the state. For the purpose of such~~ 9601  
~~ranking, the on a rolling basis. The director shall give~~ 9602  
priority to tax-credit eligible productions that are television 9603  
series or miniseries due to the long-term commitment typically 9604

associated with such productions. ~~The economic impact ranking~~ 9605  
~~shall be based on the production company's total expenditures in~~ 9606  
~~this state directly associated with the tax credit-eligible~~ 9607  
~~production. The effect on developing a permanent workforce in~~ 9608  
~~the motion picture or theatrical production industries shall be~~ 9609  
~~evaluated first by the number of new jobs created and second by~~ 9610  
~~amount of payroll added with respect to employees in this state.~~ 9611

The director shall ~~approve productions in the order of~~ 9612  
~~their ranking, from those with the greatest positive economic~~ 9613  
~~impact and workforce development effect to those with the least~~ 9614  
~~positive economic impact and workforce development effect~~ not 9615  
issue a tax credit certificate under this section after June 30, 9616  
2027. 9617

(D) A production company whose motion picture or Broadway 9618  
theatrical production has been certified as a tax credit- 9619  
eligible production shall engage, at the company's expense, an 9620  
independent certified public accountant to examine the company's 9621  
production, postproduction, and advertising and promotion 9622  
expenditures to identify the expenditures that qualify as 9623  
eligible expenditures. The certified public accountant shall 9624  
issue a report to the company and to the director of development 9625  
certifying the company's eligible expenditures and any other 9626  
information required by the director. Upon receiving and 9627  
examining the report, the director may disallow any expenditure 9628  
the director determines is not an eligible expenditure. If the 9629  
director disallows an expenditure, the director shall issue a 9630  
written notice to the production company stating that the 9631  
expenditure is disallowed and the reason for the disallowance. 9632  
Upon examination of the report and disallowance of any 9633  
expenditures, the director shall determine finally the lesser of 9634  
the total budgeted eligible expenditures stated in the 9635

application submitted under division (B) of this section or the 9636  
actual eligible expenditures for the purpose of computing the 9637  
amount of the credit. 9638

(E) No credit shall be allowed under section 5726.55, 9639  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 9640  
director has reviewed the report and made the determination 9641  
prescribed by division (D) of this section. 9642

(F) This state reserves the right to refuse the use of 9643  
this state's name in the credits of any tax credit-eligible 9644  
motion picture production or program of any Broadway theatrical 9645  
production. 9646

(G) (1) The director of development in consultation with 9647  
the tax commissioner shall adopt rules for the administration of 9648  
this section, including rules setting forth and governing the 9649  
criteria for determining whether a motion picture or Broadway 9650  
theatrical production is a tax credit-eligible production; 9651  
activities that constitute the production or postproduction of a 9652  
motion picture or Broadway theatrical production; reporting 9653  
sufficient evidence of reviewable progress; expenditures that 9654  
qualify as eligible expenditures; a schedule and deadlines for 9655  
applications to be submitted and reviewed; a competitive process 9656  
for approving credits based on likely economic impact in this 9657  
state and development of a permanent workforce in motion picture 9658  
or theatrical production industries in this state; consideration 9659  
of geographic distribution of credits; and implementation of the 9660  
program described in division (H) of this section. The rules 9661  
shall be adopted under Chapter 119. of the Revised Code. 9662

(2) To cover the administrative costs of the program, the 9663  
director shall require each applicant to pay an application fee 9664  
equal to the lesser of ten thousand dollars or one per cent of 9665

the estimated value of the tax credit as stated in the 9666  
application. The fees collected shall be credited to the tax 9667  
incentives operating fund created in section 122.174 of the 9668  
Revised Code. All grants, gifts, fees, and contributions made to 9669  
the director for marketing and promotion of the motion picture 9670  
industry within this state shall also be credited to the fund. 9671

(H) The director of development shall establish a program 9672  
for the training of Ohio residents who are or wish to be 9673  
employed in the film or multimedia industry. Under the program, 9674  
the director shall: 9675

(1) Certify individuals as film and multimedia trainees. 9676  
In order to receive such a certification, an individual must be 9677  
an Ohio resident, have participated in relevant on-the-job 9678  
training or have completed a relevant training course approved 9679  
by the director, and have met any other requirements established 9680  
by the director. 9681

(2) Accept applications from production companies that 9682  
intend to hire and provide on-the-job training to one or more 9683  
certified film and multimedia trainees who will be employed in 9684  
the company's tax credit-eligible production; 9685

(3) Upon completion of a tax-credit eligible production, 9686  
and upon the receipt of any salary information and other 9687  
documentation required by the director, authorize a 9688  
reimbursement payment to each production company whose 9689  
application was approved under division (H) (2) of this section. 9690  
The payment shall equal fifty per cent of the salaries paid to 9691  
film and multimedia trainees employed in the production. 9692

**Sec. 122.86.** (A) As used in this section and section 9693  
5747.81 of the Revised Code: 9694



(1) "Small business enterprise" means a corporation, pass- 9695  
through entity, or other person satisfying all of the following: 9696

(a) At the time of a qualifying investment, the enterprise 9697  
meets all of the following requirements: 9698

(i) Has no outstanding tax or other liabilities owed to 9699  
the state; 9700

(ii) Is in good standing with the secretary of state, if 9701  
the enterprise is required to be registered with the secretary; 9702

(iii) Is current with any court-ordered payments; 9703

(iv) Is not engaged in any illegal activity. 9704

(b) At the time of a qualifying investment, the 9705  
enterprise's assets according to generally accepted accounting 9706  
principles do not exceed fifty million dollars, or its annual 9707  
sales do not exceed ten million dollars. When making this 9708  
determination, the assets and annual sales of all of the 9709  
enterprise's related or affiliated entities shall be included in 9710  
the calculation. 9711

(c) At the time of a qualifying investment and for the 9712  
two-year period immediately preceding the qualifying investment, 9713  
the enterprise employs at least fifty full-time equivalent 9714  
employees in this state for whom the enterprise is required to 9715  
withhold income tax under section 5747.06 of the Revised Code, 9716  
or more than one-half the enterprise's total number of full-time 9717  
equivalent employees employed anywhere in the United States are 9718  
employed in this state and are subject to that withholding 9719  
requirement. 9720

(d) The enterprise, within six months after an eligible 9721  
investor's qualifying investment is made, incurs cost for one or 9722

more of the following: 9723

(i) Tangible personal property, other than motor vehicles 9724  
operated on public roads and highways, used in business and 9725  
physically located in this state from the time of its 9726  
acquisition by the enterprise until the end of the investor's 9727  
holding period, including the installation of such tangible 9728  
personal property; 9729

(ii) Motor vehicles operated on public roads and highways 9730  
if, from the time of acquisition by the enterprise until the end 9731  
of the investor's holding period, the motor vehicles are 9732  
purchased in this state, registered in this state under Chapter 9733  
4503. of the Revised Code, are used primarily for business 9734  
purposes, and are necessary for the operation of the 9735  
enterprise's business; 9736

(iii) Real property located in this state that is used in 9737  
the business from the time of its acquisition by the enterprise 9738  
until the end of the holding period; 9739

(iv) Leasehold improvements and construction costs for 9740  
property located in this state that is used in the business from 9741  
the time its improvement or construction was completed until the 9742  
end of the holding period; 9743

(v) Compensation for new employees of the enterprise hired 9744  
after the date the qualifying investment is made for whom the 9745  
enterprise is required to withhold income tax under section 9746  
5747.06 of the Revised Code. 9747

(2) "Qualifying investment" means an investment of money 9748  
made ~~on or after July 1, 2019,~~ to acquire capital stock or other 9749  
equity interest in a small business enterprise. "Qualifying 9750  
investment" does not include either of the following: 9751

(a) Any investment of money an eligible investor derives, 9752  
directly or indirectly, from a grant or loan from the federal 9753  
government or the state or a political subdivision, including 9754  
the third frontier program under Chapter 184. of the Revised 9755  
Code; 9756

(b) Any investment of money which is the basis of a tax 9757  
credit granted under any other section of the Revised Code. 9758

(3) "Eligible investor" means an individual, estate, or 9759  
trust subject to the tax imposed by section 5747.02 of the 9760  
Revised Code, or a pass-through entity in which such an 9761  
individual, estate, or trust holds a direct or indirect 9762  
ownership or other equity interest. To qualify as an eligible 9763  
investor, the individual, estate, trust, or pass-through entity 9764  
shall not owe any outstanding tax or other liability to the 9765  
state at the time of a qualifying investment. 9766

(4) "Holding period" means the two-year period beginning 9767  
on the day a qualifying investment is made. 9768

(5) "Pass-through entity" has the same meaning as in 9769  
section 5733.04 of the Revised Code. 9770

(B) An eligible investor that makes a qualifying 9771  
investment in a small business enterprise on or after July 1, 9772  
2019, but on or before November 3, 2025, may apply to the 9773  
director of development services to obtain an allocation for a 9774  
small business investment certificate from the director. 9775  
Alternatively, a small business enterprise may apply on behalf 9776  
of eligible investors to obtain the allocation for those 9777  
investors. The application must be submitted to the director 9778  
within sixty days after the date of the qualifying investment, 9779  
but within the same biennium as the qualifying investment. The 9780

director, in consultation with the tax commissioner, shall 9781  
prescribe the form or manner in which an applicant shall apply 9782  
for the certificate, devise the form of the certificate, and 9783  
prescribe any records or other information an applicant shall 9784  
furnish with the application to evidence the qualifying 9785  
investment. The applicant shall pay an application fee equal to 9786  
the greater of one-tenth of one per cent of the amount of the 9787  
intended investment or one hundred dollars. 9788

The director of development services may reserve small 9789  
business investment allocations to qualifying applicants in the 9790  
order in which the director receives applications. An 9791  
application is completed when the director has validated that an 9792  
eligible investor has made a qualified investment and receives 9793  
all required documentation needed to demonstrate the small 9794  
business enterprise satisfies the requirements of division (A) 9795  
(1) of this section. To qualify for an allocation, an eligible 9796  
investor must satisfy both of the following, subject to the 9797  
limitation on the amount of qualifying investments for which 9798  
allocations may be issued under division (C) of this section: 9799

(1) The eligible investor makes a qualifying investment on 9800  
or after July 1, 2019, but on or before November 3, 2025. 9801

(2) The eligible investor pledges not to sell or otherwise 9802  
dispose of the qualifying investment before the conclusion of 9803  
the applicable holding period. 9804

(C) (1) The amount of any eligible investor's qualifying 9805  
investments for which small business investment allocations may 9806  
be issued for a fiscal biennium shall not exceed ten million 9807  
dollars. 9808

(2) The director of development services shall not issue a 9809

small business investment allocation to an eligible investor 9810  
representing an amount of qualifying investment in excess of the 9811  
amount of the investment indicated on the investor's 9812  
application. 9813

(3) For any fiscal biennium beginning before July 1, 2019, 9814  
the director of development services shall not issue small 9815  
business investment allocations in a total amount that would 9816  
cause the tax credits claimed in that biennium to exceed one 9817  
hundred million dollars. For any fiscal biennium beginning on or 9818  
after July 1, 2019, the director shall not issue small business 9819  
investment allocations in a total amount that would cause the 9820  
tax credits claimed in that biennium to exceed fifty million 9821  
dollars. 9822

(4) The director of development services may issue a small 9823  
business investment allocation only if both of the following 9824  
apply at the time of issuance: 9825

(a) The small business enterprise meets all the 9826  
requirements listed in divisions (A)(1)(a)(i) to (iv) of this 9827  
section; 9828

(b) The eligible investor does not owe any outstanding tax 9829  
or other liability to the state. 9830

(5) The director shall not issue a small business 9831  
investment allocation on the basis of any investment for which 9832  
an Ohio opportunity zone investment certificate has been issued 9833  
under section 122.84 of the Revised Code. 9834

(D) Before the end of the applicable holding period of a 9835  
qualifying investment, each enterprise in which a qualifying 9836  
investment was made for which a small business investment 9837  
allocation has been issued, upon the request of the director of 9838

development services, shall provide to the director records or 9839  
other evidence satisfactory to the director that the enterprise 9840  
is a small business enterprise for the purposes of this section. 9841  
Each enterprise shall also provide annually to the director 9842  
records or evidence regarding the number of jobs created or 9843  
retained in the state. The director shall compile and maintain a 9844  
register of small business enterprises qualifying under this 9845  
section and shall certify the register to the tax commissioner. 9846  
The director shall also compile and maintain a record of the 9847  
number of jobs created or retained as a result of qualifying 9848  
investments made pursuant to this section. 9849

(E) After the conclusion of the applicable holding period 9850  
for a qualifying investment, a person to whom a small business 9851  
investment allocation has been issued under this section shall 9852  
receive a small business investment certification, which 9853  
entitles the person to claim a credit as provided under section 9854  
5747.81 of the Revised Code. However, no certificate may be 9855  
issued if the director finds that any requirement under this 9856  
section is not met. 9857

(F) The director of development services, in consultation 9858  
with the tax commissioner, may adopt rules for the 9859  
administration of this section, including rules governing the 9860  
following: 9861

(1) Documents, records, or other information eligible 9862  
investors shall provide to the director; 9863

(2) Any information a small business enterprise shall 9864  
provide for the purposes of this section and section 5747.81 of 9865  
the Revised Code; 9866

(3) Determination of the number of full-time equivalent 9867

employees of a small business enterprise; 9868

(4) Verification of a small business enterprise's 9869  
investment; 9870

(5) Circumstances under which small business enterprises 9871  
or eligible investors may be subverting the purposes of this 9872  
section and section 5747.81 of the Revised Code. 9873

(G) Application fees paid under division (B) of this 9874  
section shall be credited to the tax incentives operating fund 9875  
created in section 122.174 of the Revised Code. 9876

Sec. 122.97. The director of development may allocate the 9877  
state ceiling on the aggregate amount of private activity bonds 9878  
issued in this state as provided in 26 U.S.C. 146. 9879

Sec. 122.98. (A) The general assembly finds that access to 9880  
affordable housing in rural areas is an important part of 9881  
fostering a robust and lasting population. Accordingly, it is 9882  
declared to be the public policy of the state to increase the 9883  
availability of single-family homes in the rural areas through 9884  
the residential development revolving loan program, administered 9885  
by the department of development. 9886

(B) An eligible borrower for a residential development 9887  
loan is a county, or a township or municipal corporation that is 9888  
fully or partially located in a county, that meets both of the 9889  
following: 9890

(1) Has a population of not more than seventy-five 9891  
thousand; 9892

(2) The number of privately-owned housing units authorized 9893  
by building permit, according to the most recent data provided 9894  
by the United States census bureau, is less than the average 9895

number of private housing units authorized by building permit 9896  
for counties in this state. 9897

(C) An eligible borrower shall use the proceeds of a 9898  
residential development loan exclusively to develop, repair, or 9899  
upgrade water, sewer, transportation, electric, or gas 9900  
infrastructure needed for the construction of single-family, 9901  
residential dwellings that are part of a residential development 9902  
project. An eligible borrower shall not use any portion of the 9903  
proceeds for routine infrastructure maintenance or for 9904  
developments, repairs, or upgrades that exceed the projected 9905  
requirements of the residential development project. 9906

(D) The department shall not approve an application for a 9907  
residential development loan unless the eligible borrower 9908  
demonstrates, to the satisfaction of the department, that the 9909  
residential development project served by the infrastructure 9910  
developments, repairs, or upgrades meets all of the following: 9911

(1) Is fully located in a county that meets the criteria 9912  
prescribed by divisions (B) (1) and (2) of this section; 9913

(2) Has a net density of at least four single-family, 9914  
residential dwellings per acre; 9915

(3) Is zoned exclusively for single-family, residential 9916  
use; 9917

(4) Does not currently, and will not upon its completion, 9918  
include a qualified low-income building that receives a tax 9919  
credit under 26 U.S.C. 42. 9920

(E) An eligible borrower shall, at minimum, include all of 9921  
the following in the loan application: 9922

(1) A description of the infrastructure developments, 9923



repairs, or upgrades to be funded by the loan and an estimate of 9924  
the total cost to complete those developments, repairs, or 9925  
upgrades; 9926

(2) The loan amount requested by the eligible borrower, 9927  
which shall not exceed either of the following amounts: 9928

(a) Fifty per cent of the total cost of the infrastructure 9929  
developments, repairs, or upgrades; 9930

(b) Thirty thousand dollars per single-family, residential 9931  
dwelling included in the residential development project served 9932  
by the developments, repairs or upgrades. 9933

(3) Documentation sufficient to prove, to the satisfaction 9934  
of the department, all of the following: 9935

(a) That the applicant is an eligible borrower under 9936  
division (B) of this section; 9937

(b) That the infrastructure developments, repairs, or 9938  
upgrades meet the requirements under division (C) of this 9939  
section; 9940

(c) That the residential development project served by 9941  
those developments, repairs, or upgrades meets the requirements 9942  
under division (D) of this section. 9943

(4) Certification that the eligible borrower agrees to 9944  
comply with all provisions of this section. 9945

(F) The department shall accept applications and make low- 9946  
interest loans under this section on a rolling basis whenever 9947  
funding is available. The department shall begin accepting 9948  
applications for the first round of loans not later than January 9949  
1, 2026. The director of development may establish a schedule of 9950  
fees and charges to be paid by applicants and loan recipients as 9951

necessary to offset the cost of administering this section. 9952

(G) An eligible borrower that receives a loan under this 9953  
section shall do all of the following: 9954

(1) Exempt the residential development project served by 9955  
the infrastructure developments, repairs, or upgrades, from both 9956  
of the following: 9957

(a) Any building or road standards of the eligible 9958  
borrower that are more stringent than those prescribed by state 9959  
law; 9960

(b) Ordinances, resolutions, rules, or restrictions of the 9961  
eligible borrower concerning any of the following: 9962

(i) Minimum square footage for residential dwellings; 9963

(ii) Off-street parking; 9964

(iii) The existence, size, or placement of a garage. 9965

(2) Complete any required traffic reviews or studies for 9966  
the residential development project within forty-five days after 9967  
receiving the loan; 9968

(3) Provide a quarterly report to the director on the 9969  
status of the work funded by the loan; 9970

(4) Repay the principal and interest of the loan in 9971  
accordance with terms specified by the department. 9972

(H) The director shall develop and utilize scoring metrics 9973  
in prioritizing applications, determining whether to approve 9974  
low-interest loans, and determining the amount of such loans. 9975  
The metrics must meet all of the following requirements: 9976

(1) Give higher priority to projects in locations with 9977  
greater housing need and lack of private housing investment; 9978

(2) Consider the potential economic impact of the project 9979  
and the regional distributive balance of the loans; 9980

(3) Not consider whether the project is located in an 9981  
economically distressed area, including by weighting preference 9982  
based on the poverty rate in the jurisdiction or census tract in 9983  
which the project is located. 9984

(I) The department shall credit all principal, interest, 9985  
and fees paid under this section by an eligible borrower to the 9986  
residential development revolving loan fund created under 9987  
section 122.981 of the Revised Code. 9988

**Sec. 122.981.** There is hereby created in the state 9989  
treasury the residential development revolving loan fund. The 9990  
fund shall consist of appropriations by the general assembly, 9991  
money received as repayment for loans under section 122.98 of 9992  
the Revised Code, fees collected in accordance with that 9993  
section, and any other money transferred to the fund. All 9994  
investment earnings of the fund shall be credited to the fund. 9995  
The department of development shall use money in the fund 9996  
exclusively to make low-interest loans under section 122.98 of 9997  
the Revised Code and to offset the expenditures incurred by the 9998  
department in administering that section. The aggregate amount 9999  
of money used to offset the department's expenditures in any 10000  
fiscal year shall not exceed five hundred thousand dollars. 10001

**Sec. 123.10.** (A) As used in this section and section 10002  
123.11 of the Revised Code, "public exigency" means an injury or 10003  
obstruction that occurs in any public works of the state and 10004  
that materially impairs its immediate use or places in jeopardy 10005  
property adjacent to it; an immediate danger of such an injury 10006  
or obstruction; or an injury or obstruction, or an immediate 10007  
danger of an injury or obstruction, that occurs in any public 10008

works of the state and that materially impairs its immediate use 10009  
or places in jeopardy property adjacent to it. 10010

(B) When a declaration of public exigency is issued 10011  
pursuant to division (C) of this section, the Ohio facilities 10012  
construction commission, or the requesting director of the state 10013  
agency, state institution of higher education as defined in 10014  
division (A)(1) of section 3345.12 of the Revised Code, or other 10015  
state instrumentality, as determined by the executive director 10016  
of the commission, shall enter into contracts with proper 10017  
persons for the performance of labor, the furnishing of 10018  
materials, or the construction of any structures and buildings 10019  
necessary to the maintenance, control, and management of the 10020  
public works of the state or any part of those public works. Any 10021  
contracts awarded for the work performed pursuant to the 10022  
declaration of a public exigency may be awarded without 10023  
competitive bidding or selection as set forth in Chapter 153. of 10024  
the Revised Code. 10025

(C) The executive director of the Ohio facilities 10026  
construction commission may issue a declaration of a public 10027  
exigency on the executive director's own initiative or upon the 10028  
request of the director of any state agency, a state institution 10029  
of higher education as defined in division (A)(1) of section 10030  
3345.12 of the Revised Code, or any other state instrumentality. 10031  
The executive director's declaration shall identify the specific 10032  
injury, obstruction, or danger that is the subject of the 10033  
declaration and shall set forth a dollar limitation for the 10034  
repair, removal, or prevention of that exigency under the 10035  
declaration. 10036

Before any project to repair, remove, or prevent a public 10037  
exigency under the executive director's declaration may begin, 10038

the executive director shall send notice of the project, in 10039  
writing, to the director of budget and management and to the 10040  
members of the controlling board. That notice shall detail the 10041  
project to be undertaken to address the public exigency and 10042  
shall include a copy of the executive director's declaration 10043  
that establishes the monetary limitations on that project. 10044

Sec. 123.14. (A) Every two years, the department of 10045  
administrative services shall conduct a comprehensive study and 10046  
issue a report on all real property owned or leased by the state 10047  
or a state agency. The director of administrative services shall 10048  
deliver the report to the speaker of the house of 10049  
representatives, the president of the senate, and the governor 10050  
not later than the thirty-first day of January of every odd- 10051  
numbered year. The study shall include all of the following: 10052

(1) A complete list of all the real property owned by the 10053  
state or a state agency. The list shall be organized by who owns 10054  
the real property, which shall include information regarding the 10055  
nature of the real property, such as whether the real property 10056  
includes structures, whether any structure is office space, the 10057  
value of the real property, the cost of maintaining the real 10058  
property, and what percentage of the real property is used or 10059  
unused by the state or state agency. 10060

(2) A complete list of all the real property that the 10061  
state or a state agency rents or leases, but does not own, and 10062  
the cost of renting or leasing; 10063

(3) Which state agencies use the real property, whether 10064  
owned or leased, and the square footage that is used, versus not 10065  
used, organized by state agency; 10066

(4) How much of the real property identified in division 10067

(A) (3) of this section would be used if all employees of that 10068  
agency worked in person, rather than remote. 10069

(B) As used in this section, "state agency" means every 10070  
organized body, office, or agency established by the laws of the 10071  
state for the exercise of any function of state government, 10072  
including the nonprofit corporation formed under section 187.01 10073  
of the Revised Code, but not including the courts or any 10074  
judicial agency, any state-assisted institution of higher 10075  
education, or any local agency. 10076

**Sec. 123.28.** As used in this section and in section 10077  
123.281 of the Revised Code: 10078

(A) "Culture" means any of the following: 10079

(1) Visual, musical, dramatic, graphic, design, and other 10080  
arts, including, but not limited to, architecture, dance, 10081  
literature, motion pictures, music, painting, photography, 10082  
sculpture, and theater, and the provision of training or 10083  
education in these arts; 10084

(2) The presentation or making available, in museums or 10085  
other indoor or outdoor facilities, of principles of science and 10086  
their development, use, or application in business, industry, or 10087  
commerce or of the history, heritage, development, presentation, 10088  
and uses of the arts described in division (A) (1) of this 10089  
section and of transportation; 10090

(3) The preservation, presentation, or making available of 10091  
features of archaeological, architectural, environmental, or 10092  
historical interest or significance in a state historical 10093  
facility or a local historical facility. 10094

(B) "Cultural organization" means either of the following: 10095

(1) A governmental agency or Ohio nonprofit corporation, 10096  
including the Ohio history connection, that provides programs or 10097  
activities in areas directly concerned with culture; 10098

(2) A regional arts and cultural district as defined in 10099  
section 3381.01 of the Revised Code. 10100

(C) "Cultural project" means all or any portion of an Ohio 10101  
cultural facility for which the general assembly has made an 10102  
appropriation or has specifically authorized the spending of 10103  
money or the making of rental payments relating to the financing 10104  
of construction. 10105

(D) "Cooperative use agreement" means a contract between 10106  
the Ohio facilities construction commission and a cultural 10107  
organization providing the terms and conditions of the 10108  
cooperative use of an Ohio cultural facility. 10109

(E) "Costs of operation" means amounts required to manage 10110  
an Ohio cultural facility that are incurred following the 10111  
completion of construction of its cultural project, provided 10112  
that both of the following apply: 10113

(1) Those amounts either: 10114

(a) Have been committed to a fund dedicated to that 10115  
purpose; 10116

(b) Equal the principal of any endowment fund, the income 10117  
from which is dedicated to that purpose. 10118

(2) The commission and the cultural organization have 10119  
executed an agreement with respect to either of those funds. 10120

(F) "Governmental agency" means a state agency, a state 10121  
institution of higher education as defined in section 3345.12 of 10122  
the Revised Code, a municipal corporation, county, township, or 10123

school district, a port authority created under Chapter 4582. of 10124  
the Revised Code, any other political subdivision or special 10125  
district in this state established by or pursuant to law, or any 10126  
combination of these entities; except where otherwise indicated, 10127  
the United States or any department, division, or agency of the 10128  
United States, or any agency, commission, or authority 10129  
established pursuant to an interstate compact or agreement. 10130

(G) "Local contributions" means the value of an asset 10131  
provided by or on behalf of a cultural organization from sources 10132  
other than the state, the value and nature of which shall be 10133  
approved by the Ohio facilities construction commission, in its 10134  
sole discretion. "Local contributions" may include the value of 10135  
the site where a cultural project is to be constructed. All 10136  
"local contributions," except a contribution attributable to 10137  
such a site, shall be for the costs of construction of a 10138  
cultural project or the creation or expansion of an endowment 10139  
for the costs of operation of a cultural facility. 10140

(H) "Local historical facility" means a site or facility, 10141  
other than a state historical facility, of archaeological, 10142  
architectural, environmental, or historical interest or 10143  
significance, or a facility, including a storage facility, 10144  
appurtenant to the operations of such a site or facility, that 10145  
is owned by a cultural organization and is used for or in 10146  
connection with cultural activities, including the presentation 10147  
or making available of culture to the public. 10148

(I) "Manage," "operate," or "management" means the 10149  
provision of, or the exercise of control over the provision of, 10150  
activities: 10151

(1) Relating to culture for an Ohio cultural facility, 10152  
including as applicable, but not limited to, providing for 10153



displays, exhibitions, specimens, and models; booking of 10154  
artists, performances, or presentations; scheduling; and hiring 10155  
or contracting for directors, curators, technical and scientific 10156  
staff, ushers, stage managers, and others directly related to 10157  
the cultural activities in the facility; but not including 10158  
general building services; 10159

(2) Relating to sports and athletic events for an Ohio 10160  
sports facility, including as applicable, but not limited to, 10161  
providing for booking of athletes, teams, and events; 10162  
scheduling; and hiring or contracting for staff, ushers, 10163  
managers, and others directly related to the sports and athletic 10164  
events in the facility; but not including general building 10165  
services. 10166

(J) "Ohio cultural facility" means any of the following: 10167

(1) The theaters located in the state office tower at 77 10168  
South High street in Columbus; 10169

(2) Any cultural facility in this state that is managed 10170  
directly by, or is subject to a cooperative use or management 10171  
agreement with, the Ohio facilities construction commission. 10172

(3) A state historical facility or a local historical 10173  
facility. 10174

(K) "Construction" includes acquisition, including 10175  
acquisition by lease-purchase, demolition, reconstruction, 10176  
alteration, renovation, remodeling, enlargement, improvement, 10177  
site improvements, and related equipping and furnishing. 10178

(L) "State historical facility" means a site or facility 10179  
that has all of the following characteristics: 10180

(1) It is created, supervised, operated, protected, 10181

maintained, and promoted by the Ohio history connection pursuant 10182  
to the Ohio history connection's performance of public functions 10183  
under sections 149.30 and 149.302 of the Revised Code. 10184

(2) Its title must reside wholly or in part with the 10185  
state, the Ohio history connection, or both the state and the 10186  
Ohio history connection. 10187

(3) It is managed directly by or is subject to a 10188  
cooperative use or management agreement with the Ohio facilities 10189  
construction commission and is used for or in connection with 10190  
cultural activities, including the presentation or making 10191  
available of culture to the public. 10192

(M) "Ohio sports facility" means all or a portion of a 10193  
stadium, arena, tennis facility, motorsports complex, or other 10194  
capital facility in this state. A primary purpose of the 10195  
facility shall be to provide a site or venue for the 10196  
presentation to the public of motorsports events, professional 10197  
tennis tournaments, or events of one or more major or minor 10198  
league professional athletic or sports teams that are associated 10199  
with the state or with a city or region of the state. The 10200  
facility shall be, in the case of a motorsports complex, owned 10201  
by the state or governmental agency, or in all other instances, 10202  
owned by or located on real property owned by the state or a 10203  
governmental agency, and includes all parking facilities, 10204  
walkways, and other auxiliary facilities, equipment, 10205  
furnishings, and real and personal property and interests and 10206  
rights therein, that may be appropriate for or used for or in 10207  
connection with the facility or its operation, for capital costs 10208  
of which state funds are spent pursuant to this section and 10209  
section 123.281 of the Revised Code. A facility constructed as 10210  
an Ohio sports facility may be both an Ohio cultural facility 10211

and an Ohio sports facility. 10212

(N) "Motorsports" means sporting events in which motor 10213  
vehicles are driven on a clearly demarcated tracked surface. 10214

(O) "Professional sports franchise" means a member of the 10215  
following professional sports leagues: the national football 10216  
league, women's national football conference, women's football 10217  
alliance, women's football league association, national hockey 10218  
league, professional women's hockey league, major league 10219  
baseball, women's professional baseball league, major league 10220  
soccer, national women's soccer league, national basketball 10221  
association, or the women's national basketball association, or 10222  
a successor of such an entity. 10223

(P) "Major sports facility" means a stadium, arena, 10224  
complex, or other facility that a governmental agency owns, will 10225  
own, or has or will have a sufficient ownership interest in, the 10226  
primary purpose of which is to provide a site or venue for the 10227  
presentation of home games of a professional sports franchise 10228  
for a period of at least thirty years after completion of the 10229  
construction of the stadium, arena, complex, or other facility. 10230

(Q) "Transformational major sports facility mixed-use 10231  
project" means the following, as applicable: 10232

(1) A mixed-use project that meets all of the following 10233  
criteria: 10234

(a) Includes the construction of a major sports facility; 10235

(b) Integrates some combination of retail, office, hotel, 10236  
residential, recreation, structured parking, or other similar 10237  
uses into one or more mixed-use developments; 10238

(c) Is expected to generate incremental state tax revenues 10239

pursuant to state taxes levied under Chapters 5739., 5741., 10240  
5747., and 5751. of the Revised Code; 10241

(d) Has an initial total estimated construction cost, 10242  
excluding any site acquisition cost, that is greater than one 10243  
billion dollars. 10244

(2) In addition to the criteria under division (Q) (1) of 10245  
this section, a transformational major sports facility mixed-use 10246  
project may include any of the following: 10247

(a) Other projects supporting or relating to the major 10248  
sports facility or the professional sports franchise 10249  
constructing or using the major sports facility; 10250

(b) Any mixed-use project adjacent or otherwise relating 10251  
to practice facilities for the professional sports franchise; 10252

(c) Conference centers, concert, or other entertainment 10253  
venues and facilities; 10254

(d) Retail, food, restaurant, and beverage facilities, 10255  
whether fixed or mobile; 10256

(e) Parks and other public open spaces or facilities; 10257

(f) Related on-site infrastructure necessary or desirable 10258  
for all such elements for the transformational major sports 10259  
facility mixed-use project. 10260

(R) "Transformational major sports facility mixed-use 10261  
project district" means the geographic area encompassing, and 10262  
including all of the area within the territorial boundaries of, 10263  
the land upon which the transformational major sports facility 10264  
mixed-use project is located, as determined by the office of 10265  
budget and management, in consultation with the department of 10266  
taxation, the Ohio facilities construction commission, and any 10267

applicable county or municipal offices in accordance with 10268  
division (H) (5) (e) of section 123.281 of the Revised Code. 10269

(S) "Base professional sports franchise state tax 10270  
revenues" means an amount or calculation either established by 10271  
the general assembly or equal to all state tax revenues 10272  
generated pursuant to state taxes levied under Chapters 5739., 10273  
5741., 5747., and 5751. of the Revised Code that are 10274  
attributable to the professional sports franchise and its 10275  
operations at the professional sports franchise's existing 10276  
facility, and collected by the department of taxation in the 10277  
calendar year occurring immediately before the calendar year in 10278  
which the professional sports franchise plays its initial 10279  
regular season home game in the major sports facility, which 10280  
shall be increased by three and one-half per cent per year each 10281  
calendar year for up to sixteen years thereafter. 10282

(T) "Total major sports facility mixed-use project 10283  
district state tax revenues" means the total aggregate state tax 10284  
revenue generated in the territory of a transformational major 10285  
sports facility mixed-use project district pursuant to state 10286  
taxes levied under Chapters 5739., 5741., 5747., and 5751. of 10287  
the Revised Code beginning in the calendar year in which a 10288  
performance grant is eligible for disbursement under an 10289  
appropriation and for sixteen years thereafter, including those 10290  
state tax revenues attributable to the construction of, and the 10291  
purchasing of or leasing of materials and items used in the 10292  
construction of, a transformational major sports facility mixed- 10293  
use project district received in the calendar year in which the 10294  
performance grant is eligible for disbursement under an 10295  
appropriation. 10296

(U) "Incremental major sports facility mixed-use project 10297

district state tax revenues" means the amount of state tax 10298  
revenues received by the state determined by subtracting base 10299  
professional sports franchise state tax revenues, as calculated 10300  
for a given calendar year including any required three and one- 10301  
half per cent annual increase, from total major sports facility 10302  
mixed-use project district state tax revenues for such year. 10303

(V) "Total incremental major sports facility mixed-use 10304  
project district state tax revenues" means the aggregate amount 10305  
of incremental major sports facility mixed-use district state 10306  
tax revenues beginning in the calendar year in which a 10307  
performance grant is eligible for disbursement under an 10308  
appropriation and for sixteen years thereafter. 10309

(W) "Affiliate" means a person that directly, or 10310  
indirectly through one or more intermediaries, controls, is 10311  
controlled by, is under common control with, or acts in concert 10312  
with, or is a participant in a joint venture, partnership, 10313  
consortium, or similar business arrangement with, a professional 10314  
sports franchise or owner. 10315

(X) "Owner" means a person that has a controlling 10316  
ownership interest in a professional sports franchise. 10317

(Y) "Person" means one or more individuals, receivers, 10318  
assignees, trustees in bankruptcy, estates, firms, limited 10319  
liability companies, partnerships, associations, joint-stock 10320  
companies, joint ventures, clubs, societies, corporations, and 10321  
combinations of individuals in any form. 10322

**Sec. 123.281.** (A) The Ohio facilities construction 10323  
commission shall provide for the construction of a cultural 10324  
project in conformity with Chapter 153. of the Revised Code, 10325  
except for construction services provided on behalf of the state 10326

by a governmental agency or a cultural organization in 10327  
accordance with divisions (B) and (C) of this section. 10328

(B) In order for a governmental agency or a cultural 10329  
organization to provide construction services on behalf of the 10330  
state for a cultural project, other than a state historical 10331  
facility, for which the general assembly has made an 10332  
appropriation or specifically authorized the spending of money 10333  
or the making of rental payments relating to the financing of 10334  
the construction, the governmental agency or cultural 10335  
organization shall submit to the Ohio facilities construction 10336  
commission a cooperative use agreement that includes, but is not 10337  
limited to, provisions that: 10338

(1) Specify how the proposed project will support culture; 10339

(2) Specify that the governmental agency or cultural 10340  
organization has local contributions amounting to not less than 10341  
fifty per cent of the total state funding for the cultural 10342  
project; 10343

(3) Specify that the funds shall be used only for 10344  
construction; 10345

(4) Identify the facility to be constructed, renovated, 10346  
remodeled, or improved; 10347

(5) Specify that the project scope meets the intent and 10348  
purpose of the project appropriation and that the project can be 10349  
completed and ready to support culture without exceeding 10350  
appropriated funds; 10351

(6) Specify that the governmental agency or cultural 10352  
organization shall hold the Ohio facilities construction 10353  
commission harmless from all liability for the operation and 10354  
maintenance costs of the facility; 10355

(7) Specify that the agreement or any actions taken under 10356  
it are not subject to Chapter 123. or 153. of the Revised Code, 10357  
except for sections 123.20, 123.201, 123.21, 123.28, 123.281, 10358  
and 153.011 of the Revised Code, and are subject to Chapter 10359  
4115. of the Revised Code; and 10360

(8) Provide that amendments to the agreement shall require 10361  
the approval of the Ohio facilities construction commission. 10362

(C) In order for a cultural organization to provide 10363  
construction services on behalf of the state for a state 10364  
historical facility for which the general assembly has made an 10365  
appropriation or specifically authorized the spending of money 10366  
or the making of rental payments relating to the financing of 10367  
the construction, the cultural organization shall submit to the 10368  
Ohio facilities construction commission a cooperative use 10369  
agreement that includes, but is not limited to, provisions that: 10370

(1) Specify how the proposed project will support culture; 10371

(2) Specify that the funds shall be used only for 10372  
construction; 10373

(3) Specify that not more than three per cent of the funds 10374  
may be used by the cultural organization to administer the 10375  
project; 10376

(4) Identify the facility to be constructed, renovated, 10377  
remodeled, or improved; 10378

(5) Specify that the project scope meets the intent and 10379  
purpose of the project appropriation and that the project can be 10380  
completed and ready to support culture without exceeding 10381  
appropriated funds; 10382

(6) Specify that the cultural organization shall hold the 10383



Ohio facilities construction commission harmless from all 10384  
liability for the operation and maintenance costs of the 10385  
facility; 10386

(7) Specify that the agreement or any actions taken under 10387  
it are not subject to Chapter 123., 153., or 4115. of the 10388  
Revised Code, except for sections 123.20, 123.201, 123.21, 10389  
123.28, and 123.281 of the Revised Code; and 10390

(8) Provide that amendments to the agreement shall require 10391  
the approval of the Ohio facilities construction commission. 10392

(D) For an Ohio sports facility that is financed in part 10393  
by obligations issued under Chapter 154. of the Revised Code, 10394  
construction services shall be provided on behalf of the state 10395  
by or at the direction of the governmental agency or nonprofit 10396  
corporation that will own or be responsible for the management 10397  
of the facility. Any construction services to be provided by a 10398  
governmental agency or nonprofit corporation shall be specified 10399  
in a cooperative use agreement between the Ohio facilities 10400  
construction commission and the governmental agency or nonprofit 10401  
corporation. The agreement and any actions taken under it are 10402  
not subject to Chapter 123. or 153. of the Revised Code, except 10403  
for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 10404  
153.011 of the Revised Code, and are subject to Chapter 4115. of 10405  
the Revised Code. 10406

(E) ~~State~~ Except as provided in division (H) of this 10407  
section, state funds shall not be used to pay or reimburse more 10408  
than fifteen per cent of the initial estimated construction cost 10409  
of an Ohio sports facility, excluding any site acquisition cost, 10410  
and no state funds, including any state bond proceeds, shall be 10411  
spent on any Ohio sports facility under this chapter unless, 10412  
with respect to that facility, all of the following apply: 10413

(1) The Ohio facilities construction commission has 10414  
received a financial and development plan satisfactory to it, 10415  
and provision has been made, by agreement or otherwise, 10416  
satisfactory to the commission, for a contribution amounting to 10417  
not less than eighty-five per cent of the total estimated 10418  
construction cost of the facility, excluding any site 10419  
acquisition cost, from sources other than the state. 10420

(2) The general assembly has specifically authorized the 10421  
spending of money on, or made an appropriation for, the 10422  
construction of the facility, or for rental payments relating to 10423  
state financing of all or a portion of the costs of constructing 10424  
the facility. Authorization to spend money, or an appropriation, 10425  
for planning or determining the feasibility of or need for the 10426  
facility does not constitute authorization to spend money on, or 10427  
an appropriation for, costs of constructing the facility. 10428

(3) If state bond proceeds are being used for the Ohio 10429  
sports facility, the state or a governmental agency owns or has 10430  
sufficient property interests in the facility or in the site of 10431  
the facility or in the portion or portions of the facility 10432  
financed from proceeds of state bonds, which may include, but is 10433  
not limited to, the right to use or to require the use of the 10434  
facility for the presentation of sport and athletic events to 10435  
the public at the facility. 10436

(F) In addition to the requirements of division (E) of 10437  
this section, no state funds, including any state bond proceeds, 10438  
shall be spent on any Ohio sports facility that is a motorsports 10439  
complex, unless, with respect to that facility, both of the 10440  
following apply: 10441

(1) Motorsports events shall be presented at the facility 10442  
pursuant to a lease entered into with the owner of the facility. 10443

The term of the lease shall be for a period of not less than the 10444  
greater of the useful life of the portion of the facility 10445  
financed from proceeds of state bonds as determined using the 10446  
guidelines for maximum maturities as provided under divisions 10447  
(B) and (C) of section 133.20 of the Revised Code, or the period 10448  
of time remaining to the date of payment or provision for 10449  
payment of outstanding state bonds allocable to costs of the 10450  
facility, all as determined by the director of budget and 10451  
management and certified by the executive director of the Ohio 10452  
facilities construction commission and to the treasurer of 10453  
state. 10454

(2) Any motorsports organization that commits to using the 10455  
facility for an established period of time shall give the 10456  
political subdivision in which the facility is located not less 10457  
than six months' advance notice if the organization intends to 10458  
cease utilizing the facility prior to the expiration of that 10459  
established period. Such a motorsports organization shall be 10460  
liable to the state for any state funds used on the construction 10461  
costs of the facility. 10462

(G) In addition to the requirements of division (E) of 10463  
this section, no state bond proceeds shall be spent on any Ohio 10464  
sports facility that is a tennis facility, unless the owner or 10465  
manager of the facility provides contractual commitments from a 10466  
national or international professional tennis organization in a 10467  
form acceptable to the Ohio facilities construction commission 10468  
that assures that one or more sanctioned professional tennis 10469  
events will be presented at the facility during each year that 10470  
the bonds remain outstanding. 10471

(H) State funds may be used as a performance grant to pay 10472  
or reimburse up to twenty-five per cent of the initial estimated 10473

construction cost for a major sports facility if all of the 10474  
following criteria are met: 10475

(1) The major sports facility upon completion will be a 10476  
part of a transformational major sports facility mixed-use 10477  
project. 10478

(2) The office of budget and management in consultation 10479  
with the Ohio facilities construction commission has received a 10480  
financial and development plan that satisfies the requirements 10481  
of this section, and includes a contribution amounting to not 10482  
less than seventy-five per cent of the total initial estimated 10483  
construction cost of the major sports facility, excluding any 10484  
site acquisition cost, from sources other than the state's 10485  
performance grant, including a contribution from the 10486  
professional sports franchise that plans to use the facility, or 10487  
the owner or an authorized affiliate, of at least fifty per cent 10488  
of the total estimated construction cost of the major sports 10489  
facility. 10490

(3) The general assembly has specifically authorized, or 10491  
made an appropriation for, the performance grant to aid in the 10492  
construction of the major sports facility, provided that the 10493  
grant's authorization or appropriation does not include planning 10494  
or determining the feasibility of or need for the major sports 10495  
facility as a cost of constructing the major sports facility. 10496  
The performance grant is not subject to the review or 10497  
authorization of the controlling board, and upon the office of 10498  
budget and management's receipt of the escrow amount and of a 10499  
certification of funds or other requisite proof the supplemental 10500  
reserve amount has been established in accordance with division 10501  
(H) (4) of this section, is eligible for disbursement in full or 10502  
in part, for the payment or reimbursement of construction costs 10503

for the major sports facility, without regard to the other 10504  
sources of contribution for the costs of construction of the 10505  
major sports facility as described in division (H) (2) of this 10506  
section and not on a pro rata basis. The state shall not incur 10507  
debt to fund or assist a major sports facility receiving a 10508  
performance grant under this section. 10509

(4) (a) The professional sports franchise planning to use 10510  
the facility, or the owner or an authorized affiliate, has 10511  
executed and filed with the office of budget and management an 10512  
escrow amount equal to eight and one-third per cent of the total 10513  
amount of the performance grant appropriated for the project, 10514  
which shall be deposited in an interest-bearing account 10515  
maintained within the state treasury, nonrefundable 10516  
disbursements from which shall be as described in division (H) 10517  
(5) of this section. Whatever remains of the amount in escrow 10518  
after the sixteen-year period, including any interest earnings 10519  
thereon, shall be returned to the professional sports franchise, 10520  
owner, or affiliate upon certification by the office of budget 10521  
and management, in consultation with the department of taxation, 10522  
that the total incremental major sports facility mixed-use 10523  
project district state tax revenues have achieved all required 10524  
target amounts as described in division (H) (5) of this section. 10525

(b) The professional sports franchise planning to use the 10526  
facility, or the owner or an authorized affiliate, shall 10527  
establish a supplemental reserve, which may take the form of a 10528  
line of credit or other commercially reasonable type of 10529  
certifiable and available liquidity, in an amount equal to the 10530  
initial escrow account deposit required by division (H) (4) (a) of 10531  
this section. The supplemental reserve shall be available to 10532  
replenish the escrow account required by division (H) (4) (a) of 10533  
this section if nonrefundable disbursements from the escrow 10534

account are required under division (H) (5) (c) of this section. 10535  
The supplemental reserve shall not be required to be replenished 10536  
if drawn upon to replenish the escrow account required by 10537  
division (H) (4) of this section. 10538

(5) The professional sports franchise planning to use the 10539  
facility, or the owner or an authorized affiliate, has entered 10540  
into an agreement with the office of budget and management that 10541  
complies with this section and specifies all of the following: 10542

(a) The incremental major sports facility mixed-use 10543  
project district state tax revenues meet target amounts, as 10544  
determined by the office of budget and management, in 10545  
consultation with the Ohio facilities construction commission 10546  
and the department of taxation, the total amount of which 10547  
collected over a sixteen-year period equals or exceeds the 10548  
amount of the performance grant appropriated to the project. The 10549  
minimum target amounts shall be as follows: 10550

(i) For the first four full calendar years beginning in 10551  
the year in which the performance grant is eligible for 10552  
disbursement under an appropriation, eleven and two-thirds per 10553  
cent of the total appropriated amount; 10554

(ii) For the second four-year period, twenty-six and two- 10555  
thirds per cent of the total appropriated amount; 10556

(iii) For the third four-year period, thirty and fifteen- 10557  
eightieths per cent of the total appropriated amount; 10558

(iv) For the fourth four-year period, thirty and fifteen- 10559  
eightieths per cent of the total appropriated amount. 10560

(b) Incremental major sports facility mixed-use project 10561  
district state tax revenues in excess of the target amount shall 10562  
be credited towards target amounts in future periods. 10563

(c) If the incremental major sports facility mixed-use 10564  
project district state tax revenues do not achieve target 10565  
amounts at the end of each four-year period as determined by the 10566  
office of budget and management, in consultation with the 10567  
department of taxation, the deficit shall be offset by any 10568  
excess tax revenue credit from previous years under division (H) 10569  
(5) (b) of this section. If a deficit remains, the office of 10570  
budget and management shall take a nonrefundable amount of money 10571  
equal to the remaining deficit amount from the escrow account 10572  
described under division (H) (4) of this section and deposit it 10573  
into the general revenue fund. If a deficit still remains, the 10574  
office of budget and management shall take a nonrefundable 10575  
amount of money equal to the remaining deficit amount for that 10576  
period from the supplemental reserve established pursuant to 10577  
division (H) (4) (b) of this section, to the extent available, and 10578  
deposit the money into the general revenue fund. Beginning in 10579  
the ninth calendar year after the performance grant is eligible 10580  
for disbursement, and once annually thereafter until completion 10581  
of the sixteenth year, the professional sports franchise, or the 10582  
owner or an authorized affiliate, may request a determination by 10583  
the office of budget and management, in consultation with the 10584  
department of taxation, that the total incremental major sports 10585  
facility mixed-use project district state tax revenues equals or 10586  
exceeds the amount of the performance grant appropriated to the 10587  
project. Once the total incremental major sports facility mixed- 10588  
use project district state tax revenues equals or exceeds the 10589  
amount of the performance grant appropriated to the project, 10590  
whether at the conclusion of a designated four-year period under 10591  
division (H) (5) (a) of this section or upon an annual request 10592  
under this division, the professional sports franchise, or the 10593  
owner or authorized affiliate, shall receive the remainder of 10594  
the amount in escrow, principal and interest, as provided for 10595

under division (H) (4) (a) of this section. 10596

(d) If, prior to the expiration of the fourth four-year 10597  
period described in division (H) (5) (a) of this section, the 10598  
owner's share of the ownership interest in the professional 10599  
sports franchise becomes less than a controlling ownership 10600  
interest, all rights, privileges, responsibilities, and 10601  
obligations of the owner provided under this section and the 10602  
agreement with the office of budget and management shall be 10603  
assigned to, and assumed by, any new owner with a controlling 10604  
ownership interest. 10605

(e) Establishes the metes and bounds of, including all 10606  
areas within, the proposed transformational major sports 10607  
facility mixed-use project district, which shall meet all of the 10608  
following requirements: 10609

(i) All territory in the district is contiguous. 10610

(ii) The office of budget and management receives a 10611  
petition, accompanied by a description of the proposed 10612  
transformational major sports facility mixed-use project 10613  
district, signed by every record owner of a parcel of real 10614  
property located in the district and the owner of every business 10615  
that will operate in the district. 10616

(iii) A transformational major sports facility mixed-use 10617  
project will be located on territory of the proposed 10618  
transformational major sports facility mixed-use project 10619  
district. 10620

(iv) Not more than one major sports facility mixed-use 10621  
project may be located within a transformational major sports 10622  
facility mixed-use project district. 10623

(v) For purposes of determining total incremental major 10624



sports facility mixed-use project district state tax revenues, 10625  
the district's territorial boundary may not be enlarged after it 10626  
is established with the office of budget and management, which 10627  
may consult with the department of taxation, the Ohio facilities 10628  
construction commission, and any applicable county or municipal 10629  
offices to ensure each requirement in this division is met. 10630

(f) Every record owner of a parcel of real property 10631  
located in the proposed transformational major sports facility 10632  
mixed-use project district shall be required to comply with, and 10633  
will cause every person that enters into a lease, license, use, 10634  
or operating agreement for all or a portion of the building or 10635  
facilities located in, a transformational major sports facility 10636  
mixed-use project district to be subject to, reporting 10637  
requirements as may be required by the department of taxation, 10638  
in consultation with the office of budget and management and the 10639  
Ohio facilities construction commission as described in division 10640  
(J) of this section. Such requirement may be evidenced by an 10641  
instrument that has been duly recorded in the land records of 10642  
the county. 10643

(I) Every person who owns real property located in, enters 10644  
into a lease, license, use, or operating agreement for all or a 10645  
portion of the building and facilities located in, or purchases 10646  
or leases materials and items used in construction in the 10647  
territory of a transformational major sports facility mixed-use 10648  
project district is subject to reporting requirements as may be 10649  
required by the department of taxation, in consultation with the 10650  
office of budget and management and the Ohio facilities 10651  
construction commission. Compliance with these requirements may 10652  
be evidenced by an instrument that is duly recorded with the 10653  
county recorder. 10654

(J) Every person doing business in a transformational 10655  
major sports facility mixed-use project district shall file tax 10656  
returns and make tax payments pursuant to Chapters 5739., 5741., 10657  
5747., and 5751. of the Revised Code using an electronic medium 10658  
in a format prescribed by the department of taxation. Persons 10659  
that pay salaries and wages to employees in the territory of a 10660  
transformational major sports facility mixed-use project 10661  
district shall register for a separate withholding account and 10662  
shall remit the wages and salaries withheld from employees for 10663  
activities performed in the territory of a transformational 10664  
major sports facility mixed-use project district separately from 10665  
all income taxes withheld by such employer. In addition, every 10666  
person doing business in the territory of a transformational 10667  
major sports facility mixed-use project district shall provide 10668  
all of the following information to the department of taxation: 10669

(1) For persons that collect transformational major sports 10670  
facility mixed-use project district tax revenues pursuant to 10671  
Chapter 5739. of the Revised Code, tax collections generated 10672  
from construction or transactions in the territory of a 10673  
transformational major sports facility mixed-use project 10674  
district on the returns filed pursuant to Chapter 5739. of the 10675  
Revised Code as prescribed by the department of taxation; 10676

(2) For persons that generate transformational major 10677  
sports facility mixed-use project district tax revenues under 10678  
Chapters 5741., 5747., and 5751. of the Revised Code, estimated 10679  
payments for corporate income taxes generated from the 10680  
transformational major sports facility mixed-use project 10681  
district and information regarding gross revenues generated from 10682  
activities in the transformational major sports facility mixed- 10683  
use project district and gross revenues from all activities in 10684  
this state; 10685

(3) For persons that make payments to an independent 10686  
contractor attributable to construction or transactions in the 10687  
territory of a transformational major sports facility mixed-use 10688  
project district, information regarding such payments by the 10689  
thirty-first day of January of each year in a format prescribed 10690  
by the department of taxation. 10691

(4) The department of taxation may disclose taxpayer 10692  
information regarding transactions, real or personal property, 10693  
income, or business of any person to the governmental agency 10694  
that owns, or holds a sufficient ownership interest in, a major 10695  
sports facility as may be necessary for the administration of 10696  
the provisions authorized by this section. 10697

(K) The department of taxation shall develop forms 10698  
necessary to implement and administer this section. 10699

**Sec. 123.282.** The Ohio cultural and sports facility 10700  
performance grant fund is created in the state treasury. The 10701  
fund shall consist of all money remitted by the director of 10702  
commerce under division (I) of section 169.08 of the Revised 10703  
Code and amounts appropriated by the general assembly. The money 10704  
in the fund shall be used as performance grants for Ohio 10705  
cultural facility, Ohio sports facility, and major sports 10706  
facility projects in accordance with section 123.281 of the 10707  
Revised Code. All investment earnings of the fund shall be 10708  
credited to the fund. 10709

**Sec. 123.30.** (A) Except as provided in division (B) of 10710  
this section, no state agency or any entity that manages the 10711  
grounds or buildings under the control of a state agency shall 10712  
display on the grounds or building any flag except for the 10713  
official state flag, as described in section 5.01 of the Revised 10714  
Code, the United States flag, or the POW/MIA flag as described 10715

in section 9.50 of the Revised Code.

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(B) Division (A) of this section does not apply to the  
Ohio statehouse or the grounds of the Ohio statehouse.

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**Sec. 124.02.** The director of administrative services and  
the state personnel board of review shall exercise all  
functions, powers, and duties that ~~formerly~~, on or before  
January 1, 1959, were by law actually devolved upon, vested in,  
and imposed upon the state civil service commission and the  
offices of commissioners and members and upon their employees,  
agents, and representatives.

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~~Whenever in any law or rule of this state or any political~~  
~~subdivision, "state civil service commission," "commission,"~~  
~~"commissioner" or "member," meaning the state civil service~~  
~~commission or the offices of commissioners or members of said~~  
~~commission, is used, such terms shall be construed as referring~~  
~~to the department of administrative services, the director of~~  
~~administrative services, the state personnel board of review, or~~  
~~the members of the state personnel board of review, as this~~  
~~chapter may require.~~

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**Sec. 124.07.** (A) The director of administrative services  
shall appoint examiners, inspectors, clerks, and other  
assistants as necessary to carry out sections 124.01 to 124.64  
of the Revised Code. ~~The director may designate persons in or~~  
~~out of the service of the state to serve as examiners or~~  
~~assistants under the director's direction. An examiner or~~  
~~assistant shall receive the compensation for each day actually~~  
~~and necessarily spent in the discharge of duties as an examiner~~  
~~or assistant that the director determines; provided that, if the~~  
~~examiner or assistant is in the service of the state or any~~  
~~political subdivision of the state, it shall be a part of the~~

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~~examiner's or assistant's official duties to render those~~ 10746  
~~services in connection with an examination without extra~~ 10747  
~~compensation.~~ 10748

(B) Each state agency shall pay the cost of the services 10749  
and facilities furnished to it by the department of 10750  
administrative services that are necessary to provide and 10751  
maintain payroll services as prescribed in section 125.21 of the 10752  
Revised Code and state merit standards as prescribed in sections 10753  
124.01 to 124.64 of the Revised Code for the agency. ~~If a state-~~ 10754  
~~supported college or university or a municipal corporation~~ 10755  
~~chooses to use the services and facilities furnished by the~~ 10756  
~~department that are necessary to provide and maintain the~~ 10757  
~~services and standards so prescribed, the state-supported~~ 10758  
~~college or university or municipal corporation shall pay the~~ 10759  
~~cost of the services and facilities that the department~~ 10760  
~~furnishes to it.~~ The charges against a state agency, ~~a state-~~ 10761  
~~supported college or university, or a municipal corporation~~ 10762  
shall be computed on a reasonable cost basis in accordance with 10763  
procedures prescribed by the director of budget and management. 10764  
Any moneys the department receives from a state agency, ~~a state-~~ 10765  
~~supported college or university, or a municipal corporation~~ 10766  
under this division that are in excess of the amount necessary 10767  
to pay the cost of furnishing the department's services and 10768  
facilities during any fiscal year shall be either refunded to or 10769  
credited for the ensuing fiscal year to the state agency, ~~the~~ 10770  
~~state-supported college or university, or the municipal~~ 10771  
~~corporation.~~ 10772

(C) ~~The director of administrative services may enter into~~ 10773  
~~an agreement with any county, municipal corporation, or other~~ 10774  
~~political subdivision to furnish services and facilities of the~~ 10775  
~~department in the administration of a merit program or other~~ 10776

~~functions related to human resources that include, but are not~~ 10777  
~~limited to, providing competitive examinations for positions in~~ 10778  
~~the classified service. The agreement shall provide that the~~ 10779  
~~department shall be reimbursed for the reasonable costs of those~~ 10780  
~~services and facilities as determined by the director.~~ 10781

~~(D)~~ All moneys received by the department as reimbursement 10782  
for a merit program or other human resources services performed 10783  
and facilities furnished under this section, such as competitive 10784  
examinations administered, shall be paid into the state treasury 10785  
to the credit of the human resources services fund, which is 10786  
hereby created. 10787

~~(E) In counties of the state in which are located cities~~ 10788  
~~having municipal civil service commissions, the director of~~ 10789  
~~administrative services may designate the municipal civil~~ 10790  
~~service commission of the largest city within the county as the~~ 10791  
~~director's agent for the purpose of carrying out the provisions~~ 10792  
~~of sections 124.01 to 124.64 of the Revised Code, within the~~ 10793  
~~county, that the director designates. Each municipal civil~~ 10794  
~~service commission designated as an agent of the director shall~~ 10795  
~~render to the director, at the end of each month, an itemized~~ 10796  
~~statement of the cost incurred by the commission for work done~~ 10797  
~~as the agent of the director, and the director, after approving~~ 10798  
~~that statement, shall pay the total amount of it to the~~ 10799  
~~treasurer of the municipal corporation in the same manner as~~ 10800  
~~other expenses of the department of administrative services.~~ 10801

~~(F) The director of administrative services and the~~ 10802  
~~examiners, inspectors, clerks, and assistants referred to in~~ 10803  
~~this section shall receive, in addition to their salaries,~~ 10804  
~~reimbursement for necessary traveling and other expenses~~ 10805  
~~incurred in the actual discharge of their official duties. The~~ 10806

~~director may also incur the necessary expenses for stationery,~~ 10807  
~~printing, and other supplies incident to the business of the~~ 10808  
~~department.~~ 10809

**Sec. 124.135.** (A) State employees are entitled to paid 10810  
leave when summoned for jury duty by a court of competent 10811  
jurisdiction. 10812

(B) State employees are entitled to paid leave when 10813  
subpoenaed to appear before any court, commission, board, or 10814  
other legally constituted body authorized by law to compel the 10815  
attendance of witnesses. This division does not apply if the 10816  
state employee is a party to the action or proceeding involved 10817  
or is subpoenaed as a result of secondary employment outside the 10818  
service of the state. 10819

(C) A state employee shall not be required, as a condition 10820  
of receiving paid leave under divisions (A) or (B) of this 10821  
section, to remit to the employee's appointing authority or 10822  
another officer, commission, board, or body any portion of the 10823  
compensation or reimbursement paid to the employee for serving 10824  
on a jury or for appearing in court pursuant to a subpoena. 10825

(D) Each full-time permanent state employee paid in 10826  
accordance with section 124.152 of the Revised Code and those 10827  
employees described in divisions (B) (2) and (4) of section 10828  
124.14 of the Revised Code also may be entitled, in their 10829  
appointing authority's discretion, to paid leave when appointed 10830  
to serve on advisory boards or commissions or when soliciting 10831  
for charities for which payroll deductions are made. 10832

**Sec. 124.1310.** (A) As used in this section: 10833

(1) "Emergency medical service," "EMT-basic," "EMT-I," 10834  
"first responder," and "paramedic" have the same meanings as in 10835

section 4765.01 of the Revised Code. 10836

(2) "Volunteer firefighter" has the same meaning as in 10837  
section 146.01 of the Revised Code. 10838

(B) A state employee who is an EMT-basic, EMT-I, first 10839  
responder, paramedic, or volunteer firefighter shall receive 10840  
~~forty one~~ hundred twenty hours of leave with pay each calendar 10841  
year to use during those hours when the employee is absent from 10842  
work in order to ~~provide~~ do either of the following: 10843

(1) Provide emergency medical service or fire-fighting 10844  
service; 10845

(2) Attend a training or continuing education program that 10846  
relates to providing emergency medical service or fire-fighting 10847  
service. 10848

(C) An appointing authority shall compensate an employee 10849  
who uses leave granted under this section at the employee's 10850  
regular rate of pay for those regular work hours during which 10851  
the employee is absent from work. 10852

**Sec. 124.1312.** (A) As used in this section: 10853

(1) "Foster caregiver" has the same meaning as in section 10854  
5103.02 of the Revised Code. 10855

(2) "Kinship caregiver" has the same meaning as in section 10856  
~~5101.85~~ 5180.50 of the Revised Code. 10857

(B) Each permanent full-time and permanent part-time 10858  
employee paid in accordance with section 124.152 of the Revised 10859  
Code and each employee listed in division (B) (2), (3), or (4) of 10860  
section 124.14 of the Revised Code who works thirty or more 10861  
hours per week, and who is a foster caregiver or kinship 10862  
caregiver is eligible, on placement of a child in the employee's 10863



home, to a maximum of five days of caregiver leave with full pay 10864  
in a calendar year. Caregiver leave eligibility begins on the 10865  
day on which the child is placed with the prospective foster 10866  
caregiver or kinship caregiver. 10867

(C) The average number of regular hours worked, which 10868  
shall include all hours of holiday pay and other types of paid 10869  
leave, during the three-month period immediately preceding the 10870  
day caregiver leave begins shall be used to determine 10871  
eligibility for leave under this section for part-time 10872  
employees. If an employee has not worked for a three-month 10873  
period, the number of hours for which the employee has been 10874  
scheduled to work per week during the employee's period of 10875  
employment shall be used to determine eligibility for leave 10876  
under this section. 10877

(D) Use of caregiver leave does not affect an employee's 10878  
eligibility for other forms of paid leave granted under this 10879  
chapter and does not prohibit an employee from taking leave 10880  
under the "Family and Medical Leave Act of 1993," 29 U.S.C. 10881  
2601, except that caregiver leave shall be included in any leave 10882  
time provided under that act. 10883

(E) The director of administrative services may adopt 10884  
rules in accordance with Chapter 119. of the Revised Code 10885  
governing caregiver leave established under this section. 10886

**Sec. 124.152.** (A) (1) Except as provided in division (A) (2) 10887  
of this section, each exempt employee shall be paid a salary or 10888  
wage in accordance with schedule E-1 or schedule E-2 of division 10889  
(B) of this section. 10890

(2) Each exempt employee who holds a position in the 10891  
unclassified civil service pursuant to division (A) (26) or (30) 10892

of section 124.11 of the Revised Code may be paid a salary or 10893  
wage in accordance with schedule E-1 or schedule E-2 of division 10894  
(B) of this section, as applicable. 10895

(B) (1) Each exempt employee who must be paid in accordance 10896  
with schedule E-1 or schedule E-2 of this section shall be paid 10897  
a salary or wage in accordance with the following schedule of 10898  
rates as of the pay period that includes July 1, ~~2021~~2024: 10899

Schedule E-1 10900  
10901

	1	2	3	4	5	6	7	8	9	10
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A Pay Ranges and Step Values

B

C		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
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D Range

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	1	2	3	4	5	6	7	8	9	10
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A	1	Hourly	<del>12.14</del>	<del>12.69</del>	<del>13.21</del>	<del>13.80</del>				
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			<u>13.52</u>	<u>14.13</u>	<u>14.72</u>	<u>15.37</u>				
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B		Annually	<del>25251</del>	<del>26395</del>	<del>27476</del>	<del>28704</del>				
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			<u>28122</u>	<u>29390</u>	<u>30618</u>	<u>31970</u>				
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C	2	Hourly	<del>14.73</del>	<del>15.36</del>	<del>16.01</del>	<del>16.72</del>				
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			<u>16.41</u>	<u>17.10</u>	<u>17.83</u>	<u>18.63</u>				
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D		Annually	<del>30638</del>	<del>31948</del>	<del>33300</del>	<del>34777</del>				
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			<u>34133</u>	<u>35568</u>	<u>37086</u>	<u>38750</u>	
E	3	Hourly	<del>15.44</del>	<del>16.13</del>	<del>16.84</del>	<del>17.56</del>	
			<u>17.20</u>	<u>17.97</u>	<u>18.76</u>	<u>19.56</u>	
F		Annually	<del>32115</del>	<del>33550</del>	<del>35027</del>	<del>36524</del>	
			<u>35776</u>	<u>37378</u>	<u>39021</u>	<u>40685</u>	
G	4	Hourly	<del>16.20</del>	<del>16.93</del>	<del>17.75</del>	<del>18.51</del>	
			<u>18.05</u>	<u>18.86</u>	<u>19.77</u>	<u>20.62</u>	
H		Annually	<del>33696</del>	<del>35214</del>	<del>36920</del>	<del>38500</del>	
			<u>37544</u>	<u>39229</u>	<u>41122</u>	<u>42890</u>	
I	5	Hourly	<del>17.00</del>	<del>17.78</del>	<del>18.51</del>	<del>19.33</del>	
			<u>18.94</u>	<u>19.80</u>	<u>20.62</u>	<u>21.54</u>	
J		Annually	<del>35360</del>	<del>36982</del>	<del>38500</del>	<del>40206</del>	
			<u>39395</u>	<u>41184</u>	<u>42890</u>	<u>44803</u>	
K	6	Hourly	<del>17.91</del>	<del>18.66</del>	<del>19.47</del>	<del>20.27</del>	
			<u>19.95</u>	<u>20.79</u>	<u>21.68</u>	<u>22.59</u>	
L		Annually	<del>37252</del>	<del>38812</del>	<del>40497</del>	<del>42161</del>	
			<u>41496</u>	<u>43243</u>	<u>45094</u>	<u>46987</u>	
M	7	Hourly	<del>19.01</del>	<del>19.72</del>	<del>20.54</del>	<del>21.25</del>	<del>22.07</del>
			<u>21.18</u>	<u>21.97</u>	<u>22.88</u>	<u>23.68</u>	<u>24.58</u>
N		Annually	<del>39540</del>	<del>41017</del>	<del>42723</del>	<del>44200</del>	<del>45905</del>

			<u>44054</u>	<u>45698</u>	<u>47590</u>	<u>49254</u>	<u>51126</u>		
O	8	Hourly	<del>20.11</del>	<del>21.00</del>	<del>21.90</del>	<del>22.89</del>	<del>23.97</del>		
			<u>22.40</u>	<u>23.39</u>	<u>24.40</u>	<u>25.50</u>	<u>26.70</u>		
P		Annually	<del>41828</del>	<del>43680</del>	<del>45552</del>	<del>47611</del>	<del>49857</del>		
			<u>46592</u>	<u>48651</u>	<u>50752</u>	<u>53040</u>	<u>55536</u>		
Q	9	Hourly	<del>21.45</del>	<del>22.56</del>	<del>23.67</del>	<del>24.85</del>	<del>26.11</del>		
			<u>23.89</u>	<u>25.14</u>	<u>26.37</u>	<u>27.69</u>	<u>29.09</u>		
R		Annually	<del>44616</del>	<del>46924</del>	<del>49233</del>	<del>51688</del>	<del>54308</del>		
			<u>49691</u>	<u>52291</u>	<u>54850</u>	<u>57595</u>	<u>60507</u>		
S	10	Hourly	<del>23.13</del>	<del>24.41</del>	<del>25.72</del>	<del>27.20</del>	<del>28.64</del>		
			<u>25.76</u>	<u>27.18</u>	<u>28.64</u>	<u>30.30</u>	<u>31.91</u>		
T		Annually	<del>48110</del>	<del>50772</del>	<del>53497</del>	<del>56576</del>	<del>59571</del>		
			<u>53581</u>	<u>56534</u>	<u>59571</u>	<u>63024</u>	<u>66373</u>		
U	11	Hourly	<del>25.20</del>	<del>26.66</del>	<del>28.20</del>	<del>29.80</del>	<del>31.49</del>		
			<u>28.08</u>	<u>29.69</u>	<u>31.42</u>	<u>33.19</u>	<u>35.07</u>		
V		Annually	<del>52416</del>	<del>55452</del>	<del>58656</del>	<del>61984</del>	<del>65499</del>		
			<u>58406</u>	<u>61755</u>	<u>65354</u>	<u>69035</u>	<u>72946</u>		
W	12	Hourly	<del>27.80</del>	<del>29.36</del>	<del>30.93</del>	<del>32.64</del>	<del>34.46</del>	<del>36.34</del>	<del>37.82</del>
			<u>30.96</u>	<u>32.71</u>	<u>34.46</u>	<u>36.36</u>	<u>38.38</u>	<u>40.48</u>	<u>42.13</u>
X		Annually	<del>57824</del>	<del>61068</del>	<del>64334</del>	<del>67891</del>	<del>71676</del>	<del>75587</del>	<del>78665</del>

			<u>64397</u>	<u>68037</u>	<u>71677</u>	<u>75629</u>	<u>79830</u>	<u>84198</u>	<u>87630</u>	<u>91749</u>
Y	13	Hourly	<del>30.64</del>	<del>32.32</del>	<del>34.09</del>	<del>35.92</del>	<del>37.95</del>	<del>39.99</del>	<del>41.63</del>	<del>43.59</del>
			<u>34.14</u>	<u>36.00</u>	<u>37.97</u>	<u>40.02</u>	<u>42.27</u>	<u>44.55</u>	<u>46.38</u>	<u>48.56</u>
Z		Annually	<del>63731</del>	<del>67225</del>	<del>70907</del>	<del>74713</del>	<del>78936</del>	<del>83179</del>	<del>86590</del>	<del>90667</del>
			<u>71011</u>	<u>74880</u>	<u>78978</u>	<u>83242</u>	<u>87922</u>	<u>92664</u>	<u>96470</u>	<u>101005</u>
AA	14	Hourly	<del>33.69</del>	<del>35.61</del>	<del>37.52</del>	<del>39.56</del>	<del>41.80</del>	<del>44.13</del>	<del>45.95</del>	<del>48.10</del>
			<u>37.53</u>	<u>39.67</u>	<u>41.80</u>	<u>44.07</u>	<u>46.56</u>	<u>49.15</u>	<u>51.19</u>	<u>53.58</u>
AB		Annually	<del>70075</del>	<del>74068</del>	<del>78041</del>	<del>82284</del>	<del>86944</del>	<del>91790</del>	<del>95576</del>	<del>100048</del>
			<u>78062</u>	<u>82514</u>	<u>86944</u>	<u>91666</u>	<u>96845</u>	<u>102232</u>	<u>106475</u>	<u>111446</u>
AC	15	Hourly	<del>37.02</del>	<del>39.10</del>	<del>41.30</del>	<del>43.57</del>	<del>45.99</del>	<del>48.51</del>	<del>50.50</del>	<del>52.88</del>
			<u>41.23</u>	<u>43.55</u>	<u>46.01</u>	<u>48.54</u>	<u>51.23</u>	<u>54.04</u>	<u>56.26</u>	<u>58.91</u>
AD		Annually	<del>77001</del>	<del>81328</del>	<del>85904</del>	<del>90625</del>	<del>95659</del>	<del>100900</del>	<del>105040</del>	<del>109990</del>
			<u>85758</u>	<u>90584</u>	<u>95701</u>	<u>100963</u>	<u>106558</u>	<u>112403</u>	<u>117021</u>	<u>122533</u>
AE	16	Hourly	<del>40.81</del>	<del>43.08</del>	<del>45.45</del>	<del>48.00</del>	<del>50.63</del>	<del>53.53</del>	<del>55.73</del>	<del>58.34</del>
			<u>45.45</u>	<u>47.99</u>	<u>50.62</u>	<u>53.47</u>	<u>56.40</u>	<u>59.63</u>	<u>62.08</u>	<u>64.98</u>
AF		Annually	<del>84884</del>	<del>89606</del>	<del>94536</del>	<del>99840</del>	<del>105310</del>	<del>111342</del>	<del>115918</del>	<del>121347</del>
			<u>94536</u>	<u>99819</u>	<u>105290</u>	<u>111218</u>	<u>117312</u>	<u>124030</u>	<u>129126</u>	<u>135158</u>
AG	17	Hourly	<del>44.96</del>	<del>47.44</del>	<del>50.10</del>	<del>52.86</del>	<del>55.83</del>	<del>58.94</del>	<u>69.27</u>	
			<u>50.09</u>	<u>52.85</u>	<u>55.81</u>	<u>58.88</u>	<u>62.19</u>	<u>65.66</u>		
AH		Annually	<del>93516</del>	<del>98675</del>	<del>104208</del>	<del>109948</del>	<del>116126</del>	<del>122595</del>	<u>144082</u>	

			<u>104187</u>	<u>109928</u>	<u>116085</u>	<u>122470</u>	<u>129355</u>	<u>136573</u>
AI	18	Hourly	<del>49.55</del>	<del>52.29</del>	<del>55.24</del>	<del>58.28</del>	<del>61.50</del>	<del>64.94</del>
			<u>55.20</u>	<u>58.25</u>	<u>61.54</u>	<u>64.92</u>	<u>68.51</u>	<u>72.35</u>
AJ		Annually	<del>103064</del>	<del>108763</del>	<del>114899</del>	<del>121222</del>	<del>127920</del>	<del>135075</del>
			<u>114816</u>	<u>121160</u>	<u>128003</u>	<u>135034</u>	<u>142501</u>	<u>150488</u>
AK	<u>19</u>	<u>Hourly</u>	<u>60.72</u>	<u>64.37</u>	<u>67.69</u>	<u>71.41</u>	<u>75.37</u>	<u>79.58</u>
AL		<u>Annually</u>	<u>126298</u>	<u>133890</u>	<u>140795</u>	<u>148533</u>	<u>156770</u>	<u>165526</u>

Schedule E-2

10903

10904

		1	2	3	4
A	Range			Minimum	Maximum
B	41	Hourly		16.23	<del>48.99</del> <u>54.57</u>
C		Annually		33758	<del>101899</del> <u>113506</u>
D	42	Hourly		17.89	<del>54.09</del> <u>60.25</u>
E		Annually		37211	<del>112507</del> <u>125320</u>
F	43	Hourly		19.70	<del>59.56</del> <u>66.35</u>
G		Annually		40976	<del>123884</del> <u>138008</u>
H	44	Hourly		21.73	<del>65.08</del> <u>72.49</u>
I		Annually		45198	<del>135366</del> <u>150779</u>
J	45	Hourly		24.01	<del>71.05</del> <u>79.15</u>

K		Annually	49941	<del>147784</del> <u>164632</u>
L	46	Hourly	26.43	<del>77.65</del> <u>86.50</u>
M		Annually	54974	<del>161512</del> <u>179920</u>
N	47	Hourly	29.14	<del>84.75</del> <u>94.41</u>
O		Annually	60611	<del>176280</del> <u>196373</u>
P	48	Hourly	32.14	<del>92.45</del> <u>102.98</u>
Q		Annually	66851	<del>192296</del> <u>214198</u>
R	49	Hourly	35.44	<del>99.83</del> <u>111.20</u>
S		Annually	73715	<del>207646</del> <u>231296</u>

(2) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, ~~2022~~2025:

Schedule E-1

	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8		
C	Range									
	1	2	3	4	5	6	7	8	9	10

10905  
10906  
10907  
10908  
10909  
10910  
10911

A	1	Hourly	<del>12.50</del>	<del>13.07</del>	<del>13.61</del>	<del>14.21</del>
			<u>14.13</u>	<u>14.77</u>	<u>15.38</u>	<u>16.06</u>
B		Annually	<del>26000</del>	<del>27185</del>	<del>28308</del>	<del>29556</del>
			<u>29390</u>	<u>30722</u>	<u>31990</u>	<u>33405</u>
C	2	Hourly	<del>15.17</del>	<del>15.82</del>	<del>16.49</del>	<del>17.22</del>
			<u>17.15</u>	<u>17.87</u>	<u>18.63</u>	<u>19.47</u>
D		Annually	<del>31553</del>	<del>32905</del>	<del>34299</del>	<del>35817</del>
			<u>35672</u>	<u>37170</u>	<u>38750</u>	<u>40498</u>
E	3	Hourly	<del>15.90</del>	<del>16.61</del>	<del>17.35</del>	<del>18.09</del>
			<u>17.97</u>	<u>18.78</u>	<u>19.60</u>	<u>20.44</u>
F		Annually	<del>33072</del>	<del>34548</del>	<del>36088</del>	<del>37627</del>
			<u>37378</u>	<u>39062</u>	<u>40768</u>	<u>42515</u>
G	4	Hourly	<del>16.69</del>	<del>17.44</del>	<del>18.28</del>	<del>19.07</del>
			<u>18.86</u>	<u>19.71</u>	<u>20.66</u>	<u>21.55</u>
H		Annually	<del>34715</del>	<del>36275</del>	<del>38022</del>	<del>39665</del>
			<u>39229</u>	<u>40997</u>	<u>42973</u>	<u>44824</u>
I	5	Hourly	<del>17.51</del>	<del>18.31</del>	<del>19.07</del>	<del>19.91</del>
			<u>19.79</u>	<u>20.69</u>	<u>21.55</u>	<u>22.51</u>
J		Annually	<del>36420</del>	<del>38084</del>	<del>39665</del>	<del>41412</del>
			<u>41163</u>	<u>43035</u>	<u>44824</u>	<u>46821</u>



K	6	Hourly	<del>18.45</del>	<del>19.22</del>	<del>20.05</del>	<del>20.88</del>	
			<u>20.85</u>	<u>21.73</u>	<u>22.66</u>	<u>23.61</u>	
L		Annually	<del>38376</del>	<del>39977</del>	<del>41704</del>	<del>43430</del>	
			<u>43368</u>	<u>45198</u>	<u>47133</u>	<u>49109</u>	
M	7	Hourly	<del>19.58</del>	<del>20.31</del>	<del>21.16</del>	<del>21.89</del>	<del>22.73</del>
			<u>22.13</u>	<u>22.96</u>	<u>23.91</u>	<u>24.75</u>	<u>25.69</u>
N		Annually	<del>40726</del>	<del>42244</del>	<del>44012</del>	<del>45531</del>	<del>47278</del>
			<u>46030</u>	<u>47757</u>	<u>49733</u>	<u>51480</u>	<u>53435</u>
O	8	Hourly	<del>20.71</del>	<del>21.63</del>	<del>22.56</del>	<del>23.58</del>	<del>24.69</del>
			<u>23.41</u>	<u>24.44</u>	<u>25.50</u>	<u>26.65</u>	<u>27.90</u>
P		Annually	<del>43076</del>	<del>44990</del>	<del>46924</del>	<del>49046</del>	<del>51355</del>
			<u>48693</u>	<u>50835</u>	<u>53040</u>	<u>55432</u>	<u>58032</u>
Q	9	Hourly	<del>22.09</del>	<del>23.24</del>	<del>24.38</del>	<del>25.60</del>	<del>26.89</del>
			<u>24.97</u>	<u>26.27</u>	<u>27.56</u>	<u>28.94</u>	<u>30.40</u>
R		Annually	<del>45947</del>	<del>48339</del>	<del>50710</del>	<del>53248</del>	<del>55931</del>
			<u>51938</u>	<u>54642</u>	<u>57325</u>	<u>60195</u>	<u>63232</u>
S	10	Hourly	<del>23.82</del>	<del>25.14</del>	<del>26.49</del>	<del>28.02</del>	<del>29.50</del>
			<u>26.92</u>	<u>28.40</u>	<u>29.93</u>	<u>31.66</u>	<u>33.35</u>
T		Annually	<del>49545</del>	<del>52291</del>	<del>55099</del>	<del>58281</del>	<del>61360</del>
			<u>55994</u>	<u>59072</u>	<u>62254</u>	<u>65853</u>	<u>69368</u>

U	11 Hourly	<del>25.96</del>	<del>27.46</del>	<del>29.05</del>	<del>30.69</del>	<del>32.43</del>			
		<u>29.34</u>	<u>31.03</u>	<u>32.83</u>	<u>34.68</u>	<u>36.65</u>			
V	Annually	<del>53996</del>	<del>57116</del>	<del>60424</del>	<del>63835</del>	<del>67454</del>			
		<u>61027</u>	<u>64542</u>	<u>68286</u>	<u>72134</u>	<u>76232</u>			
W	12 Hourly	<del>28.63</del>	<del>30.24</del>	<del>31.86</del>	<del>33.62</del>	<del>35.49</del>	<del>37.43</del>	<del>38.95</del>	<del>40.79</del>
		<u>32.35</u>	<u>34.18</u>	<u>36.01</u>	<u>38.00</u>	<u>40.11</u>	<u>42.30</u>	<u>44.03</u>	<u>46.09</u>
X	Annually	<del>59550</del>	<del>62889</del>	<del>66268</del>	<del>69929</del>	<del>73819</del>	<del>77854</del>	<del>81016</del>	<del>84843</del>
		<u>67288</u>	<u>71094</u>	<u>74901</u>	<u>79040</u>	<u>83429</u>	<u>87984</u>	<u>91582</u>	<u>95867</u>
Y	13 Hourly	<del>31.56</del>	<del>33.29</del>	<del>35.11</del>	<del>37.00</del>	<del>39.09</del>	<del>41.19</del>	<del>42.88</del>	<del>44.90</del>
		<u>35.68</u>	<u>37.62</u>	<u>39.68</u>	<u>41.82</u>	<u>44.17</u>	<u>46.55</u>	<u>48.47</u>	<u>50.75</u>
Z	Annually	<del>65644</del>	<del>69243</del>	<del>73028</del>	<del>76960</del>	<del>81307</del>	<del>85675</del>	<del>89190</del>	<del>93392</del>
		<u>74214</u>	<u>78250</u>	<u>82534</u>	<u>86986</u>	<u>91874</u>	<u>96824</u>	<u>100818</u>	<u>105560</u>
AA	14 Hourly	<del>34.70</del>	<del>36.68</del>	<del>38.65</del>	<del>40.75</del>	<del>43.05</del>	<del>45.45</del>	<del>47.33</del>	<del>49.54</del>
		<u>39.22</u>	<u>41.46</u>	<u>43.68</u>	<u>46.05</u>	<u>48.66</u>	<u>51.36</u>	<u>53.49</u>	<u>55.99</u>
AB	Annually	<del>72176</del>	<del>76294</del>	<del>80392</del>	<del>84760</del>	<del>89544</del>	<del>94536</del>	<del>98446</del>	<del>103043</del>
		<u>81578</u>	<u>86237</u>	<u>90854</u>	<u>95784</u>	<u>101213</u>	<u>106829</u>	<u>111259</u>	<u>116459</u>
AC	15 Hourly	<del>38.13</del>	<del>40.27</del>	<del>42.54</del>	<del>44.88</del>	<del>47.37</del>	<del>49.97</del>	<del>52.02</del>	<del>54.47</del>
		<u>43.09</u>	<u>45.51</u>	<u>48.08</u>	<u>50.72</u>	<u>53.54</u>	<u>56.47</u>	<u>58.79</u>	<u>61.56</u>
AD	Annually	<del>79310</del>	<del>83761</del>	<del>88483</del>	<del>93350</del>	<del>98529</del>	<del>103937</del>	<del>108201</del>	<del>113297</del>
		<u>89627</u>	<u>94661</u>	<u>100006</u>	<u>105498</u>	<u>111363</u>	<u>117458</u>	<u>122283</u>	<u>128045</u>

AE 16 Hourly	<del>42.03</del>	<del>44.37</del>	<del>46.81</del>	<del>49.44</del>	<del>52.15</del>	<del>55.14</del>	<del>57.40</del>	<del>60.09</del>
	<u>47.50</u>	<u>50.15</u>	<u>52.90</u>	<u>55.88</u>	<u>58.94</u>	<u>62.31</u>	<u>64.87</u>	<u>67.90</u>
AF Annually	<del>87422</del>	<del>92289</del>	<del>97364</del>	<del>102835</del>	<del>108472</del>	<del>114691</del>	<del>119392</del>	<del>124987</del>
	<u>98800</u>	<u>104312</u>	<u>110032</u>	<u>116230</u>	<u>122595</u>	<u>129605</u>	<u>134930</u>	<u>141232</u>
AG 17 Hourly	<del>46.31</del>	<del>48.86</del>	<del>51.60</del>	<del>54.45</del>	<del>57.50</del>	<del>60.71</del>	<u>72.39</u>	
	<u>52.34</u>	<u>55.23</u>	<u>58.32</u>	<u>61.53</u>	<u>64.99</u>	<u>68.61</u>		
AH Annually	<del>96324</del>	<del>101628</del>	<del>107328</del>	<del>113256</del>	<del>119600</del>	<del>126276</del>	<u>150571</u>	
	<u>108867</u>	<u>114878</u>	<u>121306</u>	<u>127982</u>	<u>135179</u>	<u>142709</u>		
AI 18 Hourly	<del>51.04</del>	<del>53.86</del>	<del>56.90</del>	<del>60.03</del>	<del>63.35</del>	<del>66.89</del>		
	<u>57.68</u>	<u>60.87</u>	<u>64.31</u>	<u>67.84</u>	<u>71.59</u>	<u>75.61</u>		
AJ Annually	<del>106163</del>	<del>112028</del>	<del>118352</del>	<del>124862</del>	<del>131768</del>	<del>139131</del>		
	<u>119974</u>	<u>126610</u>	<u>133765</u>	<u>141107</u>	<u>148907</u>	<u>157269</u>		
AK <u>19 Hourly</u>	<u>63.45</u>	<u>67.27</u>	<u>70.74</u>	<u>74.62</u>	<u>78.76</u>	<u>83.16</u>		
AL <u>Annually</u>	<u>131976</u>	<u>139922</u>	<u>147139</u>	<u>155210</u>	<u>163821</u>	<u>172973</u>		

Schedule E-2

10912

10913

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	<del>50.46</del> <u>57.03</u>
C		Annually	33758	<del>104956</del> <u>118622</u>

D	42	Hourly	17.89	<del>55.71</del> <u>62.96</u>
E		Annually	37211	<del>1158761</del> <u>130957</u>
F	43	Hourly	19.70	<del>61.35</del> <u>69.34</u>
G		Annually	40976	<del>1276081</del> <u>144227</u>
H	44	Hourly	21.73	<del>67.03</del> <u>75.75</u>
I		Annually	45198	<del>1394221</del> <u>157560</u>
J	45	Hourly	24.01	<del>73.18</del> <u>82.71</u>
K		Annually	49941	<del>1522141</del> <u>172037</u>
L	46	Hourly	26.43	<del>79.98</del> <u>90.39</u>
M		Annually	54974	<del>1663581</del> <u>188011</u>
N	47	Hourly	29.14	<del>87.29</del> <u>98.66</u>
O		Annually	60611	<del>1815632</del> <u>205213</u>
P	48	Hourly	32.14	<del>95.22</del> <u>107.61</u>
Q		Annually	66851	<del>1980572</del> <u>223829</u>
R	49	Hourly	35.44	<del>102.82</del> <u>116.20</u>
S		Annually	73715	<del>2138652</del> <u>241696</u>

(3) Each exempt employee who must be paid in accordance 10914  
with schedule E-1 or schedule E-2 of this section shall be paid 10915  
a salary or wage in accordance with the following schedule of 10916  
rates as of the pay period that includes July 1, ~~2023~~2026: 10917

Schedule E-1

10918

10919

	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
C	Range									
D	1	Hourly	<del>12.88</del>	<del>13.46</del>	<del>14.02</del>	<del>14.64</del>				
			<u>14.55</u>	<u>15.21</u>	<u>15.84</u>	<u>16.54</u>				
E		Annually	<del>26790</del>	<del>27996</del>	<del>29161</del>	<del>30451</del>				
			<u>30264</u>	<u>31637</u>	<u>32947</u>	<u>34403</u>				
F	2	Hourly	<del>15.63</del>	<del>16.29</del>	<del>16.98</del>	<del>17.74</del>				
			<u>17.66</u>	<u>18.41</u>	<u>19.19</u>	<u>20.05</u>				
G		Annually	<del>32510</del>	<del>33883</del>	<del>35318</del>	<del>36899</del>				
			<u>36733</u>	<u>38293</u>	<u>39915</u>	<u>41704</u>				
H	3	Hourly	<del>16.38</del>	<del>17.11</del>	<del>17.87</del>	<del>18.63</del>				
			<u>18.51</u>	<u>19.34</u>	<u>20.19</u>	<u>21.05</u>				
I		Annually	<del>34070</del>	<del>35588</del>	<del>37169</del>	<del>38750</del>				
			<u>38501</u>	<u>40227</u>	<u>41995</u>	<u>43784</u>				
J	4	Hourly	<del>17.19</del>	<del>17.96</del>	<del>18.83</del>	<del>19.64</del>				
			<u>19.43</u>	<u>20.30</u>	<u>21.28</u>	<u>22.20</u>				

K		Annually	<del>35755</del>	<del>37356</del>	<del>39166</del>	<del>40851</del>	
			<u>40414</u>	<u>42224</u>	<u>44262</u>	<u>46176</u>	
L	5	Hourly	<del>18.04</del>	<del>18.86</del>	<del>19.64</del>	<del>20.51</del>	
			<u>20.38</u>	<u>21.31</u>	<u>22.20</u>	<u>23.19</u>	
M		Annually	<del>37523</del>	<del>39228</del>	<del>40851</del>	<del>42660</del>	
			<u>42390</u>	<u>44325</u>	<u>46176</u>	<u>48235</u>	
N	6	Hourly	<del>19.00</del>	<del>19.80</del>	<del>20.65</del>	<del>21.51</del>	
			<u>21.48</u>	<u>22.38</u>	<u>23.34</u>	<u>24.32</u>	
O		Annually	<del>39520</del>	<del>41184</del>	<del>42952</del>	<del>44740</del>	
			<u>44678</u>	<u>46550</u>	<u>48547</u>	<u>50586</u>	
P	7	Hourly	<del>20.17</del>	<del>20.92</del>	<del>21.79</del>	<del>22.55</del>	<del>23.41</del>
			<u>22.79</u>	<u>23.65</u>	<u>24.63</u>	<u>25.49</u>	<u>26.46</u>
Q		Annually	<del>41953</del>	<del>43513</del>	<del>45323</del>	<del>46904</del>	<del>48692</del>
			<u>47403</u>	<u>49192</u>	<u>51230</u>	<u>53019</u>	<u>55037</u>
R	8	Hourly	<del>21.33</del>	<del>22.28</del>	<del>23.24</del>	<del>24.29</del>	<del>25.43</del>
			<u>24.11</u>	<u>25.17</u>	<u>26.27</u>	<u>27.45</u>	<u>28.74</u>
S		Annually	<del>44366</del>	<del>46342</del>	<del>48339</del>	<del>50523</del>	<del>52894</del>
			<u>50149</u>	<u>52354</u>	<u>54642</u>	<u>57096</u>	<u>59779</u>
T	9	Hourly	<del>22.75</del>	<del>23.94</del>	<del>25.11</del>	<del>26.37</del>	<del>27.70</del>
			<u>25.72</u>	<u>27.06</u>	<u>28.39</u>	<u>29.81</u>	<u>31.31</u>

U		Annually	<del>47320</del>	<del>49795</del>	<del>52228</del>	<del>54849</del>	<del>57616</del>		
			<u>53498</u>	<u>56285</u>	<u>59051</u>	<u>62005</u>	<u>65125</u>		
V	10	Hourly	<del>24.53</del>	<del>25.89</del>	<del>27.28</del>	<del>28.86</del>	<del>30.39</del>		
			<u>27.73</u>	<u>29.25</u>	<u>30.83</u>	<u>32.61</u>	<u>34.35</u>		
W		Annually	<del>51022</del>	<del>53851</del>	<del>56742</del>	<del>60028</del>	<del>63211</del>		
			<u>57678</u>	<u>60840</u>	<u>64126</u>	<u>67829</u>	<u>71448</u>		
X	11	Hourly	<del>26.74</del>	<del>28.28</del>	<del>29.92</del>	<del>31.61</del>	<del>33.40</del>		
			<u>30.22</u>	<u>31.96</u>	<u>33.81</u>	<u>35.72</u>	<u>37.75</u>		
Y		Annually	<del>55619</del>	<del>58822</del>	<del>62233</del>	<del>65748</del>	<del>69472</del>		
			<u>62858</u>	<u>66477</u>	<u>70325</u>	<u>74298</u>	<u>78520</u>		
Z	12	Hourly	<del>29.49</del>	<del>31.15</del>	<del>32.82</del>	<del>34.63</del>	<del>36.55</del>	<del>38.55</del>	<del>40.12</del>
			<u>33.32</u>	<u>35.21</u>	<u>37.09</u>	<u>39.14</u>	<u>41.31</u>	<u>43.57</u>	<u>45.35</u>
AA		Annually	<del>61339</del>	<del>64792</del>	<del>68265</del>	<del>72030</del>	<del>76024</del>	<del>80184</del>	<del>83449</del>
			<u>69306</u>	<u>73237</u>	<u>77147</u>	<u>81411</u>	<u>85925</u>	<u>90626</u>	<u>94328</u>
AB	13	Hourly	<del>32.51</del>	<del>34.29</del>	<del>36.16</del>	<del>38.11</del>	<del>40.26</del>	<del>42.43</del>	<del>44.17</del>
			<u>36.75</u>	<u>38.75</u>	<u>40.87</u>	<u>43.07</u>	<u>45.50</u>	<u>47.95</u>	<u>49.92</u>
AC		Annually	<del>67620</del>	<del>71323</del>	<del>75212</del>	<del>79268</del>	<del>83740</del>	<del>88254</del>	<del>91873</del>
			<u>76440</u>	<u>80600</u>	<u>85010</u>	<u>89586</u>	<u>94640</u>	<u>99736</u>	<u>103834</u>
AD	14	Hourly	<del>35.74</del>	<del>37.78</del>	<del>39.81</del>	<del>41.97</del>	<del>44.34</del>	<del>46.81</del>	<del>48.75</del>
			<u>40.40</u>	<u>42.70</u>	<u>44.99</u>	<u>47.43</u>	<u>50.12</u>	<u>52.90</u>	<u>55.09</u>

AE		Annually	<del>74339</del>	<del>78582</del>	<del>82804</del>	<del>87297</del>	<del>92227</del>	<del>97364</del>	<del>101400</del>	<del>106142</del>
			<u>84032</u>	<u>88816</u>	<u>93579</u>	<u>98654</u>	<u>104250</u>	<u>110032</u>	<u>114587</u>	<u>119954</u>
AF	15	Hourly	<del>39.27</del>	<del>41.48</del>	<del>43.82</del>	<del>46.23</del>	<del>48.79</del>	<del>51.47</del>	<del>53.58</del>	<del>56.10</del>
			<u>44.38</u>	<u>46.88</u>	<u>49.52</u>	<u>52.24</u>	<u>55.15</u>	<u>58.16</u>	<u>60.55</u>	<u>63.41</u>
AG		Annually	<del>81681</del>	<del>86278</del>	<del>91145</del>	<del>96158</del>	<del>101483</del>	<del>107057</del>	<del>111446</del>	<del>116688</del>
			<u>92310</u>	<u>97510</u>	<u>103002</u>	<u>108659</u>	<u>114712</u>	<u>120973</u>	<u>125944</u>	<u>131893</u>
AH	16	Hourly	<del>43.29</del>	<del>45.70</del>	<del>48.21</del>	<del>50.92</del>	<del>53.71</del>	<del>56.79</del>	<del>59.12</del>	<del>61.89</del>
			<u>48.93</u>	<u>51.65</u>	<u>54.49</u>	<u>57.56</u>	<u>60.71</u>	<u>64.18</u>	<u>66.82</u>	<u>69.94</u>
AI		Annually	<del>90043</del>	<del>95056</del>	<del>100276</del>	<del>105913</del>	<del>111716</del>	<del>118123</del>	<del>122969</del>	<del>128731</del>
			<u>101774</u>	<u>107432</u>	<u>113339</u>	<u>119725</u>	<u>126277</u>	<u>133494</u>	<u>138986</u>	<u>145475</u>
AJ	17	Hourly	<del>47.70</del>	<del>50.33</del>	<del>53.15</del>	<del>56.08</del>	<del>59.23</del>	<del>62.53</del>	<del>65.97</del>	
			<u>53.91</u>	<u>56.89</u>	<u>60.07</u>	<u>63.38</u>	<u>66.94</u>	<u>70.67</u>	<u>74.56</u>	
AK		Annually	<del>99216</del>	<del>104686</del>	<del>110552</del>	<del>116646</del>	<del>123198</del>	<del>130062</del>	<del>137217</del>	
			<u>112133</u>	<u>118331</u>	<u>124946</u>	<u>131830</u>	<u>139235</u>	<u>146994</u>	<u>155085</u>	
AL	18	Hourly	<del>52.57</del>	<del>55.48</del>	<del>58.61</del>	<del>61.83</del>	<del>65.25</del>	<del>68.90</del>		
			<u>59.41</u>	<u>62.70</u>	<u>66.24</u>	<u>69.88</u>	<u>73.74</u>	<u>77.88</u>		
AM		Annually	<del>109345</del>	<del>115398</del>	<del>121908</del>	<del>128606</del>	<del>135720</del>	<del>143312</del>		
			<u>123573</u>	<u>130416</u>	<u>137779</u>	<u>145350</u>	<u>153379</u>	<u>161990</u>		
AN	19	Hourly	<del>57.83</del>	<del>61.03</del>	<del>64.47</del>	<del>68.01</del>	<del>71.78</del>	<del>75.79</del>		
			<u>65.35</u>	<u>69.29</u>	<u>72.86</u>	<u>76.86</u>	<u>81.12</u>	<u>85.65</u>		



AO            Annually ~~120286~~ ~~126942~~ ~~134097~~ ~~141460~~ ~~149302~~ ~~157643~~  
135928 144123 151549 159869 168730 178152

Schedule E-2

10920

10921

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	<del>51.97</del> <u>58.74</u>
C		Annually	33758	<del>108097</del> <u>122179</u>
D	42	Hourly	17.89	<del>57.38</del> <u>64.85</u>
E		Annually	37211	<del>119350</del> <u>134888</u>
F	43	Hourly	19.70	<del>63.19</del> <u>71.42</u>
G		Annually	40976	<del>131435</del> <u>148554</u>
H	44	Hourly	21.73	<del>69.04</del> <u>78.02</u>
I		Annually	45198	<del>143603</del> <u>162282</u>
J	45	Hourly	24.01	<del>75.38</del> <u>85.19</u>
K		Annually	49941	<del>156790</del> <u>177195</u>
L	46	Hourly	26.43	<del>82.38</del> <u>93.10</u>
M		Annually	54974	<del>171350</del> <u>193648</u>
N	47	Hourly	29.14	<del>89.91</del> <u>101.62</u>

O		Annually	60611	<del>187012</del> <u>2211370</u>
P	48	Hourly	32.14	<del>98.08</del> <u>110.84</u>
Q		Annually	66851	<del>204006</del> <u>230547</u>
R	49	Hourly	35.44	<del>105.90</del> <u>119.69</u>
S		Annually	73715	<del>220272</del> <u>248955</u>

(C) As used in this section: 10922

(1) "Exempt employee" means a permanent full-time or 10923  
permanent part-time employee paid directly by warrant of the 10924  
director of budget and management whose position is included in 10925  
the job classification plan established under division (A) of 10926  
section 124.14 of the Revised Code but who is not considered a 10927  
public employee for the purposes of Chapter 4117. of the Revised 10928  
Code. "Exempt employee" also includes a permanent full-time or 10929  
permanent part-time employee of the secretary of state, auditor 10930  
of state, treasurer of state, or attorney general who has not 10931  
been placed in an appropriate bargaining unit by the state 10932  
employment relations board. 10933

(2) "Base rate of pay" means the rate of pay established 10934  
under schedule E-1 of this section, plus the supplement provided 10935  
under division (E) of section 124.181 of the Revised Code, plus 10936  
any supplements enacted into law that are added to schedule E-1 10937  
of this section. 10938

~~(D) Notwithstanding any division of this section to the~~ 10939  
~~contrary, or division (E) or (G) of section 124.15 of the~~ 10940  
~~Revised Code with respect to requirements for step placement and~~ 10941  
~~advancement, no exempt employee other than a captain or~~ 10942

~~equivalent officer in the state highway patrol shall be placed~~ 10943  
~~in step value 7 in range 17 of schedule E-1 of division (B) (3)~~ 10944  
~~of this section.~~ 10945

**Sec. 124.184.** (A) As used in this section: 10946

(1) "State agency" means every organized body, office, or 10947  
agency established by the laws of the state for the exercise of 10948  
any function of state government and includes the public 10949  
employees retirement system, Ohio police and fire pension fund, 10950  
state teachers retirement system, school employees retirement 10951  
system, and state highway patrol retirement system. "State 10952  
agency" does not include a state institution of higher education 10953  
as defined in section 3345.011 of the Revised Code or the 10954  
nonprofit corporation formed under section 187.01 of the Revised 10955  
Code. 10956

(2) Notwithstanding the definition of "employee" in 10957  
section 124.01 of the Revised Code, "state employee" means an 10958  
individual holding a position subject to appointment, removal, 10959  
promotion, or reduction by a state agency. 10960

(B) (1) Not later than October 15, 2025, each state agency 10961  
shall develop a plan for the agency's state employees to report 10962  
to the agency's worksite or another location designated by the 10963  
agency during the time the employees are performing their duties 10964  
for the agency. 10965

(2) Beginning January 1, 2026, a state agency shall 10966  
require the agency's state employees to report to the agency's 10967  
worksite or another location in accordance with the plan 10968  
developed by the agency under division (B) (1) of this section. 10969  
Except as provided in divisions (C) and (D) of this section, no 10970  
state employee shall work from the employee's place of 10971

residence. 10972

(C) Nothing in this section precludes a state agency from 10973  
permitting a state employee employed by the agency to work from 10974  
the employee's place of residence as a reasonable accommodation 10975  
under Title I of the "Americans with Disabilities Act of 1990," 10976  
42 U.S.C. 12111, et seq. or Chapter 4112. of the Revised Code. 10977

(D) A state agency may adopt a policy allowing an 10978  
appointing authority or the appointing authority's designee to 10979  
approve a state employee to work from the employee's place of 10980  
residence or other off-site location under any of the following 10981  
circumstances: 10982

(1) During an occasional or emergent situation as required 10983  
to complete a necessary or time-sensitive business function of 10984  
the agency; 10985

(2) Rare occasions where a health order or weather 10986  
emergency requires an individual to remain at the individual's 10987  
place of residence or to shelter in place; 10988

(3) Occasions where the agency's worksite is or may be 10989  
closed on a temporary or ongoing basis, including remodeling an 10990  
existing building, natural disaster, utility outage, security 10991  
threat, or other occurrence that has or will result in such a 10992  
closure; 10993

(4) Except as provided in division (D) (5) of this section, 10994  
the appointing authority or the appointing authority's designee 10995  
determines that an employee, due to the employee's job 10996  
classification or position, primarily performs the employee's 10997  
duties for the agency in the field or another location 10998  
designated by the agency that is not the employee's place of 10999  
residence; 11000

(5) Where the appointing authority or the appointing 11001  
authority's designee determines that an employee is in a 11002  
computer-related occupation as provided in sections 13(a)(1) and 11003  
(17) of the "Fair Labor Standards Act of 1938," 29 U.S.C. 213, 11004  
as defined in 29 C.F.R. 541.400; 11005

(6) Where the appointing authority or the appointing 11006  
authority's designee grants an employee an accommodation for a 11007  
temporary medical condition not covered under division (C) of 11008  
this section; 11009

(7) Where the appointing authority or the appointing 11010  
authority's designee determines that an employee's place of 11011  
residence is forty or more miles from the agency's worksite; 11012

(8) Where the appointing authority or the appointing 11013  
authority's designee determines that the agency does not have 11014  
adequate space or equipment for an employee at the agency's 11015  
worksite. 11016

**Sec. 125.01.** As used in this chapter: 11017

(A) "Order" means a copy of a contract or a statement of 11018  
the nature of a contemplated expenditure, a description of the 11019  
property or supplies to be purchased or service to be performed, 11020  
other than a service performed by officers and regular employees 11021  
of the state, and per diem of the national guard, and the total 11022  
sum of the expenditure to be made therefor, if the sum is fixed 11023  
and ascertained, otherwise the estimated sum thereof, and an 11024  
authorization to pay for the contemplated expenditure, signed by 11025  
the person instructed and authorized to pay upon receipt of a 11026  
proper invoice. 11027

(B) "Invoice" means an itemized listing showing delivery 11028  
of the supplies or performance of the service described in the 11029

order including all of the following: 11030

(1) The date of the purchase or rendering of the service; 11031

(2) An itemization of the things done, material supplied, 11032  
or labor furnished; 11033

(3) The sum due pursuant to the contract or obligation. 11034

(C) "Products" means materials, supplies, merchandise, 11035  
goods, wares, and foodstuffs. 11036

(D) "Produced" means the manufacturing, processing, 11037  
mining, developing, and making of a thing into a new article 11038  
with a distinct character in use through the application of 11039  
input, within the state or a state bordering Ohio, of Buy Ohio 11040  
products, labor, skill, or other services. "Produced" does not 11041  
include the mere assembling or putting together of products or 11042  
materials from outside of Ohio or a state bordering Ohio. 11043

(E) "Buy Ohio products" means products that are mined, 11044  
excavated, produced, manufactured, raised, or grown in the state 11045  
or a state bordering Ohio where the input of Buy Ohio products, 11046  
labor, skill, or other services constitutes no less than twenty- 11047  
five per cent of the manufactured cost. With respect to mined 11048  
products, such products shall be mined or excavated in this 11049  
state or a state bordering Ohio. "Buy Ohio products" includes 11050  
any product that includes semiconductors produced by a company 11051  
with a significant Ohio economic presence. 11052

(F) "Purchase" means to buy, rent, lease, lease purchase, 11053  
or otherwise acquire supplies or services. "Purchase" also 11054  
includes all functions that pertain to the obtaining of supplies 11055  
or services, including description of requirements, selection 11056  
and solicitation of sources, preparation and award of contracts, 11057  
all phases of contract administration, and receipt and 11058

acceptance of the supplies and services and payment for them. 11059

(G) "Services" means the furnishing of labor, time, or 11060  
effort by a person, not involving the delivery of a specific end 11061  
product other than a report which, if provided, is merely 11062  
incidental to the required performance. "Services" does not 11063  
include services furnished pursuant to employment agreements or 11064  
collective bargaining agreements. 11065

(H) "Supplies" means all property, including, but not 11066  
limited to, equipment, materials, and other tangible assets, but 11067  
excluding real property or an interest in real property. 11068

(I) "Competitive selection" means any of the following 11069  
procedures for making purchases: 11070

(1) Competitive sealed bidding under section 125.07 of the 11071  
Revised Code; 11072

(2) Competitive sealed proposals under section 125.071 of 11073  
the Revised Code; 11074

(3) Reverse auctions under section 125.072 of the Revised 11075  
Code; 11076

(4) Electronic procurement under section 125.073 of the 11077  
Revised Code. 11078

(J) "Direct purchasing authority" means the authority of a 11079  
state agency to make a purchase without competitive selection 11080  
pursuant to sections 125.05 and 127.16 of the Revised Code. 11081

**Sec. 125.041.** (A) Nothing in sections 125.02, 125.04 to 11082  
125.08, 125.12 to 125.16, 125.18, 125.31 to ~~125.76~~125.71, or 11083  
125.831 of the Revised Code shall be construed as limiting the 11084  
attorney general, auditor of state, secretary of state, or 11085  
treasurer of state in any of the following: 11086

(1) Purchases for less than the dollar amounts for the 11087  
purchase of supplies or services determined under section 125.05 11088  
of the Revised Code; 11089

(2) Purchases that equal or exceed the dollar amounts for 11090  
the purchase of supplies or services determined under section 11091  
125.05 of the Revised Code with the approval of the controlling 11092  
board, if that approval is required by section 127.16 of the 11093  
Revised Code; 11094

(3) The final determination of the nature or quantity of 11095  
any purchase of supplies or services under division (B) of 11096  
section 125.02 or under division (G) of section 125.035 of the 11097  
Revised Code; 11098

(4) The final determination and disposal of excess and 11099  
surplus supplies; 11100

(5) The inventory of state property; 11101

(6) The purchase of printing; 11102

(7) Activities related to information technology 11103  
development and use; 11104

(8) The fleet management program. 11105

(B) Nothing in this section shall be construed as 11106  
preventing the attorney general, auditor of state, secretary of 11107  
state, or treasurer of state from complying with or 11108  
participating in any aspect of Chapter 125. of the Revised Code 11109  
through the department of administrative services. 11110

**Sec. 125.071.** (A) In accordance with rules the director of 11111  
administrative services shall adopt, the director may make 11112  
purchases by competitive sealed proposal whenever the director 11113  
determines that the use of competitive sealed bidding is not 11114



possible or not advantageous to the state. 11115

(B) Proposals shall be solicited through a request for 11116  
proposals. The request for proposals shall state the relative 11117  
importance of price and other evaluation factors. Notice of the 11118  
request for proposals shall be given in accordance with rules 11119  
the director shall adopt. 11120

(C) Proposals shall be opened so as to avoid disclosure of 11121  
contents to competing offerors. 11122

~~In order to ensure fair and impartial evaluation, 11123~~  
~~proposals and related documents submitted in response to a 11124~~  
~~request for proposals are not available for public inspection 11125~~  
~~and copying under section 149.43 of the Revised Code until after 11126~~  
~~the award of the contract. 11127~~

(D) As provided in the request for proposals, and under 11128  
rules the director shall adopt, discussions may be conducted 11129  
with responsible offerors who submit proposals determined to be 11130  
reasonably susceptible of being selected for award for the 11131  
purpose of ensuring full understanding of, and responsiveness 11132  
to, solicitation requirements. Offerors shall be accorded fair 11133  
and equal treatment with respect to any opportunity for 11134  
discussion regarding any clarification, correction, or revision 11135  
of proposals. No disclosure of any information derived from 11136  
proposals submitted by competing offerors shall occur when 11137  
discussions are conducted. 11138

(E) Award may be made to the offerors whose proposals are 11139  
determined to be the most advantageous to this state, taking 11140  
into consideration factors such as price and the evaluation 11141  
criteria set forth in the request for proposals. The contract 11142  
file shall contain the basis on which the award is made. 11143

**Sec. 125.11.** (A) Subject to division (B) of this section, 11144  
contracts awarded pursuant to a reverse auction under section 11145  
125.072 of the Revised Code or pursuant to competitive sealed 11146  
bidding, including contracts awarded under section 125.081 of 11147  
the Revised Code, shall be awarded to the lowest responsive and 11148  
responsible bidder in accordance with section 9.312 of the 11149  
Revised Code, and contracts awarded pursuant to a competitive 11150  
sealed proposal shall be awarded to the offeror determined to be 11151  
the most advantageous to this state. 11152

(B) Prior to awarding a contract under division (A) of 11153  
this section, the department of administrative services or the 11154  
state agency responsible for evaluating a contract for the 11155  
purchase of products or services shall evaluate the bids and 11156  
offers received according to the criteria and procedures 11157  
established pursuant to division (B) of section 125.09 of the 11158  
Revised Code for determining if a product is mined, excavated, 11159  
produced, manufactured, raised, or grown in the United States, 11160  
in this state, or in a state bordering Ohio, whether the bid or 11161  
offer was received from a Buy Ohio supplier, and whether the bid 11162  
or offer was received from a certified veteran-friendly business 11163  
enterprise. These requirements shall be applied where sufficient 11164  
competition can be generated to ensure that compliance with 11165  
these requirements will be in the best interest of the state 11166  
unless otherwise prohibited. 11167

(C) In order to ensure fair and impartial evaluation, 11168  
materials relating to a solicitation through competitive 11169  
selection shall not be considered public records under section 11170  
149.43 of the Revised Code until after the award of the contract 11171  
based on the competitive selection. If all bids or proposals 11172  
received in response to a solicitation through competitive 11173  
selection are rejected, and notice is provided of an intent to 11174

reissue the solicitation through competitive selection, the 11175  
materials relating to the original solicitation and the 11176  
materials relating to the reissued solicitation shall not be 11177  
considered public records under section 149.43 of the Revised 11178  
Code until after the award of the contract based on the reissued 11179  
solicitation through competitive selection. 11180

(D) Division (B) of this section applies to contracts for 11181  
which competitive selection is waived by the controlling board. 11182

~~(D)~~ (E) Division (B) of this section does not apply to the 11183  
purchase by the division of liquor control of spirituous liquor. 11184

**Sec. 125.111.** ~~(A)~~ Every contract for or on behalf of the 11185  
state or any of its political subdivisions for any purchase 11186  
shall contain provisions similar to those required by section 11187  
153.59 of the Revised Code in the case of construction contracts 11188  
by which the contractor agrees to both of the following: 11189

~~(1)~~ (A) That, in the hiring of employees for the 11190  
performance of work under the contract or any subcontract, no 11191  
contractor or subcontractor, by reason of race, color, religion, 11192  
sex, age, disability or military status as defined in section 11193  
4112.01 of the Revised Code, national origin, or ancestry, shall 11194  
discriminate against any citizen of this state in the employment 11195  
of a person qualified and available to perform the work to which 11196  
the contract relates; 11197

~~(2)~~ (B) That no contractor, subcontractor, or person acting 11198  
on behalf of any contractor or subcontractor, in any manner, 11199  
shall discriminate against, intimidate, or retaliate against any 11200  
employee hired for the performance of work under the contract on 11201  
account of race, color, religion, sex, age, disability or 11202  
military status as defined in section 4112.01 of the Revised 11203

Code, national origin, or ancestry. 11204

~~(B) All contractors from whom the state or any of its political subdivisions make purchases shall have a written affirmative action program for the employment and effective utilization of economically disadvantaged persons, as referred to in division (E)(1) of section 122.71 of the Revised Code. Annually, each such contractor shall file a description of the affirmative action program and a progress report on its implementation with the department of development.~~ 11205  
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**Sec. 125.183.** (A) As used in this section: 11213

(1) "Covered application" means ~~all of the following:~~ 11214

~~(a) The TikTok application and service or any successor application or service developed or provided by ByteDance limited or an entity owned by ByteDance limited;~~ 11215  
11216  
11217

~~(b) The WeChat application and service or any successor application or service developed or provided by Tencent holdings limited or an entity owned by Tencent holdings limited;~~ 11218  
11219  
11220

~~(c) Any application or service owned by an entity located in China, including QQ International (QQi), Qzone, Weibo, XiaoHongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little Red Book, and Zhihuany application owned or controlled, directly or indirectly, by an entity identified as a foreign adversary as defined in 15 C.F.R. 791.2.~~ 11221  
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(2) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government, other than any state-supported institution of higher education, the courts, or any judicial agency. "State agency" includes the general assembly, any 11228  
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legislative agency, and the capitol square review and advisory board. 11233  
11234

(B) Subject to division (C) of this section, the state chief information officer shall do all of the following: 11235  
11236

(1) Require state agencies immediately to remove any covered application from all equipment they own or lease; 11237  
11238

(2) Prohibit all of the following on equipment owned or leased by a state agency: 11239  
11240

(a) The downloading, installation, or use of a covered application; 11241  
11242

(b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency; 11243  
11244  
11245

(c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency. 11246  
11247  
11248

(3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B) (2) of this section. 11249  
11250  
11251

(C) Division (B) of this section shall include exceptions to allow a qualified person to download, install, or use a covered application for law enforcement or security purposes, so long as the person takes appropriate measures to mitigate the security risks involved in doing so. 11252  
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**Sec. 125.31.** (A) The department of administrative services shall have supervision of all public printing except as follows: 11257  
11258

(1) Printing for the general assembly shall be the sole 11259

responsibility of the clerk of the senate and the clerk of the 11260  
house of representatives unless the clerk of the senate or the 11261  
clerk of the house of representatives chooses either of the 11262  
options specified in section 101.523 or 101.524 of the Revised 11263  
Code. 11264

(2) Printing for the Ohio arts council shall be under the 11265  
supervision of the council. 11266

(3) Printing for the capitol square review and advisory 11267  
board shall be under the supervision of the board. 11268

(4) Printing for state-supported institutions of higher 11269  
education shall be under the supervision of the department of 11270  
purchasing of each such institution or the department or officer 11271  
within each institution that performs the functions of a 11272  
department of purchasing. 11273

(B) The department of administrative services shall 11274  
determine, except as otherwise specifically provided by law, the 11275  
number of copies to be printed of each publication or document, 11276  
the source of reproduction, the manner of binding, quality of 11277  
paper, the general kind, size, and spacing of type to be used in 11278  
all reports, publications, bulletins, documents, or pamphlets 11279  
printed at public expense. 11280

The department shall not use its authority to curtail the 11281  
release of public information by any elected state official. 11282

~~(C) For the purposes of sections 125.31 to 125.76 of the~~ 11283  
~~Revised Code, all functions, powers, and duties assigned to the~~ 11284  
~~department of administrative services are considered to be~~ 11285  
~~assigned to the division of state printing within the department~~ 11286  
~~of administrative services~~Division (B) of this section does not 11287  
apply to printing contracts requiring special security paper, of 11288

a unique nature, if compliance will result in acquiring a 11289  
disproportionately inferior product or a price that exceeds by 11290  
more than five per cent the lowest price submitted on a non-Ohio 11291  
bid. 11292

**Sec. 125.42.** (A) No agency, officer, board, or commission, 11293  
except the clerk of the senate and the clerk of the house of 11294  
representatives, shall print or cause to be printed at the 11295  
public expense, any report, bulletin, document, or pamphlet, 11296  
unless such report, bulletin, document, or pamphlet is first 11297  
submitted to, and the printing thereof approved by, the 11298  
department of administrative services. If the department 11299  
approves the printing, it shall determine the form of such 11300  
printing and the number of copies. 11301

If such approval is given, the department shall cause the 11302  
same to be printed and bound ~~as provided by sections 125.49,~~ 11303  
~~125.51, and 125.56 of the Revised Code, except as otherwise~~ 11304  
~~provided by section 125.45 of the Revised Code;~~ and when 11305  
printed, such publications or forms shall be delivered to the 11306  
ordering officer, board, commission, or department, or sold at a 11307  
price not to exceed the total cost. 11308

(B) The department of administrative services annually 11309  
shall set a maximum cost per page and a maximum total cost for 11310  
the printing by any board, commission, council, or other public 11311  
body of the state of any annual report or any other report that 11312  
it is required by law to produce. No board, commission, council, 11313  
or other public body of the state shall expend or incur the 11314  
expenditure of any amount in excess of these maximum amounts 11315  
without the prior approval of the department. This division does 11316  
not apply to the general assembly or any court. 11317

**Sec. 125.58.** ~~The department of administrative services~~ 11318

~~shall promptly notify each successful offeror of the acceptance~~ 11319  
~~of the offeror's bid or proposal for state printing. If such~~ 11320  
~~offeror fails to execute the contract because of death or other~~ 11321  
~~cause, or if the offeror fails to execute the work required by~~ 11322  
~~the contract in a proper manner and with reasonable promptness,~~ 11323  
~~or the contract is abandoned, or its execution is temporarily~~ 11324  
~~suspended, the department may enter into a contract with another~~ 11325  
~~person for the prompt execution of the work for the lowest price~~ 11326  
~~which may be obtained. Before any work is relet in consequence~~ 11327  
~~of the misconduct or default of the contractor, the department~~ 11328  
~~shall give the contractor written notice thereof. The department~~ 11329  
of administrative services may set a daily penalty charge for 11330  
late orders, provided the penalty schedule and amount are stated 11331  
in the invitation to bid or request for proposals for ~~the~~ 11332  
printing. 11333

Sec. 126.024. Beginning with the state budget that is 11334  
introduced following the effective date of this section, and 11335  
subsequent state budgets thereafter, the director of budget and 11336  
management, in consultation with the medicaid director, shall 11337  
request and propose multiple medicaid health care services 11338  
general revenue fund appropriation items. At a minimum, the 11339  
directors shall propose a separate general revenue fund 11340  
appropriation item for the different health care services 11341  
included in the medicaid program, including all of the 11342  
following: 11343

- (A) Services provided under the care management system; 11344
- (B) Nursing facility services; 11345
- (C) Hospital services; 11346
- (D) Behavioral health services; 11347



<u>(E) Services provided under medicaid waiver components</u>	11348
<u>administered by the department of aging;</u>	11349
<u>(F) Prescription drug services;</u>	11350
<u>(G) Physician services;</u>	11351
<u>(H) Services provided under the Ohio home care waiver</u>	11352
<u>program;</u>	11353
<u>(I) Services provided under medicaid waiver components</u>	11354
<u>administered by the department of developmental disabilities;</u>	11355
<u>(J) Services provided under the medicaid waiver component</u>	11356
<u>known as the Ohio resilience through integrated systems and</u>	11357
<u>excellence (OhioRISE) waiver;</u>	11358
<u>(K) Any other medicaid health care services that the</u>	11359
<u>directors determine should have a separate general revenue fund</u>	11360
<u>appropriation item.</u>	11361
<b><u>Sec. 126.10.</u></b> (A) For the purposes of this section:	11362
<u>(1) "Agency" has the same meaning as in section 111.15 of</u>	11363
<u>the Revised Code.</u>	11364
<u>(2) "State program" means any program, initiative, or</u>	11365
<u>service administered or overseen by an agency.</u>	11366
<u>(B) Notwithstanding any provision of law to the contrary</u>	11367
<u>or any rules adopted under it, if the federal government</u>	11368
<u>reduces, discontinues, pauses, or otherwise suspends any federal</u>	11369
<u>program that provides federal funds for any corresponding state</u>	11370
<u>program, such program may be reduced, discontinued, paused, or</u>	11371
<u>suspended. This shall include any contract, agreement,</u>	11372
<u>memorandum of understanding, or any other covenant entered into</u>	11373
<u>by the state that is dependent on federal funding.</u>	11374

Sec. 126.14. The release of any money appropriated for the 11375  
purchase of real estate shall be approved by the controlling 11376  
board. The release of money appropriated for all other capital 11377  
projects is also subject to the approval of the controlling 11378  
board, except that the director of budget and management may 11379  
~~approve the release of money appropriated for specific projects~~ 11380  
~~in accordance with the requirements of this section and except~~ 11381  
~~that the director of budget and management may approve the~~ 11382  
release of unencumbered capital balances, for a project to 11383  
repair, remove, or prevent a public exigency declared to exist 11384  
by the executive director of the Ohio facilities construction 11385  
commission under section 123.10 of the Revised Code in the 11386  
amount designated in that declaration. 11387

~~Within sixty days after the effective date of any act~~ 11388  
~~appropriating money for capital projects, the director shall~~ 11389  
~~determine which appropriations are for general projects and~~ 11390  
~~which are for specific projects. Specific projects may include~~ 11391  
~~specific higher education projects that are to be funded from~~ 11392  
~~general purpose appropriations from the higher education~~ 11393  
~~improvement fund or the higher education improvement taxable~~ 11394  
~~fund created in section 154.21 of the Revised Code. Upon~~ 11395  
~~determining which projects are general and which are specific,~~ 11396  
~~the director shall submit to the controlling board a list that~~ 11397  
~~includes a brief description of and the estimated expenditures~~ 11398  
~~for each specific project. The release of money for any specific~~ 11399  
~~higher education projects that are to be funded from general~~ 11400  
~~purpose appropriations from the higher education improvement~~ 11401  
~~fund or the higher education improvement taxable fund but that~~ 11402  
~~are not included on the list, and the release of money for any~~ 11403  
~~specific higher education projects included on the list that~~ 11404  
~~will exceed the estimated expenditures by more than ten per~~ 11405

~~cent, are subject to the approval of the controlling board.~~ 11406

~~The director may create new appropriation items and make 11407  
transfers of appropriations to them for specific higher 11408  
education projects included on the list that are to be funded 11409  
from general purpose appropriations for basic renovations that 11410  
are made from the higher education improvement fund or the 11411  
higher education improvement taxable fund. 11412~~

Sec. 126.17. (A) As used in this section: 11413

"Direct cost" means a cost that can be identified 11414  
specifically with a particular final cost objective or that can 11415  
be directly assigned to such activities relatively easily with a 11416  
high degree of accuracy. 11417

"Indirect cost" means a cost that is not readily 11418  
identified with a particular project, function or activity, but 11419  
is necessary for the general operation of the organization, and 11420  
a cost not directly identified with a single, final cost 11421  
objective, but identified with two or more final cost objectives 11422  
or an intermediate cost objective. 11423

"State grant" means funding provided by a state agency to 11424  
a state grant recipient for which the agency does not require 11425  
repayment. 11426

"State grant recipient" means an entity that receives a 11427  
state grant, whether for profit or nonprofit, a corporation, 11428  
association, partnership, limited liability company, sole 11429  
proprietorship, or other business entity. "State grant 11430  
recipient" does not include an individual who receives state 11431  
assistance that is not related to the individual's business. 11432

(B) The director of budget and management shall establish 11433  
and administer a centralized reporting system to receive 11434

financial status reports submitted by state grant recipients. 11435  
The system shall be operational not later than one year after 11436  
the effective date of this section. The director shall adopt 11437  
rules, under Chapter 119. of the Revised Code, to set forth the 11438  
information to be included in the financial status reports, the 11439  
frequency at which reports shall be submitted, and guidelines 11440  
for determining direct and indirect costs. The information 11441  
required shall be intended to assist the state in oversight of 11442  
public funds, and in evaluation of the effectiveness of grant 11443  
programs. It shall include all of the following: 11444

(1) An accounting of the expenditure of grant funds by a 11445  
state grant recipient, which shall separately identify any 11446  
amount expended by vendor and items purchased to directly 11447  
benefit the public, and the amount of indirect costs; 11448

(2) A project progress report; 11449

(3) Confirmation that the state grant recipient is in 11450  
compliance with any applicable laws or regulations. 11451

The centralized reporting system shall enable a state 11452  
agency to report, to the director, information regarding a state 11453  
grant. 11454

(C) A state agency shall inform a state grant recipient of 11455  
the requirements of this section, and shall provide the name and 11456  
contact information of each recipient, the amount of the grant, 11457  
and other project-identifying information to the director of 11458  
budget and management. 11459

(D) A state grant recipient shall comply with the 11460  
reporting requirements established under this section, with 11461  
respect to each state grant that is awarded on or after the date 11462  
that is one year after the effective date of this section. 11463

**Sec. 126.24.** The OAKS support organization fund is hereby 11464  
created in the state treasury for the purpose of paying the 11465  
operating, development, and upgrade expenses of the state's 11466  
enterprise resource planning system. The fund shall consist of 11467  
transfers received pursuant to division (A)(2) of section 126.12 11468  
of the Revised Code and agency payroll charge revenues that are 11469  
designated to support the operating, development, and upgrade 11470  
costs of the Ohio administrative knowledge system. ~~All-~~ 11471  
~~investment earnings of the fund shall be credited to the fund.~~ 11472

**Sec. 126.42.** (A) Notwithstanding any provision of law to 11473  
the contrary, the office of budget and management shall perform 11474  
routine support for the following boards and commissions: 11475

- (1) Architects board; 11476
- (2) State chiropractic board; 11477
- (3) State cosmetology and barber board; 11478
- (4) Accountancy board; 11479
- (5) State dental board; 11480
- (6) Ohio occupational therapy, physical therapy, and 11481  
athletic trainers board; 11482
- (7) State board of registration for professional engineers 11483  
and surveyors; 11484
- (8) Board of embalmers and funeral directors; 11485
- (9) State board of psychology; 11486
- (10) Counselor, social worker, and marriage and family 11487  
therapist board; 11488
- (11) State veterinary medical licensing board; 11489

(12) Commission on Hispanic-Latino affairs;	11490
(13) Commission on African-Americans;	11491
(14) Chemical dependency professionals board;	11492
(15) State vision professionals board;	11493
(16) State speech and hearing professionals board;	11494
<u>(17) New African immigrants commission.</u>	11495
(B) (1) For purposes of this section, the office of budget	11496
and management shall perform the following routine support	11497
services for the boards and commissions named in division (A) of	11498
this section unless the controlling board exempts a board or	11499
commission from this requirement on the recommendation of the	11500
office of budget and management:	11501
(a) Preparing and processing payroll and other personnel	11502
documents;	11503
(b) Preparing and processing vouchers, purchase orders,	11504
encumbrances, and other accounting documents;	11505
(c) Maintaining ledgers of accounts and balances;	11506
(d) Preparing and monitoring budgets and allotment plans	11507
in consultation with the boards and commissions;	11508
(e) Routine human resources and personnel services;	11509
(f) Other routine support services that the director of	11510
budget and management considers appropriate to achieve	11511
efficiency.	11512
(2) In addition to the routine support services listed in	11513
division (B) (1) of this section, the office of budget and	11514
management may perform other services which a board or	11515

commission named in division (A) of this section delegates to 11516  
the office and the office accepts. 11517

(3) The office of budget and management may perform 11518  
routine support services for any ~~professional or occupational~~ 11519  
~~licensing~~ board or commission not named in division (A) of this 11520  
section at the request of the board or commission. 11521

(C) The office of budget and management shall determine 11522  
the fees to be charged to the boards and commissions, which 11523  
shall be in proportion to the services performed for each board 11524  
or commission. 11525

**Sec. 126.60.** (A) As used in this section: 11526

(1) "Agricultural water project" means a project that will 11527  
improve water quality by reducing or aiding in the reduction of 11528  
levels of phosphorus, nitrogen, or sediment, that result from 11529  
agricultural practices, in the waters of the state. 11530  
"Agricultural water project" includes a project involving 11531  
research, technology, design, construction, best management 11532  
practices, conservation, testing, or education. 11533

(2) "Community water project" means a project involving a 11534  
public water system operated by a political subdivision that 11535  
will improve water quality by reducing or aiding in the 11536  
reduction of levels of phosphorus, nitrogen, or sediment in the 11537  
waters of the state. "Community water project" includes a 11538  
project involving research, technology, design, construction, 11539  
best management practices, conservation, testing, or 11540  
maintenance. 11541

(3) "Nature water project" means a project involving a 11542  
natural water system that will improve water quality by reducing 11543  
or aiding in the reduction of levels of phosphorus, nitrogen, or 11544

sediment in the waters of the state. "Nature water project" 11545  
includes a project involving research, technology, design, 11546  
construction, best management practices, conservation, or 11547  
maintenance. "Nature water project" also includes the creation, 11548  
maintenance, or restoration of wetlands, flood plains, flood 11549  
control systems, and buffers throughout the state, including the 11550  
western basin of Lake Erie. 11551

(B) (1) There is hereby created in the state treasury the 11552  
H2Ohio fund consisting of money credited to it and any 11553  
donations, gifts, bequests, and other money received for deposit 11554  
in the fund. ~~All investment earnings of the fund shall be~~ 11555  
~~credited to the fund.~~ All money credited or deposited in the 11556  
fund shall be used for any of the following purposes: 11557

~~(1)~~ (a) Agriculture water projects; 11558

~~(2)~~ (b) Community water projects; 11559

~~(3)~~ (c) Nature water projects; 11560

~~(4)~~ (d) Awarding or allocating grants or money, issuing 11561  
loans, or making purchases for the development and 11562  
implementation of projects and programs, including remediation 11563  
projects, that are designed to address water quality priorities; 11564

~~(5)~~ (e) Funding cooperative research, data gathering and 11565  
monitoring, and demonstration projects related to water quality 11566  
priorities; 11567

~~(6)~~ (f) Encouraging cooperation with and among leaders from 11568  
state legislatures, state agencies, political subdivisions, 11569  
business and industry, labor, agriculture, environmental 11570  
organizations, institutions of higher education, and water 11571  
conservation districts; 11572



~~(7)~~(g) Other purposes, policies, programs, and priorities 11573  
identified by the Ohio Lake Erie commission in coordination with 11574  
state agencies or boards responsible for water protection and 11575  
water management, provided that the purposes, policies, 11576  
programs, and priorities align with a statewide strategic vision 11577  
and comprehensive periodic water protection and restoration 11578  
strategy. 11579

(2) With respect to money credited or deposited in the 11580  
fund, the department of natural resources shall not use more 11581  
than two million five hundred thousand dollars in any fiscal 11582  
year to purchase land or conservation easements or to issue 11583  
grants for such purposes. 11584

(C) Not later than August 31, 2020, and annually 11585  
thereafter, the Ohio Lake Erie commission, in coordination with 11586  
state agencies or boards responsible for water protection and 11587  
water management, shall do both of the following: 11588

(1) Prepare a report of the activities that were 11589  
undertaken with respect to the fund during the immediately 11590  
preceding fiscal year, including the revenues and expenses of 11591  
the fund for the preceding fiscal year; 11592

(2) Submit the report to the general assembly and to the 11593  
governor. 11594

(D) Within forty-five days after the report is submitted 11595  
under division (C) of this section, the directors of the state 11596  
agencies that contributed to the report and the executive 11597  
director of the Lake Erie commission shall appear before both 11598  
the house of representatives and senate committees that oversee 11599  
state finance to testify on the report. 11600

**Sec. 126.62.** (A) The all Ohio future fund is hereby 11601

created in the state treasury. The fund shall consist of money 11602  
credited to it and any donations, gifts, bequests, or other 11603  
money received for deposit in the fund. ~~All investment earnings~~ 11604  
~~of the fund shall be credited to the fund.~~ Money in the fund 11605  
shall be used to promote economic development throughout the 11606  
state, including infrastructure projects and other 11607  
infrastructure improvements. 11608

(B) The director shall adopt rules in accordance with 11609  
Chapter 119. of the Revised Code that establish requirements and 11610  
procedures to provide financial assistance from the all Ohio 11611  
future fund. The director shall consult with JobsOhio in 11612  
adopting the rules. 11613

(C) No money shall be expended from the all Ohio future 11614  
fund, pursuant to appropriation, until it has been released by 11615  
the controlling board. 11616

Sec. 126.67. The targeted addiction assistance fund is 11617  
created in the state treasury. The fund shall consist of money 11618  
awarded to the state by court order that is intended to address 11619  
the effects of the opioid crisis. 11620

Beginning January 15, 2027, any money received under the 11621  
settlement agreement in State of Ohio v. McKesson Corp., Case 11622  
No. CVH20180055 (C.P. Madison Co., settlement agreement of 11623  
October 7, 2021) shall be certified by the attorney general and 11624  
remitted to the office of budget and management for deposit in 11625  
the fund. The director of budget and management shall notify the 11626  
speaker of the house of representatives, the president of the 11627  
senate, and the chairpersons of the finance committees of the 11628  
house of representatives and senate when money is deposited into 11629  
the fund. 11630

Sec. 127.12. There is hereby created a controlling board 11631  
consisting of all of the following: 11632

(A) The director of budget and management or an employee 11633  
of the office of budget and management designated by the 11634  
director; 11635

(B) The chairperson or vice-chairperson of the finance- 11636  
appropriations committee of the house of representatives, as 11637  
designated by the speaker; 11638

(C) The chairperson or vice-chairperson of the finance 11639  
committee of the senate, as designated by the president; 11640

(D) Two members of the house of representatives appointed 11641  
by the speaker, one from the majority party and one from the 11642  
minority party; 11643

(E) Two members of the senate appointed by the president, 11644  
one from the majority party and one from the minority party. 11645

Notwithstanding section 101.26 of the Revised Code, the 11646  
legislative members, when engaged in their duties as members of 11647  
the controlling board, shall be paid at the per diem rate of one 11648  
hundred fifty dollars, and their necessary traveling expenses, 11649  
which shall be paid from the funds appropriated for the payment 11650  
of expenses of legislative committees. 11651

(F) In the event of the absence, illness, disability, 11652  
death, or resignation of a legislative member, the following 11653  
persons may serve in the member's absence: for the chairperson 11654  
or vice-chairperson of the finance-appropriations committee of 11655  
the house of representatives, the speaker or a member of the 11656  
house of representatives designated by the speaker; for the 11657  
chairperson or vice-chairperson of the senate finance committee, 11658  
the president or a member of the senate designated by the 11659

president; for a member of the board appointed by the speaker of 11660  
the house of representatives, or the president of the senate, 11661  
the speaker or the president, as the case may be, or a member of 11662  
the house of representatives or of the senate of the same party 11663  
as such controlling board member, designated by such speaker or 11664  
president. 11665

As used in any statute, "controlling board," unless the 11666  
context otherwise requires, means the controlling board created 11667  
by this section. 11668

**Sec. 127.13.** The director of budget and management or ~~his~~ 11669  
the director's designee shall be president of the controlling 11670  
board. The president shall prepare the proposed agenda for the 11671  
meetings of the board and shall provide, at least ~~seven~~-ten days 11672  
prior to the meeting, copies of the proposed agenda and 11673  
supporting documentation to the members of the board and to ~~the~~ 11674  
~~legislative budget office of the~~ legislative service commission. 11675

The director shall designate an employee of the office of 11676  
budget and management to serve as secretary of the controlling 11677  
board. The secretary shall assist the president of the board and 11678  
shall make and keep a record of each request received by the 11679  
board and of its action thereon. The secretary shall certify a 11680  
copy of the record of each action to each member of the board 11681  
and to the director. 11682

The controlling board may adopt procedural rules for the 11683  
conduct of the business of the board, may approve, disapprove, 11684  
modify as to specific dollar amounts, or defer requests, and may 11685  
require that a request from the senate, the house of 11686  
representatives, the supreme court, or an elected member of the 11687  
executive department as defined in Section 1 of Article III, 11688  
Ohio Constitution, not currently before the controlling board be 11689

added to the agenda for a specified future meeting of the board, 11690  
provided that such request has been previously submitted to the 11691  
president for inclusion in the agenda for a board meeting. The 11692  
controlling board also may adopt rules authorizing the president 11693  
to act on its behalf in exigent circumstances affecting the 11694  
public health, safety, or welfare. 11695

The affirmative vote of no fewer than four members of the 11696  
controlling board shall be required for any action of the board. 11697  
The board shall meet at least once a month. 11698

**Sec. 127.16.** (A) Upon the request of either a state agency 11699  
or the director of budget and management and after the 11700  
controlling board determines that an emergency or a sufficient 11701  
economic reason exists, the controlling board may approve the 11702  
making of a purchase without competitive selection as provided 11703  
in division (B) of this section. 11704

(B) Except as otherwise provided in this section, no state 11705  
agency, using money that has been appropriated to it directly, 11706  
shall: 11707

(1) Make any purchase from a particular supplier, that 11708  
would amount to fifty thousand dollars or more when combined 11709  
with both the amount of all disbursements to the supplier during 11710  
the fiscal year for purchases made by the agency and the amount 11711  
of all outstanding encumbrances for purchases made by the agency 11712  
from the supplier, unless the purchase is made by competitive 11713  
selection or with the approval of the controlling board; 11714

(2) Lease real estate from a particular supplier, if the 11715  
lease would amount to seventy-five thousand dollars or more when 11716  
combined with both the amount of all disbursements to the 11717  
supplier during the fiscal year for real estate leases made by 11718

the agency and the amount of all outstanding encumbrances for 11719  
real estate leases made by the agency from the supplier, unless 11720  
the lease is made by competitive selection or with the approval 11721  
of the controlling board. 11722

(C) Any person who authorizes a purchase in violation of 11723  
division (B) of this section shall be liable to the state for 11724  
any state funds spent on the purchase, and the attorney general 11725  
shall collect the amount from the person. 11726

(D) Nothing in division (B) of this section shall be 11727  
construed as: 11728

(1) A limitation upon the authority of the director of 11729  
transportation as granted in sections 5501.17, 5517.02, and 11730  
5525.14 of the Revised Code; 11731

(2) Applying to medicaid provider agreements under the 11732  
medicaid program; 11733

(3) Applying to the purchase of examinations from a sole 11734  
supplier by a state licensing board under Title XLVII of the 11735  
Revised Code; 11736

(4) Applying to entertainment contracts for the Ohio state 11737  
fair entered into by the Ohio expositions commission, provided 11738  
that the controlling board has given its approval to the 11739  
commission to enter into such contracts and has approved a total 11740  
budget amount for such contracts as agreed upon by commission 11741  
action, and that the commission causes to be kept itemized 11742  
records of the amounts of money spent under each contract and 11743  
annually files those records with the clerk of the house of 11744  
representatives and the clerk of the senate following the close 11745  
of the fair; 11746

(5) Limiting the authority of the chief of the division of 11747

mineral resources management to contract for reclamation work 11748  
with an operator mining adjacent land as provided in section 11749  
1513.27 of the Revised Code; 11750

(6) Applying to investment transactions and procedures of 11751  
any state agency, except that the agency shall file with the 11752  
board the name of any person with whom the agency contracts to 11753  
make, broker, service, or otherwise manage its investments, as 11754  
well as the commission, rate, or schedule of charges of such 11755  
person with respect to any investment transactions to be 11756  
undertaken on behalf of the agency. The filing shall be in a 11757  
form and at such times as the board considers appropriate. 11758

(7) Applying to purchases made with money for the per cent 11759  
for arts program established by section 3379.10 of the Revised 11760  
Code; 11761

(8) Applying to purchases made by the opportunities for 11762  
Ohioans with disabilities agency of services, or supplies, that 11763  
are provided to persons with disabilities, or to purchases made 11764  
by the agency in connection with the eligibility determinations 11765  
it makes for applicants of programs administered by the social 11766  
security administration; 11767

(9) Applying to payments by the department of medicaid 11768  
under section 5164.85 of the Revised Code for group health plan 11769  
premiums, deductibles, coinsurance, and other cost-sharing 11770  
expenses; 11771

(10) Applying to any agency of the legislative branch of 11772  
the state government; 11773

(11) Applying to agreements or contracts entered into 11774  
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 11775  
of the Revised Code; 11776

(12) Applying to purchases of services by the adult parole	11777
authority under section 2967.14 of the Revised Code or by the	11778
department of youth services under section 5139.08 of the	11779
Revised Code;	11780
(13) Applying to dues or fees paid for membership in an	11781
organization or association;	11782
(14) Applying to purchases of utility services pursuant to	11783
section 9.30 of the Revised Code;	11784
(15) Applying to purchases made in accordance with rules	11785
adopted by the department of administrative services of motor	11786
vehicle, aviation, or watercraft fuel, or emergency repairs of	11787
such vehicles;	11788
(16) Applying to purchases of tickets for passenger air	11789
transportation;	11790
(17) Applying to purchases necessary to provide public	11791
notifications required by law or to provide notifications of job	11792
openings;	11793
(18) Applying to the judicial branch of state government;	11794
(19) Applying to purchases of liquor for resale by the	11795
division of liquor control;	11796
(20) Applying to purchases of motor courier and freight	11797
services made in accordance with department of administrative	11798
services rules;	11799
(21) Applying to purchases from the United States postal	11800
service and purchases of stamps and postal meter replenishment	11801
from vendors at rates established by the United States postal	11802
service;	11803



- (22) Applying to purchases of books, periodicals, 11804  
pamphlets, newspapers, maintenance subscriptions, and other 11805  
published materials; 11806
- (23) Applying to purchases from other state agencies, 11807  
including state-assisted institutions of higher education or the 11808  
Ohio history connection; 11809
- (24) Applying to purchases from a qualified nonprofit 11810  
agency pursuant to sections 125.60 to 125.6012 ~~or 4115.31 to~~ 11811  
~~4115.35~~ of the Revised Code; 11812
- (25) Applying to payments by the department of job and 11813  
family services to the United States department of health and 11814  
human services for printing and mailing notices pertaining to 11815  
the tax refund offset program of the internal revenue service of 11816  
the United States department of the treasury; 11817
- (26) Applying to contracts entered into by the department 11818  
of developmental disabilities under section 5123.18 of the 11819  
Revised Code; 11820
- (27) Applying to payments made by the department of mental 11821  
health and addiction services under a physician recruitment 11822  
program authorized by section 5119.185 of the Revised Code; 11823
- (28) Applying to contracts entered into with persons by 11824  
the director of commerce for unclaimed funds collection and 11825  
remittance efforts as provided in division (G) of section 169.03 11826  
of the Revised Code. The director shall keep an itemized 11827  
accounting of unclaimed funds collected by those persons and 11828  
amounts paid to them for their services. 11829
- (29) Applying to purchases made by a state institution of 11830  
higher education in accordance with the terms of a contract 11831  
between the vendor and an inter-university purchasing group 11832

comprised of purchasing officers of state institutions of higher education;	11833 11834
(30) Applying to the department of medicaid's purchases of health assistance services under the children's health insurance program;	11835 11836 11837
(31) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	11838 11839 11840 11841 11842
(32) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	11843 11844 11845
(33) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;	11846 11847 11848 11849
(34) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;	11850 11851 11852 11853
(35) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;	11854 11855
(36) Applying to contracts entered into under section 5160.12 of the Revised Code;	11856 11857
(37) Applying to payments to the Ohio history connection from other state agencies.	11858 11859
(E) When determining whether a state agency has reached	11860

the cumulative purchase thresholds established in divisions (B) 11861  
(1) and (2) of this section, the following purchases by such 11862  
agency shall not be considered: 11863

(1) Purchases made through competitive selection or with 11864  
controlling board approval; 11865

(2) Purchases listed in division (D) of this section; 11866

(3) For the purposes of the threshold of division (B) (1) 11867  
of this section only, leases of real estate. 11868

(F) A state agency, when exercising direct purchasing 11869  
authority under this section, shall utilize a selection process 11870  
that complies with all applicable laws, rules, or regulations of 11871  
the department of administrative services. 11872

(G) As used in this section, "competitive selection," 11873  
"direct purchasing authority," "purchase," "supplies," and 11874  
"services" have the same meanings as in section 125.01 of the 11875  
Revised Code. 11876

**Sec. 128.021.** (A) Not later than January 1, 2014, and in 11877  
accordance with Chapter 119. of the Revised Code, the steering 11878  
committee shall adopt rules that establish technical and 11879  
operational standards for public safety answering points 11880  
eligible to receive disbursements under section 128.55 of the 11881  
Revised Code. The rules shall incorporate industry standards and 11882  
best practices for 9-1-1 services. Public safety answering 11883  
points shall comply with the standards not later than two years 11884  
after the effective date of the rules adopting the standards. A 11885  
public safety answering point may be deemed compliant with rules 11886  
for minimum staffing standards, if it can demonstrate compliance 11887  
with all other rules for operational standards. 11888

(B) Not later than one year after September 29, 2015, and 11889

in accordance with Chapter 119. of the Revised Code, the 11890  
steering committee shall conduct an assessment of the 11891  
operational standards for public safety answering points 11892  
developed under division (A) of this section and revise the 11893  
standards as necessary to ensure that the operational standards 11894  
contain the following: 11895

(1) Policies to ensure that public safety answering point 11896  
personnel prioritize life-saving questions in responding to each 11897  
call to a 9-1-1 system established under this chapter; 11898

(2) A requirement that all public safety answering point 11899  
personnel complete proper training or provide proof of prior 11900  
training to give instructions regarding emergency situations. 11901

(C) Upon the effective date of the amendments to this 11902  
section by ~~this act~~ H.B. 33 of the 135th general assembly, 11903  
October 3, 2023, all public safety answering points that answer 11904  
9-1-1 calls for service ~~from wireless services~~ shall be subject 11905  
to the public safety answering point operations rules. Public 11906  
safety answering points not originally required to be compliant 11907  
shall comply with the standards not later than two years after 11908  
the effective date of the amendments to this section by ~~this act~~ 11909  
H.B. 33 of the 135th general assembly, October 3, 2023. 11910

**Sec. 128.41.** (A) As used in this section, "communications 11911  
service" means any wireless service, multiline telephone system, 11912  
and voice over internet protocol system to which both of the 11913  
following apply: 11914

(1) The service or system is registered to the 11915  
subscriber's address within this state or the subscriber's 11916  
primary place of using the service or system is in this state. 11917

(2) The service or system is capable of initiating a 11918

direct connection to 9-1-1. 11919

(B) After the expiration of the charge described in 11920  
division (A)(1) of section 128.40 of the Revised Code and except 11921  
as provided in sections 128.413 and 128.42 of the Revised Code, 11922  
there is imposed a next generation 9-1-1 access fee of ~~forty-~~ 11923  
sixty cents per month on each communications service, which 11924  
shall be imposed as follows: 11925

(1) In the case of wireless telephone service, a 11926  
subscriber shall pay a separate next generation 9-1-1 access fee 11927  
for each wireless telephone number assigned to the subscriber. 11928

(2) In the case of a voice over internet protocol system, 11929  
a subscriber shall pay a separate fee for each voice channel 11930  
provided to the subscriber through the system. The number of 11931  
voice channels shall be equal to the number of outbound calls 11932  
the subscriber can maintain at the same time using the system, 11933  
but excludes a direct inward dialing number that merely routes 11934  
an inbound call. The maximum number of separate fees imposed on 11935  
a subscriber's system shall not exceed one hundred voice 11936  
channels per network. 11937

(3) In the case of a multiline telephone system, the 11938  
subscriber shall pay a separate fee for each line. The maximum 11939  
number of separate fees imposed on a single subscriber with a 11940  
multiline telephone system shall not exceed one hundred per 11941  
building with a unique street address or physically identifiable 11942  
location. 11943

(C) If more than one communications service shares the 11944  
same telephone number, then the next generation 9-1-1 access fee 11945  
imposed shall not exceed ~~forty-~~sixty cents per month. 11946

**Sec. 128.46.** (A)(1) An entity required to collect a 11947

wireless 9-1-1 charge under section 128.40 of the Revised Code 11948  
or the next generation 9-1-1 access fee under section 128.414 or 11949  
128.421 of the Revised Code shall, on or before the twenty-third 11950  
day of each month, except as provided in divisions (A) (2) and 11951  
(3) of this section, do both of the following: 11952

(a) Make and file a return for the preceding month, in the 11953  
form prescribed by the tax commissioner, showing the amount of 11954  
the charges or fees due for that month; 11955

(b) Remit the full amount due, as shown on the return, 11956  
with the exception of charges or fees equivalent to the amount 11957  
authorized as a collection fee under division (B) of this 11958  
section. 11959

(2) The commissioner may grant one or more thirty-day 11960  
extensions for making and filing returns and remitting amounts 11961  
due. 11962

(3) If a seller is required to collect prepaid wireless 9- 11963  
1-1 charges under section 128.40 of the Revised Code or next 11964  
generation 9-1-1 access fees under section 128.421 of the 11965  
Revised Code in amounts that do not merit monthly returns, the 11966  
commissioner may authorize the seller to make and file returns 11967  
less frequently. The commissioner shall ascertain whether this 11968  
authorization is warranted upon the basis of administrative 11969  
costs to the state. 11970

(B) A wireless service provider, reseller, and seller may 11971  
each retain as a collection fee three per cent of the total 11972  
wireless 9-1-1 charges required to be collected under sections 11973  
128.40, 128.41, and 128.42 of the Revised Code, and shall 11974  
account to the tax commissioner for the amount retained. 11975

(C) The return required under division (A) (1) (a) of this 11976

section shall be filed electronically using the Ohio business 11977  
gateway, as defined in section 718.01 of the Revised Code, or 11978  
any other electronic means prescribed by the tax commissioner. 11979  
Remittance of the amount due shall be made electronically in a 11980  
manner approved by the commissioner. An entity required to file 11981  
the return may apply to the commissioner on a form prescribed by 11982  
the commissioner to be excused from either electronic 11983  
requirement of this division. For good cause shown, the 11984  
commissioner may excuse the entity from either or both of the 11985  
requirements and may permit the entity to file returns or make 11986  
remittances by nonelectronic means. 11987

(D) (1) Each subscriber or consumer on which a wireless 9- 11988  
1-1 charge is imposed under section 128.40 of the Revised Code 11989  
or on which a next generation 9-1-1 access fee is imposed under 11990  
section 128.41 or 128.42 of the Revised Code is liable to the 11991  
state for the amount of the charge. 11992

(2) An entity required to collect the wireless 9-1-1 11993  
charge under section 128.40 of the Revised Code or the next 11994  
generation 9-1-1 access fee under section 128.414 or 128.421 of 11995  
the Revised Code is liable to the state for any amount that was 11996  
required to be collected but that was not remitted, regardless 11997  
of whether the amount was collected. 11998

(3) No provider of a prepaid wireless calling service 11999  
shall be liable to the state for any wireless 9-1-1 charge 12000  
imposed under section 128.40 of the Revised Code or any next 12001  
generation 9-1-1 access fee imposed under section 128.42 of the 12002  
Revised Code that was not collected or remitted. 12003

(E) (1) If the tax commissioner has reason to believe that 12004  
an entity required to collect a wireless 9-1-1 charge under 12005  
section 128.40 of the Revised Code or the next generation 9-1-1 12006

access fee under section 128.414 or 128.421 of the Revised Code 12007  
has failed to bill, collect, or remit the charge or fee as 12008  
required by this section and sections 128.40 to 128.422 of the 12009  
Revised Code or has retained more than the amount authorized 12010  
under division (B) of this section, and after written notice to 12011  
the entity, the tax commissioner may audit the entity for the 12012  
sole purpose of making such a determination. The audit may 12013  
include, but is not limited to, a sample of the entity's 12014  
billings, collections, remittances, or retentions for a 12015  
representative period, and the tax commissioner shall make a 12016  
good faith effort to reach agreement with the entity in 12017  
selecting that sample. 12018

(2) Upon written notice to the entity, the tax 12019  
commissioner, after completion of the audit, may make an 12020  
assessment against the entity if, pursuant to the audit, the tax 12021  
commissioner determines that the entity has failed to bill, 12022  
collect, or remit the charge or fee as required by sections 12023  
128.40 to 128.422 of the Revised Code or has retained more than 12024  
the amount authorized under division (B) of this section. The 12025  
assessment shall be in the amount of any remittance that was due 12026  
and unpaid on the date notice of the audit was sent by the tax 12027  
commissioner to the entity or, as applicable, in the amount of 12028  
the excess amount under division (B) of this section retained by 12029  
the entity as of that date. 12030

(3) The portion of any assessment consisting of charges or 12031  
fees due and not paid within sixty days after the date that the 12032  
assessment was made under division (E) (2) of this section shall 12033  
bear interest from that date until paid at the rate per annum 12034  
prescribed by section 5703.47 of the Revised Code. That interest 12035  
may be collected by making an assessment under division (E) (2) 12036  
of this section. 12037



(4) Unless the entity assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment, signed by the entity assessed or that entity's authorized agent having knowledge of the facts, the assessment shall become final and the amount of the assessment shall be due and payable from the entity assessed to the treasurer of state, for deposit to the next generation 9-1-1 fund, which is created under section 128.54 of the Revised Code. The petition shall indicate the objections of the entity assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas in the county in which the business of the assessed entity is conducted. If the entity assessed maintains no place of business in this state, the certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed entity in the amount shown on the final assessment. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for 9-1-1 charges and fees" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the tax commissioner.

(6) If the commissioner determines that the commissioner

erroneously has refunded a 9-1-1 charge or fee to any person, 12069  
the commissioner may make an assessment against that person for 12070  
recovery of the erroneously refunded charge. 12071

(7) An assessment under division (E) of this section does 12072  
not discharge a subscriber's or consumer's liability to 12073  
reimburse the entity for a 9-1-1 charge or fee. If, after the 12074  
date of service of the audit notice under division (E)(1) of 12075  
this section, a subscriber or consumer pays a 9-1-1 charge or 12076  
fee for the period covered by the assessment, the payment shall 12077  
be credited against the assessment. 12078

**Sec. 128.54.** (A) (1) For the purpose of receiving, 12079  
distributing, and accounting for amounts received from the 12080  
wireless 9-1-1 charges imposed under section 128.40 of the 12081  
Revised Code and the next generation 9-1-1 access fees imposed 12082  
under sections 128.41 and 128.42 of the Revised Code, the 12083  
following funds are created in the state treasury: 12084

(a) The 9-1-1 government assistance fund; 12085

(b) The 9-1-1 administrative fund; 12086

(c) The 9-1-1 program fund; 12087

(d) The next generation 9-1-1 fund. 12088

(2) Amounts remitted under section 128.46 of the Revised 12089  
Code shall be paid to the treasurer of state for deposit as 12090  
follows: 12091

(a) ~~Seventy-two~~ Eighty-one and one-third per cent to the 12092  
9-1-1 government assistance fund. All interest earned on the 9- 12093  
1-1 government assistance fund shall be credited to the fund. 12094

(b) ~~One-Two-thirds of one~~ per cent to the 9-1-1 12095  
administrative fund; 12096

(c) ~~Two~~ One and one-third per cent to the 9-1-1 program 12097  
fund; 12098

(d) ~~Twenty-five~~ Sixteen and two-thirds per cent to the 12099  
next generation 9-1-1 fund. 12100

(3) The tax commissioner shall use the 9-1-1 12101  
administrative fund to defray the costs incurred in carrying out 12102  
this chapter. 12103

(4) The steering committee shall use the 9-1-1 program 12104  
fund to defray the costs incurred by the steering committee in 12105  
carrying out this chapter. 12106

(5) Annually, the tax commissioner, after paying 12107  
administrative costs under division (A) (3) of this section, 12108  
shall transfer any excess remaining in the 9-1-1 administrative 12109  
fund to the next generation 9-1-1 fund, created under this 12110  
section. 12111

(B) At the direction of the steering committee, the tax 12112  
commissioner shall transfer the funds remaining in the 9-1-1 12113  
government assistance fund to the credit of the next generation 12114  
9-1-1 fund. All interest earned on the next generation 9-1-1 12115  
fund shall be credited to the fund. 12116

(C) From the funds created in division (A) (1) of this 12117  
section, the director of budget and management shall, as funds 12118  
are available, transfer to the tax refund fund, created under 12119  
section 5703.052 of the Revised Code, amounts equal to the 12120  
refunds certified by the tax commissioner under division (D) of 12121  
section 128.47 of the Revised Code, in the same percentage as 12122  
the certified refund amounts were deposited in those funds as 12123  
specified in division (A) (2) of this section. 12124

(D) The department of administrative services may move 12125

funds between the next generation 9-1-1 fund and the 9-1-1 12126  
government assistance fund to ensure funding remains sustainable 12127  
for both funds. 12128

**Sec. 131.01.** As used in Chapters 113., 117., 123., 124., 12129  
125., 126., 127., and 131. of the Revised Code, and any statute 12130  
that uses the terms in connection with state accounting or 12131  
budgeting: 12132

(A) "Account" means any record, element, or summary in 12133  
which financial transactions are identified and recorded as 12134  
debit or credit transactions in order to summarize items of a 12135  
similar nature or classification. 12136

(B) "Accounting procedure" means the arrangement of all 12137  
processes which discover, record, and summarize financial 12138  
information to produce financial statements and reports and to 12139  
provide internal control. 12140

(C) "Accounting system" means the total structure of 12141  
records and procedures which discover, record, classify, and 12142  
report information on the financial position and operations of a 12143  
governmental unit or any of its funds and organizational 12144  
components. 12145

(D) "Allocation" means a portion of an appropriation which 12146  
is designated for expenditure by specific organizational units 12147  
or for special purposes, activities, or objects that do not 12148  
relate to a period of time. 12149

(E) "Allotment" means all or part of an appropriation 12150  
which may be encumbered or expended within a specific period of 12151  
time. 12152

(F) "Appropriation" means an authorization granted by the 12153  
general assembly to make expenditures and to incur obligations 12154

for specific purposes. 12155

(G) "Assets" means resources owned, controlled, or 12156  
otherwise used or held by the state which have monetary value. 12157

(H) "Budget" means the plan of financial operation 12158  
embodying an estimate of proposed expenditures and obligations 12159  
for a given period and the proposed means of financing them. 12160

(I) "Check" means a negotiable financial instrument, 12161  
payable upon demand, directing a financial institution to 12162  
transfer money from the payer's account to the payee. 12163

(J) "Direct deposit" is a form of electronic funds 12164  
transfer in which money is electronically deposited into the 12165  
account of a person or entity at a financial institution. 12166

~~(J)~~ (K) "Disbursement" means a payment made for any 12167  
purpose. 12168

~~(K)~~ (L) "Electronic benefit transfer" means the electronic 12169  
delivery of benefits through automated teller machines, point of 12170  
sale terminals, or other electronic media pursuant to section 12171  
5101.33 of the Revised Code. 12172

~~(L)~~ (M) "Electronic funds transfer" means the electronic 12173  
movement of funds via automated clearing house or wire transfer. 12174

~~(M)~~ (N) "Encumbrancing document" means a document reserving 12175  
all or part of an appropriation. 12176

~~(N)~~ (O) "Expenditure" means a reduction of the balance of 12177  
an appropriation after legal requirements have been met. 12178

~~(O)~~ (P) "Fund" means an independent fiscal and accounting 12179  
entity with a self-balancing set of accounts recording cash or 12180  
other resources, together with all related liabilities, 12181

obligations, reserves, and fund balances which are segregated 12182  
for the purpose of carrying on specific activities or attaining 12183  
certain objectives in accordance with special rules, 12184  
restrictions, or limitations. 12185

~~(P)~~(Q) "Lapse" means the automatic termination of an 12186  
appropriation at the end of the fiscal period for which it was 12187  
appropriated. 12188

~~(Q)~~(R) "Reappropriation" means an appropriation of a 12189  
previous appropriation that is continued in force in a 12190  
succeeding appropriation period. "Reappropriation" shall be 12191  
equated with and incorporated in the term "appropriation." 12192

~~(R)~~(S) "Stored value card" means a payment card that may 12193  
have money loaded and stored on the card and accessed through 12194  
automated teller machines, point of sale terminals, or other 12195  
electronic media. "Stored value card" does not include any 12196  
payment card linked to, and that can access money in, an 12197  
external account maintained by a financial institution. 12198

~~(S)~~(T) "Voucher" means the document used to transmit a 12199  
claim for payment and evidentiary matter related to the claim. 12200

~~(T)~~(U) "Warrant" means an order drawn upon the treasurer 12201  
of state by the director of budget and management, or an 12202  
authorized person at a state entity that has a custodial account 12203  
in the custody of the treasurer of state, directing the 12204  
treasurer of state to pay a specified amount to one or more 12205  
specified payees. A variety of payment instruments may be used, 12206  
including but not limited to paper warrants or checks, stored 12207  
value cards, direct deposit to the payee's bank account, or the 12208  
drawdown of funds by electronic benefit transfer, and the 12209  
resulting electronic transfer to or by the ultimate payees. 12210

The terms defined in this section shall be used, on all 12211  
accounting forms, reports, formal rules, and budget requests 12212  
produced by a state agency, only as defined in this section. 12213

**Sec. 131.02.** (A) Except as otherwise provided in section 12214  
4123.37, section 5703.061, and division (K) of section 4123.511 12215  
of the Revised Code, whenever any amount is payable to the 12216  
state, the officer, employee, or agent responsible for 12217  
administering the law under which the amount is payable shall 12218  
immediately proceed to collect the amount or cause the amount to 12219  
be collected and shall pay the amount into the state treasury or 12220  
into the appropriate custodial fund in the manner set forth 12221  
pursuant to section 113.08 of the Revised Code. 12222

Except as otherwise provided in this division, if the 12223  
amount is not paid within forty-five days after payment is due, 12224  
the officer, employee, or agent shall certify the amount due to 12225  
the attorney general, in accordance with section 131.026 of the 12226  
Revised Code and in the form and manner prescribed by the 12227  
attorney general. In the case of an amount payable by a student 12228  
enrolled in a state institution of higher education, the amount 12229  
shall be certified, in accordance with section 131.026 of the 12230  
Revised Code, within the later of forty-five days after the 12231  
amount is due or the tenth day after the beginning of the next 12232  
academic semester, quarter, or other session following the 12233  
session for which the payment is payable. The attorney general 12234  
may assess the collection cost to the amount certified in such 12235  
manner and amount as prescribed by the attorney general. If an 12236  
amount payable to a political subdivision is past due, the 12237  
political subdivision may, with the approval of the attorney 12238  
general, certify the amount to the attorney general pursuant to 12239  
this section in accordance with section 131.026 of the Revised 12240  
Code. 12241

For the purposes of this section, the attorney general and 12242  
the officer, employee, or agent responsible for administering 12243  
the law under which the amount is payable shall agree on the 12244  
time a payment is due, and that agreed upon time shall be one of 12245  
the following times: 12246

(1) If a law, including an administrative rule, of this 12247  
state prescribes the time a payment is required to be made or 12248  
reported, when the payment is required by that law to be paid or 12249  
reported. 12250

(2) If the payment is for services rendered, when the 12251  
rendering of the services is completed. 12252

(3) If the payment is reimbursement for a loss, when the 12253  
loss is incurred. 12254

(4) In the case of a fine or penalty for which a law or 12255  
administrative rule does not prescribe a time for payment, when 12256  
the fine or penalty is first assessed. 12257

(5) If the payment arises from a legal finding, judgment, 12258  
or adjudication order, when the finding, judgment, or order is 12259  
rendered or issued. 12260

(6) If the payment arises from an overpayment of money by 12261  
the state to another person, when the overpayment is discovered. 12262

(7) The date on which the amount for which an individual 12263  
is personally liable under section 5735.35, section 5739.33, or 12264  
division (G) of section 5747.07 of the Revised Code is 12265  
determined. 12266

(8) Upon proof of claim being filed in a bankruptcy case. 12267

(9) Any other appropriate time determined by the attorney 12268  
general and the officer, employee, or agent responsible for 12269



administering the law under which the amount is payable on the 12270  
basis of statutory requirements or ordinary business processes 12271  
of the agency, institution, or political subdivision to which 12272  
the payment is owed. 12273

(B) (1) The Upon certification of an amount due in 12274  
accordance with division (A) of this section and section 131.026 12275  
of the Revised Code, the attorney general shall give immediate 12276  
notice by mail or otherwise in the manner described in section 12277  
131.026 of the Revised Code to the party indebted of the nature 12278  
and amount of the indebtedness. 12279

(2) If the amount payable to this state arises from a tax 12280  
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 12281  
Revised Code, the notice also shall specify all of the 12282  
following: 12283

(a) The assessment or case number; 12284

(b) The tax pursuant to which the assessment is made; 12285

(c) The reason for the liability, including, if 12286  
applicable, that a penalty or interest is due; 12287

(d) An explanation of how and when interest will be added 12288  
to the amount assessed; 12289

(e) That the attorney general and tax commissioner, acting 12290  
together, have the authority, but are not required, to 12291  
compromise the claim and accept payment over a reasonable time, 12292  
if such actions are in the best interest of the state. 12293

(C) The attorney general shall collect the claim or secure 12294  
a judgment and issue an execution for its collection. 12295

(D) Each claim shall bear interest, from the day on which 12296  
the claim became due, at the rate per annum required by section 12297

5703.47 of the Revised Code. 12298

(E) The attorney general and the chief officer of the 12299  
agency reporting a claim, acting together, may do any of the 12300  
following if such action is in the best interests of the state: 12301

(1) Compromise the claim; 12302

(2) Extend for a reasonable period the time for payment of 12303  
the claim by agreeing to accept monthly or other periodic 12304  
payments. The agreement may require security for payment of the 12305  
claim. 12306

(3) Add fees to recover the cost of processing checks or 12307  
other draft instruments returned for insufficient funds and the 12308  
cost of providing electronic payment options. 12309

(F) (1) Except as provided in division (F) (2) of this 12310  
section, if the attorney general finds, after investigation, 12311  
that any claim due and owing to the state is uncollectible, the 12312  
attorney general, with the consent of the chief officer of the 12313  
agency reporting the claim, may do the following: 12314

(a) Sell, convey, or otherwise transfer the claim to one 12315  
or more private entities for collection; 12316

(b) Cancel the claim or cause it to be canceled. 12317

(2) The attorney general shall cancel or cause to be 12318  
canceled an unsatisfied claim on the date that is forty years 12319  
after the date the claim is certified, unless the attorney 12320  
general has adopted a rule under division (F) (5) of this section 12321  
shortening this time frame with respect to a subset of claims. 12322

(3) No initial action shall be commenced to collect any 12323  
tax payable to the state that is administered by the tax 12324  
commissioner, whether or not such tax is subject to division (B) 12325

of this section, or any penalty, interest, or additional charge 12326  
on such tax, after the expiration of the period ending on the 12327  
later of the dates specified in divisions (F) (3) (a) and (b) of 12328  
this section, provided that such period shall be extended by the 12329  
period of any stay to such collection or by any other period to 12330  
which the parties mutually agree. If the initial action in aid 12331  
of execution is commenced before the later of the dates 12332  
specified in divisions (F) (3) (a) and (b) of this section, any 12333  
and all subsequent actions may be pursued in aid of execution of 12334  
judgment for as long as the debt exists. 12335

(a) Seven years after the assessment of the tax, penalty, 12336  
interest, or additional charge is issued. 12337

(b) Four years after the assessment of the tax, penalty, 12338  
interest, or additional charge becomes final. For the purposes 12339  
of division (F) (3) (b) of this section, the assessment becomes 12340  
final at the latest of the following: upon expiration of the 12341  
period to petition for reassessment, or if applicable, to appeal 12342  
a final determination of the commissioner or decision of the 12343  
board of tax appeals or a court, or, if applicable, upon 12344  
decision of the United States supreme court. 12345

For the purposes of division (F) (3) of this section, an 12346  
initial action to collect a tax debt is commenced at the time 12347  
when a certified copy of the tax commissioner's entry making an 12348  
assessment final has been filed in the office of the clerk of 12349  
court of common pleas in the county in which the taxpayer 12350  
resides or has its principal place of business in this state, or 12351  
in the office of the clerk of court of common pleas of Franklin 12352  
county, as provided in section 5739.13, 5741.14, 5747.13, or 12353  
5751.09 of the Revised Code or in any other applicable law 12354  
requiring such a filing. If an assessment has not been issued 12355

and there is no time limitation on the issuance of an assessment 12356  
under applicable law, an action to collect a tax debt commences 12357  
when the action is filed in the courts of this state to collect 12358  
the liability. 12359

(4) If information contained in a claim that is sold, 12360  
conveyed, or transferred to a private entity pursuant to this 12361  
section is confidential pursuant to federal law or a section of 12362  
the Revised Code that implements a federal law governing 12363  
confidentiality, such information remains subject to that law 12364  
during and following the sale, conveyance, or transfer. 12365

(5) The attorney general may adopt rules to aid in the 12366  
implementation of this section. 12367

**Sec. 131.026.** (A) For purposes of this section: 12368

(1) "Last known address" means the mailing address or the 12369  
electronic mail address appearing in the official records of the 12370  
officer, employee, or agent responsible for administering the 12371  
law under which an amount is payable or of the attorney general. 12372

(2) "Traceable delivery service" means a delivery service 12373  
provided by the United States postal service or a domestic 12374  
commercial delivery service allowing the sender to track a sent 12375  
item's progress and providing notice of a completed delivery to 12376  
the sender. 12377

(B) Before an officer, employee, or agent responsible for 12378  
administering the law under which an amount is due certifies the 12379  
amount due to the attorney general under section 131.02 of the 12380  
Revised Code, the officer, employee, or agent shall serve a 12381  
notice to the debtor or the debtor's statutory agent in the 12382  
manner described in this section. The officer, employee, or 12383  
agent shall serve a notice not sooner than forty-five days, nor 12384

later than sixty days, after payment is due. 12385

(C) The notice shall include all of the following 12386  
information: 12387

(1) The name of the debtor or statutory agent; 12388

(2) The nature and amount of the indebtedness; 12389

(3) The information required under division (B) (2) of 12390  
section 131.02 of the Revised Code if the debt arises from a tax 12391  
levied. 12392

(D) (1) An officer, employee, or agent responsible for 12393  
administering the law under which an amount is payable or the 12394  
attorney general may serve a notice required by this section or 12395  
section 131.02 of the Revised Code through any of the following 12396  
methods: 12397

(a) Electronic mail at the debtor's or debtor's statutory 12398  
agent's last known address; 12399

(b) Facsimile transmission at the debtor's or debtor's 12400  
statutory agent's facsimile number appearing in the official 12401  
records of the officer, employee, or agent responsible for 12402  
administering the law under which an amount is payable or of the 12403  
attorney general; 12404

(c) Traceable delivery service at the debtor's or debtor's 12405  
statutory agent's last known address; 12406

(d) Personal service at the debtor's or debtor's statutory 12407  
agent's last known address. 12408

(2) Service of a notice required under this section or 12409  
section 131.02 of the Revised Code is complete on the following 12410  
dates: 12411

(a) For electronic mail, the date the receipt of the 12412  
document is relayed electronically by a direct reply from the 12413  
debtor or debtor's statutory agent to the officer, employee, or 12414  
agent responsible for administering the law under which an 12415  
amount is payable or to the attorney general or through 12416  
electronic tracking software demonstrating that the recipient 12417  
accessed the document. 12418

(b) For facsimile transmission, the date indicated on the 12419  
facsimile transmission confirmation page. 12420

(c) For traceable delivery service, the date of delivery 12421  
indicated on the notice of completed delivery provided by the 12422  
United States postal service or domestic commercial delivery 12423  
service. 12424

(d) For personal service, the date indicated on a document 12425  
confirming physical delivery signed by the debtor, the debtor's 12426  
statutory agent, an adult located at the debtor's or debtor's 12427  
statutory agent's last known address, or the delivery person. 12428

(E) (1) Upon receipt of the notice, the debtor or statutory 12429  
agent may satisfy the debt within thirty days of receiving the 12430  
notice. If the debt is satisfied within those thirty days, the 12431  
officer, employee, or agent shall not certify an amount due to 12432  
the attorney general. 12433

(2) If the debtor or statutory agent does not satisfy the 12434  
debt within thirty days after receiving the notice, the officer, 12435  
employee, or agent shall certify the amount due to the attorney 12436  
general. The attorney general shall collect the amount due in 12437  
accordance with section 131.02 of the Revised Code. If the 12438  
attorney general files a lien to collect the amount due, the 12439  
attorney general shall not file the lien unless both of the 12440

following are included with the lien when filing: 12441

(1) A copy of the notice required under division (B) of 12442  
this section; 12443

(2) Proof of service of the notice as described under 12444  
division (D) of this section. 12445

(F) (1) Nothing in this section prevents or limits the 12446  
attorney general or the appropriate authority from taking any 12447  
action set forth under divisions (E) or (F) of section 131.02 of 12448  
the Revised Code. 12449

(2) No amount that is payable under section 131.02 of the 12450  
Revised Code is deemed uncollectible, discharged, relieved, or 12451  
otherwise satisfied or non-payable because of any failure to 12452  
comply with a specific time requirement provided for under this 12453  
section. 12454

**Sec. 131.35.** (A) With respect to federal revenue received 12455  
into any fund of the state, except for those funds listed in 12456  
division (D) of section 127.14 of the Revised Code: 12457

(1) No state agency may make expenditures of any federal 12458  
revenue, whether the revenue is advanced prior to expenditure or 12459  
as reimbursement, unless such expenditures are made pursuant to 12460  
specific appropriations of the general assembly, are authorized 12461  
by the controlling board pursuant to division (A) (5) of this 12462  
section, or are authorized by an executive order issued in 12463  
accordance with section 107.17 of the Revised Code, and until an 12464  
allotment has been approved by the director of budget and 12465  
management. All federal revenue received by a state agency shall 12466  
be reported to the director within fifteen days of the receipt 12467  
of the revenue or the notification of award, whichever occurs 12468  
first. The director shall prescribe the forms and procedures to 12469

be used when reporting the receipt of federal revenue. 12470

(2) If the federal revenue received is greater than the 12471  
amount of the revenue appropriated by the general assembly for a 12472  
specific purpose, the total appropriation of federal and state 12473  
funds for such purpose shall remain at the amount designated by 12474  
the general assembly, except that the expenditure of federal 12475  
revenue received in excess of such specific appropriation may be 12476  
authorized by the controlling board, subject to division (D) of 12477  
this section. 12478

(3) To the extent that the expenditure of excess federal 12479  
revenue is authorized, the controlling board may transfer a like 12480  
amount of general revenue fund appropriation authority from the 12481  
affected agency to the emergency purposes appropriation of the 12482  
controlling board, if such action is permitted under federal 12483  
regulations. 12484

(4) Additional funds may be created by the controlling 12485  
board to receive revenues not anticipated in an appropriations 12486  
act for the biennium in which such new revenues are received. 12487  
Subject to division (D) of this section, expenditures from such 12488  
additional funds may be authorized by the controlling board, but 12489  
such authorization shall not extend beyond the end of the 12490  
biennium in which such funds are created. 12491

(5) Controlling board authorization for a state agency to 12492  
make an expenditure of federal revenue constitutes authority for 12493  
the agency to participate in the federal program providing the 12494  
revenue, and the agency is not required to obtain an executive 12495  
order under section 107.17 of the Revised Code to participate in 12496  
the federal program. 12497

(B) With respect to nonfederal revenue received into any 12498



fund of the state, except for any other fund listed in division 12499  
(D) of section 127.14 of the Revised Code: 12500

(1) No state agency may make expenditures of any of the 12501  
revenue unless the expenditures are made pursuant to specific 12502  
appropriations of the general assembly. 12503

(2) If the revenue received into any fund is greater than 12504  
the amount appropriated, the appropriation for that fund shall 12505  
remain at the amount designated by the general assembly or, 12506  
subject to division ~~(D)~~ (E) of this section, as increased and 12507  
approved by the controlling board. 12508

(3) Additional funds may be created by the controlling 12509  
board to receive revenues not anticipated in an appropriations 12510  
act for the biennium in which such new revenues are received. 12511  
Subject to division (D) of this section, expenditures from such 12512  
additional funds may be authorized by the controlling board, but 12513  
such authorization shall not extend beyond the end of the 12514  
biennium in which such funds are created. 12515

(C) The controlling board shall not authorize more than 12516  
ten per cent of additional spending from the occupational 12517  
licensing and regulatory fund, created in section 4743.05 of the 12518  
Revised Code, in excess of any appropriation made by the general 12519  
assembly to a licensing agency except an appropriation for costs 12520  
related to the examination or reexamination of applicants for a 12521  
license. As used in this division, "licensing agency" and 12522  
"license" have the same meanings as in section 4745.01 of the 12523  
Revised Code. 12524

(D) If federal revenue is received in the waterways safety 12525  
fund or wildlife fund, the controlling board, at the request of 12526  
the director of natural resources, may approve the expenditure 12527

of the federal revenue for purposes for which the federal 12528  
revenue was granted. 12529

(E) The amount of any expenditure authorized under 12530  
division (A) (2) or (4) or (B) (2) or (3) of this section for a 12531  
specific or related purpose or item in any fiscal year shall not 12532  
exceed an amount greater than ~~one-half of one per cent of the~~ 12533  
~~general revenue fund appropriations~~ one hundred million dollars 12534  
for that fiscal year. 12535

**Sec. 131.43.** There is hereby created in the state treasury 12536  
the budget stabilization fund. ~~All investment earnings of the~~ 12537  
~~fund shall be credited to the fund.~~ It is the intent of the 12538  
general assembly to maintain an amount of money in the budget 12539  
stabilization fund that amounts to approximately ten per cent of 12540  
the general revenue fund revenues for the preceding fiscal year. 12541  
The governor shall include in the state budget the governor 12542  
submits to the general assembly under section 107.03 of the 12543  
Revised Code proposals for transfers between the general revenue 12544  
fund and the budget stabilization fund for the ensuing fiscal 12545  
biennium. The balance in the fund may be combined with the 12546  
balance in the general revenue fund for purposes of cash 12547  
management. 12548

**Sec. 131.51.** (A) On or before the seventh day of each 12549  
month, the director of budget and management shall credit to the 12550  
local government fund one and ~~seven-tenths~~ seventy-five one- 12551  
hundredths per cent of the total tax revenue credited to the 12552  
general revenue fund during the preceding month. In determining 12553  
the total tax revenue credited to the general revenue fund 12554  
during the preceding month, the director shall include amounts 12555  
transferred from the fund during the preceding month under this 12556  
~~division and division (B) of this section.~~ Money shall be 12557

distributed from the local government fund as required under 12558  
sections 5747.50 and 5747.503 of the Revised Code during the 12559  
same month in which it is credited to the fund. 12560

(B) On or before the seventh day of each month, the 12561  
director of budget and management shall credit to the public 12562  
library fund ~~one and seven-tenths per cent of the total tax-~~ 12563  
~~revenue credited to the general revenue fund during the~~ 12564  
~~preceding month. In determining the total tax revenue credited~~ 12565  
~~to the general revenue fund during the preceding month, the~~ 12566  
~~director shall include amounts transferred from the fund during~~ 12567  
~~the preceding month under this division and division (A) of this~~ 12568  
~~section, from the general revenue fund, one-twelfth of the~~ 12569  
amount appropriated by the general assembly for the public 12570  
library fund for the fiscal year. Money shall be distributed 12571  
from the public library fund as required under section 5747.47 12572  
of the Revised Code during the same month in which it is 12573  
credited to the fund. 12574

(C) The director of budget and management shall develop a 12575  
schedule identifying the specific tax revenue sources to be used 12576  
to make the monthly transfers required under ~~divisions~~division 12577  
(A) ~~and (B)~~ of this section. The director may, from time to 12578  
time, revise the schedule as the director considers necessary. 12579

**Sec. 133.18.** (A) The taxing authority of a subdivision may 12580  
by legislation submit to the electors of the subdivision the 12581  
question of issuing any general obligation bonds, for one 12582  
purpose, that the subdivision has power or authority to issue. 12583

(B) When the taxing authority of a subdivision desires or 12584  
is required by law to submit the question of a bond issue to the 12585  
electors, and subject to division (J) of this section, it shall 12586  
pass legislation that does all of the following: 12587

(1) Declares the necessity and purpose of the bond issue; 12588

(2) States the date of the authorized election at which 12589  
the question shall be submitted to the electors; 12590

(3) States the amount, approximate date, estimated net 12591  
average rate of interest, and maximum number of years over which 12592  
the principal of the bonds may be paid; 12593

(4) Declares the necessity of levying a tax outside the 12594  
tax limitation to pay the debt charges on the bonds and any 12595  
anticipatory securities. 12596

The estimated net average interest rate shall be 12597  
determined by the taxing authority based on, among other 12598  
factors, then existing market conditions, and may reflect 12599  
adjustments for any anticipated direct payments expected to be 12600  
received by the taxing authority from the government of the 12601  
United States relating to the bonds and the effect of any 12602  
federal tax credits anticipated to be available to owners of all 12603  
or a portion of the bonds. The estimated net average rate of 12604  
interest, and any statutory or charter limit on interest rates 12605  
that may then be in effect and that is subsequently amended, 12606  
shall not be a limitation on the actual interest rate or rates 12607  
on the securities when issued. 12608

(C) The taxing authority shall certify a copy of the 12609  
legislation passed under division (B) of this section to the 12610  
county auditor. The county auditor shall promptly calculate and 12611  
advise and, not later than ninety days before the election, 12612  
confirm that advice by certification to the taxing authority the 12613  
estimated average annual property tax levy, expressed in dollars 12614  
for each one hundred thousand dollars of ~~the county auditor's~~ 12615  
~~appraised~~ market value and in mills for each one dollar of 12616

taxable value, that the county auditor estimates to be required 12617  
throughout the stated maturity of the bonds to pay the debt 12618  
charges on the bonds. In calculating the estimated average 12619  
annual property tax levy for this purpose, the county auditor 12620  
shall assume that the bonds are issued in one series bearing 12621  
interest and maturing in substantially equal principal amounts 12622  
in each year over the maximum number of years over which the 12623  
principal of the bonds may be paid as stated in that 12624  
legislation, and that the amount of the tax valuation of the 12625  
subdivision most recently certified by the county auditor under 12626  
division (A) of section 319.28 of the Revised Code remains the 12627  
same throughout the maturity of the bonds. If the subdivision is 12628  
located in more than one county, the county auditor shall obtain 12629  
the assistance of the county auditors of the other counties, and 12630  
those county auditors shall provide assistance, in establishing 12631  
the tax valuation of the subdivision for purposes of certifying 12632  
the estimated average annual property tax levy. 12633

(D) After receiving the county auditor's advice under 12634  
division (C) of this section, the taxing authority by 12635  
legislation may determine to proceed with submitting the 12636  
question of the issue of securities, and shall, not later than 12637  
the ninetieth day before the day of the election, file the 12638  
following with the board of elections: 12639

(1) Copies of the legislation provided for in divisions 12640  
(B) and (D) of this section; 12641

(2) The amount of the estimated average annual property 12642  
tax levy, expressed in dollars for each one hundred thousand 12643  
dollars of ~~the county auditor's appraised market~~ value and in 12644  
mills for each one dollar of taxable value, as estimated and 12645  
certified to the taxing authority by the county auditor. 12646

(E) (1) The board of elections shall prepare the ballots 12647  
and make other necessary arrangements for the submission of the 12648  
question to the electors of the subdivision. If the subdivision 12649  
is located in more than one county, the board shall inform the 12650  
boards of elections of the other counties of the filings with 12651  
it, and those other boards shall if appropriate make the other 12652  
necessary arrangements for the election in their counties. The 12653  
election shall be conducted, canvassed, and certified in the 12654  
manner provided in Title XXXV of the Revised Code. 12655

(2) The election shall be held at the regular places for 12656  
voting in the subdivision. If the electors of only a part of a 12657  
precinct are qualified to vote at the election the board of 12658  
elections may assign the electors in that part to an adjoining 12659  
precinct, including an adjoining precinct in another county if 12660  
the board of elections of the other county consents to and 12661  
approves the assignment. Each elector so assigned shall be 12662  
notified of that fact prior to the election by notice mailed by 12663  
the board of elections, in such manner as it determines, prior 12664  
to the election. 12665

(3) The board of elections shall publish a notice of the 12666  
election once in a newspaper of general circulation in the 12667  
subdivision, no later than ten days prior to the election. The 12668  
notice shall state all of the following: 12669

(a) The principal amount of the proposed bond issue; 12670

(b) The stated purpose for which the bonds are to be 12671  
issued; 12672

(c) The maximum number of years over which the principal 12673  
of the bonds may be paid; 12674

(d) The estimated additional average annual property tax 12675

levy, expressed in dollars for each one hundred thousand dollars 12676  
of ~~the county auditor's appraised market~~ value and in mills for 12677  
each one dollar of taxable value, to be levied outside the tax 12678  
limitation, as estimated and certified to the taxing authority 12679  
by the county auditor; 12680

(e) The first calendar year in which the tax is expected 12681  
to be due. 12682

(F) The form of the ballot to be used at the election 12683  
shall be substantially either of the following, as applicable: 12684

(1) "Shall bonds be issued by the \_\_\_\_\_ (name of 12685  
subdivision) for the purpose of \_\_\_\_\_ (purpose of the bond 12686  
issue) in the principal amount of \$\_\_\_\_\_ (principal amount 12687  
of the bond issue), to be repaid annually over a maximum period 12688  
of \_\_\_\_\_ (the maximum number of years over which the 12689  
principal of the bonds may be paid) years, and an annual levy of 12690  
property taxes be made outside the \_\_\_\_\_ (as applicable, 12691  
"ten-mill" or "\_\_\_charter tax") limitation, estimated by the 12692  
county auditor to average over the repayment period of the bond 12693  
issue \_\_\_\_\_ mills for each \$1 of taxable value, which 12694  
amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's~~ 12695  
~~appraised market~~ value, commencing in \_\_\_\_\_ (first year the 12696  
tax will be levied), first due in calendar year \_\_\_\_\_ 12697  
(first calendar year in which the tax shall be due), to pay the 12698  
annual debt charges on the bonds, and to pay debt charges on any 12699  
notes issued in anticipation of those bonds? 12700

12701

	For the bond issue
	Against the bond issue

"

(2) In the case of an election held pursuant to 12702  
legislation adopted under section 3375.43 or 3375.431 of the 12703  
Revised Code: 12704

"Shall bonds be issued for \_\_\_\_\_ (name of library) 12705  
for the purpose of \_\_\_\_\_ (purpose of the bond issue), in 12706  
the principal amount of \$\_\_\_\_\_ (amount of the bond issue) 12707  
by \_\_\_\_\_ (the name of the subdivision that is to issue the 12708  
bonds and levy the tax) as the issuer of the bonds, to be repaid 12709  
annually over a maximum period of \_\_\_\_\_ (the maximum number 12710  
of years over which the principal of the bonds may be paid) 12711  
years, and an annual levy of property taxes be made outside the 12712  
ten-mill limitation, estimated by the county auditor to average 12713  
over the repayment period of the bond issue \_\_\_\_\_ mills for 12714  
each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 12715  
\$100,000 of ~~the county auditor's appraised market~~ value, 12716  
commencing in \_\_\_\_\_ (first year the tax will be levied), 12717  
first due in calendar year \_\_\_\_\_ (first calendar year in 12718  
which the tax shall be due), to pay the annual debt charges on 12719  
the bonds, and to pay debt charges on any notes issued in 12720  
anticipation of those bonds? 12721  
12722

	For the bond issue
	Against the bond issue

"

(G) The board of elections shall promptly certify the 12723  
results of the election to the tax commissioner, the county 12724  
auditor of each county in which any part of the subdivision is 12725  
located, and the fiscal officer of the subdivision. The 12726  
election, including the proceedings for and result of the 12727  
election, is incontestable other than in a contest filed under 12728



section 3515.09 of the Revised Code in which the plaintiff 12729  
prevails. 12730

(H) If a majority of the electors voting upon the question 12731  
vote for it, the taxing authority of the subdivision may proceed 12732  
under sections 133.21 to 133.33 of the Revised Code with the 12733  
issuance of the securities and with the levy and collection of a 12734  
property tax outside the tax limitation during the period the 12735  
securities are outstanding sufficient in amount to pay the debt 12736  
charges on the securities, including debt charges on any 12737  
anticipatory securities required to be paid from that tax. If 12738  
legislation passed under section 133.22 or 133.23 of the Revised 12739  
Code authorizing those securities is filed with the county 12740  
auditor on or before the last day of November, the amount of the 12741  
voted property tax levy required to pay debt charges or 12742  
estimated debt charges on the securities payable in the 12743  
following year shall if requested by the taxing authority be 12744  
included in the taxes levied for collection in the following 12745  
year under section 319.30 of the Revised Code. 12746

(I) (1) If, before any securities authorized at an election 12747  
under this section are issued, the net indebtedness of the 12748  
subdivision exceeds that applicable to that subdivision or those 12749  
securities, then and so long as that is the case none of the 12750  
securities may be issued. 12751

(2) No securities authorized at an election under this 12752  
section may be initially issued after the first day of the sixth 12753  
January following the election, but this period of limitation 12754  
shall not run for any time during which any part of the 12755  
permanent improvement for which the securities have been 12756  
authorized, or the issuing or validity of any part of the 12757  
securities issued or to be issued, or the related proceedings, 12758

is involved or questioned before a court or a commission or 12759  
other tribunal, administrative agency, or board. 12760

(3) Securities representing a portion of the amount 12761  
authorized at an election that are issued within the applicable 12762  
limitation on net indebtedness are valid and in no manner 12763  
affected by the fact that the balance of the securities 12764  
authorized cannot be issued by reason of the net indebtedness 12765  
limitation or lapse of time. 12766

(4) Nothing in this division (I) shall be interpreted or 12767  
applied to prevent the issuance of securities in an amount to 12768  
fund or refund anticipatory securities lawfully issued. 12769

(5) The limitations of divisions (I) (1) and (2) of this 12770  
section do not apply to any securities authorized at an election 12771  
under this section if at least ten per cent of the principal 12772  
amount of the securities, including anticipatory securities, 12773  
authorized has theretofore been issued, or if the securities are 12774  
to be issued for the purpose of participating in any federally 12775  
or state-assisted program. 12776

(6) The certificate of the fiscal officer of the 12777  
subdivision is conclusive proof of the facts referred to in this 12778  
division. 12779

(J) If the subdivision is a school district, the board of 12780  
education of that district shall adopt the legislation described 12781  
in division (B) of this section by a vote of at least two-thirds 12782  
of all its members. 12783

(K) As used in this section, "~~the county auditor's~~ 12784  
~~appraised market value~~" has the same meaning as in section 12785  
5705.01 of the Revised Code. 12786

**Sec. 135.03.** (A) As used in this section, "banking office" 12787

has the same meaning as in section 1101.01 of the Revised Code. 12788

(B) Any national bank, any bank doing business under 12789  
authority granted by the superintendent of financial 12790  
institutions, or any bank doing business under authority granted 12791  
by the regulatory authority of another state of the United 12792  
States, and which has a banking office located in this state, is 12793  
eligible to become a public depository, subject to sections 12794  
135.01 to 135.21 of the Revised Code. No bank shall receive or 12795  
have on deposit at any one time public moneys, including public 12796  
moneys as defined in section 135.31 of the Revised Code, in an 12797  
aggregate amount in excess of thirty per cent of its total 12798  
assets, as shown in its latest report to the comptroller of the 12799  
currency, the superintendent of financial institutions, the 12800  
federal deposit insurance corporation, or the board of governors 12801  
of the federal reserve system. 12802

(C) Any federal savings association or any savings and 12803  
loan association or savings bank doing business under authority 12804  
granted by the regulatory authority of another state of the 12805  
United States, and which has a banking office located in this 12806  
state, and authorized to accept deposits is eligible to become a 12807  
public depository, subject to sections 135.01 to 135.21 of the 12808  
Revised Code. No savings association, savings and loan 12809  
association, or savings bank shall receive or have on deposit at 12810  
any one time public moneys, including public moneys as defined 12811  
in section 135.31 of the Revised Code, in an aggregate amount in 12812  
excess of thirty per cent of its total assets, as shown in its 12813  
latest report to the former office of thrift supervision, the 12814  
comptroller of the currency, the superintendent of financial 12815  
institutions, the federal deposit insurance corporation, or the 12816  
board of governors of the federal reserve system. 12817

**Sec. 135.143.** (A) The treasurer of state may invest or 12818  
execute transactions for any part or all of the interim funds of 12819  
the state in the following classifications of obligations: 12820

(1) United States treasury bills, notes, bonds, or any 12821  
other obligations or securities issued by the United States 12822  
treasury or any other obligation guaranteed as to principal and 12823  
interest by the United States; 12824

(2) Bonds, notes, debentures, or any other obligations or 12825  
securities issued by any federal government agency or 12826  
instrumentality; 12827

(3) (a) Bonds, notes, and other obligations of the state of 12828  
Ohio, including, but not limited to, any obligations issued by 12829  
the treasurer of state, the Ohio public facilities commission, 12830  
the Ohio housing finance agency, the Ohio water development 12831  
authority, the Ohio turnpike infrastructure commission, the Ohio 12832  
higher educational facility commission, and state institutions 12833  
of higher education as defined in section 3345.011 of the 12834  
Revised Code; 12835

(b) Bonds, notes, and other obligations of any state or 12836  
political subdivision thereof rated in the three highest 12837  
categories by at least one nationally recognized statistical 12838  
rating organization and purchased through a registered 12839  
securities broker or dealer, provided the treasurer of state is 12840  
not the sole purchaser of the bonds, notes, or other obligations 12841  
at original issuance. 12842

(4) (a) Written repurchase agreements with any eligible 12843  
Ohio financial institution that is a member of the federal 12844  
reserve system or federal home loan bank, any registered United 12845  
States government securities dealer, or any counterparty rated 12846

in one of the three highest categories by at least one 12847  
nationally recognized statistical rating organization or 12848  
otherwise determined by the treasurer of state to have adequate 12849  
capital and liquidity, under the terms of which agreement the 12850  
treasurer of state purchases and the eligible financial 12851  
institution, dealer, or counterparty agrees unconditionally to 12852  
repurchase any of the securities that are listed in division (A) 12853  
(1), (2), (3), (6), or (11) of this section. The market value of 12854  
securities subject to these transactions must exceed the 12855  
principal value of the repurchase agreement by an amount 12856  
specified by the treasurer of state, and the securities must be 12857  
delivered into the custody of the treasurer of state or the 12858  
qualified trustee or agent designated by the treasurer of state. 12859  
The agreement shall contain the requirement that for each 12860  
transaction pursuant to the agreement, the participating 12861  
institution, dealer, or counterparty shall provide all of the 12862  
following information: 12863

(i) The par value of the securities; 12864  
(ii) The type, rate, and maturity date of the securities; 12865  
(iii) A numerical identifier generally accepted in the 12866  
securities industry that designates the securities. 12867

(b) The treasurer of state also may sell any securities, 12868  
listed in division (A) (1), (2), (6), or (11) of this section, 12869  
regardless of maturity or time of redemption of the securities, 12870  
under the same terms and conditions for repurchase, provided 12871  
that the securities have been fully paid for and are owned by 12872  
the treasurer of state at the time of the sale. 12873

(c) For purposes of division (A) (4) of this section, the 12874  
treasurer of state shall only buy or sell securities listed in 12875

division (A) (11) of this section issued by entities that are 12876  
organized under the laws of this state, any other state, or the 12877  
United States. 12878

(5) Securities lending agreements with any eligible 12879  
financial institution that is a member of the federal reserve 12880  
system or federal home loan bank or any recognized United States 12881  
government securities dealer, under the terms of which 12882  
agreements the treasurer of state lends securities and the 12883  
eligible financial institution or dealer agrees to 12884  
simultaneously exchange similar securities or cash, equal value 12885  
for equal value. 12886

Securities and cash received as collateral for a 12887  
securities lending agreement are not interim funds of the state. 12888  
The investment of cash collateral received pursuant to a 12889  
securities lending agreement may be invested only in such 12890  
instruments specified by the treasurer of state in accordance 12891  
with a written investment policy. 12892

(6) Various forms of commercial paper issued by any entity 12893  
that is organized under the laws of the United States or a 12894  
state, which notes are rated in the two highest categories by 12895  
two nationally recognized statistical rating organizations, 12896  
provided that the total amount invested under this section in 12897  
any commercial paper at any time shall not exceed forty per cent 12898  
of the state's total average portfolio, as determined and 12899  
calculated by the treasurer of state; 12900

(7) Bankers acceptances, maturing in two hundred seventy 12901  
days or less, provided that the total amount invested in bankers 12902  
acceptances at any time shall not exceed ten per cent of the 12903  
state's total average portfolio, as determined and calculated by 12904  
the treasurer of state; 12905

(8) Certificates of deposit, savings accounts, or deposit 12906  
accounts in eligible institutions applying for interim moneys as 12907  
provided in section 135.08 of the Revised Code, including linked 12908  
deposits as authorized under section 135.61 of the Revised Code, 12909  
. For interim funds invested in accordance with division (A) (8) 12910  
of this section, the pledging requirements described in section 12911  
135.18, 135.181, or 135.182 of the Revised Code may be reduced 12912  
by up to ten per cent in accordance with rules adopted by the 12913  
treasurer of state. 12914

(9) Negotiable certificates of deposit denominated in 12915  
United States dollars issued by a nationally or state-chartered 12916  
bank, a savings association or a federal savings association, a 12917  
state or federal credit union, or a federally licensed or state- 12918  
licensed branch of a foreign bank, which are rated in the two 12919  
highest categories by two nationally recognized statistical 12920  
rating organizations, provided that the total amount invested 12921  
under this section in negotiable certificates of deposit at any 12922  
time shall not exceed twenty-five per cent of the state's total 12923  
average portfolio, as determined and calculated by the treasurer 12924  
of state. Interim funds invested in accordance with division (A) 12925  
(9) of this section are not limited to institutions applying for 12926  
interim moneys under section 135.08 of the Revised Code, nor are 12927  
they subject to any pledging requirements described in sections 12928  
135.18, 135.181, or 135.182 of the Revised Code. 12929

(10) The state treasurer's investment pool authorized 12930  
under section 135.45 of the Revised Code; 12931

(11) Debt interests, other than commercial paper described 12932  
in division (A) (6) of this section, rated in the ~~three~~-four 12933  
highest categories by two nationally recognized statistical 12934  
rating organizations and issued by entities that are organized 12935

under the laws of the United States or a state, or issued by 12936  
foreign nations diplomatically recognized by the United States 12937  
government, or any instrument based on, derived from, or related 12938  
to such interests, provided that: 12939

(a) The investments in debt interests other than 12940  
commercial paper, when added to the investment in written 12941  
repurchase agreements for securities listed in division (A) (3) 12942  
or (11) of this section, shall not exceed in the aggregate 12943  
twenty-five per cent of the state's portfolio. 12944

(b) The investments in debt interests rated in the fourth 12945  
highest category shall not exceed in the aggregate ten per cent 12946  
of the state's portfolio. 12947

(c) The investments in debt interests issued by foreign 12948  
nations shall not exceed in the aggregate two per cent of the 12949  
state's portfolio. 12950

The treasurer of state shall invest under division (A) (11) 12951  
of this section in a debt interest issued by a foreign nation 12952  
only if the debt interest is backed by the full faith and credit 12953  
of that foreign nation, and provided that all interest and 12954  
principal shall be denominated and payable in United States 12955  
funds. 12956

~~(e)~~ (d) When added to the investment in commercial paper 12957  
and negotiable certificates of deposit, the investments in the 12958  
debt interests of a single issuer shall not exceed in the 12959  
aggregate five per cent of the state's portfolio. 12960

~~(d)~~ (e) For purposes of division (A) (11) of this section, a 12961  
debt interest is rated in the ~~three~~ four highest categories by 12962  
two nationally recognized statistical rating organizations if 12963  
either the debt interest itself or the issuer of the debt 12964



interest is rated, or is implicitly rated, in the ~~three~~-four  
highest categories by two nationally recognized statistical  
rating organizations.

~~(e)~~(f) For purposes of division (A)(11) of this section,  
the "state's portfolio" means the state's total average  
portfolio, as determined and calculated by the treasurer of  
state.

(12) No-load money market mutual funds rated in the  
highest category by one nationally recognized statistical rating  
organization or consisting exclusively of obligations described  
in division (A)(1), (2), or (6) of this section and repurchase  
agreements secured by such obligations;

(13) Obligations issued by, or on behalf of, an Ohio  
political subdivision under Chapter 133. of the Revised Code or  
Section 12 of Article XVIII, Ohio Constitution, and identified  
in an agreement described in division (G) of this section;

(14) Obligations issued by the state of Ohio, any  
political subdivision thereof, or by or on behalf of any  
nonprofit corporation or association doing business in this  
state rated in the four highest categories by at least one  
nationally recognized statistical rating organization and  
identified in an agreement described in division (K) of this  
section.

~~(B)~~(B)(1) On or before the tenth day of each month, the  
treasurer of state shall notify the state board of deposit that  
the following reports pertaining to the immediately preceding  
month have been posted to the web site maintained by the  
treasurer of state:

~~(1)~~(a) The daily ledger report of state funds prepared in

accordance with section 113.13 of the Revised Code; 12994

~~(2)~~ (b) The monthly portfolio report detailing the current 12995  
inventory of all investments and deposits held within the 12996  
classification of interim moneys; 12997

~~(3)~~ (c) The monthly activity report within the 12998  
classification of interim moneys summarized by type of 12999  
investment or deposit. 13000

(2) In the event the state board of deposit does not 13001  
concur in such classification or in the investments or deposits 13002  
made under this section, subject to division (B) (3) of this 13003  
section, the board may order the treasurer of state to sell or 13004  
liquidate any of the investments or deposits, and any such order 13005  
shall specifically describe the investments or deposits and fix 13006  
the date upon which they are to be sold or liquidated. 13007  
Investments or deposits so ordered to be sold or liquidated 13008  
shall be sold or liquidated for cash by the treasurer of state 13009  
on the date fixed in such order at the then current market 13010  
price. Neither the treasurer of state nor the members of the 13011  
state board of deposit shall be held accountable for any loss 13012  
occasioned by sales or liquidations of investments or deposits 13013  
at prices lower than their cost. Any loss or expense incurred in 13014  
making these sales or liquidations is payable as other expenses 13015  
of the treasurer's office. 13016

(3) Unless expressly authorized by the laws of this state, 13017  
the state board of deposit shall not order the treasurer of 13018  
state to sell or liquidate investments or deposits with the 13019  
primary purpose of influencing any environmental, social, 13020  
personal, or ideological policy. 13021

(C) If any securities or obligations invested in by the 13022

treasurer of state pursuant to this section are registrable 13023  
either as to principal or interest, or both, such securities or 13024  
obligations shall be registered in the name of the treasurer of 13025  
state. 13026

(D) The treasurer of state is responsible for the 13027  
safekeeping of all securities or obligations under this section. 13028  
Any such securities or obligations may be deposited for 13029  
safekeeping as provided in section 113.05 of the Revised Code. 13030

(E) Interest earned on any investments or deposits 13031  
authorized by this section shall be collected by the treasurer 13032  
of state and credited by the treasurer of state to the proper 13033  
fund of the state. 13034

(F) Whenever investments or deposits acquired under this 13035  
section mature and become due and payable, the treasurer of 13036  
state shall present them for payment according to their tenor, 13037  
and shall collect the moneys payable thereon. The moneys so 13038  
collected shall be treated as public moneys subject to sections 13039  
135.01 to 135.21 of the Revised Code. 13040

(G) The treasurer of state and any entity issuing 13041  
obligations referred to in division (A) (13) of this section, 13042  
which obligations mature within one year from the original date 13043  
of issuance, may enter into an agreement providing for: 13044

(1) The purchase of those obligations by the treasurer of 13045  
state on terms and subject to conditions set forth in the 13046  
agreement; 13047

(2) The payment to the treasurer of state of a reasonable 13048  
fee as consideration for the agreement of the treasurer of state 13049  
to purchase those obligations; provided, however, that the 13050  
treasurer of state shall not be authorized to enter into any 13051

such agreement with a board of education of a school district 13052  
that has an outstanding obligation with respect to a loan 13053  
received under authority of section 3313.483 of the Revised 13054  
Code. 13055

(H) For purposes of division (G) of this section, a fee 13056  
shall not be considered reasonable unless it is set to recover 13057  
only the direct costs, a reasonable estimate of the indirect 13058  
costs associated with the purchasing of obligations under 13059  
division (G) of this section and any reselling of the 13060  
obligations or any interest in the obligations, including 13061  
interests in a fund comprised of the obligations, and the 13062  
administration thereof. No money from the general revenue fund 13063  
shall be used to subsidize the purchase or resale of these 13064  
obligations. 13065

(I) All money collected by the treasurer of state from the 13066  
fee imposed by division (G) of this section shall be deposited 13067  
to the credit of the state political subdivision obligations 13068  
fund, which is hereby created in the state treasury. Money 13069  
credited to the fund shall be used solely to pay the treasurer 13070  
of state's direct and indirect costs associated with purchasing 13071  
and reselling obligations under division (G) of this section. 13072

(J) As used in this section, "political subdivision" means 13073  
a county, township, municipal corporation, school district, or 13074  
other body corporate and politic responsible for governmental 13075  
activities in a geographic area smaller than that of the state. 13076

(K) (1) The treasurer of state and any entity issuing 13077  
obligations referred to in division (A) (14) of this section, 13078  
which obligations require a conditional liquidity requirement, 13079  
may enter into an agreement providing for the following: 13080

(a) The purchase of the obligations by the treasurer of 13081  
state on terms and subject to conditions set forth in the 13082  
agreement; 13083

(b) Payment to the treasurer of state of a fee as 13084  
consideration for the agreement of the treasurer of state to 13085  
purchase the obligations. 13086

(2) The treasurer of state shall not enter into agreements 13087  
under division (K) (1) of this section for obligations that, in 13088  
the aggregate, exceed ten per cent of the state's total average 13089  
portfolio, as determined and calculated by the treasurer of 13090  
state. 13091

(3) For purposes of division (A) (14) of this section, an 13092  
obligation is rated in the four highest categories by at least 13093  
one nationally recognized statistical rating organization if 13094  
either the debt interest itself or the obligor of the debt 13095  
interest is rated in the four highest categories by at least one 13096  
nationally recognized statistical rating organization. 13097

(4) All money collected by the treasurer of state from the 13098  
fee imposed by division (K) of this section shall be deposited 13099  
to the credit of the state securities tender program fund, which 13100  
is hereby created in the state treasury. The amount of income 13101  
from the state securities tender program credited to the state 13102  
securities tender program fund shall not exceed one per cent of 13103  
the average par value of obligations subject to agreements under 13104  
division (K) (1) of this section. All other such income shall be 13105  
credited to the general revenue fund. The treasurer of state may 13106  
use the state securities tender program fund solely for 13107  
operations of the office of the treasurer of state. 13108

(L) (1) The treasurer of state and a state university or 13109

college issuing obligations under section 3345.12 of the Revised 13110  
Code may enter into an agreement providing for the following: 13111

(a) The purchase of those obligations by the treasurer of 13112  
state pursuant to division (A) (3) (a) of this section on terms 13113  
and subject to conditions set forth in the agreement; 13114

(b) The department of higher education to withhold, in the 13115  
event the state university or college does not pay bond service 13116  
charges on the obligations when due, appropriated funds 13117  
allocated to the state university or college in an amount 13118  
sufficient to pay bond service charges on the obligations, less 13119  
any amounts deposited for that purpose under the bond 13120  
proceedings. Upon the request of the treasurer of state, the 13121  
department of higher education shall promptly pay to the 13122  
treasurer of state the amounts withheld. 13123

(2) For purposes of division (L) (1) of this section, 13124  
"obligations," "state university or college," "bond service 13125  
charges," and "bond proceedings" have the same meanings as in 13126  
section 3345.12 of the Revised Code. 13127

(M) Unless expressly authorized by the laws of this state, 13128  
the treasurer of state shall not do either of the following: 13129

(1) Make an investment decision with the primary purpose 13130  
of influencing any environmental, social, personal, or 13131  
ideological policy; 13132

(2) Permit any person or entity to which the treasurer of 13133  
state delegates the management of the investment of state money 13134  
to make investment decisions with state money with the primary 13135  
purpose of influencing any environmental, social, personal, or 13136  
ideological policy. 13137

Sec. 135.1411. Unless expressly authorized by the laws of 13138

this state, the treasurer or the governing board of a municipal 13139  
corporation shall not do either of the following: 13140

(A) Make an investment decision with the primary purpose 13141  
of influencing any environmental, social, personal, or 13142  
ideological policy; 13143

(B) Permit any person or entity to which the treasurer or 13144  
governing board delegates the management of the investment of 13145  
public money to make investment decisions with public money with 13146  
the primary purpose of influencing any environmental, social, 13147  
personal, or ideological policy. 13148

**Sec. 135.18.** (A) Each institution designated as a public 13149  
depository and awarded public deposits under sections 135.01 to 13150  
135.21 of the Revised Code, except as provided in section 13151  
~~135.144~~ or 135.145 of the Revised Code, shall provide security 13152  
for the repayment of all public deposits by selecting one of the 13153  
following methods: 13154

(1) Securing all uninsured public deposits of each public 13155  
depositor separately as set forth in divisions (B) to (J) of 13156  
this section; 13157

(2) Securing all uninsured public deposits of every public 13158  
depositor pursuant to section 135.181 or 135.182 of the Revised 13159  
Code, as applicable, by establishing and pledging to the 13160  
treasurer of state a single pool of collateral for the benefit 13161  
of every public depositor at the public depository. 13162

(B) If a public depository elects to provide security 13163  
pursuant to division (A)(1) of this section, the public 13164  
depository shall pledge to the public depositor, as security for 13165  
the repayment of all public moneys deposited in the public 13166  
depository during the period of designation pursuant to an award 13167

made under sections 135.01 to 135.21 of the Revised Code, 13168  
eligible securities of aggregate market value at all times equal 13169  
to at least one hundred five per cent of the total amount of the 13170  
public depositor's uninsured public deposits. 13171

(C) In order for a public depository to receive public 13172  
moneys under this section, the public depository and the public 13173  
depositor shall first execute an agreement that sets forth the 13174  
entire arrangement among the parties and that meets the 13175  
requirements described in 12 U.S.C. 1823(e). In addition, the 13176  
agreement shall authorize the public depositor to obtain control 13177  
of the collateral pursuant to division (D) of section 1308.24 of 13178  
the Revised Code. 13179

(D) The following securities or other obligations shall be 13180  
eligible for the purposes of this section: 13181

(1) Bonds, notes, or other obligations of the United 13182  
States; or bonds, notes, or other obligations guaranteed as to 13183  
principal and interest by the United States or those for which 13184  
the faith of the United States is pledged for the payment of 13185  
principal and interest thereon, by language appearing in the 13186  
instrument specifically providing such guarantee or pledge and 13187  
not merely by interpretation or otherwise; 13188

(2) Bonds, notes, debentures, letters of credit, or other 13189  
obligations or securities issued by any federal government 13190  
agency or instrumentality, or the export-import bank of 13191  
Washington; bonds, notes, or other obligations guaranteed as to 13192  
principal and interest by the United States or those for which 13193  
the faith of the United States is pledged for the payment of 13194  
principal and interest thereon, by interpretation or otherwise 13195  
and not by language appearing in the instrument specifically 13196  
providing such guarantee or pledge; 13197



(3) Obligations of or fully insured or fully guaranteed by	13198
the United States or any federal government agency or	13199
instrumentality;	13200
(4) Obligations partially insured or partially guaranteed	13201
by any federal agency or instrumentality;	13202
(5) Obligations of or fully guaranteed by the federal	13203
national mortgage association, federal home loan mortgage	13204
corporation, federal farm credit bank, or student loan marketing	13205
association;	13206
(6) Bonds and other obligations of this state;	13207
(7) Bonds and other obligations of any county, township,	13208
school district, municipal corporation, or other legally	13209
constituted taxing subdivision of this state, which is not at	13210
the time of such deposit, in default in the payment of principal	13211
or interest on any of its bonds or other obligations, for which	13212
the full faith and credit of the issuing subdivision is pledged;	13213
(8) Bonds of other states of the United States which have	13214
not during the ten years immediately preceding the time of such	13215
deposit defaulted in payments of either interest or principal on	13216
any of their bonds;	13217
(9) Shares of no-load money market mutual funds consisting	13218
exclusively of obligations described in division (D) (1) or (2)	13219
of this section and repurchase agreements secured by such	13220
obligations;	13221
(10) A surety bond issued by a corporate surety licensed	13222
by the state and authorized to issue surety bonds in this state	13223
pursuant to Chapter 3929. of the Revised Code, and qualified to	13224
provide surety bonds to the federal government pursuant to 96	13225
Stat. 1047 (1982), 31 U.S.C.A. 9304;	13226

(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of such county, municipal corporation, or other taxing subdivision, for which the full faith and credit of the issuer is pledged and, at the time of purchase of the bonds or other obligations, rated in one of the two highest categories by at least one nationally recognized statistical rating organization.

(E) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities required by division (D) of this section with the trustee for safekeeping. The trustee shall hold the eligible securities in an account indicating the public depositor's security interest in the securities. The trustee shall report to the public depositor information relating to the securities pledged to secure the public deposits in the manner and frequency required by the public depositor.

(F) The qualified trustee shall enter into a custodial agreement with the public depositor and public depository in which the trustee agrees to comply with entitlement orders originated by the public depositor without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the public depositor shall have the public depositor's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made by the public depositor therein as provided by law, the public depositor shall give written notice of this failure to the qualified trustee holding the securities pledged against its public deposits and, at the same time, shall send a copy of this

notice to the public depository. Upon receipt of this notice, 13258  
the trustee shall transfer to the public depositor for sale, the 13259  
securities that are necessary to produce an amount equal to the 13260  
public deposits made by the public depositor and not paid over, 13261  
less the portion of the deposits covered by any federal deposit 13262  
insurance, plus any accrued interest due on the deposits. The 13263  
public depositor shall sell any of the bonds or other securities 13264  
so transferred. When a sale of bonds or other securities has 13265  
been so made and upon payment to the public depositor of the 13266  
purchase money, the public depositor shall transfer such bonds 13267  
or securities whereupon the absolute ownership of such bonds or 13268  
securities shall pass to the purchasers. Any surplus after 13269  
deducting the amount due the public depositor and expenses of 13270  
sale shall be paid to the public depository. 13271

(G) When the public depository has placed eligible 13272  
securities described in division (D) (1) of this section with a 13273  
trustee for safekeeping, the public depository may at any time 13274  
substitute or exchange eligible securities described in division 13275  
(D) (1) of this section having a current market value equal to or 13276  
greater than the current market value of the securities then on 13277  
deposit and for which they are to be substituted or exchanged, 13278  
without specific authorization from any public depositor's 13279  
governing board, boards, or treasurer of any such substitution 13280  
or exchange. 13281

(H) When the public depository has placed eligible 13282  
securities described in divisions (D) (2) to (9) of this section 13283  
with a trustee for safekeeping, the public depository may at any 13284  
time substitute or exchange eligible securities having a current 13285  
market value equal to or greater than the current market value 13286  
of the securities then on deposit and for which they are to be 13287  
substituted or exchanged without specific authorization of any 13288

public depositor's governing board, boards, or treasurer of any 13289  
such substitution or exchange only if one of the following 13290  
applies: 13291

(1) The public depositor has authorized the public 13292  
depository to make such substitution or exchange on a continuing 13293  
basis during a specified period without prior approval of each 13294  
substitution or exchange. The authorization may be effected by 13295  
the public depositor sending to the trustee a written notice 13296  
stating that substitution may be effected on a continuing basis 13297  
during a specified period which shall not extend beyond the end 13298  
of the period of designation during which the notice is given. 13299  
The trustee may rely upon this notice and upon the period of 13300  
authorization stated therein and upon the period of designation 13301  
stated therein. 13302

(2) The public depository notifies the public depositor 13303  
and the trustee of an intended substitution or exchange, and the 13304  
public depositor does not object to the trustee as to the 13305  
eligibility or market value of the securities being substituted 13306  
within three business days after the date appearing on the 13307  
notice of proposed substitution. The notice to the public 13308  
depositor and to the trustee shall be given in writing and 13309  
delivered electronically. The trustee may assume in any case 13310  
that the notice has been delivered to the public depositor. In 13311  
order for objections of the public depositor to be effective, 13312  
receipt of the objections must be acknowledged in writing by the 13313  
trustee. 13314

(3) The public depositor gives written authorization for a 13315  
substitution or exchange of specific securities. 13316

(I) The public depository shall notify any public 13317  
depositor of any substitution or exchange under division (H) (1) 13318

or (2) of this section. 13319

(J) Any federal reserve bank or branch thereof located in 13320  
this state or federal home loan bank, without compliance with 13321  
Chapter 1111. of the Revised Code and without becoming subject 13322  
to any other law of this state relative to the exercise by 13323  
corporations of trust powers generally, is qualified to act as 13324  
trustee for the safekeeping of securities, under this section. 13325  
Any institution mentioned in section 135.03 or 135.32 of the 13326  
Revised Code that holds a certificate of qualification issued by 13327  
the superintendent of financial institutions or any institution 13328  
complying with sections 1111.04, 1111.05, and 1111.06 of the 13329  
Revised Code, is qualified to act as trustee for the safekeeping 13330  
of securities under this section, other than those belonging to 13331  
itself or to an affiliate as defined in section 1101.01 of the 13332  
Revised Code. 13333

Notwithstanding the fact that a public depository is 13334  
required to pledge eligible securities in certain amounts to 13335  
secure deposits of public moneys, a trustee has no duty or 13336  
obligation to determine the eligibility, market value, or face 13337  
value of any securities deposited with the trustee by a public 13338  
depository. This applies in all situations including, without 13339  
limitation, a substitution or exchange of securities. 13340

Any charges or compensation of a designated trustee for 13341  
acting as such under this section shall be paid by the public 13342  
depository and in no event shall be chargeable to the state or 13343  
the subdivision or to any officer of the state or subdivision. 13344  
The charges or compensation shall not be a lien or charge upon 13345  
the securities deposited for safekeeping prior or superior to 13346  
the rights to and interests in the securities of the public 13347  
depositor. The treasurer and the treasurer's bonders or surety 13348

shall be relieved from any liability to the public depositor or 13349  
to the public depository for the loss or destruction of any 13350  
securities deposited with a qualified trustee pursuant to this 13351  
section. 13352

**Sec. 135.35.** (A) The investing authority shall deposit or 13353  
invest any part or all of the county's inactive moneys and shall 13354  
invest all of the money in the county public library fund when 13355  
required by section 135.352 of the Revised Code. The following 13356  
classifications of securities and obligations are eligible for 13357  
such deposit or investment: 13358

(1) United States treasury bills, notes, bonds, or any 13359  
other obligation or security issued by the United States 13360  
treasury, any other obligation guaranteed as to principal or 13361  
interest by the United States, or any book entry, zero-coupon 13362  
United States treasury security that is a direct obligation of 13363  
the United States. 13364

Nothing in the classification of eligible securities and 13365  
obligations set forth in divisions (A) (2) to (10) of this 13366  
section shall be construed to authorize any investment in 13367  
stripped principal or interest obligations of such eligible 13368  
securities and obligations. 13369

(2) Bonds, notes, debentures, or any other obligations or 13370  
securities issued by any federal government agency or 13371  
instrumentality, including, but not limited to, the federal 13372  
national mortgage association, federal home loan bank, federal 13373  
farm credit bank, federal home loan mortgage corporation, and 13374  
government national mortgage association. All federal agency 13375  
securities shall be direct issuances of federal government 13376  
agencies or instrumentalities. 13377

(3) Time certificates of deposit or savings or deposit 13378  
accounts, including, but not limited to, passbook accounts, in 13379  
any eligible institution mentioned in section 135.32 of the 13380  
Revised Code; 13381

(4) Bonds and other obligations of this state or the 13382  
political subdivisions of this state, provided the bonds or 13383  
other obligations of political subdivisions mature within ten 13384  
years from the date of settlement; 13385

(5) No-load money market mutual funds rated in the highest 13386  
category at the time of purchase by at least one nationally 13387  
recognized statistical rating organization or consisting 13388  
exclusively of obligations described in division (A)(1), (2), or 13389  
(6) of section 135.143 of the Revised Code and repurchase 13390  
agreements secured by such obligations, provided that 13391  
investments in securities described in this division are made 13392  
only through eligible institutions mentioned in section 135.32 13393  
of the Revised Code; 13394

(6) The Ohio subdivision's fund as provided in section 13395  
135.45 of the Revised Code; 13396

(7) Securities lending agreements with any eligible 13397  
institution mentioned in section 135.32 of the Revised Code that 13398  
is a member of the federal reserve system or federal home loan 13399  
bank or with any recognized United States government securities 13400  
dealer meeting the description in division (J)(1) of this 13401  
section, under the terms of which agreements the investing 13402  
authority lends securities and the eligible institution or 13403  
dealer agrees to simultaneously exchange similar securities or 13404  
cash, equal value for equal value. 13405

Securities and cash received as collateral for a 13406

securities lending agreement are not inactive moneys of the 13407  
county or moneys of a county public library fund. The investment 13408  
of cash collateral received pursuant to a securities lending 13409  
agreement may be invested only in instruments specified by the 13410  
investing authority in the written investment policy described 13411  
in division (K) of this section. 13412

(8) Up to forty per cent of the county's total average 13413  
portfolio in either of the following investments: 13414

(a) Commercial paper notes issued by an entity that is 13415  
defined in ~~division (D) of section 1705.01 or division (E) (K)~~ 13416  
of section 1706.01 of the Revised Code and that has assets 13417  
exceeding five hundred million dollars, to which notes all of 13418  
the following apply: 13419

(i) The notes are rated at the time of purchase in the 13420  
highest classification established by at least two nationally 13421  
recognized statistical rating organizations. 13422

(ii) The aggregate value of the notes does not exceed ten 13423  
per cent of the aggregate value of the outstanding commercial 13424  
paper of the issuing corporation. 13425

(iii) The notes mature not later than two hundred seventy 13426  
days after purchase. 13427

(iv) The investment in commercial paper notes of a single 13428  
issuer shall not exceed in the aggregate five per cent of 13429  
interim moneys available for investment at the time of purchase. 13430

(b) Bankers acceptances of banks that are insured by the 13431  
federal deposit insurance corporation and that mature not later 13432  
than one hundred eighty days after purchase. 13433

No investment shall be made pursuant to division (A) (8) of 13434



this section unless the investing authority has completed 13435  
additional training for making the investments authorized by 13436  
division (A) (8) of this section. The type and amount of 13437  
additional training shall be approved by the treasurer of state 13438  
and may be conducted by or provided under the supervision of the 13439  
treasurer of state. 13440

(9) Up to fifteen per cent of the county's total average 13441  
portfolio in notes issued by corporations that are incorporated 13442  
under the laws of the United States and that are operating 13443  
within the United States, or by depository institutions that are 13444  
doing business under authority granted by the United States or 13445  
any state and that are operating within the United States, 13446  
provided both of the following apply: 13447

(a) The notes are rated in the three highest categories by 13448  
at least two nationally recognized statistical rating 13449  
organizations at the time of purchase. 13450

(b) The notes mature not later than three years after 13451  
purchase. 13452

(10) Debt interests rated at the time of purchase in the 13453  
three highest categories by two nationally recognized 13454  
statistical rating organizations and issued by foreign nations 13455  
diplomatically recognized by the United States government. All 13456  
interest and principal shall be denominated and payable in 13457  
United States funds. The investments made under division (A) (10) 13458  
of this section shall not exceed in the aggregate two per cent 13459  
of a county's total average portfolio. 13460

The investing authority shall invest under division (A) 13461  
(10) of this section in a debt interest issued by a foreign 13462  
nation only if the debt interest is backed by the full faith and 13463

credit of that foreign nation, there is no prior history of 13464  
default, and the debt interest matures not later than five years 13465  
after purchase. For purposes of division (A) (10) of this 13466  
section, a debt interest is rated in the three highest 13467  
categories by two nationally recognized statistical rating 13468  
organizations if either the debt interest itself or the issuer 13469  
of the debt interest is rated, or is implicitly rated, at the 13470  
time of purchase in the three highest categories by two 13471  
nationally recognized statistical rating organizations. 13472

(11) A current unpaid or delinquent tax line of credit 13473  
authorized under division (G) of section 135.341 of the Revised 13474  
Code, provided that all of the conditions for entering into such 13475  
a line of credit under that division are satisfied, or bonds and 13476  
other obligations of a county land reutilization corporation 13477  
organized under Chapter 1724. of the Revised Code, if the county 13478  
land reutilization corporation is located wholly or partly 13479  
within the same county as the investing authority. 13480

(B) Nothing in the classifications of eligible obligations 13481  
and securities set forth in divisions (A) (1) to (10) of this 13482  
section shall be construed to authorize investment in a 13483  
derivative, and no investing authority shall invest any county 13484  
inactive moneys or any moneys in a county public library fund in 13485  
a derivative. For purposes of this division, "derivative" means 13486  
a financial instrument or contract or obligation whose value or 13487  
return is based upon or linked to another asset or index, or 13488  
both, separate from the financial instrument, contract, or 13489  
obligation itself. Any security, obligation, trust account, or 13490  
other instrument that is created from an issue of the United 13491  
States treasury or is created from an obligation of a federal 13492  
agency or instrumentality or is created from both is considered 13493  
a derivative instrument. An eligible investment described in 13494

this section with a variable interest rate payment, based upon a 13495  
single interest payment or single index comprised of other 13496  
eligible investments provided for in division (A) (1) or (2) of 13497  
this section, is not a derivative, provided that such variable 13498  
rate investment has a maximum maturity of two years. A treasury 13499  
inflation-protected security shall not be considered a 13500  
derivative, provided the security matures not later than five 13501  
years after purchase. 13502

(C) Except as provided in division (A) (4) or (D) of this 13503  
section, any investment made pursuant to this section must 13504  
mature within five years from the date of settlement, unless the 13505  
investment is matched to a specific obligation or debt of the 13506  
county or to a specific obligation or debt of a political 13507  
subdivision of this state, and the investment is specifically 13508  
approved by the investment advisory committee. 13509

(D) The investing authority may also enter into a written 13510  
repurchase agreement with any eligible institution mentioned in 13511  
section 135.32 of the Revised Code or any eligible securities 13512  
dealer pursuant to division (J) of this section, under the terms 13513  
of which agreement the investing authority purchases and the 13514  
eligible institution or dealer agrees unconditionally to 13515  
repurchase any of the securities listed in divisions (D) (1) to 13516  
(5), except letters of credit described in division (D) (2), of 13517  
section 135.18 of the Revised Code. The market value of 13518  
securities subject to an overnight written repurchase agreement 13519  
must exceed the principal value of the overnight written 13520  
repurchase agreement by at least two per cent. A written 13521  
repurchase agreement must exceed the principal value of the 13522  
overnight written repurchase agreement, by at least two per 13523  
cent. A written repurchase agreement shall not exceed thirty 13524  
days, and the market value of securities subject to a written 13525

repurchase agreement must exceed the principal value of the 13526  
written repurchase agreement by at least two per cent and be 13527  
marked to market daily. All securities purchased pursuant to 13528  
this division shall be delivered into the custody of the 13529  
investing authority or the qualified custodian of the investing 13530  
authority or an agent designated by the investing authority. A 13531  
written repurchase agreement with an eligible securities dealer 13532  
shall be transacted on a delivery versus payment basis. The 13533  
agreement shall contain the requirement that for each 13534  
transaction pursuant to the agreement the participating 13535  
institution shall provide all of the following information: 13536

(1) The par value of the securities; 13537

(2) The type, rate, and maturity date of the securities; 13538

(3) A numerical identifier generally accepted in the 13539  
securities industry that designates the securities. 13540

No investing authority shall enter into a written 13541  
repurchase agreement under the terms of which the investing 13542  
authority agrees to sell securities owned by the county to a 13543  
purchaser and agrees with that purchaser to unconditionally 13544  
repurchase those securities. 13545

(E) No investing authority shall make an investment under 13546  
this section, unless the investing authority, at the time of 13547  
making the investment, reasonably expects that the investment 13548  
can be held until its maturity. The investing authority's 13549  
written investment policy shall specify the conditions under 13550  
which an investment may be redeemed or sold prior to maturity. 13551

(F) No investing authority shall pay a county's inactive 13552  
moneys or moneys of a county public library fund into a fund 13553  
established by another subdivision, treasurer, governing board, 13554

or investing authority, if that fund was established by the 13555  
subdivision, treasurer, governing board, or investing authority 13556  
for the purpose of investing or depositing the public moneys of 13557  
other subdivisions. This division does not apply to the payment 13558  
of public moneys into either of the following: 13559

(1) The Ohio subdivision's fund pursuant to division (A) 13560  
(6) of this section; 13561

(2) A fund created solely for the purpose of acquiring, 13562  
constructing, owning, leasing, or operating municipal utilities 13563  
pursuant to the authority provided under section 715.02 of the 13564  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 13565

For purposes of division (F) of this section, 13566  
"subdivision" includes a county. 13567

(G) The use of leverage, in which the county uses its 13568  
current investment assets as collateral for the purpose of 13569  
purchasing other assets, is prohibited. The issuance of taxable 13570  
notes for the purpose of arbitrage is prohibited. Contracting to 13571  
sell securities not owned by the county, for the purpose of 13572  
purchasing such securities on the speculation that bond prices 13573  
will decline, is prohibited. 13574

(H) Any securities, certificates of deposit, deposit 13575  
accounts, or any other documents evidencing deposits or 13576  
investments made under authority of this section shall be issued 13577  
in the name of the county with the county treasurer or investing 13578  
authority as the designated payee. If any such deposits or 13579  
investments are registrable either as to principal or interest, 13580  
or both, they shall be registered in the name of the treasurer. 13581

(I) The investing authority shall be responsible for the 13582  
safekeeping of all documents evidencing a deposit or investment 13583

acquired under this section, including, but not limited to, 13584  
safekeeping receipts evidencing securities deposited with a 13585  
qualified trustee, as provided in section 135.37 of the Revised 13586  
Code, and documents confirming the purchase of securities under 13587  
any repurchase agreement under this section shall be deposited 13588  
with a qualified trustee, provided, however, that the qualified 13589  
trustee shall be required to report to the investing authority, 13590  
auditor of state, or an authorized outside auditor at any time 13591  
upon request as to the identity, market value, and location of 13592  
the document evidencing each security, and that if the 13593  
participating institution is a designated depository of the 13594  
county for the current period of designation, the securities 13595  
that are the subject of the repurchase agreement may be 13596  
delivered to the treasurer or held in trust by the participating 13597  
institution on behalf of the investing authority. 13598

Upon the expiration of the term of office of an investing 13599  
authority or in the event of a vacancy in the office for any 13600  
reason, the officer or the officer's legal representative shall 13601  
transfer and deliver to the officer's successor all documents 13602  
mentioned in this division for which the officer has been 13603  
responsible for safekeeping. For all such documents transferred 13604  
and delivered, the officer shall be credited with, and the 13605  
officer's successor shall be charged with, the amount of moneys 13606  
evidenced by such documents. 13607

(J) (1) All investments, except for investments in 13608  
securities described in divisions (A) (5), (6), and (11) of this 13609  
section, shall be made only through a member of the financial 13610  
industry regulatory authority (FINRA), through a bank, savings 13611  
bank, or savings and loan association regulated by the 13612  
superintendent of financial institutions, or through an 13613  
institution regulated by the comptroller of the currency, 13614

federal deposit insurance corporation, or board of governors of 13615  
the federal reserve system. 13616

(2) Payment for investments shall be made only upon the 13617  
delivery of securities representing such investments to the 13618  
treasurer, investing authority, or qualified trustee. If the 13619  
securities transferred are not represented by a certificate, 13620  
payment shall be made only upon receipt of confirmation of 13621  
transfer from the custodian by the treasurer, governing board, 13622  
or qualified trustee. 13623

(K) (1) Except as otherwise provided in division (K) (2) of 13624  
this section, no investing authority shall make an investment or 13625  
deposit under this section, unless there is on file with the 13626  
auditor of state a written investment policy approved by the 13627  
investing authority. The policy shall require that all entities 13628  
conducting investment business with the investing authority 13629  
shall sign the investment policy of that investing authority. 13630  
All brokers, dealers, and financial institutions, described in 13631  
division (J) (1) of this section, initiating transactions with 13632  
the investing authority by giving advice or making investment 13633  
recommendations shall sign the investing authority's investment 13634  
policy thereby acknowledging their agreement to abide by the 13635  
policy's contents. All brokers, dealers, and financial 13636  
institutions, described in division (J) (1) of this section, 13637  
executing transactions initiated by the investing authority, 13638  
having read the policy's contents, shall sign the investment 13639  
policy thereby acknowledging their comprehension and receipt. 13640

(2) If a written investment policy described in division 13641  
(K) (1) of this section is not filed on behalf of the county with 13642  
the auditor of state, the investing authority of that county 13643  
shall invest the county's inactive moneys and moneys of the 13644

county public library fund only in time certificates of deposits 13645  
or savings or deposit accounts pursuant to division (A) (3) of 13646  
this section, no-load money market mutual funds pursuant to 13647  
division (A) (5) of this section, or the Ohio subdivision's fund 13648  
pursuant to division (A) (6) of this section. 13649

(L) (1) The investing authority shall establish and 13650  
maintain an inventory of all obligations and securities acquired 13651  
by the investing authority pursuant to this section. The 13652  
inventory shall include a description of each obligation or 13653  
security, including type, cost, par value, maturity date, 13654  
settlement date, and any coupon rate. 13655

(2) The investing authority shall also keep a complete 13656  
record of all purchases and sales of the obligations and 13657  
securities made pursuant to this section. 13658

(3) The investing authority shall maintain a monthly 13659  
portfolio report and issue a copy of the monthly portfolio 13660  
report describing such investments to the county investment 13661  
advisory committee, detailing the current inventory of all 13662  
obligations and securities, all transactions during the month 13663  
that affected the inventory, any income received from the 13664  
obligations and securities, and any investment expenses paid, 13665  
and stating the names of any persons effecting transactions on 13666  
behalf of the investing authority. 13667

(4) The monthly portfolio report shall be a public record 13668  
and available for inspection under section 149.43 of the Revised 13669  
Code. 13670

(5) The inventory and the monthly portfolio report shall 13671  
be filed with the board of county commissioners. The monthly 13672  
portfolio report also shall be filed with the treasurer of 13673



state. 13674

(M) An investing authority may enter into a written 13675  
investment or deposit agreement that includes a provision under 13676  
which the parties agree to submit to nonbinding arbitration to 13677  
settle any controversy that may arise out of the agreement, 13678  
including any controversy pertaining to losses of public moneys 13679  
resulting from investment or deposit. The arbitration provision 13680  
shall be set forth entirely in the agreement, and the agreement 13681  
shall include a conspicuous notice to the parties that any party 13682  
to the arbitration may apply to the court of common pleas of the 13683  
county in which the arbitration was held for an order to vacate, 13684  
modify, or correct the award. Any such party may also apply to 13685  
the court for an order to change venue to a court of common 13686  
pleas located more than one hundred miles from the county in 13687  
which the investing authority is located. 13688

For purposes of this division, "investment or deposit 13689  
agreement" means any agreement between an investing authority 13690  
and a person, under which agreement the person agrees to invest, 13691  
deposit, or otherwise manage, on behalf of the investing 13692  
authority, a county's inactive moneys or moneys in a county 13693  
public library fund, or agrees to provide investment advice to 13694  
the investing authority. 13695

(N) (1) An investment held in the county portfolio on 13696  
September 27, 1996, that was a legal investment under the law as 13697  
it existed before September 27, 1996, may be held until 13698  
maturity. 13699

(2) An investment held in the county portfolio on 13700  
September 10, 2012, that was a legal investment under the law as 13701  
it existed before September 10, 2012, may be held until 13702  
maturity. 13703

(O) Unless expressly authorized by the laws of this state, 13704  
an investing authority shall not do either of the following: 13705

(1) Make an investment decision with the primary purpose 13706  
of influencing any environmental, social, personal, or 13707  
ideological policy; 13708

(2) Permit any person or entity to which the investing 13709  
authority delegates the management of the investment of public 13710  
money to make investment decisions with public money with the 13711  
primary purpose of influencing any environmental, social, 13712  
personal, or ideological policy. 13713

**Sec. 135.70.** As used in sections 135.70 to 135.71 of the 13714  
Revised Code: 13715

(A) "Closing costs" means a disbursement listed on a 13716  
closing disclosure for the purchase of a home by an eligible 13717  
participant. 13718

(B) "Closing disclosure" means the statement of receipts 13719  
and disbursements for a transaction related to real estate, 13720  
including a statement prescribed under the Real Estate 13721  
Settlement Procedures Act of 1974, 12 U.S.C. 2601 et seq., as 13722  
amended, and the regulations thereunder. 13723

(C) "Discount interest rate" means an interest rate below 13724  
the prevailing interest rate that the treasurer of state 13725  
determines eligible savings institutions are willing to pay to 13726  
hold linked deposits. 13727

(D) "Eligible credit union" has the same meaning as in 13728  
section 135.62 of the Revised Code. 13729

(E) "Eligible expenses" has the same meaning as in section 13730  
5747.85 of the Revised Code. 13731

(F) "Eligible home costs" means the down payment, eligible expenses, and closing costs for the purchase of a home by an eligible participant, ~~or~~ the transfer of funds from one homeownership savings account to another homeownership savings account belonging to the eligible participant at a different eligible savings institution, or the withdrawal of funds from a homeownership savings account that are redeposited into the same or another homeownership savings account belonging to the eligible participant within sixty days of the initial withdrawal.

(G) "Eligible participant" means an individual who has met all of the requirements necessary to participate in the specific linked deposit program for which they have applied.

(H) "Eligible program costs" means costs corresponding to the purpose of the eligible linked deposit program.

(I) "Eligible savings institution" means a financial institution that:

(1) Offers accounts to residents of this state to save for the purposes related to the applicable linked deposit program;

(2) Agrees to participate in the applicable linked deposit program;

(3) Is a public depository of state funds, or an eligible credit union designated under division (A) of section 135.12 of the Revised Code.

(J) "Home" means "primary residence" as defined by section 5747.85 of the Revised Code.

(K) "Homeownership savings account" means a linked deposit savings account opened exclusively for the purpose of paying

eligible home costs and in compliance with the requirements of 13760  
section 135.71 of the Revised Code. 13761

(L) "Linked deposit" means a certificate of deposit, share 13762  
certificate, other financial institution instrument, or portion 13763  
of an existing deposit of interim funds made in accordance with 13764  
section 135.09 of the Revised Code that is placed, purchased, or 13765  
designated by the treasurer of state with an eligible savings 13766  
institution; provided the institution agrees to pay the premium 13767  
savings rate to approved eligible participants, in accordance 13768  
with the deposit agreement required by section 135.703 of the 13769  
Revised Code. 13770

(M) "Linked deposit program" means a program authorized 13771  
under section 135.61 and sections 135.70 to 135.71 of the 13772  
Revised Code and established by the treasurer of state pursuant 13773  
to those sections. 13774

(N) "Linked deposit savings account" means an interest- 13775  
bearing account that is opened by an eligible participant at an 13776  
eligible savings institution exclusively for the purpose of the 13777  
applicable linked deposit program. 13778

(O) "Other financial institution instrument" means a 13779  
product that otherwise would pay the prevailing interest rate 13780  
approved by the treasurer of state, for the purpose of providing 13781  
eligible participants with the benefits of the applicable linked 13782  
deposit program, and in accordance with the deposit agreement 13783  
under section 135.703 of the Revised Code. 13784

(P) "Premium savings rate" means a rate, established under 13785  
section 135.704 of the Revised Code, that reflects the 13786  
percentage rate increase above the present savings rate, as 13787  
determined by the eligible savings institution, applicable to 13788

each eligible participant. 13789

(Q) "Prevailing interest rate" means a current market 13790  
interest rate selected by the treasurer of state that eligible 13791  
savings institutions are willing to pay to hold deposits of the 13792  
treasurer of state. 13793

(R) "Program period" means five years from the date the 13794  
eligible participant opens a linked deposit savings account with 13795  
the eligible savings institution. 13796

(S) "Treasurer of state's assessment rate" has the same 13797  
meaning as in section 135.62 of the Revised Code. 13798

**Sec. 135.71.** (A) The general assembly finds that making 13799  
homeownership more attainable is an important part of fostering 13800  
a robust and lasting population across the state. However, 13801  
individuals often struggle to accumulate the financial resources 13802  
needed to purchase a home. Accordingly, it is declared to be the 13803  
public policy of the state through the homeownership savings 13804  
linked deposit program to make available premium rate savings 13805  
accounts for the down payment and closing costs associated with 13806  
the purchase of a home. 13807

(B) An eligible participant for the homeownership savings 13808  
linked deposit program is an individual who is a resident of 13809  
this state, or a member of the uniformed services, on active 13810  
duty assignment, who is a resident of this state via a residency 13811  
or domicile election in accordance with 50 U.S.C. 4001, and has 13812  
applied for a homeownership savings account at an eligible 13813  
savings institution. A member of the uniformed services, who is 13814  
an eligible participant, may apply for a homeownership savings 13815  
account at an eligible savings institution on or after the date 13816  
affixed to the permanent change of station orders. As used in 13817

this division, "active duty" and "uniformed services" have the 13818  
meanings defined in 10 U.S.C. 101. 13819

(C) An eligible participant shall certify on the 13820  
application that the funds in the homeownership savings account 13821  
shall be used exclusively for eligible home costs. 13822

(D) A homeownership savings account shall be owned by not 13823  
more than one eligible participant and an eligible participant 13824  
shall hold not more than one homeownership savings account per 13825  
program period at any eligible savings institution. 13826

(E) The treasurer of state shall report to the tax 13827  
commissioner any information in the treasurer of state's 13828  
possession deemed necessary by the tax commissioner to properly 13829  
administer section 5747.85 of the Revised Code. 13830

(F) Not later than January 31, 2027, the treasurer of 13831  
state and the tax commissioner shall issue a report regarding 13832  
the efficacy of the homeownership savings linked deposit 13833  
program. The report shall include all of the following: 13834

(1) The number of homeownership savings accounts created; 13835

(2) The number of participating eligible savings 13836  
institutions; 13837

(3) The total amount contributed into the accounts; 13838

(4) The average ~~yield~~ premium savings rate paid on the 13839  
accounts; 13840

(5) Any other information the treasurer of state or tax 13841  
commissioner deems relevant. 13842

The report shall be delivered to the governor, the speaker 13843  
of the house of representatives, and the president of the 13844

senate. 13845

**Sec. 141.04.** (A) The annual salaries of the chief justice 13846  
of the supreme court and of the justices and judges named in 13847  
this section payable from the state treasury are as follows: 13848

(1) For the chief justice of the supreme court, the 13849  
following amounts effective in the following years: 13850

(a) Beginning January 1, 2018, one hundred seventy-four 13851  
thousand seven hundred dollars; 13852

(b) Beginning January 1, 2019, one hundred eighty-three 13853  
thousand four hundred fifty dollars; 13854

(c) Beginning January 1, 2020, and in each calendar year 13855  
thereafter through calendar year ~~2028~~2025 beginning on the 13856  
first day of January, the annual compensation amount shall be 13857  
increased by one and three-quarters per cent; 13858

(d) Beginning January 1, 2026, and in each calendar year 13859  
thereafter through calendar year 2029 beginning on the first day 13860  
of January, the annual compensation amount shall be increased by 13861  
five per cent; 13862

(e) Beginning January 1, 2030, and in each calendar year 13863  
thereafter beginning on the first day of January, the annual 13864  
compensation amount shall be increased by the percentage 13865  
increase, if any, in the consumer price index over the twelve- 13866  
month period that ends on the thirtieth day of September of the 13867  
immediately preceding year, rounded to the nearest one-tenth of 13868  
one per cent, not to exceed three per cent. 13869

(2) For the justices of the supreme court, the following 13870  
amounts effective in the following years: 13871

(a) Beginning January 1, 2018, one hundred sixty-four 13872

thousand dollars; 13873

(b) Beginning January 1, 2019, one hundred seventy-two 13874  
thousand two hundred dollars; 13875

(c) Beginning January 1, 2020, and in each calendar year 13876  
thereafter through calendar year ~~2028~~2025 beginning on the 13877  
first day of January, the annual compensation amount shall be 13878  
increased by one and three-quarters per cent; 13879

(d) Beginning January 1, 2026, and in each calendar year 13880  
thereafter through calendar year 2029 beginning on the first day 13881  
of January, the annual compensation amount shall be increased by 13882  
five per cent; 13883

(e) Beginning January 1, 2030, and in each calendar year 13884  
thereafter beginning on the first day of January, the annual 13885  
compensation amount shall be increased by the percentage 13886  
increase, if any, in the consumer price index over the twelve- 13887  
month period that ends on the thirtieth day of September of the 13888  
immediately preceding year, rounded to the nearest one-tenth of 13889  
one per cent, not to exceed three per cent. 13890

(3) For the judges of the courts of appeals, the following 13891  
amounts effective in the following years: 13892

(a) Beginning January 1, 2018, one hundred fifty-two 13893  
thousand eight hundred fifty dollars; 13894

(b) Beginning January 1, 2019, one hundred sixty thousand 13895  
five hundred dollars; 13896

(c) Beginning January 1, 2020, and in each calendar year 13897  
thereafter through calendar year ~~2028~~2025 beginning on the 13898  
first day of January, the annual compensation amount shall be 13899  
increased by one and three-quarters per cent; 13900



(d) Beginning January 1, 2026, and in each calendar year 13901  
thereafter through calendar year 2029 beginning on the first day 13902  
of January, the annual compensation amount shall be increased by 13903  
five per cent; 13904

(e) Beginning January 1, 2030, and in each calendar year 13905  
thereafter beginning on the first day of January, the annual 13906  
compensation amount shall be increased by the percentage 13907  
increase, if any, in the consumer price index over the twelve- 13908  
month period that ends on the thirtieth day of September of the 13909  
immediately preceding year, rounded to the nearest one-tenth of 13910  
one per cent, not to exceed three per cent. 13911

(4) For the judges of the courts of common pleas, the 13912  
following amounts effective in the following years, reduced by 13913  
an amount equal to the annual compensation paid to that judge 13914  
from the county treasury pursuant to section 141.05 of the 13915  
Revised Code: 13916

(a) Beginning January 1, 2018, one hundred forty thousand 13917  
five hundred fifty dollars; 13918

(b) Beginning January 1, 2019, one hundred forty-seven 13919  
thousand six hundred dollars; 13920

(c) Beginning January 1, 2020, and in each calendar year 13921  
thereafter through calendar year ~~2028~~2025 beginning on the 13922  
first day of January, the annual compensation amount shall be 13923  
increased by one and three-quarters per cent; 13924

(d) Beginning January 1, 2026, and in each calendar year 13925  
thereafter through calendar year 2029 beginning on the first day 13926  
of January, the annual compensation amount shall be increased by 13927  
five per cent; 13928

(e) Beginning January 1, 2030, and in each calendar year 13929

thereafter beginning on the first day of January, the annual 13930  
compensation amount shall be increased by the percentage 13931  
increase, if any, in the consumer price index over the twelve- 13932  
month period that ends on the thirtieth day of September of the 13933  
immediately preceding year, rounded to the nearest one-tenth of 13934  
one per cent, not to exceed three per cent. 13935

(5) For the full-time judges of a municipal court or the 13936  
part-time judges of a municipal court of a territory having a 13937  
population of more than fifty thousand, the following amounts 13938  
effective in the following years, reduced by an amount equal to 13939  
the annual compensation paid to that judge pursuant to division 13940  
(B) (1) (a) of section 1901.11 of the Revised Code from municipal 13941  
corporations and counties: 13942

(a) Beginning January 1, 2018, one hundred thirty-two 13943  
thousand one hundred fifty dollars; 13944

(b) Beginning January 1, 2019, one hundred thirty-eight 13945  
thousand eight hundred dollars; 13946

(c) Beginning January 1, 2020, and in each calendar year 13947  
thereafter through calendar year ~~2028~~2025 beginning on the 13948  
first day of January, the annual compensation amount shall be 13949  
increased by one and three-quarters per cent; 13950

(d) Beginning January 1, 2026, and in each calendar year 13951  
thereafter through calendar year 2029 beginning on the first day 13952  
of January, the annual compensation amount shall be increased by 13953  
five per cent; 13954

(e) Beginning January 1, 2030, and in each calendar year 13955  
thereafter beginning on the first day of January, the annual 13956  
compensation amount shall be increased by the percentage 13957  
increase, if any, in the consumer price index over the twelve- 13958

month period that ends on the thirtieth day of September of the 13959  
immediately preceding year, rounded to the nearest one-tenth of 13960  
one per cent, not to exceed three per cent. 13961

(6) For judges of a municipal court designated as part- 13962  
time judges by section 1901.08 of the Revised Code, other than 13963  
part-time judges to whom division (A)(5) of this section 13964  
applies, and for judges of a county court, the following amounts 13965  
effective in the following years, reduced by an amount equal to 13966  
the annual compensation paid to that judge pursuant to division 13967  
(A) of section 1901.11 of the Revised Code from municipal 13968  
corporations and counties or pursuant to division (A) of section 13969  
1907.16 of the Revised Code from counties: 13970

(a) Beginning January 1, 2018, seventy-six thousand fifty 13971  
dollars; 13972

(b) Beginning January 1, 2019, seventy-nine thousand nine 13973  
hundred dollars; 13974

(c) Beginning January 1, 2020, and in each calendar year 13975  
thereafter through calendar year ~~2028~~2025 beginning on the 13976  
first day of January, the annual compensation amount shall be 13977  
increased by one and three-quarters per cent; 13978

(d) Beginning January 1, 2026, and in each calendar year 13979  
thereafter through calendar year 2029 beginning on the first day 13980  
of January, the annual compensation amount shall be increased by 13981  
five per cent; 13982

(e) Beginning January 1, 2030, and in each calendar year 13983  
thereafter beginning on the first day of January, the annual 13984  
compensation amount shall be increased by the percentage 13985  
increase, if any, in the consumer price index over the twelve- 13986  
month period that ends on the thirtieth day of September of the 13987

immediately preceding year, rounded to the nearest one-tenth of 13988  
one per cent, not to exceed three per cent. 13989

(B) Except as provided in sections 1901.122 and 1901.123 13990  
of the Revised Code, except as otherwise provided in this 13991  
division, and except for the compensation to which the judges 13992  
described in division (A) (5) of this section are entitled 13993  
pursuant to divisions (B) (1) (a) and (2) of section 1901.11 of 13994  
the Revised Code, the annual salary of the chief justice of the 13995  
supreme court and of each justice or judge listed in division 13996  
(A) of this section shall be paid in equal monthly installments 13997  
from the state treasury. If the chief justice of the supreme 13998  
court or any justice or judge listed in division (A) (2), (3), or 13999  
(4) of this section delivers a written request to be paid 14000  
biweekly to the administrative director of the supreme court 14001  
prior to the first day of January of any year, the annual salary 14002  
of the chief justice or the justice or judge that is listed in 14003  
division (A) (2), (3), or (4) of this section shall be paid, 14004  
during the year immediately following the year in which the 14005  
request is delivered to the administrative director of the 14006  
supreme court, biweekly from the state treasury. 14007

(C) Upon the death of the chief justice or a justice of 14008  
the supreme court during that person's term of office, an amount 14009  
shall be paid in accordance with section 2113.04 of the Revised 14010  
Code, or to that person's estate. The amount shall equal the 14011  
amount of the salary that the chief justice or justice would 14012  
have received during the remainder of the unexpired term or an 14013  
amount equal to the salary of office for two years, whichever is 14014  
less. 14015

(D) Neither the chief justice of the supreme court nor any 14016  
justice or judge of the supreme court, the court of appeals, the 14017

court of common pleas, or the probate court shall hold any other 14018  
office of trust or profit under the authority of this state or 14019  
the United States. 14020

(E) In addition to the salaries payable pursuant to this 14021  
section, the chief justice of the supreme court and the justices 14022  
of the supreme court shall be entitled to a vehicle allowance of 14023  
five hundred dollars per month, payable from the state treasury. 14024  
The allowance shall be increased on the first day of January of 14025  
each odd-numbered year by an amount equal to the percentage 14026  
increase, if any, in the consumer price index for the 14027  
immediately preceding twenty-four month period for which 14028  
information is available. 14029

(F) As used in this section: 14030

(1) "Consumer price index" ~~has the same meaning as in~~ 14031  
~~section 101.27 of the Revised Code~~means the consumer price index 14032  
prepared by the United States bureau of labor statistics (U.S. 14033  
city average for urban wage earners and clerical workers: all 14034  
items, 1982-1984=100), or, if that index is no longer published, 14035  
a generally available comparable index. 14036

(2) "Salary" does not include any portion of the cost, 14037  
premium, or charge for health, medical, hospital, dental, or 14038  
surgical benefits, or any combination of those benefits, 14039  
covering the chief justice of the supreme court or a justice or 14040  
judge named in this section and paid on the chief justice's or 14041  
the justice's or judge's behalf by a governmental entity. 14042

**Sec. 145.012.** (A) "Public employee," as defined in 14043  
division (A) of section 145.01 of the Revised Code, does not 14044  
include any person: 14045

(1) Who is employed by a private, temporary-help service 14046

and performs services under the direction of a public employer 14047  
or is employed on a contractual basis as an independent 14048  
contractor under a personal service contract with a public 14049  
employer; 14050

(2) Who is an emergency employee serving on a temporary 14051  
basis in case of fire, snow, earthquake, flood, or other similar 14052  
emergency; 14053

(3) Who is employed in a program established pursuant to 14054  
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 14055  
U.S.C.A. 1501; 14056

(4) Who is an appointed member of either the motor vehicle 14057  
salvage dealers board or the motor vehicle dealer's board whose 14058  
rate and method of payment are determined pursuant to division 14059  
(J) of section 124.15 of the Revised Code; 14060

(5) ~~Who~~ Whose only service as a public employee during a 14061  
calendar year is employed as an precinct election worker 14062  
official under section 3501.22 of the Revised Code and paid less 14063  
than six hundred dollars per calendar year the person received 14064  
compensation for that service, except for a under section 14065  
3501.28 of the Revised Code during the calendar year in which 14066  
more than one primary election and one general election are 14067  
held, the person is paid six hundred dollars plus an amount not 14068  
to exceed four hundred dollars for that service; 14069

(6) Who is employed as a firefighter in a position 14070  
requiring satisfactory completion of a firefighter training 14071  
course approved under former section 3303.07 or section 4765.55 14072  
of the Revised Code or conducted under section 3737.33 of the 14073  
Revised Code except for the following: 14074

(a) Any firefighter who has elected under section 145.013 14075

of the Revised Code to remain a contributing member of the 14076  
public employees retirement system; 14077

(b) Any firefighter who was eligible to transfer from the 14078  
public employees retirement system to the Ohio police and fire 14079  
pension fund under section 742.51 or 742.515 of the Revised Code 14080  
and did not elect to transfer; 14081

(c) Any firefighter who has elected under section 742.516 14082  
of the Revised Code to transfer from the Ohio police and fire 14083  
pension fund to the public employees retirement system. 14084

(7) Who is a member of the board of health of a city or 14085  
general health district, which pursuant to sections 3709.051 and 14086  
3709.07 of the Revised Code includes a combined health district, 14087  
and whose compensation for attendance at meetings of the board 14088  
is set forth in division (B) of section 3709.02 or division (B) 14089  
of section 3709.05 of the Revised Code, as appropriate; 14090

(8) Who participates in an alternative retirement plan 14091  
established under Chapter 3305. of the Revised Code; 14092

(9) Who is a member of the board of directors of a 14093  
sanitary district established under Chapter 6115. of the Revised 14094  
Code; 14095

(10) Who is an employee, officer, or governor-appointed 14096  
member of the board of directors of the nonprofit corporation 14097  
formed under section 187.01 of the Revised Code; 14098

(11) Who is employed by the nonprofit entity established 14099  
to provide advocacy services and a client assistance program for 14100  
people with disabilities under Section 319.20 of Am. Sub. H.B. 14101  
153 of the 129th general assembly and whose employment begins on 14102  
or after October 1, 2012. 14103

(B) No inmate of a correctional institution operated by 14104  
the department of rehabilitation and correction, no patient in a 14105  
hospital for persons with mental illnesses operated by the 14106  
department of mental health and addiction services, no resident 14107  
in an institution for persons with intellectual disabilities 14108  
operated by the department of developmental disabilities, no 14109  
resident admitted as a patient of a veterans' home operated 14110  
under Chapter 5907. of the Revised Code, and no resident of a 14111  
county home shall be considered as a public employee for the 14112  
purpose of establishing membership or calculating service credit 14113  
or benefits under this chapter. Nothing in this division shall 14114  
be construed to affect any service credit attained by any person 14115  
who was a public employee before becoming an inmate, patient, or 14116  
resident at any institution listed in this division, or the 14117  
payment of any benefit for which such a person or such a 14118  
person's beneficiaries otherwise would be eligible. 14119

**Sec. 145.054.** (A) No person shall knowingly fail to file a 14120  
complete and accurate campaign finance statement or independent 14121  
expenditure statement in accordance with section 145.053 of the 14122  
Revised Code. 14123

(B) No person, during the course of a person seeking 14124  
nomination for, or during any campaign for, election to the 14125  
public employees retirement board, shall knowingly and with 14126  
intent to affect the nomination or the outcome of the campaign 14127  
do any of the following by means of campaign materials, an 14128  
advertisement on radio or television or in a newspaper or 14129  
periodical, a public speech, press release, or otherwise: 14130

(1) With regard to a candidate, identify the candidate in 14131  
a manner that implies that the candidate is a member of the 14132  
board or use the term "re-elect" when the candidate is not 14133



currently a member of the board; 14134

(2) Make a false statement concerning the formal schooling 14135  
or training completed or attempted by a candidate; a degree, 14136  
diploma, certificate, scholarship, grant, award, prize, or honor 14137  
received, earned, or held by a candidate; or the period of time 14138  
during which a candidate attended any school, college, community 14139  
technical school, or institution; 14140

(3) Make a false statement concerning the professional, 14141  
occupational, or vocational licenses held by a candidate, or 14142  
concerning any position the candidate held for which the 14143  
candidate received a salary or wages; 14144

(4) Make a false statement that a candidate or board 14145  
member has been indicted or convicted of a theft offense, 14146  
extortion, or other crime involving financial corruption or 14147  
moral turpitude; 14148

(5) Make a statement that a candidate has been indicted 14149  
for any crime or has been the subject of a finding by the Ohio 14150  
elections commission, the secretary of state, or the Ohio 14151  
election integrity commission without disclosing the outcome of 14152  
any legal proceedings resulting from the indictment or finding; 14153

(6) Make a false statement that a candidate or board 14154  
member has a record of treatment or confinement for mental 14155  
disorder; 14156

(7) Make a false statement that a candidate or board 14157  
member has been subjected to military discipline for criminal 14158  
misconduct or dishonorably discharged from the armed services; 14159

(8) Falsely identify the source of a statement, issue 14160  
statements under the name of another person without 14161  
authorization, or falsely state the endorsement of or opposition 14162

to a candidate by a person or publication; 14163

(9) Make a false statement concerning the voting record of 14164  
a candidate or board member; 14165

(10) Post, publish, circulate, distribute, or otherwise 14166  
disseminate a false statement concerning a candidate, either 14167  
knowing the same to be false or with reckless disregard of 14168  
whether it was false or not, if the statement is designed to 14169  
promote the election, nomination, or defeat of the candidate. 14170

**Sec. 145.055.** ~~The secretary of state, or any person acting~~ 14171  
~~on personal knowledge and subject to the penalties of perjury,~~ 14172  
~~may file a~~ A complaint with the Ohio elections commission 14173  
~~alleging a violation of section 145.054 of the Revised Code~~ may 14174  
be filed in accordance with section 3517.16 of the Revised Code. 14175  
~~The complaint shall be made on a form prescribed and provided by~~ 14176  
~~the commission.~~ 14177

~~On receipt of a complaint under this section, the~~ 14178  
~~commission shall hold a hearing open to the public to determine~~ 14179  
~~whether the violation alleged in the complaint has occurred. The~~ 14180  
~~commission may administer oaths and issue subpoenas to any~~ 14181  
~~person in the state compelling the attendance of witnesses and~~ 14182  
~~the production of relevant papers, books, accounts, and reports.~~ 14183  
~~On the refusal of any person to obey a subpoena or to be sworn~~ 14184  
~~or to answer as a witness, the commission may apply to the court~~ 14185  
~~of common pleas of Franklin county under section 2705.03 of the~~ 14186  
~~Revised Code. The court shall hold contempt proceedings in~~ 14187  
~~accordance with Chapter 2705. of the Revised Code.~~ 14188

~~The commission shall provide the person accused of the~~ 14189  
~~violation at least seven days prior notice of the time, date,~~ 14190  
~~and place of the hearing. The accused may be represented by an~~ 14191

~~attorney and shall have an opportunity to present evidence, call  
witnesses, and cross-examine witnesses.~~ 14192  
14193

~~At the hearing, the commission shall determine whether the  
violation alleged in the complaint has occurred. If the  
commission determines that a violation of division (A) of  
section 145.054 of the Revised Code has occurred, the commission  
shall either impose a fine under section 145.99 of the Revised  
Code or enter a finding that good cause has been shown not to  
impose the fine. If the commission determines that a violation  
of division (B) of section 145.054 of the Revised Code has  
occurred, the commission shall impose the fine described in  
section 145.99 of the Revised Code, refer the matter to the  
appropriate prosecutor, or enter a finding that good cause has  
been shown not to impose a fine or refer the matter to a  
prosecutor.~~ 14194  
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**Sec. 145.09.** The public employees retirement board shall 14207  
elect from its membership a chairperson. The board shall appoint 14208  
an executive director who shall serve as secretary to the board, 14209  
an actuary, and other employees as necessary for the transaction 14210  
of the business of the public employees retirement system. The 14211  
compensation of all persons so appointed shall be fixed by the 14212  
board. Such persons appointed by the board are not employees of 14213  
the state and are not subject to Chapter 124. of the Revised 14214  
Code. 14215

~~If the board provides health care coverage to employees of  
the retirement system, it may permit employees of the Ohio  
public employees deferred compensation board to participate.~~ 14216  
14217  
14218

Effective ninety days after September 15, 2004, the board 14219  
may not employ a state retirement system investment officer, as 14220  
defined in section 1707.01 of the Revised Code, who does not 14221

hold a valid state retirement system investment officer license 14222  
issued by the division of securities in the department of 14223  
commerce. 14224

Every expense voucher of an employee, officer, or board 14225  
member of the public employees retirement system shall itemize 14226  
all purchases and expenditures. 14227

The board shall perform other functions as required for 14228  
the proper execution of this chapter, and may adopt rules in 14229  
accordance with section 111.15 of the Revised Code for the 14230  
proper administration and management of this chapter. 14231

The board may take all appropriate action to avoid payment 14232  
by the system or its members of federal or state income taxes on 14233  
contributions to the system or amounts earned on such 14234  
contributions. 14235

Notice of proposed rules shall be given to interested 14236  
parties and rules adopted by the board shall be published and 14237  
otherwise made available. When it files a rule with the joint 14238  
committee on agency rule review pursuant to section 111.15 of 14239  
the Revised Code, the board shall submit to the Ohio retirement 14240  
study council a copy of the full text of the rule, and if 14241  
applicable, a copy of the rule summary and fiscal analysis 14242  
required by division (B) of section 106.024 of the Revised Code. 14243

The board may sue and be sued, plead and be impleaded, 14244  
contract and be contracted with. All of its business shall be 14245  
transacted, all of its funds invested, all warrants for money 14246  
drawn and payments made, and all of its cash and securities and 14247  
other property shall be held in the name of the board, or in the 14248  
name of its nominee, provided that nominees are authorized by 14249  
retirement board resolution for the purpose of facilitating the 14250

ownership and transfer of investments. 14251

If the Ohio retirement study council establishes a uniform 14252  
format for any report the board is required to submit to the 14253  
council, the board shall submit the report in that format. 14254

**Sec. 145.091.** The public employees retirement system shall 14255  
administer the PERS defined benefit plan ~~and~~, the PERS defined 14256  
contribution plans, and the Ohio public employees deferred 14257  
compensation program established under Chapter 148. of the 14258  
Revised Code. 14259

**Sec. 145.99.** (A) Whoever violates division (A) of section 14260  
145.054 of the Revised Code shall be fined not more than one 14261  
hundred dollars for each day of the violation. 14262

(B) Whoever violates division (B) of section 145.054 of 14263  
the Revised Code shall be imprisoned for not more than six 14264  
months or fined not more than five thousand dollars, or both. 14265

~~(C) Fines imposed by the Ohio elections commission under~~ 14266  
~~this section shall be paid into the Ohio elections commission~~ 14267  
~~fund created under section 3513.10 of the Revised Code.~~ 14268

**Sec. 148.01.** (A) As used in this chapter: 14269

(1) "Eligible employee" means any public employee, as 14270  
defined in division (A) of section 145.01 of the Revised Code; 14271  
any person eligible to become a member of the public employees 14272  
retirement system under section 145.20 of the Revised Code; any 14273  
employee, as defined in division (C) of section 742.01, division 14274  
(B) of section 3309.01, or division (A) of section 5505.01 of 14275  
the Revised Code; any electing employee, as defined in section 14276  
3305.01 of the Revised Code; and any member of the state 14277  
teachers retirement system. 14278

(2) "Participant account" means any of the following 14279  
accounts: 14280

(a) An account that is maintained by the ~~Ohio~~-public 14281  
employees ~~deferred compensation retirement~~ board and that 14282  
evidences moneys that have been deferred by, or on behalf of, a 14283  
continuing member or participating employee and transmitted to 14284  
the board by the retirement system of the continuing member or 14285  
participating employee; 14286

(b) An account that is maintained by the governing board, 14287  
administrator, depository, or trustee of a deferred compensation 14288  
program of a municipal corporation and that evidences moneys 14289  
that have been deferred by an officer or employee of that 14290  
municipal corporation and transmitted to the governing board, 14291  
administrator, depository, or trustee by the retirement system 14292  
of the officer or employee or in another manner; 14293

(c) An account that is maintained by a governing board, as 14294  
defined in section 148.06 of the Revised Code, and that 14295  
evidences moneys that have been deferred by an officer or 14296  
employee of a government unit, as defined in that section, and 14297  
transmitted to the governing board by the retirement system of 14298  
the officer or employee or in another manner. 14299

(3) "Participating employee" means any eligible employee 14300  
who is having compensation deferred pursuant to either of the 14301  
following: 14302

(a) An agreement that is entered into before the 14303  
compensation is earned and that is with the eligible employee's 14304  
employer and the ~~Ohio~~-public employees ~~deferred compensation~~- 14305  
retirement board; 14306

(b) Automatic enrollment in the Ohio public employees 14307

deferred compensation program under section 148.042 of the 14308  
Revised Code. 14309

(4) "Continuing member" means any former participating 14310  
employee who is not currently having compensation deferred, or 14311  
the former participating employee's beneficiary, to whom payment 14312  
has not been made of all deferred compensation distributions. 14313

(B) Notwithstanding section 145.01 of the Revised Code, 14314  
the definitions of that section are applicable to this chapter 14315  
only to any extent necessary to fully understand the provisions 14316  
of this chapter. Reference may also be had to Chapters 742., 14317  
3305., 3307., 3309., and 5505. of the Revised Code for that 14318  
purpose. 14319

**Sec. 148.02.** The Ohio public employees deferred 14320  
compensation ~~board shall be comprised of a member of the house~~ 14321  
~~of representatives and a member of the senate, who shall not be~~ 14322  
~~of the same political party, each to be appointed to serve at~~ 14323  
~~the pleasure of the member's respective leadership, and the~~ 14324  
~~members of the public employees retirement board as constituted~~ 14325  
~~by section 145.04 of the Revised Code, who are~~ program is hereby 14326  
~~created as a separate legal entity for the purpose of~~ 14327  
~~administering a deferred compensation system~~ for all eligible 14328  
employees. The public employees retirement board created in 14329  
section 145.04 of the Revised Code shall administer the program. 14330  
The board may utilize its employees and property in the 14331  
administration of the ~~system on behalf of the Ohio public~~ 14332  
~~employees deferred compensation board,~~ program in consideration 14333  
of a reasonable service charge to be applied in a 14334  
nondiscriminatory manner to all amounts of compensation deferred 14335  
under ~~this system~~ the program. 14336

The ~~Ohio public employees deferred compensation board~~ may 14337

exercise the same powers granted by section 145.09 of the 14338  
Revised Code necessary to perform its functions under this 14339  
chapter. The attorney general shall be the legal adviser of the 14340  
board. The Ohio public employees deferred compensation receiving 14341  
account, which is hereby created, shall be in the custody of the 14342  
treasurer of state, but shall not be part of the state treasury. 14343  
The Ohio public employees deferred compensation receiving 14344  
account is a legal entity that is separate from the various 14345  
funds created under Chapter 145. of the Revised Code. 14346

Sec. 148.021. Whenever the Ohio public employees deferred 14347  
compensation board or the executive director of that board or a 14348  
variation thereof is used, referred to, or designated in any 14349  
statute, rule, contract, grant, or other document, the use, 14350  
reference, or designation shall be deemed to refer to the public 14351  
employees retirement board or the executive director of the 14352  
public employees retirement system, as the case may be. 14353

Sec. 148.04. (A) The Ohio public employees ~~deferred~~ 14354  
~~compensation~~ retirement board shall initiate, plan, expedite, 14355  
and, subject to an appropriate assurance of the approval of the 14356  
internal revenue service, promulgate and offer to all eligible 14357  
employees, and thereafter administer on behalf of all 14358  
participating employees and continuing members, and alter as 14359  
required, a program for deferral of compensation, including a 14360  
reasonable number of options to the employee for the investment 14361  
of deferred funds, always in such form as will assure the 14362  
desired tax treatment of such funds. The members of the board 14363  
are the trustees of any deferred funds and shall discharge their 14364  
duties with respect to the funds solely in the interest of and 14365  
for the exclusive benefit of participating employees, continuing 14366  
members, and their beneficiaries. With respect to such deferred 14367  
funds, section 148.09 of the Revised Code shall apply to claims 14368



against participating employees or continuing members and their employers. 14369  
14370

(B) Every employer of an eligible employee shall enroll 14371  
the employee in a deferred compensation program offered by the 14372  
board on the employee's application to participate, on the 14373  
employee's election under section 148.041 of the Revised Code, 14374  
or by automatic enrollment under section 148.042 of the Revised 14375  
Code. 14376

(C) The board shall take all actions necessary to ensure 14377  
that the program qualifies as an eligible deferred compensation 14378  
plan under section 457(b) of the Internal Revenue Code of 1986, 14379  
26 U.S.C. 457. The board shall, subject to any applicable 14380  
provisions of the Ohio public employees deferred compensation 14381  
program plan, undertake to obtain as favorable conditions of tax 14382  
treatment as possible, both in the initial programs and any 14383  
permitted alterations of them or additions to them, as to such 14384  
matters as terms of distribution, designation of beneficiaries, 14385  
withdrawal upon disability, financial hardship, or termination 14386  
of public employment, and other optional provisions. 14387

The board may establish a designated Roth account feature 14388  
or any other feature in which an employee may make tax-deferred 14389  
or nontax-deferred contributions to an eligible government plan 14390  
in accordance with 26 U.S.C. 457, as amended. 14391

(D) In no event shall the total of the amount of deferred 14392  
compensation to be set aside under a deferred compensation 14393  
program and the employee's nondeferred income for any year 14394  
exceed the total annual salary or compensation under the 14395  
existing salary schedule or classification plan applicable to 14396  
the employee in that year. 14397

Such a deferred compensation program shall be in addition 14398  
to any retirement or any other benefit program provided by law 14399  
for employees of this state. The board shall adopt rules 14400  
pursuant to Chapter 119. of the Revised Code to provide any 14401  
necessary standards or conditions for the administration of its 14402  
programs, including any limits on the portion of a participating 14403  
employee's compensation that may be deferred in order to avoid 14404  
adverse treatment of the program by the internal revenue service 14405  
or the occurrence of deferral, withholding, or other deductions 14406  
in excess of the compensation available for any pay period. 14407

Both of the following apply to a deferred compensation 14408  
program established under this section: 14409

(1) Any income deferred under the program shall continue 14410  
to be included as regular compensation for the purpose of 14411  
computing the contributions to and benefits from the retirement 14412  
system of an employee; 14413

(2) Any sums deferred shall not be included in the 14414  
computation of any federal and state income taxes withheld on 14415  
behalf of an employee. Sums contributed to a Roth account 14416  
feature or other feature to which nontax-deferred contributions 14417  
are made shall be included in the computation of any federal and 14418  
state income taxes withheld on behalf of an employee. 14419

(E) This section does not limit the authority of any 14420  
municipal corporation, county, township, park district, 14421  
conservancy district, sanitary district, health district, public 14422  
library, county law library, public institution of higher 14423  
education, or school district to provide separate authorized 14424  
plans or programs for deferring compensation of their officers 14425  
and employees in addition to the program for the deferral of 14426  
compensation offered by the board. Any municipal corporation, 14427

township, public institution of higher education, or school 14428  
district that offers such plans or programs shall include a 14429  
reasonable number of options to its officers or employees for 14430  
the investment of the deferred funds, including annuities, 14431  
variable annuities, regulated investment trusts, or other forms 14432  
of investment approved by the municipal corporation, township, 14433  
public institution of higher education, or school district, that 14434  
will assure the desired tax treatment of the funds. 14435

**Sec. 148.041.** (A) Unless the employee will be 14436  
automatically enrolled in the Ohio public employees deferred 14437  
compensation program under section 148.042 of the Revised Code, 14438  
whenever an eligible employee becomes employed in a position 14439  
paid by warrant of the director of budget and management, the 14440  
employee's employer shall do both of the following at the time 14441  
the employee completes the employee's initial employment 14442  
paperwork: 14443

(1) Provide to the employee materials provided by the ~~Ohio~~ 14444  
public employees ~~deferred compensation retirement~~ board under 14445  
division (D) of this section regarding the benefits of long-term 14446  
savings through deferred compensation; 14447

(2) Except as otherwise provided in division (E) of this 14448  
section, secure, in writing or by electronic means, the 14449  
employee's election to participate or not participate in a 14450  
deferred compensation program offered by the board. 14451

(B) An election regarding participation under this section 14452  
shall be made in the manner prescribed by the board. 14453

(C) The employer shall forward each election completed 14454  
under this section to the program not later than forty-five days 14455  
after the date the employee's employment begins. 14456

(D) The board shall provide informational materials and participation forms to employers required to comply with this section.

(E) If an eligible employee transfers employment from one position paid by warrant of the director of budget and management to another position paid by warrant of the director of budget and management and, at the time of transfer, is a participating employee, the employee's new employer shall not be required to secure the employee's election to participate or not participate under division (A) (2) of this section.

**Sec. 148.042.** (A) As used in this section, "employing authority" means both of the following:

(1) The supreme court, house of representatives, senate, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general with respect to employees of those entities;

(2) The director of administrative services, with respect to eligible employees employed in a position paid by warrant of the director of budget and management who are not employed by a person or entity listed in division (A) (1) of this section.

(B) (1) An employing authority may elect to automatically enroll employees described in division (C) (1) of this section in the Ohio public employees deferred compensation program. An employing authority that elects automatic enrollment shall notify the ~~Ohio public employees deferred compensation~~ retirement board of that election. Automatic enrollment shall commence as soon as administratively practical for the board and the employing authority.

(2) An employing authority that elects automatic

enrollment may cease automatic enrollment by notifying the 14486  
board. The employing authority shall specify in the notice the 14487  
date on which automatic enrollment will cease, and that date 14488  
must be at least ninety days after the date the employing 14489  
authority sends the notice. An employee who commences employment 14490  
after automatic enrollment ceases may elect to participate in 14491  
the program in accordance with section 148.04 or 148.041 of the 14492  
Revised Code. Cessation of automatic enrollment does not affect 14493  
the enrollment of employees enrolled during an automatic 14494  
enrollment period. 14495

An employing authority that ceases automatic enrollment 14496  
may subsequently elect automatic enrollment by complying with 14497  
division (B) (1) of this section. 14498

(C) (1) An eligible employee employed by an employing 14499  
authority that has elected automatic enrollment shall be 14500  
automatically enrolled in the program if one of the following 14501  
applies to the employee: 14502

(a) The employee initially commences employment with the 14503  
employing authority on or after the date automatic enrollment 14504  
begins under division (B) of this section. 14505

(b) The employee separates from employment with an 14506  
employing authority, becomes a continuing member, and, on or 14507  
after the date automatic enrollment begins, commences employment 14508  
with that employing authority or a different employing 14509  
authority. 14510

(c) The employee is employed in a position paid by warrant 14511  
of the director of budget and management and the employee 14512  
transfers employment from an employing authority that has not 14513  
elected to automatically enroll employees under this section to 14514

another position paid by warrant of the director of budget and 14515  
management under an employing authority that has elected to 14516  
automatically enroll employees, if the transfer occurs on or 14517  
after the date automatic enrollment begins. 14518

(2) An employee who, at the time of transferring from one 14519  
employing authority to another as described in division (C) (1) 14520  
(c) of this section, is a participating employee shall not be 14521  
automatically enrolled in the program by the employing authority 14522  
to which the employee transfers. 14523

(D) The board shall establish the automatic deferral 14524  
amounts and specify the investment options into which those 14525  
deferred amounts will be invested for participating employees 14526  
who are enrolled under this section. Deferral amounts shall not 14527  
exceed the lesser of either ten per cent of an eligible 14528  
employee's compensation or the maximum contribution that the 14529  
employee is eligible to contribute under federal law. 14530

(E) An employing authority that elects to automatically 14531  
enroll employees under this section shall provide those 14532  
employees with notice of the employee's rights and obligations 14533  
in the manner prescribed by the board. 14534

(F) An employing authority shall not elect to 14535  
automatically enroll an eligible employee under this section, or 14536  
elect to cease automatic enrollment, if that election conflicts 14537  
with any collective bargaining agreement entered into between 14538  
the employing authority and an exclusive representative as 14539  
defined in section 4117.01 of the Revised Code. 14540

**Sec. 148.05.** (A) (1) As used in this division, "personal 14541  
history record" means information maintained by the ~~Ohio~~-public 14542  
employees ~~deferred compensation retirement~~ board on an 14543

individual who is a participating employee or continuing member 14544  
that includes the address, telephone number, social security 14545  
number, record of contributions, records of benefits, 14546  
correspondence with the Ohio public employees deferred 14547  
compensation program, or other information the board determines 14548  
to be confidential. 14549

(2) The records of the board shall be open to public 14550  
inspection, except that the following shall be excluded, except 14551  
with the written authorization of the individual concerned: 14552

(a) Information pertaining to an individual's participant 14553  
account; 14554

(b) The individual's personal history record. 14555

(B) (1) All medical reports, records, and recommendations 14556  
of a participating employee or a continuing member that are in 14557  
the possession of the board are privileged. 14558

(2) All tax information of a participating employee, 14559  
continuing member, or former participant or member that is in 14560  
the possession of the board shall be confidential to the extent 14561  
the information is confidential under Title LVII or any other 14562  
provision of the Revised Code. 14563

(C) Notwithstanding the exceptions to public inspection in 14564  
division (A) (2) of this section, the board may furnish the 14565  
following information: 14566

(1) If a participating employee, continuing member, or 14567  
former participant or member is subject to an order issued under 14568  
section 2907.15 of the Revised Code or is convicted of or pleads 14569  
guilty to a violation of section 2921.41 of the Revised Code, on 14570  
written request of a prosecutor as defined in section 2935.01 of 14571  
the Revised Code, the board shall furnish to the prosecutor the 14572

information requested from the individual's personal history 14573  
record or participant account. 14574

(2) Pursuant to a court or administrative order issued 14575  
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 14576  
Code, the board shall furnish to a court or child support 14577  
enforcement agency the information required under that section. 14578

(3) Pursuant to an administrative subpoena issued by a 14579  
state agency, the board shall furnish the information required 14580  
by the subpoena. 14581

(4) The board shall comply with orders issued under 14582  
section 3105.87 of the Revised Code. 14583

(D) A statement that contains information obtained from 14584  
the program's records that is signed by the executive director 14585  
or the director's designee and to which the board's official 14586  
seal is affixed, or copies of the program's records to which the 14587  
signature and seal are attached, shall be received as true 14588  
copies of the board's records in any court or before any officer 14589  
of this state. 14590

**Sec. 148.10.** (A) Notwithstanding any other provision of 14591  
this chapter, any payment, other than a survivorship benefit, 14592  
that is to be made to a person by a deferred compensation 14593  
program pursuant to those sections or a deferred compensation 14594  
program offered by a government unit, as defined in section 14595  
148.06 of the Revised Code, or by a municipal corporation is 14596  
subject to any withholding order issued pursuant to section 14597  
2907.15 or division (C) (2) (b) of section 2921.41 of the Revised 14598  
Code. The ~~Ohio public employees deferred compensation retirement~~ 14599  
board, the governing board, as defined in section 148.06 of the 14600  
Revised Code, that is associated with a government unit, and the 14601



governing board, administrator, depository, or trustee of a 14602  
deferred compensation program of a municipal corporation shall 14603  
comply with that withholding order in making payment. 14604

(B) Notwithstanding any other provision of this chapter, 14605  
if a deferred compensation program receives a notice pursuant to 14606  
section 2907.15 or division (D) of section 2921.41 of the 14607  
Revised Code that a person who has a participant account has 14608  
been charged with a violation of section 2907.02, 2907.03, 14609  
2907.04, 2907.05, or 2921.41 of the Revised Code, no payment 14610  
from that account shall be made prior to whichever of the 14611  
following is applicable: 14612

(1) If the person is convicted of or pleads guilty to the 14613  
violation and a motion for a withholding order for purposes of 14614  
restitution has not been filed under section 2907.15 or division 14615  
(C) (2) (b) (i) of section 2921.41 of the Revised Code, thirty days 14616  
after the day on which the person is sentenced for the 14617  
violation; 14618

(2) If the person is convicted of or pleads guilty to the 14619  
violation and a motion for a withholding order for purposes of 14620  
restitution has been filed under section 2907.15 or division (C) 14621  
(2) (b) (i) of section 2921.41 of the Revised Code, the day on 14622  
which the court decides the motion; 14623

(3) If the charge is dismissed or the person is found not 14624  
guilty or not guilty by reason of insanity of the violation, the 14625  
day on which the dismissal of the charge or the verdict is 14626  
entered in the journal of the court. 14627

**Sec. 149.011.** As used in this chapter, except as otherwise 14628  
provided: 14629

(A) "Public office" includes any state agency, public 14630

institution, political subdivision, or other organized body, 14631  
office, agency, institution, or entity established by the laws 14632  
of this state for the exercise of any function of government. 14633  
"Public office" does not include the nonprofit corporation 14634  
formed under section 187.01 of the Revised Code. 14635

(B) "State agency" includes every department, bureau, 14636  
board, commission, office, or other organized body established 14637  
by the constitution and laws of this state for the exercise of 14638  
any function of state government, including any state-supported 14639  
institution of higher education, the general assembly, any 14640  
legislative agency, any court or judicial agency, or any 14641  
political subdivision or agency of a political subdivision. 14642  
"State agency" does not include the nonprofit corporation formed 14643  
under section 187.01 of the Revised Code. 14644

(C) "Public money" includes all money received or 14645  
collected by or due a public official, whether in accordance 14646  
with or under authority of any law, ordinance, resolution, or 14647  
order, under color of office, or otherwise. It also includes any 14648  
money collected by any individual on behalf of a public office 14649  
or as a purported representative or agent of the public office. 14650

(D) "Public official" includes all officers, employees, or 14651  
duly authorized representatives or agents of a public office. 14652

(E) "Color of office" includes any act purported or 14653  
alleged to be done under any law, ordinance, resolution, order, 14654  
or other pretension to official right, power, or authority. 14655

(F) "Archive" includes any public record that is 14656  
transferred to the state archives or other designated archival 14657  
institutions because of the historical information contained on 14658  
it. 14659

(G) "Records" includes any document, device, or item, 14660  
regardless of physical form or characteristic, including an 14661  
electronic record as defined in section 1306.01 of the Revised 14662  
Code, created or received by or coming under the jurisdiction of 14663  
any public office of the state or its political subdivisions, 14664  
which serves to document the organization, functions, policies, 14665  
decisions, procedures, operations, or other activities of the 14666  
office. "Records" does not include personal notes or any 14667  
document, device, or item, regardless of physical form or 14668  
whether an assistive device or application was used, of a public 14669  
official, or of the official's attorney, employee, or agent, 14670  
that is used, maintained, and accessed solely by the individual 14671  
who creates it or causes its creation. 14672

**Sec. 149.10.** All boards, commissions, agencies, 14673  
institutions, and departments in the executive branch of state 14674  
government shall submit to the auditor of state a copy of each 14675  
formal internally or independently produced audit report, as 14676  
well as any management study or report ~~which~~that recommends 14677  
changes ~~which~~that would affect the auditing system. Pursuant to 14678  
section 117.43 of the Revised Code, no such report shall be 14679  
produced without the approval of the auditor of state. 14680

**Sec. 149.30.** The Ohio history connection, chartered by 14681  
this state as a corporation not for profit to promote a 14682  
knowledge of history and archaeology, especially of Ohio, and 14683  
operated continuously in the public interest since 1885, may 14684  
perform public functions as prescribed by law. 14685

The general assembly may appropriate money to the Ohio 14686  
history connection each biennium to carry out the public 14687  
functions of the Ohio history connection as enumerated in this 14688  
section. An appropriation by the general assembly to the Ohio 14689

history connection constitutes an offer to contract with the 14690  
Ohio history connection to carry out those public functions for 14691  
which appropriations are made. An acceptance by the Ohio history 14692  
connection of the appropriated funds constitutes an acceptance 14693  
by the Ohio history connection of the offer and is considered an 14694  
agreement by the Ohio history connection to perform those 14695  
functions in accordance with the terms of the appropriation and 14696  
the law and to expend the funds only for the purposes for which 14697  
appropriated. The governor may request on behalf of the Ohio 14698  
history connection, and the controlling board may release, 14699  
additional funds to the Ohio history connection for survey, 14700  
salvage, repair, or rehabilitation of an emergency nature for 14701  
which funds have not been appropriated, and acceptance by the 14702  
Ohio history connection of those funds constitutes an agreement 14703  
on the part of the Ohio history connection to expend those funds 14704  
only for the purpose for which released by the controlling 14705  
board. 14706

The Ohio history connection shall faithfully expend and 14707  
apply all moneys received from the state to the uses and 14708  
purposes directed by law and for necessary administrative 14709  
expenses. If the general assembly appropriates money to the Ohio 14710  
history connection for grants or subsidies to other entities for 14711  
their site-related programs, the Ohio history connection, except 14712  
for good cause, shall distribute the money within ninety days of 14713  
accepting a grant or subsidy application for the money. 14714

The Ohio history connection shall perform the public 14715  
function of sending notice by ordinary or certified mail to the 14716  
owner of any property at the time it is listed on the national 14717  
register of historic places. The Ohio history connection shall 14718  
accurately record all expenditures of such funds in conformity 14719  
with generally accepted accounting principles. 14720

The auditor of state shall audit all funds and fiscal records of the Ohio history connection.

The public functions to be performed by the Ohio history connection shall include all of the following:

(A) Creating, supervising, operating, protecting, maintaining, and promoting for public use a system of state memorials, titles to which may reside wholly or in part with this state or wholly or in part with the Ohio history connection as provided in and in conformity to appropriate acts and resolves of the general assembly, and leasing for renewable periods of two years or less, with the advice and consent of the attorney general and the director of administrative services, lands and buildings owned by the state which are in the care, custody, and control of the Ohio history connection, all of which shall be maintained and kept for public use at reasonable hours;

(B) Making alterations and improvements, marking, and constructing, reconstructing, protecting, or restoring structures, earthworks, and monuments in its care, and equipping such facilities with appropriate educational maintenance facilities;

(C) Serving as the archives administration for the state and its political subdivisions as provided in sections 149.31 to 149.42 of the Revised Code;

(D) Administering a state historical museum, to be the headquarters of the society and its principal museum and library, which shall be maintained and kept for public use at reasonable hours;

(E) Establishing a marking system to identify all

designated historic and archaeological sites within the state 14750  
and marking or causing to be marked historic sites and 14751  
communities considered by the society to be historically or 14752  
archaeologically significant; 14753

(F) Publishing books, pamphlets, periodicals, and other 14754  
publications about history, archaeology, and natural science and 14755  
offering one copy of each regular periodical issue to all public 14756  
libraries in this state at a reasonable price, which shall not 14757  
exceed one hundred ten per cent more than the total cost of 14758  
publication; 14759

(G) Engaging in research in history, archaeology, and 14760  
natural science and providing historical information upon 14761  
request to all state agencies; 14762

(H) Collecting, preserving, and making available by all 14763  
appropriate means and under approved safeguards all manuscript, 14764  
print, or near-print library collections and all historical 14765  
objects, specimens, and artifacts which pertain to the history 14766  
of Ohio and its people, including the following original 14767  
documents: Ohio Constitution of 1802; Ohio Constitution of 1851; 14768  
proposed Ohio Constitution of 1875; design and the letters of 14769  
patent and assignment of patent for the state flag; S.J.R. 13 14770  
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); 14771  
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 14772  
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); 14773  
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 14774  
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 14775  
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); 14776  
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); 14777  
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 14778  
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 14779

(1947); and H.J.R. 48 (1947); 14780

(I) Encouraging and promoting the organization and 14781  
development of county and local historical societies; 14782

(J) Providing to Ohio schools such materials as the Ohio 14783  
history connection may prepare to facilitate the instruction of 14784  
Ohio history at a reasonable price, which shall not exceed one 14785  
hundred ten per cent more than the total cost of preparation and 14786  
delivery; 14787

(K) Providing advisory and technical assistance to local 14788  
societies for the preservation and restoration of historic and 14789  
archaeological sites; 14790

(L) Devising uniform criteria for the designation of 14791  
historic and archaeological sites throughout the state and 14792  
advising local historical societies of the criteria and their 14793  
application; 14794

(M) Taking inventory, in cooperation with the Ohio arts 14795  
council, the Ohio archaeological council, and the archaeological 14796  
society of Ohio, of significant designated and undesignated 14797  
state and local sites and keeping an active registry of all 14798  
designated sites within the state; 14799

(N) Contracting with the owners or persons having an 14800  
interest in designated historic or archaeological sites or 14801  
property adjacent or contiguous to those sites, or acquiring, by 14802  
purchase, gift, or devise, easements in those sites or in 14803  
property adjacent or contiguous to those sites, in order to 14804  
control or restrict the use of those historic or archaeological 14805  
sites or adjacent or contiguous property for the purpose of 14806  
restoring or preserving the historical or archaeological 14807  
significance or educational value of those sites; 14808

(O) Constructing a monument honoring Governor James A. 14809  
Rhodes, which shall stand on the northeast quadrant of the 14810  
grounds surrounding the capitol building. The monument shall be 14811  
constructed with private funds donated to the Ohio history 14812  
connection and designated for this purpose. No public funds 14813  
shall be expended to construct this monument. The department of 14814  
administrative services shall cooperate with the Ohio history 14815  
connection in carrying out this function and shall maintain the 14816  
monument in a manner compatible with the grounds of the capitol 14817  
building. 14818

(P) Commissioning a portrait of each departing governor, 14819  
which shall be displayed in the capitol building. The Ohio 14820  
history connection may accept private contributions designated 14821  
for this purpose and, at the discretion of its board of 14822  
trustees, also may apply for the same purpose funds appropriated 14823  
by the general assembly to the Ohio history connection pursuant 14824  
to this section. 14825

(Q) Being the custodian of the field notes, maps, records, 14826  
documents, papers, and implements relating to or used in the 14827  
survey of the public lands within the state, which were 14828  
delivered to the executive of this state by the surveyor of the 14829  
United States at Detroit, by order of the government of the 14830  
United States, the records of field notes and other records of 14831  
papers that have been added thereto, the records of deeds and 14832  
other records or papers relating to the public lands originally 14833  
deposited with the governor or secretary of state, and the 14834  
records, maps, plats, papers, documents, and implements relating 14835  
to the public lands in the Virginia military district in this 14836  
state, from the United States land office at Chillicothe. These 14837  
records and files shall be subject to inspection, and the Ohio 14838  
history connection, on demand and tender of the proper fees, 14839



shall furnish certified copies of any of them. 14840

(R) Furnishing to the board of education of each school 14841  
district copies of deeds, leases, field notes, records, and 14842  
other papers and documents that are in the Ohio history 14843  
connection's possession, relating to the lands appropriated by 14844  
congress for the support of schools and ministerial purposes 14845  
that have been allocated for the benefit of that district, and 14846  
such copies, when certified by the Ohio history connection, 14847  
shall be received as competent evidence and shall have the same 14848  
force and effect as the originals. The Ohio history connection 14849  
shall charge fees sufficient to defray the cost of preparing 14850  
copies. 14851

(S) Submitting an annual report of its activities, 14852  
programs, and operations to the governor within two months after 14853  
the close of each fiscal year of the state. 14854

The Ohio history connection, with the help of local 14855  
historical societies, may compile and maintain a registry of war 14856  
relics, as defined in section 155.28 of the Revised Code, that 14857  
are located on public property or on the property of a cemetery 14858  
association. 14859

The Ohio history connection shall not sell, mortgage, 14860  
transfer, or dispose of historical or archaeological sites to 14861  
which it has title and in which the state has monetary interest 14862  
except by action of the general assembly. 14863

Money or fines paid to the Ohio history connection under 14864  
section 155.99 of the Revised Code shall be expended by the Ohio 14865  
history connection only for the preservation of war relics. 14866

In consideration of the public functions performed by the 14867  
Ohio history connection for the state, employees of the Ohio 14868

history connection shall be considered public employees within 14869  
the meaning of section 145.01 of the Revised Code. 14870

**Sec. 149.311.** (A) As used in this section: 14871

(1) "Historic building" means a building, including its 14872  
structural components, that is located in this state and that is 14873  
either individually listed on the national register of historic 14874  
places under 16 U.S.C. 470a, located in a registered historic 14875  
district, and certified by the state historic preservation 14876  
officer as being of historic significance to the district, or is 14877  
individually listed as an historic landmark designated by a 14878  
local government certified under 16 U.S.C. 470a(c). 14879

(2) "Qualified rehabilitation expenditures" means 14880  
expenditures paid or incurred during the rehabilitation period, 14881  
and before and after that period as determined under 26 U.S.C. 14882  
47, by an owner or qualified lessee of an historic building to 14883  
rehabilitate the building. "Qualified rehabilitation 14884  
expenditures" includes architectural or engineering fees paid or 14885  
incurred in connection with the rehabilitation, and expenses 14886  
incurred in the preparation of nomination forms for listing on 14887  
the national register of historic places. "Qualified 14888  
rehabilitation expenditures" does not include any of the 14889  
following: 14890

(a) The cost of acquiring, expanding, or enlarging an 14891  
historic building; 14892

(b) Expenditures attributable to work done to facilities 14893  
related to the building, such as parking lots, sidewalks, and 14894  
landscaping; 14895

(c) New building construction costs. 14896

(3) "Owner" of an historic building means a person holding 14897

the fee simple interest in the building. "Owner" does not 14898  
include the state or a state agency, or any political 14899  
subdivision as defined in section 9.23 of the Revised Code. 14900

(4) "Qualified lessee" means a person subject to a lease 14901  
agreement for an historic building and eligible for the federal 14902  
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 14903  
does not include the state or a state agency or political 14904  
subdivision as defined in section 9.23 of the Revised Code. 14905

(5) "Certificate owner" means the owner or qualified 14906  
lessee of an historic building to which a rehabilitation tax 14907  
credit certificate was issued under this section. 14908

(6) "Registered historic district" means an historic 14909  
district listed in the national register of historic places 14910  
under 16 U.S.C. 470a, an historic district designated by a local 14911  
government certified under 16 U.S.C. 470a(c), or a local 14912  
historic district certified under 36 C.F.R. 67.8 and 67.9. 14913

(7) "Rehabilitation" means the process of repairing or 14914  
altering an historic building or buildings, making possible an 14915  
efficient use while preserving those portions and features of 14916  
the building and its site and environment that are significant 14917  
to its historic, architectural, and cultural values. 14918

(8) "Rehabilitation period" means one of the following: 14919

(a) If the rehabilitation initially was not planned to be 14920  
completed in stages, a period chosen by the owner or qualified 14921  
lessee not to exceed twenty-four months during which 14922  
rehabilitation occurs; 14923

(b) If the rehabilitation initially was planned to be 14924  
completed in stages, a period chosen by the owner or qualified 14925  
lessee not to exceed sixty months during which rehabilitation 14926

occurs. Each stage shall be reviewed as a phase of a 14927  
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 14928  
successor to that section. 14929

(9) "State historic preservation officer" or "officer" 14930  
means the state historic preservation officer appointed by the 14931  
governor under 16 U.S.C. 470a. 14932

(10) "Catalytic project" means the rehabilitation of an 14933  
historic building, the rehabilitation of which will foster 14934  
economic development within two thousand five hundred feet of 14935  
the historic building. 14936

(B) The owner or qualified lessee of an historic building 14937  
may apply to the director of development for a rehabilitation 14938  
tax credit certificate for qualified rehabilitation expenditures 14939  
paid or incurred by such owner or qualified lessee after April 14940  
4, 2007, for rehabilitation of an historic building. If the 14941  
owner of an historic building enters a pass-through agreement 14942  
with a qualified lessee for the purposes of the federal 14943  
rehabilitation tax credit under 26 U.S.C. 47, the qualified 14944  
rehabilitation expenditures paid or incurred by the owner after 14945  
April 4, 2007, may be attributed to the qualified lessee. 14946

The form and manner of filing such applications shall be 14947  
prescribed by rule of the director. Each application shall state 14948  
the amount of qualified rehabilitation expenditures the 14949  
applicant estimates will be paid or incurred and shall indicate 14950  
whether the historic building was used as a theater before, and 14951  
is intended to be used as a theater after, the rehabilitation. 14952  
The director may require applicants to furnish documentation of 14953  
such estimates. 14954

The director, after consultation with the tax commissioner 14955

and in accordance with Chapter 119. of the Revised Code, shall 14956  
adopt rules that establish all of the following: 14957

(1) Forms and procedures by which applicants may apply for 14958  
rehabilitation tax credit certificates; 14959

(2) Criteria for reviewing, evaluating, and approving 14960  
applications for certificates within the limitations under 14961  
division (D) of this section, criteria for assuring that the 14962  
certificates issued encompass a mixture of high and low 14963  
qualified rehabilitation expenditures, and criteria for issuing 14964  
certificates under division (C) (3) (b) of this section; 14965

(3) Eligibility requirements for obtaining a certificate 14966  
under this section; 14967

(4) The form of rehabilitation tax credit certificates; 14968

(5) Reporting requirements and monitoring procedures; 14969

(6) Procedures and criteria for conducting cost-benefit 14970  
analyses of historic buildings that are the subjects of 14971  
applications filed under this section. The purpose of a cost- 14972  
benefit analysis shall be to determine whether rehabilitation of 14973  
the historic building will result in a net revenue gain in state 14974  
and local taxes once the building is used. 14975

(7) Any other rules necessary to implement and administer 14976  
this section. 14977

(C) The director shall review the applications with the 14978  
assistance of the state historic preservation officer and 14979  
determine whether all of the following criteria are met: 14980

(1) That the building that is the subject of the 14981  
application is an historic building and the applicant is the 14982  
owner or qualified lessee of the building; 14983

(2) That the rehabilitation will satisfy standards 14984  
prescribed by the United States secretary of the interior under 14985  
16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a 14986  
successor to that section; 14987

(3) That receiving a rehabilitation tax credit certificate 14988  
under this section is a major factor in: 14989

(a) The applicant's decision to rehabilitate the historic 14990  
building; or 14991

(b) To increase the level of investment in such 14992  
rehabilitation. 14993

(4) The historic building that is the subject of the 14994  
application is not, and will not upon completion of the 14995  
rehabilitation project be, part of a qualified low-income 14996  
housing project allocated a tax credit pursuant to section 42 of 14997  
the Internal Revenue Code. 14998

An applicant shall demonstrate to the satisfaction of the 14999  
state historic preservation officer and director that the 15000  
rehabilitation will satisfy the standards described in division 15001  
(C) (2) of this section before the applicant begins the physical 15002  
rehabilitation of the historic building. 15003

(D) (1) If the director determines that an application 15004  
meets the criteria in division (C) of this section, the director 15005  
shall conduct a cost-benefit analysis for the historic building 15006  
that is the subject of the application to determine whether 15007  
rehabilitation of the historic building will result in a net 15008  
revenue gain in state and local taxes once the building is used. 15009  
The director shall consider the results of the cost-benefit 15010  
analysis in determining whether to approve the application. The 15011  
director shall also consider the potential economic impact and 15012

the regional distributive balance of the credits throughout the 15013  
state. The director shall not consider whether the historic 15014  
building is located in or will benefit an economically 15015  
distressed area, including by weighting preference based on the 15016  
poverty rate in the jurisdiction or census tract in which the 15017  
building is located, nor shall the director consider or give 15018  
weighted preference based on vacancy or underutilization of the 15019  
building. The director may approve an application only after 15020  
completion of the cost-benefit analysis. 15021

(2) A rehabilitation tax credit certificate shall not be 15022  
issued for an amount greater than the estimated amount furnished 15023  
by the applicant on the application for such certificate and 15024  
approved by the director. The director shall not approve more 15025  
than a total of ~~one hundred twenty-sixty~~ million dollars of 15026  
rehabilitation tax credits for each of fiscal years ~~2023 and~~ 15027  
~~2024, and sixty million dollars of rehabilitation tax credits~~ 15028  
~~for each fiscal year thereafter~~ 2026 and 2027, but the director 15029  
may reallocate unused tax credits from a prior fiscal year for 15030  
new applicants and such reallocated credits shall not apply 15031  
toward the dollar limit of this division. The director shall not 15032  
approve rehabilitation tax credits after June 30, 2027. 15033

(3) For rehabilitations with a rehabilitation period not 15034  
exceeding twenty-four months as provided in division (A) (8) (a) 15035  
of this section, a rehabilitation tax credit certificate shall 15036  
not be issued before the rehabilitation of the historic building 15037  
is completed. 15038

(4) For rehabilitations with a rehabilitation period not 15039  
exceeding sixty months as provided in division (A) (8) (b) of this 15040  
section, a rehabilitation tax credit certificate shall not be 15041  
issued before a stage of rehabilitation is completed. After all 15042

stages of rehabilitation are completed, if the director cannot 15043  
determine that the criteria in division (C) of this section are 15044  
satisfied for all stages of rehabilitations, the director shall 15045  
certify this finding to the tax commissioner, and any 15046  
rehabilitation tax credits received by the applicant shall be 15047  
repaid by the applicant and may be collected by assessment as 15048  
unpaid tax by the commissioner. 15049

(5) The director shall require the applicant to provide a 15050  
third-party cost certification by a certified public accountant 15051  
of the actual costs attributed to the rehabilitation of the 15052  
historic building when qualified rehabilitation expenditures 15053  
exceed two hundred thousand dollars. 15054

If an applicant whose application is approved for receipt 15055  
of a rehabilitation tax credit certificate fails to provide to 15056  
the director sufficient evidence of reviewable progress, 15057  
including a viable financial plan, copies of final construction 15058  
drawings, and evidence that the applicant has obtained all 15059  
historic approvals within twelve months after the date the 15060  
applicant received notification of approval, and if the 15061  
applicant fails to provide evidence to the director that the 15062  
applicant has secured and closed on financing for the 15063  
rehabilitation within eighteen months after receiving 15064  
notification of approval, the director may rescind the approval 15065  
of the application. The director shall notify the applicant if 15066  
the approval has been rescinded. Credits that would have been 15067  
available to an applicant whose approval was rescinded shall be 15068  
available for other qualified applicants. Nothing in this 15069  
division prohibits an applicant whose approval has been 15070  
rescinded from submitting a new application for a rehabilitation 15071  
tax credit certificate. 15072



(6) The director may approve the application of, and issue  
a rehabilitation tax credit certificate to, the owner of a  
catalytic project, provided the application otherwise meets the  
criteria described in divisions (C) and (D) of this section. The  
director may not approve more than one application for a  
rehabilitation tax credit certificate under division (D) (6) of  
this section during each state fiscal biennium. The director  
shall not approve an application for a rehabilitation tax credit  
certificate under division (D) (6) of this section during the  
state fiscal biennium beginning July 1, 2017, or during any  
state fiscal biennium thereafter. The director shall consider  
the following criteria in determining whether to approve an  
application for a certificate under division (D) (6) of this  
section:

(a) Whether the historic building is a catalytic project;

(b) The effect issuance of the certificate would have on  
the availability of credits for other applicants that qualify  
for a credit certificate within the credit dollar limit  
described in division (D) (2) of this section;

(c) The number of jobs, if any, the catalytic project will  
create.

(7) (a) The owner or qualified lessee of a historic  
building may apply for a rehabilitation tax credit certificate  
under both divisions (B) and (D) (6) of this section. In such a  
case, the director shall consider each application at the time  
the application is submitted.

(b) The director shall not issue more than one certificate  
under this section with respect to the same qualified  
rehabilitation expenditures.

(8) The director shall give consideration for tax credits 15102  
awarded under this section to rehabilitations of historic 15103  
buildings used as a theater before, and intended to be used as a 15104  
theater after, the rehabilitation. In determining whether to 15105  
approve an application for such a rehabilitation, the director 15106  
shall consider the extent to which the rehabilitation will 15107  
increase attendance at the theater and increase the theater's 15108  
gross revenue. 15109

(9) The director shall rescind the approval of any 15110  
application if the building that is the subject of the 15111  
application is part of a qualified low-income housing project 15112  
allocated a tax credit pursuant to section 42 of the Internal 15113  
Revenue Code at any time before the building's rehabilitation is 15114  
complete. 15115

(E) Issuance of a certificate represents a finding by the 15116  
director of the matters described in divisions (C) (1), (2), and 15117  
(3) of this section only; issuance of a certificate does not 15118  
represent a verification or certification by the director of the 15119  
amount of qualified rehabilitation expenditures for which a tax 15120  
credit may be claimed under section 5725.151, 5725.34, 5726.52, 15121  
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 15122  
qualified rehabilitation expenditures for which a tax credit may 15123  
be claimed is subject to inspection and examination by the tax 15124  
commissioner or employees of the commissioner under section 15125  
5703.19 of the Revised Code and any other applicable law. Upon 15126  
the issuance of a certificate, the director shall certify to the 15127  
tax commissioner, in the form and manner requested by the tax 15128  
commissioner, the name of the applicant, the amount of qualified 15129  
rehabilitation expenditures shown on the certificate, and any 15130  
other information required by the rules adopted under this 15131  
section. 15132

(F) (1) On or before the first day of August each year, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a report on the tax credit program established under this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The report shall present an overview of the program and shall include information on the number of rehabilitation tax credit certificates issued under this section during the preceding fiscal year, an update on the status of each historic building for which an application was approved under this section, the dollar amount of the tax credits granted under sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and any other information the director and commissioner consider relevant to the topics addressed in the report.

(2) On or before December 1, 2015, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a comprehensive report that includes the information required by division (F) (1) of this section and a detailed analysis of the effectiveness of issuing tax credits for rehabilitating historic buildings. The report shall be prepared with the assistance of an economic research organization jointly chosen by the director and commissioner.

(G) There is hereby created in the state treasury the historic rehabilitation tax credit operating fund. The director is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. Any such fees

collected shall be credited to the fund and used to pay 15164  
reasonable costs incurred by the department of development in 15165  
administering this section and sections 5725.151, 5725.34, 15166  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. 15167

The Ohio historic preservation office is authorized to 15168  
charge reasonable fees in connection with its review and 15169  
approval of applications under this section. Any such fees 15170  
collected shall be credited to the fund and used to pay 15171  
administrative costs incurred by the Ohio historic preservation 15172  
office pursuant to this section. 15173

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15174  
5729.17, 5733.47, and 5747.76 of the Revised Code, the 15175  
certificate owner of a tax credit certificate issued under 15176  
division (D) (6) of this section may claim a tax credit equal to 15177  
twenty-five per cent of the dollar amount indicated on the 15178  
certificate for a total credit of not more than twenty-five 15179  
million dollars. The credit claimed by such a certificate owner 15180  
for any calendar year, tax year, or taxable year under section 15181  
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 15182  
Revised Code shall not exceed five million dollars. If the 15183  
certificate owner is eligible for more than five million dollars 15184  
in total credits, the certificate owner may carry forward the 15185  
balance of the credit in excess of the amount claimed for that 15186  
year for not more than five ensuing calendar years, tax years, 15187  
or taxable years. If the credit claimed in any calendar year, 15188  
tax year, or taxable year exceeds the tax otherwise due, the 15189  
excess shall be refunded to the taxpayer. 15190

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15191  
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 15192  
apply to a tax credit approved under this section after 15193

September 13, 2022, and before July 1, 2024: 15194

(1) The certificate holder may claim a tax credit equal to 15195  
thirty-five per cent of the dollar amount indicated on the tax 15196  
credit certificate if any county, township, or municipal 15197  
corporation within which the project is located has a population 15198  
of less than three hundred thousand according to the 2020 15199  
decennial census. The tax credit equals twenty-five per cent of 15200  
the dollar amount indicated on the certificate if the project is 15201  
not located within such a county, township, or municipal 15202  
corporation. 15203

(2) The total tax credit claimed under section 5725.151, 15204  
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised 15205  
Code for any one project shall not exceed ten million dollars 15206  
for any calendar year, tax year, or taxable year. 15207

(3) If the credit claimed in any calendar year, tax year, 15208  
or taxable year exceeds the tax otherwise due, the excess shall 15209  
be refunded to the taxpayer, subject to division (I)(2) of this 15210  
section. 15211

(J) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15212  
5729.17, 5733.47, and 5747.76 of the Revised Code, the 15213  
certificate owner of a tax credit certificate may claim a tax 15214  
credit equal to thirty-five per cent of the dollar amount of 15215  
qualified rehabilitation expenditures indicated on the 15216  
certificate if the project for which the certificate was issued 15217  
is located in a municipal corporation with a population of less 15218  
than three hundred thousand or in the unincorporated area of a 15219  
township. 15220

(K) The director of development, in consultation with the 15221  
director of budget and management, shall develop and adopt a 15222

system of tracking any information necessary to anticipate the 15223  
impact of credits issued under this section on tax revenues for 15224  
current and future fiscal years. Such information may include 15225  
the number of applications approved, the estimated 15226  
rehabilitation expenditures and rehabilitation period associated 15227  
with such applications, the number and amount of tax credit 15228  
certificates issued, and any other information the director of 15229  
budget and management requires for the purposes of this 15230  
division. 15231

~~(K)~~ (L) For purposes of this section and Chapter 122:19-1 15232  
of the Ohio Administrative Code, a tax credit certificate issued 15233  
under this section is effective on the date that all historic 15234  
buildings rehabilitated by the project are "placed in service," 15235  
as that term is used in section 47 of the Internal Revenue Code. 15236

**Sec. 149.38.** (A) Except as otherwise provided in section 15237  
307.847 of the Revised Code, there is hereby created in each 15238  
county a county records commission, composed of a member of the 15239  
board of county commissioners as chairperson, the prosecuting 15240  
attorney, the auditor, the recorder, and the clerk of the court 15241  
of common pleas. The commission shall appoint a secretary, who 15242  
may or may not be a member of the commission and who shall serve 15243  
at the pleasure of the commission. The commission may employ an 15244  
archivist or records manager to serve under its direction. The 15245  
commission shall meet upon the call of the chairperson. 15246

(B) (1) The functions of the county records commission 15247  
shall be to provide rules for retention and disposal of records 15248  
of the county, and to review applications for one-time disposal 15249  
of obsolete records and schedules of records retention and 15250  
disposition submitted by county offices. The commission may 15251  
dispose of records pursuant to the procedure outlined in this 15252

section. The commission, at any time, may review any schedule it 15253  
has previously approved and, for good cause shown, may revise 15254  
that schedule, subject to division (D) of this section. 15255

(2) (a) As used in division (B) (2) of this section, "paper 15256  
case records" means written reports of child abuse or neglect, 15257  
written records of investigations, or other written records 15258  
required to be prepared under section 2151.421, ~~5101.13,~~ 15259  
5153.166, ~~or 5153.17,~~ or 5180.40 of the Revised Code. 15260

(b) A county public children services agency may submit to 15261  
the county records commission applications for one-time 15262  
disposal, or schedules of records retention and disposition, of 15263  
paper case records that have been entered into permanently 15264  
maintained and retrievable fields in the state automated child 15265  
welfare information system established under section ~~5101.13~~ 15266  
5180.40 of the Revised Code or entered into other permanently 15267  
maintained and retrievable electronic files. The county records 15268  
commission may dispose of the paper case records pursuant to the 15269  
procedure outlined in this section. 15270

(C) (1) When the county records commission has approved any 15271  
county application for one-time disposal of obsolete records or 15272  
any schedule of records retention and disposition, the 15273  
commission shall send that application or schedule to the Ohio 15274  
history connection for its review. The Ohio history connection 15275  
shall review the application or schedule within a period of not 15276  
more than sixty days after its receipt of it. During the sixty- 15277  
day review period, the Ohio history connection may select for 15278  
its custody from the application for one-time disposal of 15279  
obsolete records any records it considers to be of continuing 15280  
historical value, and shall denote upon any schedule of records 15281  
retention and disposition any records for which the Ohio history 15282

connection will require a certificate of records disposal prior 15283  
to their disposal. 15284

(2) Upon completion of its review, the Ohio history 15285  
connection shall forward the application for one-time disposal 15286  
of obsolete records or the schedule of records retention and 15287  
disposition to the auditor of state for the auditor's approval 15288  
or disapproval. The auditor of state shall approve or disapprove 15289  
the application or schedule within a period of not more than 15290  
sixty days after receipt of it. 15291

(3) Before public records are to be disposed of pursuant 15292  
to an approved schedule of records retention and disposition, 15293  
the county records commission shall inform the Ohio history 15294  
connection of the disposal through the submission of a 15295  
certificate of records disposal for only the records required by 15296  
the schedule to be disposed of and shall give the Ohio history 15297  
connection the opportunity for a period of fifteen business days 15298  
to select for its custody those records, from the certificate 15299  
submitted, that it considers to be of continuing historical 15300  
value. Upon the expiration of the fifteen-business-day period, 15301  
the county records commission also shall notify the public 15302  
libraries, county historical society, state universities, and 15303  
other public or quasi-public institutions, agencies, or 15304  
corporations in the county that have provided the commission 15305  
with their name and address for these notification purposes, 15306  
that the commission has informed the Ohio history connection of 15307  
the records disposal and that the notified entities, upon 15308  
written agreement with the Ohio history connection pursuant to 15309  
section 149.31 of the Revised Code, may select records of 15310  
continuing historical value, including records that may be 15311  
distributed to any of the notified entities under section 149.31 15312  
of the Revised Code. Any notified entity that notifies the 15313



county records commission of its intent to review and select 15314  
records of continuing historical value from certificates of 15315  
records disposal is responsible for the cost of any notice given 15316  
and for the transportation of those records. 15317

(D) The rules of the county records commission shall 15318  
include a rule that requires any receipts, checks, vouchers, or 15319  
other similar records pertaining to expenditures from the 15320  
delinquent tax and assessment collection fund created in section 15321  
321.261 of the Revised Code, from the real estate assessment 15322  
fund created in section 325.31 of the Revised Code, or from 15323  
amounts allocated for the furtherance of justice to the county 15324  
sheriff under section 325.071 of the Revised Code or to the 15325  
prosecuting attorney under section 325.12 of the Revised Code to 15326  
be retained for at least four years. 15327

(E) No person shall knowingly violate the rule adopted 15328  
under division (D) of this section. Whoever violates that rule 15329  
is guilty of a misdemeanor of the first degree. 15330

**Sec. 149.43.** (A) As used in this section: 15331

(1) "Public record" means records kept by any public 15332  
office, including, but not limited to, state, county, city, 15333  
village, township, and school district units, and records 15334  
pertaining to the delivery of educational services by an 15335  
alternative school in this state kept by the nonprofit or for- 15336  
profit entity operating the alternative school pursuant to 15337  
section 3313.533 of the Revised Code. "Public record" does not 15338  
mean any of the following: 15339

(a) Medical records; 15340

(b) Records pertaining to probation and parole 15341  
proceedings, to proceedings related to the imposition of 15342

community control sanctions and post-release control sanctions, 15343  
or to proceedings related to determinations under section 15344  
2967.271 of the Revised Code regarding the release or maintained 15345  
incarceration of an offender to whom that section applies; 15346

(c) Records pertaining to actions under section 2151.85 15347  
and division (C) of section 2919.121 of the Revised Code and to 15348  
appeals of actions arising under those sections; 15349

(d) Records pertaining to adoption proceedings, including 15350  
the contents of an adoption file maintained by the department of 15351  
health under sections 3705.12 to 3705.124 of the Revised Code; 15352

(e) Information in a record contained in the putative 15353  
father registry established by section 3107.062 of the Revised 15354  
Code, regardless of whether the information is held by the 15355  
department of ~~job and family services~~ children and youth or, 15356  
pursuant to section 3111.69 of the Revised Code, the office of 15357  
child support in the department of job and family services or a 15358  
child support enforcement agency; 15359

(f) Records specified in division (A) of section 3107.52 15360  
of the Revised Code; 15361

(g) Trial preparation records, prior to the conclusion of 15362  
all direct appeals or, if no appeal is filed, prior to the 15363  
expiration of the time during which an appeal may be filed, or, 15364  
if no trial has occurred, until the civil or criminal action or 15365  
proceeding has ended without the possibility of direct appeal or 15366  
each agency, office, or official responsible for the matter has 15367  
made a decision not to proceed with the matter; 15368

(h) Confidential law enforcement investigatory records; 15369

(i) Records containing information that is confidential 15370  
under section 2710.03 or 4112.05 of the Revised Code; 15371

(j) DNA records stored in the DNA database pursuant to	15372
section 109.573 of the Revised Code;	15373
(k) Inmate records released by the department of	15374
rehabilitation and correction to the department of youth	15375
services or a court of record pursuant to division (E) of	15376
section 5120.21 of the Revised Code;	15377
(l) Records maintained by the department of youth services	15378
pertaining to children in its custody released by the department	15379
of youth services to the department of rehabilitation and	15380
correction pursuant to section 5139.05 of the Revised Code;	15381
(m) Intellectual property records;	15382
(n) Donor profile records;	15383
(o) Records maintained by the department of job and family	15384
services pursuant to section 3121.894 of the Revised Code;	15385
(p) Designated public service worker residential and	15386
familial information;	15387
(q) In the case of a county hospital operated pursuant to	15388
Chapter 339. of the Revised Code or a municipal hospital	15389
operated pursuant to Chapter 749. of the Revised Code,	15390
information that constitutes a trade secret, as defined in	15391
section 1333.61 of the Revised Code;	15392
(r) Information pertaining to the recreational activities	15393
of a person under the age of eighteen;	15394
(s) In the case of a child fatality review board acting	15395
under sections 307.621 to 307.629 of the Revised Code or a	15396
review conducted pursuant to guidelines established by the	15397
director of health under section 3701.70 of the Revised Code,	15398
records provided to the board or director, statements made by	15399

board members during meetings of the board or by persons 15400  
participating in the director's review, and all work products of 15401  
the board or director, and in the case of a child fatality 15402  
review board, child fatality review data submitted by the board 15403  
to the department of health or a national child death review 15404  
database, other than the report prepared pursuant to division 15405  
(A) of section 307.626 of the Revised Code; 15406

(t) Records provided to and statements made by the 15407  
executive director of a public children services agency or a 15408  
prosecuting attorney acting pursuant to section 5153.171 of the 15409  
Revised Code other than the information released under that 15410  
section; 15411

(u) Test materials, examinations, or evaluation tools used 15412  
in an examination for licensure as a nursing home administrator 15413  
that the board of executives of long-term services and supports 15414  
administers under section 4751.15 of the Revised Code or 15415  
contracts under that section with a private or government entity 15416  
to administer; 15417

(v) Records the release of which is prohibited by state or 15418  
federal law; 15419

(w) Proprietary information of or relating to any person 15420  
that is submitted to or compiled by the Ohio venture capital 15421  
authority created under section 150.01 of the Revised Code; 15422

(x) Financial statements and data any person submits for 15423  
any purpose to the Ohio housing finance agency or the 15424  
controlling board in connection with applying for, receiving, or 15425  
accounting for financial assistance from the agency, and 15426  
information that identifies any individual who benefits directly 15427  
or indirectly from financial assistance from the agency; 15428

(y) Records listed in section 5101.29 of the Revised Code;	15429
(z) Discharges recorded with a county recorder under	15430
section 317.24 of the Revised Code, as specified in division (B)	15431
(2) of that section;	15432
(aa) Usage information including names and addresses of	15433
specific residential and commercial customers of a municipally	15434
owned or operated public utility;	15435
(bb) Records described in division (C) of section 187.04	15436
of the Revised Code that are not designated to be made available	15437
to the public as provided in that division;	15438
(cc) Information and records that are made confidential,	15439
privileged, and not subject to disclosure under divisions (B)	15440
and (C) of section 2949.221 of the Revised Code;	15441
(dd) Personal information, as defined in section 149.45 of	15442
the Revised Code;	15443
(ee) The confidential name, address, and other personally	15444
identifiable information of a program participant in the address	15445
confidentiality program established under sections 111.41 to	15446
111.47 of the Revised Code, including the contents of any	15447
application for absent voter's ballots, absent voter's ballot	15448
identification envelope statement of voter, or provisional	15449
ballot affirmation completed by a program participant who has a	15450
confidential voter registration record; records or portions of	15451
records pertaining to that program that identify the number of	15452
program participants that reside within a precinct, ward,	15453
township, municipal corporation, county, or any other geographic	15454
area smaller than the state; and any real property	15455
confidentiality notice filed under section 111.431 of the	15456
Revised Code and the information described in division (C) of	15457

that section. As used in this division, "confidential address" 15458  
and "program participant" have the meaning defined in section 15459  
111.41 of the Revised Code. 15460

(ff) Orders for active military service of an individual 15461  
serving or with previous service in the armed forces of the 15462  
United States, including a reserve component, or the Ohio 15463  
organized militia, except that, such order becomes a public 15464  
record on the day that is fifteen years after the published date 15465  
or effective date of the call to order; 15466

(gg) The name, address, contact information, or other 15467  
personal information of an individual who is less than eighteen 15468  
years of age that is included in any record related to a traffic 15469  
accident involving a school vehicle in which the individual was 15470  
an occupant at the time of the accident; 15471

(hh) Protected health information, as defined in 45 C.F.R. 15472  
160.103, that is in a claim for payment for a health care 15473  
product, service, or procedure, as well as any other health 15474  
claims data in another document that reveals the identity of an 15475  
individual who is the subject of the data or could be used to 15476  
reveal that individual's identity; 15477

(ii) Any depiction by photograph, film, videotape, or 15478  
printed or digital image under either of the following 15479  
circumstances: 15480

(i) The depiction is that of a victim of an offense the 15481  
release of which would be, to a reasonable person of ordinary 15482  
sensibilities, an offensive and objectionable intrusion into the 15483  
victim's expectation of bodily privacy and integrity. 15484

(ii) The depiction captures or depicts the victim of a 15485  
sexually oriented offense, as defined in section 2950.01 of the 15486

Revised Code, at the actual occurrence of that offense. 15487

(jj) Restricted portions of a body-worn camera or 15488  
dashboard camera recording; 15489

(kk) In the case of a fetal-infant mortality review board 15490  
acting under sections 3707.70 to 3707.77 of the Revised Code, 15491  
records, documents, reports, or other information presented to 15492  
the board or a person abstracting such materials on the board's 15493  
behalf, statements made by review board members during board 15494  
meetings, all work products of the board, and data submitted by 15495  
the board to the department of health or a national infant death 15496  
review database, other than the report prepared pursuant to 15497  
section 3707.77 of the Revised Code. 15498

(ll) Records, documents, reports, or other information 15499  
presented to the pregnancy-associated mortality review board 15500  
established under section ~~3738.01~~5180.27 of the Revised Code, 15501  
statements made by board members during board meetings, all work 15502  
products of the board, and data submitted by the board to the 15503  
department of health, other than the biennial reports prepared 15504  
under section ~~3738.08~~5180.277 of the Revised Code; 15505

(mm) Except as otherwise provided in division (A) (1) (oo) 15506  
of this section, telephone numbers for a victim, as defined in 15507  
section 2930.01 of the Revised Code or a witness to a crime that 15508  
are listed on any law enforcement record or report. 15509

(nn) A preneed funeral contract, as defined in section 15510  
4717.01 of the Revised Code, and contract terms and personally 15511  
identifying information of a preneed funeral contract, that is 15512  
contained in a report submitted by or for a funeral home to the 15513  
board of embalmers and funeral directors under division (C) of 15514  
section 4717.13, division (J) of section 4717.31, or section 15515

4717.41 of the Revised Code. 15516

(oo) Telephone numbers for a party to a motor vehicle 15517  
accident subject to the requirements of section 5502.11 of the 15518  
Revised Code that are listed on any law enforcement record or 15519  
report, except that the telephone numbers described in this 15520  
division are not excluded from the definition of "public record" 15521  
under this division on and after the thirtieth day after the 15522  
occurrence of the motor vehicle accident. 15523

(pp) Records pertaining to individuals who complete 15524  
training under section 5502.703 of the Revised Code to be 15525  
permitted by a school district board of education or governing 15526  
body of a community school established under Chapter 3314. of 15527  
the Revised Code, a STEM school established under Chapter 3326. 15528  
of the Revised Code, or a chartered nonpublic school to convey 15529  
deadly weapons or dangerous ordnance into a school safety zone; 15530

(qq) Records, documents, reports, or other information 15531  
presented to a domestic violence fatality review board 15532  
established under section 307.651 of the Revised Code, 15533  
statements made by board members during board meetings, all work 15534  
products of the board, and data submitted by the board to the 15535  
department of health, other than a report prepared pursuant to 15536  
section 307.656 of the Revised Code; 15537

(rr) Records, documents, and information the release of 15538  
which is prohibited under sections 2930.04 and 2930.07 of the 15539  
Revised Code; 15540

(ss) Records of an existing qualified nonprofit 15541  
corporation that creates a special improvement district under 15542  
Chapter 1710. of the Revised Code that do not pertain to a 15543  
purpose for which the district is created; 15544



(tt) Educational support services data, as defined in 15545  
section 3319.325 of the Revised Code; 15546

(uu) Records of the past, current, and future work 15547  
schedule of a designated public service worker. As used in 15548  
division (A)(1)(uu) of this section, "work schedule" does not 15549  
include the docket of cases of a court, judge, or magistrate; 15550

(vv) A request form or confirmation letter submitted to a 15551  
public office under section 149.45 of the Revised Code; 15552

(ww) An affidavit or confirmation letter submitted under 15553  
section 319.28 of the Revised Code; 15554

(xx) License or certificate application or renewal 15555  
responses and supporting documentation submitted to the state 15556  
medical board regarding an applicant's, or a license or 15557  
certificate holder's, inability to practice according to 15558  
acceptable and prevailing standards of care by reason of a 15559  
medical condition; 15560

(yy) Images and data captured by an automated license 15561  
plate recognition system that are maintained in a law 15562  
enforcement database; 15563

(zz) Attorney work product record; 15564

(aaa) Any entry on the public calendar of an elected 15565  
official that is for any date that is after the date the record 15566  
is requested. 15567

A record that is not a public record under division (A)(1) 15568  
of this section and that, under law, is permanently retained 15569  
becomes a public record on the day that is seventy-five years 15570  
after the day on which the record was created, or in the case of 15571  
a record that is not a public record under division (A)(1)(uu) 15572

of this section that is retained, three years after the day on 15573  
which the record was created, except for any record protected by 15574  
the attorney-client privilege, a trial preparation record as 15575  
defined in this section, a statement prohibiting the release of 15576  
identifying information signed under section 3107.083 of the 15577  
Revised Code, a denial of release form filed pursuant to section 15578  
3107.46 of the Revised Code, or any record that is exempt from 15579  
release or disclosure under section 149.433 of the Revised Code. 15580  
If the record is a birth certificate and a biological parent's 15581  
name redaction request form has been accepted under section 15582  
3107.391 of the Revised Code, the name of that parent shall be 15583  
redacted from the birth certificate before it is released under 15584  
this paragraph. If any other section of the Revised Code 15585  
establishes a time period for disclosure of a record that 15586  
conflicts with the time period specified in this section, the 15587  
time period in the other section prevails. 15588

~~(2)~~ (2) (a) "Confidential law enforcement investigatory 15589  
record" means any record that pertains to a law enforcement 15590  
matter of a criminal, quasi-criminal, civil, or administrative 15591  
nature, but only to the extent that the release of the record 15592  
would create a high probability of disclosure of any of the 15593  
following: 15594

~~(a)~~ (i) The identity of a suspect who has not been charged 15595  
with the offense to which the record pertains, or of an 15596  
information source or witness to whom confidentiality has been 15597  
reasonably promised; 15598

~~(b)~~ (ii) Information provided by an information source or 15599  
witness to whom confidentiality has been reasonably promised, 15600  
which information would reasonably tend to disclose the source's 15601  
or witness's identity; 15602

~~(e)~~ (iii) Specific confidential investigatory techniques or 15603  
procedures or specific investigatory work product; 15604

~~(d)~~ (iv) Information that would endanger the life or 15605  
physical safety of law enforcement personnel, a crime victim, a 15606  
witness, or a confidential information source. 15607

(b) As used in divisions (A) (2) and (18) of this section, 15608  
"specific investigatory work product" means information 15609  
assembled by law enforcement officials in connection with a 15610  
probable or pending criminal or civil proceeding, with the 15611  
exception of routine incident reports. "Specific investigatory 15612  
work product" is not a public record prior to the conclusion of 15613  
all direct appeals, or, if no appeal is filed, prior to the 15614  
expiration of the time during which an appeal may be filed, or, 15615  
if no trial has occurred, until the criminal or civil proceeding 15616  
has ended without possibility of direct appeal or each agency, 15617  
office, or official responsible for the matter has made a 15618  
decision not to proceed with the matter. 15619

(3) "Medical record" means any document or combination of 15620  
documents, except births, deaths, and the fact of admission to 15621  
or discharge from a hospital, that pertains to the medical 15622  
history, diagnosis, prognosis, or medical condition of a patient 15623  
and that is generated and maintained in the process of medical 15624  
treatment. 15625

(4) "Trial preparation record" means any record created by 15626  
or for another party or by or for that party's representative, 15627  
in reasonable anticipation of, or in defense of, a civil or 15628  
criminal action or proceeding, that is not a confidential law 15629  
enforcement investigatory record or attorney work product record 15630  
and that contains factual information that is specifically 15631  
compiled in reasonable anticipation of, or in defense of, a for 15632

~~that civil or criminal action or proceeding, including the~~ 15633  
~~independent thought processes and personal trial preparation of~~ 15634  
~~an attorney.~~ 15635

(5) "Intellectual property record" means a record, other 15636  
than a financial or administrative record, that is produced or 15637  
collected by or for faculty or staff of a state institution of 15638  
higher learning in the conduct of or as a result of study or 15639  
research on an educational, commercial, scientific, artistic, 15640  
technical, or scholarly issue, regardless of whether the study 15641  
or research was sponsored by the institution alone or in 15642  
conjunction with a governmental body or private concern, and 15643  
that has not been publicly released, published, or patented. 15644

(6) "Donor profile record" means all records about donors 15645  
or potential donors to a public institution of higher education 15646  
except the names and reported addresses of the actual donors and 15647  
the date, amount, and conditions of the actual donation. 15648

(7) "Designated public service worker" means a peace 15649  
officer, parole officer, probation officer, bailiff, prosecuting 15650  
attorney, assistant prosecuting attorney, correctional employee, 15651  
county or multicounty corrections officer, community-based 15652  
correctional facility employee, designated Ohio national guard 15653  
member, protective services worker, youth services employee, 15654  
firefighter, EMT, medical director or member of a cooperating 15655  
physician advisory board of an emergency medical service 15656  
organization, state board of pharmacy employee, investigator of 15657  
the bureau of criminal identification and investigation, 15658  
emergency service telecommunicator, forensic mental health 15659  
provider, mental health evaluation provider, regional 15660  
psychiatric hospital employee, judge, magistrate, or federal law 15661  
enforcement officer. 15662

(8) "Designated public service worker residential and 15663  
familial information" means any information that discloses any 15664  
of the following about a designated public service worker: 15665

(a) The address of the actual personal residence of a 15666  
designated public service worker, except for the following 15667  
information: 15668

(i) The address of the actual personal residence of a 15669  
prosecuting attorney or judge; and 15670

(ii) The state or political subdivision in which a 15671  
designated public service worker resides. 15672

(b) Information compiled from referral to or participation 15673  
in an employee assistance program; 15674

(c) The social security number, the residential telephone 15675  
number, any bank account, debit card, charge card, or credit 15676  
card number, or the emergency telephone number of, or any 15677  
medical information pertaining to, a designated public service 15678  
worker; 15679

(d) The name of any beneficiary of employment benefits, 15680  
including, but not limited to, life insurance benefits, provided 15681  
to a designated public service worker by the designated public 15682  
service worker's employer; 15683

(e) The identity and amount of any charitable or 15684  
employment benefit deduction made by the designated public 15685  
service worker's employer from the designated public service 15686  
worker's compensation, unless the amount of the deduction is 15687  
required by state or federal law; 15688

(f) The name, the residential address, the name of the 15689  
employer, the address of the employer, the social security 15690

number, the residential telephone number, any bank account, 15691  
debit card, charge card, or credit card number, or the emergency 15692  
telephone number of the spouse, a former spouse, or any child of 15693  
a designated public service worker; 15694

(g) A photograph of a peace officer who holds a position 15695  
or has an assignment that may include undercover or plain 15696  
clothes positions or assignments as determined by the peace 15697  
officer's appointing authority. 15698

(9) As used in divisions (A) (7) and (15) to (17) of this 15699  
section: 15700

"Peace officer" has the meaning defined in section 109.71 15701  
of the Revised Code and also includes the superintendent and 15702  
troopers of the state highway patrol; it does not include the 15703  
sheriff of a county or a supervisory employee who, in the 15704  
absence of the sheriff, is authorized to stand in for, exercise 15705  
the authority of, and perform the duties of the sheriff. 15706

"Correctional employee" means any employee of the 15707  
department of rehabilitation and correction who in the course of 15708  
performing the employee's job duties has or has had contact with 15709  
inmates and persons under supervision. 15710

"County or multicounty corrections officer" means any 15711  
corrections officer employed by any county or multicounty 15712  
correctional facility. 15713

"Designated Ohio national guard member" means a member of 15714  
the Ohio national guard who is participating in duties related 15715  
to remotely piloted aircraft, including, but not limited to, 15716  
pilots, sensor operators, and mission intelligence personnel, 15717  
duties related to special forces operations, or duties related 15718  
to cybersecurity, and is designated by the adjutant general as a 15719

designated public service worker for those purposes. 15720

"Protective services worker" means any employee of a 15721  
county agency who is responsible for child protective services, 15722  
child support services, or adult protective services. 15723

"Youth services employee" means any employee of the 15724  
department of youth services who in the course of performing the 15725  
employee's job duties has or has had contact with children 15726  
committed to the custody of the department of youth services. 15727

"Firefighter" means any regular, paid or volunteer, member 15728  
of a lawfully constituted fire department of a municipal 15729  
corporation, township, fire district, or village. 15730

"EMT" means EMTs-basic, EMTs-I, and paramedics that 15731  
provide emergency medical services for a public emergency 15732  
medical service organization. "Emergency medical service 15733  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 15734  
meanings defined in section 4765.01 of the Revised Code. 15735

"Investigator of the bureau of criminal identification and 15736  
investigation" has the meaning defined in section 2903.11 of the 15737  
Revised Code. 15738

"Emergency service telecommunicator" means an individual 15739  
employed by an emergency service provider as defined under 15740  
section 128.01 of the Revised Code, whose primary responsibility 15741  
is to be an operator for the receipt or processing of calls for 15742  
emergency services made by telephone, radio, or other electronic 15743  
means. 15744

"Forensic mental health provider" means any employee of a 15745  
community mental health service provider or local alcohol, drug 15746  
addiction, and mental health services board who, in the course 15747  
of the employee's duties, has contact with persons committed to 15748

a local alcohol, drug addiction, and mental health services 15749  
board by a court order pursuant to section 2945.38, 2945.39, 15750  
2945.40, or 2945.402 of the Revised Code. 15751

"Mental health evaluation provider" means an individual 15752  
who, under Chapter 5122. of the Revised Code, examines a 15753  
respondent who is alleged to be a mentally ill person subject to 15754  
court order, as defined in section 5122.01 of the Revised Code, 15755  
and reports to the probate court the respondent's mental 15756  
condition. 15757

"Regional psychiatric hospital employee" means any 15758  
employee of the department of mental health and addiction 15759  
services who, in the course of performing the employee's duties, 15760  
has contact with patients committed to the department of mental 15761  
health and addiction services by a court order pursuant to 15762  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 15763  
Code. 15764

"Federal law enforcement officer" has the meaning defined 15765  
in section 9.88 of the Revised Code. 15766

(10) "Information pertaining to the recreational 15767  
activities of a person under the age of eighteen" means 15768  
information that is kept in the ordinary course of business by a 15769  
public office, that pertains to the recreational activities of a 15770  
person under the age of eighteen years, and that discloses any 15771  
of the following: 15772

(a) The address or telephone number of a person under the 15773  
age of eighteen or the address or telephone number of that 15774  
person's parent, guardian, custodian, or emergency contact 15775  
person; 15776

(b) The social security number, birth date, or 15777



photographic image of a person under the age of eighteen; 15778

(c) Any medical record, history, or information pertaining 15779  
to a person under the age of eighteen; 15780

(d) Any additional information sought or required about a 15781  
person under the age of eighteen for the purpose of allowing 15782  
that person to participate in any recreational activity 15783  
conducted or sponsored by a public office or to use or obtain 15784  
admission privileges to any recreational facility owned or 15785  
operated by a public office. 15786

(11) "Community control sanction" has the meaning defined 15787  
in section 2929.01 of the Revised Code. 15788

(12) "Post-release control sanction" has the meaning 15789  
defined in section 2967.01 of the Revised Code. 15790

(13) "Redaction" means obscuring or deleting any 15791  
information that is exempt from the duty to permit public 15792  
inspection or copying from an item that otherwise meets the 15793  
definition of a "record" in section 149.011 of the Revised Code. 15794

(14) "Designee," "elected official," and "future official" 15795  
have the meanings defined in section 109.43 of the Revised Code. 15796

(15) "Body-worn camera" means a visual and audio recording 15797  
device worn on the person of a correctional employee, youth 15798  
services employee, or peace officer while the correctional 15799  
employee, youth services employee, or peace officer is engaged 15800  
in the performance of official duties. 15801

(16) "Dashboard camera" means a visual and audio recording 15802  
device mounted on a peace officer's vehicle or vessel that is 15803  
used while the peace officer is engaged in the performance of 15804  
the peace officer's duties. 15805

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act

and injury was effected by a correctional employee, youth 15835  
services employee, or peace officer or, subject to division (H) 15836  
(1) of this section, the consent of the injured person or the 15837  
injured person's guardian has been obtained; 15838

(f) Grievous bodily harm to a correctional employee, youth 15839  
services employee, peace officer, firefighter, paramedic, or 15840  
other first responder, occurring while the injured person was 15841  
engaged in the performance of official duties, unless, subject 15842  
to division (H) (1) of this section, the consent of the injured 15843  
person or the injured person's guardian has been obtained; 15844

(g) An act of severe violence resulting in serious 15845  
physical harm against a correctional employee, youth services 15846  
employee, peace officer, firefighter, paramedic, or other first 15847  
responder, occurring while the injured person was engaged in the 15848  
performance of official duties, unless, subject to division (H) 15849  
(1) of this section, the consent of the injured person or the 15850  
injured person's guardian has been obtained; 15851

(h) A person's nude body, unless, subject to division (H) 15852  
(1) of this section, the person's consent has been obtained; 15853

(i) Protected health information, the identity of a person 15854  
in a health care facility who is not the subject of a 15855  
correctional, youth services, or law enforcement encounter, or 15856  
any other information in a health care facility that could 15857  
identify a person who is not the subject of a correctional, 15858  
youth services, or law enforcement encounter; 15859

(j) Information that could identify the alleged victim of 15860  
a sex offense, menacing by stalking, or domestic violence; 15861

(k) Information, that does not constitute a confidential 15862  
law enforcement investigatory record, that could identify a 15863

person who provides sensitive or confidential information to the 15864  
department of rehabilitation and correction, the department of 15865  
youth services, or a law enforcement agency when the disclosure 15866  
of the person's identity or the information provided could 15867  
reasonably be expected to threaten or endanger the safety or 15868  
property of the person or another person; 15869

(l) Personal information of a person who is not arrested, 15870  
cited, charged, or issued a written warning by a peace officer; 15871

(m) Proprietary correctional, youth services, or police 15872  
contingency plans or tactics that are intended to prevent crime 15873  
and maintain public order and safety; 15874

(n) A personal conversation unrelated to work between 15875  
correctional employees, youth services employees, or peace 15876  
officers or between a correctional employee, youth services 15877  
employee, or peace officer and an employee of a law enforcement 15878  
agency; 15879

(o) A conversation between a correctional employee, youth 15880  
services employee, or peace officer and a member of the public 15881  
that does not concern correctional, youth services, or law 15882  
enforcement activities; 15883

(p) The interior of a residence, unless the interior of a 15884  
residence is the location of an adversarial encounter with, or a 15885  
use of force by, a correctional employee, youth services 15886  
employee, or peace officer; 15887

(q) Any portion of the interior of a private business that 15888  
is not open to the public, unless an adversarial encounter with, 15889  
or a use of force by, a correctional employee, youth services 15890  
employee, or peace officer occurs in that location. 15891

As used in division (A) (17) of this section: 15892

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	15893 15894
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	15895 15896
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	15897 15898
"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	15899 15900
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	15901 15902 15903 15904
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	15905 15906
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	15907 15908
<u>(18) "Attorney work product record" means a record that is not specific investigatory work product or a trial preparation record and that is created by an attorney, or by the agent of an attorney, in reasonable anticipation of or for litigation, trial, or administrative proceedings, when acting in an official capacity on behalf of the state, a political subdivision of the state, a state agency, a public official, or a public employee, that documents the independent thought processes, mental impressions, legal theories, strategies, analysis, or reasoning of an attorney or the agent of an attorney.</u>	15909 15910 15911 15912 15913 15914 15915 15916 15917 15918
<u>(19) "Elected official" means a person who is elected or appointed to an elective office of the state or a political</u>	15919 15920

subdivision. 15921

(20) "Public calendar" means a calendar or appointment 15922  
book maintained by an elected official to schedule the elected 15923  
official's activities in relation to the elected official's 15924  
position as an elected official. "Public calendar" does not 15925  
include a personal calendar or appointment book maintained 15926  
solely for an elected official's personal convenience that does 15927  
not serve to document the elected official's official activities 15928  
or functions or the official activities or functions of the 15929  
elected official's public office. 15930

(B) (1) Upon request by any person and subject to division 15931  
(B) (8) of this section, all public records responsive to the 15932  
request shall be promptly prepared and made available for 15933  
inspection to the requester at all reasonable times during 15934  
regular business hours. Subject to division (B) (8) of this 15935  
section, upon request by any person, a public office or person 15936  
responsible for public records shall make copies of the 15937  
requested public record available to the requester at cost and 15938  
within a reasonable period of time. 15939

When considering whether a state or local law enforcement 15940  
agency or a prosecuting attorney's office promptly prepared a 15941  
video record for inspection or ~~provided~~ produced a copy of a 15942  
video record ~~for production~~ within a reasonable period of time, 15943  
in addition to any other factors, a court shall consider the 15944  
time required for a state or local law enforcement agency or a 15945  
prosecuting attorney's office to retrieve, download, review, 15946  
redact, seek legal advice regarding, and produce the video 15947  
record. ~~Notwithstanding~~ Except as specified in division (B) (11) 15948  
of this section, notwithstanding any other requirement set forth 15949  
in Chapter 149. of the Revised Code, a state or local law 15950

enforcement agency or a prosecuting attorney's office may charge 15951  
a requester the actual cost associated with preparing a video 15952  
record for inspection or production, not to exceed seventy-five 15953  
dollars per hour of video produced, nor seven hundred fifty 15954  
dollars total. As used in this division, "actual cost," with 15955  
respect to video records only, means all costs incurred by the 15956  
state or local law enforcement agency or a prosecuting 15957  
attorney's office in reviewing, blurring or otherwise obscuring, 15958  
redacting, uploading, or producing the video records, including 15959  
but not limited to the storage medium on which the record is 15960  
produced, staff time, and any other relevant overhead necessary 15961  
to comply with the request. A state or local law enforcement 15962  
agency or a prosecuting attorney's office may include in its 15963  
public records policy the requirement that a requester pay the 15964  
estimated actual cost before beginning the process of preparing 15965  
a video record for inspection or production. Where a state or 15966  
local law enforcement agency or a prosecuting attorney's office 15967  
imposes such a requirement, its obligation to produce a video or 15968  
make it available for inspection begins once the estimated 15969  
actual cost is paid in full by the requester. A state or local 15970  
law enforcement agency or a prosecuting attorney's office shall 15971  
provide the requester with the estimated actual cost within five 15972  
business days of receipt of the public records request. If the 15973  
actual cost exceeds the estimated actual cost, a state or local 15974  
law enforcement agency or a prosecuting attorney's office may 15975  
charge a requester for the difference upon fulfilling a request 15976  
for video records if the requester is notified in advance that 15977  
the actual cost may be up to twenty per cent higher than the 15978  
estimated actual cost. A state or local law enforcement agency 15979  
or a prosecuting attorney's office shall not charge a requester 15980  
a difference that exceeds twenty per cent of the estimated 15981  
actual cost. 15982

If a public record contains information that is exempt 15983  
from the duty to permit public inspection or to copy the public 15984  
record, the public office or the person responsible for the 15985  
public record shall make available all of the information within 15986  
the public record that is not exempt. When making that public 15987  
record available for public inspection or copying that public 15988  
record, the public office or the person responsible for the 15989  
public record shall notify the requester of any redaction or 15990  
make the redaction plainly visible. A redaction shall be deemed 15991  
a denial of a request to inspect or copy the redacted 15992  
information, except if federal or state law authorizes or 15993  
requires a public office to make the redaction. When the auditor 15994  
of state receives a request to inspect or to make a copy of a 15995  
record that was provided to the auditor of state for purposes of 15996  
an audit, but the original public office has asserted to the 15997  
auditor of state that the record is not a public record, the 15998  
auditor of state may handle the requests by directing the 15999  
requestor to the original public office that provided the record 16000  
to the auditor of state. 16001

(2) To facilitate broader access to public records, a 16002  
public office or the person responsible for public records shall 16003  
organize and maintain public records in a manner that they can 16004  
be made available for inspection or copying in accordance with 16005  
division (B) of this section. A public office also shall have 16006  
available a copy of its current records retention schedule at a 16007  
location readily available to the public. If a requester makes 16008  
an ambiguous or overly broad request or has difficulty in making 16009  
a request for copies or inspection of public records under this 16010  
section such that the public office or the person responsible 16011  
for the requested public record cannot reasonably identify what 16012  
public records are being requested, the public office or the 16013



person responsible for the requested public record may deny the 16014  
request but shall provide the requester with an opportunity to 16015  
revise the request by informing the requester of the manner in 16016  
which records are maintained by the public office and accessed 16017  
in the ordinary course of the public office's or person's 16018  
duties. 16019

(3) If a request is ultimately denied, in part or in 16020  
whole, the public office or the person responsible for the 16021  
requested public record shall provide the requester with an 16022  
explanation, including legal authority, setting forth why the 16023  
request was denied. If the initial request was provided in 16024  
writing, the explanation also shall be provided to the requester 16025  
in writing. The explanation shall not preclude the public office 16026  
or the person responsible for the requested public record from 16027  
relying upon additional reasons or legal authority in defending 16028  
an action commenced under division (C) of this section. 16029

(4) Unless specifically required or authorized by state or 16030  
federal law or in accordance with division (B) of this section, 16031  
no public office or person responsible for public records may 16032  
limit or condition the availability of public records by 16033  
requiring disclosure of the requester's identity or the intended 16034  
use of the requested public record. Any requirement that the 16035  
requester disclose the requester's identity or the intended use 16036  
of the requested public record constitutes a denial of the 16037  
request. 16038

(5) A public office or person responsible for public 16039  
records may ask a requester to make the request in writing, may 16040  
ask for the requester's identity, and may inquire about the 16041  
intended use of the information requested, but may do so only 16042  
after disclosing to the requester that a written request is not 16043

mandatory, that the requester may decline to reveal the 16044  
requester's identity or the intended use, and when a written 16045  
request or disclosure of the identity or intended use would 16046  
benefit the requester by enhancing the ability of the public 16047  
office or person responsible for public records to identify, 16048  
locate, or deliver the public records sought by the requester. 16049

(6) If any person requests a copy of a public record in 16050  
accordance with division (B) of this section, the public office 16051  
or person responsible for the public record may require the 16052  
requester to pay in advance the cost involved in providing the 16053  
copy of the public record in accordance with the choice made by 16054  
the requester under this division. The public office or the 16055  
person responsible for the public record shall permit the 16056  
requester to choose to have the public record duplicated upon 16057  
paper, upon the same medium upon which the public office or 16058  
person responsible for the public record keeps it, or upon any 16059  
other medium upon which the public office or person responsible 16060  
for the public record determines that it reasonably can be 16061  
duplicated as an integral part of the normal operations of the 16062  
public office or person responsible for the public record. When 16063  
the requester makes a choice under this division, the public 16064  
office or person responsible for the public record shall provide 16065  
a copy of it in accordance with the choice made by the 16066  
requester. Nothing in this section requires a public office or 16067  
person responsible for the public record to allow the requester 16068  
of a copy of the public record to make the copies of the public 16069  
record. 16070

(7) (a) Upon a request made in accordance with division (B) 16071  
of this section and subject to division (B) (6) of this section, 16072  
a public office or person responsible for public records shall 16073  
transmit a copy of a public record to any person by United 16074

States mail or by any other means of delivery or transmission 16075  
within a reasonable period of time after receiving the request 16076  
for the copy. The public office or person responsible for the 16077  
public record may require the person making the request to pay 16078  
in advance the cost of postage if the copy is transmitted by 16079  
United States mail or the cost of delivery if the copy is 16080  
transmitted other than by United States mail, and to pay in 16081  
advance the costs incurred for other supplies used in the 16082  
mailing, delivery, or transmission. 16083

(b) Any public office may adopt a policy and procedures 16084  
that it will follow in transmitting, within a reasonable period 16085  
of time after receiving a request, copies of public records by 16086  
United States mail or by any other means of delivery or 16087  
transmission pursuant to division (B) (7) of this section. A 16088  
public office that adopts a policy and procedures under division 16089  
(B) (7) of this section shall comply with them in performing its 16090  
duties under that division. 16091

(c) In any policy and procedures adopted under division 16092  
(B) (7) of this section: 16093

(i) A public office may limit the number of records 16094  
requested by a person that the office will physically deliver by 16095  
United States mail or by another delivery service to ten per 16096  
month, unless the person certifies to the office in writing that 16097  
the person does not intend to use or forward the requested 16098  
records, or the information contained in them, for commercial 16099  
purposes; 16100

(ii) A public office that chooses to provide some or all 16101  
of its public records on a web site that is fully accessible to 16102  
and searchable by members of the public at all times, other than 16103  
during acts of God outside the public office's control or 16104

maintenance, and that charges no fee to search, access, 16105  
download, or otherwise receive records provided on the web site, 16106  
may limit to ten per month the number of records requested by a 16107  
person that the office will deliver in a digital format, unless 16108  
the requested records are not provided on the web site and 16109  
unless the person certifies to the office in writing that the 16110  
person does not intend to use or forward the requested records, 16111  
or the information contained in them, for commercial purposes. 16112

(iii) For purposes of division (B)(7) of this section, 16113  
"commercial" shall be narrowly construed and does not include 16114  
reporting or gathering news, reporting or gathering information 16115  
to assist citizen oversight or understanding of the operation or 16116  
activities of government, or nonprofit educational research. 16117

(8) A public office or person responsible for public 16118  
records is not required to permit a person who is incarcerated 16119  
pursuant to a criminal conviction or a juvenile adjudication to 16120  
inspect or to obtain a copy of any public record concerning a 16121  
criminal investigation or prosecution or concerning what would 16122  
be a criminal investigation or prosecution if the subject of the 16123  
investigation or prosecution were an adult, unless the request 16124  
to inspect or to obtain a copy of the record is for the purpose 16125  
of acquiring information that is subject to release as a public 16126  
record under this section and the judge who imposed the sentence 16127  
or made the adjudication with respect to the person, or the 16128  
judge's successor in office, finds that the information sought 16129  
in the public record is necessary to support what appears to be 16130  
a justiciable claim of the person. As used in this division, 16131  
"public record concerning a criminal investigation or 16132  
prosecution or concerning what would be a criminal investigation 16133  
or prosecution if the subject of the investigation were an 16134  
adult" includes, but is not limited to, personnel files and 16135

payroll and attendance records of designated public service workers. 16136  
16137

(9) (a) Upon written request made and signed by a 16138  
journalist, a public office, or person responsible for public 16139  
records, having custody of the records of the agency employing a 16140  
specified designated public service worker shall disclose to the 16141  
journalist the address of the actual personal residence of the 16142  
designated public service worker and, if the designated public 16143  
service worker's spouse, former spouse, or child is employed by 16144  
a public office, the name and address of the employer of the 16145  
designated public service worker's spouse, former spouse, or 16146  
child, and any past, current, and future work schedules of the 16147  
designated public service worker. The request shall include the 16148  
journalist's name and title and the name and address of the 16149  
journalist's employer and shall state that disclosure of the 16150  
information sought would be in the public interest. 16151

(b) Division (B) (9) (a) of this section also applies to 16152  
journalist requests for: 16153

(i) Customer information maintained by a municipally owned 16154  
or operated public utility, other than social security numbers 16155  
and any private financial information such as credit reports, 16156  
payment methods, credit card numbers, and bank account 16157  
information; 16158

(ii) Information about minors involved in a school vehicle 16159  
accident as provided in division (A) (1) (gg) of this section, 16160  
other than personal information as defined in section 149.45 of 16161  
the Revised Code; 16162

(iii) A request form submitted to a public office under 16163  
section 149.45 of the Revised Code; 16164

(iv) An affidavit submitted under section 319.28 of the Revised Code.

(c) As used in division (B) (9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A) (1) (ii) of this section to the victim, victim's attorney, or victim's representative.

(11) A state or local law enforcement agency or a prosecuting attorney's office shall not charge a fee for preparing a video record for inspection, or producing a copy of a video record, when the requester of the video record is a victim, as defined in Ohio Constitution, Article I, Section 10a, who reasonably asserts that the video recording relates to the act or omission that caused the victim's harm or loss, or who is the legal counsel or insurer of the victim.

(C) (1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an

obligation in accordance with division (B) of this section, the 16195  
person allegedly aggrieved may serve pursuant to Rule 4 of the 16196  
Ohio Rules of Civil Procedure a complaint, on a form prescribed 16197  
by the clerk of the court of claims, to the public office or 16198  
person responsible for public records allegedly responsible for 16199  
the alleged failure. Upon receipt of the complaint of the person 16200  
allegedly aggrieved, the public office or person responsible for 16201  
public records has three business days to cure or otherwise 16202  
address the failure alleged in the complaint. The person 16203  
allegedly aggrieved shall not file a complaint with a court or 16204  
commence a mandamus action under this section within the three- 16205  
day period. Upon the expiration of the three-day period, the 16206  
person allegedly aggrieved may, subject to the requirements of 16207  
division (C) (2) of this section, do only one of the following, 16208  
and not both: 16209

(a) File a complaint with the clerk of the court of claims 16210  
or the clerk of the court of common pleas under section 2743.75 16211  
of the Revised Code; 16212

(b) Commence a mandamus action to obtain a judgment that 16213  
orders the public office or the person responsible for the 16214  
public record to comply with division (B) of this section, that 16215  
awards court costs and reasonable attorney's fees to the person 16216  
that instituted the mandamus action, and, if applicable, that 16217  
includes an order fixing statutory damages under division (C) (3) 16218  
of this section. The mandamus action may be commenced in the 16219  
court of common pleas of the county in which division (B) of 16220  
this section allegedly was not complied with, in the supreme 16221  
court pursuant to its original jurisdiction under Section 2 of 16222  
Article IV, Ohio Constitution, or in the court of appeals for 16223  
the appellate district in which division (B) of this section 16224  
allegedly was not complied with pursuant to its original 16225

jurisdiction under Section 3 of Article IV, Ohio Constitution. 16226

(2) Upon filing a complaint or mandamus action with a 16227  
court under divisions (C) (1) (a) or (b) of this section, a person 16228  
allegedly aggrieved shall file with the court, in conjunction 16229  
with the person's complaint or petition, a written affirmation 16230  
stating that the person properly transmitted a complaint to the 16231  
public office or person responsible for public records, the 16232  
failure alleged in the complaint has not been cured or otherwise 16233  
resolved to the person's satisfaction, and that the complaint 16234  
was transmitted to the public office or person responsible for 16235  
public records at least three business days before the filing of 16236  
the suit. If the person fails to file an affirmation pursuant to 16237  
this division, the suit shall be dismissed. 16238

(3) If a requester transmits a written request by hand 16239  
delivery, electronic submission, or certified mail to inspect or 16240  
receive copies of any public record in a manner that fairly 16241  
describes the public record or class of public records to the 16242  
public office or person responsible for the requested public 16243  
records, except as otherwise provided in this section, the 16244  
requester shall be entitled to recover the amount of statutory 16245  
damages set forth in this division if a court determines that 16246  
the public office or the person responsible for public records 16247  
failed to comply with an obligation in accordance with division 16248  
(B) of this section. Statutory damages are not available 16249  
pursuant to this section to a person committed to the custody of 16250  
the department of rehabilitation and correction or the United 16251  
States bureau of prisons, or a child committed to the department 16252  
of youth services as permitted in Chapter 2152. of the Revised 16253  
Code. 16254

The amount of statutory damages shall be fixed at one 16255



hundred dollars for each business day during which the public 16256  
office or person responsible for the requested public records 16257  
failed to comply with an obligation in accordance with division 16258  
(B) of this section, beginning with the day on which the 16259  
requester files a mandamus action to recover statutory damages, 16260  
up to a maximum of one thousand dollars. The award of statutory 16261  
damages shall not be construed as a penalty, but as compensation 16262  
for injury arising from lost use of the requested information. 16263  
The existence of this injury shall be conclusively presumed. The 16264  
award of statutory damages shall be in addition to all other 16265  
remedies authorized by this section. 16266

The court may reduce an award of statutory damages or not 16267  
award statutory damages if the court determines both of the 16268  
following: 16269

(a) That, based on the ordinary application of statutory 16270  
law and case law as it existed at the time of the conduct or 16271  
threatened conduct of the public office or person responsible 16272  
for the requested public records that allegedly constitutes a 16273  
failure to comply with an obligation in accordance with division 16274  
(B) of this section and that was the basis of the mandamus 16275  
action, a well-informed public office or person responsible for 16276  
the requested public records reasonably would believe that the 16277  
conduct or threatened conduct of the public office or person 16278  
responsible for the requested public records did not constitute 16279  
a failure to comply with an obligation in accordance with 16280  
division (B) of this section; 16281

(b) That a well-informed public office or person 16282  
responsible for the requested public records reasonably would 16283  
believe that the conduct or threatened conduct of the public 16284  
office or person responsible for the requested public records 16285

would serve the public policy that underlies the authority that 16286  
is asserted as permitting that conduct or threatened conduct. 16287

(4) In a mandamus action filed under division (C) (1) of 16288  
this section, the following apply: 16289

(a) (i) If the court orders the public office or the person 16290  
responsible for the public record to comply with division (B) of 16291  
this section, the court shall determine and award to the relator 16292  
all court costs, which shall be construed as remedial and not 16293  
punitive. 16294

(ii) If the court makes a determination described in 16295  
division (C) (4) (b) (iii) of this section, the court shall 16296  
determine and award to the relator all court costs, which shall 16297  
be construed as remedial and not punitive. 16298

(b) If the court renders a judgment that orders the public 16299  
office or the person responsible for the public record to comply 16300  
with division (B) of this section or if the court determines any 16301  
of the following, the court may award reasonable attorney's fees 16302  
to the relator, subject to division (C) (5) of this section: 16303

(i) The public office or the person responsible for the 16304  
public records failed to respond affirmatively or negatively to 16305  
the public records request in accordance with the time allowed 16306  
under division (B) of this section. 16307

(ii) The public office or the person responsible for the 16308  
public records promised to permit the relator to inspect or 16309  
receive copies of the public records requested within a 16310  
specified period of time but failed to fulfill that promise 16311  
within that specified period of time. 16312

(iii) The public office or the person responsible for the 16313  
public records acted in bad faith when the office or person 16314

voluntarily made the public records available to the relator for 16315  
the first time after the relator commenced the mandamus action, 16316  
but before the court issued any order concluding whether or not 16317  
the public office or person was required to comply with division 16318  
(B) of this section. No discovery may be conducted on the issue 16319  
of the alleged bad faith of the public office or person 16320  
responsible for the public records. This division shall not be 16321  
construed as creating a presumption that the public office or 16322  
the person responsible for the public records acted in bad faith 16323  
when the office or person voluntarily made the public records 16324  
available to the relator for the first time after the relator 16325  
commenced the mandamus action, but before the court issued any 16326  
order described in this division. 16327

(c) The court shall not award attorney's fees to the 16328  
relator if the court determines both of the following: 16329

(i) That, based on the ordinary application of statutory 16330  
law and case law as it existed at the time of the conduct or 16331  
threatened conduct of the public office or person responsible 16332  
for the requested public records that allegedly constitutes a 16333  
failure to comply with an obligation in accordance with division 16334  
(B) of this section and that was the basis of the mandamus 16335  
action, a well-informed public office or person responsible for 16336  
the requested public records reasonably would believe that the 16337  
conduct or threatened conduct of the public office or person 16338  
responsible for the requested public records did not constitute 16339  
a failure to comply with an obligation in accordance with 16340  
division (B) of this section; 16341

(ii) That a well-informed public office or person 16342  
responsible for the requested public records reasonably would 16343  
believe that the conduct or threatened conduct of the public 16344

office or person responsible for the requested public records 16345  
would serve the public policy that underlies the authority that 16346  
is asserted as permitting that conduct or threatened conduct. 16347

(5) All of the following apply to any award of reasonable 16348  
attorney's fees awarded under division (C) (4) (b) of this 16349  
section: 16350

(a) The fees shall be construed as remedial and not 16351  
punitive. 16352

(b) The fees awarded shall not exceed the total of the 16353  
reasonable attorney's fees incurred before the public record was 16354  
made available to the relator and the fees described in division 16355  
(C) (5) (c) of this section. 16356

(c) Reasonable attorney's fees shall include reasonable 16357  
fees incurred to produce proof of the reasonableness and amount 16358  
of the fees and to otherwise litigate entitlement to the fees. 16359

(d) The court may reduce the amount of fees awarded if the 16360  
court determines that, given the factual circumstances involved 16361  
with the specific public records request, an alternative means 16362  
should have been pursued to more effectively and efficiently 16363  
resolve the dispute that was subject to the mandamus action 16364  
filed under division (C) (1) of this section. 16365

(6) If the court does not issue a writ of mandamus under 16366  
division (C) of this section and the court determines at that 16367  
time that the bringing of the mandamus action was frivolous 16368  
conduct as defined in division (A) of section 2323.51 of the 16369  
Revised Code, the court may award to the public office all court 16370  
costs, expenses, and reasonable attorney's fees, as determined 16371  
by the court. 16372

(D) Chapter 1347. of the Revised Code does not limit the 16373

provisions of this section. 16374

(E) (1) To ensure that all employees of public offices are 16375  
appropriately educated about a public office's obligations under 16376  
division (B) of this section, all elected officials or their 16377  
appropriate designees shall attend training approved by the 16378  
attorney general as provided in section 109.43 of the Revised 16379  
Code. A future official may satisfy the requirements of this 16380  
division by attending the training before taking office, 16381  
provided that the future official may not send a designee in the 16382  
future official's place. 16383

(2) All public offices shall adopt a public records policy 16384  
in compliance with this section for responding to public records 16385  
requests. In adopting a public records policy under this 16386  
division, a public office may obtain guidance from the model 16387  
public records policy developed and provided to the public 16388  
office by the attorney general under section 109.43 of the 16389  
Revised Code. Except as otherwise provided in this section, the 16390  
policy may not limit the number of public records that the 16391  
public office will make available to a single person, may not 16392  
limit the number of public records that it will make available 16393  
during a fixed period of time, and may not establish a fixed 16394  
period of time before it will respond to a request for 16395  
inspection or copying of public records, unless that period is 16396  
less than eight hours. 16397

The public office shall distribute the public records 16398  
policy adopted by the public office under this division to the 16399  
employee of the public office who is the records custodian or 16400  
records manager or otherwise has custody of the records of that 16401  
office. The public office shall require that employee to 16402  
acknowledge receipt of the copy of the public records policy. 16403

The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F) (1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F) (1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or

forward the copies for surveys, marketing, solicitation, or 16434  
resale for commercial purposes. "Bulk commercial special 16435  
extraction request" does not include a request by a person who 16436  
gives assurance to the bureau that the person making the request 16437  
does not intend to use or forward the requested copies for 16438  
surveys, marketing, solicitation, or resale for commercial 16439  
purposes. 16440

(c) "Commercial" means profit-seeking production, buying, 16441  
or selling of any good, service, or other product. 16442

(d) "Special extraction costs" means the cost of the time 16443  
spent by the lowest paid employee competent to perform the task, 16444  
the actual amount paid to outside private contractors employed 16445  
by the bureau, or the actual cost incurred to create computer 16446  
programs to make the special extraction. "Special extraction 16447  
costs" include any charges paid to a public agency for computer 16448  
or records services. 16449

(3) For purposes of divisions (F) (1) and (2) of this 16450  
section, "surveys, marketing, solicitation, or resale for 16451  
commercial purposes" shall be narrowly construed and does not 16452  
include reporting or gathering news, reporting or gathering 16453  
information to assist citizen oversight or understanding of the 16454  
operation or activities of government, or nonprofit educational 16455  
research. 16456

(G) A request by a defendant, counsel of a defendant, or 16457  
any agent of a defendant in a criminal action that public 16458  
records related to that action be made available under this 16459  
section shall be considered a demand for discovery pursuant to 16460  
the Criminal Rules, except to the extent that the Criminal Rules 16461  
plainly indicate a contrary intent. The defendant, counsel of 16462  
the defendant, or agent of the defendant making a request under 16463

this division shall serve a copy of the request on the 16464  
prosecuting attorney, director of law, or other chief legal 16465  
officer responsible for prosecuting the action. 16466

(H) (1) Any portion of a body-worn camera or dashboard 16467  
camera recording described in divisions (A) (17) (b) to (h) of 16468  
this section may be released by consent of the subject of the 16469  
recording or a representative of that person, as specified in 16470  
those divisions, only if either of the following applies: 16471

(a) The recording will not be used in connection with any 16472  
probable or pending criminal proceedings; 16473

(b) The recording has been used in connection with a 16474  
criminal proceeding that was dismissed or for which a judgment 16475  
has been entered pursuant to Rule 32 of the Rules of Criminal 16476  
Procedure, and will not be used again in connection with any 16477  
probable or pending criminal proceedings. 16478

(2) If a public office denies a request to release a 16479  
restricted portion of a body-worn camera or dashboard camera 16480  
recording, as defined in division (A) (17) of this section, any 16481  
person may file a mandamus action pursuant to this section or a 16482  
complaint with the clerk of the court of claims pursuant to 16483  
section 2743.75 of the Revised Code, requesting the court to 16484  
order the release of all or portions of the recording. If the 16485  
court considering the request determines that the filing 16486  
articulates by clear and convincing evidence that the public 16487  
interest in the recording substantially outweighs privacy 16488  
interests and other interests asserted to deny release, the 16489  
court shall order the public office to release the recording. 16490

**Sec. 153.01.** (A) Whenever any building or structure for 16491  
the use of the state or any institution supported in whole or in 16492



part by the state or in or upon the public works of the state 16493  
that is administered by the Ohio facilities construction 16494  
commission or by any other state officer or state agency 16495  
authorized by law to administer a project, including an 16496  
educational institution listed in section 3345.50 of the Revised 16497  
Code, is to be erected or constructed, whenever additions, 16498  
alterations, or structural or other improvements are to be made, 16499  
or whenever heating, cooling, or ventilating plants or other 16500  
equipment is to be installed or material supplied therefor, the 16501  
estimated cost of which amounts to two hundred thousand dollars 16502  
or more, or the amount determined pursuant to section 153.53 of 16503  
the Revised Code or more, each officer, board, or other 16504  
authority upon which devolves the duty of constructing, 16505  
erecting, altering, or installing the same, referred to in 16506  
sections 153.01 to 153.60 of the Revised Code as the public 16507  
authority, shall cause to be made, by an architect or engineer 16508  
whose contract of employment shall be prepared and approved by 16509  
the attorney general, the following: 16510

(1) Full and accurate plans, suitable for the use of 16511  
mechanics and other builders in the construction, improvement, 16512  
addition, alteration, or installation; 16513

(2) Details to scale and full-sized, so drawn and 16514  
represented as to be easily understood; 16515

(3) Definite and complete specifications of the work to be 16516  
performed, together with directions that will enable a competent 16517  
mechanic or other builder to carry them out and afford bidders 16518  
all needful information; 16519

(4) A full and accurate estimate of each item of expense 16520  
and the aggregate cost of those items of expense; 16521

(5) A life-cycle cost analysis; 16522

(6) Further data as may be required by the Ohio facilities 16523  
construction commission. 16524

In preparing these plans, details, specifications, 16525  
estimates, analyses, or other data, the public authority may 16526  
require the architect or engineer to use a building information 16527  
model system, as long as the system is based on a nationally 16528  
recognized standard for building information models. As used in 16529  
this division, "building information model" means a digital 16530  
representation of physical and functional characteristics of a 16531  
facility, and electronic files used to design and coordinate the 16532  
project, whether it is a single model or multiple models used in 16533  
the aggregate. 16534

(B) (1) Division (A) of this section shall not be required 16535  
with respect to a construction management contract entered into 16536  
with a construction manager at risk as described in section 16537  
9.334 of the Revised Code or a design-build contract entered 16538  
into with a design-build firm as described in section 153.693 of 16539  
the Revised Code. 16540

(2) Nothing in this chapter shall interfere with the power 16541  
of the director of transportation to prepare plans for, acquire 16542  
rights-of-way for, construct, or maintain roads, highways, or 16543  
bridges, or to let contracts for those purposes. 16544

**Sec. 153.07.** The notice provided for in section 153.06 of 16545  
the Revised Code shall be published by electronic means~~once each~~ 16546  
~~week for three consecutive weeks in a newspaper of general~~ 16547  
~~circulation, or as provided in section 7.16 of the Revised Code,~~ 16548  
and may be published in other news media in the county where the 16549  
activity for which bids are submitted is to occur ~~and in such~~ 16550

~~other newspapers as ordered by the Ohio facilities construction-~~ 16551  
~~commission, the last publication to.~~ 16552  
The notice shall invite 16553  
interested parties to submit proposals for consideration and 16554  
shall be published at least eightfourteen days preceding the 16555  
day for opening the bids, and in such form and with such 16556  
phraseology a manner as prescribed by the commission orders. 16557  
Copies of the plans, details, estimates of cost, and 16558  
specifications shall be available electronically and open to 16559  
public inspection at all business hours between the day of the 16560  
first publication and the day for opening the bids, at the 16561  
office of the commission where the bids are received, and such 16562  
other place as may be designated in such notice.

**Sec. 153.08.** On the day and at the place named in the 16563  
notice provided for in section 153.06 of the Revised Code, the 16564  
owner referred to in section 153.01 of the Revised Code shall 16565  
open the bids and shall publicly, with the assistance of the 16566  
architect or engineer, immediately proceed to tabulate the bids. 16567  
For a bid filed electronically, the public bid opening may be 16568  
broadcast by electronic means pursuant to rules established by 16569  
the Ohio facilities construction commission. A bid shall be 16570  
invalid and not considered unless a bid guaranty meeting the 16571  
requirements of section 153.54 of the Revised Code and in the 16572  
form approved by the commission is filed with such bid. For a 16573  
bid that is not filed electronically, the bid and bid guaranty 16574  
shall be filed in one sealed envelope. If the bid and bid 16575  
guaranty are filed electronically, they must be received 16576  
electronically before the deadline published pursuant to section 16577  
153.06 of the Revised Code. For all bids filed electronically, 16578  
the original, unaltered bid guaranty shall be made available to 16579  
the public authority after the public bid opening, which may be 16580  
achieved by means of an electronic verification and security 16581

system established under rules adopted by the Ohio facilities 16582  
construction commission under Chapter 119. of the Revised Code. 16583  
After investigation, which shall be completed within thirty 16584  
days, the contract shall be awarded by such owner to the lowest 16585  
responsive and responsible bidder in accordance with section 16586  
9.312 of the Revised Code. 16587

No contract shall be entered into until the industrial 16588  
commission has certified that the person so awarded the contract 16589  
has complied with sections 4123.01 to 4123.94 of the Revised 16590  
Code, until, if the bidder so awarded the contract is a foreign 16591  
corporation, the secretary of state has certified that such 16592  
corporation is authorized to do business in this state, until, 16593  
if the bidder so awarded the contract is a person nonresident of 16594  
this state, such person has filed with the secretary of state a 16595  
power of attorney designating the secretary of state as its 16596  
agent for the purpose of accepting service of summons in any 16597  
action brought under section 153.05 of the Revised Code or under 16598  
sections 4123.01 to 4123.94 of the Revised Code, and until the 16599  
contract and bond, if any, are submitted to the attorney general 16600  
and the attorney general's approval certified thereon. 16601

~~No contract shall be entered into unless the bidder 16602~~  
~~possesses a valid certificate of compliance with affirmative 16603~~  
~~action programs issued pursuant to section 9.47 of the Revised 16604~~  
~~Code and dated no earlier than one hundred eighty days prior to 16605~~  
~~the date fixed for the opening of bids for a particular project. 16606~~

**Sec. 153.09.** If in the opinion of the owner referred to in 16607  
section 153.01 of the Revised Code, the award of a contract to 16608  
the lowest responsive and responsible bidder is not in the best 16609  
interests of the state, the owner may accept another bid so 16610  
opened or reject all bids, and advertise for other bids. Such 16611

advertisement shall be for such time, in such form, and ~~in~~ by  
such ~~newspaper~~ electronic media as the Ohio facilities  
construction commission directs. All contracts shall provide  
that such owner may make any change in work or materials on the  
conditions and in the manner provided in sections 153.10 and  
153.11 of the Revised Code.

**Sec. 153.12.** (A) With respect to award of any contract for  
the construction, reconstruction, improvement, enlargement,  
alteration, repair, painting, or decoration of a public  
improvement made by the state, or any county, township,  
municipal corporation, school district, or other political  
subdivision, or any public board, commission, authority,  
instrumentality, or special purpose district of or in the state  
or a political subdivision or that is authorized by state law,  
the award, and execution of the contract, shall be made within  
sixty days after the date on which the bids are opened. The  
failure to award and execute the contract within sixty days  
invalidates the entire bid proceedings and all bids submitted,  
unless the time for awarding and executing the contract is  
extended by mutual consent of the owner or its representatives  
and the bidder whose bid the owner accepts and with respect to  
whom the owner subsequently awards and executes a contract. The  
public owners referred to in this section shall include, in the  
plans and specifications for the project for which bids are  
solicited, the estimate of cost. The bid for which the award is  
to be made shall be opened at the time and place named in the  
advertisement for bids, unless extended by the owner or its  
representative or unless, within seventy-two hours prior to the  
published time for the opening of bids, excluding Saturdays,  
Sundays, and legal holidays, any modification of the plans or  
specifications and estimates of cost for the project for which

bids are solicited is issued and mailed or otherwise furnished 16643  
to persons who have obtained plans or specifications for the 16644  
project, for which the time for opening of bids shall be 16645  
extended one week, with no further advertising of bids required. 16646  
The contractor, upon request, is entitled to a notice to proceed 16647  
with the work by the owner or its representative upon execution 16648  
of the contract. No contract to which this section applies shall 16649  
be entered into if the price of the contract, or, if the project 16650  
involves multiple contracts where the total price of all 16651  
contracts for the project, is in excess of ten per cent, in the 16652  
case of a contract made by the state or a public board, 16653  
commission, authority, or instrumentality of the state, or 16654  
twenty per cent, in the case of a contract made by a county, 16655  
township, municipal corporation, school district, special 16656  
purpose district, or other political subdivision or a public 16657  
board, commission, authority, or instrumentality of the 16658  
political subdivision, above the entire estimate thereof, nor 16659  
shall the entire cost of the construction, reconstruction, 16660  
repair, painting, decorating, improvement, alteration, addition, 16661  
or installation, including changes and estimates of expenses for 16662  
architects or engineers, exceed in the aggregate the amount 16663  
authorized by law. 16664

The unit or lump sum price stated in the contract shall be 16665  
used in determining the amount to be paid and shall constitute 16666  
full and final compensation for all the work. 16667

Partial payment to the contractor for work performed under 16668  
the lump sum price shall be based on a schedule prepared by the 16669  
contractor and approved by the architect or engineer who shall 16670  
apportion the lump sum price to the major components entering 16671  
into or forming a part of the work under the lump sum price. 16672

Partial payments to the contractor for labor performed 16673  
under either a unit or lump sum price contract shall be made at 16674  
~~the a rate of ninety-two not less than ninety-six~~ per cent of 16675  
the estimates prepared by the contractor and approved by the 16676  
architect or engineer. ~~All labor performed after the job is~~ 16677  
~~fifty per cent completed shall be paid for at the rate of one~~ 16678  
~~hundred per cent of the estimates submitted by the contractor~~ 16679  
~~and approved by the architect or engineer. No subcontract shall~~ 16680  
be paid at a rate lower than the rate being paid to the 16681  
contractor by the public authority. 16682

The amounts and time of payments of any public 16683  
improvements contract made by the state or any county, township, 16684  
municipal corporation, school district, or other political 16685  
subdivision, or any public board, commission, authority, 16686  
instrumentality, or special purpose district of or in the state 16687  
or a political subdivision or that is authorized by state law, 16688  
except as provided in section 5525.19 of the Revised Code, shall 16689  
be governed by this section and sections 153.13 and 153.14 of 16690  
the Revised Code. If the time for awarding the contract is 16691  
extended by mutual consent, or if the owner or its 16692  
representative fails to issue a timely notice to proceed as 16693  
required by this section, the owner or its representative shall 16694  
issue a change order authorizing delay costs to the contractor, 16695  
which does not invalidate the contract. The amount of such a 16696  
change order to the owner shall be determined in accordance with 16697  
the provisions of the contract for change orders or force 16698  
accounts or, if no such provision is set forth in the contract, 16699  
the cost to the owner shall be the contractor's actual costs 16700  
including wages, labor costs other than wages, wage taxes, 16701  
materials, equipment costs and rentals, insurance, and 16702  
subcontracts attributable to the delay, plus a reasonable sum 16703

for overhead. In the event of a dispute between the owner and 16704  
the contractor concerning such change order, procedures shall be 16705  
commenced under the applicable terms of the contract, or, if the 16706  
contract contains no provision for resolving the dispute, it 16707  
shall be resolved pursuant to the procedures for arbitration in 16708  
Chapter 2711. of the Revised Code, except as provided in 16709  
division (B) of this section. Nothing in this division shall be 16710  
construed as a limitation upon the authority of the director of 16711  
transportation granted in Chapter 5525. of the Revised Code. 16712

(B) If a dispute arises between the state and a contractor 16713  
concerning the terms of a public improvement contract let by the 16714  
state or concerning a breach of the contract, and after 16715  
administrative remedies provided for in such contract and any 16716  
alternative dispute resolution procedures provided in accordance 16717  
with guidelines established by the executive director of the 16718  
Ohio facilities construction commission are exhausted, the 16719  
contractor may bring an action to the court of claims in 16720  
accordance with Chapter 2743. of the Revised Code. The state or 16721  
the contractor may request the chief justice of the supreme 16722  
court to appoint a referee or panel of referees in accordance 16723  
with division (C)(3) of section 2743.03 of the Revised Code. As 16724  
used in this division, "dispute" means a disagreement between 16725  
the state and the contractor concerning a public improvement 16726  
contract let by the state. 16727

**Sec. 153.13.** At the time named in the contract for payment 16728  
to the person with whom it is made, the owner referred to in 16729  
section 153.01 or 153.12 of the Revised Code shall approve a 16730  
full, accurate, and detailed estimate of the various kinds of 16731  
labor performed and material furnished under the contract, with 16732  
the amount due for each kind of labor and material and the 16733  
materials and amount due in the aggregate, which estimate shall 16734



be based upon actual measurement of such labor and materials, 16735  
and shall give the amounts of the preceding estimate, and the 16736  
amount of labor performed and materials furnished since the last 16737  
estimate. ~~From the date the contract is fifty per cent complete,~~ 16738  
~~as evidenced by payments in the amount of at least fifty per~~ 16739  
~~cent of the contract to the person with whom the owner has~~ 16740  
~~contracted, except in the case of contracts the total cost of~~ 16741  
~~which is less than fifteen thousand dollars, all funds retained~~ 16742  
~~pursuant to sections 153.12 and 153.14 of the Revised Code for~~ 16743  
~~the faithful performance of work shall be deposited in the~~ 16744  
~~escrow account designated in section 153.63 of the Revised Code.~~ 16745  
~~After the contract is fifty per cent complete, no further funds~~ 16746  
~~shall be retained.~~ When the major portion of the project is 16747  
substantially completed and occupied, or in use, or otherwise 16748  
accepted, and there exists no other reason to withhold 16749  
retainage, the retained percentages held in connection with such 16750  
portion and interest thereon accrued shall, within thirty days 16751  
of substantial completion of, occupation of, use of, or 16752  
acceptance of the project, be ~~released from escrow and~~ paid to 16753  
the primary contractor, withholding only that amount reasonably 16754  
necessary to assure final completion of the project. ~~Funds in~~ 16755  
~~the escrow account not heretofore paid, with accumulated~~ 16756  
~~interest, shall be paid to the person with whom the owner has~~ 16757  
~~contracted thirty days from the date of completion or either~~ 16758  
~~acceptance or occupancy by the owner. Such payments shall be in~~ 16759  
~~accordance with division (A) (2) of section 153.63 of the Revised~~ 16760  
~~Code.~~ Any retained funds withheld after substantial completion 16761  
of, occupation of, use of, or acceptance of the project, and 16762  
pending final completion of the project, and interest thereon 16763  
accrued shall be paid to the primary contractor not later than 16764  
thirty days after the date of final completion of the project. 16765  
Nothing in this section shall be construed as a limitation upon 16766

the authority of the director of transportation granted in 16767  
Chapter 5525. of the Revised Code. 16768

**Sec. 153.14.** For the construction of those projects, 16769  
improvements, and public buildings over which the Ohio 16770  
facilities construction commission has general supervision 16771  
pursuant to section 123.21 of the Revised Code, the estimates 16772  
referred to in section 153.13 of the Revised Code shall be filed 16773  
with the executive director by the owner referred to in section 16774  
153.01 or 153.12 of the Revised Code. Upon completion of a 16775  
project referred to in section 153.13 of the Revised Code or any 16776  
divisible part thereof, the maintenance and repair of such 16777  
project or divisible part shall be assumed by the owner referred 16778  
to in section 153.01 or 153.12 of the Revised Code. 16779

In addition to all other payments on account of work 16780  
performed, there shall be allowed by the owner referred to in 16781  
section 153.01 or 153.12 of the Revised Code and paid to the 16782  
contractor a sum at the rate of ninety-two per cent of the 16783  
invoice costs, not to exceed the bid price in a unit price 16784  
contract, of material delivered on the site of the work, or a 16785  
railroad station, siding, or other point in the vicinity of the 16786  
work, or other approved storage site, provided such materials 16787  
have been inspected and found to meet the specifications. The 16788  
balance of such invoiced value shall be paid when such material 16789  
is incorporated into and becomes a part of such building, 16790  
construction, addition, improvement, alteration, or 16791  
installation. When an estimate is allowed on account of material 16792  
delivered on the site of the work or in the vicinity thereof or 16793  
under the possession and control of the contractor but not yet 16794  
incorporated therein, such material shall become the property of 16795  
the owner under the contract, but if such material is stolen, 16796  
destroyed, or damaged by casualty before being used, the 16797

contractor shall be required to replace it at the contractor's 16798  
own expense. 16799

When the rate of work and amounts involved are so large 16800  
that it is considered advisable by the owner or contractor, 16801  
estimates and payments shall be made twice each month. 16802

Payment on approved estimates filed with the owner or its 16803  
representative shall be made within thirty days. Upon the 16804  
failure of the owner or its representative to make such payments 16805  
within thirty days, or upon an unauthorized withholding of 16806  
retainage, there shall be allowed to the contractor, in addition 16807  
to any other remedies allowed by law, interest on such moneys 16808  
not paid within thirty days. Interest on the unauthorized 16809  
withholding of retainage shall be in addition to any interest 16810  
earned ~~in the escrow account set forth as described~~ in section 16811  
153.13 of the Revised Code. The rate of such interest shall be 16812  
the average of the prime rate established at the commercial 16813  
banks in the city of over one hundred thousand population that 16814  
is nearest the construction project. Nothing in this section 16815  
shall be construed as a limitation upon the authority of the 16816  
director of transportation granted in Chapter 5525. of the 16817  
Revised Code. 16818

**Sec. 153.501.** (A) A public authority may accept a 16819  
subcontract awarded by a construction manager at risk, a design- 16820  
build firm, or a general contracting firm, or may reject any 16821  
such subcontract if the public authority determines that the 16822  
bidder is not responsible. 16823

(B) A public authority may authorize a construction 16824  
manager at risk or design-build firm to utilize a design-assist 16825  
firm on any public improvement project without transferring any 16826  
design liability to the design-assist firm. 16827

(C) If the construction manager at risk or design-build firm intends and is permitted by the public authority to self-perform a portion of the work to be performed, the construction manager at risk or design-build firm shall submit a sealed bid to the public authority for the portion of the work prior to accepting and opening any bids for the same work, except when the public authority requests a guaranteed maximum price proposal due at the time of selection.

**Sec. 153.502.** (A) Each construction manager at risk and design-build firm shall establish criteria by which it will prequalify prospective bidders on subcontracts awarded for work to be performed under the construction management or design-build contract. The criteria established by a construction manager at risk or design-build firm shall be subject to the approval of the public authority involved in the project and shall be consistent with the rules adopted by the Ohio facilities construction commission pursuant to section 153.503 of the Revised Code.

(B) For each subcontract to be awarded, the construction manager at risk or design-build firm shall identify at least three prospective bidders that are prequalified to bid on that subcontract, except that the construction manager at risk or design-build firm shall identify fewer than three if the construction manager at risk or design-build firm establishes to the satisfaction of the public authority that fewer than three prequalified bidders are available. The public authority shall verify that each prospective bidder meets the prequalification criteria and, subject to division (E) of this section, may eliminate any bidder it determines is not qualified.

(C) Once the prospective bidders are prequalified and

found acceptable by the public authority, the construction 16858  
manager at risk or design-build firm shall solicit proposals 16859  
from each of those bidders. The solicitation and selection of a 16860  
subcontractor shall be conducted under an open book pricing 16861  
method. As used in this division, "open book pricing method" has 16862  
the same meaning as in section 9.33 of the Revised Code, in the 16863  
case of a construction manager at risk, and the same meaning as 16864  
in section 153.65 of the Revised Code, in the case of a design- 16865  
build firm. 16866

(D) A construction manager at risk or design-build firm 16867  
shall not be required to award a subcontract to a low bidder. 16868

(E) Except as provided in section 307.921 of the Revised 16869  
Code, no public authority shall eliminate a bidder as 16870  
unqualified on the basis that the bidder has not complied with 16871  
an affirmative action program or a diversity, equity, and 16872  
inclusion program. This division shall not be construed to 16873  
affect any set-aside programs for minority business enterprises 16874  
or EDGE business enterprises, as defined in sections 122.921 and 16875  
122.922 of the Revised Code, respectively. 16876

**Sec. 153.54.** (A) Except with respect to a contract 16877  
described in section 9.334 or 153.693 of the Revised Code, each 16878  
person bidding for a contract with the state or any political 16879  
subdivision, district, institution, or other agency thereof, 16880  
excluding therefrom the department of transportation, for any 16881  
public improvement shall file with the bid, a bid guaranty in 16882  
the form of ~~either~~ any of the following: 16883

(1) A bond in accordance with division (B) of this section 16884  
for the full amount of the bid; 16885

(2) A certified check, cashier's check, or letter of 16886

credit pursuant to Chapter 1305. of the Revised Code, in 16887  
accordance with division (C) of this section. Any such letter of 16888  
credit is revocable only at the option of the beneficiary state, 16889  
political subdivision, district, institution, or agency. The 16890  
amount of the certified check, cashier's check, or letter of 16891  
credit shall be equal to ten per cent of the bid; 16892

(3) An electronic verification through an electronic 16893  
verification and security system described in section 153.08 of 16894  
the Revised Code, if the state or any political subdivision, 16895  
district, institution, or other agency thereof accepts bids 16896  
electronically pursuant to section 153.08 of the Revised Code. 16897

(B) A bid guaranty filed pursuant to division (A) (1) of 16898  
this section shall be conditioned to: 16899

(1) Provide that, if the bid is accepted, the bidder, 16900  
after the awarding or the recommendation for the award of the 16901  
contract, whichever the contracting authority designates, will 16902  
enter into a proper contract in accordance with the bid, plans, 16903  
details, and specifications. If for any reason, other than as 16904  
authorized by section 9.31 of the Revised Code or division (G) 16905  
of this section, the bidder fails to enter into the contract, 16906  
and the contracting authority awards the contract to the next 16907  
lowest bidder, the bidder and the surety on the bidder's bond 16908  
are liable to the state, political subdivision, district, 16909  
institution, or agency for the difference between the bid and 16910  
that of the next lowest bidder, or for a penal sum not to exceed 16911  
ten per cent of the amount of the bond, whichever is less. If 16912  
the state, political subdivision, district, institution, or 16913  
agency does not award the contract to the next lowest bidder but 16914  
resubmits the project for bidding, the bidder failing to enter 16915  
into the contract and the surety on the bidder's bond, except as 16916

provided in division (G) of this section, are liable to the 16917  
state, political subdivision, district, institution, or agency 16918  
for a penal sum not to exceed ten per cent of the amount of the 16919  
bid or the costs in connection with the resubmission of printing 16920  
new contract documents, required advertising, and printing and 16921  
mailing notices to prospective bidders, whichever is less. 16922

(2) Indemnify the state, political subdivision, district, 16923  
institution, or agency against all damage suffered by failure to 16924  
perform the contract according to its provisions and in 16925  
accordance with the plans, details, and specifications therefor 16926  
and to pay all lawful claims of subcontractors, material 16927  
suppliers, and laborers for labor performed or material 16928  
furnished in carrying forward, performing, or completing the 16929  
contract; and agree and assent that this undertaking is for the 16930  
benefit of any subcontractor, material supplier, or laborer 16931  
having a just claim, as well as for the state, political 16932  
subdivision, district, institution, or agency. 16933

(C) (1) A bid guaranty filed pursuant to division (A) (2) of 16934  
this section shall be conditioned to provide that if the bid is 16935  
accepted, the bidder, after the awarding or the recommendation 16936  
for the award of the contract, whichever the contracting 16937  
authority designates, will enter into a proper contract in 16938  
accordance with the bid, plans, details, specifications, and 16939  
bills of material. If for any reason, other than as authorized 16940  
by section 9.31 of the Revised Code or division (G) of this 16941  
section, the bidder fails to enter into the contract, and the 16942  
contracting authority awards the contract to the next lowest 16943  
bidder, the bidder is liable to the state, political 16944  
subdivision, district, institution, or agency for the difference 16945  
between the bidder's bid and that of the next lowest bidder, or 16946  
for a penal sum not to exceed ten per cent of the amount of the 16947

bid, whichever is less. If the state, political subdivision, 16948  
district, institution, or agency does not award the contract to 16949  
the next lowest bidder but resubmits the project for bidding, 16950  
the bidder failing to enter into the contract, except as 16951  
provided in division (G) of this section, is liable to the 16952  
state, political subdivision, district, institution, or agency 16953  
for a penal sum not to exceed ten per cent of the amount of the 16954  
bid or the costs in connection with the resubmission, of 16955  
printing new contract documents, required advertising, and 16956  
printing and mailing notices to prospective bidders, whichever 16957  
is less. 16958

If the bidder enters into the contract, the bidder, at the 16959  
time the contract is entered to, shall file a bond for the 16960  
amount of the contract to indemnify the state, political 16961  
subdivision, district, institution, or agency against all damage 16962  
suffered by failure to perform the contract according to its 16963  
provisions and in accordance with the plans, details, and 16964  
specifications and to pay all lawful claims of subcontractors, 16965  
material suppliers, and laborers for labor performed or material 16966  
furnished in carrying forward, performing, or completing the 16967  
contract; and agree and assent that this undertaking is for the 16968  
benefit of any subcontractor, material supplier, or laborer 16969  
having a just claim, as well as for the state, political 16970  
subdivision, district, institution, or agency. 16971

(2) A construction manager who enters into a contract 16972  
pursuant to sections 9.33 to 9.333 of the Revised Code, if 16973  
required by the public authority at the time the construction 16974  
manager enters into the contract, shall file a letter of credit 16975  
pursuant to Chapter 1305. of the Revised Code, bond, certified 16976  
check, or cashier's check, for the value of the construction 16977  
management contract to indemnify the state, political 16978



subdivision, district, institution, or agency against all damage 16979  
suffered by the construction manager's failure to perform the 16980  
contract according to its provisions, and shall agree and assent 16981  
that this undertaking is for the benefit of the state, political 16982  
subdivision, district, institution, or agency. A letter of 16983  
credit provided by the construction manager is revocable only at 16984  
the option of the beneficiary state, political subdivision, 16985  
district, institution, or agency. 16986

(D) Where the state, political subdivision, district, 16987  
institution, or agency accepts a bid but the bidder fails or 16988  
refuses to enter into a proper contract in accordance with the 16989  
bid, plans, details, and specifications within ten days after 16990  
the awarding of the contract, the bidder and the surety on any 16991  
bond, except as provided in division (G) of this section, are 16992  
liable for the amount of the difference between the bidder's bid 16993  
and that of the next lowest bidder, but not in excess of the 16994  
liability specified in division (B)(1) or (C) of this section. 16995  
Where the state, political subdivision, district, institution, 16996  
or agency then awards the bid to such next lowest bidder and 16997  
such next lowest bidder also fails or refuses to enter into a 16998  
proper contract in accordance with the bid, plans, details, and 16999  
specifications within ten days after the awarding of the 17000  
contract, the liability of such next lowest bidder, except as 17001  
provided in division (G) of this section, is the amount of the 17002  
difference between the bids of such next lowest bidder and the 17003  
third lowest bidder, but not in excess of the liability 17004  
specified in division (B)(1) or (C) of this section. Liability 17005  
on account of an award to any lowest bidder beyond the third 17006  
lowest bidder shall be determined in like manner. 17007

(E) Notwithstanding division (C) of this section, where 17008  
the state, political subdivision, district, institution, or 17009

agency resubmits the project for bidding, each bidder whose bid 17010  
was accepted but who failed or refused to enter into a proper 17011  
contract, except as provided in division (G) of this section, is 17012  
liable for an equal share of a penal sum in connection with the 17013  
resubmission, of printing new contract documents, required 17014  
advertising, and printing and mailing notices to prospective 17015  
bidders, but no bidder's liability shall exceed the amount of 17016  
the bidder's bid guaranty. 17017

(F) All bid guaranties filed pursuant to this section 17018  
shall be payable to the state, political subdivision, district, 17019  
institution, or agency, be for the benefit of the state, 17020  
political subdivision, district, institution, or agency or any 17021  
person having a right of action thereon, and be deposited with, 17022  
and held by, the board, officer, or agent contracting on behalf 17023  
of the state, political subdivision, district, institution, or 17024  
agency. All bonds filed pursuant to this section shall be issued 17025  
by a surety company authorized to do business in this state as 17026  
surety approved by the board, officer, or agent awarding the 17027  
contract on behalf of the state, political subdivision, 17028  
district, institution, or agency. 17029

(G) A bidder for a contract with the state or any 17030  
political subdivision, district, institution, or other agency 17031  
thereof, excluding therefrom the Ohio department of 17032  
transportation, for a public improvement costing less than one- 17033  
half million dollars may withdraw the bid from consideration if 17034  
the bidder's bid for some other contract with the state or any 17035  
political subdivision, district, institution, or other agency 17036  
thereof, excluding therefrom the department of transportation, 17037  
for the public improvement costing less than one-half million 17038  
dollars has already been accepted, if the bidder certifies in 17039  
good faith that the total amount of all the bidder's current 17040

contracts is less than one-half million dollars, and if the  
surety certifies in good faith that the bidder is unable to  
perform the subsequent contract because to do so would exceed  
the bidder's bonding capacity. If a bid is withdrawn under  
authority of this division, the contracting authority may award  
the contract to the next lowest bidder or reject all bids and  
resubmit the project for bidding, and neither the bidder nor the  
surety on the bidder's bond are liable for the difference  
between the bidder's bid and that of the next lowest bidder, for  
a penal sum, or for the costs of printing new contract  
documents, required advertising, and printing and mailing  
notices to prospective bidders.

(H) Bid guaranties filed pursuant to division (A) of this  
section shall be returned to all unsuccessful bidders  
immediately after the contract is executed. The bid guaranty  
filed pursuant to division (A) (2) of this section shall be  
returned to the successful bidder upon filing of the bond  
required in division (C) of this section.

(I) For the purposes of this section and sections 153.56,  
153.57, and 153.571 of the Revised Code, "public improvement,"  
"subcontractor," "material supplier," "laborer," and "materials"  
have the same meanings as in section 1311.25 of the Revised  
Code.

**Sec. 153.59.** Every contract for or on behalf of the state,  
or any township, county, or municipal corporation of the state,  
for the construction, alteration, or repair of any public  
building or public work in the state shall contain provisions by  
which the contractor agrees to both of the following:

(A) That, in the hiring of employees for the performance  
of work under the contract or any subcontract, no contractor,

subcontractor, or any person acting on a contractor's or 17071  
subcontractor's behalf, by reason of race, creed, sex, 17072  
disability or military status as defined in section 4112.01 of 17073  
the Revised Code, or color, shall discriminate against any 17074  
citizen of the state in the employment of labor or workers who 17075  
is qualified and available to perform the work to which the 17076  
employment relates; 17077

(B) That no contractor, subcontractor, or any person on a 17078  
contractor's or subcontractor's behalf, in any manner, shall 17079  
discriminate against or intimidate any employee hired for the 17080  
performance of work under the contract on account of race, 17081  
creed, sex, disability or military status as defined in section 17082  
4112.01 of the Revised Code, or color. 17083

~~The department of development shall ensure that no capital 17084  
moneys appropriated by the general assembly for any purpose 17085  
shall be expended unless the project for which those moneys are 17086  
appropriated provides for an affirmative action program for the 17087  
employment and effective utilization of disadvantaged persons 17088  
whose disadvantage may arise from cultural, racial, or ethnic 17089  
background, or other similar cause, including, but not limited 17090  
to, race, religion, sex, disability or military status as 17091  
defined in section 4112.01 of the Revised Code, national origin, 17092  
or ancestry. 17093~~

In awarding contracts for capital improvement projects, 17094  
the department of development shall ensure that equal 17095  
consideration be given to contractors, subcontractors, or joint 17096  
venturers who qualify as a minority business enterprise. As used 17097  
in this section, "minority business enterprise" means a business 17098  
enterprise that is owned or controlled by one or more socially 17099  
or economically disadvantaged persons who are residents of this 17100

state. "Socially or economically disadvantaged persons" means 17101  
persons, regardless of marital status, who are members of groups 17102  
whose disadvantage may arise from discrimination on the basis of 17103  
race, religion, sex, disability or military status as defined in 17104  
section 4112.01 of the Revised Code, national origin, ancestry, 17105  
or other similar cause. 17106

**Sec. 153.63.** (A) Any money which is due from the public 17107  
owner referred to in section ~~153.12~~1311.28 of the Revised Code 17108  
under a contract entered into under this chapter or entered into 17109  
under other applicable sections of the Revised Code for the 17110  
construction, reconstruction, improvement, enlargement, 17111  
alteration, repair, painting, or decoration of a public 17112  
improvement shall, on the day it is due, be paid to the 17113  
contractor or deposited in an escrow account, whichever is 17114  
applicable, with one or more banks or building and loan 17115  
associations in the state selected by mutual agreement between 17116  
the contractor and the public owner. The agreement shall contain 17117  
the following provisions: 17118

(1) The money shall be deposited in a savings account or 17119  
the escrow agent shall promptly invest all of the escrowed 17120  
principal in obligations selected by the escrow agent, as 17121  
stipulated in the agreement. 17122

(2) The escrow agent shall hold the escrowed principal and 17123  
income until receipt of notice from the public owner and the 17124  
contractor, or until receipt of an arbitration order or an order 17125  
of the court of claims specifying the amount of the escrowed 17126  
principal to be released and the person to whom it is to be 17127  
released. Upon receipt of the notice or order, the agent shall 17128  
promptly pay such amount of principal and a proportionate amount 17129  
of the escrowed income to the person indicated. 17130

(3) The escrow agent shall be compensated for its services 17131  
as agreed to by the public owner and the contractor from the 17132  
income from the escrow account. 17133

The agreement may include other provisions not 17134  
inconsistent with this section, including, but not limited to 17135  
granting authority for the escrow agent to commingle the 17136  
escrowed funds with funds held pursuant to other escrow 17137  
agreements and limiting the liability of the escrow agent. 17138

(B) When the public owner, as defined in division (B) of 17139  
section 2743.01 of the Revised Code, and the contractor disagree 17140  
as to the conditions under which money is to be paid under this 17141  
section, the parties shall apply for a decision by arbitration 17142  
under the procedures of Chapter 2711. of the Revised Code. When 17143  
an application is made, neither party shall initiate, and no 17144  
court shall permit the maintenance of, an action in court for 17145  
decision of the same issues sought to be determined in the 17146  
arbitration application. The award made by the arbitrator may 17147  
include the costs of arbitration. The arbitration shall be 17148  
binding on all parties. 17149

(C) When the public owner, as defined in division (A) of 17150  
section 2743.01 of the Revised Code, and the contractor disagree 17151  
as to the conditions under which money is to be paid under this 17152  
section the contractor shall file an action in the court of 17153  
claims. 17154

(D) If the money required to be paid or deposited under 17155  
division (A) of this section is not paid or deposited, the 17156  
governmental entity shall pay to the contractor an amount equal 17157  
to eight per cent annual interest compounded daily. 17158

**Sec. 153.693.** ~~(A)~~ (A) (1) For every design-build contract, 17159

the public authority planning to contract for design-build 17160  
services, in consultation with the criteria architect or 17161  
engineer, shall evaluate the statements of qualifications 17162  
submitted by design-build firms specifically regarding the 17163  
project, including the design-build firm's proposed architect or 17164  
engineer of record. 17165

(2) For projects valued at less than four million dollars, 17166  
the public authority may require the design-build firm to submit 17167  
a statement along with a pricing proposal described in division 17168  
(B) (2) (h) of this section. The public authority shall provide 17169  
each design-build firm who desires to submit both a statement 17170  
and a proposal a pre-proposal meeting to explore the proposals 17171  
further, in which the public authority shall provide the design- 17172  
build firm with a description of the project, including the 17173  
scope and nature of the proposed services and potential 17174  
technical approaches. After and only after the public authority 17175  
ranks and selects firms under division (B) (1) of this section, 17176  
the public authority shall review the pricing proposals 17177  
submitted by selected firms under this division, and proceed 17178  
under division (B) (3) of this section, continuing the selection 17179  
process from there. 17180

(B) Following this evaluation, the public authority shall: 17181

(1) Select and rank not fewer than three firms which it 17182  
considers to be the most qualified to provide the required 17183  
design-build services, except that the public authority shall 17184  
select and rank fewer than three firms when the public authority 17185  
determines in writing that fewer than three qualified firms are 17186  
available; 17187

(2) Provide each selected design-build firm with all of 17188  
the following: 17189

(a) A description of the project and project delivery;	17190
(b) The design criteria produced by the criteria architect	17191
or engineer under section 153.692 of the Revised Code;	17192
(c) A preliminary project schedule;	17193
(d) A description of any preconstruction services;	17194
(e) A description of the proposed design services;	17195
(f) A description of a guaranteed maximum price, including	17196
the estimated level of design on which such guaranteed maximum	17197
price is based;	17198
(g) The form of the design-build services contract;	17199
(h) <u>A-Except for projects under division (A) (2) of this</u>	17200
<u>section, a request for a pricing proposal that shall be divided</u>	17201
into a design services fee and a preconstruction and design-	17202
build services fee. The pricing proposal of each design-build	17203
firm shall include at least all of the following:	17204
(i) A list of key personnel and consultants for the	17205
project;	17206
(ii) Design concepts adhering to the design criteria	17207
produced by the criteria architect or engineer under section	17208
153.692 of the Revised Code;	17209
(iii) The design-build firm's statement of general	17210
conditions and estimated contingency requirements;	17211
(iv) A preliminary project schedule.	17212
(3) Evaluate the pricing proposal submitted by each	17213
selected firm and, at its discretion, hold discussions with each	17214
firm to further investigate its pricing proposal, including the	17215
scope and nature of the firm's proposed services and potential	17216



technical approaches; 17217

(4) Rank the selected firms based on the public 17218  
authority's evaluation of the value of each firm's pricing 17219  
proposal, with such evaluation considering each firm's proposed 17220  
costs and qualifications; 17221

(5) Enter into contract negotiations for design-build 17222  
services with the design-build firm whose pricing proposal the 17223  
public authority determines to be the best value under this 17224  
section. 17225

~~(B)~~ (C) In complying with division ~~(A)~~ (5) ~~(B)~~ (5) of this 17226  
section, contract negotiations shall be directed toward: 17227

(1) Ensuring that the design-build firm and the public 17228  
authority mutually understand the essential requirements 17229  
involved in providing the required design-build services, the 17230  
provisions for the use of contingency funds, and the terms of 17231  
the contract, including terms related to the possible 17232  
distribution of savings in the final costs of the project; 17233

(2) Ensuring that the design-build firm shall be able to 17234  
provide the necessary personnel, equipment, and facilities to 17235  
perform the design-build services within the time required by 17236  
the design-build construction contract; 17237

(3) Agreeing upon a procedure and schedule for determining 17238  
a guaranteed maximum price using an open book pricing method 17239  
that shall represent the total maximum amount to be paid by the 17240  
public authority to the design-build firm for the project and 17241  
that shall include the costs of all work, the cost of its 17242  
general conditions, the contingency, and the fee payable to the 17243  
design-build firm. 17244

~~(C)~~ (D) If the public authority fails to negotiate a 17245

contract with the design-build firm whose pricing proposal the public authority determines to be the best value as determined under this section, the public authority shall inform the design-build firm in writing of the termination of negotiations. The public authority may then do the following:

(1) Negotiate a contract with a design-build firm ranked next highest under this section following the negotiation procedure described in this section;

(2) If negotiations fail with the design-build firm under division ~~(C)~~ ~~(1)~~ (D) (1) of this section, negotiate a contract with the design-build firm ranked next highest under this section following the negotiation procedure described in this section and continue negotiating with the design-build firms selected under this section in the order of their ranking until a contract is negotiated.

~~(D)~~ (E) If the public authority fails to negotiate a contract with a design-build firm whose pricing proposal the public authority determines to be the best value as determined under this section, it may select additional design-build firms to provide pricing proposals to the public authority pursuant to this section or may select an alternative delivery method for the project.

~~(E)~~ (F) The public authority may provide a stipend for pricing proposals received from design-build firms.

~~(F)~~ (G) Nothing in this section affects a public authority's right to accept or reject any or all proposals in whole or in part.

**Sec. 155.33.** (A) (1) Beginning on ~~the effective date of~~ this amendment April 7, 2023, and ending on the effective date

of the rules adopted under section 155.34 of the Revised Code, a 17275  
state agency shall lease, in good faith, a formation within a 17276  
parcel of land that is owned or controlled by the state agency 17277  
for the exploration for and development and production of oil or 17278  
natural gas. The lease shall be on terms that are just and 17279  
reasonable, as determined by custom and practice in the oil and 17280  
gas industry, and shall include at least the terms required 17281  
under ~~divisions (A)(1)(a) to (d)~~ division (A) of section 155.34 17282  
of the Revised Code as that division existed prior to the 17283  
effective date of this amendment. The person seeking to lease 17284  
the formation shall submit to the state agency the proof 17285  
described in divisions (D)(5)(a) and (b) of this section before 17286  
entering into the lease. On and after the effective date of the 17287  
rules adopted under section 155.34 of the Revised Code, a 17288  
formation within a parcel of land that is owned or controlled by 17289  
a state agency may be leased for the exploration for and 17290  
development and production of oil or natural gas only in 17291  
accordance with divisions (A)(2) to (H) of this section and 17292  
those rules. 17293

(2) On and after the effective date of rules adopted under 17294  
section 155.34 of the Revised Code, any person or state agency 17295  
that is interested in leasing a formation within a parcel of 17296  
land that is owned or controlled by a state agency for the 17297  
exploration for and the development and production of oil or 17298  
natural gas may submit to the oil and gas land management 17299  
commission a nomination that shall include all of the following: 17300

(a) The name of the person making the nomination and the 17301  
person's address, telephone number, and email address; 17302

(b) An identification of the formation and parcel of land 17303  
proposed to be leased that specifies all of the following: 17304

(i) The percentage of the interest owned or controlled by the state agency, and whether that interest is divided, undivided, or partial;

(ii) The source deed by book and page numbers, including the description and acreage of the parcel and an identification of the county, section, township, and range in which the parcel is located;

(iii) A plat map depicting the area in which the parcel is located.

(c) If the person making the nomination is not a state agency, a nomination fee of one hundred fifty dollars;

(d) The proposed lease bonus that applies to the nomination and any additional proposed gross landowner royalty that applies to the nomination that is in addition to the amount required under division (A) (1) (b) of section 155.34 of the Revised Code;

(e) If the person making the nomination is not a state agency, proof of both of the following:

(i) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;

(ii) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code.

(3) In order to encourage the submission of nominations and the responsible and reasonable development of the state's natural resources, only the information submitted under division (A) (2) (b) of this section may be disclosed to the public until a

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person is selected under division (F) of this section. Until a 17333  
person is selected under division (F) of this section, all other 17334  
information submitted under division (A) (2) of this section is 17335  
confidential, shall not be disclosed by the commission, and is 17336  
not a public record subject to inspection or copying under 17337  
section 149.43 of the Revised Code. 17338

(4) When a nomination is not submitted by a state agency, 17339  
the nomination is the opening bid for purposes of division (D) 17340  
of this section. However, the person submitting the nomination 17341  
may supplement or amend that bid by providing additional 17342  
information in accordance with that division. 17343

(B) (1) Not less than thirty days, but not more than one 17344  
hundred twenty days following the receipt of a nomination, the 17345  
commission shall conduct a meeting for the purpose of 17346  
determining whether to approve or disapprove the nomination for 17347  
the purpose of leasing a formation within the parcel of land 17348  
that is identified in the nomination. 17349

In making its decision to approve or disapprove the 17350  
nomination, the commission shall consider all of the following: 17351

(a) The economic benefits, including the potential income 17352  
from an oil or natural gas operation, that would result if the 17353  
lease of a formation that is the subject of the nomination were 17354  
approved; 17355

(b) Whether the proposed oil or gas operation is 17356  
compatible with the current uses of the parcel of land that is 17357  
the subject of the nomination; 17358

(c) The environmental impact that would result if the 17359  
lease of a formation that is the subject of the nomination were 17360  
approved; 17361

(d) Any potential adverse geological impact that would 17362  
result if the lease of a formation that is the subject of the 17363  
nomination were approved; 17364

(e) Any potential impact to visitors or users of a parcel 17365  
of land that is the subject of the nomination; 17366

(f) Any potential impact to the operations or equipment of 17367  
a state agency that is a state university or college if the 17368  
lease of a formation within a parcel of land owned or controlled 17369  
by the university or college that is the subject of the 17370  
nomination were executed; 17371

(g) Any comments or objections to the nomination submitted 17372  
to the commission by the state agency that owns or controls the 17373  
parcel of land on which the proposed oil or natural gas 17374  
operation would take place; 17375

(h) Any comments or objections to the nomination submitted 17376  
to the commission by residents of this state or other users of 17377  
the parcel of land that is the subject of the nomination; 17378

(i) Any special terms and conditions the state agency 17379  
included in its comments or objections that the state agency 17380  
believes are appropriate for the lease of the parcel of land 17381  
because of specific conditions related to that parcel of land. 17382

(2) The commission shall approve or disapprove a 17383  
nomination not later than two calendar quarters following the 17384  
receipt of the nomination. The commission shall post notice of 17385  
the commission's decision on the commission's web site and send 17386  
notice of the decision by email and by certified mail to the 17387  
person that submitted the nomination and to the state agency 17388  
that owns or controls the formation within the parcel of land 17389  
that is the subject of the nomination. 17390

(C) Each calendar quarter, the commission shall proceed to  
advertise for bids for a lease for a formation within a parcel  
of land that was the subject of a nomination approved during the  
previous calendar quarter. The commission shall publish the  
advertisement on its web site for a period of time established  
by the commission. The advertisement shall include all of the  
following:

(1) An identification of each formation and parcel of land  
proposed to be leased that includes all of the information  
specified in division (A) (2) (b) of this section;

(2) The deadline for the submission of bids;

(3) A statement that each bid must contain all of the  
items required under division (D) of this section;

(4) A statement that a standard lease form that is  
consistent with the practices of the oil and natural gas  
industries and adopted by rule by the commission will be used  
for the lease of a formation within the parcel of land;

(5) Any special terms and conditions that may apply to the  
lease because of specific conditions related to the parcel of  
land;

(6) The amount of the bid fee that is required to be  
submitted with a bid;

(7) Any other information that the commission considers  
pertinent to the advertisement for bids.

(D) A person interested in leasing a formation within a  
parcel of land owned or controlled by a state agency for the  
exploration for and development and production of oil or natural  
gas may submit a bid to the commission on a parcel by parcel

basis that contains all of the following: 17419

(1) A bid fee of twenty-five dollars; 17420

(2) The name of the person making the bid and the person's 17421  
address, telephone number, and email address; 17422

(3) An identification of the formation and parcel of land 17423  
for which the bid is being submitted, including all of the 17424  
information specified in division (A) (2) (b) of this section; 17425

(4) The proposed lease bonus that applies to the bid and 17426  
any additional proposed gross landowner royalty that applies to 17427  
the bid that is in addition to the amount required under 17428  
division (A) (1) (b) of section 155.34 of the Revised Code; 17429

(5) Proof of both of the following: 17430

(a) That the person has obtained the insurance and 17431  
financial assurance required under section 1509.07 of the 17432  
Revised Code; 17433

(b) That the person has registered with and obtained an 17434  
identification number from the division of oil and gas resources 17435  
management under section 1509.31 of the Revised Code. 17436

(6) Any other information that the person believes is 17437  
relevant to the bid. 17438

(E) In order to encourage the submission of bids and the 17439  
responsible and reasonable development of the state's natural 17440  
resources, the information that is contained in a bid submitted 17441  
to the commission under this section is confidential, shall not 17442  
be disclosed by the commission, and is not a public record 17443  
subject to inspection and copying under section 149.43 of the 17444  
Revised Code until a person is selected under division (F) of 17445  
this section. 17446



The commission shall select the person who submits the highest and best bid, taking into account the financial responsibility of the prospective lessee and the ability of the prospective lessee to perform its obligations under the lease. After the commission selects a person, the commission shall notify the applicable state agency and send the person's bid to the agency. The state agency shall enter into a lease with the person selected by the commission. The state agency shall fully execute the lease not later than thirty days after the commission selects the person with the highest and best bid.

(G) (1) Except as otherwise provided in section 155.37 of the Revised Code, all money received by a state agency from signing fees, rentals, and royalty payments for leases entered into under this section shall be paid by the state agency into the state treasury to the credit of the state land royalty fund created in section 131.50 of the Revised Code.

(2) All money received from nomination fees and bid fees shall be paid into the state treasury to the credit of the oil and gas land management commission administration fund created in section 155.35 of the Revised Code.

(H) Notwithstanding any other provision of this section to the contrary, a nature preserve as defined in section 1517.01 of the Revised Code that is owned or controlled by a state agency shall not be nominated or leased under this section for the purpose of exploring for and developing and producing oil and natural gas resources.

(I) Except as otherwise provided in this chapter, the commission and any state agency shall not require as part of a bid or lease either of the following:

(1) Any royalty payment in excess of the amount specified 17476  
in division (A) (1) (b) of section 155.34 of the Revised Code; 17477

(2) Any additional payment that the commission or agency 17478  
is not specifically authorized or required to charge under this 17479  
section. 17480

**Sec. 155.34.** (A) ~~Not later than one hundred twenty days~~ 17481  
~~after September 30, 2021, the~~ The oil and gas land management 17482  
commission shall adopt rules in accordance with Chapter 119. of 17483  
the Revised Code establishing both of the following: 17484

(1) A standard lease form that shall be used by a state 17485  
agency for leases entered into under this chapter, is consistent 17486  
with the practices of the oil and natural gas industries, and 17487  
contains all of the following: 17488

(a) A prohibition against the use of the surface of the 17489  
parcel of land for oil and gas development unless the state 17490  
agency, in its sole discretion, chooses to negotiate and execute 17491  
a written surface use agreement established under this section; 17492

(b) A one-eighth gross landowner royalty; 17493

(c) A shut-in royalty provision; 17494

(d) A primary term of five years; 17495

~~(d)~~ (e) An option for the lessee to extend the primary term 17496  
of the lease for an additional ~~three~~ five years by tendering to 17497  
the state agency the same bonus paid when first entering into 17498  
the lease.—; 17499

(f) A provision that states: "Notwithstanding any other 17500  
provision of this Lease to the contrary, Lessee is entitled to 17501  
pay any advanced delay rentals/bonus amounts owed under this 17502  
Lease within sixty (60) calendar days after Lessee receives a 17503

copy of this Lease executed by Lessor." 17504

(g) A provision that states: "Notwithstanding any other 17505  
provision of this Lease to the contrary, in the event that a 17506  
parcel subject to this Lease was acquired or improved through, 17507  
or is otherwise encumbered by, a federal grant program, the 17508  
Primary Term of the Lease shall be tolled until the requirements 17509  
of the program, and any related grant documents, have been fully 17510  
satisfied by Lessor and Lessor notifies Lessee in writing of 17511  
same." 17512

(h) A provision that states: "Notwithstanding any other 17513  
provision of this Lease to the contrary, in the event that a 17514  
parcel subject to this Lease was acquired or improved through, 17515  
or is otherwise encumbered by, a federal grant program, Lessee 17516  
may defer payment of all sums otherwise due and owing under this 17517  
Lease until the requirements of the program, and any related 17518  
grant documents, have been fully satisfied by Lessor and Lessor 17519  
notifies Lessee in writing of same." 17520

(i) A provision that states: "Notwithstanding any other 17521  
provision of this Lease to the contrary, in the event that 17522  
litigation of any kind or character is filed by a third party 17523  
that may adversely impact Lessee's ability to conduct operations 17524  
under the Lease, including an appeal before a court or the oil 17525  
and gas commission, the Primary Term of the Lease shall be 17526  
tolled until such time as there is a final, nonappealable order 17527  
entered in such litigation." 17528

(j) A provision that states: "Notwithstanding any other 17529  
provision of this Lease to the contrary, in the event that 17530  
litigation of any kind or character is filed by a third party 17531  
that may adversely impact Lessee's ability to conduct operations 17532  
under the Lease, including an appeal before a court or the oil 17533

and gas commission, Lessee may defer payment of all sums 17534  
otherwise due and owing under this Lease until a final, 17535  
nonappealable order is entered in such litigation." 17536

(2) Any other procedures necessary to implement sections 17537  
155.30 to 155.36 of the Revised Code, subject to division (I) of 17538  
section 155.33 of the Revised Code. 17539

(B) ~~Not later than one hundred twenty days after September~~ 17540  
~~30, 2021, the~~ The commission shall establish a standard surface 17541  
use agreement that a state agency shall use to authorize the use 17542  
of the surface of a leased parcel of land. 17543

(C) Section 121.95 of the Revised Code does not apply to 17544  
rules adopted under this section and the commission is not 17545  
subject to any requirements of that section. 17546

**Sec. 163.01.** As used in sections 163.01 to 163.22 of the 17547  
Revised Code: 17548

(A) "Public agency" means any governmental corporation, 17549  
unit, organization, instrumentality, or officer authorized by 17550  
law to appropriate property in the courts of this state. 17551

(B) "Private agency" means any corporation, firm, 17552  
partnership, voluntary association, joint-stock association, or 17553  
company that is not a public agency and that is authorized by 17554  
law to appropriate property in the courts of this state. 17555

(C) "Agency" means any public agency or private agency. 17556

(D) "Court" means the court of common pleas or the probate 17557  
court of any county in which the property sought to be 17558  
appropriated is located in whole or in part. 17559

(E) "Owner" means any individual, partnership, 17560  
association, or corporation having any estate, title, or 17561

interest in any real property sought to be appropriated. 17562

(F) "Real property," "land," or "property" includes any 17563  
estate, title, or interest in any real property that is 17564  
authorized to be appropriated by the agency in question, unless 17565  
the context otherwise requires. 17566

(G) "Public utility" has the same meaning as in section 17567  
4905.02 of the Revised Code and also includes a public utility 17568  
owned or operated by one or more municipal corporations, an 17569  
electric cooperative, and an agency holding a certificate of 17570  
public convenience and necessity granted by the federal energy 17571  
regulatory commission. 17572

(H) (1) "Public use" does not include any taking that is 17573  
for conveyance to a private commercial enterprise, economic 17574  
development, or solely for the purpose of increasing public 17575  
revenue, unless the property is conveyed or leased to one of the 17576  
following: 17577

(a) A public utility, municipal power agency, or common 17578  
carrier; 17579

(b) A private entity that occupies a port authority 17580  
transportation facility or an incidental area within a publicly 17581  
owned and occupied project; 17582

(c) A private entity when the agency that takes the 17583  
property establishes by a preponderance of the evidence that the 17584  
property is a blighted parcel or is included in a blighted area. 17585

(2) "Public use" does not include any taking of property 17586  
for use as a trail for hiking, bicycling, horseback riding, ski 17587  
touring, canoeing, or other nonmotorized forms of recreational 17588  
travel. This division does not apply to regional transit 17589  
authorities acting pursuant to section 306.36 of the Revised 17590

Code. 17591

(3) All of the following are presumed to be public uses: 17592  
utility facilities, roads, sewers, water lines, public schools, 17593  
public institutions of higher education, private institutions of 17594  
higher education that are authorized to appropriate property 17595  
under section 3333.08 of the Revised Code, public parks, 17596  
government buildings, port authority transportation facilities, 17597  
projects by an agency that is a public utility, and similar 17598  
facilities and uses of land. 17599

(I) "Electric cooperative" has the same meaning as in 17600  
section 4928.01 of the Revised Code. 17601

(J) "Good faith offer" means the written offer that an 17602  
agency that is appropriating property must make to the owner of 17603  
the property pursuant to division (B) of section 163.04 of the 17604  
Revised Code before commencing an appropriation proceeding. 17605

(K) "Goodwill" means the calculable benefits that accrue 17606  
to a business as a result of its location, reputation for 17607  
dependability, skill or quality, and any other circumstances 17608  
that result in probable retention of old, or acquisition of new, 17609  
patronage. 17610

(L) "Municipal power agency" has the same meaning as in 17611  
section 3734.058 of the Revised Code. 17612

(M) "Port authority transportation facility" means any 17613  
facility developed, controlled, or operated by a port authority 17614  
for the purpose of providing passenger, cargo, or freight 17615  
transportation services, such as airports, maritime ports, rail 17616  
facilities, transit facilities, and support facilities directly 17617  
related to any airport, maritime port, rail facility, or transit 17618  
facility. 17619

**Sec. 164.01.** As used in this chapter: 17620

(A) "Capital improvement" or "capital improvement project" 17621  
or "project" means the acquisition, construction, 17622  
reconstruction, improvement, planning, and equipping of roads 17623  
and bridges, appurtenances to roads and bridges to enhance the 17624  
safety of animal-drawn vehicles, pedestrians, and bicycles, 17625  
waste water treatment systems, water supply systems, solid waste 17626  
disposal facilities, and storm water and sanitary collection, 17627  
storage, and treatment facilities, including real property, 17628  
interests in real property, facilities, and equipment related or 17629  
incidental to those facilities. 17630

(B) "Local subdivision" means any county, municipal 17631  
corporation, township, sanitary district, or regional water and 17632  
sewer district. 17633

(C) "Bond proceedings" means the resolutions, orders, 17634  
trust agreements, indentures, and other agreements, credit 17635  
facilities and credit enhancement facilities, and amendments and 17636  
supplements to the foregoing, or any one or more or combination 17637  
thereof, authorizing, awarding, or providing for the terms and 17638  
conditions applicable to or providing for the security or 17639  
liquidity of obligations, and the provisions contained in those 17640  
obligations. 17641

(D) "Bond service charges" means principal, including any 17642  
mandatory sinking fund or redemption requirements for retirement 17643  
of obligations, interest and other accreted amounts, and any 17644  
redemption premium payable on obligations. If not prohibited by 17645  
the applicable bond proceedings, bond service charges include 17646  
costs of credit enhancement facilities that are related to, and 17647  
represent or are intended to provide a source of payment of or 17648  
limitation on, other bond service charges. 17649

(E) "Bond service fund" means the fund, and any accounts 17650  
in that fund, created by section 164.10 of the Revised Code, 17651  
including all moneys and investments, and earnings from 17652  
investments, credited and to be credited to that fund and 17653  
accounts as provided in the bond proceedings. 17654

(F) "Cost of capital improvement projects" means the costs 17655  
of acquiring, constructing, reconstructing, expanding, 17656  
improving, and engineering capital improvement projects, and 17657  
related financing costs. 17658

(G) "Credit enhancement facilities" means letters of 17659  
credit, lines of credit, stand-by, contingent, or firm 17660  
securities purchase agreements, interest rate hedges including, 17661  
without limitation, interest rate swaps, insurance or surety 17662  
arrangements, reserve or guarantee funds, and guarantees, and 17663  
other arrangements that provide for contingent or direct payment 17664  
of bond service charges, for security or additional security in 17665  
the event of nonpayment or default in respect of obligations, or 17666  
for making or providing funds for making payment of bond service 17667  
charges to, and at the option and on demand of, holders of 17668  
obligations or at the option of the issuer under put or similar 17669  
arrangements, or for otherwise supporting the credit or 17670  
liquidity of obligations, and includes credit, reimbursement, 17671  
marketing, remarketing, indexing, carrying, purchase, and 17672  
subrogation agreements, and other agreements and arrangements 17673  
for reimbursement of the person providing the credit enhancement 17674  
facility and the security for that reimbursement. As used in 17675  
this division, obligations include debt obligations of local 17676  
subdivisions. 17677

(H) "Financing costs" means all costs and expenses 17678  
relating to the authorization, issuance, sale, delivery, 17679



authentication, deposit, custody, clearing, registration, 17680  
transfer, exchange, fractionalization, replacement, and 17681  
servicing of obligations, including, without limitation, costs 17682  
and expenses for or relating to, or payment obligations under, 17683  
publication and printing, postage and express delivery, official 17684  
statements, offering circulars, and informational statements, 17685  
travel and transportation, paying agents, bond registrars, 17686  
authenticating agents, remarketing agents, custodians, clearing 17687  
agencies or corporations, securities depositories, financial 17688  
advisory services, certifications, audits, federal or state 17689  
regulatory agencies, accounting services, legal services and 17690  
obtaining approving legal opinions and other legal opinions, 17691  
credit ratings, original issue discount, credit facilities, and 17692  
credit enhancement facilities. Financing costs may be paid from 17693  
any moneys lawfully available for the purpose, including, unless 17694  
otherwise provided in the bond proceedings, from the proceeds of 17695  
the obligations to which they relate and from the same sources 17696  
from which bond service charges on the obligations are paid and 17697  
as though bond service charges. 17698

(I) "Issuer" means the treasurer of state, or the officer 17699  
who by law performs the functions of that officer. 17700

(J) "Obligations" means bonds, notes, or other evidences 17701  
of obligation of the state, including any interest coupons 17702  
pertaining thereto, issued pursuant to sections 164.09 to 164.12 17703  
of the Revised Code. 17704

(K) "Special funds" or "funds" means, except where the 17705  
context does not permit, the bond service fund, and any other 17706  
funds, including reserve funds, created under the bond 17707  
proceedings and stated to be special funds in those proceedings, 17708  
including all moneys and investments, and earnings from 17709

investments, credited and to be credited to the ~~particular~~ fund. 17710  
Special funds do not include the state capital improvements fund 17711  
created by section 164.08 of the Revised Code or, if so provided 17712  
in the bond proceedings, a rebate fund or account established 17713  
for purposes of federal tax laws. 17714

(L) "Net proceeds" means amounts received from the sale of 17715  
obligations pursuant to this chapter, excluding amounts used to 17716  
refund or retire outstanding obligations, and does not include 17717  
amounts required to be deposited in special funds pursuant to 17718  
the applicable bond proceedings, or financing costs paid from 17719  
such amounts received. 17720

(M) "Local debt support" means ~~a full or partial pledge of~~ 17721  
~~support for any local bond issue, the payment of all or a part~~ 17722  
~~of the premium for bond insurance obtained from a private~~ 17723  
~~insurer,~~ the subsidization of the interest rate on a loan 17724  
obtained by ~~the~~ a subdivision, ~~or a source of revenue pledged in~~ 17725  
~~support of revenue bonds issued by a subdivision.~~ 17726

(N) "Principal amount" refers to the aggregate of the 17727  
amount as stated or provided for in the bond proceedings 17728  
authorizing the obligations as the amount on which interest or 17729  
interest equivalent is initially calculated. 17730

**Sec. 164.05.** (A) The director of the Ohio public works 17731  
commission shall do all of the following: 17732

(1) Approve requests for financial assistance from 17733  
district public works integrating committees and enter into 17734  
agreements with one or more local subdivisions to provide loans, 17735  
grants, and local debt support for a capital improvement project 17736  
if the director determines that: 17737

(a) The project is an eligible project pursuant to this 17738

chapter; 17739

(b) The financial assistance for the project has been 17740  
properly approved and requested by the district committee of the 17741  
district which includes the recipient of the loan or grant; 17742

(c) The amount of the financial assistance, when added to 17743  
all other financial assistance provided during the fiscal year 17744  
for projects within the district, does not exceed that 17745  
district's allocation of money from the state capital 17746  
improvements fund for that fiscal year; 17747

(d) The district committee has provided such documentation 17748  
and other evidence as the director may require that the district 17749  
committee has satisfied the requirements of section 164.06 or 17750  
164.14 of the Revised Code; 17751

(e) The portion of a district's annual allocation which 17752  
the director approves in the form of loans and local debt 17753  
support for eligible projects is consistent with divisions (E) 17754  
and (F) of this section. 17755

(2) Authorize payments to local subdivisions or their 17756  
contractors for costs incurred for capital improvement projects 17757  
which have been approved pursuant to this chapter. All requests 17758  
for payments shall be submitted to the director on forms and in 17759  
accordance with procedures specified in rules adopted by the 17760  
director pursuant to division (A) (4) of this section. 17761

(3) Retain the services of or employ financial 17762  
consultants, engineers, accountants, attorneys, and such other 17763  
employees as the director determines are necessary to carry out 17764  
the director's duties under this chapter and fix the 17765  
compensation for their services. From among these employees, the 17766  
director shall appoint a deputy with the necessary 17767

qualifications to act as the director when the director is 17768  
absent or temporarily unable to carry out the duties of office. 17769

(4) Adopt rules establishing the procedures for making 17770  
applications, reviewing, approving, and rejecting projects for 17771  
which assistance is authorized under this chapter, and any other 17772  
rules needed to implement the provisions of this chapter. Such 17773  
rules shall be adopted under Chapter 119. of the Revised Code. 17774

(5) Provide information and other assistance to local 17775  
subdivisions and district public works integrating committees in 17776  
developing their requests for financial assistance for capital 17777  
improvements under this chapter and encourage cooperation and 17778  
coordination of requests and the development of multisubdivision 17779  
projects in order to maximize the benefits that may be derived 17780  
by districts from each year's allocation; 17781

(6) Require local subdivisions, to the extent practicable, 17782  
to use Ohio products, materials, services, and labor in 17783  
connection with any capital improvement project financed in 17784  
whole or in part under this chapter; 17785

(7) Notify the director of budget and management of all 17786  
approved projects, and supply all information necessary to track 17787  
approved projects through the state accounting system; 17788

(8) Appoint the administrator of the Ohio small government 17789  
capital improvements commission; 17790

(9) Do all other acts, enter into contracts, and execute 17791  
all instruments necessary or appropriate to carry out this 17792  
chapter; 17793

(10) Develop a standardized methodology for evaluating 17794  
local subdivision capital improvement needs that a district 17795  
public works integrating committee shall consider when 17796

addressing a subdivision's project application; 17797

(11) Establish a program to provide local subdivisions 17798  
with technical assistance in preparing project applications. The 17799  
program shall be designed to assist local subdivisions that lack 17800  
the financial or technical resources to prepare project 17801  
applications on their own. 17802

(B) When the director of the Ohio public works commission 17803  
decides to conditionally approve or disapprove projects, the 17804  
director's decisions and the reasons for which they are made 17805  
shall be made in writing. These written decisions shall be 17806  
conclusive for the purposes of the validity and enforceability 17807  
of such determinations. 17808

(C) Fees, charges, rates of interest, times of payment of 17809  
interest and principal, and other terms, conditions, and 17810  
provisions of and security for financial assistance provided 17811  
pursuant to the provisions of this chapter shall be such as the 17812  
director determines to be appropriate. If any payments required 17813  
by a loan agreement entered into pursuant to this chapter are 17814  
not paid, the funds which would otherwise be apportioned to the 17815  
local subdivision from the county undivided local government 17816  
fund, pursuant to sections 5747.51 to 5747.53 of the Revised 17817  
Code, may, at the direction of the director of the Ohio public 17818  
works commission, be reduced by the amount payable. The county 17819  
treasurer shall, at the direction of the director, pay the 17820  
amount of such reductions to the state capital improvements 17821  
revolving loan fund. The director may renegotiate a loan 17822  
repayment schedule with a local subdivision whose payments from 17823  
the county undivided local government fund could be reduced 17824  
pursuant to this division, but such a renegotiation may occur 17825  
only one time with respect to any particular loan agreement. 17826

(D) Grants approved for the repair and replacement of 17827  
existing infrastructure pursuant to this chapter shall not 17828  
exceed ninety per cent of the estimated total cost of the 17829  
capital improvement project. Grants approved for new or expanded 17830  
infrastructure shall not exceed fifty per cent of the estimated 17831  
cost of the new or expansion elements of the capital improvement 17832  
project. A local subdivision share of the estimated cost of a 17833  
capital improvement may consist of any of the following: 17834

(1) The reasonable value, as determined by the director or 17835  
the administrator, of labor, materials, and equipment that will 17836  
be contributed by the local subdivision in performing the 17837  
capital improvement project; 17838

(2) Moneys received by the local subdivision in any form 17839  
from an authority, commission, or agency of the United States 17840  
for use in performing the capital improvement project; 17841

(3) Loans made to the local subdivision under this 17842  
chapter; 17843

(4) Engineering costs incurred by the local subdivision in 17844  
performing engineering activities related to the project. 17845

A local subdivision share of the cost of a capital 17846  
improvement shall not include any amounts awarded to it from the 17847  
local transportation improvement program fund created in section 17848  
164.14 of the Revised Code. 17849

(E) ~~Not more than ten per cent of a~~ A district public 17850  
works integrating ~~committee's~~ committee may determine how much 17851  
of its annual allocation share pursuant to section 164.08 of the 17852  
Revised Code ~~may be~~ is awarded to subdivisions ~~only~~ in the form 17853  
of interest-free, low-interest, market rate of interest, or 17854  
blended-rate loans and in the form of local debt support. 17855

~~(F) Not more than ten per cent of a district public works integrating committee's annual allocation pursuant to section 164.08 of the Revised Code may be awarded to subdivisions in the form of local debt support.~~ 17856  
17857  
17858  
17859

~~(G)~~ For the period commencing July 1, 1993, and ending 17860  
June 30, 1999, and for each five-year period thereafter, the 17861  
total amount of financial assistance awarded under sections 17862  
164.01 to 164.08 of the Revised Code for capital improvement 17863  
projects located wholly or partially within a county shall be 17864  
equal to at least thirty per cent of the amount of what the 17865  
county would have been allocated from the obligations authorized 17866  
to be sold under this chapter during each period, if such 17867  
amounts had been allocable to each county on a per capita basis. 17868

~~(H)~~ (G) The amount of the annual allocations made pursuant 17869  
to divisions (B) (1) and (4) of section 164.08 of the Revised 17870  
Code which can be used for new or expanded infrastructure is 17871  
limited to twenty per cent. 17872

~~(I)~~ (H) No project shall be approved under this section 17873  
unless the project is designed to have a useful life of at least 17874  
seven years. In addition, the average useful life of all 17875  
projects for which grants or loans are awarded in each district 17876  
during a program year shall not be less than twenty years. 17877

**Sec. 164.06.** (A) Each district public works integrating 17878  
committee shall evaluate materials submitted to it by the local 17879  
subdivisions located in the district concerning capital 17880  
improvements for which assistance is sought from the state 17881  
capital improvements fund and shall, pursuant to division (B) of 17882  
this section, select the requests for financial assistance that 17883  
will be formally submitted by the district to the director of 17884  
the Ohio public works commission. In order to provide for the 17885

efficient use of the district's state capital improvements fund 17886  
allocation each year, a district committee shall assist its 17887  
subdivisions in the preparation and coordination of project 17888  
plans. 17889

(B) In selecting the requests for assistance for capital 17890  
improvement projects which will be submitted to the director, 17891  
and in determining the nature, amount, and terms of the 17892  
assistance that will be requested, a district public works 17893  
integrating committee shall give priority to capital improvement 17894  
projects for the repair or replacement of existing 17895  
infrastructure and which would be unlikely to be undertaken 17896  
without assistance under this chapter, and shall specifically 17897  
consider all of the following factors: 17898

(1) The infrastructure repair and replacement needs of the 17899  
district; 17900

(2) The age and condition of the system to be repaired or 17901  
replaced; 17902

(3) Whether the project would generate revenue in the form 17903  
of user fees or assessments; 17904

(4) The importance of the project to the health and safety 17905  
of the citizens of the district; 17906

(5) The cost of the project and whether it is consistent 17907  
with division ~~(C)~~(F) of section 164.05 of the Revised Code and 17908  
the district's allocation for grants, loans, and local debt 17909  
support for that year; 17910

(6) The effort and ability of the benefited local 17911  
subdivisions to assist in financing the project; 17912

(7) The availability of federal or other funds for the 17913



project; 17914

(8) The overall economic health of the particular local 17915  
subdivision; 17916

(9) The adequacy of the planning for the project and the 17917  
readiness of the applicant to proceed should the project be 17918  
approved; 17919

(10) Any other factors relevant to a particular project. 17920

(C) When applying the methodology under division (A) (10) 17921  
of section 164.05 of the Revised Code, a district public works 17922  
integrating committee may require a subdivision to submit 17923  
information on its capital infrastructure as part of an 17924  
application for assistance in financing a capital improvement 17925  
project under this section. 17926

(D) In addition to reviewing and selecting the projects 17927  
for which approval will be sought from the director of the Ohio 17928  
public works commission for financial assistance from the state 17929  
capital improvements fund, each district public works 17930  
integrating committee shall appoint a subcommittee of its 17931  
members that will represent the interests of villages and 17932  
townships and that will review and select the capital 17933  
improvement projects which will be submitted by the subcommittee 17934  
to the administrator of the Ohio small government capital 17935  
improvements commission for consideration of assistance from the 17936  
portion of the net proceeds of obligations issued and sold by 17937  
the treasurer of state which is allocated pursuant to division 17938  
(B) (1) of section 164.08 of the Revised Code. In reviewing and 17939  
approving the projects selected by its subcommittee, the 17940  
administrator, and the Ohio small government capital 17941  
improvements commission shall be guided by the provisions of 17942

division (B) of this section, and shall also take into account 17943  
the fact that villages and townships may have different public 17944  
infrastructure needs than larger subdivisions. 17945

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 17946  
151.08 or section 164.09 of the Revised Code, the net proceeds 17947  
of obligations issued and sold by the treasurer of state 17948  
pursuant to section 164.09 of the Revised Code before September 17949  
30, 2000, or pursuant to sections 151.01 and 151.08 of the 17950  
Revised Code, for the purpose of financing or assisting in the 17951  
financing of the cost of public infrastructure capital 17952  
improvement projects of local subdivisions, as provided for in 17953  
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 17954  
and this chapter, shall be paid into the state capital 17955  
improvements fund, which is hereby created in the state 17956  
treasury. Investment earnings on moneys in the fund shall be 17957  
credited to the fund. 17958

(B) Beginning July 1, 2016, each program year the amount 17959  
of obligations authorized by the general assembly in accordance 17960  
with sections 151.01 and 151.08 or section 164.09 of the Revised 17961  
Code, excluding the proceeds of refunding or renewal 17962  
obligations, shall be allocated by the director of the Ohio 17963  
public works commission as follows: 17964

(1) First, ~~ten~~twelve per cent of the amount of 17965  
obligations authorized shall be allocated to provide financial 17966  
assistance to villages and to townships with populations in the 17967  
unincorporated areas of the township of less than five thousand 17968  
persons, for capital improvements in accordance with section 17969  
164.051 and division (D) of section 164.06 of the Revised Code. 17970  
As used in division (B) (1) of this section, "capital 17971  
improvements" includes resurfacing and improving roads. 17972

(2) Following the allocation required by division (B) (1) 17973  
of this section, the director may allocate two per cent of the 17974  
authorized obligations to provide financial assistance to local 17975  
subdivisions for capital improvement projects which in the 17976  
judgment of the director of the Ohio public works commission are 17977  
necessary for the immediate preservation of the health, safety, 17978  
and welfare of the citizens of the local subdivision requesting 17979  
assistance. Starting July 1, 2021, the director may allocate up 17980  
to six per cent of authorized obligations as provided in this 17981  
division. 17982

(3) The director shall determine the amount of the 17983  
remaining obligations authorized to be issued and sold that each 17984  
county would receive if such amounts were allocated on a per 17985  
capita basis each year. If a county's per capita share for the 17986  
year would be less than three hundred thousand dollars, the 17987  
director shall allocate to the district in which that county is 17988  
located an amount equal to the difference between three hundred 17989  
thousand dollars and the county's per capita share. 17990

(4) After making the allocation required by division (B) 17991  
(3) of this section, the director shall allocate the remaining 17992  
amount to each district on a per capita basis. 17993

(C) (1) There is hereby created in the state treasury the 17994  
state capital improvements revolving loan fund, into which shall 17995  
be deposited all repayments of loans made to local subdivisions 17996  
for capital improvements pursuant to this chapter. Investment 17997  
earnings on moneys in the fund shall be credited to the fund. 17998

(2) There may also be deposited in the state capital 17999  
improvements revolving loan fund moneys obtained from federal or 18000  
private grants, or from other sources, which are to be used for 18001  
any of the purposes authorized by this chapter. Such moneys 18002

shall be allocated each year in accordance with division (B) (4) 18003  
of this section. 18004

(3) Moneys deposited into the state capital improvements 18005  
revolving loan fund shall be used to make loans for the purpose 18006  
of financing or assisting in the financing of the cost of 18007  
capital improvement projects of local subdivisions. 18008

(4) Investment earnings credited to the state capital 18009  
improvements revolving loan fund that exceed the amounts 18010  
required to meet estimated federal arbitrage rebate requirements 18011  
shall be used to pay costs incurred by the public works 18012  
commission in administering this section. Investment earnings 18013  
credited to the state capital improvements revolving loan fund 18014  
that exceed the amounts required to pay for the administrative 18015  
costs and estimated rebate requirements shall be allocated to 18016  
each district on a per capita basis. 18017

(5) Each program year, loan repayments received and on 18018  
deposit in the state capital improvements revolving loan fund 18019  
shall be allocated as follows: 18020

(a) Each district public works integrating committee shall 18021  
be allocated an amount equal to the sum of all loan repayments 18022  
made to the state capital improvements revolving loan fund by 18023  
local subdivisions that are part of the district. Moneys not 18024  
used in a program year may be used in the next program year in 18025  
the same manner and for the same purpose as originally 18026  
allocated. 18027

(b) Loan repayments made pursuant to projects approved 18028  
under division (B) (1) of this section shall be used to make 18029  
loans in accordance with section 164.051 and division (D) of 18030  
section 164.06 of the Revised Code. Allocations for this purpose 18031

made pursuant to division (C)(5) of this section shall be in 18032  
addition to the allocation provided in division (B)(1) of this 18033  
section. 18034

(c) Loan repayments made pursuant to projects approved 18035  
under division (B)(2) of this section shall be used to make 18036  
loans in accordance with division (B)(2) of this section. 18037  
Allocations for this purpose made pursuant to division (C)(5) of 18038  
this section shall be in addition to the allocation provided in 18039  
division (B)(2) of this section. 18040

(d) Loans made from the state capital improvements 18041  
revolving loan fund shall not be limited in their usage by 18042  
divisions (E), (F), and (G), ~~and (H)~~ of section 164.05 of the 18043  
Revised Code. 18044

(D) Investment earnings credited to the state capital 18045  
improvements fund that exceed the amounts required to meet 18046  
estimated federal arbitrage rebate requirements shall be used to 18047  
pay costs incurred by the public works commission in 18048  
administering sections 164.01 to 164.12 of the Revised Code. 18049

(E) The director of the Ohio public works commission shall 18050  
notify the director of budget and management of the amounts 18051  
allocated pursuant to this section and such information shall be 18052  
entered into the state accounting system. The director of budget 18053  
and management shall establish appropriation line items as 18054  
needed to track these allocations. 18055

(F) If the amount of a district's allocation in a program 18056  
year exceeds the amount of financial assistance approved for the 18057  
district by the commission for that year, the remaining portion 18058  
of the district's allocation shall be added to the district's 18059  
allocation pursuant to division (B) of this section for the next 18060

succeeding year for use in the same manner and for the same 18061  
purposes as it was originally allocated, except that any portion 18062  
of a district's allocation which was available for use on new or 18063  
expanded infrastructure pursuant to division ~~(H)~~ (G) of section 18064  
164.05 of the Revised Code shall be available in succeeding 18065  
years only for the repair and replacement of existing 18066  
infrastructure. 18067

(G) When an allocation based on population is made by the 18068  
director pursuant to division (B) of this section, the director 18069  
shall use the most recent decennial census statistics, and shall 18070  
not make any reallocations based upon a change in a district's 18071  
population. 18072

**Sec. 164.14.** (A) The local transportation improvement 18073  
program fund is hereby created in the state treasury. The fund 18074  
shall consist of moneys credited to it pursuant to sections 18075  
117.16 and 5735.051 of the Revised Code, and, subject to the 18076  
limitations of section 5735.05 of the Revised Code, shall be 18077  
used to make grants to local subdivisions for projects that have 18078  
been approved by district public works integrating committees 18079  
and the Ohio public works commission in accordance with this 18080  
section. The fund shall be administered by the Ohio public works 18081  
commission, and shall be allocated each fiscal year on a per 18082  
capita basis to district public works integrating committees in 18083  
accordance with the most recent decennial census statistics. 18084  
Money in the fund may be used to pay reasonable costs incurred 18085  
by the commission in administering this section. Investment 18086  
earnings on moneys credited to the fund shall be retained by the 18087  
fund. 18088

(B) Grants awarded under this section may provide up to 18089  
one hundred per cent of the estimated total cost of the project. 18090

(C) No grant shall be awarded for a project under this 18091  
section unless the project is designed to have a useful life of 18092  
at least seven years, except that the average useful life of all 18093  
such projects for which grants are awarded in each district 18094  
during a fiscal year shall be not less than twenty years. 18095

(D) For the period beginning on July 1, 1989, and ending 18096  
on June 30, 1994, and for each succeeding five-year period, at 18097  
least one-third of the total amount of money allocated to each 18098  
district from the local transportation improvement program fund 18099  
shall be awarded as follows: 18100

(1) Forty-two and eight-tenths per cent for projects of 18101  
municipal corporations; 18102

(2) Thirty-seven and two-tenths per cent for projects of 18103  
counties; 18104

(3) Twenty per cent for projects of townships, except that 18105  
the requirement of division (D) (3) of this section shall not 18106  
apply in districts where the combined population of the 18107  
townships in the district is less than five per cent of the 18108  
population of the district. 18109

(E) Each district public works integrating committee shall 18110  
review, and approve or disapprove requests submitted to it by 18111  
local subdivisions for assistance from the local transportation 18112  
improvement program fund. In reviewing projects submitted to it, 18113  
a district public works integrating committee shall consider the 18114  
following factors: 18115

(1) Whether the project is of critical importance to the 18116  
safety of the residents of the local subdivision; 18117

(2) Whether the project would alleviate serious traffic 18118  
problems or hazards or would respond to needs caused by rapid 18119

growth and development;	18120
(3) Whether the project would assist the local subdivision	18121
in attaining the transportation infrastructure needed to pursue	18122
significant and specific economic development opportunities;	18123
(4) The availability of other sources of funding for the	18124
project;	18125
(5) The adequacy of the planning for the project and the	18126
readiness of the local subdivision to proceed should the project	18127
be approved;	18128
(6) The local subdivision's ability to pay for and history	18129
of investing in bridge and highway improvements;	18130
(7) The impact of the project on the multijurisdictional	18131
highway and bridge needs of the district;	18132
(8) The requirements of divisions (A), (B), (C), and (D)	18133
of this section;	18134
(9) The condition of the infrastructure system proposed	18135
for improvement;	18136
(10) Any other factors related to the safety, orderly	18137
growth, or economic development of the district or local	18138
subdivision that the district public works integrating committee	18139
considers relevant.	18140
A district public works integrating committee or its	18141
executive committee may appoint a subcommittee to assist it in	18142
carrying out its responsibilities under this section.	18143
(F) Every project approved by a district public works	18144
integrating committee shall be submitted to the Ohio public	18145
works commission for its review and approval or disapproval. The	18146



commission shall not approve any project that fails to meet the 18147  
requirements of this section. 18148

(G) Grants awarded from the local transportation 18149  
improvement program fund shall not be limited in their usage by 18150  
divisions (D), (E), (F), and (G), ~~and (H)~~ of section 164.05 of 18151  
the Revised Code. 18152

(H) As used in this section, "local subdivision" means a 18153  
county, municipal corporation, or township. 18154

(I) The director of the Ohio public works commission shall 18155  
notify the director of budget and management of the amounts 18156  
allocated pursuant to this section, and the allocation 18157  
information shall be entered into the state accounting system. 18158  
The director of budget and management shall establish 18159  
appropriation line items as needed to track these allocations. 18160

**Sec. 165.04.** The bond proceedings may contain provisions 18161  
which shall be part of the contract with the bondholders as to: 18162

(A) Pledging the rentals, revenues, and other income, 18163  
charges, and moneys therein designated for the payment of the 18164  
principal of and interest on the bonds and all other payments 18165  
required to be made by the bond proceedings; 18166

(B) Acquisition by gift or purchase, construction, 18167  
reconstruction, enlargement, improvement, furnishing, equipment, 18168  
operation, alteration, maintenance, insurance, and repair of the 18169  
pledged facilities and the duties of the issuing authority with 18170  
respect thereto; 18171

(C) Provisions regarding the purposes to which the 18172  
proceeds of the bonds may be applied; 18173

(D) Terms of the bonds; 18174

(E) Maintenance, collection, use and disposition of 18175  
rentals, revenues, and other income, charges, and moneys 18176  
received from the lease, sale, or other disposition of the 18177  
pledged facilities; 18178

(F) Terms and conditions under which additional bonds may 18179  
be issued secured by a pledge of rentals, revenues, and other 18180  
income, charges, and moneys received from or a mortgage on the 18181  
same pledged facilities; 18182

(G) Terms of any trust agreement or indenture of mortgage 18183  
securing the bonds including authorization to enter into such 18184  
agreement or indenture; 18185

(H) The deposit, application, safeguarding, and investment 18186  
of funds of the issuer received or held under the bond 18187  
proceedings, to which Chapters 131. and 135. and sections 18188  
~~122.57,~~ 122.571, 122.58, and 321.44 of the Revised Code are not 18189  
applicable. 18190

(I) Any other appropriate agreements with the bondholders 18191  
with respect to the pledged facilities and the rentals, 18192  
revenues, and other income, charges, and moneys received 18193  
therefrom. 18194

**Sec. 166.03.** (A) There is hereby created the facilities 18195  
establishment fund within the state treasury, consisting of 18196  
proceeds from the issuance of obligations as specified under 18197  
section 166.08 of the Revised Code; the moneys received by the 18198  
state from the sources specified in section 166.09 of the 18199  
Revised Code; service charges imposed under sections 166.06 and 18200  
166.07 of the Revised Code; any grants, gifts, or contributions 18201  
of moneys received by the director of development to be used for 18202  
loans made under section 166.07 of the Revised Code or for the 18203

payment of the allowable costs of project facilities; and all 18204  
other moneys appropriated or transferred to the fund. Moneys in 18205  
the loan guarantee fund in excess of the loan guarantee reserve 18206  
requirement, but subject to the provisions and requirements of 18207  
any guarantee contracts, may be transferred to the facilities 18208  
establishment fund by the treasurer of state upon the order of 18209  
the director of development. Moneys received by the state under 18210  
Chapter 122. of the Revised Code, to the extent allocable to the 18211  
utilization of moneys derived from proceeds of the sale of 18212  
obligations pursuant to section 166.08 of the Revised Code, 18213  
shall be credited to the facilities establishment fund. ~~All~~ 18214  
~~investment earnings on the cash balance in the fund shall be~~ 18215  
~~credited to the fund.~~ 18216

(B) All moneys appropriated or transferred to the 18217  
facilities establishment fund may be released at the request of 18218  
the director of development for payment of allowable costs or 18219  
the making of loans under section 166.07 of the Revised Code, 18220  
for transfer to the loan guarantee fund established in section 18221  
166.06 of the Revised Code, or for use for the purpose of or 18222  
transfer to the funds established by sections 122.35, 122.42, 18223  
122.54, ~~122.55, 122.56, 122.561, 122.57, 122.601~~, and 122.80 of 18224  
the Revised Code and, until July 1, 2003, the fund established 18225  
by section 166.031 of the Revised Code, and, until July 1, 2007, 18226  
the fund established by section 122.26 of the Revised Code, but 18227  
only for such of those purposes as are within the authorization 18228  
of Section 13 of Article VIII, Ohio Constitution, in all cases 18229  
subject to the approval of the controlling board. 18230

(C) The department of development, in the administration 18231  
of the facilities establishment fund, is encouraged to utilize 18232  
and promote the utilization of, to the maximum practicable 18233  
extent, the other existing programs, business incentives, and 18234

tax incentives that department is required or authorized to 18235  
administer or supervise. 18236

**Sec. 166.08.** (A) As used in this chapter: 18237

(1) "Bond proceedings" means the resolution, order, trust 18238  
agreement, indenture, lease, and other agreements, amendments 18239  
and supplements to the foregoing, or any one or more or 18240  
combination thereof, authorizing or providing for the terms and 18241  
conditions applicable to, or providing for the security or 18242  
liquidity of, obligations issued pursuant to this section, and 18243  
the provisions contained in such obligations. 18244

(2) "Bond service charges" means principal, including 18245  
mandatory sinking fund requirements for retirement of 18246  
obligations, and interest, and redemption premium, if any, 18247  
required to be paid by the state on obligations. 18248

(3) "Bond service fund" means the applicable fund and 18249  
accounts therein created for and pledged to the payment of bond 18250  
service charges, which may be, or may be part of, the economic 18251  
development bond service fund created by division (S) of this 18252  
section including all moneys and investments, and earnings from 18253  
investments, credited and to be credited thereto. 18254

(4) "Issuing authority" means the treasurer of state, or 18255  
the officer who by law performs the functions of such officer. 18256

(5) "Obligations" means bonds, notes, or other evidence of 18257  
obligation including interest coupons pertaining thereto, issued 18258  
pursuant to this section. 18259

(6) "Pledged receipts" means all receipts of the state 18260  
representing the gross profit on the sale of spirituous liquor, 18261  
as referred to in division (B) (4) of section 4301.10 of the 18262  
Revised Code, after paying all costs and expenses of the 18263

division of liquor control and providing an adequate working 18264  
capital reserve for the division of liquor control as provided 18265  
in that division, but excluding the sum required by the second 18266  
paragraph of section 4301.12 of the Revised Code, as in effect 18267  
on May 2, 1980, to be paid into the state treasury; moneys 18268  
accruing to the state from the lease, sale, or other 18269  
disposition, or use, of project facilities, and from the 18270  
repayment, including interest, of loans made from proceeds 18271  
received from the sale of obligations; accrued interest received 18272  
from the sale of obligations; income from the investment of the 18273  
special funds; and any gifts, grants, donations, and pledges, 18274  
and receipts therefrom, available for the payment of bond 18275  
service charges. 18276

(7) "Special funds" or "funds" means, except where the 18277  
context does not permit, the bond service fund, and any other 18278  
funds, including reserve funds, created under the bond 18279  
proceedings, and the economic development bond service fund 18280  
created by division (S) of this section to the extent provided 18281  
in the bond proceedings, including all moneys and investments, 18282  
and earnings from investment, credited and to be credited 18283  
thereto. 18284

(B) Subject to the limitations provided in section 166.11 18285  
of the Revised Code, the issuing authority, upon the 18286  
certification by the director of development or, prior to ~~the~~ 18287  
~~effective date of this amendment~~ September 29, 2017, upon 18288  
certification by the Ohio air quality development authority 18289  
regarding eligible advanced energy projects, to the issuing 18290  
authority of the amount of moneys or additional moneys needed in 18291  
the facilities establishment fund, the loan guarantee fund, the 18292  
innovation Ohio loan fund, the innovation Ohio loan guarantee 18293  
fund, the research and development loan fund, the logistics and 18294

distribution infrastructure fund, the advanced energy research 18295  
and development fund, or the advanced energy research and 18296  
development taxable fund, as applicable, for the purpose of 18297  
paying, or making loans for, allowable costs from the facilities 18298  
establishment fund, allowable innovation costs from the 18299  
innovation Ohio loan fund, allowable costs from the research and 18300  
development loan fund, allowable costs from the logistics and 18301  
distribution infrastructure fund, allowable costs from the 18302  
advanced energy research and development fund, or allowable 18303  
costs from the advanced energy research and development taxable 18304  
fund, as applicable, or needed for capitalized interest, for 18305  
funding reserves, and for paying costs and expenses incurred in 18306  
connection with the issuance, carrying, securing, paying, 18307  
redeeming, or retirement of the obligations or any obligations 18308  
refunded thereby, including payment of costs and expenses 18309  
relating to letters of credit, lines of credit, insurance, put 18310  
agreements, standby purchase agreements, indexing, marketing, 18311  
remarketing and administrative arrangements, interest swap or 18312  
hedging agreements, and any other credit enhancement, liquidity, 18313  
remarketing, renewal, or refunding arrangements, all of which 18314  
are authorized by this section, or providing moneys for the loan 18315  
guarantee fund or the innovation Ohio loan guarantee fund, as 18316  
provided in this chapter or needed for the purposes of funds 18317  
established in accordance with or pursuant to sections 122.35, 18318  
122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ and 122.80 of 18319  
the Revised Code which are within the authorization of Section 18320  
13 of Article VIII, Ohio Constitution, or, prior to ~~the~~ 18321  
~~effective date of this amendment~~ September 29, 2017, with 18322  
respect to certain eligible advanced energy projects, Section 2p 18323  
of Article VIII, Ohio Constitution, shall issue obligations of 18324  
the state under this section in the required amount; provided 18325  
that such obligations may be issued to satisfy the covenants in 18326

contracts of guarantee made under section 166.06 or 166.15 of 18327  
the Revised Code, notwithstanding limitations otherwise 18328  
applicable to the issuance of obligations under this section. 18329  
The proceeds of such obligations, except for the portion to be 18330  
deposited in special funds, including reserve funds, as may be 18331  
provided in the bond proceedings, shall as provided in the bond 18332  
proceedings be deposited by the director of development to the 18333  
facilities establishment fund, the loan guarantee fund, the 18334  
innovation Ohio loan guarantee fund, the innovation Ohio loan 18335  
fund, the research and development loan fund, or the logistics 18336  
and distribution infrastructure fund, or be deposited by the 18337  
Ohio air quality development authority prior to ~~the effective~~ 18338  
~~date of this amendment~~ September 29, 2017, to the advanced 18339  
energy research and development fund or the advanced energy 18340  
research and development taxable fund. Bond proceedings for 18341  
project financing obligations may provide that the proceeds 18342  
derived from the issuance of such obligations shall be deposited 18343  
into such fund or funds provided for in the bond proceedings 18344  
and, to the extent provided for in the bond proceedings, such 18345  
proceeds shall be deemed to have been deposited into the 18346  
facilities establishment fund and transferred to such fund or 18347  
funds. The issuing authority may appoint trustees, paying 18348  
agents, and transfer agents and may retain the services of 18349  
financial advisors, accounting experts, and attorneys, and 18350  
retain or contract for the services of marketing, remarketing, 18351  
indexing, and administrative agents, other consultants, and 18352  
independent contractors, including printing services, as are 18353  
necessary in the issuing authority's judgment to carry out this 18354  
section. The costs of such services are allowable costs payable 18355  
from the facilities establishment fund or the research and 18356  
development loan fund, allowable innovation costs payable from 18357  
the innovation Ohio loan fund, allowable costs payable from the 18358

logistics and distribution infrastructure fund, or allowable 18359  
costs payable prior to ~~the effective date of this amendment~~ 18360  
September 29, 2017, from the advanced energy research and 18361  
development fund or the advanced energy research and development 18362  
taxable fund, as applicable. 18363

(C) The holders or owners of such obligations shall have 18364  
no right to have moneys raised by taxation obligated or pledged, 18365  
and moneys raised by taxation shall not be obligated or pledged, 18366  
for the payment of bond service charges. Such holders or owners 18367  
shall have no rights to payment of bond service charges from any 18368  
moneys accruing to the state from the lease, sale, or other 18369  
disposition, or use, of project facilities, or from payment of 18370  
the principal of or interest on loans made, or fees charged for 18371  
guarantees made, or from any money or property received by the 18372  
director, treasurer of state, or the state under Chapter 122. of 18373  
the Revised Code, or from any other use of the proceeds of the 18374  
sale of the obligations, and no such moneys may be used for the 18375  
payment of bond service charges, except for accrued interest, 18376  
capitalized interest, and reserves funded from proceeds received 18377  
upon the sale of the obligations and except as otherwise 18378  
expressly provided in the applicable bond proceedings pursuant 18379  
to written directions by the director. The right of such holders 18380  
and owners to payment of bond service charges is limited to all 18381  
or that portion of the pledged receipts and those special funds 18382  
pledged thereto pursuant to the bond proceedings in accordance 18383  
with this section, and each such obligation shall bear on its 18384  
face a statement to that effect. 18385

(D) Obligations shall be authorized by resolution or order 18386  
of the issuing authority and the bond proceedings shall provide 18387  
for the purpose thereof and the principal amount or amounts, and 18388  
shall provide for or authorize the manner or agency for 18389



determining the principal maturity or maturities, not exceeding 18390  
twenty-five years from the date of issuance, the interest rate 18391  
or rates or the maximum interest rate, the date of the 18392  
obligations and the dates of payment of interest thereon, their 18393  
denomination, and the establishment within or without the state 18394  
of a place or places of payment of bond service charges. 18395  
Sections 9.98 to 9.983 of the Revised Code are applicable to 18396  
obligations issued under this section, subject to any applicable 18397  
limitation under section 166.11 of the Revised Code. The purpose 18398  
of such obligations may be stated in the bond proceedings in 18399  
terms describing the general purpose or purposes to be served. 18400  
The bond proceedings also shall provide, subject to the 18401  
provisions of any other applicable bond proceedings, for the 18402  
pledge of all, or such part as the issuing authority may 18403  
determine, of the pledged receipts and the applicable special 18404  
fund or funds to the payment of bond service charges, which 18405  
pledges may be made either prior or subordinate to other 18406  
expenses, claims, or payments, and may be made to secure the 18407  
obligations on a parity with obligations theretofore or 18408  
thereafter issued, if and to the extent provided in the bond 18409  
proceedings. The pledged receipts and special funds so pledged 18410  
and thereafter received by the state are immediately subject to 18411  
the lien of such pledge without any physical delivery thereof or 18412  
further act, and the lien of any such pledges is valid and 18413  
binding against all parties having claims of any kind against 18414  
the state or any governmental agency of the state, irrespective 18415  
of whether such parties have notice thereof, and shall create a 18416  
perfected security interest for all purposes of Chapter 1309. of 18417  
the Revised Code, without the necessity for separation or 18418  
delivery of funds or for the filing or recording of the bond 18419  
proceedings by which such pledge is created or any certificate, 18420  
statement or other document with respect thereto; and the pledge 18421

of such pledged receipts and special funds is effective and the 18422  
money therefrom and thereof may be applied to the purposes for 18423  
which pledged without necessity for any act of appropriation. 18424  
Every pledge, and every covenant and agreement made with respect 18425  
thereto, made in the bond proceedings may therein be extended to 18426  
the benefit of the owners and holders of obligations authorized 18427  
by this section, and to any trustee therefor, for the further 18428  
security of the payment of the bond service charges. 18429

(E) The bond proceedings may contain additional provisions 18430  
as to: 18431

(1) The redemption of obligations prior to maturity at the 18432  
option of the issuing authority at such price or prices and 18433  
under such terms and conditions as are provided in the bond 18434  
proceedings; 18435

(2) Other terms of the obligations; 18436

(3) Limitations on the issuance of additional obligations; 18437

(4) The terms of any trust agreement or indenture securing 18438  
the obligations or under which the same may be issued; 18439

(5) The deposit, investment and application of special 18440  
funds, and the safeguarding of moneys on hand or on deposit, 18441  
without regard to Chapter 131. or 135. of the Revised Code, but 18442  
subject to any special provisions of this chapter, with respect 18443  
to particular funds or moneys, provided that any bank or trust 18444  
company which acts as depository of any moneys in the special 18445  
funds may furnish such indemnifying bonds or may pledge such 18446  
securities as required by the issuing authority; 18447

(6) Any or every provision of the bond proceedings being 18448  
binding upon such officer, board, commission, authority, agency, 18449  
department, or other person or body as may from time to time 18450

have the authority under law to take such actions as may be 18451  
necessary to perform all or any part of the duty required by 18452  
such provision; 18453

(7) Any provision that may be made in a trust agreement or 18454  
indenture; 18455

(8) Any other or additional agreements with the holders of 18456  
the obligations, or the trustee therefor, relating to the 18457  
obligations or the security therefor, including the assignment 18458  
of mortgages or other security obtained or to be obtained for 18459  
loans under section 122.43, 166.07, or 166.16 of the Revised 18460  
Code. 18461

(F) The obligations may have the great seal of the state 18462  
or a facsimile thereof affixed thereto or printed thereon. The 18463  
obligations and any coupons pertaining to obligations shall be 18464  
signed or bear the facsimile signature of the issuing authority. 18465  
Any obligations or coupons may be executed by the person who, on 18466  
the date of execution, is the proper issuing authority although 18467  
on the date of such bonds or coupons such person was not the 18468  
issuing authority. If the issuing authority whose signature or a 18469  
facsimile of whose signature appears on any such obligation or 18470  
coupon ceases to be the issuing authority before delivery 18471  
thereof, such signature or facsimile is nevertheless valid and 18472  
sufficient for all purposes as if the former issuing authority 18473  
had remained the issuing authority until such delivery; and if 18474  
the seal to be affixed to obligations has been changed after a 18475  
facsimile of the seal has been imprinted on such obligations, 18476  
such facsimile seal shall continue to be sufficient as to such 18477  
obligations and obligations issued in substitution or exchange 18478  
therefor. 18479

(G) All obligations are negotiable instruments and 18480

securities under Chapter 1308. of the Revised Code, subject to 18481  
the provisions of the bond proceedings as to registration. The 18482  
obligations may be issued in coupon or in registered form, or 18483  
both, as the issuing authority determines. Provision may be made 18484  
for the registration of any obligations with coupons attached 18485  
thereto as to principal alone or as to both principal and 18486  
interest, their exchange for obligations so registered, and for 18487  
the conversion or reconversion into obligations with coupons 18488  
attached thereto of any obligations registered as to both 18489  
principal and interest, and for reasonable charges for such 18490  
registration, exchange, conversion, and reconversion. 18491

(H) Obligations may be sold at public sale or at private 18492  
sale, as determined in the bond proceedings. 18493

Obligations issued to provide moneys for the loan 18494  
guarantee fund or the innovation Ohio loan guarantee fund may, 18495  
as determined by the issuing authority, be sold at private sale, 18496  
and without publication of a notice of sale. 18497

(I) Pending preparation of definitive obligations, the 18498  
issuing authority may issue interim receipts or certificates 18499  
which shall be exchanged for such definitive obligations. 18500

(J) In the discretion of the issuing authority, 18501  
obligations may be secured additionally by a trust agreement or 18502  
indenture between the issuing authority and a corporate trustee 18503  
which may be any trust company or bank having a place of 18504  
business within the state. Any such agreement or indenture may 18505  
contain the resolution or order authorizing the issuance of the 18506  
obligations, any provisions that may be contained in any bond 18507  
proceedings, and other provisions which are customary or 18508  
appropriate in an agreement or indenture of such type, 18509  
including, but not limited to: 18510

(1) Maintenance of each pledge, trust agreement, 18511  
indenture, or other instrument comprising part of the bond 18512  
proceedings until the state has fully paid the bond service 18513  
charges on the obligations secured thereby, or provision 18514  
therefor has been made; 18515

(2) In the event of default in any payments required to be 18516  
made by the bond proceedings, or any other agreement of the 18517  
issuing authority made as a part of the contract under which the 18518  
obligations were issued, enforcement of such payments or 18519  
agreement by mandamus, the appointment of a receiver, suit in 18520  
equity, action at law, or any combination of the foregoing; 18521

(3) The rights and remedies of the holders of obligations 18522  
and of the trustee, and provisions for protecting and enforcing 18523  
them, including limitations on rights of individual holders of 18524  
obligations; 18525

(4) The replacement of any obligations that become 18526  
mutilated or are destroyed, lost, or stolen; 18527

(5) Such other provisions as the trustee and the issuing 18528  
authority agree upon, including limitations, conditions, or 18529  
qualifications relating to any of the foregoing. 18530

(K) Any holders of obligations or trustees under the bond 18531  
proceedings, except to the extent that their rights are 18532  
restricted by the bond proceedings, may by any suitable form of 18533  
legal proceedings, protect and enforce any rights under the laws 18534  
of this state or granted by such bond proceedings. Such rights 18535  
include the right to compel the performance of all duties of the 18536  
issuing authority, the director of development, the Ohio air 18537  
quality development authority, or the division of liquor control 18538  
required by this chapter or the bond proceedings; to enjoin 18539

unlawful activities; and in the event of default with respect to 18540  
the payment of any bond service charges on any obligations or in 18541  
the performance of any covenant or agreement on the part of the 18542  
issuing authority, the director of development, the Ohio air 18543  
quality development authority, or the division of liquor control 18544  
in the bond proceedings, to apply to a court having jurisdiction 18545  
of the cause to appoint a receiver to receive and administer the 18546  
pledged receipts and special funds, other than those in the 18547  
custody of the treasurer of state, which are pledged to the 18548  
payment of the bond service charges on such obligations or which 18549  
are the subject of the covenant or agreement, with full power to 18550  
pay, and to provide for payment of bond service charges on, such 18551  
obligations, and with such powers, subject to the direction of 18552  
the court, as are accorded receivers in general equity cases, 18553  
excluding any power to pledge additional revenues or receipts or 18554  
other income or moneys of the issuing authority or the state or 18555  
governmental agencies of the state to the payment of such 18556  
principal and interest and excluding the power to take 18557  
possession of, mortgage, or cause the sale or otherwise dispose 18558  
of any project facilities. 18559

Each duty of the issuing authority and the issuing 18560  
authority's officers and employees, and of each governmental 18561  
agency and its officers, members, or employees, undertaken 18562  
pursuant to the bond proceedings or any agreement or lease, 18563  
lease-purchase agreement, or loan made under authority of this 18564  
chapter, and in every agreement by or with the issuing 18565  
authority, is hereby established as a duty of the issuing 18566  
authority, and of each such officer, member, or employee having 18567  
authority to perform such duty, specifically enjoined by the law 18568  
resulting from an office, trust, or station within the meaning 18569  
of section 2731.01 of the Revised Code. 18570

The person who is at the time the issuing authority, or 18571  
the issuing authority's officers or employees, are not liable in 18572  
their personal capacities on any obligations issued by the 18573  
issuing authority or any agreements of or with the issuing 18574  
authority. 18575

(L) The issuing authority may authorize and issue 18576  
obligations for the refunding, including funding and retirement, 18577  
and advance refunding with or without payment or redemption 18578  
prior to maturity, of any obligations previously issued by the 18579  
issuing authority. Such obligations may be issued in amounts 18580  
sufficient for payment of the principal amount of the prior 18581  
obligations, any redemption premiums thereon, principal 18582  
maturities of any such obligations maturing prior to the 18583  
redemption of the remaining obligations on a parity therewith, 18584  
interest accrued or to accrue to the maturity dates or dates of 18585  
redemption of such obligations, and any allowable costs 18586  
including expenses incurred or to be incurred in connection with 18587  
such issuance and such refunding, funding, and retirement. 18588  
Subject to the bond proceedings therefor, the portion of 18589  
proceeds of the sale of obligations issued under this division 18590  
to be applied to bond service charges on the prior obligations 18591  
shall be credited to an appropriate account held by the trustee 18592  
for such prior or new obligations or to the appropriate account 18593  
in the bond service fund for such obligations. Obligations 18594  
authorized under this division shall be deemed to be issued for 18595  
those purposes for which such prior obligations were issued and 18596  
are subject to the provisions of this section pertaining to 18597  
other obligations, except as otherwise provided in this section; 18598  
provided that, unless otherwise authorized by the general 18599  
assembly, any limitations imposed by the general assembly 18600  
pursuant to this section with respect to bond service charges 18601

applicable to the prior obligations shall be applicable to the 18602  
obligations issued under this division to refund, fund, advance 18603  
refund or retire such prior obligations. 18604

(M) The authority to issue obligations under this section 18605  
includes authority to issue obligations in the form of bond 18606  
anticipation notes and to renew the same from time to time by 18607  
the issuance of new notes. The holders of such notes or interest 18608  
coupons pertaining thereto shall have a right to be paid solely 18609  
from the pledged receipts and special funds that may be pledged 18610  
to the payment of the bonds anticipated, or from the proceeds of 18611  
such bonds or renewal notes, or both, as the issuing authority 18612  
provides in the resolution or order authorizing such notes. Such 18613  
notes may be additionally secured by covenants of the issuing 18614  
authority to the effect that the issuing authority and the state 18615  
will do such or all things necessary for the issuance of such 18616  
bonds or renewal notes in appropriate amount, and apply the 18617  
proceeds thereof to the extent necessary, to make full payment 18618  
of the principal of and interest on such notes at the time or 18619  
times contemplated, as provided in such resolution or order. For 18620  
such purpose, the issuing authority may issue bonds or renewal 18621  
notes in such principal amount and upon such terms as may be 18622  
necessary to provide funds to pay when required the principal of 18623  
and interest on such notes, notwithstanding any limitations 18624  
prescribed by or for purposes of this section. Subject to this 18625  
division, all provisions for and references to obligations in 18626  
this section are applicable to notes authorized under this 18627  
division. 18628

The issuing authority in the bond proceedings authorizing 18629  
the issuance of bond anticipation notes shall set forth for such 18630  
bonds an estimated interest rate and a schedule of principal 18631  
payments for such bonds and the annual maturity dates thereof, 18632



and for purposes of any limitation on bond service charges 18633  
prescribed under division (A) of section 166.11 of the Revised 18634  
Code, the amount of bond service charges on such bond 18635  
anticipation notes is deemed to be the bond service charges for 18636  
the bonds anticipated thereby as set forth in the bond 18637  
proceedings applicable to such notes, but this provision does 18638  
not modify any authority in this section to pledge receipts and 18639  
special funds to, and covenant to issue bonds to fund, the 18640  
payment of principal of and interest and any premium on such 18641  
notes. 18642

(N) Obligations issued under this section are lawful 18643  
investments for banks, societies for savings, savings and loan 18644  
associations, deposit guarantee associations, trust companies, 18645  
trustees, fiduciaries, insurance companies, including domestic 18646  
for life and domestic not for life, trustees or other officers 18647  
having charge of sinking and bond retirement or other special 18648  
funds of political subdivisions and taxing districts of this 18649  
state, the commissioners of the sinking fund of the state, the 18650  
administrator of workers' compensation, the state teachers 18651  
retirement system, the public employees retirement system, the 18652  
school employees retirement system, and the Ohio police and fire 18653  
pension fund, notwithstanding any other provisions of the 18654  
Revised Code or rules adopted pursuant thereto by any 18655  
governmental agency of the state with respect to investments by 18656  
them, and are also acceptable as security for the deposit of 18657  
public moneys. 18658

(O) Unless otherwise provided in any applicable bond 18659  
proceedings, moneys to the credit of or in the special funds 18660  
established by or pursuant to this section may be invested by or 18661  
on behalf of the issuing authority only in notes, bonds, or 18662  
other obligations of the United States, or of any agency or 18663

instrumentality of the United States, obligations guaranteed as 18664  
to principal and interest by the United States, obligations of 18665  
this state or any political subdivision of this state, and 18666  
certificates of deposit of any national bank located in this 18667  
state and any bank, as defined in section 1101.01 of the Revised 18668  
Code, subject to inspection by the superintendent of banks. If 18669  
the law or the instrument creating a trust pursuant to division 18670  
(J) of this section expressly permits investment in direct 18671  
obligations of the United States or an agency of the United 18672  
States, unless expressly prohibited by the instrument, such 18673  
moneys also may be invested in no-front-end-load money market 18674  
mutual funds consisting exclusively of obligations of the United 18675  
States or an agency of the United States and in repurchase 18676  
agreements, including those issued by the fiduciary itself, 18677  
secured by obligations of the United States or an agency of the 18678  
United States; and in common trust funds established in 18679  
accordance with section 1111.20 of the Revised Code and 18680  
consisting exclusively of any such securities, notwithstanding 18681  
division (A)(4) of that section. The income from such 18682  
investments shall be credited to such funds as the issuing 18683  
authority determines, and such investments may be sold at such 18684  
times as the issuing authority determines or authorizes. 18685

(P) Provision may be made in the applicable bond 18686  
proceedings for the establishment of separate accounts in the 18687  
bond service fund and for the application of such accounts only 18688  
to the specified bond service charges on obligations pertinent 18689  
to such accounts and bond service fund and for other accounts 18690  
therein within the general purposes of such fund. Unless 18691  
otherwise provided in any applicable bond proceedings, moneys to 18692  
the credit of or in the several special funds established 18693  
pursuant to this section shall be disbursed on the order of the 18694

treasurer of state, provided that no such order is required for 18695  
the payment from the bond service fund when due of bond service 18696  
charges on obligations. 18697

(Q) The issuing authority may pledge all, or such portion 18698  
as the issuing authority determines, of the pledged receipts to 18699  
the payment of bond service charges on obligations issued under 18700  
this section, and for the establishment and maintenance of any 18701  
reserves, as provided in the bond proceedings, and make other 18702  
provisions therein with respect to pledged receipts as 18703  
authorized by this chapter, which provisions are controlling 18704  
notwithstanding any other provisions of law pertaining thereto. 18705

(R) The issuing authority may covenant in the bond 18706  
proceedings, and any such covenants are controlling 18707  
notwithstanding any other provision of law, that the state and 18708  
applicable officers and governmental agencies of the state, 18709  
including the general assembly, so long as any obligations are 18710  
outstanding, shall: 18711

(1) Maintain statutory authority for and cause to be 18712  
charged and collected wholesale and retail prices for spirituous 18713  
liquor sold by the state or its agents so that the pledged 18714  
receipts are sufficient in amount to meet bond service charges, 18715  
and the establishment and maintenance of any reserves and other 18716  
requirements provided for in the bond proceedings, and, as 18717  
necessary, to meet covenants contained in contracts of guarantee 18718  
made under section 166.06 of the Revised Code; 18719

(2) Take or permit no action, by statute or otherwise, 18720  
that would impair the exemption from federal income taxation of 18721  
the interest on the obligations. 18722

(S) There is hereby created the economic development bond 18723

service fund, which shall be in the custody of the treasurer of 18724  
state but shall be separate and apart from and not a part of the 18725  
state treasury. All moneys received by or on account of the 18726  
issuing authority or state agencies and required by the 18727  
applicable bond proceedings, consistent with this section, to be 18728  
deposited, transferred, or credited to a bond service fund or 18729  
the economic development bond service fund, and all other moneys 18730  
transferred or allocated to or received for the purposes of the 18731  
fund, shall be deposited and credited to such fund and to any 18732  
separate accounts therein, subject to applicable provisions of 18733  
the bond proceedings, but without necessity for any act of 18734  
appropriation. During the period beginning with the date of the 18735  
first issuance of obligations and continuing during such time as 18736  
any such obligations are outstanding, and so long as moneys in 18737  
the pertinent bond service funds are insufficient to pay all 18738  
bond services charges on such obligations becoming due in each 18739  
year, a sufficient amount of the gross profit on the sale of 18740  
spirituous liquor included in pledged receipts are committed and 18741  
shall be paid to the bond service fund or economic development 18742  
bond service fund in each year for the purpose of paying the 18743  
bond service charges becoming due in that year without necessity 18744  
for further act of appropriation for such purpose and 18745  
notwithstanding anything to the contrary in Chapter 4301. of the 18746  
Revised Code. The economic development bond service fund is a 18747  
trust fund and is hereby pledged to the payment of bond service 18748  
charges to the extent provided in the applicable bond 18749  
proceedings, and payment thereof from such fund shall be made or 18750  
provided for by the treasurer of state in accordance with such 18751  
bond proceedings without necessity for any act of appropriation. 18752

(T) The obligations, the transfer thereof, and the income 18753  
therefrom, including any profit made on the sale thereof, shall 18754

at all times be free from taxation within the state. 18755

**Sec. 169.01.** As used in this chapter, unless the context 18756  
otherwise requires: 18757

(A) "Financial organization" means any bank, trust 18758  
company, savings bank, safe deposit company, mutual savings bank 18759  
without mutual stock, savings and loan association, credit 18760  
union, or investment company. 18761

(B) (1) "Unclaimed funds" means any moneys, rights to 18762  
moneys, or intangible property, described in section 169.02 of 18763  
the Revised Code, when, as shown by the records of the holder, 18764  
the owner has not, within the times provided in section 169.02 18765  
of the Revised Code, done any of the following: 18766

(a) Increased, decreased, or adjusted the amount of such 18767  
funds; 18768

(b) Assigned, paid premiums, or encumbered such funds; 18769

(c) Presented an appropriate record for the crediting of 18770  
such funds or received payment of such funds by check, draft, or 18771  
otherwise; 18772

(d) Corresponded with the holder concerning such funds; 18773

(e) Otherwise indicated an interest in or knowledge of 18774  
such funds; 18775

(f) Transacted business with the holder. 18776

(2) "Unclaimed funds" does not include any of the 18777  
following: 18778

(a) Money received or collected under section 9.39 of the 18779  
Revised Code; 18780

(b) Any payment or credit due to a business association 18781

from a business association representing sums payable to 18782  
suppliers, or payment for services rendered, in the course of 18783  
business, including, but not limited to, checks or memoranda, 18784  
overpayments, unidentified remittances, nonrefunded overcharges, 18785  
discounts, refunds, and rebates; 18786

(c) Any payment or credit received by a business 18787  
association from a business association for tangible goods sold, 18788  
or services performed, in the course of business, including, but 18789  
not limited to, checks or memoranda, overpayments, unidentified 18790  
remittances, nonrefunded overcharges, discounts, refunds, and 18791  
rebates; 18792

(d) Either of the following: 18793

(i) Any credit or obligation due a retail customer that is 18794  
represented by a gift certificate, gift card, merchandise 18795  
credit, or merchandise credit card, redeemable only for goods or 18796  
services, including gift cards issued by financial organizations 18797  
or business associations; 18798

(ii) Any electronic payment device that is issued by a 18799  
financial organization or a business association that has no 18800  
expiration date and meets all of the following conditions: 18801

(I) It is purchased or loaded on a prepaid basis for the 18802  
future purchase or delivery of goods or services. 18803

(II) It is redeemable upon presentation to a single 18804  
merchant or service provider or an affiliated group of merchants 18805  
or service providers. 18806

(III) It is not redeemable for cash in whole or in part. 18807

(e) Any open-loop prepaid card that is issued by a 18808  
financial organization or a business association for which the 18809

underlying funds do not expire. For purposes of division (B) (2) 18810  
(e) of this section, "open-loop prepaid card" means an 18811  
electronic payment device that meets all of the following 18812  
conditions: 18813

(i) It is purchased or loaded on a prepaid basis for the 18814  
future purchase or delivery of any goods or services. 18815

(ii) It can be used to purchase goods and services at 18816  
multiple unaffiliated merchants or service providers. 18817

(iii) It is not redeemable for cash in whole or in part. 18818

(f) Any rewards card. For purposes of division (B) (2) (f) 18819  
of this section, "rewards card" includes any loyalty, incentive, 18820  
or promotional type program that is issued by a financial 18821  
organization or a business association whether represented by a 18822  
card or electronic record, which program is established for the 18823  
purposes of providing cardholder awards, rewards, rebates, or 18824  
other amounts to reward the cardholder for the cardholder's 18825  
relationship with the entity sponsoring the rewards card, 18826  
provided that no direct money was paid by the cardholder for the 18827  
rewards card. "Rewards card" includes both of the following: 18828

(i) Cards or electronic records consisting of points, 18829  
cash, or other tokens of value given to a cardholder as a reward 18830  
or incentive for engaging in a transaction or a series of 18831  
transactions; 18832

(ii) The unpaid portion of a rewards card when the rewards 18833  
card is partially loaded by the cardholder with the remaining 18834  
portion funded as a reward or incentive. 18835

A minimal annual fee charged to the cardholder for joining 18836  
any such loyalty, incentive, or promotional type program shall 18837  
not be considered direct money paid by the cardholder for the 18838

rewards card. For purposes of division (B) (2) (f) of this 18839  
section, "cardholder" means the holder of a rewards card, 18840  
regardless of whether the rewards card is represented by a card 18841  
or by an electronic record. 18842

For purposes of division (B) (2) of this section, "business 18843  
association" means any corporation, joint venture, business 18844  
trust, limited liability company, partnership, association, or 18845  
other business entity composed of one or more individuals, 18846  
whether or not the entity is for profit. 18847

(C) "Owner" means any person, or the person's legal 18848  
representative, entitled to receive or having a legal or 18849  
equitable interest in or claim against moneys, rights to moneys, 18850  
or other intangible property, subject to this chapter. 18851

(D) (1) "Holder" means any person that has possession, 18852  
custody, or control of moneys, rights to moneys, or other 18853  
intangible property, or that is indebted to another, if any of 18854  
the following applies: 18855

(a) Such person resides in this state; 18856

(b) Such person is formed under the laws of this state; 18857

(c) Such person is formed under the laws of the United 18858  
States and has an office or principal place of business in this 18859  
state; 18860

(d) The records of such person indicate that the last 18861  
known address of the owner of such moneys, rights to moneys, or 18862  
other intangible property is in this state; 18863

(e) The records of such person do not indicate the last 18864  
known address of the owner of the moneys, rights to moneys, or 18865  
other intangible property and the entity originating or issuing 18866



the moneys, rights to moneys, or other intangible property in 18867  
this state or any political subdivision of this state, or is 18868  
incorporated, organized, created, or otherwise located in this 18869  
state. Division (D) (1) (e) of this section applies to all moneys, 18870  
rights to moneys, or other intangible property that is in the 18871  
possession, custody, or control of such person on or after July 18872  
22, 1994, whether the moneys, rights to moneys, or other 18873  
intangible property becomes unclaimed funds prior to or on or 18874  
after that date. 18875

(2) "Holder" does not mean any hospital granted tax-exempt 18876  
status under section 501(c) (3) of the Internal Revenue Code or 18877  
any hospital owned or operated by the state or by any political 18878  
subdivision. Any entity in order to be exempt from the 18879  
definition of "holder" pursuant to this division shall make a 18880  
reasonable, good-faith effort to contact the owner of the 18881  
unclaimed funds. 18882

(E) "Person" includes a natural person; corporation, 18883  
whether for profit or not for profit; copartnership; 18884  
unincorporated nonprofit association; public authority; estate; 18885  
trust; two or more persons having a joint or common interest; 18886  
eleemosynary organization; fraternal or cooperative association; 18887  
other legal or community entity; the United States government, 18888  
including any district, territory, possession, officer, agency, 18889  
department, authority, instrumentality, board, bureau, or court; 18890  
or any state or political subdivision thereof, including any 18891  
officer, agency, board, bureau, commission, division, 18892  
department, authority, court, or instrumentality. 18893

(F) "Mortgage funds" means ~~the mortgage insurance fund~~ 18894  
~~created by section 122.561 of the Revised Code, and the housing~~ 18895  
guarantee fund created by division (D) of section 128.11 of the 18896

Revised Code. 18897

(G) "Lawful claims" means any vested right a holder of 18898  
unclaimed funds has against the owner of such unclaimed funds. 18899

(H) "Public utility" means any entity defined as such by 18900  
division (A) of section 745.01 or by section 4905.02 of the 18901  
Revised Code. 18902

(I) "Deposit" means to place money in the custody of a 18903  
financial organization for the purpose of establishing an 18904  
income-bearing account by purchase or otherwise. 18905

(J) "Income-bearing account" means a time or savings 18906  
account, whether or not evidenced by a certificate of deposit, 18907  
or an investment account through which investments are made 18908  
solely in obligations of the United States or its agencies or 18909  
instrumentalities or guaranteed as to principal and interest by 18910  
the United States or its agencies or instrumentalities, debt 18911  
securities rated as investment grade by at least two nationally 18912  
recognized rating services, debt securities which the director 18913  
of commerce has determined to have been issued for the safety 18914  
and welfare of the residents of this state, and equity interests 18915  
in mutual funds that invest solely in some or all of the above- 18916  
listed securities and involve no general liability, without 18917  
regard to whether income earned on such accounts, securities, or 18918  
interests is paid periodically or at the end of a term. 18919

(K) "Director of commerce" may be read as the "division of 18920  
unclaimed funds" or the "superintendent of unclaimed funds." 18921

(L) "Attorney unclaimed funds" means any unclaimed funds, 18922  
as defined in division (B) (1) of this section, that are any of 18923  
the following: 18924

(1) Funds held in interest on lawyer trust accounts 18925

pursuant to section 4705.09 of the Revised Code; 18926

(2) Funds held in an interest on trust accounts pursuant 18927  
to section 3953.231 of the Revised Code; 18928

(3) Residual settlement funds whether for named or unnamed 18929  
plaintiffs, received by the division of unclaimed funds, and 18930  
held, paid out, or allocated by the division pursuant to or 18931  
consistent with the terms and conditions of the court order 18932  
authorizing the settlement fund. 18933

**Sec. 169.05.** (A) Every holder required to file a report 18934  
under section 169.03 of the Revised Code shall, at the time of 18935  
filing, pay to the director of commerce ten per cent of the 18936  
aggregate amount of unclaimed funds as shown on the report, 18937  
except for aggregate amounts of fifty dollars or less in which 18938  
case one hundred per cent shall be paid. The funds may be 18939  
deposited by the director in the state treasury to the credit of 18940  
the unclaimed funds trust fund, which is hereby created, or 18941  
placed with a financial organization. Any interest earned on 18942  
money in the trust fund shall be credited to the trust fund. The 18943  
remainder of the aggregate amount of unclaimed funds as shown on 18944  
the report, plus earnings accrued to date of payment to the 18945  
director, shall, at the option of the director, be retained by 18946  
the holder or paid to the director for deposit as agent for the 18947  
mortgage funds with a financial organization as defined in 18948  
section 169.01 of the Revised Code, with the funds to be in 18949  
income-bearing accounts to the credit of the mortgage funds, or 18950  
the holder may enter into an agreement with the director 18951  
specifying the obligations of the United States in which funds 18952  
are to be invested, and agree to pay the interest on the 18953  
obligations to the state. Holders retaining any funds not in 18954  
obligations of the United States shall enter into an agreement 18955

with the director specifying the classification of income- 18956  
bearing account in which the funds will be held and pay the 18957  
state interest on the funds at a rate equal to the prevailing 18958  
market rate for similar funds. Moneys that the holder is 18959  
required to pay to the director rather than to retain may be 18960  
deposited with the treasurer of state, or placed with a 18961  
financial organization. 18962

Securities and other intangible property transferred to 18963  
the director shall, within a reasonable time, be converted to 18964  
cash and the proceeds deposited as provided for other funds. 18965

~~One-half of the~~ The funds evidenced by agreements, in 18966  
income-bearing accounts, or on deposit with the treasurer of 18967  
state shall be allocated on the records of the director ~~to the~~ 18968  
~~mortgage insurance fund created by section 122.561 of the~~ 18969  
~~Revised Code. Out of the remaining half,~~ after allocation of 18970  
sufficient moneys to the minority business bonding fund to meet 18971  
the provisions of division (B) of this section, ~~the remainder~~ 18972  
~~shall be allocated on the records of the director to the housing~~ 18973  
~~development fund created by division (A) of section 175.11 of~~ 18974  
the Revised Code. 18975

(B) The director shall serve as agent for the director of 18976  
development and as agent for the Ohio housing finance agency in 18977  
making deposits and withdrawals and maintaining records 18978  
pertaining to the minority business bonding fund created by 18979  
section 122.88 of the Revised Code, ~~the mortgage insurance fund,~~ 18980  
and the housing development fund created by section 175.11 of 18981  
the Revised Code. ~~Funds from the mortgage insurance fund are~~ 18982  
~~available to the director of development when those funds are to~~ 18983  
~~be disbursed to prevent or cure, or upon the occurrence of, a~~ 18984  
~~default of a mortgage insured pursuant to section 122.451 of the~~ 18985

~~Revised Code.~~ Funds from the housing development fund are 18986  
available upon request to the Ohio housing finance agency, in an 18987  
amount not to exceed the funds allocated on the records of the 18988  
director, for the purposes of section 175.05 of the Revised 18989  
Code. Funds from the minority business bonding fund are 18990  
available to the director of development upon request to pay 18991  
obligations on bonds the director writes pursuant to section 18992  
122.88 of the Revised Code; except that, unless the general 18993  
assembly authorizes additional amounts, the total maximum amount 18994  
of moneys that may be allocated to the minority business bonding 18995  
fund under this division is ten million dollars. 18996

When funds are to be disbursed, the appropriate agency 18997  
shall call upon the director to transfer the necessary funds to 18998  
it. The director shall first withdraw the funds paid by the 18999  
holders and deposited with the treasurer of state or in a 19000  
financial institution as agent for the funds. Whenever these 19001  
funds are inadequate to meet the request, the director shall 19002  
provide for a withdrawal of funds, within a reasonable time and 19003  
in the amount necessary to meet the request, from financial 19004  
institutions in which the funds were retained or placed by a 19005  
holder and from other holders who have retained funds, in an 19006  
equitable manner as the director prescribes. In the event that 19007  
the amount to be withdrawn from any one holder is less than five 19008  
hundred dollars, the amount to be withdrawn is at the director's 19009  
discretion. The director shall then transfer to the agency the 19010  
amount of funds requested. 19011

Funds deposited in the unclaimed funds trust fund are 19012  
subject to call by the director when necessary to pay claims the 19013  
director allows under section 169.08 of the Revised Code, in 19014  
accordance with the director's rules, to defray the necessary 19015  
costs of making publications this chapter requires and to pay 19016

other operating and administrative expenses the department of 19017  
commerce incurs in the administration and enforcement of this 19018  
chapter. 19019

The unclaimed funds trust fund shall be assessed a 19020  
proportionate share of the administrative costs of the 19021  
department of commerce in accordance with procedures the 19022  
director of commerce prescribes. The assessment shall be paid 19023  
from the unclaimed funds trust fund to the division of 19024  
administration fund. 19025

(C) Earnings on the accounts in financial organizations to 19026  
the credit of the mortgage funds shall, at the option of the 19027  
financial organization, be credited to the accounts at times and 19028  
at rates as earnings are paid on other accounts of the same 19029  
classification held in the financial organization or paid to the 19030  
director. The director shall be notified annually, and at other 19031  
times as the director may request, of the amount of the earnings 19032  
credited to the accounts. Interest on unclaimed funds a holder 19033  
retains shall be paid to the director or credited as specified 19034  
in the agreement under which the organization retains the funds. 19035  
Interest payable to the director under an agreement to invest 19036  
unclaimed funds in income-bearing accounts or obligations of the 19037  
United States shall be paid annually by the holder to the 19038  
director. Any earnings or interest the director receives under 19039  
this division shall be deposited in and credited to the mortgage 19040  
funds. 19041

**Sec. 169.08.** (A) The Except as otherwise provided in 19042  
division (I) of this section, the director of commerce shall pay 19043  
to the owner or other person who has established the right to 19044  
payment under this section, funds from the unclaimed funds trust 19045  
fund in an amount equal to the amount of property delivered or 19046

reported to the director, or equal to the net proceeds if the 19047  
securities or other property have been sold, together with 19048  
interest earned by the state if required to be paid under 19049  
division (D) of this section. Any person claiming a property 19050  
interest in unclaimed funds delivered or reported to the state 19051  
under Chapter 169. of the Revised Code, including the office of 19052  
child support in the department of job and family services, 19053  
pursuant to section 3123.88 of the Revised Code, may file a 19054  
claim thereto on the form prescribed by the director~~of~~ 19055  
~~commerce~~. 19056

(B) The director shall consider matters relevant to any 19057  
claim filed under division (A) of this section and shall hold a 19058  
formal hearing if requested or considered necessary and receive 19059  
evidence concerning such claim. A finding and decision in 19060  
writing on each claim filed shall be prepared, stating the 19061  
substance of any evidence received or heard and the reasons for 19062  
allowance or disallowance of the claim. The evidence and 19063  
decision shall be a public record. No-Except as otherwise 19064  
provided in division (I) of this section, no statute of 19065  
limitations shall bar the allowance of a claim. 19066

(C) For the purpose of conducting any hearing, the 19067  
director may require the attendance of such witnesses and the 19068  
production of such books, records, and papers as the director 19069  
desires, and the director may take the depositions of witnesses 19070  
residing within or without this state in the same manner as is 19071  
prescribed by law for the taking of depositions in civil actions 19072  
in the court of common pleas, and for that purpose the director 19073  
may issue a subpoena for any witness or a subpoena duces tecum 19074  
to compel the production of any books, records, or papers, 19075  
directed to the sheriff of the county where such witness resides 19076  
or is found, which shall be served and returned. The fees of the 19077

sheriff shall be the same as that allowed in the court of common 19078  
pleas in criminal cases. Witnesses shall be paid the fees and 19079  
mileage provided for under section 119.094 of the Revised Code. 19080  
Fees and mileage shall be paid from the unclaimed funds trust 19081  
fund. 19082

(D) ~~Interest~~ Except as otherwise provided in division (I) 19083  
of this section, interest earned by the state shall be payable 19084  
to claimants of unclaimed funds held by the state in accordance 19085  
with final court orders derived from the *Sogg v. Zurz*, 121 Ohio 19086  
St.3d 449 (2009), line of cases and final settlement agreement 19087  
determining payment of interest on unclaimed funds. For 19088  
properties received by the state on or before July 26, 1991, 19089  
interest shall be paid at a rate of six per cent per annum from 19090  
the date the state received the property up to and including 19091  
July 26, 1991. No interest shall be payable on any properties 19092  
for the period from July 27, 1991, up to and including August 2, 19093  
2000. For properties held by the state on August 3, 2000, or 19094  
after, interest shall be paid at the applicable required rate 19095  
per annum for the period held from August 3, 2000, or the date 19096  
of receipt, whichever is later, up to and including the date the 19097  
claim is paid. 19098

(E) Claims shall be paid from the trust fund. If the 19099  
amount available in the trust fund is not sufficient to pay 19100  
pending claims, or other amounts disbursable from the trust 19101  
fund, the treasurer of state shall certify such fact to the 19102  
director, who shall then withdraw such amount of funds from the 19103  
mortgage accounts as the director determines necessary to 19104  
reestablish the trust fund to a level required to pay 19105  
anticipated claims but not more than ten per cent of the net 19106  
unclaimed funds reported to date. 19107



The director may withdraw the funds paid to the director 19108  
by the holders and deposited by the director with the treasurer 19109  
of state or in a financial institution as agent for such funds. 19110  
Whenever these funds are inadequate to meet the requirements for 19111  
the trust fund, the director shall provide for a withdrawal of 19112  
funds, within a reasonable time, in such amount as is necessary 19113  
to meet the requirements, from financial institutions in which 19114  
such funds were retained or placed by a holder and from other 19115  
holders who have retained funds, in an equitable manner as 19116  
prescribed by the director. In the event that the amount to be 19117  
withdrawn from any one such holder is less than five hundred 19118  
dollars, the amount to be withdrawn shall be at the discretion 19119  
of the director. Such funds may be reimbursed in the amounts 19120  
withdrawn when the trust fund has a surplus over the amount 19121  
required to pay anticipated claims. Whenever the trust fund has 19122  
a surplus over the amount required to pay anticipated claims, 19123  
the director may transfer such surplus to the mortgage accounts. 19124

(F) (1) If a claim which is allowed under this section 19125  
relates to funds which have been retained by the reporting 19126  
holder, and if the funds, on deposit with the treasurer of state 19127  
pursuant to this chapter, are insufficient to pay claims, the 19128  
director may notify such holder in writing of the payment of the 19129  
claim and such holder shall immediately reimburse the state in 19130  
the amount of such claim. The reimbursement shall be credited to 19131  
the unclaimed funds trust fund. 19132

(2) If a claim that is allowed under this section relates 19133  
to attorney unclaimed funds that have been recovered by the Ohio 19134  
access to justice foundation, pursuant to division (A) of 19135  
section 169.052 of the Revised Code and division (A) of this 19136  
section, the director shall notify the Ohio access to justice 19137  
foundation in writing of the payment of the claim and the Ohio 19138

access to justice foundation shall immediately reimburse the 19139  
unclaimed funds trust fund in the amount of such claim inclusive 19140  
of interest as required by division (D) of this section. The 19141  
reimbursement shall be credited to the unclaimed funds trust 19142  
fund. 19143

(G) Any person, including the office of child support, 19144  
adversely affected by a decision of the director may appeal such 19145  
decision in the manner provided in Chapter 119. of the Revised 19146  
Code. 19147

In the event the claimant prevails, the claimant shall be 19148  
reimbursed for reasonable attorney's fees and costs. 19149

(H) Notwithstanding anything to the contrary in this 19150  
chapter, any holder who has paid moneys to or entered into an 19151  
agreement with the director pursuant to section 169.05 of the 19152  
Revised Code on certified checks, cashiers' checks, bills of 19153  
exchange, letters of credit, drafts, money orders, or travelers' 19154  
checks, may make payment to any person entitled thereto, 19155  
including the office of child support, and upon surrender of the 19156  
document, except in the case of travelers' checks, and proof of 19157  
such payment, the director shall reimburse the holder for such 19158  
payment without interest. 19159

(I) (1) Unclaimed funds and interest earned thereon that 19160  
are first reported to the director under section 169.03 of the 19161  
Revised Code on or before January 1, 2016, are deemed abandoned 19162  
and escheat to the state on January 1, 2026, if no valid claim 19163  
is filed by the owner or another person claiming a right to 19164  
payment on or before that date. 19165

(2) Unclaimed funds and interest first reported to the 19166  
director after January 1, 2016, are deemed abandoned and escheat 19167

to the state on the tenth anniversary of that reporting date if 19168  
no valid claim is filed by the owner or another person claiming 19169  
a right to payment on or before the tenth anniversary of that 19170  
reporting date. 19171

(3) (a) All property rights, legal title to, and ownership 19172  
of unclaimed funds and interest vest solely in the state on the 19173  
date the unclaimed funds and interest are deemed abandoned and 19174  
escheat to the state. 19175

(b) Notwithstanding division (I) (3) (a) of this section, 19176  
the former owner or other person claiming a property interest in 19177  
unclaimed funds that are deemed abandoned and escheat to the 19178  
state may file a claim for payment of an equivalent amount, 19179  
together with interest earned by the state if required under 19180  
division (D) of this section, at any time on or before January 19181  
1, 2036. Upon providing sufficient proof of the validity of the 19182  
owner's or other person's claim, the director shall pay the 19183  
claim less any expenses and costs incurred by the state in 19184  
securing full title and ownership of the unclaimed funds. 19185

(c) If payment is made on a claim under division (I) (3) (b) 19186  
of this section, no action thereafter shall be maintained by any 19187  
other claimant against the state for or on account of the 19188  
payment of the claim. 19189

(d) The director shall pay claims under division (I) (3) (b) 19190  
of this section from the unclaimed funds trust fund and shall 19191  
not seek reimbursement for such claims from the Ohio cultural 19192  
and sports facility performance grant fund created under section 19193  
123.282 of the Revised Code or deduct the amount of such claims 19194  
from future remissions to that fund required by division (I) (4) 19195  
of this section. 19196

(e) Any claim filed after the date the unclaimed funds and 19197  
interest are deemed abandoned and escheat to the state and after 19198  
January 1, 2036, is void. 19199

(4) On the first days of January and July each year, 19200  
beginning in 2026, the director shall remit or cause to be 19201  
remitted all unclaimed funds and interest that are deemed 19202  
abandoned and escheat to the state to the state treasury to the 19203  
credit of the Ohio cultural and sports facility performance 19204  
grant fund created under section 123.282 of the Revised Code. 19205  
The director shall notify the director of budget and management 19206  
of all funds and interest remitted under this division. 19207

(5) If unclaimed funds and interest that are deemed 19208  
abandoned and escheat to the state are retained or invested by a 19209  
holder pursuant to an agreement under division (A) of section 19210  
169.05 of the Revised Code, the director shall notify the holder 19211  
and the holder shall pay the funds and interest to the director 19212  
in a form and manner determined by the director. 19213

(6) The director of commerce shall develop guidelines and 19214  
procedures to implement division (I) of this section including 19215  
procedures addressing both of the following: 19216

(a) Repayment of unclaimed funds and interest that are 19217  
invested in non-liquid assets; 19218

(b) Ensuring that the balance of the unclaimed funds trust 19219  
fund is sufficient to meet the state's financial obligations 19220  
under this chapter. 19221

**Sec. 169.13.** (A) (1) All agreements to pay a fee, 19222  
compensation, commission, or other remuneration to locate, 19223  
deliver, recover, or assist in the recovery of unclaimed funds 19224  
reported under section 169.03 of the Revised Code, entered into 19225

within two years immediately after the date a report is filed 19226  
under division (D) of section 169.03 of the Revised Code, are 19227  
invalid. 19228

(2) A person interested in entering into an agreement to 19229  
locate, deliver, recover, or assist in the recovery of unclaimed 19230  
funds for remuneration shall not initiate any contact with an 19231  
owner during the two-year period immediately after the date a 19232  
report is filed under division (D) of section 169.03 of the 19233  
Revised Code. Failure to comply with this requirement is grounds 19234  
for the invalidation of any such agreement between the person 19235  
and the owner. 19236

(B) An agreement entered into any time after such two-year 19237  
period is valid only if all of the following conditions are met: 19238

(1) The aggregate fee, compensation, commission, or other 19239  
remuneration agreed upon is not in excess of ten per cent of the 19240  
amount recovered and paid to the owner by the director of budget 19241  
and management; 19242

(2) The agreement is in writing, signed by the owner, and 19243  
notarized and discloses all of the following items: 19244

(a) The name, address, and telephone number of the owner, 19245  
as shown by the records of the person or entity in possession of 19246  
the unclaimed funds or contents of a safe deposit box; 19247

(b) The name, address, and telephone number of the owner 19248  
if the owner's name, address, or telephone number are different 19249  
from the name, address, or telephone number of the owner as 19250  
shown by the records of the person or entity in possession of 19251  
the unclaimed funds or contents of a safe deposit box; 19252

(c) The nature and value of the unclaimed funds or 19253  
contents of a safe deposit box; 19254

(d) The amount the owner will receive after the fee or 19255  
compensation has been subtracted; 19256

(e) The name and address of the person or entity in 19257  
possession of the unclaimed funds or contents of a safe deposit 19258  
box; 19259

(f) That the director of budget and management will pay 19260  
the unclaimed funds directly to the owner or the director of 19261  
commerce shall deliver the contents of a safe deposit box 19262  
directly to the owner; 19263

(g) That the person agreeing to locate, deliver, recover, 19264  
or assist in the recovery of the unclaimed funds or contents of 19265  
a safe deposit box is not an employee or agent of the director 19266  
of commerce; 19267

(h) That the director of commerce is not a party to the 19268  
agreement; 19269

(i) That the person agreeing to locate, deliver, recover, 19270  
or assist in the recovery of the unclaimed funds or contents of 19271  
a safe deposit box holds a valid certificate of registration 19272  
issued by the director under section 169.16 of the Revised Code; 19273

(j) The number designated on that certificate of 19274  
registration and the date the certificate of registration 19275  
expires. 19276

(3) No agreement described in division (B)(2) of this 19277  
section shall include a power of attorney for the payment of the 19278  
unclaimed funds or delivery of the contents of a safe deposit 19279  
box to any person other than the owner of the unclaimed funds or 19280  
contents of a safe deposit box. 19281

(4) If the agreement involves recovery of the contents of 19282

a safe deposit box, the agreement stipulates that the person 19283  
receiving any fee, compensation, commission, or other 19284  
remuneration for engaging in any activity for the purpose of 19285  
locating, delivering, recovering, or assisting in the recovery 19286  
of unclaimed funds or other items stored in a safe deposit box 19287  
on behalf of any other person shall do all of the following: 19288

(a) Make arrangements to have an appraiser and the 19289  
director of commerce view the contents of the safe deposit box 19290  
together, at a time mutually agreeable to the appraiser and 19291  
director; 19292

(b) State that the value of the property in the safe 19293  
deposit box is the amount established by the appraiser who 19294  
viewed the safe deposit box contents; 19295

(c) Base the fee, compensation, commission, or other 19296  
remuneration for locating, delivering, recovering, or assisting 19297  
in the recovery of unclaimed funds or other items stored in a 19298  
safe deposit box on the appraised value established by the 19299  
appraiser who viewed the safe deposit box contents. 19300

(C) No person shall receive a fee, compensation, 19301  
commission, or other remuneration, or engage in any activity for 19302  
the purpose of locating, delivering, recovering, or assisting in 19303  
the recovery of unclaimed funds or contents of a safe deposit 19304  
box, under an agreement that is invalid under this section. 19305

(D) A person who receives any fee, compensation, 19306  
commission, or other remuneration for engaging in any activity 19307  
for the purpose of locating, delivering, recovering, or 19308  
assisting in the recovery of unclaimed funds or other items 19309  
stored in a safe deposit box on behalf of any other person 19310  
cannot function as an appraiser of the contents of the safe 19311

deposit box for purposes of division (B) (4) of this section. 19312

(E) The director shall not recognize or make any delivery 19313  
and the ~~auditor of state~~ office of budget and management shall 19314  
not make any payment pursuant to any power of attorney between 19315  
an owner of the unclaimed funds or contents of a safe deposit 19316  
box and the person with whom the owner entered into an agreement 19317  
pursuant to division (B) (2) of this section to locate, deliver, 19318  
recover, or assist in the recovery of the unclaimed funds or 19319  
contents of a safe deposit box if that power of attorney is 19320  
entered into on or after March 23, 2007, and that power of 19321  
attorney specifically provides for the payment of unclaimed 19322  
funds or delivery of the contents of a safe deposit box to any 19323  
person other than the owner of the unclaimed funds or contents 19324  
of a safe deposit box. Nothing in this section shall be 19325  
construed as prohibiting the payment of unclaimed funds or 19326  
delivery of the contents of a safe deposit box to the legal 19327  
representative of the owner of the unclaimed funds or contents 19328  
of the safe deposit box. Notwithstanding the definition of 19329  
"owner" specified in division (C) of section 169.01 of the 19330  
Revised Code, for purposes of the payment of unclaimed funds or 19331  
delivery of the contents of the safe deposit box, a person with 19332  
whom an owner entered into an agreement under division (B) (2) of 19333  
this section is not a legal representative. 19334

**Sec. 173.38.** (A) As used in this section: 19335

(1) "Applicant" means a person who is under final 19336  
consideration for employment with a responsible party in a full- 19337  
time, part-time, or temporary direct-care position or is 19338  
referred to a responsible party by an employment service for 19339  
such a position. "Applicant" does not include a person being 19340  
considered for a direct-care position as a volunteer. 19341



(2) "Area agency on aging" has the same meaning as in 19342  
section 173.14 of the Revised Code. 19343

~~(3) "Chief administrator of a responsible party" includes~~ 19344  
~~a consumer when the consumer is a responsible party.~~ 19345

~~(4)~~ "Community-based long-term care services" means 19346  
community-based long-term care services, as defined in section 19347  
173.14 of the Revised Code, that are provided under a program 19348  
the department of aging administers. 19349

~~(5)~~ (4) "Consumer" means an individual who receives 19350  
community-based long-term care services. 19351

~~(6)~~ (5) "Criminal records check" has the same meaning as in 19352  
section 109.572 of the Revised Code. 19353

~~(7)~~ ~~(a)~~ (6) (a) "Direct-care position" means an employment 19354  
position in which an employee has either or both of the 19355  
following: 19356

(i) In-person contact with one or more consumers; 19357

(ii) Access to one or more consumers' personal property or 19358  
records. 19359

(b) "Direct-care position" does not include ~~a~~ any of the 19360  
following: 19361

(i) A person whose sole duties are transporting 19362  
individuals under Chapter 306. of the Revised Code; 19363

(ii) An attorney licensed to practice law in this state; 19364

(iii) A person who is not licensed to practice law in this 19365  
state, but, at the direction of an attorney licensed to practice 19366  
law in this state, assists the attorney in the attorney's 19367  
provision of legal services. 19368

~~(8)~~ (7) "Disqualifying offense" means any of the offenses  
listed or described in divisions (A) (3) (a) to (e) of section  
109.572 of the Revised Code.

~~(9)~~ (8) "Employee" means a person employed by a responsible  
party in a full-time, part-time, or temporary direct-care  
position and a person who works in such a position due to being  
referred to a responsible party by an employment service.  
"Employee" does not include a person who works in a direct-care  
position as a volunteer.

~~(10)~~ (9) "PASSPORT administrative agency" has the same  
meaning as in section 173.42 of the Revised Code.

~~(11)~~ (10) "Provider" has the same meaning as in section  
173.39 of the Revised Code.

~~(12)~~ (11) "Responsible party" means the following:

(a) An area agency on aging in the case of either of the  
following:

(i) A person who is an applicant because the person is  
under final consideration for employment with the agency in a  
full-time, part-time, or temporary direct-care position or is  
referred to the agency by an employment service for such a  
position;

(ii) A person who is an employee because the person is  
employed by the agency in a full-time, part-time, or temporary  
direct-care position or works in such a position due to being  
referred to the agency by an employment service.

(b) A PASSPORT administrative agency in the case of either  
of the following:

(i) A person who is an applicant because the person is

under final consideration for employment with the agency in a 19397  
full-time, part-time, or temporary direct-care position or is 19398  
referred to the agency by an employment service for such a 19399  
position; 19400

(ii) A person who is an employee because the person is 19401  
employed by the agency in a full-time, part-time, or temporary 19402  
direct-care position or works in such a position due to being 19403  
referred to the agency by an employment service. 19404

(c) A provider in the case of either of the following: 19405

(i) A person who is an applicant because the person is 19406  
under final consideration for employment with the provider in a 19407  
full-time, part-time, or temporary direct-care position or is 19408  
referred to the provider by an employment service for such a 19409  
position; 19410

(ii) A person who is an employee because the person is 19411  
employed by the provider in a full-time, part-time, or temporary 19412  
direct-care position or works in such a position due to being 19413  
referred to the provider by an employment service. 19414

(d) A subcontractor in the case of either of the 19415  
following: 19416

(i) A person who is an applicant because the person is 19417  
under final consideration for employment with the subcontractor 19418  
in a full-time, part-time, or temporary direct-care position or 19419  
is referred to the subcontractor by an employment service for 19420  
such a position; 19421

(ii) A person who is an employee because the person is 19422  
employed by the subcontractor in a full-time, part-time, or 19423  
temporary direct-care position or works in such a position due 19424  
to being referred to the subcontractor by an employment service. 19425

~~(e) A consumer in the case of either of the following:~~ 19426

~~(i) A person who is an applicant because the person is~~ 19427  
~~under final consideration for employment with the consumer in a~~ 19428  
~~full-time, part-time, or temporary direct-care position for~~ 19429  
~~which the consumer, as the employer of record, is to direct the~~ 19430  
~~person in the provision of community-based long-term care~~ 19431  
~~services the person is to provide the consumer or is referred to~~ 19432  
~~the consumer by an employment service for such a position;~~ 19433

~~(ii) A person who is an employee because the person is~~ 19434  
~~employed by the consumer in a full-time, part-time, or temporary~~ 19435  
~~direct-care position for which the consumer, as the employer of~~ 19436  
~~record, directs the person in the provision of community-based~~ 19437  
~~long-term care services the person provides to the consumer or~~ 19438  
~~who works in such a position due to being referred to the~~ 19439  
~~consumer by an employment service.~~ 19440

~~(13)~~ (12) "Subcontractor" has the meaning specified in 19441  
rules adopted under this section. 19442

~~(14)~~ (13) "Volunteer" means a person who serves in a 19443  
direct-care position without receiving or expecting to receive 19444  
any form of remuneration other than reimbursement for actual 19445  
expenses. 19446

~~(15)~~ (14) "Waiver agency" has the same meaning as in 19447  
section 5164.342 of the Revised Code. 19448

(B) This section does not apply to any individual of the 19449  
following: 19450

(1) A person who is subject to a database review or 19451  
criminal records check under section 173.381 or 3740.11 of the 19452  
Revised Code ~~or to any individual;~~ 19453

(2) A person who is subject to a criminal records check 19454  
under section 3721.121 of the Revised Code; 19455

(3) A participant-directed provider, but only if the 19456  
director of aging has conducted a database review of the 19457  
provider in the same manner that other database reviews are 19458  
conducted under this section; 19459

(4) An ambulette driver employed by an organization 19460  
licensed under Chapter 4766. of the Revised Code. 19461

(C) No responsible party shall employ an applicant or 19462  
continue to employ an employee in a direct-care position if any 19463  
of the following apply: 19464

(1) A review of the databases listed in division (E) of 19465  
this section reveals any of the following: 19466

(a) That the applicant or employee is included in one or 19467  
more of the databases listed in divisions (E) (1) to (5) of this 19468  
section; 19469

(b) That there is in the state nurse aide registry 19470  
established under section 3721.32 of the Revised Code a 19471  
statement detailing findings by the director of health that the 19472  
applicant or employee abused, neglected, or exploited a long- 19473  
term care facility or residential care facility resident or 19474  
misappropriated property of such a resident; 19475

(c) That the applicant or employee is included in one or 19476  
more of the databases, if any, specified in rules adopted under 19477  
this section and the rules prohibit the responsible party from 19478  
employing an applicant or continuing to employ an employee 19479  
included in such a database in a direct-care position. 19480

(2) After the applicant or employee is provided, pursuant 19481

to division (F) (2) (a) of this section, a copy of the form 19482  
prescribed pursuant to division (C) (1) of section 109.572 of the 19483  
Revised Code and the standard impression sheet prescribed 19484  
pursuant to division (C) (2) of that section, the applicant or 19485  
employee fails to complete the form or provide the applicant's 19486  
or employee's fingerprint impressions on the standard impression 19487  
sheet. 19488

(3) Unless the applicant or employee meets standards 19489  
specified in rules adopted under this section, the applicant or 19490  
employee is found by a criminal records check required by this 19491  
section to have been convicted of, pleaded guilty to, or been 19492  
found eligible for intervention in lieu of conviction for a 19493  
disqualifying offense. 19494

(D) Except as provided by division (G) of this section, 19495  
the chief administrator of a responsible party shall inform each 19496  
applicant of both of the following at the time of the 19497  
applicant's initial application for employment or referral to 19498  
the responsible party by an employment service for a direct-care 19499  
position: 19500

(1) That a review of the databases listed in division (E) 19501  
of this section will be conducted to determine whether the 19502  
responsible party is prohibited by division (C) (1) of this 19503  
section from employing the applicant in the direct-care 19504  
position; 19505

(2) That, unless the database review reveals that the 19506  
applicant may not be employed in the direct-care position, a 19507  
criminal records check of the applicant will be conducted and 19508  
the applicant is required to provide a set of the applicant's 19509  
fingerprint impressions as part of the criminal records check. 19510

(E) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A) (11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under 19540  
section 3721.32 of the Revised Code; 19541

(7) Any other database, if any, specified in rules adopted 19542  
under this section. 19543

(F) (1) As a condition of employing any applicant in a 19544  
direct-care position, the chief administrator of a responsible 19545  
party shall request that the superintendent of the bureau of 19546  
criminal identification and investigation conduct a criminal 19547  
records check of the applicant. If rules adopted under this 19548  
section so require, the chief administrator of a responsible 19549  
party shall request that the superintendent conduct a criminal 19550  
records check of an employee at times specified in the rules as 19551  
a condition of continuing to employ the employee in a direct- 19552  
care position. However, the chief administrator is not required 19553  
to request the criminal records check of the applicant or 19554  
employee if division (G) of this section applies or the 19555  
responsible party is prohibited by division (C) (1) of this 19556  
section from employing the applicant or continuing to employ the 19557  
employee in a direct-care position. If an applicant or employee 19558  
for whom a criminal records check request is required by this 19559  
section does not present proof of having been a resident of this 19560  
state for the five-year period immediately prior to the date the 19561  
criminal records check is requested or provide evidence that 19562  
within that five-year period the superintendent has requested 19563  
information about the applicant or employee from the federal 19564  
bureau of investigation in a criminal records check, the chief 19565  
administrator shall request that the superintendent obtain 19566  
information from the federal bureau of investigation as part of 19567  
the criminal records check. Even if an applicant or employee for 19568  
whom a criminal records check request is required by this 19569  
section presents proof of having been a resident of this state 19570



for the five-year period, the chief administrator may request 19571  
that the superintendent include information from the federal 19572  
bureau of investigation in the criminal records check. 19573

(2) The chief administrator shall do all of the following: 19574

(a) Provide to each applicant and employee for whom a 19575  
criminal records check request is required by this section a 19576  
copy of the form prescribed pursuant to division (C)(1) of 19577  
section 109.572 of the Revised Code and a standard impression 19578  
sheet prescribed pursuant to division (C)(2) of that section; 19579

(b) Obtain the completed form and standard impression 19580  
sheet from the applicant or employee; 19581

(c) Forward the completed form and standard impression 19582  
sheet to the superintendent. 19583

(3) A responsible party shall pay to the bureau of 19584  
criminal identification and investigation the fee prescribed 19585  
pursuant to division (C)(3) of section 109.572 of the Revised 19586  
Code for each criminal records check the responsible party 19587  
requests under this section. A responsible party may charge an 19588  
applicant a fee not exceeding the amount the responsible party 19589  
pays to the bureau under this section if both of the following 19590  
apply: 19591

(a) The responsible party notifies the applicant at the 19592  
time of initial application for employment of the amount of the 19593  
fee and that, unless the fee is paid, the applicant will not be 19594  
considered for employment. 19595

(b) The medicaid program does not pay the responsible 19596  
party for the fee it pays to the bureau under this section. 19597

(G) Divisions (D) to (F) of this section do not apply with 19598

regard to an applicant or employee if the applicant or employee 19599  
is referred to a responsible party by an employment service that 19600  
supplies full-time, part-time, or temporary staff for direct- 19601  
care positions and both of the following apply: 19602

(1) The chief administrator of the responsible party 19603  
receives from the employment service confirmation that a review 19604  
of the databases listed in division (E) of this section was 19605  
conducted of the applicant or employee. 19606

(2) The chief administrator of the responsible party 19607  
receives from the employment service, applicant, or employee a 19608  
report of the results of a criminal records check of the 19609  
applicant or employee that has been conducted by the 19610  
superintendent within the one-year period immediately preceding 19611  
the following: 19612

(a) In the case of an applicant, the date of the 19613  
applicant's referral by the employment service to the 19614  
responsible party; 19615

(b) In the case of an employee, the date by which the 19616  
responsible party would otherwise have to request a criminal 19617  
records check of the employee under division (F) of this 19618  
section. 19619

(H) (1) A responsible party may employ conditionally an 19620  
applicant for whom a criminal records check request is required 19621  
by this section prior to obtaining the results of the criminal 19622  
records check if the responsible party is not prohibited by 19623  
division (C) (1) of this section from employing the applicant in 19624  
a direct-care position and either of the following applies: 19625

(a) The chief administrator of the responsible party 19626  
requests the criminal records check in accordance with division 19627

(F) of this section before conditionally employing the 19628  
applicant. 19629

(b) The applicant is referred to the responsible party by 19630  
an employment service, the employment service or the applicant 19631  
provides the chief administrator of the responsible party a 19632  
letter that is on the letterhead of the employment service, the 19633  
letter is dated and signed by a supervisor or another designated 19634  
official of the employment service, and the letter states all of 19635  
the following: 19636

(i) That the employment service has requested the 19637  
superintendent to conduct a criminal records check regarding the 19638  
applicant; 19639

(ii) That the requested criminal records check is to 19640  
include a determination of whether the applicant has been 19641  
convicted of, pleaded guilty to, or been found eligible for 19642  
intervention in lieu of conviction for a disqualifying offense; 19643

(iii) That the employment service has not received the 19644  
results of the criminal records check as of the date set forth 19645  
on the letter; 19646

(iv) That the employment service promptly will send a copy 19647  
of the results of the criminal records check to the chief 19648  
administrator of the responsible party when the employment 19649  
service receives the results. 19650

(2) If a responsible party employs an applicant 19651  
conditionally pursuant to division (H) (1) (b) of this section, 19652  
the employment service, on its receipt of the results of the 19653  
criminal records check, promptly shall send a copy of the 19654  
results to the chief administrator of the responsible party. 19655

(3) A responsible party that employs an applicant 19656

conditionally pursuant to division (H) (1) (a) or (b) of this 19657  
section shall terminate the applicant's employment if the 19658  
results of the criminal records check, other than the results of 19659  
any request for information from the federal bureau of 19660  
investigation, are not obtained within the period ending sixty 19661  
days after the date the request for the criminal records check 19662  
is made. Regardless of when the results of the criminal records 19663  
check are obtained, if the results indicate that the applicant 19664  
has been convicted of, pleaded guilty to, or been found eligible 19665  
for intervention in lieu of conviction for a disqualifying 19666  
offense, the responsible party shall terminate the applicant's 19667  
employment unless the applicant meets standards specified in 19668  
rules adopted under this section that permit the responsible 19669  
party to employ the applicant and the responsible party chooses 19670  
to employ the applicant. Termination of employment under this 19671  
division shall be considered just cause for discharge for 19672  
purposes of division (D) (2) of section 4141.29 of the Revised 19673  
Code if the applicant makes any attempt to deceive the 19674  
responsible party about the applicant's criminal record. 19675

(I) The report of any criminal records check conducted 19676  
pursuant to a request made under this section is not a public 19677  
record for the purposes of section 149.43 of the Revised Code 19678  
and shall not be made available to any person other than the 19679  
following: 19680

(1) The applicant or employee who is the subject of the 19681  
criminal records check or the applicant's or employee's 19682  
representative; 19683

(2) The chief administrator of the responsible party 19684  
requesting the criminal records check or the administrator's 19685  
representative; 19686

(3) The administrator of any other facility, agency, or  
program that provides community-based long-term care services  
that is owned or operated by the same entity that owns or  
operates the responsible party that requested the criminal  
records check;

(4) The employment service that requested the criminal  
records check;

(5) The director of aging or a person authorized by the  
director to monitor a responsible party's compliance with this  
section;

(6) The medicaid director and the staff of the department  
of medicaid who are involved in the administration of the  
medicaid program if any of the following apply:

(a) In the case of a criminal records check requested by a  
provider or subcontractor, the provider or subcontractor also is  
a waiver agency;

(b) In the case of a criminal records check requested by  
an employment service, the employment service makes the request  
for an applicant or employee the employment service refers to a  
provider or subcontractor that also is a waiver agency;

~~(c) The criminal records check is requested by a consumer  
who is acting as a responsible party.~~

(7) A court or hearing officer involved in a case dealing  
with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant  
or employee;

(c) A civil or criminal action regarding the medicaid 19714  
program or a program the department of aging administers. 19715

(8) Pursuant to a lawful subpoena or valid court order, 19716  
any necessary individual not identified in division (I) (7) of 19717  
this section who is involved in a case dealing with any issue, 19718  
matter, or action described in division (I) (7) (a), (b), or (c) 19719  
of this section. 19720

(J) In a tort or other civil action for damages that is 19721  
brought as the result of an injury, death, or loss to person or 19722  
property caused by an applicant or employee who a responsible 19723  
party employs in a direct-care position, all of the following 19724  
shall apply: 19725

(1) If the responsible party employed the applicant or 19726  
employee in good faith and reasonable reliance on the report of 19727  
a criminal records check requested under this section, the 19728  
responsible party shall not be found negligent solely because of 19729  
its reliance on the report, even if the information in the 19730  
report is determined later to have been incomplete or 19731  
inaccurate. 19732

(2) If the responsible party employed the applicant in 19733  
good faith on a conditional basis pursuant to division (H) of 19734  
this section, the responsible party shall not be found negligent 19735  
solely because it employed the applicant prior to receiving the 19736  
report of a criminal records check requested under this section. 19737

(3) If the responsible party in good faith employed the 19738  
applicant or employee because the applicant or employee meets 19739  
standards specified in rules adopted under this section, the 19740  
responsible party shall not be found negligent solely because 19741  
the applicant or employee has been convicted of, pleaded guilty 19742

to, or been found eligible for intervention in lieu of 19743  
conviction for a disqualifying offense. 19744

(K) The director of aging shall adopt rules in accordance 19745  
with Chapter 119. of the Revised Code to implement this section. 19746

(1) The rules may do the following: 19747

(a) Require employees to undergo database reviews and 19748  
criminal records checks under this section; 19749

(b) If the rules require employees to undergo database 19750  
reviews and criminal records checks under this section, exempt 19751  
one or more classes of employees from the requirements; 19752

(c) For the purpose of division (E) (7) of this section, 19753  
specify other databases that are to be checked as part of a 19754  
database review conducted under this section. 19755

(2) The rules shall specify all of the following: 19756

(a) The meaning of the term "subcontractor"; 19757

(b) The procedures for conducting database reviews under 19758  
this section; 19759

(c) If the rules require employees to undergo database 19760  
reviews and criminal records checks under this section, the 19761  
times at which the database reviews and criminal records checks 19762  
are to be conducted; 19763

(d) If the rules specify other databases to be checked as 19764  
part of the database reviews, the circumstances under which a 19765  
responsible party is prohibited from employing an applicant or 19766  
continuing to employ an employee who is found by a database 19767  
review to be included in one or more of those databases; 19768

(e) Standards that an applicant or employee must meet for 19769

a responsible party to be permitted to employ the applicant or 19770  
continue to employ the employee in a direct-care position if the 19771  
applicant or employee is found by a criminal records check 19772  
required by this section to have been convicted of, pleaded 19773  
guilty to, or been found eligible for intervention in lieu of 19774  
conviction for a disqualifying offense. 19775

**Sec. 173.381.** (A) As used in this section: 19776

(1) "Community-based long-term care services" means 19777  
community-based long-term care services, as defined in section 19778  
173.14 of the Revised Code, that are provided under a program 19779  
the department of aging administers. 19780

(2) "Community-based long-term care services certificate" 19781  
means a certificate issued under section 173.391 of the Revised 19782  
Code. 19783

(3) "Community-based long-term care services contract or 19784  
grant" means a contract or grant awarded under section 173.392 19785  
of the Revised Code. 19786

(4) "Criminal records check" has the same meaning as in 19787  
section 109.572 of the Revised Code. 19788

(5) "Disqualifying offense" means any of the offenses 19789  
listed or described in divisions (A)(3)(a) to (e) of section 19790  
109.572 of the Revised Code. 19791

(6) "Provider" has the same meaning as in section 173.39 19792  
of the Revised Code. 19793

(7) "Self-employed provider" means a provider who works 19794  
for the provider's self and has no employees. 19795

(B) This section does not apply to any ~~individual who is~~ 19796  
~~subject to a database review or criminal records check under of~~ 19797



the following: 19798

(1) An applicant as defined in section 3740.11 of the 19799  
Revised Code or an employee as defined in section 3740.01 of the 19800  
Revised Code; 19801

(2) An ambulette driver employed by an organization 19802  
licensed under Chapter 4766. of the Revised Code; 19803

(3) An attorney licensed to practice law in this state; 19804

(4) A person who is not licensed to practice law in this 19805  
state, but who, at the direction of an attorney licensed to 19806  
practice law in this state, assists the attorney in the 19807  
attorney's provision of legal services. 19808

(C) (1) The department of aging or its designee shall take 19809  
the following actions when the circumstances specified in 19810  
division (C) (2) of this section apply: 19811

(a) Refuse to issue a community-based long-term care 19812  
services certificate to a self-employed provider; 19813

(b) Revoke a self-employed provider's community-based 19814  
long-term care services certificate; 19815

(c) Refuse to award a community-based long-term care 19816  
services contract or grant to a self-employed provider; 19817

(d) Terminate a self-employed provider's community-based 19818  
long-term care services contract or grant awarded on or after 19819  
September 15, 2014. 19820

(2) The following are the circumstances that require the 19821  
department of aging or its designee to take action under 19822  
division (C) (1) of this section: 19823

(a) A review of the databases listed in division (E) of 19824

this section reveals any of the following: 19825

(i) That the self-employed provider is included in one or 19826  
more of the databases listed in divisions (E) (1) to (5) of this 19827  
section; 19828

(ii) That there is in the state nurse aide registry 19829  
established under section 3721.32 of the Revised Code a 19830  
statement detailing findings by the director of health that the 19831  
self-employed provider abused, neglected, or exploited a long- 19832  
term care facility or residential care facility resident or 19833  
misappropriated property of such a resident; 19834

(iii) That the self-employed provider is included in one 19835  
or more of the databases, if any, specified in rules adopted 19836  
under this section and the rules require the department or its 19837  
designee to take action under division (C) (1) of this section if 19838  
a self-employed provider is included in such a database. 19839

(b) After the self-employed provider is provided, pursuant 19840  
to division (F) (2) (a) of this section, a copy of the form 19841  
prescribed pursuant to division (C) (1) of section 109.572 of the 19842  
Revised Code and the standard impression sheet prescribed 19843  
pursuant to division (C) (2) of that section, the self-employed 19844  
provider fails to complete the form or provide the self-employed 19845  
provider's fingerprint impressions on the standard impression 19846  
sheet. 19847

(c) Unless the self-employed provider meets standards 19848  
specified in rules adopted under this section, the self-employed 19849  
provider is found by a criminal records check required by this 19850  
section to have been convicted of, pleaded guilty to, or been 19851  
found eligible for intervention in lieu of conviction for a 19852  
disqualifying offense. 19853

(D) The department of aging or its designee shall inform 19854  
each self-employed provider of both of the following at the time 19855  
of the self-employed provider's initial application for a 19856  
community-based long-term care services certificate or initial 19857  
bid for a community-based long-term care services contract or 19858  
grant: 19859

(1) That a review of the databases listed in division (E) 19860  
of this section will be conducted to determine whether the 19861  
department or its designee is required by division (C) of this 19862  
section to refuse to issue or award a community-based long-term 19863  
care services certificate or community-based long-term care 19864  
services contract or grant to the self-employed provider; 19865

(2) That, unless the database review reveals that the 19866  
department or its designee is required to refuse to issue or 19867  
award a community-based long-term care services certificate or 19868  
community-based long-term care services contract or grant to the 19869  
self-employed provider, a criminal records check of the self- 19870  
employed provider will be conducted and the self-employed 19871  
provider is required to provide a set of the self-employed 19872  
provider's fingerprint impressions as part of the criminal 19873  
records check. 19874

(E) As a condition of issuing or awarding a community- 19875  
based long-term care services certificate or community-based 19876  
long-term care services contract or grant to a self-employed 19877  
provider, the department of aging or its designee shall conduct 19878  
a database review of the self-employed provider in accordance 19879  
with rules adopted under this section. If rules adopted under 19880  
this section so require, the department or its designee shall 19881  
conduct a database review of a self-employed provider in 19882  
accordance with the rules as a condition of not revoking or 19883

terminating the self-employed provider's community-based long- 19884  
term care services certificate or community-based long-term care 19885  
services contract or grant. A database review shall determine 19886  
whether the self-employed provider is included in any of the 19887  
following: 19888

(1) The excluded parties list system that is maintained by 19889  
the United States general services administration pursuant to 19890  
subpart 9.4 of the federal acquisition regulation and available 19891  
at the federal web site known as the system for award 19892  
management; 19893

(2) The list of excluded individuals and entities 19894  
maintained by the office of inspector general in the United 19895  
States department of health and human services pursuant to the 19896  
"Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5; 19897

(3) The registry of developmental disabilities employees 19898  
established under section 5123.52 of the Revised Code; 19899

(4) The internet-based sex offender and child-victim 19900  
offender database established under division (A) (11) of section 19901  
2950.13 of the Revised Code; 19902

(5) The internet-based database of inmates established 19903  
under section 5120.66 of the Revised Code; 19904

(6) The state nurse aide registry established under 19905  
section 3721.32 of the Revised Code; 19906

(7) Any other database, if any, specified in rules adopted 19907  
under this section. 19908

(F) (1) As a condition of issuing or awarding a community- 19909  
based long-term care services certificate or community-based 19910  
long-term care services contract or grant to a self-employed 19911

provider, the department of aging or its designee shall request 19912  
that the superintendent of the bureau of criminal identification 19913  
and investigation conduct a criminal records check of the self- 19914  
employed provider. If rules adopted under this section so 19915  
require, the department or its designee shall request that the 19916  
superintendent conduct a criminal records check of a self- 19917  
employed provider at times specified in the rules as a condition 19918  
of not revoking or terminating the self-employed provider's 19919  
community-based long-term care services certificate or 19920  
community-based long-term care services contract or grant. 19921  
However, the department or its designee is not required to 19922  
request the criminal records check of the self-employed provider 19923  
if the department or its designee, because of circumstances 19924  
specified in division (C)(2)(a) of this section, is required to 19925  
refuse to issue or award a community-based long-term care 19926  
services certificate or community-based long-term care services 19927  
contract or grant to the self-employed provider or to revoke or 19928  
terminate the self-employed provider's certificate or contract 19929  
or grant. 19930

If a self-employed provider for whom a criminal records 19931  
check request is required by this section does not present proof 19932  
of having been a resident of this state for the five-year period 19933  
immediately prior to the date the criminal records check is 19934  
requested or provide evidence that within that five-year period 19935  
the superintendent has requested information about the self- 19936  
employed provider from the federal bureau of investigation in a 19937  
criminal records check, the department or its designee shall 19938  
request that the superintendent obtain information from the 19939  
federal bureau of investigation as part of the criminal records 19940  
check. Even if a self-employed provider for whom a criminal 19941  
records check request is required by this section presents proof 19942

of having been a resident of this state for the five-year 19943  
period, the department or its designee may request that the 19944  
superintendent include information from the federal bureau of 19945  
investigation in the criminal records check. 19946

(2) The department or its designee shall do all of the 19947  
following: 19948

(a) Provide to each self-employed provider for whom a 19949  
criminal records check request is required by this section a 19950  
copy of the form prescribed pursuant to division (C)(1) of 19951  
section 109.572 of the Revised Code and a standard impression 19952  
sheet prescribed pursuant to division (C)(2) of that section; 19953

(b) Obtain the completed form and standard impression 19954  
sheet from the self-employed provider; 19955

(c) Forward the completed form and standard impression 19956  
sheet to the superintendent. 19957

(3) The department or its designee shall pay to the bureau 19958  
of criminal identification and investigation the fee prescribed 19959  
pursuant to division (C)(3) of section 109.572 of the Revised 19960  
Code for each criminal records check of a self-employed provider 19961  
the department or its designee requests under this section. The 19962  
department or its designee may charge the self-employed provider 19963  
a fee that does not exceed the amount the department or its 19964  
designee pays to the bureau. 19965

(G) The report of any criminal records check of a self- 19966  
employed provider conducted pursuant to a request made under 19967  
this section is not a public record for the purposes of section 19968  
149.43 of the Revised Code and shall not be made available to 19969  
any person other than the following: 19970

(1) The self-employed provider or the self-employed 19971

provider's representative; 19972

(2) The department of aging, the department's designee, or 19973  
a representative of the department or its designee; 19974

(3) The medicaid director and the staff of the department 19975  
of medicaid who are involved in the administration of the 19976  
medicaid program if the self-employed provider is to provide, or 19977  
provides, community-based long-term care services under a 19978  
component of the medicaid program that the department of aging 19979  
administers; 19980

(4) A court or hearing officer involved in a case dealing 19981  
with any of the following: 19982

(a) A refusal to issue or award a community-based long- 19983  
term services certificate or community-based long-term care 19984  
services contract or grant to the self-employed provider; 19985

(b) A revocation or termination of the self-employed 19986  
provider's community-based long-term care services certificate 19987  
or community-based long-term care services contract or grant; 19988

(c) A civil or criminal action regarding a program the 19989  
department of aging administers. 19990

(5) Pursuant to a lawful subpoena or valid court order, 19991  
any necessary individual not identified in division (G) (4) of 19992  
this section who is involved in a case dealing with any issue, 19993  
matter, or action described in division (G) (4) (a), (b), or (c) 19994  
of this section. 19995

(H) In a tort or other civil action for damages that is 19996  
brought as the result of an injury, death, or loss to person or 19997  
property caused by a self-employed provider, both of the 19998  
following shall apply: 19999

(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the department or its designee in good faith issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant because the self-employed provider meets standards specified in rules adopted under this section, the department and its designee shall not be found negligent solely because the self-employed provider has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;



(b) If the rules require self-employed providers who have 20030  
been issued or awarded community-based long-term care services 20031  
certificates or community-based long-term care services 20032  
contracts or grants to undergo database reviews and criminal 20033  
records checks under this section, exempt one or more classes of 20034  
such self-employed providers from the requirements; 20035

(c) For the purpose of division (E)(7) of this section, 20036  
specify other databases that are to be checked as part of a 20037  
database review conducted under this section. 20038

(2) The rules shall specify all of the following: 20039

(a) The procedures for conducting database reviews under 20040  
this section; 20041

(b) If the rules require self-employed providers who have 20042  
been issued or awarded community-based long-term care services 20043  
certificates or community-based long-term care services 20044  
contracts or grants to undergo database reviews and criminal 20045  
records checks under this section, the times at which the 20046  
database reviews and criminal records checks are to be 20047  
conducted; 20048

(c) If the rules specify other databases to be checked as 20049  
part of the database reviews, the circumstances under which the 20050  
department of aging or its designee is required to refuse to 20051  
issue or award a community-based long-term care services 20052  
certificate or community-based long-term care services contract 20053  
or grant to a self-employed provider or to revoke or terminate a 20054  
self-employed provider's certificate or contract or grant when 20055  
the self-employed provider is found by a database review to be 20056  
included in one or more of those databases; 20057

(d) Standards that a self-employed provider must meet for 20058

the department or its designee to be permitted to issue or award 20059  
a community-based long-term care services certificate or 20060  
community-based long-term care services contract or grant to the 20061  
self-employed provider or not to revoke or terminate the self- 20062  
employed provider's certificate or contract or grant if the 20063  
self-employed provider is found by a criminal records check 20064  
required by this section to have been convicted of, pleaded 20065  
guilty to, or been found eligible for intervention in lieu of 20066  
conviction for a disqualifying offense. 20067

**Sec. 173.391.** (A) Subject to section 173.381 of the 20068  
Revised Code and except as provided in division (I) of this 20069  
section, the department of aging or its designee shall do all of 20070  
the following in accordance with Chapter 119. of the Revised 20071  
Code: 20072

(1) Certify a provider to provide services, including 20073  
community-based long-term care services, under a program the 20074  
department administers if the provider satisfies the 20075  
requirements for certification established by rules adopted 20076  
under division (B) of this section and pays the fee, if any, 20077  
established by rules adopted under division (G) of this section; 20078

(2) When required to do so by rules adopted under division 20079  
(B) of this section, take one or more of the following 20080  
disciplinary actions against a provider certified under division 20081  
(A) (1) of this section: 20082

(a) Issue a written warning; 20083

(b) Require the submission of both of the following: a 20084  
plan of correction ~~or~~ and evidence of compliance with 20085  
requirements identified by the department; 20086

(c) Suspend referrals; 20087

(d) Remove clients;	20088
(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;	20089 20090
(f) Suspend the certification;	20091
(g) Revoke the certification;	20092
(h) Impose another sanction.	20093
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A) (1) of this section or a disciplinary action under divisions (A) (2) (e) to (h) of this section.	20094 20095 20096 20097 20098 20099
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A) (2) of this section in individual situations. The rules shall establish procedures for all of the following:	20100 20101 20102 20103 20104 20105
(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;	20106 20107
(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	20108 20109 20110
(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A) (2) of this section and which disciplinary action to take;	20111 20112 20113 20114

(4) Determining what constitutes another sanction for  
purposes of division (A) (2) (h) of this section. 20115  
20116

(C) The procedures established in rules adopted under 20117  
division (B) (2) of this section shall require that all of the 20118  
following be considered as part of an evaluation described in 20119  
division (B) (2) of this section: 20120

(1) The provider's experience and financial 20121  
responsibility; 20122

(2) The provider's ability to comply with standards for 20123  
the services, including community-based long-term care services, 20124  
that the provider provides under a program the department 20125  
administers; 20126

(3) The provider's ability to meet the needs of the 20127  
individuals served; 20128

(4) Any other factor the director considers relevant. 20129

(D) The rules adopted under division (B) (3) of this 20130  
section shall specify that the reasons disciplinary action may 20131  
be taken under division (A) (2) of this section include good 20132  
cause, including misfeasance, malfeasance, nonfeasance, 20133  
confirmed abuse or neglect, financial irresponsibility, or other 20134  
conduct the director determines is injurious, or poses a threat, 20135  
to the health or safety of individuals being served. 20136

(E) Subject to division (F) of this section, the 20137  
department is not required to hold hearings under division (A) 20138  
(3) of this section if any of the following conditions apply: 20139

(1) Rules adopted by the director of aging pursuant to 20140  
this chapter require the provider to be a party to a provider 20141  
agreement; hold a license, certificate, or permit; or maintain a 20142

certification, any of which is required or issued by a state or 20143  
federal government entity other than the department of aging, 20144  
and either of the following is the case: 20145

(a) The provider agreement has not been entered into or 20146  
the license, certificate, permit, or certification has not been 20147  
obtained or maintained. 20148

(b) The provider agreement, license, certificate, permit, 20149  
or certification has been denied, revoked, not renewed, or 20150  
suspended or has been otherwise restricted. 20151

(2) The provider's certification under this section has 20152  
been denied, suspended, or revoked for any of the following 20153  
reasons: 20154

(a) A government entity of this state, other than the 20155  
department of aging, has terminated or refused to renew any of 20156  
the following held by, or has denied any of the following sought 20157  
by, a provider: a provider agreement, license, certificate, 20158  
permit, or certification. Division (E) (2) (a) of this section 20159  
applies regardless of whether the provider has entered into a 20160  
provider agreement in, or holds a license, certificate, permit, 20161  
or certification issued by, another state. 20162

(b) The provider or a principal owner or manager of the 20163  
provider who provides direct care has entered a guilty plea for, 20164  
or has been convicted of, an offense materially related to the 20165  
medicaid program. 20166

(c) ~~A~~ The provider or a principal owner or manager of the 20167  
provider who provides direct care has entered a guilty plea for, 20168  
been convicted of, or been found eligible for intervention in 20169  
lieu of conviction for an offense listed or described in 20170  
divisions (A) (3) (a) to (e) of section 109.572 of the Revised 20171

Code, but only if the provider, principal owner, or manager does 20172  
not meet standards specified by the director in rules adopted 20173  
under section 173.38 of the Revised Code. 20174

(d) The department or its designee is required by section 20175  
173.381 of the Revised Code to deny or revoke the provider's 20176  
certification. 20177

(e) The United States department of health and human 20178  
services has taken adverse action against the provider and that 20179  
action impacts the provider's participation in the medicaid 20180  
program. 20181

(f) The provider has failed to enter into or renew a 20182  
provider agreement with either of the following: the department 20183  
or the PASSPORT administrative agency, as that term is defined 20184  
in section 173.42 of the Revised Code, that administers programs 20185  
on behalf of the department of aging in the region of the state 20186  
in which the provider is certified to provide services. 20187

(g) The provider has not billed or otherwise submitted a 20188  
claim to the department for payment under the medicaid program 20189  
in at least two years. 20190

(h) The provider denied or failed to provide the 20191  
department or its designee access to the provider's facilities 20192  
during the provider's normal business hours for purposes of 20193  
conducting an audit or structural compliance review. 20194

(i) The provider has ceased doing business. 20195

(j) The provider has voluntarily relinquished its 20196  
certification for any reason. 20197

(3) The provider's provider agreement with the department 20198  
of medicaid has been suspended under section 5164.36 of the 20199

Revised Code. 20200

(4) The provider's provider agreement with the department 20201  
of medicaid is denied or revoked because the provider or its 20202  
owner, officer, authorized agent, associate, manager, or 20203  
employee has been convicted of an offense that caused the 20204  
provider agreement to be suspended under section 5164.36 of the 20205  
Revised Code. 20206

(F) If the department does not hold hearings when any 20207  
condition described in division (E) of this section applies, the 20208  
department shall send a notice to the provider describing a 20209  
decision not to certify the provider under division (A)(1) of 20210  
this section or the disciplinary action the department is taking 20211  
under divisions (A)(2)(e) to (h) of this section. The notice 20212  
shall be sent to the provider's address that is on record with 20213  
the department and may be sent by regular or electronic mail. 20214

(G) The director of aging may adopt rules in accordance 20215  
with Chapter 119. of the Revised Code establishing a fee to be 20216  
charged by the department of aging or its designee for 20217  
certification issued under division (A) of this section. 20218

(H) Any amounts collected by the department or its 20219  
designee under this section shall be deposited in the state 20220  
treasury to the credit of the provider certification fund, which 20221  
is hereby created. Money credited to the fund shall be used to 20222  
pay for services, including community-based long-term care 20223  
services, to pay for administrative costs associated with 20224  
provider certification under this section, and to pay for 20225  
administrative costs related to the publication of the Ohio 20226  
long-term care consumer guide. 20227

(I) The director shall certify a provider in accordance 20228

with Chapter 4796. of the Revised Code if either of the 20229  
following applies: 20230

(1) The provider is licensed or certified in another 20231  
state. 20232

(2) The provider has satisfactory work experience, a 20233  
government certification, or a private certification as 20234  
described in that chapter as a provider of community-based long- 20235  
term care services under a state program in a state that does 20236  
not issue that license or certificate. 20237

**Sec. 173.525.** (A) (1) In addition to any other eligibility 20238  
requirement of this chapter, to be eligible to serve as a 20239  
personal care aide under the PASSPORT program, an individual 20240  
must successfully complete thirty hours of pre-service training 20241  
acceptable to the department of aging. 20242

To maintain eligibility, each personal care aide must 20243  
successfully complete six hours of in-service training 20244  
acceptable to the department. Such training must be completed 20245  
every twelve months. 20246

(2) In administering the PASSPORT program, the department 20247  
shall not require a personal care aide to do ~~either~~ any of the 20248  
following: 20249

(a) Complete more than thirty hours of pre-service 20250  
training; 20251

(b) Complete more than six hours of in-service training in 20252  
a twelve-month period.— 20253

~~(B) The department shall not require an individual serving 20254  
as a home health aide under the PASSPORT program to complete; 20255~~

(c) Complete more hours of pre-service training or annual 20256



in-service training than required by federal law. 20257

~~(C)~~ (B) Only the following may supervise a ~~home health aide~~ 20258  
~~or~~ personal care aide under the PASSPORT program: 20259

(1) A registered nurse; 20260

(2) A licensed practical nurse under the direction of a 20261  
chiropractor, dentist, optometrist, physician, physician 20262  
assistant, podiatrist, or registered nurse. 20263

**Sec. 174.03.** (A) The department of development ~~and the~~ 20264  
~~Ohio housing finance agency~~ shall ~~each~~ develop programs under 20265  
which, in accordance with rules adopted under this section, ~~they~~ 20266  
the department may make grants, loans, loan guarantees, and loan 20267  
subsidies to counties, municipal corporations, townships, local 20268  
housing authorities, and nonprofit organizations and may make 20269  
loans, loan guarantees, and loan subsidies to private developers 20270  
and private lenders to assist in activities that provide housing 20271  
and housing assistance for specifically targeted low- and 20272  
moderate-income families and individuals. There is no minimum 20273  
housing project size for awards under this division for any 20274  
project that is developed for a special needs population and 20275  
that is supported by a social service agency where the housing 20276  
project is located. Activities for which grants, loans, loan 20277  
guarantees, and loan subsidies may be made under this section 20278  
include all of the following: 20279

(1) Acquiring, financing, constructing, leasing, 20280  
rehabilitating, remodeling, improving, and equipping publicly or 20281  
privately owned housing; 20282

(2) Providing supportive services related to housing and 20283  
the homeless, including housing counseling. Not more than twenty 20284  
per cent of the current year appropriation authority for the 20285

low- and moderate-income housing trust fund that remains after 20286  
the award of funds made pursuant to divisions (A) (1) and ~~(A) (2)~~ 20287  
(2) of section 174.02 of the Revised Code, shall be awarded in 20288  
any fiscal year for supportive services. 20289

(3) Providing rental assistance payments or other project 20290  
operating subsidies that lower tenant rents; 20291

(4) Improving the quality of life of tenants by providing 20292  
education for tenants and residents of manufactured home 20293  
communities regarding their rights and responsibilities, 20294  
planning and implementing activities designed to improve 20295  
conflict resolution and the capacity of tenants to negotiate and 20296  
mediate with landlords, and developing tenant and resident 20297  
councils and organizations; 20298

(5) Promoting capacity building initiatives related to the 20299  
creation of county housing trust funds. 20300

(B) Grants, loans, loan guarantees, and loan subsidies may 20301  
be made to counties, municipal corporations, townships, and 20302  
nonprofit organizations for the additional purposes of providing 20303  
technical assistance, design and finance services and 20304  
consultation, and payment of pre-development and administrative 20305  
costs related to any of the activities listed above. 20306

(C) In developing programs under this section, the 20307  
department ~~and the agency~~ shall invite, accept, and consider 20308  
public comment, and recommendations from the housing trust fund 20309  
advisory committee created under section 174.06 of the Revised 20310  
Code, on how the programs should be designed to most effectively 20311  
benefit low- and moderate-income families and individuals. The 20312  
programs developed under this section shall respond collectively 20313  
to housing and housing assistance needs of low- and moderate- 20314

income families and individuals statewide. 20315

(D) ~~The department and the agency,~~ in accordance with 20316  
Chapter 119. of the Revised Code, shall ~~each~~ adopt rules to 20317  
administer programs developed under this section. The rules 20318  
shall prescribe procedures and forms that counties, municipal 20319  
corporations, townships, local housing authorities, and 20320  
nonprofit organizations shall use in applying for grants, loans, 20321  
loan guarantees, and loan subsidies and that private developers 20322  
and private lenders shall use in applying for loans, loan 20323  
guarantees, and loan subsidies; eligibility criteria for the 20324  
receipt of funds; procedures for reviewing and granting or 20325  
denying applications; procedures for paying out funds; 20326  
conditions on the use of funds; procedures for monitoring the 20327  
use of funds; and procedures under which a recipient shall be 20328  
required to repay funds that are improperly used. The rules 20329  
shall do both of the following: 20330

(1) Require each recipient of a grant or loan made from 20331  
the low- and moderate-income housing trust fund for activities 20332  
that provide, or assist in providing, a rental housing project, 20333  
to reasonably ensure that the rental housing project will remain 20334  
affordable to those families and individuals targeted for the 20335  
rental housing project for the useful life of the rental housing 20336  
project or for thirty years, whichever is longer; 20337

(2) Require each recipient of a grant or loan made from 20338  
the low- and moderate-income housing trust fund for activities 20339  
that provide, or assist in providing, a housing project to 20340  
prepare and implement a plan to reasonably assist any families 20341  
and individuals displaced by the housing project in obtaining 20342  
decent affordable housing. 20343

(E) In prescribing eligibility criteria and conditions for 20344

the use of funds, ~~neither the department nor the agency is~~ not 20345  
limited to the criteria and conditions specified in this section 20346  
and ~~each~~ may prescribe additional eligibility criteria and 20347  
conditions that relate to the purposes for which grants, loans, 20348  
loan guarantees, and loan subsidies may be made. However, the 20349  
department ~~and agency are~~ is limited by the following 20350  
specifically targeted low- and moderate-income guidelines: 20351

(1) Not less than seventy-five per cent of the money 20352  
granted and loaned under this section in any fiscal year shall 20353  
be for activities that provide affordable housing and housing 20354  
assistance to families and individuals whose incomes are equal 20355  
to or less than fifty per cent of the median income for the 20356  
county in which they live, as determined by the department under 20357  
section 174.04 of the Revised Code. 20358

(2) Any money granted and loaned under this section in any 20359  
fiscal year that is not granted or loaned pursuant to division 20360  
(F)(1) of this section shall be for activities that provide 20361  
affordable housing and housing assistance to families and 20362  
individuals whose incomes are equal to or less than eighty per 20363  
cent of the median income for the county in which they live, as 20364  
determined by the department under section 174.04 of the Revised 20365  
Code. 20366

(F) In making grants, loans, loan guarantees, and loan 20367  
subsidies under this section, the department ~~and the agency~~ 20368  
shall give preference to viable projects and activities that 20369  
benefit those families and individuals whose incomes are equal 20370  
to or less than thirty-five per cent of the median income for 20371  
the county in which they live, as determined by the department 20372  
under section 174.04 of the Revised Code. 20373

(G) The department ~~and the agency~~ shall monitor the 20374

programs developed under this section to ensure that money 20375  
granted and loaned under this section is not used in a manner 20376  
that violates division (H) of section 4112.02 of the Revised 20377  
Code or discriminates against families with children. 20378

**Sec. 174.05.** ~~(A)~~ Annually, the department of development 20379  
shall submit a report to the president of the senate and the 20380  
speaker of the house of representatives describing the 20381  
activities of the department under sections 174.01 to 174.07 of 20382  
the Revised Code during the previous state fiscal year. 20383

~~(B) Annually, the Ohio housing finance agency shall submit 20384  
a report to the president of the senate and the speaker of the 20385  
house of representatives describing the activities of the agency 20386  
under sections 174.02, 174.03, and 174.05 of the Revised Code 20387  
during the previous state fiscal year. 20388~~

**Sec. 174.07.** The department of development, ~~on its own and 20389  
on the behalf of the Ohio housing finance agency and the Ohio 20390  
department of aging,~~ shall obtain controlling board approval 20391  
prior to making any grant, loan, loan guarantee, or loan subsidy 20392  
greater than fifty thousand dollars from or allocated from the 20393  
low- and moderate-income housing trust fund. 20394

**Sec. 175.02.** (A) ~~There is hereby created the~~ The Ohio 20395  
housing finance agency, a body corporate and politic, performing 20396  
essential governmental functions of the state is established as 20397  
a division of the department of development. The agency shall be 20398  
under the supervision and control of an executive director, who 20399  
is appointed by and serves at the pleasure of the director of 20400  
development. The mission of the agency includes but is not 20401  
limited to assisting with the financing, refinancing, 20402  
production, development, and preservation of safe, decent, and 20403  
affordable housing for occupancy by low- and moderate-income 20404

persons; provision of rental assistance and housing services for 20405  
low- and ~~moderate-income~~ moderate-income persons; allocating all 20406  
state and federal funds in accordance with applicable state and 20407  
federal laws, including Section 42 of the Internal Revenue Code; 20408  
and promoting community development, economic stability, and 20409  
growth within Ohio. To accomplish this mission, the agency shall 20410  
work with persons eligible for its programs, nonprofit 20411  
organizations and for-profit housing development entities, 20412  
public entities, and lending institutions. The agency may review 20413  
conformity with its programs and monitor a recipient's use of 20414  
funds it provides to assure compliance. 20415

(B) It is hereby declared to be the public purpose of this 20416  
state to improve and promote the public health, safety, 20417  
convenience, welfare, and prosperity of the people of the state 20418  
by the production and preservation of housing in accordance with 20419  
applicable state and federal laws. 20420

**Sec. 175.04.** (A) ~~The governor shall appoint a chairperson~~ 20421  
~~from among the voting members. The agency members shall elect a~~ 20422  
~~voting member as vice-chairperson. The agency members may~~ 20423  
~~appoint other officers, who need not be members of the agency,~~ 20424  
~~as the agency deems necessary.~~ 20425

~~(B) Six voting members of the agency constitute a quorum~~ 20426  
~~and the affirmative vote of six voting members is necessary for~~ 20427  
~~any action the agency takes. No vacancy in agency membership~~ 20428  
~~impairs the right of a quorum to exercise all of the agency's~~ 20429  
~~rights and perform all the agency's duties. Agency meetings may~~ 20430  
~~be held at any place within the state. Meetings shall comply~~ 20431  
~~with section 121.22 of the Revised Code.~~ 20432

~~(C)~~ The agency shall maintain accounting records in 20433  
accordance with generally accepted accounting principals and 20434

other required accounting standards. 20435

~~(D)~~ (B) The agency shall develop policies and guidelines 20436  
for the administration of its programs and annually shall 20437  
conduct at least one public hearing to obtain input from any 20438  
interested party regarding the administration of its programs. 20439  
The hearing shall be held at a time and place as the 20440  
agency executive director determines ~~and when a quorum of the~~ 20441  
~~agency is present.~~ 20442

~~(E)~~ (C) The agency ~~shall may,~~ at the direction of the 20443  
executive director, appoint committees and subcommittees 20444  
~~comprised of members of the agency to~~ handle matters it deems 20445  
appropriate. 20446

(1) The agency shall adopt an annual plan to address this 20447  
state's housing needs. The agency ~~shall may,~~ at the direction of 20448  
the executive director, appoint an annual plan committee to 20449  
develop the plan and present it to the agency for consideration. 20450

(2) ~~The~~ If the agency appoints an annual plan committee in 20451  
accordance with division (C) (1) of this section, the committee 20452  
shall select an advisory board from a list of interested 20453  
individuals the executive director provides or on ~~its the~~ 20454  
committee's own recommendation. The Upon selection of an 20455  
advisory board, the board shall provide input on the plan at 20456  
committee meetings prior to the annual public hearing. At the 20457  
public hearing, the committee shall discuss advisory board 20458  
comments. The advisory board may include, but is not limited to, 20459  
persons who represent state agencies, local governments, public 20460  
corporations, nonprofit organizations, community development 20461  
corporations, housing advocacy organizations for low- and 20462  
moderate-income persons, realtors, syndicators, investors, 20463  
lending institutions as recommended by a statewide banking 20464

organization, and other entities participating in the agency's 20465  
programs. 20466

Each agency program that allows for loans to be made to 20467  
finance housing for owner occupancy that benefits other than 20468  
low- and moderate-income households, or for loans to be made to 20469  
individuals under bonds issued pursuant to division (B) of 20470  
section 175.08 of the Revised Code, shall be presented to the 20471  
advisory board, if an advisory board is selected, and included 20472  
in the annual plan as approved by the agency and the director of 20473  
development before the program's implementation. 20474

~~(F)~~ (D) The agency executive director shall prepare an 20475  
annual financial report describing ~~its~~ the activities of the 20476  
agency during the reporting year and submit that report in 20477  
accordance with division ~~(H)~~ (F) of this section and to the 20478  
governor, the speaker of the house of representatives, and the 20479  
president of the senate within three months after the end of the 20480  
reporting year. The report shall include the agency's audited 20481  
financial statements, prepared in accordance with generally 20482  
accepted accounting principles and appropriate accounting 20483  
standards. 20484

~~(G)~~ (E) The agency executive director shall prepare an 20485  
annual report of ~~its~~ the agency's programs describing how the 20486  
programs have met this state's housing needs. The ~~agency~~ 20487  
executive director shall submit the report in accordance with 20488  
division ~~(H)~~ (F) of this section and to the governor, the speaker 20489  
of the house of representatives, and the president of the senate 20490  
within three months after the end of the reporting year. 20491

~~(H) (1)~~ (F) (1) The agency executive director shall submit, ~~—~~ 20492  
~~within a time frame agreed to by the agency and the chairs,~~ the 20493  
annual financial report described in division ~~(F)~~ (D) of this 20494



section and the annual report of programs described in division 20495  
~~(G)~~ (E) of this section to the chairs of the committees dealing 20496  
with housing issues in the house of representatives and the 20497  
senate. 20498

(2) Within forty-five days of issuance of the annual 20499  
financial report, the ~~agency's~~ executive director shall request 20500  
to appear in person before the committees described in division 20501  
~~(H) (1)~~ (F) (1) of this section to testify in regard to the 20502  
financial report and the report of programs. The testimony shall 20503  
include each of the following: 20504

(a) An overview of the annual plan adopted pursuant to 20505  
division ~~(E) (1)~~ (C) (1) of this section; 20506

(b) An evaluation of whether the objectives in the annual 20507  
plan were met through a comparison of the annual plan with the 20508  
annual financial report and report of programs; 20509

(c) A complete listing by award and amount of all business 20510  
and contractual relationships in excess of one hundred thousand 20511  
dollars between the agency and other entities and organizations 20512  
that participated in agency programs during the fiscal year 20513  
reported by the agency's annual financial report and report of 20514  
programs; 20515

(d) A complete listing by award and amount of the low- 20516  
income housing tax credit syndication and direct investor 20517  
entities for projects that received tax credit reservations and 20518  
IRS Form 8609 during the fiscal year. 20519

**Sec. 175.05.** (A) The Ohio housing finance agency shall, at 20520  
the direction of the director of development, do all of the 20521  
following related to the agency's operation: 20522

(1) Adopt bylaws for the conduct of ~~its~~ the agency's 20523

business; 20524

(2) Employ and fix the compensation of the executive 20525  
director who serves at the pleasure of the ~~agency~~ director of 20526  
development to administer the agency's programs and activities. 20527  
The executive director may employ and fix the compensation of 20528  
employees in the unclassified civil service as necessary to 20529  
carry out this chapter and may employ other personnel who are 20530  
governed by collective bargaining law and classified under that 20531  
law. The executive director shall carry out all duties as 20532  
described in section 175.053 of the Revised Code. 20533

(3) Establish an operating budget for the agency and 20534  
administer funds appropriated for the agency's use; 20535

(4) Notwithstanding any other provision of the Revised 20536  
Code, hold all moneys, funds, properties, and assets the agency 20537  
acquires or that are directly or indirectly within the agency's 20538  
control, including proceeds from the sale of bonds, revenues, 20539  
and otherwise, in trust for the purpose of exercising its powers 20540  
and carrying out its duties pursuant to this chapter. 20541  
Notwithstanding any other provision of the Revised Code other 20542  
than section 175.051 of the Revised Code, at no time shall the 20543  
agency's moneys, funds, properties, or assets be considered 20544  
public moneys, public funds, public properties, or public assets 20545  
or subject to Chapters 131. and 135. of the Revised Code. 20546

(5) Maintain a principal office and other offices within 20547  
the state. 20548

(B) The Ohio housing finance agency may do any of the 20549  
following related to the agency's operation: 20550

(1) Except as otherwise provided in section 174.04 of the 20551  
Revised Code, determine income limits for low- and moderate- 20552

income persons and establish periodic reviews of income limits. 20553  
In determining income limits, the agency shall take into 20554  
consideration the amount of income available for housing, family 20555  
size, the cost and condition of available housing, ability to 20556  
pay the amounts the private market charges for decent, safe, and 20557  
sanitary housing without federal subsidy or state assistance, 20558  
and the income eligibility standards of federal programs. Income 20559  
limits may vary from area to area within the state. 20560

(2) Provide technical information, advice, and assistance 20561  
related to obtaining federal and state aid to assist in the 20562  
planning, construction, rehabilitation, refinancing, and 20563  
operation of housing; 20564

(3) Provide information, assistance, or instruction 20565  
concerning agency programs, eligibility requirements, 20566  
application procedures, and other related matters; 20567

(4) Procure or require the procurement of insurance and 20568  
pay the premium against loss in connection with the agency's 20569  
operations, to include the repayment of a loan, in amounts and 20570  
from insurers, including the federal government, as the agency 20571  
determines; 20572

(5) Contract with, retain, or designate financial 20573  
consultants, accountants, and other consultants and independent 20574  
contractors, other than attorneys, whom the agency determines 20575  
are necessary or appropriate; 20576

(6) Charge, alter, and collect interest and other charges 20577  
for program services including, but not limited to, the 20578  
allocation of loan funds, the purchase of mortgage loans, and 20579  
the provision of services that include processing, inspecting, 20580  
and monitoring of housing units financed and the financial 20581

records for those units; 20582

(7) Conduct or authorize studies and analyses of housing 20583  
needs and conditions to the extent that those activities are not 20584  
carried out by other agencies in a manner that is satisfactory 20585  
for the agency's needs; 20586

(8) (a) Acquire by gift, purchase, foreclosure, investment, 20587  
or other means, and hold, assign, pledge, lease, transfer, or 20588  
otherwise dispose of real and personal property or any interest 20589  
in that property in the exercise of its powers and the 20590  
performance of its duties; 20591

(b) Any instrument by which real property is acquired 20592  
pursuant to this section shall identify the state agency that 20593  
has the use and benefit of the real property as specified in 20594  
section 5301.012 of the Revised Code. 20595

(9) (a) Borrow money, receive gifts, grants, loans, or 20596  
other assistance from any federal, state, local, or other 20597  
government source, including the housing development fund and 20598  
the housing trust fund, and enter into contracts in connection 20599  
with those sources of assistance; 20600

(b) Receive assistance or contributions from any 20601  
nongovernment source to include money, property, labor, or 20602  
things of value, to be held, used, and applied only for the 20603  
purposes for which the grants and contributions are made and 20604  
within the purposes of this chapter. 20605

(10) Sue and be sued in its own name with respect to its 20606  
contracts, obligations, and covenants, or the enforcement of 20607  
this chapter. Any actions against the agency shall be brought in 20608  
a court of competent jurisdiction located in Franklin county, 20609  
Ohio. 20610

(11) Enter into any contract, commitment, or agreement and	20611
execute any instrument necessary or incidental to the	20612
performance of duties and the execution of powers;	20613
 (12) Adopt an official seal;	20614
 (13) (a) Contract with any private or government entity to	20615
administer programs for which the agency receives sufficient	20616
revenues for its services or the agency supports with	20617
uncommitted agency resources that pay the agency's operating	20618
costs;	20619
 (b) Administer state and federal programs for which the	20620
governor designates the agency to act as administrator. The	20621
agency may charge administrative fees to the state, the federal	20622
government, or a program recipient.	20623
 (14) Notwithstanding any other provision of the Revised	20624
Code, establish, maintain, administer, and close funds and	20625
accounts as convenient or appropriate to the agency's	20626
operations;	20627
 (15) Establish a policy to permit the investment of agency	20628
funds in securities and obligations;	20629
 (16) Establish rules and procedures that the agency	20630
determines are appropriate to appeal the agency's actions and	20631
decisions;	20632
 (17) Serve housing needs in instances that the agency	20633
determines necessary as a public purpose;	20634
 (18) Provide coverage for its employees under Chapters	20635
145., 4123., and 4141. of the Revised Code;	20636
 (19) Adopt rules pursuant to Chapter 119. of the Revised	20637
Code;	20638

(20) Do anything necessary or appropriate to exercise the powers of this chapter and carry out the purposes of this chapter and Section 14, Article VIII and Section 16, Article VIII, Ohio Constitution.

(C) The attorney general shall serve as the legal representative for the Ohio housing finance agency and may appoint special counsel for that purpose in accordance with section 109.07 of the Revised Code.

**Sec. 175.053.** The executive director employed by the agency pursuant to division (A)(2) of section 175.05 of the Revised Code shall do all of the following:

(A) File financial disclosure statements as described in section 102.02 of the Revised Code;

(B) Ensure policies and procedures are developed and maintained for the operation and administration of the agency's programs and activities that encourage competition and minimize concentration. Policies and procedures shall address all applicable requirements described in the Revised Code and federal regulations.

(C) Provide an update, during the testimony described in division ~~(H)(2)~~ (F)(2) of section 175.04 of the Revised Code, on any audits performed during the fiscal year.

**Sec. 175.08.** (A) The Ohio housing finance agency may use the proceeds of bonds to carry out the agency's lawful purposes.

(B) The agency is the sole entity in the state that may issue bonds pursuant to Section 143(a) of the Internal Revenue Code or any similar provision of law. When the agency issues bonds to fund its homeownership program, it shall take all diligent measures to maximize the distribution of mortgage loans

statewide, especially in underserved areas of the state, 20668  
including but not limited to attempting to involve qualified 20669  
lending institutions throughout the state. 20670

(C) Bonds issued pursuant to this chapter need not comply 20671  
with any provision of the Revised Code not in this chapter that 20672  
applies to the issuance of bonds or notes. Notwithstanding any 20673  
other provision of the Revised Code, the deposit, application, 20674  
safeguarding, and investment of agency funds received or held 20675  
under the agency's bond proceedings are not subject to Chapters 20676  
131. and 135. of the Revised Code and at no time are those funds 20677  
public moneys or public funds. 20678

(D) (1) Bonds issued pursuant to this chapter do not 20679  
constitute a debt or the pledge of the faith and credit of this 20680  
state or any political subdivision of this state. The holders or 20681  
owners of the agency's bonds have no right to require the 20682  
general assembly or the taxing authority of any political 20683  
subdivision to levy taxes for the payment of the principal or 20684  
interest on the agency's bonds. Money raised by taxation shall 20685  
not be obligated or pledged for the payment of the principal or 20686  
interest on bonds the agency issues pursuant to this chapter. 20687

(2) Bonds issued pursuant to this chapter are payable 20688  
solely from the revenues and security interests pledged for 20689  
their payment as authorized by this chapter, except for bonds 20690  
the agency issues in anticipation of the issuance of bonds and 20691  
bonds that are refunded by refunding bonds. Refunding bonds are 20692  
payable solely from revenues and security interests pledged for 20693  
their payment as authorized by this chapter. 20694

(E) (1) Any pledge on bonds is valid and binding from the 20695  
time the pledge is made, and the revenues and security interests 20696  
pledged and received are immediately subject to the lien of the 20697

pledge without any physical delivery or further act. The lien of 20698  
the pledge is valid and binding as against all parties having 20699  
claims of any kind in tort, contract, or otherwise against the 20700  
agency, irrespective of whether the parties have notice of the 20701  
lien of the pledge. 20702

(2) Any resolution or trust agreement by which a pledge is 20703  
created need not be filed or recorded except in the records of 20704  
the agency. Any bond shall contain on its face a statement to 20705  
the effect that the bond, as to both principal and interest, is 20706  
not a debt of this state or any political subdivision of this 20707  
state, but is payable solely from the revenues and security 20708  
interests pledged for its payment. 20709

(F) The agency may issue bonds for any term, at any 20710  
interest rate, use any method of calculating interest including 20711  
a variable interest rate, and include any provision or condition 20712  
authorized pursuant to resolutions the agency adopts. The agency 20713  
may authorize bonds of any denomination, form, registration 20714  
privilege, medium of payment, place of payment, and term of 20715  
redemption. 20716

(G) The agency may sell bonds at public or private sale, 20717  
for an amount not less than the price that the agency 20718  
establishes. The ~~agency chairperson or vice chairperson~~ 20719  
executive director and any other officer that the agency 20720  
designates shall execute the bonds manually or by facsimile 20721  
signature. The agency may affix or print the agency's official 20722  
seal or a facsimile on the bonds. Any coupons attached to the 20723  
bonds shall bear the signature or facsimile signature of the 20724  
chairperson or vice chairperson and any other officer the agency 20725  
designates. If an officer whose signature appears on bonds or 20726  
coupons ceases to be an officer before the delivery of the 20727



bonds, that signature or facsimile is sufficient for all 20728  
purposes as if the officer had remained in office. If the agency 20729  
changes its seal after a facsimile is imprinted on the bonds, 20730  
the imprinted facsimile seal is sufficient for all purposes. The 20731  
agency may execute bonds in book entry form in any manner 20732  
appropriate to that form. 20733

(H) (1) Any resolution that authorizes bonds or an issue of 20734  
bonds may do any of the following: 20735

(a) Pledge any of the agency's revenues and security 20736  
interests to secure the payment of bonds or any issue of bonds; 20737

(b) Specify the use, investment, and disposition of the 20738  
agency's revenues; 20739

(c) Agree to establish, alter, and collect fees and other 20740  
charges in an amount that pledged revenues are sufficient to pay 20741  
the costs of operation and pay the principal and interest on 20742  
bonds secured by the pledge of the revenues; 20743

(d) Provide reserves that the resolution or trust 20744  
agreement requires; 20745

(e) Set aside reserve funds or sinking funds and regulate 20746  
and dispose of those funds; 20747

(f) Credit the proceeds of the sale of bonds to and among 20748  
the funds referred to or provided for in the trust agreement or 20749  
the resolution that authorized the issuance of bonds; 20750

(g) Establish limits on the purposes to which the proceeds 20751  
of the sale of bonds may be applied and pledge those proceeds to 20752  
secure the payment of the bonds or any issue of bonds; 20753

(h) Agree to do all things necessary for the 20754  
authorization, issuance, and sale of bonds in amounts necessary 20755

for the timely retirement of notes issued in anticipation of the	20756
issuance of bonds;	20757
(i) Establish limits on the issuance of additional bonds;	20758
(j) Establish the terms upon which additional bonds may be	20759
issued and secured;	20760
(k) Provide for the refunding of outstanding bonds;	20761
(l) Establish procedures for amending or abrogating the	20762
terms of any contract with bondholders;	20763
(m) Establish limits on the amount of moneys the agency	20764
may expend for operating, administrative, or other expenses;	20765
(n) Secure bonds by a trust agreement in accordance with	20766
section 175.06 of the Revised Code;	20767
(o) Establish rules and procedures to address matters that	20768
affect the security or protection of the bonds.	20769
(2) Any resolution authorizing bonds or an issue of bonds	20770
is subject to any agreement with bondholders that exists at the	20771
time of the resolution. The provisions of any resolution	20772
authorizing bonds becomes part of the contract with the	20773
bondholders.	20774
(I) No <del>agency member nor any</del> person executing agency bonds	20775
is liable personally on the bonds or is subject to any personal	20776
liability by reason of the issuance of the bonds.	20777
(J) Bonds issued pursuant to this chapter are deemed to be	20778
negotiable instruments, subject only to the provisions of the	20779
bonds for registration, and possessing the qualities and	20780
incidents of negotiable instruments, notwithstanding whether	20781
those bonds are of the form or character otherwise to be	20782

negotiable instruments. 20783

**Sec. 175.15.** The department of development, including the 20784  
Ohio housing finance agency ~~and the Ohio development services~~ 20785  
~~agency,~~ shall include pregnancy as a priority in its housing 20786  
assistance programs and local emergency shelter programs. ~~In~~ 20787  
~~consultation with the Ohio development services agency, the~~ The 20788  
Ohio housing finance agency may adopt rules in accordance with 20789  
Chapter 119. of the Revised Code that are necessary to implement 20790  
the requirements of this section. 20791

**Sec. 175.16.** (A) As used in this section: 20792

(1) "Federal credit" means the tax credit authorized under 20793  
section 42 of the Internal Revenue Code. 20794

(2) "Credit period," "qualified low-income building," and 20795  
"qualified basis" have the same meanings as in section 42 of the 20796  
Internal Revenue Code. 20797

(3) "Qualified project" means a qualified low-income 20798  
building that is located in Ohio, is placed in service on or 20799  
after July 1, 2023, and for which the director reserves a tax 20800  
credit under division (B) of this section before July 1, 2027. 20801

(4) "Pass-through entity" has the same meaning as in 20802  
section 5733.04 of the Revised Code. 20803

(5) "Project owner" means a person holding a fee simple 20804  
interest or a leasehold interest pursuant to a ground lease in 20805  
the land on which a qualified project sits. 20806

(6) "Reserved credit amount" means the amount determined 20807  
by the director and stipulated in the notice sent to each owner 20808  
of a qualified project under division (B) of this section. 20809

(7) "Annual credit amount" means the amount computed by 20810

the director under division (D) of this section prior to issuing 20811  
an eligibility certificate. 20812

(8) "Equity owner" means a direct or indirect owner of a 20813  
project owner, provided the project owner is a pass-through 20814  
entity, as determined under applicable state law governing such 20815  
an entity. 20816

(9) "Person" has the same meaning as in section 5701.01 of 20817  
the Revised Code. 20818

(10) "Eligibility certificate" means a certificate issued 20819  
by the director to each owner of a qualified project under 20820  
division (D) of this section stating the amount of credit that 20821  
may be claimed for each year of the credit period. 20822

(11) "Qualified allocation plan" means the plan developed 20823  
by the Ohio housing finance agency, as required under section 20824  
175.06 of the Revised Code, for evaluating and selecting 20825  
projects for the federal credit pursuant to the mandates and 20826  
requirements within section 42 of the Internal Revenue Code. 20827

(12) "Internal Revenue Code" has the same meaning as in 20828  
section 5747.01 of the Revised Code. 20829

(13) "Designated reporter" means the project owner or one 20830  
of the project owner's equity owners designated pursuant to 20831  
division (I)(1) of this section. 20832

(14) "Director" means the executive director of the Ohio 20833  
housing finance agency. 20834

(B) Except as otherwise provided by this division, the 20835  
director, upon allocating a federal credit and issuing a binding 20836  
reservation or letter of eligibility, pursuant to the Ohio 20837  
housing finance agency's qualified allocation plan, for a 20838

qualified low-income building that is located in this state and 20839  
placed in service on or after July 1, 2023, may reserve a tax 20840  
credit under this section for the project owners so long as 20841  
doing so will not result in exceeding the annual credit cap 20842  
prescribed by division (C) of this section. The director shall 20843  
not reserve a tax credit under this section after June 30, 2027. 20844

The director shall send written notice of the reservation 20845  
to each project owner. The notice shall state the aggregate 20846  
credit amount reserved for all years of the qualified project's 20847  
credit period and stipulate that receipt of the credit is 20848  
contingent upon issuance of an eligibility certificate and 20849  
filing the information described in division (I) of this 20850  
section. Upon receipt of that notice, the owner shall provide 20851  
the identity of the owner's designated reporter to the director. 20852

The director shall determine the credit amount reserved 20853  
for each qualified project. The reserved credit amount shall not 20854  
exceed the amount necessary, when combined with the federal 20855  
credit, to ensure the financial feasibility of the qualified 20856  
project. 20857

The director shall reserve credits in a manner that 20858  
ensures that a qualified project is creating additional housing 20859  
units that would not have otherwise been created with other 20860  
state, federal, or private financing. The director may assess 20861  
application, processing, and reporting fees to cover the cost of 20862  
administering the tax credit authorized under this section. 20863

(C) The aggregate amount of credits reserved by the 20864  
director under division (B) of this section in a fiscal year 20865  
shall not exceed the sum of (1) one hundred million dollars, (2) 20866  
the amount, if any, by which the credit cap prescribed by this 20867  
division for the preceding fiscal year exceeds the credits 20868

reserved by the director in that year, and (3) the amount of tax 20869  
credits recaptured or otherwise disallowed under division (G) of 20870  
this section in the preceding fiscal year. 20871

For the purpose of computing and determining compliance 20872  
with the credit cap prescribed by this division, the credit 20873  
amount reserved for the project owners of a qualified project is 20874  
the full amount for all years of the qualified project's credit 20875  
period. 20876

(D) Immediately after approving the final cost 20877  
certification for a qualified project for which a tax credit 20878  
under this section is reserved, or upon otherwise determining 20879  
the qualified basis of the qualified project and the date it was 20880  
placed into service as required by section 42(m) of the Internal 20881  
Revenue Code, the director shall compute the annual credit 20882  
amount and issue an eligibility certificate to each project 20883  
owner. The director shall send copies of all eligibility 20884  
certificates issued each calendar year to the tax commissioner 20885  
and the superintendent of insurance. 20886

The annual credit amount shall equal the lesser of the 20887  
following: 20888

(1) The amount of the federal credit that would be awarded 20889  
to the project owners for the first year of the credit period if 20890  
not for the adjustment required under section 42(f)(2) of the 20891  
Internal Revenue Code; 20892

(2) One-tenth of the reserved credit amount stated in the 20893  
notice issued under division (B) of this section. 20894

(E) Each eligibility certificate shall state the annual 20895  
credit amount, the years that comprise the credit period, the 20896  
name, address, and taxpayer identification number of each 20897

project owner, each owner's designated reporter, the date the  
certificate is issued, a unique identifying number, and any  
additional information prescribed by a rule adopted under  
division (H) of this section. A project owner, if the project  
owner is a pass-through entity, shall provide a copy of the  
eligibility certificate and any information described in  
division (I) of this section to each equity owner that has been  
allocated a credit under division (F)(2) of this section, if  
requested.

(F)(1) For each year of a qualified project's credit  
period, the project owner or an equity owner may claim a  
nonrefundable credit against the tax imposed by section 5725.18,  
5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal  
to all or a portion of the annual credit amount stated on the  
eligibility certificate. The credit shall be claimed in the  
manner prescribed by section 5725.36, 5726.58, 5729.19, or  
5747.83 of the Revised Code, as applicable.

(2) If a project owner is a pass-through entity, the  
annual credit amount for any year of a qualified project's  
credit period may be allocated by the project owner among one or  
more equity owners and may be applied by those equity owners  
against more than one tax, but the total credits claimed in  
connection with that year of the qualified project's credit  
period by all project owners and equity owners against all taxes  
shall not exceed the annual credit amount stated on the  
eligibility certificate.

(3) A project owner or equity owner may claim the credit  
authorized by this section after the date the qualified project  
is placed into service but not before the director issues the  
project owner an eligibility certificate under division (D) of

this section and the applicable report required by division (I) 20928  
of this section is filed by the designated reporter. 20929

(4) A project owner or equity owner that claims a tax 20930  
credit under division (F)(1) of this section shall submit a copy 20931  
of the eligibility certificate with the project owner's or 20932  
equity owner's tax return or report. Upon request of the tax 20933  
commissioner or the superintendent of insurance, any project 20934  
owner or equity owner claiming a tax credit under this section 20935  
shall provide the commissioner or superintendent other 20936  
documentation that may be necessary to verify that the project 20937  
owner or equity owner is entitled to claim the credit. 20938

(5) A project owner that is a pass-through entity may 20939  
allocate the credit authorized by this section to its equity 20940  
owners under division (F)(2) of this section in any manner 20941  
agreed to by such persons regardless of whether such equity 20942  
owners are eligible for an allocation of the federal credit, 20943  
whether the allocation of the credit under the terms of the 20944  
agreement has substantial economic effect within the meaning of 20945  
section 704(b) of the Internal Revenue Code, and whether any 20946  
such person is deemed a partner of the project owner or equity 20947  
owner for federal income tax purposes as long as the equity 20948  
owner acquired its ownership interest prior to claiming the 20949  
credit. The allocation shall be allowed without regard to any 20950  
provision of the Internal Revenue Code, or regulation 20951  
promulgated pursuant to it, that may be interpreted as contrary 20952  
to the allocation, including, without limitation, the treatment 20953  
of the allocation as a disguised sale. 20954

An equity owner may assign all or any part of its interest 20955  
in a qualified project, including its interest in the tax 20956  
credits authorized by this section, to one or more other equity 20957



owners, and each assignee shall be able to claim the credit so 20958  
long as its interest is acquired prior to the filing of its tax 20959  
return or report or amended tax return or report claiming the 20960  
credit and the assignee's ownership interest is identified in 20961  
the report required by division (I) of this section. 20962

(6) Nothing in this section or section 5725.36, 5726.58, 20963  
5729.19, or 5747.83 of the Revised Code allows the assignment or 20964  
transfer of any carryforward of the credit authorized under this 20965  
section once the annual credit amount is claimed. 20966

(G) If any portion of the federal credit allocated to a 20967  
qualified project is recaptured under section 42(j) of the 20968  
Internal Revenue Code or is otherwise disallowed, the director 20969  
shall recapture a proportionate amount of the tax credit claimed 20970  
pursuant to this section in connection with the same qualified 20971  
project. 20972

If the director determines to recapture such a tax credit, 20973  
the director shall certify the name of each project owner and 20974  
the amount to be recaptured to the tax commissioner and to the 20975  
superintendent of insurance. The commissioner or superintendent 20976  
shall determine the taxpayer or taxpayers that claimed the 20977  
credit, the tax against which the credit was claimed, and the 20978  
amount to be recaptured and make an assessment against the 20979  
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 20980  
5747. of the Revised Code, as applicable, for the amount of the 20981  
tax credit to be recaptured. The time limitations on assessments 20982  
under those chapters do not bar an assessment made under this 20983  
division. 20984

(H) The director, in consultation with the tax 20985  
commissioner and superintendent of insurance, shall adopt any 20986  
rules necessary to implement this section in accordance with 20987

Chapter 119. of the Revised Code. 20988

(I) (1) For each calendar year, a designated reporter shall 20989  
provide the tax commissioner ~~and the superintendent of~~ 20990  
~~insurance~~, in the form prescribed by the tax commissioner in 20991  
consultation with the superintendent of insurance, all of the 20992  
following: 20993

(a) The name, address, and taxpayer identification number 20994  
of each project owner and equity owner that has been allocated a 20995  
portion of the annual credit awarded on the eligibility 20996  
certificate for that year; 20997

(b) The amount of the annual credit allocated to each such 20998  
project owner and equity owner for such year and the tax against 20999  
which the credit will be claimed; 21000

(c) The total of the amounts listed for each project owner 21001  
and equity owner under division (I) (1) (b) of this section, 21002  
demonstrating that the total does not exceed the amount listed 21003  
on the eligibility certificate for that year. 21004

(2) A designated reporter shall notify the tax 21005  
commissioner ~~and the superintendent of insurance~~ of any changes 21006  
to the information reported in division (I) (1) of this section 21007  
in the time and manner prescribed by the commissioner ~~and~~ 21008  
~~superintendent~~. 21009

(3) No credit allocated under this section may be claimed 21010  
by a project owner or equity owner for a year unless that owner 21011  
and the amount of the credit allocated to that owner appear on 21012  
the report required by division (I) (1) of this section for that 21013  
year. 21014

The tax commissioner shall provide a copy of the report, 21015  
and any subsequent changes to the report, submitted by the 21016

designated reporter under division (I) of this section to the 21017  
superintendent of insurance in the time and manner agreed to by 21018  
the commissioner and superintendent. 21019

**Sec. 175.17.** (A) As used in this section: 21020

(1) "Qualified project" means a project to develop single- 21021  
family dwellings in this state that satisfies any qualifications 21022  
established by the director under division (I) of this section. 21023

(2) "Pass-through entity" has the same meaning as in 21024  
section 5733.04 of the Revised Code. 21025

(3) "Reserved credit amount" means the amount determined 21026  
by the director and stipulated in the notice sent under division 21027  
(B) of this section. 21028

(4) "Annual credit amount" means the amount computed by 21029  
the director under division (D) of this section before issuing 21030  
an eligibility certificate. 21031

(5) "Equity owner" means any person who directly or 21032  
indirectly, through one or more pass-through entities, is a 21033  
member, partner, or shareholder of a pass-through entity. 21034

(6) "Person" has the same meaning as in section 5701.01 of 21035  
the Revised Code. 21036

(7) "Eligibility certificate" means a certificate issued 21037  
by the director to a project development owner under division 21038  
(D) of this section. 21039

(8) "Project development owner" means a unit of government 21040  
that owns a qualified project. 21041

(9) "Affordability period" means the period that commences 21042  
on the date of sale of a single-family dwelling constructed as 21043

part of a qualified project to the initial qualified buyer and 21044  
continues through subsequent qualified buyers for ten years. 21045

(10) "Designated reporter" means the project development 21046  
owner or one of the owner's direct or indirect partners, 21047  
members, or shareholders, as selected by the owner under 21048  
division (B) of this section. 21049

(11) "Project development investor" means any person that 21050  
contributes capital to a qualified project in exchange for an 21051  
allocation of a tax credit under this section. 21052

(12) "Credit period" means the ten-year period that begins 21053  
in the year the eligibility certificate is issued. 21054

(13) "Director" means the executive director of the Ohio 21055  
housing finance agency. 21056

(14) "Unit of government" means a county, township, 21057  
municipal corporation, regional planning commission, community 21058  
improvement corporation, economic development corporation, or 21059  
county land reutilization corporation organized under Chapter 21060  
1724. of the Revised Code, or port authority. 21061

(15) "Project development team" means the group of 21062  
entities that develops, constructs, reports, appraises, 21063  
finances, and services the associated properties of a qualified 21064  
project in partnership with the project development owner. 21065

(B) (1) A project development owner may submit an 21066  
application to the director for a credit reservation under this 21067  
section on a form and in a manner that the director shall 21068  
prescribe. On the application, the project development owner 21069  
shall provide all of the following: 21070

(a) The name and address of the project development 21071

owner's designated reporter; 21072

(b) The names and addresses of all members of the project 21073  
development team; 21074

(c) An estimate of the qualified project's development 21075  
costs; 21076

(d) Any other information as the director may require 21077  
pursuant to division (I) of this section. 21078

The director shall competitively evaluate and approve 21079  
applications and award tax credit reservations under this 21080  
section for a qualified project in accordance with the plan 21081  
adopted under division (I) (1) of this section. The director 21082  
shall determine the credit amount reserved for each qualified 21083  
project, which shall not exceed the difference between the total 21084  
estimated development costs included with the application and 21085  
the appraised market value of all homes in the finished project, 21086  
as estimated by the director. The director shall not reserve a 21087  
credit under this section if doing so would exceed the annual 21088  
limit prescribed by division (B) (3) of this section. 21089

(2) The director shall send written notice of the tax 21090  
credit reservation to the project development owner of an 21091  
approved qualified project. The notice shall state the aggregate 21092  
credit amount reserved for all years of the qualified project's 21093  
credit period and stipulate that receipt of the credit is 21094  
contingent upon issuance of an eligibility certificate and 21095  
filing the information required by division (H) of this section. 21096

(3) The amount of credits reserved by the director under 21097  
division (B) of this section in a fiscal year shall not exceed 21098  
the sum of (a) fifty million dollars, (b) the amount, if any, by 21099  
which the credit allocation prescribed by this division for the 21100

preceding fiscal year exceeds the credits reserved by the 21101  
director in that year, and (c) the amount of tax credits 21102  
recaptured, assessed, and collected by the tax commissioner or 21103  
superintendent of insurance, and disallowed or subject to 21104  
reduction under this section in the preceding fiscal year. For 21105  
the purpose of computing and determining compliance with the 21106  
credit allocation prescribed by division (B)(3) of this section, 21107  
the credit amount reserved for the project development owner is 21108  
the full amount for all years of the qualified project's credit 21109  
period. 21110

(4) The director shall not reserve a tax credit under this 21111  
section after June 30, 2027. 21112

(C) The project development owner shall maintain ownership 21113  
of a qualified project and associated single-family dwellings 21114  
until the dwellings are sold to qualified buyers. The project 21115  
development team shall service the associated properties of a 21116  
qualified project for the duration of the applicable 21117  
affordability period. 21118

The qualified buyer of a single-family home constructed as 21119  
part of a qualified project for which a tax credit was reserved 21120  
under this section shall occupy the home as the buyer's primary 21121  
residence during the affordability period. 21122

(D) Upon completion of a qualified project for which a tax 21123  
credit was reserved under this section, the project development 21124  
owner shall notify the director and provide a final development 21125  
cost certification for approval. After receipt of this notice, 21126  
the director shall appraise the project's dwellings. Immediately 21127  
after approving the final cost certification, the director shall 21128  
compute the amount of the tax credit that may be claimed in each 21129  
year and issue an eligibility certificate to the project 21130

development owner. That annual amount, which shall be stated on 21131  
the certificate, shall equal one-tenth of the reserved credit 21132  
amount stated in the notice issued under division (B) of this 21133  
section, subject to any reduction or increase as the result of 21134  
the approval of the final cost certification and the appraisal 21135  
conducted under this division. 21136

(E) Each eligibility certificate shall state the annual 21137  
credit amount, the years that comprise the credit period, the 21138  
name, address, and the taxpayer identification number of the 21139  
project development owner, the project development owner's 21140  
designated reporter, and all members of the project development 21141  
team along with the date the certificate is issued, a unique 21142  
identifying number, and any additional information the director 21143  
may require by rule. The director shall certify a copy of each 21144  
eligibility certificate to the tax commissioner and the 21145  
superintendent of insurance. 21146

(F) (1) For each year of a qualified project's credit 21147  
period, a project development owner may claim a nonrefundable 21148  
credit against the tax imposed by section 5725.18, 5726.02, 21149  
5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or 21150  
a portion of the annual credit amount listed on the eligibility 21151  
certificate. The credit shall be claimed in the manner 21152  
prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of 21153  
the Revised Code. 21154

(2) A project development owner may or, if the owner is 21155  
not subject to any tax against which the credit authorized under 21156  
this section may be claimed, shall allocate all or a portion of 21157  
the annual credit amount for any year of a qualified project's 21158  
credit period among one or more project development investors. 21159  
Such allocated credits may be applied by those project 21160

development investors or the equity owners of such an investor 21161  
that is a pass-through entity against more than one tax, as 21162  
applicable, but the total credits claimed for that year of the 21163  
qualified project's credit period by all project development 21164  
investors and equity owners shall not exceed the annual credit 21165  
amount stated on the eligibility certificate. 21166

(3) A project development investor or the equity owner of 21167  
such an investor that is a pass-through entity may claim the 21168  
credit authorized by this section after the date the director 21169  
issues an eligibility certificate under division (D) of this 21170  
section and the applicable annual report required by division 21171  
(H) of this section is filed by the designated reporter. 21172

(4) A project development investor or equity owner that 21173  
claims a tax credit under division (F) (2) of this section shall 21174  
submit a copy of the eligibility certificate with the investor's 21175  
or equity owner's tax return. Upon request of the tax 21176  
commissioner or the superintendent of insurance, any project 21177  
development investor or equity owner claiming a tax credit under 21178  
that division shall provide the tax commissioner or 21179  
superintendent other documentation that may be necessary to 21180  
verify that the project development investor or equity owner is 21181  
entitled to claim the credit. 21182

(G) The director may disallow or recapture any portion of 21183  
a credit if the project development owner or the project 21184  
development owner's qualified project does not or ceases to 21185  
qualify for the credit. If the director determines to recapture 21186  
such a tax credit, the director shall certify the name of the 21187  
project development owner, and the amount to be recaptured to 21188  
the tax commissioner and to the superintendent of insurance. The 21189  
tax commissioner or superintendent shall determine the taxpayer 21190



or taxpayers that claimed the credit, the tax against which the 21191  
credit was claimed, and the amount to be recaptured and make an 21192  
assessment against the taxpayer or taxpayers under Chapter 21193  
5725., 5726., 5729., or 5747. of the Revised Code, as 21194  
applicable, for the amount to be recaptured. The time 21195  
limitations on assessments under those chapters do not bar an 21196  
assessment made under this division. 21197

(H) For each calendar year, a designated reporter shall 21198  
provide the following information to the ~~director tax~~ 21199  
commissioner on a form prescribed by the ~~director~~ commissioner 21200  
in consultation with ~~the tax commissioner and~~ the superintendent 21201  
of insurance: 21202

(1) A list of each project development investor or equity 21203  
owner that has been allocated a portion of the annual credit 21204  
awarded in an eligibility certificate for that year, including 21205  
the investor or owner's name, address, taxpayer identification 21206  
number, and the tax against which the credit will be claimed by 21207  
each. 21208

(2) For each project development investor or equity owner, 21209  
the amount of annual credit that has been allocated for that 21210  
year. 21211

(3) An aggregate list of the credit amount allocated for a 21212  
qualified project demonstrating that the aggregate annual amount 21213  
of the credits allocated does not exceed the aggregate annual 21214  
credit awarded in the eligibility certificate. 21215

A designated reporter shall notify the ~~director tax~~ 21216  
commissioner of any changes to the information reported under 21217  
division (H) of this section in the time and manner prescribed 21218  
by the ~~director~~ commissioner. The ~~director~~ commissioner shall 21219

provide a copy of the report, and any subsequent changes to the 21220  
report, submitted by the designated reporter under division (H) 21221  
of this section to ~~the tax commissioner and the~~ superintendent 21222  
of insurance in the time and manner ~~prescribed~~ agreed to by the 21223  
commissioner and superintendent. 21224

No credits allocated under this section may be claimed 21225  
unless the credits are listed on the report required by division 21226  
(H) of this section. 21227

(I) (1) The director shall adopt a plan for competitively 21228  
awarding tax credits under this section. The plan shall 21229  
establish the criteria and metrics under which projects will be 21230  
assessed for qualification and may allocate tax credits in a 21231  
pooled manner. 21232

(2) The director may assess application, processing, and 21233  
reporting fees to cover the cost of administering this section. 21234

(3) The director, in consultation with the tax 21235  
commissioner and the superintendent of insurance, shall adopt 21236  
any rules necessary to implement this section in accordance with 21237  
Chapter 119. of the Revised Code. Such rules may include all of 21238  
the following: 21239

(a) Supplementary definitions as may be necessary to 21240  
administer this section. 21241

(b) Underwriting criteria to assess the risk associated 21242  
with any application and determine appropriate criteria to deny 21243  
an application based upon risk. 21244

(c) Criteria by which a project development owner shall be 21245  
responsible for any or all risk associated with a qualified 21246  
project such as homeowner abandonment, default, foreclosure, or 21247  
other such risks. 21248

(d) Criteria to maintain the affordability of each of a 21249  
qualified project's single-family dwellings during the 21250  
affordability period, which may include a deed restriction held 21251  
by the project development owner for some or all of the amount 21252  
of the tax credit or any appreciated value of the property. 21253

(e) Requirements that the project development owner 21254  
provide certain capital assets or other investments that 21255  
contribute to the affordability of the project. 21256

(f) Criteria to be used in determining whether an 21257  
individual is a qualified buyer. 21258

(g) Criteria regarding the purchase, ownership, and sale 21259  
of completed qualified project single-family dwellings. 21260

(h) The manner of determining the project's development 21261  
costs and the appraised market value of qualified project 21262  
single-family dwellings. 21263

(i) Any other qualifications a project must meet to 21264  
qualify as a qualified project. 21265

**Sec. 176.05.** (A) (1) Notwithstanding any provision of law 21266  
to the contrary, the rate of wages payable for the various 21267  
occupations covered by sections 4115.03 to 4115.16 of the 21268  
Revised Code to persons employed on a project who are not any of 21269  
the following shall be determined according to this section: 21270

(a) Qualified volunteers; 21271

(b) Persons required to participate in a work activity, 21272  
developmental activity, or alternative work activity under 21273  
sections 5107.40 to 5107.69 of the Revised Code except those 21274  
engaged in paid employment or subsidized employment pursuant to 21275  
the activity; 21276

(c) Supplemental nutrition assistance program benefit 21277  
recipients required to participate in employment and training 21278  
activities established by rules adopted under section 5101.54 of 21279  
the Revised Code. 21280

An association representing the general contractors or 21281  
subcontractors that engage in the business of residential 21282  
construction in a certain locality shall negotiate with the 21283  
applicable building and construction trades council in that 21284  
locality an agreement or understanding that sets forth the 21285  
residential prevailing rate of wages, payable on projects in 21286  
that locality, for each of the occupations employed on those 21287  
projects. 21288

(2) Notwithstanding any residential prevailing rate of 21289  
wages established prior to July 1, 1995, if, by October 1, 1995, 21290  
the parties are unable to agree under division (A) (1) of this 21291  
section as to the rate of wages payable for each occupation 21292  
covered by sections 4115.03 to 4115.16 of the Revised Code, the 21293  
director of commerce shall establish the rate of wages payable 21294  
for each occupation. 21295

(3) The residential prevailing rate of wages established 21296  
under division (A) (1) or (2) of this section shall not be equal 21297  
to or greater than the prevailing rate of wages determined by 21298  
the director pursuant to sections 4115.03 to 4115.16 of the 21299  
Revised Code for any of the occupations covered by those 21300  
sections. 21301

(B) Except for the prevailing rate of wages determined by 21302  
the director pursuant to sections 4115.03 to 4115.16 of the 21303  
Revised Code, those sections and section 4115.99 of the Revised 21304  
Code apply to projects. 21305

(C) The residential prevailing rate of wages established 21306  
under division (A) of this section is not payable to any 21307  
individual or member of that individual's family who provides 21308  
labor in exchange for acquisition of the property for 21309  
homeownership or who provides labor in place of or as a 21310  
supplement to any rental payments for the property. 21311

(D) For the purposes of this section: 21312

(1) "Project" means any construction, rehabilitation, 21313  
remodeling, or improvement of residential housing, whether on a 21314  
single or multiple site for which a person, as defined in 21315  
section 1.59 of the Revised Code, or municipal corporation, 21316  
county, or township receives financing, that is financed in 21317  
whole or in part from state moneys or pursuant to this chapter, 21318  
section 133.51 or 307.698 of the Revised Code, or Chapter 174. 21319  
or 175. of the Revised Code, except for any of the following: 21320

(a) The single-family mortgage revenue bonds homeownership 21321  
program under Chapter 175. of the Revised Code, including owner- 21322  
occupied dwellings of one to four units; 21323

(b) Projects consisting of fewer than six units developed 21324  
by any entity that is not a nonprofit organization exempt from 21325  
federal income tax under section 501(c)(3) of the Internal 21326  
Revenue Code; 21327

(c) Projects of fewer than twenty-five units developed by 21328  
any nonprofit organization that is exempt from federal income 21329  
tax under section 501(c)(3) of the Internal Revenue Code; 21330

(d) Programs undertaken by any municipal corporation, 21331  
county, or township, including lease-purchase programs, using 21332  
mortgage revenue bond financing; 21333

(e) Projects to develop, repair, or upgrade water, sewer, 21334

transportation, electric, or gas infrastructure needed for the 21335  
construction of single-family, residential dwellings that are 21336  
part of a residential development project using funds provided 21337  
under the residential development revolving loan program 21338  
established under section 122.98 of the Revised Code; 21339

(f) Any individual project, that is sponsored or developed 21340  
by a nonprofit organization that is exempt from federal income 21341  
tax under section 501(c)(3) of the Internal Revenue Code, for 21342  
which the federal government or any of its agencies furnishes by 21343  
loan, grant, low-income housing tax credit, or insurance more 21344  
than twelve per cent of the costs of the project. For purposes 21345  
of division ~~(D)(2)(e)~~ (D)(1)(f) of this section, the value of the 21346  
low-income housing tax credits shall be calculated as the 21347  
proceeds from the sale of the tax credits, less the costs of the 21348  
sale. 21349

As used in division ~~(D)(1)(e)~~ (D)(1)(f) of this section, 21350  
"sponsored" means that a general partner of a limited 21351  
partnership owning the project or a managing member of a limited 21352  
liability company owning the project is either a nonprofit 21353  
organization that is exempt from federal income tax under 21354  
section 501(c)(3) of the Internal Revenue Code or a person, as 21355  
defined in section 1.59 of the Revised Code, or a limited 21356  
liability company in which such a nonprofit organization 21357  
maintains controlling interest. For purposes of this division, a 21358  
general partner of a limited partnership that is a nonprofit 21359  
organization described under this division is not required to be 21360  
the sole general partner in the limited partnership, and a 21361  
managing member of a limited liability company that is a 21362  
nonprofit organization described under this division is not 21363  
required to be the sole managing member in the limited liability 21364  
company. 21365

Nothing in division ~~(D) (1) (e)~~ (D) (1) (f) of this section 21366  
shall be construed as permitting unrelated projects to be 21367  
combined for the sole purpose of determining the total 21368  
percentage of project costs furnished by the federal government 21369  
or any of its agencies. 21370

(2) A "project" is a "public improvement" and the state or 21371  
a political subdivision that undertakes or participates in the 21372  
financing of a project is a "public authority," as both of the 21373  
last two terms are defined in section 4115.03 of the Revised 21374  
Code. 21375

(3) "Qualified volunteers" are volunteers who are working 21376  
without compensation for a nonprofit organization that is exempt 21377  
from federal income tax under section 501(c)(3) of the Internal 21378  
Revenue Code, and that is providing housing or housing 21379  
assistance only to families and individuals in a county whose 21380  
incomes are not greater than one hundred forty per cent of the 21381  
median income of that county as determined under section 174.04 21382  
of the Revised Code. 21383

**Sec. 303.12.** (A) (1) Amendments to the zoning resolution 21384  
may be initiated by motion of the county rural zoning 21385  
commission, by the passage of a resolution by the board of 21386  
county commissioners, or by the filing of an application by one 21387  
or more of the owners or lessees of property within the area 21388  
proposed to be changed or affected by the proposed amendment 21389  
with the county rural zoning commission. The board of county 21390  
commissioners may require that the owner or lessee of property 21391  
filing an application to amend the zoning resolution pay a fee 21392  
to defray the cost of advertising, mailing, filing with the 21393  
county recorder, and other expenses. If the board of county 21394  
commissioners requires such a fee, it shall be required 21395

generally, for each application. The board of county 21396  
commissioners, upon the passage of such a resolution, shall 21397  
certify it to the county rural zoning commission. 21398

(2) Upon the adoption of a motion by the county rural 21399  
zoning commission, the certification of a resolution by the 21400  
board of county commissioners to the commission, or the filing 21401  
of an application by property owners or lessees as described in 21402  
division (A) (1) of this section with the commission, the 21403  
commission shall set a date for a public hearing, which date 21404  
shall not be less than twenty nor more than forty days from the 21405  
date of adoption of such a motion, the date of the certification 21406  
of such a resolution, or the date of the filing of such an 21407  
application. Notice of the hearing shall be given by the 21408  
commission by one publication at least ten days before the date 21409  
of the hearing, using at least one of the following methods: 21410

(a) In the print or digital edition of one or more 21411  
newspapers of general circulation in each township affected by 21412  
the proposed amendment; 21413

(b) On the official public notice web site established 21414  
under section 125.182 of the Revised Code; 21415

(c) On the web site and social media account of the 21416  
county. 21417

(B) If the proposed amendment intends to rezone or 21418  
redistrict ten or fewer parcels of land, as listed on the county 21419  
auditor's current tax list, written notice of the hearing shall 21420  
be mailed by the county rural zoning commission, by first class 21421  
mail, at least ten days before the date of the public hearing to 21422  
all owners of property within and contiguous to and directly 21423  
across the street from the area proposed to be rezoned or 21424



redistricted to the addresses of those owners appearing on the 21425  
county auditor's current tax list. The failure of delivery of 21426  
that notice shall not invalidate any such amendment. 21427

(C) If the proposed amendment intends to rezone or 21428  
redistrict ten or fewer parcels of land as listed on the county 21429  
auditor's current tax list, the published and mailed notices 21430  
shall set forth the time, date, and place of the public hearing 21431  
and include all of the following: 21432

(1) The name of the county rural zoning commission that 21433  
will be conducting the hearing; 21434

(2) A statement indicating that the motion, resolution, or 21435  
application is an amendment to the zoning resolution; 21436

(3) A list of the addresses of all properties to be 21437  
rezoned or redistricted by the proposed amendment and of the 21438  
names of owners of these properties, as they appear on the 21439  
county auditor's current tax list; 21440

(4) The present zoning classification of property named in 21441  
the proposed amendment and the proposed zoning classification of 21442  
that property; 21443

(5) The time and place where the motion, resolution, or 21444  
application proposing to amend the zoning resolution will be 21445  
available for examination for a period of at least ten days 21446  
prior to the hearing; 21447

(6) The name of the person responsible for giving notice 21448  
of the public hearing by publication, by mail, or by both 21449  
publication and mail; 21450

(7) A statement that, after the conclusion of the hearing, 21451  
the matter will be submitted to the board of county 21452

commissioners for its action; 21453

(8) Any other information requested by the commission. 21454

(D) If the proposed amendment alters the text of the 21455  
zoning resolution, or rezones or redistricts more than ten 21456  
parcels of land as listed on the county auditor's current tax 21457  
list, the published notice shall set forth the time, date, and 21458  
place of the public hearing and include all of the following: 21459

(1) The name of the county rural zoning commission that 21460  
will be conducting the hearing on the proposed amendment; 21461

(2) A statement indicating that the motion, application, 21462  
or resolution is an amendment to the zoning resolution; 21463

(3) The time and place where the text and maps of the 21464  
proposed amendment will be available for examination for a 21465  
period of at least ten days prior to the hearing; 21466

(4) The name of the person responsible for giving notice 21467  
of the hearing by publication; 21468

(5) A statement that, after the conclusion of the hearing, 21469  
the matter will be submitted to the board of county 21470  
commissioners for its action; 21471

(6) Any other information requested by the commission. 21472

Hearings shall be held in the county court house or in a 21473  
public place designated by the commission. 21474

(E) Within five days after the adoption of the motion 21475  
described in division (A) of this section, the certification of 21476  
the resolution described in division (A) of this section, or the 21477  
filing of the application described in division (A) of this 21478  
section, the county rural zoning commission shall transmit a 21479

copy of it together with text and map pertaining to it to the 21480  
county or regional planning commission, if there is such a 21481  
commission. 21482

The county or regional planning commission shall recommend 21483  
the approval or denial of the proposed amendment or the approval 21484  
of some modification of it and shall submit its recommendation 21485  
to the county rural zoning commission. The recommendation shall 21486  
be considered at the public hearing held by the county rural 21487  
zoning commission on the proposed amendment. 21488

The county rural zoning commission, within thirty days 21489  
after the hearing, shall recommend the approval or denial of the 21490  
proposed amendment, or the approval of some modification of it, 21491  
and shall submit that recommendation together with the motion, 21492  
application, or resolution involved, the text and map pertaining 21493  
to the proposed amendment, and the recommendation of the county 21494  
or regional planning commission on it to the board of county 21495  
commissioners. 21496

The board of county commissioners, upon receipt of that 21497  
recommendation, shall set a time for a public hearing on the 21498  
proposed amendment, which date shall be not more than thirty 21499  
days from the date of the receipt of that recommendation. Notice 21500  
of the hearing shall be given by the board by one publication at 21501  
least ten days before the date of the hearing, using at least 21502  
one of the following methods: 21503

(1) In the print or digital edition of one or more 21504  
newspapers of general circulation in the county; 21505

(2) On the official public notice web site established 21506  
under section 125.182 of the Revised Code; 21507

(3) On the web site and social media account of the 21508

county. 21509

(F) If the proposed amendment intends to rezone or 21510  
redistrict ten or fewer parcels of land as listed on the county 21511  
auditor's current tax list, the published notice shall set forth 21512  
the time, date, and place of the public hearing and include all 21513  
of the following: 21514

(1) The name of the board of county commissioners that 21515  
will be conducting the hearing; 21516

(2) A statement indicating that the motion, application, 21517  
or resolution is an amendment to the zoning resolution; 21518

(3) A list of the addresses of all properties to be 21519  
rezoned or redistricted by the proposed amendment and of the 21520  
names of owners of those properties, as they appear on the 21521  
county auditor's current tax list; 21522

(4) The present zoning classification of property named in 21523  
the proposed amendment and the proposed zoning classification of 21524  
that property; 21525

(5) The time and place where the motion, application, or 21526  
resolution proposing to amend the zoning resolution will be 21527  
available for examination for a period of at least ten days 21528  
prior to the hearing; 21529

(6) The name of the person responsible for giving notice 21530  
of the hearing by publication, by mail, or by both publication 21531  
and mail; 21532

(7) Any other information requested by the board. 21533

(G) If the proposed amendment alters the text of the 21534  
zoning resolution, or rezones or redistricts more than ten 21535  
parcels of land as listed on the county auditor's current tax 21536

list, the published notice shall set forth the time, date, and 21537  
place of the public hearing and include all of the following: 21538

(1) The name of the board of county commissioners that 21539  
will be conducting the hearing on the proposed amendment; 21540

(2) A statement indicating that the motion, application, 21541  
or resolution is an amendment to the zoning resolution; 21542

(3) The time and place where the text and maps of the 21543  
proposed amendment will be available for examination for a 21544  
period of at least ten days prior to the hearing; 21545

(4) The name of the person responsible for giving notice 21546  
of the hearing by publication; 21547

(5) Any other information requested by the board. 21548

(H) Within twenty days after its public hearing, the board 21549  
of county commissioners shall either adopt or deny the 21550  
recommendation of the county rural zoning commission or adopt 21551  
some modification of it. If the board denies or modifies the 21552  
commission's recommendation, a majority vote of the board shall 21553  
be required. 21554

~~The~~ Except as provided in division (I) of this section, 21555  
the proposed amendment, if adopted by the board, shall become 21556  
effective in thirty days after the date of its adoption, unless, 21557  
within thirty days after the adoption, there is presented to the 21558  
board of county commissioners a petition, signed by a number of 21559  
qualified voters residing in the unincorporated area of the 21560  
township or part of that unincorporated area included in the 21561  
zoning plan equal to not less than eight per cent of the total 21562  
vote cast for all candidates for governor in that area at the 21563  
most recent general election at which a governor was elected, 21564  
requesting the board to submit the amendment to the electors of 21565

that area for approval or rejection at a special election to be 21566  
held on the day of the next primary or general election 21567  
occurring at least ninety days after the petition is submitted. 21568  
Each part of this petition shall contain the number and the full 21569  
and correct title, if any, of the zoning amendment resolution, 21570  
motion, or application, furnishing the name by which the 21571  
amendment is known and a brief summary of its contents. In 21572  
addition to meeting the requirements of this section, each 21573  
petition shall be governed by the rules specified in section 21574  
3501.38 of the Revised Code. 21575

The form of a petition calling for a zoning referendum and 21576  
the statement of the circulator shall be substantially as 21577  
follows: 21578

"PETITION FOR ZONING REFERENDUM 21579

(if the proposal is identified by a particular name or number, 21580  
or both, these should be inserted here) \_\_\_\_\_ 21581

A proposal to amend the zoning map of the unincorporated 21582  
area of \_\_\_\_\_ Township, \_\_\_\_\_ County, 21583  
Ohio, adopted \_\_\_\_\_ (date) \_\_\_\_\_ (followed by brief 21584  
summary of the proposal). 21585

To the Board of County Commissioners of \_\_\_\_\_ 21586  
County, Ohio: 21587

We, the undersigned, being electors residing in the 21588  
unincorporated area of \_\_\_\_\_ Township, included within 21589  
the \_\_\_\_\_ County Zoning Plan, equal to not less than 21590  
eight per cent of the total vote cast for all candidates for 21591  
governor in the area at the preceding general election at which 21592  
a governor was elected, request the Board of County 21593  
Commissioners to submit this amendment of the zoning resolution 21594

to the electors of \_\_\_\_\_ Township residing within the 21595  
unincorporated area of the township included in the 21596  
\_\_\_\_\_ County Zoning Resolution, for approval or 21597  
rejection at a special election to be held on the day of the 21598  
next primary or general election to be held on 21599  
\_\_\_\_\_ (date) \_\_\_\_\_, pursuant to section 303.12 of the Revised 21600  
Code. 21601

Street Address Date of 21602  
Signature or R.F.D. Township Precinct County Signing 21603  
\_\_\_\_\_  
\_\_\_\_\_ 21604  
\_\_\_\_\_ 21605

STATEMENT OF CIRCULATOR 21606

I, \_\_\_\_\_ (name of circulator) \_\_\_\_\_, 21607  
declare under penalty of election falsification that I am an 21608  
elector of the state of Ohio and reside at the address appearing 21609  
below my signature; that I am the circulator of the foregoing 21610  
part petition containing \_\_\_\_\_ (number) \_\_\_\_\_ signatures; that I 21611  
have witnessed the affixing of every signature; that all signers 21612  
were to the best of my knowledge and belief qualified to sign; 21613  
and that every signature is to the best of my knowledge and 21614  
belief the signature of the person whose signature it purports 21615  
to be or of an attorney in fact acting pursuant to section 21616  
3501.382 of the Revised Code. 21617

\_\_\_\_\_  
21618

(Signature of circulator) 21619

\_\_\_\_\_  
21620

(Address of circulator's 21621  
permanent residence in this 21622

state) 21623

---

21624

(City, village, or township, 21625

and zip code) 21626

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 21627

FELONY OF THE FIFTH DEGREE." 21628

No amendment for which such a referendum vote has been 21629

requested shall be put into effect unless a majority of the vote 21630

cast on the issue is in favor of the amendment. Upon 21631

certification by the board of elections that the amendment has 21632

been approved by the voters, it shall take immediate effect. 21633

Within five working days after an amendment's effective 21634

date, the board of county commissioners shall file the text and 21635

maps of the amendment in the office of the county recorder and 21636

with the regional or county planning commission, if one exists. 21637

The failure to file any amendment, or any text and maps, 21638

or duplicates of any of these documents, with the office of the 21639

county recorder or the county or regional planning commission as 21640

required by this section does not invalidate the amendment and 21641

is not grounds for an appeal of any decision of the board of 21642

zoning appeals. 21643

(I) If a proposed amendment establishes or modifies 21644

planned-unit development regulations, the following apply in 21645

lieu of the contrary provisions of division (H) of this section: 21646

(1) The petition shall be signed by a number of registered 21647

electors residing in the territory where the planned-unit 21648

development regulations apply or will apply equal to not less 21649

than thirty-five per cent of the total vote cast for all 21650



candidates for governor in that territory at the most recent 21651  
general election at which a governor was elected. 21652

(2) The board of elections shall determine the sufficiency 21653  
and validity of the petition not later than thirty days after 21654  
the petition is certified to the board of elections by the board 21655  
of county commissioners. 21656

(3) If the board of elections determines there is an 21657  
insufficient number of valid signatures, the board immediately 21658  
shall notify the person who presented the petition. The person 21659  
may submit additional signatures not later than ten days after 21660  
the notification. 21661

**Sec. 305.02.** (A) If a vacancy in the office of county 21662  
commissioner, prosecuting attorney, county auditor, county 21663  
treasurer, clerk of the court of common pleas, sheriff, county 21664  
recorder, or county engineer, ~~or coroner~~ occurs more than forty 21665  
days before the next general election for state and county 21666  
officers, a successor shall be elected at such election for the 21667  
unexpired term unless such term expires within one year 21668  
immediately following the date of such general election. 21669

In either event, the vacancy shall be filled as provided 21670  
in this section and the appointee shall hold office until a 21671  
successor is elected and qualified. 21672

(B) If a vacancy occurs from any cause in any of the 21673  
offices named in division (A) of this section, then not later 21674  
than forty-five days after the vacancy occurs, a person shall be 21675  
appointed to hold the office and to perform the duties thereof 21676  
until a successor is elected and has qualified. The appointment 21677  
shall be made as follows: 21678

(1) If the last occupant of the office was elected as a 21679

partisan candidate, the county central committee of the 21680  
political party that nominated the last occupant of the office 21681  
for the current term shall make the appointment. However, if 21682  
such vacancy occurs because of the death, resignation, or 21683  
inability to take the office of an officer-elect whose term has 21684  
not yet begun, and the officer-elect was elected as a partisan 21685  
candidate, an appointment to take such office at the beginning 21686  
of the term shall be made by the central committee of the 21687  
political party that nominated the officer-elect as a candidate 21688  
for that office for that term. 21689

A county central committee that makes an appointment under 21690  
division (B)(1) of this section shall meet for that purpose not 21691  
less than five nor more than forty-five days after the vacancy 21692  
occurs. Not less than four days before the date of such meeting 21693  
the chairperson or secretary of such central committee shall 21694  
send by first class mail to every member of such central 21695  
committee a written notice which shall state the time and place 21696  
of such meeting and the purpose thereof. A majority of the 21697  
members of the central committee present at such meeting may 21698  
make the appointment. 21699

(2) If the last occupant of the office or the officer- 21700  
elect was elected to serve the current term as an independent 21701  
candidate, the board of county commissioners shall make the 21702  
appointment, except where the vacancy is in the office of county 21703  
commissioner, in which case the prosecuting attorney and the 21704  
remaining commissioners or a majority of them shall make the 21705  
appointment. 21706

(C) Appointments made under this section shall be 21707  
certified by the appointing county central committee or by the 21708  
board of county commissioners to the county board of elections 21709

and to the secretary of state, and the persons so appointed and 21710  
certified shall be entitled to all remuneration provided by law 21711  
for the offices to which they are appointed. 21712

(D) The board of county commissioners may appoint a person 21713  
to hold any of the offices named in division (A) of this section 21714  
as an acting officer and to perform the duties thereof between 21715  
the occurrence of the vacancy and the time when the officer 21716  
appointed under division (B) of this section qualifies and takes 21717  
the office. 21718

(E) A person appointed prosecuting attorney or assistant 21719  
prosecuting attorney shall give bond and take the oath of office 21720  
prescribed by section 309.03 of the Revised Code for the 21721  
prosecuting attorney. 21722

**Sec. 305.021.** (A) When there is a vacancy in the county 21723  
engineer's office as a result of death or resignation and the 21724  
vacancy cannot be filled by election or appointment as provided 21725  
in section 305.02 of the Revised Code, or if no one runs for the 21726  
office of county engineer and, for that reason, the office is 21727  
vacant, the board of county commissioners may contract with 21728  
another county's county engineer to exercise the powers and 21729  
perform the acts, duties, or functions of the county engineer. 21730  
Notwithstanding any contrary provision of the Revised Code or 21731  
the common law, the same person may serve as the county engineer 21732  
of more than one county, including adjacent counties, under this 21733  
section. 21734

(B) A county engineer with whom the board contracts shall 21735  
receive supplemental compensation for services rendered under 21736  
the contract in an amount equal to that is not less than eighty 21737  
per cent nor more than one hundred per cent of the compensation 21738  
specified in sections 325.14 and 325.18 of the Revised Code for 21739

the population range of the county in which the engineer is 21740  
contracted to perform services, prorated for the duration of the 21741  
contract. The supplemental compensation shall have no effect on 21742  
the compensation a county engineer receives for serving as 21743  
county engineer in the county in which the engineer holds 21744  
office. The duration of the contract shall not extend beyond the 21745  
last day of the term for which there was a vacancy. 21746

**Sec. 305.03.** ~~(A) (1)~~ (A) Whenever any county officer, ~~except~~ 21747  
~~the county auditor or county treasurer,~~ fails to perform the 21748  
duties of office for ~~ninety~~ thirty consecutive days, except in 21749  
case of sickness or injury as provided in divisions (B) and (C) 21750  
of this section, the office shall be deemed vacant. Performing 21751  
the duties of office includes a county officer appearing in 21752  
person at the officer's principal office location on at least 21753  
one out of thirty consecutive days. 21754

~~(2) Whenever any county auditor or county treasurer fails~~ 21755  
~~to perform the duties of office for thirty consecutive days,~~ 21756  
~~except in case of sickness or injury as provided in divisions~~ 21757  
~~(B) and (C) of this section, the office shall be deemed vacant.~~ 21758

(B) Whenever any county officer is absent because of 21759  
sickness or injury, the officer shall cause to be filed with the 21760  
board of county commissioners a certificate from a physician, 21761  
certified nurse-midwife, clinical nurse specialist, or certified 21762  
nurse practitioner of the officer's sickness or injury. If the 21763  
certificate is not filed with the board within ten days after 21764  
the expiration of thirty consecutive days, ~~in the case of a~~ 21765  
~~county auditor or county treasurer, or within ten days after the~~ 21766  
~~expiration of ninety consecutive days of absence, in the case of~~ 21767  
~~all other county officers,~~ the office shall be deemed vacant. 21768

(C) Whenever a county officer files a certificate under 21769

division (B) of this section, but continues to be absent for an 21770  
additional thirty days commencing immediately after the last day 21771  
on which this certificate may be filed under division (B) of 21772  
this section, the office shall be deemed vacant. 21773

(D) If at any time two county commissioners in a county 21774  
are absent and have filed a certificate under division (B) of 21775  
this section, the county ~~coroner~~auditor, in addition to 21776  
performing the duties of ~~coroner~~auditor, shall serve as county 21777  
commissioner until at least one of the absent commissioners 21778  
returns to office or until the office of at least one of the 21779  
absent commissioners is deemed vacant under this section and the 21780  
vacancy is filled. If the ~~coroner~~auditor so requests, the 21781  
~~coroner~~auditor shall be paid a per diem rate for the ~~coroner's~~ 21782  
auditor's service as a commissioner. That per diem rate shall be 21783  
the annual salary specified by law for a county commissioner of 21784  
that county whose term of office began in the same year as the 21785  
coroner's term of office began, divided by the number of days in 21786  
the year. 21787

While the ~~coroner~~auditor is serving as a county 21788  
commissioner, the ~~coroner~~auditor shall be considered an acting 21789  
county commissioner and shall perform the duties of the office 21790  
of county commissioner until at least one of the absent 21791  
commissioners returns to office or until the office of at least 21792  
one of the absent commissioners is deemed vacant. Before 21793  
assuming the office of acting county commissioner, the ~~coroner~~ 21794  
auditor shall take an oath of office as provided in sections 21795  
3.22 and 3.23 of the Revised Code. The ~~coroner's~~auditor's 21796  
service as an acting county commissioner does not constitute the 21797  
holding of an incompatible public office or employment in 21798  
violation of any statutory or common law prohibition against the 21799  
simultaneous holding of more than one public office or 21800

employment. 21801

The ~~coroner~~-auditor shall give a new bond in the same 21802  
amount and signed and approved as provided in section 305.04 of 21803  
the Revised Code. The bond shall be conditioned for the faithful 21804  
discharge of the ~~coroner's~~-auditor's duties as acting county 21805  
commissioner and for the payment of any loss or damage that the 21806  
county may sustain by reason of the ~~coroner's~~-auditor's failure 21807  
in those duties. The bond, along with the oath of office and 21808  
approval of the probate judge indorsed on it, shall be deposited 21809  
and paid for as provided for the bonds in section 305.04 of the 21810  
Revised Code. 21811

(E) Any vacancy declared under this section shall be 21812  
filled in the manner provided by section 305.02 of the Revised 21813  
Code. 21814

(F) This section shall not apply to a county officer while 21815  
in the active military service of the United States. 21816

**Sec. 306.32.** Any county, or any two or more counties, 21817  
municipal corporations, or townships, or any combination of 21818  
these, may create a regional transit authority by the adoption 21819  
of a resolution or ordinance by the board of county 21820  
commissioners of each county, the legislative authority of each 21821  
municipal corporation, and the board of township trustees of 21822  
each township which is to create or to join in the creation of 21823  
the regional transit authority. The resolution or ordinance 21824  
shall state: 21825

(A) The necessity for the creation of a regional transit 21826  
authority; 21827

(B) The counties, municipal corporations, or townships 21828  
which are to create or to join in the creation of the regional 21829

transit authority; 21830

(C) The official name by which the regional transit 21831  
authority shall be known; 21832

(D) The place in which the principal office of the 21833  
regional transit authority will be located or the manner in 21834  
which it may be selected; 21835

(E) The number, term, and compensation, or method for 21836  
establishing compensation, of the members of the board of 21837  
trustees of the regional transit authority. Compensation shall 21838  
not exceed fifty dollars for each board and committee meeting 21839  
attended by a member, except that if compensation is provided 21840  
annually it shall not exceed six thousand dollars for the 21841  
president of the board or four thousand eight hundred dollars 21842  
for each other board member. 21843

(F) The manner in which vacancies on the board of trustees 21844  
of the regional transit authority shall be filled; 21845

(G) The manner and to what extent the expenses of the 21846  
regional transit authority shall be apportioned among the 21847  
counties, municipal corporations, and townships creating it; 21848

(H) The purposes, including the kinds of transit 21849  
facilities, for which the regional transit authority is 21850  
organized. 21851

The regional transit authority provided for in the 21852  
resolution or ordinance shall be deemed to be created upon the 21853  
adoption of the resolution or ordinance by the board of county 21854  
commissioners of each county, the legislative authority of each 21855  
municipal corporation, and the board of township trustees of 21856  
each township enumerated in the resolution or ordinance. 21857

The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships or for any other purpose, by the adoption of the amendment by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which has created or joined or proposes to join the regional transit authority.

After each county, municipal corporation, and township which has created or joined or proposes to join the regional transit authority has adopted its resolution or ordinance approving inclusion of additional counties, municipal corporations, or townships in the regional transit authority, a copy of each resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the regional transit authority. The inclusion is effective when all such filing has been completed, unless the regional transit authority to which territory is to be added has authority to levy an ad valorem tax on property, or a sales tax, within its territorial boundaries, in which event the inclusion shall become effective on the sixtieth day after the last such filing is accomplished, unless, prior to the expiration of the sixty-day period, qualified electors residing in the area proposed to be added to the regional transit authority, equal in number to at least ten per cent of the qualified electors from the area who voted for governor at the last gubernatorial election, file a petition of referendum against the inclusion. Any petition of referendum filed under this section shall be filed at the office of the



secretary of the board of trustees of the regional transit 21889  
authority. The person presenting the petition shall be given a 21890  
receipt containing on it the time of the day, the date, and the 21891  
purpose of the petition. The secretary of the board of trustees 21892  
of the regional transit authority shall cause the appropriate 21893  
board or boards of elections to check the sufficiency of 21894  
signatures on any petition of referendum filed under this 21895  
section and, if found to be sufficient, shall present the 21896  
petition to the board of trustees at a meeting of said board 21897  
which occurs not later than thirty days following the filing of 21898  
said petition. Upon presentation to the board of trustees of a 21899  
petition of referendum against the proposed inclusion, the board 21900  
of trustees shall promptly certify the proposal to the board or 21901  
boards of elections for the purpose of having the proposal 21902  
placed on the ballot at the next general or primary election 21903  
which occurs not less than ninety days after the date of the 21904  
meeting of said board, or at a special election, the date of 21905  
which shall be specified in the certification, which date shall 21906  
be not less than ninety days after the date of such meeting of 21907  
the board. Signatures on a petition of referendum may be 21908  
withdrawn up to and including the meeting of the board of 21909  
trustees certifying the proposal to the appropriate board or 21910  
boards of elections. If territory of more than one county, 21911  
municipal corporation, or township is to be added to the 21912  
regional transit authority, the electors of the territories of 21913  
the counties, municipal corporations, or townships which are to 21914  
be added shall vote as a district, and the majority affirmative 21915  
vote shall be determined by the vote cast in the district as a 21916  
whole. 21917

If the proposal would extend the levy of an existing 21918  
property tax to the territory to be added to the regional 21919

transit authority, the board of trustees of the regional transit 21920  
authority and the county auditor shall proceed in the same 21921  
manner as required for a tax levy under section 5705.03 of the 21922  
Revised Code, except that the levy's annual collections shall be 21923  
estimated assuming that the additional territory has been added 21924  
to the regional transit authority. 21925

Upon certification of a proposal to the appropriate board 21926  
or boards of elections pursuant to this section, the board or 21927  
boards of election shall make the necessary arrangements for the 21928  
submission of the question to the electors of the territory to 21929  
be added to the regional transit authority qualified to vote on 21930  
the question, and the election shall be held, canvassed, and 21931  
certified in the manner provided for the submission of tax 21932  
levies under section 5705.191 of the Revised Code, except that 21933  
the question appearing on the ballot shall read: 21934

"Shall the territory within the \_\_\_\_\_ 21935  
(Name or names of political subdivisions to be joined) be added 21936  
to \_\_\_\_\_ (Name) regional transit 21937  
authority?" and shall a(n) \_\_\_\_\_ (here insert type of tax 21938  
or taxes) at a rate not to exceed \_\_\_\_\_ (here insert maximum tax 21939  
rate or rates) be levied for all transit purposes?" 21940

If the tax is a tax on property, the ballot shall express 21941  
the levy's estimated annual collections, and the rate shall be 21942  
expressed numerically in mills for each one dollar of taxable 21943  
value and the effective rate shall be expressed numerically in 21944  
dollars for each one hundred thousand dollars of ~~the county~~ 21945  
~~auditor's appraised market~~ value. 21946

If the question is approved by at least a majority of the 21947  
electors voting on the question, the joinder is immediately 21948  
effective, and the regional transit authority may extend the 21949

levy of the tax against all the taxable property within the 21950  
territory which has been added. If the question is approved at a 21951  
general election or at a special election occurring prior to the 21952  
general election but after the fifteenth day of July, the 21953  
regional transit authority may amend its budget and resolution 21954  
adopted pursuant to section 5705.34 of the Revised Code, and the 21955  
levy shall be placed on the current tax list and duplicate and 21956  
collected as other taxes are collected from all taxable property 21957  
within the territorial boundaries of the regional transit 21958  
authority, including the territory within each political 21959  
subdivision added as a result of the election. 21960

The territorial boundaries of a regional transit authority 21961  
shall be coextensive with the territorial boundaries of the 21962  
counties, municipal corporations, and townships included within 21963  
the regional transit authority, provided that the same area may 21964  
be included in more than one regional transit authority so long 21965  
as the regional transit authorities are not organized for 21966  
purposes as provided for in the resolutions or ordinances 21967  
creating the same, and any amendments to them, relating to the 21968  
same kinds of transit facilities; and provided further, that if 21969  
a regional transit authority includes only a portion of an 21970  
entire county, a regional transit authority for the same 21971  
purposes may be created in the remaining portion of the same 21972  
county by resolution of the board of county commissioners acting 21973  
alone or in conjunction with municipal corporations and 21974  
townships as provided in this section. 21975

No regional transit authority shall be organized after 21976  
January 1, 1975, to include any area already included in a 21977  
regional transit authority, except that any regional transit 21978  
authority organized after June 29, 1974, and having territorial 21979  
boundaries entirely within a single county shall, upon adoption 21980

by the board of county commissioners of the county of a 21981  
resolution creating a regional transit authority including 21982  
within its territorial jurisdiction the existing regional 21983  
transit authority and for purposes including the purposes for 21984  
which the existing regional transit authority was created, be 21985  
dissolved and its territory included in such new regional 21986  
transit authority. Any resolution creating such a new regional 21987  
transit authority shall make adequate provision for satisfaction 21988  
of the obligations of the dissolved regional transit authority. 21989

As used in this section, "~~the county auditor's appraised~~ 21990  
market value" and "effective rate" have the same meanings as in 21991  
section 5705.01 of the Revised Code. 21992

**Sec. 306.322.** (A) As used in this section: 21993

(1) "Political subdivision" means a county, a municipal 21994  
corporation, or a township. 21995

(2) "Governing body" means a board of county commissioners 21996  
of a county, a legislative authority of a municipal corporation, 21997  
or a board of trustees of a township. 21998

(B) For any regional transit authority that levies a 21999  
property tax and that includes in its membership political 22000  
subdivisions that are located in a county having a population of 22001  
at least four hundred thousand according to the most recent 22002  
federal census, the procedures of this section apply until 22003  
December 31, 2022, and are in addition to and an alternative to 22004  
those established in sections 306.32, 306.321, and 306.54 of the 22005  
Revised Code for joining to the regional transit authority 22006  
additional political subdivisions. 22007

(C) Any political subdivision may adopt a resolution or 22008  
ordinance proposing to join a regional transit authority 22009

described in division (B) of this section. In its resolution or 22010  
ordinance, the political subdivision may propose joining the 22011  
regional transit authority for a limited period of three years 22012  
or without a time limit. 22013

(D) The political subdivision proposing to join the 22014  
regional transit authority shall submit a copy of its resolution 22015  
or ordinance to the governing body of each political subdivision 22016  
comprising the regional transit authority. Within thirty days of 22017  
receiving the resolution or ordinance for inclusion in the 22018  
regional transit authority, the governing body of each political 22019  
subdivision shall consider the question of whether to include 22020  
the additional political subdivision in the regional transit 22021  
authority, shall adopt a resolution or ordinance approving or 22022  
rejecting the inclusion of the additional political subdivision, 22023  
and shall present its resolution or ordinance to the board of 22024  
trustees of the regional transit authority. 22025

If the board of trustees of the regional transit authority 22026  
proposes to extend the levy of an existing property tax to the 22027  
territory to be added to the regional transit authority, the 22028  
board and the county auditor shall proceed in the same manner as 22029  
required for a tax levy under section 5705.03 of the Revised 22030  
Code, except that the levy's annual collections shall be 22031  
estimated assuming that the additional territory has been added 22032  
to the regional transit authority. 22033

(E) If a majority of the political subdivisions comprising 22034  
the regional transit authority approve the inclusion of the 22035  
additional political subdivision under division (D) of this 22036  
section, the board of trustees of the regional transit authority 22037  
may proceed as provided in division (K) of this section or as 22038  
provided in divisions (F) to (J) of this section, as applicable. 22039

(F) Not later than the tenth day following the day on 22040  
which the last ordinance or resolution is presented under 22041  
division (D) of this section, the board of trustees of the 22042  
regional transit authority shall notify the political 22043  
subdivision proposing to join the regional transit authority 22044  
that it may certify the proposal to the board of elections for 22045  
the purpose of having the proposal placed on the ballot at the 22046  
next general election or at a special election conducted on the 22047  
day of the next primary election that occurs not less than 22048  
ninety days after the resolution or ordinance is certified to 22049  
the board of elections. 22050

(G) Upon certification of a proposal to the board of 22051  
elections pursuant to division (F) of this section, the board of 22052  
elections shall make the necessary arrangements for the 22053  
submission of the question to the electors of the territory to 22054  
be included in the regional transit authority qualified to vote 22055  
on the question, and the election shall be held, canvassed, and 22056  
certified in the same manner as regular elections for the 22057  
election of officers of the political subdivision proposing to 22058  
join the regional transit authority, except that, if the 22059  
resolution proposed the inclusion without a time limitation the 22060  
question appearing on the ballot shall read: 22061

"Shall the territory within the \_\_\_\_\_ 22062  
(Name or names of political subdivisions to be joined) be added 22063  
to \_\_\_\_\_ (Name) regional transit 22064  
authority and shall a(n) \_\_\_\_\_ (here insert type of tax or 22065  
taxes) at a rate of taxation not to exceed \_\_\_\_\_ (here insert 22066  
maximum tax rate or rates) be levied for all transit purposes?" 22067

If the resolution proposed the inclusion with a three-year 22068  
time limitation, the question appearing on the ballot shall 22069

read: 22070

"Shall the territory within the \_\_\_\_\_ 22071  
(Name or names of political subdivisions to be joined) be added 22072  
to \_\_\_\_\_ (Name) regional transit 22073  
authority for three years and shall a(n) \_\_\_\_\_ (here insert 22074  
type of tax or taxes) at a rate of taxation not to exceed \_\_\_\_\_ 22075  
(here insert maximum tax rate or rates) be levied for all 22076  
transit purposes for three years?" 22077

In either case, if the tax is a tax on property, the 22078  
ballot shall express the levy's estimated annual collections, 22079  
and the rate shall be expressed numerically in mills for each 22080  
one dollar of taxable value and the effective rate shall be 22081  
expressed numerically in dollars for each one hundred thousand 22082  
dollars of ~~the county auditor's appraised~~ market value. 22083

(H) If the question is approved by at least a majority of 22084  
the electors voting on the question, the addition of the new 22085  
territory is effective six months from the date of the 22086  
certification of its passage, and the regional transit authority 22087  
may extend the levy of the tax against all the taxable property 22088  
within the territory that was added. If the question is approved 22089  
at a general election or at a special election occurring prior 22090  
to the general election but after the fifteenth day of July, the 22091  
regional transit authority may amend its budget and resolution 22092  
adopted pursuant to section 5705.34 of the Revised Code, and the 22093  
levy shall be placed on the current tax list and duplicate and 22094  
collected as other taxes are collected from all taxable property 22095  
within the territorial boundaries of the regional transit 22096  
authority, including the territory within the political 22097  
subdivision added as a result of the election. If the budget of 22098  
the regional transit authority is amended pursuant to this 22099

paragraph, the county auditor shall prepare and deliver an 22100  
amended certificate of estimated resources to reflect the change 22101  
in anticipated revenues of the regional transit authority. 22102

(I) If the question is approved by at least a majority of 22103  
the electors voting on the question, the board of trustees of 22104  
the regional transit authority immediately shall amend the 22105  
resolution or ordinance creating the regional transit authority 22106  
to include the additional political subdivision. 22107

(J) If the question approved by a majority of the electors 22108  
voting on the question added the political subdivision for three 22109  
years, the territory of the additional political subdivision in 22110  
the regional transit authority shall be removed from the 22111  
territory of the regional transit authority three years after 22112  
the date the territory was added, as determined in the effective 22113  
date of the election, and shall no longer be a part of that 22114  
authority without any further action by either the political 22115  
subdivisions that were included in the authority prior to 22116  
submitting the question to the electors or of the political 22117  
subdivision added to the authority as a result of the election. 22118  
The regional transit authority reduced to its territory as it 22119  
existed prior to the inclusion of the additional political 22120  
subdivision shall be entitled to levy and collect any property 22121  
taxes that it was authorized to levy and collect prior to the 22122  
enlargement of its territory and for which authorization has not 22123  
expired, as if the enlargement had not occurred. 22124

(K) (1) If a majority of the political subdivisions 22125  
comprising the regional transit authority approve the inclusion 22126  
of the additional political subdivision without a time limit 22127  
under division (D) of this section, the board of trustees of the 22128  
regional transit authority may adopt a resolution to submit to 22129



the electors of the regional transit authority, as it would be 22130  
enlarged by the inclusion, the question of including the 22131  
political subdivision in the regional transit authority, of 22132  
levying a tax under sections 5739.023 and 5741.022 of the 22133  
Revised Code throughout the territorial boundaries of the 22134  
regional transit authority as so enlarged, and of repealing the 22135  
property tax levied by the regional transit authority under 22136  
section 306.49 of the Revised Code. 22137

The resolution shall state all of the following: 22138

(a) The date on which the political subdivision is to be 22139  
included in the regional transit authority; 22140

(b) The rate of the tax to be levied under sections 22141  
5739.023 and 5741.022 of the Revised Code, the number of years 22142  
it is to be levied or that it is to be levied for a continuing 22143  
period of time, and the date on which it shall first be levied, 22144  
all as provided under section 5739.023 of the Revised Code; 22145

(c) The last tax year that the property tax is to be 22146  
levied under section 306.49 of the Revised Code. 22147

(2) Except as otherwise provided in division (K) (5) of 22148  
this section, the political subdivision shall not be joined to 22149  
the regional transit authority before the first day sales and 22150  
use tax is levied by the regional transit authority under 22151  
sections 5739.023 and 5741.022 of the Revised Code. Sales and 22152  
use tax shall not be levied under those sections on or before 22153  
the last day of the last tax year the regional transit authority 22154  
levies property tax under section 306.49 of the Revised Code. 22155

(3) The board of trustees of the regional transit 22156  
authority shall certify the resolution to the board of elections 22157  
for the purpose of having the proposal placed on the ballot at 22158

the next general election or at a special election conducted on 22159  
the day of the next primary election that occurs not less than 22160  
ninety days after the resolution is certified to the board of 22161  
elections. The election shall be held, canvassed, and certified, 22162  
as provided in section 306.70 of the Revised Code, except that 22163  
the question appearing on the ballot shall read: 22164

"Shall the territory within the \_\_\_\_\_ (Name or 22165  
names of political subdivisions to be joined) be added to 22166  
\_\_\_\_\_ (Name) regional transit authority, shall sales 22167  
and use tax at a rate not exceeding \_\_\_\_\_ (Insert tax rate) 22168  
be levied for all transit purposes throughout the territory of 22169  
the regional transit authority, and shall the existing property 22170  
tax levied for transit purposes be repealed?" 22171

(4) If the question is approved, the sales and use tax may 22172  
be levied and collected as is otherwise provided under sections 22173  
5739.023 and 5741.022 of the Revised Code on and after the date 22174  
stated in the resolution. 22175

(5) The board of trustees shall appropriate from the first 22176  
moneys received from the sales and use tax in each year the full 22177  
amount required in order to pay the principal of and interest on 22178  
any notes of the regional transit authority issued pursuant to 22179  
section 306.49 of the Revised Code in anticipation of the 22180  
collection of the property tax. The board of trustees shall not 22181  
thereafter levy and collect the property tax unless and to the 22182  
extent that the levy and collection is necessary to pay the 22183  
principal of and interest on notes issued in anticipation of the 22184  
property tax in order to avoid impairing the obligation of the 22185  
contract between the regional transit authority and the note 22186  
holders. Such property tax shall be levied only in the territory 22187  
of the authority as it existed before the political subdivision 22188

was joined to the authority. 22189

(6) If the question is approved after the fifteenth day of 22190  
July in any calendar year, the regional transit authority may 22191  
amend its budget for the current and next fiscal year, and any 22192  
resolution adopted pursuant to section 5705.34 of the Revised 22193  
Code, to reflect the imposition of the sales and use tax, and 22194  
shall amend its budget for the next fiscal year, and any 22195  
resolution adopted pursuant to section 5705.34 of the Revised 22196  
Code, to comply with division (K) (5) of this section. If the 22197  
budget of the regional transit authority is amended pursuant to 22198  
this division, the county auditor shall prepare and deliver an 22199  
amended certificate of estimated resources to reflect the change 22200  
in anticipated revenues of the regional transit authority. 22201

(7) If the question is approved, the board of trustees of 22202  
the regional transit authority immediately shall amend the 22203  
resolution or ordinance creating the regional transit authority 22204  
to include the additional political subdivision. 22205

(L) As used in this section, "~~the county auditor's~~ 22206  
~~appraised market value~~" and "effective rate" have the same 22207  
meanings as in section 5705.01 of the Revised Code. 22208

**Sec. 306.43.** (A) The board of trustees of a regional 22209  
transit authority or any officer or employee designated by such 22210  
board may make any contract for the purchase of goods or 22211  
services, the cost of which does not exceed one hundred thousand 22212  
dollars. When an expenditure, other than for the acquisition of 22213  
real estate, the discharge of claims, or the acquisition of 22214  
goods or services under the circumstances described in division 22215  
(H) of this section, is expected to exceed one hundred thousand 22216  
dollars, such expenditure shall be made through full and open 22217  
competition by the use of competitive procedures. The regional 22218

transit authority shall use the competitive procedure, as set 22219  
forth in divisions (B), (C), (D), and (E) of this section, that 22220  
is most appropriate under the circumstances of the procurement. 22221

(B) Competitive sealed bidding is the preferred method of 22222  
procurement and a regional transit authority shall use that 22223  
method if all of the following conditions exist: 22224

(1) A clear, complete, and adequate description of the 22225  
goods, services, or work is available; 22226

(2) Time permits the solicitation, submission, and 22227  
evaluation of sealed bids; 22228

(3) The award will be made on the basis of price and other 22229  
price-related factors; 22230

(4) It is not necessary to conduct discussions with 22231  
responding offerors about their bids; 22232

(5) There is a reasonable expectation of receiving more 22233  
than one sealed bid. 22234

A regional transit authority shall publish a notice 22235  
calling for bids once a week for no less than two consecutive 22236  
weeks in a newspaper of general circulation within the 22237  
territorial boundaries of the regional transit authority, or as 22238  
provided in section 7.16 of the Revised Code. A regional transit 22239  
authority may require that a bidder for any contract other than 22240  
a construction contract provide a bid guaranty in the form, 22241  
quality, and amount considered appropriate by the regional 22242  
transit authority. The board may let the contract to the lowest 22243  
responsive and responsible bidder. Where fewer than two 22244  
responsive bids are received, a regional transit authority may 22245  
negotiate price with the sole responsive bidder or may rescind 22246  
the solicitation and procure under division (H) (2) of this 22247

section. 22248

(C) A regional transit authority may use two-step 22249  
competitive bidding, consisting of a technical proposal and a 22250  
separate, subsequent sealed price bid from those submitting 22251  
acceptable technical proposals, if both of the following 22252  
conditions exist: 22253

(1) A clear, complete, and adequate description of the 22254  
goods, services, or work is not available, but definite criteria 22255  
exist for the evaluation of technical proposals; 22256

(2) It is necessary to conduct discussions with responding 22257  
offerors. 22258

A regional transit authority shall publish a notice 22259  
calling for technical proposals once a week for no less than two 22260  
consecutive weeks in a newspaper of general circulation within 22261  
the territorial boundaries of the regional transit authority, or 22262  
as provided in section 7.16 of the Revised Code. A regional 22263  
transit authority may require a bid guaranty in the form, 22264  
quality, and amount the regional transit authority considers 22265  
appropriate. The board may let the contract to the lowest 22266  
responsive and responsible bidder. Where fewer than two 22267  
responsive and responsible bids are received, a regional transit 22268  
authority may negotiate price with the sole responsive and 22269  
responsible bidder or may rescind the solicitation and procure 22270  
under division (H) (2) of this section. 22271

(D) A regional transit authority shall make a procurement 22272  
by competitive proposals if competitive sealed bidding or two- 22273  
step competitive bidding is not appropriate. 22274

A regional transit authority shall publish a notice 22275  
calling for proposals once a week for no less than two 22276

consecutive weeks in a newspaper of general circulation within 22277  
the territorial boundaries of the regional transit authority, or 22278  
as provided in section 7.16 of the Revised Code. A regional 22279  
transit authority may require a proposal guaranty in the form, 22280  
quality, and amount considered appropriate by the regional 22281  
transit authority. The board may let the contract to the 22282  
proposer making the offer considered most advantageous to the 22283  
authority. Where fewer than two competent proposals are 22284  
received, a regional transit authority may negotiate price and 22285  
terms with the sole proposer or may rescind the solicitation and 22286  
procure under division (H) (2) of this section. 22287

(E) (1) A regional transit authority shall procure the 22288  
services of an architect or engineer in the manner prescribed by 22289  
the "Federal Mass Transportation Act of 1987," Public Law No. 22290  
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 22291  
1608 and the services of a construction manager in the manner 22292  
prescribed by sections 9.33 to 9.332 of the Revised Code. 22293

(2) A regional transit authority may procure revenue 22294  
rolling stock in the manner prescribed by division (B), (C), or 22295  
(D) of this section. 22296

(3) All contracts for construction in excess of one 22297  
hundred thousand dollars shall be made only after the regional 22298  
transit authority has published a notice calling for bids once a 22299  
week for two consecutive weeks in a newspaper of general 22300  
circulation within the territorial boundaries of the regional 22301  
transit authority, or as provided in section 7.16 of the Revised 22302  
Code. The board may award a contract to the lowest responsive 22303  
and responsible bidder. Where only one responsive and 22304  
responsible bid is received, the regional transit authority may 22305  
negotiate price with the sole responsive bidder or may rescind 22306

the solicitation. The regional transit authority shall award 22307  
construction contracts in accordance with sections 153.12 to 22308  
153.14 and 153.54 of the Revised Code. Divisions (B) and (C) of 22309  
this section shall not apply to the award of contracts for 22310  
construction. 22311

(F) All contracts involving expenditures in excess of one 22312  
hundred thousand dollars shall be in writing and shall be 22313  
accompanied by or shall refer to plans and specifications for 22314  
the work to be done. The plans and specifications shall at all 22315  
times be made and considered part of the contract. For all 22316  
contracts other than construction contracts, a regional transit 22317  
authority may require performance, payment, or maintenance 22318  
guaranties or any combination of such guaranties in the form, 22319  
quality, and amount it considers appropriate. The contract shall 22320  
be approved by the board and signed on behalf of the regional 22321  
transit authority and by the contractor. 22322

(G) In making a contract, a regional transit authority may 22323  
give preference to goods produced in the United States in 22324  
accordance with the Buy America requirements in the "Surface 22325  
Transportation Assistance Act of 1982," Public Law No. 97-424, 22326  
section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, 22327  
and the rules adopted thereunder. The regional transit authority 22328  
also may give preference to providers of goods produced in and 22329  
services provided in labor surplus areas as defined by the 22330  
United States department of labor in 41 U.S.C.A. 401 note, 22331  
Executive Order No. 12073, August 16, 1978, 43 Fed. Reg. 36873, 22332  
as amended. 22333

(H) Competitive procedures under this section are not 22334  
required in any of the following circumstances: 22335

(1) The board of trustees of a regional transit authority, 22336

by a two-thirds affirmative vote of its members, determines that 22337  
a real and present emergency exists under any of the following 22338  
conditions, and the board enters its determination and the 22339  
reasons for it in its proceedings: 22340

(a) Affecting safety, welfare, or the ability to deliver 22341  
transportation services; 22342

(b) Arising out of an interruption of contracts essential 22343  
to the provision of daily transit services; 22344

(c) Involving actual physical damage to structures, 22345  
supplies, equipment, or property. 22346

(2) The purchase consists of goods or services, or any 22347  
combination thereof, and after reasonable inquiry the board or 22348  
any officer or employee the board designates finds that only one 22349  
source of supply is reasonably available. 22350

(3) The expenditure is for a renewal or renegotiation of a 22351  
lease or license for telecommunications or electronic data 22352  
processing equipment, services, or systems, or for the upgrade 22353  
of such equipment, services, or systems, or for the maintenance 22354  
thereof as supplied by the original source or its successors or 22355  
assigns. 22356

(4) The purchase of goods or services is made from another 22357  
political subdivision, public agency, public transit system, 22358  
regional transit authority, the state, or the federal 22359  
government, or as a third-party beneficiary under a state or 22360  
federal procurement contract, or as a participant in a 22361  
department of administrative services contract under division 22362  
(B) of section 125.04 of the Revised Code. 22363

(5) The sale and leaseback or lease and leaseback of 22364  
transit facilities is made as provided in division (AA) of 22365



section 306.35 of the Revised Code. 22366

(6) The purchase substantially involves services of a 22367  
personal, professional, highly technical, or scientific nature, 22368  
including but not limited to the services of an attorney, 22369  
physician, surveyor, appraiser, investigator, court reporter, 22370  
adjuster, advertising consultant, or licensed broker, or 22371  
involves the special skills or proprietary knowledge required 22372  
for the servicing of specialized equipment owned by the regional 22373  
transit authority. 22374

(7) Services or supplies are available from a qualified 22375  
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 22376  
125.601 of the Revised Code. 22377

(8) The purchase consists of the product or services of a 22378  
public utility. 22379

(9) The purchase is for the services of individuals with 22380  
disabilities to work in the authority's commissaries or 22381  
cafeterias, and those individuals are supplied by a nonprofit 22382  
corporation or association whose purpose is to assist 22383  
individuals with disabilities, whether or not that corporation 22384  
or association is funded entirely or in part by the federal 22385  
government, or the purchase is for services provided by a 22386  
nonprofit corporation or association whose purpose is to assist 22387  
individuals with disabilities, whether or not that corporation 22388  
or association is funded entirely or in part by the federal 22389  
government. For purposes of division (H) (9) of this section, 22390  
"disability" has the same meaning as in section 4112.01 of the 22391  
Revised Code. 22392

(I) A regional transit authority may enter into blanket 22393  
purchase agreements for purchases of maintenance, operating, or 22394

repair goods or services where the item cost does not exceed 22395  
five hundred dollars and the annual expenditure does not exceed 22396  
one hundred thousand dollars. 22397

(J) Nothing contained in this section prohibits a regional 22398  
transit authority from participating in intergovernmental 22399  
cooperative purchasing arrangements. 22400

(K) Except as otherwise provided in this chapter, a 22401  
regional transit authority shall make a sale or other 22402  
disposition of property through full and open competition. 22403  
Except as provided in division (L) of this section, all 22404  
dispositions of personal property and all grants of real 22405  
property for terms exceeding five years shall be made by public 22406  
auction or competitive procedure. 22407

(L) The competitive procedures required by division (K) of 22408  
this section are not required in any of the following 22409  
circumstances: 22410

(1) The grant is a component of a joint development 22411  
between public and private entities and is intended to enhance 22412  
or benefit public transit. 22413

(2) The grant of a limited use or of a license affecting 22414  
land is made to an owner of abutting real property. 22415

(3) The grant of a limited use is made to a public 22416  
utility. 22417

(4) The grant or disposition is to a department of the 22418  
federal or state government, to a political subdivision of the 22419  
state, or to any other governmental entity. 22420

(5) Used equipment is traded on the purchase of equipment 22421  
and the value of the used equipment is a price-related factor in 22422

the basis for award for the purchase. 22423

(6) The value of the personal property is such that 22424  
competitive procedures are not appropriate and the property 22425  
either is sold at its fair market value or is disposed of by 22426  
gift to a nonprofit entity having the general welfare or 22427  
education of the public as one of its principal objects. 22428

(M) The board of trustees of a regional transit authority, 22429  
when making a contract funded exclusively by state or local 22430  
moneys or any combination thereof, shall make a good faith 22431  
effort to use disadvantaged business enterprise participation to 22432  
the same extent required under Section 105(f) of the "Surface 22433  
Transportation Assistance Act of 1982," Public Law No. 97-424, 22434  
96 Stat. 2100, and Section 106(c) of the "Surface Transportation 22435  
and Uniform Relocation Assistance Act of 1987," Public Law No. 22436  
100-17, 101 Stat. 145, and the rules adopted thereunder. 22437

(N) As used in this section: 22438

(1) "Goods" means all things, including specially 22439  
manufactured goods, that are movable at the time of 22440  
identification to the contract for sale other than the money in 22441  
which the price is to be paid, investment securities, and things 22442  
in action. "Goods" also includes other identified things 22443  
attached to realty as described in section 1302.03 of the 22444  
Revised Code. 22445

(2) "Services" means the furnishing of labor, time, or 22446  
effort by a contractor, not involving the delivery of goods or 22447  
reports other than goods or reports that are merely incidental 22448  
to the required performance, including but not limited to 22449  
insurance, bonding, or routine operation, routine repair, or 22450  
routine maintenance of existing structures, buildings, real 22451

property, or equipment, but does not include employment 22452  
agreements, collective bargaining agreements, or personal 22453  
services. 22454

(3) "Construction" means the process of building, 22455  
altering, repairing, improving, painting, decorating, or 22456  
demolishing any structure or building, or other improvements of 22457  
any kind to any real property owned or leased by a regional 22458  
transit authority. 22459

(4) "Full and open competition" has the same meaning as in 22460  
the "Office of Federal Procurement Policy Act," Public Law No. 22461  
98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403. 22462

(5) A bidder is "responsive" if, applying the criteria of 22463  
division (A) of section 9.312 of the Revised Code, the bidder is 22464  
"responsive" as described in that section. 22465

(6) A bidder is "responsible" if, applying the criteria of 22466  
division (B) of section 9.312 of the Revised Code and of the 22467  
"Office of Federal Procurement Policy Act," Public Law No. 98- 22468  
369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the 22469  
bidder is "responsible" as described in those sections. 22470

**Sec. 307.05.** As used in this section, "emergency medical 22471  
service organization" has the same meaning as in section 4765.01 22472  
of the Revised Code. 22473

A board of county commissioners may operate an ambulance 22474  
service organization or emergency medical service organization, 22475  
or, in counties with a population of ~~forty~~sixty thousand or 22476  
less, may operate a nonemergency patient transport service 22477  
organization, or may enter into a contract with one or more 22478  
counties, townships, municipal corporations, nonprofit 22479  
corporations, joint emergency medical services districts, fire 22480

and ambulance districts, or private ambulance owners, regardless 22481  
of whether such counties, townships, municipal corporations, 22482  
nonprofit corporations, joint emergency medical services 22483  
districts, fire and ambulance districts, or private ambulance 22484  
owners are located within or without the state, in order to 22485  
furnish or obtain the services of ambulance service 22486  
organizations, to furnish or obtain additional services from 22487  
ambulance service organizations in times of emergency, to 22488  
furnish or obtain the services of emergency medical service 22489  
organizations, or, in counties with a population of ~~forty-sixty~~ 22490  
thousand or less, to furnish or obtain services of nonemergency 22491  
patient transport service organizations, or may enter into a 22492  
contract with any such entity to furnish or obtain the 22493  
interchange of services from ambulance or emergency medical 22494  
service organizations, or, within counties with a population of 22495  
~~forty-sixty~~ thousand or less, to furnish or obtain the 22496  
interchange of services from nonemergency patient transport 22497  
service organizations, within the territories of the contracting 22498  
subdivisions. Except in the case of a contract with a joint 22499  
emergency medical services district to obtain the services of 22500  
emergency medical service organizations, such contracts shall 22501  
not be entered into with a public agency or nonprofit 22502  
corporation that receives more than half of its operating funds 22503  
from governmental entities with the intention of directly 22504  
competing with the operation of other ambulance service 22505  
organizations, nonemergency patient transport service 22506  
organizations, or emergency medical service organizations in the 22507  
county unless the public agency or nonprofit corporation is 22508  
awarded the contract after submitting the lowest and best bid to 22509  
the board of county commissioners. Any county wishing to 22510  
commence operation of a nonemergency patient transport service 22511  
organization or wishing to enter into a contract for the first 22512

time to furnish or obtain services from a nonemergency patient 22513  
transport service organization on or after March 1, 1993, 22514  
including a county in which a private provider has been 22515  
providing the service, shall demonstrate the need for public 22516  
funding for the service to, and obtain approval from, the state 22517  
board of emergency medical, fire, and transportation services or 22518  
its immediate successor board prior to operating or funding the 22519  
organization. 22520

When such an organization is operated by the board, the 22521  
organization may be administered by the board, by the county 22522  
sheriff, or by another county officer or employee designated by 22523  
the board. All rules, including the determining of reasonable 22524  
rates, necessary for the establishment, operation, and 22525  
maintenance of such an organization shall be adopted by the 22526  
board. 22527

A contract for services of an ambulance service, 22528  
nonemergency patient transport service, or emergency medical 22529  
service organization shall include the terms, conditions, and 22530  
stipulations as agreed to by the parties to the contract. It may 22531  
provide for a fixed annual charge to be paid at the times agreed 22532  
upon and stipulated in the contract, or for compensation based 22533  
upon a stipulated price for each run, call, or emergency or the 22534  
number of persons or pieces of apparatus employed, or the 22535  
elapsed time of service required in such run, call, or 22536  
emergency, or any combination thereof. 22537

**Sec. 307.673.** This section applies only in a county in 22538  
which a tax is levied under section 307.697, 4301.421, 5743.024, 22539  
or 5743.323 of the Revised Code on July 19, 1995. 22540

(A) As used in this section: 22541

(1) "County taxes" means taxes levied by a board of county commissioners under ~~division~~ divisions (D) and (E) of section 307.697, ~~division~~ divisions (B) and (C) of section 4301.421, ~~division~~ divisions (C) and (D) of section 5743.024, and ~~section~~ sections 5743.323, 5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code.

(2) "Corporation" means a nonprofit corporation organized under the laws of this state and that includes among the purposes for which it is incorporated the authority to acquire, construct, renovate, repair, equip, lease, manage, or operate a sports facility.

(3) "Cooperative agreement" means an agreement entered into pursuant to this section.

(4) "Cost of a sports facility" means the cost of acquiring, constructing, renovating, repairing, equipping, or improving one or more sports facilities, including reconstructing, rehabilitating, remodeling, and enlarging; the cost of equipping and furnishing such a facility; and all financing costs pertaining thereto, including the cost of engineering, architectural, and other professional services, designs, plans, specifications and surveys, and estimates of costs; the costs of refinancing obligations issued by, or reimbursement of money advanced by, the parties to the cooperative agreement or other persons, the proceeds of which obligations were used to pay the costs of the sports facility; the cost of tests and inspections; the cost of any indemnity or surety bonds and premiums on insurance, all related direct and administrative costs pertaining thereto, fees and expenses of trustees, depositories, and paying agents for the obligations, capitalized interest on the obligations, amounts necessary to

establish reserves as required by the obligation proceedings, 22572  
the reimbursement of money advanced or applied by the parties to 22573  
the cooperative agreement or other persons for the payment of 22574  
any item of costs of the sports facility, and all other expenses 22575  
necessary or incident to planning or determining the feasibility 22576  
or practicability with respect to the sports facility; and any 22577  
other such expenses as may be necessary or incident to the 22578  
acquisition, construction, reconstruction, rehabilitation, 22579  
remodeling, renovation, repair, enlargement, improvement, 22580  
equipping, and furnishing of the sports facility, the financing 22581  
of the sports facility, placing the sports facility in use and 22582  
operation, including any one, part of, or combination of such 22583  
classes of costs and expenses. 22584

(5) "Financing costs" has the same meaning as in section 22585  
133.01 of the Revised Code. 22586

(6) "Obligations" means obligations issued or incurred to 22587  
pay the cost of a sports facility, including bonds, notes, 22588  
certificates of indebtedness, commercial paper, and other 22589  
instruments in writing, anticipatory securities as defined in 22590  
section 133.01 of the Revised Code, issued or incurred by an 22591  
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 22592  
this section, or otherwise, to evidence the issuer's obligation 22593  
to repay borrowed money, or to pay interest, by, or to pay at 22594  
any future time other money obligations of, the issuer of the 22595  
obligations, including obligations of an issuer or lessee to 22596  
make payments under an installment sale, lease, lease-purchase, 22597  
or similar agreement. 22598

(7) "Owner" means any person that owns or operates a 22599  
professional athletic or sports team, that is party to a 22600  
cooperative agreement, or that has a lease or other agreement 22601



with a party to a cooperative agreement, and that commits to use 22602  
the sports facility that is the subject of the cooperative 22603  
agreement for all of the team's home games for the period 22604  
specified in that agreement. 22605

(8) "Payments," when used with reference to obligations, 22606  
means payments of the principal, including any mandatory sinking 22607  
fund deposits and mandatory redemption payments, interest and 22608  
any redemption premium, and lease rentals, lease-purchase 22609  
payments and other amounts payable under obligations in the form 22610  
of installment sale, lease, lease-purchase, or similar 22611  
agreements. 22612

(9) "Person" has the same meaning as defined in section 22613  
133.01 of the Revised Code. 22614

(10) "Port authority" means a port authority created under 22615  
Chapter 4582. of the Revised Code. 22616

(11) "Sports facility" means a facility, including a 22617  
stadium, that is intended to house or provide a site for one or 22618  
more major league professional athletic or sports teams or 22619  
activities, together with all spectator facilities, parking 22620  
facilities, walkways, and auxiliary facilities, real and 22621  
personal property, property rights, easements, leasehold 22622  
estates, and interests that may be appropriate for, or used in 22623  
connection with, the operation of the sports facility. 22624

(B) The board of county commissioners of a county, the 22625  
legislative authority of a municipal corporation, a port 22626  
authority, a corporation, and an owner, or any combination 22627  
thereof, may enter into one or more cooperative agreements under 22628  
which the parties enter into one or more of the agreements 22629  
described in divisions (B) (1) to (5) of this section. 22630

- (1) The board of county commissioners agrees to do one or more of the following:
- (a) Levy a tax under division (D) or (E) of section 307.697, division (B) or (C) of section 4301.421, division (C) or (D) of section 5743.024, ~~and or~~ section 5743.323, 5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code and make available all or a portion of the revenue from those taxes for the payment of the cost of the sports facility or to make payments on obligations;
- (b) Issue or incur obligations of the county pursuant to Chapter 133. of the Revised Code or this section;
- (c) Make available all or a portion of the revenue from those taxes or of the proceeds from the issuance of those obligations to the municipal corporation, port authority, corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations;
- (d) Acquire, construct, renovate, repair, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;
- (e) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the municipal corporation, port authority, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility.
- (2) The port authority agrees to do one or more of the following:
- (a) Issue or incur obligations of the port authority

pursuant to Chapter 133. or 4582. of the Revised Code or this 22660  
section; 22661

(b) Make available all or a portion of the proceeds from 22662  
the issuance of those obligations to the municipal corporation, 22663  
county, or corporation for the payment of the cost of a sports 22664  
facility or the payment of obligations; 22665

(c) Acquire, construct, renovate, repair, equip, lease to 22666  
or from another person, and operate, directly or by a lease or 22667  
management contract with another person, one or more sports 22668  
facilities; 22669

(d) To the extent provided in the cooperative agreement or 22670  
a lease with respect to a sports facility, authorize the 22671  
municipal corporation, county, corporation, or owner to 22672  
administer contracts for designing, planning, acquiring, 22673  
constructing, renovating, repairing, or equipping a sports 22674  
facility. 22675

(3) The legislative authority of the municipal corporation 22676  
agrees to do one or more of the following: 22677

(a) Make available the revenue from taxes levied by the 22678  
legislative authority for the payment of the cost of a sports 22679  
facility or to make payments on obligations; 22680

(b) Issue or incur obligations of the municipal 22681  
corporation pursuant to Chapter 133. of the Revised Code or 22682  
otherwise; 22683

(c) Make available all or a portion of the proceeds from 22684  
the issuance of those obligations to the county, port authority, 22685  
corporation, or otherwise for the payment of the cost of a 22686  
sports facility or the payment of obligations; 22687

(d) Acquire, construct, renovate, repair, equip, lease to 22688  
or from another person, and operate, directly or by a lease or 22689  
management contract with another person, one or more sports 22690  
facilities; 22691

(e) To the extent provided in the cooperative agreement or 22692  
a lease with respect to a sports facility, authorize the county, 22693  
port authority, corporation, or owner to administer contracts 22694  
for designing, planning, acquiring, constructing, renovating, 22695  
repairing, or equipping a sports facility. 22696

(4) The corporation agrees to do one or more of the 22697  
following: 22698

(a) Issue or incur obligations; 22699

(b) Make available all or a portion of the proceeds from 22700  
the issuance of those obligations to the county, port authority, 22701  
municipal corporation, or otherwise for the payment of the cost 22702  
of a sports facility or the payment of obligations; 22703

(c) Acquire, construct, renovate, repair, equip, lease to 22704  
or from another person, and operate, directly or by a lease or 22705  
management contract with another person, one or more sports 22706  
facilities; 22707

(d) To the extent provided in the cooperative agreement or 22708  
a lease with respect to a sports facility, agree that the 22709  
corporation will administer contracts for designing, planning, 22710  
acquiring, constructing, renovating, repairing, or equipping a 22711  
sports facility. 22712

(5) The owner agrees to do one or more of the following: 22713

(a) Use the sports facility that is the subject of the 22714  
cooperative agreement for all of the home games of the owner's 22715

professional athletic or sports team for a specified period; 22716

(b) Administer contracts for designing, planning, 22717  
acquiring, constructing, renovating, repairing, or equipping a 22718  
sports facility. 22719

(C) Any obligations may be secured by a trust agreement 22720  
between the issuer of obligations and a corporate trustee that 22721  
is a trust company or bank having the powers of a trust company 22722  
in or outside this state and authorized to exercise corporate 22723  
trust powers in this state. Proceeds from the issuance of any 22724  
obligations or the taxes levied and collected by any party to 22725  
the cooperative agreement may be deposited with and administered 22726  
by a trustee pursuant to the trust agreement. 22727

(D) Any contract for the acquisition, construction, 22728  
renovation, repair, or equipping of a sports facility entered 22729  
into, assigned, or assumed under this section shall provide that 22730  
all laborers and mechanics employed in the acquisition, 22731  
construction, renovation, repair, or equipping of the sports 22732  
facility shall be paid at the prevailing rates of wages of 22733  
laborers and mechanics for the class of work called for, as 22734  
those wages are determined in accordance with Chapter 4115. of 22735  
the Revised Code. 22736

**Sec. 307.696.** (A) As used in this section: 22737

(1) "County taxes" means taxes levied by the county 22738  
pursuant to sections 307.697, 4301.421, 5743.024, ~~and 5743.323,~~ 22739  
5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code. 22740

(2) "Corporation" means a nonprofit corporation that is 22741  
organized under the laws of this state for the purposes of 22742  
operating or constructing and operating a sports facility in the 22743  
county and that may also be organized under the laws of this 22744

state for the additional purposes of conducting redevelopment 22745  
and economic development activities within the host municipal 22746  
corporation. 22747

(3) "Sports facility" means a sports facility that is 22748  
intended to house major league professional athletic teams, 22749  
including a stadium, together with all parking facilities, 22750  
walkways, and other auxiliary facilities, real and personal 22751  
property, property rights, easements, and interests that may be 22752  
appropriate for, or used in connection with, the operation of 22753  
the facility. 22754

(4) "Construction" includes, but is not limited to, 22755  
providing fixtures, furnishings, and equipment and providing for 22756  
capital repairs and improvements. 22757

(5) "Debt service charges" means the interest, principal, 22758  
premium, if any, carrying and redemption charges, and expenses 22759  
on bonds issued by either the county or the corporation to: 22760

(a) Construct a sports facility or provide for related 22761  
redevelopment or economic development as provided in this 22762  
section; 22763

(b) Acquire real and personal property, property rights, 22764  
easements, or interests that may be appropriate for, or used in 22765  
connection with, the operation of the facility; and 22766

(c) Make site improvements to real property, including, 22767  
but not limited to, demolition, excavation, and installation of 22768  
footers, pilings, and foundations. 22769

(6) "Host municipal corporation" means the municipal 22770  
corporation within the boundaries of which the sports facility 22771  
is located, and with which a national football league, major 22772  
league baseball, or national basketball association sports 22773

franchise is associated on March 20, 1990. 22774

(B) A board of county commissioners of a county that 22775  
levies a tax under section 307.697, 4301.421, or 5743.024 of the 22776  
Revised Code may enter into an agreement with a corporation 22777  
operating in the county, and, if there is a host municipal 22778  
corporation all or a part of which is located in the county, 22779  
shall enter into an agreement with a corporation operating in 22780  
the county and the host municipal corporation, under which: 22781

(1) (a) The corporation agrees to construct and operate a 22782  
sports facility in the county and to pledge and contribute all 22783  
or any part of the revenues derived from its operation, as 22784  
specified in the agreement, for the purposes described in 22785  
division (C) (1) of this section; and 22786

(b) The board agrees to levy county taxes and pledge and 22787  
contribute any part or all of the revenues therefrom, as 22788  
specified in the agreement, for the purposes described in 22789  
division (C) (1) of this section; or 22790

(2) (a) The corporation agrees to operate a sports facility 22791  
constructed by the county and to pledge and contribute all or 22792  
any part of the revenues derived from its operation, as 22793  
specified in the agreement, for the purposes described in 22794  
division (C) (2) of this section; and 22795

(b) The board agrees to issue revenue bonds of the county, 22796  
use the proceeds from the sale of the bonds to construct a 22797  
sports facility in the county, and to levy county taxes and 22798  
pledge and contribute all or any part of the revenues therefrom, 22799  
as specified in the agreement, for the purposes described in 22800  
division (C) (2) of this section; and, if applicable 22801

(3) The host municipal corporation agrees to expend the 22802

unused pledges and contributions and surplus revenues as 22803  
described in divisions (C) (1) and (2) of this section for 22804  
redevelopment and economic development purposes related to the 22805  
sports facility. 22806

(C) (1) The primary purpose of the pledges and 22807  
contributions described in division (B) (1) of this section is 22808  
payment of debt service charges. To the extent the pledges and 22809  
contributions are not used by the county or corporation for 22810  
payment of debt service charges, the county or corporation, 22811  
pursuant to the agreement provided for in division (B) of this 22812  
section, shall provide the unused pledges and contributions, 22813  
together with surplus revenues of the sports facility not needed 22814  
for debt service charges or the operation and maintenance of the 22815  
sports facility, to the host municipal corporation, or a 22816  
nonprofit corporation, which may be the corporation acting on 22817  
behalf of the host municipal corporation, for redevelopment and 22818  
economic development purposes related to the sports facility. If 22819  
the county taxes are also levied for the purpose of making 22820  
permanent improvements, the agreement shall include a schedule 22821  
of annual pledges and contributions by the county for the 22822  
payment of debt service charges. The county's pledge and 22823  
contribution provided for in the agreement shall be for the 22824  
period stated in the agreement but not to exceed twenty years. 22825  
The agreement shall provide that any such bonds and notes shall 22826  
be secured by a trust agreement between the corporation or other 22827  
bond issuer and a corporate trustee that is a trust company or 22828  
bank having the powers of a trust company within or without the 22829  
state, and the trust agreement shall pledge or assign to the 22830  
retirement of the bonds or notes, all moneys paid by the county 22831  
for that purpose under this section. A county tax, all or any 22832  
part of the revenues from which are pledged under an agreement 22833



entered into by a board of county commissioners under this 22834  
section shall not be subject to diminution by initiative or 22835  
referendum, or diminution by statute, unless provision is made 22836  
therein for an adequate substitute therefor reasonably 22837  
satisfactory to the trustee under the trust agreement that 22838  
secures the bonds and notes. 22839

(2) The primary purpose of the pledges and contributions 22840  
described in division (B) (2) of this section is payment of debt 22841  
service charges. To the extent the pledges and contributions are 22842  
not used by the county for payment of debt service charges, the 22843  
county or corporation, pursuant to the agreement provided for in 22844  
division (B) of this section, shall provide the unused pledges 22845  
and contributions, together with surplus revenues of the sports 22846  
facility not needed for debt service charges or the operation 22847  
and maintenance of the sports facility, to the host municipal 22848  
corporation, or a nonprofit corporation, which may be the 22849  
corporation, acting on behalf of the host municipal corporation, 22850  
for redevelopment and economic development purposes related to 22851  
the sports facility. The corporation's pledge and contribution 22852  
provided for in the agreement shall be until all of the bonds 22853  
issued for the construction of the facility have been retired. 22854

(D) A pledge of money by a county under this section shall 22855  
not be indebtedness of the county for purposes of Chapter 133. 22856  
of the Revised Code. 22857

(E) If the terms of the agreement so provide, the board of 22858  
county commissioners may acquire, make site improvements to, 22859  
including, but not limited to, demolition, excavation, and 22860  
installation of footers, pilings, and foundations, and lease 22861  
real property for the sports facility to a corporation that 22862  
constructs a sports facility under division (B) (1) of this 22863

section. The agreement shall specify the term, which shall not 22864  
exceed thirty years and shall be on such terms as are set forth 22865  
in the agreement. The purchase, improvement, and lease may be 22866  
the subject of an agreement between the county and a municipal 22867  
corporation located within the county pursuant to section 153.61 22868  
or 307.15 of the Revised Code, and are not subject to the 22869  
limitations of sections 307.02 and 307.09 of the Revised Code. 22870

(F) The corporation shall not enter into any construction 22871  
contract or contract for the purchase of services for use in 22872  
connection with the construction of a sports facility prior to 22873  
the corporation's adoption and implementation of a policy on the 22874  
set aside of contracts for bidding by or award to minority 22875  
business enterprises, as defined in division (E)(1) of section 22876  
122.71 of the Revised Code. Sections 4115.03 to 4115.16 of the 22877  
Revised Code apply to a sports facility constructed under this 22878  
section. 22879

(G) Not more than one-half of the total costs, including 22880  
debt service charges and cost of operation, of a project 22881  
undertaken pursuant to an agreement entered into under division 22882  
(B) of this section shall be paid from county taxes. Nothing in 22883  
this section authorizes the use of revenues from county taxes or 22884  
proceeds from the sale of bonds issued by the board of county 22885  
commissioners for payment of costs of operation of a sports 22886  
facility. 22887

(H) Division (G) of this section and the twenty-year 22888  
limitation prescribed in division (C)(1) of this section do not 22889  
apply in the case of taxes levied pursuant to division (E) of 22890  
section 307.697 of the Revised Code, division (C) of section 22891  
4301.421 of the Revised Code, division (D) of section 5743.024 22892  
of the Revised Code, division (C) of section 5743.323 of the 22893

Revised Code, and sections 5743.511, 5743.521, 5743.621, and 22894  
5743.631 of the Revised Code. Notwithstanding anything to the 22895  
contrary in this section or any other section of the Revised 22896  
Code, revenue from the taxes levied pursuant to those provisions 22897  
shall be equally divided by the county among the sports 22898  
facilities that exist within the boundaries of the county during 22899  
the period that the taxes are levied. Unless documented by an 22900  
agreement with the applicable owner of a sports facility, such 22901  
division of revenue shall be made directly by the county 22902  
treasurer by payment to the respective owners of the sports 22903  
facilities. 22904

**Sec. 307.697.** (A) For the purpose of section 307.696 of 22905  
the Revised Code and to pay any or all of the charge the board 22906  
of elections makes against the county to hold the election on 22907  
the question of levying the tax, or for those purposes and to 22908  
provide revenues to the county for permanent improvements, the 22909  
board of county commissioners of a county may levy a tax not to 22910  
exceed three dollars on each gallon of spirituous liquor sold to 22911  
or purchased by liquor permit holders for resale, and sold at 22912  
retail by the state or pursuant to a transfer agreement entered 22913  
into under Chapter 4313. of the Revised Code, in the county. The 22914  
tax shall be levied on the number of gallons so sold. The tax 22915  
may be levied for any number of years not exceeding twenty. 22916

The tax shall be levied pursuant to a resolution of the 22917  
board of county commissioners approved by a majority of the 22918  
electors in the county voting on the question of levying the 22919  
tax, which resolution shall specify the rate of the tax, the 22920  
number of years the tax will be levied, and the purposes for 22921  
which the tax is levied. The election may be held on the date of 22922  
a general or special election held not sooner than ninety days 22923  
after the date the board certifies its resolution to the board 22924

of elections. If approved by the electors, the tax takes effect 22925  
on the first day of the month specified in the resolution but 22926  
not sooner than the first day of the month that is at least 22927  
sixty days after the certification of the election results by 22928  
the board of elections. A copy of the resolution levying the tax 22929  
shall be certified to the division of liquor control at least 22930  
sixty days prior to the date on which the tax is to become 22931  
effective. 22932

(B) A resolution under this section may be joined on the 22933  
ballot as a single question with a resolution adopted under 22934  
section 4301.421 or 5743.024 of the Revised Code to levy a tax 22935  
for the same purposes, and for the purpose of paying the 22936  
expenses of administering that tax. 22937

(C) The form of the ballot in an election held pursuant to 22938  
this section or section 4301.421 or 5743.024 of the Revised Code 22939  
shall be as follows or in any other form acceptable to the 22940  
secretary of state: 22941

"For the purpose of paying not more than one-half of the 22942  
costs of providing a public sports facility together with 22943  
related redevelopment and economic development projects, shall 22944  
(an) excise tax(es) be levied by \_\_\_\_\_ county at the rate 22945  
of \_\_\_\_\_ (dollars on each gallon of spirituous liquor sold in 22946  
the county, cents per gallon on the sale of beer at wholesale in 22947  
the county, cents per gallon on the sale of wine and mixed 22948  
beverages at wholesale in the county, cents per gallon on the 22949  
sale of cider at wholesale in the county, or mills per cigarette 22950  
on the sale of cigarettes at wholesale in the county), for 22951  
\_\_\_\_\_ years? 22952

22953

	Yes
--	-----

	No	"
--	----	---

For an election in which questions under this section or 22954  
section 4301.421 or 5743.024 of the Revised Code are joined as a 22955  
single question, the form of the ballot shall be as above, 22956  
except each of the proposed taxes shall be listed. 22957

(D) The board of county commissioners of a county in which 22958  
a tax is imposed under this section on September 29, 2013, the 22959  
effective date of the amendment of this section by H.B. 59 of 22960  
the 130th general assembly, may levy a tax for the purpose of 22961  
section 307.673 of the Revised Code regardless of whether or not 22962  
the cooperative agreement authorized under that section has been 22963  
entered into prior to the day the resolution adopted under 22964  
division (D)(1) or (2) of this section is adopted, for the 22965  
purpose of reimbursing a county for costs incurred in the 22966  
construction of a sports facility pursuant to an agreement 22967  
entered into by the county under section 307.696 of the Revised 22968  
Code, or for the purpose of paying the costs of capital repairs 22969  
of and improvements to a sports facility, or both. The tax shall 22970  
be levied and approved in one of the manners prescribed by 22971  
division (D)(1) or (2) of this section. 22972

(1) The tax may be levied pursuant to a resolution adopted 22973  
by a majority of the members of the board of county 22974  
commissioners not later than forty-five days after July 19, 22975  
1995. A board of county commissioners approving a tax under 22976  
division (D)(1) of this section may approve a tax under division 22977  
(B)(1) of section 4301.421 or division (C)(1) of section 22978  
5743.024 of the Revised Code at the same time. Subject to the 22979  
resolution being submitted to a referendum under sections 305.31 22980  
to 305.41 of the Revised Code, the resolution shall take effect 22981  
immediately, but the tax levied pursuant to the resolution shall 22982

not be levied prior to the day following the last day that any 22983  
tax previously levied pursuant to this division may be levied. 22984

(2) The tax may be levied pursuant to a resolution adopted 22985  
by a majority of the members of the board of county 22986  
commissioners not later than September 1, 2015, and approved by 22987  
a majority of the electors of the county voting on the question 22988  
of levying the tax. The board of county commissioners shall 22989  
certify a copy of the resolution to the board of elections 22990  
immediately upon adopting a resolution under division (D) (2) of 22991  
this section. The election may be held on the date of a general 22992  
or special election held not sooner than ninety days after the 22993  
date the board certifies its resolution to the board of 22994  
elections. The form of the ballot shall be as prescribed by 22995  
division (C) of this section, except that the phrase "paying not 22996  
more than one-half of the costs of providing a sports facility 22997  
together with related redevelopment and economic development 22998  
projects" shall be replaced by the phrase "paying the costs of 22999  
constructing, renovating, improving, or repairing a sports 23000  
facility and reimbursing a county for costs incurred by the 23001  
county in the construction of a sports facility," and the phrase 23002  
", beginning \_\_\_\_\_ (here insert the earliest date the tax 23003  
would take effect)" shall be appended after "years." A board of 23004  
county commissioners submitting the question of a tax under 23005  
division (D) (2) of this section may submit the question of a tax 23006  
under division (B) (2) of section 4301.421 or division (C) (2) of 23007  
section 5743.024 of the Revised Code as a single question, and 23008  
the form of the ballot shall include each of the proposed taxes. 23009

If approved by a majority of electors voting on the 23010  
question, the tax shall take effect on the day specified on the 23011  
ballot, which shall not be earlier than the day following the 23012  
last day that any tax previously levied pursuant to this 23013

division may be levied. 23014

The rate of a tax levied pursuant to division (D) (1) or 23015  
(2) of this section shall not exceed the rate specified in 23016  
division (A) of this section. A tax levied pursuant to division 23017  
(D) (1) or (2) of this section may be levied for any number of 23018  
years not exceeding twenty. 23019

A board of county commissioners adopting a resolution 23020  
under division (D) (1) or (2) of this section shall certify a 23021  
copy of the resolution to the division of liquor control 23022  
immediately upon adoption of the resolution. 23023

(E) The board of county commissioners of a county whose 23024  
population is greater than one million one hundred thousand but 23025  
less than one million three hundred thousand may levy a tax 23026  
under this division for the purpose of section 307.673 of the 23027  
Revised Code regardless of whether or not the cooperative 23028  
agreement authorized under that section has been entered into 23029  
prior to the day the resolution adopted under division (E) of 23030  
this section is adopted, for the purpose of reimbursing a county 23031  
for costs incurred in the construction of a sports facility 23032  
pursuant to an agreement entered into by the county under 23033  
section 307.696 of the Revised Code, or for the purpose of 23034  
paying the costs of constructing, equipping, furnishing, 23035  
maintaining, renovating, improving, or repairing a sports 23036  
facility. The tax may be levied for any number of years or for a 23037  
continuing period of time. 23038

The tax may be levied pursuant to a resolution adopted by 23039  
the board of county commissioners and approved by a majority of 23040  
the electors of the county voting on the question of levying the 23041  
tax. The board of county commissioners shall certify a copy of 23042  
the resolution to the board of elections immediately after its 23043

adoption. The election may be held on the date of a general or 23044  
special election held not sooner than ninety days after the date 23045  
the board certifies its resolution to the board of elections. 23046  
The form of the ballot shall be as follows: 23047

"For the purpose of (state the purpose or 23048  
purposes), shall an excise tax be levied by county at 23049  
the rate of dollars on each gallon of spirituous liquor 23050  
sold in the county for (number of years or a continuing 23051  
period of time), the tax beginning on (the earliest 23052  
date the tax would take effect)? 23053  
23054

	<u>Yes</u>
	<u>No</u>

"

A board of county commissioners submitting the question of 23055  
a tax under division (E) of this section, may submit the 23056  
question of a tax under section 5743.511, division (C) of 23057  
section 4301.421, or division (D) of section 5743.024 of the 23058  
Revised Code, or all, as a single question, provided that each 23059  
tax is for the same purpose and period of time and the form of 23060  
the ballot states the rate of each of the proposed taxes. 23061

If approved by a majority of electors voting on the 23062  
question, the tax shall take effect on the date specified in the 23063  
resolution but not sooner than the first day of the month that 23064  
is at least sixty days after the certification of the election 23065  
results by the board of elections. The tax levied under division 23066  
(E) of this section may be approved and take effect before the 23067  
expiration of the tax levied under division (D) of this section. 23068  
The tax levied under division (E) of this section shall 23069  
supersede and replace any tax levied under division (D) of this 23070



section, and the tax levied under division (D) of this section 23071  
shall no longer be levied once the tax levied under division (E) 23072  
of this section takes effect. 23073

The rate of a tax levied pursuant to division (E) of this 23074  
section shall not exceed six dollars on each gallon of 23075  
spirituous liquor sold to or purchased by liquor permit holders 23076  
for resale, and sold at retail by the state or pursuant to a 23077  
transfer agreement entered into under Chapter 4313. of the 23078  
Revised Code, in the county. The tax shall be levied on the 23079  
number of gallons so sold. 23080

A board of county commissioners adopting a resolution 23081  
under division (E) of this section shall certify a copy of the 23082  
resolution to the division of liquor control and to the tax 23083  
commissioner immediately upon adoption of the resolution. 23084

(F) No tax shall be levied under division (A) of this 23085  
section on or after September 23, 2008. This division does not 23086  
apply to a tax levied under division (D) or (E) of this section, 23087  
and does not prevent the collection of any tax levied under this 23088  
section before September 23, 2008, so long as that tax remains 23089  
effective. 23090

**Sec. 307.86.** Anything to be purchased, leased, leased with 23091  
an option or agreement to purchase, or constructed, including, 23092  
but not limited to, any product, structure, construction, 23093  
reconstruction, improvement, maintenance, repair, or service, 23094  
except the services of an accountant, architect, attorney at 23095  
law, physician, professional engineer, construction project 23096  
manager, consultant, surveyor, or appraiser, by or on behalf of 23097  
the county or contracting authority, as defined in section 23098  
307.92 of the Revised Code, at a cost in excess of the amount 23099  
specified in section 9.17 of the Revised Code, except as 23100

otherwise provided in division (D) of section 713.23 and in 23101  
sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 23102  
307.861, 339.05, 340.036, ~~4115.31 to 4115.35~~, 5119.44, 5513.01, 23103  
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 23104  
obtained through competitive bidding. No purchase, lease, 23105  
project, or other transaction subject to this section shall be 23106  
divided into component parts, separate projects, or separate 23107  
items of work in order to avoid the requirements of this 23108  
section. However, competitive bidding is not required when any 23109  
of the following applies: 23110

(A) The board of county commissioners, by a unanimous vote 23111  
of its members, makes a determination that a real and present 23112  
emergency exists, and that determination and the reasons for it 23113  
are entered in the minutes of the proceedings of the board, when 23114  
any of the following applies: 23115

(1) The estimated cost is less than one hundred twenty- 23116  
five thousand dollars. 23117

(2) There is actual physical disaster to structures, radio 23118  
communications equipment, or computers. 23119

(3) The product to be purchased is personal protective 23120  
equipment and the purchase is completed during the period of the 23121  
emergency declared by Executive Order 2020-01D, issued on March 23122  
9, 2020. 23123

For purposes of this division: 23124

"Personal protective equipment" means equipment worn to 23125  
minimize exposure to hazards that cause workplace injuries and 23126  
illnesses. 23127

"Unanimous vote" means all three members of a board of 23128  
county commissioners when all three members are present, or two 23129

members of the board if only two members, constituting a quorum, 23130  
are present. 23131

Whenever a contract of purchase, lease, or construction is 23132  
exempted from competitive bidding under division (A)(1) of this 23133  
section because the estimated cost is less than one hundred 23134  
twenty-five thousand dollars, but the estimated cost is the 23135  
amount specified in section 9.17 of the Revised Code or more, 23136  
the county or contracting authority shall solicit informal 23137  
estimates from no fewer than three persons who could perform the 23138  
contract, before awarding the contract. With regard to each such 23139  
contract, the county or contracting authority shall maintain a 23140  
record of such estimates, including the name of each person from 23141  
whom an estimate is solicited. The county or contracting 23142  
authority shall maintain the record for the longer of at least 23143  
one year after the contract is awarded or the amount of time the 23144  
federal government requires. 23145

(B)(1) The purchase consists of supplies or a replacement 23146  
or supplemental part or parts for a product or equipment owned 23147  
or leased by the county, and the only source of supply for the 23148  
supplies, part, or parts is limited to a single supplier. 23149

(2) The purchase consists of services related to 23150  
information technology, such as programming services, that are 23151  
proprietary or limited to a single source. 23152

(C) The purchase is from the federal government, the 23153  
state, another county or contracting authority of another 23154  
county, or a board of education, educational service center, 23155  
township, or municipal corporation. 23156

(D) The purchase is made by a county department of job and 23157  
family services under section 329.04 of the Revised Code and 23158

consists of family services duties or workforce development 23159  
activities or is made by a county board of developmental 23160  
disabilities under section 5126.05 of the Revised Code and 23161  
consists of program services, such as direct and ancillary 23162  
client services, child care, case management services, 23163  
residential services, and family resource services. 23164

(E) The purchase consists of criminal justice services, 23165  
social services programs, family services, or workforce 23166  
development activities by the board of county commissioners from 23167  
nonprofit corporations or associations under programs funded by 23168  
the federal government or by state grants. 23169

(F) The purchase consists of any form of an insurance 23170  
policy or contract authorized to be issued under Title XXXIX of 23171  
the Revised Code or any form of health care plan authorized to 23172  
be issued under Chapter 1751. of the Revised Code, or any 23173  
combination of such policies, contracts, plans, or services that 23174  
the contracting authority is authorized to purchase, and the 23175  
contracting authority does all of the following: 23176

(1) Determines that compliance with the requirements of 23177  
this section would increase, rather than decrease, the cost of 23178  
the purchase; 23179

(2) Requests issuers of the policies, contracts, plans, or 23180  
services to submit proposals to the contracting authority, in a 23181  
form prescribed by the contracting authority, setting forth the 23182  
coverage and cost of the policies, contracts, plans, or services 23183  
as the contracting authority desires to purchase; 23184

(3) Negotiates with the issuers for the purpose of 23185  
purchasing the policies, contracts, plans, or services at the 23186  
best and lowest price reasonably possible. 23187

(G) The purchase consists of computer hardware, software, 23188  
or consulting services that are necessary to implement a 23189  
computerized case management automation project administered by 23190  
the Ohio prosecuting attorneys association and funded by a grant 23191  
from the federal government. 23192

(H) Child care services are purchased for provision to 23193  
county employees. 23194

(I) (1) Property, including land, buildings, and other real 23195  
property, is leased for offices, storage, parking, or other 23196  
purposes, and all of the following apply: 23197

(a) The contracting authority is authorized by the Revised 23198  
Code to lease the property. 23199

(b) The contracting authority develops requests for 23200  
proposals for leasing the property, specifying the criteria that 23201  
will be considered prior to leasing the property, including the 23202  
desired size and geographic location of the property. 23203

(c) The contracting authority receives responses from 23204  
prospective lessors with property meeting the criteria specified 23205  
in the requests for proposals by giving notice in a manner 23206  
substantially similar to the procedures established for giving 23207  
notice under section 307.87 of the Revised Code. 23208

(d) The contracting authority negotiates with the 23209  
prospective lessors to obtain a lease at the best and lowest 23210  
price reasonably possible considering the fair market value of 23211  
the property and any relocation and operational costs that may 23212  
be incurred during the period the lease is in effect. 23213

(2) The contracting authority may use the services of a 23214  
real estate appraiser to obtain advice, consultations, or other 23215  
recommendations regarding the lease of property under this 23216

division. 23217

(J) The purchase is made pursuant to section 5139.34 or 23218  
sections 5139.41 to 5139.46 of the Revised Code and is of 23219  
programs or services that provide case management, treatment, or 23220  
prevention services to any felony or misdemeanor delinquent, 23221  
unruly youth, or status offender under the supervision of the 23222  
juvenile court, including, but not limited to, community 23223  
residential care, day treatment, services to children in their 23224  
home, or electronic monitoring. 23225

(K) The purchase is made by a public children services 23226  
agency pursuant to section 307.92 or 5153.16 of the Revised Code 23227  
and consists of family services, programs, or ancillary services 23228  
that provide case management, prevention, or treatment services 23229  
for children at risk of being or alleged to be abused, 23230  
neglected, or dependent children. 23231

(L) The purchase is to obtain the services of emergency 23232  
medical service organizations under a contract made by the board 23233  
of county commissioners pursuant to section 307.05 of the 23234  
Revised Code with a joint emergency medical services district. 23235

(M) The county contracting authority determines that the 23236  
use of competitive sealed proposals would be advantageous to the 23237  
county and the contracting authority complies with section 23238  
307.862 of the Revised Code. 23239

(N) The purchase consists of used supplies and is made at 23240  
a public auction. 23241

Any issuer of policies, contracts, plans, or services 23242  
listed in division (F) of this section and any prospective 23243  
lessor under division (I) of this section may have the issuer's 23244  
or prospective lessor's name and address, or the name and 23245

address of an agent, placed on a special notification list to be 23246  
kept by the contracting authority, by sending the contracting 23247  
authority that name and address. The contracting authority shall 23248  
send notice to all persons listed on the special notification 23249  
list. Notices shall state the deadline and place for submitting 23250  
proposals. The contracting authority shall mail the notices at 23251  
least six weeks prior to the deadline set by the contracting 23252  
authority for submitting proposals. Every five years the 23253  
contracting authority may review this list and remove any person 23254  
from the list after mailing the person notification of that 23255  
action. 23256

Any contracting authority that negotiates a contract under 23257  
division (F) of this section shall request proposals and 23258  
negotiate with issuers in accordance with that division at least 23259  
every three years from the date of the signing of such a 23260  
contract, unless the parties agree upon terms for extensions or 23261  
renewals of the contract. Such extension or renewal periods 23262  
shall not exceed six years from the date the initial contract is 23263  
signed. 23264

Any real estate appraiser employed pursuant to division 23265  
(I) of this section shall disclose any fees or compensation 23266  
received from any source in connection with that employment. 23267

As used in division (N) of this section, "supplies" means 23268  
any personal property including equipment, materials, and other 23269  
tangible assets. 23270

**Sec. 307.985.** Each board of county commissioners shall 23271  
develop a written transportation work plan that establishes 23272  
policies regarding the transportation needs of low income 23273  
residents of the county seeking or striving to retain 23274  
employment. In developing the transportation work plan, the 23275

board shall consult with all of the following: 23276

(A) The county department of job and family services; 23277

(B) If a regional transit authority created under section 23278  
306.32 of the Revised Code serves the county, the regional 23279  
transit authority; 23280

(C) If a community action agency, as defined in section 23281  
~~122.66~~ 5101.311 of the Revised Code, serves the county, the 23282  
community action agency; 23283

(D) As designated by the board of county commissioners, 23284  
representatives of private ~~non-profit~~ nonprofit and government 23285  
entities that work with issues related to economic development, 23286  
employment, and persons with physical disabilities; 23287

(E) Other individuals designated by the board of county 23288  
commissioners. 23289

**Sec. 308.13.** (A) The board of trustees of a regional 23290  
airport authority or any officer or employee designated by such 23291  
board may make without competitive bidding any contract for any 23292  
purchase, lease, lease with option or agreement to purchase any 23293  
property, or any construction contract for any work, the cost of 23294  
which shall not exceed the amount specified in section 9.17 of 23295  
the Revised Code. Any purchase, lease, lease with option or 23296  
agreement to purchase, or construction contract in excess of the 23297  
amount specified in section 9.17 of the Revised Code shall 23298  
require that a notice calling for bids be published once a week 23299  
for not less than two consecutive weeks preceding the day of the 23300  
opening of the bids in a newspaper of general circulation within 23301  
the territorial boundaries of the regional airport authority. 23302  
The regional airport authority also may cause notice to be 23303  
inserted in trade papers or other publications designated by it 23304



or to be distributed by electronic means, including posting the 23305  
notice on the internet site on the world wide web of the 23306  
regional airport authority. If the contracting authority posts 23307  
the notice on that internet web site, the requirement that a 23308  
second notice be published in a newspaper of general circulation 23309  
within the territorial boundaries of the regional airport 23310  
authority does not apply provided the first notice published in 23311  
that newspaper meets all of the following requirements: 23312

(1) It is published at least two weeks prior to the day of 23313  
the opening of the bids. 23314

(2) It includes a statement that the notice is posted on 23315  
the internet site on the world wide web of the regional airport 23316  
authority. 23317

(3) It includes the internet address of the internet site 23318  
on the world wide web of the regional airport authority. 23319

(4) It includes instructions describing how the notice may 23320  
be accessed on the internet site on the world wide web of the 23321  
regional airport authority. 23322

No purchase, lease, project, or other transaction subject 23323  
to this section shall be divided into component parts, separate 23324  
projects, or separate items of work in order to avoid the 23325  
requirements of this section. 23326

If the bid is for a contract for the construction, 23327  
demolition, alteration, repair, or reconstruction of an 23328  
improvement, it shall meet the requirements of section 153.54 of 23329  
the Revised Code. If the bid is for any other contract 23330  
authorized by this section, it shall be accompanied by a good 23331  
and approved bond with ample security conditioned on the 23332  
carrying out of the contract as determined by the board. The 23333

board may let the contract to the lowest and best bidder. Such 23334  
contract shall be in writing and shall be accompanied by or 23335  
shall refer to plans and specifications for the work to be done, 23336  
as approved by the board. The plans and specifications at all 23337  
times shall be made and considered part of the contract. The 23338  
contract shall be approved by the board and signed by its chief 23339  
executive officer and by the contractor, and shall be executed 23340  
in duplicate. 23341

(B) The competitive bidding procedures described in 23342  
division (A) of this section do not apply in any of the 23343  
following circumstances: 23344

(1) The board of trustees of a regional airport authority, 23345  
by a majority vote of its members present at any meeting, 23346  
determines that a real and present emergency exists under any of 23347  
the following conditions, and the board enters its determination 23348  
and the reasons for it in its proceedings: 23349

(a) Affecting safety, welfare, or the ability to deliver 23350  
services; 23351

(b) Arising out of an interruption of contracts essential 23352  
to the provision of daily air services and other services 23353  
related to the airport; 23354

(c) Involving actual physical damage to structures, 23355  
supplies, equipment, or property requiring immediate repair or 23356  
replacement. 23357

(2) The purchase consists of goods or services, or any 23358  
combination thereof, and after reasonable inquiry the board or 23359  
any officer or designee of the board finds that only one source 23360  
of supply is reasonably available. 23361

(3) The expenditure is for a renewal or renegotiation of a 23362

lease or license for telecommunications or informational 23363  
technology equipment, services, or systems, or for the upgrade 23364  
of such equipment, services, or systems, or for the maintenance 23365  
thereof as supplied by the original source or its successors or 23366  
assigns. 23367

(4) The purchase of goods or services is made from another 23368  
political subdivision, public agency, public transit system, 23369  
regional transit authority, the state, or the federal 23370  
government, or as a third-party beneficiary under a state or 23371  
federal procurement contract, or as a participant in a 23372  
department of administrative services contract under division 23373  
(B) of section 125.04 of the Revised Code or under an approved 23374  
purchasing plan of this state. 23375

(5) The purchase substantially involves services of a 23376  
personal, professional, highly technical, or scientific nature, 23377  
including the services of an attorney, physician, engineer, 23378  
architect, surveyor, appraiser, investigator, adjuster, 23379  
advertising consultant, or licensed broker, or involves the 23380  
special skills or proprietary knowledge required for the 23381  
operation of the airport owned by the regional transit 23382  
authority. 23383

(6) Services or supplies are available from a qualified 23384  
nonprofit agency pursuant to sections ~~4115.31~~ 125.60 to ~~4115.35~~ 23385  
125.6012 of the Revised Code. 23386

(7) The purchase consists of the product or services of a 23387  
public utility. 23388

**Sec. 311.14.** Upon retiring from office, the sheriff shall 23389  
pay over to ~~his~~ the sheriff's successor in office all moneys 23390  
received by such sheriff and remaining in ~~his~~ the sheriff's 23391

hands. ~~He~~ The sheriff shall deliver to ~~his~~ the sheriff's 23392  
successor all evidences of indebtedness and all books, blanks, 23393  
and stationery belonging to ~~his~~ the sheriff's office. Each 23394  
sheriff shall demand and receive such books and papers from ~~his~~ the sheriff's predecessor. Before leaving office, the sheriff 23395  
shall prepare a certificate of transition for the successor 23396  
sheriff in the form and substance prescribed by the auditor of 23397  
state. The certificate shall contain an inventory of items 23398  
delivered in accordance with this section, sections 311.13 and 23399  
311.15 of the Revised Code, and other information prescribed by 23400  
the auditor of state. Before prescribing the inventory of items, 23401  
accounts, and other information to be contained in the 23402  
certificate of transition, the auditor of state shall solicit 23403  
input from county sheriffs. 23404  
23405

**Sec. 313.01.** (A) A coroner shall be ~~elected~~ appointed 23406  
quadrennially in each county, ~~who~~ by the board of county 23407  
commissioners and shall hold office for a term of four years, 23408  
beginning on the first Monday of January ~~next~~ after 23409  
election appointment. 23410

(B) As used in the Revised Code, unless the context 23411  
otherwise requires: 23412

(1) "Coroner" means the coroner or medical examiner of the 23413  
county in which death occurs or the dead human body is found. 23414

(2) "Deputy coroner" means the deputy coroner or deputy 23415  
medical examiner of the county in which death occurs or the dead 23416  
human body is found. 23417

**Sec. 313.02.** (A) (1) Except as provided in division (A) (2) 23418  
of this section, to be eligible to the office of coroner, a 23419  
person shall be a physician who is licensed under Chapter 4731. 23420

of the Revised Code to practice medicine and surgery or 23421  
osteopathic medicine and surgery, and who is in good standing in 23422  
the person's profession. For a county other than a charter 23423  
county, the person also shall have been licensed under Chapter 23424  
4731. of the Revised Code to practice medicine and surgery or 23425  
osteopathic medicine and surgery for a period of at least two 23426  
years immediately preceding ~~election or~~ appointment as coroner. 23427

(2) Division (A)(1) of this section does not prohibit a 23428  
person elected to the office of coroner who holds that office on 23429  
~~the effective date of this amendment~~ April 9, 2025, but who does 23430  
not meet the eligibility conditions described in that division, 23431  
from doing any of the following after that date: 23432

(a) Continuing to hold the office of coroner of that 23433  
county until the person's term of office expires; 23434

(b) Seeking ~~reelection~~ appointment as coroner of that 23435  
county for one or more subsequent terms of office and, if 23436  
~~reelected~~ appointed, continuing to hold the office for the 23437  
duration of any subsequent term. 23438

(B)(1) ~~Beginning in calendar year 2000 and in each fourth-~~ 23439  
~~year thereafter, each~~ Each newly elected ~~appointed~~ coroner, 23440  
~~after the general election but~~ prior to commencing the term of 23441  
office to which ~~elected~~ appointed, shall attend and successfully 23442  
complete sixteen hours of continuing education at programs 23443  
sponsored by the Ohio state coroners association. Within ninety 23444  
days after appointment to the office of coroner under section 23445  
~~305.02-313.04~~ 313.04 of the Revised Code, the newly appointed coroner 23446  
shall attend and successfully complete sixteen hours of 23447  
continuing education at programs sponsored by the association. 23448  
Hours of continuing education completed under the requirement 23449  
described in division (B)(1) of this section shall not be 23450

counted toward fulfilling the continuing education requirement 23451  
described in division (B) (2) of this section. 23452

As used in division (B) (1) of this section, "newly ~~elected~~ 23453  
appointed coroner" means a person who did not hold the office of 23454  
coroner on the date the person was ~~elected~~ appointed coroner. 23455

(2) Except as otherwise provided in division (B) (2) of 23456  
this section, beginning in calendar year 2001, each coroner, 23457  
during the coroner's four-year term, shall attend and 23458  
successfully complete thirty-two hours of continuing education 23459  
at programs sponsored by the Ohio state coroners association. 23460  
Except as otherwise provided in division (B) (2) of this section, 23461  
each coroner shall attend and successfully complete twenty-four 23462  
of these thirty-two hours at statewide meetings, and eight of 23463  
these thirty-two hours at regional meetings, sponsored by the 23464  
association. The association may approve attendance at 23465  
continuing education programs it does not sponsor but, if 23466  
attendance is approved, successful completion of hours at these 23467  
programs shall be counted toward fulfilling only the twenty- 23468  
four-hour requirement described in division (B) (2) of this 23469  
section. 23470

(3) Upon successful completion of a continuing education 23471  
program required by division (B) (1) or (2) of this section, the 23472  
person who successfully completes the program shall receive from 23473  
the association or the sponsoring organization a certificate 23474  
indicating that the person successfully completed the program. 23475

**Sec. 313.04.** (A) When the coroner is absent temporarily 23476  
from the county, or when on duty with the armed services of the 23477  
United States, the state militia, or the American red cross, or 23478  
when unable to discharge the duties of the office of coroner, 23479  
such coroner may appoint a person with the necessary 23480

qualifications to act as coroner during such absence, service, 23481  
or disability. 23482

~~When there is a~~ (B) If a vacancy occurs in the coroner's 23483  
office for any cause, the board of county commissioners shall 23484  
appoint a successor to hold the office and to perform the duties 23485  
for the remainder of the term. 23486

(C) For the period of time between the occurrence of the 23487  
vacancy in the coroner's office ~~as a result of death or~~ 23488  
~~resignation and the vacancy cannot be filled by election or~~ 23489  
~~appointment as provided in~~ and the time when a coroner is 23490  
appointed under division (B) of this section ~~305.02 of the~~ 23491  
~~Revised Code, or if no one runs for the office of coroner and,~~ 23492  
~~for that reason, the office is vacant,~~ the board of county 23493  
commissioners may contract with another county's coroner to 23494  
exercise the powers and perform the acts, duties, or functions 23495  
of the coroner. In addition to the applicable amounts of 23496  
compensation specified in sections 325.15 and 325.18 of the 23497  
Revised Code, the coroner with whom the board contracts may 23498  
receive a supplemental payment for services rendered. The 23499  
duration of the contract shall not extend beyond the last day of 23500  
the term for which there was a vacancy. 23501

**Sec. 317.20.** (A) When, in the opinion of the board of 23502  
county commissioners, sectional indexes are needed and it so 23503  
directs, in addition to the indexes provided for in section 23504  
317.18 of the Revised Code, the board may provide for making, in 23505  
books prepared for that purpose, sectional indexes to the 23506  
records of all real estate in the county beginning with some 23507  
designated year and continuing through the period of years that 23508  
the board specifies. The sectional indexes shall place under the 23509  
heads of the original surveyed sections or surveys, parts of a 23510

section or survey, squares, subdivisions, permanent parcel 23511  
numbers provided for under section 319.28 of the Revised Code, 23512  
or lots, on the left-hand page or on the upper portion of that 23513  
page of the index book, the name of the grantor, then the name 23514  
of the grantee, then the number and page of the record in which 23515  
the instrument is found recorded, then the character of the 23516  
instrument, and then a pertinent description of the interest in 23517  
property conveyed by the deed, lease, or assignment of lease, 23518  
and shall place under similar headings on the right-hand page or 23519  
on the lower portion of that page of the index book, beginning 23520  
at the bottom, all the mortgages, liens, notices provided for in 23521  
sections 5301.51, 5301.52, and 5301.56 of the Revised Code, or 23522  
other encumbrances affecting the real estate. 23523

(B) The compensation for the services rendered under this 23524  
section shall be paid from the general revenue fund of the 23525  
county, and no additional levy shall be made in consequence of 23526  
the services. 23527

(C) If the board of county commissioners decides to have 23528  
sectional indexes made, it shall advertise for three consecutive 23529  
weeks for sealed proposals to do the work provided for in this 23530  
section, using at least one of the following methods: 23531

(1) In the print or digital edition of a newspaper of 23532  
general circulation within the county; 23533

(2) On the official public notice web site established 23534  
under section 125.182 of the Revised Code; 23535

(3) On the web site and social media account of the 23536  
county. 23537

The board shall contract with the lowest and best bidder, 23538  
and shall require the successful bidder to give a bond for the 23539



faithful performance of the contract in the sum that the board 23540  
fixes. ~~The work shall be done to the acceptance of the auditor~~ 23541  
~~of state upon allowance by the board.~~ The board may reject any 23542  
and all bids for the work, provided that no more than five cents 23543  
shall be paid for each entry of each tract or lot of land. 23544

(D) When the sectional indexes are brought up and 23545  
completed, the county recorder shall maintain the indexes and 23546  
comply with division (E) of this section in connection with 23547  
registered land. 23548

(E) (1) As used in division (E) of this section, "housing 23549  
accommodations" and "restrictive covenant" have the same 23550  
meanings as in section 4112.01 of the Revised Code. 23551

(2) In connection with any transfer of registered land 23552  
that occurs on and after March 30, 1999, in accordance with 23553  
Chapters 5309. and 5310. of the Revised Code, the county 23554  
recorder shall delete from the sectional indexes maintained 23555  
under this section all references to any restrictive covenant 23556  
that appears to apply to the transferred registered land, if any 23557  
inclusion of the restrictive covenant in a transfer, rental, or 23558  
lease of housing accommodations, any honoring or exercising of 23559  
the restrictive covenant, or any attempt to honor or exercise 23560  
the restrictive covenant constitutes an unlawful discriminatory 23561  
practice under division (H) (9) of section 4112.02 of the Revised 23562  
Code. 23563

**Sec. 319.04.** (A) Each county auditor who is elected to a 23564  
full term of office shall attend and successfully complete at 23565  
least sixteen hours of continuing education courses during the 23566  
first year of the auditor's term of office, and complete at 23567  
least another eight hours of such courses by the end of that 23568  
term. Each such county auditor shall include at least two hours 23569

of ethics and substance-abuse training in the total twenty-four 23570  
hours of required courses. To be counted toward the twenty-four 23571  
hours required by this section, a course must be approved by the 23572  
county auditors association of Ohio. Any county auditor who 23573  
teaches an approved course shall be entitled to credit for the 23574  
course in the same manner as if the county auditor had attended 23575  
the course. 23576

That association shall record and, upon request, verify 23577  
the completion of required course work for each county auditor, 23578  
and issue a statement to each county auditor of the number of 23579  
hours of continuing education the county auditor has 23580  
successfully completed. Each year the association shall send a 23581  
list of the continuing education courses, and the number of 23582  
hours each county auditor has successfully completed, to the 23583  
auditor of state and the tax commissioner, and shall provide a 23584  
copy of this list to any other individual who requests it. 23585

~~The auditor of state shall issue a certificate of~~ 23586  
~~completion to each county auditor who completes the continuing~~ 23587  
~~education courses required by this section. The auditor of state~~ 23588  
association shall issue a "notice of "failure to complete" to 23589  
any county auditor required to complete continuing education 23590  
courses under this section who fails to successfully complete at 23591  
least sixteen hours of continuing education courses during the 23592  
first year of the county auditor's term of office or to complete 23593  
a total of at least twenty-four hours of such courses by the end 23594  
of that term. This notice is for informational purposes only and 23595  
does not affect any individual's ability to hold the office of 23596  
county auditor. 23597

The county auditor shall retain the documentation of any 23598  
initial or continuing education courses completed. The auditor 23599

of state shall audit for compliance with this section. 23600

(B) Each board of county commissioners shall approve, from 23601  
money appropriated to the county auditor, a reasonable amount 23602  
requested by the county auditor of its county to cover the costs 23603  
the county auditor must incur to meet the requirements of 23604  
division (A) of this section, including registration fees, 23605  
lodging and meal expenses, and travel expenses. 23606

**Sec. 319.202.** Before the county auditor indorses any real 23607  
property conveyance or manufactured or mobile home conveyance 23608  
presented to the auditor pursuant to section 319.20 of the 23609  
Revised Code or registers any manufactured or mobile home 23610  
conveyance pursuant to section 4503.061 of the Revised Code, the 23611  
grantee or the grantee's representative shall submit, either 23612  
electronically or three written copies of, a statement, in the 23613  
form prescribed by the tax commissioner, and other information 23614  
as the county auditor may require, declaring the value of real 23615  
property or manufactured or mobile home conveyed, except that 23616  
when the transfer is exempt under division (G)(3) of section 23617  
319.54 of the Revised Code only a statement of the reason for 23618  
the exemption shall be required. Each statement submitted under 23619  
this section shall contain the information required under 23620  
divisions (A)~~and~~, (B), and (C) of this section. 23621

(A) Each statement submitted under this section shall 23622  
include or otherwise be accompanied by a statement advising the 23623  
grantee of the eligibility requirements for the reduction in 23624  
taxes authorized under division (B) of section 323.152 of the 23625  
Revised Code and of the duty imposed by division (C)(1) of 23626  
section 323.153 of the Revised Code on the grantee to notify the 23627  
county auditor if the grantee no longer qualifies for the 23628  
reduction. 23629

(B) Each statement submitted under this section shall 23630  
either: 23631

(1) Contain an affirmation by the grantee that the grantor 23632  
has been asked by the grantee or the grantee's representative 23633  
whether to the best of the grantor's knowledge either the 23634  
preceding or the current year's taxes on the real property or 23635  
the current or following year's taxes on the manufactured or 23636  
mobile home conveyed will be reduced under division (A) of 23637  
section 323.152 or under section 4503.065 of the Revised Code 23638  
and that the grantor indicated that to the best of the grantor's 23639  
knowledge the taxes will not be so reduced; or 23640

(2) Be accompanied by a sworn or affirmed instrument 23641  
stating: 23642

(a) To the best of the grantor's knowledge the real 23643  
property or the manufactured or mobile home that is the subject 23644  
of the conveyance is eligible for and will receive a reduction 23645  
in taxes for or payable in the current year under division (A) 23646  
of section 323.152 or under section 4503.065 of the Revised Code 23647  
and that the reduction or reductions will be reflected in the 23648  
grantee's taxes; 23649

(b) The estimated amount of such reductions that will be 23650  
reflected in the grantee's taxes; 23651

(c) That the grantor and the grantee have considered and 23652  
accounted for the total estimated amount of such reductions to 23653  
the satisfaction of both the grantee and the grantor. The 23654  
auditor shall indorse the instrument, return it to the grantee 23655  
or the grantee's representative, and provide a copy of the 23656  
indorsed instrument to the grantor or the grantor's 23657  
representative. 23658

~~(B)~~ (C) Each statement submitted under this section shall 23659  
either: 23660

(1) Contain an affirmation by the grantee that the grantor 23661  
has been asked by the grantee or the grantee's representative 23662  
whether to the best of the grantor's knowledge the real property 23663  
conveyed qualified for the current agricultural use valuation 23664  
under section 5713.30 of the Revised Code either for the 23665  
preceding or the current year and that the grantor indicated 23666  
that to the best of the grantor's knowledge the property 23667  
conveyed was not so qualified; or 23668

(2) Be accompanied by a sworn or affirmed instrument 23669  
stating: 23670

(a) To the best of the grantor's knowledge the real 23671  
property conveyed was qualified for the current agricultural use 23672  
valuation under section 5713.30 of the Revised Code either for 23673  
the preceding or the current year; 23674

(b) To the extent that the property will not continue to 23675  
qualify for the current agricultural use valuation either for 23676  
the current or the succeeding year, that the property will be 23677  
subject to a recoupment charge equal to the tax savings in 23678  
accordance with section 5713.34 of the Revised Code; 23679

(c) That the grantor and the grantee have considered and 23680  
accounted for the total estimated amount of such recoupment, if 23681  
any, to the satisfaction of both the grantee and the grantor. 23682  
The auditor shall indorse the instrument, forward it to the 23683  
grantee or the grantee's representative, and provide a copy of 23684  
the indorsed instrument to the grantor or the grantor's 23685  
representative. 23686

~~(C)~~ (D) The grantor shall pay the fee required by division 23687

(G) (3) of section 319.54 of the Revised Code; and, in the event 23688  
the board of county commissioners of the county has levied a 23689  
real property or a manufactured home transfer tax pursuant to 23690  
Chapter 322. of the Revised Code, the amount required by the 23691  
real property or manufactured home transfer tax so levied. If 23692  
the conveyance is exempt from the fee provided for in division 23693  
(G) (3) of section 319.54 of the Revised Code and the tax, if 23694  
any, levied pursuant to Chapter 322. of the Revised Code, the 23695  
reason for such exemption shall be shown on the statement. 23696  
"Value" means, in the case of any deed or certificate of title 23697  
not a gift in whole or part, the amount of the full 23698  
consideration therefor, paid or to be paid for the real estate 23699  
or manufactured or mobile home described in the deed or title, 23700  
including the amount of any mortgage or vendor's lien thereon. 23701  
If property sold under a land installment contract is conveyed 23702  
by the seller under such contract to a third party and the 23703  
contract has been of record at least twelve months prior to the 23704  
date of conveyance, "value" means the unpaid balance owed to the 23705  
seller under the contract at the time of the conveyance, but the 23706  
statement shall set forth the amount paid under such contract 23707  
prior to the date of conveyance. In the case of a gift in whole 23708  
or part, "value" means the estimated price the real estate or 23709  
manufactured or mobile home described in the deed or certificate 23710  
of title would bring in the open market and under the then 23711  
existing and prevailing market conditions in a sale between a 23712  
willing seller and a willing buyer, both conversant with the 23713  
property and with prevailing general price levels. No person 23714  
shall willfully falsify the value of property conveyed. 23715

~~(D)~~ (E) The auditor shall indorse each conveyance on its 23716  
face to indicate the amount of the conveyance fee and compliance 23717  
with this section and if the property is residential rental 23718

property include a statement that the grantee shall file with 23719  
the county auditor the information required under division (A) 23720  
or (C) of section 5323.02 of the Revised Code. The auditor shall 23721  
retain the original copy of the statement of value, forward to 23722  
the tax commissioner one copy on which shall be noted the most 23723  
recent assessed value of the property, and furnish one copy to 23724  
the grantee or the grantee's representative. 23725

~~(E)~~ (F) In order to achieve uniform administration and 23726  
collection of the transfer fee required by division (G) (3) of 23727  
section 319.54 of the Revised Code, the tax commissioner shall 23728  
adopt and promulgate rules for the administration and 23729  
enforcement of the levy and collection of such fee. 23730

~~(F)~~ (G) As used in this section, "residential rental 23731  
property" has the same meaning as in section 5323.01 of the 23732  
Revised Code. 23733

**Sec. 319.301.** (A) The reductions required by division (D) 23734  
of this section do not apply to any of the following: 23735

(1) Taxes levied at whatever rate is required to produce a 23736  
specified amount of tax money, including a tax levied under 23737  
section 5705.199 or 5748.09 of the Revised Code, or an amount to 23738  
pay debt charges; 23739

(2) Taxes levied within the one per cent limitation 23740  
imposed by Section 2 of Article XII, Ohio Constitution; 23741

(3) Taxes provided for by the charter of a municipal 23742  
corporation. 23743

(B) As used in this section: 23744

(1) "Real property" includes real property owned by a 23745  
railroad. 23746

(2) "Carryover property" means all real property on the 23747  
current year's tax list except: 23748

(a) Land and improvements that were not taxed by the 23749  
district in both the preceding year and the current year; 23750

(b) Land and improvements that were not in the same class 23751  
in both the preceding year and the current year. 23752

(3) "Effective tax rate" means with respect to each class 23753  
of property: 23754

(a) The sum of the total taxes that would have been 23755  
charged and payable for current expenses against real property 23756  
in that class if each of the district's taxes were reduced for 23757  
the current year under division (D) (1) of this section without 23758  
regard to the application of division (E) (3) of this section 23759  
divided by 23760

(b) The taxable value of all real property in that class. 23761

(4) "Taxes charged and payable" means the taxes charged 23762  
and payable prior to any reduction required by section 319.302 23763  
of the Revised Code. 23764

(C) The tax commissioner shall make the determinations 23765  
required by this section each year, without regard to whether a 23766  
taxing district has territory in a county to which section 23767  
5715.24 of the Revised Code applies for that year. Separate 23768  
determinations shall be made for each of the two classes 23769  
established pursuant to section 5713.041 of the Revised Code. 23770

(D) With respect to each tax authorized to be levied by 23771  
each taxing district, the tax commissioner, annually, shall do 23772  
both of the following: 23773

(1) Determine by what percentage, if any, the sums levied 23774



by such tax against the carryover property in each class would 23775  
have to be reduced for the tax to levy the same number of 23776  
dollars against such property in that class in the current year 23777  
as were charged against such property by such tax in the 23778  
preceding year subsequent to the reduction made under this 23779  
section but before the reduction made under section 319.302 of 23780  
the Revised Code. In the case of a tax levied for the first time 23781  
that is not a renewal of an existing tax, the commissioner shall 23782  
determine by what percentage the sums that would otherwise be 23783  
levied by such tax against carryover property in each class 23784  
would have to be reduced to equal the amount that would have 23785  
been levied if the full rate thereof had been imposed against 23786  
the total taxable value of such property in the preceding tax 23787  
year. ~~A tax or portion of a tax that is designated a replacement~~ 23788  
~~levy under section 5705.192 of the Revised Code is not a renewal~~ 23789  
~~of an existing tax for purposes of this division.~~ 23790

(2) Certify each percentage determined in division (D) (1) 23791  
of this section, as adjusted under division (E) of this section, 23792  
and the class of property to which that percentage applies to 23793  
the auditor of each county in which the district has territory. 23794  
The auditor, after complying with section 319.30 of the Revised 23795  
Code, shall reduce the sum to be levied by such tax against each 23796  
parcel of real property in the district by the percentage so 23797  
certified for its class. Certification shall be made by the 23798  
first day of September except in the case of a tax levied for 23799  
the first time, in which case certification shall be made within 23800  
fifteen days of the date the county auditor submits the 23801  
information necessary to make the required determination. 23802

(E) (1) As used in division (E) (2) of this section, "pre- 23803  
1982 joint vocational taxes" means, with respect to a class of 23804  
property, the difference between the following amounts: 23805

(a) The taxes charged and payable in tax year 1981 against 23806  
the property in that class for the current expenses of the joint 23807  
vocational school district of which the school district is a 23808  
part after making all reductions under this section; 23809

(b) Two-tenths of one per cent of the taxable value of all 23810  
real property in that class. 23811

If the amount in division (E) (1) (b) of this section 23812  
exceeds the amount in division (E) (1) (a) of this section, the 23813  
pre-1982 joint vocational taxes shall be zero. 23814

As used in divisions (E) (2) and (3) of this section, 23815  
"taxes charged and payable" has the same meaning as in division 23816  
(B) (4) of this section and excludes any tax charged and payable 23817  
in 1985 or thereafter under ~~sections 5705.194 to 5705.197 or~~ 23818  
~~section 5705.199,~~ 5705.213, 5705.219, or 5748.09 of the Revised 23819  
Code. 23820

(2) If in the case of a school district other than a joint 23821  
vocational or cooperative education school district any 23822  
percentage required to be used in division (D) (2) of this 23823  
section for either class of property could cause the total taxes 23824  
charged and payable for current expenses to be less than two per 23825  
cent of the taxable value of all real property in that class 23826  
that is subject to taxation by the district, the commissioner 23827  
shall determine what percentages would cause the district's 23828  
total taxes charged and payable for current expenses against 23829  
that class, after all reductions that would otherwise be made 23830  
under this section, to equal, when combined with the pre-1982 23831  
joint vocational taxes against that class, the lesser of the 23832  
following: 23833

(a) The sum of the rates at which those taxes are 23834

authorized to be levied; 23835

(b) Two per cent of the taxable value of the property in 23836  
that class. The auditor shall use such percentages in making the 23837  
reduction required by this section for that class. 23838

(3) If in the case of a joint vocational school district 23839  
any percentage required to be used in division (D) (2) of this 23840  
section for either class of property could cause the total taxes 23841  
charged and payable for current expenses for that class to be 23842  
less than two-tenths of one per cent of the taxable value of 23843  
that class, the commissioner shall determine what percentages 23844  
would cause the district's total taxes charged and payable for 23845  
current expenses for that class, after all reductions that would 23846  
otherwise be made under this section, to equal that amount. The 23847  
auditor shall use such percentages in making the reductions 23848  
required by this section for that class. 23849

(F) No reduction shall be made under this section in the 23850  
rate at which any tax is levied. 23851

(G) The commissioner may order a county auditor to furnish 23852  
any information the commissioner needs to make the 23853  
determinations required under division (D) or (E) of this 23854  
section, and the auditor shall supply the information in the 23855  
form and by the date specified in the order. If the auditor 23856  
fails to comply with an order issued under this division, except 23857  
for good cause as determined by the commissioner, the 23858  
commissioner shall withhold from such county or taxing district 23859  
therein fifty per cent of state revenues to local governments 23860  
pursuant to section 5747.50 of the Revised Code or shall direct 23861  
the department of education and workforce to withhold therefrom 23862  
fifty per cent of state revenues to school districts pursuant to 23863  
Chapter 3317. of the Revised Code. The commissioner shall 23864

withhold the distribution of such revenues until the county 23865  
auditor has complied with this division, and the department 23866  
shall withhold the distribution of such revenues until the 23867  
commissioner has notified the department that the county auditor 23868  
has complied with this division. 23869

(H) If the commissioner is unable to certify a tax 23870  
reduction factor for either class of property in a taxing 23871  
district located in more than one county by the last day of 23872  
November because information required under division (G) of this 23873  
section is unavailable, the commissioner may compute and certify 23874  
an estimated tax reduction factor for that district for that 23875  
class. The estimated factor shall be based upon an estimate of 23876  
the unavailable information. Upon receipt of the actual 23877  
information for a taxing district that received an estimated tax 23878  
reduction factor, the commissioner shall compute the actual tax 23879  
reduction factor and use that factor to compute the taxes that 23880  
should have been charged and payable against each parcel of 23881  
property for the year for which the estimated reduction factor 23882  
was used. The amount by which the estimated factor resulted in 23883  
an overpayment or underpayment in taxes on any parcel shall be 23884  
added to or subtracted from the amount due on that parcel in the 23885  
ensuing tax year. 23886

A percentage or a tax reduction factor determined or 23887  
computed by the commissioner under this section shall be used 23888  
solely for the purpose of reducing the sums to be levied by the 23889  
tax to which it applies for the year for which it was determined 23890  
or computed. It shall not be used in making any tax computations 23891  
for any ensuing tax year. 23892

(I) In making the determinations under division (D) (1) of 23893  
this section, the tax commissioner shall take account of changes 23894

in the taxable value of carryover property resulting from 23895  
complaints filed under section 5715.19 of the Revised Code for 23896  
determinations made for the tax year in which such changes are 23897  
reported to the commissioner. Such changes shall be reported to 23898  
the commissioner on the first abstract of real property filed 23899  
with the commissioner under section 5715.23 of the Revised Code 23900  
following the date on which the complaint is finally determined 23901  
by the board of revision or by a court or other authority with 23902  
jurisdiction on appeal. The tax commissioner shall account for 23903  
such changes in making the determinations only for the tax year 23904  
in which the change in valuation is reported. Such a valuation 23905  
change shall not be used to recompute the percentages determined 23906  
under division (D) (1) of this section for any prior tax year. 23907

**Sec. 319.302.** (A) (1) Real property that is not intended 23908  
primarily for use in a business activity shall qualify for a 23909  
partial exemption from real property taxation. For purposes of 23910  
this partial exemption, "business activity" includes all uses of 23911  
real property, except farming; leasing property for farming; 23912  
occupying or holding property improved with single-family, two- 23913  
family, or three-family dwellings; leasing property improved 23914  
with single-family, two-family, or three-family dwellings; or 23915  
holding vacant land that the county auditor determines will be 23916  
used for farming or to develop single-family, two-family, or 23917  
three-family dwellings. For purposes of this partial exemption, 23918  
"farming" does not include land used for the commercial 23919  
production of timber that is receiving the tax benefit under 23920  
section 5713.23 or 5713.31 of the Revised Code and all 23921  
improvements connected with such commercial production of 23922  
timber. 23923

(2) Each year, the county auditor shall review each parcel 23924  
of real property to determine whether it qualifies for the 23925

partial exemption provided for by this section as of the first 23926  
day of January of the current tax year. 23927

(B) After complying with section 319.301 of the Revised 23928  
Code, the county auditor shall reduce the remaining sums to be 23929  
levied by qualifying levies against each parcel of real property 23930  
that is listed on the general tax list and duplicate of real and 23931  
public utility property for the current tax year and that 23932  
qualifies for partial exemption under division (A) of this 23933  
section, and against each manufactured and mobile home that is 23934  
taxed pursuant to division (D) (2) of section 4503.06 of the 23935  
Revised Code and that is on the manufactured home tax list for 23936  
the current tax year, by ten per cent, to provide a partial 23937  
exemption for that parcel or home. For the purposes of this 23938  
division: 23939

(1) "Qualifying levy" means a levy approved at an election 23940  
held before September 29, 2013; a levy within the ten-mill 23941  
limitation; a levy provided for by the charter of a municipal 23942  
corporation that was levied on the tax list for tax year 2013; a 23943  
subsequent renewal of any such levy; or a subsequent substitute 23944  
for such a levy under section 5705.199 of the Revised Code. 23945

(2) "Qualifying levy" does not include any replacement 23946  
imposed under section 5705.192 of the Revised Code, as it 23947  
existed before the effective date of this amendment, of any levy 23948  
described in division (B) (1) of this section. 23949

(C) Except as otherwise provided in sections 323.152, 23950  
323.158, 323.16, 505.06, and 715.263 of the Revised Code, the 23951  
amount of the taxes remaining after any such reduction shall be 23952  
the real and public utility property taxes charged and payable 23953  
on each parcel of real property, including property that does 23954  
not qualify for partial exemption under division (A) of this 23955

section, and the manufactured home tax charged and payable on 23956  
each manufactured or mobile home, and shall be the amounts 23957  
certified to the county treasurer for collection. Upon receipt 23958  
of the real and public utility property tax duplicate, the 23959  
treasurer shall certify to the tax commissioner the total amount 23960  
by which the real property taxes were reduced under this 23961  
section, as shown on the duplicate. Such reduction shall not 23962  
directly or indirectly affect the determination of the principal 23963  
amount of notes that may be issued in anticipation of any tax 23964  
levies or the amount of bonds or notes for any planned 23965  
improvements. If after application of sections 5705.31 and 23966  
5705.32 of the Revised Code and other applicable provisions of 23967  
law, including divisions (F) and (I) of section 321.24 of the 23968  
Revised Code, there would be insufficient funds for payment of 23969  
debt charges on bonds or notes payable from taxes reduced by 23970  
this section, the reduction of taxes provided for in this 23971  
section shall be adjusted to the extent necessary to provide 23972  
funds from such taxes. 23973

(D) The tax commissioner may adopt rules governing the 23974  
administration of the partial exemption provided for by this 23975  
section. 23976

(E) The determination of whether property qualifies for 23977  
partial exemption under division (A) of this section is solely 23978  
for the purpose of allowing the partial exemption under division 23979  
(B) of this section. 23980

**Sec. 321.03.** (A) At the request of the county treasurer, a 23981  
board of county commissioners may enter into a contract with any 23982  
financial institution under which the financial institution, in 23983  
accordance with the terms of the contract, receives at a post 23984  
office box any type of payment or fee owed or payable to the 23985

county, opens the mail delivered to that box, processes the 23986  
checks and other payments received in such mail and deposits 23987  
them into the treasurer's account, and provides the county 23988  
treasurer daily receipt information with respect to such 23989  
payments. The contract may provide for the financial institution 23990  
to receive at the post office box those payments and fees 23991  
specifically named in the contract or all payments and fees 23992  
payable to the county, including, but not limited to, utility, 23993  
sewer, water, refuse collection, waste disposal, and airport 23994  
fees, but in any case excluding taxes. The contract shall not be 23995  
entered into unless: 23996

~~(A) There is attached to the contract a certification by~~ 23997  
~~the auditor of state that the financial institution and the~~ 23998  
~~treasurer have given assurances satisfactory to the auditor of~~ 23999  
~~state that the records of the financial institution, to the~~ 24000  
~~extent that they relate to payments covered by the contract,~~ 24001  
~~shall be subject to examination by the auditor of state to the~~ 24002  
~~same extent as if the services that the financial institution~~ 24003  
~~has agreed to perform were being performed by the treasurer.~~ 24004

~~(B)~~ (1) The contract is awarded in accordance with sections 24005  
307.86 to 307.92 of the Revised Code. 24006

~~(C)~~ (2) The treasurer's surety bond includes within its 24007  
coverage any loss that might occur as the result of the 24008  
contract. 24009

~~(D)~~ (3) The provisions of the contract do not conflict with 24010  
accounting and reporting requirements prescribed by the auditor 24011  
of state. 24012

(B) The records of the financial institution are subject 24013  
to examination by the auditor of state to the same extent as if 24014



the services that the financial institution has agreed to 24015  
perform were being performed by the treasurer. 24016

**Sec. 323.131.** (A) Each tax bill prepared and mailed or 24017  
delivered under section 323.13 of the Revised Code shall be in 24018  
the form and contain the information required by the tax 24019  
commissioner. The commissioner may prescribe different forms for 24020  
each county and may authorize the county auditor to make up tax 24021  
bills and tax receipts to be used by the county treasurer. For 24022  
any county in which the board of county commissioners has 24023  
granted a partial property tax exemption on homesteads under 24024  
section 323.158 of the Revised Code, the commissioner shall 24025  
require that the tax bills for those homesteads include a notice 24026  
of the amount of the tax reduction that results from the partial 24027  
exemption. In addition to the information required by the 24028  
commissioner, each tax bill shall contain the following 24029  
information: 24030

(1) The taxes levied and the taxes charged and payable 24031  
against the property; 24032

(2) The effective tax rate. The words "effective tax rate" 24033  
shall appear in boldface type. 24034

(3) The following notices: 24035

(a) "Notice: If the taxes are not paid within sixty days 24036  
from the date they are certified delinquent, the property is 24037  
subject to foreclosure for tax delinquency." Failure to provide 24038  
such notice has no effect upon the validity of any tax 24039  
foreclosure to which a property is subjected. 24040

(b) "Notice: If the taxes charged against this parcel have 24041  
been reduced by the 2-1/2 per cent tax reduction for residences 24042  
occupied by the owner but the property is not a residence 24043

occupied by the owner, the owner must notify the county 24044  
auditor's office not later than March 31 of the year following 24045  
the year for which the taxes are due. Failure to do so may 24046  
result in the owner being convicted of a fourth degree 24047  
misdemeanor, which is punishable by imprisonment up to 30 days, 24048  
a fine up to \$250, or both, and in the owner having to repay the 24049  
amount by which the taxes were erroneously or illegally reduced, 24050  
plus any interest that may apply. 24051

If the taxes charged against this parcel have not been 24052  
reduced by the 2-1/2 per cent tax reduction and the parcel 24053  
includes a residence occupied by the owner, the parcel may 24054  
qualify for the tax reduction. To obtain an application for the 24055  
tax reduction or further information, the owner may contact the 24056  
county auditor's office at \_\_\_\_\_ (insert the address and 24057  
telephone number of the county auditor's office). 24058

(4) For a tract or lot on the real property tax suspension 24059  
list under section 319.48 of the Revised Code, the following 24060  
notice: "Notice: The taxes shown due on this bill are for the 24061  
current year only. Delinquent taxes, penalties, and interest 24062  
also are due on this property. Contact the county treasurer to 24063  
learn the total amount due." 24064

(5) For a property, the tax liability of which has been 24065  
reduced under section 5705.316 of the Revised Code for the 24066  
current tax year, the following notice: "Notice: The school 24067  
district taxes shown due on this bill are reduced only for the 24068  
current year due to the school district's excess carry-over 24069  
balance." 24070

The tax bill shall not contain or be mailed or delivered 24071  
with any information or material that is not required by this 24072  
section or that is not authorized by section 321.45 of the 24073

Revised Code or by the tax commissioner. 24074

(B) If the property is residential rental property, the 24075  
tax bill shall contain a statement that the owner of the 24076  
residential rental property shall file with the county auditor 24077  
the information required under division (A) or (C) of section 24078  
5323.02 of the Revised Code. 24079

(C) Each county auditor and treasurer shall post on their 24080  
respective web sites, or on the county's web site, the 24081  
percentage of property taxes charged by each taxing unit and, in 24082  
the case of the county as a taxing unit, the percentage of taxes 24083  
charged by the county for each of the county purposes for which 24084  
taxes are charged. 24085

(D) As used in this section, "residential rental property" 24086  
has the same meaning as in section 5323.01 of the Revised Code. 24087

**Sec. 323.152.** In addition to the reduction in taxes 24088  
required under section 319.302 of the Revised Code, taxes shall 24089  
be reduced as provided in divisions (A) and (B) of this section. 24090

(A) (1) (a) Division (A) (1) of this section applies to any 24091  
of the following persons: 24092

(i) A person who is permanently and totally disabled; 24093

(ii) A person who is sixty-five years of age or older; 24094

(iii) A person who is the surviving spouse of a deceased 24095  
person who was permanently and totally disabled or sixty-five 24096  
years of age or older and who applied and qualified for a 24097  
reduction in taxes under this division in the year of death, 24098  
provided the surviving spouse is at least fifty-nine but not 24099  
sixty-five or more years of age on the date the deceased spouse 24100  
dies. 24101

(b) Real property taxes on a homestead owned and occupied, 24102  
or a homestead in a housing cooperative occupied, by a person to 24103  
whom division (A) (1) of this section applies shall be reduced 24104  
for each year for which an application for the reduction has 24105  
been approved. The reduction shall equal one of the following 24106  
amounts, as applicable to the person: 24107

(i) If the person received a reduction under division (A) 24108  
(1) of this section for tax year 2006, the greater of the 24109  
reduction for that tax year or the amount computed under 24110  
division (A) (1) (c) of this section; 24111

(ii) If the person received, for any homestead, a 24112  
reduction under division (A) (1) of this section for tax year 24113  
2013 or under division (A) of section 4503.065 of the Revised 24114  
Code for tax year 2014 or the person is the surviving spouse of 24115  
such a person and the surviving spouse is at least fifty-nine 24116  
years of age on the date the deceased spouse dies, the amount 24117  
computed under division (A) (1) (c) of this section. 24118

(iii) If the person is not described in division (A) (1) (b) 24119  
(i) or (ii) of this section and the person's total income does 24120  
not exceed ~~thirty-five~~ thirty-two thousand five hundred dollars, as 24121  
adjusted under division (A) (1) (d) of this section, the amount 24122  
computed under division (A) (1) (c) of this section. 24123

(c) The amount of the reduction under division (A) (1) (c) 24124  
of this section equals the product of the following: 24125

(i) ~~Twenty-five~~ Thirty-two thousand dollars of the true 24126  
value of the property in money, as adjusted under division (A) 24127  
(1) (d) of this section; 24128

(ii) The assessment percentage established by the tax 24129  
commissioner under division (B) of section 5715.01 of the 24130

Revised Code, not to exceed thirty-five per cent; 24131

(iii) The effective tax rate used to calculate the taxes 24132  
charged against the property for the current year, where 24133  
"effective tax rate" is defined as in section 323.08 of the 24134  
Revised Code; 24135

(iv) The quantity equal to one minus the sum of the 24136  
percentage reductions in taxes received by the property for the 24137  
current tax year under section 319.302 of the Revised Code and 24138  
division (B) of section 323.152 of the Revised Code. 24139

(d) The tax commissioner shall adjust the total income 24140  
threshold described in division (A) (1) (b) (iii) and the reduction 24141  
amounts described in divisions (A) (1) (c) (i), (A) (2), and (A) (3) 24142  
of this section by completing the following calculations in 24143  
September of each year: 24144

(i) Determine the percentage increase in the gross 24145  
domestic product deflator determined by the bureau of economic 24146  
analysis of the United States department of commerce from the 24147  
first day of January of the preceding calendar year to the last 24148  
day of December of the preceding calendar year; 24149

(ii) Multiply that percentage increase by the total income 24150  
threshold or reduction amount for the current tax year, as 24151  
applicable; 24152

(iii) Add the resulting product to the total income 24153  
threshold or the reduction amount, as applicable, for the 24154  
current tax year; 24155

(iv) Round the resulting sum to the nearest multiple of 24156  
one hundred dollars. 24157

The commissioner shall certify the amount resulting from 24158

each adjustment to each county auditor not later than the first 24159  
day of December each year. The certified total income threshold 24160  
amount applies to the following tax year for persons described 24161  
in division (A) (1) (b) (iii) of this section. The certified 24162  
reduction amount applies to the following tax year. The 24163  
commissioner shall not make the applicable adjustment in any 24164  
calendar year in which the amount resulting from the adjustment 24165  
would be less than the total income threshold or the reduction 24166  
amount for the current tax year. 24167

(2) (a) Real property taxes on a homestead owned and 24168  
occupied, or a homestead in a housing cooperative occupied, by a 24169  
disabled veteran shall be reduced for each year for which an 24170  
application for the reduction has been approved. The reduction 24171  
shall equal the product obtained by multiplying ~~fifty-fifty-nine~~ 24172  
thousand dollars of the true value of the property in money, as 24173  
adjusted under division (A) (1) (d) of this section, by the 24174  
amounts described in divisions (A) (1) (c) (ii) to (iv) of this 24175  
section. The reduction is in lieu of any reduction under section 24176  
323.158 of the Revised Code or division (A) (1), (2) (b), or (3) 24177  
of this section. The reduction applies to only one homestead 24178  
owned and occupied by a disabled veteran. 24179

(b) Real property taxes on a homestead owned and occupied, 24180  
or a homestead in a housing cooperative occupied, by the 24181  
surviving spouse of a disabled veteran shall be reduced for each 24182  
year an application for exemption is approved. The reduction 24183  
shall equal to the amount of the reduction authorized under 24184  
division (A) (2) (a) of this section. 24185

The reduction is in lieu of any reduction under section 24186  
323.158 of the Revised Code or division (A) (1), (2) (a), or (3) 24187  
of this section. The reduction applies to only one homestead 24188

owned and occupied by the surviving spouse of a disabled 24189  
veteran. A homestead qualifies for a reduction in taxes under 24190  
division (A) (2) (b) of this section beginning in one of the 24191  
following tax years: 24192

(i) For a surviving spouse described in division (L) (1) of 24193  
section 323.151 of the Revised Code, the year the disabled 24194  
veteran dies; 24195

(ii) For a surviving spouse described in division (L) (2) 24196  
of section 323.151 of the Revised Code, the first year on the 24197  
first day of January of which the total disability rating 24198  
described in division (F) of that section has been received for 24199  
the deceased spouse. 24200

In either case, the reduction shall continue through the 24201  
tax year in which the surviving spouse dies or remarries. 24202

(3) Real property taxes on a homestead owned and occupied, 24203  
or a homestead in a housing cooperative occupied, by the 24204  
surviving spouse of a public service officer killed in the line 24205  
of duty shall be reduced for each year for which an application 24206  
for the reduction has been approved. The reduction shall equal 24207  
the product obtained by multiplying ~~fifty-fifty-nine~~ thousand 24208  
dollars of the true value of the property in money, as adjusted 24209  
under division (A) (1) (d) of this section, by the amounts 24210  
described in divisions (A) (1) (c) (ii) to (iv) of this section. 24211  
The reduction is in lieu of any reduction under section 323.158 24212  
of the Revised Code or division (A) (1) or (2) of this section. 24213  
The reduction applies to only one homestead owned and occupied 24214  
by such a surviving spouse. A homestead qualifies for a 24215  
reduction in taxes under division (A) (3) of this section for the 24216  
tax year in which the public service officer dies through the 24217  
tax year in which the surviving spouse dies or remarries. 24218

(B) To provide a partial exemption, real property taxes on 24219  
any homestead, and manufactured home taxes on any manufactured 24220  
or mobile home on which a manufactured home tax is assessed 24221  
pursuant to division (D) (2) of section 4503.06 of the Revised 24222  
Code, shall be reduced for each year for which an application 24223  
for the reduction has been approved. The amount of the reduction 24224  
shall equal two and one-half per cent of the amount of taxes to 24225  
be levied by qualifying levies on the homestead or the 24226  
manufactured or mobile home after applying section 319.301 of 24227  
the Revised Code. For the purposes of this division, "qualifying 24228  
levy" has the same meaning as in section 319.302 of the Revised 24229  
Code. 24230

(C) The reductions granted by this section do not apply to 24231  
special assessments or respread of assessments levied against 24232  
the homestead, and if there is a transfer of ownership 24233  
subsequent to the filing of an application for a reduction in 24234  
taxes, such reductions are not forfeited for such year by virtue 24235  
of such transfer. 24236

(D) The reductions in taxable value referred to in this 24237  
section shall be applied solely as a factor for the purpose of 24238  
computing the reduction of taxes under this section and shall 24239  
not affect the total value of property in any subdivision or 24240  
taxing district as listed and assessed for taxation on the tax 24241  
lists and duplicates, or any direct or indirect limitations on 24242  
indebtedness of a subdivision or taxing district. If after 24243  
application of sections 5705.31 and 5705.32 of the Revised Code, 24244  
including the allocation of all levies within the ten-mill 24245  
limitation to debt charges to the extent therein provided, there 24246  
would be insufficient funds for payment of debt charges not 24247  
provided for by levies in excess of the ten-mill limitation, the 24248  
reduction of taxes provided for in sections 323.151 to 323.159 24249



of the Revised Code shall be proportionately adjusted to the 24250  
extent necessary to provide such funds from levies within the 24251  
ten-mill limitation. 24252

(E) No reduction shall be made on the taxes due on the 24253  
homestead of any person convicted of violating division (D) or 24254  
(E) of section 323.153 of the Revised Code for a period of three 24255  
years following the conviction. 24256

**Sec. 323.611.** (A) At the request of the county treasurer, 24257  
a board of county commissioners may enter into a contract with 24258  
any financial institution under which the financial institution, 24259  
in accordance with the terms of the contract, receives real 24260  
property and manufactured home tax payments at a post office 24261  
box, opens the mail delivered to that box, processes the checks 24262  
and other payments received in such mail and deposits them into 24263  
the treasurer's account, and provides the county treasurer daily 24264  
receipt information with respect to such payments. The contract 24265  
shall not be entered into unless: 24266

~~(A) There is attached to the contract a certification by 24267  
the auditor of state that the financial institution and the 24268  
treasurer have given assurances satisfactory to the auditor of 24269  
state that the records of the financial institution, to the 24270  
extent that they relate to tax payments covered by the contract, 24271  
shall be subject to audit by the auditor of state to the same 24272  
extent as if the services for which the financial institution 24273  
has agreed to perform were being performed by the treasurer;~~ 24274

~~(B)~~ (1) The contract is awarded in accordance with sections 24275  
307.86 to 307.92 of the Revised Code; 24276

~~(C)~~ (2) The treasurer's surety bond includes within its 24277  
coverage any loss that might occur as the result of the 24278

contract; 24279

~~(D)~~ (3) The provisions of the contract do not conflict with 24280  
accounting and reporting requirements prescribed by the auditor 24281  
of state. 24282

(B) The records of the financial institution are subject 24283  
to examination by the auditor of state to the same extent as if 24284  
the services that the financial institution has agreed to 24285  
perform were being performed by the treasurer of state. 24286

**Sec. 325.18.** (A) As used in this section, "consumer price 24287  
index" has the same meaning as in section 141.04 of the Revised 24288  
Code. 24289

(B) (1) The salary amounts under sections 325.06 and 325.11 24290  
of the Revised Code shall be increased as follows: 24291

(a) Beginning in calendar year 2020 and in each calendar 24292  
year thereafter through calendar year 2024, the salary 24293  
amounts under sections 325.06 and 325.11 of the Revised Code 24294  
shall be increased by one and three-quarters per cent; 24295

(b) Beginning in calendar year 2026 and in each calendar 24296  
year thereafter through calendar year 2029, by five per cent; 24297

(c) Beginning in calendar year 2030 and in each calendar 24298  
year thereafter, by the percentage increase, if any, in the 24299  
consumer price index over the twelve-month period that ends on 24300  
the thirtieth day of September of the immediately preceding 24301  
year, rounded to the nearest one-tenth of one per cent, not to 24302  
exceed three per cent. 24303

~~(B)~~ (2) The salary amounts under sections 325.03, 325.04, 24304  
325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code 24305  
shall be increased as follows: 24306

(a) Beginning in calendar year 2021 and in each calendar year thereafter through calendar year ~~2028~~2025, ~~the salary amounts under sections 325.03, 325.04, 325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code shall be increased by one and three-quarters per cent;~~

(b) Beginning in calendar year 2026 and in each calendar year thereafter through calendar year 2029, by five per cent;

(c) Beginning in calendar year 2030 and in each calendar year thereafter, by the percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent, not to exceed three per cent.

(C) Notwithstanding this section and sections 325.06, 325.11, 325.14, and 325.15 of the Revised Code, when computing a salary for any elected county officer under any of those sections, if the population range for the class under which the officer is to be compensated is not the same as the population range for that class for any other such elected county office, the class at which the officer's salary is determined shall be the highest class at which any officer from that same county is compensated under the population range applicable to that officer.

**Sec. 325.25.** ~~Upon~~ (A) Subject to division (B) of this section, upon notifying the board of county commissioners, any appointing authority of a county office, department, commission, board, or body, or of a common pleas court, county court, or county-operated municipal court as defined in section 1901.03 of the Revised Code, may establish a program to recognize outstanding employee performance. The program may include, but

is not limited to, cash awards, additional paid leave, or other 24337  
additional benefits as the appointing authority considers 24338  
appropriate, ~~so long as the~~. 24339

(B) (1) The costs of the program ~~do~~ shall not exceed the 24340  
total amount of compensation fixed by the board of county 24341  
commissioners for the office, department, commission, board, or 24342  
body or for the common pleas court, county court, or county- 24343  
operated municipal court. 24344

(2) Unless authorized in writing by the board of county 24345  
commissioners, the total amount of cash awards shall not exceed, 24346  
per employee in any calendar year, ten per cent of the 24347  
compensation the employee receives that calendar year. 24348

**Sec. 340.01.** (A) As used in this chapter: 24349

(1) "Addiction," "addiction services," "alcohol and drug 24350  
addiction services," "alcohol use disorder," "certifiable 24351  
services and supports," "community addiction services provider," 24352  
"community mental health services provider," "drug addiction," 24353  
"gambling addiction services," "included opioid and co-occurring 24354  
drug addiction services and recovery supports," "mental health 24355  
services," "mental illness," "recovery housing residence," and 24356  
"recovery supports" have the same meanings as in section 5119.01 24357  
of the Revised Code. 24358

(2) "Medication-assisted treatment" means alcohol and drug 24359  
addiction services that are accompanied by medication approved 24360  
by the United States food and drug administration for the 24361  
treatment of alcohol use disorder or drug addiction, prevention 24362  
of relapse, or both. 24363

(B) An alcohol, drug addiction, and mental health service 24364  
district shall be established in any county or combination of 24365

counties having a population of at least fifty thousand. With 24366  
the approval of the director of ~~mental-behavioral health-and-~~ 24367  
~~addiction-services~~, any county or combination of counties having 24368  
a population of less than fifty thousand may establish such a 24369  
district. Districts comprising more than one county shall be 24370  
known as joint-county districts. 24371

The board of county commissioners of any county 24372  
participating in a joint-county district may submit a resolution 24373  
requesting withdrawal from the district together with a 24374  
comprehensive plan or plans that are in compliance with rules 24375  
adopted by the director of ~~mental-behavioral health and-~~ 24376  
~~addiction-services~~ under section 5119.22 of the Revised Code to 24377  
the board of alcohol, drug addiction, and mental health 24378  
services, to the boards of county commissioners of each county 24379  
in the district, and to the director. The plan or plans shall 24380  
include all of the following: proposed bylaws for the operation 24381  
of the newly established district; a list of potential board 24382  
members; a list of the behavioral health services available in 24383  
the newly established district, including inpatient, outpatient, 24384  
prevention, and housing services; equitable adjustment and 24385  
division of all services, assets, property, debts, and 24386  
obligations of the former joint-county district; a plan ensuring 24387  
no disruption in behavioral health services in the newly 24388  
established district; and provision for the employment of an 24389  
executive director of the newly established district. 24390

The director shall approve the plan not later than one 24391  
year after the date the resolution was adopted by the board of 24392  
county commissioners. No county participating in a joint-county 24393  
district may withdraw from the district without the consent of 24394  
the director of ~~mental-behavioral health and-addiction-services-~~ 24395  
nor earlier than one year after the submission of such 24396

resolution unless all of the participating counties agree to an 24397  
earlier withdrawal. 24398

Any county withdrawing from a joint-county district shall 24399  
continue to have levied against its tax list and duplicate any 24400  
tax levied by the district during the period in which the county 24401  
was a member of the district until such time as the levy expires 24402  
or is renewed or replaced. 24403

(C) For any tax levied under section 5705.19 of the 24404  
Revised Code by a board of a joint-county district formed on or 24405  
after April 3, 2023, revenue from the tax shall only be expended 24406  
for the benefit of the residents of the county from which the 24407  
revenue is derived. For the purpose of this division, a joint- 24408  
county district is not formed by virtue of a county joining or 24409  
withdrawing from a district or if a joint-county service 24410  
district merges with another joint-county district. 24411

**Sec. 340.011.** (A) This chapter shall be interpreted to 24412  
accomplish all of the following: 24413

(1) Establish a unified system of treatment for persons 24414  
with mental illnesses and persons with addictions; 24415

(2) Establish a community support system available for 24416  
every alcohol, drug addiction, and mental health service 24417  
district; 24418

(3) Protect the personal liberty of persons with mental 24419  
illnesses so that they may be treated in the least restrictive 24420  
environment; 24421

(4) Encourage the development of high quality, cost 24422  
effective, and comprehensive services, including culturally 24423  
sensitive services; 24424

(5) Foster the development of comprehensive community 24425  
mental health services, based on recognized local needs, 24426  
especially for persons with severe mental disabilities; 24427

(6) Ensure that services provided meet minimum standards 24428  
established by the director of ~~mental-behavioral health-and-~~ 24429  
~~addiction services;~~ 24430

(7) Promote the delivery of high quality and cost- 24431  
effective addiction and mental health services; 24432

(8) Promote the participation of persons receiving mental 24433  
health services and addiction services in the planning, 24434  
delivery, and evaluation of these services. 24435

(B) Nothing in Chapter 340., 5119., or 5122. of the 24436  
Revised Code shall be construed as requiring a board of county 24437  
commissioners to provide resources beyond the total amount set 24438  
forth in a budget and list of addiction services, mental health 24439  
services, and recovery supports required by section 340.08 of 24440  
the Revised Code and approved by the department of ~~mental-~~ 24441  
~~behavioral health and addiction services~~ under section 5119.22 24442  
of the Revised Code. 24443

**Sec. 340.02.** (A) For each alcohol, drug addiction, and 24444  
mental health service district, there shall be appointed a board 24445  
of alcohol, drug addiction, and mental health services. As 24446  
provided in this section, the board shall consist of eighteen 24447  
members, fifteen members, fourteen members, twelve members, or 24448  
nine members. 24449

In a single-county district, the size of the board shall 24450  
be determined by the board of county commissioners representing 24451  
the county that constitutes the district. In a joint-county 24452  
district, the size of the board shall be determined jointly by 24453

all of the boards of county commissioners representing the 24454  
counties that constitute the district. 24455

The determination of board size shall be made by selecting 24456  
one of the options described in division (B) of this section. 24457  
After an option is selected and implemented, a subsequent 24458  
determination of board size may be made, except that subsequent 24459  
determinations shall not occur more frequently than once every 24460  
four calendar years. 24461

If a selected option would result in a change in board 24462  
size, before the option may be implemented the board of county 24463  
commissioners or boards of county commissioners, as the case may 24464  
be, shall send a representative to a meeting of the board of 24465  
alcohol, drug addiction, and mental health services to solicit 24466  
feedback about the matter. After considering any feedback 24467  
received, the board or boards of county commissioners may 24468  
proceed with implementing the change in board size. If the 24469  
change results in a reduction of board members, the reduction 24470  
shall be implemented by not filling vacancies as they occur. 24471

To implement a selected option that would result in the 24472  
establishment of a new board of alcohol, drug addiction, and 24473  
mental health services or in a change in size of an existing 24474  
board, the board or boards of county commissioners, as the case 24475  
may be, shall adopt a resolution specifying the board size that 24476  
has been selected. The board or boards of county commissioners 24477  
also shall notify the department of ~~mental-behavioral health and~~ 24478  
~~addiction services~~ of the board size that has been selected. 24479

(B) (1) In the case of a board of alcohol, drug addiction, 24480  
and mental health services that is established on or after ~~the~~ 24481  
~~effective date of this amendment~~ October 3, 2023, any of the 24482  
following options may be selected for purposes of division (A) 24483



of this section: 24484

(a) To establish the board as an eighteen-member board; 24485

(b) To establish the board as a fifteen-member board; 24486

(c) To establish the board as a fourteen-member board; 24487

(d) To establish the board as a twelve-member board; 24488

(e) To establish the board as a nine-member board; 24489

(f) To change the board's size after it has been 24490  
established by selecting a number of members that is eighteen, 24491  
fifteen, fourteen, twelve, or nine, as the case may be. 24492

(2) In the case of a board of alcohol, drug addiction, and 24493  
mental health services that existed immediately prior to ~~the~~ 24494  
~~effective date of this amendment~~ October 3, 2023, either of the 24495  
following options may be selected for purposes of division (A) 24496  
of this section: 24497

(a) To continue the board's operation as an eighteen- 24498  
member or fourteen-member board, as a board of that size was 24499  
authorized prior to ~~the effective date of this amendment~~ October 24500  
3, 2023, in which case no further action is required; 24501

(b) To change the board's size by selecting a number of 24502  
members that is eighteen, fifteen, fourteen, twelve, or nine as 24503  
the case may be. 24504

(C) All members shall be residents of the service 24505  
district. The membership shall, as nearly as possible, reflect 24506  
the composition of the population of the service district as to 24507  
race and sex. 24508

The director of ~~mental-behavioral health and addiction-~~ 24509  
~~services~~ shall appoint one-third of the members of the board and 24510

the board of county commissioners shall appoint two-thirds of 24511  
the members. In a joint-county district, the board of county 24512  
commissioners of each participating county shall appoint members 24513  
in as nearly as possible the same proportion as that county's 24514  
population bears to the total population of the district, except 24515  
that at least one member shall be appointed from each 24516  
participating county. 24517

The director of ~~mental-behavioral health and addiction-~~ 24518  
~~services~~ shall ensure that at least one member of the board is a 24519  
clinician with experience in the delivery of mental health 24520  
services, at least one member of the board is a person who has 24521  
received or is receiving mental health services, at least one 24522  
member of the board is a parent or other relative of such a 24523  
person, at least one member of the board is a clinician with 24524  
experience in the delivery of addiction services, at least one 24525  
member of the board is a person who has received or is receiving 24526  
addiction services, and at least one member of the board is a 24527  
parent or other relative of such a person. A single member who 24528  
meets both qualifications may fulfill the requirement for a 24529  
clinician with experience in the delivery of mental health 24530  
services and a clinician with experience in the delivery of 24531  
addiction services. 24532

No member or employee of a board of alcohol, drug 24533  
addiction, and mental health services shall serve as a member of 24534  
the board of any provider with which the board of alcohol, drug 24535  
addiction, and mental health services has entered into a 24536  
contract for the provision of services or facilities. No member 24537  
of a board of alcohol, drug addiction, and mental health 24538  
services shall be an employee of any provider with which the 24539  
board has entered into a contract for the provision of services 24540  
or facilities. No person shall be an employee of a board and 24541

such a provider unless the board and provider both agree in 24542  
writing. 24543

No person shall serve as a member of the board of alcohol, 24544  
drug addiction, and mental health services whose spouse, child, 24545  
parent, brother, sister, grandchild, stepparent, stepchild, 24546  
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 24547  
law, daughter-in-law, brother-in-law, or sister-in-law serves as 24548  
a member of the board of any provider with which the board of 24549  
alcohol, drug addiction, and mental health services has entered 24550  
into a contract for the provision of services or facilities. No 24551  
person shall serve as a member or employee of the board whose 24552  
spouse, child, parent, brother, sister, stepparent, stepchild, 24553  
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 24554  
law, daughter-in-law, brother-in-law, or sister-in-law serves as 24555  
a county commissioner of a county or counties in the alcohol, 24556  
drug addiction, and mental health service district. 24557

Each year each board member shall attend at least one 24558  
inservice training session provided or approved by the 24559  
department of ~~mental behavioral health and addiction services~~. 24560

Each member shall be appointed for a term of four years, 24561  
commencing the first day of July, except that when a board is 24562  
established on or after ~~the effective date of this amendment~~ 24563  
October 3, 2023, the initial appointments shall be staggered 24564  
among the members as equally as possible with terms of two 24565  
years, three years, and four years. 24566

No member shall serve more than two consecutive four-year 24567  
terms under the same appointing authority. A member may serve 24568  
for three consecutive terms under the same appointing authority 24569  
only if one of the terms is for less than two years. A member 24570  
who has served two consecutive four-year terms or three 24571

consecutive terms totaling less than ten years is eligible for 24572  
reappointment by the same appointing authority one year 24573  
following the end of the second or third term, respectively. 24574

When a vacancy occurs, appointment for the expired or 24575  
unexpired term shall be made in the same manner as an original 24576  
appointment. The board shall notify the appointing authority 24577  
either by certified mail or, if the board has record of an 24578  
internet identifier of record associated with the authority, by 24579  
ordinary mail and by that internet identifier of record of any 24580  
vacancy and shall fill the vacancy within sixty days following 24581  
that notice. As used in this paragraph, "internet identifier of 24582  
record" has the same meaning as in section 9.312 of the Revised 24583  
Code. 24584

Any member of the board may be removed from office by the 24585  
appointing authority at will. Before a member may be removed at 24586  
will, the member shall be informed in writing of the proposed 24587  
removal and afforded an opportunity for a public hearing. Upon 24588  
the absence of a member within one year from either four board 24589  
meetings or from two board meetings without prior notice, the 24590  
board shall notify the appointing authority, which may vacate 24591  
the appointment and appoint another person to complete the 24592  
member's term. 24593

Members of the board shall serve without compensation, but 24594  
shall be reimbursed for actual and necessary expenses incurred 24595  
in the performance of their official duties, as defined by rules 24596  
of the department of ~~mental-behavioral health-and-addiction-~~ 24597  
~~services.~~ 24598

**Sec. 340.021.** (A) In an alcohol, drug addiction, and 24599  
mental health service district where the board of county 24600  
commissioners has established an alcohol and drug addiction 24601

services board, the community mental health board established 24602  
under former section 340.02 of the Revised Code shall serve as 24603  
the entity responsible for providing mental health services in 24604  
the county. A community mental health board has all the powers, 24605  
duties, and obligations of a board of alcohol, drug addiction, 24606  
and mental health services with regard to mental health 24607  
services. An alcohol and drug addiction services board has all 24608  
the powers, duties, and obligations of a board of alcohol, drug 24609  
addiction, and mental health services with regard to addiction 24610  
services. Any provision of the Revised Code that refers to a 24611  
board of alcohol, drug addiction, and mental health services 24612  
with regard to mental health services also refers to a community 24613  
mental health board and any provision that refers to a board of 24614  
alcohol, drug addiction, and mental health services with regard 24615  
to alcohol and drug addiction services also refers to an alcohol 24616  
and drug addiction services board. 24617

An alcohol and drug addiction services board shall consist 24618  
of eighteen members or fourteen members, at the election of the 24619  
board. Not later than January 1, 2014, each alcohol and drug 24620  
addiction services board shall notify the department of ~~mental~~ 24621  
behavioral health ~~and addiction services~~ of its election to 24622  
operate as an eighteen-member board or to operate as a fourteen- 24623  
member board. The election shall be final. Failure to provide 24624  
notice of its election to the department on or before January 1, 24625  
2014, shall constitute an election to continue to operate as an 24626  
eighteen-member board. If an existing board provides timely 24627  
notice of its election to operate as a fourteen-member board, 24628  
the number of board members may decline from eighteen to 24629  
fourteen by attrition as current members' terms expire. However, 24630  
the composition of the board must reflect the requirements set 24631  
forth in this section and in applicable provisions of section 24632

340.02 of the Revised Code for fourteen-member boards. For 24633  
boards operating as eighteen-member boards, six members shall be 24634  
appointed by the director of ~~mental-behavioral health and~~ 24635  
~~addiction services~~ and twelve members shall be appointed by the 24636  
board of county commissioners. The director of ~~mental-behavioral~~ 24637  
~~health and addiction services~~ shall ensure that at least one 24638  
member of the board is a person who has received or is receiving 24639  
services for alcohol, drug, or gambling addiction, at least one 24640  
member is a parent or relative of such a person, and at least 24641  
one member is a clinician with experience in the delivery of 24642  
addiction services. The membership of the board shall, as nearly 24643  
as possible, reflect the composition of the population of the 24644  
service district as to race and sex. Members shall be residents 24645  
of the service district and shall be interested in alcohol, 24646  
drug, or gambling addiction services. Requirements for 24647  
membership, including prohibitions against certain family and 24648  
business relationships, and terms of office shall be the same as 24649  
those for members of boards of alcohol, drug addiction, and 24650  
mental health services. 24651

A community mental health board shall consist of eighteen 24652  
members or fourteen members, at the election of the board. Not 24653  
later than January 1, 2014, each community mental health board 24654  
shall notify the department of ~~mental-behavioral health and~~ 24655  
~~addiction services~~ of its election to operate as an eighteen- 24656  
member board or to operate as a fourteen-member board. The 24657  
election shall be final. Failure to provide notice of its 24658  
election to the department on or before January 1, 2014, shall 24659  
constitute an election to continue to operate as an eighteen- 24660  
member board. If an existing board provides timely notice of its 24661  
election to operate as a fourteen-member board, the number of 24662  
board members may decline from eighteen to fourteen by attrition 24663

as current members' terms expire. However, the composition of 24664  
the board must reflect the requirements set forth in this 24665  
section and in applicable provisions of section 340.02 of the 24666  
Revised Code for fourteen-member boards. For boards operating as 24667  
eighteen-member boards, six members shall be appointed by the 24668  
director of ~~mental behavioral health and addiction services~~ and 24669  
twelve members shall be appointed by the board of county 24670  
commissioners. The director of ~~mental behavioral health and~~ 24671  
~~addiction services~~ shall ensure that at least one member of the 24672  
board is a person who has received or is receiving mental health 24673  
services, at least one member is a parent or relative of such a 24674  
person, and at least one member is a clinician with experience 24675  
in the delivery of mental health services. The membership of the 24676  
board as nearly as possible shall reflect the composition of the 24677  
population of the service district as to race and sex. Members 24678  
shall be residents of the service district and shall be 24679  
interested in mental health services. Requirements for 24680  
membership, including prohibitions against certain family and 24681  
business relationships, and terms of office shall be the same as 24682  
those for members of boards of alcohol, drug addiction, and 24683  
mental health services. 24684

(B) (1) If a board of county commissioners subject to 24685  
division (A) of this section did not adopt a final resolution 24686  
providing for a board of alcohol, drug addiction, and mental 24687  
health services on or before July 1, 2007, the board of county 24688  
commissioners may establish a board of alcohol, drug addiction, 24689  
and mental health services on or after September 23, 2008. To 24690  
establish the board, the board of county commissioners shall 24691  
adopt a resolution providing for the board's establishment. The 24692  
composition of the board, the procedures for appointing members, 24693  
and all other matters related to the board and its members are 24694

subject to section 340.02 of the Revised Code, with the 24695  
following exceptions: 24696

(a) For initial appointments to the board, the county's 24697  
community mental health board and alcohol and drug addiction 24698  
services board shall jointly recommend members of those boards 24699  
for reappointment and shall submit the recommendations to the 24700  
board of county commissioners and the director of ~~mental-~~ 24701  
behavioral health ~~and addiction services~~. 24702

(b) The appointing authorities shall appoint the initial 24703  
members from among the members jointly recommended under 24704  
division (B)(1)(a) of this section unless the appointment is 24705  
otherwise prohibited by law. 24706

(2) If a board of alcohol, drug addiction, and mental 24707  
health services is established pursuant to division (B)(1) of 24708  
this section, the board has the same rights, privileges, 24709  
immunities, powers, and duties that were possessed by the 24710  
county's community mental health board and alcohol and drug 24711  
addiction services board. When the board is established, all 24712  
property and obligations of the community mental health board 24713  
and alcohol and drug addiction services board shall be 24714  
transferred to the board of alcohol, drug addiction, and mental 24715  
health services. 24716

**Sec. 340.022.** Notwithstanding the procedures established 24717  
by section 340.02 of the Revised Code for determining the size 24718  
of a board of alcohol, drug addiction, and mental health 24719  
services, the size of a board shall be determined in accordance 24720  
with this section in both of the following circumstances: 24721

(A)(1) If the director of ~~mental-behavioral health and-~~ 24722  
~~addiction services~~ during the period beginning January 1, 2021, 24723



and ending December 31, 2022, grants approval to a board of 24724  
county commissioners of a county with a population of at least 24725  
seventy thousand but not more than eighty thousand, according to 24726  
data from the 2010 federal census, to withdraw from a joint- 24727  
county alcohol, drug addiction, and mental health service 24728  
district pursuant to section 340.01 of the Revised Code, the 24729  
size of the board shall be determined by the board of county 24730  
commissioners representing the county that constitutes the 24731  
single-county alcohol, drug addiction, and mental health service 24732  
district created as a result of the withdrawal. The 24733  
determination shall be made from among the options that may be 24734  
selected under division (A)(2) of this section. Once an option 24735  
is selected, the board of county commissioners shall adopt a 24736  
resolution specifying the selection that has been made and shall 24737  
notify the department of ~~mental behavioral health and addiction~~ 24738  
~~services~~. After the resolution is adopted and the department is 24739  
notified, the determination of size is final. 24740

(2) In the case of a board of alcohol, drug addiction, and 24741  
mental health services that is established on or after the date 24742  
the director grants the approval to withdraw described in 24743  
division (A)(1) of this section, either of the following options 24744  
may be selected by the board of county commissioners when making 24745  
the determination required under that division: 24746

(a) To establish the board as an eighteen-member board; 24747

(b) To establish the board as a fourteen-member board. 24748

(3) When a board is established on or after September 30, 24749  
2021, the initial appointments shall be staggered among the 24750  
members as equally as possible with terms of two years, three 24751  
years, and four years. 24752

(B) (1) If a county with a population of at least thirty-five thousand but not more than forty-five thousand, according to data from the 2010 federal census, joins an existing alcohol, drug addiction, and mental health service district during the period beginning on June 30, 2021, and ending June 30, 2023, the existing board of alcohol, drug addiction, and mental health services serving that district may elect to expand its membership to eighteen members if the existing board has fourteen members.

(2) The option to expand the board, as provided in division (B) (1) of this section, is available only during the twelve-month period beginning on the date the county with a population of at least thirty-five thousand but not more than forty-five thousand joins the alcohol, drug addiction, and mental health service district served by the board. The additional members shall be appointed in the manner specified in section 340.02 of the Revised Code.

**Sec. 340.03.** (A) Subject to rules issued by the director of ~~mental behavioral health and addiction services~~ after consultation with relevant constituencies as required by division (A) (10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community addiction and mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facility services, addiction services, mental health services, and recovery supports;

(b) In cooperation with other local and regional planning

and funding bodies and with relevant ethnic organizations, 24782  
evaluate strengths and challenges and set priorities for 24783  
addiction services, mental health services, and recovery 24784  
supports. A board shall include treatment and prevention 24785  
services when setting priorities for addiction services and 24786  
mental health services. When a board sets priorities for 24787  
addiction services, the board shall consult with the county 24788  
commissioners of the counties in the board's service district 24789  
regarding the services described in section 340.15 of the 24790  
Revised Code and shall give priority to those services, except 24791  
that those services shall not have a priority over services 24792  
provided to pregnant women under programs developed in relation 24793  
to the mandate established in section 5119.17 of the Revised 24794  
Code. 24795

(c) In accordance with guidelines issued by the director 24796  
of ~~mental-behavioral health and addiction services~~ under 24797  
division (F) of section 5119.22 of the Revised Code, annually 24798  
develop and submit to the department of ~~mental-behavioral health~~ 24799  
~~and addiction services~~ a community addiction and mental health 24800  
plan that addresses both of the following: 24801

(i) The needs of all residents of the service district 24802  
currently receiving inpatient services in state-operated 24803  
hospitals, the needs of other populations as required by state 24804  
or federal law or programs, and the needs of all children 24805  
subject to a determination made pursuant to section 121.38 of 24806  
the Revised Code; 24807

(ii) The department's priorities for facility services, 24808  
addiction services, mental health services, and recovery 24809  
supports during the period for which the plan will be in effect. 24810  
The department shall inform all of the boards of the 24811

department's priorities in a timely manner that enables the 24812  
boards to know the department's priorities before the boards 24813  
develop and submit the plans. 24814

In alcohol, drug addiction, and mental health service 24815  
districts that have separate alcohol and drug addiction services 24816  
and community mental health boards, the alcohol and drug 24817  
addiction services board shall submit a community addiction plan 24818  
and the community mental health board shall submit a community 24819  
mental health plan. Each board shall consult with its 24820  
counterpart in developing its plan and address the interaction 24821  
between the local addiction and mental health systems and 24822  
populations with regard to needs and priorities in developing 24823  
its plan. 24824

The department shall approve or disapprove the plan, in 24825  
whole or in part, in accordance with division (G) of section 24826  
5119.22 of the Revised Code. Eligibility for state and federal 24827  
funding shall be contingent upon an approved plan or relevant 24828  
part of a plan. 24829

If a board determines that it is necessary to amend an 24830  
approved plan, the board shall submit a proposed amendment to 24831  
the director. The director shall approve or disapprove all or 24832  
part of the amendment in accordance with division (H) of section 24833  
5119.22 of the Revised Code. 24834

The board shall operate in accordance with the plan 24835  
approved by the department. 24836

(d) Promote, arrange, and implement working agreements 24837  
with social service agencies, both public and private, and with 24838  
judicial agencies. 24839

(2) Investigate, or request another agency to investigate, 24840

any complaint alleging abuse or neglect of any person receiving 24841  
addiction services, mental health services, or recovery supports 24842  
from a community addiction services provider or community mental 24843  
health services provider or alleging abuse or neglect of a 24844  
resident receiving addiction services or with mental illness or 24845  
severe mental disability residing in a residential facility 24846  
licensed under section 5119.34 of the Revised Code. If the 24847  
investigation substantiates the charge of abuse or neglect, the 24848  
board shall take whatever action it determines is necessary to 24849  
correct the situation, including notification of the appropriate 24850  
authorities. Upon request, the board shall provide information 24851  
about such investigations to the department. 24852

(3) For the purpose of section 5119.36 of the Revised 24853  
Code, cooperate with the director of ~~mental~~-behavioral health 24854  
~~and addiction services~~ in visiting and evaluating whether the 24855  
certifiable services and supports of a community addiction 24856  
services provider or community mental health services provider 24857  
satisfy the certification standards established by rules adopted 24858  
under that section. In addition, a board may provide input and 24859  
recommendations to the department when an application for 24860  
certification or the renewal of a certification has been 24861  
submitted by a provider or when a provider is being investigated 24862  
by the department, if the board, in either of those 24863  
circumstances, is aware of information that would be beneficial 24864  
to the department's consideration of the matter. 24865

(4) In accordance with criteria established under division 24866  
(D) of section 5119.22 of the Revised Code, conduct program 24867  
audits that review and evaluate the quality, effectiveness, and 24868  
efficiency of addiction services, mental health services, and 24869  
recovery supports provided by community addiction services 24870  
providers and community mental health services providers under 24871

contract with the board and submit the board's findings and 24872  
recommendations to the department of ~~mental-behavioral health-~~ 24873  
~~and addiction services;~~ 24874

(5) In accordance with section 5119.34 of the Revised 24875  
Code, review an application for a residential facility license 24876  
and provide to the department of ~~mental-behavioral health and-~~ 24877  
~~addiction services~~ any information about the applicant or 24878  
facility that the board would like the department to consider in 24879  
reviewing the application; 24880

(6) Audit, in accordance with rules adopted by the auditor 24881  
of state pursuant to section 117.20 of the Revised Code, at 24882  
least annually all programs, addiction services, mental health 24883  
services, and recovery supports provided under contract with the 24884  
board. In so doing, the board may contract for or employ the 24885  
services of private auditors. A copy of the fiscal audit report 24886  
shall be provided to the director of ~~mental-behavioral health-~~ 24887  
~~and addiction services~~, the auditor of state, and the county 24888  
auditor of each county in the board's district. 24889

(7) Recruit and promote local financial support for 24890  
addiction services, mental health services, and recovery 24891  
supports from private and public sources; 24892

(8) In accordance with guidelines issued by the department 24893  
as necessary to comply with state and federal laws pertaining to 24894  
financial assistance, approve fee schedules and related charges 24895  
or adopt a unit cost schedule or other methods of payment for 24896  
addiction services, mental health services, and recovery 24897  
supports provided by community addiction services providers and 24898  
community mental health services providers that have contracted 24899  
with the board under section 340.036 of the Revised Code; 24900

(9) Submit to the director and the county commissioners of 24901  
the county or counties served by the board, and make available 24902  
to the public, an annual report of the addiction services, 24903  
mental health services, and recovery supports under the 24904  
jurisdiction of the board, including a fiscal accounting; 24905

(10) Establish a method for evaluating referrals for 24906  
court-ordered treatment and affidavits filed pursuant to section 24907  
5122.11 of the Revised Code in order to assist the probate 24908  
division of the court of common pleas in determining whether 24909  
there is probable cause that a respondent is subject to court- 24910  
ordered treatment and whether alternatives to hospitalization 24911  
are available and appropriate; 24912

(11) Designate the treatment services, provider, facility, 24913  
or other placement for each person involuntarily committed to 24914  
the board pursuant to Chapter 5122. of the Revised Code. The 24915  
board shall provide the least restrictive and most appropriate 24916  
alternative that is available for any person involuntarily 24917  
committed to it and shall assure that the list of addiction 24918  
services, mental health services, and recovery supports 24919  
submitted and approved in accordance with division (B) of 24920  
section 340.08 of the Revised Code are available to persons with 24921  
severe mental disabilities residing within its service district. 24922  
The board shall establish the procedure for authorizing payment 24923  
for the services and supports, which may include prior 24924  
authorization in appropriate circumstances. In accordance with 24925  
section 340.037 of the Revised Code, the board may provide 24926  
addiction services and mental health services directly to a 24927  
person with a severe mental disability when life or safety is 24928  
endangered and when no community addiction services provider or 24929  
community mental health services provider is available to 24930  
provide the service. 24931

(12) Ensure that housing built, subsidized, renovated, 24932  
rented, owned, or leased by the board or a community addiction 24933  
services provider or community mental health services provider 24934  
has been approved as meeting minimum fire safety standards and 24935  
that persons residing in the housing have access to appropriate 24936  
and necessary services, including culturally relevant services, 24937  
from a community addiction services provider or community mental 24938  
health services provider. This division does not apply to 24939  
residential facilities licensed pursuant to section 5119.34 of 24940  
the Revised Code. 24941

(13) Establish a mechanism for obtaining advice and 24942  
involvement of persons receiving addiction services, mental 24943  
health services, or recovery supports on matters pertaining to 24944  
services and supports in the alcohol, drug addiction, and mental 24945  
health service district; 24946

(14) Perform the duties required by rules adopted under 24947  
section 5119.22 of the Revised Code regarding referrals by the 24948  
board or community mental health services providers under 24949  
contract with the board of individuals with mental illness or 24950  
severe mental disability to class two residential facilities 24951  
licensed under section 5119.34 of the Revised Code and effective 24952  
arrangements for ongoing mental health services for the 24953  
individuals. The board is accountable in the manner specified in 24954  
the rules for ensuring that the ongoing mental health services 24955  
are effectively arranged for the individuals. 24956

(B) Each board of alcohol, drug addiction, and mental 24957  
health services shall establish such rules, operating 24958  
procedures, standards, and bylaws, and perform such other duties 24959  
as may be necessary or proper to carry out the purposes of this 24960  
chapter. 24961



(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor.

(D) No member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the member's official duties or the employee's employment, whether or not such action or inaction is expressly authorized by this section or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a member or employee of a board taken within the scope of the member's official duties or employee's employment. For the purposes of this division, the conduct of a member or employee shall not be considered willful or wanton misconduct if the member or employee acted in good faith and in a manner that the member or employee reasonably believed was in or was not opposed to the best interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to

section 121.22 of the Revised Code. 24993

(F) (1) A board of alcohol, drug addiction, and mental 24994  
health services may establish a rule, operating procedure, 24995  
standard, or bylaw to allow the executive director of the board 24996  
to execute both of the following types of contracts valued at 24997  
twenty-five thousand dollars or less, as determined by the 24998  
board, on behalf of the board without the board's prior 24999  
approval: 25000

(a) Emergency contracts for clinical services or recovery 25001  
support services; 25002

(b) Standard service contracts pertaining to the board's 25003  
operations. 25004

(2) If a board establishes a rule, operating procedure, 25005  
standard, or bylaw under division (F) (1) of this section, both 25006  
of the following shall be the case: 25007

(a) The board shall define the scope of contracts 25008  
described in divisions (F) (1) (a) and (b) of this section in that 25009  
rule, operating procedure, standard, or bylaw. 25010

(b) The board shall disclose the existence of a contract 25011  
executed pursuant to the rule, operating procedure, standard, or 25012  
bylaw at the first board meeting that occurs after the contract 25013  
was executed and ensure that a record of that disclosure is 25014  
included in the written minutes of that meeting. 25015

**Sec. 340.032.** Subject to rules adopted by the director of 25016  
~~mental-behavioral health and addiction services~~ after 25017  
consultation with relevant constituencies as required by 25018  
division (A) (10) of section 5119.21 of the Revised Code, each 25019  
board of alcohol, drug addiction, and mental health services 25020  
shall do all of the following: 25021

(A) Establish, to the extent resources are available, a	25022
community-based continuum of care that includes all of the	25023
following as essential elements:	25024
(1) Prevention and wellness management services;	25025
(2) At least both of the following outreach and engagement	25026
activities:	25027
(a) Locating persons in need of addiction services and	25028
persons in need of mental health services to inform them of	25029
available addiction services, mental health services, and	25030
recovery supports;	25031
(b) Helping persons who receive addiction services and	25032
persons who receive mental health services obtain services	25033
necessary to meet basic human needs for food, clothing, shelter,	25034
medical care, personal safety, and income.	25035
(3) Assessment services;	25036
(4) Care coordination;	25037
(5) Residential services;	25038
(6) At least the following outpatient services:	25039
(a) Nonintensive;	25040
(b) Intensive, such as partial hospitalization and	25041
assertive community treatment;	25042
(c) Withdrawal management;	25043
(d) Emergency and crisis.	25044
(7) Where appropriate, at least the following inpatient	25045
services:	25046
(a) Psychiatric care;	25047

(b) Medically managed alcohol or drug treatment.	25048
(8) At least all of the following recovery supports:	25049
(a) Peer support;	25050
(b) A wide range of housing and support services, including recovery housing residences;	25051 25052
(c) Employment, vocational, and educational opportunities;	25053
(d) Assistance with social, personal, and living skills;	25054
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	25055 25056
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	25057 25058 25059
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	25060 25061 25062
(10) Any additional elements the department of <del>mental-</del> <u>behavioral health-and-addiction services</u> , pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	25063 25064 25065 25066
(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;	25067 25068
(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.	25069 25070 25071
<b>Sec. 340.034.</b> All of the following apply to recovery housing residences required by section 340.033 of the Revised Code to be part of included opioid and co-occurring drug	25072 25073 25074

addiction services and recovery supports: 25075

(A) A recovery housing residence shall comply with the 25076  
requirements of being monitored by the department of ~~mental~~ 25077  
behavioral health and addiction services under sections 5119.39 25078  
to 5119.396 of the Revised Code and any rules adopted under 25079  
section 5119.397 of the Revised Code, but the residence is not 25080  
subject to residential facility licensure by the department 25081  
under section 5119.34 of the Revised Code. 25082

(B) A recovery housing residence shall not be operated by 25083  
a board of alcohol, drug addiction, and mental health services 25084  
unless any of the following applies: 25085

(1) The board operated the recovery housing residence on 25086  
July 1, 2017. 25087

(2) The board utilizes local funds in the development or 25088  
operation of the recovery housing residence. 25089

(3) The board determines that there is a need for the 25090  
board to assume operation of the recovery housing residence, 25091  
such as when an existing operator of the residence goes out of 25092  
business and the board considers the assumption of operation of 25093  
the residence to be in the best interest of the community. 25094

(C) A recovery housing residence shall have protocols for 25095  
all of the following: 25096

(1) Administrative oversight; 25097

(2) Quality standards; 25098

(3) Policies and procedures, including house rules, for 25099  
its residents to which the residents must agree to adhere. 25100

(D) Family members of a resident of a recovery housing 25101

residence may reside in the residence to the extent permitted by 25102  
protocols of the residence. 25103

(E) A recovery housing residence shall not limit a 25104  
resident's duration of stay to an arbitrary or fixed amount of 25105  
time. Instead, each resident's duration of stay shall be 25106  
determined by the resident's needs, progress, and willingness to 25107  
abide by the residence's protocols, in collaboration with the 25108  
residence's operator, and, if appropriate, in consultation and 25109  
integration with a community addiction services provider. 25110

(F) A recovery housing residence may permit its residents 25111  
to receive medication-assisted treatment. 25112

(G) A resident of a recovery housing residence may receive 25113  
addiction services that are certified by the department under 25114  
section 5119.36 of the Revised Code. 25115

**Sec. 340.036.** (A) Subject to division (B) of this section 25116  
and rules adopted by the director of ~~mental-behavioral health~~ 25117  
~~and addiction services~~ after consultation with relevant 25118  
constituencies as required by division (A)(10) of section 25119  
5119.21 of the Revised Code, each board of alcohol, drug 25120  
addiction, and mental health services shall enter into contracts 25121  
with all of the following: 25122

(1) Public and private facilities for the operation of 25123  
facility services; 25124

(2) Community addiction services providers for addiction 25125  
services and recovery supports; 25126

(3) Community mental health services providers for mental 25127  
health services and recovery supports. 25128

(B) No board shall do any of the following: 25129

(1) Contract with a residential facility required to be 25130  
licensed under section 5119.34 of the Revised Code unless the 25131  
facility is so licensed; 25132

(2) Contract with a community addiction services provider 25133  
or community mental health services provider for certifiable 25134  
services and supports unless the certifiable services and 25135  
supports are certified under section 5119.36 of the Revised 25136  
Code; 25137

(3) Contract with a community addiction services provider 25138  
or community mental health services provider for recovery 25139  
supports that are required by the director to meet quality 25140  
criteria or core competencies unless the recovery supports meet 25141  
the criteria or competencies. 25142

(C) When a board contracts with a community addiction 25143  
services provider or community mental health services provider 25144  
for addiction services, mental health services, or recovery 25145  
supports, all of the following apply: 25146

(1) The board shall consider both of the following: 25147

(a) The cost effectiveness and quality of the provider's 25148  
services and supports; 25149

(b) Continuity of care. 25150

(2) The board may review cost elements, including salary 25151  
costs, of the services and supports. 25152

(3) The board may establish, in a way that is most 25153  
effective and efficient in meeting local needs, a utilization 25154  
review process as part of the contract. 25155

(4) The board may contract with a government entity, for- 25156  
profit entity, or nonprofit entity. Any such entity may be 25157

faith-based. 25158

(D) If a party to a contract entered into under this 25159  
section proposes not to renew the contract or proposes 25160  
substantial changes in contract terms, the other party shall be 25161  
given written notice at least one hundred twenty days before the 25162  
expiration date of the contract. During the first sixty days of 25163  
this one-hundred-twenty-day period, both parties shall attempt 25164  
to resolve any dispute through good faith collaboration and 25165  
negotiation in order to continue to provide services and 25166  
supports to persons in need. If the dispute has not been 25167  
resolved sixty days before the expiration date of the contract, 25168  
either party may notify the director of the unresolved dispute. 25169  
The director may require both parties to submit the dispute to 25170  
another entity with the cost to be shared by the parties. Not 25171  
later than twenty days before the expiration date of the 25172  
contract or a later date to which both parties agree, the other 25173  
entity shall issue to the parties and director recommendations 25174  
on how the dispute may be resolved. The director shall adopt 25175  
rules establishing the procedures of this dispute resolution 25176  
process. 25177

(E) Section 307.86 of the Revised Code does not apply to 25178  
contracts entered into under this section. 25179

**Sec. 340.037.** (A) Subject to division (B) of this section 25180  
and rules adopted by the director of ~~mental-behavioral~~ health 25181  
~~and addiction services~~ after consultation with relevant 25182  
constituencies as required by division (A)(10) of section 25183  
5119.21 of the Revised Code, a board of alcohol, drug addiction, 25184  
and mental health services may operate a facility or provide an 25185  
addiction service or mental health service if both of the 25186  
following apply: 25187



(1) The director gives the board prior approval;	25188
(2) There is no other qualified private or public	25189
facility, community addiction services provider, or community	25190
mental health services provider that is immediately available	25191
and willing to operate such a facility or provide the service.	25192
(B) (1) In an emergency situation, a board may operate a	25193
facility or provide an addiction service or mental health	25194
service in order to provide essential services for the duration	25195
of the emergency.	25196
(2) In a service district with a population of at least	25197
one hundred thousand but less than five hundred thousand, a	25198
board may operate a facility or provide an addiction service or	25199
mental health service for not longer than one year.	25200
(3) In a service district with a population of less than	25201
one hundred thousand, a board may operate a facility or provide	25202
an addiction service or mental health service for not longer	25203
than one year, except that the board may operate a facility or	25204
provide an addiction service or mental health service for more	25205
than one year with the prior approval of both of the following:	25206
(a) The director;	25207
(b) The board of county commissioners with jurisdiction	25208
over the service district or, if the service district is a	25209
joint-county district, a majority of the boards of county	25210
commissioners with jurisdiction over the district.	25211
(C) The director shall not do any of the following:	25212
(1) Except in an emergency situation, give a board	25213
approval to operate a facility or provide an addiction service	25214
or mental health service unless the director determines that it	25215

is not feasible to have the department operate the facility or 25216  
provide the service; 25217

(2) Give a board that serves a service district with a 25218  
population of less than one hundred thousand approval to operate 25219  
a facility or provide an addiction service or mental health 25220  
service unless the director determines that the board will 25221  
provide greater administrative efficiency and more or better 25222  
services than would be available if the board contracted with a 25223  
private or public facility, community addiction services 25224  
provider, or community mental health services provider; 25225

(3) Give a board approval to operate a facility previously 25226  
operated by a person or other government entity unless the board 25227  
has established to the director's satisfaction that the person 25228  
or other government entity cannot effectively operate the 25229  
facility or that the person or other government entity has 25230  
requested the board to take over operation of the facility; 25231

(4) Give a board approval to provide an addiction service 25232  
or mental health service previously provided by a community 25233  
addiction services provider or community mental health services 25234  
provider unless the board has established to the director's 25235  
satisfaction that the provider cannot effectively provide the 25236  
service or that the provider has requested the board to take 25237  
over providing the service. 25238

(D) The director shall review and evaluate a board's 25239  
operation of a facility and provision of addiction services or 25240  
mental health services under this section. 25241

(E) Nothing in this section authorizes a board to 25242  
administer or direct the daily operation of any facility, 25243  
community addiction services provider, or community mental 25244

health services provider. However, a facility or provider may 25245  
contract with a board to receive administrative services or 25246  
staff direction from the board under the direction of the 25247  
governing body of the facility or provider. 25248

**Sec. 340.04.** Each board of alcohol, drug addiction, and 25249  
mental health services shall employ a qualified mental health or 25250  
addiction services professional with experience in 25251  
administration or a professional administrator with experience 25252  
in mental health services or addiction services to serve as 25253  
executive director of the board and shall prescribe the 25254  
director's duties. 25255

The board shall fix the compensation of the executive 25256  
director. In addition to such compensation, the director shall 25257  
be reimbursed for actual and necessary expenses incurred in the 25258  
performance of the director's official duties. The board, by 25259  
majority vote of the full membership, may remove the director 25260  
for cause at any time, contingent upon any written contract 25261  
between the board and the executive director, upon written 25262  
charges, after an opportunity has been afforded the director for 25263  
a hearing before the board on request. 25264

The board may delegate to its executive director the 25265  
authority to act in its behalf in the performance of its 25266  
administrative duties. 25267

As used in this section, "mental health professional" and 25268  
"addiction services professional" mean an individual who is 25269  
qualified to work with persons with mental illnesses or persons 25270  
receiving addiction services, pursuant to standards established 25271  
by the director of ~~mental-behavioral health and addiction-~~ 25272  
~~services~~ under Chapter 5119. of the Revised Code. 25273

**Sec. 340.041.** In addition to such other duties as may be 25274  
lawfully imposed, the executive director of a board of alcohol, 25275  
drug addiction, and mental health services shall: 25276

(A) Serve as executive officer of the board and, subject 25277  
to the prior approval of the board for each contract, except 25278  
contracts, if any, to which division (F) of section 340.03 of 25279  
the Revised Code applies, execute contracts on its behalf; 25280

(B) Supervise addiction services, mental health services, 25281  
recovery supports, and facilities provided, operated, 25282  
contracted, or supported by the board to the extent of 25283  
determining that services, supports, and facilities are being 25284  
administered in conformity with this chapter and rules of the 25285  
director of ~~mental-behavioral health-and-addiction services~~; 25286

(C) Provide consultation to community addiction services 25287  
providers and community mental health services providers; 25288

(D) Recommend to the board the changes necessary to 25289  
increase the effectiveness of addiction services, mental health 25290  
services, and recovery supports and other matters necessary or 25291  
desirable to carry out this chapter; 25292

(E) Employ and remove from office such employees and 25293  
consultants in the classified civil service and, subject to the 25294  
approval of the board, employ and remove from office such other 25295  
employees and consultants as may be necessary for the work of 25296  
the board, and fix their compensation and reimbursement within 25297  
the limits set by the salary schedule and the budget approved by 25298  
the board; 25299

(F) Encourage the development and expansion of preventive, 25300  
treatment, and consultative services, as well as recovery 25301  
supports, in the fields of addiction services and mental health 25302

services with emphasis on continuity of care; 25303

(G) Prepare for board approval an annual report of the 25304  
addiction services, mental health services, recovery supports, 25305  
and facilities under the jurisdiction of the board, including a 25306  
fiscal accounting of all services and supports; 25307

(H) Conduct such studies as may be necessary and 25308  
practicable for the promotion of mental health, promotion of 25309  
addiction services, and the prevention of mental illness, 25310  
emotional disorders, and addiction; 25311

(I) Authorize the county auditor, or in a joint-county 25312  
district the county auditor designated as the auditor for the 25313  
district, to issue warrants for the payment of board obligations 25314  
approved by the board, provided that all payments from funds 25315  
distributed to the board by the department of ~~mental-behavioral~~ 25316  
health ~~and addiction services~~ are in accordance with the budget 25317  
submitted pursuant to section 340.08 of the Revised Code, as 25318  
approved by the department of ~~mental-behavioral~~ health ~~and~~ 25319  
~~addiction services~~. 25320

**Sec. 340.05.** If a community addiction services provider or 25321  
community mental health services provider receives a complaint 25322  
alleging abuse or neglect of an individual with mental illness 25323  
or severe mental disability, or an individual receiving 25324  
addiction services, who resides in a residential facility 25325  
licensed under section 5119.34 of the Revised Code, the provider 25326  
shall report the complaint to the board of alcohol, drug 25327  
addiction, and mental health services serving the alcohol, drug 25328  
addiction, and mental health service district in which the 25329  
residential facility is located. A board of alcohol, drug 25330  
addiction, and mental health services that receives such a 25331  
report from a community addiction services provider or community 25332

mental health services provider of such a complaint shall report 25333  
the complaint to the director of ~~mental-behavioral health and~~ 25334  
~~addiction services~~ for the purpose of the director conducting an 25335  
investigation under section 5119.34 of the Revised Code. The 25336  
board may enter the facility with or without the director and, 25337  
if the health and safety of a resident is in immediate danger, 25338  
take any necessary action to protect the resident. The board's 25339  
action shall not violate any resident's rights specified in 25340  
rules adopted by the department of ~~mental-behavioral health and~~ 25341  
~~addiction services~~ under section 5119.34 of the Revised Code. 25342  
The board shall immediately report to the director regarding the 25343  
board's actions under this section. 25344

**Sec. 340.07.** The board of county commissioners of any 25345  
county participating in an alcohol, drug addiction, and mental 25346  
health service district or joint-county district, upon receipt 25347  
from the board of alcohol, drug addiction, and mental health 25348  
services of a resolution so requesting, may appropriate money to 25349  
such board for the operation, lease, acquisition, construction, 25350  
renovation, and maintenance of community addiction services 25351  
providers, community mental health services providers, and 25352  
facilities in accordance with the budget required by section 25353  
340.08 of the Revised Code and approved by the department of 25354  
~~mental-behavioral health and addiction services~~ pursuant to 25355  
section 5119.22 of the Revised Code. 25356

**Sec. 340.08.** In accordance with rules or guidelines issued 25357  
by the director of ~~mental-behavioral health and addiction~~ 25358  
~~services~~, each board of alcohol, drug addiction, and mental 25359  
health services shall do all of the following: 25360

(A) Submit to the department of ~~mental-behavioral health~~ 25361  
~~and addiction services~~ a proposed budget of receipts and 25362

expenditures for all federal, state, and local moneys the board 25363  
expects to receive. 25364

(1) The proposed budget shall identify funds the board has 25365  
available for included opioid and co-occurring drug addiction 25366  
services and recovery supports. 25367

(2) The proposed budget shall identify funds the board and 25368  
public children services agencies in the board's service 25369  
district have available to fund jointly the services described 25370  
in section 340.15 of the Revised Code. 25371

(3) The board's proposed budget for expenditures of state 25372  
and federal funds distributed to the board by the department 25373  
shall be deemed an application for funds, and the department 25374  
shall approve or disapprove the budget for these expenditures in 25375  
whole or in part in accordance with division (G) of section 25376  
5119.22 of the Revised Code. 25377

If a board determines that it is necessary to amend an 25378  
approved budget, the board shall submit a proposed amendment to 25379  
the director. The director shall approve or disapprove all or 25380  
part of the amendment in accordance with division (H) of section 25381  
5119.22 of the Revised Code. 25382

(B) Submit to the department a proposed list of addiction 25383  
services, mental health services, and recovery supports the 25384  
board intends to make available. The board shall include the 25385  
services and supports required by section 340.032 of the Revised 25386  
Code to be included in the community-based continuum of care and 25387  
the services required by section 340.15 of the Revised Code. The 25388  
board shall explain the manner in which the board intends to 25389  
make such services and supports available. The list shall be 25390  
compatible with the budget submitted pursuant to division (A) of 25391

this section. The department shall approve or disapprove the 25392  
list in whole or in part in accordance with division (G) of 25393  
section 5119.22 of the Revised Code. 25394

If a board determines that it is necessary to amend an 25395  
approved list, the board shall submit a proposed amendment to 25396  
the director. The director shall approve or disapprove all or 25397  
part of the amendment in accordance with division (H) of section 25398  
5119.22 of the Revised Code. 25399

(C) Enter into a continuity of care agreement with the 25400  
state institution operated by the department of ~~mental~~ 25401  
behavioral health and addiction services and designated as the 25402  
institution serving the district encompassing the board's 25403  
service district. The continuity of care agreement shall outline 25404  
the department's and the board's responsibilities to plan for 25405  
and coordinate with each other to address the needs of board 25406  
residents who are patients in the institution, with an emphasis 25407  
on managing appropriate hospital bed day use and discharge 25408  
planning. The continuity of care agreement shall not require the 25409  
board to provide addiction services, mental health services, or 25410  
recovery supports other than those on the list of services and 25411  
supports submitted by the board pursuant to division (B) of this 25412  
section and approved by the department in accordance with 25413  
division (G) of section 5119.22 of the Revised Code. 25414

(D) In conjunction with the department, operate a 25415  
coordinated system for tracking and monitoring persons found not 25416  
guilty by reason of insanity and committed pursuant to section 25417  
2945.40 of the Revised Code who have been granted a conditional 25418  
release and persons found incompetent to stand trial and 25419  
committed pursuant to section 2945.39 of the Revised Code who 25420  
have been granted a conditional release. The system shall do all 25421



of the following: 25422

(1) Centralize responsibility for the tracking of those 25423  
persons; 25424

(2) Provide for uniformity in monitoring those persons; 25425

(3) Provide a mechanism to allow prompt rehospitalization, 25426  
reinstitutionalization, or detention when a violation of the 25427  
conditional release or decompensation occurs. 25428

(E) Submit to the department a report summarizing all of 25429  
the following: 25430

(1) Complaints and grievances received by the board 25431  
concerning the rights of persons seeking or receiving addiction 25432  
services, mental health services, or recovery supports; 25433

(2) Investigations of the complaints and grievances; 25434

(3) Outcomes of the investigations. 25435

(F) Provide to the department information to be submitted 25436  
to the community behavioral health information system or systems 25437  
established by the department under Chapter 5119. of the Revised 25438  
Code. 25439

(G) Annually, and upon any change in membership, submit to 25440  
the department a list of all current members of the board of 25441  
alcohol, drug addiction, and mental health services, including 25442  
the appointing authority for each member, and the member's 25443  
specific qualification for appointment pursuant to section 25444  
340.02 or 340.021 of the Revised Code, if applicable. 25445

(H) Submit to the department other information as is 25446  
reasonably required for purposes of the department's operations, 25447  
service evaluation, reporting activities, research, system 25448

administration, and oversight. 25449

(I) Annually update and publish on the board's web site a 25450  
list of all opioid treatment programs licensed under section 25451  
5119.37 of the Revised Code that are operating within the 25452  
board's district, based on information obtained from any of the 25453  
following: 25454

(1) The federal substance abuse and mental health services 25455  
administration's opioid treatment program directory; 25456

(2) A resource directory created by the department of 25457  
~~mental behavioral health and addiction services~~; 25458

(3) The list maintained by the department of ~~mental~~ 25459  
~~behavioral health and addiction services~~ pursuant to division 25460  
(P) of section 5119.37 of the Revised Code. 25461

**Sec. 340.09.** (A) Using funds the general assembly 25462  
appropriates for these purposes, the department of ~~mental~~ 25463  
~~behavioral health and addiction services~~ shall provide any 25464  
county assistance for one or more of the following: 25465

(1) The operation of the board of alcohol, drug addiction, 25466  
and mental health services serving the county; 25467

(2) The provision of addiction services, mental health 25468  
services, and recovery supports included in the board's list of 25469  
services and supports required by section 340.08 of the Revised 25470  
Code and approved by the department under section 5119.22 of the 25471  
Revised Code; 25472

(3) The provision of approved support functions; 25473

(4) The partnership in, or support for, approved 25474  
community-based continuum of care-related activities. 25475

(B) Support functions may include the following:	25476
(1) Consultation;	25477
(2) Research;	25478
(3) Administrative;	25479
(4) Referral and information;	25480
(5) Training;	25481
(6) Service and program evaluation.	25482
<b>Sec. 340.12.</b> As used in this section, "disability" has the	25483
same meaning as in section 4112.01 of the Revised Code.	25484
No board of alcohol, drug addiction, and mental health	25485
services or any community addiction services provider or	25486
community mental health services provider under contract with	25487
such a board shall discriminate in the provision of addiction	25488
services, mental health services, or recovery supports under its	25489
authority, in employment, or under a contract on the basis of	25490
race, color, religion, ancestry, military status, sex, age,	25491
national origin, or disability.	25492
Each board, community addiction services provider, and	25493
community mental health services provider shall have a written	25494
affirmative action program. The affirmative action program shall	25495
include goals for the employment and effective utilization of,	25496
including contracts with, members of economically disadvantaged	25497
groups as defined in division (E) (1) of section 122.71 of the	25498
Revised Code in percentages reflecting as nearly as possible the	25499
composition of the alcohol, drug addiction, and mental health	25500
service district served by the board. Each board and provider	25501
shall file a description of the affirmative action program and a	25502
progress report on its implementation with the department of	25503

~~mental-behavioral health-and-addiction services.~~ 25504

**Sec. 340.13.** (A) As used in this section: 25505

(1) "Minority business enterprise" has the same meaning as 25506  
in section 122.71 of the Revised Code. 25507

(2) "EDGE business enterprise" has the same meaning as in 25508  
section 122.922 of the Revised Code. 25509

(B) Any minority business enterprise that desires to bid 25510  
on a contract under division (C) of this section shall first 25511  
apply to the department of development for certification as a 25512  
minority business enterprise. Any EDGE business enterprise that 25513  
desires to bid on a contract under division (D) of this section 25514  
shall first apply to the department of development for 25515  
certification as an EDGE business enterprise. The director of 25516  
development shall approve the application of any minority 25517  
business enterprise or EDGE business enterprise that complies 25518  
with the rules adopted under section 122.71 or 122.922 of the 25519  
Revised Code, respectively. The director shall prepare and 25520  
maintain a list of minority business enterprises and EDGE 25521  
business enterprises certified under those sections. 25522

(C) From the contracts to be awarded for the purchases of 25523  
equipment, materials, supplies, or services, other than 25524  
contracts entered into under section 340.036 of the Revised 25525  
Code, each board of alcohol, drug addiction, and mental health 25526  
services shall select a number of contracts with an aggregate 25527  
value of approximately fifteen per cent of the total estimated 25528  
value of contracts to be awarded in the current fiscal year. The 25529  
board shall set aside the contracts so selected for bidding by 25530  
minority business enterprises only. The bidding procedures for 25531  
such contracts shall be the same as for all other contracts 25532

awarded under section 307.86 of the Revised Code, except that 25533  
only minority business enterprises certified and listed pursuant 25534  
to division (B) of this section shall be qualified to submit 25535  
bids. 25536

(D) To the extent that a board is authorized to enter into 25537  
contracts for construction, the board shall strive to attain a 25538  
yearly contract dollar procurement goal the aggregate value of 25539  
which equals approximately five per cent of the aggregate value 25540  
of construction contracts for the current fiscal year for EDGE 25541  
business enterprises only. 25542

(E) (1) In the case of contracts set aside under division 25543  
(C) of this section, if no bid is submitted by a minority 25544  
business enterprise, the contract shall be awarded according to 25545  
normal bidding procedures. The board shall from time to time set 25546  
aside such additional contracts as are necessary to replace 25547  
those contracts previously set aside on which no minority 25548  
business enterprise bid. 25549

(2) If a board, after having made a good faith effort, is 25550  
unable to comply with the goal of procurement for contracting 25551  
with EDGE business enterprises pursuant to division (D) of this 25552  
section, the board may apply in writing, on a form prescribed by 25553  
the department of administrative services, to the director of 25554  
~~mental-behavioral health and addiction services~~ for a waiver or 25555  
modification of the goal. 25556

(F) This section does not preclude any minority business 25557  
enterprise or EDGE business enterprise from bidding on any other 25558  
contract not specifically set aside for minority business 25559  
enterprises or subject to procurement goals for EDGE business 25560  
enterprises. 25561

(G) Within ninety days after the beginning of each fiscal year, each board shall file a report with the department of ~~mental-behavioral health and addiction services~~ that shows for that fiscal year the name of each minority business enterprise and EDGE business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, and the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise or an EDGE business enterprise for the purpose of obtaining contracts or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

**Sec. 340.16.** The department of ~~mental-behavioral health and addiction services~~ and the department of medicaid shall adopt rules that establish requirements and procedures for prior notification and service coordination between public children services agencies and boards of alcohol, drug addiction, and mental health services when a public children services agency refers a child in its custody to a board for services funded by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 345.01.** (A) As used in this chapter, "~~the county auditor's appraised market value~~" has the same meaning as in section 5705.01 of the Revised Code.

(B) The taxing authority of any municipal corporation, 25592  
township, or county, at any time not less than one hundred days 25593  
prior to a general election in any year, by a vote of two-thirds 25594  
of all members of the taxing authority, may, and upon 25595  
presentation to the clerk or fiscal officer, as the case may be, 25596  
of the taxing authority of a petition signed by not less than 25597  
two per cent of the electors of the political subdivision, as 25598  
shown at the preceding general election held in the subdivision, 25599  
shall, declare by resolution that the amount of taxes which may 25600  
be raised within the ten-mill limitation will be insufficient to 25601  
provide an adequate amount for the necessary requirements of the 25602  
subdivision, and that it is necessary to levy taxes in excess of 25603  
the limitation for either or both of the following purposes: 25604

(1) For purchasing a site, and for erecting, equipping, 25605  
and furnishing, or for establishing a memorial to commemorate 25606  
the services of all members and veterans of the armed forces of 25607  
the United States; 25608

(2) For the operation and maintenance of a memorial, and 25609  
for the functions related to it. 25610

The resolution shall be confined to the purposes set forth 25611  
in this section, and shall specify the amount of increase in 25612  
rate which it is necessary to levy, expressed both in mills for 25613  
each one dollar of taxable value and in dollars for each one 25614  
hundred thousand dollars of ~~the county auditor's appraised~~ 25615  
market value, the purpose of the rate increase, and the number 25616  
of years during which the increase shall be in effect. The 25617  
increase may include a levy upon the tax duplicate of the 25618  
current year. The number of years shall be any number not 25619  
exceeding ten. The question of an increase in tax rate under 25620  
divisions (B) (1) and (2) of this section may be submitted to the 25621

electors on one ballot. 25622

The total tax for the purposes included in this section 25623  
shall not, in any year, exceed one mill of each dollar of 25624  
taxable value. 25625

The resolution shall go into immediate effect upon its 25626  
passage, and no publication of the resolution, other than that 25627  
provided for in the notice of election, shall be necessary. 25628

**Sec. 345.03.** A copy of any resolution adopted under 25629  
section 345.01 of the Revised Code shall be certified within 25630  
five days by the taxing authority and not later than four p.m. 25631  
of the ninetieth day before the day of the election, to the 25632  
county board of elections, and such board shall submit the 25633  
proposal to the electors of the subdivision at the succeeding 25634  
general election. The board shall make the necessary 25635  
arrangements for the submission of such question to the electors 25636  
of the subdivision, and the election shall be conducted, 25637  
canvassed, and certified in like manner as regular elections in 25638  
such subdivision. 25639

Notice of the election shall be published once not less 25640  
than two weeks prior to such election using at least one of the 25641  
following methods: 25642

(A) In the print or digital edition of a newspaper of 25643  
general circulation within the county; 25644

(B) On the official public notice web site established 25645  
under section 125.182 of the Revised Code; 25646

(C) On the web site and social media account of the 25647  
county. 25648

The notice shall set out the purpose of the proposed 25649



increase in rate, the levy's estimated annual collections, the 25650  
amount of the increase expressed in dollars for each one hundred 25651  
thousand dollars of ~~the county auditor's appraised market~~ value 25652  
as well as in mills for each one dollar of taxable value, the 25653  
number of years during which such increase will be in effect, 25654  
and the time and place of holding such election. 25655

**Sec. 345.04.** The form of the ballot cast at a general 25656  
election, as provided by sections 345.01 to 345.03 of the 25657  
Revised Code, shall be: "An additional tax for the benefit of 25658  
(name of subdivision) for the purpose of (state purpose stated 25659  
in the resolution), that the county auditor estimates will 25660  
collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ mills for 25661  
each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 25662  
\$100,000 of ~~the county auditor's appraised market~~ value, for 25663  
(the number of years the levy is to run). 25664

	For the Tax Levy
	Against the Tax Levy

"

If the tax is to be placed on the current tax list, the 25666  
form of the ballot shall be modified by adding, after the 25667  
statement of the number of years the levy is to run, the phrase 25668  
", commencing in \_\_\_\_\_ (first year the tax is to be 25669  
levied), first due in calendar year \_\_\_\_\_ (first calendar 25670  
year in which the tax shall be due)." 25671

The question covered by the resolution shall be submitted 25672  
to the electors as a separate proposition, but it may be printed 25673  
on the same ballot with any other proposition submitted at the 25674  
same election other than the election of officers. More than one 25675  
such question may be submitted at the same election. 25676

**Sec. 501.09.** The lessee of land appropriated for 25677  
ministerial purposes which land is leased for ninety-nine years, 25678  
renewable forever, or the lessee of such land the lease of which 25679  
has been renewed for a like term may purchase the fee simple 25680  
title to the land for an amount equal to the rent for one year. 25681  
The receipt of all rents due and an amount equal to the rent for 25682  
one year from a lessee is deemed an offer to purchase the land, 25683  
which offer the board of education of the school district for 25684  
whose benefit the land has been allocated shall accept. The 25685  
school board shall cancel the lease and prepare a deed in fee 25686  
simple to the land, which the governor shall execute and the 25687  
secretary of state shall countersign. 25688

The lessee of land appropriated for school purposes which 25689  
land is leased for ninety-nine years, renewable forever, or the 25690  
lessee of land the lease of which has been renewed for a like 25691  
term may purchase the fee simple title to the land for an amount 25692  
equal to the quotient of the annual rent divided by five one- 25693  
hundredths. Upon receipt of that amount, if all unpaid rent due 25694  
from the lessee for past years has been paid, the school board 25695  
shall cancel the lease, and the ~~auditor of state~~ department of 25696  
administrative services shall prepare a deed in fee simple to 25697  
the land, which the governor shall execute and the secretary of 25698  
state shall countersign. 25699

Moneys received from the sale of any land shall be paid to 25700  
the school district for whose benefit the land has been 25701  
allocated. 25702

**Sec. 501.11.** When the successful bidder at the sale 25703  
provided in this chapter makes payment to the school district 25704  
selling the land, the school district shall certify receipt of 25705  
such payment to the ~~auditor of state~~ department of administrative 25706

services. Following the payment to the school district, the 25707  
~~auditor of state~~ department of administrative services shall 25708  
prepare a deed, conveying such lands in fee simple to the 25709  
successful bidder, and deliver it to the governor, together with 25710  
~~his certificate, under the seal of the auditor of state, a~~ 25711  
certification signed by the director of administrative services 25712  
that all papers required by law have been properly filed, that 25713  
the proceedings are according to law, and that the purchase 25714  
money is fully paid. When signed by the governor, countersigned 25715  
by the secretary of state, and sealed with the great seal of the 25716  
state, such deed shall be returned to the ~~auditor of state who~~ 25717  
department of administrative services, which shall deliver it to 25718  
the grantee. 25719

**Sec. 505.24.** (A) In calendar year 2018, each township 25720  
trustee is entitled to compensation in an amount for each day of 25721  
service in the business of the township, to be paid from the 25722  
township treasury as follows: 25723

(1) In townships having a budget of two hundred fifty 25724  
thousand dollars or less, forty dollars and forty-one cents per 25725  
day for not more than two hundred days; 25726

(2) In townships having a budget of more than two hundred 25727  
fifty thousand but not more than five hundred thousand dollars, 25728  
forty-six dollars and eighty cents per day for not more than two 25729  
hundred days; 25730

(3) In townships having a budget of more than five hundred 25731  
thousand but not more than seven hundred fifty thousand dollars, 25732  
forty-nine dollars and sixty-three cents per day for not more 25733  
than two hundred days; 25734

(4) In townships having a budget of more than seven 25735

hundred fifty thousand but not more than one million five 25736  
hundred thousand dollars, fifty-six dollars and seventy-one 25737  
cents per day for not more than two hundred days; 25738

(5) In townships having a budget of more than one million 25739  
five hundred thousand but not more than three million five 25740  
hundred thousand dollars, sixty-two dollars and thirty-nine 25741  
cents per day for not more than two hundred days; 25742

(6) In townships having a budget of more than three 25743  
million five hundred thousand but not more than six million 25744  
dollars, sixty-eight dollars and six cents per day for not more 25745  
than two hundred days; 25746

(7) In townships having a budget of more than six million 25747  
but not more than ten million dollars, eighty-eight dollars and 25748  
nineteen cents per day for not more than two hundred days; 25749

(8) In townships having a budget of more than ten million 25750  
dollars, one hundred thirteen dollars and thirty-eight cents per 25751  
day for not more than two hundred days. 25752

(B) The amounts paid as specified in division (A) of this 25753  
section shall be increased as follows: 25754

(1) In calendar year 2019 and in each calendar year 25755  
thereafter through calendar year 2028~~2025, the amounts paid as~~ 25756  
~~specified in division (A) of this section shall be increased by~~ 25757  
one and three-quarters per cent; 25758

(2) In calendar year 2026 and in each calendar year 25759  
thereafter through calendar year 2029, by five per cent; 25760

(3) In calendar year 2030 and in each calendar year 25761  
thereafter, by the percentage increase, if any, in the consumer 25762  
price index as defined in section 141.04 of the Revised Code 25763

over the twelve-month period that ends on the thirtieth day of 25764  
September of the immediately preceding year, rounded to the 25765  
nearest one-tenth of one per cent, not to exceed three per cent. 25766

(C) Whenever members of a board of township trustees are 25767  
compensated per diem and not by annual salary, the board shall 25768  
establish, by resolution, a method by which each member of the 25769  
board shall periodically notify the township fiscal officer of 25770  
the number of days spent in the service of the township and the 25771  
kinds of services rendered on those days. The per diem 25772  
compensation shall be paid from the township general fund or 25773  
from other township funds in such proportions as the kinds of 25774  
services performed may require. The notice shall be filed with 25775  
the township fiscal officer and preserved for inspection by any 25776  
persons interested. 25777

By unanimous vote, a board of township trustees may adopt 25778  
a method of compensation consisting of an annual salary to be 25779  
paid in equal monthly payments. If the office of trustee is held 25780  
by more than one person during any calendar year, each person 25781  
holding the office shall receive payments for only those months, 25782  
and any fractions of those months, during which the person holds 25783  
the office. The amount of the annual salary approved by the 25784  
board shall be no more than the maximum amount that could be 25785  
received annually by a trustee if the trustee were paid on a per 25786  
diem basis as specified in this division, and shall be paid from 25787  
the township general fund or from other township funds in such 25788  
proportions as the board may specify by resolution. Each trustee 25789  
shall certify the percentage of time spent working on matters to 25790  
be paid from the township general fund and from other township 25791  
funds in such proportions as the kinds of services performed. A 25792  
board of township trustees that has adopted a salary method of 25793  
compensation may return to a method of compensation on a per 25794

diem basis as specified in this division by a majority vote. Any 25795  
change in the method of compensation shall be effective on the 25796  
first day of January of the year following the year during which 25797  
the board has voted to change the method of compensation. 25798

**Sec. 505.37.** (A) The board of township trustees may 25799  
establish all necessary rules to guard against the occurrence of 25800  
fires and to protect the property and lives of the citizens 25801  
against damage and accidents, and may purchase, lease, lease 25802  
with an option to purchase, or otherwise provide any fire 25803  
apparatus, mechanical resuscitators, underwater rescue and 25804  
recovery equipment, or other fire equipment, appliances, 25805  
materials, fire hydrants, and water supply for fire-fighting and 25806  
fire and rescue purposes that seems advisable to the board. The 25807  
board shall provide for the care and maintenance of such fire 25808  
equipment, and, for these purposes, may purchase, lease, lease 25809  
with an option to purchase, or construct and maintain necessary 25810  
buildings, and it may establish and maintain lines of fire-alarm 25811  
communications within the limits of the township. The board may 25812  
employ one or more persons to maintain and operate such fire 25813  
equipment, or it may enter into an agreement with a volunteer 25814  
fire company for the use and operation of the equipment. The 25815  
board may compensate the members of a volunteer fire company on 25816  
any basis and in any amount that it considers equitable. 25817

When the estimated cost to purchase fire apparatus, 25818  
mechanical resuscitators, underwater rescue and recovery 25819  
equipment, or other fire equipment, appliances, materials, fire 25820  
hydrants, buildings, or fire-alarm communications equipment or 25821  
services exceeds the amount specified in section 9.17 of the 25822  
Revised Code, the contract shall be let by competitive bidding. 25823  
No purchase or other transaction subject to this section shall 25824  
be divided into component parts in order to avoid the 25825

requirements of this section. When competitive bidding is 25826  
required, the board shall advertise once a week for not less 25827  
than two consecutive weeks using at least one of the following 25828  
methods: 25829

(1) In the print or digital edition of a newspaper of 25830  
general circulation within the township; 25831

(2) On the official public notice web site established 25832  
under section 125.182 of the Revised Code; 25833

(3) On the web site and social media account of the 25834  
township. 25835

The board may also cause notice to be inserted in trade 25836  
papers or other publications designated by it or to be 25837  
distributed by electronic means, including posting the notice on 25838  
the board's internet web site. 25839

The advertisement shall include the time, date, and place 25840  
where the clerk of the township, or the clerk's designee, will 25841  
read bids publicly. The time, date, and place of bid openings 25842  
may be extended to a later date by the board of township 25843  
trustees, provided that written or oral notice of the change 25844  
shall be given to all persons who have received or requested 25845  
specifications not later than ninety-six hours prior to the 25846  
original time and date fixed for the opening. The board may 25847  
reject all the bids or accept the lowest and best bid, provided 25848  
that the successful bidder meets the requirements of section 25849  
153.54 of the Revised Code when the contract is for the 25850  
construction, demolition, alteration, repair, or reconstruction 25851  
of an improvement. 25852

(B) The boards of township trustees of any two or more 25853  
townships, or the legislative authorities of any two or more 25854

political subdivisions, or any combination of these, may, 25855  
through joint action, unite in the joint purchase, lease, lease 25856  
with an option to purchase, maintenance, use, and operation of 25857  
fire equipment described in division (A) of this section, or for 25858  
any other purpose designated in sections 505.37 to 505.42 of the 25859  
Revised Code, and may prorate the expense of the joint action on 25860  
any terms that are mutually agreed upon. 25861

(C) The board of township trustees of any township may, by 25862  
resolution, whenever it is expedient and necessary to guard 25863  
against the occurrence of fires or to protect the property and 25864  
lives of the citizens against damages resulting from their 25865  
occurrence, create a fire district of any portions of the 25866  
township that it considers necessary. The board may purchase, 25867  
lease, lease with an option to purchase, or otherwise provide 25868  
any fire apparatus, mechanical resuscitators, underwater rescue 25869  
and recovery equipment, or other fire equipment, appliances, 25870  
materials, fire hydrants, and water supply for fire-fighting and 25871  
fire and rescue purposes, or may contract for the fire 25872  
protection for the fire district as provided in section 9.60 of 25873  
the Revised Code. The fire district so created shall be given a 25874  
separate name by which it shall be known. 25875

Additional unincorporated territory of the township may be 25876  
added to a fire district upon the board's adoption of a 25877  
resolution authorizing the addition. A municipal corporation, or 25878  
a portion of a municipal corporation, that is within or 25879  
adjoining the township may be added to a fire district upon the 25880  
board's adoption of a resolution authorizing the addition and 25881  
the municipal legislative authority's adoption of a resolution 25882  
or ordinance requesting the addition of the municipal 25883  
corporation or a portion of the municipal corporation to the 25884  
fire district. 25885



If the township fire district imposes a tax, additional 25886  
unincorporated territory of the township or a municipal 25887  
corporation or a portion of a municipal corporation that is 25888  
within or adjoining the township shall become part of the fire 25889  
district only after all of the following have occurred: 25890

(1) Adoption by the board of township trustees of a 25891  
resolution approving the expansion of the territorial limits of 25892  
the district and, if the resolution proposes to add a municipal 25893  
corporation or a portion of a municipal corporation, adoption by 25894  
the municipal legislative authority of a resolution or ordinance 25895  
requesting the addition of the municipal corporation or a 25896  
portion of the municipal corporation to the district; 25897

(2) Adoption by the board of township trustees of a 25898  
resolution recommending the extension of the tax to the 25899  
additional territory; 25900

(3) The board requests and obtains from the county auditor 25901  
the information required for a tax levy under section 5705.03 of 25902  
the Revised Code, in the manner prescribed in that section, 25903  
except that the levy's annual collections shall be estimated 25904  
assuming that the additional territory has been added to the 25905  
fire district. 25906

(4) Approval of the tax by the electors of the territory 25907  
proposed for addition to the district. 25908

Each resolution of the board adopted under division (C) (2) 25909  
of this section shall state the name of the fire district, a 25910  
description of the territory to be added, the rate, expressed in 25911  
mills for each one dollar of taxable value, the effective rate, 25912  
expressed in dollars for each one hundred thousand dollars of 25913  
~~the county auditor's appraised market~~ value, and termination 25914

date of the tax, which shall be the rate, effective rate, and 25915  
termination date of the tax currently in effect in the fire 25916  
district. 25917

The board of trustees shall certify each resolution 25918  
adopted under division (C)(2) of this section and the county 25919  
auditor's certification under division (C)(3) of this section to 25920  
the board of elections in accordance with section 5705.19 of the 25921  
Revised Code. The election required under division (C)(4) of 25922  
this section shall be held, canvassed, and certified in the 25923  
manner provided for the submission of tax levies under section 25924  
5705.25 of the Revised Code, except that the question appearing 25925  
on the ballot shall read: 25926

"Shall the territory within \_\_\_\_\_ 25927  
(description of the proposed territory to be added) be added to 25928  
\_\_\_\_\_ (name) fire district, and a property 25929  
tax, that the county auditor estimates will collect \$\_\_\_\_\_ 25930  
annually, at a rate not exceeding \_\_\_\_\_ mills for each \$1 of 25931  
taxable value, which amounts to \$\_\_\_\_\_ (here insert 25932  
effective rate) for each \$100,000 of ~~the county auditor's~~ 25933  
~~appraised market~~ value, be in effect for \_\_\_\_\_ (here insert 25934  
the number of years the tax is to be in effect or "a continuing 25935  
period of time," as applicable)?" 25936

If the question is approved by at least a majority of the 25937  
electors voting on it, the joinder shall be effective as of the 25938  
first day of July of the year following approval, and on that 25939  
date, the township fire district tax shall be extended to the 25940  
taxable property within the territory that has been added. If 25941  
the territory that has been added is a municipal corporation or 25942  
portion thereof and if it had adopted a tax levy for fire 25943  
purposes, the levy is terminated on the effective date of the 25944

joinder in the area of the municipal corporation added to the 25945  
district. 25946

Any municipal corporation may withdraw from a township 25947  
fire district created under division (C) of this section by the 25948  
adoption by the municipal legislative authority of a resolution 25949  
or ordinance ordering withdrawal. On the first day of July of 25950  
the year following the adoption of the resolution or ordinance 25951  
of withdrawal, the withdrawing municipal corporation or the 25952  
portion thereof ceases to be a part of the district, and the 25953  
power of the fire district to levy a tax upon taxable property 25954  
in the withdrawing municipal corporation or the portion thereof 25955  
terminates, except that the fire district shall continue to levy 25956  
and collect taxes for the payment of indebtedness within the 25957  
territory of the fire district as it was composed at the time 25958  
the indebtedness was incurred. 25959

Upon the withdrawal of any municipal corporation from a 25960  
township fire district created under division (C) of this 25961  
section, the county auditor shall ascertain, apportion, and 25962  
order a division of the funds on hand, moneys and taxes in the 25963  
process of collection except for taxes levied for the payment of 25964  
indebtedness, credits, and real and personal property, either in 25965  
money or in kind, on the basis of the valuation of the 25966  
respective tax duplicates of the withdrawing municipal 25967  
corporation and the remaining territory of the fire district. 25968

A board of township trustees may remove unincorporated 25969  
territory of the township from the fire district upon the 25970  
adoption of a resolution authorizing the removal. On the first 25971  
day of July of the year following the adoption of the 25972  
resolution, the unincorporated township territory described in 25973  
the resolution ceases to be a part of the district, and the 25974

power of the fire district to levy a tax upon taxable property 25975  
in that territory terminates, except that the fire district 25976  
shall continue to levy and collect taxes for the payment of 25977  
indebtedness within the territory of the fire district as it was 25978  
composed at the time the indebtedness was incurred. 25979

As used in this section, "~~the county auditor's appraised~~ 25980  
market value" and "effective rate" have the same meanings as in 25981  
section 5705.01 of the Revised Code. 25982

(D) The board of township trustees of any township, the 25983  
board of fire district trustees of a fire district created under 25984  
section 505.371 of the Revised Code, or the legislative 25985  
authority of any municipal corporation may purchase, lease, or 25986  
lease with an option to purchase the necessary fire equipment 25987  
described in division (A) of this section, buildings, and sites 25988  
for the township, fire district, or municipal corporation and 25989  
issue securities for that purpose with maximum maturities as 25990  
provided in section 133.20 of the Revised Code. The board of 25991  
township trustees, board of fire district trustees, or 25992  
legislative authority may also construct any buildings necessary 25993  
to house fire equipment and issue securities for that purpose 25994  
with maximum maturities as provided in section 133.20 of the 25995  
Revised Code. 25996

The board of township trustees, board of fire district 25997  
trustees, or legislative authority may issue the securities of 25998  
the township, fire district, or municipal corporation, signed by 25999  
the board or designated officer of the municipal corporation and 26000  
attested by the signature of the township fiscal officer, fire 26001  
district clerk, or municipal clerk, covering any deferred 26002  
payments and payable at the times provided, which securities 26003  
shall bear interest not to exceed the rate determined as 26004

provided in section 9.95 of the Revised Code, and shall not be 26005  
subject to Chapter 133. of the Revised Code. The legislation 26006  
authorizing the issuance of the securities shall provide for 26007  
levying and collecting annually by taxation, amounts sufficient 26008  
to pay the interest on and principal of the securities. The 26009  
securities shall be offered for sale on the open market or given 26010  
to the vendor or contractor if no sale is made. 26011

Section 505.40 of the Revised Code does not apply to any 26012  
securities issued, or any lease with an option to purchase 26013  
entered into, in accordance with this division. 26014

(E) A board of township trustees of any township or a 26015  
board of fire district trustees of a fire district created under 26016  
section 505.371 of the Revised Code may purchase a policy or 26017  
policies of liability insurance for the officers, employees, and 26018  
appointees of the fire department, fire district, or joint fire 26019  
district governed by the board that includes personal injury 26020  
liability coverage as to the civil liability of those officers, 26021  
employees, and appointees for false arrest, detention, or 26022  
imprisonment, malicious prosecution, libel, slander, defamation 26023  
or other violation of the right of privacy, wrongful entry or 26024  
eviction, or other invasion of the right of private occupancy, 26025  
arising out of the performance of their duties. 26026

When a board of township trustees cannot, by deed of gift 26027  
or by purchase and upon terms it considers reasonable, procure 26028  
land for a township fire station that is needed in order to 26029  
respond in reasonable time to a fire or medical emergency, the 26030  
board may appropriate land for that purpose under sections 26031  
163.01 to 163.22 of the Revised Code. If it is necessary to 26032  
acquire additional adjacent land for enlarging or improving the 26033  
fire station, the board may purchase, appropriate, or accept a 26034

deed of gift for the land for these purposes. 26035

(F) As used in this division, "emergency medical service 26036  
organization" has the same meaning as in section 4766.01 of the 26037  
Revised Code. 26038

A board of township trustees, by adoption of an 26039  
appropriate resolution, may choose to have the state board of 26040  
emergency medical, fire, and transportation services license any 26041  
emergency medical service organization it operates. If the board 26042  
adopts such a resolution, Chapter 4766. of the Revised Code, 26043  
except for sections 4766.06 and 4766.99 of the Revised Code, 26044  
applies to the organization. All rules adopted under the 26045  
applicable sections of that chapter also apply to the 26046  
organization. A board of township trustees, by adoption of an 26047  
appropriate resolution, may remove its emergency medical service 26048  
organization from the jurisdiction of the state board of 26049  
emergency medical, fire, and transportation services. 26050

**Sec. 505.48.** (A) The board of township trustees of any 26051  
township may, by resolution adopted by two-thirds of the members 26052  
of the board, create a township police district comprised of all 26053  
or a portion of the unincorporated territory of the township as 26054  
the resolution may specify. If the township police district does 26055  
not include all of the unincorporated territory of the township, 26056  
the resolution creating the district shall contain a complete 26057  
and accurate description of the territory of the district and a 26058  
separate and distinct name for the district. 26059

At any time not less than one hundred twenty days after a 26060  
township police district is created and operative, the 26061  
territorial limits of the district may be altered in the manner 26062  
provided in division (B) of this section or, if applicable, as 26063  
provided in section 505.482 of the Revised Code. 26064

(B) Except as otherwise provided in section 505.481 of the Revised Code, the territorial limits of a township police district may be altered by a resolution adopted by a two-thirds vote of the board of township trustees. If the township police district imposes a tax, any territory proposed for addition to the district shall become part of the district only after all of the following have occurred:

(1) Adoption by two-thirds vote of the board of township trustees of a resolution approving the expansion of the territorial limits of the district;

(2) Adoption by a two-thirds vote of the board of township trustees of a resolution recommending the extension of the tax to the additional territory;

(3) The board requests and obtains from the county auditor the information required for a tax levy under section 5705.03 of the Revised Code, in the same manner required under that section, except that the levy's annual collections shall be estimated assuming that the additional territory has been added to the township police district.

(4) Approval of the tax by the electors of the territory proposed for addition to the district.

Each resolution of the board adopted under division (B) (2) of this section shall state the name of the township police district, a description of the territory to be added, the rate, expressed in mills for each one dollar of taxable value, the effective rate, expressed in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value, and termination date of the tax, which shall be the rate, effective rate, and termination date of the tax currently in

effect in the district. 26094

The board of trustees shall certify each resolution 26095  
adopted under division (B) (2) of this section and the county 26096  
auditor's certification under division (B) (3) of this section to 26097  
the board of elections in accordance with section 5705.19 of the 26098  
Revised Code. The election required under division (B) (4) of 26099  
this section shall be held, canvassed, and certified in the 26100  
manner provided for the submission of tax levies under section 26101  
5705.25 of the Revised Code, except that the question appearing 26102  
on the ballot shall read: 26103

"Shall the territory within \_\_\_\_\_ 26104  
(description of the proposed territory to be added) be added to 26105  
\_\_\_\_\_ (name) township police district, and a property 26106  
tax, that the county auditor estimates will collect \$\_\_\_\_\_ 26107  
annually, at a rate not exceeding \_\_\_\_\_ mills for each \$1 26108  
of taxable value, which amounts to \$\_\_\_\_\_ (here insert 26109  
effective rate) for each \$100,000 of ~~the county auditor's~~ 26110  
~~appraised market~~ value, be in effect for \_\_\_\_\_ (here insert 26111  
the number of years the tax is to be in effect or "a continuing 26112  
period of time," as applicable)?" 26113

If the question is approved by at least a majority of the 26114  
electors voting on it, the joinder shall be effective as of the 26115  
first day of January of the year following approval, and, on 26116  
that date, the township police district tax shall be extended to 26117  
the taxable property within the territory that has been added. 26118

As used in this section, "~~the county auditor's appraised~~ 26119  
~~market value~~" and "effective rate" have the same meanings as in 26120  
section 5705.01 of the Revised Code. 26121

**Sec. 505.481.** (A) If a township police district does not 26122



include all the unincorporated territory of the township, the 26123  
remaining unincorporated territory of the township may be added 26124  
to the district by a resolution adopted by a unanimous vote of 26125  
the board of township trustees to place the issue of expansion 26126  
of the district on the ballot for the electors of the entire 26127  
unincorporated territory of the township. The resolution shall 26128  
state whether the proposed township police district initially 26129  
will hire personnel as provided in section 505.49 of the Revised 26130  
Code or contract for the provision of police protection services 26131  
or additional police protection services as provided in section 26132  
505.43 or 505.50 of the Revised Code. If the board proposes to 26133  
levy a tax throughout all of the unincorporated territory of the 26134  
township, the board shall request and obtain from the county 26135  
auditor the information required for a tax levy under section 26136  
5705.03 of the Revised Code, except that the levy's annual 26137  
collections shall be estimated assuming that the unincorporated 26138  
territory has been added to the township police district. 26139

The ballot measure shall provide for the addition into a 26140  
new district of all the unincorporated territory of the township 26141  
not already included in the township police district and for the 26142  
levy of any tax then imposed by the district throughout the 26143  
unincorporated territory of the township. If the measure 26144  
includes a tax, the measure shall state the rate of the tax, 26145  
which need not be the same rate of any tax imposed by the 26146  
existing district, to be imposed in the district resulting from 26147  
approval of the measure, expressed in mills for each one dollar 26148  
of taxable value, the effective rate, expressed in dollars for 26149  
each one hundred thousand dollars of ~~the county auditor's~~ 26150  
~~appraised market~~ value, the last year in which the tax will be 26151  
levied or that it will be levied for a continuous period of 26152  
time, and the county auditor's estimate of the levy's annual 26153

collections. 26154

(B) The election on the measure shall be held, canvassed, 26155  
and certified in the manner provided for the submission of tax 26156  
levies under section 5705.25 of the Revised Code, except that 26157  
the question appearing on the ballot shall read substantially as 26158  
follows: 26159

"Shall the unincorporated territory within \_\_\_\_\_ 26160  
(name of the township) not already included within the 26161  
\_\_\_\_\_ (name of township police district) be added to the 26162  
township police district to create the \_\_\_\_\_ (name of new 26163  
township police district) township police district?" 26164

The name of the proposed township police district shall be 26165  
separate and distinct from the name of the existing township 26166  
police district. 26167

If a tax is imposed in the existing township police 26168  
district, the question shall be modified by adding, at the end 26169  
of the question, the following: ", and shall a property tax be 26170  
levied in the new township police district, replacing the tax in 26171  
the existing township police district, that the county auditor 26172  
estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding 26173  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 26174  
\$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county~~ 26175  
~~auditor's appraised market~~ value, for \_\_\_\_\_ (number of years 26176  
the tax will be levied, or "a continuing period of time")." 26177

If the measure is not approved by a majority of the 26178  
electors voting on it, the township police district shall 26179  
continue to occupy its existing territory until altered as 26180  
provided in this section or section 505.48 of the Revised Code, 26181  
and any existing tax imposed under section 505.51 of the Revised 26182

Code shall remain in effect in the existing district at the 26183  
existing rate and for as long as provided in the resolution 26184  
under the authority of which the tax is levied. 26185

As used in this section, "~~the county auditor's appraised~~ 26186  
market value" and "effective rate" have the same meanings as in 26187  
section 5705.01 of the Revised Code. 26188

**Sec. 507.09.** (A) In calendar year 2018, the township 26189  
fiscal officer shall be entitled to compensation as follows: 26190

(1) In townships having a budget of two hundred fifty 26191  
thousand dollars or less, ten thousand nine hundred eighteen 26192  
dollars; 26193

(2) In townships having a budget of more than two hundred 26194  
fifty thousand but not more than five hundred thousand dollars, 26195  
fourteen thousand thirty-nine dollars; 26196

(3) In townships having a budget of more than five hundred 26197  
thousand but not more than seven hundred fifty thousand dollars, 26198  
fifteen thousand five hundred ninety-seven dollars; 26199

(4) In townships having a budget of more than seven 26200  
hundred fifty thousand but not more than one million five 26201  
hundred thousand dollars, eighteen thousand seven hundred 26202  
seventeen dollars; 26203

(5) In townships having a budget of more than one million 26204  
five hundred thousand but not more than three million five 26205  
hundred thousand dollars, twenty-one thousand eight hundred 26206  
thirty-six dollars; 26207

(6) In townships having a budget of more than three 26208  
million five hundred thousand but not more than six million 26209  
dollars, twenty-three thousand three hundred ninety-six dollars; 26210

(7) In townships having a budget of more than six million 26211  
but not more than ten million dollars, twenty-six thousand eight 26212  
hundred fifty-two dollars; 26213

(8) In townships having a budget of more than ten million 26214  
dollars, thirty-one thousand sixty-four dollars. 26215

(B) The compensation determined under division (A) of this 26216  
section shall be increased as follows: 26217

(1) In calendar year 2019 and in each calendar year 26218  
thereafter through calendar year 2028~~2025, the compensation~~ 26219  
~~determined under division (A) of this section shall be increased~~ 26220  
by one and three-quarters per cent; 26221

(2) In calendar year 2026 and in each calendar year 26222  
thereafter through calendar year 2029, by five per cent; 26223

(3) In calendar year 2030 and in each calendar year 26224  
thereafter, by the percentage increase, if any, in the consumer 26225  
price index as defined in section 141.04 of the Revised Code 26226  
over the twelve-month period that ends on the thirtieth day of 26227  
September of the immediately preceding year, rounded to the 26228  
nearest one-tenth of one per cent, not to exceed three per cent. 26229

(C) Any township fiscal officer may elect to receive less 26230  
than the compensation the fiscal officer is entitled to under 26231  
this section. Any township fiscal officer electing to do this 26232  
shall so notify the board of township trustees in writing, and 26233  
the board shall include this notice in the minutes of its next 26234  
board meeting. 26235

(D) The compensation of the township fiscal officer shall 26236  
be paid in equal monthly payments. If the office of township 26237  
fiscal officer is held by more than one person during any 26238  
calendar year, each person holding the office shall receive 26239

payments for only those months, and any fractions of those 26240  
months, during which the person holds the office. 26241

A township fiscal officer may be compensated from the 26242  
township general fund or from other township funds based on the 26243  
proportion of time the township fiscal officer spends providing 26244  
services related to each fund. A township fiscal officer must 26245  
document the amount of time the township fiscal officer spends 26246  
providing services related to each fund by certification 26247  
specifying the percentage of time spent working on matters to be 26248  
paid from the township general fund or from other township funds 26249  
in such proportions as the kinds of services performed. 26250

**Sec. 507.12.** (A) To enhance the background and working 26251  
knowledge of township fiscal officers in government accounting, 26252  
budgeting and financing, financial report preparation, 26253  
cybersecurity, ~~and~~ the rules adopted by the auditor of state, 26254  
bulletins or other information published by the auditor of 26255  
state, and any other subject deemed appropriate by the auditor 26256  
of state, the auditor of state shall conduct education programs 26257  
and continuing education courses for individuals elected or 26258  
appointed for the first time to the office of township fiscal 26259  
officer, and shall conduct continuing education courses for 26260  
individuals who continue to hold the office in a subsequent 26261  
term. The Ohio township association also may conduct such 26262  
initial education programs and continuing education courses if 26263  
approved by the auditor of state. The auditor of state, in 26264  
conjunction with the Ohio township association, shall determine 26265  
the manner and content of the initial education programs and 26266  
continuing education courses. 26267

(B) A newly elected or appointed township fiscal officer 26268  
shall complete at least six hours of initial education programs 26269

before commencing, or during the first year of, office. A 26270  
township fiscal officer who participates in a training program 26271  
held under section 117.44 of the Revised Code may apply those 26272  
hours taken before commencing office to the six hours of initial 26273  
education programs required under this division. 26274

(C) (1) In addition to the six hours of initial education 26275  
required under division (B) of this section, a newly elected 26276  
township fiscal officer shall complete at least a total of 26277  
eighteen continuing education hours during the township fiscal 26278  
officer's first term of office. 26279

(2) A township fiscal officer who is elected to a 26280  
subsequent term of office shall complete twelve hours of 26281  
continuing education courses in each subsequent term of office. 26282

(3) The auditor of state shall adopt rules specifying the 26283  
initial education programs and continuing education courses that 26284  
are required for a township fiscal officer who has been 26285  
appointed to fill a vacancy. The requirements shall be 26286  
proportionally equivalent, based on the time remaining in the 26287  
vacated office, to the requirements for a newly elected township 26288  
fiscal officer. 26289

(4) At least two hours of ethics instruction shall be 26290  
included in the continuing education hours required by divisions 26291  
(C) (1) and (2) of this section. 26292

(5) A township fiscal officer who participates in a 26293  
training program or seminar established under section 109.43 of 26294  
the Revised Code may apply the three hours of training to the 26295  
continuing education hours required by divisions (C) (1) and (2) 26296  
of this section. 26297

(D) (1) A certified public accountant who serves as a 26298

township fiscal officer may apply to the continuing education 26299  
hours required by division (C) of this section any hours of 26300  
continuing education completed under section 4701.11 of the 26301  
Revised Code after being elected or appointed as a township 26302  
fiscal officer. 26303

(2) A township fiscal officer may apply to the continuing 26304  
education hours required by division (C) of this section any 26305  
hours of continuing education completed under section 135.22 of 26306  
the Revised Code after being elected or appointed as a township 26307  
fiscal officer. 26308

(3) A township fiscal officer who teaches an approved 26309  
continuing education course under division (C) of this section 26310  
is entitled to credit for the course in the same manner as if 26311  
the township fiscal officer had attended the course. 26312

(E) The auditor of state shall adopt rules for verifying 26313  
the completion of initial education programs and continuing 26314  
education courses required under this section. The auditor of 26315  
state shall issue a certificate of completion to each township 26316  
fiscal officer who completes the initial education programs and 26317  
continuing education courses. The auditor of state shall issue a 26318  
"failure to complete" notice to any township fiscal officer who 26319  
is required to complete initial education programs and 26320  
continuing education courses under this section, but who fails 26321  
to do so. The notice is for informational purposes only and does 26322  
not affect any individual's ability to hold the office of 26323  
township fiscal officer. 26324

The township fiscal officer shall retain the documentation 26325  
of any initial or continuing education courses completed. The 26326  
auditor of state shall audit for compliance with this section. 26327

(F) Each board of township trustees shall approve a 26328  
reasonable amount requested by the township fiscal officer to 26329  
cover the costs the township fiscal officer is required to incur 26330  
to meet the requirements of this section, including registration 26331  
fees, lodging and meal expenses, and travel expenses. 26332

**Sec. 511.28.** A copy of any resolution for a tax levy 26333  
adopted by the township board of park commissioners as provided 26334  
in section 511.27 of the Revised Code shall be certified by the 26335  
clerk of the board of park commissioners to the board of 26336  
elections of the proper county, together with a certified copy 26337  
of the resolution approving the levy, passed by the board of 26338  
township trustees if such a resolution is required by division 26339  
(C) of section 511.27 of the Revised Code, and the county 26340  
auditor's certification, not less than ninety days before a 26341  
general or primary election in any year. The board of elections 26342  
shall submit the proposal to the electors as provided in section 26343  
511.27 of the Revised Code at the succeeding general or primary 26344  
election. A resolution to renew an existing levy may not be 26345  
placed on the ballot unless the question is submitted at the 26346  
general election held during the last year the tax to be renewed 26347  
may be extended on the real and public utility property tax list 26348  
and duplicate, or at any election held in the ensuing year. The 26349  
board of park commissioners shall cause notice that the vote 26350  
will be taken to be published once a week for two consecutive 26351  
weeks prior to the election in a newspaper of general 26352  
circulation, or as provided in section 7.16 of the Revised Code, 26353  
in the county within which the park district is located. 26354  
Additionally, if the board of elections operates and maintains a 26355  
web site, the board of elections shall post that notice on its 26356  
web site for thirty days prior to the election. The notice shall 26357  
state the purpose of the proposed levy, the levy's estimated 26358



annual collections, the levy's annual rate or, if applicable, 26359  
the levy's effective rate, expressed in dollars for each one 26360  
hundred thousand dollars of ~~the county auditor's appraised~~ 26361  
market value as well as the annual rate expressed in mills for 26362  
each one dollar of taxable value, the number of consecutive 26363  
years during which the levy shall be in effect, and the time and 26364  
place of the election. 26365

The form of the ballots cast at the election shall be: "An 26366  
additional tax for the benefit of (name of township park 26367  
district) \_\_\_\_\_ for the purpose of (purpose stated in the 26368  
order of the board) \_\_\_\_\_, that the county auditor 26369  
estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding 26370  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 26371  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 26372  
market value, for (number of years the levy is to run) 26373  
\_\_\_\_\_ 26374  
\_\_\_\_\_ 26375

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

If the levy submitted is a proposal to renew, increase, or 26376  
decrease an existing levy, the form of the ballot specified in 26377  
this section shall be changed by substituting for the words "An 26378  
additional" at the beginning of the form, the words "A renewal 26379  
of a" in the case of a proposal to renew an existing levy in the 26380  
same amount; the words "A renewal of \_\_\_\_\_ mills and an 26381  
increase of \_\_\_\_\_ mills for each \$1 of taxable value to 26382  
constitute a" in the case of an increase; or the words "A 26383  
renewal of part of an existing levy, being a reduction of 26384  
\_\_\_\_\_ mills for each \$1 of taxable value, to constitute a" 26385

in the case of a decrease in the rate of the existing levy. 26386  
Additionally, the effective rate, in lieu of the rate, shall be 26387  
expressed for each one hundred thousand dollars of ~~the county~~ 26388  
~~auditor's appraised~~ market value. 26389

If the tax is to be placed on the current tax list, the 26390  
form of the ballot shall be modified by adding, after the 26391  
statement of the number of years the levy is to run, the phrase 26392  
", commencing in \_\_\_\_\_ (first year the tax is to be 26393  
levied), first due in calendar year \_\_\_\_\_ (first calendar 26394  
year in which the tax shall be due)." 26395

The question covered by the order shall be submitted as a 26396  
separate proposition, but may be printed on the same ballot with 26397  
any other proposition submitted at the same election, other than 26398  
the election of officers. More than one such question may be 26399  
submitted at the same election. 26400

As used in this section, "~~the county auditor's appraised~~ 26401  
market value" and "effective rate" have the same meanings as in 26402  
section 5705.01 of the Revised Code. 26403

**Sec. 511.34.** In townships composed of islands, and on one 26404  
of which islands lands have been conveyed in trust for the 26405  
benefit of the inhabitants of the island for use as a park, and 26406  
a board of park trustees has been provided for the control of 26407  
the park, the board of township trustees may create a tax 26408  
district of the island to raise funds by taxation as provided 26409  
under divisions (A) and (B) of this section. 26410

(A) For the care and maintenance of parks on the island, 26411  
the board of township trustees annually may levy a tax, not to 26412  
exceed one mill for each one dollar of taxable value, upon all 26413  
the taxable property in the district. The tax shall be in 26414

addition to all other levies authorized by law, and subject to 26415  
no limitation on tax rates except as provided in this division. 26416

The proceeds of the tax levy shall be expended by the 26417  
board of township trustees for the purpose of the care and 26418  
maintenance of the parks, and shall be paid out of the township 26419  
treasury upon the orders of the board of park trustees. 26420

(B) For the purpose of acquiring additional land for use 26421  
as a park, the board of township trustees may levy a tax in 26422  
excess of the ten-mill limitation on all taxable property in the 26423  
district. The tax shall be proposed by resolution adopted by 26424  
two-thirds of the members of the board of township trustees. The 26425  
resolution shall specify the purpose and rate of the tax and the 26426  
number of years the tax will be levied, which shall not exceed 26427  
five years, and which may include a levy on the current tax list 26428  
and duplicate. The resolution shall go into immediate effect 26429  
upon its passage, and no publication of the resolution is 26430  
necessary other than that provided for in the notice of 26431  
election. The board of township trustees shall certify a copy of 26432  
the resolution to the proper board of elections not later than 26433  
ninety days before the primary or general election in the 26434  
township, and the board of elections shall submit the question 26435  
of the tax to the voters of the district at the succeeding 26436  
primary or general election. The board of elections shall make 26437  
the necessary arrangements for the submission of the question to 26438  
the electors of the district, and the election shall be 26439  
conducted, canvassed, and certified in the same manner as 26440  
regular elections in the township for the election of officers. 26441  
Notice of the election shall be published in a newspaper of 26442  
general circulation in the township once a week for two 26443  
consecutive weeks, or as provided in section 7.16 of the Revised 26444  
Code prior to the election. If the board of elections operates 26445

and maintains a web site, notice of the election also shall be 26446  
posted on that web site for thirty days prior to the election. 26447  
The notice shall state the purpose of the tax, the levy's 26448  
estimated annual collections, the proposed rate of the tax 26449  
expressed in dollars for each one hundred thousand dollars of 26450  
~~the county auditor's appraised~~ market value and mills for each 26451  
one dollar of taxable value, the number of years the tax will be 26452  
in effect, the first year the tax will be levied, and the time 26453  
and place of the election. 26454

The form of the ballots cast at an election held under 26455  
this division shall be as follows: 26456

"An additional tax for the benefit of \_\_\_\_\_ (name of 26457  
the township) for the purpose of acquiring additional park land, 26458  
that the county auditor estimates will collect \$\_\_\_\_ annually, 26459  
at a rate of \_\_\_\_\_ mills for each \$1 of taxable value, which 26460  
amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's~~ 26461  
~~appraised~~ market value, for \_\_\_\_\_ (number of years the levy 26462  
is to run) beginning in \_\_\_\_\_ (first year the tax will be 26463  
levied). 26464

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

The question shall be submitted as a separate proposition 26466  
but may be printed on the same ballot with any other proposition 26467  
submitted at the same election other than the election of 26468  
officers. More than one such question may be submitted at the 26469  
same election. 26470

If the levy is approved by a majority of electors voting 26471

on the question, the board of elections shall certify the result 26472  
of the election to the tax commissioner. In the first year of 26473  
the levy, the tax shall be extended on the tax lists after the 26474  
February settlement following the election. If the tax is to be 26475  
placed on the tax lists of the current year as specified in the 26476  
resolution, the board of elections shall certify the result of 26477  
the election immediately after the canvass to the board of 26478  
township trustees, which shall forthwith make the necessary levy 26479  
and certify the levy to the county auditor, who shall extend the 26480  
levy on the tax lists for collection. After the first year of 26481  
the levy, the levy shall be included in the annual tax budget 26482  
that is certified to the county budget commission. 26483

As used in this section, "~~the county auditor's appraised~~ 26484  
market value" has the same meaning as in section 5705.01 of the 26485  
Revised Code. 26486

**Sec. 513.18.** In the event any township, contiguous to a 26487  
joint township hospital district, desires to become a part of 26488  
such district in existence under sections 513.07 to 513.18 of 26489  
the Revised Code, its board of township trustees, by a two- 26490  
thirds favorable vote of the members of such board, after the 26491  
existing joint township hospital board has, by a majority 26492  
favorable vote of the members thereof, approved the terms under 26493  
which such township proposes to join the district, shall become 26494  
a part of the joint township district hospital board under such 26495  
terms and with all the rights, privileges, and responsibilities 26496  
enjoyed by and extended to the existing members of the hospital 26497  
board under such sections, including representation on the board 26498  
of hospital governors by the appointment of an elector of such 26499  
township as a member thereof. 26500

If the terms under which such township proposes to join 26501

the hospital district involve a tax levy for the purpose of 26502  
sharing the existing obligations, including bonded indebtedness, 26503  
of the district or the necessary operating expenses of such 26504  
hospital, such township shall not become a part of the district 26505  
until its electors have approved such levy as provided in this 26506  
section. In such a case, the board of township trustees and the 26507  
county auditor shall proceed in the same manner as required for 26508  
a tax levy under section 5705.03 of the Revised Code, except 26509  
that the levy's annual collections shall be estimated assuming 26510  
that the township has been added to the hospital district. 26511

Upon request of the board of township trustees of the 26512  
township proposing to join such district, by resolution approved 26513  
by a two-thirds vote of its members, the board of elections of 26514  
the county in which the township lies shall place upon the 26515  
ballot for submission to the electorate of such township at the 26516  
next primary or general election occurring not less than ninety 26517  
nor more than one hundred thirty-five days after such request is 26518  
received from the board of township trustees the question of 26519  
levying a tax, not to exceed one mill outside the ten-mill 26520  
limitation, for a period of not to exceed five years, to provide 26521  
funds for the payment of the township's share of the necessary 26522  
expenses incurred in the operation of such hospital, or the 26523  
question of levying a tax to pay the township's share of the 26524  
existing obligations, including bonded indebtedness, of the 26525  
district, or both questions may be submitted at the same primary 26526  
or general election. The question appearing on the ballot shall 26527  
read: 26528

"Shall \_\_\_\_\_ (name of township) be added to the \_\_\_\_\_ 26529  
(name of joint township hospital district), and property tax be 26530  
levied for the purpose of \_\_\_\_\_ (purpose of tax), that the 26531  
county auditor estimates will collect \$\_\_\_\_\_ annually, at a 26532

rate not exceeding \_\_\_\_\_ mills for each \$1 of taxable value, 26533  
which amounts to \$\_\_\_\_\_ (rate or effective rate, as applicable) 26534  
for each \$100,000 of ~~the county auditor's appraised market~~ 26535  
value, to be in effect for \_\_\_\_\_ (number of years the tax is to 26536  
be in effect)?" 26537

If a majority of the electors voting on the propositions 26538  
vote in favor thereof, the county auditor shall place such 26539  
levies on the tax duplicate against the property in the 26540  
township, which township shall thereby become a part of said 26541  
joint township hospital district. 26542

As used in this section, "~~the county auditor's appraised-~~ 26543  
market value" and "effective rate" have the same meanings as in 26544  
section 5705.01 of the Revised Code." 26545

**Sec. 519.12.** (A) (1) Amendments to the zoning resolution 26546  
may be initiated by motion of the township zoning commission, by 26547  
the passage of a resolution by the board of township trustees, 26548  
or by the filing of an application by one or more of the owners 26549  
or lessees of property within the area proposed to be changed or 26550  
affected by the proposed amendment with the township zoning 26551  
commission. The board of township trustees may require that the 26552  
owner or lessee of property filing an application to amend the 26553  
zoning resolution pay a fee to defray the cost of advertising, 26554  
mailing, filing with the county recorder, and other expenses. If 26555  
the board of township trustees requires such a fee, it shall be 26556  
required generally, for each application. The board of township 26557  
trustees, upon the passage of such a resolution, shall certify 26558  
it to the township zoning commission. 26559

(2) Upon the adoption of a motion by the township zoning 26560  
commission, the certification of a resolution by the board of 26561  
township trustees to the commission, or the filing of an 26562

application by property owners or lessees as described in 26563  
division (A) (1) of this section with the commission, the 26564  
commission shall set a date for a public hearing, which date 26565  
shall not be less than twenty nor more than forty days from the 26566  
date of the certification of such a resolution, the date of 26567  
adoption of such a motion, or the date of the filing of such an 26568  
application. Notice of the hearing shall be given by the 26569  
commission by one publication at least ten days before the date 26570  
of the hearing using at least one of the following methods: 26571

(a) In the print or digital edition of one or more 26572  
newspapers of general circulation in the township; 26573

(b) On the official public notice web site established 26574  
under section 125.182 of the Revised Code; 26575

(c) On the web site and social media account of the 26576  
township. 26577

(B) If the proposed amendment intends to rezone or 26578  
redistrict ten or fewer parcels of land, as listed on the county 26579  
auditor's current tax list, written notice of the hearing shall 26580  
be mailed by the township zoning commission, by first class 26581  
mail, at least ten days before the date of the public hearing to 26582  
all owners of property within and contiguous to and directly 26583  
across the street from the area proposed to be rezoned or 26584  
redistricted to the addresses of those owners appearing on the 26585  
county auditor's current tax list. The failure of delivery of 26586  
that notice shall not invalidate any such amendment. 26587

(C) If the proposed amendment intends to rezone or 26588  
redistrict ten or fewer parcels of land as listed on the county 26589  
auditor's current tax list, the published and mailed notices 26590  
shall set forth the time, date, and place of the public hearing 26591



and include all of the following: 26592

(1) The name of the township zoning commission that will 26593  
be conducting the hearing; 26594

(2) A statement indicating that the motion, resolution, or 26595  
application is an amendment to the zoning resolution; 26596

(3) A list of the addresses of all properties to be 26597  
rezoned or redistricted by the proposed amendment and of the 26598  
names of owners of those properties, as they appear on the 26599  
county auditor's current tax list; 26600

(4) The present zoning classification of property named in 26601  
the proposed amendment and the proposed zoning classification of 26602  
that property; 26603

(5) The time and place where the motion, resolution, or 26604  
application proposing to amend the zoning resolution will be 26605  
available for examination for a period of at least ten days 26606  
prior to the hearing; 26607

(6) The name of the person responsible for giving notice 26608  
of the hearing by publication, by mail, or by both publication 26609  
and mail; 26610

(7) A statement that, after the conclusion of the hearing, 26611  
the matter will be submitted to the board of township trustees 26612  
for its action; 26613

(8) Any other information requested by the commission. 26614

(D) If the proposed amendment alters the text of the 26615  
zoning resolution, or rezones or redistricts more than ten 26616  
parcels of land as listed on the county auditor's current tax 26617  
list, the published notice shall set forth the time, date, and 26618  
place of the public hearing and include all of the following: 26619

(1) The name of the township zoning commission that will 26620  
be conducting the hearing on the proposed amendment; 26621

(2) A statement indicating that the motion, application, 26622  
or resolution is an amendment to the zoning resolution; 26623

(3) The time and place where the text and maps of the 26624  
proposed amendment will be available for examination for a 26625  
period of at least ten days prior to the hearing; 26626

(4) The name of the person responsible for giving notice 26627  
of the hearing by publication; 26628

(5) A statement that, after the conclusion of the hearing, 26629  
the matter will be submitted to the board of township trustees 26630  
for its action; 26631

(6) Any other information requested by the commission. 26632

(E) (1) (a) Except as provided in division (E) (1) (b) of this 26633  
section, within five days after the adoption of the motion 26634  
described in division (A) of this section, the certification of 26635  
the resolution described in division (A) of this section, or the 26636  
filing of the application described in division (A) of this 26637  
section, the township zoning commission shall transmit a copy of 26638  
it together with text and map pertaining to it to the county or 26639  
regional planning commission, if there is such a commission, for 26640  
approval, disapproval, or suggestions. 26641

The county or regional planning commission shall recommend 26642  
the approval or denial of the proposed amendment or the approval 26643  
of some modification of it and shall submit its recommendation 26644  
to the township zoning commission. The recommendation shall be 26645  
considered at the public hearing held by the township zoning 26646  
commission on the proposed amendment. 26647

(b) The township zoning commission of a township that has adopted a limited home rule government under Chapter 504. of the Revised Code is not subject to division (E) (1) (a) of this section but may choose to comply with division (E) (1) (a) of this section.

(2) The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

(3) The board of township trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board by one publication at least ten days before the date of the hearing using at least one of the following methods:

(a) In the print or digital edition of one or more newspapers of general circulation in the township;

(b) On the official public notice web site established under section 125.182 of the Revised Code;

(c) On the web site and social media account of the township.

(F) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth

the time, date, and place of the public hearing and include all 26677  
of the following: 26678

(1) The name of the board of township trustees that will 26679  
be conducting the hearing; 26680

(2) A statement indicating that the motion, application, 26681  
or resolution is an amendment to the zoning resolution; 26682

(3) A list of the addresses of all properties to be 26683  
rezoned or redistricted by the proposed amendment and of the 26684  
names of owners of those properties, as they appear on the 26685  
county auditor's current tax list; 26686

(4) The present zoning classification of property named in 26687  
the proposed amendment and the proposed zoning classification of 26688  
that property; 26689

(5) The time and place where the motion, application, or 26690  
resolution proposing to amend the zoning resolution will be 26691  
available for examination for a period of at least ten days 26692  
prior to the hearing; 26693

(6) The name of the person responsible for giving notice 26694  
of the hearing by publication, by mail, or by both publication 26695  
and mail; 26696

(7) Any other information requested by the board. 26697

(G) If the proposed amendment alters the text of the 26698  
zoning resolution, or rezones or redistricts more than ten 26699  
parcels of land as listed on the county auditor's current tax 26700  
list, the published notice shall set forth the time, date, and 26701  
place of the public hearing and include all of the following: 26702

(1) The name of the board of township trustees that will 26703  
be conducting the hearing on the proposed amendment; 26704

(2) A statement indicating that the motion, application, 26705  
or resolution is an amendment to the zoning resolution; 26706

(3) The time and place where the text and maps of the 26707  
proposed amendment will be available for examination for a 26708  
period of at least ten days prior to the hearing; 26709

(4) The name of the person responsible for giving notice 26710  
of the hearing by publication; 26711

(5) Any other information requested by the board. 26712

(H) Within twenty days after its public hearing, the board 26713  
of township trustees shall either adopt or deny the 26714  
recommendations of the township zoning commission or adopt some 26715  
modification of them. If the board denies or modifies the 26716  
commission's recommendations, a majority vote of the board shall 26717  
be required. 26718

~~The~~ Except as provided in division (J) of this section, 26719  
the proposed amendment, if adopted by the board, shall become 26720  
effective in thirty days after the date of its adoption, unless, 26721  
within thirty days after the adoption, there is presented to the 26722  
board of township trustees a petition, signed by a number of 26723  
registered electors residing in the unincorporated area of the 26724  
township or part of that unincorporated area included in the 26725  
zoning plan equal to not less than ~~fifteen~~ thirty-five per cent 26726  
of the total vote cast for all candidates for governor in that 26727  
area at the most recent general election at which a governor was 26728  
elected, requesting the board of township trustees to submit the 26729  
amendment to the electors of that area for approval or rejection 26730  
at a special election to be held on the day of the next primary 26731  
or general election that occurs at least ninety days after the 26732  
petition is filed. Each part of this petition shall contain the 26733

number and the full and correct title, if any, of the zoning  
amendment resolution, motion, or application, furnishing the  
name by which the amendment is known and a brief summary of its  
contents. In addition to meeting the requirements of this  
section, each petition shall be governed by the rules specified  
in section 3501.38 of the Revised Code.

The form of a petition calling for a zoning referendum and  
the statement of the circulator shall be substantially as  
follows:

"PETITION FOR ZONING REFERENDUM

(if the proposal is identified by a particular name or  
number, or both, these should be inserted here)

\_\_\_\_\_

A proposal to amend the zoning map of the unincorporated  
area of \_\_\_\_\_ Township, \_\_\_\_\_ County, Ohio,  
adopted \_\_\_\_ (date) \_\_\_\_ (followed by brief summary of the  
proposal).

To the Board of Township Trustees of \_\_\_\_\_  
Township, \_\_\_\_\_ County, Ohio:

We, the undersigned, being electors residing in the  
unincorporated area of \_\_\_\_\_ Township,  
included within the \_\_\_\_\_ Township Zoning Plan, equal to  
not less than fifteen per cent of the total vote cast for all  
candidates for governor in the area at the preceding general  
election at which a governor was elected, request the Board of  
Township Trustees to submit this amendment of the zoning  
resolution to the electors of \_\_\_\_\_ Township  
residing within the unincorporated area of the township included  
in the \_\_\_\_\_ Township Zoning Resolution, for

approval or rejection at a special election to be held on the 26763  
day of the primary or general election to be held on 26764  
\_\_\_\_ (date) \_\_\_\_\_, pursuant to section 519.12 of the Revised 26765  
Code. 26766

Street Address	Date of	
Signature or R.F.D.	Township	Precinct County Signing
_____		
_____		

STATEMENT OF CIRCULATOR

I, \_\_\_\_\_ (name of circulator) \_\_\_\_\_, declare 26772  
under penalty of election falsification that I am an elector of 26773  
the state of Ohio and reside at the address appearing below my 26774  
signature; that I am the circulator of the foregoing part 26775  
petition containing \_\_\_\_\_ (number) \_\_\_\_\_ signatures; that I 26776  
have witnessed the affixing of every signature; that all signers 26777  
were to the best of my knowledge and belief qualified to sign; 26778  
and that every signature is to the best of my knowledge and 26779  
belief the signature of the person whose signature it purports 26780  
to be or of an attorney in fact acting pursuant to section 26781  
3501.382 of the Revised Code. 26782

\_\_\_\_\_  
(Signature of circulator)

\_\_\_\_\_  
(Address of circulator's permanent  
residence in this state)

\_\_\_\_\_  
(City, village, or township,

and zip code) 26790

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 26791  
FELONY OF THE FIFTH DEGREE." 26792

The petition shall be filed with the board of township 26793  
trustees and shall be accompanied by an appropriate map of the 26794  
area affected by the zoning proposal. Within two weeks after 26795  
receiving a petition filed under this section, the board of 26796  
township trustees shall certify the petition to the board of 26797  
elections. A petition filed under this section shall be 26798  
certified to the board of elections not less than ninety days 26799  
prior to the election at which the question is to be voted upon. 26800

The board of elections shall determine the sufficiency and 26801  
validity of each petition certified to it by a board of township 26802  
trustees under this section. If the board of elections 26803  
determines that a petition is sufficient and valid, the question 26804  
shall be voted upon at a special election to be held on the day 26805  
of the next primary or general election that occurs at least 26806  
ninety days after the date the petition is filed with the board 26807  
of township trustees, regardless of whether any election will be 26808  
held to nominate or elect candidates on that day. 26809

No amendment for which such a referendum vote has been 26810  
requested shall be put into effect unless a majority of the vote 26811  
cast on the issue is in favor of the amendment. Upon 26812  
certification by the board of elections that the amendment has 26813  
been approved by the voters, it shall take immediate effect. 26814

(I) Within five working days after an amendment's 26815  
effective date, the board of township trustees shall file the 26816  
text and maps of the amendment in the office of the county 26817  
recorder and with the county or regional planning commission, if 26818



one exists. 26819

The failure to file any amendment, or any text and maps, 26820  
or duplicates of any of these documents, with the office of the 26821  
county recorder or the county or regional planning commission as 26822  
required by this section does not invalidate the amendment and 26823  
is not grounds for an appeal of any decision of the board of 26824  
zoning appeals. 26825

(J) If a proposed amendment establishes or modifies 26826  
planned-unit development regulations, the following apply in 26827  
lieu of the contrary provisions of division (H) of this section: 26828

(1) The board of elections shall determine the sufficiency 26829  
and validity of the petition not later than thirty days after 26830  
the petition is certified to the board of elections by the board 26831  
of township trustees. 26832

(2) If the board of elections determines there is an 26833  
insufficient number of valid signatures, the board immediately 26834  
shall notify the person who presented the petition. The person 26835  
may submit additional signatures not later than ten days after 26836  
the notification. 26837

**Sec. 523.06.** If a merger agreement is entered into as 26838  
required by section 523.04 of the Revised Code, this section 26839  
does not apply. If a merger agreement is not entered into under 26840  
section 523.04 of the Revised Code, the merger agreement shall 26841  
contain all of the terms and conditions specified in this 26842  
section. If a partial merger agreement is entered into under 26843  
section 523.04 of the Revised Code, this section applies only to 26844  
the extent any term or condition that is required by section 26845  
523.04 of the Revised Code to be addressed in the merger 26846  
agreement is not addressed therein. 26847

The terms and conditions of a merger agreement to which 26848  
this section applies shall be as follows: 26849

(A) All members of each board of township trustees shall 26850  
serve as board members of the new township. At the first general 26851  
election for township officers occurring not less than ninety 26852  
days after a merger is approved, the electors of the new 26853  
township shall elect three township trustees with staggered 26854  
terms of office. The first terms of office following the 26855  
election shall be modified to an even number of years not to 26856  
exceed four to allow subsequent elections for the office to be 26857  
held in the same year as other township officers. 26858

(B) The township fiscal officer of the largest township, 26859  
by population, shall be the township fiscal officer for the new 26860  
township. At the first general election for township officers 26861  
occurring not less than ninety days after the merger, the 26862  
electors shall elect a township fiscal officer, whose first term 26863  
of office shall be modified to an even number of years not to 26864  
exceed four to allow subsequent elections for that office to be 26865  
held in the same year as other township fiscal officers. 26866

(C) Voted property tax levies shall remain in effect for 26867  
the parcels of real property to which they applied prior to the 26868  
merger, and the merger shall not affect the proceeds of a tax 26869  
levy pledged for the retirement of any debt obligation. Upon 26870  
expiration of a property tax levy, the levy may only be ~~replaced~~ 26871  
~~or~~ renewed by vote of the electors in the manner provided by 26872  
law, to apply to real property within the boundaries of the new 26873  
township. If the millage levied inside the ten-mill limitation 26874  
of each township merged is different, the board of township 26875  
trustees of the new township shall immediately equalize the 26876  
millage for the entire new township. 26877

(D) For purposes of the retirement of all debt obligations 26878  
of each township merged, the township fiscal officer shall 26879  
continue to track parcels of real property and the tax revenue 26880  
generated on those parcels by the tax districts that were in 26881  
place prior to the merger, and shall provide that information on 26882  
an annual basis to the board of township trustees of the new 26883  
township. Debt obligations that existed at the time of the 26884  
merger shall be retired from the revenue generated from the 26885  
parcels of real property that made up the township that incurred 26886  
the debt before the merger. 26887

(E) (1) With respect to any agreement entered into under 26888  
Chapter 4117. of the Revised Code that covers any of the 26889  
employees of the townships merged under this chapter, the state 26890  
employment relations board, within one hundred twenty days after 26891  
the date the merger is approved, shall designate the appropriate 26892  
bargaining units for the employees of the new township in 26893  
accordance with section 4117.06 of the Revised Code. 26894  
Notwithstanding the recognition procedures prescribed in section 26895  
4117.05 and division (A) of section 4117.07 of the Revised Code, 26896  
the board shall conduct a representation election with respect 26897  
to each bargaining unit designated under this division in 26898  
accordance with divisions (B) and (C) of section 4117.07 of the 26899  
Revised Code. If an exclusive representative is selected through 26900  
this election, the exclusive representative shall negotiate and 26901  
enter into an agreement with the new township in accordance with 26902  
Chapter 4117. of the Revised Code. Until the parties reach an 26903  
agreement, any agreement in effect on the date of the merger 26904  
shall apply to the employees that were in the bargaining unit 26905  
that is covered by the agreement. An agreement in existence on 26906  
the date of the merger is terminated on the effective date of an 26907  
agreement negotiated under this division. 26908

(2) If an exclusive representative is not selected, any 26909  
agreement in effect on the date of the merger shall apply to the 26910  
employees that were in the bargaining unit that is covered by 26911  
the agreement and shall expire on its terms. 26912

(3) Each agreement entered into under Chapter 4117. of the 26913  
Revised Code on or after ~~the effective date of this section~~ 26914  
September 29, 2011, involving a new township shall contain a 26915  
provision regarding the designation of an exclusive 26916  
representative and bargaining units for the new township as 26917  
described in division (E) of this section. 26918

(4) In addition to the laws listed in division (A) of 26919  
section 4117.10 of the Revised Code that prevail over 26920  
conflicting agreements between employee organizations and public 26921  
employers, division (E) of this section prevails over any 26922  
conflicting provisions of agreements between employee 26923  
organizations and public employers that are entered into on or 26924  
after ~~the effective date of this section~~ September 29, 2011, 26925  
pursuant to Chapter 4117. of the Revised Code. 26926

(5) As used in division (E) of this section, "employee 26927  
organization" and "exclusive representative" have the same 26928  
meanings as in section 4117.01 of the Revised Code. 26929

(F) (1) If the boundaries of the new township are not 26930  
coextensive with a special purpose district, the new township 26931  
shall remain in the existing special purpose district as a 26932  
successor to the original township, unless the special purpose 26933  
district is dissolved. The board of township trustees of the new 26934  
township may place a question on the ballot at the next general 26935  
election held after the merger to conform the boundaries, 26936  
dissolve the special purpose district, or absorb the special 26937  
purpose district into the new township on the terms specified in 26938

the resolution that places the question on the ballot for 26939  
approval of the electors of the new township. 26940

(2) As used in division (F) of this section, "special 26941  
purpose district" means any geographic or political jurisdiction 26942  
that is created under law by a township merged. 26943

(G) Zoning codes that existed at the time of the merger 26944  
shall remain in effect after the merger, and the townships that 26945  
existed before the merger shall be treated as administrative 26946  
districts within the new township for the purposes of zoning. 26947

**Sec. 703.331.** (A) Not later than the last day of the year 26948  
that is immediately after the year the results of a federal 26949  
decennial census are released, the county auditor, county 26950  
treasurer, and one member of the board of county commissioners 26951  
selected by the board of county commissioners, jointly shall 26952  
evaluate each village located within the county to determine if, 26953  
over the approximate ten year period beginning the day the 26954  
results of the preceding federal decennial census were released 26955  
and ending the day the most recent federal decennial census 26956  
results were released, both of the following are true: 26957

(1) The village itself provided, the village contracted 26958  
with a private nongovernmental entity to provide, or the village 26959  
contracted with a regional council of governments as defined in 26960  
section 167.01 of the Revised Code that includes three or more 26961  
political subdivisions at least two of which are municipal 26962  
corporations to provide, at least five of the following 26963  
services: 26964

(a) Police protection; 26965

(b) Fire-fighting services; 26966

(c) Garbage collection; 26967

(d) Water service;	26968
(e) Sewer service;	26969
(f) Emergency medical services;	26970
(g) Road maintenance;	26971
(h) Park services or other recreation services;	26972
(i) Human services;	26973
(j) A public library established and operated solely by the village;	26974 26975
<u>(k) Electric service.</u>	26976
(2) At each election at which an elected village position was voted upon, at least one candidate appeared on the ballot for each elected village position.	26977 26978 26979
If a village is located in more than one county, the village shall be evaluated only by the county officials of the county wherein the largest portion of the population of the village resides.	26980 26981 26982 26983
(B) Before beginning the evaluation, the county officials shall request, in writing, information from each village to assist the officials in making their determination. The request shall indicate the applicable evaluation period. Each village shall submit the information, in the manner requested by the county officials, not later than thirty days after receiving the request. The village shall include information about the services provided over the evaluation period, the manner by which such services were provided, a copy of the final appropriation budget or budgets applicable to the evaluation period, information on candidates on the ballot for village	26984 26985 26986 26987 26988 26989 26990 26991 26992 26993 26994

elected offices during the evaluation period, any documentation 26995  
regarding the matters in division (A) of this section during the 26996  
evaluation period, and any other information specifically 26997  
requested by the county officials. After receiving the 26998  
information, if necessary, the county officials may request 26999  
additional information, which the village shall provide not 27000  
later than ten days after receiving the request. The county 27001  
officials shall base their finding on the information provided 27002  
from the village. 27003

(C) The county officials shall notify the legislative 27004  
authority of the village of the county officials' finding not 27005  
later than the last day of the year that is immediately after 27006  
the year the results of a federal decennial census are released. 27007

(D) If the county officials find a village failed to 27008  
provide services or field candidates as specified in division 27009  
(A) of this section, the county officials shall file the finding 27010  
with the board of elections of the county in which the largest 27011  
portion of the population of the village resides. The board of 27012  
elections shall submit the question "Shall the village of 27013  
\_\_\_\_\_ surrender its corporate powers?" for the approval or 27014  
rejection of the electors of the village at the next general 27015  
election, in any year, occurring after the period ending ninety 27016  
days after the filing of the finding with the board. If the 27017  
result of the election is in favor of the surrender, the board 27018  
of elections shall certify the results to the secretary of 27019  
state, the auditor of state, and the county recorder, who shall 27020  
record it in their respective offices. 27021

(E) The procedure in this section is in addition to the 27022  
procedure under section 703.33 of the Revised Code for the 27023  
dissolution of a village. 27024

**Sec. 703.34.** (A) As used in this section, "condition for 27025  
the dissolution of a village" means any of the following: 27026

(1) The village has been declared to be in a fiscal 27027  
emergency under Chapter 118. of the Revised Code and has been in 27028  
fiscal emergency for at least three consecutive years with 27029  
little or no improvement on the conditions that caused the 27030  
fiscal emergency declaration. 27031

(2) The village has failed to properly follow applicable 27032  
election laws for at least two consecutive election cycles for 27033  
any one elected office in the village. 27034

(3) The village has been declared during an audit 27035  
conducted under section 117.11 of the Revised Code to be 27036  
unauditable under section 117.41 of the Revised Code in at least 27037  
two consecutive audits. 27038

(4) The village does not provide at least two services 27039  
typically provided by municipal government, such as police or 27040  
fire protection, garbage collection, water or sewer service, 27041  
emergency medical services, road maintenance, or similar 27042  
services. "Services" does not include any administrative service 27043  
or legislative action. 27044

(5) The village has failed for any fiscal year to adopt 27045  
the tax budget required by section 5705.28 of the Revised Code. 27046

(6) A village elected official has been convicted of theft 27047  
in office, either under section 2921.41 of the Revised Code or 27048  
an equivalent criminal statute at the federal level, at least 27049  
two times in a period of ten years. The convicted official with 27050  
respect to those convictions may be the same person or different 27051  
persons. 27052

(B) If the auditor of state finds, in an audit report 27053



issued under division (A) or (B) of section 117.11 of the Revised Code of a village that has a population of one-five hundred ~~fifty~~ persons or less ~~and consists of less than two square miles~~, that the village meets at least two conditions for the dissolution of a village, the auditor of state shall send a certified copy of the report together with a letter to the attorney general requesting the attorney general to institute legal action to dissolve the village in accordance with division (C) of this section. The report and letter shall be sent to the attorney general within ten business days after the auditor of state's transmittal of the report to the village. The audit report transmitted to the village shall be accompanied by a notice to the village of the auditor's intent to refer the report to the attorney general for legal action in accordance with this section.

(C) Within twenty days of receipt of the auditor of state's report and letter, the attorney general may file a legal action in the court of common pleas on behalf of the state to request the dissolution of the village that is the subject of the audit report. If a legal action is filed, the court shall hold a hearing within ninety days after the date the attorney general files the legal action with the court. Notice of the hearing shall be filed with the attorney general, the clerk of the village that is the subject of the action, and each fiscal officer of a township located wholly or partly within the village.

At the hearing on dissolution, the court shall determine if the village has a population of one-five hundred ~~fifty~~ persons or less, ~~consists of less than two square miles~~, and meets at least two conditions for the dissolution of a village. If the court so finds, the court shall order the dissolution of

the village, which shall proceed in accordance with sections 27085  
703.31 to 703.39 of the Revised Code. The attorney general shall 27086  
file a certified copy of the court's order of dissolution with 27087  
the secretary of state and the county recorder of the county in 27088  
which the village is situated, who shall record it in their 27089  
respective offices. 27090

(D) For purposes of this section, the population of a 27091  
village shall be the population determined either at the last 27092  
preceding federal decennial census or according to population 27093  
estimates certified by the department of development between 27094  
decennial censuses. 27095

(E) The procedure in this section is in addition to the 27096  
procedure of section 703.33 of the Revised Code for the 27097  
dissolution of a village. 27098

**Sec. 717.051.** Any multi-level off-street parking structure 27099  
that is not tax exempt under section 717.05 of the Revised Code 27100  
and is acquired in fee or by lease or constructed by a municipal 27101  
corporation ~~that qualifies as an impacted city, as defined in~~ 27102  
~~division (C) of section 1728.01 of the Revised Code, at the time~~ 27103  
~~of the initial application for exemption provided for in this~~ 27104  
~~section or so acquired or constructed by, a county within the~~ 27105  
~~corporate boundaries of such an impacted city, a new community~~ 27106  
authority, or a port authority, and the land on which the 27107  
parking structure is situated, is hereby declared to be a public 27108  
purpose and may, at the option of the ~~impacted city or municipal~~ 27109  
corporation, the county, the new community authority, or the 27110  
port authority, be made the subject of an application for 27111  
exemption and shall be exempt from taxation for such period as 27112  
the parking structure is owned or leased by such municipal 27113  
corporation ~~or, county and is available to members of the~~ 27114

~~general public on a daily or monthly or other subscription~~ 27115  
~~basis, provided such period of exemption shall not exceed twenty~~ 27116  
~~years from September 30, 1974, or the date acquisition or~~ 27117  
~~construction of such structure is completed, whichever shall~~ 27118  
~~occur later, new community authority, or port authority.~~ 27119  
Any such exemption shall be claimed and allowed in the same or 27120  
similar manner as in the case of other real property exemptions. 27121  
In the event that an exemption status changes during a tax year, 27122  
the procedure for the apportionment of the taxes for said year 27123  
shall be the same as in the case of other changes in the 27124  
exemption status during the tax year. 27125

**Sec. 718.01.** Any term used in this chapter that is not 27126  
otherwise defined in this chapter has the same meaning as when 27127  
used in a comparable context in laws of the United States 27128  
relating to federal income taxation or in Title LVII of the 27129  
Revised Code, unless a different meaning is clearly required. 27130  
Except as provided in section 718.81 of the Revised Code, if a 27131  
term used in this chapter that is not otherwise defined in this 27132  
chapter is used in a comparable context in both the laws of the 27133  
United States relating to federal income tax and in Title LVII 27134  
of the Revised Code and the use is not consistent, then the use 27135  
of the term in the laws of the United States relating to federal 27136  
income tax shall control over the use of the term in Title LVII 27137  
of the Revised Code. 27138

Except as otherwise provided in section 718.81 of the 27139  
Revised Code, as used in this chapter: 27140

(A) (1) "Municipal taxable income" means the following: 27141

(a) For a person other than an individual, income 27142  
apportioned or sitused to the municipal corporation under 27143  
section 718.02 of the Revised Code, as applicable, reduced by 27144

any pre-2017 net operating loss carryforward available to the 27145  
person for the municipal corporation. 27146

(b) (i) For an individual who is a resident of a municipal 27147  
corporation other than a qualified municipal corporation, income 27148  
reduced by exempt income to the extent otherwise included in 27149  
income, then reduced as provided in division (A) (2) of this 27150  
section, and further reduced by any pre-2017 net operating loss 27151  
carryforward available to the individual for the municipal 27152  
corporation. 27153

(ii) For an individual who is a resident of a qualified 27154  
municipal corporation, Ohio adjusted gross income reduced by 27155  
income exempted, and increased by deductions excluded, by the 27156  
qualified municipal corporation from the qualified municipal 27157  
corporation's tax. If a qualified municipal corporation, on or 27158  
before December 31, 2013, exempts income earned by individuals 27159  
who are not residents of the qualified municipal corporation and 27160  
net profit of persons that are not wholly located within the 27161  
qualified municipal corporation, such individual or person shall 27162  
have no municipal taxable income for the purposes of the tax 27163  
levied by the qualified municipal corporation and may be 27164  
exempted by the qualified municipal corporation from the 27165  
requirements of section 718.03 of the Revised Code. 27166

(c) For an individual who is a nonresident of a municipal 27167  
corporation, income reduced by exempt income to the extent 27168  
otherwise included in income and then, as applicable, 27169  
apportioned or situated to the municipal corporation under 27170  
section 718.02 of the Revised Code, then reduced as provided in 27171  
division (A) (2) of this section, and further reduced by any pre- 27172  
2017 net operating loss carryforward available to the individual 27173  
for the municipal corporation. 27174

(2) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (A) (1) (b) (i) or (c) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation.

(B) "Income" means the following:

(1) (a) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (D) (5) of this section.

(b) For the purposes of division (B) (1) (a) of this section:

(i) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net

profit of the resident or the resident's distributive share of 27205  
any net profit attributable to the resident's ownership interest 27206  
in a pass-through entity until fully utilized, subject to 27207  
division (B) (1) (d) of this section; 27208

(ii) The resident's distributive share of the net profit 27209  
of each pass-through entity owned directly or indirectly by the 27210  
resident shall be calculated without regard to any net operating 27211  
loss that is carried forward by that entity from a prior taxable 27212  
year and applied to reduce the entity's net profit for the 27213  
current taxable year. 27214

(c) Division (B) (1) (b) of this section does not apply with 27215  
respect to any net profit or net operating loss attributable to 27216  
an ownership interest in an S corporation unless shareholders' 27217  
distributive shares of net profits from S corporations are 27218  
subject to tax in the municipal corporation as provided in 27219  
division (C) (14) (b) or (c) of this section. 27220

(d) Any amount of a net operating loss used to reduce a 27221  
taxpayer's net profit for a taxable year shall reduce the amount 27222  
of net operating loss that may be carried forward to any 27223  
subsequent year for use by that taxpayer. In no event shall the 27224  
cumulative deductions for all taxable years with respect to a 27225  
taxpayer's net operating loss exceed the original amount of that 27226  
net operating loss available to that taxpayer. 27227

(2) In the case of nonresidents, all income, salaries, 27228  
qualifying wages, commissions, and other compensation from 27229  
whatever source earned or received by the nonresident for work 27230  
done, services performed or rendered, or activities conducted in 27231  
the municipal corporation, including any net profit of the 27232  
nonresident, but excluding the nonresident's distributive share 27233  
of the net profit or loss of only pass-through entities owned 27234

directly or indirectly by the nonresident. 27235

(3) For taxpayers that are not individuals, net profit of 27236  
the taxpayer; 27237

(4) Lottery, sweepstakes, gambling and sports winnings, 27238  
winnings from games of chance, and prizes and awards. If the 27239  
taxpayer is a professional gambler for federal income tax 27240  
purposes, the taxpayer may deduct related wagering losses and 27241  
expenses to the extent authorized under the Internal Revenue 27242  
Code and claimed against such winnings. 27243

(C) "Exempt income" means all of the following: 27244

(1) The military pay or allowances of members of the armed 27245  
forces of the United States or members of their reserve 27246  
components, including the national guard of any state~~+~~. As used 27247  
in division (C) (1) of this section, "armed forces" has the same 27248  
meaning as in 10 U.S.C. 101. 27249

(2) (a) Except as provided in division (C) (2) (b) of this 27250  
section, intangible income; 27251

(b) A municipal corporation that taxed any type of 27252  
intangible income on March 29, 1988, pursuant to Section 3 of 27253  
S.B. 238 of the 116th general assembly, may continue to tax that 27254  
type of income if a majority of the electors of the municipal 27255  
corporation voting on the question of whether to permit the 27256  
taxation of that type of intangible income after 1988 voted in 27257  
favor thereof at an election held on November 8, 1988. 27258

(3) Social security benefits, railroad retirement 27259  
benefits, unemployment compensation, pensions, retirement 27260  
benefit payments, payments from annuities, and similar payments 27261  
made to an employee or to the beneficiary of an employee under a 27262  
retirement program or plan, disability payments received from 27263

private industry or local, state, or federal governments or from 27264  
charitable, religious or educational organizations, and the 27265  
proceeds of sickness, accident, or liability insurance policies. 27266  
As used in division (C) (3) of this section, "unemployment 27267  
compensation" does not include supplemental unemployment 27268  
compensation described in section 3402(o) (2) of the Internal 27269  
Revenue Code. 27270

(4) The income of religious, fraternal, charitable, 27271  
scientific, literary, or educational institutions to the extent 27272  
such income is derived from tax-exempt real estate, tax-exempt 27273  
tangible or intangible property, or tax-exempt activities. 27274

(5) Compensation paid under section 3501.28 or 3501.36 of 27275  
the Revised Code to a person serving as a precinct election 27276  
official to the extent that such compensation does not exceed 27277  
one thousand dollars for the taxable year. Such compensation in 27278  
excess of one thousand dollars for the taxable year may be 27279  
subject to taxation by a municipal corporation. A municipal 27280  
corporation shall not require the payer of such compensation to 27281  
withhold any tax from that compensation. 27282

(6) Dues, contributions, and similar payments received by 27283  
charitable, religious, educational, or literary organizations or 27284  
labor unions, lodges, and similar organizations; 27285

(7) Alimony and child support received; 27286

(8) Compensation for personal injuries or for damages to 27287  
property from insurance proceeds or otherwise, excluding 27288  
compensation paid for lost salaries or wages or compensation 27289  
from punitive damages; 27290

(9) Income of a public utility when that public utility is 27291  
subject to the tax levied under section 5727.24 or 5727.30 of 27292



the Revised Code. Division (C) (9) of this section does not apply 27293  
for purposes of Chapter 5745. of the Revised Code. 27294

(10) Gains from involuntary conversions, interest on 27295  
federal obligations, items of income subject to a tax levied by 27296  
the state and that a municipal corporation is specifically 27297  
prohibited by law from taxing, and income of a decedent's estate 27298  
during the period of administration except such income from the 27299  
operation of a trade or business; 27300

(11) Compensation or allowances excluded from federal 27301  
gross income under section 107 of the Internal Revenue Code; 27302

(12) Employee compensation that is not qualifying wages as 27303  
defined in division (R) of this section; 27304

(13) Compensation paid to a person employed within the 27305  
boundaries of a United States air force base under the 27306  
jurisdiction of the United States air force that is used for the 27307  
housing of members of the United States air force and is a 27308  
center for air force operations, unless the person is subject to 27309  
taxation because of residence or domicile. If the compensation 27310  
is subject to taxation because of residence or domicile, tax on 27311  
such income shall be payable only to the municipal corporation 27312  
of residence or domicile. 27313

(14) (a) Except as provided in division (C) (14) (b) or (c) 27314  
of this section, an S corporation shareholder's distributive 27315  
share of net profits of the S corporation, other than any part 27316  
of the distributive share of net profits that represents wages 27317  
as defined in section 3121(a) of the Internal Revenue Code or 27318  
net earnings from self-employment as defined in section 1402(a) 27319  
of the Internal Revenue Code. 27320

(b) If, pursuant to division (H) of former section 718.01 27321

of the Revised Code as it existed before March 11, 2004, a 27322  
majority of the electors of a municipal corporation voted in 27323  
favor of the question at an election held on November 4, 2003, 27324  
the municipal corporation may continue after 2002 to tax an S 27325  
corporation shareholder's distributive share of net profits of 27326  
an S corporation. 27327

(c) If, on December 6, 2002, a municipal corporation was 27328  
imposing, assessing, and collecting a tax on an S corporation 27329  
shareholder's distributive share of net profits of the S 27330  
corporation to the extent the distributive share would be 27331  
allocated or apportioned to this state under divisions (B) (1) 27332  
and (2) of section 5733.05 of the Revised Code if the S 27333  
corporation were a corporation subject to taxes imposed under 27334  
Chapter 5733. of the Revised Code, the municipal corporation may 27335  
continue to impose the tax on such distributive shares to the 27336  
extent such shares would be so allocated or apportioned to this 27337  
state only until December 31, 2004, unless a majority of the 27338  
electors of the municipal corporation voting on the question of 27339  
continuing to tax such shares after that date voted in favor of 27340  
that question at an election held November 2, 2004. If a 27341  
majority of those electors voted in favor of the question, the 27342  
municipal corporation may continue after December 31, 2004, to 27343  
impose the tax on such distributive shares only to the extent 27344  
such shares would be so allocated or apportioned to this state. 27345

(d) A municipal corporation shall be deemed to have 27346  
elected to tax S corporation shareholders' distributive shares 27347  
of net profits of the S corporation in the hands of the 27348  
shareholders if a majority of the electors of a municipal 27349  
corporation voted in favor of a question at an election held 27350  
under division (C) (14) (b) or (c) of this section. The municipal 27351  
corporation shall specify by resolution or ordinance that the 27352

tax applies to the distributive share of a shareholder of an S 27353  
corporation in the hands of the shareholder of the S 27354  
corporation. 27355

(15) The income of individuals under eighteen years of 27356  
age. 27357

(16) (a) Except as provided in divisions (C) (16) (b), (c), 27358  
and (d) of this section, qualifying wages described in division 27359  
(B) (1) or (E) of section 718.011 of the Revised Code to the 27360  
extent the qualifying wages are not subject to withholding for 27361  
the municipal corporation under either of those divisions. 27362

(b) The exemption provided in division (C) (16) (a) of this 27363  
section does not apply with respect to the municipal corporation 27364  
in which the employee resided at the time the employee earned 27365  
the qualifying wages. 27366

(c) The exemption provided in division (C) (16) (a) of this 27367  
section does not apply to qualifying wages that an employer 27368  
elects to withhold under division (D) (2) of section 718.011 of 27369  
the Revised Code. 27370

(d) The exemption provided in division (C) (16) (a) of this 27371  
section does not apply to qualifying wages if both of the 27372  
following conditions apply: 27373

(i) For qualifying wages described in division (B) (1) of 27374  
section 718.011 of the Revised Code, the employee's employer 27375  
withholds and remits tax on the qualifying wages to the 27376  
municipal corporation in which the employee's principal place of 27377  
work is situated, or, for qualifying wages described in division 27378  
(E) of section 718.011 of the Revised Code, the employee's 27379  
employer withholds and remits tax on the qualifying wages to the 27380  
municipal corporation in which the employer's fixed location is 27381

located; 27382

(ii) The employee receives a refund of the tax described 27383  
in division (C) (16) (d) (i) of this section on the basis of the 27384  
employee not performing services in that municipal corporation. 27385

(17) (a) Except as provided in division (C) (17) (b) or (c) 27386  
of this section, compensation that is not qualifying wages paid 27387  
to a nonresident individual for personal services performed in 27388  
the municipal corporation on not more than twenty days in a 27389  
taxable year. 27390

(b) The exemption provided in division (C) (17) (a) of this 27391  
section does not apply under either of the following 27392  
circumstances: 27393

(i) The individual's base of operation is located in the 27394  
municipal corporation. 27395

(ii) The individual is a professional athlete, 27396  
professional entertainer, or public figure, and the compensation 27397  
is paid for the performance of services in the individual's 27398  
capacity as a professional athlete, professional entertainer, or 27399  
public figure. For purposes of division (C) (17) (b) (ii) of this 27400  
section, "professional athlete," "professional entertainer," and 27401  
"public figure" have the same meanings as in section 718.011 of 27402  
the Revised Code. 27403

(c) Compensation to which division (C) (17) of this section 27404  
applies shall be treated as earned or received at the 27405  
individual's base of operation. If the individual does not have 27406  
a base of operation, the compensation shall be treated as earned 27407  
or received where the individual is domiciled. 27408

(d) For purposes of division (C) (17) of this section, 27409  
"base of operation" means the location where an individual owns 27410

or rents an office, storefront, or similar facility to which the 27411  
individual regularly reports and at which the individual 27412  
regularly performs personal services for compensation. 27413

(18) Compensation paid to a person for personal services 27414  
performed for a political subdivision on property owned by the 27415  
political subdivision, regardless of whether the compensation is 27416  
received by an employee of the subdivision or another person 27417  
performing services for the subdivision under a contract with 27418  
the subdivision, if the property on which services are performed 27419  
is annexed to a municipal corporation pursuant to section 27420  
709.023 of the Revised Code on or after March 27, 2013, unless 27421  
the person is subject to such taxation because of residence. If 27422  
the compensation is subject to taxation because of residence, 27423  
municipal income tax shall be payable only to the municipal 27424  
corporation of residence. 27425

(19) In the case of a tax administered, collected, and 27426  
enforced by a municipal corporation pursuant to an agreement 27427  
with the board of directors of a joint economic development 27428  
district under section 715.72 of the Revised Code, the net 27429  
profits of a business, and the income of the employees of that 27430  
business, exempted from the tax under division (Q) of that 27431  
section. 27432

(20) All of the following: 27433

(a) Income derived from disaster work conducted in this 27434  
state by an out-of-state disaster business during a disaster 27435  
response period pursuant to a qualifying solicitation received 27436  
by the business; 27437

(b) Income of a qualifying employee described in division 27438  
(A) (14) (a) of section 5703.94 of the Revised Code, to the extent 27439

such income is derived from disaster work conducted in this 27440  
state by the employee during a disaster response period pursuant 27441  
to a qualifying solicitation received by the employee's 27442  
employer; 27443

(c) Income of a qualifying employee described in division 27444  
(A) (14) (b) of section 5703.94 of the Revised Code, to the extent 27445  
such income is derived from disaster work conducted in this 27446  
state by the employee during a disaster response period on 27447  
critical infrastructure owned or used by the employee's 27448  
employer. 27449

(21) Income the taxation of which is prohibited by the 27450  
constitution or laws of the United States. 27451

Any item of income that is exempt income of a pass-through 27452  
entity under division (C) of this section is exempt income of 27453  
each owner of the pass-through entity to the extent of that 27454  
owner's distributive or proportionate share of that item of the 27455  
entity's income. 27456

(D) (1) "Net profit" for a person who is an individual 27457  
means the individual's net profit required to be reported on 27458  
schedule C, schedule E, or schedule F reduced by any net 27459  
operating loss carried forward. For the purposes of division (D) 27460  
(1) of this section, the net operating loss carried forward 27461  
shall be calculated and deducted in the same manner as provided 27462  
in division (D) (3) of this section. 27463

(2) "Net profit" for a person other than an individual 27464  
means adjusted federal taxable income reduced by any net 27465  
operating loss incurred by the person in a taxable year 27466  
beginning on or after January 1, 2017, subject to the 27467  
limitations of division (D) (3) of this section. 27468

(3) (a) The amount of such net operating loss shall be 27469  
deducted from net profit to the extent necessary to reduce 27470  
municipal taxable income to zero, with any remaining unused 27471  
portion of the net operating loss carried forward to not more 27472  
than five consecutive taxable years following the taxable year 27473  
in which the loss was incurred, but in no case for more years 27474  
than necessary for the deduction to be fully utilized. 27475

(b) No person shall use the deduction allowed by division 27476  
(D) (3) of this section to offset qualifying wages. 27477

(c) (i) For taxable years beginning in 2018, 2019, 2020, 27478  
2021, or 2022, a person may not deduct, for purposes of an 27479  
income tax levied by a municipal corporation that levies an 27480  
income tax before January 1, 2016, more than fifty per cent of 27481  
the amount of the deduction otherwise allowed by division (D) (3) 27482  
of this section. 27483

(ii) For taxable years beginning in 2023 or thereafter, a 27484  
person may deduct, for purposes of an income tax levied by a 27485  
municipal corporation that levies an income tax before January 27486  
1, 2016, the full amount allowed by division (D) (3) of this 27487  
section without regard to the limitation of division (D) (3) (c) 27488  
(i) of this section. 27489

(d) Any pre-2017 net operating loss carryforward deduction 27490  
that is available may be utilized before a taxpayer may deduct 27491  
any amount pursuant to division (D) (3) of this section. 27492

(e) Nothing in division (D) (3) (c) (i) of this section 27493  
precludes a person from carrying forward, for use with respect 27494  
to any return filed for a taxable year beginning after 2018, any 27495  
amount of net operating loss that was not fully utilized by 27496  
operation of division (D) (3) (c) (i) of this section. To the 27497

extent that an amount of net operating loss that was not fully 27498  
utilized in one or more taxable years by operation of division 27499  
(D) (3) (c) (i) of this section is carried forward for use with 27500  
respect to a return filed for a taxable year beginning in 2019, 27501  
2020, 2021, or 2022, the limitation described in division (D) (3) 27502  
(c) (i) of this section shall apply to the amount carried 27503  
forward. 27504

(4) For the purposes of this chapter, and notwithstanding 27505  
division (D) (2) of this section, net profit of a disregarded 27506  
entity shall not be taxable as against that disregarded entity, 27507  
but shall instead be included in the net profit of the owner of 27508  
the disregarded entity. 27509

(5) For the purposes of this chapter, and notwithstanding 27510  
any other provision of this chapter, the net profit of a 27511  
publicly traded partnership that makes the election described in 27512  
division (D) (5) of this section shall be taxed as if the 27513  
partnership were a C corporation, and shall not be treated as 27514  
the net profit or income of any owner of the partnership. 27515

A publicly traded partnership that is treated as a 27516  
partnership for federal income tax purposes and that is subject 27517  
to tax on its net profits in one or more municipal corporations 27518  
in this state may elect to be treated as a C corporation for 27519  
municipal income tax purposes. The publicly traded partnership 27520  
shall make the election in every municipal corporation in which 27521  
the partnership is subject to taxation on its net profits. The 27522  
election shall be made on the annual tax return filed in each 27523  
such municipal corporation. The publicly traded partnership 27524  
shall not be required to file the election with any municipal 27525  
corporation in which the partnership is not subject to taxation 27526  
on its net profits, but division (D) (5) of this section applies 27527



to all municipal corporations in which an individual owner of 27528  
the partnership resides. 27529

(E) "Adjusted federal taxable income," for a person 27530  
required to file as a C corporation, or for a person that has 27531  
elected to be taxed as a C corporation under division (D) (5) of 27532  
this section, means a C corporation's federal taxable income 27533  
before net operating losses and special deductions as determined 27534  
under the Internal Revenue Code, adjusted as follows: 27535

(1) Deduct intangible income to the extent included in 27536  
federal taxable income. The deduction shall be allowed 27537  
regardless of whether the intangible income relates to assets 27538  
used in a trade or business or assets held for the production of 27539  
income. 27540

(2) Add an amount equal to five per cent of intangible 27541  
income deducted under division (E) (1) of this section, but 27542  
excluding that portion of intangible income directly related to 27543  
the sale, exchange, or other disposition of property described 27544  
in section 1221 of the Internal Revenue Code; 27545

(3) Add any losses allowed as a deduction in the 27546  
computation of federal taxable income if the losses directly 27547  
relate to the sale, exchange, or other disposition of an asset 27548  
described in section 1221 or 1231 of the Internal Revenue Code; 27549

(4) (a) Except as provided in division (E) (4) (b) of this 27550  
section, deduct income and gain included in federal taxable 27551  
income to the extent the income and gain directly relate to the 27552  
sale, exchange, or other disposition of an asset described in 27553  
section 1221 or 1231 of the Internal Revenue Code; 27554

(b) Division (E) (4) (a) of this section does not apply to 27555  
the extent the income or gain is income or gain described in 27556

section 1245 or 1250 of the Internal Revenue Code. 27557

(5) Add taxes on or measured by net income allowed as a 27558  
deduction in the computation of federal taxable income; 27559

(6) In the case of a real estate investment trust or 27560  
regulated investment company, add all amounts with respect to 27561  
dividends to, distributions to, or amounts set aside for or 27562  
credited to the benefit of investors and allowed as a deduction 27563  
in the computation of federal taxable income; 27564

(7) Deduct, to the extent not otherwise deducted or 27565  
excluded in computing federal taxable income, any income derived 27566  
from a transfer agreement or from the enterprise transferred 27567  
under that agreement under section 4313.02 of the Revised Code; 27568

(8) Deduct exempt income to the extent not otherwise 27569  
deducted or excluded in computing adjusted federal taxable 27570  
income. 27571

(9) Deduct any net profit of a pass-through entity owned 27572  
directly or indirectly by the taxpayer and included in the 27573  
taxpayer's federal taxable income unless an affiliated group of 27574  
corporations includes that net profit in the group's federal 27575  
taxable income in accordance with division (E) (3) (b) of section 27576  
718.06 of the Revised Code. 27577

(10) Add any loss incurred by a pass-through entity owned 27578  
directly or indirectly by the taxpayer and included in the 27579  
taxpayer's federal taxable income unless an affiliated group of 27580  
corporations includes that loss in the group's federal taxable 27581  
income in accordance with division (E) (3) (b) of section 718.06 27582  
of the Revised Code. 27583

If the taxpayer is not a C corporation, is not a 27584  
disregarded entity that has made the election described in 27585

division (L) (2) of this section, is not a publicly traded 27586  
partnership that has made the election described in division (D) 27587  
(5) of this section, and is not an individual, the taxpayer 27588  
shall compute adjusted federal taxable income under this section 27589  
as if the taxpayer were a C corporation, except guaranteed 27590  
payments and other similar amounts paid or accrued to a partner, 27591  
former partner, shareholder, former shareholder, member, or 27592  
former member shall not be allowed as a deductible expense 27593  
unless such payments are a pension or retirement benefit payment 27594  
paid to a retired partner, retired shareholder, or retired 27595  
member or are in consideration for the use of capital and 27596  
treated as payment of interest under section 469 of the Internal 27597  
Revenue Code or United States treasury regulations. Amounts paid 27598  
or accrued to a qualified self-employed retirement plan with 27599  
respect to a partner, former partner, shareholder, former 27600  
shareholder, member, or former member of the taxpayer, amounts 27601  
paid or accrued to or for health insurance for a partner, former 27602  
partner, shareholder, former shareholder, member, or former 27603  
member, and amounts paid or accrued to or for life insurance for 27604  
a partner, former partner, shareholder, former shareholder, 27605  
member, or former member shall not be allowed as a deduction. 27606

Nothing in division (E) of this section shall be construed 27607  
as allowing the taxpayer to add or deduct any amount more than 27608  
once or shall be construed as allowing any taxpayer to deduct 27609  
any amount paid to or accrued for purposes of federal self- 27610  
employment tax. 27611

(F) "Schedule C" means internal revenue service schedule C 27612  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 27613  
Code. 27614

(G) "Schedule E" means internal revenue service schedule E 27615

(form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	27616 27617
(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	27618 27619 27620
(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.	27621 27622
(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.	27623 27624 27625
(K) "Nonresident" means an individual that is not a resident.	27626 27627
(L) (1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L) (2) (a) of this section, a disregarded entity.	27628 27629 27630 27631 27632
(2) (a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:	27633 27634 27635 27636 27637 27638
(i) The limited liability company's single member is also a limited liability company.	27639 27640
(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.	27641 27642 27643

(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.

(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(b) For purposes of division (L) (2) (a) (v) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.

(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from

which the income or profits of the entity are given pass-through 27673  
treatment for federal income tax purposes. "Pass-through entity" 27674  
does not include a trust, estate, grantor of a grantor trust, or 27675  
disregarded entity. 27676

(O) "S corporation" means a person that has made an 27677  
election under subchapter S of Chapter 1 of Subtitle A of the 27678  
Internal Revenue Code for its taxable year. 27679

(P) "Single member limited liability company" means a 27680  
limited liability company that has one direct member. 27681

(Q) "Limited liability company" means a limited liability 27682  
company formed under former Chapter 1705. of the Revised Code as 27683  
that chapter existed prior to February 11, 2022, Chapter 1706. 27684  
of the Revised Code, or the laws of another state. 27685

(R) "Qualifying wages" means wages, as defined in section 27686  
3121(a) of the Internal Revenue Code, without regard to any wage 27687  
limitations, adjusted as follows: 27688

(1) Deduct the following amounts: 27689

(a) Any amount included in wages if the amount constitutes 27690  
compensation attributable to a plan or program described in 27691  
section 125 of the Internal Revenue Code. 27692

(b) Any amount included in wages if the amount constitutes 27693  
payment on account of a disability related to sickness or an 27694  
accident paid by a party unrelated to the employer, agent of an 27695  
employer, or other payer. 27696

(c) Any amount attributable to a nonqualified deferred 27697  
compensation plan or program described in section 3121(v) (2) (C) 27698  
of the Internal Revenue Code if the compensation is included in 27699  
wages and the municipal corporation has, by resolution or 27700

ordinance adopted before January 1, 2016, exempted the amount 27701  
from withholding and tax. 27702

(d) Any amount included in wages if the amount arises from 27703  
the sale, exchange, or other disposition of a stock option, the 27704  
exercise of a stock option, or the sale, exchange, or other 27705  
disposition of stock purchased under a stock option and the 27706  
municipal corporation has, by resolution or ordinance adopted 27707  
before January 1, 2016, exempted the amount from withholding and 27708  
tax. 27709

(e) Any amount included in wages that is exempt income. 27710

(2) Add the following amounts: 27711

(a) Any amount not included in wages solely because the 27712  
employee was employed by the employer before April 1, 1986. 27713

(b) Any amount not included in wages because the amount 27714  
arises from the sale, exchange, or other disposition of a stock 27715  
option, the exercise of a stock option, or the sale, exchange, 27716  
or other disposition of stock purchased under a stock option and 27717  
the municipal corporation has not, by resolution or ordinance, 27718  
exempted the amount from withholding and tax adopted before 27719  
January 1, 2016. Division (R) (2) (b) of this section applies only 27720  
to those amounts constituting ordinary income. 27721

(c) Any amount not included in wages if the amount is an 27722  
amount described in section 401(k), 403(b), or 457 of the 27723  
Internal Revenue Code. Division (R) (2) (c) of this section 27724  
applies only to employee contributions and employee deferrals. 27725

(d) Any amount that is supplemental unemployment 27726  
compensation benefits described in section 3402(o) (2) of the 27727  
Internal Revenue Code and not included in wages. 27728

(e) Any amount received that is treated as self-employment 27729  
income for federal tax purposes in accordance with section 27730  
1402(a) (8) of the Internal Revenue Code. 27731

(f) Any amount not included in wages if all of the 27732  
following apply: 27733

(i) For the taxable year the amount is employee 27734  
compensation that is earned outside of the United States and 27735  
that either is included in the taxpayer's gross income for 27736  
federal income tax purposes or would have been included in the 27737  
taxpayer's gross income for such purposes if the taxpayer did 27738  
not elect to exclude the income under section 911 of the 27739  
Internal Revenue Code; 27740

(ii) For no preceding taxable year did the amount 27741  
constitute wages as defined in section 3121(a) of the Internal 27742  
Revenue Code; 27743

(iii) For no succeeding taxable year will the amount 27744  
constitute wages; and 27745

(iv) For any taxable year the amount has not otherwise 27746  
been added to wages pursuant to either division (R) (2) of this 27747  
section or section 718.03 of the Revised Code, as that section 27748  
existed before the effective date of H.B. 5 of the 130th general 27749  
assembly, March 23, 2015. 27750

(S) "Intangible income" means income of any of the 27751  
following types: income yield, interest, capital gains, 27752  
dividends, or other income arising from the ownership, sale, 27753  
exchange, or other disposition of intangible property including, 27754  
but not limited to, investments, deposits, money, or credits as 27755  
those terms are defined in Chapter 5701. of the Revised Code, 27756  
and patents, copyrights, trademarks, tradenames, investments in 27757



real estate investment trusts, investments in regulated 27758  
investment companies, and appreciation on deferred compensation. 27759  
"Intangible income" does not include prizes, awards, or other 27760  
income associated with any lottery winnings, gambling winnings, 27761  
or other similar games of chance. 27762

(T) "Taxable year" means the corresponding tax reporting 27763  
period as prescribed for the taxpayer under the Internal Revenue 27764  
Code. 27765

(U) (1) "Tax administrator" means, subject to division (U) 27766  
(2) of this section, the individual charged with direct 27767  
responsibility for administration of an income tax levied by a 27768  
municipal corporation in accordance with this chapter, and also 27769  
includes the following: 27770

(a) A municipal corporation acting as the agent of another 27771  
municipal corporation; 27772

(b) A person retained by a municipal corporation to 27773  
administer a tax levied by the municipal corporation, but only 27774  
if the municipal corporation does not compensate the person in 27775  
whole or in part on a contingency basis; 27776

(c) The central collection agency or the regional income 27777  
tax agency or their successors in interest, or another entity 27778  
organized to perform functions similar to those performed by the 27779  
central collection agency and the regional income tax agency. 27780

(2) "Tax administrator" does not include the tax 27781  
commissioner. 27782

(3) A private individual or entity serving in any position 27783  
described in division (U) (1) (b) or (c) of this section shall 27784  
have no access to criminal history record information. 27785

(V) "Employer" means a person that is an employer for federal income tax purposes.	27786 27787
(W) "Employee" means an individual who is an employee for federal income tax purposes.	27788 27789
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	27790 27791 27792 27793 27794
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	27795 27796
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	27797 27798
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.	27799 27800 27801 27802
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	27803 27804 27805 27806
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	27807 27808 27809 27810 27811 27812
(DD) "Tax return preparer" means any individual described	27813

in section 7701(a)(36) of the Internal Revenue Code and 26 27814  
C.F.R. 301.7701-15. 27815

(EE) "Ohio business gateway" means the online computer 27816  
network system created under section 125.30 of the Revised Code 27817  
or any successor electronic filing and payment system. 27818

(FF) "Local board of tax review" and "board of tax review" 27819  
mean the entity created under section 718.11 of the Revised 27820  
Code. 27821

(GG) "Net operating loss" means a loss incurred by a 27822  
person in the operation of a trade or business. "Net operating 27823  
loss" does not include unutilized losses resulting from basis 27824  
limitations, at-risk limitations, or passive activity loss 27825  
limitations. 27826

(HH) "Casino operator" and "casino facility" have the same 27827  
meanings as in section 3772.01 of the Revised Code. 27828

(II) "Video lottery terminal" has the same meaning as in 27829  
section 3770.21 of the Revised Code. 27830

(JJ) "Video lottery terminal sales agent" means a lottery 27831  
sales agent licensed under Chapter 3770. of the Revised Code to 27832  
conduct video lottery terminals on behalf of the state pursuant 27833  
to section 3770.21 of the Revised Code. 27834

(KK) "Postal service" means the United States postal 27835  
service. 27836

(LL) "Certified mail," "express mail," "United States 27837  
mail," "postal service," and similar terms include any delivery 27838  
service authorized pursuant to section 5703.056 of the Revised 27839  
Code. 27840

(MM) "Postmark date," "date of postmark," and similar 27841

terms include the date recorded and marked in the manner 27842  
described in division (B) (3) of section 5703.056 of the Revised 27843  
Code. 27844

(NN) "Related member" means a person that, with respect to 27845  
the taxpayer during all or any portion of the taxable year, is 27846  
either a related entity, a component member as defined in 27847  
section 1563(b) of the Internal Revenue Code, or a person to or 27848  
from whom there is attribution of stock ownership in accordance 27849  
with section 1563(e) of the Internal Revenue Code except, for 27850  
purposes of determining whether a person is a related member 27851  
under this division, "twenty per cent" shall be substituted for 27852  
"5 percent" wherever "5 percent" appears in section 1563(e) of 27853  
the Internal Revenue Code. 27854

(OO) "Related entity" means any of the following: 27855

(1) An individual stockholder, or a member of the 27856  
stockholder's family enumerated in section 318 of the Internal 27857  
Revenue Code, if the stockholder and the members of the 27858  
stockholder's family own directly, indirectly, beneficially, or 27859  
constructively, in the aggregate, at least fifty per cent of the 27860  
value of the taxpayer's outstanding stock; 27861

(2) A stockholder, or a stockholder's partnership, estate, 27862  
trust, or corporation, if the stockholder and the stockholder's 27863  
partnerships, estates, trusts, or corporations own directly, 27864  
indirectly, beneficially, or constructively, in the aggregate, 27865  
at least fifty per cent of the value of the taxpayer's 27866  
outstanding stock; 27867

(3) A corporation, or a party related to the corporation 27868  
in a manner that would require an attribution of stock from the 27869  
corporation to the party or from the party to the corporation 27870

under division (OO)(4) of this section, provided the taxpayer 27871  
owns directly, indirectly, beneficially, or constructively, at 27872  
least fifty per cent of the value of the corporation's 27873  
outstanding stock; 27874

(4) The attribution rules described in section 318 of the 27875  
Internal Revenue Code apply for the purpose of determining 27876  
whether the ownership requirements in divisions (OO)(1) to (3) 27877  
of this section have been met. 27878

(PP)(1) "Assessment" means a written finding by the tax 27879  
administrator that a person has underpaid municipal income tax, 27880  
or owes penalty and interest, or any combination of tax, 27881  
penalty, or interest, to the municipal corporation that 27882  
commences the person's time limitation for making an appeal to 27883  
the local board of tax review pursuant to section 718.11 of the 27884  
Revised Code, and has "ASSESSMENT" written in all capital 27885  
letters at the top of such finding. 27886

(2) "Assessment" does not include an informal notice 27887  
denying a request for refund issued under division (B)(3) of 27888  
section 718.19 of the Revised Code, a billing statement 27889  
notifying a taxpayer of current or past-due balances owed to the 27890  
municipal corporation, a tax administrator's request for 27891  
additional information, a notification to the taxpayer of 27892  
mathematical errors, or a tax administrator's other written 27893  
correspondence to a person or taxpayer that does not meet the 27894  
criteria prescribed by division (PP)(1) of this section. 27895

(QQ) "Taxpayers' rights and responsibilities" means the 27896  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 27897  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 27898  
Revised Code and the responsibilities of taxpayers to file, 27899  
report, withhold, remit, and pay municipal income tax and 27900

otherwise comply with Chapter 718. of the Revised Code and 27901  
resolutions, ordinances, and rules adopted by a municipal 27902  
corporation for the imposition and administration of a municipal 27903  
income tax. 27904

(RR) "Qualified municipal corporation" means a municipal 27905  
corporation that, by resolution or ordinance adopted on or 27906  
before December 31, 2011, adopted Ohio adjusted gross income, as 27907  
defined by section 5747.01 of the Revised Code, as the income 27908  
subject to tax for the purposes of imposing a municipal income 27909  
tax. 27910

(SS) (1) "Pre-2017 net operating loss carryforward" means 27911  
any net operating loss incurred in a taxable year beginning 27912  
before January 1, 2017, to the extent such loss was permitted, 27913  
by a resolution or ordinance of the municipal corporation that 27914  
was adopted by the municipal corporation before January 1, 2016, 27915  
to be carried forward and utilized to offset income or net 27916  
profit generated in such municipal corporation in future taxable 27917  
years. 27918

(2) For the purpose of calculating municipal taxable 27919  
income, any pre-2017 net operating loss carryforward may be 27920  
carried forward to any taxable year, including taxable years 27921  
beginning in 2017 or thereafter, for the number of taxable years 27922  
provided in the resolution or ordinance or until fully utilized, 27923  
whichever is earlier. 27924

(TT) "Small employer" means any employer that had total 27925  
revenue of less than five hundred thousand dollars during the 27926  
preceding taxable year. For purposes of this division, "total 27927  
revenue" means receipts of any type or kind, including, but not 27928  
limited to, sales receipts; payments; rents; profits; gains, 27929  
dividends, and other investment income; compensation; 27930

commissions; premiums; money; property; grants; contributions; 27931  
donations; gifts; program service revenue; patient service 27932  
revenue; premiums; fees, including premium fees and service 27933  
fees; tuition payments; unrelated business revenue; 27934  
reimbursements; any type of payment from a governmental unit, 27935  
including grants and other allocations; and any other similar 27936  
receipts reported for federal income tax purposes or under 27937  
generally accepted accounting principles. "Small employer" does 27938  
not include the federal government; any state government, 27939  
including any state agency or instrumentality; any political 27940  
subdivision; or any entity treated as a government for financial 27941  
accounting and reporting purposes. 27942

(UU) "Audit" means the examination of a person or the 27943  
inspection of the books, records, memoranda, or accounts of a 27944  
person for the purpose of determining liability for a municipal 27945  
income tax. 27946

(VV) "Publicly traded partnership" means any partnership, 27947  
an interest in which is regularly traded on an established 27948  
securities market. A "publicly traded partnership" may have any 27949  
number of partners. 27950

(WW) "Tax commissioner" means the tax commissioner 27951  
appointed under section 121.03 of the Revised Code. 27952

(XX) "Out-of-state disaster business," "qualifying 27953  
solicitation," "qualifying employee," "disaster work," "critical 27954  
infrastructure," and "disaster response period" have the same 27955  
meanings as in section 5703.94 of the Revised Code. 27956

(YY) "Pension" means a retirement benefit plan, regardless 27957  
of whether the plan satisfies the qualifications described under 27958  
section 401(a) of the Internal Revenue Code, including amounts 27959

that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

(ZZ) "Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

**Sec. 718.031.** As used in this section, "sports gaming facility" and "type B sports gaming proprietor" have the same meanings as in section 3775.01 of the Revised Code and ~~"lottery sports gaming"~~ has "video lottery terminal" and "video lottery sales agent" have the same ~~meaning~~ meanings as in section ~~3770.23-3770.10~~ of the Revised Code.

(A) A municipal corporation shall require the following persons to withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in this section:

(1) A casino facility or a casino operator, as defined in Section 6(C)(9) of Article XV, Ohio Constitution, and section 3772.01 of the Revised Code, respectively;

(2) A video lottery sales agent conducting video lottery terminals on behalf of the state;

(3) A type B sports gaming proprietor offering sports gaming at a sports gaming facility.



(B) If a person's winnings at a casino facility or sports gaming facility are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, a casino operator or sports gaming proprietor shall deduct and withhold municipal income tax from the person's winnings at the rate of the tax imposed by the municipal corporation in which the casino facility or sports gaming facility is located.

(C) Amounts deducted and withheld by a casino operator or sports gaming proprietor are held in trust for the benefit of the municipal corporation to which the tax is owed.

(1) On or before the tenth day of each month, the casino operator or sports gaming proprietor shall file a return electronically with the tax administrator of the municipal corporation, providing the name, address, and social security number of the person from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings from which each such amount was withheld, the type of casino gaming or sports gaming that resulted in such winnings, and any other information required by the tax administrator. With this return, the casino operator or sports gaming proprietor shall remit electronically to the municipal corporation all amounts deducted and withheld during the preceding month.

(2) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall file an annual return electronically with the tax administrator of the municipal corporation in which the casino facility or sports gaming facility is located, indicating the total amount deducted and withheld during the preceding calendar year. The

casino operator or sports gaming proprietor shall remit 28019  
electronically with the annual return any amount that was 28020  
deducted and withheld and that was not previously remitted. If 28021  
the name, address, or social security number of a person or the 28022  
amount deducted and withheld with respect to that person was 28023  
omitted on a monthly return for that reporting period, that 28024  
information shall be indicated on the annual return. 28025

(3) Annually, on or before the thirty-first day of 28026  
January, a casino operator or sports gaming proprietor shall 28027  
issue an information return to each person with respect to whom 28028  
an amount has been deducted and withheld during the preceding 28029  
calendar year. The information return shall show the total 28030  
amount of municipal income tax deducted from the person's 28031  
winnings during the preceding year. The casino operator or 28032  
sports gaming proprietor shall provide to the tax administrator 28033  
a copy of each information return issued under this division. 28034  
The administrator may require that such copies be transmitted 28035  
electronically. 28036

(4) A casino operator or sports gaming proprietor that 28037  
fails to file a return and remit the amounts deducted and 28038  
withheld shall be personally liable for the amount withheld and 28039  
not remitted. Such personal liability extends to any penalty and 28040  
interest imposed for the late filing of a return or the late 28041  
payment of tax deducted and withheld. 28042

(5) If a casino operator or sports gaming proprietor sells 28043  
the casino facility or sports gaming facility, or otherwise 28044  
quits the casino or sports gaming business, the amounts deducted 28045  
and withheld along with any penalties and interest thereon are 28046  
immediately due and payable. The successor shall withhold an 28047  
amount of the purchase money that is sufficient to cover the 28048

amounts deducted and withheld along with any penalties and 28049  
interest thereon until the predecessor casino operator or sports 28050  
gaming proprietor produces either of the following: 28051

(a) A receipt from the tax administrator showing that the 28052  
amounts deducted and withheld and penalties and interest thereon 28053  
have been paid; 28054

(b) A certificate from the tax administrator indicating 28055  
that no amounts are due. 28056

If the successor fails to withhold purchase money, the 28057  
successor is personally liable for the payment of the amounts 28058  
deducted and withheld and penalties and interest thereon. 28059

(6) The failure of a casino operator or sports gaming 28060  
proprietor to deduct and withhold the required amount from a 28061  
person's winnings does not relieve that person from liability 28062  
for the municipal income tax with respect to those winnings. 28063

(D) If a person's prize award from a video lottery 28064  
~~terminal or from lottery sports gaming offered in a video~~ 28065  
~~lottery terminal facility~~ is an amount for which reporting to 28066  
the internal revenue service is required by section 6041 of the 28067  
Internal Revenue Code, as amended, the video lottery sales agent 28068  
shall deduct and withhold municipal income tax from the person's 28069  
prize award at the rate of the tax imposed by the municipal 28070  
corporation in which the video lottery terminal facility is 28071  
located. 28072

(E) Amounts deducted and withheld by a video lottery sales 28073  
agent are held in trust for the benefit of the municipal 28074  
corporation to which the tax is owed. 28075

(1) The video lottery sales agent shall issue to a person 28076  
from whose prize award an amount has been deducted and withheld 28077

a receipt for the amount deducted and withheld, and shall obtain 28078  
from the person receiving a prize award the person's name, 28079  
address, and social security number in order to facilitate the 28080  
preparation of returns required by this section. 28081

(2) On or before the tenth day of each month, the video 28082  
lottery sales agent shall file a return electronically with the 28083  
tax administrator of the municipal corporation providing the 28084  
names, addresses, and social security numbers of the persons 28085  
from whose prize awards amounts were deducted and withheld, the 28086  
amount of each such deduction and withholding during the 28087  
preceding calendar month, the amount of the prize award from 28088  
which each such amount was withheld, and any other information 28089  
required by the tax administrator. With the return, the video 28090  
lottery sales agent shall remit electronically to the tax 28091  
administrator all amounts deducted and withheld during the 28092  
preceding month. 28093

(3) A video lottery sales agent shall maintain a record of 28094  
all receipts issued under division (E) of this section and shall 28095  
make those records available to the tax administrator upon 28096  
request. Such records shall be maintained in accordance with 28097  
section 5747.17 of the Revised Code and any rules adopted 28098  
pursuant thereto. 28099

(4) Annually, on or before the thirty-first day of 28100  
January, each video lottery ~~terminal~~-sales agent shall file an 28101  
annual return electronically with the tax administrator of the 28102  
municipal corporation in which the facility is located 28103  
indicating the total amount deducted and withheld during the 28104  
preceding calendar year. The video lottery sales agent shall 28105  
remit electronically with the annual return any amount that was 28106  
deducted and withheld and that was not previously remitted. If 28107

the name, address, or social security number of a person or the 28108  
amount deducted and withheld with respect to that person was 28109  
omitted on a monthly return for that reporting period, that 28110  
information shall be indicated on the annual return. 28111

(5) Annually, on or before the thirty-first day of 28112  
January, a video lottery sales agent shall issue an information 28113  
return to each person with respect to whom an amount has been 28114  
deducted and withheld during the preceding calendar year. The 28115  
information return shall show the total amount of municipal 28116  
income tax deducted and withheld from the person's prize award 28117  
by the video lottery sales agent during the preceding year. A 28118  
video lottery sales agent shall provide to the tax administrator 28119  
of the municipal corporation a copy of each information return 28120  
issued under this division. The tax administrator may require 28121  
that such copies be transmitted electronically. 28122

(6) A video lottery sales agent who fails to file a return 28123  
and remit the amounts deducted and withheld is personally liable 28124  
for the amount deducted and withheld and not remitted. Such 28125  
personal liability extends to any penalty and interest imposed 28126  
for the late filing of a return or the late payment of tax 28127  
deducted and withheld. 28128

(F) If a video lottery sales agent ceases to operate video 28129  
lottery terminals, the amounts deducted and withheld along with 28130  
any penalties and interest thereon are immediately due and 28131  
payable. The successor of the video lottery sales agent that 28132  
purchases the video lottery terminals from the agent shall 28133  
withhold an amount from the purchase money that is sufficient to 28134  
cover the amounts deducted and withheld and any penalties and 28135  
interest thereon until the predecessor video lottery sales agent 28136  
operator produces either of the following: 28137

(1) A receipt from the tax administrator showing that the 28138  
amounts deducted and withheld and penalties and interest thereon 28139  
have been paid; 28140

(2) A certificate from the tax administrator indicating 28141  
that no amounts are due. 28142

If the successor fails to withhold purchase money, the 28143  
successor is personally liable for the payment of the amounts 28144  
deducted and withheld and penalties and interest thereon. 28145

(G) The failure of a video lottery sales agent to deduct 28146  
and withhold the required amount from a person's prize award 28147  
does not relieve that person from liability for the municipal 28148  
income tax with respect to that prize award. 28149

(H) If a casino operator, sports gaming proprietor, or 28150  
video lottery sales agent files a return late, fails to file a 28151  
return, remits amounts deducted and withheld late, or fails to 28152  
remit amounts deducted and withheld as required under this 28153  
section, the tax administrator of a municipal corporation may 28154  
impose the following applicable penalty: 28155

(1) For the late remittance of, or failure to remit, tax 28156  
deducted and withheld under this section, a penalty equal to 28157  
fifty per cent of the tax deducted and withheld; 28158

(2) For the failure to file, or the late filing of, a 28159  
monthly or annual return, a penalty of five hundred dollars for 28160  
each return not filed or filed late. Interest shall accrue on 28161  
past due amounts deducted and withheld at the rate prescribed in 28162  
section 5703.47 of the Revised Code. 28163

(I) Amounts deducted and withheld on behalf of a municipal 28164  
corporation shall be allowed as a credit against payment of the 28165  
tax imposed by the municipal corporation and shall be treated as 28166

taxes paid for purposes of section 718.08 of the Revised Code. 28167  
This division applies only to the person for whom the amount is 28168  
deducted and withheld. 28169

(J) The tax administrator shall prescribe the forms of the 28170  
receipts and returns required under this section. 28171

**Sec. 718.05.** (A) An annual return with respect to the 28172  
income tax levied by a municipal corporation shall be completed 28173  
and filed by every taxpayer for any taxable year for which the 28174  
taxpayer is liable for the tax. If the total credit allowed 28175  
against the tax as described in division (D) of section 718.04 28176  
of the Revised Code for the year is equal to or exceeds the tax 28177  
imposed by the municipal corporation, no return shall be 28178  
required unless the municipal ordinance or resolution levying 28179  
the tax requires the filing of a return in such circumstances. 28180

(B) If an individual is deceased, any return or notice 28181  
required of that individual shall be completed and filed by that 28182  
decedent's executor, administrator, or other person charged with 28183  
the property of that decedent. 28184

(C) If an individual is unable to complete and file a 28185  
return or notice required by a municipal corporation in 28186  
accordance with this chapter, the return or notice required of 28187  
that individual shall be completed and filed by the individual's 28188  
duly authorized agent, guardian, conservator, fiduciary, or 28189  
other person charged with the care of the person or property of 28190  
that individual. 28191

(D) Returns or notices required of an estate or a trust 28192  
shall be completed and filed by the fiduciary of the estate or 28193  
trust. 28194

(E) No municipal corporation shall deny spouses the 28195

ability to file a joint return. 28196

(F) (1) Each return required to be filed under this section 28197  
shall contain the signature of the taxpayer or the taxpayer's 28198  
duly authorized agent and of the person who prepared the return 28199  
for the taxpayer, and shall include the taxpayer's social 28200  
security number or taxpayer identification number. Each return 28201  
shall be verified by a declaration under penalty of perjury. 28202

(2) A tax administrator may require a taxpayer who is an 28203  
individual to include, with each annual return, amended return, 28204  
or request for refund required under this section, copies of 28205  
only the following documents: all of the taxpayer's Internal 28206  
Revenue Service form W-2, "Wage and Tax Statements," including 28207  
all information reported on the taxpayer's federal W-2, as well 28208  
as taxable wages reported or withheld for any municipal 28209  
corporation; the taxpayer's Internal Revenue Service form 1040 28210  
or, in the case of a return or request required by a qualified 28211  
municipal corporation, Ohio form IT-1040; and, with respect to 28212  
an amended tax return or refund request, any other documentation 28213  
necessary to support the refund request or the adjustments made 28214  
in the amended return. An individual taxpayer who files the 28215  
annual return required by this section electronically is not 28216  
required to provide paper copies of any of the foregoing to the 28217  
tax administrator unless the tax administrator requests such 28218  
copies after the return has been filed. 28219

(3) A tax administrator may require a taxpayer that is not 28220  
an individual to include, with each annual net profit return, 28221  
amended net profit return, or request for refund required under 28222  
this section, copies of only the following documents: the 28223  
taxpayer's Internal Revenue Service form 1041, form 1065, form 28224  
1120, form 1120-REIT, form 1120F, or form 1120S, and, with 28225



respect to an amended tax return or refund request, any other 28226  
documentation necessary to support the refund request or the 28227  
adjustments made in the amended return. 28228

A taxpayer that is not an individual and that files an 28229  
annual net profit return electronically through the Ohio 28230  
business gateway or in some other manner shall either mail the 28231  
documents required under this division to the tax administrator 28232  
at the time of filing or, if electronic submission is available, 28233  
submit the documents electronically through the Ohio business 28234  
gateway. The department of taxation shall publish a method of 28235  
electronically submitting the documents required under this 28236  
division through the Ohio business gateway on or before January 28237  
1, 2016. The department shall transmit all documents submitted 28238  
electronically under this division to the appropriate tax 28239  
administrator. 28240

(4) After a taxpayer files a tax return, the tax 28241  
administrator may request, and the taxpayer shall provide, any 28242  
information, statements, or documents required by the municipal 28243  
corporation to determine and verify the taxpayer's municipal 28244  
income tax liability. The requirements imposed under division 28245  
(F) of this section apply regardless of whether the taxpayer 28246  
files on a generic form or on a form prescribed by the tax 28247  
administrator. 28248

(G) (1) (a) Except as otherwise provided in this chapter, 28249  
each individual income tax return required to be filed under 28250  
this section shall be completed and filed as required by the tax 28251  
administrator on or before the date prescribed for the filing of 28252  
state individual income tax returns under division (G) of 28253  
section 5747.08 of the Revised Code. The taxpayer shall complete 28254  
and file the return or notice on forms prescribed by the tax 28255

administrator or on generic forms, together with remittance made 28256  
payable to the municipal corporation or tax administrator. No 28257  
remittance is required if the amount shown to be due is ten 28258  
dollars or less. A municipal corporation shall not require a 28259  
qualifying employee whose income consists exclusively of exempt 28260  
income described in division (C) (20) (b) or (c) of section 718.01 28261  
of the Revised Code to file a return under this section. 28262

(b) Except as otherwise provided in this chapter, each 28263  
annual net profit return required to be filed under this section 28264  
by a taxpayer that is not an individual shall be completed and 28265  
filed as required by the tax administrator on or before the 28266  
fifteenth day of the fourth month following the end of the 28267  
taxpayer's taxable year unless the taxpayer's unextended federal 28268  
income tax return is due after that date, in which case the 28269  
annual net profit return shall be completed and filed on or 28270  
before the taxpayer's federal income tax return due date. The 28271  
taxpayer shall complete and file the return or notice on forms 28272  
prescribed by the tax administrator or on generic forms, 28273  
together with remittance made payable to the municipal 28274  
corporation or tax administrator. No remittance is required if 28275  
the amount shown to be due is ten dollars or less. 28276

(2) (a) Any taxpayer that has duly requested an automatic 28277  
six-month extension for filing the taxpayer's federal income tax 28278  
return shall automatically receive an extension for the filing 28279  
of a municipal income tax return. The extended due date of the 28280  
municipal income tax return for a taxpayer that is an individual 28281  
shall be the fifteenth day of the tenth month after the last day 28282  
of the taxable year to which the return relates. The extended 28283  
due date of the municipal income tax return for a taxpayer that 28284  
is not an individual shall be the fifteenth day of the eleventh 28285  
month after the last day of the taxable year to which the return 28286

relates. 28287

(b) A taxpayer that has not requested or received a six- 28288  
month extension for filing the taxpayer's federal income tax 28289  
return may request that the tax administrator grant the taxpayer 28290  
a six-month extension of the date for filing the taxpayer's 28291  
municipal income tax return. If the request is received by the 28292  
tax administrator on or before the date the municipal income tax 28293  
return is due, the tax administrator shall grant the taxpayer's 28294  
requested extension. 28295

(c) An extension of time to file under division (G) (2) of 28296  
this section is not an extension of the time to pay any tax due 28297  
unless the tax administrator grants an extension of that date. 28298

(3) If the tax commissioner extends for all taxpayers the 28299  
date for filing state income tax returns under division (G) of 28300  
section 5747.08 of the Revised Code, a taxpayer shall 28301  
automatically receive an extension for the filing of a municipal 28302  
income tax return. The extended due date of the municipal income 28303  
tax return shall be the same as the extended due date of the 28304  
state income tax return. 28305

(4) If the tax administrator considers it necessary in 28306  
order to ensure the payment of the tax imposed by the municipal 28307  
corporation in accordance with this chapter, the tax 28308  
administrator may require taxpayers to file returns and make 28309  
payments otherwise than as provided in this section, including 28310  
taxpayers not otherwise required to file annual returns. 28311

(5) If a taxpayer receives an extension for the filing of 28312  
a municipal income tax return under division (G) (2), (3), or (4) 28313  
of this section, the tax administrator shall not make any 28314  
inquiry or send any notice to the taxpayer with regard to the 28315

return on or before the date the taxpayer files the return or on 28316  
or before the extended due date to file the return, whichever 28317  
occurs first. 28318

If a tax administrator violates division (G) (5) of this 28319  
section, the municipal corporation shall reimburse the taxpayer 28320  
for any reasonable costs incurred to respond to such inquiry or 28321  
notice, up to one hundred fifty dollars. 28322

Division (G) (5) of this section does not apply to an 28323  
extension received under division (G) (2) of this section if the 28324  
tax administrator has actual knowledge that the taxpayer failed 28325  
to file for a federal extension as required to receive the 28326  
extension under division (G) (2) (a) of this section or failed to 28327  
file for an extension under division (G) (2) (b) of this section. 28328

(6) To the extent that any provision in this division 28329  
conflicts with any provision in section 718.052 of the Revised 28330  
Code, the provision in that section prevails. 28331

(H) (1) For taxable years beginning after 2015, a municipal 28332  
corporation shall not require a taxpayer to remit tax with 28333  
respect to net profits if the amount due is less than ten 28334  
dollars. 28335

(2) Except as provided in division (H) (3) of this section, 28336  
any taxpayer not required to remit tax to a municipal 28337  
corporation for a taxable year pursuant to division (H) (1) of 28338  
this section shall file with the municipal corporation an annual 28339  
net profit return under division (F) (3) of this section. 28340

(3) A municipal corporation shall not require a person to 28341  
file a net profit return under this section if the person's 28342  
income consists exclusively of exempt income described in 28343  
division (C) (20) (a) of section 718.01 of the Revised Code. 28344

(I) (1) If any report, claim, statement, or other document 28345  
required to be filed, or any payment required to be made, within 28346  
a prescribed period or on or before a prescribed date under this 28347  
chapter is delivered after that period or that date by United 28348  
States mail to the tax administrator or other municipal official 28349  
with which the report, claim, statement, or other document is 28350  
required to be filed, or to which the payment is required to be 28351  
made, the date of the postmark stamped on the cover in which the 28352  
report, claim, statement, or other document, or payment is 28353  
mailed shall be deemed to be the date of delivery or the date of 28354  
payment. "The date of postmark" means, in the event there is 28355  
more than one date on the cover, the earliest date imprinted on 28356  
the cover by the postal service. 28357

(2) If a payment under this chapter is made by electronic 28358  
funds transfer, the payment shall be considered to be made on 28359  
the date of the timestamp assigned by the first electronic 28360  
system receiving that payment. 28361

(J) The amounts withheld by an employer, the agent of an 28362  
employer, or an other payer as described in section 718.03 of 28363  
the Revised Code shall be allowed to the recipient of the 28364  
compensation as credits against payment of the tax imposed on 28365  
the recipient by the municipal corporation, unless the amounts 28366  
withheld were not remitted to the municipal corporation and the 28367  
recipient colluded with the employer, agent, or other payer in 28368  
connection with the failure to remit the amounts withheld. 28369

(K) Each return required by a municipal corporation to be 28370  
filed in accordance with this section shall include a box that 28371  
the taxpayer may check to authorize another person, including a 28372  
tax return preparer who prepared the return, to communicate with 28373  
the tax administrator about matters pertaining to the return. 28374

The return or instructions accompanying the return shall 28375  
indicate that by checking the box the taxpayer authorizes the 28376  
tax administrator to contact the preparer or other person 28377  
concerning questions that arise during the examination or other 28378  
review of the return and authorizes the preparer or other person 28379  
only to provide the tax administrator with information that is 28380  
missing from the return, to contact the tax administrator for 28381  
information about the examination or other review of the return 28382  
or the status of the taxpayer's refund or payments, and to 28383  
respond to notices about mathematical errors, offsets, or return 28384  
preparation that the taxpayer has received from the tax 28385  
administrator and has shown to the preparer or other person. 28386

(L) The tax administrator of a municipal corporation shall 28387  
accept for filing a generic form of any income tax return, 28388  
report, or document required by the municipal corporation in 28389  
accordance with this chapter, provided that the generic form, 28390  
once completed and filed, contains all of the information 28391  
required by ordinance, resolution, or rules adopted by the 28392  
municipal corporation or tax administrator, and provided that 28393  
the taxpayer or tax return preparer filing the generic form 28394  
otherwise complies with the provisions of this chapter and of 28395  
the municipal corporation ordinance or resolution governing the 28396  
filing of returns, reports, or documents. 28397

(M) When income tax returns, reports, or other documents 28398  
require the signature of a tax return preparer, the tax 28399  
administrator shall accept a facsimile of such a signature in 28400  
lieu of a manual signature. 28401

(N) (1) As used in this division, "worksite location" has 28402  
the same meaning as in section 718.011 of the Revised Code. 28403

(2) A person may notify a tax administrator that the 28404

person does not expect to be a taxpayer with respect to the 28405  
municipal corporation for a taxable year if both of the 28406  
following conditions apply: 28407

(a) The person was required to file a tax return with the 28408  
municipal corporation for the immediately preceding taxable year 28409  
because the person performed services at a worksite location 28410  
within that municipal corporation. 28411

(b) The person no longer provides services in the 28412  
municipal corporation and does not expect to be subject to the 28413  
municipal corporation's income tax for the taxable year. 28414

The person shall provide the notice in a signed affidavit 28415  
that briefly explains the person's circumstances, including the 28416  
location of the previous worksite location and the last date on 28417  
which the person performed services or made any sales within the 28418  
municipal corporation. The affidavit also shall include the 28419  
following statement: "The affiant has no plans to perform any 28420  
services within the municipal corporation, make any sales in the 28421  
municipal corporation, or otherwise become subject to the tax 28422  
levied by the municipal corporation during the taxable year. If 28423  
the affiant does become subject to the tax levied by the 28424  
municipal corporation for the taxable year, the affiant agrees 28425  
to be considered a taxpayer and to properly register as a 28426  
taxpayer with the municipal corporation if such a registration 28427  
is required by the municipal corporation's resolutions, 28428  
ordinances, or rules." The person shall sign the affidavit under 28429  
penalty of perjury. 28430

(c) If a person submits an affidavit described in division 28431  
(N) (2) of this section, the tax administrator shall not require 28432  
the person to file any tax return for the taxable year unless 28433  
the tax administrator possesses information that conflicts with 28434

the affidavit or if the circumstances described in the affidavit 28435  
change. Nothing in division (N) of this section prohibits the 28436  
tax administrator from performing an audit of the person. 28437

**Sec. 718.12.** (A) (1) (a) Civil actions to recover municipal 28438  
income taxes and penalties and interest on municipal income 28439  
taxes shall be brought within the later of: 28440

(i) Three years after the tax return, including any valid 28441  
extension, was due or ~~the return was~~ filed, whichever is later; 28442  
or 28443

(ii) One year after the conclusion of the qualifying 28444  
deferral period, if any. 28445

(b) The time limit described in division (A) (1) (a) of this 28446  
section may be extended at any time if both the tax 28447  
administrator and the employer, agent of the employer, other 28448  
payer, or taxpayer consent in writing to the extension. Any 28449  
extension shall also extend for the same period of time the time 28450  
limit described in division (C) of this section. 28451

(2) As used in this section, "qualifying deferral period" 28452  
means a period of time beginning and ending as follows: 28453

(a) Beginning on the date a person who is aggrieved by an 28454  
assessment files with a local board of tax review the request 28455  
described in section 718.11 of the Revised Code. That date shall 28456  
not be affected by any subsequent decision, finding, or holding 28457  
by any administrative body or court that the local board of tax 28458  
review with which the aggrieved person filed the request did not 28459  
have jurisdiction to affirm, reverse, or modify the assessment 28460  
or any part of that assessment. 28461

(b) Ending the later of the sixtieth day after the date on 28462  
which the final determination of the local board of tax review 28463



becomes final or, if any party appeals from the determination of 28464  
the local board of tax review, the sixtieth day after the date 28465  
on which the final determination of the local board of tax 28466  
review is either ultimately affirmed in whole or in part or 28467  
ultimately reversed and no further appeal of either that 28468  
affirmation, in whole or in part, or that reversal is available 28469  
or taken. 28470

(B) Prosecutions for an offense made punishable under a 28471  
resolution or ordinance imposing an income tax shall be 28472  
commenced within three years after the commission of the 28473  
offense, provided that in the case of fraud, failure to file a 28474  
return, or the omission of twenty-five per cent or more of 28475  
income required to be reported, prosecutions may be commenced 28476  
within six years after the commission of the offense. 28477

(C) A claim for a refund of municipal income taxes shall 28478  
be brought within the time limitation provided in section 718.19 28479  
of the Revised Code. 28480

(D) Interest shall be allowed and paid on any overpayment 28481  
by a taxpayer of any municipal income tax obligation from the 28482  
date of the overpayment until the date of the refund of the 28483  
overpayment, except that if any overpayment is refunded within 28484  
ninety days after the final filing date of the annual return or 28485  
ninety days after the completed return is filed, whichever is 28486  
later, no interest shall be allowed on the refund. For the 28487  
purpose of computing the payment of interest on amounts 28488  
overpaid, no amount of tax for any taxable year shall be 28489  
considered to have been paid before the date on which the return 28490  
on which the tax is reported is due, without regard to any 28491  
extension of time for filing that return. Interest shall be paid 28492  
at the interest rate described in division (A) (5) of section 28493

718.27 of the Revised Code. 28494

(E) Within sixty days after the final determination of any 28495  
federal or state tax liability affecting the taxpayer's 28496  
municipal tax liability, that taxpayer shall make and file an 28497  
amended municipal return showing income subject to the municipal 28498  
income tax based upon such final determination of federal or 28499  
state tax liability, and pay any additional municipal income tax 28500  
shown due thereon or make a claim for refund of any overpayment, 28501  
unless the tax or overpayment is less than ten dollars. 28502

(F) (1) Notwithstanding the fact that an appeal is pending, 28503  
the petitioner may pay all or a portion of the assessment that 28504  
is the subject of the appeal. The acceptance of a payment by the 28505  
municipal corporation does not prejudice any claim for refund 28506  
upon final determination of the appeal. 28507

(2) If upon final determination of the appeal an error in 28508  
the assessment is corrected by the tax administrator, upon an 28509  
appeal so filed or pursuant to a final determination of the 28510  
local board of tax review created under section 718.11 of the 28511  
Revised Code, of the Ohio board of tax appeals, or any court to 28512  
which the decision of the Ohio board of tax appeals has been 28513  
appealed, so that the amount due from the party assessed under 28514  
the corrected assessment is less than the amount paid, there 28515  
shall be issued to the appellant or to the appellant's assigns 28516  
or legal representative a refund in the amount of the 28517  
overpayment as provided by section 718.19 of the Revised Code, 28518  
with interest on that amount as provided by division (D) of this 28519  
section. 28520

(G) No civil action to recover municipal income tax or 28521  
related penalties or interest shall be brought during either of 28522  
the following time periods: 28523

(1) The period during which a taxpayer has a right to 28524  
appeal the imposition of that tax or interest or those 28525  
penalties; 28526

(2) The period during which an appeal related to the 28527  
imposition of that tax or interest or those penalties is 28528  
pending. 28529

**Sec. 718.13.** (A) Any information gained as a result of 28530  
returns, investigations, hearings, or verifications required or 28531  
authorized by this chapter or by a charter or ordinance of a 28532  
municipal corporation levying an income tax pursuant to this 28533  
chapter is confidential, and no person shall access or disclose 28534  
such information except in accordance with a proper judicial 28535  
order or in connection with the performance of that person's 28536  
official duties or the official business of the municipal 28537  
corporation as authorized by this chapter or the charter or 28538  
ordinance authorizing the levy. The tax administrator of the 28539  
municipal corporation or a designee thereof may furnish copies 28540  
of returns filed or otherwise received under this chapter and 28541  
other related tax information to the internal revenue service, 28542  
the tax commissioner, and tax administrators of other municipal 28543  
corporations. 28544

(B) This section does not prohibit a municipal corporation 28545  
from publishing or disclosing statistics in a form that does not 28546  
disclose information with respect to particular taxpayers. 28547

(C) A municipal corporation may provide tax information 28548  
related to municipal income tax revenues derived from a 28549  
transformational major sports facility mixed-use project 28550  
district, as authorized under section 123.281 of the Revised 28551  
Code, to the department of taxation and the fiscal officer of a 28552  
governmental agency, as defined in division (F) of section 28553

123.28 of the Revised Code, that owns, or holds a sufficient 28554  
ownership in, a major sports facility located within the 28555  
territorial boundaries of a transformational major sports 28556  
facility mixed-use project district. 28557

**Sec. 718.19.** (A) Upon receipt of a request for a refund, 28558  
the tax administrator of a municipal corporation, in accordance 28559  
with this section, shall refund to employers, agents of 28560  
employers, other payers, or taxpayers, with respect to any 28561  
income or withholding tax levied by the municipal corporation: 28562

(1) Overpayments of more than ten dollars; 28563

(2) Amounts paid erroneously if the refund requested 28564  
exceeds ten dollars. 28565

(B) (1) Except as otherwise provided in this chapter, 28566  
requests for refund shall be filed with the tax administrator, 28567  
on the form prescribed by the tax administrator within three 28568  
years after the tax return, including any valid extension, was 28569  
due or paid, whichever is later. The tax administrator may 28570  
require the requestor to file with the request any documentation 28571  
that substantiates the requestor's claim for a refund. 28572

(2) On filing of the refund request, the tax administrator 28573  
shall determine the amount of refund due and certify such amount 28574  
to the appropriate municipal corporation official for payment. 28575  
Except as provided in division (B) (3) of this section, the 28576  
administrator shall issue an assessment to any taxpayer whose 28577  
request for refund is fully or partially denied. The assessment 28578  
shall state the amount of the refund that was denied, the 28579  
reasons for the denial, and instructions for appealing the 28580  
assessment. 28581

(3) If a tax administrator denies in whole or in part a 28582

refund request included within the taxpayer's originally filed 28583  
annual income tax return, the tax administrator shall notify the 28584  
taxpayer, in writing, of the amount of the refund that was 28585  
denied, the reasons for the denial, and instructions for 28586  
requesting an assessment that may be appealed under section 28587  
718.11 of the Revised Code. 28588

(C) A request for a refund that is received after the last 28589  
day for filing specified in division (B) of this section shall 28590  
be considered to have been filed in a timely manner if any of 28591  
the following situations exist: 28592

(1) The request is delivered by the postal service, and 28593  
the earliest postal service postmark on the cover in which the 28594  
request is enclosed is not later than the last day for filing 28595  
the request. 28596

(2) The request is delivered by the postal service, the 28597  
only postmark on the cover in which the request is enclosed was 28598  
affixed by a private postal meter, the date of that postmark is 28599  
not later than the last day for filing the request, and the 28600  
request is received within seven days of such last day. 28601

(3) The request is delivered by the postal service, no 28602  
postmark date was affixed to the cover in which the request is 28603  
enclosed or the date of the postmark so affixed is not legible, 28604  
and the request is received within seven days of the last day 28605  
for making the request. 28606

(D) As used in this section, "withholding tax" has the 28607  
same meaning as in section 718.27 of the Revised Code. 28608

**Sec. 718.85.** (A) (1) For each taxable year, every taxpayer 28609  
shall file an annual return. Such return, along with the amount 28610  
of tax shown to be due on the return less the amount paid for 28611

the taxable year under section 718.88 of the Revised Code, shall 28612  
be submitted to the tax commissioner, on a form and in the 28613  
manner prescribed by the commissioner, on or before the 28614  
fifteenth day of the fourth month following the end of the 28615  
taxpayer's taxable year unless a taxpayer's unextended federal 28616  
income tax return is due after that date, in which case the 28617  
annual return shall be submitted on or before the taxpayer's 28618  
federal income tax return due date. 28619

(2) The remittance shall be made payable to the treasurer 28620  
of state and in the form prescribed by the tax commissioner. If 28621  
the amount payable with the tax return is ten dollars or less, 28622  
no remittance is required. 28623

(B) The tax commissioner shall immediately forward to the 28624  
treasurer of state all amounts the commissioner receives 28625  
pursuant to sections 718.80 to 718.95 of the Revised Code. The 28626  
treasurer shall credit such amounts to the municipal net profit 28627  
tax fund which is hereby created in the state treasury. 28628

(C) (1) Each return required to be filed under this section 28629  
shall contain the signature of the taxpayer or the taxpayer's 28630  
duly authorized agent and of the person who prepared the return 28631  
for the taxpayer, and shall include the taxpayer's 28632  
identification number. Each return shall be verified by a 28633  
declaration under penalty of perjury. 28634

(2) (a) The tax commissioner may require a taxpayer to 28635  
include, with each annual tax return, amended return, or request 28636  
for refund filed with the commissioner under sections 718.80 to 28637  
718.95 of the Revised Code, copies of any relevant documents or 28638  
other information. 28639

(b) A taxpayer that files an annual tax return 28640

electronically through the Ohio business gateway or in another 28641  
manner as prescribed by the tax commissioner shall either submit 28642  
the documents required under this division electronically as 28643  
prescribed at the time of filing or, if electronic submission is 28644  
not available, mail the documents to the tax commissioner. The 28645  
department of taxation shall publish a method of electronically 28646  
submitting the documents required under this division on or 28647  
before January 1, 2019. 28648

(3) After a taxpayer files a tax return, the tax 28649  
commissioner may request, and the taxpayer shall provide, any 28650  
information, statements, or documents required to determine and 28651  
verify the taxpayer's municipal income tax. 28652

(D) (1) (a) Any taxpayer that has duly requested an 28653  
automatic extension for filing the taxpayer's federal income tax 28654  
return shall automatically receive an extension for the filing 28655  
of a tax return with the commissioner under this section. The 28656  
extended due date of the return shall be the fifteenth day of 28657  
the eleventh month after the last day of the taxable year to 28658  
which the return relates. 28659

(b) A taxpayer that has not requested or received a six- 28660  
month extension for filing the taxpayer's federal income tax 28661  
return may request that the commissioner grant the taxpayer a 28662  
~~six-month~~ seven-month extension of the date for filing the 28663  
taxpayer's tax return. If the commissioner receives the request 28664  
on or before the date the tax return is due, the commissioner 28665  
shall grant the taxpayer's extension request. 28666

(c) An extension of time to file under division (D) (1) of 28667  
this section is not an extension of the time to pay any tax due 28668  
unless the tax commissioner grants an extension of that date. 28669

(2) If the commissioner considers it necessary in order to 28670  
ensure payment of a tax imposed in accordance with section 28671  
718.04 of the Revised Code, the commissioner may require 28672  
taxpayers to file returns and make payments otherwise than as 28673  
provided in this section, including taxpayers not otherwise 28674  
required to file annual returns. 28675

(3) If a taxpayer receives an extension for the filing of 28676  
a tax return under division (D)(1) or (2) of this section, the 28677  
commissioner shall not make any inquiry or send any notice to 28678  
the taxpayer with regard to the return on or before the date the 28679  
taxpayer files the return or on or before the extended due date 28680  
to file the return, whichever occurs first. 28681

Division (D)(3) of this section does not apply to an 28682  
extension received under division (D)(1) of this section if the 28683  
commissioner has actual knowledge that the taxpayer failed to 28684  
file for a federal extension as required to receive the 28685  
extension under division (D)(1)(a) of this section or failed to 28686  
file for an extension under division (D)(1)(b) of this section. 28687

(E) Each return required to be filed in accordance with 28688  
this section shall include a box that the taxpayer may check to 28689  
authorize another person, including a tax return preparer who 28690  
prepared the return, to communicate with the tax commissioner 28691  
about matters pertaining to the return. The return or 28692  
instructions accompanying the return shall indicate that by 28693  
checking the box the taxpayer authorizes the commissioner to 28694  
contact the preparer or other person concerning questions that 28695  
arise during the examination or other review of the return and 28696  
authorizes the preparer or other person only to provide the 28697  
commissioner with information that is missing from the return, 28698  
to contact the commissioner for information about the 28699



examination or other review of the return or the status of the 28700  
taxpayer's refund or payments, and to respond to notices about 28701  
mathematical errors, offsets, or return preparation that the 28702  
taxpayer has received from the commissioner and has shown to the 28703  
preparer or other person. 28704

(F) When income tax returns or other documents require the 28705  
signature of a tax return preparer, the tax commissioner shall 28706  
accept a facsimile or electronic version of such a signature in 28707  
lieu of a manual signature. 28708

**Sec. 718.88.** (A) As used in this section: 28709

(1) "Combined tax liability" means the total amount of a 28710  
taxpayer's income tax liabilities to all municipal corporations 28711  
in this state for a taxable year. 28712

(2) "Estimated taxes" means the amount that the taxpayer 28713  
reasonably estimates to be the taxpayer's combined tax liability 28714  
for the current taxable year. 28715

(B) (1) Except as provided in division (B) (4) of this 28716  
section, every taxpayer shall make a declaration of estimated 28717  
taxes for the current taxable year, on the form prescribed by 28718  
the tax commissioner, if the amount payable as estimated taxes 28719  
is at least two hundred dollars. 28720

(2) Except as provided in division (B) (4) of this section, 28721  
a taxpayer having a taxable year of less than twelve months 28722  
shall make a declaration under rules prescribed by the 28723  
commissioner. 28724

(3) The declaration of estimated taxes shall be filed on 28725  
or before the fifteenth day of the fourth month after the 28726  
beginning of the taxable year or on or before the fifteenth day 28727  
of the fourth month after the taxpayer becomes subject to tax 28728

for the first time. 28729

(4) The tax commissioner may waive the requirement for 28730  
filing a declaration of estimated taxes for any class of 28731  
taxpayers after finding that the waiver is reasonable and proper 28732  
in view of administrative costs and other factors. 28733

(C) Each taxpayer shall file the declaration of estimated 28734  
taxes with, and remit estimated taxes to, the tax commissioner 28735  
at the times and in the amounts prescribed in division (C) (1) of 28736  
this section. Remitted taxes shall be made payable to the 28737  
treasurer of state. 28738

(1) The required portion of the combined tax liability for 28739  
the taxable year that shall be paid through estimated taxes 28740  
shall be as follows: 28741

(a) On or before the fifteenth day of the fourth month 28742  
after the beginning of the taxable year, twenty-two and one-half 28743  
per cent of the combined tax liability for the taxable year; 28744

(b) On or before the fifteenth day of the sixth month 28745  
after the beginning of the taxable year, forty-five per cent of 28746  
the combined tax liability for the taxable year; 28747

(c) On or before the fifteenth day of the ninth month 28748  
after the beginning of the taxable year, sixty-seven and one- 28749  
half per cent of the combined tax liability for the taxable 28750  
year; 28751

(d) On or before the fifteenth day of the twelfth month of 28752  
the taxable year, ninety per cent of the combined tax liability 28753  
for the taxable year. 28754

(2) If the taxpayer determines that its declaration of 28755  
estimated taxes will not accurately reflect the taxpayer's tax 28756

liability for the taxable year, the taxpayer shall increase or 28757  
decrease, as appropriate, its subsequent payments in equal 28758  
installments to result in a more accurate payment of estimated 28759  
taxes. 28760

(3) (a) Each taxpayer shall report on the declaration of 28761  
estimated taxes the portion of the remittance that the taxpayer 28762  
estimates that it owes to each municipal corporation for the 28763  
taxable year. 28764

(b) Upon receiving a payment of estimated taxes under this 28765  
section, the commissioner shall immediately forward the payment 28766  
to the treasurer of state. The treasurer shall credit the 28767  
payment in the same manner as in division (B) of section 718.85 28768  
of the Revised Code. 28769

(D) (1) In the case of any underpayment of estimated taxes, 28770  
~~there shall be added~~ the tax commissioner may add to the taxes 28771  
an amount determined at the rate per annum prescribed by section 28772  
5703.47 of the Revised Code upon the amount of underpayment for 28773  
the period of underpayment, unless the underpayment is due to 28774  
reasonable cause as described in division (E) of this section. 28775  
The amount of the underpayment shall be determined as follows: 28776

(a) For the first payment of estimated taxes each year, 28777  
twenty-two and one-half per cent of the combined tax liability, 28778  
less the amount of taxes paid by the date prescribed for that 28779  
payment; 28780

(b) For the second payment of estimated taxes each year, 28781  
forty-five per cent of the combined tax liability, less the 28782  
amount of taxes paid by the date prescribed for that payment; 28783

(c) For the third payment of estimated taxes each year, 28784  
sixty-seven and one-half per cent of the combined tax liability, 28785

less the amount of taxes paid by the date prescribed for that 28786  
payment; 28787

(d) For the fourth payment of estimated taxes each year, 28788  
ninety per cent of the combined tax liability, less the amount 28789  
of taxes paid by the date prescribed for that payment. 28790

(2) The period of the underpayment shall run from the day 28791  
the estimated payment was required to be made to the date on 28792  
which the payment is made. For purposes of this section, a 28793  
payment of estimated taxes on or before any payment date shall 28794  
be considered a payment of any previous underpayment only to the 28795  
extent the payment of estimated taxes exceeds the amount of the 28796  
payment presently due. 28797

(3) All amounts collected under this section shall be 28798  
considered as taxes collected under sections 718.80 to 718.95 of 28799  
the Revised Code and shall be credited and distributed to 28800  
municipal corporations in accordance with section 718.83 of the 28801  
Revised Code. 28802

(E) An underpayment of any portion of a combined tax 28803  
liability shall be due to reasonable cause and the penalty 28804  
imposed by this section shall not be added to the taxes for the 28805  
taxable year if any of the following apply: 28806

(1) The amount of estimated taxes that were paid equals at 28807  
least ninety per cent of the combined tax liability for the 28808  
current taxable year, determined by annualizing the income 28809  
received during the year up to the end of the month immediately 28810  
preceding the month in which the payment is due. 28811

(2) The amount of estimated taxes that were paid equals at 28812  
least one hundred per cent of the tax liability shown on the 28813  
return of the taxpayer for the preceding taxable year, provided 28814

that the immediately preceding taxable year reflected a period 28815  
of twelve months and the taxpayer filed a municipal income tax 28816  
return for that year. 28817

**Sec. 718.90.** (A) If any taxpayer required to file a return 28818  
under section 718.80 to 718.95 of the Revised Code fails to file 28819  
the return within the time prescribed, files an incorrect 28820  
return, or fails to remit the full amount of the tax due for the 28821  
period covered by the return, the tax commissioner may make an 28822  
assessment against the taxpayer for any deficiency for the 28823  
period for which the return or tax is due, based upon any 28824  
information in the commissioner's possession. 28825

The tax commissioner shall not make or issue an assessment 28826  
against a taxpayer more than three years after the later of the 28827  
date the return subject to assessment was required to be filed 28828  
or the date the return was filed. Such time limit may be 28829  
extended if both the taxpayer and the commissioner consent in 28830  
writing to the extension. Any such extension shall extend the 28831  
three-year time limit in section 718.91 of the Revised Code for 28832  
the same period of time. There shall be no bar or limit to an 28833  
assessment against a taxpayer that fails to file a return 28834  
subject to assessment as required by sections 718.80 to 718.95 28835  
of the Revised Code, or that files a fraudulent return. The 28836  
commissioner shall give the taxpayer assessed written notice of 28837  
the assessment as provided in section 5703.37 of the Revised 28838  
Code. With the notice, the commissioner shall provide 28839  
instructions on how to petition for reassessment and request a 28840  
hearing on the petition. 28841

(B) Unless the taxpayer assessed files with the tax 28842  
commissioner within sixty days after service of the notice of 28843  
assessment, ~~either personally or by certified mail,~~ a written 28844

petition for reassessment signed by the authorized agent of the 28845  
taxpayer assessed having knowledge of the facts, the assessment 28846  
becomes final, and the amount of the assessment is due and 28847  
payable from the taxpayer to the treasurer of state. The 28848  
petition shall indicate the taxpayer's objections, but 28849  
additional objections may be raised in writing if received by 28850  
the commissioner prior to the date shown on the final 28851  
determination. If the petition has been properly filed, the 28852  
commissioner shall proceed under section 5703.60 of the Revised 28853  
Code. 28854

(C) After an assessment becomes final, if any portion of 28855  
the assessment remains unpaid, including accrued interest, a 28856  
certified copy of the tax commissioner's entry making the 28857  
assessment final may be filed in the office of the clerk of the 28858  
court of common pleas in the county in which the taxpayer has an 28859  
office or place of business in this state, the county in which 28860  
the taxpayer's statutory agent is located, or Franklin county. 28861

Immediately upon the filing of the entry, the clerk shall 28862  
enter a judgment against the taxpayer assessed in the amount 28863  
shown on the entry. The judgment may be filed by the clerk in a 28864  
loose-leaf book entitled "special judgments for municipal income 28865  
taxes," and shall have the same effect as other judgments. 28866  
Execution shall issue upon the judgment upon the request of the 28867  
tax commissioner, and all laws applicable to sales on execution 28868  
shall apply to sales made under the judgment. 28869

If the assessment is not paid in its entirety within sixty 28870  
days after the day the assessment was issued, the portion of the 28871  
assessment consisting of tax due shall bear interest at the rate 28872  
per annum prescribed by section 5703.47 of the Revised Code from 28873  
the day the commissioner issues the assessment until the 28874

assessment is paid or until it is certified to the attorney 28875  
general for collection under section 131.02 of the Revised Code, 28876  
whichever comes first. If the unpaid portion of the assessment 28877  
is certified to the attorney general for collection, the entire 28878  
unpaid portion of the assessment shall bear interest at the rate 28879  
per annum prescribed by section 5703.47 of the Revised Code from 28880  
the date of certification until the date it is paid in its 28881  
entirety. Interest shall be paid in the same manner as the tax 28882  
and may be collected by issuing an assessment under this 28883  
section. 28884

(D) (1) Except as provided in division (D) (2) of this 28885  
section, all money collected under this section shall be 28886  
credited to the municipal net profit tax fund and distributed to 28887  
the municipal corporation to which the money is owed based on 28888  
the assessment issued under this section. 28889

(2) The attorney general may assess collection costs as 28890  
authorized under section 109.08, 109.081, or 131.02 of the 28891  
Revised Code on amounts collected under this section, which 28892  
shall be credited to the attorney general claims fund created 28893  
under section 109.081 of the Revised Code. 28894

(E) If the tax commissioner believes that collection of 28895  
the tax will be jeopardized unless proceedings to collect or 28896  
secure collection of the tax are instituted without delay, the 28897  
commissioner may issue a jeopardy assessment against the 28898  
taxpayer liable for the tax. Immediately upon the issuance of 28899  
the jeopardy assessment, the commissioner shall file an entry 28900  
with the clerk of the court of common pleas in the manner 28901  
prescribed by division (C) of this section. Notice of the 28902  
jeopardy assessment shall be served on the taxpayer assessed or 28903  
the taxpayer's legal representative in the manner provided in 28904

section 5703.37 of the Revised Code within five days of the 28905  
filing of the entry with the clerk. The total amount assessed is 28906  
immediately due and payable, unless the taxpayer assessed files 28907  
a petition for reassessment in accordance with division (B) of 28908  
this section and provides security in a form satisfactory to the 28909  
commissioner and in an amount sufficient to satisfy the unpaid 28910  
balance of the assessment. Full or partial payment of the 28911  
assessment does not prejudice the commissioner's consideration 28912  
of the petition for reassessment. 28913

(F) Notwithstanding the fact that a petition for 28914  
reassessment is pending, the taxpayer may pay all or a portion 28915  
of the assessment that is the subject of the petition. The 28916  
acceptance of a payment by the treasurer of state does not 28917  
prejudice any claim for refund upon final determination of the 28918  
petition. 28919

If upon final determination of the petition an error in 28920  
the assessment is corrected by the tax commissioner, upon 28921  
petition so filed or pursuant to a decision of the board of tax 28922  
appeals or any court to which the determination or decision has 28923  
been appealed, so that the amount due from the taxpayer under 28924  
the corrected assessment is less than the portion paid, there 28925  
shall be issued to the taxpayer, its assigns, or legal 28926  
representative a refund in the amount of the overpayment as 28927  
provided by section 718.91 of the Revised Code, with interest on 28928  
that amount as provided by that section. 28929

**Sec. 718.91.** (A) An application to refund to a taxpayer 28930  
amounts that were overpaid, paid illegally or erroneously, or 28931  
paid on an illegal or erroneous assessment pursuant to sections 28932  
718.80 to 718.95 of the Revised Code shall be filed with the tax 28933  
commissioner within three years after the date of the illegal, 28934



erroneous, or excessive payment, the date the return was due 28935  
including any valid extension, or within any additional period 28936  
allowed by division (A) of section 718.90 of the Revised Code, 28937  
whichever is later. The application shall be filed in the form 28938  
prescribed by the tax commissioner. 28939

(B) (1) On the filing of a refund application, the tax 28940  
commissioner shall determine the amount of refund to which the 28941  
applicant is entitled. The amount determined shall be based on 28942  
the amount overpaid per return or assessment. If the amount is 28943  
greater than ten dollars and not less than that claimed, the 28944  
commissioner shall certify that amount to the director of budget 28945  
and management and the treasurer of state for payment from the 28946  
tax refund fund created in section 5703.052 of the Revised Code. 28947  
If the amount is greater than ten dollars but less than that 28948  
claimed, the commissioner shall proceed in accordance with 28949  
section 5703.70 of the Revised Code. 28950

(2) Upon issuance of a refund under this section, the 28951  
commissioner shall notify each municipal corporation of the 28952  
amount refunded to the taxpayer attributable to that municipal 28953  
corporation, which shall be deducted from the municipal 28954  
corporation's next distribution under section 718.83 of the 28955  
Revised Code. 28956

(C) Any portion of a refund determined under division (B) 28957  
of this section that is not issued within ninety days after such 28958  
determination shall bear interest at the rate per annum 28959  
prescribed by section 5703.47 of the Revised Code from the 28960  
ninety-first day after such determination until the day the 28961  
refund is paid or credited. On an illegal or erroneous 28962  
assessment, interest shall be paid at that rate from the date of 28963  
payment on the illegal or erroneous assessment until the day the 28964

refund is paid or credited. 28965

**Sec. 731.14.** All contracts made by the legislative 28966  
authority of a village shall be executed in the name of the 28967  
village and signed on its behalf by the mayor and clerk. Except 28968  
where the contract is for equipment, services, materials, or 28969  
supplies to be purchased under division (D) of section 713.23 or 28970  
section 125.04 or 5513.01 of the Revised Code, ~~available from a~~ 28971  
~~qualified nonprofit agency pursuant to sections 4115.31 to~~ 28972  
~~4115.35 of the Revised Code,~~ or required to be purchased from a 28973  
qualified nonprofit agency under sections 125.60 to 125.6012 of 28974  
the Revised Code, when any expenditure, other than the 28975  
compensation of persons employed in the village, exceeds the 28976  
amount specified in section 9.17 of the Revised Code, such 28977  
contracts shall be in writing and made with the lowest and best 28978  
bidder after advertising once a week for not less than two 28979  
consecutive weeks in a newspaper of general circulation within 28980  
the village. The legislative authority may also cause notice to 28981  
be inserted in trade papers or other publications designated by 28982  
it or to be distributed by electronic means, including posting 28983  
the notice on the legislative authority's internet web site. If 28984  
the legislative authority posts the notice on its web site, it 28985  
may eliminate the second notice otherwise required to be 28986  
published in a newspaper of general circulation within the 28987  
village, provided that the first notice published in such 28988  
newspaper meets all of the following requirements: 28989

(A) It is published at least two weeks before the opening 28990  
of bids. 28991

(B) It includes a statement that the notice is posted on 28992  
the legislative authority's internet web site. 28993

(C) It includes the internet address of the legislative 28994

authority's internet web site. 28995

(D) It includes instructions describing how the notice may 28996  
be accessed on the legislative authority's internet web site. 28997

The bids shall be opened and shall be publicly read by the 28998  
clerk of the village or a person designated by the clerk at the 28999  
time, date, and place specified in the advertisement to bidders 29000  
or specifications. The time, date, and place of bid openings may 29001  
be extended to a later date by the legislative authority of the 29002  
village, provided that written or oral notice of the change 29003  
shall be given to all persons who have received or requested 29004  
specifications no later than ninety-six hours prior to the 29005  
original time and date fixed for the opening. This section does 29006  
not apply to those villages that have provided for the 29007  
appointment of a village administrator under section 735.271 of 29008  
the Revised Code. 29009

As used in this section, "personal protective equipment" 29010  
means equipment worn to minimize exposure to hazards that cause 29011  
workplace injuries and illnesses. 29012

**Sec. 731.141.** In those villages that have established the 29013  
position of village administrator, as provided by section 29014  
735.271 of the Revised Code, the village administrator shall 29015  
make contracts, purchase supplies and materials, and provide 29016  
labor for any work under the administrator's supervision 29017  
involving not more than the amount specified in section 9.17 of 29018  
the Revised Code. When an expenditure, other than the 29019  
compensation of persons employed by the village, exceeds the 29020  
amount specified in section 9.17 of the Revised Code, the 29021  
expenditure shall first be authorized and directed by ordinance 29022  
of the legislative authority of the village. When so authorized 29023  
and directed, except where the contract is for equipment, 29024

services, materials, or supplies to be purchased under division 29025  
(D) of section 713.23 or section 125.04 or 5513.01 of the 29026  
Revised Code, ~~available from a qualified nonprofit agency~~ 29027  
~~pursuant to sections 4115.31 to 4115.35 of the Revised Code, or~~ 29028  
required to be purchased from a qualified nonprofit agency under 29029  
sections 125.60 to 125.6012 of the Revised Code, the village 29030  
administrator shall make a written contract with the lowest and 29031  
best bidder after advertisement for not less than two nor more 29032  
than four consecutive weeks in a newspaper of general 29033  
circulation within the village or as provided in section 7.16 of 29034  
the Revised Code. The bids shall be opened and shall be publicly 29035  
read by the village administrator or a person designated by the 29036  
village administrator at the time, date, and place as specified 29037  
in the advertisement to bidders or specifications. The time, 29038  
date, and place of bid openings may be extended to a later date 29039  
by the village administrator, provided that written or oral 29040  
notice of the change shall be given to all persons who have 29041  
received or requested specifications no later than ninety-six 29042  
hours prior to the original time and date fixed for the opening. 29043  
All contracts shall be executed in the name of the village and 29044  
signed on its behalf by the village administrator and the clerk. 29045  
No expenditure subject to this section shall be divided into 29046  
component parts, separate projects, or separate items of work in 29047  
order to avoid the requirements of this section. 29048

The legislative authority of a village may provide, by 29049  
ordinance, for central purchasing for all offices, departments, 29050  
divisions, boards, and commissions of the village, under the 29051  
direction of the village administrator, who shall make 29052  
contracts, purchase supplies or materials, and provide labor for 29053  
any work of the village in the manner provided by this section. 29054

**Sec. 731.29.** Any ordinance or other measure passed by the 29055

legislative authority of a municipal corporation shall be 29056  
subject to the referendum except as provided by section 731.30 29057  
of the Revised Code. No ordinance or other measure shall go into 29058  
effect until thirty days after it is filed with the mayor of a 29059  
city or passed by the legislative authority in a village, except 29060  
as provided by such section. 29061

~~When~~ Except as provided in section 731.291 of the Revised 29062  
Code, when a petition, signed by ten per cent of the number of 29063  
electors who voted for governor at the most recent general 29064  
election for the office of governor in the municipal 29065  
corporation, is filed with the city auditor or village clerk 29066  
within thirty days after any ordinance or other measure is filed 29067  
with the mayor or passed by the legislative authority of a 29068  
village, or in case the mayor has vetoed the ordinance or any 29069  
measure and returned it to council, such petition may be filed 29070  
within thirty days after the council has passed the ordinance or 29071  
measure over the veto, ordering that such ordinance or measure 29072  
be submitted to the electors of such municipal corporation for 29073  
their approval or rejection, such auditor or clerk shall, after 29074  
ten days, and not later than four p.m. of the ninetieth day 29075  
before the day of election, transmit a certified copy of the 29076  
text of the ordinance or measure to the board of elections. The 29077  
auditor or clerk shall transmit the petition to the board 29078  
together with the certified copy of the ordinance or measure. 29079  
The board shall examine all signatures on the petition to 29080  
determine the number of electors of the municipal corporation 29081  
who signed the petition. The board shall return the petition to 29082  
the auditor or clerk within ten days after receiving it, 29083  
together with a statement attesting to the number of such 29084  
electors who signed the petition. The board shall submit the 29085  
ordinance or measure to the electors of the municipal 29086

corporation, for their approval or rejection, at the next 29087  
general election occurring subsequent to ninety days after the 29088  
auditor or clerk certifies the sufficiency and validity of the 29089  
petition to the board of elections. 29090

No such ordinance or measure shall go into effect until 29091  
approved by the majority of those voting upon it. Sections 29092  
731.28 to 731.41 of the Revised Code do not prevent a municipal 29093  
corporation, after the passage of any ordinance or other 29094  
measure, from proceeding at once to give any notice or make any 29095  
publication required by such ordinance or other measure. 29096

As used in this section, "certified copy" means a copy 29097  
containing a written statement attesting that it is a true and 29098  
exact reproduction of the original ordinance or other measure. 29099

Sec. 731.291. If a proposed ordinance establishes or 29100  
modifies planned-unit development regulations, the following 29101  
apply in lieu of the contrary provisions of section 731.29 of 29102  
the Revised Code: 29103

(A) The petition shall be signed by a number of registered 29104  
electors residing in the territory where the planned-unit 29105  
development regulations apply or will apply equal to not less 29106  
than thirty-five per cent of the total vote cast for all 29107  
candidates for governor in that territory at the most recent 29108  
general election at which a governor was elected. 29109

(B) The board of elections shall determine the sufficiency 29110  
and validity of the petition not later than thirty days after 29111  
the petition is certified to the board of elections by the 29112  
auditor or clerk. 29113

(C) If the board of elections determines there is an 29114  
insufficient number of valid signatures, the board immediately 29115

shall notify the person who presented the petition. The person 29116  
may submit additional signatures not later than ten days after 29117  
the notification. 29118

**Sec. 733.81.** (A) As used in this section, "fiscal officer" 29119  
means the city auditor, city treasurer, village fiscal officer, 29120  
village clerk-treasurer, village clerk, and, in the case of a 29121  
municipal corporation having a charter that designates an 29122  
officer who, by virtue of the charter, has duties and functions 29123  
similar to those of the city or village officers referred to in 29124  
this section, the officer so designated by the charter. 29125

(B) To enhance the background and working knowledge of 29126  
fiscal officers in government accounting, budgeting and 29127  
financing, financial report preparation, cybersecurity, ~~and the~~ 29128  
rules adopted by the auditor of state, bulletins or other 29129  
information published by the auditor of state, and any other 29130  
subject deemed appropriate by the auditor of state, the auditor 29131  
of state shall conduct education programs and continuing 29132  
education courses for individuals elected or appointed for the 29133  
first time to the office of fiscal officer, and shall conduct 29134  
continuing education courses for individuals who continue to 29135  
hold the office in a subsequent term. The Ohio municipal league 29136  
also may conduct such initial education programs and continuing 29137  
education courses if approved by the auditor of state. The 29138  
auditor of state, in conjunction with the Ohio municipal league, 29139  
shall determine the manner and content of the initial education 29140  
programs and continuing education courses. 29141

(C) A newly elected or appointed fiscal officer shall 29142  
complete at least six hours of initial education programs before 29143  
commencing, or during the first year of, office. A fiscal 29144  
officer who participates in a training program held under 29145

section 117.44 of the Revised Code may apply those hours taken 29146  
before commencing office to the six hours of initial education 29147  
programs required under this division. 29148

(D) (1) In addition to the six hours of initial education 29149  
required under division (B) of this section, a newly elected or 29150  
appointed fiscal officer shall complete at least a total of 29151  
eighteen continuing education hours during the fiscal officer's 29152  
first term of office. 29153

(2) An elected or appointed fiscal officer who retains 29154  
office for a subsequent term shall complete twelve hours of 29155  
continuing education courses in each subsequent term of office. 29156

(3) The auditor of state shall adopt rules consistent with 29157  
division (B) of this section specifying the initial education 29158  
~~programs and continuing education courses that are required~~ 29159  
requirements for a fiscal officer who has been appointed. The 29160  
requirements shall be proportionally equivalent, based on the 29161  
time remaining in the vacated office, to the requirements for a 29162  
newly elected or appointed fiscal officer. 29163

(4) At least two hours of ethics instruction shall be 29164  
included in the continuing education hours required by divisions 29165  
(D) (1) and (2) of this section. 29166

(5) A fiscal officer who participates in a training 29167  
program or seminar established under section 109.43 of the 29168  
Revised Code may apply the three hours of training to the 29169  
continuing education hours required by divisions (D) (1) and (2) 29170  
of this section. 29171

(E) (1) A certified public accountant who serves as a 29172  
fiscal officer may apply to the continuing education hours 29173  
required by division (D) of this section any hours of continuing 29174



education completed under section 4701.11 of the Revised Code 29175  
after being elected or appointed as a fiscal officer. 29176

(2) A fiscal officer may apply to the continuing education 29177  
hours required by division (D) of this section any hours of 29178  
continuing education completed under section 135.22 of the 29179  
Revised Code after being elected or appointed as a fiscal 29180  
officer. 29181

(3) A fiscal officer who teaches an approved continuing 29182  
education course under division (D) of this section is entitled 29183  
to credit for the course in the same manner as if the fiscal 29184  
officer had attended the course. 29185

(F) The auditor of state shall adopt rules for verifying 29186  
the completion of initial education programs and continuing 29187  
education courses required under this section for each category 29188  
of fiscal officer. The auditor of state shall issue a 29189  
certificate of completion to each fiscal officer who completes 29190  
the initial education programs and continuing education courses. 29191  
The auditor of state shall issue a "failure to complete" notice 29192  
to any fiscal officer who is required to complete initial 29193  
education programs and continuing education courses under this 29194  
section, but who fails to do so. The notice is for informational 29195  
purposes only and does not affect any individual's ability to 29196  
hold the office to which the individual was elected or 29197  
appointed. 29198

The fiscal officer shall retain the documentation of any 29199  
initial or continuing education courses. The auditor of state 29200  
shall audit for compliance with this section. 29201

(G) The legislative authority of a municipal corporation 29202  
shall approve a reasonable amount requested by the fiscal 29203

officer to cover the costs the fiscal officer is required to 29204  
incur to meet the requirements of this section, including 29205  
registration fees, lodging and meal expenses, and travel 29206  
expenses. 29207

**Sec. 735.05.** The director of public service may make any 29208  
contract, purchase supplies or material, or provide labor for 29209  
any work under the supervision of the department of public 29210  
service involving not more than the amount specified in section 29211  
9.17 of the Revised Code. When an expenditure within the 29212  
department, other than the compensation of persons employed in 29213  
the department, exceeds the amount specified in section 9.17 of 29214  
the Revised Code, the expenditure shall first be authorized and 29215  
directed by ordinance of the city legislative authority. When so 29216  
authorized and directed, except where the contract is for 29217  
equipment, services, materials, or supplies to be purchased 29218  
under division (D) of section 713.23 or section 125.04 or 29219  
5513.01 of the Revised Code or available from a qualified 29220  
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 29221  
125.601 of the Revised Code, the director shall make a written 29222  
contract with the lowest and best bidder after advertisement for 29223  
not less than two nor more than four consecutive weeks in a 29224  
newspaper of general circulation within the city or as provided 29225  
in section 7.16 of the Revised Code. No expenditure subject to 29226  
this section shall be divided into component parts, separate 29227  
projects, or separate items of work in order to avoid the 29228  
requirements of this section. 29229

**Sec. 742.043.** (A) No person shall knowingly fail to file a 29230  
complete and accurate campaign finance statement or independent 29231  
expenditure statement in accordance with section 742.042 of the 29232  
Revised Code. 29233

(B) No person, during the course of a person seeking 29234  
nomination for, and during any campaign for, election to the 29235  
board of trustees of the police and fire pension fund, shall 29236  
knowingly and with intent to affect the nomination or the 29237  
outcome of the campaign do any of the following by means of 29238  
campaign materials, an advertisement on radio or television or 29239  
in a newspaper or periodical, a public speech, press release, or 29240  
otherwise: 29241

(1) With regard to a candidate, identify the candidate in 29242  
a manner that implies that the candidate is a member of the 29243  
board or use the term "re-elect" when the candidate is not 29244  
currently a member of the board; 29245

(2) Make a false statement concerning the formal schooling 29246  
or training completed or attempted by a candidate; a degree, 29247  
diploma, certificate, scholarship, grant, award, prize, or honor 29248  
received, earned, or held by a candidate; or the period of time 29249  
during which a candidate attended any school, college, community 29250  
technical school, or institution; 29251

(3) Make a false statement concerning the professional, 29252  
occupational, or vocational licenses held by a candidate, or 29253  
concerning any position the candidate held for which the 29254  
candidate received a salary or wages; 29255

(4) Make a false statement that a candidate or board 29256  
member has been indicted or convicted of a theft offense, 29257  
extortion, or other crime involving financial corruption or 29258  
moral turpitude; 29259

(5) Make a statement that a candidate has been indicted 29260  
for any crime or has been the subject of a finding by the Ohio 29261  
elections commission, the secretary of state, or the Ohio 29262

election integrity commission without disclosing the outcome of 29263  
any legal proceedings resulting from the indictment or finding; 29264

(6) Make a false statement that a candidate or board 29265  
member has a record of treatment or confinement for mental 29266  
disorder; 29267

(7) Make a false statement that a candidate or board 29268  
member has been subjected to military discipline for criminal 29269  
misconduct or dishonorably discharged from the armed services; 29270

(8) Falsely identify the source of a statement, issue 29271  
statements under the name of another person without 29272  
authorization, or falsely state the endorsement of or opposition 29273  
to a candidate by a person or publication; 29274

(9) Make a false statement concerning the voting record of 29275  
a candidate or board member; 29276

(10) Post, publish, circulate, distribute, or otherwise 29277  
disseminate a false statement concerning a candidate, either 29278  
knowing the same to be false or with reckless disregard of 29279  
whether it was false or not, if the statement is designed to 29280  
promote the election, nomination, or defeat of the candidate. 29281

**Sec. 742.044.** ~~The secretary of state, or any person acting~~ 29282  
~~on personal knowledge and subject to the penalties of perjury,~~ 29283  
~~may file a~~ A ~~complaint with the Ohio elections commission~~ 29284  
alleging a violation of section 742.043 of the Revised Code may 29285  
be filed in accordance with section 3517.16 of the Revised Code. 29286  
~~The complaint shall be made on a form prescribed and provided by~~ 29287  
~~the commission.~~ 29288

~~On receipt of a complaint under this section, the~~ 29289  
~~commission shall hold a hearing open to the public to determine~~ 29290  
~~whether the violation alleged in the complaint has occurred. The~~ 29291

~~commission may administer oaths and issue subpoenas to any~~ 29292  
~~person in the state compelling the attendance of witnesses and~~ 29293  
~~the production of relevant papers, books, accounts, and reports.~~ 29294  
~~On the refusal of any person to obey a subpoena or to be sworn~~ 29295  
~~or to answer as a witness, the commission may apply to the court~~ 29296  
~~of common pleas of Franklin county under section 2705.03 of the~~ 29297  
~~Revised Code. The court shall hold contempt proceedings in~~ 29298  
~~accordance with Chapter 2705. of the Revised Code.~~ 29299

~~The commission shall provide the person accused of the~~ 29300  
~~violation at least seven days prior notice of the time, date,~~ 29301  
~~and place of the hearing. The accused may be represented by an~~ 29302  
~~attorney and shall have an opportunity to present evidence, call~~ 29303  
~~witnesses, and cross-examine witnesses.~~ 29304

~~At the hearing, the commission shall determine whether the~~ 29305  
~~violation alleged in the complaint has occurred. If the~~ 29306  
~~commission determines that a violation of division (A) of~~ 29307  
~~section 742.043 of the Revised Code has occurred, the commission~~ 29308  
~~shall either impose a fine under section 742.99 of the Revised~~ 29309  
~~Code or enter a finding that good cause has been shown not to~~ 29310  
~~impose the fine. If the commission determines that a violation~~ 29311  
~~of division (B) of section 742.043 of the Revised Code has~~ 29312  
~~occurred, the commission shall impose the fine described in~~ 29313  
~~section 742.99 of the Revised Code, refer the matter to the~~ 29314  
~~appropriate prosecutor, or enter a finding that good cause has~~ 29315  
~~been shown not to impose a fine or refer the matter to a~~ 29316  
~~prosecutor.~~ 29317

**Sec. 742.99.** (A) Whoever violates section 742.043 of the 29318  
Revised Code shall be fined not more than one hundred dollars 29319  
for each day of the violation. 29320

(B) Whoever violates division (B) of section 742.043 of 29321

the Revised Code shall be imprisoned for not more than six 29322  
months or fined not more than five thousand dollars, or both. 29323

~~(C) Fines imposed by the Ohio elections commission under 29324  
this section shall be paid into the Ohio elections commission 29325  
fund created under section 3513.10 of the Revised Code. 29326~~

**Sec. 749.31.** Except where the contract is for equipment, 29327  
services, materials, or supplies available from a qualified 29328  
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 29329  
125.601 of the Revised Code, the board of hospital trustees 29330  
shall enter into a contract for work or supplies where the 29331  
estimated cost exceeds fifty thousand dollars with the lowest 29332  
and best bidder. Where the contract is for other than the 29333  
construction, demolition, alteration, repair, or reconstruction 29334  
of an improvement, the board shall enter into the contract when 29335  
the bidder gives bond to the board, with such security as the 29336  
board approves, that the bidder will perform the work and 29337  
furnish materials or supplies in accordance with the contract. 29338  
On the failure of such bidder within a reasonable time, to be 29339  
fixed by the board, to enter into bond with such security, a 29340  
contract may be made with the next lowest and best bidder, and 29341  
so on until a contract is effected by a contractor giving such 29342  
bond. The board may reject any bid. 29343

**Sec. 755.181.** The legislative authority of any municipal 29344  
corporation, township, township park district, county, or school 29345  
district desiring to join a joint recreation district created 29346  
under section 755.14 of the Revised Code may, by resolution, 29347  
petition the joint recreation district board of trustees for 29348  
membership. If the joint recreation district does not impose a 29349  
tax, the petitioning subdivision becomes a member upon approval 29350  
by the joint recreation district's board of trustees. If the 29351

joint recreation district imposes a tax, the petitioning 29352  
subdivision becomes a member after approval by the joint 29353  
recreation district's board of trustees and after approval of 29354  
the tax by the electors of the petitioning subdivision. In such 29355  
a case, the joint recreation district's board of trustees and 29356  
the county auditor shall proceed as required for a tax levy 29357  
under section 5705.03 of the Revised Code, except that the 29358  
levy's annual collections shall be estimated assuming that the 29359  
subdivision's territory has been added to the joint recreation 29360  
district. 29361

Upon certification by the board of trustees of the joint 29362  
recreation district to the appropriate boards of election, the 29363  
boards of election shall make the necessary arrangements for the 29364  
submission of the question to the electors of the petitioning 29365  
subdivision qualified to vote thereon. The election shall be 29366  
held, canvassed, and certified in the manner provided for the 29367  
submission of tax levies under section 5705.19 of the Revised 29368  
Code, except that the question appearing on the ballot shall 29369  
read: 29370

"Shall the territory within \_\_\_\_\_ (Name of the 29371  
subdivision to be added) be added to \_\_\_\_\_ (Name) 29372  
joint recreation district, and a property tax, that the county 29373  
auditor estimates will collect \$\_\_\_\_\_ annually, at a rate not 29374  
exceeding \_\_\_\_\_ mills for each \$1 of taxable value, 29375  
which amounts to \$\_\_\_\_\_ (effective rate) for each 29376  
\$100,000 of ~~the county auditor's appraised market~~ value, be in 29377  
effect for \_\_\_\_\_ (here insert the number of years 29378  
the tax is to be in effect)?" 29379

If the question is approved by at least a majority of the 29380  
electors voting on it, the joinder shall be effective as of the 29381

first day of January of the year following approval, and on that 29382  
date, the joint recreation district tax shall be extended to the 29383  
taxable property within the territory that has been added. 29384

The legislative authority of any subdivision that is a 29385  
member of a joint recreation district may withdraw from it upon 29386  
certification of a resolution proclaiming a withdrawal to the 29387  
joint recreation district's board of trustees. Any subdivision 29388  
withdrawing from a joint recreation district shall continue to 29389  
have levied against its tax duplicate any tax levied by the 29390  
district on the effective date of the withdrawal until it 29391  
expires or is renewed. Members of a joint recreation district's 29392  
board of trustees who represent the withdrawing subdivision are 29393  
deemed to have resigned their position upon certification of a 29394  
withdrawal resolution. Upon the withdrawal of any subdivision 29395  
from a joint recreation district, the county auditor shall 29396  
ascertain, apportion, and order a division of the funds on hand, 29397  
moneys and taxes in the process of collection, except for taxes 29398  
levied for the payment of indebtedness, credits, and real and 29399  
personal property, either in money or in kind, on the basis of 29400  
the valuation of the respective tax duplicates of the 29401  
withdrawing subdivision and the remaining territory of the joint 29402  
recreation district. 29403

When the number of subdivisions comprising a joint 29404  
recreation district is reduced to one, the joint recreation 29405  
district ceases to exist, and the funds, credits, and property 29406  
remaining after apportionments to withdrawing subdivisions shall 29407  
be assumed by the one remaining subdivision. When a joint 29408  
recreation district ceases to exist and indebtedness remains 29409  
unpaid, the board of county commissioners shall continue to levy 29410  
and collect taxes for the payment of that indebtedness within 29411  
the territory of the joint recreation district as it was 29412



comprised at the time the indebtedness was incurred. 29413

As used in this section, "~~the county auditor's appraised~~ 29414  
market value" and "effective rate" have the same meanings as in 29415  
section 5705.01 of the Revised Code. 29416

**Sec. 901.43.** (A) As used in this section, "certificate of 29417  
free sale" means a document issued by the director of 29418  
agriculture that certifies to states and countries receiving the 29419  
listed product that the product being exported is freely 29420  
marketed without restriction in the United States. 29421

(B) ~~The director of agriculture~~ may authorize any 29422  
department of agriculture laboratory to perform a laboratory 29423  
service for any person, organization, political subdivision, 29424  
state agency, federal agency, or other entity, whether public or 29425  
private. The director shall adopt and enforce rules to provide 29426  
for the rendering of a laboratory service. 29427

~~(B)~~ (C) The director may charge a reasonable fee for the 29428  
performance of a laboratory service, except when the service is 29429  
performed on an official sample taken by the director acting 29430  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 29431  
Revised Code; by a board of health acting as the licensor of 29432  
retail food establishments or food service operations under 29433  
Chapter 3717. of the Revised Code; or by the director of health 29434  
acting as the licensor of food service operations under Chapter 29435  
3717. of the Revised Code. The director of agriculture shall 29436  
adopt rules specifying what constitutes an official sample. 29437

The director shall publish a list of laboratory services 29438  
offered, together with the fee for each service. 29439

~~(C)~~ (D) The director may enter into a contract with any 29440  
person, organization, political subdivision, state agency, 29441

federal agency, or other entity for the provision of a 29442  
laboratory service. 29443

~~(D) (1)~~ (E) (1) The director may adopt rules establishing 29444  
standards for accreditation of laboratories and laboratory 29445  
services and in doing so may adopt by reference existing or 29446  
recognized standards or practices. 29447

(2) The director may inspect and accredit laboratories and 29448  
laboratory services, and may charge a reasonable fee for the 29449  
inspections and accreditation. 29450

~~(E) (1)~~ (F) (1) There is hereby created in the state treasury 29451  
the animal and consumer protection laboratory fund. Moneys from 29452  
the following sources shall be deposited into the state treasury 29453  
to the credit of the fund: all moneys collected by the director 29454  
under this section that are from fees generated by a laboratory 29455  
service performed by the department and related to the diseases 29456  
of animals, all moneys so collected that are from fees generated 29457  
for the inspection and accreditation of laboratories and 29458  
laboratory services related to the diseases of animals, all 29459  
moneys collected by the director under this section that are 29460  
from fees generated by a laboratory service performed by the 29461  
consumer protection laboratory, all moneys so collected that are 29462  
from fees generated for the inspection and accreditation of 29463  
laboratories and laboratory services not related to weights and 29464  
measures, money received by the director under sections 947.01 29465  
to 947.06 of the Revised Code, and all moneys collected under 29466  
~~Chapters 943. and Chapter~~ 953. of the Revised Code that are not 29467  
credited to the animal and consumer protection fund created in 29468  
section 943.26 of the Revised Code. The director may use the 29469  
moneys held in the fund to pay the expenses necessary to operate 29470  
the animal industry laboratory and the consumer protection 29471

laboratory, including the purchase of supplies and equipment. 29472

(2) All moneys collected by the director under this 29473  
section that are from fees generated by a laboratory service 29474  
performed by the weights and measures laboratory, and all moneys 29475  
so collected that are from fees generated for the inspection and 29476  
accreditation of laboratories and laboratory services related to 29477  
weights and measures, shall be deposited in the state treasury 29478  
to the credit of the weights and measures laboratory fund, which 29479  
is hereby created in the state treasury. The moneys held in the 29480  
fund may be used to pay the expenses necessary to operate the 29481  
division of weights and measures, including the purchase of 29482  
supplies and equipment. 29483

(G) (1) The director may authorize any department of 29484  
agriculture division or program to issue a certificate of free 29485  
sale to any person, organization, political subdivision, state 29486  
agency, federal agency, or other entity, whether public or 29487  
private. The director may charge a fee of fifty dollars for 29488  
issuance of a certificate of free sale. The director shall adopt 29489  
and enforce rules in accordance with Chapter 119. of the Revised 29490  
Code to provide for the issuance of the certificates of free 29491  
sale. 29492

(2) All money collected by the director under this section 29493  
that is from fees related to the issuance of certificates of 29494  
free sale shall be credited to the appropriate program fund 29495  
administered by the department. 29496

**Sec. 904.02.** (A) There is hereby created the Ohio 29497  
livestock care standards board consisting of the following 29498  
members: 29499

(1) The director of agriculture, who shall be the 29500

chairperson of the board; 29501

(2) Ten members appointed by the governor with the advice 29502  
and consent of the senate. The ten members shall be residents of 29503  
this state and shall include the following: 29504

(a) One member representing family farms; 29505

(b) One member who is knowledgeable about food safety in 29506  
this state; 29507

(c) Two members representing statewide organizations that 29508  
represent farmers; 29509

(d) One member who is a veterinarian licensed under 29510  
Chapter 4741. of the Revised Code; 29511

(e) The state veterinarian in the department of 29512  
agriculture; 29513

(f) The dean of the agriculture department of a college or 29514  
university located in this state; 29515

(g) Two members of the public representing consumers in 29516  
this state; 29517

(h) One member representing a county humane society 29518  
organized under Chapter 1717. of the Revised Code. 29519

(3) One member appointed by the speaker of the house of 29520  
representatives who shall be a family farmer; 29521

(4) One member appointed by the president of the senate 29522  
who shall be a family farmer. 29523

Not more than seven members appointed to the board at any 29524  
given time shall be of the same political party. 29525

(B) (1) The governor, the speaker of the house of 29526

representatives, and the president of the senate shall make 29527  
appointments to the board not later than forty-five days after 29528  
~~the effective date of this section~~ March 31, 2010. 29529

(2) The following initial members of the board appointed 29530  
by the governor shall be appointed for a term ending January 25, 29531  
2011: 29532

(a) The member representing family farmers; 29533

(b) The dean of the agriculture department of a college or 29534  
university located in this state; 29535

(c) The member who is a veterinarian licensed under 29536  
Chapter 4741. of the Revised Code; 29537

(d) One of the members of the public representing 29538  
consumers in this state. 29539

(3) The following initial members of the board shall be 29540  
appointed for a term ending January 15, 2012: 29541

(a) The member appointed by the speaker of the house of 29542  
representatives who is a family farmer; 29543

(b) One of the members representing a statewide 29544  
organization that represents farmers; 29545

(c) The member representing a county humane society 29546  
organized under Chapter 1717. of the Revised Code; 29547

(d) The member who is knowledgeable about food safety in 29548  
this state. 29549

(4) The following initial members of the board shall be 29550  
appointed for a term ending January 15, 2013: 29551

(a) The member appointed by the president of the senate 29552  
who is a family farmer; 29553

(b) One of the members of the public representing 29554  
consumers in this state; 29555

(c) One of the members representing a statewide 29556  
organization that represents farmers. 29557

(C) After the initial terms served in accordance with 29558  
division (B) of this section, terms of office shall be for three 29559  
years with each term ending on the same day of the same month as 29560  
did the term that it succeeds. However, the terms for the 29561  
director of agriculture and the state veterinarian shall 29562  
coincide with the length of time that the person holds the 29563  
position of director or state veterinarian, as applicable. If 29564  
the director or the state veterinarian resigns or that person's 29565  
employment is terminated, the director or state veterinarian, as 29566  
applicable, shall cease to serve on the board, and the successor 29567  
of the director or state veterinarian shall then serve on the 29568  
board in accordance with this section. Every other member shall 29569  
hold office from the date of the member's appointment until the 29570  
end of the term for which the member was appointed. 29571

Vacancies on the board shall be filled in the manner 29572  
provided for original appointments. Any member appointed to fill 29573  
a vacancy occurring prior to the expiration of the term for 29574  
which the member's predecessor was appointed shall hold office 29575  
for the remainder of that term. A member shall continue in 29576  
office subsequent to the expiration date of the member's term 29577  
until the member's successor takes office, or until a period of 29578  
one hundred eighty days has elapsed, whichever occurs first. A 29579  
member may be reappointed upon the expiration of the member's 29580  
term. 29581

(D) The board shall hold at least three regular meetings 29582  
each year and may hold additional meetings at times that the 29583

chairperson or a majority of the board members considers 29584  
appropriate. At the three regular meetings held by the board 29585  
each year, the board shall conduct a review of the rules 29586  
governing the care and well-being of livestock that have been or 29587  
are proposed to be adopted under section 904.03 of the Revised 29588  
Code. 29589

At the first meeting of the board in each calendar year, 29590  
the director shall designate one member of the board to serve as 29591  
its vice-chairperson. A majority of the board constitutes a 29592  
quorum. The board may act only if a quorum is present and only 29593  
by majority vote of that quorum. A vacancy on the board does not 29594  
impair the right of the other members to exercise all of the 29595  
board's powers. 29596

(E) Serving as an appointed member of the board does not 29597  
constitute holding a public office or position of employment 29598  
under the laws of this state and does not constitute grounds for 29599  
removal of public officers or employees from their offices or 29600  
positions of employment. 29601

(F) Appointed members of the board shall receive no 29602  
compensation for their services. Members shall be reimbursed for 29603  
their actual and necessary expenses incurred in the performance 29604  
of their duties as members. The expenses shall be paid from the 29605  
~~Ohio livestock care standards~~ animal and consumer protection 29606  
fund created in section ~~904.06~~ 943.26 of the Revised Code. The 29607  
expenses shall be paid in accordance with the rules and 29608  
requirements adopted by the department of administrative 29609  
services that are applicable to state employees. 29610

(G) The board may create committees that it considers 29611  
appropriate to make recommendations to the board. Committees may 29612  
include non-board members. 29613

**Sec. 904.04.** (A) In order to assist the Ohio livestock 29614  
care standards board in the administration and enforcement of 29615  
this chapter, the director of agriculture shall do all of the 29616  
following: 29617

(1) Hire all employees of the board, including an 29618  
executive director. Employees of the board shall be in the 29619  
unclassified civil service, serve at the pleasure of the 29620  
director of agriculture, and be compensated with money from the 29621  
~~Ohio livestock care standards~~ animal and consumer protection 29622  
fund created in section ~~904.06~~ 943.26 of the Revised Code. 29623

(2) Enter into contracts on behalf of the board; 29624

(3) Do all of the following with regard to rules governing 29625  
the care and well-being of livestock adopted by the board under 29626  
section 904.03 of the Revised Code: 29627

(a) Process and submit the rules to the joint committee on 29628  
agency rule review pursuant to Chapter 119. of the Revised Code; 29629

(b) Contract for surveys and analyses; 29630

(c) Perform any other activities that assist the board in 29631  
adopting the rules. 29632

(4) Publish and distribute information related to 29633  
livestock care, including educational materials, to livestock 29634  
producers and members of the public; 29635

(5) Investigate complaints regarding violations of the 29636  
rules adopted under section 904.03 of the Revised Code in 29637  
accordance with the authority granted by this chapter, sections 29638  
901.25 to 901.29 of the Revised Code, and rules adopted under 29639  
this chapter and section 901.03 of the Revised Code; 29640

(6) Enforce the rules adopted under section 904.03 of the 29641



Revised Code and levy the civil penalties established by those 29642  
rules. The director may apply to a court of competent 29643  
jurisdiction for a temporary or permanent injunction or other 29644  
appropriate relief for violations of this chapter and rules 29645  
adopted under it. For purposes of this division, the court of 29646  
competent jurisdiction shall be either the court of common pleas 29647  
of Licking county or the court of common pleas of the county 29648  
where the violation is occurring. Money collected from civil 29649  
penalties levied under division (A)(6) of this section shall be 29650  
deposited in the state treasury to the credit of the general 29651  
revenue fund. 29652

(7) Perform any other duties necessary to assist the board 29653  
in the administration and enforcement of this chapter. 29654

(B) With the consent of the premises owner and, if the 29655  
premises owner is different from the livestock owner, the 29656  
livestock owner, the director or the director's authorized 29657  
representative may enter at all reasonable times on any premises 29658  
for the purpose of determining compliance with the rules adopted 29659  
under section 904.03 of the Revised Code. If the director or the 29660  
director's authorized representative is denied access to the 29661  
premises and the director or the director's authorized 29662  
representative suspects that those rules are not being complied 29663  
with, the director may apply for a search warrant authorizing 29664  
access from a court of competent jurisdiction. The court shall 29665  
issue the search warrant if there is probable cause. Probable 29666  
cause may be based on hearsay, provided that there is 29667  
substantial basis for believing the source is credible and there 29668  
is factual basis for the information. 29669

Upon entry on premises in accordance with this division, 29670  
the director or the director's authorized representative shall 29671

observe biosecurity measures in order to prevent spreading 29672  
disease and infecting livestock. 29673

**Sec. 905.32.** (A) No person shall manufacture or distribute 29674  
in this state any type of fertilizer until a license to 29675  
manufacture or distribute has been obtained by the manufacturer 29676  
or distributor from the department of agriculture upon payment 29677  
of a ~~five-dollar~~ fifty-dollar fee: 29678

(1) For each fixed (permanent) location at which 29679  
fertilizer is manufactured in this state; 29680

(2) For each mobile unit used to manufacture fertilizer in 29681  
this state; 29682

(3) For each location out of the state from which 29683  
fertilizer is distributed into this state; 29684

(4) For each location in this state from which fertilizer 29685  
is distributed in this state. 29686

All licenses shall be valid for one year beginning on the 29687  
first day of December of a calendar year through the thirtieth 29688  
day of November of the following calendar year. A renewal 29689  
application for a license shall be submitted no later than the 29690  
thirtieth day of November each year. A person who submits a 29691  
renewal application for a license after the thirtieth day of 29692  
November shall include with the application a late filing fee of 29693  
~~ten~~ twenty-five dollars. 29694

(B) An application for a license shall include: 29695

(1) The name and address of the licensee; 29696

(2) The name and address of each bulk distribution point 29697  
in the state, not licensed for fertilizer manufacture and 29698  
distribution. 29699

The name and address shown on the license shall be shown 29700  
on all labels, pertinent invoices, and bulk storage for 29701  
fertilizers distributed by the licensee in this state. 29702

(C) The licensee shall inform the director of agriculture 29703  
in writing of additional distribution points established during 29704  
the period of the license. 29705

(D) All money collected under this section shall be 29706  
credited to the pesticide, fertilizer, and lime program fund 29707  
created in section 921.22 of the Revised Code. 29708

**Sec. 905.57.** ~~(A) All information furnished to or procured-~~ 29709  
~~by the director of agriculture under section 905.56 of the~~ 29710  
~~Revised Code is for the exclusive use and information of the~~ 29711  
~~director in the discharge of his official duties and is not open~~ 29712  
~~to the public nor to be used in any court in any action or~~ 29713  
~~proceeding therein unless the director is a party to such action~~ 29714  
~~or proceeding, but such information may be consolidated in-~~ 29715  
~~statistical tables and published by the director in statistical-~~ 29716  
~~form, without disclosing details of information furnished by any~~ 29717  
~~particular person.~~ 29718

~~(B)~~ No person shall willfully divulge any information 29719  
secured while in the employ of the department of agriculture, 29720  
with respect to the transactions, property, files, records, or 29721  
papers of the department, or with respect to the business of any 29722  
manufacturer, seller, or distributor of agricultural liming 29723  
material to any person other than the director or the superior 29724  
of such employee, or when called upon to testify in an action or 29725  
proceeding to which the director is a party. 29726

**Sec. 907.13.** No person shall label agricultural, 29727  
vegetable, or flower seed that is intended for sale in this 29728

state unless the person holds a valid seed labeler permit that 29729  
has been issued by the director of agriculture in accordance 29730  
with this section. 29731

A person who wishes to obtain a seed labeler permit shall 29732  
file an application with the director on a form that the 29733  
director provides and shall submit a permit fee in the amount of 29734  
~~ten~~fifty dollars. Such a person who labels seed under more than 29735  
one name or at more than one address shall obtain a separate 29736  
seed labeler permit and pay a separate permit fee for each name 29737  
and address. 29738

The applicant shall include the applicant's full name and 29739  
address on the application together with any additional 29740  
information that the director requires by rules adopted under 29741  
section 907.10 of the Revised Code. If the applicant's address 29742  
is not within this state or it does not represent a location in 29743  
this state where the director can collect samples of the 29744  
applicant's seed for analysis, then the applicant shall include 29745  
on the application an address within this state where samples of 29746  
the applicant's seed may be collected for those purposes or 29747  
shall agree to provide the director or the director's authorized 29748  
representative with seeds for sampling upon request. 29749

Upon receipt of a complete application accompanied by the 29750  
~~ten-dollar~~fifty-dollar permit fee, the director shall issue a 29751  
seed labeler's permit to the applicant. All seed labeler permits 29752  
that are issued under this section shall expire on the thirty- 29753  
first day of ~~December~~January of each year regardless of the 29754  
date on which a permit was issued during ~~that year~~the previous 29755  
one-year period. 29756

Each person who obtains a seed labeler permit shall label 29757  
the seed that the person intends for sale in this state in 29758

accordance with the requirements established in sections 907.01 29759  
to 907.17 of the Revised Code. Each person who holds a valid 29760  
seed labeler permit shall keep the permit posted in a 29761  
conspicuous place in the principal seed room from which the 29762  
person sells seed and shall comply with the reporting and fee 29763  
requirements that are established in section 907.14 of the 29764  
Revised Code. 29765

All money collected under this section shall be credited 29766  
to the commercial feed and seed fund created in section 923.46 29767  
of the Revised Code. 29768

**Sec. 907.14.** (A) A person who holds a valid seed labeler 29769  
permit issued under section 907.13 of the Revised Code shall 29770  
report to the director of agriculture concerning the amount of 29771  
seed that the person sells in this state. The report shall be 29772  
made ~~semiannually~~annually on a form that the director 29773  
prescribes and provides. ~~One semiannual~~The report shall be 29774  
filed with the director prior to the first day of February of 29775  
each year with respect to all sales that the person made during 29776  
the period from the first day of ~~July~~January to the thirty- 29777  
first day of December of the ~~preceding~~previous year. ~~The second~~ 29778  
~~semiannual report shall be filed prior to the first day of~~ 29779  
~~August of each year with respect to all sales that the person~~ 29780  
~~made during the period from the first day of January to the~~ 29781  
~~thirtieth day of June of that year.~~ 29782

(B) A person who holds a valid seed labeler permit shall 29783  
include with each ~~semiannual~~annual report a seed fee based on 29784  
the amount of the seed that the person sold during that 29785  
reporting period as follows: 29786

(1) For soybeans and small grains, including barley, oats, 29787  
rye, wheat, triticale, and spelt, four cents per one hundred 29788

pounds; 29789

(2) For corn and grain sorghum, five cents per one hundred 29790  
pounds; 29791

(3) (a) For any of the following seed sold at wholesale or 29792  
retail or on consignment or commission, two per cent of the 29793  
wholesale value of the containers of seed or, if the seed is not 29794  
sold wholesale, two per cent of the retail value of the 29795  
containers of seed: 29796

(i) Vegetable and flower seed sold in containers, other 29797  
than hermetically sealed containers, of eight ounces or less; 29798

(ii) Flower seed sold in hermetically sealed containers 29799  
that contain fewer than three hundred seeds; 29800

(iii) Vegetable seed sold in hermetically sealed 29801  
containers that contain fewer than one thousand seeds. 29802

(b) The fees established pursuant to divisions (B) (3) (a) 29803  
(ii) and (iii) of this section apply to both of the following: 29804

(i) Seed sold in hermetically sealed containers that 29805  
contain the amount of seeds specified in division (B) (3) (a) (ii) 29806  
or (iii) of this section, as applicable; 29807

(ii) Seed sold in hermetically sealed containers that do 29808  
not clearly state the number of seeds that they contain. 29809

(c) Except as otherwise provided in division (B) (3) (b) (ii) 29810  
of this section, if the weight of seed in a container, or the 29811  
quantity of seed in a container, exceeds the applicable weight 29812  
or quantity specified in division (B) (3) (a) (i), (ii), or (iii) 29813  
of this section, the fee established in division (B) (4) of this 29814  
section applies. 29815

(4) For alfalfa, clover, grass, native grass, mixtures 29816  
containing any of these, and all agricultural, vegetable, and 29817  
flower seeds not specified in divisions (B) (1) to (3) of this 29818  
section, ten cents per one hundred pounds. 29819

If the total amount of the seed fee that is due is less 29820  
than ~~five-fifty~~ dollars, the person shall pay ~~the minimum seed~~ 29821  
~~no fee, which is five dollars.~~ 29822

(C) For each failure to report in full the amount of seed 29823  
sold or to submit the required seed fees in full by the due 29824  
date, a person who holds a valid seed labeler permit shall pay a 29825  
penalty of ten per cent of the amount due or fifty dollars, 29826  
whichever is greater. Failure to pay either the fee or the 29827  
penalty within thirty days after the due date is cause for 29828  
suspension or revocation by the director of the seed labeler 29829  
permit or refusal, without a hearing, to issue a subsequent seed 29830  
labeler permit for which the person applies. 29831

(D) This section does not apply to governmental entities 29832  
that donate seed for conservation purposes. 29833

(E) All money collected under this section shall be 29834  
credited to the commercial feed and seed fund created in section 29835  
923.46 of the Revised Code. 29836

**Sec. 911.02.** Each person, firm, partnership, or 29837  
corporation that owns or operates a bakery shall register each 29838  
bakery that it owns or operates with the director of 29839  
agriculture. For the registration, the owner or operator of each 29840  
bakery shall pay an annual fee of ~~thirty dollars for a~~ 29841  
~~production capacity of one thousand pounds of bakery product per~~ 29842  
~~hour or less and an annual fee of thirty dollars for each one-~~ 29843  
~~thousand pounds of bakery product per hour capacity, or part-~~ 29844

~~thereof, in excess of one thousand pounds of bakery product per~~ 29845  
~~hour~~ two hundred dollars. 29846

Any person who owns or operates a home bakery with only 29847  
one oven, in a stove of ordinary home kitchen design and located 29848  
in a home, used for the baking of baked goods to be sold, shall 29849  
pay a sum of ten dollars annually for registration regardless of 29850  
the capacity of the home bakery oven. The registration shall be 29851  
renewed annually by the thirtieth day of September and shall be 29852  
renewed according to the standard renewal procedure of Chapter 29853  
4745. of the Revised Code. The registration of the bakery shall 29854  
show the location, including municipal corporation, street, and 29855  
number, the name of the owner, and the name of the operator. The 29856  
application for registration shall be made on a form prescribed 29857  
and provided by the director. All moneys received from 29858  
registration fees and fines collected under sections 911.01 to 29859  
911.20 of the Revised Code shall be deposited with the treasurer 29860  
of state to the credit of the food safety fund created in 29861  
section 915.24 of the Revised Code. All annual renewal 29862  
registration fees required by this section shall be paid by the 29863  
applicant for the renewal to the treasurer of state for deposit 29864  
into the food safety fund. 29865

No bakery product that is manufactured in an out-of-state 29866  
bakery shall be sold or offered for sale within this state 29867  
unless the bakery is in compliance with sections 911.01 to 29868  
911.20 of the Revised Code, and is registered, having paid the 29869  
annual registration fee. 29870

Registration of out-of-state bakeries is not required if a 29871  
reciprocal agreement is in effect whereby a bakery located in 29872  
this state is not subject to a license or registration fee by 29873  
the receiving state or a political subdivision thereof. 29874



**Sec. 913.23.** (A) The director of agriculture may issue 29875  
licenses as required by sections 913.22 to 913.28 of the Revised 29876  
Code, may make the inspections and registrations required by 29877  
those sections, and may prescribe the form of application to be 29878  
filed under this section. 29879

(B) No person shall manufacture or bottle for sale within 29880  
this state any soft drink in closed containers unless the person 29881  
has a license issued by the director. Upon receipt of an 29882  
application for such a license, the director shall examine the 29883  
products and the place of manufacture where the business is to 29884  
be conducted, to determine whether the products and place comply 29885  
with sections 913.22 to 913.28 of the Revised Code. Upon finding 29886  
there is compliance, and upon payment of a license fee of two 29887  
hundred dollars, the director shall issue a license authorizing 29888  
the applicant to manufacture or bottle for sale such soft 29889  
drinks, subject to sections 913.22 to 913.28 of the Revised 29890  
Code. The license shall expire on the last day of March of each 29891  
year unless renewed. 29892

(C) No soft drink that is manufactured or bottled out of 29893  
the state shall be sold or offered for sale within this state 29894  
unless the soft drink and the plant in which the soft drink is 29895  
manufactured or bottled are found by the director to comply with 29896  
sections 913.22 to 913.28 of the Revised Code, and are 29897  
registered by the director, which shall be upon a like 29898  
application as provided in division (B) of this section. 29899

An annual registration fee of two hundred dollars shall be 29900  
paid to the director by each applicant under this division. The 29901  
registration shall be renewed annually, and the registration fee 29902  
paid with the application for annual renewal. 29903

Registration of out-of-state soft drink manufacturers or 29904

bottlers or syrup and extract manufacturers is not required if a 29905  
reciprocal agreement is in effect whereby a soft drink 29906  
manufacturer or bottler or syrup and extract manufacturer 29907  
located in this state is not subject to a license or 29908  
registration fee by another state or a political subdivision 29909  
thereof. 29910

(D) ~~No person, other than a manufacturer or bottler~~ 29911  
~~holding a soft drink plant license under this section, shall~~ 29912  
~~sell, offer for sale, use, or have in the person's possession~~ 29913  
~~with intent to sell, any soda water syrup or extract or soft~~ 29914  
~~drink syrup, to be used in making, drawing, or dispensing soda~~ 29915  
~~water or other soft drinks, without first registering the~~ 29916  
~~person's name and address, the name and address of the~~ 29917  
~~manufacturer of the syrup or extract, the number and variety of~~ 29918  
~~such syrups or extracts intended to be sold, and the trade name~~ 29919  
~~or brand of those products, with the director, together with~~ 29920  
~~such samples of the syrups or extracts as the director requests~~ 29921  
~~for analysis. The person also shall pay to the department of~~ 29922  
~~agriculture at the time of making registration a license fee of~~ 29923  
~~one hundred dollars. No license shall be granted by the director~~ 29924  
~~unless the director determines that the syrup or extract is free~~ 29925  
~~from all harmful drugs and other ingredients that, as used, may~~ 29926  
~~be injurious to health. The registration shall be renewed~~ 29927  
~~annually upon like terms. If any manufacturer, bottler, agent,~~ 29928  
~~or seller is licensed or has registered the manufacturer's,~~ 29929  
~~bottler's, agent's, or seller's name and product as required by~~ 29930  
~~this section and has paid the manufacturer's, bottler's,~~ 29931  
~~agent's, or seller's fee, the manufacturer's, bottler's,~~ 29932  
~~agent's, or seller's distributor, retail agent, or retail seller~~ 29933  
~~using the products shall not be required to pay that fee. This~~ 29934  
~~section does not apply to local sellers of soft drinks as to~~ 29935

~~syrups and extracts made by themselves for their own use~~ 29936  
~~exclusively.~~ 29937

~~(E)~~ All moneys received under sections 913.22 to 913.28 of 29938  
the Revised Code shall be deposited with the treasurer of state 29939  
to the credit of the food safety fund created in section 915.24 29940  
of the Revised Code. 29941

~~(F)~~ (E) The director may revoke any license or registration 29942  
issued under sections 913.22 to 913.28 of the Revised Code, 29943  
whenever the director determines that those sections have been 29944  
violated. When a license has been revoked, the licensee shall 29945  
discontinue the manufacture and sale of soft drinks or other 29946  
products for which the license was issued. When a registration 29947  
has been revoked, the registrant shall discontinue the sale 29948  
within this state of the registrant's products until those 29949  
sections have been complied with and a new license or 29950  
registration has been issued. The director may suspend any such 29951  
license or registration temporarily, pending compliance with 29952  
such conditions required by those sections as the director 29953  
prescribes. 29954

**Sec. 915.16.** The license fee for an establishment is ~~fifty~~ 29955  
two hundred dollars. Any operator operating in connection with a 29956  
cold-storage warehouse holding a license under section 915.02 of 29957  
the Revised Code is not required to secure an additional license 29958  
under section 915.15 of the Revised Code so long as the operator 29959  
continues to be licensed as a cold-storage warehouse; but the 29960  
operator shall comply with sections 915.14 to 915.24 of the 29961  
Revised Code, and all rules and regulations promulgated 29962  
thereunder. The license issued shall be in such form as the 29963  
department of agriculture prescribes. Licenses shall be valid 29964  
until the last day of November following initial issuance or 29965

renewal and shall become invalid on that date unless renewed. 29966  
The original license or a certified copy thereof shall be 29967  
conspicuously displayed by the operator in the establishment. 29968

**Sec. 915.24.** (A) There is hereby created in the state 29969  
treasury the food safety fund. All of the following moneys shall 29970  
be credited to the fund: 29971

(1) Bakery registration fees and fines received under 29972  
sections 911.02 to 911.20 of the Revised Code; 29973

(2) Cannery license fees and renewal fees received under 29974  
sections 913.01 to 913.05 of the Revised Code; 29975

(3) Moneys received under sections 913.22 to 913.28 of the 29976  
Revised Code; 29977

(4) License fees, fines, and penalties recovered for the 29978  
violation of sections 915.01 to 915.12 of the Revised Code; 29979

(5) License fees collected under sections 915.14 to 915.23 29980  
of the Revised Code; 29981

(6) License fees, other fees, and fines collected by or 29982  
for the director of agriculture under Chapter 3717. of the 29983  
Revised Code; 29984

(7) Fees collected under section 3715.04 of the Revised 29985  
Code for the issuance of certificates of health and freesale; 29986

(8) Registration fees and other fees collected by the 29987  
director of agriculture under section 3715.041 of the Revised 29988  
Code; 29989

(9) Money received from contracts or cooperative 29990  
agreements with any agency of the United States government, or 29991  
any other public or private agency or organization, for either 29992

of the following: 29993

(a) The performance of the prescribed duties of the 29994  
department of agriculture under this chapter and Chapters 911., 29995  
913., 925., 3715., and 3717. of the Revised Code; 29996

(b) Accomplishing cooperative projects within the scope of 29997  
such duties. 29998

(B) The director of agriculture shall use the moneys 29999  
deposited into the food safety fund to administer and enforce 30000  
the laws pursuant to which the moneys were collected. 30001

**Sec. 923.42.** (A) No person who manufactures commercial 30002  
feed or customer-formula feed, or whose name appears on the 30003  
label of any commercial feed or customer-formula feed as a 30004  
distributor shall distribute in this state any type of 30005  
commercial feed unless ~~he~~the person is registered ~~with the~~ 30006  
~~director of agriculture on a form provided by the director that~~ 30007  
~~identifies the manufacturer's or distributor's name, place of~~ 30008  
~~business, and location of each manufacturing facility in this~~ 30009  
~~state~~in accordance with this section. 30010

A manufacturer and distributor shall annually register, on 30011  
a form prescribed by the director of agriculture, and pay a 30012  
registration fee of fifty dollars. The person shall file the 30013  
registration not later than February first of each year. A 30014  
registration expires January thirty-first of the following year. 30015

~~(B) The director shall assign to each manufacturer or~~ 30016  
~~distributor registered under division (A) of this section a~~ 30017  
~~permanent registration number.~~ 30018

~~(C)~~ The director may revoke or suspend a registration or 30019  
refuse to register a person upon a finding that the 30020  
manufacturer, distributor, or person violated any provision of 30021

sections 923.41 to 923.55 of the Revised Code or any rule 30022  
adopted under those sections. 30023

No registration shall be revoked, suspended, or refused 30024  
until the manufacturer, distributor, or person has an 30025  
opportunity to appear at an adjudication hearing conducted in 30026  
accordance with Chapter 119. of the Revised Code. 30027

(C) For purposes of this section, "manufacturer" includes 30028  
an exempt buyer. 30029

**Sec. 923.44.** (A) (1) Except as otherwise provided in 30030  
divisions (A) (2), (3), and (4) of this section, the first 30031  
distributor of a commercial feed shall pay the director of 30032  
agriculture ~~a semiannual~~ an annual inspection fee at the rate of 30033  
twenty-five cents per ton, ~~with a minimum payment of twenty-five~~ 30034  
~~dollars,~~ on all commercial feeds distributed by the first 30035  
distributor in this state. The department of agriculture shall 30036  
not collect inspection fees on the first two hundred tons of 30037  
commercial feed sold in a calendar year. 30038

(2) The ~~semiannual~~ annual inspection fee required under 30039  
division (A) (1) of this section shall not be paid by the first 30040  
distributor of a commercial feed if the distribution is made to 30041  
an exempt buyer who shall be responsible for the fee. The 30042  
director shall establish an exempt list consisting of those 30043  
buyers who are responsible for the fee. 30044

(3) The ~~semiannual~~ annual inspection fee shall not be paid 30045  
on a commercial feed if the fee has been paid by a previous 30046  
distributor. 30047

(4) The ~~semiannual~~ annual inspection fee shall not be paid 30048  
on customer-formula feed if the fee has been paid on the 30049  
commercial feeds that are used as components in that customer- 30050

formula feed. 30051

(B) Each distributor or exempt buyer who is required to 30052  
pay a fee under division (A) (1) or (2) of this section shall 30053  
file ~~a semiannual~~ an annual statement with the director that 30054  
includes the number of net tons of commercial feed distributed 30055  
by the distributor or exempt buyer in this state, ~~within thirty~~ 30056  
~~days after the thirtieth day of June and within thirty days~~ 30057  
~~after the thirty-first day of December, respectively, of each~~ 30058  
for the previous calendar year. The distributor or exempt buyer 30059  
shall file the statement with the distributor's or exempt 30060  
buyer's registration required under section 923.42 of the 30061  
Revised Code. 30062

The inspection fee at the rate stated in division (A) (1) 30063  
of this section shall accompany the statement. For a tonnage 30064  
report that is not filed or payment of inspection fees that is 30065  
not made ~~within fifteen days after~~ by the due date established 30066  
in section 923.42 of the Revised Code, a penalty of ten per cent 30067  
of the amount due, ~~with a minimum penalty of~~ or fifty dollars, 30068  
whichever is greater, shall be assessed against the distributor 30069  
or exempt buyer. The amount of fees due, plus penalty, shall 30070  
constitute a debt and become the basis of a judgment against the 30071  
distributor or exempt buyer. 30072

(C) No information furnished under this section shall be 30073  
disclosed by an employee of the department of agriculture in 30074  
such a way as to divulge the operation of any person required to 30075  
make such a report. 30076

(D) All money collected under this section shall be 30077  
credited to the commercial feed and seed fund created in section 30078  
923.46 of the Revised Code. 30079

<b>Sec. 923.51.</b> No person shall commit any of the following	30080
acts or cause to be committed any of the following acts:	30081
(A) Adulterate commercial feed or distribute adulterated	30082
commercial feed;	30083
(B) Adulterate pet food or distribute adulterated pet	30084
food;	30085
(C) Misbrand commercial feed or distribute misbranded	30086
commercial feed;	30087
(D) Adulterate any agricultural commodity such as whole	30088
seed, hay, straw, stover, silage, cobs, husks, or hulls and feed	30089
it to animals or distribute any such commodity that is	30090
adulterated;	30091
(E) Remove or dispose of a commercial feed in violation of	30092
a withdrawal from distribution order or a condemnation and	30093
confiscation order issued under section 923.52 or 923.53 of the	30094
Revised Code or any rules adopted under those sections;	30095
(F) Use for the person's own advantage, or reveal except	30096
to the director of agriculture or the director's agent or to the	30097
courts when relevant in any judicial proceeding under sections	30098
923.41 to 923.55 of the Revised Code or any rules adopted under	30099
those sections, any information acquired under the authority of	30100
those sections of the Revised Code or rules adopted under those	30101
sections that as a trade secret is entitled to protection;	30102
(G) Fail or refuse to register as required under section	30103
923.42 of the Revised Code or any rule adopted under that	30104
section;	30105
(H) Fail to pay inspection fees or file <del>semiannual</del> <u>annual</u>	30106
reports as required under section 923.44 of the Revised Code or	30107



any rule adopted under that section. 30108

**Sec. 924.01.** As used in sections 924.01 to 924.16 and 30109  
924.40 to 924.55 of the Revised Code: 30110

(A) "Agricultural commodity" means any food, fiber, feed, 30111  
animal, or plant, or group of foods, fibers, feeds, animals, or 30112  
plants that the director of agriculture determines to be of the 30113  
same nature, in either a natural or a processed state. 30114

"Agricultural commodity" does not include any of the following: 30115

(1) Grain, as defined in section 924.20 of the Revised 30116  
Code; 30117

(2) Soybeans; 30118

(3) Hemp, as defined in section 928.01 of the Revised 30119  
Code; 30120

(4) Pork, as defined in section 924.212 of the Revised 30121  
Code. 30122

(B) "Distributor" means any person who sells, offers for 30123  
sale, markets, or distributes an agricultural commodity that the 30124  
person has purchased or acquired directly from a producer, or 30125  
that the person markets on behalf of a producer. 30126

(C) "Handler" means any person who is in the business of 30127  
packing, grading, selling, offering for sale, or marketing any 30128  
agricultural commodity in commercial quantities as defined in a 30129  
marketing program. 30130

(D) "Marketing program" means a program that is 30131  
established by order of the director pursuant to this chapter, 30132  
to improve or expand the market for an agricultural commodity. 30133

(E) "Operating committee" means a committee established to 30134

administer a marketing program for an agricultural commodity. 30135

(F) "Person" means any natural person, partnership, sole 30136  
proprietorship, limited liability company, corporation, society, 30137  
agricultural cooperative as defined in section 1729.01 of the 30138  
Revised Code, association, or fiduciary. 30139

(G) "Processor" means any person who is in the business of 30140  
grading, packaging, packing, canning, freezing, dehydrating, 30141  
fermenting, distilling, extracting, preserving, grinding, 30142  
crushing, juicing, or in any other way preserving or changing 30143  
the form of any agricultural commodity. 30144

(H) "Producer" means any person who is in the business of 30145  
producing, or causing to be produced, any agricultural commodity 30146  
for commercial sale, except that when used in reference to 30147  
nursery stock, "producer" also means a distributor, processor, 30148  
handler, or retailer of nursery stock. 30149

Sec. 924.212. (A) As used in this section: 30150

(1) "Pork" means the flesh of a porcine animal. 30151

(2) "Pork product" means a product produced or processed 30152  
in whole or in part from pork. 30153

(3) "Producer" means a person who raises porcine animals 30154  
in this state for sale in commerce. 30155

(B) The pork marketing program is established to promote 30156  
the sale of pork and pork products. However, the pork marketing 30157  
program shall not operate unless the national pork checkoff 30158  
program created by the "Pork Promotion, Research, and Consumer 30159  
Information Act of 1985," 7 U.S.C. 4801 et seq. is no longer in 30160  
operation. Except as provided in this division and divisions (C) 30161  
to (F) of this section, the procedures, requirements, and other 30162

provisions that are established under sections 924.20 to 924.30 30163  
of the Revised Code and rules that apply to the grain marketing 30164  
program apply to the pork marketing program. For purposes of 30165  
that application, references in those sections to "grain" are 30166  
deemed to be replaced with references to "pork." 30167

(C) Not later than one hundred twenty days after the 30168  
national pork checkoff program is no longer in operation, the 30169  
Ohio pork council, or its successor, shall do both of the 30170  
following: 30171

(1) Accept the names of persons as nominees to serve on a 30172  
pork marketing program operating committee. In accepting 30173  
nominations and placing names on the ballot, the Ohio pork 30174  
council, or its successor, shall follow the procedures 30175  
established in rules. 30176

(2) Hold an election to determine the membership of the 30177  
operating committee. In the election, eligible producers may 30178  
cast votes in person or mail ballots to polling places 30179  
designated by the director of agriculture. The Ohio pork 30180  
council, or its successor, shall establish a three-day period 30181  
during which eligible producers may vote in person during normal 30182  
business hours at the designated polling places. The director or 30183  
another appropriate person shall send a ballot by ordinary 30184  
first-class mail to an eligible producer who requests a ballot. 30185  
An eligible producer shall make such a request by calling a 30186  
toll-free telephone number designated by the director, by 30187  
contacting one of the designated polling places, or by any 30188  
additional method that the director may provide. A ballot 30189  
returned by mail is not valid if it is postmarked later than the 30190  
third day of the election period established by the Ohio pork 30191  
council or its successor. 30192

For the purposes of an election of members of the pork 30193  
marketing program operating committee, the director shall cause 30194  
a ballot request form to be published at least thirty days 30195  
before the beginning of the election period in at least two 30196  
appropriate periodicals designated by the director and shall 30197  
make the form available for reproduction to any interested group 30198  
or association. 30199

(D) The pork marketing program operating committee 30200  
consists of the following twelve members: 30201

(1) The director of agriculture, who shall be an ex- 30202  
officio, non-voting member, or the director's designee; 30203

(2) The executive vice-president of the Ohio pork council 30204  
or its successor; 30205

(3) Four members appointed by the director of agriculture 30206  
who are pork producers. When making such appointments, the 30207  
director shall give consideration to Ohio pork producers who are 30208  
representatives on the national pork board; 30209

(4) Six members elected in accordance with section 924.22 30210  
of the Revised Code, except that the elections shall occur by 30211  
district, with one member elected from each district. The 30212  
districts are as follows: 30213

(a) District one: Allen, Defiance, Fulton, Henry, 30214  
Paulding, Putnam, Van Wert, and Williams counties; 30215

(b) District two: Crawford, Erie, Hancock, Huron, Lucas, 30216  
Marion, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot 30217  
counties; 30218

(c) District three: Auglaize, Mercer, Hardin, Logan, and 30219  
Shelby counties; 30220

(d) District four: Ashland, Ashtabula, Carroll, 30221  
Columbiana, Coshocton, Cuyahoga, Delaware, Geauga, Harrison, 30222  
Holmes, Jefferson, Knox, Lake, Licking, Lorain, Mahoning, 30223  
Medina, Morrow, Portage, Stark, Summit, Tuscarawas, Trumbull, 30224  
Union, and Wayne counties; 30225

(e) District five: Butler, Darke, Hamilton, Miami, 30226  
Montgomery, and Preble counties; 30227

(f) District six: Adams, Athens, Belmont, Brown, 30228  
Champaign, Clark, Clermont, Clinton, Fairfield, Fayette, 30229  
Franklin, Gallia, Greene, Guernsey, Highland, Hocking, Jackson, 30230  
Lawrence, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, 30231  
Perry, Pickaway, Pike, Ross, Scioto, Vinton, Warren, and 30232  
Washington counties. 30233

Except for the director, or the director's designee, all 30234  
members of the pork marketing program operating committee are 30235  
voting members. 30236

(E) Following the election of the initial members of the 30237  
operating committee, all future elections for the pork marketing 30238  
program shall occur in accordance with the pork marketing 30239  
program's by-laws drafted and adopted by the pork marketing 30240  
program operating committee. Such by-laws shall be adopted by 30241  
the operating committee within one year after the creation of 30242  
the pork marketing program. 30243

(F) (1) With regard to the levying of assessments under 30244  
section 924.26 of the Revised Code, the assessment on pork shall 30245  
be the lesser of the following: 30246

(a) Twenty-five one hundredths of one per cent of the 30247  
market value of the porcine animal, pork, or pork product sold 30248  
or imported; 30249

(b) An amount established by the operating committee at 30250  
the initial meeting of the operating committee through an 30251  
initial order. The operating committee may increase the rate of 30252  
an assessment after the initial order by not more than one-tenth 30253  
of one per cent per year. 30254

(3) If assessments are levied under the national pork 30255  
checkoff program created by the "Pork Promotion, Research, and 30256  
Consumer Information Act of 1985," 7 U.S.C. 4801 et seq., no 30257  
assessments shall be levied for purposes of the pork marketing 30258  
program established under this section. 30259

(4) The operating committee may determine if a refund of 30260  
an assessment is permitted. 30261

**Sec. 924.30.** (A) No person shall knowingly fail or refuse 30262  
to withhold or remit an assessment levied under section 924.212 30263  
or 924.26 of the Revised Code. 30264

(B) Before instituting an enforcement action for a 30265  
violation of this section, the director of agriculture shall 30266  
give the alleged violator an opportunity to present the alleged 30267  
violator's views to the director as to why the action should not 30268  
be instituted. 30269

**Sec. 924.51.** (A) There is hereby created the Ohio grape 30270  
industries committee consisting of ~~nine~~ten members. The members 30271  
shall be the director of agriculture or the director's designee, 30272  
who shall chair the committee, the superintendent of liquor 30273  
control or the superintendent's designee, ~~the chief of the~~ 30274  
~~division of markets of the department of agriculture,~~ the 30275  
viticulture extension specialist of the Ohio agricultural 30276  
research and development center, who shall be a nonvoting 30277  
member, and ~~five~~seven members who shall be residents of this 30278

state and appointed by the director of agriculture in accordance 30279  
with division (B) of this section. At no time shall the director 30280  
appoint more than ~~five~~seven members to the committee. 30281

(B) Of the ~~five~~seven members of the committee appointed 30282  
by the director of agriculture, not less than ~~two~~three, but not 30283  
more than ~~three~~four shall be persons who receive income from 30284  
the production of grapes or grape products. Not less than 30285  
~~two~~three, but not more than ~~three~~four members shall be persons 30286  
who receive income from the production of wine from raw grape or 30287  
fruit products in either raw fruit or fresh juice form. The 30288  
terms for each appointed member of the committee shall be for 30289  
three years, commencing on the first day of January and ending 30290  
on the thirty-first day of December. No appointed member shall 30291  
serve more than two consecutive terms. The director may remove 30292  
any appointed member for cause. 30293

(C) Members shall be appointed to fill vacancies caused by 30294  
death, resignation, or removal in the same manner prescribed for 30295  
regular appointment to the committee. Any member appointed to 30296  
fill a vacancy occurring prior to the expiration of the term for 30297  
which the member's predecessor was appointed shall hold office 30298  
for the remainder of the term. Any member shall continue in 30299  
office subsequent to the expiration date of that member's term 30300  
until that member's successor takes office, or until a period of 30301  
one hundred eighty days has elapsed, whichever occurs first. 30302

(D) All members of the committee are entitled to their 30303  
actual and necessary expenses incurred in the performance of 30304  
their duties as members, payable from moneys received from the 30305  
Ohio grape industries fund created under section 924.54 of the 30306  
Revised Code. 30307

(E) A majority of the committee constitutes a quorum. 30308

**Sec. 927.53.** (A) Each collector or dealer who sells, 30309  
offers, or exposes for sale, or distributes nursery stock within 30310  
this state, or ships nursery stock to other states, shall pay an 30311  
annual license fee of one hundred twenty-five dollars to the 30312  
director of agriculture for each place of business the collector 30313  
or dealer operates. 30314

(B) (1) Each dealer shall furnish the director, annually, 30315  
an affidavit that the dealer will buy and sell only nursery 30316  
stock which has been inspected and certified by an official 30317  
state or federal inspector. 30318

(2) Each dealer's license expires on the thirty-first day 30319  
of December of each year. Each licensed dealer shall apply for 30320  
renewal of the dealer's license prior to the first day of 30321  
January of each year and in accordance with the standard renewal 30322  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 30323

(C) Each licensed nurseryperson shall post conspicuously 30324  
in the nurseryperson's principal place of business, the 30325  
certificate which is issued to the nurseryperson in accordance 30326  
with section 927.61 of the Revised Code. 30327

(D) Each licensed nurseryperson, or dealer, shall post 30328  
conspicuously in each place of business, each certificate or 30329  
license which is issued to the nurseryperson or dealer in 30330  
compliance with this section or section 927.61 of the Revised 30331  
Code. 30332

(E) (1) Each nurseryperson who produces, sells, offers for 30333  
sale, or distributes woody nursery stock within the state, or 30334  
ships woody nursery stock to other states, shall pay to the 30335  
director an annual inspection fee of ~~one~~two hundred dollars 30336  
plus ~~eleven~~fifteen dollars per acre, or fraction thereof, of 30337



growing nursery stock in intensive production areas and ~~seven-~~ 30338  
ten dollars per acre, or fraction thereof, of growing nursery 30339  
stock in nonintensive production areas, as applicable. 30340

(2) Each nurseryperson who limits production and sales of 30341  
nursery stock to brambles, herbaceous, perennial, and other 30342  
nonwoody plants, shall pay to the director an inspection fee of 30343  
one hundred dollars, plus eleven dollars per acre, or fraction 30344  
thereof, of growing nursery stock in intensive and nonintensive 30345  
production areas. 30346

(F) The fees collected under this section shall be 30347  
credited to the plant pest program fund created in section 30348  
927.54 of the Revised Code. 30349

**Sec. 928.02.** (A) (1) The director of agriculture ~~shall~~ may 30350  
establish a program to monitor and regulate hemp cultivation and 30351  
shall establish a program to monitor and regulate hemp 30352  
processing in this state. ~~Under the~~ 30353

(2) If the director establishes a program to monitor and 30354  
regulate hemp cultivation in this state and subsequently intends 30355  
to transfer authority to the United States department of 30356  
agriculture to monitor and regulate hemp cultivation in this 30357  
state, the director shall take whatever actions necessary to 30358  
effectuate such transfer. 30359

(3) If the director implements a program to monitor and 30360  
regulate hemp cultivation under division (A) (1) of this section, 30361  
the director shall issue hemp cultivation licenses ~~and hemp-~~ 30362  
~~processing licenses~~ in accordance with rules adopted under 30363  
section 928.03 of the Revised Code. 30364

~~(2) As~~ (4) If the director implements a program to monitor 30365  
and regulate hemp cultivation under division (A) (1) of this 30366

section and as authorized by the director, the department of 30367  
agriculture or a university may cultivate ~~or process~~ hemp 30368  
without a hemp cultivation license ~~or hemp processing license~~ 30369  
for research purposes. 30370

(5) As authorized by the director, the department of 30371  
agriculture or a university may process hemp without a hemp 30372  
processing license for research purposes. 30373

~~(B) Except~~ If the director implements a program to monitor 30374  
and regulate hemp cultivation under division (A) (1) of this 30375  
section and except as authorized under division ~~(A) (2)~~ (A) (4) or 30376  
(E) of this section, any person that wishes to cultivate hemp 30377  
shall apply for and obtain a hemp cultivation license from the 30378  
director in accordance with rules adopted under section 928.03 30379  
of the Revised Code. Except as authorized under division ~~(A) (2)~~ 30380  
(A) (5) or (E) of this section, any person that wishes to process 30381  
hemp shall apply for and obtain a hemp processing license from 30382  
the director in accordance with those rules. Such licenses are 30383  
valid for three years unless earlier suspended or revoked by the 30384  
director. 30385

(C) The department, a university, or any person may, 30386  
without a hemp cultivation license or hemp processing license, 30387  
possess, buy, or sell hemp or a hemp product. 30388

(D) Notwithstanding any other provision of the Revised 30389  
Code to the contrary, the addition of hemp or a hemp product to 30390  
any other product does not adulterate that other product. 30391

~~(E) The~~ If the director implements a program to monitor 30392  
and regulate hemp cultivation under division (A) (1) of this 30393  
section, the director shall issue a hemp cultivation license ~~or~~ 30394  
hemp processing license in accordance with Chapter 4796. of the 30395

Revised Code to an individual if either of the following 30396  
applies: 30397

(1) The individual holds the applicable license in another 30398  
state. 30399

(2) The individual has satisfactory work experience, a 30400  
government certification, or a private certification as 30401  
described in that chapter as a hemp cultivator ~~or hemp processor~~ 30402  
in a state that does not issue the applicable license. 30403

(F) The director shall issue a hemp processing license in 30404  
accordance with Chapter 4796. of the Revised Code to an 30405  
individual if either of the following applies: 30406

(1) The individual holds the applicable license in another 30407  
state. 30408

(2) The individual has satisfactory work experience, a 30409  
government certification, or a private certification as 30410  
described in that chapter as a hemp processor in a state that 30411  
does not issue the applicable license. 30412

**Sec. 928.03.** The director of agriculture, in consultation 30413  
with the governor and attorney general, shall adopt rules in 30414  
accordance with Chapter 119. of the Revised Code establishing 30415  
standards and procedures for the regulation of hemp processing. 30416  
The director also shall adopt such rules, in consultation with 30417  
the governor and attorney general, regarding hemp cultivation 30418  
and processing~~if the director implements a program to monitor~~ 30419  
and regulate hemp cultivation under division (A) (1) of section 30420  
928.02 of the Revised Code. The rules shall include all of the 30421  
following: 30422

(A) The form of an application for a hemp cultivation 30423  
license and hemp processing license and the information required 30424

to be included in each license application; 30425

(B) The amount of an initial application fee that an 30426  
applicant shall submit along with an application for a hemp 30427  
cultivation license or a hemp processing license, and the amount 30428  
of an annual license fee that a licensee shall submit for a hemp 30429  
cultivation license or a hemp processing license. In adopting 30430  
rules under division (B) of this section, the director shall 30431  
ensure both of the following: 30432

(1) That the amount of the application fee and annual 30433  
license fee does not exceed an amount sufficient to cover the 30434  
costs incurred by the department of agriculture to administer 30435  
and enforce this chapter; 30436

(2) That there is one uniform application fee and one 30437  
uniform annual license fee that applies to all applicants for a 30438  
hemp cultivation license. 30439

(C) Requirements and procedures concerning background 30440  
investigations of each applicant for a hemp cultivation license 30441  
and each applicant for a hemp processing license. The director 30442  
shall include both of the following in the rules adopted under 30443  
this division: 30444

(1) A requirement that each applicant comply with sections 30445  
4776.01 to 4776.04 of the Revised Code; 30446

(2) Provisions that prohibit the director from issuing a 30447  
hemp cultivation license or hemp processing license to an 30448  
applicant that has not complied with those sections. 30449

(D) Requirements regarding the experience, equipment, 30450  
facilities, or land necessary to obtain a hemp cultivation 30451  
license; 30452

(E) Requirements and procedures regarding standards of 30453  
financial responsibility for each applicant for a hemp 30454  
processing license. 30455

(F) Procedures and requirements for the issuance, renewal, 30456  
denial, suspension, and revocation of a hemp cultivation license 30457  
and hemp processing license, including providing for a hearing 30458  
under Chapter 119. of the Revised Code with regard to such a 30459  
denial, suspension, or revocation; 30460

(G) Grounds for the denial, suspension, and revocation of 30461  
a hemp cultivation license and of a hemp processing license, 30462  
including a requirement that the director revoke a hemp 30463  
cultivation license or hemp processing license, for a period of 30464  
ten years, of any person who pleads guilty to or is convicted of 30465  
a felony relating to a controlled substance; 30466

(H) A requirement that the director shall not issue a hemp 30467  
cultivation license or hemp processing license to any person who 30468  
has pleaded guilty to or been convicted of a felony relating to 30469  
a controlled substance in the ten years immediately prior to the 30470  
submission of the application for a license; 30471

(I) A requirement that any person that materially 30472  
falsifies information in an application for a hemp cultivation 30473  
license or hemp processing license is ineligible to receive 30474  
either license; 30475

(J) A practice for maintaining relevant information 30476  
regarding land on which hemp is cultivated by hemp cultivation 30477  
licensees, including a legal description of the land, in 30478  
accordance with applicable federal law; 30479

(K) Requirements prohibiting a hemp cultivation licensee 30480  
and a hemp processing licensee from cultivating or processing 30481

marihuana; 30482

(L) A procedure for testing, using post-decarboxylation or 30483  
other similarly reliable methods, delta-9 tetrahydrocannabinol 30484  
concentration levels of plants and products for purposes of 30485  
determining compliance with this chapter and rules adopted under 30486  
it; 30487

(M) Requirements and procedures for the issuance, 30488  
administration, and enforcement of corrective action plans 30489  
issued under this chapter; 30490

(N) A procedure for conducting annual inspections of, at a 30491  
minimum, a random sample of hemp cultivation license holders to 30492  
verify that plants are not being cultivated in violation of this 30493  
chapter or rules adopted under it; 30494

(O) A procedure for conducting annual inspections of, at a 30495  
minimum, a random sample of hemp processing license holders to 30496  
verify that such license holders are not operating in violation 30497  
of this chapter or rules adopted under it; 30498

(P) A procedure for complying with enforcement procedures 30499  
required under federal law; 30500

(Q) A procedure for the effective disposal of all of the 30501  
following: 30502

(1) Plants, whether growing or not, cultivated in 30503  
violation of this chapter or rules adopted under it; 30504

(2) Products derived from plants cultivated in violation 30505  
of this chapter or rules adopted under it; 30506

(3) Products produced in violation of this chapter or 30507  
rules adopted under it. 30508

(R) Requirements and procedures governing the production, 30509  
storage, and disposal of hemp byproducts. 30510

For the purposes of this chapter and notwithstanding any 30511  
provision of law to the contrary, "hemp product" includes a 30512  
byproduct, produced as a result of processing hemp, that 30513  
contains a delta-9 tetrahydrocannabinol concentration of more 30514  
than three-tenths per cent, provided that the byproduct is 30515  
produced, stored, and disposed of in accordance with rules 30516  
adopted under division (R) of this section. 30517

(S) Procedures for sharing information regarding hemp 30518  
cultivation license holders with the secretary of the USDA; 30519

(T) A setback distance requirement that specifies the 30520  
distance that a hemp cultivation license holder shall locate 30521  
hemp plants from a location where medical marijuana is being 30522  
cultivated. The requirement does not apply to a hemp cultivation 30523  
license holder with regard to a medical marijuana cultivator 30524  
that locates medical marijuana within the established setback 30525  
distance requirement after the hemp cultivation license holder 30526  
begins operation. 30527

(U) Annual reporting requirements and procedures for hemp 30528  
cultivation license holders and hemp processing license holders; 30529

(V) Recordkeeping and documentation maintenance 30530  
requirements and procedures for hemp cultivation license holders 30531  
and hemp processing license holders; 30532

(W) Fees for the laboratory testing of plants and 30533  
products; 30534

(X) Standards for the testing and labeling of hemp and 30535  
hemp products; 30536

(Y) Requirements prohibiting the processing of hemp in a 30537  
building used as a personal residence or on land that is zoned 30538  
for residential use; 30539

(Z) Production standards and manufacturing practices for 30540  
processing hemp; 30541

(AA) Procedures and requirements for the transportation 30542  
and storage of both hemp and hemp products; 30543

(BB) Any other requirements or procedures necessary to 30544  
administer and enforce this chapter. 30545

**Sec. 928.04.** (A) Except as authorized under division ~~(A)~~ 30546  
~~(2)~~ (A) (4) or (5) of section 928.02 of the Revised Code, no 30547  
person shall cultivate hemp without a hemp cultivation license 30548  
issued by the director of agriculture under this chapter, if the 30549  
director implements a program to monitor and regulate hemp 30550  
cultivation under division (A) (1) of section 928.02 of the 30551  
Revised Code, or process hemp without a hemp processing license 30552  
issued by the director of agriculture under this chapter. 30553

(B) No person who holds a hemp cultivation license or hemp 30554  
processing license issued by the director under this chapter 30555  
shall violate this chapter or rules adopted under it. 30556

(C) No person subject to a corrective action plan issued 30557  
by the director of agriculture under section 928.05 of the 30558  
Revised Code shall fail to comply with the plan. 30559

(D) No person shall transport hemp or a hemp product in 30560  
violation of rules adopted under section 928.03 of the Revised 30561  
Code. 30562

**Sec. 935.06.** (A) Not later than ninety days after receipt 30563  
of an application under section 935.05 of the Revised Code, the 30564



director of agriculture shall issue or deny a wildlife shelter 30565  
permit. The director shall issue a permit to an applicant only 30566  
if all of the following apply: 30567

(1) The applicant is eighteen years of age or older. 30568

(2) The applicant has registered the dangerous wild animal 30569  
or animals that are the subject of the application under section 30570  
935.04 of the Revised Code. 30571

(3) The applicant is in compliance with the standards of 30572  
care established in rules adopted under division (A) (2) of 30573  
section 935.17 of the Revised Code. 30574

(4) The applicant has sterilized each male dangerous wild 30575  
animal that is possessed by the applicant. However, a dangerous 30576  
wild animal is not required to be sterilized if a veterinarian 30577  
that is qualified to provide veterinary care to the dangerous 30578  
wild animal determines that the sterilization is medically 30579  
contraindicated and the applicant has submitted a copy of the 30580  
veterinarian's written determination with the applicant's 30581  
application. 30582

(5) The applicant has signed an affidavit attesting that 30583  
the applicant will not allow members of the public to be in 30584  
physical contact with a dangerous wild animal possessed by the 30585  
applicant. Division (A) (5) of this section does not apply to an 30586  
employee of the applicant or a volunteer who has entered into a 30587  
written agreement with the applicant to work for or volunteer 30588  
for the applicant and assists in the care of a dangerous wild 30589  
animal or animals specified in division (C) (20) of section 30590  
935.01 of the Revised Code possessed by the applicant if the 30591  
care is provided under the direction of the applicant. 30592

(6) The applicant has not been convicted of or pleaded 30593

guilty to a a disqualifying offense as determined in accordance 30594  
with section 9.79 of the Revised Code and a criminal records 30595  
check performed in accordance with division (B) of this section. 30596

(7) The facility at which a dangerous wild animal or 30597  
dangerous wild animals will be maintained under the permit 30598  
consists of at least one acre. Division (A) (7) of this section 30599  
does not apply to either of the following: 30600

(a) Dangerous wild animals specified in division (C) (20) 30601  
of section 935.01 of the Revised Code; 30602

(b) An applicant to whom the director issues a written 30603  
waiver stating that the acreage requirement does not apply to 30604  
the applicant. 30605

(8) The applicant has signed an affidavit attesting that 30606  
the facility at which a dangerous wild animal or dangerous wild 30607  
animals will be maintained under the permit and the conditions 30608  
in which each dangerous wild animal will be kept in that 30609  
facility are in compliance with this chapter and rules. 30610

(9) The applicant has submitted a complete application 30611  
that meets the requirements established in section 935.05 of the 30612  
Revised Code. 30613

(10) The applicant has submitted the applicable fee under 30614  
section 935.05 of the Revised Code. 30615

If a permit is issued, the director shall assign a unique 30616  
identification number to the permit. 30617

(B) Prior to issuing or denying a wildlife shelter permit, 30618  
the director shall submit a request to the bureau of criminal 30619  
identification and investigation in the office of the attorney 30620  
general for a criminal records check of the applicant for the 30621

permit. Upon receipt of a request, the superintendent of the 30622  
bureau shall conduct a criminal records check in the manner 30623  
described in division (B) of section 109.572 of the Revised Code 30624  
to determine whether any information exists that indicates that 30625  
the applicant previously has been convicted of or pleaded guilty 30626  
to any of the following: 30627

(1) A felony drug abuse offense; 30628

(2) An offense of violence that is a felony; 30629

(3) A violation of section 959.13 or 959.131 of the 30630  
Revised Code or of section 2927.21 of the Revised Code as that 30631  
section existed prior to its repeal by S.B. 310 of the 129th 30632  
general assembly. 30633

The applicant is responsible for paying all costs 30634  
associated with the criminal records check. 30635

(C) If a permit application is denied, two hundred fifty 30636  
dollars of the permit application fee shall be retained by the 30637  
director as payment for the reasonable expense of processing the 30638  
application, and the remainder of the fee shall be returned to 30639  
the applicant. 30640

(D) Not later than the first day of December of each year, 30641  
a permit holder shall apply to the director, on a form 30642  
prescribed and provided by the director, for a renewal of the 30643  
permit if the permit holder intends to retain possession of the 30644  
dangerous wild animal or animals that are identified in the 30645  
permit. Not later than thirty days after receipt of an 30646  
application for renewal, the director shall renew or deny the 30647  
renewal of the permit. The director shall renew the permit if 30648  
the permit holder complies with this chapter and rules and pays 30649  
a renewal fee in the same amount as the fee established for the 30650

initial permit in section 935.05 of the Revised Code. If a 30651  
renewal permit is denied, two hundred fifty dollars of the 30652  
renewal fee shall be retained by the director as payment for the 30653  
reasonable expense of processing the application, and the 30654  
remainder of the renewal fee shall be returned to the applicant. 30655

(E) If the director denies an application for a permit or 30656  
a renewal of a permit, the director shall notify the person of 30657  
the denial, the grounds for the denial, and the person's right 30658  
to an adjudication under Chapter 119. of the Revised Code. 30659

(F) If a person does not appeal the determination of the 30660  
director to deny an application for a permit or a renewal of a 30661  
permit or if the determination of the director is affirmed under 30662  
Chapter 119. of the Revised Code, not later than thirty days 30663  
after the decision not to appeal or after the determination is 30664  
affirmed, as applicable, the person shall transfer the dangerous 30665  
wild animal or animals that the person possesses to a humane 30666  
society, wildlife sanctuary, rescue facility, facility that is 30667  
an accredited member of either the association of zoos and 30668  
aquariums or the zoological association of America, or facility 30669  
that is located in another state and that complies with that 30670  
state's applicable laws. After the transfer has occurred, the 30671  
person shall submit proof to the director that the dangerous 30672  
wild animal or animals were transferred and shall specify the 30673  
society, sanctuary, or facility to which the animal or animals 30674  
were transferred. 30675

The person is responsible for all costs associated with 30676  
the transfer of the dangerous wild animal or animals. 30677

(G) If a person that has been issued a wildlife shelter 30678  
permit under this section or a wildlife propagation permit under 30679  
section 935.07 of the Revised Code dies, the person's next of 30680

kin shall do one of the following: 30681

(1) If the next of kin wishes to possess the dangerous 30682  
wild animal or animals, obtain a wildlife shelter permit under 30683  
this section or a wildlife propagation permit under section 30684  
935.07 of the Revised Code, as applicable. That next of kin 30685  
shall comply with this chapter and rules, except that, with 30686  
respect to the next of kin's initial permit, the person need not 30687  
pay the applicable permit application fee. 30688

(2) If the deceased person has a last will and testament 30689  
that specifies that the dangerous wild animal or animals 30690  
possessed by the person are to be transferred to another person 30691  
that has been issued a wildlife shelter permit, wildlife 30692  
propagation permit, or rescue facility permit issued under this 30693  
chapter, transfer the dangerous wild animal or animals to the 30694  
applicable permit holder; 30695

(3) Transfer the dangerous wild animal or animals that 30696  
were possessed by the deceased person in accordance with 30697  
division (F) of this section. 30698

(H) All fees collected under this section shall be 30699  
credited to the ~~dangerous and restricted animal~~ and consumer 30700  
protection fund created in section ~~935.25~~ 943.26 of the Revised 30701  
Code. 30702

**Sec. 935.07.** (A) A person that possesses a registered 30703  
dangerous wild animal in this state on October 1, 2013, that 30704  
wishes to continue to possess the dangerous wild animal on and 30705  
after January 1, 2014, and that intends to propagate the animal 30706  
solely for the purposes of a species survival program that 30707  
complies with rules shall apply for a wildlife propagation 30708  
permit under this section. An applicant need apply for only one 30709

permit regardless of the number of dangerous wild animals that 30710  
the applicant possesses. 30711

(B) Except as otherwise provided in this section, an 30712  
applicant for a wildlife propagation permit shall comply with 30713  
the requirements and procedures established in sections 935.05 30714  
and 935.06 of the Revised Code. The application fee for a 30715  
wildlife propagation permit shall be one of the following, as 30716  
applicable: 30717

(1) One thousand dollars if the applicant possesses not 30718  
more than fifty dangerous wild animals; 30719

(2) Three thousand dollars if the applicant possesses more 30720  
than fifty dangerous wild animals. 30721

(C) The facility at which a dangerous wild animal or 30722  
dangerous wild animals will be maintained under a wildlife 30723  
propagation permit shall consist of at least two acres. Division 30724  
(C) of this section does not apply to either of the following: 30725

(1) Dangerous wild animals specified in division (C) (20) 30726  
of section 935.01 of the Revised Code; 30727

(2) An applicant to whom the director of agriculture 30728  
issues a written waiver stating that the acreage requirement 30729  
does not apply to the applicant. 30730

(D) All fees collected under this section shall be 30731  
credited to the ~~dangerous and restricted animal~~ and consumer 30732  
protection fund created in section ~~935.25~~ 943.26 of the Revised 30733  
Code. 30734

(E) Division (A) (4) of section 935.06 of the Revised Code 30735  
does not apply to an applicant for a wildlife propagation 30736  
permit. 30737

**Sec. 935.09.** (A) Not later than ninety days after receipt 30738  
of an application under section 935.08 of the Revised Code, the 30739  
director of agriculture shall issue or deny a restricted snake 30740  
possession permit. The director shall issue a permit to an 30741  
applicant only if all of the following apply: 30742

(1) The applicant is eighteen years of age or older. 30743

(2) The applicant has signed an affidavit attesting that 30744  
the applicant will not allow members of the public to be in 30745  
physical contact with a restricted snake possessed by the 30746  
applicant. Division (A)(2) of this section does not apply to 30747  
either of the following: 30748

(a) An applicant that displays a restricted snake or 30749  
snakes specified in division (L)(1) of section 935.01 of the 30750  
Revised Code to a primary or secondary school age student; 30751

(b) An employee of the applicant or a volunteer who has 30752  
entered into a written agreement with the applicant to work for 30753  
or volunteer for the applicant and assists in the care of a 30754  
restricted snake or snakes possessed by the applicant if the 30755  
care is provided under the direction of the applicant. 30756

(3) The applicant has not been convicted of or pleaded 30757  
guilty to a felony drug abuse offense, an offense of violence 30758  
that is a felony, or a violation of section 959.13 or 959.131 of 30759  
the Revised Code or of section 2927.21 of the Revised Code as 30760  
that section existed prior to its repeal by S.B. 310 of the 30761  
129th general assembly, as determined by a criminal records 30762  
check performed in accordance with division (B) of this section. 30763

(4) The applicant has signed an affidavit attesting that 30764  
the facility at which a restricted snake or snakes will be 30765  
maintained under the permit and the conditions in which each 30766

restricted snake will be kept in that facility are in compliance 30767  
with this chapter and rules. 30768

(5) The applicant has submitted a complete application 30769  
that meets the requirements established in section 935.08 of the 30770  
Revised Code. 30771

(6) The applicant has submitted the application fee 30772  
established in section 935.08 of the Revised Code. 30773

If a permit is issued, the director shall assign a unique 30774  
identification number to the permit. 30775

(B) Prior to issuing or denying a restricted snake 30776  
possession permit, the director shall submit a request to the 30777  
bureau of criminal identification and investigation in the 30778  
office of the attorney general for a criminal records check of 30779  
the applicant for the permit. Upon receipt of a request, the 30780  
superintendent of the bureau shall conduct a criminal records 30781  
check in the manner described in division (B) of section 109.572 30782  
of the Revised Code to determine whether any information exists 30783  
that indicates that the applicant previously has been convicted 30784  
of or pleaded guilty to any of the following: 30785

(1) A felony drug abuse offense; 30786

(2) An offense of violence that is a felony; 30787

(3) A violation of section 959.13 or 959.131 of the 30788  
Revised Code or of section 2927.21 of the Revised Code as that 30789  
section existed prior to its repeal by S.B. 310 of the 129th 30790  
general assembly. 30791

The applicant is responsible for paying all costs 30792  
associated with the criminal records check. 30793

(C) If a permit application is denied, seventy-five 30794



dollars of the permit application fee shall be retained by the 30795  
director as payment for the reasonable expense of processing the 30796  
application, and the remainder of the fee shall be returned to 30797  
the applicant. 30798

(D) Not later than the first day of December of each year, 30799  
a permit holder shall apply to the director, on a form 30800  
prescribed and provided by the director, for a renewal of the 30801  
permit if the permit holder intends to retain possession of the 30802  
restricted snake or snakes that are identified in the permit. 30803  
Not later than thirty days after receipt of an application for 30804  
renewal, the director shall renew or deny the renewal of the 30805  
permit. The director shall renew the permit if the permit holder 30806  
complies with this chapter and rules and pays a renewal fee in 30807  
the same amount as the fee established for the initial permit in 30808  
section 935.08 of the Revised Code. If a renewal permit is 30809  
denied, seventy-five dollars of the renewal fee shall be 30810  
retained by the director as payment for the reasonable expense 30811  
of processing the application, and the remainder of the renewal 30812  
fee shall be returned to the applicant. 30813

(E) If the director denies an application for a permit or 30814  
a renewal of a permit, the director shall notify the person of 30815  
the denial, the grounds for the denial, and the person's right 30816  
to an adjudication under Chapter 119. of the Revised Code. 30817

(F) If a person does not appeal the determination of the 30818  
director to deny an application for a permit or a renewal of a 30819  
permit or if the determination of the director is affirmed under 30820  
Chapter 119. of the Revised Code, not later than thirty days 30821  
after the decision not to appeal or after the determination is 30822  
affirmed, as applicable, the person shall transfer the 30823  
restricted snake or snakes that the person possesses to a humane 30824

society, wildlife sanctuary, facility that is an accredited 30825  
member of either the association of zoos and aquariums or the 30826  
zoological association of America, or facility that is located 30827  
in another state and that complies with that state's applicable 30828  
laws. After the transfer has occurred, the person shall submit 30829  
proof to the director that the restricted snake or snakes were 30830  
transferred and shall specify the society, sanctuary, or 30831  
facility to which the snake or snakes were transferred. 30832

The person is responsible for all costs associated with 30833  
the transfer of the restricted snake or snakes. 30834

(G) If a person that has been issued a restricted snake 30835  
possession permit under this section or a restricted snake 30836  
propagation permit under section 935.10 of the Revised Code 30837  
dies, the person's next of kin shall do one of the following: 30838

(1) If the next of kin wishes to possess the restricted 30839  
snake or snakes, obtain a restricted snake possession permit 30840  
under this section or a restricted snake propagation permit 30841  
under section 935.10 of the Revised Code, as applicable. That 30842  
next of kin shall comply with this chapter and rules, except 30843  
that, with respect to the next of kin's initial permit, the 30844  
person need not pay the applicable permit application fee. 30845

(2) If the deceased person has a last will and testament 30846  
that specifies that the restricted snake or snakes possessed by 30847  
the person are to be transferred to another person that has been 30848  
issued a restricted snake possession permit under this section 30849  
or a restricted snake propagation permit issued under section 30850  
935.10 of the Revised Code, transfer the restricted snake or 30851  
snakes to the applicable permit holder; 30852

(3) Transfer the restricted snake or snakes that were 30853

possessed by the deceased person in accordance with division (F) 30854  
of this section. 30855

(H) All fees collected under this section shall be 30856  
credited to the ~~dangerous and restricted animal~~ and consumer 30857  
protection fund created in section ~~935.25~~ 943.26 of the Revised 30858  
Code. 30859

**Sec. 935.10.** (A) (1) A person that possesses a restricted 30860  
snake in this state prior to January 1, 2014, that wishes to 30861  
continue to possess the restricted snake on and after that date, 30862  
and that intends to propagate, sell, trade, or otherwise 30863  
transfer the snake shall obtain a restricted snake propagation 30864  
permit under this section not later than January 1, 2014. 30865

(2) A person that acquires a restricted snake in this 30866  
state on or after January 1, 2014, and that intends to 30867  
propagate, sell, trade, or otherwise transfer the snake shall 30868  
obtain a restricted snake propagation permit under this section 30869  
not later than one hundred twenty days after acquiring the 30870  
snake. 30871

(3) An applicant need apply for only one permit regardless 30872  
of the number of restricted snakes that the applicant possesses. 30873

(B) Except as otherwise provided in this section, an 30874  
applicant for a restricted snake propagation permit shall comply 30875  
with the requirements and procedures established in sections 30876  
935.08 and 935.09 of the Revised Code. The application fee for a 30877  
restricted snake propagation permit shall be three hundred 30878  
dollars. 30879

(C) If a permit application is denied, one hundred fifty 30880  
dollars of the permit application fee shall be retained by the 30881  
director of agriculture as payment for the reasonable expense of 30882

processing the application, and the remainder of the fee shall 30883  
be returned to the applicant. 30884

(D) All fees collected under this section shall be 30885  
credited to the ~~dangerous and restricted animal~~ and consumer 30886  
protection fund created in section ~~935.25~~ 943.26 of the Revised 30887  
Code. 30888

**Sec. 935.16.** (A) If a dangerous wild animal or restricted 30889  
snake escapes, the person that possesses the animal or snake 30890  
immediately shall notify both of the following: 30891

(1) The sheriff of the county and the chief law 30892  
enforcement officer of the township or municipal corporation 30893  
where the escape occurred; 30894

(2) The division of animal health in the department of 30895  
agriculture by means of the twenty-four-hour telephone number 30896  
that is maintained by the division. 30897

(B) (1) A law enforcement officer or natural resources law 30898  
enforcement officer may destroy a dangerous wild animal or 30899  
restricted snake that has escaped and that poses a threat to 30900  
public safety. 30901

(2) A law enforcement officer or natural resources law 30902  
enforcement officer that destroys an escaped dangerous wild 30903  
animal or restricted snake pursuant to division (B) (1) of this 30904  
section is not liable for damages in a civil action for any 30905  
injury, death, or loss to person or property that allegedly 30906  
arises from the destruction of the animal or snake. 30907

(C) The person that possesses a dangerous wild animal or 30908  
restricted snake that escapes is responsible for all reasonable 30909  
costs associated with the capture or destruction of the animal 30910  
or snake. The person shall reimburse the political subdivision 30911

that employs the law enforcement officer who captured or 30912  
destroyed the dangerous wild animal or restricted snake for the 30913  
costs incurred in capturing or destroying the animal or snake. 30914  
However, if the law enforcement officer is a state highway 30915  
patrol trooper or if a natural resources law enforcement officer 30916  
captured or destroyed the dangerous wild animal or restricted 30917  
snake, the person shall reimburse the state highway patrol or 30918  
department of natural resources, as applicable, for those costs. 30919

(D) (1) Except as provided in division (D) (2) of this 30920  
section, money collected under division (C) of this section 30921  
shall be credited to a special fund, which is hereby created in 30922  
the applicable political subdivision. Money in the special fund 30923  
shall be used exclusively for the administration and enforcement 30924  
of this chapter and rules. 30925

(2) Money collected under division (C) of this section for 30926  
costs incurred by a state highway patrol trooper or a natural 30927  
resources law enforcement officer under this section shall be 30928  
deposited in the state treasury to the credit of the ~~dangerous-~~ 30929  
~~and restricted animal~~ and consumer protection fund created in 30930  
section ~~935.25~~ 943.26 of the Revised Code. 30931

(3) If law enforcement officers from more than one 30932  
jurisdiction assist in the capture or destruction of a dangerous 30933  
wild animal or restricted snake, the money collected shall be 30934  
proportionally distributed to each political subdivision's 30935  
special fund and the dangerous and restricted animal fund, if 30936  
applicable. 30937

**Sec. 935.17.** The director of agriculture shall adopt rules 30938  
in accordance with Chapter 119. of the Revised Code that 30939  
establish all of the following: 30940

(A) Both of the following concerning the registration of 30941  
dangerous wild animals under section 935.04 of the Revised Code: 30942

(1) Any additional information that must be included with 30943  
a registration; 30944

(2) Standards for the care and housing of registered 30945  
dangerous wild animals, including standards for the proper care 30946  
of each species of dangerous wild animal and caging and fencing 30947  
of the animals. 30948

The director shall adopt rules under division (A) of this 30949  
section not later than ninety days after ~~the effective date of~~ 30950  
~~this section~~ September 5, 2012. 30951

(B) Standards for the care and well-being of dangerous 30952  
wild animals specified in divisions (C)(1) to (19) of section 30953  
935.01 of the Revised Code that are possessed by the holders of 30954  
wildlife shelter permits and wildlife propagation permits issued 30955  
under this chapter. The standards shall govern at least 30956  
sanitation for, provision of health care for, and feeding, 30957  
caging, housing, and fencing of dangerous wild animals. In 30958  
adopting rules under this division, the director shall consider 30959  
the following factors: 30960

(1) Best management practices for the care and well-being 30961  
of dangerous wild animals; 30962

(2) Public health and safety; 30963

(3) Biosecurity; 30964

(4) The prevention of disease; 30965

(5) Animal morbidity and mortality data; 30966

(6) Generally accepted veterinary medical practices; 30967

(7) Standards adopted by the association of zoos and	30968
aquariums;	30969
(8) Standards adopted by the zoological association of	30970
America;	30971
(9) Standards established in the federal animal welfare	30972
act;	30973
(10) Ethical standards established by the American	30974
veterinary medical association;	30975
(11) Any other factors that the director considers	30976
necessary for the proper care and well-being of dangerous wild	30977
animals in this state.	30978
(C) Standards for the housing of dangerous wild animals	30979
specified in division (C) (20) of section 935.01 of the Revised	30980
Code that are possessed by the holders of wildlife shelter	30981
permits and wildlife propagation permits issued under this	30982
chapter;	30983
(D) All of the following concerning applications for	30984
permits issued under sections 935.06 and 935.07 of the Revised	30985
Code:	30986
(1) Any additional information that must be included with	30987
a permit application;	30988
(2) Criteria for determining what constitutes a species	30989
survival program for the purposes of division (A) of section	30990
935.07 of the Revised Code and requirements and procedures that	30991
are necessary to determine if a program meets those criteria;	30992
(3) The content of the examination specified in division	30993
(B) (6) of section 935.05 of the Revised Code. The rules shall	30994
require the examination to test an applicant's knowledge on	30995

topics that include proper diet, health care, exercise needs, 30996  
and housing of the species of dangerous wild animal or animals 30997  
that are the subject of the application. 30998

(4) Procedures and requirements concerning the 30999  
administration of the examination specified in division (B) (6) 31000  
of section 935.05 of the Revised Code. 31001

(E) All of the following concerning applications for 31002  
permits issued under sections 935.09 and 935.10 of the Revised 31003  
Code: 31004

(1) Any additional information that must be included with 31005  
a permit application; 31006

(2) The content of the examination specified in division 31007  
(B) (5) of section 935.08 of the Revised Code. The rules shall 31008  
require the examination to test an applicant's knowledge on 31009  
topics that include proper diet, health care, and housing of the 31010  
species of restricted snake or snakes that are the subject of 31011  
the application. 31012

(3) Procedures and requirements concerning the 31013  
administration of the examination specified in division (B) (5) 31014  
of section 935.08 of the Revised Code. 31015

(F) Both of the following concerning applications for 31016  
permits issued under section 935.101 of the Revised Code: 31017

(1) Information that must be included in a permit 31018  
application; 31019

(2) Criteria and procedures for the issuance or denial of 31020  
a permit. 31021

(G) Standards for the care and well-being of dangerous 31022  
wild animals that are possessed by the holders of permits issued 31023



under section 935.101 of the Revised Code. The standards shall 31024  
govern at least sanitation for, provision of health care for, 31025  
and feeding, caging, housing, and fencing of dangerous wild 31026  
animals. In adopting the rules, the director may consider the 31027  
standards of care and housing established in rules adopted under 31028  
division (B) of this section and section 935.12 of the Revised 31029  
Code. 31030

(H) Procedures and requirements governing the maintenance 31031  
of records under section 935.15 of the Revised Code; 31032

(I) Standards for signs that are required to be posted and 31033  
displayed in accordance with section 935.18 of the Revised Code; 31034

(J) The amount of civil penalties that may be assessed 31035  
under section 935.24 of the Revised Code; 31036

~~(K) Procedures and requirements governing the distribution 31037  
of money under division (B) (4) of section 935.25 of the Revised 31038  
Code from the dangerous and restricted animal fund created in 31039  
that section; 31040~~

~~(L) Any other provisions necessary to administer and 31041  
enforce this chapter. 31042~~

**Sec. 935.20.** (A) On and after January 1, 2014, the 31043  
director of agriculture immediately shall cause an investigation 31044  
to be conducted if the director has reason to believe that one 31045  
of the following may be occurring: 31046

(1) A dangerous wild animal is possessed by a person who 31047  
has not been issued a wildlife shelter permit, wildlife 31048  
propagation permit, or rescue facility permit under this 31049  
chapter. 31050

(2) A restricted snake is possessed by a person that has 31051

not been issued a restricted snake possession permit or 31052  
restricted snake propagation permit under this chapter. 31053

(3) A dangerous wild animal or restricted snake is being 31054  
treated or kept in a manner that is in violation of this chapter 31055  
or rules. 31056

For purposes of the investigation, the director or the 31057  
director's designee may order the animal or snake that is the 31058  
subject of the notification to be quarantined or may order the 31059  
transfer of the animal or snake to a facility that is on the 31060  
list maintained by the director under this section. If the 31061  
director's designee orders the animal or snake to be quarantined 31062  
or transferred, the designee shall provide a copy of the order 31063  
to the director. 31064

(B) The director shall attempt to notify the person owning 31065  
or possessing an animal or snake that has been ordered to be 31066  
quarantined or transferred under division (A) of this section. 31067  
The notice shall be delivered in person or by certified mail. 31068  
The director also may post a copy of a quarantine order at two 31069  
conspicuous locations on the premises where the animal or snake 31070  
is quarantined. The director shall maintain a copy of an order 31071  
issued under this section and evidence that the director 31072  
attempted to notify the person owning or possessing the animal 31073  
or snake. 31074

(C) A quarantine or transfer order issued under this 31075  
section shall contain all of the following: 31076

(1) The name and address of the person owning or 31077  
possessing the animal or snake, if known; 31078

(2) A description of the quarantined or transferred animal 31079  
or snake; 31080

(3) A description of the premises affected by the	31081
quarantine or transfer;	31082
(4) The reason for the quarantine or transfer;	31083
(5) Any terms and conditions of the quarantine or	31084
transfer;	31085
(6) A notice that a person adversely affected by the order	31086
may request a hearing to review the order.	31087
(D) A person that is adversely affected by a quarantine or	31088
transfer order pertaining to a dangerous wild animal or	31089
restricted snake owned or possessed by the person, within thirty	31090
days after the order is issued, may request in writing an	31091
adjudication in accordance with Chapter 119. of the Revised	31092
Code. A request for an adjudication does not stay a quarantine	31093
or transfer order.	31094
(E) The owner of or person possessing a dangerous wild	31095
animal or restricted snake that was quarantined or transferred	31096
under division (A) of this section shall be responsible for all	31097
reasonable costs associated with the quarantine or transfer,	31098
including the costs of transportation, housing, food, and	31099
veterinary care for the animal or snake. If such an owner or	31100
person is unable to pay for the reasonable costs, the director	31101
shall certify the costs to the county auditor to be assessed	31102
against any property of the owner or person and thereby made a	31103
lien upon it and collected as other taxes. All money from the	31104
collection of liens under this division shall be credited in	31105
accordance with division (J) of this section.	31106
(F) If the state veterinarian determines that a dangerous	31107
wild animal or restricted snake that was quarantined or	31108
transferred under division (A) of this section is infected with	31109

or exposed to a dangerously contagious or infectious disease or 31110  
is seriously injured, the state veterinarian shall so notify the 31111  
director. The director may order the animal or snake to be 31112  
humanely euthanized by a veterinarian if the state veterinarian 31113  
has indicated that euthanization is medically necessary. 31114

(G) A quarantine or transfer order issued under this 31115  
section shall remain in effect until one of the following 31116  
occurs: 31117

(1) The director, after reviewing the results of the 31118  
investigation conducted under division (A) of this section, 31119  
issues a written notice of release. 31120

(2) A court of competent jurisdiction orders the 31121  
quarantine or transfer order to be terminated in a proceeding 31122  
conducted under division (H) of this section. 31123

(3) A court of competent jurisdiction orders the seizure 31124  
of the dangerous wild animal or restricted snake in a proceeding 31125  
conducted under division (H) of this section. 31126

(H) If, after reviewing the results of an investigation 31127  
concerning a dangerous wild animal or restricted snake conducted 31128  
under division (A) of this section and after resolution of any 31129  
proceeding conducted under division (D) of this section, the 31130  
director determines that a circumstance described in division 31131  
(A) (1), (2), or (3) of this section is or was occurring, the 31132  
director shall initiate, in a court of competent jurisdiction, a 31133  
proceeding for the permanent seizure of the animal or snake, as 31134  
applicable. If the court affirms the director's determination 31135  
that a circumstance described in division (A) (1), (2), or (3) of 31136  
this section is or was occurring, the court shall order the 31137  
animal or snake seized and shall order the method of disposition 31138

of the animal or snake. The court may order the person owning or 31139  
possessing the animal or snake to pay all reasonable costs 31140  
associated with the seizure and, if applicable, the costs 31141  
associated with the quarantine or transfer of the animal or 31142  
snake, including the costs of transportation, housing, food, and 31143  
veterinary care of the animal or snake. If the court does not 31144  
affirm the director's determination, the court shall order the 31145  
quarantine or transfer order to be terminated and the animal or 31146  
snake to be returned to the person owning or possessing it, if 31147  
applicable. 31148

(I) The director may authorize any of the following to 31149  
conduct an investigation and order the quarantine or transfer of 31150  
a dangerous wild animal or restricted snake under division (A) 31151  
of this section: 31152

(1) Employees of the department of agriculture; 31153

(2) Natural resources law enforcement officers with the 31154  
consent of the director of natural resources; 31155

(3) Employees of the department of health with the consent 31156  
of the director of health; 31157

(4) Employees of a board of health with the consent of the 31158  
board; 31159

(5) Humane society agents appointed under section 1717.06 31160  
of the Revised Code with the consent of the humane society; 31161

(6) Law enforcement officers with the consent of the 31162  
sheriff of the county or the chief law enforcement officer of 31163  
the township or municipal corporation, as applicable, by whom 31164  
the law enforcement officers are employed; 31165

(7) Law enforcement officers who are state highway patrol 31166

troopers with the consent of the superintendent of the state 31167  
highway patrol. 31168

(J) Money collected for reimbursement of costs associated 31169  
with the quarantine or transfer of dangerous wild animals and 31170  
restricted snakes under this section shall be credited to one of 31171  
the following funds, as applicable: 31172

(1) If the animal or snake was quarantined or transferred 31173  
by an employee of the department of agriculture or the 31174  
department of health, a natural resources law enforcement 31175  
officer, or a law enforcement officer who is a state highway 31176  
patrol trooper, the ~~dangerous and restricted animal~~ and consumer  
protection fund created in section ~~935.25~~ 943.26 of the Revised 31177  
Code; 31178  
31179

(2) If the animal or snake was quarantined or transferred 31180  
by an employee of a board of health, a special fund, which is 31181  
hereby created in each health district, that shall be used 31182  
exclusively for the administration and enforcement of this 31183  
chapter and rules; 31184

(3) If the animal or snake was quarantined or transferred 31185  
by a humane society agent, a special fund, which is hereby 31186  
created in each county that has a humane society, that shall be 31187  
used exclusively for the administration and enforcement of this 31188  
chapter and rules; 31189

(4) If the animal or snake was quarantined or transferred 31190  
by a law enforcement officer who is not a state highway patrol 31191  
trooper, the special fund that is created in the political 31192  
subdivision that employs the law enforcement officer in division 31193  
(D) of section 935.16 of the Revised Code. 31194

(K) The director shall maintain a list of facilities 31195

inside and outside the state that the director determines are 31196  
eligible to accept dangerous wild animals and restricted snakes 31197  
for the purposes of this section. 31198

**Sec. 935.24.** (A) The attorney general, upon request of the 31199  
director of agriculture, shall bring an action for injunction 31200  
against any person who has violated, is violating, or is 31201  
threatening to violate this chapter or rules. The court of 31202  
common pleas in which an action for injunction is filed has 31203  
jurisdiction to and shall grant preliminary and permanent 31204  
injunctive relief upon a showing that the person against whom 31205  
the action is brought has violated, is violating, or is 31206  
threatening to violate this chapter or rules. 31207

(B) (1) The director may assess a civil penalty against any 31208  
person that the director determines is not in compliance with 31209  
this chapter or rules. 31210

(2) The director shall afford the person an opportunity 31211  
for an adjudication under Chapter 119. of the Revised Code to 31212  
challenge the director's determination that the person is not in 31213  
compliance with this chapter or rules. However, the person may 31214  
waive the right to an adjudication. 31215

(3) If the opportunity for an adjudication is waived or 31216  
if, after an adjudication, the director determines that a 31217  
violation has occurred or is occurring, the director may issue 31218  
an order and assess a civil penalty in an amount established in 31219  
rules against the violator. The order and the assessment of the 31220  
civil penalty may be appealed in accordance with section 119.12 31221  
of the Revised Code. 31222

(C) Notwithstanding any other section of the Revised Code, 31223  
money resulting from any action taken under this section shall 31224

be credited to the ~~dangerous and restricted animal~~ and consumer  
protection fund created in section ~~935.25~~ 943.26 of the Revised  
Code. 31225  
31226  
31227

**Sec. 943.04.** (A) Fees for the initial issuance of any 31228  
license issued pursuant to sections 943.02, 943.03, and 943.031 31229  
of the Revised Code, shall be paid to the department of 31230  
agriculture. 31231

(B) All annual renewal fees for the licenses shall be paid 31232  
by the applicant for the renewal of a license on or before the 31233  
thirty-first day of March of each year to the treasurer of 31234  
state. Except for license fees for small dealers, the fees ~~shall~~ 31235  
~~be based on the number of head of livestock purchased, sold, or~~ 31236  
~~exchanged, in this state, whichever is the greatest, during the~~ 31237  
~~preceding calendar year. Those fees for dealers or brokers shall~~ 31238  
~~be as follows:~~ 31239

~~Less than 1,000 head \_\_\_\_\_ \$50.00 per annum;~~ 31240

~~For 1,001 to 10,000 head \_\_\_\_\_ \$125.00 per annum;~~ 31241

~~For more than 10,000 head \_\_\_\_\_ \$250.00 per annum.~~ 31242

In the event a dealer or broker operates more than one 31243  
place where livestock is purchased, sold, or exchanged, a fee 31244  
shall be paid for each place, but only the original purchase, 31245  
sale, or exchange shall be counted in computing the amount of 31246  
the fee to be paid for each place operated by the dealer or 31247  
broker. Shipment between yards owned or operated by the dealer 31248  
or broker shall be exempt. 31249

A late fee of one hundred dollars shall be paid for each 31250  
dealer or broker license renewal application that is received 31251  
after the thirty-first day of March each year. 31252



(C) (1) A fee of ~~twenty-five~~ fifty dollars shall be paid by 31253  
each small dealer. 31254

If a small dealer operates more than one place where 31255  
livestock is purchased, sold, or exchanged, a fee shall be paid 31256  
for each place, but only the original purchase, sale, or 31257  
exchange shall be counted in computing the amount of fee to be 31258  
paid for each place operated by the small dealer. Shipment 31259  
between yards owned or operated by the small dealer shall be 31260  
exempt. 31261

(2) A late fee of ~~twenty-five~~ one hundred dollars shall be 31262  
paid for each small dealer license renewal application that is 31263  
received after the thirty-first day of March each year. 31264

(D) A fee of ~~twenty~~ thirty dollars shall be paid by each 31265  
licensed weigher and each employee that is appointed by a small 31266  
dealer, dealer, or broker as provided in section 943.02 of the 31267  
Revised Code. 31268

(E) ~~A fee of ten dollars shall be paid by each licensed~~ 31269  
~~weigher.~~ 31270

~~(F)~~ All money collected under section 943.03 of the 31271  
Revised Code and under this section shall be credited to the 31272  
animal and consumer protection ~~laboratory~~ fund created in 31273  
section ~~901.43~~ 943.26 of the Revised Code. 31274

**Sec. 943.16.** All fines imposed and collected under section 31275  
943.99 of the Revised Code shall be credited to the animal and 31276  
consumer protection ~~laboratory~~ fund created in section ~~901.43~~ 31277  
943.26 of the Revised Code. 31278

**Sec. 943.26.** The animal and consumer protection fund is 31279  
created in the state treasury. ~~Notwithstanding section 943.04 of~~ 31280  
~~the Revised Code,~~ The fund shall consist of livestock dealer or 31281

broker fees and civil penalties collected under this chapter, 31282  
all money collected through the issuance of licenses to captive 31283  
whitetail deer licensees under this chapter ~~and all money~~ 31284  
~~collected under section 942.04 of the Revised Code shall be~~ 31285  
~~credited to the animal and consumer protection fund, which is~~ 31286  
~~hereby created in the state treasury and any other money~~ 31287  
credited to it under the Revised Code. The director of 31288  
agriculture shall use money in the fund to administer ~~Chapter~~ 31289  
~~942. and sections 943.20 to 943.26 of the Revised Code and rules~~ 31290  
and Chapters 935. and 942. of the Revised Code and rules adopted 31291  
under those chapters. 31292

**Sec. 943.27.** (A) The director of agriculture, after 31293  
providing an opportunity for an adjudication hearing under 31294  
Chapter 119. of the Revised Code, may assess a civil penalty 31295  
against a person who has violated or is in violation of sections 31296  
943.01 to 943.10 and 943.12 to 943.17 of the Revised Code. If 31297  
the director assesses a civil penalty, the director shall do so 31298  
as follows: 31299

(1) In an amount not exceeding five hundred dollars if, 31300  
within five years of the violation, the director has not 31301  
previously assessed a civil penalty against the person under 31302  
this section; 31303

(2) In an amount not exceeding two thousand five hundred 31304  
dollars if, within five years of the violation, the director has 31305  
previously assessed one civil penalty against the person under 31306  
this section; 31307

(3) In an amount not exceeding ten thousand dollars if, 31308  
within five years of the violation, the director has previously 31309  
assessed two or more civil penalties against the person under 31310  
this section. 31311

(B) Money collected under division (A) of this section 31312  
shall be deposited in the state treasury to the credit of the 31313  
animal and consumer protection fund created in section 943.26 of 31314  
the Revised Code. 31315

**Sec. 943.99.** ~~(A)~~ Whoever violates section 943.11 of the 31316  
Revised Code is guilty of a felony of the fifth degree. 31317

~~(B) Whoever violates sections 943.01 to 943.10 and 943.12~~ 31318  
~~to 943.17 of the Revised Code is guilty of a misdemeanor of the~~ 31319  
~~first degree.~~ 31320

**Sec. 955.201.** (A) As used in this section and in section 31321  
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 31322  
corporation organized by that name under Chapter 1702. of the 31323  
Revised Code that consists of humane societies, veterinarians, 31324  
animal shelters, companion animal breeders, dog wardens, or 31325  
similar individuals and entities. 31326

(B) The Ohio pet fund shall do all of the following: 31327

(1) Establish eligibility criteria for organizations that 31328  
may receive financial assistance from the Ohio pet fund. Those 31329  
organizations may include any of the following: 31330

(a) An animal shelter as defined in section 4729.01 of the 31331  
Revised Code; 31332

(b) A local nonprofit veterinary association that operates 31333  
a program for the sterilization of dogs and cats; 31334

(c) A charitable organization that is exempt from federal 31335  
income taxation under subsection 501(c)(3) of the Internal 31336  
Revenue Code and a purpose of which is to support programs for 31337  
the sterilization of dogs and cats and educational programs 31338  
concerning the proper veterinary care of those animals. 31339

(2) Establish procedures for applying for financial 31340  
assistance from the Ohio pet fund. Application procedures shall 31341  
require eligible organizations to submit detailed proposals that 31342  
outline the intended uses of the moneys sought. 31343

(3) Establish eligibility criteria for sterilization and 31344  
educational programs for which moneys from the Ohio pet fund may 31345  
be used and, consistent with division (C) of this section, 31346  
establish eligibility criteria for individuals who seek 31347  
sterilization for their dogs and cats from eligible 31348  
organizations; 31349

(4) Establish procedures for the disbursement of moneys 31350  
the Ohio pet fund receives ~~from license plate contributions~~ 31351  
pursuant to division (C) of section 4503.551 of the Revised Code 31352  
and section 955.202 of the Revised Code; 31353

(5) Advertise or otherwise provide notification of the 31354  
availability of financial assistance from the Ohio pet fund for 31355  
eligible organizations; 31356

(6) Design markings to be inscribed on "pets" license 31357  
plates under section 4503.551 of the Revised Code. 31358

(C) (1) The owner of a dog or cat is eligible for dog or 31359  
cat sterilization services from an eligible organization when 31360  
those services are subsidized in whole or in part by money from 31361  
the Ohio pet fund if any of the following applies: 31362

(a) The income of the owner's family does not exceed one 31363  
hundred fifty per cent of the federal poverty guideline. 31364

(b) The owner, or any member of the owner's family who 31365  
resides with the owner, is a recipient or beneficiary of one of 31366  
the following government assistance programs: 31367

(i) Low-income housing assistance under the "United States Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the federal section 8 housing program; 31368  
31369  
31370

(ii) The Ohio works first program established by Chapter 5107. of the Revised Code; 31371  
31372

(iii) The medicaid program; 31373

(iv) A program or law administered by the United States department of veterans' affairs or veterans' administration for any service-connected disability; 31374  
31375  
31376

(v) The supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), administered by the department of job and family services under section 5101.54 of the Revised Code; 31377  
31378  
31379  
31380

(vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered by the department of health under section 3701.132 of the Revised Code; 31381  
31382  
31383  
31384  
31385

(vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended; 31386  
31387  
31388

(viii) Social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended. 31389  
31390  
31391

(c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following: 31392  
31393  
31394

(i) A certificate of adoption showing that the dog or cat 31395

was adopted from a licensed animal shelter, a municipal, county, 31396  
or regional pound, or a holding and impoundment facility that 31397  
contracts with a municipal corporation; 31398

(ii) A certificate of adoption showing that the dog or cat 31399  
was adopted through a nonprofit corporation operating an animal 31400  
adoption referral service whose holding facility, if any, is 31401  
licensed in accordance with state law or a municipal ordinance. 31402

(2) The Ohio pet fund shall determine the type of 31403  
documentary evidence that must be presented by the owner of a 31404  
dog or cat to show that the income of the owner's family does 31405  
not exceed one hundred fifty per cent of the federal poverty 31406  
guideline or that the owner is eligible under division (C) (1) (b) 31407  
of this section. 31408

(D) As used in division (C) of this section, "federal 31409  
poverty guideline" means the official poverty guideline as 31410  
revised annually by the United States department of health and 31411  
human services in accordance with section 673(2) of the "Omnibus 31412  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 31413  
9902, as amended, for a family size equal to the size of the 31414  
family of the person whose income is being determined. 31415

Sec. 955.202. The companion animal fund is created in the 31416  
state treasury. The fund shall consist of money credited to it 31417  
under section 5747.113 of the Revised Code, donations, gifts, 31418  
bequests, and any other money received for the purposes of 31419  
section 955.201 of the Revised Code. The Ohio pet fund shall use 31420  
money in the fund for the purposes of that section. 31421

**Sec. 956.07.** (A) A person who is applying for an annual 31422  
license to operate a high volume breeder or to act as or perform 31423  
the functions of a dog broker under section 956.04 or 956.05 of 31424

the Revised Code, as applicable, shall include with the 31425  
application for a license a nonrefundable license application 31426  
fee. The application fees are as follows: 31427

(1) For a high volume breeder: 31428

(a) One hundred fifty dollars if the high volume breeder 31429  
annually sells at least forty, but not more than sixty puppies 31430  
to the public; 31431

(b) Two hundred fifty dollars if the high volume breeder 31432  
annually sells at least sixty-one, but not more than one hundred 31433  
fifty puppies to the public; 31434

(c) Three hundred fifty dollars if the high volume breeder 31435  
annually sells at least one hundred fifty-one, but not more than 31436  
two hundred fifty puppies to the public; 31437

(d) Five hundred dollars if the high volume breeder 31438  
annually sells at least two hundred fifty-one, but not more than 31439  
three hundred fifty puppies to the public; 31440

(e) Seven hundred fifty dollars if the high volume breeder 31441  
annually sells three hundred fifty-one or more puppies to the 31442  
public; 31443

(f) If divisions (A)(1)(a) to (e) of this section do not 31444  
apply, one hundred and fifty dollars if either of the following 31445  
applies: 31446

(i) The high volume breeder sells five or more adult dogs 31447  
or puppies to a dog broker or pet store. 31448

(ii) The high volume breeder keeps, houses, and maintains, 31449  
at any given time in a calendar year, more than forty puppies 31450  
that are under four months of age, that have been bred on the 31451  
premises of the establishment, and that have been primarily 31452

kept, housed, and maintained from birth on the premises of the 31453  
establishment. 31454

(2) For a dog broker, five hundred dollars. 31455

(B) Money collected by the director of agriculture from 31456  
each application fee submitted under this section shall be 31457  
deposited in the state treasury to the credit of the ~~high volume~~ 31458  
~~breeder kennel control license~~ commercial dog breeding fund 31459  
created in section 956.18 of the Revised Code. The director 31460  
shall use fifty dollars of the application fee submitted by a 31461  
high volume breeder under this section or an amount equal to the 31462  
fee charged for the registration of a kennel under section 31463  
955.14 of the Revised Code in the county in which the high 31464  
volume breeder is located or will be located, whichever is 31465  
greater, to reimburse that county. The county auditor shall 31466  
deposit the transferred money into that county's dog and kennel 31467  
fund created under section 955.20 of the Revised Code. 31468

**Sec. 956.10.** (A) (1) At least once annually, the director 31469  
of agriculture or the director's authorized representative shall 31470  
inspect a high volume breeder that is subject to licensure under 31471  
this chapter and rules adopted under section 956.03 of the 31472  
Revised Code to ensure compliance with this chapter and rules 31473  
adopted under it, including the standards of care established in 31474  
rules adopted under that section. 31475

(2) The director or the director's authorized 31476  
representative shall inspect a boarding kennel when the director 31477  
or the director's authorized representative has received 31478  
information that the boarding kennel is breeding dogs and may be 31479  
subject to licensure under this chapter and rules adopted under 31480  
section 956.03 of the Revised Code. 31481



(B) The director or the director's authorized  
representative may do any of the following:

(1) Upon receiving a complaint, inspect a high volume  
breeder that is subject to licensure under this chapter and  
rules adopted under section 956.03 of the Revised Code to ensure  
compliance with this chapter and rules adopted under it;

(2) Upon the request of a member of the public, a public  
official, or an animal shelter for dogs, inspect any facility at  
which a person is acting as or performing the functions of a dog  
broker to ensure such compliance;

(3) Upon receiving a complaint, inspect an animal rescue  
for dogs to ensure compliance with section 956.06 of the Revised  
Code and applicable rules adopted under section 956.03 of the  
Revised Code;

(4) Conduct an inspection under this section during  
regular business hours without providing notice in advance.

(C) Inspections shall be conducted in accordance with  
rules adopted under section 956.03 of the Revised Code. A record  
of each inspection shall be made by the director or the  
director's authorized representative who is responsible for the  
inspection in accordance with those rules.

(D) The director or the director's authorized  
representative, upon proper identification and upon stating the  
purpose and necessity of an inspection, may enter at reasonable  
times on any public or private property, real or personal, to  
inspect or investigate and to examine or copy records in order  
to determine compliance with this chapter and rules adopted  
under it. The director, the director's authorized  
representative, or the attorney general upon the request of the

director may apply to the appropriate court in the county in 31511  
which inspection will occur for an appropriate court order or 31512  
search warrant as necessary to achieve the purposes of this 31513  
chapter and rules adopted under it. 31514

(E) No owner or operator of a high volume breeder, person 31515  
acting as or performing the functions of a dog broker, owner or 31516  
operator of a boarding kennel, or owner or operator of an animal 31517  
rescue for dogs shall interfere with an inspection or refuse to 31518  
allow the director or the director's authorized representative 31519  
full access to all areas where dogs are kept or cared for. If 31520  
entry is refused or inspection or investigation is refused, 31521  
hindered, or thwarted by a high volume breeder or dog broker, 31522  
the director may suspend or revoke the breeder's or broker's 31523  
license in accordance with this chapter. 31524

(F) (1) The director may enter into a contract or agreement 31525  
with a veterinarian to conduct inspections under this section. 31526  
The veterinarian shall be considered the director's authorized 31527  
representative for the purposes of this section. 31528

(2) A veterinarian with whom the director has entered into 31529  
a contract or agreement under division (F) (1) of this section 31530  
may inspect a high volume breeder with whom the veterinarian has 31531  
established a veterinary-client-patient relationship as 31532  
described in section 4741.04 of the Revised Code only every 31533  
other year. 31534

(3) If the director determines that a veterinarian with 31535  
whom the director has entered into a contract or agreement under 31536  
division (F) (1) of this section has falsified any information 31537  
submitted to the director pursuant to an inspection, the 31538  
director shall inform the veterinary medical licensing board 31539  
created by Chapter 4741. of the Revised Code of the 31540

falsification. 31541

(G) (1) If entry that is authorized by division (D) of this 31542  
section is refused or if an inspection or investigation is 31543  
refused, hindered, or thwarted by intimidation or otherwise and 31544  
if the director, an authorized representative of the director, 31545  
or the attorney general applies for and obtains a court order or 31546  
a search warrant under division (D) of this section to conduct 31547  
the inspection or investigation, the owner or operator of the 31548  
premises where entry was refused or inspection or investigation 31549  
was refused, hindered, or thwarted, if found guilty of violating 31550  
this chapter or rules adopted under it, is liable to the 31551  
director for all of the following: 31552

(a) The reasonable costs incurred by the director for the 31553  
regular salaries and fringe benefit costs of personnel assigned 31554  
to conduct the inspection or investigation from the time the 31555  
court order or search warrant was issued until the court order 31556  
or search warrant is executed; 31557

(b) The salary, fringe benefits, and travel expenses of 31558  
the director, an authorized representative of the director, or 31559  
the attorney general incurred in obtaining the court order or 31560  
search warrant; and 31561

(c) Expenses necessarily incurred for the assistance of 31562  
local law enforcement officers in executing the court order or 31563  
search warrant. 31564

(2) In the application for a court order or a search 31565  
warrant, the director, the director's authorized representative, 31566  
or the attorney general may request and the court, in its order 31567  
granting the court order or search warrant, may order the owner 31568  
or operator of the premises, if found guilty of violating this 31569

chapter or rules adopted under it, to reimburse the director for 31570  
any of the costs described in division (G)(1) of this section 31571  
that the court finds reasonable. From money recovered under this 31572  
division, the director shall do all of the following: 31573

(a) Reimburse the attorney general for the costs incurred 31574  
by the attorney general in connection with proceedings for 31575  
obtaining the court order or search warrant; 31576

(b) Reimburse the political subdivision in which the 31577  
premises is located for the assistance of its law enforcement 31578  
officers in executing the court order or search warrant; 31579

(c) Deposit the remainder in the state treasury to the 31580  
credit of the ~~high volume breeder kennel control license~~ 31581  
commercial dog breeding fund created in section 956.18 of the 31582  
Revised Code. 31583

(H) A dog warden appointed under Chapter 955. of the 31584  
Revised Code or an agent of a humane society entering on public 31585  
or private property to make investigations and inspections in 31586  
accordance with Chapter 955. or 1717. of the Revised Code, as 31587  
applicable, shall report any violations of this chapter and 31588  
rules adopted under it to the director or the director's 31589  
authorized representative. 31590

**Sec. 956.13.** (A) The director of agriculture, after 31591  
providing an opportunity for an adjudication hearing under 31592  
Chapter 119. of the Revised Code, may assess a civil penalty 31593  
against a person who has violated or is violating sections 31594  
956.01 to 956.18 of the Revised Code or rules adopted under 31595  
section 956.03 of the Revised Code. 31596

(B) A person who is assessed a civil penalty under this 31597  
section is liable for a civil penalty of not more than two 31598

thousand five hundred dollars for a first violation, not more 31599  
than five thousand dollars for a second violation, and not more 31600  
than ten thousand dollars for a third or subsequent violation. 31601

Each day that a violation continues constitutes a separate 31602  
violation. 31603

(C) Any person assessed a civil penalty under this section 31604  
shall pay the amount prescribed to the department of 31605  
agriculture. The department shall remit all money collected 31606  
under this section to the treasurer of state for deposit in the 31607  
~~high volume breeder kennel control license commercial dog~~ 31608  
breeding fund created under section 956.18 of the Revised Code. 31609

**Sec. 956.16.** The director of agriculture, the director's 31610  
authorized representative, or the attorney general may require 31611  
the attendance of witnesses and the production of books, 31612  
records, papers, and dogs that are needed either by the director 31613  
or the attorney general or by any party to a hearing before the 31614  
director and for that purpose may issue a subpoena for any 31615  
witness or a subpoena duces tecum to compel the production of 31616  
any books, records, papers, or dogs. The subpoena shall be 31617  
served by personal service or by certified mail. If the subpoena 31618  
is returned because of inability to deliver, or if no return is 31619  
received within thirty days after the date of mailing, the 31620  
subpoena may be served by ordinary mail. If no return of 31621  
ordinary mail is received within thirty days after the date of 31622  
mailing, service shall be deemed to have been made. If the 31623  
subpoena is returned because of inability to deliver, the 31624  
director or the attorney general may designate a person or 31625  
persons to effect either personal or residence service on the 31626  
witness. The person designated to effect personal or residence 31627  
service under this section may be the sheriff of the county in 31628

which the witness resides or may be found or any other duly 31629  
designated person. The fees and mileage of the person serving 31630  
the subpoena shall be the same as those allowed by the courts of 31631  
common pleas in criminal cases and shall be paid from the funds 31632  
of the department of agriculture. Fees and mileage for the 31633  
witness shall be the same as those allowed for witnesses by the 31634  
courts of common pleas in criminal cases and, upon request of 31635  
the witness following the hearing, shall be paid from the money 31636  
in the ~~high volume breeder kennel control license commercial dog~~ 31637  
breeding fund created in section 956.18 of the Revised Code. 31638

**Sec. 956.18.** (A) All money collected by the director of 31639  
agriculture from ~~late renewal fees under section 956.06, license~~ 31640  
~~fees under section 956.07, and civil penalties assessed under~~ 31641  
~~section 956.13 of the Revised Code~~ fees and civil penalties 31642  
under this chapter shall be deposited in the state treasury to 31643  
the credit of the ~~high volume breeder kennel control license~~ 31644  
commercial dog breeding fund, which is hereby created. The fund 31645  
shall also consist of money appropriated to it. 31646

(B) The director shall use the money in the fund for the 31647  
purpose of administering ~~sections 956.01 to 956.18 of the~~ 31648  
~~Revised Code~~ this chapter and rules adopted under ~~section 956.03~~ 31649  
~~of the Revised Code that apply to those sections~~ it. 31650

**Sec. 956.21.** (A) The director of agriculture may issue a 31651  
pet store license to an owner or operator of a pet store when 31652  
the owner or operator does all of the following: 31653

(1) Applies for a license in accordance with this section 31654  
and rules adopted under section 956.03 of the Revised Code; 31655

(2) Affirms in writing that the owner or operator will 31656  
maintain compliance with the applicable requirements established 31657

under section 959.20 of the Revised Code; 31658

(3) Submits with the application for a pet store license a 31659  
fee of five hundred dollars. 31660

(B) The director of agriculture may deny, suspend, or 31661  
revoke a license issued under this section for a violation of 31662  
division (A), (B), or (C) of section 956.20 of the Revised Code 31663  
or rules adopted under section 956.03 of the Revised Code. The 31664  
denial, suspension, or revocation of a license is not effective 31665  
until the licensee is given written notice of the violation, a 31666  
reasonable amount of time to correct the violation, if possible, 31667  
and an opportunity for a hearing. 31668

The director also may refuse to issue a license under 31669  
division (B) of this section if the applicant has violated 31670  
division (A), (B), or (C) of section 956.20 of the Revised Code 31671  
or the rules adopted under section 956.03 of the Revised Code 31672  
during the thirty-six-month period prior to submitting an 31673  
application for the license. 31674

(C) Any license issued under this section is valid for a 31675  
period of one year from the date of issuance. A pet store 31676  
license must be renewed annually in the manner provided in rules 31677  
adopted under section 956.03 of the Revised Code. 31678

(D) Money collected by the director of agriculture from 31679  
each application fee submitted under this section shall be 31680  
deposited in the state treasury to the credit of the ~~pet store~~ 31681  
~~license-commercial dog breeding~~ fund created in section ~~956.181~~ 31682  
956.18 of the Revised Code. 31683

(E) No owner, operator, or manager of a pet store shall 31684  
negligently display, offer for sale, deliver, barter, auction, 31685  
broker, give away, transfer, or sell any live dog from a pet 31686

store in this state unless a license has been issued for the pet 31687  
store by the director of agriculture in accordance with this 31688  
section and rules adopted under section 956.03 of the Revised 31689  
Code. 31690

**Sec. 956.22.** (A) The director of agriculture, after 31691  
providing an opportunity for an adjudication hearing under 31692  
Chapter 119. of the Revised Code, may assess a civil penalty 31693  
against a person who has violated or is violating division (A), 31694  
(B), or (C) of section 956.20 of the Revised Code or division 31695  
(E) of section 956.21 of the Revised Code. 31696

(B) The person who is assessed a civil penalty under this 31697  
section is liable for a civil penalty of not more than two 31698  
thousand five hundred dollars for a first violation, not more 31699  
than five thousand dollars for a second violation, and not more 31700  
than ten thousand dollars for a third or subsequent violation. 31701

(C) Any person assessed a civil penalty under this section 31702  
shall pay the amount prescribed to the department of 31703  
agriculture. The department shall remit all money collected 31704  
under this section to the treasurer of state for deposit in the 31705  
~~pet store license commercial dog breeding fund~~ created under 31706  
section ~~956.181~~ 956.18 of the Revised Code. 31707

**Sec. 956.23.** The regulation of pet stores is a matter of 31708  
general statewide interest that requires statewide regulation. 31709  
Sections ~~956.181~~ 956.19 to 956.23 of the Revised Code and 31710  
section 956.99 of the Revised Code constitute a comprehensive 31711  
plan with respect to all aspects of the regulation of pet 31712  
stores. Accordingly, it is the intent of the general assembly to 31713  
preempt any local ordinance, resolution, or other law adopted to 31714  
regulate the sale, delivery, barter, auction, broker, or 31715  
transfer of a dog to a person from a pet store. 31716



Sec. 1310.251. (A) (1) As used in this section, "excess wear and use waiver" means a contractual agreement that is part of, or a separate addendum to, a lease agreement for use of a motor vehicle, under which the lessor agrees, with or without a separate charge, to do one or both of the following: 31717  
31718  
31719  
31720  
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(a) Cancel or waive all or part of amounts that may become due under a lessee's lease agreement as a result of excess wear and use of a motor vehicle; 31722  
31723  
31724

(b) Cancel or waive amounts due for excess mileage. 31725

(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code and also includes utility vehicles and under-speed vehicles as defined in that section. 31726  
31727  
31728

(B) The terms of a related motor vehicle lease shall not be conditioned upon the consumer's payment for any excess wear and use waiver. Excess wear and use waivers may be discounted or given at no extra charge in connection with the purchase of other noncredit related goods or services. 31729  
31730  
31731  
31732  
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(C) Notwithstanding any provision of the Revised Code to the contrary, an excess wear and use waiver is not an insurance product. 31734  
31735  
31736

**Sec. 1311.252. (A)** Prior to the performance of any labor or work or the furnishing of any materials in furtherance of a public improvement, the public authority shall prepare a notice of commencement in substantially the form specified in division (B) of this section which shall be made readily available to the public upon request. 31737  
31738  
31739  
31740  
31741  
31742

(B) The notice of commencement required under division (A) of this section shall contain ~~in affidavit form~~ all of the following information: 31743  
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31745

(1) The name, location, and a number, if any, used by the public authority to identify the public improvement sufficient to permit the public improvement to be identified;

(2) The name and address of the public authority;

(3) The name, address, and trade of all principal contractors;

(4) The date the public authority first executed a contract with a principal contractor for the public improvement;

(5) The name and address of the sureties for all principal contractors;

(6) The name and address of the representative of the public authority upon whom service shall be made for the purposes of serving an affidavit pursuant to section 1311.26 of the Revised Code.

(C) If the notice of commencement is not made available to the public prior to the commencement of work on the public improvement or if the notice of commencement furnished by the public authority contains incorrect information which the claimant relies upon to ~~his~~ the claimant's detriment, the unavailability of the notice or the incorrect notice shall not adversely affect the rights of any claimant under sections 1311.25 to 1311.32 of the Revised Code.

**Sec. 1317.05.** (A) Any retail seller who, in any retail installment contract, has agreed to purchase insurance for the retail buyer and to extend credit for the price thereof, excluding single interest insurance, shall, prior to the due date of the first installment of the retail installment contract, deliver to the retail buyer personally, or mail or cause to be mailed to the retail buyer at the retail buyer's

address as shown on the retail installment contract, the policy 31775  
of insurance, or in lieu thereof a certificate of insurance, or 31776  
the retail buyer is not liable on the retail buyer's retail 31777  
installment contract until the policy, or certificate of 31778  
insurance, is received, or full refund is made of the insurance 31779  
premium. 31780

If the premium for insurance of like kind and amount, as 31781  
fixed in the published manual of a recognized standard rating 31782  
bureau designated by the retail seller, is less than the amount 31783  
charged the retail buyer as fixed in the written instrument in 31784  
compliance with division (D) of section 1317.04 of the Revised 31785  
Code, the retail buyer may deduct an amount equal to three times 31786  
the difference from the amount owed the retail seller, or the 31787  
retail seller's successor in interest. Sections 1317.01 to 31788  
1317.11 of the Revised Code do not impair the authority of the 31789  
superintendent of insurance to grant, renew, or revoke licenses, 31790  
nor do said sections authorize anyone other than a licensee of 31791  
the division of insurance to directly or indirectly receive any 31792  
part of the amount charged for insurance in connection with any 31793  
retail installment sale. 31794

(B) As used in this division, "debt cancellation or debt 31795  
suspension product" means a contractual agreement in which a 31796  
retail seller, or its assignee, agrees for a separate charge to 31797  
cancel or waive all or a part of amounts due on a retail buyer's 31798  
retail installment contract in the event of a total physical 31799  
damage loss or unrecovered theft of the motor vehicle that is 31800  
the subject of the contract. "Debt cancellation or debt 31801  
suspension product" includes a guaranteed asset protection 31802  
waiver, guaranteed auto protection waiver, or other similarly 31803  
named agreement. A "debt cancellation or debt suspension 31804  
product" may also provide, with or without a separate charge, a 31805

benefit that waives an amount, or provides a borrower with a 31806  
credit, towards the purchase of a replacement motor vehicle. 31807

A debt cancellation or debt suspension product, and an 31808  
addendum to a retail installment contract containing a debt 31809  
cancellation or debt suspension product, shall be considered a 31810  
part of the retail installment contract and shall remain a part 31811  
of that contract upon the assignment, sale, or transfer of that 31812  
contract. The charge for any optional debt cancellation or debt 31813  
suspension product shall be listed as a specific good and shall 31814  
not be considered a finance charge or interest. The purchase 31815  
price and the terms of the debt cancellation or debt suspension 31816  
product shall be disclosed in writing to the buyer. The 31817  
extension of credit, terms of the credit, or the terms of the 31818  
related motor vehicle sale or lease shall not be conditioned on 31819  
the purchase of the debt cancellation or debt suspension 31820  
product. Notwithstanding any other provision of law, a debt 31821  
cancellation or debt suspension product shall not be considered 31822  
insurance. 31823

(C) Single interest insurance shall be listed as a 31824  
specific good in a retail installment contract. 31825

(D) As used in this section, "single interest insurance" 31826  
means insurance that covers only the interest of the holder of 31827  
the retail installment contract. 31828

**Sec. 1317.06.** (A) A retail seller at the time of making 31829  
any retail installment sale may charge and contract for the 31830  
payment of a finance charge by the retail buyer and collect and 31831  
receive the same, which shall not exceed the greater of the 31832  
following: 31833

(1) A base finance charge at the rate of eight dollars per 31834

one hundred dollars per year on the principal balance of the 31835  
retail installment contract. On retail installment contracts 31836  
providing for principal balances less than, nor not in multiples 31837  
of one hundred dollars, or for installment payments extending 31838  
for a period less than or greater than one year, said finance 31839  
charge shall be computed proportionately. In addition to the 31840  
base finance charge, the retail seller may charge and contract 31841  
for a service charge of fifty cents per month for the first 31842  
fifty dollar unit or fraction thereof, of the principal balance 31843  
for each month of the term of the installment contract; and an 31844  
additional service charge of twenty-five cents per month for 31845  
each of the next five fifty dollar units or fraction thereof, of 31846  
the principal balance for each month of the term of the 31847  
installment contract. This paragraph applies only to retail 31848  
installment contracts with a principal balance of seven hundred 31849  
dollars or less. 31850

(2) A pre-computed base finance charge not in excess of 31851  
the amount obtained by applying the rate of one and one-half per 31852  
cent per month to the unpaid portion of the unpaid principal 31853  
balance determined to be outstanding from time to time according 31854  
to the terms and schedule of payments of the retail installment 31855  
contract executed in connection with such retail installment 31856  
sale. 31857

Such base finance charge and service charges may be 31858  
computed on a basis of a full month for any fractional period in 31859  
excess of ten days. For a fractional period of a month not in 31860  
excess of ten days, there shall be no base finance charge or 31861  
service charge. 31862

Sections 1317.01 to 1317.11 of the Revised Code do not 31863  
apply to any sale in which the base finance and service charge 31864

does not exceed the sum of fifteen dollars. 31865

(B) Every retail seller may, at the time of making any 31866  
retail installment sale, contract for the payment by the retail 31867  
buyer of lawful delinquent charges as follows: 31868

(1) No charges shall be made for delinquent payments less 31869  
than ten days late. 31870

(2) Five cents for each dollar for a delinquent payment 31871  
that is more than ten days late may be charged, but in no event 31872  
shall a delinquent charge for any one installment exceed three 31873  
dollars. 31874

A provision for the payment of interest on any installment 31875  
not paid in full on or before its scheduled due date at a rate 31876  
not to exceed one and one-half per cent interest per month is 31877  
not a delinquent charge and is expressly authorized. 31878

~~(C)~~ (C) (1) No retail installment contract arising out of a 31879  
consumer transaction and requiring the payment of the charges 31880  
authorized by this section shall be executed unless the combined 31881  
total of the cash price and all finance charges and service 31882  
charges is required to be paid according to a one of the 31883  
following: 31884

(a) A schedule of substantially equal consecutive 31885  
installments, except where the contract contains a provision 31886  
allowing the buyer to refinance the contract under terms no less 31887  
favorable than those of the original contract after making the 31888  
refund credit required by section 1317.09 of the Revised Code; 31889

(b) A schedule of periodic installments in which no 31890  
scheduled installment is more than fifty per cent greater than 31891  
any other scheduled installment, except where the contract 31892  
contains a provision allowing the buyer to refinance the 31893

contract under terms not less favorable than those of the 31894  
original contract after making the refund credit required by 31895  
section 1317.09 of the Revised Code. ~~No~~ 31896

(2) No seller shall, pursuant to any provision in a retail 31897  
installment contract arising out of a consumer transaction, 31898  
accelerate any payments on account of a default in the making of 31899  
an installment payment that has not continued for at least 31900  
thirty days. Division (C) of this section does not apply to the 31901  
extent that the payment schedule is adjusted to the seasonal or 31902  
irregular income of the buyer. 31903

**Sec. 1321.21.** All fees, charges, penalties, and 31904  
forfeitures collected under Chapters 1321., 1322., 4712., 4727., 31905  
and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 31906  
1349.37 of the Revised Code shall be paid to the superintendent 31907  
of financial institutions and shall be deposited by the 31908  
superintendent into the state treasury to the credit of the 31909  
consumer finance fund, which is hereby created. The fund may be 31910  
expended or obligated by the superintendent for the defrayment 31911  
of the costs of administration of Chapters 1321., 1322., 4712., 31912  
4727., and 4728., sections 1315.21 to 1315.30, and sections 31913  
1349.25 to 1349.37 of the Revised Code by the division of 31914  
financial institutions. All actual and necessary expenses 31915  
incurred by the superintendent, including any services rendered 31916  
by the department of commerce for the division's administration 31917  
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 31918  
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the 31919  
Revised Code, shall be paid from the fund. The fund shall be 31920  
assessed a proportionate share of the administrative costs of 31921  
the department and the division. The proportionate share of the 31922  
administrative costs of the division of financial institutions 31923  
shall be determined in accordance with procedures prescribed by 31924

the superintendent. Such assessment shall be paid from the 31925  
consumer finance fund to the division of administration fund or 31926  
the financial institutions fund. 31927

~~Periodically, in accordance with a schedule the director 31928  
establishes by rule, but at least once every three months, the 31929  
director of budget and management shall transfer five per cent 31930  
of all charges, penalties, and forfeitures received into the 31931  
consumer finance fund to the financial literacy education fund 31932  
created under section 121.085 of the Revised Code. 31933~~

**Sec. 1347.08.** (A) Every state or local agency that 31934  
maintains a personal information system, upon the request and 31935  
the proper identification of any person who is the subject of 31936  
personal information in the system, shall: 31937

(1) Inform the person of the existence of any personal 31938  
information in the system of which the person is the subject; 31939

(2) Except as provided in divisions (C) and (E) (2) of this 31940  
section, permit the person, the person's legal guardian, or an 31941  
attorney who presents a signed written authorization made by the 31942  
person, to inspect all personal information in the system of 31943  
which the person is the subject; 31944

(3) Inform the person about the types of uses made of the 31945  
personal information, including the identity of any users 31946  
usually granted access to the system. 31947

(B) Any person who wishes to exercise a right provided by 31948  
this section may be accompanied by another individual of the 31949  
person's choice. 31950

(C) (1) A state or local agency, upon request, shall 31951  
disclose medical, psychiatric, or psychological information to a 31952  
person who is the subject of the information or to the person's 31953



legal guardian, unless one of the following determines for the 31954  
agency that the disclosure of the information is likely to have 31955  
an adverse effect on the person: a physician, including such a 31956  
person who specializes as a psychiatrist; an advanced practice 31957  
registered nurse, including such a person who specializes as a 31958  
psychiatric-mental health nurse practitioner or psychiatric 31959  
clinical nurse specialist; or a psychologist. If such a 31960  
determination is made, the information shall be released to one 31961  
of the following who is designated by the person or by the 31962  
person's legal guardian: a physician, including such a person 31963  
who specializes as a psychiatrist; an advanced practice 31964  
registered nurse, including such a person who specializes as a 31965  
psychiatric-mental health nurse practitioner or psychiatric 31966  
clinical nurse specialist; or a psychologist. 31967

(2) Upon the signed written request of a licensed attorney 31968  
at law, a licensed physician, or an advanced practice registered 31969  
nurse designated by the inmate, together with the signed written 31970  
request of an inmate of a correctional institution under the 31971  
administration of the department of rehabilitation and 31972  
correction, the department shall disclose medical information to 31973  
the designated attorney, physician, or advanced practice 31974  
registered nurse as provided in division (C) of section 5120.21 31975  
of the Revised Code. 31976

(D) If an individual who is authorized to inspect personal 31977  
information that is maintained in a personal information system 31978  
requests the state or local agency that maintains the system to 31979  
provide a copy of any personal information that the individual 31980  
is authorized to inspect, the agency shall provide a copy of the 31981  
personal information to the individual. Each state and local 31982  
agency may establish reasonable fees for the service of copying, 31983  
upon request, personal information that is maintained by the 31984

agency. 31985

(E) (1) This section regulates access to personal 31986  
information that is maintained in a personal information system 31987  
by persons who are the subject of the information, but does not 31988  
limit the authority of any person, including a person who is the 31989  
subject of personal information maintained in a personal 31990  
information system, to inspect or have copied, pursuant to 31991  
section 149.43 of the Revised Code, a public record as defined 31992  
in that section. 31993

(2) This section does not provide a person who is the 31994  
subject of personal information maintained in a personal 31995  
information system, the person's legal guardian, or an attorney 31996  
authorized by the person, with a right to inspect or have 31997  
copied, or require an agency that maintains a personal 31998  
information system to permit the inspection of or to copy, a 31999  
confidential law enforcement investigatory record or trial 32000  
preparation record, as defined in divisions (A) (2) and (4) of 32001  
section 149.43 of the Revised Code. 32002

(F) This section does not apply to any of the following: 32003

(1) The contents of an adoption file maintained by the 32004  
department of health under sections 3705.12 to 3705.124 of the 32005  
Revised Code; 32006

(2) Information contained in the putative father registry 32007  
established by section 3107.062 of the Revised Code, regardless 32008  
of whether the information is held by the department of ~~job and~~ 32009  
~~family services~~ children and youth or, pursuant to section 32010  
3111.69 of the Revised Code, the office of child support in the 32011  
department of job and family services or a child support 32012  
enforcement agency; 32013

(3) Papers, records, and books that pertain to an adoption 32014  
and that are subject to inspection in accordance with section 32015  
3107.17 of the Revised Code; 32016

(4) Records specified in division (A) of section 3107.52 32017  
of the Revised Code; 32018

(5) Records that identify an individual described in 32019  
division (A)(1) of section 3721.031 of the Revised Code, or that 32020  
would tend to identify such an individual; 32021

(6) Files and records that have been expunged under 32022  
division (D)(1) or (2) of section 3721.23 of the Revised Code; 32023

(7) Records that identify an individual described in 32024  
division (A)(1) of section 3721.25 of the Revised Code, or that 32025  
would tend to identify such an individual; 32026

(8) Records that identify an individual described in 32027  
division (A)(1) of section 5165.88 of the Revised Code, or that 32028  
would tend to identify such an individual; 32029

(9) Test materials, examinations, or evaluation tools used 32030  
in an examination for licensure as a nursing home administrator 32031  
that the board of executives of long-term services and supports 32032  
administers under section 4751.15 of the Revised Code or 32033  
contracts under that section with a private or government entity 32034  
to administer; 32035

(10) Information contained in a database established and 32036  
maintained pursuant to section ~~5101.13~~5180.40 of the Revised 32037  
Code; 32038

(11) Information contained in a database established and 32039  
maintained pursuant to section 5101.631 of the Revised Code. 32040

**Sec. 1501.022.** (A) As used in this section, "local 32041

government" means a municipal corporation or a township. 32042

(B) If the department of natural resources does not 32043  
provide emergency response services, garbage and debris removal 32044  
services, or snow removal services on state park land or at 32045  
facilities owned or managed by the department, the director of 32046  
natural resources shall enter into a contract with a local 32047  
government for the local government to provide such services. 32048

(C) If the director requests a local government to provide 32049  
any other service besides such services described in division 32050  
(B) of this section on state park land or at facilities owned or 32051  
managed by the department, the director shall enter into a 32052  
contract with a local government for the local government to 32053  
provide such services. 32054

(D) A contract entered into under this section shall 32055  
include a term providing for the department to reimburse the 32056  
local government for services provided and administrative costs 32057  
associated with providing such services. 32058

**Sec. 1501.47.** The program support fund is created in the 32059  
state treasury. The fund shall consist of payments from 32060  
divisions within the department of natural resources and any 32061  
other payments received by the department related to the 32062  
purposes of the fund. The director of natural resources shall 32063  
use the money in the fund to support centralized service support 32064  
offices of the department. 32065

**Sec. 1509.02.** There is hereby created in the department of 32066  
natural resources the division of oil and gas resources 32067  
management, which shall be administered by the chief of the 32068  
division of oil and gas resources management. The division has 32069  
sole and exclusive authority to regulate the permitting, 32070

location, and spacing of oil and gas wells and production 32071  
operations within the state, excepting only those activities 32072  
regulated under federal laws for which oversight has been 32073  
delegated to the environmental protection agency and activities 32074  
regulated under sections 6111.02 to 6111.028 of the Revised 32075  
Code. The regulation of oil and gas activities is a matter of 32076  
general statewide interest that requires uniform statewide 32077  
regulation, and this chapter and rules adopted under it 32078  
constitute a comprehensive plan with respect to all aspects of 32079  
the locating, drilling, well stimulation, completing, and 32080  
operating of oil and gas wells within this state, including site 32081  
construction and restoration, permitting related to those 32082  
activities, and the disposal of wastes from those wells. In 32083  
order to assist the division in the furtherance of its sole and 32084  
exclusive authority as established in this section, the chief 32085  
may enter into cooperative agreements with other state agencies 32086  
for advice and consultation, including visitations at the 32087  
surface location of a well on behalf of the division. Such 32088  
cooperative agreements do not confer on other state agencies any 32089  
authority to administer or enforce this chapter and rules 32090  
adopted under it. In addition, such cooperative agreements shall 32091  
not be construed to dilute or diminish the division's sole and 32092  
exclusive authority as established in this section. Nothing in 32093  
this section affects the authority granted to the director of 32094  
transportation and local authorities in section 723.01 or 32095  
4513.34 of the Revised Code, provided that the authority granted 32096  
under those sections shall not be exercised in a manner that 32097  
discriminates against, unfairly impedes, or obstructs oil and 32098  
gas activities and operations regulated under this chapter. 32099

The chief shall not hold any other public office, nor 32100  
shall the chief be engaged in any occupation or business that 32101

might interfere with or be inconsistent with the duties as 32102  
chief. 32103

Money collected by the chief pursuant to sections 1509.06, 32104  
1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 32105  
1509.28, 1509.34, 1509.50, and 5749.02 of the Revised Code, all 32106  
civil penalties paid under section 1509.33 of the Revised Code, 32107  
and, notwithstanding any section of the Revised Code relating to 32108  
the distribution or crediting of fines for violations of the 32109  
Revised Code, all fines imposed under divisions (A) and (B) of 32110  
section 1509.99 of the Revised Code and fines imposed under 32111  
divisions (C) and (D) of section 1509.99 of the Revised Code for 32112  
all violations prosecuted by the attorney general and for 32113  
violations prosecuted by prosecuting attorneys that do not 32114  
involve the transportation of brine by vehicle shall be 32115  
deposited into the state treasury to the credit of the oil and 32116  
gas well fund, which is hereby created. Fines imposed under 32117  
divisions (C) and (D) of section 1509.99 of the Revised Code for 32118  
violations prosecuted by prosecuting attorneys that involve the 32119  
transportation of brine by vehicle and penalties associated with 32120  
a compliance agreement entered into pursuant to this chapter 32121  
shall be paid to the county treasury of the county where the 32122  
violation occurred. 32123

The fund shall be used solely and exclusively for the 32124  
purposes enumerated in division (B) of section 1509.071 of the 32125  
Revised Code, payments to the oil and gas resolution and 32126  
remediation fund created in section 1509.075 of the Revised 32127  
Code, for the expenses of the division associated with the 32128  
administration of this chapter and Chapter 1571. of the Revised 32129  
Code and rules adopted under them, and for expenses that are 32130  
critical and necessary for the protection of human health and 32131  
safety and the environment related to oil and gas production in 32132

this state. The expenses of the division in excess of the moneys 32133  
available in the fund shall be paid from general revenue fund 32134  
appropriations to the department. 32135

**Sec. 1509.07.** (A) (1) (a) Except as provided in division (A) 32136  
(1) (b) or (A) (2) of this section, an owner of any well, except 32137  
an exempt Mississippian well or an exempt domestic well, shall 32138  
obtain liability insurance coverage from a company authorized or 32139  
approved to do business in this state in an amount of not less 32140  
than one million dollars bodily injury coverage and property 32141  
damage coverage to pay damages for injury to persons or damage 32142  
to property caused by the drilling, operation, or plugging of 32143  
all the owner's wells in this state. However, if any well is 32144  
located within an urbanized area, the owner shall obtain 32145  
liability insurance coverage in an amount of not less than three 32146  
million dollars for bodily injury coverage and property damage 32147  
coverage to pay damages for injury to persons or damage to 32148  
property caused by the drilling, operation, or plugging of all 32149  
of the owner's wells in this state. 32150

(b) A board of county commissioners of a county that is an 32151  
owner of a well or a board of township trustees of a township 32152  
that is an owner of a well may elect to satisfy the liability 32153  
coverage requirements specified in division (A) (1) (a) of this 32154  
section by participating in a joint self-insurance pool in 32155  
accordance with the requirements established under section 32156  
2744.081 of the Revised Code. Nothing in division (A) (1) (b) of 32157  
this section shall be construed to allow an entity, other than a 32158  
county or township, to participate in a joint self-insurance 32159  
pool to satisfy the liability coverage requirements specified in 32160  
division (A) (1) (a) of this section. 32161

(2) An owner of a horizontal well shall obtain liability 32162

insurance coverage from an insurer authorized to write such 32163  
insurance in this state or from an insurer approved to write 32164  
such insurance in this state under section 3905.33 of the 32165  
Revised Code in an amount of not less than five million dollars 32166  
bodily injury coverage and property damage coverage to pay 32167  
damages for injury to persons or damage to property caused by 32168  
the production operations of all the owner's wells in this 32169  
state. The insurance policy shall include a reasonable level of 32170  
coverage available for an environmental endorsement. 32171

(3) An owner shall maintain the coverage required under 32172  
division (A)(1) or (2) of this section until all the owner's 32173  
wells are plugged and abandoned or are transferred to an owner 32174  
who has obtained insurance as required under this section and 32175  
who is not under a notice of material and substantial violation 32176  
or under a suspension order. The owner shall provide proof of 32177  
liability insurance coverage to the chief of the division of oil 32178  
and gas resources management upon request. Upon failure of the 32179  
owner to provide that proof when requested, the chief may order 32180  
the suspension of any outstanding permits and operations of the 32181  
owner until the owner provides proof of the required insurance 32182  
coverage. 32183

(B)(1) Except as otherwise provided in this section, an 32184  
owner of any well, before being issued a permit under section 32185  
1509.06 of the Revised Code or before operating or producing 32186  
from a well, shall execute and file with the division of oil and 32187  
gas resources management a surety bond conditioned on compliance 32188  
with the restoration requirements of section 1509.072, the 32189  
plugging requirements of section 1509.12, the permit provisions 32190  
of section 1509.13 of the Revised Code, and all rules and orders 32191  
of the chief relating thereto, in an amount set by rule of the 32192  
chief. 32193



(2) The owner may deposit with the chief, instead of a 32194  
surety bond, cash in an amount equal to the surety bond as 32195  
prescribed pursuant to this section or negotiable certificates 32196  
of deposit or irrevocable letters of credit, issued by any bank 32197  
organized or transacting business in this state, having a cash 32198  
value equal to or greater than the amount of the surety bond as 32199  
prescribed pursuant to this section. Cash or certificates of 32200  
deposit shall be deposited upon the same terms as those upon 32201  
which surety bonds may be deposited. If the owner deposits cash, 32202  
the cash shall be credited to the performance cash bond refunds 32203  
fund created in section 1501.16 of the Revised Code. If the 32204  
owner deposits certificates of deposit, the chief shall require 32205  
the bank that issued any such certificate to pledge securities 32206  
of a cash value equal to the amount of the certificate that is 32207  
in excess of the amount insured by the federal deposit insurance 32208  
corporation. The securities shall be security for the repayment 32209  
of the certificate of deposit. 32210

Upon a deposit of cash, certificates of deposit, or 32211  
letters of credit with the chief, the chief shall hold them in 32212  
trust for the purposes for which they have been deposited. 32213

(3) Instead of a surety bond, the chief may accept proof 32214  
of financial responsibility consisting of a sworn financial 32215  
statement showing a net financial worth within this state equal 32216  
to twice the amount of the bond for which it substitutes and, as 32217  
may be required by the chief, a list of producing properties of 32218  
the owner within this state or other evidence showing ability 32219  
and intent to comply with the law and rules concerning 32220  
restoration and plugging that may be required by rule of the 32221  
chief. The owner of an exempt Mississippian well is not required 32222  
to file scheduled updates of the financial documents, but shall 32223  
file updates of those documents if requested to do so by the 32224

chief. The owner of a nonexempt Mississippian well shall file 32225  
updates of the financial documents in accordance with a schedule 32226  
established by rule of the chief. The chief, upon determining 32227  
that an owner for whom the chief has accepted proof of financial 32228  
responsibility instead of bond cannot demonstrate financial 32229  
responsibility, shall order that the owner execute and file a 32230  
bond or deposit cash, certificates of deposit, or irrevocable 32231  
letters of credit as required by this section for the wells 32232  
specified in the order within ten days of receipt of the order. 32233  
If the order is not complied with, all wells of the owner that 32234  
are specified in the order and for which no bond is filed or 32235  
cash, certificates of deposit, or letters of credit are 32236  
deposited shall be plugged. No owner shall fail or refuse to 32237  
plug such a well. Each day on which such a well remains 32238  
unplugged thereafter constitutes a separate offense. 32239

(4) The surety bond provided for in this section shall be 32240  
executed by a surety company authorized to do business in this 32241  
state. 32242

The chief shall not approve any bond until it is 32243  
personally signed and acknowledged by both principal and surety, 32244  
or as to either by the principal's or surety's attorney in fact, 32245  
with a certified copy of the power of attorney attached thereto. 32246  
The chief shall not approve a bond unless there is attached a 32247  
certificate of the superintendent of insurance that the company 32248  
is authorized to transact a fidelity and surety business in this 32249  
state. 32250

All bonds shall be given in a form to be prescribed by the 32251  
chief and shall run to the state as obligee. 32252

(5) An owner of an exempt Mississippian well or an exempt 32253  
domestic well, in lieu of filing a surety bond, cash in an 32254

amount equal to the surety bond, certificates of deposit, 32255  
irrevocable letters of credit, or a sworn financial statement, 32256  
may file a one-time fee of fifty dollars, which shall be 32257  
deposited in the oil and gas ~~well-plugging-resolution and~~ 32258  
remediation fund created in section ~~1509.071~~ 1509.075 of the 32259  
Revised Code. 32260

(C) An owner, operator, producer, or other person shall 32261  
not operate a well or produce from a well at any time if the 32262  
owner, operator, producer, or other person has not satisfied the 32263  
requirements established in this section. 32264

**Sec. 1509.071.** (A) When the chief of the division of oil 32265  
and gas resources management finds that an owner has failed to 32266  
comply with a final nonappealable order issued or compliance 32267  
agreement entered into under section 1509.04, the restoration 32268  
requirements of section 1509.072, plugging requirements of 32269  
section 1509.12, or permit provisions of section 1509.13 of the 32270  
Revised Code, or rules and orders relating thereto, the chief 32271  
shall make a finding of that fact and declare any surety bond 32272  
filed to ensure compliance with those sections and rules 32273  
forfeited in the amount set by rule of the chief. The chief 32274  
thereupon shall certify the total forfeiture to the attorney 32275  
general, who shall proceed to collect the amount of the 32276  
forfeiture. In addition, the chief may require an owner, 32277  
operator, producer, or other person who forfeited a surety bond 32278  
to post a new surety bond in the amount of fifteen thousand 32279  
dollars for a single well, thirty thousand dollars for two 32280  
wells, or fifty thousand dollars for three or more wells. 32281

In lieu of total forfeiture, the surety or owner, at the 32282  
surety's or owner's option, may cause the well to be properly 32283  
plugged and abandoned and the area properly restored or pay to 32284

the treasurer of state the cost of plugging and abandonment. 32285

(B) (1) All moneys collected because of forfeitures of 32286  
bonds as provided in this section shall be deposited in the 32287  
state treasury to the credit of the oil and gas well fund 32288  
created in section 1509.02 of the Revised Code. 32289

For purposes of promoting the competent management and 32290  
conservation of the state's oil and natural gas resources and 32291  
the proper and lawful plugging of historic oil and gas wells for 32292  
which there is no known responsible owner, the chief annually 32293  
shall spend not less than thirty per cent of the revenue 32294  
credited to the oil and gas well fund during the previous fiscal 32295  
year for both of the following purposes: 32296

(a) In accordance with division (E) of this section, to 32297  
plug orphaned wells or to restore the land surface properly as 32298  
required in section 1509.072 of the Revised Code; 32299

(b) In accordance with division (F) of this section, to 32300  
correct conditions that the chief reasonably has determined are 32301  
causing imminent health or safety risks at an orphaned well or 32302  
associated with a well for which the owner has not initiated a 32303  
corrective action within a reasonable period of time as 32304  
determined by the chief after the chief has attempted to notify 32305  
the owner. 32306

(2) Expenditures from the oil and gas well fund and oil 32307  
and gas resolution and remediation fund shall be made only for 32308  
lawful purposes. In addition ~~Except as otherwise provided in~~ 32309  
divisions (B) (2) and (D) of section 1509.075 of the Revised 32310  
Code, expenditures from the fund those funds shall not be made 32311  
to purchase real property or to remove a structure in order to 32312  
access a well. 32313

~~The director of budget and management, in consultation~~ 32314  
~~with the chief, shall establish an accounting code for purposes~~ 32315  
~~of tracking expenditures made as required under this division.~~ 32316

(C) (1) If a landowner discovers a well on the landowner's 32317  
real property and the landowner is not the owner of the well, 32318  
the landowner may report the existence of the well in writing to 32319  
the chief. 32320

(2) If the chief receives a written report from a 32321  
landowner of the discovery of a well previously unknown to the 32322  
division, the chief shall inspect the well not later than thirty 32323  
days after the date of receipt of the landowner's report. 32324

(3) The chief shall establish a scoring matrix for use in 32325  
determining the priority of plugging wells or restoring land 32326  
surfaces at orphaned well sites for purposes of this section. 32327  
The matrix shall include a classification system that 32328  
categorizes orphaned wells as high priority, medium priority, 32329  
and low priority. 32330

(4) The chief shall use the matrix developed under 32331  
division (C) (3) of this section to prioritize plugging and land 32332  
restoration projects under this section. The chief may add 32333  
additional orphaned wells to a project regardless of 32334  
classification. 32335

(D) (1) After determining that a well is an orphaned well, 32336  
the chief shall do all of the following: 32337

(a) Make a reasonable attempt to determine from the 32338  
records in the office of the county recorder of the county in 32339  
which the well is located the identity of the current owner of 32340  
the land on which the well is located, the identity of each 32341  
person owning a right or interest in the oil or gas mineral 32342

interests, and the identities of the persons having a lien upon 32343  
any of the equipment appurtenant to the well. For purposes of 32344  
division (D) (1) (a) of this section, the chief is not required to 32345  
review records in the office of the county recorder that are 32346  
older than forty years from the date on which the chief made the 32347  
determination that the well is an orphaned well. 32348

(b) Mail notice to each person identified in division (D) 32349  
(1) (a) of this section; 32350

(c) Include in the notice to each person having a lien 32351  
upon any equipment appurtenant to the well, a statement 32352  
informing the person that the well is to be plugged and offering 32353  
the person the opportunity to remove that equipment from the 32354  
well site at the person's own expense in order to avoid 32355  
forfeiture of the equipment to this state; 32356

(d) Publish notice in a newspaper of general circulation 32357  
in the county where the well is located that the well is to be 32358  
plugged or post the notice on the department of natural 32359  
resources web site. 32360

(2) If the current address of a person identified in 32361  
division (D) (1) (a) of this section cannot be determined, or if a 32362  
notice provided by mail to a person under division (D) (1) (b) of 32363  
this section is returned undeliverable, the notice published 32364  
under division (D) (1) (d) of this section constitutes sufficient 32365  
notice to the person. 32366

(3) If none of the persons described in division (D) (1) (a) 32367  
of this section removes equipment from the well within thirty 32368  
days after the mailing of the notice or publication or posting 32369  
of notice described in division (D) (1) (d) of this section, 32370  
whichever is later, all equipment appurtenant to the well is 32371

hereby declared to be forfeited to this state without 32372  
compensation and without the necessity for any action by the 32373  
state for use to defray the cost of plugging the well and 32374  
restoring the land surface at the well site. 32375

(E) The chief may expend money from the oil and gas well 32376  
fund and the oil and gas resolution and remediation fund for the 32377  
purpose of division (B) (1) (a) of this section, and such 32378  
expenditures shall be made in accordance with either of the 32379  
following: 32380

(1) The chief may make expenditures pursuant to contracts 32381  
entered into by either the chief or another agency of the state 32382  
with persons who agree to furnish the materials, equipment, 32383  
work, and labor as specified and provided in such a contract for 32384  
activities associated with the restoration or plugging of an 32385  
orphaned well as determined by the chief. If another agency of 32386  
the state enters into the contract, the chief shall prepare the 32387  
scope of work for the restoration or plugging of the well. The 32388  
activities may include excavation to uncover a well, methods to 32389  
locate a well, analyzing the well, stabilizing or other work 32390  
conducted prior to plugging the well, drilling out or cleanout 32391  
of wellbores to remove material from a well, plugging 32392  
operations, installation of vault and vent systems, including 32393  
associated engineering certifications and permits, removal of 32394  
associated equipment, restoration of property, replugging of 32395  
previously plugged orphaned wells or wells for which final 32396  
restoration was completed under section 1509.072 of the Revised 32397  
Code and rules adopted under it, and repair of damage to 32398  
property that is caused by such activities. The chief may make 32399  
expenditures for salaries, maintenance, equipment, or other 32400  
administrative purposes, for costs directly attributed to 32401  
locating, analyzing, stabilizing, designing, plugging, 32402

remediating, or restoring an orphaned well, and for determining 32403  
if a well is an orphaned well. 32404

Agents or employees of persons contracting with the chief 32405  
to locate, analyze, stabilize, design, plug, remediate, or 32406  
restore a well may enter upon any land, public or private, on 32407  
which the well is located, or on adjacent parcels needed for 32408  
access, for the purpose of performing the work. Prior to such 32409  
entry, the chief shall give to the following persons written 32410  
notice of the existence of a contract to locate, analyze, 32411  
stabilize, design, plug, remediate, or restore a well, the names 32412  
of the persons with whom the contract is made, and the date that 32413  
the project will commence: the owner of the well, the owner of 32414  
the land upon which the well is located, the owner of the land 32415  
of an adjacent parcel that will be entered upon, and, if the 32416  
well is located in the same township as or in a township 32417  
adjacent to the excavations and workings of a mine and the owner 32418  
or lessee of that mine has provided written notice identifying 32419  
those townships to the chief at any time during the immediately 32420  
preceding three years, the owner or lessee of the mine. The 32421  
chief may include in the notice to the owner or lessee of the 32422  
mine additional information, such as authorization to plug an 32423  
orphaned well under section 1509.151 of the Revised Code. 32424

(2) (a) The owner of the land on which at least one 32425  
orphaned well is located who has received notice under division 32426  
(D) (1) (b) of this section may plug any such orphaned well and be 32427  
reimbursed by the division of oil and gas resources management 32428  
for the reasonable cost of plugging such wells. In order to plug 32429  
the orphaned wells, the landowner shall submit an application to 32430  
the chief on a form prescribed by the chief and approved by the 32431  
technical advisory council on oil and gas created in section 32432  
1509.38 of the Revised Code. The application, at a minimum, 32433



shall require the landowner to provide the same information as 32434  
is required to be included in the application for a permit to 32435  
plug and abandon under section 1509.13 of the Revised Code. 32436

The application shall be accompanied by a copy of a 32437  
proposed contract to plug and abandon the orphaned wells 32438  
prepared by a contractor regularly engaged in the business of 32439  
plugging oil and gas wells. The proposed contract shall require 32440  
the contractor to furnish all of the materials, equipment, work, 32441  
and labor necessary to plug the orphaned wells properly and 32442  
restore the site including the removal of all associated 32443  
equipment and shall specify the price for doing the work. The 32444  
contractor shall be insured. 32445

Expenditures made under division (E) (2) (a) of this section 32446  
shall be consistent with the expenditures for activities 32447  
described in division (E) (1) of this section. In addition, 32448  
expenditures made under division (E) (2) of this section are not 32449  
subject to section 127.16 of the Revised Code. The application 32450  
constitutes an application for a permit to plug the well for the 32451  
purposes of section 1509.13 of the Revised Code ~~and the~~ 32452  
~~applicant is not required to submit the fee otherwise required~~ 32453  
~~under that section.~~ 32454

(b) Within thirty days after receiving an application and 32455  
accompanying proposed contract under division (E) (2) (a) of this 32456  
section, the chief shall determine whether the plugging would 32457  
comply with the applicable requirements of this chapter and 32458  
applicable rules adopted and orders issued under it and whether 32459  
the cost of the plugging under the proposed contract is 32460  
reasonable. If the chief determines that the proposed plugging 32461  
would comply with those requirements and that the proposed cost 32462  
of the plugging is reasonable, the chief shall notify the 32463

landowner of that determination and issue to the landowner a 32464  
permit to plug the well under section 1509.13 of the Revised 32465  
Code. The chief may disapprove an application submitted under 32466  
division (E) (2) (a) of this section if the chief determines that 32467  
the proposed plugging would not comply with the applicable 32468  
requirements of this chapter and applicable rules adopted and 32469  
orders issued under it, that the cost of the plugging under the 32470  
proposed contract is unreasonable, or that the proposed contract 32471  
is not a bona fide, arm's length contract. 32472

(c) After receiving the chief's notice of the approval of 32473  
the application and permit to plug and abandon a well under 32474  
division (E) (2) (b) of this section, the landowner may enter into 32475  
the proposed contract to plug the well. 32476

(d) Upon determining that the plugging has been completed 32477  
in compliance with the applicable requirements of this chapter 32478  
and applicable rules adopted and orders issued under it, the 32479  
chief shall pay the contractor for the cost of the plugging and 32480  
restoration as set forth in the proposed contract approved by 32481  
the chief and changes or costs approved by the chief. The 32482  
payment shall be paid from the oil and gas well fund or the oil 32483  
and gas resolution and remediation fund. The chief shall only 32484  
make payments for purposes of division (E) (2) of this section 32485  
pursuant to a proper invoice as defined under section 125.01 of 32486  
the Revised Code. 32487

(e) If the chief determines that the plugging was not 32488  
completed in accordance with the applicable requirements, the 32489  
chief shall not pay the contractor or landowner for the cost of 32490  
the plugging. 32491

(f) If any equipment was removed from the well during the 32492  
plugging and sold, the chief shall deduct the sale amount of the 32493

equipment from the payment to the contractor. 32494

(g) Changes made to a contract executed under division (E) 32495  
(2) of this section due to unanticipated conditions may be 32496  
presented to the chief in the form of a written request for 32497  
approval of the additional costs prior to completion of the 32498  
work. The chief shall determine if the changes are necessary to 32499  
comply with this chapter and rules adopted and orders issued 32500  
under it and if the cost of the changes are reasonable. The 32501  
chief shall provide to the contractor a written decision 32502  
regarding the proposed changes. If the chief determines that the 32503  
changes are not necessary or that the costs are not reasonable, 32504  
the chief may either deny the request or establish the amount of 32505  
the cost that the chief approves. Work completed prior to 32506  
receipt of written approval from the chief is not eligible for 32507  
payment, unless waived by the chief. 32508

(3) The chief may establish an annual limit on the number 32509  
of wells that may be plugged under division (E) (2) of this 32510  
section or an annual limit on the expenditures to be made under 32511  
that division. The chief may reject an application submitted 32512  
under division (E) (2) of this section if the chief determines 32513  
that the plugging of other wells take priority. 32514

(4) As used in division (E) (2) of this section, "plug" and 32515  
"plugging" include the plugging of the well, replugging of a 32516  
previously plugged orphaned well or a well for which final 32517  
restoration was completed under section 1509.072 of the Revised 32518  
Code and rules adopted under it, drilling out or cleanout of a 32519  
well bore to remove material from a well, installation of 32520  
casings, installation of a vault and vent, restoration, and the 32521  
restoration of the land surface disturbed by the plugging. 32522

(F) (1) Expenditures from the oil and gas well fund or the 32523

oil and gas resolution and remediation fund for the purpose of 32524  
division (B) (1) (b) of this section may be made pursuant to 32525  
contracts entered into by either the chief or another agency of 32526  
the state with persons who agree to furnish the materials, 32527  
equipment, work, and labor as specified and provided in such a 32528  
contract. The competitive bidding requirements of Chapter 153. 32529  
of the Revised Code do not apply if the chief reasonably 32530  
determines that a situation exists requiring immediate action 32531  
for the correction of the applicable health or safety risk. A 32532  
contract or purchase of materials for purposes of addressing the 32533  
emergency situation is not subject to division (B) of section 32534  
127.16 of the Revised Code. The chief, designated 32535  
representatives of the chief, and agents or employees of persons 32536  
contracting with the chief to locate, analyze, stabilize, 32537  
design, plug, remediate, or restore a well under this division 32538  
may enter upon any land, public or private, on which the well is 32539  
located, or on parcels needed for access, for the purpose of 32540  
performing the work. 32541

(2) The chief shall issue an order that requires the owner 32542  
of a well to pay the actual documented costs of a corrective 32543  
action that is described in division (B) (1) (b) of this section 32544  
concerning the well. The chief shall transmit the money so 32545  
recovered to the treasurer of state who shall deposit the money 32546  
in the ~~state treasury to the credit of the oil and gas well-~~ 32547  
resolution and remediation fund. 32548

(G) Contracts entered into by either the chief or another 32549  
agency of the state under this section are not subject to any of 32550  
the following: 32551

(1) Chapter 4115. of the Revised Code; 32552

(2) Chapter 153. of the Revised Code; 32553

(3) Section 4733.17 of the Revised Code. 32554

(H) The owner of land on which a well is located who has 32555  
received notice under division (D) (1) (b) of this section, in 32556  
lieu of plugging the well in accordance with division (E) (2) of 32557  
this section, may cause ownership of the well to be transferred 32558  
in accordance with section 1509.31 of the Revised Code. 32559

If a well is transferred, the owner to whom it is 32560  
transferred shall comply with this chapter and rules adopted 32561  
under it and shall take title to and possession of the equipment 32562  
appurtenant to the well that has been identified by the chief as 32563  
having been abandoned by the former owner of the well. 32564

(I) The chief may engage in cooperative projects under 32565  
this section with any agency of this state, another state, or 32566  
the United States; any other governmental agencies; any state 32567  
university or college as defined in section 3345.27 of the 32568  
Revised Code; or a nonprofit corporation that is exempt from 32569  
federal income taxation under section 501(c) (3) of the "Internal 32570  
Revenue Code of 1986," 26 U.S.C. 1, as amended. A contract 32571  
entered into for purposes of a cooperative project is not 32572  
subject to division (B) of section 127.16 of the Revised Code. 32573

(J) (1) On or before the close of each calendar quarter, 32574  
the chief shall submit a written report to the technical 32575  
advisory council established under section 1509.38 of the 32576  
Revised Code describing the efforts of the division of oil and 32577  
gas resources management to plug orphaned wells during the 32578  
immediately preceding calendar quarter. The chief also shall 32579  
include in the report all of the following information: 32580

(a) The total number of known orphaned wells in the state 32581  
and the total number in each county of the state; 32582

(b) The total number of newly discovered orphaned wells 32583  
during the immediately preceding calendar quarter; 32584

(c) The total number of wells plugged in accordance with 32585  
this section during the immediately preceding calendar quarter; 32586

(d) The total number of wells plugged in accordance with 32587  
this section and the estimated average and indirect costs of 32588  
plugging activities conducted under this section prior to the 32589  
date of the report; 32590

(e) The number of wells approved for plugging in 32591  
accordance with this section and the estimated average and 32592  
indirect costs of plugging activities conducted under this 32593  
section during the immediately preceding calendar quarter. 32594

(2) Not later than the thirty-first day of March of each 32595  
year, the chief and the technical advisory council shall jointly 32596  
provide a report containing, at a minimum, the information 32597  
required to be included in the quarterly reports during the 32598  
previous one-year period to all of the following: 32599

(a) The speaker of the house of representatives; 32600

(b) The president of the senate; 32601

(c) The chair of the committee of the house of 32602  
representatives responsible for energy and natural resources 32603  
issues; 32604

(d) The chair of the committee of the senate responsible 32605  
for energy and natural resources issues. 32606

**Sec. 1509.075.** (A) There is hereby created the oil and gas 32607  
resolution and remediation fund, which shall be in the custody 32608  
of the treasurer of state but shall not be part of the state 32609  
treasury. The fund shall consist of moneys transferred to it 32610

from the oil and gas well fund and any money deposited into it 32611  
under sections 1509.07 and 1509.071 of the Revised Code. 32612  
Notwithstanding any provision of law to the contrary, at the 32613  
beginning of each fiscal year, the treasurer of state shall 32614  
transfer to the oil and gas resolution and remediation fund the 32615  
amount of money in the oil and gas well fund that is in excess 32616  
of the total amount appropriated to the oil and gas well fund 32617  
for that fiscal year. 32618

(B) (1) Money in the oil and gas resolution and remediation 32619  
fund shall be used by the chief of the division of oil and gas 32620  
resources management for the plugging of orphaned wells under 32621  
this chapter. 32622

(2) The chief may use money in the fund for expenses that 32623  
are critical and necessary for the protection of human health 32624  
and safety and the environment related to oil and gas production 32625  
in this state. 32626

(3) The treasurer of state shall disburse moneys from the 32627  
fund quarterly on order of the chief. 32628

(C) The treasurer of state may invest any portion of the 32629  
oil and gas resolution and remediation fund not needed for 32630  
immediate use in the same manner as, and subject to all 32631  
provisions of law with respect to the investment of, state 32632  
funds. 32633

(D) Interest earned on the fund shall be credited to the 32634  
fund and reserved for use by the director of natural resources. 32635  
The director may order the treasurer of state to disburse 32636  
interest from the fund for any purpose of the department of 32637  
natural resources, subject to the approval of the technical 32638  
advisory council on oil and gas, as provided in section 1509.38 32639

of the Revised Code. The director shall provide the treasurer of 32640  
state with written notice of the council's approval before the 32641  
treasurer of state may disburse money from the fund. 32642

**Sec. 1509.13.** (A) (1) Except as otherwise provided in 32643  
division (A) (2) of this section and division (E) (1) of section 32644  
1509.071 of the Revised Code, no person shall plug and abandon a 32645  
well without having a permit to do so issued by the chief of the 32646  
division of oil and gas resources management. The permit shall 32647  
be issued by the chief in accordance with this chapter and shall 32648  
be valid for a period of twenty-four months from the date of 32649  
issue. 32650

(2) The holder of a valid permit issued under section 32651  
1509.06 of the Revised Code may receive approval from an oil and 32652  
gas resources inspector to plug and abandon the well associated 32653  
with that permit, without obtaining the permit required under 32654  
division (A) of this section, if either of the following apply: 32655

(a) The well was drilled to total depth and the well 32656  
cannot or will not be completed. 32657

(b) The well is a lost hole or dry hole. 32658

(3) A permit holder plugging a well pursuant to division 32659  
(A) (2) (a) of this section shall plug the well within thirty days 32660  
of receipt of approval from the oil and gas resources inspector. 32661

(4) A permit holder plugging a well pursuant to division 32662  
(A) (2) (b) of this section shall plug the well immediately after 32663  
determining that the well is a lost hole or dry hole in 32664  
accordance with rules adopted under this chapter. 32665

(B) The application for a permit to plug and abandon shall 32666  
be filed as many days in advance as will be necessary for an oil 32667  
and gas resources inspector or, if the well is located in a coal 32668



bearing township, both a deputy mine inspector and an oil and 32669  
gas resources inspector to be present at the plugging. The 32670  
application shall be filed with the chief upon a form that the 32671  
chief prescribes and shall contain the following information: 32672

(1) The name and address of the applicant; 32673

(2) The signature of the applicant or the applicant's 32674  
authorized agent. When an authorized agent signs an application, 32675  
it shall be accompanied by a certified copy of the appointment 32676  
as that agent. 32677

(3) The location of the well identified by section or lot 32678  
number, city, village, township, and county; 32679

(4) Designation of well by name and number; 32680

(5) The total depth of the well to be plugged; 32681

(6) The date and amount of last production from the well; 32682

(7) Other information that the chief may require. 32683

(C) ~~Except as otherwise provided in division (E) (2) (a) of~~ 32684  
~~section 1509.071 of the Revised Code, the application shall be~~ 32685  
~~accompanied by a nonrefundable fee of two hundred fifty dollars.~~ 32686  
Unless waived by an oil and gas resources inspector, the owner 32687  
of a well or the owner's authorized representative shall notify 32688  
an oil and gas resources inspector at least twenty-four hours 32689  
prior to the commencement of the plugging of a well. No well 32690  
shall be plugged and abandoned without an oil and gas resources 32691  
inspector present unless permission has been granted by the 32692  
chief. The owner of a well that has produced oil or gas shall 32693  
give written notice at the same time to the owner of the land 32694  
upon which the well is located and to all lessors that receive 32695  
gas from the well pursuant to an agreement. If the well 32696

penetrates or passes within one hundred feet of the excavations 32697  
and workings of a mine, the owner of the well shall give written 32698  
notice to the owner or lessee of that mine of the intention to 32699  
abandon the well and of the time when the owner of the well will 32700  
be prepared to commence plugging it. 32701

(D) An applicant may file a request with the chief for 32702  
expedited review of an application for a permit to plug and 32703  
abandon a well. The chief may refuse to accept a request for 32704  
expedited review if, in the chief's judgment, acceptance of the 32705  
request will prevent the issuance, within twenty-one days of 32706  
filing, of permits for which applications filed under section 32707  
1509.06 of the Revised Code are pending. In addition to a 32708  
complete application for a permit that meets the requirements of 32709  
this section ~~and the permit fee prescribed by this section, if~~ 32710  
~~applicable~~, a request for expedited review shall be accompanied 32711  
by a nonrefundable filing fee of five hundred dollars unless the 32712  
chief has ordered the applicant to plug and abandon the well. 32713  
When a request for expedited review is filed, the chief shall 32714  
immediately begin to process the application and shall issue a 32715  
permit within seven days of the filing of the request unless the 32716  
chief, by order, denies the application. 32717

(E) (1) Except as otherwise provided in division (E) (2) of 32718  
this section, any person undertaking the plugging of a well for 32719  
which a permit has been issued under this section shall obtain 32720  
insurance for bodily injury coverage and property damage 32721  
coverage in the amount established under section 1509.07 of the 32722  
Revised Code to pay for damages or injury to property or person, 32723  
including damages caused by the plugging of the well. The person 32724  
shall electronically submit proof of insurance to the chief upon 32725  
the chief's request. 32726

(2) Division (E) (1) of this section does not apply to a 32727  
person already required to maintain an insurance policy under 32728  
section 1509.07 of the Revised Code. 32729

(F) This section does not apply to a well plugged or 32730  
abandoned in compliance with section 1571.05 of the Revised 32731  
Code. 32732

**Sec. 1509.36.** Any person adversely affected by an order by 32733  
the chief of the division of oil and gas resources management 32734  
may appeal to the oil and gas commission for an order vacating 32735  
or modifying the order. 32736

The person so appealing to the commission shall be known 32737  
as appellant and the chief shall be known as appellee. Appellant 32738  
and appellee shall be deemed to be parties to the appeal. 32739

The appeal shall be in writing and shall set forth the 32740  
order complained of and the grounds upon which the appeal is 32741  
based. The appeal shall be filed with the commission within 32742  
thirty days after the date upon which the person to whom the 32743  
order was issued received the order and, for all other persons 32744  
adversely affected by the order, within thirty days after the 32745  
date of the order complained of. Notice of the filing of the 32746  
appeal shall be filed with the chief within three days after the 32747  
appeal is filed with the commission. 32748

Upon the filing of the appeal, the commission may decide 32749  
the appeal, in whole or in part, without a hearing when, in its 32750  
judgment, it is appropriate to do so. If the commission decides 32751  
to hold a hearing, the commission promptly shall fix the time 32752  
and place at which the hearing on the appeal will be held, and 32753  
shall give the appellant and the chief at least ten days' 32754  
written notice thereof by mail. The commission may postpone or 32755

continue any hearing upon its own motion or upon application of 32756  
the appellant or of the chief. 32757

The filing of an appeal provided for in this section does 32758  
not automatically suspend or stay execution of the order 32759  
appealed from, but upon application by the appellant the 32760  
commission may suspend or stay the execution pending 32761  
determination of the appeal upon such terms as the commission 32762  
considers proper. 32763

Either party to the appeal or any interested person who, 32764  
pursuant to commission rules has been granted permission to 32765  
appear, may submit such evidence as the commission considers 32766  
admissible. 32767

For the purpose of conducting a hearing on an appeal, the 32768  
commission may require the attendance of witnesses and the 32769  
production of books, records, and papers, and it may, and at the 32770  
request of any party it shall, issue subpoenas for witnesses or 32771  
subpoenas duces tecum to compel the production of any books, 32772  
records, or papers, directed to the sheriffs of the counties 32773  
where the witnesses are found. The subpoenas shall be served and 32774  
returned in the same manner as subpoenas in criminal cases are 32775  
served and returned. The fees of sheriffs shall be the same as 32776  
those allowed by the court of common pleas in criminal cases. 32777  
Witnesses shall be paid the fees and mileage provided for under 32778  
section 119.094 of the Revised Code. Such fees and mileage 32779  
expenses incurred at the request of appellant shall be paid in 32780  
advance by the appellant, and the remainder of those expenses 32781  
shall be paid out of funds appropriated for the expenses of the 32782  
division of oil and gas resources management. 32783

In case of disobedience or neglect of any subpoena served 32784  
on any person, or the refusal of any witness to testify to any 32785

matter regarding which the witness may be lawfully interrogated, 32786  
the court of common pleas of the county in which the 32787  
disobedience, neglect, or refusal occurs, or any judge thereof, 32788  
on application of the commission or any member thereof, shall 32789  
compel obedience by attachment proceedings for contempt as in 32790  
the case of disobedience of the requirements of a subpoena 32791  
issued from that court or a refusal to testify therein. 32792  
Witnesses at such hearings shall testify under oath, and any 32793  
member of the commission may administer oaths or affirmations to 32794  
persons who so testify. 32795

~~At~~ If a hearing occurs and at the request of any party to 32796  
the appeal, a record of the testimony and other evidence 32797  
submitted shall be taken by an official court reporter at the 32798  
expense of the party making the request for the record. The 32799  
record shall include all of the testimony and other evidence and 32800  
the rulings on the admissibility thereof presented at the 32801  
hearing. The commission shall pass upon the admissibility of 32802  
evidence, but any party may at the time object to the admission 32803  
of any evidence and except to the rulings of the commission 32804  
thereon, and if the commission refuses to admit evidence the 32805  
party offering same may make a proffer thereof, and such proffer 32806  
shall be made a part of the record of the hearing. 32807

~~If upon completion of the hearing~~ the commission finds 32808  
that the order appealed from was lawful and reasonable, it shall 32809  
make a written order affirming the order appealed from; if the 32810  
commission finds that the order was unreasonable or unlawful, it 32811  
shall make a written order vacating the order appealed from and 32812  
making the order that it finds the chief should have made. Every 32813  
order made by the commission shall contain a written finding by 32814  
the commission of the facts upon which the order is based. 32815

Notice of the making of the order shall be given forthwith 32816  
to each party to the appeal by mailing a certified copy thereof 32817  
to each such party by certified mail. 32818

The order of the commission is final unless vacated by the 32819  
court of common pleas of Franklin county in an appeal as 32820  
provided for in section 1509.37 of the Revised Code. Sections 32821  
1509.01 to 1509.37 of the Revised Code, providing for appeals 32822  
relating to orders by the chief or by the commission, or 32823  
relating to rules adopted by the chief, do not constitute the 32824  
exclusive procedure that any person who believes the person's 32825  
rights to be unlawfully affected by those sections or any 32826  
official action taken thereunder must pursue in order to protect 32827  
and preserve those rights, nor do those sections constitute a 32828  
procedure that that person must pursue before that person may 32829  
lawfully appeal to the courts to protect and preserve those 32830  
rights. 32831

**Sec. 1509.38.** (A) There is hereby created in the division 32832  
of oil and gas resources management a technical advisory council 32833  
on oil and gas, which shall consist of eight members to be 32834  
appointed by the governor with the advice and consent of the 32835  
senate. Three members shall be independent oil or gas producers, 32836  
operators, or their representatives, operating and producing 32837  
primarily in this state, three members shall be oil or gas 32838  
producers, operators, or their representatives having 32839  
substantial oil and gas producing operations in this state and 32840  
at least one other state, one member shall represent the public, 32841  
and one member shall represent persons having landowners' 32842  
royalty interests in oil and gas production. All members shall 32843  
be residents of this state, and all members, except the members 32844  
representing the public and persons having landowners' royalty 32845  
interests, shall have at least five years of practical or 32846

technical experience in oil or gas drilling and production. Not 32847  
more than one member may represent any one company, producer, or 32848  
operator. 32849

(B) Terms of office shall be for three years, commencing 32850  
on the first day of February and ending on the thirty-first day 32851  
of January. Each member shall hold office from the date of 32852  
appointment until the end of the term for which the member was 32853  
appointed. A vacancy in the office of a member shall be filled 32854  
by the governor, with the advice and consent of the senate. Any 32855  
member appointed to fill a vacancy occurring prior to the 32856  
expiration of the term for which the member's predecessor was 32857  
appointed shall hold office for the remainder of that term. Any 32858  
member shall continue in office subsequent to the expiration 32859  
date of the member's term until the member's successor takes 32860  
office, or until a period of sixty days has elapsed, whichever 32861  
occurs first. 32862

(C) The council shall select from among its members a 32863  
chairperson, a vice-chairperson, and a secretary. All members 32864  
are entitled to their actual and necessary expenses incurred in 32865  
the performance of their duties as members, payable from the 32866  
appropriations for the division. 32867

(D) The governor may remove any member for inefficiency, 32868  
neglect of duty, or malfeasance in office. 32869

(E) The council shall hold at least one regular meeting in 32870  
each quarter of a calendar year and shall keep a record of its 32871  
proceedings. Special meetings may be called by the chairperson 32872  
and shall be called by the chairperson upon receipt of a written 32873  
request signed by two or more members of the council. A written 32874  
notice of the time and place of each meeting shall be sent to 32875  
each member of the council. Five members constitute a quorum, 32876

and no action of the council is valid unless five members 32877  
concur. 32878

(F) The council, when requested by the chief of the 32879  
division of oil and gas resources management, shall consult with 32880  
and advise the chief and perform other duties that may be 32881  
lawfully delegated to it by the chief. The council may 32882  
participate in hearings held by the chief under this chapter and 32883  
has powers of approval as provided in sections 1509.24 and 32884  
1509.25 of the Revised Code. The council shall conduct the 32885  
activities required, and exercise the authority granted, under 32886  
Chapter 1510. of the Revised Code. 32887

(G) If the council receives a request from the director of 32888  
natural resources to approve an expenditure from the oil and gas 32889  
resolution and remediation fund for purposes of division (D) of 32890  
section 1509.075 of the Revised Code, the council shall vote to 32891  
approve or deny that expenditure. The council shall notify the 32892  
director in writing of the approval or denial. 32893

(H) The council, upon receiving a request from the 32894  
chairperson of the oil and gas commission under division (C) of 32895  
section 1509.35 of the Revised Code, immediately shall prepare 32896  
and provide to the chairperson a list of its members who may 32897  
serve as temporary members of the oil and gas commission as 32898  
provided in that division. 32899

**Sec. 1513.371.** The long-term abandoned mine reclamation 32900  
fund is created in the state treasury. The fund shall be 32901  
administered by the chief of the division of mineral resources 32902  
management and consist of grants awarded by the United States 32903  
secretary of the interior from the federal abandoned mine 32904  
reclamation fund pursuant to the federal "Infrastructure 32905  
Investment and Jobs Act," Pub. L. No. 177-58. All investment 32906



earnings of the fund shall be credited to the fund. 32907

The fund shall be used for abatement of the causes and 32908  
treatment of the effects of acid mine drainage resulting from 32909  
coal mine practices, including the following: 32910

(A) The costs of building, operating, maintaining, and 32911  
rehabilitating acid mine drainage treatment systems; 32912

(B) The prevention, abatement, and control of subsidence; 32913

(C) The prevention, abatement, and control of coal mine 32914  
fires. 32915

**Sec. 1517.11.** (A) There is hereby created in the state 32916  
treasury the natural areas and preserves fund, which shall 32917  
consist of moneys transferred into it under section 5747.113 of 32918  
the Revised Code and of contributions made directly to it. Any 32919  
person may contribute directly to the fund in addition to or 32920  
independently of the income tax refund contribution system 32921  
established in that section. 32922

(B) Moneys in the fund shall be disbursed pursuant to 32923  
vouchers approved by the director of natural resources for use 32924  
by the division of natural areas and preserves solely for the 32925  
following purposes: 32926

~~(A)~~ (1) The acquisition of new or expanded natural areas 32927  
and nature preserves and scenic river lands; 32928

~~(B)~~ (2) Facility development in natural areas and nature 32929  
preserves and scenic river lands; 32930

~~(C)~~ (3) Special projects, including, but not limited to, 32931  
biological inventories, research grants, and the production of 32932  
interpretive material related to natural areas and nature 32933  
preserves and scenic river lands; 32934

<del>(D)</del> (4) Routine maintenance for health and safety purposes.	32935
(C) Money in the fund also may be used for the purposes of administering a system of wild, scenic, and recreational rivers, scenic river lands, and facilities or improvements associated with such rivers and lands.	32936 32937 32938 32939
(D) Moneys appropriated from the fund shall not be used to fund salaries of permanent employees or administrative costs.	32940 32941
(E) All investment earnings of the fund shall be credited to the fund.	32942 32943
(F) The chief of the division of natural areas and preserves may sell any of the following:	32944 32945
(1) Items related to or that promote Ohio's native plants and animals, unique ecology and geology, and general ecological preservation and conservation such as pins, apparel, stickers, books, bulletins, maps, publications, calendars, and other educational articles and division branded merchandise;	32946 32947 32948 32949 32950
(2) Items pertaining to Ohio's ecology including native plants and seeds of native plants.	32951 32952
(G) All moneys received under division (F) of this section shall be paid into the state treasury to the credit of the natural areas and preserves fund created under this section.	32953 32954 32955
<b>Sec. 1531.01.</b> As used in this chapter and Chapter 1533. of the Revised Code:	32956 32957
(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department,	32958 32959 32960 32961 32962

agency, or instrumentality of it. 32963

(B) "Resident" means either of the following: 32964

(1) An individual who has resided in this state for not 32965  
less than six months preceding the date of making application 32966  
for a license or permit; 32967

(2) An individual who is a full-time student enrolled in 32968  
an accredited Ohio public or private college or university and 32969  
who resides in this state at the time the individual makes 32970  
application for a license or permit and who attests to the 32971  
individual's full-time student status in a manner determined by 32972  
the chief of the division of wildlife. 32973

(C) "Nonresident" means any individual who does not 32974  
qualify as a resident. 32975

(D) "Division rule" or "rule" means any rule adopted by 32976  
the chief of the division of wildlife under section 1531.10 of 32977  
the Revised Code unless the context indicates otherwise. 32978

(E) "Closed season" means that period of time during which 32979  
the taking of wild animals protected by this chapter and Chapter 32980  
1533. of the Revised Code is prohibited. 32981

(F) "Open season" means that period of time during which 32982  
the taking of wild animals protected by this chapter and Chapter 32983  
1533. of the Revised Code is permitted. 32984

(G) "Take or taking" includes pursuing, shooting, hunting, 32985  
killing, trapping, angling, fishing with a trotline, or netting 32986  
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 32987  
wild bird, or wild quadruped, and any lesser act, such as 32988  
wounding, or placing, setting, drawing, or using any other 32989  
device for killing or capturing any wild animal, whether it 32990

results in killing or capturing the animal or not. "Take or 32991  
taking" includes every attempt to kill or capture and every act 32992  
of assistance to any other person in killing or capturing or 32993  
attempting to kill or capture a wild animal. 32994

(H) "Possession" means both actual and constructive 32995  
possession and any control of things referred to. 32996

(I) "Bag limit" means the number, measurement, or weight 32997  
of any kind of crayfish, aquatic insects, fish, frogs, turtles, 32998  
wild birds, and wild quadrupeds permitted to be taken. 32999

(J) "Transport and transportation" means carrying or 33000  
moving or causing to be carried or moved. 33001

(K) "Sell and sale" means barter, exchange, or offer or 33002  
expose for sale. 33003

(L) "Whole to include part" means that every provision 33004  
relating to any wild animal protected by this chapter and 33005  
Chapter 1533. of the Revised Code applies to any part of the 33006  
wild animal with the same effect as it applies to the whole. 33007

(M) "Angling" means fishing with not more than two hand 33008  
lines, not more than two units of rod and line, or a combination 33009  
of not more than one hand line and one rod and line, either in 33010  
hand or under control at any time while fishing. The hand line 33011  
or rod and line shall have attached to it not more than three 33012  
baited hooks, not more than three artificial fly rod lures, or 33013  
one artificial bait casting lure equipped with not more than 33014  
three sets of three hooks each. 33015

(N) "Trotline" means a device for catching fish that 33016  
consists of a line having suspended from it, at frequent 33017  
intervals, vertical lines with hooks attached. 33018

(O) "Fish" means a cold-blooded vertebrate having fins.	33019
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	33020 33021
(Q) "Wild birds" includes game birds and nongame birds.	33022
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	33023 33024
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	33025 33026 33027 33028 33029 33030
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	33031 33032
(U) "Wild quadrupeds" includes game quadrupeds, fur-bearing animals, and wild boar or feral swine.	33033 33034
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, elk, and black bears.	33035 33036 33037 33038
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	33039 33040 33041
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	33042 33043 33044 33045

(Y) "Hunting" means pursuing, shooting, killing, following 33046  
after or on the trail of, lying in wait for, shooting at, or 33047  
wounding wild birds or wild quadrupeds while employing any 33048  
device commonly used to kill or wound wild birds or wild 33049  
quadrupeds whether or not the acts result in killing or 33050  
wounding. "Hunting" includes every attempt to kill or wound and 33051  
every act of assistance to any other person in killing or 33052  
wounding or attempting to kill or wound wild birds or wild 33053  
quadrupeds. 33054

(Z) "Trapping" means securing or attempting to secure 33055  
possession of a wild bird or wild quadruped by means of setting, 33056  
placing, drawing, or using any device that is designed to close 33057  
upon, hold fast, confine, or otherwise capture a wild bird or 33058  
wild quadruped whether or not the means results in capture. 33059  
"Trapping" includes every act of assistance to any other person 33060  
in capturing wild birds or wild quadrupeds by means of the 33061  
device whether or not the means results in capture. 33062

(AA) "Muskrat spear" means any device used in spearing 33063  
muskrats. 33064

(BB) "Channels and passages" means those narrow bodies of 33065  
water lying between islands or between an island and the 33066  
mainland in Lake Erie. 33067

(CC) "Island" means a rock or land elevation above the 33068  
waters of Lake Erie having an area of five or more acres above 33069  
water. 33070

(DD) "Reef" means an elevation of rock, either broken or 33071  
in place, or gravel shown by the latest United States chart to 33072  
be above the common level of the surrounding bottom of the lake, 33073  
other than the rock bottom, or in place forming the base or 33074

foundation rock of an island or mainland and sloping from the 33075  
shore of it. "Reef" also means all elevations shown by that 33076  
chart to be above the common level of the sloping base or 33077  
foundation rock of an island or mainland, whether running from 33078  
the shore of an island or parallel with the contour of the shore 33079  
of an island or in any other way and whether formed by rock, 33080  
broken or in place, or from gravel. 33081

(EE) "Fur farm" means any area used exclusively for 33082  
raising fur-bearing animals or in addition thereto used for 33083  
hunting game, the boundaries of which are plainly marked as 33084  
such. 33085

(FF) "Waters" includes any lake, pond, reservoir, stream, 33086  
channel, lagoon, or other body of water, or any part thereof, 33087  
whether natural or artificial. 33088

(GG) "Crib" or "car" refers to that particular compartment 33089  
of the net from which the fish are taken when the net is lifted. 33090

(HH) "Commercial fish" means those species of fish 33091  
permitted to be taken, possessed, bought, or sold unless 33092  
otherwise restricted by the Revised Code or division rule and 33093  
are alewife (*Alosa pseudoharengus*), American eel (*Anguilla* 33094  
*rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp 33095  
(*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), 33096  
bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead 33097  
(*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown 33098  
bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus* 33099  
*punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish 33100  
(*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or 33101  
sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), 33102  
gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius* 33103  
*auratus*), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon* 33104

tergisus), quillback (*Carpionodes cyprinus*), smelt (*Allosmerus* 33105  
*elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon 33106  
(*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo 33107  
and quillback (*Carpionodes* sp., *Catostomus* sp., *Hypentelium* sp., 33108  
*Minytrema* sp., *Moxostoma* sp.), white bass (*Morone chrysops*), 33109  
white perch (*Roccus americanus*), and yellow perch (*Perca* 33110  
*flavescens*). When the common name of a fish is used in this 33111  
chapter or Chapter 1533. of the Revised Code, it refers to the 33112  
fish designated by the scientific name in this definition. 33113

(II) "Fishing" means taking or attempting to take fish by 33114  
any method, and all other acts such as placing, setting, 33115  
drawing, or using any device commonly used to take fish whether 33116  
resulting in a taking or not. 33117

(JJ) "Fillet" means the pieces of flesh taken or cut from 33118  
both sides of a fish, joined to form one piece of flesh. 33119

(KK) "Part fillet" means a piece of flesh taken or cut 33120  
from one side of a fish. 33121

(LL) "Round" when used in describing fish means with head 33122  
and tail intact. 33123

(MM) "Migrate" means the transit or movement of fish to or 33124  
from one place to another as a result of natural forces or 33125  
instinct and includes, but is not limited to, movement of fish 33126  
induced or caused by changes in the water flow. 33127

(NN) "Spreader bar" means a rail or rigid bar placed 33128  
across the entire width of the back, at the top and bottom of 33129  
the cars in all trap, crib, and fyke nets for the purpose of 33130  
keeping the meshes hanging squarely while the nets are fishing. 33131

(OO) "Fishing guide" means any person who, for 33132  
consideration or hire, operates a boat, rents, leases, or 33133



otherwise furnishes angling devices, ice fishing shanties or 33134  
shelters of any kind, or other fishing equipment, and 33135  
accompanies, guides, directs, or assists any other person in 33136  
order for the other person to engage in fishing. 33137

(PP) "Net" means fishing devices with meshes composed of 33138  
twine or synthetic material and includes, but is not limited to, 33139  
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 33140  
seines, except minnow seines and minnow dip nets. 33141

(QQ) "Commercial fishing gear" means seines, trap nets, 33142  
fyke nets, dip nets, carp aprons, trotlines, other similar gear, 33143  
and any boat used in conjunction with that gear, but does not 33144  
include gill nets. 33145

(RR) "Native wildlife" means any species of the animal 33146  
kingdom indigenous to this state. 33147

(SS) "Gill net" means a single section of fabric or 33148  
netting seamed to a float line at the top and a lead line at the 33149  
bottom, which is designed to entangle fish in the net openings 33150  
as they swim into it. 33151

(TT) "Tag fishing tournament" means a contest in which a 33152  
participant pays a fee, or gives other valuable consideration, 33153  
for a chance to win a prize by virtue of catching a tagged or 33154  
otherwise specifically marked fish within a limited period of 33155  
time. 33156

(UU) "Tenant" means an individual who resides on land for 33157  
which the individual pays rent and whose annual income is 33158  
primarily derived from agricultural production conducted on that 33159  
land, as "agricultural production" is defined in section 929.01 33160  
of the Revised Code. 33161

(VV) "Nonnative wildlife" means any wild animal not 33162

indigenous to this state, but does not include domestic deer. 33163

(WW) "Reptiles" includes common musk turtle (*sternotherus* 33164  
*odoratus*), common snapping turtle (*Chelydra serpentina* 33165  
*serpentina*), spotted turtle (*Clemmys guttata*), eastern box 33166  
turtle (*Terrapene carolina carolina*), Blanding's turtle 33167  
(*Emydoidea blandingii*), common map turtle (*Graptemys* 33168  
*geographica*), ouachita map turtle (*Graptemys pseudogeographica* 33169  
*ouachitensis*), midland painted turtle (*Chrysemys picta* 33170  
*marginata*), red-eared slider (*Trachemys scripta elegans*), 33171  
eastern spiny softshell turtle (*Apalone spinifera spinifera*), 33172  
midland smooth softshell turtle (*Apalone mutica mutica*), 33173  
northern fence lizard (*Sceloporus undulatus hyacinthinus*), 33174  
ground skink (*Scincella lateralis*), five-lined skink (*Eumeces* 33175  
*fasciatus*), broadhead skink (*Eumeces laticeps*), northern coal 33176  
skink (*Eumeces anthracinus anthracinus*), European wall lizard 33177  
(*Podarcis muralis*), queen snake (*Regina septemvittata*), 33178  
Kirtland's snake (*Clonophis kirtlandii*), northern water snake 33179  
(*Nerodia sipedon sipedon*), Lake Erie watersnake (*Nerodia sipedon* 33180  
*insularum*), copperbelly water snake (*Nerodia erythrogaster* 33181  
*neglecta*), northern brown snake (*Storeria dekayi dekayi*), 33182  
midland brown snake (*Storeria dekayi wrightorum*), northern 33183  
redbelly snake (*Storeria occipitomaculata occipitomaculata*), 33184  
eastern garter snake (*Thamnophis sirtalis sirtalis*), eastern 33185  
plains garter snake (*Thamnophis radix radix*), Butler's garter 33186  
snake (*Thamnophis butleri*), shorthead garter snake (*Thamnophis* 33187  
*brachystoma*), eastern ribbon snake (*Thamnophis sauritus* 33188  
*sauritus*), northern ribbon snake (*Thamnophis sauritus* 33189  
*septentrionalis*), eastern hognose snake (*Heterodon platirhinos*), 33190  
eastern smooth earth snake (*Virginia valeriae valeriae*), 33191  
northern ringneck snake (*Diadophis punctatus edwardsii*), midwest 33192  
worm snake (*Carphophis amoenus helenae*), eastern worm snake 33193

( <i>Carphophis amoenus amoenus</i> ), black racer ( <i>Coluber constrictor</i>	33194
<i>constrictor</i> ), blue racer ( <i>Coluber constrictor foxii</i> ), rough	33195
green snake ( <i>Opheodrys aestivus</i> ), smooth green snake ( <i>Opheodrys</i>	33196
<i>vernalis vernalis</i> ), black rat snake ( <i>Elaphe obsoleta obsoleta</i> ),	33197
eastern fox snake ( <i>Elaphe vulpina gloydi</i> ), black kingsnake	33198
( <i>Lampropeltis getula nigra</i> ), eastern milk snake ( <i>Lampropeltis</i>	33199
<i>triangulum triangulum</i> ), northern copperhead ( <i>Agkistrodon</i>	33200
<i>contortrix mokasen</i> ), eastern massasauga ( <i>Sistrurus catenatus</i>	33201
<i>catenatus</i> ), and timber rattlesnake ( <i>Crotalus horridus horridus</i> ).	33202
(XX) "Amphibians" includes eastern hellbender	33203
( <i>Cryptobranchus alleganiensis alleganiensis</i> ), mudpuppy ( <i>Necturus</i>	33204
<i>maculosus maculosus</i> ), red-spotted newt ( <i>Notophthalmus</i>	33205
<i>viridescens viridescens</i> ), Jefferson salamander ( <i>Ambystoma</i>	33206
<i>jeffersonianum</i> ), spotted salamander ( <i>Ambystoma maculatum</i> ), blue-	33207
spotted salamander ( <i>Ambystoma laterale</i> ), smallmouth salamander	33208
( <i>Ambystoma texanum</i> ), streamside salamander ( <i>Ambystoma barbouri</i> ),	33209
marbled salamander ( <i>Ambystoma opacum</i> ), eastern tiger salamander	33210
( <i>Ambystoma tigrinum tigrinum</i> ), northern dusky salamander	33211
( <i>Desmognathus fuscus fuscus</i> ), mountain dusky salamander	33212
( <i>Desmognathus ochrophaeus</i> ), redback salamander ( <i>Plethodon</i>	33213
<i>cinereus</i> ), ravine salamander ( <i>Plethodon richmondi</i> ), northern	33214
slimy salamander ( <i>Plethodon glutinosus</i> ), Wehrle's salamander	33215
( <i>Plethodon wehrlei</i> ), four-toed salamander ( <i>Hemidactylium</i>	33216
<i>scutatum</i> ), Kentucky spring salamander ( <i>Gyrinophilus</i>	33217
<i>porphyriticus duryi</i> ), northern spring salamander ( <i>Gyrinophilus</i>	33218
<i>porphyriticus porphyriticus</i> ), mud salamander ( <i>Pseudotriton</i>	33219
<i>montanus</i> ), northern red salamander ( <i>Pseudotriton ruber ruber</i> ),	33220
green salamander ( <i>Aneides aeneus</i> ), northern two-lined salamander	33221
( <i>Eurycea bislineata</i> ), longtail salamander ( <i>Eurycea longicauda</i>	33222
<i>longicauda</i> ), cave salamander ( <i>Eurycea lucifuga</i> ), southern two-	33223
lined salamander ( <i>Eurycea cirrigera</i> ), Fowler's toad ( <i>Bufo</i>	33224

woodhousii fowleri), American toad (Bufo americanus), eastern 33225  
spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog 33226  
(Acris crepitans blanchardi), northern spring peeper (Pseudacris 33227  
crucifer crucifer), gray treefrog (Hyla versicolor), Cope's gray 33228  
treefrog (Hyla chrysoscelis), western chorus frog (Pseudacris 33229  
triseriata triseriata), mountain chorus frog (Pseudacris 33230  
brachyphona), bullfrog (Rana catesbeiana), green frog (Rana 33231  
clamitans melanota), northern leopard frog (Rana pipiens), 33232  
pickerel frog (Rana palustris), southern leopard frog (Rana 33233  
utricularia), and wood frog (Rana sylvatica). 33234

(YY) "Deer" means white-tailed deer (Odocoileus 33235  
virginianus). 33236

(ZZ) "Domestic deer" means nonnative deer that have been 33237  
legally acquired or their offspring and that are held in private 33238  
ownership for primarily agricultural purposes. 33239

(AAA) "Migratory game bird" includes waterfowl (Anatidae); 33240  
doves (Columbidae); cranes (Gruidae); cormorants 33241  
(Phalacrocoracidae); rails, coots, and gallinules (Rallidae); 33242  
and woodcock and snipe (Scolopacidae). 33243

(BBB) "Accompany" means to go along with another person 33244  
while staying within a distance from the person that enables 33245  
uninterrupted, unaided visual and auditory communication. 33246

(CCC) "All-purpose vehicle" means any vehicle that is 33247  
designed primarily for cross-country travel on land, water, or 33248  
land and water and that is steered by wheels, caterpillar 33249  
treads, or a combination of wheels and caterpillar treads and 33250  
includes vehicles that operate on a cushion of air, vehicles 33251  
commonly known as all-terrain vehicles, all-season vehicles, 33252  
mini-bikes, and trail bikes. 33253

(DDD) "Wholly enclosed preserve" means an area of land 33254  
that is surrounded by a fence that is at least six feet in 33255  
height, unless otherwise specified in division rule, and is 33256  
constructed of a woven wire mesh, or another enclosure that the 33257  
division of wildlife may approve, where game birds, game 33258  
quadrupeds, reptiles, amphibians, or fur-bearing animals are 33259  
raised and may be sold under the authority of a commercial 33260  
propagating license or captive white-tailed deer propagation 33261  
license obtained under section 1533.71 of the Revised Code. 33262

(EEE) "Commercial bird shooting preserve" means an area of 33263  
land where game birds are released and hunted by shooting as 33264  
authorized by a commercial bird shooting preserve license 33265  
obtained under section 1533.72 of the Revised Code. 33266

(FFF) "Wild animal hunting preserve" means an area of land 33267  
where game, captive white-tailed deer, and nonnative wildlife, 33268  
other than game birds, are released and hunted as authorized by 33269  
a wild animal hunting preserve license obtained under section 33270  
1533.721 of the Revised Code. 33271

(GGG) "Captive white-tailed deer" means legally acquired 33272  
deer that are held in private ownership at a facility licensed 33273  
under section 943.03 or 943.031 of the Revised Code and under 33274  
section 1533.71 or 1533.721 of the Revised Code. 33275

(HHH) "Wild boar" or "feral swine" means either a hog, 33276  
boar, or pig that appears to be untamed, undomesticated, or in a 33277  
wild state. "Wild boar" or "feral swine" includes both of the 33278  
following: 33279

(1) ~~Members~~ Except for *Sus scrofa domesticus* that is 33280  
legally confined or held in captivity, members of the family 33281  
suidae, including ~~both~~ all of the following: 33282

(a) Wild pig, wild hog, feral hog, and feral pig;	33283
(b) Old world swine, razorbacks, European wild boar, and Russian wild boar, and any hybrids or crossbreeds thereof;	33284 33285
<u>(c) Wild pig, wild hog, feral hog, or feral pig that appear contained in a wild animal hunting preserve licensed under section 1533.721 of the Revised Code or a wholly enclosed preserve for hunting or trapping.</u>	33286 33287 33288 33289
(2) Members of the family <del>tayassuidae</del> <u>tayassuidae</u> , including collared peccary and javelina, and any hybrids or crossbreeds of members of the family <del>tayassuidae</del> <u>tayassuidae</u> .	33290 33291 33292
<b>Sec. 1533.10.</b> (A) Except as provided in this section or division (A) (2) of section 1533.12 or section 1533.73 or 1533.731 of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense.	33293 33294 33295 33296 33297 33298
(B) (1) Except as otherwise provided in this section, division (A) of section 1533.12 of the Revised Code, or in rules adopted under division (B) of that section, each applicant for a hunting license shall pay an annual fee for each annual license in accordance with the following schedule:	33299 33300 33301 33302 33303 33304

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A	Hunting license - resident	\$18.00
B	Hunting license - nonresident that is not a resident of a reciprocal state, ages 18 and older	\$174.00
C	Hunting license - nonresident that is a resident of a	\$18.00

	reciprocal state, ages 18 and older	
D	Apprentice hunting license - resident	\$18.00
E	Apprentice hunting license - nonresident that is not a resident of a reciprocal state	\$174.00
F	Apprentice hunting license - nonresident that is a resident of a reciprocal state	\$18.00
G	Youth hunting license - resident and nonresident	\$9.00
H	Apprentice youth hunting license - resident	\$9.00
I	Senior hunting license - resident	\$9.00
J	Apprentice senior hunting license - resident	\$9.00

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.	33305 33306 33307 33308 33309
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(3) As used in division (B) (1) of this section:	33310
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(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a license.	33311 33312
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(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.	33313 33314
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(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.	33315 33316
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(C) A resident of this state who owns lands in the state	33317
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and the owner's parents, children of any age, and grandchildren 33318  
under eighteen years of age may hunt on the lands without a 33319  
hunting license. A resident of any other state who owns real 33320  
property in this state, and the spouse and children living with 33321  
the property owner, may hunt on that property without a license, 33322  
provided that the state of residence of the real property owner 33323  
allows residents of this state owning real property in that 33324  
state, and the spouse and children living with the property 33325  
owner, to hunt without a license. If the owner of land in this 33326  
state is a limited liability company or a limited liability 33327  
partnership that consists of three or fewer individual members 33328  
or partners, as applicable, an individual member or partner who 33329  
is a resident of this state and the member's or partner's 33330  
parents, children of any age, and grandchildren under eighteen 33331  
years of age may hunt on the land owned by the limited liability 33332  
company or limited liability partnership without a hunting 33333  
license. In addition, if the owner of land in this state is a 33334  
trust that has a total of three or fewer trustees and 33335  
beneficiaries, an individual who is a trustee or beneficiary and 33336  
who is a resident of this state and the individual's parents, 33337  
children of any age, and grandchildren under eighteen years of 33338  
age may hunt on the land owned by the trust without a hunting 33339  
license. The tenant and children of the tenant, residing on 33340  
lands in the state, may hunt on them without a hunting license. 33341

(D) The chief of the division of wildlife may issue a 33342  
small game hunting license expiring three days from the 33343  
effective date of the license to a nonresident of the state, the 33344  
fee for which is thirty-nine dollars. No person shall take or 33345  
possess deer, wild turkeys, fur-bearing animals, ducks, geese, 33346  
brant, or any nongame animal while possessing only a small game 33347  
hunting license. 33348



A small game hunting license or an apprentice nonresident  
hunting license does not authorize the taking or possessing of  
ducks, geese, or brant without having obtained, in addition to  
the small game hunting license or the apprentice nonresident  
hunting license, a wetlands habitat stamp as provided in section  
1533.112 of the Revised Code. A small game hunting license or an  
apprentice nonresident hunting license does not authorize the  
taking or possessing of deer, wild turkeys, or fur-bearing  
animals. A nonresident of the state who wishes to take or  
possess deer, wild turkeys, or fur-bearing animals in this state  
shall procure, respectively, a deer or wild turkey permit as  
provided in section 1533.11 of the Revised Code or a fur taker  
permit as provided in section 1533.111 of the Revised Code in  
addition to a nonresident hunting license, an apprentice  
nonresident hunting license, a special youth hunting license, or  
an apprentice youth hunting license, as applicable, as provided  
in this section.

(E) No person shall procure or attempt to procure a  
hunting license by fraud, deceit, misrepresentation, or any  
false statement.

(F) (1) This section does not authorize the taking and  
possessing of deer or wild turkeys without first having  
obtained, in addition to the hunting license required by this  
section, a deer or wild turkey permit as provided in section  
1533.11 of the Revised Code or the taking and possessing of  
ducks, geese, or brant without first having obtained, in  
addition to the hunting license required by this section, a  
wetlands habitat stamp as provided in section 1533.112 of the  
Revised Code.

(2) This section does not authorize the hunting or

trapping of fur-bearing animals without first having obtained, 33379  
in addition to a hunting license required by this section, a fur 33380  
taker permit as provided in section 1533.111 of the Revised 33381  
Code. 33382

(G) (1) No hunting license shall be issued unless it is 33383  
accompanied by a written explanation of the law in section 33384  
1533.17 of the Revised Code and the penalty for its violation, 33385  
including a description of terms of imprisonment and fines that 33386  
may be imposed. 33387

(2) No hunting license, other than an apprentice hunting 33388  
license, shall be issued unless the applicant presents to the 33389  
agent authorized to issue the license a previously held hunting 33390  
license or evidence of having held such a license in content and 33391  
manner approved by the chief, a certificate of completion issued 33392  
upon completion of a hunter education and conservation course 33393  
approved by the chief, or evidence of equivalent training in 33394  
content and manner approved by the chief. A previously held 33395  
apprentice hunting license does not satisfy the requirement 33396  
concerning the presentation of a previously held hunting license 33397  
or evidence of it. 33398

(3) No person shall issue a hunting license, except an 33399  
apprentice hunting license, to any person who fails to present 33400  
the evidence required by this section. No person shall purchase 33401  
or obtain a hunting license, other than an apprentice hunting 33402  
license, without presenting to the issuing agent the evidence 33403  
required by this section. Issuance of a hunting license in 33404  
violation of the requirements of this section is an offense by 33405  
both the purchaser of the illegally obtained hunting license and 33406  
the clerk or agent who issued the hunting license. Any hunting 33407  
license issued in violation of this section is void. 33408

(H) The chief, with approval of the wildlife council, 33409  
shall adopt rules prescribing a hunter education and 33410  
conservation course for first-time hunting license buyers, other 33411  
than buyers of apprentice hunting licenses, and for volunteer 33412  
instructors. The course shall consist of subjects including, but 33413  
not limited to, hunter safety and health, use of hunting 33414  
implements, hunting tradition and ethics, the hunter and 33415  
conservation, the law in section 1533.17 of the Revised Code 33416  
along with the penalty for its violation, including a 33417  
description of terms of imprisonment and fines that may be 33418  
imposed, and other law relating to hunting. Authorized personnel 33419  
of the division or volunteer instructors approved by the chief 33420  
shall conduct such courses with such frequency and at such 33421  
locations throughout the state as to reasonably meet the needs 33422  
of license applicants. The chief shall issue a certificate of 33423  
completion to each person who successfully completes the course 33424  
and passes an examination prescribed by the chief. 33425

**Sec. 1533.11.** (A) (1) Except as provided in this section or 33426  
section 1533.731 of the Revised Code, no person shall hunt deer 33427  
on lands of another without first obtaining an annual deer 33428  
permit. Except as provided in this section, no person shall hunt 33429  
wild turkeys on lands of another without first obtaining an 33430  
annual wild turkey permit. A deer or wild turkey permit is valid 33431  
during the hunting license year in which the permit is 33432  
purchased. Except as provided in rules adopted under division 33433  
(B) of section 1533.12 of the Revised Code, each applicant for a 33434  
deer or wild turkey permit shall pay an annual fee for each 33435  
permit in accordance with the following schedule: 33436  
33437

A	Deer permit - resident	\$30.00
B	Deer permit - nonresident	<del>\$74.00</del>
		<u>\$210.00</u>
C	Youth deer permit - resident and nonresident	\$15.00
D	Senior deer permit - resident	\$11.00
E	Wild turkey permit - resident	\$30.00
F	Wild turkey permit - nonresident	\$37.00
G	Youth wild turkey permit - resident and nonresident	\$15.00
H	Senior wild turkey permit - resident	\$11.00

(2) As used in division (A) (1) of this section: 33438

(a) "Youth" means an applicant who is under the age of 33439  
eighteen years at the time of application for a permit. 33440

(b) "Senior" means an applicant who is sixty-six years of 33441  
age or older at the time of application for a permit. 33442

(3) The money received shall be paid into the state 33443  
treasury to the credit of the wildlife fund, created in section 33444  
1531.17 of the Revised Code, exclusively for the use of the 33445  
division of wildlife in the acquisition and development of land 33446  
for deer or wild turkey management, for investigating deer or 33447  
wild turkey problems, and for the stocking, management, and 33448  
protection of deer or wild turkey. 33449

(4) Every person, while hunting deer or wild turkey on 33450  
lands of another, shall carry the person's deer or wild turkey 33451

permit and exhibit it to any enforcement officer so requesting. 33452  
Failure to so carry and exhibit such a permit constitutes an 33453  
offense under this section. 33454

(5) The chief of the division of wildlife shall adopt any 33455  
additional rules the chief considers necessary to carry out this 33456  
section and section 1533.10 of the Revised Code. 33457

(6) An owner who is a resident of this state or an owner 33458  
who is exempt from obtaining a hunting license under section 33459  
1533.10 of the Revised Code and the spouse, parents, children of 33460  
any age, and grandchildren under eighteen years of age of the 33461  
owner of lands in this state may hunt deer or wild turkey 33462  
thereon without a deer or wild turkey permit. If the owner of 33463  
land in this state is a limited liability company or a limited 33464  
liability partnership that consists of three or fewer individual 33465  
members or partners, as applicable, an individual member or 33466  
partner who is a resident of this state and the member's or 33467  
partner's parents, children of any age, and grandchildren under 33468  
eighteen years of age may hunt deer or wild turkey on the land 33469  
owned by the limited liability company or limited liability 33470  
partnership without a deer or wild turkey permit. In addition, 33471  
if the owner of land in this state is a trust that has a total 33472  
of three or fewer trustees and beneficiaries, an individual who 33473  
is a trustee or beneficiary and who is a resident of this state 33474  
and the individual's parents, children of any age, and 33475  
grandchildren under eighteen years of age may hunt deer or wild 33476  
turkey on the land owned by the trust without a deer or wild 33477  
turkey permit. The tenant and children of the tenant may hunt 33478  
deer or wild turkey on lands where they reside without a deer or 33479  
wild turkey permit. 33480

(B) A deer or wild turkey permit is not transferable. No 33481

person shall carry a deer or wild turkey permit issued in the 33482  
name of another person. 33483

(C) The wildlife refunds fund is hereby created in the 33484  
state treasury. The fund shall consist of money received from 33485  
application fees for deer permits that are not issued. Money in 33486  
the fund shall be used to make refunds of such application fees. 33487

(D) If the division establishes a system for the 33488  
electronic submission of information regarding deer or wild 33489  
turkey that are taken, the division shall allow the owner and 33490  
the children of the owner of lands in this state to use the 33491  
owner's name or address for purposes of submitting that 33492  
information electronically via that system. 33493

**Sec. 1533.111.** (A) Except as provided in this section or 33494  
division (A) (2) of section 1533.12 of the Revised Code, no 33495  
person shall hunt or trap fur-bearing animals on land of another 33496  
without first obtaining some type of an annual fur taker permit. 33497

(B) (1) Except as otherwise provided in rules adopted under 33498  
division (B) of section 1533.12 of the Revised Code, each 33499  
applicant for a fur taker permit or an apprentice fur taker 33500  
permit shall pay an annual fee for each annual permit in 33501  
accordance with the following schedule: 33502  
33503

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A	Fur taker permit	\$14.00
B	Apprentice fur taker permit	\$14.00
C	Senior fur taker permit - resident only	\$7.00
D	Apprentice senior fur taker permit - resident only	\$7.00

E Special youth fur taker permit \$7.00

F Apprentice youth fur taker permit \$7.00

(2) As used in division (B) (1) of this section: 33504

(a) "Youth" means an applicant who is under the age of 33505  
eighteen years at the time of application for a permit. 33506

(b) "Senior" means an applicant who is sixty-six years of 33507  
age or older at the time of application for a permit. 33508

(C) Each type of fur taker permit is valid during the 33509  
hunting license year in which the permit is purchased. The money 33510  
received shall be paid into the state treasury to the credit of 33511  
the fund established in section 1533.15 of the Revised Code. 33512  
Apprentice fur taker permits and apprentice youth fur taker 33513  
permits are subject to the requirements established under 33514  
section 1533.102 of the Revised Code and rules adopted pursuant 33515  
to it. 33516

(D) (1) No person shall issue a fur taker permit to an 33517  
applicant unless it is accompanied by a written explanation of 33518  
the law in section 1533.17 of the Revised Code and the penalty 33519  
for its violation, including a description of terms of 33520  
imprisonment and fines that may be imposed. 33521

(2) No person shall issue a fur taker permit, other than 33522  
an apprentice fur taker permit or an apprentice youth fur taker 33523  
permit, to an applicant unless the applicant presents to the 33524  
agent authorized to issue a fur taker permit a previously held 33525  
hunting license or trapping or fur taker permit or evidence of 33526  
having held such a license or permit in content and manner 33527  
approved by the chief of the division of wildlife, a certificate 33528  
of completion issued upon completion of a trapper education 33529

course approved by the chief, or evidence of equivalent training 33530  
in content and manner approved by the chief. A previously held 33531  
apprentice hunting license, apprentice fur taker permit, or 33532  
apprentice youth fur taker permit does not satisfy the 33533  
requirement concerning the presentation of a previously held 33534  
hunting license or fur taker permit or evidence of such a 33535  
license or permit. 33536

(3) No person shall issue a fur taker permit, other than 33537  
an apprentice fur taker permit or an apprentice youth fur taker 33538  
permit, to any person who fails to present the evidence required 33539  
by this section. No person shall purchase or obtain a fur taker 33540  
permit, other than an apprentice fur taker permit or an 33541  
apprentice youth fur taker permit, without presenting to the 33542  
issuing agent the evidence required by this section. Issuance of 33543  
a fur taker permit in violation of the requirements of this 33544  
section is an offense by both the purchaser of the illegally 33545  
obtained permit and the clerk or agent who issued the permit. 33546  
Any fur taker permit issued in violation of this section is 33547  
void. 33548

(E) The chief, with approval of the wildlife council, 33549  
shall adopt rules prescribing a trapper education course for 33550  
first-time fur taker permit buyers, other than buyers of 33551  
apprentice fur taker permits or apprentice youth fur taker 33552  
permits, and for volunteer instructors. The course shall consist 33553  
of subjects that include, but are not limited to, trapping 33554  
techniques, animal habits and identification, trapping tradition 33555  
and ethics, the trapper and conservation, the law in section 33556  
1533.17 of the Revised Code along with the penalty for its 33557  
violation, including a description of terms of imprisonment and 33558  
fines that may be imposed, and other law relating to trapping. 33559  
Authorized personnel of the division of wildlife or volunteer 33560



instructors approved by the chief shall conduct the courses with 33561  
such frequency and at such locations throughout the state as to 33562  
reasonably meet the needs of permit applicants. The chief shall 33563  
issue a certificate of completion to each person who 33564  
successfully completes the course and passes an examination 33565  
prescribed by the chief. 33566

(F) Every person, while hunting or trapping fur-bearing 33567  
animals on lands of another, shall carry the person's fur taker 33568  
permit with the person's signature written on the permit. 33569  
Failure to carry such a signed permit constitutes an offense 33570  
under this section. The chief shall adopt any additional rules 33571  
the chief considers necessary to carry out this section. 33572

(G) An owner who is a resident of this state or an owner 33573  
who is exempt from obtaining a hunting license under section 33574  
1533.10 of the Revised Code and the spouse, parents, children of 33575  
any age, and grandchildren under eighteen years of age of the 33576  
owner of lands in this state may hunt or trap fur-bearing 33577  
animals thereon without a fur taker permit. If the owner of land 33578  
in this state is a limited liability company or a limited 33579  
liability partnership that consists of three or fewer individual 33580  
members or partners, as applicable, an individual member or 33581  
partner who is a resident of this state and the member's or 33582  
partner's parents, children of any age, and grandchildren under 33583  
eighteen years of age may hunt or trap fur-bearing animals on 33584  
the land owned by the limited liability company or limited 33585  
liability partnership without a fur taker permit. In addition, 33586  
if the owner of land in this state is a trust that has a total 33587  
of three or fewer trustees and beneficiaries, an individual who 33588  
is a trustee or beneficiary and who is a resident of this state 33589  
and the individual's parents, children of any age, and 33590  
grandchildren under eighteen years of age may hunt or trap fur- 33591

bearing animals on the land owned by the trust without a fur 33592  
taker permit. The tenant and children of the tenant may hunt or 33593  
trap fur-bearing animals on lands where they reside without a 33594  
fur taker permit. 33595

(H) A fur taker permit is not transferable. No person 33596  
shall carry a fur taker permit issued in the name of another 33597  
person. 33598

(I) A fur taker permit entitles a nonresident to take from 33599  
this state fur-bearing animals taken and possessed by the 33600  
nonresident as provided by law or division rule. 33601

**Sec. 1533.13.** Hunting and fishing licenses, wetlands 33602  
habitat stamps, deer and wild turkey permits, fur taker permits, 33603  
and any other licenses, permits, or stamps that are required 33604  
under this chapter or Chapter 1531. of the Revised Code and any 33605  
reissued license, permit, or stamp may be issued by the clerk of 33606  
the court of common pleas, village clerks, township fiscal 33607  
officers, and other authorized agents designated by the chief of 33608  
the division of wildlife. When required by the chief, a clerk, 33609  
fiscal officer, or other agent shall give bond in the manner 33610  
provided by the chief. All bonds, reports, ~~except records-~~ 33611  
~~prescribed by the auditor of state,~~ and moneys received by those 33612  
persons shall be handled under rules adopted by the director of 33613  
natural resources. 33614

The premium of any bond prescribed by the chief under this 33615  
section may be paid by the chief. Any person who is designated 33616  
and authorized by the chief to issue licenses, stamps, and 33617  
permits as provided in this section, except the clerk of the 33618  
court of common pleas, a village clerk, and a township fiscal 33619  
officer, shall pay to the chief a premium in an amount that 33620  
represents the person's portion of the premium paid by the chief 33621

under this section, which amount shall be established by the 33622  
chief and approved by the wildlife council created under section 33623  
1531.03 of the Revised Code. The chief shall pay all moneys that 33624  
the chief receives as premiums under this section into the state 33625  
treasury to the credit of the wildlife fund created under 33626  
section 1531.17 of the Revised Code. 33627

Every authorized agent, for the purpose of issuing hunting 33628  
and fishing licenses, wetlands habitat stamps, deer and wild 33629  
turkey permits, and fur taker permits, may administer oaths to 33630  
and take affidavits from applicants for the licenses, stamps, or 33631  
permits when required. An authorized agent may appoint deputies 33632  
to perform any acts that the agent is authorized to perform, 33633  
consistent with division rules. 33634

Every applicant for a hunting or fishing license, wetlands 33635  
habitat stamp, deer or wild turkey permit, or fur taker permit, 33636  
unless otherwise provided by division rule, shall provide the 33637  
applicant's name, date of birth, weight, height, and place of 33638  
residence and any other information that the chief may require. 33639  
The clerk, fiscal officer, or other agent authorized to issue 33640  
licenses, stamps, and permits shall charge each applicant a fee 33641  
of one dollar or four per cent of the cost of the license, 33642  
stamp, or permit, whichever is greater, for taking the 33643  
information provided by the applicant and issuing the license, 33644  
stamp, or permit. The application, license, stamp, permit, and 33645  
other blanks required by this section shall be prepared and 33646  
furnished by the chief, in the form the chief provides, to the 33647  
clerk, fiscal officer, or other agent authorized to issue them. 33648  
The licenses and permits shall be issued to applicants by the 33649  
clerk, fiscal officer, or other agent. The record of licenses 33650  
and permits kept by the clerks, fiscal officers, and other 33651  
agents shall be uniform throughout the state ~~and in the form or~~ 33652

~~manner as the auditor of state prescribes~~ and shall be open at 33653  
all reasonable hours to the inspection of any person. Unless 33654  
otherwise provided by division rule, each annual hunting 33655  
license, deer or wild turkey permit, and fur taker permit issued 33656  
shall remain in force until the first day of March. Application 33657  
for any such license or permit may be made and a license or 33658  
permit issued prior to the date upon which it becomes effective. 33659

The chief may require an applicant who wishes to purchase 33660  
a license, stamp, or permit by mail or telephone or via the 33661  
internet to pay a nominal fee for postage and handling and 33662  
credit card transactions. 33663

The court before whom a violator of any laws or division 33664  
rules for the protection of wild animals is tried, as a part of 33665  
the punishment, shall revoke the license, stamp, or permit of 33666  
any person convicted. The license, stamp, or permit fee paid by 33667  
that person shall not be returned to the person. The person 33668  
shall not procure or use any other license, stamp, or permit or 33669  
engage in hunting wild animals or trapping fur-bearing animals 33670  
during the period of revocation as ordered by the court. 33671

No person under sixteen years of age shall engage in 33672  
hunting unless accompanied by the person's parent or another 33673  
adult person. 33674

**Sec. 1533.131.** The chief of the division of wildlife may 33675  
sell gift certificates that may be used to obtain ~~hunting and~~ 33676  
~~fishing~~, pay for, or purchase licenses, fur taker, deer, and 33677  
~~wild turkey permits, and wetlands habitat stamps, user fees, and~~ 33678  
conservation-related items provided for under this chapter or 33679  
Chapter 1531. of the Revised Code. For the purposes of this 33680  
~~section, the~~ The chief shall may adopt rules in accordance with 33681  
section 1531.10 of the Revised Code ~~doing~~ necessary to 33682

administer this section, including all of the following: 33683

~~(A) Providing that a gift certificate may be used to~~ 33684  
~~obtain a resident or nonresident hunting license under section~~ 33685  
~~1533.10 of the Revised Code, a resident or nonresident fishing~~ 33686  
~~license under section 1533.32 of the Revised Code, a fur taker~~ 33687  
~~permit under section 1533.111 of the Revised Code, a deer or~~ 33688  
~~wild turkey permit under section 1533.11 of the Revised Code, a~~ 33689  
~~wetlands habitat stamp under section 1533.112 of the Revised~~ 33690  
~~Code, or a combination of those licenses, permits, and~~ 33691  
~~stamps.~~ Designating which licenses, permits, stamps, user fees, 33692  
and conservation-related items may be obtained, paid for, or 33693  
purchased with a gift certificate; 33694

(B) Prescribing the form for the gift certificates; 33695

(C) Authorizing persons who are designated and authorized 33696  
under section 1533.13 of the Revised Code to sell licenses and 33697  
permits under this chapter also to sell gift certificates under 33698  
this section; 33699

~~(D) Establishing fees for the gift certificates, which~~ 33700  
~~shall equal the total of the fee for a resident or nonresident~~ 33701  
~~hunting license, a resident or nonresident fishing license, a~~ 33702  
~~fur taker permit, a deer or wild turkey permit, a wetlands~~ 33703  
~~habitat stamp, or a combination of those licenses, permits, and~~ 33704  
~~stamp, as applicable, and the fee established under section~~ 33705  
~~1533.13 of the Revised Code;~~ 33706

~~(E) Requiring gift certificates to expire one year after~~ 33707  
~~the date of purchase.~~ 33708

Nothing in this section or rules adopted under it relieves 33709  
an individual who receives a gift certificate for a hunting 33710  
license from complying with the requirement established under 33711

section 1533.10 of the Revised Code to present, when applying 33712  
for the license, a previously held hunting license or evidence 33713  
of having held such a license in content and manner approved by 33714  
the chief, a certificate of completion issued upon completion of 33715  
a hunter education and conservation course approved by the 33716  
chief, or evidence of equivalent training in content and manner 33717  
approved by the chief. 33718

Nothing in this section or rules adopted under it relieves 33719  
an individual who receives a gift certificate for a fur taker 33720  
permit from complying with the requirements established under 33721  
section 1533.111 of the Revised Code to present, when applying 33722  
for the permit, a previously held hunting license or trapping or 33723  
fur taker permit or evidence of having held such a license or 33724  
permit in content and manner approved by the chief, a 33725  
certificate of completion issued upon completion of a trapper 33726  
education course approved by the chief, or evidence of 33727  
equivalent training in content and manner approved by the chief. 33728

**Sec. 1533.32.** (A) Except as provided in this section or 33729  
division (A)(2) or (C) of section 1533.12 of the Revised Code or 33730  
as exempted at the discretion of the chief of the division of 33731  
wildlife, no person, including nonresidents, shall take or catch 33732  
any fish by angling in any of the waters in the state or engage 33733  
in fishing in those waters without a license. No person shall 33734  
take or catch frogs or turtles without a valid fishing license, 33735  
except as provided in this section. Persons fishing in privately 33736  
owned ponds, lakes, or reservoirs to or from which fish are not 33737  
accustomed to migrate are exempt from the license requirements 33738  
set forth in this section. Persons fishing in privately owned 33739  
ponds, lakes, or reservoirs that are open to public fishing 33740  
through an agreement or lease with the division of wildlife 33741  
shall comply with the license requirements set forth in this 33742

section. 33743

(B) (1) Except as otherwise provided in rules adopted under 33744  
division (B) of section 1533.12 of the Revised Code, each 33745  
applicant for a fishing license shall pay a fee for each license 33746  
in accordance with the following schedule: 33747  
33748

1

2

A	Annual fishing license - resident	\$24.00
B	Annual fishing license - nonresident that is not a resident of a reciprocal state	<del>\$49.00</del> <u>\$74.00</u>
C	Annual fishing license - nonresident that is a resident of a reciprocal state	\$24.00
D	Annual senior fishing license - resident	\$9.00
E	Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state	<del>\$24.00</del> <u>\$50.00</u>
F	One-day fishing license <u>- resident</u>	\$13.00
G	<u>One-day fishing license - nonresident that is not a resident of a reciprocal state</u>	<u>\$26.00</u>
H	<u>One-day fishing license - nonresident that is a resident of a reciprocal state</u>	<u>\$13.00</u>

(2) As used in division (B) (1) of this section: 33749

(a) "Reciprocal state" means a state that is a party to an 33750  
agreement under section 1533.91 of the Revised Code. 33751

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.

(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.

(C) (1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code.

(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license.

(3) Unless otherwise provided by division rule, each annual license shall begin on the date of issuance and expire a



year from the date of issuance. 33782

(4) Unless otherwise provided by division rule, each 33783  
multi-year license issued in accordance with section 1533.321 of 33784  
the Revised Code shall begin on the date of issuance and expire 33785  
three years, five years, or ten years from the date of issuance, 33786  
as applicable. 33787

(5) No person shall alter a fishing license or possess a 33788  
fishing license that has been altered. 33789

(6) No person shall procure or attempt to procure a 33790  
fishing license by fraud, deceit, misrepresentation, or any 33791  
false statement. 33792

(7) A resident of this state who owns land over, through, 33793  
upon, or along which any water flows or stands, except where the 33794  
land is in or borders on state parks or state-owned lakes, 33795  
together with the members of the immediate families of such 33796  
owners, may take frogs and turtles and may take or catch fish of 33797  
the kind permitted to be taken or caught therefrom without 33798  
procuring a license provided for in this section. This exemption 33799  
extends to tenants actually residing upon such lands and to the 33800  
members of the immediate families of the tenants. A resident of 33801  
any other state who owns land in this state over, through, upon, 33802  
or along which any water flows or stands, except where the land 33803  
is in or borders on state parks or state-owned lakes, and the 33804  
spouse and children living with the owner, may take frogs and 33805  
turtles and may take or catch fish of the kind permitted to be 33806  
taken or caught from that water without obtaining a license 33807  
under this section, provided that the state of residence of the 33808  
owner allows residents of this state owning real property in 33809  
that state, and the spouse and children living with such a 33810  
property owner, to take frogs and turtles and take or catch fish 33811

without a license. If the owner of such land in this state is a 33812  
limited liability company or a limited liability partnership 33813  
that consists of three or fewer individual members or partners, 33814  
as applicable, an individual member or partner who is a resident 33815  
of this state and the member's or partner's children of any age 33816  
may take frogs and turtles and may take or catch fish of the 33817  
kind permitted to be taken or caught therefrom without procuring 33818  
a license provided for in this section. In addition, if the 33819  
owner of such land in this state is a trust that has a total of 33820  
three or fewer trustees and beneficiaries, an individual who is 33821  
a trustee or beneficiary and who is a resident of this state and 33822  
the individual's children of any age may take frogs and turtles 33823  
and may take or catch fish of the kind permitted to be taken or 33824  
caught therefrom without procuring a license provided for in 33825  
this section. Residents of state or county institutions, 33826  
charitable institutions, and military homes in this state may 33827  
take frogs and turtles without procuring the required license, 33828  
provided that a member of the institution or home has an 33829  
identification card, which shall be carried on that person when 33830  
fishing. 33831

(8) Every fisher required to be licensed, while fishing or 33832  
taking or attempting to take frogs or turtles, shall carry the 33833  
license and exhibit it to any person. Failure to so carry and 33834  
exhibit the license constitutes an offense under this section. 33835

**Sec. 1545.041.** (A) Any township park district created 33836  
pursuant to section 511.18 of the Revised Code that includes 33837  
park land located outside the township in which the park 33838  
district was established may be converted under the procedures 33839  
provided in this section into a park district to be operated and 33840  
maintained as provided for in this chapter, provided that there 33841  
is no existing park district created under section 1545.04 of 33842

the Revised Code in the county in which the township park 33843  
district is located. The proposed park district shall include 33844  
within its boundary all townships and municipal corporations in 33845  
which lands owned by the township park district seeking 33846  
conversion are located, and may include any other townships and 33847  
municipal corporations in the county in which the township park 33848  
district is located. 33849

(B) Conversion of a township park district into a park 33850  
district operated and maintained under this chapter shall be 33851  
initiated by a resolution adopted by the board of park 33852  
commissioners of the park district. Any resolution initiating a 33853  
conversion shall include the following: 33854

(1) The name of the township park district seeking 33855  
conversion; 33856

(2) The name of the proposed park district; 33857

(3) An accurate description of the territory to be 33858  
included in the proposed district; 33859

(4) An accurate map or plat of the proposed park district. 33860  
The resolution may also include a proposed tax levy for the 33861  
operation and maintenance of the proposed park district. If such 33862  
a tax levy is proposed, the resolution shall specify the annual 33863  
rate of the tax, expressed in dollars for each one hundred 33864  
thousand dollars of ~~the county auditor's appraised~~ market value 33865  
and in mills for each dollar of taxable value, and the number of 33866  
consecutive years the levy will be in effect. The annual rate of 33867  
such a tax may not be higher than the total combined millage of 33868  
all levies then in effect for the benefit of the township park 33869  
district named in the resolution. 33870

(C) Upon adoption of the resolution provided for in 33871

division (B) of this section, the board of park commissioners of 33872  
the township park district seeking conversion under this section 33873  
shall certify the resolution to the county auditor, who shall 33874  
certify to the board the information required for a tax levy 33875  
under section 5705.03 of the Revised Code, in the same manner as 33876  
required under that section. 33877

The board shall certify the resolution and the county 33878  
auditor's certification to the board of elections of the county 33879  
in which the park district is located no later than four p.m. of 33880  
the seventy-fifth day before the day of the election at which 33881  
the question will be voted upon. Upon certification of the 33882  
resolution to the board, the board of elections shall make the 33883  
necessary arrangements to submit the question of conversion of 33884  
the township park into a park district operated and maintained 33885  
under Chapter 1545. of the Revised Code, to the electors 33886  
qualified to vote at the next primary or general election who 33887  
reside in the territory of the proposed park district. The 33888  
question shall provide for a tax levy if such a levy is 33889  
specified in the resolution. 33890

(D) The ballot submitted to the electors as provided in 33891  
division (C) of this section shall contain the following 33892  
language: 33893

"Shall the \_\_\_\_\_ (name of the township park 33894  
district seeking conversion) be converted into a park district 33895  
to be operated and maintained under Chapter 1545. of the Revised 33896  
Code under the name of \_\_\_\_\_ (name of proposed park 33897  
district), which park district shall include the following 33898  
townships and municipal corporations: 33899

(Name townships and municipal corporations) 33900

Approval of the proposed conversion will result in the 33901  
termination of all existing tax levies voted for the benefit of 33902  
\_\_\_\_\_ (name of the township park district sought to be 33903  
converted) and in the levy of a new tax for the operation and 33904  
maintenance of \_\_\_\_\_ (name of proposed park district), 33905  
that the county auditor estimates will collect \$\_\_\_\_\_ annually, 33906  
at a rate not exceeding \_\_\_\_\_ mills for each \$1 of taxable 33907  
value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the~~ 33908  
~~county auditor's appraised market~~ value, for \_\_\_\_\_ (number of 33909  
years the millage is to be imposed) years, commencing on the 33910  
\_\_\_\_\_ (year) tax duplicate. 33911  
33912

	For the proposed conversion	"
	Against the proposed conversion	

(E) If the proposed conversion is approved by at least a 33913  
majority of the electors voting on the proposal, the township 33914  
park district that seeks conversion shall become a park district 33915  
subject to Chapter 1545. of the Revised Code effective the first 33916  
day of January following approval by the voters. The park 33917  
district shall have the name specified in the resolution, and 33918  
effective the first day of January following approval by the 33919  
voters, the following shall occur: 33920

(1) The indebtedness of the former township park district 33921  
shall be assumed by the new park district; 33922

(2) All rights, assets, properties, and other interests of 33923  
the former township park district shall become vested in the new 33924  
park district, including the rights to any tax revenues 33925  
previously vested in the former township park district; 33926  
provided, that all tax levies in excess of the ten mill 33927

limitation approved for the benefit of the former township park 33928  
district shall be removed from the tax lists after the February 33929  
settlement next succeeding the conversion. Any tax levy approved 33930  
in connection with the conversion shall be certified as provided 33931  
in section 5705.25 of the Revised Code. 33932

(3) The members of the board of park commissioners of the 33933  
former township park district shall be the members of the board 33934  
of park commissioners of the new park district, with all the 33935  
same powers and duties as if appointed under section 1545.05 of 33936  
the Revised Code. The term of each such commissioner shall 33937  
expire on the first day of January of the year following the 33938  
year in which his term would have expired under section 511.19 33939  
of the Revised Code. Thereafter, commissioners shall be 33940  
appointed pursuant to section 1545.05 of the Revised Code. 33941

As used in this section, "~~the county auditor's appraised~~ 33942  
market value" has the same meaning as in section 5705.01 of the 33943  
Revised Code. 33944

**Sec. 1545.21.** (A) The board of park commissioners, by 33945  
resolution, may submit to the electors of the park district the 33946  
question of levying taxes for the use of the district. The 33947  
resolution shall declare the necessity of levying such taxes, 33948  
shall specify the purpose for which such taxes shall be used, 33949  
the annual rate proposed, and the number of consecutive years 33950  
the rate shall be levied. Such resolution shall be forthwith 33951  
certified to the board of elections in each county in which any 33952  
part of such district is located, not later than the ninetieth 33953  
day before the day of the election, and the question of the levy 33954  
of taxes as provided in such resolution shall be submitted to 33955  
the electors of the district at a special election to be held on 33956  
whichever of the following occurs first: 33957

(1) The day of the next general election; 33958

(2) The first Tuesday after the first Monday in May in any 33959  
calendar year, except that if a presidential primary election is 33960  
held in that calendar year, then the day of that election. 33961

A resolution to renew, renew and increase, or renew and 33962  
decrease any existing levy shall not be placed on the ballot 33963  
unless the question is submitted at the general election held 33964  
during the last year the tax to be renewed may be extended on 33965  
the tax list, or at any election described in division (A) (1) or 33966  
(2) of this section in the ensuing year. Such a resolution may 33967  
specify that the renewal, increase, or decrease of the existing 33968  
levy shall be extended on the tax list for the tax year 33969  
specified in the resolution, which may be the last year the 33970  
existing levy may be extended on the list for the ensuing year. 33971  
If the renewal, increase, or decrease is to be extended on the 33972  
tax list for the last tax year the existing levy would otherwise 33973  
be extended, the existing levy shall not be extended on the tax 33974  
list for that last year unless the question of the renewal, 33975  
increase, or decrease is not approved by a majority of electors 33976  
voting on the question, in which case the existing levy shall be 33977  
extended on the tax list for that last year. 33978

Except as otherwise prescribed in division (B) of this 33979  
section, the ballot shall set forth the purpose for which the 33980  
taxes shall be levied, the levy's estimated annual collections, 33981  
the annual rate of levy, expressed in mills for each dollar of 33982  
taxable value and in dollars for each one hundred thousand 33983  
dollars of ~~the county auditor's appraised market~~ value, and the 33984  
number of years of such levy. If the tax is to be placed on the 33985  
current tax list, the form of the ballot shall state that the 33986  
tax will be levied in the current tax year and shall indicate 33987

the first calendar year the tax will be due. 33988

~~(B)(1)~~ (B) If the resolution of the board of park 33989  
commissioners provides that an existing levy will be renewed, 33990  
increased, or decreased upon the passage of the ballot question, 33991  
the form of the ballot shall be the same as prescribed for such 33992  
levies in divisions (B) and (C) of section 5705.25 of the 33993  
Revised Code. 33994

~~(2) If the resolution of the board of park commissioners~~ 33995  
~~provides that an existing levy will be canceled upon the passage~~ 33996  
~~of the new levy, the board shall request that the county~~ 33997  
~~auditor, in addition to the information the auditor is required~~ 33998  
~~to certify under section 5705.03 of the Revised Code, certify~~ 33999  
~~the effective rate of the existing levy. In such an instance,~~ 34000  
~~the ballot must include a statement that: "an existing levy of~~ 34001  
~~\_\_\_ mills (stating the original levy millage) for each \$1 of~~ 34002  
~~taxable value, which amounts to \$\_\_\_ (effective rate) for each~~ 34003  
~~\$100,000 of the county auditor's appraised value, having \_\_\_~~ 34004  
~~years remaining, will be canceled and replaced upon the passage~~ 34005  
~~of this levy." In such case, the ballot may refer to the new~~ 34006  
~~levy as a "replacement levy" if the new millage does not exceed~~ 34007  
~~the original millage of the levy being canceled or as a~~ 34008  
~~"replacement and additional levy" if the new millage exceeds the~~ 34009  
~~original millage of the levy being canceled.~~ 34010

(C) If a majority of the electors voting upon the question 34011  
of such levy vote in favor thereof, such taxes shall be levied 34012  
and shall be in addition to the taxes authorized by section 34013  
1545.20 of the Revised Code, and all other taxes authorized by 34014  
law. The rate submitted to the electors at any one time shall 34015  
not exceed two mills annually upon each dollar of taxable value 34016  
unless the purpose of the levy includes providing operating 34017



revenues for one of Ohio's major metropolitan zoos, as defined 34018  
in section 4503.74 of the Revised Code, in which case the rate 34019  
shall not exceed three mills annually upon each dollar of 34020  
taxable value. When a tax levy has been authorized as provided 34021  
in this section or in section 1545.041 of the Revised Code, the 34022  
board of park commissioners may issue bonds pursuant to section 34023  
133.24 of the Revised Code in anticipation of the collection of 34024  
such levy, provided that such bonds shall be issued only for the 34025  
purpose of acquiring and improving lands. Such levy, when 34026  
collected, shall be applied in payment of the bonds so issued 34027  
and the interest thereon. The amount of bonds so issued and 34028  
outstanding at any time shall not exceed one per cent of the 34029  
total taxable value in such district. Such bonds shall bear 34030  
interest at a rate not to exceed the rate determined as provided 34031  
in section 9.95 of the Revised Code. 34032

(D) As used in this section, "~~the county auditor's~~ 34033  
~~appraised market value~~" and "effective rate" have the same 34034  
meanings as in section 5705.01 of the Revised Code. 34035

**Sec. 1546.04.** (A) Except as provided in this section, the 34036  
chief of the division of parks and watercraft, with the approval 34037  
of the director of natural resources, shall adopt rules in 34038  
accordance with Chapter 119. of the Revised Code that are 34039  
necessary for the proper management of state parks, bodies of 34040  
water, and the lands adjacent to them under its jurisdiction and 34041  
control, including rules: 34042

(1) Governing opening and closing times and dates of state 34043  
parks; 34044

(2) Establishing fees and charges for use of facilities in 34045  
state parks; 34046

- (3) Governing camps, camping, and fees for camps and camping; 34047  
34048
- (4) Governing the application for and rental of, rental fees for, and the use of cottages; 34049  
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- (5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds and parking on those lands; 34051  
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- (6) Governing all advertising within state parks and requirements for the operation of places selling tangible personal property and food service sales on lands and waters under the control of the division. The rules shall establish uniform requirements for those operations and sales. 34054  
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- (7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft over waters under the control of the division and establishing reasonable fees for the construction of, and annual use permits for, those structures and devices; 34059  
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- (8) Governing state beaches, swimming, inflatable devices, and fees for them; 34065  
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- (9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft left unattended for more than seven days on any lands or waters under the control of the division; 34067  
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- (10) Governing the establishment and collection of check collection charges for checks that are returned to the division or dishonored for any reason; 34071  
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- (11) Governing natural resources officers in all parks and 34074

bodies of water and lands adjacent to those bodies under the 34075  
supervision and control of the division as are necessary to the 34076  
proper management of such parks and bodies of water. 34077

(B) The chief shall adopt rules in accordance with Chapter 34078  
119. of the Revised Code establishing a discount program for all 34079  
persons who are issued a golden buckeye card under section 34080  
173.06 of the Revised Code. The discount program shall provide a 34081  
discount for all park services and rentals, but shall not 34082  
provide a discount for the purchase of merchandise. 34083

(C) The chief, with the approval of the director of 34084  
natural resources, may adopt rules in accordance with Chapter 34085  
119. of the Revised Code that establish all of the following: 34086

(1) Requirements governing the administration of state 34087  
parks; 34088

(2) Requirements considered necessary by the chief to 34089  
supplement the identification, operation, titling, use, 34090  
registration, and numbering of watercraft or vessels as provided 34091  
in Chapters 1547. and 1548. of the Revised Code; 34092

(3) Requirements governing the navigation of vessels on 34093  
waters in this state, including rules regarding steering and 34094  
sailing, the conduct of vessels in sight of one another or in 34095  
restricted visibility, lights and shapes of lights used on 34096  
vessels, and sound and light signals. As the chief considers 34097  
necessary, the chief shall ensure that those rules are 34098  
consistent with and equivalent to the regulations and 34099  
interpretive rulings governing inland waters adopted or issued 34100  
under the "Inland Navigational Rules Act of 1980," 94 Stat. 34101  
3415, 33 U.S.C. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 34102  
2073. 34103

(4) Requirements and procedures governing vessel safety inspection checkpoints, including procedures that comply with statutory and constitutional provisions governing searches and seizures by law enforcement officers;

(5) Fees and charges for all of the following:

(a) Boating skill development classes and other educational classes;

(b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;

(c) Inspections of vessels or motors conducted under Chapter 1547. or Chapter 1548. of the Revised Code.

(D) The chief shall not adopt rules under this section establishing fees or charges for parking a motor vehicle in a state park or for admission to a state park.

(E) If the chief adopts rules under this section for the issuance of a permit for preventing or limiting ice formation on the surface of water that is located in a state park on property owned or managed by the division, the chief shall not levy a fee for the issuance of the permit.

**Sec. 1546.25.** The park lodges, maintenance, and repair fund is created in the state treasury. The fund shall consist of money received from contractual agreements with service providers and concessionaires for state park lodges, restaurants, and marinas. The chief of the division of parks and watercraft shall use money in the fund to pay maintenance and repair costs for facilities operated by concessionaires and service providers at state park lodges, restaurants, and marinas.

Sec. 1546.26. The parks and watercraft holding fund is 34132  
created in the state treasury. The fund shall consist of money 34133  
received by the division of parks and watercraft from gift card 34134  
sales, credit card sales, and sales conducted at field 34135  
locations. 34136

With regard to gift card sales, the chief of the division 34137  
of parks and watercraft shall transfer money in the parks and 34138  
watercraft holding fund to the appropriate fund after gift 34139  
certificates and gift cards are redeemed. 34140

**Sec. 1547.54.** (A) (1) Except as otherwise provided in 34141  
section 1547.542 of the Revised Code, the owner of every 34142  
watercraft requiring registration under this chapter shall file 34143  
an application for a triennial registration certificate with the 34144  
chief of the division of parks and watercraft on forms that 34145  
shall be provided by the chief or by an electronic means 34146  
approved by the chief. The application shall be signed by the 34147  
following: 34148

(a) If the watercraft is owned by two persons under joint 34149  
ownership with right of survivorship established under section 34150  
2131.12 of the Revised Code, by both of those persons as owners 34151  
of the watercraft. The signatures may be done by electronic 34152  
signature if the owners themselves are renewing the registration 34153  
and there are no changes in the registration information since 34154  
the issuance of the immediately preceding registration 34155  
certificate. In all other instances, the signatures shall be 34156  
done manually. 34157

(b) If the watercraft is owned by a minor, by the minor 34158  
and a parent or legal guardian. The signatures may be done by 34159  
electronic signature if the parent or legal guardian and the 34160  
minor themselves are renewing the registration and there are no 34161

changes in the registration information since the issuance of 34162  
the immediately preceding registration certificate. In all other 34163  
instances, the signatures shall be done manually. 34164

(c) In all other cases, by the owner of the watercraft. 34165  
The signature may be done by electronic signature if the owner 34166  
is renewing the registration personally and there are no changes 34167  
in the registration information since the issuance of the 34168  
immediately preceding registration certificate. In all other 34169  
instances, the signatures shall be done manually. 34170

(2) An application for a triennial registration of a 34171  
watercraft filed under division (A)(1) of this section shall be 34172  
accompanied by the following fee: 34173

(a) For canoes, rowboats, and inflatable watercraft that 34174  
are numbered under section 1547.53 of the Revised Code, twelve 34175  
dollars; 34176

(b) For canoes, row boats, and inflatable watercraft that 34177  
are not numbered under section 1547.53 of the Revised Code, 34178  
seventeen dollars; 34179

(c) For class A watercraft, including motorized 34180  
canoes, thirty dollars; 34181

(d) For class 1 watercraft, forty-five dollars; 34182

(e) For class 2 watercraft, sixty dollars; 34183

(f) For class 3 watercraft, seventy-five dollars; 34184

(g) For class 4 watercraft, ninety dollars. 34185

(3) For the purpose of registration, any watercraft 34186  
operated by means of power, sail, or any other mechanical or 34187  
electrical means of propulsion, except motorized canoes, shall be 34188

registered by length as prescribed in this section. 34189

(4) If an application for registration is filed by two 34190  
persons as owners under division (A)(1)(a) of this section, the 34191  
person who is listed first on the title shall serve as and 34192  
perform the duties of the "owner" and shall be considered the 34193  
person "in whose name the watercraft is registered" for purposes 34194  
of divisions (B) to (R) of this section and for purposes of all 34195  
other sections in this chapter. 34196

(B) All registration certificates issued under this 34197  
section are valid for three years and are renewable on a 34198  
triennial basis unless sooner terminated or discontinued in 34199  
accordance with this chapter. The renewal date shall be printed 34200  
on the registration certificate. A registration certificate may 34201  
be renewed by the owner in the manner prescribed by the chief. 34202  
All fees shall be charged according to a proration of the time 34203  
remaining in the registration cycle to the nearest year. 34204

(C) In addition to the fees set forth in this section, the 34205  
chief, or any authorized agent, shall charge an additional 34206  
writing fee of three dollars for any registration certificate 34207  
the chief or authorized agent issues. When the registration 34208  
certificate is issued by an authorized agent, the additional 34209  
writing fee of three dollars shall be retained by the issuing 34210  
agent. When the registration certificate is issued by the chief, 34211  
the additional writing fee of three dollars shall be deposited 34212  
to the credit of the waterways safety fund established in 34213  
section 1547.75 of the Revised Code. 34214

(D) In addition to the fees established in this section, 34215  
watercraft that are not powercraft shall be charged a waterways 34216  
conservation assessment fee of five dollars. The fee shall be 34217  
collected at the time of the issuance of a triennial watercraft 34218

registration under division (A) (2) of this section and deposited 34219  
in the state treasury and credited to a distinct account in the 34220  
waterways safety fund created in section 1547.75 of the Revised 34221  
Code. 34222

(E) (1) Upon receipt of the application in approved form, 34223  
the chief shall enter the same upon the records of the office of 34224  
the division of parks and watercraft, assign a number to the 34225  
watercraft if a number is required under section 1547.53 of the 34226  
Revised Code, and issue to the applicant a registration 34227  
certificate. If a number is assigned by the chief, it shall be 34228  
set forth on the certificate. The registration certificate, in 34229  
physical or digital form, shall be on the watercraft for which 34230  
it is issued and available at all times for inspection whenever 34231  
the watercraft is in operation, except that livery operators may 34232  
retain the registration certificate at the livery where it shall 34233  
remain available for inspection at all times and except as 34234  
otherwise provided in division (E) (2) of this section. 34235

(2) A person who is operating on the waters of this state 34236  
a canoe, kayak, rowboat, or inflatable watercraft meeting the 34237  
definition of a paddlecraft that has not been numbered under 34238  
section 1547.53 of the Revised Code and who is stopped by a law 34239  
enforcement officer in the enforcement of this chapter or rules 34240  
shall present to the officer, not later than seventy-two hours 34241  
after being stopped, a registration certificate, in physical or 34242  
digital form. The registration certificate shall have been 34243  
obtained under this section for the canoe, kayak, rowboat, or 34244  
inflatable watercraft meeting the definition of a paddlecraft 34245  
prior to the time that it was stopped. Failure of the person to 34246  
present the registration certificate within seventy-two hours 34247  
constitutes prima-facie evidence of a violation of this section. 34248



(F) No person shall issue or be issued a registration 34249  
certificate for a watercraft that is required to be issued a 34250  
certificate of title under Chapter 1548. of the Revised Code 34251  
except upon presentation of a certificate of title for the 34252  
watercraft as provided in that chapter, proof of current 34253  
documentation by the United States coast guard, a renewal 34254  
registration form provided by the division of parks and 34255  
watercraft, or a certificate of registration issued under this 34256  
section that has expired if there is no change in the ownership 34257  
or description of the watercraft. 34258

(G) Whenever the ownership of a watercraft changes, a new 34259  
application form together with the prescribed fee shall be filed 34260  
with the chief or the chief's agent and a new registration 34261  
certificate shall be issued. The application shall be signed 34262  
manually by the person or persons specified in divisions (A) (1) 34263  
(a) to (c) of this section and shall be accompanied by a two- 34264  
dollar transfer fee. Any remaining time on the registration 34265  
shall be transferred. An authorized agent of the chief shall 34266  
charge an additional writing fee of three dollars, which shall 34267  
be retained by the issuing agent. If the certificate is issued 34268  
by the chief, an additional writing fee of three dollars for 34269  
each certificate issued shall be collected and deposited to the 34270  
credit of the waterways safety fund. 34271

(H) If an agency of the United States has in force an 34272  
overall system of identification numbering for watercraft or 34273  
certain types of watercraft within the United States, the 34274  
numbering system employed by the division shall be in conformity 34275  
with that system. 34276

(I) (1) The chief may assign any registration certificates 34277  
to any authorized agent for the assignment of the registration 34278

certificates. If a person accepts that authorization, the person 34279  
may be assigned a block of numbers and certificates that upon 34280  
assignment, in conformity with this chapter and Chapter 1548. of 34281  
the Revised Code and with rules, shall be valid as if assigned 34282  
directly by the division. Any person so designated as an agent 34283  
by the chief shall post with the division security as may be 34284  
required by the director of natural resources. The chief may 34285  
issue an order temporarily or permanently restricting or 34286  
suspending an agent's authorization without a hearing if the 34287  
chief finds that the agent has violated this chapter or Chapter 34288  
1548. of the Revised Code, rules, or any agreements prescribed 34289  
by the chief. 34290

(2) A clerk of the court of common pleas may apply for 34291  
designation as an authorized agent of the chief. The division 34292  
shall accept the clerk's bond that is required under section 34293  
2303.02 of the Revised Code for any security that is required 34294  
for agents under this division, provided that the bond includes 34295  
a rider or other provision specifically covering the clerk's 34296  
duties as an authorized agent of the chief. 34297

(J) All records of the division made or kept pursuant to 34298  
this section shall be public records. Those records shall be 34299  
available for inspection at reasonable hours and in a manner 34300  
compatible with normal operations of the division. 34301

(K) The owner shall furnish the division notice within 34302  
fifteen days of the following: 34303

(1) The transfer, other than through the creation of a 34304  
security interest in any watercraft, of all or any part of the 34305  
owner's interest or, if the watercraft is owned by two persons 34306  
under joint ownership with right of survivorship established 34307  
under section 2131.12 of the Revised Code, of all or any part of 34308

the joint interest of either of the two persons. The transfer 34309  
shall not terminate the registration certificate. 34310

(2) Any change in the address appearing on the 34311  
certificate. As a part of the notification, the owner shall 34312  
furnish the chief with the owner's new address. 34313

(3) The destruction or abandonment of the watercraft. 34314

(L) The chief may issue duplicate registration 34315  
certificates or duplicate tags to owners of currently registered 34316  
watercraft, the fee for which shall be four dollars. 34317

(M) If the chief finds that a registration certificate 34318  
previously issued to an owner is in error to a degree that would 34319  
impair its basic purpose and use, the chief may issue a 34320  
corrected certificate to the owner without charge. 34321

(N) No authorized agent shall issue and no person shall 34322  
receive or accept from an authorized agent a registration 34323  
certificate assigned to the authorized agent under division (I) 34324  
of this section unless the exact month, day, and year of issue 34325  
are plainly written on the certificate by the agent. 34326  
Certificates issued with incorrect dates of issue are void from 34327  
the time they are issued. 34328

(O) The chief, in accordance with Chapter 119. of the 34329  
Revised Code, shall adopt rules governing the renewal of 34330  
watercraft registrations by electronic means. 34331

(P) As used in this section: 34332

(1) "Disabled veteran" means a person who is included in 34333  
either of the following categories: 34334

(a) Because of a service-connected disability, has been or 34335  
is awarded funds for the purchase of a motor vehicle under the 34336

"Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto;

(b) Has a service-connected disability rated at one hundred per cent by the veterans administration.

(2) "Prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States at any time, and any regularly appointed, enrolled, or enlisted member of the military forces of Great Britain, France, Australia, Belgium, Brazil, Canada, China, Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, South Africa, or the republics formerly associated with the Union of Soviet Socialist Republics or Yugoslavia who was a citizen of the United States at the time of the appointment, enrollment, or enlistment, and was captured, separated, and incarcerated by an enemy of this country during World War II.

(Q) Any disabled veteran, congressional medal of honor awardee, or prisoner of war may apply to the chief for a certificate of registration, or for a renewal of the certificate of registration, without the payment of any fee required by this section. The application for a certificate of registration shall be accompanied by evidence of disability or by documentary evidence in support of a congressional medal of honor that the chief requires by rule. The application for a certificate of registration by any person who has been a prisoner of war shall be accompanied by written evidence in the form of a record of separation, a letter from one of the armed forces of a country listed in division (P) (2) of this section, or other evidence that the chief may require by rule, that the person was honorably discharged or is currently residing in this state on

active duty with one of the branches of the armed forces of the 34367  
United States, or was a prisoner of war and was honorably 34368  
discharged or received an equivalent discharge or release from 34369  
one of the armed forces of a country listed in division (P) (2) 34370  
of this section. 34371

(R) Annually by the fifteenth day of January, the director 34372  
of natural resources shall determine the amount of fees that 34373  
would have been collected in the prior calendar year for each 34374  
certificate of registration issued or renewed pursuant to 34375  
division (Q) of this section and shall certify the total amount 34376  
of foregone revenue to the director of budget and management for 34377  
reimbursement. The director of budget and management shall 34378  
transfer the amount certified from the general revenue fund to 34379  
the waterways safety fund. 34380

**Sec. 1548.06.** (A) (1) Application for a certificate of 34381  
title for a watercraft or outboard motor shall be made upon a 34382  
form prescribed by the chief of the division of parks and 34383  
watercraft and shall be sworn to before a notary public or other 34384  
officer empowered to administer oaths. The application shall be 34385  
filed with the clerk of any court of common pleas. An 34386  
application for a certificate of title may be filed 34387  
electronically by any electronic means approved by the chief in 34388  
any county with the clerk of the court of common pleas of that 34389  
county. The application shall be accompanied by the fee 34390  
prescribed in section 1548.10 of the Revised Code. The fee shall 34391  
be retained by the clerk who issues the certificate of title and 34392  
shall be distributed in accordance with that section. If a clerk 34393  
of a court of common pleas, other than the clerk of the court of 34394  
common pleas of an applicant's county of residence, issues a 34395  
certificate of title to the applicant, the clerk shall transmit 34396  
data related to the transaction to the automated title 34397

processing system. 34398

(2) If a certificate of title previously has been issued 34399  
for the watercraft or outboard motor, the application for a 34400  
certificate of title also shall be accompanied by the 34401  
certificate of title duly assigned unless otherwise provided in 34402  
this chapter. If a certificate of title previously has not been 34403  
issued for the watercraft or outboard motor in this state, the 34404  
application, unless otherwise provided in this chapter, shall be 34405  
accompanied by a manufacturer's or importer's certificate; by a 34406  
sworn statement of ownership if the watercraft or outboard motor 34407  
was purchased by the applicant on or before October 9, 1963, or 34408  
if the watercraft is less than fourteen feet long with a 34409  
permanently affixed mechanical means of propulsion and was 34410  
purchased by the applicant on or before January 1, 2000; or by a 34411  
certificate of title, bill of sale, or other evidence of 34412  
ownership required by the law of another state from which the 34413  
watercraft or outboard motor was brought into this state. 34414  
Evidence of ownership of a watercraft or outboard motor for 34415  
which an Ohio certificate of title previously has not been 34416  
issued and which watercraft or outboard motor does not have 34417  
permanently affixed to it a manufacturer's serial number shall 34418  
be accompanied by the certificate of assignment of a hull 34419  
identification number assigned by the chief as provided in 34420  
section 1548.07 of the Revised Code. 34421

(3) The clerk shall retain the evidence of title presented 34422  
by the applicant and on which the certificate of title is 34423  
issued, except that, if an application for a certificate of 34424  
title is filed electronically, by a vendor on behalf of a 34425  
purchaser of a watercraft or outboard motor, the clerk shall 34426  
retain the completed electronic record to which the vendor 34427  
converted the certificate of title application and other 34428

required documents. The chief, after consultation with the 34429  
attorney general, shall adopt rules that govern the location at 34430  
which, and the manner in which, are stored the actual 34431  
application and all other documents relating to the sale of a 34432  
watercraft or outboard motor when a vendor files the application 34433  
for a certificate of title electronically on behalf of a 34434  
purchaser. 34435

(B) The clerk shall use reasonable diligence in 34436  
ascertaining whether the facts in the application are true by 34437  
checking the application and documents accompanying it or the 34438  
electronic record to which a vendor converted the application 34439  
and accompanying documents with the records of watercraft and 34440  
outboard motors in the clerk's office. If the clerk is satisfied 34441  
that the applicant is the owner of the watercraft or outboard 34442  
motor and that the application is in the proper form, the clerk 34443  
shall issue a physical certificate of title over the clerk's 34444  
signature and sealed with the clerk's seal unless the applicant 34445  
specifically requests the clerk not to issue a physical 34446  
certificate of title and instead to issue an electronic 34447  
certificate of title. However, if the evidence indicates and an 34448  
investigation shows that one or more Ohio titles already exist 34449  
for the watercraft or outboard motor, the chief may cause the 34450  
redundant title or titles to be canceled. 34451

(C) In the case of the sale of a watercraft or outboard 34452  
motor by a vendor to a general purchaser or user, the 34453  
certificate of title shall be obtained in the name of the 34454  
purchaser by the vendor upon application signed by the 34455  
purchaser. In all other cases, the certificate shall be obtained 34456  
by the purchaser. In all cases of transfer of watercraft or 34457  
outboard motors, the application for certificate of title shall 34458  
be filed within thirty days after the later of the date of 34459

purchase or assignment of ownership of the watercraft or 34460  
outboard motor. If the application for certificate of title is 34461  
not filed within thirty days after the later of the date of 34462  
purchase or assignment of ownership of the watercraft or 34463  
outboard motor, the clerk shall charge a late penalty fee of 34464  
five dollars in addition to the fee prescribed by section 34465  
1548.10 of the Revised Code. The clerk shall retain the entire 34466  
amount of each late penalty fee. 34467

(D) The clerk shall refuse to accept an application for 34468  
certificate of title unless the applicant either tenders with 34469  
the application payment of all taxes levied by or pursuant to 34470  
Chapter 5739. or 5741. of the Revised Code based on the 34471  
applicant's county of residence less, in the case of a sale by a 34472  
vendor, any discount to which the vendor is entitled under 34473  
section 5739.12 of the Revised Code, or submits any of the 34474  
following: 34475

(1) A receipt issued by the tax commissioner or a clerk of 34476  
courts showing payment of the tax; 34477

(2) A copy of the unit certificate of exemption completed 34478  
by the purchaser at the time of sale as provided in section 34479  
5739.03 of the Revised Code; 34480

(3) An exemption certificate, in a form prescribed by the 34481  
tax commissioner, that specifies why the purchase is not subject 34482  
to the tax imposed by Chapter 5739. or 5741. of the Revised 34483  
Code. 34484

Payment of the tax shall be in accordance with rules 34485  
issued by the tax commissioner, and the clerk shall issue a 34486  
receipt in the form prescribed by the tax commissioner to any 34487  
applicant who tenders payment of the tax with the application 34488



for the certificate of title. 34489

(E) (1) For receiving and disbursing the taxes paid to the 34490  
clerk by a resident of the clerk's county, the clerk may retain 34491  
a poundage fee of one and one one-hundredth per cent of the 34492  
taxes collected, which shall be paid into the certificate of 34493  
title administration fund created by section 325.33 of the 34494  
Revised Code. The clerk shall not retain a poundage fee from 34495  
payments of taxes by persons who do not reside in the clerk's 34496  
county. 34497

(2) A clerk, however, may retain from the taxes paid to 34498  
the clerk an amount equal to the poundage fees associated with 34499  
certificates of title issued by other clerks of courts of common 34500  
pleas to applicants who reside in the first clerk's county. The 34501  
chief of the division of parks and watercraft, in consultation 34502  
with the tax commissioner and the clerks of the courts of common 34503  
pleas, shall develop a report from the automated title 34504  
processing system that informs each clerk of the amount of the 34505  
poundage fees that the clerk is permitted to retain from those 34506  
taxes because of certificates of title issued by the clerks of 34507  
other counties to applicants who reside in the first clerk's 34508  
county. 34509

(F) In the case of casual sales of watercraft or outboard 34510  
motors that are subject to the tax imposed by Chapter 5739. or 34511  
5741. of the Revised Code, the purchase price for the purpose of 34512  
determining the tax shall be the purchase price on an affidavit 34513  
executed and filed with the clerk by the vendor on a form to be 34514  
prescribed by the chief, which shall be prima-facie evidence of 34515  
the price for the determination of the tax. In addition to the 34516  
information required by section 1548.08 of the Revised Code, 34517  
each certificate of title shall contain in bold lettering the 34518

following notification and statements: "WARNING TO TRANSFEROR 34519  
AND TRANSFEREE (SELLER AND BUYER). You are required by law to 34520  
state the true selling price. A false statement is a violation 34521  
of section 2921.13 of the Revised Code and is punishable by six 34522  
months imprisonment or a fine of up to one thousand dollars, or 34523  
both. All transfers are audited by the department of taxation. 34524  
The seller and buyer must provide any information requested by 34525  
the department of taxation. The buyer may be assessed any 34526  
additional tax found to be due." 34527

(G) Each county clerk of courts shall forward to the ~~tax-~~ 34528  
~~commissioner-registrar~~ of motor vehicles, in a manner prescribed 34529  
by the tax commissioner, all sales and use tax collections 34530  
resulting from sales of titled watercraft and outboard motors 34531  
during a calendar week on or before the Friday following the 34532  
close of that week. If, on any Friday, the offices of the clerk 34533  
of courts or the state are not open for business, the tax shall 34534  
be forwarded to the ~~commissioner-registrar~~ on or before the next 34535  
day on which the offices are open. Every remittance of tax under 34536  
this division shall be accompanied by a remittance report in 34537  
such form as the commissioner, in consultation with the director 34538  
of public safety, prescribes. If the tax due for any week is not 34539  
remitted by a clerk of courts as required under this division, 34540  
the clerk shall forfeit the poundage fees for the sales made 34541  
during that week. The commissioner may require the clerks of 34542  
courts to transmit tax collections and remittance reports 34543  
electronically. 34544

(H) For purposes of a transfer of a certificate of title, 34545  
if the clerk is satisfied that a secured party has discharged a 34546  
lien but has not canceled the lien notation with a clerk, the 34547  
clerk may cancel the lien notation on the automated title 34548  
processing system and notify the clerk of the county of origin. 34549

(I) Every clerk shall have the capability to transact by 34550  
electronic means all procedures and transactions relating to the 34551  
issuance of watercraft or outboard motor certificates of title 34552  
that are described in the Revised Code as being accomplished by 34553  
electronic means. 34554

**Sec. 1701.04.** (A) Any person, singly or jointly with 34555  
others, and without regard to residence, domicile, or state of 34556  
incorporation, may form a corporation by signing and filing with 34557  
the secretary of state articles of incorporation that shall set 34558  
forth all of the following: 34559

(1) The name of the corporation, which shall be in 34560  
compliance with division (A) of section 1701.05 of the Revised 34561  
Code; 34562

(2) The place in this state where the principal office of 34563  
the corporation is to be located; 34564

(3) The authorized number and the par value per share of 34565  
shares with par value, and the authorized number of shares 34566  
without par value, except that the articles of a banking, safe 34567  
deposit, trust, or insurance corporation shall not authorize 34568  
shares without par value; the express terms, if any, of the 34569  
shares; and, if the shares are classified, the designation of 34570  
each class, the authorized number and par value per share, if 34571  
any, of the shares of each class, and the express terms of the 34572  
shares of each class; 34573

(4) If the corporation is to have an initial stated 34574  
capital, the amount of that stated capital. 34575

(B) The articles also may set forth any of the following: 34576

(1) The names of the individuals who are to serve as 34577  
initial directors; 34578

(2) The purpose or purposes for which the corporation is 34579  
formed, but in the absence of a statement of the purpose or 34580  
purposes or except as expressly set forth in such statement, the 34581  
purpose for which any corporation is formed is to engage in any 34582  
lawful act or activity for which a corporation may be formed 34583  
under this chapter, and all lawful acts and activities of the 34584  
corporation are within the purposes of the corporation; 34585

(3) Any priority or other method for balancing the 34586  
purposes for which the corporation is formed; 34587

(4) Any lawful provision for the purpose of defining, 34588  
limiting, or regulating the exercise of the authority of the 34589  
corporation, the incorporators, the directors, the officers, the 34590  
shareholders, or the holders of any class of shares; 34591

(5) Any provision that may be set forth in the 34592  
regulations; 34593

(6) A provision specifying the period of existence of the 34594  
corporation if it is to be otherwise than perpetual; 34595

(7) A provision eliminating the right of every shareholder 34596  
to vote cumulatively in the election of directors; 34597

(8) Any additional provision permitted by this chapter. 34598

(C) A written appointment of a statutory agent for the 34599  
purposes set forth in section 1701.07 of the Revised Code shall 34600  
be filed with the articles, unless the corporation belongs to 34601  
one of the classes mentioned in division ~~(O)~~ (N) of that section. 34602

(D) The legal existence of the corporation begins upon the 34603  
filing of the articles or on a later date specified in the 34604  
articles that is not more than ninety days after filing, and, 34605  
unless the articles otherwise provide, its period of existence 34606

shall be perpetual. 34607

**Sec. 1701.07.** (A) Every corporation shall have and 34608  
maintain an agent, sometimes referred to as the "statutory 34609  
agent," upon whom any process, notice, or demand required or 34610  
permitted by statute to be served upon a corporation may be 34611  
served. The agent shall be one of the following: 34612

(1) A natural person who is a resident of this state; 34613

(2) A domestic or foreign corporation, nonprofit 34614  
corporation, limited liability company, partnership, limited 34615  
partnership, limited liability partnership, limited partnership 34616  
association, professional association, business trust, or 34617  
unincorporated nonprofit association that has a business address 34618  
in this state. If the agent is an entity other than a domestic 34619  
corporation, the agent shall meet the requirements of Title XVII 34620  
of the Revised Code for an entity of the agent's type to 34621  
transact business or exercise privileges in this state. 34622

(B) The secretary of state shall not accept original 34623  
articles for filing unless there is filed with the articles a 34624  
written appointment of an agent that is signed by the 34625  
incorporators of the corporation or a majority of them and a 34626  
written acceptance of the appointment that is signed by the 34627  
agent. In all other cases, the corporation shall appoint the 34628  
agent and shall file in the office of the secretary of state a 34629  
written appointment of the agent that is signed by any 34630  
authorized officer of the corporation and a written acceptance 34631  
of the appointment that is either the original acceptance signed 34632  
by the agent or a photocopy, facsimile, or similar reproduction 34633  
of the original acceptance signed by the agent. 34634

(C) (1) The written appointment of an agent shall set forth 34635

the name and address in this state of the agent, including the 34636  
street and number of the agent's primary residence in this state 34637  
or, if the agent is not a natural person, the agent's usual 34638  
place of business in this state, and shall otherwise be in such 34639  
form as the secretary of state prescribes. The secretary of 34640  
state shall keep a record of the names of corporations, and the 34641  
names and addresses of their respective agents. 34642

(2) As used in division (C)(1) of this section, "usual 34643  
place of business" means a place in this state that is 34644  
customarily open during normal business hours and where an 34645  
individual is generally present who is authorized to perform the 34646  
services of a registered agent, including accepting service of 34647  
process and other notifications for the person serving as a 34648  
statutory agent. "Usual place of business" does not include a 34649  
post office box, regardless of whether that post office box has 34650  
an associated street address. 34651

(D) If any agent dies, removes from the state, or resigns, 34652  
the corporation shall forthwith appoint another agent and file 34653  
with the secretary of state, on a form prescribed by the 34654  
secretary of state, a written appointment of the agent. 34655

(E) If the agent changes the agent's address from that 34656  
appearing upon the record in the office of the secretary of 34657  
state, the corporation or the agent shall forthwith file with 34658  
the secretary of state, on a form prescribed by the secretary of 34659  
state, a written statement setting forth the new address. 34660

(F) An agent may resign by filing with the secretary of 34661  
state, on a form prescribed by the secretary of state, a written 34662  
notice to that effect that is signed by the agent and by sending 34663  
a copy of the notice to the corporation at the current or last 34664  
known address of its principal office on or prior to the date 34665

the notice is filed with the secretary of state. The notice 34666  
shall set forth the name of the corporation, the name and 34667  
current address of the agent, the current or last known address, 34668  
including the street and number or other particular description, 34669  
of the corporation's principal office, the resignation of the 34670  
agent, and a statement that a copy of the notice has been sent 34671  
to the corporation within the time and in the manner prescribed 34672  
by this division. Upon the expiration of thirty days after the 34673  
filing, the authority of the agent shall terminate. 34674

(G) A corporation may revoke the appointment of an agent 34675  
by filing with the secretary of state, on a form prescribed by 34676  
the secretary of state, a written appointment of another agent 34677  
and a statement that the appointment of the former agent is 34678  
revoked. 34679

(H) Any process, notice, or demand required or permitted 34680  
by statute to be served upon a corporation may be served upon 34681  
the corporation by delivering a copy of it to its agent, if a 34682  
natural person, or by delivering a copy of it at the address of 34683  
its agent in this state, as the address appears upon the record 34684  
in the office of the secretary of state. If (1) the agent cannot 34685  
be found, or (2) the agent no longer has that address, or (3) 34686  
the corporation has failed to maintain an agent as required by 34687  
this section, and if in any such case the party desiring that 34688  
the process, notice, or demand be served, or the agent or 34689  
representative of the party, shall have filed with the secretary 34690  
of state an affidavit stating that one of the foregoing 34691  
conditions exists and stating the most recent address of the 34692  
corporation that the party after diligent search has been able 34693  
to ascertain, then service of process, notice, or demand upon 34694  
the secretary of state, as the agent of the corporation, may be 34695  
initiated by delivering to the secretary of state or at the 34696

secretary of state's office quadruplicate copies of such 34697  
process, notice, or demand and by paying to the secretary of 34698  
state a fee of five dollars. The secretary of state shall 34699  
forthwith give notice of the delivery to the corporation at its 34700  
principal office as shown upon the record in the secretary of 34701  
state's office and at any different address shown on its last 34702  
franchise tax report filed in this state, or to the corporation 34703  
at any different address set forth in the above mentioned 34704  
affidavit, and shall forward to the corporation at said 34705  
addresses, by certified mail, with request for return receipt, a 34706  
copy of the process, notice, or demand; and thereupon service 34707  
upon the corporation shall be deemed to have been made. 34708

(I) The secretary of state shall keep a record of each 34709  
process, notice, and demand delivered to the secretary of state 34710  
or at the secretary of state's office under this section or any 34711  
other law of this state that authorizes service upon the 34712  
secretary of state, and shall record the time of the delivery 34713  
and the action thereafter with respect thereto. 34714

(J) This section does not limit or affect the right to 34715  
serve any process, notice, or demand upon a corporation in any 34716  
other manner permitted by law. 34717

(K) ~~Every corporation shall state in each annual report~~ 34718  
~~filed by it with the department of taxation the name and address~~ 34719  
~~of its statutory agent.~~ 34720

~~(L)~~ Except when an original appointment of an agent is 34721  
filed with the original articles, a written appointment of an 34722  
agent or a written statement filed by a corporation with the 34723  
secretary of state shall be signed by any authorized officer of 34724  
the corporation or by the incorporators of the corporation or a 34725  
majority of them if no directors have been elected. 34726



~~(M)~~—(L) For filing a written appointment of an agent other 34727  
than one filed with original articles, and for filing a 34728  
statement of change of address of an agent, the secretary of 34729  
state shall charge and collect the fee specified in division (R) 34730  
of section 111.16 of the Revised Code. 34731

~~(N)~~—(M) Upon the failure of a corporation to appoint 34732  
another agent or to file a statement of change of address of an 34733  
agent, the secretary of state shall give notice thereof by 34734  
ordinary or electronic mail to the corporation at the electronic 34735  
mail address provided to the secretary of state, or at the 34736  
address set forth in the notice of resignation or on the last 34737  
franchise tax return filed in this state by the corporation. 34738  
Unless the default is cured within thirty days after the mailing 34739  
by the secretary of state of the notice or within any further 34740  
period of time that the secretary of state grants, upon the 34741  
expiration of that period of time from the date of the mailing, 34742  
the articles of the corporation shall be canceled without 34743  
further notice or action by the secretary of state. The 34744  
secretary of state shall make a notation of the cancellation on 34745  
the secretary of state's records. 34746

A corporation whose articles have been canceled may be 34747  
reinstated by filing, within two years of the cancellation, on a 34748  
form prescribed by the secretary of state, an application for 34749  
reinstatement and the required appointment of agent or required 34750  
statement, and by paying the filing fee specified in division 34751  
(Q) of section 111.16 of the Revised Code. The rights, 34752  
privileges, and franchises of a corporation whose articles have 34753  
been reinstated are subject to section 1701.922 of the Revised 34754  
Code. The secretary of state shall furnish the tax commissioner 34755  
a monthly list of all corporations canceled and reinstated under 34756  
this division. 34757

~~(O)~~—(N) This section does not apply to banks, trust 34758  
companies, insurance companies, or any corporation defined under 34759  
the laws of this state as a public utility for taxation 34760  
purposes. 34761

**Sec. 1703.041.** (A) Every foreign corporation for profit 34762  
that is licensed to transact business in this state, and every 34763  
foreign nonprofit corporation that is licensed to exercise its 34764  
privileges in this state, shall have and maintain an agent, 34765  
sometimes referred to as the "designated agent," upon whom 34766  
process against the corporation may be served within this state. 34767  
The agent shall be one of the following: 34768

(1) A natural person who is a resident of this state; 34769

(2) A domestic or foreign corporation, nonprofit 34770  
corporation, limited liability company, partnership, limited 34771  
partnership, limited liability partnership, limited partnership 34772  
association, professional association, business trust, or 34773  
unincorporated nonprofit association that has a business address 34774  
in this state. If the agent is an entity other than a domestic 34775  
corporation, the agent shall meet the requirements of Title XVII 34776  
of the Revised Code for an entity of the agent's type to 34777  
transact business or exercise privileges in this state. 34778

(B) (1) The written appointment of a designated agent shall 34779  
set forth the name and address of the agent, including the 34780  
street and number of the agent's primary residence in this state 34781  
or, if the agent is not a natural person, the agent's usual 34782  
place of business in this state, and shall otherwise be in such 34783  
form as the secretary of state prescribes. The secretary of 34784  
state shall keep a record of the names of such foreign 34785  
corporations and the names and addresses of their respective 34786  
agents. 34787

(2) As used in division (B)(1) of this section, "usual place of business" means a place in this state that is customarily open during normal business hours and where an individual is generally present who is authorized to perform the services of a registered agent, including accepting service of process and other notifications for the person serving as a statutory agent. "Usual place of business" does not include a post office box, regardless of whether that post office box has an associated street address.

(C) If the designated agent dies, removes from the state, or resigns, the foreign corporation shall forthwith appoint another agent and file in the office of the secretary of state, on a form prescribed by the secretary of state, a written appointment of the new agent.

(D) If the designated agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the foreign corporation or the designated agent in its behalf shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the agent's new address.

(E) A designated agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a signed statement to that effect. The secretary of state shall forthwith mail a copy of the statement to the foreign corporation at its principal office as shown by the record in the secretary of state's office. Upon the expiration of sixty days after the filing, the authority of the agent shall terminate.

(F) A foreign corporation may revoke the appointment of a designated agent by filing with the secretary of state, on a

form prescribed by the secretary of state, a written appointment 34818  
of another agent and a statement that the appointment of the 34819  
former agent is revoked. 34820

(G) Process may be served upon a foreign corporation by 34821  
delivering a copy of it to its designated agent, if a natural 34822  
person, or by delivering a copy of it at the address of its 34823  
agent in this state, as the address appears upon the record in 34824  
the office of the secretary of state. 34825

(H) This section does not limit or affect the right to 34826  
serve process upon a foreign corporation in any other manner 34827  
permitted by law. 34828

~~(I) Every foreign corporation for profit shall state in 34829  
each annual report filed by it with the department of taxation 34830  
the name and address of its designated agent in this state. 34831~~

**Sec. 1707.01.** As used in this chapter: 34832

(A) Whenever the context requires it, "division" or 34833  
"division of securities" may be read as "director of commerce" 34834  
or as "commissioner of securities." 34835

(B) "Security" means any certificate or instrument, or any 34836  
oral, written, or electronic agreement, understanding, or 34837  
opportunity, that represents title to or interest in, or is 34838  
secured by any lien or charge upon, the capital, assets, 34839  
profits, property, or credit of any person or of any public or 34840  
governmental body, subdivision, or agency. It includes shares of 34841  
stock, certificates for shares of stock, an uncertificated 34842  
security, membership interests in limited liability companies, 34843  
voting-trust certificates, warrants and options to purchase 34844  
securities, subscription rights, interim receipts, interim 34845  
certificates, promissory notes, all forms of commercial paper, 34846

evidences of indebtedness, bonds, debentures, land trust 34847  
certificates, fee certificates, leasehold certificates, 34848  
syndicate certificates, endowment certificates, interests in or 34849  
under profit-sharing or participation agreements, interests in 34850  
or under oil, gas, or mining leases, preorganization or 34851  
reorganization subscriptions, preorganization certificates, 34852  
reorganization certificates, interests in any trust or pretended 34853  
trust, any investment contract, any life settlement interest, 34854  
any instrument evidencing a promise or an agreement to pay 34855  
money, warehouse receipts for intoxicating liquor, and the 34856  
currency of any government other than those of the United States 34857  
and Canada, but sections 1707.01 to 1707.50 of the Revised Code 34858  
do not apply to the sale of real estate. 34859

(C) (1) "Sale" has the full meaning of "sale" as applied by 34860  
or accepted in courts of law or equity, and includes every 34861  
disposition, or attempt to dispose, of a security or of an 34862  
interest in a security. "Sale" also includes a contract to sell, 34863  
an exchange, an attempt to sell, an option of sale, a 34864  
solicitation of a sale, a solicitation of an offer to buy, a 34865  
subscription, or an offer to sell, directly or indirectly, by 34866  
agent, circular, pamphlet, advertisement, or otherwise. 34867

(2) "Sell" means any act by which a sale is made. 34868

(3) The use of advertisements, circulars, or pamphlets in 34869  
connection with the sale of securities in this state exclusively 34870  
to the purchasers specified in division (D) of section 1707.03 34871  
of the Revised Code is not a sale when the advertisements, 34872  
circulars, and pamphlets describing and offering those 34873  
securities bear a readily legible legend in substance as 34874  
follows: "This offer is made on behalf of dealers licensed under 34875  
sections 1707.01 to 1707.50 of the Revised Code, and is confined 34876

in this state exclusively to institutional investors and 34877  
licensed dealers." 34878

(4) The offering of securities by any person in 34879  
conjunction with a licensed dealer by use of advertisement, 34880  
circular, or pamphlet is not a sale if that person does not 34881  
otherwise attempt to sell securities in this state. 34882

(5) Any security given with, or as a bonus on account of, 34883  
any purchase of securities is conclusively presumed to 34884  
constitute a part of the subject of that purchase and has been 34885  
"sold." 34886

(6) "Sale" by an owner, pledgee, or mortgagee, or by a 34887  
person acting in a representative capacity, includes sale on 34888  
behalf of such party by an agent, including a licensed dealer or 34889  
salesperson. 34890

(D) "Person," except as otherwise provided in this 34891  
chapter, means a natural person, firm, partnership, limited 34892  
partnership, partnership association, syndicate, joint-stock 34893  
company, unincorporated association, trust or trustee except 34894  
where the trust was created or the trustee designated by law or 34895  
judicial authority or by a will, and a corporation or limited 34896  
liability company organized under the laws of any state, any 34897  
foreign government, or any political subdivision of a state or 34898  
foreign government. 34899

(E) (1) "Dealer," except as otherwise provided in this 34900  
chapter, means every person, other than a salesperson, who 34901  
engages or professes to engage, in this state, for either all or 34902  
part of the person's time, directly or indirectly, either in the 34903  
business of the sale of securities for the person's own account, 34904  
or in the business of the purchase or sale of securities for the 34905

account of others in the reasonable expectation of receiving a 34906  
commission, fee, or other remuneration as a result of engaging 34907  
in the purchase and sale of securities. "Dealer" does not mean 34908  
any of the following: 34909

(a) Any issuer, including any officer, director, employee, 34910  
or trustee of, or member or manager of, or partner in, or any 34911  
general partner of, any issuer, that sells, offers for sale, or 34912  
does any act in furtherance of the sale of a security that 34913  
represents an economic interest in that issuer, provided no 34914  
commission, fee, or other similar remuneration is paid to or 34915  
received by the issuer for the sale; 34916

(b) Any licensed attorney, public accountant, or firm of 34917  
such attorneys or accountants, whose activities are incidental 34918  
to the practice of the attorney's, accountant's, or firm's 34919  
profession; 34920

(c) Any person that, for the account of others, engages in 34921  
the purchase or sale of securities that are issued and 34922  
outstanding before such purchase and sale, if a majority or more 34923  
of the equity interest of an issuer is sold in that transaction, 34924  
and if, in the case of a corporation, the securities sold in 34925  
that transaction represent a majority or more of the voting 34926  
power of the corporation in the election of directors; 34927

(d) Any person that brings an issuer together with a 34928  
potential investor and whose compensation is not directly or 34929  
indirectly based on the sale of any securities by the issuer to 34930  
the investor; 34931

(e) Any bank; 34932

(f) Any person that the division of securities by rule 34933  
exempts from the definition of "dealer" under division (E)(1) of 34934

this section. 34935

(2) "Licensed dealer" means a dealer licensed under this 34936  
chapter. 34937

(F) (1) "Salesman" or "salesperson" means every natural 34938  
person, other than a dealer, who is employed, authorized, or 34939  
appointed by a dealer to sell securities within this state. 34940

(2) The general partners of a partnership, and the 34941  
executive officers of a corporation or unincorporated 34942  
association, licensed as a dealer are not salespersons within 34943  
the meaning of this definition, nor are clerical or other 34944  
employees of an issuer or dealer that are employed for work to 34945  
which the sale of securities is secondary and incidental; but 34946  
the division of securities may require a license from any such 34947  
partner, executive officer, or employee if it determines that 34948  
protection of the public necessitates the licensing. 34949

(3) "Licensed salesperson" means a salesperson licensed 34950  
under this chapter. 34951

(G) "Issuer" means every person who has issued, proposes 34952  
to issue, or issues any security. 34953

(H) "Director" means each director or trustee of a 34954  
corporation, each trustee of a trust, each general partner of a 34955  
partnership, except a partnership association, each manager of a 34956  
partnership association, and any person vested with managerial 34957  
or directory power over an issuer not having a board of 34958  
directors or trustees. 34959

(I) "Incorporator" means any incorporator of a corporation 34960  
and any organizer of, or any person participating, other than in 34961  
a representative or professional capacity, in the organization 34962  
of an unincorporated issuer. 34963



(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise; any fictitious or pretended purchase or sale of securities; and any act, practice, transaction, or course of business relating to the purchase or sale of securities that is fraudulent or that has operated or would operate as a fraud upon the seller or purchaser.

(K) Except as otherwise specifically provided, whenever any classification or computation is based upon "par value," as applied to securities without par value, the average of the aggregate consideration received or to be received by the issuer for each class of those securities shall be used as the basis for that classification or computation.

(L) (1) "Intangible property" means patents, copyrights, secret processes, formulas, services, good will, promotion and organization fees and expenses, trademarks, trade brands, trade names, licenses, franchises, any other assets treated as intangible according to generally accepted accounting principles, and securities, accounts receivable, or contract rights having no readily determinable value.

(2) "Tangible property" means all property other than intangible property and includes securities, accounts receivable, and contract rights, when the securities, accounts receivable, or contract rights have a readily determinable value.

(M) "Public utilities" means those utilities defined in sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised

Code; in the case of a foreign corporation, it means those 34994  
utilities defined as public utilities by the laws of its 34995  
domicile; and in the case of any other foreign issuer, it means 34996  
those utilities defined as public utilities by the laws of the 34997  
situs of its principal place of business. The term always 34998  
includes railroads whether or not they are so defined as public 34999  
utilities. 35000

(N) "State" means any state of the United States, any 35001  
territory or possession of the United States, the District of 35002  
Columbia, and any province of Canada. 35003

(O) "Bank" means any bank, trust company, savings and loan 35004  
association, savings bank, or credit union that is incorporated 35005  
or organized under the laws of the United States, any state of 35006  
the United States, Canada, or any province of Canada and that is 35007  
subject to regulation or supervision by that country, state, or 35008  
province. 35009

(P) "Include," when used in a definition, does not exclude 35010  
other things or persons otherwise within the meaning of the term 35011  
defined. 35012

(Q) (1) "Registration by description" means that the 35013  
requirements of section 1707.08 of the Revised Code have been 35014  
complied with. 35015

(2) "Registration by qualification" means that the 35016  
requirements of sections 1707.09 and 1707.11 of the Revised Code 35017  
have been complied with. 35018

(3) "Registration by coordination" means that there has 35019  
been compliance with section 1707.091 of the Revised Code. 35020  
Reference in this chapter to registration by qualification also 35021  
includes registration by coordination unless the context 35022

otherwise indicates. 35023

(R) "Intoxicating liquor" includes all liquids and 35024  
compounds that contain more than three and two-tenths per cent 35025  
of alcohol by weight and are fit for use for beverage purposes. 35026

(S) "Institutional investor" means any of the following, 35027  
whether acting for itself or for others in a fiduciary capacity: 35028

(1) A bank or international banking institution; 35029

(2) An insurance company; 35030

(3) A separate account of an insurance company; 35031

(4) An investment company as defined in the "Investment 35032  
Company Act of 1940," 15 U.S.C. 80a-3; 35033

(5) A broker-dealer registered under the "Securities 35034  
Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by 35035  
the division of securities as a dealer; 35036

(6) An employee pension, profit-sharing, or benefit plan 35037  
if the plan has total assets in excess of ten million dollars or 35038  
its investment decisions are made by a named fiduciary, as 35039  
defined in the "Employee Retirement Income Security Act of 35040  
1974," 29 U.S.C. 1001, that is one of the following: 35041

(a) A broker-dealer registered under the "Securities 35042  
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 35043

(b) An investment adviser registered or exempt from 35044  
registration under the "Investment Advisers Act of 1940," 15 35045  
U.S.C. 80b-3; 35046

(c) An investment adviser registered under this chapter, a 35047  
bank, or an insurance company. 35048

(7) A plan established and maintained by a state, a 35049

political subdivision of a state, or an agency or 35050  
instrumentality of a state or a political subdivision of a state 35051  
for the benefit of its employees, if the plan has total assets 35052  
in excess of ten million dollars or its investment decisions are 35053  
made by a duly designated public official or by a named 35054  
fiduciary, as defined in the "Employee Retirement Income 35055  
Security Act of 1974," 29 U.S.C. 1001, that is one of the 35056  
following: 35057

(a) A broker-dealer registered under the "Securities 35058  
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 35059

(b) An investment adviser registered or exempt from 35060  
registration under the "Investment Advisers Act of 1940," 15 35061  
U.S.C. 80b-3; 35062

(c) An investment adviser registered under this chapter, a 35063  
bank, or an insurance company. 35064

(8) A trust, if it has total assets in excess of ten 35065  
million dollars, its trustee is a bank, and its participants are 35066  
exclusively plans of the types identified in division (S) (6) or 35067  
(7) of this section, regardless of the size of their assets, 35068  
except a trust that includes as participants self-directed 35069  
individual retirement accounts or similar self-directed plans; 35070

(9) An organization described in section 501(c) (3) of the 35071  
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 35072  
corporation, Massachusetts trust or similar business trust, 35073  
limited liability company, or partnership, not formed for the 35074  
specific purpose of acquiring the securities offered, with total 35075  
assets in excess of ten million dollars; 35076

(10) A small business investment company licensed by the 35077  
small business administration under section 301(c) of the "Small 35078

Business Investment Act of 1958," 15 U.S.C. 681(c), with total 35079  
assets in excess of ten million dollars; 35080

(11) A private business development company as defined in 35081  
section 202(a)(22) of the "Investment Advisers Act of 1940," 15 35082  
U.S.C. 80b-2(a)(22), with total assets in excess of ten million 35083  
dollars; 35084

(12) A federal covered investment adviser acting for its 35085  
own account; 35086

(13) A "qualified institutional buyer" as defined in 17 35087  
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H); 35088

(14) A "major U.S. institutional investor" as defined in 35089  
17 C.F.R. 240.15a-6(b)(4)(i); 35090

(15) Any other person, other than an individual, of 35091  
institutional character with total assets in excess of ten 35092  
million dollars not organized for the specific purpose of 35093  
evading this chapter; 35094

(16) Any other person specified by rule adopted or order 35095  
issued under this chapter. 35096

(T) A reference to a statute of the United States or to a 35097  
rule, regulation, or form promulgated by the securities and 35098  
exchange commission or by another federal agency means the 35099  
statute, rule, regulation, or form as it exists at the time of 35100  
the act, omission, event, or transaction to which it is applied 35101  
under this chapter. 35102

(U) "Securities and exchange commission" means the 35103  
securities and exchange commission established by the Securities 35104  
Exchange Act of 1934. 35105

(V) (1) "Control bid" means the purchase of or offer to 35106

purchase any equity security of a subject company from a 35107  
resident of this state if either of the following applies: 35108

(a) After the purchase of that security, the offeror would 35109  
be directly or indirectly the beneficial owner of more than ten 35110  
per cent of any class of the issued and outstanding equity 35111  
securities of the issuer. 35112

(b) The offeror is the subject company, there is a pending 35113  
control bid by a person other than the issuer, and the number of 35114  
the issued and outstanding shares of the subject company would 35115  
be reduced by more than ten per cent. 35116

(2) For purposes of division (V) (1) of this section, 35117  
"control bid" does not include any of the following: 35118

(a) A bid made by a dealer for the dealer's own account in 35119  
the ordinary course of business of buying and selling 35120  
securities; 35121

(b) An offer to acquire any equity security solely in 35122  
exchange for any other security, or the acquisition of any 35123  
equity security pursuant to an offer, for the sole account of 35124  
the offeror, in good faith and not for the purpose of avoiding 35125  
the provisions of this chapter, and not involving any public 35126  
offering of the other security within the meaning of Section 4 35127  
of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 35128  
U.S.C.A. 77d(2), as amended; 35129

(c) Any other offer to acquire any equity security, or the 35130  
acquisition of any equity security pursuant to an offer, for the 35131  
sole account of the offeror, from not more than fifty persons, 35132  
in good faith and not for the purpose of avoiding the provisions 35133  
of this chapter. 35134

(W) "Offeror" means a person who makes, or in any way 35135

participates or aids in making, a control bid and includes 35136  
persons acting jointly or in concert, or who intend to exercise 35137  
jointly or in concert any voting rights attached to the 35138  
securities for which the control bid is made and also includes 35139  
any subject company making a control bid for its own securities. 35140

(X) (1) "Investment adviser" means any person who, for 35141  
compensation, engages in the business of advising others, either 35142  
directly or through publications or writings, as to the value of 35143  
securities or as to the advisability of investing in, 35144  
purchasing, or selling securities, or who, for compensation and 35145  
as a part of regular business, issues or promulgates analyses or 35146  
reports concerning securities. 35147

(2) "Investment adviser" does not mean any of the 35148  
following: 35149

(a) Any attorney, accountant, engineer, or teacher, whose 35150  
performance of investment advisory services described in 35151  
division (X) (1) of this section is solely incidental to the 35152  
practice of the attorney's, accountant's, engineer's, or 35153  
teacher's profession; 35154

(b) A publisher of any bona fide newspaper, news magazine, 35155  
or business or financial publication of general and regular 35156  
circulation; 35157

(c) A person who acts solely as an investment adviser 35158  
representative; 35159

(d) A bank holding company, ~~as defined in the "Bank~~ 35160  
~~Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841,~~ that 35161  
is not an investment company; 35162

(e) A bank, or any receiver, conservator, or other 35163  
liquidating agent of a bank; 35164

(f) Any licensed dealer or licensed salesperson whose 35165  
performance of investment advisory services described in 35166  
division (X)(1) of this section is solely incidental to the 35167  
conduct of the dealer's or salesperson's business as a licensed 35168  
dealer or licensed salesperson and who receives no special 35169  
compensation for the services; 35170

(g) Any person, the advice, analyses, or reports of which 35171  
do not relate to securities other than securities that are 35172  
direct obligations of, or obligations guaranteed as to principal 35173  
or interest by, the United States, or securities issued or 35174  
guaranteed by corporations in which the United States has a 35175  
direct or indirect interest, and that have been designated by 35176  
the secretary of the treasury as exempt securities as defined in 35177  
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 35178  
78c; 35179

(h) Any person that is excluded from the definition of 35180  
investment adviser pursuant to section 202(a)(11)(A) to (E) of 35181  
the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), 35182  
or that has received an order from the securities and exchange 35183  
commission under section 202(a)(11)(F) of the "Investment 35184  
Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that 35185  
the person is not within the intent of section 202(a)(11) of the 35186  
Investment Advisers Act of 1940. 35187

(i) A person who acts solely as a state retirement system 35188  
investment officer or as a bureau of workers' compensation chief 35189  
investment officer; 35190

(j) Any other person that the division designates by rule, 35191  
if the division finds that the designation is necessary or 35192  
appropriate in the public interest or for the protection of 35193  
investors or clients and consistent with the purposes fairly 35194



intended by the policy and provisions of this chapter. 35195

(Y) (1) "Subject company" means an issuer that satisfies 35196  
both of the following: 35197

(a) Its principal place of business or its principal 35198  
executive office is located in this state, or it owns or 35199  
controls assets located within this state that have a fair 35200  
market value of at least one million dollars. 35201

(b) More than ten per cent of its beneficial or record 35202  
equity security holders are resident in this state, more than 35203  
ten per cent of its equity securities are owned beneficially or 35204  
of record by residents in this state, or more than one thousand 35205  
of its beneficial or record equity security holders are resident 35206  
in this state. 35207

(2) The division of securities may adopt rules to 35208  
establish more specific application of the provisions set forth 35209  
in division (Y) (1) of this section. Notwithstanding the 35210  
provisions set forth in division (Y) (1) of this section and any 35211  
rules adopted under this division, the division, by rule or in 35212  
an adjudicatory proceeding, may make a determination that an 35213  
issuer does not constitute a "subject company" under division 35214  
(Y) (1) of this section if appropriate review of control bids 35215  
involving the issuer is to be made by any regulatory authority 35216  
of another jurisdiction. 35217

(Z) "Beneficial owner" includes any person who directly or 35218  
indirectly through any contract, arrangement, understanding, or 35219  
relationship has or shares, or otherwise has or shares, the 35220  
power to vote or direct the voting of a security or the power to 35221  
dispose of, or direct the disposition of, the security. 35222  
"Beneficial ownership" includes the right, exercisable within 35223

sixty days, to acquire any security through the exercise of any 35224  
option, warrant, or right, the conversion of any convertible 35225  
security, or otherwise. Any security subject to any such option, 35226  
warrant, right, or conversion privilege held by any person shall 35227  
be deemed to be outstanding for the purpose of computing the 35228  
percentage of outstanding securities of the class owned by that 35229  
person, but shall not be deemed to be outstanding for the 35230  
purpose of computing the percentage of the class owned by any 35231  
other person. A person shall be deemed the beneficial owner of 35232  
any security beneficially owned by any relative or spouse or 35233  
relative of the spouse residing in the home of that person, any 35234  
trust or estate in which that person owns ten per cent or more 35235  
of the total beneficial interest or serves as trustee or 35236  
executor, any corporation or entity in which that person owns 35237  
ten per cent or more of the equity, and any affiliate or 35238  
associate of that person. 35239

(AA) "Offeree" means the beneficial or record owner of any 35240  
security that an offeror acquires or offers to acquire in 35241  
connection with a control bid. 35242

(BB) "Equity security" means any share or similar 35243  
security, or any security convertible into any such security, or 35244  
carrying any warrant or right to subscribe to or purchase any 35245  
such security, or any such warrant or right, or any other 35246  
security that, for the protection of security holders, is 35247  
treated as an equity security pursuant to rules of the division 35248  
of securities. 35249

(CC) (1) "Investment adviser representative" means a 35250  
supervised person of an investment adviser, provided that the 35251  
supervised person has more than five clients who are natural 35252  
persons other than excepted persons defined in division (EE) of 35253

this section, and that more than ten per cent of the supervised 35254  
person's clients are natural persons other than excepted persons 35255  
defined in division (EE) of this section. "Investment adviser 35256  
representative" does not mean any of the following: 35257

(a) A supervised person that does not on a regular basis 35258  
solicit, meet with, or otherwise communicate with clients of the 35259  
investment adviser; 35260

(b) A supervised person that provides only investment 35261  
advisory services described in division (X)(1) of this section 35262  
by means of written materials or oral statements that do not 35263  
purport to meet the objectives or needs of specific individuals 35264  
or accounts; 35265

(c) Any other person that the division designates by rule, 35266  
if the division finds that the designation is necessary or 35267  
appropriate in the public interest or for the protection of 35268  
investors or clients and is consistent with the provisions 35269  
fairly intended by the policy and provisions of this chapter. 35270

(2) For the purpose of the calculation of clients in 35271  
division (CC)(1) of this section, a natural person and the 35272  
following persons are deemed a single client: Any minor child of 35273  
the natural person; any relative, spouse, or relative of the 35274  
spouse of the natural person who has the same principal 35275  
residence as the natural person; all accounts of which the 35276  
natural person or the persons referred to in division (CC)(2) of 35277  
this section are the only primary beneficiaries; and all trusts 35278  
of which the natural person or persons referred to in division 35279  
(CC)(2) of this section are the only primary beneficiaries. 35280  
Persons who are not residents of the United States need not be 35281  
included in the calculation of clients under division (CC)(1) of 35282  
this section. 35283

(3) If subsequent to March 18, 1999, amendments are 35284  
enacted or adopted defining "investment adviser representative" 35285  
for purposes of the Investment Advisers Act of 1940 or 35286  
additional rules or regulations are promulgated by the 35287  
securities and exchange commission regarding the definition of 35288  
"investment adviser representative" for purposes of the 35289  
Investment Advisers Act of 1940, the division of securities 35290  
shall, by rule, adopt the substance of the amendments, rules, or 35291  
regulations, unless the division finds that the amendments, 35292  
rules, or regulations are not necessary for the protection of 35293  
investors or in the public interest. 35294

(DD) "Supervised person" means a natural person who is any 35295  
of the following: 35296

(1) A partner, officer, or director of an investment 35297  
adviser, or other person occupying a similar status or 35298  
performing similar functions with respect to an investment 35299  
adviser; 35300

(2) An employee of an investment adviser; 35301

(3) A person who provides investment advisory services 35302  
described in division (X) (1) of this section on behalf of the 35303  
investment adviser and is subject to the supervision and control 35304  
of the investment adviser. 35305

(EE) "Excepted person" means a natural person to whom any 35306  
of the following applies: 35307

(1) Immediately after entering into the investment 35308  
advisory contract with the investment adviser, the person has at 35309  
least seven hundred fifty thousand dollars under the management 35310  
of the investment adviser. 35311

(2) The investment adviser reasonably believes either of 35312

the following at the time the investment advisory contract is 35313  
entered into with the person: 35314

(a) The person has a net worth, together with assets held 35315  
jointly with a spouse, of more than one million five hundred 35316  
thousand dollars. 35317

(b) The person is a qualified purchaser as defined in 35318  
division (FF) of this section. 35319

(3) Immediately prior to entering into an investment 35320  
advisory contract with the investment adviser, the person is 35321  
either of the following: 35322

(a) An executive officer, director, trustee, general 35323  
partner, or person serving in a similar capacity, of the 35324  
investment adviser; 35325

(b) An employee of the investment adviser, other than an 35326  
employee performing solely clerical, secretarial, or 35327  
administrative functions or duties for the investment adviser, 35328  
which employee, in connection with the employee's regular 35329  
functions or duties, participates in the investment activities 35330  
of the investment adviser, provided that, for at least twelve 35331  
months, the employee has been performing such nonclerical, 35332  
nonsecretarial, or nonadministrative functions or duties for or 35333  
on behalf of the investment adviser or performing substantially 35334  
similar functions or duties for or on behalf of another company. 35335

If subsequent to March 18, 1999, amendments are enacted or 35336  
adopted defining "excepted person" for purposes of the 35337  
Investment Advisers Act of 1940 or additional rules or 35338  
regulations are promulgated by the securities and exchange 35339  
commission regarding the definition of "excepted person" for 35340  
purposes of the Investment Advisers Act of 1940, the division of 35341

securities shall, by rule, adopt the substance of the 35342  
amendments, rules, or regulations, unless the division finds 35343  
that the amendments, rules, or regulations are not necessary for 35344  
the protection of investors or in the public interest. 35345

(FF) (1) "Qualified purchaser" means either of the 35346  
following: 35347

(a) A natural person who owns not less than five million 35348  
dollars in investments as defined by rule by the division of 35349  
securities; 35350

(b) A natural person, acting for the person's own account 35351  
or accounts of other qualified purchasers, who in the aggregate 35352  
owns and invests on a discretionary basis, not less than twenty- 35353  
five million dollars in investments as defined by rule by the 35354  
division of securities. 35355

(2) If subsequent to March 18, 1999, amendments are 35356  
enacted or adopted defining "qualified purchaser" for purposes 35357  
of the Investment Advisers Act of 1940 or additional rules or 35358  
regulations are promulgated by the securities and exchange 35359  
commission regarding the definition of "qualified purchaser" for 35360  
purposes of the Investment Advisers Act of 1940, the division of 35361  
securities shall, by rule, adopt the amendments, rules, or 35362  
regulations, unless the division finds that the amendments, 35363  
rules, or regulations are not necessary for the protection of 35364  
investors or in the public interest. 35365

(GG) (1) "Purchase" has the full meaning of "purchase" as 35366  
applied by or accepted in courts of law or equity and includes 35367  
every acquisition of, or attempt to acquire, a security or an 35368  
interest in a security. "Purchase" also includes a contract to 35369  
purchase, an exchange, an attempt to purchase, an option to 35370

purchase, a solicitation of a purchase, a solicitation of an 35371  
offer to sell, a subscription, or an offer to purchase, directly 35372  
or indirectly, by agent, circular, pamphlet, advertisement, or 35373  
otherwise. 35374

(2) "Purchase" means any act by which a purchase is made. 35375

(3) Any security given with, or as a bonus on account of, 35376  
any purchase of securities is conclusively presumed to 35377  
constitute a part of the subject of that purchase. 35378

(HH) "Life settlement interest" means the entire interest 35379  
or any fractional interest in an insurance policy or certificate 35380  
of insurance, or in an insurance benefit under such a policy or 35381  
certificate, that is the subject of a life settlement contract. 35382

For purposes of this division, "life settlement contract" 35383  
means an agreement for the purchase, sale, assignment, transfer, 35384  
devise, or bequest of any portion of the death benefit or 35385  
ownership of any life insurance policy or contract, in return 35386  
for consideration or any other thing of value that is less than 35387  
the expected death benefit of the life insurance policy or 35388  
contract. "Life settlement contract" includes a viatical 35389  
settlement contract as defined in section 3916.01 of the Revised 35390  
Code, but does not include any of the following: 35391

(1) A loan by an insurer under the terms of a life 35392  
insurance policy, including, but not limited to, a loan secured 35393  
by the cash value of the policy; 35394

(2) An agreement with a bank that takes an assignment of a 35395  
life insurance policy as collateral for a loan; 35396

(3) The provision of accelerated benefits as defined in 35397  
section 3915.21 of the Revised Code; 35398

(4) Any agreement between an insurer and a reinsurer;	35399
(5) An agreement by an individual to purchase an existing	35400
life insurance policy or contract from the original owner of the	35401
policy or contract, if the individual does not enter into more	35402
than one life settlement contract per calendar year;	35403
(6) The initial purchase of an insurance policy or	35404
certificate of insurance from its owner by a viatical settlement	35405
provider, as defined in section 3916.01 of the Revised Code,	35406
that is licensed under Chapter 3916. of the Revised Code.	35407
(II) "State retirement system" means the public employees	35408
retirement system, Ohio police and fire pension fund, state	35409
teachers retirement system, school employees retirement system,	35410
and state highway patrol retirement system.	35411
(JJ) "State retirement system investment officer" means an	35412
individual employed by a state retirement system as a chief	35413
investment officer, assistant investment officer, or the person	35414
in charge of a class of assets or in a position that is	35415
substantially equivalent to chief investment officer, assistant	35416
investment officer, or person in charge of a class of assets.	35417
(KK) "Bureau of workers' compensation chief investment	35418
officer" means an individual employed by the administrator of	35419
workers' compensation as a chief investment officer or in a	35420
position that is substantially equivalent to a chief investment	35421
officer.	35422
(LL) <u>"Bank holding company" has the same meaning as in the</u>	35423
<u>"Bank Holding Company Act of 1956," 12 U.S.C. 1841.</u>	35424
(MM) <u>"Savings and loan holding company" has the same</u>	35425
<u>meaning as in 12 U.S.C. 1467a.</u>	35426



**Sec. 1707.14.** (A) No person shall act as a dealer, unless 35427  
the person is licensed as a dealer by the division of 35428  
securities, except when at least one of the following cases 35429  
applies: 35430

(1) When the person is transacting business through or 35431  
with a licensed dealer; 35432

(2) When the securities are the subject matter of one or 35433  
more transactions enumerated in divisions (B) to (L), (O) to 35434  
(R), and (U) to (Y) of section 1707.03, or in section 1707.06 of 35435  
the Revised Code, except when a commission, discount, or other 35436  
remuneration is paid or given in consideration with transactions 35437  
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 35438  
1707.03, or in section 1707.06 of the Revised Code; 35439

~~(3)~~(3)(a) When the person is an issuer selling securities 35440  
issued by it or by its subsidiary, if such securities are 35441  
specified under division (G) or (I) of section 1707.02, or under 35442  
section 1707.04 of the Revised Code; 35443

(b) As used in division (A) (3) of this section, "person" 35444  
includes a bank holding company and a savings and loan holding 35445  
company. 35446

(4) When the person is participating in transactions 35447  
exempt, under section 1707.34 of the Revised Code, from this 35448  
chapter; 35449

(5) When the person has no place of business in this 35450  
state, is registered with the securities and exchange 35451  
commission, and the only transactions effected in this state are 35452  
with institutional investors. 35453

(B) Each dealer that in any twelve-month or shorter 35454  
period, alone or with any other dealer with which it is 35455

affiliated, has total revenues of one hundred fifty thousand 35456  
dollars or more derived from the business of buying, selling, or 35457  
otherwise dealing in securities, and that at any time during 35458  
such period has one hundred or more retail securities customers, 35459  
shall be registered as a broker or dealer with the securities 35460  
and exchange commission under the Securities Exchange Act of 35461  
1934, except the following entities: 35462

(1) A bank; 35463

(2) A dealer that enters into and is in compliance with an 35464  
undertaking accepted by the division, in which the dealer agrees 35465  
that it will not engage in any transaction involving the buying, 35466  
selling, or otherwise dealing in securities with any natural 35467  
person in this state, except for transactions involving either 35468  
of the following: 35469

(a) Securities of corporations or associations that have 35470  
qualified for treatment as nonprofit organizations pursuant to 35471  
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 35472  
Stat. 2085, 26 U.S.C.A. 501, as amended; 35473

(b) Securities or transactions that are described in 35474  
divisions (A) (1) to (4) of this section. 35475

(C) Every dealer that must be registered as a broker or 35476  
dealer with the securities and exchange commission pursuant to 35477  
division (B) of this section shall become so registered no later 35478  
than ninety days after the date on which the dealer meets the 35479  
requirements for such registration. 35480

(D) The division by rule may exempt any dealer from 35481  
complying with the licensing or registration requirements of 35482  
this section, if the division finds that such licensing or 35483  
registration is not necessary for the protection of investors or 35484

in the public interest. 35485

(E) As used in division (B) of this section, "retail securities customer" means a person that purchases from or through or sells securities to or through a dealer, and that is not an officer, a director, a principal, a general partner, or an employee of, the dealer. Each of the following is deemed to be a single retail securities customer: 35486  
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(1) A husband and wife; 35492

(2) A minor child and the minor child's parent or legal guardian; 35493  
35494

(3) A corporation, a partnership, an association or other unincorporated entity, a joint stock company, or a trust. 35495  
35496

**Sec. 1707.47.** (A) As used in this section and section 1707.471 of the Revised Code: 35497  
35498

(1) "Claimant" means a person that files an application for restitution assistance on behalf of a victim. 35499  
35500

(2) "Final order" means a final administrative order issued by the division of securities or a final court order in a civil or criminal proceeding initiated by the division. 35501  
35502  
35503

(3) "Victim" means a purchaser identified in a final order that has suffered a pecuniary loss as the result of a violation of this chapter or any rules adopted thereunder, or, in the case of a deceased purchaser so identified, the purchaser's surviving spouse or dependent children. 35504  
35505  
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(B) There is hereby created in the state treasury the Ohio investor recovery fund, which shall consist of all cash transfers from the division of securities fund, created in section 1707.37 of the Revised Code, ~~not to exceed an aggregate~~ 35509  
35510  
35511  
35512

~~total of two million five hundred thousand dollars in any fiscal~~ 35513  
~~year.~~ Money in the Ohio investor recovery fund shall be used for 35514  
the purposes identified in division (C) of this section. 35515

(C) The division shall use the Ohio investor recovery fund 35516  
only to pay awards of restitution assistance and any expenses 35517  
incurred in administering this section. 35518

(D) (1) If the Ohio investor recovery fund is reduced below 35519  
two hundred fifty thousand dollars due to payment in full of 35520  
restitution assistance awards that become final during a month, 35521  
the division shall suspend payment of further claims that become 35522  
final during that month and the following two months. 35523

(2) At the end of the suspension period described in 35524  
division (D) (1) of this section, the division shall pay the 35525  
suspended claims. If the Ohio investor recovery fund would be 35526  
exhausted by payment in full of the suspended claims, the amount 35527  
paid to each claimant shall be prorated according to the amount 35528  
remaining in the Ohio investor recovery fund at the end of the 35529  
suspension period. 35530

(E) The state shall not be liable for a determination made 35531  
by the division under this section except to the extent that 35532  
money is available in the Ohio investor recovery fund on the 35533  
date the award is calculated. 35534

(F) The following victims are eligible for restitution 35535  
assistance: 35536

(1) A natural person who is a resident of this state; 35537  
  
(2) A person, other than a natural person, that is 35538  
domiciled in Ohio. 35539

(G) The division shall not award restitution assistance as 35540

follows: 35541

(1) To more than one claimant per victim; 35542

(2) To a claimant on behalf of a victim that has received 35543  
the full amount of restitution owed from the person ordered to 35544  
pay restitution to the victim in the final order before the 35545  
application for restitution assistance from the fund is filed; 35546

(3) To a claimant if the final order identifies no 35547  
pecuniary loss to the victim on whose behalf the application is 35548  
made; 35549

(4) To a claimant on behalf of a victim that assisted in 35550  
the commission of the violation of this chapter; 35551

(5) If the portion of the final order giving rise to a 35552  
restitution order or otherwise establishing a pecuniary loss to 35553  
the victim is overturned on appeal. 35554

(H) If, after the division has made a restitution 35555  
assistance award from the Ohio investor recovery fund under this 35556  
section, the restitution award in the final order is overturned 35557  
on appeal and all legal remedies have been exhausted, then the 35558  
claimant shall forfeit the restitution assistance award. 35559

**Sec. 1711.30.** Before issuing bonds under section 1711.28 35560  
of the Revised Code, the board of county commissioners, by 35561  
resolution, shall submit to the qualified electors of the county 35562  
at the next general election for county officers, held not less 35563  
than ninety days after receiving from the county agricultural 35564  
society the notice provided for in section 1711.25 of the 35565  
Revised Code, the question of issuing and selling such bonds in 35566  
such amount and denomination as are necessary for the purpose in 35567  
view, and shall certify a copy of such resolution to the county 35568  
board of elections. 35569

The county board of elections shall place the question of 35570  
issuing and selling such bonds upon the ballot and make all 35571  
other necessary arrangements for the submission, at the time 35572  
fixed by such resolution, of such question to such electors. The 35573  
votes cast at such election upon such question must be counted, 35574  
canvassed, and certified in the same manner, except as provided 35575  
by law, as votes cast for county officers. Fifteen days' notice 35576  
of such submission shall be given by the county board of 35577  
elections, by publication once a week for two consecutive weeks 35578  
in a newspaper of general circulation in the county or as 35579  
provided in section 7.16 of the Revised Code, stating the amount 35580  
of bonds to be issued, the purpose for which they are to be 35581  
issued, and the time and places of holding such election. If the 35582  
resolution proposes the levy of a tax under section 1711.29 of 35583  
the Revised Code, the notice shall include the rate of the tax 35584  
in both mills for each one dollar of taxable value and in 35585  
dollars for each one hundred thousand dollars of ~~the county~~ 35586  
~~auditor's appraised market~~ value. 35587

The question must be stated on the ballot as follows: "For 35588  
the issue of county fair bonds, yes"; "For the issue of county 35589  
fair bonds, no." 35590

If the resolution proposes the levy of a tax under section 35591  
1711.29 of the Revised Code, the question appearing on the 35592  
ballot shall include the rate of the tax in both mills for each 35593  
one dollar of taxable value and in dollars for each one hundred 35594  
thousand dollars of ~~the county auditor's appraised market~~ value. 35595

If the majority of those voting upon the question of 35596  
issuing the bonds vote in favor thereof, then and only then 35597  
shall they be issued and the tax provided for in section 1711.29 35598  
of the Revised Code be levied. 35599

As used in this section, "~~the county auditor's appraised~~  
market value" has the same meaning as in section 5705.01 of the  
Revised Code.

**Sec. 1713.03.** The chancellor of higher education shall  
establish standards for certificates of authorization to be  
issued to institutions as defined in section 1713.01 of the  
Revised Code, to private institutions exempt from regulation  
under Chapter 3332. of the Revised Code as prescribed in section  
3333.046 of the Revised Code, and to schools holding  
certificates of registration issued by the state board of career  
colleges and schools pursuant to division (C) of section 3332.05  
of the Revised Code. A certificate of authorization may permit  
an institution or school to award one or more types of degrees.

The standards for a certificate of authorization may  
include, for various types of institutions, schools, or degrees,  
minimum qualifications for faculty, library, laboratories, and  
other facilities as adopted and published by the chancellor. The  
standards shall be adopted by the chancellor pursuant to Chapter  
119. of the Revised Code.

An institution or school shall apply to the chancellor for  
a certificate of authorization on forms containing such  
information as is prescribed by the chancellor. Each institution  
or school with a certificate of authorization shall file an  
annual report with the chancellor in such form and containing  
such information as the chancellor prescribes. The annual report  
shall include disclosure of any contract entered with an online  
program manager, as described in section 1713.032 of the Revised  
Code.

The chancellor shall adopt a rule under Chapter 119. of  
the Revised Code establishing fees to pay the cost of reviewing

an application for a certificate of authorization, which the 35630  
institution or school shall pay when it applies for a 35631  
certificate of authorization, and establishing fees, which an 35632  
institution or school shall pay, for any further reviews the 35633  
chancellor determines necessary upon examining an institution's 35634  
or school's annual report. 35635

Sec. 1713.032. (A) As used in this section: 35636

(1) "Online program manager" means an entity that is not 35637  
an institution of higher education as defined under "The Higher 35638  
Education Act of 1965," 20 U.S.C. 1001, that enters into an 35639  
agreement with a private institution of higher education to 35640  
provide marketing and recruitment services and at least one 35641  
additional service, including course design, technology, or 35642  
faculty training, to support an online degree program. 35643

(2) "Private institution of higher education" means a 35644  
private institution of higher education with a certificate of 35645  
authorization, or seeking authorization, from the chancellor of 35646  
higher education under Chapter 1713. of Revised Code. 35647

(B) If a private institution of higher education enters a 35648  
contract with an online program manager, the institution shall 35649  
ensure the contract is in compliance with relevant program 35650  
standards and requirements. 35651

(C) A private institution of higher education that enters 35652  
into a contract with an online program manager shall post on 35653  
each online degree program web site it maintains that it 35654  
utilizes an online program manager for services. The institution 35655  
shall require the online program manager to identify itself when 35656  
providing services to students. 35657

(D) A contract between a private institution of higher 35658



education and an online program manager is not a public record 35659  
for purposes of section 149.43 of the Revised Code. 35660

(E) A private institution of higher education shall not 35661  
permit an online program manager to control, make decisions 35662  
regarding, administer, or disburse student financial aid. 35663

**Sec. 1713.033.** Each institution or school with a 35664  
certificate of authorization issued under this chapter annually 35665  
shall certify to the chancellor of higher education, on a date 35666  
and in the form and manner determined by the chancellor, a plan 35667  
to preserve student records indefinitely if the institution or 35668  
school was to cease operations. The plan shall include the 35669  
designation and signed confirmation of an official custodian of 35670  
student records. If the chancellor determines it necessary, the 35671  
chancellor may require an institution or school to produce an 35672  
executed agreement with the designated custodian of student 35673  
records, paid in full, to ensure the institution's or school's 35674  
plan can be implemented. 35675

The chancellor may consult with the higher learning 35676  
commission, the state board of career colleges and schools, and 35677  
other appropriate entities to establish plans, processes, and 35678  
procedures for institutions and schools to provide indefinite 35679  
access to student records. 35680

**Sec. 1713.041.** (A) Each institution or school authorized 35681  
to offer courses or degrees under a certificate of authorization 35682  
annually shall provide to the chancellor of higher education all 35683  
of the following: 35684

(1) Verification of current accreditation status and a 35685  
copy of the most recent institutional report from the 35686  
institution's accrediting organization; 35687

(2) A plan to preserve student records indefinitely in the 35688  
event of closure of the institution or discontinuation of 35689  
service. The plan shall include a method by which students and 35690  
alumni of the institution may retrieve student records by 35691  
request. The plan also shall include a designation and signed 35692  
confirmation of an official custodian of student records. 35693  
Student records preserved under the plan shall include, but not 35694  
be limited to: 35695

(a) Academic transcripts; 35696

(b) Financial aid documents; 35697

(c) International student forms; 35698

(d) Tax information. 35699

(3) The following program information: 35700

(a) A list of current degree programs offered by the 35701  
institution in this state; 35702

(b) The results of any external degree program evaluations 35703  
conducted in the last year; 35704

(c) A list of any degree programs that have been 35705  
eliminated in the last year; 35706

(4) The latest financial statement for the most recent 35707  
fiscal year compiled and audited by an independent certified 35708  
public accountant, including any management letters provided by 35709  
the independent auditor; 35710

(5) Any other information requested by the chancellor. 35711

(B) If an institution or school fails to submit the 35712  
information required under division (A) of this section or if 35713  
the chancellor finds that the information submitted under that 35714

division is insufficient, the chancellor may suspend, withdraw, 35715  
or revoke an institution or school's institutional authorization 35716  
or a program's authorization. 35717

(C) Each institution or school shall immediately notify 35718  
the chancellor if the institution or school does any of the 35719  
following: 35720

(1) Receives notice from the federal government or an 35721  
institutional accrediting organization that the institution or 35722  
school is subject to heightened reporting standards or special 35723  
monitoring status, such as the United States department of 35724  
education's heightened cash monitoring process; 35725

(2) Receives preliminary or final accreditation findings; 35726

(3) Becomes the subject of an investigation by a 35727  
government agency related to the institution's academic quality, 35728  
financial stability, or student consumer protection; 35729

(4) Fails to make any payments to applicable retirement 35730  
systems; 35731

(5) Fails to make any scheduled payroll payments; 35732

(6) Fails to make any payments to vendors when due as a 35733  
result of a cash deficiency or a substantial deficiency in the 35734  
payment processing system of the institution; 35735

(7) Fails to make any scheduled payment of principal or 35736  
interest for short- or long-term debt; 35737

(8) Makes budget revisions resulting in a substantially 35738  
reduced ending fund balance or larger deficit; 35739

(9) Becomes aware of significant negative variance between 35740  
the most recently adopted annual budget and actual revenues or 35741

expenses as projected at the end of the fiscal year. 35742

**Sec. 1901.123.** (A) (1) ~~Subject to reimbursement under~~ 35743  
~~division (B) of this section, the~~ The treasurer of the county in 35744  
which a county-operated municipal court or other municipal court 35745  
is located shall pay the per diem compensation to which an 35746  
acting judge appointed pursuant to division (A) (2) (a), (B) (1), 35747  
or (C) (1) of section 1901.121 of the Revised Code is entitled 35748  
pursuant to division (A) (1) of section 1901.122 of the Revised 35749  
Code. 35750

(2) The treasurer of the county in which a county-operated 35751  
municipal court or other municipal court is located shall pay 35752  
the per diem compensation to which an assigned judge assigned 35753  
pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) 35754  
of section 1901.121 of the Revised Code is entitled pursuant to 35755  
division (B) (1) or (4) of section 1901.122 of the Revised Code. 35756

(3) Subject to reimbursement under division (B) of this 35757  
section, the treasurer of the county in which a county-operated 35758  
municipal court or other municipal court is located shall pay 35759  
the per diem compensation to which an assigned judge assigned 35760  
pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) 35761  
of section 1901.121 of the Revised Code is entitled pursuant to 35762  
division (B) (2) of section 1901.122 of the Revised Code. 35763

(4) Subject to reimbursement under division (C) of this 35764  
section, the supreme court shall pay the per diem compensation 35765  
to which an assigned judge assigned pursuant to division (A) (1), 35766  
(A) (2) (b), (B) (2), (C) (2), or (D) of section 1901.121 of the 35767  
Revised Code is entitled pursuant to division (B) (3) of section 35768  
1901.122 of the Revised Code. 35769

(B) A county that, pursuant to division ~~(A) (1) or (3)~~ (A) 35770

(3) of this section, is required to pay the per diem 35771  
compensation to which an ~~acting judge or~~ assigned judge is 35772  
entitled, shall submit to the administrative director of the 35773  
supreme court quarterly requests for reimbursements of the state 35774  
portion of the per diem amounts so paid. The requests shall 35775  
include verifications of the payment of those amounts and an 35776  
affidavit from the ~~acting judge or~~ assigned judge stating the 35777  
days and hours worked. The administrative director shall cause 35778  
reimbursements of the state portion of the per diem amounts paid 35779  
to be issued to the county if the administrative director 35780  
verifies that those amounts were, in fact, so paid. If the 35781  
county fails to submit a request within one year after the per 35782  
diem compensation was paid, the administrative director shall 35783  
refuse to cause reimbursement to be issued. 35784

(C) If the supreme court, pursuant to division (A) (4) of 35785  
this section, is required to pay the per diem compensation to 35786  
which an assigned judge is entitled, annually, on the first day 35787  
of August, the administrative director of the supreme court 35788  
shall issue a billing to the county treasurer of any county to 35789  
which such a judge was assigned to a municipal court for 35790  
reimbursement of the county or local portion of the per diem 35791  
compensation previously paid by the supreme court for the 35792  
twelve-month period preceding the last day of June. The county 35793  
or local portion of the per diem compensation shall be that part 35794  
of each per diem paid by the state which is proportional to the 35795  
county or local shares of the total compensation of a resident 35796  
judge of such court. The county treasurer shall forward the 35797  
payment within thirty days. After forwarding the payment, the 35798  
county treasurer shall seek reimbursement from the applicable 35799  
local municipalities as appropriate. 35800

**Sec. 1901.26.** (A) Subject to division (E) of this section, 35801

costs in a municipal court shall be fixed and taxed as follows: 35802

(1) (a) The municipal court shall require an advance 35803  
deposit for the filing of any new civil action or proceeding 35804  
when required by division (C) of this section, subject to its 35805  
waiver pursuant to that division, and in all other cases, by 35806  
rule, shall establish a schedule of fees and costs to be taxed 35807  
in any civil or criminal action or proceeding. 35808

(b) (i) The legislative authority of a municipal 35809  
corporation may by ordinance establish a schedule of fees to be 35810  
taxed as costs in any civil, criminal, or traffic action or 35811  
proceeding in a municipal court for the performance by officers 35812  
or other employees of the municipal corporation's police 35813  
department or marshal's office of any of the services specified 35814  
in sections 311.17 and 509.15 of the Revised Code. No fee in the 35815  
schedule shall be higher than the fee specified in section 35816  
311.17 of the Revised Code for the performance of the same 35817  
service by the sheriff. If a fee established in the schedule 35818  
conflicts with a fee for the same service established in another 35819  
section of the Revised Code or a rule of court, the fee 35820  
established in the other section of the Revised Code or the rule 35821  
of court shall apply. 35822

(ii) When an officer or employee of a municipal police 35823  
department or marshal's office performs in a civil, criminal, or 35824  
traffic action or proceeding in a municipal court a service 35825  
specified in section 311.17 or 509.15 of the Revised Code for 35826  
which a taxable fee has been established under this or any other 35827  
section of the Revised Code, the applicable legal fees and any 35828  
other extraordinary expenses, including overtime, provided for 35829  
the service shall be taxed as costs in the case. The clerk of 35830  
the court shall pay those legal fees and other expenses, when 35831

collected, into the general fund of the municipal corporation 35832  
that employs the officer or employee. 35833

(iii) If a bailiff of a municipal court performs in a 35834  
civil, criminal, or traffic action or proceeding in that court a 35835  
service specified in section 311.17 or 509.15 of the Revised 35836  
Code for which a taxable fee has been established under this 35837  
section or any other section of the Revised Code, the fee for 35838  
the service is the same and is taxable to the same extent as if 35839  
the service had been performed by an officer or employee of the 35840  
police department or marshal's office of the municipal 35841  
corporation in which the court is located. The clerk of that 35842  
court shall pay the fee, when collected, into the general fund 35843  
of the entity or entities that fund the bailiff's salary, in the 35844  
same prorated amount as the salary is funded. 35845

(iv) Division (A) (1) (b) of this section does not authorize 35846  
or require any officer or employee of a police department or 35847  
marshal's office of a municipal corporation or any bailiff of a 35848  
municipal court to perform any service not otherwise authorized 35849  
by law. 35850

(2) The municipal court, by rule, may require an advance 35851  
deposit for the filing of any civil action or proceeding and 35852  
publication fees as provided in section 2701.09 of the Revised 35853  
Code. The court shall waive the requirement for advance deposit 35854  
for a party that the court determines qualifies as an indigent 35855  
litigant as set forth in section 2323.311 of the Revised Code. 35856

(3) When a jury trial is demanded in any civil action or 35857  
proceeding, the party making the demand may be required to make 35858  
an advance deposit as fixed by rule of court, unless the court 35859  
determines that the party qualifies as an indigent litigant as 35860  
set forth in section 2323.311 of the Revised Code. If a jury is 35861

called, the fees of a jury shall be taxed as costs. 35862

(4) In any civil or criminal action or proceeding, each 35863  
witness shall receive twelve dollars for each full day's 35864  
attendance and six dollars for each half day's attendance. Each 35865  
witness in a municipal court that is not a county-operated 35866  
municipal court also shall receive fifty and one-half cents for 35867  
each mile necessarily traveled to and from the witness's place 35868  
of residence to the action or proceeding. 35869

(5) A reasonable charge for driving, towing, carting, 35870  
storing, keeping, and preserving motor vehicles and other 35871  
personal property recovered or seized in any proceeding may be 35872  
taxed as part of the costs in a trial of the cause, in an amount 35873  
that shall be fixed by rule of court. 35874

(6) Chattel property seized under any writ or process 35875  
issued by the court shall be preserved pending final disposition 35876  
for the benefit of all persons interested and may be placed in 35877  
storage when necessary or proper for that preservation. The 35878  
custodian of any chattel property so stored shall not be 35879  
required to part with the possession of the property until a 35880  
reasonable charge, to be fixed by the court, is paid. 35881

(7) The municipal court, as it determines, may refund all 35882  
deposits and advance payments of fees and costs, including those 35883  
for jurors and summoning jurors, when they have been paid by the 35884  
losing party. 35885

(8) Charges for the publication of legal notices required 35886  
by statute or order of court may be taxed as part of the costs, 35887  
as provided by section 7.13 of the Revised Code. 35888

(B) (1) (a) The municipal court may determine that, for the 35889  
efficient operation of the court, additional funds are necessary 35890



to acquire and pay for special projects of the court including, 35891  
but not limited to, the acquisition of additional facilities or 35892  
the rehabilitation of existing facilities, the acquisition of 35893  
equipment, the hiring and training of staff, community service 35894  
programs, mediation or dispute resolution services, the 35895  
employment of magistrates, the training and education of judges, 35896  
acting judges, and magistrates, and other related services. Upon 35897  
that determination, the court by rule may charge a fee, in 35898  
addition to all other court costs, on the filing of each 35899  
criminal cause, civil action or proceeding, or judgment by 35900  
confession. Fees collected by a court for special projects of 35901  
the court under this division shall not be used for training or 35902  
education that takes place outside of the state. 35903

(b) If the municipal court offers a special program or 35904  
service in cases of a specific type, the municipal court by rule 35905  
may assess an additional charge in a case of that type, over and 35906  
above court costs, to cover the special program or service. The 35907  
municipal court shall adjust the special assessment 35908  
periodically, but not retroactively, so that the amount assessed 35909  
in those cases does not exceed the actual cost of providing the 35910  
service or program. 35911

(c) Any fee or charge assessed under division (B) (1) (a) or 35912  
(b) of this section on the filing of a civil action or 35913  
proceeding shall be waived if the court determines that the 35914  
person on whom the fee or charge is assessed qualifies as an 35915  
indigent litigant as set forth in section 2323.311 of the 35916  
Revised Code. 35917

(d) All moneys collected under division (B) of this 35918  
section shall be paid to the county treasurer if the court is a 35919  
county-operated municipal court or to the city treasurer if the 35920

court is not a county-operated municipal court for deposit into 35921  
either a general special projects fund or a fund established for 35922  
a specific special project. Moneys from a fund of that nature 35923  
shall be disbursed upon an order of the court in an amount no 35924  
greater than the actual cost to the court of a project. If a 35925  
specific fund is terminated because of the discontinuance of a 35926  
program or service established under division (B) of this 35927  
section, the municipal court may order that moneys remaining in 35928  
the fund be transferred to an account established under this 35929  
division for a similar purpose. 35930

(2) As used in division (B) of this section: 35931

(a) "Criminal cause" means a charge alleging the violation 35932  
of a statute or ordinance, or subsection of a statute or 35933  
ordinance, that requires a separate finding of fact or a 35934  
separate plea before disposition and of which the defendant may 35935  
be found guilty, whether filed as part of a multiple charge on a 35936  
single summons, citation, or complaint or as a separate charge 35937  
on a single summons, citation, or complaint. "Criminal cause" 35938  
does not include separate violations of the same statute or 35939  
ordinance, or subsection of the same statute or ordinance, 35940  
unless each charge is filed on a separate summons, citation, or 35941  
complaint. 35942

(b) "Civil action or proceeding" means any civil 35943  
litigation that must be determined by judgment entry. 35944

(C) The municipal court shall collect in all its divisions 35945  
except the small claims division the sum of twenty-six dollars 35946  
as additional filing fees in each new civil action or proceeding 35947  
for the charitable public purpose of providing financial 35948  
assistance to legal aid societies that operate within the state 35949  
and to support the office of the state public defender. The 35950

municipal court shall collect in its small claims division the 35951  
sum of eleven dollars as additional filing fees in each new 35952  
civil action or proceeding for the charitable public purpose of 35953  
providing financial assistance to legal aid societies that 35954  
operate within the state and to support the office of the state 35955  
public defender. This division does not apply to any execution 35956  
on a judgment, proceeding in aid of execution, or other post- 35957  
judgment proceeding arising out of a civil action. The filing 35958  
fees required to be collected under this division shall be in 35959  
addition to any other court costs imposed in the action or 35960  
proceeding and shall be collected at the time of the filing of 35961  
the action or proceeding. The court shall not waive the payment 35962  
of the additional filing fees in a new civil action or 35963  
proceeding unless the court waives the advanced payment of all 35964  
filing fees in the action or proceeding for the party that the 35965  
court determines is qualified as an indigent litigant as set 35966  
forth in section 2323.311 of the Revised Code. All such moneys 35967  
collected during a month except for an amount equal to up to one 35968  
per cent of those moneys retained to cover administrative costs 35969  
shall be transmitted on or before the twentieth day of the 35970  
following month by the clerk of the court to the treasurer of 35971  
state in a manner prescribed by the treasurer of state or by the 35972  
Ohio access to justice foundation. The treasurer of state shall 35973  
deposit four per cent of the funds collected under this division 35974  
to the credit of the civil case filing fee fund established 35975  
under section 120.07 of the Revised Code and ninety-six per cent 35976  
of the funds collected under this division to the credit of the 35977  
legal aid fund established under section 120.52 of the Revised 35978  
Code. 35979

The court may retain up to one per cent of the moneys it 35980  
collects under this division to cover administrative costs, 35981

including the hiring of any additional personnel necessary to 35982  
implement this division. If the court fails to transmit to the 35983  
treasurer of state the moneys the court collects under this 35984  
division in a manner prescribed by the treasurer of state or by 35985  
the Ohio access to justice foundation, the court shall forfeit 35986  
the moneys the court retains under this division to cover 35987  
administrative costs, including the hiring of any additional 35988  
personnel necessary to implement this division, and shall 35989  
transmit to the treasurer of state all moneys collected under 35990  
this division, including the forfeited amount retained for 35991  
administrative costs, for deposit in the legal aid fund. 35992

(D) In the Cleveland municipal court, reasonable charges 35993  
for investigating titles of real estate to be sold or disposed 35994  
of under any writ or process of the court may be taxed as part 35995  
of the costs. 35996

(E) Under the circumstances described in sections 2969.21 35997  
to 2969.27 of the Revised Code, the clerk of the municipal court 35998  
shall charge the fees and perform the other duties specified in 35999  
those sections. 36000

(F) As used in this section: 36001

(1) "Full day's attendance" means a day on which a witness 36002  
is required or requested to be present at an action or 36003  
proceeding before and after twelve noon, regardless of whether 36004  
the witness actually testifies. 36005

(2) "Half day's attendance" means a day on which a witness 36006  
is required or requested to be present at an action or 36007  
proceeding either before or after twelve noon, but not both, 36008  
regardless of whether the witness actually testifies. 36009

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 36010

court shall be selected, be compensated, give bond, and have 36011  
powers and duties as follows: 36012

(A) There shall be a clerk of the court who is appointed 36013  
or elected as follows: 36014

(1) (a) Except in the Akron, Barberton, Toledo, Columbiana 36015  
county, Hamilton county, Miami county, Montgomery county, 36016  
Portage county, and Wayne county municipal courts and through 36017  
December 31, 2008, the Cuyahoga Falls municipal court, if the 36018  
population of the territory equals or exceeds one hundred 36019  
thousand at the regular municipal election immediately preceding 36020  
the expiration of the term of the present clerk, the clerk shall 36021  
be nominated and elected by the qualified electors of the 36022  
territory in the manner that is provided for the nomination and 36023  
election of judges in section 1901.07 of the Revised Code. 36024

The clerk so elected shall hold office for a term of six 36025  
years, which term shall commence on the first day of January 36026  
following the clerk's election and continue until the clerk's 36027  
successor is elected and qualified. 36028

(b) In the Hamilton county municipal court, the clerk of 36029  
courts of Hamilton county shall be the clerk of the municipal 36030  
court and may appoint an assistant clerk who shall receive the 36031  
compensation, payable out of the treasury of Hamilton county in 36032  
semimonthly installments, that the board of county commissioners 36033  
prescribes. The clerk of courts of Hamilton county, acting as 36034  
the clerk of the Hamilton county municipal court and assuming 36035  
the duties of that office, shall receive compensation at one- 36036  
fourth the rate that is prescribed for the clerks of courts of 36037  
common pleas as determined in accordance with the population of 36038  
the county and the rates set forth in sections 325.08 and 325.18 36039  
of the Revised Code. This compensation shall be paid from the 36040

county treasury in semimonthly installments and is in addition 36041  
to the annual compensation that is received for the performance 36042  
of the duties of the clerk of courts of Hamilton county, as 36043  
provided in sections 325.08 and 325.18 of the Revised Code. 36044

(c) In the Portage county and Wayne county municipal 36045  
courts, the clerks of courts of Portage county and Wayne county 36046  
shall be the clerks, respectively, of the Portage county and 36047  
Wayne county municipal courts and may appoint a chief deputy 36048  
clerk for each branch that is established pursuant to section 36049  
1901.311 of the Revised Code and assistant clerks as the judges 36050  
of the municipal court determine are necessary, all of whom 36051  
shall receive the compensation that the legislative authority 36052  
prescribes. The clerks of courts of Portage county and Wayne 36053  
county, acting as the clerks of the Portage county and Wayne 36054  
county municipal courts and assuming the duties of these 36055  
offices, shall receive compensation payable from the county 36056  
treasury in semimonthly installments at one-fourth the rate that 36057  
is prescribed for the clerks of courts of common pleas as 36058  
determined in accordance with the population of the county and 36059  
the rates set forth in sections 325.08 and 325.18 of the Revised 36060  
Code. 36061

(d) In the Montgomery county and Miami county municipal 36062  
courts, the clerks of courts of Montgomery county and Miami 36063  
county shall be the clerks, respectively, of the Montgomery 36064  
county and Miami county municipal courts. The clerks of courts 36065  
of Montgomery county and Miami county, acting as the clerks of 36066  
the Montgomery county and Miami county municipal courts and 36067  
assuming the duties of these offices, shall receive compensation 36068  
at one-fourth the rate that is prescribed for the clerks of 36069  
courts of common pleas as determined in accordance with the 36070  
population of the county and the rates set forth in sections 36071

325.08 and 325.18 of the Revised Code. This compensation shall 36072  
be paid from the county treasury in semimonthly installments and 36073  
is in addition to the annual compensation that is received for 36074  
the performance of the duties of the clerks of courts of 36075  
Montgomery county and Miami county, as provided in sections 36076  
325.08 and 325.18 of the Revised Code. 36077

(e) Except as otherwise provided in division (A) (1) (e) of 36078  
this section, in the Akron municipal court, candidates for 36079  
election to the office of clerk of the court shall be nominated 36080  
by primary election. The primary election shall be held on the 36081  
day specified in the charter of the city of Akron for the 36082  
nomination of municipal officers. Notwithstanding any contrary 36083  
provision of section 3513.05 or 3513.257 of the Revised Code, 36084  
the declarations of candidacy and petitions of partisan 36085  
candidates and the nominating petitions of independent 36086  
candidates for the office of clerk of the Akron municipal court 36087  
shall be signed by at least fifty qualified electors of the 36088  
territory of the court. 36089

The candidates shall file a declaration of candidacy and 36090  
petition, or a nominating petition, whichever is applicable, not 36091  
later than four p.m. of the ninetieth day before the day of the 36092  
primary election, in the form prescribed by section 3513.07 or 36093  
3513.261 of the Revised Code. The declaration of candidacy and 36094  
petition, or the nominating petition, shall conform to the 36095  
applicable requirements of section 3513.05 or 3513.257 of the 36096  
Revised Code. 36097

If no valid declaration of candidacy and petition is filed 36098  
by any person for nomination as a candidate of a particular 36099  
political party for election to the office of clerk of the Akron 36100  
municipal court, a primary election shall not be held for the 36101

purpose of nominating a candidate of that party for election to 36102  
that office. If only one person files a valid declaration of 36103  
candidacy and petition for nomination as a candidate of a 36104  
particular political party for election to that office, a 36105  
primary election shall not be held for the purpose of nominating 36106  
a candidate of that party for election to that office, and the 36107  
candidate shall be issued a certificate of nomination in the 36108  
manner set forth in section 3513.02 of the Revised Code. 36109

Declarations of candidacy and petitions, nominating 36110  
petitions, and certificates of nomination for the office of 36111  
clerk of the Akron municipal court shall contain a designation 36112  
of the term for which the candidate seeks election. At the 36113  
following regular municipal election, all candidates for the 36114  
office shall be submitted to the qualified electors of the 36115  
territory of the court in the manner that is provided in section 36116  
1901.07 of the Revised Code for the election of the judges of 36117  
the court. The clerk so elected shall hold office for a term of 36118  
six years, which term shall commence on the first day of January 36119  
following the clerk's election and continue until the clerk's 36120  
successor is elected and qualified. 36121

(f) Except as otherwise provided in division (A) (1) (f) of 36122  
this section, in the Barberton municipal court, candidates for 36123  
election to the office of clerk of the court shall be nominated 36124  
by primary election. The primary election shall be held on the 36125  
day specified in the charter of the city of Barberton for the 36126  
nomination of municipal officers. Notwithstanding any contrary 36127  
provision of section 3513.05 or 3513.257 of the Revised Code, 36128  
the declarations of candidacy and petitions of partisan 36129  
candidates and the nominating petitions of independent 36130  
candidates for the office of clerk of the Barberton municipal 36131  
court shall be signed by at least fifty qualified electors of 36132



the territory of the court. 36133

The candidates shall file a declaration of candidacy and 36134  
petition, or a nominating petition, whichever is applicable, not 36135  
later than four p.m. of the ninetieth day before the day of the 36136  
primary election, in the form prescribed by section 3513.07 or 36137  
3513.261 of the Revised Code. The declaration of candidacy and 36138  
petition, or the nominating petition, shall conform to the 36139  
applicable requirements of section 3513.05 or 3513.257 of the 36140  
Revised Code. 36141

If no valid declaration of candidacy and petition is filed 36142  
by any person for nomination as a candidate of a particular 36143  
political party for election to the office of clerk of the 36144  
Barberton municipal court, a primary election shall not be held 36145  
for the purpose of nominating a candidate of that party for 36146  
election to that office. If only one person files a valid 36147  
declaration of candidacy and petition for nomination as a 36148  
candidate of a particular political party for election to that 36149  
office, a primary election shall not be held for the purpose of 36150  
nominating a candidate of that party for election to that 36151  
office, and the candidate shall be issued a certificate of 36152  
nomination in the manner set forth in section 3513.02 of the 36153  
Revised Code. 36154

Declarations of candidacy and petitions, nominating 36155  
petitions, and certificates of nomination for the office of 36156  
clerk of the Barberton municipal court shall contain a 36157  
designation of the term for which the candidate seeks election. 36158  
At the following regular municipal election, all candidates for 36159  
the office shall be submitted to the qualified electors of the 36160  
territory of the court in the manner that is provided in section 36161  
1901.07 of the Revised Code for the election of the judges of 36162

the court. The clerk so elected shall hold office for a term of 36163  
six years, which term shall commence on the first day of January 36164  
following the clerk's election and continue until the clerk's 36165  
successor is elected and qualified. 36166

(g) (i) Through December 31, 2008, except as otherwise 36167  
provided in division (A) (1) (g) (i) of this section, in the 36168  
Cuyahoga Falls municipal court, candidates for election to the 36169  
office of clerk of the court shall be nominated by primary 36170  
election. The primary election shall be held on the day 36171  
specified in the charter of the city of Cuyahoga Falls for the 36172  
nomination of municipal officers. Notwithstanding any contrary 36173  
provision of section 3513.05 or 3513.257 of the Revised Code, 36174  
the declarations of candidacy and petitions of partisan 36175  
candidates and the nominating petitions of independent 36176  
candidates for the office of clerk of the Cuyahoga Falls 36177  
municipal court shall be signed by at least fifty qualified 36178  
electors of the territory of the court. 36179

The candidates shall file a declaration of candidacy and 36180  
petition, or a nominating petition, whichever is applicable, not 36181  
later than four p.m. of the ninetieth day before the day of the 36182  
primary election, in the form prescribed by section 3513.07 or 36183  
3513.261 of the Revised Code. The declaration of candidacy and 36184  
petition, or the nominating petition, shall conform to the 36185  
applicable requirements of section 3513.05 or 3513.257 of the 36186  
Revised Code. 36187

If no valid declaration of candidacy and petition is filed 36188  
by any person for nomination as a candidate of a particular 36189  
political party for election to the office of clerk of the 36190  
Cuyahoga Falls municipal court, a primary election shall not be 36191  
held for the purpose of nominating a candidate of that party for 36192

election to that office. If only one person files a valid 36193  
declaration of candidacy and petition for nomination as a 36194  
candidate of a particular political party for election to that 36195  
office, a primary election shall not be held for the purpose of 36196  
nominating a candidate of that party for election to that 36197  
office, and the candidate shall be issued a certificate of 36198  
nomination in the manner set forth in section 3513.02 of the 36199  
Revised Code. 36200

Declarations of candidacy and petitions, nominating 36201  
petitions, and certificates of nomination for the office of 36202  
clerk of the Cuyahoga Falls municipal court shall contain a 36203  
designation of the term for which the candidate seeks election. 36204  
At the following regular municipal election, all candidates for 36205  
the office shall be submitted to the qualified electors of the 36206  
territory of the court in the manner that is provided in section 36207  
1901.07 of the Revised Code for the election of the judges of 36208  
the court. The clerk so elected shall hold office for a term of 36209  
six years, which term shall commence on the first day of January 36210  
following the clerk's election and continue until the clerk's 36211  
successor is elected and qualified. 36212

(ii) Division (A)(1)(g)(i) of this section shall have no 36213  
effect after December 31, 2008. 36214

(h) Except as otherwise provided in division (A)(1)(h) of 36215  
this section, in the Toledo municipal court, candidates for 36216  
election to the office of clerk of the court shall be nominated 36217  
by primary election. The primary election shall be held on the 36218  
day specified in the charter of the city of Toledo for the 36219  
nomination of municipal officers. Notwithstanding any contrary 36220  
provision of section 3513.05 or 3513.257 of the Revised Code, 36221  
the declarations of candidacy and petitions of partisan 36222

candidates and the nominating petitions of independent 36223  
candidates for the office of clerk of the Toledo municipal court 36224  
shall be signed by at least fifty qualified electors of the 36225  
territory of the court. 36226

The candidates shall file a declaration of candidacy and 36227  
petition, or a nominating petition, whichever is applicable, not 36228  
later than four p.m. of the ninetieth day before the day of the 36229  
primary election, in the form prescribed by section 3513.07 or 36230  
3513.261 of the Revised Code. The declaration of candidacy and 36231  
petition, or the nominating petition, shall conform to the 36232  
applicable requirements of section 3513.05 or 3513.257 of the 36233  
Revised Code. 36234

If no valid declaration of candidacy and petition is filed 36235  
by any person for nomination as a candidate of a particular 36236  
political party for election to the office of clerk of the 36237  
Toledo municipal court, a primary election shall not be held for 36238  
the purpose of nominating a candidate of that party for election 36239  
to that office. If only one person files a valid declaration of 36240  
candidacy and petition for nomination as a candidate of a 36241  
particular political party for election to that office, a 36242  
primary election shall not be held for the purpose of nominating 36243  
a candidate of that party for election to that office, and the 36244  
candidate shall be issued a certificate of nomination in the 36245  
manner set forth in section 3513.02 of the Revised Code. 36246

Declarations of candidacy and petitions, nominating 36247  
petitions, and certificates of nomination for the office of 36248  
clerk of the Toledo municipal court shall contain a designation 36249  
of the term for which the candidate seeks election. At the 36250  
following regular municipal election, all candidates for the 36251  
office shall be submitted to the qualified electors of the 36252

territory of the court in the manner that is provided in section 36253  
1901.07 of the Revised Code for the election of the judges of 36254  
the court. The clerk so elected shall hold office for a term of 36255  
six years, which term shall commence on the first day of January 36256  
following the clerk's election and continue until the clerk's 36257  
successor is elected and qualified. 36258

(i) In the Columbiana county municipal court, the clerk of 36259  
courts of Columbiana county shall be the clerk of the municipal 36260  
court, may appoint a chief deputy clerk for each branch office 36261  
that is established pursuant to section 1901.311 of the Revised 36262  
Code, and may appoint any assistant clerks that the judges of 36263  
the court determine are necessary. All of the chief deputy 36264  
clerks and assistant clerks shall receive the compensation that 36265  
the legislative authority prescribes. The clerk of courts of 36266  
Columbiana county, acting as the clerk of the Columbiana county 36267  
municipal court and assuming the duties of that office, shall 36268  
receive in either biweekly installments or semimonthly 36269  
installments, as determined by the payroll administrator, 36270  
compensation payable from the county treasury at one-fourth the 36271  
rate that is prescribed for the clerks of courts of common pleas 36272  
as determined in accordance with the population of the county 36273  
and the rates set forth in sections 325.08 and 325.18 of the 36274  
Revised Code. 36275

(2) (a) Except for the Alliance, Auglaize county, Brown 36276  
county, Holmes county, Perry county, Putnam county, Lima, 36277  
Lorain, Massillon, and Youngstown municipal courts, in a 36278  
municipal court for which the population of the territory is 36279  
less than one hundred thousand, the clerk shall be appointed by 36280  
the court, and the clerk shall hold office until the clerk's 36281  
successor is appointed and qualified. 36282

(b) In the Alliance, Lima, Lorain, Massillon, and 36283  
Youngstown municipal courts, the clerk shall be elected for a 36284  
term of office as described in division (A) (1) (a) of this 36285  
section. 36286

(c) In the Auglaize county, Brown county, Holmes county, 36287  
Perry county, and Putnam county municipal courts, the clerks of 36288  
courts of Auglaize county, Brown county, Holmes county, Perry 36289  
county, and Putnam county shall be the clerks, respectively, of 36290  
the Auglaize county, Brown county, Holmes county, Perry county, 36291  
and Putnam county municipal courts and may appoint a chief 36292  
deputy clerk for each branch office that is established pursuant 36293  
to section 1901.311 of the Revised Code, and assistant clerks as 36294  
the judge of the court determines are necessary, all of whom 36295  
shall receive the compensation that the legislative authority 36296  
prescribes. The clerks of courts of Auglaize county, Brown 36297  
county, Holmes county, Perry county, and Putnam county, acting 36298  
as the clerks of the Auglaize county, Brown county, Holmes 36299  
county, Perry county, and Putnam county municipal courts and 36300  
assuming the duties of these offices, shall receive compensation 36301  
payable from the county treasury in semimonthly installments at 36302  
one-fourth the rate that is prescribed for the clerks of courts 36303  
of common pleas as determined in accordance with the population 36304  
of the county and the rates set forth in sections 325.08 and 36305  
325.18 of the Revised Code. 36306

(3) During the temporary absence of the clerk due to 36307  
illness, vacation, or other proper cause, the court may appoint 36308  
a temporary clerk, who shall be paid the same compensation, have 36309  
the same authority, and perform the same duties as the clerk. 36310

(B) Except in the Hamilton county, Montgomery county, 36311  
Miami county, Portage county, and Wayne county municipal courts, 36312

if a vacancy occurs in the office of the clerk of the Alliance, 36313  
Lima, Lorain, Massillon, or Youngstown municipal court or occurs 36314  
in the office of the clerk of a municipal court for which the 36315  
population of the territory equals or exceeds one hundred 36316  
thousand because the clerk ceases to hold the office before the 36317  
end of the clerk's term or because a clerk-elect fails to take 36318  
office, the vacancy shall be filled, until a successor is 36319  
elected and qualified, by a person chosen by the residents of 36320  
the territory of the court who are members of the county central 36321  
committee of the political party by which the last occupant of 36322  
that office or the clerk-elect was nominated. Not less than five 36323  
nor more than fifteen days after a vacancy occurs, those members 36324  
of that county central committee shall meet to make an 36325  
appointment to fill the vacancy. At least four days before the 36326  
date of the meeting, the chairperson or a secretary of the 36327  
county central committee shall notify each such member of that 36328  
county central committee by first class mail of the date, time, 36329  
and place of the meeting and its purpose. A majority of all such 36330  
members of that county central committee constitutes a quorum, 36331  
and a majority of the quorum is required to make the 36332  
appointment. If the office so vacated was occupied or was to be 36333  
occupied by a person not nominated at a primary election, or if 36334  
the appointment was not made by the committee members in 36335  
accordance with this division, the court shall make an 36336  
appointment to fill the vacancy. A successor shall be elected to 36337  
fill the office for the unexpired term at the first municipal 36338  
election that is held more than one hundred thirty-five days 36339  
after the vacancy occurred. 36340

(C) (1) ~~In a municipal court, other than the Auglaize~~ 36341  
~~county, the Brown county, the Holmes county, the Perry county,~~ 36342  
~~the Putnam county, and the Lorain municipal courts, for which~~ 36343

~~the population of the territory is less than one hundred-~~ 36344  
~~thousand, the~~ A clerk who is elected under division (A) of this 36345  
section shall receive an annual compensation at the rate that is 36346  
prescribed for the clerks of courts of common pleas, as 36347  
determined using the population of the territory of the court 36348  
and the rates set forth in sections 325.08 and 325.18 of the 36349  
Revised Code. 36350

(2) A clerk of the municipal court who is appointed under 36351  
division (A) of this section shall receive the following: 36352

(a) An annual compensation that the presiding judge of the 36353  
court prescribes, if the revenue of the court for the preceding 36354  
calendar year, as certified by the auditor or chief fiscal 36355  
officer of the municipal corporation in which the court is 36356  
located or, in the case of a county-operated municipal court, 36357  
the county auditor, is equal to or greater than the 36358  
expenditures, including any debt charges, for the operation of 36359  
the court payable under this chapter from the city treasury or, 36360  
in the case of a county-operated municipal court, the county 36361  
treasury for that calendar year, as also certified by the 36362  
auditor or chief fiscal officer. 36363

(b) If the revenue of a the municipal court, other than 36364  
~~the Auglaize county, the Brown county, the Columbiana county,~~ 36365  
~~the Perry county, the Putnam county, and the Lorain municipal~~ 36366  
~~courts, for which the population of the territory is less than~~ 36367  
~~one hundred thousand~~ for the preceding calendar year as so 36368  
certified is not equal to or greater than those expenditures for 36369  
the operation of the court for that calendar year as so 36370  
certified, the clerk of a municipal court shall receive the 36371  
annual compensation that the legislative authority prescribes. 36372  
~~As-~~ 36373



As used in this division, "revenue" means the total of all 36374  
costs and fees that are collected and paid to the city treasury 36375  
or, in a county-operated municipal court, the county treasury by 36376  
the clerk of the municipal court under division (F) of this 36377  
section and all interest received and paid to the city treasury 36378  
or, in a county-operated municipal court, the county treasury in 36379  
relation to the costs and fees under division (G) of this 36380  
section. 36381

~~(2) In a municipal court, other than the Columbiana-~~ 36382  
~~county, Hamilton county, Montgomery county, Miami county,~~ 36383  
~~Portage county, and Wayne county municipal courts, for which the~~ 36384  
~~population of the territory is one hundred thousand or more, and~~ 36385  
~~in the Lorain municipal court, the clerk of the municipal court-~~ 36386  
~~shall receive annual compensation in a sum equal to eighty-five~~ 36387  
~~per cent of the salary of a judge of the court.~~ 36388

(3) The clerk of another court who is serving as the clerk 36389  
of a municipal court as required under this section and for whom 36390  
compensation is otherwise provided under this section shall not 36391  
receive compensation under this division. 36392

(4) Except as otherwise provided in this section, the 36393  
compensation of a clerk ~~described in division (C) (1) or (2) of~~ 36394  
~~this section and of the clerk of the Columbiana county municipal~~ 36395  
~~court~~ is payable in either semimonthly installments or biweekly 36396  
installments, as determined by the payroll administrator, from 36397  
the same sources and in the same manner as provided in section 36398  
1901.11 of the Revised Code, except that the compensation of the 36399  
clerk of the Carroll county municipal court is payable in 36400  
biweekly installments. 36401

(D) Before entering upon the duties of the clerk's office, 36402  
the clerk of a municipal court shall give bond of not less than 36403

six thousand dollars to be determined by the judges of the 36404  
court, conditioned upon the faithful performance of the clerk's 36405  
duties. 36406

(E) The clerk of a municipal court may do all of the 36407  
following: administer oaths, take affidavits, and issue 36408  
executions upon any judgment rendered in the court, including a 36409  
judgment for unpaid costs; issue, sign, and attach the seal of 36410  
the court to all writs, process, subpoenas, and papers issuing 36411  
out of the court; and approve all bonds, sureties, 36412  
recognizances, and undertakings fixed by any judge of the court 36413  
or by law. The clerk may refuse to accept for filing any 36414  
pleading or paper submitted for filing by a person who has been 36415  
found to be a vexatious litigator under section 2323.52 of the 36416  
Revised Code and who has failed to obtain leave to proceed under 36417  
that section. The clerk shall do all of the following: file and 36418  
safely keep all journals, records, books, and papers belonging 36419  
or appertaining to the court; record the proceedings of the 36420  
court; perform all other duties that the judges of the court may 36421  
prescribe; and keep a book showing all receipts and 36422  
disbursements, which book shall be open for public inspection at 36423  
all times. 36424

The clerk shall prepare and maintain a general index, a 36425  
docket, and other records that the court, by rule, requires, all 36426  
of which shall be the public records of the court. In the 36427  
docket, the clerk shall enter, at the time of the commencement 36428  
of an action, the names of the parties in full, the names of the 36429  
counsel, and the nature of the proceedings. Under proper dates, 36430  
the clerk shall note the filing of the complaint, issuing of 36431  
summons or other process, returns, and any subsequent pleadings. 36432  
The clerk also shall enter all reports, verdicts, orders, 36433  
judgments, and proceedings of the court, clearly specifying the 36434

relief granted or orders made in each action. The court may 36435  
order an extended record of any of the above to be made and 36436  
entered, under the proper action heading, upon the docket at the 36437  
request of any party to the case, the expense of which record 36438  
may be taxed as costs in the case or may be required to be 36439  
prepaid by the party demanding the record, upon order of the 36440  
court. 36441

(F) The clerk of a municipal court shall receive, collect, 36442  
and issue receipts for all costs, fees, fines, bail, and other 36443  
moneys payable to the office or to any officer of the court. The 36444  
clerk shall on or before the twentieth day of the month 36445  
following the month in which they are collected disburse to the 36446  
proper persons or officers, and take receipts for, all costs, 36447  
fees, fines, bail, and other moneys that the clerk collects. 36448  
Subject to sections 307.515 and 4511.193 of the Revised Code and 36449  
to any other section of the Revised Code that requires a 36450  
specific manner of disbursement of any moneys received by a 36451  
municipal court and except for the Hamilton county, Lawrence 36452  
county, and Ottawa county municipal courts, the clerk shall pay 36453  
all fines received for violation of municipal ordinances into 36454  
the treasury of the municipal corporation the ordinance of which 36455  
was violated and shall pay all fines received for violation of 36456  
township resolutions adopted pursuant to section 503.52 or 36457  
503.53 or Chapter 504. of the Revised Code into the treasury of 36458  
the township the resolution of which was violated. Subject to 36459  
sections 1901.024 and 4511.193 of the Revised Code, in the 36460  
Hamilton county, Lawrence county, and Ottawa county municipal 36461  
courts, the clerk shall pay fifty per cent of the fines received 36462  
for violation of municipal ordinances and fifty per cent of the 36463  
fines received for violation of township resolutions adopted 36464  
pursuant to section 503.52 or 503.53 or Chapter 504. of the 36465

Revised Code into the treasury of the county. Subject to 36466  
sections 307.515, 4511.19, and 5503.04 of the Revised Code and 36467  
to any other section of the Revised Code that requires a 36468  
specific manner of disbursement of any moneys received by a 36469  
municipal court, the clerk shall pay all fines collected for the 36470  
violation of state laws into the county treasury. Except in a 36471  
county-operated municipal court, the clerk shall pay all costs 36472  
and fees the disbursement of which is not otherwise provided for 36473  
in the Revised Code into the city treasury. The clerk of a 36474  
county-operated municipal court shall pay the costs and fees the 36475  
disbursement of which is not otherwise provided for in the 36476  
Revised Code into the county treasury. Moneys deposited as 36477  
security for costs shall be retained pending the litigation. The 36478  
clerk shall keep a separate account of all receipts and 36479  
disbursements in civil and criminal cases, which shall be a 36480  
permanent public record of the office. On the expiration of the 36481  
term of the clerk, the clerk shall deliver the records to the 36482  
clerk's successor. The clerk shall have other powers and duties 36483  
as are prescribed by rule or order of the court. 36484

(G) All moneys paid into a municipal court shall be noted 36485  
on the record of the case in which they are paid and shall be 36486  
deposited in a state or national bank, as defined in section 36487  
1101.01 of the Revised Code, that is selected by the clerk. Any 36488  
interest received upon the deposits shall be paid into the city 36489  
treasury, except that, in a county-operated municipal court, the 36490  
interest shall be paid into the treasury of the county in which 36491  
the court is located. 36492

On the first Monday in January of each year, the clerk 36493  
shall make a list of the titles of all cases in the court that 36494  
were finally determined more than one year past in which there 36495  
remains unclaimed in the possession of the clerk any funds, or 36496

any part of a deposit for security of costs not consumed by the 36497  
costs in the case. The clerk shall give notice of the moneys to 36498  
the parties who are entitled to the moneys or to their attorneys 36499  
of record. All the moneys remaining unclaimed that are for 36500  
restitution payments for crime victims shall be sent to the 36501  
reparations fund created under section 2743.191 of the Revised 36502  
Code, with a list from the clerk or other officer responsible 36503  
for the collection and distribution of restitution payments 36504  
specifying the amounts and individual identifying information of 36505  
the funds. All other moneys remaining unclaimed on the first day 36506  
of April of each year shall be paid by the clerk to the city 36507  
treasurer, except that, in a county-operated municipal court, 36508  
the moneys shall be paid to the treasurer of the county in which 36509  
the court is located. The treasurer shall pay any part of the 36510  
moneys at any time to the person who has the right to the moneys 36511  
upon proper certification of the clerk. 36512

(H) Deputy clerks of a municipal court other than the 36513  
Carroll county municipal court may be appointed by the clerk and 36514  
shall receive the compensation, payable in either biweekly 36515  
installments or semimonthly installments, as determined by the 36516  
payroll administrator, out of the city treasury, that the clerk 36517  
may prescribe, except that the compensation of any deputy clerk 36518  
of a county-operated municipal court shall be paid out of the 36519  
treasury of the county in which the court is located. The judge 36520  
of the Carroll county municipal court may appoint deputy clerks 36521  
for the court, and the deputy clerks shall receive the 36522  
compensation, payable in biweekly installments out of the county 36523  
treasury, that the judge may prescribe. Each deputy clerk shall 36524  
take an oath of office before entering upon the duties of the 36525  
deputy clerk's office and, when so qualified, may perform the 36526  
duties appertaining to the office of the clerk. The clerk may 36527

require any of the deputy clerks to give bond of not less than 36528  
three thousand dollars, conditioned for the faithful performance 36529  
of the deputy clerk's duties. 36530

(I) For the purposes of this section, whenever the 36531  
population of the territory of a municipal court falls below one 36532  
hundred thousand but not below ninety thousand, and the 36533  
population of the territory prior to the most recent regular 36534  
federal census exceeded one hundred thousand, the legislative 36535  
authority of the municipal corporation may declare, by 36536  
resolution, that the territory shall be considered to have a 36537  
population of at least one hundred thousand. 36538

(J) The clerk or a deputy clerk shall be in attendance at 36539  
all sessions of the municipal court, although not necessarily in 36540  
the courtroom, and may administer oaths to witnesses and jurors 36541  
and receive verdicts. 36542

**Sec. 1907.143.** (A) (1) ~~Subject to reimbursement under~~ 36543  
~~division (B) of this section, the~~ The treasurer of the county in 36544  
which a county court is located shall pay the per diem 36545  
compensation to which an acting judge appointed pursuant to 36546  
division (A) (2) (a), (B) (1), or (C) (1) of section 1907.141 of the 36547  
Revised Code is entitled pursuant to division (A) of section 36548  
1907.142 of the Revised Code. 36549

(2) The treasurer of the county in which a county court is 36550  
located shall pay the per diem compensation to which an assigned 36551  
judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), 36552  
or (C) (2) of section 1907.141 of the Revised Code is entitled 36553  
pursuant to division (B) (1) or (4) of section 1907.142 of the 36554  
Revised Code. 36555

(3) Subject to reimbursement under division (B) of this 36556

section, the treasurer of the county in which a county court is 36557  
located shall pay the per diem compensation to which an assigned 36558  
judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), 36559  
or (C) (2) of section 1907.141 of the Revised Code is entitled 36560  
pursuant to division (B) (2) of section 1907.142 of the Revised 36561  
Code. 36562

(4) Subject to reimbursement under division (C) of this 36563  
section, the supreme court shall pay the per diem compensation 36564  
to which an assigned judge assigned pursuant to division (A) (1), 36565  
(A) (2) (b), (B) (2), or (C) (2) of section 1907.141 of the Revised 36566  
Code is entitled pursuant to division (B) (3) of section 1907.142 36567  
of the Revised Code. 36568

(B) A county that, pursuant to division ~~(A) (1) or (3)~~ (A) 36569  
(3) of this section, is required to pay the per diem 36570  
compensation to which an ~~acting judge or~~ assigned judge is 36571  
entitled, shall submit to the administrative director of the 36572  
supreme court quarterly requests for reimbursements of the state 36573  
portion of the per diem amounts so paid. The requests shall 36574  
include verifications of the payment of those amounts and an 36575  
affidavit from the ~~acting judge or~~ assigned judge stating the 36576  
days and hours worked. The administrative director shall cause 36577  
reimbursements of the state portion of the per diem amounts paid 36578  
to be issued to the county if the administrative director 36579  
verifies that those amounts were, in fact, so paid. If the 36580  
county fails to submit a request within one year after the per 36581  
diem compensation was paid, the administrative director shall 36582  
refuse to cause reimbursement to be issued. 36583

(C) If the supreme court, pursuant to division (A) (4) of 36584  
this section, is required to pay the per diem compensation to 36585  
which an assigned judge is entitled, annually, on the first day 36586

of August, the administrative director of the supreme court 36587  
shall issue a billing to the county treasurer of any county to 36588  
which such a judge was assigned to a county court for 36589  
reimbursement of the county portion of the per diem compensation 36590  
previously paid by the supreme court for the twelve-month period 36591  
preceding the last day of June. The county portion of the per 36592  
diem compensation shall be that part of each per diem paid by 36593  
the state which is proportional to the county shares of the 36594  
total compensation of a resident judge of such court. The county 36595  
treasurer shall forward the payment within thirty days. After 36596  
forwarding the payment, the county treasurer shall seek 36597  
reimbursement from the applicable local municipalities as 36598  
appropriate. 36599

**Sec. 1907.24.** (A) Subject to division (C) of this section, 36600  
a county court shall fix and tax fees and costs as follows: 36601

(1) The county court shall require an advance deposit for 36602  
the filing of any new civil action or proceeding when required 36603  
by division (C) of this section, subject to its waiver pursuant 36604  
to that division, and, in all other cases, shall establish a 36605  
schedule of fees and costs to be taxed in any civil or criminal 36606  
action or proceeding. 36607

(2) The county court by rule may require an advance 36608  
deposit for the filing of a civil action or proceeding and 36609  
publication fees as provided in section 2701.09 of the Revised 36610  
Code. The court shall waive an advance deposit requirement for a 36611  
party that the court determines qualifies as an indigent 36612  
litigant as set forth in section 2323.311 of the Revised Code. 36613

(3) When a party demands a jury trial in a civil action or 36614  
proceeding, the county court may require the party to make an 36615  
advance deposit as fixed by rule of court, unless the court 36616



determines that the party qualifies as an indigent litigant as 36617  
set forth in section 2323.311 of the Revised Code. If a jury is 36618  
called, the county court shall tax the fees of a jury as costs. 36619

(4) In a civil or criminal action or proceeding, the 36620  
county court shall fix the fees of witnesses in accordance with 36621  
sections 2335.06 and 2335.08 of the Revised Code. 36622

(5) A county court may tax as part of the costs in a trial 36623  
of the cause, in an amount fixed by rule of court, a reasonable 36624  
charge for driving, towing, carting, storing, keeping, and 36625  
preserving motor vehicles and other personal property recovered 36626  
or seized in a proceeding. 36627

(6) The court shall preserve chattel property seized under 36628  
a writ or process issued by the court pending final disposition 36629  
for the benefit of all interested persons. The court may place 36630  
the chattel property in storage when necessary or proper for its 36631  
preservation. The custodian of chattel property so stored shall 36632  
not be required to part with the possession of the property 36633  
until a reasonable charge, to be fixed by the court, is paid. 36634

(7) The county court, as it determines, may refund all 36635  
deposits and advance payments of fees and costs, including those 36636  
for jurors and summoning jurors, when they have been paid by the 36637  
losing party. 36638

(8) The court may tax as part of costs charges for the 36639  
publication of legal notices required by statute or order of 36640  
court, as provided by section 7.13 of the Revised Code. 36641

(B) (1) (a) The county court may determine that, for the 36642  
efficient operation of the court, additional funds are necessary 36643  
to acquire and pay for special projects of the court including, 36644  
but not limited to, the acquisition of additional facilities or 36645

the rehabilitation of existing facilities, the acquisition of 36646  
equipment, the hiring and training of staff, community service 36647  
programs, mediation or dispute resolution services, the 36648  
employment of magistrates, the training and education of judges, 36649  
acting judges, and magistrates, and other related services. Upon 36650  
that determination, the court by rule may charge a fee, in 36651  
addition to all other court costs, on the filing of each 36652  
criminal cause, civil action or proceeding, or judgment by 36653  
confession. Fees collected by a court for special projects of 36654  
the court under this division shall not be used for training or 36655  
education that takes place outside of the state. 36656

(b) If the county court offers a special program or 36657  
service in cases of a specific type, the county court by rule 36658  
may assess an additional charge in a case of that type, over and 36659  
above court costs, to cover the special program or service. The 36660  
county court shall adjust the special assessment periodically, 36661  
but not retroactively, so that the amount assessed in those 36662  
cases does not exceed the actual cost of providing the service 36663  
or program. 36664

(c) Any fee or charge assessed under division (B) (1) (a) or 36665  
(b) of this section on the filing of a civil action or 36666  
proceeding shall be waived if the court determines that the 36667  
person on whom the fee or charge is assessed qualifies as an 36668  
indigent litigant as set forth in section 2323.311 of the 36669  
Revised Code. 36670

(d) All moneys collected under division (B) of this 36671  
section shall be paid to the county treasurer for deposit into 36672  
either a general special projects fund or a fund established for 36673  
a specific special project. Moneys from a fund of that nature 36674  
shall be disbursed upon an order of the court in an amount no 36675

greater than the actual cost to the court of a project. If a 36676  
specific fund is terminated because of the discontinuance of a 36677  
program or service established under division (B) of this 36678  
section, the county court may order that moneys remaining in the 36679  
fund be transferred to an account established under this 36680  
division for a similar purpose. 36681

(2) As used in division (B) of this section: 36682

(a) "Criminal cause" means a charge alleging the violation 36683  
of a statute or ordinance, or subsection of a statute or 36684  
ordinance, that requires a separate finding of fact or a 36685  
separate plea before disposition and of which the defendant may 36686  
be found guilty, whether filed as part of a multiple charge on a 36687  
single summons, citation, or complaint or as a separate charge 36688  
on a single summons, citation, or complaint. "Criminal cause" 36689  
does not include separate violations of the same statute or 36690  
ordinance, or subsection of the same statute or ordinance, 36691  
unless each charge is filed on a separate summons, citation, or 36692  
complaint. 36693

(b) "Civil action or proceeding" means any civil 36694  
litigation that must be determined by judgment entry. 36695

(C) Subject to division (E) of this section, the county 36696  
court shall collect in all its divisions except the small claims 36697  
division the sum of twenty-six dollars as additional filing fees 36698  
in each new civil action or proceeding for the charitable public 36699  
purpose of providing financial assistance to legal aid societies 36700  
that operate within the state and to support the office of the 36701  
state public defender. Subject to division (E) of this section, 36702  
the county court shall collect in its small claims division the 36703  
sum of eleven dollars as additional filing fees in each new 36704  
civil action or proceeding for the charitable public purpose of 36705

providing financial assistance to legal aid societies that 36706  
operate within the state and to support the office of the state 36707  
public defender. This division does not apply to any execution 36708  
on a judgment, proceeding in aid of execution, or other post- 36709  
judgment proceeding arising out of a civil action. The filing 36710  
fees required to be collected under this division shall be in 36711  
addition to any other court costs imposed in the action or 36712  
proceeding and shall be collected at the time of the filing of 36713  
the action or proceeding. The court shall not waive the payment 36714  
of the additional filing fees in a new civil action or 36715  
proceeding unless the court waives the advanced payment of all 36716  
filing fees in the action or proceeding for the party that the 36717  
court determines is qualified as an indigent litigant as set 36718  
forth in section 2323.311 of the Revised Code. All such moneys 36719  
collected during a month except for an amount equal to up to one 36720  
per cent of those moneys retained to cover administrative costs 36721  
shall be transmitted on or before the twentieth day of the 36722  
following month by the clerk of the court to the treasurer of 36723  
state in a manner prescribed by the treasurer of state or by the 36724  
Ohio access to justice foundation. The treasurer of state shall 36725  
deposit four per cent of the funds collected under this division 36726  
to the credit of the civil case filing fee fund established 36727  
under section 120.07 of the Revised Code and ninety-six per cent 36728  
of the funds collected under this division to the credit of the 36729  
legal aid fund established under section 120.52 of the Revised 36730  
Code. 36731

The court may retain up to one per cent of the moneys it 36732  
collects under this division to cover administrative costs, 36733  
including the hiring of any additional personnel necessary to 36734  
implement this division. If the court fails to transmit to the 36735  
treasurer of state the moneys the court collects under this 36736

division in a manner prescribed by the treasurer of state or by 36737  
the Ohio access to justice foundation, the court shall forfeit 36738  
the moneys the court retains under this division to cover 36739  
administrative costs, including the hiring of any additional 36740  
personnel necessary to implement this division, and shall 36741  
transmit to the treasurer of state all moneys collected under 36742  
this division, including the forfeited amount retained for 36743  
administrative costs, for deposit in the legal aid fund. 36744

(D) The county court shall establish by rule a schedule of 36745  
fees for miscellaneous services performed by the county court or 36746  
any of its judges in accordance with law. If judges of the court 36747  
of common pleas perform similar services, the fees prescribed in 36748  
the schedule shall not exceed the fees for those services 36749  
prescribed by the court of common pleas. 36750

(E) Under the circumstances described in sections 2969.21 36751  
to 2969.27 of the Revised Code, the clerk of the county court 36752  
shall charge the fees and perform the other duties specified in 36753  
those sections. 36754

**Sec. 2101.11.** ~~(A)(1)~~ (A)(1)(a) The probate judge shall have 36755  
the care and custody of the files, papers, books, and records 36756  
belonging to the probate court. The probate judge is authorized 36757  
to perform the duties of clerk of the judge's court. The probate 36758  
judge may appoint deputy clerks, court reporters, a bailiff, and 36759  
any other necessary employees, each of whom shall take an oath 36760  
of office before entering upon the duties of the employee's 36761  
appointment and, when so qualified, may perform the duties 36762  
appertaining to the office of clerk of the court. 36763

(b) Not later than eighteen months after the effective 36764  
date of this amendment, the general docket of the probate court 36765  
shall be available online on the clerk of court's web site for 36766

remote access and printing by the public of the information in 36767  
that docket, including all individual documents in each case 36768  
file, pertaining to probate cases filed on or after the 36769  
effective date of this amendment. Nothing in this division shall 36770  
be construed as making available online any of the following: 36771

(i) Internal documents such as notes, electronic mails, 36772  
drafts, recommendations, advice, or research of judicial 36773  
officers and court staff; 36774

(ii) Any document or any information in a case file the 36775  
public access to which the court has ordered restricted under 36776  
the Rules of Superintendence for the Courts of Ohio. 36777

(2) (a) The probate judge shall provide for one or more 36778  
probate court investigators to perform the duties that are 36779  
established for a probate court investigator by the Revised Code 36780  
or the probate judge. The probate judge may provide for an 36781  
investigator in any of the following manners, as the court 36782  
determines is appropriate: 36783

(i) By appointing a person as a full-time or part-time 36784  
employee of the probate court to serve as investigator, or by 36785  
designating a current full-time or part-time employee of the 36786  
probate court to serve as investigator; 36787

(ii) By contracting with a person to serve and be 36788  
compensated as investigator only when needed by the probate 36789  
court, as determined by the court, and by designating that 36790  
person as a probate court investigator during the times when the 36791  
person is performing the duties of an investigator for the 36792  
court; 36793

(iii) By entering into an agreement with another 36794  
department or agency of the county, including, but not limited 36795

to, the sheriff's department or the county department of job and 36796  
family services, pursuant to which an employee of the other 36797  
department or agency will serve and perform the duties of 36798  
investigator for the court, upon request of the probate judge, 36799  
and designating that employee as a probate court investigator 36800  
during the times when the person is performing the duties of an 36801  
investigator for the court. 36802

(b) Each person appointed or otherwise designated as a 36803  
probate court investigator shall take an oath of office before 36804  
entering upon the duties of the person's appointment. When so 36805  
qualified, an investigator may perform the duties that are 36806  
established for a probate court investigator by the Revised Code 36807  
or the probate judge. 36808

(c) Except as otherwise provided in this division, a 36809  
probate court investigator shall hold at least a bachelor's 36810  
degree in social work, psychology, education, special education, 36811  
or a related human services field. A probate judge may waive the 36812  
education requirement of this division for a person the judge 36813  
appoints or otherwise designates as a probate court investigator 36814  
if the judge determines that the person has experience in family 36815  
services work that is equivalent to the required education. 36816

(d) Within one year after appointment or designation, a 36817  
probate court investigator shall attend an orientation course of 36818  
at least six hours, and each calendar year after the calendar 36819  
year of appointment or designation, a probate court investigator 36820  
shall satisfactorily complete at least six hours of continuing 36821  
education. 36822

(e) For purposes of divisions (A) (4), (B), and (C) of this 36823  
section, a person designated as a probate court investigator 36824  
under division (A) (2) (a) (ii) or (iii) of this section shall be 36825

considered an appointee of the probate court at any time that 36826  
the person is performing the duties established under the 36827  
Revised Code or by the probate judge for a probate court 36828  
investigator. 36829

(3) (a) The probate judge may provide for one or more 36830  
persons to perform the duties of an assessor under sections 36831  
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, and 3107.12 of 36832  
the Revised Code or may enter into agreements with public 36833  
children services agencies, private child placing agencies, or 36834  
private noncustodial agencies under which the agency provides 36835  
for one or more persons to perform the duties of an assessor. A 36836  
probate judge who provides for an assessor shall do so in either 36837  
of the following manners, as the judge considers appropriate: 36838

(i) By appointing a person as a full-time or part-time 36839  
employee of the probate court to serve as assessor, or by 36840  
designating a current full-time or part-time employee of the 36841  
probate court to serve as assessor; 36842

(ii) By contracting with a person to serve and be 36843  
compensated as assessor only when needed by the probate court, 36844  
as determined by the court, and by designating that person as an 36845  
assessor during the times when the person is performing the 36846  
duties of an assessor for the court. 36847

(b) Each person appointed or designated as a probate court 36848  
assessor shall take an oath of office before entering on the 36849  
duties of the person's appointment. 36850

(c) A probate court assessor must meet the qualifications 36851  
for an assessor established by section 3107.014 of the Revised 36852  
Code. 36853

(d) A probate court assessor shall perform additional 36854



duties, including duties of an investigator under division (A) 36855  
(2) of this section, when the probate judge assigns additional 36856  
duties to the assessor. 36857

(e) For purposes of divisions (A) (4), (B), and (C) of this 36858  
section, a person designated as a probate court assessor shall 36859  
be considered an appointee of the probate court at any time that 36860  
the person is performing assessor duties. 36861

(4) Each appointee of the probate judge may administer 36862  
oaths in all cases when necessary, in the discharge of official 36863  
duties. 36864

(B) (1) (a) Subject to the appropriation made by the board 36865  
of county commissioners pursuant to this division, each 36866  
appointee of a probate judge under division (A) of this section 36867  
shall receive such compensation and expenses as the judge 36868  
determines and shall serve during the pleasure of the judge. The 36869  
compensation of each appointee shall be paid in semimonthly 36870  
installments by the county treasurer from the county treasury, 36871  
upon the warrants of the county auditor, certified to by the 36872  
judge. 36873

(b) Except as otherwise provided in the Revised Code, the 36874  
total compensation paid to all appointees of the probate judge 36875  
in any calendar year shall not exceed the total fees earned by 36876  
the probate court during the preceding calendar year, unless the 36877  
board of county commissioners approves otherwise. 36878

(2) The probate judge annually shall submit a written 36879  
request for an appropriation to the board of county 36880  
commissioners that shall set forth estimated administrative 36881  
expenses of the court, including the salaries of appointees as 36882  
determined by the judge and any other costs, fees, and expenses, 36883

including, but not limited to, those enumerated in section 36884  
5123.96 of the Revised Code, that the judge considers reasonably 36885  
necessary for the operation of the court. The board shall 36886  
conduct a public hearing with respect to the written request 36887  
submitted by the judge and shall appropriate such sum of money 36888  
each year as it determines, after conducting the public hearing 36889  
and considering the written request of the judge, is reasonably 36890  
necessary to meet all the administrative expenses of the court, 36891  
including the salaries of appointees as determined by the judge 36892  
and any other costs, fees, and expenses, including, but not 36893  
limited to, the costs, fees, and expenses enumerated in section 36894  
5123.96 of the Revised Code. 36895

If the judge considers the appropriation made by the board 36896  
pursuant to this division insufficient to meet all the 36897  
administrative expenses of the court, the judge shall commence 36898  
an action under Chapter 2731. of the Revised Code in the court 36899  
of appeals for the judicial district for a determination of the 36900  
duty of the board of county commissioners to appropriate the 36901  
amount of money in dispute. The court of appeals shall give 36902  
priority to the action filed by the probate judge over all cases 36903  
pending on its docket. The burden shall be on the probate judge 36904  
to prove that the appropriation requested is reasonably 36905  
necessary to meet all administrative expenses of the court. If, 36906  
prior to the filing of an action under Chapter 2731. of the 36907  
Revised Code or during the pendency of the action, the judge 36908  
exercises the judge's contempt power in order to obtain the sum 36909  
of money in dispute, the judge shall not order the imprisonment 36910  
of any member of the board of county commissioners 36911  
notwithstanding sections 2705.02 to 2705.06 of the Revised Code. 36912

(C) The probate judge may require any of the judge's 36913  
appointees to give bond in the sum of not less than one thousand 36914

dollars, conditioned for the honest and faithful performance of 36915  
the appointee's duties. The sureties on the bonds shall be 36916  
approved in the manner provided in section 2101.03 of the 36917  
Revised Code. 36918

The judge shall not be personally liable for the default, 36919  
malfeasance, or nonfeasance of any appointee. 36920

All bonds required to be given in the probate court, on 36921  
being accepted and approved by the probate judge, shall be filed 36922  
in the judge's office. 36923

**Sec. 2101.16.** (A) Except as provided in section 2101.164 36924  
of the Revised Code, the fees enumerated in this division shall 36925  
be charged and collected, if possible, by the probate judge and 36926  
shall be in full for all services rendered in the respective 36927  
proceedings: 36928  
36929

	1	2	3
A	(1)	Account, in addition to advertising charges	
B		_____	\$12.00
C		Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D		_____	\$1.00
E	(2)	Account of distribution, in addition to advertising charges	
F		_____	\$7.00
G	(3)	Adoption of child, petition for	

H			\$20.00
I	(4)	Alter or cancel contract for sale or purchase of real property, complaint to	
J			\$20.00
K	(5)	Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L			\$5.00
M	(6)	Appropriation suit, per day, hearing in	
N			\$20.00
O	(7)	Birth, application for registration of	
P			\$7.00
Q	(8)	Birth record, application to correct	
R			\$5.00
S	(9)	Bond, application for new or additional	
T			\$5.00
U	(10)	Bond, application for release of surety or reduction of	
V			\$5.00
W	(11)	Bond, receipt for securities deposited in lieu of	

X	_____	\$5.00
Y	(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z	_____	\$1.00
AA	(13) Citation and issuing citation, application for	
AB	_____	\$5.00
AC	(14) Change of name, petition for	
AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00
AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00
AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	
AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	

AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	
AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00
AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00
AY	Monthly reports of operation	
AZ	_____	\$5.00
BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	
BD	_____	\$5.00
BE	(27) Designation of heir	

BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	
BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	
BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00
BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	

BT	_____	\$35.00
BU	(35) Foreign will, application to record	
BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	
BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	
CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00
CG	(40) Inventory with appraisement	
CH	_____	\$10.00
CI	(41) Inventory without appraisement	
CJ	_____	\$7.00
CK	(42) Investment or expenditure of funds, application for	



CL	_____	\$10.00
CM	(43) Invest in real property, application to	
CN	_____	\$10.00
CO	(44) Lease for oil, gas, coal, or other mineral, petition to	
CP	_____	\$20.00
CQ	(45) Lease or lease and improve real property, petition to	
CR	_____	\$20.00
CS	(46) Marriage license	
CT	_____	\$10.00
CU	Certified abstract of each marriage	
CV	_____	\$2.00
CW	(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX	_____	\$10.00
CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00
DA	(49) Newly discovered assets, report of	
DB	_____	\$7.00

DC	(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD	_____	\$20.00
DE	(51) Power of attorney or revocation of power, bonding company	
DF	_____	\$10.00
DG	(52) Presumption of death, petition to establish	
DH	_____	\$20.00
DI	(53) Probating will	
DJ	_____	\$15.00
DK	Proof of notice to beneficiaries	
DL	_____	\$5.00
DM	(54) Purchase personal property, application of surviving spouse to	
DN	_____	\$10.00
DO	(55) Purchase real property at appraised value, petition of surviving spouse to	
DP	_____	\$20.00
DQ	(56) Receipts in addition to advertising charges, application and order to record	

DR	_____	\$5.00
DS	Record of those receipts, additional, per page	
DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	
DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	
DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	
ED	_____	\$10.00
EE	(62) Resignation of fiduciary	
EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	

EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	
EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	
EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	
ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00
EU	(70) Writ of execution	
EV	_____	\$5.00
EW	(71) Writ of possession	
EX	_____	\$5.00

EY	(72) Wrongful death, application and settlement of claim for	
EZ	_____	\$20.00
FA	(73) Year's allowance, petition to review	
FB	_____	\$7.00
FC	(74) Guardian's report, filing and review of	
FD	_____	\$5.00
FE	(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for	
FF	_____	\$25.00

(B) (1) In relation to an application for the appointment 36930  
of a guardian or the review of a report of a guardian under 36931  
section 2111.49 of the Revised Code, the probate court, pursuant 36932  
to court order or in accordance with a court rule, may direct 36933  
that the applicant or the estate pay any or all of the expenses 36934  
of an investigation conducted pursuant to section 2111.041 or 36935  
division (A) (2) of section 2111.49 of the Revised Code. If the 36936  
investigation is conducted by a public employee or investigator 36937  
who is paid by the county, the fees for the investigation shall 36938  
be paid into the county treasury. If the court finds that an 36939  
alleged incompetent or a ward is indigent, the court may waive 36940  
the costs, fees, and expenses of an investigation. 36941

(2) In relation to the appointment or functioning of a 36942  
guardian for a minor or the guardianship of a minor, the probate 36943  
court may direct that the applicant or the estate pay any or all 36944  
of the expenses of an investigation conducted pursuant to 36945

section 2111.042 of the Revised Code. If the investigation is 36946  
conducted by a public employee or investigator who is paid by 36947  
the county, the fees for the investigation shall be paid into 36948  
the county treasury. If the court finds that the guardian or 36949  
applicant is indigent, the court may waive the costs, fees, and 36950  
expenses of an investigation. 36951

(3) In relation to the filing of an affidavit of mental 36952  
illness for a person with a mental illness subject to court 36953  
order, the court may waive the fee under division (A) (75) of 36954  
this section if the court finds that the affiant is indigent or 36955  
for good cause shown. 36956

(C) Thirty dollars of the thirty-five-dollar fee collected 36957  
pursuant to division (A) (34) of this section and twenty dollars 36958  
of the sixty-dollar fee collected pursuant to division (A) (59) 36959  
of this section shall be deposited by the county treasurer in 36960  
the indigent guardianship fund created pursuant to section 36961  
2111.51 of the Revised Code. 36962

(D) The fees of witnesses, jurors, sheriffs, coroners, and 36963  
constables for services rendered in the probate court or by 36964  
order of the probate judge shall be the same as provided for 36965  
similar services in the court of common pleas. 36966

(E) The probate court, by rule, may require an advance 36967  
deposit for costs, not to exceed one hundred twenty-five 36968  
dollars, at the time application is made for an appointment as 36969  
executor or administrator or at the time a will is presented for 36970  
probate. 36971

(F) (1) The "putative father registry fund" is hereby 36972  
created in the state treasury. The department of ~~job and family~~ 36973  
~~services~~ children and youth shall use the money in the fund to 36974

fund the department's costs of performing its duties related to 36975  
the putative father registry established under section 3107.062 36976  
of the Revised Code. 36977

(2) If the department determines that money in the 36978  
putative father registry fund is more than is needed for its 36979  
duties related to the putative father registry, the department 36980  
may use the surplus moneys in the fund as permitted in division 36981  
(D) of section 2151.3527 or section 5103.155 of the Revised 36982  
Code. 36983

**Sec. 2108.34.** (A) There is hereby created in the state 36984  
treasury the second chance trust fund. The fund shall consist of 36985  
voluntary contributions deposited as provided in sections 36986  
4501.028 and 4503.721 of the Revised Code. ~~All investment~~ 36987  
~~earnings of the fund shall be credited to the fund.~~ 36988

(B) The director of health shall use the money in the fund 36989  
only for the following purposes: 36990

(1) Development and implementation of a campaign that 36991  
explains and promotes the second chance trust fund; 36992

(2) Development and implementation of local and statewide 36993  
public education programs about organ, tissue, and eye donation, 36994  
including the informational material required to be provided 36995  
under section 4501.028 of the Revised Code; 36996

(3) Development and implementation of local and statewide 36997  
donor awareness programs in schools; 36998

(4) Development and implementation of local and statewide 36999  
programs to recognize donor families; 37000

(5) Development and distribution of materials promoting 37001  
organ, tissue, and eye donation; 37002

(6) Cooperation with the Ohio Supreme Court, Ohio State	37003
Bar Association, and law schools of this state to more	37004
effectively educate attorneys about the donation of anatomical	37005
gifts and to encourage them to assist their clients in donating	37006
anatomical gifts through anatomical gift declarations, durable	37007
powers of attorney for health care, and any other appropriate	37008
means;	37009
(7) Cooperation with the state medical board, state	37010
medical, osteopathic, and ophthalmological associations, and	37011
colleges of medicine and osteopathic medicine in this state to	37012
more effectively educate physicians about the donation of	37013
anatomical gifts and to encourage them to assist their patients	37014
in making declarations of anatomical gifts;	37015
(8) Development of statewide hospital training programs to	37016
encourage and facilitate compliance with sections 2108.14 and	37017
2108.15 of the Revised Code;	37018
(9) Reimbursement of the bureau of motor vehicles for the	37019
administrative costs incurred in the performance of duties under	37020
section 4501.028 of the Revised Code;	37021
(10) Reimbursement of the department of health for	37022
administrative costs incurred in the performance of duties under	37023
this section and section 2108.35 of the Revised Code;	37024
(11) Reimbursement of members of the second chance fund	37025
advisory committee for actual and necessary expenses incurred in	37026
the performance of official duties.	37027
(C) The director shall make the materials developed under	37028
division (B) (5) of this section available to other state	37029
agencies.	37030
(D) The director shall consider recommendations made by	37031



the second chance trust fund advisory committee pursuant to 37032  
section 2108.35 of the Revised Code. The director shall 37033  
determine the appropriateness of and approve or disapprove 37034  
projects recommended by the advisory committee for funding and 37035  
approve or disapprove the disbursement of money from the second 37036  
chance trust fund. 37037

**Sec. 2151.27.** (A) (1) Subject to division (A) (2) of this 37038  
section, any person having knowledge of a child who appears to 37039  
have violated section 2151.87 of the Revised Code or to be a 37040  
juvenile traffic offender or to be an unruly, abused, neglected, 37041  
or dependent child may file a sworn complaint with respect to 37042  
that child in the juvenile court of the county in which the 37043  
child has a residence or legal settlement or in which the 37044  
violation, unruliness, abuse, neglect, or dependency allegedly 37045  
occurred. If an alleged abused, neglected, or dependent child is 37046  
taken into custody pursuant to division (D) of section 2151.31 37047  
of the Revised Code or is taken into custody pursuant to 37048  
division (A) of section 2151.31 of the Revised Code without the 37049  
filing of a complaint and placed into shelter care pursuant to 37050  
division (C) of that section, a sworn complaint shall be filed 37051  
with respect to the child before the end of the next day after 37052  
the day on which the child was taken into custody. The sworn 37053  
complaint may be upon information and belief, and, in addition 37054  
to the allegation that the child committed the violation or is 37055  
an unruly, abused, neglected, or dependent child, the complaint 37056  
shall allege the particular facts upon which the allegation that 37057  
the child committed the violation or is an unruly, abused, 37058  
neglected, or dependent child is based. 37059

(2) Any person having knowledge of a child who appears to 37060  
be an unruly child for being an habitual truant may file a sworn 37061  
complaint with respect to that child and the parent, guardian, 37062

or other person having care of the child in the juvenile court 37063  
of the county in which the child has a residence or legal 37064  
settlement or in which the child is supposed to attend public 37065  
school. The sworn complaint may be upon information and belief 37066  
and shall contain the following allegations: 37067

(a) That the child is an unruly child for being an 37068  
habitual truant and, in addition, the particular facts upon 37069  
which that allegation is based; 37070

(b) That the parent, guardian, or other person having care 37071  
of the child has failed to cause the child's attendance at 37072  
school in violation of section 3321.38 of the Revised Code and, 37073  
in addition, the particular facts upon which that allegation is 37074  
based. 37075

(B) If a child, before arriving at the age of eighteen 37076  
years, allegedly commits an act for which the child may be 37077  
adjudicated an unruly child and if the specific complaint 37078  
alleging the act is not filed or a hearing on that specific 37079  
complaint is not held until after the child arrives at the age 37080  
of eighteen years, the court has jurisdiction to hear and 37081  
dispose of the complaint as if the complaint were filed and the 37082  
hearing held before the child arrived at the age of eighteen 37083  
years. 37084

(C) If the complainant in a case in which a child is 37085  
alleged to be an abused, neglected, or dependent child desires 37086  
permanent custody of the child or children, temporary custody of 37087  
the child or children, whether as the preferred or an 37088  
alternative disposition, or the placement of the child in a 37089  
planned permanent living arrangement, the complaint shall 37090  
contain a prayer specifically requesting permanent custody, 37091  
temporary custody, or the placement of the child in a planned 37092

permanent living arrangement. 37093

(D) Any person with standing under applicable law may file 37094  
a complaint for the determination of any other matter over which 37095  
the juvenile court is given jurisdiction by section 2151.23 of 37096  
the Revised Code. The complaint shall be filed in the county in 37097  
which the child who is the subject of the complaint is found or 37098  
was last known to be found. 37099

(E) A public children services agency, acting pursuant to 37100  
a complaint or an action on a complaint filed under this 37101  
section, is not subject to the requirements of section 3127.23 37102  
of the Revised Code. 37103

(F) Upon the filing of a complaint alleging that a child 37104  
is an unruly child, the court may hold the complaint in abeyance 37105  
pending the child's successful completion of actions that 37106  
constitute a method to divert the child from the juvenile court 37107  
system. The method may be adopted by a county pursuant to 37108  
divisions (D) and (E) of section 121.37 of the Revised Code or 37109  
it may be another method that the court considers satisfactory. 37110  
If the child completes the actions to the court's satisfaction, 37111  
the court may dismiss the complaint. If the child fails to 37112  
complete the actions to the court's satisfaction, the court may 37113  
consider the complaint. 37114

(G) Upon the filing of a complaint that a child is an 37115  
unruly child that is based solely on a child being an habitual 37116  
truant, the court shall consider an alternative to adjudication, 37117  
including actions that constitute a method to divert the child 37118  
from the juvenile court system, using the Rules of Juvenile 37119  
Procedure, or by any other means if such an alternative is 37120  
available to the court and the child has not already 37121  
participated or failed to complete one of the available 37122

alternatives. The court shall consider the complaint only as a 37123  
matter of last resort. 37124

(H) If a complaint that a child is an unruly child based 37125  
on the child being an habitual truant proceeds to consideration 37126  
by the court, the prosecution shall bear the burden of proving 37127  
beyond a reasonable doubt the following: 37128

(1) That the child is of compulsory school age, as defined 37129  
in section 3321.01 of the Revised Code; 37130

(2) That the child was absent without legitimate excuse 37131  
for absence from the public school the child was supposed to 37132  
attend for thirty or more consecutive hours, forty-two or more 37133  
hours in one school month, or seventy-two or more hours in a 37134  
school year. 37135

The child may assert as an affirmative defense the fact 37136  
that the child did participate in, or made satisfactory progress 37137  
on, ~~the absence intervention plan~~ any interventions or other 37138  
alternatives to adjudication as described in ~~division (C) of~~ 37139  
section 3321.191 of the Revised Code. 37140

**Sec. 2151.311.** (A) A person taking a child into custody 37141  
shall, with all reasonable speed and in accordance with division 37142  
(C) of this section, either: 37143

(1) Release the child to the child's parents, guardian, or 37144  
other custodian, unless the child's detention or shelter care 37145  
appears to be warranted or required as provided in section 37146  
2151.31 of the Revised Code; 37147

(2) Bring the child to the court or deliver the child to a 37148  
place of detention or shelter care designated by the court and 37149  
promptly give notice thereof, together with a statement of the 37150  
reason for taking the child into custody, to a parent, guardian, 37151

or other custodian and to the court. 37152

(B) If a parent, guardian, or other custodian fails, when 37153  
requested by the court, to bring the child before the court as 37154  
provided by this section, the court may issue its warrant 37155  
directing that the child be taken into custody and brought 37156  
before the court. 37157

(C) (1) Before taking any action required by division (A) 37158  
of this section, a person taking a child into custody may hold 37159  
the child for processing purposes in a county, multicounty, or 37160  
municipal jail or workhouse, or other place where an adult 37161  
convicted of crime, under arrest, or charged with crime is held 37162  
for either of the following periods of time: 37163

(a) For a period not to exceed six hours, if all of the 37164  
following apply: 37165

(i) The child is alleged to be a delinquent child for the 37166  
commission of an act that would be a felony if committed by an 37167  
adult; 37168

(ii) The child remains beyond the range of touch of all 37169  
adult detainees; 37170

(iii) The child is visually supervised by jail or 37171  
workhouse personnel at all times during the detention; 37172

(iv) The child is not handcuffed or otherwise physically 37173  
secured to a stationary object during the detention. 37174

(b) For a period not to exceed three hours, if all of the 37175  
following apply: 37176

(i) The child is alleged to be a delinquent child for the 37177  
commission of an act that would be a misdemeanor if committed by 37178  
an adult, is alleged to be a delinquent child for violating a 37179

court order regarding the child's adjudication as an unruly 37180  
child for being an habitual truant, or is alleged to be an 37181  
unruly child or a juvenile traffic offender; 37182

(ii) The child remains beyond the range of touch of all 37183  
adult detainees; 37184

(iii) The child is visually supervised by jail or 37185  
workhouse personnel at all times during the detention; 37186

(iv) The child is not handcuffed or otherwise physically 37187  
secured to a stationary object during the detention. 37188

(2) If a child has been transferred to an adult court for 37189  
prosecution for the alleged commission of a criminal offense, 37190  
subsequent to the transfer, the child may be held as described 37191  
in division (F) of section 2152.26 or division ~~(B)~~ (C) of section 37192  
5120.16 of the Revised Code. 37193

(D) If a person who is alleged to be or has been 37194  
adjudicated a delinquent child or who is in any other category 37195  
of persons identified in this section is confined under 37196  
authority of this section in a place specified in division (C) 37197  
of this section, the fact of the person's admission to and 37198  
confinement in that place is restricted as described in division 37199  
(G) of section 2152.26 of the Revised Code. 37200

(E) As used in division (C) (1) of this section, 37201  
"processing purposes" means all of the following: 37202

(1) Fingerprinting, photographing, or fingerprinting and 37203  
photographing the child in a secure area of the facility; 37204

(2) Interrogating the child, contacting the child's parent 37205  
or guardian, arranging for placement of the child, or arranging 37206  
for transfer or transferring the child, while holding the child 37207

in a nonsecure area of the facility. 37208

**Sec. 2151.316.** (A) The department of children and youth 37209  
shall adopt rules in accordance with Chapter 119. of the Revised 37210  
Code to establish and enforce a foster youth bill of rights for 37211  
individuals who are in the temporary or permanent custody of a 37212  
public children services agency or a planned permanent living 37213  
arrangement or in the Title IV-E eligible care and placement 37214  
responsibility of a juvenile court or other governmental agency 37215  
that provides Title IV-E reimbursable placement services and who 37216  
are subject to out-of-home care or placed with a kinship 37217  
caregiver as defined in section ~~5101.85~~5180.50 of the Revised 37218  
Code. 37219

(B) If the rights of an individual, as established under 37220  
division (A) of this section, conflict with the rights of a 37221  
resource family or resource caregiver, as established in section 37222  
5103.163 of the Revised Code, the rights of the individual shall 37223  
preempt the rights of the resource family or resource caregiver. 37224

(C) The rights established by rules under this section 37225  
shall not create grounds for a civil action against the 37226  
department, the recommending agency, or the custodial agency. 37227

**Sec. 2151.3527.** (A) The director of children and youth 37228  
shall promulgate forms designed to gather pertinent medical 37229  
information concerning a deserted child and the child's parents. 37230  
The forms shall clearly and unambiguously state on each page 37231  
that the information requested is to facilitate medical care for 37232  
the child, that the forms may be fully or partially completed or 37233  
left blank, that completing the forms or parts of the forms is 37234  
completely voluntary, and that no adverse legal consequence will 37235  
result from failure to complete any part of the forms. 37236

(B) The director shall promulgate written materials to be 37237  
made available to the parents of a child delivered pursuant to 37238  
section 2151.3516 of the Revised Code. The materials shall 37239  
describe services available to assist parents and newborns and 37240  
shall include information directly relevant to situations that 37241  
might cause parents to desert a child and information on the 37242  
procedures for a person to follow in order to reunite with a 37243  
child the person delivered under section 2151.3516 of the 37244  
Revised Code, including notice that the person will be required 37245  
to submit to a DNA test, at that person's expense, to prove that 37246  
the person is the parent of the child. 37247

(C) The director of ~~job and family services~~ children and 37248  
youth shall distribute the medical information forms and written 37249  
materials promulgated pursuant to this section to all of the 37250  
following: 37251

(1) Entities permitted to receive a deserted child as 37252  
specified in section 2151.3517 of the Revised Code; 37253

(2) Public children services agencies; 37254

(3) Other public or private agencies that, in the 37255  
discretion of the director, are best able to disseminate the 37256  
forms and materials to the persons who are most in need of the 37257  
forms and materials. 37258

(D) If the department of ~~job and family services~~ 37259  
determines that money in the putative father registry fund 37260  
created under section 2101.16 of the Revised Code is more than 37261  
is needed for its duties related to the putative father 37262  
registry, the department may use surplus moneys in the fund for 37263  
costs related to the development, distribution, and publication 37264  
of forms and materials promulgated pursuant to divisions (A) and 37265



(B) of this section. 37266

(E) The department ~~of job and family services~~ shall 37267  
develop an educational plan, in collaboration with the Ohio 37268  
family and children first cabinet council, for informing at-risk 37269  
populations who are most likely to voluntarily deliver a child 37270  
under section 2151.3516 of the Revised Code concerning the 37271  
provisions of sections 2151.3515 to 2151.3533 of the Revised 37272  
Code. 37273

**Sec. 2151.416.** (A) Each agency that is required by section 37274  
2151.412 of the Revised Code to prepare a case plan for a child 37275  
shall complete a semiannual administrative review of the case 37276  
plan no later than six months after the earlier of the date on 37277  
which the complaint in the case was filed or the child was first 37278  
placed in shelter care. After the first administrative review, 37279  
the agency shall complete semiannual administrative reviews no 37280  
later than every six months. If the court issues an order 37281  
pursuant to section 2151.414 or 2151.415 of the Revised Code, 37282  
the agency shall complete an administrative review no later than 37283  
six months after the court's order and continue to complete 37284  
administrative reviews no later than every six months after the 37285  
first review, except that the court hearing held pursuant to 37286  
section 2151.417 of the Revised Code may take the place of any 37287  
administrative review that would otherwise be held at the time 37288  
of the court hearing. When conducting a review, the child's 37289  
health and safety shall be the paramount concern. 37290

(B) Each administrative review required by division (A) of 37291  
this section shall be conducted by a review panel of at least 37292  
three persons, including, but not limited to, both of the 37293  
following: 37294

(1) A caseworker with day-to-day responsibility for, or 37295

familiarity with, the management of the child's case plan; 37296

(2) A person who is not responsible for the management of 37297  
the child's case plan or for the delivery of services to the 37298  
child or the parents, guardian, or custodian of the child. 37299

(C) Each semiannual administrative review shall include, 37300  
but not be limited to, a joint meeting by the review panel with 37301  
the parents, guardian, or custodian of the child, the guardian 37302  
ad litem of the child, and the child's foster care provider and 37303  
shall include an opportunity for those persons to submit any 37304  
written materials to be included in the case record of the 37305  
child. If a parent, guardian, custodian, guardian ad litem, or 37306  
foster care provider of the child cannot be located after 37307  
reasonable efforts to do so or declines to participate in the 37308  
administrative review after being contacted, the agency does not 37309  
have to include them in the joint meeting. 37310

(D) The agency shall prepare a written summary of the 37311  
semiannual administrative review that shall include, but not be 37312  
limited to, all of the following: 37313

(1) A conclusion regarding the safety and appropriateness 37314  
of the child's foster care placement; 37315

(2) The extent of the compliance with the case plan of all 37316  
parties; 37317

(3) The extent of progress that has been made toward 37318  
alleviating the circumstances that required the agency to assume 37319  
temporary custody of the child; 37320

(4) An estimated date by which the child may be returned 37321  
to and safely maintained in the child's home or placed for 37322  
adoption or legal custody; 37323

- (5) An updated case plan that includes any changes that the agency is proposing in the case plan; 37324  
37325
- (6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review; 37326  
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- (7) The names of all persons who participated in the administrative review; 37329  
37330
- (8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section ~~5101.85~~ 5180.50 of the Revised Code, including any use of search technology to find biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code. 37331  
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- (E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the proposed change with the court at the time it files the summary. The agency shall give notice of the summary and proposed change in writing before the end of the next day after filing them to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days after the date the notice is sent to object to and request a hearing on the proposed change. 37339  
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- (1) If the court receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after 37350  
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the court receives the request. The court shall give notice of 37353  
the date, time, and location of the hearing to all parties and 37354  
the guardian ad litem. The agency may implement the proposed 37355  
change after the hearing, if the court approves it. The agency 37356  
shall not implement the proposed change unless it is approved by 37357  
the court. 37358

(2) If the court does not receive a timely request for a 37359  
hearing, the court may approve the proposed change without a 37360  
hearing. If the court approves the proposed change without a 37361  
hearing, it shall journalize the case plan with the change not 37362  
later than fourteen days after the change is filed with the 37363  
court. If the court does not approve the proposed change to the 37364  
case plan, it shall schedule a review hearing to be held 37365  
pursuant to section 2151.417 of the Revised Code no later than 37366  
thirty days after the expiration of the fourteen-day time period 37367  
and give notice of the date, time, and location of the hearing 37368  
to all parties and the guardian ad litem of the child. If, 37369  
despite the requirements of this division and division (D) of 37370  
section 2151.417 of the Revised Code, the court neither approves 37371  
and journalizes the proposed change nor conducts a hearing, the 37372  
agency may implement the proposed change not earlier than 37373  
fifteen days after it is submitted to the court. 37374

(F) The director of children and youth may adopt rules 37375  
pursuant to Chapter 119. of the Revised Code for procedures and 37376  
standard forms for conducting administrative reviews pursuant to 37377  
this section. 37378

(G) The juvenile court that receives the written summary 37379  
of the administrative review, upon determining, either from the 37380  
written summary, case plan, or otherwise, that the custody or 37381  
care arrangement is not in the best interest of the child, may 37382

terminate the custody of an agency and place the child in the 37383  
custody of another institution or association certified by the 37384  
department of children and youth under section 5103.03 of the 37385  
Revised Code. 37386

**Sec. 2151.4115.** ~~(A)~~—As used in sections 2151.4116 to 37387  
2151.4122 of the Revised Code: 37388

~~(1)~~—(A) "Kinship caregiver" has the same meaning as used 37389  
in section ~~5101.85~~—5180.50 of the Revised Code. 37390

~~(2)~~—(B) "Search technology" means any locate-and-research 37391  
tool, search engine, electronic database, or social media search 37392  
tool available to a public children services agency or a private 37393  
child placing agency. 37394

**Sec. 2151.421.** (A) (1) (a) No person described in division 37395  
(A) (1) (b) of this section who is acting in an official or 37396  
professional capacity and knows, or has reasonable cause to 37397  
suspect based on facts that would cause a reasonable person in a 37398  
similar position to suspect, that a child under eighteen years 37399  
of age, or a person under twenty-one years of age with a 37400  
developmental disability or physical impairment, has suffered or 37401  
faces a threat of suffering any physical or mental wound, 37402  
injury, disability, or condition of a nature that reasonably 37403  
indicates abuse or neglect of the child shall fail to 37404  
immediately report that knowledge or reasonable cause to suspect 37405  
to the entity or persons specified in this division. Except as 37406  
otherwise provided in this division or section 5120.173 of the 37407  
Revised Code, the person making the report shall make it to the 37408  
public children services agency or a peace officer in the county 37409  
in which the child resides or in which the abuse or neglect is 37410  
occurring or has occurred. If the person making the report is a 37411  
peace officer, the officer shall make it to the public children 37412

services agency in the county in which the child resides or in 37413  
which the abuse or neglect is occurring or has occurred. In the 37414  
circumstances described in section 5120.173 of the Revised Code, 37415  
the person making the report shall make it to the entity 37416  
specified in that section. 37417

(b) Division (A)(1)(a) of this section applies to any 37418  
person who is an attorney; health care professional; 37419  
practitioner of a limited branch of medicine as specified in 37420  
section 4731.15 of the Revised Code; licensed school 37421  
psychologist; independent marriage and family therapist or 37422  
marriage and family therapist; coroner; administrator or 37423  
employee of a child care center; administrator or employee of a 37424  
residential camp, child day camp, or private, nonprofit 37425  
therapeutic wilderness camp; administrator or employee of a 37426  
certified child care agency or other public or private children 37427  
services agency; school teacher; school employee; school 37428  
authority; peace officer; humane society agent; dog warden, 37429  
deputy dog warden, or other person appointed to act as an animal 37430  
control officer for a municipal corporation or township in 37431  
accordance with state law, an ordinance, or a resolution; 37432  
person, other than a cleric, rendering spiritual treatment 37433  
through prayer in accordance with the tenets of a well- 37434  
recognized religion; employee of a county department of job and 37435  
family services who is a professional and who works with 37436  
children and families; superintendent or regional administrator 37437  
employed by the department of youth services; superintendent, 37438  
board member, or employee of a county board of developmental 37439  
disabilities; investigative agent contracted with by a county 37440  
board of developmental disabilities; employee of the department 37441  
of developmental disabilities; employee of a facility or home 37442  
that provides respite care in accordance with section 5123.171 37443

of the Revised Code; employee of an entity that provides 37444  
homemaker services; employee of a qualified organization as 37445  
defined in section 2151.90 of the Revised Code; a host family as 37446  
defined in section 2151.90 of the Revised Code; foster 37447  
caregiver; a person performing the duties of an assessor 37448  
pursuant to Chapter 3107. or 5103. of the Revised Code; third 37449  
party employed by a public children services agency to assist in 37450  
providing child or family related services; court appointed 37451  
special advocate; or guardian ad litem. 37452

(c) If two or more health care professionals, after 37453  
providing health care services to a child, determine or suspect 37454  
that the child has been or is being abused or neglected, the 37455  
health care professionals may designate one of the health care 37456  
professionals to report the abuse or neglect. A single report 37457  
made under this division shall meet the reporting requirements 37458  
of division (A)(1) of this section. 37459

(2) Except as provided in division (A)(3) of this section, 37460  
an attorney, physician, or advanced practice registered nurse is 37461  
not required to make a report pursuant to division (A)(1) of 37462  
this section concerning any communication the attorney, 37463  
physician, or advanced practice registered nurse receives from a 37464  
client or patient in an attorney-client, physician-patient, or 37465  
advanced practice registered nurse-patient relationship, if, in 37466  
accordance with division (A) or (B) of section 2317.02 of the 37467  
Revised Code, the attorney, physician, or advanced practice 37468  
registered nurse could not testify with respect to that 37469  
communication in a civil or criminal proceeding. 37470

(3) The client or patient in an attorney-client, 37471  
physician-patient, or advanced practice registered nurse-patient 37472  
relationship described in division (A)(2) of this section is 37473

deemed to have waived any testimonial privilege under division 37474  
(A) or (B) of section 2317.02 of the Revised Code with respect 37475  
to any communication the attorney, physician, or advanced 37476  
practice registered nurse receives from the client or patient in 37477  
that relationship, and the attorney, physician, or advanced 37478  
practice registered nurse shall make a report pursuant to 37479  
division (A)(1) of this section with respect to that 37480  
communication, if all of the following apply: 37481

(a) The client or patient, at the time of the 37482  
communication, is a child under eighteen years of age or is a 37483  
person under twenty-one years of age with a developmental 37484  
disability or physical impairment. 37485

(b) The attorney, physician, or advanced practice 37486  
registered nurse knows, or has reasonable cause to suspect based 37487  
on facts that would cause a reasonable person in similar 37488  
position to suspect that the client or patient has suffered or 37489  
faces a threat of suffering any physical or mental wound, 37490  
injury, disability, or condition of a nature that reasonably 37491  
indicates abuse or neglect of the client or patient. 37492

(c) The abuse or neglect does not arise out of the 37493  
client's or patient's attempt to have an abortion without the 37494  
notification of her parents, guardian, or custodian in 37495  
accordance with section 2151.85 of the Revised Code. 37496

(4) (a) No cleric and no person, other than a volunteer, 37497  
designated by any church, religious society, or faith acting as 37498  
a leader, official, or delegate on behalf of the church, 37499  
religious society, or faith who is acting in an official or 37500  
professional capacity, who knows, or has reasonable cause to 37501  
believe based on facts that would cause a reasonable person in a 37502  
similar position to believe, that a child under eighteen years 37503



of age, or a person under twenty-one years of age with a 37504  
developmental disability or physical impairment, has suffered or 37505  
faces a threat of suffering any physical or mental wound, 37506  
injury, disability, or condition of a nature that reasonably 37507  
indicates abuse or neglect of the child, and who knows, or has 37508  
reasonable cause to believe based on facts that would cause a 37509  
reasonable person in a similar position to believe, that another 37510  
cleric or another person, other than a volunteer, designated by 37511  
a church, religious society, or faith acting as a leader, 37512  
official, or delegate on behalf of the church, religious 37513  
society, or faith caused, or poses the threat of causing, the 37514  
wound, injury, disability, or condition that reasonably 37515  
indicates abuse or neglect shall fail to immediately report that 37516  
knowledge or reasonable cause to believe to the entity or 37517  
persons specified in this division. Except as provided in 37518  
section 5120.173 of the Revised Code, the person making the 37519  
report shall make it to the public children services agency or a 37520  
peace officer in the county in which the child resides or in 37521  
which the abuse or neglect is occurring or has occurred. In the 37522  
circumstances described in section 5120.173 of the Revised Code, 37523  
the person making the report shall make it to the entity 37524  
specified in that section. 37525

(b) Except as provided in division (A) (4) (c) of this 37526  
section, a cleric is not required to make a report pursuant to 37527  
division (A) (4) (a) of this section concerning any communication 37528  
the cleric receives from a penitent in a cleric-penitent 37529  
relationship, if, in accordance with division (C) of section 37530  
2317.02 of the Revised Code, the cleric could not testify with 37531  
respect to that communication in a civil or criminal proceeding. 37532

(c) The penitent in a cleric-penitent relationship 37533  
described in division (A) (4) (b) of this section is deemed to 37534

have waived any testimonial privilege under division (C) of 37535  
section 2317.02 of the Revised Code with respect to any 37536  
communication the cleric receives from the penitent in that 37537  
cleric-penitent relationship, and the cleric shall make a report 37538  
pursuant to division (A) (4) (a) of this section with respect to 37539  
that communication, if all of the following apply: 37540

(i) The penitent, at the time of the communication, is a 37541  
child under eighteen years of age or is a person under twenty- 37542  
one years of age with a developmental disability or physical 37543  
impairment. 37544

(ii) The cleric knows, or has reasonable cause to believe 37545  
based on facts that would cause a reasonable person in a similar 37546  
position to believe, as a result of the communication or any 37547  
observations made during that communication, the penitent has 37548  
suffered or faces a threat of suffering any physical or mental 37549  
wound, injury, disability, or condition of a nature that 37550  
reasonably indicates abuse or neglect of the penitent. 37551

(iii) The abuse or neglect does not arise out of the 37552  
penitent's attempt to have an abortion performed upon a child 37553  
under eighteen years of age or upon a person under twenty-one 37554  
years of age with a developmental disability or physical 37555  
impairment without the notification of her parents, guardian, or 37556  
custodian in accordance with section 2151.85 of the Revised 37557  
Code. 37558

(d) Divisions (A) (4) (a) and (c) of this section do not 37559  
apply in a cleric-penitent relationship when the disclosure of 37560  
any communication the cleric receives from the penitent is in 37561  
violation of the sacred trust. 37562

(e) As used in divisions (A) (1) and (4) of this section, 37563

"cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code. 37564  
37565

(B) Anyone who knows, or has reasonable cause to suspect 37566  
based on facts that would cause a reasonable person in similar 37567  
circumstances to suspect, that a child under eighteen years of 37568  
age, or a person under twenty-one years of age with a 37569  
developmental disability or physical impairment, has suffered or 37570  
faces a threat of suffering any physical or mental wound, 37571  
injury, disability, or other condition of a nature that 37572  
reasonably indicates abuse or neglect of the child may report or 37573  
cause reports to be made of that knowledge or reasonable cause 37574  
to suspect to the entity or persons specified in this division. 37575  
Except as provided in section 5120.173 of the Revised Code, a 37576  
person making a report or causing a report to be made under this 37577  
division shall make it or cause it to be made to the public 37578  
children services agency or to a peace officer. In the 37579  
circumstances described in section 5120.173 of the Revised Code, 37580  
a person making a report or causing a report to be made under 37581  
this division shall make it or cause it to be made to the entity 37582  
specified in that section. 37583

(C) Any report made pursuant to division (A) or (B) of 37584  
this section shall be made forthwith either by telephone, in 37585  
person, or electronically and shall be followed by a written 37586  
report, if requested by the receiving agency or officer. The 37587  
written report shall contain: 37588

(1) The names and addresses of the child and the child's 37589  
parents or the person or persons having custody of the child, if 37590  
known; 37591

(2) The child's age and the nature and extent of the 37592  
child's injuries, abuse, or neglect that is known or reasonably 37593

suspected or believed, as applicable, to have occurred or of the 37594  
threat of injury, abuse, or neglect that is known or reasonably 37595  
suspected or believed, as applicable, to exist, including any 37596  
evidence of previous injuries, abuse, or neglect; 37597

(3) Any other information, including, but not limited to, 37598  
results and reports of any medical examinations, tests, or 37599  
procedures performed under division (D) of this section, that 37600  
might be helpful in establishing the cause of the injury, abuse, 37601  
or neglect that is known or reasonably suspected or believed, as 37602  
applicable, to have occurred or of the threat of injury, abuse, 37603  
or neglect that is known or reasonably suspected or believed, as 37604  
applicable, to exist. 37605

(D) (1) Any person, who is required by division (A) of this 37606  
section to report child abuse or child neglect that is known or 37607  
reasonably suspected or believed to have occurred, may take or 37608  
cause to be taken color photographs of areas of trauma visible 37609  
on a child and, if medically necessary for the purpose of 37610  
diagnosing or treating injuries that are suspected to have 37611  
occurred as a result of child abuse or child neglect, perform or 37612  
cause to be performed radiological examinations and any other 37613  
medical examinations of, and tests or procedures on, the child. 37614

(2) The results and any available reports of examinations, 37615  
tests, or procedures made under division (D) (1) of this section 37616  
shall be included in a report made pursuant to division (A) of 37617  
this section. Any additional reports of examinations, tests, or 37618  
procedures that become available shall be provided to the public 37619  
children services agency, upon request. 37620

(3) If a health care professional provides health care 37621  
services in a hospital, children's advocacy center, or emergency 37622  
medical facility to a child about whom a report has been made 37623

under division (A) of this section, the health care professional 37624  
may take any steps that are reasonably necessary for the release 37625  
or discharge of the child to an appropriate environment. Before 37626  
the child's release or discharge, the health care professional 37627  
may obtain information, or consider information obtained, from 37628  
other entities or individuals that have knowledge about the 37629  
child. Nothing in division (D) (3) of this section shall be 37630  
construed to alter the responsibilities of any person under 37631  
sections 2151.27 and 2151.31 of the Revised Code. 37632

(4) A health care professional may conduct medical 37633  
examinations, tests, or procedures on the siblings of a child 37634  
about whom a report has been made under division (A) of this 37635  
section and on other children who reside in the same home as the 37636  
child, if the professional determines that the examinations, 37637  
tests, or procedures are medically necessary to diagnose or 37638  
treat the siblings or other children in order to determine 37639  
whether reports under division (A) of this section are warranted 37640  
with respect to such siblings or other children. The results of 37641  
the examinations, tests, or procedures on the siblings and other 37642  
children may be included in a report made pursuant to division 37643  
(A) of this section. 37644

(5) Medical examinations, tests, or procedures conducted 37645  
under divisions (D) (1) and (4) of this section and decisions 37646  
regarding the release or discharge of a child under division (D) 37647  
(3) of this section do not constitute a law enforcement 37648  
investigation or activity. 37649

(E) (1) When a peace officer receives a report made 37650  
pursuant to division (A) or (B) of this section, upon receipt of 37651  
the report, the peace officer who receives the report shall 37652  
refer the report to the appropriate public children services 37653

agency, in accordance with requirements specified under division 37654  
(B) (6) of section 2151.4221 of the Revised Code, unless an 37655  
arrest is made at the time of the report that results in the 37656  
appropriate public children services agency being contacted 37657  
concerning the possible abuse or neglect of a child or the 37658  
possible threat of abuse or neglect of a child. 37659

(2) When a public children services agency receives a 37660  
report pursuant to this division or division (A) or (B) of this 37661  
section, upon receipt of the report, the public children 37662  
services agency shall do all of the following: 37663

(a) Comply with section 2151.422 of the Revised Code; 37664

(b) If the county served by the agency is also served by a 37665  
children's advocacy center and the report alleges sexual abuse 37666  
of a child or another type of abuse of a child that is specified 37667  
in the memorandum of understanding that creates the center as 37668  
being within the center's jurisdiction, comply regarding the 37669  
report with the protocol and procedures for referrals and 37670  
investigations, with the coordinating activities, and with the 37671  
authority or responsibility for performing or providing 37672  
functions, activities, and services stipulated in the 37673  
interagency agreement entered into under section 2151.428 of the 37674  
Revised Code relative to that center; 37675

(c) Unless an arrest is made at the time of the report 37676  
that results in the appropriate law enforcement agency being 37677  
contacted concerning the possible abuse or neglect of a child or 37678  
the possible threat of abuse or neglect of a child, and in 37679  
accordance with requirements specified under division (B) (6) of 37680  
section 2151.4221 of the Revised Code, notify the appropriate 37681  
law enforcement agency of the report, if the public children 37682  
services agency received either of the following: 37683

(i) A report of abuse of a child; 37684

(ii) A report of neglect of a child that alleges a type of 37685  
neglect identified by the department of children and youth in 37686  
rules adopted under division (L)(2) of this section. 37687

(F) No peace officer shall remove a child about whom a 37688  
report is made pursuant to this section from the child's 37689  
parents, stepparents, or guardian or any other persons having 37690  
custody of the child without consultation with the public 37691  
children services agency, unless, in the judgment of the 37692  
officer, and, if the report was made by a physician or advanced 37693  
practice registered nurse, the physician or nurse, immediate 37694  
removal is considered essential to protect the child from 37695  
further abuse or neglect. The agency that must be consulted 37696  
shall be the agency conducting the investigation of the report 37697  
as determined pursuant to section 2151.422 of the Revised Code. 37698

(G) (1) Except as provided in section 2151.422 of the 37699  
Revised Code or in an interagency agreement entered into under 37700  
section 2151.428 of the Revised Code that applies to the 37701  
particular report, the public children services agency shall 37702  
investigate, within twenty-four hours, each report of child 37703  
abuse or child neglect that is known or reasonably suspected or 37704  
believed to have occurred and of a threat of child abuse or 37705  
child neglect that is known or reasonably suspected or believed 37706  
to exist that is referred to it under this section to determine 37707  
the circumstances surrounding the injuries, abuse, or neglect or 37708  
the threat of injury, abuse, or neglect, the cause of the 37709  
injuries, abuse, neglect, or threat, and the person or persons 37710  
responsible. The investigation shall be made in cooperation with 37711  
the law enforcement agency and in accordance with the memorandum 37712  
of understanding prepared under sections 2151.4220 to 2151.4234 37713

of the Revised Code. A representative of the public children 37714  
services agency shall, at the time of initial contact with the 37715  
person subject to the investigation, inform the person of the 37716  
specific complaints or allegations made against the person. The 37717  
information shall be given in a manner that is consistent with 37718  
division (I)(1) of this section and protects the rights of the 37719  
person making the report under this section. 37720

A failure to make the investigation in accordance with the 37721  
memorandum is not grounds for, and shall not result in, the 37722  
dismissal of any charges or complaint arising from the report or 37723  
the suppression of any evidence obtained as a result of the 37724  
report and does not give, and shall not be construed as giving, 37725  
any rights or any grounds for appeal or post-conviction relief 37726  
to any person. The public children services agency shall report 37727  
each case to the uniform statewide automated child welfare 37728  
information system that the department of children and youth 37729  
shall maintain in accordance with section ~~5101.13~~ 5180.40 of the 37730  
Revised Code. The public children services agency shall submit a 37731  
report of its investigation, in writing, to the law enforcement 37732  
agency. 37733

(2) The public children services agency shall make any 37734  
recommendations to the county prosecuting attorney or city 37735  
director of law that it considers necessary to protect any 37736  
children that are brought to its attention. 37737

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 37738  
(I)(3) of this section, any person, health care professional, 37739  
hospital, institution, school, health department, or agency 37740  
shall be immune from any civil or criminal liability for injury, 37741  
death, or loss to person or property that otherwise might be 37742  
incurred or imposed as a result of any of the following: 37743



(i) Participating in the making of reports pursuant to 37744  
division (A) of this section or in the making of reports in good 37745  
faith, pursuant to division (B) of this section; 37746

(ii) Participating in medical examinations, tests, or 37747  
procedures under division (D) of this section; 37748

(iii) Providing information used in a report made pursuant 37749  
to division (A) of this section or providing information in good 37750  
faith used in a report made pursuant to division (B) of this 37751  
section; 37752

(iv) Participating in a judicial proceeding resulting from 37753  
a report made pursuant to division (A) of this section or 37754  
participating in good faith in a proceeding resulting from a 37755  
report made pursuant to division (B) of this section. 37756

(b) Immunity under division (H) (1) (a) (ii) of this section 37757  
shall not apply when a health care provider has deviated from 37758  
the standard of care applicable to the provider's profession. 37759

(c) Notwithstanding section 4731.22 of the Revised Code, 37760  
the physician-patient privilege shall not be a ground for 37761  
excluding evidence regarding a child's injuries, abuse, or 37762  
neglect, or the cause of the injuries, abuse, or neglect in any 37763  
judicial proceeding resulting from a report submitted pursuant 37764  
to this section. 37765

(2) In any civil or criminal action or proceeding in which 37766  
it is alleged and proved that participation in the making of a 37767  
report under this section was not in good faith or participation 37768  
in a judicial proceeding resulting from a report made under this 37769  
section was not in good faith, the court shall award the 37770  
prevailing party reasonable attorney's fees and costs and, if a 37771  
civil action or proceeding is voluntarily dismissed, may award 37772

reasonable attorney's fees and costs to the party against whom 37773  
the civil action or proceeding is brought. 37774

(I) (1) Except as provided in divisions (I) (4) and (N) of 37775  
this section and sections 2151.423 and 2151.4210 of the Revised 37776  
Code, a report made under this section is confidential. The 37777  
information provided in a report made pursuant to this section 37778  
and the name of the person who made the report shall not be 37779  
released for use, and shall not be used, as evidence in any 37780  
civil action or proceeding brought against the person who made 37781  
the report. Nothing in this division shall preclude the use of 37782  
reports of other incidents of known or suspected abuse or 37783  
neglect in a civil action or proceeding brought pursuant to 37784  
division (M) of this section against a person who is alleged to 37785  
have violated division (A) (1) of this section, provided that any 37786  
information in a report that would identify the child who is the 37787  
subject of the report or the maker of the report, if the maker 37788  
of the report is not the defendant or an agent or employee of 37789  
the defendant, has been redacted. In a criminal proceeding, the 37790  
report is admissible in evidence in accordance with the Rules of 37791  
Evidence and is subject to discovery in accordance with the 37792  
Rules of Criminal Procedure. 37793

(2) (a) Except as provided in division (I) (2) (b) of this 37794  
section, no person shall permit or encourage the unauthorized 37795  
dissemination of the contents of any report made under this 37796  
section. 37797

(b) A health care professional that obtains the same 37798  
information contained in a report made under this section from a 37799  
source other than the report may disseminate the information, if 37800  
its dissemination is otherwise permitted by law. 37801

(3) A person who knowingly makes or causes another person 37802

to make a false report under division (B) of this section that 37803  
alleges that any person has committed an act or omission that 37804  
resulted in a child being an abused child or a neglected child 37805  
is guilty of a violation of section 2921.14 of the Revised Code. 37806

(4) If a report is made pursuant to division (A) or (B) of 37807  
this section and the child who is the subject of the report dies 37808  
for any reason at any time after the report is made, but before 37809  
the child attains eighteen years of age, the public children 37810  
services agency or peace officer to which the report was made or 37811  
referred, on the request of the child fatality review board, the 37812  
suicide fatality review committee, or the director of health 37813  
pursuant to guidelines established under section 3701.70 of the 37814  
Revised Code, shall submit a summary sheet of information 37815  
providing a summary of the report to the review board or review 37816  
committee of the county in which the deceased child resided at 37817  
the time of death or to the director. On the request of the 37818  
review board, review committee, or director, the agency or peace 37819  
officer may, at its discretion, make the report available to the 37820  
review board, review committee, or director. If the county 37821  
served by the public children services agency is also served by 37822  
a children's advocacy center and the report of alleged sexual 37823  
abuse of a child or another type of abuse of a child is 37824  
specified in the memorandum of understanding that creates the 37825  
center as being within the center's jurisdiction, the agency or 37826  
center shall perform the duties and functions specified in this 37827  
division in accordance with the interagency agreement entered 37828  
into under section 2151.428 of the Revised Code relative to that 37829  
advocacy center. 37830

(5) Not later than five business days after the 37831  
determination of a disposition, a public children services 37832  
agency shall advise a person alleged to have inflicted abuse or 37833

neglect on a child who is the subject of a report made pursuant 37834  
to this section, including a report alleging sexual abuse of a 37835  
child or another type of abuse of a child referred to a 37836  
children's advocacy center pursuant to an interagency agreement 37837  
entered into under section 2151.428 of the Revised Code, in 37838  
writing of the disposition of the investigation. The agency 37839  
shall not provide to the person any information that identifies 37840  
the person who made the report, statements of witnesses, or 37841  
police or other investigative reports. The written notice of 37842  
disposition shall be made in a form designated by the department 37843  
of ~~job and family services~~ children and youth and shall inform 37844  
the person of the right to appeal the disposition. 37845

(J) Any report that is required by this section, other 37846  
than a report that is made to the state highway patrol as 37847  
described in section 5120.173 of the Revised Code, shall result 37848  
in protective services and emergency supportive services being 37849  
made available by the public children services agency on behalf 37850  
of the children about whom the report is made. The agency 37851  
required to provide the services shall be the agency conducting 37852  
the investigation of the report pursuant to section 2151.422 of 37853  
the Revised Code. If a ~~child-family~~ is determined to ~~be a~~ 37854  
~~candidate for benefit from~~ prevention services, the agency also 37855  
~~shall~~ may make efforts to prevent neglect or abuse, to enhance a 37856  
child's welfare, and to preserve the family unit intact by 37857  
referring a report for assessment and provision of services to 37858  
an agency providing prevention services, if appropriate 37859  
prevention services are available from a local provider or other 37860  
reasonable source. 37861

(K) (1) Except as provided in division (K) (4) or (5) of 37862  
this section, a person who is required to make a report under 37863  
division (A) of this section may make a reasonable number of 37864

requests of the public children services agency that receives or 37865  
is referred the report, or of the children's advocacy center 37866  
that is referred the report if the report is referred to a 37867  
children's advocacy center pursuant to an interagency agreement 37868  
entered into under section 2151.428 of the Revised Code, to be 37869  
provided with the following information: 37870

(a) Whether the agency or center has initiated an 37871  
investigation of the report; 37872

(b) Whether the agency or center is continuing to 37873  
investigate the report; 37874

(c) Whether the agency or center is otherwise involved 37875  
with the child who is the subject of the report; 37876

(d) The general status of the health and safety of the 37877  
child who is the subject of the report; 37878

(e) Whether the report has resulted in the filing of a 37879  
complaint in juvenile court or of criminal charges in another 37880  
court. 37881

(2) (a) A person may request the information specified in 37882  
division (K)(1) of this section only if, at the time the report 37883  
is made, the person's name, address, and telephone number are 37884  
provided to the person who receives the report. 37885

(b) When a peace officer or employee of a public children 37886  
services agency receives a report pursuant to division (A) or 37887  
(B) of this section the recipient of the report shall inform the 37888  
person of the right to request the information described in 37889  
division (K)(1) of this section. The recipient of the report 37890  
shall include in the initial child abuse or child neglect report 37891  
that the person making the report was so informed and, if 37892  
provided at the time of the making of the report, shall include 37893

the person's name, address, and telephone number in the report. 37894

(c) If the person making the report provides the person's 37895  
name and contact information on making the report, the public 37896  
children services agency that received or was referred the 37897  
report shall send a written notice via United States mail or 37898  
electronic mail, in accordance with the person's preference, to 37899  
the person not later than seven calendar days after receipt of 37900  
the report. The notice shall provide the status of the agency's 37901  
investigation into the report made, who the person may contact 37902  
at the agency for further information, and a description of the 37903  
person's rights under division (K) (1) of this section. 37904

(d) Each request is subject to verification of the 37905  
identity of the person making the report. If that person's 37906  
identity is verified, the agency shall provide the person with 37907  
the information described in division (K) (1) of this section a 37908  
reasonable number of times, except that the agency shall not 37909  
disclose any confidential information regarding the child who is 37910  
the subject of the report other than the information described 37911  
in those divisions. 37912

(3) A request made pursuant to division (K) (1) of this 37913  
section is not a substitute for any report required to be made 37914  
pursuant to division (A) of this section. 37915

(4) If an agency other than the agency that received or 37916  
was referred the report is conducting the investigation of the 37917  
report pursuant to section 2151.422 of the Revised Code, the 37918  
agency conducting the investigation shall comply with the 37919  
requirements of division (K) of this section. 37920

(5) A health care professional who made a report under 37921  
division (A) of this section, or on whose behalf such a report 37922

was made as provided in division (A)(1)(c) of this section, may 37923  
authorize a person to obtain the information described in 37924  
division (K)(1) of this section if the person requesting the 37925  
information is associated with or acting on behalf of the health 37926  
care professional who provided health care services to the child 37927  
about whom the report was made. 37928

(6) If the person making the report provides the person's 37929  
name and contact information on making the report, the public 37930  
children services agency that received or was referred the 37931  
report shall send a written notice via United States mail or 37932  
electronic mail, in accordance with the person's preference, to 37933  
the person not later than seven calendar days after the agency 37934  
closes the investigation into the case reported by the person. 37935  
The notice shall notify the person that the agency has closed 37936  
the investigation. 37937

(L)(1) The director of children and youth shall adopt 37938  
rules in accordance with Chapter 119. of the Revised Code to 37939  
implement this section. The department of children and youth may 37940  
enter into a plan of cooperation with any other governmental 37941  
entity to aid in ensuring that children are protected from abuse 37942  
and neglect. The department shall make recommendations to the 37943  
attorney general that the department determines are necessary to 37944  
protect children from child abuse and child neglect. 37945

(2) The director of children and youth shall adopt rules 37946  
in accordance with Chapter 119. of the Revised Code to identify 37947  
the types of neglect of a child that a public children services 37948  
agency shall be required to notify law enforcement of pursuant 37949  
to division (E)(2)(c)(ii) of this section. 37950

(M) Whoever violates division (A) of this section is 37951  
liable for compensatory and exemplary damages to the child who 37952

would have been the subject of the report that was not made. A 37953  
person who brings a civil action or proceeding pursuant to this 37954  
division against a person who is alleged to have violated 37955  
division (A) (1) of this section may use in the action or 37956  
proceeding reports of other incidents of known or suspected 37957  
abuse or neglect, provided that any information in a report that 37958  
would identify the child who is the subject of the report or the 37959  
maker of the report, if the maker is not the defendant or an 37960  
agent or employee of the defendant, has been redacted. 37961

(N) (1) As used in this division: 37962

(a) "Out-of-home care" includes a nonchartered nonpublic 37963  
school if the alleged child abuse or child neglect, or alleged 37964  
threat of child abuse or child neglect, described in a report 37965  
received by a public children services agency allegedly occurred 37966  
in or involved the nonchartered nonpublic school and the alleged 37967  
perpetrator named in the report holds a certificate, permit, or 37968  
license issued by the state board of education under section 37969  
3301.071 or Chapter 3319. of the Revised Code. 37970

(b) "Administrator, director, or other chief 37971  
administrative officer" means the superintendent of the school 37972  
district if the out-of-home care entity subject to a report made 37973  
pursuant to this section is a school operated by the district. 37974

(2) No later than the end of the day following the day on 37975  
which a public children services agency receives a report of 37976  
alleged child abuse or child neglect, or a report of an alleged 37977  
threat of child abuse or child neglect, that allegedly occurred 37978  
in or involved an out-of-home care entity, the agency shall 37979  
provide written notice of the allegations contained in and the 37980  
person named as the alleged perpetrator in the report to the 37981  
administrator, director, or other chief administrative officer 37982



of the out-of-home care entity that is the subject of the report 37983  
unless the administrator, director, or other chief 37984  
administrative officer is named as an alleged perpetrator in the 37985  
report. If the administrator, director, or other chief 37986  
administrative officer of an out-of-home care entity is named as 37987  
an alleged perpetrator in a report of alleged child abuse or 37988  
child neglect, or a report of an alleged threat of child abuse 37989  
or child neglect, that allegedly occurred in or involved the 37990  
out-of-home care entity, the agency shall provide the written 37991  
notice to the owner or governing board of the out-of-home care 37992  
entity that is the subject of the report. The agency shall not 37993  
provide witness statements or police or other investigative 37994  
reports. 37995

(3) No later than three days after the day on which a 37996  
public children services agency that conducted the investigation 37997  
as determined pursuant to section 2151.422 of the Revised Code 37998  
makes a disposition of an investigation involving a report of 37999  
alleged child abuse or child neglect, or a report of an alleged 38000  
threat of child abuse or child neglect, that allegedly occurred 38001  
in or involved an out-of-home care entity, the agency shall send 38002  
written notice of the disposition of the investigation to the 38003  
administrator, director, or other chief administrative officer 38004  
and the owner or governing board of the out-of-home care entity. 38005  
The agency shall not provide witness statements or police or 38006  
other investigative reports. 38007

(O) As used in this section: 38008

(1) "Children's advocacy center" and "sexual abuse of a 38009  
child" have the same meanings as in section 2151.425 of the 38010  
Revised Code. 38011

(2) "Health care professional" means an individual who 38012

provides health-related services. "Health care professional" 38013  
includes all of the following: a physician, including a hospital 38014  
intern or resident; a dentist; a podiatrist; a registered nurse, 38015  
including such a nurse who is an advanced practice registered 38016  
nurse; a licensed practical nurse; a home care nurse; a licensed 38017  
psychologist; a speech-language pathologist; an audiologist; a 38018  
person engaged in social work or the practice of professional 38019  
counseling; and an employee of a home health agency. "Health 38020  
care professional" does not include a practitioner of a limited 38021  
branch of medicine as specified in section 4731.15 of the 38022  
Revised Code, licensed school psychologist, independent marriage 38023  
and family therapist or marriage and family therapist, or 38024  
coroner. 38025

(3) "Investigation" means the public children services 38026  
agency's response to an accepted report of child abuse or 38027  
neglect through either an alternative response or a traditional 38028  
response. 38029

(4) "Peace officer" means a sheriff, deputy sheriff, 38030  
constable, police officer of a township or joint police 38031  
district, marshal, deputy marshal, municipal police officer, or 38032  
a state highway patrol trooper. 38033

**Sec. 2151.423.** A public children services agency shall 38034  
disclose confidential information discovered during an 38035  
investigation conducted pursuant to section 2151.421 or 2151.422 38036  
of the Revised Code to any federal, state, or local government 38037  
entity, including any appropriate military authority or any 38038  
~~agency providing~~ prevention services provider to the 38039  
~~child~~family, that needs the information to carry out its 38040  
responsibilities to protect children from abuse or neglect. 38041

Information disclosed pursuant to this section is 38042

confidential and is not subject to disclosure pursuant to 38043  
section 149.43 or 1347.08 of the Revised Code by the agency to 38044  
whom the information was disclosed. The agency receiving the 38045  
information shall maintain the confidentiality of information 38046  
disclosed pursuant to this section. 38047

**Sec. 2151.424.** (A) If a child has been placed in a 38048  
certified foster home or is in the custody of, or has been 38049  
placed with, a kinship caregiver as defined in section ~~5101.85~~ 38050  
5180.50 of the Revised Code, a court, prior to conducting any 38051  
hearing pursuant to division (F) (2) or (3) of section 2151.412 38052  
or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 38053  
2151.416, or 2151.417 of the Revised Code with respect to the 38054  
child, shall notify the foster caregiver or kinship caregiver of 38055  
the date, time, and place of the hearing. At the hearing, the 38056  
foster caregiver or kinship caregiver shall have the right to be 38057  
heard. 38058

(B) If a public children services agency or private child 38059  
placing agency has permanent custody of a child and a petition 38060  
to adopt the child has been filed under Chapter 3107. of the 38061  
Revised Code, the agency, prior to conducting a review under 38062  
section 2151.416 of the Revised Code, or a court, prior to 38063  
conducting a hearing under division (F) (2) or (3) of section 38064  
2151.412 or section 2151.416 or 2151.417 of the Revised Code, 38065  
shall notify the prospective adoptive parent of the date, time, 38066  
and place of the review or hearing. At the review or hearing, 38067  
the prospective adoptive parent shall have the right to be 38068  
heard. 38069

(C) The notice and the opportunity to be heard do not make 38070  
the foster caregiver, kinship caregiver, or prospective adoptive 38071  
parent a party in the action or proceeding pursuant to which the 38072

review or hearing is conducted. 38073

**Sec. 2151.45.** As used in sections 2151.45 to 2151.455 of 38074  
the Revised Code, "emancipated young adult" and "representative" 38075  
have the same meanings as in section ~~5101.141~~ 5180.42 of the 38076  
Revised Code. 38077

**Sec. 2151.451.** (A) The juvenile court of the county, to 38078  
which either of the following applies regarding an emancipated 38079  
young adult described under division (A)(1) of section ~~5101.141~~ 38080  
5180.428 of the Revised Code, may exercise jurisdiction over the 38081  
emancipated young adult for purposes of sections 2151.45 to 38082  
2151.455 of the Revised Code: 38083

(1) The county in which the emancipated young adult 38084  
resides; 38085

(2) The county in which the emancipated young adult 38086  
resided when the custody, arrangement, or care and placement 38087  
described in division (A)(3)(a) of section ~~5101.141~~ 5180.42 of 38088  
the Revised Code terminated. 38089

(B) A juvenile court, on its own motion or the motion of 38090  
any party, may transfer a proceeding under sections 2151.45 to 38091  
2151.455 of the Revised Code to a juvenile court with 38092  
jurisdiction as provided in this section. 38093

**Sec. 2151.452.** A juvenile court shall do both of the 38094  
following regarding an emancipated young adult described under 38095  
division (A)(1) of section ~~5101.141~~ 5180.428 of the Revised 38096  
Code: 38097

(A) Not later than one hundred eighty days after the 38098  
voluntary participation agreement becomes effective, make a 38099  
determination as to whether the emancipated young adult's best 38100  
interest is served by continuing the care and placement with the 38101

department of children and youth or its representative. 38102

(B) Not later than twelve months after the effective date 38103  
of the voluntary participation agreement, and at least once 38104  
every twelve months thereafter, make a determination that the 38105  
department or its representative has made reasonable efforts to 38106  
finalize a permanency plan to prepare the emancipated young 38107  
adult for independence. 38108

**Sec. 2151.453.** If any determination required under section 38109  
2151.452 of the Revised Code is not timely made, the federal 38110  
payments for foster care under division (A) (1) of section 38111  
~~5101.1411~~ 5180.428 of the Revised Code for the emancipated young 38112  
adult shall be suspended. The payments shall resume upon a 38113  
subsequent determination that reasonable efforts have been made 38114  
to prepare the emancipated young adult for independence, but 38115  
only if both of the following apply: 38116

(A) The emancipated young adult complies with division (A) 38117  
(1) of section ~~5101.1411~~ 5180.428 of the Revised Code. 38118

(B) There has been a timely determination of best interest 38119  
under division (A) of section 2151.452 of the Revised Code. 38120

**Sec. 2152.26.** (A) Except as provided in divisions (B) and 38121  
(F) of this section, a child alleged to be or adjudicated a 38122  
delinquent child or a juvenile traffic offender may be held only 38123  
in the following places: 38124

(1) A certified foster home or a home approved by the 38125  
court; 38126

(2) A facility operated by a certified child welfare 38127  
agency; 38128

(3) Any other suitable place designated by the court. 38129

(B) In addition to the places listed in division (A) of 38130  
this section, a child alleged to be or adjudicated a delinquent 38131  
child or a person described in division (C) (7) of section 38132  
2152.02 of the Revised Code may be held in a detention facility 38133  
for delinquent children that is under the direction or 38134  
supervision of the court or other public authority or of a 38135  
private agency and approved by the court, and a child 38136  
adjudicated a delinquent child may be held in accordance with 38137  
division (F) (2) of this section in a facility of a type 38138  
specified in that division. 38139

(C) (1) Except as provided under division (C) (1) of section 38140  
2151.311 of the Revised Code or division (A) (5) of section 38141  
2152.21 of the Revised Code, a child alleged to be or 38142  
adjudicated a juvenile traffic offender may not be held in any 38143  
of the following facilities: 38144

(a) A state correctional institution, county, multicounty, 38145  
or municipal jail or workhouse, or other place in which an adult 38146  
convicted of crime, under arrest, or charged with a crime is 38147  
held. 38148

(b) A secure correctional facility. 38149

(2) Except as provided under this section, sections 38150  
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 38151  
2152.21 of the Revised Code, a child alleged to be or 38152  
adjudicated a juvenile traffic offender may not be held for more 38153  
than twenty-four hours in a detention facility. 38154

(D) Except as provided in division (F) of this section or 38155  
in division (C) of section 2151.311, in division (C) (2) of 38156  
section 5139.06 and section 5120.162, or in division ~~(B)~~ (C) of 38157  
section 5120.16 of the Revised Code, a child who is alleged to 38158

be or is adjudicated a delinquent child or a person described in 38159  
division (C) (7) of section 2152.02 of the Revised Code may not 38160  
be held in a state correctional institution, county, 38161  
multicounty, or municipal jail or workhouse, or other place 38162  
where an adult convicted of crime, under arrest, or charged with 38163  
crime is held. 38164

(E) Unless the detention is pursuant to division (F) of 38165  
this section or division (C) of section 2151.311, division (C) 38166  
(2) of section 5139.06 and section 5120.162, or division ~~(B)~~ (C) 38167  
of section 5120.16 of the Revised Code, the official in charge 38168  
of the institution, jail, workhouse, or other facility shall 38169  
inform the court immediately when a person who is or appears to 38170  
be under the age of eighteen years, or a person who is charged 38171  
with a violation of an order of a juvenile court or a violation 38172  
of probation or parole conditions imposed by a juvenile court 38173  
and who is or appears to be between the ages of eighteen and 38174  
twenty-one years, is received at the facility and shall deliver 38175  
the person to the court upon request or transfer the person to a 38176  
detention facility designated by the court. 38177

(F) (1) If a case is transferred to another court for 38178  
criminal prosecution pursuant to section 2152.12 of the Revised 38179  
Code and the alleged offender is a person described in division 38180  
(C) (7) of section 2152.02 of the Revised Code, the person may 38181  
not be transferred for detention pending the criminal 38182  
prosecution in a jail or other facility except under the 38183  
circumstances described in division (F) (4) of this section. Any 38184  
child held in accordance with division (F) (3) of this section 38185  
shall be confined in a manner that keeps the child beyond the 38186  
sight and sound of all adult detainees. The child shall be 38187  
supervised at all times during the detention. 38188

(2) If a person is adjudicated a delinquent child or juvenile traffic offender or is a person described in division (C) (7) of section 2152.02 of the Revised Code and the court makes a disposition of the person under this chapter, at any time after the person attains twenty-one years of age, the person may be held under that disposition or under the circumstances described in division (F) (4) of this section in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held.

(3) (a) A person alleged to be a delinquent child may be held in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail, if the delinquent act that the child allegedly committed would be a felony if committed by an adult, and if either of the following applies:

(i) The person attains twenty-one years of age before the person is arrested or apprehended for that act.

(ii) The person is arrested or apprehended for that act before the person attains twenty-one years of age, but the person attains twenty-one years of age before the court orders a disposition in the case.

(b) If, pursuant to division (F) (3) (a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.

(4) (a) Any person whose case is transferred for criminal



prosecution pursuant to section 2152.10 or 2152.12 of the 38218  
Revised Code or any person who has attained the age of eighteen 38219  
years but has not attained the age of twenty-one years and who 38220  
is being held in a place specified in division (B) of this 38221  
section may be held under that disposition or charge in places 38222  
other than those specified in division (B) of this section, 38223  
including a county, multicounty, or municipal jail or workhouse, 38224  
or other place where an adult under arrest or charged with crime 38225  
is held if the juvenile court, upon its own motion or upon 38226  
motion by the prosecutor and after notice and hearing, 38227  
establishes by a preponderance of the evidence and makes written 38228  
findings of either of the following: 38229

(i) With respect to a person whose case is transferred for 38230  
criminal prosecution pursuant to either specified section or who 38231  
has attained the age of eighteen years but who has not attained 38232  
the age of twenty-one years and is being so held, that the youth 38233  
is a threat to the safety and security of the facility; 38234

(ii) With respect to a person who has attained the age of 38235  
eighteen years but who has not attained the age of twenty-one 38236  
years and is being so held, that the best interests of the youth 38237  
require that the youth be held in a place other than a place 38238  
specified in division (B) of this section, including a county, 38239  
multicounty, or municipal jail or workhouse, or other place 38240  
where an adult under arrest or charged with crime is held. 38241

(b) In determining for purposes of division (F) (4) (a) (i) 38242  
of this section whether a youth is a threat to the safety and 38243  
security of the facility, evidence that the youth is a threat to 38244  
the safety and security of the facility may include, but is not 38245  
limited to, whether the youth has done any of the following: 38246

(i) Injured or created an imminent danger to the life or 38247

health of another youth or staff member in the facility or 38248  
program by violent behavior; 38249

(ii) Escaped from the facility or program in which the 38250  
youth is being held on more than one occasion; 38251

(iii) Established a pattern of disruptive behavior as 38252  
verified by a written record that the youth's behavior is not 38253  
conducive to the established policies and procedures of the 38254  
facility or program in which the youth is being held. 38255

(c) If a prosecutor submits a motion requesting that a 38256  
person be held in a place other than those specified in division 38257  
(B) of this section or if the court submits its own motion, the 38258  
juvenile court shall hold a hearing within five days of the 38259  
filing of the motion, and, in determining whether a place other 38260  
than those specified in division (B) of this section is the 38261  
appropriate place of confinement for the person, the court shall 38262  
consider the following factors: 38263

(i) The age of the person; 38264

(ii) Whether the person would be deprived of contact with 38265  
other people for a significant portion of the day or would not 38266  
have access to recreational facilities or age-appropriate 38267  
educational opportunities in order to provide physical 38268  
separation from adults; 38269

(iii) The person's current emotional state, intelligence, 38270  
and developmental maturity, including any emotional and 38271  
psychological trauma, and the risk to the person in an adult 38272  
facility, which may be evidenced by mental health or 38273  
psychological assessments or screenings made available to the 38274  
prosecuting attorney and the defense counsel; 38275

(iv) Whether detention in a juvenile facility would 38276

adequately serve the need for community protection pending the 38277  
outcome of the criminal proceeding; 38278

(v) The relative ability of the available adult and 38279  
juvenile detention facilities to meet the needs of the person, 38280  
including the person's need for age-appropriate mental health 38281  
and educational services delivered by individuals specifically 38282  
trained to deal with youth; 38283

(vi) Whether the person presents an imminent risk of self- 38284  
inflicted harm or an imminent risk of harm to others within a 38285  
juvenile facility; 38286

(vii) Any other factors the juvenile court considers to be 38287  
relevant. 38288

(d) If the juvenile court determines that a place other 38289  
than those specified in division (B) of this section is the 38290  
appropriate place for confinement of a person pursuant to 38291  
division (F) (4) (a) of this section, the person may petition the 38292  
juvenile court for a review hearing thirty days after the 38293  
initial confinement decision, thirty days after any subsequent 38294  
review hearing, or at any time after the initial confinement 38295  
decision upon an emergency petition by the youth due to the 38296  
youth facing an imminent danger from others or the youth's self. 38297  
Upon receipt of the petition, the juvenile court has discretion 38298  
over whether to conduct the review hearing and may set the 38299  
matter for a review hearing if the youth has alleged facts or 38300  
circumstances that, if true, would warrant reconsideration of 38301  
the youth's placement in a place other than those specified in 38302  
division (B) of this section based on the factors listed in 38303  
division (F) (4) (c) of this section. 38304

(e) Upon the admission of a person described in division 38305

(F) (4) (a) of this section to a place other than those specified 38306  
in division (B) of this section, the facility shall advise the 38307  
person of the person's right to request a review hearing as 38308  
described in division (F) (4) (d) of this section. 38309

(f) Any person transferred under division (F) (4) (a) of 38310  
this section to a place other than those specified in division 38311  
(B) of this section shall be confined in a manner that keeps 38312  
those under eighteen years of age beyond sight and sound of all 38313  
adult detainees. Those under eighteen years of age shall be 38314  
supervised at all times during the detention. 38315

(G) (1) If a person who is alleged to be or has been 38316  
adjudicated a delinquent child or who is in any other category 38317  
of persons identified in this section or section 2151.311 of the 38318  
Revised Code is confined under authority of any Revised Code 38319  
section in a place other than a place specified in division (B) 38320  
of this section, including a county, multicounty, or municipal 38321  
jail or workhouse, or other place where an adult under arrest or 38322  
charged with crime is held, subject to division (G) (2) of this 38323  
section, all identifying information, other than the person's 38324  
county of residence, age, gender, and race and the charges 38325  
against the person, that relates to the person's admission to 38326  
and confinement in that place is not a public record open for 38327  
inspection or copying under section 149.43 of the Revised Code 38328  
and is confidential and shall not be released to any person 38329  
other than to a court, to a law enforcement agency for law 38330  
enforcement purposes, or to a person specified by court order. 38331

(2) Division (G) (1) of this section does not apply with 38332  
respect to a person whose case is transferred for criminal 38333  
prosecution pursuant to section 2152.10 or 2152.12 of the 38334  
Revised Code, who is convicted of or pleads guilty to an offense 38335

in that case, who is confined after that conviction or guilty plea in a place other than a place specified in division (B) of this section, and to whom one of the following applies:

(a) The case was transferred other than pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code.

(b) The case was transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, and the person is sentenced for the offense pursuant to division (B) (4) of section 2152.121 of the Revised Code.

(c) The case was transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, the person is sentenced for the offense pursuant to division (B) (3) of section 2152.121 of the Revised Code by the court in which the person was convicted of or pleaded guilty to the offense, and the sentence imposed by that court is invoked pursuant to division (B) (3) (b) of section 2152.121 of the Revised Code.

**Sec. 2303.12.** (A) As used in this section:

(1) "Case file" means the compendium of original documents filed in a civil or criminal action or proceeding in the court of common pleas, including the pleadings, motions, orders, and judgments of the court on a case by case basis.

(2) "General docket" means the appearance docket, trial docket, journal, execution docket, and case files in relation to those dockets and journal.

(B) The clerk of the court of common pleas shall keep records as indicated by the Rules of Superintendence for the Courts of Ohio. They shall be called the appearance docket,

trial docket and printed duplicates of the trial docket for the 38365  
use of the court and the officers thereof, journal, and 38366  
execution docket. The clerk shall also keep a record in book 38367  
form or the clerk may prepare a record by using any photostatic, 38368  
photographic, miniature photographic, film, microfilm, or 38369  
microphotographic process, electrostatic process, perforated 38370  
tape, magnetic tape, or other electromagnetic means, electronic 38371  
data processing, machine readable media, graphic or video 38372  
display, or any combination thereof, which correctly and 38373  
accurately copies or reproduces every case file and other 38374  
original document, paper, or instrument in writing. The clerk 38375  
shall keep an index to the trial docket and to the printed 38376  
duplicates of the trial docket and of the journal direct, and to 38377  
the appearance docket, record, and execution docket, direct and 38378  
reverse. All clerks keeping records and information by the 38379  
methods described in this section shall keep and make readily 38380  
available to the public the machine and equipment necessary to 38381  
reproduce the records and information in a readable form. 38382

(C) The clerk of the court of common pleas shall keep 38383  
confidential information that is subject to a real property 38384  
confidentiality notice under section 111.431 of the Revised 38385  
Code, in accordance with that section. 38386

(D) (1) Subject to division (D) (2) of this section, ~~not the~~ 38387  
clerk of court shall do both of the following: 38388

(a) Not later than eighteen months after the effective 38389  
date of this amendment April 6, 2023, the clerk of court shall 38390  
make available online on the clerk of court's web site the 38391  
general docket of the court for remote access and printing by 38392  
the public of the information in that docket, including all 38393  
individual documents in each case file, pertaining to civil 38394

cases filed on or after ~~the effective date of this amendment~~ 38395  
April 6, 2023. 38396

(b) Not later than eighteen months after the effective 38397  
date of this amendment, the clerk of court shall make available 38398  
online on the clerk of court's web site the general docket of 38399  
the court for remote access and printing by the public of the 38400  
information in that docket, including all individual documents 38401  
in each case file, pertaining to criminal cases filed on or 38402  
after the effective date of this amendment. 38403

(2) The clerk of court is not required to make available 38404  
online under division (D) (1) of this section either of the 38405  
following: 38406

(a) The general docket of the division of domestic 38407  
relations, or the juvenile court, ~~or the probate court;~~ 38408

(b) If the court does not have a division of domestic 38409  
relations, the general docket in civil cases pertaining to 38410  
domestic relations. 38411

(E) Nothing in division (D) of this section shall be 38412  
construed as making available online any of the following: 38413

(1) Internal documents such as notes, emails, drafts, 38414  
recommendations, advice, or research of judicial officers and 38415  
court staff; 38416

(2) Any document or any information in a case file the 38417  
public access to which the court has ordered restricted under 38418  
the Rules of Superintendence for the Courts of Ohio. 38419

**Sec. 2303.201.** (A) (1) The court of common pleas of any 38420  
county may determine that for the efficient operation of the 38421  
court additional funds are required to computerize the court, to 38422

make available computerized legal research services, or to do 38423  
both. Upon making a determination that additional funds are 38424  
required for either or both of those purposes, the court shall 38425  
~~authorize~~ do one of the following: 38426

(a) If the court of common pleas of a county has complied 38427  
with the requirements in division (D)(1) of section 2303.12 of 38428  
the Revised Code, authorize and direct the clerk of the court of 38429  
common pleas to charge one additional fee, not to exceed six 38430  
dollars, on the filing of each cause of action or appeal under 38431  
divisions (A), (Q), and (U) of section 2303.20 of the Revised 38432  
Code; 38433

(b) If the court of common pleas of a county has not 38434  
complied with the requirements in division (D)(1) of section 38435  
2303.12 of the Revised Code, authorize and direct the clerk of 38436  
the court of common pleas to charge one additional fee, not to 38437  
exceed three dollars, on the filing of each cause of action or 38438  
appeal under divisions (A), (Q), and (U) of section 2303.20 of 38439  
the Revised Code. 38440

(2) All fees collected under division (A)(1) of this 38441  
section shall be paid to the county treasurer. The treasurer 38442  
shall place the funds from the fees in a separate fund to be 38443  
disbursed either upon an order of the court, subject to an 38444  
appropriation by the board of county commissioners, or upon an 38445  
order of the court, subject to the court making an annual report 38446  
available to the public listing the use of all such funds, in an 38447  
amount not greater than the actual cost to the court of 38448  
procuring and maintaining computerization of the court, 38449  
computerized legal research services, or both. 38450

(3) If the court determines that the funds in the fund 38451  
described in division (A)(2) of this section are more than 38452



sufficient to satisfy the purpose for which the additional fee 38453  
described in division (A)(1) of this section was imposed, the 38454  
court may declare a surplus in the fund and, subject to an 38455  
appropriation by the board of county commissioners, expend those 38456  
surplus funds, or upon an order of the court, subject to the 38457  
court making an annual report available to the public listing 38458  
the use of all such funds, expend those surplus funds, for other 38459  
appropriate technological expenses of the court. 38460

(B)(1)(a) Except as provided in division (B)(1)(b) of this 38461  
section, the clerk of the court of common pleas of any county 38462  
may determine that, for the efficient operation of the office of 38463  
the clerk of the court of common pleas, additional funds are 38464  
required to make technological advances in or to computerize the 38465  
office of the clerk of the court of common pleas ~~and, upon.~~ 38466  
Upon making that determination, authorize the court shall do one 38467  
of the following: 38468

(i) If the court of common pleas of a county has complied 38469  
with the requirements in division (D)(1) of section 2303.12 of 38470  
the Revised Code, authorize and direct that an additional fee, 38471  
not to exceed twenty dollars, on the filing of each cause of 38472  
action or appeal, on the filing, docketing, and endorsing of 38473  
each certificate of judgment, or on the docketing and indexing 38474  
of each aid in execution or petition to vacate, revive, or 38475  
modify a judgment under divisions (A), (P), (Q), (T), and (U) of 38476  
section 2303.20 of the Revised Code and not to exceed one dollar 38477  
each for the services described in divisions (B), (C), (D), (F), 38478  
(H), and (L) of section 2303.20 of the Revised Code, be charged; 38479

(ii) If the court of common pleas of a county has not 38480  
complied with the requirements in division (D)(1) of section 38481  
2303.12 of the Revised Code, authorize and direct that an 38482

additional fee, not to exceed ten dollars, on the filing of each 38483  
cause of action or appeal, on the filing, docketing, and 38484  
endorsing of each certificate of judgment, or on the docketing 38485  
and indexing of each aid in execution or petition to vacate, 38486  
revive, or modify a judgment under divisions (A), (P), (Q), (T), 38487  
and (U) of section 2303.20 of the Revised Code and not to exceed 38488  
fifty cents each for the services described in divisions (B), 38489  
(C), (D), (F), (H), and (L) of section 2303.20 of the Revised 38490  
Code, be charged. 38491

(b) In a county in which the clerk of the court of common 38492  
pleas is appointed, the court may make the determination 38493  
described in division (B)(1)(a) of this section and, upon that 38494  
determination, may include such a computerization fee in the 38495  
schedule of fees and costs. 38496

(2) Subject to division (B)(3) of this section, all moneys 38497  
collected under division (B)(1)(a) of this section shall be paid 38498  
to the county treasurer to be disbursed, subject to an 38499  
appropriation made by the board of county commissioners, in an 38500  
amount no greater than the actual cost to the court of procuring 38501  
and maintaining technology and computer systems for the office 38502  
of the clerk of the court of common pleas. 38503

(3) If the court or the clerk of the court of common pleas 38504  
of a county makes the determination described in division (B)(1) 38505  
(a) of this section, the board of county commissioners of that 38506  
county may issue one or more general obligation bonds for the 38507  
purpose of procuring and maintaining the technology and computer 38508  
systems for the office of the clerk of the court of common 38509  
pleas. In addition to the purposes stated in division (B)(1)(a) 38510  
of this section for which the moneys collected under that 38511  
division may be expended, the moneys additionally may be 38512

expended to pay debt charges on and financing costs related to 38513  
any general obligation bonds issued pursuant to division (B) (3) 38514  
of this section as they become due. General obligation bonds 38515  
issued pursuant to division (B) (3) of this section are Chapter 38516  
133. securities. 38517

(C) The court of common pleas shall collect the sum of 38518  
twenty-six dollars as additional filing fees in each new civil 38519  
action or proceeding for the charitable public purpose of 38520  
providing financial assistance to legal aid societies that 38521  
operate within the state and to support the office of the state 38522  
public defender. This division does not apply to a juvenile 38523  
division of a court of common pleas, except that an additional 38524  
filing fee of fifteen dollars shall apply to custody, 38525  
visitation, and parentage actions; to a probate division of a 38526  
court of common pleas, except that the additional filing fees 38527  
shall apply to name change, guardianship, adoption, and 38528  
decedents' estate proceedings; or to an execution on a judgment, 38529  
proceeding in aid of execution, or other post-judgment 38530  
proceeding arising out of a civil action. The filing fees 38531  
required to be collected under this division shall be in 38532  
addition to any other filing fees imposed in the action or 38533  
proceeding and shall be collected at the time of the filing of 38534  
the action or proceeding. The court shall not waive the payment 38535  
of the additional filing fees in a new civil action or 38536  
proceeding unless the court waives the advanced payment of all 38537  
filing fees in the action or proceeding. All such moneys 38538  
collected during a month except for an amount equal to up to one 38539  
per cent of those moneys retained to cover administrative costs 38540  
shall be transmitted on or before the twentieth day of the 38541  
following month by the clerk of the court to the treasurer of 38542  
state in a manner prescribed by the treasurer of state or by the 38543

Ohio access to justice foundation. The treasurer of state shall 38544  
deposit four per cent of the funds collected under this division 38545  
to the credit of the civil case filing fee fund established 38546  
under section 120.07 of the Revised Code and ninety-six per cent 38547  
of the funds collected under this division to the credit of the 38548  
legal aid fund established under section 120.52 of the Revised 38549  
Code. 38550

The court may retain up to one per cent of the moneys it 38551  
collects under this division to cover administrative costs, 38552  
including the hiring of any additional personnel necessary to 38553  
implement this division. If the court fails to transmit to the 38554  
treasurer of state the moneys the court collects under this 38555  
division in a manner prescribed by the treasurer of state or by 38556  
the Ohio access to justice foundation, the court shall forfeit 38557  
the moneys the court retains under this division to cover 38558  
administrative costs, including the hiring of any additional 38559  
personnel necessary to implement this division, and shall 38560  
transmit to the treasurer of state all moneys collected under 38561  
this division, including the forfeited amount retained for 38562  
administrative costs, for deposit in the legal aid fund. 38563

(D) On and after the thirtieth day after December 9, 1994, 38564  
the court of common pleas shall collect the sum of thirty-two 38565  
dollars as additional filing fees in each new action or 38566  
proceeding for annulment, divorce, or dissolution of marriage 38567  
for the purpose of funding shelters for victims of domestic 38568  
violence pursuant to sections 3113.35 to 3113.39 of the Revised 38569  
Code. The filing fees required to be collected under this 38570  
division shall be in addition to any other filing fees imposed 38571  
in the action or proceeding and shall be collected at the time 38572  
of the filing of the action or proceeding. The court shall not 38573  
waive the payment of the additional filing fees in a new action 38574

or proceeding for annulment, divorce, or dissolution of marriage 38575  
unless the court waives the advanced payment of all filing fees 38576  
in the action or proceeding. On or before the twentieth day of 38577  
each month, all moneys collected during the immediately 38578  
preceding month pursuant to this division shall be deposited by 38579  
the clerk of the court into the county treasury in the special 38580  
fund used for deposit of additional marriage license fees as 38581  
described in section 3113.34 of the Revised Code. Upon their 38582  
deposit into the fund, the moneys shall be retained in the fund 38583  
and expended only as described in section 3113.34 of the Revised 38584  
Code. 38585

(E) (1) The court of common pleas may determine that, for 38586  
the efficient operation of the court, additional funds are 38587  
necessary to acquire and pay for special projects of the court, 38588  
including, but not limited to, the acquisition of additional 38589  
facilities or the rehabilitation of existing facilities, the 38590  
acquisition of equipment, the hiring and training of staff, 38591  
community service programs, mediation or dispute resolution 38592  
services, the employment of magistrates, the training and 38593  
education of judges, acting judges, and magistrates, and other 38594  
related services. Upon that determination, the court by rule may 38595  
charge a fee, in addition to all other court costs, on the 38596  
filing of each criminal cause, civil action or proceeding, or 38597  
judgment by confession. Fees collected by a court for special 38598  
projects of the court under this division shall not be used for 38599  
training or education that takes place outside of the state. 38600

If the court of common pleas offers or requires a special 38601  
program or additional services in cases of a specific type, the 38602  
court by rule may assess an additional charge in a case of that 38603  
type, over and above court costs, to cover the special program 38604  
or service. The court shall adjust the special assessment 38605

periodically, but not retroactively, so that the amount assessed 38606  
in those cases does not exceed the actual cost of providing the 38607  
service or program. 38608

All moneys collected under division (E) of this section 38609  
shall be paid to the county treasurer for deposit into either a 38610  
general special projects fund or a fund established for a 38611  
specific special project. Moneys from a fund of that nature 38612  
shall be disbursed upon an order of the court, subject to an 38613  
appropriation by the board of county commissioners, in an amount 38614  
no greater than the actual cost to the court of a project. If a 38615  
specific fund is terminated because of the discontinuance of a 38616  
program or service established under division (E) of this 38617  
section, the court may order, subject to an appropriation by the 38618  
board of county commissioners, that moneys remaining in the fund 38619  
be transferred to an account established under this division for 38620  
a similar purpose. 38621

(2) As used in division (E) of this section: 38622

(a) "Criminal cause" means a charge alleging the violation 38623  
of a statute or ordinance, or subsection of a statute or 38624  
ordinance, that requires a separate finding of fact or a 38625  
separate plea before disposition and of which the defendant may 38626  
be found guilty, whether filed as part of a multiple charge on a 38627  
single summons, citation, or complaint or as a separate charge 38628  
on a single summons, citation, or complaint. "Criminal cause" 38629  
does not include separate violations of the same statute or 38630  
ordinance, or subsection of the same statute or ordinance, 38631  
unless each charge is filed on a separate summons, citation, or 38632  
complaint. 38633

(b) "Civil action or proceeding" means any civil 38634  
litigation that must be determined by judgment entry. 38635

**Sec. 2303.26.** The clerk of the court of common pleas shall 38636  
exercise the powers conferred and perform the duties enjoined 38637  
upon the clerk by statute and by the common law; and in the 38638  
performance of official duties the clerk shall be under the 38639  
direction of the court. The clerk shall not restrict, prohibit, 38640  
or otherwise modify the rights of parties to seek service on 38641  
party defendants allowed by the Rules of Civil Procedure, either 38642  
singularly or concurrently. 38643

In furtherance of the performance of the duties enjoined 38644  
upon the clerk by statute, common law, and the Rules of 38645  
Superintendence for the Courts of Ohio, the clerk of the court 38646  
of common pleas shall be responsible for determining the best 38647  
means and methods for storing, maintaining, and retrieving all 38648  
papers delivered to the clerk, whether delivered in writing or 38649  
in electronic form, in compliance with Rule 26 of the Rules of 38650  
Superintendence for the Courts of Ohio. Once determined by the 38651  
clerk of court of common pleas, the clerk shall be responsible 38652  
for implementing the means and methods for storage, maintenance, 38653  
and retrieval. 38654

**Sec. 2329.66.** (A) Every person who is domiciled in this 38655  
state may hold property exempt from execution, garnishment, 38656  
attachment, or sale to satisfy a judgment or order, as follows: 38657

(1) (a) In the case of a judgment or order regarding money 38658  
owed for health care services rendered or health care supplies 38659  
provided to the person or a dependent of the person, one parcel 38660  
or item of real or personal property that the person or a 38661  
dependent of the person uses as a residence. Division (A) (1) (a) 38662  
of this section does not preclude, affect, or invalidate the 38663  
creation under this chapter of a judgment lien upon the exempted 38664  
property but only delays the enforcement of the lien until the 38665

property is sold or otherwise transferred by the owner or in 38666  
accordance with other applicable laws to a person or entity 38667  
other than the surviving spouse or surviving minor children of 38668  
the judgment debtor. Every person who is domiciled in this state 38669  
may hold exempt from a judgment lien created pursuant to 38670  
division (A) (1) (a) of this section the person's interest, not to 38671  
exceed one hundred twenty-five thousand dollars, in the exempted 38672  
property. 38673

(b) In the case of all other judgments and orders, the 38674  
person's interest, not to exceed one hundred twenty-five 38675  
thousand dollars, in one parcel or item of real or personal 38676  
property that the person or a dependent of the person uses as a 38677  
residence. 38678

(c) For purposes of divisions (A) (1) (a) and (b) of this 38679  
section, "parcel" means a tract of real property as identified 38680  
on the records of the auditor of the county in which the real 38681  
property is located. 38682

(2) The person's interest, not to exceed three thousand 38683  
two hundred twenty-five dollars, in one motor vehicle; 38684

(3) The person's interest, not to exceed four hundred 38685  
dollars, in cash on hand, money due and payable, money to become 38686  
due within ninety days, tax refunds, and money on deposit with a 38687  
bank, savings and loan association, credit union, public 38688  
utility, landlord, or other person, other than personal 38689  
earnings. 38690

(4) (a) The person's interest, not to exceed five hundred 38691  
twenty-five dollars in any particular item or ten thousand seven 38692  
hundred seventy-five dollars in aggregate value, in household 38693  
furnishings, household goods, wearing apparel, appliances, 38694



books, animals, crops, musical instruments, firearms, and 38695  
hunting and fishing equipment that are held primarily for the 38696  
personal, family, or household use of the person; 38697

(b) The person's aggregate interest in one or more items 38698  
of jewelry, not to exceed one thousand three hundred fifty 38699  
dollars, held primarily for the personal, family, or household 38700  
use of the person or any of the person's dependents. 38701

(5) The person's interest, not to exceed an aggregate of 38702  
two thousand twenty-five dollars, in all implements, 38703  
professional books, or tools of the person's profession, trade, 38704  
or business, including agriculture; 38705

(6) (a) The person's interest in a beneficiary fund set 38706  
apart, appropriated, or paid by a benevolent association or 38707  
society, as exempted by section 2329.63 of the Revised Code; 38708

(b) The person's interest in contracts of life or 38709  
endowment insurance or annuities, as exempted by section 3911.10 38710  
of the Revised Code; 38711

(c) The person's interest in a policy of group insurance 38712  
or the proceeds of a policy of group insurance, as exempted by 38713  
section 3917.05 of the Revised Code; 38714

(d) The person's interest in money, benefits, charity, 38715  
relief, or aid to be paid, provided, or rendered by a fraternal 38716  
benefit society, as exempted by section 3921.18 of the Revised 38717  
Code; 38718

(e) The person's interest in the portion of benefits under 38719  
policies of sickness and accident insurance and in lump sum 38720  
payments for dismemberment and other losses insured under those 38721  
policies, as exempted by section 3923.19 of the Revised Code. 38722

(7) The person's professionally prescribed or medically	38723
necessary health aids;	38724
(8) The person's interest in a burial lot, including, but	38725
not limited to, exemptions under section 517.09 or 1721.07 of	38726
the Revised Code;	38727
(9) The person's interest in the following:	38728
(a) Moneys paid or payable for maintenance or rights, as	38729
exempted by section 3304.19 of the Revised Code;	38730
(b) Workers' compensation, as exempted by section 4123.67	38731
of the Revised Code;	38732
(c) Unemployment compensation benefits, as exempted by	38733
section 4141.32 of the Revised Code;	38734
(d) Cash assistance payments under the Ohio works first	38735
program, as exempted by section 5107.75 of the Revised Code;	38736
(e) Benefits and services under the prevention, retention,	38737
and contingency program, as exempted by section 5108.08 of the	38738
Revised Code;	38739
(f) Payments under section 24 or 32 of the "Internal	38740
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	38741
(10) (a) Except in cases in which the person was convicted	38742
of or pleaded guilty to a violation of section 2921.41 of the	38743
Revised Code and in which an order for the withholding of	38744
restitution from payments was issued under division (C) (2) (b) of	38745
that section, in cases in which an order for withholding was	38746
issued under section 2907.15 of the Revised Code, in cases in	38747
which an order for forfeiture was issued under division (A) or	38748
(B) of section 2929.192 of the Revised Code, and in cases in	38749
which an order was issued under section 2929.193 or 2929.194 of	38750

the Revised Code, and only to the extent provided in the order, 38751  
and except as provided in sections 3105.171, 3105.63, 3119.80, 38752  
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 38753  
person's rights to or interests in a pension, benefit, annuity, 38754  
retirement allowance, or accumulated contributions, the person's 38755  
rights to or interests in a participant account in any deferred 38756  
compensation program offered by the ~~Ohio~~ public employees 38757  
~~deferred compensation retirement~~ board, a government unit, or a 38758  
municipal corporation, or the person's other accrued or accruing 38759  
rights or interests, as exempted by section 143.11, 145.56, 38760  
146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the 38761  
Revised Code, and the person's rights to or interests in 38762  
benefits from the Ohio public safety officers death benefit 38763  
fund; 38764

(b) Except as provided in sections 3119.80, 3119.81, 38765  
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 38766  
rights to receive or interests in receiving a payment or other 38767  
benefits under any pension, annuity, or similar plan or 38768  
contract, not including a payment or benefit from a stock bonus 38769  
or profit-sharing plan or a payment included in division (A) (6) 38770  
(b) or (10) (a) of this section, on account of illness, 38771  
disability, death, age, or length of service, to the extent 38772  
reasonably necessary for the support of the person and any of 38773  
the person's dependents, except if all the following apply: 38774

(i) The plan or contract was established by or under the 38775  
auspices of an insider that employed the person at the time the 38776  
person's rights or interests under the plan or contract arose. 38777

(ii) The payment is on account of age or length of 38778  
service. 38779

(iii) The plan or contract is not qualified under the 38780

"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as  
amended.

(c) Except for any portion of the assets that were  
deposited for the purpose of evading the payment of any debt and  
except as provided in sections 3119.80, 3119.81, 3121.02,  
3121.03, and 3123.06 of the Revised Code, the person's rights or  
interests in the assets held in, or to directly or indirectly  
receive any payment or benefit under, any individual retirement  
account, individual retirement annuity, "Roth IRA," account  
opened pursuant to a program administered by a state under  
section 529 or 529A of the "Internal Revenue Code of 1986," 100  
Stat. 2085, 26 U.S.C. 1, as amended, or education individual  
retirement account that provides payments or benefits by reason  
of illness, disability, death, retirement, or age or provides  
payments or benefits for purposes of education or qualified  
disability expenses, to the extent that the assets, payments, or  
benefits described in division (A)(10)(c) of this section are  
attributable to or derived from any of the following or from any  
earnings, dividends, interest, appreciation, or gains on any of  
the following:

(i) Contributions of the person that were less than or  
equal to the applicable limits on deductible contributions to an  
individual retirement account or individual retirement annuity  
in the year that the contributions were made, whether or not the  
person was eligible to deduct the contributions on the person's  
federal tax return for the year in which the contributions were  
made;

(ii) Contributions of the person that were less than or  
equal to the applicable limits on contributions to a Roth IRA or  
education individual retirement account in the year that the

contributions were made; 38811

(iii) Contributions of the person that are within the 38812  
applicable limits on rollover contributions under subsections 38813  
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 38814  
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 38815  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 38816

(iv) Contributions by any person into any plan, fund, or 38817  
account that is formed, created, or administered pursuant to, or 38818  
is otherwise subject to, section 529 or 529A of the "Internal 38819  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 38820

(d) Except for any portion of the assets that were 38821  
deposited for the purpose of evading the payment of any debt and 38822  
except as provided in sections 3119.80, 3119.81, 3121.02, 38823  
3121.03, and 3123.06 of the Revised Code, the person's rights or 38824  
interests in the assets held in, or to receive any payment 38825  
under, any Keogh or "H.R. 10" plan that provides benefits by 38826  
reason of illness, disability, death, retirement, or age, to the 38827  
extent reasonably necessary for the support of the person and 38828  
any of the person's dependents. 38829

(e) The person's rights to or interests in any assets held 38830  
in, or to directly or indirectly receive any payment or benefit 38831  
under, any individual retirement account, individual retirement 38832  
annuity, "Roth IRA," account opened pursuant to a program 38833  
administered by a state under section 529 or 529A of the 38834  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 38835  
amended, or education individual retirement account that a 38836  
decedent, upon or by reason of the decedent's death, directly or 38837  
indirectly left to or for the benefit of the person, either 38838  
outright or in trust or otherwise, including, but not limited 38839  
to, any of those rights or interests in assets or to receive 38840

payments or benefits that were transferred, conveyed, or 38841  
otherwise transmitted by the decedent by means of a will, trust, 38842  
exercise of a power of appointment, beneficiary designation, 38843  
transfer or payment on death designation, or any other method or 38844  
procedure. 38845

(f) The exemptions under divisions (A)(10)(a) to (e) of 38846  
this section also shall apply or otherwise be available to an 38847  
alternate payee under a qualified domestic relations order 38848  
(QDRO) or other similar court order. 38849

(g) A person's interest in any plan, program, instrument, 38850  
or device described in divisions (A)(10)(a) to (e) of this 38851  
section shall be considered an exempt interest even if the plan, 38852  
program, instrument, or device in question, due to an error made 38853  
in good faith, failed to satisfy any criteria applicable to that 38854  
plan, program, instrument, or device under the "Internal Revenue 38855  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 38856

(11) The person's right to receive spousal support, child 38857  
support, an allowance, or other maintenance to the extent 38858  
reasonably necessary for the support of the person and any of 38859  
the person's dependents; 38860

(12) The person's right to receive, or moneys received 38861  
during the preceding twelve calendar months from, any of the 38862  
following: 38863

(a) An award of reparations under sections 2743.51 to 38864  
2743.72 of the Revised Code, to the extent exempted by division 38865  
(D) of section 2743.66 of the Revised Code; 38866

(b) A payment on account of the wrongful death of an 38867  
individual of whom the person was a dependent on the date of the 38868  
individual's death, to the extent reasonably necessary for the 38869

support of the person and any of the person's dependents; 38870

(c) Except in cases in which the person who receives the 38871  
payment is an inmate, as defined in section 2969.21 of the 38872  
Revised Code, and in which the payment resulted from a civil 38873  
action or appeal against a government entity or employee, as 38874  
defined in section 2969.21 of the Revised Code, a payment, not 38875  
to exceed twenty thousand two hundred dollars, on account of 38876  
personal bodily injury, not including pain and suffering or 38877  
compensation for actual pecuniary loss, of the person or an 38878  
individual for whom the person is a dependent; 38879

(d) A payment in compensation for loss of future earnings 38880  
of the person or an individual of whom the person is or was a 38881  
dependent, to the extent reasonably necessary for the support of 38882  
the debtor and any of the debtor's dependents. 38883

(13) Except as provided in sections 3119.80, 3119.81, 38884  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 38885  
earnings of the person owed to the person for services in an 38886  
amount equal to the greater of the following amounts: 38887

(a) If paid weekly, thirty times the current federal 38888  
minimum hourly wage; if paid biweekly, sixty times the current 38889  
federal minimum hourly wage; if paid semimonthly, sixty-five 38890  
times the current federal minimum hourly wage; or if paid 38891  
monthly, one hundred thirty times the current federal minimum 38892  
hourly wage that is in effect at the time the earnings are 38893  
payable, as prescribed by the "Fair Labor Standards Act of 38894  
1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended; 38895

(b) Seventy-five per cent of the disposable earnings owed 38896  
to the person. 38897

(14) The person's right in specific partnership property, 38898

as exempted by the person's rights in a partnership pursuant to 38899  
section 1776.50 of the Revised Code, except as otherwise set 38900  
forth in section 1776.50 of the Revised Code; 38901

(15) A seal and official register of a notary public, as 38902  
exempted by section 147.04 of the Revised Code; 38903

(16) The person's interest in a tuition unit or a payment 38904  
under section 3334.09 of the Revised Code pursuant to a tuition 38905  
payment contract, as exempted by section 3334.15 of the Revised 38906  
Code; 38907

(17) Any other property that is specifically exempted from 38908  
execution, attachment, garnishment, or sale by federal statutes 38909  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 38910  
11 U.S.C.A. 101, as amended; 38911

(18) The person's aggregate interest in any property, not 38912  
to exceed one thousand seventy-five dollars, except that 38913  
division (A)(18) of this section applies only in bankruptcy 38914  
proceedings. 38915

(B) On April 1, 2010, and on the first day of April in 38916  
each third calendar year after 2010, the Ohio judicial 38917  
conference shall adjust each dollar amount set forth in this 38918  
section to reflect any increase in the consumer price index for 38919  
all urban consumers, as published by the United States 38920  
department of labor, or, if that index is no longer published, a 38921  
generally available comparable index, for the three-year period 38922  
ending on the thirty-first day of December of the preceding 38923  
year. Any adjustments required by this division shall be rounded 38924  
to the nearest twenty-five dollars. 38925

The Ohio judicial conference shall prepare a memorandum 38926  
specifying the adjusted dollar amounts. The judicial conference 38927



shall transmit the memorandum to the director of the legislative 38928  
service commission, and the director shall publish the 38929  
memorandum in the register of Ohio. (Publication of the 38930  
memorandum in the register of Ohio shall continue until the next 38931  
memorandum specifying an adjustment is so published.) The 38932  
judicial conference also may publish the memorandum in any other 38933  
manner it concludes will be reasonably likely to inform persons 38934  
who are affected by its adjustment of the dollar amounts. 38935

(C) As used in this section: 38936

(1) "Disposable earnings" means net earnings after the 38937  
garnishee has made deductions required by law, excluding the 38938  
deductions ordered pursuant to section 3119.80, 3119.81, 38939  
3121.02, 3121.03, or 3123.06 of the Revised Code. 38940

(2) "Insider" means: 38941

(a) If the person who claims an exemption is an 38942  
individual, a relative of the individual, a relative of a 38943  
general partner of the individual, a partnership in which the 38944  
individual is a general partner, a general partner of the 38945  
individual, or a corporation of which the individual is a 38946  
director, officer, or in control; 38947

(b) If the person who claims an exemption is a 38948  
corporation, a director or officer of the corporation; a person 38949  
in control of the corporation; a partnership in which the 38950  
corporation is a general partner; a general partner of the 38951  
corporation; or a relative of a general partner, director, 38952  
officer, or person in control of the corporation; 38953

(c) If the person who claims an exemption is a 38954  
partnership, a general partner in the partnership; a general 38955  
partner of the partnership; a person in control of the 38956

partnership; a partnership in which the partnership is a general 38957  
partner; or a relative in, a general partner of, or a person in 38958  
control of the partnership; 38959

(d) An entity or person to which or whom any of the 38960  
following applies: 38961

(i) The entity directly or indirectly owns, controls, or 38962  
holds with power to vote, twenty per cent or more of the 38963  
outstanding voting securities of the person who claims an 38964  
exemption, unless the entity holds the securities in a fiduciary 38965  
or agency capacity without sole discretionary power to vote the 38966  
securities or holds the securities solely to secure to debt and 38967  
the entity has not in fact exercised the power to vote. 38968

(ii) The entity is a corporation, twenty per cent or more 38969  
of whose outstanding voting securities are directly or 38970  
indirectly owned, controlled, or held with power to vote, by the 38971  
person who claims an exemption or by an entity to which division 38972  
(C) (2) (d) (i) of this section applies. 38973

(iii) A person whose business is operated under a lease or 38974  
operating agreement by the person who claims an exemption, or a 38975  
person substantially all of whose business is operated under an 38976  
operating agreement with the person who claims an exemption. 38977

(iv) The entity operates the business or all or 38978  
substantially all of the property of the person who claims an 38979  
exemption under a lease or operating agreement. 38980

(e) An insider, as otherwise defined in this section, of a 38981  
person or entity to which division (C) (2) (d) (i), (ii), (iii), or 38982  
(iv) of this section applies, as if the person or entity were a 38983  
person who claims an exemption; 38984

(f) A managing agent of the person who claims an 38985

exemption. 38986

(3) "Participant account" has the same meaning as in 38987  
section 148.01 of the Revised Code. 38988

(4) "Government unit" has the same meaning as in section 38989  
148.06 of the Revised Code. 38990

(D) For purposes of this section, "interest" shall be 38991  
determined as follows: 38992

(1) In bankruptcy proceedings, as of the date a petition 38993  
is filed with the bankruptcy court commencing a case under Title 38994  
11 of the United States Code; 38995

(2) In all cases other than bankruptcy proceedings, as of 38996  
the date of an appraisal, if necessary under section 2329.68 of 38997  
the Revised Code, or the issuance of a writ of execution. 38998

An interest, as determined under division (D) (1) or (2) of 38999  
this section, shall not include the amount of any lien otherwise 39000  
valid pursuant to section 2329.661 of the Revised Code. 39001

**Sec. 2501.16.** (A) Each court of appeals may appoint one or 39002  
more official reporters, law clerks, secretaries, and any other 39003  
employees that the court considers necessary for its efficient 39004  
operation. 39005

The clerk of the court of common pleas, acting as the 39006  
clerk of the court of appeals for the county, shall perform the 39007  
duties otherwise performed and collect the fees otherwise 39008  
collected by the clerk of the court of common pleas, as set 39009  
forth in section 2303.03 of the Revised Code, and shall maintain 39010  
the files and records of the court. The clerk of the court of 39011  
common pleas, acting as the clerk of the court of appeals for 39012  
the county, may refuse to accept for filing any pleading or 39013

paper submitted for filing by a person who has been found to be 39014  
a vexatious litigator under section 2323.52 of the Revised Code 39015  
and who has failed to obtain leave from the court of appeals to 39016  
proceed under that section. The overhead expenses pertaining to 39017  
the office of the clerk of the court of common pleas that result 39018  
from the clerk's acting as clerk of the court of appeals for the 39019  
county, other than wages and salaries, shall be paid from the 39020  
funds provided under sections 2501.18 and 2501.181 of the 39021  
Revised Code. 39022

Each officer and employee appointed pursuant to this 39023  
section shall take an oath of office, serve at the pleasure of 39024  
the court, and perform any duties that the court directs. Each 39025  
reporter shall have the powers that are vested in official 39026  
reporters of the court of common pleas under sections 2301.18 to 39027  
2301.26 of the Revised Code. Whenever an opinion, per curiam, or 39028  
report of a case has been prepared in accordance with section 39029  
2503.20 of the Revised Code, the official reporter immediately 39030  
shall forward one copy of the opinion, per curiam, or report to 39031  
the reporter of the supreme court, without expense to the 39032  
reporter. 39033

(B) The court of appeals may determine that, for the 39034  
efficient operation of the court, additional funds are necessary 39035  
to acquire and pay for special projects of the court, including, 39036  
but not limited to, the acquisition of additional facilities or 39037  
the rehabilitation of existing facilities, the acquisition of 39038  
equipment, the hiring and training of staff, the employment of 39039  
magistrates, the training and education of judges, acting 39040  
judges, and magistrates, community service programs, and other 39041  
related services. Upon that determination, the court by rule may 39042  
charge a fee, in addition to all other court costs, on the 39043  
filing of each case or cause over which the court has 39044

jurisdiction. Fees collected by a court for special projects of 39045  
the court under this division shall not be used for training or 39046  
education that takes place outside of the state. 39047

If the court of appeals offers a special program or 39048  
service in cases of a specific type, the court by rule may 39049  
assess an additional charge in a case of that type, over and 39050  
above court costs, to cover the special program or service. The 39051  
court shall adjust the special assessment periodically, but not 39052  
retroactively, so that the amount assessed in those cases does 39053  
not exceed the actual cost of providing the service or program. 39054

All moneys collected under division (B) of this section 39055  
shall be paid to the county treasurer of the county selected as 39056  
the principal seat of that court of appeals for deposit into 39057  
either a general special projects fund or a fund established for 39058  
a specific special project. Moneys from a fund of that nature 39059  
shall be disbursed upon an order of the court in an amount no 39060  
greater than the actual cost to the court of a project. If a 39061  
specific fund is terminated because of the discontinuance of a 39062  
program or service established under division (B) of this 39063  
section, the court may order that moneys remaining in the fund 39064  
be transferred to an account established under this division for 39065  
a similar purpose. 39066

**Sec. 2743.03.** (A) (1) There is hereby created a court of 39067  
claims. Except as provided under section 107.43 of the Revised 39068  
Code, the court of claims is a court of record and has 39069  
exclusive, original jurisdiction of all civil actions against 39070  
the state permitted by the waiver of immunity contained in 39071  
section 2743.02 of the Revised Code and exclusive jurisdiction 39072  
of the causes of action of all parties in civil actions that are 39073  
removed to the court of claims. The court shall have full equity 39074

powers in all actions within its jurisdiction and may entertain 39075  
and determine all counterclaims, cross-claims, and third-party 39076  
claims. 39077

(2) If the claimant in a civil action as described in 39078  
division (A)(1) of this section also files a claim for a 39079  
declaratory judgment, injunctive relief, or other equitable 39080  
relief against the state that arises out of the same 39081  
circumstances that gave rise to the civil action described in 39082  
division (A)(1) of this section, the court of claims has 39083  
exclusive, original jurisdiction to hear and determine that 39084  
claim in that civil action. This division does not affect, and 39085  
shall not be construed as affecting, the original jurisdiction 39086  
of another court of this state to hear and determine a civil 39087  
action in which the sole relief that the claimant seeks against 39088  
the state is a declaratory judgment, injunctive relief, or other 39089  
equitable relief. 39090

(3) In addition to its exclusive, original jurisdiction as 39091  
conferred by divisions (A)(1) and (2) of this section, the court 39092  
of claims has exclusive, original jurisdiction as follows: 39093

(a) As described in division (F) of section 2743.02, 39094  
division (B) of section 3335.03, and division (C) of section 39095  
5903.02 of the Revised Code; 39096

(b) Under section 2743.75 of the Revised Code to hear 39097  
complaints alleging a denial of access to public records in 39098  
violation of division (B) of section 149.43 of the Revised Code, 39099  
regardless of whether the public office or person responsible 39100  
for public records is an office or employee of the state or of a 39101  
political subdivision; 39102

(c) Under section 118.29 of the Revised Code to appoint a 39103

receiver. 39104

(B) The court of claims shall sit in Franklin county, its 39105  
hearings shall be public, and it shall consist of incumbent 39106  
justices or judges of the supreme court, courts of appeals, or 39107  
courts of common pleas, or retired justices or judges eligible 39108  
for active duty pursuant to division (C) of Section 6 of Article 39109  
IV, Ohio Constitution, sitting by temporary assignment of the 39110  
chief justice of the supreme court. The chief justice may direct 39111  
the court to sit in any county for cases on removal upon a 39112  
showing of substantial hardship and whenever justice dictates. 39113

(C) (1) A civil action against the state shall be heard and 39114  
determined by a single judge. Upon application by the claimant 39115  
or the state, the chief justice of the supreme court may assign 39116  
a panel of three judges to hear and determine a civil action 39117  
presenting novel or complex issues of law or fact. Concurrence 39118  
of two members of the panel is necessary for any judgment or 39119  
order. 39120

(2) Whenever the chief justice of the supreme court 39121  
believes an equitable resolution of a case will be expedited, 39122  
the chief justice may appoint magistrates in accordance with 39123  
Civil Rule 53 to hear the case. 39124

(3) When any dispute under division (B) of section 153.12 39125  
of the Revised Code is brought to the court of claims, upon 39126  
request of either party to the dispute, the chief justice of the 39127  
supreme court shall appoint a single referee or a panel of three 39128  
referees. The referees need not be attorneys, but shall be 39129  
persons knowledgeable about construction contract law, a member 39130  
of the construction industry panel of the American arbitration 39131  
association, or an individual or individuals deemed qualified by 39132  
the chief justice to serve. No person shall serve as a referee 39133

if that person has been employed by an affected state agency or 39134  
a contractor or subcontractor involved in the dispute at any 39135  
time in the preceding five years. Proceedings governing referees 39136  
shall be in accordance with Civil Rule 53, except as modified by 39137  
this division. The referee or panel of referees shall submit its 39138  
report, which shall include a recommendation and finding of 39139  
fact, to the judge assigned to the case by the chief justice, 39140  
within thirty days of the conclusion of the hearings. Referees 39141  
appointed pursuant to this division shall be compensated on a 39142  
per diem basis at the same rate as is paid to judges of the 39143  
court and also shall be paid their expenses. If a single referee 39144  
is appointed or a panel of three referees is appointed, then, 39145  
with respect to one referee of the panel, the compensation and 39146  
expenses of the referee shall not be taxed as part of the costs 39147  
in the case but shall be included in the budget of the court. If 39148  
a panel of three referees is appointed, the compensation and 39149  
expenses of the two remaining referees shall be taxed as costs 39150  
of the case. 39151

All costs of a case shall be apportioned among the 39152  
parties. The court may not require that any party deposit with 39153  
the court cash, bonds, or other security in excess of two 39154  
hundred dollars to guarantee payment of costs without the prior 39155  
approval in each case of the chief justice. 39156

(4) An appeal from a decision of the attorney general 39157  
pursuant to sections 2743.51 to 2743.72 of the Revised Code 39158  
shall be heard and determined by the court of claims. 39159

(D) The Rules of Civil Procedure shall govern practice and 39160  
procedure in all actions in the court of claims, except insofar 39161  
as inconsistent with this chapter. The supreme court may 39162  
promulgate rules governing practice and procedure in actions in 39163



the court as provided in Section 5 of Article IV, Ohio 39164  
Constitution. 39165

(E) (1) A party who files a counterclaim against the state 39166  
or makes the state a third-party defendant in an action 39167  
commenced in any court, other than the court of claims, shall 39168  
file a petition for removal in the court of claims. The petition 39169  
shall state the basis for removal, be accompanied by a copy of 39170  
all process, pleadings, and other papers served upon the 39171  
petitioner, and shall be signed in accordance with Civil Rule 39172  
11. A petition for removal based on a counterclaim shall be 39173  
filed within twenty-eight days after service of the counterclaim 39174  
of the petitioner. A petition for removal based on third-party 39175  
practice shall be filed within twenty-eight days after the 39176  
filing of the third-party complaint of the petitioner. 39177

(2) Within seven days after filing a petition for removal, 39178  
the petitioner shall give written notice to the parties, and 39179  
shall file a copy of the petition with the clerk of the court in 39180  
which the action was brought originally. The filing effects the 39181  
removal of the action to the court of claims, and the clerk of 39182  
the court where the action was brought shall forward all papers 39183  
in the case to the court of claims. The court of claims shall 39184  
adjudicate all civil actions removed. The court may remand a 39185  
civil action to the court in which it originated upon a finding 39186  
that the removal petition does not justify removal, or upon a 39187  
finding that the state is no longer a party. 39188

(3) Bonds, undertakings, or security and injunctions, 39189  
attachments, sequestrations, or other orders issued prior to 39190  
removal remain in effect until dissolved or modified by the 39191  
court of claims. 39192

**Sec. 2907.15.** (A) As used in this section: 39193

(1) "Public retirement system" means the public employees 39194  
retirement system, state teachers retirement system, school 39195  
employees retirement system, Ohio police and fire pension fund, 39196  
state highway patrol retirement system, or a municipal 39197  
retirement system of a municipal corporation of this state. 39198

(2) "Government deferred compensation program" means such 39199  
a program offered by the ~~Ohio~~ public employees ~~deferred-~~ 39200  
~~compensation-retirement~~ board; a municipal corporation; or a 39201  
~~governmental-government~~ unit, as defined in section 148.06 of 39202  
the Revised Code. 39203

(3) "Deferred compensation program participant" means a 39204  
"participating employee" or "continuing member," as defined in 39205  
section 148.01 of the Revised Code, or any other public employee 39206  
who has funds in a government deferred compensation program. 39207

(4) "Alternative retirement plan" means an alternative 39208  
retirement plan provided pursuant to Chapter 3305. of the 39209  
Revised Code. 39210

(5) "Prosecutor" has the same meaning as in section 39211  
2935.01 of the Revised Code. 39212

In any case in which a sentencing court orders restitution 39213  
to the victim under section 2929.18 or 2929.28 of the Revised 39214  
Code for a violation of section 2907.02, 2907.03, 2907.04, or 39215  
2907.05 of the Revised Code and in which the offender is a 39216  
government deferred compensation program participant, is an 39217  
electing employee, as defined in section 3305.01 of the Revised 39218  
Code, or is a member of, or receiving a pension, benefit, or 39219  
allowance, other than a survivorship benefit, from, a public 39220  
retirement system and committed the offense against a child, 39221  
student, patient, or other person with whom the offender had 39222

contact in the context of the offender's public employment, at 39223  
the request of the victim the prosecutor shall file a motion 39224  
with the sentencing court specifying the government deferred 39225  
compensation program, alternative retirement plan, or public 39226  
retirement system and requesting that the court issue an order 39227  
requiring the government deferred compensation program, 39228  
alternative retirement plan, or public retirement system to 39229  
withhold the amount required as restitution from one or more of 39230  
the following: any payment to be made from a government deferred 39231  
compensation program, any payment or benefit under an 39232  
alternative retirement plan, or under a pension, annuity, 39233  
allowance, or any other benefit, other than a survivorship 39234  
benefit, that has been or is in the future granted to the 39235  
offender; from any payment of accumulated employee contributions 39236  
standing to the offender's credit with the government deferred 39237  
compensation program, alternative retirement plan, or public 39238  
retirement system; or from any payment of any other amounts to 39239  
be paid to the offender pursuant to Chapter 145., 148., 742., 39240  
3307., 3309., or 5505. of the Revised Code on withdrawal of 39241  
contributions. The motion may be filed at any time subsequent to 39242  
the conviction of the offender or entry of a guilty plea. On the 39243  
filing of the motion, the clerk of the court in which the motion 39244  
is filed shall notify the offender and the government deferred 39245  
compensation program, alternative retirement plan, or public 39246  
retirement system, in writing, of all of the following: that the 39247  
motion was filed; that the offender will be granted a hearing on 39248  
the issuance of the requested order if the offender files a 39249  
written request for a hearing with the clerk prior to the 39250  
expiration of thirty days after the offender receives the 39251  
notice; that, if a hearing is requested, the court will schedule 39252  
a hearing as soon as possible and notify the offender and the 39253  
government deferred compensation program, alternative retirement 39254

plan, or public retirement system of the date, time, and place 39255  
of the hearing; that, if a hearing is conducted, it will be 39256  
limited to a consideration of whether the offender can show good 39257  
cause why the order should not be issued; that, if a hearing is 39258  
conducted, the court will not issue the order if the court 39259  
determines, based on evidence presented at the hearing by the 39260  
offender, that there is good cause for the order not to be 39261  
issued; that the court will issue the order if a hearing is not 39262  
requested or if a hearing is conducted but the court does not 39263  
determine, based on evidence presented at the hearing by the 39264  
offender, that there is good cause for the order not to be 39265  
issued; and that, if the order is issued, the government 39266  
deferred compensation program, alternative retirement plan, or 39267  
public retirement system specified in the motion will be 39268  
required to withhold the amount required as restitution from 39269  
payments to the offender. 39270

(B) In any case in which a motion requesting the issuance 39271  
of a withholding order as described in division (A) of this 39272  
section is filed, the offender may receive a hearing on the 39273  
motion by delivering a written request for a hearing to the 39274  
court prior to the expiration of thirty days after the 39275  
offender's receipt of the notice provided pursuant to division 39276  
(A) of this section. If the offender requests a hearing within 39277  
the prescribed time, the court shall schedule a hearing as soon 39278  
as possible after the request is made and notify the offender 39279  
and the government deferred compensation program, alternative 39280  
retirement plan, or public retirement system of the date, time, 39281  
and place of the hearing. A hearing scheduled under this 39282  
division shall be limited to a consideration of whether there is 39283  
good cause, based on evidence presented by the offender, for the 39284  
requested order not to be issued. If the court determines, based 39285

on evidence presented by the offender, that there is good cause 39286  
for the order not to be issued, the court shall deny the motion 39287  
and shall not issue the order. Good cause for not issuing the 39288  
order includes a determination by the court that the order would 39289  
severely impact the offender's ability to support the offender's 39290  
dependents. 39291

If the offender does not request a hearing within the 39292  
prescribed time or the court conducts a hearing but does not 39293  
determine, based on evidence presented by the offender, that 39294  
there is good cause for the order not to be issued, the court 39295  
shall order the government deferred compensation program, 39296  
alternative retirement plan, or public retirement system to 39297  
withhold the amount required as restitution from one or more of 39298  
the following: any payments to be made from a government 39299  
deferred compensation program, any payment or benefit under an 39300  
alternative retirement plan, or under a pension, annuity, 39301  
allowance, or under any other benefit, other than a survivorship 39302  
benefit, that has been or is in the future granted to the 39303  
offender; from any payment of accumulated employee contributions 39304  
standing to the offender's credit with the government deferred 39305  
compensation program, alternative retirement plan, or public 39306  
retirement system; or from any payment of any other amounts to 39307  
be paid to the offender upon withdrawal of contributions 39308  
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 39309  
the Revised Code and to continue the withholding for that 39310  
purpose, in accordance with the order, out of each payment to be 39311  
made on or after the date of issuance of the order, until 39312  
further order of the court. On receipt of an order issued under 39313  
this division, the government deferred compensation program, 39314  
alternative retirement plan, or public retirement system shall 39315  
withhold the amount required as restitution, in accordance with 39316

the order, from any such payments and immediately forward the 39317  
amount withheld to the clerk of the court in which the order was 39318  
issued for payment to the person to whom restitution is to be 39319  
made. The order shall not apply to any portion of payments made 39320  
from a government deferred compensation program, alternative 39321  
retirement plan, or public retirement system to a person other 39322  
than the offender pursuant to a previously issued domestic court 39323  
order. 39324

(C) Service of a notice required by division (A) or (B) of 39325  
this section shall be effected in the same manner as provided in 39326  
the Rules of Civil Procedure for the service of process. 39327

(D) Upon the filing of charges under section 2907.02, 39328  
2907.03, 2907.04, or 2907.05 of the Revised Code against a 39329  
person who is a deferred compensation program participant, an 39330  
electing employee participating in an alternative retirement 39331  
plan, or a member of, or receiving a pension benefit, or 39332  
allowance, other than a survivorship benefit, from a public 39333  
retirement system for an offense against a child, student, 39334  
patient, or other person with whom the offender had contact in 39335  
the context of the offender's public employment, the prosecutor 39336  
shall send written notice that charges have been filed against 39337  
that person to the appropriate government deferred compensation 39338  
program, alternative retirement plan, or public retirement 39339  
system. The notice shall specifically identify the person 39340  
charged. 39341

**Sec. 2913.401.** (A) As used in this section: 39342

(1) "Medicaid services" has the same meaning as in section 39343  
5164.01 of the Revised Code. 39344

(2) "Property" means any real or personal property or 39345

other asset in which a person has any legal title or interest. 39346

(B) No person shall knowingly do any of the following in 39347  
an application for enrollment in the medicaid program or in a 39348  
document that requires a disclosure of assets for the purpose of 39349  
determining eligibility for the medicaid program: 39350

(1) Make or cause to be made a false or misleading 39351  
statement; 39352

(2) Conceal an interest in property; 39353

(3) (a) Except as provided in division (B) (3) (b) of this 39354  
section, fail to disclose a transfer of property that occurred 39355  
during the period beginning thirty-six months before submission 39356  
of the application or document and ending on the date the 39357  
application or document was submitted; 39358

(b) Fail to disclose a transfer of property that occurred 39359  
during the period beginning sixty months before submission of 39360  
the application or document and ending on the date the 39361  
application or document was submitted and that was made to an 39362  
irrevocable trust a portion of which is not distributable to the 39363  
applicant for or recipient of medicaid or to a revocable trust. 39364

(C) (1) Whoever violates this section is guilty of medicaid 39365  
eligibility fraud. Except as otherwise provided in this 39366  
division, a violation of this section is a misdemeanor of the 39367  
first degree. If the value of the medicaid services paid as a 39368  
result of the violation is one thousand dollars or more and is 39369  
less than seven thousand five hundred dollars, a violation of 39370  
this section is a felony of the fifth degree. If the value of 39371  
the medicaid services paid as a result of the violation is seven 39372  
thousand five hundred dollars or more and is less than one 39373  
hundred fifty thousand dollars, a violation of this section is a 39374

felony of the fourth degree. If the value of the medicaid 39375  
services paid as a result of the violation is one hundred fifty 39376  
thousand dollars or more, a violation of this section is a 39377  
felony of the third degree. 39378

(2) In addition to imposing a sentence under division (C) 39379  
(1) of this section, the court ~~shall~~may order that a person who 39380  
is guilty of medicaid eligibility fraud make restitution in the 39381  
~~full~~ amount of two hundred per cent of any medicaid services 39382  
paid on behalf of an applicant for or recipient of medicaid for 39383  
which the applicant or recipient was not eligible, plus interest 39384  
at the rate applicable to judgments on unreimbursed amounts from 39385  
the date on which the medicaid services were paid to the date on 39386  
which restitution is made. 39387

(3) The remedies and penalties provided in this section 39388  
are not exclusive and do not preclude the use of any other 39389  
criminal or civil remedy for any act that is in violation of 39390  
this section. 39391

(D) This section does not apply to a person who fully 39392  
disclosed in an application for medicaid or in a document that 39393  
requires a disclosure of assets for the purpose of determining 39394  
eligibility for medicaid all of the interests in property of the 39395  
applicant for or recipient of medicaid, all transfers of 39396  
property by the applicant for or recipient of medicaid, and the 39397  
circumstances of all those transfers. 39398

(E) Any amounts of medicaid services recovered as 39399  
restitution under this section and any interest on those amounts 39400  
shall be credited to the general revenue fund, and any 39401  
applicable federal share shall be returned to the appropriate 39402  
agency or department of the United States. 39403



Sec. 2915.01. As used in this chapter: 39404

(A) "Bookmaking" means the business of receiving or paying 39405  
off bets. 39406

(B) "Bet" means the hazarding of anything of value upon 39407  
the result of an event, undertaking, or contingency, but does 39408  
not include a bona fide business risk. 39409

(C) "Scheme of chance" means a slot machine unless 39410  
authorized under Chapter 3772. of the Revised Code, lottery 39411  
unless authorized under Chapter 3770. of the Revised Code, 39412  
numbers game, pool conducted for profit, or other scheme in 39413  
which a participant gives a valuable consideration for a chance 39414  
to win a prize, but does not include bingo, a skill-based 39415  
amusement machine, or a pool not conducted for profit. "Scheme 39416  
of chance" includes the use of an electronic device to reveal 39417  
the results of a game entry if valuable consideration is paid, 39418  
directly or indirectly, for a chance to win a prize. Valuable 39419  
consideration is deemed to be paid for a chance to win a prize 39420  
in the following instances: 39421

(1) Less than fifty per cent of the goods or services sold 39422  
by a scheme of chance operator in exchange for game entries are 39423  
used or redeemed by participants at any one location; 39424

(2) Less than fifty per cent of participants who purchase 39425  
goods or services at any one location do not accept, use, or 39426  
redeem the goods or services sold or purportedly sold; 39427

(3) More than fifty per cent of prizes at any one location 39428  
are revealed to participants through an electronic device 39429  
simulating a game of chance or a "casino game" as defined in 39430  
section 3772.01 of the Revised Code; 39431

(4) The good or service sold by a scheme of chance 39432

operator in exchange for a game entry cannot be used or redeemed 39433  
in the manner advertised; 39434

(5) A participant pays more than fair market value for 39435  
goods or services offered by a scheme of chance operator in 39436  
order to receive one or more game entries; 39437

(6) A participant may use the electronic device to 39438  
purchase additional game entries; 39439

(7) A participant may purchase additional game entries by 39440  
using points or credits won as prizes while using the electronic 39441  
device; 39442

(8) A scheme of chance operator pays out in prize money 39443  
more than twenty per cent of the gross revenue received at one 39444  
location; or 39445

(9) A participant makes a purchase or exchange in order to 39446  
obtain any good or service that may be used to facilitate play 39447  
on the electronic device. 39448

As used in this division, "electronic device" means a 39449  
mechanical, video, digital, or electronic machine or device that 39450  
is capable of displaying information on a screen or other 39451  
mechanism and that is owned, leased, or otherwise possessed by 39452  
any person conducting a scheme of chance, or by that person's 39453  
partners, affiliates, subsidiaries, or contractors. "Electronic 39454  
device" does not include an electronic instant bingo system. 39455

(D) "Game of chance" means poker, craps, roulette, or 39456  
other game in which a player gives anything of value in the hope 39457  
of gain, the outcome of which is determined largely by chance, 39458  
but does not include bingo. 39459

(E) "Game of chance conducted for profit" means any game 39460

of chance designed to produce income for the person who conducts 39461  
or operates the game of chance, but does not include bingo. 39462

(F) "Gambling device" means any of the following: 39463

(1) A book, totalizer, or other equipment for recording 39464  
bets; 39465

(2) A ticket, token, or other device representing a 39466  
chance, share, or interest in a scheme of chance or evidencing a 39467  
bet; 39468

(3) A deck of cards, dice, gaming table, roulette wheel, 39469  
slot machine, or other apparatus designed for use in connection 39470  
with a game of chance; 39471

(4) Any equipment, device, apparatus, or paraphernalia 39472  
specially designed for gambling purposes; 39473

(5) Bingo supplies sold or otherwise provided, or used, in 39474  
violation of this chapter. 39475

(G) "Gambling offense" means any of the following: 39476

(1) A violation of this chapter; 39477

(2) A violation of an existing or former municipal 39478  
ordinance or law of this or any other state or the United States 39479  
substantially equivalent to any provision of this chapter or a 39480  
violation of section 2915.06 of the Revised Code as it existed 39481  
prior to July 1, 1996; 39482

(3) An offense under an existing or former municipal 39483  
ordinance or law of this or any other state or the United 39484  
States, of which gambling is an element; 39485

(4) A conspiracy or attempt to commit, or complicity in 39486  
committing, any offense under division (G)(1), (2), or (3) of 39487

this section. 39488

(H) Except as otherwise provided in this chapter, 39489  
"charitable organization" means either of the following: 39490

(1) An organization that is exempt from federal income 39491  
taxation under subsection 501(a) and described in subsection 39492  
501(c) (3) of the Internal Revenue Code; 39493

(2) A volunteer rescue service organization, volunteer 39494  
firefighter's organization, veteran's organization, fraternal 39495  
organization, or sporting organization that is exempt from 39496  
federal income taxation under subsection 501(c) (4), (c) (7), (c) 39497  
(8), (c) (10), or (c) (19) of the Internal Revenue Code. 39498

To qualify as a "charitable organization," an organization 39499  
shall have been in continuous existence as such in this state 39500  
for a period of two years immediately preceding either the 39501  
making of an application for a bingo license under section 39502  
2915.08 of the Revised Code or the conducting of any game of 39503  
chance as provided in division (D) of section 2915.02 of the 39504  
Revised Code. 39505

(I) "Religious organization" means any church, body of 39506  
communicants, or group that is not organized or operated for 39507  
profit and that gathers in common membership for regular worship 39508  
and religious observances. 39509

(J) "Veteran's organization" means any individual post or 39510  
state headquarters of a national veteran's association or an 39511  
auxiliary unit of any individual post of a national veteran's 39512  
association, which post, state headquarters, or auxiliary unit 39513  
is incorporated as a nonprofit corporation and either has 39514  
received a letter from the state headquarters of the national 39515  
veteran's association indicating that the individual post or 39516

auxiliary unit is in good standing with the national veteran's 39517  
association or has received a letter from the national veteran's 39518  
association indicating that the state headquarters is in good 39519  
standing with the national veteran's association. As used in 39520  
this division, "national veteran's association" means any 39521  
veteran's association that has been in continuous existence as 39522  
such for a period of at least five years and either is 39523  
incorporated by an act of the United States congress or has a 39524  
national dues-paying membership of at least five thousand 39525  
persons. 39526

(K) "Volunteer firefighter's organization" means any 39527  
organization of volunteer firefighters, as defined in section 39528  
146.01 of the Revised Code, that is organized and operated 39529  
exclusively to provide financial support for a volunteer fire 39530  
department or a volunteer fire company and that is recognized or 39531  
ratified by a county, municipal corporation, or township. 39532

(L) "Fraternal organization" means any society, order, 39533  
state headquarters, or association within this state, except a 39534  
college or high school fraternity, that is not organized for 39535  
profit, that is a branch, lodge, or chapter of a national or 39536  
state organization, that exists exclusively for the common 39537  
business or sodality of its members. 39538

(M) "Volunteer rescue service organization" means any 39539  
organization of volunteers organized to function as an emergency 39540  
medical service organization, as defined in section 4765.01 of 39541  
the Revised Code. 39542

(N) "Charitable bingo game" means any bingo game described 39543  
in division (O) (1) or (2) of this section that is conducted by a 39544  
charitable organization that has obtained a license pursuant to 39545  
section 2915.08 of the Revised Code and the proceeds of which 39546

are used for a charitable purpose. 39547

(O) "Bingo" means either of the following: 39548

(1) A game with all of the following characteristics: 39549

(a) The participants use bingo cards or sheets, including 39550  
paper formats and electronic representation or image formats, 39551  
that are divided into twenty-five spaces arranged in five 39552  
horizontal and five vertical rows of spaces, with each space, 39553  
except the central space, being designated by a combination of a 39554  
letter and a number and with the central space being designated 39555  
as a free space. 39556

(b) The participants cover the spaces on the bingo cards 39557  
or sheets that correspond to combinations of letters and numbers 39558  
that are announced by a bingo game operator. 39559

(c) A bingo game operator announces combinations of 39560  
letters and numbers that appear on objects that a bingo game 39561  
operator selects by chance, either manually or mechanically, 39562  
from a receptacle that contains seventy-five objects at the 39563  
beginning of each game, each object marked by a different 39564  
combination of a letter and a number that corresponds to one of 39565  
the seventy-five possible combinations of a letter and a number 39566  
that can appear on the bingo cards or sheets. 39567

(d) The winner of the bingo game includes any participant 39568  
who properly announces during the interval between the 39569  
announcements of letters and numbers as described in division 39570  
(O) (1) (c) of this section, that a predetermined and preannounced 39571  
pattern of spaces has been covered on a bingo card or sheet 39572  
being used by the participant. 39573

(2) Instant bingo, electronic instant bingo, and raffles. 39574

(P) "Conduct" means to back, promote, organize, manage, 39575  
carry on, sponsor, or prepare for the operation of bingo or a 39576  
game of chance, a scheme of chance, or a sweepstakes. 39577

(Q) "Bingo game operator" means any person, except 39578  
security personnel, who performs work or labor at the site of 39579  
bingo, including, but not limited to, collecting money from 39580  
participants, handing out bingo cards or sheets or objects to 39581  
cover spaces on bingo cards or sheets, selecting from a 39582  
receptacle the objects that contain the combination of letters 39583  
and numbers that appear on bingo cards or sheets, calling out 39584  
the combinations of letters and numbers, distributing prizes, 39585  
selling or redeeming instant bingo tickets or cards, selling or 39586  
redeeming electronic instant bingo tickets, credits, or 39587  
vouchers, accessing an electronic instant bingo system other 39588  
than as a participant, supervising the operation of a punch 39589  
board, selling raffle tickets, selecting raffle tickets from a 39590  
receptacle and announcing the winning numbers in a raffle, and 39591  
preparing, selling, and serving food or beverages. "Bingo game 39592  
operator" does not include a person who is installing, 39593  
maintaining, updating, or repairing an electronic instant bingo 39594  
system. 39595

(R) "Participant" means any person who plays bingo. 39596

(S) "Bingo session" means a period that includes both of 39597  
the following: 39598

(1) Not to exceed five continuous hours for the conduct of 39599  
one or more games described in division (O) (1) of this section, 39600  
instant bingo, and electronic instant bingo; 39601

(2) A period for the conduct of instant bingo and 39602  
electronic instant bingo for not more than two hours before and 39603

not more than two hours after the period described in division 39604  
(S) (1) of this section. 39605

(T) "Gross receipts" means all money or assets, including 39606  
admission fees, that a person receives from bingo without the 39607  
deduction of any amounts for prizes paid out or for the expenses 39608  
of conducting bingo. "Gross receipts" does not include any money 39609  
directly taken in from the sale of food or beverages by a 39610  
charitable organization conducting bingo, or by a bona fide 39611  
auxiliary unit or society of a charitable organization 39612  
conducting bingo, provided all of the following apply: 39613

(1) The auxiliary unit or society has been in existence as 39614  
a bona fide auxiliary unit or society of the charitable 39615  
organization for at least two years prior to conducting bingo. 39616

(2) The person who purchases the food or beverage receives 39617  
nothing of value except the food or beverage and items 39618  
customarily received with the purchase of that food or beverage. 39619

(3) The food and beverages are sold at customary and 39620  
reasonable prices. 39621

(U) "Security personnel" includes any person who either is 39622  
a sheriff, deputy sheriff, marshal, deputy marshal, township 39623  
constable, or member of an organized police department of a 39624  
municipal corporation or has successfully completed a peace 39625  
officer's training course pursuant to sections 109.71 to 109.79 39626  
of the Revised Code and who is hired to provide security for the 39627  
premises on which bingo is conducted. 39628

(V) "Charitable purpose" means that the net profit of 39629  
bingo, other than instant bingo or electronic instant bingo, is 39630  
used by, or is given, donated, or otherwise transferred to, any 39631  
of the following: 39632



(1) Any organization that is described in subsection 39633  
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 39634  
and is either a governmental unit or an organization that is tax 39635  
exempt under subsection 501(a) and described in subsection 39636  
501(c) (3) of the Internal Revenue Code; 39637

(2) A veteran's organization that is a post, chapter, or 39638  
organization of veterans, or an auxiliary unit or society of, or 39639  
a trust or foundation for, any such post, chapter, or 39640  
organization organized in the United States or any of its 39641  
possessions, at least seventy-five per cent of the members of 39642  
which are veterans and substantially all of the other members of 39643  
which are individuals who are spouses, widows, or widowers of 39644  
veterans, or such individuals, provided that no part of the net 39645  
earnings of such post, chapter, or organization inures to the 39646  
benefit of any private shareholder or individual, and further 39647  
provided that the net profit is used by the post, chapter, or 39648  
organization for the charitable purposes set forth in division 39649  
(B) (12) of section 5739.02 of the Revised Code, is used for 39650  
awarding scholarships to or for attendance at an institution 39651  
mentioned in division (B) (12) of section 5739.02 of the Revised 39652  
Code, is donated to a governmental agency, or is used for 39653  
nonprofit youth activities, the purchase of United States or 39654  
Ohio flags that are donated to schools, youth groups, or other 39655  
bona fide nonprofit organizations, promotion of patriotism, or 39656  
disaster relief; 39657

(3) A fraternal organization that has been in continuous 39658  
existence in this state for fifteen years and that uses the net 39659  
profit exclusively for religious, charitable, scientific, 39660  
literary, or educational purposes, or for the prevention of 39661  
cruelty to children or animals, if contributions for such use 39662  
would qualify as a deductible charitable contribution under 39663

subsection 170 of the Internal Revenue Code; 39664

(4) A volunteer firefighter's organization that uses the 39665  
net profit for the purposes set forth in division (K) of this 39666  
section. 39667

(W) "Internal Revenue Code" means the "Internal Revenue 39668  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 39669  
amended. 39670

(X) "Youth athletic organization" means any organization, 39671  
not organized for profit, that is organized and operated 39672  
exclusively to provide financial support to, or to operate, 39673  
athletic activities for persons who are twenty-one years of age 39674  
or younger by means of sponsoring, organizing, operating, or 39675  
contributing to the support of an athletic team, club, league, 39676  
or association. 39677

(Y) "Youth athletic park organization" means any 39678  
organization, not organized for profit, that satisfies both of 39679  
the following: 39680

(1) It owns, operates, and maintains playing fields that 39681  
satisfy both of the following: 39682

(a) The playing fields are used for athletic activities by 39683  
one or more organizations, not organized for profit, each of 39684  
which is organized and operated exclusively to provide financial 39685  
support to, or to operate, athletic activities for persons who 39686  
are eighteen years of age or younger by means of sponsoring, 39687  
organizing, operating, or contributing to the support of an 39688  
athletic team, club, league, or association. 39689

(b) The playing fields are not used for any profit-making 39690  
activity at any time during the year. 39691

(2) It uses the proceeds of bingo it conducts exclusively 39692  
for the operation, maintenance, and improvement of its playing 39693  
fields of the type described in division (Y)(1) of this section. 39694

(Z) "Bingo supplies" means bingo cards or sheets; instant 39695  
bingo tickets or cards; electronic bingo aids; raffle tickets; 39696  
punch boards; seal cards; instant bingo ticket dispensers; 39697  
electronic instant bingo systems; and devices for selecting or 39698  
displaying the combination of bingo letters and numbers or 39699  
raffle tickets. Items that are "bingo supplies" are not gambling 39700  
devices if sold or otherwise provided, and used, in accordance 39701  
with this chapter. For purposes of this chapter, "bingo 39702  
supplies" are not to be considered equipment used to conduct a 39703  
bingo game. 39704

(AA) "Instant bingo" means a form of bingo that shall use 39705  
folded or banded tickets or paper cards with perforated break- 39706  
open tabs, a face of which is covered or otherwise hidden from 39707  
view to conceal a number, letter, or symbol, or set of numbers, 39708  
letters, or symbols, some of which have been designated in 39709  
advance as prize winners, and may also include games in which 39710  
some winners are determined by the random selection of one or 39711  
more bingo numbers by the use of a seal card or bingo blower. 39712  
"Instant bingo" also includes a punch board game. In all 39713  
"instant bingo" the prize amount and structure shall be 39714  
predetermined. "Instant bingo" does not include electronic 39715  
instant bingo or any device that is activated by the insertion 39716  
of a coin, currency, token, or an equivalent, and that contains 39717  
as one of its components a video display monitor that is capable 39718  
of displaying numbers, letters, symbols, or characters in 39719  
winning or losing combinations. 39720

(BB) "Seal card" means a form of instant bingo that uses 39721

instant bingo tickets in conjunction with a board or placard 39722  
that contains one or more seals that, when removed or opened, 39723  
reveal predesignated winning numbers, letters, or symbols. 39724

(CC) "Raffle" means a form of bingo in which the one or 39725  
more prizes are won by one or more persons who have purchased a 39726  
raffle ticket. The one or more winners of the raffle are 39727  
determined by drawing a ticket stub or other detachable section 39728  
from a receptacle containing ticket stubs or detachable sections 39729  
corresponding to all tickets sold for the raffle. "Raffle" does 39730  
not include the drawing of a ticket stub or other detachable 39731  
section of a ticket purchased to attend a professional sporting 39732  
event if both of the following apply: 39733

(1) The ticket stub or other detachable section is used to 39734  
select the winner of a free prize given away at the professional 39735  
sporting event; and 39736

(2) The cost of the ticket is the same as the cost of a 39737  
ticket to the professional sporting event on days when no free 39738  
prize is given away. 39739

(DD) "Punch board" means a form of instant bingo that uses 39740  
a board containing a number of holes or receptacles of uniform 39741  
size in which are placed, mechanically and randomly, serially 39742  
numbered slips of paper that may be punched or drawn from the 39743  
hole or receptacle. A player may punch or draw the numbered 39744  
slips of paper from the holes or receptacles and obtain the 39745  
prize established for the game if the number drawn corresponds 39746  
to a winning number or, if the punch board includes the use of a 39747  
seal card, a potential winning number. 39748

(EE) "Gross profit" means gross receipts minus the amount 39749  
actually expended for the payment of prize awards. 39750

(FF) "Net profit" means gross profit minus expenses.	39751
(GG) "Expenses" means the reasonable amount of gross	39752
profit actually expended for all of the following:	39753
(1) The purchase or lease of bingo supplies;	39754
(2) The annual license fee required under section 2915.08	39755
of the Revised Code;	39756
(3) Bank fees and service charges for a bingo session or	39757
game account described in section 2915.10 of the Revised Code;	39758
(4) Audits and accounting services;	39759
(5) Safes;	39760
(6) Cash registers;	39761
(7) Hiring security personnel;	39762
(8) Advertising bingo;	39763
(9) Renting premises in which to conduct a bingo session;	39764
(10) Tables and chairs;	39765
(11) Expenses for maintaining and operating a charitable	39766
organization's facilities, including, but not limited to, a post	39767
home, club house, lounge, tavern, or canteen and any grounds	39768
attached to the post home, club house, lounge, tavern, or	39769
canteen;	39770
(12) Payment of real property taxes and assessments that	39771
are levied on a premises on which bingo is conducted;	39772
(13) Any other product or service directly related to the	39773
conduct of bingo that is authorized in rules adopted by the	39774
attorney general under division (F) (1) of section 2915.08 of the	39775
Revised Code.	39776

(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.

(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O) (1) of this section plus the annual net profit derived from the conduct of bingo described in division (O) (2) of this section.

(NN) "Instant bingo ticket dispenser" means a mechanical 39805  
device that dispenses an instant bingo ticket or card as the 39806  
sole item of value dispensed and that has the following 39807  
characteristics: 39808

(1) It is activated upon the insertion of United States 39809  
currency. 39810

(2) It performs no gaming functions. 39811

(3) It does not contain a video display monitor or 39812  
generate noise. 39813

(4) It is not capable of displaying any numbers, letters, 39814  
symbols, or characters in winning or losing combinations. 39815

(5) It does not simulate or display rolling or spinning 39816  
reels. 39817

(6) It is incapable of determining whether a dispensed 39818  
bingo ticket or card is a winning or nonwinning ticket or card 39819  
and requires a winning ticket or card to be paid by a bingo game 39820  
operator. 39821

(7) It may provide accounting and security features to aid 39822  
in accounting for the instant bingo tickets or cards it 39823  
dispenses. 39824

(8) It is not part of an electronic network and is not 39825  
interactive. 39826

(OO) (1) "Electronic bingo aid" means an electronic device 39827  
used by a participant to monitor bingo cards or sheets purchased 39828  
at the time and place of a bingo session and that does all of 39829  
the following: 39830

(a) It provides a means for a participant to input numbers 39831

and letters announced by a bingo caller. 39832

(b) It compares the numbers and letters entered by the 39833  
participant to the bingo faces previously stored in the memory 39834  
of the device. 39835

(c) It identifies a winning bingo pattern. 39836

(2) "Electronic bingo aid" does not include any device 39837  
into which a coin, currency, token, or an equivalent is inserted 39838  
to activate play. 39839

(PP) "Deal" means a single game of instant bingo tickets, 39840  
or a single game of electronic instant bingo tickets, all with 39841  
the same serial number. 39842

(QQ) (1) "Slot machine" means either of the following: 39843

(a) Any mechanical, electronic, video, or digital device 39844  
that is capable of accepting anything of value, directly or 39845  
indirectly, from or on behalf of a player who gives the thing of 39846  
value in the hope of gain; 39847

(b) Any mechanical, electronic, video, or digital device 39848  
that is capable of accepting anything of value, directly or 39849  
indirectly, from or on behalf of a player to conduct bingo or a 39850  
scheme or game of chance. 39851

(2) "Slot machine" does not include a skill-based 39852  
amusement machine, an instant bingo ticket dispenser, or an 39853  
electronic instant bingo system. 39854

(RR) ~~"Net profit from the proceeds of the sale of instant~~ 39855  
~~bingo or electronic instant bingo" means gross profit minus the~~ 39856  
~~ordinary, necessary, and reasonable expense expended for the~~ 39857  
~~purchase of bingo supplies for the purpose of conducting instant~~ 39858  
~~bingo or electronic instant bingo, and, in the case of instant~~ 39859



~~bingo or electronic instant bingo conducted by a veteran's,~~ 39860  
~~fraternal, or sporting organization, minus the payment by that~~ 39861  
~~organization of real property taxes and assessments levied on a~~ 39862  
~~premises on which instant bingo or electronic instant bingo is~~ 39863  
~~conducted.~~ 39864

~~(SS)~~ "Charitable instant bingo organization" means an 39865  
organization that is exempt from federal income taxation under 39866  
subsection 501(a) and described in subsection 501(c)(3) of the 39867  
Internal Revenue Code and is a charitable organization as 39868  
defined in this section. A "charitable instant bingo 39869  
organization" does not include a charitable organization that is 39870  
exempt from federal income taxation under subsection 501(a) and 39871  
described in subsection 501(c)(3) of the Internal Revenue Code 39872  
and that is created by a veteran's organization, a fraternal 39873  
organization, or a sporting organization in regards to bingo 39874  
conducted or assisted by a veteran's organization, a fraternal 39875  
organization, or a sporting organization pursuant to section 39876  
2915.13 of the Revised Code. 39877

~~(TT)~~ (SS) "Game flare" means the board or placard, or 39878  
electronic representation of a board or placard, that 39879  
accompanies each deal of instant bingo or electronic instant 39880  
bingo tickets and that includes the following information for 39881  
the game: 39882

(1) The name of the game; 39883

(2) The manufacturer's name or distinctive logo; 39884

(3) The form number; 39885

(4) The ticket count; 39886

(5) The prize structure, including the number of winning 39887  
tickets by denomination and the respective winning symbol or 39888

number combinations for the winning tickets; 39889

(6) The cost per play; 39890

(7) The serial number of the game. 39891

~~(UU) (1)~~ (TT) (1) "Skill-based amusement machine" means a 39892  
mechanical, video, digital, or electronic device that rewards 39893  
the player or players, if at all, only with merchandise prizes 39894  
or with redeemable vouchers redeemable only for merchandise 39895  
prizes, provided that with respect to rewards for playing the 39896  
game all of the following apply: 39897

(a) The wholesale value of a merchandise prize awarded as 39898  
a result of the single play of a machine does not exceed ten 39899  
dollars; 39900

(b) Redeemable vouchers awarded for any single play of a 39901  
machine are not redeemable for a merchandise prize with a 39902  
wholesale value of more than ten dollars; 39903

(c) Redeemable vouchers are not redeemable for a 39904  
merchandise prize that has a wholesale value of more than ten 39905  
dollars times the fewest number of single plays necessary to 39906  
accrue the redeemable vouchers required to obtain that prize; 39907  
and 39908

(d) Any redeemable vouchers or merchandise prizes are 39909  
distributed at the site of the skill-based amusement machine at 39910  
the time of play. 39911

A card for the purchase of gasoline is a redeemable 39912  
voucher for purposes of division ~~(UU) (1)~~ (TT) (1) of this section 39913  
even if the skill-based amusement machine for the play of which 39914  
the card is awarded is located at a place where gasoline may not 39915  
be legally distributed to the public or the card is not 39916

redeemable at the location of, or at the time of playing, the 39917  
skill-based amusement machine. 39918

(2) A device shall not be considered a skill-based 39919  
amusement machine and shall be considered a slot machine if it 39920  
pays cash or one or more of the following apply: 39921

(a) The ability of a player to succeed at the game is 39922  
impacted by the number or ratio of prior wins to prior losses of 39923  
players playing the game. 39924

(b) Any reward of redeemable vouchers is not based solely 39925  
on the player achieving the object of the game or the player's 39926  
score; 39927

(c) The outcome of the game, or the value of the 39928  
redeemable voucher or merchandise prize awarded for winning the 39929  
game, can be controlled by a source other than any player 39930  
playing the game. 39931

(d) The success of any player is or may be determined by a 39932  
chance event that cannot be altered by player actions. 39933

(e) The ability of any player to succeed at the game is 39934  
determined by game features not visible or known to the player. 39935

(f) The ability of the player to succeed at the game is 39936  
impacted by the exercise of a skill that no reasonable player 39937  
could exercise. 39938

(3) All of the following apply to any machine that is 39939  
operated as described in division ~~(UU)(1)~~ (TT)(1) of this 39940  
section: 39941

(a) As used in division ~~(UU)~~ (TT) of this section, "game" 39942  
and "play" mean one event from the initial activation of the 39943  
machine until the results of play are determined without payment 39944

of additional consideration. An individual utilizing a machine 39945  
that involves a single game, play, contest, competition, or 39946  
tournament may be awarded redeemable vouchers or merchandise 39947  
prizes based on the results of play. 39948

(b) Advance play for a single game, play, contest, 39949  
competition, or tournament participation may be purchased. The 39950  
cost of the contest, competition, or tournament participation 39951  
may be greater than a single noncontest, competition, or 39952  
tournament play. 39953

(c) To the extent that the machine is used in a contest, 39954  
competition, or tournament, that contest, competition, or 39955  
tournament has a defined starting and ending date and is open to 39956  
participants in competition for scoring and ranking results 39957  
toward the awarding of redeemable vouchers or merchandise prizes 39958  
that are stated prior to the start of the contest, competition, 39959  
or tournament. 39960

(4) For purposes of division ~~(UU)(1)~~ (TT)(1) of this 39961  
section, the mere presence of a device, such as a pin-setting, 39962  
ball-releasing, or scoring mechanism, that does not contribute 39963  
to or affect the outcome of the play of the game does not make 39964  
the device a skill-based amusement machine. 39965

~~(VV)~~ (UU) "Merchandise prize" means any item of value, but 39966  
shall not include any of the following: 39967

- (1) Cash, gift cards, or any equivalent thereof; 39968
- (2) Plays on games of chance, state lottery tickets, or 39969  
bingo; 39970
- (3) Firearms, tobacco, or alcoholic beverages; or 39971
- (4) A redeemable voucher that is redeemable for any of the 39972

items listed in division ~~(VV) (1)~~ (UU) (1), (2), or (3) of this 39973  
section. 39974

~~(WW)~~ (VV) "Redeemable voucher" means any ticket, token, 39975  
coupon, receipt, or other noncash representation of value. 39976

~~(XX)~~ (WW) "Pool not conducted for profit" means a scheme 39977  
in which a participant gives a valuable consideration for a 39978  
chance to win a prize and the total amount of consideration 39979  
wagered is distributed to a participant or participants. 39980

~~(YY)~~ (XX) "Sporting organization" means a hunting, 39981  
fishing, or trapping organization, other than a college or high 39982  
school fraternity or sorority, that is not organized for profit, 39983  
that is affiliated with a state or national sporting 39984  
organization, including but not limited to, the league of Ohio 39985  
sportsmen, and that has been in continuous existence in this 39986  
state for a period of three years. 39987

~~(ZZ)~~ (YY) "Community action agency" has the same meaning 39988  
as in section ~~122.66~~ 5101.311 of the Revised Code. 39989

~~(AAA) (1)~~ (ZZ) (1) "Sweepstakes terminal device" means a 39990  
mechanical, video, digital, or electronic machine or device that 39991  
is owned, leased, or otherwise possessed by any person 39992  
conducting a sweepstakes, or by that person's partners, 39993  
affiliates, subsidiaries, or contractors, that is intended to be 39994  
used by a sweepstakes participant, and that is capable of 39995  
displaying information on a screen or other mechanism. A device 39996  
is a sweepstakes terminal device if any of the following apply: 39997

(a) The device uses a simulated game terminal as a 39998  
representation of the prizes associated with the results of the 39999  
sweepstakes entries. 40000

(b) The device utilizes software such that the simulated 40001

game influences or determines the winning of or value of the	40002
prize.	40003
(c) The device selects prizes from a predetermined finite	40004
pool of entries.	40005
(d) The device utilizes a mechanism that reveals the	40006
content of a predetermined sweepstakes entry.	40007
(e) The device predetermines the prize results and stores	40008
those results for delivery at the time the sweepstakes entry	40009
results are revealed.	40010
(f) The device utilizes software to create a game result.	40011
(g) The device reveals the prize incrementally, even	40012
though the device does not influence the awarding of the prize	40013
or the value of any prize awarded.	40014
(h) The device determines and associates the prize with an	40015
entry or entries at the time the sweepstakes is entered.	40016
(2) As used in this division and in section 2915.02 of the	40017
Revised Code:	40018
(a) "Enter" means the act by which a person becomes	40019
eligible to receive any prize offered in a sweepstakes.	40020
(b) "Entry" means one event from the initial activation of	40021
the sweepstakes terminal device until all the sweepstakes prize	40022
results from that activation are revealed.	40023
(c) "Prize" means any gift, award, gratuity, good,	40024
service, credit, reward, or any other thing of value that may be	40025
transferred to a person, whether possession of the prize is	40026
actually transferred, or placed on an account or other record as	40027
evidence of the intent to transfer the prize.	40028

(d) "Sweepstakes terminal device facility" means any 40029  
location in this state where a sweepstakes terminal device is 40030  
provided to a sweepstakes participant, except as provided in 40031  
division (G) of section 2915.02 of the Revised Code. 40032

~~(BBB)~~ (AAA) "Sweepstakes" means any game, contest, 40033  
advertising scheme or plan, or other promotion where 40034  
consideration is not required for a person to enter to win or 40035  
become eligible to receive any prize, the determination of which 40036  
is based upon chance. "Sweepstakes" does not include bingo as 40037  
authorized under this chapter, pari-mutuel wagering as 40038  
authorized by Chapter 3769. of the Revised Code, lotteries 40039  
conducted by the state lottery commission as authorized by 40040  
Chapter 3770. of the Revised Code, and casino gaming as 40041  
authorized by Chapter 3772. of the Revised Code. 40042

~~(CCC) (1)~~ (BBB) (1) "Electronic instant bingo" means a form 40043  
of bingo that consists of an electronic or digital 40044  
representation of instant bingo in which a participant wins a 40045  
prize if the participant's electronic instant bingo ticket 40046  
contains a combination of numbers or symbols that was designated 40047  
in advance as a winning combination, and to which all of the 40048  
following apply: 40049

(a) Each deal has a predetermined, finite number of 40050  
winning and losing tickets and a predetermined prize amount and 40051  
deal structure, provided that there may be multiple winning 40052  
combinations in each deal and multiple winning tickets. 40053

(b) Each electronic instant bingo ticket within a deal has 40054  
a unique serial number that is not regenerated. 40055

(c) Each electronic instant bingo ticket within a deal is 40056  
sold for the same price. 40057

(d) After a participant purchases an electronic instant 40058  
bingo ticket, the combination of numbers or symbols on the 40059  
ticket is revealed to the participant. 40060

(e) The reveal of numbers or symbols on the ticket may 40061  
incorporate an entertainment or bonus theme, provided that the 40062  
reveal does not include spinning reels that resemble a slot 40063  
machine. 40064

(f) The reveal theme, if any, does not require additional 40065  
consideration or award any prize other than any predetermined 40066  
prize associated with the electronic instant bingo ticket. 40067

(2) "Electronic instant bingo" shall not include any of 40068  
the following: 40069

(a) Any game, entertainment, or bonus theme that 40070  
replicates or simulates any of the following: 40071

(i) The gambling games of keno, blackjack, roulette, 40072  
poker, craps, other casino-style table games; 40073

(ii) Horse racing; 40074

(iii) Gambling games offered in this state on slot 40075  
machines or video lottery terminals. As used in this division, 40076  
"video lottery terminal" has the same meaning as in section 40077  
3770.21 of the Revised Code. 40078

(b) Any device operated by dropping one or more coins or 40079  
tokens into a slot and pulling a handle or pushing a button or 40080  
touchpoint on a touchscreen to activate one to three or more 40081  
rotating reels marked into horizontal segments by varying 40082  
symbols, where the predetermined prize amount depends on how and 40083  
how many of the symbols line up when the rotating reels come to 40084  
a rest; 40085



(c) Any device that includes a coin or token slot, tray, 40086  
or hopper and the ability to dispense coins, cash, tokens, or 40087  
anything of value other than a credit ticket voucher. 40088

~~(DDD)~~ (CCC) "Electronic instant bingo system" means both 40089  
of the following: 40090

(1) A mechanical, electronic, digital, or video device and 40091  
associated software to which all of the following apply: 40092

(a) It is used by not more than one player at a time to 40093  
play electronic instant bingo on a single screen that is 40094  
physically connected to the device; 40095

(b) It is located on the premises of the principal place 40096  
of business of a veteran's ~~or~~, fraternal, or sporting 40097  
organization that holds a type II or type III bingo license to 40098  
conduct electronic instant bingo at that location issued under 40099  
section 2915.08 of the Revised Code. 40100

(2) Any associated equipment or software used to manage, 40101  
monitor, or document any aspect of electronic instant bingo. 40102

**Sec. 2915.02.** (A) No person shall do any of the following: 40103

(1) Engage in bookmaking, or knowingly engage in conduct 40104  
that facilitates bookmaking; 40105

(2) Establish, promote, or operate or knowingly engage in 40106  
conduct that facilitates any game of chance conducted for profit 40107  
or any scheme of chance; 40108

(3) Knowingly procure, transmit, exchange, or engage in 40109  
conduct that facilitates the procurement, transmission, or 40110  
exchange of information for use in establishing odds or 40111  
determining winners in connection with bookmaking or with any 40112  
game of chance conducted for profit or any scheme of chance; 40113

(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood; 40114  
40115

(5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either: 40116  
40117  
40118

(a) Give to another person any item described in division-  
~~(VV) (1)~~ (UU) (1), (2), (3), or (4) of section 2915.01 of the Revised Code as a prize for playing or participating in a sweepstakes; or 40119  
40120  
40121  
40122

(b) Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars. 40123  
40124  
40125  
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(6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the attorney general as required by division (F) of this section; 40129  
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(7) With purpose to violate division (A) (1), (2), (3), (4), (5), or (6) of this section, acquire, possess, control, or operate any gambling device. 40134  
40135  
40136

(B) For purposes of division (A) (1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (A) (2) of this section, a person facilitates a game of chance conducted 40137  
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for profit or a scheme of chance if the person in any way 40143  
knowingly aids in the conduct or operation of any such game or 40144  
scheme, including, without limitation, playing any such game or 40145  
scheme. 40146

(C) This section does not prohibit conduct in connection 40147  
with gambling expressly permitted by law. 40148

(D) This section does not apply to any of the following: 40149

(1) Games of chance, if all of the following apply: 40150

(a) The games of chance are not craps for money or 40151  
roulette for money. 40152

(b) The games of chance are conducted by a charitable 40153  
organization that is, and has received from the internal revenue 40154  
service a determination letter that is currently in effect, 40155  
stating that the organization is<sup>7</sup> exempt from federal income 40156  
taxation under subsection 501(a) and described in subsection 40157  
501(c) (3) of the Internal Revenue Code. 40158

(c) The games of chance are conducted at festivals of the 40159  
charitable organization that are conducted not more than a total 40160  
of five days a calendar year, and are conducted on premises 40161  
owned by the charitable organization for a period of no less 40162  
than one year immediately preceding the conducting of the games 40163  
of chance, on premises leased from a governmental unit, or on 40164  
premises that are leased from a veteran's or fraternal 40165  
organization and that have been owned by the lessor veteran's or 40166  
fraternal organization for a period of no less than one year 40167  
immediately preceding the conducting of the games of chance. 40168

A charitable organization shall not lease premises from a 40169  
veteran's or fraternal organization to conduct a festival 40170  
described in division (D) (1) (c) of this section if the veteran's 40171

or fraternal organization already has leased the premises twelve 40172  
times during the preceding year to charitable organizations for 40173  
that purpose. If a charitable organization leases premises from 40174  
a veteran's or fraternal organization to conduct a festival 40175  
described in division (D) (1) (c) of this section, the charitable 40176  
organization shall not pay a rental rate for the premises per 40177  
day of the festival that exceeds the rental rate per bingo 40178  
session that a charitable organization may pay under division 40179  
(B) (1) of section 2915.09 of the Revised Code when it leases 40180  
premises from another charitable organization to conduct bingo 40181  
games. 40182

(d) All of the money or assets received from the games of 40183  
chance after deduction only of prizes paid out during the 40184  
conduct of the games of chance are used by, or given, donated, 40185  
or otherwise transferred to, any organization that is described 40186  
in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of the Internal 40187  
Revenue Code and is either a governmental unit or an 40188  
organization that is tax exempt under subsection 501(a) and 40189  
described in subsection 501(c) (3) of the Internal Revenue Code; 40190

(e) The games of chance are not conducted during, or 40191  
within ten hours of, a bingo game conducted for amusement 40192  
purposes only pursuant to section 2915.12 of the Revised Code. 40193

No person shall receive any commission, wage, salary, 40194  
reward, tip, donation, gratuity, or other form of compensation, 40195  
directly or indirectly, for operating or assisting in the 40196  
operation of any game of chance. 40197

(2) Any tag fishing tournament operated under a permit 40198  
issued under section 1533.92 of the Revised Code, as "tag 40199  
fishing tournament" is defined in section 1531.01 of the Revised 40200  
Code; 40201

(3) Bingo conducted by a charitable organization that 40202  
holds a license issued under section 2915.08 of the Revised 40203  
Code. 40204

(E) Division (D) of this section shall not be construed to 40205  
authorize the sale, lease, or other temporary or permanent 40206  
transfer of the right to conduct games of chance, as granted by 40207  
that division, by any charitable organization that is granted 40208  
that right. 40209

(F) Any person desiring to conduct, or participate in the 40210  
conduct of, a sweepstakes with the use of a sweepstakes terminal 40211  
device at a sweepstakes terminal device facility shall first 40212  
register with the office of the attorney general and obtain an 40213  
annual certificate of registration by providing a filing fee of 40214  
two hundred dollars and all information as required by rule 40215  
adopted under division (H) of this section. Not later than the 40216  
tenth day of each month, each sweepstakes terminal device 40217  
operator shall file a sweepstakes terminal device monthly report 40218  
with the attorney general and provide a filing fee of fifty 40219  
dollars and all information required by rule adopted under 40220  
division (H) of this section. All information provided to the 40221  
attorney general under this division shall be available to law 40222  
enforcement upon request. 40223

(G) A person may apply to the attorney general, on a form 40224  
prescribed by the attorney general, for a certificate of 40225  
compliance that the person is not operating a sweepstakes 40226  
terminal device facility. The form shall require the person to 40227  
include the address of the business location where sweepstakes 40228  
terminal devices will be used and to make the following 40229  
certifications: 40230

(1) That the person will not use more than two sweepstakes 40231

terminal devices at the business location; 40232

(2) That the retail value of sweepstakes prizes to be 40233  
awarded at the business location using sweepstakes terminal 40234  
devices during a reporting period will be less than three per 40235  
cent of the gross revenue received at the business location 40236  
during the reporting period; 40237

(3) That no other form of gaming except lottery ticket 40238  
sales as authorized under Chapter 3770. of the Revised Code will 40239  
be conducted at the business location or in an adjoining area of 40240  
the business location; 40241

(4) That any sweepstakes terminal device at the business 40242  
location will not allow any deposit of any money, coin, or 40243  
token, or the use of any credit card, debit card, prepaid card, 40244  
or any other method of similar payment to be used, directly or 40245  
indirectly, to participate in a sweepstakes; 40246

(5) That notification of any prize will not take place on 40247  
the same day as a participant's sweepstakes entry; and 40248

(6) That the person consents to provide any other 40249  
information to the attorney general as required by rule adopted 40250  
under division (H) of this section. 40251

The filing fee for a certificate of compliance is two 40252  
hundred fifty dollars. The attorney general may charge up to an 40253  
additional two hundred fifty dollars for reasonable expenses 40254  
resulting from any investigation related to an application for a 40255  
certificate of compliance. 40256

A certificate of compliance is effective for one year. The 40257  
certificate holder may reapply for a certificate of compliance. 40258  
A person issued a certificate of compliance shall file 40259  
semiannual reports with the attorney general stating the number 40260

of sweepstakes terminal devices at the business location and 40261  
that the retail value of prizes awarded at the business location 40262  
using sweepstakes terminal devices is less than three per cent 40263  
of the gross revenue received at the business location. 40264

(H) The attorney general shall adopt rules setting forth: 40265

(1) The required information to be submitted by persons 40266  
conducting a sweepstakes with the use of a sweepstakes terminal 40267  
device at a sweepstakes terminal device facility as described in 40268  
division (F) of this section; and 40269

(2) The requirements pertaining to a certificate of 40270  
compliance under division (G) of this section, which shall 40271  
provide for a person to file a consolidated application and a 40272  
consolidated semiannual report if a person has more than one 40273  
business location. 40274

The attorney general shall issue a certificate of 40275  
registration or a certificate of compliance to all persons who 40276  
have successfully satisfied the applicable requirements of this 40277  
section. The attorney general shall post online a registry of 40278  
all properly registered and certified sweepstakes terminal 40279  
device operators. 40280

(I) The attorney general may refuse to issue an annual 40281  
certificate of registration or certificate of compliance to any 40282  
person or, if one has been issued, the attorney general may 40283  
revoke a certificate of registration or a certificate of 40284  
compliance if the applicant has provided any information to the 40285  
attorney general as part of a registration, certification, 40286  
monthly report, semiannual report, or any other information that 40287  
is materially false or misleading, or if the applicant or any 40288  
officer, partner, or owner of five per cent or more interest in 40289

the applicant has violated any provision of this chapter. 40290

(J) The attorney general may take any necessary and 40291  
reasonable action to determine a violation of this chapter, 40292  
including requesting documents and information, performing 40293  
inspections of premises, or requiring the attendance of any 40294  
person at an examination under oath. 40295

(K) Whoever violates this section is guilty of gambling, a 40296  
misdemeanor of the first degree. If the offender previously has 40297  
been convicted of any gambling offense, gambling is a felony of 40298  
the fifth degree. Notwithstanding this division, failing to file 40299  
a sweepstakes terminal device monthly report as required by 40300  
division (F) of this section or the semiannual report required 40301  
by division (G) of this section is a misdemeanor of the first 40302  
degree. 40303

**Sec. 2915.06.** (A) No person shall give to another person 40304  
any item described in division ~~(VV) (1)~~ (UU) (1), (2), (3), or (4) 40305  
of section 2915.01 of the Revised Code in exchange for a noncash 40306  
prize, toy, or novelty received as a reward for playing or 40307  
operating a skill-based amusement machine or for a free or 40308  
reduced-price game won on a skill-based amusement machine. 40309

(B) Whoever violates division (A) of this section is 40310  
guilty of skill-based amusement machine prohibited conduct. A 40311  
violation of division (A) of this section is a misdemeanor of 40312  
the first degree for each redemption of a prize that is involved 40313  
in the violation. If the offender previously has been convicted 40314  
of a violation of division (A) of this section, a violation of 40315  
that division is a felony of the fifth degree for each 40316  
redemption of a prize that is involved in the violation. The 40317  
maximum fine authorized to be imposed for a felony of the fifth 40318  
degree shall be imposed upon the offender. 40319



**Sec. 2915.08.** (A) (1) Except as otherwise permitted under 40320  
section 2915.092 of the Revised Code, annually before the first 40321  
day of January, a charitable organization that desires to 40322  
conduct bingo shall apply to the attorney general for one or 40323  
more of the following types of licenses to conduct bingo, as 40324  
appropriate: 40325

(a) A type I license to conduct bingo as described in 40326  
division (O) (1) of section 2915.01 of the Revised Code; 40327

(b) A type II license to conduct instant bingo, electronic 40328  
instant bingo, or both at a bingo session; 40329

(c) A type III license to conduct instant bingo, 40330  
electronic instant bingo, or both other than at a bingo session, 40331  
in accordance with sections 2915.093 to 2915.095 or sections 40332  
2915.13 to 2915.15 of the Revised Code, as applicable. 40333

(2) A veteran's organization~~or~~, fraternal organization, 40334  
or sporting organization that is authorized under section 40335  
2915.14 of the Revised Code to conduct electronic instant bingo 40336  
may be issued only one license to conduct electronic instant 40337  
bingo at any one time. The organization may conduct electronic 40338  
instant bingo under that license at only one location specified 40339  
on the license, which shall be the organization's principal 40340  
place of business. 40341

(B) The application shall be accompanied by a license fee 40342  
as follows: 40343

(1) If the charitable organization was not licensed to 40344  
conduct bingo under this chapter before July 1, 2003, a fee 40345  
established by the attorney general by rule adopted pursuant to 40346  
section 111.15 of the Revised Code. 40347

(2) If the charitable organization was licensed to conduct 40348

bingo under this chapter before July 1, 2003, the following 40349  
applicable fee: 40350

(a) For a type I license for a charitable organization 40351  
that wishes to conduct bingo during twenty-six or more weeks in 40352  
any calendar year, a license fee of two hundred dollars; 40353

(b) For a type II or type III license for a charitable 40354  
organization that previously has not been licensed under this 40355  
chapter to conduct instant bingo or electronic instant bingo and 40356  
that wishes to conduct bingo during twenty-six or more weeks in 40357  
any calendar year, a license fee of five hundred dollars; 40358

(c) For a type II or type III license for a charitable 40359  
organization that previously has been licensed under this 40360  
chapter to conduct instant bingo or electronic instant bingo and 40361  
that desires to conduct bingo during twenty-six or more weeks in 40362  
any calendar year, a license fee that is based upon the gross 40363  
profits received by the charitable organization from the 40364  
operation of instant bingo or electronic instant bingo during 40365  
the one-year period ending on the thirty-first day of October of 40366  
the year immediately preceding the year for which the license is 40367  
sought, and that is one of the following: 40368

(i) Five hundred dollars, if the total is fifty thousand 40369  
dollars or less; 40370

(ii) One thousand two hundred fifty dollars plus one- 40371  
fourth per cent of the gross profit, if the total is more than 40372  
fifty thousand dollars but less than two hundred fifty thousand 40373  
one dollars; 40374

(iii) Two thousand two hundred fifty dollars plus one-half 40375  
per cent of the gross profit, if the total is more than two 40376  
hundred fifty thousand dollars but less than five hundred 40377

thousand one dollars; 40378

(iv) Three thousand five hundred dollars plus one per cent 40379  
of the gross profit, if the total is more than five hundred 40380  
thousand dollars but less than one million one dollars; 40381

(v) Five thousand dollars plus one per cent of the gross 40382  
profit, if the total is one million one dollars or more. 40383

~~(e)~~(d) For a type I, type II, or type III license for a 40384  
charitable organization that desires to conduct bingo during 40385  
fewer than twenty-six weeks in any calendar year, a reduced 40386  
license fee established by the attorney general by rule adopted 40387  
pursuant to section 111.15 of the Revised Code. 40388

(C) The application shall be in the form prescribed by the 40389  
attorney general, shall be signed and sworn to by the applicant, 40390  
and shall contain all of the following: 40391

(1) The name and post-office address of the applicant; 40392

(2) A statement that the applicant is a charitable 40393  
organization and that it has been in continuous existence as a 40394  
charitable organization in this state for two years immediately 40395  
preceding the making of the application; 40396

(3) The location at which the organization will conduct 40397  
bingo, which location shall be within the county in which the 40398  
principal place of business of the applicant is located, the 40399  
days of the week and the times on each of those days when bingo 40400  
will be conducted, whether the organization owns, leases, or 40401  
subleases the premises, and a copy of the rental agreement if it 40402  
leases or subleases the premises; 40403

(4) A statement of the applicant's previous history, 40404  
record, and association that is sufficient to establish that the 40405

applicant is a charitable organization, and a copy of a 40406  
determination letter that is issued by the Internal Revenue 40407  
Service and states that the organization is tax exempt under 40408  
subsection 501(a) and described in subsection 501(c) (3), 501(c) 40409  
(4), 501(c) (7), 501(c) (8), 501(c) (10), or 501(c) (19) of the 40410  
Internal Revenue Code; 40411

(5) A statement as to whether the applicant has ever had 40412  
any previous application refused, whether it previously has had 40413  
a license revoked or suspended, and the reason stated by the 40414  
attorney general for the refusal, revocation, or suspension; 40415

(6) A statement of the charitable purposes for which the 40416  
net profit derived from bingo described in division (O) (1) of 40417  
section 2915.01 of the Revised Code will be used, or a statement 40418  
of how the net profit derived from instant bingo or electronic 40419  
instant bingo will be distributed in accordance with section 40420  
2915.101 of the Revised Code, as applicable; 40421

(7) Other necessary and reasonable information that the 40422  
attorney general may require by rule adopted pursuant to section 40423  
111.15 of the Revised Code; 40424

(8) If the applicant is a charitable trust as defined in 40425  
section 109.23 of the Revised Code, a statement as to whether it 40426  
has registered with the attorney general pursuant to section 40427  
109.26 of the Revised Code or filed annual reports pursuant to 40428  
section 109.31 of the Revised Code, and, if it is not required 40429  
to do either, the exemption in section 109.26 or 109.31 of the 40430  
Revised Code that applies to it; 40431

(9) If the applicant is a charitable organization as 40432  
defined in section 1716.01 of the Revised Code, a statement as 40433  
to whether it has filed with the attorney general a registration 40434

statement pursuant to section 1716.02 of the Revised Code and a 40435  
financial report pursuant to section 1716.04 of the Revised 40436  
Code, and, if it is not required to do both, the exemption in 40437  
section 1716.03 of the Revised Code that applies to it; 40438

(10) In the case of an applicant seeking to qualify as a 40439  
youth athletic park organization, a statement issued by a board 40440  
or body vested with authority under Chapter 755. of the Revised 40441  
Code for the supervision and maintenance of recreation 40442  
facilities in the territory in which the organization is 40443  
located, certifying that the playing fields owned by the 40444  
organization were open for use to all residents of that 40445  
territory, regardless of race, color, creed, religion, sex, or 40446  
national origin, for athletic activities by youth athletic 40447  
organizations that do not discriminate on the basis of race, 40448  
color, creed, religion, sex, or national origin, and that the 40449  
fields were not used for any profit-making activity at any time 40450  
during the year. That type of board or body is authorized to 40451  
issue the statement upon request and shall issue the statement 40452  
if it finds that the applicant's playing fields were so used. 40453

(D) The attorney general, within thirty days after 40454  
receiving a timely filed application from a charitable 40455  
organization that has been issued a license under this section 40456  
that has not expired and has not been revoked or suspended, 40457  
shall send a temporary permit to the applicant specifying the 40458  
date on which the application was filed with the attorney 40459  
general and stating that, pursuant to section 119.06 of the 40460  
Revised Code, the applicant may continue to conduct bingo until 40461  
a new license is granted or, if the application is rejected, 40462  
until fifteen days after notice of the rejection is mailed to 40463  
the applicant. The temporary permit does not affect the validity 40464  
of the applicant's application and does not grant any rights to 40465

the applicant except those rights specifically granted in 40466  
section 119.06 of the Revised Code. The issuance of a temporary 40467  
permit by the attorney general pursuant to this division does 40468  
not prohibit the attorney general from rejecting the applicant's 40469  
application because of acts that the applicant committed, or 40470  
actions that the applicant failed to take, before or after the 40471  
issuance of the temporary permit. 40472

(E) Within thirty days after receiving an initial license 40473  
application from a charitable organization to conduct bingo, the 40474  
attorney general shall conduct a preliminary review of the 40475  
application and notify the applicant regarding any deficiencies. 40476  
Once an application is deemed complete, or beginning on the 40477  
thirtieth day after the application is filed, if the attorney 40478  
general failed to notify the applicant of any deficiencies, the 40479  
attorney general shall have an additional sixty days to conduct 40480  
an investigation and either grant, grant with limits, 40481  
restrictions, or probationary conditions, or deny the 40482  
application based on findings established and communicated in 40483  
accordance with divisions (F) and (I) of this section. As an 40484  
option to granting, granting with limits, restrictions, or 40485  
probationary conditions, or denying an initial license 40486  
application, the attorney general may grant a temporary license 40487  
and request additional time to conduct the investigation if the 40488  
attorney general has cause to believe that additional time is 40489  
necessary to complete the investigation and has notified the 40490  
applicant in writing about the specific concerns raised during 40491  
the investigation. 40492

(F) (1) The attorney general shall adopt rules to enforce 40493  
sections 2915.01, 2915.02, and 2915.07 to 2915.15 of the Revised 40494  
Code to ensure that bingo is conducted in accordance with those 40495  
sections and to maintain proper control over the conduct of 40496

bingo. Except as otherwise provided in this section, the rules 40497  
shall be adopted pursuant to Chapter 119. of the Revised Code. 40498  
The attorney general shall license charitable organizations to 40499  
conduct bingo in conformance with this chapter and with the 40500  
licensing provisions of Chapter 119. of the Revised Code. 40501

(2) If any of the following applies to an organization, 40502  
the attorney general may refuse to grant a license to the 40503  
organization, may revoke or suspend the organization's license, 40504  
or may place limits, restrictions, or probationary conditions on 40505  
the organization's license for a limited or indefinite period, 40506  
as determined by the attorney general: 40507

(a) The organization fails or has failed at any time to 40508  
meet any requirement of section 109.26, 109.31, or 1716.02, or 40509  
sections 2915.07 to 2915.15 of the Revised Code, or violates or 40510  
has violated any provision of sections 2915.02 or 2915.07 to 40511  
2915.13 of the Revised Code or any rule adopted by the attorney 40512  
general pursuant to this chapter. 40513

(b) The organization makes or has made an incorrect or 40514  
false statement that is material to the granting of the license 40515  
in an application filed under this section. 40516

(c) The organization submits or has submitted any 40517  
incorrect or false information relating to an application if the 40518  
information is material to the granting of the license. 40519

(d) The organization maintains or has maintained any 40520  
incorrect or false information that is material to the granting 40521  
of the license in the records required to be kept pursuant to 40522  
section 2915.10 of the Revised Code, if applicable. 40523

(e) The attorney general has good cause to believe that 40524  
the organization will not conduct bingo in accordance with 40525

sections 2915.07 to 2915.15 of the Revised Code or with any rule 40526  
adopted by the attorney general pursuant to this chapter. 40527

(3) If the attorney general has good cause to believe that 40528  
any director or officer of the organization has breached the 40529  
director's or officer's fiduciary duty to, or committed theft or 40530  
any other type of misconduct related to, the organization or any 40531  
other charitable organization that has been issued a bingo 40532  
license under this chapter, the attorney general may refuse to 40533  
grant a license to the organization, may impose limits, 40534  
restrictions, or probationary conditions on the license, or may 40535  
revoke or suspend the organization's license for a period not to 40536  
exceed five years. 40537

(4) The attorney general may impose a civil fine on an 40538  
organization licensed or permitted under this chapter for 40539  
failure to comply with any restrictions, limits, or probationary 40540  
conditions on its license, and for failure to comply with this 40541  
chapter or any rule adopted under this chapter, according to a 40542  
schedule of fines that the attorney general shall adopt in 40543  
accordance with Chapter 119. of the Revised Code. 40544

(5) For the purposes of division (F) of this section, any 40545  
action of an officer, trustee, agent, representative, or bingo 40546  
game operator of an organization is an action of the 40547  
organization. 40548

(G) The attorney general may grant licenses to charitable 40549  
organizations that are branches, lodges, or chapters of national 40550  
charitable organizations. 40551

(H) The attorney general shall send notice of any of the 40552  
following actions in writing to the prosecuting attorney and 40553  
sheriff of the county in which the charitable organization is 40554



located and to any other law enforcement agency in that county 40555  
that so requests, of all of the following: 40556

(1) The issuance of a license under this section; 40557

(2) The issuance of an amended license under this section; 40558

(3) The rejection of an application for and refusal to 40559  
grant a license under this section; 40560

(4) The revocation of any license previously issued under 40561  
this section; 40562

(5) The suspension of any license previously issued under 40563  
this section; 40564

(6) The placing of any limits, restrictions, or 40565  
probationary conditions placed on a license issued under this 40566  
section. 40567

(I) A license issued by the attorney general under this 40568  
section shall set forth the information contained on the 40569  
application of the charitable organization that the attorney 40570  
general determines is relevant, including, but not limited to, 40571  
the location at which the organization will conduct bingo, 40572  
whether the license is a type I, type II, or type III license, 40573  
and the days of the week and the times on each of those days 40574  
when bingo will be conducted. If the attorney general refuses to 40575  
grant, places limits, restrictions, or probationary conditions 40576  
on, or revokes or suspends a license, the attorney general shall 40577  
notify the applicant in writing and specifically identify the 40578  
reason for the refusal, revocation, limit, restriction, 40579  
probationary condition, or suspension in narrative form and, if 40580  
applicable, by identifying the section of the Revised Code 40581  
violated. The failure of the attorney general to give the 40582  
written notice of the reasons for the refusal, revocation, 40583

limit, restriction, probationary condition, or suspension or a 40584  
mistake in the written notice does not affect the validity of 40585  
the attorney general's refusal to grant, or the revocation or 40586  
suspension of, or limit, restriction, probationary condition on, 40587  
a license. If the attorney general fails to give the written 40588  
notice or if there is a mistake in the written notice, the 40589  
applicant may bring an action to compel the attorney general to 40590  
comply with this division or to correct the mistake, but the 40591  
attorney general's order refusing to grant, or placing a limit, 40592  
restriction, or probationary condition on, or revoking or 40593  
suspending, a license shall not be enjoined during the pendency 40594  
of the action. 40595

(J) (1) (a) Except as otherwise provided in division (J) (2) 40596  
of this section, a charitable organization that has been issued 40597  
a license under this section but that cannot conduct bingo at 40598  
the location, or on the day of the week or at the time, 40599  
specified on the license due to circumstances that make it 40600  
impractical to do so, or that desires to conduct instant bingo 40601  
other than at a bingo session at additional locations not 40602  
identified on the license, may apply in writing, together with 40603  
an application fee of two hundred fifty dollars, to the attorney 40604  
general, at least thirty days prior to a change in or addition 40605  
of a location, day of the week, or time, and request an amended 40606  
license. 40607

(b) As applicable, the application shall describe the 40608  
causes making it impractical for the organization to conduct 40609  
bingo in conformity with its license and shall indicate the 40610  
location, days of the week, and times on each of those days when 40611  
it desires to conduct bingo and, as applicable, shall indicate 40612  
the additional locations at which it desires to conduct instant 40613  
bingo other than at a bingo session. 40614

(c) Except as otherwise provided in division (J) (3) of 40615  
this section, the attorney general shall issue the amended 40616  
license in accordance with division (I) of this section, and the 40617  
organization shall surrender its original license to the 40618  
attorney general. 40619

(2) (a) A charitable organization that has been issued a 40620  
license under this section to conduct electronic instant bingo 40621  
but that cannot conduct electronic instant bingo at the 40622  
location, or on the day of the week or at the time, specified on 40623  
the license due to circumstances that make it impractical to do 40624  
so, may apply in writing, together with an application fee of 40625  
two hundred fifty dollars, to the attorney general, at least 40626  
thirty days prior to a change in a location, day of the week, or 40627  
time, and request an amended license. A charitable organization 40628  
may not apply for an amended license to conduct electronic 40629  
instant bingo at any additional location. 40630

(b) The application shall describe the causes making it 40631  
impractical for the organization to conduct electronic instant 40632  
bingo in conformity with its license and shall indicate the 40633  
location, days of the week, and times on each of those days when 40634  
it desires to conduct electronic instant bingo. 40635

(c) Except as otherwise provided in division (J) (3) of 40636  
this section, the attorney general shall issue the amended 40637  
license in accordance with division (I) of this section, and the 40638  
organization shall surrender its original license to the 40639  
attorney general. 40640

(3) The attorney general may refuse to grant an amended 40641  
license under division (J) (1) or (2) of this section according 40642  
to the terms of division (F) of this section. 40643

(K) The attorney general may enter into a written contract 40644  
with any other state agency to delegate to that state agency the 40645  
powers prescribed to the attorney general under Chapter 2915. of 40646  
the Revised Code. 40647

(L) The attorney general, by rule adopted pursuant to 40648  
section 111.15 of the Revised Code, may adopt rules to determine 40649  
the requirements for a charitable organization that is exempt 40650  
from federal income taxation under subsection 501(a) and 40651  
described in subsection 501(c)(3) of the Internal Revenue Code 40652  
to be in good standing in the state. 40653

**Sec. 2915.101.** Except as otherwise provided by law, a 40654  
charitable organization that conducts instant bingo or 40655  
electronic instant bingo shall distribute the ~~net profit from~~ 40656  
~~the proceeds of the sale of instant bingo or electronic instant~~ 40657  
~~bingo as follows:~~ proceeds in accordance with this section. 40658

(A) (1) If a veteran's organization, a fraternal 40659  
organization, or a sporting organization ~~conducted the~~ conducts 40660  
~~instant bingo or electronic instant bingo,~~ the organization 40661  
shall distribute the ~~net gross profit from the proceeds of the~~ 40662  
~~sale of instant bingo or electronic instant bingo,~~ as follows: 40663

(a) For the first ~~two hundred fifty~~ three hundred thirty 40664  
thousand dollars, or a greater amount prescribed by the attorney 40665  
general to adjust for changes in prices as measured by the 40666  
consumer price index as defined in section 325.18 of the Revised 40667  
Code and other factors affecting the organization's expenses, ~~as~~ 40668  
~~defined in division (GG) of section 2915.01 of the Revised Code,~~ 40669  
or less of ~~net gross profit from the proceeds of the sale of~~ 40670  
~~instant bingo or electronic instant bingo~~ generated in a 40671  
calendar year: 40672

(i) At least twenty-five per cent shall be distributed to 40673  
an organization described in division (V) (1) of section 2915.01 40674  
of the Revised Code or to a department or agency of the federal 40675  
government, the state, or any political subdivision. 40676

(ii) Not more than seventy-five per cent may be deducted 40677  
and retained by the organization for reimbursement of or for the 40678  
organization's expenses, ~~as defined in division (GG) of section~~ 40679  
~~2915.01 of the Revised Code,~~ in conducting the instant bingo ~~or~~ 40680  
~~electronic instant bingo game.~~ 40681

(b) For any ~~net gross~~ profit from the proceeds of the sale 40682  
of instant bingo ~~or electronic instant bingo~~ of more than ~~two~~ 40683  
~~hundred fifty three~~ hundred thirty thousand dollars or an 40684  
adjusted amount generated in a calendar year: 40685

(i) A minimum of fifty per cent shall be distributed to an 40686  
organization described in division (V) (1) of section 2915.01 of 40687  
the Revised Code or to a department or agency of the federal 40688  
government, the state, or any political subdivision. 40689

(ii) Five per cent may be distributed for the 40690  
organization's own charitable purposes or to a community action 40691  
agency. 40692

(iii) Forty-five per cent may be deducted and retained by 40693  
the organization for reimbursement of or for the organization's 40694  
expenses, ~~as defined in division (GG) of section 2915.01 of the~~ 40695  
~~Revised Code,~~ in conducting the instant bingo ~~or electronic~~ 40696  
~~instant bingo game.~~ 40697

(2) If a veteran's organization, a fraternal organization, 40698  
or a sporting organization does not distribute the full 40699  
percentages specified in divisions (A) (1) (a) and (b) of this 40700  
section for the purposes specified in those divisions, the 40701

organization shall distribute the balance of the ~~net gross~~ 40702  
profit ~~from the proceeds of the sale of instant bingo or~~ 40703  
~~electronic instant bingo~~ not distributed or retained for those 40704  
purposes to an organization described in division (V) (1) of 40705  
section 2915.01 of the Revised Code. 40706

~~(B)~~ (B) (1) If a veteran's organization, a fraternal 40707  
organization, or a sporting organization conducts electronic 40708  
instant bingo, the organization shall distribute the gross 40709  
profit as follows: 40710

(a) For the first three hundred thirty thousand dollars, 40711  
or a greater amount prescribed by the attorney general to adjust 40712  
for changes in prices as measured by the consumer price index as 40713  
defined in section 325.18 of the Revised Code and other factors 40714  
affecting the organization's expenses, or less of gross profit 40715  
from the proceeds of the sale of electronic instant bingo 40716  
generated in a calendar year: 40717

(i) At least twenty-five per cent shall be distributed to 40718  
an organization described in division (V) (1) of section 2915.01 40719  
of the Revised Code or to a department or agency of the federal 40720  
government, the state, or any political subdivision. 40721

(ii) Not more than seventy-five per cent may be deducted 40722  
and retained by the organization for reimbursement of or for the 40723  
organization's expenses in conducting the electronic instant 40724  
bingo game. 40725

(b) For any gross profit from the proceeds of the sale of 40726  
electronic instant bingo of more than three hundred thirty 40727  
thousand dollars or an adjusted amount generated in a calendar 40728  
year: 40729

(i) A minimum of fifty per cent shall be distributed to an 40730

organization described in division (V) (1) of section 2915.01 of 40731  
the Revised Code or to a department or agency of the federal 40732  
government, the state, or any political subdivision. 40733

(ii) Five per cent may be distributed for the 40734  
organization's own charitable purposes or to a community action 40735  
agency. 40736

(iii) Forty-five per cent may be deducted and retained by 40737  
the organization for reimbursement of or for the organization's 40738  
expenses in conducting the electronic instant bingo game. 40739

(2) If a veteran's organization, a fraternal organization, 40740  
or a sporting organization does not distribute the full 40741  
percentages specified in divisions (B) (1) (a) and (b) of this 40742  
section for the purposes specified in those divisions, the 40743  
organization shall distribute the balance of the gross profit 40744  
not distributed or retained for those purposes to an 40745  
organization described in division (V) (1) of section 2915.01 of 40746  
the Revised Code. 40747

(C) If a charitable organization other than a veteran's 40748  
organization, a fraternal organization, or a sporting 40749  
organization ~~conducted the~~ conducts instant bingo or electronic 40750  
instant bingo, the organization shall distribute one hundred per 40751  
cent of the net profit ~~from the proceeds of the sale of instant~~ 40752  
~~bingo or electronic instant bingo~~ to an organization described 40753  
in division (V) (1) of section 2915.01 of the Revised Code or to 40754  
a department or agency of the federal government, the state, or 40755  
any political subdivision. 40756

~~(C)~~ (D) Nothing in this section prohibits a veteran's 40757  
organization, a fraternal organization, or a sporting 40758  
organization from distributing any ~~net~~ gross profit ~~from the~~ 40759

~~proceeds of the sale of instant bingo or electronic instant~~ 40760  
~~bingo~~ to an organization that is described in subsection 501(c) 40761  
(3) of the Internal Revenue Code when the organization that is 40762  
described in subsection 501(c) (3) of the Internal Revenue Code 40763  
is one that makes donations to other organizations and permits 40764  
donors to advise or direct such donations so long as the 40765  
donations comply with requirements established in or pursuant to 40766  
subsection 501(c) (3) of the Internal Revenue Code. 40767

**Sec. 2915.13.** (A) Subject to the requirements of sections 40768  
2915.14 and 2915.15 of the Revised Code concerning electronic 40769  
instant bingo, a veteran's organization, a fraternal 40770  
organization, or a sporting organization authorized to conduct a 40771  
bingo session pursuant to this chapter may conduct instant 40772  
bingo, electronic instant bingo, or both other than at a bingo 40773  
session under a type III license issued under section 2915.08 of 40774  
the Revised Code if all of the following apply: 40775

(1) The veteran's organization, fraternal organization, or 40776  
sporting organization limits the sale of instant bingo or 40777  
electronic instant bingo to ~~twelve~~ sixteen hours during any day, 40778  
provided that the sale does not begin earlier than ~~ten~~ eight 40779  
a.m. and ends not later than two a.m. 40780

(2) The veteran's organization, fraternal organization, or 40781  
sporting organization limits the sale of instant bingo or 40782  
electronic instant bingo to its own premises and to its own 40783  
members and invited guests. 40784

(3) The veteran's organization, fraternal organization, or 40785  
sporting organization is raising money for an organization that 40786  
is described in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of 40787  
the Internal Revenue Code and is either a governmental unit or 40788  
an organization that maintains its principal place of business 40789



in this state, that is exempt from federal income taxation under 40790  
subsection 501(a) and described in subsection 501(c)(3) of the 40791  
Internal Revenue Code, and that is in good standing in this 40792  
state and executes a written contract with that organization as 40793  
required in division (B) of this section. 40794

(B) If a veteran's organization, fraternal organization, 40795  
or sporting organization authorized to conduct instant bingo or 40796  
electronic instant bingo pursuant to division (A) of this 40797  
section is raising money for another organization that is 40798  
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 40799  
the Internal Revenue Code and is either a governmental unit or 40800  
an organization that maintains its principal place of business 40801  
in this state, that is exempt from federal income taxation under 40802  
subsection 501(a) and described in subsection 501(c)(3) of the 40803  
Internal Revenue Code, and that is in good standing in this 40804  
state, the veteran's organization, fraternal organization, or 40805  
sporting organization shall execute a written contract with the 40806  
organization that is described in subsection 509(a)(1), 509(a) 40807  
(2), or 509(a)(3) of the Internal Revenue Code and is either a 40808  
governmental unit or an organization that maintains its 40809  
principal place of business in this state, that is exempt from 40810  
federal income taxation under subsection 501(a) and described in 40811  
subsection 501(c)(3) of the Internal Revenue Code, and that is 40812  
in good standing in this state in order to conduct instant bingo 40813  
or electronic instant bingo. That contract shall include a 40814  
statement of the percentage of the ~~net proceeds~~ gross profit 40815  
that the veteran's, fraternal, or sporting organization will be 40816  
distributing to the organization that is described in subsection 40817  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 40818  
and is either a governmental unit or an organization that 40819  
maintains its principal place of business in this state, that is 40820

exempt from federal income taxation under subsection 501(a) and 40821  
described in subsection 501(c) (3) of the Internal Revenue Code, 40822  
and that is in good standing in this state under section 40823  
2915.101 of the Revised Code. 40824

(C) (1) If a veteran's organization, fraternal 40825  
organization, or sporting organization authorized to conduct 40826  
instant bingo or electronic instant bingo pursuant to division 40827  
(A) of this section has been issued a liquor permit under 40828  
Chapter 4303. of the Revised Code, that permit may be subject to 40829  
suspension, revocation, or cancellation if the veteran's 40830  
organization, fraternal organization, or sporting organization 40831  
violates a provision of this chapter. 40832

(2) No veteran's organization, fraternal organization, or 40833  
sporting organization that enters into a written contract 40834  
pursuant to division (B) of this section shall violate any 40835  
provision of this chapter or permit, aid, or abet any other 40836  
person in violating any provision of this chapter. 40837

(D) A veteran's organization, fraternal organization, or 40838  
sporting organization shall give all required proceeds earned 40839  
from the conduct of instant bingo or electronic instant bingo to 40840  
the organization with which the veteran's organization, 40841  
fraternal organization, or sporting organization has entered 40842  
into a written contract. 40843

(E) Whoever violates this section is guilty of illegal 40844  
instant bingo or electronic instant bingo conduct. Except as 40845  
otherwise provided in this division, illegal instant bingo or 40846  
electronic instant bingo conduct is a misdemeanor of the first 40847  
degree. If the offender previously has been convicted of a 40848  
violation of this section, illegal instant bingo or electronic 40849  
instant bingo conduct is a felony of the fifth degree. 40850

**Sec. 2915.14.** (A) No charitable organization shall conduct 40851  
electronic instant bingo unless all of the following are true: 40852

(1) The organization is a veteran's organization described 40853  
in division (J) of section 2915.01 of the Revised Code, ~~or is a~~ 40854  
fraternal organization described in division (L) of section 40855  
2915.01 of the Revised Code, or a sporting organization 40856  
described in division (XX) of section 2915.01 of the Revised 40857  
Code, and the organization qualified as a veteran's organization 40858  
~~or,~~ fraternal organization, or sporting organization as 40859  
applicable, on or before June 30, 2021. 40860

(2) The organization is a veteran's organization described 40861  
in subsection 501(c)(4) of the Internal Revenue Code or is, and 40862  
has received from the internal revenue service a determination 40863  
letter that is currently in effect stating that the organization 40864  
is, exempt from federal income taxation under subsection 501(a), 40865  
and is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), 40866  
or 501(c)(19) of the Internal Revenue Code. 40867

(3) The organization has not conducted a raffle in 40868  
violation of division (B) of section 2915.092 of the Revised 40869  
Code using an electronic raffle machine, as described in Ohio 40870  
Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 40871  
13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time 40872  
on or after January 1, 2022. 40873

(B) No charitable organization that conducts electronic 40874  
instant bingo shall do any of the following: 40875

(1) Possess an electronic instant bingo system that was 40876  
not obtained in accordance with this chapter or with any rule 40877  
adopted under this chapter; 40878

(2) Conduct electronic instant bingo on any day, at any 40879

time, or on any premises not specified on the organization's 40880  
type II or type III license issued under section 2915.08 of the 40881  
Revised Code; 40882

(3) Hold more than one valid license to conduct electronic 40883  
instant bingo at any one time; 40884

(4) Conduct electronic instant bingo on more than one 40885  
premises or on any premises other than the charitable 40886  
organization's principal place of business; 40887

(5) Operate more than ten electronic bingo systems at the 40888  
premises on which the charitable organization conducts 40889  
electronic instant bingo under its license; 40890

(6) Fail to display both of the following conspicuously at 40891  
the premises on which the charitable organization conducts 40892  
electronic instant bingo: 40893

(a) The charitable organization's bingo license; 40894

(b) The serial number of each deal of electronic instant 40895  
bingo tickets being sold. 40896

(7) Permit any person the charitable organization knows, 40897  
or should have known, to be under eighteen years of age to play 40898  
electronic instant bingo; 40899

(8) Sell or provide to any person an electronic instant 40900  
bingo ticket for a price different from the price displayed on 40901  
the game flare for that deal, except that the charitable 40902  
organization may give a participant who wins an electronic 40903  
instant bingo game an electronic instant bingo ticket as a prize 40904  
in place of a cash prize; 40905

(9) Fail, once an electronic instant bingo deal is begun, 40906  
to continue to sell tickets in that deal until all prizes have 40907

been awarded; 40908

(10) Permit any person whom the organization knows, or 40909  
should have known, has been convicted of a felony or gambling 40910  
offense in any jurisdiction to be a bingo game operator in the 40911  
conduct of electronic instant bingo; 40912

(11) Permit a bingo game operator to play electronic 40913  
instant bingo; 40914

(12) (a) Except as otherwise provided in division (B) (12) 40915  
(b) of this section, pay compensation to a bingo game operator 40916  
for conducting electronic instant bingo. 40917

(b) Division (B) (12) (a) of this section does not prohibit 40918  
an employee of a veteran's organization or fraternal 40919  
organization from redeeming electronic instant bingo tickets or 40920  
vouchers for the organization's members or invited guests, so 40921  
long as no portion of the employee's compensation is paid from 40922  
any bingo receipts. 40923

(13) Pay consulting fees to any person in relation to 40924  
electronic instant bingo. 40925

(C) No person shall sell, offer to sell, or otherwise 40926  
provide or offer to provide an electronic instant bingo system 40927  
to any person for use in this state unless the electronic 40928  
instant bingo system has been approved under section 2915.15 of 40929  
the Revised Code. 40930

(D) The attorney general shall adopt rules under Chapter 40931  
119. of the Revised Code to ensure the integrity of electronic 40932  
instant bingo, including, but not limited to, rules governing 40933  
all of the following: 40934

(1) The requirements to receive a license or endorsement 40935

to conduct electronic instant bingo; 40936

(2) The location and number of electronic instant bingo 40937  
systems in use, which shall not exceed ten at the single 40938  
licensed location per organization; 40939

(3) The times when electronic instant bingo may be 40940  
offered; 40941

(4) Signage requirements in facilities where electronic 40942  
instant bingo is offered; 40943

(5) Electronic instant bingo device and system 40944  
specifications, including reveal features and game themes; 40945

(6) Procedures and standards for the review, approval, 40946  
inspection, and monitoring of electronic instant bingo systems, 40947  
as described in section 2915.15 of the Revised Code; 40948

(7) Procedures and standards for the review and approval 40949  
of any changes to technology, systems, or games licensed or 40950  
permitted under this chapter; 40951

(8) The fees to be charged under section 2915.15 of the 40952  
Revised Code for review, approval, inspection, and monitoring of 40953  
electronic instant bingo systems; 40954

(9) Procedures allowing the attorney general to seek a 40955  
summary suspension of a license to conduct electronic instant 40956  
bingo or a license to manufacture or distribute electronic 40957  
instant bingo systems if the attorney general has good cause to 40958  
believe that the person or organization licensed to conduct 40959  
electronic instant bingo, or the person or organization licensed 40960  
to manufacture or distribute electronic instant bingo systems, 40961  
or any of the organization's employees, officers, directors, 40962  
agents, representatives, or partners, has violated this chapter 40963

or a rule adopted under this chapter. 40964

(E) Whoever knowingly violates division (A), (B), or (C) 40965  
of this section or a rule adopted under division (D) of this 40966  
section is guilty of illegal electronic instant bingo conduct. 40967  
Illegal electronic instant bingo conduct is a misdemeanor of the 40968  
first degree, except that if the offender previously has been 40969  
convicted of a violation of division (A) or (B) of this section 40970  
or of a rule adopted under division (D) of this section, illegal 40971  
instant bingo conduct is a felony of the fifth degree. 40972

**Sec. 2919.171.** (A) (1) A physician who performs or induces 40973  
or attempts to perform or induce an abortion on a pregnant woman 40974  
shall submit a report to the department of health in accordance 40975  
with the forms, rules, and regulations adopted by the department 40976  
that includes all of the information the physician is required 40977  
to certify in writing or determine under section 2919.17, 40978  
section 2919.18, divisions (A) and (C) of section 2919.192, 40979  
division (C) of section 2919.193, division (B) of section 40980  
2919.195, or division (A) of section 2919.196 of the Revised 40981  
Code. 40982

(2) If a person other than the physician described in 40983  
division (A) (1) of this section makes or maintains a record 40984  
required by sections 2919.192 to 2919.196 of the Revised Code on 40985  
the physician's behalf or at the physician's direction, that 40986  
person shall comply with the reporting requirement described in 40987  
division (A) (1) of this section as if the person were the 40988  
physician described in that division. 40989

(B) By ~~September 30~~ the first day of March of each year, 40990  
the department of health shall issue a public report that 40991  
provides statistics for the previous calendar year compiled from 40992  
all of the reports covering that calendar year submitted to the 40993

department in accordance with this section for each of the items 40994  
listed in division (A) of this section. The report shall also 40995  
provide the statistics for each previous calendar year in which 40996  
a report was filed with the department pursuant to this section, 40997  
adjusted to reflect any additional information that a physician 40998  
provides to the department in a late or corrected report. The 40999  
department shall ensure that none of the information included in 41000  
the report could reasonably lead to the identification of any 41001  
pregnant woman upon whom an abortion is performed. 41002

(C) (1) The physician shall submit the report described in 41003  
division (A) of this section to the department of health within 41004  
fifteen days after the woman is discharged. If the physician 41005  
fails to submit the report more than thirty days after that 41006  
fifteen-day deadline, the physician shall be subject to a late 41007  
fee of five hundred dollars for each additional thirty-day 41008  
period or portion of a thirty-day period the report is overdue. 41009  
A physician who is required to submit to the department of 41010  
health a report under division (A) of this section and who has 41011  
not submitted a report or has submitted an incomplete report 41012  
more than one year following the fifteen-day deadline may, in an 41013  
action brought by the department of health, be directed by a 41014  
court of competent jurisdiction to submit a complete report to 41015  
the department of health within a period of time stated in a 41016  
court order or be subject to contempt of court. 41017

(2) If a physician fails to comply with the requirements 41018  
of this section, other than filing a late report with the 41019  
department of health, or fails to submit a complete report to 41020  
the department of health in accordance with a court order, the 41021  
physician is subject to division (B) (43) of section 4731.22 of 41022  
the Revised Code. 41023



(3) No person shall falsify any report required under this section. Whoever violates this division is guilty of abortion report falsification, a misdemeanor of the first degree.

(D) The department of health shall adopt rules pursuant to section 111.15 of the Revised Code to assist in compliance with this section.

**Sec. 2919.19.** (A) As used in this section and sections 2919.191 to ~~2919.1910~~ 2919.199 of the Revised Code:

(1) "Conception" means fertilization.

(2) "Contraceptive" means a drug, device, or chemical that prevents conception.

(3) "DNA" means deoxyribonucleic acid.

(4) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.

(5) "Fetus" means the human offspring developing during pregnancy from the moment of conception and includes the embryonic stage of development.

(6) "Gestational age" means the age of an unborn human individual as calculated from the first day of the last menstrual period of a pregnant woman.

(7) "Gestational sac" means the structure that comprises the extraembryonic membranes that envelop the fetus and that is typically visible by ultrasound after the fourth week of pregnancy.

(8) "Intrauterine pregnancy" means a pregnancy in which the fetus is attached to the placenta within the uterus of the

pregnant woman. 41051

(9) "Medical emergency" has the same meaning as in section 41052  
2919.16 of the Revised Code. 41053

(10) "Physician" has the same meaning as in section 41054  
2305.113 of the Revised Code. 41055

(11) "Pregnancy" means the human female reproductive 41056  
condition that begins with fertilization, when the woman is 41057  
carrying the developing human offspring, and that is calculated 41058  
from the first day of the last menstrual period of the woman. 41059

(12) "Serious risk of the substantial and irreversible 41060  
impairment of a major bodily function" has the same meaning as 41061  
in section 2919.16 of the Revised Code. 41062

(13) "Spontaneous miscarriage" means the natural or 41063  
accidental termination of a pregnancy and the expulsion of the 41064  
fetus, typically caused by genetic defects in the fetus or 41065  
physical abnormalities in the pregnant woman. 41066

(14) "Standard medical practice" means the degree of 41067  
skill, care, and diligence that a physician of the same medical 41068  
specialty would employ in like circumstances. As applied to the 41069  
method used to determine the presence of a fetal heartbeat for 41070  
purposes of section 2919.192 of the Revised Code, "standard 41071  
medical practice" includes employing the appropriate means of 41072  
detection depending on the estimated gestational age of the 41073  
fetus and the condition of the woman and her pregnancy. 41074

(15) "Unborn human individual" means an individual 41075  
organism of the species homo sapiens from fertilization until 41076  
live birth. 41077

(B) (1) It is the intent of the general assembly that a 41078

court judgment or order suspending enforcement of any provision 41079  
of this section or sections 2919.171 or 2919.191 to 2919.1913 of 41080  
the Revised Code is not to be regarded as tantamount to repeal 41081  
of that provision. 41082

(2) Upon the issuance of any court order or judgment 41083  
restoring, expanding, or clarifying the authority of states to 41084  
prohibit or regulate abortion entirely or in part, or the 41085  
effective date of an amendment to the United States Constitution 41086  
restoring, expanding, or clarifying the authority of states to 41087  
prohibit or regulate abortion entirely or in part, the attorney 41088  
general may apply to the pertinent state or federal court for 41089  
either or both of the following: 41090

(a) A declaration that any one or more sections specified 41091  
in division (B) (1) of this section are constitutional; 41092

(b) A judgment or order lifting an injunction against the 41093  
enforcement of any one or more sections specified in division 41094  
(B) (1) of this section. 41095

(3) If the attorney general fails to apply for the relief 41096  
described in division (B) (2) of this section within the thirty- 41097  
day period after an event described in that division occurs, any 41098  
county prosecutor, with standing, may apply to the appropriate 41099  
state or federal court for such relief. 41100

(4) If any provision of this section or sections 2919.171 41101  
or 2919.191 to 2919.1913 of the Revised Code is held invalid, or 41102  
if the application of such provision to any person or 41103  
circumstance is held invalid, the invalidity of that provision 41104  
does not affect any other provisions or applications of this 41105  
section and sections 2919.171 and 2919.191 to 2919.1913 of the 41106  
Revised Code that can be given effect without the invalid 41107

provision or application, and to this end the provisions of this 41108  
section and sections 2919.171 and 2919.191 to 2919.1913 of the 41109  
Revised Code are severable as provided in section 1.50 of the 41110  
Revised Code. In particular, it is the intent of the general 41111  
assembly that any invalidity or potential invalidity of a 41112  
provision of this section or sections 2919.171 or 2919.191 to 41113  
2919.1913 of the Revised Code is not to impair the immediate and 41114  
continuing enforceability of the remaining provisions. It is 41115  
furthermore the intent of the general assembly that the 41116  
provisions of this section and sections 2919.171 or 2919.191 to 41117  
2919.1913 of the Revised Code are not to have the effect of 41118  
repealing or limiting any other laws of this state, except as 41119  
specified by this section and sections 2919.171 and 2919.191 to 41120  
2919.1913 of the Revised Code. 41121

**Sec. 2921.13.** (A) No person shall knowingly make a false 41122  
statement, or knowingly swear or affirm the truth of a false 41123  
statement previously made, when any of the following applies: 41124

(1) The statement is made in any official proceeding. 41125

(2) The statement is made with purpose to incriminate 41126  
another. 41127

(3) The statement is made with purpose to mislead a public 41128  
official in performing the public official's official function. 41129

(4) The statement is made with purpose to secure the 41130  
payment of unemployment compensation; Ohio works first; 41131  
prevention, retention, and contingency benefits and services; 41132  
disability financial assistance; retirement benefits or health 41133  
care coverage from a state retirement system; economic 41134  
development assistance, as defined in section 9.66 of the 41135  
Revised Code; or other benefits administered by a governmental 41136

agency or paid out of a public treasury. 41137

(5) The statement is made with purpose to secure the 41138  
issuance by a governmental agency of a license, permit, 41139  
authorization, certificate, registration, release, or provider 41140  
agreement. 41141

(6) The statement is sworn or affirmed before a notary 41142  
public or another person empowered to administer oaths. 41143

(7) The statement is in writing on or in connection with a 41144  
report or return that is required or authorized by law. 41145

(8) The statement is in writing and is made with purpose 41146  
to induce another to extend credit to or employ the offender, to 41147  
confer any degree, diploma, certificate of attainment, award of 41148  
excellence, or honor on the offender, or to extend to or bestow 41149  
upon the offender any other valuable benefit or distinction, 41150  
when the person to whom the statement is directed relies upon it 41151  
to that person's detriment. 41152

(9) The statement is made with purpose to commit or 41153  
facilitate the commission of a theft offense. 41154

(10) The statement is knowingly made to a probate court in 41155  
connection with any action, proceeding, or other matter within 41156  
its jurisdiction, either orally or in a written document, 41157  
including, but not limited to, an application, petition, 41158  
complaint, or other pleading, or an inventory, account, or 41159  
report. 41160

(11) The statement is made on an account, form, record, 41161  
stamp, label, or other writing that is required by law. 41162

(12) The statement is made in connection with the purchase 41163  
of a firearm, as defined in section 2923.11 of the Revised Code, 41164

and in conjunction with the furnishing to the seller of the 41165  
firearm of a fictitious or altered driver's or commercial 41166  
driver's license or permit, a fictitious or altered 41167  
identification card, or any other document that contains false 41168  
information about the purchaser's identity. 41169

(13) The statement is made in a document or instrument of 41170  
writing that purports to be a judgment, lien, or claim of 41171  
indebtedness and is filed or recorded with the secretary of 41172  
state, a county recorder, or the clerk of a court of record. 41173

(14) The statement is made in an application filed with a 41174  
county sheriff pursuant to section 2923.125 of the Revised Code 41175  
in order to obtain or renew a concealed handgun license or is 41176  
made in an affidavit submitted to a county sheriff to obtain a 41177  
concealed handgun license on a temporary emergency basis under 41178  
section 2923.1213 of the Revised Code. 41179

(15) The statement is required under section 5743.71 of 41180  
the Revised Code in connection with the person's purchase of 41181  
cigarettes or tobacco products in a delivery sale. 41182

(16) The statement is made to the department of children 41183  
and youth in connection with the Ohio adoption grant program for 41184  
the purpose of qualifying for or obtaining an adoption grant 41185  
under sections 5101.19 to 5101.194 of the Revised Code. 41186

(B) No person, in connection with the purchase of a 41187  
firearm, as defined in section 2923.11 of the Revised Code, 41188  
shall knowingly furnish to the seller of the firearm a 41189  
fictitious or altered driver's or commercial driver's license or 41190  
permit, a fictitious or altered identification card, or any 41191  
other document that contains false information about the 41192  
purchaser's identity. 41193

(C) No person, in an attempt to obtain a concealed handgun license under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B) (3) of that section.

(D) It is no defense to a charge under division (A) (6) of this section that the oath or affirmation was administered or taken in an irregular manner.

(E) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false.

(F) (1) Whoever violates division (A) (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (13), ~~or~~ (15), or (16) of this section is guilty of falsification. Except as otherwise provided in this division, falsification is a misdemeanor of the first degree.

(2) Whoever violates division (A) (9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars or more and is less than seven thousand five hundred dollars, falsification in a theft offense is a felony of the fifth degree. If the value of the property or services stolen is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, falsification in a theft offense is a felony of the fourth degree. If the value of the property or services stolen

is one hundred fifty thousand dollars or more, falsification in 41224  
a theft offense is a felony of the third degree. 41225

(3) Whoever violates division (A) (12) or (B) of this 41226  
section is guilty of falsification to purchase a firearm, a 41227  
felony of the fifth degree. 41228

(4) Whoever violates division (A) (14) or (C) of this 41229  
section is guilty of falsification to obtain a concealed handgun 41230  
license, a felony of the fourth degree. 41231

(5) Whoever violates division (A) of this section in 41232  
removal proceedings under section 319.26, 321.37, 507.13, or 41233  
733.78 of the Revised Code is guilty of falsification regarding 41234  
a removal proceeding, a felony of the third degree. 41235

(G) A person who violates this section is liable in a 41236  
civil action to any person harmed by the violation for injury, 41237  
death, or loss to person or property incurred as a result of the 41238  
commission of the offense and for reasonable attorney's fees, 41239  
court costs, and other expenses incurred as a result of 41240  
prosecuting the civil action commenced under this division. A 41241  
civil action under this division is not the exclusive remedy of 41242  
a person who incurs injury, death, or loss to person or property 41243  
as a result of a violation of this section. 41244

**Sec. 2921.41.** (A) No public official or party official 41245  
shall commit any theft offense, as defined in division (K) of 41246  
section 2913.01 of the Revised Code, when either of the 41247  
following applies: 41248

(1) The offender uses the offender's office in aid of 41249  
committing the offense or permits or assents to its use in aid 41250  
of committing the offense; 41251

(2) The property or service involved is owned by this 41252



state, any other state, the United States, a county, a municipal 41253  
corporation, a township, or any political subdivision, 41254  
department, or agency of any of them, is owned by a political 41255  
party, or is part of a political campaign fund. 41256

(B) Whoever violates this section is guilty of theft in 41257  
office. Except as otherwise provided in this division, theft in 41258  
office is a felony of the fifth degree. If the value of property 41259  
or services stolen is one thousand dollars or more and is less 41260  
than seven thousand five hundred dollars, theft in office is a 41261  
felony of the fourth degree. If the value of property or 41262  
services stolen is seven thousand five hundred dollars or more 41263  
and is less than one hundred fifty thousand dollars, theft in 41264  
office is a felony of the third degree. If the value of property 41265  
or services stolen is one hundred fifty thousand dollars or more 41266  
and is less than seven hundred fifty thousand dollars, theft in 41267  
office is a felony of the second degree. If the value of 41268  
property or services stolen is seven hundred fifty thousand 41269  
dollars or more, theft in office is a felony of the first 41270  
degree. 41271

(C) (1) A public official or party official who pleads 41272  
guilty to theft in office and whose plea is accepted by the 41273  
court or a public official or party official against whom a 41274  
verdict or finding of guilt for committing theft in office is 41275  
returned is forever disqualified from holding any public office, 41276  
employment, or position of trust in this state. 41277

(2) (a) (i) A court that imposes sentence for a violation of 41278  
this section based on conduct described in division (A) (2) of 41279  
this section shall require the public official or party official 41280  
who is convicted of or pleads guilty to the offense to make 41281  
restitution for all of the property or the service that is the 41282

subject of the offense, in addition to the term of imprisonment 41283  
and any fine imposed. The total amount of restitution imposed 41284  
under this division shall include costs of auditing the public 41285  
entities specified in division (A) (2) of this section that own 41286  
the property or service involved in the conduct described in 41287  
that division that is a violation of this section, but, except 41288  
as otherwise provided in a negotiated plea agreement, shall not 41289  
exceed the amount of the restitution imposed for all of the 41290  
property or the service that is the subject of the offense. 41291

(ii) A court that imposes sentence for a violation of this 41292  
section based on conduct described in division (A) (1) of this 41293  
section and that determines at trial that this state or a 41294  
political subdivision of this state if the offender is a public 41295  
official, or a political party in the United States or this 41296  
state if the offender is a party official, suffered actual loss 41297  
as a result of the offense shall require the offender to make 41298  
restitution to the state, political subdivision, or political 41299  
party for all of the actual loss experienced, in addition to the 41300  
term of imprisonment and any fine imposed. The total amount of 41301  
restitution imposed under this division shall include costs of 41302  
auditing the state, political subdivision, or political party 41303  
that suffered the actual loss based on conduct described in that 41304  
division that is a violation of this section, but, except as 41305  
otherwise provided in a negotiated plea agreement, shall not 41306  
exceed the amount of the restitution imposed for all of the 41307  
actual loss suffered. 41308

(b) (i) In any case in which a sentencing court is required 41309  
to order restitution under division (C) (2) (a) of this section 41310  
and in which the offender, at the time of the commission of the 41311  
offense or at any other time, was a member of the public 41312  
employees retirement system, the Ohio police and fire pension 41313

fund, the state teachers retirement system, the school employees 41314  
retirement system, or the state highway patrol retirement 41315  
system; was an electing employee, as defined in section 3305.01 41316  
of the Revised Code, participating in an alternative retirement 41317  
plan provided pursuant to Chapter 3305. of the Revised Code; was 41318  
a participating employee or continuing member, as defined in 41319  
section 148.01 of the Revised Code, in a deferred compensation 41320  
program offered by the ~~Ohio~~ public employees ~~deferred-~~ 41321  
~~compensation-retirement~~ board; was an officer or employee of a 41322  
municipal corporation who was a participant in a deferred 41323  
compensation program offered by that municipal corporation; was 41324  
an officer or employee of a government unit, as defined in 41325  
section 148.06 of the Revised Code, who was a participant in a 41326  
deferred compensation program offered by that government unit, 41327  
or was a participating employee, continuing member, or 41328  
participant in any deferred compensation program described in 41329  
this division and a member of a retirement system specified in 41330  
this division or a retirement system of a municipal corporation, 41331  
the entity to which restitution is to be made may file a motion 41332  
with the sentencing court specifying any retirement system, any 41333  
provider as defined in section 3305.01 of the Revised Code, and 41334  
any deferred compensation program of which the offender was a 41335  
member, electing employee, participating employee, continuing 41336  
member, or participant and requesting the court to issue an 41337  
order requiring the specified retirement system, the specified 41338  
provider under the alternative retirement plan, or the specified 41339  
deferred compensation program, or, if more than one is specified 41340  
in the motion, the applicable combination of these, to withhold 41341  
the amount required as restitution from any payment that is to 41342  
be made under a pension, annuity, or allowance, under an option 41343  
in the alternative retirement plan, under a participant account, 41344  
as defined in section 148.01 of the Revised Code, or under any 41345

other type of benefit, other than a survivorship benefit, that 41346  
has been or is in the future granted to the offender, from any 41347  
payment of accumulated employee contributions standing to the 41348  
offender's credit with that retirement system, that provider of 41349  
the option under the alternative retirement plan, or that 41350  
deferred compensation program, or, if more than one is specified 41351  
in the motion, the applicable combination of these, and from any 41352  
payment of any other amounts to be paid to the offender upon the 41353  
offender's withdrawal of the offender's contributions pursuant 41354  
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 41355  
Revised Code. A motion described in this division may be filed 41356  
at any time subsequent to the conviction of the offender or 41357  
entry of a guilty plea. Upon the filing of the motion, the clerk 41358  
of the court in which the motion is filed shall notify the 41359  
offender, the specified retirement system, the specified 41360  
provider under the alternative retirement plan, or the specified 41361  
deferred compensation program, or, if more than one is specified 41362  
in the motion, the applicable combination of these, in writing, 41363  
of all of the following: that the motion was filed; that the 41364  
offender will be granted a hearing on the issuance of the 41365  
requested order if the offender files a written request for a 41366  
hearing with the clerk prior to the expiration of thirty days 41367  
after the offender receives the notice; that, if a hearing is 41368  
requested, the court will schedule a hearing as soon as possible 41369  
and notify the offender, any specified retirement system, any 41370  
specified provider under an alternative retirement plan, and any 41371  
specified deferred compensation program of the date, time, and 41372  
place of the hearing; that, if a hearing is conducted, it will 41373  
be limited only to a consideration of whether the offender can 41374  
show good cause why the requested order should not be issued; 41375  
that, if a hearing is conducted, the court will not issue the 41376  
requested order if the court determines, based on evidence 41377

presented at the hearing by the offender, that there is good 41378  
cause for the requested order not to be issued; that the court 41379  
will issue the requested order if a hearing is not requested or 41380  
if a hearing is conducted but the court does not determine, 41381  
based on evidence presented at the hearing by the offender, that 41382  
there is good cause for the requested order not to be issued; 41383  
and that, if the requested order is issued, any retirement 41384  
system, any provider under an alternative retirement plan, and 41385  
any deferred compensation program specified in the motion will 41386  
be required to withhold the amount required as restitution from 41387  
payments to the offender. 41388

(ii) In any case in which a sentencing court is required 41389  
to order restitution under division (C)(2)(a) of this section 41390  
and in which a motion requesting the issuance of a withholding 41391  
order as described in division (C)(2)(b)(i) of this section is 41392  
filed, the offender may receive a hearing on the motion by 41393  
delivering a written request for a hearing to the court prior to 41394  
the expiration of thirty days after the offender's receipt of 41395  
the notice provided pursuant to division (C)(2)(b)(i) of this 41396  
section. If a request for a hearing is made by the offender 41397  
within the prescribed time, the court shall schedule a hearing 41398  
as soon as possible after the request is made and shall notify 41399  
the offender, the specified retirement system, the specified 41400  
provider under the alternative retirement plan, or the specified 41401  
deferred compensation program, or, if more than one is specified 41402  
in the motion, the applicable combination of these, of the date, 41403  
time, and place of the hearing. A hearing scheduled under this 41404  
division shall be limited to a consideration of whether there is 41405  
good cause, based on evidence presented by the offender, for the 41406  
requested order not to be issued. If the court determines, based 41407  
on evidence presented by the offender, that there is good cause 41408

for the order not to be issued, the court shall deny the motion 41409  
and shall not issue the requested order. If the offender does 41410  
not request a hearing within the prescribed time or if the court 41411  
conducts a hearing but does not determine, based on evidence 41412  
presented by the offender, that there is good cause for the 41413  
order not to be issued, the court shall order the specified 41414  
retirement system, the specified provider under the alternative 41415  
retirement plan, or the specified deferred compensation program, 41416  
or, if more than one is specified in the motion, the applicable 41417  
combination of these, to withhold the amount required as 41418  
restitution under division (C) (2) (a) of this section from any 41419  
payments to be made under a pension, annuity, or allowance, 41420  
under a participant account, as defined in section 148.01 of the 41421  
Revised Code, under an option in the alternative retirement 41422  
plan, or under any other type of benefit, other than a 41423  
survivorship benefit, that has been or is in the future granted 41424  
to the offender, from any payment of accumulated employee 41425  
contributions standing to the offender's credit with that 41426  
retirement system, that provider under the alternative 41427  
retirement plan, or that deferred compensation program, or, if 41428  
more than one is specified in the motion, the applicable 41429  
combination of these, and from any payment of any other amounts 41430  
to be paid to the offender upon the offender's withdrawal of the 41431  
offender's contributions pursuant to Chapter 145., 148., 742., 41432  
3307., 3309., or 5505. of the Revised Code, and to continue the 41433  
withholding for that purpose, in accordance with the order, out 41434  
of each payment to be made on or after the date of issuance of 41435  
the order, until further order of the court. Upon receipt of an 41436  
order issued under this division, the public employees 41437  
retirement system, the Ohio police and fire pension fund, the 41438  
state teachers retirement system, the school employees 41439  
retirement system, the state highway patrol retirement system, a 41440

municipal corporation retirement system, the provider under the 41441  
alternative retirement plan, and the deferred compensation 41442  
program offered by the ~~Ohio~~-public employees ~~deferred-~~ 41443  
~~compensation-retirement~~ board, a municipal corporation, or a 41444  
government unit, as defined in section 148.06 of the Revised 41445  
Code, whichever are applicable, shall withhold the amount 41446  
required as restitution, in accordance with the order, from any 41447  
such payments and immediately shall forward the amount withheld 41448  
to the clerk of the court in which the order was issued for 41449  
payment to the entity to which restitution is to be made. 41450

(iii) Service of a notice required by division (C) (2) (b) 41451  
(i) or (ii) of this section shall be effected in the same manner 41452  
as provided in the Rules of Civil Procedure for the service of 41453  
process. 41454

(c) Consistent with the ruling of the supreme court of the 41455  
United States in Kelly v. Robinson, 479 U.S. 36 (1986), 41456  
restitution imposed under division (C) (2) (a) of this section is 41457  
not dischargeable under Chapter 7 of the United States 41458  
Bankruptcy Code pursuant to 11 U.S.C. 523, as amended. 41459

(D) Upon the filing of charges against a person under this 41460  
section, the prosecutor, as defined in section 2935.01 of the 41461  
Revised Code, who is assigned the case shall send written notice 41462  
that charges have been filed against that person to the public 41463  
employees retirement system, the Ohio police and fire pension 41464  
fund, the state teachers retirement system, the school employees 41465  
retirement system, the state highway patrol retirement system, 41466  
the provider under an alternative retirement plan, any municipal 41467  
corporation retirement system in this state, and the deferred 41468  
compensation program offered by the ~~Ohio~~-public employees 41469  
~~deferred compensation-retirement~~ board, a municipal corporation, 41470

or a government unit, as defined in section 148.06 of the Revised Code. The written notice shall specifically identify the person charged.

**Sec. 2925.14.** (A) As used in this section, "drug paraphernalia" means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:

(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;

(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance, ~~except for those exempted in~~ unless division (D) (4) of this



section applies to the testing equipment; 41500

(6) A scale or balance for weighing or measuring a 41501  
controlled substance; 41502

(7) A diluent or adulterant, such as quinine 41503  
hydrochloride, mannitol, mannite, dextrose, or lactose, for 41504  
cutting a controlled substance; 41505

(8) A separation gin or sifter for removing twigs and 41506  
seeds from, or otherwise cleaning or refining, marihuana; 41507

(9) A blender, bowl, container, spoon, or mixing device 41508  
for compounding a controlled substance; 41509

(10) A capsule, balloon, envelope, or container for 41510  
packaging small quantities of a controlled substance; 41511

(11) A container or device for storing or concealing a 41512  
controlled substance; 41513

(12) A hypodermic syringe, needle, or instrument for 41514  
parenterally injecting a controlled substance into the human 41515  
body; 41516

(13) An object, instrument, or device for ingesting, 41517  
inhaling, or otherwise introducing into the human body, 41518  
marihuana, cocaine, hashish, or hashish oil, such as a metal, 41519  
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 41520  
without a screen, permanent screen, hashish head, or punctured 41521  
metal bowl; water pipe; carburetion tube or device; smoking or 41522  
carburetion mask; roach clip or similar object used to hold 41523  
burning material, such as a marihuana cigarette, that has become 41524  
too small or too short to be held in the hand; miniature cocaine 41525  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 41526  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 41527

(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;

(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;

(3) The proximity of the equipment, product, or material to any controlled substance;

(4) The existence of any residue of a controlled substance on the equipment, product, or material;

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;

(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;

(8) National or local advertising concerning the use of the equipment, product, or material; 41556  
41557

(9) The manner and circumstances in which the equipment, product, or material is displayed for sale; 41558  
41559

(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise; 41560  
41561  
41562

(11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 41563  
41564

(12) Expert testimony concerning the use of the equipment, product, or material. 41565  
41566

(C) (1) Subject to divisions (D) (2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia. 41567  
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(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia. 41570  
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(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia. 41574  
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(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose 41581  
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conduct is in accordance with Chapters 3719., 4715., 4723., 41584  
4729., 4730., 4731., 4741., and 4772. of the Revised Code. This 41585  
section shall not be construed to prohibit the possession or use 41586  
of a hypodermic as authorized by section 3719.172 of the Revised 41587  
Code. 41588

(2) Division (C)(1) of this section does not apply to a 41589  
person's use, or possession with purpose to use, any drug 41590  
paraphernalia that is equipment, a product, or material of any 41591  
kind that is used by the person, intended by the person for use, 41592  
or designed for use in storing, containing, concealing, 41593  
injecting, ingesting, inhaling, or otherwise introducing into 41594  
the human body marihuana. 41595

(3) Division (B)(2) of section 2925.11 of the Revised Code 41596  
applies with respect to a violation of division (C)(1) of this 41597  
section when a person seeks or obtains medical assistance for 41598  
another person who is experiencing a drug overdose, a person 41599  
experiences a drug overdose and seeks medical assistance for 41600  
that overdose, or a person is the subject of another person 41601  
seeking or obtaining medical assistance for that overdose. 41602

(4) Division (C)(1) of this section does not apply to a 41603  
person's use, or possession with purpose to use, ~~any~~ drug 41604  
testing strips to determine the presence of fentanyl or a 41605  
fentanyl-related compound or any other equipment, product, or 41606  
material approved by the state board of pharmacy, in rules 41607  
adopted under section 4729.261 of the Revised Code, as a type of 41608  
instrument that demonstrates efficacy in reducing drug poisoning 41609  
by determining the presence of a specific compound or group of 41610  
compounds. 41611

(E) Notwithstanding Chapter 2981. of the Revised Code, any 41612  
drug paraphernalia that was used, possessed, sold, or 41613

manufactured in a violation of this section shall be seized, 41614  
after a conviction for that violation shall be forfeited, and 41615  
upon forfeiture shall be disposed of pursuant to division (B) of 41616  
section 2981.12 of the Revised Code. 41617

(F) (1) Whoever violates division (C) (1) of this section is 41618  
guilty of illegal use or possession of drug paraphernalia, a 41619  
misdemeanor of the fourth degree. 41620

(2) Except as provided in division (F) (3) of this section, 41621  
whoever violates division (C) (2) of this section is guilty of 41622  
dealing in drug paraphernalia, a misdemeanor of the second 41623  
degree. 41624

(3) Whoever violates division (C) (2) of this section by 41625  
selling drug paraphernalia to a juvenile is guilty of selling 41626  
drug paraphernalia to juveniles, a misdemeanor of the first 41627  
degree. 41628

(4) Whoever violates division (C) (3) of this section is 41629  
guilty of illegal advertising of drug paraphernalia, a 41630  
misdemeanor of the second degree. 41631

(G) (1) If the offender is a professionally licensed 41632  
person, in addition to any other sanction imposed for a 41633  
violation of this section, the court immediately shall comply 41634  
with section 2925.38 of the Revised Code. 41635

If the offender has a driver's or commercial driver's 41636  
license or permit, section 2929.33 of the Revised Code applies. 41637

(2) Any offender who received a mandatory suspension of 41638  
the offender's driver's or commercial driver's license or permit 41639  
under this section prior to September 13, 2016, may file a motion 41640  
with the sentencing court requesting the termination of the 41641  
suspension. However, an offender who pleaded guilty to or was 41642

convicted of a violation of section 4511.19 of the Revised Code 41643  
or a substantially similar municipal ordinance or law of another 41644  
state or the United States that arose out of the same set of 41645  
circumstances as the violation for which the offender's license 41646  
or permit was suspended under this section shall not file such a 41647  
motion. 41648

Upon the filing of a motion under division (G) (2) of this 41649  
section, the sentencing court, in its discretion, may terminate 41650  
the suspension. 41651

**Sec. 2933.32.** (A) As used in this section: 41652

(1) "Body cavity search" means an inspection of the anal 41653  
or vaginal cavity of a person that is conducted visually, 41654  
manually, by means of any instrument, apparatus, or object, or 41655  
in any other manner ~~while the person is detained or arrested for~~ 41656  
~~the alleged commission of a misdemeanor or traffic offense.~~ 41657

(2) "Medical practitioner" has the same meaning as in 41658  
section 4743.10 of the Revised Code. 41659

(3) "Strip search" means an inspection of the genitalia, 41660  
buttocks, breasts, or undergarments of a person that is preceded 41661  
by the removal or rearrangement of some or all of the person's 41662  
clothing that directly covers the person's genitalia, buttocks, 41663  
breasts, or undergarments and that is conducted visually, 41664  
manually, by means of any instrument, apparatus, or object, or 41665  
in any other manner while the person is detained or arrested for 41666  
the alleged commission of a misdemeanor or traffic offense. 41667  
"Strip search" does not mean the visual observation of a person 41668  
who was afforded a reasonable opportunity to secure release on 41669  
bail or recognizance, who fails to secure such release, and who 41670  
is to be integrated with the general population of any detention 41671

facility, while the person is changing into clothing that is 41672  
required to be worn by inmates in the facility. 41673

(B) (1) Except as authorized by this division, no law 41674  
enforcement officer, other employee of a law enforcement agency, 41675  
physician, or registered nurse or licensed practical nurse shall 41676  
conduct or cause to be conducted a body cavity search or a strip 41677  
search. 41678

(2) A body cavity search or strip search may be conducted 41679  
if a law enforcement officer or employee of a law enforcement 41680  
agency has probable cause to believe that the person is 41681  
concealing evidence of the commission of a criminal offense, 41682  
including fruits or tools of a crime, contraband, or a deadly 41683  
weapon, as defined in section 2923.11 of the Revised Code, that 41684  
could not otherwise be discovered. In determining probable cause 41685  
for purposes of this section, a law enforcement officer or 41686  
employee of a law enforcement agency shall consider the nature 41687  
of the offense with which the person to be searched is charged, 41688  
and the circumstances of the person's arrest, ~~and, if known, the~~ 41689  
~~prior conviction record of the person.~~ 41690

(3) A body cavity search or strip search may be conducted 41691  
for any legitimate medical or hygienic reason. 41692

(4) Unless there is a legitimate medical reason or medical 41693  
emergency justifying a warrantless search, a body cavity search 41694  
shall be conducted only after a search warrant is issued that 41695  
authorizes the search. In any case, a body cavity search shall 41696  
be conducted under sanitary conditions and only by a physician, 41697  
or a registered nurse or licensed practical nurse, who is 41698  
registered or licensed to practice in this state. 41699

(5) Unless there is a legitimate medical reason or medical 41700

emergency that makes obtaining written authorization 41701  
impracticable, a body cavity search or strip search shall be 41702  
conducted only after a law enforcement officer or employee of a 41703  
law enforcement agency obtains a written authorization for the 41704  
search from the person in command of the law enforcement agency, 41705  
or from a person specifically designated by the person in 41706  
command to give a written authorization for either type of 41707  
search. 41708

(6) A body cavity search or strip search shall be 41709  
conducted by a person or persons who are of the same sex as the 41710  
person who is being searched and the search shall be conducted 41711  
in a manner and in a location that permits only the person or 41712  
persons who are physically conducting the search and the person 41713  
who is being searched to observe the search. 41714

(C) (1) Upon completion of a body cavity search or strip 41715  
search pursuant to this section, the person or persons who 41716  
conducted the search shall prepare a written report concerning 41717  
the search that shall include all of the following: 41718

(a) The written authorization for the search obtained from 41719  
the person in command of the law enforcement agency or ~~his~~ that 41720  
person's designee, if required by division (B) (5) of this 41721  
section; 41722

(b) The name of the person who was searched; 41723

(c) The name of the person or persons who conducted the 41724  
search, the time and date of the search, and the place at which 41725  
the search was conducted; 41726

(d) A list of the items, if any, recovered during the 41727  
search; 41728

(e) The facts upon which the law enforcement officer or 41729



employee of the law enforcement agency based ~~his~~ the officer's 41730  
or employee's probable cause for the search, including, but not 41731  
limited to, the officer or employee's review of the nature of 41732  
the offense with which the searched person is charged, and the 41733  
circumstances of his the person's arrest, ~~and, if known, his~~ 41734  
~~prior conviction record;~~ 41735

(f) If the body cavity search was conducted before or 41736  
without the issuance of a search warrant pursuant to division 41737  
(B) (4) of this section, or if the body cavity or strip search 41738  
was conducted before or without the granting of written 41739  
authorization pursuant to division (B) (5) of this section, the 41740  
legitimate medical reason or medical emergency that justified 41741  
the warrantless search or made obtaining written authorization 41742  
impracticable. 41743

(2) A copy of the written report required by division (C) 41744  
(1) of this section shall be kept on file in the law enforcement 41745  
agency, and another copy of it shall be given to the person who 41746  
was searched. 41747

(D) (1) This section does not preclude the prosecution of a 41748  
law enforcement officer or employee of a law enforcement agency 41749  
for the violation of any other section of the Revised Code. 41750

(2) This section does not limit, and shall not be 41751  
construed to limit, any statutory or common law rights of a 41752  
person to obtain injunctive relief or to recover damages in a 41753  
civil action. 41754

(3) If a person is subjected to a body cavity search or 41755  
strip search in violation of this section, any person may 41756  
commence a civil action to recover compensatory damages for any 41757  
injury, death, or loss to person or property or any indignity 41758

arising from the violation. In the civil action, the court may  
award punitive damages to the plaintiffs if they prevail in the  
action, and it may award reasonable attorney's fees to the  
parties who prevail in the action.

(4) This section does not apply to body cavity searches or  
strip searches of persons who have been sentenced to serve a  
term of imprisonment and who are serving that term in a  
detention facility, as defined in section 2921.01 of the Revised  
Code.

(E) (1) Whoever violates division (B) of this section is  
guilty of conducting an unauthorized search, a misdemeanor of  
the first degree.

(2) Whoever violates division (C) of this section is  
guilty of failure to prepare a proper search report, a  
misdemeanor of the fourth degree.

(F) A medical practitioner is not required, and a court or  
other person shall not order a medical practitioner, to perform  
any medical procedure that is inconsistent with the medical  
practitioner's expert medical opinion.

**Sec. 2967.28.** (A) As used in this section:

(1) "Monitored time" means the monitored time sanction  
specified in section 2929.17 and defined in section 2929.01 of  
the Revised Code.

(2) "Deadly weapon" and "dangerous ordnance" have the same  
meanings as in section 2923.11 of the Revised Code.

(3) "Felony sex offense" means a violation of a section  
contained in Chapter 2907. of the Revised Code that is a felony.

(4) "Risk reduction sentence" means a prison term imposed

by a court, when the court recommends pursuant to section 41787  
2929.143 of the Revised Code that the offender serve the 41788  
sentence under section 5120.036 of the Revised Code, and the 41789  
offender may potentially be released from imprisonment prior to 41790  
the expiration of the prison term if the offender successfully 41791  
completes all assessment and treatment or programming required 41792  
by the department of rehabilitation and correction under section 41793  
5120.036 of the Revised Code. 41794

(5) "Victim's immediate family" has the same meaning as in 41795  
section 2967.12 of the Revised Code. 41796

(6) "Minor drug possession offense" has the same meaning 41797  
as in section 2925.11 of the Revised Code. 41798

(7) "Single validated risk assessment tool" means the 41799  
single validated risk assessment tool selected by the department 41800  
of rehabilitation and correction under section 5120.114 of the 41801  
Revised Code. 41802

(B) Each sentence to a prison term, other than a term of 41803  
life imprisonment, for a felony of the first degree, for a 41804  
felony of the second degree, for a felony sex offense, or for a 41805  
felony of the third degree that is an offense of violence and is 41806  
not a felony sex offense shall include a requirement that the 41807  
offender be subject to a period of post-release control imposed 41808  
by the parole board after the offender's release from 41809  
imprisonment. For post-release control to be imposed, the 41810  
offender must be committed to the department of rehabilitation 41811  
and correction as set forth in section 5120.16 of the Revised 41812  
Code. This division applies with respect to all prison terms of 41813  
a type described in this division, including a term of any such 41814  
type that is a risk reduction sentence. If a court imposes a 41815  
sentence including a prison term of a type described in this 41816

division on or after July 11, 2006, the failure of a sentencing 41817  
court to notify the offender pursuant to division (B) (2) (d) of 41818  
section 2929.19 of the Revised Code of this requirement or to 41819  
include in the judgment of conviction entered on the journal a 41820  
statement that the offender's sentence includes this requirement 41821  
does not negate, limit, or otherwise affect the mandatory period 41822  
of supervision that is required for the offender under this 41823  
division. This division applies with respect to all prison terms 41824  
of a type described in this division, including a non-life 41825  
felony indefinite prison term. Section 2929.191 of the Revised 41826  
Code applies if, prior to July 11, 2006, a court imposed a 41827  
sentence including a prison term of a type described in this 41828  
division and failed to notify the offender pursuant to division 41829  
(B) (2) (d) of section 2929.19 of the Revised Code regarding post- 41830  
release control or to include in the judgment of conviction 41831  
entered on the journal or in the sentence pursuant to division 41832  
(D) (1) of section 2929.14 of the Revised Code a statement 41833  
regarding post-release control. Unless reduced by the parole 41834  
board pursuant to division (D) of this section when authorized 41835  
under that division, a period of post-release control required 41836  
by this division for an offender shall be of one of the 41837  
following periods: 41838

(1) For a felony sex offense, five years; 41839

(2) For a felony of the first degree that is not a felony 41840  
sex offense, up to five years, but not less than two years; 41841

(3) For a felony of the second degree that is not a felony 41842  
sex offense, up to three years, but not less than eighteen 41843  
months; 41844

(4) For a felony of the third degree that is an offense of 41845  
violence and is not a felony sex offense, up to three years, but 41846

not less than one year. 41847

(C) Any sentence to a prison term for a felony of the 41848  
third, fourth, or fifth degree that is not subject to division 41849  
(B) (1) or (4) of this section shall include a requirement that 41850  
the offender be subject to a period of post-release control of 41851  
up to two years after the offender's release from imprisonment, 41852  
if the parole board, in accordance with division (D) of this 41853  
section, determines that a period of post-release control is 41854  
necessary for that offender. For post-release control to be 41855  
imposed, the offender must be committed to the department of 41856  
rehabilitation and correction as set forth in section 5120.16 of 41857  
the Revised Code. This division applies with respect to all 41858  
prison terms of a type described in this division, including a 41859  
term of any such type that is a risk reduction sentence. Section 41860  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 41861  
a court imposed a sentence including a prison term of a type 41862  
described in this division and failed to notify the offender 41863  
pursuant to division (B) (2) (e) of section 2929.19 of the Revised 41864  
Code regarding post-release control or to include in the 41865  
judgment of conviction entered on the journal or in the sentence 41866  
pursuant to division (D) (2) of section 2929.14 of the Revised 41867  
Code a statement regarding post-release control. Pursuant to an 41868  
agreement entered into under section 2967.29 of the Revised 41869  
Code, a court of common pleas or parole board may impose 41870  
sanctions or conditions on an offender who is placed on post- 41871  
release control under this division. 41872

(D) (1) Before the prisoner is released from imprisonment, 41873  
the parole board or, pursuant to an agreement under section 41874  
2967.29 of the Revised Code, the court shall impose on a 41875  
prisoner described in division (B) of this section, shall impose 41876  
on a prisoner described in division (C) of this section who is 41877

to be released before the expiration of the prisoner's stated 41878  
prison term under a risk reduction sentence, may impose on a 41879  
prisoner described in division (C) of this section who is not to 41880  
be released before the expiration of the prisoner's stated 41881  
prison term under a risk reduction sentence, and shall impose on 41882  
a prisoner described in division (B) (2) (b) of section 5120.031 41883  
or in division (B) (1) of section 5120.032 of the Revised Code, 41884  
one or more post-release control sanctions to apply during the 41885  
prisoner's period of post-release control. Whenever the board or 41886  
court imposes one or more post-release control sanctions on a 41887  
prisoner, the board or court, in addition to imposing the 41888  
sanctions, also shall include as a condition of the post-release 41889  
control that the offender not leave the state without permission 41890  
of the court or the offender's parole or probation officer and 41891  
that the offender abide by the law. The board or court may 41892  
impose any other conditions of release under a post-release 41893  
control sanction that the board or court considers appropriate, 41894  
and the conditions of release may include any community 41895  
residential sanction, community nonresidential sanction, or 41896  
financial sanction that the sentencing court was authorized to 41897  
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 41898  
Revised Code. Prior to the release of a prisoner for whom it 41899  
will impose one or more post-release control sanctions under 41900  
this division, the parole board or court shall review the 41901  
prisoner's criminal history, results from the single validated 41902  
risk assessment tool, and the record of the prisoner's conduct 41903  
while imprisoned. The parole board or court shall consider any 41904  
recommendation regarding post-release control sanctions for the 41905  
prisoner made by the office of victims' services. After 41906  
considering those materials, the board or court shall determine, 41907  
for a prisoner described in division (B) of this section, 41908  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 41909

section 5120.032 of the Revised Code and for a prisoner 41910  
described in division (C) of this section who is to be released 41911  
before the expiration of the prisoner's stated prison term under 41912  
a risk reduction sentence, which post-release control sanction 41913  
or combination of post-release control sanctions is reasonable 41914  
under the circumstances or, for a prisoner described in division 41915  
(C) of this section who is not to be released before the 41916  
expiration of the prisoner's stated prison term under a risk 41917  
reduction sentence, whether a post-release control sanction is 41918  
necessary and, if so, which post-release control sanction or 41919  
combination of post-release control sanctions is reasonable 41920  
under the circumstances. In the case of a prisoner convicted of 41921  
a felony of the fourth or fifth degree other than a felony sex 41922  
offense, the board or court shall presume that monitored time is 41923  
the appropriate post-release control sanction unless the board 41924  
or court determines that a more restrictive sanction is 41925  
warranted. A post-release control sanction imposed under this 41926  
division takes effect upon the prisoner's release from 41927  
imprisonment. 41928

Regardless of whether the prisoner was sentenced to the 41929  
prison term prior to, on, or after July 11, 2006, prior to the 41930  
release of a prisoner for whom it will impose one or more post- 41931  
release control sanctions under this division, the parole board 41932  
shall notify the prisoner that, if the prisoner violates any 41933  
sanction so imposed or any condition of post-release control 41934  
described in division (B) of section 2967.131 of the Revised 41935  
Code that is imposed on the prisoner, the parole board may 41936  
impose a prison term of up to one-half of the stated prison term 41937  
originally imposed on the prisoner. 41938

At least thirty days before the prisoner is released from 41939  
imprisonment under post-release control, except as otherwise 41940

provided in this paragraph, the department of rehabilitation and 41941  
correction shall notify the victim and the victim's immediate 41942  
family of the date on which the prisoner will be released, the 41943  
period for which the prisoner will be under post-release control 41944  
supervision, and the terms and conditions of the prisoner's 41945  
post-release control regardless of whether the victim or 41946  
victim's immediate family has requested the notification. The 41947  
notice described in this paragraph shall not be given to a 41948  
victim or victim's immediate family if the victim or the 41949  
victim's immediate family has requested pursuant to division (B) 41950  
(2) of section 2930.03 of the Revised Code that the notice not 41951  
be provided to the victim or the victim's immediate family. At 41952  
least thirty days before the prisoner is released from 41953  
imprisonment and regardless of whether the victim or victim's 41954  
immediate family has requested that the notice described in this 41955  
paragraph be provided or not be provided to the victim or the 41956  
victim's immediate family, the department also shall provide 41957  
notice of that nature to the prosecuting attorney in the case 41958  
and the law enforcement agency that arrested the prisoner if any 41959  
officer of that agency was a victim of the offense. 41960

If the notice given under the preceding paragraph to the 41961  
victim or the victim's immediate family is based on an offense 41962  
committed prior to March 22, 2013, and if the department of 41963  
rehabilitation and correction has not previously successfully 41964  
provided any notice to the victim or the victim's immediate 41965  
family under division (B), (C), or (D) of section 2930.16 of the 41966  
Revised Code with respect to that offense and the offender who 41967  
committed it, the notice also shall inform the victim or the 41968  
victim's immediate family that the victim or the victim's 41969  
immediate family may request that the victim or the victim's 41970  
immediate family not be provided any further notices with 41971



respect to that offense and the offender who committed it and 41972  
shall describe the procedure for making that request. The 41973  
department may give the notices to which the preceding paragraph 41974  
applies by any reasonable means, including regular mail, 41975  
telephone, and electronic mail. If the department attempts to 41976  
provide notice to any specified person under the preceding 41977  
paragraph but the attempt is unsuccessful because the department 41978  
is unable to locate the specified person, is unable to provide 41979  
the notice by its chosen method because it cannot determine the 41980  
mailing address, electronic mail address, or telephone number at 41981  
which to provide the notice, or, if the notice is sent by mail, 41982  
the notice is returned, the department shall make another 41983  
attempt to provide the notice to the specified person. If the 41984  
second attempt is unsuccessful, the department shall make at 41985  
least one more attempt to provide the notice. If the notice is 41986  
based on an offense committed prior to March 22, 2013, in each 41987  
attempt to provide the notice to the victim or victim's 41988  
immediate family, the notice shall include the opt-out 41989  
information described in this paragraph. The department, in the 41990  
manner described in division (D)(2) of section 2930.16 of the 41991  
Revised Code, shall keep a record of all attempts to provide the 41992  
notice, and of all notices provided, under this paragraph and 41993  
the preceding paragraph. The record shall be considered as if it 41994  
was kept under division (D)(2) of section 2930.16 of the Revised 41995  
Code. This paragraph, the preceding paragraph, and the notice- 41996  
related provisions of divisions (E)(2) and (K) of section 41997  
2929.20, division (D)(1) of section 2930.16, division (H) of 41998  
section 2967.12, division (E)(1)(b) of section 2967.19 as it 41999  
existed prior to ~~the effective date of this amendment~~ April 4, 42000  
2023, division (A)(3)(b) of section 2967.26, and division (A)(2) 42001  
of section 5149.101 of the Revised Code enacted in the act in 42002  
which this paragraph and the preceding paragraph were enacted, 42003

shall be known as "Roberta's Law." 42004

(2) If a prisoner who is placed on post-release control 42005  
under this section is released before the expiration of the 42006  
definite term that is the prisoner's stated prison term or the 42007  
expiration of the minimum term that is part of the prisoner's 42008  
indefinite prison term imposed under a non-life felony 42009  
indefinite prison term by reason of credit earned under section 42010  
2967.193 or 2967.194 or a reduction under division (F) of 42011  
section 2967.271 of the Revised Code and if the prisoner earned 42012  
sixty or more days of credit, the adult parole authority may 42013  
supervise the offender with an active global positioning system 42014  
device for the first fourteen days after the offender's release 42015  
from imprisonment. This division does not prohibit or limit the 42016  
imposition of any post-release control sanction otherwise 42017  
authorized by this section. 42018

(3) After a prisoner is released from imprisonment and 42019  
during the period of post-release control applicable to the 42020  
releasee, the adult parole authority or, pursuant to an 42021  
agreement under section 2967.29 of the Revised Code, the court 42022  
may review the releasee's behavior under the post-release 42023  
control sanctions imposed upon the releasee under this section. 42024  
The authority or court may determine, based upon the review and 42025  
in accordance with the standards established under division (E) 42026  
of this section, that the releasee has satisfactorily complied 42027  
with the sanctions imposed, and if such a determination is made, 42028  
the authority may recommend a less restrictive sanction, reduce 42029  
the period of post-release control, or, no sooner than the 42030  
minimum period of time required under section 2967.16 of the 42031  
Revised Code, recommend that the parole board or court terminate 42032  
the duration of the period of post-release control. In no case 42033  
shall the board or court reduce the duration of the period of 42034

control imposed for a felony sex offense described in division 42035  
(B) (1) of this section. 42036

(4) The department of rehabilitation and correction shall 42037  
develop factors that the parole board or court shall consider in 42038  
determining under division (D) (3) of this section whether to 42039  
terminate the period of control imposed on a releasee. 42040

(E) The department of rehabilitation and correction, in 42041  
accordance with Chapter 119. of the Revised Code, shall adopt 42042  
rules that do all of the following: 42043

(1) Establish standards for the imposition by the parole 42044  
board of post-release control sanctions under this section that 42045  
are consistent with the overriding purposes and sentencing 42046  
principles set forth in section 2929.11 of the Revised Code and 42047  
that are appropriate to the needs of releasees; 42048

(2) Establish standards that provide for a period of post- 42049  
release control of up to two years for all prisoners described 42050  
in division (C) of this section who are to be released before 42051  
the expiration of their stated prison term under a risk 42052  
reduction sentence and standards by which the parole board can 42053  
determine which prisoners described in division (C) of this 42054  
section who are not to be released before the expiration of 42055  
their stated prison term under a risk reduction sentence should 42056  
be placed under a period of post-release control; 42057

(3) Establish standards to be used by the parole board in 42058  
reducing or terminating the duration of the period of post- 42059  
release control imposed by the court when authorized under 42060  
division (D) of this section, in imposing a more restrictive 42061  
post-release control sanction than monitored time on a prisoner 42062  
convicted of a felony of the fourth or fifth degree other than a 42063

felony sex offense, or in imposing a less restrictive control 42064  
sanction on a releasee based on results from the single 42065  
validated risk assessment tool and on the releasee's activities 42066  
including, but not limited to, remaining free from criminal 42067  
activity and from the abuse of alcohol or other drugs, 42068  
successfully participating in approved rehabilitation programs, 42069  
maintaining employment, and paying restitution to the victim or 42070  
meeting the terms of other financial sanctions; 42071

(4) Establish standards to be used by the adult parole 42072  
authority in modifying a releasee's post-release control 42073  
sanctions pursuant to division (D) (2) of this section; 42074

(5) Establish standards to be used by the adult parole 42075  
authority or parole board in imposing further sanctions under 42076  
division (F) of this section on releasees who violate post- 42077  
release control sanctions, including standards that do the 42078  
following: 42079

(a) Classify violations according to the degree of 42080  
seriousness; 42081

(b) Define the circumstances under which formal action by 42082  
the parole board is warranted; 42083

(c) Govern the use of evidence at violation hearings; 42084

(d) Ensure procedural due process to an alleged violator; 42085

(e) Prescribe nonresidential community control sanctions 42086  
for most misdemeanor and technical violations; 42087

(f) Provide procedures for the return of a releasee to 42088  
imprisonment for violations of post-release control. 42089

(F) (1) Whenever the parole board imposes one or more post- 42090  
release control sanctions on an offender under this section, the 42091

offender upon release from imprisonment shall be under the 42092  
general jurisdiction of the adult parole authority and generally 42093  
shall be supervised by the field services section through its 42094  
staff of parole and field officers as described in section 42095  
5149.04 of the Revised Code, as if the offender had been placed 42096  
on parole. If the offender upon release from imprisonment 42097  
violates the post-release control sanction or any conditions 42098  
described in division (A) of section 2967.131 of the Revised 42099  
Code that are imposed on the offender, the public or private 42100  
person or entity that operates or administers the sanction or 42101  
the program or activity that comprises the sanction shall report 42102  
the violation directly to the adult parole authority or to the 42103  
officer of the authority who supervises the offender. The 42104  
authority's officers may treat the offender as if the offender 42105  
were on parole and in violation of the parole, and otherwise 42106  
shall comply with this section. 42107

(2) If the adult parole authority or, pursuant to an 42108  
agreement under section 2967.29 of the Revised Code, the court 42109  
determines that a releasee has violated a post-release control 42110  
sanction or any conditions described in division (A) of section 42111  
2967.131 of the Revised Code imposed on the releasee and that a 42112  
more restrictive sanction is appropriate, the authority or court 42113  
may impose a more restrictive sanction on the releasee, in 42114  
accordance with the standards established under division (E) of 42115  
this section or in accordance with the agreement made under 42116  
section 2967.29 of the Revised Code, or may report the violation 42117  
to the parole board for a hearing pursuant to division (F) (3) of 42118  
this section. The authority or court may not, pursuant to this 42119  
division, increase the duration of the releasee's post-release 42120  
control or impose as a post-release control sanction a 42121  
residential sanction that includes a prison term, but the 42122

authority or court may impose on the releasee any other 42123  
residential sanction, nonresidential sanction, or financial 42124  
sanction that the sentencing court was authorized to impose 42125  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 42126  
Revised Code. 42127

(3) The parole board or, pursuant to an agreement under 42128  
section 2967.29 of the Revised Code, the court may hold a 42129  
hearing on any alleged violation by a releasee of a post-release 42130  
control sanction or any conditions described in division (A) of 42131  
section 2967.131 of the Revised Code that are imposed upon the 42132  
releasee. Except as otherwise provided in this division, if 42133  
after the hearing the board or court finds that the releasee 42134  
violated the sanction or condition, the board or court may 42135  
increase the duration of the releasee's post-release control up 42136  
to the maximum duration authorized by division (B) or (C) of 42137  
this section or impose a more restrictive post-release control 42138  
sanction. If a releasee was acting pursuant to division (B) (2) 42139  
(b) of section 2925.11 or a related provision of section 42140  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 42141  
doing violated the conditions of a post-release control sanction 42142  
based on a minor drug possession offense, as defined in that 42143  
section, or violated section 2925.12, division (C) (1) of section 42144  
2925.14, or section 2925.141 of the Revised Code, the board or 42145  
the court shall not impose any of the penalties described in 42146  
this division based on the violation. When appropriate, the 42147  
board or court may impose as a post-release control sanction a 42148  
residential sanction that includes a prison term. The board or 42149  
court shall consider a prison term as a post-release control 42150  
sanction imposed for a violation of post-release control when 42151  
the violation involves a deadly weapon or dangerous ordnance, 42152  
physical harm or attempted serious physical harm to a person, or 42153

sexual misconduct. Unless a releasee's stated prison term was 42154  
reduced pursuant to section 5120.032 of the Revised Code, the 42155  
period of a prison term that is imposed as a post-release 42156  
control sanction under this division shall not exceed nine 42157  
months, and the maximum cumulative prison term for all 42158  
violations under this division shall not exceed one-half of the 42159  
definite prison term that was the stated prison term originally 42160  
imposed on the offender as part of this sentence or, with 42161  
respect to a stated non-life felony indefinite prison term, one- 42162  
half of the minimum prison term that was imposed as part of that 42163  
stated prison term originally imposed on the offender. If a 42164  
releasee's stated prison term was reduced pursuant to section 42165  
5120.032 of the Revised Code, the period of a prison term that 42166  
is imposed as a post-release control sanction under this 42167  
division and the maximum cumulative prison term for all 42168  
violations under this division shall not exceed the period of 42169  
time not served in prison under the sentence imposed by the 42170  
court. The period of a prison term that is imposed as a post- 42171  
release control sanction under this division shall not count as, 42172  
or be credited toward, the remaining period of post-release 42173  
control. If, during the period of the releasee's post-release 42174  
control, the releasee serves as a post-release control sanction 42175  
the maximum prison time available as a sanction, the post- 42176  
release control shall terminate. 42177

If an offender is imprisoned for a felony committed while 42178  
under post-release control supervision and is again released on 42179  
post-release control for a period of time, the maximum 42180  
cumulative prison term for all violations under this division 42181  
shall not exceed one-half of the total stated prison terms of 42182  
the earlier felony, reduced by any prison term administratively 42183  
imposed by the parole board or court, plus one-half of the total 42184

stated prison term of the new felony. 42185

(G) (1) If an offender is simultaneously subject to a 42186  
period of parole under an indefinite or life sentence and a 42187  
period of post-release control, or is simultaneously subject to 42188  
two periods of post-release control, the period of supervision 42189  
that expires last shall determine the length and form of 42190  
supervision for all the periods and the related sentences. 42191

(2) An offender shall receive credit for post-release 42192  
control supervision during the period of parole, and shall not 42193  
be eligible for final release under section 2967.16 of the 42194  
Revised Code until the post-release control period otherwise 42195  
would have ended. 42196

(3) If the period of parole ends prior to the end of the 42197  
period of post-release control, the requirements of parole 42198  
supervision shall be satisfied during the post-release control 42199  
period. 42200

(H) (1) A period of post-release control shall not be 42201  
imposed consecutively to any other post-release control period. 42202

(2) The period of post-release control for a releasee who 42203  
commits a felony while under post-release control for an earlier 42204  
felony shall be the longer of the period of post-release control 42205  
specified for the new felony under division (B) or (C) of this 42206  
section or the time remaining under the period of post-release 42207  
control imposed for the earlier felony as determined by the 42208  
parole board or court. 42209

**Sec. 2969.13.** All moneys that are collected pursuant to 42210  
section 2929.32 of the Revised Code and required to be deposited 42211  
in the crime victims recovery fund shall be credited ~~by the~~ 42212  
~~treasurer of state~~ to the fund. Any interest earned on the money 42213



in the fund shall be credited to the fund. 42214

**Sec. 3101.08.** An ordained or licensed minister of any 42215  
religious society or congregation within this state who is 42216  
licensed to solemnize marriages, the governor or a former 42217  
governor of this state, a judge of a county court in accordance 42218  
with section 1907.18 of the Revised Code, a judge of a municipal 42219  
court in accordance with section 1901.14 of the Revised Code, a 42220  
probate judge in accordance with section 2101.27 of the Revised 42221  
Code, the mayor of a municipal corporation anywhere within this 42222  
state, the superintendent of Ohio deaf and blind education 42223  
services, or any religious society in conformity with the rules 42224  
of its church, may join together as husband and wife any persons 42225  
who are not prohibited by law from being joined in marriage. 42226

**Sec. 3105.171.** (A) As used in this section: 42227

(1) "Distributive award" means any payment or payments, in 42228  
real or personal property, that are payable in a lump sum or 42229  
over time, in fixed amounts, that are made from separate 42230  
property or income, and that are not made from marital property 42231  
and do not constitute payments of spousal support, as defined in 42232  
section 3105.18 of the Revised Code. 42233

(2) "During the marriage" means whichever of the following 42234  
is applicable: 42235

(a) Except as provided in division (A) (2) (b) of this 42236  
section, the period of time from the date of the marriage 42237  
through the date of the final hearing in an action for divorce 42238  
or in an action for legal separation; 42239

(b) If the court determines that the use of either or both 42240  
of the dates specified in division (A) (2) (a) of this section 42241  
would be inequitable, the court may select dates that it 42242

considers equitable in determining marital property. If the 42243  
court selects dates that it considers equitable in determining 42244  
marital property, "during the marriage" means the period of time 42245  
between those dates selected and specified by the court. 42246

(3) (a) "Marital property" means, subject to division (A) 42247  
(3) (b) of this section, all of the following: 42248

(i) All real and personal property that currently is owned 42249  
by either or both of the spouses, including, but not limited to, 42250  
the retirement benefits of the spouses, and that was acquired by 42251  
either or both of the spouses during the marriage; 42252

(ii) All interest that either or both of the spouses 42253  
currently has in any real or personal property, including, but 42254  
not limited to, the retirement benefits of the spouses, and that 42255  
was acquired by either or both of the spouses during the 42256  
marriage; 42257

(iii) Except as otherwise provided in this section, all 42258  
income and appreciation on separate property, due to the labor, 42259  
monetary, or in-kind contribution of either or both of the 42260  
spouses that occurred during the marriage; 42261

(iv) A participant account, as defined in section 148.01 42262  
of the Revised Code, of either of the spouses, to the extent of 42263  
the following: the moneys that have been deferred by a 42264  
continuing member or participating employee, as defined in that 42265  
section, and that have been transmitted to the ~~Ohio~~-public 42266  
employees ~~deferred compensation~~-retirement board during the 42267  
marriage and any income that is derived from the investment of 42268  
those moneys during the marriage; the moneys that have been 42269  
deferred by an officer or employee of a municipal corporation 42270  
and that have been transmitted to the governing board, 42271

administrator, depository, or trustee of the deferred 42272  
compensation program of the municipal corporation during the 42273  
marriage and any income that is derived from the investment of 42274  
those moneys during the marriage; or the moneys that have been 42275  
deferred by an officer or employee of a government unit, as 42276  
defined in section 148.06 of the Revised Code, and that have 42277  
been transmitted to the governing board, as defined in that 42278  
section, during the marriage and any income that is derived from 42279  
the investment of those moneys during the marriage. 42280

(b) "Marital property" does not include any separate 42281  
property. 42282

(4) "Passive income" means income acquired other than as a 42283  
result of the labor, monetary, or in-kind contribution of either 42284  
spouse. 42285

(5) "Personal property" includes both tangible and 42286  
intangible personal property. 42287

(6) (a) "Separate property" means all real and personal 42288  
property and any interest in real or personal property that is 42289  
found by the court to be any of the following: 42290

(i) An inheritance by one spouse by bequest, devise, or 42291  
descent during the course of the marriage; 42292

(ii) Any real or personal property or interest in real or 42293  
personal property that was acquired by one spouse prior to the 42294  
date of the marriage; 42295

(iii) Passive income and appreciation acquired from 42296  
separate property by one spouse during the marriage; 42297

(iv) Any real or personal property or interest in real or 42298  
personal property acquired by one spouse after a decree of legal 42299

separation issued under section 3105.17 of the Revised Code; 42300

(v) Any real or personal property or interest in real or 42301  
personal property that is excluded by a valid antenuptial or 42302  
postnuptial agreement; 42303

(vi) Compensation to a spouse for the spouse's personal 42304  
injury, except for loss of marital earnings and compensation for 42305  
expenses paid from marital assets; 42306

(vii) Any gift of any real or personal property or of an 42307  
interest in real or personal property that is made after the 42308  
date of the marriage and that is proven by clear and convincing 42309  
evidence to have been given to only one spouse. 42310

(b) The commingling of separate property with other 42311  
property of any type does not destroy the identity of the 42312  
separate property as separate property, except when the separate 42313  
property is not traceable. 42314

(B) In divorce proceedings, the court shall, and in legal 42315  
separation proceedings upon the request of either spouse, the 42316  
court may, determine what constitutes marital property and what 42317  
constitutes separate property. In either case, upon making such 42318  
a determination, the court shall divide the marital and separate 42319  
property equitably between the spouses, in accordance with this 42320  
section. For purposes of this section, the court has 42321  
jurisdiction over all property, excluding the social security 42322  
benefits of a spouse other than as set forth in division (F) (9) 42323  
of this section, in which one or both spouses have an interest. 42324

(C) (1) Except as provided in this division or division (E) 42325  
of this section, the division of marital property shall be 42326  
equal. If an equal division of marital property would be 42327  
inequitable, the court shall not divide the marital property 42328

equally but instead shall divide it between the spouses in the 42329  
manner the court determines equitable. In making a division of 42330  
marital property, the court shall consider all relevant factors, 42331  
including those set forth in division (F) of this section. 42332

(2) Each spouse shall be considered to have contributed 42333  
equally to the production and acquisition of marital property. 42334

(3) The court shall provide for an equitable division of 42335  
marital property under this section prior to making any award of 42336  
spousal support to either spouse under section 3105.18 of the 42337  
Revised Code and without regard to any spousal support so 42338  
awarded. 42339

(4) If the marital property includes a participant 42340  
account, as defined in section 148.01 of the Revised Code, the 42341  
court shall not order the division or disbursement of the moneys 42342  
and income described in division (A)(3)(a)(iv) of this section 42343  
to occur in a manner that is inconsistent with the law, rules, 42344  
or plan governing the deferred compensation program involved or 42345  
prior to the time that the spouse in whose name the participant 42346  
account is maintained commences receipt of the moneys and income 42347  
credited to the account in accordance with that law, rules, and 42348  
plan. 42349

(D) Except as otherwise provided in division (E) of this 42350  
section or by another provision of this section, the court shall 42351  
disburse a spouse's separate property to that spouse. If a court 42352  
does not disburse a spouse's separate property to that spouse, 42353  
the court shall make written findings of fact that explain the 42354  
factors that it considered in making its determination that the 42355  
spouse's separate property should not be disbursed to that 42356  
spouse. 42357

(E) (1) The court may make a distributive award to 42358  
facilitate, effectuate, or supplement a division of marital 42359  
property. The court may require any distributive award to be 42360  
secured by a lien on the payor's specific marital property or 42361  
separate property. 42362

(2) The court may make a distributive award in lieu of a 42363  
division of marital property in order to achieve equity between 42364  
the spouses, if the court determines that a division of the 42365  
marital property in kind or in money would be impractical or 42366  
burdensome. 42367

(3) The court shall require each spouse to disclose in a 42368  
full and complete manner all marital property, separate 42369  
property, and other assets, debts, income, and expenses of the 42370  
spouse. 42371

(4) If a spouse has engaged in financial misconduct, 42372  
including, but not limited to, the dissipation, destruction, 42373  
concealment, nondisclosure, or fraudulent disposition of assets, 42374  
the court may compensate the offended spouse with a distributive 42375  
award or with a greater award of marital property. 42376

(5) If a spouse has substantially and willfully failed to 42377  
disclose marital property, separate property, or other assets, 42378  
debts, income, or expenses as required under division (E) (3) of 42379  
this section, the court may compensate the offended spouse with 42380  
a distributive award or with a greater award of marital property 42381  
not to exceed three times the value of the marital property, 42382  
separate property, or other assets, debts, income, or expenses 42383  
that are not disclosed by the other spouse. 42384

(F) In making a division of marital property and in 42385  
determining whether to make and the amount of any distributive 42386

award under this section, the court shall consider all of the	42387
following factors:	42388
(1) The duration of the marriage;	42389
(2) The assets and liabilities of the spouses;	42390
(3) The desirability of awarding the family home, or the	42391
right to reside in the family home for reasonable periods of	42392
time, to the spouse with custody of the children of the	42393
marriage;	42394
(4) The liquidity of the property to be distributed;	42395
(5) The economic desirability of retaining intact an asset	42396
or an interest in an asset;	42397
(6) The tax consequences of the property division upon the	42398
respective awards to be made to each spouse;	42399
(7) The costs of sale, if it is necessary that an asset be	42400
sold to effectuate an equitable distribution of property;	42401
(8) Any division or disbursement of property made in a	42402
separation agreement that was voluntarily entered into by the	42403
spouses;	42404
(9) Any retirement benefits of the spouses, excluding the	42405
social security benefits of a spouse except as may be relevant	42406
for purposes of dividing a public pension;	42407
(10) Any other factor that the court expressly finds to be	42408
relevant and equitable.	42409
(G) In any order for the division or disbursement of	42410
property or a distributive award made pursuant to this section,	42411
the court shall make written findings of fact that support the	42412
determination that the marital property has been equitably	42413

divided and shall specify the dates it used in determining the 42414  
meaning of "during the marriage." 42415

(H) Except as otherwise provided in this section, the 42416  
holding of title to property by one spouse individually or by 42417  
both spouses in a form of co-ownership does not determine 42418  
whether the property is marital property or separate property. 42419

(I) A division or disbursement of property or a 42420  
distributive award made under this section is not subject to 42421  
future modification by the court except upon the express written 42422  
consent or agreement to the modification by both spouses. 42423

(J) The court may issue any orders under this section that 42424  
it determines equitable, including, but not limited to, either 42425  
of the following types of orders: 42426

(1) An order granting a spouse the right to use the 42427  
marital dwelling or any other marital property or separate 42428  
property for any reasonable period of time; 42429

(2) An order requiring the sale or encumbrancing of any 42430  
real or personal property, with the proceeds from the sale and 42431  
the funds from any loan secured by the encumbrance to be applied 42432  
as determined by the court. 42433

**Sec. 3105.63.** (A) (1) A petition for dissolution of 42434  
marriage shall be signed by both spouses and shall have attached 42435  
and incorporated a separation agreement agreed to by both 42436  
spouses. The separation agreement shall provide for a division 42437  
of all property; spousal support; if there are minor children of 42438  
the marriage, the allocation of parental rights and 42439  
responsibilities for the care of the minor children, the 42440  
designation of a residential parent and legal custodian of the 42441  
minor children, child support, and parenting time rights; and, 42442



if the spouses so desire, an authorization for the court to 42443  
modify the amount or terms of spousal support, or the division 42444  
of property, provided in the separation agreement. If there are 42445  
minor children of the marriage, the spouses may address the 42446  
allocation of the parental rights and responsibilities for the 42447  
care of the minor children by including in the separation 42448  
agreement a plan under which both parents will have shared 42449  
rights and responsibilities for the care of the minor children. 42450  
The spouses shall file the plan with the petition for 42451  
dissolution of marriage and shall include in the plan the 42452  
provisions described in division (G) of section 3109.04 of the 42453  
Revised Code. 42454

(2) The division of property in the separation agreement 42455  
shall include any participant account, as defined in section 42456  
148.01 of the Revised Code, of either of the spouses, to the 42457  
extent of the following: 42458

(a) The moneys that have been deferred by a continuing 42459  
member or participating employee, as defined in that section, 42460  
and that have been transmitted to the ~~Ohio~~ public employees 42461  
~~deferred compensation retirement~~ board during the marriage and 42462  
any income that is derived from the investment of those moneys 42463  
during the marriage; 42464

(b) The moneys that have been deferred by an officer or 42465  
employee of a municipal corporation and that have been 42466  
transmitted to the governing board, administrator, depository, 42467  
or trustee of the deferred compensation program of the municipal 42468  
corporation during the marriage and any income that is derived 42469  
from the investment of those moneys during the marriage; 42470

(c) The moneys that have been deferred by an officer or 42471  
employee of a government unit, as defined in section 148.06 of 42472

the Revised Code, and that have been transmitted to the 42473  
governing board, as defined in that section, during the marriage 42474  
and any income that is derived from the investment of those 42475  
moneys during the marriage. 42476

(3) The separation agreement shall not require or permit 42477  
the division or disbursement of the moneys and income described 42478  
in division (A) (2) of this section to occur in a manner that is 42479  
inconsistent with the law, rules, or plan governing the deferred 42480  
compensation program involved or prior to the time that the 42481  
spouse in whose name the participant account is maintained 42482  
commences receipt of the moneys and income credited to the 42483  
account in accordance with that law, rules, and plan. 42484

(B) An amended separation agreement may be filed at any 42485  
time prior to or during the hearing on the petition for 42486  
dissolution of marriage. Upon receipt of a petition for 42487  
dissolution of marriage, the court may cause an investigation to 42488  
be made pursuant to the Rules of Civil Procedure. 42489

(C) (1) If a petition for dissolution of marriage contains 42490  
an authorization for the court to modify the amount or terms of 42491  
spousal support provided in the separation agreement, the 42492  
modification shall be in accordance with section 3105.18 of the 42493  
Revised Code. 42494

(2) If a petition for dissolution of marriage contains an 42495  
authorization for the court to modify the division of property 42496  
provided in the separation agreement, the modification shall be 42497  
made with the express written consent or agreement of both 42498  
spouses. 42499

**Sec. 3107.01.** As used in sections 3107.01 to 3107.20 of 42500  
the Revised Code: 42501

(A) "Adoption" means to create the legal relationship of parent and child between the petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, and which do not expressly exclude an adopted person from their operation or effect.

(B) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

(C) "Attorney" means a person who has been admitted to the bar by order of the Ohio supreme court.

(D) "Best interest" means the factors a court uses to determine the best interest of a child as set forth in section 3107.161 of the Revised Code.

(E) "Child" means a son or daughter, whether by birth or by adoption.

(F) "Court" means the probate courts of this state, and when the context requires, means the court of any other state empowered to grant petitions for adoption.

(G) "Date of placement" means the date on which a child is living with the child's prospective adoptive parent and becomes eligible for adoption pursuant to statutory authority, judgment decree or court order, or as otherwise authorized by law.

(H) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(I) "Identifying information" means any of the following

with regard to a person: first name, last name, maiden name, 42530  
alias, social security number, address, telephone number, place 42531  
of employment, number used to identify the person for the 42532  
purpose of the statewide education management information system 42533  
established pursuant to section 3301.0714 of the Revised Code, 42534  
and any other number federal or state law requires or permits to 42535  
be used to identify the person. 42536

(J) "Kinship caregiver" has the same meaning as in section 42537  
~~5101.85~~ 5180.50 of the Revised Code. 42538

(K) "Legal custodian" has the same meaning as in section 42539  
5103.16 of the Revised Code. 42540

(L) "Legal custody" has the same meaning as in section 42541  
2151.011 of the Revised Code. 42542

(M) "Minor" means a person under the age of eighteen 42543  
years. 42544

(N) "Parent" means a legally recognized natural or 42545  
adoptive parent of a child. 42546

(O) "Party" means a petitioner, adoptee, or any other 42547  
person or agency that is part of an adoption proceeding and 42548  
whose consent to the adoption is necessary but has not been 42549  
obtained. 42550

(P) "Permanent custody" has the same meaning as in section 42551  
2151.011 of the Revised Code. 42552

(Q) "Placement" means the act by a public children 42553  
services agency, a private child placing agency, or a parent who 42554  
is utilizing an agency or attorney that is intended to arrange 42555  
for the care or custody of a child in accordance with Chapter 42556  
5103. of the Revised Code. 42557

(R) "Planned permanent living arrangement" has the same 42558  
meaning as in section 2151.011 of the Revised Code. 42559

(S) "Putative father" means a man, including one under age 42560  
eighteen, who may be a child's father and to whom all of the 42561  
following apply: 42562

(1) He is not married to the child's mother at the time of 42563  
the child's conception or birth; 42564

(2) He has not adopted the child; 42565

(3) He has not been determined, prior to the date a 42566  
petition to adopt the child is filed, to have a parent and child 42567  
relationship with the child by a court proceeding pursuant to 42568  
sections 3111.01 to 3111.18 of the Revised Code, a court 42569  
proceeding in another state, an administrative agency proceeding 42570  
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 42571  
an administrative agency proceeding in another state; 42572

(4) He has not acknowledged paternity of the child 42573  
pursuant to sections 3111.21 to 3111.35 of the Revised Code. 42574

**Sec. 3107.012.** (A) A foster caregiver may use the 42575  
application prescribed under division (B) of this section to 42576  
obtain the services of an agency to arrange an adoption for the 42577  
foster caregiver if the foster caregiver seeks to adopt the 42578  
foster caregiver's foster child who ~~has resided~~ resides in the 42579  
foster caregiver's home ~~for at least six months prior to the~~ 42580  
~~date the foster caregiver submits the application to the agency.~~ 42581

(B) The department of children and youth shall prescribe 42582  
an application for a foster caregiver to use under division (A) 42583  
of this section. The application shall not require that the 42584  
foster caregiver provide any information the foster caregiver 42585  
already provided the department, or undergo an inspection the 42586

foster caregiver already underwent, to obtain a foster home 42587  
certificate under section 5103.03 of the Revised Code. 42588

(C) An agency that receives an application prescribed 42589  
under division (B) of this section from a foster caregiver 42590  
authorized to use the application shall not require, as a 42591  
condition of the agency accepting or approving the application, 42592  
that the foster caregiver undergo a criminal records check under 42593  
section 2151.86 of the Revised Code as a prospective adoptive 42594  
parent. The agency shall inform the foster caregiver, in 42595  
accordance with division (G) of section 2151.86 of the Revised 42596  
Code, that the foster caregiver must undergo the criminal 42597  
records check before a court may issue a final decree of 42598  
adoption or interlocutory order of adoption under section 42599  
3107.14 of the Revised Code. 42600

**Sec. 3107.031.** Except as otherwise provided in this 42601  
section, an assessor shall conduct a home study for the purpose 42602  
of ascertaining whether a person seeking to adopt a minor is 42603  
suitable to adopt. A written report of the home study shall be 42604  
filed with the court at least ten days before the petition for 42605  
adoption is heard. 42606

A person seeking to adopt a minor who knowingly makes a 42607  
false statement that is included in the written report of a home 42608  
study conducted pursuant to this section is guilty of the 42609  
offense of falsification under section 2921.13 of the Revised 42610  
Code, and such a home study shall not be filed with the court. 42611  
If such a home study is filed with the court, the court may 42612  
strike the home study from the court's records. 42613

The report shall contain the opinion of the assessor as to 42614  
whether the person who is the subject of the report is suitable 42615  
to adopt a minor, any multiple children assessment required 42616

under section 3107.032 of the Revised Code, and other 42617  
information and documents specified in rules adopted by the 42618  
director of children and youth under section 3107.033 of the 42619  
Revised Code. The assessor shall not consider the person's age 42620  
when determining whether the person is suitable to adopt if the 42621  
person is old enough to adopt as provided by section 3107.03 of 42622  
the Revised Code. 42623

An assessor may request departments or agencies within or 42624  
outside this state to assist in the home study as may be 42625  
appropriate and to make a written report to be included with and 42626  
attached to the report to the court. The assessor shall make 42627  
similar home studies and reports on behalf of other assessors 42628  
designated by the courts of this state or another place. 42629

Upon order of the court, the costs of the home study and 42630  
other proceedings shall be paid by the person seeking to adopt, 42631  
and, if the home study is conducted by a public agency or public 42632  
employee, the part of the cost representing any services and 42633  
expenses shall be taxed as costs and paid into the state 42634  
treasury or county treasury, as the court may direct. 42635

On request, the assessor shall provide the person seeking 42636  
to adopt a copy of the report of the home study. The assessor 42637  
shall delete from that copy any provisions concerning the 42638  
opinion of other persons, excluding the assessor, of the 42639  
person's suitability to adopt a minor. 42640

This section does not apply to a foster caregiver seeking 42641  
to adopt the foster caregiver's foster child if the foster child 42642  
~~has resided~~ resides in the foster caregiver's home ~~for at least~~ 42643  
~~six months prior to the date and~~ the foster caregiver submits an 42644  
application prescribed under division (B) of section 3107.012 of 42645  
the Revised Code to the agency arranging the adoption. 42646

**Sec. 3107.033.** The director of children and youth shall 42647  
adopt rules in accordance with Chapter 119. of the Revised Code 42648  
specifying both of the following: 42649

(A) The manner in which a home study is to be conducted 42650  
and the information and documents to be included in a home study 42651  
report, which shall include, pursuant to section 3107.034 of the 42652  
Revised Code, a summary report of a search of the uniform 42653  
statewide automated child welfare information system established 42654  
in section ~~5101.13~~5180.40 of the Revised Code and a report of a 42655  
check of a central registry of another state if a request for a 42656  
check of a central registry of another state is required under 42657  
division (A) of section 3107.034 of the Revised Code. The 42658  
director shall ensure that rules adopted under this section 42659  
align the home study content, time period, and process with any 42660  
foster care home study content, time period, and process 42661  
required by rules adopted under section 5103.03 of the Revised 42662  
Code. 42663

(B) A procedure under which a person whose application for 42664  
adoption has been denied as a result of a search of the uniform 42665  
statewide automated child welfare information system established 42666  
in section ~~5101.13~~5180.40 of the Revised Code as part of the 42667  
home study may appeal the denial to the agency that employed the 42668  
assessor who filed the report. 42669

**Sec. 3107.034.** (A) Whenever a prospective adoptive parent 42670  
or a person eighteen years of age or older who resides with a 42671  
prospective adoptive parent has resided in another state within 42672  
the five-year period immediately prior to the date on which a 42673  
criminal records check is requested for the person under 42674  
division (A) of section 2151.86 of the Revised Code, the 42675  
administrative director of an agency, or attorney, who arranges 42676



the adoption for the prospective adoptive parent shall request a 42677  
check of the central registry of abuse and neglect of this state 42678  
from the department of children and youth regarding the 42679  
prospective adoptive parent or the person eighteen years of age 42680  
or older who resides with the prospective adoptive parent to 42681  
enable the agency or attorney to check any child abuse and 42682  
neglect registry maintained by that other state. The 42683  
administrative director or attorney shall make the request and 42684  
shall review the results of the check before a final decree of 42685  
adoption or an interlocutory order of adoption making the person 42686  
an adoptive parent may be made. Information received pursuant to 42687  
the request shall be considered for purposes of this chapter as 42688  
if it were a summary report required under section 3107.033 of 42689  
the Revised Code. The department of children and youth shall 42690  
comply with any request to check the central registry that is 42691  
similar to the request described in this division and that is 42692  
received from any other state. 42693

(B) The summary report of a search of the uniform 42694  
statewide automated child welfare information system established 42695  
in section ~~5101.13~~-5180.40 of the Revised Code that is required 42696  
under section 3107.033 of the Revised Code shall contain, if 42697  
applicable, a chronological list of abuse and neglect 42698  
determinations or allegations of which the person seeking to 42699  
adopt is subject and in regards to which a public children 42700  
services agency has done one of the following: 42701

(1) Determined that abuse or neglect occurred; 42702

(2) Initiated an investigation, and the investigation is 42703  
ongoing; 42704

(3) Initiated an investigation and the agency was unable 42705  
to determine whether abuse or neglect occurred. 42706

(C) The summary report required under section 3107.033 of the Revised Code shall not contain any of the following:

(1) An abuse and neglect determination of which the person seeking to adopt is subject and in regards to which a public children services agency determined that abuse or neglect did not occur;

(2) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(3) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(D) (1) An application for adoption may be denied based on a summary report containing the information described under division (B) (1) of this section, when considered within the totality of the circumstances. An application that is denied may be appealed using the procedure adopted pursuant to division (B) of section 3107.033 of the Revised Code.

(2) An application for adoption shall not be denied solely based on a summary report containing the information described under division (B) (2) or (3) of this section.

**Sec. 3107.062.** (A) (1) ~~The department of job and family services~~ children and youth shall establish a putative father registry. To register, a putative father must complete a registration form prescribed under section 3107.065 of the Revised Code and submit it to the department. The registration form shall include the putative father's name; the name of the mother of the person he claims as his child; and the address or telephone number at which he wishes to receive, pursuant to

section 3107.11 of the Revised Code, notice of any petition that 42736  
may be filed to adopt a minor he claims as his child. 42737

(2) A putative father may register at any time. For the 42738  
purpose of preserving the requirement of his consent to an 42739  
adoption, a putative father shall register before or not later 42740  
than fifteen days after the birth of the child. No fee shall be 42741  
charged for registration. 42742

(B) On receipt of a completed registration form, the 42743  
department shall indicate on the form the date of receipt and 42744  
file it in the putative father registry. The department shall 42745  
maintain registration forms in a manner that enables it to 42746  
access a registration form using either the name of the putative 42747  
father or of the mother. 42748

(C) The department of children and youth shall grant the 42749  
office of child support in the department of job and family 42750  
services and a child support enforcement agency access to the 42751  
putative father registry for purposes of section 3111.69 of the 42752  
Revised Code. 42753

**Sec. 3107.063.** (A) An attorney arranging a minor's 42754  
adoption, a mother, a public children services agency, a private 42755  
noncustodial agency, or a private child placing agency may 42756  
request at any time that the department of ~~job and family~~ 42757  
~~services~~ children and youth search the putative father registry 42758  
to determine whether a man is registered as the minor's putative 42759  
father. The request shall include the mother's name. On receipt 42760  
of the request, the department shall search the registry. If the 42761  
department determines that a man is registered as the minor's 42762  
putative father, it shall provide the attorney, mother, or 42763  
agency a certified copy of the man's registration form. If the 42764  
department determines that no man is registered as the minor's 42765

putative father, it shall provide the attorney, mother, or 42766  
agency a certified written statement to that effect. The 42767  
department shall specify in the statement the date the search 42768  
request was submitted. No fee shall be charged for searching the 42769  
registry. 42770

Division (B) of section 3107.17 of the Revised Code does 42771  
not apply to this section. 42772

(B) If the department of ~~job and family services~~ children 42773  
and youth provides a certified copy of a putative father's 42774  
registration form pursuant to division (A) of this section, the 42775  
department also shall provide a written notice to the putative 42776  
father: 42777

(1) That he may be the father of the minor he claims as 42778  
his child on the registration form; 42779

(2) That the minor is being or may be placed for adoption; 42780  
and 42781

(3) Of his right to consent or refuse to consent to the 42782  
minor's adoption to the extent provided under Chapter 3107. of 42783  
the Revised Code. 42784

(C) The department shall provide the notice under this 42785  
section not later than ten business days after the date it 42786  
provides the certified copy of the registration form pursuant to 42787  
division (A) of this section. 42788

**Sec. 3107.064.** (A) Except as provided in division (B) of 42789  
this section, a court shall not issue a final decree of adoption 42790  
or finalize an interlocutory order of adoption unless the mother 42791  
placing the minor for adoption or the agency or attorney 42792  
arranging the adoption files with the court a certified document 42793  
provided by the department of ~~job and family services~~ children 42794

and youth under section 3107.063 of the Revised Code. The court 42795  
shall not accept the document unless the date the department 42796  
places on the document pursuant to that section is sixteen or 42797  
more days after the date of the minor's birth. 42798

(B) The document described in division (A) of this section 42799  
is not required if any of the following apply: 42800

(1) The mother was married at the time the minor was 42801  
conceived or born; 42802

(2) The parent placing the minor for adoption previously 42803  
adopted the minor; 42804

(3) Prior to the date a petition to adopt the minor is 42805  
filed, a man has been determined to have a parent and child 42806  
relationship with the minor by a court proceeding pursuant to 42807  
sections 3111.01 to 3111.18 of the Revised Code, a court 42808  
proceeding in another state, an administrative agency proceeding 42809  
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 42810  
an administrative agency proceeding in another state; 42811

(4) The minor's father acknowledged paternity of the minor 42812  
and that acknowledgment has become final pursuant to section 42813  
2151.232, 3111.25, or 3111.821 of the Revised Code; 42814

(5) A public children services agency has permanent 42815  
custody of the minor pursuant to Chapter 2151. or division (B) 42816  
of section 5103.15 of the Revised Code after both parents lost 42817  
or surrendered parental rights, privileges, and responsibilities 42818  
over the minor. 42819

**Sec. 3107.065.** Not later than ninety days after the 42820  
effective date of this section, the director of ~~job and family~~ 42821  
~~services~~ children and youth shall do both of the following: 42822

(A) Adopt rules in accordance with Chapter 119. of the 42823  
Revised Code governing the putative father registry. The rules 42824  
shall establish the registration form to be used by a putative 42825  
father under section 3107.062 of the Revised Code. 42826

(B) Establish a campaign to promote awareness of the 42827  
putative father registry. The campaign shall include 42828  
informational materials about the registry. 42829

**Sec. 3107.38.** (A) As used in sections 3107.38 to 3107.394 42830  
of the Revised Code: 42831

(1) "Adopted person" means a person who was adopted but is 42832  
not an adopted person as defined in section 3107.45 of the 42833  
Revised Code. 42834

(2) "Adoption file" means a file maintained by the 42835  
department of health under sections 3705.12 to 3705.124 of the 42836  
Revised Code. 42837

(3) "Biological parent" means a parent, by birth, of a 42838  
person who is, or is to become, an adopted person. 42839

(4) "Biological parent's name redaction request form" 42840  
means the form prescribed under section 3107.391 of the Revised 42841  
Code. 42842

(5) "Biological sibling" means a sibling, by birth, of a 42843  
person who is, or is to become, an adopted person. 42844

(6) "Contact preference form" means the form prescribed 42845  
under section 3107.39 of the Revised Code. 42846

(7) "File of releases" means the filing system for 42847  
releases that former section 3107.40 of the Revised Code, as 42848  
repealed by Sub. S.B. 23 of the 130th general assembly, required 42849  
the department of health to maintain. 42850

(8) "Items of identification" include a motor vehicle 42851  
driver's or commercial driver's license, an identification card 42852  
issued under sections 4507.50 to 4507.52 of the Revised Code, a 42853  
marriage application, a social security card, a credit card, a 42854  
military identification card, or an employee identification 42855  
card. 42856

(9) "Lineal descendant of an adopted person" means a 42857  
person who by reason of blood or adoption is a lineal descendant 42858  
of an adopted person. 42859

(10) "Offspring" means a child, by birth, of a person. 42860

(11) "Release" means both of the following: 42861

(a) A release filed by a biological parent or biological 42862  
sibling pursuant to former section 3107.40 of the Revised Code, 42863  
as repealed by Sub. S.B. 23 of the 130th general assembly, that 42864  
authorized the release of identifying information to the 42865  
biological parent's offspring or the release of specified 42866  
information to the biological sibling's adopted sibling pursuant 42867  
to former section 3107.41 of the Revised Code, as repealed by 42868  
Sub. S.B. 23 of the 130th general assembly; 42869

(b) A withdrawal of release filed by a biological parent 42870  
or biological sibling pursuant to former section 3107.40 of the 42871  
Revised Code, as repealed by Sub. S.B. 23 of the 130th general 42872  
assembly. 42873

(B) Subject to division (C) of this section, an adopted 42874  
person or lineal descendant of an adopted person may submit a 42875  
written request to the department of health for the department 42876  
to provide the adopted person or lineal descendant of an adopted 42877  
person with a copy of the contents of the adopted person's 42878  
adoption file. The request shall provide the requester's address 42879

and notarized signature and be accompanied by two items of 42880  
identification of the requester. If the requester is a lineal 42881  
descendant of an adopted person, the request shall also provide 42882  
notarized documentation evidencing the requester's relationship 42883  
to the adopted person. On receipt of a request and payment of 42884  
the fee required by section 3705.241 of the Revised Code, the 42885  
department shall mail to the requester, at the address provided 42886  
in the request, a copy of the contents of the adopted person's 42887  
adoption file if the department has an adoption file, including 42888  
all releases transferred to the adoption file pursuant to 42889  
section 3107.381 of the Revised Code, for the adopted person. If 42890  
the adoption file includes a biological parent's name redaction 42891  
request form from a biological parent, the department shall 42892  
redact the biological parent's name from the copy of the 42893  
contents of the adoption file that is mailed to the requester. 42894  
If the department removes the biological parent's name redaction 42895  
request form from the adoption file pursuant to division ~~(D)~~ (A) 42896  
of section 3107.391 of the Revised Code after the department 42897  
mails the copy of the contents of the adoption file to the 42898  
requester, the department shall mail to the requester another 42899  
copy of the contents with the biological parent's name included. 42900

(C) An adopted person or lineal descendant of an adopted 42901  
person may not submit a request under this section until the 42902  
adopted person or lineal descendant is at least eighteen years 42903  
of age. 42904

**Sec. 3107.391.** ~~(A) The department of job and family~~ 42905  
~~services shall prescribe a biological parent's name redaction~~ 42906  
~~request form. The form shall include all of the following:~~ 42907

~~(1) Information about the procedures and requirements for~~ 42908  
~~a biological parent to do either of the following:~~ 42909



~~(a) Have the form placed in the adoption file of the biological parent's offspring so that the biological parent's name is redacted from a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code;~~ 42910  
42911  
42912  
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~~(b) Have the form removed from the adoption file if the biological parent later decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code.~~ 42915  
42916  
42917  
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~~(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains;~~ 42920  
42921  
42922

~~(3) A place for the biological parent to attest that the biological parent is the biological parent of the adopted person to whom the form pertains.~~ 42923  
42924  
42925

~~(B) The department of job and family services shall make the biological parent's name redaction request form available to the department of health.~~ 42926  
42927  
42928

~~(C) (1) Until one year after the effective date of this section, the department of health shall make a biological parent's name redaction request form available to a biological parent on request. The department may accept a completed biological parent's name redaction request form only if all of the following apply:—~~ 42929  
42930  
42931  
42932  
42933  
42934

~~(a) The form is submitted to the department not later than one year after the effective date of this section.~~ 42935  
42936

~~(b) The form has been notarized.~~ 42937

~~(c) The biological parent provides the department two~~ 42938  
~~items of identification of the biological parent.~~ 42939

~~(d) If a social and medical history for the biological~~ 42940  
~~parent was not previously prepared or such a history was~~ 42941  
~~prepared but should be corrected or expanded, the biological~~ 42942  
~~parent does the following as appropriate:~~ 42943

~~(i) Completes a social and medical history form in~~ 42944  
~~accordance with section 3107.091 or 3107.393 of the Revised~~ 42945  
~~Code;~~ 42946

~~(ii) Corrects or expands the biological parent's social~~ 42947  
~~and medical history in accordance with division (D) of section~~ 42948  
~~3107.09 of the Revised Code.~~ 42949

~~(e) The department is satisfied that the form has been~~ 42950  
~~substantially completed.~~ 42951

~~(2) If the department determines that it may accept the~~ 42952  
~~biological parent's name redaction request form, it shall accept~~ 42953  
~~the form. As soon as the department identifies the adoption file~~ 42954  
~~of the adopted person to whom the form pertains, it shall place~~ 42955  
~~the form in that file.~~ 42956

~~(D) (1)~~ A biological parent who has had a biological 42957  
parent's name redaction request form accepted ~~under division (C)~~ 42958  
~~of this section~~ by the department of health between March 20, 42959  
2014, and March 20, 2015, may request at any time that the 42960  
department remove the form from the adoption file of the adopted 42961  
person to whom the form pertains if the biological parent 42962  
decides to permit the biological parent's name to be included in 42963  
a copy of the contents of the adoption file that a person 42964  
receives under section 3107.38 of the Revised Code. The 42965  
department shall remove the form from the adoption file if the 42966

biological parent provides the department all of the following: 42967

~~(a)~~ (1) Two items of identification of the biological 42968  
parent; 42969

~~(b)~~ (2) Information the department needs to be able to 42970  
identify the adoption file of the adopted person to whom the 42971  
form pertains; 42972

~~(c)~~ (3) A notarized attestation that the biological parent 42973  
is the biological parent of the adopted person to whom the form 42974  
pertains. 42975

~~(2)~~ (B) When the department removes a biological parent's 42976  
name redaction request form from an adoption file under division 42977  
~~(D)~~ (1) (A) of this section, the department shall destroy the 42978  
form. 42979

**Sec. 3109.14.** (A) As used in this section, "birth record" 42980  
and "certification of birth" have the meanings given in section 42981  
3705.01 of the Revised Code. 42982

(B) (1) The director of health, a person authorized by the 42983  
director, a local commissioner of health, or a local registrar 42984  
of vital statistics shall charge and collect a fee for each 42985  
certified copy of a birth record, for each certification of 42986  
birth, and for each copy of a death record. The fee shall be 42987  
three dollars. The fee is in addition to the fee imposed by 42988  
section 3705.24 or any other section of the Revised Code. A 42989  
local commissioner of health or a local registrar of vital 42990  
statistics may retain an amount of each additional fee 42991  
collected, not to exceed three per cent of the amount of the 42992  
additional fee, to be used for costs directly related to the 42993  
collection of the fee and the forwarding of the fee to the 42994  
department of health. 42995

The additional fees collected by the director of health or 42996  
a person authorized by the director and the additional fees 42997  
collected but not retained by a local commissioner of health or 42998  
a local registrar of vital statistics shall be forwarded to the 42999  
department of health not later than thirty days following the 43000  
end of each quarter. Not later than two days after the fees are 43001  
forwarded to the department each quarter, the department shall 43002  
~~pay deposit the collected fees to the treasurer of state in~~ 43003  
~~accordance with rules adopted by the treasurer of state under~~ 43004  
~~section 113.08 of the Revised Code~~ in the state treasury to the 43005  
credit of the children's trust fund. A person or government 43006  
entity that fails to forward the fees in a timely manner, as 43007  
determined by the department, shall send to the department, in 43008  
addition to the fees, a penalty equal to ten per cent of the 43009  
fees. The department also shall deposit any penalty received in 43010  
the state treasury to the credit of the children's trust fund. 43011

(2) Upon the filing for a divorce decree under section 43012  
3105.10 or a decree of dissolution under section 3105.65 of the 43013  
Revised Code, a court of common pleas shall charge and collect a 43014  
fee. The fee shall be eleven dollars. The fee is in addition to 43015  
any other court costs or fees. The county clerk of courts may 43016  
retain an amount of each additional fee collected, not to exceed 43017  
three per cent of the amount of the additional fee, to be used 43018  
for costs directly related to the collection of the fee and the 43019  
forwarding of the fee to the treasurer of state. The additional 43020  
fees collected, but not retained, under division (B) (2) of this 43021  
section shall be forwarded to the treasurer of state not later 43022  
than twenty days following the end of each month. 43023

The treasurer of state shall deposit the fees received 43024  
under division (B) (2) of this section in the state treasury to 43025  
the credit of the children's trust fund. A county clerk of 43026

courts that fails to forward the fees in a timely manner, as 43027  
determined by the treasurer of state, shall send to the 43028  
treasurer of state, in addition to the fees, a penalty equal to 43029  
ten per cent of the fees. The treasurer of state also shall 43030  
deposit any penalty received in the state treasury to the credit 43031  
of the children's trust fund. 43032

~~(C) The treasurer of state shall deposit the fees paid or~~ 43033  
~~forwarded under this section in the state treasury to the credit~~ 43034  
~~of the children's trust fund, which is hereby created. A person~~ 43035  
~~or government entity that fails to forward the fees in a timely~~ 43036  
~~manner, as determined by the treasurer of state, shall send to~~ 43037  
~~the treasurer of state, in addition to the fees, a penalty equal~~ 43038  
~~to ten per cent of the fees.~~ 43039

The children's trust fund is created in the state 43040  
treasury. The treasurer of state shall invest the moneys in the 43041  
fund, and all earnings resulting from investment of the fund 43042  
shall be credited to the fund, except that actual administrative 43043  
costs incurred by the treasurer of state in administering the 43044  
fund may be deducted from the earnings resulting from 43045  
investments. The amount that may be deducted shall not exceed 43046  
three per cent of the total amount of fees credited to the fund 43047  
in each fiscal year, except that the children's trust fund board 43048  
may approve an amount for actual administrative costs exceeding 43049  
three per cent but not exceeding four per cent of such amount. 43050  
The balance of the investment earnings shall be credited to the 43051  
fund. Moneys credited to the fund shall be used only for the 43052  
purposes described in sections 3109.13 to 3109.179 of the 43053  
Revised Code. 43054

**Sec. 3109.171.** For the purpose of administering child 43055  
abuse and child neglect prevention programming and services 43056

approved by the children's trust fund board, there are hereby 43057  
created ~~the following eight~~ child abuse and child neglect 43058  
prevention regions ~~in the state:~~ 43059

~~One region consisting of the following counties: Defiance,~~ 43060  
~~Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding,~~ 43061  
~~Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.~~ 43062

~~One region consisting of the following counties:~~ 43063  
~~Ashtabula, Cuyahoga, Geauga, and Lake.~~ 43064

~~One region consisting of the following counties: Ashland,~~ 43065  
~~Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark,~~ 43066  
~~Summit, Trumbull, and Wayne.~~ 43067

~~One region consisting of the following counties: Allen,~~ 43068  
~~Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan,~~ 43069  
~~Mercer, Miami, Montgomery, Preble, and Shelby.~~ 43070

~~One region consisting of the following counties: Crawford,~~ 43071  
~~Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison,~~ 43072  
~~Marion, Morrow, Pickaway, Richland, and Union.~~ 43073

~~One region consisting of the following counties: Belmont,~~ 43074  
~~Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe,~~ 43075  
~~Muskingum, Noble, and Tuscarawas.~~ 43076

~~One region consisting of the following counties: Adams,~~ 43077  
~~Brown, Butler, Clermont, Clinton, Hamilton, Highland, and~~ 43078  
~~Warren.~~ 43079

~~One region consisting of the following counties: Athens,~~ 43080  
~~Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike,~~ 43081  
~~Ross, Scioto, Vinton, and Washington.~~ The board, in consultation 43082  
with the department of children and youth, shall determine the 43083  
number of regions and the counties within each region. Each 43084

county in the state shall be included in a region. 43085

**Sec. 3109.172.** (A) As used in this section, "county 43086  
prevention specialist" includes the following: 43087

(1) Members of agencies responsible for the administration 43088  
of children's services in the counties within a child abuse and 43089  
child neglect prevention region established in section 3109.171 43090  
of the Revised Code; 43091

(2) Providers of alcohol or drug addiction services or 43092  
members of boards of alcohol, drug addiction, and mental health 43093  
services that serve counties within a region; 43094

(3) Providers of mental health services or members of 43095  
boards of alcohol, drug addiction, and mental health services 43096  
that serve counties within a region; 43097

(4) Members of county boards of developmental disabilities 43098  
that serve counties within a region; 43099

(5) Members of the educational community appointed by the 43100  
superintendent of the school district with the largest 43101  
enrollment in the counties within a region; 43102

(6) Juvenile justice officials serving counties within a 43103  
region; 43104

(7) Pediatricians, health department nurses, and other 43105  
members of the medical community in the counties within a 43106  
region; 43107

(8) Counselors and social workers serving counties within 43108  
a region; 43109

(9) Head start agencies serving counties within a region; 43110

(10) Child care providers serving counties within a 43111

region; 43112

(11) Parent advocates with relevant experience and 43113  
knowledge of services in a region; 43114

(12) Other persons with demonstrated knowledge in programs 43115  
for children serving counties within a region. 43116

(B) Each child abuse and child neglect prevention region 43117  
shall have a child abuse and child neglect regional prevention 43118  
council as appointed under divisions (C), (D), and (E) of this 43119  
section. Each council shall operate in accordance with rules 43120  
adopted by the department of children and youth pursuant to 43121  
Chapter 119. of the Revised Code. 43122

(C) (1) Each board of county commissioners within a region 43123  
may appoint up to two county prevention specialists to the 43124  
council representing the county, in accordance with rules 43125  
adopted by the department of children and youth under Chapter 43126  
119. of the Revised Code. The reappointment of a chairperson by 43127  
a board of county commissioners in accordance with division (D) 43128  
of this section shall not be considered to be an appointment 43129  
under this division. 43130

(2) The children's trust fund board may appoint additional 43131  
county prevention specialists to each region's council at the 43132  
board's discretion. 43133

(D) Each council member appointed under ~~division (C) (1) of~~ 43134  
this section shall be appointed for a two-year term. ~~Each~~ 43135  
~~council member appointed under division (C) (2) of this section~~ 43136  
~~shall be appointed for a three-year term.~~ A member may be 43137  
reappointed, but for two consecutive terms only. A council 43138  
member selected as chairperson of a child abuse and child 43139  
neglect regional prevention council in accordance with division 43140



(G) of this section is eligible to be reappointed by the 43141  
original appointing authority. 43142

(E) A member may be removed from the council by the 43143  
member's appointing authority for misconduct, incompetence, or 43144  
neglect of duty. 43145

(F) Each appointed member of a council shall serve without 43146  
compensation but shall be reimbursed for all actual and 43147  
necessary expenses incurred in the performance of official 43148  
duties. 43149

(G) A chairperson shall be selected by the council's 43150  
regional prevention coordinator from among the county prevention 43151  
specialists serving on the council. 43152

(1) The chairperson shall serve as a nonvoting member of 43153  
the council. 43154

(2) The chairperson shall preside over council meetings or 43155  
may call upon the vice-chairperson to preside over meetings. 43156

(H) At the first regular meeting of the year, which shall 43157  
be called by the chairperson, the members shall elect a vice- 43158  
chairperson by a majority vote. 43159

(1) The vice-chairperson shall preside over council 43160  
meetings in the absence of the chairperson or upon the request 43161  
of the chairperson. 43162

(2) The vice-chairperson functions in the same capacity as 43163  
the chairperson and becomes a nonvoting member when presiding 43164  
over a council meeting. 43165

(I) Each council shall meet at least quarterly. 43166

(J) Council members shall do all of the following: 43167

- (1) Attend meetings of the council on which they serve; 43168
- (2) Assist the regional prevention coordinator in 43169  
conducting a needs assessment to ascertain the child abuse and 43170  
child neglect prevention programming and services that are 43171  
needed in their region; 43172
- (3) Collaborate on assembling the council's regional 43173  
prevention plan based on children's trust fund board guidelines 43174  
pursuant to section 3109.174 of the Revised Code; 43175
- (4) Assist the council's regional prevention coordinator 43176  
with all of the following: 43177
  - (a) Implementing the regional prevention plan, including 43178  
monitoring fulfillment of child abuse and child neglect 43179  
prevention deliverables and achievement of prevention outcomes; 43180
  - (b) Coordinating county data collection; 43181
  - (c) Ensuring timely and accurate reporting to the 43182  
children's trust fund board. 43183
- (5) Any additional duties specified in accordance with 43184  
rules adopted by the department pursuant to Chapter 119. of the 43185  
Revised Code. 43186
- (K) No council member shall participate in matters of the 43187  
council pertaining to their own interests, including 43188  
applications for funding by a council member or any entity, 43189  
public or private, of which a council member serves as either a 43190  
board member or employee. 43191
- (L) Each council shall file with the children's trust fund 43192  
board, not later than the due dates specified by the board, a 43193  
progress report and an annual report regarding the council's 43194  
child abuse and child neglect prevention programs and activities 43195

undertaken in accordance with the council's regional prevention 43196  
plan. The reports shall contain all information required by the 43197  
board. 43198

**Sec. 3109.173.** (A) Each child abuse and child neglect 43199  
regional prevention council shall be under the direction of a 43200  
regional prevention coordinator. The children's trust fund board 43201  
~~shall~~may select each region's coordinator through a competitive 43202  
selection process conducted by the board. If the board has not 43203  
selected a regional coordinator through a competitive selection 43204  
process for a region, children's trust fund staff shall serve as 43205  
coordinator for that region. 43206

(B) Regional prevention coordinators shall do all of the 43207  
following: 43208

(1) Select a representative to serve as chairperson of the 43209  
regional prevention council pursuant to division (G) of section 43210  
3109.172 of the Revised Code; 43211

(2) Conduct a needs assessment to ascertain the child 43212  
abuse and neglect prevention programming and services that are 43213  
needed in the region; 43214

(3) Work with county prevention specialists in the region 43215  
to assemble the regional prevention plan based on children's 43216  
trust fund board guidelines pursuant to section 3109.174 of the 43217  
Revised Code; 43218

(4) Implement the regional prevention plan, including the 43219  
following: 43220

(a) Monitoring fulfillment of prevention deliverables and 43221  
achievement of prevention outcomes; 43222

(b) Coordinating county data collection; 43223

(c) Ensuring timely and accurate reporting to the board. 43224

(5) Any additional duties specified by the department in 43225  
rules adopted pursuant to Chapter 119. of the Revised Code. 43226

**Sec. 3109.178.** (A) ~~Each child abuse and child neglect~~ 43227  
~~regional prevention council~~ An entity may request from the 43228  
children's trust fund board up to five thousand dollars ~~for each~~ 43229  
~~county within the council's region~~ to be used as one-time, 43230  
start-up costs for the establishment and operation of a 43231  
children's advocacy center to serve ~~each~~ at least one county ~~in~~ 43232  
~~the region or a center to serve two or more contiguous counties~~ 43233  
~~within the region.~~ 43234

(B) On receipt of a request made under this section, the 43235  
board shall review and approve or disapprove the request. 43236

(C) If the board disapproves the request, the board shall 43237  
send to the ~~requesting council~~ entity requesting funds written 43238  
notice of the disapproval that states the reasons for the 43239  
disapproval. 43240

(D) No funds allocated ~~to a council~~ under this section may 43241  
be used as start-up costs for any children's advocacy center 43242  
unless the center has as a component a primary prevention 43243  
strategy. 43244

(E) ~~A council~~ An entity that receives funds under this 43245  
section in any fiscal year shall not use the funds received in a 43246  
different fiscal year or for a different center in any fiscal 43247  
year without the approval of the board. 43248

(F) A children's advocacy center established using funds 43249  
awarded under this section shall comply with sections 2151.425 43250  
to 2151.428 of the Revised Code. 43251

**Sec. 3115.201.** (A) In a proceeding to establish or enforce 43252  
a support order or to determine parentage of a child, a tribunal 43253  
or support enforcement agency of this state may exercise 43254  
personal jurisdiction over a nonresident individual if any of 43255  
the following apply: 43256

(1) The individual is personally served with summons 43257  
within this state. 43258

(2) The individual submits to the jurisdiction of this 43259  
state by consent in a record, by entering a general appearance, 43260  
or by filing a responsive document having the effect of waiving 43261  
any contest to personal jurisdiction. 43262

(3) The individual resided with the child in this state. 43263

(4) The individual resided in this state and provided 43264  
prenatal expenses or support for the child. 43265

(5) The child resides in this state as a result of the 43266  
acts or directives of the individual. 43267

(6) The individual engaged in sexual intercourse in this 43268  
state and the child may have been conceived by that act of 43269  
intercourse. 43270

(7) The individual asserted parentage of a child in the 43271  
putative father registry maintained in this state by the 43272  
department of ~~job and family services~~children and youth. 43273

(8) There is any other basis consistent with the 43274  
Constitutions of this state and the United States for the 43275  
exercise of personal jurisdiction. 43276

(B) The bases of personal jurisdiction set forth in 43277  
division (A) of this section or in any other law of this state 43278  
may not be used to acquire personal jurisdiction for a tribunal 43279

of this state to modify a child-support order of another state 43280  
unless the requirements of section 3115.611 of the Revised Code 43281  
are met or, in the case of a foreign support order, unless the 43282  
requirements of section 3115.615 of the Revised Code are met. 43283

**Sec. 3119.01.** (A) As used in the Revised Code, "child 43284  
support enforcement agency" means a child support enforcement 43285  
agency designated under former section 2301.35 of the Revised 43286  
Code prior to October 1, 1997, or a private or government entity 43287  
designated as a child support enforcement agency under section 43288  
307.981 of the Revised Code. 43289

(B) As used in this chapter and Chapters 3121., 3123., and 43290  
3125. of the Revised Code: 43291

(1) "Administrative child support order" means any order 43292  
issued by a child support enforcement agency for the support of 43293  
a child pursuant to section 3109.19 or 3111.81 of the Revised 43294  
Code or former section 3111.211 of the Revised Code, section 43295  
3111.21 of the Revised Code as that section existed prior to 43296  
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 43297  
Code as those sections existed prior to March 22, 2001. 43298

(2) "Child support order" means either a court child 43299  
support order or an administrative child support order. 43300

(3) "Obligee" means the person who is entitled to receive 43301  
the support payments under a support order. 43302

(4) "Obligor" means the person who is required to pay 43303  
support under a support order. 43304

(5) "Support order" means either an administrative child 43305  
support order or a court support order. 43306

(C) As used in this chapter: 43307

- (1) "Caretaker" means any of the following, other than a parent: 43308  
43309
- (a) A person with whom the child resides for at least thirty consecutive days, and who is the child's primary caregiver; 43310  
43311  
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- (b) A person who is receiving public assistance on behalf of the child; 43313  
43314
- (c) A person or agency with legal custody of the child, including a county department of job and family services or a public children services agency; 43315  
43316  
43317
- (d) A guardian of the person or the estate of a child; 43318
- (e) Any other appropriate court or agency with custody of the child. 43319  
43320
- "Caretaker" excludes a "host family" as defined under section 2151.90 of the Revised Code. 43321  
43322
- (2) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year. 43323  
43324  
43325
- (3) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training. 43326  
43327  
43328
- (4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code. 43329  
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(5) "Court-ordered parenting time" means the amount of 43336  
parenting time a parent is to have under a parenting time order 43337  
or the amount of time the children are to be in the physical 43338  
custody of a parent under a shared parenting order. 43339

(6) "Court support order" means either a court child 43340  
support order or an order for the support of a spouse or former 43341  
spouse issued pursuant to Chapter 3115. of the Revised Code, 43342  
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 43343  
division (B) of former section 3113.21 of the Revised Code. 43344

(7) "CPI-U" means the consumer price index for all urban 43345  
consumers, published by the United States department of labor, 43346  
bureau of labor statistics. 43347

(8) "Extraordinary medical expenses" means any uninsured 43348  
medical expenses incurred for a child during a calendar year 43349  
that exceed the total cash medical support amount owed by the 43350  
parents during that year. 43351

(9) "Federal poverty level" has the same meaning as in 43352  
section 5121.30 of the Revised Code. 43353

(10) "Income" means either of the following: 43354

(a) For a parent who is employed to full capacity, the 43355  
gross income of the parent; 43356

(b) For a parent who is unemployed or underemployed, the 43357  
sum of the gross income of the parent and any potential income 43358  
of the parent. 43359

(11) "Income share" means the percentage derived from a 43360  
comparison of each parent's annual income after allowable 43361  
deductions and credits as indicated on the worksheet to the 43362  
total annual income of both parents. 43363



(12) "Insurer" means any person authorized under Title 43364  
XXXIX of the Revised Code to engage in the business of insurance 43365  
in this state, any health insuring corporation, and any legal 43366  
entity that is self-insured and provides benefits to its 43367  
employees or members. 43368

(13) "Gross income" means, except as excluded in division 43369  
(C) (13) of this section, the total of all earned and unearned 43370  
income from all sources during a calendar year, whether or not 43371  
the income is taxable, and includes income from salaries, wages, 43372  
overtime pay, and bonuses to the extent described in division 43373  
(D) of section 3119.05 of the Revised Code; commissions; 43374  
royalties; tips; rents; dividends; severance pay; pensions; 43375  
interest; trust income; annuities; social security benefits, 43376  
including retirement, disability, and survivor benefits that are 43377  
not means-tested; workers' compensation benefits; unemployment 43378  
insurance benefits; disability insurance benefits; benefits that 43379  
are not means-tested and that are received by and in the 43380  
possession of the veteran who is the beneficiary for any 43381  
service-connected disability under a program or law administered 43382  
by the United States department of veterans' affairs or 43383  
veterans' administration; spousal support actually received; and 43384  
all other sources of income. "Gross income" includes income of 43385  
members of any branch of the United States armed services or 43386  
national guard, including, amounts representing base pay, basic 43387  
allowance for quarters, basic allowance for subsistence, 43388  
supplemental subsistence allowance, cost of living adjustment, 43389  
specialty pay, variable housing allowance, and pay for training 43390  
or other types of required drills; self-generated income; and 43391  
potential cash flow from any source. 43392

"Gross income" does not include any of the following: 43393

(a) Benefits received from means-tested government 43394  
administered programs, including Ohio works first; prevention, 43395  
retention, and contingency; means-tested veterans' benefits; 43396  
supplemental security income; supplemental nutrition assistance 43397  
program; disability financial assistance; or other assistance 43398  
for which eligibility is determined on the basis of income or 43399  
assets; 43400

(b) Benefits for any service-connected disability under a 43401  
program or law administered by the United States department of 43402  
veterans' affairs or veterans' administration that are not 43403  
means-tested, that have not been distributed to the veteran who 43404  
is the beneficiary of the benefits, and that are in the 43405  
possession of the United States department of veterans' affairs 43406  
or veterans' administration; 43407

(c) Child support amounts received for children who are 43408  
not included in the current calculation; 43409

(d) Amounts paid for mandatory deductions from wages such 43410  
as union dues but not taxes, social security, or retirement in 43411  
lieu of social security; 43412

(e) Nonrecurring or unsustainable income or cash flow 43413  
items; 43414

(f) Adoption assistance, kinship guardianship assistance, 43415  
and foster care maintenance payments made pursuant to Title IV-E 43416  
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 43417  
(1980), as amended; 43418

(g) State kinship guardianship assistance described in 43419  
section 5153.163 of the Revised Code and payment from the 43420  
kinship support program described in section ~~5101.881~~ 5180.531 43421  
of the Revised Code. 43422

(14) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.

(15) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order.

(16) (a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C) (16) (a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(17) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(18) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

(i) The parent's prior employment experience;

(ii) The parent's education;

(iii) The parent's physical and mental disabilities, if any;

(iv) The availability of employment in the geographic area in which the parent resides;

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

(vi) The parent's special skills and training;

(vii) Whether there is evidence that the parent has the ability to earn the imputed income;

(viii) The age and special needs of the child for whom child support is being calculated under this section;

(ix) The parent's increased earning capacity because of experience;

(x) The parent's decreased earning capacity because of a felony conviction;

(xi) Any other relevant factor.

(b) Imputed income from any nonincome-producing assets of 43479  
a parent, as determined from the local passbook savings rate or 43480  
another appropriate rate as determined by the court or agency, 43481  
not to exceed the rate of interest specified in division (A) of 43482  
section 1343.03 of the Revised Code, if the income is 43483  
significant. 43484

(19) "Schedule" means the basic child support schedule 43485  
created pursuant to section 3119.021 of the Revised Code. 43486

(20) "Self-generated income" means gross receipts received 43487  
by a parent from self-employment, proprietorship of a business, 43488  
joint ownership of a partnership or closely held corporation, 43489  
and rents minus ordinary and necessary expenses incurred by the 43490  
parent in generating the gross receipts. "Self-generated income" 43491  
includes expense reimbursements or in-kind payments received by 43492  
a parent from self-employment, the operation of a business, or 43493  
rents, including company cars, free housing, reimbursed meals, 43494  
and other benefits, if the reimbursements are significant and 43495  
reduce personal living expenses. 43496

(21) "Self-sufficiency reserve" means the minimal amount 43497  
necessary for an obligor to adequately subsist upon, as 43498  
determined under section 3119.021 of the Revised Code. 43499

(22) "Split parental rights and responsibilities" means a 43500  
situation in which there is more than one child who is the 43501  
subject of an allocation of parental rights and responsibilities 43502  
and each parent is the residential parent and legal custodian of 43503  
at least one of those children. 43504

(23) "Worksheet" means the applicable worksheet created in 43505  
rules adopted under section 3119.022 of the Revised Code that is 43506  
used to calculate a parent's child support obligation. 43507

**Sec. 3121.441.** (A) Notwithstanding the provisions of this 43508  
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 43509  
and 5107.20 of the Revised Code providing for the office of 43510  
child support in the department of job and family services to 43511  
collect, withhold, or deduct spousal support, when a court 43512  
pursuant to section 3105.18 or 3105.65 of the Revised Code 43513  
issues or modifies an order requiring an obligor to pay spousal 43514  
support or grants or modifies a decree of dissolution of 43515  
marriage incorporating a separation agreement that provides for 43516  
spousal support, or at any time after the issuance, granting, or 43517  
modification of an order or decree of that type, the court may 43518  
permit the obligor to make the spousal support payments directly 43519  
to the obligee instead of to the office if the obligee and the 43520  
obligor have no minor children born as a result of their 43521  
marriage and the obligee has not assigned the spousal support 43522  
amounts to the department pursuant to section 5107.20 or 5160.38 43523  
of the Revised Code. 43524

(B) A court that permits an obligor to make spousal 43525  
support payments directly to the obligee pursuant to division 43526  
(A) of this section shall order the obligor to make the spousal 43527  
support payments as a check, as a money order, or in any other 43528  
form that establishes a clear record of payment. 43529

(C) If a court permits an obligor to make spousal support 43530  
payments directly to an obligee pursuant to division (A) of this 43531  
section and the obligor is in default in making any spousal 43532  
support payment to the obligee, the court, upon motion of the 43533  
obligee or on its own motion, may rescind the permission granted 43534  
under that division. After the rescission, the court shall 43535  
determine the amount of arrearages in the spousal support 43536  
payments and order the obligor to make to the office of child 43537  
support in the department of job and family services any spousal 43538

support payments that are in arrears and any future spousal 43539  
support payments. Upon the issuance of the order of the court 43540  
under this division, the provisions of this chapter, Chapters 43541  
3119., 3123., and 3125., and sections 3770.071, 3770.074, and 43542  
5107.20 of the Revised Code apply with respect to the 43543  
collection, withholding, or deduction of the obligor's spousal 43544  
support payments that are the subject of that order of the 43545  
court. 43546

**Sec. 3123.89.** (A) The department of job and family 43547  
services shall develop and implement a real time data match 43548  
program with the state lottery commission and its lottery sales 43549  
agents and lottery agents to identify obligors who are subject 43550  
to a final and enforceable determination of default made under 43551  
sections 3123.01 to 3123.07 of the Revised Code. 43552

(B) Upon the data match program's implementation, the 43553  
department, in consultation with the commission, shall 43554  
promulgate rules to facilitate withholding, in appropriate 43555  
circumstances and in accordance with ~~section~~ sections 3770.071 43556  
and 3770.074 of the Revised Code, by the commission or its 43557  
lottery sales agents or lottery agents of an amount sufficient 43558  
to satisfy any past due support owed by an obligor from a 43559  
lottery prize award owed to the obligor up to the amount of the 43560  
award. The rules shall describe an expedited method for 43561  
withholding, and the time frame for transmission of the amount 43562  
withheld to the department. 43563

(C) As used in this section, ~~"lottery":~~ 43564

(1) ~~"Lottery prize award" has the same meaning as in~~ 43565  
~~section 3770.10 of the Revised Code~~ includes a prize award from 43566  
a video lottery terminal but does not include winnings from 43567  
lottery sports gaming, except for winnings from lottery sports 43568

gaming wagers placed through a terminal described in division 43569  
(B) (3) of section 3770.24 of the Revised Code. 43570

(2) "Lottery sports gaming" has the same meaning as in 43571  
section 3770.23 of the Revised Code. 43572

(3) "Video lottery terminal" has the same meaning as in 43573  
section 3770.21 of the Revised Code. 43574

**Sec. 3123.90.** (A) As used in this section: 43575

(1) "Casino facility," "casino operator," and "management 43576  
company" have the meanings defined in section 3772.01 of the 43577  
Revised Code. 43578

(2) "Sports gaming proprietor" has the meaning defined in 43579  
section 3775.01 of the Revised Code. 43580

(3) "Lottery sports gaming" has the same meaning as in 43581  
section 3770.23 of the Revised Code. 43582

(B) The department of job and family services shall 43583  
develop and implement a real time data match program with each 43584  
casino facility's casino operator or management company and with 43585  
each sports gaming proprietor to identify obligors who are 43586  
subject to a final and enforceable determination of default made 43587  
under sections 3123.01 to 3123.07 of the Revised Code. 43588

(C) ~~Upon~~ Subject to division (E) of this section, upon the 43589  
data match program's implementation, if a person receives a 43590  
payout of winnings at a casino facility or from sports gaming in 43591  
an amount for which reporting to the internal revenue service of 43592  
the amount is required by section 6041 of the Internal Revenue 43593  
Code, as amended, the casino operator, management company, or 43594  
sports gaming proprietor shall refer to the data match program 43595  
to determine if the person entitled to the winnings is in 43596



default under a support order. If the data match program 43597  
indicates that the person is in default, the casino operator, 43598  
management company, or sports gaming proprietor shall withhold 43599  
from the person's winnings an amount sufficient to satisfy any 43600  
past due support owed by the obligor identified in the data 43601  
match up to the amount of the winnings. 43602

(D) Not later than fourteen days after withholding the 43603  
amount, the casino operator, management company, or sports 43604  
gaming proprietor shall electronically transmit any amount 43605  
withheld to the department as payment on the support obligation. 43606

(E) A sports gaming proprietor that offers lottery sports 43607  
gaming through a terminal described in division (B) (3) of 43608  
section 3770.24 of the Revised Code shall not withhold amounts 43609  
under this section from winnings from wagers placed through that 43610  
terminal. The state lottery commission shall withhold amounts 43611  
from those winnings under section 3770.071 of the Revised Code. 43612

(F) The department, in consultation with the Ohio casino 43613  
control commission, may adopt rules under Chapter 119. of the 43614  
Revised Code as are necessary for implementation of this 43615  
section. 43616

**Sec. 3301.01.** ~~(A) There is hereby created the state board 43617~~  
~~of education consisting of nineteen members with eleven elected 43618~~  
~~members, one each to be elected in accordance with section 43619~~  
~~3301.03 of the Revised Code from each of the districts 43620~~  
~~established in accordance with division (B) of this section, and 43621~~  
~~with eight~~five ~~members to be appointed by the governor with the 43622~~  
~~advice and consent of the senate.- 43623~~

~~In addition to the nineteen elected or appointed members, 43624~~  
~~the chairperson of the committee of the senate that primarily 43625~~

~~deals with education and the chairperson of the committee of the~~ 43626  
~~house of representatives that primarily deals with education~~ 43627  
~~shall be nonvoting ex officio members of the board.~~ 43628

~~(B) (1) The territory of each state board of education~~ 43629  
~~district for each elected voting member of the board shall~~ 43630  
~~consist of the territory of three contiguous senate districts as~~ 43631  
~~established in the most recent apportionment for members of the~~ 43632  
~~general assembly, but the territory of no senate district shall~~ 43633  
~~be part of the territory of more than one state board of~~ 43634  
~~education district. Each state board of education district shall~~ 43635  
~~be as compact as practicable. The districts shall include, when~~ 43636  
~~practicable, some districts that primarily consist of territory~~ 43637  
~~in rural areas and some districts that primarily consist of~~ 43638  
~~territory in urban areas.~~ 43639

~~(2) If, after the apportionment for members of the general~~ 43640  
~~assembly is made in any year, the general assembly does not~~ 43641  
~~during that year enact legislation establishing state board of~~ 43642  
~~education districts in accordance with division (B) (1) of this~~ 43643  
~~section, the governor shall designate the boundaries of the~~ 43644  
~~districts in accordance with division (B) (1) of this section no~~ 43645  
~~later than the thirty-first day of January of the year next~~ 43646  
~~succeeding such apportionment. Upon making such designation, the~~ 43647  
~~governor shall give written notice of the boundaries of the~~ 43648  
~~districts to each member of the state board of education,~~ 43649  
~~including the nonvoting ex officio members; the superintendent~~ 43650  
~~of public instruction; the director of education and workforce;~~ 43651  
~~the president of the senate; the speaker of the house of~~ 43652  
~~representatives; and the board of elections of each county in~~ 43653  
~~each new district. On the first day of February in any year in~~ 43654  
~~which the governor designates the boundaries of state board of~~ 43655  
~~education districts under this section, the state board of~~ 43656

~~education districts as they existed prior to that date shall  
cease to exist and the new districts shall be created.~~

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**Sec. 3301.02.** ~~(A) Elected voting members of the state  
board of education shall be elected as required by expiration of  
respective terms, each for a term of four years or until a  
successor is elected and qualified. One elected member shall be  
elected from each district respectively in which the term of  
office of a board member expires on the first day of January  
following the election. The term of office of each member so  
elected shall begin on the first day of January immediately  
following this election.~~

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~~(B) At any time the boundaries of state board of education  
districts are changed under division (B) of section 3301.01 of  
the Revised Code, a member of the state board whose term will  
not expire within two years of the time the change in boundaries  
is made shall represent, for the remainder of the term for which  
the member was elected, the state board district containing the  
largest portion of the population of the district from which the  
member was elected. If more than one member whose term will not  
so expire would represent the same district under the provisions  
of this section, either the general assembly, if the general  
assembly enacted legislation establishing those districts under  
division (B) (2) of section 3301.01 of the Revised Code, or the  
governor, if the governor designated the boundaries of the  
districts under that division, shall designate which member  
shall represent each district for the balance of the members'  
terms.~~

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~~(C) Appointed voting members~~Members of the board shall  
serve four-year terms beginning the first day of January and  
ending on the thirty-first day of December. ~~Except as provided~~

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~~in division (D) of this section, members may be reappointed.~~

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~~(D)~~ (B) No person, ~~elected or appointed,~~ shall hold the office of member of the state board of education for a period of longer than two successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1996, shall be considered in determining an individual's eligibility to hold office.

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(C) Notwithstanding any provision of the Revised Code to the contrary, members who were elected or appointed under this section as it existed prior to the effective date of this amendment shall remain in office until the expiration of their current terms. Upon the expiration of the current term of elected members, all eleven elected offices shall be abolished and no successor shall be elected after the effective date of this amendment. If such elected member vacates the office prior to the expiration of the member's term, no individual shall be appointed or elected to fill that vacancy, and that office is abolished. The offices of the first three appointed members to reach the expiration of their current terms or vacate the office prior to the expiration of their current terms shall be abolished. Thereafter, the state board consists of five appointed members as prescribed under section 3301.01 of the Revised Code.

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**Sec. 3301.03.** ~~Each elected voting member of the state board of education shall be a qualified elector residing in the territory composing the district from which the member is elected, and shall be nominated and elected to office as provided by Title XXXV of the Revised Code.~~ (A) Each appointed voting member of the board shall be a qualified elector residing

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in the state. ~~At least four of the appointed voting members~~ 43717  
~~shall represent rural school districts in the state, as~~ 43718  
~~evidenced by the member's current place of residence and at~~ 43719  
~~least one~~ One member shall represent each of the following: 43720

~~(A) The member's children attend, or at one time attended,~~ 43721  
~~school in a~~ (1) A rural school district; 43722

~~(B) The member's past or present occupation is associated~~ 43723  
~~with rural areas of the state~~ (2) A suburban school district; 43724

~~(C) The member possesses other credentials or experience~~ 43725  
~~demonstrating knowledge and familiarity with rural~~ (3) An urban 43726  
~~school districts~~ district; 43727

(4) A community school established under Chapter 3314. of 43728  
the Revised Code; 43729

(5) A chartered nonpublic school. 43730

No ~~elected or appointed voting~~ member of the board shall, 43731  
during the member's term of office, hold any other office of 43732  
trust or profit or be an employee or officer of any public or 43733  
private elementary or secondary school. Before entering on the 43734  
duties of office, each ~~elected and appointed voting~~ member shall 43735  
subscribe to the official oath of office. 43736

Each ~~voting~~ member of the state board of education shall 43737  
be paid a salary fixed pursuant to division (J) of section 43738  
124.15 of the Revised Code, together with the member's actual 43739  
and necessary expenses incurred while engaged in the performance 43740  
of the member's official duties or in the conduct of authorized 43741  
board business, and while en route to and from the member's home 43742  
for such purposes. 43743

~~(D)~~ (B) As used in this section only, "office of trust or 43744

profit" means:

(1) A federal or state elective office or an elected office of a political subdivision of the state;

(2) A position on a board or commission of the state that is appointed by the governor;

(3) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(4) An office of the government of the United States that is appointed by the president of the United States.

**Sec. 3301.06.** A vacancy in the state board of education may be caused by death, ~~nonresidence,~~ resignation, removal from office, ~~failure of a person elected to qualify within ten days after the organization of the board or of the person's election, removal from the district of election or from residence in the state,~~ or absence from any ~~two~~three consecutive regular meetings of the board if such absence is caused by reasons declared insufficient by a vote of twelve members of the board. When a vacancy occurs in the office of an elected member, the governor shall, within a period of thirty days and with the advice and consent of the senate, appoint a qualified person residing in the district in which the vacancy occurred to fill the vacancy until the next general election at which members of the state board of education are elected, at which time a qualified elector residing in the district in which the vacancy occurred shall be elected for the unexpired term. Such member shall assume office at the next succeeding meeting of the board for any reason. When a vacancy occurs in the office of an ~~appointed~~a member, the governor shall, within a period of thirty days and with the advice and consent of the senate, appoint a qualified

person, in accordance with section 3301.03 of the Revised Code, 43774  
to serve the remainder of the term. 43775

**Sec. 3301.071.** (A) (1) Except as provided in division (E) 43776  
of this section, in the case of nontax-supported schools, 43777  
standards for teacher certification prescribed under section 43778  
3301.07 of the Revised Code shall provide for certification, 43779  
without further educational requirements, of any administrator, 43780  
supervisor, or teacher who has attended and received a 43781  
bachelor's degree or a master's degree from a college or 43782  
university accredited by a national or regional association in 43783  
the United States except that, at the discretion of the state 43784  
board of education, this requirement may be met by having an 43785  
equivalent degree from a foreign college or university of 43786  
comparable standing. 43787

(2) Except as provided in division (E) of this section, in 43788  
the case of nonchartered, nontax-supported schools, the 43789  
standards for teacher certification prescribed under section 43790  
3301.07 of the Revised Code shall provide for certification, 43791  
without further educational requirements, of any administrator, 43792  
supervisor, or teacher who has attended and received a diploma 43793  
from a "bible college" or "bible institute" described in 43794  
division (E) of section 1713.02 of the Revised Code. 43795

(3) A certificate issued under division (A) (3) of this 43796  
section shall be valid only for teaching foreign language, 43797  
music, religion, computer technology, or fine arts. 43798

Notwithstanding division (A) (1) of this section and except 43799  
as provided in division (E) of this section, the standards for 43800  
teacher certification prescribed under section 3301.07 of the 43801  
Revised Code shall provide for certification of a person as a 43802  
teacher upon receipt by the state board of an affidavit signed 43803

by the chief administrative officer of a chartered nonpublic 43804  
school seeking to employ the person, stating that the person 43805  
meets one of the following conditions: 43806

(a) The person has specialized knowledge, skills, or 43807  
expertise that qualifies the person to provide instruction. 43808

(b) The person has provided to the chief administrative 43809  
officer evidence of at least three years of teaching experience 43810  
in a public or nonpublic school. 43811

(c) The person has provided to the chief administrative 43812  
officer evidence of completion of a teacher training program 43813  
named in the affidavit. 43814

(B) Each person applying for a certificate under this 43815  
section for purposes of serving in a nonpublic school chartered 43816  
by the director of education and workforce under section 3301.16 43817  
of the Revised Code shall pay a fee in the amount established 43818  
under division ~~(A)~~ (B) of section 3319.51 of the Revised Code. 43819  
Any fees received under this division shall be paid into the 43820  
state treasury to the credit of the ~~state board of education~~ 43821  
~~certification fund established under division (B) of section~~ 43822  
~~3319.51~~ occupational licensing and regulatory fund established 43823  
in section 4743.05 of the Revised Code. 43824

(C) A person applying for or holding any certificate 43825  
pursuant to this section for purposes of serving in a nonpublic 43826  
school chartered by the director is subject to sections 3123.41 43827  
to 3123.50 of the Revised Code and any applicable rules adopted 43828  
under section 3123.63 of the Revised Code and sections 3319.31 43829  
and 3319.311 of the Revised Code. 43830

(D) Divisions (B) and (C) of this section and sections 43831  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 43832



to any administrators, supervisors, or teachers in nonchartered, 43833  
nontax-supported schools. 43834

(E) The state board shall issue a certificate to serve in 43835  
a nonpublic school as an administrator, supervisor, or teacher 43836  
in accordance with Chapter 4796. of the Revised Code to an 43837  
applicant if either of the following applies: 43838

(1) The applicant holds a certificate in another state. 43839

(2) The applicant has satisfactory work experience, a 43840  
government certification, or a private certification as 43841  
described in that chapter as a nonpublic school administrator, 43842  
supervisor, or teacher in a state that does not issue one or 43843  
more of those certificates. 43844

**Sec. 3301.074.** (A) Except as provided in division (E) of 43845  
this section, the state board of education shall, by rule 43846  
adopted in accordance with Chapter 119. of the Revised Code, 43847  
establish standards for licensing school district treasurers and 43848  
business managers, for the renewal of such licenses, and for the 43849  
issuance of duplicate copies of licenses. Licenses of the 43850  
following types shall be issued or renewed by the board to 43851  
applicants who meet the standards for the license or the renewal 43852  
of the license for which application is made: 43853

(1) Treasurer, valid for serving as treasurer of a school 43854  
district in accordance with section 3313.22 of the Revised Code; 43855

(2) Business manager, valid for serving as business 43856  
manager of a school district in accordance with section 3319.03 43857  
of the Revised Code. 43858

(B) Each application for a license or renewal or duplicate 43859  
copy of a license shall be accompanied by the payment of a fee 43860  
in the amount established under division ~~(A)~~ (B) of section 43861

3319.51 of the Revised Code. Any fees received under this 43862  
section shall be paid into the state treasury to the credit of 43863  
the ~~state board of education licensure fund established under~~ 43864  
~~division (B) of section 3319.51~~ occupational licensing and 43865  
regulatory fund established in section 4743.05 of the Revised 43866  
Code. 43867

(C) Any person employed under section 3313.22 of the 43868  
Revised Code as a treasurer on July 1, 1983, shall be considered 43869  
to meet the standards for licensure as a treasurer and for 43870  
renewal of such license. Any person employed under section 43871  
3319.03 of the Revised Code as a business manager on July 1, 43872  
1983, shall be considered to meet the standards for licensure as 43873  
a business manager and for renewal of such license. 43874

(D) Any person applying for or holding any license 43875  
pursuant to this section is subject to sections 3123.41 to 43876  
3123.50 of the Revised Code and any applicable rules adopted 43877  
under section 3123.63 of the Revised Code and sections 3319.31 43878  
and 3319.311 of the Revised Code. 43879

(E) The state board shall issue a license to act as a 43880  
school district treasurer or business manager in accordance with 43881  
Chapter 4796. of the Revised Code to an applicant if either of 43882  
the following applies: 43883

(1) The applicant holds a license in another state. 43884

(2) The applicant has satisfactory work experience, a 43885  
government certification, or a private certification as 43886  
described in that chapter as a school district treasurer or 43887  
business manager in a state that does not issue one of those 43888  
licenses or both. 43889

**Sec. 3301.079.** (A) (1) The department of education and 43890

workforce periodically shall adopt statewide academic standards 43891  
with emphasis on coherence, focus, and essential knowledge and 43892  
that are more challenging and demanding when compared to 43893  
international standards for each of grades kindergarten through 43894  
twelve in English language arts, mathematics, science, and 43895  
social studies. 43896

(a) The department shall ensure that the standards do all 43897  
of the following: 43898

(i) Include the essential academic content and skills that 43899  
students are expected to know and be able to do at each grade 43900  
level that will allow each student to be prepared for 43901  
postsecondary instruction and the workplace for success in the 43902  
twenty-first century; 43903

(ii) Include the development of skill sets that promote 43904  
information, media, and technological literacy; 43905

(iii) Include interdisciplinary, project-based, real-world 43906  
learning opportunities; 43907

(iv) Instill life-long learning by providing essential 43908  
knowledge and skills based in the liberal arts tradition, as 43909  
well as science, technology, engineering, mathematics, and 43910  
career-technical education; 43911

(v) Be clearly written, transparent, and understandable by 43912  
parents, educators, and the general public. 43913

(b) The department shall incorporate into the social 43914  
studies standards for grades four to twelve academic content 43915  
regarding the original texts of the Declaration of Independence, 43916  
the Northwest Ordinance, the Constitution of the United States 43917  
and its amendments, with emphasis on the Bill of Rights, and the 43918  
Ohio Constitution, and their original context. The department 43919

shall revise the model curricula and achievement assessments 43920  
adopted under divisions (B) and (C) of this section as necessary 43921  
to reflect the additional American history and American 43922  
government content. The department shall make available a list 43923  
of suggested grade-appropriate supplemental readings that place 43924  
the documents prescribed by this division in their historical 43925  
context, which teachers may use as a resource to assist students 43926  
in reading the documents within that context. 43927

(c) When the department adopts or revises academic content 43928  
standards in social studies, American history, American 43929  
government, or science under division (A)(1) of this section, it 43930  
shall develop such standards independently and not as part of a 43931  
multistate consortium. 43932

(2)(a) After completing the standards required by division 43933  
(A)(1) of this section, the department shall adopt standards and 43934  
model curricula for instruction in technology, financial 43935  
literacy and entrepreneurship, fine arts, and foreign language 43936  
for grades kindergarten through twelve. The standards shall meet 43937  
the same requirements prescribed in division (A)(1)(a) of this 43938  
section. 43939

(b) The department shall incorporate into the standards 43940  
and model curriculum for financial literacy and entrepreneurship 43941  
for grades nine through twelve academic content regarding free 43942  
market capitalism. The academic content shall include all of the 43943  
following concepts related to free market capitalism: 43944

(i) Raw materials, labor, and capital, the three classical 43945  
factors of economic production, are privately owned. 43946

(ii) Individuals control their own ability to work, earn 43947  
wages, and obtain skills to earn and increase wages. 43948

(iii) Private ownership of capital may include a sole 43949  
proprietorship, a family business, a publicly traded 43950  
corporation, a group of private investors, or a bank. 43951

(iv) Markets aggregate the exchange of goods and services 43952  
throughout the world. Market prices are the only way to convey 43953  
so much constantly changing information about the supply of 43954  
goods and services, and the demand for them, for consumers and 43955  
producers to make informed economic decisions for themselves. 43956

(v) Wealth is created by providing goods and services that 43957  
people value at a profit, and both sellers and buyers seek to 43958  
profit in some way in a free market transaction. Thus, profit 43959  
earned through transactions can be consumed, saved, reinvested 43960  
in the business, or dispersed to shareholders. 43961

(vi) Wealth creation involves asset value appreciation and 43962  
depreciation, voluntary exchange of equity ownership, and open 43963  
and closed markets. 43964

(vii) The free market is driven by, and tends to produce, 43965  
entrepreneurship and innovation. 43966

(viii) The free market can include side effects and market 43967  
failures where at least part of the cost of the transaction, 43968  
including producing, transporting, selling, or buying, is born 43969  
by others outside of the transaction. 43970

(ix) The political features of the free market, including 43971  
legally protected property rights, legally enforceable 43972  
contracts, patent protections, and the mitigation of side 43973  
effects and market failures; 43974

(x) Societies that embrace the free market often embrace 43975  
political and personal freedom as well. 43976

(3) The department shall adopt the most recent standards 43977  
developed by the national association for sport and physical 43978  
education for physical education in grades kindergarten through 43979  
twelve or shall adopt its own standards for physical education 43980  
in those grades and revise and update them periodically. 43981

The department shall employ a full-time physical education 43982  
coordinator to provide guidance and technical assistance to 43983  
districts, community schools, and STEM schools in implementing 43984  
the physical education standards adopted under this division. 43985  
The director of education and workforce shall determine that the 43986  
person employed as coordinator is qualified for the position, as 43987  
demonstrated by possessing an adequate combination of education, 43988  
license, and experience. 43989

(4) The department shall update the standards and model 43990  
curriculum for instruction in computer science in grades 43991  
kindergarten through twelve, which shall include standards for 43992  
introductory and advanced computer science courses in grades 43993  
nine through twelve. When developing the standards and 43994  
curriculum, the department shall consider recommendations from 43995  
computer science education stakeholder groups, including 43996  
teachers and representatives from higher education, industry, 43997  
computer science organizations in Ohio, and national computer 43998  
science organizations. 43999

Any district or school may utilize the computer science 44000  
standards or model curriculum or any part thereof adopted 44001  
pursuant to division (A) (4) of this section. However, no 44002  
district or school shall be required to utilize all or any part 44003  
of the standards or curriculum. 44004

(5) When academic standards have been completed for any 44005  
subject area required by this section, the department shall 44006

inform all school districts, all community schools established 44007  
under Chapter 3314. of the Revised Code, all STEM schools 44008  
established under Chapter 3326. of the Revised Code, and all 44009  
nonpublic schools required to administer the assessments 44010  
prescribed by sections 3301.0710 and 3301.0712 of the Revised 44011  
Code of the content of those standards. Additionally, upon 44012  
completion of any academic standards under this section, the 44013  
department shall post those standards on the department's web 44014  
site. 44015

(B) (1) The department shall adopt a model curriculum for 44016  
instruction in each subject area for which updated academic 44017  
standards are required by division (A) (1) of this section and 44018  
for each of grades kindergarten through twelve that is 44019  
sufficient to meet the needs of students in every community. The 44020  
model curriculum shall be aligned with the standards, to ensure 44021  
that the academic content and skills specified for each grade 44022  
level are taught to students, and shall demonstrate vertical 44023  
articulation and emphasize coherence, focus, and rigor. When any 44024  
model curriculum has been completed, the department shall inform 44025  
all school districts, community schools, and STEM schools of the 44026  
content of that model curriculum. 44027

(2) The department, in consultation with the governor's 44028  
office of workforce transformation, shall adopt model curricula 44029  
for grades kindergarten through twelve that embed career 44030  
connection learning strategies into regular classroom 44031  
instruction. 44032

(3) All school districts, community schools, and STEM 44033  
schools may utilize the state standards and the model curriculum 44034  
established by the department, together with other relevant 44035  
resources, examples, or models to ensure that students have the 44036

opportunity to attain the academic standards. Upon request, the 44037  
department shall provide technical assistance to any district, 44038  
community school, or STEM school in implementing the model 44039  
curriculum. 44040

Nothing in this section requires any school district to 44041  
utilize all or any part of a model curriculum developed under 44042  
this section. 44043

(C) The department shall develop achievement assessments 44044  
aligned with the academic standards and model curriculum for 44045  
each of the subject areas and grade levels required by divisions 44046  
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 44047

When any achievement assessment has been completed, the 44048  
department shall inform all school districts, community schools, 44049  
STEM schools, and nonpublic schools required to administer the 44050  
assessment of its completion, and the department shall make the 44051  
achievement assessment available to the districts and schools. 44052

(D) (1) ~~The~~ Not later than June 30, 2026, the department 44053  
shall adopt a diagnostic assessment aligned with the academic 44054  
standards ~~and model curriculum for each of grades one and two~~ 44055  
~~kindergarten to three in reading, writing, and mathematics and~~ 44056  
~~for grade three in reading and writing.~~ The diagnostic 44057  
assessment shall be designed to measure student comprehension of 44058  
academic content and mastery of related skills for the relevant 44059  
subject area and grade level. The diagnostic assessment for 44060  
reading shall be designed to measure student comprehension of 44061  
foundational reading skills aligned to the science of reading. 44062  
Any diagnostic assessment shall not include components to 44063  
identify gifted students. ~~Blank copies of diagnostic assessments~~ 44064  
~~shall be public records.~~ 44065



~~(2) When each diagnostic assessment has been completed, the department shall inform all school districts of its completion and make the diagnostic assessment available to the districts at no cost to the district.~~

~~(3) School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first in the 2026-2027 school year following the development of the assessment.~~

~~However, beginning with the 2017-2018 school year, both of the following shall apply:~~

~~(a) In the case of the diagnostic assessments for grades one or two in writing or mathematics or for grade three in writing, a school district shall not be required to administer any such assessment, but may do so at the discretion of the district board;~~

~~(b) In the case of any diagnostic assessment that is not for the grade levels and subject areas specified in division (D) (3) (a) of this section, each school district shall administer the assessment in the manner prescribed by section 3301.0715 of the Revised Code.~~

~~(E) The department shall not adopt a diagnostic or achievement assessment for any grade level or subject area other than those specified in this section.~~

~~(F) Whenever the department consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement assessments, or model curriculum required under this section, the department shall first consult with parents of students in kindergarten through twelfth grade and with active Ohio classroom teachers, other school personnel,~~

and administrators with expertise in the appropriate subject 44095  
area. Whenever practicable, the department shall consult with 44096  
teachers recognized as outstanding in their fields. 44097

If the department contracts with more than one outside 44098  
entity for the development of the achievement assessments 44099  
required by this section, the department shall ensure the 44100  
interchangeability of those assessments. 44101

(G) Whenever the department adopts standards or model 44102  
curricula under this section, the department also shall provide 44103  
information on the use of blended, online, or digital learning 44104  
in the delivery of the standards or curricula to students in 44105  
accordance with division (A) (5) of this section. 44106

(H) The fairness sensitivity review committee of the 44107  
department shall not allow any question on any achievement or 44108  
diagnostic assessment developed under this section or any 44109  
proficiency test prescribed by former section 3301.0710 of the 44110  
Revised Code, as it existed prior to September 11, 2001, to 44111  
include, be written to promote, or inquire as to individual 44112  
moral or social values or beliefs. The decision of the committee 44113  
shall be final. This section does not create a private cause of 44114  
action. 44115

(I) Not later than sixty days prior to the adoption of 44116  
updated academic standards under division (A) (1) of this section 44117  
or updated model curricula under division (B) (1) of this 44118  
section, the director of education and workforce shall present 44119  
the academic standards or model curricula, as applicable, in 44120  
person at a public hearing of the respective committees of the 44121  
house of representatives and senate that consider education 44122  
legislation. 44123

(J) As used in this section:	44124
(1) "Blended learning" means the delivery of instruction	44125
in a combination of time primarily in a supervised physical	44126
location away from home and online delivery whereby the student	44127
has some element of control over time, place, path, or pace of	44128
learning and includes noncomputer-based learning opportunities.	44129
(2) "Online learning" means students work primarily from	44130
their residences on assignments delivered via an internet- or	44131
other computer-based instructional method.	44132
(3) "Coherence" means a reflection of the structure of the	44133
discipline being taught.	44134
(4) "Digital learning" means learning facilitated by	44135
technology that gives students some element of control over	44136
time, place, path, or pace of learning.	44137
(5) "Focus" means limiting the number of items included in	44138
a curriculum to allow for deeper exploration of the subject	44139
matter.	44140
(6) "Vertical articulation" means key academic concepts	44141
and skills associated with mastery in particular content areas	44142
should be articulated and reinforced in a developmentally	44143
appropriate manner at each grade level so that over time	44144
students acquire a depth of knowledge and understanding in the	44145
core academic disciplines.	44146
<b>Sec. 3301.0711.</b> (A) The department of education and	44147
workforce shall:	44148
(1) Annually furnish to, grade, and score all assessments	44149
required by divisions (A) (1) and (B) (1) of section 3301.0710 of	44150
the Revised Code to be administered by city, local, exempted	44151

village, and joint vocational school districts, except that each 44152  
district shall score any assessment administered pursuant to 44153  
division (B) (10) of this section. Each assessment so furnished 44154  
shall include the data verification code of the student to whom 44155  
the assessment will be administered, as assigned pursuant to 44156  
division (D) (2) of section 3301.0714 of the Revised Code. In 44157  
furnishing the practice versions of Ohio graduation tests 44158  
prescribed by division (D) of section 3301.0710 of the Revised 44159  
Code, the department shall make the tests available on its web 44160  
site for reproduction by districts. In awarding contracts for 44161  
grading assessments, the department shall give preference to 44162  
Ohio-based entities employing Ohio residents. 44163

(2) Adopt rules for the ethical use of assessments and 44164  
prescribing the manner in which the assessments prescribed by 44165  
section 3301.0710 of the Revised Code shall be administered to 44166  
students. 44167

(B) Except as provided in divisions (C) and (J) of this 44168  
section, the board of education of each city, local, and 44169  
exempted village school district shall, in accordance with rules 44170  
adopted under division (A) of this section: 44171

(1) Administer the English language arts assessments 44172  
prescribed under division (A) (1) (a) of section 3301.0710 of the 44173  
Revised Code twice annually to all students in the third grade 44174  
who have not attained the score designated for that assessment 44175  
under division (A) (2) (c) of section 3301.0710 of the Revised 44176  
Code. 44177

(2) Administer the mathematics assessment prescribed under 44178  
division (A) (1) (a) of section 3301.0710 of the Revised Code at 44179  
least once annually to all students in the third grade. 44180

(3) Administer the assessments prescribed under division	44181
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	44182
annually to all students in the fourth grade.	44183
(4) Administer the assessments prescribed under division	44184
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	44185
annually to all students in the fifth grade.	44186
(5) Administer the assessments prescribed under division	44187
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	44188
annually to all students in the sixth grade.	44189
(6) Administer the assessments prescribed under division	44190
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	44191
annually to all students in the seventh grade.	44192
(7) Administer the assessments prescribed under division	44193
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	44194
annually to all students in the eighth grade.	44195
(8) Except as provided in division (B) (9) of this section,	44196
administer any assessment prescribed under division (B) (1) of	44197
section 3301.0710 of the Revised Code as follows:	44198
(a) At least once annually to all tenth grade students and	44199
at least twice annually to all students in eleventh or twelfth	44200
grade who have not yet attained the score on that assessment	44201
designated under that division;	44202
(b) To any person who has successfully completed the	44203
curriculum in any high school or the individualized education	44204
program developed for the person by any high school pursuant to	44205
section 3323.08 of the Revised Code but has not received a high	44206
school diploma and who requests to take such assessment, at any	44207
time such assessment is administered in the district.	44208

(9) In lieu of the board of education of any city, local, 44209  
or exempted village school district in which the student is also 44210  
enrolled, the board of a joint vocational school district shall 44211  
administer any assessment prescribed under division (B) (1) of 44212  
section 3301.0710 of the Revised Code at least twice annually to 44213  
any student enrolled in the joint vocational school district who 44214  
has not yet attained the score on that assessment designated 44215  
under that division. A board of a joint vocational school 44216  
district may also administer such an assessment to any student 44217  
described in division (B) (8) (b) of this section. 44218

(10) If the district has a three-year average graduation 44219  
rate of not more than seventy-five per cent, administer each 44220  
assessment prescribed by division (D) of section 3301.0710 of 44221  
the Revised Code in September to all ninth grade students who 44222  
entered ninth grade prior to July 1, 2014. 44223

Except as provided in section 3313.614 of the Revised Code 44224  
for administration of an assessment to a person who has 44225  
fulfilled the curriculum requirement for a high school diploma 44226  
but has not passed one or more of the required assessments, the 44227  
assessments prescribed under division (B) (1) of section 44228  
3301.0710 of the Revised Code shall not be administered after 44229  
the date specified in the rules adopted under division (D) (1) of 44230  
section 3301.0712 of the Revised Code. 44231

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 44232  
of this section, administer the assessments prescribed by 44233  
division (B) (2) of section 3301.0710 and section 3301.0712 of 44234  
the Revised Code in accordance with the timeline and plan for 44235  
implementation of those assessments prescribed by rule adopted 44236  
under division (D) (1) of section 3301.0712 of the Revised Code; 44237

(b) A student who has presented evidence to the district 44238

or school of having satisfied the condition prescribed by 44239  
division (A) (1) of section 3313.618 of the Revised Code to 44240  
qualify for a high school diploma prior to the date of the 44241  
administration of the assessment prescribed under division (B) 44242  
(1) of section 3301.0712 of the Revised Code shall not be 44243  
required to take that assessment. However, no board shall 44244  
prohibit a student who is not required to take such assessment 44245  
from taking the assessment. 44246

(c) A student shall not be required to retake the Algebra 44247  
I end-of-course examination or the English language arts II end- 44248  
of-course examination prescribed under division (B) (2) of 44249  
section 3301.0712 of the Revised Code in grades nine through 44250  
twelve if the student demonstrates at least a proficient level 44251  
of skill, as prescribed under division (B) (5) (a) of that 44252  
section, or achieves a competency score, as prescribed under 44253  
division (B) (10) of that section, in an administration of the 44254  
examination prior to grade nine. 44255

(C) (1) (a) In the case of a student receiving special 44256  
education services under Chapter 3323. of the Revised Code, the 44257  
individualized education program developed for the student under 44258  
that chapter shall specify the manner in which the student will 44259  
participate in the assessments administered under this section, 44260  
except that a student with significant cognitive disabilities to 44261  
whom an alternate assessment is administered in accordance with 44262  
division (C) (1) of this section and a student determined to have 44263  
a disability that includes an intellectual disability as 44264  
outlined in guidance issued by the department shall not be 44265  
required to take the assessment prescribed under division (B) (1) 44266  
of section 3301.0712 of the Revised Code. The individualized 44267  
education program may excuse the student from taking any 44268  
particular assessment required to be administered under this 44269

section if it instead specifies an alternate assessment method 44270  
approved by the department as conforming to requirements of 44271  
federal law for receipt of federal funds for disadvantaged 44272  
pupils. To the extent possible, the individualized education 44273  
program shall not excuse the student from taking an assessment 44274  
unless no reasonable accommodation can be made to enable the 44275  
student to take the assessment. No board shall prohibit a 44276  
student who is not required to take an assessment under division 44277  
(C) (1) of this section from taking the assessment. 44278

(b) Any alternate assessment approved by the department 44279  
for a student under this division shall produce measurable 44280  
results comparable to those produced by the assessment it 44281  
replaces in order to allow for the student's results to be 44282  
included in the data compiled for a school district or building 44283  
under section 3302.03 of the Revised Code. 44284

(c) (i) Any student enrolled in a chartered nonpublic 44285  
school who has been identified, based on an evaluation conducted 44286  
in accordance with section 3323.03 of the Revised Code or 44287  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 44288  
29 U.S.C.A. 794, as amended, as a child with a disability shall 44289  
be excused from taking any particular assessment required to be 44290  
administered under this section if either of the following 44291  
apply: 44292

(I) A plan developed for the student pursuant to rules 44293  
adopted by the department excuses the student from taking that 44294  
assessment. 44295

(II) The chartered nonpublic school develops a written 44296  
plan in which the school, in consultation with the student's 44297  
parents, determines that an assessment or alternative assessment 44298  
with accommodations does not accurately assess the student's 44299



academic performance. The plan shall include an academic profile 44300  
of the student's academic performance and shall be reviewed 44301  
annually to determine if the student's needs continue to require 44302  
excusal from taking the assessment. 44303

(ii) A student with significant cognitive disabilities to 44304  
whom an alternate assessment is administered in accordance with 44305  
division (C) (1) of this section and a student determined to have 44306  
a disability that includes an intellectual disability as 44307  
outlined in guidance issued by the department shall not be 44308  
required to take the assessment prescribed under division (B) (1) 44309  
of section 3301.0712 of the Revised Code. 44310

(iii) In the case of any student so excused from taking an 44311  
assessment under division (C) (1) (c) of this section, the 44312  
chartered nonpublic school shall not prohibit the student from 44313  
taking the assessment. 44314

(2) A district board may, for medical reasons or other 44315  
good cause, excuse a student from taking an assessment 44316  
administered under this section on the date scheduled, but that 44317  
assessment shall be administered to the excused student not 44318  
later than nine days following the scheduled date. The district 44319  
board shall annually report the number of students who have not 44320  
taken one or more of the assessments required by this section to 44321  
the department not later than the thirtieth day of June. 44322

(3) No school district board shall excuse any English 44323  
learner from taking any particular assessment required to be 44324  
administered under this section, except that any English learner 44325  
who has been enrolled in United States schools for less than two 44326  
years and for whom no appropriate accommodations are available 44327  
based on guidance issued by the department shall not be required 44328  
to take the assessment prescribed under division (B) (1) of 44329

section 3301.0712 of the Revised Code. 44330

However, no board shall prohibit an English learner who is 44331  
not required to take that assessment from taking the assessment. 44332

A board may permit any English learner to take an 44333  
assessment required to be administered under this section with 44334  
appropriate accommodations, as determined by the department. 44335

For each English learner, each school district shall 44336  
annually assess that student's progress in learning English, in 44337  
accordance with procedures approved by the department. 44338

The guidance and procedures issued by the department for 44339  
the purposes of division (C) (3) of this section shall comply 44340  
with the rules adopted under section 3301.0731 of the Revised 44341  
Code. 44342

(4) (a) The governing authority of a chartered nonpublic 44343  
school may excuse an English learner from taking any assessment 44344  
administered under this section. 44345

(b) No governing authority shall require an English 44346  
learner who has been enrolled in United States schools for less 44347  
than two years and for whom no appropriate accommodations are 44348  
available based on guidance issued by the department to take the 44349  
assessment prescribed under division (B) (1) of section 3301.0712 44350  
of the Revised Code. 44351

(c) No governing authority shall prohibit an English 44352  
learner from taking an assessment from which the student was 44353  
excused under division (C) (4) of this section. 44354

(D) (1) In the school year next succeeding the school year 44355  
in which the assessments prescribed by division (A) (1) or (B) (1) 44356  
of section 3301.0710 of the Revised Code or former division (A) 44357

(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 44358  
it existed prior to September 11, 2001, are administered to any 44359  
student, the board of education of any school district in which 44360  
the student is enrolled in that year shall provide to the 44361  
student intervention services commensurate with the student's 44362  
performance, including any intensive intervention required under 44363  
section 3313.608 of the Revised Code, in any skill in which the 44364  
student failed to demonstrate at least a score at the proficient 44365  
level on the assessment. 44366

(2) Following any administration of the assessments 44367  
prescribed by division (D) of section 3301.0710 of the Revised 44368  
Code to ninth grade students, each school district that has a 44369  
three-year average graduation rate of not more than seventy-five 44370  
per cent shall determine for each high school in the district 44371  
whether the school shall be required to provide intervention 44372  
services to any students who took the assessments. In 44373  
determining which high schools shall provide intervention 44374  
services based on the resources available, the district shall 44375  
consider each school's graduation rate and scores on the 44376  
practice assessments. The district also shall consider the 44377  
scores received by ninth grade students on the English language 44378  
arts and mathematics assessments prescribed under division (A) 44379  
(1) (f) of section 3301.0710 of the Revised Code in the eighth 44380  
grade in determining which high schools shall provide 44381  
intervention services. 44382

Each high school selected to provide intervention services 44383  
under this division shall provide intervention services to any 44384  
student whose results indicate that the student is failing to 44385  
make satisfactory progress toward being able to attain scores at 44386  
the proficient level on the Ohio graduation tests. Intervention 44387  
services shall be provided in any skill in which a student 44388

demonstrates unsatisfactory progress and shall be commensurate 44389  
with the student's performance. Schools shall provide the 44390  
intervention services prior to the end of the school year, 44391  
during the summer following the ninth grade, in the next 44392  
succeeding school year, or at any combination of those times. 44393

(E) Except as provided in section 3313.608 of the Revised 44394  
Code and division (N) of this section, no school district board 44395  
of education shall utilize any student's failure to attain a 44396  
specified score on an assessment administered under this section 44397  
as a factor in any decision to deny the student promotion to a 44398  
higher grade level. However, a district board may choose not to 44399  
promote to the next grade level any student who does not take an 44400  
assessment administered under this section or make up an 44401  
assessment as provided by division (C) (2) of this section and 44402  
who is not exempt from the requirement to take the assessment 44403  
under division (C) (3) of this section. 44404

(F) No person shall be charged a fee for taking any 44405  
assessment administered under this section. 44406

(G) (1) Each school district board shall designate one 44407  
location for the collection of assessments administered in the 44408  
spring under division (B) (1) of this section and those 44409  
administered under divisions (B) (2) to (7) of this section. Each 44410  
district board shall submit the assessments to the entity with 44411  
which the department contracts for the scoring of the 44412  
assessments as follows: 44413

(a) If the district's total enrollment in grades 44414  
kindergarten through twelve during the first full school week of 44415  
October was less than two thousand five hundred, not later than 44416  
the Friday after all of the assessments have been administered; 44417

(b) If the district's total enrollment in grades 44418  
kindergarten through twelve during the first full school week of 44419  
October was two thousand five hundred or more, but less than 44420  
seven thousand, not later than the Monday after all of the 44421  
assessments have been administered; 44422

(c) If the district's total enrollment in grades 44423  
kindergarten through twelve during the first full school week of 44424  
October was seven thousand or more, not later than the Tuesday 44425  
after all of the assessments have been administered. 44426

However, any assessment that a student takes during the 44427  
make-up period described in division (C) (2) of this section 44428  
shall be submitted not later than the Friday following the day 44429  
the student takes the assessment. 44430

(2) The department or an entity with which the department 44431  
contracts for the scoring of the assessment shall send to each 44432  
school district board a list of the individual scores of all 44433  
persons taking a state achievement assessment as follows: 44434

(a) Except as provided in division (G) (2) (b) or (c) of 44435  
this section, within forty-five days after the administration of 44436  
the assessments prescribed by sections 3301.0710 and 3301.0712 44437  
of the Revised Code, but in no case shall the scores be returned 44438  
later than the thirtieth day of June following the 44439  
administration; 44440

(b) In the case of the third-grade English language arts 44441  
assessment, within forty-five days after the administration of 44442  
that assessment, but in no case shall the scores be returned 44443  
later than the fifteenth day of June following the 44444  
administration; 44445

(c) In the case of the writing component of an assessment 44446

or end-of-course examination in the area of English language 44447  
arts, except for the third-grade English language arts 44448  
assessment, the results may be sent after forty-five days of the 44449  
administration of the writing component, but in no case shall 44450  
the scores be returned later than the thirtieth day of June 44451  
following the administration. 44452

(3) For assessments administered under this section by a 44453  
joint vocational school district, the department or entity shall 44454  
also send to each city, local, or exempted village school 44455  
district a list of the individual scores of any students of such 44456  
city, local, or exempted village school district who are 44457  
attending school in the joint vocational school district. 44458

(4) Beginning with the 2019-2020 school year, a school 44459  
district, other public school, or chartered nonpublic school may 44460  
administer the third-grade English language arts or mathematics 44461  
assessment, or both, in a paper format in any school year for 44462  
which the district board of education or school governing body 44463  
adopts a resolution indicating that the district or school 44464  
chooses to administer the assessment in a paper format. The 44465  
board or governing body shall submit a copy of the resolution to 44466  
the department of education and workforce not later than the 44467  
first day of May prior to the school year for which it will 44468  
apply. If the resolution is submitted, the district or school 44469  
shall administer the assessment in a paper format to all 44470  
students in the third grade, except that any student whose 44471  
individualized education program or plan developed under section 44472  
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 44473  
794, as amended, specifies that taking the assessment in an 44474  
online format is an appropriate accommodation for the student 44475  
may take the assessment in an online format. 44476

(5) A classical school may administer all assessments 44477  
administered under this section in a paper format, except that 44478  
any student whose individualized education program or plan 44479  
developed under section 504 of the "Rehabilitation Act of 1973," 44480  
29 U.S.C. 794 specifies that taking the assessment in an online 44481  
format is an appropriate accommodation for the student may take 44482  
the assessment in an online format. 44483

(H) Individual scores on any assessments administered 44484  
under this section shall be released by a district board only in 44485  
accordance with section 3319.321 of the Revised Code and the 44486  
rules adopted under division (A) of this section. No district 44487  
board or its employees shall utilize individual or aggregate 44488  
results in any manner that conflicts with rules for the ethical 44489  
use of assessments adopted pursuant to division (A) of this 44490  
section. 44491

(I) Except as provided in division (G) of this section, 44492  
the department or an entity with which the department contracts 44493  
for the scoring of the assessment shall not release any 44494  
individual scores on any assessment administered under this 44495  
section. The department shall adopt rules to ensure the 44496  
protection of student confidentiality at all times. The rules 44497  
may require the use of the data verification codes assigned to 44498  
students pursuant to division (D) (2) of section 3301.0714 of the 44499  
Revised Code to protect the confidentiality of student scores. 44500

(J) Notwithstanding division (D) of section 3311.52 of the 44501  
Revised Code, this section does not apply to the board of 44502  
education of any cooperative education school district except as 44503  
provided under rules adopted pursuant to this division. 44504

(1) In accordance with rules that the department shall 44505  
adopt, the board of education of any city, exempted village, or 44506

local school district with territory in a cooperative education 44507  
school district established pursuant to divisions (A) to (C) of 44508  
section 3311.52 of the Revised Code may enter into an agreement 44509  
with the board of education of the cooperative education school 44510  
district for administering any assessment prescribed under this 44511  
section to students of the city, exempted village, or local 44512  
school district who are attending school in the cooperative 44513  
education school district. 44514

(2) In accordance with rules that the department shall 44515  
adopt, the board of education of any city, exempted village, or 44516  
local school district with territory in a cooperative education 44517  
school district established pursuant to section 3311.521 of the 44518  
Revised Code shall enter into an agreement with the cooperative 44519  
district that provides for the administration of any assessment 44520  
prescribed under this section to both of the following: 44521

(a) Students who are attending school in the cooperative 44522  
district and who, if the cooperative district were not 44523  
established, would be entitled to attend school in the city, 44524  
local, or exempted village school district pursuant to section 44525  
3313.64 or 3313.65 of the Revised Code; 44526

(b) Persons described in division (B) (8) (b) of this 44527  
section. 44528

Any assessment of students pursuant to such an agreement 44529  
shall be in lieu of any assessment of such students or persons 44530  
pursuant to this section. 44531

(K) (1) (a) Except as otherwise provided in division (K) (1) 44532  
or (2) of this section, each chartered nonpublic school for 44533  
which at least sixty-five per cent of its total enrollment is 44534  
made up of students who are participating in state scholarship 44535



programs shall administer the assessments prescribed by division 44536  
(A) of section 3301.0710 of the Revised Code or an alternative 44537  
standardized assessment determined by the department. In 44538  
accordance with procedures and deadlines prescribed by the 44539  
department, the parent or guardian of a student enrolled in the 44540  
school who is not participating in a state scholarship program 44541  
may submit notice to the chief administrative officer of the 44542  
school that the parent or guardian does not wish to have the 44543  
student take the assessments prescribed for the student's grade 44544  
level under division (A) of section 3301.0710 of the Revised 44545  
Code. If a parent or guardian submits an opt-out notice, the 44546  
school shall not administer the assessments to that student. 44547  
This option does not apply to any assessment required for a high 44548  
school diploma under section 3313.612 of the Revised Code. 44549

(b) Any chartered nonpublic school that enrolls students 44550  
who are participating in state scholarship programs may 44551  
administer an alternative standardized assessment determined by 44552  
the department instead of the assessments prescribed by division 44553  
(A) of section 3301.0710 of the Revised Code. 44554

Each chartered nonpublic school subject to division (K) (1) 44555  
(a) or (b) of this section shall report the results of each 44556  
assessment administered under those divisions to the department. 44557

(2) A chartered nonpublic school may submit to the 44558  
director of education and workforce a request for a waiver from 44559  
administering the elementary assessments prescribed by division 44560  
(A) of section 3301.0710 of the Revised Code. The director shall 44561  
approve or disapprove a request for a waiver submitted under 44562  
division (K) (2) of this section. 44563

To be eligible to submit a request for a waiver, a 44564  
chartered nonpublic school shall meet the following conditions: 44565

(a) At least ninety-five per cent of the students enrolled 44566  
in the school are children with disabilities, as defined under 44567  
section 3323.01 of the Revised Code, or have received a 44568  
diagnosis by a school district or from a physician, including a 44569  
neuropsychiatrist or psychiatrist, or a psychologist who is 44570  
authorized to practice in this or another state as having a 44571  
condition that impairs academic performance, such as dyslexia, 44572  
dyscalculia, attention deficit hyperactivity disorder, or 44573  
Asperger's syndrome. 44574

(b) The school has solely served a student population 44575  
described in division (K) (1) (a) of this section for at least ten 44576  
years. 44577

(c) The school provides to the department at least five 44578  
years of records of internal testing conducted by the school 44579  
that affords the department data required for accountability 44580  
purposes, including diagnostic assessments and nationally 44581  
standardized norm-referenced achievement assessments that 44582  
measure reading and math skills. 44583

(3) Any chartered nonpublic school that is not subject to 44584  
division (K) (1) of this section may participate in the 44585  
assessment program by administering any of the assessments 44586  
prescribed by division (A) of section 3301.0710 of the Revised 44587  
Code. The chief administrator of the school shall specify which 44588  
assessments the school will administer. Such specification shall 44589  
be made in writing to the director prior to the first day of 44590  
August of any school year in which assessments are administered 44591  
and shall include a pledge that the nonpublic school will 44592  
administer the specified assessments in the same manner as 44593  
public schools are required to do under this section and rules 44594  
adopted by the department. 44595

(4) The department shall furnish the assessments 44596  
prescribed by section 3301.0710 of the Revised Code to each 44597  
chartered nonpublic school that is subject to division (K) (1) of 44598  
this section or participates under division (K) (3) of this 44599  
section. 44600

(L) If a chartered nonpublic school is educating students 44601  
in grades nine through twelve, the following shall apply: 44602

(1) Except as provided in division (L) (4) of this section, 44603  
for a student who is enrolled in a chartered nonpublic school 44604  
that is accredited through the independent schools association 44605  
of the central states and who is attending the school under a 44606  
state scholarship program, the student shall either take all of 44607  
the assessments prescribed by division (B) of section 3301.0712 44608  
of the Revised Code or take an alternative assessment approved 44609  
by the department under section 3313.619 of the Revised Code. 44610  
However, a student who is excused from taking an assessment 44611  
under division (C) of this section or has presented evidence to 44612  
the chartered nonpublic school of having satisfied the condition 44613  
prescribed by division (A) (1) of section 3313.618 of the Revised 44614  
Code to qualify for a high school diploma prior to the date of 44615  
the administration of the assessment prescribed under division 44616  
(B) (1) of section 3301.0712 of the Revised Code shall not be 44617  
required to take that assessment. No governing authority of a 44618  
chartered nonpublic school shall prohibit a student who is not 44619  
required to take such assessment from taking the assessment. 44620

(2) For a student who is enrolled in a chartered nonpublic 44621  
school that is accredited through the independent schools 44622  
association of the central states, and who is not attending the 44623  
school under a state scholarship program, the student shall not 44624  
be required to take any assessment prescribed under section 44625

3301.0712 or 3313.619 of the Revised Code. 44626

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 44627  
of this section, for a student who is enrolled in a chartered 44628  
nonpublic school that is not accredited through the independent 44629  
schools association of the central states, regardless of whether 44630  
the student is attending or is not attending the school under a 44631  
state scholarship program, the student shall do one of the 44632  
following: 44633

(i) Take all of the assessments prescribed by division (B) 44634  
of section 3301.0712 of the Revised Code; 44635

(ii) Take only the assessment prescribed by division (B) 44636  
(1) of section 3301.0712 of the Revised Code, provided that the 44637  
student's school publishes the results of that assessment for 44638  
each graduating class. The published results of that assessment 44639  
shall include the overall composite scores, mean scores, twenty- 44640  
fifth percentile scores, and seventy-fifth percentile scores for 44641  
each subject area of the assessment. 44642

(iii) Take an alternative assessment approved by the 44643  
department under section 3313.619 of the Revised Code. 44644

(b) A student who is excused from taking an assessment 44645  
under division (C) of this section or has presented evidence to 44646  
the chartered nonpublic school of having satisfied the condition 44647  
prescribed by division (A) (1) of section 3313.618 of the Revised 44648  
Code to qualify for a high school diploma prior to the date of 44649  
the administration of the assessment prescribed under division 44650  
(B) (1) of section 3301.0712 of the Revised Code shall not be 44651  
required to take that assessment. No governing authority of a 44652  
chartered nonpublic school shall prohibit a student who is not 44653  
required to take such assessment from taking the assessment. 44654

(4) The assessments prescribed by sections 3301.0712 and 3313.619 of the Revised Code shall not be administered to any student attending the school, if the school meets all of the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L) (4) (a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L) (4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

(M) (1) The superintendent of Ohio deaf and blind education

services shall administer the assessments described by sections 44684  
3301.0710 and 3301.0712 of the Revised Code for the state school 44685  
for the blind and the state school for the deaf. The 44686  
superintendent of Ohio deaf and blind education services shall 44687  
administer the assessments in the same manner as district boards 44688  
are required to do under this section and rules adopted by the 44689  
department and in conformity with division (C)(1)(a) of this 44690  
section. 44691

(2) The department shall furnish the assessments described 44692  
by sections 3301.0710 and 3301.0712 of the Revised Code to the 44693  
superintendent of Ohio deaf and blind education services. 44694

(N) Notwithstanding division (E) of this section, a school 44695  
district may use a student's failure to attain a score in at 44696  
least the proficient range on the mathematics assessment 44697  
described by division (A)(1)(a) of section 3301.0710 of the 44698  
Revised Code or on an assessment described by division (A)(1) 44699  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 44700  
Code as a factor in retaining that student in the current grade 44701  
level. 44702

(O)(1) In the manner specified in divisions (O)(3)~~7~~ and 44703  
(4)~~7~~, ~~(6)~~, and ~~(7)~~ of this section, the assessments required by 44704  
division (A)(1) of section 3301.0710 of the Revised Code shall 44705  
become public records pursuant to section 149.43 of the Revised 44706  
Code on the thirty-first day of July following the school year 44707  
that the assessments were administered. 44708

(2) The department may field test proposed questions with 44709  
samples of students to determine the validity, reliability, or 44710  
appropriateness of questions for possible inclusion in a future 44711  
year's assessment. The department also may use anchor questions 44712  
on assessments to ensure that different versions of the same 44713

assessment are of comparable difficulty.

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Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A) (1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

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(3) Any field test question or anchor question administered under division (O) (2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O) (1) of this section.

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~~(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.~~

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~~(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.~~

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~~(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence~~

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~~does not apply to field test questions that are redacted under~~ 44743  
~~division (O) (3) of this section.~~ 44744

~~(c) The administrations of each assessment in the 2011-~~ 44745  
~~2012, 2012-2013, and 2013-2014 school years shall not be a~~ 44746  
~~public record.~~ 44747

~~(5) Each assessment prescribed by division (B) (1) of~~ 44748  
~~section 3301.0710 of the Revised Code shall not be a public~~ 44749  
~~record.~~ 44750

~~(6) (a) Except as provided in division (O) (6) (b) of this~~ 44751  
~~section, for the administrations in the 2014-2015, 2015-2016,~~ 44752  
~~and 2016-2017 school years, questions on the assessments~~ 44753  
~~prescribed under division (A) of section 3301.0710 and division~~ 44754  
~~(B) (2) of section 3301.0712 of the Revised Code and the~~ 44755  
~~corresponding preferred answers that are used to compute a~~ 44756  
~~student's score shall become a public record as follows:~~ 44757

~~(i) Forty per cent of the questions and preferred answers~~ 44758  
~~on the assessments on the thirty-first day of July following the~~ 44759  
~~administration of the assessment;~~ 44760

~~(ii) Twenty per cent of the questions and preferred~~ 44761  
~~answers on the assessment on the thirty-first day of July one~~ 44762  
~~year after the administration of the assessment;~~ 44763

~~(iii) The remaining forty per cent of the questions and~~ 44764  
~~preferred answers on the assessment on the thirty-first day of~~ 44765  
~~July two years after the administration of the assessment.~~ 44766

~~The entire content of an assessment shall become a public~~ 44767  
~~record within three years of its administration.~~ 44768

~~The department shall make the questions that become a~~ 44769  
~~public record under this division readily accessible to the~~ 44770



~~public on the department's web site. Questions on the spring  
administration of each assessment shall be released on an annual  
basis, in accordance with this division.~~ 44771  
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~~(b) No questions and corresponding preferred answers shall  
become a public record under division (O) (6) of this section  
after July 31, 2017.~~ 44774  
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~~(7)~~ Division ~~(O) (7)~~ (O) (4) of this section applies to the 44777  
assessments prescribed by division (A) of section 3301.0710 and 44778  
division (B) (2) of section 3301.0712 of the Revised Code. 44779

Beginning with the assessments administered in the spring 44780  
of the ~~2017-2018-2025-2026~~ school year, ~~not less than forty per~~ 44781  
~~cent of the~~ the department shall determine which questions on 44782  
each assessment that are used to compute a student's score ~~shall~~ 44783  
~~be~~ are a public record, if any. The department shall determine 44784  
which questions will be needed for reuse on a future assessment 44785  
and those questions shall not be public records and shall be 44786  
redacted from the assessment prior to its release as a public 44787  
record. However, for each redacted question, the department 44788  
shall inform each city, local, and exempted village school 44789  
district of the corresponding statewide academic standard 44790  
adopted under section 3301.079 of the Revised Code and the 44791  
corresponding benchmark to which the question relates. The 44792  
department is not required to provide corresponding standards 44793  
and benchmarks to field test questions that are redacted under 44794  
division (O) (3) of this section. 44795

(P) As used in this section: 44796

(1) "Three-year average" means the average of the most 44797  
recent consecutive three school years of data. 44798

(2) "Dropout" means a student who withdraws from school 44799

before completing course requirements for graduation and who is 44800  
not enrolled in an education program approved by the department 44801  
or an education program outside the state. "Dropout" does not 44802  
include a student who has departed the country. 44803

(3) "Graduation rate" means the ratio of students 44804  
receiving a diploma to the number of students who entered ninth 44805  
grade four years earlier. Students who transfer into the 44806  
district are added to the calculation. Students who transfer out 44807  
of the district for reasons other than dropout are subtracted 44808  
from the calculation. If a student who was a dropout in any 44809  
previous year returns to the same school district, that student 44810  
shall be entered into the calculation as if the student had 44811  
entered ninth grade four years before the graduation year of the 44812  
graduating class that the student joins. 44813

(4) "State scholarship programs" means the educational 44814  
choice scholarship pilot program established under sections 44815  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 44816  
program established under section 3310.41 of the Revised Code, 44817  
the Jon Peterson special needs scholarship program established 44818  
under sections 3310.51 to 3310.64 of the Revised Code, and the 44819  
pilot project scholarship program established under sections 44820  
3313.974 to 3313.979 of the Revised Code. 44821

(5) "Other public school" means a community school 44822  
established under Chapter 3314., a STEM school established under 44823  
Chapter 3326., or a college-preparatory boarding school 44824  
established under Chapter 3328. of the Revised Code. 44825

(6) "English learner" has the same meaning as in section 44826  
3301.0731 of the Revised Code. 44827

(7) "Classical school" means a community school 44828

established under Chapter 3314. of the Revised Code that is a 44829  
member of the Ohio classical school association, or its 44830  
successor organization, and uses a curriculum substantially 44831  
similar to that of a nationally recognized classical school 44832  
network. 44833

**Sec. 3301.0712.** (A) The department of education and 44834  
workforce and the chancellor of higher education shall develop a 44835  
system of college and work ready assessments as described in 44836  
division (B) of this section to assess whether each student upon 44837  
graduating from high school is ready to enter college or the 44838  
workforce. Beginning with students who enter the ninth grade for 44839  
the first time on or after July 1, 2014, the system shall 44840  
replace the Ohio graduation tests prescribed in division (B)(1) 44841  
of section 3301.0710 of the Revised Code as a measure of student 44842  
academic performance and one determinant of eligibility for a 44843  
high school diploma in the manner prescribed by rule adopted 44844  
under division (D) of this section. 44845

(B) The college and work ready assessment system shall 44846  
consist of the following: 44847

(1) (a) Except as provided in division (B)(1)(b) of this 44848  
section, nationally standardized assessments that measure 44849  
college and career readiness and are used for college admission. 44850  
The assessments shall be selected jointly by the department and 44851  
the chancellor, and one of which shall be selected by each 44852  
school district or school to administer to its students. The 44853  
assessments prescribed under division (B)(1) of this section 44854  
shall be administered to all eleventh-grade students in the 44855  
spring of the school year. 44856

(b) Beginning with students who enter the ninth grade for 44857  
the first time on or after July 1, 2022, the parent or guardian 44858

of a student may elect not to have a nationally standardized 44859  
assessment administered to that student. In that event, the 44860  
student's school district or school shall not administer the 44861  
nationally standardized assessment to that student. 44862

(2) (a) Except as provided in division (B) (2) (b) of this 44863  
section, seven end-of-course examinations, one in each of the 44864  
areas of English language arts I, English language arts II, 44865  
science, Algebra I, geometry, American history, and American 44866  
government. The end-of-course examinations shall be selected 44867  
jointly by the department and the chancellor in consultation 44868  
with faculty in the appropriate subject areas at institutions of 44869  
higher education of the university system of Ohio. Advanced 44870  
placement examinations and international baccalaureate 44871  
examinations, as prescribed under section 3313.6013 of the 44872  
Revised Code, in the areas of science, American history, and 44873  
American government may be used as end-of-course examinations in 44874  
accordance with division (B) (4) (a) (i) of this section. Final 44875  
course grades for courses taken under any other advanced 44876  
standing program, as prescribed under section 3313.6013 of the 44877  
Revised Code, in the areas of science, American history, and 44878  
American government may be used in lieu of end-of-course 44879  
examinations in accordance with division (B) (4) (a) (ii) of this 44880  
section. 44881

(b) Beginning with students who enter ninth grade for the 44882  
first time on or after July 1, 2019, five end-of-course 44883  
examinations, one in each areas of English language arts II, 44884  
science, Algebra I, American history, and American government. 44885  
However, only the end-of-course examinations in English language 44886  
arts II and Algebra I shall be required for graduation. 44887

The department shall, as necessary to implement division 44888

(B) (2) (b) of this section, seek a waiver from the United States 44889  
secretary of education for testing requirements prescribed under 44890  
federal law to allow for the use and implementation of Algebra I 44891  
as the primary assessment of high school mathematics. If the 44892  
department does not receive a waiver under this division, the 44893  
end-of-course examinations for students described in division 44894  
(B) (2) (b) of this section also shall include an end-of-course 44895  
examination in the area of geometry. However, the geometry end- 44896  
of-course examination shall not be required for graduation. 44897

(3) The end-of-course examinations in American history and 44898  
American government shall require demonstration of mastery of 44899  
the American history and American government content for social 44900  
studies standards adopted under division (A) (1) (b) of section 44901  
3301.079 of the Revised Code and the topics required under 44902  
division (M) of section 3313.603 of the Revised Code. 44903

At least twenty per cent of the end-of-course examination 44904  
in American government shall address the topics on American 44905  
history and American government described in division (M) of 44906  
section 3313.603 of the Revised Code. 44907

(4) (a) Notwithstanding anything to the contrary in this 44908  
section, both of the following shall apply: 44909

(i) If a student is enrolled in an appropriate advanced 44910  
placement or international baccalaureate course, that student 44911  
shall take the advanced placement or international baccalaureate 44912  
examination in lieu of the science, American history, or 44913  
American government end-of-course examinations prescribed under 44914  
division (B) (2) of this section. The department shall specify 44915  
the score levels for each advanced placement examination and 44916  
international baccalaureate examination for purposes of 44917  
calculating the minimum cumulative performance score that 44918

demonstrates the level of academic achievement necessary to earn 44919  
a high school diploma. 44920

(ii) If a student is enrolled in an appropriate course 44921  
under any other advanced standing program, as described in 44922  
section 3313.6013 of the Revised Code, that student shall not be 44923  
required to take the science, American history, or American 44924  
government end-of-course examination, whichever is applicable, 44925  
prescribed under division (B) (2) of this section. Instead, that 44926  
student's final course grade shall be used in lieu of the 44927  
applicable end-of-course examination prescribed under that 44928  
section. The department, in consultation with the chancellor, 44929  
shall adopt guidelines for purposes of calculating the 44930  
corresponding final course grades that demonstrate the level of 44931  
academic achievement necessary to earn a high school diploma. 44932

Division (B) (4) (a) (ii) of this section shall apply only to 44933  
courses for which students receive transcribed credit, as 44934  
defined in section 3365.01 of the Revised Code. It shall not 44935  
apply to remedial or developmental courses. 44936

(b) No student shall take a substitute examination or 44937  
examination prescribed under division (B) (4) (a) of this section 44938  
in place of the end-of-course examinations in English language 44939  
arts I, English language arts II, Algebra I, or geometry 44940  
prescribed under division (B) (2) of this section. 44941

(c) The department shall consider additional assessments 44942  
that may be used as substitute examinations in lieu of the end- 44943  
of-course examinations prescribed under division (B) (2) of this 44944  
section. 44945

(5) The department shall do all of the following: 44946

(a) Determine and designate at least five ranges of scores 44947

on each of the end-of-course examinations prescribed under 44948  
division (B) (2) of this section, and substitute examinations 44949  
prescribed under division (B) (4) of this section. Not later than 44950  
sixty days after the designation of ranges of scores, the 44951  
director of education and workforce shall conduct a public 44952  
presentation before the standing committees of the house of 44953  
representatives and the senate that consider primary and 44954  
secondary education legislation regarding the designated range 44955  
of scores. Each range of scores shall be considered to 44956  
demonstrate a level of achievement so that any student attaining 44957  
a score within such range has achieved one of the following: 44958

(i) An advanced level of skill; 44959

(ii) An accomplished level of skill; 44960

(iii) A proficient level of skill; 44961

(iv) A basic level of skill; 44962

(v) A limited level of skill. 44963

(b) Determine a method by which to calculate a cumulative 44964  
performance score based on the results of a student's end-of- 44965  
course examinations or substitute examinations; 44966

(c) Determine the minimum cumulative performance score 44967  
that demonstrates the level of academic achievement necessary to 44968  
earn a high school diploma under division (A) (2) of section 44969  
3313.618 of the Revised Code. However, no new minimum cumulative 44970  
performance score shall be determined after October 17, 2019. 44971

(d) Develop a table of corresponding score equivalents for 44972  
the end-of-course examinations and substitute examinations in 44973  
order to calculate student performance consistently across the 44974  
different examinations. 44975

A score of two on an advanced placement examination or a 44976  
score of two or three on an international baccalaureate 44977  
examination shall be considered equivalent to a proficient level 44978  
of skill as specified under division (B) (5) (a) (iii) of this 44979  
section. 44980

(6) (a) A student who meets both of the following 44981  
conditions shall not be required to take an end-of-course 44982  
examination: 44983

(i) The student received high school credit prior to July 44984  
1, 2015, for a course for which the end-of-course examination is 44985  
prescribed. 44986

(ii) The examination was not available for administration 44987  
prior to July 1, 2015. 44988

Receipt of credit for the course described in division (B) 44989  
(6) (a) (i) of this section shall satisfy the requirement to take 44990  
the end-of-course examination. A student exempted under division 44991  
(B) (6) (a) of this section may take the applicable end-of-course 44992  
examination at a later date. 44993

(b) For purposes of determining whether a student who is 44994  
exempt from taking an end-of-course examination under division 44995  
(B) (6) (a) of this section has attained the cumulative score 44996  
prescribed by division (B) (5) (c) of this section, such student 44997  
shall select either of the following: 44998

(i) The student is considered to have attained a 44999  
proficient score on the end-of-course examination from which the 45000  
student is exempt; 45001

(ii) The student's final course grade shall be used in 45002  
lieu of a score on the end-of-course examination from which the 45003  
student is exempt. 45004



The department, in consultation with the chancellor, shall  
adopt guidelines for purposes of calculating the corresponding  
final course grades and the minimum cumulative performance score  
that demonstrates the level of academic achievement necessary to  
earn a high school diploma.

(7) (a) Notwithstanding anything to the contrary in this  
section, the department may replace the algebra I end-of-course  
examination prescribed under division (B) (2) of this section  
with an algebra II end-of-course examination, beginning with the  
2016-2017 school year for students who enter ninth grade on or  
after July 1, 2016.

(b) If the department replaces the algebra I end-of-course  
examination with an algebra II end-of-course examination as  
authorized under division (B) (7) (a) of this section, both of the  
following shall apply:

(i) A student who is enrolled in an advanced placement or  
international baccalaureate course in algebra II shall take the  
advanced placement or international baccalaureate examination in  
lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course  
under any other advanced standing program, as described in  
section 3313.6013 of the Revised Code, shall not be required to  
take the algebra II end-of-course examination. Instead, that  
student's final course grade shall be used in lieu of the  
examination.

(c) If a school district or school utilizes an integrated  
approach to mathematics instruction, the district or school may  
do either or both of the following:

(i) Administer an integrated mathematics I end-of-course

examination in lieu of the prescribed algebra I end-of-course examination; 45034  
45035

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination. 45036  
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(8) (a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology. 45039  
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(b) Until July 1, 2019, the department shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination. 45045  
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(c) The department shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A) (2) of section 3313.618 of the Revised Code. 45050  
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(9) The department shall not develop or administer an end-of-course examination in the area of world history. 45057  
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(10) The department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the 45059  
45060  
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purpose of graduation eligibility. 45063

(C) The department shall convene a group of national 45064  
experts, state experts, and local practitioners to provide 45065  
advice, guidance, and recommendations for the alignment of 45066  
standards and model curricula to the assessments and in the 45067  
design of the end-of-course examinations prescribed by this 45068  
section. 45069

(D) Upon completion of the development of the assessment 45070  
system, the department shall adopt rules prescribing all of the 45071  
following: 45072

(1) A timeline and plan for implementation of the 45073  
assessment system, including a phased implementation if the 45074  
department determines such a phase-in is warranted; 45075

(2) The date after which a person shall meet the 45076  
requirements of the entire assessment system as a prerequisite 45077  
for a diploma of adult education under section 3313.611 of the 45078  
Revised Code; 45079

(3) Whether and the extent to which a person may be 45080  
excused from an American history end-of-course examination and 45081  
an American government end-of-course examination under division 45082  
(H) of section 3313.61 and division (B)(3) of section 3313.612 45083  
of the Revised Code; 45084

(4) The date after which a person who has fulfilled the 45085  
curriculum requirement for a diploma but has not passed one or 45086  
more of the required assessments at the time the person 45087  
fulfilled the curriculum requirement shall meet the requirements 45088  
of the entire assessment system as a prerequisite for a high 45089  
school diploma under division (B) of section 3313.614 of the 45090  
Revised Code; 45091

(5) The extent to which the assessment system applies to 45092  
students enrolled in a dropout ~~recovery and prevention and~~ 45093  
recovery program for purposes of division (F) of section 45094  
3313.603 ~~and or~~ a dropout prevention and recovery community 45095  
school under section 3314.36 of the Revised Code. 45096

(E) (1) Any person enrolled in a nonchartered nonpublic 45097  
school or any person who is exempt from attendance at school for 45098  
the purpose of home education under section 3321.042 of the 45099  
Revised Code may choose to participate in the system of 45100  
assessments administered under divisions (B) (1) and (2) of this 45101  
section. However, no such person shall be required to 45102  
participate in the system of assessments. 45103

(2) The department shall adopt rules for the 45104  
administration and scoring of any assessments under division (E) 45105  
(1) of this section. 45106

(F) The department shall select at least one nationally 45107  
recognized job skills assessment. Each school district shall 45108  
administer that assessment to those students who opt to take it. 45109  
The department shall reimburse a school district for the costs 45110  
of administering that assessment. The department shall establish 45111  
the minimum score a student must attain on the job skills 45112  
assessment in order to demonstrate a student's workforce 45113  
readiness and employability. The administration of the job 45114  
skills assessment to a student under this division shall not 45115  
exempt a school district from administering the assessments 45116  
prescribed in division (B) of this section to that student. 45117

**Sec. 3301.0714.** (A) The department of education and 45118  
workforce shall adopt rules for a statewide education management 45119  
information system. The rules shall require the department to 45120  
establish guidelines for the establishment and maintenance of 45121

the system in accordance with this section and the rules adopted 45122  
under this section. The guidelines shall include: 45123

(1) Standards identifying and defining the types of data 45124  
in the system in accordance with divisions (B) and (C) of this 45125  
section; 45126

(2) Procedures for annually collecting and reporting the 45127  
data to the department in accordance with division (D) of this 45128  
section; 45129

(3) Procedures for annually compiling the data in 45130  
accordance with division (G) of this section; 45131

(4) Procedures for annually reporting the data to the 45132  
public in accordance with division (H) of this section; 45133

(5) Standards to provide strict safeguards to protect the 45134  
confidentiality of personally identifiable student data. 45135

(B) The guidelines adopted under this section shall 45136  
require the data maintained in the education management 45137  
information system to include at least the following: 45138

(1) Student participation and performance data, for each 45139  
grade in each school district as a whole and for each grade in 45140  
each school building in each school district, that includes: 45141

(a) The numbers of students receiving each category of 45142  
instructional service offered by the school district, such as 45143  
regular education instruction, vocational education instruction, 45144  
specialized instruction programs or enrichment instruction that 45145  
is part of the educational curriculum, instruction for gifted 45146  
students, instruction for students with disabilities, and 45147  
remedial instruction. The guidelines shall require instructional 45148  
services under this division to be divided into discrete 45149

categories if an instructional service is limited to a specific 45150  
subject, a specific type of student, or both, such as regular 45151  
instructional services in mathematics, remedial reading 45152  
instructional services, instructional services specifically for 45153  
students gifted in mathematics or some other subject area, or 45154  
instructional services for students with a specific type of 45155  
disability. The categories of instructional services required by 45156  
the guidelines under this division shall be the same as the 45157  
categories of instructional services used in determining cost 45158  
units pursuant to division (C) (3) of this section. 45159

(b) The numbers of students receiving support or 45160  
extracurricular services for each of the support services or 45161  
extracurricular programs offered by the school district, such as 45162  
counseling services, health services, and extracurricular sports 45163  
and fine arts programs. The categories of services required by 45164  
the guidelines under this division shall be the same as the 45165  
categories of services used in determining cost units pursuant 45166  
to division (C) (4) (a) of this section. 45167

(c) Average student grades in each subject in grades nine 45168  
through twelve; 45169

(d) Academic achievement levels as assessed under sections 45170  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 45171

(e) The number of students designated as having a 45172  
disabling condition pursuant to division (C) (1) of section 45173  
3301.0711 of the Revised Code; 45174

(f) The numbers of students reported to the department 45175  
pursuant to division (C) (2) of section 3301.0711 of the Revised 45176  
Code; 45177

(g) Attendance rates and the average daily attendance for 45178

the year. For purposes of this division, a student shall be 45179  
counted as present for any field trip that is approved by the 45180  
school administration. 45181

(h) Expulsion rates; 45182

(i) Suspension rates; 45183

(j) Dropout rates; 45184

(k) Rates of retention in grade; 45185

(l) For pupils in grades nine through twelve, the average 45186  
number of carnegie units, as calculated in accordance with the 45187  
director's rules; 45188

(m) Graduation rates, to be calculated in a manner 45189  
specified by the department that reflects the rate at which 45190  
students who were in the ninth grade three years prior to the 45191  
current year complete school and that is consistent with 45192  
nationally accepted reporting requirements; 45193

(n) Results of diagnostic assessments ~~administered to~~ 45194  
~~kindergarten students as required under~~ described in division (A) 45195  
(1) of section 3301.0715 of the Revised Code to permit a 45196  
~~comparison of the academic readiness of kindergarten students.~~ 45197  
~~However, no district shall be required to report to the~~ 45198  
~~department the results of any diagnostic assessment administered~~ 45199  
~~to a kindergarten student, except for the language and reading~~ 45200  
~~assessment described in division (A) (2) of section 3301.0715 of~~ 45201  
~~the Revised Code, if the parent of that student requests the~~ 45202  
~~district not to report those results.;~~ 45203

(o) The number of students earning each state diploma seal 45204  
included in the system prescribed under division (A) of section 45205  
3313.6114 of the Revised Code; 45206

(p) The number of students demonstrating competency for 45207  
graduation using each option described in divisions (B) (1) (a) to 45208  
(d) of section 3313.618 of the Revised Code; 45209

(q) The number of students completing each foundational 45210  
and supporting option as part of the demonstration of competency 45211  
for graduation pursuant to division (B) (1) (b) of section 45212  
3313.618 of the Revised Code; 45213

(r) The number of students enrolled in all-day 45214  
kindergarten, as defined in section 3321.05 of the Revised Code. 45215

(2) Personnel and classroom enrollment data for each 45216  
school district, including: 45217

(a) The total numbers of licensed employees and 45218  
nonlicensed employees and the numbers of full-time equivalent 45219  
licensed employees and nonlicensed employees providing each 45220  
category of instructional service, instructional support 45221  
service, and administrative support service used pursuant to 45222  
division (C) (3) of this section. The guidelines adopted under 45223  
this section shall require these categories of data to be 45224  
maintained for the school district as a whole and, wherever 45225  
applicable, for each grade in the school district as a whole, 45226  
for each school building as a whole, and for each grade in each 45227  
school building. 45228

(b) The total number of employees and the number of full- 45229  
time equivalent employees providing each category of service 45230  
used pursuant to divisions (C) (4) (a) and (b) of this section, 45231  
and the total numbers of licensed employees and nonlicensed 45232  
employees and the numbers of full-time equivalent licensed 45233  
employees and nonlicensed employees providing each category used 45234  
pursuant to division (C) (4) (c) of this section. The guidelines 45235



adopted under this section shall require these categories of 45236  
data to be maintained for the school district as a whole and, 45237  
wherever applicable, for each grade in the school district as a 45238  
whole, for each school building as a whole, and for each grade 45239  
in each school building. 45240

(c) The total number of regular classroom teachers 45241  
teaching classes of regular education and the average number of 45242  
pupils enrolled in each such class, in each of grades 45243  
kindergarten through five in the district as a whole and in each 45244  
school building in the school district. 45245

(d) The number of lead teachers employed by each school 45246  
district and each school building. 45247

(e) The number of teachers, administrators, school 45248  
psychologists, and speech-language pathologists employed by each 45249  
school district and school building who have completed training 45250  
in the science of reading under section 3319.2310 of the Revised 45251  
Code. 45252

(3) (a) Student demographic data for each school district, 45253  
including information regarding the gender ratio of the school 45254  
district's pupils, the racial make-up of the school district's 45255  
pupils, the number of English learners in the district, and an 45256  
appropriate measure of the number of the school district's 45257  
pupils who reside in economically disadvantaged households. The 45258  
demographic data shall be collected in a manner to allow 45259  
correlation with data collected under division (B) (1) of this 45260  
section. Categories for data collected pursuant to division (B) 45261  
(3) of this section shall conform, where appropriate, to 45262  
standard practices of agencies of the federal government. 45263

(b) With respect to each student entering kindergarten, 45264

whether the student previously participated in a public 45265  
preschool program, a private preschool program, or a head start 45266  
program, and the number of years the student participated in 45267  
each of these programs. 45268

(4) (a) The core curriculum and instructional materials 45269  
being used for English language arts in each of grades pre- 45270  
kindergarten to five; 45271

(b) The reading intervention programs being used in each 45272  
of grades pre-kindergarten to twelve; 45273

(c) The core curriculum and instructional materials being 45274  
used for mathematics in each of grades pre-kindergarten to 45275  
twelve. 45276

(5) Any data required to be collected pursuant to federal 45277  
law. 45278

(C) The education management information system shall 45279  
include cost accounting data for each district as a whole and 45280  
for each school building in each school district. The guidelines 45281  
adopted under this section shall require the cost data for each 45282  
school district to be maintained in a system of mutually 45283  
exclusive cost units and shall require all of the costs of each 45284  
school district to be divided among the cost units. The 45285  
guidelines shall require the system of mutually exclusive cost 45286  
units to include at least the following: 45287

(1) Administrative costs for the school district as a 45288  
whole. The guidelines shall require the cost units under this 45289  
division (C) (1) to be designed so that each of them may be 45290  
compiled and reported in terms of average expenditure per pupil 45291  
in enrolled ADM in the school district, as determined pursuant 45292  
to section 3317.03 of the Revised Code. 45293

(2) Administrative costs for each school building in the 45294  
school district. The guidelines shall require the cost units 45295  
under this division (C) (2) to be designed so that each of them 45296  
may be compiled and reported in terms of average expenditure per 45297  
full-time equivalent pupil receiving instructional or support 45298  
services in each building. 45299

(3) Instructional services costs for each category of 45300  
instructional service provided directly to students and required 45301  
by guidelines adopted pursuant to division (B) (1) (a) of this 45302  
section. The guidelines shall require the cost units under 45303  
division (C) (3) of this section to be designed so that each of 45304  
them may be compiled and reported in terms of average 45305  
expenditure per pupil receiving the service in the school 45306  
district as a whole and average expenditure per pupil receiving 45307  
the service in each building in the school district and in terms 45308  
of a total cost for each category of service and, as a breakdown 45309  
of the total cost, a cost for each of the following components: 45310

(a) The cost of each instructional services category 45311  
required by guidelines adopted under division (B) (1) (a) of this 45312  
section that is provided directly to students by a classroom 45313  
teacher; 45314

(b) The cost of the instructional support services, such 45315  
as services provided by a speech-language pathologist, classroom 45316  
aide, multimedia aide, or librarian, provided directly to 45317  
students in conjunction with each instructional services 45318  
category; 45319

(c) The cost of the administrative support services 45320  
related to each instructional services category, such as the 45321  
cost of personnel that develop the curriculum for the 45322  
instructional services category and the cost of personnel 45323

supervising or coordinating the delivery of the instructional 45324  
services category. 45325

(4) Support or extracurricular services costs for each 45326  
category of service directly provided to students and required 45327  
by guidelines adopted pursuant to division (B) (1) (b) of this 45328  
section. The guidelines shall require the cost units under 45329  
division (C) (4) of this section to be designed so that each of 45330  
them may be compiled and reported in terms of average 45331  
expenditure per pupil receiving the service in the school 45332  
district as a whole and average expenditure per pupil receiving 45333  
the service in each building in the school district and in terms 45334  
of a total cost for each category of service and, as a breakdown 45335  
of the total cost, a cost for each of the following components: 45336

(a) The cost of each support or extracurricular services 45337  
category required by guidelines adopted under division (B) (1) (b) 45338  
of this section that is provided directly to students by a 45339  
licensed employee, such as services provided by a guidance 45340  
counselor or any services provided by a licensed employee under 45341  
a supplemental contract; 45342

(b) The cost of each such services category provided 45343  
directly to students by a nonlicensed employee, such as 45344  
janitorial services, cafeteria services, or services of a sports 45345  
trainer; 45346

(c) The cost of the administrative services related to 45347  
each services category in division (C) (4) (a) or (b) of this 45348  
section, such as the cost of any licensed or nonlicensed 45349  
employees that develop, supervise, coordinate, or otherwise are 45350  
involved in administering or aiding the delivery of each 45351  
services category. 45352

(D) (1) The guidelines adopted under this section shall 45353  
require school districts to collect information about individual 45354  
students, staff members, or both in connection with any data 45355  
required by division (B) or (C) of this section or other 45356  
reporting requirements established in the Revised Code. The 45357  
guidelines may also require school districts to report 45358  
information about individual staff members in connection with 45359  
any data required by division (B) or (C) of this section or 45360  
other reporting requirements established in the Revised Code. 45361  
The guidelines shall not authorize school districts to request 45362  
social security numbers of individual students. The guidelines 45363  
shall prohibit the reporting under this section of a student's 45364  
name, address, and social security number to the department. The 45365  
guidelines shall also prohibit the reporting under this section 45366  
of any personally identifiable information about any student, 45367  
except for the purpose of assigning the data verification code 45368  
required by division (D) (2) of this section, to any other person 45369  
unless such person is employed by the school district or the 45370  
information technology center operated under section 3301.075 of 45371  
the Revised Code and is authorized by the district or technology 45372  
center to have access to such information or is employed by an 45373  
entity with which the department contracts for the scoring or 45374  
the development of state assessments. The guidelines may require 45375  
school districts to provide the social security numbers of 45376  
individual staff members and the county of residence for a 45377  
student. Nothing in this section prohibits the department from 45378  
providing a student's county of residence to the department of 45379  
taxation to facilitate the distribution of tax revenue. 45380

(2) (a) The guidelines shall provide for each school 45381  
district or community school to assign a data verification code 45382  
that is unique on a statewide basis over time to each student 45383

whose initial Ohio enrollment is in that district or school and 45384  
to report all required individual student data for that student 45385  
utilizing such code. The guidelines shall also provide for 45386  
assigning data verification codes to all students enrolled in 45387  
districts or community schools on the effective date of the 45388  
guidelines established under this section. The assignment of 45389  
data verification codes for other entities, as described in 45390  
division (D) (2) (d) of this section, the use of those codes, and 45391  
the reporting and use of associated individual student data 45392  
shall be coordinated by the department of education and 45393  
workforce in accordance with state and federal law. 45394

School districts shall report individual student data to 45395  
the department through the information technology centers 45396  
utilizing the code. The entities described in division (D) (2) (d) 45397  
of this section shall report individual student data to the 45398  
department in the manner prescribed by the department. 45399

(b) (i) Except as provided in sections 3301.941, 3310.11, 45400  
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 45401  
Code, and in division (D) (2) (b) (ii) of this section, at no time 45402  
shall the department have access to information that would 45403  
enable any data verification code to be matched to personally 45404  
identifiable student data. 45405

(ii) For the purpose of making per-pupil payments to 45406  
community schools under section 3317.022 of the Revised Code, 45407  
the department shall have access to information that would 45408  
enable any data verification code to be matched to personally 45409  
identifiable student data. 45410

(c) Each school district and community school shall ensure 45411  
that the data verification code is included in the student's 45412  
records reported to any subsequent school district, community 45413

school, or state institution of higher education, as defined in 45414  
section 3345.011 of the Revised Code, in which the student 45415  
enrolls. Any such subsequent district or school shall utilize 45416  
the same identifier in its reporting of data under this section. 45417

(d) (i) The director of any state agency that administers a 45418  
publicly funded program providing services to children who are 45419  
younger than compulsory school age, as defined in section 45420  
3321.01 of the Revised Code, including the directors of health, 45421  
job and family services, mental health and addiction services, 45422  
children and youth, and developmental disabilities, shall 45423  
request and receive, pursuant to sections 3301.0723 and 5180.33 45424  
of the Revised Code, a data verification code for a child who is 45425  
receiving those services. 45426

(ii) The director of developmental disabilities, director 45427  
of health, director of job and family services, director of 45428  
children and youth, director of mental health and addiction 45429  
services, medicaid director, executive director of the 45430  
commission on minority health, executive director of the 45431  
opportunities for Ohioans with disabilities agency, or director 45432  
of education and workforce, on behalf of a program that receives 45433  
public funds and provides services to children who are younger 45434  
than compulsory school age, may request and receive, pursuant to 45435  
section 3301.0723 of the Revised Code, a data verification code 45436  
for a child who is receiving services from the program. 45437

(E) The guidelines adopted under this section may require 45438  
school districts to collect and report data, information, or 45439  
reports other than that described in divisions (A), (B), and (C) 45440  
of this section for the purpose of complying with other 45441  
reporting requirements established in the Revised Code. The 45442  
other data, information, or reports may be maintained in the 45443

education management information system but are not required to 45444  
be compiled as part of the profile formats required under 45445  
division (G) of this section or the annual statewide report 45446  
required under division (H) of this section. 45447

(F) The board of education of each school district shall 45448  
annually collect and report to the department, in accordance 45449  
with the guidelines established by the department, the data 45450  
required pursuant to this section. A school district may collect 45451  
and report these data notwithstanding section 2151.357 or 45452  
3319.321 of the Revised Code. 45453

(G) The department shall, in accordance with the 45454  
procedures it adopts, annually compile the data reported by each 45455  
school district pursuant to division (D) of this section. The 45456  
department shall design formats for profiling each school 45457  
district as a whole and each school building within each 45458  
district and shall compile the data in accordance with these 45459  
formats. These profile formats shall: 45460

(1) Include all of the data gathered under this section in 45461  
a manner that facilitates comparison among school districts and 45462  
among school buildings within each school district; 45463

(2) Present the data on academic achievement levels as 45464  
assessed by the testing of student achievement maintained 45465  
pursuant to division (B) (1) (d) of this section. 45466

(H) (1) The department shall, in accordance with the 45467  
procedures it adopts, annually prepare a statewide report for 45468  
all school districts and the general public that includes the 45469  
profile of each of the school districts developed pursuant to 45470  
division (G) of this section. Copies of the report shall be sent 45471  
to each school district. 45472



(2) The department shall, in accordance with the 45473  
procedures it adopts, annually prepare an individual report for 45474  
each school district and the general public that includes the 45475  
profiles of each of the school buildings in that school district 45476  
developed pursuant to division (G) of this section. 45477

(I) Any data that is collected or maintained pursuant to 45478  
this section and that identifies an individual pupil is not a 45479  
public record for the purposes of section 149.43 of the Revised 45480  
Code. 45481

(J) As used in this section: 45482

(1) "School district" means any city, local, exempted 45483  
village, or joint vocational school district and, in accordance 45484  
with section 3314.17 of the Revised Code, any community school. 45485  
As used in division (L) of this section, "school district" also 45486  
includes any educational service center or other educational 45487  
entity required to submit data using the system established 45488  
under this section. 45489

(2) "Cost" means any expenditure for operating expenses 45490  
made by a school district excluding any expenditures for debt 45491  
retirement except for payments made to any commercial lending 45492  
institution for any loan approved pursuant to section 3313.483 45493  
of the Revised Code. 45494

(K) Any person who removes data from the information 45495  
system established under this section for the purpose of 45496  
releasing it to any person not entitled under law to have access 45497  
to such information is subject to section 2913.42 of the Revised 45498  
Code prohibiting tampering with data. 45499

(L) (1) In accordance with division (L) (2) of this section 45500  
and the rules adopted under division (L) (10) of this section, 45501

the department may sanction any school district that reports 45502  
incomplete or inaccurate data, reports data that does not 45503  
conform to data requirements and descriptions published by the 45504  
department, fails to report data in a timely manner, or 45505  
otherwise does not make a good faith effort to report data as 45506  
required by this section. 45507

(2) If the department decides to sanction a school 45508  
district under this division, the department shall take the 45509  
following sequential actions: 45510

(a) Notify the district in writing that the department has 45511  
determined that data has not been reported as required under 45512  
this section and require the district to review its data 45513  
submission and submit corrected data by a deadline established 45514  
by the department. The department also may require the district 45515  
to develop a corrective action plan, which shall include 45516  
provisions for the district to provide mandatory staff training 45517  
on data reporting procedures. 45518

(b) Withhold up to ten per cent of the total amount of 45519  
state funds due to the district for the current fiscal year and, 45520  
if not previously required under division (L) (2) (a) of this 45521  
section, require the district to develop a corrective action 45522  
plan in accordance with that division; 45523

(c) Withhold an additional amount of up to twenty per cent 45524  
of the total amount of state funds due to the district for the 45525  
current fiscal year; 45526

(d) Direct department staff or an outside entity to 45527  
investigate the district's data reporting practices and make 45528  
recommendations for subsequent actions. The recommendations may 45529  
include one or more of the following actions: 45530

- (i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 45531  
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- (ii) Conduct a site visit and evaluation of the district; 45533
- (iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 45534  
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- (iv) Continue monitoring the district's data reporting; 45537
- (v) Assign department staff to supervise the district's data management system; 45538  
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- (vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 45540  
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- (vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 45543  
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- (viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 45547  
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- (ix) Any other action designed to correct the district's data reporting problems. 45552  
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- (3) Any time the department takes an action against a school district under division (L) (2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and 45554  
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maintain a copy of the report in its files. 45559

(4) If any action taken under division (L)(2) of this 45560  
section resolves a school district's data reporting problems to 45561  
the department's satisfaction, the department shall not take any 45562  
further actions described by that division. If the department 45563  
withheld funds from the district under that division, the 45564  
department may release those funds to the district, except that 45565  
if the department withheld funding under division (L)(2)(c) of 45566  
this section, the department shall not release the funds 45567  
withheld under division (L)(2)(b) of this section and, if the 45568  
department withheld funding under division (L)(2)(d) of this 45569  
section, the department shall not release the funds withheld 45570  
under division (L)(2)(b) or (c) of this section. 45571

(5) Notwithstanding anything in this section to the 45572  
contrary, the department may use its own staff or an outside 45573  
entity to conduct an audit of a school district's data reporting 45574  
practices any time the department has reason to believe the 45575  
district has not made a good faith effort to report data as 45576  
required by this section. If any audit conducted by an outside 45577  
entity under division (L)(2)(d)(i) or (5) of this section 45578  
confirms that a district has not made a good faith effort to 45579  
report data as required by this section, the district shall 45580  
reimburse the department for the full cost of the audit. The 45581  
department may withhold state funds due to the district for this 45582  
purpose. 45583

(6) Prior to issuing a revised report card for a school 45584  
district under division (L)(2)(d)(viii) of this section, the 45585  
department may hold a hearing to provide the district with an 45586  
opportunity to demonstrate that it made a good faith effort to 45587  
report data as required by this section. The hearing shall be 45588

conducted by a referee appointed by the department. Based on the 45589  
information provided in the hearing, the referee shall recommend 45590  
whether the department should issue a revised report card for 45591  
the district. If the referee affirms the department's contention 45592  
that the district did not make a good faith effort to report 45593  
data as required by this section, the district shall bear the 45594  
full cost of conducting the hearing and of issuing any revised 45595  
report card. 45596

(7) If the department determines that any inaccurate data 45597  
reported under this section caused a school district to receive 45598  
excess state funds in any fiscal year, the district shall 45599  
reimburse the department an amount equal to the excess funds, in 45600  
accordance with a payment schedule determined by the department. 45601  
The department may withhold state funds due to the district for 45602  
this purpose. 45603

(8) Any school district that has funds withheld under 45604  
division (L)(2) of this section may appeal the withholding in 45605  
accordance with Chapter 119. of the Revised Code. 45606

(9) In all cases of a disagreement between the department 45607  
and a school district regarding the appropriateness of an action 45608  
taken under division (L)(2) of this section, the burden of proof 45609  
shall be on the district to demonstrate that it made a good 45610  
faith effort to report data as required by this section. 45611

(10) The director of education and workforce shall adopt 45612  
rules under Chapter 119. of the Revised Code to implement 45613  
division (L) of this section. 45614

(M) No information technology center or school district 45615  
shall acquire, change, or update its student administration 45616  
software package to manage and report data required to be 45617

reported to the department unless it converts to a student 45618  
software package that is certified by the department. 45619

(N) The state board of education, in accordance with 45620  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 45621  
or revoke a license as defined under division (A) of section 45622  
3319.31 of the Revised Code that has been issued to any school 45623  
district employee found to have willfully reported erroneous, 45624  
inaccurate, or incomplete data to the education management 45625  
information system. 45626

(O) No person shall release or maintain any information 45627  
about any student in violation of this section. Whoever violates 45628  
this division is guilty of a misdemeanor of the fourth degree. 45629

~~(P) The department shall disaggregate the data collected~~ 45630  
~~under division (B) (1) (n) of this section according to the race~~ 45631  
~~and socioeconomic status of the students assessed.~~ 45632

~~(Q)~~ If the department cannot compile any of the 45633  
information required by division (I) of section 3302.03 of the 45634  
Revised Code based upon the data collected under this section, 45635  
the department shall develop a plan and a reasonable timeline 45636  
for the collection of any data necessary to comply with that 45637  
division. 45638

**Sec. 3301.0715.** ~~(A) Except as required under division (B)~~ 45639  
~~(1) of section 3313.608 or as specified in division (D) (3) of~~ 45640  
~~section 3301.079 of the Revised Code, the~~ (A) (1) The board of 45641  
education of each city, local, and exempted village school 45642  
district shall administer each applicable diagnostic assessment 45643  
developed and provided to the district in accordance with 45644  
section 3301.079 of the Revised Code to the following: 45645

~~(1)~~ (a) Each student enrolled in kindergarten, first, 45646

second, or third grade.

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(b) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. However, if a student transfers into the district prior to the administration of the diagnostic assessments to all students under division (B) of this section, the district may administer the diagnostic assessments to that student on the date or dates determined under that division.

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~~(2) Each kindergarten student, not earlier than the first day of July of the school year and not later than the twentieth day of instruction of that school year.~~

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~~For the purpose of division (A) (2) of this section, the~~  
The district shall administer the kindergarten readiness assessment provided by the department of children and youth to each kindergarten student not earlier than the first day of July of the school year in which the student is enrolled in kindergarten and not later than the twentieth day of instruction of that school year. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

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~~(3) Each student enrolled in first, second, or third grade.~~

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~~Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department.~~

(B) Each district board shall administer each diagnostic assessment ~~when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment described in division (A) (1) of this section at least once annually by the thirtieth day of September to all students in the appropriate grade level. The board shall administer a diagnostic assessment to a student with a significant cognitive disability in accordance with guidelines adopted by the department of education and workforce.~~ A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

~~(C) A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A) (3) of this section if the district meets either of the following conditions for the immediately preceding school year:~~

~~(1) The district received a grade of "A" or "B" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C) (1) (c) of that section.~~

~~(2) The district received a performance rating of four stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code or for progress under division (D) (3) (c) of that section.~~



~~(D)~~ Each district board shall utilize and score ~~any~~ diagnostic the kindergarten readiness assessment administered ~~under division (A) of this section~~ in accordance with rules established by ~~the department of education or the department of~~ children and youth and shall utilize and score each diagnostic assessment described in division (A) (1) of this section in accordance with rules established by the department of education and workforce. After the administration of ~~any the kindergarten readiness assessment or a diagnostic assessment described in~~ division (A) (1) of this section, each district shall provide a student's completed ~~diagnostic~~ assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, ~~and~~. The district shall include all such documents and information related to a diagnostic assessment described in division (A) (1) of this section in any plan developed for the student under division (C) of section 3313.608 of the Revised Code. Each district shall submit, in the manner prescribed by each department, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code as follows:

(1) The results of the kindergarten readiness assessment to the department of children and youth;

(2) The results of all diagnostic assessments described in division (A) (1) of this section to the department of education and workforce pursuant to section 3301.0714 of the Revised Code.

~~The department of education and the department of children and youth may issue reports with respect to the data collected. Either department may report school and district level~~

kindergarten ~~diagnostic~~ readiness assessment data ~~and use~~. The 45736  
department of education and workforce may report data from any 45737  
diagnostic assessment ~~data~~ described in division (A) (1) of this 45738  
section and may use that data to calculate the measures 45739  
prescribed by divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of 45740  
section 3302.03 of the Revised Code ~~and the data reported under~~ 45741  
~~division (D) (2) (e) of that section.~~ 45742

~~(E)~~ (D) Each district board shall provide intervention 45743  
services to students whose ~~diagnostic~~ assessments show that they 45744  
are failing to make satisfactory progress toward attaining the 45745  
academic standards for their grade level. 45746

~~(F)~~ (E) Any chartered nonpublic school may elect to 45747  
administer the kindergarten readiness assessment to all 45748  
kindergarten students enrolled in the school. If the school so 45749  
elects, the chief administrator of the school shall notify the 45750  
director of children and youth not later than the thirty-first 45751  
day of March prior to any school year in which the school will 45752  
administer the assessment. The department of children and youth 45753  
shall furnish the assessment to the school at no cost to the 45754  
school. In administering the assessment, the school shall do all 45755  
of the following: 45756

(1) Enter into a written agreement with the department of 45757  
children and youth specifying that the school will share each 45758  
participating student's assessment data with the department ~~of~~ 45759  
~~education and the department of children and youth and, that for~~ 45760  
~~the purpose of reporting the data to the department of education~~ 45761  
~~and department of children and youth, each participating student~~ 45762  
will be assigned a data verification code as described in 45763  
division (D) (2) of section 3301.0714 of the Revised Code; 45764

(2) Require the assessment to be administered by a teacher 45765

certified under section 3301.071 of the Revised Code who either 45766  
has completed training on administering the kindergarten 45767  
readiness assessment ~~provided by the department of children and~~ 45768  
~~youth~~ or has been trained by another person who has completed 45769  
such training; 45770

(3) Administer the assessment in the same manner as school 45771  
districts are required to do under this section and the rules 45772  
established under division ~~(D)~~ (C) of this section. 45773

~~(G)~~ (F) A school district in which less than eighty per 45774  
cent of its students score at the proficient level or higher on 45775  
the third-grade English language arts assessment prescribed 45776  
under section 3301.0710 of the Revised Code shall establish a 45777  
reading improvement plan supported by reading specialists. Prior 45778  
to implementation, the plan shall be approved by the school 45779  
district board of education. 45780

(G) As used in this section, "kindergarten readiness 45781  
assessment" means the diagnostic assessment provided by the 45782  
department of children and youth under section 5104.52 of the 45783  
Revised Code. 45784

**Sec. 3301.0722.** (A) As used in this section, "evidence- 45785  
based" has the same meaning as in section 3301.221 of the 45786  
Revised Code. 45787

(B) The department of education and workforce, in 45788  
collaboration with the department of behavioral health and the 45789  
OneOhio recovery foundation, shall conduct a review of available 45790  
resources and develop a list of curricula, materials, programs, 45791  
and instructional strategies related to the instruction required 45792  
under divisions (A) (5) (b) and (g) of section 3313.60 of the 45793  
Revised Code and section 3313.6034 of the Revised Code, that 45794

districts or schools may utilize. The department of education 45795  
and workforce shall highlight any evidence-based resources that 45796  
exist on its list. Periodically, the department of education and 45797  
workforce shall review and update the list developed under this 45798  
section. 45799

**Sec. 3301.0723.** (A) All of the following apply to the 45800  
independent contractor engaged by the department of education 45801  
and workforce to create and maintain for school districts and 45802  
community schools the student data verification codes required 45803  
by division (D) (2) of section 3301.0714 of the Revised Code: 45804

(1) Upon request of the director of any state agency that 45805  
administers a publicly funded program providing services to 45806  
children who are younger than compulsory school age, including 45807  
the directors of health, children and youth, mental health and 45808  
addiction services, and developmental disabilities, the 45809  
contractor shall assign a data verification code to a child who 45810  
is receiving such services and shall provide that code to the 45811  
director. 45812

(2) Upon request of the director of developmental 45813  
disabilities, director of health, director of job and family 45814  
services, director of children and youth, director of mental 45815  
health and addiction services, medicaid director, executive 45816  
director of the commission on minority health, executive 45817  
director of the opportunities for Ohioans with disabilities 45818  
agency, or director of education and workforce and on behalf of 45819  
a program that receives public funds and provides services to 45820  
children younger than compulsory school age, the contractor 45821  
shall assign a data verification code to a child who is 45822  
receiving such services from the program and shall provide that 45823  
code to the director. 45824

(3) The contractor also shall provide the codes requested 45825  
under division (A) of this section to the department of 45826  
education and workforce. 45827

For purposes of division (A) of this section, "compulsory 45828  
school age" has the same meaning as in section 3321.01 of the 45829  
Revised Code. 45830

(B) The director of a state agency that receives a child's 45831  
data verification code under division (A)(1) of this section 45832  
shall use that code to submit information for that child to the 45833  
department of education and workforce in accordance with section 45834  
3301.0714 of the Revised Code. 45835

The director of a state agency that receives a child's 45836  
data verification code under division (A)(2) of this section 45837  
shall provide that code to the publicly or privately funded 45838  
program providing services to the child. The program shall use 45839  
that code to submit information for that child to the department 45840  
of education and workforce in accordance with section 3301.0714 45841  
of the Revised Code, but only to the extent permitted by federal 45842  
law. 45843

(C) A public school that receives from the independent 45844  
contractor the data verification code for a child assigned under 45845  
division (A) of this section shall not request or assign to that 45846  
child another data verification code under division (D)(2) of 45847  
section 3301.0714 of the Revised Code. That school and any other 45848  
public school in which the child subsequently enrolls shall use 45849  
the data verification code assigned under division (A) of this 45850  
section to report data relative to that student required under 45851  
section 3301.0714 of the Revised Code. 45852

**Sec. 3301.0727.** (A) As used in this section, "dropout 45853

prevention and recovery community school" has the same meaning 45854  
as in section ~~3319.301~~ 3314.02 of the Revised Code. 45855

(B) Notwithstanding any provision to the contrary in 45856  
section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, 45857  
a dropout prevention and recovery community school shall do both 45858  
of the following with regard to the administration of end-of- 45859  
course examinations required under section 3301.0712 of the 45860  
Revised Code: 45861

(1) In addition to the annual testing windows established 45862  
by the director of education and workforce under division (C) of 45863  
section 3301.0710 of the Revised Code, administer the 45864  
examinations in an online or paper format based on the needs of 45865  
the student; 45866

(2) Adhere to security requirements prescribed under 45867  
section 3319.151 of the Revised Code for the online examinations 45868  
administered under division (B)(1) of this section. 45869

(C) The director of education and workforce shall 45870  
establish extended testing windows of ten weeks in duration in 45871  
the fall and spring for dropout prevention and recovery 45872  
community schools so that they may administer assessments in 45873  
closer proximity to when students complete related coursework. 45874  
The director also shall establish a summer testing window for 45875  
students participating in summer instruction. 45876

(D) Nothing in this section shall be construed to relieve 45877  
a dropout prevention and recovery community school from its 45878  
obligation to administer testing in-person as otherwise required 45879  
by law. 45880

**Sec. 3301.0732.** The minimum education standards prescribed 45881  
by the director of education and workforce for nonchartered 45882

nonpublic schools under section 3301.07 of the Revised Code 45883  
shall comply with and shall be limited to this section. 45884

(A) A nonchartered nonpublic school that is not seeking a 45885  
charter from the department of education and workforce because 45886  
of truly held religious beliefs shall annually certify in a 45887  
report to the parents of its pupils that the school meets 45888  
minimum education standards for nonchartered nonpublic schools 45889  
as described in this section. A copy of the report shall be 45890  
filed with the department of education and workforce on or 45891  
before the thirtieth day of September of each year. 45892

(B) A nonchartered nonpublic school shall be open for 45893  
instruction with pupils in attendance for not less than four 45894  
hundred fifty-five hours in the case of pupils in kindergarten 45895  
unless such pupils are provided all-day kindergarten, in which 45896  
case the pupils shall be in attendance for nine hundred ten 45897  
hours; nine hundred ten hours in the case of pupils in grades 45898  
one through six; and one thousand one hours in the case of 45899  
pupils in grades seven through twelve in each school year. 45900

(C) The parents of a child enrolled in a nonchartered 45901  
nonpublic school shall be responsible for reporting their 45902  
child's enrollment or withdrawal from that school to the 45903  
treasurer of the board of education of the city, exempted 45904  
village, or local school district in which the pupil resides. 45905  
Pupil attendance is reported for the purposes of facilitating 45906  
the administration of laws relating to compulsory education and 45907  
the employment of minors. An individual in charge of the 45908  
nonchartered nonpublic school may, as a matter of convenience, 45909  
provide the report to the treasurer on behalf of the parents. 45910

The attendance report shall include the name, age, and 45911  
place of residence of each pupil below eighteen years of age. 45912

The report shall be made within the first two weeks of the 45913  
beginning of each school year. In the case of pupil withdrawal 45914  
or entrance during the school year, notice shall be given to the 45915  
treasurer of the appropriate board of education within the first 45916  
week of the next school month. 45917

(D) Teachers and administrators at nonchartered nonpublic 45918  
schools shall hold at least a bachelor's degree, or the 45919  
equivalent, from a recognized college or university. 45920

(E) The curriculum of each nonchartered nonpublic school 45921  
shall include the study of the following subjects: 45922

(1) Language arts; 45923

(2) Geography, the history of the United States and Ohio, 45924  
and national, state, and local government; 45925

(3) Mathematics; 45926

(4) Science; 45927

(5) Health, which may include age and developmentally 45928  
appropriate instruction about how short-term or chronic 45929  
substance use, as defined in section 3313.6034 of the Revised 45930  
Code, to alter an individual's mood is harmful to an 45931  
individual's health; 45932

(6) Physical education; 45933

(7) The fine arts, including music; 45934

(8) First aid, safety, and fire prevention; 45935

(9) Other subjects as prescribed by the nonchartered 45936  
nonpublic school. 45937

(F) Each nonchartered nonpublic school shall follow 45938  
regular procedures for promotion from grade to grade for pupils 45939



who have met the school's educational requirements. 45940

(G) Each nonchartered nonpublic school shall comply with 45941  
all applicable health, fire, and safety laws. 45942

(H) Pupils attending a nonchartered nonpublic school shall 45943  
not be entitled to pupil transportation or auxiliary services. A 45944  
nonchartered nonpublic school is not entitled to reimbursement 45945  
for administrative costs. 45946

**Sec. 3301.136.** The department of education and workforce 45947  
shall compile a list of tutoring programs that it considers to 45948  
be of high quality and have the potential to accelerate learning 45949  
for students in the areas of English language arts, mathematics, 45950  
science, and social studies. For this purpose, the department 45951  
shall request the qualifications of public and private entities 45952  
that provide tutoring programs for students. The requested 45953  
qualifications shall include program efficacy data or other 45954  
evidence of program effectiveness for students who participate 45955  
in the tutoring programs. The department shall establish a 45956  
rubric to evaluate the programs and determine a minimum score 45957  
for a tutoring program to be included on the department's list. 45958

In compiling the list, the department may designate 45959  
individual tutoring programs as more appropriate for certain 45960  
grade levels, populations of students, or subject areas. 45961

The department shall immediately remove from the list any 45962  
tutoring program in the area of English language arts that the 45963  
department determines is not aligned to the science of reading 45964  
or uses a three-cueing approach, as defined in section 3313.6028 45965  
of the Revised Code. 45966

The department may establish multiple application periods 45967  
in any school year for entities to submit their qualifications 45968

for consideration to be included on the list. However, the 45969  
department shall post the initial list of tutoring programs on 45970  
the department's web site not later than October 1, 2022. After 45971  
the initial list is posted, the department shall, at least every 45972  
three years thereafter, provide an opportunity for entities to 45973  
submit their qualifications for consideration to be included on 45974  
the list and post an updated list of tutoring programs on the 45975  
department's web site. No school district or school shall be 45976  
required to use a tutoring program on the list. 45977

Sec. 3301.166. The governing authority of each chartered 45978  
nonpublic school annually may provide instruction to students in 45979  
the grade levels the school serves about how short-term or 45980  
chronic substance use, as defined in section 3313.6034 of the 45981  
Revised Code, to alter one's mood is harmful to an individual's 45982  
health. Each governing authority may do all of the following 45983  
with regard to the instruction: 45984

(A) Determine the manner in which the instruction is 45985  
provided to students; 45986

(B) Ensure the instruction is age and developmentally 45987  
appropriate; 45988

(C) Conform the instruction to prevention best-practice 45989  
frameworks; 45990

(D) Focus the instruction on addressing changes in 45991  
knowledge, attitude, and skills as a child develops. 45992

Sec. 3301.17. (A) The board of education of each city, 45993  
exempted village, local, and joint vocational school district 45994  
may make a driver education course available to high school 45995  
students enrolled in the district in accordance with Chapter 45996  
4508. of the Revised Code. No school district making such a 45997

course available shall require any student to enroll in the 45998  
course in lieu of taking a training course from a private driver 45999  
training school licensed under that chapter. 46000

(B) The principal of each high school shall annually give 46001  
written notice to the students enrolled in the high school that 46002  
they may elect, under a procedure that shall be described in the 46003  
notice, to take a training course from a private driver training 46004  
school or, if available, enroll in a driver education course 46005  
made available by the student's school district of attendance. 46006

(C) Students who successfully complete a driver education 46007  
course offered by the student's school district of attendance or 46008  
through any agency or organization that the district contracts 46009  
with to offer such a course under this section may earn either: 46010

(1) Notwithstanding anything to the contrary in division 46011  
(C) (8) of section 3313.603 of the Revised Code, up to one-half 46012  
unit towards high school elective credits that may substitute 46013  
for credits in the subjects listed under that division; 46014

(2) An industry-recognized credential approved under 46015  
section 3313.6113 of the Revised Code. ~~A student may be granted~~ 46016  
~~up to two points toward a high school diploma under the list of~~ 46017  
~~industry-recognized credentials established and updated under~~ 46018  
~~section 3313.6113 of the Revised Code.~~ 46019

(D) Notwithstanding anything to the contrary in sections 46020  
3317.014, 3317.022, and 3317.16 of the Revised Code, a career- 46021  
technical planning district, as defined in section 3317.023 of 46022  
the Revised Code, may use a portion of the career-technical 46023  
education funds received under section 3317.022 or 3317.16 of 46024  
the Revised Code to make a driver education course available to 46025  
high school students enrolled in the district. 46026

**Sec. 3301.221.** (A) As used in this section and section 46027  
3313.60 of the Revised Code, "evidence-based" means a program or 46028  
practice that does either of the following: 46029

(1) Demonstrates a rationale based on high-quality 46030  
research findings or positive evaluation that such a program or 46031  
practice is likely to improve relevant outcomes and includes 46032  
ongoing efforts to examine the effects of the program or 46033  
practice; 46034

(2) Has a statistically significant effect on relevant 46035  
outcomes based on: 46036

(a) Strong evidence from at least one well-designed and 46037  
well-implemented experimental study; 46038

(b) Moderate evidence from at least one well-designed and 46039  
well-implemented quasi-experimental study; or 46040

(c) Promising evidence from at least one well-designed and 46041  
well-implemented correlation study with statistical controls for 46042  
selection bias. 46043

(B) The department of education and workforce, in 46044  
consultation with the department of public safety and the 46045  
department of mental health and addiction services, shall 46046  
maintain a universal list of approved training programs, to be 46047  
posted on the department of education and workforce's web site, 46048  
for instruction in suicide awareness and prevention and violence 46049  
prevention as prescribed under division (A) (5) (h) of section 46050  
3313.60 ~~and division (D) of section 3319.073~~ of the Revised 46051  
Code. The list of approved training programs shall include at 46052  
least one option that is free or of no cost to schools. The 46053  
approved training programs shall be evidence-based and include 46054  
the following: 46055

(1) How to instruct school personnel to identify the signs and symptoms of depression, suicide, and self-harm in students; 46056  
46057

(2) How to instruct students to identify the signs and symptoms of depression, suicide, and self-harm in their peers; 46058  
46059

(3) How to identify appropriate mental health services within schools and within larger communities, and when and how to refer youth and their families to those services; 46060  
46061  
46062

(4) How to teach students about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of self and peers and reporting of these behaviors; 46063  
46064  
46065  
46066

(5) How to identify observable warning signs and signals of individuals who may be a threat to themselves or others; 46067  
46068

(6) The importance of taking threats seriously and seeking help; 46069  
46070

(7) How students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the district's chosen anonymous reporting program. 46071  
46072  
46073

(C) The department of education and workforce, in consultation with the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of education and workforce's web site, for instruction in social inclusion as prescribed by division (A) (5) (j) of section 3313.60 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following: 46074  
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(1) What social isolation is and how to identify it in 46084  
others; 46085

(2) What social inclusion is and the importance of 46086  
establishing connections with peers; 46087

(3) When and how to seek help for peers who may be 46088  
socially isolated; 46089

(4) How to utilize strategies for more social inclusion in 46090  
classrooms and the school community. 46091

(D) A program that uses the success sequence curriculum 46092  
provided by Ohio adolescent health centers shall qualify as an 46093  
approved evidence-based training program under this section and 46094  
be considered to meet the minimum requirements to teach risk 46095  
prevention skills across the required subject areas to youth. 46096

**Sec. 3301.24.** (A) Not later than December 31, 2025, the 46097  
department of education and workforce shall develop a model 46098  
policy on the use of artificial intelligence in schools. The 46099  
model policy shall address appropriate use of artificial 46100  
intelligence by students and staff for educational purposes. 46101

(B) Not later than July 1, 2026, each school district, 46102  
community school established under Chapter 3314. of the Revised 46103  
Code, and STEM school established under Chapter 3326. of the 46104  
Revised Code shall adopt a policy on the use of artificial 46105  
intelligence. The district or school may adopt the department's 46106  
model policy developed under division (A) of this section. 46107

(C) The department may collect data from districts and 46108  
schools on their use of artificial intelligence in the manner 46109  
prescribed by the department. 46110

**Sec. 3301.541.** (A) (1) The director, head teacher, 46111

elementary principal, or site administrator of a preschool 46112  
program shall request the superintendent of the bureau of 46113  
criminal identification and investigation to conduct a criminal 46114  
records check with respect to any applicant who has applied to 46115  
the preschool program for employment as a person responsible for 46116  
the care, custody, or control of a child. If the applicant does 46117  
not present proof that the applicant has been a resident of this 46118  
state for the five-year period immediately prior to the date 46119  
upon which the criminal records check is requested or does not 46120  
provide evidence that within that five-year period the 46121  
superintendent has requested information about the applicant 46122  
from the federal bureau of investigation in a criminal records 46123  
check, the director, head teacher, or elementary principal shall 46124  
request that the superintendent obtain information from the 46125  
federal bureau of investigation as a part of the criminal 46126  
records check for the applicant. If the applicant presents proof 46127  
that the applicant has been a resident of this state for that 46128  
five-year period, the director, head teacher, or elementary 46129  
principal may request that the superintendent include 46130  
information from the federal bureau of investigation in the 46131  
criminal records check. 46132

(2) Any director, head teacher, elementary principal, or 46133  
site administrator required by division (A) (1) of this section 46134  
to request a criminal records check shall provide to each 46135  
applicant a copy of the form prescribed pursuant to division (C) 46136  
(1) of section 109.572 of the Revised Code, provide to each 46137  
applicant a standard impression sheet to obtain fingerprint 46138  
impressions prescribed pursuant to division (C) (2) of section 46139  
109.572 of the Revised Code, obtain the completed form and 46140  
impression sheet from each applicant, and forward the completed 46141  
form and impression sheet to the superintendent of the bureau of 46142

criminal identification and investigation at the time the person 46143  
requests a criminal records check pursuant to division (A) (1) of 46144  
this section. 46145

(3) Any applicant who receives pursuant to division (A) (2) 46146  
of this section a copy of the form prescribed pursuant to 46147  
division (C) (1) of section 109.572 of the Revised Code and a 46148  
copy of an impression sheet prescribed pursuant to division (C) 46149  
(2) of that section and who is requested to complete the form 46150  
and provide a set of fingerprint impressions shall complete the 46151  
form or provide all the information necessary to complete the 46152  
form and provide the impression sheet with the impressions of 46153  
the applicant's fingerprints. If an applicant, upon request, 46154  
fails to provide the information necessary to complete the form 46155  
or fails to provide impressions of the applicant's fingerprints, 46156  
the preschool program shall not employ that applicant for any 46157  
position for which a criminal records check is required by 46158  
division (A) (1) of this section. 46159

(B) (1) Except as provided in rules adopted by the 46160  
department of ~~education and workforce~~ children and youth in 46161  
accordance with division (E) of this section, no preschool 46162  
program shall employ a person as a person responsible for the 46163  
care, custody, or control of a child if the person previously 46164  
has been convicted of or pleaded guilty to any of the following: 46165

(a) A violation of section 2903.01, 2903.02, 2903.03, 46166  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 46167  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 46168  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 46169  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 46170  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 46171  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 46172



2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 46173  
section 2905.04 of the Revised Code as it existed prior to July 46174  
1, 1996, a violation of section 2919.23 of the Revised Code that 46175  
would have been a violation of section 2905.04 of the Revised 46176  
Code as it existed prior to July 1, 1996, had the violation 46177  
occurred prior to that date, a violation of section 2925.11 of 46178  
the Revised Code that is not a minor drug possession offense, or 46179  
felonious sexual penetration in violation of former section 46180  
2907.12 of the Revised Code; 46181

(b) A violation of an existing or former law of this 46182  
state, any other state, or the United States that is 46183  
substantially equivalent to any of the offenses or violations 46184  
described in division (B) (1) (a) of this section. 46185

(2) A preschool program may employ an applicant 46186  
conditionally until the criminal records check required by this 46187  
section is completed and the preschool program receives the 46188  
results of the criminal records check. If the results of the 46189  
criminal records check indicate that, pursuant to division (B) 46190  
(1) of this section, the applicant does not qualify for 46191  
employment, the preschool program shall release the applicant 46192  
from employment. 46193

(C) (1) Each preschool program shall pay to the bureau of 46194  
criminal identification and investigation the fee prescribed 46195  
pursuant to division (C) (3) of section 109.572 of the Revised 46196  
Code for each criminal records check conducted in accordance 46197  
with that section upon the request pursuant to division (A) (1) 46198  
of this section of the director, head teacher, elementary 46199  
principal, or site administrator of the preschool program. 46200

(2) A preschool program may charge an applicant a fee for 46201  
the costs it incurs in obtaining a criminal records check under 46202

this section. A fee charged under this division shall not exceed 46203  
the amount of fees the preschool program pays under division (C) 46204  
(1) of this section. If a fee is charged under this division, 46205  
the preschool program shall notify the applicant at the time of 46206  
the applicant's initial application for employment of the amount 46207  
of the fee and that, unless the fee is paid, the applicant will 46208  
not be considered for employment. 46209

(D) The report of any criminal records check conducted by 46210  
the bureau of criminal identification and investigation in 46211  
accordance with section 109.572 of the Revised Code and pursuant 46212  
to a request under division (A)(1) of this section is not a 46213  
public record for the purposes of section 149.43 of the Revised 46214  
Code and shall not be made available to any person other than 46215  
the applicant who is the subject of the criminal records check 46216  
or the applicant's representative, the preschool program 46217  
requesting the criminal records check or its representative, and 46218  
any court, hearing officer, or other necessary individual in a 46219  
case dealing with the denial of employment to the applicant. 46220

(E) The department of ~~education and workforce~~ children and 46221  
youth shall adopt rules pursuant to Chapter 119. of the Revised 46222  
Code to implement this section, including rules specifying 46223  
circumstances under which a preschool program may hire a person 46224  
who has been convicted of an offense listed in division (B)(1) 46225  
of this section but who meets standards in regard to 46226  
rehabilitation set by the department. 46227

(F) Any person required by division (A)(1) of this section 46228  
to request a criminal records check shall inform each person, at 46229  
the time of the person's initial application for employment, 46230  
that the person is required to provide a set of impressions of 46231  
the person's fingerprints and that a criminal records check is 46232

required to be conducted and satisfactorily completed in 46233  
accordance with section 109.572 of the Revised Code if the 46234  
person comes under final consideration for appointment or 46235  
employment as a precondition to employment for that position. 46236

(G) As used in this section: 46237

(1) "Applicant" means a person who is under final 46238  
consideration for appointment or employment in a position with a 46239  
preschool program as a person responsible for the care, custody, 46240  
or control of a child, except that "applicant" does not include 46241  
a person already employed by a board of education, community 46242  
school, or chartered nonpublic school in a position of care, 46243  
custody, or control of a child who is under consideration for a 46244  
different position with such board or school. 46245

(2) "Criminal records check" has the same meaning as in 46246  
section 109.572 of the Revised Code. 46247

(3) "Minor drug possession offense" has the same meaning 46248  
as in section 2925.01 of the Revised Code. 46249

(H) If the board of education of a local school district 46250  
adopts a resolution requesting the assistance of the educational 46251  
service center in which the local district has territory in 46252  
conducting criminal records checks of substitute teachers under 46253  
this section, the appointing or hiring officer of such 46254  
educational service center governing board shall serve for 46255  
purposes of this section as the appointing or hiring officer of 46256  
the local board in the case of hiring substitute teachers for 46257  
employment in the local district. 46258

**Sec. 3301.57.** (A) For the purpose of improving programs, 46259  
facilities, and implementation of the standards promulgated 46260  
under section 3301.53 of the Revised Code, ~~the department of~~ 46261

~~education and workforce and the~~ department of children and youth 46262  
shall provide consultation and technical assistance to school 46263  
districts, county boards of developmental disabilities, 46264  
community schools, authorized private before and after school 46265  
care programs, and eligible nonpublic schools operating 46266  
preschool programs or school child programs, and in-service 46267  
training to preschool staff members, school child program staff 46268  
members, and nonteaching employees. 46269

(B) The department of education and workforce, the 46270  
department of children and youth, and the school district board 46271  
of education, county board of developmental disabilities, 46272  
community school, or eligible nonpublic school shall jointly 46273  
monitor each preschool program and each school child program. 46274

If the program receives any grant or other funding from 46275  
the state or federal government, the department of education and 46276  
workforce and the department of children and youth annually 46277  
shall monitor all reports on attendance, financial support, and 46278  
expenditures according to provisions for use of the funds. 46279

(C) The ~~department of education and workforce and the~~ 46280  
department of children and youth, at least once during every 46281  
twelve-month period of operation of a preschool program or a 46282  
licensed school child program, shall inspect the program and 46283  
provide a written inspection report to the superintendent of the 46284  
school district, county board of developmental disabilities, 46285  
community school, or eligible nonpublic school. The ~~departments~~ 46286  
department may inspect any program more than once, as considered 46287  
necessary by the ~~departments~~ department, during any twelve-month 46288  
period of operation. All inspections may be unannounced. No 46289  
person shall interfere with any inspection conducted pursuant to 46290  
this division or to the rules adopted pursuant to sections 46291

3301.52 to 3301.59 of the Revised Code. 46292

Upon receipt of any complaint that a preschool program or 46293  
a licensed school child program is out of compliance with the 46294  
requirements in sections 3301.52 to 3301.59 of the Revised Code 46295  
or the rules adopted under those sections, the department of 46296  
children and youth shall investigate and may inspect the 46297  
program. If the complaint is related to a teacher, the 46298  
department shall coordinate with the ~~department~~ state board of 46299  
education to investigate and take action on a teacher's license. 46300

(D) If a preschool program or a licensed school child 46301  
program is determined to be out of compliance with the 46302  
requirements of sections 3301.52 to 3301.59 of the Revised Code 46303  
or the rules adopted under those sections, the department of 46304  
children and youth shall notify the appropriate superintendent, 46305  
county board of developmental disabilities, community school, 46306  
authorized private before and after school care program, or 46307  
eligible nonpublic school in writing regarding the nature of the 46308  
violation, what must be done to correct the violation, and by 46309  
what date the correction must be made. If the correction is not 46310  
made by the date established by the department, it may commence 46311  
action under Chapter 119. of the Revised Code to close the 46312  
program or to revoke the license of the program. If a program 46313  
does not comply with an order to cease operation issued in 46314  
accordance with Chapter 119. of the Revised Code, the department 46315  
shall notify the attorney general, the prosecuting attorney of 46316  
the county in which the program is located, or the city 46317  
attorney, village solicitor, or other chief legal officer of the 46318  
municipal corporation in which the program is located that the 46319  
program is operating in violation of sections 3301.52 to 3301.59 46320  
of the Revised Code or the rules adopted under those sections 46321  
and in violation of an order to cease operation issued in 46322

accordance with Chapter 119. of the Revised Code. Upon receipt 46323  
of the notification, the attorney general, prosecuting attorney, 46324  
city attorney, village solicitor, or other chief legal officer 46325  
shall file a complaint in the court of common pleas of the 46326  
county in which the program is located requesting the court to 46327  
issue an order enjoining the program from operating. The court 46328  
shall grant the requested injunctive relief upon a showing that 46329  
the program named in the complaint is operating in violation of 46330  
sections 3301.52 to 3301.59 of the Revised Code or the rules 46331  
adopted under those sections and in violation of an order to 46332  
cease operation issued in accordance with Chapter 119. of the 46333  
Revised Code. 46334

(E) The ~~department of education and workforce and~~ 46335  
department of children and youth shall prepare an annual report 46336  
on inspections conducted under this section. The report shall 46337  
include the number of inspections conducted, the number and 46338  
types of violations found, and the steps taken to address the 46339  
violations. The ~~departments~~ department shall file the report 46340  
with the governor, the president and minority leader of the 46341  
senate, and the speaker and minority leader of the house of 46342  
representatives on or before the first day of January of each 46343  
year. 46344

**Sec. 3301.82.** (A) The department of education and 46345  
workforce annually shall collect employment and vacancy data for 46346  
each city, local, exempted village, and joint vocational school 46347  
district, community school established under Chapter 3314. of 46348  
the Revised Code, and STEM school established under Chapter 46349  
3326. of the Revised Code for all of the following: 46350

(1) Teachers; 46351

(2) Related services providers and other providers of 46352

<u>specialized services;</u>	46353
<u>(3) Principals and assistant principals;</u>	46354
<u>(4) Paraprofessionals;</u>	46355
<u>(5) Bus drivers;</u>	46356
<u>(6) Any other positions as determined by the department.</u>	46357
<u>(B) The department shall report the number of vacant</u>	46358
<u>positions aggregated by the following:</u>	46359
<u>(1) Type of position;</u>	46360
<u>(2) Subject area;</u>	46361
<u>(3) Geographic area, including rural and urban areas;</u>	46362
<u>(4) The number of educator positions filled by long-term</u>	46363
<u>substitute teachers, unlicensed individuals, or educators with</u>	46364
<u>emergency credentials disaggregated by school, grade level, and</u>	46365
<u>endorsement;</u>	46366
<u>(5) The reasons why a position was vacant, which may</u>	46367
<u>include the following reasons:</u>	46368
<u>(a) Retirement;</u>	46369
<u>(b) New position;</u>	46370
<u>(c) Repeated poor teacher evaluations;</u>	46371
<u>(d) Position is no longer necessary;</u>	46372
<u>(e) Reduction in force.</u>	46373
<u>(6) Methods used to fill vacant positions, which shall</u>	46374
<u>include the following:</u>	46375
<u>(a) Hiring of short- and long-term substitutes;</u>	46376

<u>(b) Hiring retired educators;</u>	46377
<u>(c) Hiring educators from alternative licensure program</u>	46378
<u>candidates;</u>	46379
<u>(d) Contracting with an educational service center or</u>	46380
<u>other entity;</u>	46381
<u>(e) Hiring personnel with emergency credentials or who are</u>	46382
<u>unlicensed;</u>	46383
<u>(f) Other methods identified by the department.</u>	46384
<u>(7) Positions that remain unfilled.</u>	46385
<u>(C) The department also annually shall collect and report</u>	46386
<u>the following statewide data on educators:</u>	46387
<u>(1) Educator preparation program enrollment and completion</u>	46388
<u>data annually, disaggregated by endorsement area and grade</u>	46389
<u>level;</u>	46390
<u>(2) The number of new educator licenses issued by the</u>	46391
<u>state board of education annually, disaggregated by licensure</u>	46392
<u>pathway and including those issued through reciprocity with</u>	46393
<u>another state;</u>	46394
<u>(3) Educator retention at one-year, three-year, five-year,</u>	46395
<u>and ten-year rates;</u>	46396
<u>(4) Educator demographic data aggregated at the district</u>	46397
<u>and state level.</u>	46398
<u>(D) The department shall annually publish and summarize</u>	46399
<u>data collected under this section on its publicly accessible web</u>	46400
<u>site. To the extent possible, the department shall report the</u>	46401
<u>data at the state, district, and school level.</u>	46402
<b>Sec. 3302.03.</b> Not later than the thirty-first day of July	46403



of each year, the department of education and workforce shall 46404  
submit preliminary report card data for overall academic 46405  
performance and for each separate performance measure for each 46406  
school district, and each school building, in accordance with 46407  
this section. 46408

Annually, not later than the fifteenth day of September or 46409  
the preceding Friday when that day falls on a Saturday or 46410  
Sunday, the department shall assign a letter grade or 46411  
performance rating for overall academic performance and for each 46412  
separate performance measure for each school district, and each 46413  
school building in a district, in accordance with this section. 46414  
The department shall adopt rules pursuant to Chapter 119. of the 46415  
Revised Code to implement this section. The department's rules 46416  
shall establish performance criteria for each letter grade or 46417  
performance rating and prescribe a method by which the 46418  
department assigns each letter grade or performance rating. For 46419  
a school building to which any of the performance measures do 46420  
not apply, due to grade levels served by the building, the 46421  
department shall designate the performance measures that are 46422  
applicable to the building and that must be calculated 46423  
separately and used to calculate the building's overall grade or 46424  
performance rating. The department shall issue annual report 46425  
cards reflecting the performance of each school district, each 46426  
building within each district, and for the state as a whole 46427  
using the performance measures and letter grade or performance 46428  
rating system described in this section. The department shall 46429  
include on the report card for each district and each building 46430  
within each district the most recent two-year trend data in 46431  
student achievement for each subject and each grade. 46432

(A) (1) For the 2012-2013 school year, the department shall 46433  
issue grades as described in division (F) of this section for 46434

each of the following performance measures: 46435

(a) Annual measurable objectives; 46436

(b) Performance index score for a school district or 46437  
building. Grades shall be awarded as a percentage of the total 46438  
possible points on the performance index system as adopted by 46439  
the department. In adopting benchmarks for assigning letter 46440  
grades under division (A) (1) (b) of this section, the department 46441  
shall designate ninety per cent or higher for an "A," at least 46442  
seventy per cent but not more than eighty per cent for a "C," 46443  
and less than fifty per cent for an "F." 46444

(c) The extent to which the school district or building 46445  
meets each of the applicable performance indicators established 46446  
by the department under section 3302.02 of the Revised Code and 46447  
the percentage of applicable performance indicators that have 46448  
been achieved. In adopting benchmarks for assigning letter 46449  
grades under division (A) (1) (c) of this section, the department 46450  
shall designate ninety per cent or higher for an "A." 46451

(d) The four- and five-year adjusted cohort graduation 46452  
rates. 46453

In adopting benchmarks for assigning letter grades under 46454  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 46455  
department shall designate a four-year adjusted cohort 46456  
graduation rate of ninety-three per cent or higher for an "A" 46457  
and a five-year cohort graduation rate of ninety-five per cent 46458  
or higher for an "A." 46459

(e) The overall score under the value-added progress 46460  
dimension of a school district or building, for which the 46461  
department shall use up to three years of value-added data as 46462  
available. The letter grade assigned for this growth measure 46463

shall be as follows: 46464

(i) A score that is at least one standard error of measure 46465  
above the mean score shall be designated as an "A." 46466

(ii) A score that is less than one standard error of 46467  
measure above but greater than one standard error of measure 46468  
below the mean score shall be designated as a "B." 46469

(iii) A score that is less than or equal to one standard 46470  
error of measure below the mean score but greater than two 46471  
standard errors of measure below the mean score shall be 46472  
designated as a "C." 46473

(iv) A score that is less than or equal to two standard 46474  
errors of measure below the mean score but is greater than three 46475  
standard errors of measure below the mean score shall be 46476  
designated as a "D." 46477

(v) A score that is less than or equal to three standard 46478  
errors of measure below the mean score shall be designated as an 46479  
"F." 46480

Whenever the value-added progress dimension is used as a 46481  
graded performance measure in this division and divisions (B) 46482  
and (C) of this section, whether as an overall measure or as a 46483  
measure of separate subgroups, the grades for the measure shall 46484  
be calculated in the same manner as prescribed in division (A) 46485  
(1) (e) of this section. 46486

(f) The value-added progress dimension score for a school 46487  
district or building disaggregated for each of the following 46488  
subgroups: students identified as gifted, students with 46489  
disabilities, and students whose performance places them in the 46490  
lowest quintile for achievement on a statewide basis. Each 46491  
subgroup shall be a separate graded measure. 46492

(2) The department shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the department's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building 46522  
meets each of the applicable performance indicators established 46523  
by the department under section 3302.03 of the Revised Code and 46524  
the percentage of applicable performance indicators that have 46525  
been achieved. In adopting benchmarks for assigning letter 46526  
grades under division (B) (1) (c) of this section, the department 46527  
shall designate ninety per cent or higher for an "A." 46528

(d) The four- and five-year adjusted cohort graduation 46529  
rates; 46530

(e) The overall score under the value-added progress 46531  
dimension of a school district or building, for which the 46532  
department shall use up to three years of value-added data as 46533  
available. 46534

(f) The value-added progress dimension score for a school 46535  
district or building disaggregated for each of the following 46536  
subgroups: students identified as gifted in superior cognitive 46537  
ability and specific academic ability fields under Chapter 3324. 46538  
of the Revised Code, students with disabilities, and students 46539  
whose performance places them in the lowest quintile for 46540  
achievement on a statewide basis. Each subgroup shall be a 46541  
separate graded measure. 46542

(g) Whether a school district or building is making 46543  
progress in improving literacy in grades kindergarten through 46544  
three, as determined using a method prescribed by the 46545  
department. The department shall adopt rules to prescribe 46546  
benchmarks and standards for assigning grades to districts and 46547  
buildings for purposes of division (B) (1) (g) of this section. In 46548  
adopting benchmarks for assigning letter grades under divisions 46549  
(B) (1) (g) and (C) (1) (g) of this section, the department shall 46550  
determine progress made based on the reduction in the total 46551

percentage of students scoring below grade level, or below 46552  
proficient, compared from year to year on the reading ~~and~~ 46553  
~~writing~~ diagnostic assessments administered under section 46554  
3301.0715 of the Revised Code and the third grade English 46555  
language arts assessment under section 3301.0710 of the Revised 46556  
Code, as applicable. The department shall designate for a "C" 46557  
grade a value that is not lower than the statewide average value 46558  
for this measure. No grade shall be issued under divisions (B) 46559  
(1) (g) and (C) (1) (g) of this section for a district or building 46560  
in which less than five per cent of students have scored below 46561  
grade level on the diagnostic assessment administered to 46562  
students in kindergarten under division (B) (1) of section 46563  
3313.608 of the Revised Code. 46564

(h) For a high mobility school district or building, an 46565  
additional value-added progress dimension score. For this 46566  
measure, the department shall use value-added data from the most 46567  
recent school year available and shall use assessment scores for 46568  
only those students to whom the district or building has 46569  
administered the assessments prescribed by section 3301.0710 of 46570  
the Revised Code for each of the two most recent consecutive 46571  
school years. 46572

As used in this division, "high mobility school district 46573  
or building" means a school district or building where at least 46574  
twenty-five per cent of its total enrollment is made up of 46575  
students who have attended that school district or building for 46576  
less than one year. 46577

(2) In addition to the graded measures in division (B) (1) 46578  
of this section, the department shall include on a school 46579  
district's or building's report card all of the following 46580  
without an assigned letter grade: 46581

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate

examinations. 46612

(f) The percentage of the district's or building's 46613  
students who receive an honors diploma under division (B) of 46614  
section 3313.61 of the Revised Code. 46615

(3) The department shall adopt rules in accordance with 46616  
Chapter 119. of the Revised Code that prescribe the methods by 46617  
which the performance measures under divisions (B) (1) (f) and (B) 46618  
(1) (g) of this section will be assessed and assigned a letter 46619  
grade, including performance benchmarks for each grade. 46620

At least forty-five days prior to the department's 46621  
adoption of rules to prescribe the methods by which the 46622  
performance measures under division (B) (1) of this section shall 46623  
be assessed and assigned a letter grade, the department shall 46624  
conduct a public presentation before the standing committees of 46625  
the house of representatives and the senate that consider 46626  
education legislation describing such methods, including 46627  
performance benchmarks. 46628

(4) There shall not be an overall letter grade for a 46629  
school district or building for the 2013-2014, 2014-2015, 2015- 46630  
2016, and 2016-2017 school years. 46631

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 46632  
2018-2019, 2019-2020, and 2020-2021 school years, the department 46633  
shall issue grades as described in division (F) of this section 46634  
for each of the performance measures prescribed in division (C) 46635  
(1) of this section. The graded measures are as follows: 46636

(a) Annual measurable objectives. For the 2017-2018 school 46637  
year, the department shall not include any subgroup data in the 46638  
annual measurable objectives that includes data from fewer than 46639  
twenty-five students. For the 2018-2019 school year, the 46640



department shall not include any subgroup data in the annual 46641  
measurable objectives that includes data from fewer than twenty 46642  
students. Beginning with the 2019-2020 school year, the 46643  
department shall not include any subgroup data in the annual 46644  
measurable objectives that includes data from fewer than fifteen 46645  
students. 46646

(b) Performance index score for a school district or 46647  
building. Grades shall be awarded as a percentage of the total 46648  
possible points on the performance index system as created by 46649  
the department. In adopting benchmarks for assigning letter 46650  
grades under division (C) (1) (b) of this section, the department 46651  
shall designate ninety per cent or higher for an "A," at least 46652  
seventy per cent but not more than eighty per cent for a "C," 46653  
and less than fifty per cent for an "F." 46654

(c) The extent to which the school district or building 46655  
meets each of the applicable performance indicators established 46656  
by the department under section 3302.03 of the Revised Code and 46657  
the percentage of applicable performance indicators that have 46658  
been achieved. In adopting benchmarks for assigning letter 46659  
grades under division (C) (1) (c) of this section, the department 46660  
shall designate ninety per cent or higher for an "A." 46661

(d) The four- and five-year adjusted cohort graduation 46662  
rates; 46663

(e) The overall score under the value-added progress 46664  
dimension, or another measure of student academic progress if 46665  
adopted by the department, of a school district or building, for 46666  
which the department shall use up to three years of value-added 46667  
data as available. 46668

In adopting benchmarks for assigning letter grades for 46669

overall score on value-added progress dimension under division 46670  
(C) (1) (e) of this section, the department shall prohibit the 46671  
assigning of a grade of "A" for that measure unless the 46672  
district's or building's grade assigned for value-added progress 46673  
dimension for all subgroups under division (C) (1) (f) of this 46674  
section is a "C" or higher. 46675

For the metric prescribed by division (C) (1) (e) of this 46676  
section, the department may adopt a student academic progress 46677  
measure to be used instead of the value-added progress 46678  
dimension. If the department adopts such a measure, it also 46679  
shall prescribe a method for assigning letter grades for the new 46680  
measure that is comparable to the method prescribed in division 46681  
(A) (1) (e) of this section. 46682

(f) The value-added progress dimension score of a school 46683  
district or building disaggregated for each of the following 46684  
subgroups: students identified as gifted in superior cognitive 46685  
ability and specific academic ability fields under Chapter 3324. 46686  
of the Revised Code, students with disabilities, and students 46687  
whose performance places them in the lowest quintile for 46688  
achievement on a statewide basis, as determined by a method 46689  
prescribed by the department. Each subgroup shall be a separate 46690  
graded measure. 46691

The department may adopt student academic progress 46692  
measures to be used instead of the value-added progress 46693  
dimension. If the department adopts such measures, it also shall 46694  
prescribe a method for assigning letter grades for the new 46695  
measures that is comparable to the method prescribed in division 46696  
(A) (1) (e) of this section. 46697

(g) Whether a school district or building is making 46698  
progress in improving literacy in grades kindergarten through 46699

three, as determined using a method prescribed by the 46700  
department. The department shall adopt rules to prescribe 46701  
benchmarks and standards for assigning grades to a district or 46702  
building for purposes of division (C) (1) (g) of this section. The 46703  
department shall designate for a "C" grade a value that is not 46704  
lower than the statewide average value for this measure. No 46705  
grade shall be issued under division (C) (1) (g) of this section 46706  
for a district or building in which less than five per cent of 46707  
students have scored below grade level on the kindergarten 46708  
diagnostic assessment under division (B) (1) of section 3313.608 46709  
of the Revised Code. 46710

(h) For a high mobility school district or building, an 46711  
additional value-added progress dimension score. For this 46712  
measure, the department shall use value-added data from the most 46713  
recent school year available and shall use assessment scores for 46714  
only those students to whom the district or building has 46715  
administered the assessments prescribed by section 3301.0710 of 46716  
the Revised Code for each of the two most recent consecutive 46717  
school years. 46718

As used in this division, "high mobility school district 46719  
or building" means a school district or building where at least 46720  
twenty-five per cent of its total enrollment is made up of 46721  
students who have attended that school district or building for 46722  
less than one year. 46723

(2) In addition to the graded measures in division (C) (1) 46724  
of this section, the department shall include on a school 46725  
district's or building's report card all of the following 46726  
without an assigned letter grade: 46727

(a) The percentage of students enrolled in a district or 46728  
building who have taken a national standardized test used for 46729

college admission determinations and the percentage of those 46730  
students who are determined to be remediation-free in accordance 46731  
with the standards adopted under division (F) of section 46732  
3345.061 of the Revised Code; 46733

(b) The percentage of students enrolled in a district or 46734  
building participating in advanced placement classes and the 46735  
percentage of those students who received a score of three or 46736  
better on advanced placement examinations; 46737

(c) The percentage of a district's or building's students 46738  
who have earned at least three college credits through advanced 46739  
standing programs, such as the college credit plus program under 46740  
Chapter 3365. of the Revised Code and state-approved career- 46741  
technical courses offered through dual enrollment or statewide 46742  
articulation, that appear on a student's college transcript 46743  
issued by the institution of higher education from which the 46744  
student earned the college credit. The credits earned that are 46745  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 46746  
shall not include any that are remedial or developmental and 46747  
shall include those that count toward the curriculum 46748  
requirements established for completion of a degree. 46749

(d) The percentage of the district's or building's 46750  
students who receive an honor's diploma under division (B) of 46751  
section 3313.61 of the Revised Code; 46752

(e) The percentage of the district's or building's 46753  
students who receive industry-recognized credentials as approved 46754  
under section 3313.6113 of the Revised Code; 46755

(f) The percentage of students enrolled in a district or 46756  
building who are participating in an international baccalaureate 46757  
program and the percentage of those students who receive a score 46758

of four or better on the international baccalaureate 46759  
examinations; 46760

(g) The results of the college and career-ready 46761  
assessments administered under division (B)(1) of section 46762  
3301.0712 of the Revised Code; 46763

(h) Whether the school district or building has 46764  
implemented a positive behavior intervention and supports 46765  
framework in compliance with the requirements of section 3319.46 46766  
of the Revised Code, notated as a "yes" or "no" answer. 46767

(3) The department shall adopt rules pursuant to Chapter 46768  
119. of the Revised Code that establish a method to assign an 46769  
overall grade for a school district or school building for the 46770  
2017-2018 school year and each school year thereafter. The rules 46771  
shall group the performance measures in divisions (C)(1) and (2) 46772  
of this section into the following components: 46773

(a) Gap closing, which shall include the performance 46774  
measure in division (C)(1)(a) of this section; 46775

(b) Achievement, which shall include the performance 46776  
measures in divisions (C)(1)(b) and (c) of this section; 46777

(c) Progress, which shall include the performance measures 46778  
in divisions (C)(1)(e) and (f) of this section; 46779

(d) Graduation, which shall include the performance 46780  
measure in division (C)(1)(d) of this section; 46781

(e) Kindergarten through third-grade literacy, which shall 46782  
include the performance measure in division (C)(1)(g) of this 46783  
section; 46784

(f) Prepared for success, which shall include the 46785  
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 46786

and (f) of this section. The department shall develop a method 46787  
to determine a grade for the component in division (C)(3)(f) of 46788  
this section using the performance measures in divisions (C)(2) 46789  
(a), (b), (c), (d), (e), and (f) of this section. When 46790  
available, the department may incorporate the performance 46791  
measure under division (C)(2)(g) of this section into the 46792  
component under division (C)(3)(f) of this section. When 46793  
determining the overall grade for the prepared for success 46794  
component prescribed by division (C)(3)(f) of this section, no 46795  
individual student shall be counted in more than one performance 46796  
measure. However, if a student qualifies for more than one 46797  
performance measure in the component, the department may, in its 46798  
method to determine a grade for the component, specify an 46799  
additional weight for such a student that is not greater than or 46800  
equal to 1.0. In determining the overall score under division 46801  
(C)(3)(f) of this section, the department shall ensure that the 46802  
pool of students included in the performance measures aggregated 46803  
under that division are all of the students included in the 46804  
four- and five-year adjusted graduation cohort. 46805

In the rules adopted under division (C)(3) of this 46806  
section, the department shall adopt a method for determining a 46807  
grade for each component in divisions (C)(3)(a) to (f) of this 46808  
section. The department also shall establish a method to assign 46809  
an overall grade of "A," "B," "C," "D," or "F" using the grades 46810  
assigned for each component. The method the department adopts 46811  
for assigning an overall grade shall give equal weight to the 46812  
components in divisions (C)(3)(b) and (c) of this section. 46813

At least forty-five days prior to the department's 46814  
adoption of rules to prescribe the methods for calculating the 46815  
overall grade for the report card, as required by this division, 46816  
the department shall conduct a public presentation before the 46817

standing committees of the house of representatives and the 46818  
senate that consider education legislation describing the format 46819  
for the report card, weights that will be assigned to the 46820  
components of the overall grade, and the method for calculating 46821  
the overall grade. 46822

(D) For the 2021-2022 school year and each school year 46823  
thereafter, all of the following apply: 46824

(1) The department shall include on a school district's or 46825  
building's report card all of the following performance measures 46826  
without an assigned performance rating: 46827

(a) Whether the district or building meets the gifted 46828  
performance indicator under division (A) (2) of section 3302.02 46829  
of the Revised Code and the extent to which the district or 46830  
building meets gifted indicator performance benchmarks; 46831

(b) The extent to which the district or building meets the 46832  
chronic absenteeism indicator under division (A) (3) of section 46833  
3302.02 of the Revised Code; 46834

(c) Performance index score percentage for a district or 46835  
building, which shall be calculated by dividing the district's 46836  
or building's performance index score according to the 46837  
performance index system created by the department by the 46838  
maximum performance index score for a district or building. The 46839  
maximum performance index score shall be as follows: 46840

(i) For a building, the average of the highest two per 46841  
cent of performance index scores achieved by a building for the 46842  
school year for which a report card is issued; 46843

(ii) For a district, the average of the highest two per 46844  
cent of performance index scores achieved by a district for the 46845  
school year for which a report card is issued. 46846

(d) The overall score under the value-added progress 46847  
dimension of a district or building, for which the department 46848  
shall use three consecutive years of value-added data. In using 46849  
three years of value-added data to calculate the measure 46850  
prescribed under division (D)(1)(d) of this section, the 46851  
department shall assign a weight of fifty per cent to the most 46852  
recent year's data and a weight of twenty-five per cent to the 46853  
data of each of the other years. However, if three consecutive 46854  
years of value-added data is not available, the department shall 46855  
use prior years of value-added data to calculate the measure, as 46856  
follows: 46857

(i) If two consecutive years of value-added data is not 46858  
available, the department shall use one year of value-added data 46859  
to calculate the measure. 46860

(ii) If two consecutive years of value-added data is 46861  
available, the department shall use two consecutive years of 46862  
value-added data to calculate the measure. In using two years of 46863  
value-added data to calculate the measure, the department shall 46864  
assign a weight of sixty-seven per cent to the most recent 46865  
year's data and a weight of thirty-three per cent to the data of 46866  
the other year. 46867

(e) The four-year adjusted cohort graduation rate. 46868

(f) The five-year adjusted cohort graduation rate. 46869

(g) The percentage of students in the district or building 46870  
who score proficient or higher on the reading segment of the 46871  
third grade English language arts assessment under section 46872  
3301.0710 of the Revised Code. 46873

To the extent possible, the department shall include the 46874  
results of the summer administration of the third grade reading 46875



assessment under section 3301.0710 of the Revised Code in the 46876  
performance measures prescribed under divisions (D) (1) (g) and 46877  
(h) of this section. 46878

(h) Whether a district or building is making progress in 46879  
improving literacy in grades kindergarten through three, as 46880  
determined using a method prescribed by the department. The 46881  
method shall determine progress made based on the reduction in 46882  
the total percentage of students scoring below grade level, or 46883  
below proficient, compared from year to year on the reading 46884  
segments of the diagnostic assessments administered under\_ 46885  
division (A) (1) of section 3301.0715 of the Revised Code, 46886  
~~including the kindergarten readiness assessment,~~ and the third 46887  
grade English language arts assessment under section 3301.0710 46888  
of the Revised Code, as applicable. The method shall not include 46889  
a deduction for students who did not pass the third grade 46890  
English language arts assessment under section 3301.0710 of the 46891  
Revised Code and were not on a reading improvement and 46892  
monitoring plan. 46893

The performance measure prescribed under division (D) (1) 46894  
(h) of this section shall not be included on the report card of 46895  
a district or building in which less than ten per cent of 46896  
students have scored below grade level on the diagnostic 46897  
assessment administered to students in kindergarten under 46898  
division (B) (1) of section 3313.608 of the Revised Code. 46899

(i) The percentage of students in a district or building 46900  
who are promoted to the fourth grade ~~and not subject to~~ 46901  
~~retention under division (A) (2) of section 3313.608 of the~~ 46902  
~~Revised Code~~ based on the student's score on the third grade 46903  
English language arts assessment under division (A) (3) of 46904  
section 3301.0710 of the Revised Code or demonstrate competency 46905

on an alternative assessment under division (A) (2) (c) of section 46906  
3313.608 of the Revised Code; 46907

(j) A post-secondary readiness measure. This measure shall 46908  
be calculated by dividing the number of students included in the 46909  
four-year adjusted graduation rate cohort who demonstrate post- 46910  
secondary readiness by the total number of students included in 46911  
the denominator of the four-year adjusted graduation rate 46912  
cohort. Demonstration of post-secondary readiness shall include 46913  
a student doing any of the following: 46914

(i) Attaining a remediation-free score, in accordance with 46915  
standards adopted under division (F) of section 3345.061 of the 46916  
Revised Code, on a nationally standardized assessment prescribed 46917  
under division (B) (1) of section 3301.0712 of the Revised Code; 46918

(ii) Attaining required scores on three or more advanced 46919  
placement, college-level examination program, or international 46920  
baccalaureate examinations. The required score for an advanced 46921  
placement examination shall be a three or better. The required 46922  
score for a college-level examination program examination shall 46923  
be a passing score, as determined by the department. The 46924  
required score for an international baccalaureate examination 46925  
shall be a four or better. A student may satisfy this condition 46926  
with any combination of advanced placement, college-level 46927  
examination program, or international baccalaureate 46928  
examinations. 46929

(iii) Earning at least twelve college credits through 46930  
advanced standing programs, such as the college credit plus 46931  
program under Chapter 3365. of the Revised Code, an early 46932  
college high school program under section 3313.6013 of the 46933  
Revised Code, and state-approved career-technical courses 46934  
offered through dual enrollment or statewide articulation, that 46935

appear on a student's college transcript issued by the 46936  
institution of higher education from which the student earned 46937  
the college credit. Earned credits reported under division (D) 46938  
(1)(j)(iii) of this section shall include credits that count 46939  
toward the curriculum requirements established for completion of 46940  
a degree, but shall not include any remedial or developmental 46941  
credits. 46942

(iv) Meeting the additional criteria for an honors diploma 46943  
under division (B) of section 3313.61 of the Revised Code; 46944

(v) Earning an industry-recognized credential or license 46945  
issued by a state agency or board for practice in a vocation 46946  
that requires an examination for issuance of that license 46947  
approved under section 3313.6113 of the Revised Code; 46948

(vi) Satisfying any of the following conditions: 46949

(I) Completing a pre-apprenticeship aligned with options 46950  
established under section 3313.904 of the Revised Code in the 46951  
student's chosen career field; 46952

(II) Completing an apprenticeship registered with the 46953  
apprenticeship council established under section 4139.02 of the 46954  
Revised Code in the student's chosen career field; 46955

(III) Providing evidence of acceptance into an 46956  
apprenticeship program after high school that is restricted to 46957  
participants eighteen years of age or older. 46958

(vii) Earning a cumulative score of proficient or higher 46959  
on three or more state technical assessments aligned with 46960  
section 3313.903 of the Revised Code in a single career pathway; 46961

(viii) Earning an OhioMeansJobs-readiness seal established 46962  
under section 3313.6112 of the Revised Code and completing two 46963

hundred fifty hours of an internship or other work-based 46964  
learning experience that is either: 46965

(I) Approved by the business advisory council established 46966  
under section 3313.82 of the Revised Code that represents the 46967  
student's district; or 46968

(II) Aligned to the career-technical education pathway 46969  
approved by the department in which the student is enrolled. 46970

(ix) Providing evidence that the student has enlisted in a 46971  
branch of the armed services of the United States as defined in 46972  
section 5910.01 of the Revised Code. 46973

A student who satisfies more than one of the conditions 46974  
prescribed under this division shall be counted as one student 46975  
for the purposes of calculating the measure prescribed under 46976  
division (D) (1) (j) of this section. 46977

(2) In addition to the performance measures under division 46978  
(D) (1) of this section, the department shall report on a 46979  
district's or building's report card all of the following data 46980  
without an assigned performance rating: 46981

(a) The applicable performance indicators established by 46982  
the department under division (A) (1) of section 3302.02 of the 46983  
Revised Code; 46984

(b) The overall score under the value-added progress 46985  
dimension of a district or building for the most recent school 46986  
year; 46987

(c) A composite of the overall scores under the value- 46988  
added progress dimension of a district or building for the 46989  
previous three school years or, if only two years of value-added 46990  
data are available, for the previous two years; 46991

(d) The percentage of students included in the four- and 46992  
five-year adjusted cohort graduation rates of a district or 46993  
building who did not receive a high school diploma under section 46994  
3313.61 or 3325.08 of the Revised Code. To the extent possible, 46995  
the department shall disaggregate that data according to the 46996  
following categories: 46997

(i) Students who are still enrolled in the district or 46998  
building and receiving general education services; 46999

(ii) Students with an individualized education program, as 47000  
defined in section 3323.01 of the Revised Code, who satisfied 47001  
the conditions for a high school diploma under section 3313.61 47002  
or 3325.08 of the Revised Code, but opted not to receive a 47003  
diploma and are still receiving education services; 47004

(iii) Students with an individualized education program 47005  
who have not yet satisfied conditions for a high school diploma 47006  
under section 3313.61 or 3325.08 of the Revised Code and who are 47007  
still receiving education services; 47008

(iv) Students who are no longer enrolled in any district 47009  
or building; 47010

(v) Students who, upon enrollment in the district or 47011  
building for the first time, had completed fewer units of high 47012  
school instruction required under section 3313.603 of the 47013  
Revised Code than other students in the four- or five-year 47014  
adjusted cohort graduation rate. 47015

The department may disaggregate the data prescribed under 47016  
division (D) (2) (d) of this section according to other categories 47017  
that the department determines are appropriate. 47018

~~(e) The results of the kindergarten diagnostic assessment 47019~~  
~~prescribed under division (D) of section 3301.079 of the Revised 47020~~

~~Code;~~ 47021

~~(f)~~ Post-graduate outcomes for students who were enrolled 47022  
in a district or building and received a high school diploma 47023  
under section 3313.61 or 3325.08 of the Revised Code in the 47024  
school year prior to the school year for which the report card 47025  
is issued, including the percentage of students who: 47026

(i) Enrolled in a post-secondary educational institution. 47027  
To the extent possible, the department shall disaggregate that 47028  
data according to whether the student enrolled in a four-year 47029  
institution of higher education, a two-year institution of 47030  
higher education, an Ohio technical center that provides adult 47031  
technical education services and is recognized by the chancellor 47032  
of higher education, or another type of post-secondary 47033  
educational institution. 47034

(ii) Entered an apprenticeship program registered with the 47035  
apprenticeship council established under Chapter 4139. of the 47036  
Revised Code. The department may include other job training 47037  
programs with similar rigor and outcomes. 47038

(iii) Attained gainful employment, as determined by the 47039  
department; 47040

(iv) Enlisted in a branch of the armed forces of the 47041  
United States, as defined in section 5910.01 of the Revised 47042  
Code. 47043

~~(g)~~ (f) Whether the school district or building has 47044  
implemented a positive behavior intervention and supports 47045  
framework in compliance with the requirements of section 3319.46 47046  
of the Revised Code, notated with a "yes" or "no"; 47047

~~(h)~~ (g) The number and percentage of high school seniors in 47048  
each school year who completed the free application for federal 47049

student aid; 47050

~~(i)~~ (h) Beginning with the report card issued under this 47051  
section for the 2022-2023 school year, a student opportunity 47052  
profile measure that reports data regarding the opportunities 47053  
provided to students by a district or building. To the extent 47054  
possible, and when appropriate, the data shall be disaggregated 47055  
by grade level and subgroup. The measure also shall include data 47056  
regarding the statewide average, the average for similar school 47057  
districts, and, for a building, the average for the district in 47058  
which the building is located. The measure shall include all of 47059  
the following data for the district or building: 47060

(i) The average ratio of teachers of record to students in 47061  
each grade level in a district or building; 47062

(ii) The average ratio of school counselors to students in 47063  
a district or building; 47064

(iii) The average ratio of nurses to students in a 47065  
district or building; 47066

(iv) The average ratio of licensed librarians and library 47067  
media specialists to students in a district or building; 47068

(v) The average ratio of social workers to students in a 47069  
district or building; 47070

(vi) The average ratio of mental health professionals to 47071  
students in a district or building; 47072

(vii) The average ratio of paraprofessionals to students 47073  
in a district or building; 47074

(viii) The percentage of teachers with fewer than three 47075  
years of experience teaching in any school; 47076

(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	47077 47078
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	47079 47080
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	47081 47082 47083
(xii) The percentage of students enrolled in a performing or visual arts course;	47084 47085
(xiii) The percentage of students enrolled in a physical education or wellness course;	47086 47087
(xiv) The percentage of students enrolled in a world language course;	47088 47089
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	47090 47091
(xvi) The percentage of students participating in one or more cocurricular activities;	47092 47093
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	47094 47095 47096 47097
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	47098 47099 47100 47101
(xix) The percentage of students participating in enrichment or support programs offered by the district or	47102 47103



building outside of the normal school day; 47104

(xx) The percentage of eligible students participating 47105  
each school day in school breakfast programs offered by the 47106  
district or building in accordance with section 3313.813 or 47107  
3313.818 of the Revised Code; 47108

(xxi) The percentage of students who are transported by a 47109  
school bus each school day; 47110

(xxii) The ratio of portable technology devices that 47111  
students may take home to the number of students. 47112

The department shall include only opportunity measures at 47113  
the building level for which data for buildings is available, as 47114  
determined by a school district. 47115

~~(j)-(i)~~ (i) (i) The percentage of students included in the 47116  
four- and five-year adjusted cohort graduation rates of the 47117  
district or building who completed all of grades nine through 47118  
twelve while enrolled in the district or building; 47119

(ii) The four-year adjusted cohort graduation rate for 47120  
only those students who were continuously enrolled in the same 47121  
district or building for grades nine through twelve. 47122

~~(k)~~ (j) Whether the district or building provides 47123  
information about and promotes the college credit plus program 47124  
established under Chapter 3365. of the Revised Code to students 47125  
in accordance with section 3365.04 of the Revised Code, notated 47126  
with a "yes" or "no"; 47127

~~(l)~~ (k) The percentage of students in the district or 47128  
building to whom both of the following apply: 47129

(i) The students are promoted to fourth grade and not 47130  
subject to retention under division (A) (2) of section 3313.608 47131

of the Revised Code. 47132

(ii) The students completed all of the grade levels 47133  
offered prior to the fourth grade in the district or building. 47134

(3) Except as provided in division (D) (3) (f) of this 47135  
section, the department shall use the method prescribed under 47136  
rules adopted under division (D) (4) of this section to assign 47137  
performance ratings of "one star," "two stars," "three stars," 47138  
"four stars," or "five stars," as described in division (F) of 47139  
this section, for a district or building for the individual 47140  
components prescribed under division (D) (3) of this section. The 47141  
department also shall assign an overall performance rating for a 47142  
district or building in accordance with division (D) (3) (g) of 47143  
this section. The method shall use the performance measures 47144  
prescribed under division (D) (1) of this section to calculate 47145  
performance ratings for components. The method may report data 47146  
under division (D) (2) of this section with corresponding 47147  
components, but shall not use the data to calculate performance 47148  
ratings for that component. The performance measures and 47149  
reported data shall be grouped together into components as 47150  
follows: 47151

(a) Gap closing. In addition to other criteria determined 47152  
appropriate by the department, performance ratings for the gap 47153  
closing component shall reflect whether each of the following 47154  
performance measures are met or not met: 47155

(i) The gifted performance indicator as described in 47156  
division (D) (1) (a) of this section; 47157

(ii) The chronic absenteeism indicator as described in 47158  
division (D) (1) (b) of this section; 47159

(iii) For English learners, an English language 47160

proficiency improvement indicator established by the department; 47161

(iv) The subgroup graduation targets; 47162

(v) The subgroup achievement targets in both mathematics 47163  
and English language arts; 47164

(vi) The subgroup progress targets in both mathematics and 47165  
English language arts. 47166

Achievement and progress targets under division (D) (3) (a) 47167  
of this section shall be calculated individually, and districts 47168  
and buildings shall receive a status of met or not met on each 47169  
measure. The department shall not require a subgroup of a 47170  
district or building to meet both the achievement and progress 47171  
targets at the same time to receive a status of met. 47172

The department shall not include any subgroup data in this 47173  
measure that includes data from fewer than fifteen students. Any 47174  
penalty for failing to meet the required assessment 47175  
participation rate must be partially in proportion to how close 47176  
the district or building was to meeting the rate requirement. 47177

(b) Achievement, which shall include the performance 47178  
measure in division (D) (1) (c) of this section and the reported 47179  
data in division (D) (2) (a) of this section. Performance ratings 47180  
for the achievement component shall be awarded as a percentage 47181  
of the maximum performance index score described in division (D) 47182  
(1) (c) of this section. 47183

(c) Progress, which shall include the performance measure 47184  
in division (D) (1) (d) of this section and the reported data in 47185  
divisions (D) (2) (b) and (c) of this section; 47186

(d) Graduation, which shall include the performance 47187  
measures in divisions (D) (1) (e) and (f) of this section and the 47188

reported data in divisions (D) (2) (d) and (j) of this section. 47189  
The four-year adjusted cohort graduation rate shall be assigned 47190  
a weight of sixty per cent and the five-year adjusted cohort 47191  
graduation rate shall be assigned a weight of forty per cent~~+~~. 47192

(e) Early literacy, which shall include the performance 47193  
measures in divisions (D) (1) (g), (h), and (i) of this section 47194  
and the reported data in ~~divisions (D) (2) (e) and (1)~~ division (D) 47195  
(2) (k) of this section. 47196

If the measure prescribed under division (D) (1) (h) of this 47197  
section is included in a report card, performance ratings for 47198  
the early literacy component shall give a weight of forty per 47199  
cent to the measure prescribed under division (D) (1) (g) of this 47200  
section, a weight of thirty-five per cent to the measure 47201  
prescribed under division (D) (1) (i) of this section, and a 47202  
weight of twenty-five per cent to the measure prescribed under 47203  
division (D) (1) (h) of this section. 47204

If the measure prescribed under division (D) (1) (h) of this 47205  
section is not included in a report card of a district or 47206  
building, performance ratings for the early literacy component 47207  
shall give a weight of sixty per cent to the measure prescribed 47208  
under division (D) (1) (g) of this section and a weight of forty 47209  
per cent to the measure prescribed under division (D) (1) (i) of 47210  
this section. 47211

(f) College, career, workforce, and military readiness, 47212  
which shall include the performance measure in division (D) (1) 47213  
(j) of this section and the reported data in division ~~(D) (2) (f)~~ 47214  
(D) (2) (e) of this section. 47215

For the 2021-2022, 2022-2023, and 2023-2024 school years, 47216  
the department only shall report the data for, and not assign a 47217

performance rating to, the college, career, workforce, and 47218  
military readiness component. The reported data shall include 47219  
the percentage of students who demonstrate post-secondary 47220  
readiness using any of the options described in division (D) (1) 47221  
(j) of this section. 47222

The department shall analyze the data included in the 47223  
performance measure prescribed in division (D) (1) (j) of this 47224  
section for the 2021-2022, 2022-2023, and 2023-2024 school 47225  
years. Using that data, the department shall develop and propose 47226  
rules for a method to assign a performance rating to the 47227  
college, career, workforce, and military readiness component 47228  
based on that measure. The method to assign a performance rating 47229  
shall not include a tiered structure or per student bonuses. The 47230  
rules shall specify that a district or building shall not 47231  
receive lower than a performance rating of three stars for the 47232  
component if the district's or building's performance on the 47233  
component meets or exceeds a level of improvement set by the 47234  
department. Notwithstanding division (D) (4) (b) of this section, 47235  
more than half of the total districts and buildings may earn a 47236  
performance rating of three stars on this component to account 47237  
for the districts and buildings that earned a performance rating 47238  
of three stars because they met or exceeded the level of 47239  
improvement set by the department. 47240

The department shall submit the rules to the joint 47241  
committee on agency rule review. The committee shall conduct at 47242  
least one public hearing on the proposed rules and approve or 47243  
disapprove the rules. If the committee approves the rules, the 47244  
department shall adopt the rules in accordance with Chapter 119. 47245  
of the Revised Code. If the rules are adopted, the department 47246  
shall assign a performance rating to the college, career, 47247  
workforce, and military readiness component under the rules 47248

beginning with the 2024-2025 school year, and for each school 47249  
year thereafter. If the committee disapproves the rules, the 47250  
component shall be included in the report card only as reported 47251  
data for the 2024-2025 school year, and each school year 47252  
thereafter. 47253

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 47254  
this section, beginning with the 2022-2023 school year, under 47255  
the method prescribed under rules adopted in division (D) (4) of 47256  
this section, the department shall use the performance ratings 47257  
assigned for the components prescribed in divisions (D) (3) (a) to 47258  
(e) of this section to determine and assign an overall 47259  
performance rating of "one star," "one and one-half stars," "two 47260  
stars," "two and one-half stars," "three stars," "three and one- 47261  
half stars," "four stars," "four and one-half stars," or "five 47262  
stars" for a district or building. The method shall give equal 47263  
weight to the components in divisions (D) (3) (b) and (c) of this 47264  
section. The method shall give equal weight to the components in 47265  
divisions (D) (3) (a), (d), and (e) of this section. The 47266  
individual weights of each of the components prescribed in 47267  
divisions (D) (3) (a), (d), and (e) of this section shall be equal 47268  
to one-half of the weight given to the component prescribed in 47269  
division (D) (3) (b) of this section. 47270

(ii) If the joint committee on agency rule review approves 47271  
the department's rules regarding the college, career, workforce, 47272  
and military readiness component as described in division (D) (3) 47273  
(f) of this section, for the 2024-2025 school year, and each 47274  
school year thereafter, the department's method shall use the 47275  
components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) 47276  
of this section to calculate the overall performance rating. The 47277  
method shall give equal weight to the components in divisions 47278  
(D) (3) (b) and (c) of this section. The method shall give equal 47279

weight to the components prescribed in divisions (D) (3) (a), (d), 47280  
(e), and (f) of this section. The individual weights of each of 47281  
the components prescribed in divisions (D) (3) (a), (d), (e), and 47282  
(f) of this section shall be equal to one-half the weight given 47283  
to the component prescribed in division (D) (3) (b) of this 47284  
section. 47285

If the joint committee on agency rule review disapproves 47286  
the department's rules regarding the college, career, workforce, 47287  
and military readiness component as described in division (D) (3) 47288  
(f) of this section, division (D) (3) (g) (ii) of this section does 47289  
not apply. 47290

(4) (a) The department shall adopt rules in accordance with 47291  
Chapter 119. of the Revised Code to establish the performance 47292  
criteria, benchmarks, and rating system necessary to implement 47293  
divisions (D) and (F) of this section, including the method for 47294  
the department to assign performance ratings under division (D) 47295  
(3) of this section. 47296

(b) In establishing the performance criteria, benchmarks, 47297  
and rating system, the department shall consult with stakeholder 47298  
groups and advocates that represent parents, community members, 47299  
students, business leaders, and educators from different school 47300  
typology regions. The department shall use data from prior 47301  
school years and simulations to ensure that there is meaningful 47302  
differentiation among districts and buildings across all 47303  
performance ratings and that, except as permitted in division 47304  
(D) (3) (f) of this section, more than half of all districts or 47305  
buildings do not earn the same performance rating in any 47306  
component or overall performance rating. 47307

(c) The department shall adopt the rules prescribed by 47308  
division (D) (4) of this section not later than March 31, 2022. 47309

However, the department shall notify districts and buildings of 47310  
the changes to the report card prescribed in law not later than 47311  
one week after September 30, 2021. 47312

(d) Prior to adopting or updating rules under division (D) 47313  
(4) of this section, the director of education and workforce and 47314  
the department shall conduct a public presentation before the 47315  
standing committees of the house of representatives and the 47316  
senate that consider primary and secondary education legislation 47317  
describing the format for the report card and the performance 47318  
criteria, benchmarks, and rating system, including the method to 47319  
assign performance ratings under division (D) (3) of this 47320  
section. 47321

(E) The department may develop a measure of student 47322  
academic progress for high school students using only data from 47323  
assessments in English language arts and mathematics. If the 47324  
department develops this measure, each school district and 47325  
applicable school building shall be assigned a separate letter 47326  
grade for it not sooner than the 2017-2018 school year. The 47327  
district's or building's grade for that measure shall not be 47328  
included in determining the district's or building's overall 47329  
letter grade. 47330

(F) (1) The letter grades assigned to a school district or 47331  
building under this section shall be as follows: 47332

(a) "A" for a district or school making excellent 47333  
progress; 47334

(b) "B" for a district or school making above average 47335  
progress; 47336

(c) "C" for a district or school making average progress; 47337

(d) "D" for a district or school making below average 47338



progress; 47339

(e) "F" for a district or school failing to meet minimum 47340  
progress. 47341

(2) For the overall performance rating under division (D) 47342  
(3) of this section, the department shall include a descriptor 47343  
for each performance rating as follows: 47344

(a) "Significantly exceeds state standards" for a 47345  
performance rating of five stars; 47346

(b) "Exceeds state standards" for a performance rating of 47347  
four stars or four and one-half stars; 47348

(c) "Meets state standards" for a performance rating of 47349  
three stars or three and one-half stars; 47350

(d) "Needs support to meet state standards" for a 47351  
performance rating of two stars or two and one-half stars; 47352

(e) "Needs significant support to meet state standards" 47353  
for a performance rating of one star or one and one-half stars. 47354

(3) For performance ratings for each component under 47355  
divisions (D) (3) (a) to (f) of this section, the department shall 47356  
include a description of each component and performance rating. 47357  
The description shall include component-specific context to each 47358  
performance rating earned, estimated comparisons to other school 47359  
districts and buildings if appropriate, and any other 47360  
information determined by the department. The descriptions shall 47361  
be not longer than twenty-five words in length when possible. In 47362  
addition to such descriptions, the department shall include the 47363  
descriptors in division (F) (2) of this section for component 47364  
performance ratings. 47365

(4) Each report card issued under this section shall 47366

include all of the following: 47367

(a) A graphic that depicts the performance ratings of a 47368  
district or school on a color scale. The color associated with a 47369  
performance rating of three stars shall be green and the color 47370  
associated with a performance rating of one star shall be red. 47371

(b) An arrow graphic that shows data trends for 47372  
performance ratings for school districts or buildings. The 47373  
department shall determine the data to be used for this graphic, 47374  
which shall include at least the three most recent years of 47375  
data. 47376

(c) A description regarding the weights that are assigned 47377  
to each component and used to determine an overall performance 47378  
rating, as prescribed under division (D) (3) (g) of this section, 47379  
which shall be included in the presentation of the overall 47380  
performance rating on each report card. 47381

(G) When reporting data on student achievement and 47382  
progress, the department shall disaggregate that data according 47383  
to the following categories: 47384

(1) Performance of students by grade-level; 47385

(2) Performance of students by race and ethnic group; 47386

(3) Performance of students by gender; 47387

(4) Performance of students grouped by those who have been 47388  
enrolled in a district or school for three or more years; 47389

(5) Performance of students grouped by those who have been 47390  
enrolled in a district or school for more than one year and less 47391  
than three years; 47392

(6) Performance of students grouped by those who have been 47393

enrolled in a district or school for one year or less; 47394

(7) Performance of students grouped by those who are 47395  
economically disadvantaged; 47396

(8) Performance of students grouped by those who are 47397  
enrolled in a conversion community school established under 47398  
Chapter 3314. of the Revised Code; 47399

(9) Performance of students grouped by those who are 47400  
classified as English learners; 47401

(10) Performance of students grouped by those who have 47402  
disabilities; 47403

(11) Performance of students grouped by those who are 47404  
classified as migrants; 47405

(12) Performance of students grouped by those who are 47406  
identified as gifted in superior cognitive ability and the 47407  
specific academic ability fields of reading and math pursuant to 47408  
Chapter 3324. of the Revised Code. In disaggregating specific 47409  
academic ability fields for gifted students, the department 47410  
shall use data for those students with specific academic ability 47411  
in math and reading. If any other academic field is assessed, 47412  
the department shall also include data for students with 47413  
specific academic ability in that field as well. 47414

(13) Performance of students grouped by those who perform 47415  
in the lowest quintile for achievement on a statewide basis, as 47416  
determined by a method prescribed by the department. 47417

The department may disaggregate data on student 47418  
performance according to other categories that the department 47419  
determines are appropriate. To the extent possible, the 47420  
department shall disaggregate data on student performance 47421

according to any combinations of two or more of the categories 47422  
listed in divisions (G) (1) to (13) of this section that it deems 47423  
relevant. 47424

In reporting data pursuant to division (G) of this 47425  
section, the department shall not include in the report cards 47426  
any data statistical in nature that is statistically unreliable 47427  
or that could result in the identification of individual 47428  
students. For this purpose, the department shall not report 47429  
student performance data for any group identified in division 47430  
(G) of this section that contains less than ten students. If the 47431  
department does not report student performance data for a group 47432  
because it contains less than ten students, the department shall 47433  
indicate on the report card that is why data was not reported. 47434

(H) The department may include with the report cards any 47435  
additional education and fiscal performance data it deems 47436  
valuable. 47437

(I) The department shall include on each report card a 47438  
list of additional information collected by the department that 47439  
is available regarding the district or building for which the 47440  
report card is issued. When available, such additional 47441  
information shall include student mobility data disaggregated by 47442  
race and socioeconomic status, college enrollment data, and the 47443  
reports prepared under section 3302.031 of the Revised Code. 47444

The department shall maintain a site on the world wide 47445  
web. The report card shall include the address of the site and 47446  
shall specify that such additional information is available to 47447  
the public at that site. The department shall also provide a 47448  
copy of each item on the list to the superintendent of each 47449  
school district. The district superintendent shall provide a 47450  
copy of any item on the list to anyone who requests it. 47451

(J) (1) (a) Except as provided in division (J) (1) (b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if ~~a majority of the students enrolled in the~~ conversion community school are enrolled in ~~is~~ a dropout prevention and recovery program ~~that is operated by the community school, as described in division (B) (1) of defined in section 3314.35~~ 3314.02 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and performance measures that are required under section 3314.017 of the Revised Code for any community school to which division (J) (1) (b) of this section applies. This addendum shall include, at a minimum, the data specified in divisions (C) (1) (a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a

copy of the lease or agreement with the department. 47483

(3) Any municipal school district, as defined in section 47484  
3311.71 of the Revised Code, that sponsors a community school 47485  
located within the district's territory, or that enters into an 47486  
agreement with a community school located within the district's 47487  
territory whereby the district and the community school endorse 47488  
each other's programs, may exercise either or both of the 47489  
following elections: 47490

(a) To have data regarding the academic performance of 47491  
students enrolled in that community school combined with 47492  
comparable data from the schools of the district for the purpose 47493  
of determining the performance of the district as a whole on the 47494  
district's report card; 47495

(b) To have the number of students attending that 47496  
community school noted separately on the district's report card. 47497

The election authorized under division (J) (3) (a) of this 47498  
section is subject to approval by the governing authority of the 47499  
community school. 47500

Any municipal school district that exercises an election 47501  
to combine or include data under division (J) (3) of this 47502  
section, by the first day of October of each year, shall file 47503  
with the department documentation indicating eligibility for 47504  
that election, as required by the department. 47505

(K) The department shall include on each report card the 47506  
percentage of teachers in the district or building who are 47507  
properly certified or licensed teachers, as defined in section 47508  
3319.074 of the Revised Code, and a comparison of that 47509  
percentage with the percentages of such teachers in similar 47510  
districts and buildings. 47511

(L) (1) In calculating English language arts, mathematics, 47512  
science, American history, or American government assessment 47513  
passage rates used to determine school district or building 47514  
performance under this section, the department shall include all 47515  
students taking an assessment with accommodation or to whom an 47516  
alternate assessment is administered pursuant to division (C) (1) 47517  
or (3) of section 3301.0711 of the Revised Code and all students 47518  
who take substitute examinations approved under division (B) (4) 47519  
of section 3301.0712 of the Revised Code in the subject areas of 47520  
science, American history and American government. 47521

(2) In calculating performance index scores, rates of 47522  
achievement on the performance indicators established by the 47523  
department under section 3302.02 of the Revised Code, and annual 47524  
measurable objectives for determining adequate yearly progress 47525  
for school districts and buildings under this section, the 47526  
department shall do all of the following: 47527

(a) Include for each district or building only those 47528  
students who are included in the ADM certified for the first 47529  
full school week of October and are continuously enrolled in the 47530  
district or building through the time of the spring 47531  
administration of any assessment prescribed by division (A) (1) 47532  
or (B) (1) of section 3301.0710 or division (B) of section 47533  
3301.0712 of the Revised Code that is administered to the 47534  
student's grade level; 47535

(b) Include cumulative totals from both the fall and 47536  
spring administrations of the third grade English language arts 47537  
achievement assessment and, to the extent possible, the summer 47538  
administration of that assessment; 47539

(c) Include for each district or building any English 47540  
learner in accordance with the department's plan, as approved by 47541

the United States secretary of education, to comply with the 47542  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 47543  
to 6339. 47544

As used in this section, "English learner" has the same 47545  
meaning as in section 3301.0731 of the Revised Code. 47546

(M) Beginning with the 2015-2016 school year and at least 47547  
once every three years thereafter, the department shall review 47548  
and may adjust the benchmarks for assigning letter grades or 47549  
performance ratings to the performance measures and components 47550  
prescribed under divisions (C) (3), (D), and (E) of this section. 47551

**Sec. 3302.034.** (A) The department of education and 47552  
workforce shall adopt and specify measures in addition to those 47553  
included on the report card issued under section 3302.03 of the 47554  
Revised Code. The measures adopted under this section shall be 47555  
reported separately, as specified under division (B) of this 47556  
section, for each school district, each building in a district, 47557  
each community school established under Chapter 3314., each STEM 47558  
school established under Chapter 3326., and each college- 47559  
preparatory boarding school established under Chapter 3328. of 47560  
the Revised Code. The measures shall include at least the 47561  
following: 47562

(1) Data for students who have passed over a grade or 47563  
subject area under an acceleration policy prescribed under 47564  
section 3324.10 of the Revised Code; 47565

(2) The number of students who are economically 47566  
disadvantaged as determined by the department; 47567

(3) The number of lead teachers employed by each district 47568  
and each building once the data is available through the 47569  
education management information system established under 47570



section 3301.0714 of the Revised Code; 47571

(4) The amount of students screened and identified as 47572  
gifted under Chapter 3324. of the Revised Code; 47573

(5) Postgraduate student outcome data ~~as described under~~ 47574  
~~division (E) (2) (d) (ii) of section 3314.017 of the Revised Code,~~ 47575  
including postsecondary credit earned, nationally recognized 47576  
career or technical certification, military enlistment, job 47577  
placement, and attendance rate; 47578

(6) Availability of courses in fine arts; 47579

(7) Participation with other school districts to provide 47580  
career-technical education services to students. 47581

(B) The department shall report this information annually 47582  
beginning with the 2013-2014 school year and make this 47583  
information available on its web site for comparison purposes. 47584

**Sec. 3302.131.** (A) Beginning with the 2025-2026 school 47585  
year and each school year thereafter, each school district or 47586  
community school in which fifty-one per cent or less of the 47587  
district's or school's students who took the third grade 47588  
mathematics assessment prescribed under section 3301.0710 of the 47589  
Revised Code for that school year attained at least a proficient 47590  
score on that assessment shall establish and submit to the 47591  
department of education and workforce a mathematics achievement 47592  
improvement plan. 47593

(B) The department shall establish guidelines prescribing 47594  
the content of and deadlines for mathematics achievement 47595  
improvement plans required under division (A) of this section. 47596  
The guidelines shall prescribe that each plan include, at a 47597  
minimum, an analysis of relevant student performance data, 47598  
measurable student performance goals, strategies to meet 47599

specific student needs, a staffing and professional development 47600  
plan, and instructional strategies for improving student 47601  
performance. 47602

(C) Beginning with the 2025-2026 school year and each 47603  
school year thereafter, any school district or community school 47604  
to which this section applies is no longer required to submit an 47605  
improvement plan pursuant to division (A) of this section when 47606  
not less than fifty-one per cent of the district's students who 47607  
took the third grade mathematics assessment prescribed under 47608  
section 3301.0710 of the Revised Code for that school year 47609  
attained at least a proficient score on that assessment. 47610

(D) The department shall post in a prominent location on 47611  
its web site all plans submitted pursuant to this section. 47612

(E) This section does not apply to a student that meets 47613  
either of the following conditions: 47614

(1) The student has an individualized education program 47615  
developed under Chapter 3323. of the Revised Code that includes 47616  
services related to a traumatic brain injury. 47617

(2) The student attends a dropout prevention and recovery 47618  
community school established under Chapter 3314. of the Revised 47619  
Code. 47620

**Sec. 3302.132.** (A) Beginning with the 2025-2026 school 47621  
year and each school year thereafter, for each student required 47622  
to be provided mathematics intervention services under section 47623  
3302.131 of the Revised Code, the district shall develop a 47624  
mathematics improvement and monitoring plan within sixty days 47625  
after receiving the student's results on the third grade 47626  
mathematics assessment prescribed under section 3301.0710 of the 47627  
Revised Code. The district shall involve the student's parent or 47628

guardian and classroom teacher in developing the plan. The plan 47629  
shall include all of the following: 47630

(1) Identification of the student's specific mathematics 47631  
deficiencies; 47632

(2) A description of the additional instructional services 47633  
and support that will be provided to the student to remediate 47634  
the identified mathematics deficiencies; 47635

(3) Opportunities for the student's parent or guardian to 47636  
be involved in the instructional services and support described 47637  
in division (A) (2) of this section; 47638

(4) A process for monitoring the extent to which the 47639  
student receives the instructional services and support 47640  
described in division (A) (2) of this section; 47641

(5) A mathematics curriculum during regular school hours 47642  
that does all of the following: 47643

(a) Assists students in mathematics at grade level; 47644

(b) Provides scientifically based and reliable assessment; 47645

(c) Provides initial and ongoing analysis of each 47646  
student's progress. 47647

(6) High-dosage tutoring opportunities aligned with the 47648  
student's classroom instruction through a state-approved vendor 47649  
on the list of high-quality tutoring vendors under section 47650  
3301.136 of the Revised Code or a locally approved opportunity 47651  
that aligns with high-dosage tutoring best practices. High- 47652  
dosage tutoring opportunities shall include additional 47653  
instruction time delivered at least three days per week, or at 47654  
least fifty hours over thirty-six weeks. 47655

(B) (1) The district shall continue to implement the plan 47656  
developed under division (A) of this section until the student 47657  
achieves the required level of skill in mathematics for the 47658  
student's current grade level. 47659

(2) The district shall report any information requested by 47660  
the department of education and workforce about the mathematics 47661  
improvement and monitoring plans developed under this section in 47662  
the manner required by the department. 47663

**Sec. 3302.20.** (A) The department of education and 47664  
workforce shall develop standards for determining, from the 47665  
existing data reported in accordance with sections 3301.0714 and 47666  
3314.17 of the Revised Code, the amount of annual operating 47667  
expenditures for classroom instructional purposes and for 47668  
nonclassroom purposes for each city, exempted village, local, 47669  
and joint vocational school district, each community school 47670  
established under Chapter 3314. that is not an internet- or 47671  
computer-based community school, each internet- or computer- 47672  
based community school, and each STEM school established under 47673  
Chapter 3326. of the Revised Code. In developing the standards, 47674  
the department shall adapt existing standards used by 47675  
professional organizations, research organizations, and other 47676  
state governments. The department also shall align the 47677  
expenditure categories required for reporting under the 47678  
standards with the categories that are required for reporting to 47679  
the United States department of education under federal law. 47680

(B) (1) The department shall categorize all city, exempted 47681  
village, and local school districts into not less than three nor 47682  
more than five groups based primarily on average daily student 47683  
enrollment as reported on the most recent report card issued for 47684  
each district under section 3302.03 of the Revised Code. 47685

(2) The department shall categorize all joint vocational school districts into not less than three nor more than five groups based primarily on enrolled ADM as that term is defined in section 3317.02 of the Revised Code rounded to the nearest whole number.

(3) The department shall categorize all community schools that are not internet- or computer-based community schools into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each community school under sections 3302.03 and 3314.012 of the Revised Code or, in the case of a school to which section 3314.017 of the Revised Code applies, on the total number of students reported under divisions (B)(1) and (2) of section 3314.08 of the Revised Code.

(4) The department shall categorize all internet- or computer-based community schools into a single category.

(5) The department shall categorize all STEM schools into a single category.

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:

(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;

(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;

(3) The average percentage for each of the categories of

districts and schools established under division (B) of this 47715  
section spent for classroom instructional purposes; 47716

(4) The ranking of each district, community school, or 47717  
STEM school within its respective category established under 47718  
division (B) of this section according to the following: 47719

(a) From highest to lowest percentage spent for classroom 47720  
instructional purposes; 47721

(b) From lowest to highest percentage spent for 47722  
noninstructional purposes. 47723

(5) The total operating expenditures per pupil for each 47724  
district, community school, and STEM school; 47725

(6) The total operating expenditure per equivalent pupils 47726  
for each district, community school, and STEM school. 47727

(D) In its display of rankings within each category under 47728  
division (C) (4) of this section, the department shall make the 47729  
following notations: 47730

(1) Within each category of city, exempted village, and 47731  
local school districts, the department shall denote each 47732  
district that is: 47733

(a) Among the twenty per cent of all city, exempted 47734  
village, and local school districts statewide with the lowest 47735  
total operating expenditure per equivalent pupils; 47736

(b) Among the twenty per cent of all city, exempted 47737  
village, and local school districts statewide with the highest 47738  
performance index scores. 47739

(2) Within each category of joint vocational school 47740  
districts, the department shall denote each district that is: 47741

(a) Among the twenty per cent of all joint vocational 47742  
school districts statewide with the lowest total operating 47743  
expenditure per equivalent pupils; 47744

(b) Among the twenty per cent of all joint vocational 47745  
school districts statewide with the highest report card scores 47746  
under section 3302.033 of the Revised Code. 47747

(3) Within each category of community schools that are not 47748  
internet- or computer-based community schools, the department 47749  
shall denote each school that is: 47750

(a) Among the twenty per cent of all such community 47751  
schools statewide with the lowest total operating expenditure 47752  
per equivalent pupils; 47753

(b) Among the twenty per cent of all such community 47754  
schools statewide with the highest performance index scores, 47755  
excluding such community schools to which section 3314.017 of 47756  
the Revised Code applies. 47757

(4) Within the category of internet- or computer-based 47758  
community schools, the department shall denote each school that 47759  
is: 47760

(a) Among the twenty per cent of all such community 47761  
schools statewide with the lowest total operating expenditure 47762  
per equivalent pupils; 47763

(b) Among the twenty per cent of all such community 47764  
schools statewide with the highest performance index scores, 47765  
excluding such community schools to which section 3314.017 of 47766  
the Revised Code applies. 47767

(5) Within the category of STEM schools, the department 47768  
shall denote each school that is: 47769

(a) Among the twenty per cent of all STEM schools 47770  
statewide with the lowest total operating expenditure per 47771  
equivalent pupils; 47772

(b) Among the twenty per cent of all STEM schools 47773  
statewide with the highest performance index scores. 47774

For purposes of divisions (D) (3) (b) and (4) (b) of this 47775  
section, the display shall note that, in accordance with section 47776  
3314.017 of the Revised Code, a performance index score is not 47777  
reported for some ~~community schools that serve primarily~~ 47778  
~~students enrolled in dropout prevention and recovery~~ 47779  
~~programs~~ community schools. 47780

(E) The department shall post in a prominent location on 47781  
its web site the information prescribed by divisions (C) and (D) 47782  
of this section. The department also shall include on each 47783  
district's, community school's, and STEM school's annual report 47784  
card issued under section 3302.03 or 3314.017 of the Revised 47785  
Code the respective information computed for the district or 47786  
school under divisions (C) (1) and (4) of this section, the 47787  
statewide information computed under division (C) (2) of this 47788  
section, and the information computed for the district's or 47789  
school's category under division (C) (3) of this section. 47790

(F) As used in this section: 47791

(1) "Internet- or computer-based community school" has the 47792  
same meaning as in section 3314.02 of the Revised Code. 47793

(2) A school district's, community school's, or STEM 47794  
school's performance index score rank is its performance index 47795  
score rank as computed under section 3302.21 of the Revised 47796  
Code. 47797

(3) "Expenditure per equivalent pupils" has the same 47798



meaning as in section 3302.26 of the Revised Code. 47799

(4) "Dropout prevention and recovery community school" has 47800  
the same meaning as in section 3314.02 of the Revised Code. 47801

**Sec. 3305.05.** (A) As used in this section and section 47802  
3305.051 of the Revised Code, "academic or administrative 47803  
employee" means any full-time employee not receiving any 47804  
benefit, allowance, or other payment granted on the employee's 47805  
account from a state retirement system who, before August 1, 47806  
2005, met one of the following requirements: 47807

(1) The employee was a member of the faculty of a public 47808  
institution of higher education. 47809

(2) The employee was a member of the administrative staff 47810  
of a public institution of higher education serving in a 47811  
position in the unclassified civil service pursuant to section 47812  
124.11 of the Revised Code. 47813

(3) If section 124.11 of the Revised Code did not apply to 47814  
the public institution of higher education, the employee was a 47815  
member of the administrative staff of a public institution of 47816  
higher education serving in a position comparable to a position 47817  
in the unclassified civil service. 47818

In all cases of doubt, the board of trustees of the public 47819  
institution of higher education shall determine whether any 47820  
person is an academic or administrative employee for purposes of 47821  
this chapter, and the board's decision shall be final. 47822

(B) (1) Each person who, on August 1, 2005, is an eligible 47823  
employee of a public institution of higher education and has 47824  
accrued less than five years of service credit in a state 47825  
retirement system may, not later than one hundred twenty days 47826  
after August 1, 2005, make an election to participate in an 47827

alternative retirement plan available at the employing public 47828  
institution, unless, prior to August 1, 2005, the person had an 47829  
opportunity pursuant to former section 3305.05 of the Revised 47830  
Code to make such an election as an academic or administrative 47831  
employee of that public institution of higher education. 47832

(2) An eligible employee whose employment with a public 47833  
institution of higher education commences on or after August 1, 47834  
2005, may, not later than one hundred twenty days after the 47835  
starting date of the employment, make an election to participate 47836  
in an alternative retirement plan available at the employing 47837  
public institution. 47838

(3) An eligible employee who, on or after August 1, 2005, 47839  
terminates employment at one public institution of higher 47840  
education and subsequently is employed by another public 47841  
institution of higher education in a position for which an 47842  
alternative retirement plan is available may, not later than one 47843  
hundred twenty days after the starting date of the employment, 47844  
elect to participate in an alternative retirement plan available 47845  
at that public institution. 47846

(C) (1) An eligible employee who makes an election to 47847  
participate in an alternative retirement plan under division (B) 47848  
of this section shall ~~submit~~make the election in writing and 47849  
sign the election. The public institution of higher education 47850  
employing the eligible employee may permit the employee to sign 47851  
the election by electronic signature. The employee shall submit 47852  
the election to the designated officer of the employee's 47853  
employing public institution of higher education. Once 47854  
submitted, the election is irrevocable while the eligible 47855  
employee continues to be employed by the public institution of 47856  
higher education. Not later than ten days after the election 47857

becomes irrevocable, the officer shall file a certified copy of 47858  
the election with the state retirement system to which, apart 47859  
from the election, the employee's employment would be subject. 47860

Each public institution of higher education that employs a 47861  
person eligible to make an election under division (B) of this 47862  
section shall notify, in writing, the state retirement system 47863  
that applies to that employment in the manner specified by that 47864  
state retirement system. The notice shall include the person's 47865  
name and address. The notice shall be given not later than ten 47866  
days after the first date the person is on the institution's 47867  
payroll. 47868

(2) Elections made under division (B) of this section take 47869  
effect as follows: 47870

(a) An election under division (B) (1) of this section is 47871  
effective as of the date on which the employee's election to 47872  
participate in the alternative retirement plan becomes 47873  
irrevocable. 47874

(b) An election under division (B) (2) or (3) of this 47875  
section is effective as of the electing employee's starting date 47876  
of employment. 47877

(3) An eligible employee's election under division (B) of 47878  
this section applies to the employee's employment in all 47879  
positions at that public institution, unless the employee 47880  
terminates employment at the public institution and does not 47881  
return to employment in any position at that public institution 47882  
for at least three hundred sixty-five days after the date of 47883  
termination. 47884

(4) An eligible employee who makes an election under 47885  
division (B) of this section is forever barred from claiming or 47886

purchasing service credit under any state retirement system for 47887  
the period of employment while the election is in effect. 47888

(D) (1) An eligible employee who fails to make an election 47889  
under division (B) of this section within the one-hundred-twenty 47890  
day election period shall be deemed to have elected to 47891  
participate in the state retirement system that applies to the 47892  
employee's employment. 47893

(2) An eligible employee who fails to make an election 47894  
under division (B) of this section shall not be permitted to 47895  
make an election for employment in any other position at the 47896  
public institution of higher education while employed at that 47897  
public institution, unless the employee terminates employment at 47898  
the public institution and does not return to employment in any 47899  
position at the public institution for at least three hundred 47900  
sixty-five days after the date of termination. 47901

**Sec. 3305.053.** (A) The board of trustees of a public 47902  
institution of higher education shall permit an employee who 47903  
makes an election under section 3305.05 or 3305.051 of the 47904  
Revised Code to do ~~all~~ both of the following: 47905

~~(A)~~ (1) Select, from among the providers that have entered 47906  
into an agreement with the public institution of higher 47907  
education under section 3305.04 of the Revised Code, the 47908  
provider of an investment option for that employee; 47909

~~(B)~~ (2) Subject to any terms and conditions established by 47910  
the public institution of higher education, change the provider 47911  
selected under division ~~(A)~~ (A) (1) of this section any time 47912  
during the plan year. 47913

(B) A public institution of higher education may allow an 47914  
employee who seeks to change the employee's provider under 47915

division (A) (2) of this section to sign a form to change 47916  
providers by electronic signature. 47917

(C) If under division ~~(B)~~ (A) (2) of this section an 47918  
employee changes providers, the employee may direct the provider 47919  
to transfer to the new provider the employee's account balance 47920  
either in whole or in part, as directed by the employee, except 47921  
that the provider is not required to immediately transfer any 47922  
part of the account invested at the employee's election in a 47923  
fixed annuity account if the contract with the employee under 47924  
which the investment was made permits the provider to make such 47925  
a transfer over a period of time not exceeding ten years and the 47926  
contract was filed with and approved by the department of 47927  
insurance pursuant to section 3911.011 of the Revised Code. 47928

**Sec. 3307.073.** (A) No person shall knowingly fail to file 47929  
a complete and accurate campaign finance statement or 47930  
independent expenditure statement in accordance with section 47931  
3307.072 of the Revised Code. 47932

(B) No person, during the course of a person seeking 47933  
nomination for, and during any campaign for, election to the 47934  
state teachers retirement board, shall knowingly and with intent 47935  
to affect the nomination or the outcome of the campaign do any 47936  
of the following by means of campaign materials, an 47937  
advertisement on radio or television or in a newspaper or 47938  
periodical, a public speech, press release, or otherwise: 47939

(1) With regard to a candidate, identify the candidate in 47940  
a manner that implies that the candidate is a member of the 47941  
board or use the term "re-elect" when the candidate is not 47942  
currently a member of the board; 47943

(2) Make a false statement concerning the formal schooling 47944

or training completed or attempted by a candidate; a degree, 47945  
diploma, certificate, scholarship, grant, award, prize, or honor 47946  
received, earned, or held by a candidate; or the period of time 47947  
during which a candidate attended any school, college, community 47948  
technical school, or institution; 47949

(3) Make a false statement concerning the professional, 47950  
occupational, or vocational licenses held by a candidate, or 47951  
concerning any position the candidate held for which the 47952  
candidate received a salary or wages; 47953

(4) Make a false statement that a candidate or board 47954  
member has been indicted or convicted of a theft offense, 47955  
extortion, or other crime involving financial corruption or 47956  
moral turpitude; 47957

(5) Make a statement that a candidate has been indicted 47958  
for any crime or has been the subject of a finding by the Ohio 47959  
elections commission, the secretary of state, or the Ohio 47960  
election integrity commission without disclosing the outcome of 47961  
any legal proceedings resulting from the indictment or finding; 47962

(6) Make a false statement that a candidate or board 47963  
member has a record of treatment or confinement for mental 47964  
disorder; 47965

(7) Make a false statement that a candidate or board 47966  
member has been subjected to military discipline for criminal 47967  
misconduct or dishonorably discharged from the armed services; 47968

(8) Falsely identify the source of a statement, issue 47969  
statements under the name of another person without 47970  
authorization, or falsely state the endorsement of or opposition 47971  
to a candidate by a person or publication; 47972

(9) Make a false statement concerning the voting record of 47973

a candidate or board member;

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(10) Post, publish, circulate, distribute, or otherwise  
disseminate a false statement concerning a candidate, either  
knowing the same to be false or with reckless disregard of  
whether it was false or not, if the statement is designed to  
promote the election, nomination, or defeat of the candidate.

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**Sec. 3307.074.** ~~The secretary of state, or any person~~  
~~acting on personal knowledge and subject to the penalties of~~  
~~perjury, may file a A complaint with the Ohio elections~~  
~~commission alleging a violation of section 3307.073 of the~~  
~~Revised Code may be filed in accordance with section 3517.16 of~~  
~~the Revised Code. The complaint shall be made on a form~~  
~~prescribed and provided by the commission.~~

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~~On receipt of a complaint under this section, the~~  
~~commission shall hold a hearing open to the public to determine~~  
~~whether the violation alleged in the complaint has occurred. The~~  
~~commission may administer oaths and issue subpoenas to any~~  
~~person in the state compelling the attendance of witnesses and~~  
~~the production of relevant papers, books, accounts, and reports.~~  
~~On the refusal of any person to obey a subpoena or to be sworn~~  
~~or to answer as a witness, the commission may apply to the court~~  
~~of common pleas of Franklin county under section 2705.03 of the~~  
~~Revised Code. The court shall hold contempt proceedings in~~  
~~accordance with Chapter 2705. of the Revised Code.~~

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~~The commission shall provide the person accused of the~~  
~~violation at least seven days prior notice of the time, date,~~  
~~and place of the hearing. The accused may be represented by an~~  
~~attorney and shall have an opportunity to present evidence, call~~  
~~witnesses, and cross-examine witnesses.~~

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~~At the hearing, the commission shall determine whether the violation alleged in the complaint has occurred. If the commission determines that a violation of division (A) of section 3307.073 of the Revised Code has occurred, the commission shall either impose a fine under section 3307.99 of the Revised Code or enter a finding that good cause has been shown not to impose the fine. If the commission determines that a violation of division (B) of section 3307.073 of the Revised Code has occurred, the commission shall impose the fine described in section 3307.99 of the Revised Code, refer the matter to the appropriate prosecutor, or enter a finding that good cause has been shown not to impose a fine or refer the matter to a prosecutor.~~

**Sec. 3307.27.** ~~The~~ (A) Except as provided in division (B) of this section, the contributions required under section 3307.26 of the Revised Code may be paid by the employer in accordance with division (h) of section 414 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 414(h), as amended.

(B) The contributions required under section 3307.26 of the Revised Code shall not be paid by a school district board of education on behalf of a contributor employed by the school district as a superintendent, but may be treated as paid by the school district board of education in accordance with division (h) of section 414 of the "Internal Revenue Code of 1986," 26 U.S.C. 414(h).

**Sec. 3307.99.** (A) Whoever violates division (A) of section 3307.073 of the Revised Code shall be fined not more than one hundred dollars for each day of the violation.

(B) Whoever violates division (B) of section 3307.073 of



the Revised Code shall be imprisoned for not more than six 48033  
months or fined not more than five thousand dollars, or both. 48034

~~(C) Fines imposed by the Ohio elections commission under 48035  
this section shall be paid into the Ohio elections commission 48036  
fund created under section 3513.10 of the Revised Code. 48037~~

**Sec. 3309.011.** (A) As used in this section, "child with a 48038  
disability," "individualized education program," and "school 48039  
district" have the same meanings as in section 3323.01 of the 48040  
Revised Code. 48041

(B) "Employee" as defined in division (B) of section 48042  
3309.01 of the Revised Code, does not include any of the 48043  
following: 48044

~~(A)~~ (1) Any person having a license or registration issued 48045  
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 48046  
employed in a public school in this state in an educational 48047  
position, as determined by the department of education and 48048  
workforce, under programs provided for by federal acts or 48049  
regulations and financed in whole or in part from federal funds, 48050  
but for which no licensure requirements for the position can be 48051  
made under the provisions of such federal acts or regulations; 48052

~~(B)~~ (2) Any person who participates in an alternative 48053  
retirement plan established under Chapter 3305. of the Revised 48054  
Code; 48055

~~(C)~~ (3) Any person who elects to transfer from the school 48056  
employees retirement system to the public employees retirement 48057  
system under section 3309.312 of the Revised Code; 48058

~~(D)~~ (4) Any person whose full-time employment by the 48059  
university of Akron as a state university law enforcement 48060  
officer pursuant to section 3345.04 of the Revised Code 48061

commences on or after September 16, 1998; 48062

~~(E)~~ (5) Any person described in division (B) of section 48063  
3309.013 of the Revised Code; 48064

~~(F)~~ (6) Any person described in division (D) of section 48065  
145.011 of the Revised Code; 48066

~~(G)~~ (7) Any person described in division (B) (1) (b) or (g) 48067  
of section 3307.01 of the Revised Code; 48068

(8) Any person who provides school health services to a 48069  
child with a disability under the child's individualized 48070  
education program and is employed and paid by an entity that has 48071  
contracted with a school district to provide those services. 48072

**Sec. 3309.073.** (A) No person shall knowingly fail to file 48073  
a complete and accurate campaign finance statement or 48074  
independent expenditure statement in accordance with section 48075  
3309.072 of the Revised Code. 48076

(B) No person, during the course of a person seeking 48077  
nomination for, and during any campaign for, election to the 48078  
school employees retirement board, shall knowingly and with 48079  
intent to affect the nomination or the outcome of the campaign 48080  
do any of the following by means of campaign materials, an 48081  
advertisement on radio or television or in a newspaper or 48082  
periodical, a public speech, press release, or otherwise: 48083

(1) With regard to a candidate, identify the candidate in 48084  
a manner that implies that the candidate is a member of the 48085  
board or use the term "re-elect" when the candidate is not 48086  
currently a member of the board; 48087

(2) Make a false statement concerning the formal schooling 48088  
or training completed or attempted by a candidate; a degree, 48089

diploma, certificate, scholarship, grant, award, prize, or honor 48090  
received, earned, or held by a candidate; or the period of time 48091  
during which a candidate attended any school, college, community 48092  
technical school, or institution; 48093

(3) Make a false statement concerning the professional, 48094  
occupational, or vocational licenses held by a candidate, or 48095  
concerning any position the candidate held for which the 48096  
candidate received a salary or wages; 48097

(4) Make a false statement that a candidate or board 48098  
member has been indicted or convicted of a theft offense, 48099  
extortion, or other crime involving financial corruption or 48100  
moral turpitude; 48101

(5) Make a statement that a candidate has been indicted 48102  
for any crime or has been the subject of a finding by the Ohio 48103  
elections commission, the secretary of state, or the Ohio 48104  
election integrity commission without disclosing the outcome of 48105  
any legal proceedings resulting from the indictment or finding; 48106

(6) Make a false statement that a candidate or board 48107  
member has a record of treatment or confinement for mental 48108  
disorder; 48109

(7) Make a false statement that a candidate or board 48110  
member has been subjected to military discipline for criminal 48111  
misconduct or dishonorably discharged from the armed services; 48112

(8) Falsely identify the source of a statement, issue 48113  
statements under the name of another person without 48114  
authorization, or falsely state the endorsement of or opposition 48115  
to a candidate by a person or publication; 48116

(9) Make a false statement concerning the voting record of 48117  
a candidate or board member; 48118

(10) Post, publish, circulate, distribute, or otherwise 48119  
disseminate a false statement concerning a candidate, either 48120  
knowing the same to be false or with reckless disregard of 48121  
whether it was false or not, if the statement is designed to 48122  
promote the election, nomination, or defeat of the candidate. 48123

**Sec. 3309.074.** ~~The secretary of state, or any person~~ 48124  
~~acting on personal knowledge and subject to the penalties of~~ 48125  
~~perjury, may file a~~ A ~~complaint with the Ohio elections~~ 48126  
~~commission~~ alleging a violation of section 3309.073 of the 48127  
Revised Code may be filed in accordance with section 3517.16 of 48128  
the Revised Code. ~~The complaint shall be made on a form~~ 48129  
~~prescribed and provided by the commission.~~ 48130

~~A complaint shall be filed not later than two years after~~ 48131  
~~the occurrence of the act or failure to act that is the subject~~ 48132  
~~of the complaint, except that if the act or failure to act~~ 48133  
~~involves fraud, concealment, or misrepresentation and was not~~ 48134  
~~discovered during that two-year period, a complaint may be filed~~ 48135  
~~not later than one year after discovery of the act or failure to~~ 48136  
~~act.~~ 48137

~~On receipt of a complaint under this section, the~~ 48138  
~~commission shall hold a hearing open to the public to determine~~ 48139  
~~whether the violation alleged in the complaint has occurred. The~~ 48140  
~~commission may administer oaths and issue subpoenas to any~~ 48141  
~~person in the state compelling the attendance of witnesses and~~ 48142  
~~the production of relevant papers, books, accounts, and reports.~~ 48143  
~~On the refusal of any person to obey a subpoena or to be sworn~~ 48144  
~~or to answer as a witness, the commission may apply to the court~~ 48145  
~~of common pleas of Franklin county under section 2705.03 of the~~ 48146  
~~Revised Code. The court shall hold contempt proceedings in~~ 48147  
~~accordance with Chapter 2705. of the Revised Code.~~ 48148

~~The commission shall provide the person accused of the~~ 48149  
~~violation at least seven days prior notice of the time, date,~~ 48150  
~~and place of the hearing. The accused may be represented by an~~ 48151  
~~attorney and shall have an opportunity to present evidence, call~~ 48152  
~~witnesses, and cross-examine witnesses.~~ 48153

~~At the hearing, the commission shall determine whether the~~ 48154  
~~violation alleged in the complaint has occurred. If the~~ 48155  
~~commission determines that a violation of division (A) of~~ 48156  
~~section 3309.073 of the Revised Code has occurred, the~~ 48157  
~~commission shall either impose a fine under section 3309.99 of~~ 48158  
~~the Revised Code or enter a finding that good cause has been~~ 48159  
~~shown not to impose the fine. If the commission determines that~~ 48160  
~~a violation of division (B) of section 3309.073 of the Revised~~ 48161  
~~Code has occurred, the commission shall impose the fine~~ 48162  
~~described in section 3309.99 of the Revised Code, refer the~~ 48163  
~~matter to the appropriate prosecutor, or enter a finding that~~ 48164  
~~good cause has been shown to not impose a fine or refer the~~ 48165  
~~matter to the appropriate prosecutor.~~ 48166

**Sec. 3309.47.** Each school employees retirement system 48167  
contributor shall contribute eight per cent of the contributor's 48168  
compensation to the employees' savings fund, except that the 48169  
school employees retirement board may raise the contribution 48170  
rate to a rate not greater than ten per cent of compensation. 48171

The contributions required under this section shall not be 48172  
paid by a school district board of education on behalf of a 48173  
contributor employed by the school district as a treasurer, but 48174  
may be treated as employer contributions for purposes of state 48175  
and federal income tax deferred income provisions. 48176

The contributions by the direction of the school employees 48177  
retirement board shall be deducted by the employer from the 48178

compensation of each contributor on each payroll of such 48179  
contributor for each payroll period and shall be an amount equal 48180  
to the required per cent of such contributor's compensation. On 48181  
a finding by the board that an employer has failed or refused to 48182  
deduct contributions for any employee during any year and to 48183  
transmit such amounts to the retirement system, the retirement 48184  
board may make a determination of the amount of the delinquent 48185  
contributions, including interest at a rate set by the 48186  
retirement board, from the end of each year, and certify to the 48187  
employer the amounts for collection. If the amount is not paid 48188  
by the employer, it may be certified for collection in the same 48189  
manner as payments due the employers' trust fund. Any amounts so 48190  
collected shall be held in trust pending receipt of a report of 48191  
contributions for the employee for the period involved as 48192  
provided by law and, thereafter, the amount in trust shall be 48193  
transferred to the employee's savings fund to the credit of the 48194  
employee. Any amount remaining after the transfer to the 48195  
employees' savings fund shall be transferred to the employers' 48196  
trust fund as a credit of the employer. 48197

Additional deposits may be made to a member's account. At 48198  
retirement, the amount deposited with interest may be used to 48199  
provide additional annuity income. The additional deposits may 48200  
be refunded to the member before retirement, and shall be 48201  
refunded if the member withdraws the member's refundable amount. 48202  
The deposits may be refunded to the beneficiary or estate if the 48203  
member dies before retirement, and the board shall determine 48204  
whether regular interest shall be credited to deposits thus 48205  
refunded. 48206

**Sec. 3309.99.** (A) Whoever violates division (A) of section 48207  
3309.073 of the Revised Code shall be fined not more than one 48208  
hundred dollars for each day of the violation. 48209

(B) Whoever violates division (B) of section 3309.073 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

~~(C) Fines imposed by the Ohio elections commission under this section shall be paid into the Ohio elections commission fund created under section 3513.10 of the Revised Code.~~

**Sec. 3310.033.** (A) As used in this section:

(1) "Foster child" means a child placed with a foster caregiver, as defined in section 5103.02 of the Revised Code.

(2) "Qualifying student" means a student who is not entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code.

(3) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code.

(4) "Sibling" means any of the following:

(a) A brother, half-brother, sister, or half-sister by birth, marriage, or adoption;

(b) A cousin by birth, marriage, or adoption who is residing in the same household;

(c) A foster child who is residing in the same household, including a child who is subsequently adopted by the child's foster family;

(d) A child residing in the same household who is placed with a guardian or legal custodian;

(e) A child who is residing in the same household and is

being cared for by a kinship caregiver; 48237

(f) Any other child under eighteen years of age who has 48238  
resided in the same household for at least forty-five 48239  
consecutive days within the last calendar year. 48240

(5) "Caretaker" means the parent of a minor child or a 48241  
relative acting in the parent's place. "Caretaker" also means 48242  
another responsible adult who has care of the child and in whose 48243  
household the child resides and, if not for residing in that 48244  
household, the child would be homeless or likely to be homeless. 48245

(B) Notwithstanding anything in the Revised Code to the 48246  
contrary, a qualifying student shall be eligible for an 48247  
educational choice scholarship under section 3310.03 of the 48248  
Revised Code, regardless of whether the student is enrolled in a 48249  
school building described in division (A)(1) or (C) of that 48250  
section, if any of the following apply: 48251

(1) The student's sibling received an educational choice 48252  
scholarship under section 3310.03 of the Revised Code for the 48253  
school year immediately prior to the school year for which the 48254  
student is seeking a scholarship; 48255

(2) The student is a foster child; 48256

(3) The student is a child placed with a guardian, legal 48257  
custodian, or kinship caregiver; 48258

(4) The student is not a child placed with a guardian, 48259  
legal custodian, or kinship caregiver, but has resided in the 48260  
same household as such a child for at least forty-five 48261  
consecutive days within the last calendar year; 48262

(5) The student is not a foster child, but resides in a 48263  
home that has received certification under section 5103.03 of 48264



the Revised Code; 48265

(6) The student satisfies all of the following conditions: 48266

(a) The student is not a foster child or a student 48267  
described in division (B) (4) of this section. 48268

(b) The student has resided in the household of an 48269  
individual who is not the student's parent or guardian for at 48270  
least forty-five consecutive days within the last calendar year 48271  
and, if not for residing in that household, the student would 48272  
have been homeless. 48273

(c) The student's parent or guardian resides in this 48274  
state. 48275

(7) The student is not a child described in division (B) 48276  
(6) of this section, but has resided in the same household as a 48277  
child described in that division for at least forty-five 48278  
consecutive days within the last calendar year. 48279

(C) A student who receives an educational choice 48280  
scholarship under this section remains eligible for that 48281  
scholarship and may continue to receive a scholarship in 48282  
subsequent school years until the student completes grade 48283  
twelve, so long as the student satisfies the conditions 48284  
specified in divisions (D) (2) and (3) of section 3310.03 of the 48285  
Revised Code. 48286

(D) The department of education and workforce may request 48287  
any individual applying for a scholarship under this section on 48288  
behalf of a qualifying student to provide appropriate 48289  
documentation, as defined by the department, that the student 48290  
meets the eligibility qualifications prescribed under this 48291  
section. In the case of a student who qualifies under division 48292  
(B) (6) of this section, such documentation shall be provided by 48293

the student's parent, guardian, or caretaker. 48294

**Sec. 3310.41.** (A) As used in this section: 48295

(1) "Alternative public provider" means either of the 48296  
following providers that agrees to enroll a child in the 48297  
provider's special education program to implement the child's 48298  
individualized education program or an education plan developed 48299  
by the school district under division ~~(K)~~(L) of this section and 48300  
to which the child's parent owes fees for the services provided 48301  
to the child: 48302

(a) A school district that is not the school district in 48303  
which the child is entitled to attend school; 48304

(b) A public entity other than a school district. 48305

(2) "Eligible applicant" means any of the following: 48306

(a) Either of the natural or adoptive parents of a 48307  
qualified special education child, except as otherwise specified 48308  
in this division. 48309

When the marriage of the natural or adoptive parents of 48310  
the child has been terminated by a divorce, dissolution of 48311  
marriage, or annulment, or when the natural or adoptive parents 48312  
of the child are living separate and apart under a legal 48313  
separation decree, and a court has issued an order allocating 48314  
the parental rights and responsibilities with respect to the 48315  
child, "eligible applicant" means the residential parent as 48316  
designated by the court. If the court issues a shared parenting 48317  
decree, "eligible applicant" means either parent. "Eligible 48318  
applicant" does not mean a parent whose custodial rights have 48319  
been terminated. 48320

(b) The custodian of a qualified special education child, 48321

when a court has granted temporary, legal, or permanent custody 48322  
of the child to an individual other than either of the natural 48323  
or adoptive parents of the child or to a government agency; 48324

(c) The guardian of a qualified special education child, 48325  
when a court has appointed a guardian for the child; 48326

(d) The grandparent of a qualified special education 48327  
child, when the grandparent is the child's attorney in fact 48328  
under a power of attorney executed under sections 3109.51 to 48329  
3109.62 of the Revised Code or when the grandparent has executed 48330  
a caretaker authorization affidavit under sections 3109.65 to 48331  
3109.73 of the Revised Code; 48332

(e) The surrogate parent appointed for a qualified special 48333  
education child pursuant to division (B) of section 3323.05 and 48334  
section 3323.051 of the Revised Code; 48335

(f) A qualified special education child, if the child does 48336  
not have a custodian or guardian and the child is at least 48337  
eighteen years of age and less than twenty-two years of age. 48338

(3) "Entitled to attend school" means entitled to attend 48339  
school in a school district under section 3313.64 or 3313.65 of 48340  
the Revised Code. 48341

~~+3)~~ (4) "Formula ADM" has the same meaning as in section 48342  
3317.02 of the Revised Code. 48343

~~+4)~~ (5) "Preschool child with a disability" and 48344  
"individualized education program" have the same meanings as in 48345  
section 3323.01 of the Revised Code. 48346

~~(5) "Parent" has the same meaning as in section 3313.64 of~~ 48347  
~~the Revised Code, except that "parent" does not mean a parent-~~ 48348  
~~whose custodial rights have been terminated. "Parent" also-~~ 48349

~~includes the custodian of a qualified special education child,~~ 48350  
~~when a court has granted temporary, legal, or permanent custody~~ 48351  
~~of the child to an individual other than either of the natural~~ 48352  
~~or adoptive parents of the child or to a government agency.~~ 48353

(6) "Qualified special education child" is a child who is 48354  
at least three years of age and less than twenty-two years of 48355  
age and who either was enrolled in the school district in which 48356  
the child is entitled to attend school in any grade from 48357  
preschool through twelve in the school year prior to the year in 48358  
which a scholarship under this section is ~~first~~ sought for the 48359  
child or is eligible to enter school in any grade preschool 48360  
through twelve or is less than twenty-two years of age in the 48361  
school district in which the child is entitled to attend school 48362  
in the school year in which a scholarship under this section is 48363  
~~first~~ sought for the child and for whom any of the following 48364  
conditions apply: 48365

(a) The school district in which the child is entitled to 48366  
attend school has identified the child as autistic. A child who 48367  
has been identified as having a "pervasive developmental 48368  
disorder - not otherwise specified (PPD-NOS)" shall be 48369  
considered to be an autistic child for purposes of this section. 48370

(b) The school district in which the child is entitled to 48371  
attend school has developed an individualized education program 48372  
under Chapter 3323. of the Revised Code for the child that 48373  
includes services related to autism. 48374

(c) The child has been diagnosed as autistic by a 48375  
physician or psychologist. 48376

(d) All of the following apply: 48377

(i) The child is enrolled in a chartered or nonchartered 48378

nonpublic school, is home educated in accordance with section 48379  
3321.042 of the Revised Code, or is a student older than 48380  
compulsory school age and less than twenty-two years of age and 48381  
received a home education in accordance with section 3321.042 of 48382  
the Revised Code and has not received a diploma under section 48383  
3313.6110 of the Revised Code. 48384

(ii) The child has an individualized education program 48385  
developed under Chapter 3323. of the Revised Code that includes 48386  
services related to autism. 48387

(iii) The child is still eligible to receive transition 48388  
services under the child's individualized education program. 48389

(7) "Registered private provider" means a nonpublic school 48390  
or other nonpublic entity that has been approved by the 48391  
department of education and workforce to participate in the 48392  
program established under this section. 48393

(8) "Special education program" means a school or facility 48394  
that provides special education and related services to children 48395  
with disabilities. 48396

(B) There is hereby established the autism scholarship 48397  
program. Under the program, the department shall pay a 48398  
scholarship under section 3317.022 of the Revised Code to ~~the~~ 48399  
~~parent of each qualified special education child~~ an eligible 48400  
applicant upon application of that parent-eligible applicant 48401  
pursuant to procedures and deadlines established by rule of the 48402  
department. Each scholarship shall be used only to pay tuition 48403  
for the child on whose behalf the scholarship is awarded to 48404  
attend a special education program or programs that implements 48405  
the child's individualized education program or education plan 48406  
and that is operated by an alternative public provider or by a 48407

registered private provider, and to pay for other services 48408  
agreed to by the provider and the ~~parent of a qualified special~~ 48409  
~~education child~~ eligible applicant that are not included in the 48410  
individualized education program or education plan but are 48411  
associated with educating the child. Upon agreement with the 48412  
~~parent of a qualified special education child~~ eligible applicant, 48413  
the alternative public provider or the registered private 48414  
provider may modify the services provided to the child. The 48415  
purpose of the scholarship is to permit the ~~parent of a~~ 48416  
~~qualified special education child~~ eligible applicant the choice 48417  
to send the child to a special education program or programs, 48418  
instead of the one operated by or for the school district in 48419  
which the child is entitled to attend school, to receive the 48420  
services prescribed in the child's individualized education 48421  
program or education plan once the individualized education 48422  
program or education plan is finalized and any other services 48423  
agreed to by the provider and the ~~parent of a qualified special~~ 48424  
~~education child~~ eligible applicant. The services provided under 48425  
the scholarship shall include an educational component or 48426  
services designed to assist the child to benefit from the 48427  
child's education. 48428

At the discretion of the eligible applicant, multiple 48429  
alternative public providers or registered private providers may 48430  
be contracted to provide services to implement an individualized 48431  
education program or education plan as the eligible applicant 48432  
and providers determine are necessary and associated with 48433  
educating the qualified special education child. A qualified 48434  
special education child shall not be limited to receiving 48435  
services from a single provider for any services as identified 48436  
in the individualized education program or education plan, 48437  
including a single type of service. 48438

(C) Services, including intervention services, educational services, academic services, tutoring services, aide services, and other related special education services, provided through the program established under this section may be provided virtually by any of the following:

(1) An educational aide or assistant who holds a valid permit issued under section 3319.088 of the Revised Code;

(2) An instructional assistant who holds a valid permit issued under section 3310.43 of the Revised Code;

(3) A qualified, credentialed provider in accordance with standards established by the department;

(4) A teacher or substitute teacher licensed by the state board of education.

(D) A scholarship under this section shall not be awarded to ~~the parent of a child~~ an eligible applicant while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. A scholarship under this section shall not be used for a child to attend a public special education program that operates under a contract, compact, or other bilateral agreement between the school district in which the child is entitled to attend school and another school district or other public provider, or for a child to attend a community school established under Chapter 3314. of the Revised Code. However, nothing in this section or in any rule adopted by the department shall prohibit ~~a parent~~ an eligible applicant whose child attends a public special education program under a

contract, compact, or other bilateral agreement, or a ~~parent~~ an 48468  
eligible applicant whose child attends a community school, from 48469  
applying for and accepting a scholarship under this section so 48470  
that the ~~parent~~ eligible applicant may withdraw the child from 48471  
that program or community school and use the scholarship for the 48472  
child to attend a special education program for which the ~~parent~~ 48473  
eligible applicant is required to pay for services for the 48474  
child. 48475

(E) Except for development of the child's individualized 48476  
education program or education plan, the school district in 48477  
which a qualified special education child is entitled to attend 48478  
school and the child's school district of residence, as defined 48479  
in section 3323.01 of the Revised Code, if different, are not 48480  
obligated to provide the child with a free appropriate public 48481  
education under Chapter 3323. of the Revised Code for as long as 48482  
the child continues to attend the special education program 48483  
operated by either an alternative public provider or a 48484  
registered private provider for which a scholarship is awarded 48485  
under the autism scholarship program. If at any time, the 48486  
eligible applicant for the child decides no longer to accept 48487  
scholarship payments and enrolls the child in the special 48488  
education program of the school district in which the child is 48489  
entitled to attend school, that district shall provide the child 48490  
with a free appropriate public education under Chapter 3323. of 48491  
the Revised Code. 48492

(F) A child attending a special education program with a 48493  
scholarship under this section shall continue to be entitled to 48494  
transportation to and from that program in the manner prescribed 48495  
by law. 48496

(G) As prescribed in division (A) (2) (h) of section 3317.03 48497



of the Revised Code, a child who is not a preschool child with a 48498  
disability for whom a scholarship is awarded under this section 48499  
shall be counted in the formula ADM of the district in which the 48500  
child is entitled to attend school and not in the formula ADM of 48501  
any other school district. 48502

(H) A scholarship shall not be paid under section 3317.022 48503  
of the Revised Code to ~~a parent~~ an eligible applicant for 48504  
payment of tuition owed to a nonpublic entity unless that entity 48505  
is a registered private provider. The department shall approve 48506  
entities that meet the standards established by rule of the 48507  
department for the program established under this section. 48508

(I) The department shall adopt rules under Chapter 119. of 48509  
the Revised Code prescribing procedures necessary to implement 48510  
this section, including, but not limited to, procedures and 48511  
deadlines for ~~parents~~ eligible applicants to apply for 48512  
scholarships, standards for registered private providers, and 48513  
procedures for approval of entities as registered private 48514  
providers. 48515

The rules also shall specify that intervention services, 48516  
including virtual services, under the autism scholarship program 48517  
may be provided by a qualified, credentialed provider, including 48518  
an educator or substitute teacher licensed by the state board of 48519  
education, and shall additionally include, but not be limited 48520  
to, all of the following: 48521

(1) A behavior analyst certified by a nationally 48522  
recognized organization that certifies behavior analysts; 48523

(2) A psychologist licensed to practice in this state 48524  
under Chapter 4732. of the Revised Code; 48525

(3) An independent school psychologist or school 48526

psychologist licensed to practice in this state under Chapter 48527  
4732. of the Revised Code; 48528

(4) Any person employed by a licensed psychologist, 48529  
licensed independent school psychologist, or licensed school 48530  
psychologist, while carrying out specific tasks, under the 48531  
licensee's supervision, as an extension of the licensee's legal 48532  
and ethical authority as specified under Chapter 4732. of the 48533  
Revised Code who is ascribed as "psychology trainee," 48534  
"psychology assistant," "psychology intern," or other 48535  
appropriate term that clearly implies their supervised or 48536  
training status; 48537

(5) Unlicensed persons holding a doctoral degree in 48538  
psychology or special education from a program approved by the 48539  
department; 48540

(6) A "registered behavior technician" as described under 48541  
rule 5123-9-41 of the Administrative Code working under the 48542  
supervision and following the intervention plan of a certified 48543  
Ohio behavior analyst or a behavior analyst certified by a 48544  
nationally recognized organization that certifies behavior 48545  
analysts; 48546

(7) A "certified Ohio behavior analyst" under Chapter 48547  
4783. of the Revised Code; 48548

(8) An occupational therapist or physical therapist 48549  
licensed to practice in this state under Chapter 4755. of the 48550  
Revised Code; 48551

(9) A speech-language pathologist licensed to practice in 48552  
this state under Chapter 4753. of the Revised Code; 48553

(10) An intervention specialist who holds a valid license 48554  
issued by the state board; 48555

(11) A literacy intervention specialist certified through pathways recognized by the Ohio dyslexia committee established by section 3323.25 of the Revised Code. To the extent that certification for any of the following positions is approved by the Ohio dyslexia committee under section 3323.25 of the Revised Code, literary intervention specialists may include:

- (a) A structured literacy dyslexia interventionist;
- (b) A structured literacy dyslexia specialist;
- (c) A certified academic language practitioner;
- (d) A certified academic language therapist.

(12) An educational aide or assistant with a valid permit issued under section 3319.088 of the Revised Code;

(13) An instructional assistant with a valid permit issued in accordance with section 3310.43 of the Revised Code;

(14) Any other qualified individual as determined by the department.

The rules also shall specify that supervision of a qualified, credentialed provider may be conducted virtually.

(J) For billing purposes under the autism scholarship program, services provided by a teacher or substitute teacher licensed by the state board of education shall be classified as academic services and shall not be classified as aide services. The department shall use this differentiation to simplify monthly audit procedures.

(K) The department shall provide reasonable notice to all ~~parents of children eligible applicants~~ receiving a scholarship under the autism scholarship program, alternative public

providers, and registered private providers of any amendment to 48583  
a rule governing, or change in the administration of, the autism 48584  
scholarship program. 48585

~~(K)~~(L) If a child qualifies for the autism scholarship 48586  
program pursuant to a diagnosis under division (A) (6) (c) of this 48587  
section and does not have an individualized education program 48588  
that includes services related to autism, the school district in 48589  
which the child is entitled to attend school shall develop an 48590  
education plan for the child. 48591

~~(L)~~(M) Not later than the thirtieth day of June each year, 48592  
each alternative public provider and registered private provider 48593  
enrolling students receiving autism scholarships shall submit to 48594  
the department, in a form and manner prescribed by the 48595  
department, the tuition rates charged by the provider for the 48596  
following school year. 48597

~~(M)~~(N) The department shall not require ~~the parent of a~~ 48598  
~~student~~ an eligible applicant who applies for or receives a 48599  
scholarship under this section to complete any kind of income 48600  
verification regarding the student's family income. 48601

(O) The department shall maintain a list of each 48602  
registered private provider and the location of that provider on 48603  
its publicly accessible web site. 48604

**Sec. 3310.413.** As used in this section, "junior reserve 48605  
officer training corps program" means a junior reserve officer 48606  
training corps (JROTC) program approved by the congress of the 48607  
United States under title 10 of the United States Code. 48608

A qualified special education child, as defined in section 48609  
3310.41 of the Revised Code, receiving home education under 48610  
section 3321.042 of the Revised Code who participates in a 48611

junior reserve officer training corps program maintained by the 48612  
child's resident school district in accordance with 10 U.S.C. 48613  
2031f(1) shall not be considered enrolled in that district for 48614  
purposes of determining eligibility for an autism scholarship 48615  
under section 3310.41 of the Revised Code. 48616

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of 48617  
the Revised Code: 48618

(A) "Alternative public provider" means either of the 48619  
following providers that agrees to enroll a child in the 48620  
provider's special education program to implement the child's 48621  
individualized education program and to which the eligible 48622  
applicant owes fees for the services provided to the child: 48623

(1) A school district that is not the school district in 48624  
which the child is entitled to attend school or the child's 48625  
school district of residence, if different; 48626

(2) A public entity other than a school district. 48627

(B) "Child with a disability" and "individualized 48628  
education program" have the same meanings as in section 3323.01 48629  
of the Revised Code. 48630

(C) "Eligible applicant" means any of the following: 48631

(1) Either of the natural or adoptive parents of a 48632  
qualified special education child, except as otherwise specified 48633  
in this division. When the marriage of the natural or adoptive 48634  
parents of the student has been terminated by a divorce, 48635  
dissolution of marriage, or annulment, or when the natural or 48636  
adoptive parents of the student are living separate and apart 48637  
under a legal separation decree, and a court has issued an order 48638  
allocating the parental rights and responsibilities with respect 48639  
to the child, "eligible applicant" means the residential parent 48640

as designated by the court. If the court issues a shared 48641  
parenting decree, "eligible applicant" means either parent. 48642  
"Eligible applicant" does not mean a parent whose custodial 48643  
rights have been terminated. 48644

(2) The custodian of a qualified special education child, 48645  
when a court has granted temporary, legal, or permanent custody 48646  
of the child to an individual other than either of the natural 48647  
or adoptive parents of the child or to a government agency; 48648

(3) The guardian of a qualified special education child, 48649  
when a court has appointed a guardian for the child; 48650

(4) The grandparent of a qualified special education 48651  
child, when the grandparent is the child's attorney in fact 48652  
under a power of attorney executed under sections 3109.51 to 48653  
3109.62 of the Revised Code or when the grandparent has executed 48654  
a caretaker authorization affidavit under sections 3109.65 to 48655  
3109.73 of the Revised Code; 48656

(5) The surrogate parent appointed for a qualified special 48657  
education child pursuant to division (B) of section 3323.05 and 48658  
section 3323.051 of the Revised Code; 48659

(6) A qualified special education child, if the child does 48660  
not have a custodian or guardian and the child is at least 48661  
eighteen years of age and less than twenty-two years of age. 48662

(D) "Entitled to attend school" means entitled to attend 48663  
school in a school district under sections 3313.64 and 3313.65 48664  
of the Revised Code. 48665

(E) "Formula ADM" has the same meaning as in section 48666  
3317.02 of the Revised Code. 48667

(F) "Qualified special education child" is a child for 48668

whom all of the following conditions apply: 48669

(1) The child is at least ~~five~~three years of age and less 48670  
than twenty-two years of age. 48671

(2) The school district in which the child is entitled to 48672  
attend school, or the child's school district of residence if 48673  
different, has identified the child as a child with a 48674  
disability. 48675

(3) The school district in which the child is entitled to 48676  
attend school, or the child's school district of residence if 48677  
different, has developed an individualized education program 48678  
under Chapter 3323. of the Revised Code for the child. 48679

(4) The child~~either~~ meets one of the following 48680  
conditions: 48681

(a) Was enrolled in the schools of the school district in 48682  
which the child is entitled to attend school in any grade from 48683  
~~kindergarten~~preschool through twelve in the school year prior 48684  
to the school year in which a scholarship is ~~first~~sought for 48685  
the child; 48686

(b) Is eligible to enter school in any grade ~~kindergarten~~preschool 48687  
through twelve in the school district in which the 48688  
child is entitled to attend school in the school year in which a 48689  
scholarship is ~~first~~sought for the child; 48690

(c) All of the following apply: 48691

(i) The child is at least eighteen years of age and less 48692  
than twenty-two years of age. 48693

(ii) The child is enrolled in a chartered or nonchartered 48694  
nonpublic school, is home educated in accordance with section 48695  
3321.042 of the Revised Code, or is a student older than 48696

compulsory school age and less than twenty-two years of age and 48697  
received a home education in accordance with section 3321.042 of 48698  
the Revised Code and has not received a diploma under section 48699  
3313.6110 of the Revised Code. 48700

(iii) The child is still eligible to receive transition 48701  
services under the child's individualized education program. 48702

(5) The department of education and workforce has not 48703  
approved a scholarship for the child under the educational 48704  
choice scholarship pilot program, under sections 3310.01 to 48705  
3310.17 of the Revised Code, the autism scholarship program, 48706  
under section 3310.41 of the Revised Code, or the pilot project 48707  
scholarship program, under sections 3313.974 to 3313.979 of the 48708  
Revised Code for the same school year in which a scholarship 48709  
under the Jon Peterson special needs scholarship program is 48710  
sought. 48711

(6) The child and the child's parents are in compliance 48712  
with the state compulsory attendance law under Chapter 3321. of 48713  
the Revised Code. 48714

(G) "Registered private provider" means a nonpublic school 48715  
or other nonpublic entity that has been registered by the 48716  
superintendent of public instruction under section 3310.58 of 48717  
the Revised Code prior to ~~the effective date of this amendment~~ 48718  
October 3, 2023, or the department of education and workforce on 48719  
or after that date. 48720

(H) "Scholarship" means a scholarship awarded under the 48721  
Jon Peterson special needs scholarship program pursuant to 48722  
sections 3310.51 to 3310.64 of the Revised Code. 48723

(I) "School district of residence" has the same meaning as 48724  
in section 3323.01 of the Revised Code. A community school 48725



established under Chapter 3314. of the Revised Code is not a 48726  
"school district of residence" for purposes of sections 3310.51 48727  
to 3310.64 of the Revised Code. 48728

(J) "School year" has the same meaning as in section 48729  
3313.62 of the Revised Code. 48730

(K) "Special education program" means a school or facility 48731  
that provides special education and related services to children 48732  
with disabilities. 48733

**Sec. 3310.52.** (A) The Jon Peterson special needs 48734  
scholarship program is hereby established. Under the program, 48735  
beginning with the 2012-2013 school year, subject to division 48736  
(B) of this section, the department of education and workforce 48737  
annually shall pay a scholarship under section 3317.022 of the 48738  
Revised Code to an eligible applicant for services provided by 48739  
an alternative public provider or a registered private provider 48740  
for a qualified special education child. The scholarship shall 48741  
be used only to pay all or part of the fees for the child to 48742  
attend the special education program or programs operated by the 48743  
alternative public provider or registered private provider to 48744  
implement the child's individualized education program or 48745  
programs, in lieu of the child's attending the special education 48746  
program operated by the school district in which the child is 48747  
entitled to attend school, and other services agreed to by the 48748  
provider and eligible applicant that are not included in the 48749  
individualized education program but are associated with 48750  
educating the child. 48751

At the discretion of an eligible applicant, multiple 48752  
alternative public providers or registered private providers may 48753  
be contracted to provide services to implement the 48754  
individualized education program as the eligible applicant and 48755

providers determine are necessary and associated with educating 48756  
the qualified special education child. A qualified special 48757  
education child is not limited to receiving services from a 48758  
single provider for any services as identified in the 48759  
individualized education program, including a single type of 48760  
service. 48761

Beginning in the 2014-2015 school year, if the child is 48762  
receiving special education services for a disability specified 48763  
in division (A) of section 3317.013 of the Revised Code, the 48764  
scholarship shall be used only to pay for related services that 48765  
are included in the child's individualized education program. 48766  
Upon agreement with the eligible applicant, the alternative 48767  
public provider or registered private provider may modify the 48768  
services provided to the child. 48769

Services, including intervention services, educational 48770  
services, academic services, tutoring services, aide services, 48771  
and other related special education services, provided through 48772  
the program established under this section may be provided 48773  
virtually by any of the following: 48774

(1) An educational aide or assistant who holds a valid 48775  
permit issued under section 3319.088 of the Revised Code; 48776

(2) An instructional assistant who holds a valid permit 48777  
issued under section 3310.43 of the Revised Code; 48778

(3) A qualified, credentialed provider in accordance with 48779  
standards established by the department; 48780

(4) A teacher or substitute teacher licensed by the state 48781  
board of education. 48782

(B) The number of scholarships awarded under the program 48783  
in any fiscal year shall not exceed five per cent of the total 48784

number of students residing in the state identified as children 48785  
with disabilities during the previous fiscal year. 48786

(C) The department shall pay a scholarship under section 48787  
3317.022 of the Revised Code to the ~~parent of each qualified~~ 48788  
~~special education child~~ eligible applicant, unless the ~~parent~~ 48789  
eligible applicant authorizes a direct payment to the child's 48790  
provider, upon application ~~of that parent~~ in the manner 48791  
prescribed by the department. However, the department shall not 48792  
adopt specific dates for application deadlines for scholarships 48793  
under the program. 48794

(D) The department shall not require ~~the parent of a~~ 48795  
~~student~~ an eligible applicant who applies for or receives a 48796  
scholarship under this section to complete any kind of income 48797  
verification regarding the student's family income. 48798

**Sec. 3310.523.** As used in this section, "junior reserve 48799  
officer training corps program" means a junior reserve officer 48800  
training corps (JROTC) program approved by the congress of the 48801  
United States under title 10 of the United States Code. 48802

A qualified special education child receiving home 48803  
education under section 3321.042 of the Revised Code who 48804  
participates in a junior reserve officer training corps program 48805  
maintained by the child's resident school district in accordance 48806  
with 10 U.S.C. 2031f(1) shall not be considered enrolled in that 48807  
district for purposes of determining eligibility for a Jon 48808  
Peterson special needs scholarship under section 3310.52 of the 48809  
Revised Code. 48810

**Sec. 3310.58.** No nonpublic school or entity shall receive 48811  
payments from an eligible applicant for services for a qualified 48812  
special education child under the Jon Peterson special needs 48813

scholarship program until the school or entity registers with 48814  
the department of education and workforce. The department shall 48815  
maintain a list of each registered private provider and the 48816  
location of that provider on its publicly accessible web site. 48817

The department shall register and designate as a registered 48818  
private provider any nonpublic school or entity that meets the 48819  
following requirements: 48820

(A) The school or entity complies with the 48821  
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 48822  
whether the school or entity receives federal financial 48823  
assistance. 48824

(B) If the school or entity is not chartered by the 48825  
director of education and workforce under section 3301.16 of the 48826  
Revised Code, the school or entity agrees to comply with 48827  
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 48828  
if it were a school district. 48829

(C) The teaching and nonteaching professionals employed by 48830  
the school or entity, or employed by any subcontractors of the 48831  
school or entity, hold appropriate credentials for the qualified 48832  
special education children enrolled in and the services provided 48833  
through the special education program it operates. The list of 48834  
professionals who hold appropriate credentials to provide 48835  
services under a special education program include all of the 48836  
following: 48837

(1) A behavior analyst certified by a nationally 48838  
recognized organization that certifies behavior analysts; 48839

(2) A psychologist licensed to practice in this state 48840  
under Chapter 4732. of the Revised Code; 48841

(3) An independent school psychologist or school 48842

psychologist licensed to practice in this state under Chapter 48843  
4732. of the Revised Code; 48844

(4) Any person employed by a licensed psychologist, 48845  
licensed independent school psychologist, or licensed school 48846  
psychologist, while carrying out specific tasks, under the 48847  
licensee's supervision, as an extension of the licensee's legal 48848  
and ethical authority as specified under Chapter 4732. of the 48849  
Revised Code who is ascribed as "psychology trainee," 48850  
"psychology assistant," "psychology intern," or other 48851  
appropriate term that clearly implies their supervised or 48852  
training status; 48853

(5) An unlicensed person holding a doctoral degree in 48854  
psychology or special education from a program approved by the 48855  
department; 48856

(6) A registered behavior technician as described in rule 48857  
5123-9-41 of the Administrative Code working under the 48858  
supervision and following the intervention plan of a certified 48859  
Ohio behavior analyst or behavior analyst certified by a 48860  
nationally recognized organization that certifies behavior 48861  
analysts; 48862

(7) A certified Ohio behavior analyst under Chapter 4783. 48863  
of the Revised Code; 48864

(8) An occupational therapist or physical therapist 48865  
licensed to practice in this state under Chapter 4755. of the 48866  
Revised Code; 48867

(9) A speech-language pathologist licensed to practice in 48868  
this state under Chapter 4753. of the Revised Code; 48869

(10) An intervention specialist who holds a valid license 48870  
issued by the state board; 48871

(11) A literacy intervention specialist certified through pathways recognized by the Ohio dyslexia committee established by section 3323.25 of the Revised Code. To the extent that certification for any of the following positions is approved by the Ohio dyslexia committee under section 3323.25 of the Revised Code, literary intervention specialists may include:

- (a) A structured literacy dyslexia interventionist;
- (b) A structured literacy dyslexia specialist;
- (c) A certified academic language practitioner;
- (d) A certified academic language therapist.

(12) An educational aide or assistant with a valid permit issued under section 3319.088 of the Revised Code;

(13) An instructional assistant with a valid permit issued in accordance with section 3310.43 of the Revised Code;

(14) Any other qualified individual as determined by the department.

(D) For billing purposes under the Jon Peterson special needs scholarship program, services provided by a teacher or substitute teacher licensed by the state board of education shall be classified as academic services and shall not be classified as aide services. The department shall use this differentiation to simplify monthly audit procedures.

(E) The school's or entity's educational program shall be approved by the department.

~~(F)~~ (F) The school or entity meets applicable health and safety standards established by law.

~~(F)~~ (G) The school or entity agrees to retain on file

documentation as required by the department. 48899

~~(G)~~ (H) The school or entity agrees to provide a record of 48900  
the implementation of the individualized education program for 48901  
each qualified special education child enrolled in the school's 48902  
or entity's special education program, including evaluation of 48903  
the child's progress, to the school district in which the child 48904  
is entitled to attend school, in the form and manner prescribed 48905  
by the department. 48906

~~(H)~~ (I) The school or entity agrees that, if it declines to 48907  
enroll a particular qualified special education child, it will 48908  
notify in writing the eligible applicant of its reasons for 48909  
declining to enroll the child. 48910

**Sec. 3310.64.** The department of education and workforce 48911  
shall adopt rules in accordance with Chapter 119. of the Revised 48912  
Code prescribing procedures necessary to implement sections 48913  
3310.51 to 3310.63 of the Revised Code including, but not 48914  
limited to, procedures for parents to apply for scholarships, 48915  
standards for registered private providers, and procedures for 48916  
registration of private providers. 48917

The rules also shall specify that intervention services, 48918  
including virtual services, under the Jon Peterson special needs 48919  
scholarship program may be provided by a qualified, credentialed 48920  
provider, including an educator or substitute teacher licensed 48921  
by the state board of education, and shall additionally include, 48922  
but not be limited to, the credentialed professionals listed in 48923  
division (C) of section 3310.58 of the Revised Code. 48924

The rules also shall specify that supervision of a 48925  
qualified, credentialed provider may be conducted virtually. 48926

**Sec. 3311.50.** (A) As used in this section: 48927

(1) "County school financing district" means a taxing 48928  
district consisting of the following territory: 48929

(a) The territory that constitutes the educational service 48930  
center on the date that the governing board of that educational 48931  
service center adopts a resolution under division (B) of this 48932  
section declaring that the territory of the educational service 48933  
center is a county school financing district, exclusive of any 48934  
territory subsequently withdrawn from the district under 48935  
division (D) of this section; 48936

(b) Any territory that has been added to the county school 48937  
financing district under this section. 48938

A county school financing district may include the 48939  
territory of a city, local, or exempted village school district 48940  
whose territory also is included in the territory of one or more 48941  
other county school financing districts. 48942

(2) ~~"The county auditor's appraised Market value"~~ and 48943  
"effective rate" have the same meanings as in section 5705.01 of 48944  
the Revised Code. 48945

(B) The governing board of any educational service center 48946  
may, by resolution, declare that the territory of the 48947  
educational service center is a county school financing 48948  
district. The resolution shall state the purpose for which the 48949  
county school financing district is created, which may be for 48950  
any one or more of the following purposes: 48951

(1) To levy taxes for the provision of special education 48952  
by the school districts that are a part of the district, 48953  
including taxes for permanent improvements for special 48954  
education; 48955

(2) To levy taxes for the provision of specified 48956



educational programs and services by the school districts that 48957  
are a part of the district, as identified in the resolution 48958  
creating the district, including the levying of taxes for 48959  
permanent improvements for those programs and services. Services 48960  
financed by the levy may include school safety and security and 48961  
mental health services, including training and employment of or 48962  
contracting for the services of safety personnel, mental health 48963  
personnel, social workers, and counselors. 48964

(3) To levy taxes for permanent improvements of school 48965  
districts that are a part of the district. 48966

The governing board of the educational service center that 48967  
creates a county school financing district shall serve as the 48968  
taxing authority of the district and may use educational service 48969  
center governing board employees to perform any of the functions 48970  
necessary in the performance of its duties as a taxing 48971  
authority. A county school financing district shall not employ 48972  
any personnel. 48973

With the approval of a majority of the members of the 48974  
board of education of each school district within the territory 48975  
of the county school financing district, the taxing authority of 48976  
the financing district may amend the resolution creating the 48977  
district to broaden or narrow the purposes for which it was 48978  
created. 48979

A governing board of an educational service center may 48980  
create more than one county school financing district. If a 48981  
governing board of an educational service center creates more 48982  
than one such district, it shall clearly distinguish among the 48983  
districts it creates by including a designation of each 48984  
district's purpose in the district's name. 48985

(C) A majority of the members of a board of education of a city, local, or exempted village school district may adopt a resolution requesting that its territory be joined with the territory of any county school financing district. Copies of the resolution shall be filed with the state board of education and the taxing authority of the county school financing district. Within sixty days of its receipt of such a resolution, the county school financing district's taxing authority shall vote on the question of whether to accept the school district's territory as part of the county school financing district. If a majority of the members of the taxing authority vote to accept the territory, the school district's territory shall thereupon become a part of the county school financing district unless the county school financing district has in effect a tax imposed under section 5705.215 of the Revised Code. If the county school financing district has such a tax in effect, the taxing authority shall certify a copy of its resolution accepting the school district's territory to the school district's board of education. The board of education and the county auditor shall proceed in the same manner as required for a tax levy under section 5705.03 of the Revised Code, except that the levy's annual collections shall be estimated assuming that the school district's territory has been added to the county school financing district. After receipt of the auditor's certification under that section, the board may adopt a resolution, with the affirmative vote of a majority of its members, proposing the submission to the electors of the question of whether the district's territory shall become a part of the county school financing district and subject to the taxes imposed by the financing district. The resolution shall set forth the date on which the question shall be submitted to the electors, which shall be at a special election held on a date specified in the

resolution, which shall not be earlier than ninety days after 49018  
the adoption and certification of the resolution. A copy of the 49019  
resolution shall immediately be certified to the board of 49020  
elections of the proper county, which shall make arrangements 49021  
for the submission of the proposal to the electors of the school 49022  
district. The board of the joining district shall publish notice 49023  
of the election in a newspaper of general circulation in the 49024  
county once a week for two consecutive weeks, or as provided in 49025  
section 7.16 of the Revised Code, prior to the election. 49026  
Additionally, if the board of elections operates and maintains a 49027  
web site, the board of elections shall post notice of the 49028  
election on its web site for thirty days prior to the election. 49029  
The question appearing on the ballot shall read: 49030

"Shall the territory within \_\_\_\_\_ (name of the school 49031  
district proposing to join the county school financing district) 49032  
\_\_\_\_\_ be added to \_\_\_\_\_ (name) \_\_\_\_\_ county 49033  
school financing district, and a property tax for the purposes 49034  
of \_\_\_\_\_ (here insert purposes), that the county auditor 49035  
estimates will collect \$\_\_\_\_\_ annually, \_\_\_\_\_ at a rate not 49036  
exceeding \_\_\_\_\_ mills for each \$1 of taxable value, which 49037  
amounts to \$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the~~ 49038  
~~county auditor's appraised market~~ value, \_\_\_\_\_ be in 49039  
effect for \_\_\_\_\_ (here insert the number of years the tax 49040  
is to be in effect or "a continuing period of time," as 49041  
applicable) \_\_\_\_\_?" 49042

If the proposal is approved by a majority of the electors 49043  
voting on it, the joinder shall take effect on the first day of 49044  
July following the date of the election, and the county board of 49045  
elections shall notify the county auditor of each county in 49046  
which the school district joining its territory to the county 49047  
school financing district is located. 49048

(D) The board of any city, local, or exempted village 49049  
school district whose territory is part of a county school 49050  
financing district may withdraw its territory from the county 49051  
school financing district thirty days after submitting to the 49052  
governing board that is the taxing authority of the district and 49053  
the state board a resolution proclaiming such withdrawal, 49054  
adopted by a majority vote of its members, but any county school 49055  
financing district tax levied in such territory on the effective 49056  
date of the withdrawal shall remain in effect in such territory 49057  
until such tax expires or is renewed. No board may adopt a 49058  
resolution withdrawing from a county school financing district 49059  
that would take effect during the forty-five days preceding the 49060  
date of an election at which a levy proposed under section 49061  
5705.215 of the Revised Code is to be voted upon. 49062

(E) A city, local, or exempted village school district 49063  
does not lose its separate identity or legal existence by reason 49064  
of joining its territory to a county school financing district 49065  
under this section and an educational service center does not 49066  
lose its separate identity or legal existence by reason of 49067  
creating a county school financing district that accepts or 49068  
loses territory under this section. 49069

**Sec. 3312.01.** (A) As used in this chapter: 49070

(1) "Career-technical planning district" has the same 49071  
meaning as in section 3317.023 of the Revised Code. 49072

(2) "Community college" has the same meaning as in section 49073  
3333.168 of the Revised Code. 49074

(3) "Community school" means a community school 49075  
established in Chapter 3314. of the Revised Code. 49076

(4) "Information technology center" means an information 49077

technology center established under section 3301.075 of the 49078  
Revised Code. 49079

(5) "STEM school" means a STEM school established under 49080  
Chapter 3326. of the Revised Code. 49081

(B) The educational regional service system is hereby 49082  
established. The system shall support state and regional 49083  
education and workforce development initiatives and ~~efforts~~ 49084  
shall provide support and technical assistance to improve school 49085  
effectiveness and student achievement. Services, including 49086  
special education and related services, shall be provided under 49087  
the system to school districts, community schools ~~established~~ 49088  
~~under Chapter 3314. of the Revised Code,~~ STEM schools, and 49089  
chartered nonpublic schools. 49090

~~It is the intent of the general assembly that the~~ 49091  
~~educational regional service system reduce the unnecessary~~ 49092  
~~duplication of programs and services and provide for a more~~ 49093  
~~streamlined and efficient delivery of educational services~~ 49094  
~~without reducing the availability of the services needed by~~ 49095  
~~school districts and schools.~~ 49096

~~(B)~~ (C) The educational regional service system shall 49097  
consist of the following: 49098

~~(1) The advisory councils and subcommittees established~~ 49099  
~~under sections 3312.03 and 3312.05 of the Revised Code;~~ 49100

~~(2)~~ A fiscal agent for each of the regions ~~as configured~~ 49101  
established by the department of education and workforce under 49102  
section 3312.02 of the Revised Code; 49103

~~(3)~~ (2) Educational service centers, information technology 49104  
~~centers established under section 3301.075 of the Revised Code,~~ 49105  
career-technical planning districts, county boards of 49106

developmental disabilities, Ohio college tech prep regional 49107  
centers, community colleges, and other regional education 49108  
service providers as determined by the department. 49109

~~(C) Educational service centers shall provide the services~~ 49110  
~~that they are specifically required to provide by the Revised~~ 49111  
~~Code and may enter into agreements pursuant to section 3313.843,~~ 49112  
~~3313.844, or 3313.845 of the Revised Code for the provision of~~ 49113  
~~other services, which may include any of the following:~~ 49114

~~(1) Assistance in improving student performance;~~ 49115

~~(2) Services to enable a school district or school to~~ 49116  
~~operate more efficiently or economically;~~ 49117

~~(3) Professional development for teachers or~~ 49118  
~~administrators;~~ 49119

~~(4) Assistance in the recruitment and retention of~~ 49120  
~~teachers and administrators;~~ 49121

~~(5) Applying for any state or federal grant on behalf of a~~ 49122  
~~school district;~~ 49123

~~(6) Any other educational, administrative, or operational~~ 49124  
~~services.~~ 49125

~~In addition to implementing state and regional education~~ 49126  
~~initiatives and school improvement efforts under the educational~~ 49127  
~~regional service system, educational service centers shall~~ 49128  
~~implement state or federally funded initiatives assigned to the~~ 49129  
~~service centers by the general assembly or the department of~~ 49130  
~~education and workforce.~~ 49131

~~Any educational service center selected to be a fiscal~~ 49132  
~~agent for its region pursuant to section 3312.07 of the Revised~~ 49133  
~~Code shall continue to operate as an educational service center~~ 49134

~~for the part of the region that comprises its territory.~~

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(D) An educational service center shall be considered a school district or a local education agency for the purposes of eligibility in applying for any state or competitive federal grant.

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(E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.

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(F) No school district, community school, STEM school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, ~~except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.~~

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Sec. 3312.02. Not later than one hundred eighty days after the effective date of this section, the department of education and workforce shall establish not more than sixteen regions in the educational regional service system and designate the boundaries of each region. If the department plans to make any subsequent changes to the number of regions or regional boundaries, the department shall provide notice to the affected regions at least ninety days prior to the first day of July of the fiscal year in which those changes will take effect.

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Sec. 3312.07. (A) The department of education and workforce shall select a school district~~or~~, educational service center~~in~~, information technology center, career-technical

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planning district, Ohio college tech prep regional center, 49164  
county board of developmental disabilities, or community college 49165  
for each region of the educational regional service system to be 49166  
the fiscal agent for the region. For this purpose, the 49167  
department shall issue a request for proposals from ~~districts~~ 49168  
~~and service centers~~ entities interested in being a fiscal agent. 49169  
The department shall select each fiscal agent based upon the 49170  
following criteria: 49171

(1) Capability to serve as a fiscal agent as demonstrated 49172  
by a satisfactory audit record and prior experience serving as a 49173  
fiscal agent; 49174

(2) Adequate capacity in terms of facilities, personnel, 49175  
and other relevant resources; 49176

(3) Evidence that the ~~school district's or educational~~ 49177  
~~service center's~~ entity's role as a fiscal agent would result in 49178  
minimal disruption to its other responsibilities ~~as a district~~ 49179  
~~or service center~~; 49180

(4) ~~Demonstrated intent to~~ An assurance that the entity 49181  
will limit the aggregate fees for administering a performance 49182  
contract entered into under section 3312.08 of the Revised Code 49183  
to not more than ~~seven~~ five per cent of the value of the 49184  
contract. 49185

(B) If no ~~school district or educational service center~~ 49186  
entity described in division (A) of this section in a region 49187  
responds to the request for proposals issued by the department\_ 49188  
or meets the qualification established in the request for 49189  
proposals, the department ~~shall select a district or service~~ 49190  
~~center in the region~~ may select an entity described in that 49191  
division that is located in another region and that meets the 49192



criteria in that division ~~(A) of this section~~ to be the fiscal 49193  
agent for the region. 49194

**Sec. 3312.08.** Each fiscal agent selected by the department 49195  
of education and workforce pursuant to section 3312.07 of the 49196  
Revised Code shall do all of the following: 49197

(A) Enter into performance contracts with the department 49198  
in accordance with section 3312.09 of the Revised Code for the 49199  
implementation of state and regional education and workforce 49200  
development initiatives and school improvement efforts; 49201

(B) Receive federal and state funds, including federal 49202  
funds for the provision of special education and related 49203  
services, as specified in the performance contracts, and 49204  
disburse those funds as specified in the performance contracts 49205  
to ~~educational service centers, information technology centers,~~ 49206  
~~and other regional~~ identified service providers. However, any 49207  
funds owed to an educational service center in accordance with 49208  
an agreement entered into under section 3313.843, 3313.844, or 49209  
3313.845 of the Revised Code shall be paid directly to the 49210  
service center by the department and any operating funds 49211  
appropriated for an information technology center shall be paid 49212  
directly to the information technology center by the department 49213  
pursuant to section 3301.075 of the Revised Code. 49214

(C) Implement any expenditure of funds ~~recommended by the~~ 49215  
~~advisory council for the region pursuant to section 3312.04 of~~ 49216  
~~the Revised Code or~~ required by the terms of any performance 49217  
contract, unless there are insufficient funds available to the 49218  
region to pay for the expenditure or the expenditure violates a 49219  
provision of the Revised Code, a rule of the department 49220  
regarding such expenditure, or the terms of a performance 49221  
contract; 49222

(D) Exercise fiscal oversight of the implementation of 49223  
state and regional education and workforce development 49224  
initiatives and school improvement efforts as directed by the 49225  
department. 49226

**Sec. 3312.09.** (A) Each performance contract entered into 49227  
by the department of education and workforce and the fiscal 49228  
agent of a region for implementation of a state or regional 49229  
education or workforce development initiative or school 49230  
improvement effort shall include at least all of the following: 49231

(1) An explanation of how the regional needs and 49232  
priorities for educational services have been identified ~~by the~~ 49233  
~~advisory council of the region, the advisory council's~~ 49234  
~~subcommittees, and the department;~~ 49235

(2) A definition of the services to be provided to school 49236  
districts, community schools, STEM schools, and chartered 49237  
nonpublic schools in the region, ~~including any services provided~~ 49238  
~~pursuant to division (A) of section 3302.04 of the Revised Code;~~ 49239

(3) Expected outcomes from the provision of the services 49240  
defined in the contract; 49241

(4) The method the department will use to evaluate whether 49242  
the expected outcomes have been achieved; 49243

(5) A requirement that the fiscal agent develop and 49244  
implement a corrective action plan if the results of the 49245  
evaluation are unsatisfactory; 49246

(6) Data reporting requirements; 49247

(7) The aggregate fees to be charged by the fiscal agent 49248  
and any entity with which it subcontracts to cover personnel and 49249  
program costs associated with administering the contract, which 49250

fees shall be subject to controlling board approval if in excess 49251  
of ~~four~~ three per cent of the value of the contract. 49252

(B) Upon completion of each evaluation described in a 49253  
performance contract, the department shall post the results of 49254  
that evaluation on its web site. 49255

**Sec. 3312.10.** The board of education of a city, exempted 49256  
village, or local school district ~~or~~, the governing authority  
of a community school, or the governing body of a STEM school 49257  
may enter into an agreement, through the adoption of identical 49258  
resolutions, with the governing authority of an information 49259  
technology center, under which the information technology center 49260  
will provide services to the ~~school-district or community-~~ 49261  
school. Services provided under the agreement and the amount to 49262  
be paid for such services shall be mutually agreed to by the 49263  
parties to the agreement, and shall be specified in the 49264  
agreement. Payment for services specified in the agreement shall 49265  
be the sole responsibility of the board of education ~~or~~, community school governing authority, or STEM school governing 49266  
body and shall be made directly to the information technology 49267  
center providing the services. 49268  
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**Sec. 3312.13.** The department of education and workforce 49271  
shall consider the following when entering into performance 49272  
contracts with the fiscal agent of each region of the 49273  
educational regional service system and when allocating funds 49274  
for the implementation of statewide education and workforce 49275  
development initiatives by regional service providers ~~+~~: 49276

(A) The unique needs and circumstances of the region; 49277

(B) The regional needs and priorities for educational 49278  
services identified ~~by the advisory council for~~ in the region ~~+~~ 49279

~~(C) Any services that will be provided to school districts~~ 49280  
~~and schools within the region pursuant to division (A) of~~ 49281  
~~section 3302.04 of the Revised Code.~~ 49282

**Sec. 3313.174.** A school district or member of a school 49283  
district board of education is not immune from liability in 49284  
damages in a civil action if the board of education of the city, 49285  
exempted village, or local school district or one of its members 49286  
knowingly instructs the superintendent of the district to 49287  
violate any provision of the Revised Code or common law of this 49288  
state. 49289

This section does not eliminate, limit, or reduce any 49290  
other immunity or defense that a school district or member of a 49291  
school district board of education may be entitled to under 49292  
Chapter 2744. or any other provision of the Revised Code or 49293  
under the common law of this state. 49294

**Sec. 3313.27.** At the expiration of the term of any 49295  
treasurer of any board of education or before any board approves 49296  
the surety of any treasurer, such board shall require the 49297  
treasurer to produce all money, bonds, or other securities in 49298  
~~his~~ the treasurer's hands, which shall then be counted by the 49299  
board or a committee thereof, ~~or by a representative of the~~ 49300  
~~auditor of state.~~ A certificate setting forth the exact amount 49301  
of such money, bonds, or other securities, and signed by the 49302  
representatives making such count, shall be entered upon the 49303  
records of the board and shall be prima-facie evidence that the 49304  
amount therein stated was actually in the treasury at that date. 49305

**Sec. 3313.41.** (A) Except as provided in divisions (C), 49306  
(D), and (F) of this section and in sections 3313.412 and 49307  
3313.413 of the Revised Code, when a board of education decides 49308  
to dispose of real or personal property that it owns in its 49309

corporate capacity and that exceeds in value ten thousand 49310  
dollars, it shall sell the property at public auction, after 49311  
giving at least thirty days' notice of the auction by 49312  
publication in a newspaper of general circulation in the school 49313  
district, by publication as provided in section 7.16 of the 49314  
Revised Code, or by posting notices in five of the most public 49315  
places in the school district in which the property, if it is 49316  
real property, is situated, or, if it is personal property, in 49317  
the school district of the board of education that owns the 49318  
property. The board may offer real property for sale as an 49319  
entire tract or in parcels. The board of education shall accept 49320  
the highest bid at a public auction under this division. 49321

(B) When the board of education has offered real or 49322  
personal property for sale at public auction at least once 49323  
pursuant to division (A) of this section, and the property has 49324  
not been sold, the board may sell it at a private sale. 49325  
Regardless of how it was offered at public auction, at a private 49326  
sale, the board shall, as it considers best, sell real property 49327  
as an entire tract or in parcels, and personal property in a 49328  
single lot or in several lots. 49329

(C) If a board of education decides to dispose of real or 49330  
personal property that it owns in its corporate capacity and 49331  
that exceeds in value ten thousand dollars, it may sell the 49332  
property to the adjutant general; to any subdivision or taxing 49333  
authority as respectively defined in section 5705.01 of the 49334  
Revised Code, township park district, board of park 49335  
commissioners established under Chapter 755. of the Revised 49336  
Code, or park district established under Chapter 1545. of the 49337  
Revised Code; to a wholly or partially tax-supported university, 49338  
university branch, or college; to a nonprofit institution of 49339  
higher education that has a certificate of authorization under 49340

Chapter 1713. of the Revised Code; to the governing authority of 49341  
a chartered nonpublic school; or to the board of trustees of a 49342  
school district library, upon such terms as are agreed upon. The 49343  
sale of real or personal property to the board of trustees of a 49344  
school district library is limited, in the case of real 49345  
property, to a school district library within whose boundaries 49346  
the real property is situated, or, in the case of personal 49347  
property, to a school district library whose boundaries lie in 49348  
whole or in part within the school district of the selling board 49349  
of education. 49350

(D) When a board of education decides to trade as a part 49351  
or an entire consideration, an item of personal property on the 49352  
purchase price of an item of similar personal property, it may 49353  
trade the same upon such terms as are agreed upon by the parties 49354  
to the trade. 49355

(E) The president and the treasurer of the board of 49356  
education shall execute and deliver deeds or other necessary 49357  
instruments of conveyance to complete any sale or trade under 49358  
this section. 49359

(F) When a board of education has identified a parcel of 49360  
real property that it determines is needed for school purposes, 49361  
the board may, upon a majority vote of the members of the board, 49362  
acquire that property by exchanging real property that the board 49363  
owns in its corporate capacity for the identified real property 49364  
or by using real property that the board owns in its corporate 49365  
capacity as part or an entire consideration for the purchase 49366  
price of the identified real property. Any exchange or 49367  
acquisition made pursuant to this division shall be made by a 49368  
conveyance executed by the president and the treasurer of the 49369  
board. 49370

(G) When a school district board of education has property 49371  
that the board, by resolution, finds is not needed for school 49372  
district use, is obsolete, or is unfit for the use for which it 49373  
was acquired, the board may donate that property in accordance 49374  
with this division if the fair market value of the property is, 49375  
in the opinion of the board, two thousand five hundred dollars 49376  
or less. 49377

The property may be donated to an eligible nonprofit 49378  
organization that is located in this state and is exempt from 49379  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 49380  
Before donating any property under this division, the board 49381  
shall adopt a resolution expressing its intent to make unneeded, 49382  
obsolete, or unfit-for-use school district property available to 49383  
these organizations. The resolution shall include guidelines and 49384  
procedures the board considers to be necessary to implement the 49385  
donation program and shall indicate whether the school district 49386  
will conduct the donation program or the board will contract 49387  
with a representative to conduct it. If a representative is 49388  
known when the resolution is adopted, the resolution shall 49389  
provide contact information such as the representative's name, 49390  
address, and telephone number. 49391

The resolution shall include within its procedures a 49392  
requirement that any nonprofit organization desiring to obtain 49393  
donated property under this division shall submit a written 49394  
notice to the board or its representative. The written notice 49395  
shall include evidence that the organization is a nonprofit 49396  
organization that is located in this state and is exempt from 49397  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); 49398  
a description of the organization's primary purpose; a 49399  
description of the type or types of property the organization 49400  
needs; and the name, address, and telephone number of a person 49401

designated by the organization's governing board to receive 49402  
donated property and to serve as its agent. The written notice 49403  
may be submitted electronically to the board or its 49404  
representative. 49405

After adoption of the resolution, the board shall 49406  
continually post in the board's office notice of its intent to 49407  
donate school district property that is unneeded, obsolete, or 49408  
unfit for use to eligible nonprofit organizations. If the school 49409  
district maintains a web site on the internet, the notice shall 49410  
be posted continually at that web site. 49411

The board or its representatives shall maintain a list of 49412  
all nonprofit organizations that notify the board or its 49413  
representative of their desire to obtain donated property under 49414  
this division and that the board or its representative 49415  
determines to be eligible, in accordance with the requirements 49416  
set forth in this section and in the donation program's 49417  
guidelines and procedures, to receive donated property. 49418

The board or its representative also shall maintain a list 49419  
of all school district property the board finds to be unneeded, 49420  
obsolete, or unfit for use and to be available for donation 49421  
under this division. The list shall be posted continually in a 49422  
conspicuous location in the board's office, and, if the school 49423  
district maintains a web site on the internet, the list shall be 49424  
posted continually at that web site. An item of property on the 49425  
list shall be donated to the eligible nonprofit organization 49426  
that first declares to the board or its representative its 49427  
desire to obtain the item unless the board previously has 49428  
established, by resolution, a list of eligible nonprofit 49429  
organizations that shall be given priority with respect to the 49430  
item's donation. Priority may be given on the basis that the 49431



purposes of a nonprofit organization have a direct relationship 49432  
to specific school district purposes of programs provided or 49433  
administered by the board. A resolution giving priority to 49434  
certain nonprofit organizations with respect to the donation of 49435  
an item of property shall specify the reasons why the 49436  
organizations are given that priority. 49437

Members of the board shall consult with the Ohio ethics 49438  
commission, and comply with Chapters 102. and 2921. of the 49439  
Revised Code, with respect to any donation under this division 49440  
to a nonprofit organization of which a board member, any member 49441  
of a board member's family, or any business associate of a board 49442  
member is a trustee, officer, board member, or employee. 49443

**Sec. 3313.411.** (A) As used in this section: 49444

(1) "College-preparatory boarding school" means a college- 49445  
preparatory boarding school established under Chapter 3328. of 49446  
the Revised Code. 49447

(2) "Community school" means a community school 49448  
established under Chapter 3314. of the Revised Code. 49449

(3) "High-performing community school" has the same 49450  
meaning as in section 3313.413 of the Revised Code. 49451

(4) "STEM school" means a science, technology, 49452  
engineering, and mathematics school established under Chapter 49453  
3326. of the Revised Code. 49454

(5) "Unused school facilities" means either: 49455

(a) Any real property that has been used by a school 49456  
district for school operations, including, but not limited to, 49457  
academic instruction or administration, since July 1, 1998, but 49458  
has not been used in that capacity for one year; 49459

(b) Any school building that has been used for direct 49460  
academic instruction~~but~~ and, in the two most recent school 49461  
years, the building's student enrollment is less than sixty per 49462  
cent of either of the building was used for that purpose in the 49463  
preceding school year. following: 49464

(i) The maximum student enrollment established for the 49465  
building in its architectural specifications or master design 49466  
plan approved by the Ohio facilities construction commission; 49467

(ii) The greatest student enrollment of the building in 49468  
the ten most recent school years, including the current school 49469  
year. 49470

(B) (1) Except as provided in section 3313.412 of the 49471  
Revised Code, on and after June 30, 2011, any school district 49472  
board of education shall offer any unused school facilities it 49473  
owns in its corporate capacity for lease or sale to the 49474  
governing authorities of community schools, the boards of 49475  
trustees of any college-preparatory boarding schools, ~~and~~ the 49476  
governing bodies of any STEM schools, and the governing 49477  
authorities of any chartered nonpublic schools, that are located 49478  
within the territory of the district. Not later than sixty days 49479  
after the district board makes the offer, interested governing 49480  
authorities, boards of trustees, and governing bodies shall 49481  
notify the district treasurer in writing of the intention to 49482  
lease or purchase the property. 49483

The district board shall give priority to the governing 49484  
authorities of high-performing community schools and chartered 49485  
nonpublic schools that are located within the territory of the 49486  
district. 49487

(2) At the same time that a district board makes the offer 49488

required under division (B) (1) of this section, the board also 49489  
may, but shall not be required to, offer that property for sale 49490  
or lease to the governing authorities of community schools with 49491  
plans, stipulated in their contracts entered into under section 49492  
3314.03 of the Revised Code, either to relocate their operations 49493  
to the territory of the district or to add facilities, as 49494  
authorized ~~by division (B) (3) or (4) of~~ under section 3314.05 of 49495  
the Revised Code, to be located within the territory of the 49496  
district. 49497

(C) (1) If, not later than sixty days after the district 49498  
board makes the offer, only one governing authority of a high- 49499  
performing community school or a chartered nonpublic school 49500  
offered the property under division (B) of this section notifies 49501  
the district treasurer in writing of the intention to purchase 49502  
the property pursuant to that division, the district board shall 49503  
sell the property to that party for the appraised ~~fair market~~ 49504  
value of the property for operation as an educational facility 49505  
as determined in an appraisal of the property that is not more 49506  
than one year old. 49507

If, not later than sixty days after the district board 49508  
makes the offer, more than one governing authority of a high- 49509  
performing community school or a chartered nonpublic school 49510  
offered the property under division (B) of this section notifies 49511  
the district treasurer in writing of the intention to purchase 49512  
the property pursuant to that division, the board shall conduct 49513  
~~a public auction in the manner required for auctions of district~~ 49514  
~~property under division (A) of section 3313.41 of the Revised~~ 49515  
~~Code. Only the governing authorities of high-performing~~ 49516  
~~community schools that notified the district treasurer of the~~ 49517  
~~intention to purchase the property pursuant to division (B) of~~ 49518  
~~this section are eligible to bid at the auction~~ lottery to 49519

select from among those governing authorities the one governing 49520  
authority to which the board shall sell the property. The 49521  
district board is not obligated to accept any ~~bid payment~~ for 49522  
the property that is lower than the appraised ~~fair market~~ value 49523  
of the property for operation as an educational facility, as 49524  
determined in an appraisal that is not more than one year old. 49525

(2) If, not later than sixty days after the district board 49526  
makes the offer, no governing authority of a high-performing 49527  
community school or a chartered nonpublic school notifies the 49528  
district treasurer of its intention to purchase the property 49529  
pursuant to division (B) of this section, the board shall then 49530  
proceed to offer the property for sale or lease to the governing 49531  
authorities of high performing community schools and chartered 49532  
nonpublic schools located outside of the district. If, not later 49533  
than sixty days after the district board makes the offer, only 49534  
one governing authority of a high-performing community school or 49535  
a chartered nonpublic school offered the property under division 49536  
(C) (2) of this section notifies the district treasurer in 49537  
writing of the intention to purchase the property, the district 49538  
board shall sell the property to that entity for the appraised 49539  
value of the property for operation as an educational facility, 49540  
as determined in an appraisal of the property that is not more 49541  
than one year old. 49542

If, not later than sixty days after the district board 49543  
makes the offer, more than one governing authority of a high- 49544  
performing community school or a chartered nonpublic school 49545  
offered the property under division (C) (2) of this section 49546  
notifies the district treasurer in writing of the intention to 49547  
purchase the property, the district board shall conduct a 49548  
lottery to select from among those governing authorities the one 49549  
governing authority to which the district board shall sell the 49550

property. The district board is not obligated to accept any 49551  
payment for the property that is lower than the appraised value 49552  
of the property for operation as an educational facility, as 49553  
determined in an appraisal that is not more than one year old. 49554

(3) If, not later than sixty days after the district board 49555  
makes the offer, no governing authority of a high-performing 49556  
community school or a chartered nonpublic school notifies the 49557  
district treasurer of its intention to purchase the property 49558  
pursuant to division (C) (2) of this section, the district board 49559  
shall then proceed with the offers from all other start-up 49560  
community schools, college-preparatory boarding schools, and 49561  
STEM schools made pursuant to ~~that division~~ this section. 49562

If more than one such entity notifies the district 49563  
treasurer of its intention to purchase the property pursuant to 49564  
division ~~(B)~~ (C) (3) of this section, the board shall conduct a 49565  
~~public auction in the manner required for auctions of district~~ 49566  
~~property under division (A) of section 3313.41 of the Revised~~ 49567  
~~Code. Only the entities that notified the district treasurer~~ 49568  
~~pursuant to division (B) of this section are eligible to bid at~~ 49569  
~~the auction~~ lottery to select from among those entities the one 49570  
entity to which the district board shall sell the property. The 49571  
district board is not obligated to accept any payment for the 49572  
property that is lower than the appraised value of the property 49573  
for operation as an educational facility, as determined in an 49574  
appraisal that is not more than one year old. 49575

~~(3)~~ (4) If more than one governing authority of a high- 49576  
performing community school or a chartered nonpublic school 49577  
notifies the district treasurer in writing of the intention to 49578  
lease the property pursuant to division (B) or (C) of this 49579  
section, the district board shall conduct a lottery to select 49580

from among those governing authorities the one qualified 49581  
governing authority to which the district board shall lease the 49582  
property. 49583

If no such governing authority of a high-performing 49584  
community school or a chartered nonpublic school notifies the 49585  
district treasurer of its intention to lease the property 49586  
pursuant to division (B) or (C) of this section, the board shall 49587  
then proceed with the offers from all other start-up community 49588  
schools, college-preparatory boarding schools, and STEM schools 49589  
made pursuant to that division. If more than one other start-up 49590  
community school, college-preparatory boarding school, or STEM 49591  
school notified the district treasurer of its intention to lease 49592  
the property pursuant to division (B) or (C) of this section, 49593  
the district board shall conduct a lottery to select from among 49594  
those parties the one qualified party to which the district 49595  
board shall lease the property. 49596

~~(4)~~ (5) The lease price offered by a district board to a 49597  
community school, college-preparatory boarding school, or STEM 49598  
school under this section shall not be higher than the ~~fair-~~ 49599  
~~market-~~ value for such a leasehold for operation as an 49600  
educational facility, as determined in an appraisal that is not 49601  
more than one year old. 49602

~~(5)~~ (6) If no qualified party offered the property under 49603  
division (B) or (C) of this section accepts the offer to lease 49604  
or buy the property within sixty days after the offer is made, 49605  
the district board ~~may shall~~ offer the property ~~to any other~~ 49606  
~~entity in accordance with~~ for sale in the manner prescribed 49607  
under divisions (A) to (F) of section 3313.41 of the Revised 49608  
Code. 49609

(D) Notwithstanding division (B) or (C) of this section, a 49610

school district board may renew any agreement it originally 49611  
entered into prior to June 30, 2011, to lease real property to 49612  
an entity other than a community school, college-preparatory 49613  
boarding school, ~~or~~ STEM school, or chartered nonpublic school. 49614  
Nothing in this section shall affect the leasehold arrangements 49615  
between the district board and that other entity. 49616

(E) (1) Except as provided in division (E) (2) of this 49617  
section, the governing authority of a community school, board of 49618  
trustees of a college-preparatory boarding school, ~~or~~ governing 49619  
body of a STEM school, or governing authority of a chartered 49620  
nonpublic school shall not sell any property purchased under 49621  
division (B) or (C) of this section within five years of 49622  
purchasing that property. 49623

(2) The governing authority, board of trustees, or 49624  
governing body may sell a property purchased under division (B) 49625  
or (C) of this section within five years of the purchase, only 49626  
if the governing authority, board of trustees, or governing body 49627  
sells or transfers that property to another entity described in 49628  
that division. 49629

(F) (1) A school district board of education is not 49630  
required to offer any unused school facilities it owns in its 49631  
corporate capacity for lease or sale under this section if 49632  
either of the following apply: 49633

(a) The facility is less than ten years old. 49634

(b) The facility is located on, or adjacent to, a tract or 49635  
parcel of land where other school district facilities are 49636  
located. 49637

(2) If a school district board of education believes 49638  
extraordinary circumstances should exempt it from offering an 49639

unused facility for lease or sale under this section, the board 49640  
may appeal the requirement to the director of education and 49641  
workforce. The director shall approve or deny the appeal within 49642  
sixty days of receiving the request from the board. 49643

(G) (1) Not later than November 30, 2025, and annually 49644  
thereafter, each school district shall report to the department 49645  
of education and workforce, in the manner determined by the 49646  
department, both of the following: 49647

(a) Any real district property described in division (A) 49648  
(5) (a) of this section; 49649

(b) The enrollment data specified in division (A) (5) (b) of 49650  
this section and the current enrollment for each school building 49651  
operated by the district. 49652

(2) Not later than December 31, 2025, and annually 49653  
thereafter, the department shall publish on its web site a list 49654  
of unused school facilities in each school district. 49655

**Sec. 3313.413.** (A) As used in this section, "high- 49656  
performing community school" means ~~either a community school~~ 49657  
~~established under Chapter 3314. of the Revised Code that meets~~ 49658  
~~any of the following conditions:~~ 49659

~~(1) A community school established under Chapter 3314. of~~ 49660  
~~the Revised Code that meets the following conditions:~~ 49661

~~(a) Except as provided in division (A) (1) (b) or (c) of~~ 49662  
~~this section, the school both:~~ 49663

~~(i) Has received either a grade of "A," "B," or "C" for~~ 49664  
~~the performance index score under division (C) (1) (b) of section~~ 49665  
~~3302.03 of the Revised Code or a performance rating of three~~ 49666  
~~stars or higher for achievement under division (D) (3) (b) of that~~ 49667



~~section; or has increased its performance index score under  
division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the  
Revised Code in each of the previous three years of operation;  
and~~

~~(ii) Has received either a grade of "A" or "B" for the  
value-added progress dimension under division (C) (1) (e) of  
section 3302.03 of the Revised Code or a performance rating of  
four stars or higher for progress under division (D) (3) (e) of  
that section on its most recent report card rating issued under  
that section~~ Except as provided for in division (A) (2) or (3) of  
this section, the community school does both of the following:

(a) The school has a higher performance index score than  
the school district in which the school is located on the two  
most recent report cards issued under section 3302.03 of the  
Revised Code.

(b) The school either has a performance rating of four  
stars or higher for progress on the most recent report card  
issued under section 3302.03 of the Revised Code or is a school  
described under division (B) (1) of section 3314.35 of the  
Revised Code and did not receive a rating for progress on the  
most recent report card.

~~(b) (2) If the community school serves only grades  
kindergarten through three, the school received either a grade  
of "A" or "B" for making progress in improving literacy in  
grades kindergarten through three under division (C) (1) (g) of  
section 3302.03 of the Revised Code or a performance rating of  
four stars or higher for early literacy under division (D) (3) (e)  
of that section on its most recent report card issued under that  
section~~ 3302.03 of the Revised Code.

~~(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (B) (1) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.~~

~~(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education and workforce.~~ (3) If the community school has not commenced operations or has been in operation for less than one school year, the school meets the following conditions:

(a) The school is replicating an operational and instructional model used by a community school described in division (A) (1) or (2) of this section.

(b) The school either:

(i) Has an operator that received an overall rating of three stars or higher, or a "C" or higher, on its most recent performance report published under section 3314.031 of the Revised Code;

(ii) Does not have an operator and is sponsored by a sponsor that was rated "exemplary" or "effective" on its most recent evaluation conducted under section 3314.016 of the Revised Code.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-

preparatory boarding schools, ~~and~~ the governing bodies of any 49726  
STEM schools, and the governing authorities of any chartered 49727  
nonpublic schools that are located within the territory of the 49728  
district and the governing boards of any educational service 49729  
centers that have territory in the district. Not later than 49730  
sixty days after the district board makes the offer, interested 49731  
governing authorities, boards of trustees, ~~and~~ governing bodies, 49732  
and governing boards shall notify the district treasurer in 49733  
writing of the intention to purchase the property. 49734

The district board shall give priority to the governing 49735  
authorities of high-performing community schools that are 49736  
located within the territory of the district. 49737

(1) If more than one governing authority of a high- 49738  
performing community school notifies the district treasurer of 49739  
its intention to purchase the property pursuant to division (B) 49740  
of this section, the board shall conduct a public auction in the 49741  
manner required for auctions of district property under division 49742  
(A) of section 3313.41 of the Revised Code. Only the governing 49743  
authorities of high-performing community schools that notified 49744  
the district treasurer pursuant to division (B) of this section 49745  
are eligible to bid at the auction. 49746

(2) If no governing authority of a high-performing 49747  
community school notifies the district treasurer of its 49748  
intention to purchase the property pursuant to division (B) of 49749  
this section, the board shall then proceed with the offers from 49750  
all other start-up community schools, college-preparatory 49751  
boarding schools, ~~and~~ STEM schools, educational service centers, 49752  
and chartered nonpublic schools made pursuant to that division. 49753  
If more than one such entity notifies the district treasurer of 49754  
its intention to purchase the property pursuant to division (B) 49755

of this section, the board shall conduct a public auction in the 49756  
manner required for auctions of district property under division 49757  
(A) of section 3313.41 of the Revised Code. Only the entities 49758  
that notified the district treasurer pursuant to division (B) of 49759  
this section are eligible to bid at the auction. 49760

(3) If no governing authority, board of trustees, ~~or~~ 49761  
governing body, or governing board notifies the district 49762  
treasurer of its intention to purchase the property pursuant to 49763  
division (B) of this section, the district may then offer the 49764  
property for sale in the manner prescribed under divisions (A) 49765  
to (F) of section 3313.41 of the Revised Code. 49766

(C) Notwithstanding anything to the contrary in sections 49767  
3313.41 and 3313.411 of the Revised Code, the purchase price of 49768  
any real property sold to any of the entities in accordance with 49769  
division (B) of this section shall not be more than the 49770  
appraised fair market value of that property as determined in an 49771  
appraisal of the property that is not more than one year old. 49772

(D) A board of education that plans to demolish a building 49773  
that it owns in its corporate capacity and that exceeds in value 49774  
ten thousand dollars shall offer the building for sale in the 49775  
manner prescribed under this section prior to demolishing the 49776  
building. If no governing authority, board of trustees, 49777  
governing body, or governing board notifies the district 49778  
treasurer of its intention to purchase the property pursuant to 49779  
division (B) of this section, the district may offer the 49780  
property for sale in the manner prescribed under divisions (A) 49781  
to (F) of section 3313.41 of the Revised Code. This division 49782  
does not apply to a building located on, or adjacent to, a tract 49783  
or parcel of land where other school district buildings used for 49784  
educational instruction are located. 49785

(E) Not later than the first day of October of each year, 49786  
the department of education and workforce shall post in a 49787  
prominent location on its web site a list of schools that 49788  
qualify as high-performing community schools for purposes of 49789  
this section and section 3313.411 of the Revised Code. 49790

**Sec. 3313.489.** (A) The director of education and workforce 49791  
shall examine each ~~five-year~~ school district's current budget 49792  
information and three-year projection of revenues and 49793  
expenditures submitted under section 5705.391 of the Revised 49794  
Code and shall determine whether the information contained 49795  
therein, together with any other relevant information, indicates 49796  
that the district may be financially unable to operate its 49797  
instructional program on all days set forth in its adopted 49798  
school calendars and pay all obligated expenses during the 49799  
current fiscal year. If a board of education has not adopted a 49800  
school calendar for the school year beginning on the first day 49801  
of July of the current fiscal year at the time an examination is 49802  
required under this division, the director shall examine the 49803  
~~five-year~~ current budget information and three-year projection 49804  
and determine whether the district may be financially unable to 49805  
pay all obligated expenses and operate its instructional program 49806  
for the number of days on which instruction was held in the 49807  
preceding fiscal year. 49808

(B) If the director of education and workforce determines 49809  
pursuant to division (A) of this section that a school district 49810  
may be financially unable to operate its instructional program 49811  
on all days required by such division and pay all obligated 49812  
expenses during the current fiscal year, the director shall 49813  
provide written notification of such determination to the 49814  
president of the district's board of education and the auditor 49815  
of state. 49816

(C) This section does not apply to a school district 49817  
declared to be under a fiscal emergency pursuant to division (B) 49818  
of section 3316.03 of the Revised Code. 49819

**Sec. 3313.5313.** (A) As used in this section: 49820

(1) "Harassment, intimidation, or bullying" has the same 49821  
meaning as in section 3313.666 of the Revised Code. 49822

(2) "Home-educated student" means a student who is 49823  
receiving home education in accordance with section 3321.042 of 49824  
the Revised Code. 49825

(3) "Qualifying offense" means any of the following: 49826

(a) An offense of violence; 49827

(b) A violation of section 2907.07 of the Revised Code; 49828

(c) An attempt to commit an offense of violence or a 49829  
violation of section 2907.07 of the Revised Code. 49830

(4) "Qualifying school" means a community school 49831  
established under Chapter 3314. of the Revised Code, a STEM 49832  
school established under Chapter 3326. of the Revised Code, a 49833  
chartered nonpublic school, or a nonchartered nonpublic school. 49834

(5) "Resident district" means the school district in which 49835  
a student is entitled to attend school under section 3313.64 or 49836  
3313.65 of the Revised Code. 49837

(B) The superintendent of any school district may afford 49838  
any home-educated student ~~or any student enrolled in a~~ 49839  
~~qualifying school or a different school district~~, regardless of 49840  
whether the superintendent's district is the student's resident 49841  
district, the opportunity to participate in interscholastic 49842  
athletics at a school of the superintendent's district, if the 49843

student was subject to any of the following by a school 49844  
official, employee, or volunteer or another student from ~~the~~ 49845  
~~district or school in which the student is enrolled or the~~ 49846  
district in which the student is participating in 49847  
interscholastic athletics under section ~~3313.537, 3313.5311, or~~ 49848  
3313.5312 of the Revised Code: 49849

(1) Harassment, intimidation, or bullying; 49850

(2) A qualifying offense, for which the school official, 49851  
employee, or volunteer or another student has been either of the 49852  
following: 49853

(a) Charged with, indicted for, convicted of, or pled 49854  
guilty to committing; 49855

(b) Alleged to be or is adjudicated a delinquent child for 49856  
committing. 49857

(3) Conduct by a school official, employee, or volunteer 49858  
that violates the licensure code of professional conduct for 49859  
Ohio educators developed by the state board of education. 49860

(C) The chief administrative officer of any qualifying 49861  
school may afford any ~~student enrolled in a school district, any~~ 49862  
~~student enrolled in a different qualifying school, or any home-~~ 49863  
educated student the opportunity to participate in 49864  
interscholastic athletics at the chief administrative officer's 49865  
school, if the student was subject to any of the following by a 49866  
school official, employee, or volunteer or another student from 49867  
~~the district or school in which the student is enrolled or the~~ 49868  
district in which the student is participating in 49869  
interscholastic athletics under section ~~3313.537, 3313.5311, or~~ 49870  
3313.5312 of the Revised Code: 49871

(1) Harassment, intimidation, or bullying; 49872

(2) A qualifying offense, for which the school official,  
employee, or volunteer or another student has been either of the  
following:

(a) Charged with, indicted for, convicted of, or pled  
guilty to committing;

(b) Alleged to be or is adjudicated a delinquent child for  
committing.

(3) Conduct by a school official, employee, or volunteer  
that violates the licensure code of professional conduct for  
Ohio educators developed by the state board of education.

~~(D) To participate in interscholastic athletics under this  
section, a student who is not a home-educated student shall be  
of the appropriate age and grade level, as determined by the  
superintendent of the district or the chief administrative  
officer of the qualifying school, for the school at which the  
student participates in interscholastic athletics and shall  
fulfill the same academic, nonacademic, and financial  
requirements as any other participant.~~

~~(E)~~ Divisions (C) to (E) of section 3313.5312 of the  
Revised Code apply to a home-educated student who participates  
in interscholastic athletics at school under this section.

~~(F)~~ (E) No district or school shall impose additional rules  
on a student to participate under this section that do not apply  
to other students participating in the same interscholastic  
athletics activity. No district or school shall impose fees for  
a student to participate under this section that exceed any fees  
charged to other students participating in the same  
interscholastic athletics activity.

~~(G)~~ (F) No school district board of education, STEM school



governing body, or governing authority of a community school, 49902  
chartered nonpublic school, or nonchartered nonpublic school 49903  
shall take any action contrary to the provisions of this 49904  
section. 49905

~~(H)~~ (G) No school district, interscholastic conference, or 49906  
organization that regulates interscholastic conferences or 49907  
events shall do either of the following: 49908

(1) Require a student who is eligible to participate in 49909  
interscholastic athletics under this section to meet eligibility 49910  
requirements that conflict with this section; 49911

(2) Penalize or restrict the eligibility to participate in 49912  
interscholastic athletics of a student who, during a school 49913  
year, ceases to participate in interscholastic athletics at one 49914  
district or school and then begins to participate in 49915  
interscholastic athletics at a different district or school 49916  
under this section. 49917

**Sec. 3313.60.** Notwithstanding division (D) of section 49918  
3311.52 of the Revised Code, divisions (A) to (E) of this 49919  
section do not apply to any cooperative education school 49920  
district established pursuant to divisions (A) to (C) of section 49921  
3311.52 of the Revised Code. 49922

(A) The board of education of each city, exempted village, 49923  
and local school district and the board of each cooperative 49924  
education school district established, pursuant to section 49925  
3311.521 of the Revised Code, shall prescribe a curriculum for 49926  
all schools under its control. Except as provided in division 49927  
(E) of this section, in any such curriculum there shall be 49928  
included the study of the following subjects: 49929

(1) The language arts, including reading, writing, 49930

spelling, oral and written English, and literature; 49931

(2) Geography, the history of the United States and of 49932  
Ohio, and national, state, and local government in the United 49933  
States, including a balanced presentation of the relevant 49934  
contributions to society of men and women of African, Mexican, 49935  
Puerto Rican, and American Indian descent as well as other 49936  
ethnic and racial groups in Ohio and the United States; 49937

(3) Mathematics; 49938

(4) Natural science, including instruction in the 49939  
conservation of natural resources; 49940

(5) Health education, which shall include instruction in: 49941

(a) The nutritive value of foods, including natural and 49942  
organically produced foods, the relation of nutrition to health, 49943  
and the use and effects of food additives; 49944

(b) The harmful effects of and legal restrictions against 49945  
the use of drugs of abuse, including marijuana, opioids, 49946  
opiates, alcoholic beverages, and tobacco, including electronic 49947  
smoking devices; 49948

(c) Sexually transmitted infection education, except that 49949  
upon written request of the student's parent or guardian, a 49950  
student shall be excused from taking instruction in sexually 49951  
transmitted infection education; 49952

(d) In grades kindergarten through six, annual 49953  
developmentally appropriate instruction in child sexual abuse 49954  
prevention, including information on available counseling and 49955  
resources for children who are sexually abused. Such instruction 49956  
and information provided shall not be connected in any way to 49957  
any individual, entity, or organization that provides, promotes, 49958

counsels, or makes referrals for abortion or abortion-related 49959  
services. Upon written request of the student's parent or 49960  
guardian, a student shall be excused from taking instruction in 49961  
child sexual abuse prevention. 49962

(e) In grades kindergarten through six, instruction in 49963  
personal safety and assault prevention, except that upon written 49964  
request of the student's parent or guardian, a student shall be 49965  
excused from taking instruction in personal safety and assault 49966  
prevention; 49967

(f) In grades seven through twelve, developmentally 49968  
appropriate instruction in dating violence prevention education 49969  
and sexual violence prevention education, which shall include 49970  
instruction in recognizing dating violence warning signs and 49971  
characteristics of healthy relationships, except that upon 49972  
written request of the student's parent or guardian a student 49973  
shall be excused from taking instruction in sexual violence 49974  
prevention. 49975

In order to assist school districts in developing a dating 49976  
violence prevention education and sexual violence prevention 49977  
education curriculum, the department of education and workforce 49978  
shall provide on its web site links to free curricula addressing 49979  
dating violence prevention and sexual violence prevention 49980  
education. Such instruction and information shall not be 49981  
connected in any way to any individual, entity, or organization 49982  
that provides, promotes, counsels, or makes referrals for 49983  
abortion or abortion-related services. 49984

Each school district shall notify the parents and legal 49985  
guardians of students who receive instruction related to child 49986  
sexual abuse prevention and sexual violence prevention, as 49987  
described under divisions (A) (5) (d) and (f) of this section, of 49988

all of the following: 49989

(i) That instruction in child sexual abuse prevention and 49990  
sexual violence prevention is a required part of the district's 49991  
curriculum; 49992

(ii) That upon request, parents and legal guardians may 49993  
examine such instructional materials in accordance with this 49994  
section; 49995

(iii) That upon written request of the student's parent or 49996  
guardian, a student shall be excused from taking instruction in 49997  
child sexual abuse prevention and sexual violence prevention. 49998

If the parent or legal guardian of a student less than 49999  
eighteen years of age submits to the principal of the student's 50000  
school a written request to examine the dating violence 50001  
prevention and sexual violence prevention instruction materials 50002  
used at that school, the principal, within forty-eight hours 50003  
after the request is made, shall allow the parent or guardian to 50004  
examine those materials at that school. 50005

(g) Prescription opioid abuse prevention, with an emphasis 50006  
on the prescription drug epidemic and the connection between 50007  
prescription opioid abuse and addiction to other drugs, such as 50008  
heroin; 50009

(h) The process of making an anatomical gift under Chapter 50010  
2108. of the Revised Code, with an emphasis on the life-saving 50011  
and life-enhancing effects of organ and tissue donation; 50012

(i) Beginning with the first day of the next school year 50013  
that begins at least two years after March 24, 2021, in grades 50014  
six through twelve, at least one hour or one standard class 50015  
period per school year of evidence-based suicide awareness and 50016  
prevention and at least one hour or one standard class period 50017

per school year of safety training and violence prevention, 50018  
except that upon written request of the student's parent or 50019  
guardian, a student shall be excused from taking instruction in 50020  
suicide awareness and prevention or safety training and violence 50021  
prevention; 50022

(j) Beginning with the first day of the next school year 50023  
that begins at least two years after March 24, 2021, in grades 50024  
six through twelve, at least one hour or one standard class 50025  
period per school year of evidence-based social inclusion 50026  
instruction, except that upon written request of the student's 50027  
parent or guardian, a student shall be excused from taking 50028  
instruction in social inclusion. 50029

For the instruction required under divisions (A) (5) (i) and 50030  
(j) of this section, the board shall use a training program 50031  
approved by the department of education and workforce under 50032  
section 3301.221 of the Revised Code. 50033

Schools may use student assemblies, digital learning, and 50034  
homework to satisfy the instruction requirements under divisions 50035  
(A) (5) (i) and (j) of this section. 50036

(k) Instruction in bullying and hazing. 50037

(6) Physical education; 50038

(7) The fine arts, including music; 50039

(8) First aid, including a training program in 50040  
cardiopulmonary resuscitation, which shall comply with section 50041  
3313.6021 of the Revised Code when offered in any of grades nine 50042  
through twelve, safety, and fire prevention. However, upon 50043  
written request of the student's parent or guardian, a student 50044  
shall be excused from taking instruction in cardiopulmonary 50045  
resuscitation. 50046

(B) Except as provided in division (E) of this section, 50047  
every school or school district shall include in the 50048  
requirements for promotion from the eighth grade to the ninth 50049  
grade one year's course of study of American history. A board 50050  
may waive this requirement for academically accelerated students 50051  
who, in accordance with procedures adopted by the board, are 50052  
able to demonstrate mastery of essential concepts and skills of 50053  
the eighth grade American history course of study. 50054

(C) As specified in divisions (B) (6) and (C) (6) of section 50055  
3313.603 of the Revised Code, except as provided in division (E) 50056  
of this section, every high school shall include in the 50057  
requirements for graduation from any curriculum one-half unit 50058  
each of American history and government. 50059

(D) Except as provided in division (E) of this section, 50060  
basic instruction or demonstrated mastery in geography, United 50061  
States history, the government of the United States, the 50062  
government of the state of Ohio, local government in Ohio, the 50063  
Declaration of Independence, the United States Constitution, and 50064  
the Constitution of the state of Ohio shall be required before 50065  
pupils may participate in courses involving the study of social 50066  
problems, economics, foreign affairs, United Nations, world 50067  
government, socialism, and communism. 50068

(E) For each cooperative education school district 50069  
established pursuant to section 3311.521 of the Revised Code and 50070  
each city, exempted village, and local school district that has 50071  
territory within such a cooperative district, the curriculum 50072  
adopted pursuant to divisions (A) to (D) of this section shall 50073  
only include the study of the subjects that apply to the grades 50074  
operated by each such school district. The curricula for such 50075  
schools, when combined, shall provide to each student of these 50076

districts all of the subjects required under divisions (A) to 50077  
(D) of this section. 50078

(F) The board of education of any cooperative education 50079  
school district established pursuant to divisions (A) to (C) of 50080  
section 3311.52 of the Revised Code shall prescribe a curriculum 50081  
for the subject areas and grade levels offered in any school 50082  
under its control. 50083

(G) Upon the request of any parent or legal guardian of a 50084  
student, the board of education of any school district shall 50085  
permit the parent or guardian to promptly examine, with respect 50086  
to the parent's or guardian's own child: 50087

(1) Any survey or questionnaire, prior to its 50088  
administration to the child; 50089

(2) Any textbook, workbook, software, video, or other 50090  
instructional materials being used by the district in connection 50091  
with the instruction of the child; 50092

(3) Any completed and graded test taken or survey or 50093  
questionnaire filled out by the child; 50094

(4) Copies of the statewide academic standards and each 50095  
model curriculum developed pursuant to section 3301.079 of the 50096  
Revised Code, which copies shall be available at all times 50097  
during school hours in each district school building. 50098

**Sec. 3313.608.** (A) (1) Beginning with students who enter 50099  
third grade in the school year that starts July 1, 2009, and 50100  
until June 30, 2013, unless the student is excused under 50101  
division (C) of section 3301.0711 of the Revised Code from 50102  
taking the assessment described in this section, for any student 50103  
who does not attain at least the equivalent level of achievement 50104  
designated under division (A) (3) of section 3301.0710 of the 50105

Revised Code on the assessment prescribed under that section to 50106  
measure skill in English language arts expected at the end of 50107  
third grade, each school district, in accordance with the policy 50108  
adopted under section 3313.609 of the Revised Code, shall do one 50109  
of the following: 50110

(a) Promote the student to fourth grade if the student's 50111  
principal and reading teacher agree that other evaluations of 50112  
the student's skill in reading demonstrate that the student is 50113  
academically prepared to be promoted to fourth grade; 50114

(b) Promote the student to fourth grade but provide the 50115  
student with intensive intervention services in fourth grade; 50116

(c) Retain the student in third grade. 50117

(2) Beginning with students who enter third grade in the 50118  
2013-2014 school year, unless the student is excused under 50119  
division (C) of section 3301.0711 of the Revised Code from 50120  
taking the assessment described in this section, no school 50121  
district shall promote to fourth grade any student who does not 50122  
attain at least the equivalent level of achievement designated 50123  
under division (A) (3) of section 3301.0710 of the Revised Code 50124  
on the assessment prescribed under that section to measure skill 50125  
in English language arts expected at the end of third grade, 50126  
unless one of the following applies: 50127

(a) The student is an English learner who has been 50128  
enrolled in United States schools for less than three full 50129  
school years and has had less than three years of instruction in 50130  
an English as a second language program. 50131

(b) The student is a child with a disability entitled to 50132  
special education and related services under Chapter 3323. of 50133  
the Revised Code and the student's individualized education 50134



program exempts the student from retention under this division. 50135

(c) The student demonstrates an acceptable level of 50136  
performance on an alternative standardized reading assessment as 50137  
determined by the department of education and workforce. 50138

(d) All of the following apply: 50139

(i) The student is a child with a disability entitled to 50140  
special education and related services under Chapter 3323. of 50141  
the Revised Code. 50142

(ii) The student has taken the third grade English 50143  
language arts achievement assessment prescribed under section 50144  
3301.0710 of the Revised Code. 50145

(iii) The student's individualized education program or 50146  
plan under section 504 of the "Rehabilitation Act of 1973," 87 50147  
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 50148  
received intensive remediation in reading for two school years 50149  
but still demonstrates a deficiency in reading. 50150

(iv) The student previously was retained in any of grades 50151  
kindergarten to three. 50152

(e) (i) The student received intensive remediation for 50153  
reading for two school years but still demonstrates a deficiency 50154  
in reading and was previously retained in any of grades 50155  
kindergarten to three. 50156

(ii) A student who is promoted under division (A) (2) (e) (i) 50157  
of this section shall continue to receive intensive reading 50158  
instruction in grade four. The instruction shall include an 50159  
altered instructional day that includes specialized diagnostic 50160  
information and specific research-based reading strategies for 50161  
the student that have been successful in improving reading among 50162

low-performing readers. 50163

(f) A student's parent or guardian, in consultation with 50164  
the student's reading teacher and building principal, requests 50165  
that the student, regardless of if the student is reading at 50166  
grade level, be promoted to the fourth grade. 50167

A student who is promoted under division (A) (2) (f) of this 50168  
section shall continue to receive intensive reading instruction 50169  
in the same manner as a student retained under this section 50170  
until the student is able to read at grade level. 50171

(B) (1) Beginning in the 2012-2013 school year, to assist 50172  
students in meeting the third grade guarantee established by 50173  
this section, each school district board of education shall 50174  
adopt policies and procedures with which it annually shall 50175  
assess the reading skills of each student, ~~except those students~~ 50176  
~~with significant cognitive disabilities or other disabilities as~~ 50177  
~~authorized by the department on a case-by-case basis,~~ enrolled 50178  
in kindergarten to third grade and shall identify students who 50179  
are reading below their grade level. The reading skills 50180  
assessment shall be completed by the thirtieth day of September- 50181  
~~for students in grades one to three, and by the twentieth day of~~ 50182  
~~instruction of the school year for students in kindergarten.~~ 50183  
Each district shall use the diagnostic assessment ~~to measure~~ 50184  
~~reading ability~~ for the appropriate grade level adopted under 50185  
section 3301.079 of the Revised Code, ~~or a comparable tool~~ 50186  
~~approved by the department of education and workforce,~~ to 50187  
identify such students. The policies and procedures shall 50188  
require the students' classroom teachers to be involved in the 50189  
assessment and the identification of students reading below 50190  
grade level. The assessment may be administered electronically 50191  
using live, two-way video and audio connections whereby the 50192

teacher administering the assessment may be in a separate 50193  
location from the student. 50194

(2) For each student identified by the diagnostic 50195  
assessment prescribed under this section as having reading 50196  
skills below grade level, the district shall do both of the 50197  
following: 50198

(a) Provide to the student's parent or guardian, in 50199  
writing, all of the following: 50200

(i) Notification that the student has been identified as 50201  
having a substantial deficiency in reading; 50202

(ii) A description of the current services that are 50203  
provided to the student; 50204

(iii) A description of the proposed supplemental 50205  
instructional services and supports that will be provided to the 50206  
student that are designed to remediate the identified areas of 50207  
reading deficiency; 50208

(iv) Notification that if the student attains a score in 50209  
the range designated under division (A)(3) of section 3301.0710 50210  
of the Revised Code on the assessment prescribed under that 50211  
section to measure skill in English language arts expected at 50212  
the end of third grade, the student shall be retained unless the 50213  
student is exempt under division (A) of this section. The 50214  
notification shall specify that the assessment under section 50215  
3301.0710 of the Revised Code is not the sole determinant of 50216  
promotion and that additional evaluations and assessments are 50217  
available to the student to assist parents and the district in 50218  
knowing when a student is reading at or above grade level and 50219  
ready for promotion. 50220

(v) A statement that connects the child's proficiency 50221

level in reading to long-term outcomes of success related to 50222  
proficiency in reading. 50223

(b) Provide intensive reading instruction services and 50224  
regular diagnostic assessments to the student immediately 50225  
following identification of a reading deficiency until the 50226  
development of the reading improvement and monitoring plan 50227  
required by division (C) of this section. These intervention 50228  
services shall be aligned with the science of reading as defined 50229  
under section 3313.6028 of the Revised Code and include 50230  
research-based reading strategies that have been shown to be 50231  
successful in improving reading among low-performing readers and 50232  
instruction targeted at the student's identified reading 50233  
deficiencies. 50234

(3) For each student retained under division (A) of this 50235  
section, the district shall do all of the following: 50236

(a) Provide intense remediation services until the student 50237  
is able to read at grade level. The remediation services shall 50238  
include intensive interventions in reading that address the 50239  
areas of deficiencies identified under this section including, 50240  
but not limited to, not less than ninety minutes of reading 50241  
instruction per day, and may include any of the following: 50242

(i) Small group instruction; 50243

(ii) Reduced teacher-student ratios; 50244

(iii) More frequent progress monitoring; 50245

(iv) Tutoring or mentoring; 50246

(v) Transition classes containing third and fourth grade 50247  
students; 50248

(vi) Extended school day, week, or year; 50249

(vii) Summer reading camps. 50250

(b) Establish a policy for the mid-year promotion of a 50251  
student retained under division (A) of this section who 50252  
demonstrates that the student is reading at or above grade 50253  
level; 50254

(c) Provide each student with a teacher who satisfies one 50255  
or more of the criteria set forth in division (H) of this 50256  
section. 50257

The district shall offer the option for students to 50258  
receive applicable services from one or more providers other 50259  
than the district. Providers shall be screened and approved by 50260  
the district or the department of education and workforce. If 50261  
the student participates in the remediation services and 50262  
demonstrates reading proficiency in accordance with standards 50263  
adopted by the department prior to the start of fourth grade, 50264  
the district shall promote the student to that grade. 50265

(4) For each student retained under division (A) of this 50266  
section who has demonstrated proficiency in a specific academic 50267  
ability field, each district shall provide instruction 50268  
commensurate with student achievement levels in that specific 50269  
academic ability field. 50270

As used in this division, "specific academic ability 50271  
field" has the same meaning as in section 3324.01 of the Revised 50272  
Code. 50273

(C) For each student required to be provided intervention 50274  
services under this section, the district shall develop a 50275  
reading improvement and monitoring plan within sixty days after 50276  
receiving the student's results on the diagnostic assessment ~~or~~ 50277  
~~comparable tool~~ administered under division (B) (1) of this 50278

section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C) (2) of this section;

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section;

(5) A reading curriculum during regular school hours that does all of the following:

(a) Assists students to read at grade level;

(b) Provides scientifically based and reliable assessment;

(c) Provides initial and ongoing analysis of each student's reading progress.

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

(7) ~~High-dosage~~ The provision of high-dosage tutoring

~~opportunities~~ aligned with the student's classroom instruction 50306  
through a state-approved vendor on the list of high-quality 50307  
tutoring vendors under section 3301.136 of the Revised Code or a 50308  
locally approved ~~opportunity program~~ that aligns with high- 50309  
dosage tutoring best practices identified by the department. 50310  
High-dosage tutoring ~~opportunities~~ shall include ~~additional~~ 50311  
instruction time of at least three days per week, or at least 50312  
fifty hours over thirty-six weeks. High-dosage tutoring may be 50313  
incorporated into a student's regular classroom instruction. 50314

The district shall continue to provide the plan developed 50315  
under division (C) of this section until the student achieves 50316  
the required level of skill in reading for the student's current 50317  
grade level. 50318

Each student with a reading improvement and monitoring 50319  
plan under this division who enters third grade after July 1, 50320  
2013, shall be assigned to a teacher who satisfies one or more 50321  
of the criteria set forth in division (H) of this section. 50322

The district shall report any information requested by the 50323  
department about the reading improvement monitoring plans 50324  
developed under this division in the manner required by the 50325  
department. 50326

(D) Each school district shall report annually to the 50327  
department on its implementation and compliance with this 50328  
section using guidelines prescribed by the department. The 50329  
director of education and workforce annually shall report to the 50330  
governor and general assembly the number and percentage of 50331  
students in grades kindergarten through four reading below grade 50332  
level based on the diagnostic assessments administered under 50333  
division (B) of this section and the achievement assessments 50334  
administered under divisions (A) (1) (a) and (b) of section 50335

3301.0710 of the Revised Code in English language arts, 50336  
aggregated by school district and building; the types of 50337  
intervention services provided to students; and, if available, 50338  
an evaluation of the efficacy of the intervention services 50339  
provided. 50340

(E) Any summer remediation services funded in whole or in 50341  
part by the state and offered by school districts to students 50342  
under this section shall meet the following conditions: 50343

(1) The remediation methods are based on reliable 50344  
educational research. 50345

(2) The school districts conduct assessment before and 50346  
after students participate in the program to facilitate 50347  
monitoring results of the remediation services. 50348

(3) The parents of participating students are involved in 50349  
programming decisions. 50350

(F) Any intervention or remediation services required by 50351  
this section shall include intensive, explicit, and systematic 50352  
instruction. 50353

(G) This section does not create a new cause of action or 50354  
a substantive legal right for any person. 50355

(H) (1) Except as provided under divisions (H) (2), (3), and 50356  
(4) of this section, each student described in division (B) (3) 50357  
or (C) of this section who enters third grade for the first time 50358  
on or after July 1, 2013, shall be assigned a teacher who has at 50359  
least one year of teaching experience and who satisfies one or 50360  
more of the following criteria: 50361

(a) The teacher holds a reading endorsement on the 50362  
teacher's license and has attained a passing score on the 50363



corresponding assessment for that endorsement, as applicable. 50364

(b) The teacher has completed a master's degree program 50365  
with a major in reading. 50366

(c) The teacher was rated "most effective" for reading 50367  
instruction consecutively for the most recent two years based on 50368  
assessments of student growth measures developed by a vendor and 50369  
that is on the list of student assessments approved by the 50370  
department under division (B) (2) of section 3319.112 of the 50371  
Revised Code. 50372

(d) The teacher was rated "above expected value added," in 50373  
reading instruction, as determined by criteria established by 50374  
the department, for the most recent, consecutive two years. 50375

(e) The teacher has earned a passing score on a rigorous 50376  
test of principles of scientifically research-based reading 50377  
instruction as approved by the department. 50378

(f) The teacher holds an educator license for teaching 50379  
grades pre-kindergarten through three or four through nine 50380  
issued on or after July 1, 2017. 50381

(2) Notwithstanding division (H) (1) of this section, a 50382  
student described in division (B) (3) or (C) of this section who 50383  
enters third grade for the first time on or after July 1, 2013, 50384  
may be assigned to a teacher with less than one year of teaching 50385  
experience provided that the teacher meets one or more of the 50386  
criteria described in divisions (H) (1) (a) to (f) of this section 50387  
and that teacher is assigned a teacher mentor who meets the 50388  
qualifications of division (H) (1) of this section. 50389

(3) Notwithstanding division (H) (1) of this section, a 50390  
student described in division (B) (3) or (C) of this section who 50391  
enters third grade for the first time on or after July 1, 2013, 50392

but prior to July 1, 2016, may be assigned to a teacher who 50393  
holds an alternative credential approved by the department or 50394  
who has successfully completed training that is based on 50395  
principles of scientifically research-based reading instruction 50396  
that has been approved by the department. The alternative 50397  
credentials and training described in division (H) (3) of this 50398  
section shall be aligned with the reading competencies adopted 50399  
by the department of education and workforce under section 50400  
3301.077 of the Revised Code. 50401

(4) Notwithstanding division (H) (1) of this section, a 50402  
student described in division (B) (3) or (C) of this section who 50403  
enters third grade for the first time on or after July 1, 2013, 50404  
may receive reading intervention or remediation services under 50405  
this section from an individual employed as a speech-language 50406  
pathologist who holds a license issued by the state speech and 50407  
hearing professionals board under Chapter 4753. of the Revised 50408  
Code and a registration under section 3319.221 of the Revised 50409  
Code. 50410

(5) A teacher, other than a student's teacher of record, 50411  
may provide any services required under this section, so long as 50412  
that other teacher meets the requirements of division (H) of 50413  
this section and the teacher of record and the school principal 50414  
agree to the assignment. Any such assignment shall be documented 50415  
in the student's reading improvement and monitoring plan. 50416

As used in this division, "teacher of record" means the 50417  
classroom teacher to whom a student is assigned. 50418

(I) Notwithstanding division (H) of this section, a 50419  
teacher may teach reading to any student who is an English 50420  
language learner, and has been in the United States for three 50421  
years or less, or to a student who has an individualized 50422

education program developed under Chapter 3323. of the Revised 50423  
Code if that teacher holds an alternative credential approved by 50424  
the department or has successfully completed training that is 50425  
based on principles of scientifically research-based reading 50426  
instruction that has been approved by the department. The 50427  
alternative credentials and training described in this division 50428  
shall be aligned with the reading competencies adopted by the 50429  
department of education and workforce under section 3301.077 of 50430  
the Revised Code. 50431

(J) If, on or after June 4, 2013, a school district or 50432  
community school cannot furnish the number of teachers needed 50433  
who satisfy one or more of the criteria set forth in division 50434  
(H) of this section for the 2013-2014 school year, the school 50435  
district or community school shall develop and submit a staffing 50436  
plan by June 30, 2013. The staffing plan shall include criteria 50437  
that will be used to assign a student described in division (B) 50438  
(3) or (C) of this section to a teacher, credentials or training 50439  
held by teachers currently teaching at the school, and how the 50440  
school district or community school will meet the requirements 50441  
of this section. The school district or community school shall 50442  
post the staffing plan on its web site for the applicable school 50443  
year. 50444

Not later than March 1, 2014, and on the first day of 50445  
March in each year thereafter, a school district or community 50446  
school that has submitted a plan under this division shall 50447  
submit to the department a detailed report of the progress the 50448  
district or school has made in meeting the requirements under 50449  
this section. 50450

A school district or community school may request an 50451  
extension of a staffing plan beyond the 2013-2014 school year. 50452

Extension requests must be submitted to the department not later 50453  
than the thirtieth day of April prior to the start of the 50454  
applicable school year. The department may grant extensions 50455  
valid through the 2015-2016 school year. 50456

(K) The department of education and workforce shall 50457  
designate one or more staff members to provide guidance and 50458  
assistance to school districts and community schools in 50459  
implementing the third grade guarantee established by this 50460  
section, including any standards or requirements adopted to 50461  
implement the guarantee and to provide information and support 50462  
for reading instruction and achievement. 50463

**Sec. 3313.609.** (A) As used in this section:— 50464

~~(1) "Truant" means absent without excuse.~~ 50465

~~(2) "Academically prepared", "academically prepared"~~ 50466  
means whatever educational standard the board of education of 50467  
each city, exempted village, local, and joint vocational school 50468  
district establishes as necessary for the promotion of a student 50469  
to the next grade level pursuant to the policy adopted under 50470  
division (B) of this section. 50471

(B) The board of education of each city, exempted village, 50472  
local, and joint vocational school district shall adopt a grade 50473  
promotion and retention policy for students that complies with 50474  
this section and section 3313.608 of the Revised Code. The 50475  
policy shall prohibit the promotion of a student to the next 50476  
grade level if the student ~~has been truant for more than ten per~~ 50477  
~~cent of the required attendance days of the current school year~~ 50478  
~~and~~ has failed two or more of the required curriculum subject 50479  
areas in the current grade unless the student's principal and 50480  
the teachers of any failed subject areas agree that the student 50481

is academically prepared to be promoted to the next grade level. 50482

**Sec. 3313.6013.** (A) As used in this section, "advanced 50483  
standing program" means a program that enables a student to earn 50484  
credit toward a degree from an institution of higher education 50485  
while enrolled in high school or that enables a student to 50486  
complete coursework while enrolled in high school that may earn 50487  
credit toward a degree from an institution of higher education 50488  
upon the student's attainment of a specified score on an 50489  
examination covering the coursework. Advanced standing programs 50490  
may include any of the following: 50491

(1) The college credit plus program established under 50492  
Chapter 3365. of the Revised Code; 50493

(2) Advanced placement courses; 50494

(3) International baccalaureate diploma courses; 50495

(4) Early college high school programs; 50496

(5) Courses that comply with the career-technical 50497  
education credit transfer criteria, policies, and procedures 50498  
established under section 3333.162 of the Revised Code; 50499

(6) The college-level examination program. 50500

(B) Each city, local, exempted village, and joint 50501  
vocational school district and each chartered nonpublic high 50502  
school shall provide students enrolled in grades nine through 50503  
twelve with the opportunity to participate in an advanced 50504  
standing program. For this purpose, each school district and 50505  
chartered nonpublic high school shall offer at least one 50506  
advanced standing program in accordance with division (B)(1) or 50507  
(2) of this section, as applicable. 50508

(1) A city, local, or exempted village school district 50509

meets the requirements of this division through its mandatory 50510  
participation in the college credit plus program established 50511  
under Chapter 3365. of the Revised Code. However, a city, local, 50512  
or exempted village school district may offer any other advanced 50513  
standing program, in addition to the college credit plus 50514  
program, and each joint vocational school district shall offer 50515  
at least one other advanced standing program, to students in 50516  
good standing, as defined by the partnership for continued 50517  
learning under section 3301.42 of the Revised Code as it existed 50518  
prior to October 16, 2009, or as subsequently defined by the 50519  
department of education and workforce. 50520

(2) A chartered nonpublic high school that elects to 50521  
participate in the college credit plus program established under 50522  
Chapter 3365. of the Revised Code meets the requirements of this 50523  
division. Each chartered nonpublic high school that elects not 50524  
to participate in the college credit plus program instead shall 50525  
offer at least one other advanced standing program to students 50526  
in good standing, as defined by the partnership for continued 50527  
learning under section 3301.42 of the Revised Code as it existed 50528  
prior to October 16, 2009, or as subsequently defined by the 50529  
department of education and workforce. 50530

(C) Each school district and each chartered nonpublic high 50531  
school, at least annually, shall provide information about the 50532  
advanced standing programs offered by the district or school to 50533  
all students enrolled in grades six through eleven. The district 50534  
or school shall include information about all of the following: 50535

(1) The process colleges and universities use in awarding 50536  
credit for advanced placement and international baccalaureate 50537  
courses and examinations, including minimum scores required by 50538  
state institutions of higher education, as defined in section 50539

3345.011 of the Revised Code, for a student to receive college credit; 50540  
50541

(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations; 50542  
50543  
50544

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost; 50545  
50546  
50547

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses; 50548  
50549

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district. 50550  
50551  
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The district or school may include additional information as determined appropriate by the district or school. 50553  
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(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination. 50555  
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(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be exempt from the requirements of the college credit plus program, provided the program meets the definition set forth in division (F) (2) of this section and is approved by the director of education and workforce and the chancellor of higher education. 50562  
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The college credit plus program also shall not govern any 50569  
advanced placement course or international baccalaureate diploma 50570  
course as described under this section. 50571

(F) As used in this section: 50572

(1) "Associated college" means a public or private 50573  
college, as defined in section 3365.01 of the Revised Code, 50574  
which has entered into an agreement with a school district or 50575  
school to establish an early college high school program, as 50576  
described in division (F)(2) of this section, and awards 50577  
transcripted credit, as defined in section 3365.01 of the 50578  
Revised Code, to students through that program. 50579

(2) "Early college high school program" means a 50580  
partnership between at least one school district or school and 50581  
at least one institution of higher education that allows 50582  
participants to simultaneously complete requirements toward 50583  
earning a regular high school diploma and have the opportunity 50584  
to earn not less than twenty-four credits that are transferable 50585  
to the institutions of higher education in the partnership as 50586  
part of an organized course of study toward a post-secondary 50587  
degree or credential at no cost to the participant or 50588  
participant's family. The program also shall prioritize the 50589  
following students: 50590

(a) Students who are underrepresented in regard to 50591  
completing post-secondary education; 50592

(b) Students who are economically disadvantaged, as 50593  
defined by the department of education and workforce; 50594

(c) Students whose parents did not earn a college degree. 50595

**Sec. 3313.6020.** (A)(1) Beginning in the 2015-2016 school 50596  
year, the board of education of each city, local, exempted 50597



village, and joint vocational school district shall adopt a 50598  
policy on career advising that complies with this section. 50599  
Thereafter, the policy shall be updated at least once every two 50600  
years. 50601

(2) The board shall make the policy publicly available to 50602  
students, parents, guardians, or custodians, local post- 50603  
secondary institutions, and residents of the district. The 50604  
district shall post the policy in a prominent location on its 50605  
web site, if it has one. 50606

(B) The policy on career advising shall specify how the 50607  
district will do all of the following: 50608

(1) Provide students with grade-level examples that link 50609  
their schoolwork to one or more career fields. A district may 50610  
use career connections developed under division (B) (2) of 50611  
section 3301.079 of the Revised Code for this purpose. 50612

(2) Create a plan to provide career advising to students 50613  
in grades six through twelve; 50614

(3) Beginning in the 2015-2016 school year, provide 50615  
additional interventions and career advising for students who 50616  
are identified as at risk of dropping out of school in 50617  
accordance with division (C) of this section; 50618

(4) Train its employees on how to advise students on 50619  
career pathways, including training on advising students using 50620  
online tools; 50621

(5) Develop multiple, clear academic pathways through high 50622  
school that students may choose in order to earn a high school 50623  
diploma; 50624

(6) Identify and publicize courses that can award students 50625

both traditional academic and career-technical credit; 50626

(7) Document the career advising provided to each student 50627  
for review by the student, the student's parent, guardian, or 50628  
custodian, and future schools that the student may attend. A 50629  
district shall not otherwise release this information without 50630  
the written consent of the student's parent, guardian, or 50631  
custodian, if the student is less than eighteen years old, or 50632  
the written consent of the student, if the student is at least 50633  
eighteen years old. 50634

(8) Prepare students for their transition from high school 50635  
to their post-secondary destinations, including any special 50636  
interventions that are necessary for students in need of 50637  
remediation in mathematics or English language arts; 50638

(9) Include information regarding career fields that 50639  
require an industry-recognized credential, certificate, 50640  
associate's degree, bachelor's degree, graduate degree, or 50641  
professional degree; 50642

(10) Provide students with information about ways a 50643  
student may offset the costs of a post-secondary education, 50644  
including programs such as all of the following: 50645

(a) The reserve officer training corps; 50646

(b) The college credit plus program established under 50647  
Chapter 3365. of the Revised Code; 50648

(c) The Ohio guaranteed transfer pathways initiative 50649  
established under section 3333.168 of the Revised Code; 50650

(d) Joint academic programming or dual enrollment 50651  
opportunities required under section 3333.168 of the Revised 50652  
Code. 50653

The chancellor of higher education shall develop 50654  
informational materials that illustrate cost saving estimates 50655  
for each of the options listed under division (B) (10) of this 50656  
section. The chancellor shall develop a list of individual 50657  
college courses that are transferable under section 3333.16 of 50658  
the Revised Code. 50659

(C) (1) Beginning in the 2015-2016 school year, each 50660  
district shall identify students who are at risk of dropping out 50661  
of school using a method that is both research-based and 50662  
locally-based and that is developed with input from the 50663  
district's classroom teachers and guidance counselors. If a 50664  
student is identified as at risk of dropping out of school, the 50665  
district shall develop a student success plan that addresses the 50666  
student's academic pathway to a successful graduation and the 50667  
role of career-technical education, competency-based education, 50668  
and experiential learning, as appropriate, in that pathway. 50669

(2) Prior to developing a student success plan for a 50670  
student, the district shall invite the student's parent, 50671  
guardian, or custodian to assist in developing the plan. If the 50672  
student's parent, guardian, or custodian does not participate in 50673  
the development of the plan, the district shall provide to the 50674  
parent, guardian, or custodian a copy of the student's success 50675  
plan and a statement of the importance of a high school diploma 50676  
and the academic pathways available to the student in order to 50677  
successfully graduate. 50678

(3) Following the development of a student success plan 50679  
for a student, the district shall provide career advising to the 50680  
student that is aligned with the plan and, beginning in the 50681  
2015-2016 school year, the district's plan to provide career 50682  
advising created under division (B) (2) of this section. 50683

(D) (1) The department of education and workforce shall 50684  
develop and post on its web site model policies on career 50685  
advising and model student success plans. 50686

(2) The department shall create an online clearinghouse of 50687  
research related to proven practices for policies on career 50688  
advising and student success plans that districts may access 50689  
when fulfilling the requirements of this section. 50690

(3) The department shall develop and make available 50691  
informational materials for students in grades seven and eight 50692  
about career opportunities available to them, including in- 50693  
demand jobs as defined in section 3333.94 of the Revised Code, 50694  
and how a career-technical education may help them satisfy 50695  
graduation conditions under section 3313.618 of the Revised 50696  
Code. 50697

(4) The department, in consultation with the governor's 50698  
office of workforce transformation, shall develop a career 50699  
pathways resource for students. Each school district shall 50700  
distribute the resource, at least annually and in the manner 50701  
prescribed by the department, to all students in grades six to 50702  
twelve. 50703

**Sec. 3313.6022.** (A) As used in this section, "released 50704  
time" means a period of time during which a student is excused 50705  
from school to attend a course in religious instruction 50706  
conducted by a private entity off school district property. 50707

(B) A school district board of education shall adopt a 50708  
policy that authorizes a student to be excused from school to 50709  
attend a released time course in religious instruction for at 50710  
least thirty-three periods per school year, provided that each 50711  
of the following applies: 50712

(1) The student's parent or guardian gives written 50713  
consent. 50714

(2) The sponsoring entity maintains attendance records and 50715  
makes them available to the school district the student attends. 50716

(3) Transportation to and from the place of instruction, 50717  
including transportation for students with disabilities, is the 50718  
complete responsibility of the sponsoring entity, parent, 50719  
guardian, or student. 50720

(4) The sponsoring entity makes provisions for and assumes 50721  
liability for the student. 50722

(5) No public funds are expended and no public school 50723  
personnel are involved in providing the religious instruction. 50724

(6) The student assumes responsibility for any missed 50725  
schoolwork. 50726

While in attendance in a released time course in religious 50727  
instruction, a student shall not be considered absent from 50728  
school. No student may be released from a core curriculum 50729  
subject course to attend a religious instruction course. 50730

(C) A school district board of education shall collaborate 50731  
with a sponsoring entity of a released time course in religious 50732  
instruction to identify a time to offer the course during the 50733  
school day. 50734

(D) A policy adopted under division (B) of this section 50735  
shall not prohibit students from bringing external educational 50736  
and program materials into school. 50737

(E) A policy adopted under division (B) of this section 50738  
may authorize high school students to earn up to two units of 50739  
high school credit for the completion of a released time course 50740

in religious instruction. In determining whether to award credit 50741  
for completion of such a course, the board shall evaluate the 50742  
course based on purely secular criteria that are substantially 50743  
the same criteria used to evaluate similar nonpublic high school 50744  
courses for purposes of determining whether to award credit for 50745  
such courses to a student transferring from a nonpublic high 50746  
school to a public high school. However, there shall be no 50747  
criteria requiring that released time courses be completed only 50748  
at a nonpublic school. The decision to award credit for a 50749  
released time course of religious instruction shall be neutral 50750  
to, and shall not involve any test for, religious content or 50751  
denominational affiliation. 50752

For purposes of this division, secular criteria may 50753  
include, but are not limited to, the following: 50754

- (1) The number of hours of classroom instruction time; 50755
- (2) A review of the course syllabus that reflects course 50756  
requirements and materials used; 50757
- (3) The methods of assessment used in the course; 50758
- (4) The qualifications of the course instructor, which 50759  
shall be similar to the qualifications of other teachers within 50760  
the district. 50761

Notwithstanding division (C) (8) of section 3313.603 of the 50762  
Revised Code, high school credit awarded to a student for a 50763  
released time course in religious instruction may substitute for 50764  
the same amount of credit in subjects listed in that division. 50765

~~(E)~~ (F) A school district, member of a school district 50766  
board of education, or school district employee is not liable in 50767  
damages in a civil action for injury allegedly arising during a 50768  
student's transportation to or from a place of instruction when 50769

private transportation is used under a released time policy 50770  
adopted under this section. This division does not eliminate, 50771  
limit, or reduce any other immunity or defense that a school 50772  
district, member of a school district board of education, or 50773  
school district employee may be entitled to under Chapter 2744. 50774  
or any other provision of the Revised Code or under the common 50775  
law of this state. 50776

**Sec. 3313.6024.** (A) Annually each school district and 50777  
other public school, as defined in section 3301.0711 of the 50778  
Revised Code, shall report to the department of education and 50779  
workforce, ~~in the manner prescribed~~ a survey established by the 50780  
department, the types of prevention-focused programs, services, 50781  
and supports used to assist students in developing the knowledge 50782  
and skills to engage in healthy behaviors and decision-making 50783  
and to increase their awareness of the dangers and consequences 50784  
of risky behaviors, including substance abuse, suicide, 50785  
bullying, and other harmful behaviors. ~~The~~ Each district or 50786  
school shall report on the survey the following information 50787  
regarding such programs, services, and supports for each 50788  
building operated by the district or school and for each of 50789  
grades kindergarten through twelve served by the building: 50790

(1) Curriculum and instruction provided during the school 50791  
day; 50792

(2) Programs and supports provided outside of the 50793  
classroom or outside of the school day; 50794

(3) Professional development for teachers, administrators, 50795  
and other staff; 50796

(4) Partnerships with community coalitions and 50797  
organizations to provide prevention services and resources to 50798

students and their families; 50799

(5) School efforts to engage parents and the community; 50800

(6) Activities designed to communicate with and learn from 50801  
other schools or professionals with expertise in prevention 50802  
education.—; 50803

(7) A description of how the district or school complies 50804  
with the following: 50805

(a) For each school district, divisions (A) (5) (b) and (g) 50806  
of section 3313.60 of the Revised Code and section 3313.6034 of 50807  
the Revised Code; 50808

(b) For every other public school, section 3314.0311, 50809  
3326.092, or 3328.60 of the Revised Code. 50810

(8) The number of substance abuse cases that occurred in 50811  
the district or school. 50812

(B) A chartered nonpublic school may report to the 50813  
department the information described in division (A) of this 50814  
section by electing to participate in the department's annual 50815  
survey. 50816

(C) Each year, the department shall analyze the substance 50817  
abuse case data and the information on programs, services, and 50818  
supports collected in the annual survey prescribed under this 50819  
section for that year, and prior years, to determine the overall 50820  
effectiveness of different programs, services, and supports at 50821  
preventing substance abuse cases over time and identify best 50822  
practices for prevention education. 50823

(D) The department may use information reported under this 50824  
section, and any other information collected by the department 50825  
pursuant to law, as a factor in the distribution of any funding 50826



available for prevention-focused programs, services, and 50827  
supports. 50828

**Sec. 3313.6028.** (A) (1) As used in Title XXXIII of the 50829  
Revised Code, "science of reading" means an interdisciplinary 50830  
body of scientific evidence that: 50831

(a) Informs how students learn to read and write 50832  
proficiently; 50833

(b) Explains why some students have difficulty with 50834  
reading and writing; 50835

(c) Indicates that all students benefit from explicit and 50836  
systematic instruction in phonemic awareness, phonics, 50837  
vocabulary, fluency, comprehension, and writing to become 50838  
effective readers; 50839

(d) Does not rely on any model of teaching students to 50840  
read based on meaning, structure and syntax, and visual cues, 50841  
including a three-cueing approach. 50842

(2) As used in this section, "three-cueing approach" means 50843  
any model of teaching students to read based on meaning, 50844  
structure and syntax, and visual cues. 50845

(B) The department of education and workforce shall 50846  
establish a list of high-quality core curriculum and 50847  
instructional materials in English language arts, supplemental 50848  
curriculum, and a list of evidence-based reading intervention 50849  
programs, that are aligned with the science of reading and 50850  
strategies for effective literacy instruction as outlined in the 50851  
curriculum evaluation guidelines created by the reading league 50852  
or its successor organization. 50853

(C) Beginning not later than the 2024-2025 school year, 50854

each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code, shall use core curriculum and instructional materials in English language arts in each of grades pre-kindergarten to five and evidence-based reading intervention programs in each of grades pre-kindergarten to twelve only from the lists established under division (B) of this section. Except as provided in division (D) of this section, no district or school shall use any core curriculum, instructional materials, or intervention program in grades pre-kindergarten to five that use the three-cueing approach to teach students to read.

~~(D) (1) A district or school may apply to the department for a waiver on an individual student basis to use curriculum, instructional materials, or an intervention program in grades pre-kindergarten through five that uses the three-cueing approach to teach students to read, except as follows:~~

~~(1) No student for whom a reading improvement and monitoring plan has been developed under division (C) of section 3313.608 of the Revised Code shall be eligible for a waiver.~~

~~(2) If a student has an individualized education program that explicitly indicates the three-cueing approach is appropriate for the student's learning needs, the student shall not be required to have a waiver.~~

~~In determining whether to approve a waiver requested under this section, the department shall consider the performance of the student's district or school on the state report card issued under section 3302.03 of the Revised Code, including on the early literacy component prescribed under division (D) (3) (c) of that section.~~

~~(E) (1) The department shall identify vendors that provide professional development to educators, including pre-service teachers and faculty employed by educator preparation programs, on the use of high-quality core curriculum and instructional materials and reading intervention programs on the lists established under division (B) of this section. unless that district or school has already received a waiver from the department for that child because that child is deaf or hard of hearing.~~

(2) A professional development committee established under section 3319.22 of the Revised Code shall qualify any completed professional development coursework provided by a vendor ~~described in division (E) (1) of this section~~ to count towards professional development coursework requirements for teacher licensure renewal.

(3) A professional development committee shall permit a teacher to apply any hours earned over the minimum amount of hours required for professional development coursework for teacher licensure renewal under division ~~(E) (2)~~ (D) (2) of this section to the next renewal period for that license.

**Sec. 3313.6031.** (A) As used in this section, "other high school" means any of the following that offers any of grades nine through twelve:

(1) A community school established under Chapter 3314. of the Revised Code;

(2) A STEM school established under Chapter 3326. of the Revised Code;

(3) A chartered nonpublic school.

(B) Each city, local, exempted village, and joint

vocational school district and other high school that has 50914  
students enrolled in courses that comply with the career- 50915  
technical education credit transfer criteria, policies, and 50916  
procedures established under section 3333.162 of the Revised 50917  
Code shall adopt and implement a policy for the awarding of 50918  
grades and the calculation of class standing for those courses. 50919

A district's or school's policy under this section shall 50920  
be equivalent to the district's or school's policy for courses 50921  
taken under the advanced standing programs described in 50922  
divisions (A) (1) to (3) of section 3313.6013 of the Revised Code 50923  
or for other courses designated as honors courses by the 50924  
district or school, including procedures for awarding a weighted 50925  
grade or enhancing a student's class standing for those courses. 50926

**Sec. 3313.6032.** (A) As used in this section, "advanced 50927  
learning opportunities in mathematics" or "advanced mathematics 50928  
course" means learning opportunities or a course that provides 50929  
academic content or rigor that exceeds the standard mathematics 50930  
curriculum for the student's grade level, including a 50931  
mathematics course that is two grade levels above the student's 50932  
current grade level, as determined by the district. 50933

(B) Except as otherwise provided in division (C) of this 50934  
section, each city, local, exempted village, and joint- 50935  
vocational school district shall provide each student that 50936  
achieves an advanced level of skill on a mathematics achievement 50937  
assessment as prescribed under section 3301.0710 or end-of- 50938  
course examination under section 3301.0712 of the Revised Code 50939  
with advanced learning opportunities in mathematics including 50940  
advanced mathematics courses in the following school year. Each 50941  
student shall take any corresponding required achievement 50942  
assessment or end-of-course examination for any mathematics 50943

course the student takes under those sections. 50944

(C) (1) No school district is subject to division (B) of 50945  
this section if it does not offer the advanced learning 50946  
opportunities in mathematics or an advanced mathematics course 50947  
for the grade level in which the student is enrolled for the 50948  
next school year. 50949

(2) Each school district shall notify the parent or 50950  
guardian of a student who qualifies for advanced learning 50951  
opportunities in mathematics under division (B) of this section 50952  
of that determination. The parent or guardian of any such 50953  
student may submit a written request for that student to not 50954  
receive the advanced learning opportunities in mathematics or to 50955  
not be enrolled in the advanced mathematics course. In which 50956  
case, the district shall not be required to provide that student 50957  
with advanced mathematics instruction under division (B) of this 50958  
section. 50959

**Sec. 3313.6034.** (A) As used in this section, "substance 50960  
use" includes the use of marijuana, alcoholic beverages, 50961  
opioids, opiates, and tobacco, including electronic smoking 50962  
devices, and any substance derived from a source external to the 50963  
human body that is not legally permitted or authorized for use 50964  
without a prescription. 50965

(B) In accordance with the curriculum requirement 50966  
prescribed under divisions (A) (5) (b) and (g) of section 3313.60 50967  
of the Revised Code, the board of education of each city, local, 50968  
and exempted village school district annually shall provide 50969  
instruction to students in grades kindergarten through twelve 50970  
about how short-term or chronic substance use to alter one's 50971  
mood is harmful to an individual's health. 50972

<u>(C) Each district board shall do all of the following with</u>	50973
<u>regard to the instruction:</u>	50974
<u>(1) Determine the manner in which the instruction is</u>	50975
<u>provided to students;</u>	50976
<u>(2) Ensure the instruction is age and developmentally</u>	50977
<u>appropriate;</u>	50978
<u>(3) Conform the instruction to prevention best-practice</u>	50979
<u>frameworks;</u>	50980
<u>(4) Focus the instruction on addressing changes in</u>	50981
<u>knowledge, attitude, and skills as a child develops.</u>	50982
<b><u>Sec. 3313.6035. (A) As used in this section:</u></b>	50983
<u>(1) "Qualifying student" means a student who demonstrates</u>	50984
<u>a limited level of skill on a state assessment in mathematics or</u>	50985
<u>English language arts, or both. "Qualifying student" does not</u>	50986
<u>include a student that has an individualized education program</u>	50987
<u>developed under Chapter 3323. of the Revised Code that includes</u>	50988
<u>services related to a traumatic brain injury or a student that</u>	50989
<u>attends a dropout prevention and recovery community school</u>	50990
<u>established under Chapter 3314. of the Revised Code.</u>	50991
<u>(2) "State assessment" means an achievement assessment</u>	50992
<u>prescribed under section 3301.0710 of the Revised Code or an</u>	50993
<u>end-of-course examination prescribed under section 3301.0712 of</u>	50994
<u>the Revised Code.</u>	50995
<u>(3) "Tutoring supports" means high-dosage tutoring</u>	50996
<u>opportunities aligned with the student's classroom instruction</u>	50997
<u>through a state-approved vendor on the list of high-quality</u>	50998
<u>tutoring vendors under section 3301.136 of the Revised Code or a</u>	50999
<u>locally approved opportunity that aligns with high-dosage</u>	51000

tutoring best practices. High-dosage tutoring opportunities 51001  
shall include additional instruction time of at least three days 51002  
per week, or at least fifty hours over thirty-six weeks. 51003

To the extent practicable, districts and schools shall 51004  
endeavor to provide each of a student's tutoring supports with 51005  
the same tutor. 51006

(4) "Integrated student supports" means an evidence based 51007  
approach whereby schools intentionally and systematically 51008  
leverage and coordinate resources and relationships available in 51009  
the school and the surrounding community to address 51010  
comprehensive student strengths, interests, and needs. 51011

(B) Each school district, community school established 51012  
pursuant to Chapter 3314., and STEM school established pursuant 51013  
to Chapter 3326. of the Revised Code shall provide evidence- 51014  
based academic intervention services, free of cost, to each 51015  
qualifying student. The district or school shall provide those 51016  
services directly, through a contracted vendor, or as a 51017  
combination of both options. A district or school annually shall 51018  
notify the department of education and workforce, through the 51019  
education management information system established under 51020  
section 3301.0714 of the Revised Code, of all of the following: 51021

(1) The number of qualifying students enrolled in the 51022  
district or school; 51023

(2) The number of qualifying students receiving academic 51024  
intervention services in mathematics, English language arts, or 51025  
both; 51026

(3) The number of qualifying students receiving academic 51027  
intervention services from the district or school directly, 51028  
through a vendor, or a combination of both options. 51029

(C) (1) Academic intervention services provided to a 51030  
student under this section may encompass a variety of evidence- 51031  
based supports, including tutoring supports, additional 51032  
instruction time, an extended school calendar, participation in 51033  
a learning support program, or any other academically centered 51034  
support service that the district or school determines will 51035  
improve the student's academic performance. Intervention 51036  
services may also be offered in combination with integrated 51037  
student supports. 51038

(2) All academic intervention services provided to a 51039  
qualifying student under this section shall align with the 51040  
academic instruction the student receives. Intervention services 51041  
shall be in addition to and not a replacement for existing 51042  
academic instruction and other services provided to students. 51043  
All academic intervention services in English language arts 51044  
shall align with the science of reading as defined in section 51045  
3313.6028 of the Revised Code. 51046

(D) A district or school shall ensure that academic 51047  
intervention services provided to a qualifying student under 51048  
division (C) of this section do not supplant the student's core 51049  
academic instructional time. 51050

(E) (1) A district or school shall notify the parent or 51051  
guardian of a qualifying student that the student will receive 51052  
academic intervention services prior to providing services to 51053  
the student. Notification shall include a description of which 51054  
intervention or interventions the qualifying student will 51055  
receive and who will provide services to the student. 51056

(2) The district or school periodically shall update the 51057  
parent or guardian on the academic intervention services 51058  
provided to the qualifying student and shall provide resources 51059



and recommendations for ways the parent or guardian may assist 51060  
the qualifying student. 51061

(F) (1) Beginning with the 2025-2026 school year, and each 51062  
school year thereafter, the department randomly shall identify 51063  
and select individual schools operated by a school district, 51064  
community schools, and STEM schools for a review of their 51065  
academic intervention services for qualifying students under 51066  
this section. The department shall not select more than five per 51067  
cent of all schools to review each year. No school shall be 51068  
selected for review more than once every three years. The review 51069  
shall include, at a minimum, a document review, interviews with 51070  
applicable school staff, and observations of interventions. 51071

The review shall assess all of the following: 51072

(a) Whether qualifying students receive academic 51073  
intervention services in accordance with division (B) of this 51074  
section; 51075

(b) The types and methods of academic intervention 51076  
services that qualifying students receive; 51077

(c) The quality of the academic intervention services 51078  
provided by the school or the contracted vendor. To determine 51079  
quality, the department may consider the length and duration of 51080  
the intervention, specific programs and curriculum being used, 51081  
the credentials and training of intervention providers, and data 51082  
regarding qualifying student progress. 51083

(2) The department shall provide a report to the school 51084  
containing its review of the school's academic intervention 51085  
services not later than seventy-five days after the department 51086  
completes the review. Each report shall include an assessment of 51087  
the efficacy of the academic intervention services provided to 51088

qualifying students, along with any recommendations the 51089  
department considers necessary. The school shall post a copy of 51090  
the report on its web site and shall make the report available 51091  
upon request to any person. The department shall include a 51092  
review completed under this division as part of the student 51093  
opportunity profile on the state report card under section 51094  
3302.03 of the Revised Code. 51095

(3) The department may contract with an organization that 51096  
has documented expertise in supporting school improvement and 51097  
academic intervention services to help with conducting its 51098  
review under division (F) of this section. 51099

(G) (1) A student is no longer a qualifying student under 51100  
this section when the student achieves a level of skill higher 51101  
than limited on a statewide assessment or diagnostic assessment 51102  
prescribed under sections 3301.079, 3301.0710, 3301.0712, and 51103  
3301.0715 of the Revised Code, in mathematics or English 51104  
language arts, taken for the grade level in which the student is 51105  
enrolled. 51106

(2) If a qualifying student receiving academic 51107  
intervention services in both mathematics and English language 51108  
arts demonstrates a skill greater than limited under this 51109  
section in one, but not both, subject areas, the student shall 51110  
continue to receive academic intervention services for the 51111  
subject area in which the student continues to demonstrate a 51112  
limited level of skill. 51113

(3) Any student in any of grades nine through twelve who 51114  
fails to demonstrate a level of skill greater than limited on an 51115  
end-of-course examination in mathematics or English language 51116  
arts, or both, as prescribed under section 3301.0712 of the 51117  
Revised Code, and is not required to retake the examination, 51118

continues to qualify for intervention services under this 51119  
section. For such a student, the district or school shall align 51120  
intervention services with the student's selected graduation 51121  
pathway prescribed under section 3313.618 of the Revised Code. 51122

(H) Nothing in this section prohibits a district or school 51123  
from providing academic intervention services to a student who 51124  
does not meet the definition of a qualifying student under this 51125  
section. 51126

**Sec. 3313.6036.** The department of education and workforce 51127  
shall review core math curricula and establish a list of high- 51128  
quality core curriculum and instructional materials in 51129  
mathematics, and a list of evidence-based math intervention 51130  
programs, that are aligned with state standards and best 51131  
practices. Each school district, community school established 51132  
under Chapter 3314. of the Revised Code, and STEM school 51133  
established under Chapter 3326. of the Revised Code may use the 51134  
core curriculum and instructional materials established by the 51135  
department or may select different high-quality core curriculum 51136  
and instructional materials. 51137

**Sec. 3313.617.** ~~Not later than June 30, 2020, each~~Each 51138  
board of education of a school district and governing authority 51139  
of a chartered nonpublic school shall adopt a policy regarding 51140  
students who are at risk of not qualifying for a high school 51141  
diploma. The policy shall require the district or school to do 51142  
all of the following: 51143

(A) Develop criteria for identifying at-risk students, 51144  
which shall include a student's lack of adequate progress in 51145  
meeting the terms of a graduation and career plan developed or 51146  
updated under division (E) of this section. The criteria also 51147  
may include other factors, such as if a student has issues 51148

regarding excessive absences or misconduct. 51149

(B) Develop procedures for identifying at-risk students. 51150  
The procedures shall include a method for determining if a 51151  
student is not making adequate progress in meeting the terms of 51152  
a graduation and career plan developed or updated under division 51153  
(E) of this section. The procedures shall allow for a student to 51154  
be identified as at risk in each of grades nine through twelve. 51155  
The procedures also may include the identification of students 51156  
in other grades. 51157

(C) Develop a notification process in which the district 51158  
or school shall notify an at-risk student's parent, guardian, or 51159  
custodian in each year in which the student has been identified 51160  
as at risk. The notification process shall at least include 51161  
providing a written notification to the at-risk student's 51162  
parent, guardian, or custodian, which shall include all of the 51163  
following: 51164

(1) A statement that the student is at risk of not 51165  
qualifying for a high school diploma; 51166

(2) A description of the district's or school's curriculum 51167  
requirements, or the student's individualized education program, 51168  
and, as appropriate, the graduation conditions prescribed under 51169  
section 3313.618 or 3313.619 of the Revised Code; 51170

(3) A description of any additional instructional or 51171  
support services available to the at-risk student through the 51172  
district or school. 51173

(D) Assist at-risk students with additional instructional 51174  
or support services to help the students qualify for a high 51175  
school diploma. The instructional and support services may 51176  
include any of the following: 51177

(1) Mentoring programs;	51178
(2) Tutoring programs;	51179
(3) High school credit through demonstrations of subject area competency under division (J) of section 3313.603 of the Revised Code;	51180 51181 51182
(4) Adjusted curriculum options;	51183
(5) Career-technical programs;	51184
(6) Mental health services;	51185
(7) Physical health care services;	51186
(8) Family engagement and support services.	51187
(E) <del>(1)</del> Develop a graduation <u>and career plan</u> for each student enrolled in grades nine through twelve in the district or school. The graduation <u>and career plan</u> shall address the student's <del>academic</del> pathway to <del>meet</del> <u>both of the following</u> :	51188 51189 51190 51191
(1) <u>Meeting the curriculum requirements specified by the district or school and <del>satisfy</del>satisfying the graduation conditions, as appropriate, under section 3313.618 or 3313.619 of the Revised Code;</u>	51192 51193 51194 51195
(2) <u>Identifying post-graduation career goals and aligning the student's high school experience to those goals.</u>	51196 51197
<del>(2) The</del> (F) <u>Ensure the graduation and career plan shall be is developed jointly by the student and a representative of the district or school and/or a representative of an organization the district or school partners with for career planning and advising supports. The plan shall be updated each school year in which the student is enrolled in the district or school, until the student qualifies for a high school diploma. The district or</u>	51198 51199 51200 51201 51202 51203 51204

school shall invite a student's parent, guardian, or custodian 51205  
to assist in developing and updating the graduation and career 51206  
plan. 51207

~~(3) A district or school shall include~~ (G) Include a 51208  
student's lack of progress in meeting the terms of a graduation 51209  
and career plan developed or updated under this ~~division~~ section 51210  
as both a criterion for identifying at-risk students under 51211  
division (A) of this section and a procedure for identifying at- 51212  
risk students under division (B) of this section. ~~;~~ 51213

~~(4) A~~ (H) Ensure that a graduation and career plan 51214  
developed under this section ~~shall supplement~~ conforms to a 51215  
school district's policy on career advising adopted under 51216  
section 3313.6020 of the Revised Code. ~~;~~ 51217

~~(5) A~~ (I) Permit a school district may to use the 51218  
individualized education program developed for a student 51219  
pursuant to section 3323.08 of the Revised Code in lieu of 51220  
developing a graduation and career plan under this ~~division~~ 51221  
section, if the individualized education program contains 51222  
~~academic~~ goals substantively similar to a graduation and career 51223  
plan. ~~;~~ 51224

(J) Ensure that a graduation and career plan aligns to any 51225  
student success plan developed for the student under division 51226  
(C) of section 3313.6020 of the Revised Code. 51227

**Sec. 3313.618.** (A) In addition to the curriculum 51228  
requirements specified by the board of education of a school 51229  
district or governing authority of a chartered nonpublic school, 51230  
each student entering ninth grade for the first time on or after 51231  
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 51232  
one of the following conditions or the conditions prescribed 51233

under division (B) of this section in order to qualify for a 51234  
high school diploma: 51235

(1) Be remediation-free, in accordance with standards 51236  
adopted under division (F) of section 3345.061 of the Revised 51237  
Code, on each of the nationally standardized assessments in 51238  
English, mathematics, and reading; 51239

(2) Attain a score specified under division (B) (5) (c) of 51240  
section 3301.0712 of the Revised Code on the end-of-course 51241  
examinations prescribed under division (B) of section 3301.0712 51242  
of the Revised Code. 51243

(3) Attain a score that demonstrates workforce readiness 51244  
and employability on a nationally recognized job skills 51245  
assessment selected by the department of education and workforce 51246  
under division (F) of section 3301.0712 of the Revised Code and 51247  
obtain either an industry-recognized credential or a license 51248  
issued by a state agency or board for practice in a vocation 51249  
that requires an examination for issuance of that license. 51250

For the purposes of this division, the industry-recognized 51251  
credentials and licenses shall be as approved under section 51252  
3313.6113 of the Revised Code. 51253

A student may choose to qualify for a high school diploma 51254  
by satisfying any of the separate requirements prescribed by 51255  
divisions (A) (1) to (3) of this section. If the student's school 51256  
district or school does not administer the examination 51257  
prescribed by one of those divisions that the student chooses to 51258  
take to satisfy the requirements of this section, the school 51259  
district or school may require that student to arrange for the 51260  
applicable scores to be sent directly to the district or school 51261  
by the company or organization that administers the examination. 51262

(B) In addition to the curriculum requirements specified 51263  
by the district board or school governing authority, each 51264  
student entering ninth grade for the first time on or after July 51265  
1, 2019, shall satisfy the following conditions in order to 51266  
qualify for a high school diploma: 51267

(1) Attain a competency score as determined under division 51268  
(B) (10) of section 3301.0712 of the Revised Code on each of the 51269  
Algebra I and English language arts II end-of-course 51270  
examinations prescribed under division (B) (2) of section 51271  
3301.0712 of the Revised Code. 51272

School districts and chartered nonpublic schools shall 51273  
offer remedial support to any student who fails to attain a 51274  
competency score on one or both of the Algebra I and English 51275  
language arts II end-of-course examinations. 51276

Following the first administration of the exam, if a 51277  
student fails to attain a competency score on one or both of the 51278  
Algebra I and English language arts II end-of-course 51279  
examinations that student must retake the respective examination 51280  
at least once. 51281

If a student fails to attain a competency score on a 51282  
retake examination, the student may demonstrate competency in 51283  
the failed subject area through one of the following options: 51284

(a) Earn course credit taken through the college credit 51285  
plus program established under Chapter 3365. of the Revised Code 51286  
in the failed subject area; 51287

(b) Complete two of the following options, one of which 51288  
must be foundational: 51289

(i) Foundational options to demonstrate competency, which 51290  
include—earning a cumulative score of proficient or higher on 51291



three or more state technical assessments aligned with section 51292  
3313.903 of the Revised Code in a single career pathway, 51293  
obtaining an industry-recognized credential, or group of 51294  
credentials, approved under section 3313.6113 of the Revised 51295  
Code that ~~is at least equal to the total number of points~~ meet 51296  
the criteria established under that section to qualify for a 51297  
high school diploma, obtaining a license approved under section 51298  
3313.6113 of the Revised Code that is issued by a state agency 51299  
or board for practice in a vocation that requires an examination 51300  
for issuance of that license, completing a pre-apprenticeship 51301  
aligned with options established under section 3313.904 of the 51302  
Revised Code in the student's chosen career field, completing an 51303  
apprenticeship registered with the apprenticeship council 51304  
established under section 4139.02 of the Revised Code in the 51305  
student's chosen career field, or providing evidence of 51306  
acceptance into an apprenticeship program after high school that 51307  
is restricted to participants eighteen years of age or older; 51308

(ii) Supporting options to demonstrate competency, which 51309  
include completing two hundred fifty hours of a work-based 51310  
learning experience with evidence of positive evaluations, 51311  
obtaining an OhioMeansJobs-readiness seal under section 51312  
3313.6112 of the Revised Code, or attaining a workforce 51313  
readiness score, as determined by the department, on the 51314  
nationally recognized job skills assessment selected by the 51315  
department under division (F) of section 3301.0712 of the 51316  
Revised Code. 51317

(c) Provide evidence that the student has enlisted in a 51318  
branch of the armed services of the United States as defined in 51319  
section 5910.01 of the Revised Code. 51320

(d) Be remediation-free, in accordance with standards 51321

adopted under division (F) of section 3345.061 of the Revised Code, in the failed subject area on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. For English language arts II, a student must be remediation-free in the subjects of English and reading on the nationally standardized assessment.

Subject to division (L)(2) of section 3313.61 of the Revised Code, for any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division or an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code.

(2) Earn at least two of the state diploma seals prescribed under division (A) of section 3313.6114 of the Revised Code, at least one of which shall be any of the following:

(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(c) One of the state diploma seals established under divisions (C)(1) to (7) of section 3313.6114 of the Revised Code.

(C)(1) A student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in such a high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school

year shall meet the requirements of division (B) or (D) of this 51351  
section, as applicable, in order to qualify for a high school 51352  
diploma. However, any student subject to division (B) of this 51353  
section who transfers or enrolls after the start of the 51354  
student's twelfth grade year and fails to attain a competency 51355  
score on the Algebra I or English language arts II end-of-course 51356  
examination shall not be required to retake the applicable 51357  
examination prior to demonstrating competency in the failed 51358  
subject area under the options prescribed in divisions (B) (1) (a) 51359  
to (d) of this section. 51360

(2) The department shall prescribe standards that allow a 51361  
transfer student who, prior to the student's transfer, took an 51362  
assessment described in division (B) (1) or (2) of section 51363  
3301.0712 or section 3313.619 of the Revised Code to apply the 51364  
score from that assessment towards graduation requirements at 51365  
the student's new public or chartered nonpublic school. 51366

(D) Notwithstanding division (B) of this section, in 51367  
addition to the curriculum requirements specified by the school 51368  
governing authority, a chartered nonpublic school student 51369  
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 51370  
Revised Code entering ninth grade for the first time on or after 51371  
July 1, 2019, shall qualify for a high school diploma if the 51372  
student earns a remediation-free score in the areas of English, 51373  
mathematics, and reading, in accordance with standards adopted 51374  
under division (F) of section 3345.061 of the Revised Code, on a 51375  
nationally standardized assessment prescribed under division (B) 51376  
(1) of section 3301.0712 of the Revised Code. No such student 51377  
shall be required to take the Algebra I or English language arts 51378  
II end-of-course examination or earn diploma seals under this 51379  
section. 51380

(E) The department shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the department or the director of education and workforce shall not create any endorsement or designation that may be affiliated with a high school diploma.

**Sec. 3313.6113.** (A) The director of education and workforce, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code.

(B) The committee shall do the following:

(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services and other relevant demand data;

~~(2) Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary;~~

~~(3) Review and update the list of industry-recognized credentials and licenses at least biennially;~~

~~(4) Assign a point value for each industry-recognized credential and establish the total number of points for industry-recognized credentials that~~ (3) Establish the criteria under which a student must earn to may use industry-recognized

credentials to help qualify for a high school diploma under 51410  
sections 3313.618 and 3313.6114 of the Revised Code; 51411

~~(5)~~(4) Update the list of industry-recognized credentials 51412  
to include a driver's license obtained by a student through a 51413  
driver education course offered by a school district in 51414  
accordance with section 3301.17 of the Revised Code. 51415

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 51416  
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 51417  
department of education and workforce shall include only those 51418  
students who earn an industry-recognized credential, or group of 51419  
credentials, at least equal to the total number of points that 51420  
meet the criteria established by the committee under this 51421  
section to qualify for a high school diploma. 51422

**Sec. 3313.6114.** (A) The department of education and 51423  
workforce shall establish a system of state diploma seals for 51424  
the purposes of allowing a student to qualify for graduation 51425  
under section 3313.618 of the Revised Code. State diploma seals 51426  
may be attached or affixed to the high school diploma of a 51427  
student enrolled in a public or chartered nonpublic school. The 51428  
system of state diploma seals shall consist of all of the 51429  
following: 51430

(1) The state seal of biliteracy established under section 51431  
3313.6111 of the Revised Code; 51432

(2) The OhioMeansJobs-readiness seal established under 51433  
section 3313.6112 of the Revised Code; 51434

(3) The state diploma seals prescribed under division (C) 51435  
of this section. 51436

(B) A school district, community school established under 51437  
Chapter 3314. of the Revised Code, STEM school established under 51438

Chapter 3326. of the Revised Code, college-preparatory boarding 51439  
school established under Chapter 3328. of the Revised Code, or 51440  
chartered nonpublic school shall attach or affix the state seals 51441  
prescribed under division (C) of this section to the diploma and 51442  
transcript of a student enrolled in the district or school who 51443  
meets the requirements established under that division. 51444

(C) The department shall establish all of the following 51445  
state diploma seals: 51446

(1) An industry-recognized credential seal. A student 51447  
shall meet the requirement for this seal by doing either of the 51448  
following: 51449

(a) Earning an industry-recognized credential, or group of 51450  
credentials, approved under section 3313.6113 of the Revised 51451  
Code that ~~is both of the following:~~ 51452

~~(i) At least equal to the total number of points meets the~~ 51453  
~~criteria established under section 3313.6113 of the Revised Code~~ 51454  
~~to qualify for a high school diploma;~~ 51455

~~(ii) Aligned and aligns~~ to a job that is determined to be 51456  
in demand in this state and its regions under section 6301.11 of 51457  
the Revised Code. 51458

(b) Obtaining a license approved under section 3313.6113 51459  
of the Revised Code that is issued by a state agency or board 51460  
for practice in a vocation that requires an examination for 51461  
issuance of that license. 51462

(2) A college-ready seal. A student shall meet the 51463  
requirement for this seal by attaining a score that is 51464  
remediation-free, in accordance with standards adopted under 51465  
division (F) of section 3345.061 of the Revised Code, on a 51466  
nationally standardized assessment prescribed under division (B) 51467

(1) of section 3301.0712 of the Revised Code or by attaining a 51468  
passing score, as determined by the department of education and 51469  
workforce and aligned with current statewide college-level 51470  
examination program scores identified by the department of 51471  
higher education, on a college-level examination program 51472  
examination. 51473

(3) A military seal. A student shall meet the requirement 51474  
for this seal by doing one of the following: 51475

(a) Providing evidence that the student has enlisted in a 51476  
branch of the armed services of the United States as defined in 51477  
section 5910.01 of the Revised Code; 51478

(b) Participating in a junior reserve officer training 51479  
program approved by the congress of the United States under 51480  
title 10 of the United States Code; 51481

(c) Providing evidence that the student has accepted a 51482  
scholarship to enter the reserve officer training corps; 51483

(d) Providing evidence that the student has been appointed 51484  
to a United States military service academy. 51485

(4) A citizenship seal. A student shall meet the 51486  
requirement for this seal by doing any of the following: 51487

(a) Demonstrating at least a proficient level of skill as 51488  
prescribed under division (B) (5) (a) of section 3301.0712 of the 51489  
Revised Code on both the American history and American 51490  
government end-of-course examinations prescribed under division 51491  
(B) (2) of section 3301.0712 of the Revised Code; 51492

(b) Attaining a score level prescribed under division (B) 51493  
(5) (d) of section 3301.0712 of the Revised Code that is at least 51494  
the equivalent of a proficient level of skill in appropriate 51495

advanced placement or international baccalaureate examinations 51496  
or by attaining a passing score, as determined by the 51497  
department, on a college-level examination program examination 51498  
in lieu of the American history and American government end-of- 51499  
course examinations; 51500

(c) In lieu of the American history and American 51501  
government end-of-course examinations, attaining a final course 51502  
grade that is the equivalent of a "B" or higher in either: 51503

(i) An American history course and an American government 51504  
course that are offered by the student's high school; 51505

(ii) Appropriate courses taken through the college credit 51506  
plus program established under Chapter 3365. of the Revised 51507  
Code. 51508

(d) In the case of a student who takes an alternate 51509  
assessment in accordance with division (C)(1) of section 51510  
3301.0711 of the Revised Code, attaining a score established by 51511  
the department on the alternate assessment in social studies; 51512

(e) In the case of a student who transfers into an Ohio 51513  
public or chartered nonpublic high school from another state or 51514  
who enrolls in an Ohio public or chartered nonpublic high school 51515  
after receiving home education or attending a nonchartered, 51516  
nontax-supported school in the previous school year, attaining a 51517  
final course grade that is the equivalent of a "B" or higher in 51518  
courses that correspond with the American history and American 51519  
government end-of-course examinations and that the student 51520  
completed in the state from which the student transferred or 51521  
completed while receiving home education or attending a 51522  
nonchartered, nontax-supported school. Division (C)(4)(e) of 51523  
this section does not apply to any such student with respect to 51524



an American history or American government course for which an 51525  
end-of-course examination is associated that the student takes 51526  
after enrolling in the high school. 51527

(5) A science seal. A student shall meet the requirement 51528  
for this seal by doing any of the following: 51529

(a) Demonstrating at least a proficient level of skill as 51530  
prescribed under division (B) (5) (a) of section 3301.0712 of the 51531  
Revised Code on the science end-of-course examination prescribed 51532  
under division (B) (2) of section 3301.0712 of the Revised Code; 51533

(b) Attaining a score level prescribed under division (B) 51534  
(5) (d) of section 3301.0712 of the Revised Code that is at least 51535  
the equivalent of a proficient level of skill in an appropriate 51536  
advanced placement or international baccalaureate examination or 51537  
by attaining a passing score, as determined by the department, 51538  
on a college-level examination program examination in lieu of 51539  
the science end-of-course examination; 51540

(c) In lieu of the science end-of-course examination, 51541  
attaining a final course grade that is the equivalent of a "B" 51542  
or higher in either: 51543

(i) A science course listed in divisions (C) (5) (c) (i) to 51544  
(iii) of section 3313.603 of the Revised Code that is offered by 51545  
the student's high school; 51546

(ii) An appropriate course taken through the college 51547  
credit plus program established under Chapter 3365. of the 51548  
Revised Code. 51549

(d) In the case of a student who takes an alternate 51550  
assessment in accordance with division (C) (1) of section 51551  
3301.0711 of the Revised Code, attaining a score established by 51552  
the department on the alternate assessment in science; 51553

(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in a course that corresponds with the science end-of-course examination and that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. Division (C) (5) (e) of this section does not apply to any such student who takes a science course for which an end-of-course examination is associated after enrolling in the high school.

(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code.

(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Subject to division (B) (5) (d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination or by attaining a passing score, as determined by the department of education and workforce and aligned with the current statewide college-level examination program scores identified by the department of higher education, on a college-level examination program examination;

(b) Attaining a final course grade that is the equivalent

of a "B" or higher in an appropriate course taken through the 51584  
college credit plus program established under Chapter 3365. of 51585  
the Revised Code; 51586

(c) Completing a course offered through the student's 51587  
district or school that meets guidelines developed by the 51588  
department. However, a district or school shall not be required 51589  
to offer a course that meets those guidelines. 51590

(d) In the case of a student who transfers into an Ohio 51591  
public or chartered nonpublic high school from another state or 51592  
enrolls in an Ohio public or chartered nonpublic high school 51593  
after receiving home education or attending a nonchartered, 51594  
nontax-supported school in the previous school year, attaining a 51595  
final course grade that is the equivalent of a "B" or higher in 51596  
an appropriate course, as determined by the district or school, 51597  
that the student completed in the state from which the student 51598  
transferred or completed while receiving home education or 51599  
attending a nonchartered, nontax-supported school. 51600

(8) A community service seal. A student shall meet the 51601  
requirement for this seal by completing a community service 51602  
project that is aligned with guidelines adopted by the student's 51603  
district board or school governing authority. 51604

(9) A fine and performing arts seal. A student shall meet 51605  
the requirement for this seal by demonstrating skill in the fine 51606  
or performing arts according to an evaluation that is aligned 51607  
with guidelines adopted by the student's district board or 51608  
school governing authority. 51609

(10) A student engagement seal. A student shall meet the 51610  
requirement for this seal by participating in extracurricular 51611  
activities such as athletics, clubs, or student government to a 51612

meaningful extent, as determined by guidelines adopted by the 51613  
student's district board or school governing authority. 51614

(D) (1) Each district or school shall develop guidelines 51615  
for at least one of the state seals prescribed under divisions 51616  
(C) (8) to (10) of this section. 51617

(2) For the purposes of determining whether a student who 51618  
transfers to a district or school has satisfied the state 51619  
diploma seal requirement under division (B) (2) of section 51620  
3313.618 of the Revised Code, each district or school shall 51621  
recognize a state diploma seal prescribed under divisions (C) (8) 51622  
to (10) of this section and earned by a student at another 51623  
district or a different public or chartered nonpublic school 51624  
regardless of whether the district or school to which the 51625  
student transfers has developed guidelines under this section 51626  
for that state seal. 51627

(3) In guidelines developed for a state diploma seal 51628  
prescribed under divisions (C) (8) to (10) of this section, each 51629  
district or school shall include a method to give, to the extent 51630  
feasible, a student who transfers into the district or school a 51631  
proportional amount of credit for any progress the student was 51632  
making toward earning that state seal at the school district or 51633  
different public or chartered nonpublic school from which the 51634  
student transfers. 51635

(E) Each district or school shall maintain appropriate 51636  
records to identify students who have met the requirements 51637  
prescribed under division (C) of this section for earning the 51638  
state seals established under that division. 51639

(F) The department shall prepare and deliver to each 51640  
district or school an appropriate mechanism for assigning a 51641

state diploma seal established under division (C) of this 51642  
section. 51643

(G) A student shall not be charged a fee to be assigned a 51644  
state seal prescribed under division (C) of this section on the 51645  
student's diploma and transcript. 51646

**Sec. 3313.64.** (A) As used in this section and in section 51647  
3313.65 of the Revised Code: 51648

(1) (a) Except as provided in division (A) (1) (b) of this 51649  
section, "parent" means either parent, unless the parents are 51650  
separated or divorced or their marriage has been dissolved or 51651  
annulled, in which case "parent" means the parent who is the 51652  
residential parent and legal custodian of the child. When a 51653  
child is in the legal custody of a government agency or a person 51654  
other than the child's natural or adoptive parent, "parent" 51655  
means the parent with residual parental rights, privileges, and 51656  
responsibilities. When a child is in the permanent custody of a 51657  
government agency or a person other than the child's natural or 51658  
adoptive parent, "parent" means the parent who was divested of 51659  
parental rights and responsibilities for the care of the child 51660  
and the right to have the child live with the parent and be the 51661  
legal custodian of the child and all residual parental rights, 51662  
privileges, and responsibilities. 51663

(b) When a child is the subject of a power of attorney 51664  
executed under sections 3109.51 to 3109.62 of the Revised Code, 51665  
"parent" means the grandparent designated as attorney in fact 51666  
under the power of attorney. When a child is the subject of a 51667  
caretaker authorization affidavit executed under sections 51668  
3109.64 to 3109.73 of the Revised Code, "parent" means the 51669  
grandparent that executed the affidavit. 51670

(2) "Legal custody," "permanent custody," and "residual  
parental rights, privileges, and responsibilities" have the same  
meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local,  
or exempted village school district and excludes any school  
operated in an institution maintained by the department of youth  
services.

(4) Except as used in division (C) (2) of this section,  
"home" means a home, institution, foster home, group home, or  
other residential facility in this state that receives and cares  
for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such  
purpose by the state or is maintained by the department of youth  
services.

(b) The home is operated by a person who is licensed,  
certified, or approved by the state to operate the home for such  
purpose.

(c) The home accepted the child through a placement by a  
person licensed, certified, or approved to place a child in such  
a home by the state.

(d) The home is a children's home created under section  
5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the  
department of children and youth in accordance with the  
requirements of section 5103.03 of the Revised Code and assumes  
temporary or permanent custody of children through commitment,

agreement, or surrender, and places children in family homes for 51699  
the purpose of adoption; 51700

(c) Comparable agencies of other states or countries that 51701  
have complied with applicable requirements of section 2151.39 of 51702  
the Revised Code or as applicable, sections 5103.20 to 5103.22 51703  
or 5103.23 to 5103.237 of the Revised Code. 51704

(6) A child is placed for adoption if either of the 51705  
following occurs: 51706

(a) An agency to which the child has been permanently 51707  
committed or surrendered enters into an agreement with a person 51708  
pursuant to section 5103.16 of the Revised Code for the care and 51709  
adoption of the child. 51710

(b) The child's natural parent places the child pursuant 51711  
to section 5103.16 of the Revised Code with a person who will 51712  
care for and adopt the child. 51713

(7) "Preschool child with a disability" has the same 51714  
meaning as in section 3323.01 of the Revised Code. 51715

(8) "Child," unless otherwise indicated, includes 51716  
preschool children with disabilities. 51717

(9) "Active duty" means active duty pursuant to an 51718  
executive order of the president of the United States, an act of 51719  
the congress of the United States, or section 5919.29 or 5923.21 51720  
of the Revised Code. 51721

(B) Except as otherwise provided in section 3321.01 of the 51722  
Revised Code for admittance to kindergarten and first grade, a 51723  
child who is at least five but under twenty-two years of age and 51724  
any preschool child with a disability shall be admitted to 51725  
school as provided in this division. 51726

(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 51727  
51728

(2) Except as provided in division (B) (4) of this section 51729  
or division (B) of section 2151.362 and section 3317.30 of the 51730  
Revised Code, a child who does not reside in the district where 51731  
the child's parent resides shall be admitted to the schools of 51732  
the district in which the child resides if any of the following 51733  
applies: 51734

(a) The child is in the legal or permanent custody of a 51735  
government agency or a person other than the child's natural or 51736  
adoptive parent. 51737

(b) The child resides in a home. 51738

(c) The child requires special education. 51739

(3) A child who is not entitled under division (B) (2) of 51740  
this section to be admitted to the schools of the district where 51741  
the child resides and who is residing with a resident of this 51742  
state with whom the child has been placed for adoption shall be 51743  
admitted to the schools of the district where the child resides 51744  
unless either of the following applies: 51745

(a) The placement for adoption has been terminated. 51746

(b) Another school district is required to admit the child 51747  
under division (B) (1) of this section. 51748

(4) (a) A child who does not reside in the district where 51749  
the child's parent resides is not required to be admitted to the 51750  
schools of the district in which the child resides if both of 51751  
the following apply: 51752

(i) The child resides in a home, or in a facility 51753  
similarly licensed in another state, and the child was placed in 51754



the home or facility by the child's parent in consultation with, 51755  
and upon the recommendation of, the Ohio resilience through 51756  
integrated systems and excellence program for children and youth 51757  
involved in multiple state systems. 51758

(ii) The home provides education services that meet the 51759  
minimum education standards under division (D) (2) of section 51760  
3301.07 of the Revised Code or, in the case of a facility 51761  
located in another state, meets substantially similar 51762  
requirements of the jurisdiction where the facility is located, 51763  
except that the home or facility may provide the child with less 51764  
than the minimum number of instructional hours required only as 51765  
necessary to accommodate the child's treatment program. 51766

(b) Upon a child's admission to a home pursuant to 51767  
division (B) (4) (a) of this section, the home shall notify the 51768  
district where the child's parent resides and the district where 51769  
the home is located that the home is providing educational 51770  
services to the child until the child is discharged. Upon a 51771  
child's admission to a facility located in another state 51772  
pursuant to division (B) (4) (a) of this section, the facility 51773  
shall notify the district where the child's parent resides that 51774  
the facility is providing educational services to the child 51775  
until the child is discharged. In either case, the district 51776  
where the child's parent resides shall continue to enroll the 51777  
student as provided in division (C) (5) of this section and shall 51778  
excuse the child from attendance until the child is discharged 51779  
from the home or facility. 51780

(c) Upon a child's discharge from a home or facility, the 51781  
home or facility shall notify the district where the child's 51782  
parent resides. The home or facility and the district shall 51783  
collaborate on a supportive reentry plan into school for the 51784

child. 51785

Division (B) of this section does not prohibit the board 51786  
of education of a school district from placing a child with a 51787  
disability who resides in the district in a special education 51788  
program outside of the district or its schools in compliance 51789  
with Chapter 3323. of the Revised Code. 51790

(C) A district shall not charge tuition for children 51791  
admitted under division (B)(1) or (3) of this section. If the 51792  
district admits a child under division (B)(2) of this section, 51793  
tuition shall be paid to the district that admits the child as 51794  
provided in divisions (C)(1) to (3) of this section, unless 51795  
division (C)(4) of this section applies to the child: 51796

(1) If the child receives special education in accordance 51797  
with Chapter 3323. of the Revised Code, the school district of 51798  
residence, as defined in section 3323.01 of the Revised Code, 51799  
shall pay tuition for the child in accordance with section 51800  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 51801  
regardless of who has custody of the child or whether the child 51802  
resides in a home. 51803

(2) For a child that does not receive special education in 51804  
accordance with Chapter 3323. of the Revised Code, except as 51805  
otherwise provided in division (C)(2)(d) of this section, if the 51806  
child is in the permanent or legal custody of a government 51807  
agency or person other than the child's parent, tuition shall be 51808  
paid by: 51809

(a) The district in which the child's parent resided at 51810  
the time the court removed the child from home or at the time 51811  
the court vested legal or permanent custody of the child in the 51812  
person or government agency, whichever occurred first; 51813

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C) (2) (a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education and workforce has determined, pursuant to division (A) (2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent

and the child resides in a home, tuition shall be paid by one of 51844  
the following: 51845

(a) The school district in which the child's parent 51846  
resides; 51847

(b) If the child's parent is not a resident of this state, 51848  
the home in which the child resides. 51849

(4) Division (C) (4) of this section applies to any child 51850  
who is admitted to a school district under division (B) (2) of 51851  
this section, resides in a home that is not a foster home, a 51852  
home maintained by the department of youth services, a detention 51853  
facility established under section 2152.41 of the Revised Code, 51854  
or a juvenile facility established under section 2151.65 of the 51855  
Revised Code, and receives educational services at the home or 51856  
facility in which the child resides pursuant to a contract 51857  
between the home or facility and the school district providing 51858  
those services. 51859

If a child to whom division (C) (4) of this section applies 51860  
is a special education student, a district may choose whether to 51861  
receive a tuition payment for that child under division (C) (4) 51862  
of this section or to receive a payment for that child under 51863  
section 3323.14 of the Revised Code. If a district chooses to 51864  
receive a payment for that child under section 3323.14 of the 51865  
Revised Code, it shall not receive a tuition payment for that 51866  
child under division (C) (4) of this section. 51867

If a child to whom division (C) (4) of this section applies 51868  
is not a special education student, a district shall receive a 51869  
tuition payment for that child under division (C) (4) of this 51870  
section. 51871

In the case of a child to which division (C) (4) of this 51872

section applies, the total educational cost to be paid for the 51873  
child shall be determined by a formula approved by the 51874  
department of education and workforce, which formula shall be 51875  
designed to calculate a per diem cost for the educational 51876  
services provided to the child for each day the child is served 51877  
and shall reflect the total actual cost incurred in providing 51878  
those services. The department shall certify the total 51879  
educational cost to be paid for the child to both the school 51880  
district providing the educational services and, if different, 51881  
the school district that is responsible to pay tuition for the 51882  
child. The department shall deduct the certified amount from the 51883  
state basic aid funds payable under Chapter 3317. of the Revised 51884  
Code to the district responsible to pay tuition and shall pay 51885  
that amount to the district providing the educational services 51886  
to the child. 51887

(5) In the case of a child to whom division (B) (4) of this 51888  
section applies, and except as otherwise provided in division 51889  
(C) (5) (f) of this section, tuition shall be paid to the home or 51890  
facility for educational services provided to the child by the 51891  
school district in which the child's parent resides according to 51892  
the following: 51893

(a) The total educational cost to be paid for the child 51894  
shall be determined by a formula approved by the department of 51895  
education and workforce. The department shall design the formula 51896  
to calculate a per diem cost for the educational services 51897  
provided to the child for each day the child is served and shall 51898  
reflect the total actual cost incurred in providing those 51899  
services. The department shall certify the total educational 51900  
cost to be paid for the child to both the home or facility 51901  
providing the educational services and the district that is 51902  
responsible to pay the tuition for the child. The department 51903

shall deduct the certified amount from the state basic aid funds 51904  
payable under Chapter 3317. of the Revised Code to the district 51905  
responsible to pay tuition and shall pay that amount to the home 51906  
or facility providing the educational services to the child. 51907

(b) The district responsible to pay tuition shall continue 51908  
to report the child in its enrollment for purposes of section 51909  
3317.03 of the Revised Code. 51910

(c) If the parent's residence changes to a different 51911  
school district while the child resides in the home or facility, 51912  
the department of education and workforce may re-determine the 51913  
school district responsible for tuition based on evidence 51914  
provided by the district currently responsible for tuition. 51915

(d) Upon a child's discharge from the home or facility, 51916  
the home or facility shall immediately notify the district where 51917  
the child's parent resides and the department of education and 51918  
workforce. The notification shall include a certified transcript 51919  
of all coursework completed by the child while residing in the 51920  
home or facility. The district where the child's parent resides 51921  
shall accept all coursework completed by the child while in the 51922  
home or facility and shall award credit for that coursework in 51923  
accordance with district policy. 51924

(e) Following discharge from the home or facility and 51925  
return to the parent's residence, high school students shall 51926  
meet requirements under section 3313.618 of the Revised Code in 51927  
order to qualify for a high school diploma that are no more 51928  
stringent than those that apply to students who enroll into an 51929  
Ohio public or chartered nonpublic high school after receiving a 51930  
home education under section 3321.042 of the Revised Code. 51931

(f) If the child is provided educational services by a 51932

chartered nonpublic school while residing in a home and the 51933  
child has been awarded a scholarship under a state scholarship 51934  
program, as defined in section 3301.0711 of the Revised Code, no 51935  
school district shall be responsible for paying tuition under 51936  
division (C) (5) of this section. 51937

(D) Tuition required to be paid under divisions (C) (2) and 51938  
(3) (a) of this section shall be computed in accordance with 51939  
section 3317.08 of the Revised Code. Tuition required to be paid 51940  
under division (C) (3) (b) of this section shall be computed in 51941  
accordance with section 3317.081 of the Revised Code. If a home 51942  
fails to pay the tuition required by division (C) (3) (b) of this 51943  
section, the board of education providing the education may 51944  
recover in a civil action the tuition and the expenses incurred 51945  
in prosecuting the action, including court costs and reasonable 51946  
attorney's fees. If the prosecuting attorney or city director of 51947  
law represents the board in such action, costs and reasonable 51948  
attorney's fees awarded by the court, based upon the prosecuting 51949  
attorney's, director's, or one of their designee's time spent 51950  
preparing and presenting the case, shall be deposited in the 51951  
county or city general fund. 51952

(E) A board of education may enroll a child free of any 51953  
tuition obligation for a period not to exceed sixty days, on the 51954  
sworn statement of an adult resident of the district that the 51955  
resident has initiated legal proceedings for custody of the 51956  
child. 51957

(F) In the case of any individual entitled to attend 51958  
school under this division, no tuition shall be charged by the 51959  
school district of attendance and no other school district shall 51960  
be required to pay tuition for the individual's attendance. 51961  
Notwithstanding division (B), (C), or (E) of this section: 51962

(1) All persons at least eighteen but under twenty-two 51963  
years of age who live apart from their parents, support 51964  
themselves by their own labor, and have not successfully 51965  
completed the high school curriculum or the individualized 51966  
education program developed for the person by the high school 51967  
pursuant to section 3323.08 of the Revised Code, are entitled to 51968  
attend school in the district in which they reside. 51969

(2) Any child under eighteen years of age who is married 51970  
is entitled to attend school in the child's district of 51971  
residence. 51972

(3) A child is entitled to attend school in the district 51973  
in which either of the child's parents is employed if the child 51974  
has a medical condition that may require emergency medical 51975  
attention. The parent of a child entitled to attend school under 51976  
division (F) (3) of this section shall submit to the board of 51977  
education of the district in which the parent is employed a 51978  
statement from the child's physician, certified nurse-midwife, 51979  
clinical nurse specialist, or certified nurse practitioner 51980  
certifying that the child's medical condition may require 51981  
emergency medical attention. The statement shall be supported by 51982  
such other evidence as the board may require. 51983

(4) Any child residing with a person other than the 51984  
child's parent is entitled, for a period not to exceed twelve 51985  
months, to attend school in the district in which that person 51986  
resides if the child's parent files an affidavit with the 51987  
superintendent of the district in which the person with whom the 51988  
child is living resides stating all of the following: 51989

(a) That the parent is serving outside of the state in the 51990  
armed services of the United States; 51991



(b) That the parent intends to reside in the district upon	51992
returning to this state;	51993
(c) The name and address of the person with whom the child	51994
is living while the parent is outside the state.	51995
(5) Any child under the age of twenty-two years who, after	51996
the death of a parent, resides in a school district other than	51997
the district in which the child attended school at the time of	51998
the parent's death is entitled to continue to attend school in	51999
the district in which the child attended school at the time of	52000
the parent's death for the remainder of the school year, subject	52001
to approval of that district board.	52002
(6) A child under the age of twenty-two years who resides	52003
with a parent who is having a new house built in a school	52004
district outside the district where the parent is residing is	52005
entitled to attend school for a period of time in the district	52006
where the new house is being built. In order to be entitled to	52007
such attendance, the parent shall provide the district	52008
superintendent with the following:	52009
(a) A sworn statement explaining the situation, revealing	52010
the location of the house being built, and stating the parent's	52011
intention to reside there upon its completion;	52012
(b) A statement from the builder confirming that a new	52013
house is being built for the parent and that the house is at the	52014
location indicated in the parent's statement.	52015
(7) A child under the age of twenty-two years residing	52016
with a parent who has a contract to purchase a house in a school	52017
district outside the district where the parent is residing and	52018
who is waiting upon the date of closing of the mortgage loan for	52019
the purchase of such house is entitled to attend school for a	52020

period of time in the district where the house is being 52021  
purchased. In order to be entitled to such attendance, the 52022  
parent shall provide the district superintendent with the 52023  
following: 52024

(a) A sworn statement explaining the situation, revealing 52025  
the location of the house being purchased, and stating the 52026  
parent's intent to reside there; 52027

(b) A statement from a real estate broker or bank officer 52028  
confirming that the parent has a contract to purchase the house, 52029  
that the parent is waiting upon the date of closing of the 52030  
mortgage loan, and that the house is at the location indicated 52031  
in the parent's statement. 52032

The district superintendent shall establish a period of 52033  
time not to exceed ninety days during which the child entitled 52034  
to attend school under division (F) (6) or (7) of this section 52035  
may attend without tuition obligation. A student attending a 52036  
school under division (F) (6) or (7) of this section shall be 52037  
eligible to participate in interscholastic athletics under the 52038  
auspices of that school, provided the board of education of the 52039  
school district where the student's parent resides, by a formal 52040  
action, releases the student to participate in interscholastic 52041  
athletics at the school where the student is attending, and 52042  
provided the student receives any authorization required by a 52043  
public agency or private organization of which the school 52044  
district is a member exercising authority over interscholastic 52045  
sports. 52046

(8) A child whose parent is a full-time employee of a 52047  
city, local, or exempted village school district, or of an 52048  
educational service center, may be admitted to the schools of 52049  
the district where the child's parent is employed, or in the 52050

case of a child whose parent is employed by an educational 52051  
service center, in the district that serves the location where 52052  
the parent's job is primarily located, provided the district 52053  
board of education establishes such an admission policy by 52054  
resolution adopted by a majority of its members. Any such policy 52055  
shall take effect on the first day of the school year and the 52056  
effective date of any amendment or repeal may not be prior to 52057  
the first day of the subsequent school year. The policy shall be 52058  
uniformly applied to all such children and shall provide for the 52059  
admission of any such child upon request of the parent. No child 52060  
may be admitted under this policy after the first day of classes 52061  
of any school year. 52062

(9) A child who is with the child's parent under the care 52063  
of a shelter for victims of domestic violence, as defined in 52064  
section 3113.33 of the Revised Code, is entitled to attend 52065  
school free in the district in which the child is with the 52066  
child's parent, and no other school district shall be required 52067  
to pay tuition for the child's attendance in that school 52068  
district. 52069

The enrollment of a child in a school district under this 52070  
division shall not be denied due to a delay in the school 52071  
district's receipt of any records required under section 52072  
3313.672 of the Revised Code or any other records required for 52073  
enrollment. Any days of attendance and any credits earned by a 52074  
child while enrolled in a school district under this division 52075  
shall be transferred to and accepted by any school district in 52076  
which the child subsequently enrolls. The department of 52077  
education and workforce shall adopt rules to ensure compliance 52078  
with this division. 52079

(10) Any child under the age of twenty-two years whose 52080

parent has moved out of the school district after the 52081  
commencement of classes in the child's senior year of high 52082  
school is entitled, subject to the approval of that district 52083  
board, to attend school in the district in which the child 52084  
attended school at the time of the parental move for the 52085  
remainder of the school year and for one additional semester or 52086  
equivalent term. A district board may also adopt a policy 52087  
specifying extenuating circumstances under which a student may 52088  
continue to attend school under division (F)(10) of this section 52089  
for an additional period of time in order to successfully 52090  
complete the high school curriculum for the individualized 52091  
education program developed for the student by the high school 52092  
pursuant to section 3323.08 of the Revised Code. 52093

(11) As used in this division, "grandparent" means a 52094  
parent of a parent of a child. A child under the age of twenty- 52095  
two years who is in the custody of the child's parent, resides 52096  
with a grandparent, and does not require special education is 52097  
entitled to attend the schools of the district in which the 52098  
child's grandparent resides, provided that, prior to such 52099  
attendance in any school year, the board of education of the 52100  
school district in which the child's grandparent resides and the 52101  
board of education of the school district in which the child's 52102  
parent resides enter into a written agreement specifying that 52103  
good cause exists for such attendance, describing the nature of 52104  
this good cause, and consenting to such attendance. 52105

In lieu of a consent form signed by a parent, a board of 52106  
education may request the grandparent of a child attending 52107  
school in the district in which the grandparent resides pursuant 52108  
to division (F)(11) of this section to complete any consent form 52109  
required by the district, including any authorization required 52110  
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 52111

Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F) (11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of

the Revised Code, the board of education of neither school 52141  
district involved in the agreement is required to provide 52142  
transportation for the student to and from the school where the 52143  
student attends. 52144

A student attending a school of a district pursuant to 52145  
this division shall be allowed to participate in all student 52146  
activities, including interscholastic athletics, at the school 52147  
where the student is attending on the same basis as any student 52148  
who has always attended the schools of that district while of 52149  
compulsory school age. 52150

(13) All school districts shall comply with the "McKinney- 52151  
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 52152  
the education of homeless children. Each city, local, and 52153  
exempted village school district shall comply with the 52154  
requirements of that act governing the provision of a free, 52155  
appropriate public education, including public preschool, to 52156  
each homeless child. 52157

When a child loses permanent housing and becomes a 52158  
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 52159  
child who is such a homeless person changes temporary living 52160  
arrangements, the child's parent or guardian shall have the 52161  
option of enrolling the child in either of the following: 52162

(a) The child's school of origin, as defined in 42 52163  
U.S.C.A. 11432(g) (3) (C); 52164

(b) The school that is operated by the school district in 52165  
which the shelter where the child currently resides is located 52166  
and that serves the geographic area in which the shelter is 52167  
located. 52168

(14) A child under the age of twenty-two years who resides 52169

with a person other than the child's parent is entitled to 52170  
attend school in the school district in which that person 52171  
resides if both of the following apply: 52172

(a) That person has been appointed, through a military 52173  
power of attorney executed under section 574(a) of the "National 52174  
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 52175  
(1993), 10 U.S.C. 1044b, or through a comparable document 52176  
necessary to complete a family care plan, as the parent's agent 52177  
for the care, custody, and control of the child while the parent 52178  
is on active duty as a member of the national guard or a reserve 52179  
unit of the armed forces of the United States or because the 52180  
parent is a member of the armed forces of the United States and 52181  
is on a duty assignment away from the parent's residence. 52182

(b) The military power of attorney or comparable document 52183  
includes at least the authority to enroll the child in school. 52184

The entitlement to attend school in the district in which 52185  
the parent's agent under the military power of attorney or 52186  
comparable document resides applies until the end of the school 52187  
year in which the military power of attorney or comparable 52188  
document expires. 52189

(G) A board of education, after approving admission, may 52190  
waive tuition for students who will temporarily reside in the 52191  
district and who are either of the following: 52192

(1) Residents or domiciliaries of a foreign nation who 52193  
request admission as foreign exchange students; 52194

(2) Residents or domiciliaries of the United States but 52195  
not of Ohio who request admission as participants in an exchange 52196  
program operated by a student exchange organization. 52197

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 52198

3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 52199  
attend school or participate in a special education program in a 52200  
school district other than in the district where the child is 52201  
entitled to attend school under division (B) of this section. 52202

(I) (1) Notwithstanding anything to the contrary in this 52203  
section or section 3313.65 of the Revised Code, a child under 52204  
twenty-two years of age may attend school in the school district 52205  
in which the child, at the end of the first full week of October 52206  
of the school year, was entitled to attend school as otherwise 52207  
provided under this section or section 3313.65 of the Revised 52208  
Code, if at that time the child was enrolled in the schools of 52209  
the district but since that time the child or the child's parent 52210  
has relocated to a new address located outside of that school 52211  
district and within the same county as the child's or parent's 52212  
address immediately prior to the relocation. The child may 52213  
continue to attend school in the district, and at the school to 52214  
which the child was assigned at the end of the first full week 52215  
of October of the current school year, for the balance of the 52216  
school year. Division (I) (1) of this section applies only if 52217  
both of the following conditions are satisfied: 52218

(a) The board of education of the school district in which 52219  
the child was entitled to attend school at the end of the first 52220  
full week in October and of the district to which the child or 52221  
child's parent has relocated each has adopted a policy to enroll 52222  
children described in division (I) (1) of this section. 52223

(b) The child's parent provides written notification of 52224  
the relocation outside of the school district to the 52225  
superintendent of each of the two school districts. 52226

(2) At the beginning of the school year following the 52227  
school year in which the child or the child's parent relocated 52228



outside of the school district as described in division (I) (1) 52229  
of this section, the child is not entitled to attend school in 52230  
the school district under that division. 52231

(3) Any person or entity owing tuition to the school 52232  
district on behalf of the child at the end of the first full 52233  
week in October, as provided in division (C) of this section, 52234  
shall continue to owe such tuition to the district for the 52235  
child's attendance under division (I) (1) of this section for the 52236  
lesser of the balance of the school year or the balance of the 52237  
time that the child attends school in the district under 52238  
division (I) (1) of this section. 52239

(4) A pupil who may attend school in the district under 52240  
division (I) (1) of this section shall be entitled to 52241  
transportation services pursuant to an agreement between the 52242  
district and the district in which the child or child's parent 52243  
has relocated unless the districts have not entered into such 52244  
agreement, in which case the child shall be entitled to 52245  
transportation services in the same manner as a pupil attending 52246  
school in the district under interdistrict open enrollment as 52247  
described in division (E) of section 3313.981 of the Revised 52248  
Code, regardless of whether the district has adopted an open 52249  
enrollment policy as described in division (B) (1) (b) or (c) of 52250  
section 3313.98 of the Revised Code. 52251

(J) This division does not apply to a child receiving 52252  
special education. 52253

A school district required to pay tuition pursuant to 52254  
division (C) (2) or (3) of this section or section 3313.65 of the 52255  
Revised Code shall have an amount deducted under division (C) of 52256  
section 3317.023 of the Revised Code equal to its own tuition 52257  
rate for the same period of attendance. A school district 52258

entitled to receive tuition pursuant to division (C) (2) or (3) 52259  
of this section or section 3313.65 of the Revised Code shall 52260  
have an amount credited under division (C) of section 3317.023 52261  
of the Revised Code equal to its own tuition rate for the same 52262  
period of attendance. If the tuition rate credited to the 52263  
district of attendance exceeds the rate deducted from the 52264  
district required to pay tuition, the department of education 52265  
and workforce shall pay the district of attendance the 52266  
difference from amounts deducted from all districts' payments 52267  
under division (C) of section 3317.023 of the Revised Code but 52268  
not credited to other school districts under such division and 52269  
from appropriations made for such purpose. The treasurer of each 52270  
school district shall, by the fifteenth day of January and July, 52271  
furnish the director of education and workforce a report of the 52272  
names of each child who attended the district's schools under 52273  
divisions (C) (2) and (3) of this section or section 3313.65 of 52274  
the Revised Code during the preceding six calendar months, the 52275  
duration of the attendance of those children, the school 52276  
district responsible for tuition on behalf of the child, and any 52277  
other information that the director requires. 52278

Upon receipt of the report the director, pursuant to 52279  
division (C) of section 3317.023 of the Revised Code, shall 52280  
deduct each district's tuition obligations under divisions (C) 52281  
(2) and (3) of this section or section 3313.65 of the Revised 52282  
Code and pay to the district of attendance that amount plus any 52283  
amount required to be paid by the state. 52284

(K) In the event of a disagreement, the director of 52285  
education and workforce shall determine the school district in 52286  
which the parent resides. 52287

(L) Nothing in this section requires or authorizes, or 52288

shall be construed to require or authorize, the admission to a 52289  
public school in this state of a pupil who has been permanently 52290  
excluded from public school attendance by the director pursuant 52291  
to sections 3301.121 and 3313.662 of the Revised Code. 52292

(M) In accordance with division (B)(1) of this section, a 52293  
child whose parent is a member of the national guard or a 52294  
reserve unit of the armed forces of the United States and is 52295  
called to active duty, or a child whose parent is a member of 52296  
the armed forces of the United States and is ordered to a 52297  
temporary duty assignment outside of the district, may continue 52298  
to attend school in the district in which the child's parent 52299  
lived before being called to active duty or ordered to a 52300  
temporary duty assignment outside of the district, as long as 52301  
the child's parent continues to be a resident of that district, 52302  
and regardless of where the child lives as a result of the 52303  
parent's active duty status or temporary duty assignment. 52304  
However, the district is not responsible for providing 52305  
transportation for the child if the child lives outside of the 52306  
district as a result of the parent's active duty status or 52307  
temporary duty assignment. 52308

**Sec. 3313.753.** (A) As used in this section: 52309

(1) "Electronic communications device" means any device 52310  
that is powered by batteries or electricity and that is capable 52311  
of receiving, transmitting, or receiving and transmitting 52312  
communications between two or more persons or a communication 52313  
from or to a person. 52314

(2) "School" means any school that is operated by a board 52315  
of education of a city, local, exempted village, or joint 52316  
vocational school district. 52317

(3) "School building" means any building in which any of 52318  
the instruction, extracurricular activities, or training 52319  
provided by a school is conducted. 52320

(4) "School grounds or premises" means either of the 52321  
following: 52322

(a) The parcel of real property on which any school 52323  
building is situated; 52324

(b) Any other parcel of real property that is owned or 52325  
leased by a board of education and on which some of the 52326  
instruction, extracurricular activities, or training of the 52327  
school is conducted. 52328

(B) The board of education of any city, exempted village, 52329  
local, joint vocational, or cooperative education school 52330  
district may adopt a policy prohibiting students from carrying 52331  
an electronic communications device in any school building or on 52332  
any school grounds or premises of the district. The policy may 52333  
provide for exceptions to this prohibition as specified in the 52334  
policy. The policy shall specify any disciplinary measures that 52335  
will be taken for violation of this prohibition. 52336

If a board of education adopts a policy under this 52337  
division, the board shall post the policy in a central location 52338  
in each school building and make it available to students and 52339  
parents upon request. 52340

~~(C) (1) Not later than the first day of July that~~ 52341  
~~immediately follows the effective date of this amendment~~ 52342  
October  
6, 2025, each school district board of education shall adopt a 52343  
policy governing the use of cellular telephones by students 52344  
during school hours. The policy shall ~~do all of the following:~~ 52345

~~(1) Emphasize that student cellular telephone use be as~~ 52346

~~limited as possible during school hours;~~ 52347

~~(2) Reduce cellular telephone-related distractions in~~ 52348  
~~classroom settings;~~ 52349

~~(3) prohibit all cellular telephone use by students during~~ 52350  
~~the instructional day, except as described in division (C) (2) of~~ 52351  
~~this section or if permitted under the building's comprehensive~~ 52352  
~~emergency management plan adopted under section 5502.262 of the~~ 52353  
~~Revised Code.~~ 52354

(2) If determined appropriate by the district board, or if 52355  
included in a student's individualized education program 52356  
developed under Chapter 3323. of the Revised Code or plan 52357  
developed under section 504 of the "Rehabilitation Act of 1973," 52358  
29 U.S.C. 794, permit students to may use cellular telephones or 52359  
other electronic communications devices for student learning or 52360  
to monitor or address a health concern. 52361

A district board shall permit a student to use a cellular 52362  
telephone or other electronic communications device to monitor 52363  
or address a health concern if the board receives a written 52364  
statement from the student's physician requiring such use. 52365

~~(D) Division (C) of this section shall not be construed to~~ 52366  
~~require a district board to adopt a policy that prohibits all~~ 52367  
~~cellular telephone use by students. Nonetheless, any Any~~ 52368  
district board that adopts a policy that prohibits all cellular 52369  
telephone use by students shall be considered to have met the 52370  
requirements in division (C) of this section. 52371

(E) Any district board that adopts a policy that meets the 52372  
requirements prescribed in division (C) of this section prior to 52373  
~~the effective date of this amendment~~the effective date of this 52374  
amendment, shall be considered to have met the requirement to 52375

adopt a policy under this section. 52376

(F) Each district board that adopts a policy under this 52377  
section after ~~the effective date of this amendment~~ the effective 52378  
date of this amendment, shall do so at a public meeting of the 52379  
board. 52380

(G) Each district board shall make any policy it adopts 52381  
under this section publicly available and post it prominently on 52382  
its publicly accessible web site, if it has one. 52383

~~(H) Not later than sixty days after the effective date of~~ 52384  
~~this amendment, the department of education and workforce shall~~ 52385  
~~develop a model policy that meets the requirements prescribed in~~ 52386  
~~division (C) of this section. To the extent possible, the model~~ 52387  
~~policy shall take into account available research concerning the~~ 52388  
~~effect of the use of cellular telephones by students in school~~ 52389  
~~settings. The model policy may be utilized by districts and~~ 52390  
~~schools.~~ 52391

**Sec. 3313.90.** As used in this section, "formula ADM" has 52392  
the same meaning as in section 3317.02 of the Revised Code. 52393  
Notwithstanding division (D) of section 3311.19 and division (D) 52394  
of section 3311.52 of the Revised Code, the provisions of this 52395  
section that apply to a city school district do not apply to any 52396  
joint vocational or cooperative education school district. 52397

(A) Except as provided in division (B) of this section, 52398  
each city, local, and exempted village school district shall, by 52399  
one of the following means, provide to students enrolled in 52400  
grades seven through twelve career-technical education adequate 52401  
to prepare a student enrolled therein for an occupation: 52402

(1) Establishing and maintaining a career-technical 52403  
education program that meets standards adopted by the department 52404

of education and workforce; 52405

(2) Being a member of a joint vocational school district 52406  
that meets standards adopted by the department; 52407

(3) Contracting for career-technical education with a 52408  
joint vocational school district or another school district that 52409  
meets the standards adopted by the department. 52410

The standards of the department shall include criteria for 52411  
the participation by nonpublic students in career-technical 52412  
education programs without financial assessment, charge, or 52413  
tuition to such student except such assessments, charges, or 52414  
tuition paid by resident public school students in such 52415  
programs. Such nonpublic school students shall be included in 52416  
the formula ADM of the school district maintaining the career- 52417  
technical education program as part-time students in proportion 52418  
to the time spent in the career-technical education program. 52419

By the thirtieth day of October of each year, the director 52420  
of education and workforce shall determine and certify to the 52421  
superintendent of each school district subject to this section 52422  
either that the district is in compliance with the requirements 52423  
of this section for the current school year or that the district 52424  
is not in compliance. If the director certifies that the 52425  
district is not in compliance, the director shall notify the 52426  
board of education of the district of the actions necessary to 52427  
bring the district into compliance with this section. 52428

In meeting standards established by the department, school 52429  
districts, where practicable, shall provide career-technical 52430  
education programs in high schools. A minimum enrollment of 52431  
~~fifteen hundred students in grades nine through twelve is~~ 52432  
~~established as a base for comprehensive career-technical~~ 52433

~~education course offerings. Beginning with the 2015-2016 school~~ 52434  
~~year, this base shall increase to a minimum enrollment of two~~ 52435  
thousand two hundred fifty students in grades seven through 52436  
twelve is the base for comprehensive career-technical education 52437  
course offerings. A school district may meet this requirement 52438  
alone, through a cooperative arrangement pursuant to section 52439  
3313.92 of the Revised Code, through school district 52440  
consolidation, by membership in a joint vocational school 52441  
district, by contract with a school district, by contract with a 52442  
school licensed by any state agency established by the Revised 52443  
Code which school operates its courses offered for contracting 52444  
with public schools under standards as to staffing and 52445  
facilities comparable to those prescribed by the department for 52446  
public schools provided no instructor in such courses shall be 52447  
required to be certificated by the department, or in a 52448  
combination of such ways. Exceptions to the minimum enrollment 52449  
prescribed by this section may be made by the department based 52450  
on sparsity of population or other factors indicating that 52451  
comprehensive educational and career-technical education 52452  
programs as required by this section can be provided through an 52453  
alternate plan. 52454

(B) ~~If~~ Until July 1, 2026, the department shall waive the 52455  
requirement for a city, local, or exempted village school 52456  
district to provide career-technical education to students 52457  
enrolled in grades seven and eight for that particular school 52458  
year, if the board of education of a city, local, or exempted 52459  
~~village school that~~ district adopts a resolution that specifies 52460  
the district's intent not to provide career-technical education 52461  
to students enrolled in grades seven and eight for a particular 52462  
school year and submits that resolution to the department by the 52463  
thirtieth day of September of that school year, ~~the department~~ 52464



~~shall waive the requirement for that district to provide career- 52465~~  
~~technical education to students enrolled in grades seven and 52466~~  
~~eight for that particular school year. 52467~~

**Sec. 3313.902.** (A) As used in this section: 52468

(1) "Competency-based educational program" means any 52469  
system of academic instruction, assessment, grading, and 52470  
reporting in which individuals receive credit based on 52471  
demonstrations and assessments of their learning rather than the 52472  
amount of time they spend studying a subject. A competency-based 52473  
educational program shall encourage accelerated learning among 52474  
individuals who master academic materials quickly while 52475  
providing additional instructional support time for individuals 52476  
who need it. 52477

(2) "Eligible individual" means an individual who 52478  
satisfies all of the following criteria: 52479

(a) The individual is at least eighteen years of age. 52480

(b) The individual is officially withdrawn from school. 52481

(c) The individual has not been awarded a high school 52482  
diploma or a certificate of high school equivalence as defined 52483  
in section 4109.06 of the Revised Code. 52484

(3) "Eligible provider" means a city, local, or exempted 52485  
village school district that operates a dropout prevention and 52486  
recovery program or a joint vocational school district that 52487  
operates an adult education program. 52488

(4) "Ohio technical center" has the same meaning as in 52489  
section 3333.94 of the Revised Code. 52490

(B) An eligible provider may establish a competency-based 52491  
educational program that complies with standards adopted by the 52492

department of education and workforce and may enroll eligible 52493  
individuals in the program for up to three consecutive school 52494  
years for the purpose of earning a high school diploma. The 52495  
provider shall establish a career plan for each individual 52496  
enrolled in the program that specifies the individual's career 52497  
goals and describes how the individual will demonstrate 52498  
competency or earn course credits under division (C) of this 52499  
section to earn a diploma and attain the individual's career 52500  
goals. 52501

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 52502  
3313.614, 3313.618, and 3313.619 of the Revised Code, the 52503  
department shall award a high school diploma to an individual 52504  
enrolled in a program under division (B) of this section who 52505  
meets either of the following conditions: 52506

(1) The individual demonstrates competency by completing 52507  
at least three of the following activities, at least one of 52508  
which shall be the activity described in division (C) (1) (a) or 52509  
(b) of this section: 52510

(a) Attaining a competency score as determined under 52511  
division (B) (10) of section 3301.0712 of the Revised Code on 52512  
each of the Algebra I and English language arts II end-of-course 52513  
examinations prescribed under division (B) (2) of that section; 52514

(b) Attaining a workforce readiness score, as determined 52515  
by the department, on the nationally recognized job skills 52516  
assessment selected by the department under division (F) of 52517  
section 3301.0712 of the Revised Code; 52518

(c) Obtaining an industry-recognized credential, or group 52519  
of credentials, in a single career field that meet the criteria 52520  
established under section 3313.6113 of the Revised Code to 52521

qualify for a high school diploma or earning an industry- 52522  
recognized credential that is aligned to a technical education 52523  
program provided by an Ohio technical center; 52524

(d) Earning a cumulative score of proficient or higher on 52525  
three or more state technical assessments aligned with section 52526  
3313.903 of the Revised Code in a single career pathway; 52527

(e) Doing either of the following: 52528

(i) Completing a pre-apprenticeship program aligned with 52529  
options established under section 3313.904 of the Revised Code 52530  
in the individual's chosen career field and providing evidence 52531  
of acceptance into a registered apprenticeship program in that 52532  
career field; 52533

(ii) Completing an apprenticeship registered with the 52534  
apprenticeship council established under section 4139.02 of the 52535  
Revised Code in the individual's chosen career field. 52536

(f) Completing two hundred fifty hours of a work-based 52537  
learning experience with evidence of positive evaluations; 52538

(g) Obtaining an OhioMeansJobs-readiness seal under 52539  
section 3313.6112 of the Revised Code. 52540

(2) The individual demonstrates competency by completing 52541  
at least two of the activities described in divisions (C) (1) (a) 52542  
to (g) of this section and earns course credits distributed as 52543  
follows: 52544

(a) English language arts, four credits; 52545

(b) Mathematics, four credits. One credit may be a career- 52546  
based mathematics course aligned to the individual's career plan 52547  
developed under division (B) of this section. 52548

<u>(c) Science, three credits;</u>	52549
<u>(d) Social studies, three credits;</u>	52550
<u>(e) Financial literacy, one-half credit. The one-half</u>	52551
<u>credit of financial literacy may be applied toward the number of</u>	52552
<u>mathematics or social studies credits required under division</u>	52553
<u>(C) (2) of this section.</u>	52554
<u>(D) An eligible provider shall report each individual</u>	52555
<u>enrolled in a program under division (B) of this section to the</u>	52556
<u>department. The department annually shall certify the enrollment</u>	52557
<u>and attendance of each individual reported under this division</u>	52558
<u>and shall pay the provider up to \$7,500 for each such individual</u>	52559
<u>per school year, as determined by the department based on the</u>	52560
<u>extent of the individual's successful completion of the diploma</u>	52561
<u>requirements prescribed in division (C) of this section.</u>	52562
<u>(E) Notwithstanding anything in this section to the</u>	52563
<u>contrary, an eligible provider may request that the department</u>	52564
<u>allow an eligible individual to enroll in a program under</u>	52565
<u>division (B) of this section for more than three consecutive</u>	52566
<u>school years due to a hardship experienced by the individual</u>	52567
<u>that necessitates additional time to meet the diploma</u>	52568
<u>requirements prescribed in division (C) of this section.</u>	52569
<u>(F) An eligible individual shall not be assigned to</u>	52570
<u>classes or settings with individuals who are younger than</u>	52571
<u>eighteen years of age.</u>	52572
<u>(G) Each eligible provider shall contact each individual</u>	52573
<u>to whom a diploma is awarded under this section to collect data</u>	52574
<u>on the individual's career and educational outcomes at six</u>	52575
<u>months, twelve months, and eighteen months after the awarding of</u>	52576
<u>the diploma. At each time of contact, the provider shall request</u>	52577

information regarding whether the individual is gainfully 52578  
employed, participating in an apprenticeship, enrolled in 52579  
postsecondary education, or serving in the military. The 52580  
provider shall report the data collected to the department in 52581  
the manner determined by the department. 52582

(H) The department shall adopt rules as necessary to 52583  
administer this section. The rules may include all of the 52584  
following: 52585

(1) Standards for competency-based educational programs; 52586

(2) Standards for applying an individual's work or life 52587  
experiences toward the requirements of division (C) of this 52588  
section; 52589

(3) Requirements for determining the amount paid to 52590  
providers under division (D) of this section; 52591

(4) Guidelines for approving or denying a hardship request 52592  
made under division (E) of this section. 52593

**Sec. 3314.011.** (A) Every community school established 52594  
under this chapter shall have a designated fiscal officer. 52595  
Except as provided for in division (C) of this section, the 52596  
fiscal officer shall be employed by or engaged under a contract 52597  
with the governing authority of the community school. 52598

(B) Except as otherwise provided in section 3.061 of the 52599  
Revised Code, the ~~auditor of state~~ department of education and 52600  
workforce shall require that the fiscal officer of any community 52601  
school, before entering upon duties as fiscal officer of the 52602  
school, execute a bond in an amount and with surety to be 52603  
approved by the governing authority of the school, payable to 52604  
the state, conditioned for the faithful performance of all the 52605  
official duties required of the fiscal officer. The bond shall 52606

be deposited with the governing authority of the school, and a 52607  
copy thereof, certified by the governing authority, shall be 52608  
filed with the county auditor. 52609

(C) Prior to assuming the duties of fiscal officer, the 52610  
fiscal officer designated under this section shall be licensed 52611  
under section 3301.074 of the Revised Code. Any person serving 52612  
as a fiscal officer of a community school on March 22, 2013, who 52613  
is not licensed as a treasurer shall be permitted to serve as a 52614  
fiscal officer for not more than one year following March 22, 52615  
2013. Beginning on that date and thereafter, no community school 52616  
shall permit any individual to serve as a fiscal officer without 52617  
a license as required by this section. 52618

(D) (1) The governing authority of a community school may 52619  
adopt a resolution waiving the requirement that the governing 52620  
authority is the party responsible to employ or contract with 52621  
the designated fiscal officer, as prescribed by division (A) of 52622  
this section, so long as the school's sponsor also approves the 52623  
resolution. The resolution shall be valid for one year. A new 52624  
resolution shall be adopted for each year that the governing 52625  
authority wishes to waive this requirement, so long as the 52626  
school's sponsor also approves the resolution. 52627

No resolution adopted pursuant to this division may waive 52628  
the requirement for a community school to have a designated 52629  
fiscal officer. 52630

(2) If the governing authority adopts a resolution 52631  
pursuant to division (D) (1) of this section, the school's 52632  
designated fiscal officer annually shall meet with the governing 52633  
authority to review the school's financial status. 52634

(3) The governing authority shall submit to the department 52635

of education and workforce a copy of each resolution adopted 52636  
pursuant to division (D)(1) of this section. 52637

**Sec. 3314.013.** (A) Until May 22, 2013, no internet- or 52638  
computer-based community school shall operate unless the school 52639  
was open for instruction as of May 1, 2005. No entity described 52640  
in division (C)(1) of section 3314.02 of the Revised Code shall 52641  
enter into a contract to sponsor an internet- or computer-based 52642  
community school, including a conversion school, between May 1, 52643  
2005, and May 22, 2013, except as follows: 52644

(1) The entity may renew a contract that the entity 52645  
entered into with an internet- or computer-based community 52646  
school prior to May 1, 2005, if the school was open for 52647  
operation as of that date. 52648

(2) The entity may assume sponsorship of an existing 52649  
internet- or computer-based community school that was formerly 52650  
sponsored by another entity and may enter into a contract with 52651  
that community school in accordance with section 3314.03 of the 52652  
Revised Code. 52653

If a sponsor entered into a contract with an internet- or 52654  
computer-based community school, including a conversion school, 52655  
but the school was not open for operation as of May 1, 2005, the 52656  
contract shall be void and the entity shall not enter into 52657  
another contract with the school until May 22, 2013. 52658

(B)(1) Beginning on July 1, 2013, up to five new internet- 52659  
or computer-based community schools may open each year, subject 52660  
to approval of the director of education and workforce under 52661  
division (B)(2) of this section. 52662

(2) The director shall approve applications for new 52663  
internet- or computer-based community schools from only those 52664

applicants demonstrating experience and quality. 52665

The department of education and workforce shall adopt 52666  
rules prescribing measures to determine experience and quality 52667  
of applicants in accordance with Chapter 119. of the Revised 52668  
Code. The measures shall include, but not be limited to, the 52669  
following considerations: 52670

(a) The sponsor's experience with online schools; 52671

(b) The operator's experience with online schools; 52672

(c) The sponsor's and operator's previous record for 52673  
student performance; 52674

(d) A preference for operators with previous experience in 52675  
Ohio. 52676

(3) The department shall notify any new internet- or 52677  
computer-based community school governed by division (B) of this 52678  
section of whether the director has approved or disapproved the 52679  
school's application to open for the 2013-2014 school year not 52680  
later than July 1, 2013. Notwithstanding the dates prescribed 52681  
for adoption and signing on sponsor contracts in division (D) of 52682  
section 3314.02 of the Revised Code, or the date for opening a 52683  
school for instruction required by division (A) (25) of section 52684  
3314.03 of the Revised Code, a new internet- or computer-based 52685  
community school approved for opening for the 2013-2014 school 52686  
year under division (B) of this section may open and operate in 52687  
that school year regardless of whether it has complied with 52688  
those contract and opening dates. For each school year 52689  
thereafter, the school shall comply with all applicable 52690  
provisions of this chapter. 52691

(4) Notwithstanding divisions (B) (1) and (2) of this 52692  
section, a sponsor rated "exemplary" on its most recent 52693



evaluation conducted under section 3314.016 of the Revised Code 52694  
is permitted to open up to two new internet- or computer-based 52695  
community schools that ~~will primarily serve students enrolled in~~ 52696  
~~a~~ are dropout prevention and recovery ~~program~~ community schools 52697  
each year, not to exceed six new schools in a five-year period. 52698

(C) Nothing in division (A) or (B) of this section 52699  
prohibits an internet- or computer-based community school from 52700  
increasing the number of grade levels it offers. 52701

**Sec. 3314.015.** (A) The department of education and 52702  
workforce shall be responsible for the oversight of any and all 52703  
sponsors of the community schools established under this chapter 52704  
and shall provide technical assistance to schools and sponsors 52705  
in their compliance with applicable laws and the terms of the 52706  
contracts entered into under section 3314.03 of the Revised Code 52707  
and in the development and start-up activities of those schools. 52708  
In carrying out its duties under this section, the department 52709  
shall do all of the following: 52710

(1) In providing technical assistance to proposing 52711  
parties, governing authorities, and sponsors, conduct training 52712  
sessions and distribute informational materials; 52713

(2) Approve entities to be sponsors of community schools; 52714

(3) Monitor and evaluate, as required under section 52715  
3314.016 of the Revised Code, the effectiveness of any and all 52716  
sponsors in their oversight of the schools with which they have 52717  
contracted; 52718

(4) By December thirty-first of each year, issue a report 52719  
to the governor, the speaker of the house of representatives, 52720  
the president of the senate, and the chairpersons of the house 52721  
and senate committees principally responsible for education 52722

matters regarding the effectiveness of academic programs, 52723  
operations, and legal compliance and of the financial condition 52724  
of all community schools established under this chapter and on 52725  
the performance of community school sponsors; 52726

(5) From time to time, make legislative recommendations to 52727  
the general assembly designed to enhance the operation and 52728  
performance of community schools. 52729

(B) (1) Except as provided in sections 3314.021 and 52730  
3314.027 of the Revised Code, no entity shall enter into a 52731  
preliminary agreement under division (C) (2) of section 3314.02 52732  
of the Revised Code or renew an existing contract to sponsor a 52733  
community school until it has received approval from the 52734  
department to sponsor community schools under this chapter and 52735  
has entered into a written agreement with the department 52736  
regarding the manner in which the entity will conduct such 52737  
sponsorship. 52738

On and after July 1, 2017, each entity that sponsors a 52739  
community school in this state, except for an entity described 52740  
in sections 3314.021 and 3314.027 of the Revised Code, shall 52741  
attain approval from the department in order to continue 52742  
sponsoring schools regardless of whether that entity intends to 52743  
enter into a preliminary agreement or renew an existing 52744  
contract. 52745

All new and renewed agreements between the department and 52746  
a sponsor shall contain specific language addressing the 52747  
parameters under which the department can intervene and 52748  
potentially revoke sponsorship authority in the event that the 52749  
sponsor is unwilling or unable to fulfill its obligations. 52750  
Additionally, each agreement shall set forth any territorial 52751  
restrictions and limits on the number of schools that entity may 52752

sponsor, provide for an annual evaluation process, and include a 52753  
stipulation permitting the department to modify the agreement 52754  
under the following circumstances: 52755

(a) Poor fiscal management; 52756

(b) Lack of academic progress. 52757

(2) The initial term of a sponsor's agreement with the 52758  
department shall be for up to five years. 52759

(a) An agreement entered into with the department pursuant 52760  
to this section may be renewed for a term of up to ten years 52761  
using the following criteria: 52762

(i) The academic performance of students enrolled in each 52763  
community school the entity sponsors, as determined by the 52764  
department pursuant to division (B) (1) (a) of section 3314.016 of 52765  
the Revised Code; 52766

(ii) The sponsor's adherence to quality practices, as 52767  
determined by the department pursuant to division (B) (1) (b) of 52768  
section 3314.016 of the Revised Code; 52769

(iii) The sponsor's compliance with all applicable laws 52770  
and administrative rules. 52771

(b) Each agreement between the department and a sponsor 52772  
shall specify that entities with an overall rating of 52773  
"exemplary" for at least two consecutive years shall not be 52774  
subject to the limit on the number of community schools the 52775  
entity may sponsor or any territorial restrictions on 52776  
sponsorship, for so long as that entity continues to be rated 52777  
"exemplary." 52778

(c) The department shall adopt in accordance with Chapter 52779  
119. of the Revised Code rules containing criteria, procedures, 52780

and deadlines for processing applications for approval of 52781  
sponsors, for oversight of sponsors, for notifying a sponsor of 52782  
noncompliance with applicable laws and administrative rules 52783  
under division (F) of this section, for revocation of the 52784  
approval of sponsors under division (C) of this section, and for 52785  
entering into written agreements with sponsors. The rules shall 52786  
require an entity to submit evidence of the entity's ability and 52787  
willingness to comply with the provisions of division ~~(D)~~(C) of 52788  
section 3314.03 of the Revised Code. The rules also shall 52789  
require all entities approved as sponsors to demonstrate a 52790  
record of financial responsibility and successful implementation 52791  
of educational programs. If an entity seeking approval to 52792  
sponsor community schools in this state sponsors or operates 52793  
schools in another state, at least one of the schools sponsored 52794  
or operated by the entity must be comparable to or better than 52795  
the performance of Ohio schools in need of continuous 52796  
improvement under section 3302.03 of the Revised Code, as 52797  
determined by the department. 52798

Subject to section 3314.016 of the Revised Code, an entity 52799  
that sponsors community schools may enter into preliminary 52800  
agreements and sponsor up to one hundred schools, provided each 52801  
school and the contract for sponsorship meets the requirements 52802  
of this chapter. A sponsor that was rated "exemplary" on its 52803  
most recent rating under section 3314.016 of the Revised Code 52804  
may sponsor up to two hundred such schools. 52805

(3) The department shall determine, pursuant to criteria 52806  
specified in rules adopted in accordance with Chapter 119. of 52807  
the Revised Code, whether the mission proposed to be specified 52808  
in the contract of a community school to be sponsored by a state 52809  
university board of trustees or the board's designee under 52810  
division (C) (1) (e) of section 3314.02 of the Revised Code 52811

complies with the requirements of that division. Such 52812  
determination of the department is final. 52813

(4) The department shall determine, pursuant to criteria 52814  
specified in rules adopted in accordance with Chapter 119. of 52815  
the Revised Code, if any tax-exempt entity under section 501(c) 52816  
(3) of the Internal Revenue Code that is proposed to be a 52817  
sponsor of a community school is an education-oriented entity 52818  
for purpose of satisfying the condition prescribed in division 52819  
(C) (1) (f) (iii) of section 3314.02 of the Revised Code. Such 52820  
determination of the department is final. 52821

(C) If at any time the department finds that a sponsor is 52822  
not in compliance or is no longer willing to comply with its 52823  
contract with any community school or with the department's 52824  
rules for sponsorship, the department shall conduct a hearing in 52825  
accordance with Chapter 119. of the Revised Code on that matter. 52826  
If after the hearing, the department has confirmed the original 52827  
finding, it may revoke the sponsor's approval to sponsor 52828  
community schools. In that case, the department's office of Ohio 52829  
school sponsorship, established under section 3314.029 of the 52830  
Revised Code, may assume the sponsorship of any schools with 52831  
which the sponsor has contracted until the earlier of the 52832  
expiration of two school years or until a new sponsor as 52833  
described in division (C) (1) of section 3314.02 of the Revised 52834  
Code is secured by the school's governing authority. The office 52835  
of Ohio school sponsorship may extend the term of the contract 52836  
in the case of a school for which it has assumed sponsorship 52837  
under this division as necessary to accommodate the term of the 52838  
department's authorization to sponsor the school specified in 52839  
this division. Community schools sponsored under this division 52840  
shall not apply to the limit on directly authorized community 52841  
schools under division (A) (3) of section 3314.029 of the Revised 52842

Code. However, nothing in this division shall preclude a 52843  
community school affected by this division from applying for 52844  
sponsorship under that section. 52845

(D) The decision of the department to disapprove an entity 52846  
for sponsorship of a community school or to revoke approval for 52847  
such sponsorship under division (C) of this section, may be 52848  
appealed by the entity in accordance with section 119.12 of the 52849  
Revised Code. 52850

(E) The department shall adopt procedures for use by a 52851  
community school governing authority and sponsor when the school 52852  
permanently closes and ceases operation, which shall include at 52853  
least procedures for data reporting to the department, handling 52854  
of student records, distribution of assets in accordance with 52855  
section 3314.074 of the Revised Code, and other matters related 52856  
to ceasing operation of the school. 52857

(F) (1) In lieu of revoking a sponsor's authority to 52858  
sponsor community schools under division (C) of this section, if 52859  
the department finds that a sponsor is not in compliance with 52860  
applicable laws and administrative rules, the department shall 52861  
declare in a written notice to the sponsor the specific laws or 52862  
rules, or both, for which the sponsor is noncompliant. A sponsor 52863  
notified under division (F) (1) of this section shall respond to 52864  
the department not later than fourteen days after the 52865  
notification with a proposed plan to remedy the conditions for 52866  
which the sponsor was found to be noncompliant. The department 52867  
shall approve or disapprove the plan not later than fourteen 52868  
days after receiving it. If the plan is disapproved, the sponsor 52869  
may submit a revised plan to the department not later than 52870  
fourteen days after receiving notification of disapproval from 52871  
the department or not later than sixty days after the date the 52872

sponsor received notification of noncompliance from the 52873  
department, whichever is earlier. The department shall approve 52874  
or disapprove the revised plan not later than fourteen days 52875  
after receiving it or not later than sixty days after the date 52876  
the sponsor received notification of noncompliance from the 52877  
department, whichever is earlier. A sponsor may continue to make 52878  
revisions by the deadlines prescribed in division (F)(1) of this 52879  
section to any revised plan that is disapproved by the 52880  
department until the sixtieth day after the date the sponsor 52881  
received notification of noncompliance from the department. 52882

If a plan or a revised plan is approved, the sponsor shall 52883  
implement it not later than sixty days after the date the 52884  
sponsor received notification of noncompliance from the 52885  
department or not later than thirty days after the plan is 52886  
approved, whichever is later. If a sponsor does not respond to 52887  
the department or implement an approved compliance plan by the 52888  
deadlines prescribed by division (F)(1) of this section, or if a 52889  
sponsor does not receive approval of a compliance plan on or 52890  
before the sixtieth day after the date the sponsor received 52891  
notification of noncompliance from the department, the 52892  
department shall declare in written notice to the sponsor that 52893  
the sponsor is in probationary status, and may limit the 52894  
sponsor's ability to sponsor additional schools. 52895

(2) A sponsor that has been placed on probationary status 52896  
under division (F)(1) of this section may apply to the 52897  
department for its probationary status to be lifted. The 52898  
application for a sponsor's probationary status to be lifted 52899  
shall include evidence, occurring after the initial notification 52900  
of noncompliance, of the sponsor's compliance with applicable 52901  
laws and administrative rules. Not later than fourteen days 52902  
after receiving an application from the sponsor, the department 52903

shall decide whether or not to remove the sponsor's probationary status. 52904  
52905

(G) In carrying out its duties under this chapter, the 52906  
department shall not impose requirements on community schools or 52907  
their sponsors that are not permitted by law or duly adopted 52908  
rules. 52909

(H) This section applies to entities that sponsor 52910  
conversion community schools and new start-up schools. 52911

(I) Nothing in divisions (C) to (F) of this section 52912  
prohibits the department from taking any action permitted or 52913  
required under the written agreement between the department and 52914  
a sponsoring entity without a hearing on the matter, in the 52915  
event that the sponsor is unwilling or unable to fulfill its 52916  
obligations. 52917

**Sec. 3314.016.** This section applies to any entity that 52918  
sponsors a community school, regardless of whether section 52919  
3314.021 or 3314.027 of the Revised Code exempts the entity from 52920  
the requirement to be approved for sponsorship under divisions 52921  
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 52922  
office of Ohio school sponsorship established under section 52923  
3314.029 of the Revised Code shall be rated under division (B) 52924  
of this section, but divisions (A) and (C) of this section do 52925  
not apply to the office. 52926

(A) An entity that sponsors a community school shall be 52927  
permitted to enter into contracts under section 3314.03 of the 52928  
Revised Code to sponsor additional community schools only if the 52929  
entity meets all of the following criteria: 52930

(1) The entity is in compliance with all provisions of 52931  
this chapter requiring sponsors of community schools to report 52932



data or information to the department of education and 52933  
workforce. 52934

(2) The entity is not rated as "ineffective" under 52935  
division (B)(6) of this section. 52936

(3) Except as set forth in sections 3314.021 and 3314.027 52937  
of the Revised Code, the entity has received approval from and 52938  
entered into an agreement with the department pursuant to 52939  
section 3314.015 of the Revised Code. 52940

(B)(1) The department shall develop and implement an 52941  
evaluation system that annually rates and assigns an overall 52942  
rating to each entity that sponsors a community school. The 52943  
department, not later than the first day of February of each 52944  
year, shall post on the department's web site the framework for 52945  
the evaluation system, including technical documentation that 52946  
the department intends to use to rate sponsors for the next 52947  
school year. The department shall solicit public comment on the 52948  
evaluation system for thirty consecutive days. Not later than 52949  
the first day of April of each year, the department shall 52950  
compile and post on the department's web site all public 52951  
comments that were received during the public comment period. 52952  
The evaluation system shall be posted on the department's web 52953  
site by the fifteenth day of July of each school year. Any 52954  
changes to the evaluation system after that date shall take 52955  
effect the following year. The evaluation system shall be based 52956  
on the following components: 52957

(a) Academic performance of students enrolled in community 52958  
schools sponsored by the same entity. The academic performance 52959  
component shall be derived from the performance measures 52960  
prescribed for the state report cards under section 3302.03 or 52961  
3314.017 of the Revised Code, and shall be based on the 52962

performance of the schools for the school year for which the 52963  
evaluation is conducted. In addition to the academic performance 52964  
for a specific school year, the academic performance component 52965  
shall also include year-to-year changes in the overall sponsor 52966  
portfolio. For a community school for which no graded 52967  
performance measures are applicable or available, the department 52968  
shall use nonreport card performance measures specified in the 52969  
contract between the community school and the sponsor under 52970  
division (A) (4) of section 3314.03 of the Revised Code. 52971

(b) Adherence by a sponsor to the quality practices 52972  
prescribed by the department under division (B) (3) of this 52973  
section. For a sponsor that was rated "effective" or "exemplary" 52974  
on its most recent rating, the department may evaluate that 52975  
sponsor's adherence to quality practices once over a period of 52976  
three years. If the department elects to evaluate a sponsor once 52977  
over a period of three years, the most recent rating for a 52978  
sponsor's adherence to quality practices shall be used when 52979  
determining an annual overall rating conducted under this 52980  
section. 52981

(c) Compliance with all applicable laws and administrative 52982  
rules by an entity that sponsors a community school. 52983

Under the evaluation system prescribed under division (B) 52984  
(1) of this section, the department shall not assign an overall 52985  
rating of "ineffective" or lower to an entity that sponsors a 52986  
community school solely because that entity received no points 52987  
on one of the components prescribed under that division. 52988

(2) In calculating an academic performance component, the 52989  
department shall exclude all community schools that have been in 52990  
operation for not more than two full school years and all 52991  
community schools described in division (B) (2) of section 52992

3314.35 of the Revised Code. However, the academic performance 52993  
of the community schools described in division (B) (2) of section 52994  
3314.35 of the Revised Code shall be reported, but shall not be 52995  
used as a factor when determining a sponsoring entity's rating 52996  
under this section. 52997

(3) The department, in consultation with entities that 52998  
sponsor community schools, shall prescribe quality practices for 52999  
community school sponsors and develop an instrument to measure 53000  
adherence to those quality practices. The quality practices 53001  
shall be based on standards developed by the national 53002  
association of charter school authorizers or any other 53003  
nationally organized community school organization. 53004

(4) (a) The department may permit peer review of a 53005  
sponsor's adherence to the quality practices prescribed under 53006  
division (B) (3) of this section. Peer reviewers shall be limited 53007  
to individuals employed by sponsors rated "effective" or 53008  
"exemplary" on the most recent ratings conducted under this 53009  
section. 53010

(b) The department shall require individuals participating 53011  
in peer review under division (B) (4) (a) of this section to 53012  
complete training approved or established by the department. 53013

(c) The department may enter into an agreement with 53014  
another entity to provide training to individuals conducting 53015  
peer review of sponsors. Prior to entering into an agreement 53016  
with an entity, the department shall review and approve of the 53017  
entity's training program. 53018

(5) The director of education and workforce shall adopt 53019  
rules in accordance with Chapter 119. of the Revised Code 53020  
prescribing standards for measuring compliance with applicable 53021

laws and rules under division (B) (1) (c) of this section. 53022

(6) The department annually shall rate all entities that 53023  
sponsor community schools as either "exemplary," "effective," 53024  
"ineffective," or "poor," based on the components prescribed by 53025  
division (B) of this section, where each component is weighted 53026  
equally. A separate rating shall be given by the department for 53027  
each component of the evaluation system. 53028

The department shall publish the ratings between the first 53029  
day of October and the fifteenth day of November. 53030

Prior to the publication of the final ratings, the 53031  
department shall designate and provide notice of a period of at 53032  
least ten business days during which each sponsor may review the 53033  
information used by the department to determine the sponsor's 53034  
rating on the components prescribed by division (B) (1) of this 53035  
section. If the sponsor believes there is an error in the 53036  
department's evaluation, the sponsor may request adjustments to 53037  
the rating of any of those components based on documentation 53038  
previously submitted as part of an evaluation. The sponsor shall 53039  
provide to the department any necessary evidence or information 53040  
to support the requested adjustments. The department shall 53041  
review the evidence and information, determine whether an 53042  
adjustment is valid, and promptly notify the sponsor of its 53043  
determination and reasons. If any adjustments to the data could 53044  
result in a change to the rating on the applicable component or 53045  
to the overall rating, the department shall recalculate the 53046  
ratings prior to publication. 53047

The department shall provide training on an annual basis 53048  
regarding the evaluation system prescribed under this section. 53049  
The training shall, at a minimum, describe methodology, 53050  
timelines, and data required for the evaluation system. The 53051

first training session shall occur not later than March 2, 2016. 53052  
Beginning in 2018, the training shall be made available to each 53053  
entity that sponsors a community school by the fifteenth day of 53054  
July of each year and shall include guidance on any changes made 53055  
to the evaluation system. 53056

(7) (a) Entities with an overall rating of "exemplary" for 53057  
the two most recent years in which the entity was evaluated may 53058  
take advantage of the following incentives: 53059

(i) Renewal of the written agreement with the department, 53060  
not to exceed ten years, provided that the entity consents to 53061  
continued evaluation of adherence to quality practices as 53062  
described in division (B) (1) (b) of this section; 53063

(ii) The ability to extend the term of the contract 53064  
between the sponsoring entity and the community school beyond 53065  
the term described in the written agreement with the department; 53066

(iii) An exemption from the preliminary agreement and 53067  
contract adoption and execution deadline requirements prescribed 53068  
in division (D) of section 3314.02 of the Revised Code; 53069

(iv) An exemption from the automatic contract expiration 53070  
requirement, should a new community school fail to open by the 53071  
thirtieth day of September of the calendar year in which the 53072  
community school contract is executed; 53073

(v) No limit on the number of community schools the entity 53074  
may sponsor; 53075

(vi) No territorial restrictions on sponsorship. 53076

An entity may continue to sponsor any community schools 53077  
with which it entered into agreements under division (B) (7) (a) 53078  
(v) or (vi) of this section while rated "exemplary," 53079

notwithstanding the fact that the entity later receives a lower overall rating. 53080  
53081

(b) Entities with an overall rating of "exemplary" or 53082  
"effective" for the three most recent years in which the entity 53083  
was evaluated shall be evaluated by the department once every 53084  
three years. 53085

(c) (i) Entities that receive an overall rating of 53086  
"ineffective" shall be prohibited from sponsoring any new or 53087  
additional community schools during the time in which the 53088  
sponsor is rated as "ineffective" and shall be subject to a 53089  
quality improvement plan based on correcting the deficiencies 53090  
that led to the "ineffective" rating, with timelines and 53091  
benchmarks that have been established by the department. 53092

(ii) Entities that receive an overall rating of 53093  
"ineffective" on their three most recent ratings shall have all 53094  
sponsorship authority revoked. Within thirty days after 53095  
receiving its third rating of "ineffective," the entity may 53096  
appeal the revocation of its sponsorship authority to the 53097  
director, who shall appoint an independent hearing officer to 53098  
conduct a hearing in accordance with Chapter 119. of the Revised 53099  
Code. The hearing shall be conducted within thirty days after 53100  
receipt of the notice of appeal. Within forty-five days after 53101  
the hearing is completed, the director shall determine whether 53102  
the revocation is appropriate based on the hearing conducted by 53103  
the independent hearing officer, and if determined appropriate, 53104  
the revocation shall be confirmed. 53105

(d) Entities that receive an overall rating of "poor" 53106  
shall have all sponsorship authority revoked. Within thirty days 53107  
after receiving a rating of "poor," the entity may appeal the 53108  
revocation of its sponsorship authority to the director, who 53109

shall appoint an independent hearing officer to conduct a 53110  
hearing in accordance with Chapter 119. of the Revised Code. The 53111  
hearing shall be conducted within thirty days after receipt of 53112  
the notice of appeal. Within forty-five days after the hearing 53113  
is completed, the director shall determine whether the 53114  
revocation is appropriate based on the hearing conducted by the 53115  
independent hearing officer, and if determined appropriate, the 53116  
revocation shall be confirmed. 53117

(8) For the 2014-2015 school year and each school year 53118  
thereafter, student academic performance prescribed under 53119  
division (B)(1)(a) of this section shall include student 53120  
academic performance data from dropout prevention and recovery 53121  
~~community schools that primarily serve students enrolled in a~~ 53122  
~~dropout prevention and recovery program.~~ 53123

(C) If the governing authority of a community school 53124  
enters into a contract with a sponsor prior to the date on which 53125  
the sponsor is prohibited from sponsoring additional schools 53126  
under division (A) of this section and the school has not opened 53127  
for operation as of that date, that contract shall be void and 53128  
the school shall not open until the governing authority secures 53129  
a new sponsor by entering into a contract with the new sponsor 53130  
under section 3314.03 of the Revised Code. However, the 53131  
department's office of Ohio school sponsorship, established 53132  
under section 3314.029 of the Revised Code, may assume the 53133  
sponsorship of the school until the earlier of the expiration of 53134  
two school years or until a new sponsor is secured by the 53135  
school's governing authority. A community school sponsored by 53136  
the department under this division shall not be included when 53137  
calculating the maximum number of directly authorized community 53138  
schools permitted under division (A)(3) of section 3314.029 of 53139  
the Revised Code. 53140

(D) When an entity's authority to sponsor schools is 53141  
revoked pursuant to division (B) (7) (c) or (d) of this section, 53142  
the office of Ohio school sponsorship shall assume sponsorship 53143  
of any schools with which the original sponsor has contracted 53144  
for the remainder of that school year. The office may continue 53145  
sponsoring those schools until the earlier of: 53146

(1) The expiration of two school years from the time that 53147  
sponsorship is revoked; 53148

(2) When a new sponsor is secured by the governing 53149  
authority pursuant to division (C) (1) of section 3314.02 of the 53150  
Revised Code. 53151

Any community school sponsored under this division shall 53152  
not be counted for purposes of directly authorized community 53153  
schools under division (A) (3) of section 3314.029 of the Revised 53154  
Code. 53155

(E) The department shall recalculate the rating for the 53156  
2017-2018 school year for each sponsor of a community school 53157  
that receives recalculated ratings pursuant to division (I) of 53158  
section 3314.017 of the Revised Code. 53159

**Sec. 3314.017.** (A) The department of education and 53160  
workforce shall prescribe by rules, adopted in accordance with 53161  
Chapter 119. of the Revised Code, an academic performance rating 53162  
and report card system that satisfies the requirements of this 53163  
section for dropout prevention and recovery community schools 53164  
~~that primarily serve students enrolled in dropout prevention and~~ 53165  
~~recovery programs as described in division (B) (1) of section~~ 53166  
~~3314.35 of the Revised Code,~~ to be used in lieu of the system 53167  
prescribed under sections 3302.03 and 3314.012 of the Revised 53168  
Code beginning with the 2012-2013 school year. Each such school 53169



shall comply with the testing and reporting requirements of the 53170  
system as prescribed by the department. 53171

(B) Nothing in this section shall at any time relieve a 53172  
school from its obligations under the "No Child Left Behind Act 53173  
of 2001" to make "adequate yearly progress," as both that act 53174  
and that term are defined in section 3302.01 of the Revised 53175  
Code, or a school's amenability to the provisions of section 53176  
3302.04 or 3302.041 of the Revised Code. The department shall 53177  
continue to report each school's performance as required by the 53178  
act and to enforce applicable sanctions under section 3302.04 or 53179  
3302.041 of the Revised Code. 53180

(C) The rules adopted by the department shall prescribe 53181  
the following performance indicators for the rating and report 53182  
card system required by this section: 53183

(1) Graduation rate for each of the following student 53184  
cohorts: 53185

(a) The number of students who graduate in four years or 53186  
less with a regular high school diploma divided by the number of 53187  
students who form the adjusted cohort for the graduating class; 53188

(b) The number of students who graduate in five years with 53189  
a regular high school diploma divided by the number of students 53190  
who form the adjusted cohort for the four-year graduation rate; 53191

(c) The number of students who graduate in six years with 53192  
a regular high school diploma divided by the number of students 53193  
who form the adjusted cohort for the four-year graduation rate; 53194

(d) The number of students who graduate in seven years 53195  
with a regular high school diploma divided by the number of 53196  
students who form the adjusted cohort for the four-year 53197  
graduation rate; 53198

(e) The number of students who graduate in eight years 53199  
with a regular high school diploma divided by the number of 53200  
students who form the adjusted cohort for the four-year 53201  
graduation rate. 53202

(2) The percentage of twelfth-grade students currently 53203  
enrolled in the school who have attained the designated passing 53204  
score on all of the state high school achievement assessments 53205  
required under division (B) (1) of section 3301.0710 of the 53206  
Revised Code or the cumulative performance score on the end-of- 53207  
course examinations prescribed under division (B) (2) of section 53208  
3301.0712 of the Revised Code, whichever applies, and other 53209  
students enrolled in the school, regardless of grade level, who 53210  
are within three months of their twenty-second birthday and have 53211  
attained the designated passing score on all of the state high 53212  
school achievement assessments or the cumulative performance 53213  
score on the end-of-course examinations, whichever applies, by 53214  
their twenty-second birthday; 53215

(3) Annual measurable objectives as defined in section 53216  
3302.01 of the Revised Code; 53217

(4) Growth in student achievement in reading, or 53218  
mathematics, or both as measured by separate nationally norm- 53219  
referenced assessments that have developed appropriate standards 53220  
for students enrolled in dropout prevention and recovery 53221  
programs, adopted or approved by the department. 53222

(D) (1) The department's rules shall prescribe the expected 53223  
performance levels and benchmarks for each of the indicators 53224  
prescribed by division (C) of this section based on the data 53225  
gathered by the department under division (G) of this section 53226  
and simulations created by the department. Based on a school's 53227  
level of attainment or nonattainment of the expected performance 53228

levels and benchmarks for each of the indicators, the department 53229  
shall rate each school in one of the following categories: 53230

(a) Exceeds standards; 53231

(b) Meets standards; 53232

(c) Does not meet standards. 53233

(2) The department's rules shall establish all of the 53234  
following: 53235

(a) Performance levels and benchmarks for the indicators 53236  
described in divisions (C) (1) to (3) of this section; 53237

(b) Both of the following: 53238

(i) Performance levels and benchmarks for the indicator 53239  
described in division (C) (4) of this section; 53240

(ii) Standards for awarding a dropout prevention and 53241  
recovery community school ~~described in division (B) (1) of~~ 53242  
~~section 3314.35 of the Revised Code~~ an overall designation, 53243  
which shall be calculated as follows: 53244

(I) Thirty per cent of the score shall be based on the 53245  
indicators described in division (C) (1) of this section that are 53246  
applicable to the school year for which the overall designation 53247  
is granted. 53248

(II) Thirty per cent of the score shall be based on the 53249  
indicators described in division (C) (4) of this section. 53250

(III) Twenty per cent of the score shall be based on the 53251  
indicators described in division (C) (2) of this section. 53252

(IV) Twenty per cent of the score shall be based on the 53253  
indicators described in division (C) (3) of this section. 53254

(3) If both of the indicators described in divisions (C)  
(1) and (2) of this section improve by ten per cent for two  
consecutive years, a school shall be rated not less than "meets  
standards."

The rating and the relevant performance data for each  
school shall be posted on the department's web site, and a copy  
of the rating and data shall be provided to the governing  
authority of the community school.

~~(E) (1) For the 2012-2013 school year, the department shall  
issue a report card including the following performance  
measures, but without a performance rating as described in  
divisions (D) (1) (a) to (c) of this section, for each community  
school described in division (B) (1) of section 3314.35 of the  
Revised Code:—~~

~~(a) The graduation rates as described in divisions (C) (1)  
(a) to (c) of this section;—~~

~~(b) The percentage of twelfth-grade students and other  
students who have attained a designated passing score on high-  
school achievement assessments as described in division (C) (2)  
of this section;—~~

~~(c) The statewide average for the graduation rates and  
assessment passage rates described in divisions (C) (1) (a) to (c)  
and (C) (2) of this section;—~~

~~(d) Annual measurable objectives described in division (C)  
(3) of this section.—~~

~~(2) For the 2013-2014 school year, the department shall  
issue a report card including the following performance measures  
for each community school described in division (B) (1) of  
section 3314.35 of the Revised Code:—~~

~~(a) The graduation rates described in divisions (C) (1) (a) to (d) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;~~ 53284  
53285  
53286

~~(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;~~ 53287  
53288  
53289  
53290  
53291

~~(c) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;~~ 53292  
53293  
53294

~~(d) Both of the following without an assigned rating:~~ 53295

~~(i) Growth in annual student achievement in reading and mathematics described in division (C) (4) of this section, if available;~~ 53296  
53297  
53298

~~(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.~~ 53299  
53300  
53301

~~(3) Beginning with the 2014-2015 school year, and annually thereafter, the (E) The department annually shall issue a report card for each dropout prevention and recovery community school described in division (B) (1) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D) (1) (a) to (c) of this section:~~ 53302  
53303  
53304  
53305  
53306  
53307  
53308

~~(a) (1) The graduation rates as described in division (C) (1) of this section;~~ 53309  
53310

~~(b) (2) The percentage of twelfth-grade students and other~~ 53311

students who have attained a designated passing score on high 53312  
school achievement assessments as described in division (C) (2) 53313  
of this section; 53314

~~(e)~~ (3) Annual measurable objectives described in division 53315  
(C) (3) of this section, including a performance rating as 53316  
described in divisions (D) (1) (a) to (c) of this section; 53317

~~(d)~~ (4) Growth in annual student achievement in reading and 53318  
mathematics as described in division (C) (4) of this section; 53319

~~(e)~~ (5) An overall performance designation for the school 53320  
calculated under rules adopted under division (D) (2) of this 53321  
section. 53322

The department shall also include student outcome data, 53323  
including postsecondary credit earned, nationally recognized 53324  
career or technical certification, military enlistment, job 53325  
placement, attendance rate, and progress on closing achievement 53326  
gaps for each school. This information shall not be included in 53327  
the calculation of a school's performance rating. 53328

(F) Not later than the thirty-first day of July of each 53329  
year, the department shall submit preliminary report card data 53330  
for overall academic performance for each performance measure 53331  
prescribed in division ~~(E) (3)~~ (E) of this section for each 53332  
community school to which this section applies. 53333

(G) For the purposes of prescribing performance levels and 53334  
benchmarks under division (D) of this section, the department 53335  
shall gather and analyze data from prior school years for each 53336  
~~dropout prevention and recovery community school described in~~ 53337  
~~division (B) (1) of section 3314.35 of the Revised Code.~~ Each 53338  
such school shall cooperate with the department. The department 53339  
shall consult with stakeholder groups in performing its duties 53340

under this division. 53341

(H) The department shall review the performance levels and 53342  
benchmarks for performance indicators in the report card issued 53343  
under this section and may revise them based on the data 53344  
collected under division (G) of this section. 53345

(I) For the purposes of division (F) of section 3314.351 53346  
of the Revised Code, the department shall recalculate the 53347  
ratings for each school under division (E)(3) of this section 53348  
for the 2017-2018 school year and calculate the ratings under 53349  
that division for the 2018-2019 school year using the indicators 53350  
prescribed by division (C) of this section, as it exists on and 53351  
after July 18, 2019. 53352

**Sec. 3314.02.** (A) As used in this chapter: 53353

(1) "Sponsor" means the board of education of a school 53354  
district or the governing board of an educational service center 53355  
that agrees to the conversion of all or part of a school or 53356  
building under division (B) of this section, or an entity listed 53357  
in division (C)(1) of this section, which has been approved by 53358  
the department of education and workforce to sponsor community 53359  
schools or is exempted by section 3314.021 or 3314.027 of the 53360  
Revised Code from obtaining approval, and with which the 53361  
governing authority of a community school enters into a contract 53362  
under section 3314.03 of the Revised Code. 53363

(2) "Pilot project area" means the school districts 53364  
included in the territory of the former community school pilot 53365  
project established by former Section 50.52 of Am. Sub. H.B. No. 53366  
215 of the 122nd general assembly. 53367

(3) "Challenged school district" means any of the 53368  
following: 53369

- (a) A school district that is part of the pilot project area; 53370  
53371
- (b) A school district that meets one of the following conditions: 53372  
53373
- (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 53374  
53375  
53376  
53377
- (ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code; 53378  
53379  
53380  
53381  
53382
- (iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of that section; 53383  
53384  
53385  
53386  
53387  
53388  
53389
- (iv) For the 2021-2022 school year and for any school year thereafter, the district has received an overall performance rating of less than three stars under division (D) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D) (3) (c) of that section. 53390  
53391  
53392  
53393  
53394  
53395
- (c) A big eight school district; 53396
- (d) A school district ranked in the lowest five per cent of school districts according to performance index score under 53397  
53398



section 3302.21 of the Revised Code. 53399

(4) "Big eight school district" means a school district 53400  
that for fiscal year 1997 had both of the following: 53401

(a) A percentage of children residing in the district and 53402  
participating in the predecessor of Ohio works first greater 53403  
than thirty per cent, as reported pursuant to section 3317.10 of 53404  
the Revised Code; 53405

(b) An average daily membership greater than twelve 53406  
thousand, as reported pursuant to former division (A) of section 53407  
3317.03 of the Revised Code. 53408

(5) "New start-up school" means a community school other 53409  
than one created by converting all or part of an existing public 53410  
school or educational service center building, as designated in 53411  
the school's contract pursuant to division (A)(17) of section 53412  
3314.03 of the Revised Code. 53413

(6) "Urban school district" means one of the state's 53414  
twenty-one urban school districts as defined in division (O) of 53415  
section 3317.02 of the Revised Code as that section existed 53416  
prior to July 1, 1998. 53417

(7) "Internet- or computer-based community school" means a 53418  
community school established under this chapter in which the 53419  
enrolled students work primarily from their residences on 53420  
assignments in nonclassroom-based learning opportunities 53421  
provided via an internet- or other computer-based instructional 53422  
method that does not rely on regular classroom instruction or 53423  
via comprehensive instructional methods that include internet- 53424  
based, other computer-based, and noncomputer-based learning 53425  
opportunities unless a student receives career-technical 53426  
education under section 3314.086 of the Revised Code. 53427

A community school that operates mainly as an internet- or 53428  
computer-based community school and provides career-technical 53429  
education under section 3314.086 of the Revised Code shall be 53430  
considered an internet- or computer-based community school, even 53431  
if it provides some classroom-based instruction, so long as it 53432  
provides instruction via the methods described in this division. 53433

(8) "Operator" or "management company" means either of the 53434  
following: 53435

(a) An individual or organization that manages the daily 53436  
operations of a community school pursuant to a contract between 53437  
the operator or management company and the school's governing 53438  
authority; 53439

(b) A nonprofit organization that provides programmatic 53440  
oversight and support to a community school under a contract 53441  
with the school's governing authority and that retains the right 53442  
to terminate its affiliation with the school if the school fails 53443  
to meet the organization's quality standards. 53444

(9) "Alliance municipal school district" has the same 53445  
meaning as in section 3311.86 of the Revised Code. 53446

(10) "Dropout prevention and recovery community school" 53447  
means a community school that enrolls only students who are at 53448  
least fourteen years of age and not older than twenty-one years 53449  
of age and who, at the time of their initial enrollment, are at 53450  
least one grade level behind their cohort age groups or 53451  
experience crises that significantly interfere with their 53452  
academic progress such that they are prevented from continuing 53453  
their traditional educational programs. 53454

(B) (1) Any person or group of individuals may initially 53455  
propose under this division the conversion of all or a portion 53456

of a public school to a community school. The proposal shall be 53457  
made to the board of education of the city, local, exempted 53458  
village, or joint vocational school district in which the public 53459  
school is proposed to be converted. 53460

(2) Any person or group of individuals may initially 53461  
propose under this division the conversion of all or a portion 53462  
of a building operated by an educational service center to a 53463  
community school. The proposal shall be made to the governing 53464  
board of the service center. 53465

On or after July 1, 2017, except as provided in section 53466  
3314.027 of the Revised Code, any educational service center 53467  
that sponsors a community school shall be approved by and enter 53468  
into a written agreement with the department as described in 53469  
section 3314.015 of the Revised Code. 53470

(3) Upon receipt of a proposal, and after an agreement has 53471  
been entered into pursuant to section 3314.015 of the Revised 53472  
Code, a board may enter into a preliminary agreement with the 53473  
person or group proposing the conversion of the public school or 53474  
service center building, indicating the intention of the board 53475  
to support the conversion to a community school. A proposing 53476  
person or group that has a preliminary agreement under this 53477  
division may proceed to finalize plans for the school, establish 53478  
a governing authority for the school, and negotiate a contract 53479  
with the board. Provided the proposing person or group adheres 53480  
to the preliminary agreement and all provisions of this chapter, 53481  
the board shall negotiate in good faith to enter into a contract 53482  
in accordance with section 3314.03 of the Revised Code and 53483  
division (C) of this section. 53484

(4) The sponsor of a conversion community school proposed 53485  
to open in an alliance municipal school district shall be 53486

subject to approval by the department of education and workforce 53487  
for sponsorship of that school using the criteria established 53488  
under division (A) of section 3311.87 of the Revised Code. 53489

Division (B) (4) of this section does not apply to a 53490  
sponsor that, on or before September 29, 2015, was exempted 53491  
under section 3314.021 or 3314.027 of the Revised Code from the 53492  
requirement to be approved for sponsorship under divisions (A) 53493  
(2) and (B) (1) of section 3314.015 of the Revised Code. 53494

(5) A school established in accordance with division (B) 53495  
of this section that later enters into a sponsorship contract 53496  
with an entity that is not a school district or educational 53497  
service center shall, at the time of entering into the new 53498  
contract, be deemed a community school established in accordance 53499  
with division (C) of this section. 53500

(C) (1) Provided all other conditions of sponsorship and 53501  
governance are satisfied, any person or group of individuals may 53502  
propose under this division the establishment of a new start-up 53503  
school regardless of the school's proposed location. The 53504  
proposal may be made to any of the following entities: 53505

(a) The board of education of the district in which the 53506  
school is proposed to be located; 53507

(b) The board of education of any joint vocational school 53508  
district with territory in the county in which is located the 53509  
majority of the territory of the district in which the school is 53510  
proposed to be located; 53511

(c) The board of education of any other city, local, or 53512  
exempted village school district having territory in the same 53513  
county where the district in which the school is proposed to be 53514  
located has the major portion of its territory; 53515

(d) The governing board of any educational service center, 53516  
regardless of the location of the proposed school, may sponsor a 53517  
new start-up school if all of the following are satisfied: 53518

(i) If applicable, it satisfies the requirements of 53519  
division (E) of section 3311.86 of the Revised Code; 53520

(ii) It is approved to do so by the department; 53521

(iii) It enters into an agreement with the department 53522  
under section 3314.015 of the Revised Code. 53523

(e) A sponsoring authority designated by the board of 53524  
trustees of any of the thirteen state universities listed in 53525  
section 3345.011 of the Revised Code or the board of trustees 53526  
itself as long as a mission of the proposed school to be 53527  
specified in the contract under division (A) (2) of section 53528  
3314.03 of the Revised Code and as approved by the department 53529  
under division (B) (3) of section 3314.015 of the Revised Code 53530  
will be the practical demonstration of teaching methods, 53531  
educational technology, or other teaching practices that are 53532  
included in the curriculum of the university's teacher 53533  
preparation program approved by the chancellor of higher 53534  
education; 53535

(f) Any qualified tax-exempt entity under section 501(c) 53536  
(3) of the Internal Revenue Code as long as all of the following 53537  
conditions are satisfied: 53538

(i) The entity has been in operation for at least five 53539  
years prior to applying to be a community school sponsor. 53540

(ii) The entity has assets of at least five hundred 53541  
thousand dollars and a demonstrated record of financial 53542  
responsibility. 53543

(iii) The department has determined that the entity is an 53544  
education-oriented entity under division (B) (4) of section 53545  
3314.015 of the Revised Code and the entity has a demonstrated 53546  
record of successful implementation of educational programs. 53547

(iv) The entity is not a community school. 53548

(g) The mayor of a city in which the majority of the 53549  
territory of a school district to which section 3311.60 of the 53550  
Revised Code applies is located, regardless of whether that 53551  
district has created the position of independent auditor as 53552  
prescribed by that section. The mayor's sponsorship authority 53553  
under this division is limited to community schools that are 53554  
located in that school district. Such mayor may sponsor 53555  
community schools only with the approval of the city council of 53556  
that city, after establishing standards with which community 53557  
schools sponsored by the mayor must comply, and after entering 53558  
into a sponsor agreement with the department as prescribed under 53559  
section 3314.015 of the Revised Code. The mayor shall establish 53560  
the standards for community schools sponsored by the mayor not 53561  
later than one hundred eighty days after July 15, 2013, and 53562  
shall submit them to the department upon their establishment. 53563  
The department shall approve the mayor to sponsor community 53564  
schools in the district, upon receipt of an application by the 53565  
mayor to do so. Not later than ninety days after the 53566  
department's approval of the mayor as a community school 53567  
sponsor, the department shall enter into the sponsor agreement 53568  
with the mayor. 53569

Any entity described in division (C) (1) of this section 53570  
may enter into a preliminary agreement pursuant to division (C) 53571  
(2) of this section with the proposing person or group, provided 53572  
that entity has been approved by and entered into a written 53573

agreement with the department pursuant to section 3314.015 of 53574  
the Revised Code. 53575

(2) A preliminary agreement indicates the intention of an 53576  
entity described in division (C) (1) of this section to sponsor 53577  
the community school. A proposing person or group that has such 53578  
a preliminary agreement may proceed to finalize plans for the 53579  
school, establish a governing authority as described in division 53580  
(E) of this section for the school, and negotiate a contract 53581  
with the entity. Provided the proposing person or group adheres 53582  
to the preliminary agreement and all provisions of this chapter, 53583  
the entity shall negotiate in good faith to enter into a 53584  
contract in accordance with section 3314.03 of the Revised Code. 53585

(3) A new start-up school that is established in a school 53586  
district described in either division (A) (3) (b) or (d) of this 53587  
section may continue in existence once the school district no 53588  
longer meets the conditions described in either division, 53589  
provided there is a valid contract between the school and a 53590  
sponsor. 53591

(4) A copy of every preliminary agreement entered into 53592  
under this division shall be filed with the director of 53593  
education and workforce. 53594

(D) A majority vote of the board of a sponsoring entity 53595  
and a majority vote of the members of the governing authority of 53596  
a community school shall be required to adopt a contract and 53597  
convert the public school or educational service center building 53598  
to a community school or establish the new start-up school. 53599  
Beginning September 29, 2005, adoption of the contract shall 53600  
occur not later than the fifteenth day of March, and signing of 53601  
the contract shall occur not later than the fifteenth day of 53602  
May, prior to the school year in which the school will open. The 53603

governing authority shall notify the department of education and 53604  
workforce when the contract has been signed. Subject to sections 53605  
3314.013 and 3314.016 of the Revised Code, an unlimited number 53606  
of community schools may be established in any school district 53607  
provided that a contract is entered into for each community 53608  
school pursuant to this chapter. 53609

(E) (1) As used in this division, "immediate relatives" are 53610  
limited to spouses, children, parents, grandparents, and 53611  
siblings, as well as in-laws residing in the same household as 53612  
the person serving on the governing authority. 53613

Each new start-up community school established under this 53614  
chapter shall be under the direction of a governing authority 53615  
which shall consist of a board of not less than five 53616  
individuals. 53617

(2) (a) No person shall serve on the governing authority or 53618  
operate the community school under contract with the governing 53619  
authority under any of the following circumstances: 53620

(i) The person owes the state any money or is in a dispute 53621  
over whether the person owes the state any money concerning the 53622  
operation of a community school that has closed. 53623

(ii) The person would otherwise be subject to division (B) 53624  
of section 3319.31 of the Revised Code with respect to refusal, 53625  
limitation, or revocation of a license to teach, if the person 53626  
were a licensed educator. 53627

(iii) The person has pleaded guilty to or been convicted 53628  
of theft in office under section 2921.41 of the Revised Code, or 53629  
has pleaded guilty to or been convicted of a substantially 53630  
similar offense in another state. 53631

(b) No person shall serve on the governing authority or 53632



engage in the financial day-to-day management of the community 53633  
school under contract with the governing authority unless and 53634  
until that person has submitted to a criminal records check in 53635  
the manner prescribed by section 3319.39 of the Revised Code. 53636

(c) Each sponsor of a community school shall annually 53637  
verify that a finding for recovery has not been issued by the 53638  
auditor of state against any individual or individuals who 53639  
propose to create a community school or any member of the 53640  
governing authority, the operator, or any employee of each 53641  
community school with responsibility for fiscal operations or 53642  
authorization to expend money on behalf of the school. 53643

(3) No person shall serve on the governing authorities of 53644  
more than five start-up community schools at the same time 53645  
unless both of the following apply: 53646

(a) The person serves in a volunteer capacity and receives 53647  
no compensation under division (E)(5) of this section from any 53648  
governing authority on which the person serves. 53649

(b) For any school that has an operator, the operator is a 53650  
nonprofit organization. 53651

(4) (a) For a community school established under this 53652  
chapter that is not sponsored by a school district or an 53653  
educational service center, no present or former member, or 53654  
immediate relative of a present or former member, of the 53655  
governing authority shall be an owner, employee, or consultant 53656  
of the community school's sponsor or operator, unless at least 53657  
one year has elapsed since the conclusion of the person's 53658  
membership on the governing authority. 53659

(b) For a community school established under this chapter 53660  
that is sponsored by a school district or an educational service 53661

center, no present or former member, or immediate relative of a 53662  
present or former member, of the governing authority shall: 53663

(i) Be an officer of the district board or service center 53664  
governing board that serves as the community school's sponsor, 53665  
unless at least one year has elapsed since the conclusion of the 53666  
person's membership on the governing authority; 53667

(ii) Serve as an employee of, or a consultant for, the 53668  
department, division, or section of the sponsoring district or 53669  
service center that is directly responsible for sponsoring 53670  
community schools, or have supervisory authority over such a 53671  
department, division, or section, unless at least one year has 53672  
elapsed since the conclusion of the person's membership on the 53673  
governing authority. 53674

(5) The governing authority of a start-up or conversion 53675  
community school may provide by resolution for the compensation 53676  
of its members. However, no individual who serves on the 53677  
governing authority of a start-up or conversion community school 53678  
shall be compensated more than one hundred twenty-five dollars 53679  
per meeting of that governing authority and no such individual 53680  
shall be compensated more than a total amount of five thousand 53681  
dollars per year for all governing authorities upon which the 53682  
individual serves. Each member of the governing authority may be 53683  
paid compensation for attendance at an approved training 53684  
program, provided that such compensation shall not exceed sixty 53685  
dollars a day for attendance at a training program three hours 53686  
or less in length and one hundred twenty-five dollars a day for 53687  
attendance at a training program longer than three hours in 53688  
length. 53689

(6) No person who is the employee of a school district or 53690  
educational service center shall serve on the governing 53691

authority of any community school sponsored by that school 53692  
district or service center. 53693

(7) Each member of the governing authority of a community 53694  
school shall annually file a disclosure statement setting forth 53695  
the names of any immediate relatives or business associates 53696  
employed by any of the following within the previous three 53697  
years: 53698

(a) The sponsor or operator of that community school; 53699

(b) A school district or educational service center that 53700  
has contracted with that community school; 53701

(c) A vendor that is or has engaged in business with that 53702  
community school. 53703

(8) No person who is a member of a school district board 53704  
of education shall serve on the governing authority of any 53705  
community school. 53706

(F) (1) A new start-up school that is established prior to 53707  
August 15, 2003, in an urban school district that is not also a 53708  
big-eight school district may continue to operate after that 53709  
date and the contract between the school's governing authority 53710  
and the school's sponsor may be renewed, as provided under this 53711  
chapter, after that date. 53712

(2) A community school that was established prior to June 53713  
29, 1999, and is located in a county contiguous to the pilot 53714  
project area and in a school district that was not a challenged 53715  
school district may continue to operate after that date, 53716  
provided the school complies with all provisions of this 53717  
chapter. The contract between the school's governing authority 53718  
and the school's sponsor may be renewed. 53719

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school.

(4) The department of education and workforce shall not restrict the establishment of a new start-up community school to those located in a challenged school district as was required by this section prior to September 30, 2021.

**Sec. 3314.021.** (A) This section applies to any entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and that satisfies the conditions specified in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the Revised Code but does not satisfy the condition specified in division (C)(1)(f)(i) of that section.

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 of the Revised Code, and subject to division (D)(2) of this section, an entity described in division (A) of this section may do both of the following without obtaining the department of education and workforce's initial approval of its sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code:

(1) Succeed the board of trustees of a state university located in the pilot project area or that board's designee as the sponsor of a community school established under this chapter;

(2) Continue to sponsor that school in conformance with the terms of the contract between the board of trustees or its

designee and the governing authority of the community school and 53749  
renew that contract as provided in division ~~(E)~~ (D) of section 53750  
3314.03 of the Revised Code. 53751

(C) The entity that succeeds the board of trustees or the 53752  
board's designee as sponsor of a community school under division 53753  
(B) of this section also may enter into contracts to sponsor 53754  
other community schools regardless of the proposed school's 53755  
location, without obtaining the department's initial approval of 53756  
its sponsorship of those schools under divisions (A) (2) and (B) 53757  
(1) of section 3314.015 of the Revised Code as long as the 53758  
contracts conform with and the entity complies with all other 53759  
requirements of this chapter. 53760

(D) (1) Regardless of the entity's authority to sponsor 53761  
community schools without the initial approval of the 53762  
department, the entity is under the continuing oversight of the 53763  
department in accordance with rules adopted under section 53764  
3314.015 of the Revised Code. 53765

(2) If an entity described in division (A) of this section 53766  
receives a rating below "effective" under division (B) of 53767  
section 3314.016 of the Revised Code for two or more consecutive 53768  
years, that entity shall receive approval from the department to 53769  
sponsor community schools and enter into a written agreement 53770  
with the department in accordance with division (B) (1) of 53771  
section 3314.015 of the Revised Code prior to entering into any 53772  
further preliminary agreements under division (C) (2) of section 53773  
3314.02 of the Revised Code or renewing any existing contract to 53774  
sponsor a community school. 53775

(E) (1) As used in division (E) of this section: 53776

(a) "Board of trustees" means a board of trustees of a 53777

state university located in the pilot project area. 53778

(b) "Rating" means a sponsor rating under section 3314.016 53779  
of the Revised Code. 53780

(2) Notwithstanding anything to the contrary in division 53781  
(B) (7) (b) of section 3314.016 of the Revised Code, for the 53782  
purposes of that division, the department shall consider an 53783  
entity that succeeded a board of trustees as the sponsor of a 53784  
community school in accordance with division (B) (1) of this 53785  
section to have received the same rating for the 2016-2017 53786  
school year as the board of trustees, provided all of the 53787  
following apply: 53788

(a) The department assigned the board of trustees a rating 53789  
of either "effective" or "exemplary" for the 2016-2017 school 53790  
year. 53791

(b) The department did not assign the entity its own 53792  
rating for the 2016-2017 school year. 53793

(c) The department assigned the entity its own rating for 53794  
the 2017-2018 school year. 53795

**Sec. 3314.03.** A copy of every contract entered into under 53796  
this section shall be filed with the director of education and 53797  
workforce. The department of education and workforce shall make 53798  
available on its web site a copy of every approved, executed 53799  
contract filed with the director under this section. 53800

(A) Each contract entered into between a sponsor and the 53801  
governing authority of a community school shall specify the 53802  
following: 53803

(1) That the school shall be established as either of the 53804  
following: 53805

- (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 53806  
53807  
53808
- (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 53809  
53810
- (2) The education program of the school, including the school's mission and educational philosophy, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 53811  
53812  
53813  
53814
- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 53815  
53816  
53817  
53818
- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 53819  
53820  
53821  
53822
- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 53823  
53824  
53825
- (6) (a) Dismissal procedures; 53826
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student. 53827  
53828  
53829  
53830  
53831  
53832
- (7) The ways by which the school will achieve racial and 53833

ethnic balance reflective of the community it serves; 53834

(8) Requirements for financial audits by the auditor of 53835  
state. The contract shall require financial records of the 53836  
school to be maintained in the same manner as are financial 53837  
records of school districts, pursuant to rules of the auditor of 53838  
state. Audits shall be conducted in accordance with section 53839  
117.10 of the Revised Code. 53840

(9) An addendum to the contract outlining the facilities 53841  
to be used that contains at least the following information: 53842

(a) A detailed description of each facility used for 53843  
instructional purposes; 53844

(b) The annual costs associated with leasing each facility 53845  
that are paid by or on behalf of the school; 53846

(c) The annual mortgage principal and interest payments 53847  
that are paid by the school; 53848

(d) The name of the lender or landlord, identified as 53849  
such, and the lender's or landlord's relationship to the 53850  
operator, if any. 53851

(10) Qualifications of employees, including both of the 53852  
following: 53853

(a) A requirement that the school's classroom teachers be 53854  
licensed in accordance with sections 3319.22 to 3319.31 of the 53855  
Revised Code, except that a community school may engage 53856  
noncertificated persons to teach up to twelve hours or forty 53857  
hours per week pursuant to section 3319.301 of the Revised Code; 53858

(b) A prohibition against the school employing an 53859  
individual described in section 3314.104 of the Revised Code in 53860  
any position. 53861



(11) That the school will comply with the following requirements: 53862  
53863

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 53864  
53865  
53866

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 53867  
53868  
53869

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 53870  
53871  
53872  
53873

(d) The school will comply with sections 9.90, 9.91, 53874  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 53875  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 53876  
3302.037, 3302.131, 3302.132, 3313.472, 3313.473, 3313.474, 53877  
3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 53878  
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 53879  
3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.6035, 3313.643, 53880  
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 53881  
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 53882  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 53883  
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 53884  
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 53885  
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 53886  
3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 53887  
3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 53888  
3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 53889  
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 53890  
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 53891

5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised

Code. Beginning with the 2018-2019 school year, the school shall 53923  
comply with the framework for granting units of high school 53924  
credit to students who demonstrate subject area competency 53925  
through work-based learning experiences, internships, or 53926  
cooperative education developed by the department under division 53927  
(J) (3) of section 3313.603 of the Revised Code. 53928

(g) The school governing authority will submit within four 53929  
months after the end of each school year a report of its 53930  
activities and progress in meeting the goals and standards of 53931  
divisions (A) (3) and (4) of this section and its financial 53932  
status to the sponsor and the parents of all students enrolled 53933  
in the school. 53934

(h) The school, unless it is an internet- or computer- 53935  
based community school, will comply with section 3313.801 of the 53936  
Revised Code as if it were a school district. 53937

(i) If the school is the recipient of moneys from a grant 53938  
awarded under the federal race to the top program, Division (A), 53939  
Title XIV, Sections 14005 and 14006 of the "American Recovery 53940  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 53941  
the school will pay teachers based upon performance in 53942  
accordance with section 3317.141 and will comply with section 53943  
3319.111 of the Revised Code as if it were a school district. 53944

(j) If the school operates a preschool program that is 53945  
licensed by the department under sections 3301.52 to 3301.59 of 53946  
the Revised Code, the school shall comply with sections 3301.50 53947  
to 3301.59 of the Revised Code and the minimum standards for 53948  
preschool programs prescribed in rules adopted by the department 53949  
of children and youth under section 3301.53 of the Revised Code. 53950

(k) The school will comply with sections 3313.6021 and 53951

3313.6023 of the Revised Code as if it were a school district 53952  
unless it is either of the following: 53953

(i) An internet- or computer-based community school; 53954

(ii) A community school in which a majority of the 53955  
enrolled students are children with disabilities as described in 53956  
division (B) (2) of section 3314.35 of the Revised Code. 53957

(1) The school will comply with section 3321.191 of the 53958  
Revised Code, unless it is an internet- or computer-based 53959  
community school that is subject to section 3314.261 of the 53960  
Revised Code. 53961

(12) Arrangements for providing health and other benefits 53962  
to employees; 53963

(13) The length of the contract, which shall begin at the 53964  
beginning of an academic year. No contract shall exceed five 53965  
years unless such contract has been renewed pursuant to division 53966  
~~(E)~~ (D) of this section. 53967

(14) The governing authority of the school, which shall be 53968  
responsible for carrying out the provisions of the contract; 53969

(15) A financial plan detailing an estimated school budget 53970  
for each year of the period of the contract and specifying the 53971  
total estimated per pupil expenditure amount for each such year. 53972

(16) Requirements and procedures regarding the disposition 53973  
of employees of the school in the event the contract is 53974  
terminated or not renewed pursuant to section 3314.07 of the 53975  
Revised Code; 53976

(17) Whether the school is to be created by converting all 53977  
or part of an existing public school or educational service 53978  
center building or is to be a new start-up school, and if it is 53979

a converted public school or service center building, 53980  
~~specification~~ both of the following: 53981

(a) Specification of any duties or responsibilities of an 53982  
employer that the board of education or service center governing 53983  
board that operated the school or building before conversion is 53984  
delegating to the governing authority of the community school 53985  
with respect to all or any specified group of employees provided 53986  
the delegation is not prohibited by a collective bargaining 53987  
agreement applicable to such employees; 53988

(b) Alternative arrangements for current public school 53989  
students who choose not to attend the converted school and for 53990  
teachers who choose not to teach in the school or building after 53991  
conversion. 53992

(18) Provisions establishing procedures for resolving 53993  
disputes or differences of opinion between the sponsor and the 53994  
governing authority of the community school; 53995

(19) A provision requiring the governing authority to 53996  
adopt a policy regarding the admission of students who reside 53997  
outside the district in which the school is located. That policy 53998  
shall comply with the admissions procedures specified in 53999  
sections 3314.06 and 3314.061 of the Revised Code and, at the 54000  
sole discretion of the authority, shall do one of the following: 54001

(a) Prohibit the enrollment of students who reside outside 54002  
the district in which the school is located; 54003

(b) Permit the enrollment of students who reside in 54004  
districts adjacent to the district in which the school is 54005  
located; 54006

(c) Permit the enrollment of students who reside in any 54007  
other district in the state. 54008

(20) A provision recognizing the authority of the 54009  
department to take over the sponsorship of the school in 54010  
accordance with the provisions of division (C) of section 54011  
3314.015 of the Revised Code; 54012

(21) A provision recognizing the sponsor's authority to 54013  
assume the operation of a school under the conditions specified 54014  
in division (B) of section 3314.073 of the Revised Code; 54015

(22) A provision recognizing both of the following: 54016

(a) The authority of public health and safety officials to 54017  
inspect the facilities of the school and to order the facilities 54018  
closed if those officials find that the facilities are not in 54019  
compliance with health and safety laws and regulations; 54020

(b) The authority of the department as the community 54021  
school oversight body to suspend the operation of the school 54022  
under section 3314.072 of the Revised Code if the department has 54023  
evidence of conditions or violations of law at the school that 54024  
pose an imminent danger to the health and safety of the school's 54025  
students and employees and the sponsor refuses to take such 54026  
action. 54027

(23) A description of the learning opportunities that will 54028  
be offered to students including both classroom-based and non- 54029  
classroom-based learning opportunities that is in compliance 54030  
with criteria for student participation established by the 54031  
department under division (H) (2) of section 3314.08 of the 54032  
Revised Code; 54033

(24) The school will comply with sections 3302.04 and 54034  
3302.041 of the Revised Code, except that any action required to 54035  
be taken by a school district pursuant to those sections shall 54036  
be taken by the sponsor of the school. 54037

(25) Beginning in the 2006-2007 school year, the school 54038  
will open for operation not later than the thirtieth day of 54039  
September each school year, unless the mission of the school as 54040  
specified under division (A) (2) of this section is solely to 54041  
serve dropouts. In its initial year of operation, if the school 54042  
fails to open by the thirtieth day of September, or within one 54043  
year after the adoption of the contract pursuant to division (D) 54044  
of section 3314.02 of the Revised Code if the mission of the 54045  
school is solely to serve dropouts, the contract shall be void. 54046

(26) Whether the school's governing authority is planning 54047  
to seek designation for the school as a STEM school equivalent 54048  
under section 3326.032 of the Revised Code; 54049

(27) That the school's attendance and participation 54050  
policies will be available for public inspection; 54051

(28) That the school's attendance and participation 54052  
records shall be made available to the department, auditor of 54053  
state, and school's sponsor to the extent permitted under and in 54054  
accordance with the "Family Educational Rights and Privacy Act 54055  
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 54056  
regulations promulgated under that act, and section 3319.321 of 54057  
the Revised Code; 54058

(29) If a school operates using the blended learning 54059  
model, as defined in section 3301.079 of the Revised Code, all 54060  
of the following information: 54061

(a) An indication of what blended learning model or models 54062  
will be used; 54063

(b) A description of how student instructional needs will 54064  
be determined and documented; 54065

(c) The method to be used for determining competency, 54066

granting credit, and promoting students to a higher grade level; 54067

(d) The school's attendance requirements, including how 54068  
the school will document participation in learning 54069  
opportunities; 54070

(e) A statement describing how student progress will be 54071  
monitored; 54072

(f) A statement describing how private student data will 54073  
be protected; 54074

(g) A description of the professional development 54075  
activities that will be offered to teachers. 54076

(30) A provision requiring that all moneys the school's 54077  
operator loans to the school, including facilities loans or cash 54078  
flow assistance, must be accounted for, documented, and bear 54079  
interest at a fair market rate; 54080

(31) A provision requiring that, if the governing 54081  
authority contracts with an attorney, accountant, or entity 54082  
specializing in audits, the attorney, accountant, or entity 54083  
shall be independent from the operator with which the school has 54084  
contracted. 54085

(32) A provision requiring the governing authority to 54086  
adopt an enrollment and attendance policy that requires a 54087  
student's parent to notify the community school in which the 54088  
student is enrolled when there is a change in the location of 54089  
the parent's or student's primary residence. 54090

(33) A provision requiring the governing authority to 54091  
adopt a student residence and address verification policy for 54092  
students enrolling in or attending the school. 54093

(34) A provision establishing the process by which the 54094



governing authority of the school will be selected in the 54095  
future. 54096

(35) A description of the management and administration of 54097  
the school. 54098

(36) A provision requiring the governing authority to 54099  
adopt policies and procedures to establish internal financial 54100  
controls for the school. 54101

~~(B) The community school shall also submit to the sponsor-~~ 54102  
~~a comprehensive plan for the school. The plan shall specify the~~ 54103  
~~following:~~ 54104

~~(1) The process by which the governing authority of the~~ 54105  
~~school will be selected in the future;~~ 54106

~~(2) The management and administration of the school;~~ 54107

~~(3) If the community school is a currently existing public~~ 54108  
~~school or educational service center building, alternative~~ 54109  
~~arrangements for current public school students who choose not~~ 54110  
~~to attend the converted school and for teachers who choose not~~ 54111  
~~to teach in the school or building after conversion;~~ 54112

~~(4) The instructional program and educational philosophy~~ 54113  
~~of the school;~~ 54114

~~(5) Internal financial controls.~~ 54115

~~When submitting the plan under this division, the school~~ 54116  
~~shall also submit copies of all policies and procedures~~ 54117  
~~regarding internal financial controls adopted by the governing~~ 54118  
~~authority of the school.~~ 54119

~~(C) A contract entered into under section 3314.02 of the~~ 54120  
~~Revised Code between a sponsor and the governing authority of a~~ 54121

community school may provide for the community school governing 54122  
authority to make payments to the sponsor, which is hereby 54123  
authorized to receive such payments as set forth in the contract 54124  
between the governing authority and the sponsor. The total 54125  
amount of such payments for monitoring, oversight, and technical 54126  
assistance of the school shall not exceed three per cent of the 54127  
total amount of payments for operating expenses that the school 54128  
receives from the state. 54129

~~(D)~~ (C) The contract shall specify the duties of the 54130  
sponsor which shall be in accordance with the written agreement 54131  
entered into with the department under division (B) of section 54132  
3314.015 of the Revised Code and shall include the following: 54133

(1) Monitor the community school's compliance with all 54134  
laws applicable to the school and with the terms of the 54135  
contract; 54136

(2) Monitor and evaluate the academic and fiscal 54137  
performance and the organization and operation of the community 54138  
school on at least an annual basis; 54139

(3) Provide technical assistance to the community school 54140  
in complying with laws applicable to the school and terms of the 54141  
contract; 54142

(4) Take steps to intervene in the school's operation to 54143  
correct problems in the school's overall performance, declare 54144  
the school to be on probationary status pursuant to section 54145  
3314.073 of the Revised Code, suspend the operation of the 54146  
school pursuant to section 3314.072 of the Revised Code, or 54147  
terminate the contract of the school pursuant to section 3314.07 54148  
of the Revised Code as determined necessary by the sponsor; 54149

(5) Have in place a plan of action to be undertaken in the 54150

event the community school experiences financial difficulties or 54151  
closes prior to the end of a school year. 54152

~~(E)~~ (D) Upon the expiration of a contract entered into 54153  
under this section, the sponsor of a community school may, with 54154  
the approval of the governing authority of the school, renew 54155  
that contract for a period of time determined by the sponsor, 54156  
but not ending earlier than the end of any school year, if the 54157  
sponsor finds that the school's compliance with applicable laws 54158  
and terms of the contract and the school's progress in meeting 54159  
the academic goals prescribed in the contract have been 54160  
satisfactory. Any contract that is renewed under this division 54161  
remains subject to the provisions of sections 3314.07, 3314.072, 54162  
and 3314.073 of the Revised Code. 54163

~~(F)~~ (E) If a community school fails to open for operation 54164  
within one year after the contract entered into under this 54165  
section is adopted pursuant to division (D) of section 3314.02 54166  
of the Revised Code or permanently closes prior to the 54167  
expiration of the contract, the contract shall be void and the 54168  
school shall not enter into a contract with any other sponsor. A 54169  
school shall not be considered permanently closed because the 54170  
operations of the school have been suspended pursuant to section 54171  
3314.072 of the Revised Code. 54172

**Sec. 3314.034.** (A) Subject to division (B) of this 54173  
section, and except as described in division (E) of this 54174  
section, any community school to which either of the following 54175  
conditions apply shall be prohibited from entering into a 54176  
contract with a new sponsor: 54177

(1) The community school has received, on the most recent 54178  
report card issued for that school under section 3302.03 of the 54179  
Revised Code, either of the following: 54180

(a) A grade of "D" or "F" for the performance index score, 54181  
under division (C) (1) (b) of section 3302.03 of the Revised Code, 54182  
and an overall grade of "D" or "F" for the value-added progress 54183  
dimension or another measure of student academic progress if 54184  
adopted by the department of education and workforce, under 54185  
division (C) (1) (e) of that section; 54186

(b) A performance rating of less than three stars for 54187  
achievement under division (D) (3) (b) of section 3302.03 of the 54188  
Revised Code and a performance rating of less than three stars 54189  
for progress under division (D) (3) (c) of that section. 54190

(2) The community school is ~~one in which a majority of the~~ 54191  
~~students are enrolled in a dropout prevention and recovery-~~ 54192  
~~program~~ community school, and it has received a rating of "does 54193  
not meet standards" for the annual student growth measure and 54194  
combined graduation rates on the most recent report card issued 54195  
for the school under section 3314.017 of the Revised Code. 54196

(B) A community school to which division (A) of this 54197  
section applies may enter into a contract with a new sponsor if 54198  
all of the following conditions are satisfied: 54199

(1) The proposed sponsor received a rating of "effective" 54200  
or higher pursuant to division (B) (6) of section 3314.016 of the 54201  
Revised Code on its most recent evaluation conducted according 54202  
to that section, or the proposed sponsor is the office of Ohio 54203  
school sponsorship established in section 3314.029 of the 54204  
Revised Code. 54205

(2) The community school submits a request to enter into a 54206  
new contract with a sponsor. 54207

(3) The community school has not submitted a prior request 54208  
that was granted. 54209

(4) The department grants the school's request pursuant to 54210  
division (C) of this section. 54211

(C) (1) A school shall submit a request to change sponsors 54212  
under this section not later than on the fifteenth day of 54213  
February of the year in which the school wishes to do so. If a 54214  
community school to which division (A) (1) of this section 54215  
applies submits a request to the department to enter into a 54216  
contract with a new sponsor and a majority of the school's 54217  
students are children with disabilities receiving special 54218  
education and related services under Chapter 3323. of the 54219  
Revised Code, the department shall at least consider the 54220  
school's performance as measured against the average performance 54221  
of all other community schools that primarily serve children 54222  
with disabilities. 54223

(2) The department shall grant or deny the request not 54224  
later than thirty days after the department receives it. If the 54225  
department denies the request, the community school may submit 54226  
an appeal to the director of education and workforce who shall 54227  
hold a hearing in accordance with Chapter 119. of the Revised 54228  
Code. The community school shall file its notice of appeal to 54229  
the director not later than ten days after receiving the 54230  
decision from the department. The director shall conduct the 54231  
hearing not later than thirty days after receiving the school's 54232  
notice of appeal and act upon the determination of the hearing 54233  
officer not later than the twenty-fifth day of June of the year 54234  
in which the school wishes to change sponsors. 54235

(D) Factors to be considered during a hearing held 54236  
pursuant to division (C) of this section include, but are not 54237  
limited to, the following: 54238

(1) The school's impact on the students and the community 54239

or communities it serves; 54240

(2) The quality and quantity of academic and 54241  
administrative support the school receives from its current 54242  
sponsor to help the school to improve; 54243

(3) The sponsor's annual evaluations of the community 54244  
school under division ~~(D) (2)~~ (c) (2) of section 3314.03 of the 54245  
Revised Code for the previous three years; 54246

(4) The academic performance of the school, taking into 54247  
account the demographic information of the students enrolled in 54248  
the school; 54249

(5) The academic performance of alternative schools that 54250  
serve comparable populations of students as those served by the 54251  
community school; 54252

(6) The fiscal stability of the school; 54253

(7) The results of any audits of the school by the auditor 54254  
of state; 54255

(8) The length of time the school has been under the 54256  
oversight of its current sponsor; 54257

(9) The number of times the school has changed sponsors 54258  
prior to the current request; 54259

(10) Parent and student satisfaction rates as demonstrated 54260  
by surveys, if available. 54261

(E) Notwithstanding anything to the contrary in this 54262  
section, if a community school in which a majority of the 54263  
enrolled students are children with disabilities receiving 54264  
special education and related services in accordance with 54265  
Chapter 3323. of the Revised Code meets both of the following 54266

criteria, the school may enter into a contract with a new 54267  
sponsor, provided that the new sponsor satisfies the criteria in 54268  
division (B) (1) of this section: 54269

(1) The school received, on its most recent report card 54270  
issued under section 3302.03 of the Revised Code, a performance 54271  
rating of at least three stars for progress under division (D) 54272  
(3) (c) of that section. 54273

(2) As calculated for the most recent school year under 54274  
section 3302.035 of the Revised Code, the school's performance 54275  
index score for students with disabilities was higher than the 54276  
performance index score for students with disabilities of the 54277  
school district in which the school is located. 54278

**Sec. 3314.038.** Each community school shall annually submit 54279  
to the department of education and workforce ~~and auditor of~~ 54280  
~~state~~ a report of each instance under which a student who is 54281  
enrolled in that community school resides in a children's 54282  
residential center as defined under section 5103.05 of the 54283  
Revised Code. 54284

**Sec. 3314.0311.** The governing authority of each community 54285  
school established under this chapter annually shall provide 54286  
instruction to students in the grade levels the school serves 54287  
about how short-term or chronic substance use, as defined in 54288  
section 3313.6034 of the Revised Code, to alter one's mood is 54289  
harmful to an individual's health. Each governing authority 54290  
shall do all of the following with regard to the instruction: 54291

(A) Determine the manner in which the instruction is 54292  
provided to students; 54293

(B) Ensure the instruction is age and developmentally 54294  
appropriate; 54295

(C) Conform the instruction to prevention best-practice 54296  
frameworks; 54297

(D) Focus the instruction on addressing changes in 54298  
knowledge, attitude, and skills as a child develops. 54299

**Sec. 3314.05.** (A) The contract between the community 54300  
school and the sponsor shall specify the facilities to be used 54301  
for the community school and the method of acquisition. ~~Except~~ 54302  
~~as provided in divisions (B) (3) and (4) of this section, no~~ 54303  
~~community school shall be established in more than one school~~ 54304  
~~district under the same contract.~~ 54305

(B) Division (B) of this section shall not apply to 54306  
internet- or computer-based community schools. 54307

(1) A community school may be located in multiple 54308  
facilities under the same contract ~~only if the limitations on~~ 54309  
~~availability of space prohibit serving all the grade levels~~ 54310  
~~specified in the contract in a single facility or division (B)~~ 54311  
~~(2), (3), or (4) of this section applies to the school. The~~ 54312  
~~school shall not offer the same grade level classrooms in more~~ 54313  
~~than one facility.~~ 54314

~~(2) A community school may be located in multiple~~ 54315  
~~facilities under the same contract and, notwithstanding division~~ 54316  
~~(B) (1) of this section, may assign students in the same grade~~ 54317  
~~level to multiple facilities, as long as all of the following~~ 54318  
~~apply:~~ 54319

~~(a) The governing authority has entered into and maintains~~ 54320  
~~a contract with an operator of the type described in division~~ 54321  
~~(A) (8) (b) of section 3314.02 of the Revised Code.~~ 54322

~~(b) The contract with that operator qualified the school~~ 54323  
~~to be established pursuant to division (A) of former section~~ 54324



~~3314.016 of the Revised Code.~~ 54325

~~(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:—~~ 54326  
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~~(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;—~~ 54329  
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~~(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (c) or (B) (1) (c) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code;—~~ 54332  
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~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 school years, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (c) of section 3314.017 of the Revised Code;—~~ 54340  
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~~(iv) For the 2021-2022 school year and any school year thereafter, an overall performance rating of three stars under division (D) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (c) of section 3314.017 of the Revised Code.~~ 54345  
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~~(3) On and after September 30, 2021, a new start-up community school may be established in two school districts under the same contract regardless of the proposed location of either district if both of the following apply:—~~ 54350  
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~~(a) The school operates not more than one facility in each school district and, in accordance with division (B) (1) of this section, the school does not offer the same grade level classrooms in both facilities; and~~

~~(b) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.~~

~~(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B) (1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:~~

~~(a) The facilities are all located in the same county or in any county adjacent to the county in which the community school's primary facility is located.~~

~~(b) Either of the following conditions are satisfied:~~

~~(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located or in any county adjacent to the county in which the community school's primary facility is located;~~

~~(ii) The community school is managed by an operator.~~

(2) ~~In the case of a community school to which division (B) (4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section~~

3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.

A community school governing authority that elects to modify a community school's primary location shall notify the department of that modification.

~~(5)~~ (3) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school

as a whole.

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~~(F) (1) In the case of a community school that exists prior to September 30, 2021, to which division (B) (3) of this section applies, if only one of the school districts in which the school is established was located in a challenged school district prior to September 30, 2021, that district continues to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter unless and until the school's governing authority designates a different school district as the school's primary location in accordance with division (F) (2) of this section. If both of the school districts in which the school is established were challenged school districts on that date, and the primary location was already designated by the school's governing authority pursuant to the requirements of this section as it existed prior to September 30, 2021, that designation remains unless and until the school's governing authority designates a different primary location.~~

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~~(2) (a) On and after September 30, 2021, when a new start-up community school is established in two school districts under the same contract, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of education and workforce of that designation.~~

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~~(b) A community school governing authority that elects to~~

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~~modify a community school's primary location, whether in~~ 54442  
~~accordance with division (F) (1) of this section or otherwise,~~ 54443  
~~shall notify the department of that modification.~~ 54444

**Sec. 3314.07.** (A) The expiration of the contract for a 54445  
community school between a sponsor and a school shall be the 54446  
date provided in the contract. A successor contract may be 54447  
entered into pursuant to division ~~(E)~~ (D) of section 3314.03 of 54448  
the Revised Code unless the contract is terminated or not 54449  
renewed pursuant to this section. 54450

(B) (1) A sponsor may choose not to renew a contract at its 54451  
expiration or may choose to terminate a contract prior to its 54452  
expiration for any of the following reasons: 54453

(a) Failure to meet student performance requirements 54454  
stated in the contract; 54455

(b) Failure to meet generally accepted standards of fiscal 54456  
management; 54457

(c) Violation of any provision of the contract or 54458  
applicable state or federal law; 54459

(d) Other good cause. 54460

(2) A sponsor may choose to terminate a contract prior to 54461  
its expiration if the sponsor has suspended the operation of the 54462  
contract under section 3314.072 of the Revised Code. 54463

(3) Not later than the fifteenth day of January in the 54464  
year in which the sponsor intends to terminate or take actions 54465  
not to renew the community school's contract, the sponsor shall 54466  
notify the school of the proposed action in writing. The notice 54467  
shall include the reasons for the proposed action in detail, the 54468  
effective date of the termination or nonrenewal, and a statement 54469

that the school may, within fourteen days of receiving the 54470  
notice, request an informal hearing before the sponsor. Such 54471  
request must be in writing. The informal hearing shall be held 54472  
within fourteen days of the receipt of a request for the 54473  
hearing. Not later than fourteen days after the informal 54474  
hearing, the sponsor shall issue a written decision either 54475  
affirming or rescinding the decision to terminate or not renew 54476  
the contract. 54477

(4) The termination of a contract under this section shall 54478  
be effective upon the occurrence of the later of the following 54479  
events: 54480

(a) The date the sponsor notifies the school of its 54481  
decision to terminate the contract as prescribed in division (B) 54482  
(3) of this section; 54483

(b) If an informal hearing is requested under division (B) 54484  
(3) of this section and as a result of that hearing the sponsor 54485  
affirms its decision to terminate the contract, the effective 54486  
date of the termination specified in the notice issued under 54487  
division (B) (3) of this section. 54488

(5) Any community school whose contract is terminated or 54489  
not renewed under division (B) (1) (a) or (b) of this section 54490  
shall close permanently at the end of the current school year or 54491  
on a date specified in the notification of termination or 54492  
nonrenewal under division (B) (3) of this section. Any community 54493  
school whose contract is terminated or not renewed for failure 54494  
to meet student performance requirements stated in the contract, 54495  
or for failure to meet generally accepted standards of fiscal 54496  
management under this division shall not enter into a contract 54497  
with any other sponsor. 54498

(C) A child attending a community school whose contract  
has been terminated, nonrenewed, or suspended or that closes for  
any reason shall be admitted to the schools of the district in  
which the child is entitled to attend under section 3313.64 or  
3313.65 of the Revised Code. Any deadlines established for the  
purpose of admitting students under section 3313.97 or 3313.98  
of the Revised Code shall be waived for students to whom this  
division pertains.

(D) If a community school does not intend to renew a  
contract with its sponsor, the community school shall notify its  
sponsor in writing of that fact at least one hundred eighty days  
prior to the expiration of the contract. Such a community school  
may enter into a contract with a new sponsor in accordance with  
section 3314.03 of the Revised Code upon the expiration of the  
previous contract.

(E) A sponsor of a community school and the officers,  
directors, or employees of such a sponsor are immune from civil  
liability for any action authorized under this chapter or the  
contract entered into with the school under section 3314.03 of  
the Revised Code that is taken to fulfill the sponsor's  
responsibility to oversee and monitor the school. The sponsor  
and its officers, directors, or employees are not liable in  
damages in a tort or other civil action for harm allegedly  
arising from any of the following:

(1) A failure of the community school or any of its  
officers, directors, or employees to perform any statutory or  
common law duty or responsibility or any other legal obligation;

(2) An action or omission of the community school or any  
of its officers, directors, or employees that results in harm.

(3) A failure of the community school or any of its officers, directors, or employees to meet the obligations of any contract or other obligation entered into on behalf of the community school and another party.

(F) As used in this section:

(1) "Harm" means injury, death, or loss to person or property.

(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.

**Sec. 3314.08.** (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) The department of education and workforce shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related



services pursuant to an IEP; 54556

(3) The number of students reported under division (B) (2) 54557  
of this section receiving special education and related services 54558  
pursuant to an IEP for a disability described in each of 54559  
divisions (A) to (F) of section 3317.013 of the Revised Code; 54560

(4) The full-time equivalent number of students reported 54561  
under divisions (B) (1) and (2) of this section who are enrolled 54562  
in career-technical education programs or classes described in 54563  
each of divisions (A) (1) to (5) of section 3317.014 of the 54564  
Revised Code that are provided by the community school; 54565

(5) The number of students reported under divisions (B) (1) 54566  
and (2) of this section who are not reported under division (B) 54567  
(4) of this section but who are enrolled in career-technical 54568  
education programs or classes described in each of divisions (A) 54569  
(1) to (5) of section 3317.014 of the Revised Code at a joint 54570  
vocational school district or another district in the career- 54571  
technical planning district to which the school is assigned; 54572

(6) The number of students reported under divisions (B) (1) 54573  
and (2) of this section who are category one to three English 54574  
learners described in each of divisions (A) to (C) of section 54575  
3317.016 of the Revised Code; 54576

(7) The number of students reported under divisions (B) (1) 54577  
and (2) of this section who are economically disadvantaged, as 54578  
defined by the department. A student shall not be categorically 54579  
excluded from the number reported under division (B) (7) of this 54580  
section based on anything other than family income. 54581

(8) For each student, the city, exempted village, or local 54582  
school district in which the student is entitled to attend 54583  
school under section 3313.64 or 3313.65 of the Revised Code. 54584

(9) The number of students enrolled in a preschool program 54585  
operated by the school that is licensed under sections 3301.52 54586  
to 3301.59 of the Revised Code who are not receiving special 54587  
education and related services pursuant to an IEP. 54588

A school district board and a community school governing 54589  
authority shall include in their respective reports under 54590  
division (B) of this section any child admitted in accordance 54591  
with division (A) (2) of section 3321.01 of the Revised Code. 54592

A governing authority of a community school shall not 54593  
include in its report under divisions (B) (1) to (9) of this 54594  
section any student for whom tuition is charged under division 54595  
(F) of this section. 54596

(C) (1) (a) If a community school's costs for a fiscal year 54597  
for a student receiving special education and related services 54598  
pursuant to an IEP for a disability described in divisions (B) 54599  
to (F) of section 3317.013 of the Revised Code exceed the 54600  
threshold cost for serving the student as specified in division 54601  
(B) of section 3317.0214 of the Revised Code, the school may 54602  
submit to the director of education and workforce documentation, 54603  
as prescribed by the director, of all its costs for that 54604  
student. Upon submission of documentation for a student of the 54605  
type and in the manner prescribed, the department shall pay to 54606  
the community school an amount equal to the school's costs for 54607  
the student in excess of the threshold costs. 54608

(b) The community school shall report under division (C) 54609  
(1) (a) of this section, and the department shall pay for, only 54610  
the costs of educational expenses and the related services 54611  
provided to the student in accordance with the student's 54612  
individualized education program. Any legal fees, court costs, 54613  
or other costs associated with any cause of action relating to 54614

the student may not be included in the amount. 54615

(2) In any fiscal year, a community school receiving funds 54616  
under division (A) (7) of section 3317.022 of the Revised Code 54617  
shall spend those funds only for the purposes that the 54618  
department designates as approved for career-technical education 54619  
expenses. Career-technical education expenses approved by the 54620  
department shall include only expenses connected to the delivery 54621  
of career-technical programming to career-technical students. 54622  
The department shall require the school to report data annually 54623  
so that the department may monitor the school's compliance with 54624  
the requirements regarding the manner in which funding received 54625  
under division (A) (7) of section 3317.022 of the Revised Code 54626  
may be spent. 54627

(3) Notwithstanding anything to the contrary in section 54628  
3313.90 of the Revised Code, except as provided in division (C) 54629  
(5) of this section, all funds received under division (A) (7) of 54630  
section 3317.022 of the Revised Code shall be spent in the 54631  
following manner: 54632

(a) At least seventy-five per cent of the funds shall be 54633  
spent on curriculum development, purchase, and implementation; 54634  
instructional resources and supplies; industry-based program 54635  
certification; student assessment, credentialing, and placement; 54636  
curriculum specific equipment purchases and leases; career- 54637  
technical student organization fees and expenses; home and 54638  
agency linkages; work-based learning experiences; professional 54639  
development; and other costs directly associated with career- 54640  
technical education programs including development of new 54641  
programs. 54642

(b) Not more than twenty-five per cent of the funds shall 54643  
be used for personnel expenditures. 54644

(4) A community school shall spend the funds it receives 54645  
under division (A) (4) of section 3317.022 of the Revised Code in 54646  
accordance with section 3317.25 of the Revised Code. 54647

(5) The department may waive the requirement in division 54648  
(C) (3) of this section for any community school that exclusively 54649  
provides one or more career-technical workforce development 54650  
programs in arts and communications that are not equipment- 54651  
intensive, as determined by the department. 54652

(6) For fiscal years 2024-2026 and 20252027, a community 54653  
school shall spend the funds it receives under division (A) (5) 54654  
of section 3317.022 of the Revised Code only for services for 54655  
English learners. 54656

(D) A board of education sponsoring a community school may 54657  
utilize local funds to make enhancement grants to the school or 54658  
may agree, either as part of the contract or separately, to 54659  
provide any specific services to the community school at no cost 54660  
to the school. 54661

(E) A community school may not levy taxes or issue bonds 54662  
secured by tax revenues. 54663

(F) No community school shall charge tuition for the 54664  
enrollment of any student who is a resident of this state. A 54665  
community school may charge tuition for the enrollment of any 54666  
student who is not a resident of this state. 54667

(G) (1) (a) A community school may borrow money to pay any 54668  
necessary and actual expenses of the school in anticipation of 54669  
the receipt of any portion of the payments to be received by the 54670  
school pursuant to section 3317.022 of the Revised Code. The 54671  
school may issue notes to evidence such borrowing. The proceeds 54672  
of the notes shall be used only for the purposes for which the 54673

anticipated receipts may be lawfully expended by the school. 54674

(b) A school may also borrow money for a term not to 54675  
exceed fifteen years for the purpose of acquiring facilities. 54676

(2) The state is not liable for debt incurred by the 54677  
governing authority of a community school. 54678

(H) The department shall adjust the amounts paid under 54679  
section 3317.022 of the Revised Code to reflect any enrollment 54680  
of students in community schools for less than the equivalent of 54681  
a full school year. The department shall adopt in accordance 54682  
with Chapter 119. of the Revised Code rules governing the 54683  
payments to community schools under section 3317.022 of the 54684  
Revised Code including initial payments in a school year and 54685  
adjustments and reductions made in subsequent periodic payments 54686  
to community schools as provided under section 3317.022 of the 54687  
Revised Code. For purposes of this division: 54688

(1) A student shall be considered enrolled in the 54689  
community school for any portion of the school year the student 54690  
is participating at a college under Chapter 3365. of the Revised 54691  
Code. 54692

(2) A student shall be considered to be enrolled in a 54693  
community school for the period of time beginning on the later 54694  
of the date on which the school both has received documentation 54695  
of the student's enrollment from a parent and the student has 54696  
commenced participation in learning opportunities as defined in 54697  
the contract with the sponsor, or thirty days prior to the date 54698  
on which the student is entered into the education management 54699  
information system established under section 3301.0714 of the 54700  
Revised Code. For purposes of applying this division and 54701  
divisions (H) (3) and (4) of this section to a community school 54702

student, "learning opportunities" shall be defined in the 54703  
contract, which shall describe both classroom-based and non- 54704  
classroom-based learning opportunities and shall be in 54705  
compliance with criteria and documentation requirements for 54706  
student participation which shall be established by the 54707  
department. Any student's instruction time in non-classroom- 54708  
based learning opportunities shall be certified by an employee 54709  
of the community school. A student's enrollment shall be 54710  
considered to cease on the date on which any of the following 54711  
occur: 54712

(a) The community school receives documentation from a 54713  
parent terminating enrollment of the student. 54714

(b) The community school is provided documentation of a 54715  
student's enrollment in another public or private school. 54716

(c) The community school ceases to offer learning 54717  
opportunities to the student pursuant to the terms of the 54718  
contract with the sponsor or the operation of any provision of 54719  
this chapter. 54720

Except as otherwise specified in this paragraph, beginning 54721  
in the 2011-2012 school year, any student who completed the 54722  
prior school year in an internet- or computer-based community 54723  
school shall be considered to be enrolled in the same school in 54724  
the subsequent school year until the student's enrollment has 54725  
ceased as specified in division (H)(2) of this section. The 54726  
department shall continue paying amounts for the student under 54727  
section 3317.022 of the Revised Code without interruption at the 54728  
start of the subsequent school year. However, if the student 54729  
without a legitimate excuse fails to participate in the first 54730  
seventy-two consecutive hours of learning opportunities offered 54731  
to the student in that subsequent school year, the student shall 54732

be considered not to have re-enrolled in the school for that 54733  
school year and the department shall recalculate the payments to 54734  
the school for that school year to account for the fact that the 54735  
student is not enrolled. 54736

(3) The department shall determine each community school 54737  
student's percentage of full-time equivalency based on the 54738  
percentage of learning opportunities offered by the community 54739  
school to that student, reported either as number of hours or 54740  
number of days, is of the total learning opportunities offered 54741  
by the community school to a student who attends for the 54742  
school's entire school year. However, no internet- or computer- 54743  
based community school shall be credited for any time a student 54744  
spends participating in learning opportunities beyond ten hours 54745  
within any period of twenty-four consecutive hours. Whether it 54746  
reports hours or days of learning opportunities, each community 54747  
school shall offer not less than nine hundred twenty hours of 54748  
learning opportunities during the school year. 54749

(4) With respect to the calculation of full-time 54750  
equivalency under division (H) (3) of this section, the 54751  
department shall waive the number of hours or days of learning 54752  
opportunities not offered to a student because the community 54753  
school was closed during the school year due to disease 54754  
epidemic, hazardous weather conditions, law enforcement 54755  
emergencies, inoperability of school buses or other equipment 54756  
necessary to the school's operation, damage to a school 54757  
building, or other temporary circumstances due to utility 54758  
failure rendering the school building unfit for school use, so 54759  
long as the school was actually open for instruction with 54760  
students in attendance during that school year for not less than 54761  
the minimum number of hours required by this chapter. The 54762  
department shall treat the school as if it were open for 54763

instruction with students in attendance during the hours or days 54764  
waived under this division. 54765

(I) The department of education and workforce shall reduce 54766  
the amounts paid under section 3317.022 of the Revised Code to 54767  
reflect payments made to colleges under section 3365.07 of the 54768  
Revised Code. 54769

(J) (1) No student shall be considered enrolled in any 54770  
internet- or computer-based community school or, if applicable 54771  
to the student, in any community school that is required to 54772  
provide the student with a computer pursuant to division (C) of 54773  
section 3314.22 of the Revised Code, unless both of the 54774  
following conditions are satisfied: 54775

(a) The student possesses or has been provided with all 54776  
required hardware and software materials and all such materials 54777  
are operational so that the student is capable of fully 54778  
participating in the learning opportunities specified in the 54779  
contract between the school and the school's sponsor as required 54780  
by division (A) (23) of section 3314.03 of the Revised Code; 54781

(b) The school is in compliance with division (A) of 54782  
section 3314.22 of the Revised Code, relative to such student. 54783

(2) In accordance with policies adopted by the department 54784  
of education and workforce, in consultation with the auditor of 54785  
state, the department shall reduce the amounts otherwise payable 54786  
under section 3317.022 of the Revised Code to any community 54787  
school that includes in its program the provision of computer 54788  
hardware and software materials to any student, if such hardware 54789  
and software materials have not been delivered, installed, and 54790  
activated for each such student in a timely manner or other 54791  
educational materials or services have not been provided 54792



according to the contract between the individual community 54793  
school and its sponsor. 54794

The director and the auditor of state shall jointly 54795  
establish a method for auditing any community school to which 54796  
this division pertains to ensure compliance with this section. 54797

The director, auditor of state, and the governor shall 54798  
jointly make recommendations to the general assembly for 54799  
legislative changes that may be required to assure fiscal and 54800  
academic accountability for such schools. 54801

(K) (1) If the department determines that a review of a 54802  
community school's enrollment is necessary, such review shall be 54803  
completed and written notice of the findings shall be provided 54804  
to the governing authority of the community school and its 54805  
sponsor within ninety days of the end of the community school's 54806  
fiscal year, unless extended for a period not to exceed thirty 54807  
additional days for one of the following reasons: 54808

(a) The department and the community school mutually agree 54809  
to the extension. 54810

(b) Delays in data submission caused by either a community 54811  
school or its sponsor. 54812

(2) If the review results in a finding that additional 54813  
funding is owed to the school, such payment shall be made within 54814  
thirty days of the written notice. If the review results in a 54815  
finding that the community school owes moneys to the state, the 54816  
following procedure shall apply: 54817

(a) Within ten business days of the receipt of the notice 54818  
of findings, the community school may appeal the department's 54819  
determination to the director. 54820

(b) The director shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) Any decision made by the director under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the director.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the director grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The director may grant a waiver only for good cause in accordance with rules adopted by the department.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized

twelve-year course of the public schools by reason of induction 54850  
or enlistment in the armed forces and who apply for enrollment 54851  
in a community school not later than four years after 54852  
termination of war or their honorable discharge. If, however, 54853  
any such veteran elects to enroll in special courses organized 54854  
for veterans for whom tuition is paid under federal law, or 54855  
otherwise, the department shall not pay to a community school 54856  
under section 3317.022 of the Revised Code any amount for that 54857  
veteran. 54858

Sec. 3314.093. (A) The governing authorities of two or 54859  
more community schools may enter into an agreement to establish 54860  
a consortium to provide or arrange transportation to and from 54861  
school for students enrolled in participating schools. A 54862  
consortium shall act on behalf of each participating school with 54863  
regard to student transportation and shall comply with any law 54864  
regarding student transportation in the same manner as a 54865  
community school, including sections 3314.091 and 3327.02 of the 54866  
Revised Code. 54867

(B) A consortium may do both of the following as if it 54868  
were a community school: 54869

(1) Enter into an agreement under division (A) of section 54870  
3314.091 of the Revised Code with a school district that has 54871  
native students, as defined in section 3314.09 of the Revised 54872  
Code, enrolled in a community school participating in the 54873  
consortium; 54874

(2) Unilaterally accept responsibility for the 54875  
transportation of students enrolled in participating schools 54876  
under division (B) of section 3314.091 of the Revised Code. 54877

(C) The department of education and workforce shall 54878

calculate and make payments to a consortium under division (I) 54879  
of section 3317.0212 of the Revised Code as if it were a 54880  
community school. 54881

**Sec. 3314.19.** The sponsor of each community school shall 54882  
provide the ~~following~~ assurances required under this section in 54883  
writing to the department of education and workforce not later 54884  
than ~~ten~~ five business days prior to the opening of the school's 54885  
first year of operation or, if the school is not an internet- or 54886  
computer-based community school and it ~~changes the~~ relocates to 54887  
a different building from which it operates or opens a satellite 54888  
location, not later than five business days prior to the opening 54889  
of the first year it operates from the new building+ facility. 54890  
In cases where a school adds a facility to the existing school 54891  
location or the school is an internet or computer-based 54892  
community school and changes its location or adds a satellite 54893  
location, the sponsor shall provide the assurances not later 54894  
than one day prior to the operation in the new facility. The 54895  
assurances shall include the following statements: 54896

(A) That a current copy of the contract between the 54897  
sponsor and the governing authority of the school entered into 54898  
under section 3314.03 of the Revised Code has been filed with 54899  
the department and that any subsequent modifications to that 54900  
contract will be filed with the department; 54901

(B) That the school has submitted to the sponsor a plan 54902  
for providing special education and related services to students 54903  
with disabilities and has demonstrated the capacity to provide 54904  
those services in accordance with Chapter 3323. of the Revised 54905  
Code and federal law; 54906

(C) That the school has a plan and procedures for 54907  
administering the achievement and diagnostic assessments 54908

prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 54909  
the Revised Code; 54910

(D) That school personnel have the necessary training, 54911  
knowledge, and resources to properly use and submit information 54912  
to all databases maintained by the department for the collection 54913  
of education data, including the education management 54914  
information system established under section 3301.0714 of the 54915  
Revised Code in accordance with methods and timelines 54916  
established under section 3314.17 of the Revised Code; 54917

(E) That all required information about the school has 54918  
been submitted to the Ohio education directory system or any 54919  
successor system; 54920

(F) That the school will enroll at least the minimum 54921  
number of students required by division (A)(11)(a) of section 54922  
3314.03 of the Revised Code in the school year for which the 54923  
assurances are provided; 54924

(G) That all classroom teachers are licensed in accordance 54925  
with sections 3319.22 to 3319.31 of the Revised Code, except for 54926  
noncertificated persons engaged to teach up to twelve hours or 54927  
forty hours per week pursuant to section 3319.301 of the Revised 54928  
Code; 54929

(H) That the school's fiscal officer is in compliance with 54930  
section 3314.011 of the Revised Code; 54931

(I) That the school has complied with sections 3319.39 and 54932  
3319.391 of the Revised Code with respect to all employees and 54933  
that the school has conducted a criminal records check of each 54934  
of its governing authority members; 54935

(J) That the school holds all of the following: 54936

(1) Proof of property ownership or a lease for the facilities used by the school;	54937 54938
(2) A certificate of occupancy;	54939
(3) Liability insurance for the school, as required by division (A) (11) (b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	54940 54941 54942 54943
(4) A satisfactory health and safety inspection;	54944
(5) A satisfactory fire inspection;	54945
(6) A valid food permit, if applicable.	54946
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	54947 54948 54949
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A) (25) of section 3314.03 of the Revised Code;	54950 54951 54952 54953
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	54954 54955 54956
(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:	54957 54958 54959 54960
(1) An indication of what blended learning model or models will be used;	54961 54962
(2) A description of how student instructional needs will	54963

be determined and documented; 54964

(3) The method to be used for determining competency, 54965  
granting credit, and promoting students to a higher grade level; 54966

(4) The school's attendance requirements, including how 54967  
the school will document participation in learning 54968  
opportunities; 54969

(5) A statement describing how student progress will be 54970  
monitored; 54971

(6) A statement describing how private student data will 54972  
be protected; 54973

(7) A description of the professional development 54974  
activities that will be offered to teachers. 54975

**Sec. 3314.191.** Notwithstanding any provision to the 54976  
contrary in the Revised Code, the department of education and 54977  
workforce shall make no payment under section 3317.022 of the 54978  
Revised Code to a community school opening for its first year of 54979  
operation until the sponsor of that school confirms all of the 54980  
following: 54981

(A) The school is in compliance with the provisions 54982  
described in divisions (A), (H), (I), and (J) (3) of section 54983  
3314.19 of the Revised Code. 54984

(B) The sponsor has approved the financial controls 54985  
required by the ~~comprehensive plan for the school~~ contract the 54986  
sponsor enters into with the governing authority of the 54987  
community school under ~~division (B) (5) of~~ section 3314.03 of the 54988  
Revised Code. 54989

(C) The school facilities will be ready and open for use 54990  
by the date prescribed in the contract entered into under 54991

section 3314.03 of the Revised Code, and the sponsor has 54992  
reviewed any lease, purchase agreement, permits required by 54993  
statute or contract, and construction plans. 54994

(D) The chief administrator of the community school 54995  
actively is managing daily operations at the school. 54996

(E) The projected enrollment reported to the department is 54997  
accurate. 54998

**Sec. 3314.261.** This section shall not apply to an 54999  
internet- or computer-based community school ~~in which a majority~~ 55000  
~~of the students are enrolled in a dropout prevention and~~ 55001  
~~recovery program~~ that is a dropout prevention and recovery 55002  
community school. 55003

(A) For purposes of this section, "instructional 55004  
activities" means the following classroom-based or nonclassroom- 55005  
based activities that a student is expected to complete, 55006  
participate in, or attend during any given school day: 55007

(1) Online logins to curriculum or programs; 55008

(2) Offline activities; 55009

(3) Completed assignments within a particular program, 55010  
curriculum, or class; 55011

(4) Testing; 55012

(5) Face-to-face communications or meetings with school 55013  
staff or service providers; 55014

(6) Telephone or video conferences with school staff or 55015  
service providers; 55016

(7) Other documented communication with school staff or 55017  
service providers related to school curriculum or programs. 55018



(B) (1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions:

(a) The student participates in at least ninety per cent of the hours of instructional activities offered by the school in that school year;

(b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B) (1) (b) of this section.

(2) If a student is not considered in attendance under division (B) (1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not participate.

(3) In the event that a student has thirty or more hours of unexcused absences in any semester, the internet- or computer-based community school in which the student is enrolled shall submit a written report to the student's parent, guardian, or custodian.

(C) Notwithstanding section 3321.191 of the Revised Code, each internet- or computer-based community school shall develop and adopt a policy regarding failure to participate in instructional activities. The policy shall state that a student shall become subject to certain consequences, including disenrollment from the school, if both of the following conditions are satisfied:

(1) After the student's parent, guardian, or custodian receives a written report under division (B) (2) of this section, the student fails to comply with the policy adopted under division (C) of this section within a reasonable period of time specified by the school;

(2) Other intervention strategies contained in the policy adopted under division (C) of this section fail to cause a student's attendance to comply with the policy.

(D) If an internet- or computer-based community school disenrolled a student pursuant to a policy adopted under division (C) of this section, the student shall not be eligible to re-enroll in that school for the remainder of the school year in which the student is disenrolled. This division does not prohibit a disenrolled student from enrolling in another internet- or computer-based community school.

(E) If an internet- or computer-based community school disenrolls a student pursuant to a policy adopted under division (C) of this section, the school shall do both of the following:

(1) Provide the student's parent, guardian, or custodian with a list of alternative educational options available to the student;

(2) Within forty-eight hours of the student's disenrollment, notify the student's resident school district in writing.

(F) Nothing in this section shall be construed to affect the procedure for automatically withdrawing a student from school that must be adopted as part of a school's attendance policy in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code.

**Sec. 3314.29.** (A) This section applies to any internet- or 55077  
computer-based community school that meets all of the following 55078  
conditions: 55079

(1) Serves all of grades kindergarten through twelve; 55080

(2) Has an enrollment of at least two thousand students; 55081

(3) Has a sponsor that was not rated ineffective or poor 55082  
on its most recent evaluation under section 3314.016 of the 55083  
Revised Code. 55084

(B) Beginning with the 2018-2019 school year, the 55085  
governing authority of a community school to which this section 55086  
applies may adopt a resolution to divide the school into two or 55087  
three separate schools as follows: 55088

(1) If the school is divided into two schools, one school 55089  
shall serve grades kindergarten through eight and one school 55090  
shall serve grades nine through twelve. 55091

(2) If the school is divided into three schools, one 55092  
school shall serve grades kindergarten through five, one school 55093  
shall serve grades six through eight, and one school shall serve 55094  
grades nine through twelve. 55095

(C) The resolution adopted by the governing authority 55096  
shall not be effective unless approved by the school's sponsor. 55097  
Following approval of the resolution by the sponsor, and by the 55098  
fifteenth day of March prior to the school year in which it will 55099  
take effect, the governing authority shall file the resolution 55100  
with the department of education and workforce. The division of 55101  
the schools shall be effective on the first day of July 55102  
succeeding the date the resolution is filed with the department. 55103

(D) All of the following shall apply to each new school 55104

created as a result of the resolution authorized by this section 55105  
and to the school that is divided as a result of the resolution: 55106

(1) Each school shall have the same governing authority. 55107

(2) The sponsor and governing authority shall enter into a 55108  
separate contract under section 3314.03 of the Revised Code for 55109  
each school. 55110

(3) No school shall ~~primarily serve students enrolled in~~ 55111  
~~be a dropout prevention and recovery program operated by the~~ 55112  
~~school~~ community school. 55113

(4) No school shall be permitted to divide again under 55114  
this section. 55115

(5) Notwithstanding anything to the contrary in division 55116  
(B) (2) of section 3314.016 of the Revised Code, each school 55117  
shall be included in the calculation of the academic performance 55118  
component for purposes of rating the schools' sponsor under the 55119  
evaluation system prescribed by that section. 55120

(6) Each school shall be subject to the laws contained in 55121  
Chapter 3314. of the Revised Code, except as otherwise specified 55122  
in this section. 55123

(E) The department shall issue a report card under section 55124  
3314.012 of the Revised Code for each new school created as a 55125  
result of the resolution authorized by this section and for the 55126  
school that is divided as a result of the resolution. For 55127  
purposes of the report cards and other reporting requirements 55128  
under this chapter, the department shall assign the school that 55129  
serves the highest grades the same internal retrieval number 55130  
previously used by the school that is divided under this 55131  
section. The department shall assign a new internal retrieval 55132  
number to each other school resulting from the division. 55133

Notwithstanding division (A) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on report card ratings or measures.

**Sec. 3314.35.** (A) Except as provided in division (B) of this section and section 3314.355 of the Revised Code, this section applies to any community school that meets one of the following criteria:

(1) The school does not offer a grade level higher than three and, for the three most recent school years, satisfies either of the following criteria:

(a) The school has received a performance rating of one star for early literacy under division (D)(3)(e) of section 3302.03 of the Revised Code;

(b) The school has received an overall performance rating of less than two stars under division (D)(3) of section 3302.03 of the Revised Code.

(2) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for the three most recent school years, satisfies either of the following criteria:

(a) The school has received a performance rating of one star for both achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section;

(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of

the Revised Code and a performance rating of one star for 55163  
progress under division (D) (3) (c) of that section. 55164

(3) The school offers any of grade levels ten to twelve 55165  
and, for the three most recent school years, satisfies either of 55166  
the following criteria: 55167

(a) The school has received a performance rating of "one 55168  
star" for achievement under division (D) (3) (b) of section 55169  
3302.03 of the Revised Code and has not met annual measurable 55170  
objectives for gap closing under division (D) (3) (a) of that 55171  
section, as determined by the department of education and 55172  
workforce; 55173

(b) The school has received an overall performance rating 55174  
of less than two stars under division (D) of section 3302.03 of 55175  
the Revised Code and a performance rating of one star for 55176  
progress under division (D) (1) (b) of that section. 55177

For purposes of division (A) of this section only, the 55178  
department shall calculate the value-added progress dimension 55179  
for a community school using assessment scores for only those 55180  
students to whom the school has administered the achievement 55181  
assessments prescribed by section 3301.0710 of the Revised Code 55182  
for at least the two most recent school years but using value- 55183  
added data from only the most recent school year. 55184

(B) This section does not apply to either of the 55185  
following: 55186

(1) Any dropout prevention and recovery community school 55187  
~~in which a majority of the students are enrolled in a dropout-~~ 55188  
~~prevention and recovery program that is operated by the school.~~ 55189  
Rather, such schools shall be subject to closure only as 55190  
provided in section 3314.351 of the Revised Code. However, prior 55191

to July 1, 2014, a community school in which a majority of the 55192  
students are enrolled in a dropout prevention and recovery 55193  
program shall be exempt from this section only if it has been 55194  
granted a waiver under section 3314.36 of the Revised Code. 55195

(2) Any community school in which a majority of the 55196  
enrolled students are children with disabilities receiving 55197  
special education and related services in accordance with 55198  
Chapter 3323. of the Revised Code. 55199

(C) Any community school to which this section applies 55200  
shall permanently close at the conclusion of the school year in 55201  
which the school first becomes subject to this section. The 55202  
sponsor and governing authority of the school shall comply with 55203  
all procedures for closing a community school adopted by the 55204  
department under division (E) of section 3314.015 of the Revised 55205  
Code. The governing authority of the school shall not enter into 55206  
a contract with any other sponsor under section 3314.03 of the 55207  
Revised Code after the school closes. 55208

(D) Nothing in this section or in any other provision of 55209  
the Revised Code prohibits the sponsor of a community school 55210  
from exercising its option not to renew a contract for any 55211  
reason or from terminating a contract prior to its expiration 55212  
for any of the reasons set forth in section 3314.07 of the 55213  
Revised Code. 55214

**Sec. 3314.351.** (A) This section applies to any dropout 55215  
prevention and recovery community school ~~in which a majority of~~ 55216  
~~the students are enrolled in a dropout prevention and recovery~~ 55217  
~~program.~~ Except as provided in division (F) of this section, any 55218  
such community school that has received a designation of "does 55219  
not meet standards," as described in division (D)(1) of section 55220  
3314.017 of the Revised Code on the report card issued under 55221

that section, for the three most recent school years shall be 55222  
subject to closure in accordance with this section. 55223

(B) Not later than the first day of September in each 55224  
school year, the department of education and workforce shall 55225  
notify each school subject to closure under this section that 55226  
the school must close not later than the thirtieth day of the 55227  
following June. 55228

A school so notified shall close as required. 55229

(C) A school that opens on or after July 1, 2014, shall 55230  
not be subject to closure under this section for its first two 55231  
years of operation. A school that is in operation prior to July 55232  
1, 2014, shall not be subject to closure under this section 55233  
until after August 31, 2016. 55234

(D) The sponsor and governing authority of the school 55235  
shall comply with all procedures for closing a community school 55236  
adopted by the department under division (E) of section 3314.015 55237  
of the Revised Code. The governing authority of the school shall 55238  
not enter into a contract with any other sponsor under section 55239  
3314.03 of the Revised Code after the school closes. 55240

(E) Nothing in this section or in any other provision of 55241  
the Revised Code prohibits the sponsor of a community school 55242  
from exercising its option not to renew a contract for any 55243  
reason or from terminating a contract prior to its expiration 55244  
for any of the reasons set forth in section 3314.07 of the 55245  
Revised Code. 55246

(F) Beginning in the 2019-2020 school year, no school 55247  
shall be subject to closure under this section based on the 55248  
report card issued for that school for the 2017-2018 or 2018- 55249  
2019 school year if the school received an overall rating of 55250



"meets standards" or "exceeds standards" for the 2017-2018 or 55251  
2018-2019 school year pursuant to division (I) of section 55252  
3314.017 of the Revised Code. However, no school permanently 55253  
closed under this section prior to the 2019-2020 school year 55254  
shall be eligible to reopen based on the calculated or 55255  
recalculated ratings under division (I) of section 3314.017 of 55256  
the Revised Code. 55257

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does 55258  
not apply to any dropout prevention and recovery community 55259  
~~school in which a majority of the students are enrolled in a~~ 55260  
~~dropout prevention and recovery program that is operated by the~~ 55261  
~~school and that has been granted a waiver by the former~~ 55262  
department of education prior to July 1, 2014. 55263

(B) All dropout prevention and recovery community schools 55264  
~~in which a majority of the students are enrolled in a dropout~~ 55265  
~~prevention and recovery program~~ are subject to the provisions of 55266  
section 3314.351 of the Revised Code, regardless of whether a 55267  
waiver has been granted under this section prior to July 1, 55268  
2014. Thereafter, no waivers shall be granted under this 55269  
section. 55270

**Sec. 3314.361.** ~~Notwithstanding anything to the contrary in~~ 55271  
~~this chapter, a~~ A community school that operates a drug recovery 55272  
program in cooperation with a court shall be considered a 55273  
dropout prevention and recovery ~~program~~ community school for 55274  
purposes of this chapter, ~~regardless of the ages of students or~~ 55275  
~~grade levels served by the school~~ and shall comply with all 55276  
enrollment restrictions applicable to such a school. 55277

**Sec. 3314.362.** Notwithstanding division (A) (10) of section 55278  
3314.02 of the Revised Code, a community school that primarily 55279  
serves students enrolled in a dropout prevention and recovery 55280

program may continue to operate in the 2025-2026 and 2026-2027 55281  
school years without complying with that division and shall be 55282  
considered a dropout prevention and recovery community school 55283  
for the purposes of Title XXXIII of the Revised Code for those 55284  
school years. 55285

Notwithstanding anything in the Revised Code to the 55286  
contrary, beginning July 1, 2027, any community school that 55287  
primarily serves students enrolled in a dropout prevention and 55288  
recovery program is a dropout prevention and recovery community 55289  
school, as defined in division (A)(10) of section 3314.02 of the 55290  
Revised Code. Prior to that date, the school, upon approval of 55291  
the school's sponsor, shall do one or both of the following with 55292  
any grades that do not comply with division (A)(10) of section 55293  
3314.02 of the Revised Code: 55294

(A) Transfer those grades to a separate community school. 55295  
The department of education and workforce shall assign the 55296  
separate community school its own internal retrieval number. 55297

(B) Cease offering those grades. 55298

The school shall assist students who are not eligible to 55299  
enroll in the dropout prevention and recovery community school 55300  
to transfer to a separate community school or enroll in a 55301  
different school, as applicable. 55302

**Sec. 3314.38.** (A) As used in this section: 55303

(1) "Competency-based educational program" and "eligible 55304  
individual" have the same meanings as in section 3313.902 of the 55305  
Revised Code. 55306

(2) "Eligible provider" means a community school that 55307  
operates a dropout prevention and recovery program. 55308

(B) An eligible provider may establish a competency-based 55309  
educational program that complies with standards adopted by the 55310  
department of education and workforce and may enroll eligible 55311  
individuals in the program for up to three consecutive school 55312  
years for the purpose of earning a high school diploma. The 55313  
provider shall establish a career plan for each individual 55314  
enrolled in the program that specifies the individual's career 55315  
goals and describes how the individual will demonstrate 55316  
competency or earn course credits under division (C) of section 55317  
3313.902 of the Revised Code to earn a diploma and attain the 55318  
individual's career goals. Notwithstanding sections 3313.61, 55319  
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 55320  
Revised Code, the department shall award a high school diploma 55321  
to an individual enrolled in a program who satisfies one of the 55322  
conditions specified in division (C) of section 3313.902 of the 55323  
Revised Code. 55324

(C) An eligible provider shall report each individual 55325  
enrolled in a program under division (B) of this section to the 55326  
department. This report shall be in addition to the report 55327  
required under division (B) of section 3314.08 of the Revised 55328  
Code. The department annually shall certify the enrollment and 55329  
attendance of each individual reported under this division and 55330  
shall pay the provider up to \$7,500 per school year, as 55331  
determined by the department based on the extent of the 55332  
individual's successful completion of the diploma requirements 55333  
prescribed in division (C) of section 3313.902 of the Revised 55334  
Code. 55335

(D) An eligible provider that enrolls individuals under 55336  
division (B) of this section is subject to the requirements of 55337  
section 3313.902 of the Revised Code, as applicable. 55338

**Sec. 3314.381.** (A) ~~As used in this section, "dropout~~ 55339  
~~recovery community school" has the same meaning as in section~~ 55340  
~~3319.301 of the Revised Code.~~ 55341

~~(B)~~ The department of education and workforce shall 55342  
establish the dropout prevention and recovery advisory council. 55343  
The council shall provide a forum for communication and 55344  
collaboration between the department and parties involved in the 55345  
establishment and operation of dropout prevention and recovery 55346  
community schools, including sponsors and operators. 55347

~~(C)~~ (B) The advisory council shall consist of the following 55348  
members appointed by the director of education and workforce: 55349

(1) Two members of the state board of education; 55350

(2) One employee of the department who works directly with 55351  
dropout prevention and recovery community schools, including any 55352  
employee who works as a liaison with such schools; 55353

(3) Seven individuals with experience in dropout 55354  
prevention and recovery community schools, their operators, and 55355  
their sponsors. In appointing these individuals, the director 55356  
shall ensure they represent a diverse array of schools in terms 55357  
of enrollment, programs, learning models, and methods of 55358  
instruction. 55359

~~(D)~~ (C) The advisory council shall, in collaboration with 55360  
the director, review all existing rules and guidance previously 55361  
developed or adopted by the department pursuant to division ~~(D)~~ 55362  
(C) of section 3314.382 of the Revised Code. 55363

**Sec. 3314.382.** (A) ~~As used in this section, "dropout~~ 55364  
~~recovery community school" has the same meaning as in section~~ 55365  
~~3319.301 of the Revised Code.~~ 55366

~~(B)~~ Notwithstanding anything to the contrary in the 55367  
Revised Code, the department of education and workforce shall 55368  
only adopt rules in accordance with Chapter 119. of the Revised 55369  
Code for any requirement to be imposed on a dropout prevention 55370  
and recovery community school. The department shall not develop 55371  
guidelines that impose requirements on the general and uniform 55372  
operation of a dropout prevention and recovery community school. 55373

~~(C)~~ (B) Pursuant to section 119.035 of the Revised Code, 55374  
prior to adoption, the dropout prevention and recovery advisory 55375  
council established under section 3314.381 of the Revised Code 55376  
shall review any proposed rule described in division ~~(B)~~ (A) of 55377  
this section. 55378

~~(D)~~ (C) Any guidance document previously developed by the 55379  
department that establishes general and uniform operations 55380  
regarding a dropout recovery community school in effect on ~~the~~ 55381  
~~effective date of this section~~ October 3, 2023, is void after 55382  
that date. 55383

**Sec. 3315.063.** No board of education of any school 55384  
district shall expend more than fifteen per cent of the board's 55385  
annual operating budget on administrative salaries and benefits 55386  
and other costs associated with the district's administrative 55387  
offices. 55388

**Sec. 3315.18.** (A) The board of education of each city, 55389  
exempted village, local, and joint vocational school district 55390  
shall establish a capital and maintenance fund. Each board 55391  
annually shall deposit into that fund an amount derived from 55392  
revenues received by the district that would otherwise have been 55393  
deposited in the general fund that is equal to three per cent of 55394  
the statewide average base cost per pupil for the preceding 55395  
fiscal year, as defined in section 3317.02 of the Revised Code, 55396

~~or another percentage if established by the auditor of state~~ 55397  
~~under division (B) of this section,~~ multiplied by the district's 55398  
student population for the preceding fiscal year, except that 55399  
money received from a permanent improvement levy authorized by 55400  
section 5705.21 of the Revised Code may replace general revenue 55401  
moneys in meeting the requirements of this section. Money in the 55402  
fund shall be used solely for acquisition, replacement, 55403  
enhancement, maintenance, or repair of permanent improvements, 55404  
as that term is defined in section 5705.01 of the Revised Code. 55405  
Any money in the fund that is not used in any fiscal year shall 55406  
carry forward to the next fiscal year. 55407

(B) The director of education and workforce and the 55408  
auditor of state jointly shall adopt rules in accordance with 55409  
Chapter 119. of the Revised Code defining what constitutes 55410  
expenditures permitted by division (A) of this section. ~~The~~ 55411  
~~auditor of state may designate a percentage, other than three~~ 55412  
~~per cent, of the statewide average base cost per pupil~~ 55413  
~~multiplied by the district's student population that must be~~ 55414  
~~deposited into the fund.~~ 55415

(C) Within its capital and maintenance fund, a school 55416  
district board of education may establish a separate account 55417  
solely for the purpose of depositing funds transferred from the 55418  
district's reserve balance account established under former 55419  
division (H) of section 5705.29 of the Revised Code. After April 55420  
10, 2001, a board may deposit all or part of the funds formerly 55421  
included in such reserve balance account in the separate account 55422  
established under this section. Funds deposited in this separate 55423  
account and interest on such funds shall be utilized solely for 55424  
the purpose of providing the district's portion of the basic 55425  
project costs of any project undertaken in accordance with 55426  
Chapter 3318. of the Revised Code. 55427

(D) (1) Notwithstanding division (A) of this section, in 55428  
any year a district is in fiscal emergency status as declared 55429  
pursuant to section 3316.03 of the Revised Code, the district 55430  
may deposit an amount less than required by division (A) of this 55431  
section, or make no deposit, into the district capital and 55432  
maintenance fund for that year. 55433

(2) Notwithstanding division (A) of this section, in any 55434  
fiscal year that a school district is either in fiscal watch 55435  
status, as declared pursuant to section 3316.03 of the Revised 55436  
Code, or in fiscal caution status, as declared pursuant to 55437  
section 3316.031 of the Revised Code, the district may apply to 55438  
the director of education and workforce for a waiver from the 55439  
requirements of division (A) of this section, under which the 55440  
district may be permitted to deposit an amount less than 55441  
required by that division or permitted to make no deposit into 55442  
the district capital and maintenance fund for that year. The 55443  
director may grant a waiver under division (D) (2) of this 55444  
section if the district demonstrates to the satisfaction of the 55445  
director that compliance with division (A) of this section that 55446  
year will create an undue financial hardship on the district. 55447

(3) Notwithstanding division (A) of this section, not more 55448  
often than one fiscal year in every three consecutive fiscal 55449  
years, any school district that does not satisfy the conditions 55450  
for the exemption described in division (D) (1) of this section 55451  
or the conditions to apply for the waiver described in division 55452  
(D) (2) of this section may apply to the director for a waiver 55453  
from the requirements of division (A) of this section, under 55454  
which the district may be permitted to deposit an amount less 55455  
than required by that division or permitted to make no deposit 55456  
into the district capital and maintenance fund for that year. 55457  
The director may grant a waiver under division (D) (3) of this 55458

section if the district demonstrates to the satisfaction of the 55459  
director that compliance with division (A) of this section that 55460  
year will necessitate the reduction or elimination of a program 55461  
currently offered by the district that is critical to the 55462  
academic success of students of the district and that no 55463  
reasonable alternatives exist for spending reductions in other 55464  
areas of operation within the district that negate the necessity 55465  
of the reduction or elimination of that program. 55466

(E) Notwithstanding any provision to the contrary in 55467  
Chapter 4117. of the Revised Code, the requirements of this 55468  
section prevail over any conflicting provisions of agreements 55469  
between employee organizations and public employers entered into 55470  
after November 21, 1997. 55471

(F) As used in this section, "student population" means 55472  
the average, daily, full-time equivalent number of students in 55473  
kindergarten through twelfth grade receiving any educational 55474  
services from the school district during the first full school 55475  
week in October, excluding students enrolled in adult education 55476  
classes, but including all of the following: 55477

(1) Adjacent or other district students enrolled in the 55478  
district under an open enrollment policy pursuant to section 55479  
3313.98 of the Revised Code; 55480

(2) Students receiving services in the district pursuant 55481  
to a compact, cooperative education agreement, or a contract, 55482  
but who are entitled to attend school in another district 55483  
pursuant to section 3313.64 or 3313.65 of the Revised Code; 55484

(3) Students for whom tuition is payable pursuant to 55485  
sections 3317.081 and 3323.141 of the Revised Code. 55486

The department of education and workforce shall determine 55487



a district's student population using data reported to it under 55488  
section 3317.03 of the Revised Code for the applicable fiscal 55489  
year. 55490

**Sec. 3315.181.** As used in this section, "securities" has 55491  
the same meaning as in section 133.01 of the Revised Code. 55492

Notwithstanding division (A) of section 3315.18 of the 55493  
Revised Code, the board of education of a city, exempted 55494  
village, local, or joint vocational school district, in meeting 55495  
the amount required by that division to be deposited in the 55496  
district's capital and maintenance fund, may replace general 55497  
fund revenues with proceeds received from a permanent 55498  
improvement levy authorized by section 5705.21 of the Revised 55499  
Code only to the extent the proceeds are available to be used 55500  
for the acquisition, replacement, enhancement, maintenance, or 55501  
repair of permanent improvements as defined in section 5705.01 55502  
of the Revised Code. In addition, the board may replace general 55503  
fund revenues with proceeds received from any of the following 55504  
sources in meeting the amount required by that division to be 55505  
deposited in the fund: 55506

(A) Proceeds received from any securities whose use is 55507  
limited to the acquisition, replacement, enhancement, 55508  
maintenance, or repair of permanent improvements; 55509

(B) Insurance proceeds received as a result of the damage 55510  
to or theft or destruction of a permanent improvement to the 55511  
extent a board of education places the proceeds in a separate 55512  
fund for the acquisition, replacement, enhancement, maintenance, 55513  
or repair of permanent improvements; 55514

(C) Proceeds received from the sale of a permanent 55515  
improvement to the extent the proceeds are paid into a separate 55516

fund for the construction or acquisition of permanent 55517  
improvements; 55518

(D) Proceeds received from a tax levy authorized by 55519  
section 3318.06 of the Revised Code to the extent the proceeds 55520  
are available to be used for the maintenance of capital 55521  
facilities; 55522

(E) Proceeds of certificates of participation issued as 55523  
part of a lease-purchase agreement entered into under section 55524  
3313.375 of the Revised Code; 55525

(F) Proceeds of any school district income tax levied 55526  
under Chapter 5748. of the Revised Code for permanent 55527  
improvements, to the extent the proceeds are available for the 55528  
acquisition, replacement, enhancement, maintenance, or repair of 55529  
permanent improvements;— 55530

~~(G) Any other revenue source identified by the auditor of~~ 55531  
~~state, in consultation with the department of education and~~ 55532  
~~workforce, in rules adopted by the auditor of state.~~ 55533

**Sec. 3316.031.** (A) The director of education and 55534  
workforce, in consultation with the auditor of state, shall 55535  
develop guidelines for identifying fiscal practices and 55536  
budgetary conditions that, if uncorrected, could result in a 55537  
future declaration of a fiscal watch or fiscal emergency within 55538  
a school district. 55539

The guidelines shall not include a requirement that a 55540  
school district submit financial statements according to 55541  
generally accepted accounting principles. 55542

(B) (1) If the director determines from a school district's 55543  
~~five-year current budget information and three-year forecast~~ 55544  
submitted under section 5705.391 of the Revised Code that a 55545

district is engaging in any of those practices or that any of 55546  
those conditions exist within the district, after consulting 55547  
with the district board of education concerning the practices or 55548  
conditions, the director may declare the district to be under a 55549  
fiscal caution. 55550

(2) If the auditor of state finds that a district is 55551  
engaging in any of those practices or that any of those 55552  
conditions exist within the district, the auditor of state shall 55553  
report that finding to the director and, after consulting with 55554  
the district board of education concerning the practices or 55555  
conditions, the director may declare the district to be under a 55556  
fiscal caution. 55557

(3) Unless the auditor of state has elected to declare a 55558  
state of fiscal watch under division (A) (4) of section 3316.03 55559  
of the Revised Code, the director shall declare a school 55560  
district to be under a fiscal caution if the conditions 55561  
described in divisions (A) (4) (a) and (b) of that section are 55562  
both satisfied with respect to the school district. 55563

(C) When the director declares a district to be under 55564  
fiscal caution, the director shall promptly notify the district 55565  
board of education of that declaration and shall request the 55566  
board to provide written proposals for discontinuing or 55567  
correcting the fiscal practices or budgetary conditions that 55568  
prompted the declaration and for preventing the district from 55569  
experiencing further fiscal difficulties that could result in 55570  
the district being declared to be in a state of fiscal watch or 55571  
fiscal emergency. 55572

(D) The director, or a designee, may visit and inspect any 55573  
district that is declared to be under a fiscal caution. The 55574  
department of education and workforce shall provide technical 55575

assistance to the district board in implementing proposals to 55576  
eliminate the practices or budgetary conditions that prompted 55577  
the declaration of fiscal caution and may make recommendations 55578  
concerning the board's proposals. 55579

(E) If the director finds that a school district declared 55580  
to be under a fiscal caution has not made reasonable proposals 55581  
or otherwise taken action to discontinue or correct the fiscal 55582  
practices or budgetary conditions that prompted the declaration 55583  
of fiscal caution, and if the director considers it necessary to 55584  
prevent further fiscal decline, the director may determine that 55585  
the district should be in a state of fiscal watch. As provided 55586  
in division (A) (3) of section 3316.03 of the Revised Code, the 55587  
auditor of state shall declare the district to be in a state of 55588  
fiscal watch if the auditor of state finds the director's 55589  
determination to be reasonable. 55590

**Sec. 3316.041.** (A) Notwithstanding any provision of 55591  
Chapter 133. or sections 3313.483 to 3313.4810 of the Revised 55592  
Code, and subject to the approval of the director of education 55593  
and workforce, a school district that is in a state of fiscal 55594  
watch declared under section 3316.03 of the Revised Code may 55595  
restructure or refinance loans obtained or in the process of 55596  
being obtained under section 3313.483 of the Revised Code if all 55597  
of the following requirements are met: 55598

(1) The operating deficit certified for the school 55599  
district for the current or preceding fiscal year under section 55600  
3313.483 of the Revised Code exceeds fifteen per cent of the 55601  
district's general revenue fund for the fiscal year preceding 55602  
the year for which the certification of the operating deficit is 55603  
made. 55604

(2) The school district voters have, during the period of 55605

the fiscal watch, approved the levy of a tax under section 55606  
718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the 55607  
Revised Code that is not a renewal ~~or replacement~~ levy, or a 55608  
levy under section 5705.199 of the Revised Code, and that will 55609  
provide new operating revenue. 55610

(3) The board of education of the school district has 55611  
adopted or amended the financial plan required by section 55612  
3316.04 of the Revised Code to reflect the restructured or 55613  
refinanced loans, and sets forth the means by which the district 55614  
will bring projected operating revenues and expenditures, and 55615  
projected debt service obligations, into balance for the life of 55616  
any such loan. 55617

(B) Subject to the approval of the director, the school 55618  
district may issue securities to evidence the restructuring or 55619  
refinancing authorized by this section. Such securities may 55620  
extend the original period for repayment not to exceed ten 55621  
years, and may alter the frequency and amount of repayments, 55622  
interest or other financing charges, and other terms or 55623  
agreements under which the loans were originally contracted, 55624  
provided the loans received under sections 3313.483 of the 55625  
Revised Code are repaid from funds the district would otherwise 55626  
receive under Chapter 3317. of the Revised Code, as required 55627  
under division (E) (3) of section 3313.483 of the Revised Code. 55628  
Securities issued for the purpose of restructuring or 55629  
refinancing under this section shall be repaid in equal payments 55630  
and at equal intervals over the term of the debt and are not 55631  
eligible to be included in any subsequent proposal to 55632  
restructure or refinance. 55633

(C) Unless the district is declared to be in a state of 55634  
fiscal emergency under division (D) of section 3316.04 of the 55635

Revised Code, a school district shall remain in a state of 55636  
fiscal watch for the duration of the repayment period of any 55637  
loan restructured or refinanced under this section. 55638

**Sec. 3316.043.** Upon the approval by the director of 55639  
education and workforce of an initial financial plan under 55640  
section 3316.04 of the Revised Code or a financial recovery plan 55641  
under section 3316.06 of the Revised Code, the board of 55642  
education of the school district for which the plan was approved 55643  
shall revise the district's five-year-current budget information 55644  
and three-year projection of revenues and expenditures in 55645  
accordance with rules adopted under section 5705.391 of the 55646  
Revised Code so that the five-year-current budget information and 55647  
three-year projection ~~is-are~~ consistent with the financial plan 55648  
or financial recovery plan. In the case of a school district 55649  
declared to be in a state of fiscal emergency, the ~~five-~~ 55650  
~~year-current budget information and -three-year~~ projection shall 55651  
be revised by the financial planning and supervision commission 55652  
for that district. 55653

**Sec. 3316.06.** (A) Within one hundred twenty days after the 55654  
first meeting of a school district financial planning and 55655  
supervision commission, the commission shall adopt a financial 55656  
recovery plan regarding the school district for which the 55657  
commission was created. During the formulation of the plan, the 55658  
commission shall seek appropriate input from the school district 55659  
board and from the community. This plan shall contain the 55660  
following: 55661

(1) Actions to be taken to: 55662

(a) Eliminate all fiscal emergency conditions declared to 55663  
exist pursuant to division (B) of section 3316.03 of the Revised 55664  
Code; 55665

(b) Satisfy any judgments, past-due accounts payable, and 55666  
all past-due and payable payroll and fringe benefits; 55667

(c) Eliminate the deficits in all deficit funds, except 55668  
that any prior year deficits in the capital and maintenance fund 55669  
established pursuant to section 3315.18 of the Revised Code 55670  
shall be forgiven; 55671

(d) Restore to special funds any moneys from such funds 55672  
that were used for purposes not within the purposes of such 55673  
funds, or borrowed from such funds by the purchase of debt 55674  
obligations of the school district with the moneys of such 55675  
funds, or missing from the special funds and not accounted for, 55676  
if any; 55677

(e) Balance the budget, avoid future deficits in any 55678  
funds, and maintain on a current basis payments of payroll, 55679  
fringe benefits, and all accounts; 55680

(f) Avoid any fiscal emergency condition in the future; 55681

(g) Restore the ability of the school district to market 55682  
long-term general obligation bonds under provisions of law 55683  
applicable to school districts generally. 55684

(2) The management structure that will enable the school 55685  
district to take the actions enumerated in division (A) (1) of 55686  
this section. The plan shall specify the level of fiscal and 55687  
management control that the commission will exercise within the 55688  
school district during the period of fiscal emergency, and shall 55689  
enumerate respectively, the powers and duties of the commission 55690  
and the powers and duties of the school board during that 55691  
period. The commission may elect to assume any of the powers and 55692  
duties of the school board it considers necessary, including all 55693  
powers related to personnel, curriculum, and legal issues in 55694

order to successfully implement the actions described in 55695  
division (A) (1) of this section. 55696

(3) The target dates for the commencement, progress upon, 55697  
and completion of the actions enumerated in division (A) (1) of 55698  
this section and a reasonable period of time expected to be 55699  
required to implement the plan. The commission shall prepare a 55700  
reasonable time schedule for progress toward and achievement of 55701  
the requirements for the plan, and the plan shall be consistent 55702  
with that time schedule. 55703

(4) The amount and purpose of any issue of debt 55704  
obligations that will be issued, together with assurances that 55705  
any such debt obligations that will be issued will not exceed 55706  
debt limits supported by appropriate certifications by the 55707  
fiscal officer of the school district and the county auditor. If 55708  
the commission considers it necessary in order to maintain or 55709  
improve educational opportunities of pupils in the school 55710  
district, the plan may include a proposal to restructure or 55711  
refinance outstanding debt obligations incurred by the board 55712  
under section 3313.483 of the Revised Code contingent upon the 55713  
approval, during the period of the fiscal emergency, by district 55714  
voters of a tax levied under section 718.09, 718.10, 5705.194, 55715  
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 55716  
is not a renewal ~~or replacement~~ levy, or a levy under section 55717  
5705.199 of the Revised Code, and that will provide new 55718  
operating revenue. Notwithstanding any provision of Chapter 133. 55719  
or sections 3313.483 to 3313.4810 of the Revised Code, following 55720  
the required approval of the district voters and with the 55721  
approval of the commission, the school district may issue 55722  
securities to evidence the restructuring or refinancing. Those 55723  
securities may extend the original period for repayment, not to 55724  
exceed ten years, and may alter the frequency and amount of 55725



repayments, interest or other financing charges, and other terms 55726  
of agreements under which the debt originally was contracted, at 55727  
the discretion of the commission, provided that any loans 55728  
received pursuant to section 3313.483 of the Revised Code shall 55729  
be paid from funds the district would otherwise receive under 55730  
Chapter 3317. of the Revised Code, as required under division 55731  
(E) (3) of section 3313.483 of the Revised Code. The securities 55732  
issued for the purpose of restructuring or refinancing the debt 55733  
shall be repaid in equal payments and at equal intervals over 55734  
the term of the debt and are not eligible to be included in any 55735  
subsequent proposal for the purpose of restructuring or 55736  
refinancing debt under this section. 55737

(5) An evaluation of the feasibility of entering into 55738  
shared services agreements with other political subdivisions for 55739  
the joint exercise of any power, performance of any function, or 55740  
rendering of any service, if so authorized by statute. 55741

(B) Any financial recovery plan may be amended subsequent 55742  
to its adoption. Each financial recovery plan shall be updated 55743  
annually. 55744

(C) Each school district financial planning and 55745  
supervision commission shall submit the financial recovery plan 55746  
it adopts or updates under this section to the director of 55747  
education and workforce for approval immediately following its 55748  
adoption or updating. The director shall evaluate the plan and 55749  
either approve or disapprove it within thirty calendar days from 55750  
the date of its submission. If the plan is disapproved, the 55751  
director shall recommend modifications that will render it 55752  
acceptable. No financial planning and supervision commission 55753  
shall implement a financial recovery plan that is adopted or 55754  
updated on or after April 10, 2001, unless the director has 55755

approved it. 55756

**Sec. 3316.08.** During a school district's fiscal emergency 55757  
period, the auditor of state shall determine annually, or at any 55758  
other time upon request of the financial planning and 55759  
supervision commission, whether the school district will incur 55760  
an operating deficit. If the auditor of state determines that a 55761  
school district will incur an operating deficit, the auditor of 55762  
state shall certify that determination to the director of 55763  
education and workforce, the financial planning and supervision 55764  
commission, and the board of education of the school district. 55765  
Upon receiving the auditor of state's certification, the 55766  
commission shall adopt a resolution requesting that the board of 55767  
education work with the county auditor or tax commissioner to 55768  
estimate the amount and rate of a tax levy that is needed under 55769  
section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the 55770  
Revised Code to produce a positive fund balance not later than 55771  
the fifth-third year of the five-year-three-year forecast 55772  
submitted under section 5705.391 of the Revised Code. 55773

The board of education shall recommend to the commission 55774  
whether the board supports or opposes a tax levy under section 55775  
5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised 55776  
Code and shall provide supporting documentation to the 55777  
commission of its recommendation. 55778

After considering the board of education's recommendation 55779  
and supporting documentation, the commission shall adopt a 55780  
resolution to either submit a ballot question proposing a tax 55781  
levy or not to submit such a question. 55782

Except as otherwise provided in this division, the tax 55783  
shall be levied in the manner prescribed for a tax levied under 55784  
section 5705.194, 5705.199, or 5705.21 or under Chapter 5748. of 55785

the Revised Code. If the commission decides that a tax should be 55786  
levied, the tax shall be levied for the purpose of paying 55787  
current operating expenses of the school district. The rate of a 55788  
property tax levied under section 5705.194, 5705.199, 5705.21, 55789  
or 5748.09 of the Revised Code shall be determined by the county 55790  
auditor, and the rate of an income tax levied under section 55791  
5748.02, 5748.08, or 5748.09 of the Revised Code shall be 55792  
determined by the tax commissioner, upon the request of the 55793  
commission. The commission, in consultation with the board of 55794  
education, shall determine the election at which the question of 55795  
the tax shall appear on the ballot, and the commission shall 55796  
submit a copy of its resolution to the board of elections not 55797  
later than ninety days prior to the day of that election. The 55798  
board of elections conducting the election shall certify the 55799  
results of the election to the board of education and to the 55800  
financial planning and supervision commission. 55801

**Sec. 3316.16.** (A) A school district financial planning and 55802  
supervision commission, with respect to its functions under this 55803  
chapter, shall continue in existence until such time as a 55804  
determination is made under division (B) of this section that 55805  
all of the following have occurred: 55806

(1) An effective financial accounting and reporting system 55807  
in accordance with section 3316.10 of the Revised Code is in the 55808  
process of being implemented, and it is reasonably expected that 55809  
this implementation will be completed within two years. 55810

(2) All of the fiscal emergency conditions determined 55811  
pursuant to division (B) of section 3316.03 of the Revised Code 55812  
have been corrected or eliminated, and no new fiscal emergency 55813  
conditions have occurred. 55814

(3) The objectives of the financial recovery plan 55815

described in section 3316.06 of the Revised Code are being met. 55816

(4) The school district board has prepared current budget 55817  
information and a financial forecast for a ~~five-year~~ three-year 55818  
period in accordance with the standards issued by the auditor of 55819  
state and an opinion has been rendered by the auditor of state 55820  
that the financial forecast is considered to be nonadverse. The 55821  
forecast shall display the district's projected compliance with 55822  
section 3315.18 of the Revised Code beginning in the year the 55823  
commission is proposed for termination. 55824

(B) The determination that all conditions listed in 55825  
division (A) of this section for the termination of the 55826  
existence of the commission and its functions exist may be made 55827  
either by the auditor of state or by the commission and shall be 55828  
certified to the commission, the auditor of state, the governor, 55829  
the director of budget and management, and the budget 55830  
commission, whereupon such commission and its functions under 55831  
this chapter shall terminate. This determination shall be made 55832  
by the auditor of state upon the filing with the auditor of 55833  
state of a written request for such a determination by the 55834  
school district board, the governor, or the commission, or may 55835  
be made by the auditor of state upon the auditor of state's own 55836  
initiative. 55837

(C) The commission shall prepare and submit at the time of 55838  
such certification a final report of its activities, in such 55839  
form as is appropriate for the purpose of providing a record of 55840  
its activities and assisting other commissions created under 55841  
this chapter in the conduct of their functions. All of the books 55842  
and records of the commission shall be delivered to the auditor 55843  
of state for retention and safekeeping. 55844

(D) Upon receipt of the certification provided for in 55845

division (B) of this section, the director of budget and 55846  
management shall follow the procedures set forth in section 55847  
126.29 of the Revised Code. 55848

(E) If, at the time of termination of the commission, an 55849  
effective financial accounting and reporting system has not been 55850  
fully implemented, the auditor of state shall monitor the 55851  
progress of implementation and shall exercise authority under 55852  
this section and Chapter 117. of the Revised Code to secure full 55853  
implementation at the earliest time feasible but within two 55854  
years after such termination. 55855

**Sec. 3317.01.** As used in this section, "school district," 55856  
unless otherwise specified, means any city, local, exempted 55857  
village, joint vocational, or cooperative education school 55858  
district and any educational service center. 55859

This chapter shall be administered by the department of 55860  
education and workforce. The department of education and 55861  
workforce shall calculate the amounts payable to each school 55862  
district and shall certify the amounts payable to each eligible 55863  
district to the treasurer of the district as provided by this 55864  
chapter. Certification of moneys pursuant to this section shall 55865  
include the amounts payable to each school building, at a 55866  
frequency determined by the department, for each subgroup of 55867  
students, as defined in section 3317.40 of the Revised Code, 55868  
receiving services, provided for by state funding, from the 55869  
district or school. No moneys shall be distributed pursuant to 55870  
this chapter without the approval of the controlling board. 55871

The department shall, in accordance with appropriations 55872  
made by the general assembly, meet the financial obligations of 55873  
this chapter. 55874

Moneys distributed to school districts pursuant to this 55875  
chapter shall be calculated based on the annual enrollment 55876  
calculated from the three reports required under ~~sections~~ 55877  
section 3317.03 and 3317.036 of the Revised Code and paid on a 55878  
fiscal year basis, beginning with the first day of July and 55879  
extending through the thirtieth day of June. In any given fiscal 55880  
year, prior to school districts submitting the first report 55881  
required under section 3317.03 of the Revised Code, enrollment 55882  
for the districts shall be calculated based on the third report 55883  
submitted by the districts for the previous fiscal year. The 55884  
moneys appropriated for each fiscal year shall be distributed 55885  
periodically to each school district unless otherwise provided 55886  
for. The department, in June of each year, shall submit to the 55887  
controlling board the department's year-end distributions 55888  
pursuant to this chapter. 55889

Except as otherwise provided, payments under this chapter 55890  
shall be made only to those school districts in which: 55891

(A) The school district, except for any educational 55892  
service center and any joint vocational or cooperative education 55893  
school district, levies for current operating expenses at least 55894  
twenty mills, unless the school district is levying less than 55895  
that amount due solely to the operation of section 5705.316 of 55896  
the Revised Code. Levies for joint vocational or cooperative 55897  
education school districts or county school financing districts, 55898  
limited to or to the extent apportioned to current expenses, 55899  
shall be included in this qualification requirement. School 55900  
district income tax levies under Chapter 5748. of the Revised 55901  
Code, limited to or to the extent apportioned to current 55902  
operating expenses, shall be included in this qualification 55903  
requirement to the extent determined by the tax commissioner 55904  
under division (C) of section 3317.021 of the Revised Code. 55905

(B) The school year next preceding the fiscal year for 55906  
which such payments are authorized meets the requirement of 55907  
section 3313.48 of the Revised Code, with regard to the minimum 55908  
number of hours school must be open for instruction with pupils 55909  
in attendance, for individualized parent-teacher conference and 55910  
reporting periods, and for professional meetings of teachers. 55911

A school district shall not be considered to have failed 55912  
to comply with this division because schools were open for 55913  
instruction but either twelfth grade students were excused from 55914  
attendance for up to the equivalent of three school days or only 55915  
a portion of the kindergarten students were in attendance for up 55916  
to the equivalent of three school days in order to allow for the 55917  
gradual orientation to school of such students. 55918

A board of education or governing board of an educational 55919  
service center which has not conformed with other law and the 55920  
rules pursuant thereto, shall not participate in the 55921  
distribution of funds authorized by this chapter, except for 55922  
good and sufficient reason established to the satisfaction of 55923  
the department and the state controlling board. 55924

All funds allocated to school districts under this 55925  
chapter, except those specifically allocated for other purposes, 55926  
shall be used to pay current operating expenses only. 55927

**Sec. 3317.011.** This section shall apply only for fiscal 55928  
years ~~2024-2026~~ and ~~2025~~2027. 55929

(A) As used in this section: 55930

(1) "Average administrative assistant salary" means the 55931  
average salary of administrative assistants employed by city, 55932  
local, and exempted village school districts in this state with 55933  
salaries greater than \$20,000 but less than \$65,000, using 55934

fiscal year 2022 data, as determined by the department of 55935  
education and workforce. 55936

(2) "Average bookkeeping and accounting employee salary" 55937  
means the average salary of bookkeeping employees and accounting 55938  
employees employed by city, local, and exempted village school 55939  
districts in this state with salaries greater than \$20,000 but 55940  
less than \$80,000, using fiscal year 2022 data, as determined by 55941  
the department. 55942

(3) "Average clerical staff salary" means the average 55943  
salary of clerical staff employed by city, local, and exempted 55944  
village school districts in this state with salaries greater 55945  
than \$15,000 but less than \$50,000, using fiscal year 2022 data, 55946  
as determined by the department. 55947

(4) "Average counselor salary" means the average salary of 55948  
counselors employed by city, local, and exempted village school 55949  
districts in this state with salaries greater than \$30,000 but 55950  
less than \$95,000, using fiscal year 2022 data, as determined by 55951  
the department. 55952

(5) "Average education management information system 55953  
support employee salary" means the average salary of accounting 55954  
employees employed by city, local, and exempted village school 55955  
districts in this state with salaries greater than \$30,000 but 55956  
less than \$90,000, using fiscal year 2022 data, as determined by 55957  
the department. 55958

(6) "Average librarian and media staff salary" means the 55959  
average salary of librarians and media staff employed by city, 55960  
local, and exempted village school districts in this state with 55961  
salaries greater than \$30,000 but less than \$95,000, using 55962  
fiscal year 2022 data, as determined by the department. 55963



(7) "Average other district administrator salary" means 55964  
the average salary of all assistant superintendents and 55965  
directors employed by city, local, and exempted village school 55966  
districts in this state with salaries greater than \$50,000 but 55967  
less than \$135,000, using fiscal year 2022 data, as determined 55968  
by the department. 55969

(8) "Average principal salary" means the average salary of 55970  
all principals employed by city, local, and exempted village 55971  
school districts in this state with salaries greater than 55972  
\$50,000 but less than \$120,000, using fiscal year 2022 data, as 55973  
determined by the department. 55974

(9) "Average superintendent salary" means the average 55975  
salary of all superintendents employed by city, local, and 55976  
exempted village school districts in this state with salaries 55977  
greater than \$60,000 but less than \$180,000, using fiscal year 55978  
2022 data, as determined by the department. 55979

(10) "Average teacher cost" for a fiscal year is equal to 55980  
the sum of the following: 55981

(a) The average salary of teachers employed by city, 55982  
local, and exempted village school districts in this state with 55983  
salaries greater than \$30,000 but less than \$95,000, using 55984  
fiscal year 2022 data, as determined by the department; 55985

(b) An amount for teacher benefits equal to 0.16 times the 55986  
average salary calculated under division (A) (10) (a) of this 55987  
section; 55988

(c) An amount for district-paid insurance costs equal to 55989  
the following product: 55990

The statewide weighted average employer-paid monthly premium 55991  
based on data reported by city, local, and exempted village 55992

school districts to the state employment relations board for the 55993  
health insurance survey conducted in accordance with divisions 55994  
(K) (5) and (6) of section 4117.02 of the Revised Code using 55995  
fiscal year 2022 data X 12 55996

(11) "Eligible school district" means a city, local, or 55997  
exempted village school district that satisfies one of the 55998  
following: 55999

(a) The district is a member of an organization that 56000  
regulates interscholastic athletics. 56001

(b) The district has teams in at least three different 56002  
sports that participate in an interscholastic league. 56003

(B) When calculating a district's aggregate base cost 56004  
under this section, the department shall use data from fiscal 56005  
year 2022 for all of the following: 56006

(1) The average salaries determined under divisions (A) 56007  
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this 56008  
section; 56009

(2) The amount for teacher benefits determined under 56010  
division (A) (10) (b) of this section; 56011

(3) The district-paid insurance costs determined under 56012  
division (A) (10) (c) of this section; 56013

(4) The spending determined under divisions (E) (4) (a), (E) 56014  
(5) (a), (E) (6) (a), and (H) (1) of this section and the 56015  
corresponding student counts determined under divisions (E) (4) 56016  
(b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section; 56017

(5) The information determined under division (G) (3) of 56018  
this section. 56019

(C) A city, local, or exempted village school district's 56020  
aggregate base cost for a fiscal year shall be equal to the 56021  
following sum: 56022

(The district's teacher base cost for that fiscal year computed 56023  
under division (D) of this section) + (the district's student 56024  
support base cost for that fiscal year computed under division 56025  
(E) of this section) + (the district's leadership and 56026  
accountability base cost for that fiscal year computed under 56027  
division (F) of this section) + (the district's building 56028  
leadership and operations base cost for that fiscal year 56029  
computed under division (G) of this section) + (the athletic co- 56030  
curricular activities base cost for that fiscal year computed 56031  
under division (H) of this section, if the district is an 56032  
eligible school district) 56033

(D) The department shall compute a district's teacher base 56034  
cost for a fiscal year as follows: 56035

(1) Calculate the district's classroom teacher cost for 56036  
that fiscal year as follows: 56037

(a) Determine the full-time equivalency of students in the 56038  
district's base cost enrolled ADM for that fiscal year that are 56039  
enrolled in kindergarten and divide that number by 20; 56040

(b) Determine the full-time equivalency of students in the 56041  
district's base cost enrolled ADM for that fiscal year that are 56042  
enrolled in grades one through three and divide that number by 56043  
23; 56044

(c) Determine the full-time equivalency of students in the 56045  
district's base cost enrolled ADM for that fiscal year that are 56046  
enrolled in grades four through eight but are not enrolled in a 56047  
career-technical education program or class described under 56048

section 3317.014 of the Revised Code and divide that number by 56049  
25; 56050

(d) Determine the full-time equivalency of students in the 56051  
district's base cost enrolled ADM for that fiscal year that are 56052  
enrolled in grades nine through twelve but are not enrolled in a 56053  
career-technical education program or class described under 56054  
section 3317.014 of the Revised Code and divide that number by 56055  
27; 56056

(e) Determine the full-time equivalency of students in the 56057  
district's base cost enrolled ADM for that fiscal year that are 56058  
enrolled in a career-technical education program or class, as 56059  
certified under divisions (B) (11), (12), (13), (14), and (15) of 56060  
section 3317.03 of the Revised Code, and divide that number by 56061  
18; 56062

(f) Compute the sum of the quotients obtained under 56063  
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 56064

(g) Compute the classroom teacher cost by multiplying the 56065  
average teacher cost for that fiscal year by the sum computed 56066  
under division (D) (1) (f) of this section. 56067

(2) Calculate the district's special teacher cost for that 56068  
fiscal year as follows: 56069

(a) Divide the district's base cost enrolled ADM for that 56070  
fiscal year by 150; 56071

(b) If the quotient obtained under division (D) (2) (a) of 56072  
this section is greater than 6, the special teacher cost shall 56073  
be equal to that quotient multiplied by the average teacher cost 56074  
for that fiscal year. 56075

(c) If the quotient obtained under division (D) (2) (a) of 56076

this section is less than or equal to 6, the special teacher 56077  
cost shall be equal to 6 multiplied by the average teacher cost 56078  
for that fiscal year. 56079

(3) Calculate the district's substitute teacher cost for 56080  
that fiscal year in accordance with the following formula: 56081

(a) Compute the substitute teacher daily rate with 56082  
benefits by multiplying the substitute teacher daily rate of \$90 56083  
by 1.16; 56084

(b) Compute the substitute teacher cost in accordance with 56085  
the following formula: 56086

[The sum computed under division (D) (1) (f) of this section + 56087  
(the greater of the quotient obtained under division (D) (2) (a) 56088  
of this section and 6)] X the amount computed under division (D) 56089  
(3) (a) of this section X 5 56090

(4) Calculate the district's professional development cost 56091  
for that fiscal year in accordance with the following formula: 56092

[The sum computed under division (D) (1) (f) of this section + 56093  
(the greater of the quotient obtained under division (D) (2) (a) 56094  
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 56095  
(b) of this section for that fiscal year)/180] X 4 56096

(5) Calculate the district's teacher base cost for that 56097  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 56098  
and (4) of this section. 56099

(E) The department shall compute a district's student 56100  
support base cost for a fiscal year as follows: 56101

(1) Calculate the district's guidance counselor cost for 56102  
that fiscal year as follows: 56103

(a) Determine the number of students in the district's 56104  
base cost enrolled ADM for that fiscal year that are enrolled in 56105  
grades nine through twelve and divide that number by 360; 56106

(b) Compute the counselor cost in accordance with the 56107  
following formula: 56108

(The greater of the quotient obtained under division (E) (1) (a) 56109  
of this section and 1) X [(the average counselor salary for that 56110  
fiscal year X 1.16) + the amount specified under division (A) 56111  
(10) (c) of this section for that fiscal year] 56112

(2) Calculate the district's librarian and media staff 56113  
cost for that fiscal year as follows: 56114

(a) Divide the district's base cost enrolled ADM for that 56115  
fiscal year by 1,000; 56116

(b) Compute the librarian and media staff cost in 56117  
accordance with the following formula: 56118

The quotient obtained under division (E) (2) (a) of this section X 56119  
[(the average librarian and media staff salary for that fiscal 56120  
year X 1.16) + the amount specified under division (A) (10) (c) of 56121  
this section for that fiscal year] 56122

(3) Calculate the district's staffing cost for student 56123  
wellness and success for that fiscal year as follows: 56124

(a) Divide the district's base cost enrolled ADM for that 56125  
fiscal year by 250; 56126

(b) Compute the staffing cost for student wellness and 56127  
success in accordance with the following formula: 56128

(The greater of the quotient obtained under division (E) (3) (a) 56129  
of this section and 5) X [(the average counselor salary for that 56130

fiscal year X 1.16) + the amount specified under division (A) 56131  
(10) (c) of this section for that fiscal year] 56132

(4) Calculate the district's academic co-curricular 56133  
activities cost for that fiscal year as follows: 56134

(a) Determine the total amount of spending for academic 56135  
co-curricular activities reported by city, local, and exempted 56136  
village school districts to the department using fiscal year 56137  
2022 data; 56138

(b) Determine the sum of the enrolled ADM of every school 56139  
district in the state using fiscal year 2022 data as specified 56140  
under division (E) (4) (a) of this section; 56141

(c) Compute the academic co-curricular activities cost in 56142  
accordance with the following formula: 56143

(The amount determined under division (E) (4) (a) of this section 56144  
/ the sum determined under division (E) (4) (b) of this section) X 56145  
the district's base cost enrolled ADM for the fiscal year for 56146  
which the academic co-curricular activities cost is computed 56147

(5) Calculate the district's building safety and security 56148  
cost for that fiscal year as follows: 56149

(a) Determine the total amount of spending for building 56150  
safety and security reported by city, local, and exempted 56151  
village school districts to the department using fiscal year 56152  
2022 data; 56153

(b) Determine the sum of the enrolled ADM of every school 56154  
district in the state that reported the data specified under 56155  
division (E) (5) (a) of this section using fiscal year 2022 data; 56156

(c) Compute the building safety and security cost in 56157  
accordance with the following formula: 56158

(The amount determined under division (E) (5) (a) of this section 56159  
/ the sum determined under division (E) (5) (a) of this section) X 56160  
the district's base cost enrolled ADM for the fiscal year for 56161  
which the building safety and security cost is computed 56162

(6) Calculate the district's supplies and academic content 56163  
cost for that fiscal year as follows: 56164

(a) Determine the total amount of spending for supplies 56165  
and academic content, excluding supplies for transportation and 56166  
maintenance, reported by city, local, and exempted village 56167  
school districts to the department using fiscal year 2022 data; 56168

(b) Determine the sum of the enrolled ADM of every school 56169  
district in the state using fiscal year 2022 data as specified 56170  
under division (E) (6) (a) of this section; 56171

(c) Compute the supplies and academic content cost in 56172  
accordance with the following formula: 56173

(The amount determined under division (E) (6) (a) of this section 56174  
/ the sum determined under division (E) (6) (b) of this section) X 56175  
the district's base cost enrolled ADM for the fiscal year for 56176  
which the supplies and academic content cost is computed 56177

(7) Calculate the district's technology cost for that 56178  
fiscal year in accordance with the following formula: 56179

\$37.50 X the district's base cost enrolled ADM for that fiscal 56180  
year 56181

(8) Calculate the district's student support base cost for 56182  
that fiscal year, which equals the sum of divisions (E) (1), (2), 56183  
(3), (4), (5), (6), and (7) of this section. 56184

(F) The department shall compute a district's leadership 56185  
and accountability base cost for a fiscal year as follows: 56186



(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to  $[(\$160,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$ .

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i)  $(\text{The district's base cost enrolled ADM for that fiscal year} - 500) \times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\}$ ;

(ii)  $(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}$ .

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to  $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$ .

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to  $[(\$130,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$ .

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to

the sum of the following: 56215

(i) (The district's base cost enrolled ADM for that fiscal 56216  
year - 500) X  $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$  56217

(ii)  $(\$60,000 \times 1.16)$  + the amount specified under 56218  
division (A) (10) (c) of this section for that fiscal year. 56219

(c) If the district's base cost enrolled ADM is less than 56220  
500, then the district's treasurer cost shall be equal to 56221  
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10)}$  56222  
 $(c) \text{ of this section for that fiscal year}]$ . 56223

(3) Calculate the district's other district administrator 56224  
cost for that fiscal year as follows: 56225

(a) Divide the average other district administrator salary 56226  
for that fiscal year by the average superintendent salary for 56227  
that fiscal year; 56228

(b) Divide the district's base cost enrolled ADM for that 56229  
fiscal year by 750; 56230

(c) Compute the other district administrator cost in 56231  
accordance with the following formula: 56232

$\{[(\text{The district's superintendent cost for that fiscal year}$  56233  
 $\text{calculated under division (F) (1) of this section} - \text{the amount}$  56234  
 $\text{specified under division (A) (10) (c) of this section for that}$  56235  
 $\text{fiscal year}) \times \text{the quotient obtained under division (F) (3) (a) of}$  56236  
 $\text{this section}] + \text{the amount specified under division (A) (10) (c)}$  56237  
 $\text{of this section}\} \times (\text{the greater of the quotient obtained under}$  56238  
 $\text{division (F) (3) (b) of this section and } 2)$  56239

(4) Calculate the district's fiscal support cost for that 56240  
fiscal year as follows: 56241

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850; 56242  
56243

(b) Determine the lesser of the following: 56244

(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2; 56245  
56246

(ii) 35. 56247

(c) Compute the fiscal support cost in accordance with the following formula: 56248  
56249

The number obtained under division (F) (4) (b) of this section X 56250  
[(the average bookkeeping and accounting employee salary for 56251  
that fiscal year X 1.16) + the amount specified under division 56252  
(A) (10) (c) of this section for that fiscal year] 56253

(5) Calculate the district's education management information system support cost for that fiscal year as follows: 56254  
56255

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000; 56256  
56257

(b) Compute the education management information system support cost in accordance with the following formula: 56258  
56259

(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 56260  
56261  
56262  
56263  
56264

(6) Calculate the district's leadership support cost for that fiscal year as follows: 56265  
56266

(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that 56267  
56268

number; 56269

(b) Divide the number obtained under division (F) (6) (a) of 56270  
this section by 3; 56271

(c) Compute the leadership support cost in accordance with 56272  
the following formula: 56273

(The greater of the quotient obtained under division (F) (6) (b) 56274  
of this section and 1) X [(the average administrative assistant 56275  
salary for that fiscal year X 1.16) + the amount specified under 56276  
division (A) (10) (c) of this section for that fiscal year] 56277

(7) Calculate the district's information technology center 56278  
support cost for that fiscal year in accordance with the 56279  
following formula: 56280

\$31 X the district's base cost enrolled ADM for that fiscal year 56281

(8) Calculate the district's district leadership and 56282  
accountability base cost for that fiscal year, which equals the 56283  
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 56284  
this section. 56285

(G) The department shall compute a district's building 56286  
leadership and operations base cost for a fiscal year as 56287  
follows: 56288

(1) Calculate the district's building leadership cost for 56289  
that fiscal year as follows: 56290

(a) Divide the average principal salary for that fiscal 56291  
year by the average superintendent salary for that fiscal year; 56292

(b) Divide the district's base cost enrolled ADM for that 56293  
fiscal year by 450; 56294

(c) Compute the building leadership cost in accordance 56295

with the following formula: 56296

{[(The district's superintendent cost for that fiscal year 56297  
calculated under division (F) (1) of this section - the amount 56298  
specified under division (A) (10) (c) of this section for that 56299  
fiscal year) X the quotient obtained under division (G) (1) (a) of 56300  
this section] + the amount specified under division (A) (10) (c) 56301  
of this section for that fiscal year} X the quotient obtained 56302  
under division (G) (1) (b) of this section 56303

(2) Calculate the district's building leadership support 56304  
cost for that fiscal year as follows: 56305

(a) Divide the district's base cost enrolled ADM for that 56306  
fiscal year by 400; 56307

(b) Determine the number of school buildings in the 56308  
district for ~~that~~ the preceding fiscal year; 56309

(c) Compute the building leadership support cost in 56310  
accordance with the following formula: 56311

(i) If the quotient obtained under division (G) (2) (a) of 56312  
this section is less than the number obtained under division (G) 56313  
(2) (b) of this section, then the district's building leadership 56314  
support cost shall be equal to {the number obtained under 56315  
division (G) (2) (b) of this section for that fiscal year X [(the 56316  
average clerical staff salary for that fiscal year X 1.16) + the 56317  
amount specified under division (A) (10) (c) of this section for 56318  
that fiscal year]}. 56319

(ii) If the quotient obtained under division (G) (2) (a) of 56320  
this section is greater than or equal to the number obtained 56321  
under division (G) (2) (b) of this section, then the district's 56322  
building leadership support cost shall be equal to {[the lesser 56323  
of (the number obtained under division (G) (2) (b) of this section 56324

X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Determine both of the following:

(i) The average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of this section X the number determined under division (G) (3) (a) (ii) of this section) - (the amount determined under division (E) (5) (a) of this section for that fiscal year/ the sum determined under division (E) (5) (b) of this section for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted

village school districts to the department for that fiscal year; 56353

(2) Determine the sum of the enrolled ADM of every school 56354  
district in the state for that fiscal year; 56355

(3) Compute the district's athletic co-curricular 56356  
activities base cost in accordance with the following formula: 56357

(The amount determined under division (H) (1) of this section / 56358  
the sum determined under division (H) (2) of this section) X the 56359  
district's base cost enrolled ADM for the fiscal year for which 56360  
the funds for athletic co-curricular activities are computed 56361

**Sec. 3317.012.** This section shall apply only for fiscal 56362  
years ~~2024-2026~~ and ~~2025~~2027. 56363

(A) As used in this section, "average administrative 56364  
assistant salary," "average bookkeeping and accounting employee 56365  
salary," "average clerical staff salary," "average counselor 56366  
salary," "average education management information system 56367  
support employee salary," "average librarian and media staff 56368  
salary," "average other district administrator salary," "average 56369  
principal salary," "average superintendent salary," and "average 56370  
teacher cost" have the same meanings as in section 3317.011 of 56371  
the Revised Code. 56372

(B) When calculating a district's aggregate base cost 56373  
under this section, the department shall use data from fiscal 56374  
year 2022 for all of the following: 56375

(1) The average salaries determined under divisions (A) 56376  
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of 56377  
section 3317.011 of the Revised Code; 56378

(2) The amount for teacher benefits determined under 56379  
division (A) (10) (b) of section 3317.011 of the Revised Code; 56380

(3) The district-paid insurance costs determined under 56381  
division (A) (10) (c) of section 3317.011 of the Revised Code; 56382

(4) Spending determined under divisions (E) (4) (a), (E) (5) 56383  
(a), and (H) (1) of section 3317.011 of the Revised Code and the 56384  
corresponding student counts determined under divisions (E) (4) 56385  
(b), (E) (5) (b), and (H) (2) of that section; 56386

(5) The information determined under division (G) (3) of 56387  
section 3317.011 of the Revised Code. 56388

(C) A joint vocational school district's aggregate base 56389  
cost for a fiscal year shall be equal to the following sum: 56390

The district's teacher base cost for that fiscal year computed 56391  
under division (D) of this section + the district's student 56392  
support base cost for that fiscal year computed under division 56393  
(E) of this section + the district's leadership and 56394  
accountability base cost for that fiscal year computed under 56395  
division (F) of this section + the district's building 56396  
leadership and operations base cost for that fiscal year 56397  
computed under division (G) of this section 56398

(D) The department of education and workforce shall 56399  
compute a district's teacher base cost for a fiscal year as 56400  
follows: 56401

(1) Calculate the district's classroom teacher cost for 56402  
that fiscal year as follows: 56403

(a) Determine the full-time equivalency of students in the 56404  
district's base cost enrolled ADM for that fiscal year that are 56405  
enrolled in a career-technical education program or class, as 56406  
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of 56407  
section 3317.03 of the Revised Code, and divide that number by 56408  
18; 56409



(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades six through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(d) Compute the sum of the quotients obtained under divisions (D) (1) (a), (b), and (c) of this section;

(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (d) of this section.

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the teacher cost shall be equal

to that quotient multiplied by the average teacher cost for that 56439  
fiscal year. 56440

(c) If the quotient obtained under division (D) (2) (a) of 56441  
this section is less than or equal to 6, the teacher cost shall 56442  
be equal to 6 multiplied by the average teacher cost for that 56443  
fiscal year. 56444

(3) Calculate the district's substitute teacher cost for 56445  
that fiscal year in accordance with the following formula: 56446

(a) Compute the substitute teacher daily rate with benefits 56447  
by multiplying the substitute teacher daily rate of \$90 by 1.16; 56448

(b) Compute the substitute teacher cost in accordance with 56449  
the following formula: 56450

[The sum computed under division (D) (1) (d) of this section + 56451  
(the greater of the quotient obtained under division (D) (2) (a) 56452  
of this section and 6)] X the amount computed under division (D) 56453  
(3) (a) of this section X 5 56454

(4) Calculate the district's professional development cost 56455  
for that fiscal year in accordance with the following formula: 56456

[The sum computed under division (D) (1) (d) of this section + 56457  
(the greater of the quotient obtained under division (D) (2) (a) 56458  
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 56459  
(b) of section 3317.011 of the Revised Code for that fiscal 56460  
year)/180] X 4 56461

(5) Calculate the district's teacher base cost for that 56462  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 56463  
and (4) of this section. 56464

(E) The department shall compute a district's student 56465  
support base cost for a fiscal year as follows: 56466

(1) Calculate the district's guidance counselor cost for that fiscal year as follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;

(b) Compute the counselor cost in accordance with the following formula:

(The greater of the quotient obtained under division (E) (1) (a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]

(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;

(b) Compute the librarian and media staff cost in accordance with the following formula:

The quotient obtained under division (E) (2) (a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;

(b) Compute the staffing cost for student wellness and

success in accordance with the following formula: 56494

The quotient obtained under division (E) (3) (a) of this section X 56495

[(the average counselor salary for that fiscal year X 1.16) + 56496

the amount specified under division (A) (10) (c) of section 56497

3317.011 of the Revised Code for that fiscal year] 56498

(4) Calculate the district's cost for that fiscal year for 56499

career-technical curriculum specialists and coordinators, career 56500

assessment and program placement, recruitment and orientation, 56501

student success coordination, analysis of test results, 56502

development of intervention and remediation plans and monitoring 56503

of those plans, and satellite program coordination in accordance 56504

with the following formula: 56505

[(The amount determined under division (E) (4) (a) of section 56506

3317.011 of the Revised Code for that fiscal year / the sum 56507

determined under division (E) (4) (b) of section 3317.011 of the 56508

Revised Code) + (the amount determined under division (H) (1) of 56509

section 3317.011 of the Revised Code for that fiscal year / the 56510

sum determined under division (H) (2) of section 3317.011 of the 56511

Revised Code)] X the district's base cost enrolled ADM for the 56512

fiscal year for which the district's cost under this division is 56513

computed 56514

(5) Compute the district's building safety and security 56515

cost for that fiscal year in accordance with the following 56516

formula: 56517

(The amount determined under division (E) (5) (a) of section 56518

3317.011 of the Revised Code for that fiscal year / the sum 56519

determined under division (E) (5) (b) of section 3317.011 of the 56520

Revised Code) X the district's base cost enrolled ADM for the 56521

fiscal year for which the building safety and security cost is 56522

computed 56523

(6) Compute the district's supplies and academic content 56524  
cost for that fiscal year in accordance with the following 56525  
formula: 56526

(The amount determined under division (E) (6) (a) of section 56527  
3317.011 of the Revised Code for that fiscal year / the sum 56528  
determined under division (E) (6) (b) of section 3317.011 of the 56529  
Revised Code) X the district's base cost enrolled ADM for the 56530  
fiscal year for which the supplies and academic content cost is 56531  
computed 56532

(7) Calculate the district's technology cost for that 56533  
fiscal year in accordance with the following formula: 56534

\$37.50 X the district's base cost enrolled ADM for that fiscal 56535  
year 56536

(8) Calculate the district's student support base cost for 56537  
that fiscal year, which equals the sum of divisions (E) (1), (2), 56538  
(3), (4), (5), (6), and (7) of this section. 56539

(F) The department shall compute a district's leadership 56540  
and accountability base cost for a fiscal year as follows: 56541

(1) Calculate the district's superintendent cost for that 56542  
fiscal year as follows: 56543

(a) If the district's base cost enrolled ADM for that 56544  
fiscal year is greater than 4,000, then the district's 56545  
superintendent cost shall be equal to [(\$160,000 X 1.16) + the 56546  
amount specified under division (A) (10) (c) of section 3317.011 56547  
of the Revised Code for that fiscal year]. 56548

(b) If the district's base cost enrolled ADM for that 56549  
fiscal year is less than or equal to 4,000 but greater than or 56550

equal to 500, the district's superintendent cost shall be equal 56551  
to the sum of the following: 56552

(i) (The district's base cost enrolled ADM for that fiscal 56553  
year - 500) X  $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$  56554

(ii)  $(\$80,000 \times 1.16)$  + the amount specified under division 56555  
(A) (10) (c) of section 3317.011 of the Revised Code for that 56556  
fiscal year. 56557

(c) If the district's base cost enrolled ADM is less than 56558  
500, then the district's superintendent cost shall be equal to 56559  
 $[(\$80,000 \times 1.16) +$  the amount specified under division (A) (10) 56560  
(c) of section 3317.011 of the Revised Code for that fiscal 56561  
year]. 56562

(2) Calculate the district's treasurer cost for that 56563  
fiscal year as follows: 56564

(a) If the district's base cost enrolled ADM for that 56565  
fiscal year is greater than 4,000, then the district's treasurer 56566  
cost shall be equal to  $[(\$130,000 \times 1.16) +$  the amount specified 56567  
under division (A) (10) (c) of section 3317.011 of the Revised 56568  
Code for that fiscal year]. 56569

(b) If the district's base cost enrolled ADM for that 56570  
fiscal year is less than or equal to 4,000 but greater than or 56571  
equal to 500, the district's treasurer cost shall be equal to 56572  
the sum of the following: 56573

(i) (The district's base cost enrolled ADM for that fiscal 56574  
year - 500) X  $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$  56575

(ii)  $(\$60,000 \times 1.16)$  + the amount specified under division 56576  
(A) (10) (c) of section 3317.011 of the Revised Code for that 56577  
fiscal year. 56578

(c) If the district's base cost enrolled ADM is less than 56579  
500, then the district's treasurer cost shall be equal to 56580  
[( $\$60,000 \times 1.16$ ) + the amount specified under division (A) (10) 56581  
(c) of section 3317.011 of the Revised Code for that fiscal 56582  
year]. 56583

(3) Calculate the district's other district administrator 56584  
cost for that fiscal year as follows: 56585

(a) Divide the average other district administrator salary 56586  
for that fiscal year by the average superintendent salary for 56587  
that fiscal year; 56588

(b) Divide the district's base cost enrolled ADM for that 56589  
fiscal year by 750; 56590

(c) Compute the other district administrator cost in 56591  
accordance with the following formula: 56592

{[(The district's superintendent cost for that fiscal year 56593  
calculated under division (F) (1) of this section - the amount 56594  
specified under division (A) (10) (c) of section 3317.011 of the 56595  
Revised Code for that fiscal year) X the quotient obtained under 56596  
division (F) (3) (a) of this section] + the amount specified under 56597  
division (A) (10) (c) of section 3317.011 of the Revised Code} X 56598  
(the greater of the quotient obtained under division (F) (3) (b) 56599  
of this section and 2) 56600

(4) Calculate the district's fiscal support cost for that 56601  
fiscal year as follows: 56602

(a) Divide the district's base cost enrolled ADM for that 56603  
fiscal year by 850; 56604

(b) Determine the lesser of the following: 56605

(i) The maximum of the quotient obtained under division 56606

(F) (4) (a) of this section and 2; 56607

(ii) 35. 56608

(c) Compute the fiscal support cost in accordance with the 56609  
following formula: 56610

The number obtained under division (F) (4) (b) of this section X 56611  
[(the average bookkeeping and accounting employee salary for 56612  
that fiscal year X 1.16) + the amount specified under division 56613  
(A) (10) (c) of section 3317.011 of the Revised Code for that 56614  
fiscal year] 56615

(5) Calculate the district's education management 56616  
information system support cost for that fiscal year as follows: 56617

(a) Divide the district's base cost enrolled ADM for that 56618  
fiscal year by 5,000; 56619

(b) Compute the education management information system 56620  
support cost in accordance with the following formula: 56621

(The greater of the quotient obtained under division (F) (5) (a) 56622  
of this section and 1) X [(the average education management 56623  
information system support employee salary for that fiscal year 56624  
X 1.16) + the amount specified under division (A) (10) (c) of 56625  
section 3317.011 of the Revised Code for that fiscal year] 56626

(6) Calculate the district's leadership support cost for 56627  
that fiscal year as follows: 56628

(a) Determine the greater of the quotient obtained under 56629  
division (F) (3) (b) of this section and 2 and add 1 to that 56630  
number; 56631

(b) Divide the number obtained under division (F) (6) (a) of 56632  
this section by 3; 56633



(c) Compute the leadership support cost in accordance with 56634  
the following formula: 56635

(The greater of the quotient obtained under division (F) (6) (b) 56636  
of this section and 1) X [(the average administrative assistant 56637  
salary for that fiscal year X 1.16) + the amount specified under 56638  
division (A) (10) (c) of section 3317.011 of the Revised Code for 56639  
that fiscal year] 56640

(7) Calculate the district's information technology center 56641  
support cost for that fiscal year in accordance with the 56642  
following formula: 56643

\$31 X the district's base cost enrolled ADM for that fiscal year 56644

(8) Calculate the district's district leadership and 56645  
accountability base cost for that fiscal year, which equals the 56646  
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 56647  
this section; 56648

(G) The department shall compute a district's building 56649  
leadership and operations base cost for a fiscal year as 56650  
follows: 56651

(1) Calculate the district's building leadership cost for 56652  
that fiscal year as follows: 56653

(a) Divide the average principal salary for that fiscal 56654  
year by the average superintendent salary for that fiscal year; 56655

(b) Divide the district's base cost enrolled ADM for that 56656  
fiscal year by 450; 56657

(c) Compute the building leadership cost in accordance 56658  
with the following formula: 56659

{[(The district's superintendent cost for that fiscal year 56660

calculated under division (F) (1) of this section - the amount 56661  
specified under division (A) (10) (c) of section 3317.011 of the 56662  
Revised Code for that fiscal year) X the quotient obtained under 56663  
division (G) (1) (a) of this section] + the amount specified under 56664  
division (A) (10) (c) of section 3317.011 of the Revised Code for 56665  
that fiscal year} X the quotient obtained under division (G) (1) 56666  
(b) of this section 56667

(2) Calculate the district's building leadership support 56668  
cost for that fiscal year as follows: 56669

(a) Divide the district's base cost enrolled ADM for that 56670  
fiscal year by 400; 56671

(b) Determine the number of school buildings in the 56672  
district for ~~that~~ the preceding fiscal year; 56673

(c) Compute the building leadership support cost in 56674  
accordance with the following formula: 56675

(i) If the quotient obtained under division (G) (2) (a) of 56676  
this section is less than the number obtained under division (G) 56677  
(2) (b) of this section, then the district's building leadership 56678  
support cost shall be equal to {the number obtained under 56679  
division (G) (2) (b) of this section X [(the average clerical 56680  
staff salary X 1.16) + the amount specified under division (A) 56681  
(10) (c) of section 3317.011 of the Revised Code for that fiscal 56682  
year]}. 56683

(ii) If the quotient obtained under division (G) (2) (a) of 56684  
this section is greater than or equal to the number obtained 56685  
under division (G) (2) (b) of this section, then the district's 56686  
building leadership support cost shall be equal to {[the lesser 56687  
of (the number obtained under division (G) (2) (b) of this section 56688  
X 3) and the quotient obtained under division (G) (2) (a) of this 56689

section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}].

(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of section 3317.011 of the Revised Code X the number determined under division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (5) (b) of section 3317.011 of the Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

**Sec. 3317.014.** (A) The multiples for the following categories of career-technical education programs approved by the department of education and workforce under section 3317.161 of the Revised Code shall be as follows:

(1) A multiple of 0.6230 for students enrolled in career-technical education workforce development programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(2) A multiple of 0.5905 for students enrolled in

workforce development programs in business and administration, 56719  
hospitality and tourism, human services, law and public safety, 56720  
transportation systems, and arts and communications, each of 56721  
which shall be defined by the department in consultation with 56722  
the governor's office of workforce transformation; 56723

(3) A multiple of 0.2154 for students enrolled in career- 56724  
based intervention programs, which shall be defined by the 56725  
department in consultation with the governor's office of 56726  
workforce transformation; 56727

(4) A multiple of 0.1830 for students enrolled in 56728  
workforce development programs in education and training, 56729  
marketing, workforce development academics, public 56730  
administration, and career development, each of which shall be 56731  
defined by the department in consultation with the governor's 56732  
office of workforce transformation; 56733

(5) A multiple of 0.1570 for students enrolled in family 56734  
and consumer science programs, which shall be defined by the 56735  
department in consultation with the governor's office of 56736  
workforce transformation. 56737

(B) The multiple for career-technical education associated 56738  
services, as defined by the department, shall be 0.0294. 56739

(C) The department shall calculate career-technical 56740  
education funds for each funding unit that is a city, local, 56741  
exempted village, or joint vocational school district or the 56742  
community and STEM school unit as follows: 56743

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 56744  
the following: 56745

(a) The funding unit's category one career-technical 56746  
education ADM X the multiple specified in division (A) (1) of 56747

this section X the statewide average career-technical base cost 56748  
per pupil for that fiscal year X if the funding unit is a city, 56749  
local, exempted village, or joint vocational school district, 56750  
the district's state share percentage; 56751

(b) The funding unit's category two career-technical 56752  
education ADM X the multiple specified in division (A) (2) of 56753  
this section X the statewide average career-technical base cost 56754  
per pupil for that fiscal year X if the funding unit is a city, 56755  
local, exempted village, or joint vocational school district, 56756  
the district's state share percentage; 56757

(c) The funding unit's category three career-technical 56758  
education ADM X the multiple specified in division (A) (3) of 56759  
this section X the statewide average career-technical base cost 56760  
per pupil for that fiscal year X if the funding unit is a city, 56761  
local, exempted village, or joint vocational school district, 56762  
the district's state share percentage; 56763

(d) The funding unit's category four career-technical 56764  
education ADM X the multiple specified in division (A) (4) of 56765  
this section X the statewide average career-technical base cost 56766  
per pupil for that fiscal year X if the funding unit is a city, 56767  
local, exempted village, or joint vocational school district, 56768  
the district's state share percentage; 56769

(e) The funding unit's category five career-technical 56770  
education ADM X the multiple specified in division (A) (5) of 56771  
this section X the statewide average career-technical base cost 56772  
per pupil for that fiscal year X if the funding unit is a city, 56773  
local, exempted village, or joint vocational school district, 56774  
the district's state share percentage. 56775

(2) For fiscal year ~~2026~~ 2028 and each fiscal year 56776

thereafter, the sum of the following: 56777

(a) An amount calculated in a manner determined by the 56778  
general assembly times the funding unit's category one career- 56779  
technical education ADM; 56780

(b) An amount calculated in a manner determined by the 56781  
general assembly times the funding unit's category two career- 56782  
technical education ADM; 56783

(c) An amount calculated in a manner determined by the 56784  
general assembly times the funding unit's category three career- 56785  
technical education ADM; 56786

(d) An amount calculated in a manner determined by the 56787  
general assembly times the funding unit's category four career- 56788  
technical education ADM; 56789

(e) An amount calculated in a manner determined by the 56790  
general assembly times the funding unit's category five career- 56791  
technical education ADM. 56792

(3) Payment of funds calculated under division (C) of this 56793  
section is subject to approval under section 3317.161 of the 56794  
Revised Code. 56795

(D) Subject to division (I) of section 3317.023 of the 56796  
Revised Code, the department shall calculate career-technical 56797  
associated services funds for each funding unit that is a city, 56798  
local, exempted village, or joint vocational school district or 56799  
the community and STEM school unit as follows: 56800

(1) For fiscal years 2024-2026 and 2025-2027, the following 56801  
product: 56802

(If the funding unit is a city, local, exempted village, or 56803  
joint vocational school district, the funding unit's state share 56804

percentage) X the multiple for career-technical education 56805  
associated services specified under division (B) of this section 56806  
X the statewide average career-technical base cost per pupil for 56807  
that fiscal year X the sum of the funding unit's categories one 56808  
through five career-technical education ADM 56809

(2) For fiscal year ~~2026~~2028 and each fiscal year 56810  
thereafter, an amount calculated in a manner determined by the 56811  
general assembly times the funding unit's categories one through 56812  
five career-technical education ADM. 56813

(E) (1) In accordance with division (I) of section 3317.023 56814  
of the Revised Code, the department shall compute career 56815  
awareness and exploration funds for each city, local, exempted 56816  
village, and joint vocational school district, community school 56817  
established under Chapter 3314. of the Revised Code, and STEM 56818  
school established under Chapter 3326. of the Revised Code that 56819  
is part of a career technical planning district. The department 56820  
shall pay the lead district in each career technical planning 56821  
district as follows: 56822

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 56823  
equal to the following product: 56824

The sum of enrolled ADM for all districts and schools within the 56825  
career technical planning district X ~~\$7.50, for fiscal year~~ 56826  
~~2024, or \$10, for fiscal year 2025~~ \$3 56827

(b) For fiscal year ~~2026~~2028 and each fiscal year 56828  
thereafter, an amount calculated in a manner determined by the 56829  
general assembly, if the general assembly authorizes such a 56830  
payment to city, local, exempted village, and joint vocational 56831  
school districts, community schools, and STEM schools. 56832

(2) The lead district of a career technical planning 56833

district shall use career awareness and exploration funds in 56834  
accordance with division (H) of this section. 56835

(F) (1) In any fiscal year, a school district receiving 56836  
funds calculated under division (C) of this section shall spend 56837  
those funds only for the purposes that the department designates 56838  
as approved for career-technical education expenses. Career- 56839  
technical education expenses approved by the department shall 56840  
include only expenses connected to the delivery of career- 56841  
technical programming to career-technical students. The 56842  
department shall require the school district to report data 56843  
annually so that the department may monitor the district's 56844  
compliance with the requirements regarding the manner in which 56845  
funding calculated under division (C) of this section may be 56846  
spent. 56847

(2) All funds received under division (C) of this section 56848  
shall be spent in the following manner: 56849

(a) At least seventy-five per cent of the funds shall be 56850  
spent on curriculum development, purchase, and implementation; 56851  
instructional resources and supplies; industry-based program 56852  
certification; student assessment, credentialing, and placement; 56853  
curriculum specific equipment purchases and leases; career- 56854  
technical student organization fees and expenses; home and 56855  
agency linkages; work-based learning experiences; professional 56856  
development; and other costs directly associated with career- 56857  
technical education programs including development of new 56858  
programs. 56859

(b) Not more than twenty-five per cent of the funds shall 56860  
be used for personnel expenditures. 56861

(G) In any fiscal year, a school district receiving funds 56862



calculated under division (D) of this section, or through a 56863  
transfer of funds pursuant to division (I) of section 3317.023 56864  
of the Revised Code, shall spend those funds only for the 56865  
purposes that the department designates as approved for career- 56866  
technical education associated services expenses, which may 56867  
include ~~such all of the following purposes as apprenticeship-~~ 56868  
~~coordinators, coordinators for other career-technical education-~~ 56869  
~~services, career-technical evaluation, and other purposes-~~ 56870  
~~designated by the department.:~~ 56871

(1) Engaging and collaborating with education and 56872  
workforce stakeholders in the service area; 56873

(2) Developing and maintaining a comprehensive plan to 56874  
increase career-focused education activities; 56875

(3) Ensuring that plans are informed by quality data and 56876  
using data to expand access to career-focused activities for all 56877  
students; 56878

(4) Planning and allocating resources for the growth, 56879  
sustainability, and enhancement of career-focused activities in 56880  
the long term; 56881

(5) Establishing continuous improvement and program 56882  
approval processes. 56883

The department may deny payment of funds calculated under 56884  
division (D) of this section to any district that the department 56885  
determines is not operating those services or is using funds 56886  
calculated under division (D) of this section, or through a 56887  
transfer of funds pursuant to division (I) of section 3317.023 56888  
of the Revised Code, for other purposes. 56889

(H) In any fiscal year, a lead district of a career- 56890  
technical planning district receiving funds under division (E) 56891

of this section, shall utilize those funds to deliver relevant 56892  
career awareness and exploration programs to all students within 56893  
its career technical planning district in a manner that is 56894  
consistent with the career-technical planning district's plan 56895  
that is on file with the department. The lead district that 56896  
receives funds under this division shall spend those funds only 56897  
for the following purposes: 56898

(1) Delivery of career awareness programs to students 56899  
enrolled in grades kindergarten through twelve; 56900

(2) Provision of a common, consistent curriculum to 56901  
students throughout their primary and secondary education; 56902

(3) Assistance to teachers in providing a career 56903  
development curriculum to students; 56904

(4) Development of a career development plan for each 56905  
student that stays with that student for the duration of the 56906  
student's primary and secondary education; 56907

(5) Provision of opportunities for students to engage in 56908  
activities, such as career fairs, hands-on experiences, and job 56909  
shadowing, across all career pathways at each grade level; 56910

(6) Provision of mentorship opportunities through which 56911  
students may learn about careers and workforce skills. 56912

The lead district that receives funds under division (E) 56913  
of this section shall report on the use of those funds to the 56914  
department in a manner prescribed by the department. 56915

The department may deny payment under this division to any 56916  
district or school that the department determines is using funds 56917  
paid under this division for other purposes. 56918

**Sec. 3317.016.** As used in this section, "English learner" 56919

has the same meaning as in section 3301.0731 of the Revised Code. 56920  
56921

The multiples for English learners shall be as follows: 56922

(A) A multiple of 0.2104 for each student who has been 56923  
identified as an English learner following the state's 56924  
standardized identification process enrolled in schools in the 56925  
United States for 180 school days or less. 56926

(B) A multiple of 0.1577 for each student who, for fiscal 56927  
years ~~2024-2026~~ and ~~2025-2027~~ has been identified as an English 56928  
learner following the state's standardized identification 56929  
process and enrolled in schools in the United States for more 56930  
than 180 school days until the student achieves a proficient 56931  
score on the spring administration of the state's English 56932  
language proficiency assessments prescribed by division (C) (3) 56933  
of section 3301.0711 of the Revised Code or who, for fiscal year 56934  
~~2026-2028~~ and each fiscal year thereafter, satisfies criteria 56935  
specified by the general assembly for purposes of this division. 56936

(C) A multiple of 0.1053 for each student who, for fiscal 56937  
years ~~2024-2026~~ and ~~2025~~2027, achieves a score of proficient on 56938  
the spring administration of the state's English language 56939  
proficiency assessments prescribed by division (C) (3) of section 56940  
3301.0711 of the Revised Code for the two school years following 56941  
the school year in which the student achieved that level of 56942  
achievement or who, for fiscal year ~~2026-2028~~ and each fiscal 56943  
year thereafter, satisfies criteria specified by the general 56944  
assembly for purposes of this division. 56945

**Sec. 3317.017.** This section shall apply only for fiscal 56946  
years ~~2024-2026~~ and ~~2025~~2027. 56947

(A) The department of education and workforce shall 56948

compute a city, local, or exempted village school district's 56949  
per-pupil local capacity amount for a fiscal year as follows: 56950

(1) Calculate the district's valuation per pupil for that 56951  
fiscal year as follows: 56952

(a) Determine the minimum of the district's three-year 56953  
average valuation for the fiscal year for which the calculation 56954  
is made and the district's taxable value for the most recent tax 56955  
year for which data is available; 56956

(b) Divide the amount determined under division (A) (1) (a) 56957  
of this section by the district's base cost enrolled ADM for the 56958  
fiscal year for which the calculation is made. 56959

(2) Calculate the district's local share federal adjusted 56960  
gross income per pupil for that fiscal year as follows: 56961

(a) Determine the minimum of the following: 56962

(i) The average of the total federal adjusted gross income 56963  
of the district's residents for the three most recent tax years 56964  
for which data is available, as certified under section 3317.021 56965  
of the Revised Code; 56966

(ii) The total federal adjusted gross income of the 56967  
district's residents for the most recent tax year for which data 56968  
is available, as certified under section 3317.021 of the Revised 56969  
Code. 56970

(b) Divide the amount determined under division (A) (2) (a) 56971  
of this section by the district's base cost enrolled ADM for the 56972  
fiscal year for which the calculation is made. 56973

(3) Calculate the district's adjusted local share federal 56974  
adjusted gross income per pupil for that fiscal year as follows: 56975

(a) Determine both of the following:	56976
(i) The median federal adjusted gross income of the	56977
district's residents for the most recent tax year for which data	56978
is available, as certified under section 3317.021 of the Revised	56979
Code;	56980
(ii) The number of state tax returns filed by taxpayers	56981
residing in the district for the most recent tax year for which	56982
data is available, as certified under section 3317.021 of the	56983
Revised Code.	56984
(b) Compute the product of divisions (A) (3) (a) (i) and (ii)	56985
of this section;	56986
(c) Divide the amount determined under division (A) (3) (b)	56987
of this section by the district's base cost enrolled ADM for the	56988
fiscal year for which the calculation is made.	56989
(4) Calculate the district's per-pupil local capacity	56990
percentage as follows:	56991
(a) Determine the median of the median federal adjusted	56992
gross incomes determined for all districts statewide under	56993
division (A) (3) (a) (i) of this section for that fiscal year;	56994
(b) Divide the district's median federal adjusted gross	56995
income for that fiscal year determined under division (A) (3) (a)	56996
(i) of this section by the median federal adjusted gross income	56997
for all districts statewide determined under division (A) (4) (a)	56998
of this section;	56999
(c) Rank all school districts in order of the ratios	57000
calculated under division (A) (4) (b) of this section, from the	57001
district with the highest ratio calculated under division (A) (4)	57002
(b) of this section to the district with the lowest ratio	57003

calculated under division (A) (4) (b) of this section; 57004

(d) Determine the district's per-pupil local capacity 57005  
percentage as follows: 57006

(i) If the ratio calculated for the district under 57007  
division (A) (4) (b) of this section is greater than or equal to 57008  
the ratio calculated under division (A) (4) (b) of this section 57009  
for the district with the fortieth highest ratio as determined 57010  
under division (A) (4) (c) of this section, the district's per- 57011  
pupil local capacity percentage shall be equal to 0.025. 57012

(ii) If the ratio calculated for the district under 57013  
division (A) (4) (b) of this section is less than the ratio 57014  
calculated under division (A) (4) (b) of this section for the 57015  
district with the fortieth highest ratio as determined under 57016  
division (A) (4) (c) of this section but greater than 1.0, the 57017  
district's per-pupil local capacity percentage shall be equal to 57018  
an amount calculated as follows: 57019

{[(The ratio calculated for the district under division (A) (4) 57020  
(b) of this section - 1) X 0.0025]/ (the ratio calculated under 57021  
division (A) (4) (b) of this section for the district with the 57022  
fortieth highest ratio as determined under division (A) (4) (c) of 57023  
this section - 1)} + 0.0225 57024

(iii) If the ratio calculated for the district under 57025  
division (A) (4) (b) of this section is less than or equal to 1.0, 57026  
the district's per-pupil local capacity percentage shall be 57027  
equal to the amount calculated under division (A) (4) (b) of this 57028  
section times 0.0225. 57029

(5) Calculate the district's per-pupil local capacity 57030  
amount for that fiscal year as follows: 57031

(The district's valuation per pupil calculated under division 57032

(A) (1) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A) (4) of this section X 0.60) + (the district's local share federal adjusted gross income per pupil calculated under division (A) (2) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A) (4) of this section X 0.20 ) + (the district's adjusted local share federal adjusted gross income per pupil calculated under division (A) (3) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A) (4) of this section X 0.20)

(B) The department shall compute a city, local, or exempted village school district's state share for a fiscal year as follows:

(1) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is greater than 0.90, then the district's state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.10 X the district's enrolled ADM for that fiscal year).

(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.90, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year].

(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows:

(the district's base cost per pupil amount for that fiscal year 57063  
- the district's per pupil local capacity amount for that fiscal 57064  
year)/(the district's base cost per pupil amount for that fiscal 57065  
year). 57066

If the result is less than 0.10, the state share 57067  
percentage shall be 0.10. 57068

**Sec. 3317.018.** (A) The statewide average base cost per 57069  
pupil shall be determined as follows: 57070

(1) For fiscal year 2024, the statewide average base cost 57071  
per pupil shall be equal to the sum of the aggregate base cost 57072  
calculated for all city, local, and exempted village school 57073  
districts in the state for that fiscal year under section 57074  
3317.011 of the Revised Code divided by the sum of the base cost 57075  
enrolled ADMs of all of the city, local, and exempted village 57076  
school districts in the state for that fiscal year. 57077

(2) For fiscal ~~year-years~~ 2025, 2026, and 2027, the 57078  
statewide average base cost per pupil shall be equal to the 57079  
amount calculated under division (A)(1) of this section. 57080

(B) The statewide average career-technical base cost per 57081  
pupil shall be determined as follows: 57082

(1) For fiscal year 2024, the statewide average career- 57083  
technical base cost per pupil shall be equal to the sum of the 57084  
aggregate base cost calculated for all joint vocational school 57085  
districts in the state for that fiscal year under section 57086  
3317.012 of the Revised Code divided by the sum of the base cost 57087  
enrolled ADMs of all of the joint vocational school districts in 57088  
the state for that fiscal year. 57089

(2) For fiscal ~~year-years~~ 2025, 2026, and 2027, the 57090  
statewide average career-technical base cost per pupil shall be 57091



equal to the amount calculated under division (B) (1) of this section. 57092  
57093

**Sec. 3317.019.** (A) (1) Subject to division (C) of this section, for fiscal years 2024-2026 and 2025-2027, the department of education and workforce shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula: 57094  
57095  
57096  
57097  
57098

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) - (the district's payment under section 3317.022 of the Revised Code ~~- the district's payment for supplemental targeted assistance under section 3317.0218 of the Revised Code for the fiscal year for which each payment is computed~~) 57099  
57100  
57101  
57102  
57103  
57104

If the computation made under division (A) (1) of this section results in a negative number, the district's funding under division (A) (1) of this section shall be zero. 57105  
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(2) For fiscal years 2024-2026 and 2025-2027, the department shall pay temporary transitional transportation aid to that district according to the following formula: 57108  
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(The amount calculated for the district for fiscal year 2020 under division (A) (2) of Section 265.220 of H.B. 166 of the 133rd general assembly, prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020) - (the district's payment for fiscal year 2019 under division (D) (2) of section 3314.091 of the Revised Code as that division existed prior to September 30, 2021) - (the district's payment under section 3317.0212 of the Revised Code for the fiscal year for which the payment is computed) 57111  
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If the computation made under division (A) (2) of this section results in a negative number, the district's funding under division (A) (2) of this section shall be zero.

(B) If a local school district participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year ~~2024-2026~~ or fiscal year ~~2025-2027~~, but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall adjust, as necessary, the district's funding base, as that term is defined in section 3317.02 of the Revised Code, according to the amounts received by the district in the immediately preceding fiscal year for career-technical education students who attend the newly established joint vocational school district.

(C) (1) For purposes of division (C) of this section, a district's "decrease threshold" for a fiscal year is the greater of the following:

(a) Twenty;

(b) Ten per cent of the number of the district's students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for the previous fiscal year.

(2) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, if a district has fewer students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

The statewide average base cost per pupil X [(the positive  
difference between the number of the district's students counted  
under division (A) (1) (b) of section 3317.03 of the Revised Code  
for that fiscal year and the number of the district's students  
counted under that division for the previous fiscal year) - the  
district's decrease threshold for that fiscal year]

At no time, however, shall the amount paid to a district  
under division (A) of this section be less than zero.

**Sec. 3317.0110.** This section shall apply only for fiscal  
years ~~2024-2026~~ and ~~2025~~2027.

(A) As used in this section:

(1) "Average teacher cost" for a fiscal year has the same  
meaning as in section 3317.011 of the Revised Code.

(2) "Eligible community or STEM school" means a community  
or STEM school that satisfies one of the following:

(a) The school is a member of an organization that  
regulates interscholastic athletics.

(b) The school has teams in at least three different  
sports that participate in an interscholastic league.

(B) When calculating a community or STEM school's  
aggregate base cost under this section, the department shall use  
data from fiscal year 2022 for the average teacher cost.

(C) A community or STEM school's aggregate base cost for a  
fiscal year shall be equal to the following sum:

(The school's teacher base cost for that fiscal year computed  
under division (D) of this section) + (the school's student  
support base cost for that fiscal year computed under division

(E) of this section) + (the school's leadership and 57177  
accountability base cost for that fiscal year computed under 57178  
division (F) of this section) + (the school's building 57179  
leadership and operations base cost for that fiscal year 57180  
computed under division (G) of this section) + (the school's 57181  
athletic co-curricular activities base cost for that fiscal year 57182  
computed under division (H) of this section, if the school is an 57183  
eligible community or STEM school) 57184

(D) The department of education shall compute a community 57185  
or STEM school's teacher base cost for a fiscal year as follows: 57186

(1) Calculate the school's classroom teacher cost for that 57187  
fiscal year as follows: 57188

(a) Determine the full-time equivalency of students 57189  
enrolled in the school for that fiscal year that are enrolled in 57190  
kindergarten and divide that number by 20; 57191

(b) Determine the full-time equivalency of students 57192  
enrolled in the school for that fiscal year that are enrolled in 57193  
grades one through three and divide that number by 23; 57194

(c) Determine the full-time equivalency of students 57195  
enrolled in the school for that fiscal year that are enrolled in 57196  
grades four through eight but are not enrolled in a career- 57197  
technical education program or class described under section 57198  
3317.014 of the Revised Code and divide that number by 25; 57199

(d) Determine the full-time equivalency of students 57200  
enrolled in the school for that fiscal year that are enrolled in 57201  
grades nine through twelve but are not enrolled in a career- 57202  
technical education program or class described under section 57203  
3317.014 of the Revised Code and divide that number by 27; 57204

(e) Determine the full-time equivalency of students 57205

enrolled in the school for that fiscal year that are enrolled in 57206  
a career-technical education program or class, as reported under 57207  
division (B) (4) of section 3314.08 of the Revised Code, and 57208  
divide that number by 18; 57209

(f) Compute the sum of the quotients obtained under 57210  
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 57211

(g) Compute the classroom teacher cost by multiplying the 57212  
average teacher cost for that fiscal year by the sum computed 57213  
under division (D) (1) (f) of this section. 57214

(2) Calculate the school's special teacher cost for that 57215  
fiscal year as follows: 57216

(a) Divide the number of students enrolled in the school 57217  
for that fiscal year by 150; 57218

(b) Compute the special teacher cost by multiplying the 57219  
quotient obtained under division (D) (2) (a) of this section by 57220  
the average teacher cost for that fiscal year. 57221

(3) Calculate the school's substitute teacher cost for 57222  
that fiscal year in accordance with the following formula: 57223

(a) Compute the substitute teacher daily rate with 57224  
benefits by multiplying the substitute teacher daily rate of \$90 57225  
by 1.16; 57226

(b) Compute the substitute teacher cost in accordance with 57227  
the following formula: 57228

(The sum computed under division (D) (1) (f) of this section + the 57229  
quotient obtained under division (D) (2) (a) of this section) X 57230  
the amount computed under division (D) (3) (a) of this section X 5 57231

(4) Calculate the school's professional development cost 57232

for that fiscal year in accordance with the following formula: 57233

(The sum computed under division (D) (1) (f) of this section + the 57234  
quotient obtained under division (D) (2) (a) of this section) X 57235  
[(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of 57236  
the Revised Code for that fiscal year)/180] X 4 57237

(5) Calculate the school's teacher base cost for that 57238  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 57239  
and (4) of this section. 57240

(E) The department shall compute a community or STEM 57241  
school's student support base cost for a fiscal year as follows: 57242

The number of students enrolled in the school for that fiscal 57243  
year X [(the sum of the student support base cost calculated for 57244  
all city, local, and exempted village school districts in the 57245  
state for that fiscal year under division (E) of section 57246  
3317.011 of the Revised Code) / the sum of the base cost 57247  
enrolled ADMs of all of the city, local, and exempted village 57248  
school districts in the state for that fiscal year] 57249

(F) The department shall compute a community or STEM 57250  
school's leadership and accountability base cost for a fiscal 57251  
year as follows: 57252

The number of students enrolled in the school for that fiscal 57253  
year X (the sum of the leadership and accountability base cost 57254  
calculated for all city, local, and exempted village school 57255  
districts in the state for that fiscal year under division (F) 57256  
of section 3317.011 of the Revised Code / the sum of the base 57257  
cost enrolled ADMs of all of the city, local, and exempted 57258  
village school districts in the state for that fiscal year) 57259

(G) The department shall compute a community or STEM 57260  
school's building leadership and operations base cost for a 57261

fiscal year as follows: 57262

The number of students enrolled in the school for that fiscal 57263  
year X (the sum of the building leadership and accountability 57264  
base cost calculated for all city, local, and exempted village 57265  
school districts in the state for that fiscal year under 57266  
division (G) of section 3317.011 of the Revised Code / the sum 57267  
of the base cost enrolled ADMs of all of the city, local, and 57268  
exempted village school districts in the state for that fiscal 57269  
year) 57270

(H) If a community or STEM school is an eligible community 57271  
or STEM school, the department shall compute the school's 57272  
athletic co-curricular activities base cost for a fiscal year as 57273  
follows: 57274

The number of students enrolled in the school for that fiscal 57275  
year X (the amount determined under division (H) (1) of section 57276  
3317.011 of the Revised Code / the sum determined under division 57277  
(H) (2) of section 3317.011 of the Revised Code) 57278

**Sec. 3317.02.** As used in this chapter: 57279

(A) "Alternative school" has the same meaning as in 57280  
section 3313.974 of the Revised Code. 57281

(B) "Autism scholarship unit" means a unit that consists 57282  
of all of the students for whom autism scholarships are awarded 57283  
under section 3310.41 of the Revised Code. 57284

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a district's 57285  
"base cost enrolled ADM" for a fiscal year means the greater of 57286  
the following: 57287

(1) The district's enrolled ADM for the previous fiscal 57288  
year; 57289

(2) The average of the district's enrolled ADM for the 57290  
previous three fiscal years. 57291

(D) (1) "Base cost per pupil" means the following for a 57292  
city, local, or exempted village school district: 57293

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the aggregate 57294  
base cost calculated for that district for that fiscal year 57295  
under section 3317.011 of the Revised Code divided by the 57296  
district's base cost enrolled ADM for that fiscal year; 57297

(b) For fiscal year ~~2026-2028~~ and each fiscal year 57298  
thereafter, an amount calculated in a manner determined by the 57299  
general assembly. 57300

(2) "Base cost per pupil" means the following for a joint 57301  
vocational school district: 57302

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the aggregate 57303  
base cost calculated for that district for that fiscal year 57304  
under section 3317.012 of the Revised Code divided by the 57305  
district's base cost enrolled ADM for that fiscal year; 57306

(b) For fiscal year ~~2026-2028~~ and each fiscal year 57307  
thereafter, an amount calculated in a manner determined by the 57308  
general assembly. 57309

(E) (1) "Category one career-technical education ADM" means 57310  
the enrollment of students during the school year on a full-time 57311  
equivalency basis in career-technical education programs 57312  
described in division (A) (1) of section 3317.014 of the Revised 57313  
Code and, in the case of a funding unit that is a city, local, 57314  
exempted village, or joint vocational school district, certified 57315  
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 57316  
Revised Code or, in the case of the community and STEM school 57317  
unit, reported by all community and STEM schools statewide under 57318



divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57319  
and division (D) of section 3326.32 of the Revised Code. 57320

(2) "Category two career-technical education ADM" means 57321  
the enrollment of students during the school year on a full-time 57322  
equivalency basis in career-technical education programs 57323  
described in division (A) (2) of section 3317.014 of the Revised 57324  
Code and, in the case of a funding unit that is a city, local, 57325  
exempted village, or joint vocational school district, certified 57326  
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 57327  
Revised Code or, in the case of the community and STEM school 57328  
unit, reported by all community and STEM schools statewide under 57329  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57330  
and division (D) of section 3326.32 of the Revised Code. 57331

(3) "Category three career-technical education ADM" means 57332  
the enrollment of students during the school year on a full-time 57333  
equivalency basis in career-technical education programs 57334  
described in division (A) (3) of section 3317.014 of the Revised 57335  
Code and, in the case of a funding unit that is a city, local, 57336  
exempted village, or joint vocational school district, certified 57337  
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 57338  
Revised Code or, in the case of the community and STEM school 57339  
unit, reported by all community and STEM schools statewide under 57340  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57341  
and division (D) of section 3326.32 of the Revised Code. 57342

(4) "Category four career-technical education ADM" means 57343  
the enrollment of students during the school year on a full-time 57344  
equivalency basis in career-technical education programs 57345  
described in division (A) (4) of section 3317.014 of the Revised 57346  
Code and, in the case of a funding unit that is a city, local, 57347  
exempted village, or joint vocational school district, certified 57348

under division (B) (14) or (D) (2) (k) of section 3317.03 of the 57349  
Revised Code or, in the case of the community and STEM school 57350  
unit, reported by all community and STEM schools statewide under 57351  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57352  
and division (D) of section 3326.32 of the Revised Code. 57353

(5) "Category five career-technical education ADM" means 57354  
the enrollment of students during the school year on a full-time 57355  
equivalency basis in career-technical education programs 57356  
described in division (A) (5) of section 3317.014 of the Revised 57357  
Code and, in the case of a funding unit that is a city, local, 57358  
exempted village, or joint vocational school district, certified 57359  
under division (B) (15) or (D) (2) (l) of section 3317.03 of the 57360  
Revised Code or, in the case of the community and STEM school 57361  
unit, reported by all community and STEM schools statewide under 57362  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57363  
and division (D) of section 3326.32 of the Revised Code. 57364

(F) (1) "Category one English learner ADM" means the full- 57365  
time equivalent number of English learners described in division 57366  
(A) of section 3317.016 of the Revised Code and, in the case of 57367  
a funding unit that is a city, local, exempted village, or joint 57368  
vocational school district, certified under division (B) (16) or 57369  
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 57370  
of the community and STEM school unit, reported by all community 57371  
and STEM schools statewide under division (B) (6) of section 57372  
3314.08 of the Revised Code and division (E) of section 3326.32 57373  
of the Revised Code. 57374

(2) "Category two English learner ADM" means the full-time 57375  
equivalent number of English learners described in division (B) 57376  
of section 3317.016 of the Revised Code and, in the case of a 57377  
funding unit that is a city, local, exempted village, or joint 57378

vocational school district, certified under division (B) (17) or 57379  
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 57380  
of the community and STEM school unit, reported by all community 57381  
and STEM schools statewide under division (B) (6) of section 57382  
3314.08 of the Revised Code and division (E) of section 3326.32 57383  
of the Revised Code. 57384

(3) "Category three English learner ADM" means the full- 57385  
time equivalent number of English learners described in division 57386  
(C) of section 3317.016 of the Revised Code and, in the case of 57387  
a funding unit that is a city, local, exempted village, or joint 57388  
vocational school district, certified under division (B) (18) or 57389  
(D) (2) (o) of section 3317.03 of the Revised Code or, in the case 57390  
of the community and STEM school unit, reported by all community 57391  
and STEM schools statewide under division (B) (6) of section 57392  
3314.08 of the Revised Code and division (E) of section 3326.32 57393  
of the Revised Code. 57394

(G) (1) "Category one special education ADM" means the 57395  
full-time equivalent number of children with disabilities 57396  
receiving special education services for the disability 57397  
specified in division (A) of section 3317.013 of the Revised 57398  
Code and, in the case of a funding unit that is a city, local, 57399  
exempted village, or joint vocational school district, certified 57400  
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 57401  
Revised Code or, in the case of the community and STEM school 57402  
unit, reported by all community and STEM schools statewide under 57403  
division (B) (3) of section 3314.08 of the Revised Code and 57404  
division (C) of section 3326.32 of the Revised Code. 57405

(2) "Category two special education ADM" means the full- 57406  
time equivalent number of children with disabilities receiving 57407  
special education services for those disabilities specified in 57408

division (B) of section 3317.013 of the Revised Code and, in the 57409  
case of a funding unit that is a city, local, exempted village, 57410  
or joint vocational school district, certified under division 57411  
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 57412  
in the case of the community and STEM school unit, reported by 57413  
all community and STEM schools statewide under division (B) (3) 57414  
of section 3314.08 of the Revised Code and division (C) of 57415  
section 3326.32 of the Revised Code. 57416

(3) "Category three special education ADM" means the full- 57417  
time equivalent number of students receiving special education 57418  
services for those disabilities specified in division (C) of 57419  
section 3317.013 of the Revised Code, and, in the case of a 57420  
funding unit that is a city, local, exempted village, or joint 57421  
vocational school district, certified under division (B) (7) or 57422  
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 57423  
of the community and STEM school unit, reported by all community 57424  
and STEM schools statewide under division (B) (3) of section 57425  
3314.08 of the Revised Code and division (C) of section 3326.32 57426  
of the Revised Code. 57427

(4) "Category four special education ADM" means the full- 57428  
time equivalent number of students receiving special education 57429  
services for those disabilities specified in division (D) of 57430  
section 3317.013 of the Revised Code and, in the case of a 57431  
funding unit that is a city, local, exempted village, or joint 57432  
vocational school district, certified under division (B) (8) or 57433  
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 57434  
of the community and STEM school unit, reported by all community 57435  
and STEM schools statewide under division (B) (3) of section 57436  
3314.08 of the Revised Code and division (C) of section 3326.32 57437  
of the Revised Code. 57438

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(I)(1) "Economically disadvantaged index for a school district" means the following:

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the square of

the quotient of that district's percentage of students in its 57469  
enrolled ADM who are identified as economically disadvantaged as 57470  
defined by the department of education and workforce, divided by 57471  
the percentage of students in the statewide ADM identified as 57472  
economically disadvantaged. For purposes of this calculation: 57473

(i) For a city, local, or exempted village school 57474  
district, the "statewide ADM" equals the sum of the following: 57475

(I) The enrolled ADM for all city, local, and exempted 57476  
village school districts combined; 57477

(II) The statewide enrollment of students in community 57478  
schools established under Chapter 3314. of the Revised Code; 57479

(III) The statewide enrollment of students in science, 57480  
technology, engineering, and mathematics schools established 57481  
under Chapter 3326. of the Revised Code. 57482

(ii) For a joint vocational school district, the 57483  
"statewide ADM" equals the sum of the enrolled ADM for all joint 57484  
vocational school districts combined. 57485

(b) For fiscal year ~~2026~~2028 and each fiscal year 57486  
thereafter, an index calculated in a manner determined by the 57487  
general assembly. 57488

(2) "Economically disadvantaged index for a community or 57489  
STEM school" means the following: 57490

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the square of 57491  
the quotient of the percentage of students enrolled in the 57492  
school who are identified as economically disadvantaged as 57493  
defined by the department, divided by the percentage of students 57494  
in the statewide ADM identified as economically disadvantaged. 57495  
For purposes of this calculation, the "statewide ADM" equals the 57496

"statewide ADM" for city, local, and exempted village school districts described in division (I)(1)(a)(i) of this section. 57497  
57498

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly. 57499  
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57501

(J) "Educational choice scholarship unit" means a unit that consists of all of the students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code. 57502  
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(K) "Enrolled ADM" means the following: 57506

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the department and adjusted if so ordered under division (K) of that section, and as further adjusted by the department, as follows: 57507  
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57509  
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(a) Add the students described in division (A)(1)(b) of section 3317.03 of the Revised Code; 57512  
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(b) Subtract the students counted under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised Code; 57514  
57515  
57516

(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code; 57517  
57518  
57519

(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact; 57520  
57521  
57522  
57523

(e) Add twenty per cent of the number of students 57524

described in division (A) (1) (b) of section 3317.03 of the Revised Code who enroll in a joint vocational school district or under a career-technical education compact.

(2) For a joint vocational school district, the final number verified by the department, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, and as further adjusted by the department by adding the students described in division (D) (1) (b) of section 3317.03 of the Revised Code;

(3) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B) (1) and (2) of section 3314.08 of the Revised Code and the number of students reported as enrolled in STEM schools under division (A) of section 3326.32 of the Revised Code;

(4) For the educational choice scholarship unit, the number of students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code as reported under division (A) (2) (g) of section 3317.03 of the Revised Code;

(5) For the pilot project scholarship unit, the number of students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code as reported under division (A) (2) (b) of section 3317.03 of the Revised Code;

(6) For the autism scholarship unit, the number of students for whom autism scholarships are awarded under section 3310.41 of the Revised Code as reported under division (A) (2) (h) of section 3317.03 of the Revised Code;



(7) For the Jon Peterson special needs scholarship unit, 57554  
the number of students for whom Jon Peterson special needs 57555  
scholarships are awarded under sections 3310.51 to 3310.64 of 57556  
the Revised Code as reported under division (A) (2) (h) of section 57557  
3317.03 of the Revised Code. 57558

(L) (1) "Formula ADM" means, for a city, local, or exempted 57559  
village school district, the enrollment reported under division 57560  
(A) of section 3317.03 of the Revised Code, as verified by the 57561  
department and adjusted if so ordered under division (K) of that 57562  
section, and as further adjusted by the department, as follows: 57563

(a) Count only twenty per cent of the number of joint 57564  
vocational school district students counted under division (A) 57565  
(3) of section 3317.03 of the Revised Code; 57566

(b) Add twenty per cent of the number of students who are 57567  
entitled to attend school in the district under section 3313.64 57568  
or 3313.65 of the Revised Code and are enrolled in another 57569  
school district under a career-technical education compact. 57570

(2) "Formula ADM" means, for a joint vocational school 57571  
district, the final number verified by the department, based on 57572  
the enrollment reported and certified under division (D) of 57573  
section 3317.03 of the Revised Code, as adjusted, if so ordered, 57574  
under division (K) of that section. 57575

(M) "FTE basis" means a count of students based on full- 57576  
time equivalency, in accordance with rules adopted by the 57577  
department pursuant to section 3317.03 of the Revised Code. In 57578  
adopting its rules under this division, the department shall 57579  
provide for counting any student in category one, two, three, 57580  
four, five, or six special education ADM or in category one, 57581  
two, three, four, or five career-technical education ADM in the 57582

same proportion the student is counted in enrolled ADM and 57583  
formula ADM. 57584

(N) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 57585  
base" means, for a city, local, or exempted village school 57586  
district, the sum of the following as calculated by the 57587  
department: 57588

(1) The district's "general funding base," which equals 57589  
the amount calculated as follows: 57590

(a) Compute the sum of the following: 57591

(i) The amount calculated for the district for fiscal year 57592  
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 57593  
133rd general assembly after any adjustments required under 57594  
Section 265.227 of H.B. 166 of the 133rd general assembly and 57595  
prior to any funding reductions authorized by Executive Order 57596  
2020-19D, "Implementing Additional Spending Controls to Balance 57597  
the State Budget" issued on May 7, 2020; 57598

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 57599  
district's payments for fiscal year 2020 under divisions (C) (1), 57600  
(3), and (4) of section 3313.981 of the Revised Code as those 57601  
divisions existed prior to September 30, 2021. 57602

(b) Subtract from the amount calculated in division (N) (1) 57603  
(a) of this section the sum of the following: 57604

(i) The following difference: 57605

(The amount paid to the district under division (A) (5) of 57606  
section 3317.022 of the Revised Code, as that division existed 57607  
prior to September 30, 2021, for fiscal year 2019) - (the 57608  
amounts deducted from the district and paid to a community 57609  
school under division (C) (1) (e) of section 3314.08 of the 57610

Revised Code or a science, technology, engineering, and 57611  
mathematics school under division (E) of section 3326.33 of the 57612  
Revised Code as those divisions existed prior to September 30, 57613  
2021, for fiscal year 2020 in accordance with division (A) of 57614  
Section 265.235 of H.B. 166 of the 133rd general assembly) 57615

(ii) The payments deducted from the district and paid to a 57616  
community school for fiscal year 2020 under divisions (C) (1) (a), 57617  
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 57618  
Revised Code as those divisions existed prior to September 30, 57619  
2021, in accordance with division (A) of Section 265.230 of H.B. 57620  
166 of the 133rd general assembly; 57621

(iii) The payments deducted from the district and paid to 57622  
a science, technology, engineering, and mathematics school for 57623  
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 57624  
and (G) of section 3326.33 of the Revised Code as those 57625  
divisions existed prior to September 30, 2021, in accordance 57626  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 57627  
general assembly; 57628

(iv) The payments deducted from the district under 57629  
division (C) of section 3310.08 of the Revised Code as that 57630  
division existed prior to September 30, 2021, division (C) (2) of 57631  
section 3310.41 of the Revised Code as that division existed 57632  
prior to September 30, 2021, and former section 3310.55 of the 57633  
Revised Code for fiscal year 2020 and, in the case of a pilot 57634  
project school district as defined in section 3313.975 of the 57635  
Revised Code, the funds deducted from the district under Section 57636  
265.210 of H.B. 166 of the 133rd general assembly to operate the 57637  
pilot project scholarship program for fiscal year 2020 under 57638  
sections 3313.974 to 3313.979 of the Revised Code; 57639

(v) For fiscal years 2024-2026 and 2025-2027, the payments 57640

subtracted from the district for fiscal year 2020 under 57641  
divisions (B) (1) and (3) of section 3313.981 of the Revised Code 57642  
as those divisions existed prior to September 30, 2021. 57643

(2) The district's "disadvantaged pupil impact aid funding 57644  
base," which equals the following difference: 57645

(The amount paid to the district under division (A) (5) of 57646  
section 3317.022 of the Revised Code, as that division existed 57647  
prior to September 30, 2021, for fiscal year 2019) - (the 57648  
amounts deducted from the district and paid to a community 57649  
school under division (C) (1) (e) of section 3314.08 of the 57650  
Revised Code or a science, technology, engineering, and 57651  
mathematics school under division (E) of section 3326.33 of the 57652  
Revised Code as those divisions existed prior to September 30, 57653  
2021, for fiscal year 2020 in accordance with division (A) of 57654  
Section 265.235 of H.B. 166 of the 133rd general assembly) 57655

(O) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 57656  
base" means, for a joint vocational school district, the sum of 57657  
the following as calculated by the department: 57658

(1) The district's "general funding base," which equals 57659  
the amount calculated as follows: 57660

(a) Compute the sum of the following: 57661

(i) The district's payments for fiscal year 2020 under 57662  
Section 265.225 of H.B. 166 of the 133rd general assembly after 57663  
any adjustments required under Section 265.227 of H.B. 166 of 57664  
the 133rd general assembly; 57665

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 57666  
district's payments for fiscal year 2020 under divisions (D) (1) 57667  
and (2) of section 3313.981 of the Revised Code as those 57668  
divisions existed prior to September 30, 2021. 57669

(b) Subtract from the amount paid to the district under 57670  
division (A) (3) of section 3317.16 of the Revised Code, as that 57671  
division existed prior to September 30, 2021, for fiscal year 57672  
2019. 57673

(2) The district's "disadvantaged pupil impact aid funding 57674  
base," which equals the amount paid to the district under 57675  
division (A) (3) of section 3317.16 of the Revised Code, as that 57676  
division existed prior to September 30, 2021, for fiscal year 57677  
2019. 57678

(P) For fiscal years 2024-2026 and 2025~~2027~~, "funding 57679  
base" for a community school means the following: 57680

(1) For a community school that was in operation for the 57681  
entirety of fiscal year 2020, the amount paid to the school for 57682  
that fiscal year under division (C) (1) of section 3314.08 of the 57683  
Revised Code as that division existed prior to September 30, 57684  
2021, in accordance with division (A) of Section 265.230 of H.B. 57685  
166 of the 133rd general assembly and the amount, if any, paid 57686  
to the school for that fiscal year under section 3314.085 of the 57687  
Revised Code in accordance with division (B) of Section 265.230 57688  
of H.B. 166 of the 133rd general assembly; 57689

(2) For a community school that was in operation for part 57690  
of fiscal year 2020, the amount that would have been paid to the 57691  
school for that fiscal year under division (C) (1) of section 57692  
3314.08 of the Revised Code as that division existed prior to 57693  
September 30, 2021, in accordance with division (A) of Section 57694  
265.230 of H.B. 166 of the 133rd general assembly if the school 57695  
had been in operation for the entirety of that fiscal year, as 57696  
calculated by the department, and the amount that would have 57697  
been paid to the school for that fiscal year under section 57698  
3314.085 of the Revised Code in accordance with division (B) of 57699

Section 265.230 of H.B. 166 of the 133rd general assembly, if 57700  
any, if the school had been in operation for the entirety of 57701  
that fiscal year, as calculated by the department; 57702

(3) For a community school that was not in operation for 57703  
fiscal year 2020, the amount that would have been paid to the 57704  
school if it was in operation for that school year under 57705  
division (C)(1) of section 3314.08 of the Revised Code as that 57706  
division existed prior to September 30, 2021, in accordance with 57707  
division (A) of Section 265.230 of H.B. 166 of the 133rd general 57708  
assembly if the school had been in operation for the entirety of 57709  
that fiscal year, as calculated by the department, and the 57710  
amount that would have been paid to the school for that fiscal 57711  
year under section 3314.085 of the Revised Code in accordance 57712  
with division (B) of Section 265.230 of H.B. 166 of the 133rd 57713  
general assembly, if any, if the school had been in operation 57714  
for the entirety of that fiscal year, as calculated by the 57715  
department. 57716

(Q) For fiscal years 2024-2026 and 2025-2027, "funding 57717  
base" for a STEM school means the following: 57718

(1) For a science, technology, engineering, and 57719  
mathematics school that was in operation for the entirety of 57720  
fiscal year 2020, the amount paid to the school for that fiscal 57721  
year under section 3326.33 of the Revised Code as that section 57722  
existed prior to September 30, 2021, in accordance with division 57723  
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 57724  
and the amount, if any, paid to the school for that fiscal year 57725  
under section 3326.41 of the Revised Code in accordance with 57726  
division (B) of Section 265.235 of H.B. 166 of the 133rd general 57727  
assembly; 57728

(2) For a science, technology, engineering, and 57729

mathematics school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a science, technology, engineering, and mathematics school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(R) "Funding unit" means any of the following:

(1) A city, local, exempted village, or joint vocational school district;

(2) The community and STEM school unit;	57760
(3) The educational choice scholarship unit;	57761
(4) The pilot project scholarship unit;	57762
(5) The autism scholarship unit;	57763
(6) The Jon Peterson special needs scholarship unit.	57764
(S) "Jon Peterson special needs scholarship unit" means a	57765
unit that consists of all of the students for whom Jon Peterson	57766
scholarships are awarded under sections 3310.51 to 3310.64 of	57767
the Revised Code.	57768
(T) "Internet- or computer-based community school" has the	57769
same meaning as in section 3314.02 of the Revised Code.	57770
(U) "LRE student with a disability" means a child with a	57771
disability who has an individualized education program providing	57772
for the student to spend more than half of each school day in a	57773
regular school setting with nondisabled students. For purposes	57774
of this division, "individualized education program" and "child	57775
with a disability" have the same meanings as in section 3323.01	57776
of the Revised Code, and "LRE" is an abbreviation for "least	57777
restrictive environment."	57778
(V) "Medically fragile child" means a child to whom all of	57779
the following apply:	57780
(1) The child requires the services of a doctor of	57781
medicine or osteopathic medicine at least once a week due to the	57782
instability of the child's medical condition.	57783
(2) The child requires the services of a registered nurse	57784
on a daily basis.	57785
(3) The child is at risk of institutionalization in a	57786



hospital, skilled nursing facility, or intermediate care 57787  
facility for individuals with intellectual disabilities. 57788

(W) (1) A child may be identified as having an "other 57789  
health impairment-major" if the child's condition meets the 57790  
definition of "other health impaired" established in rules 57791  
previously adopted by the department and if either of the 57792  
following apply: 57793

(a) The child is identified as having a medical condition 57794  
that is among those listed by the department as conditions where 57795  
a substantial majority of cases fall within the definition of 57796  
"medically fragile child." 57797

(b) The child is determined by the department to be a 57798  
medically fragile child. A school district superintendent may 57799  
petition the department for a determination that a child is a 57800  
medically fragile child. 57801

(2) A child may be identified as having an "other health 57802  
impairment-minor" if the child's condition meets the definition 57803  
of "other health impaired" established in rules previously 57804  
adopted by the department but the child's condition does not 57805  
meet either of the conditions specified in division (W) (1) (a) or 57806  
(b) of this section. 57807

(X) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 57808  
local, exempted village, or joint vocational school district's, 57809  
community school's, or STEM school's "general phase-in 57810  
percentage" is equal to the percentage for that fiscal year that 57811  
is determined by the general assembly. 57812

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 57813  
local, exempted village, or joint vocational school district's 57814  
"phase-in percentage for disadvantaged pupil impact aid" is 57815

equal to the percentage for that fiscal year that is determined 57816  
by the general assembly. 57817

(Y) "Pilot project scholarship unit" means a unit that 57818  
consists of all of the students for whom pilot project 57819  
scholarships are awarded under sections 3313.974 to 3313.979 of 57820  
the Revised Code. 57821

(Z) "Preschool child with a disability" means a child with 57822  
a disability, as defined in section 3323.01 of the Revised Code, 57823  
who is at least age three but is not of compulsory school age, 57824  
as defined in section 3321.01 of the Revised Code, and who is 57825  
not currently enrolled in kindergarten. 57826

(AA) "Related services" includes: 57827

(1) Child study, special education supervisors and 57828  
coordinators, speech and hearing services, adaptive physical 57829  
development services, occupational or physical therapy, teacher 57830  
assistants for children with disabilities whose disabilities are 57831  
described in division (B) of section 3317.013 or division (G) (3) 57832  
of this section, behavioral intervention, interpreter services, 57833  
work study, nursing services, and specialized integrative 57834  
services as those terms are defined by the department; 57835

(2) Speech and language services provided to any student 57836  
with a disability, including any student whose primary or only 57837  
disability is a speech and language disability; 57838

(3) Any related service not specifically covered by other 57839  
state funds but specified in federal law, including but not 57840  
limited to, audiology and school psychological services; 57841

(4) Any service included in units funded under former 57842  
division (O) (1) of section 3317.024 of the Revised Code; 57843

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs. 57844  
57845  
57846

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts. 57847  
57848

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code. 57849  
57850

(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 57851  
57852

(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district: 57853  
57854

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the state share percentage calculated under section 3317.017 of the Revised Code; 57855  
57856  
57857

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 57858  
57859  
57860

(2) "State share percentage" means ~~the following, for a joint vocational school district:~~ 57861  
57862

~~(a) For fiscal years 2024 and 2025, the percentage calculated in accordance with the following formula:~~ 57863  
57864

~~The amount computed for the district under division (A) (1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code~~ 57865  
57866  
57867  
57868

~~(b) For fiscal year 2026 and each fiscal year thereafter, a percentage calculated in a manner determined by the general~~ 57869  
57870

assembly, the district's state share percentage calculated under 57871  
section 3317.165 of the Revised Code. 57872

(FF) "Statewide average base cost per pupil" means the 57873  
following: 57874

(1) For fiscal years 2024-2026 and 2025-2027, the statewide 57875  
average base cost per pupil calculated under division (A) of 57876  
section 3317.018 of the Revised Code; 57877

(2) For fiscal year 2026-2028 and each fiscal year 57878  
thereafter, an amount calculated in a manner determined by the 57879  
general assembly. 57880

(GG) "Statewide average career-technical base cost per 57881  
pupil" means the following: 57882

(1) For fiscal years 2024-2026 and 2025-2027, the statewide 57883  
average career-technical base cost per pupil calculated under 57884  
division (B) of section 3317.018 of the Revised Code; 57885

(2) For fiscal year 2026-2028 and each fiscal year 57886  
thereafter, an amount calculated in a manner determined by the 57887  
general assembly. 57888

(HH) "STEM school" means a science, technology, 57889  
engineering, and mathematics school established under Chapter 57890  
3326. of the Revised Code. 57891

(II) "Taxes charged and payable" means the taxes charged 57892  
and payable against real and public utility property after 57893  
making the reduction required by section 319.301 of the Revised 57894  
Code, plus the taxes levied against tangible personal property. 57895

(JJ) For purposes of sections 3317.017 and 3317.16 57896  
3317.165 of the Revised Code, "three-year average valuation" for 57897  
a fiscal year means the average of total taxable value for the 57898

three most recent tax years for which data is available, as 57899  
certified under section 3317.021 of the Revised Code. 57900

(KK) "Total ADM" means, for a city, local, or exempted 57901  
village school district, the enrollment reported under division 57902  
(A) of section 3317.03 of the Revised Code minus the enrollment 57903  
reported under divisions (A) (2) (a), (b), (g), (h), and (i) of 57904  
that section, as verified by the department and adjusted if so 57905  
ordered under division (K) of that section. 57906

(LL) "Total special education ADM" means the sum of 57907  
categories one through six special education ADM. 57908

(MM) "Total taxable value" means the sum of the amounts 57909  
certified for a city, local, exempted village, or joint 57910  
vocational school district under divisions (A) (1) and (2) of 57911  
section 3317.021 of the Revised Code. 57912

(NN) "Tuition discount" means any deduction from the base 57913  
tuition amount per student charged by a chartered nonpublic 57914  
school, to which the student's family is entitled due to one or 57915  
more of the following conditions: 57916

(1) The student's family has multiple children enrolled in 57917  
the same school. 57918

(2) The student's family is a member of or affiliated with 57919  
a religious or secular organization that provides oversight of 57920  
the school or from which the school has agreed to enroll 57921  
students. 57922

(3) The student's parent is an employee of the school. 57923

(4) Some other qualification not based on the income of 57924  
the student's family or the student's athletic or academic 57925  
ability and for which all students in the school may qualify. 57926

**Sec. 3317.021.** (A) On or before the first day of June of 57927  
each year, the tax commissioner shall certify to the department 57928  
of education and workforce and the office of budget and 57929  
management the information described in divisions (A) (1) to (5) 57930  
of this section for each city, exempted village, and local 57931  
school district, and the information required by divisions (A) 57932  
(1) and (2) of this section for each joint vocational school 57933  
district, and it shall be used, along with the information 57934  
certified under division (B) of this section, in making the 57935  
computations for the district under this chapter. 57936

(1) The taxable value of real and public utility real 57937  
property in the school district subject to taxation in the 57938  
preceding tax year, by class and by county of location. 57939

(2) The taxable value of tangible personal property, 57940  
including public utility personal property, subject to taxation 57941  
by the district for the preceding tax year. 57942

(3) (a) The total property tax rate and total taxes charged 57943  
and payable for the current expenses for the preceding tax year 57944  
and the total property tax rate and the total taxes charged and 57945  
payable to a joint vocational district for the preceding tax 57946  
year that are limited to or to the extent apportioned to current 57947  
expenses. 57948

(b) The portion of the amount of taxes charged and payable 57949  
reported for each city, local, and exempted village school 57950  
district under division (A) (3) (a) of this section attributable 57951  
to a joint vocational school district. 57952

(4) The value of all real and public utility real property 57953  
in the school district exempted from taxation minus both of the 57954  
following: 57955

(a) The value of real and public utility real property in 57956  
the district owned by the United States government and used 57957  
exclusively for a public purpose; 57958

(b) The value of real and public utility real property in 57959  
the district exempted from taxation under Chapter 725. or 1728. 57960  
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 57961  
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 57962

(5) The ~~total~~median federal adjusted gross income of the 57963  
residents of the school district, based on tax returns filed by 57964  
the residents of the district, for the most recent year for 57965  
which this information is available, and the median Ohio 57966  
adjusted gross income of the residents of the school district 57967  
determined on the basis of tax returns filed for the second 57968  
preceding tax year by the residents of the district. 57969

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the number of 57970  
state tax returns filed by the residents of the district for the 57971  
most recent year for which this information is available. 57972

(B) On or before the first day of May each year, the tax 57973  
commissioner shall certify to the department of education and 57974  
workforce and the office of budget and management the total 57975  
taxable real property value of railroads and, separately, the 57976  
total taxable tangible personal property value of all public 57977  
utilities for the preceding tax year, by school district and by 57978  
county of location. 57979

(C) If on the basis of the information certified under 57980  
division (A) of this section, the department determines that any 57981  
district fails in any year to meet the qualification requirement 57982  
specified in division (A) of section 3317.01 of the Revised 57983  
Code, the department shall immediately request the tax 57984

commissioner to determine the extent to which any school 57985  
district income tax levied by the district under Chapter 5748. 57986  
of the Revised Code shall be included in meeting that 57987  
requirement. Within five days of receiving such a request from 57988  
the department, the tax commissioner shall make the 57989  
determination required by this division and report the quotient 57990  
obtained under division (C) (3) of this section to the department 57991  
and the office of budget and management. This quotient 57992  
represents the number of mills that the department shall include 57993  
in determining whether the district meets the qualification 57994  
requirement of division (A) of section 3317.01 of the Revised 57995  
Code. 57996

The tax commissioner shall make the determination required 57997  
by this division as follows: 57998

(1) Multiply one mill times the total taxable value of the 57999  
district as determined in divisions (A) (1) and (2) of this 58000  
section; 58001

(2) Estimate the total amount of tax liability for the 58002  
current tax year under taxes levied by Chapter 5748. of the 58003  
Revised Code that are apportioned to current operating expenses 58004  
of the district, excluding any income tax receipts allocated for 58005  
the project cost, debt service, or maintenance set-aside 58006  
associated with a state-assisted classroom facilities project as 58007  
authorized by section 3318.052 of the Revised Code; 58008

(3) Divide the amount estimated under division (C) (2) of 58009  
this section by the product obtained under division (C) (1) of 58010  
this section. 58011

**Sec. 3317.022.** The department of education and workforce 58012  
shall compute and distribute state core foundation funding to 58013



each eligible funding unit that is a city, local, or exempted 58014  
village school district, the community and STEM school unit, the 58015  
educational choice scholarship unit, the pilot project 58016  
scholarship unit, the autism scholarship unit, and the Jon 58017  
Peterson special needs scholarship unit for the fiscal year, 58018  
using the information obtained under section 3317.021 of the 58019  
Revised Code in the calendar year in which the fiscal year 58020  
begins in accordance with the following: 58021

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for a funding 58022  
unit that is a city, local, or exempted village school district: 58023

The district's funding base + [(the district's state core 58024  
foundation funding components for that fiscal year calculated 58025  
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 58026  
section - the district's general funding base calculated in 58027  
accordance with division (N) (1) of section 3317.02 of the 58028  
Revised Code) X the district's general phase-in percentage for 58029  
that fiscal year] + [(the district's disadvantaged pupil impact 58030  
aid for that fiscal year calculated under division (A) (4) of 58031  
this section - the district's disadvantaged pupil impact aid 58032  
funding base calculated in accordance with division (N) (2) of 58033  
section 3317.02 of the Revised Code) X the district's phase-in 58034  
percentage for disadvantaged pupil impact aid for that fiscal 58035  
year] ~~+ the district's supplemental targeted assistance funds~~ 58036  
~~calculated under section 3317.0218 of the Revised Code~~ 58037

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 58038  
for a funding unit that is a city, local, or exempted village 58039  
school district, the sum of the district's state core foundation 58040  
funding components for that fiscal year calculated under 58041  
divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 58042  
section ~~and the district's supplemental targeted assistance~~ 58043

~~funds calculated under section 3317.0218 of the Revised Code~~, if 58044  
the general assembly authorizes such payments to these funding 58045  
units. 58046

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for the community 58047  
and STEM school unit, an amount calculated in accordance with 58048  
section 3317.026 of the Revised Code. 58049

For fiscal ~~years 2026~~-year 2028 and each fiscal year 58050  
thereafter, for the community and STEM school unit, an amount 58051  
calculated in accordance with divisions (A)(1), (3), (4), (5), 58052  
(7), (8), ~~and (9)~~, and (14) of this section, if the general 58053  
assembly authorizes such payments to these funding units. 58054

For the educational choice scholarship unit, the amount 58055  
calculated under division (A)(10) of this section. 58056

For the pilot project scholarship unit, the amount 58057  
calculated under division (A)(11) of this section. 58058

For the autism scholarship unit, the amount calculated 58059  
under division (A)(12) of this section. 58060

For the Jon Peterson special needs scholarship unit, the 58061  
amount calculated under division (A)(13) of this section. 58062

(A) A funding unit's state core foundation funding 58063  
components shall be the following: 58064

(1)(a) If the funding unit is a city, local, or exempted 58065  
village school district, the district's state share, which is 58066  
equal to the following: 58067

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount 58068  
calculated under division (B) of section 3317.017 of the Revised 58069  
Code; 58070

(ii) For fiscal year ~~2026~~2028 and each fiscal year 58071  
thereafter, an amount calculated in a manner determined by the 58072  
general assembly. 58073

(b) If the funding unit is the community and STEM school 58074  
unit, the aggregate base cost for all schools in that unit, 58075  
which is equal to the following: 58076

(i) For fiscal years ~~2024~~2026 and ~~2025~~2027, the amount 58077  
calculated under section 3317.0110 of the Revised Code; 58078

(ii) For fiscal year ~~2026~~2028 and each fiscal year 58079  
thereafter, an amount calculated in a manner determined by the 58080  
general assembly. 58081

(2) If the funding unit is a city, local, or exempted 58082  
village school district, targeted assistance funds equal to the 58083  
following: 58084

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 58085  
calculated under section 3317.0217 of the Revised Code; 58086

(b) For fiscal year ~~2026~~2028 and each fiscal year 58087  
thereafter, an amount calculated in a manner determined by the 58088  
general assembly. 58089

(3) If the funding unit is a city, local, or exempted 58090  
village school district or the community and STEM school unit, 58091  
additional state aid for special education and related services 58092  
provided under Chapter 3323. of the Revised Code calculated as 58093  
follows: 58094

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 58095  
the following: 58096

(i) The funding unit's category one special education ADM 58097  
X the multiple specified in division (A) of section 3317.013 of 58098

the Revised Code X the statewide average base cost per pupil for 58099  
that fiscal year X if the funding unit is a city, local, or 58100  
exempted village school district, the district's state share 58101  
percentage; 58102

(ii) The funding unit's category two special education ADM 58103  
X the multiple specified in division (B) of section 3317.013 of 58104  
the Revised Code X the statewide average base cost per pupil for 58105  
that fiscal year X if the funding unit is a city, local, or 58106  
exempted village school district, the district's state share 58107  
percentage; 58108

(iii) The funding unit's category three special education 58109  
ADM X the multiple specified in division (C) of section 3317.013 58110  
of the Revised Code X the statewide average base cost per pupil 58111  
for that fiscal year X if the funding unit is a city, local, or 58112  
exempted village school district, the district's state share 58113  
percentage; 58114

(iv) The funding unit's category four special education 58115  
ADM X the multiple specified in division (D) of section 3317.013 58116  
of the Revised Code X the statewide average base cost per pupil 58117  
for that fiscal year X if the funding unit is a city, local, or 58118  
exempted village school district, the district's state share 58119  
percentage; 58120

(v) The funding unit's category five special education ADM 58121  
X the multiple specified in division (E) of section 3317.013 of 58122  
the Revised Code X the statewide average base cost per pupil for 58123  
that fiscal year X if the funding unit is a city, local, or 58124  
exempted village school district, the district's state share 58125  
percentage; 58126

(vi) The funding unit's category six special education ADM 58127

X the multiple specified in division (F) of section 3317.013 of 58128  
the Revised Code X the statewide average base cost per pupil for 58129  
that fiscal year X if the funding unit is a city, local, or 58130  
exempted village school district, the district's state share 58131  
percentage. 58132

(b) For fiscal year ~~2026~~2028 and each fiscal year 58133  
thereafter, the sum of the following: 58134

(i) An amount calculated in a manner determined by the 58135  
general assembly times the funding unit's category one special 58136  
education ADM; 58137

(ii) An amount calculated in a manner determined by the 58138  
general assembly times the funding unit's category two special 58139  
education ADM; 58140

(iii) An amount calculated in a manner determined by the 58141  
general assembly times the funding unit's category three special 58142  
education ADM; 58143

(iv) An amount calculated in a manner determined by the 58144  
general assembly times the funding unit's category four special 58145  
education ADM; 58146

(v) An amount calculated in a manner determined by the 58147  
general assembly times the funding unit's category five special 58148  
education ADM; 58149

(vi) An amount calculated in a manner determined by the 58150  
general assembly times the funding unit's category six special 58151  
education ADM. 58152

(4) If the funding unit is a city, local, or exempted 58153  
village school district or the community and STEM school unit, 58154  
disadvantaged pupil impact aid calculated according to the 58155

following formula: 58156

(a) If the funding unit is a city, local, or exempted 58157  
village school district, an amount equal to the following: 58158

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 58159  
product: 58160

\$422 X (the district's economically disadvantaged index) X the 58161  
number of students who are economically disadvantaged as 58162  
certified under division (B) (21) of section 3317.03 of the 58163  
Revised Code 58164

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58165  
thereafter, an amount calculated in a manner determined by the 58166  
general assembly. 58167

(b) If the funding unit is the community and STEM school 58168  
unit, an amount equal to the following: 58169

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 58170  
calculated as follows: 58171

(I) For each student in the funding unit's enrolled ADM 58172  
who is economically disadvantaged and is not enrolled in an 58173  
internet- or computer-based community school, multiply \$422 by 58174  
the economically disadvantaged index of the school in which the 58175  
student is enrolled; 58176

(II) Compute the funding unit's disadvantaged pupil impact 58177  
aid by calculating the sum of the amounts determined under 58178  
division (A) (4) (b) (i) (I) of this section. 58179

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58180  
thereafter, an amount calculated as follows: 58181

(I) For each student in the funding unit's enrolled ADM 58182

who is economically disadvantaged and is not enrolled in an 58183  
internet- or computer-based community school, calculate an 58184  
amount in the manner determined by the general assembly; 58185

(II) Compute the funding unit's disadvantaged pupil impact 58186  
aid by calculating the sum of the amounts determined under 58187  
division (A) (4) (b) (ii) (I) of this section. 58188

(5) If the funding unit is a city, local, or exempted 58189  
village school district or the community and STEM school unit, 58190  
English learner funds calculated as follows: 58191

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 58192  
the following: 58193

(i) The funding unit's category one English learner ADM X 58194  
the multiple specified in division (A) of section 3317.016 of 58195  
the Revised Code X the statewide average base cost per pupil for 58196  
that fiscal year X if the funding unit is a city, local, or 58197  
exempted village school district, the district's state share 58198  
percentage; 58199

(ii) The funding unit's category two English learner ADM X 58200  
the multiple specified in division (B) of section 3317.016 of 58201  
the Revised Code X the statewide average base cost per pupil for 58202  
that fiscal year X if the funding unit is a city, local, or 58203  
exempted village school district, the district's state share 58204  
percentage; 58205

(iii) The funding unit's category three English learner 58206  
ADM X the multiple specified in division (C) of section 3317.016 58207  
of the Revised Code X the statewide average base cost per pupil 58208  
for that fiscal year X if the funding unit is a city, local, or 58209  
exempted village school district, the district's state share 58210  
percentage. 58211

(b) For fiscal year <del>2026-2028</del> and each fiscal year	58212
thereafter, the sum of the following:	58213
(i) An amount calculated in a manner determined by the	58214
general assembly times the funding unit's category one English	58215
learner ADM;	58216
(ii) An amount calculated in a manner determined by the	58217
general assembly times the funding unit's category two English	58218
learner ADM;	58219
(iii) An amount calculated in a manner determined by the	58220
general assembly times the funding unit's category three English	58221
learner ADM.	58222
(6) (a) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , if the	58223
funding unit is a city, local, or exempted village school	58224
district, all of the following:	58225
(i) Gifted identification funds calculated according to	58226
the following formula:	58227
\$24 X the district's enrolled ADM for grades kindergarten	58228
through six X the district's state share percentage	58229
(ii) Gifted referral funds calculated according to the	58230
following formula:	58231
\$2.50 X the district's enrolled ADM X the district's state share	58232
percentage	58233
(iii) <del>Gifted professional development funds calculated</del>	58234
<del>according to the following formula:</del>	58235
<del>(The greater of the number of gifted students enrolled in the</del>	58236
<del>district as certified under division (B) (22) of section 3317.03</del>	58237
<del>of the Revised Code and ten per cent of the district's enrolled</del>	58238



~~ADM) X the district's state share percentage X \$21, for fiscal~~ 58239  
~~year 2024, or \$28, for fiscal year 2025~~ 58240

~~(iv)~~ Gifted unit funding calculated under section 3317.051 58241  
of the Revised Code. 58242

(b) For fiscal year ~~2026~~2028 and each fiscal year 58243  
thereafter, all of the following: 58244

(i) Gifted identification funds calculated in a manner 58245  
determined by the general assembly; 58246

(ii) Gifted referral funds calculated in a manner 58247  
determined by the general assembly, if the general assembly 58248  
authorizes such a payment; 58249

~~(iii) Gifted professional development funds calculated in~~ 58250  
~~a manner determined by the general assembly, if the general~~ 58251  
~~assembly authorizes such a payment;~~ 58252

~~(iv)~~ Gifted unit funding calculated in an amount 58253  
determined by the general assembly. 58254

(7) If the funding unit is a city, local, or exempted 58255  
village school district or the community and STEM school unit, 58256  
career-technical education funds calculated under division (C) 58257  
of section 3317.014 of the Revised Code. 58258

(8) If the funding unit is a city, local, or exempted 58259  
village school district or the community and STEM school unit, 58260  
career-technical education associated services funds calculated 58261  
under division (D) of section 3317.014 of the Revised Code. 58262

(9) If the funding unit is the community and STEM school 58263  
unit, an amount calculated as follows: 58264

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 58265

equal to the following: 58266

[The number of students in the funding unit's enrolled ADM who 58267  
are reported under division (B) (5) of section 3314.08 of the 58268  
Revised Code X (the aggregate base cost calculated for all 58269  
schools in the funding unit for that fiscal year under section 58270  
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 58271  
X.20] 58272

(b) For fiscal year ~~2026~~2028 and each fiscal year 58273  
thereafter, an amount calculated in a manner determined by the 58274  
general assembly. 58275

(10) If the funding unit is the educational choice 58276  
scholarship unit, an amount calculated as follows: 58277

(a) For each student in the funding unit's enrolled ADM, 58278  
determine the lesser of the following: 58279

(i) The base tuition of the chartered nonpublic school in 58280  
which the student is enrolled minus the total amount of any 58281  
applicable tuition discounts for which the student qualifies; 58282

(ii) (I) If the student receives a scholarship under 58283  
section 3310.03 of the Revised Code, or received a scholarship 58284  
for the first time under section 3310.032 of the Revised Code 58285  
prior to ~~the effective date of this amendment~~ October 3, 2023, 58286  
and the student's parent does not elect to receive a scholarship 58287  
amount under division (A) (10) (a) (ii) (II) of this section, 58288  
\$5,500, if the student is in grades kindergarten through eight, 58289  
or \$7,500, if the student is in grades nine through twelve. 58290

(II) If the student receives a scholarship for the first 58291  
time under section 3310.032 of the Revised Code on and after ~~the~~ 58292  
~~effective date of this amendment~~ October 3, 2023, or if a 58293  
student who received a scholarship for the first time under that 58294

section prior to that date and the student's parent elects to 58295  
receive a scholarship amount under division (A) (10) (a) (ii) (II) 58296  
of this section, an amount calculated in accordance with section 58297  
3310.08 of the Revised Code. The department shall provide an 58298  
opportunity each fiscal year for a parent to elect to receive a 58299  
scholarship amount under division (A) (10) (a) (ii) (II) of this 58300  
section. 58301

The amounts specified in division (A) (10) (a) (ii) (I) of 58302  
this section shall increase in future fiscal years by the same 58303  
percentage that the statewide average base cost per pupil 58304  
increases in future fiscal years. 58305

(b) Compute the sum of the amounts calculated under 58306  
division (A) (10) (a) of this section. 58307

(11) If the funding unit is the pilot project scholarship 58308  
unit, an amount calculated as follows: 58309

(a) For each student in the funding unit's enrolled ADM, 58310  
determine the lesser of the following: 58311

(i) The net tuition charges of the student's alternative 58312  
school; 58313

(ii) \$5,500, if the student is in grades kindergarten 58314  
through eight, or \$7,500, if the student is in grades nine 58315  
through twelve. 58316

The amounts specified in division (A) (11) (a) (ii) of this 58317  
section shall increase in future fiscal years by the same 58318  
percentage that the statewide average base cost per pupil 58319  
increases in future fiscal years. 58320

For purposes of division (A) (11) (a) of this section, the 58321  
net tuition and fees charged to a student shall be the tuition 58322

amount specified by the alternative school minus all other 58323  
financial aid, discounts, and adjustments received for the 58324  
student. In cases where discounts are offered for multiple 58325  
students from the same family, and not all students in the same 58326  
family are scholarship recipients, the net tuition amount 58327  
attributable to the scholarship recipient shall be the lowest 58328  
net tuition to which the family is entitled. 58329

The department shall provide for an increase in the amount 58330  
determined for any student who is an LRE student with a 58331  
disability and shall further increase such amount in the case of 58332  
any separately educated student with a disability, as that term 58333  
is defined in section 3313.974 of the Revised Code. Such 58334  
increases shall take into account the instruction, related 58335  
services, and transportation costs of educating such students. 58336

(b) Compute the sum of the amounts calculated under 58337  
division (A) (17) (a) of this section. 58338

(12) If the funding unit is the autism scholarship unit, 58339  
an amount calculated as follows: 58340

(a) For each student in the funding unit's enrolled ADM, 58341  
determine the lesser of the following: 58342

(i) The tuition charged for the student's special 58343  
education program, as that term is defined in section 3310.41 of 58344  
the Revised Code; 58345

(ii) ~~\$32,445~~\$34,000. 58346

(b) Compute the sum of the amounts calculated under 58347  
division (A) (12) (a) of this section. 58348

(13) If the funding unit is the Jon Peterson special needs 58349  
scholarship unit, an amount calculated as follows: 58350

(a) For each student in the funding unit's enrolled ADM, 58351  
determine the least of the following: 58352

(i) The amount of fees charged for that school year by the 58353  
student's alternative public provider or registered private 58354  
provider, as those terms are defined in section 3310.51 of the 58355  
Revised Code; 58356

(ii) \$7,190 plus an amount determined as follows: 58357

(I) If the student is receiving special education services 58358  
for a disability specified in division (A) of section 3317.013 58359  
of the Revised Code, ~~\$1,751, for fiscal year 2024, and \$2,395-~~ 58360  
~~for fiscal year 2025~~\$2,855; 58361

(II) If the student is receiving special education 58362  
services for a disability specified in division (B) of section 58363  
3317.013 of the Revised Code, ~~\$4,442, for fiscal year 2024, and-~~ 58364  
~~\$5,280 for fiscal year 2025~~\$5,879; 58365

(III) If the student is receiving special education 58366  
services for a disability specified in division (C) of section 58367  
3317.013 of the Revised Code, ~~\$10,673, for fiscal year 2024, and~~ 58368  
~~\$11,960 for fiscal year 2025~~\$12,879; 58369

(IV) If the student is receiving special education 58370  
services for a disability specified in division (D) of section 58371  
3317.013 of the Revised Code, ~~\$14,243, for fiscal year 2024, and~~ 58372  
~~\$15,787 for fiscal year 2025~~\$16,890; 58373

(V) If the student is receiving special education services 58374  
for a disability specified in division (E) of section 3317.013 58375  
of the Revised Code, ~~\$19,290, for fiscal year 2024, and \$21,197-~~ 58376  
~~for fiscal year 2025~~\$22,560; 58377

(VI) If the student is receiving special education 58378

services for a disability specified in division (F) of section 58379  
3317.013 of the Revised Code, ~~\$28,438, for fiscal year 2024, and~~ 58380  
~~\$30,469 for fiscal year 2025~~\$31,932. 58381

(iii) ~~\$30,000, for fiscal year 2024, and \$32,445 for~~ 58382  
~~fiscal year 2025~~\$34,000. 58383

The amount specified in division (A) (13) (a) (ii) of this 58384  
section shall increase in future fiscal years by the same 58385  
percentage that the statewide average base cost per pupil 58386  
increases in future fiscal years. 58387

The amounts specified in divisions (A) (13) (a) (ii) (I) to 58388  
(VI) of this section shall increase in future fiscal years by 58389  
the same percentage that the amounts calculated by the general 58390  
assembly for those categories of special education services 58391  
under division (A) (3) of this section increase in future fiscal 58392  
years. 58393

(b) Compute the sum of the amounts calculated under 58394  
division (A) (13) (a) of this section. 58395

(14) If the funding unit is the community and STEM school 58396  
unit, an equity supplement calculated as follows: 58397

\$500 in fiscal year 2026 and \$400 in fiscal year 2027 X each 58398  
student in the funding unit's enrolled ADM who is enrolled in a 58399  
community school that is not an internet- or computer-based 58400  
community school. 58401

(B) In any fiscal year, a funding unit that is a city, local, or 58402  
exempted village school district shall spend for purposes that 58403  
the department designates as approved for special education and 58404  
related services expenses at least the amount calculated as 58405  
follows: 58406

(The base cost per pupil calculated for the district for that 58407  
fiscal year X the total special education ADM) + (the district's 58408  
category one special education ADM X the multiple specified in 58409  
division (A) of section 3317.013 of the Revised Code X the 58410  
statewide average base cost per pupil) + (the district's 58411  
category two special education ADM X the multiple specified in 58412  
division (B) of section 3317.013 of the Revised Code X the 58413  
statewide average base cost per pupil) + (the district's 58414  
category three special education ADM X the multiple specified in 58415  
division (C) of section 3317.013 of the Revised Code X the 58416  
statewide average base cost per pupil) + (the district's 58417  
category four special education ADM X the multiple specified in 58418  
division (D) of section 3317.013 of the Revised Code X the 58419  
statewide average base cost per pupil) + (the district's 58420  
category five special education ADM X the multiple specified in 58421  
division (E) of section 3317.013 of the Revised Code X the 58422  
statewide average base cost per pupil) + (the district's 58423  
category six special education ADM X the multiple specified in 58424  
division (F) of section 3317.013 of the Revised Code X the 58425  
statewide average base cost per pupil) 58426

The purposes approved by the department for special 58427  
education expenses shall include, but shall not be limited to, 58428  
identification of children with disabilities, compliance with 58429  
state rules governing the education of children with 58430  
disabilities and prescribing the continuum of program options 58431  
for children with disabilities, provision of speech language 58432  
pathology services, and the portion of the school district's 58433  
overall administrative and overhead costs that are attributable 58434  
to the district's special education student population. 58435

(C) A funding unit that is a city, local, or exempted 58436  
village school district shall spend the funds it receives under 58437

division (A) (4) of this section in accordance with section 58438  
3317.25 of the Revised Code. 58439

(D) (1) Except as provided in division (B) of section 58440  
3317.026 of the Revised Code, the department shall distribute to 58441  
each community school established under Chapter 3314. of the 58442  
Revised Code and to each STEM school established under Chapter 58443  
3326. of the Revised Code, from the funds paid to the community 58444  
and STEM school unit under this section, an amount for each 58445  
student enrolled in the school equal to the sum of the 58446  
following: 58447

(a) The school's base cost per pupil for that fiscal year, 58448  
calculated as follows: 58449

(i) For fiscal years 2024-2026 and 20252027: 58450

The aggregate base cost calculated for the school for that 58451  
fiscal year under section 3317.0110 of the Revised Code / the 58452  
number of students enrolled in the school for that fiscal year 58453

(ii) For fiscal year 2026-2028 and each fiscal year 58454  
thereafter, an amount determined by the general assembly under 58455  
division (A) (1) (b) (ii) of this section divided by the number of 58456  
students enrolled in the school for that fiscal year. 58457

(b) If the student is a special education student: 58458

(i) For fiscal years 2024-2026 and 20252027, the multiple 58459  
specified for the student's special education category under 58460  
section 3317.013 of the Revised Code times the statewide average 58461  
base cost per pupil; 58462

(ii) For fiscal year 2026-2028 and each fiscal year 58463  
thereafter, the amount calculated for the student's special 58464  
education category in a manner determined by the general 58465



assembly under division (A) (3) (b) of this section. 58466

(c) If the school is not an internet- or computer-based 58467  
community school and the student is economically disadvantaged: 58468

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount 58469  
calculated for the student under division (A) (4) (b) (i) (I) of 58470  
this section; 58471

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58472  
thereafter, an amount calculated for the student in the manner 58473  
determined by the general assembly under division (A) (4) (b) (ii) 58474  
(I) of this section. 58475

(d) If the student is an English learner: 58476

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 58477  
specified for the student's English learner category under 58478  
section 3317.016 of the Revised Code times the statewide average 58479  
base cost per pupil; 58480

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58481  
thereafter, the amount calculated for the student's special 58482  
education category in a manner determined by the general 58483  
assembly under division (A) (5) (b) of this section. 58484

(e) If the student is a career-technical education 58485  
student: 58486

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 58487  
specified for the student's career-technical education category 58488  
under section 3317.014 of the Revised Code times the statewide 58489  
average career-technical base cost per pupil; 58490

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58491  
thereafter, the amount calculated for the student's career- 58492  
technical education category in a manner determined by the 58493

general assembly under section 3317.014 of the Revised Code. 58494

(f) If the student is a career-technical education 58495  
student: 58496

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 58497  
for career-technical associated services specified under section 58498  
3317.014 of the Revised Code times the statewide average career- 58499  
technical base cost per pupil; 58500

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58501  
thereafter, the amount calculated for career-technical 58502  
associated services in a manner determined by the general 58503  
assembly under section 3317.014 of the Revised Code. 58504

(g) If the school is a community school that is not an 58505  
internet- or computer-based community school, an equity 58506  
supplement equal to \$500 for fiscal year 2026 and \$400 for 58507  
fiscal year 2027 for each student enrolled in the school. 58508

(2) The department shall distribute to each community 58509  
school established under Chapter 3314. of the Revised Code and 58510  
to each STEM school established under Chapter 3326. of the 58511  
Revised Code, from the funds paid to the community and STEM 58512  
school unit under this section, an amount equal to the amount 58513  
calculated for the school under division (A) (9) of this section. 58514

(E) The department shall distribute to the parent of each 58515  
student for whom an educational choice scholarship is awarded 58516  
under section 3310.03 or 3310.032 of the Revised Code, or to the 58517  
student if at least eighteen years of age, from the funds paid 58518  
to the educational choice scholarship unit under this section, a 58519  
scholarship equal to the amount calculated for the student under 58520  
division (A) (10) (a) of this section. The scholarship shall be 58521  
distributed in monthly partial payments, and the department 58522

shall proportionately reduce or terminate the payments for any 58523  
student who withdraws from a chartered nonpublic school prior to 58524  
the end of the school year. 58525

For purposes of divisions (E) and (F) of this section, in 58526  
the case of a student who is not living with the student's 58527  
parent, the department shall distribute the scholarship payments 58528  
to the student's guardian, legal custodian, kinship caregiver, 58529  
foster caregiver, or caretaker. For the purposes of this 58530  
division, "caretaker" has the same meaning as in section 58531  
3310.033 of the Revised Code, "kinship caregiver" has the same 58532  
meaning as in section ~~5101.85~~ 5180.50 of the Revised Code, and 58533  
"foster caregiver" has the same meaning as in section 5103.02 of 58534  
the Revised Code. 58535

(F) If a student is awarded a pilot project scholarship 58536  
under sections 3313.974 to 3313.979 of the Revised Code, the 58537  
department shall distribute to the parent of the student, if the 58538  
student is attending a registered private school as defined in 58539  
section 3313.974 of the Revised Code, or the student's school 58540  
district of attendance, if the scholarship is to be used for 58541  
payments to a public school in a school district adjacent to the 58542  
pilot project school district pursuant to section 3327.06 of the 58543  
Revised Code, a scholarship from the funds paid to the pilot 58544  
project scholarship unit under this section that is equal to the 58545  
amount calculated for the student under division (A) (11) (a) of 58546  
this section. 58547

In the case of a scholarship distributed to a student's 58548  
parent, the scholarship shall be distributed in monthly partial 58549  
payments. The scholarship amount shall be proportionately 58550  
reduced in the case of any such student who is not enrolled in a 58551  
registered private school, as that term is defined in section 58552

3313.974 of the Revised Code, for the entire school year. 58553

In the case of a scholarship distributed to a student's 58554  
school district of attendance, the department shall, on behalf 58555  
of the student's parents, use the scholarship to make the 58556  
tuition payments required by section 3327.06 of the Revised Code 58557  
to the student's school district of attendance, except that, 58558  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 58559  
Revised Code, the total payments in any school year shall not 58560  
exceed the scholarship amount calculated for the student under 58561  
division (A) (11) (a) of this section. 58562

(G) The department shall distribute to the parent of each 58563  
student for whom an autism scholarship is awarded under section 58564  
3310.41 of the Revised Code, from the funds paid to the autism 58565  
scholarship unit under this section, a scholarship equal to the 58566  
amount calculated for the student under division (A) (12) (a) of 58567  
this section. The scholarship shall be distributed from time to 58568  
time in partial payments. The scholarship amount shall be 58569  
proportionately reduced in the case of any student who is not 58570  
enrolled in the special education program for which a 58571  
scholarship was awarded under section 3310.41 of the Revised 58572  
Code for the entire school year. The department shall make no 58573  
payments to the parent of a student while any administrative or 58574  
judicial mediation or proceedings with respect to the content of 58575  
the student's individualized education program are pending. 58576

(H) The department shall distribute to the parent of each 58577  
student for whom a Jon Peterson special needs scholarship is 58578  
awarded under sections 3310.51 to 3310.64 of the Revised Code, 58579  
from the funds paid to the Jon Peterson special needs 58580  
scholarship unit under this section, a scholarship equal to the 58581  
amount calculated for the student under division (A) (13) (a) of 58582

this section. The scholarship shall be distributed in periodic 58583  
payments, and the department shall proportionately reduce or 58584  
terminate the payments for any student who is not enrolled in 58585  
the special education program of an alternative public provider 58586  
or a registered private provider, as those terms are defined in 58587  
section 3310.51 of the Revised Code, for the entire school year. 58588

(I) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 58589  
district shall spend the funds it receives under division (A) (5) 58590  
of this section only for services for English learners. 58591

(J) For ~~fiscal year 2024 and each fiscal year thereafter~~, 58592  
a school district shall spend the funds it receives under 58593  
division (A) (6) of this section only for the identification of 58594  
gifted students, gifted coordinator services, and gifted 58595  
intervention specialist services, ~~and gifted professional~~ 58596  
~~development~~. For ~~fiscal year 2024 and each fiscal year~~ 58597  
~~thereafter~~, if the department determines that a district is not 58598  
in compliance with this division, it shall reduce the district's 58599  
payments for that fiscal year under this chapter by an amount 58600  
equal to the amount paid to the district for that fiscal year 58601  
under division (A) (6) of this section that was not spent in 58602  
accordance with this division. The department shall reduce the 58603  
payment within ninety days of data finalization. 58604

**Sec. 3317.024.** The following shall be distributed monthly, 58605  
quarterly, or annually as may be determined by the department of 58606  
education and workforce: 58607

(A) An amount for each island school district and each 58608  
joint state school district for the operation of each high 58609  
school and each elementary school maintained within such 58610  
district and for capital improvements for such schools. Such 58611  
amounts shall be determined on the basis of standards adopted by 58612

the department. However, for fiscal years 2012 and 2013, an  
island district shall receive the lesser of its actual cost of  
operation, as certified to the department, or ninety-three per  
cent of the amount the district received in state operating  
funding for fiscal year 2011. If an island district received no  
funding for fiscal year 2011, it shall receive no funding for  
either of fiscal year 2012 or 2013.

(B) An amount for each school district required to pay  
tuition for a child in an institution maintained by the  
department of youth services pursuant to section 3317.082 of the  
Revised Code, provided the child was not included in the  
calculation of the district's formula ADM, as that term is  
defined in section 3317.02 of the Revised Code, for the  
preceding school year.

(C) (1) An amount for the approved cost of transporting  
eligible pupils with disabilities attending a special education  
program approved by the department of education and workforce  
whom it is impossible or impractical to transport by regular  
school bus in the course of regular route transportation  
provided by the school district or educational service center.  
For fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be  
equal to the actual costs incurred in the prior fiscal year by  
the district or service center when transporting those students,  
as reported to the department, multiplied by one of the  
following:

(a) For a district, the percentage determined for the  
district for that fiscal year under divisions (E) (1) (c) (i) and  
(ii) of section 3317.0212 of the Revised Code;

(b) For a service center, ~~thirty-seven-forty-five and one-~~  
~~half-eighty-three hundredths~~ per cent for fiscal year ~~2024-2026~~

and ~~forty one and two thirds~~ fifty per cent for fiscal year 58643  
~~2025~~2027. 58644

(2) No district or service center is eligible to receive a 58645  
payment under division (C) of this section for the cost of 58646  
transporting any pupil whom it transports by regular school bus 58647  
and who is included in the district's transportation ADM. 58648

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, both of the 58649  
following apply: 58650

(a) The department of education and workforce shall also 58651  
establish the deadline for each district and service center to 58652  
report its actual costs for transporting students described in 58653  
division (C) (1) of this section. 58654

(b) The costs reported by each district and service center 58655  
under division (C) of this section shall be subject to periodic, 58656  
random audits by the department of education and workforce. 58657

(D) An amount to each school district, including each 58658  
cooperative education school district, pursuant to section 58659  
3313.81 of the Revised Code to assist in providing free lunches 58660  
to needy children. The amounts shall be determined on the basis 58661  
of rules adopted by the department of education and workforce. 58662

(E) (1) An amount for auxiliary services to each school 58663  
district, for each pupil attending a chartered nonpublic 58664  
elementary or high school within the district that has not 58665  
elected to receive funds under division (E) (2) of this section. 58666

(2) (a) An amount for auxiliary services paid directly to 58667  
each chartered nonpublic school that has elected to receive 58668  
funds under division (E) (2) of this section for each pupil 58669  
attending the school. To elect to receive funds under division 58670  
(E) (2) of this section, a school, by the first day of April of 58671

each odd-numbered year, shall notify the department of education 58672  
and workforce and the school district in which the school is 58673  
located of the election and shall submit to the department an 58674  
affidavit certifying that the school shall expend the funds in 58675  
the manner outlined in section 3317.062 of the Revised Code. The 58676  
election shall take effect the following first day of July. The 58677  
school subsequently may rescind its election, but it may do so 58678  
only in an odd-numbered year by notifying the department and the 58679  
school district in which the school is located of the rescission 58680  
not later than the first day of April of that year. Beginning 58681  
the following first day of July after the rescission, the school 58682  
shall receive funds under division (E) (1) of this section. 58683

(b) Not later later than ten days after the notification 58684  
of approval and issuance of a charter to a nonpublic school, 58685  
that school may elect to receive funds under division (E) (2) of 58686  
this section. If no election is made, the chartered nonpublic 58687  
school shall receive funds under division (E) (1) of this 58688  
section. The school may subsequently change its election in 58689  
accordance with division (E) (2) (a) of this section. 58690

(c) A chartered nonpublic school that elects to receive 58691  
auxiliary services funds under division (E) (2) of this section 58692  
may designate an organization that oversees one or more 58693  
nonpublic schools to receive those funds on its behalf. 58694

(i) Each chartered nonpublic school that designates an 58695  
organization to receive auxiliary services funds on its behalf 58696  
shall notify the department of education and workforce of the 58697  
organization's name not later than the first day of April of 58698  
each odd-numbered year. 58699

(ii) A school may rescind its decision, but may do so only 58700  
in each odd-numbered year by notifying the department of that 58701



rescission not later than the first day of April of that year. A 58702  
rescission submitted in compliance with this division takes 58703  
effect on the following first day of July, and the school 58704  
district may elect to then begin receiving auxiliary services 58705  
funds directly or as specified under division (E)(1) of this 58706  
section. 58707

(iii) An organization shall disburse the auxiliary 58708  
services funds of all chartered nonpublic schools that have 58709  
designated the organization to receive funds on their behalf in 58710  
accordance with division (E)(2)(c) of this section. If multiple 58711  
chartered nonpublic schools designate the same organization to 58712  
receive auxiliary services funds on their behalf, that 58713  
organization may use one or more accounts for the purposes of 58714  
managing the funds. The organization shall maintain appropriate 58715  
accounting and reporting standards and ensure that each 58716  
chartered nonpublic school receives the auxiliary services funds 58717  
to which the school is entitled. 58718

(iv) Each chartered nonpublic school that elects to 58719  
receive funds directly in accordance with division (E)(2) of 58720  
this section or the organization designated to receive and 58721  
disburse auxiliary services funds on behalf of a chartered 58722  
nonpublic school shall maintain records of receipt and 58723  
expenditures of the funds in a manner that conforms with 58724  
generally accepted accounting principles. 58725

(v) The department of education and workforce shall create 58726  
and disseminate a standardized reporting form that chartered 58727  
nonpublic schools and organizations designated to receive funds 58728  
in accordance with division (E)(2)(c) of this section may use to 58729  
comply with division (E)(2)(c)(iv) of this section. However, the 58730  
department shall not require schools to use that form. 58731

(vi) An organization that manages a school's auxiliary 58732  
services funds pursuant to a designation made in accordance with 58733  
division (E) (2) (c) of this section may require the school's 58734  
governing authority to pay a fee for that service that does not 58735  
exceed four per cent of the total amount of payments for 58736  
auxiliary services that the school receives from the state. A 58737  
school may pay any fee assessed pursuant to division (E) (2) (c) 58738  
(vi) of this section using auxiliary services funds. 58739

(d) The amount paid under divisions (E) (1) and (2) of this 58740  
section shall equal the total amount appropriated for the 58741  
implementation of sections 3317.06 and 3317.062 of the Revised 58742  
Code divided by the average daily membership in grades 58743  
kindergarten through twelve in chartered nonpublic elementary 58744  
and high schools within the state as determined as of the last 58745  
day of October of each school year. 58746

(F) An amount for each county board of developmental 58747  
disabilities for the approved cost of transportation required 58748  
for children attending special education programs operated by 58749  
the county board under section 3323.09 of the Revised Code. For 58750  
fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal 58751  
to the actual costs incurred in the prior fiscal year by the 58752  
county board when transporting those students multiplied by 58753  
~~thirty-seven~~ forty-five and ~~one-half~~ eighty-three hundredths per 58754  
cent for fiscal year ~~2024-2026~~ and ~~forty-one and two-thirds~~ 58755  
fifty per cent for fiscal year ~~2025~~2027. 58756

(G) An amount to each institution defined under section 58757  
3317.082 of the Revised Code providing elementary or secondary 58758  
education to children other than children receiving special 58759  
education under section 3323.091 of the Revised Code. This 58760  
amount for any institution in any fiscal year shall equal the 58761

total of all tuition amounts required to be paid to the 58762  
institution under division (A) (1) of section 3317.082 of the 58763  
Revised Code. 58764

The department of education and workforce or any board of 58765  
education or governing board may provide for any resident of a 58766  
district or educational service center territory any educational 58767  
service for which funds are made available to the board by the 58768  
United States under the authority of public law, whether such 58769  
funds come directly or indirectly from the United States or any 58770  
agency or department thereof or through the state or any agency, 58771  
department, or political subdivision thereof. 58772

**Sec. 3317.026.** This section shall apply only for fiscal 58773  
years ~~2024–2026~~ and ~~2025~~2027. 58774

(A) For each fiscal year, the department of education and 58775  
workforce shall calculate an amount for the community and STEM 58776  
school unit as follows: 58777

(1) For each community school and STEM school, determine 58778  
the sum of the following: 58779

(a) The aggregate base cost calculated for the school for 58780  
that fiscal year under section 3317.0110 of the Revised Code; 58781

(b) The sum of the following: 58782

(i) The school's category one special education ADM X the 58783  
multiple specified in division (A) of section 3317.013 of the 58784  
Revised Code X the statewide average base cost per pupil for 58785  
that fiscal year; 58786

(ii) The school's category two special education ADM X the 58787  
multiple specified in division (B) of section 3317.013 of the 58788  
Revised Code X the statewide average base cost per pupil for 58789

that fiscal year; 58790

(iii) The school's category three special education ADM X 58791  
the multiple specified in division (C) of section 3317.013 of 58792  
the Revised Code X the statewide average base cost per pupil for 58793  
that fiscal year; 58794

(iv) The school's category four special education ADM X 58795  
the multiple specified in division (D) of section 3317.013 of 58796  
the Revised Code X the statewide average base cost per pupil for 58797  
that fiscal year; 58798

(v) The school's category five special education ADM X the 58799  
multiple specified in division (E) of section 3317.013 of the 58800  
Revised Code X the statewide average base cost per pupil for 58801  
that fiscal year; 58802

(vi) The school's category six special education ADM X the 58803  
multiple specified in division (F) of section 3317.013 of the 58804  
Revised Code X the statewide average base cost per pupil for 58805  
that fiscal year. 58806

(c) If the school is not an internet- or computer-based 58807  
community school, an amount of disadvantaged pupil impact aid 58808  
equal to the following: 58809

\$422 X the school's economically disadvantaged index X the 58810  
number of students in the school's enrolled ADM who are 58811  
economically disadvantaged 58812

(d) The sum of the following: 58813

(i) The school's category one English learner ADM X the 58814  
multiple specified in division (A) of section 3317.016 of the 58815  
Revised Code X the statewide average base cost per pupil for 58816  
that fiscal year; 58817

(ii) The school's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	58818 58819 58820 58821
(iii) The school's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year.	58822 58823 58824 58825
(e) The sum of the following:	58826
(i) The school's category one career-technical education ADM X the multiple specified under division (A) (1) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;	58827 58828 58829 58830
(ii) The school's category two career-technical education ADM X the multiple specified under division (A) (2) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;	58831 58832 58833 58834
(iii) The school's category three career-technical education ADM X the multiple specified under division (A) (3) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;	58835 58836 58837 58838
(iv) The school's category four career-technical education ADM X the multiple specified under division (A) (4) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;	58839 58840 58841 58842
(v) The school's category five career-technical education ADM X the multiple specified under division (A) (5) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year.	58843 58844 58845 58846

(f) An amount equal to the following:	58847
The multiple for career-technical associated services	58848
specified under division (B) of section 3317.014 of the Revised	58849
Code X the statewide average career-technical base cost per	58850
pupil for that fiscal year X the sum of the school's categories	58851
one through five career-technical education ADM	58852
(g) If the school is a community school, an amount equal	58853
to the following:	58854
The number of students reported by the community school	58855
under division (B) (5) of section 3314.08 of the Revised Code X	58856
(the aggregate base cost calculated for the school for that	58857
fiscal year under section 3317.0110 of the Revised Code / the	58858
school's enrolled ADM) X 0.20	58859
<u>(h) If the school is a community school that is not an</u>	58860
<u>internet- or computer-based community school, an equity</u>	58861
<u>supplement calculated as follows:</u>	58862
<u>The number of students in the school's enrolled ADM X \$500 for</u>	58863
<u>fiscal year 2026 and \$400 for fiscal year 2027</u>	58864
(2) For each community and STEM school, determine the	58865
lesser of the following:	58866
(a) The following sum:	58867
The school's funding base + {[the sum calculated for the	58868
school under division (A) of this section) - the school's	58869
funding base] X the school's general phase-in percentage for	58870
that fiscal year}	58871
(b) The sum of the amounts calculated for the school for	58872
that fiscal year under division (A) of this section.	58873

(3) Compute the sum of the amounts determined under 58874  
division (B) of this section to determine the amount calculated 58875  
for the community and STEM school unit. 58876

(B) Notwithstanding division (D) of section 3317.022 of 58877  
the Revised Code, for each fiscal year, the department shall 58878  
distribute to each community school and each STEM school, from 58879  
the funds paid to the community and STEM school unit under 58880  
section 3317.022 of the Revised Code, an amount equal to the 58881  
amount determined for that school under division (A)(2) of this 58882  
section. 58883

**Sec. 3317.0212.** (A) As used in this section: 58884

(1) For fiscal years 2024-2026 and 20252027, "assigned 58885  
bus" means a school bus used to transport qualifying riders. 58886

(2) For fiscal years 2024-2026 and 20252027, "density" 58887  
means the total riders per square mile of a school district. 58888

(3) For fiscal years 2024-2026 and 20252027, 58889  
"nontraditional ridership" means the average number of 58890  
qualifying riders who are enrolled in a community school 58891  
established under Chapter 3314. of the Revised Code, in a STEM 58892  
school established under Chapter 3326. of the Revised Code, or 58893  
in a nonpublic school and are provided school bus service by a 58894  
school district during the first full week of October. 58895

(4) "Qualifying riders" means the following: 58896

(a) For fiscal years 2024-2026 and 20252027, resident 58897  
students enrolled in preschool and regular education in grades 58898  
kindergarten to twelve who are provided school bus service by a 58899  
school district, including students with dual enrollment in a 58900  
joint vocational school district or a cooperative education 58901  
school district, and students enrolled in a community school, 58902

STEM school, or nonpublic school; 58903

(b) For fiscal year ~~2026~~2028 and each fiscal year 58904  
thereafter, students specified by the general assembly. 58905

(5) "Qualifying ridership" means the following: 58906

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the greater 58907  
of the average number of qualifying riders counted in the 58908  
morning or counted in the afternoon who are provided school bus 58909  
service by a school district during the first full week of 58910  
October; 58911

(b) For fiscal year ~~2026~~2028 and each fiscal year 58912  
thereafter, a ridership determined in a manner specified by the 58913  
general assembly. 58914

(6) "Rider density" means the following: 58915

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the following 58916  
quotient: 58917

A school district's total number of qualifying riders/ the 58918  
number of square miles in the district 58919

(b) For fiscal year ~~2026~~2028 and each fiscal year 58920  
thereafter, a number calculated in a manner determined by the 58921  
general assembly. 58922

(7) For fiscal years ~~2024~~2026 and ~~2025~~2027, "riders" 58923  
means students enrolled in regular and special education in 58924  
grades kindergarten through twelve who are provided school bus 58925  
service by a school district, including students with dual 58926  
enrollment in a joint vocational school district or a 58927  
cooperative education school district, and students enrolled in 58928  
a community school, STEM school, or nonpublic school. 58929



(8) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district;

(b) School buses operated by a private contractor hired by the district;

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the first day of November, for fiscal years ~~2024-2026~~ and ~~2025-2027~~, or a date determined by the general assembly, for fiscal year ~~2026-2028~~ and each fiscal year thereafter, of each year, each city, local, and exempted village school district shall report to the department of education and workforce its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate

cost for school bus service for the remaining districts in the 58959  
previous fiscal year by the aggregate qualifying ridership of 58960  
those districts in the previous fiscal year. 58961

(D) The department shall calculate the statewide 58962  
transportation cost per mile as follows: 58963

(1) Determine each city, local, and exempted village 58964  
school district's transportation cost per mile by dividing the 58965  
district's total costs for school bus service in the previous 58966  
fiscal year by its total number of miles driven for school bus 58967  
service in the previous fiscal year. 58968

(2) After excluding districts that do not provide school 58969  
bus service and the ten districts with the highest 58970  
transportation costs per mile and the ten districts with the 58971  
lowest transportation costs per mile, divide the aggregate cost 58972  
for school bus service for the remaining districts in the 58973  
previous fiscal year by the aggregate miles driven for school 58974  
bus service in those districts in the previous fiscal year. 58975

(E) The department shall calculate each city, local, and 58976  
exempted village school district's transportation base payment 58977  
as follows: 58978

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 58979

(a) Calculate the sum of the following: 58980

(i) The product of the statewide transportation cost per 58981  
student and the number of students counted in the district's 58982  
qualifying ridership for the current fiscal year who are 58983  
enrolled in the district; 58984

(ii) 1.5 times the statewide transportation cost per 58985  
student times the number of students counted in the district's 58986

qualifying ridership for the current fiscal year who are 58987  
enrolled in community schools established under Chapter 3314. of 58988  
the Revised Code or STEM schools established under Chapter 3326. 58989  
of the Revised Code; 58990

(iii) 2.0 times the statewide transportation cost per 58991  
student times the number of students counted in the district's 58992  
qualifying ridership for the current fiscal year who are 58993  
enrolled in nonpublic schools. 58994

(b) Calculate the sum of the following: 58995

(i) The product of the statewide transportation cost per 58996  
mile and the number of miles driven for school bus service as 58997  
reported for qualifying riders for the current fiscal year who 58998  
are enrolled in the district; 58999

(ii) 1.5 times the statewide transportation cost per mile 59000  
times the number of miles driven for school bus service as 59001  
reported for qualifying riders for the current fiscal year who 59002  
are enrolled in community schools or STEM schools; 59003

(iii) 2.0 times the statewide transportation cost per mile 59004  
times the number of miles driven for school bus service as 59005  
reported for qualifying riders for the current fiscal year who 59006  
are enrolled in nonpublic schools. 59007

(c) Multiply the greater of the amounts calculated under 59008  
divisions (E) (1) (a) and (b) of this section by the following: 59009

(i) For fiscal year ~~2024~~2026, the greater of ~~thirty-seven~~ 59010  
~~forty-five~~ and ~~one-half~~ eighty-three hundredths per cent or the 59011  
district's state share percentage, as defined in section 3317.02 59012  
of the Revised Code; 59013

(ii) For fiscal year ~~2025~~2027, the greater of ~~forty-one~~ 59014

~~and two-thirds~~ fifty per cent or the district's state share 59015  
percentage. 59016

(2) For fiscal year ~~2026-2028~~ and each fiscal year 59017  
thereafter, an amount determined by the general assembly. 59018

(F) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 59019  
department shall pay a district's efficiency adjustment payment 59020  
in accordance with divisions (F) (1) to (3) of this section. For 59021  
fiscal year ~~2026-2028~~ and each fiscal year thereafter, the 59022  
department shall pay a district's efficiency adjustment payment 59023  
in a manner determined by the general assembly, if the general 59024  
assembly authorizes such a payment to districts. 59025

(1) The department annually shall establish a target 59026  
number of qualifying riders per assigned bus for each city, 59027  
local, and exempted village school district. The department 59028  
shall use the ~~most recently available data~~ from the previous 59029  
fiscal year in establishing the target number. The target number 59030  
shall be based on the statewide median number of riders per 59031  
assigned bus as adjusted to reflect the district's density in 59032  
comparison to the density of all other districts. The department 59033  
shall post on the department's web site each district's target 59034  
number of riders per assigned bus and a description of how the 59035  
target number was determined. 59036

(2) The department shall determine each school district's 59037  
efficiency index by dividing the district's number of riders per 59038  
assigned bus by its target number of riders per assigned bus. 59039

(3) The department shall determine each city, local, and 59040  
exempted village school district's efficiency adjustment payment 59041  
as follows: 59042

(a) If the district's efficiency index is equal to or 59043

greater than 1.5, the efficiency adjustment payment shall be 59044  
calculated according to the following formula: 59045

0.15 X the district's transportation base payment calculated 59046  
under division (E) of this section 59047

(b) If the district's efficiency index is less than 1.5 59048  
but greater than or equal to 1.0, the efficiency adjustment 59049  
payment shall be calculated according to the following formula: 59050

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 59051  
district's transportation base payment calculated under division 59052  
(E) of this section 59053

(c) If the district's efficiency index is less than 1.0, 59054  
the efficiency adjustment payment shall be zero. 59055

(G) In addition to funds paid under divisions (E), (F), 59056  
and (H) of this section, each city, local, and exempted village 59057  
district shall receive in accordance with rules adopted by the 59058  
department a payment for students transported by means other 59059  
than school bus service and whose transportation is not funded 59060  
under division (C) of section 3317.024 of the Revised Code. The 59061  
rules shall include provisions for school district reporting of 59062  
such students. 59063

(H) (1) For purposes of division (H) of this section, a 59064  
school district's "transportation supplement percentage" means 59065  
the following: 59066

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 59067  
quotient: 59068

(28 - the district's rider density) / 100 59069

If the result of the calculation for a district under 59070  
division (H) (1) (a) of this section is less than zero, the 59071

district's transportation supplement percentage shall be zero. 59072

(b) For fiscal year ~~2026~~2028 and each fiscal year 59073  
thereafter, a percentage calculated in a manner determined by 59074  
the general assembly. 59075

(2) The department shall pay each district a 59076  
transportation supplement calculated according to the following 59077  
formula: 59078

The district's transportation supplement percentage X the amount 59079  
calculated for the district under division (E) (1) (b) of this 59080  
section X 0.55 59081

(I) (1) If a school district board and a community school 59082  
governing authority elect to enter into an agreement under 59083  
division (A) of section 3314.091 of the Revised Code, the 59084  
department shall make payments to the community school according 59085  
to the terms of the agreement for each student actually 59086  
transported under division (C) (1) of that section. If a 59087  
community school governing authority accepts transportation 59088  
responsibility under division (B) of that section, the 59089  
department shall make payments to the community school for each 59090  
student actually transported or for whom transportation is 59091  
arranged by the community school under division (C) (1) of that 59092  
section, calculated as follows: 59093

(a) For any fiscal year which the general assembly has 59094  
specified that transportation payments to school districts be 59095  
based on an across-the-board percentage of the district's 59096  
payment for the previous school year, the per pupil payment to 59097  
the community school shall be the following quotient: 59098

(i) The total amount calculated for the school district in 59099  
which the child is entitled to attend school for student 59100

transportation other than transportation of children with 59101  
disabilities; divided by 59102

(ii) The number of students included in the district's 59103  
transportation ADM for the current fiscal year, as calculated 59104  
under section 3317.03 of the Revised Code, plus the number of 59105  
students enrolled in the community school not counted in the 59106  
district's transportation ADM who are transported under division 59107  
(B) (1) or (2) of section 3314.091 of the Revised Code. 59108

(b) For any fiscal year which the general assembly has 59109  
specified that the transportation payments to school districts 59110  
be calculated in accordance with this section and any rules of 59111  
the department implementing this section, the payment to the 59112  
community school shall be the following: 59113

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, either of the 59114  
following: 59115

(I) If the school district in which the student is 59116  
entitled to attend school would have used a method of 59117  
transportation for the student for which payments are computed 59118  
and paid under division (E) of this section, 1.0 times the 59119  
statewide transportation cost per student, as calculated in 59120  
division (C) of this section; 59121

(II) If the school district in which the student is 59122  
entitled to attend school would have used a method of 59123  
transportation for the student for which payments are computed 59124  
and paid in a manner described in division (G) of this section, 59125  
the amount that would otherwise be computed for and paid to the 59126  
district. 59127

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 59128  
thereafter, an amount calculated in a manner determined by the 59129

general assembly. 59130

The community school, however, is not required to use the 59131  
same method to transport the student. 59132

As used in this division, "entitled to attend school" 59133  
means entitled to attend school under section 3313.64 or 3313.65 59134  
of the Revised Code. 59135

(2) A community school shall be paid under division (I) (2) 59136  
of this section only for students who are eligible as specified 59137  
in section 3327.01 of the Revised Code and division (C) (1) of 59138  
section 3314.091 of the Revised Code, and whose transportation 59139  
to and from school is actually provided, who actually utilized 59140  
transportation arranged, or for whom a payment in lieu of 59141  
transportation is made by the community school's governing 59142  
authority. To qualify for the payments, the community school 59143  
shall report to the department, in the form and manner required 59144  
by the department, data on the number of students transported or 59145  
whose transportation is arranged, the number of miles traveled, 59146  
cost to transport, and any other information requested by the 59147  
department. 59148

**Sec. 3317.0213.** (A) The department of education and 59149  
workforce shall compute and pay in accordance with this section 59150  
additional state aid for preschool children with disabilities to 59151  
each city, local, and exempted village school district and to 59152  
each institution, as defined in section 3323.091 of the Revised 59153  
Code. Funding shall be provided for children who are not 59154  
enrolled in kindergarten and who are under age six on the 59155  
thirtieth day of September of the academic year, or on the first 59156  
day of August of the academic year if the school district in 59157  
which the child is enrolled has adopted a resolution under 59158  
division (A) (3) of section 3321.01 of the Revised Code, but not 59159



less than age three on the first day of December of the academic 59160  
year. 59161

For fiscal years ~~2024-2026~~ and ~~2025~~2027, the additional 59162  
state aid shall be calculated under the following formula: 59163

(\$4,000 X the number of students who are preschool 59164  
children with disabilities) + the sum of the following: 59165

(1) The district's or institution's category one special 59166  
education students who are preschool children with disabilities 59167  
X the multiple specified in division (A) of section 3317.013 of 59168  
the Revised Code X the statewide average base cost per pupil for 59169  
that fiscal year X the district's state share percentage X 0.50; 59170

(2) The district's or institution's category two special 59171  
education students who are preschool children with disabilities 59172  
X the multiple specified in division (B) of section 3317.013 of 59173  
the Revised Code X the statewide average base cost per pupil for 59174  
that fiscal year X the district's state share percentage X 0.50; 59175

(3) The district's or institution's category three special 59176  
education students who are preschool children with disabilities 59177  
X the multiple specified in division (C) of section 3317.013 of 59178  
the Revised Code X the statewide average base cost per pupil for 59179  
that fiscal year X the district's state share percentage X 0.50; 59180

(4) The district's or institution's category four special 59181  
education students who are preschool children with disabilities 59182  
X the multiple specified in division (D) of section 3317.013 of 59183  
the Revised Code X the statewide average base cost per pupil for 59184  
that fiscal year X the district's state share percentage X 0.50; 59185

(5) The district's or institution's category five special 59186  
education students who are preschool children with disabilities 59187  
X the multiple specified in division (E) of section 3317.013 of 59188

the Revised Code X the statewide average base cost per pupil for 59189  
that fiscal year X the district's state share percentage X 0.50; 59190

(6) The district's or institution's category six special 59191  
education students who are preschool children with disabilities 59192  
X the multiple specified in division (F) of section 3317.013 of 59193  
the Revised Code X the statewide average base cost per pupil for 59194  
that fiscal year X the district's state share percentage X 0.50. 59195

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 59196  
the additional state aid shall be calculated for each category 59197  
of special education students who are preschool children with 59198  
disabilities using a formula specified by the general assembly. 59199

The special education disability categories for preschool 59200  
children used in this section are the same categories prescribed 59201  
in section 3317.013 of the Revised Code. 59202

As used in division (A) of this section, the state share 59203  
percentage of a student enrolled in an institution is the state 59204  
share percentage of the school district in which the student is 59205  
entitled to attend school under section 3313.64 or 3313.65 of 59206  
the Revised Code. 59207

(B) If an educational service center is providing services 59208  
to students who are preschool children with disabilities under 59209  
agreement with the city, local, or exempted village school 59210  
district in which the students are entitled to attend school, 59211  
that district may authorize the department to transfer funds 59212  
computed under this section to the service center providing 59213  
those services. 59214

(C) If a county DD board is providing services to students 59215  
who are preschool children with disabilities under agreement 59216  
with the city, local, or exempted village school district in 59217

which the students are entitled to attend school, the department 59218  
shall deduct from the district's payment computed under division 59219  
(A) of this section the total amount of those funds that are 59220  
attributable to the students served by the county DD board and 59221  
pay that amount to that board. 59222

**Sec. 3317.0215.** (A) (1) For fiscal years 2024-2026 and 59223  
2025-2027, the department of education and workforce shall 59224  
withhold from the aggregate amount paid for a fiscal year to 59225  
each city, local, exempted village, and joint vocational school 59226  
district, ~~community school established under Chapter 3314. of~~ 59227  
~~the Revised Code, and science, technology, engineering, and~~ 59228  
~~mathematics school established under Chapter 3326. of the~~ 59229  
~~Revised Code~~ an amount equal to the following: 59230

(a) In the case of a city, local, or exempted village 59231  
school district, the aggregate amount of special education 59232  
funding paid to the district under division (A) (3) of section 59233  
3317.022 of the Revised Code times 0.10, subject to any funding 59234  
limitations enacted by the general assembly to the computation. 59235

~~(b) In the case of a community school or STEM school, the~~ 59236  
~~aggregate amount of special education funding paid to the school~~ 59237  
~~under division (A) (1) (b) of section 3317.026 of the Revised Code~~ 59238  
~~times 0.10, subject to any funding limitations enacted by the~~ 59239  
~~general assembly to the computation.~~ 59240

~~(c)~~ In the case of a joint vocational school district, the 59241  
aggregate amount of special education funding paid to the school 59242  
under division (A) (2) of section 3317.16 of the Revised Code 59243  
times 0.10, subject to any funding limitations enacted by the 59244  
general assembly to the computation. 59245

(2) For fiscal year 2026-2028 and each fiscal year 59246

thereafter, the department shall withhold from the aggregate 59247  
amount paid for a fiscal year to each city, local, exempted 59248  
village, and joint vocational school district, ~~community school,~~ 59249  
~~and science, technology, engineering, and mathematics school~~ an 59250  
amount determined by the general assembly, if any, for purposes 59251  
of this section. 59252

(B) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 59253  
department shall use the amount of funds withheld under division 59254  
(A) of this section for purposes of ~~division (C) (1) of section~~ 59255  
~~3314.08 of the Revised Code,~~ section 3317.0214 of the Revised 59256  
Code, and division (B) of section 3317.16 of the Revised Code, ~~and~~ 59257  
~~section 3326.34 of the Revised Code.~~ 59258

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 59259  
the department shall use the amount of funds withheld under 59260  
division (A) of this section, if any, for purposes determined by 59261  
the general assembly. 59262

(C) (1) For fiscal years 2026 and 2027, the department 59263  
shall withhold from the aggregate amount paid for a fiscal year 59264  
to each community school established under Chapter 3314. of the 59265  
Revised Code and STEM school established under Chapter 3326. of 59266  
the Revised Code an amount equal to the aggregate amount of 59267  
special education funding paid to the school under division (A) 59268  
(1) (b) of section 3317.026 of the Revised Code times 0.05, 59269  
subject to any funding limitations enacted by the general 59270  
assembly to the computation. 59271

(2) For fiscal year 2028 and each fiscal year thereafter, 59272  
the department shall withhold from the aggregate amount paid for 59273  
a fiscal year to each community school and STEM school an amount 59274  
determined by the general assembly, if any, for purposes of this 59275  
section. 59276

(D) For fiscal years 2026 and 2027, the department shall 59277  
use the amount of funds withheld under division (C) of this 59278  
section for purposes of division (C)(1) of section 3314.08 of 59279  
the Revised Code and section 3326.34 of the Revised Code. 59280

For fiscal year 2028 and each fiscal year thereafter, the 59281  
department shall use the amount of funds withheld under division 59282  
(C) of this section, if any, for purposes determined by the 59283  
general assembly. 59284

**Sec. 3317.0217.** This section shall apply only for fiscal 59285  
years 2024–2026 and 2025~~2027~~. 59286

Payment of the amount calculated for a school district 59287  
under this section shall be made under division (A) of section 59288  
3317.022 of the Revised Code. 59289

(A) For each fiscal year, the department of education and 59290  
workforce shall compute targeted assistance funds for city, 59291  
local, and exempted village school districts, in accordance with 59292  
the following formula: 59293

A district's capacity amount for that fiscal year 59294  
calculated under division (B) of this section + a district's 59295  
wealth amount for that fiscal year calculated under division (C) 59296  
of this section 59297

(B) The department shall calculate each district's 59298  
capacity amount for a fiscal year as follows: 59299

(1) Calculate each district's weighted wealth for that 59300  
fiscal year, which equals the following sum: 59301

(The amount determined for the district for that fiscal year 59302  
under division (A)(1)(a) of section 3317.017 of the Revised Code 59303  
X 0.6) + (the amount determined for the district for that fiscal 59304

year under division (A) (2) (a) of section 3317.017 of the Revised 59305  
Code X 0.4) 59306

(2) Determine the median weighted wealth of all school 59307  
districts in this state for that fiscal year; 59308

(3) Compute each district's capacity index for that fiscal 59309  
year by dividing the median weighted wealth of all school 59310  
districts in this state for that fiscal year by the district's 59311  
weighted wealth for that fiscal year; 59312

(4) Compute each district's capacity amount for that 59313  
fiscal year as follows: 59314

(a) The district's capacity amount shall be zero if the 59315  
district satisfies either of the following criteria for that 59316  
fiscal year: 59317

(i) The district's capacity index is less than 1. 59318

(ii) The district's enrolled ADM is less than 200. 59319

(b) If the district does not satisfy either of the 59320  
criteria specified in division (B) (4) (a) of this section for 59321  
that fiscal year, the district's capacity amount for that fiscal 59322  
year shall be calculated as follows: 59323

(i) Compute the following amount for the district: 59324

(The median weighted wealth of all school districts in this 59325  
state for that fiscal year X 0.008) - (the district's weighted 59326  
wealth for that fiscal year X 0.008) 59327

(ii) If the district's enrolled ADM for that fiscal year 59328  
is greater than or equal to 200 but less than or equal to 400, 59329  
the district's capacity amount for that fiscal year shall be 59330  
equal to 0.05 X the amount computed under division (B) (4) (b) (i) 59331

of this section. 59332

(iii) If the district's enrolled ADM for that fiscal year 59333  
is greater than 400 and less than 600, the district's capacity 59334  
amount for that fiscal year shall be calculated in accordance 59335  
with the following formula: 59336

$$\{[0.95 \times (\text{the district's enrolled ADM for that fiscal year} - 59337$$
  
$$400)/200] + 0.05\} \times \text{the amount computed under division (B) (4) (b)} 59338$$
  
(i) of this section 59339

(iv) If the district's enrolled ADM for that fiscal year 59340  
is greater than or equal to 600, the district's capacity amount 59341  
for that fiscal year shall be equal to the amount computed under 59342  
division (B) (4) (b) (i) of this section. 59343

(C) The department shall calculate each district's wealth 59344  
amount for a fiscal year as follows: 59345

(1) Calculate each district's weighted wealth per pupil 59346  
for that fiscal year, which equals the following quotient: 59347

The district's weighted wealth for that fiscal year 59348  
calculated under division (B) (1) of this section/ (the 59349  
district's enrolled ADM for that fiscal year - the students 59350  
described in division (A) (1) (b) of section 3317.03 of the 59351  
Revised Code + the students described in division (A) (2) (d) of 59352  
section 3317.03 of the Revised Code) 59353

(2) Determine the median weighted wealth per pupil of all 59354  
school districts in this state for that fiscal year; 59355

(3) Compute each district's wealth index for that fiscal 59356  
year by dividing the median weighted wealth per pupil of all 59357  
school districts in this state for that fiscal year by the 59358  
district's weighted wealth per pupil for that fiscal year; 59359

(4) Compute each district's wealth amount for that fiscal year, as follows:

(a) If the district's wealth index computed under division (C) (3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.

(b) If the district's wealth index computed under division (C) (3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula:

[(The median weighted wealth per pupil of all school districts in this state for that fiscal year X 0.014) - (the district's weighted wealth per pupil for that fiscal year X 0.0112)] X the district's enrolled ADM for that fiscal year

**Sec. 3317.035.** The auditor of state may conduct annual audits of the information certified under section 3317.03 of the Revised Code ~~by a number of school districts determined by the auditor of state and selected at random.~~

**Sec. 3317.051.** (A) The department of education and workforce shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

(B) The department shall allocate gifted units for a school district as follows:

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027:

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.



(b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B) (22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B) (22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay an amount to a school district for gifted units as follows:

(1) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount equal to the following sum:

$(\$85,776 \times \text{the number of units allocated to a school district under division (B) (1) (a) of this section} \times \text{the district's state share percentage}) + (\$89,378 \times \text{the number of units allocated to a school district under division (B) (1) (b) of this section} \times \text{the district's state share percentage}) + (\$80,974 \times \text{the number of units allocated to a school district under division (B) (1) (c) of this section} \times \text{the district's state share percentage})$

(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(D) A school district may assign gifted unit funding that

it receives under division (C) of this section to another school 59417  
district, an educational service center, a community school, or 59418  
a STEM school as part of an arrangement to provide services to 59419  
the district. 59420

**Sec. 3317.06.** Moneys paid to school districts under 59421  
division (E)(1) of section 3317.024 of the Revised Code shall be 59422  
used for the following independent and fully severable purposes: 59423

(A) To purchase such secular textbooks or digital texts as 59424  
have been approved by the department of education and workforce 59425  
for use in public schools in the state and to loan such 59426  
textbooks or digital texts to pupils attending nonpublic schools 59427  
within the district described in division (E)(1) of section 59428  
3317.024 of the Revised Code or to their parents and to hire 59429  
clerical personnel to administer such lending program. Such 59430  
loans shall be based upon individual requests submitted by such 59431  
nonpublic school pupils or parents. Such requests shall be 59432  
submitted to the school district in which the nonpublic school 59433  
is located. Such individual requests for the loan of textbooks 59434  
or digital texts shall, for administrative convenience, be 59435  
submitted by the nonpublic school pupil or the pupil's parent to 59436  
the nonpublic school, which shall prepare and submit collective 59437  
summaries of the individual requests to the school district. As 59438  
used in this section: 59439

(1) "Textbook" means any book or book substitute that a 59440  
pupil uses as a consumable or nonconsumable text, text 59441  
substitute, or text supplement in a particular class or program 59442  
in the school the pupil regularly attends. 59443

(2) "Digital text" means a consumable book or book 59444  
substitute that a student accesses through the use of a computer 59445  
or other electronic medium or that is available through an 59446

internet-based provider of course content, or any other material 59447  
that contributes to the learning process through electronic 59448  
means. 59449

(B) To provide speech and hearing diagnostic services to 59450  
pupils attending nonpublic schools within the district described 59451  
in division (E) (1) of section 3317.024 of the Revised Code. Such 59452  
service shall be provided in the nonpublic school attended by 59453  
the pupil receiving the service. 59454

(C) To provide physician, nursing, dental, and optometric 59455  
services to pupils attending nonpublic schools within the 59456  
district described in division (E) (1) of section 3317.024 of the 59457  
Revised Code. Such services shall be provided in the school 59458  
attended by the nonpublic school pupil receiving the service. 59459

(D) To provide diagnostic mental health or psychological 59460  
services to pupils attending nonpublic schools within the 59461  
district described in division (E) (1) of section 3317.024 of the 59462  
Revised Code. Such services shall be provided in the school 59463  
attended by the pupil receiving the service. 59464

(E) To provide therapeutic mental health, psychological, 59465  
and speech and hearing services to pupils attending nonpublic 59466  
schools within the district described in division (E) (1) of 59467  
section 3317.024 of the Revised Code. Such services shall be 59468  
provided in the public school, in nonpublic schools, in public 59469  
centers, or in mobile units located on or off of the nonpublic 59470  
premises. If such services are provided in the public school or 59471  
in public centers, transportation to and from such facilities 59472  
shall be provided by the school district in which the nonpublic 59473  
school is located. 59474

(F) To provide guidance, counseling, and social work 59475

services to pupils attending nonpublic schools within the 59476  
district described in division (E) (1) of section 3317.024 of the 59477  
Revised Code. Such services shall be provided in the public 59478  
school, in nonpublic schools, in public centers, or in mobile 59479  
units located on or off of the nonpublic premises. If such 59480  
services are provided in the public school or in public centers, 59481  
transportation to and from such facilities shall be provided by 59482  
the school district in which the nonpublic school is located. 59483

(G) To provide remedial services to pupils attending 59484  
nonpublic schools within the district described in division (E) 59485  
(1) of section 3317.024 of the Revised Code. Such services shall 59486  
be provided in the public school, in nonpublic schools, in 59487  
public centers, or in mobile units located on or off of the 59488  
nonpublic premises. If such services are provided in the public 59489  
school or in public centers, transportation to and from such 59490  
facilities shall be provided by the school district in which the 59491  
nonpublic school is located. 59492

(H) To supply for use by pupils attending nonpublic 59493  
schools within the district described in division (E) (1) of 59494  
section 3317.024 of the Revised Code such standardized tests and 59495  
scoring services as are in use in the public schools of the 59496  
state; 59497

(I) To provide programs for children who attend nonpublic 59498  
schools within the district described in division (E) (1) of 59499  
section 3317.024 of the Revised Code and are children with 59500  
disabilities as defined in section 3323.01 of the Revised Code 59501  
or gifted children. Such programs shall be provided in the 59502  
public school, in nonpublic schools, in public centers, or in 59503  
mobile units located on or off of the nonpublic premises. If 59504  
such programs are provided in the public school or in public 59505

centers, transportation to and from such facilities shall be 59506  
provided by the school district in which the nonpublic school is 59507  
located. 59508

(J) To hire clerical personnel to assist in the 59509  
administration of programs pursuant to divisions (B), (C), (D), 59510  
(E), (F), (G), and (I) of this section and to hire supervisory 59511  
personnel to supervise the providing of services and textbooks 59512  
pursuant to this section. 59513

(K) To purchase or lease any secular, neutral, and 59514  
nonideological computer application software designed to assist 59515  
students in performing a single task or multiple related tasks, 59516  
device management software, learning management software, site- 59517  
licensing, digital video on demand (DVD), wide area connectivity 59518  
and related technology as it relates to internet access, 59519  
mathematics or science equipment and materials, instructional 59520  
materials, and school library materials that are in general use 59521  
in the public schools of the state and loan such items to pupils 59522  
attending nonpublic schools within the district described in 59523  
division (E)(1) of section 3317.024 of the Revised Code or to 59524  
their parents, and to hire clerical personnel to administer the 59525  
lending program. Only such items that are incapable of diversion 59526  
to religious use and that are susceptible of loan to individual 59527  
pupils and are furnished for the use of individual pupils shall 59528  
be purchased and loaned under this division. As used in this 59529  
section, "instructional materials" means prepared learning 59530  
materials that are secular, neutral, and nonideological in 59531  
character and are of benefit to the instruction of school 59532  
children. "Instructional materials" includes media content that 59533  
a student may access through the use of a computer or electronic 59534  
device. 59535

Mobile applications that are secular, neutral, and 59536  
nonideological in character and that are purchased for less than 59537  
twenty dollars for instructional use shall be considered to be 59538  
consumable and shall be distributed to students without the 59539  
expectation that the applications must be returned. 59540

(L) To purchase or lease instructional equipment, 59541  
including computer hardware and related equipment in general use 59542  
in the public schools of the state, for use by pupils attending 59543  
nonpublic schools within the district described in division (E) 59544  
(1) of section 3317.024 of the Revised Code and to loan such 59545  
items to pupils attending such nonpublic schools within the 59546  
district or to their parents, and to hire clerical personnel to 59547  
administer the lending program. "Computer hardware and related 59548  
equipment" includes desktop computers and workstations; laptop 59549  
computers, computer tablets, and other mobile handheld devices; 59550  
their operating systems and accessories; and any equipment 59551  
designed to make accessible the environment of a classroom to a 59552  
student, who is physically unable to attend classroom activities 59553  
due to hospitalization or other circumstances, by allowing real- 59554  
time interaction with other students both one-on-one and in 59555  
group discussion. 59556

(M) To purchase mobile units to be used for the provision 59557  
of services pursuant to divisions (E), (F), (G), and (I) of this 59558  
section and to pay for necessary repairs and operating costs 59559  
associated with these units. 59560

(N) To reimburse costs the district incurred to store the 59561  
records of a chartered nonpublic school that closes. 59562  
Reimbursements under this division shall be made one time only 59563  
for each chartered nonpublic school described in division (E) (1) 59564  
of section 3317.024 of the Revised Code that closes. 59565

(O) To purchase life-saving medical or other emergency 59566  
equipment for placement in nonpublic schools within the district 59567  
described in division (E) (1) of section 3317.024 of the Revised 59568  
Code or to maintain such equipment. 59569

(P) To procure and pay for security services from a county 59570  
sheriff or a township or municipal police force, from a retired 59571  
Ohio peace officer, or from a person certified through the Ohio 59572  
peace officer training commission, in accordance with section 59573  
109.78 of the Revised Code, as a special police, security guard, 59574  
or as a privately employed person serving in a police capacity 59575  
for nonpublic schools in the district described in division (E) 59576  
(1) of section 3317.024 of the Revised Code. 59577

(Q) To provide language and academic support services and 59578  
other accommodations for English learners attending nonpublic 59579  
schools within the district described in division (E) (1) of 59580  
section 3317.024 of the Revised Code. 59581

Clerical and supervisory personnel hired pursuant to 59582  
division (J) of this section shall perform their services in the 59583  
public schools, in nonpublic schools, public centers, or mobile 59584  
units where the services are provided to the nonpublic school 59585  
pupil, except that such personnel may accompany pupils to and 59586  
from the service sites when necessary to ensure the safety of 59587  
the children receiving the services. 59588

All services provided pursuant to this section may be 59589  
provided under contract with educational service centers, the 59590  
department of health, city or general health districts, or 59591  
private agencies whose personnel are properly licensed by an 59592  
appropriate state board or agency. School districts shall not 59593  
deny a nonpublic school's request for personnel who are properly 59594  
licensed by a state board or agency. 59595

Transportation of pupils provided pursuant to divisions 59596  
(E), (F), (G), and (I) of this section shall be provided by the 59597  
school district from its general funds and not from moneys paid 59598  
to it under division (E) (1) of section 3317.024 of the Revised 59599  
Code unless a special transportation request is submitted by the 59600  
parent of the child receiving service pursuant to such 59601  
divisions. If such an application is presented to the school 59602  
district, it may pay for the transportation from moneys paid to 59603  
it under division (E) (1) of section 3317.024 of the Revised 59604  
Code. 59605

No school district shall provide health or remedial 59606  
services to nonpublic school pupils as authorized by this 59607  
section unless such services are available to pupils attending 59608  
the public schools within the district. 59609

Materials, equipment, computer hardware or software, 59610  
textbooks, digital texts, and health and remedial services 59611  
provided for the benefit of nonpublic school pupils pursuant to 59612  
this section and the admission of pupils to such nonpublic 59613  
schools shall be provided without distinction as to race, creed, 59614  
color, or national origin of such pupils or of their teachers. 59615

No school district shall provide services, materials, or 59616  
equipment that contain religious content for use in religious 59617  
courses, devotional exercises, religious training, or any other 59618  
religious activity. 59619

As used in this section, "parent" includes a person 59620  
standing in loco parentis to a child. 59621

Notwithstanding section 3317.01 of the Revised Code, 59622  
payments shall be made under this section to any city, local, or 59623  
exempted village school district within which is located one or 59624



more nonpublic elementary or high schools described in division 59625  
(E) (1) of section 3317.024 of the Revised Code and any payments 59626  
made to school districts under division (E) (1) of section 59627  
3317.024 of the Revised Code for purposes of this section may be 59628  
disbursed without submission to and approval of the controlling 59629  
board. 59630

The allocation of payments for materials, equipment, 59631  
textbooks, digital texts, health services, and remedial services 59632  
to city, local, and exempted village school districts shall be 59633  
on the basis of the department's estimated annual average daily 59634  
membership in nonpublic elementary and high schools located in 59635  
the district described in division (E) (1) of section 3317.024 of 59636  
the Revised Code. 59637

Payments made to city, local, and exempted village school 59638  
districts under this section shall be equal to specific 59639  
appropriations made for the purpose. All interest earned by a 59640  
school district on such payments shall be used by the district 59641  
for the same purposes and in the same manner as the payments may 59642  
be used. 59643

The department shall adopt guidelines and procedures under 59644  
which such programs and services shall be provided, under which 59645  
districts and educational service centers with which districts 59646  
contract to provide auxiliary services shall be reimbursed for 59647  
administrative costs incurred in providing such programs and 59648  
services, and under which any unexpended balance of the amounts 59649  
appropriated by the general assembly to implement this section 59650  
may be transferred to the auxiliary services personnel 59651  
unemployment compensation fund established pursuant to section 59652  
4141.47 of the Revised Code. If a district contracts with an 59653  
educational service center to provide auxiliary services, only 59654

the service center shall be reimbursed for administrative costs. 59655  
The department shall also adopt guidelines and procedures 59656  
limiting the purchase and loan of the items described in 59657  
division (K) of this section to items that are in general use in 59658  
the public schools of the state, that are incapable of diversion 59659  
to religious use, and that are susceptible to individual use 59660  
rather than classroom use. Within thirty days after the end of 59661  
each biennium, each board of education shall remit to the 59662  
department all moneys paid to it under division (E) (1) of 59663  
section 3317.024 of the Revised Code and any interest earned on 59664  
those moneys that are not required to pay expenses incurred 59665  
under this section during the biennium for which the money was 59666  
appropriated and during which the interest was earned. If a 59667  
board of education subsequently determines that the remittal of 59668  
moneys leaves the board with insufficient money to pay all valid 59669  
expenses incurred under this section during the biennium for 59670  
which the remitted money was appropriated, the board may apply 59671  
to the department for a refund of money, not to exceed the 59672  
amount of the insufficiency. If the department determines the 59673  
expenses were lawfully incurred and would have been lawful 59674  
expenditures of the refunded money, it shall certify its 59675  
determination and the amount of the refund to be made to the 59676  
director of job and family services who shall make a refund as 59677  
provided in section 4141.47 of the Revised Code. 59678

Each school district shall label materials, equipment, 59679  
computer hardware or software, textbooks, and digital texts 59680  
purchased or leased for loan to a nonpublic school under this 59681  
section, acknowledging that they were purchased or leased with 59682  
state funds under this section. However, a district need not 59683  
label materials, equipment, computer hardware or software, 59684  
textbooks, or digital texts that the district determines are 59685

consumable in nature or have a value of less than two hundred 59686  
dollars. 59687

**Sec. 3317.11.** (A) As used in this section: 59688

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "base amount" 59689  
is equal to \$356,250. 59690

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 59691  
base" means an amount calculated by the department of education 59692  
and workforce that is equal to the amount an educational service 59693  
center would have received under Section 265.360 of H.B. 166 of 59694  
the 133rd general assembly for fiscal year 2020 using the 59695  
student counts of the school districts with which the service 59696  
center has service agreements for the fiscal year for which 59697  
payments under this section are being made. 59698

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "general 59699  
phase-in percentage" for an educational service center means the 59700  
"general phase-in percentage" for school districts as defined in 59701  
section 3317.02 of the Revised Code. 59702

(4) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "student 59703  
count" means the count calculated under division (G)(1) of 59704  
section 3313.843 of the Revised Code. 59705

(B)(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 59706  
department of education and workforce shall pay the governing 59707  
board of each educational service center an amount equal to the 59708  
following: 59709

The educational service center's funding base + [(the 59710  
amount calculated for the educational service center for that 59711  
fiscal year under division (C) of this section - the educational 59712  
service center's funding base) X the educational service 59713  
center's general phase-in percentage for that fiscal year] 59714

(2) For fiscal year ~~2026~~2028 and each fiscal year 59715  
thereafter, the department shall pay the governing board of each 59716  
educational service center an amount calculated in a manner 59717  
determined by the general assembly. 59718

(C) For fiscal years ~~2024~~2026 and ~~2025~~2027, the 59719  
department shall calculate an amount for each educational 59720  
service center as follows: 59721

(1) If the educational service center has a student count 59722  
of 5,000 students or less, the base amount. 59723

(2) If the educational service center has a student count 59724  
greater than 5,000 students but less than or equal to 35,000 59725  
students, the following sum: 59726

The base amount + [(the educational service center's student 59727  
count - 5,000) X \$24.72] 59728

(3) If the educational service center has a student count 59729  
greater than 35,000 students, the following sum: 59730

The base amount + (30,000 X \$24.72) + [(the educational service 59731  
center's student count - 35,000) X \$30.90] 59732

**Sec. 3317.16.** The department of education and workforce 59733  
shall compute and distribute state core foundation funding to 59734  
each funding unit that is a joint vocational school district for 59735  
the fiscal year as follows: 59736

For fiscal years ~~2024~~2026 and ~~2025~~2027: 59737

The district's funding base + [(the district's state core 59738  
foundation funding components for that fiscal year calculated 59739  
under divisions (A)(1), (2), (4), (5), and (6) of this section - 59740  
the district's general funding base) X the district's general 59741  
phase-in percentage for that fiscal year] + [(the district's 59742

disadvantaged pupil impact aid for that fiscal year calculated 59743  
under division (A) (3) of this section - the district's 59744  
disadvantaged pupil impact aid funding base) X the district's 59745  
phase-in percentage for disadvantaged pupil impact aid for that 59746  
fiscal year] 59747

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 59748  
the sum of the district's state core foundation funding 59749  
components for that fiscal year calculated under divisions (A) 59750  
(1), (2), (3), (4), (5), and (6) of this section. 59751

(A) A district's state core foundation funding components 59752  
shall be all of the following: 59753

(1) The district's state share of the base cost, which is 59754  
equal to the following: 59755

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 59756  
calculated according to the following formula: 59757

(The district's ~~base cost calculated under section 3317.012 of~~ 59758  
~~the Revised Code~~) - (~~0.0005 X the lesser of the district's~~ 59759  
~~three-year average valuation or the district's most recent~~ 59760  
~~valuation)~~ 59761

~~However, no district shall receive an amount under division (A)~~ 59762  
~~(1) of this section that is less than 0.10 times the base cost~~ 59763  
~~calculated for the district under section 3317.012 of the~~ 59764  
~~Revised Code.~~ enrolled ADM for the fiscal year) X (the 59765  
district's state share percentage for the fiscal year) X (the 59766  
district's base cost per pupil for the fiscal year) 59767

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, 59768  
an amount calculated in a manner determined by the general 59769  
assembly. 59770

(2) Additional state aid for special education and related 59771  
services provided under Chapter 3323. of the Revised Code 59772  
calculated as follows: 59773

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 59774  
the following: 59775

(i) The district's category one special education ADM X 59776  
the multiple specified in division (A) of section 3317.013 of 59777  
the Revised Code X the statewide average base cost per pupil for 59778  
that fiscal year X the district's state share percentage; 59779

(ii) The district's category two special education ADM X 59780  
the multiple specified in division (B) of section 3317.013 of 59781  
the Revised Code X the statewide average base cost per pupil for 59782  
that fiscal year X the district's state share percentage; 59783

(iii) The district's category three special education ADM 59784  
X the multiple specified in division (C) of section 3317.013 of 59785  
the Revised Code X the statewide average base cost per pupil for 59786  
that fiscal year X the district's state share percentage; 59787

(iv) The district's category four special education ADM X 59788  
the multiple specified in division (D) of section 3317.013 of 59789  
the Revised Code X the statewide average base cost per pupil for 59790  
that fiscal year X the district's state share percentage; 59791

(v) The district's category five special education ADM X 59792  
the multiple specified in division (E) of section 3317.013 of 59793  
the Revised Code X the statewide average base cost per pupil for 59794  
that fiscal year X the district's state share percentage; 59795

(vi) The district's category six special education ADM X 59796  
the multiple specified in division (F) of section 3317.013 of 59797  
the Revised Code X the statewide average base cost per pupil for 59798  
that fiscal year X the district's state share percentage. 59799

(b) For fiscal year ~~2026~~2028 and each fiscal year 59800  
thereafter, the sum of the following: 59801

(i) An amount calculated in a manner determined by the 59802  
general assembly times the funding unit's category one special 59803  
education ADM; 59804

(ii) An amount calculated in a manner determined by the 59805  
general assembly times the funding unit's category two special 59806  
education ADM; 59807

(iii) An amount calculated in a manner determined by the 59808  
general assembly times the funding unit's category three special 59809  
education ADM; 59810

(iv) An amount calculated in a manner determined by the 59811  
general assembly times the funding unit's category four special 59812  
education ADM; 59813

(v) An amount calculated in a manner determined by the 59814  
general assembly times the funding unit's category five special 59815  
education ADM; 59816

(vi) An amount calculated in a manner determined by the 59817  
general assembly times the funding unit's category six special 59818  
education ADM. 59819

(3) Disadvantaged pupil impact aid calculated as follows: 59820

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 59821  
calculated according to the following formula: 59822

\$422 X the district's economically disadvantaged index X the 59823  
number of students who are economically disadvantaged as 59824  
certified under division (D) (2) (p) of section 3317.03 of the 59825  
Revised Code 59826

(b) For fiscal year ~~2026~~2028 and each fiscal year 59827  
thereafter, an amount calculated in a manner determined by the 59828  
general assembly. 59829

(4) English learner funds calculated as follows: 59830

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 59831  
the following: 59832

(i) The district's category one English learner ADM X the 59833  
multiple specified in division (A) of section 3317.016 of the 59834  
Revised Code X the statewide average base cost per pupil for 59835  
that fiscal year X the district's state share percentage; 59836

(ii) The district's category two English learner ADM X the 59837  
multiple specified in division (B) of section 3317.016 of the 59838  
Revised Code X the statewide average base cost per pupil for 59839  
that fiscal year X the district's state share percentage; 59840

(iii) The district's category three English learner ADM X 59841  
the multiple specified in division (C) of section 3317.016 of 59842  
the Revised Code X the statewide average base cost per pupil for 59843  
that fiscal year X the district's state share percentage. 59844

(b) For fiscal year ~~2026~~2028 and each fiscal year 59845  
thereafter, the sum of the following: 59846

(i) An amount calculated in a manner determined by the 59847  
general assembly times the funding unit's category one English 59848  
learner ADM; 59849

(ii) An amount calculated in a manner determined by the 59850  
general assembly times the funding unit's category two English 59851  
learner ADM; 59852

(iii) An amount calculated in a manner determined by the 59853  
general assembly times the funding unit's category three English 59854



learner ADM. 59855

(5) Career-technical education funds calculated under 59856  
division (C) of section 3317.014 of the Revised Code. 59857

(6) Career-technical education associated services funds 59858  
calculated under division (D) of section 3317.014 of the Revised 59859  
Code. 59860

(B)(1) If a joint vocational school district's costs for a 59861  
fiscal year for a student in its categories two through six 59862  
special education ADM exceed the threshold cost for serving the 59863  
student, as specified in division (B) of section 3317.0214 of 59864  
the Revised Code, the district may submit to the department 59865  
documentation, as prescribed by the department, of all of its 59866  
costs for that student. Upon submission of documentation for a 59867  
student of the type and in the manner prescribed, the department 59868  
shall pay to the district an amount equal to the sum of the 59869  
following: 59870

(a) One-half of the district's costs for the student in 59871  
excess of the threshold cost; 59872

(b) The product of one-half of the district's costs for 59873  
the student in excess of the threshold cost multiplied by the 59874  
district's state share percentage. 59875

(2) The district shall report under division (B)(1) of 59876  
this section, and the department shall pay for, only the costs 59877  
of educational expenses and the related services provided to the 59878  
student in accordance with the student's individualized 59879  
education program. Any legal fees, court costs, or other costs 59880  
associated with any cause of action relating to the student may 59881  
not be included in the amount. 59882

(C)(1) For each student with a disability receiving 59883

special education and related services under an individualized 59884  
education program, as defined in section 3323.01 of the Revised 59885  
Code, at a joint vocational school district, the resident 59886  
district or, if the student is enrolled in a community school, 59887  
the community school shall be responsible for the amount of any 59888  
costs of providing those special education and related services 59889  
to that student that exceed the sum of the amount calculated for 59890  
those services attributable to that student under division (A) 59891  
of this section. 59892

Those excess costs shall be calculated using a formula 59893  
approved by the department. 59894

(2) The board of education of the joint vocational school 59895  
district may report the excess costs calculated under division 59896  
(C) (1) of this section to the department. 59897

(3) If the board of education of the joint vocational 59898  
school district reports excess costs under division (C) (2) of 59899  
this section, the department shall pay the amount of excess cost 59900  
calculated under division (C) (2) of this section to the joint 59901  
vocational school district and shall deduct that amount as 59902  
provided in division (C) (3) (a) or (b) of this section, as 59903  
applicable: 59904

(a) If the student is not enrolled in a community school, 59905  
the department shall deduct the amount from the account of the 59906  
student's resident district pursuant to division (J) of section 59907  
3317.023 of the Revised Code. 59908

(b) If the student is enrolled in a community school, the 59909  
department shall deduct the amount from the account of the 59910  
community school pursuant to section 3314.083 of the Revised 59911  
Code. 59912

(D) A joint vocational school district shall spend the 59913  
funds it receives under division (A) (3) of this section in 59914  
accordance with section 3317.25 of the Revised Code. 59915

(E) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 59916  
district shall spend the funds it receives under division (A) (4) 59917  
of this section only for services for English learners. 59918

(F) As used in this section: 59919

(1) "Community school" means a community school 59920  
established under Chapter 3314. of the Revised Code. 59921

(2) "Resident district" means the city, local, or exempted 59922  
village school district in which a student is entitled to attend 59923  
school under section 3313.64 or 3313.65 of the Revised Code. 59924

**Sec. 3317.161.** (A) As used in this section, "lead 59925  
district" has the same meaning as in section 3317.023 of the 59926  
Revised Code. 59927

(B) (1) A career-technical education program or a dropout 59928  
prevention and recovery program of a city, local, or exempted 59929  
village school district, community school, or STEM school shall 59930  
be subject to approval under this section in order for the 59931  
district or school to qualify for state funding for the program. 59932  
Approval granted under this section shall be valid for the five 59933  
fiscal years following the fiscal year in which the program is 59934  
approved and may be renewed. Approval shall be subject to annual 59935  
review under division (E) of this section. 59936

(2) If a district or school becomes a new member of a 59937  
career-technical planning district, its career-technical 59938  
education programs shall be approved or disapproved by the lead 59939  
district of the career-technical planning district during the 59940  
fiscal year in which the district or school becomes a member of 59941

the career-technical planning district. Any program of the 59942  
district or school that was approved by the department of 59943  
education and workforce for an approval period that includes the 59944  
fiscal year in which the district or school becomes a new member 59945  
of the career-technical planning district shall retain its 59946  
approved status during that fiscal year. 59947

(3) If an existing member of a career-technical planning 59948  
district develops a new career-technical education program, that 59949  
program shall be approved or disapproved by the lead district of 59950  
the career-technical planning district prior to the first fiscal 59951  
year for which the district or school is seeking funding for the 59952  
program. 59953

(4) Except as provided in division (B) (2) of this section, 59954  
if a career-technical education program was approved by the 59955  
department prior to September 29, 2013, that approval remains 59956  
valid for the unexpired remainder of the approval period 59957  
specified by the department. Approval of that program may then 59958  
be renewed in accordance with this section on a date prior to 59959  
the expiration of the approval period. 59960

(C) (1) The lead district of a career-technical planning 59961  
district shall approve or disapprove for a five-year period each 59962  
career-technical education program of the city, local, and 59963  
exempted village school districts, community schools, and STEM 59964  
schools that are assigned by the department to the career- 59965  
technical planning district. The lead district's decision to 59966  
approve or disapprove a program shall be based on requirements 59967  
for career-technical education programs that are specified in 59968  
rules adopted by the department. These requirements shall 59969  
include, but are not limited to, all of the following: 59970

(a) Demand for the career-technical education program by 59971

industries in the state; 59972

(b) Quality of the program; 59973

(c) Potential for a student enrolled in the program to 59974  
receive the training that will qualify the student for industry 59975  
credentials or post-secondary education; 59976

(d) Admission requirements of the lead district; 59977

(e) Past performance of the district or school that is 59978  
offering the program; 59979

(f) Traveling distance; 59980

(g) Sustainability; 59981

(h) Capacity; 59982

(i) Availability of the program within the career- 59983  
technical planning district; 59984

(j) In the case of a new program, the cost to begin the 59985  
program. 59986

~~(2) The lead district shall approve or disapprove each~~ 59987  
~~program not later than the first day of March prior to the first~~ 59988  
~~fiscal year for which the district or school is seeking funding~~ 59989  
~~for the program.~~ If a program is approved, the lead district 59990  
shall notify the department of its decision. If a program is 59991  
disapproved, the lead district shall notify the district or 59992  
school of its decision. 59993

If the lead district disapproves the program or does not 59994  
take any action to approve or disapprove the program ~~by the~~ 59995  
~~first day of March~~, the district or school may appeal the lead 59996  
district's decision or failure to take action to the department- 59997  
~~by the fifteenth day of March.~~ 59998

(D) (1) Upon receiving notification of a lead district's 59999  
approval of a district's or school's career-technical education 60000  
program, the department shall review the lead district's 60001  
decision and determine whether to approve or disapprove the 60002  
program ~~not later than the fifteenth day of May prior to the~~ 60003  
~~first fiscal year for which the district or school is seeking~~ 60004  
~~funding for the program.~~ The department shall notify the 60005  
district or school and the lead district of the district's or 60006  
school's career-technical planning district of its 60007  
determination. 60008

(2) Upon receiving an appeal from a district or school of 60009  
a lead district's disapproval of a career-technical education 60010  
program or failure to take action to approve or disapprove the 60011  
program, the department shall review the lead district's 60012  
disapproval or failure to take action. The department shall 60013  
decide whether to approve or disapprove the program as a result 60014  
of this review ~~not later than the fifteenth day of May prior to~~ 60015  
~~the first fiscal year for which the district or school is~~ 60016  
~~seeking funding for the program.~~ The department shall notify the 60017  
lead district and the appealing district or school of its 60018  
determination. 60019

(3) In conducting a review under division (D) (1) or (2) of 60020  
this section, the department shall consider the criteria 60021  
prescribed under division (C) (1) of this section. 60022

(4) If the department approves a program under division 60023  
(D) (1) or (2) of this section, it shall authorize the payment to 60024  
the district or school of the funds attributed to the career- 60025  
technical students enrolled in that program in the next fiscal 60026  
year according to a payment schedule prescribed by the 60027  
department. 60028

(5) The department's decisions under divisions (D) (1) and 60029  
(2) of this section shall be final and not appealable. 60030

~~(6) The director of education and workforce may adopt 60031  
guidelines identifying circumstances in which the department 60032  
may, after consulting with a lead district, approve or 60033  
disapprove a program that has been approved or disapproved by 60034  
the lead district after the deadline prescribed in division (D) 60035  
(1) or (2) of this section has passed. 60036~~

The department shall authorize a payment for any dropout 60037  
prevention and recovery program offering career-technical 60038  
education that is in its first year of operation and that 60039  
submits an application ~~during the additional application period 60040  
described in division (D) (6) of this section~~ in the fiscal year 60041  
for which the application was submitted. 60042

(E) The department and the lead district of each career- 60043  
technical planning district shall conduct an annual review of 60044  
each career-technical education program in the lead district's 60045  
career-technical planning district that receives approval under 60046  
this section. Continued funding of the program during the five- 60047  
year approval period shall be subject to the school's compliance 60048  
with any directives for performance improvement that are issued 60049  
by the department or the lead district as a result of any review 60050  
conducted under this section. 60051

**Sec. 3317.162.** (A) For fiscal years ~~2024-2026~~ and 60052  
~~2025~~2027, the department of education shall pay temporary 60053  
transitional aid to each joint vocational school district 60054  
according to the following formula: 60055

(The district's funding base, as that term is defined in 60056  
section 3317.02 of the Revised Code) - (the district's payment 60057

under section 3317.16 of the Revised Code for the fiscal year 60058  
for which the payment is computed) 60059

If the computation made under division (A) of this section 60060  
results in a negative number, the district's funding under 60061  
division (A) of this section shall be zero. 60062

(B) If a joint vocational school district begins receiving 60063  
payments under section 3317.16 of the Revised Code for fiscal 60064  
year ~~2024-2026~~ or fiscal year ~~2025-2027~~ but does not receive 60065  
payments for the fiscal year immediately preceding that fiscal 60066  
year, the department shall establish the district's funding 60067  
base, as that term is defined in section 3317.02 of the Revised 60068  
Code, as an amount equal to the absolute value of the sum of the 60069  
associated adjustments of any local school district's funding 60070  
base under division (C) of section 3317.019 of the Revised Code. 60071

**Sec. 3317.163.** (A) As used in this section: 60072

(1) "Credential-only program" means an industry-approved 60073  
credentialing program, or a series of such programs, offered by 60074  
a dropout prevention and recovery community school in which 60075  
students enrolled in grades eleven and twelve may earn an 60076  
industry-recognized credential approved under section 3313.6113 60077  
of the Revised Code. The program, or programs, shall align with 60078  
a career-technical education program approved under section 60079  
3317.161 of the Revised Code. The dropout prevention and 60080  
recovery community school shall offer the program, or programs, 60081  
using classroom teachers employed by the school. 60082

(2) "Dropout prevention and recovery community school" has 60083  
the same meaning as in section ~~3319.301-3314.02~~ of the Revised 60084  
Code. 60085

(B) Notwithstanding any provision of Chapter 3317. of the 60086



Revised Code to the contrary, all of the following shall apply: 60087

(1) For the purposes of sections 3317.014, 3317.022, and 60088  
3317.026 of the Revised Code, the department of education and 60089  
workforce shall adjust the career-technical education ADM of a 60090  
dropout prevention and recovery community school that offers a 60091  
credential-only program so that each student enrolled in that 60092  
program is included only in the school's category one career- 60093  
technical education ADM, regardless of whether the credential- 60094  
only program includes programs described in division (A) (1) of 60095  
section 3317.014 of the Revised Code. 60096

(2) For funding purposes, the department shall count each 60097  
student enrolled in a credential-only program as a full-time 60098  
student. 60099

(3) A dropout prevention and recovery community school 60100  
that offers a credential-only program may provide support 60101  
services to students who graduate from the school to assist them 60102  
in securing post-secondary placement opportunities, including 60103  
careers with state, regional, or local labor organizations. For 60104  
that purpose, the school may use a portion of the career- 60105  
technical education funds received under section 3317.022 of the 60106  
Revised Code to provide recent graduates, in the year following 60107  
their graduation from the school, with short-term, emergency 60108  
financial assistance for expenses related to child care, 60109  
housing, food insecurity, transportation, and services including 60110  
but not limited to health care, dental care, mental health care, 60111  
and addiction treatment services. 60112

Sec. 3317.165. (A) (1) For fiscal years 2026 and 2027, the 60113  
department of education and workforce shall calculate a joint 60114  
vocational school district's per-pupil local capacity amount 60115  
according to the following formula: 60116

(0.0005 X the lesser of the district's three-year average 60117  
valuation or the district's most recent valuation) / (the 60118  
district's base cost enrolled ADM) 60119

(2) For fiscal year 2028 and each fiscal year thereafter, 60120  
the department shall calculate a district's per-pupil local 60121  
capacity amount in a manner determined by the general assembly. 60122

(B) (1) For fiscal years 2026 and 2027, the department 60123  
shall calculate a joint vocational school district's state share 60124  
percentage according to the following formula: 60125

(The district's base cost per pupil for the fiscal year - the 60126  
district's per-pupil local capacity amount for the fiscal year) 60127  
/ (the district's base cost per pupil for the fiscal year) 60128

If the result is less than 0.10, the state share 60129  
percentage shall be 0.10. 60130

(2) For fiscal year 2028 and each fiscal year thereafter, 60131  
the department shall calculate the state share percentage for a 60132  
joint vocational school district in a manner determined by the 60133  
general assembly. 60134

**Sec. 3317.20.** This section does not apply to preschool 60135  
children with disabilities. 60136

(A) As used in this section: 60137

(1) "Applicable special education amount" means the amount 60138  
specified in section 3317.013 of the Revised Code for a 60139  
disability described in that section. 60140

(2) "Child's school district" means the school district in 60141  
which a child is entitled to attend school pursuant to section 60142  
3313.64 or 3313.65 of the Revised Code. 60143

(3) "State share percentage" means the state share 60144  
percentage of the child's school district. 60145

(B) The department shall annually pay each county board of 60146  
developmental disabilities for each child with a disability, 60147  
other than a preschool child with a disability, for whom the 60148  
county board provides special education and related services an 60149  
amount equal to the following: 60150

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide 60151  
average base cost per pupil + (state share percentage X the 60152  
applicable special education multiple X the statewide average 60153  
base cost per pupil); 60154

(2) For fiscal year ~~2026-2028~~ and each fiscal year 60155  
thereafter, an amount determined by the general assembly. 60156

(C) Each county board of developmental disabilities shall 60157  
report to the department, in the manner specified by the 60158  
department, the name of each child for whom the county board of 60159  
developmental disabilities provides special education and 60160  
related services and the child's school district. 60161

(D) (1) For the purpose of verifying the accuracy of the 60162  
payments under this section, the department may request from 60163  
either of the following entities the data verification code 60164  
assigned under division (D) (2) of section 3301.0714 of the 60165  
Revised Code to any child who is placed with a county board of 60166  
developmental disabilities: 60167

(a) The child's school district; 60168  
  
(b) The independent contractor engaged to create and 60169  
maintain data verification codes. 60170

(2) Upon a request by the department under division (D) (1) 60171

of this section for the data verification code of a child, the 60172  
child's school district shall submit that code to the department 60173  
in the manner specified by the department. If the child has not 60174  
been assigned a code, the district shall assign a code to that 60175  
child and submit the code to the department by a date specified 60176  
by the department. If the district does not assign a code to the 60177  
child by the specified date, the department shall assign a code 60178  
to the child. 60179

The department annually shall submit to each school 60180  
district the name and data verification code of each child 60181  
residing in the district for whom the department has assigned a 60182  
code under this division. 60183

(3) The department shall not release any data verification 60184  
code that it receives under division (D) of this section to any 60185  
person except as provided by law. 60186

(E) Any document relative to special education and related 60187  
services provided by a county board of developmental 60188  
disabilities that the department holds in its files that 60189  
contains both a student's name or other personally identifiable 60190  
information and the student's data verification code shall not 60191  
be a public record under section 149.43 of the Revised Code. 60192

**Sec. 3317.201.** This section does not apply to preschool 60193  
children with disabilities. 60194

(A) As used in this section, the "total special education 60195  
amount" for an institution means the following: 60196

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 60197  
the following amounts: 60198

(a) The number of children certified by the institution 60199  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60200

Code as receiving services for a disability described in 60201  
division (A) of section 3317.013 of the Revised Code multiplied 60202  
by the multiple specified in that division multiplied by the 60203  
statewide average base cost per pupil; 60204

(b) The number of children certified by the institution 60205  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60206  
Code as receiving services for a disability described in 60207  
division (B) of section 3317.013 of the Revised Code multiplied 60208  
by the multiple specified in that division multiplied by the 60209  
statewide average base cost per pupil; 60210

(c) The number of children certified by the institution 60211  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60212  
Code as receiving services for a disability described in 60213  
division (C) of section 3317.013 of the Revised Code multiplied 60214  
by the multiple specified in that division multiplied by the 60215  
statewide average base cost per pupil; 60216

(d) The number of children certified by the institution 60217  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60218  
Code as receiving services for a disability described in 60219  
division (D) of section 3317.013 of the Revised Code multiplied 60220  
by the multiple specified in that division multiplied by the 60221  
statewide average base cost per pupil; 60222

(e) The number of children certified by the institution 60223  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60224  
Code as receiving services for a disability described in 60225  
division (E) of section 3317.013 of the Revised Code multiplied 60226  
by the multiple specified in that division multiplied by the 60227  
statewide average base cost per pupil; 60228

(f) The number of children certified by the institution 60229

under division (G) (1) (a) (i) of section 3317.03 of the Revised 60230  
Code as receiving services for a disability described in 60231  
division (F) of section 3317.013 of the Revised Code multiplied 60232  
by the multiple specified in that division multiplied by the 60233  
statewide average base cost per pupil. 60234

(2) For fiscal year ~~2026~~ 2028 and each fiscal year 60235  
thereafter, the sum of the following amounts: 60236

(a) An amount calculated in a manner determined by the 60237  
general assembly times the number of children certified by the 60238  
institution under division (G) (1) (a) (i) of section 3317.03 of 60239  
the Revised Code as receiving services for a disability 60240  
described in division (A) of section 3317.013 of the Revised 60241  
Code; 60242

(b) An amount calculated in a manner determined by the 60243  
general assembly times the number of children certified by the 60244  
institution under division (G) (1) (a) (i) of section 3317.03 of 60245  
the Revised Code as receiving services for a disability 60246  
described in division (B) of section 3317.013 of the Revised 60247  
Code; 60248

(c) An amount calculated in a manner determined by the 60249  
general assembly times the number of children certified by the 60250  
institution under division (G) (1) (a) (i) of section 3317.03 of 60251  
the Revised Code as receiving services for a disability 60252  
described in division (C) of section 3317.013 of the Revised 60253  
Code; 60254

(d) An amount calculated in a manner determined by the 60255  
general assembly times the number of children certified by the 60256  
institution under division (G) (1) (a) (i) of section 3317.03 of 60257  
the Revised Code as receiving services for a disability 60258

described in division (D) of section 3317.013 of the Revised Code; 60259  
60260

(e) An amount calculated in a manner determined by the 60261  
general assembly times the number of children certified by the 60262  
institution under division (G) (1) (a) (i) of section 3317.03 of 60263  
the Revised Code as receiving services for a disability 60264  
described in division (E) of section 3317.013 of the Revised 60265  
Code; 60266

(f) An amount calculated in a manner determined by the 60267  
general assembly times the number of children certified by the 60268  
institution under division (G) (1) (a) (i) of section 3317.03 of 60269  
the Revised Code as receiving services for a disability 60270  
described in division (F) of section 3317.013 of the Revised 60271  
Code. 60272

(B) For each fiscal year, the department of education and 60273  
workforce shall pay each state institution required to provide 60274  
special education services under division (A) of section 60275  
3323.091 of the Revised Code an amount equal to the 60276  
institution's total special education amount. 60277

**Sec. 3317.22.** (A) As used in this section: 60278

(1) "Eligible internet- or computer-based community 60279  
school" means an internet- or computer-based community school ~~in~~ 60280  
~~which a majority of the students were enrolled in that is a~~ 60281  
~~dropout prevention and recovery program~~ community school, as 60282  
defined in section 3314.02 of the Revised Code. 60283

(2) "Statewide average base cost per-pupil" has the same 60284  
meaning as in section 3317.02 of the Revised Code. 60285

~~(3) "Internet- or computer-based community school" has the~~ 60286  
~~same meaning as in section 3314.02 of the Revised Code.~~ 60287

(B) The department of education and workforce shall 60288  
establish a program to provide additional funding for students 60289  
enrolled in grades eight through twelve in eligible internet- or 60290  
computer-based community schools. An eligible internet- or 60291  
computer-based community school may choose to participate in the 60292  
program by notifying the department not later than the first day 60293  
of February of the school year in which the school will 60294  
participate in the program in a form and manner determined by 60295  
the department. 60296

(C) The department shall require each eligible internet- 60297  
or computer-based community school that chooses to participate 60298  
in the program to report all information that is necessary to 60299  
make payments under division (D) of this section. 60300

(D) The department shall calculate an additional payment 60301  
for each eligible internet- or computer-based community school 60302  
that chooses to participate in the program, as follows: 60303

(1) Compute the lesser of the following for each student 60304  
enrolled in grades eight through twelve: 60305

(a) The statewide average base cost per-pupil X the 60306  
maximum full-time equivalency for the portion of the school year 60307  
for which the student is enrolled in the school; 60308

(b) The sum of the following: 60309

(i) A one-time payment of \$1,750. In the case of a student 60310  
enrolled in the school for the first time for the school year 60311  
for which the payment is being made, payment shall be made under 60312  
division (D) (1) (b) (i) of this section at least thirty days after 60313  
the student is considered to be enrolled in the school in 60314  
accordance with division (H) (2) of section 3314.08 of the 60315  
Revised Code, provided the student has been continuously 60316



enrolled in the school during that time, as determined by the 60317  
department. In the case of a student that was enrolled in the 60318  
school for the prior school year, payment shall be made under 60319  
division (D) (1) (b) (i) of this section at least thirty days after 60320  
the student has started to participate in learning opportunities 60321  
for the school year for which the payment is being made, 60322  
provided the student has been continuously enrolled in the 60323  
school during that time, as determined by the department. 60324

(ii) The statewide average base cost per-pupil  $\times (1/920) \times$  60325  
the lesser of the number of hours the student participates in 60326  
learning opportunities in that fiscal year or 920; 60327

(iii) The lesser of ( $\$500 \times$  either the number of courses 60328  
completed by the student in that fiscal year, in the case of a 60329  
student enrolled in grade eight, or the number of credits earned 60330  
by the student in that fiscal year, in the case of a student 60331  
enrolled in grades nine through twelve) or \$2,500. 60332

(2) Compute the sum of the amounts calculated under 60333  
division (D) (1) of this section for all students enrolled in 60334  
grades eight through twelve. 60335

(3) Compute the school's payment in accordance with the 60336  
following formula: 60337

(The amount determined under division (D) (2) of this 60338  
section) - (the number of full-time equivalent students enrolled 60339  
in grades eight through twelve in the school  $\times$  the statewide 60340  
average base cost per-pupil) 60341

If the amount computed under division (D) (3) is a negative 60342  
number, the school shall not receive a payment under this 60343  
section. 60344

(E) (1) The department may complete a review of the 60345

enrollment of each eligible internet- or computer-based 60346  
community school that chooses to participate in the program in 60347  
accordance with division (K) of section 3314.08 of the Revised 60348  
Code. If the department determines a school has been overpaid 60349  
based on a review completed under division (E)(1) of this 60350  
section, the department shall require a repayment of the 60351  
overpaid funds and may require the school to establish a plan to 60352  
improve the reporting of enrollment. 60353

(2) To the extent that an eligible internet- or computer- 60354  
based community school that chooses to participate in the 60355  
program had, for the prior school year, a percentage of student 60356  
engagement in learning opportunities that was less than sixty- 60357  
five per cent, the school shall provide to the department a 60358  
meaningful plan for increasing student engagement. 60359

(3) All eligible internet- or computer-based community 60360  
schools that choose to participate in the program shall 60361  
implement programming or protocol which documents enrollment and 60362  
participation in learning opportunities in order to participate 60363  
in the program. 60364

**Sec. 3317.25.** (A) As used in this section, "disadvantaged 60365  
pupil impact aid" means the following: 60366

(1) For a city, local, or exempted village school 60367  
district, the funds received under division (A)(4)(a) of section 60368  
3317.022 of the Revised Code; 60369

(2) For a joint vocational school district, the funds 60370  
received under division (A)(3) of section 3317.16 of the Revised 60371  
Code; 60372

(3) For a community school established under Chapter 3314. 60373  
of the Revised Code, the funds received under division (A)(4)(b) 60374

of section 3317.022 of the Revised Code; 60375

(4) For a STEM school established under Chapter 3326. of 60376  
the Revised Code, the funds received under division (A) (4) (b) of 60377  
section 3317.022 of the Revised Code. 60378

(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 60379  
local, exempted village, or joint vocational school district, 60380  
community school, or STEM school shall spend the disadvantaged 60381  
pupil impact aid it receives for any of the following 60382  
initiatives or a combination of any of the following 60383  
initiatives: 60384

(a) Extended school day and school year; 60385

(b) Reading improvement and intervention that is aligned 60386  
with the science of reading and evidence-based strategies for 60387  
effective literacy instruction; 60388

(c) Instructional technology or blended learning; 60389

(d) Professional development in the science of reading and 60390  
evidence-based strategies for effective literacy instruction for 60391  
teachers of students in kindergarten through third grade; 60392

(e) Dropout prevention; 60393

(f) School safety and security measures; 60394

(g) Community learning centers that address barriers to 60395  
learning; 60396

(h) Academic interventions for students in any of grades 60397  
six through twelve; 60398

(i) Employment of an individual who has successfully 60399  
completed the bright new leaders for Ohio schools program as a 60400  
principal or an assistant principal under section 3319.272 of 60401

the Revised Code; 60402

(j) Mental health services, including telehealth services, 60403  
community-based behavioral health services, and recovery 60404  
supports; 60405

(k) Culturally appropriate, evidence-based or evidence- 60406  
informed prevention services, including youth-led programming 60407  
and curricula to promote mental health and prevent substance use 60408  
and suicide, and trauma-informed services; 60409

(l) Services for homeless youth; 60410

(m) Services for child welfare involved youth; 60411

(n) Community liaisons or programs that connect students 60412  
to community resources, including behavioral wellness 60413  
coordinators and city connects, communities in schools, and 60414  
other similar programs; 60415

(o) Physical health care services, including telehealth 60416  
services and community-based health services; 60417

(p) Family engagement and support services; 60418

(q) Student services provided prior to or after the 60419  
regularly scheduled school day or any time school is not in 60420  
session, including mentoring programs. 60421

(2) For fiscal year ~~2026~~2028 and each fiscal year 60422  
thereafter, each city, local, exempted village, and joint 60423  
vocational school district, community school, and STEM school 60424  
shall spend the disadvantaged pupil impact aid it receives for 60425  
one or more initiatives specified by the general assembly. 60426

(C) (1) For fiscal years ~~2024~~2026 and ~~2025~~2027, each city, 60427  
local, exempted village, and joint vocational school district, 60428

community school, and STEM school that is subject to the 60429  
requirements of this section shall develop a plan for utilizing 60430  
the disadvantaged pupil impact aid it receives in coordination 60431  
with at least one of the following community partners: 60432

(a) A board of alcohol, drug addiction, and mental health 60433  
services established under Chapter 340. of the Revised Code; 60434

(b) An educational service center; 60435

(c) A county board of developmental disabilities; 60436

(d) A ~~community-based~~ community mental health prevention 60437  
or treatment provider; 60438

(e) A board of health of a city or general health 60439  
district; 60440

(f) A county department of job and family services; 60441

(g) A nonprofit organization with experience serving 60442  
children; 60443

(h) A public hospital agency. 60444

(2) For fiscal year ~~2026-2028~~ and each fiscal year 60445  
thereafter, each city, local, exempted village, and joint 60446  
vocational school district, community school, and STEM school 60447  
that is subject to the requirements of this section shall 60448  
develop a plan for utilizing the disadvantaged pupil impact aid 60449  
it receives in the manner specified by the general assembly, if 60450  
the general assembly requires city, local, exempted village, and 60451  
joint vocational school districts, community schools, and STEM 60452  
schools to develop such a plan. 60453

(D) After the end of each fiscal year, each city, local, 60454  
exempted village, or joint vocational school district, community 60455

school, and STEM school shall submit a report to the department 60456  
of education and workforce describing the initiative or 60457  
initiatives on which the district's or school's disadvantaged 60458  
pupil impact aid were spent during that fiscal year. For fiscal 60459  
years ~~2024~~2026 and ~~2025~~2027, this report shall be submitted in 60460  
a manner prescribed by the department and shall also describe 60461  
the amount of money that was spent on each initiative. 60462

(E) Starting in 2015, the department shall submit a report 60463  
of the information it receives under division (C) of this 60464  
section to the general assembly not later than the first day of 60465  
December of each odd-numbered year in accordance with section 60466  
101.68 of the Revised Code. 60467

Sec. 3317.27. The quality community school support program 60468  
is established. Under the program, the department of education 60469  
and workforce shall pay each community school established under 60470  
Chapter 3314. of the Revised Code and designated as a community 60471  
school of quality under section 3317.28 of the Revised Code an 60472  
amount up to three thousand dollars in each fiscal year for each 60473  
student identified as economically disadvantaged and up to two 60474  
thousand two hundred fifty dollars in each fiscal year for each 60475  
student that is not identified as economically disadvantaged. 60476  
The payment for a fiscal year shall be calculated using the 60477  
adjusted full-time equivalent number of students enrolled in the 60478  
school for that fiscal year as of the date the payment is made, 60479  
as reported by the school under section 3314.08 of the Revised 60480  
Code. The department shall make periodic payments to each 60481  
designated school beginning in January of that fiscal year. 60482

Sec. 3317.28. Not later than the thirty-first day of 60483  
December of each fiscal year, the department of education and 60484  
workforce shall designate as a community school of quality each 60485

community school established under Chapter 3314. of the Revised 60486  
Code that meets the criteria established in division (A), (B), 60487  
or (C) of this section. 60488

(A) A community school qualifies as a community school of 60489  
quality if the school meets all of the following criteria: 60490

(1) The school's sponsor was rated "exemplary" or 60491  
"effective" on the sponsor's most recent evaluation conducted 60492  
under section 3314.016 of the Revised Code. 60493

(2) The school received a higher performance index score 60494  
than the school district in which the school is located on the 60495  
two most recent report cards issued for the school under section 60496  
3302.03 of the Revised Code. 60497

(3) The school received a performance rating of four stars 60498  
or higher for the progress component on the most recent report 60499  
card issued for the school under section 3302.03 of the Revised 60500  
Code or is a school described under division (B) of section 60501  
3314.35 of the Revised Code and did not receive a rating for the 60502  
progress component on the most recent report card. 60503

(4) At least fifty per cent of the students enrolled in 60504  
the school in the prior fiscal year were economically 60505  
disadvantaged, as determined by the department. 60506

(B) A community school qualifies as a community school of 60507  
quality if the school meets all of the following criteria: 60508

(1) The school's sponsor was rated "exemplary" or 60509  
"effective" on the sponsor's most recent evaluation conducted 60510  
under section 3314.016 of the Revised Code. 60511

(2) The school is in its first year of operation or the 60512  
school opened as a kindergarten school and has added one grade 60513

per year and has been in operation for less than four school 60514  
years. 60515

(3) The school is replicating an operational and 60516  
instructional model used by a community school described in 60517  
division (A) of this section. 60518

(4) If the school has an operator, the operator received a 60519  
rating of three stars or better on its most recent performance 60520  
report published under section 3314.031 of the Revised Code. 60521

(C) A community school qualifies as a community school of 60522  
quality if the school meets all of the following criteria: 60523

(1) The school's sponsor was rated "exemplary" or 60524  
"effective" on the sponsor's most recent evaluation conducted 60525  
under section 3314.016 of the Revised Code. 60526

(2) The school satisfies either of the following: 60527

(a) The school contracts with an operator that operates 60528  
schools in other states and meets at least one of the following 60529  
criteria: 60530

(i) Has operated a school that received a grant funded 60531  
through the federal charter school program established under 20 60532  
U.S.C. 7221 within the five years prior to the date of 60533  
application or received funding from the charter school growth 60534  
fund; 60535

(ii) Meets all of the following criteria: 60536

(I) One of the operator's schools in another state 60537  
performed better than the school district in which the school is 60538  
located, as determined by the department. 60539

(II) At least fifty per cent of the total number of 60540



students enrolled in all of the operator's schools are 60541  
economically disadvantaged, as determined by the department. 60542

(III) The operator is in good standing in all states where 60543  
it operates schools, as determined by the department. 60544

(IV) The department has determined that the operator does 60545  
not have any financial viability issues that would prevent it 60546  
from effectively operating a community school in Ohio. 60547

(b) The school is replicating an operational and 60548  
instructional model through an agreement with a college or 60549  
university used by a community school or its equivalent in 60550  
another state that performed better than the school district in 60551  
which the school is located, as determined by the department. 60552

(3) The school is in its first year of operation or, if 60553  
not in its first year of operation and qualifying under division 60554  
(C) (2) (b) of this section, opened on July 1, 2022, and has not 60555  
previously been designated as a community school of quality 60556  
under this section, in which case the first payment under 60557  
section 3317.27 of the Revised Code shall be made on or before 60558  
January 31, 2024, and shall be calculated based on the adjusted 60559  
full-time equivalent number of students enrolled in the school 60560  
for fiscal year 2024. 60561

(D) A school designated as a community school of quality 60562  
under this section shall maintain that designation for the two 60563  
fiscal years following the fiscal year in which the school was 60564  
initially designated as a community school of quality. 60565

(E) A school designated a community school of quality may 60566  
renew its designation each year that it satisfies the criteria 60567  
under division (A) of this section. The school shall maintain 60568  
that designation for the two fiscal years following each fiscal 60569

year in which the criteria under division (A) of this section 60570  
are satisfied. 60571

(F) A school that was designated as a community school of 60572  
quality for the first time under division (B) of this section 60573  
for the 2022-2023 school year shall be considered to have 60574  
maintained that designation for the 2022-2023 school year, shall 60575  
maintain that designation through the 2027-2028 school year, and 60576  
may renew its designation under division (E) of this section 60577  
after that year. 60578

(G) If two or more community schools have merged or merge 60579  
in accordance with division (B) of section 3314.0211 of the 60580  
Revised Code on or after June 30, 2022, the surviving community 60581  
school is eligible to receive funds under this program, provided 60582  
it otherwise qualifies as a community school of quality under 60583  
division (A), (B), or (C) of this section. In such a case, the 60584  
payment for a fiscal year shall be calculated using the adjusted 60585  
full-time equivalent number of students enrolled in the school 60586  
for that fiscal year as of the date the payments are made, as 60587  
reported by the surviving community school under section 3314.08 60588  
of the Revised Code, regardless of whether those students were 60589  
previously enrolled in a community school that was dissolved as 60590  
part of the merger. A community school qualified to receive 60591  
funds under the program prior to merging on or after June 30, 60592  
2022, and was dissolved due to the merger, shall be considered 60593  
to have been eligible for funds under the program prior to the 60594  
effective date of this section and shall not be required to 60595  
return any funds received prior to that date. 60596

**Sec. 3317.29.** (A) The quality independent STEM school 60597  
support program is established. Under the program, the 60598  
department of education and workforce shall pay each STEM school 60599

established under Chapter 3326. of the Revised Code and 60600  
designated as an independent STEM school of quality under this 60601  
section an amount up to three thousand dollars in each fiscal 60602  
year for each student identified as economically disadvantaged 60603  
and up to two thousand two hundred fifty dollars in each fiscal 60604  
year for each student that is not identified as economically 60605  
disadvantaged. The payment for a fiscal year shall be calculated 60606  
using the adjusted full-time equivalent number of students 60607  
enrolled in the school for that fiscal year as of the date the 60608  
payment is made, as reported by the school under section 3326.32 60609  
of the Revised Code. The department shall make periodic payments 60610  
to each designated school beginning in January of a fiscal year. 60611

(B) Not later than the thirty-first day of December each 60612  
fiscal year, the department shall designate a STEM school as an 60613  
independent STEM school of quality if the school satisfies all 60614  
of the following criteria: 60615

(1) The STEM school operates autonomously under section 60616  
3326.031 of the Revised Code. 60617

(2) The STEM school does not have a STEM school equivalent 60618  
designation under section 3326.032 of the Revised Code. 60619

(3) The STEM school is not governed by a school district 60620  
under section 3326.51 of the Revised Code. 60621

(4) The STEM school is not a community school established 60622  
under Chapter 3314. of the Revised Code. 60623

(5) The STEM school cannot levy taxes or issue tax-secured 60624  
bonds in accordance with section 3326.49 of the Revised Code. 60625

(6) The STEM school satisfies the requirements prescribed 60626  
by section 3326.03 of the Revised Code. 60627

(7) The STEM school satisfies the requirements described 60628  
in the quality model for STEM and STEAM schools established by 60629  
the department of education and workforce in accordance with 60630  
Chapter 3326. of the Revised Code. 60631

(C) A school designated as an independent STEM school of 60632  
quality under this section shall maintain that designation for 60633  
the two fiscal years following the fiscal year in which the 60634  
school was initially designated as an independent STEM school of 60635  
quality. 60636

(D) A school designated as an independent STEM school of 60637  
quality may renew its designation each year that it satisfies 60638  
the criteria under division (B) of this section. The school 60639  
shall maintain that designation for the two fiscal years 60640  
following each fiscal year in which the criteria under division 60641  
(B) of this section are satisfied. This division applies to 60642  
schools designated as an independent STEM school of quality 60643  
based on the report cards issued in accordance with sections 60644  
3302.03 and 3326.17 of the Revised Code for the 2017-2018 and 60645  
2018-2019 school years. 60646

**Sec. 3317.31.** The department of education and workforce 60647  
shall pay each community school established under Chapter 3314. 60648  
of the Revised Code and each STEM school established under 60649  
Chapter 3326. of the Revised Code an amount equal to twenty-five 60650  
dollars in each fiscal year for each full-time equivalent 60651  
student in an internet- or computer-based community school and 60652  
one thousand one hundred dollars in fiscal year 2026 and one 60653  
thousand two hundred dollars in fiscal year 2027 for each full- 60654  
time equivalent student in all other community or STEM schools 60655  
for assistance with the cost associated with facilities. 60656

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of 60657

the Revised Code: 60658

(A) "Ohio facilities construction commission" means the 60659  
commission created pursuant to section 123.20 of the Revised 60660  
Code. 60661

(B) "Classroom facilities" means rooms in which pupils 60662  
regularly assemble in public school buildings to receive 60663  
instruction and education and such facilities and building 60664  
improvements for the operation and use of such rooms as may be 60665  
needed in order to provide a complete educational program, and 60666  
may include space within which a child care facility or a 60667  
community resource center is housed. "Classroom facilities" 60668  
includes any space necessary for the operation of a vocational 60669  
education program for secondary students in any school district 60670  
that operates such a program. 60671

(C) "Project" means a project to construct or acquire 60672  
classroom facilities, or to reconstruct or make additions to 60673  
existing classroom facilities, to be used for housing the 60674  
applicable school district and its functions. 60675

(D) "School district" means a local, exempted village, or 60676  
city school district as such districts are defined in Chapter 60677  
3311. of the Revised Code, acting as an agency of state 60678  
government, performing essential governmental functions of state 60679  
government pursuant to sections 3318.01 to 3318.20 of the 60680  
Revised Code. 60681

For purposes of assistance provided under sections 3318.40 60682  
to 3318.45 of the Revised Code, the term "school district" as 60683  
used in this section and in divisions (A), (C), and (D) of 60684  
section 3318.03 and in sections 3318.031, 3318.042, 3318.07, 60685  
3318.08, 3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 60686

3318.11, 3318.12, 3318.13, 3318.14, 3318.15, 3318.16, and 60687  
3318.20 of the Revised Code means a joint vocational school 60688  
district established pursuant to section 3311.18 of the Revised 60689  
Code. 60690

(E) "School district board" means the board of education 60691  
of a school district. 60692

(F) "Net bonded indebtedness" means the difference between 60693  
the sum of the par value of all outstanding and unpaid bonds and 60694  
notes which a school district board is obligated to pay and any 60695  
amounts the school district is obligated to pay under lease- 60696  
purchase agreements entered into under section 3313.375 of the 60697  
Revised Code, and the amount held in the sinking fund and other 60698  
indebtedness retirement funds for their redemption. Notes issued 60699  
for school buses in accordance with section 3327.08 of the 60700  
Revised Code, notes issued in anticipation of the collection of 60701  
current revenues, and bonds issued to pay final judgments shall 60702  
not be considered in calculating the net bonded indebtedness. 60703

"Net bonded indebtedness" does not include indebtedness 60704  
arising from the acquisition of land to provide a site for 60705  
classroom facilities constructed, acquired, or added to pursuant 60706  
to sections 3318.01 to 3318.20 of the Revised Code or the par 60707  
value of bonds that have been authorized by the electors and the 60708  
proceeds of which will be used by the district to provide any 60709  
part of its portion of the basic project cost. 60710

(G) "Board of elections" means the board of elections of 60711  
the county containing the most populous portion of the school 60712  
district. 60713

(H) "County auditor" means the auditor of the county in 60714  
which the greatest value of taxable property of such school 60715

district is located. 60716

(I) "Tax duplicates" means the general tax lists and 60717  
duplicates prescribed by sections 319.28 and 319.29 of the 60718  
Revised Code. 60719

(J) "Required level of indebtedness" means: 60720

(1) In the case of school districts in the first 60721  
percentile, five per cent of the district's valuation for the 60722  
year preceding the year in which the controlling board approved 60723  
the project under section 3318.04 of the Revised Code. 60724

(2) In the case of school districts ranked in a subsequent 60725  
percentile, five per cent of the district's valuation for the 60726  
year preceding the year in which the controlling board approved 60727  
the project under section 3318.04 of the Revised Code, plus [two 60728  
one-hundredths of one per cent multiplied by (the percentile in 60729  
which the district ranks for the fiscal year preceding the 60730  
fiscal year in which the controlling board approved the 60731  
district's project minus one)]. 60732

(K) "Required percentage of the basic project costs" means 60733  
one per cent of the basic project costs times the percentile in 60734  
which the school district ranks for the fiscal year preceding 60735  
the fiscal year in which the controlling board approved the 60736  
district's project. 60737

(L) "Basic project cost" means a cost amount determined in 60738  
accordance with rules adopted under section 111.15 of the 60739  
Revised Code by the Ohio facilities construction commission. The 60740  
basic project cost calculation shall take into consideration the 60741  
square footage and cost per square foot necessary for the grade 60742  
levels to be housed in the classroom facilities, the variation 60743  
across the state in construction and related costs, the cost of 60744

the installation of site utilities and site preparation, the 60745  
cost of demolition of all or part of any existing classroom 60746  
facilities that are abandoned under the project, the cost of 60747  
insuring the project until it is completed, any contingency 60748  
reserve amount prescribed by the commission under section 60749  
3318.086 of the Revised Code, and the professional planning, 60750  
administration, and design fees that a school district may have 60751  
to pay to undertake a classroom facilities project. 60752

For a joint vocational school district that receives 60753  
assistance under sections 3318.40 to 3318.45 of the Revised 60754  
Code, the basic project cost calculation for a project under 60755  
those sections shall also take into account the types of 60756  
laboratory spaces and program square footages needed for the 60757  
vocational education programs for high school students offered 60758  
by the school district. 60759

For a district that opts to divide its entire classroom 60760  
facilities needs into segments, as authorized by section 60761  
3318.034 of the Revised Code, "basic project cost" means the 60762  
cost determined in accordance with this division of a segment. 60763

(M) (1) Except for a joint vocational school district that 60764  
receives assistance under sections 3318.40 to 3318.45 of the 60765  
Revised Code, a "school district's portion of the basic project 60766  
cost" means the amount determined under section 3318.032 of the 60767  
Revised Code. 60768

(2) For a joint vocational school district that receives 60769  
assistance under sections 3318.40 to 3318.45 of the Revised 60770  
Code, a "school district's portion of the basic project cost" 60771  
means the amount determined under division (C) of section 60772  
3318.42 of the Revised Code. 60773



(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.

(T) "~~The county auditor's appraised~~ Market value" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.

**Sec. 3318.051.** (A) Any city, exempted village, or local

school district that commences a project under sections 3318.01 60803  
to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on 60804  
or after September 5, 2006, need not levy the tax otherwise 60805  
required under division (B) of section 3318.05 of the Revised 60806  
Code, if the district board of education adopts a resolution 60807  
petitioning the Ohio facilities construction commission to 60808  
approve the transfer of money in accordance with this section 60809  
and the commission approves that transfer. If so approved, the 60810  
commission and the district board shall enter into an agreement 60811  
under which the board, in each of twenty-three consecutive years 60812  
beginning in the year in which the board and the commission 60813  
enter into the project agreement under section 3318.08 of the 60814  
Revised Code, shall transfer into the maintenance fund required 60815  
by division (D) of section 3318.05 of the Revised Code not less 60816  
than an amount equal to one-half mill for each dollar of the 60817  
district's valuation unless and until the agreement to make 60818  
those transfers is rescinded by the district board pursuant to 60819  
division (F) of this section. 60820

(B) On the first day of July each year, or on an 60821  
alternative date prescribed by the commission, the district 60822  
treasurer shall certify to the commission and the auditor of 60823  
state that the amount required for the year has been 60824  
transferred. The auditor of state shall include verification of 60825  
the transfer as part of any audit of the district under section 60826  
117.11 of the Revised Code. If the auditor of state finds that 60827  
less than the required amount has been deposited into a 60828  
district's maintenance fund, the auditor of state shall notify 60829  
the district board of education in writing of that fact and 60830  
require the board to deposit into the fund, within ninety days 60831  
after the date of the notice, the amount by which the fund is 60832  
deficient for the year. If the district board fails to 60833

demonstrate to the auditor of state's satisfaction that the 60834  
board has made the deposit required in the notice, the auditor 60835  
of state shall notify the department of education and workforce. 60836  
At that time, the department shall withhold an amount equal to 60837  
ten per cent of the district's funds calculated for the current 60838  
fiscal year under Chapter 3317. of the Revised Code until the 60839  
~~auditor of state~~ district notifies the department that the 60840  
~~auditor of state is satisfied that the board has made the~~ 60841  
required transfer. 60842

(C) Money transferred to the maintenance fund shall be 60843  
used for the maintenance or, upon approval of the Ohio 60844  
facilities construction commission, upgrade of the facilities 60845  
acquired under the district's project. 60846

(D) The transfers to the maintenance fund under this 60847  
section does not affect a district's obligation to establish and 60848  
maintain a capital and maintenance fund under section 3315.18 of 60849  
the Revised Code. 60850

(E) Any decision by the commission to approve or not 60851  
approve the transfer of money under this section is final and 60852  
not subject to appeal. The commission shall not be responsible 60853  
for errors or miscalculations made in deciding whether to 60854  
approve a petition to make transfers under this section. 60855

(F) If the district board determines that it no longer can 60856  
continue making the transfers agreed to under this section, the 60857  
board may rescind the agreement only so long as the electors of 60858  
the district have approved, in accordance with section 3318.063 60859  
of the Revised Code, the levy of a tax for the maintenance of 60860  
the classroom facilities acquired under the district's project 60861  
and that levy continues to be collected as approved by the 60862  
electors. That levy shall be for a number of years that is equal 60863

to the difference between twenty-three years and the number of 60864  
years that the district made transfers under this section and 60865  
shall be at the rate of not less than one-half mill for each 60866  
dollar of the district's valuation. The district board shall 60867  
continue to make the transfers agreed to under this section 60868  
until that levy has been approved by the electors. 60869

**Sec. 3318.06.** (A) After receipt of the conditional 60870  
approval of the Ohio facilities construction commission, the 60871  
school district board by a ~~majority~~ vote of two-thirds of all of 60872  
its members shall, if it desires to proceed with the project, 60873  
declare all of the following by resolution: 60874

(1) That by issuing bonds in an amount equal to the school 60875  
district's portion of the basic project cost the district is 60876  
unable to provide adequate classroom facilities without 60877  
assistance from the state; 60878

(2) Unless the school district board has resolved to 60879  
transfer money in accordance with section 3318.051 of the 60880  
Revised Code or to apply the proceeds of a property tax or the 60881  
proceeds of an income tax, or a combination of proceeds from 60882  
such taxes, as authorized under section 3318.052 of the Revised 60883  
Code, that to qualify for such state assistance it is necessary 60884  
to do either of the following: 60885

(a) Levy a tax outside the ten-mill limitation the 60886  
proceeds of which shall be used to pay the cost of maintaining 60887  
and upgrading the classroom facilities included in the project. 60888  
The use of the proceeds for upgrades is subject to the approval 60889  
by the commission under division (E) of section 3318.05 of the 60890  
Revised Code. 60891

(b) Earmark for maintenance of classroom facilities from 60892

the proceeds of an existing permanent improvement tax levied 60893  
under section 5705.21 of the Revised Code, if such tax can be 60894  
used for maintenance, an amount equivalent to the amount of the 60895  
additional tax otherwise required under this section and 60896  
sections 3318.05 and 3318.08 of the Revised Code. 60897

(3) That the question of any tax levy specified in a 60898  
resolution described in division (A)(2)(a) of this section, if 60899  
required, shall be submitted to the electors of the school 60900  
district at the next general or primary election, if there be a 60901  
general or primary election not less than ninety and not more 60902  
than one hundred ten days after the day of the adoption of such 60903  
resolution or, if not, at a special election to be held at a 60904  
time specified in the resolution which shall be not less than 60905  
ninety days after the day of the adoption of the resolution and 60906  
which shall be in accordance with the requirements of section 60907  
3501.01 of the Revised Code. 60908

Such resolution shall also state that the question of 60909  
issuing bonds of the board shall be combined in a single 60910  
proposal with the question of such tax levy. More than one 60911  
election under this section may be held in any one calendar 60912  
year. Such resolution shall specify both of the following: 60913

(a) That the rate which it is necessary to levy shall be 60914  
at the rate of not less than one-half mill for each one dollar 60915  
of taxable value, and that such tax shall be levied for a period 60916  
of twenty-three years; 60917

(b) That the proceeds of the tax shall be used to pay the 60918  
cost of maintaining the classroom facilities included in the 60919  
project or upgrading those facilities if approved by the 60920  
commission. 60921

(B) A copy of a resolution adopted under division (A) of 60922  
this section shall after its passage and not less than ninety 60923  
days prior to the date set therein for the election be certified 60924  
to the county board of elections. 60925

The resolution of the school district board, in addition 60926  
to meeting other applicable requirements of section 133.18 of 60927  
the Revised Code, shall state that the amount of bonds to be 60928  
issued will be an amount equal to the school district's portion 60929  
of the basic project cost, and state the maximum maturity of the 60930  
bonds which may be any number of years not exceeding the term 60931  
calculated under section 133.20 of the Revised Code as 60932  
determined by the board. In estimating the amount of bonds to be 60933  
issued, the board shall take into consideration the amount of 60934  
moneys then in the bond retirement fund and the amount of moneys 60935  
to be collected for and disbursed from the bond retirement fund 60936  
during the remainder of the year in which the resolution of 60937  
necessity is adopted. 60938

If the bonds are to be issued in more than one series, the 60939  
resolution may state, in addition to the information required to 60940  
be stated under division (B) (3) of section 133.18 of the Revised 60941  
Code, the number of series, which shall not exceed five, the 60942  
principal amount of each series, and the approximate date each 60943  
series will be issued, and may provide that no series, or any 60944  
portion thereof, may be issued before such date. Upon such a 60945  
resolution being certified to the county auditor as required by 60946  
division (C) of section 133.18 of the Revised Code, the county 60947  
auditor, in calculating, advising, and confirming the estimated 60948  
average annual property tax levy under that division, shall also 60949  
calculate, advise, and confirm by certification the estimated 60950  
average property tax levy for each series of bonds to be issued. 60951

Notice of the election shall include the fact that the tax 60952  
levy shall be at the rate of not less than one-half mill for 60953  
each one dollar of taxable value for a period of twenty-three 60954  
years, and that the proceeds of the tax shall be used to pay the 60955  
cost of maintaining or upgrading the classroom facilities 60956  
included in the project. The notice shall also express the rate 60957  
in dollars for each one hundred thousand dollars of ~~the county-~~ 60958  
~~auditor's appraised market~~ value and the county auditor's 60959  
estimate of the amount the tax levy is estimated to collect for 60960  
each tax year it is levied, as certified pursuant to section 60961  
5705.03 of the Revised Code. 60962

If the bonds are to be issued in more than one series, the 60963  
board of education, when filing copies of the resolution with 60964  
the board of elections as required by division (D) of section 60965  
133.18 of the Revised Code, may direct the board of elections to 60966  
include in the notice of election the principal amount and 60967  
approximate date of each series, the maximum number of years 60968  
over which the principal of each series may be paid, the 60969  
estimated additional average property tax levy for each series, 60970  
and the first calendar year in which the tax is expected to be 60971  
due for each series, in addition to the information required to 60972  
be stated in the notice under divisions (E) (3) (a), (b), (c), 60973  
(e), and (f) of section 133.18 of the Revised Code. 60974

(C) (1) Except as otherwise provided in division (C) (2) of 60975  
this section, the form of the ballot to be used at such election 60976  
shall be: 60977

"A majority affirmative vote is necessary for passage. 60978

Shall bonds be issued by the \_\_\_\_\_ (here insert 60979  
name of school district) school district to pay the local share 60980  
of school construction under the State of Ohio Classroom 60981

Facilities Assistance Program in the principal amount of 60982  
\$\_\_\_\_\_ (here insert principal amount of the bond issue), 60983  
to be repaid annually over a maximum period of \_\_\_\_\_ 60984  
(here insert the maximum number of years over which the 60985  
principal of the bonds may be paid) years, and an annual levy of 60986  
property taxes be made outside the ten-mill limitation, 60987  
estimated by the county auditor to average over the repayment 60988  
period of the bond issue \_\_\_\_\_ mills for each \$1 of 60989  
taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 60990  
of ~~the county auditor's appraised market~~ value to pay the annual 60991  
debt charges on the bonds and to pay debt charges on any notes 60992  
issued in anticipation of the bonds?" 60993

and, unless the additional levy 60994

of taxes is not required pursuant 60995

to division (C) of section 60996

3318.05 of the Revised Code, 60997

"Shall an additional levy of taxes be made for a period of 60998  
twenty-three years to benefit the \_\_\_\_\_ (here insert name 60999  
of school district) school district, the proceeds of which shall 61000  
be used to pay the cost of maintaining (or upgrading if approved 61001  
by the commission) the classroom facilities included in the 61002  
project, that the county auditor estimates will collect \$\_\_\_\_\_ 61003  
annually, at the rate of \_\_\_\_\_ (here insert the number of 61004  
mills, which shall not be less than one-half mill) mills for 61005  
each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 61006  
\$100,000 of ~~the county auditor's appraised market~~ value? 61007  
61008

	FOR THE BOND ISSUE AND TAX LEVY
--	---------------------------------



	AGAINST THE BOND ISSUE AND TAX LEVY	"
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(2) If authority is sought to issue bonds in more than one 61009  
series and the board of education so elects, the form of the 61010  
ballot shall be as prescribed in section 3318.062 of the Revised 61011  
Code. If the board of education elects the form of the ballot 61012  
prescribed in that section, it shall so state in the resolution 61013  
adopted under this section. 61014

(D) If it is necessary for the school district to acquire 61015  
a site for the classroom facilities to be acquired pursuant to 61016  
sections 3318.01 to 3318.20 of the Revised Code, the district 61017  
board may propose either to issue bonds of the board or to levy 61018  
a tax to pay for the acquisition of such site, and may combine 61019  
the question of doing so with the questions specified in 61020  
division (B) of this section. Bonds issued under this division 61021  
for the purpose of acquiring a site are a general obligation of 61022  
the school district and are Chapter 133. securities. 61023

The form of that portion of the ballot to include the 61024  
question of either issuing bonds or levying a tax for site 61025  
acquisition purposes shall be one of the following: 61026

(1) "Shall bonds be issued by the \_\_\_\_\_ (here 61027  
insert name of the school district) school district to pay costs 61028  
of acquiring a site for classroom facilities under the State of 61029  
Ohio Classroom Facilities Assistance Program in the principal 61030  
amount of \$\_\_\_\_\_ (here insert principal amount of the bond 61031  
issue), to be repaid annually over a maximum period of 61032  
\_\_\_\_\_ (here insert maximum number of years over which the 61033  
principal of the bonds may be paid) years, and an annual levy of 61034  
property taxes be made outside the ten-mill limitation, 61035  
estimated by the county auditor to average over the repayment 61036

period of the bond issue \_\_\_\_\_ mills for each \$1 of taxable 61037  
value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the~~ 61038  
~~county auditor's appraised market~~ value to pay the annual debt 61039  
charges on the bonds and to pay debt charges on any notes issued 61040  
in anticipation of the bonds?" 61041

(2) "Shall an additional levy of taxes outside the ten- 61042  
mill limitation be made for the benefit of the \_\_\_\_\_ (here 61043  
insert name of the school district) school district for the 61044  
purpose of acquiring a site for classroom facilities in the sum 61045  
of \$\_\_\_\_\_ (here insert annual amount the levy is to produce) 61046  
estimated by the county auditor to average \_\_\_\_\_ mills for 61047  
each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 61048  
\$100,000 of ~~the county auditor's appraised market~~ value, for a 61049  
period of \_\_\_\_\_ (here insert number of years the millage is 61050  
to be imposed) years?" 61051

Where it is necessary to combine the question of issuing 61052  
bonds of the school district and levying a tax as described in 61053  
division (B) of this section with the question of issuing bonds 61054  
of the school district for acquisition of a site, the question 61055  
specified in that division to be voted on shall be "For the Bond 61056  
Issues and the Tax Levy" and "Against the Bond Issues and the 61057  
Tax Levy." 61058

Where it is necessary to combine the question of issuing 61059  
bonds of the school district and levying a tax as described in 61060  
division (B) of this section with the question of levying a tax 61061  
for the acquisition of a site, the question specified in that 61062  
division to be voted on shall be "For the Bond Issue and the Tax 61063  
Levies" and "Against the Bond Issue and the Tax Levies." 61064

Where the school district board chooses to combine the 61065  
question in division (B) of this section with any of the 61066

additional questions described in divisions (A) to (D) of 61067  
section 3318.056 of the Revised Code, the question specified in 61068  
division (B) of this section to be voted on shall be "For the 61069  
Bond Issues and the Tax Levies" and "Against the Bond Issues and 61070  
the Tax Levies." 61071

If a majority of those voting upon a proposition hereunder 61072  
which includes the question of issuing bonds vote in favor 61073  
thereof, and if the agreement provided for by section 3318.08 of 61074  
the Revised Code has been entered into, the school district 61075  
board may proceed under Chapter 133. of the Revised Code, with 61076  
the issuance of bonds or bond anticipation notes in accordance 61077  
with the terms of the agreement. 61078

**Sec. 3318.061.** This section applies only to school 61079  
districts eligible to receive additional assistance under 61080  
division (B) (2) of section 3318.04 of the Revised Code. 61081

The board of education of a school district in which a tax 61082  
described by division (B) of section 3318.05 and levied under 61083  
section 3318.06 of the Revised Code is in effect, may adopt a 61084  
resolution by vote of ~~a majority~~ two-thirds of all of its 61085  
members to extend the term of that tax beyond the expiration of 61086  
that tax as originally approved under that section. The school 61087  
district board may include in the resolution a proposal to 61088  
extend the term of that tax at the rate of not less than one- 61089  
half mill for each dollar of taxable value for a period of 61090  
twenty-three years from the year in which the school district 61091  
board and the Ohio facilities construction commission enter into 61092  
an agreement under division (B) (2) of section 3318.04 of the 61093  
Revised Code or in the following year, as specified in the 61094  
resolution. Such a resolution may be adopted at any time before 61095  
such an agreement is entered into and before the tax levied 61096

pursuant to section 3318.06 of the Revised Code expires. If the 61097  
resolution is combined with a resolution to issue bonds to pay 61098  
the school district's portion of the basic project cost, it 61099  
shall conform with the requirements of divisions (A) (1), (2), 61100  
and (3) of section 3318.06 of the Revised Code, except that the 61101  
resolution also shall state that the tax levy proposed in the 61102  
resolution is an extension of an existing tax levied under that 61103  
section. A resolution proposing an extension adopted under this 61104  
section does not take effect until it is approved by a majority 61105  
of electors voting in favor of the resolution at a general, 61106  
primary, or special election as provided in this section. 61107

A tax levy extended under this section is subject to the 61108  
same terms and limitations to which the original tax levied 61109  
under section 3318.06 of the Revised Code is subject under that 61110  
section, except the term of the extension shall be as specified 61111  
in this section. 61112

The school district board and the county auditor shall 61113  
proceed in the same manner as required for a tax levy under 61114  
section 5705.03 of the Revised Code. The board shall certify a 61115  
copy of the resolution adopted under this section and the 61116  
auditor's certification to the proper county board of elections 61117  
not later than ninety days before the date set in the resolution 61118  
as the date of the election at which the question will be 61119  
submitted to electors. The notice of the election shall conform 61120  
with the requirements of division (A) (3) of section 3318.06 of 61121  
the Revised Code, except that the notice also shall state that 61122  
the maintenance tax levy is an extension of an existing tax 61123  
levy, the levy's estimated annual collections, and the levy's 61124  
effective rate, expressed in dollars for each one hundred 61125  
thousand dollars of ~~the county auditor's appraised~~ market value. 61126

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining (or upgrading if approved by the Ohio facilities construction commission) classroom facilities constructed with the proceeds of the previously issued bonds, that the county auditor estimates will collect \$\_\_\_\_\_ annually, at the rate of \_\_\_\_\_ (here insert the number of mills, which shall not be less than one-half mill) mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county auditor's appraised market~~ value, be extended until \_\_\_\_\_ (here insert the year that is twenty-three years after the year in which the district and commission will enter into an agreement under division (B) (2) of section 3318.04 of the Revised Code or the following year)?

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

"

Section 3318.07 of the Revised Code applies to ballot questions under this section.

**Sec. 3318.062.** (A) If authority is sought to issue bonds in more than one series to pay the school district's portion of the basic project cost under sections 3318.01 to 3318.20 of the Revised Code, the form of the ballot shall be:

"Shall bonds be issued by the \_\_\_\_\_ (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the total principal amount of \$\_\_\_\_\_ (total principal amount of the bond issue), to be issued in

\_\_\_\_\_ (number of series) series, each series to be repaid 61153  
annually over not more than \_\_\_\_\_ (maximum number of years over 61154  
which the principal of each series may be paid) years, and an 61155  
annual levy of property taxes be made outside the ten-mill 61156  
limitation to pay the annual debt charges on the bonds and on 61157  
any notes issued in anticipation of the bonds, at a rate 61158  
estimated by the county auditor to average over the repayment 61159  
period of each series as follows: \_\_\_\_\_ (insert the 61160  
following for each series: "the \_\_\_\_\_ series, in a 61161  
principal amount of \$\_\_\_\_\_, that the county auditor 61162  
estimates will require \_\_\_\_\_ mills for each \$1 of taxable 61163  
value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county-~~ 61164  
~~auditor's appraised market~~ value, commencing in \_\_\_\_\_ and 61165  
first payable in \_\_\_\_\_)?" 61166

and, unless the additional levy 61167

of taxes is not required pursuant 61168

to division (C) of section 61169

3318.05 of the Revised Code, 61170

"Shall an additional levy of taxes be made for a period of 61171  
twenty-three years to benefit the \_\_\_\_\_ (here insert name 61172  
of school district) school district, the proceeds of which shall 61173  
be used to pay the cost of maintaining (or upgrading if approved 61174  
by the Ohio facilities construction commission) the classroom 61175  
facilities included in the project, that the county auditor 61176  
estimates will collect \$\_\_\_\_\_ annually, at the rate of 61177  
\_\_\_\_\_ (here insert the number of mills, which shall not be 61178  
less than one-half mill) mills for each \$1 of taxable value, 61179  
which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county-~~ 61180  
~~auditor's appraised market~~ value? 61181

61182

	For the bond issue
	Against the bond issue

"

(B) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose, by a vote of two-thirds of all members of the board of education, either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (A) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the forms prescribed in division (D) of section 3318.06 of the Revised Code.

(C) Where the school district board chooses to combine the question in division (A) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (A) of this section to be voted on shall be "For the Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies."

(D) If a majority of those voting upon a proposition prescribed in this section which includes the question of issuing bonds vote in favor of that issuance, and if the agreement prescribed in section 3318.08 of the Revised Code has

been entered into, the school district board may proceed under 61208  
Chapter 133. of the Revised Code with the issuance of bonds or 61209  
bond anticipation notes in accordance with the terms of the 61210  
agreement. 61211

**Sec. 3318.063.** If the board of education of a city, 61212  
exempted village, or local school district that has entered into 61213  
an agreement under section 3318.051 of the Revised Code to make 61214  
transfers of money in lieu of levying the tax for maintenance or 61215  
upgrade of the classroom facilities included in the district's 61216  
project determines that it no longer can continue making the 61217  
transfers so agreed to and desires to rescind that agreement, 61218  
the board shall adopt the resolution, by a vote of two-thirds of 61219  
all of its members, to submit the question of the tax levy 61220  
prescribed in this section. 61221

The resolution shall declare that the question of a tax 61222  
levy specified in division (F) of section 3318.051 of the 61223  
Revised Code shall be submitted to the electors of the school 61224  
district at the next general or primary election, if there be a 61225  
general or primary election not less than seventy-five and not 61226  
more than ninety-five days after the day of the adoption of such 61227  
resolution or, if not, at a special election to be held at a 61228  
time specified in the resolution which shall be not less than 61229  
seventy-five days after the day of the adoption of the 61230  
resolution and which shall be in accordance with the 61231  
requirements of section 3501.01 of the Revised Code. Such 61232  
resolution shall specify both of the following: 61233

(A) That the rate which it is necessary to levy shall be 61234  
at the rate of not less than one-half mill for each one dollar 61235  
of taxable value, and that such tax shall be levied for the 61236  
number of years required by division (F) of section 3318.051 of 61237



the Revised Code; 61238

(B) That the proceeds of the tax shall be used to pay the 61239  
cost of maintaining the classroom facilities included in the 61240  
project. 61241

A copy of such resolution shall after its passage and not 61242  
less than seventy-five days prior to the date set therein for 61243  
the election be certified to the county board of elections. 61244

Notice of the election shall include the levy's estimated 61245  
annual collections, the fact that the tax levy shall be at the 61246  
rate of not less than one-half mill for each one dollar of 61247  
taxable value for the number of years required by division (F) 61248  
of section 3318.051 of the Revised Code, and that the proceeds 61249  
of the tax shall be used to pay the cost of maintaining the 61250  
classroom facilities included in the project. The notice shall 61251  
also express the rate in dollars for each one hundred thousand 61252  
dollars of ~~the county auditor's appraised~~ market value. 61253

The form of the ballot to be used at such election shall 61254  
be: 61255

"Shall a levy of taxes be made for a period of 61256  
\_\_\_\_\_ (here insert the number of years, which shall not 61257  
be less than the number required by division (F) of section 61258  
3318.051 of the Revised Code) years to benefit the \_\_\_\_\_ 61259  
(here insert name of school district) school district, the 61260  
proceeds of which shall be used to pay the cost of maintaining 61261  
(or upgrading if approved by the Ohio facilities construction 61262  
commission) the classroom facilities included in the project, 61263  
that the county auditor estimates will collect \$\_\_\_\_\_ annually, 61264  
at the rate of \_\_\_\_\_ (here insert the number of mills, 61265  
which shall not be less than one-half mill) mills for each \$1 of 61266

taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 61267  
~~the county auditor's appraised market~~ value? 61268  
61269

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

**Sec. 3318.12.** (A) The Ohio facilities construction 61270  
commission shall cause to be transferred to the school 61271  
district's project construction fund the necessary amounts from 61272  
amounts appropriated by the general assembly and set aside for 61273  
such purpose, from time to time as may be necessary to pay 61274  
obligations chargeable to such fund when due. All investment 61275  
earnings of a school district's project construction fund shall 61276  
be credited to the fund. 61277

(B) (1) The treasurer of the school district board shall 61278  
disburse funds from the school district's project construction 61279  
fund, including investment earnings credited to the fund, only 61280  
upon the approval of the commission or the commission's 61281  
designated representative. The commission or the commission's 61282  
designated representative shall issue vouchers against such 61283  
fund, in such amounts, and at such times as required by the 61284  
contracts for construction of the project. 61285

(2) Notwithstanding anything to the contrary in division 61286  
(B) (1) of this section, the school district board may, by a duly 61287  
adopted resolution, choose to use all or part of the investment 61288  
earnings of the district's project construction fund that are 61289  
attributable to the district's contribution to the fund to pay 61290  
the cost of classroom facilities or portions or components of 61291  
classroom facilities that are not included in the district's 61292  
basic project cost but that are related to the district's 61293

project. If the district board adopts a resolution in favor of 61294  
using those investment earnings as authorized under division (B) 61295  
(2) of this section, the treasurer shall disburse the amount as 61296  
designated and directed by the board. However, if the district 61297  
board chooses to use any part of the investment earnings for 61298  
classroom facilities or portions or components of classroom 61299  
facilities that are not included in the basic project cost, as 61300  
authorized under division (B) (2) of this section, and, 61301  
subsequently, the cost of the project exceeds the amount in the 61302  
project construction fund, the district board shall restore to 61303  
the project construction fund the full amount of the investment 61304  
earnings used under division (B) (2) of this section before any 61305  
additional state moneys shall be released for the project. 61306

(C) After a certificate of completion has been issued for 61307  
a project under section 3318.48 of the Revised Code: 61308

(1) At the discretion of the school district board, any 61309  
investment earnings remaining in the project construction fund 61310  
that are attributable to the school district's contribution to 61311  
the fund shall be: 61312

(a) Retained in the project construction fund for future 61313  
projects; 61314

(b) Transferred to the district's maintenance fund 61315  
required by division (B) of section 3318.05 or section 3318.43 61316  
of the Revised Code, and the money so transferred shall be used 61317  
solely for maintaining the classroom facilities included in the 61318  
project; 61319

(c) Transferred to the district's permanent improvement 61320  
fund. 61321

(2) Any investment earnings remaining in the project 61322

construction fund that are attributable to the state's 61323  
contribution to the fund shall be transferred to the commission 61324  
for expenditure pursuant to sections 3318.01 to 3318.20 or 61325  
sections 3318.40 to 3318.45 of the Revised Code. 61326

(3) Any other surplus remaining in the school district's 61327  
project construction fund shall be transferred to the commission 61328  
and the school district board in proportion to their respective 61329  
contributions to the fund. The commission shall use the money 61330  
transferred to it under this division for expenditure pursuant 61331  
to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of 61332  
the Revised Code. 61333

(D) Pursuant to appropriations of the general assembly, 61334  
any moneys transferred to the commission under division (C) (2) 61335  
or (3) of this section from a project construction fund for a 61336  
project under sections 3318.40 to 3318.45 of the Revised Code 61337  
may be used for future expenditures for projects under sections 61338  
3318.40 to 3318.45 of the Revised Code, ~~notwithstanding the two~~ 61339  
~~per cent annual limit specified in accordance with~~ division (B) 61340  
of section 3318.40 of the Revised Code. 61341

**Sec. 3318.36.** (A) (1) As used in this section: 61342

(a) "Ohio facilities construction commission," "classroom 61343  
facilities," "school district," "school district board," "net 61344  
bonded indebtedness," "required percentage of the basic project 61345  
costs," "basic project cost," "valuation," and "percentile" have 61346  
the same meanings as in section 3318.01 of the Revised Code. 61347

(b) "Required level of indebtedness" means five per cent 61348  
of the school district's valuation for the year preceding the 61349  
year in which the commission and school district enter into an 61350  
agreement under division (B) of this section, plus [two one- 61351

hundredths of one per cent multiplied by (the percentile in  
which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any  
manner permitted for a school district board to raise the school  
district portion of a project undertaken with assistance under  
sections 3318.01 to 3318.20 of the Revised Code.

(2) For purposes of determining the required level of  
indebtedness, the required percentage of the basic project costs  
under division (C) (1) of this section, and priority for  
assistance under sections 3318.01 to 3318.20 of the Revised  
Code, the percentile ranking of a school district with which the  
commission has entered into an agreement under this section  
between the first day of July and the thirty-first day of August  
in each fiscal year is the percentile ranking calculated for  
that district for the immediately preceding fiscal year, and the  
percentile ranking of a school district with which the  
commission has entered into such agreement between the first day  
of September and the thirtieth day of June in each fiscal year  
is the percentile ranking calculated for that district for the  
current fiscal year.

(B) (1) There is hereby established the school building  
assistance expedited local partnership program. Under the  
program, the Ohio facilities construction commission may enter  
into an agreement with the board of any school district under  
which the board may proceed with the new construction or major  
repairs of a part of the district's classroom facilities needs,  
as determined under sections 3318.01 to 3318.20 of the Revised  
Code, through the expenditure of local resources prior to the  
school district's eligibility for state assistance under those  
sections, and may apply that expenditure toward meeting the

school district's portion of the basic project cost of the total 61382  
of the district's classroom facilities needs, as recalculated 61383  
under division (E) of this section, when the district becomes 61384  
eligible for state assistance under sections 3318.01 to 3318.20 61385  
or section 3318.364 of the Revised Code. 61386

Any school district that is reasonably expected to receive 61387  
assistance under sections 3318.01 to 3318.20 of the Revised Code 61388  
within two fiscal years from the date the school district adopts 61389  
its resolution under division (B) of this section shall not be 61390  
eligible to participate in the program established under this 61391  
section unless that school district divides its project under 61392  
those sections into segments as authorized by section 3318.034 61393  
of the Revised Code. In the case of a school district that has 61394  
segmented its project as authorized in section 3318.034 of the 61395  
Revised Code, the district shall select a discrete portion of 61396  
one or more future segments of its project, to which the 61397  
district may apply local resources under an agreement under this 61398  
section prior to further state assistance for those future 61399  
segments under sections 3318.01 to 3318.20 of the Revised Code. 61400

(2) To participate in the program, a school district board 61401  
shall first adopt a resolution, by a vote of two-thirds of all 61402  
of its members, certifying to the commission the board's intent 61403  
to participate in the program. 61404

The resolution shall specify the approximate date that the 61405  
board intends to seek elector approval of any bond or tax 61406  
measures or to apply other local resources to use to pay the 61407  
cost of classroom facilities to be constructed under this 61408  
section. The resolution may specify the application of local 61409  
resources or elector-approved bond or tax measures after the 61410  
resolution is adopted by the board, and in such case the board 61411

may proceed with a discrete portion of its project under this 61412  
section as soon as the commission and the controlling board have 61413  
approved the basic project cost of the district's classroom 61414  
facilities needs as specified in division (D) of this section. 61415  
The board shall submit its resolution to the commission not 61416  
later than ten days after the date the resolution is adopted by 61417  
the board. 61418

The commission shall not consider any resolution that is 61419  
submitted pursuant to division (B) (2) of this section, as 61420  
amended by this amendment, sooner than September 14, 2000. 61421

(3) For purposes of determining when a district that 61422  
enters into an agreement under this section becomes eligible for 61423  
assistance under sections 3318.01 to 3318.20 of the Revised Code 61424  
or priority for assistance under section 3318.364 of the Revised 61425  
Code, the commission shall use the district's percentile ranking 61426  
determined at the time the district entered into the agreement 61427  
under this section, as prescribed by division (A) (2) of this 61428  
section. 61429

(4) Any project under this section shall comply with 61430  
section 3318.03 of the Revised Code and with any specifications 61431  
for plans and materials for classroom facilities adopted by the 61432  
commission under section 3318.04 of the Revised Code. 61433

(5) If a school district that enters into an agreement 61434  
under this section has not begun a project applying local 61435  
resources as provided for under that agreement at the time the 61436  
district is notified by the commission that it is eligible to 61437  
receive state assistance for its project under sections 3318.01 61438  
to 3318.20 of the Revised Code or for a segment of its project, 61439  
if the district previously segmented its project as authorized 61440  
in section 3318.034 of the Revised Code, all assessment and 61441

agreement documents entered into under this section are void. 61442

(6) Only construction of or repairs to classroom 61443  
facilities that have been approved by the commission and have 61444  
been therefore included as part of a district's basic project 61445  
cost qualify for application of local resources under this 61446  
section. 61447

(C) Based on the results of on-site visits and assessment, 61448  
the commission shall determine the basic project cost of the 61449  
school district's classroom facilities needs. The commission 61450  
shall determine the school district's portion of such basic 61451  
project cost, which shall be the greater of: 61452

(1) The required percentage of the basic project costs, 61453  
determined based on the school district's percentile ranking; 61454

(2) An amount necessary to raise the school district's net 61455  
bonded indebtedness, as of the fiscal year the commission and 61456  
the school district enter into the agreement under division (B) 61457  
of this section, to within five thousand dollars of the required 61458  
level of indebtedness. 61459

(D) (1) When the commission determines the basic project 61460  
cost of the classroom facilities needs of a school district and 61461  
the school district's portion of that basic project cost under 61462  
division (C) of this section, the project shall be conditionally 61463  
approved. Such conditional approval shall be submitted to the 61464  
controlling board for approval thereof. The controlling board 61465  
shall forthwith approve or reject the commission's 61466  
determination, conditional approval, and the amount of the 61467  
state's portion of the basic project cost; however, no state 61468  
funds shall be encumbered under this section. Upon approval by 61469  
the controlling board, the school district board may identify a 61470



discrete part of its classroom facilities needs, which shall 61471  
include only new construction of or additions or major repairs 61472  
to a particular building, to address with local resources. Upon 61473  
identifying a part of the school district's basic project cost 61474  
to address with local resources, the school district board may 61475  
allocate any available school district moneys to pay the cost of 61476  
that identified part, including the proceeds of an issuance of 61477  
bonds if approved by the electors of the school district. 61478

All local resources utilized under this division shall 61479  
first be deposited in the project construction account required 61480  
under section 3318.08 of the Revised Code. 61481

(2) Unless the school district board exercises its option 61482  
under division (D)(3) of this section, for a school district to 61483  
qualify for participation in the program authorized under this 61484  
section, one of the following conditions shall be satisfied: 61485

(a) The electors of the school district by a majority vote 61486  
shall approve the levy of taxes outside the ten-mill limitation 61487  
for a period of twenty-three years at the rate of not less than 61488  
one-half mill for each dollar of valuation to be used to pay the 61489  
cost of maintaining or upgrading, if approved by the commission, 61490  
the classroom facilities included in the basic project cost as 61491  
determined by the commission. The form of the ballot to be used 61492  
to submit the question whether to approve the tax required under 61493  
this division to the electors of the school district shall be 61494  
the form for an additional levy of taxes prescribed in section 61495  
3318.361 of the Revised Code, which may be combined in a single 61496  
ballot question with the questions prescribed under section 61497  
5705.218 of the Revised Code. 61498

(b) As authorized under division (C) of section 3318.05 of 61499  
the Revised Code, the school district board shall earmark from 61500

the proceeds of a permanent improvement tax levied under section 61501  
5705.21 of the Revised Code, an amount equivalent to the 61502  
additional tax otherwise required under division (D) (2) (a) of 61503  
this section for the maintenance of the classroom facilities 61504  
included in the basic project cost as determined by the 61505  
commission. 61506

(c) As authorized under section 3318.051 of the Revised 61507  
Code, the school district board shall, if approved by the 61508  
commission, annually transfer into the maintenance fund required 61509  
under section 3318.05 of the Revised Code the amount prescribed 61510  
in section 3318.051 of the Revised Code in lieu of the tax 61511  
otherwise required under division (D) (2) (a) of this section for 61512  
the maintenance of the classroom facilities included in the 61513  
basic project cost as determined by the commission. 61514

(d) If the school district board has rescinded the 61515  
agreement to make transfers under section 3318.051 of the 61516  
Revised Code, as provided under division (F) of that section, 61517  
the electors of the school district, in accordance with section 61518  
3318.063 of the Revised Code, first shall approve the levy of 61519  
taxes outside the ten-mill limitation for the period specified 61520  
in that section at a rate of not less than one-half mill for 61521  
each dollar of valuation. 61522

(e) The school district board shall apply the proceeds of 61523  
a tax to leverage bonds as authorized under section 3318.052 of 61524  
the Revised Code or dedicate a local donated contribution in the 61525  
manner described in division (B) of section 3318.084 of the 61526  
Revised Code in an amount equivalent to the additional tax 61527  
otherwise required under division (D) (2) (a) of this section for 61528  
the maintenance of the classroom facilities included in the 61529  
basic project cost as determined by the commission. 61530

(3) A school district board may opt to delay taking any of 61531  
the actions described in division (D) (2) of this section until 61532  
the school district becomes eligible for state assistance under 61533  
sections 3318.01 to 3318.20 of the Revised Code. In order to 61534  
exercise this option, the board shall certify to the commission 61535  
a resolution indicating the board's intent to do so prior to 61536  
entering into an agreement under division (B) of this section. 61537

(4) If pursuant to division (D) (3) of this section a 61538  
district board opts to delay levying an additional tax until the 61539  
district becomes eligible for state assistance, it shall submit 61540  
the question of levying that tax to the district electors as 61541  
follows: 61542

(a) In accordance with section 3318.06 of the Revised Code 61543  
if it will also be necessary pursuant to division (E) of this 61544  
section to submit a proposal for approval of a bond issue; 61545

(b) In accordance with section 3318.361 of the Revised 61546  
Code if it is not necessary to also submit a proposal for 61547  
approval of a bond issue pursuant to division (E) of this 61548  
section. 61549

(5) No state assistance under sections 3318.01 to 3318.20 61550  
of the Revised Code shall be released until a school district 61551  
board that adopts and certifies a resolution under division (D) 61552  
of this section also demonstrates to the satisfaction of the 61553  
commission compliance with the provisions of division (D) (2) of 61554  
this section. 61555

Any amount required for maintenance under division (D) (2) 61556  
of this section shall be deposited into a separate fund as 61557  
specified in division (D) of section 3318.05 of the Revised 61558  
Code. 61559

(E) (1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code for its entire project or for future segments, if the district previously segmented its project as authorized in section 3318.034 of the Revised Code, based on its percentile ranking under division (B) (3) of this section or is offered assistance under section 3318.364 of the Revised Code, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D) (1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section. The commission shall deduct the expenditure of school district moneys made under division (D) (1) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is less than the total amount of such portion as recalculated under this division, the school district board by a majority vote of all of its members shall, if it desires to seek state assistance under sections 3318.01 to 3318.20 of the Revised Code, adopt a resolution as specified in section 3318.06 of the Revised Code to submit to the electors of the school district the question of approval of a bond issue in order to pay any additional amount of school district portion required for state assistance. Any tax levy approved under division (D) of this section satisfies the requirements to levy the

additional tax under section 3318.06 of the Revised Code. 61592

(2) If the amount of school district resources applied by 61593  
the school district board to the school district's portion of 61594  
the basic project cost under this section is more than the total 61595  
amount of such portion as recalculated under this division, 61596  
within two years after the school district's portion is 61597  
recalculated under division (E) (1) of this section the 61598  
commission may grant to the school district the difference 61599  
between the two calculated portions, but at no time shall the 61600  
commission expend any state funds on a project in an amount 61601  
greater than the state's portion of the basic project cost as 61602  
recalculated under this division. 61603

Any reimbursement under this division shall be only for 61604  
local resources the school district has applied toward 61605  
construction cost expenditures for the classroom facilities 61606  
approved by the commission, which shall not include any 61607  
financing costs associated with that construction. 61608

The school district board shall use any moneys reimbursed 61609  
to the district under this division to pay off any debt service 61610  
the district owes for classroom facilities constructed under its 61611  
project under this section before such moneys are applied to any 61612  
other purpose. However, the district board first may deposit 61613  
moneys reimbursed under this division into the district's 61614  
general fund or a permanent improvement fund to replace local 61615  
resources the district withdrew from those funds, as long as, 61616  
and to the extent that, those local resources were used by the 61617  
district for constructing classroom facilities included in the 61618  
district's basic project cost. 61619

**Sec. 3318.361.** A school district board opting to qualify 61620  
for state assistance pursuant to section 3318.36 of the Revised 61621

Code through levying the tax specified in division (D) (2) (a) or 61622  
(D) (4) of that section shall declare by resolution that the 61623  
question of a tax levy specified in division (D) (2) (a) or (4), 61624  
as applicable, of section 3318.36 of the Revised Code shall be 61625  
submitted to the electors of the school district at the next 61626  
general or primary election, if there be a general or primary 61627  
election not less than ninety and not more than one hundred ten 61628  
days after the day of the adoption of such resolution or, if 61629  
not, at a special election to be held at a time specified in the 61630  
resolution which shall be not less than ninety days after the 61631  
day of the adoption of the resolution and which shall be in 61632  
accordance with the requirements of section 3501.01 of the 61633  
Revised Code. Such resolution shall specify both of the 61634  
following: 61635

(A) That the rate which it is necessary to levy shall be 61636  
at the rate of not less than one-half mill for each one dollar 61637  
of taxable value, and that such tax shall be levied for a period 61638  
of twenty-three years; 61639

(B) That the proceeds of the tax shall be used to pay the 61640  
cost of maintaining the classroom facilities included in the 61641  
project or upgrading those facilities if approved by the Ohio 61642  
facilities construction commission. 61643

A copy of such resolution shall after its passage and not 61644  
less than ninety days prior to the date set therein for the 61645  
election be certified to the county board of elections. 61646

Notice of the election shall include the levy's estimated 61647  
annual collections, the fact that the tax levy shall be at the 61648  
rate of not less than one-half mill for each one dollar of 61649  
taxable value for a period of twenty-three years, and that the 61650  
proceeds of the tax shall be used to pay the cost of maintaining 61651

or upgrading the classroom facilities included in the project.  
The notice shall also express the rate in dollars for each one  
hundred thousand dollars of ~~the county auditor's appraised~~  
market value.

The form of the ballot to be used at such election shall  
be:

"Shall a levy of taxes be made for a period of twenty-  
three years to benefit the \_\_\_\_\_ (here insert name of  
school district) school district, the proceeds of which shall be  
used to pay the cost of maintaining (or upgrading if approved by  
the Ohio facilities construction commission) the classroom  
facilities included in the project, that the county auditor  
estimates will collect \$\_\_\_\_\_ annually, at the rate of  
\_\_\_\_\_ (here insert the number of mills, which shall not be  
less than one-half mill) mills for each \$1 of taxable value,  
which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county~~  
~~auditor's appraised~~ market value?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

**Sec. 3318.40.** (A) (1) Sections 3318.40 to 3318.45 of the  
Revised Code apply only to joint vocational school districts.

(2) As used in sections 3318.40 to 3318.45 of the Revised  
Code:

(a) "Ohio facilities construction commission," "classroom  
facilities," "project," and "basic project cost" have the same  
meanings as in section 3318.01 of the Revised Code.

(b) "Acquisition of classroom facilities" means

constructing, reconstructing, repairing, or making additions to 61678  
classroom facilities. 61679

(B) There is hereby established the vocational school 61680  
facilities assistance program. Under the program, the Ohio 61681  
facilities construction commission shall provide assistance to 61682  
joint vocational school districts for the acquisition of 61683  
classroom facilities suitable to the vocational education 61684  
programs of the districts in accordance with sections 3318.40 to 61685  
3318.45 of the Revised Code. ~~For purposes of the program,~~ 61686  
~~beginning July 1, 2003, the~~ The commission annually may set 61687  
~~aside up to two per cent a portion~~ of the aggregate amount 61688  
appropriated to it for classroom facilities assistance projects 61689  
in the public school building fund, established under section 61690  
3318.15 of the Revised Code, and the school building program 61691  
assistance fund, established under section 3318.25 of the 61692  
Revised Code, to provide assistance to at least two joint 61693  
vocational school districts per biennium. The amount set aside 61694  
for this purpose shall be determined by the commission. 61695

(C) The commission shall not provide assistance for any 61696  
distinct part of a project under sections 3318.40 to 3318.45 of 61697  
the Revised Code that when completed will be used exclusively 61698  
for an adult education program or exclusively for operation of a 61699  
driver training school for instruction leading to the issuance 61700  
of a commercial driver's license under Chapter 4506. of the 61701  
Revised Code, except for life safety items and basic building 61702  
components necessary for complete and continuous construction or 61703  
renovation of a classroom facility as determined by the 61704  
commission. 61705

(D) The commission shall not provide assistance under 61706  
sections 3318.40 to 3318.45 of the Revised Code to acquire 61707



classroom facilities for vocational educational instruction at a 61708  
location under the control of a school district that is a member 61709  
of a joint vocational school district. Any assistance to acquire 61710  
classroom facilities for vocational educational instruction at 61711  
such location shall be provided to the school district that is a 61712  
member of the joint vocational school district through other 61713  
provisions of this chapter when that member school district is 61714  
eligible for assistance under those provisions. 61715

(E) By September 1, 2003, the commission shall assess the 61716  
classroom facilities needs of at least five joint vocational 61717  
school districts, according to the order of priority prescribed 61718  
in division (B) of section 3318.42 of the Revised Code, and 61719  
based on the results of those assessments shall determine the 61720  
extent to which amendments to the specifications adopted under 61721  
section 3318.311 of the Revised Code are warranted. The 61722  
commission, thereafter, may amend the specifications as provided 61723  
in that section. 61724

(F) After the commission has conducted the assessments 61725  
prescribed in division (E) of this section, the commission shall 61726  
establish, by rule adopted in accordance with section 111.15 of 61727  
the Revised Code, guidelines for the commission to use in 61728  
deciding whether to waive compliance with the design 61729  
specifications adopted under section 3318.311 of the Revised 61730  
Code when determining the number of facilities and the basic 61731  
project cost of projects as prescribed in division (A) (1) (a) of 61732  
section 3318.41 of the Revised Code. The guidelines shall 61733  
address the following situations: 61734

(1) Under what circumstances, if any, particular classroom 61735  
facilities are adequate to meet the needs of the school district 61736  
even though the facilities do not comply with the specifications 61737

adopted under section 3318.311 of the Revised Code; 61738

(2) Under what circumstances, if any, particular classroom 61739  
facilities will be renovated or repaired rather than replaced by 61740  
construction of new facilities. 61741

**Sec. 3318.45.** (A) Unless division (B) of section 3318.44 61742  
of the Revised Code applies, if a joint vocational school 61743  
district board of education proposes to issue securities to 61744  
generate all or part of the school district's portion of the 61745  
basic project cost of the school district's project under 61746  
sections 3318.40 to 3318.45 of the Revised Code, the school 61747  
district board shall adopt a resolution, by a vote of two-thirds 61748  
of all of its members, in accordance with Chapter 133. and 61749  
section 3311.20 of the Revised Code. Unless the school district 61750  
board seeks authority to issue securities in more than one 61751  
series, the school district board shall adopt the form of the 61752  
ballot prescribed in section 133.18 of the Revised Code. 61753

(B) If authority is sought to issue bonds in more than one 61754  
series, the form of the ballot shall be: 61755

"Shall bonds be issued by the \_\_\_\_\_ (here insert name 61756  
of joint vocational school district) joint vocational school 61757  
district to pay the local share of school construction under the 61758  
State of Ohio Joint Vocational School Facilities Assistance 61759  
Program in the total principal amount of \$\_\_\_\_\_ (total 61760  
principal amount of the bond issue), to be issued in \_\_\_\_\_ 61761  
(number of series) series, each series to be repaid annually 61762  
over not more than \_\_\_\_\_ (maximum number of years over which 61763  
the principal of each series may be paid) years, and an annual 61764  
levy of property taxes be made outside the ten-mill limitation 61765  
to pay the annual debt charges on the bonds and on any notes 61766  
issued in anticipation of the bonds, at a rate estimated by the 61767

county auditor to average over the repayment period of each 61768  
series as follows: \_\_\_\_\_ [insert the following for each 61769  
series: "the \_\_\_\_\_ series, in a principal amount of 61770  
\$\_\_\_\_\_, that the county auditor estimates will require 61771  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 61772  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised-~~ 61773  
~~market~~ value, commencing in \_\_\_\_\_ and first payable in 61774  
\_\_\_\_\_"]? 61775  
61776

	For the bond issue	
	Against the bond issue	"

(C) If it is necessary for the school district to acquire 61777  
a site for the classroom facilities to be acquired pursuant to 61778  
sections 3318.40 to 3318.45 of the Revised Code, the district 61779  
board may propose either to issue bonds of the board or to levy 61780  
a tax to pay for the acquisition of such site and may combine 61781  
the question of doing so with the question specified by 61782  
reference in division (A) of this section or the question 61783  
specified in division (B) of this section. Bonds issued under 61784  
this division for the purpose of acquiring a site are a general 61785  
obligation of the school district and are Chapter 133. 61786  
securities. 61787

The form of that portion of the ballot to include the 61788  
question of either issuing bonds or levying a tax for site 61789  
acquisition purposes shall be one of the following: 61790

(1) "Shall bonds be issued by the \_\_\_\_\_ (here 61791  
insert name of the joint vocational school district) joint 61792  
vocational school district to pay costs of acquiring a site for 61793  
classroom facilities under the State of Ohio Joint Vocational 61794

School Facilities Assistance Program in the principal amount of 61795  
\$\_\_\_\_\_ (here insert principal amount of the bond issue), to 61796  
be repaid annually over a maximum period of \_\_\_\_\_ (here 61797  
insert maximum number of years over which the principal of the 61798  
bonds may be paid) years, and an annual levy of property taxes 61799  
be made outside the ten-mill limitation, estimated by the county 61800  
auditor to average over the repayment period of the bond issue 61801  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 61802  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 61803  
~~market~~ value, to pay the annual debt charges on the bonds and to 61804  
pay debt charges on any notes issued in anticipation of the 61805  
bonds?" 61806

(2) "Shall an additional levy of taxes outside the ten- 61807  
mill limitation be made for the benefit of the \_\_\_\_\_ (here 61808  
insert name of the joint vocational school district) joint 61809  
vocational school district for the purpose of acquiring a site 61810  
for classroom facilities in the sum of \$\_\_\_\_\_ (here insert 61811  
annual amount the levy is to produce) estimated by the county 61812  
auditor to collect \$\_\_\_\_\_ annually and to average \_\_\_\_\_ mills 61813  
for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for 61814  
each \$100,000 of ~~the county auditor's appraised~~ market value, 61815  
for a period of \_\_\_\_\_ (here insert number of years the 61816  
millage is to be imposed) years?" 61817

Where it is necessary to combine the question of issuing 61818  
bonds of the joint vocational school district as described in 61819  
division (A) of this section with the question of issuing bonds 61820  
of the school district for acquisition of a site, the question 61821  
specified in that division to be voted on shall be "For the bond 61822  
issues" and "Against the bond issues." 61823

Where it is necessary to combine the question of issuing 61824

bonds of the joint vocational school district as described in 61825  
division (A) of this section with the question of levying a tax 61826  
for the acquisition of a site, the question specified in that 61827  
division to be voted on shall be "For the bond issue and the tax 61828  
levy" and "Against the bond issue and the tax levy." 61829

(D) Where the school district board chooses to combine a 61830  
question specified in this section with any of the additional 61831  
questions described in division (C) of section 3318.44 of the 61832  
Revised Code, the question to be voted on shall be "For the bond 61833  
issues and the tax levies" and "Against the bond issues and the 61834  
tax levies." 61835

(E) If a majority of those voting upon a proposition 61836  
prescribed in this section which includes the question of 61837  
issuing bonds vote in favor of that issuance and if the 61838  
agreement prescribed in section 3318.08 of the Revised Code has 61839  
been entered into, the school district board may proceed under 61840  
Chapter 133. of the Revised Code with the issuance of bonds or 61841  
bond anticipation notes in accordance with the terms of the 61842  
agreement. 61843

**Sec. 3318.48.** (A) When all of the following have occurred, 61844  
a project undertaken by a school district pursuant to this 61845  
chapter shall be considered complete and the Ohio facilities 61846  
construction commission shall issue a certificate of completion 61847  
to the district board of education: 61848

(1) All facilities to be constructed under the project, as 61849  
specified in the project agreement entered into under section 61850  
3318.08 of the Revised Code, have been completed and the board 61851  
has received a permanent certificate of occupancy for each of 61852  
those facilities. 61853

(2) The commission has issued certificates of contract completion on all prime construction contracts entered into by the board under section 3318.10 of the Revised Code.

(3) The commission has completed a final accounting of the district's project construction fund and has determined that all payments from the fund were made in compliance with all policies of the commission.

(4) Any litigation concerning the project has been finally resolved with no chance of appeal.

(5) All construction management services typically provided by the commission to school districts have been delivered and the commission has canceled any remaining encumbrance of funds for those services.

(B) The commission may issue a certificate of completion to a district board prior to all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. When issuing a certificate of completion under this division, the commission may specify any of the following:

(1) Any construction or work that has yet to be completed and the manner in which the board shall oversee its completion, which may include procedures for reporting progress to the commission and for accounting of expenditures;

(2) Terms and conditions for the resolution of any pending litigation;

(3) Any remaining responsibilities of the construction manager regarding the project.

(C) The commission may issue a certificate of completion 61883  
to a district board that does not voluntarily participate in the 61884  
process of closing out the district's project, if the 61885  
construction manager for the project verifies that all 61886  
facilities to be constructed under the project, as specified in 61887  
the project agreement entered into under section 3318.08 of the 61888  
Revised Code, have been completed and the commission determines 61889  
that those facilities have been occupied for at least one year. 61890  
In that case, all funds due to the commission under division (C) 61891  
of section 3318.12 of the Revised Code shall be returned to the 61892  
commission not later than thirty days after receipt of the 61893  
certificate of completion. If the funds due to the commission 61894  
have not been returned within sixty days after receipt of the 61895  
certificate of completion, the ~~auditor of state commission~~ shall 61896  
~~issue a finding for recovery against the school district and~~ 61897  
~~shall request legal action certify a claim to the attorney~~ 61898  
~~general for collection under section 117.42-131.02 of the~~ 61899  
Revised Code. 61900

(D) Upon issuance of a certificate of completion under 61901  
this section, the commission's ownership of and interest in the 61902  
project, as specified in division (F) of section 3318.08 of the 61903  
Revised Code, shall cease. This cessation shall not alter or 61904  
otherwise affect the state's or commission's interest in the 61905  
project or any limitations on the use of the project as 61906  
specified in the project agreement pursuant to divisions (G), 61907  
(M), and (N) of that section or as specified in section 3318.16 61908  
of the Revised Code. 61909

**Sec. 3319.073.** (A) The board of education of each city and 61910  
exempted village school district and the governing board of each 61911  
educational service center shall adopt or adapt the curriculum 61912  
developed by the department of education and workforce for, or 61913

shall develop in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of the in-service training within two years of commencing employment with the district or center, and every five years thereafter. A person who is employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator on March 30, 2007, shall complete at least four hours of the in-service training not later than March 30, 2009, and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a nurse, teacher, counselor, school psychologist, or administrator on October 16, 2009, shall complete at least four hours of the in-service training not later than October 16, 2011, and every five years thereafter.

(B) Each board shall incorporate training in school safety and violence prevention, including human trafficking content, into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

(C) Each board shall incorporate training on the board's harassment, intimidation, or bullying policy adopted under section 3313.666 of the Revised Code into the in-service



training required by division (A) of this section. Each board 61945  
also shall incorporate training in the prevention of dating 61946  
violence into the in-service training required by that division 61947  
for middle and high school employees. The board shall develop 61948  
its own curricula for these purposes. 61949

(D) Each board shall incorporate training in youth suicide 61950  
awareness and prevention into the in-service training required 61951  
by division (A) of this section for each person employed by a 61952  
school district or service center to work in a school as a 61953  
nurse, teacher, counselor, school psychologist, or 61954  
administrator, and any other personnel that the board determines 61955  
appropriate. The board shall require each such person to undergo 61956  
training in youth suicide awareness and prevention programs once 61957  
every two years. For this purpose, the board ~~shall adopt or~~ 61958  
~~adapt the curriculum developed by the department under section~~ 61959  
~~3301.221 of the Revised Code or~~ shall develop its own curriculum 61960  
in consultation with public or private agencies or persons 61961  
involved in youth suicide awareness and prevention programs. 61962

The training completed under this division shall count 61963  
toward the satisfaction of requirements for professional 61964  
development required by the school district or service center 61965  
board, ~~and the training may be accomplished through self-review~~ 61966  
~~of suitable suicide prevention materials approved by the board.~~ 61967

(E) Each board shall incorporate training on child sexual 61968  
abuse into the in-service training required by division (A) of 61969  
this section. The training completed under this division shall 61970  
count toward the satisfaction of requirements for professional 61971  
development required by the school district or service center 61972  
board. ~~Any training provided under this section may be presented~~ 61973  
~~by either of the following, at their own discretion, so long as~~ 61974

~~they have experience in handling cases involving child sexual~~ 61975  
~~abuse or child sexual violence:—~~ 61976

~~(1) Law enforcement officers;—~~ 61977

~~(2) Prosecutors~~ For this purpose, the board shall develop 61978  
its own curriculum in consultation with public or private 61979  
agencies or persons involved in child sexual abuse prevention or 61980  
child sexual violence prevention. 61981

**Sec. 3319.088.** As used in this section, "educational 61982  
assistant" means any nonteaching employee in a school district 61983  
who directly assists a teacher as defined in section 3319.09 of 61984  
the Revised Code, by performing duties for which a license 61985  
issued pursuant to sections 3319.22 to 3319.30 of the Revised 61986  
Code is not required. 61987

(A) Except as provided in division (G) of this section, 61988  
the state board of education shall issue educational aide 61989  
permits and educational paraprofessional licenses for 61990  
educational assistants and shall adopt rules for the issuance 61991  
and renewal of such permits and licenses which shall be 61992  
consistent with the provisions of this section. Educational aide 61993  
permits and educational paraprofessional licenses may be of 61994  
several types and the rules shall prescribe the minimum 61995  
qualifications of education and health for the service to be 61996  
authorized under each type. The prescribed minimum 61997  
qualifications may require special training or educational 61998  
courses designed to qualify a person to perform effectively the 61999  
duties authorized under an educational aide permit or 62000  
educational paraprofessional license. 62001

(B) (1) Except as provided in division (G) of this section, 62002  
any application for a permit or license, or a renewal or 62003

duplicate of a permit or license, under this section shall be 62004  
accompanied by the payment of a fee in the amount established 62005  
under division ~~(A)~~ (B) of section 3319.51 of the Revised Code. 62006  
Any fees received under this division shall be paid into the 62007  
state treasury to the credit of the ~~state board of education~~ 62008  
~~licensure fund established under division (B) of section 3319.51~~ 62009  
occupational licensing and regulatory fund established in 62010  
section 4743.05 of the Revised Code. 62011

(2) Any person applying for or holding a permit or license 62012  
pursuant to this section is subject to sections 3123.41 to 62013  
3123.50 of the Revised Code and any applicable rules adopted 62014  
under section 3123.63 of the Revised Code and sections 3319.31 62015  
and 3319.311 of the Revised Code. 62016

(C) Educational assistants shall at all times while in the 62017  
performance of their duties be under the supervision and 62018  
direction of a teacher as defined in section 3319.09 of the 62019  
Revised Code. Educational assistants may assist a teacher to 62020  
whom assigned in the supervision of pupils, in assisting with 62021  
instructional tasks, and in the performance of duties which, in 62022  
the judgment of the teacher to whom the assistant is assigned, 62023  
may be performed by a person not licensed pursuant to sections 62024  
3319.22 to 3319.30 of the Revised Code and for which a teaching 62025  
license, issued pursuant to sections 3319.22 to 3319.30 of the 62026  
Revised Code is not required. The duties of an educational 62027  
assistant shall not include the assignment of grades to pupils. 62028  
The duties of an educational assistant need not be performed in 62029  
the physical presence of the teacher to whom assigned, but the 62030  
activity of an educational assistant shall at all times be under 62031  
the direction of the teacher to whom assigned. The assignment of 62032  
an educational assistant need not be limited to assisting a 62033  
single teacher. In the event an educational assistant is 62034

assigned to assist more than one teacher the assignments shall 62035  
be clearly delineated and so arranged that the educational 62036  
assistant shall never be subject to simultaneous supervision or 62037  
direction by more than one teacher. 62038

Educational assistants assigned to supervise children 62039  
shall, when the teacher to whom assigned is not physically 62040  
present, maintain the degree of control and discipline that 62041  
would be maintained by the teacher. 62042

Educational assistants may not be used in place of 62043  
classroom teachers or other employees and any payment of 62044  
compensation by boards of education to educational assistants 62045  
for such services is prohibited. The ratio between the number of 62046  
licensed teachers and the pupils in a school district may not be 62047  
decreased by utilization of educational assistants and no 62048  
grouping, or other organization of pupils, for utilization of 62049  
educational assistants shall be established which is 62050  
inconsistent with sound educational practices and procedures. A 62051  
school district may employ up to one full time equivalent 62052  
educational assistant for each six full time equivalent licensed 62053  
employees of the district. Educational assistants shall not be 62054  
counted as licensed employees for purposes of state support in 62055  
the school foundation program and no grouping or regrouping of 62056  
pupils with educational assistants may be counted as a class or 62057  
unit for school foundation program purposes. Neither special 62058  
courses required by the regulations of the state board of 62059  
education, prescribing minimum qualifications of education for 62060  
an educational assistant, nor years of service as an educational 62061  
assistant shall be counted in any way toward qualifying for a 62062  
teacher license, for a teacher contract of any type, or for 62063  
determining placement on a salary schedule in a school district 62064  
as a teacher. 62065

(D) Educational assistants employed by a board of 62066  
education shall have all rights, benefits, and legal protection 62067  
available to other nonteaching employees in the school district, 62068  
except that provisions of Chapter 124. of the Revised Code shall 62069  
not apply to any person employed as an educational assistant, 62070  
and shall be members of the school employees retirement system. 62071  
Educational assistants shall be compensated according to a 62072  
salary plan adopted annually by the board. 62073

Except as provided in this section nonteaching employees 62074  
shall not serve as educational assistants without first 62075  
obtaining an appropriate educational aide permit or educational 62076  
paraprofessional license from the state board of education. A 62077  
nonteaching employee who is the holder of a valid educational 62078  
aide permit or educational paraprofessional license shall 62079  
neither render nor be required to render services inconsistent 62080  
with the type of services authorized by the permit or license 62081  
held. No person shall receive compensation from a board of 62082  
education for services rendered as an educational assistant in 62083  
violation of this provision. 62084

Nonteaching employees whose functions are solely 62085  
secretarial-clerical and who do not perform any other duties as 62086  
educational assistants, even though they assist a teacher and 62087  
work under the direction of a teacher shall not be required to 62088  
hold a permit or license issued pursuant to this section. 62089

Following the determination of the assignment and general 62090  
job description of an educational assistant and subject to 62091  
supervision by the teacher's immediate administrative officer, a 62092  
teacher to whom an educational assistant is assigned shall make 62093  
all final determinations of the duties to be assigned to such 62094  
assistant. Teachers shall not be required to hold a license 62095

designated for being a supervisor or administrator in order to 62096  
perform the necessary supervision of educational assistants. 62097

(E) No person who is, or who has been employed as an 62098  
educational assistant shall divulge, except to the teacher to 62099  
whom assigned, or the administrator of the school in the absence 62100  
of the teacher to whom assigned, or when required to testify in 62101  
a court or proceedings, any personal information concerning any 62102  
pupil in the school district which was obtained or obtainable by 62103  
the educational assistant while so employed. Violation of this 62104  
provision is grounds for disciplinary action or dismissal, or 62105  
both. 62106

(F) Notwithstanding anything to the contrary in this 62107  
section, the superintendent of a school district may allow an 62108  
employee who does not hold a permit or license issued under this 62109  
section to work as a substitute for an educational assistant who 62110  
is absent on account of illness or on a leave of absence, or to 62111  
fill a temporary position created by an emergency, provided that 62112  
the superintendent believes the employee's application materials 62113  
indicate that the employee is qualified to obtain a permit or 62114  
license under this section. 62115

An employee shall begin work as a substitute under this 62116  
division not earlier than on the date on which the employee 62117  
files an application with the state board for a permit or 62118  
license under this section. An employee shall cease working as a 62119  
substitute under this division on the earliest of the following: 62120

(1) The date on which the employee files a valid permit or 62121  
license issued under this section with the superintendent; 62122

(2) The date on which the employee is denied a permit or 62123  
license under this section; 62124

(3) Sixty days following the date on which the employee 62125  
began work as a substitute under this division. 62126

The superintendent shall ensure that an employee assigned 62127  
to work as a substitute under division (F) of this section has 62128  
undergone a criminal records check in accordance with section 62129  
3319.391 of the Revised Code. 62130

(G) The state board shall issue an educational aide permit 62131  
or educational paraprofessional license in accordance with 62132  
Chapter 4796. of the Revised Code to an applicant if either of 62133  
the following applies: 62134

(1) The applicant holds a permit or license in another 62135  
state. 62136

(2) The applicant has satisfactory work experience, a 62137  
government certification, or a private certification as 62138  
described in that chapter as an educational aide or educational 62139  
paraprofessional in a state that does not issue that permit or 62140  
license or both. 62141

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 62142  
Revised Code, this section applies to any person who is employed 62143  
under a teacher license issued under this chapter, or under a 62144  
professional or permanent teacher's certificate issued under 62145  
former section 3319.222 of the Revised Code, and who spends at 62146  
least fifty per cent of the time employed providing student 62147  
instruction. However, this section does not apply to any person 62148  
who is employed as a substitute teacher or as an instructor of 62149  
adult education. 62150

(A) The board of education of each school district, in 62151  
consultation with teachers employed by the board, shall update 62152  
its standards-based teacher evaluation policy to conform with 62153

either the framework for evaluation of teachers adopted under 62154  
section 3319.112 of the Revised Code or a framework created or 62155  
adopted by the board. The policy shall become operative at the 62156  
expiration of any collective bargaining agreement covering 62157  
teachers employed by the board that is in effect on November 2, 62158  
2018, and shall be included in any renewal or extension of such 62159  
an agreement. 62160

(B) When using measures of student performance as evidence 62161  
in a teacher's evaluation, those measures shall be high-quality 62162  
student data. The board of education of each school district may 62163  
use data from the assessments on the list developed under 62164  
division (B) (2) of section 3319.112 of the Revised Code as high- 62165  
quality student data. 62166

(C) (1) The board shall conduct an evaluation of each 62167  
teacher employed by the board at least once each school year, 62168  
except as provided in division (C) (2) of this section. The 62169  
evaluation shall be completed by the first day of May and the 62170  
teacher shall receive a written report of the results of the 62171  
evaluation by the tenth day of May. 62172

(2) (a) The board may evaluate each teacher who received a 62173  
rating of accomplished on the teacher's most recent evaluation 62174  
conducted under this section once every three school years, so 62175  
long as the teacher submits a self-directed professional growth 62176  
plan to the evaluator that focuses on specific areas identified 62177  
in the observations and evaluation and the evaluator determines 62178  
that the teacher is making progress on that plan. 62179

(b) The board may evaluate each teacher who received a 62180  
rating of skilled on the teacher's most recent evaluation 62181  
conducted under this section once every two years, so long as 62182  
the teacher and evaluator jointly develop a professional growth 62183



plan for the teacher that focuses on specific areas identified 62184  
in the observations and evaluation and the evaluator determines 62185  
that the teacher is making progress on that plan. 62186

(c) For each teacher who is evaluated pursuant to division 62187  
(C) (2) of this section, the evaluation shall be completed by the 62188  
first day of May of the applicable school year, and the teacher 62189  
shall receive a written report of the results of the evaluation 62190  
by the tenth day of May of that school year. 62191

(d) The board may elect not to conduct an evaluation of a 62192  
teacher who meets one of the following requirements: 62193

(i) The teacher was on leave from the school district for 62194  
fifty per cent or more of the school year, as calculated by the 62195  
board. 62196

(ii) The teacher has submitted notice of retirement and 62197  
that notice has been accepted by the board not later than the 62198  
first day of December of the school year in which the evaluation 62199  
is otherwise scheduled to be conducted. 62200

~~(e) The board may elect not to conduct an evaluation of a 62201  
teacher who is participating in the teacher residency program 62202  
established under section 3319.223 of the Revised Code for the 62203  
year during which that teacher takes, for the first time, at 62204  
least half of the performance-based assessment prescribed by the 62205  
state board of education for resident educators. 62206~~

(3) In any year that a teacher is not formally evaluated 62207  
pursuant to division (C) of this section as a result of 62208  
receiving a rating of accomplished or skilled on the teacher's 62209  
most recent evaluation, an individual qualified to evaluate a 62210  
teacher under division (D) of this section shall conduct at 62211  
least one observation of the teacher and hold at least one 62212

conference with the teacher. The conference shall include a 62213  
discussion of progress on the teacher's professional growth 62214  
plan. 62215

(D) Each evaluation conducted pursuant to this section 62216  
shall be conducted by one or more of the following persons who 62217  
hold a credential established by the state board of education 62218  
for being an evaluator: 62219

(1) A person who is under contract with the board pursuant 62220  
to section 3319.01 or 3319.02 of the Revised Code and holds a 62221  
license designated for being a superintendent, assistant 62222  
superintendent, or principal issued under section 3319.22 of the 62223  
Revised Code; 62224

(2) A person who is under contract with the board pursuant 62225  
to section 3319.02 of the Revised Code and holds a license 62226  
designated for being a vocational director, administrative 62227  
specialist, or supervisor in any educational area issued under 62228  
section 3319.22 of the Revised Code; 62229

(3) A person designated to conduct evaluations under an 62230  
agreement entered into by the board, including an agreement 62231  
providing for peer review entered into by the board and 62232  
representatives of teachers employed by the board; 62233

(4) A person who is employed by an entity contracted by 62234  
the board to conduct evaluations and who holds a license 62235  
designated for being a superintendent, assistant superintendent, 62236  
principal, vocational director, administrative specialist, or 62237  
supervisor in any educational area issued under section 3319.22 62238  
of the Revised Code or is qualified to conduct evaluations. 62239

(E) Notwithstanding division (A) (3) of section 3319.112 of 62240  
the Revised Code, the board shall require at least three formal 62241

observations of each teacher who is under consideration for 62242  
nonrenewal and with whom the board has entered into a limited 62243  
contract or an extended limited contract under section 3319.11 62244  
of the Revised Code. 62245

(F) The board shall include in its evaluation policy 62246  
procedures for using the evaluation results for retention and 62247  
promotion decisions and for removal of poorly performing 62248  
teachers. Seniority shall not be the basis for a decision to 62249  
retain a teacher, except when making a decision between teachers 62250  
who have comparable evaluations. 62251

(G) For purposes of section 3333.0411 of the Revised Code, 62252  
the board annually shall report to the state board the number of 62253  
teachers for whom an evaluation was conducted under this section 62254  
and the number of teachers assigned each rating prescribed under 62255  
division (B)(1) of section 3319.112 of the Revised Code or the 62256  
equivalent framework created or adopted by the board, aggregated 62257  
by the teacher preparation programs from which and the years in 62258  
which the teachers graduated. The state board shall establish 62259  
guidelines for reporting the information required by this 62260  
division. The guidelines shall not permit or require that the 62261  
name of, or any other personally identifiable information about, 62262  
any teacher be reported under this division. 62263

(H) Notwithstanding any provision to the contrary in 62264  
Chapter 4117. of the Revised Code, the requirements of this 62265  
section prevail over any conflicting provisions of a collective 62266  
bargaining agreement entered into on or after November 2, 2018. 62267

Sec. 3319.173. (A) The superintendent of each school 62268  
district shall assign teachers to positions based on the best 62269  
interests of the students enrolled in the district. In 62270  
assigning, reassigning, or transferring a teacher, whether 62271

voluntary or involuntary on the part of the teacher, the 62272  
superintendent shall not use seniority or continuing contract 62273  
status as the primary factor in determining the teacher's 62274  
assignment. 62275

(B) Notwithstanding any provision to the contrary in 62276  
section 4117.10 of the Revised Code, the requirements of this 62277  
section prevail over any conflicting provisions of agreements 62278  
between employee organizations and public employers entered into 62279  
on or after the effective date of this section. 62280

**Sec. 3319.223.** (A) The superintendent of public 62281  
instruction and the chancellor of higher education jointly shall 62282  
establish the Ohio teacher residency program, which shall be a 62283  
two-year, entry-level program for classroom teachers. Except as 62284  
provided in division (B) of this section, the teacher residency 62285  
program shall include at least the following components: 62286

(1) Mentoring by teachers, which may be provided online or 62287  
in person. The state superintendent shall provide participants 62288  
and mentors with access to online professional development 62289  
~~resources and sample videos of Ohio classroom lessons submitted~~ 62290  
~~for the assessment prescribed under division (A) (3) of this~~ 62291  
~~section at no cost.~~ 62292

(2) Counseling, as determined necessary by the school 62293  
district or school, to ensure that program participants receive 62294  
needed professional development. ~~The state superintendent shall~~ 62295  
~~provide to each participant who does not receive a passing score~~ 62296  
~~on the assessment under division (A) (3) of this section, at no~~ 62297  
~~cost, the opportunity to meet online with an instructional coach~~ 62298  
~~who is a certified assessor of the assessment to review the~~ 62299  
~~participant's assessment score results and discuss improvement~~ 62300  
~~strategies and professional development.~~ 62301

~~Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the state superintendent. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school.~~

~~Participants who have not taken the assessment under division (A) (3) of this section may meet online with instructional coaches approved by the state superintendent if the participant's school district or school pays the costs associated with the meetings.~~

(3) Measures of appropriate progression through the program, ~~which shall include the performance-based assessment prescribed by the state board of education for resident educators. The state board shall not limit the number of attempts to successfully complete the performance-based assessment.~~

~~An individual may submit the assessment between the first Tuesday of October and the first Friday of April of the individual's second year of the program. The results of the assessment shall be returned within thirty days unless a new assessor is contracted, in which case the results shall be returned in forty-five days. The teacher evaluation system adopted under section 3319.111 of the Revised Code may be used to assess an individual participating in the teacher residency program.~~

(B) No individual who is teaching career-technical courses under an alternative resident educator license issued under

section 3319.26 of the Revised Code or rule of the state board 62332  
shall be required to ~~do either of the following:~~ 62333

~~(1) Complete~~ complete the conditions of the Ohio teacher 62334  
residency program that a participant, as of September 29, 2015, 62335  
would have been required to complete during the participant's 62336  
first and second year of teaching under an alternative resident 62337  
educator license. 62338

~~(2) Take a performance-based assessment.~~ 62339

(C) The teacher residency program shall be aligned with 62340  
the standards for teachers adopted by the state board under 62341  
section 3319.61 of the Revised Code and best practices 62342  
identified by the superintendent of public instruction. 62343

(D) Each person who holds a resident educator license 62344  
issued under section 3319.22 or 3319.227 of the Revised Code or 62345  
an alternative resident educator license issued under section 62346  
3319.26 of the Revised Code shall participate in the teacher 62347  
residency program. Successful completion of the program shall be 62348  
required to qualify any such person for a professional educator 62349  
license issued under section 3319.22 of the Revised Code. 62350

**Sec. 3319.236.** (A) Except as provided in section 3313.6033 62351  
of the Revised Code or in division (B) or (E) of this section, a 62352  
school district shall require an individual to hold a valid 62353  
educator license in computer science, or have a license 62354  
endorsement in computer technology and a passing score on a 62355  
content examination in the area of computer science, to teach 62356  
computer science courses. 62357

(B) A school district may employ an individual, for the 62358  
purpose of teaching computer science courses, who holds a valid 62359  
educator license, provided the individual meets the requirements 62360

established by rules of the state board of education to qualify 62361  
for a supplemental teaching license for teaching computer 62362  
science. The rules shall require an applicant for a supplemental 62363  
teaching license to pass a content examination in the area of 62364  
computer science. The rules also shall permit an individual, 62365  
after at least two years of successfully teaching computer 62366  
science courses under the supplemental teaching license, to 62367  
advance to a standard educator license in computer science by 62368  
completing a pedagogy course applicable to the grade levels in 62369  
which the individual is teaching. However, the rules may exempt 62370  
an individual teaching computer science from the requirement to 62371  
complete a pedagogy course if the individual previously 62372  
completed a pedagogy course applicable to the grade levels in 62373  
which the individual is teaching. 62374

(C) In order for an individual to teach advanced placement 62375  
computer science courses, a school district shall require the 62376  
individual to also complete a professional development program 62377  
endorsed or provided by the organization that creates and 62378  
administers national advanced placement examinations. For this 62379  
purpose, the individual may complete the program at any time 62380  
during the calendar year. 62381

(D) Notwithstanding section 3301.012 of the Revised Code, 62382  
as used in this section, "computer science courses" means any 62383  
courses that are reported in the education management 62384  
information system established under section 3301.0714 of the 62385  
Revised Code as computer science courses and which are aligned 62386  
to computer science standards adopted by the department of 62387  
education and workforce. 62388

(E) The state board of education shall adopt rules to 62389  
create a computer science teaching license for industry 62390

professionals to teach computer science to specific grades. The 62391  
holder of a computer science teaching license for industry 62392  
professionals shall be limited to teaching forty hours in a week 62393  
in the subject area of computer science. The superintendent of 62394  
public instruction shall consult with the chancellor of higher 62395  
education in creating and revising the requirements for computer 62396  
science teacher licensure. 62397

(F) Licenses issued under this section shall specify 62398  
whether the educator is licensed to teach grades kindergarten 62399  
through twelve, pre-kindergarten through five, grades four 62400  
through nine, or grades seven through twelve. 62401

Sec. 3319.2310. (A) As used in this section, "other public 62402  
school" has the same meaning as in section 3301.0711 of the 62403  
Revised Code. 62404

(B) The department of education and workforce shall do 62405  
both of the following: 62406

(1) Maintain a training course for licensed educators that 62407  
serves as an introduction to the science of reading; 62408

(2) Develop a competency-based training course for 62409  
licensed educators that updates and reinforces educators' 62410  
knowledge and skills in the science of reading. 62411

(C) Each individual employed by a school district or other 62412  
public school as a teacher, administrator, school psychologist, 62413  
or speech-language pathologist shall complete training in the 62414  
science of reading in accordance with division (C) of this 62415  
section. 62416

(1) An individual hired by the district or other public 62417  
school as a teacher or administrator prior to July 1, 2025, 62418  
shall complete the training described in division (B) (2) of this 62419



section by June 30, 2030, and every five years thereafter. 62420

(2) An individual hired by the district or other public 62421  
school as a teacher or administrator on or after July 1, 2025, 62422  
shall complete the training described in division (B) (1) of this 62423  
section within one year after the date of hire and shall 62424  
complete the training described in division (B) (2) of this 62425  
section every five years thereafter. However, an individual 62426  
shall not be required to complete the training described in 62427  
division (B) (1) of this section if the district superintendent 62428  
or head administrator of the other public school has verified 62429  
that the individual did either of the following within five 62430  
years prior to the date of hire: 62431

(a) Completed that training or a similar training, as 62432  
determined by the department; 62433

(b) Completed appropriate coursework in the science of 62434  
reading as part of the individual's educator or licensure 62435  
preparation program. 62436

(3) An individual employed by the district or other public 62437  
school as a school psychologist or speech-language pathologist 62438  
shall complete the training described in division (B) (1) of this 62439  
section by June 30, 2027, and shall complete the training 62440  
described in division (B) (2) of this section every five years 62441  
thereafter. 62442

(D) A professional development committee established under 62443  
section 3319.22 of the Revised Code shall count training 62444  
described in division (B) of this section toward professional 62445  
development requirements for educator licensure renewal. The 62446  
committee shall permit an individual to apply any hours earned 62447  
over the minimum amount of hours required for professional 62448

development coursework for licensure renewal to the next renewal 62449  
period for that license. 62450

**Sec. 3319.263.** ~~Until July 1, 2028,~~ 62451  
~~notwithstanding~~ Notwithstanding anything to the contrary in 62452  
section 3319.26 of the Revised Code or any rule of the state 62453  
board of education adopted under that section, the state board 62454  
shall not limit the subject areas for which an individual may 62455  
receive an alternative resident educator license issued under 62456  
that section. 62457

**Sec. 3319.29.** Each application for any license, 62458  
certificate, or permit under this chapter, or renewal or 62459  
duplicate of such a license, certificate, or permit, shall be 62460  
accompanied by the payment of a fee in the amount established 62461  
under division ~~(A)~~ (B) of section 3319.51 of the Revised Code. 62462  
Any fees received under this section shall be paid into the 62463  
state treasury to the credit of the ~~state board of education~~ 62464  
~~licensure fund established under division (B) of section 3319.51~~ 62465  
occupational licensing and regulatory fund established in 62466  
section 4743.05 of the Revised Code. 62467

Any person applying for or holding a license, certificate, 62468  
or permit under this chapter is subject to sections 3123.41 to 62469  
3123.50 of the Revised Code and any applicable rules adopted 62470  
under section 3123.63 of the Revised Code and sections 3319.31 62471  
and 3319.311 of the Revised Code. 62472

**Sec. 3319.301.** (A) As used in this section: 62473

(1) "Dropout prevention and recovery community school"— 62474  
~~means a community school established under Chapter 3314. of the~~ 62475  
~~Revised Code in which a majority of the students are enrolled in~~ 62476  
~~a dropout prevention and recovery program that is operated by~~ 62477

the school has the same meaning as in section 3314.02 of the  
Revised Code.

(2) "Industry-recognized credential program" means a  
career-technical course in which a student may earn an industry-  
recognized credential approved under section 3313.6113 of the  
Revised Code.

(3) "STEM school" means a science, technology,  
engineering, and mathematics school established under Chapter  
3326. of the Revised Code.

(B) The state board of education shall issue permits to  
individuals who are not licensed as required by sections 3319.22  
to 3319.30 of the Revised Code, but who are otherwise qualified,  
to teach classes for not more than a total of twelve hours a  
week, except that an individual teaching in a STEM school or an  
individual teaching an industry-recognized credential program  
offered at a dropout prevention and recovery community school  
may teach classes for not more than a total of forty hours a  
week. The state board, by rule, shall set forth the  
qualifications, other than licensure under sections 3319.22 to  
3319.30 of the Revised Code, to be met by individuals in order  
to be issued a permit as provided in this section. Such  
qualifications shall include the possession of a baccalaureate,  
master's, or doctoral degree in, or significant experience  
related to, the subject the individual is to teach. For an  
individual assigned to teach a career-technical class,  
significant experience related to a subject shall include  
career-technical experience. Applications for permits pursuant  
to this section shall be made in accordance with section 3319.29  
of the Revised Code. A permit issued under this section shall be  
renewable.

The state board, by rule, shall authorize the board of education of each school district and each STEM school to engage individuals holding permits issued under this section to teach classes for not more than the total number of hours a week specified in the permit. The rules shall include provisions with regard to each of the following:

(1) That a board of education or STEM school shall engage a nonlicensed individual to teach pursuant to this section on a volunteer basis, or by entering into a contract with the individual or the individual's employer on such terms and conditions as are agreed to between the board or school and the individual or the individual's employer;

(2) That an employee of the board of education or STEM school who is licensed under sections 3319.22 to 3319.30 of the Revised Code shall directly supervise a nonlicensed individual who is engaged to teach pursuant to this section until the superintendent of the school district or the chief administrative officer of the STEM school is satisfied that the nonlicensed individual has sufficient understanding of, and experience in, effective teaching methods to teach without supervision.

(C) A nonlicensed individual engaged to teach pursuant to this section is a teacher for the purposes of Title XXXIII of the Revised Code except for the purposes of Chapters 3307. and 3317. and sections 3319.07 to 3319.31 of the Revised Code. Such an individual is not an employee of the board of education or STEM school for the purpose of Titles I or XLI or Chapter 3309. of the Revised Code.

(D) Students enrolled in a class taught by a nonlicensed individual pursuant to this section and rules adopted thereunder

shall receive the same credit as if the class had been taught by 62538  
an employee licensed pursuant to sections 3319.22 to 3319.30 of 62539  
the Revised Code. 62540

(E) No board of education of any school district shall 62541  
engage any one or more nonlicensed individuals if such 62542  
employment displaces from employment an existing licensed 62543  
employee of the district. 62544

(F) Chapter 4796. of the Revised Code does not apply to 62545  
permits issued under this section. 62546

**Sec. 3319.311.** (A) (1) The state board of education, or the 62547  
superintendent of public instruction on behalf of the board, may 62548  
investigate any information received about a person that 62549  
reasonably appears to be a basis for action under section 62550  
3319.31 of the Revised Code, including information received 62551  
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 62552  
3328.19, 5126.253, or 5153.176 of the Revised Code. Except as 62553  
provided in division (A) (2) of this section, the board shall 62554  
contract with the office of the Ohio attorney general to conduct 62555  
any investigation of that nature. The board shall pay for the 62556  
costs of the contract only from moneys in the ~~state board of~~ 62557  
~~education licensure fund established under section 3319.51 of~~ 62558  
occupational licensing and regulatory fund established in 62559  
section 4743.05 of the Revised Code. Except as provided in 62560  
division (A) (2) of this section, all information received 62561  
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 62562  
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 62563  
information obtained during an investigation is confidential and 62564  
is not a public record under section 149.43 of the Revised Code. 62565  
If an investigation is conducted under this division regarding 62566  
information received about a person and no action is taken 62567

against the person under this section or section 3319.31 of the Revised Code within two years of the completion of the investigation, all records of the investigation shall be expunged.

(2) In the case of a person about whom the board has learned of a plea of guilty to, finding of guilt by a jury or court of, or a conviction of an offense listed in division (C) of section 3319.31 of the Revised Code, or substantially comparable conduct occurring in a jurisdiction outside this state, the board or the superintendent of public instruction need not conduct any further investigation and shall take the action required by division (C) or (F) of that section. Except as provided in division (G) of this section, all information obtained by the board or the superintendent of public instruction pertaining to the action is a public record under section 149.43 of the Revised Code.

(B) The superintendent of public instruction shall review the results of each investigation of a person conducted under division (A)(1) of this section and shall determine, on behalf of the state board, whether the results warrant initiating action under division (B) of section 3319.31 of the Revised Code. The superintendent shall advise the board of such determination at a meeting of the board. Within fourteen days of the next meeting of the board, any member of the board may ask that the question of initiating action under section 3319.31 of the Revised Code be placed on the board's agenda for that next meeting. Prior to initiating that action against any person, the person's name and any other personally identifiable information shall remain confidential.

(C) The board shall take no action against a person under

division (B) of section 3319.31 of the Revised Code without 62598  
providing the person with written notice of the charges and with 62599  
an opportunity for a hearing in accordance with Chapter 119. of 62600  
the Revised Code. 62601

(D) For purposes of an investigation under division (A) (1) 62602  
of this section or a hearing under division (C) of this section 62603  
or under division (E) (2) of section 3319.31 of the Revised Code, 62604  
the board, or the superintendent on behalf of the board, may 62605  
administer oaths, order the taking of depositions, issue 62606  
subpoenas, and compel the attendance of witnesses and the 62607  
production of books, accounts, papers, records, documents, and 62608  
testimony. The issuance of subpoenas under this division may be 62609  
by certified mail, regular mail with a certificate of mailing, 62610  
or other form of delivery with proof of delivery, including 62611  
electronic delivery with electronic proof of delivery, or 62612  
personal delivery to the person. 62613

(E) The superintendent, on behalf of the board, may enter 62614  
into a consent agreement with a person against whom action is 62615  
being taken under division (B) of section 3319.31 of the Revised 62616  
Code. The board may adopt rules governing the superintendent's 62617  
action under this division. 62618

(F) No surrender of a license shall be effective until the 62619  
board takes action to accept the surrender unless the surrender 62620  
is pursuant to a consent agreement entered into under division 62621  
(E) of this section. 62622

(G) The name of any person who is not required to report 62623  
information under section 3314.40, 3319.313, 3326.24, 3328.19, 62624  
5126.253, or 5153.176 of the Revised Code, but who in good faith 62625  
provides information to the state board or superintendent of 62626  
public instruction about alleged misconduct committed by a 62627

person who holds a license or has applied for issuance or 62628  
renewal of a license, shall be confidential and shall not be 62629  
released. Any such person shall be immune from any civil 62630  
liability that otherwise might be incurred or imposed for 62631  
injury, death, or loss to person or property as a result of the 62632  
provision of that information. 62633

(H) (1) No person shall knowingly make a false report to 62634  
the superintendent of public instruction or the state board of 62635  
education alleging misconduct by an employee of a public or 62636  
chartered nonpublic school or an employee of the operator of a 62637  
community school established under Chapter 3314. or a college- 62638  
preparatory boarding school established under Chapter 3328. of 62639  
the Revised Code. 62640

(2) (a) In any civil action brought against a person in 62641  
which it is alleged and proved that the person violated division 62642  
(H) (1) of this section, the court shall award the prevailing 62643  
party reasonable attorney's fees and costs that the prevailing 62644  
party incurred in the civil action or as a result of the false 62645  
report that was the basis of the violation. 62646

(b) If a person is convicted of or pleads guilty to a 62647  
violation of division (H) (1) of this section, if the subject of 62648  
the false report that was the basis of the violation was charged 62649  
with any violation of a law or ordinance as a result of the 62650  
false report, and if the subject of the false report is found 62651  
not to be guilty of the charges brought against the subject as a 62652  
result of the false report or those charges are dismissed, the 62653  
court that sentences the person for the violation of division 62654  
(H) (1) of this section, as part of the sentence, shall order the 62655  
person to pay restitution to the subject of the false report, in 62656  
an amount equal to reasonable attorney's fees and costs that the 62657



subject of the false report incurred as a result of or in 62658  
relation to the charges. 62659

**Sec. 3319.51.** ~~(A)(1)~~ (A) As used in this section, 62660  
"operating expenses" includes the cost of administering 62661  
requirements related to the issuance and renewal of licenses, 62662  
certificates, or permits described in this chapter and sections 62663  
3301.071 and 3301.074 of the Revised Code and any other cost 62664  
incurred by the state board of education to perform a duty 62665  
prescribed by law. 62666

(B) The state board of education shall annually establish 62667  
the amount of the fees required to be paid for any license, 62668  
certificate, or permit issued under this chapter or division (B) 62669  
of section 3301.071 or section 3301.074 of the Revised Code. 62670  
Except as provided in division ~~(A)(2)~~ (C) of this section, the 62671  
amount of these fees shall be such that they, along with any 62672  
appropriation made ~~to the fund established under division (B) of~~ 62673  
~~this section~~ by the general assembly, will be sufficient to 62674  
cover the annual estimated cost of administering the 62675  
~~requirements related to the issuance and renewal of licenses,~~ 62676  
~~certificates, and permits described in this chapter and sections~~ 62677  
~~3301.071 and 3301.074 of the Revised Code~~ operating expenses of 62678  
the state board. 62679

~~(2)~~ (C) The state board shall not require any fee to be 62680  
paid under division ~~(A)(1)~~ (B) of this section for a license, 62681  
certificate, or permit issued for the purpose of teaching in a 62682  
junior reserve officer training corps (JROTC) program approved 62683  
by the congress of the United States under title 10 of the 62684  
United States Code.— 62685

~~(B) There is hereby established in the state treasury the~~ 62686  
~~state board of education licensure fund, which shall be used by~~ 62687

~~the state board of education to pay the state board's operating expenses, including any cost incurred to perform a duty prescribed by law and the cost of administering requirements related to the issuance and renewal of licenses, certificates, and permits described in this chapter and sections 3301.071 and 3301.074 of the Revised Code. The fund shall consist of the amounts paid into the fund pursuant to division (B) of section 3301.071 and sections 3301.074 and 3319.29 of the Revised Code and any appropriations to the fund by the general assembly.~~

(D) The operating expenses of the state board shall be paid primarily from, and all license, certificate, or permit fees received by the state board shall be deposited in, the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

**Sec. 3320.04.** Each school district board of education shall adopt a policy that reasonably accommodates the sincerely held religious beliefs and practices of individual students with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system. The policy shall satisfy all of the following conditions:

(A) The policy shall permit a student in any of grades kindergarten through twelve to be absent for up to three religious expression days each school year to take holidays for reasons of faith or religious or spiritual belief system or participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization. The district shall not impose an academic penalty as a result of a student being absent as

permitted in the policy. The policy shall also permit students 62718  
to participate in interscholastic athletics or other 62719  
extracurricular activities on days in which the student was 62720  
otherwise absent for a religious expression day. 62721

(B) (1) The policy shall require that students be provided 62722  
with alternative accommodations with regard to examinations and 62723  
other academic requirements missed due to an absence described 62724  
in division (A) of this section if not later than fourteen 62725  
school days after the first day of school, or fourteen school 62726  
days after the date of enrollment for a student who transfers to 62727  
or enrolls in the district after the first day of school, the 62728  
parent or guardian of a student provides the school principal 62729  
with written notice of up to three specific dates for which 62730  
alternative accommodations are requested, if an absence approved 62731  
under division (B) (2) of this section conflicts with an 62732  
examination or other academic requirement on that date. 62733

(2) The school principal shall approve not more than three 62734  
written requests per school year from a student's parent or 62735  
guardian for an excused absence under division (A) of this 62736  
section. The school principal shall approve such requests 62737  
without inquiry into the sincerity of a student's religious or 62738  
spiritual belief system. However, the school principal may 62739  
verify a request received under division (A) of this section by 62740  
contacting the parent or guardian whose signature appears on the 62741  
request. If a parent or guardian disputes having signed such a 62742  
request, the school principal may deny the request. Upon 62743  
approval of a request that satisfies division (B) (1) of this 62744  
section, a school principal shall require the appropriate 62745  
classroom teacher or teachers to schedule a time and date for an 62746  
alternative examination or other academic requirement if the 62747  
approved student absence creates a conflict, which may be before 62748

or after the time and date the examination or other academic 62749  
requirement was originally scheduled. 62750

(C) The policy shall require the district board to post 62751  
both of the following in a prominent location on the district's 62752  
web site: 62753

(1) A copy of the policy adopted under this section, which 62754  
shall include the contact information of an individual who can 62755  
provide further information about the policy; 62756

(2) A nonexhaustive list of major religious holidays, 62757  
festivals, and religious observations, which may include, Eid, 62758  
Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which 62759  
an excused absence under this section shall not be unreasonably 62760  
withheld or denied. 62761

The director of education and workforce shall provide each 62762  
district with a nonexhaustive list of major religious holidays 62763  
or festivals for the next two school years, including Eid, Good 62764  
Friday, Rosh Hashanah, Yom Kippur, and Passover, at the 62765  
beginning of each school year. Each district may adopt the 62766  
director's list in its entirety or choose which holidays to 62767  
include on its list. 62768

Each time a district's policy is posted, printed, or 62769  
published, including as described in divisions (C) and (D) of 62770  
this section, the district shall include a statement that the 62771  
list is nonexhaustive, and the list may not be used to deny 62772  
accommodation to a student for a holiday or festival of the 62773  
student's faith or religious or spiritual belief system that 62774  
does not appear on the list. 62775

Nothing in this section, and no inclusion or exclusion of 62776  
a religious holiday or festival on the list posted by a 62777

district, shall preclude a student from full and reasonable accommodations for any sincerely held religious beliefs and practices with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system provided under this section.

(D) The policy shall require school districts annually to convey to parents and guardians the policy adopted under this section, including a description of the general procedure for requesting accommodations. The manner in which the school district conveys the information shall be determined at the discretion of the district.

(E) The policy shall include a procedure under which a student, parent, or guardian may notify the district of any grievance with regard to the implementation of the policy required under this section.

(F) Any days excused under this section shall not be considered in determining absence hours for the purposes of parental notification under ~~division (C)(1) of~~ section 3321.191 of the Revised Code.

**Sec. 3321.16.** (A) An attendance officer or assistant provided for by section 3321.14 or 3321.15 of the Revised Code may investigate any case of nonattendance at school or part-time school of a child under eighteen years of age or supposed to be under eighteen years of age resident in the district for which such attendance officer or assistant is employed, or of any such child found in the district or enrolled in any school within the district and of any child above eighteen years of age if enrolled in any school within the district, and may take such action as the superintendent of schools directs or as such attendance officer or assistant deems proper in the absence of

specific direction.

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(B) (1) Subject to divisions (B) (2) and (3) of this  
section, the attendance officer shall file a complaint in the  
juvenile court against ~~a student on the sixty-first day after~~  
~~the implementation of an absence intervention plan or other~~  
~~intervention strategies, provided that all~~ any student to which  
any of the following apply:

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(a) The student was absent without legitimate excuse from  
the public school the child is supposed to attend for thirty or  
more consecutive hours~~r~~.

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(b) The student was absent without legitimate excuse from  
the public school the child is supposed to attend for forty-two  
or more hours in one school month~~r or~~.

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(c) The student was absent without legitimate excuse from  
the public school the child is supposed to attend for seventy-  
two or more hours in a school year.

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~~(b) The school district or school has made meaningful~~  
~~attempts to re-engage the student through the absence~~  
~~intervention plan, other intervention strategies, and any~~  
~~offered alternatives to adjudication described under division~~  
~~(C) (2) (b) of section 3321.191 of the Revised Code.~~

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~~(c) The student has refused to participate in or failed to~~  
~~make satisfactory progress on the plan, as determined by the~~  
~~absence intervention team, or any offered intervention~~  
~~strategies or alternative to adjudication.~~

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(2) ~~If the student, at any time during the implementation~~  
~~phase of the absence intervention plan or other intervention~~  
~~strategies, is absent without legitimate excuse for thirty or~~  
~~more consecutive hours or forty-two or more hours in one school~~

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month, the attendance officer shall file a complaint in juvenile court against that student, unless the absence intervention team has determined that the student has made substantial progress on the absence intervention plan student's district or school determines that the student and the student's family are making satisfactory progress in improving the student's attendance at school, the attendance officer shall not file a complaint.

(3) ~~In the event that the sixty-first day after the implementation of the absence intervention plan or other intervention strategies falls on a day during the summer months, in the school district's discretion, the absence intervention team or the attendance officer may extend the implementation of the plan and delay the filing of the complaint for an additional thirty days from the first day of instruction of the next school year.~~  
If no determination of progress under division (B) (2) of this section is made, or if the student and the student's family cease to continue making progress in improving the student's attendance, the attendance officer shall file a complaint in the juvenile court against the student.

A complaint filed in the juvenile court under division (B) (3) of this section shall allege that the child is an unruly child for being a habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.

**Sec. 3321.19.** (A) As used in this section and section ~~3321.191~~ 3321.16 of the Revised Code, "habitual truant" has the same meaning as in section 2151.011 of the Revised Code.

(B) When a board of education of any city, exempted village, local, joint vocational, or cooperative education school district or the governing board of any educational

service center determines that a student in its district has 62867  
been truant and the parent, guardian, or other person having 62868  
care of the child has failed to cause the student's attendance 62869  
at school, the board may require the parent, guardian, or other 62870  
person having care of the child pursuant to division (B) of this 62871  
section to attend an educational program established pursuant to 62872  
rules adopted by the department of education and workforce for 62873  
the purpose of encouraging parental involvement in compelling 62874  
the attendance of the child at school. 62875

No parent, guardian, or other person having care of a 62876  
child shall fail without good cause to attend an educational 62877  
program described in this division if the parent, guardian, or 62878  
other person has been served notice pursuant to division (C) of 62879  
this section. 62880

(C) On the request of the superintendent of schools, the 62881  
superintendent of any educational service center, the board of 62882  
education of any city, exempted village, local, joint 62883  
vocational, or cooperative education school district, or the 62884  
governing board of any educational service center or when it 62885  
otherwise comes to the notice of the attendance officer or other 62886  
appropriate officer of the school district, the attendance 62887  
officer or other appropriate officer shall examine into any case 62888  
of supposed truancy within the district and shall warn the 62889  
child, if found truant, and the child's parent, guardian, or 62890  
other person having care of the child, in writing, of the legal 62891  
consequences of being truant. When any child of compulsory 62892  
school age, in violation of law, is not attending school, the 62893  
attendance or other appropriate officer shall notify the parent, 62894  
guardian, or other person having care of that child of the fact, 62895  
and require the parent, guardian, or other person to cause the 62896  
child to attend school immediately. The parent, guardian, or 62897



other person having care of the child shall cause the child's attendance at school. Upon the failure of the parent, guardian, or other person having care of the child to do so, the attendance officer or other appropriate officer, if so directed by the superintendent, the district board, or the educational service center governing board, shall send notice requiring the attendance of that parent, guardian, or other person at a parental education program established pursuant to division (B) of this section and, ~~subject to divisions (D) and (E) of this section,~~ may file a complaint against the parent, guardian, or other person having care of the child in any court of competent jurisdiction.

~~(D)(1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.~~

~~(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.~~

~~(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the Revised Code are satisfied.~~

**Sec. 3321.191.** (A) As used in this section, "chronically absent" means missing at least ten per cent of the minimum number of hours required in the school year under section 3313.48 of the Revised Code for the school a student attends.

(B) Not later than August 1, 2026, the board of education of each school district shall adopt a policy to address student absences. In developing the policy, the board shall consult with the juvenile court of the county or counties in which the district is located; the parents, guardians, or other persons having care of a student attending school in the district; and appropriate state and local agencies.

(C) The policy adopted under division (B) of this section shall do all of the following:

(1) Acknowledge that student absences from school for any reason, whether excused or unexcused, take away from instructional time and have an adverse effect on student

learning; 62959

(2) Identify strategies to prevent students from becoming 62960  
chronically absent; 62961

(3) Include procedures for notifying a student's parent, 62962  
guardian, or custodian when the student has been absent from 62963  
school for a number of hours determined by the board, which 62964  
number shall not exceed five per cent of the minimum number of 62965  
hours required in the school year under section 3313.48 of the 62966  
Revised Code for the school the student attends; 62967

(4) Establish a tiered system that provides more intensive 62968  
interventions and supports for students with greater numbers of 62969  
absences and includes resources to help students and their 62970  
families address the root causes of the absences; 62971

(5) Provide for one or more absence intervention teams to 62972  
work with students at risk of becoming chronically absent and 62973  
their families to improve the students' attendance at school; 62974

(6) Prohibit suspending, expelling, or otherwise 62975  
preventing a student from attending school based on the 62976  
student's absences as prescribed by section 3313.668 of the 62977  
Revised Code. 62978

(D) The policy shall align with any other district or 62979  
school improvement plan developed pursuant to state or federal 62980  
law. 62981

(E) A district or school may consult or partner with 62982  
public, nonprofit, or private entities to provide assistance as 62983  
appropriate to students and their families in reducing absences. 62984

**Sec. 3321.22.** ~~(A) Except as provided in division (B) of~~ 62985  
~~this section, if~~If a complaint is filed against the parent, 62986

guardian, or other person in charge of a child for a failure to 62987  
cause the child to attend school or a part-time school or class 62988  
and if the parent, guardian, or other person proves an inability 62989  
to do so, then the parent, guardian, or other person in charge 62990  
of a child shall be discharged. Upon the discharge, the 62991  
attendance officer shall file a complaint before the judge of 62992  
the juvenile court of the county alleging that the child is a 62993  
delinquent child, unruly child, or dependent child within the 62994  
meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 62995  
Code. The judge shall hear the complaint and if the judge 62996  
determines that the child is a delinquent, unruly, or dependent 62997  
child within one of those sections the judge shall deal with the 62998  
child according to section 2151.35 or 2151.36 of the Revised 62999  
Code. 63000

~~(B) Division (A) of this section does not apply regarding 63001~~  
~~a complaint filed under division (D) or (E) of section 3321.19 63002~~  
~~of the Revised Code or otherwise filed and alleging that a child 63003~~  
~~is an habitual truant. 63004~~

**Sec. 3323.25.** (A) As used in this section and section 63005  
3323.251 of the Revised Code: 63006

(1) "Dyslexia" means a specific learning disorder that is 63007  
neurological in origin and that is characterized by unexpected 63008  
difficulties with accurate or fluent word recognition and by 63009  
poor spelling and decoding abilities not consistent with the 63010  
person's intelligence, motivation, and sensory capabilities, 63011  
which difficulties typically result from a deficit in the 63012  
phonological component of language. 63013

(2) "Appropriate certification" means either of the 63014  
following: 63015

- (a) Certification at a certified level, or higher, from a research-based, structured literacy program; 63016  
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- (b) Any other certification as recognized by a majority vote of the Ohio dyslexia committee. 63018  
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- (B) (1) The department of education and workforce shall establish the Ohio dyslexia committee which shall consist of the following members: 63020  
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- (a) A school district superintendent appointed by the director of education and workforce; 63023  
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- (b) An elementary school principal appointed by the director; 63025  
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- (c) A classroom teacher appointed by the director. The teacher shall have an appropriate certification and at least two years of experience teaching in a structured literacy program. 63027  
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- (d) An educational service center employee appointed by the director. The employee shall have an appropriate certification. 63030  
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- (e) An employee of the department appointed by the director; 63033  
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- (f) A parent of a child with dyslexia or an adult with dyslexia appointed by the international dyslexia association in Ohio; 63035  
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- (g) An individual with experience in higher education and teacher preparation programs appointed by the chancellor of higher education. The individual appointed by the chancellor shall have an appropriate certification. 63038  
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63041
- (h) A board member of the international dyslexia 63042

association in Ohio appointed by the international dyslexia 63043  
association in Ohio. The board member shall have an appropriate 63044  
certification. 63045

(i) A school psychologist appointed by the director; 63046

(j) A reading intervention specialist appointed by the 63047  
director. The reading intervention specialist shall have an 63048  
appropriate certification. 63049

(k) A speech-language pathologist appointed by the state 63050  
speech and hearing professionals board. The speech-language 63051  
pathologist shall have an appropriate certification. 63052

(2) Each appointing authority shall determine a selection 63053  
process for the appointments under this section. Each appointing 63054  
authority that is not the director shall make and submit to the 63055  
department each appointment prescribed under this section. 63056  
Members of the committee shall serve at the pleasure of their 63057  
appointing authority. 63058

(3) An individual may be appointed to the committee 63059  
without required certification or experience if the appointing 63060  
authority determines that the individual has sufficient 63061  
experience in the individual's respective field. 63062

(4) The director shall convene the first meeting of the 63063  
committee within thirty days after nine members have been 63064  
appointed to the committee. At the first meeting, members of the 63065  
committee shall elect one of the members as chairperson. 63066

(5) The department shall provide facilities for the 63067  
meetings of the committee. 63068

(C) (1) Not later than December 31, 2021, the Ohio dyslexia 63069  
committee shall develop a guidebook regarding the best practices 63070

and methods for universal screening, intervention, and 63071  
remediation for children with dyslexia or children displaying 63072  
dyslexic characteristics and tendencies using a structured 63073  
literacy program. 63074

(2) The committee shall provide an opportunity for public 63075  
input when developing the guidebook, in the manner determined by 63076  
the committee. 63077

(3) Prior to its distribution, the guidebook shall be 63078  
subject to final approval by the department. 63079

(4) The guidebook shall be developed and issued to 63080  
districts and schools in an electronic format. After the initial 63081  
development of the guidebook, the Ohio dyslexia committee shall 63082  
update the guidebook as necessary. 63083

(D) The department, in collaboration with the Ohio 63084  
dyslexia committee, shall do all of the following: 63085

(1) Provide structured literacy program professional 63086  
development for teachers in evidence-based dyslexia screening 63087  
and intervention practices for the purposes of section 3319.077 63088  
of the Revised Code. 63089

(2) Assist school districts and other public schools in 63090  
establishing multidisciplinary teams to support the 63091  
identification, intervention, and remediation of dyslexia; 63092

(3) Develop reporting mechanisms for districts and schools 63093  
to submit to the department the information and data required in 63094  
the guidebook developed under this section; 63095

(4) Develop academic standards for kindergarten in reading 63096  
and writing that incorporate a structured literacy program; 63097

(5) Provide on the department's web site information about 63098

training for teachers about dyslexia that is available at 63099  
minimal or no cost. 63100

~~(E)~~ (E) (1) The department, in collaboration with the Ohio 63101  
dyslexia committee, shall identify reliable, valid, universal, 63102  
and evidence-based screening and intervention measures that 63103  
evaluate the literacy skills of students enrolled in grades 63104  
kindergarten through five using a structured literacy program. 63105

(2) The department shall identify a tier one dyslexia 63106  
screening measure that adheres to the technical criteria for 63107  
assessments as outlined in the Ohio dyslexia guidebook and 63108  
approved by the Ohio dyslexia committee not later than January 63109  
1, 2026, and make that screening measure available at no cost to 63110  
districts and schools. Beginning with the 2026-2027 school year, 63111  
districts and schools shall use the tier one screening measure 63112  
provided under this division to satisfy the screening 63113  
requirements prescribed under section 3323.251 of the Revised 63114  
Code. 63115

(F) The Ohio dyslexia committee may do any of the 63116  
following: 63117

(1) Recommend appropriate ratios in school buildings for 63118  
students to teachers who have received certification in 63119  
identifying and addressing dyslexia; 63120

(2) Recommend which other school personnel, including 63121  
school psychologists or speech-language pathologists, should 63122  
receive certification in identifying and addressing dyslexia; 63123

(3) Consider and make recommendations regarding whether 63124  
professional development required under section 3319.077 of the 63125  
Revised Code should require the completion of a practicum. 63126

**Sec. 3323.251.** (A) Each school district and other public 63127



school shall do all of the following: 63128

(1) ~~For the 2023-2024 school year, administer~~ Administer a 63129  
tier one dyslexia screening measure to a student to whom ~~either~~ 63130  
any of the following applies: 63131

(a) The student is enrolled in ~~any of grades kindergarten-~~ 63132  
~~through three, or the student transfers into the district or~~ 63133  
~~school midyear and is enrolled in any of grades kindergarten-~~ 63134  
~~through three. A screening measure~~ Not later than the twenty- 63135  
eighth day of February of each school year, a screening measure 63136  
shall be administered to ~~a student~~ each student enrolled in 63137  
kindergarten ~~after January 1, 2024, but prior to January 1,~~ 63138  
~~2025. The screening measure shall be administered to each~~ 63139  
student enrolled in kindergarten who transfers into the district 63140  
or school following the administration of a screening measure 63141  
for the student's class not later than twenty school days after 63142  
enrollment. 63143

(b) The student is enrolled in any of grades one through 63144  
three. Not later than the thirtieth day of September of each 63145  
school year, a screening measure shall be administered to 63146  
students enrolled in grades one through three. Each student 63147  
enrolled in any of grades one through three that transfers into 63148  
the district or school shall be administered the screening 63149  
measure not later than twenty school days after enrollment. 63150

(c) The student is enrolled in any of grades four through 63151  
six, or the student transfers into the district or school 63152  
~~midyear and is enrolled in any of grades four through six, and~~ 63153  
~~either of the following applies:~~ 63154

~~(i) The~~ the student's parent, guardian, ~~or~~ or 63155  
classroom teacher requests that the screening measure be 63156

administered to the student. The screening measure shall be 63157  
administered within twenty school days after receipt of the 63158  
request. 63159

~~(ii) A classroom teacher requests that the screening~~ 63160  
~~measure be administered to the student and the student's parent,~~ 63161  
~~guardian, or custodian grants permission for the screening~~ 63162  
~~measure to be administered.~~ 63163

~~A school district may implement the screening under~~ 63164  
~~division (A) (1) of this section prior to the 2023-2024 school~~ 63165  
~~year.~~ 63166

No district or school shall be required to administer a 63167  
tier one dyslexia screening measure under division (A) (1) of 63168  
this section to a student that transfers into the district or 63169  
school if the student's records indicate that such a screening 63170  
was administered to the student by the district or school from 63171  
which the student transferred during that same school year, 63172  
unless the screening measure is requested by the student's 63173  
parent, guardian, custodian, or classroom teacher. 63174

A screening measure administered under division (A) (1) of 63175  
this section shall be aligned to the grade level in which the 63176  
student is enrolled at the time the screening is administered. 63177

~~(2) For the 2024-2025 school year and each school year~~ 63178  
~~thereafter, administer a tier one dyslexia screening measure to~~ 63179  
~~a student to whom either of the following applies:~~ 63180

~~(a) A student enrolled in kindergarten, or a student who~~ 63181  
~~transfers into the district or school midyear and is enrolled in~~ 63182  
~~kindergarten. A screening measure shall be administered to a~~ 63183  
~~student after the first day of January of the school year in~~ 63184  
~~which the student is enrolled in kindergarten and prior to the~~ 63185

~~first day of January of the following school year.~~ 63186

~~(b) A student enrolled in any of grades one through six,~~ 63187  
~~or a student who transfers into the district or school midyear~~ 63188  
~~and is enrolled in any of grades one through six, if either of~~ 63189  
~~the following applies:—~~ 63190

~~(i) The student's parent, guardian, or custodian requests~~ 63191  
~~that the screening measure be administered to the student.~~ 63192

~~(ii) A classroom teacher requests that the screening~~ 63193  
~~measure be administered to the student and the student's parent,~~ 63194  
~~guardian, or custodian grants permission for the screening~~ 63195  
~~measure to be administered.~~ 63196

~~A district or school may administer a tier two dyslexia~~ 63197  
~~screening measure to a student to whom the district or school~~ 63198  
~~administers a tier one screening measure under division (A)(1)~~ 63199  
~~or (2) of this section. In that case, a district or school shall~~ 63200  
~~not be required to complete division (A)(4) of this section.~~ 63201

~~A screening measure administered under division (A)(2) of~~ 63202  
~~this section shall be aligned to the grade level in which the~~ 63203  
~~student is enrolled at the time the screening is administered.~~ 63204

~~(3) Identify each student that is at risk of dyslexia~~ 63205  
~~based on the student's results on the tier one screening measure~~ 63206  
~~and notify the student's parent, guardian, or custodian that the~~ 63207  
~~student has been identified as being at risk within thirty days~~ 63208  
~~following the administration of the screening measure.~~ 63209

~~(4) Monitor the progress of each at-risk student toward~~ 63210  
~~attaining grade-level reading and writing skills for up to six~~ 63211  
~~weeks. The district or school shall check each at-risk student's~~ 63212  
~~progress on at least the second week, fourth week, and sixth~~ 63213  
~~week after the student is identified as being at risk. If no~~ 63214

~~progress is observed during the monitoring period, the district or school shall notify the parent, guardian, or custodian of the student and administer a tier two dyslexia screening measure to the student~~ 63215  
63216  
63217  
63218

(3) Not later than thirty days following notification 63219  
under division (A) (2) of this section, administer an 63220  
intervention-based diagnostic assessment to a student identified 63221  
as being at risk. 63222

~~(5)~~ (4) Report to a student's parent or guardian the 63223  
student's results ~~on a tier two screening measure approved by~~ 63224  
~~the Ohio dyslexia committee on an intervention-based diagnostic~~ 63225  
~~assessment within thirty-fourteen days after the measure's~~ 63226  
~~assessment's~~ administration. If, as determined by the ~~tier two~~ 63227  
~~screening measure~~ intervention-based diagnostic assessment, the 63228  
student is identified as having dyslexia ~~tendencies~~ markers, the 63229  
student's parent or guardian shall be provided with information 63230  
about reading development, the risk factors for dyslexia, and 63231  
descriptions for evidenced-based interventions. 63232

~~(6)~~ (5) If a student demonstrates markers for dyslexia, 63233  
provide the student's parents or guardian with a written 63234  
explanation of the district or school's structured literacy 63235  
program. 63236

~~(B) (1) In the case of a transfer student described in~~ 63237  
~~division (A) (1) or (2) of this section, the following apply:~~ 63238

~~(a) If the student is enrolled in kindergarten, a tier one~~ 63239  
~~dyslexia screening measure shall be administered to the student~~ 63240  
~~during the school's regularly scheduled screening of the~~ 63241  
~~kindergarten class or within thirty days after the student's~~ 63242  
~~enrollment if so required under this section, or within thirty~~ 63243

~~days after the student's parent, guardian, or custodian requests~~ 63244  
~~the screening or grants permission for a screening.~~ 63245

~~(b) If the student is enrolled in any of grades one~~ 63246  
~~through six, a tier one dyslexia screening measure shall be~~ 63247  
~~administered to the student within thirty days after the~~ 63248  
~~student's enrollment if so required under this section, or~~ 63249  
~~within thirty days after the student's parent, guardian, or~~ 63250  
~~custodian requests the screening under division (A) (1) (b) (i) or~~ 63251  
~~(A) (2) (b) (i) of this section or grants permission for the~~ 63252  
~~screening under division (A) (1) (b) (ii) or (A) (2) (b) (ii) of this~~ 63253  
~~section.~~ 63254

~~(c) No district or school shall be required to administer~~ 63255  
~~a tier one dyslexia screening measure to a student who transfers~~ 63256  
~~into the district or school midyear if the student's records~~ 63257  
~~indicate that such a screening was administered to the student~~ 63258  
~~by the district or school from which the student transferred~~ 63259  
~~during that school year.~~ 63260

~~(2) If a student is identified as being at risk of~~ 63261  
~~dyslexia under division (B) (1) of this section, the district or~~ 63262  
~~school shall administer a tier two screening measure in a timely~~ 63263  
~~manner.~~ 63264

~~(C)~~ (6) Initiate structured literacy instruction and 63265  
interventions and monitor the progress of each student that was 63266  
identified as having dyslexia markers to ensure the student is 63267  
moving toward attaining grade-level reading and writing skills. 63268  
Regular and ongoing progress monitoring, the intensity of 63269  
structured literacy instruction needed for each student, and 63270  
data analysis of student progress shall be determined by 63271  
multidisciplinary teams as outlined in division (B) (3) of this 63272  
section, in consultation with practices as outlined in Ohio's 63273

dyslexia guidebook. Nothing in this section shall be construed 63274  
to limit, restrict, delay, or otherwise deter a student- or 63275  
district-level team from suspecting a disability or otherwise 63276  
referring a student for an evaluation for special education 63277  
eligibility under section 3323.03 of the Revised Code. 63278

(B) Each district or school shall do all of the following: 63279

(1) Comply with any provisions that are statutorily 63280  
required, as they pertain to the guidebook developed under 63281  
division (C) of section 3323.25 of the Revised Code; 63282

(2) Select screening and intervention measures to 63283  
administer to students from the measures identified under 63284  
division (E) of section 3323.25 of the Revised Code; 63285

(3) Establish and maintain a multidisciplinary team to 63286  
administer screening and intervention measures and analyze the 63287  
results of the measures. The team shall include trained and 63288  
certified personnel and a stakeholder with expertise in the 63289  
identification, intervention, and remediation of dyslexia. 63290

(4) Report to the department of education and workforce 63291  
the results of screening measures administered under this 63292  
section. 63293

In addition, districts and schools ~~may~~ shall utilize any 63294  
best practices and recommendations contained in the guidebook 63295  
developed under division (C) of section 3323.25 of the Revised 63296  
Code. 63297

**Sec. 3323.32.** ~~(A)~~—The department of education and 63298  
workforce shall contract with an entity to administer programs 63299  
and coordinate services for infants, preschool and school-age 63300  
children, and adults with autism and low incidence disabilities. 63301  
The entity shall be selected by the director of education and 63302

workforce in consultation with the director of children and 63303  
youth and the advisory board established under section 3323.33 63304  
of the Revised Code. 63305

When applicable, the department of children and youth 63306  
shall contract with an entity to administer programs and 63307  
coordinate services for infants, preschool and school-age 63308  
children, and adults with autism and low incidence disabilities. 63309  
The entity shall be selected by the director of children and 63310  
youth in consultation with the director of education and 63311  
workforce and the advisory board established under section 63312  
3323.33 of the Revised Code. 63313

~~The contract with the entity selected~~ Any contract entered 63314  
into under this section shall include, but not be limited to, 63315  
the following provisions: 63316

~~(1)~~ (A) A description of the programs to be administered 63317  
and services to be provided or coordinated by the entity, which 63318  
shall include at least the duties prescribed by sections 3323.34 63319  
and 3323.35 of the Revised Code; 63320

~~(2)~~ (B) A description of the expected outcomes from the 63321  
programs administered and services provided or coordinated by 63322  
the entity; 63323

~~(3)~~ (C) A stipulation that the entity's performance is 63324  
subject to evaluation by the contracting department and renewal 63325  
of the entity's contract is subject to the department's 63326  
satisfaction with the entity's performance; 63327

~~(4)~~ (D) A description of the measures and milestones the 63328  
contracting department will use to determine whether the 63329  
performance of the entity is satisfactory; 63330

~~(5)~~ (E) Any other provision the contracting department 63331

determines is necessary to ensure the quality of services to 63332  
individuals with autism and low incidence disabilities. 63333

~~(B) In selecting the entity under division (A) of this 63334  
section, the director of education and workforce, the director 63335  
of children and youth, and the advisory board shall give primary 63336  
consideration to the Ohio Center for Autism and Low Incidence, 63337  
established under section 3323.31 of the Revised Code, as long 63338  
as the principal goals and mission of the Center, as determined 63339  
by the director, the director, and the advisory board, are 63340  
consistent with the requirements of divisions (A) (1) to (5) of 63341  
this section. 63342~~

**Sec. 3325.08.** (A) A diploma shall be granted by the 63343  
superintendent of Ohio deaf and blind education services to any 63344  
student enrolled in the state school for the blind or the state 63345  
school for the deaf to whom all of the following apply: 63346

(1) The student has successfully completed the curriculum 63347  
in any high school or the individualized education program 63348  
developed for the student for the student's high school 63349  
education pursuant to section 3323.08 of the Revised Code; 63350

(2) Subject to section 3313.614 of the Revised Code, the 63351  
student has met the assessment requirements of division (A) (2) 63352  
(a) or (b) of this section, as applicable. 63353

(a) If the student entered the ninth grade prior to July 63354  
1, 2014, the student either: 63355

(i) Has attained at least the applicable scores designated 63356  
under division (B) (1) of section 3301.0710 of the Revised Code 63357  
on all the assessments prescribed by that division unless 63358  
division (L) of section 3313.61 of the Revised Code applies to 63359  
the student; 63360



(ii) Has satisfied the alternative conditions prescribed 63361  
in section 3313.615 of the Revised Code. 63362

(b) If the student entered the ninth grade on or after 63363  
July 1, 2014, the student has met the requirement prescribed by 63364  
section 3313.618 of the Revised Code, except to the extent that 63365  
division (L) of section 3313.61 of the Revised Code applies to 63366  
the student. 63367

(3) The student is not eligible to receive an honors 63368  
diploma granted pursuant to division (B) of this section. 63369

No diploma shall be granted under this division to anyone 63370  
except as provided under this division. 63371

(B) In lieu of a diploma granted under division (A) of 63372  
this section, the superintendent of Ohio deaf and blind 63373  
education services shall grant an honors diploma, in the same 63374  
manner that the boards of education of school districts grant 63375  
such diplomas under division (B) of section 3313.61 of the 63376  
Revised Code, to any student enrolled in the state school for 63377  
the blind or the state school for the deaf who accomplishes all 63378  
of the following: 63379

(1) Successfully completes the curriculum in any high 63380  
school or the individualized education program developed for the 63381  
student for the student's high school education pursuant to 63382  
section 3323.08 of the Revised Code; 63383

(2) Subject to section 3313.614 of the Revised Code, has 63384  
met the assessment requirements of division (B) (2) (a) or (b) of 63385  
this section, as applicable. 63386

(a) If the student entered the ninth grade prior to July 63387  
1, 2014, the student either: 63388

(i) Has attained at least the applicable scores designated 63389  
under division (B) (1) of section 3301.0710 of the Revised Code 63390  
on all the assessments prescribed under that division; 63391

(ii) Has satisfied the alternative conditions prescribed 63392  
in section 3313.615 of the Revised Code. 63393

(b) If the student entered the ninth grade on or after 63394  
July 1, 2014, the student has met the requirement prescribed by 63395  
section 3313.618 of the Revised Code. 63396

(3) Has met additional criteria for granting an honors 63397  
diploma. 63398

These additional criteria shall be the same as those 63399  
prescribed by the ~~state board~~ department of education and 63400  
workforce under division (B) of section 3313.61 of the Revised 63401  
Code for the granting of such diplomas by school districts. No 63402  
honors diploma shall be granted to anyone failing to comply with 63403  
this division and not more than one honors diploma shall be 63404  
granted to any student under this division. 63405

(C) A diploma or honors diploma awarded under this section 63406  
shall be signed by the director of education and workforce and 63407  
the superintendent of Ohio deaf and blind education services. 63408  
Each diploma shall bear the date of its issue and be in such 63409  
form as the superintendent of Ohio deaf and blind education 63410  
services prescribes. 63411

(D) Upon granting a diploma to a student under this 63412  
section, the superintendent of Ohio deaf and blind education 63413  
services shall provide notice of receipt of the diploma to the 63414  
board of education of the school district where the student is 63415  
entitled to attend school under section 3313.64 or 3313.65 of 63416  
the Revised Code when not residing at the state school for the 63417

blind or the state school for the deaf. The notice shall 63418  
indicate the type of diploma granted. 63419

**Sec. 3325.16.** There is hereby created in the state 63420  
treasury the state school for the deaf educational program 63421  
expenses fund. Moneys received by Ohio deaf and blind education 63422  
services for the state school for the deaf from donations, 63423  
bequests, student fundraising activities, fees charged for camps 63424  
and workshops, gate receipts from athletic contests, and the 63425  
student work experience program operated by the school, and any 63426  
other moneys designated for deposit in the fund by the 63427  
superintendent of Ohio deaf and blind education services, shall 63428  
be credited to the fund. All investment earnings on money in the 63429  
fund shall be credited to the fund. Notwithstanding section 63430  
3325.01 of the Revised Code, the approval of the department of 63431  
education and workforce is not required to designate money for 63432  
deposit into the fund. Ohio deaf and blind education services 63433  
shall use moneys in the fund for educational programs, after- 63434  
school activities, and expenses associated with student 63435  
activities and clubs at the state school for the deaf. 63436

**Sec. 3325.17.** There is hereby created in the state 63437  
treasury the state school for the blind educational program 63438  
expense fund. Moneys received by Ohio deaf and blind education 63439  
services for the state school for the blind from donations, 63440  
bequests, student fundraising activities, fees charged for 63441  
camps, workshops, and summer work and learn cooperative 63442  
programs, gate receipts from school activities, and any other 63443  
moneys designated for deposit in the fund by the superintendent 63444  
of Ohio deaf and blind education services, shall be credited to 63445  
the fund. All investment earnings on money in the fund shall be 63446  
credited to the fund. Notwithstanding section 3325.01 of the 63447  
Revised Code, the approval of the department of education and 63448

workforce is not required to designate money for deposit into 63449  
the fund. Ohio deaf and blind education services shall use 63450  
moneys in the fund for educational programs, after-school 63451  
activities, and expenses associated with student activities at 63452  
the state school for the blind. 63453

Sec. 3326.092. The governing body of each each science, 63454  
technology, engineering, and mathematics school established 63455  
under this chapter annually shall provide instruction to 63456  
students in the grade levels the school serves about how short- 63457  
term or chronic substance use, as defined in section 3313.6034 63458  
of the Revised Code, to alter one's mood is harmful to an 63459  
individual's health. Each governing body shall do all of the 63460  
following with regard to the instruction: 63461

(A) Determine the manner in which the instruction is 63462  
provided to students; 63463

(B) Ensure the instruction is age and developmentally 63464  
appropriate; 63465

(C) Conform the instruction to prevention best-practice 63466  
frameworks; 63467

(D) Focus the instruction on addressing changes in 63468  
knowledge, attitude, and skills as a child develops. 63469

Sec. 3326.11. Each science, technology, engineering, and 63470  
mathematics school established under this chapter and its 63471  
governing body shall comply with sections 9.90, 9.91, 109.65, 63472  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 63473  
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 63474  
3302.131, 3302.132, 3313.14, 3313.15, 3313.16, 3313.18, 63475  
3313.201, 3313.26, 3313.472, 3313.473, 3313.474, 3313.48, 63476  
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 63477

3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 63478  
3313.6021, 3313.6023, 3313.6024, 3313.6026, 3313.6028, 63479  
3313.6029, 3313.6031, 3313.6035, 3313.61, 3313.611, 3313.614, 63480  
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3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 63488  
3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 63489  
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3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 63491  
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 63492  
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 63493  
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 63494  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 63495  
as if it were a school district. 63496

**Sec. 3326.44.** For fiscal years ~~2024–2026~~ and ~~2025~~2027, a 63497  
STEM school shall spend the funding it receives under division 63498  
(A) (5) of section 3317.022 of the Revised Code only for services 63499  
for English learners. 63500

**Sec. 3327.08.** Boards of education of city school 63501  
districts, local school districts, exempted village school 63502  
districts, cooperative education school districts, and joint 63503  
vocational school districts and governing boards of educational 63504  
service centers may purchase on individual contract school 63505  
buses, including multifunction school activity buses, and other 63506  
equipment used in transporting children to and from school and 63507  
to other functions as authorized by the boards, or the boards, 63508

at their discretion, may purchase the buses and equipment 63509  
through any system of centralized purchasing established by the 63510  
department of education and workforce for that purpose, provided 63511  
that state subsidy payments shall be based on the amount of the 63512  
lowest price available to the boards by either method of 63513  
purchase. No board shall be deprived of any form of state 63514  
assistance in the purchase of buses and equipment by reason of 63515  
purchases of buses and equipment on an individual contract. 63516

The purchase of school buses and multifunction school 63517  
activity buses shall be made only after competitive bidding in 63518  
accordance with section 3313.46 of the Revised Code. All bids 63519  
shall state that the buses, prior to delivery, will comply with 63520  
the safety rules of the department of public safety adopted 63521  
pursuant to section 4511.76 of the Revised Code and all other 63522  
pertinent provisions of law. 63523

At no time shall bid bonds be required for the purchase of 63524  
school buses and multifunction school activity buses, unless the 63525  
district board or educational service center governing board 63526  
requests that bid bonds be part of the competitive bidding 63527  
process for a specified purchase. 63528

**Sec. 3327.10.** (A) Except as provided in division (L) of 63529  
this section, no person shall be employed as driver of a school 63530  
bus or motor van, owned and operated by any school district or 63531  
educational service center or privately owned and operated under 63532  
contract with any school district or service center in this 63533  
state, who has not received a certificate from either the 63534  
educational service center governing board that has entered into 63535  
an agreement with the school district under section 3313.843 or 63536  
3313.845 of the Revised Code or the superintendent of the school 63537  
district, certifying that such person is at least eighteen years 63538

of age and is qualified physically and otherwise for such 63539  
position. The service center governing board or the 63540  
superintendent, as the case may be, shall provide for an annual 63541  
physical examination that conforms with rules adopted by the 63542  
department of education and workforce of each driver to 63543  
ascertain the driver's physical fitness for such employment. The 63544  
examination shall be performed by one of the following: 63545

(1) A person licensed under Chapter 4731. or 4734. of the 63546  
Revised Code or by another state to practice medicine and 63547  
surgery, osteopathic medicine and surgery, or chiropractic; 63548

(2) A physician assistant; 63549

(3) A certified nurse practitioner; 63550

(4) A clinical nurse specialist; 63551

(5) A certified nurse-midwife; 63552

(6) A medical examiner who is listed on the national 63553  
registry of certified medical examiners established by the 63554  
federal motor carrier safety administration in accordance with 63555  
49 C.F.R. part 390. 63556

Any certificate may be revoked by the authority granting 63557  
the same on proof that the holder has been guilty of failing to 63558  
comply with division (D)(1) of this section, or upon a 63559  
conviction or a guilty plea for a violation, or any other 63560  
action, that results in a loss or suspension of driving rights. 63561  
Failure to comply with such division may be cause for 63562  
disciplinary action or termination of employment under division 63563  
(C) of section 3319.081, or section 124.34 of the Revised Code. 63564

(B) Except as provided in division (L) of this section, no 63565  
person shall be employed as driver of a school bus or motor van 63566

not subject to the rules of the department pursuant to division 63567  
(A) of this section who has not received a certificate from the 63568  
school administrator or contractor certifying that such person 63569  
is at least eighteen years of age and is qualified physically 63570  
and otherwise for such position. Each driver shall have an 63571  
annual physical examination which conforms to the state highway 63572  
patrol rules, ascertaining the driver's physical fitness for 63573  
such employment. The examination shall be performed by one of 63574  
the following: 63575

(1) A person licensed under Chapter 4731. or 4734. of the 63576  
Revised Code or by another state to practice medicine and 63577  
surgery, osteopathic medicine and surgery, or chiropractic; 63578

(2) A physician assistant; 63579

(3) A certified nurse practitioner; 63580

(4) A clinical nurse specialist; 63581

(5) A certified nurse-midwife; 63582

(6) A medical examiner who is listed on the national 63583  
registry of certified medical examiners established by the 63584  
federal motor carrier safety administration in accordance with 63585  
49 C.F.R. part 390. 63586

Any written documentation of the physical examination 63587  
shall be completed by the individual who performed the 63588  
examination. 63589

Any certificate may be revoked by the authority granting 63590  
the same on proof that the holder has been guilty of failing to 63591  
comply with division (D) (2) of this section. 63592

(C) Any person who drives a school bus or motor van must 63593  
give satisfactory and sufficient bond except a driver who is an 63594



employee of a school district and who drives a bus or motor van 63595  
owned by the school district. 63596

(D) No person employed as driver of a school bus or motor 63597  
van under this section who is convicted of a traffic violation 63598  
or who has had the person's commercial driver's license 63599  
suspended shall drive a school bus or motor van until the person 63600  
has filed a written notice of the conviction or suspension, as 63601  
follows: 63602

(1) If the person is employed under division (A) of this 63603  
section, the person shall file the notice with the 63604  
superintendent, or a person designated by the superintendent, of 63605  
the school district for which the person drives a school bus or 63606  
motor van as an employee or drives a privately owned and 63607  
operated school bus or motor van under contract. 63608

(2) If employed under division (B) of this section, the 63609  
person shall file the notice with the employing school 63610  
administrator or contractor, or a person designated by the 63611  
administrator or contractor. 63612

(E) In addition to resulting in possible revocation of a 63613  
certificate as authorized by divisions (A) and (B) of this 63614  
section, violation of division (D) of this section is a minor 63615  
misdemeanor. 63616

(F) (1) Not later than thirty days after June 30, 2007, 63617  
each owner of a school bus or motor van shall obtain the 63618  
complete driving record for each person who is currently 63619  
employed or otherwise authorized to drive the school bus or 63620  
motor van. An owner of a school bus or motor van shall not 63621  
permit a person to operate the school bus or motor van for the 63622  
first time before the owner has obtained the person's complete 63623

driving record. Thereafter, the owner of a school bus or motor 63624  
van shall obtain the person's driving record not less frequently 63625  
than semiannually if the person remains employed or otherwise 63626  
authorized to drive the school bus or motor van. An owner of a 63627  
school bus or motor van shall not permit a person to resume 63628  
operating a school bus or motor van, after an interruption of 63629  
one year or longer, before the owner has obtained the person's 63630  
complete driving record. 63631

(2) The owner of a school bus or motor van shall not 63632  
permit a person to operate the school bus or motor van for ten 63633  
years after the date on which the person pleads guilty to or is 63634  
convicted of a violation of section 4511.19 of the Revised Code 63635  
or a substantially equivalent municipal ordinance. 63636

(3) An owner of a school bus or motor van shall not permit 63637  
any person to operate such a vehicle unless the person meets all 63638  
other requirements contained in rules adopted by the department 63639  
prescribing qualifications of drivers of school buses and other 63640  
student transportation. 63641

(G) No superintendent of a school district, educational 63642  
service center, community school, or public or private employer 63643  
shall permit the operation of a vehicle used for pupil 63644  
transportation within this state by an individual unless both of 63645  
the following apply: 63646

(1) Information pertaining to that driver has been 63647  
submitted to the department, pursuant to procedures adopted by 63648  
that department. Information to be reported shall include the 63649  
name of the employer or school district, name of the driver, 63650  
driver license number, date of birth, date of hire, status of 63651  
physical evaluation, and status of training. 63652

(2) The most recent criminal records check required by 63653  
division (J) of this section has been completed and received by 63654  
the superintendent or public or private employer. 63655

(H) A person, school district, educational service center, 63656  
community school, nonpublic school, or other public or nonpublic 63657  
entity that owns a school bus or motor van, or that contracts 63658  
with another entity to operate a school bus or motor van, may 63659  
impose more stringent restrictions on drivers than those 63660  
prescribed in this section, in any other section of the Revised 63661  
Code, and in rules adopted by the department. 63662

(I) For qualified drivers who, on July 1, 2007, are 63663  
employed by the owner of a school bus or motor van to drive the 63664  
school bus or motor van, any instance in which the driver was 63665  
convicted of or pleaded guilty to a violation of section 4511.19 63666  
of the Revised Code or a substantially equivalent municipal 63667  
ordinance prior to two years prior to July 1, 2007, shall not be 63668  
considered a disqualifying event with respect to division (F) of 63669  
this section. 63670

(J) (1) This division applies to persons hired by a school 63671  
district, educational service center, community school, 63672  
chartered nonpublic school, or science, technology, engineering, 63673  
and mathematics school established under Chapter 3326. of the 63674  
Revised Code to operate a vehicle used for pupil transportation. 63675

(a) For each person to whom this division applies who is 63676  
hired on or after November 14, 2007, the employer shall request 63677  
a criminal records check in accordance with section 3319.39 of 63678  
the Revised Code and every six years thereafter. 63679

(b) For each person to whom this division applies who is 63680  
hired prior to November 14, 2007, the employer shall request a 63681

criminal records check by a date prescribed by the department 63682  
and every six years thereafter. 63683

(c) If, on ~~the effective date of this amendment~~ October 3, 63684  
2023, the most recent criminal records check requested for a 63685  
person to whom division (J)(1) of this section applies was 63686  
completed more than one year prior to that date or does not 63687  
include information gathered pursuant to division (A) of section 63688  
109.57 of the Revised Code, the employer shall request a new 63689  
criminal records check that includes information gathered 63690  
pursuant to division (A) of section 109.57 of the Revised Code 63691  
by a date prescribed by the state board of education and every 63692  
six years thereafter. 63693

(2) This division applies to persons hired by a public or 63694  
private employer not described in division (J)(1) of this 63695  
section to operate a vehicle used for pupil transportation. 63696

(a) For each person to whom this division applies who is 63697  
hired on or after November 14, 2007, the employer shall request 63698  
a criminal records check prior to the person's hiring and every 63699  
six years thereafter. 63700

(b) For each person to whom this division applies who is 63701  
hired prior to November 14, 2007, the employer shall request a 63702  
criminal records check by a date prescribed by the department 63703  
and every six years thereafter. 63704

(c) If, on ~~the effective date of this amendment~~ October 3, 63705  
2023, the most recent criminal records check requested for a 63706  
person to whom division (J)(2) of this section applies was 63707  
completed more than one year prior to that date or does not 63708  
include information gathered pursuant to division (A) of section 63709  
109.57 of the Revised Code, the employer shall request a new 63710

criminal records check that includes information gathered 63711  
pursuant to division (A) of section 109.57 of the Revised Code 63712  
by a date prescribed by the state board and every six years 63713  
thereafter. 63714

(3) Each request for a criminal records check under 63715  
division (J) of this section shall be made to the superintendent 63716  
of the bureau of criminal identification and investigation in 63717  
the manner prescribed in section 3319.39 of the Revised Code, 63718  
except that if both of the following conditions apply to the 63719  
person subject to the records check, the employer shall request 63720  
the superintendent only to obtain any criminal records that the 63721  
federal bureau of investigation has on the person: 63722

(a) The employer previously requested the superintendent 63723  
to determine whether the bureau of criminal identification and 63724  
investigation has any information, gathered pursuant to division 63725  
(A) of section 109.57 of the Revised Code, on the person in 63726  
conjunction with a criminal records check requested under 63727  
section 3319.39 of the Revised Code or under division (J) of 63728  
this section. 63729

(b) The person presents proof that the person has been a 63730  
resident of this state for the five-year period immediately 63731  
prior to the date upon which the person becomes subject to a 63732  
criminal records check under this section. 63733

Upon receipt of a request, the superintendent shall 63734  
conduct the criminal records check in accordance with section 63735  
109.572 of the Revised Code as if the request had been made 63736  
under section 3319.39 of the Revised Code. However, as specified 63737  
in division (B) (2) of section 109.572 of the Revised Code, if 63738  
the employer requests the superintendent only to obtain any 63739  
criminal records that the federal bureau of investigation has on 63740

the person for whom the request is made, the superintendent 63741  
shall not conduct the review prescribed by division (B) (1) of 63742  
that section. 63743

(4) Notwithstanding anything in the Revised Code to the 63744  
contrary, the bureau of criminal identification and 63745  
investigation shall make the initial criminal records check 63746  
requested of a person by an employer under division (J) (1) or 63747  
(2) of this section on or after ~~the effective date of this~~ 63748  
~~amendment~~ October 3, 2023, available to the state board of 63749  
education. The state board shall use the information received to 63750  
enroll the person in the retained applicant fingerprint 63751  
database, established under section 109.5721 of the Revised 63752  
Code, in the same manner as any teacher licensed under sections 63753  
3319.22 to 3319.31 of the Revised Code. If the state board is 63754  
unable to enroll the person in the retained applicant 63755  
fingerprint database because the person has not satisfied the 63756  
requirements for enrollment, the state board shall notify the 63757  
employer that the person has not satisfied the requirements for 63758  
enrollment. However, the bureau shall not be required to make 63759  
available to the state board the criminal records check of any 63760  
person who is already enrolled in the retained applicant 63761  
fingerprint database on the date the person's employer requests 63762  
a records check of the person under division (J) (1) or (2) of 63763  
this section. 63764

If the state board receives notification of the arrest, 63765  
guilty plea, or conviction of a person who is subject to this 63766  
section, the state board shall promptly notify the person's 63767  
employer in accordance with division (B) of section 3319.316 of 63768  
the Revised Code. 63769

(K) (1) Until the effective date of the amendments to rule 63770

3301-83-23 of the Ohio Administrative Code required by the 63771  
second paragraph of division (E) of section 3319.39 of the 63772  
Revised Code, any person who is the subject of a criminal 63773  
records check under division (J) of this section and has been 63774  
convicted of or pleaded guilty to any offense described in 63775  
division (B)(1) of section 3319.39 of the Revised Code shall not 63776  
be hired or shall be released from employment, as applicable, 63777  
unless the person meets the rehabilitation standards prescribed 63778  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 63779  
Administrative Code. 63780

(2) Beginning on the effective date of the amendments to 63781  
rule 3301-83-23 of the Ohio Administrative Code required by the 63782  
second paragraph of division (E) of section 3319.39 of the 63783  
Revised Code, any person who is the subject of a criminal 63784  
records check under division (J) of this section and has been 63785  
convicted of or pleaded guilty to any offense that, under the 63786  
rule, disqualifies a person for employment to operate a vehicle 63787  
used for pupil transportation shall not be hired or shall be 63788  
released from employment, as applicable, unless the person meets 63789  
the rehabilitation standards prescribed by the rule. 63790

(L) The superintendent of a school district or an 63791  
educational service center governing board shall issue a 63792  
certificate as a driver of a school bus or motor van or a 63793  
certificate to operate a vehicle used for pupil transportation 63794  
in accordance with Chapter 4796. of the Revised Code to an 63795  
applicant if either of the following applies: 63796

(1) The applicant holds a certificate in another state. 63797

(2) The applicant has satisfactory work experience, a 63798  
government certification, or a private certification as 63799  
described in that chapter as a school bus or motor van driver or 63800

a pupil transportation vehicle operator in a state that does not 63801  
issue one or both of those certificates. 63802

(M) As used in this section, "school bus" includes a 63803  
multifunction school activity bus, as defined in section 4511.01 63804  
of the Revised Code. 63805

Sec. 3327.18. (A) The director of education and workforce 63806  
shall establish a workgroup on student transportation. The 63807  
workgroup shall consist of members selected by the director and 63808  
shall include representatives from each of the following: 63809

(1) The chairpersons of the standing committees of the 63810  
house of representatives and the senate that consider primary 63811  
and secondary education legislation; 63812

(2) The ranking members of the standing committees of the 63813  
house of representatives and the senate that consider primary 63814  
and secondary education legislation; 63815

(3) School districts, including districts from rural, 63816  
small town, suburban, and urban typologies; 63817

(4) Career-technical education centers; 63818

(5) Educational service centers; 63819

(6) Community schools established under Chapter 3314. of 63820  
the Revised Code; 63821

(7) Chartered nonpublic schools; 63822

(8) The Ohio association for pupil transportation. 63823

(B) The workgroup annually shall monitor and review the 63824  
student transportation system and develop recommendations for 63825  
changes to better meet the transportation needs of Ohio 63826  
students. 63827



(C) Not later than June 30, 2026, and annually thereafter, 63828  
the workgroup shall submit to the governor and the general 63829  
assembly, in accordance with section 101.68 of the Revised Code, 63830  
a report on its findings and recommendations for the year. 63831

**Sec. 3328.16.** (A) Each college-preparatory boarding school 63832  
established under this chapter shall have a designated fiscal 63833  
officer. The auditor of state department of education and 63834  
workforce may require by rule that the fiscal officer of any 63835  
college-preparatory boarding school, before entering upon duties 63836  
as fiscal officer, execute a bond in an amount and with surety 63837  
to be approved by the school's board of trustees, payable to the 63838  
state, conditioned for the faithful performance of all the 63839  
official duties required of the fiscal officer. Any such bond 63840  
shall be deposited with the school's board of trustees, and a 63841  
copy of the bond shall be certified by the board and filed with 63842  
the county auditor. 63843

(B) Before assuming the duties of fiscal officer, the 63844  
fiscal officer designated under this section shall be licensed 63845  
as a treasurer under section 3301.074 of the Revised Code. No 63846  
college-preparatory boarding school shall allow a person to 63847  
serve as fiscal officer who is not licensed as required by this 63848  
division. 63849

**Sec. 3328.24.** A college-preparatory boarding school 63850  
established under this chapter and its board of trustees shall 63851  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 63852  
3301.0714, 3301.0729, 3301.948, 3302.037, 3302.131, 3302.132, 63853  
3313.474, 3313.5318, 3313.5319, 3313.6013, 3313.6021, 3313.6023, 63854  
3313.6024, 3313.6026, 3313.6029, 3313.6031, 3313.6035, 3313.617, 63855  
3313.618, 3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 63856  
3313.6610, 3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 63857

3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 63858  
3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 63859  
3320.04, 3323.251, and 5502.262, and Chapter 3365. of the 63860  
Revised Code as if the school were a school district and the 63861  
school's board of trustees were a district board of education. 63862

Sec. 3328.60. The board of trustees of each college- 63863  
preparatory boarding school established under this chapter 63864  
annually shall provide instruction to students in the grade 63865  
levels the school serves about how the short-term or chronic 63866  
substance use, as defined in section 3313.6034 of the Revised 63867  
Code, to alter one's mood is harmful to an individual's health. 63868  
Each board of trustees shall do all of the following with regard 63869  
to the instruction: 63870

(A) Determine the manner in which the instruction is 63871  
provided to students; 63872

(B) Ensure the instruction is age and developmentally 63873  
appropriate; 63874

(C) Conform the instruction to prevention best-practice 63875  
frameworks; 63876

(D) Focus the instruction on addressing changes in 63877  
knowledge, attitude, and skills as a child develops. 63878

**Sec. 3332.081.** The student tuition recovery authority is 63879  
created as a body corporate and politic of this state. The 63880  
purpose of the authority is to protect students of any school 63881  
registered by the state board of career colleges and schools 63882  
from prepaid tuition loss for the academic term due to a school 63883  
closure. 63884

The authority shall consist of five members as follows: 63885  
the executive director of the state board of career colleges and 63886

schools, the executive director of the Ohio association of 63887  
career colleges and schools, the treasurer of state or the 63888  
treasurer of state's designee, ~~the chairperson~~ a member of the 63889  
~~senate committee that primarily deals with education~~ appointed by 63890  
the president of the senate, and the chairperson of the 63891  
~~committee~~ a member of the house of representatives ~~that~~ 63892  
~~primarily deals with education~~ appointed by the speaker of the 63893  
house of representatives. The ~~chairpersons of the legislative~~ 63894  
~~committees that primarily deal with education~~ general assembly 63895  
members shall be nonvoting ~~ex officio~~ members. Each voting 63896  
member of the authority, before entering upon the member's 63897  
official duties, shall take an oath as provided by Section 7 of 63898  
Article XV, Ohio Constitution. The authority shall elect one of 63899  
its voting members as chairperson and another as vice- 63900  
chairperson, and shall appoint a secretary-treasurer who need 63901  
not be a member of the authority. 63902

All meetings of the authority shall be public. All final 63903  
actions of the authority shall be journalized and such journal 63904  
and the records of the authority shall be open to public 63905  
inspection at all reasonable times. 63906

**Sec. 3332.17.** Each college or school that holds a 63907  
certificate of registration under this chapter annually shall 63908  
certify to state board of career colleges and schools, on a date 63909  
and in the form and manner determined by the state board, a plan 63910  
to preserve student records indefinitely if the college or 63911  
school is to cease operations. The plan shall include the 63912  
designation and signed confirmation of an official custodian of 63913  
student records. If the state board determines it necessary, the 63914  
the state board may require a college or school to produce an 63915  
executed agreement with the designated custodian of student 63916  
records, paid in full, to ensure the college or school's plan 63917

can be implemented.

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The director of the state board of career colleges and schools may consult with the chancellor of higher education, higher learning commission, and other appropriate entities to establish plans, processes, and procedures for colleges and schools to provide indefinite access to student records.

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Sec. 3332.21. (A) Each school that holds a certificate of registration from or is authorized to offer a certificate, diploma, or degree under a certificate of authorization issued by the state board of career colleges under this chapter annually shall provide to the state board and the chancellor of higher education all of the following:

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(1) Verification of current accreditation status and a copy of the most recent institutional report from the school's accrediting organization;

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(2) A plan to preserve student records indefinitely in the event of closure of the school or discontinuation of service. The plan shall include a method by which students and alumni of the school may retrieve student records by request. The plan also shall include a designation and signed confirmation of an official custodian of student records. Student records preserved under the plan shall include, but not be limited to:

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(a) Academic transcripts;

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(b) Financial aid documents;

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(c) International student forms;

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(d) Tax information.

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(3) The following program information:

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- (a) A list of current degree programs offered by the 63945  
school in this state; 63946
- (b) The results of any external degree program evaluations 63947  
conducted in the last year; 63948
- (c) A list of any degree programs that have been 63949  
eliminated in the last year; 63950
- (4) The latest financial statement for the most recent 63951  
fiscal year compiled and audited by an independent certified 63952  
public accountant, including any management letters provided by 63953  
the independent auditor; 63954
- (5) Any other information requested by the state board or 63955  
the chancellor. 63956
- (B) If a school fails to submit the information required 63957  
under division (A) of this section or if the state board or the 63958  
chancellor finds that the information submitted under that 63959  
division is insufficient, the state board may suspend, withdraw, 63960  
or revoke a school's certificate of registration or program 63961  
authorization. 63962
- (C) Each school subject to this chapter that is authorized 63963  
to offer courses or degrees under a certificate of authorization 63964  
shall immediately notify the state board and the chancellor if 63965  
the school does any of the following: 63966
- (1) Receives notice from the federal government or an 63967  
institutional accrediting organization that the school is 63968  
subject to heightened reporting standards or special monitoring 63969  
status, such as the United States department of education's 63970  
heightened cash monitoring process; 63971
- (2) Receives preliminary or final accreditation findings; 63972

(3) Becomes the subject of an investigation by a 63973  
government agency related to the school's academic quality, 63974  
financial stability, or student consumer protection; 63975

(4) Fails to make any payments to applicable retirement 63976  
systems; 63977

(5) Fails to make any scheduled payroll payments; 63978

(6) Fails to make any payments to vendors when due as a 63979  
result of a cash deficiency or a substantial deficiency in the 63980  
payment processing system of the school; 63981

(7) Fails to make any scheduled payment of principal or 63982  
interest for short- or long-term debt; 63983

(8) Makes budget revisions resulting in a substantially 63984  
reduced ending fund balance or larger deficit; 63985

(9) Becomes aware of significant negative variance between 63986  
the most recently adopted annual budget and actual revenues or 63987  
expenses as projected at the end of the fiscal year. 63988

**Sec. 3332.22. (A) As used in this section:** 63989

(1) "Online program manager" means an entity that is not 63990  
an institution of higher education as defined under "The Higher 63991  
Education Act of 1965," 20 U.S.C. 1001 that enters into an 63992  
agreement with a career college or school to provide marketing 63993  
and recruitment services and at least one additional service, 63994  
including course design, technology, or faculty training, to 63995  
support an accredited online degree program. 63996

(2) "Career college or school" means a school subject to 63997  
this chapter and a private institution exempt from regulation 63998  
under this chapter as prescribed in section 3333.046 of the 63999  
Revised Code, if the institution has a program with a 64000

certificate of authorization pursuant to Chapter 1713. of the 64001  
Revised Code. 64002

(B) If a career college or school enters into a contract 64003  
with an online program manager, the career college or school 64004  
shall ensure the contract is in compliance with relevant program 64005  
standards and requirements. 64006

(C) A career college or school that enters into a contract 64007  
with an online program manager shall post on each online degree 64008  
program web site it maintains that it utilizes an online program 64009  
manager for services. The career college or school shall require 64010  
the online program manager to identify itself when providing 64011  
services to students. 64012

(D) A career college or school shall not permit an online 64013  
program manager to control, make decisions regarding, 64014  
administer, or disburse student financial aid. 64015

**Sec. 3333.04.** The chancellor of higher education shall: 64016

(A) Make studies of state policy in the field of higher 64017  
education and formulate a master plan for higher education for 64018  
the state, considering the needs of the people, the needs of the 64019  
state, and the role of individual public and private 64020  
institutions within the state in fulfilling these needs; 64021

(B) (1) Report annually to the governor and the general 64022  
assembly on the findings from the chancellor's studies and the 64023  
master plan for higher education for the state; 64024

(2) Report at least semiannually to the general assembly 64025  
and the governor the enrollment numbers at each state-assisted 64026  
institution of higher education. 64027

(C) Approve or disapprove the establishment of new 64028

branches or academic centers of state colleges and universities; 64029

(D) Approve or disapprove the establishment of state 64030  
technical colleges or any other state institution of higher 64031  
education; 64032

(E) Recommend the nature of the programs, undergraduate, 64033  
graduate, professional, state-financed research, and public 64034  
services which should be offered by the state colleges, 64035  
universities, and other state-assisted institutions of higher 64036  
education in order to utilize to the best advantage their 64037  
facilities and personnel; 64038

(F) Recommend to the state colleges, universities, and 64039  
other state-assisted institutions of higher education graduate 64040  
or professional programs, including, but not limited to, doctor 64041  
of philosophy, doctor of education, and juris doctor programs, 64042  
that could be eliminated because they constitute unnecessary 64043  
duplication, as shall be determined using the process developed 64044  
pursuant to this division, or for other good and sufficient 64045  
cause. Prior to recommending a program for elimination, the 64046  
chancellor shall hold at least one public hearing on the matter 64047  
to determine whether the program should be recommended for 64048  
elimination. The chancellor shall provide notice of each hearing 64049  
within a reasonable amount of time prior to its scheduled date. 64050

For purposes of determining the amounts of any state 64051  
instructional subsidies paid to state colleges, universities, 64052  
and other state-assisted institutions of higher education, the 64053  
chancellor may exclude students enrolled in any program that the 64054  
chancellor has recommended for elimination pursuant to this 64055  
division except that the chancellor shall not exclude any such 64056  
student who enrolled in the program prior to the date on which 64057  
the chancellor initially commences to exclude students under 64058



this division. 64059

The chancellor and state colleges, universities, and other 64060  
state-assisted institutions of higher education shall jointly 64061  
develop a process for determining which existing graduate or 64062  
professional programs constitute unnecessary duplication. 64063

(G) Recommend to the state colleges, universities, and 64064  
other state-assisted institutions of higher education programs 64065  
which should be added to their present programs; 64066

(H) Conduct studies for the state colleges, universities, 64067  
and other state-assisted institutions of higher education to 64068  
assist them in making the best and most efficient use of their 64069  
existing facilities and personnel; 64070

(I) Make recommendations to the governor and general 64071  
assembly concerning the development of state-financed capital 64072  
plans for higher education; the establishment of new state 64073  
colleges, universities, and other state-assisted institutions of 64074  
higher education; and the establishment of new programs at the 64075  
existing state colleges, universities, and other institutions of 64076  
higher education; 64077

(J) Review the appropriation requests of the public 64078  
community colleges and the state colleges and universities and 64079  
submit to the office of budget and management and to the 64080  
chairpersons of the finance committees of the house of 64081  
representatives and of the senate the chancellor's 64082  
recommendations in regard to the biennial higher education 64083  
appropriation for the state, including appropriations for the 64084  
individual state colleges and universities and public community 64085  
colleges. For the purpose of determining the amounts of 64086  
instructional subsidies to be paid to state-assisted colleges 64087

and universities, the chancellor shall define "full-time 64088  
equivalent student" by program per academic year. The definition 64089  
may take into account the establishment of minimum enrollment 64090  
levels in technical education programs below which support 64091  
allowances will not be paid. Except as otherwise provided in 64092  
this section, the chancellor shall make no change in the 64093  
definition of "full-time equivalent student" in effect on 64094  
November 15, 1981, which would increase or decrease the number 64095  
of subsidy-eligible full-time equivalent students, without first 64096  
submitting a fiscal impact statement to the president of the 64097  
senate, the speaker of the house of representatives, the 64098  
legislative service commission, and the director of budget and 64099  
management. The chancellor shall work in close cooperation with 64100  
the director of budget and management in this respect and in all 64101  
other matters concerning the expenditures of appropriated funds 64102  
by state colleges, universities, and other institutions of 64103  
higher education. 64104

(K) Seek the cooperation and advice of the officers and 64105  
trustees of both public and private colleges, universities, and 64106  
other institutions of higher education in the state in 64107  
performing the chancellor's duties and making the chancellor's 64108  
plans, studies, and recommendations; 64109

(L) Appoint advisory committees consisting of persons 64110  
associated with public or private secondary schools, members of 64111  
the state board of education, or personnel of the department of 64112  
education and workforce; 64113

(M) Appoint advisory committees consisting of college and 64114  
university personnel, or other persons knowledgeable in the 64115  
field of higher education, or both, in order to obtain their 64116  
advice and assistance in defining and suggesting solutions for 64117

the problems and needs of higher education in this state; 64118

(N) Approve or disapprove all new degrees and new degree 64119  
programs at all state colleges, universities, and other state- 64120  
assisted institutions of higher education. 64121

When considering approval of a new degree or degree 64122  
program for a state institution of higher education, as defined 64123  
in section 3345.011 of the Revised Code, the chancellor shall 64124  
take into account the extent to which the degree or degree 64125  
program aligns with the state's workforce development 64126  
priorities. 64127

(O) Adopt such rules as are necessary to carry out the 64128  
chancellor's duties and responsibilities. The rules shall 64129  
prescribe procedures for the chancellor to follow when taking 64130  
actions associated with the chancellor's duties and 64131  
responsibilities and shall indicate which types of actions are 64132  
subject to those procedures. The procedures adopted under this 64133  
division shall be in addition to any other procedures prescribed 64134  
by law for such actions. However, if any other provision of the 64135  
Revised Code or rule adopted by the chancellor prescribes 64136  
different procedures for such an action, the procedures adopted 64137  
under this division shall not apply to that action to the extent 64138  
they conflict with the procedures otherwise prescribed by law. 64139  
The procedures adopted under this division shall include at 64140  
least the following: 64141

(1) Provision for public notice of the proposed action; 64142

(2) An opportunity for public comment on the proposed 64143  
action, which may include a public hearing on the action by the 64144  
chancellor; 64145

(3) Methods for parties that may be affected by the 64146

proposed action to submit comments during the public comment period; 64147  
64148

(4) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action; 64149  
64150

(5) A timeline for the process described in divisions (O) (1) to (4) of this section. 64151  
64152

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code; 64153  
64154  
64155  
64156

(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law; 64157  
64158  
64159  
64160

(R) Adopt rules for student financial aid programs as required by sections 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections; 64161  
64162  
64163  
64164  
64165

(S) Conduct enrollment audits of state-supported institutions of higher education; 64166  
64167

(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be 64168  
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distributed to the fiscal agents for the operation of the 64176  
consortia. ~~A consortium shall follow the rules of the college or~~ 64177  
~~university that serves as its fiscal agent.~~ The chancellor may 64178  
restructure existing consortia, appointed under this division, 64179  
in accordance with procedures adopted under divisions (O)(1) to 64180  
(5) of this section. 64181

A consortium shall follow the rules of the college or 64182  
university that serves as its fiscal agent, except that when 64183  
making a purchase with appropriated funds of any product that 64184  
includes semiconductors, a consortium shall conduct the purchase 64185  
in accordance with rules adopted by the director of 64186  
administrative services under division (B) of section 125.09 of 64187  
the Revised Code for giving preference to Buy Ohio products. 64188

(U) Adopt rules establishing advisory duties and 64189  
responsibilities of the department of higher education not 64190  
otherwise prescribed by law; 64191

(V) Respond to requests for information about higher 64192  
education from members of the general assembly and direct staff 64193  
to conduct research or analysis as needed for this purpose. 64194

Notwithstanding any provision of law to the contrary, and 64195  
to reduce duplicative reporting, the chancellor may use data or 64196  
information submitted to the higher education information system 64197  
and other public data exchanges, as determined appropriate, to 64198  
fulfill reporting requirements, provided the information is 64199  
materially consistent. 64200

**Sec. 3333.048.** (A) The chancellor of higher education, in 64201  
consultation with the director of education and workforce, 64202  
shall, in accordance with Chapter 119. of the Revised Code, 64203  
establish metrics for the preparation of educators and other 64204

school personnel and the institutions of higher education that 64205  
are engaged in their preparation. The metrics to be used in 64206  
educator preparation programs shall do all of the following: 64207

(1) Be aligned with the standards and qualifications for 64208  
educator licenses adopted by the state board of education under 64209  
section 3319.22 of the Revised Code and the requirements of the 64210  
Ohio teacher residency program established under section 64211  
3319.223 of the Revised Code; 64212

(2) Ensure that educators and other school personnel are 64213  
adequately prepared to use the value-added progress dimension 64214  
prescribed by section 3302.021 of the Revised Code or the 64215  
alternative student academic progress measure if adopted under 64216  
division (C)(1)(e) of section 3302.03 of the Revised Code; 64217

(3) Ensure that all educators complete coursework in 64218  
evidence-based strategies for effective literacy instruction 64219  
aligned to the science of reading, which includes phonics, 64220  
phonemic awareness, fluency comprehension, and vocabulary 64221  
development, and is part of a structured literacy program~~—~~. The 64222  
coursework shall be aligned with the international dyslexia 64223  
association's, or its successor organization's, knowledge and 64224  
practice standards for teachers of reading. 64225

(4) Ensure that clinical preparation for all educators who 64226  
are responsible for teaching reading occurs only ~~occur in the~~ 64227  
~~classrooms~~ educational learning environments where the local 64228  
education agency has verified that the cooperating practicing 64229  
teachers have completed training that adheres to the Ohio 64230  
dyslexia guidebook in literacy instruction strategies aligned to 64231  
the science of reading, use instructional materials aligned to 64232  
the science of reading from the list established under section 64233  
3313.6028 of the Revised Code, as part of a complete structured 64234

literacy program, and actively implement a structured literacy approach. 64235  
64236

(B) The chancellor shall do all of the following: 64237

(1) Develop an auditing process that clearly documents the 64238  
degree to which every educator preparation program at an 64239  
institution of higher education is effectively teaching the 64240  
science of reading as follows: 64241

(a) By December 31, 2023, complete an initial survey of 64242  
educator preparation programs, establish metrics for the audits, 64243  
and update standards to reflect new requirements; 64244

(b) Grant a one-year grace period for all institutions to 64245  
meet new standards and requirements under this section to begin 64246  
on January 1, 2024; 64247

(c) On January 1, 2025, begin conducting audits of each 64248  
institution that offers educator preparation programs. 64249

The chancellor shall revoke approval for programs that are 64250  
found to be not in alignment and do not address the findings of 64251  
the audit within a year. All programs shall be reviewed every 64252  
four years thereafter to ensure continued alignment. 64253

(2) Annually create a summary of literacy instruction 64254  
strategies and practices in place for all educator preparation 64255  
programs based on the program audits, including institution- 64256  
level summaries, until all programs reach the required alignment 64257  
specified in division (A) (3) of this section; 64258

(3) In conjunction with the department of education and 64259  
workforce, do all of the following: 64260

(a) Publicly release the summaries with local education 64261  
agencies not later than the thirty-first day of March of each 64262

year and post them on the chancellor's publicly accessible web 64263  
site; 64264

(b) Identify a list of approved vendors who can provide 64265  
professional development experiences that are consistent with 64266  
the science of reading to educators who are responsible for 64267  
teaching reading, including faculty in educator preparation 64268  
programs; 64269

(c) Develop a public dashboard that reports the first-time 64270  
passage rates of students, by institution, on the foundations of 64271  
reading licensure test. 64272

(C) If the metrics established under division (A) of this 64273  
section require an institution of higher education that prepares 64274  
teachers to satisfy the standards of an independent 64275  
accreditation organization, the chancellor shall permit each 64276  
institution to satisfy the standards of any applicable national 64277  
educator preparation accrediting agency recognized by the United 64278  
States department of education. 64279

(D) The metrics and educator preparation programs 64280  
established under division (A) of this section may require an 64281  
institution of higher education, as a condition of approval by 64282  
the chancellor, to make changes in the curricula of its 64283  
preparation programs for educators and other school personnel. 64284

Notwithstanding division (E) of section 119.03 and 64285  
division (A)(1) of section 119.04 of the Revised Code, any 64286  
metrics, educator preparation programs, rules, and regulations, 64287  
or any amendment or rescission of such metrics, educator 64288  
preparation programs, rules, and regulations, adopted under this 64289  
section that necessitate institutions offering preparation 64290  
programs for educators and other school personnel approved by 64291



the chancellor to revise the curricula of those programs shall 64292  
not be effective for at least one year after the first day of 64293  
January next succeeding the publication of the said change. 64294

Each institution shall allocate money from its existing 64295  
revenue sources to pay the cost of making the curricular 64296  
changes. 64297

(E) The chancellor shall notify the state board of the 64298  
metrics and educator preparation programs established under 64299  
division (A) of this section. The state board shall publish the 64300  
metrics and educator preparation programs with the standards and 64301  
qualifications for each type of educator license. 64302

(F) The graduates of educator preparation programs 64303  
approved by the chancellor shall be licensed by the state board 64304  
in accordance with the standards and qualifications adopted 64305  
under section 3319.22 of the Revised Code. 64306

Sec. 3333.0415. Not later than December 31, 2025, the 64307  
chancellor of higher education, in collaboration with the 64308  
department of education and workforce and the governor's office 64309  
of workforce transformation, shall establish the level of 64310  
attainment necessary to achieve identified performance targets 64311  
across a range of degrees and credentials. 64312

Sec. 3333.0420. (A) As used in this section: 64313

(1) "Online program manager" means an entity that is not 64314  
an institution of higher education as defined under "The Higher 64315  
Education Act of 1965," 20 U.S.C. 1001 that enters into an 64316  
agreement with a state institution of higher education to 64317  
provide marketing and recruitment services and at least one 64318  
additional service, including course design, technology, or 64319  
faculty training, to support an accredited online degree 64320

program. 64321

(2) "State institution of higher education" has the same 64322  
meaning as in section 3345.011 of the Revised Code. 64323

(B) If a state institution of higher education enters into 64324  
a contract with an online program manager, the institution shall 64325  
ensure the contract is in compliance with relevant program 64326  
standards and requirements. 64327

(C) A state institution of higher education that enters 64328  
into a contract with an online program manager shall post on 64329  
each online degree program web site it maintains that it 64330  
utilizes an online program manager for services. The institution 64331  
shall require the online program manager to identify itself when 64332  
providing services to students. 64333

(D) A state institution of higher education shall not 64334  
permit an online program manager to control, make decisions 64335  
regarding, administer, or disburse student financial aid. 64336

**Sec. 3333.053.** The chancellor of higher education shall 64337  
serve indefinitely as the records custodian for the eastern 64338  
gateway community college upon that college ceasing operations. 64339

**Sec. 3333.074.** (A) Each state institution of higher 64340  
education, as defined in section 3345.011 of the Revised Code, 64341  
annually shall submit, in a form and manner determined by the 64342  
chancellor of higher education, the following information to 64343  
assess the performance and compliance of the state institution: 64344

(1) Verification of current accreditation status and a 64345  
copy of the state institution's most recent higher learning 64346  
commission institutional update report; 64347

(2) A plan to preserve student records indefinitely in the 64348

event of closure of the state institution or discontinuation of 64349  
service. The plan shall include a method by which students and 64350  
alumni of the state institution may retrieve student records by 64351  
request. The plan shall also include a designation and signed 64352  
confirmation of an official custodian of student records. 64353  
Student records preserved under the plan shall include, but not 64354  
be limited to: 64355

(a) Academic transcripts; 64356

(b) Financial aid documents; 64357

(c) International student forms; 64358

(d) Tax information. 64359

(3) The results of any external degree program evaluations 64360  
conducted in the last year; 64361

(4) A list of any degree programs that have been 64362  
eliminated in the last year; 64363

(5) Any other information requested by the chancellor. 64364

(B) The chancellor may rescind program approval if a state 64365  
institution of higher education fails to submit the information 64366  
required under division (A) of this section or if the chancellor 64367  
finds that the information submitted under that division is 64368  
insufficient. 64369

(C) Each state institution of higher education shall 64370  
immediately inform the chancellor if the state institution does 64371  
any of the following: 64372

(1) Receives notice from the federal government or an 64373  
institutional accrediting organization that the state 64374  
institution is subject to heightened reporting standards or 64375

special monitoring status, such as the United States department 64376  
of education's heightened cash monitoring process; 64377

(2) Receives preliminary or final accreditation findings; 64378

(3) Becomes the subject of an investigation by a 64379  
government agency related to the institution's academic quality, 64380  
financial stability, or student consumer protection; 64381

(4) Requests an advance of a state subsidy; 64382

(5) Fails to make any payments to applicable retirement 64383  
systems, such as the public employees retirement system or the 64384  
state teachers retirement system; 64385

(6) Fails to make any scheduled payroll payments; 64386

(7) Fails to make any payments to vendors when due as a 64387  
result of a cash deficiency or a substantial deficiency in the 64388  
payment processing system of the state institution; 64389

(8) Fails to make any scheduled payment of principal or 64390  
interest for short- or long-term debt; 64391

(9) Makes budget revisions resulting in a substantially 64392  
reduced ending fund balance or larger deficit; 64393

(10) Becomes aware of significant negative variance 64394  
between the most recently adopted annual budget and actual 64395  
revenues or expenses as projected at the end of the fiscal year. 64396

**Sec. 3333.129.** (A) The "Teach CS" grant program is 64397  
established to ~~fund coursework, materials, and exams to support~~ 64398  
~~the increasing the number of existing~~Ohio teachers who qualify 64399  
to teach computer science, or expand the knowledge of existing 64400  
teachers, through all of the following: 64401

(1) A supplemental license that involves a mentorship- 64402

based pathway for existing teachers; 64403

(2) A university endorsement program that involves a 64404  
coursework-based path for existing teachers; 64405

(3) An alternative resident educator licensure pathway for 64406  
industry experts and other nonteachers; 64407

(4) A continuing education program that offers 64408  
professional development to existing teachers, including those 64409  
that teach pre-kindergarten to twelve who are generalists and 64410  
those seeking advanced content knowledge. 64411

The chancellor of higher education shall administer the 64412  
program. Funds may be spent on coursework, materials, exams, 64413  
teacher stipends, performance-based incentives, and for other 64414  
purposes as determined by the chancellor to support the 64415  
expansion of computer science education. 64416

(B) The chancellor, in consultation with the department of 64417  
education and workforce, shall develop an application process 64418  
and criteria for awards. Priority may be given to education 64419  
consortia that include economically disadvantaged schools in 64420  
which there are limited computer science courses offered or 64421  
where there is an unmet need for teachers credentialed to teach 64422  
computer science courses, as determined by the chancellor. 64423

**Sec. 3333.1210.** (A) Beginning with first-time scholarships 64424  
awarded for fiscal year 2027, each student who accepts a 64425  
scholarship under the governor's merit scholarship program shall 64426  
commit to residing in this state for the three years immediately 64427  
following the individual's graduation from an institution of 64428  
higher education in this state except as provided in division 64429  
(C) of this section. 64430

(B) Each student who accepts a scholarship under the 64431

governor's merit scholarship program shall sign a promissory 64432  
note payable to the state. The amount payable under the note 64433  
shall be the amount of total scholarship funds accepted by the 64434  
individual under the program. The chancellor of higher education 64435  
shall determine the period of repayment under the note. The 64436  
chancellor shall not charge an interest rate on such payments. 64437  
If either of the following apply, the promissory takes immediate 64438  
effect: 64439

(1) The individual does not satisfy the residency 64440  
requirement under this section. 64441

(2) The individual disenrolls from an institution of 64442  
higher education in this state without graduating or transfers 64443  
to an institution of higher education in another state. 64444

(C) A promissory note under this section shall not take 64445  
immediate effect if a student does not complete the residency 64446  
requirement because the student pursues a graduate degree at an 64447  
institution of higher education that is not located in this 64448  
state. In that event, the individual shall complete the 64449  
residency requirement under this section after receiving that 64450  
graduate degree. 64451

(D) The note shall stipulate that the obligation to make 64452  
payments under the note is canceled if either of the following 64453  
apply: 64454

(1) The student meets the residency requirement under this 64455  
section. 64456

(2) The student dies or becomes totally and permanently 64457  
disabled. 64458

**Sec. 3333.13.** As used in sections 3333.13 to 3333.137 of 64459  
the Revised Code, "employed as a service attorney" means ~~either~~ 64460

any of the following: 64461

(A) An attorney who works a minimum of thirty-five hours 64462  
per week for a minimum of forty-five weeks each service year and 64463  
who is employed by any of the following: 64464

(1) The state public defender; 64465

(2) The prosecuting attorney of a county; 64466

(3) A county public defender commission; 64467

(4) A joint county public defender commission to represent 64468  
indigent persons. 64469

(B) Counsel appointed by the court or selected by an 64470  
indigent person under division (E) of section 120.16 or division 64471  
(E) of section 120.26 of the Revised Code, who works in an area 64472  
designated as an underserved community under section 3333.132 of 64473  
the Revised Code for a minimum of five hundred twenty hours each 64474  
service year. 64475

(C) An attorney engaged in the private practice of law, 64476  
who practices civil law, and who works in an area designated as 64477  
an underserved community under section 3333.132 of the Revised 64478  
Code for a minimum of five hundred twenty hours each service 64479  
year. 64480

**Sec. 3333.164.** (A) As used in this section, "state": 64481

(1) "Armed forces" has the same meaning as in section 64482  
3313.471 of the Revised Code. 64483

(2) "Private institution of higher education" has the same 64484  
meaning as in section 5919.34 of the Revised Code. 64485

(3) "State institution of higher education" has the same 64486  
meaning as in section 3345.011 of the Revised Code. 64487

(B) ~~Not later than December 31, 2014, the~~ The chancellor 64488  
of higher education shall do all of the following with regard to 64489  
the awarding of college credit for military training, 64490  
experience, and coursework: 64491

(1) Develop a set of standards and procedures for state 64492  
institutions of higher education to utilize in the granting of 64493  
college credit for military training, experience, and 64494  
coursework; 64495

(2) Create a military articulation and transfer assurance 64496  
guide for college credit that is earned through military 64497  
training, experience, and coursework. The chancellor shall use 64498  
the current articulation and transfer policy adopted pursuant to 64499  
section 3333.16 of the Revised Code as a model in developing 64500  
this guide. 64501

(3) Create a web site that contains information related to 64502  
the awarding of college credit for military training, 64503  
experience, and coursework. The web site shall include both of 64504  
the following: 64505

(a) Standardized resources that address frequently asked 64506  
questions regarding the awarding of such credit and related 64507  
issues; 64508

(b) A statewide database that shows how specified military 64509  
training, experience, and coursework translates to college 64510  
credit. 64511

(4) Develop a statewide training program that prepares 64512  
faculty and staff of state institutions of higher education to 64513  
evaluate various military training, experience, and coursework 64514  
and to award appropriate equivalent credit. The training program 64515  
shall incorporate the best practices of awarding credit for 64516



military experiences, including both the recommendations of the 64517  
American council on education and the standards developed by the 64518  
council for adult and experiential learning. 64519

(C) ~~Beginning on July 1, 2015, state~~ State institutions of 64520  
higher education shall ensure that appropriate equivalent credit 64521  
is awarded for military training, experience, and coursework 64522  
that meet the standards developed by the chancellor pursuant to 64523  
this section. 64524

(D) Notwithstanding any provision of law to the contrary, 64525  
the chancellor may require a state institution of higher 64526  
education or a private institution of higher education to 64527  
establish a process to systematically evaluate military 64528  
training, experience, and coursework and to award appropriate 64529  
equivalent college credit to a student who is a veteran of the 64530  
armed forces. The chancellor may adopt rules to implement this 64531  
division. 64532

**Sec. 3333.24.** (A) As used in this section: 64533

(1) "Eligible student" means a student to whom all of the 64534  
following apply: 64535

(a) The student is a resident of this state under rules 64536  
adopted by the chancellor of higher education under section 64537  
3333.31 of the Revised Code. 64538

(b) The student has completed a free application for 64539  
federal student aid for the year for which the grant is to be 64540  
awarded. 64541

(c) The student enrolls in a qualified program at a 64542  
community, state community, or technical college, an Ohio 64543  
technical center, or a state university branch campus. 64544

(2) "Qualified program" means either of the following: 64545

(a) For a student who received a first-time grant under 64546  
this section prior to the effective date of this amendment, a 64547  
credit or noncredit program that leads to an industry-recognized 64548  
credential, certificate, or degree and prepares the student for 64549  
a job that meets either of the following criteria: 64550

~~(a)~~ (i) It is identified as an "in-demand" or "critical" 64551  
job as determined by the office of workforce transformation. 64552

~~(b)~~ (ii) It is submitted by a community, state community, 64553  
or technical college, an Ohio technical center, or a state 64554  
university branch campus and will meet regional workforce needs, 64555  
as approved by the chancellor. 64556

(b) For a student who receives a first-time grant under 64557  
this section on or after the effective date of this amendment, a 64558  
program that meets alternative criteria established by the 64559  
chancellor of higher education, in consultation with the office 64560  
of workforce transformation, based on the emerging workforce 64561  
needs of the state. 64562

(B) The chancellor of higher education shall establish the 64563  
Ohio work ready grant program. Under the program, the chancellor 64564  
shall award a grant of up to three thousand dollars to eligible 64565  
students enrolled in a qualified program. Grant award amounts 64566  
made to eligible students enrolled on either a full-time or 64567  
part-time basis shall be computed in accordance with rules 64568  
adopted by the chancellor. No student shall be eligible to 64569  
receive a grant for more than six semesters or the equivalent of 64570  
three academic years. 64571

(C) Eligible students shall apply to participate in the 64572  
program in a form and manner prescribed by the chancellor. The 64573

chancellor shall determine the form and manner of payments. 64574

(D) (1) The program shall be funded in the sums and manner 64575  
designated for such purpose by the general assembly, but the 64576  
chancellor also may receive funds from other sources to support 64577  
the program. 64578

(2) If, for any academic year, the amounts available for 64579  
support of the program are inadequate to provide grants to all 64580  
eligible students, the chancellor may establish different grant 64581  
amounts based on the number of applicants and the total amount 64582  
of funds set aside for that purpose. 64583

(E) The chancellor, in consultation with the providers of 64584  
qualified programs, shall collect and report program metrics 64585  
that include all of the following: 64586

(1) Demographics of recipients, including: 64587

(a) Age, disaggregated as follows: 64588

(i) Twenty-four years and younger; 64589

(ii) Twenty-five to thirty-four years; 64590

(iii) Thirty-five to forty-nine years; 64591

(iv) Fifty years and older. 64592

(b) Gender; 64593

(c) Race and ethnicity; 64594

(d) Enrollment status as full- or part-time; 64595

(e) Pell grant status. 64596

(2) Success rates of recipients, including program 64597  
retention and completion; 64598

(3) Total number of industry-recognized credentials, 64599  
including technician-aligned associate degrees, awarded, 64600  
disaggregated by subject or program area. 64601

**Sec. 3333.374.** (A) ~~After receipt of recommendations from~~ 64602  
~~the scholarship rules advisory committee or if no~~ 64603  
~~recommendations are received, the~~ The chancellor of higher 64604  
education, with the approval of the treasurer of state, shall 64605  
adopt rules, in accordance with Chapter 119. of the Revised 64606  
Code, establishing policy guidelines for the implementation of 64607  
the scholarship and fellowship programs. 64608

(B) Nothing in this section ~~or section 3333.373 of the~~ 64609  
~~Revised Code~~ shall prevent the chancellor, with the approval of 64610  
the treasurer of state, from amending or rescinding rules 64611  
adopted pursuant to division (A) of this section, or from 64612  
adopting new rules, in accordance with Chapter 119. of the 64613  
Revised Code, from time to time as are necessary to further the 64614  
purposes of sections 3333.37 to 3333.375 of the Revised Code. 64615

**Sec. 3333.96.** (A) The strategic square footage reduction 64616  
fund is created in the state treasury. The fund shall consist of 64617  
money credited or transferred to it and grants, gifts, and 64618  
contributions made directly to it. In addition to any such 64619  
money, gift, or contribution, funds may be transferred from the 64620  
Ohio tuition trust reserve fund to the strategic square footage 64621  
reduction fund, in accordance with section 3334.11 of the 64622  
Revised Code. 64623

(B) The strategic square footage reduction fund shall be 64624  
used to make revolving loans to state institutions of higher 64625  
education, as defined in section 3345.011 of the Revised Code, 64626  
that enable the voluntary reduction of physical square footage. 64627

(C) The chancellor of higher education shall administer 64628  
and award, in consultation with the Ohio facilities construction 64629  
commission, the revolving loans described in division (B) of 64630  
this section. The chancellor, in consultation with the 64631  
commission, shall establish all of the following: 64632

(1) Procedures and forms by which state institutions of 64633  
higher education may apply for a loan; 64634

(2) A competitive process for ranking applicants and 64635  
awarding the loans, with priority consideration given to state 64636  
institutions of higher education that have experienced a 64637  
decrease in their general student populations, as determined by 64638  
the chancellor; 64639

(3) Procedures and timelines for distributing loans and 64640  
collecting payments for the strategic square footage reduction 64641  
fund. 64642

(D) Each state institution of higher education shall 64643  
include in its application all of the following: 64644

(1) The extent to which the square footage may have value 64645  
if sold or reallocated to serve other purposes, which may 64646  
include kindergarten through twelve, career-technical, or adult 64647  
educational purposes, community interests, or business and 64648  
industry partnerships; 64649

(2) The relative age and condition of the facilities to be 64650  
deconstructed; 64651

(3) Historical enrollment patterns as well as future 64652  
enrollment projections; 64653

(4) The composition of classes offered in person versus in 64654  
an online format; 64655

- (5) The level of deferred maintenance; 64656
- (6) The prior level of state investment; 64657
- (7) The amount of annual operating expenses defrayed by 64658  
eliminating the square footage; 64659
- (8) A report from the office of budget and management 64660  
detailing the extent and the status of past capital budget 64661  
appropriations supporting the project and the existence of any 64662  
outstanding bonded debt derived from such support. 64663
- The chancellor and the Ohio facilities construction 64664  
commission shall consider the information supplied under this 64665  
division in making final awards. 64666
- (E) Each state institution of higher education that 64667  
receives a loan under this section annually shall certify to the 64668  
chancellor, on a date and in such form and manner as prescribed 64669  
by the chancellor, a summary of financial information regarding 64670  
the loan. 64671
- (F) Prior to a state institution using the loan to pay the 64672  
demolition costs of a facility, the following shall occur: 64673
- (1) The board of trustees of that institution shall adopt 64674  
a resolution approving the demolition. 64675
- (2) Notwithstanding anything to the contrary in the 64676  
Revised Code, any net proceeds received from any demolition of 64677  
real property made pursuant to this section shall, at the 64678  
direction of the director of budget and management, be credited 64679  
to the strategic square footage reduction fund. 64680
- (G) Each state institution of higher education receiving 64681  
loans under this section shall not construct any new facility 64682  
during the time period in which demolition is occurring. 64683

**Sec. 3334.11.** (A) The assets of the Ohio tuition trust 64684  
authority reserved for payment of the obligations of the 64685  
authority pursuant to tuition payment contracts shall be placed 64686  
in a fund, which is hereby created and shall be known as the 64687  
Ohio tuition trust fund. The fund shall be in the custody of the 64688  
treasurer of state, but shall not be part of the state treasury. 64689  
That portion of payments received by the authority or the 64690  
treasurer of state from persons purchasing tuition units under 64691  
tuition payment contracts that the authority determines is 64692  
actuarially necessary for the payment of obligations of the 64693  
authority pursuant to tuition payment contracts, all interest 64694  
and investment income earned by the fund, and all other receipts 64695  
of the authority from any other source that the authority 64696  
determines appropriate, shall be deposited in the fund. No 64697  
purchaser or beneficiary of tuition units shall have any claim 64698  
against the funds of any state institution of higher education. 64699  
All investment fees and other costs incurred in connection with 64700  
the exercise of the investment powers of the authority pursuant 64701  
to divisions (D) and (E) of this section shall be paid from the 64702  
assets of the fund. 64703

(B) Unless otherwise provided by the authority, the assets 64704  
of the Ohio tuition trust fund shall be expended in the 64705  
following order: 64706

(1) To make payments to beneficiaries, or institutions of 64707  
higher education on behalf of beneficiaries, under division (B) 64708  
of section 3334.09 of the Revised Code; 64709

(2) To make refunds as provided in divisions (A) and (C) 64710  
of section 3334.10 of the Revised Code; 64711

(3) To pay the investment fees and other costs of 64712  
administering the fund. 64713

(C) (1) Except as may be provided in an agreement under 64714  
division (A) (19) of section 3334.08 of the Revised Code, all 64715  
disbursements from the Ohio tuition trust fund shall be made by 64716  
the treasurer of state on order of a designee of the authority. 64717

(2) The treasurer of state shall deposit any portion of 64718  
the Ohio tuition trust fund not needed for immediate use in the 64719  
same manner as state funds are deposited. 64720

(D) The authority is the trustee of the Ohio tuition trust 64721  
fund. The authority shall have full power to invest the assets 64722  
of the fund and in exercising this power shall be subject to the 64723  
limitations and requirements contained in divisions (K) to (M) 64724  
of this section and sections 145.112 and 145.113 of the Revised 64725  
Code. The evidences of title of all investments shall be 64726  
delivered to the treasurer of state or to a qualified trustee 64727  
designated by the treasurer of state as provided in section 64728  
135.18 of the Revised Code. Assets of the fund shall be 64729  
administered by the authority in a manner designed to be 64730  
actuarially sound so that the assets of the fund will be 64731  
sufficient to satisfy the obligations of the authority pursuant 64732  
to tuition payment contracts and defray the reasonable expenses 64733  
of administering the fund. 64734

(E) The authority may enter into an agreement with any 64735  
business, entity, or governmental agency to perform the 64736  
investment duties of the authority as set forth in division (D) 64737  
of this section. The investment powers shall be exercised by the 64738  
business, entity, or governmental agency that entered into an 64739  
agreement with the authority in a manner agreed upon by the 64740  
authority that maximizes the return on investment and minimizes 64741  
the administrative expenses. 64742

(F) (1) The authority shall maintain a separate account for 64743



each tuition payment contract entered into pursuant to division 64744  
(A) of section 3334.09 of the Revised Code for the purchase of 64745  
tuition units on behalf of a beneficiary or beneficiaries 64746  
showing the beneficiary or beneficiaries of that contract and 64747  
the number of tuition units purchased pursuant to that contract. 64748  
Upon request of any beneficiary or person who has entered into a 64749  
tuition payment contract, the authority shall provide a 64750  
statement indicating, in the case of a beneficiary, the number 64751  
of tuition units purchased on behalf of the beneficiary, or in 64752  
the case of a person who has entered into a tuition payment 64753  
contract, the number of tuition units purchased, used, or 64754  
refunded pursuant to that contract. A beneficiary and person 64755  
that have entered into a tuition payment contract each may file 64756  
only one request under this division in any year. 64757

(2) The authority shall maintain an account for each 64758  
scholarship program showing the number of tuition units that 64759  
have been purchased for or donated to the program and the number 64760  
of tuition units that have been used. Upon the request of the 64761  
entity that established the scholarship program, the authority 64762  
shall provide a statement indicating these numbers. 64763

(G) (1) In addition to the Ohio tuition trust fund, there 64764  
is hereby established a reserve fund that shall be in the 64765  
custody of the treasurer of state but shall not be part of the 64766  
state treasury, and shall be known as the Ohio tuition trust 64767  
reserve fund, and an operating fund that shall be part of the 64768  
state treasury, and shall be known as the Ohio tuition trust 64769  
operating fund. That portion of payments received by the 64770  
authority or the treasurer of state from persons purchasing 64771  
tuition units under tuition payment contracts that the authority 64772  
determines is not actuarially necessary for the payment of 64773  
obligations of the authority pursuant to tuition payment 64774

contracts, any interest and investment income earned by the 64775  
reserve fund, any administrative charges and fees imposed by the 64776  
authority on transactions under this chapter or on purchasers or 64777  
beneficiaries of tuition units, and all other receipts from any 64778  
other source that the authority determines appropriate, shall be 64779  
deposited in the reserve fund to pay the operating expenses of 64780  
the authority and the costs of administering the program. The 64781  
assets of the reserve fund may be invested in the same manner 64782  
and subject to the same limitations set forth in divisions (D), 64783  
(E), and (K) to (M) of this section and sections 145.112 and 64784  
145.113 of the Revised Code. All investment fees and other costs 64785  
incurred in connection with the exercise of the investment 64786  
powers shall be paid from the assets of the reserve fund. Except 64787  
as otherwise provided for in this chapter, all operating 64788  
expenses of the authority and costs of administering the program 64789  
shall be paid from the operating fund. 64790

(2) The treasurer of state shall, upon request of the 64791  
authority, transfer funds from the reserve fund to the operating 64792  
fund as the authority determines appropriate to pay those 64793  
current operating expenses of the authority and costs of 64794  
administering the program as the authority designates. Any 64795  
interest or investment income earned on the assets of the 64796  
operating fund shall be deposited in the operating fund. 64797

(3) The treasurer of state shall, upon request by the 64798  
chancellor of higher education and approval by the director of 64799  
budget and management, transfer funds from the reserve fund to 64800  
the strategic square footage reduction fund created under 64801  
section 3333.96 of the Revised Code. 64802

(H) In January of each year the authority shall report to 64803  
each person who received any payments or refunds from the 64804

authority during the preceding year information relative to the 64805  
value of the payments or refunds to assist in determining that 64806  
person's tax liability. 64807

(I) The authority shall report to the tax commissioner any 64808  
information, and at the times, as the tax commissioner requires 64809  
to determine any tax liability that a person may have incurred 64810  
during the preceding year as a result of having received any 64811  
payments or refunds from the authority. 64812

(J) All records of the authority indicating the identity 64813  
of purchasers and beneficiaries of tuition units or college 64814  
savings bonds, the number of tuition units purchased, used, or 64815  
refunded under a tuition payment contract, and the number of 64816  
college savings bonds purchased, held, or redeemed are not 64817  
public records within the meaning of section 149.43 of the 64818  
Revised Code. 64819

(K) (1) The authority and other fiduciaries shall discharge 64820  
their duties with respect to the funds with care, skill, 64821  
prudence, and diligence under the circumstances then prevailing 64822  
that a prudent person acting in a like capacity and familiar 64823  
with such matters would use in the conduct of an enterprise of a 64824  
like character and with like aims; and by diversifying the 64825  
investments of the assets of the funds so as to minimize the 64826  
risk of large losses, unless under the circumstances it is 64827  
clearly prudent not to do so. 64828

(2) To facilitate investment of the funds, the authority 64829  
may establish a partnership, trust, limited liability company, 64830  
corporation, including a corporation exempt from taxation under 64831  
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 64832  
amended, or any other legal entity authorized to transact 64833  
business in this state. 64834

(L) In exercising its fiduciary responsibility with 64835  
respect to the investment of the assets of the funds, it shall 64836  
be the intent of the authority to give consideration to 64837  
investments that enhance the general welfare of the state and 64838  
its citizens where the investments offer quality, return, and 64839  
safety comparable to other investments currently available to 64840  
the authority. In fulfilling this intent, equal consideration 64841  
shall also be given to investments otherwise qualifying under 64842  
this section that involve minority owned and controlled firms 64843  
and firms owned and controlled by women, either alone or in 64844  
joint venture with other firms. 64845

The authority shall adopt, in regular meeting, policies, 64846  
objectives, or criteria for the operation of the investment 64847  
program that include asset allocation targets and ranges, risk 64848  
factors, asset class benchmarks, time horizons, total return 64849  
objectives, and performance evaluation guidelines. In adopting 64850  
policies and criteria for the selection of agents with whom the 64851  
authority may contract for the administration of the assets of 64852  
the funds, the authority shall give equal consideration to 64853  
minority owned and controlled firms, firms owned and controlled 64854  
by women, and ventures involving minority owned and controlled 64855  
firms and firms owned and controlled by women that otherwise 64856  
meet the policies and criteria established by the authority. 64857  
Amendments and additions to the policies and criteria shall be 64858  
adopted in regular meeting. The authority shall publish its 64859  
policies, objectives, and criteria under this provision no less 64860  
often than annually and shall make copies available to 64861  
interested parties. 64862

When reporting on the performance of investments, the 64863  
authority shall comply with the performance presentation 64864  
standards established by the association for investment 64865

management and research. 64866

(M) All investments shall be purchased at current market 64867  
prices and the evidences of title of the investments shall be 64868  
placed in the hands of the treasurer of state, who is hereby 64869  
designated as custodian thereof, or in the hands of the 64870  
treasurer of state's authorized agent. The treasurer of state or 64871  
the agent shall collect the principal, dividends, distributions, 64872  
and interest thereon as they become due and payable and place 64873  
them when so collected into the custodial funds. 64874

The treasurer of state shall pay for investments purchased 64875  
by the authority on receipt of written or electronic 64876  
instructions from the authority or the authority's designated 64877  
agent authorizing the purchase and pending receipt of the 64878  
evidence of title of the investment by the treasurer of state or 64879  
the treasurer of state's authorized agent. The authority may 64880  
sell investments held by the authority, and the treasurer of 64881  
state or the treasurer of state's authorized agent shall accept 64882  
payment from the purchaser and deliver evidence of title of the 64883  
investment to the purchaser on receipt of written or electronic 64884  
instructions from the authority or the authority's designated 64885  
agent authorizing the sale, and pending receipt of the moneys 64886  
for the investments. The amount received shall be placed in the 64887  
custodial funds. The authority and the treasurer of state may 64888  
enter into agreements to establish procedures for the purchase 64889  
and sale of investments under this division and the custody of 64890  
the investments. 64891

No purchase or sale of any investment shall be made under 64892  
this section except as authorized by the authority. 64893

Any statement of financial position distributed by the 64894  
authority shall include fair value, as of the statement date, of 64895

all investments held by the authority under this section. 64896

**Sec. 3335.39.** (A) (1) The Salmon P. Chase center for 64897  
civics, culture, and society is established as an independent 64898  
academic unit within the Ohio state university, ~~physically~~ 64899  
~~located in the college of public affairs.~~ The center shall 64900  
conduct teaching and research in the historical ideas, 64901  
traditions, and texts that have shaped the American 64902  
constitutional order and society. 64903

(2) The center shall establish bylaws requiring the center 64904  
to do all of the following: 64905

(a) Educate students by means of free, open, and rigorous 64906  
intellectual inquiry to seek the truth; 64907

(b) Affirm its duty to equip students with the skills, 64908  
habits, and dispositions of mind they need to reach their own 64909  
informed conclusions on matters of social and political 64910  
importance; 64911

(c) Affirm the value of intellectual diversity in higher 64912  
education and aspire to enhance the intellectual diversity of 64913  
the university; 64914

(d) Affirm a commitment to create a community dedicated to 64915  
an ethic of civil and free inquiry, which respects the 64916  
intellectual freedom of each member, supports individual 64917  
capacities for growth, and welcomes the differences of opinion 64918  
that shall naturally exist in a public university community. 64919

The requirements prescribed under divisions (A) (2) (a) to 64920  
(d) of this section shall take priority over any other bylaws 64921  
adopted by the center. 64922

(3) The board of trustees of the university may change the 64923

name of the center in accordance with the philanthropic naming 64924  
policies and practices of the university. 64925

~~(B)~~ (B) (1) The center shall be an independent academic unit 64926  
~~physically located at the college of public affairs with the~~ 64927  
authority to house tenure-track faculty who hold their 64928  
appointments within the center. Faculty appointed to the center 64929  
shall not be required, but may, hold joint appointments within 64930  
any other division of the university. Not fewer than fifteen 64931  
tenure-track faculty positions shall be allotted to teach under 64932  
the center. No faculty outside of the center shall have the 64933  
authority to block faculty hires into the center. 64934

(2) The university shall provide adequate and appropriate 64935  
space for the center as jointly determined by the director and 64936  
either the president or provost of the university. The 64937  
university shall not charge or assess overhead or indirect fees, 64938  
costs, expenses, or charges to the center. 64939

(C) (1) The center shall offer instruction in all of the 64940  
following: 64941

(a) The books and major debates which form the 64942  
intellectual foundation of free societies, especially that of 64943  
the United States; 64944

(b) The principles, ideals, and institutions of the 64945  
American constitutional order; 64946

(c) The foundations of responsible leadership and informed 64947  
citizenship. 64948

(2) The center also shall focus on both of the following: 64949

(a) Offering university-wide programming related to the 64950  
values of free speech and civil discourse; 64951

(b) Expanding the intellectual diversity of the university's academic community.

(D) (1) ~~Not later than November 20, 2023, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member Chase center academic council. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.

(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio.

(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.

(E) (1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates for the director of the center and shall strictly adhere to all relevant state and federal laws. The academic council shall submit to the president of the university a list of finalists from which the president shall select and appoint a director, subject to approval by the board of trustees. Future directors shall be chosen in the same manner.

(2) The director shall have the protection of tenure or tenure eligibility. The director shall ~~consult with the dean of the college of public affairs; however, the director shall~~ report directly to the provost or the president of the university.



(3) The director shall have the sole and exclusive  
authority to manage the recruitment and hiring process and to  
extend offers for employment for all faculty and staff, and to  
terminate employment of all staff. The director shall oversee,  
develop, and approve the center's curriculum, including approval  
of the center's courses that meet the university's general  
education requirements. The center shall be granted the  
authority to offer courses and develop certificate, minor, and  
major programs as well as graduate programs, and offer degrees.

(F) The director of the center shall submit an annual  
report to the board of trustees of the university and the  
general assembly in accordance with section 101.68 of the  
Revised Code. The report shall provide a full account of the  
center's achievements, opportunities, challenges, and obstacles  
in the development of this academic unit.

**Sec. 3339.06.** (A) (1) The Miami university center for  
civics, culture, and society is established as an independent  
academic unit within Miami university, ~~physically located in the~~  
~~college of arts and sciences~~. The center shall conduct teaching  
and research in the historical ideas, traditions, and texts that  
have shaped the American constitutional order and society.

(2) The center shall establish bylaws requiring the center  
to do all of the following:

(a) Educate students by means of free, open, and rigorous  
intellectual inquiry to seek the truth;

(b) Affirm its duty to equip students with the skills,  
habits, and dispositions of mind they need to reach their own  
informed conclusions on matters of social and political  
importance;

(c) Affirm the value of intellectual diversity in higher 65010  
education and aspire to enhance the intellectual diversity of 65011  
the university; 65012

(d) Affirm a commitment to create a community dedicated to 65013  
an ethic of civil and free inquiry, which respects the 65014  
intellectual freedom of each member, supports individual 65015  
capacities for growth, and welcomes the differences of opinion 65016  
that shall naturally exist in a public university community. 65017

The requirements prescribed under divisions (A) (2) (a) to 65018  
(d) of this section shall take priority over any other bylaws 65019  
adopted by the center. 65020

(3) The board of trustees of the university may name the 65021  
center in accordance with the philanthropic naming policies and 65022  
practices of the university. 65023

~~(B)~~ (B) (1) The center shall be an independent academic unit 65024  
physically located at the college of arts and sciences with the 65025  
authority to house tenure-track faculty who hold their 65026  
appointments within the center. Faculty appointed to the center 65027  
shall not be required, but may, hold joint appointments within 65028  
any other division of the university. Not fewer than ten tenure- 65029  
track faculty positions shall be allotted to teach under the 65030  
center. No faculty outside of the center shall have the 65031  
authority to block faculty hires into the center. 65032

(2) The university shall provide adequate and appropriate 65033  
space for the center as jointly determined by the director and 65034  
either the president or provost of the university. The 65035  
university shall not charge or assess overhead or indirect fees, 65036  
costs, expenses, or charges to the center. 65037

(C) (1) The center shall offer instruction in all of the 65038

following: 65039

(a) The books and major debates which form the 65040  
intellectual foundation of free societies, especially that of 65041  
the United States; 65042

(b) The principles, ideals, and institutions of the 65043  
American constitutional order; 65044

(c) The foundations of responsible leadership and informed 65045  
citizenship. 65046

(2) The center also shall focus on both of the following: 65047

(a) Offering university-wide programming related to the 65048  
values of free speech and civil discourse; 65049

(b) Expanding the intellectual diversity of the 65050  
university's academic community. 65051

(D) (1) ~~Not later than December 31, 2023, the~~ The board of 65052  
trustees of the university shall appoint, with the advice and 65053  
consent of the senate, a seven-member center academic council. 65054  
An initial member shall not begin service until confirmed by the 65055  
senate. Four members shall form a quorum. 65056

(2) The academic council shall be comprised of scholars 65057  
with relevant expertise and experience. Not more than one member 65058  
of the council may be an employee of the university. Best 65059  
efforts shall be made to have not fewer than three members of 65060  
the advisory board be from Ohio. 65061

(3) Three members of the academic council shall serve 65062  
initial terms of two years and four members shall serve initial 65063  
terms of four years, which the members shall determine at their 65064  
first meeting, and select replacements for vacant seats. 65065

(E) (1) The academic council established under division (D) 65066  
of this section shall conduct a nationwide search for candidates 65067  
for the director of the center and shall strictly adhere to all 65068  
relevant state and federal laws. The academic council shall 65069  
submit to the president of the university a list of finalists 65070  
from which the president shall select and appoint a director, 65071  
subject to approval by the board of trustees. Future directors 65072  
shall be chosen in the same manner. 65073

(2) The director shall have the protection of tenure or 65074  
tenure eligibility. The director shall ~~consult with the dean of~~ 65075  
~~the college of arts and sciences; however, the director shall~~ 65076  
report directly to the provost or the president of the 65077  
university. 65078

(3) The director shall have the sole and exclusive 65079  
authority to manage the recruitment and hiring process and to 65080  
extend offers for employment for all faculty and staff of the 65081  
center, and to terminate employment of all staff. The director 65082  
shall oversee, develop, and approve the center's curriculum, 65083  
including approval of the center's courses that meet the 65084  
university's general education requirements. The center shall be 65085  
granted the authority to offer courses and develop certificate, 65086  
minor, and major programs as well as graduate programs, and 65087  
offer degrees. 65088

(F) The director of the center shall submit an annual 65089  
report to the board of trustees of the university and the 65090  
general assembly in accordance with section 101.68 of the 65091  
Revised Code. The report shall provide a full account of the 65092  
center's achievements, opportunities, challenges, and obstacles 65093  
in the development of this academic unit. 65094

**Sec. 3344.07.** (A) (1) The Cleveland state university center 65095

for civics, culture, and society is established as an 65096  
independent academic unit within Cleveland state university, 65097  
~~physically located in the Levin college of public affairs and~~ 65098  
~~education.~~ The center shall conduct teaching and research in the 65099  
historical ideas, traditions, and texts that have shaped the 65100  
American constitutional order and society. 65101

(2) The center shall establish bylaws requiring the center 65102  
to do all of the following: 65103

(a) Educate students by means of free, open, and rigorous 65104  
intellectual inquiry to seek the truth; 65105

(b) Affirm its duty to equip students with the skills, 65106  
habits, and dispositions of mind they need to reach their own 65107  
informed conclusions on matters of social and political 65108  
importance; 65109

(c) Affirm the value of intellectual diversity in higher 65110  
education and aspire to enhance the intellectual diversity of 65111  
the university; 65112

(d) Affirm a commitment to create a community dedicated to 65113  
an ethic of civil and free inquiry, which respects the 65114  
intellectual freedom of each member, supports individual 65115  
capacities for growth, and welcomes the differences of opinion 65116  
that shall naturally exist in a public university community. 65117

The requirements prescribed under divisions (A) (2) (a) to 65118  
(d) of this section shall take priority over any other bylaws 65119  
adopted by the center. 65120

(3) The board of trustees of the university may name the 65121  
center in accordance with the philanthropic naming policies and 65122  
practices of the university. 65123

~~(B)~~ (B) (1) The center shall be an independent academic unit 65124  
physically located at the college of public affairs and 65125  
education with the authority to house tenure-track faculty who 65126  
hold their appointments within the center. Faculty appointed to 65127  
the center shall not be required, but may, hold joint 65128  
appointments within any other division of the university. Not 65129  
fewer than ten tenure-track faculty positions shall be allotted 65130  
to teach under the center. No faculty outside of the center 65131  
shall have the authority to block faculty hires into the center. 65132

(2) The university shall provide adequate and appropriate 65133  
space for the center as jointly determined by the director and 65134  
either the president or provost of the university. The 65135  
university shall not charge or assess overhead or indirect fees, 65136  
costs, expenses, or charges to the center. 65137

(C) (1) The center shall offer instruction in all of the 65138  
following: 65139

(a) The books and major debates which form the 65140  
intellectual foundation of free societies, especially that of 65141  
the United States; 65142

(b) The principles, ideals, and institutions of the 65143  
American constitutional order; 65144

(c) The foundations of responsible leadership and informed 65145  
citizenship. 65146

(2) The center also shall focus on both of the following: 65147

(a) Offering university-wide programming related to the 65148  
values of free speech and civil discourse; 65149

(b) Expanding the intellectual diversity of the 65150  
university's academic community. 65151

(D) (1) ~~Not later than December 31, 2023, the~~ The board of 65152  
trustees of the university shall appoint, with the advice and 65153  
consent of the senate, a seven-member center academic council. 65154  
An initial member shall not begin service until confirmed by the 65155  
senate. Four members shall form a quorum. 65156

(2) The academic council shall be comprised of scholars 65157  
with relevant expertise and experience. Not more than one member 65158  
of the council may be an employee of the university. Best 65159  
efforts shall be made to have not fewer than three members of 65160  
the advisory board be from Ohio. 65161

(3) Three members of the academic council shall serve 65162  
initial terms of two years and four members shall serve initial 65163  
terms of four years, which the members shall determine at their 65164  
first meeting, and select replacements for vacant seats. 65165

(E) (1) The academic council established under division (D) 65166  
of this section shall conduct a nationwide search for candidates 65167  
for the director of the center and shall strictly adhere to all 65168  
relevant state and federal laws. The academic council shall 65169  
submit to the president of the university a list of finalists 65170  
from which the president shall select and appoint a director, 65171  
subject to approval by the board of trustees. Future directors 65172  
shall be chosen in the same manner. 65173

(2) The director shall have the protection of tenure or 65174  
tenure eligibility. The director shall ~~consult with the dean of~~ 65175  
~~the college of public affairs and education; however, the~~ 65176  
~~director shall~~ report directly to the provost or the president 65177  
of the university. 65178

(3) The director shall have the sole and exclusive 65179  
authority to manage the recruitment and hiring process and to 65180

extend offers for employment for all faculty and staff of the 65181  
center, and to terminate employment of all staff. The director 65182  
shall oversee, develop, and approve the center's curriculum, 65183  
including approval of the center's courses that meet the 65184  
university's general education requirements. The center shall be 65185  
granted the authority to offer courses and develop certificate, 65186  
minor, and major programs as well as graduate programs, and 65187  
offer degrees. 65188

(F) The director of the center shall submit an annual 65189  
report to the board of trustees of the university and the 65190  
general assembly in accordance with section 101.68 of the 65191  
Revised Code. The report shall provide a full account of the 65192  
center's achievements, opportunities, challenges, and obstacles 65193  
in the development of this academic unit. 65194

**Sec. 3345.06.** As used in this section, "state institution 65195  
of higher education" and "state university" have the same 65196  
meanings as in section 3345.011 of the Revised Code. 65197

~~(A)~~ (A) (1) Subject to divisions (B) and (C) of this 65198  
section, a graduate of the twelfth grade shall be entitled to 65199  
admission without examination to any ~~college or university which~~ 65200  
~~is supported wholly or in part by the state~~ state institution of 65201  
higher education, but for unconditional admission may be 65202  
required to complete such units not included in the graduate's 65203  
high school course as may be prescribed, not less than two years 65204  
prior to the graduate's entrance, by the faculty of the 65205  
institution. 65206

(2) Subject to divisions (B) and (C) of this section, each 65207  
graduate of the twelfth grade who is in the top ten per cent of 65208  
a graduating class as determined by the chancellor of higher 65209  
education shall be entitled to admission to any state 65210



institution of higher education. If the student does not meet 65211  
the standards for unconditional admission under division (A) of 65212  
this section, a state university may delay main campus admission 65213  
and admit the student to a university branch campus. 65214

(3) Subject to divisions (B) and (C) of this section, each 65215  
graduate who is in the top five per cent of a graduating class 65216  
as determined by the chancellor shall be entitled to admission 65217  
to the main campus of a state institution of higher education. 65218

(B) Beginning with the 2014-2015 academic year, each state 65219  
university ~~listed in section 3345.011 of the Revised Code,~~ 65220  
except for Central state university, Shawnee state university, 65221  
and Youngstown state university, shall permit a resident of this 65222  
state who entered ninth grade for the first time on or after 65223  
July 1, 2010, to begin undergraduate coursework at the 65224  
university only if the person has successfully completed the 65225  
requirements for high school graduation prescribed in division 65226  
(C) of section 3313.603 of the Revised Code, unless one of the 65227  
following applies: 65228

(1) The person has earned at least ten semester hours, or 65229  
the equivalent, at a community college, state community college, 65230  
university branch, technical college, or another post-secondary 65231  
institution except a state university to which division (B) of 65232  
this section applies, in courses that are college-credit-bearing 65233  
and may be applied toward the requirements for a degree. The 65234  
university shall grant credit for successful completion of those 65235  
courses pursuant to any applicable articulation and transfer 65236  
policy of the chancellor of higher education or any agreements 65237  
the university has entered into in accordance with policies and 65238  
procedures adopted under section 3333.16, 3333.161, or 3333.162 65239  
of the Revised Code. The university may count college credit 65240

that the student earned while in high school through the college 65241  
credit plus program under Chapter 3365. of the Revised Code, or 65242  
through other advanced standing programs, toward the 65243  
requirements of division (B) (1) of this section if the credit 65244  
may be applied toward a degree. 65245

(2) The person qualified to graduate from high school 65246  
under division (D) or (F) of section 3313.603 of the Revised 65247  
Code and has successfully completed the topics or courses that 65248  
the person lacked to graduate under division (C) of that section 65249  
at any post-secondary institution or at a summer program at the 65250  
state university. A state university may admit a person for 65251  
enrollment contingent upon completion of such topics or courses 65252  
or summer program. 65253

(3) The person met the high school graduation requirements 65254  
by successfully completing the person's individualized education 65255  
program developed under section 3323.08 of the Revised Code. 65256

(4) The person is receiving or has completed the final 65257  
year of education at home as authorized under section 3321.042 65258  
of the Revised Code, or has graduated from a nonchartered, 65259  
nonpublic school in Ohio, and demonstrates mastery of the 65260  
academic content and skills in reading, writing, and mathematics 65261  
needed to successfully complete introductory level coursework at 65262  
an institution of higher education and to avoid remedial 65263  
coursework. 65264

(5) The person is a high school student participating in 65265  
the college credit plus program under Chapter 3365. of the 65266  
Revised Code or another advanced standing program. 65267

(C) A state university subject to division (B) of this 65268  
section may delay admission for or admit conditionally an 65269

undergraduate student who has successfully completed the 65270  
requirements prescribed in division (C) of section 3313.603 of 65271  
the Revised Code if the university determines the student 65272  
requires academic remedial or developmental coursework. The 65273  
university may delay admission pending, or make admission 65274  
conditional upon, the student's successful completion of the 65275  
academic remedial or developmental coursework at a university 65276  
branch, community college, state community college, or technical 65277  
college. 65278

(D) This section does not deny the right of a college of 65279  
law, medicine, or other specialized education to require college 65280  
training for admission, or the right of a department of music or 65281  
other art to require particular preliminary training or talent. 65282

**Sec. 3345.382.** (A) As used in this section, "state 65283  
institution of higher education" has the same meaning as in 65284  
section 3345.011 of the Revised Code. 65285

(B) Each state institution of higher education shall 65286  
develop a course with not fewer than three credit hours in the 65287  
subject area of American civic literacy. The course shall 65288  
include a study of the American economic system and capitalism. 65289  
The course shall comply with the criteria, policies, and 65290  
procedures established under section 3333.16 of the Revised 65291  
Code. The course may be offered under the college credit plus 65292  
program established under Chapter 3365. of the Revised Code. The 65293  
course shall, at a minimum, require each student to read all the 65294  
following: 65295

(1) The entire Constitution of the United States; 65296

(2) The entire Declaration of Independence; 65297

(3) A minimum of five essays in their entirety from the 65298

Federalist Papers. The essays shall be selected by the 65299  
department chair. 65300

(4) The entire Emancipation Proclamation; 65301

(5) The entire Gettysburg Address; 65302

(6) The entire Letter from Birmingham Jail written by Dr. 65303  
Martin Luther King Jr; 65304

(7) The writings of Adam Smith, including a study of the 65305  
principles written in The Wealth of Nations. 65306

Any student who takes the course shall be required to pass 65307  
a cumulative final examination at the conclusion of the course 65308  
that assesses student proficiency about the documents described 65309  
in divisions (B)(1) to (7) of this section. 65310

Each state institution of higher education board of 65311  
trustees shall adopt a resolution approving a plan to offer the 65312  
course developed under this section. Each state institution 65313  
shall submit that plan to the chancellor of higher education. 65314  
The chancellor shall review and approve each plan. Prior to 65315  
approving a plan, the chancellor may require a state institution 65316  
to revise the plan and the course. 65317

Each state institution of higher education board of 65318  
trustees also shall adopt a resolution specifying the conditions 65319  
under which the state institution's president or designee may 65320  
exempt a student under division (D)(3) of this section. 65321

(C) Beginning with students who graduate from a state 65322  
institution of higher education in the spring semester, or 65323  
equivalent quarter, of the 2029-2030 academic year, no state 65324  
institution of higher education shall grant a bachelor's degree 65325  
to any student unless the student completes a course described 65326

in division (B) of this section. A state institution may require 65327  
students to complete the course as part of the institution's 65328  
general education courses of study. 65329

(D) The president of a state institution of higher 65330  
education, or the president's designee, may exempt a student 65331  
from the requirement to complete a course described in division 65332  
(B) of this section, if the president or designee determines 65333  
that the student has completed at least one of the following: 65334

(1) A course offered under the college credit plus program 65335  
established under Chapter 3365. of the Revised Code that 65336  
satisfies the content requirements described in division (B) of 65337  
this section and is approved by the chancellor; 65338

(2) An advanced placement course and examination that 65339  
satisfy the content requirements described in division (B) of 65340  
this section and are approved by the chancellor, and the student 65341  
receives a score of three or higher on that examination; 65342

(3) At least three credit hours, or the equivalent, in a 65343  
course in the subject area of American history or American 65344  
government which includes the study of the documents described 65345  
in divisions (B) (1) to (7) of this section. 65346

Division (D) (3) of this section does not apply after the 65347  
2030-2031 academic year. 65348

(E) This section does not apply to associate's degree 65349  
programs. 65350

**Sec. 3345.48.** (A) As used in this section: 65351

(1) "Cohort" means a group of students who will complete 65352  
their bachelor's degree requirements and graduate from a state 65353  
university at the same time. A cohort may include transfer 65354

students and other selected undergraduate student academic 65355  
programs as determined by the board of trustees of a state 65356  
university. 65357

(2) "Eligible student" means an undergraduate student who: 65358

(a) Is enrolled full-time in a bachelor's degree program 65359  
at a state university; 65360

(b) Is a resident of this state, as defined by the 65361  
chancellor of higher education under section 3333.31 of the 65362  
Revised Code. 65363

(3) "State university" has the same meaning as in section 65364  
3345.011 of the Revised Code. 65365

(B) The board of trustees of each state university shall 65366  
establish an undergraduate tuition guarantee program that allows 65367  
eligible students in the same cohort to pay a fixed rate for 65368  
general and instructional fees for four years. A board of 65369  
trustees may include room and board and any additional fees in 65370  
the program. 65371

The board shall adopt rules for the program that include, 65372  
but are not limited to, all of the following: 65373

(1) The number of credit hours required to earn an 65374  
undergraduate degree in each major; 65375

(2) A guarantee that the general and instructional fees 65376  
for each student in the cohort shall remain constant for four 65377  
years so long as the student complies with the requirements of 65378  
the program, except that, notwithstanding any law to the 65379  
contrary, the board may increase the guaranteed amount by up to 65380  
six per cent above what has been charged in the previous 65381  
academic year one time for the first cohort enrolled under the 65382

tuition guarantee program. If the board of trustees determines 65383  
that economic conditions or other circumstances require an 65384  
increase for the first cohort of above six per cent, the board 65385  
shall submit a request to increase the amount by a specified 65386  
percentage to the chancellor. The chancellor, based on 65387  
information the chancellor requires from the board of trustees, 65388  
shall approve or disapprove such a request. Thereafter, except 65389  
as provided in division (F) of this section, the board of 65390  
trustees may increase the guaranteed amount by up to the sum of 65391  
the following above what has been charged in the previous 65392  
academic year one time per subsequent cohort: 65393

(a) The average rate of inflation, as measured by the 65394  
consumer price index prepared by the bureau of labor statistics 65395  
of the United States department of labor (all urban consumers, 65396  
all items), for the previous thirty-six-month period; and 65397

(b) The percentage amount the general assembly restrains 65398  
increases on in-state undergraduate instructional and general 65399  
fees for the applicable fiscal year. If the general assembly 65400  
does not enact a limit on the increase of in-state undergraduate 65401  
instructional and general fees, then no limit shall apply under 65402  
this division for the cohort that first enrolls in any academic 65403  
year for which the general assembly does not prescribe a limit. 65404

If, beginning with the academic year that starts four 65405  
years after September 29, 2013, the board of trustees determines 65406  
that the general and instructional fees charged under the 65407  
tuition guarantee have fallen significantly lower than those of 65408  
other state universities, the board of trustees may submit a 65409  
request to increase the amount charged to a cohort by a 65410  
specified percentage to the chancellor, who shall approve or 65411  
disapprove such a request. 65412

(3) A benchmark by which the board sets annual increases 65413  
in general and instructional fees. This benchmark and any 65414  
subsequent change to the benchmark shall be subject to approval 65415  
of the chancellor. 65416

(4) Eligibility requirements for students to participate 65417  
in the program; 65418

(5) Student rights and privileges under the program; 65419

(6) Consequences to the university for students unable to 65420  
complete a degree program within four years, as follows: 65421

(a) For a student who could not complete the program in 65422  
four years due to a lack of available classes or space in 65423  
classes provided by the university, the university shall provide 65424  
the necessary course or courses for completion to the student 65425  
free of charge. 65426

(b) For a student who could not complete the program in 65427  
four years due to military service or other circumstances beyond 65428  
a student's control, as determined by the board of trustees, the 65429  
university shall provide the necessary course or courses for 65430  
completion to the student at the student's initial cohort rate. 65431

(c) For a student who did not complete the program in four 65432  
years for any other reason, as determined by the board of 65433  
trustees, the university shall provide the necessary course or 65434  
courses for completion to the student at a rate determined 65435  
through a method established by the board under division (B) (7) 65436  
of this section. 65437

(7) Guidelines for adjusting a student's annual charges if 65438  
the student, due to circumstances under the student's control, 65439  
is unable to complete a degree program within four years; 65440



(8) A requirement that the rules adopted under division 65441  
(B) of this section be published or posted in the university 65442  
handbook, course catalog, and web site. 65443

(C) The board shall submit the rules adopted under 65444  
division (B) of this section to the chancellor for approval 65445  
before beginning implementation of the program. 65446

The chancellor shall not unreasonably withhold approval of 65447  
a program if the program conforms in principle with the 65448  
parameters and guidelines of this section. 65449

(D) A board of trustees of a state university may 65450  
establish an undergraduate tuition guarantee program for 65451  
nonresident students. 65452

(E) Except as provided in this section, no other 65453  
limitation on the increase of in-state undergraduate 65454  
instructional and general fees shall apply to a state university 65455  
that has established an undergraduate tuition guarantee program 65456  
under this section. 65457

(F) Notwithstanding anything in this section to the 65458  
contrary, the board of trustees of a state university shall not 65459  
~~charge~~ do either of the following: 65460

(1) Charge the cohort entering in the 2023-2024 or 2024- 65461  
2025 academic year a guaranteed amount of general and 65462  
instructional fees that is more than three per cent above what 65463  
was charged to the cohort that entered the university in the 65464  
previous academic year. 65465

(2) Charge the cohort entering in the 2025-2026 or 2026- 65466  
2027 academic year a guaranteed amount of general and 65467  
instructional fees that is more than four per cent above what 65468  
was charged to the cohort that entered the university in the 65469

previous academic year. 65470

Sec. 3345.58. (A) As used in this section: 65471

(1) "Academic civics centers" means the following 65472  
institutes or centers: 65473

(a) The center at the Ohio state university established 65474  
under section 3335.39 of the Revised Code; 65475

(b) The center at Miami university established under 65476  
section 3339.06 of the Revised Code; 65477

(c) The center at Cleveland state university established 65478  
under section 3344.07 of the Revised Code; 65479

(d) The center at Wright state university established 65480  
under section 3352.16 of the Revised Code; 65481

(e) The institute at the university of Toledo established 65482  
under section 3364.07 of the Revised Code. 65483

(2) "State institution of higher education" has the same 65484  
meaning as in section 3345.011 of the Revised Code. 65485

(B) The Ohio civics board is established. The board shall 65486  
consist of the directors of the academic civics centers, who 65487  
shall serve as ex officio members. If an academic civics center 65488  
does not have a director, then the center's acting or interim 65489  
director shall serve on behalf of that center until a director 65490  
is selected. No additional appointment or confirmation by any 65491  
authority is required for membership. 65492

(C) The board shall do all of the following: 65493

(1) Support the academic civics centers to more 65494  
effectively pursue their mission of teaching and research in the 65495  
historical ideas, traditions, and texts that have shaped the 65496

American and Ohio constitutional order and society; 65497

(2) Aid voluntary cooperation and coordination between the 65498  
academic civics centers, including coordinating intercollegiate 65499  
efforts and initiatives among the centers to promote 65500  
collaboration and serve the entire state of Ohio; 65501

(3) Advise the general assembly and chancellor of higher 65502  
education on matters pertaining to civic education, including 65503  
best practices, program development, and statewide initiatives 65504  
to enhance civic literacy and engagement; 65505

(4) Advise the general assembly and chancellor on 65506  
curriculum development and standards in state institutions of 65507  
higher education and primary and secondary public education 65508  
providers, and on the operations of the academic civics centers; 65509

(5) Assist the academic councils of the academic civics 65510  
centers in fulfilling their statutory duties, including 65511  
facilitating the selection process for directors of each center. 65512

(D) The board shall annually elect a chairperson and vice- 65513  
chairperson from among its members. The chairperson shall 65514  
preside over meetings and serve as the primary liaison to the 65515  
chancellor and the general assembly. The vice-chairperson shall 65516  
perform the duties of the chairperson in the absence of the 65517  
chairperson. 65518

The board shall meet as necessary at the call of the 65519  
chairperson or on the written request of three or more members 65520  
of the board. The board shall meet at least twice annually. 65521

A majority of the members of the board constitutes a 65522  
quorum, and the votes of a majority of the quorum present are 65523  
required to validate any action of the board, including 65524  
recommendations. 65525

The members of the board shall serve without compensation, 65526  
but each member shall be reimbursed for the member's actual and 65527  
necessary expenses incurred in the performance of the member's 65528  
official duties on the board. 65529

(E) The board shall submit an annual report to the general 65530  
assembly and the chancellor not later than the first day of 65531  
December each year. The report shall detail the board's 65532  
activities, recommendations, and findings related to civic 65533  
education, higher education curricula, primary and secondary 65534  
public education curricula, and the operations of the academic 65535  
civics centers. 65536

(F) The board, in consultation with the chancellor, may 65537  
adopt rules under Chapter 119. of the Revised Code as necessary 65538  
to implement this section. 65539

**Sec. 3345.601.** Each state institution of higher education, 65540  
as defined in section 3345.011 of the Revised Code, annually 65541  
shall certify to the chancellor of higher education, on a date 65542  
and in the form and manner determined by the chancellor, a plan 65543  
to preserve student records indefinitely if the state 65544  
institution was to cease operations. The plan shall include the 65545  
designation and signed confirmation of an official custodian of 65546  
student records. If the chancellor determines it necessary, the 65547  
chancellor may require a state institution to produce an 65548  
executed agreement with the designated custodian of student 65549  
records, paid in full, to ensure the state institution's plan 65550  
can be implemented. 65551

The chancellor may consult with the higher learning 65552  
commission, the state board of career colleges and schools, and 65553  
other appropriate entities to establish plans, processes, and 65554  
procedures for state institutions to provide indefinite access 65555

to student records.

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**Sec. 3345.71.** As used in sections 3345.72 to 3345.77 of  
the Revised Code:

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(A) "State university or college" means any state  
university listed in section 3345.011 of the Revised Code, the  
northeast Ohio medical university, any community college under  
Chapter 3354. of the Revised Code, any technical college under  
Chapter 3357. of the Revised Code, and any state community  
college under Chapter 3358. of the Revised Code.

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(B) "Fiscal caution" means the existence of a fiscal  
caution declared under section 3345.721 of the Revised Code.

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(C) "Fiscal watch" means the existence of a fiscal watch  
declared under section 3345.72 of the Revised Code.

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**Sec. 3345.721.** (A) The chancellor of higher education, in  
consultation with the office of budget and management, shall  
adopt rules in accordance with section 111.15 of the Revised  
Code that include all of the following:

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(1) Criteria for determining when to review and, if  
necessary, declare a state university or college under fiscal  
caution. The criteria may include, but not be limited to,  
consideration of the following:

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(a) A significant drop in enrollment from the prior year;

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(b) A decline in enrollment for consecutive years;

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(c) A significant increase in enrollment;

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(d) A significant increase in adjunct faculty;

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(e) An increase in student complaints;

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(f) An increase in the number of or a notable presence of

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<u>third-party service providers, which may include online program</u>	65583
<u>managers or the addition of a profit-sharing agreement with one</u>	65584
<u>or more third-party service providers that is entirely or partly</u>	65585
<u>based upon enrollment or securing financial aid;</u>	65586
 <u>(g) Federal financial aid processing delays;</u>	65587
 <u>(h) Reduced or increased reliance on state share of</u>	65588
<u>instruction;</u>	65589
 <u>(i) Receipt of substantial nonrecurring revenue, from any</u>	65590
<u>source, that could signify a structural budget deficit;</u>	65591
 <u>(j) Failure to reconcile or file annual reports promptly,</u>	65592
<u>which may cause a delay in completing a yearly audit even if</u>	65593
<u>granted an extension;</u>	65594
 <u>(k) A lack of proper institutional segregation of critical</u>	65595
<u>duties, functions, or responsibilities;</u>	65596
 <u>(l) Significant turnover of faculty, staff, or</u>	65597
<u>administrators;</u>	65598
 <u>(m) A significant amount of past due student receivables;</u>	65599
 <u>(n) A significant increase in tuition or fee waivers;</u>	65600
 <u>(o) Change in accreditation status by a nationally</u>	65601
<u>recognized accrediting agency;</u>	65602
 <u>(p) A significant increase in indebtedness;</u>	65603
 <u>(q) A federal program review or actions taken by a federal</u>	65604
<u>agency that adversely affects the state university's or</u>	65605
<u>college's finances, cash management, or educational program</u>	65606
<u>offerings;</u>	65607
 <u>(r) Significant changes in a state university's or</u>	65608
<u>college's educational program eligibility or compliance with</u>	65609

satisfactory academic progress requirements in 34 C.F.R. 668.34, 65610  
including an increase in the use of correspondence or 65611  
asynchronous learning materials. 65612

(2) A requirement that a state university or college 65613  
declared to be on fiscal caution shall submit a financial 65614  
recovery plan, within a defined period of time after the 65615  
declaration as determined by the chancellor, that may include, 65616  
but is not limited to, any of the following: 65617

(a) Projections of revenues and expenditures over a three- 65618  
year time horizon and on such other time horizons as may be 65619  
requested by the chancellor; 65620

(b) A comprehensive review of current staffing levels, a 65621  
comparison of staffing levels to the number of enrolled 65622  
students, and a five-year historical summary of staffing levels; 65623

(c) A review of the most recent submission of 65624  
institutional recommendations for courses and programs based on 65625  
enrollment and duplication with other state institutions of 65626  
higher education, as required by section 3345.35 of the Revised 65627  
Code, and submission of revised recommendations as determined to 65628  
be necessary; 65629

(d) A review of any approved tuition waivers, tuition 65630  
guarantees, reciprocity agreements, or scholarship programs; 65631

(e) A plan to reduce expenditures over a six-month, 65632  
twelve-month, eighteen-month, and twenty-four-month period, as 65633  
necessary, to align ongoing revenue with ongoing expenses; 65634

(f) A review of contracts that are the largest portion of 65635  
the state university's or college's expenditures; 65636

(g) A program viability analysis, or analyses, as 65637

determined by the chancellor to be necessary in accordance with 65638  
section 3333.073 of the Revised Code. 65639

(3) A requirement that a state university or college 65640  
declared to be on fiscal caution shall submit a three-year 65641  
forecast of revenues and expenditures, approved in a resolution 65642  
adopted by the board of trustees of the state university or 65643  
college. The three-year forecast shall be structurally balanced 65644  
based on a set of underlying assumptions, including enrollment 65645  
projections, tuition revenue, and state funding levels, that are 65646  
evidence-based and practicable; 65647

(4) A requirement that a state university or college 65648  
declared to be on fiscal caution shall consult with the auditor 65649  
of state regarding any necessary or appropriate steps to bring 65650  
the books of account, accounting systems, and financial 65651  
procedures and reports of the state university or college into 65652  
compliance with requirements prescribed by the auditor of state 65653  
regarding desirable modifications and supplementary systems and 65654  
procedures pertinent to the university or college. The auditor 65655  
of state shall provide a written report to the board of trustees 65656  
of the state university or college outlining the nature of the 65657  
financial accounting and reporting problems of the university or 65658  
college and recommendations for actions to be undertaken to 65659  
correct the financial accounting and reporting problems. If 65660  
requested by the state university or college or recommended by 65661  
the chancellor, the auditor of state may additionally perform a 65662  
performance audit of the state university or college. 65663

(5) A requirement that for the duration of a fiscal 65664  
caution, a state university or college shall submit regular 65665  
reports on any of the above matters or new matters identified by 65666  
the auditor of state or the chancellor as contributing to the 65667



reason for the declaration, preventing the recovery of the state 65668  
university or college, or the inability to be removed from 65669  
fiscal caution. 65670

(6) Criteria for determining when to declare the 65671  
termination of the fiscal caution of a state university or 65672  
college. 65673

(B) A state university or college shall provide the 65674  
chancellor with all information requested under this section in 65675  
the time and manner determined by the chancellor. 65676  
Notwithstanding any law to the contrary, failure to comply in a 65677  
satisfactory manner, as determined by the chancellor, may result 65678  
in a declaration of fiscal watch under section 3345.72 of the 65679  
Revised Code. 65680

(C) Notwithstanding any law to the contrary, the 65681  
chancellor may impose limitations on a state university or 65682  
college that fails to comply with this section or the rules 65683  
adopted pursuant to this section or fails to take decisive 65684  
action to improve the state university's or college's financial 65685  
condition. Such limitations may include, but are not limited to, 65686  
the following: 65687

(1) Limitations on eligibility to participate in grants 65688  
and programs administered by the chancellor; 65689

(2) Limitations on approval of a new degree program or 65690  
associated certificates; 65691

(3) Suspension of additional enrollment in an educational 65692  
program; 65693

(4) Restriction of an increase in any special fee or a 65694  
creation of a new fee; 65695

(5) Limitations on the power of the board of trustees to 65696  
enter into new or renewed contracts without prior approval from 65697  
the chancellor; 65698

(6) Withholding approval of any controlling board request 65699  
for capital projects. 65700

(D) The chancellor, the office of budget and management, 65701  
or the auditor of state may conduct any audit or analysis 65702  
necessary to assess the fiscal condition of any state university 65703  
or college. 65704

**Sec. 3345.74.** (A) The chancellor of higher education at 65705  
least annually shall apply the indicators and standards adopted 65706  
under division (A) of section 3345.73 of the Revised Code to 65707  
determine whether a state university or college under a fiscal 65708  
watch is experiencing sufficient fiscal difficulties to warrant 65709  
the appointment of a conservator under this section or if the 65710  
board of trustees of a state university or college has taken any 65711  
action related to pausing or stopping enrollment, submitted a 65712  
withdrawal of accreditation, or taken any other action 65713  
indicating it will no longer offer educational activity or will 65714  
undergo a wind down and dissolution of existence. Upon making a 65715  
determination that appointment of a conservator is warranted, 65716  
the chancellor shall request from the office of budget and 65717  
management, which shall provide, certification that sufficient 65718  
fiscal difficulties exist to warrant appointment of a 65719  
conservator. The chancellor shall then certify this 65720  
determination to the governor. 65721

Notwithstanding section 3333.021 of the Revised Code, that 65722  
section does not apply to certification by the chancellor under 65723  
this section or to the declaration of a fiscal watch under 65724  
section 3345.72 of the Revised Code. 65725

A determination by the chancellor under this division that 65726  
sufficient fiscal difficulties exist or do not exist to warrant 65727  
appointing a conservator is final and conclusive and not 65728  
appealable. 65729

(B) The governor may appoint a conservator for any state 65730  
university or college under a fiscal watch, upon certification 65731  
by the chancellor under division (A) of this section that the 65732  
appointment is warranted. The governor shall consult with the 65733  
speaker and minority leader of the house of representatives and 65734  
the president and minority leader of the senate before making 65735  
the appointment. From the time a conservator is appointed until 65736  
the time the governor issues an order terminating the governance 65737  
authority under division (B) of section 3345.76 of the Revised 65738  
Code, the governor may remove any member of the board of 65739  
trustees of the state university or college from office and not 65740  
fill the vacancy. 65741

(C) Upon appointment of a conservator under this section 65742  
for a state university or college, all of the following shall 65743  
occur effective immediately: 65744

(1) All duties, responsibilities, and powers of the board 65745  
of trustees of the university or college are suspended; 65746

(2) The management and control of the state university or 65747  
college is assumed by the conservator; 65748

(3) Notwithstanding any section of the Revised Code, all 65749  
duties, responsibilities, and powers assigned by law to the 65750  
board of trustees are assigned to the conservator, and the 65751  
conservator becomes the successor to, assumes the lawful 65752  
obligations of, and otherwise constitutes the continuation of 65753  
the board of trustees for purposes of all pending legal actions, 65754

contracts or other agreements, and obligations of the university 65755  
or college; 65756

(4) Wherever the board of trustees is referred to in any 65757  
contract or legal document, the reference is deemed to refer to 65758  
the conservator. No validation, cure, right, privilege, remedy, 65759  
obligation, or liability is lost or impaired by reason of the 65760  
assumption of the board's authority by the conservator under 65761  
this section and any such validation, cure, right, privilege, 65762  
remedy, obligation, or liability shall be administered by the 65763  
conservator. No action or proceeding pending on the effective 65764  
date of the assumption by the conservator of the board's 65765  
authority is affected by that assumption and any such action or 65766  
proceeding shall be prosecuted or defended in the name of the 65767  
conservator. 65768

(5) The conservator assumes custody of all equipment, 65769  
records, files, effects, and all other property real or personal 65770  
of the state university or college; 65771

(6) All authority and duties of the president or chief 65772  
executive officer, and the pay of the president or chief 65773  
executive officer, are suspended. 65774

(D) The conservator for a state university or college 65775  
shall conduct a preliminary performance evaluation of the 65776  
president or chief executive officer of the university or 65777  
college and provide a copy of findings and any recommendations 65778  
to the governance authority established for the university or 65779  
college under section 3345.75 of the Revised Code. 65780

(E) A conservator appointed under this section shall be 65781  
immune, indemnified, and held harmless from civil liability, 65782  
including any cause of action, legal, equitable, or otherwise, 65783

for any action taken or duties performed by the conservator in 65784  
good faith and in furtherance of the performance of the duties 65785  
of the conservator under this section. 65786

(F) The governor shall set the compensation for a 65787  
conservator appointed for a state university or college. The 65788  
expenses and compensation of the conservator and others employed 65789  
by the conservator shall be paid out of the operating funds and 65790  
revenues of that university or college. 65791

**Sec. 3345.75.** (A) Not later than thirty days after the 65792  
date of the appointment of a conservator for a state university 65793  
or college under section 3345.74 of the Revised Code, the 65794  
governor shall appoint, with the advice and consent of the 65795  
senate, a governance authority for the university or college 65796  
consisting of five members, of which one shall have expertise in 65797  
academic affairs and accreditation and one shall have expertise 65798  
in either state agency budgets or state university or college 65799  
finances. The members shall serve at the pleasure of the 65800  
governor and any vacancies shall be filled in the same manner as 65801  
an original appointment. 65802

The governor shall designate one of the members of the 65803  
governance authority as the chairperson and shall call the first 65804  
meeting of the authority. A majority of the members of a 65805  
governance authority constitutes a quorum and the affirmative 65806  
vote of a majority of the members shall be necessary for any 65807  
action taken by an authority. Meetings of a governance authority 65808  
shall be called in the manner and at the times prescribed by the 65809  
authority, but the authority shall meet at least four times 65810  
annually and at other times necessary for the best interest of 65811  
the university or college. A governance authority may adopt 65812  
procedures for the conduct of its business. 65813

The members of a governance authority shall not receive 65814  
compensation for their services, but shall be paid their 65815  
reasonable and necessary expenses while engaged in the discharge 65816  
of their official duties. 65817

(B) (1) A governance authority established under this 65818  
section shall appoint an executive director who shall serve at 65819  
the pleasure of the authority and with the compensation and 65820  
other terms and conditions established by it. With the approval 65821  
of the chairperson of the authority, the executive director may 65822  
appoint additional personnel as the director considers 65823  
appropriate. The executive director shall oversee the day-to-day 65824  
operation of the university or college under the direction and 65825  
supervision of the authority. 65826

(2) The governance authority shall conduct a final 65827  
performance evaluation of the president or chief executive 65828  
officer of the university or college. Following the evaluation, 65829  
the governance authority may reinstate any duties, authority, or 65830  
pay previously suspended under division (C) (6) of section 65831  
3345.74 of the Revised Code, or may terminate the president or 65832  
chief executive officer in accordance with the terms of the 65833  
person's employment contract. 65834

(C) Upon appointment of all members of a governance 65835  
authority under this section and upon the effective date for the 65836  
commencement of the duties of the executive director appointed 65837  
by that authority under this section, all authority, 65838  
responsibilities, duties, and references assumed by or conferred 65839  
upon the conservator under divisions (C) (2) to (6) of section 65840  
3345.74 of the Revised Code terminate and all of the following 65841  
shall occur, effective immediately: 65842

(1) The management and control of the state university or 65843

college is assumed by the governance authority; 65844

(2) Notwithstanding any section of the Revised Code, all 65845  
duties, responsibilities, and powers assigned by law to the 65846  
board of trustees or to the conservator are assigned to the 65847  
governance authority and the governance authority becomes the 65848  
successor to, assumes the lawful obligations of, and otherwise 65849  
constitutes the continuation of the board of trustees and the 65850  
conservator for purposes of all pending legal actions, contracts 65851  
or other agreements, and obligations of the university or 65852  
college; 65853

(3) Wherever the board of trustees or conservator is 65854  
referred to in any contract or legal document, the reference is 65855  
deemed to refer to the governance authority. No validation, 65856  
cure, right, privilege, remedy, obligation, or liability is lost 65857  
or impaired by reason of the assumption of the authority of the 65858  
board of trustees and the conservator by the governance 65859  
authority under this section and any such validation, cure, 65860  
right, privilege, remedy, obligation, or liability shall be 65861  
administered by the governance authority. No action or 65862  
proceeding pending on the effective date of the assumption by 65863  
the governance authority of the authority of the board of 65864  
trustees and the conservator is affected by that assumption and 65865  
any such action or proceeding shall be prosecuted or defended in 65866  
the name of the governance authority. 65867

(4) The governance authority assumes custody of all 65868  
equipment, records, files, effects, and all other property real 65869  
or personal of the state university or college. 65870

(D) A governance authority and executive director 65871  
appointed under this section shall be immune, indemnified, and 65872  
held harmless from civil liability, including any cause of 65873

action, legal, equitable, or otherwise, for any action taken or 65874  
duties performed by the governance authority and executive 65875  
director in good faith and in furtherance of the performance of 65876  
the duties of the governance authority and executive director 65877  
under this section. 65878

(E) The expenses of a governance authority and the 65879  
expenses and compensation of an executive director appointed for 65880  
a state university or college under this section and others 65881  
employed by the executive director under this section shall be 65882  
paid out of the operating funds and revenues of that university 65883  
or college. 65884

(F) A governance authority appointed under this section 65885  
shall prepare, in accordance with rules adopted by the office of 65886  
budget and management, and submit to the chancellor of higher 65887  
education, the governor, the speaker and minority leader of the 65888  
house of representatives, and the president and minority leader 65889  
of the senate a quarterly report setting forth all of the 65890  
following: 65891

(1) The general condition of the university or college; 65892

(2) The amounts of receipts and disbursements and the 65893  
items for which the disbursements were made; 65894

(3) The numbers of professors, officers, teachers, and 65895  
other employees and the position and compensation of each and 65896  
the numbers of students by courses of instruction; 65897

(4) An estimate of expenses for the ensuing quarter; 65898

(5) A statement of the general progress of the university 65899  
or college with indication of any improvements and specification 65900  
of any experiments with institutional reform and the costs and 65901  
results of those experiments; 65902



(6) If the governance authority determines closure is 65903  
necessary or is appointed to facilitate an orderly closure as 65904  
determined to be necessary by the board of trustees prior to the 65905  
governance authority's appointment, all matters related to 65906  
compliance with the requirements of a closure of an institution 65907  
of higher education as specified by the chancellor; 65908

(7) Any other matters the governance authority considers 65909  
useful to report. 65910

(G) The attorney general shall be the legal adviser to the 65911  
conservator and the governance authority, and the attorney 65912  
general may employ special counsel to aid the conservator or 65913  
governance authority with respect to any legal matter on behalf 65914  
of the institution. The conservator and the governance authority 65915  
may as otherwise provided by law request the attorney general to 65916  
bring or defend suits or proceedings in the name of the 65917  
institution. 65918

**Sec. 3345.83.** (A) Beginning not later than the 2027-2028 65919  
academic year, each state institution of higher education, as 65920  
defined in section 3345.011 of the Revised Code, shall develop 65921  
and implement a co-op internship program that aligns with 65922  
JobsOhio's target economic sectors and connects students with 65923  
Ohio-based employers to facilitate work-based learning 65924  
opportunities, which may include apprenticeships, internships, 65925  
externships, and co-ops, related to the student's course of 65926  
study. Institutions shall work with JobsOhio to develop and 65927  
implement their program, which shall include identifying 65928  
industry and employer partners. 65929

(B) The chancellor of higher education shall consult with 65930  
JobsOhio and any other appropriate stakeholders to develop the 65931  
goals, structure, and parameters of the program. The chancellor 65932

may consult with other stakeholders. 65933

(C) Beginning on the thirtieth day of June following the 65934  
academic year in which the co-op internship program under 65935  
division (A) of this section is implemented and annually 65936  
thereafter, each institution shall issue a report to the 65937  
chancellor on the status of the institution's program, including 65938  
the number of participating students, which employers are 65939  
partnering with the institution, and how many participating 65940  
students have received or accepted offers of employment after 65941  
graduation as a direct result of their participation in the 65942  
program. 65943

**Sec. 3345.86.** (A) As used in this section: 65944

(1) "Competency-based educational program" and "eligible 65945  
individual" have the same meanings as in section 3313.902 of the 65946  
Revised Code. 65947

(2) "Eligible provider" means a community college 65948  
established under Chapter 3354. of the Revised Code, a 65949  
university branch established under Chapter 3355. of the Revised 65950  
Code, a technical college established under Chapter 3357. of the 65951  
Revised Code, a state community college established under 65952  
Chapter 3358. of the Revised Code, or an Ohio technical center 65953  
as defined in section 3333.94 of the Revised Code. 65954

(B) An eligible provider may establish a competency-based 65955  
educational program that complies with standards adopted by the 65956  
department of education and workforce and may enroll eligible 65957  
individuals in the program for up to three consecutive school 65958  
years for the purpose of earning a high school diploma. The 65959  
provider shall establish a career plan for each individual 65960  
enrolled in the program that specifies the individual's career 65961

goals and describes how the individual will demonstrate 65962  
competency or earn course credits under division (C) of section 65963  
3313.902 of the Revised Code to earn a diploma and attain the 65964  
individual's career goals. Notwithstanding sections 3313.61, 65965  
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 65966  
Revised Code, the department shall award a high school diploma 65967  
to an individual enrolled in a program who satisfies one of the 65968  
conditions specified in division (C) of section 3313.902 of the 65969  
Revised Code. 65970

(C) An eligible provider shall report each individual 65971  
enrolled in a program under division (B) of this section to the 65972  
department. The department annually shall certify the enrollment 65973  
and attendance of each individual reported under this division 65974  
and shall pay the provider up to \$7,500 per school year, as 65975  
determined by the department based on the extent of the 65976  
individual's successful completion of the diploma requirements 65977  
prescribed in division (C) of section 3313.902 of the Revised 65978  
Code. 65979

(D) An eligible provider that enrolls individuals under 65980  
division (B) of this section is subject to the requirements of 65981  
section 3313.902 of the Revised Code, as applicable. 65982

**Sec. 3352.16.** (A) (1) The Wright state university center 65983  
for civics, culture, and workforce development is established as 65984  
an independent academic division within Wright state university, 65985  
physically located on the Dayton campus of Wright state 65986  
university. The center shall conduct teaching and research in 65987  
the historical ideas, traditions, and texts that have shaped the 65988  
American constitutional order and society and the United States 65989  
armed forces. 65990

(2) The center shall establish bylaws requiring the center 65991

to do all of the following: 65992

(a) Educate students by means of free, open, and rigorous 65993  
intellectual inquiry to seek the truth; 65994

(b) Affirm its duty to equip students with the skills, 65995  
habits, and dispositions of mind they need to reach their own 65996  
informed conclusions on matters of social and political 65997  
importance; 65998

(c) Affirm the value of intellectual diversity in higher 65999  
education and aspire to enhance the intellectual diversity of 66000  
the university; 66001

(d) Affirm a commitment to create a community dedicated to 66002  
an ethic of civil and free inquiry, which respects the 66003  
intellectual freedom of each member, supports individual 66004  
capacities for growth, and welcomes the differences of opinion 66005  
that shall naturally exist in a public university community. 66006

The requirements prescribed under divisions (A) (2) (a) to 66007  
(d) of this section shall take priority over any other bylaws 66008  
adopted by the center. 66009

(3) The board of trustees of the university may name the 66010  
center in accordance with the philanthropic naming policies and 66011  
practices of the university. 66012

~~(B)~~ (B) (1) The center shall be an independent academic 66013  
division, physically located on the Dayton campus of Wright 66014  
state university, with the authority to house faculty who hold 66015  
their appointments within the center. Faculty appointed to the 66016  
center shall not be required, but may, hold joint appointments 66017  
within any other division of the university. No faculty outside 66018  
of the center shall have the authority to block faculty hires 66019  
into the center. No university policy shall govern the 66020

development and approval of curriculum within the center. 66021

(2) The university shall provide adequate and appropriate 66022  
space for the center as jointly determined by the director and 66023  
either the president or provost of the university. The 66024  
university shall not charge or assess overhead or indirect fees, 66025  
costs, expenses, or charges to the center. 66026

(C) (1) The center shall offer instruction in all of the 66027  
following: 66028

(a) The books and major debates which form the 66029  
intellectual foundation of free societies, especially that of 66030  
the United States; 66031

(b) The principles, ideals, and institutions of the 66032  
American constitutional order, including the United States armed 66033  
forces; 66034

(c) The foundations of responsible leadership and informed 66035  
citizenship; 66036

(d) The origins, purpose, and role of Wright-Patterson air 66037  
force base and surrounding defense-related industries in 66038  
supporting the United States; 66039

(e) The workforce needs of Wright-Patterson air force base 66040  
and industries that support the base. 66041

(2) The center also shall focus on all of the following: 66042

(a) Offering university-wide programming related to the 66043  
values of free speech and civil discourse; 66044

(b) Expanding the intellectual diversity of the 66045  
university's academic community; 66046

(c) Increasing the awareness of Wright-Patterson air force 66047

base and supporting workforce needs to sustain and attract 66048  
missions at the base. 66049

(D) (1) ~~Not later than ninety days after the effective date~~ 66050  
~~of this section, the~~ The board of trustees of the university 66051  
shall appoint, with the advice and consent of the senate, a 66052  
seven-member center academic council. An initial member shall 66053  
not begin service until confirmed by the senate. Four members 66054  
shall form a quorum. 66055

(2) The academic council shall be comprised of scholars 66056  
with relevant expertise and experience. Not more than three 66057  
members of the council may be employees of the university. Best 66058  
efforts shall be made to have not fewer than three members of 66059  
the advisory board be from Ohio. 66060

(3) Three members of the academic council shall serve 66061  
initial terms of two years and four members shall serve initial 66062  
terms of four years, which the members shall determine at their 66063  
first meeting, and select replacements for vacant seats. 66064

(E) (1) The academic council established under division (D) 66065  
of this section shall conduct a nationwide search for candidates 66066  
for the director of the center and shall strictly adhere to all 66067  
relevant state and federal laws. The academic council shall 66068  
submit to the president of the university a list of finalists 66069  
from which the president shall select and appoint a director, 66070  
subject to approval by the board of trustees. Future directors 66071  
shall be chosen in the same manner. 66072

(2) The director shall consult with the provost; however, 66073  
the director shall report directly to the president of the 66074  
university. 66075

(3) The director shall have the sole and exclusive 66076

authority to manage the recruitment and hiring process and to 66077  
extend offers for employment for all faculty and staff of the 66078  
center, and to terminate employment of all staff, subject to the 66079  
approval of the board of trustees of the university. The 66080  
director shall oversee, develop, and approve the center's 66081  
curriculum, including approval of the center's courses that meet 66082  
the university's general education requirements. The center 66083  
shall be granted the authority to offer courses independently 66084  
and develop certificate, minor, and major programs as well as 66085  
graduate programs, and offer degrees. 66086

(4) Notwithstanding section 3333.164 of the Revised Code, 66087  
the center shall develop a set of standards and procedures to 66088  
maximize the granting of academic credit for military training, 66089  
experience, and coursework. 66090

(5) Notwithstanding section 3333.31 of the Revised Code, 66091  
Wright state university shall not charge more than its in-state 66092  
instructional and general fees to any current or honorably 66093  
discharged member of the United States armed forces, or the 66094  
spouse or dependents of such a member, who enrolls in a program 66095  
offered by the center, regardless of whether that member, 66096  
spouse, or dependent is a resident of this state under rules 66097  
adopted under section 3333.31 of the Revised Code. 66098

(F) The director of the center shall submit an annual 66099  
report to the board of trustees of the university and the 66100  
general assembly in accordance with section 101.68 of the 66101  
Revised Code. The report shall provide a full account of the 66102  
center's achievements, opportunities, challenges, and obstacles 66103  
in the development of this academic division. 66104

**Sec. 3354.19.** ~~(A)~~ As used in sections 3354.19 to 66105  
~~3354.24~~3354.21 of the Revised Code, "displaced homemaker" means 66106

an individual who: 66107

(A) Is twenty-seven years of age or older; 66108

(B) Has worked without pay as a homemaker for his or her 66109  
family; 66110

(C) Is not gainfully employed and has had, or would be 66111  
likely to have, difficulty in securing employment; and 66112

(D) Has either been deprived of the support of a person on 66113  
whom he or she was dependent, or has become ineligible for 66114  
public assistance as the parent of a needy child. 66115

**Sec. 3358.08.** The board of trustees of a state community 66116  
college district may: 66117

(A) Own and operate a state community college; 66118

(B) Hold, encumber, control, acquire by donation, purchase 66119  
or condemn, construct, own, lease, use, and sell, real and 66120  
personal property as necessary for the conduct of the program of 66121  
the state community college on whatever terms and for whatever 66122  
consideration may be appropriate for the purpose of the 66123  
institution; 66124

(C) Accept gifts, grants, bequests, and devises absolute 66125  
or in trust for support of the state community college; 66126

(D) Employ a president, and appoint or approve the 66127  
appointment of other necessary administrative officers, full- 66128  
time faculty members, and operating staff. The board may 66129  
delegate the appointment of operating staff and part-time 66130  
faculty members to the college president. The board shall fix 66131  
the rate of compensation of the president and all officers and 66132  
full-time employees as are necessary and proper for state 66133  
community colleges. 66134



(E) Provide for the state community college necessary 66135  
lands, buildings, or other structures, equipment, means, and 66136  
appliances; 66137

(F) Establish within the maximum amounts permitted by law, 66138  
schedules of fees and tuition for students who are Ohio 66139  
residents and students who are not~~r~~. If electors approve a levy 66140  
under section 3358.11 of the Revised Code for current operating 66141  
expenses, the board shall charge students who reside in the 66142  
county in which the tax is levied a lower tuition rate than the 66143  
rate charged to students who are residents of other counties in 66144  
the state. 66145

(G) Grant appropriate degrees to students successfully 66146  
completing the state community college's programs, and 66147  
certificates of achievement to students who complete other 66148  
programs; 66149

(H) Prescribe policies for the effective operation of the 66150  
state community college and exercise such other powers as are 66151  
necessary for the efficient management of the college; 66152

(I) Enter into contracts with neighboring colleges and 66153  
universities for the conduct of state community college programs 66154  
or technical courses outside the state community college 66155  
district; 66156

(J) Purchase: 66157

(1) A policy or policies of insurance insuring the 66158  
district against loss or damage to property, whether real, 66159  
personal, or mixed, which is owned by the district or leased by 66160  
it as lessee or which is in the process of construction by or 66161  
for the district; 66162

(2) A policy or policies of fidelity insurance in such 66163

amounts and covering such trustees, officers, and employees of 66164  
the district as the board may consider necessary or desirable; 66165

(3) A policy or policies of liability insurance from an 66166  
insurer or insurers licensed to do business in this state 66167  
insuring its members, officers, and employees against all civil 66168  
liability arising from an act or omission by the member, 66169  
officer, or employee, when the member, officer, or employee is 66170  
not acting manifestly outside the scope of employment or 66171  
official responsibilities with the institution, with malicious 66172  
purpose or bad faith, or in a wanton or reckless manner, or may 66173  
otherwise provide for the indemnification of such persons 66174  
against such liability. All or any portion of the cost, premium, 66175  
or charge for such a policy or policies or indemnification 66176  
payment may be paid from any funds under the institution's 66177  
control. The policy or policies of liability insurance or the 66178  
indemnification policy of the institution may cover any risks 66179  
including, but not limited to, damages resulting from injury to 66180  
property or person, professional liability, and other special 66181  
risks, including legal fees and expenses incurred in the defense 66182  
or settlement claims of such damages. 66183

(4) A policy or policies of insurance insuring the 66184  
district against any liabilities to which it may be subject on 66185  
account of damage or injury to persons or property, including 66186  
liability for wrongful death. 66187

Any instrument by which real property is acquired pursuant 66188  
to this section shall identify the agency of the state that has 66189  
the use and benefit of the real property as specified in section 66190  
5301.012 of the Revised Code. 66191

**Sec. 3358.11.** (A) In the same manner as a tax may be 66192  
proposed by a board of trustees of a community college district 66193

under section 3354.12 of the Revised Code, the board of trustees 66194  
of a state community college district may adopt and certify a 66195  
resolution to the board of elections of one or more of the 66196  
counties comprising the state community college district 66197  
directing the board of elections to place on the ballot at any 66198  
general or special election the question of levying a tax in 66199  
excess of the ten-mill limitation on all the taxable property in 66200  
that county or those counties. The tax may be for any of the 66201  
following purposes, as stated in the resolution: 66202

(1) The acquisition of sites in that county or those 66203  
counties; 66204

(2) The erection, furnishing, and equipment of buildings 66205  
in that county or those counties; 66206

(3) The acquisition, construction, or improvement of any 66207  
property in that county or those counties which the board of 66208  
trustees of a state community college is authorized to acquire, 66209  
construct, or improve and which has an estimated life or 66210  
usefulness of five years or more as certified by the treasurer 66211  
of the board of trustees; 66212

(4) The payment of current expenses of the state community 66213  
college district. This tax may only be levied in the county in 66214  
which the main campus of the state community college is located. 66215

The resolution shall declare that, if the levy is for one 66216  
or more of the purposes described in divisions (A) (1) to (3) of 66217  
this section, the proceeds of the levy or issue may be used 66218  
solely within the county or counties in which the tax is levied— 66219  
and—. If the levy is for the purpose described in division (A) 66220  
(4) of this section, the resolution shall declare that the 66221  
proceeds of the levy shall be used for costs associated with 66222

operations in the county in which the tax is levied. The 66223  
resolution shall also state, regardless of the purposes for 66224  
which the tax is levied, the term of the tax, which may be for 66225  
any term authorized for a tax levied under section 3354.12 of 66226  
the Revised Code. The question of such a tax may not be 66227  
submitted at more than two special elections held in any one 66228  
calendar year. Levies for a continuing period of time adopted 66229  
under this section may be reduced in accordance with section 66230  
5705.261 of the Revised Code. 66231

The election shall be held, canvassed, and certified in 66232  
the manner provided for the submission of a tax levy under 66233  
section 3354.12 of the Revised Code. A tax levied under this 66234  
section may be renewed in the same manner as a tax levied under 66235  
section 3354.12 of the Revised Code ~~or replaced in accordance~~ 66236  
~~with section 5705.192 of the Revised Code.~~ 66237

If electors approve the levy, the board of trustees may 66238  
anticipate a fraction of the proceeds of the levy and may, from 66239  
time to time, issue anticipation notes in the same manner and 66240  
subject to the same limitations provided under section 3354.12 66241  
of the Revised Code. 66242

(B) In accordance with Chapter 133. of the Revised Code, 66243  
the board of trustees of a state community college district may 66244  
adopt and certify a resolution to the board of elections of one 66245  
or more of the counties comprising the district directing the 66246  
board of elections to place on the ballot at any election 66247  
authorized under section 133.18 of the Revised Code both of the 66248  
following questions: 66249

(1) The question of issuing bonds for paying all or part 66250  
of the cost of the following: 66251

(a) The purchase of sites in that county or those 66252  
counties; 66253

(b) The erection, furnishings, and equipment of buildings 66254  
in that county or those counties; 66255

(c) The acquisition or construction of any property in 66256  
that county or those counties which the board of trustees is 66257  
authorized to acquire or construct and which has an estimated 66258  
life or usefulness of five years or more as certified by the 66259  
treasurer of the board of trustees. 66260

(2) The question of levying a tax in excess of the ten- 66261  
mill limitation on all the taxable property in that county or 66262  
those counties to pay the interest on and retire any bonds 66263  
approved by the electors under division (B) (1) of this section. 66264

The election shall be held, canvassed, and certified in 66265  
the manner provided for the submission of a bond issuance and 66266  
tax levy under section 3354.11 of the Revised Code. Bonds 66267  
approved by electors under division (B) (1) of this section may 66268  
be issued for one or more improvements which the district is 66269  
authorized to acquire or construct, notwithstanding the fact 66270  
that such improvements may not be for more than one purpose 66271  
under Chapter 133. of the Revised Code. 66272

Notes may be issued in anticipation of any bonds that may 66273  
be approved by the electors under division (B) (1) of this 66274  
section in the manner provided under section 133.22 of the 66275  
Revised Code. 66276

For the purpose of applying Chapter 133. of the Revised 66277  
Code to division (B) of this section, the treasurer of the state 66278  
community college district shall be considered to be the 66279  
district's fiscal officer, and the board of trustees of the 66280

state community college district shall be considered to be the 66281  
taxing authority. 66282

(C) The board of trustees of a state community college 66283  
district that levies a tax or proposes to levy a tax under 66284  
division (A) or (B) of this section shall be considered to be a 66285  
taxing authority, the county or counties in which the tax is 66286  
levied shall be considered to be a subdivision, and the 66287  
treasurer of the board of trustees shall be considered to be a 66288  
fiscal officer for the purposes of Chapter 5705. of the Revised 66289  
Code, except for section 5705.19 of the Revised Code. 66290

**Sec. 3364.07.** ~~(A)~~ (A) (1) The institute of American 66291  
constitutional thought and leadership is established for the 66292  
purpose of creating and disseminating knowledge about American 66293  
constitutional thought and to form future leaders of the legal 66294  
profession through research, scholarship, teaching, 66295  
collaboration, and mentorship. The institute shall be an 66296  
independent academic unit within the university of Toledo, 66297  
~~initially physically located at the college of law. The~~ 66298  
~~university shall require the college of law to provide adequate~~ 66299  
~~administrative space for the institute.~~ 66300

(2) The university shall provide adequate and appropriate 66301  
space for the institute as jointly determined by the director 66302  
and either the president or provost of the university. The 66303  
university shall not charge or assess overhead or indirect fees, 66304  
costs, expenses, or charges to the institute. 66305

(B) The institute shall pursue all of the following goals: 66306

(1) To enrich the curriculum in American constitutional 66307  
studies, including the core texts and great debates of western 66308  
civilization; 66309

(2) To educate university students in the principles, 66310  
ideals, and institutions of the American and Ohio constitutional 66311  
order; 66312

(3) To educate university students in the foundations of 66313  
responsible leadership and informed citizenship and to cultivate 66314  
the next generation of leaders in the legal profession; 66315

(4) To offer university-wide programming related to the 66316  
values of open inquiry and civil discourse; 66317

(5) To expand the intellectual diversity of the 66318  
university's academic community and to create a rich forum for 66319  
the development of ideas across the political and ideological 66320  
spectrum; 66321

(6) To support faculty and graduate student scholarship 66322  
that advances understanding of American constitutional thought 66323  
and institutions; 66324

(7) To promote scholarly collaboration within the 66325  
university and beyond; 66326

(8) To host lectures, debates, and symposia, and sponsor 66327  
visiting scholars, jurists, and teachers. 66328

(C) The institute shall adhere to the following policies: 66329

(1) The institute shall educate students by means of free, 66330  
open, and rigorous intellectual inquiry to seek the truth. 66331

(2) The institute shall equip students with the skills, 66332  
habits, and dispositions of mind they need to reach their own 66333  
informed conclusions on matters of legal, social, and political 66334  
importance. 66335

(3) The institute shall value intellectual diversity in 66336

higher education, including in faculty recruitment, hiring, and 66337  
appointment, and aspire to enhance the intellectual diversity of 66338  
academic life at the university. 66339

(4) The institute shall create a community dedicated to an 66340  
ethic of civil and free inquiry, which respects the intellectual 66341  
freedom of each member, supports individual capacities for 66342  
growth, and welcomes the differences of opinion that naturally 66343  
occur in a public university community. 66344

(D) (1) ~~Not later than sixty days after the effective date~~ 66345  
~~of this section, the~~ The talent, compensation, and governance 66346  
committee of the board of trustees of the university, if such a 66347  
committee exists, shall appoint, with the advice and consent of 66348  
the senate, a seven-member institute academic council. If no 66349  
such committee exists, the board of trustees shall appoint 66350  
members under this division. An initial member shall not begin 66351  
service until confirmed by the senate. Four members shall form a 66352  
quorum. 66353

(2) The academic council shall be comprised of scholars 66354  
with relevant expertise and experience. Not more than one member 66355  
of the council may be an employee of the university. Best 66356  
efforts shall be made to have not fewer than three members of 66357  
the council be from Ohio. 66358

(3) Three members of the academic council shall serve 66359  
initial terms of two years and four members shall serve initial 66360  
terms of four years, which the members shall determine at their 66361  
first meeting, and select replacements for vacant seats. 66362

(4) To fill a vacancy for the institute director after the 66363  
initial director, following a national search, the academic 66364  
council shall transmit to the president a list of finalists from 66365



which the president shall select a director, subject to the 66366  
approval of the talent, compensation, and governance committee 66367  
of the board of trustees. 66368

(E) (1) The institute shall be led by a director who shall 66369  
report directly to the president and provost of the university- 66370  
~~and consult with the dean of the college of law.~~ The president 66371  
of the university shall appoint ~~an initial~~ the director ~~not~~ 66372  
~~later than thirty days after the effective date of this section~~ 66373  
. The director shall be an expert of the western tradition, the 66374  
American founding, and American constitutional thought, and 66375  
shall have shown a commitment to the purposes, goals, and 66376  
policies of the institute. The director's term shall be for five 66377  
years and shall be renewable. 66378

(2) The director shall have the protection of tenure or 66379  
tenure eligibility. Any existing tenure with the university held 66380  
by a director shall be maintained with the university. 66381

(F) The institute shall be an independent academic unit of 66382  
the university with the authority to house tenure-track faculty 66383  
who hold their appointments within the institute. Not fewer than 66384  
five tenure-track faculty positions shall be allotted to the 66385  
institute. Faculty appointed within the institute shall not be 66386  
required, but may be permitted, to hold joint or courtesy 66387  
appointments within any other division of the university. No 66388  
faculty from outside the institute shall have the authority to 66389  
block faculty hires into the institute. 66390

(G) (1) The director shall have the sole and exclusive 66391  
authority to manage the recruitment and hiring process and to 66392  
extend offers for employment for all faculty and staff, and to 66393  
terminate employment of all staff. The director shall oversee, 66394  
develop, and approve the institute's curriculum, including 66395

approval of the center's courses that meet the university's 66396  
general education requirements. The institute shall be granted 66397  
the authority to offer courses and develop certificate, minor, 66398  
major, and graduate programs, and offer degrees. 66399

(2) Employment contracts offered under division (G) (1) of 66400  
this section to tenure-track faculty appointed to the institute 66401  
shall guarantee reappointment elsewhere in the university, at 66402  
the same rank and compensation, in the event the institute is 66403  
discontinued. 66404

(H) The director of the institute shall submit an annual 66405  
report to the board of trustees of the university and the 66406  
general assembly in accordance with section 101.68 of the 66407  
Revised Code. The report shall provide a full account of the 66408  
institute's achievements, opportunities, challenges, and 66409  
obstacles in the development of this academic unit. 66410

(I) The board of trustees of the university may change the 66411  
name of the institute in accordance with the philanthropic 66412  
naming policies and practices of the university. 66413

**Sec. 3365.15.** The chancellor of higher education and the 66414  
department of education and workforce jointly shall do all of 66415  
the following: 66416

(A) Adopt data reporting guidelines specifying the types 66417  
of data that public and participating nonpublic secondary 66418  
schools and public and participating private colleges, including 66419  
eligible out-of-state colleges participating in the program, 66420  
must annually collect, report, and track under division (G) of 66421  
section 3365.04 and division (H) of section 3365.05 of the 66422  
Revised Code. The types of data shall include all of the 66423  
following: 66424

(1) For each secondary school and college:	66425
(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;	66426 66427
(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;	66428 66429 66430
(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.	66431 66432
(2) For each secondary school, the number of students who were denied participation in the program under division (A) (1) (a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department pursuant to section 3365.071 of the Revised Code.	66433 66434 66435 66436 66437 66438 66439
(3) For each college:	66440
(a) The number of students who applied to enroll in the college under the program but were not granted admission;	66441 66442
(b) The average number of completed courses per participant;	66443 66444
(c) The average grade point average for participants in college courses under the program.	66445 66446
The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.	66447 66448 66449
(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December	66450 66451

of each year, the data from the previous school year shall be 66452  
posted in a prominent location on both the chancellor of higher 66453  
education's and the department's web sites. 66454

(C) Submit an annual report on outcomes of the college 66455  
credit plus program that are supported by empirical evidence to 66456  
the governor, the president of the senate, the speaker of the 66457  
house of representatives, and the chairpersons of the education 66458  
committees of the senate and house of representatives not later 66459  
than the thirty-first day of December each year. The report 66460  
shall include all of the following, disaggregated by cohort: 66461

(1) Number of degrees attained; 66462

(2) Level and type of degrees attained; 66463

(3) Number of students who receive a degree in two 66464  
different subject areas; 66465

(4) Time to completion of a degree, disaggregated by level 66466  
and type of degree attained; 66467

(5) Time to enrollment in a graduate or doctoral degree 66468  
program; 66469

(6) The number of students who participate in a study 66470  
abroad course; 66471

(7) How all of the measures described in division (C) of 66472  
this section compare to both: 66473

(a) The overall student population who did not participate 66474  
in the college credit plus program; 66475

(b) Any similar measures compiled under the former 66476  
postsecondary enrollment options program, to the extent that 66477  
such data is available. 66478

The first report shall be submitted not later than 66479  
December 31, 2018, and each subsequent report shall be submitted 66480  
not later than the thirty-first day of December each year 66481  
thereafter ~~until December 2023~~. 66482

(D) Establish a college credit plus advisory committee to 66483  
assist in the development of performance metrics and the 66484  
monitoring of the program's progress. At least one member of the 66485  
advisory committee shall be a school guidance counselor. 66486

The chancellor shall also, in consultation with the 66487  
department, create a standard packet of information for the 66488  
college credit plus program directed toward students and parents 66489  
that are interested in the program. 66490

(E) The chancellor and the department also may submit a 66491  
biennial report detailing the status of the college credit plus 66492  
program, including an analysis of quality assurance measures 66493  
related to the program, to the governor, the president of the 66494  
senate, the speaker of the house of representatives, and the 66495  
chairpersons of the education committees of the senate and house 66496  
of representatives. If the chancellor and the department choose 66497  
to jointly submit the biennial report, both of the following 66498  
shall apply: 66499

(1) The report shall include only data available through 66500  
the higher education information system administered by the 66501  
chancellor. 66502

(2) The first report shall be submitted not later than 66503  
December 31, 2017, and each subsequent report shall be submitted 66504  
not later than the thirty-first day of December every two years 66505  
thereafter. 66506

(F) For purposes of this section, "cohort" means a group 66507

of students who participated in the college credit plus program 66508  
and who, upon graduation from high school, enroll in an Ohio 66509  
institution of higher education during the same academic year. 66510

**Sec. 3375.15.** (A) In any school district in which a free 66511  
public library has been established by resolution adopted by the 66512  
board of education of such school district prior to September 4, 66513  
1947, or by resolution adopted by the board of education of such 66514  
school district under section 3375.151 of the Revised Code after 66515  
the effective date of this amendment but prior to January 1, 66516  
2014, such library shall be under the control and management of 66517  
a board of library trustees consisting of seven members. No one 66518  
is eligible to membership on such board of library trustees who 66519  
is or has been for a year previous to appointment a member of a 66520  
board of education making such appointment. A majority of the 66521  
trustees shall be qualified electors of the school district, but 66522  
a minority may be qualified electors of the county who reside 66523  
outside the school district, and all shall be appointed by the 66524  
board of education of the school district. 66525

(B) The trustees shall serve ~~for a term of seven years and~~ 66526  
without compensation. Trustees appointed prior to the effective 66527  
date of this amendment shall serve for a term of seven years. 66528  
Trustees appointed on or after that date shall serve for a term 66529  
of four years. Except as otherwise provided in this section, all 66530  
vacancies on the board of library trustees shall be filled by 66531  
the board of education by appointment for the unexpired term. 66532  
The board of library trustees shall organize in accordance with 66533  
section 3375.32 of the Revised Code. The board of library 66534  
trustees shall have the control and management of the school 66535  
district free public library and in the exercise of such control 66536  
and management shall be governed by sections 3375.33 to 3375.41 66537  
of the Revised Code. This section does not affect the term of 66538

any member of a board of library trustees of a school district 66539  
free public library appointed prior to September 4, 1947. 66540

(C) The board of education shall make appointments to the 66541  
board of library trustees not later than forty-five days after 66542  
the date a member's term expires or after the date a vacancy 66543  
occurs, whichever is applicable. If the board of education does 66544  
not make an appointment by that time, the appointment shall be 66545  
made within the next fourteen days by the probate court of the 66546  
county in which the library is situated. 66547

**Sec. 3375.22.** In any county in which there has been 66548  
created a county library district, the free public library of 66549  
said district shall be under the control and management of a 66550  
board of library trustees consisting of seven members. Such 66551  
trustees shall be qualified electors of the library district or 66552  
county. Three shall be appointed by the judges of the court of 66553  
common pleas and four shall be appointed by the board of county 66554  
commissioners of the county in which said district is situated. 66555  
The term of office of said trustees, if appointed prior to the 66556  
effective date of this amendment, shall be seven years, except 66557  
that at the first appointment the terms of those appointed by 66558  
the judges shall expire in two, four, and six years 66559  
respectively, and the terms of those appointed by the board of 66560  
county commissioners shall expire in one, three, five, and seven 66561  
years respectively. The term of office of trustees appointed on 66562  
or after the effective date of this amendment shall be four 66563  
years, except that at the first appointment the terms of those 66564  
appointed by the judges shall expire in two, three, and four 66565  
years respectively, and the terms of those appointed by the 66566  
board of county commissioners shall expire in one, two, three, 66567  
and four years respectively. Any appointment made to fill a 66568  
vacancy shall be made by the same body which appointed the 66569

trustee whose place has become vacant and shall be for ~~his~~ the 66570  
remainder of the unexpired term. The successor of any trustee of 66571  
any county library district shall be appointed by the same board 66572  
or officers which appointed ~~his~~ the trustee's predecessor and 66573  
all subsequent appointments shall be for seven years. The 66574  
members of such board of library trustees shall serve without 66575  
compensation but shall be reimbursed for their actual and 66576  
necessary expenses incurred in the performance of their duties. 66577  
Such board of library trustees shall organize in accordance with 66578  
section 3375.32 of the Revised Code. Such board of library 66579  
trustees shall have the control and management of the county 66580  
district free public library and in the exercise of such control 66581  
and management shall be governed by sections 3375.33 to 3375.41~~7~~ 66582  
~~inclusive,~~ of the Revised Code. 66583

**Sec. 3375.30.** In any two or more contiguous counties in 66584  
which there has been created a regional library district, there 66585  
shall be a board of library trustees consisting of seven 66586  
members. Such trustees shall be qualified electors of the 66587  
district. The first appointments to such board of library 66588  
trustees shall be made by the boards of county commissioners of 66589  
such counties in joint meeting. Thereafter each appointment to 66590  
fill an expiring term shall be made by the board of county 66591  
commissioners of a participating county in the rotating order 66592  
represented by the alphabetical arrangement of the names of the 66593  
counties. The term of office of said trustees, if appointed 66594  
prior to the effective date of this amendment, shall be seven 66595  
years, or, if appointed on or after that date, shall be four 66596  
years, except that at the first appointment the terms must be 66597  
such that one member retires each year. Any appointment made to 66598  
fill a vacancy shall be made by the same body which appointed 66599  
the trustee whose place has become vacant and shall be for ~~his~~ the 66600



the remainder of the unexpired term. The members of such board 66601  
of library trustees shall serve without compensation but shall 66602  
be reimbursed for their actual and necessary expenses incurred 66603  
in the performance of their duties. Such board of library 66604  
trustees shall organize in accordance with section 3375.32 of 66605  
the Revised Code. Such board of library trustees shall have the 66606  
control and management of the regional district free public 66607  
library and in exercise of such control and management shall be 66608  
governed by sections 3375.33 to 3375.41, ~~inclusive,~~ and section 66609  
3375.19 of the Revised Code. 66610

**Sec. 3375.39.** At the expiration of the term of a fiscal 66611  
officer of a board of library trustees of a free public library 66612  
or before such board approves the surety of any fiscal officer, 66613  
such board shall require the fiscal officer to produce all 66614  
money, bonds, or other securities in the fiscal officer's hands, 66615  
which shall then be counted by the board or a committee of the 66616  
board, ~~or by a representative of the auditor of state.~~ A 66617  
certificate setting forth the exact amount of such money, bonds, 66618  
or other securities and signed by the representatives making 66619  
such count shall be entered upon the records of the board and 66620  
shall be prima-facie evidence that the amount stated in such 66621  
certificate is actually in the treasury at that date. 66622

**Sec. 3375.47.** A public library created under Chapter 3375. 66623  
of the Revised Code shall place material related to sexual 66624  
orientation or gender identity or expression in a portion of the 66625  
public library that is not primarily open to the view of persons 66626  
under the age of eighteen. 66627

**Sec. 3375.92.** The fiscal officer of the board of trustees 66628  
of the regional library system is the treasurer of the 66629  
organization's funds. Before entering upon their duties, the 66630

fiscal officer and the deputy fiscal officer shall execute a 66631  
bond in an amount and with surety to be approved by the board, 66632  
and conditioned for the faithful performance of the official 66633  
duties required of them. 66634

All moneys received by the fiscal officer shall be 66635  
immediately placed by the fiscal officer in a depository 66636  
designated by the board. The fiscal officer shall keep an 66637  
account of the funds credited to the board. 66638

The fiscal officer shall render a monthly statement to the 66639  
board showing the revenues and receipts from whatever sources 66640  
derived, the disbursements and the purposes for such 66641  
disbursements, and the assets and liabilities of the board. At 66642  
the end of each fiscal year the fiscal officer shall submit to 66643  
the board, to the state library board and, if requested, to any 66644  
granting authority, a complete financial statement showing the 66645  
receipts and expenditures in detail for the entire fiscal year. 66646  
Such financial records shall be open to public inspection at all 66647  
reasonable times. 66648

At the expiration of the term of the fiscal officer or 66649  
before the board of trustees approves the surety of any fiscal 66650  
officer, the board shall require the fiscal officer to produce 66651  
all moneys, bonds, or other securities in the fiscal officer's 66652  
hands, which shall then be counted by the board or a committee 66653  
of the board, ~~or by a representative of the auditor of state.~~ A 66654  
certificate setting forth the exact amount of such money, bonds, 66655  
or other securities and signed by the persons making such count 66656  
shall be entered upon the records of the board and shall be 66657  
prima-facie evidence that the amount stated in such certificate 66658  
is actually in the treasury at that date. 66659

**Sec. 3381.03.** Any county, or any two or more counties, 66660

municipal corporations, or townships, or any combination of 66661  
these may create a regional arts and cultural district by the 66662  
adoption of a resolution or ordinance by the board of county 66663  
commissioners of each county, the legislative authority of each 66664  
municipal corporation, and the board of township trustees of 66665  
each township that desires to create or to join in the creation 66666  
of the district. The resolution or ordinance shall state all of 66667  
the following: 66668

(A) The purposes for the creation of the district; 66669

(B) The counties, municipal corporations, or townships 66670  
that are to be included in the district; 66671

(C) The official name by which the district shall be 66672  
known; 66673

(D) The location of the principal office of the district 66674  
or the manner in which the location shall be selected; 66675

(E) Subject to section 3381.05 of the Revised Code, the 66676  
number, term, and compensation, which shall not exceed the sum 66677  
of fifty dollars for each board and committee meeting attended 66678  
by a member, of the members of the board of trustees of the 66679  
district; 66680

(F) Subject to section 3381.05 of the Revised Code, the 66681  
manner in which members of the board of trustees of the district 66682  
shall be appointed; the method of filling vacancies; and the 66683  
period, if any, for which a trustee continues in office after 66684  
expiration of the trustee's term pending the appointment of the 66685  
trustee's successor; 66686

(G) The manner of apportioning expenses of the district 66687  
among the participating counties, municipal corporations, and 66688  
townships. 66689

The resolution or ordinance may also provide that the 66690  
authority of the districts to make grants under section 3381.20 66691  
of the Revised Code may be totally or partially delegated to one 66692  
or more area arts councils, as defined in section 757.03 of the 66693  
Revised Code, located within the district. 66694

The district provided for in the resolution or ordinance 66695  
shall be created upon the adoption of the resolution or 66696  
ordinance by the board of county commissioners of each county, 66697  
the legislative authority of each municipal corporation, and the 66698  
board of township trustees of each township enumerated in the 66699  
resolution or ordinance. The resolution or ordinance may be 66700  
amended to include additional counties, municipal corporations, 66701  
or townships or for any other purpose by the adoption of an 66702  
amendment by the board of county commissioners of each county, 66703  
the legislative authority of each municipal corporation, and the 66704  
board of township trustees of each township that has created or 66705  
joined or proposes to join the district. 66706

After each county, municipal corporation, and township has 66707  
adopted a resolution or ordinance approving inclusion of 66708  
additional counties, municipal corporations, or townships in the 66709  
district, a copy of the resolution or ordinance shall be filed 66710  
with the clerk of the board of the county commissioners of each 66711  
county, the clerk of the legislative authority of each municipal 66712  
corporation, and the fiscal officer of the board of trustees of 66713  
each township proposed to be included in the district. The 66714  
inclusion is effective when all such filing is completed unless 66715  
the district to which territory is to be added has authority to 66716  
levy an ad valorem tax on property within its territory, in 66717  
which event the inclusion shall become effective upon voter 66718  
approval of the joinder and the tax. 66719

If a tax on property is to be levied, the board and the county auditor shall proceed in the same manner as required for a tax levy under section 5705.03 of the Revised Code, except that the levy's annual collections shall be estimated assuming that the additional territory has been added to the district. The board of trustees shall promptly certify the proposal and the auditor's certification to the board or boards of elections for the purpose of having the proposal placed on the ballot at the next general or primary election that occurs not less than sixty days after the date of the meeting of the board of trustees, or at a special election held on a date specified in the certification that is not less than sixty days after the date of the meeting of the board. If territory of more than one county, municipal corporation, or township is to be added to the regional arts and cultural district, the electors of the territories of the counties, municipal corporations, or townships which are to be added shall vote as a district, and the outcome of the election shall be determined by the vote cast in the entire district. Upon certification of a proposal to the board or boards of elections pursuant to this section, the board or boards of elections shall make the necessary arrangements for the submission of the questions to the electors of the territory to be added to the district, and the election shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.19 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within the \_\_\_\_\_ (name or names of political subdivisions to be joined) be added to \_\_\_\_\_ (name) regional arts and cultural district? And shall a property tax that the county

auditor estimates will collect \$\_\_\_\_\_ annually at a rate not 66751  
exceeding \_\_\_\_\_ mills for each \$1 of taxable value, which 66752  
amounts to \$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the~~ 66753  
~~county auditor's appraised market~~ value, be levied for purposes 66754  
of such district?" 66755

If the question is approved by a majority of the electors 66756  
voting on the question, the joinder is effective immediately, 66757  
and the district may extend the levy of the tax against all the 66758  
taxable property within the territory that has been added. If 66759  
the question is approved at a general election or at a special 66760  
election occurring prior to a general election but after the 66761  
fifteenth day of July in any calendar year, the district may 66762  
amend its budget and resolution adopted pursuant to section 66763  
5705.34 of the Revised Code, and the levy shall be placed on the 66764  
current tax list and duplicate and collected as other taxes are 66765  
collected from all taxable property within the territory of the 66766  
district, including the territory added as a result of the 66767  
election. 66768

The territory of a district shall be coextensive with the 66769  
territory of the counties, municipal corporations, and townships 66770  
included within the district, provided that the same territory 66771  
may not be included in more than one regional arts and cultural 66772  
district, and provided, that if a district includes only a 66773  
portion of an entire county, a district may be created in the 66774  
remaining portion of the same county by resolution of the board 66775  
of county commissioners acting alone or in conjunction with 66776  
municipal corporations and townships as provided in this 66777  
section. 66778

As used in this section, "~~the county auditor's appraised~~ 66779  
market value" and "effective rate" have the same meanings as in 66780

section 5705.01 of the Revised Code.

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**Sec. 3381.11.** The board of trustees of a regional arts and cultural district or any officer or employee designated by such board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the cost of which shall not exceed ten thousand dollars. When an expenditure, other than for the acquisition of real estate, the discharge of noncontractual claims, personal services, or for the product or services of public utilities, exceeds ten thousand dollars, such expenditure shall be made only after a notice calling for bids has been published once a week for two consecutive weeks in one newspaper of general circulation within the territory of the district or as provided in section 7.16 of the Revised Code. The board may then let said contract to the lowest and best bidder, who shall give a good and approved bond with ample security conditioned on the carrying out of the contract. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, approved by the board. The plans and specifications shall at all times be made and considered part of the contract. The contract shall be approved by the board and signed on behalf of the district and by the contractor. No sale of any real or personal property or a lease thereof having a term thereof in excess of five years shall be made except with the highest and best bidder after publication of notice for bids in the manner above provided.

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Competitive bidding under this section is not required when:

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(A) The board, by a two-thirds affirmative vote of its members, determines that a real and present emergency exists and

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such determination and the reasons therefor are entered in the 66811  
proceedings of the board, when: 66812

(1) The estimated cost is less than fifteen thousand 66813  
dollars; or 66814

(2) There is actual physical damage to structures or 66815  
equipment. 66816

(B) Such purchase consists of supplies or a replacement or 66817  
supplemental part or parts for a product or equipment owned or 66818  
leased by the district and the only source of supply for such 66819  
supplies, part, or parts is limited to a single supplier; 66820

(C) The lease is a renewal of a lease for electronic data 66821  
processing equipment, services, or systems; 66822

(D) Services or supplies are available from a qualified 66823  
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 66824  
125.601 of the Revised Code; 66825

(E) With respect to any contract, agreement, or lease by a 66826  
district with any arts or cultural organization or any 66827  
governmental body or agency. 66828

**Sec. 3381.17.** From the funds available therefor from a tax 66829  
levy authorized under section 3381.16 or, if applicable, 66830  
sections 5743.021, and 5743.321, ~~5743.511, 5743.621, and~~ 66831  
~~5743.631~~ of the Revised Code, a regional arts and cultural 66832  
district by action of its board of trustees shall make annual 66833  
grants to support the operating or capital expenses of such of 66834  
the arts or cultural organizations located within the territory 66835  
of the district as the board of trustees shall determine; 66836  
provided, however, that not more than ten per cent of the amount 66837  
granted in any calendar year shall be granted to arts and 66838  
cultural organizations that are not qualifying arts or cultural 66839



organizations; and further provided that prior to making any 66840  
grants in any calendar year, the board of trustees shall afford 66841  
an opportunity for the presentation, either in person or in 66842  
writing, of the suggestions of any area arts council, as defined 66843  
in section 757.03 of the Revised Code, located within the 66844  
district. Any such grant to an arts or cultural organization 66845  
shall be on such terms and conditions as the board considers 66846  
advisable. 66847

**Sec. 3501.01.** As used in the sections of the Revised Code 66848  
relating to elections and political communications: 66849

(A) "General election" means the election held on the 66850  
first Tuesday after the first Monday in each November. 66851

(B) "Regular municipal election" means the election held 66852  
on the first Tuesday after the first Monday in November in each 66853  
odd-numbered year. 66854

(C) "Regular state election" means the election held on 66855  
the first Tuesday after the first Monday in November in each 66856  
even-numbered year. 66857

(D) "Special election" means any election other than those 66858  
elections defined in other divisions of this section. A special 66859  
election may be held only on the first Tuesday after the first 66860  
Monday in May or November, on the first Tuesday after the first 66861  
Monday in August in accordance with section 3501.022 of the 66862  
Revised Code, or on the day authorized by a particular municipal 66863  
or county charter for the holding of a primary election, except 66864  
that in any year in which a presidential primary election is 66865  
held, no special election shall be held in May, except as 66866  
authorized by a municipal or county charter, but may be held on 66867  
the third Tuesday after the first Monday in March. 66868

(E) (1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held.

(2) "Presidential primary election" means a primary election as defined by division (E) (1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise specified, presidential primary elections are included in references to primary elections. In years in which a presidential primary election is held, all primary elections shall be held on the third Tuesday after the first Monday in March except as otherwise authorized by a municipal or county charter.

(F) "Political party" means any group of voters meeting the requirements set forth in section 3517.01 of the Revised Code for the formation and existence of a political party.

(1) "Major political party" means any political party organized under the laws of this state whose candidate for governor or nominees for presidential electors received not less than twenty per cent of the total vote cast for such office at the most recent regular state election.

(2) "Minor political party" means any political party organized under the laws of this state that meets either of the

following requirements: 66899

(a) Except as otherwise provided in this division, the 66900  
political party's candidate for governor or nominees for 66901  
presidential electors received less than twenty per cent but not 66902  
less than three per cent of the total vote cast for such office 66903  
at the most recent regular state election. A political party 66904  
that meets the requirements of this division remains a political 66905  
party for a period of four years after meeting those 66906  
requirements. 66907

(b) The political party has filed with the secretary of 66908  
state, subsequent to its failure to meet the requirements of 66909  
division (F) (2) (a) of this section, a petition that meets the 66910  
requirements of section 3517.01 of the Revised Code. 66911

A newly formed political party shall be known as a minor 66912  
political party until the time of the first election for 66913  
governor or president which occurs not less than twelve months 66914  
subsequent to the formation of such party, after which election 66915  
the status of such party shall be determined by the vote for the 66916  
office of governor or president. 66917

(G) "Dominant party in a precinct" or "dominant political 66918  
party in a precinct" means that political party whose candidate 66919  
for election to the office of governor at the most recent 66920  
regular state election at which a governor was elected received 66921  
more votes than any other person received for election to that 66922  
office in such precinct at such election. 66923

(H) "Candidate" means any qualified person certified in 66924  
accordance with the provisions of the Revised Code for placement 66925  
on the official ballot of a primary, general, or special 66926  
election to be held in this state, or any qualified person who 66927

claims to be a write-in candidate, or who knowingly assents to 66928  
being represented as a write-in candidate by another at either a 66929  
primary, general, or special election to be held in this state. 66930

(I) "Independent candidate" means any candidate who claims 66931  
not to be affiliated with a political party, and whose name has 66932  
been certified on the office-type ballot at a general or special 66933  
election through the filing of a statement of candidacy and 66934  
nominating petition, as prescribed in section 3513.257 of the 66935  
Revised Code. 66936

(J) "Nonpartisan candidate" means any candidate whose name 66937  
is required, pursuant to section 3505.04 of the Revised Code, to 66938  
be listed on the nonpartisan ballot, including all candidates 66939  
for judge of a municipal court, county court, or court of common 66940  
pleas, for member of any board of education, for municipal or 66941  
township offices in which primary elections are not held for 66942  
nominating candidates by political parties, and for offices of 66943  
municipal corporations having charters that provide for separate 66944  
ballots for elections for these offices. 66945

(K) "Party candidate" means any candidate who claims to be 66946  
a member of a political party and who has been certified to 66947  
appear on the office-type ballot at a general or special 66948  
election as the nominee of a political party because the 66949  
candidate has won the primary election of the candidate's party 66950  
for the public office the candidate seeks, has been nominated 66951  
under section 3517.012, or is selected by party committee in 66952  
accordance with section 3513.31 of the Revised Code. 66953

(L) "Officer of a political party" includes, but is not 66954  
limited to, any member, elected or appointed, of a controlling 66955  
committee, whether representing the territory of the state, a 66956  
district therein, a county, township, a city, a ward, a 66957

precinct, or other territory, of a major or minor political 66958  
party. 66959

(M) "Question or issue" means any question or issue 66960  
certified in accordance with the Revised Code for placement on 66961  
an official ballot at a general or special election to be held 66962  
in this state. 66963

(N) "Elector" or "qualified elector" means a person having 66964  
the qualifications provided by law to be entitled to vote. 66965

(O) "Voter" means an elector who votes at an election. 66966

(P) "Voting residence" means that place of residence of an 66967  
elector which shall determine the precinct in which the elector 66968  
may vote. 66969

(Q) "Precinct" means a district within a county 66970  
established by the board of elections of such county within 66971  
which all qualified electors having a voting residence therein 66972  
may vote at the same polling place. 66973

(R) "Polling place" means that place provided for each 66974  
precinct at which the electors having a voting residence in such 66975  
precinct may vote. 66976

(S) "Board" or "board of elections" means the board of 66977  
elections appointed in a county pursuant to section 3501.06 of 66978  
the Revised Code. 66979

(T) "Political subdivision" means a county, township, 66980  
city, village, or school district. 66981

(U) "Election officer" or "election official" means any of 66982  
the following: 66983

(1) Secretary of state; 66984

(2) Employees of the secretary of state serving the 66985  
division of elections in the capacity of attorney, 66986  
administrative officer, administrative assistant, elections 66987  
administrator, office manager, or clerical supervisor; 66988

(3) Director of a board of elections; 66989

(4) Deputy director of a board of elections; 66990

(5) Member of a board of elections; 66991

(6) Employees of a board of elections; 66992

(7) Precinct election officials; 66993

(8) Employees appointed by the boards of elections on a 66994  
temporary or part-time basis. 66995

(V) "Acknowledgment notice" means a notice sent by a board 66996  
of elections, on a form prescribed by the secretary of state, 66997  
informing a voter registration applicant or an applicant who 66998  
wishes to change the applicant's residence or name of the status 66999  
of the application; the information necessary to complete or 67000  
update the application, if any; and if the application is 67001  
complete, the precinct in which the applicant is to vote. 67002

(W) "Confirmation notice" means a notice sent by a board 67003  
of elections, on a form prescribed by the secretary of state, to 67004  
a registered elector to confirm the registered elector's current 67005  
address. 67006

(X) "Designated agency" means an office or agency in the 67007  
state that provides public assistance or that provides state- 67008  
funded programs primarily engaged in providing services to 67009  
persons with disabilities and that is required by the National 67010  
Voter Registration Act of 1993 to implement a program designed 67011  
and administered by the secretary of state for registering 67012

voters, or any other public or government office or agency that 67013  
implements a program designed and administered by the secretary 67014  
of state for registering voters, including the department of job 67015  
and family services, the program administered under section 67016  
3701.132 of the Revised Code by the department of health, the 67017  
department of mental health and addiction services, the 67018  
department of developmental disabilities, the opportunities for 67019  
Ohioans with disabilities agency, and any other agency the 67020  
secretary of state designates. "Designated agency" does not 67021  
include public high schools and vocational schools, public 67022  
libraries, or the office of a county treasurer. 67023

(Y) "National Voter Registration Act of 1993" means the 67024  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 67025  
U.S.C.A. 1973gg. 67026

(Z) "Voting Rights Act of 1965" means the "Voting Rights 67027  
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 67028

(AA) (1) "Photo identification" means one of the following 67029  
documents that includes the individual's name and photograph and 67030  
is not expired: 67031

(a) An Ohio driver's license, state identification card, 67032  
or interim identification form issued by the registrar of motor 67033  
vehicles or a deputy registrar under Chapter 4506. or 4507. of 67034  
the Revised Code; 67035

(b) A United States passport or passport card; 67036

(c) A United States military identification card, Ohio 67037  
national guard identification card, or United States department 67038  
of veterans affairs identification card. 67039

(2) A "copy" of an individual's photo identification means 67040  
images of both the front and back of a document described in 67041

division (AA) (1) of this section, except that if the document is 67042  
a United States passport, a copy of the photo identification 67043  
means an image of the passport's identification page that 67044  
includes the individual's name, photograph, and other 67045  
identifying information and the passport's expiration date. 67046

(BB) "Driver's license" means a license or permit issued 67047  
by the registrar or a deputy registrar under Chapter 4506. or 67048  
4507. of the Revised Code that authorizes an individual to 67049  
drive. "Driver's license" includes a driver's license, 67050  
commercial driver's license, probationary license, restricted 67051  
license, motorcycle operator's license, or temporary instruction 67052  
permit identification card. "Driver's license" does not include 67053  
a limited term license issued under section 4506.14 or 4507.09 67054  
of the Revised Code. 67055

(CC) "State identification card" means a card issued by 67056  
the registrar or a deputy registrar under sections 4507.50 to 67057  
4507.52 of the Revised Code. 67058

(DD) "Interim identification form" means the document 67059  
issued by the registrar or a deputy registrar to an applicant 67060  
for a driver's license or state identification card that 67061  
contains all of the information otherwise found on the license 67062  
or card and that an applicant may use as a form of 67063  
identification until the physical license or card arrives in the 67064  
mail. 67065

**Sec. 3501.02.** General elections in the state and its 67066  
political subdivisions shall be held as follows: 67067

(A) For the election of electors of president and vice- 67068  
president of the United States, in the year of 1932 and every 67069  
four years thereafter; 67070



(B) For the election of a member of the senate of the United States, in the years 1932 and 1934, and every six years after each of such years; except as otherwise provided for filling vacancies;

(C) For the election of representatives in the congress of the United States and of elective state and county officers ~~including elected members of the state board of education,~~ in the even-numbered years; except as otherwise provided for filling vacancies;

(D) For municipal and township officers, members of boards of education, judges and clerks of municipal courts, in the odd-numbered years;

(E) Proposed constitutional amendments or proposed measures submitted by the general assembly or by initiative or referendum petitions to the voters of the state at large may be submitted to the general election in any year occurring at least ~~sixty days, in case of a referendum, and ninety one hundred twenty-five days, in the case of an initiated measure,~~ subsequent to the filing of the petitions therefor. Proposed constitutional amendments submitted by the general assembly to the voters of the state at large may be submitted at a special election occurring on the day in any year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, when a special election on that date is designated by the general assembly in the resolution adopting the proposed constitutional amendment.

No special election shall be held on a day other than the day of a general election, unless a law or charter provides otherwise, regarding the submission of a question or issue to the voters of a county, township, city, village, or school

district. 67101

(F) (1) Notwithstanding any provision of the Revised Code 67102  
to the contrary, any question or issue, except a candidacy, to 67103  
be voted upon at an election shall be certified, for placement 67104  
upon the ballot, to the board of elections not later than four 67105  
p.m. of the ninetieth day before the day of the election. 67106

(2) Any question or issue that is certified for placement 67107  
on a ballot on or after ~~the effective date of this amendment~~ July 67108  
2, 2010, shall be certified not later than the ninetieth day 67109  
before the day of the applicable election, notwithstanding any 67110  
deadlines appearing in any section of the Revised Code governing 67111  
the placement of that question or issue on the ballot. 67112

**Sec. 3501.05.** The secretary of state shall do all of the 67113  
following: 67114

(A) Appoint all members of boards of elections; 67115

(B) Issue instructions by directives and advisories in 67116  
accordance with section 3501.053 of the Revised Code to members 67117  
of the boards as to the proper methods of conducting elections. 67118

(C) Prepare rules and instructions for the conduct of 67119  
elections; 67120

(D) Publish and furnish to the boards from time to time a 67121  
sufficient number of indexed copies of all election laws then in 67122  
force; 67123

(E) Edit and issue all pamphlets concerning proposed laws 67124  
or amendments required by law to be submitted to the voters; 67125

(F) Prescribe the form of registration cards, blanks, and 67126  
records; 67127

(G) Determine and prescribe the forms of ballots and the 67128  
forms of all blanks, cards of instructions, pollbooks, tally 67129  
sheets, certificates of election, and forms and blanks required 67130  
by law for use by candidates, committees, and boards; 67131

(H) Prepare the ballot title or statement to be placed on 67132  
the ballot for any proposed law or amendment to the constitution 67133  
to be submitted to the voters of the state; 67134

(I) Except as otherwise provided in section 3519.08 of the 67135  
Revised Code, certify to the several boards the forms of ballots 67136  
and names of candidates for state offices, and the form and 67137  
wording of state referendum questions and issues, as they shall 67138  
appear on the ballot; 67139

(J) Except as otherwise provided in division (I) (2) (b) of 67140  
section 3501.38 of the Revised Code, give final approval to 67141  
ballot language for any local question or issue approved and 67142  
transmitted by boards of elections under section 3501.11 of the 67143  
Revised Code; 67144

(K) Receive all initiative and referendum petitions on 67145  
state questions and issues and determine and certify to the 67146  
sufficiency of those petitions; 67147

(L) Require such reports from the several boards as are 67148  
provided by law, or as the secretary of state considers 67149  
necessary; 67150

(M) Compel the observance by election officers in the 67151  
several counties of the requirements of the election laws; 67152

(N) (1) Except as otherwise provided in division (N) (2) of 67153  
this section, investigate the administration of election laws, 67154  
frauds, and irregularities in elections in any county, and 67155  
report violations of election laws to the attorney general or 67156

prosecuting attorney, or both, for prosecution; 67157

~~(2) On and after August 24, 1995, report a failure to~~ 67158  
~~comply with or a~~ Receive and process complaints regarding any 67159  
~~alleged violation of a provision in sections 3517.08 to 3517.13,~~ 67160  
~~3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code,~~ 67161  
~~whenever the secretary of state has or should have knowledge of~~ 67162  
~~a failure to comply with or a violation of a provision in one of~~ 67163  
~~those sections, by filing a complaint with the Ohio elections~~ 67164  
~~commission under section 3517.153 of law over which the Ohio~~ 67165  
election integrity commission has jurisdiction, in accordance 67166  
with sections 3517.14 to 3517.18 of the Revised Code. 67167

(O) Make an annual report to the governor containing the 67168  
results of elections, the cost of elections in the various 67169  
counties, a tabulation of the votes in the several political 67170  
subdivisions, and other information and recommendations relative 67171  
to elections the secretary of state considers desirable; 67172

(P) Prescribe and distribute to boards of elections a list 67173  
of instructions indicating all legal steps necessary to petition 67174  
successfully for local option elections under sections 4301.32 67175  
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 67176

(Q) Adopt rules pursuant to Chapter 119. of the Revised 67177  
Code for the removal by boards of elections of ineligible voters 67178  
from the statewide voter registration database and, if 67179  
applicable, from the poll list or signature pollbook used in 67180  
each precinct, which rules shall provide for all of the 67181  
following: 67182

(1) A process for the removal of voters who have changed 67183  
residence, which shall be uniform, nondiscriminatory, and in 67184  
compliance with the Voting Rights Act of 1965 and the National 67185

Voter Registration Act of 1993, including a program that uses 67186  
the national change of address service provided by the United 67187  
States postal system through its licensees; 67188

(2) A process for the removal of ineligible voters under 67189  
section 3503.21 of the Revised Code; 67190

(3) A uniform system for marking or removing the name of a 67191  
voter who is ineligible to vote from the statewide voter 67192  
registration database and, if applicable, from the poll list or 67193  
signature pollbook used in each precinct and noting the reason 67194  
for that mark or removal. 67195

(R) (1) Prescribe a general program for registering voters 67196  
or updating voter registration information, such as name and 67197  
residence changes, by boards of elections, designated agencies, 67198  
public high schools and vocational schools, public libraries, 67199  
and offices of county treasurers consistent with the 67200  
requirements of section 3503.09 of the Revised Code; 67201

(2) Prescribe a general program for registering voters or 67202  
updating voter registration information through the registrar of 67203  
motor vehicles and deputy registrars, consistent with the 67204  
requirements of section 3503.11 of the Revised Code. 67205

(S) Prescribe a program of distribution of voter 67206  
registration forms through boards of elections, designated 67207  
agencies, offices of the registrar and deputy registrars of 67208  
motor vehicles, public high schools and vocational schools, 67209  
public libraries, and offices of county treasurers; 67210

(T) To the extent feasible, provide copies, at no cost and 67211  
upon request, of the voter registration form in post offices in 67212  
this state; 67213

(U) Adopt rules pursuant to section 111.15 of the Revised 67214

Code for the purpose of implementing the programs for 67215  
registering voters through boards of elections, designated 67216  
agencies, and the offices of the registrar and deputy registrars 67217  
of motor vehicles consistent with this chapter; 67218

(V) Establish the full-time position of Americans with 67219  
Disabilities Act coordinator within the office of the secretary 67220  
of state to do all of the following: 67221

(1) Assist the secretary of state with ensuring that there 67222  
is equal access to polling places for persons with disabilities; 67223

(2) Assist the secretary of state with ensuring that each 67224  
voter may cast the voter's ballot in a manner that provides the 67225  
same opportunity for access and participation, including privacy 67226  
and independence, as for other voters; 67227

(3) Advise the secretary of state in the development of 67228  
standards for the certification of voting machines, marking 67229  
devices, and automatic tabulating equipment. 67230

(W) Establish and maintain a computerized statewide 67231  
database of all legally registered voters under section 3503.15 67232  
of the Revised Code that complies with the requirements of the 67233  
"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 67234  
1666, and provide training in the operation of that system; 67235

(X) Ensure that all directives, advisories, other 67236  
instructions, or decisions issued or made during or as a result 67237  
of any conference or teleconference call with a board of 67238  
elections to discuss the proper methods and procedures for 67239  
conducting elections, to answer questions regarding elections, 67240  
or to discuss the interpretation of directives, advisories, or 67241  
other instructions issued by the secretary of state are posted 67242  
on a web site of the office of the secretary of state as soon as 67243

is practicable after the completion of the conference or 67244  
teleconference call, but not later than the close of business on 67245  
the same day as the conference or teleconference call takes 67246  
place. 67247

(Y) Publish a report on a web site of the office of the 67248  
secretary of state not later than one month after the completion 67249  
of the canvass of the election returns for each primary and 67250  
general election, identifying, by county, the number of absent 67251  
voter's ballots cast and the number of those ballots that were 67252  
counted, and the number of provisional ballots cast and the 67253  
number of those ballots that were counted, for that election. 67254  
The secretary of state shall maintain the information on the web 67255  
site in an archive format for each subsequent election. 67256

(Z) Conduct voter education outlining voter 67257  
identification, absent voters ballot, provisional ballot, and 67258  
other voting requirements; 67259

(AA) Establish a procedure by which a registered elector 67260  
may make available to a board of elections a more recent 67261  
signature to be used in the poll list or signature pollbook 67262  
produced by the board of elections of the county in which the 67263  
elector resides; 67264

(BB) Disseminate information, which may include all or 67265  
part of the official explanations and arguments, by means of 67266  
direct mail or other written publication, broadcast, or other 67267  
means or combination of means, as directed by the Ohio ballot 67268  
board under division (F) of section 3505.062 of the Revised 67269  
Code, in order to inform the voters as fully as possible 67270  
concerning each proposed constitutional amendment, proposed law, 67271  
or referendum; 67272

(CC) Be the single state office responsible for the 67273  
implementation of the "Uniformed and Overseas Citizens Absentee 67274  
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 67275  
1973ff, et seq., as amended, in this state. The secretary of 67276  
state may delegate to the boards of elections responsibilities 67277  
for the implementation of that act, including responsibilities 67278  
arising from amendments to that act made by the "Military and 67279  
Overseas Voter Empowerment Act," Subtitle H of the "National 67280  
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 67281  
111-84, 123 Stat. 3190. 67282

(DD) Adopt rules, under Chapter 119. of the Revised Code, 67283  
to establish procedures and standards for determining when a 67284  
board of elections shall be placed under the official oversight 67285  
of the secretary of state, placing a board of elections under 67286  
the official oversight of the secretary of state, a board that 67287  
is under official oversight to transition out of official 67288  
oversight, and the secretary of state to supervise a board of 67289  
elections that is under official oversight of the secretary of 67290  
state. 67291

(EE) Perform other duties required by law. 67292

Whenever a primary election is held under section 3513.32 67293  
of the Revised Code or a special election is held under section 67294  
3521.03 of the Revised Code to fill a vacancy in the office of 67295  
representative to congress, the secretary of state shall 67296  
establish a deadline, notwithstanding any other deadline 67297  
required under the Revised Code, by which any or all of the 67298  
following shall occur: the filing of a declaration of candidacy 67299  
and petitions or a statement of candidacy and nominating 67300  
petition together with the applicable filing fee; the filing of 67301  
protests against the candidacy of any person filing a 67302



declaration of candidacy or nominating petition; the filing of a 67303  
declaration of intent to be a write-in candidate; the filing of 67304  
campaign finance reports; the preparation of, and the making of 67305  
corrections or challenges to, precinct voter registration lists; 67306  
the receipt of applications for absent voter's ballots or 67307  
uniformed services or overseas absent voter's ballots; the 67308  
supplying of election materials to precincts by boards of 67309  
elections; the holding of hearings by boards of elections to 67310  
consider challenges to the right of a person to appear on a 67311  
voter registration list; and the scheduling of programs to 67312  
instruct or reinstruct election officers. 67313

In the performance of the secretary of state's duties as 67314  
the chief election officer, the secretary of state may 67315  
administer oaths, issue subpoenas, summon witnesses, compel the 67316  
production of books, papers, records, and other evidence, and 67317  
fix the time and place for hearing any matters relating to the 67318  
administration and enforcement of the election laws, including 67319  
for the purposes described in division (N)(2) of this section. 67320

In any controversy involving or arising out of the 67321  
adoption of registration or the appropriation of funds for 67322  
registration, the secretary of state may, through the attorney 67323  
general, bring an action in the name of the state in the court 67324  
of common pleas of the county where the cause of action arose or 67325  
in an adjoining county, to adjudicate the question. 67326

In any action involving the laws in Title XXXV of the 67327  
Revised Code wherein the interpretation of those laws is in 67328  
issue in such a manner that the result of the action will affect 67329  
the lawful duties of the secretary of state or of any board of 67330  
elections, the secretary of state may, on the secretary of 67331  
state's motion, be made a party. 67332

The secretary of state may apply to any court that is 67333  
hearing a case in which the secretary of state is a party, for a 67334  
change of venue as a substantive right, and the change of venue 67335  
shall be allowed, and the case removed to the court of common 67336  
pleas of an adjoining county named in the application or, if 67337  
there are cases pending in more than one jurisdiction that 67338  
involve the same or similar issues, the court of common pleas of 67339  
Franklin county. 67340

Public high schools and vocational schools, public 67341  
libraries, and the office of a county treasurer shall implement 67342  
voter registration programs as directed by the secretary of 67343  
state pursuant to this section. 67344

**Sec. 3501.12.** (A) The annual compensation of members of 67345  
the board of elections shall be determined on the basis of the 67346  
population of the county according to the next preceding federal 67347  
census, and shall be paid monthly out of the appropriations made 67348  
to the board and upon vouchers or payrolls certified by the 67349  
chairperson, or a member of the board designated by it, and 67350  
countersigned by the director or in the director's absence by 67351  
the deputy director. Upon presentation of any such voucher or 67352  
payroll, the county auditor shall issue a warrant upon the 67353  
county treasurer for the amount thereof as in the case of 67354  
vouchers or payrolls for county offices and the treasurer shall 67355  
pay such warrant. 67356

(B) In calendar year 2018, the amount of annual 67357  
compensation of each member of the board of elections shall be 67358  
the greater of the following: 67359

(1) The sum of the following: 67360

(a) One hundred two dollars and forty-one cents for each 67361

full one thousand of the first one hundred thousand population; 67362

(b) Forty-eight dollars and seventy-nine cents for each 67363  
full one thousand of the second one hundred thousand population; 67364

(c) Twenty-six dollars and fifty cents for each full one 67365  
thousand of the third one hundred thousand population; 67366

(d) Eight dollars and thirteen cents for each full one 67367  
thousand above three hundred thousand population. 67368

(2) Six thousand dollars. 67369

(C) The annual compensation of each member of the board 67370  
shall be computed after increasing the dollar amounts specified 67371  
in divisions (B) (1) and (2) of this section as follows: 67372

(1) In calendar year 2019 and in each calendar year 67373  
thereafter through calendar year 2028~~2025, the annual~~ 67374  
~~compensation of each member of the board shall be computed after~~ 67375  
~~increasing the dollar amounts specified in divisions (B) (1) and~~ 67376  
~~(2) of this section by one and three-quarters per cent;~~ 67377

(2) In calendar year 2026 and in each calendar year 67378  
thereafter through calendar year 2029, by five per cent; 67379

(3) In calendar year 2030 and in each calendar year 67380  
thereafter, by the percentage increase, if any, in the consumer 67381  
price index as defined in section 141.04 of the Revised Code 67382  
over the twelve-month period that ends on the thirtieth day of 67383  
September of the immediately preceding year, rounded to the 67384  
nearest one-tenth of one per cent, not to exceed three per cent. 67385

(D) For the purposes of this section, members of boards of 67386  
elections shall be deemed to be appointed and not elected, and 67387  
therefore not subject to Section 20 of Article II of the Ohio 67388  
Constitution. 67389

**Sec. 3501.17.** (A) The expenses of the board of elections 67390  
shall be paid from the county treasury, in pursuance of 67391  
appropriations by the board of county commissioners, in the same 67392  
manner as other county expenses are paid. If the board of county 67393  
commissioners fails to appropriate an amount sufficient to 67394  
provide for the necessary and proper expenses of the board of 67395  
elections pertaining to the conduct of elections, the board of 67396  
elections may apply to the court of common pleas within the 67397  
county, which shall fix the amount necessary to be appropriated 67398  
and the amount shall be appropriated. Payments shall be made 67399  
upon vouchers of the board of elections certified to by its 67400  
chairperson or acting chairperson and the director or deputy 67401  
director, upon warrants of the county auditor. 67402

The board of elections shall not incur any obligation 67403  
involving the expenditure of money unless there are moneys 67404  
sufficient in the funds appropriated therefor to meet the 67405  
obligation. If the board of elections requests a transfer of 67406  
funds from one of its appropriation items to another, the board 67407  
of county commissioners shall adopt a resolution providing for 67408  
the transfer except as otherwise provided in section 5705.40 of 67409  
the Revised Code. The expenses of the board of elections shall 67410  
be apportioned among the county and the various subdivisions as 67411  
provided in this section, and the amount chargeable to each 67412  
subdivision shall be paid as provided in division (J) of this 67413  
section or withheld by the county auditor from the moneys 67414  
payable thereto at the time of the next tax settlement. At the 67415  
time of submitting budget estimates in each year, the board of 67416  
elections shall submit to the taxing authority of each 67417  
subdivision, upon the request of the subdivision, an estimate of 67418  
the amount to be paid or withheld from the subdivision during 67419  
the current or next fiscal year. 67420

A board of township trustees may, by resolution, request 67421  
that the county auditor withhold expenses charged to the 67422  
township from a specified township fund that is to be credited 67423  
with revenue at a tax settlement. The resolution shall specify 67424  
the tax levy ballot issue, the date of the election on the levy 67425  
issue, and the township fund from which the expenses the board 67426  
of elections incurs related to that ballot issue shall be 67427  
withheld. 67428

(B) Except as otherwise provided in division (F) of this 67429  
section, the compensation of the members of the board of 67430  
elections and of the director, deputy director, and regular 67431  
employees in the board's offices, other than compensation for 67432  
overtime worked; the expenditures for the rental, furnishing, 67433  
and equipping of the office of the board and for the necessary 67434  
office supplies for the use of the board; the expenditures for 67435  
the acquisition, repair, care, and custody of the polling 67436  
places, booths, guardrails, and other equipment for polling 67437  
places; the cost of tally sheets, maps, flags, ballot boxes, and 67438  
all other permanent records and equipment; the cost of all 67439  
elections held in and for the state and county; and all other 67440  
expenses of the board which are not chargeable to a political 67441  
subdivision in accordance with this section shall be paid in the 67442  
same manner as other county expenses are paid. 67443

(C) The compensation of precinct election officials and 67444  
intermittent employees in the board's offices; the cost of 67445  
renting, moving, heating, and lighting polling places and of 67446  
placing and removing ballot boxes and other fixtures and 67447  
equipment thereof, including voting machines, marking devices, 67448  
and automatic tabulating equipment; the cost of printing and 67449  
delivering ballots, cards of instructions, registration lists 67450  
required under section 3503.23 of the Revised Code, and other 67451

election supplies, including the supplies required to comply 67452  
with division (H) of section 3506.01 of the Revised Code; the 67453  
cost of contractors engaged by the board to prepare, program, 67454  
test, and operate voting machines, marking devices, and 67455  
automatic tabulating equipment; and all other expenses of 67456  
conducting primaries and elections in the odd-numbered years 67457  
shall be charged to the subdivisions in and for which such 67458  
primaries or elections are held. The charge for each primary or 67459  
general election in odd-numbered years for each subdivision 67460  
shall be determined in the following manner: first, the total 67461  
cost of all chargeable items used in conducting such elections 67462  
shall be ascertained; second, the total charge shall be divided 67463  
by the number of precincts participating in such election, in 67464  
order to fix the cost per precinct; third, the cost per precinct 67465  
shall be prorated by the board of elections to the subdivisions 67466  
conducting elections for the nomination or election of offices 67467  
in such precinct; fourth, the total cost for each subdivision 67468  
shall be determined by adding the charges prorated to it in each 67469  
precinct within the subdivision. 67470

~~(D) The~~ (D) (1) Except as otherwise provided in division 67471  
(D) (2) of this section, the entire cost of special elections 67472  
held on a day other than the day of a primary or general 67473  
election, both in odd-numbered or in even-numbered years, shall 67474  
be charged to the subdivision. Where a special election is held 67475  
on the same day as a primary or general election in an even- 67476  
numbered year, the subdivision submitting the special election 67477  
shall be charged only for the cost of ballots and advertising. 67478  
Where a special election is held on the same day as a primary or 67479  
general election in an odd-numbered year, the subdivision 67480  
submitting the special election shall be charged for the cost of 67481  
ballots and advertising for such special election, in addition 67482

to the charges prorated to such subdivision for the election or 67483  
nomination of candidates in each precinct within the 67484  
subdivision, as set forth in the preceding paragraph. 67485

(2) The entire cost of a local option election held 67486  
pursuant to sections 4301.32 to 4301.391 of the Revised Code on 67487  
a day other than the day of a primary or general election, both 67488  
in odd-numbered or in even-numbered years, or on a day other 67489  
than the day of a special election of a political subdivision 67490  
seeking to submit a question or issue, a nomination for office, 67491  
or an election to office, shall be charged to the petitioner. 67492

(E) Where a special election is held on the day specified 67493  
by division (E) of section 3501.01 of the Revised Code for the 67494  
holding of a primary election, for the purpose of submitting to 67495  
the voters of the state constitutional amendments proposed by 67496  
the general assembly, and a subdivision conducts a special 67497  
election on the same day, the entire cost of the special 67498  
election shall be divided proportionally between the state and 67499  
the subdivision based upon a ratio determined by the number of 67500  
issues placed on the ballot by each, except as otherwise 67501  
provided in division (G) of this section. Such proportional 67502  
division of cost shall be made only to the extent funds are 67503  
available for such purpose from amounts appropriated by the 67504  
general assembly to the secretary of state. If a primary 67505  
election is also being conducted in the subdivision, the costs 67506  
shall be apportioned as otherwise provided in this section. 67507

(F) When a precinct is open during a general, primary, or 67508  
special election solely for the purpose of submitting to the 67509  
voters a statewide ballot issue, the state shall bear the entire 67510  
cost of the election in that precinct and shall reimburse the 67511  
county for all expenses incurred in opening the precinct. 67512

(G) (1) The state shall bear the entire cost of advertising 67513  
in newspapers statewide ballot issues, explanations of those 67514  
issues, and arguments for or against those issues, as required 67515  
by Section 1g of Article II and Section 1 of Article XVI, Ohio 67516  
Constitution, and any other section of law. Appropriations made 67517  
to the controlling board shall be used to reimburse the 67518  
secretary of state for all expenses the secretary of state 67519  
incurs for such advertising under division (G) of section 67520  
3505.062 of the Revised Code. 67521

(2) There is hereby created in the state treasury the 67522  
statewide ballot advertising fund. The fund shall receive 67523  
transfers approved by the controlling board, and shall be used 67524  
by the secretary of state to pay the costs of advertising state 67525  
ballot issues as required under division (G) (1) of this section. 67526  
Any such transfers may be requested from and approved by the 67527  
controlling board prior to placing the advertising, in order to 67528  
facilitate timely provision of the required advertising. 67529

(H) The cost of renting, heating, and lighting 67530  
registration places; the cost of the necessary books, forms, and 67531  
supplies for the conduct of registration; and the cost of 67532  
printing and posting precinct registration lists shall be 67533  
charged to the subdivision in which such registration is held. 67534

(I) (1) (a) At the request of a majority of the members of 67535  
the board of elections, the board of county commissioners may, 67536  
by resolution, establish an elections revenue fund. Except as 67537  
otherwise provided in this division and in division (I) (2) of 67538  
this section, the purpose of the fund shall be to accumulate 67539  
revenue withheld by or paid to the county under this section for 67540  
the payment of any expense related to the duties of the board of 67541  
elections specified in section 3501.11 of the Revised Code, upon 67542



approval of a majority of the members of the board of elections. 67543  
The fund shall not accumulate any revenue withheld by or paid to 67544  
the county under this section for the compensation of the 67545  
members of the board of elections or of the director, deputy 67546  
director, or other regular employees in the board's offices, 67547  
other than compensation for overtime worked. 67548

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 67549  
of the Revised Code, the board of county commissioners may, by 67550  
resolution, transfer money to the elections revenue fund from 67551  
any other fund of the political subdivision from which such 67552  
payments lawfully may be made. Following an affirmative vote of 67553  
a majority of the members of the board of elections, the board 67554  
of county commissioners may, by resolution, rescind an elections 67555  
revenue fund established under this division. If an elections 67556  
revenue fund is rescinded, money that has accumulated in the 67557  
fund shall be transferred to the county general fund. 67558

(2) (a) The board of county commissioners of a county that 67559  
receives a payment from a political subdivision under division 67560  
(J) of this section shall, by resolution, establish a special 67561  
elections fund. The purpose of the fund shall be to accumulate 67562  
revenue paid to the county by political subdivisions under 67563  
division (J) of this section for the cost of preparing for and 67564  
conducting special elections. 67565

(b) If both of the following apply, the board of county 67566  
commissioners may, by resolution, rescind the special elections 67567  
fund and transfer any remaining money in the fund to the county 67568  
general fund or to the elections revenue fund: 67569

(i) All notifications and payments required under division 67570  
(J) (3) of this section have been made. 67571

(ii) The county has not received any payments from 67572  
political subdivisions under division (J) (2) of this section for 67573  
a future special election. 67574

(J) (1) Not less than fifteen business days before the 67575  
deadline for submitting a question or issue for placement on the 67576  
ballot at a special election, the board of elections shall 67577  
prepare and file with the board of county commissioners and the 67578  
office of the secretary of state the estimated cost, based on 67579  
the factors enumerated in this section, for preparing for and 67580  
conducting an election on one question or issue, one nomination 67581  
for office, or one election to office in each precinct in the 67582  
county at that special election and shall divide that cost by 67583  
the number of registered voters in the county. 67584

(2) The board of elections shall provide to a political 67585  
subdivision seeking to submit a question or issue, a nomination 67586  
for office, or an election to office for placement on the ballot 67587  
at a special election with the estimated cost for preparing for 67588  
and conducting that election, which shall be calculated either 67589  
by multiplying the number of registered voters in the political 67590  
subdivision with the cost calculated under division (J) (1) of 67591  
this section or by multiplying the cost per precinct with the 67592  
number or precincts in the political subdivision. A political 67593  
subdivision submitting a question or issue, a nomination for 67594  
office, or an election to office for placement on the ballot at 67595  
that special election shall pay to the county special elections 67596  
fund sixty-five per cent of the estimated cost of the election 67597  
not less than ten business days after the deadline for 67598  
submitting a question or issue for placement on the ballot for 67599  
that special election. 67600

(3) Not later than sixty days after the date of a special 67601

election, the board of elections shall provide to each political  
subdivision the true and accurate cost for the question or  
issue, nomination for office, or election to office that the  
subdivision submitted to the voters on the special election  
ballots. If the board of elections determines that a subdivision  
paid less for the cost of preparing and conducting a special  
election under division (J) (2) of this section than the actual  
cost calculated under this division, the subdivision shall remit  
to the county special elections fund the difference between the  
payment made under division (J) (2) of this section and the final  
cost calculated under this division within thirty days after  
being notified of the final cost. If the board of elections  
determines that a subdivision paid more for the cost of  
preparing and conducting a special election under division (J)  
(2) of this section than the actual cost calculated under this  
division, the board of elections promptly shall notify the board  
of county commissioners of that difference. The board of county  
commissioners shall remit from the county special elections fund  
to the political subdivision the difference between the payment  
made under division (J) (2) of this section and the final cost  
calculated under this division within thirty days after  
receiving that notification.

(K) As used in this section:

(1) "Political subdivision" and "subdivision" mean any  
board of county commissioners, board of township trustees,  
legislative authority of a municipal corporation, board of  
education, or any other board, commission, district, or  
authority that is empowered to levy taxes or permitted to  
receive the proceeds of a tax levy, regardless of whether the  
entity receives tax settlement moneys as described in division  
(A) of this section;

(2) "Statewide ballot issue" means any ballot issue, 67633  
whether proposed by the general assembly or by initiative or 67634  
referendum, that is submitted to the voters throughout the 67635  
state. 67636

**Sec. 3501.28.** (A) As used in this section: 67637

(1) "Fair Labor Standards Act" or "Act" means the "Fair 67638  
Labor Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 67639  
amended. 67640

(2) "Full election day" means the period of time between 67641  
the opening of the polls and the completion of the procedures 67642  
contained in section 3501.26 of the Revised Code. 67643

(3) "Services" means services at each general, primary, or 67644  
special election. 67645

(B) Beginning with calendar year 2004, each precinct 67646  
election official in a county shall be paid for the official's 67647  
services at the same hourly rate, which shall be not less than 67648  
the minimum hourly rate established by the Fair Labor Standards 67649  
Act and not more than ninety-five dollars per diem. 67650

(C) The secretary of state shall establish, by rule 67651  
adopted under section 111.15 of the Revised Code, the maximum 67652  
amount of per diem compensation that may be paid to precinct 67653  
election officials under this section each time the Fair Labor 67654  
Standards Act is amended to increase the minimum hourly rate 67655  
established by the act. Upon learning of such an increase, the 67656  
secretary of state shall determine by what percentage the 67657  
minimum hourly rate has been increased under the act and 67658  
establish a new maximum amount of per diem compensation that 67659  
precinct election officials may be paid under this section that 67660  
is increased by the same percentage that the minimum hourly rate 67661

has been increased under the act.

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(D) (1) (a) No board of elections shall increase the pay of  
a precinct election official under this section during a  
calendar year unless the board has given written notice of the  
proposed increase to the board of county commissioners not later  
than the first day of October of the preceding calendar year.

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(b) Except as otherwise provided in division (D) (2) of  
this section, a board of elections may increase the pay of a  
precinct election official during a calendar year by up to, but  
not exceeding, nine per cent over the compensation paid to a  
precinct election official in the county where the board is  
located during the previous calendar year, if the compensation  
so paid during the previous calendar year was eighty-five  
dollars or less per diem.

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(c) Except as otherwise provided in division (D) (2) of  
this section, a board of elections may increase the pay of a  
precinct election official during a calendar year by up to, but  
not exceeding, four and one-half per cent over the compensation  
paid to a precinct election official in the county where the  
board is located during the previous calendar year, if the  
compensation so paid during the previous calendar year was more  
than eighty-five but less than ninety-five dollars per diem.

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(2) The board of county commissioners may review and  
comment upon a proposed increase and may enter into a written  
agreement with a board of elections to permit an increase in the  
compensation paid to precinct election officials for their  
services during a calendar year that is greater than the  
applicable percentage limitation described in division ~~(E) (1) (b)~~  
(D) (1) (b) or (c) of this section.

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(E) No precinct election official who works less than the 67691  
full election day shall be paid the maximum amount allowed under 67692  
this section or the maximum amount as set by the board of 67693  
elections, whichever is less. 67694

(F) (1) Except as otherwise provided in divisions (F) (4) to 67695  
(6) of this section, any employee of the state or of any 67696  
political subdivision of the state may serve as a precinct 67697  
election official on the day of an election without loss of the 67698  
employee's regular compensation for that day as follows: 67699

(a) For employees of a county office, department, 67700  
commission, board, or other entity, or of a court of common 67701  
pleas, county court, or county-operated municipal court, as 67702  
defined in section 1901.03 of the Revised Code, the employee's 67703  
appointing authority may permit leave with pay for this service 67704  
in accordance with a resolution setting forth the terms and 67705  
conditions for that leave passed by the board of county 67706  
commissioners. 67707

(b) For all other employees of a political subdivision of 67708  
the state, leave with pay for this service shall be subject to 67709  
the terms and conditions set forth in an ordinance or a 67710  
resolution passed by the legislative authority of the applicable 67711  
political subdivision. 67712

(c) For state employees, leave with pay for this service 67713  
shall be subject to the terms and conditions set forth by the 67714  
head of the state agency, as defined in section 1.60 of the 67715  
Revised Code, by which the person is employed. 67716

(2) Any terms and conditions set forth by a board of 67717  
county commissioners, legislative authority of a political 67718  
subdivision, or head of a state agency under division ~~(G) (1)~~ (F) 67719

(1) of this section shall include a standard procedure for 67720  
deciding which employees are permitted to receive leave with pay 67721  
if multiple employees of an entity or court described in 67722  
division ~~(C) (1) (a)~~ (F) (1) (a) of this section, of an entity of a 67723  
political subdivision described in division ~~(C) (1) (b)~~ (F) (1) (b) 67724  
of this section, or of a state agency as defined in section 1.60 67725  
of the Revised Code apply to serve as a precinct election 67726  
official on the day of an election. This procedure shall be 67727  
applied uniformly to all similarly situated employees. 67728

(3) Any employee who is eligible for leave with pay under 67729  
division ~~(C) (1)~~ (F) (1) of this section shall receive, in addition 67730  
to the employee's regular compensation, the compensation paid to 67731  
the precinct election official under division (B) or (C) of this 67732  
section. 67733

(4) Division (F) (1) of this section does not apply to 67734  
either of the following: 67735

(a) Election officials; 67736

(b) Public school teachers. 67737

(5) Nothing in division (F) (1) of this section supersedes 67738  
or negates any provision of a collective bargaining agreement in 67739  
effect under Chapter 4117. of the Revised Code. 67740

(6) If a board of county commissioners, legislative 67741  
authority of a political subdivision, or head of a state agency 67742  
fails to set forth any terms and conditions under division (F) 67743  
(1) of this section, an employee of an entity or court described 67744  
in division (F) (1) (a) of this section, of an entity of a 67745  
political subdivision described in division (F) (1) (b) of this 67746  
section, or of a state agency as defined in section 1.60 of the 67747  
Revised Code may use personal leave, vacation leave, or 67748

compensatory time, or take unpaid leave, to serve as a precinct  
election official on the day of an election.

(G) The board of elections may withhold the compensation  
of any precinct election official for failure to obey the  
instructions of the board or to comply with the law relating to  
the duties of a precinct election official. Any payment a  
precinct election official is entitled to receive under section  
3501.36 of the Revised Code is in addition to the compensation  
the official is entitled to receive under this section.

**Sec. 3505.03.** (A) On the office type ballot shall be  
printed the names of all candidates for election to offices,  
except the office of judge of a municipal court, county court,  
or court of common pleas, who were nominated at the most recent  
primary election as candidates of a political party or who were  
nominated in accordance with section 3513.02 of the Revised  
Code, and the names of all candidates for election to offices  
who were nominated by nominating petitions, except candidates  
for the office of judge of a municipal court, county court, or  
court of common pleas, ~~for member of the state board of~~  
~~education,~~ for member of a board of education, for municipal  
offices, and for township offices.

(B) The face of the ballot below the stub shall be  
substantially in the following form:

"OFFICIAL OFFICE TYPE BALLOT

(1) To vote for a candidate record your vote in the manner  
provided next to the name of such candidate.

(2) If you tear, soil, deface, or erroneously mark this  
ballot, return it to the precinct election officers or, if you  
cannot return it, notify the precinct election officers, and



obtain another ballot."

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(C) The order in which the offices shall be listed on the ballot shall be prescribed by, and certified to each board of elections by, the secretary of state; provided that for state, district, and county offices the order from top to bottom shall be as follows: governor and lieutenant governor, attorney general, auditor of state, secretary of state, treasurer of state, chief justice of the supreme court, justice of the supreme court, United States senator, representative to congress, state senator, state representative, judge of a court of appeals, county commissioner, county auditor, prosecuting attorney, clerk of the court of common pleas, sheriff, county recorder, county treasurer, county engineer, and coroner. The offices of governor and lieutenant governor shall be printed on the ballot in a manner that requires a voter to cast one vote jointly for the candidates who have been nominated by the same political party or petition.

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(D) Within the rectangular space within which the title of each judicial office listed in division (C) of this section is printed on the ballot and immediately below the title shall be printed the date of the commencement of the term of the office, if it is a full term, as follows: "Full term commencing \_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of the term of the office, if it is an unexpired term, as follows: "Unexpired term ending \_\_\_\_\_ (Date) \_\_\_\_\_"

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(E) (1) The names of all candidates for an office shall be arranged in a group under the title of that office, and, except for absentee ballots or when the number of candidates for a particular office is the same as the number of candidates to be elected for that office, shall be rotated from one precinct to

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another. On absentee ballots, the names of all candidates for an 67808  
office shall be arranged in a group under the title of that 67809  
office and shall be so alternated that each name shall appear, 67810  
insofar as may be reasonably possible, substantially an equal 67811  
number of times at the beginning, at the end, and in each 67812  
intermediate place, if any, of the group in which such name 67813  
belongs, unless the number of candidates for a particular office 67814  
is the same as the number of candidates to be elected for that 67815  
office. 67816

(2) The method of printing the ballots to meet the 67817  
rotation requirement of this section shall be as follows: the 67818  
least common multiple of the number of names in each of the 67819  
several groups of candidates shall be used, and the number of 67820  
changes made in the printer's forms in printing the ballots 67821  
shall correspond with that multiple. The board of elections 67822  
shall number all precincts in regular serial sequence. In the 67823  
first precinct, the names of the candidates in each group shall 67824  
be listed in alphabetical order. In each succeeding precinct, 67825  
the name in each group that is listed first in the preceding 67826  
precinct shall be listed last, and the name of each candidate 67827  
shall be moved up one place. In each precinct using paper 67828  
ballots, the printed ballots shall then be assembled in tablets. 67829

(F) Under the name of each candidate nominated at a 67830  
primary election, nominated by petition under section 3517.012 67831  
of the Revised Code, or certified by a party committee to fill a 67832  
vacancy under section 3513.31 of the Revised Code shall be 67833  
printed, in less prominent type face than that in which the 67834  
candidate's name is printed, the name of the political party by 67835  
which the candidate was nominated or certified. Under the name 67836  
of each candidate appearing on the ballot who filed a nominating 67837  
petition and requested a ballot designation as a nonparty 67838

candidate under section 3513.257 of the Revised Code shall be 67839  
printed, in less prominent type face than that in which the 67840  
candidate's name is printed, the designation of "nonparty 67841  
candidate." Under the name of each candidate appearing on the 67842  
ballot who filed a nominating petition and requested a ballot 67843  
designation as an other-party candidate under section 3513.257 67844  
of the Revised Code shall be printed, in less prominent type 67845  
face than that in which the candidate's name is printed, the 67846  
designation of "other-party candidate." No designation shall 67847  
appear under the name of a candidate appearing on the ballot who 67848  
filed a nominating petition and requested that no ballot 67849  
designation appear under the candidate's name under section 67850  
3513.257 of the Revised Code, or who filed a nominating petition 67851  
and failed to request a ballot designation either as a nonparty 67852  
candidate or as an other-party candidate under that section. 67853

(G) Except as provided in this section, no words, 67854  
designations, or emblems descriptive of a candidate or the 67855  
candidate's political affiliation, or indicative of the method 67856  
by which the candidate was nominated or certified, shall be 67857  
printed under or after a candidate's name that is printed on the 67858  
ballot. 67859

**Sec. 3505.04.** On the nonpartisan ballot shall be printed 67860  
the names of all nonpartisan candidates for election to the 67861  
office of judge of a municipal court, county court, or court of 67862  
common pleas, ~~the office of member of the state board of~~ 67863  
~~education,~~ the office of member of a board of education, 67864  
municipal or township offices for municipal corporations and 67865  
townships in which primary elections are not held for nomination 67866  
of candidates by political parties, and municipal offices of 67867  
municipal corporations having charters which provide for 67868  
separate ballots for elections for such municipal offices. 67869

Such ballots shall have printed across the top, and below  
the stubs, "Official Nonpartisan Ballot."

The order in which the offices are listed on the ballot  
shall be prescribed by, and certified to each board of elections  
by, the secretary of state; provided that ~~the office of member~~  
~~of the state board of education~~ county judicial offices shall be  
listed first on the ballot, ~~then county judicial offices,~~  
followed by municipal and township offices, and by offices of  
member of a board of education, in the order stated.

Within the rectangular space within which the title of  
each judicial office is printed on the ballot and immediately  
below such title shall be printed the date of the commencement  
of the term of the office, if a full term, as follows: "Full  
term commencing \_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of  
the term of the office, if an unexpired term, as follows:  
"Unexpired term ending \_\_\_\_\_ (Date) \_\_\_\_\_"

~~The secretary of state shall prescribe the information and  
directions to the voter to be printed on the ballot within the  
rectangular space in which the title of office of member of the  
state board of education appears.~~

Within the rectangular space within which the title of  
each office for member of a board of education is printed on the  
ballot shall be printed "For Member of Board of Education," and  
the number to be elected, directions to the voter as to voting  
for one, two, or more, and, if the office to be voted for is  
member of a board of education of a city school district, words  
shall be printed in said space on the ballot to indicate whether  
candidates are to be elected from subdistricts or at large.

The names of all nonpartisan candidates for an office

shall be arranged in a group under the title of that office, and 67899  
shall be rotated and printed on the ballot as provided in 67900  
section 3505.03 of the Revised Code. 67901

No name or designation of any political party nor any 67902  
words, designations, or emblems descriptive of a candidate or 67903  
the candidate's political affiliation, or indicative of the 67904  
method by which such candidate was nominated or certified, shall 67905  
be printed under or after any nonpartisan candidate's name which 67906  
is printed on the ballot. 67907

**Sec. 3505.06.** (A) On the questions and issues ballot shall 67908  
be printed all questions and issues to be submitted at any one 67909  
election together with the percentage of affirmative votes 67910  
necessary for passage as required by law. Such ballot shall have 67911  
printed across the top thereof, and below the stubs, "Official 67912  
Questions and Issues Ballot." 67913

(B) (1) Questions and issues shall be grouped together on 67914  
the ballot from top to bottom as provided in division (B) (1) of 67915  
this section, except as otherwise provided in division (B) (2) of 67916  
this section. State questions and issues shall always appear as 67917  
the top group of questions and issues. In calendar year 1997, 67918  
the following questions and issues shall be grouped together on 67919  
the ballot, in the following order from top to bottom, after the 67920  
state questions and issues: 67921

(a) County questions and issues; 67922

(b) Municipal questions and issues; 67923

(c) Township questions and issues; 67924

(d) School or other district questions and issues. 67925

In each succeeding calendar year after 1997, each group of 67926

questions and issues described in division (B) (1) (a) to (d) of 67927  
this section shall be moved down one place on the ballot except 67928  
that the group that was last on the ballot during the 67929  
immediately preceding calendar year shall appear at the top of 67930  
the ballot after the state questions and issues. The rotation 67931  
shall be performed only once each calendar year, beginning with 67932  
the first election held during the calendar year. The rotation 67933  
of groups of questions and issues shall be performed during each 67934  
calendar year as required by division (B) (1) of this section, 67935  
even if no questions and issues from any one or more such groups 67936  
appear on the ballot at any particular election held during that 67937  
calendar year. 67938

(2) Questions and issues shall be grouped together on the 67939  
ballot, from top to bottom, in the following order when it is 67940  
not practicable to group them together as required by division 67941  
(B) (1) of this section because of the type of voting machines 67942  
used by the board of elections: state questions and issues, 67943  
county questions and issues, municipal questions and issues, 67944  
township questions and issues, and school or other district 67945  
questions and issues. The particular order in which each of a 67946  
group of state questions or issues is placed on the ballot shall 67947  
be determined by, and certified to each board of elections by, 67948  
the secretary of state. 67949

(3) Failure of the board of elections to rotate questions 67950  
and issues as required by division (B) (1) of this section does 67951  
not affect the validity of the election at which the failure 67952  
occurred, and is not grounds for contesting an election under 67953  
section 3515.08 of the Revised Code. 67954

(C) The particular order in which each of a group of 67955  
county, municipal, township, or school district questions or 67956

issues is placed on the ballot shall be determined by the board 67957  
providing the ballots. 67958

(D) The printed matter pertaining to each question or 67959  
issue on the ballot shall be enclosed at the top and bottom 67960  
thereof by a heavy horizontal line across the width of the 67961  
ballot. Immediately below such top line shall be printed a brief 67962  
title descriptive of the question or issue below it, such as 67963  
"Proposed Constitutional Amendment," "Proposed Bond Issue," 67964  
"Proposed Annexation of Territory," "Proposed Increase in Tax 67965  
Rate," or such other brief title as will be descriptive of the 67966  
question or issue to which it pertains, together with a brief 67967  
statement of the percentage of affirmative votes necessary for 67968  
passage, such as "A sixty-five per cent affirmative vote is 67969  
necessary for passage," "A majority vote is necessary for 67970  
passage," or such other brief statement as will be descriptive 67971  
of the percentage of affirmative votes required. 67972

(E) The questions and issues ballot need not contain the 67973  
full text of the proposal to be voted upon. A condensed text 67974  
that will properly describe the question, issue, or an amendment 67975  
proposed by other than the general assembly shall be used as 67976  
prepared and certified by the secretary of state for state-wide 67977  
questions or issues or by the board for local questions or 67978  
issues. If other than a full text is used, the full text of the 67979  
proposed question, issue, or amendment together with the 67980  
percentage of affirmative votes necessary for passage as 67981  
required by law shall be posted in each polling place in some 67982  
spot that is easily accessible to the voters. 67983

(F) (1) Except as otherwise provided in division (F) (2) of 67984  
this section, each question and issue appearing on the questions 67985  
and issues ballot may be consecutively numbered. The question or 67986

issue determined to appear at the top of the ballot may be 67987  
designated on the face thereof by the Arabic numeral "1" and all 67988  
questions and issues placed below on the ballot shall be 67989  
consecutively numbered. Such numeral shall be placed below the 67990  
heavy top horizontal line enclosing such question or issue and 67991  
to the left of the brief title thereof. 67992

(2) Beginning with the general election to be held on 67993  
November 5, 2024, a state question or issue determined to appear 67994  
at the top of the ballot shall be designated on the face thereof 67995  
by the Arabic numeral "1" and all state questions and issues 67996  
placed below on the ballot shall be consecutively numbered. For 67997  
elections occurring after the general election held on November 67998  
5, 2024, a state question or issue determined to appear at the 67999  
top of the ballot shall be designated on the face thereof by the 68000  
Arabic numeral that is consecutive to the Arabic numeral of the 68001  
last state question or issue that appeared on the ballot at the 68002  
immediately preceding election at which a state question or 68003  
issue appeared on the ballot and all state questions or issues 68004  
placed below on the ballot shall be consecutively numbered. Such 68005  
numeral shall be placed below the heavy top horizontal line 68006  
enclosing such question or issue and to the left of the brief 68007  
title thereof. Once a state question or issue appears on the 68008  
ballot designated by the Arabic numeral "500," the state 68009  
question or issue appearing at the top of the ballot at the 68010  
immediately following election at which a state question or 68011  
issue appears on the ballot shall be designated by the Arabic 68012  
numeral "1." 68013

(G) No portion of a ballot question proposing to levy a 68014  
property tax in excess of the ten-mill limitation under any 68015  
section of the Revised Code, including the renewal ~~or~~ 68016  
~~replacement~~ of such a levy, may be printed in boldface type or 68017



in a font size that is different from the font size of other 68018  
text in the ballot question. The prohibitions in division (G) of 68019  
this section do not apply to printed matter either described in 68020  
division (D) of this section related to such a ballot question 68021  
or located in the area of the ballot in which votes are 68022  
indicated for or against that question. 68023

**Sec. 3505.33.** When the board of elections has completed 68024  
the canvass of the election returns from the precincts in its 68025  
county, in which electors were entitled to vote at any general 68026  
or special election, it shall determine and declare the results 68027  
of the elections determined by the electors of such county or of 68028  
a district or subdivision within such county. If more than the 68029  
number of candidates to be elected to an office received the 68030  
largest and an equal number of votes, such tie shall be resolved 68031  
by lot by the chairperson of the board in the presence of a 68032  
majority of the members of the board. Such declaration shall be 68033  
in writing and shall be signed by at least a majority of the 68034  
members of the board. It shall bear the date of the day upon 68035  
which it is made, and a copy thereof shall be posted by the 68036  
board in a conspicuous place in its office. The board shall keep 68037  
such copy posted for a period of at least five days. 68038

Thereupon the board shall promptly certify abstracts of 68039  
the results of such elections within its county, in such forms 68040  
as the secretary of state prescribes. Such forms shall be 68041  
designated and shall contain abstracts as follows: 68042

Form No. 1. An abstract of the votes cast for the office 68043  
of president and vice-president of the United States. 68044

Form No. 2. An abstract of the votes cast for the office 68045  
of governor and lieutenant governor, secretary of state, auditor 68046  
of state, treasurer of state, attorney general, chief justice of 68047

the supreme court of Ohio, judge of the supreme court of Ohio, 68048  
member of the senate of the congress of the United States, 68049  
member at large of the house of representatives of the congress 68050  
of the United States, district member of the house of 68051  
representatives of the congress of the United States, and an 68052  
abstract of the votes cast upon each question or issue submitted 68053  
at such election to electors throughout the entire state. 68054

Form No. 3. An abstract of the votes cast for the office 68055  
of member of the senate of the general assembly, and member of 68056  
the house of representatives of the general assembly. 68057

Form No. 4. A report of the votes cast for ~~the office of~~ 68058  
~~member of the state board of education,~~ judge of the court of 68059  
appeals, judge of the court of common pleas, judge of the 68060  
probate court, judge of the county court, county commissioner, 68061  
county auditor, prosecuting attorney, clerk of the court of 68062  
common pleas, sheriff, county recorder, county treasurer, county 68063  
engineer, and coroner. 68064

Form No. 5. A report of the votes cast upon all questions 68065  
and issues other than such questions and issues which were 68066  
submitted to electors throughout the entire state. 68067

Form No. 6. A report of the votes cast for municipal 68068  
offices, judge of the municipal court, township offices, and the 68069  
office of member of a board of education. 68070

One copy of each of these forms shall be kept in the 68071  
office of the board. One copy of each of these forms shall 68072  
promptly be sent to the secretary of state, who shall place the 68073  
records contained in forms No. 1, No. 2, No. 3, No. 4, and No. 6 68074  
in electronic format. One copy of Form No. 2 shall promptly be 68075  
sent by electronic mail to the president of the senate of the 68076

general assembly. The board shall also at once upon completion 68077  
of the official count send a certified copy of that part of each 68078  
of the forms which pertains to an election in which only 68079  
electors of a district comprised of more than one county but 68080  
less than all of the counties of the state voted to the board of 68081  
the most populous county in such district. It shall also at once 68082  
upon completion of the official count send a certified copy of 68083  
that part of each of the forms which pertains to an election in 68084  
which only electors of a subdivision located partly within the 68085  
county voted to the board of the county in which the major 68086  
portion of the population of such subdivision is located. 68087

If, after certifying and sending abstracts and parts 68088  
thereof, a board finds that any such abstract or part thereof is 68089  
incorrect, it shall promptly prepare, certify, and send a 68090  
corrected abstract or part thereof to take the place of each 68091  
incorrect abstract or part thereof theretofore certified and 68092  
sent. 68093

**Sec. 3505.38.** Election officials who are required to 68094  
declare the results of a special or general election in which 68095  
persons were elected to offices shall, unless otherwise provided 68096  
by law, issue to the persons declared elected by them 68097  
appropriate certificates of election in such form as is 68098  
prescribed by the secretary of state. Such certificates of 68099  
election shall be issued by such election officials after the 68100  
time within which applications may be made for recounts of votes 68101  
has expired, and after recounts of votes which have been applied 68102  
for are completed. 68103

All persons declared to be elected by the president of the 68104  
senate as provided for in section 3505.34 of the Revised Code 68105  
shall be issued certificates of election by the secretary of 68106

state as provided for in such section and shall be issued 68107  
commissions for such offices by the governor, provided that the 68108  
board of elections required to determine and declare the results 68109  
of the election for candidates for election to the office of 68110  
member of the house of representatives of the congress of the 68111  
United States ~~or member of the state board of education~~ shall, 68112  
in lieu of issuing a certificate of election, certify to the 68113  
secretary of state the names of such candidates declared 68114  
elected, and the secretary of state, from such certification, 68115  
shall issue to the persons certified to the secretary of state 68116  
as elected as a member of the house of representatives of the 68117  
congress of the United States ~~or member of the state board of~~ 68118  
~~education~~ a certificate of the person's election, signed by the 68119  
governor, sealed with the great seal of the state, and 68120  
countersigned by the secretary of state. Certificates of 68121  
election of members of the house of representatives of the 68122  
congress of the United States shall be forwarded by registered 68123  
mail to the clerk of the house of representatives of the 68124  
congress of the United States, Washington, D.C., and the person 68125  
elected to such office shall be advised by letter from the 68126  
secretary of state that the person's certificate of election has 68127  
been forwarded to said clerk. 68128

**Sec. 3513.052.** (A) No person shall seek nomination or 68129  
election to any of the following offices or positions at the 68130  
same election by filing a declaration of candidacy and petition, 68131  
a declaration of intent to be a write-in candidate, or a 68132  
nominating petition, or by becoming a candidate through party 68133  
nomination in a primary election, or by the filling of a vacancy 68134  
under section 3513.30 or 3513.31 of the Revised Code: 68135

(1) Two or more state offices; 68136

- (2) Two or more county offices; 68137
- (3) A state office and a county office; 68138
- (4) A federal office and a state or county office; 68139
- (5) Any combination of two or more municipal or township 68140  
offices, positions as a member of a city, local, or exempted 68141  
village board of education, or positions as a member of a 68142  
governing board of an educational service center. 68143
- (B) The secretary of state or a board of elections shall 68144  
not accept for filing a declaration of candidacy and petition, a 68145  
declaration of intent to be a write-in candidate, or a 68146  
nominating petition of a person seeking to become a candidate if 68147  
that person, for the same election, has already filed a 68148  
declaration of candidacy, a declaration of intent to be a write- 68149  
in candidate, or a nominating petition, or has become a 68150  
candidate through party nomination at a primary election or by 68151  
the filling of a vacancy under section 3513.30 or 3513.31 of the 68152  
Revised Code for: 68153
- (1) Any federal, state, or county office, if the 68154  
declaration of candidacy, declaration of intent to be a write-in 68155  
candidate, or nominating petition is for a state or county 68156  
office; 68157
- (2) Any municipal or township office, or for member of a 68158  
city, local, or exempted village board of education, or for 68159  
member of a governing board of an educational service center, if 68160  
the declaration of candidacy, declaration of intent to be a 68161  
write-in candidate, or nominating petition is for a municipal or 68162  
township office, or for member of a city, local, or exempted 68163  
village board of education, or for member of a governing board 68164  
of an educational service center. 68165

(C) (1) If the secretary of state determines, before the 68166  
day of the primary election, that a person is seeking nomination 68167  
to more than one office at that election in violation of 68168  
division (A) of this section, the secretary of state shall do 68169  
one of the following: 68170

(a) If each office or the district for each office for 68171  
which the person is seeking nomination is wholly within a single 68172  
county and none of those offices is a federal office, the 68173  
secretary of state shall notify the board of elections of that 68174  
county. The board then shall determine the date on which the 68175  
person first sought to become a candidate for each of those 68176  
offices by filing a declaration of candidacy or a declaration of 68177  
intent to be a write-in candidate or by the filling of a vacancy 68178  
under section 3513.30 of the Revised Code. The board shall vote 68179  
promptly to disqualify that person as a candidate for each 68180  
office for which the person sought to become a candidate after 68181  
the date on which the person first sought to become a candidate 68182  
for any of those offices. If the board determines that the 68183  
person sought to become a candidate for more than one of those 68184  
offices on the same date, the board shall vote promptly to 68185  
disqualify that person as a candidate for each office that would 68186  
be listed on the ballot below the highest office for which that 68187  
person seeks nomination, according to the ballot order 68188  
prescribed under section 3505.03 of the Revised Code. 68189

(b) If one or more of the offices for which the person is 68190  
seeking nomination is a state office or an office with a 68191  
district larger than a single county and none of the offices for 68192  
which the person is seeking nomination is a federal office, the 68193  
secretary of state shall determine the date on which the person 68194  
first sought to become a candidate for each of those offices by 68195  
filing a declaration of candidacy or a declaration of intent to 68196

be a write-in candidate or by the filling of a vacancy under 68197  
section 3513.30 of the Revised Code. The secretary of state 68198  
shall order the board of elections of each county in which the 68199  
person is seeking to appear on the ballot to disqualify that 68200  
person as a candidate for each office for which the person 68201  
sought to become a candidate after the date on which the person 68202  
first sought to become a candidate for any of those offices. If 68203  
the secretary of state determines that the person sought to 68204  
become a candidate for more than one of those offices on the 68205  
same date, the secretary of state shall order the board of 68206  
elections of each county in which the person is seeking to 68207  
appear on the ballot to disqualify that person as a candidate 68208  
for each office that would be listed on the ballot below the 68209  
highest office for which that person seeks nomination, according 68210  
to the ballot order prescribed under section 3505.03 of the 68211  
Revised Code. Each board of elections so notified shall vote 68212  
promptly to disqualify the person as a candidate in accordance 68213  
with the order of the secretary of state. 68214

(c) If each office or the district for each office for 68215  
which the person is seeking nomination is wholly within a single 68216  
county and any of those offices is a federal office, the 68217  
secretary of state shall notify the board of elections of that 68218  
county. The board then shall vote promptly to disqualify that 68219  
person as a candidate for each office that is not a federal 68220  
office. 68221

(d) If one or more of the offices for which the person is 68222  
seeking nomination is a state office and any of the offices for 68223  
which the person is seeking nomination is a federal office, the 68224  
secretary of state shall order the board of elections of each 68225  
county in which the person is seeking to appear on the ballot to 68226  
disqualify that person as a candidate for each office that is 68227

not a federal office. Each board of elections so notified shall 68228  
vote promptly to disqualify the person as a candidate in 68229  
accordance with the order of the secretary of state. 68230

(2) If a board of elections determines, before the day of 68231  
the primary election, that a person is seeking nomination to 68232  
more than one office at that election in violation of division 68233  
(A) of this section, the board shall do one of the following: 68234

(a) If each office or the district for each office for 68235  
which the person is seeking nomination is wholly within that 68236  
county and none of those offices is a federal office, the board 68237  
shall determine the date on which the person first sought to 68238  
become a candidate for each of those offices by filing a 68239  
declaration of candidacy or a declaration of intent to be a 68240  
write-in candidate or by the filling of a vacancy under section 68241  
3513.30 of the Revised Code. The board shall vote promptly to 68242  
disqualify that person as a candidate for each office for which 68243  
the person sought to become a candidate after the date on which 68244  
the person first sought to become a candidate for any of those 68245  
offices. If the board determines that the person sought to 68246  
become a candidate for more than one of those offices on the 68247  
same date, the board shall vote promptly to disqualify that 68248  
person as a candidate for each office that would be listed on 68249  
the ballot below the highest office for which that person seeks 68250  
nomination, according to the ballot order prescribed under 68251  
section 3505.03 of the Revised Code. 68252

(b) If one or more of the offices for which the person is 68253  
seeking nomination is a state office or an office with a 68254  
district larger than a single county and none of the offices for 68255  
which the person is seeking nomination is a federal office, the 68256  
board shall notify the secretary of state. The secretary of 68257



state then shall determine the date on which the person first 68258  
sought to become a candidate for each of those offices by filing 68259  
a declaration of candidacy or a declaration of intent to be a 68260  
write-in candidate or by the filling of a vacancy under section 68261  
3513.30 of the Revised Code. The secretary of state shall order 68262  
the board of elections of each county in which the person is 68263  
seeking to appear on the ballot to disqualify that person as a 68264  
candidate for each office for which the person sought to become 68265  
a candidate after the date on which the person first sought to 68266  
become a candidate for any of those offices. If the secretary of 68267  
state determines that the person sought to become a candidate 68268  
for more than one of those offices on the same date, the 68269  
secretary of state shall order the board of elections of each 68270  
county in which the person is seeking to appear on the ballot to 68271  
disqualify that person as a candidate for each office that would 68272  
be listed on the ballot below the highest office for which that 68273  
person seeks nomination, according to the ballot order 68274  
prescribed under section 3505.03 of the Revised Code. Each board 68275  
of elections so notified shall vote promptly to disqualify the 68276  
person as a candidate in accordance with the order of the 68277  
secretary of state. 68278

(c) If each office or the district for each office for 68279  
which the person is seeking nomination is wholly within a single 68280  
county and any of those offices is a federal office, the board 68281  
shall vote promptly to disqualify that person as a candidate for 68282  
each office that is not a federal office. 68283

(d) If one or more of the offices for which the person is 68284  
seeking nomination is a state office and any of the offices for 68285  
which the person is seeking nomination is a federal office, the 68286  
board shall notify the secretary of state. The secretary of 68287  
state then shall order the board of elections of each county in 68288

which the person is seeking to appear on the ballot to 68289  
disqualify that person as a candidate for each office that is 68290  
not a federal office. Each board of elections so notified shall 68291  
vote promptly to disqualify the person as a candidate in 68292  
accordance with the order of the secretary of state. 68293

(D) (1) If the secretary of state determines, after the day 68294  
of the primary election and before the day of the general 68295  
election, that a person is seeking election to more than one 68296  
office at that election in violation of division (A) of this 68297  
section, the secretary of state shall do one of the following: 68298

(a) If each office or the district for each office for 68299  
which the person is seeking election is wholly within a single 68300  
county and none of those offices is a federal office, the 68301  
secretary of state shall notify the board of elections of that 68302  
county. The board then shall determine the offices for which the 68303  
person seeks to appear as a candidate on the ballot. The board 68304  
shall vote promptly to disqualify that person as a candidate for 68305  
each office that would be listed on the ballot below the highest 68306  
office for which that person seeks election, according to the 68307  
ballot order prescribed under section 3505.03 of the Revised 68308  
Code. If the person sought nomination at a primary election and 68309  
has not yet been issued a certificate of nomination, the board 68310  
shall not issue that certificate for that person for any office 68311  
that would be listed on the ballot below the highest office for 68312  
which that person seeks election, according to the ballot order 68313  
prescribed under section 3505.03 of the Revised Code. 68314

(b) If one or more of the offices for which the person is 68315  
seeking election is a state office or an office with a district 68316  
larger than a single county and none of the offices for which 68317  
the person is seeking election is a federal office, the 68318

secretary of state shall promptly investigate and determine the 68319  
offices for which the person seeks to appear as a candidate on 68320  
the ballot. The secretary of state shall order the board of 68321  
elections of each county in which the person is seeking to 68322  
appear on the ballot to disqualify that person as a candidate 68323  
for each office that would be listed on the ballot below the 68324  
highest office for which that person seeks election, according 68325  
to the ballot order prescribed under section 3505.03 of the 68326  
Revised Code. Each board of elections so notified shall vote 68327  
promptly to disqualify the person as a candidate in accordance 68328  
with the order of the secretary of state. If the person sought 68329  
nomination at a primary election and has not yet been issued a 68330  
certificate of nomination, the board shall not issue that 68331  
certificate for that person for any office that would be listed 68332  
on the ballot below the highest office for which that person 68333  
seeks election, according to the ballot order prescribed under 68334  
section 3505.03 of the Revised Code. 68335

(c) If each office or the district for each office for 68336  
which the person is seeking election is wholly within a single 68337  
county and any of those offices is a federal office, the 68338  
secretary of state shall notify the board of elections of that 68339  
county. The board then shall vote promptly to disqualify that 68340  
person as a candidate for each office that is not a federal 68341  
office. If the person sought nomination at a primary election 68342  
and has not yet been issued a certificate of nomination, the 68343  
board shall not issue that certificate for that person for any 68344  
office that is not a federal office. 68345

(d) If one or more of the offices for which the person is 68346  
seeking election is a state office and any of the offices for 68347  
which the person is seeking election is a federal office, the 68348  
secretary of state shall order the board of elections of each 68349

county in which the person is seeking to appear on the ballot to 68350  
disqualify that person as a candidate for each office that is 68351  
not a federal office. Each board of elections so notified shall 68352  
vote promptly to disqualify the person as a candidate in 68353  
accordance with the order of the secretary of state. If the 68354  
person sought nomination at a primary election and has not yet 68355  
been issued a certificate of nomination, the board shall not 68356  
issue that certificate for that person for any office that is 68357  
not a federal office. 68358

(2) If a board of elections determines, after the day of 68359  
the primary election and before the day of the general election, 68360  
that a person is seeking election to more than one office at 68361  
that election in violation of division (A) of this section, the 68362  
board of elections shall do one of the following: 68363

(a) If each office or the district for each office for 68364  
which the person is seeking election is wholly within that 68365  
county and none of those offices is a federal office, the board 68366  
shall determine the offices for which the person seeks to appear 68367  
as a candidate on the ballot. The board shall vote promptly to 68368  
disqualify that person as a candidate for each office that would 68369  
be listed on the ballot below the highest office for which that 68370  
person seeks election, according to the ballot order prescribed 68371  
under section 3505.03 of the Revised Code. If the person sought 68372  
nomination at a primary election and has not yet been issued a 68373  
certificate of nomination, the board shall not issue that 68374  
certificate for that person for any office that would be listed 68375  
on the ballot below the highest office for which that person 68376  
seeks election, according to the ballot order prescribed under 68377  
section 3505.03 of the Revised Code. 68378

(b) If one or more of the offices for which the person is 68379

seeking election is a state office or an office with a district 68380  
larger than a single county and none of the offices for which 68381  
the person is seeking election is a federal office, the board 68382  
shall notify the secretary of state. The secretary of state 68383  
promptly shall investigate and determine the offices for which 68384  
the person seeks to appear as a candidate on the ballot. The 68385  
secretary of state shall order the board of elections of each 68386  
county in which the person is seeking to appear on the ballot to 68387  
disqualify that person as a candidate for each office that would 68388  
be listed on the ballot below the highest office for which that 68389  
person seeks election, according to the ballot order prescribed 68390  
under section 3505.03 of the Revised Code. Each board of 68391  
elections so notified shall vote promptly to disqualify the 68392  
person as a candidate in accordance with the order of the 68393  
secretary of state. If the person sought nomination at a primary 68394  
election and has not yet been issued a certificate of 68395  
nomination, the board shall not issue that certificate for that 68396  
person for any office that would be listed on the ballot below 68397  
the highest office for which that person seeks election, 68398  
according to the ballot order prescribed under section 3505.03 68399  
of the Revised Code. 68400

(c) If each office or the district for each office for 68401  
which the person is seeking election is wholly within that 68402  
county and any of those offices is a federal office, the board 68403  
shall vote promptly to disqualify that person as a candidate for 68404  
each office that is not a federal office. If the person sought 68405  
nomination at a primary election and has not yet been issued a 68406  
certificate of nomination, the board shall not issue that 68407  
certificate for that person for any office that is not a federal 68408  
office. 68409

(d) If one or more of the offices for which the person is 68410

seeking election is a state office and any of the offices for 68411  
which the person is seeking election is a federal office, the 68412  
board shall notify the secretary of state. The secretary of 68413  
state shall order the board of elections of each county in which 68414  
the person is seeking to appear on the ballot to disqualify that 68415  
person as a candidate for each office that is not a federal 68416  
office. Each board of elections so notified shall vote promptly 68417  
to disqualify the person as a candidate in accordance with the 68418  
order of the secretary of state. If the person sought nomination 68419  
at a primary election and has not yet been issued a certificate 68420  
of nomination, the board shall not issue that certificate for 68421  
that person for any office that is not a federal office. 68422

(E) When a person is disqualified as a candidate under 68423  
division (C) or (D) of this section, on or before the seventieth 68424  
day before the day of the applicable election, the board of 68425  
elections shall remove the person's name from the ballot for any 68426  
office for which that person has been disqualified as a 68427  
candidate according to the directions of the secretary of state. 68428  
When a person is disqualified as a candidate under division (C) 68429  
or (D) of this section after the seventieth day before the day 68430  
of the applicable election, the board of elections shall not 68431  
remove the person's name from the ballot for any office for 68432  
which that person has been disqualified as a candidate. The 68433  
board of elections shall post a notice at each polling location 68434  
on the day of the applicable election, and shall enclose with 68435  
each absent voter's ballot given or mailed after the candidate 68436  
is disqualified, a notice that votes for the person for the 68437  
office for which the person has been disqualified as a candidate 68438  
will be void and will not be counted. If the name is not removed 68439  
from the ballots before the day of the election, the votes for 68440  
the disqualified candidate are void and shall not be counted. 68441

(F) Any vacancy created by the disqualification of a 68442  
person as a candidate under division (C) or (D) of this section 68443  
may be filled in the manner provided for in sections 3513.30 and 68444  
3513.31 of the Revised Code. 68445

(G) Nothing in this section or section 3513.04, 3513.041, 68446  
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 68447  
~~3513.259,~~ or 3513.261 of the Revised Code prohibits, and the 68448  
secretary of state or a board of elections shall not disqualify, 68449  
a person from being a candidate for an office, if that person 68450  
timely withdraws as a candidate for any offices specified in 68451  
division (A) of this section for which that person first sought 68452  
to become a candidate by filing a declaration of candidacy and 68453  
petition, a declaration of intent to be a write-in candidate, or 68454  
a nominating petition, by party nomination in a primary 68455  
election, or by the filling of a vacancy under section 3513.30 68456  
or 3513.31 of the Revised Code. 68457

(H) As used in this section: 68458

(1) "State office" means the offices of governor, 68459  
lieutenant governor, secretary of state, auditor of state, 68460  
treasurer of state, attorney general, ~~member of the state board~~ 68461  
~~of education,~~ member of the general assembly, chief justice of 68462  
the supreme court, and justice of the supreme court. 68463

(2) "Timely withdraws" means either of the following: 68464

(a) Withdrawing as a candidate before the applicable 68465  
deadline for filing a declaration of candidacy, declaration of 68466  
intent to be a write-in candidate, or nominating petition for 68467  
the subsequent office for which the person is seeking to become 68468  
a candidate at the same election; 68469

(b) Withdrawing as a candidate before the applicable 68470

deadline for the filling of a vacancy under section 3513.30 or 68471  
3513.31 of the Revised Code, if the person is seeking to become 68472  
a candidate for a subsequent office at the same election under 68473  
either of those sections. 68474

**Sec. 3513.10.** (A) At the time of filing a declaration of 68475  
candidacy for nomination for any office, or a declaration of 68476  
intent to be a write-in candidate, each candidate, except joint 68477  
candidates for governor and lieutenant governor, shall pay a fee 68478  
as follows: 68479  
68480

1

2

A	For statewide office	\$100
B	For court of appeals judge	\$50
C	For court of common pleas judge	\$50
D	For county court judge	\$50
E	For municipal court judge	\$50
F	For district office, including member of the United States house of representatives and member of the general assembly	\$50
G	For county office	\$50
H	For city office	\$20
I	For village office	\$10
J	For township office	\$10



At the time of filing a declaration of candidacy or a  
declaration of intent to be a write-in candidate for the offices  
of governor and lieutenant governor, the joint candidates shall  
jointly pay to the secretary of state a fee of one hundred  
dollars.

(B) (1) At the same time the fee required under division  
(A) of this section is paid, each candidate shall pay an  
additional fee as follows:

2

A	For the joint candidates for governor and lieutenant governor	\$50
B	For statewide office	\$50
C	For district office, including member of the United States house of representatives and member of the general assembly	\$35
D	<del>For member of state board of education</del>	<del>\$35</del>
E	For court of appeals judge	\$30
F	For court of common pleas judge	\$30
G	For county court judge	\$30

H	For municipal court judge	\$30
I	For county office	\$30
J	For city office	\$25
K	For village office	\$20
L	For township office	\$20
M	For member of local, city, or exempted village board of education or educational service center governing board	\$20

(2) Whoever seeks to propose a ballot question or issue to 68490  
be submitted to the electors shall pay the following fee at the 68491  
time the petition proposing the question or issue is filed: 68492

(a) If the question or issue is to be submitted to the 68493  
electors throughout the entire state, twenty-five dollars; 68494

(b) If the question or issue is to be submitted to the 68495  
electors of a county or of a district that consists of all or 68496  
part of two or more counties but less than the entire state, 68497  
fifteen dollars; 68498

(c) If the question or issue is to be submitted to the 68499  
electors of a city, twelve dollars and fifty cents; 68500

(d) If the question or issue is to be submitted to the 68501  
electors of a village, a township, a local, city, county, or 68502  
exempted village school district, a precinct, or another 68503  
district consisting of less than an entire county, ten dollars. 68504

(C) No fee shall be required of candidates filing for the 68505  
office of delegate or alternate to the national convention of 68506

political parties, member of the state central committee of a 68507  
political party, or member of the county central committee of a 68508  
political party. 68509

(D) All fees required under division (A) of this section 68510  
immediately shall be paid by the officer receiving them into the 68511  
state treasury to the credit of the general revenue fund, in the 68512  
case of fees received by the secretary of state, and into the 68513  
county treasury to the credit of the county general fund, in the 68514  
case of fees received by a board of elections. 68515

(E) The officer who receives a fee required under division 68516  
(B) of this section immediately shall pay the fee to the credit 68517  
of the Ohio ~~elections~~ election integrity commission fund created 68518  
~~by division (I) of under~~ section ~~3517.152~~ 111.29 of the Revised 68519  
Code. 68520

(F) (1) In no case shall a fee paid under this section be 68521  
returned to a candidate. 68522

(2) Whenever a section of law refers to a filing fee to be 68523  
paid by a candidate or by a committee proposing a ballot 68524  
question or issue to be submitted to the electors, that fee 68525  
includes the fees required under divisions (A) and (B) of this 68526  
section. 68527

(G) As used in divisions (A) and (B) of this section, 68528  
"statewide office" means the office of secretary of state, 68529  
auditor of state, treasurer of state, attorney general, justice 68530  
and chief justice of the supreme court, and member of the United 68531  
States senate. 68532

**Sec. 3517.01.** (A) (1) A political party within the meaning 68533  
of Title XXXV of the Revised Code is any group of voters that 68534  
meets either of the following requirements: 68535

(a) Except as otherwise provided in this division, at the  
most recent regular state election, the group polled for its  
candidate for governor in the state or nominees for presidential  
electors at least three per cent of the entire vote cast for  
that office. A group that meets the requirements of this  
division remains a political party for a period of four years  
after meeting those requirements.

(b) The group filed with the secretary of state,  
subsequent to its failure to meet the requirements of division  
(A) (1) (a) of this section, a party formation petition that meets  
all of the following requirements:

(i) The petition is signed by qualified electors equal in  
number to at least one per cent of the total vote for governor  
or nominees for presidential electors at the most recent  
election for such office.

(ii) The petition is signed by not fewer than five hundred  
qualified electors from each of at least a minimum of one-half  
of the congressional districts in this state. If an odd number  
of congressional districts exists in this state, the number of  
districts that results from dividing the number of congressional  
districts by two shall be rounded up to the next whole number.

(iii) The petition declares the petitioners' intention of  
organizing a political party, the name of which shall be stated  
in the declaration, and of participating in the succeeding  
general election, held in even-numbered years, that occurs more  
than one hundred twenty-five days after the date of filing.

(iv) The petition designates a committee of not less than  
three nor more than five individuals of the petitioners, who  
shall represent the petitioners in all matters relating to the

petition. Notice of all matters or proceedings pertaining to the 68565  
petition may be served on the committee, or any of them, either 68566  
personally or by registered mail, or by leaving such notice at 68567  
the usual place of residence of each of them. 68568

(2) No such group of electors shall assume a name or 68569  
designation that is similar, in the opinion of the secretary of 68570  
state, to that of an existing political party as to confuse or 68571  
mislead the voters at an election. 68572

(B) A campaign committee shall be legally liable for any 68573  
debts, contracts, or expenditures incurred or executed in its 68574  
name. 68575

(C) Notwithstanding the definitions found in section 68576  
3501.01 of the Revised Code, as used in this section and 68577  
sections 3517.08 to ~~3517.14, 3517.99, and 3517.992~~ 3517.991 of 68578  
the Revised Code: 68579

(1) "Campaign committee" means a candidate or a 68580  
combination of two or more persons authorized by a candidate 68581  
under section 3517.081 of the Revised Code to receive 68582  
contributions and make expenditures. 68583

(2) "Campaign treasurer" means an individual appointed by 68584  
a candidate under section 3517.081 of the Revised Code. 68585

(3) "Candidate" has the same meaning as in division (H) of 68586  
section 3501.01 of the Revised Code and also includes any person 68587  
who, at any time before or after an election, receives 68588  
contributions or makes expenditures or other use of 68589  
contributions, has given consent for another to receive 68590  
contributions or make expenditures or other use of 68591  
contributions, or appoints a campaign treasurer, for the purpose 68592  
of bringing about the person's nomination or election to public 68593

office. When two persons jointly seek the offices of governor 68594  
and lieutenant governor, "candidate" means the pair of 68595  
candidates jointly. "Candidate" does not include candidates for 68596  
election to the offices of member of a county or state central 68597  
committee, presidential elector, and delegate to a national 68598  
convention or conference of a political party. 68599

~~(4) "Continuing association" means an association, other 68600  
than a campaign committee, political party, legislative campaign 68601  
fund, political contributing entity, or labor organization, that 68602  
is intended to be a permanent organization that has a primary 68603  
purpose other than supporting or opposing specific candidates, 68604  
political parties, or ballot issues, and that functions on a 68605  
regular basis throughout the year. "Continuing association" 68606  
includes organizations that are determined to be not organized 68607  
for profit under subsection 501 and that are described in 68608  
subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal 68609  
Revenue Code. 68610~~

~~(5) "Contribution" means a loan, gift, deposit, 68611  
forgiveness of indebtedness, donation, advance, payment, or 68612  
transfer of funds or anything of value, including a transfer of 68613  
funds from an inter vivos or testamentary trust or decedent's 68614  
estate, and the payment by any person other than the person to 68615  
whom the services are rendered for the personal services of 68616  
another person, which contribution is made, received, or used 68617  
for the purpose of influencing the results of an election. Any 68618  
loan, gift, deposit, forgiveness of indebtedness, donation, 68619  
advance, payment, or transfer of funds or of anything of value, 68620  
including a transfer of funds from an inter vivos or 68621  
testamentary trust or decedent's estate, and the payment by any 68622  
campaign committee, political action committee, legislative 68623  
campaign fund, political party, political contributing entity, 68624~~

or person other than the person to whom the services are 68625  
rendered for the personal services of another person, that is 68626  
made, received, or used by a state or county political party, 68627  
other than the moneys an entity may receive under sections 68628  
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 68629  
considered to be a "contribution" for the purpose of section 68630  
3517.10 of the Revised Code and shall be included on a statement 68631  
of contributions filed under that section. 68632

"Contribution" does not include any of the following: 68633

(a) Services provided without compensation by individuals 68634  
volunteering a portion or all of their time on behalf of a 68635  
person; 68636

(b) Ordinary home hospitality; 68637

(c) The personal expenses of a volunteer paid for by that 68638  
volunteer campaign worker; 68639

(d) Any gift given to an entity pursuant to section 68640  
3517.101 of the Revised Code; 68641

(e) Any contribution as defined in section 3517.1011 of 68642  
the Revised Code that is made, received, or used to pay the 68643  
direct costs of producing or airing an electioneering 68644  
communication; 68645

(f) Any gift given to a state or county political party 68646  
for the party's restricted fund under division (A) (2) of section 68647  
3517.1012 of the Revised Code; 68648

(g) Any gift given to a state political party for deposit 68649  
in a Levin account pursuant to section 3517.1013 of the Revised 68650  
Code. As used in this division, "Levin account" has the same 68651  
meaning as in that section. 68652

(h) Any donation given to a transition fund under section 3517.1014 of the Revised Code. 68653  
68654

~~(6)~~ (5) "Expenditure" means the disbursement or use of a 68655  
contribution for the purpose of influencing the results of an 68656  
election or of making a charitable donation under division (G) 68657  
of section 3517.08 of the Revised Code. Any disbursement or use 68658  
of a contribution by a state or county political party is an 68659  
expenditure and shall be considered either to be made for the 68660  
purpose of influencing the results of an election or to be made 68661  
as a charitable donation under division (G) of section 3517.08 68662  
of the Revised Code and shall be reported on a statement of 68663  
expenditures filed under section 3517.10 of the Revised Code. 68664  
During the thirty days preceding a primary or general election, 68665  
any disbursement to pay the direct costs of producing or airing 68666  
a broadcast, cable, or satellite communication that refers to a 68667  
clearly identified candidate shall be considered to be made for 68668  
the purpose of influencing the results of that election and 68669  
shall be reported as an expenditure or as an independent 68670  
expenditure under section 3517.10 or 3517.105 of the Revised 68671  
Code, as applicable, except that the information required to be 68672  
reported regarding contributors for those expenditures or 68673  
independent expenditures shall be the same as the information 68674  
required to be reported under divisions (D) (1) and (2) of 68675  
section 3517.1011 of the Revised Code. 68676

As used in this division, "broadcast, cable, or satellite 68677  
communication" and "refers to a clearly identified candidate" 68678  
have the same meanings as in section 3517.1011 of the Revised 68679  
Code. 68680

~~(7)~~ (6) "Personal expenses" includes, but is not limited 68681  
to, ordinary expenses for accommodations, clothing, food, 68682



personal motor vehicle or airplane, and home telephone. 68683

~~(8)~~ (7) "Political action committee" means a combination 68684  
of two or more persons, the primary or major purpose of which is 68685  
to support or oppose any candidate, political party, or issue, 68686  
or to influence the result of any election through express 68687  
advocacy, and that is not a political party, a campaign 68688  
committee, ~~a political contributing entity,~~ or a legislative 68689  
campaign fund. "Political action committee" does not include 68690  
~~either of the following:—~~ 68691

~~(a) A continuing association that makes disbursements for—~~ 68692  
~~the direct costs of producing or airing electioneering—~~ 68693  
~~communications and that does not engage in express advocacy;—~~ 68694

~~(b) A~~ a political club that is formed primarily for social 68695  
purposes and that consists of one hundred members or less, has 68696  
officers and periodic meetings, has less than two thousand five 68697  
hundred dollars in its treasury at all times, and makes an 68698  
aggregate total contribution of one thousand dollars or less per 68699  
calendar year. 68700

~~(9)~~ (8) "Public office" means any state, county, 68701  
municipal, township, or district office, except an office of a 68702  
political party, that is filled by an election and the offices 68703  
of United States senator and representative. 68704

~~(10)~~ (9) "Anything of value" has the same meaning as in 68705  
section 1.03 of the Revised Code. 68706

~~(11)~~ (10) "Beneficiary of a campaign fund" means a 68707  
candidate, a public official or employee for whose benefit a 68708  
campaign fund exists, and any other person who has ever been a 68709  
candidate or public official or employee and for whose benefit a 68710  
campaign fund exists. 68711

~~(12)~~ (11) "Campaign fund" means money or other property,  
including contributions.

~~(13)~~ (12) "Public official or employee" has the same  
meaning as in section 102.01 of the Revised Code.

~~(14)~~ (13) "Caucus" means all of the members of the house  
of representatives or all of the members of the senate of the  
general assembly who are members of the same political party.

~~(15)~~ (14) "Legislative campaign fund" means a fund that is  
established as an auxiliary of a state political party and  
associated with one of the houses of the general assembly.

~~(16)~~ (15) (a) "In-kind contribution" means anything of  
value other than money that is used to influence the results of  
an election or is transferred to or used in support of or in  
opposition to a candidate, campaign committee, legislative  
campaign fund, political party, political action committee, or  
political contributing entity and that is made with the consent  
of, in coordination, cooperation, or consultation with, or at  
the request or suggestion of the benefited candidate, committee,  
fund, party, or entity. ~~The~~

(b) ~~The~~ financing of the dissemination, distribution, or  
 republication, in whole or part, of any broadcast or of any  
written, graphic, or other form of campaign materials prepared  
by the candidate, the candidate's campaign committee, or their  
authorized agents is an in-kind contribution to the candidate  
and an expenditure by the candidate.

(c) A contribution of a digital asset is an in-kind  
contribution.

~~(17)~~ (16) "Independent expenditure" means an expenditure  
or other use of funds or anything of value by a person

~~advocating~~ in support of or opposition to an identified ballot  
issue or question or to advocate the election or defeat of an  
identified candidate or candidates, that is not made with the  
consent of, in coordination, cooperation, or consultation with,  
or at the request or suggestion of any candidate or candidates  
or of the campaign committee or agent of the candidate or  
candidates. As used in division ~~(C) (17)~~ (C) (16) of this section:

(a) "Person" means an individual, ~~partnership,~~  
~~unincorporated business organization or association,~~ political  
action committee, political contributing entity, separate  
segregated fund, association, or other organization or group of  
persons, ~~but not a labor organization or a corporation unless~~  
~~the labor organization or corporation is a political~~  
~~contributing entity.~~

(b) ~~"Advocating"~~ "Advocate" means to make any  
communication containing a message advocating the election or  
defeat of an identified candidate or candidates.

(c) "Identified candidate" means that the name of the  
candidate appears, a photograph or drawing of the candidate  
appears, or the identity of the candidate is otherwise apparent  
by unambiguous reference.

(d) "Made in coordination, cooperation, or consultation  
with, or at the request or suggestion of, any candidate or the  
campaign committee or agent of the candidate" means made  
pursuant to any arrangement, coordination, or direction by the  
candidate, the candidate's campaign committee, or the  
candidate's agent prior to the publication, distribution,  
display, or broadcast of the communication. An expenditure is  
presumed to be so made when it is any of the following:

(i) Based on information about the candidate's plans, 68770  
projects, or needs provided to the person making the expenditure 68771  
by the candidate, or by the candidate's campaign committee or 68772  
agent, with a view toward having an expenditure made; 68773

(ii) Made by or through any person who is, or has been, 68774  
authorized to raise or expend funds, who is, or has been, an 68775  
officer of the candidate's campaign committee, or who is, or has 68776  
been, receiving any form of compensation or reimbursement from 68777  
the candidate or the candidate's campaign committee or agent; 68778

(iii) Except as otherwise provided in division (D) of 68779  
section 3517.105 of the Revised Code, made by a political party 68780  
in support of a candidate, unless the expenditure is made by a 68781  
political party to conduct voter registration or voter education 68782  
efforts. 68783

(e) "Agent" means any person who has actual oral or 68784  
written authority, either express or implied, to make or to 68785  
authorize the making of expenditures on behalf of a candidate, 68786  
or means any person who has been placed in a position with the 68787  
candidate's campaign committee or organization such that it 68788  
would reasonably appear that in the ordinary course of campaign- 68789  
related activities the person may authorize expenditures. 68790

~~(18)~~ (17) "Labor organization" means a labor union; an 68791  
employee organization; a federation of labor unions, groups, 68792  
locals, or other employee organizations; an auxiliary of a labor 68793  
union, employee organization, or federation of labor unions, 68794  
groups, locals, or other employee organizations; or any other 68795  
bona fide organization in which employees participate and that 68796  
exists for the purpose, in whole or in part, of dealing with 68797  
employers concerning grievances, labor disputes, wages, hours, 68798  
and other terms and conditions of employment. 68799

~~(19)~~ (18) "Separate segregated fund" means a separate  
segregated fund established pursuant to the Federal Election  
Campaign Act.

~~(20)~~ (19) "Federal Election Campaign Act" means the  
"Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A.  
431, et seq., as amended.

~~(21)~~ (20) "Restricted fund" means the fund a state or  
county political party must establish under division (A) (1) of  
section 3517.1012 of the Revised Code.

~~(22)~~ (21) "Electioneering communication" has the same  
meaning as in section 3517.1011 of the Revised Code.

~~(23)~~ (22) "Express advocacy" means a communication that  
contains express words advocating the nomination, election, or  
defeat of a candidate or that contains express words advocating  
the adoption or defeat of a question or issue, as determined by  
a final judgment of a court of competent jurisdiction.

~~(24)~~ (23) "Political committee" has the same meaning as in  
section 3517.1011 of the Revised Code.

~~(25)~~ "Political ~~(24) (a) Except as otherwise provided in~~  
division (C) (24) (b) of this section, "political contributing  
entity" means any entity, including a corporation ~~or,~~ labor  
organization, partnership or other unincorporated business, or  
unincorporated association, that may lawfully make ~~makes~~  
contributions and or expenditures and that is not an individual  
or a political action committee, continuing association,  
campaign committee, political party, legislative campaign fund,  
designated state campaign committee, or state candidate fund.  
~~For purposes of this division, "lawfully" means not prohibited~~  
~~by any section of the Revised Code, or authorized by a final~~

~~judgment of a court of competent jurisdiction.~~ 68829

~~(26)~~ (b) A partnership or other unincorporated business 68830  
that makes contributions only in the manner permitted under 68831  
division (I) (1) (b) of section 3517.10 of the Revised Code, makes 68832  
no other contributions or expenditures, and receives no 68833  
contributions is not considered a political contributing entity. 68834

(25) "Internet identifier of record" has the same meaning 68835  
as in section 9.312 of the Revised Code. 68836

(26) "Partnership or other unincorporated business" 68837  
includes a cooperative, a sole proprietorship, a general 68838  
partnership, a limited partnership, a limited partnership 68839  
association, a limited liability partnership, and a limited 68840  
liability company. 68841

(27) "Digital asset" has the same meaning as in 26 U.S.C. 68842  
6045. 68843

(28) "Electronic peer-to-peer payment service" means a web 68844  
site, application, or other service that allows the parties to a 68845  
transaction to transmit funds electronically between the parties 68846  
or the parties' financial institutions. 68847

**Sec. 3517.08.** (A) The personal expenses of a candidate 68848  
paid for by the candidate, from the candidate's personal funds, 68849  
shall not be considered as a contribution by or an expenditure 68850  
by the candidate and shall not be reported under section 3517.10 68851  
of the Revised Code. 68852

(B) (1) An expenditure by a political action committee or a 68853  
political contributing entity shall not be considered a 68854  
contribution by the political action committee or the political 68855  
contributing entity or an expenditure by or on behalf of the 68856  
candidate if the purpose of the expenditure is to inform only 68857

its members by means of mailed publications of its activities or 68858  
endorsements. 68859

(2) An expenditure by a political party shall not be 68860  
considered a contribution by the political party or an 68861  
expenditure by or on behalf of the candidate if the purpose of 68862  
the expenditure is to inform predominantly the party's members 68863  
by means of mailed publications or other direct communication of 68864  
its activities or endorsements, or for voter contact such as 68865  
sample ballots, absent voter's ballots application mailings, 68866  
voter registration, or get-out-the-vote activities. 68867

(C) An expenditure by a ~~continuing association~~, political 68868  
contributing entity, or political party shall not be considered 68869  
a contribution to any campaign committee or an expenditure by or 68870  
on behalf of any campaign committee if the purpose of the 68871  
expenditure is for the staff and maintenance of the ~~continuing-~~ 68872  
~~association's~~, political contributing entity's, or political 68873  
party's headquarters, or for a political poll, survey, index, or 68874  
other type of measurement not on behalf of a specific candidate. 68875

(D) The expenses of maintaining a constituent office paid 68876  
for, from the candidate's personal funds, by a candidate who is 68877  
a member of the general assembly at the time of the election 68878  
shall not be considered a contribution by or an expenditure by 68879  
or on behalf of the candidate, and shall not be reported, if the 68880  
constituent office is not used for any candidate's campaign 68881  
activities. 68882

(E) The net contribution of each social or fund-raising 68883  
activity shall be calculated by totaling all contributions to 68884  
the activity minus the expenditures made for the activity. 68885

(F) An expenditure that purchases goods or services shall 68886

be attributed to an election when the disbursement of funds is 68887  
made, rather than at the time the goods or services are used. 68888  
The secretary of state, under the procedures of Chapter 119. of 68889  
the Revised Code, shall establish rules for the attribution of 68890  
expenditures to a candidate when the candidate is a candidate 68891  
for more than one office during a reporting period and for 68892  
expenditures made in a year in which no election is held. The 68893  
secretary of state shall further define by rule those 68894  
expenditures that are or are not by or on behalf of a candidate. 68895

(G) An expenditure for the purpose of a charitable 68896  
donation may be made if it is made to an organization that is 68897  
exempt from federal income taxation under subsection 501(a) and 68898  
described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c) 68899  
(10), or 501(c)(19) of the Internal Revenue Code or is approved 68900  
by advisory opinion of the Ohio ~~elections~~election integrity 68901  
commission as a legitimate charitable organization. Each 68902  
expenditure under this division shall be separately itemized on 68903  
statements made pursuant to section 3517.10 of the Revised Code. 68904

**Sec. 3517.081.** (A) Each candidate shall have no more than 68905  
one campaign committee for purposes of receiving contributions 68906  
and making expenditures. No campaign committee shall receive any 68907  
contribution or make any expenditure other than through the 68908  
campaign treasurer. The campaign treasurer shall file all 68909  
statements required of a candidate or campaign committee under 68910  
section 3517.10 of the Revised Code. 68911

The candidate shall designate the candidate or a member of 68912  
the candidate's campaign committee as the candidate's campaign 68913  
treasurer as required by division (D) of section 3517.10 of the 68914  
Revised Code. The campaign treasurer may appoint deputy campaign 68915  
treasurers as required. Deputy campaign treasurers may exercise 68916



any of the powers and duties of a campaign treasurer when 68917  
specifically authorized to do so by the campaign treasurer or 68918  
the candidate. 68919

Each candidate shall file a written statement, as required 68920  
by division (D) of section 3517.10 of the Revised Code, setting 68921  
forth the full name and address of the campaign treasurer and 68922  
also of each deputy treasurer. Each candidate shall file 68923  
supplemental statements giving the full name and address of each 68924  
deputy treasurer at the time of appointment. 68925

A candidate may remove the campaign treasurer or any 68926  
deputy campaign treasurer at any time. In the case of death, 68927  
resignation, or removal of the treasurer or deputy treasurer 68928  
before compliance with all obligations of a campaign treasurer, 68929  
the candidate shall fill the vacancy thus created in the same 68930  
manner as provided in the case of an original appointment. 68931

(B) (1) Two or more candidates may be the beneficiaries of 68932  
a single campaign committee if all of the following apply: 68933

(a) Each candidate is seeking nomination or election to 68934  
the same office at the same election. 68935

(b) The office for which each candidate is seeking 68936  
nomination or election is the office of member of a board, 68937  
commission, or other similar body of elected officials to which 68938  
multiple members are nominated or elected at the same election. 68939

(c) The number of candidates who will be the beneficiaries 68940  
of the campaign committee does not exceed the number of open 68941  
positions on the board, commission, or other similar body of 68942  
elected officials to which the candidates are seeking nomination 68943  
or election. 68944

(d) The candidates jointly designate one of the candidates 68945

or one member of the campaign committee as the treasurer of that 68946  
campaign committee as required under division (A) of this 68947  
section. 68948

(e) The candidates jointly file the written statements 68949  
required under division (A) of this section. 68950

(2) Except as otherwise provided in this division, any 68951  
penalty that may be imposed on a candidate ~~under section~~ 68952  
~~3517.992 of the Revised Code~~ for a violation of this chapter 68953  
shall be imposed jointly and severally on each beneficiary of a 68954  
multi-beneficiary campaign committee. If the ~~Ohio elections-~~ 68955  
~~commission or the appropriate prosecutor-trier of fact~~ is able 68956  
to determine that a specific beneficiary of a multi-beneficiary 68957  
campaign committee violated this chapter, the applicable penalty 68958  
~~under section 3517.992 of the Revised Code~~ shall be imposed only 68959  
on that candidate and not on the other beneficiaries of that 68960  
multi-beneficiary campaign committee. 68961

(3) (a) If any of the following occur after a multi- 68962  
beneficiary campaign committee is established, that campaign 68963  
committee shall be terminated: 68964

(i) The beneficiaries of the campaign committee disagree 68965  
as to the designation or removal of a campaign treasurer. 68966

(ii) Any beneficiary of the campaign committee desires to 68967  
end the beneficiary's candidacy for the office for which the 68968  
beneficiaries are seeking nomination or election. 68969

(iii) Any beneficiary of the campaign committee desires to 68970  
form an individual campaign committee. 68971

(b) Prior to the termination of a multi-beneficiary 68972  
campaign committee in accordance with division (B) (3) (a) of this 68973  
section, any contributions received by that campaign committee 68974

that have not been expended shall be disposed of in the manner 68975  
provided in division (C) of section 3517.109 of the Revised 68976  
Code. No contributions from the multi-beneficiary campaign 68977  
committee shall be contributed or transferred into any 68978  
candidate's individual campaign committee. 68979

(4) No candidate who has a campaign committee for which 68980  
that candidate is the sole beneficiary shall become the 68981  
beneficiary of a campaign committee with multiple beneficiaries 68982  
under division (B) (1) of this section unless the candidate first 68983  
terminates the candidate's individual campaign committee. Prior 68984  
to the termination of that individual campaign committee, any 68985  
contributions received by that campaign committee that have not 68986  
been expended shall be disposed of in the manner provided in 68987  
division (C) of section 3517.109 of the Revised Code. No 68988  
contributions from the candidate's individual campaign committee 68989  
shall be contributed or transferred into the multi-beneficiary 68990  
campaign committee. 68991

**Sec. 3517.092.** (A) As used in this section: 68992

(1) "Appointing authority" has the same meaning as in 68993  
section 124.01 of the Revised Code. 68994

(2) "State elected officer" means any person appointed or 68995  
elected to a state elective office. 68996

(3) "State elective office" means any of the offices of 68997  
governor, lieutenant governor, secretary of state, auditor of 68998  
state, treasurer of state, attorney general, ~~member of the state~~ 68999  
~~board of education,~~ member of the general assembly, and justice 69000  
and chief justice of the supreme court. 69001

(4) "Contribution" includes a contribution to any 69002  
political party, campaign committee, political action committee, 69003

political contributing entity, or legislative campaign fund. 69004

(B) (1) No state elected officer, no campaign committee of 69005  
such an officer, no employee of the state elected officer's 69006  
office, and no other person or entity shall knowingly solicit a 69007  
contribution to a state elected officer or to such an officer's 69008  
campaign committee, and no state elected officer and no campaign 69009  
committee of such an officer shall accept a contribution, from 69010  
any of the following: 69011

(a) A state employee whose appointing authority is the 69012  
state elected officer; 69013

(b) A state employee whose appointing authority is 69014  
authorized or required by law to be appointed by the state 69015  
elected officer; 69016

(c) A state employee who functions in or is employed in or 69017  
by the same public agency, department, division, or office as 69018  
the state elected officer. 69019

(2) No candidate for a state elective office, no campaign 69020  
committee of such a candidate, no employee of the candidate's 69021  
office if the candidate is a state elected officer or an elected 69022  
officer of a political subdivision of the state, and no other 69023  
person or entity shall knowingly solicit a contribution to a 69024  
candidate for a state elective office or to such a candidate's 69025  
campaign committee, and no candidate for a state elective office 69026  
and no campaign committee of such a candidate shall accept a 69027  
contribution, from any of the following: 69028

(a) A state employee at the time of the solicitation, 69029  
whose appointing authority will be the candidate, if elected; 69030

(b) A state employee at the time of the solicitation, 69031  
whose appointing authority will be appointed by the candidate, 69032

if elected, as authorized or required by law; 69033

(c) A state employee at the time of the solicitation, who 69034  
will function in or be employed in or by the same public agency, 69035  
department, division, or office as the candidate, if elected. 69036

(C) (1) No elected officer of a political subdivision of 69037  
the state, no campaign committee of such an officer, no employee 69038  
of such an officer's office, and no other person or entity shall 69039  
knowingly solicit a contribution to an elected officer of a 69040  
political subdivision of the state or to such an officer's 69041  
campaign committee from any of the following: 69042

(a) An employee of that political subdivision whose 69043  
appointing authority is that elected officer; 69044

(b) An employee of that political subdivision whose 69045  
appointing authority is authorized or required by law to be 69046  
appointed by that elected officer; 69047

(c) An employee of that political subdivision who 69048  
functions in or is employed in or by the same public agency, 69049  
department, division, or office as that elected officer. 69050

(2) No candidate for an elective office of a political 69051  
subdivision of the state, no campaign committee of such a 69052  
candidate, no employee of the candidate's office if the 69053  
candidate is a state elected officer or elected officer of a 69054  
political subdivision of the state, and no other person or 69055  
entity shall knowingly solicit a contribution to a candidate for 69056  
an elective office of a political subdivision of the state or to 69057  
such a candidate's campaign committee from any of the following: 69058

(a) An employee of that political subdivision at the time 69059  
of the solicitation, whose appointing authority will be the 69060  
candidate, if elected; 69061

(b) An employee of that political subdivision at the time 69062  
of the solicitation, whose appointing authority will be 69063  
appointed by the candidate, if elected, as authorized or 69064  
required by law; 69065

(c) An employee of that political subdivision at the time 69066  
of the solicitation, who will function in or be employed in or 69067  
by the same public agency, department, division, or office as 69068  
the candidate, if elected. 69069

(D) (1) No public employee shall solicit a contribution 69070  
from any person while the public employee is performing the 69071  
public employee's official duties or in those areas of a public 69072  
building where official business is transacted or conducted. 69073

(2) No person shall solicit a contribution from any public 69074  
employee while the public employee is performing the public 69075  
employee's official duties or is in those areas of a public 69076  
building where official business is transacted or conducted. 69077

(3) As used in division (D) of this section, "public 69078  
employee" does not include any person holding an elective 69079  
office. 69080

(E) The prohibitions in divisions (B), (C), and (D) of 69081  
this section are in addition to the prohibitions in sections 69082  
124.57, 3304.22, and 4503.032 of the Revised Code. 69083

**Sec. 3517.10.** (A) Except as otherwise provided in this 69084  
division, every campaign committee, political action committee, 69085  
legislative campaign fund, political party, and political 69086  
contributing entity that made or received a contribution or made 69087  
an expenditure in connection with the nomination or election of 69088  
any candidate or in connection with any ballot issue or question 69089  
at any election held or to be held in this state shall file, on 69090

a form prescribed under this section or by electronic means of 69091  
transmission as provided in this section and section 3517.106 of 69092  
the Revised Code, a full, true, and itemized statement, made 69093  
under penalty of election falsification, setting forth in detail 69094  
the contributions and expenditures, not later than four p.m. of 69095  
the following dates: 69096

(1) The twelfth day before the election to reflect 69097  
contributions received and expenditures made from the close of 69098  
business on the last day reflected in the last previously filed 69099  
statement, if any, to the close of business on the twentieth day 69100  
before the election; 69101

(2) The thirty-eighth day after the election to reflect 69102  
the contributions received and expenditures made from the close 69103  
of business on the last day reflected in the last previously 69104  
filed statement, if any, to the close of business on the seventh 69105  
day before the filing of the statement; 69106

(3) The last business day of January of every year to 69107  
reflect the contributions received and expenditures made from 69108  
the close of business on the last day reflected in the last 69109  
previously filed statement, if any, to the close of business on 69110  
the last day of December of the previous year; 69111

(4) The last business day of July of every year to reflect 69112  
the contributions received and expenditures made from the close 69113  
of business on the last day reflected in the last previously 69114  
filed statement, if any, to the close of business on the last 69115  
day of June of that year. 69116

A campaign committee shall only be required to file the 69117  
statements prescribed under divisions (A)(1) and (2) of this 69118  
section in connection with the nomination or election of the 69119

committee's candidate. 69120

The statement required under division (A)(1) of this 69121  
section shall not be required of any campaign committee, 69122  
political action committee, legislative campaign fund, political 69123  
party, or political contributing entity that has received 69124  
contributions of less than one thousand dollars and has made 69125  
expenditures of less than one thousand dollars at the close of 69126  
business on the twentieth day before the election. Those 69127  
contributions and expenditures shall be reported in the 69128  
statement required under division (A)(2) of this section. 69129

If an election to select candidates to appear on the 69130  
general election ballot is held within sixty days before a 69131  
general election, the campaign committee of a successful 69132  
candidate in the earlier election may file the statement 69133  
required by division (A)(1) of this section for the general 69134  
election instead of the statement required by division (A)(2) of 69135  
this section for the earlier election if the pregeneral election 69136  
statement reflects the status of contributions and expenditures 69137  
for the period twenty days before the earlier election to twenty 69138  
days before the general election. 69139

If a person becomes a candidate less than twenty days 69140  
before an election, the candidate's campaign committee is not 69141  
required to file the statement required by division (A)(1) of 69142  
this section. 69143

No statement under division (A)(3) of this section shall 69144  
be required for any year in which a campaign committee, 69145  
political action committee, legislative campaign fund, political 69146  
party, or political contributing entity is required to file a 69147  
postgeneral election statement under division (A)(2) of this 69148  
section. However, a statement under division (A)(3) of this 69149



section may be filed, at the option of the campaign committee, 69150  
political action committee, legislative campaign fund, political 69151  
party, or political contributing entity. 69152

No campaign committee of a candidate for the office of 69153  
chief justice or justice of the supreme court, and no campaign 69154  
committee of a candidate for the office of judge of any court in 69155  
this state, shall be required to file a statement under division 69156  
(A) (4) of this section. 69157

Except as otherwise provided in this paragraph and in the 69158  
next paragraph of this section, the only campaign committees 69159  
required to file a statement under division (A) (4) of this 69160  
section are the campaign committee of a statewide candidate and 69161  
the campaign committee of a candidate for county office. The 69162  
campaign committee of a candidate for any other nonjudicial 69163  
office is required to file a statement under division (A) (4) of 69164  
this section if that campaign committee receives, during that 69165  
period, contributions exceeding ten thousand dollars. 69166

No statement under division (A) (4) of this section shall 69167  
be required of a campaign committee, a political action 69168  
committee, a legislative campaign fund, a political party, or a 69169  
political contributing entity for any year in which the campaign 69170  
committee, political action committee, legislative campaign 69171  
fund, political party, or political contributing entity is 69172  
required to file a postprimary election statement under division 69173  
(A) (2) of this section. However, a statement under division (A) 69174  
(4) of this section may be filed at the option of the campaign 69175  
committee, political action committee, legislative campaign 69176  
fund, political party, or political contributing entity. 69177

No statement under division (A) (3) or (4) of this section 69178  
shall be required if the campaign committee, political action 69179

committee, legislative campaign fund, political party, or 69180  
political contributing entity has no contributions that it has 69181  
received and no expenditures that it has made since the last 69182  
date reflected in its last previously filed statement. However, 69183  
the campaign committee, political action committee, legislative 69184  
campaign fund, political party, or political contributing entity 69185  
shall file a statement to that effect, on a form prescribed 69186  
under this section and made under penalty of election 69187  
falsification, on the date required in division (A) (3) or (4) of 69188  
this section, as applicable. 69189

The campaign committee of a statewide candidate shall file 69190  
a monthly statement of contributions received during each of the 69191  
months of July, August, and September in the year of the general 69192  
election in which the candidate seeks office. The campaign 69193  
committee of a statewide candidate shall file the monthly 69194  
statement not later than three business days after the last day 69195  
of the month covered by the statement. During the period 69196  
beginning on the nineteenth day before the general election in 69197  
which a statewide candidate seeks election to office and 69198  
extending through the day of that general election, each time 69199  
the campaign committee of the joint candidates for the offices 69200  
of governor and lieutenant governor or of a candidate for the 69201  
office of secretary of state, auditor of state, treasurer of 69202  
state, or attorney general receives a contribution from a 69203  
contributor that causes the aggregate amount of contributions 69204  
received from that contributor during that period to equal or 69205  
exceed ten thousand dollars and each time the campaign committee 69206  
of a candidate for the office of chief justice or justice of the 69207  
supreme court receives a contribution from a contributor that 69208  
causes the aggregate amount of contributions received from that 69209  
contributor during that period to exceed ten thousand dollars, 69210

the campaign committee shall file a two-business-day statement 69211  
reflecting that contribution. Contributions reported on a two- 69212  
business-day statement required to be filed by a campaign 69213  
committee of a statewide candidate in a primary election shall 69214  
also be included in the postprimary election statement required 69215  
to be filed by that campaign committee under division (A) (2) of 69216  
this section. A two-business-day statement required by this 69217  
paragraph shall be filed not later than two business days after 69218  
receipt of the contribution. The statements required by this 69219  
paragraph shall be filed in addition to any other statements 69220  
required by this section. 69221

Subject to the secretary of state having implemented, 69222  
tested, and verified the successful operation of any system the 69223  
secretary of state prescribes pursuant to divisions (C) (6) (b) 69224  
and (D) (6) of this section and division (F) (1) of section 69225  
3517.106 of the Revised Code for the filing of campaign finance 69226  
statements by electronic means of transmission, a campaign 69227  
committee of a statewide candidate shall file a two-business-day 69228  
statement under the preceding paragraph by electronic means of 69229  
transmission if the campaign committee is required to file a 69230  
pre-election, postelection, or monthly statement of 69231  
contributions and expenditures by electronic means of 69232  
transmission under this section or section 3517.106 of the 69233  
Revised Code. 69234

If a campaign committee or political action committee has 69235  
no balance on hand and no outstanding obligations and desires to 69236  
terminate itself, it shall file a statement to that effect, on a 69237  
form prescribed under this section and made under penalty of 69238  
election falsification, with the official with whom it files a 69239  
statement under division (A) of this section after filing a 69240  
final statement of contributions and a final statement of 69241

expenditures, if contributions have been received or 69242  
expenditures made since the period reflected in its last 69243  
previously filed statement. 69244

(B) Except as otherwise provided in division (C) (7) of 69245  
this section, each statement required by division (A) of this 69246  
section shall contain the following information: 69247

(1) The full name and address of each campaign committee, 69248  
political action committee, legislative campaign fund, political 69249  
party, or political contributing entity, including any treasurer 69250  
of the committee, fund, party, or entity, filing a contribution 69251  
and expenditure statement; 69252

(2) (a) In the case of a campaign committee, the 69253  
candidate's full name and address; 69254

(b) In the case of a political action committee, the 69255  
registration number assigned to the committee under division (D) 69256  
(1) of this section. 69257

(3) The date of the election and whether it was or will be 69258  
a general, primary, or special election; 69259

(4) A statement of contributions received, which shall 69260  
include the following information: 69261

(a) The month, day, and year of the contribution; 69262

(b) (i) The full name and address of each person, political 69263  
party, campaign committee, legislative campaign fund, political 69264  
action committee, or political contributing entity from whom 69265  
contributions are received and the registration number assigned 69266  
to the political action committee under division (D) (1) of this 69267  
section. The requirement of filing the full address does not 69268  
apply to any statement filed by a state or local committee of a 69269

political party, to a finance committee of such committee, or to  
a committee recognized by a state or local committee as its  
fund-raising auxiliary. Notwithstanding division (F) of this  
section, the requirement of filing the full address shall be  
considered as being met if the address filed is the same address  
the contributor provided under division (E) (1) of this section.

(ii) If a political action committee, political  
contributing entity, legislative campaign fund, or political  
party that is required to file campaign finance statements by  
electronic means of transmission under section 3517.106 of the  
Revised Code or a campaign committee of a statewide candidate or  
candidate for the office of member of the general assembly  
receives a contribution from an individual that exceeds one  
hundred dollars, the name of the individual's current employer,  
if any, or, if the individual is self-employed, the individual's  
occupation and the name of the individual's business, if any;

(iii) If a campaign committee of a statewide candidate or  
candidate for the office of member of the general assembly  
receives a contribution transmitted pursuant to section 3599.031  
of the Revised Code from amounts deducted from the wages and  
salaries of two or more employees that exceeds in the aggregate  
one hundred dollars during any one filing period under division  
(A) (1), (2), (3), or (4) of this section, the full name of the  
employees' employer and the full name of the labor organization  
of which the employees are members, if any.

(c) A description of the contribution received, if other  
than money;

(d) The value in dollars and cents of the contribution;

(e) A separately itemized account of all contributions and

expenditures regardless of the amount, except a receipt of a 69299  
contribution from a person in the sum of twenty-five dollars or 69300  
less at one social or fund-raising activity and a receipt of a 69301  
contribution transmitted pursuant to section 3599.031 of the 69302  
Revised Code from amounts deducted from the wages and salaries 69303  
of employees if the contribution from the amount deducted from 69304  
the wages and salary of any one employee is twenty-five dollars 69305  
or less aggregated in a calendar year. An account of the total 69306  
contributions from each social or fund-raising activity shall 69307  
include a description of and the value of each in-kind 69308  
contribution received at that activity from any person who made 69309  
one or more such contributions whose aggregate value exceeded 69310  
two hundred fifty dollars and shall be listed separately, 69311  
together with the expenses incurred and paid in connection with 69312  
that activity. A campaign committee, political action committee, 69313  
legislative campaign fund, political party, or political 69314  
contributing entity shall keep records of contributions from 69315  
each person in the amount of twenty-five dollars or less at one 69316  
social or fund-raising activity and contributions from amounts 69317  
deducted under section 3599.031 of the Revised Code from the 69318  
wages and salary of each employee in the amount of twenty-five 69319  
dollars or less aggregated in a calendar year. No ~~continuing-~~ 69320  
~~association-political action committee or political contributing~~ 69321  
entity that is recognized by a state or local committee of a 69322  
political party as an auxiliary of the party and that makes a 69323  
contribution from funds derived solely from regular dues paid by 69324  
members of the auxiliary shall be required to list the name or 69325  
address of any members who paid those dues. 69326

Contributions that are other income shall be itemized 69327  
separately from all other contributions. The information 69328  
required under division (B) (4) of this section shall be provided 69329

for all other income itemized. As used in this paragraph, "other  
income" means a loan, investment income, or interest income.

(f) In the case of a campaign committee of a state elected  
officer, if a person doing business with the state elected  
officer in the officer's official capacity makes a contribution  
to the campaign committee of that officer, the information  
required under division (B) (4) of this section in regard to that  
contribution, which shall be filed together with and considered  
a part of the committee's statement of contributions as required  
under division (A) of this section but shall be filed on a  
separate form provided by the secretary of state. As used in  
this division:

(i) "State elected officer" has the same meaning as in  
section 3517.092 of the Revised Code.

(ii) "Person doing business" means a person or an officer  
of an entity who enters into one or more contracts with a state  
elected officer or anyone authorized to enter into contracts on  
behalf of that officer to receive payments for goods or  
services, if the payments total, in the aggregate, more than  
five thousand dollars during a calendar year.

(5) A statement of expenditures which shall include the  
following information:

(a) The month, day, and year of the expenditure;

(b) The full name and address of each person, political  
party, campaign committee, legislative campaign fund, political  
action committee, or political contributing entity to whom the  
expenditure was made and the registration number assigned to the  
political action committee under division (D) (1) of this  
section;

(c) The object or purpose for which the expenditure was 69359  
made; 69360

(d) The amount of each expenditure. 69361

(C) (1) The statement of contributions and expenditures 69362  
shall be signed by the person completing the form. If a 69363  
statement of contributions and expenditures is filed by 69364  
electronic means of transmission pursuant to this section or 69365  
section 3517.106 of the Revised Code, the electronic signature 69366  
of the person who executes the statement and transmits the 69367  
statement by electronic means of transmission, as provided in 69368  
division (F) of section 3517.106 of the Revised Code, shall be 69369  
attached to or associated with the statement and shall be 69370  
binding on all persons and for all purposes under the campaign 69371  
finance reporting law as if the signature had been handwritten 69372  
in ink on a printed form. 69373

(2) The person filing the statement, under penalty of 69374  
election falsification, shall include with it a list of each 69375  
anonymous contribution, the circumstances under which it was 69376  
received, and the reason it cannot be attributed to a specific 69377  
donor. 69378

(3) Each statement of a campaign committee of a candidate 69379  
who holds public office shall contain a designation of each 69380  
contributor who is an employee in any unit or department under 69381  
the candidate's direct supervision and control. In a space 69382  
provided in the statement, the person filing the statement shall 69383  
affirm that each such contribution was voluntarily made. 69384

(4) A campaign committee that did not receive 69385  
contributions or make expenditures in connection with the 69386  
nomination or election of its candidate shall file a statement 69387



to that effect, on a form prescribed under this section and made 69388  
under penalty of election falsification, on the date required in 69389  
division (A) (2) of this section. 69390

(5) The campaign committee of any person who attempts to 69391  
become a candidate and who, for any reason, does not become 69392  
certified in accordance with Title XXXV of the Revised Code for 69393  
placement on the official ballot of a primary, general, or 69394  
special election to be held in this state, and who, at any time 69395  
prior to or after an election, receives contributions or makes 69396  
expenditures, or has given consent for another to receive 69397  
contributions or make expenditures, for the purpose of bringing 69398  
about the person's nomination or election to public office, 69399  
shall file the statement or statements prescribed by this 69400  
section and a termination statement, if applicable. Division (C) 69401  
(5) of this section does not apply to any person with respect to 69402  
an election to the offices of member of a county or state 69403  
central committee, presidential elector, or delegate to a 69404  
national convention or conference of a political party. 69405

(6) (a) The statements required to be filed under this 69406  
section shall specify the balance in the hands of the campaign 69407  
committee, political action committee, legislative campaign 69408  
fund, political party, or political contributing entity and the 69409  
disposition intended to be made of that balance. 69410

(b) The secretary of state shall prescribe the form for 69411  
all statements required to be filed under this section and shall 69412  
furnish the forms to the boards of elections in the several 69413  
counties. The boards of elections shall supply printed copies of 69414  
those forms without charge. The secretary of state shall 69415  
prescribe the appropriate methodology, protocol, and data file 69416  
structure for statements required or permitted to be filed by 69417

electronic means of transmission to the secretary of state or a 69418  
board of elections under division (A) of this section, division 69419  
(E) of section 3517.106, division (D) of section 3517.1011, 69420  
division (B) of section 3517.1012, division (C) of section 69421  
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 69422  
Revised Code. Subject to division (A) of this section, division 69423  
(E) of section 3517.106, division (D) of section 3517.1011, 69424  
division (B) of section 3517.1012, division (C) of section 69425  
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 69426  
Revised Code, the statements required to be stored on computer 69427  
by the secretary of state under division (B) of section 3517.106 69428  
of the Revised Code shall be filed in whatever format the 69429  
secretary of state considers necessary to enable the secretary 69430  
of state to store the information contained in the statements on 69431  
computer. Any such format shall be of a type and nature that is 69432  
readily available to whoever is required to file the statements 69433  
in that format. 69434

(c) The secretary of state shall assess the need for 69435  
training regarding the filing of campaign finance statements by 69436  
electronic means of transmission and regarding associated 69437  
technologies for candidates, campaign committees, political 69438  
action committees, legislative campaign funds, political 69439  
parties, ~~or~~ political contributing entities, ~~for~~ individuals, 69440  
~~partnerships,~~ or other entities, for persons making 69441  
disbursements to pay the direct costs of producing or airing 69442  
electioneering communications, or for treasurers of transition 69443  
funds, required or permitted to file statements by electronic 69444  
means of transmission under this section or section 3517.105, 69445  
3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the 69446  
Revised Code. If, in the opinion of the secretary of state, 69447  
training in these areas is necessary, the secretary of state 69448

shall arrange for the provision of voluntary training programs 69449  
for candidates, campaign committees, political action 69450  
committees, legislative campaign funds, political parties, ~~or~~ 69451  
political contributing entities, ~~for~~ individuals, ~~partnerships,~~ 69452  
~~and~~ other entities, ~~for~~ persons making disbursements to pay the 69453  
direct costs of producing or airing electioneering 69454  
communications, or ~~for~~ treasurers of transition funds, as 69455  
appropriate. 69456

(7) Each monthly statement and each two-business-day 69457  
statement required by division (A) of this section shall contain 69458  
the information required by divisions (B) (1) to (4), (C) (2), 69459  
and, if appropriate, (C) (3) of this section. Each statement 69460  
shall be signed as required by division (C) (1) of this section. 69461

(D) (1) (a) Prior to receiving a contribution or making an 69462  
expenditure, every campaign committee, political action 69463  
committee, legislative campaign fund, political party, or 69464  
political contributing entity shall appoint a treasurer and 69465  
shall file, on a form prescribed by the secretary of state, a 69466  
designation of that appointment, including the full name and 69467  
address of the treasurer and of the campaign committee, 69468  
political action committee, legislative campaign fund, political 69469  
party, or political contributing entity. That designation shall 69470  
be filed with the official with whom the campaign committee, 69471  
political action committee, legislative campaign fund, political 69472  
party, or political contributing entity is required to file 69473  
statements under section 3517.11 of the Revised Code. The name 69474  
of a campaign committee shall include at least the last name of 69475  
the campaign committee's candidate. If two or more candidates 69476  
are the beneficiaries of a single campaign committee under 69477  
division (B) of section 3517.081 of the Revised Code, the name 69478  
of the campaign committee shall include at least the last name 69479

of each candidate who is a beneficiary of that campaign 69480  
committee. The secretary of state shall assign a registration 69481  
number to each political action committee that files a 69482  
designation of the appointment of a treasurer under this 69483  
division if the political action committee is required by 69484  
division (A) (1) of section 3517.11 of the Revised Code to file 69485  
the statements prescribed by this section with the secretary of 69486  
state. 69487

(b) The secretary of state shall not accept for filing a 69488  
designation of treasurer of a political action committee or 69489  
political contributing entity if, in the opinion of the 69490  
secretary of state, the name of the political action committee 69491  
or political contributing entity would lead a reasonable person 69492  
to believe that the political action committee or political 69493  
contributing entity acts on behalf of or represents a county 69494  
political party, unless the designation is accompanied by a 69495  
written statement, signed by the chairperson of the county 69496  
political party's executive committee, granting the political 69497  
action committee or political contributing entity permission to 69498  
act on behalf of or represent the county political party. 69499

(2) The treasurer appointed under division (D) (1) of this 69500  
section shall keep a strict account of all contributions, from 69501  
whom received and the purpose for which they were disbursed. 69502

~~(3)(a)~~ (3) (a) (i) Except as otherwise provided in section 69503  
3517.108 of the Revised Code, a campaign committee shall deposit 69504  
all monetary contributions received by the committee into an 69505  
account separate from a personal or business account of the 69506  
candidate or campaign committee. 69507

(ii) A campaign committee may accept a monetary 69508  
contribution using an electronic peer-to-peer payment service 69509

only by allowing the contributor to transfer money directly to 69510  
an account established on the service by the campaign committee 69511  
in its own name. 69512

(iii) A campaign committee may accept an in-kind 69513  
contribution in the form of a digital asset only by allowing the 69514  
contributor to transfer the digital asset directly to an account 69515  
established by the campaign committee in its own name. 69516

(b) A political action committee shall deposit all 69517  
monetary contributions received by the committee into an account 69518  
separate from all other funds. 69519

(c) A state or county political party may establish a 69520  
state candidate fund that is separate from all other funds. A 69521  
state or county political party may deposit into its state 69522  
candidate fund any amounts of monetary contributions that are 69523  
made to or accepted by the political party subject to the 69524  
applicable limitations, if any, prescribed in section 3517.102 69525  
of the Revised Code. A state or county political party shall 69526  
deposit all other monetary contributions received by the party 69527  
into one or more accounts that are separate from its state 69528  
candidate fund. 69529

(d) Each state political party shall have only one 69530  
legislative campaign fund for each house of the general 69531  
assembly. Each such fund shall be separate from any other funds 69532  
or accounts of that state party. A legislative campaign fund is 69533  
authorized to receive contributions and make expenditures for 69534  
the primary purpose of furthering the election of candidates who 69535  
are members of that political party to the house of the general 69536  
assembly with which that legislative campaign fund is 69537  
associated. Each legislative campaign fund shall be administered 69538  
and controlled in a manner designated by the caucus. As used in 69539

this division, "caucus" has the same meaning as in section 69540  
3517.01 of the Revised Code and includes, as an ex officio 69541  
member, the chairperson of the state political party with which 69542  
the caucus is associated or that chairperson's designee. 69543

(4) Every expenditure in excess of twenty-five dollars 69544  
shall be vouched for by a receipted bill, stating the purpose of 69545  
the expenditure, that shall be filed with the statement of 69546  
expenditures. A canceled check with a notation of the purpose of 69547  
the expenditure is a receipted bill for purposes of division (D) 69548  
(4) of this section. 69549

(5) The secretary of state or the board of elections, as 69550  
the case may be, shall issue a receipt for each statement filed 69551  
under this section and shall preserve a copy of the receipt for 69552  
a period of at least six years. All statements filed under this 69553  
section shall be open to public inspection in the office where 69554  
they are filed and shall be carefully preserved for a period of 69555  
at least six years after the year in which they are filed. 69556

(6) The secretary of state, by rule adopted pursuant to 69557  
section 3517.23 of the Revised Code, shall prescribe both of the 69558  
following: 69559

(a) The manner of immediately acknowledging, with date and 69560  
time received, and preserving the receipt of statements that are 69561  
transmitted by electronic means of transmission to the secretary 69562  
of state or a board of elections pursuant to this section or 69563  
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 69564  
of the Revised Code; 69565

(b) The manner of preserving the contribution and 69566  
expenditure, contribution and disbursement, deposit and 69567  
disbursement, gift and disbursement, or donation and 69568

disbursement information in the statements described in division 69569  
(D) (6) (a) of this section. The secretary of state shall preserve 69570  
the contribution and expenditure, contribution and disbursement, 69571  
deposit and disbursement, gift and disbursement, or donation and 69572  
disbursement information in those statements for at least ten 69573  
years after the year in which they are filed by electronic means 69574  
of transmission. 69575

(7) (a) The secretary of state, pursuant to division (G) of 69576  
section 3517.106 of the Revised Code, shall make available 69577  
online to the public through the internet the contribution and 69578  
expenditure, contribution and disbursement, deposit and 69579  
disbursement, gift and disbursement, or donation and 69580  
disbursement information in all of the following documents: 69581

(i) All statements, all addenda, amendments, or other 69582  
corrections to statements, and all amended statements filed with 69583  
the secretary of state by electronic or other means of 69584  
transmission under this section, division (B) (2) (b) or (C) (2) (b) 69585  
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 69586  
3517.1013, 3517.1014, or 3517.11 of the Revised Code; 69587

(ii) All statements filed with a board of elections by 69588  
electronic means of transmission, and all addenda, amendments, 69589  
corrections, and amended versions of those statements, filed 69590  
with the board under this section, division (B) (2) (b) or (C) (2) 69591  
(b) of section 3517.105, or section 3517.106, 3517.1012, or 69592  
3517.11 of the Revised Code. 69593

(b) The secretary of state may remove the information from 69594  
the internet after a reasonable period of time. 69595

(E) (1) Any person, political party, campaign committee, 69596  
legislative campaign fund, political action committee, or 69597

political contributing entity that makes a contribution in 69598  
connection with the nomination or election of any candidate or 69599  
in connection with any ballot issue or question at any election 69600  
held or to be held in this state shall provide its full name and 69601  
address to the recipient of the contribution at the time the 69602  
contribution is made. The political action committee also shall 69603  
provide the registration number assigned to the committee under 69604  
division (D) (1) of this section to the recipient of the 69605  
contribution at the time the contribution is made. 69606

(2) Any individual who makes a contribution that exceeds 69607  
one hundred dollars to a political action committee, political 69608  
contributing entity, legislative campaign fund, or political 69609  
party or to a campaign committee of a statewide candidate or 69610  
candidate for the office of member of the general assembly shall 69611  
provide the name of the individual's current employer, if any, 69612  
or, if the individual is self-employed, the individual's 69613  
occupation and the name of the individual's business, if any, to 69614  
the recipient of the contribution at the time the contribution 69615  
is made. Sections 3599.39 and 3599.40 of the Revised Code do not 69616  
apply to division (E) (2) of this section. 69617

(3) If a campaign committee shows that it has exercised 69618  
its best efforts to obtain, maintain, and submit the information 69619  
required under divisions (B) (4) (b) (ii) and (iii) of this 69620  
section, that committee is considered to have met the 69621  
requirements of those divisions. A campaign committee shall not 69622  
be considered to have exercised its best efforts unless, in 69623  
connection with written solicitations, it regularly includes a 69624  
written request for the information required under division (B) 69625  
(4) (b) (ii) of this section from the contributor or the 69626  
information required under division (B) (4) (b) (iii) of this 69627  
section from whoever transmits the contribution. 69628



(4) Any check that a political action committee uses to 69629  
make a contribution or an expenditure shall contain the full 69630  
name and address of the committee and the registration number 69631  
assigned to the committee under division (D)(1) of this section. 69632

(F) As used in this section: 69633

(1)(a) Except as otherwise provided in division (F)(1) of 69634  
this section, "address" means all of the following if they 69635  
exist: apartment number, street, road, or highway name and 69636  
number, rural delivery route number, city or village, state, and 69637  
zip code as used in a person's post-office address, but not 69638  
post-office box. 69639

(b) Except as otherwise provided in division (F)(1) of 69640  
this section, if an address is required in this section, a post- 69641  
office box and office, room, or suite number may be included in 69642  
addition to, but not in lieu of, an apartment, street, road, or 69643  
highway name and number. 69644

(c) If an address is required in this section, a campaign 69645  
committee, political action committee, legislative campaign 69646  
fund, political party, or political contributing entity may use 69647  
the business or residence address of its treasurer or deputy 69648  
treasurer. The post-office box number of the campaign committee, 69649  
political action committee, legislative campaign fund, political 69650  
party, or political contributing entity may be used in addition 69651  
to that address. 69652

(d) For the sole purpose of a campaign committee's 69653  
reporting of contributions on a statement of contributions 69654  
received under division (B)(4) of this section, "address" has 69655  
one of the following meanings at the option of the campaign 69656  
committee: 69657

(i) The same meaning as in division (F)(1)(a) of this section; 69658  
69659

(ii) All of the following, if they exist: the 69660  
contributor's post-office box number and city or village, state, 69661  
and zip code as used in the contributor's post-office address. 69662

(e) As used with regard to the reporting under this 69663  
section of any expenditure, "address" means all of the following 69664  
if they exist: apartment number, street, road, or highway name 69665  
and number, rural delivery route number, city or village, state, 69666  
and zip code as used in a person's post-office address, or post- 69667  
office box. If an address concerning any expenditure is required 69668  
in this section, a campaign committee, political action 69669  
committee, legislative campaign fund, political party, or 69670  
political contributing entity may use the business or residence 69671  
address of its treasurer or deputy treasurer or its post-office 69672  
box number. 69673

(2) "Statewide candidate" means the joint candidates for 69674  
the offices of governor and lieutenant governor or a candidate 69675  
for the office of secretary of state, auditor of state, 69676  
treasurer of state, attorney general, ~~member of the state board~~ 69677  
~~of education,~~ chief justice of the supreme court, or justice of 69678  
the supreme court. 69679

(3) "Candidate for county office" means a candidate for 69680  
the office of county auditor, county treasurer, clerk of the 69681  
court of common pleas, judge of the court of common pleas, 69682  
sheriff, county recorder, county engineer, county commissioner, 69683  
prosecuting attorney, or coroner. 69684

(G) An independent expenditure shall be reported whenever 69685  
and in the same manner that an expenditure is required to be 69686

reported under this section and shall be reported pursuant to 69687  
division (B) (2) (a) or (C) (2) (a) of section 3517.105 of the 69688  
Revised Code. 69689

(H) (1) Except as otherwise provided in division (H) (2) of 69690  
this section, if, during the combined pre-election and 69691  
postelection reporting periods for an election, a campaign 69692  
committee has received contributions of five hundred dollars or 69693  
less and has made expenditures in the total amount of five 69694  
hundred dollars or less, it may file a statement to that effect, 69695  
under penalty of election falsification, in lieu of the 69696  
statement required by division (A) (2) of this section. The 69697  
statement shall indicate the total amount of contributions 69698  
received and the total amount of expenditures made during those 69699  
combined reporting periods. 69700

(2) In the case of a successful candidate at a primary 69701  
election, if either the total contributions received by or the 69702  
total expenditures made by the candidate's campaign committee 69703  
during the preprimary, postprimary, pregeneral, and postgeneral 69704  
election periods combined equal more than five hundred dollars, 69705  
the campaign committee may file the statement under division (H) 69706  
(1) of this section only for the primary election. The first 69707  
statement that the campaign committee files in regard to the 69708  
general election shall reflect all contributions received and 69709  
all expenditures made during the preprimary and postprimary 69710  
election periods. 69711

(3) Divisions (H) (1) and (2) of this section do not apply 69712  
if a campaign committee receives contributions or makes 69713  
expenditures prior to the first day of January of the year of 69714  
the election at which the candidate seeks nomination or election 69715  
to office or if the campaign committee does not file a 69716

termination statement with its postprimary election statement in 69717  
the case of an unsuccessful primary election candidate or with 69718  
its postgeneral election statement in the case of other 69719  
candidates. 69720

~~(I) In the case of a contribution made by~~ (I) (1) If a 69721  
partner, owner, or member of a partnership or ~~an owner or a~~ 69722  
~~member of another other~~ unincorporated business makes a 69723  
contribution from any funds of the partnership or other 69724  
unincorporated business, all the partner, owner, or member may 69725  
do either of the following apply: 69726

~~(1) The recipient of~~ (a) Make the contribution shall 69727  
~~report in the contribution by listing both name of the~~ 69728  
partnership or other unincorporated business as a political 69729  
contributing entity; 69730

(b) Make the contribution in the name of both the 69731  
partnership or other unincorporated business and the name of ~~the~~ 69732  
each individual who is a partner, owner, or member making 69733  
participating in the contribution and attribute the contribution 69734  
to each participating partner, owner, or member as an individual 69735  
for purposes of section 3517.102 of the Revised Code. 69736

(2) In ~~reporting the making a~~ contribution as described in 69737  
division (I) (1) (b) of this section, the partner, owner, or 69738  
member making the contribution shall include one of the 69739  
following along with all other required information, and the 69740  
recipient of the contribution shall be entitled to conclusively 69741  
rely upon ~~the that~~ information provided by the partnership or 69742  
~~other unincorporated business, provided that the information~~ 69743  
~~includes one of the following:~~ 69744

(a) The name of each individual who is a partner, owner, 69745

or member as of the date of the contribution or contributions, 69746  
and a statement that the total contributions are to be ~~allocated~~ 69747  
attributed equally among all to each of the partners, owners, or 69748  
members; or 69749

(b) The name of each individual who is a partner, owner, 69750  
or member as of the date of the contribution or contributions 69751  
who is participating in the contribution or contributions, and a 69752  
statement that the contribution or contributions are to be 69753  
~~allocated~~ attributed to those individuals in accordance with the 69754  
information provided by the partnership or other unincorporated 69755  
business to the recipient of the contribution. 69756

~~(3) For purposes of section 3517.102 of the Revised Code,~~ 69757  
~~the contribution shall be considered to have been made by the~~ 69758  
~~partner, owner, or member reported under division (I) (1) of this~~ 69759  
~~section.~~ 69760

~~(4) No contribution from a partner of a partnership or an~~ 69761  
~~owner or a member of another unincorporated business shall be~~ 69762  
~~accepted from any funds of the partnership or other~~ 69763  
~~unincorporated business unless the recipient reports the~~ 69764  
~~contribution under division (I) (1) of this section together with~~ 69765  
~~the information provided under division (I) (2) of this section.~~ 69766

~~(5) No partnership or other unincorporated business shall~~ 69767  
~~make a contribution or contributions solely in the name of the~~ 69768  
~~partnership or other unincorporated business.~~ 69769

~~(6) As used in division (I) of this section, "partnership~~ 69770  
~~or other unincorporated business" includes, but is not limited~~ 69771  
~~to, a cooperative, a sole proprietorship, a general partnership,~~ 69772  
~~a limited partnership, a limited partnership association, a~~ 69773  
~~limited liability partnership, and a limited liability company.~~ 69774

(J) A candidate shall have only one campaign committee at 69775  
any given time for all of the offices for which the person is a 69776  
candidate or holds office. 69777

(K) (1) In addition to filing a designation of appointment 69778  
of a treasurer under division (D) (1) of this section, the 69779  
campaign committee of any candidate for an elected municipal 69780  
office that pays an annual amount of compensation of five 69781  
thousand dollars or less, the campaign committee of any 69782  
candidate for member of a board of education ~~except member of~~ 69783  
~~the state board of education,~~ or the campaign committee of any 69784  
candidate for township trustee or township fiscal officer may 69785  
sign, under penalty of election falsification, a certificate 69786  
attesting that the committee will not accept contributions 69787  
during an election period that exceed in the aggregate two 69788  
thousand dollars from all contributors and one hundred dollars 69789  
from any one individual, and that the campaign committee will 69790  
not make expenditures during an election period that exceed in 69791  
the aggregate two thousand dollars. 69792

The certificate shall be on a form prescribed by the 69793  
secretary of state and shall be filed not later than ten days 69794  
after the candidate files a declaration of candidacy and 69795  
petition, a nominating petition, or a declaration of intent to 69796  
be a write-in candidate. 69797

(2) Except as otherwise provided in division (K) (3) of 69798  
this section, a campaign committee that files a certificate 69799  
under division (K) (1) of this section is not required to file 69800  
the statements required by division (A) of this section. 69801

(3) If, after filing a certificate under division (K) (1) 69802  
of this section, a campaign committee exceeds any of the 69803  
limitations described in that division during an election 69804

period, the certificate is void and thereafter the campaign  
committee shall file the statements required by division (A) of  
this section. If the campaign committee has not previously filed  
a statement, then on the first statement the campaign committee  
is required to file under division (A) of this section after the  
committee's certificate is void, the committee shall report all  
contributions received and expenditures made from the time the  
candidate filed the candidate's declaration of candidacy and  
petition, nominating petition, or declaration of intent to be a  
write-in candidate.

(4) As used in division (K) of this section, "election  
period" means the period of time beginning on the day a person  
files a declaration of candidacy and petition, nominating  
petition, or declaration of intent to be a write-in candidate  
through the day of the election at which the person seeks  
nomination to office if the person is not elected to office, or,  
if the candidate was nominated in a primary election, the day of  
the election at which the candidate seeks office.

(L) A political contributing entity that receives  
contributions from the dues, membership fees, or other  
assessments of its members or from its officers, shareholders,  
and employees may report the aggregate amount of contributions  
received from those contributors and the number of individuals  
making those contributions, for each filing period under  
divisions (A) (1), (2), (3), and (4) of this section, rather than  
reporting information as required under division (B) (4) of this  
section, including, when applicable, the name of the current  
employer, if any, of a contributor whose contribution exceeds  
one hundred dollars or, if such a contributor is self-employed,  
the contributor's occupation and the name of the contributor's  
business, if any. Division (B) (4) of this section applies to a

political contributing entity with regard to contributions it 69836  
receives from all other contributors. 69837

**Sec. 3517.102.** (A) Except as otherwise provided in section 69838  
3517.103 of the Revised Code, as used in this section and 69839  
sections 3517.103 and 3517.104 of the Revised Code: 69840

(1) "Candidate" has the same meaning as in section 3517.01 69841  
of the Revised Code but includes only candidates for the offices 69842  
of governor, lieutenant governor, secretary of state, auditor of 69843  
state, treasurer of state, attorney general, ~~member of the state~~ 69844  
~~board of education,~~ member of the general assembly, chief 69845  
justice of the supreme court, and justice of the supreme court. 69846

(2) "Statewide candidate" or "any one statewide candidate" 69847  
means the joint candidates for the offices of governor and 69848  
lieutenant governor or a candidate for the office of secretary 69849  
of state, auditor of state, treasurer of state, attorney 69850  
general, ~~member of the state board of education,~~ chief justice 69851  
of the supreme court, or justice of the supreme court. 69852

(3) "Senate candidate" means a candidate for the office of 69853  
state senator. 69854

(4) "House candidate" means a candidate for the office of 69855  
state representative. 69856

(5) (a) "Primary election period" for a candidate begins on 69857  
the beginning date of the candidate's pre-filing period 69858  
specified in division (A) (9) of section 3517.109 of the Revised 69859  
Code and ends on the day of the primary election. 69860

(b) In regard to any candidate, the "general election 69861  
period" begins on the day after the primary election immediately 69862  
preceding the general election at which the candidate seeks an 69863  
office specified in division (A) (1) of this section and ends on 69864



the thirty-first day of December following that general 69865  
election. 69866

(6) "State candidate fund" means the state candidate fund 69867  
established by a state or county political party under division 69868  
(D) (3) (c) of section 3517.10 of the Revised Code. 69869

(7) "Postgeneral election statement" means the statement 69870  
filed under division (A) (2) of section 3517.10 of the Revised 69871  
Code by the campaign committee of a candidate after the general 69872  
election in which the candidate ran for office or filed by 69873  
legislative campaign fund after the general election in an even- 69874  
numbered year. 69875

(8) "Contribution" means any contribution that is required 69876  
to be reported in the statement of contributions under section 69877  
3517.10 of the Revised Code. 69878

(9) (a) Except as otherwise provided in division (A) (9) (b) 69879  
of this section, "designated state campaign committee" means: 69880

(i) In the case of contributions to or from a state 69881  
political party, a campaign committee of a statewide candidate, 69882  
statewide officeholder, senate candidate, house candidate, or 69883  
member of the general assembly. 69884

(ii) In the case of contributions to or from a county 69885  
political party, a campaign committee of a senate candidate or 69886  
house candidate whose candidacy is to be submitted to some or 69887  
all of the electors in that county, or member of the general 69888  
assembly whose district contains all or part of that county. 69889

(iii) In the case of contributions to or from a 69890  
legislative campaign fund, a campaign committee of any of the 69891  
following: 69892

(I) A senate or house candidate who, if elected, will be a 69893  
member of the same party that established the legislative 69894  
campaign fund and the same house with which the legislative 69895  
campaign fund is associated; 69896

(II) A state senator or state representative who is a 69897  
member of the same party that established the legislative 69898  
campaign fund and the same house with which the legislative 69899  
campaign fund is associated. 69900

(b) A campaign committee is no longer a "designated state 69901  
campaign committee" after the campaign committee's candidate 69902  
changes the designation of treasurer required to be filed under 69903  
division (D) (1) of section 3517.10 of the Revised Code to 69904  
indicate that the person intends to be a candidate for, or 69905  
becomes a candidate for nomination or election to, any office 69906  
that, if elected, would not qualify that candidate's campaign 69907  
committee as a "designated state campaign committee" under 69908  
division (A) (9) (a) of this section. 69909

(B) (1) (a) No individual who is seven years of age or older 69910  
shall make a contribution or contributions aggregating more 69911  
than: 69912

(i) Ten thousand dollars to the campaign committee of any 69913  
one statewide candidate in a primary election period or in a 69914  
general election period; 69915

(ii) Ten thousand dollars to the campaign committee of any 69916  
one senate candidate in a primary election period or in a 69917  
general election period; 69918

(iii) Ten thousand dollars to the campaign committee of 69919  
any one house candidate in a primary election period or in a 69920  
general election period; 69921

(iv) Ten thousand dollars to a county political party of	69922
the county in which the individual's designated Ohio residence	69923
is located for the party's state candidate fund in a calendar	69924
year;	69925
(v) Fifteen thousand dollars to any one legislative	69926
campaign fund in a calendar year;	69927
(vi) Thirty thousand dollars to any one state political	69928
party for the party's state candidate fund in a calendar year;	69929
(vii) Ten thousand dollars to any one political action	69930
committee in a calendar year;	69931
(viii) Ten thousand dollars to any one political	69932
contributing entity in a calendar year.	69933
(b) No individual shall make a contribution or	69934
contributions to the state candidate fund of a county political	69935
party of any county other than the county in which the	69936
individual's designated Ohio residence is located.	69937
(c) No individual who is under seven years of age shall	69938
make any contribution.	69939
(2) (a) Subject to division (D) (1) of this section, no	69940
political action committee shall make a contribution or	69941
contributions aggregating more than:	69942
(i) Ten thousand dollars to the campaign committee of any	69943
one statewide candidate in a primary election period or in a	69944
general election period;	69945
(ii) Ten thousand dollars to the campaign committee of any	69946
one senate candidate in a primary election period or in a	69947
general election period;	69948

(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;

(iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;

(v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;

(vi) Ten thousand dollars to another political action committee or to a political contributing entity in a calendar year. This division does not apply to a political action committee that makes a contribution to a political action committee or a political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, ~~continuing association,~~ or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, ~~continuing association,~~ or other person.

(b) No political action committee shall make a contribution or contributions to a county political party for the party's state candidate fund.

(3) No campaign committee shall make a contribution or contributions aggregating more than:

(a) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;

(b) Ten thousand dollars to the campaign committee of any

one senate candidate in a primary election period or in a 69978  
general election period; 69979

(c) Ten thousand dollars to the campaign committee of any 69980  
one house candidate in a primary election period or in a general 69981  
election period; 69982

(d) Ten thousand dollars to any one political action 69983  
committee in a calendar year; 69984

(e) Ten thousand dollars to any one political contributing 69985  
entity in a calendar year. 69986

(4) (a) Subject to division (D) (3) of this section, no 69987  
political party shall make a contribution or contributions 69988  
aggregating more than ten thousand dollars to any one political 69989  
action committee or to any one political contributing entity in 69990  
a calendar year. 69991

(b) No county political party shall make a contribution or 69992  
contributions to another county political party. 69993

(5) (a) Subject to division (B) (5) (b) of this section, no 69994  
campaign committee, other than a designated state campaign 69995  
committee, shall make a contribution or contributions 69996  
aggregating in a calendar year more than: 69997

(i) Thirty thousand dollars to any one state political 69998  
party for the party's state candidate fund; 69999

(ii) Fifteen thousand dollars to any one legislative 70000  
campaign fund; 70001

(iii) Ten thousand dollars to any one county political 70002  
party for the party's state candidate fund. 70003

(b) No campaign committee shall make a contribution or 70004

contributions to a county political party for the party's state	70005
candidate fund unless one of the following applies:	70006
(i) The campaign committee's candidate will appear on a	70007
ballot in that county.	70008
(ii) The campaign committee's candidate is the holder of	70009
an elected public office that represents all or part of the	70010
population of that county at the time the contribution is made.	70011
(6) (a) No state candidate fund of a county political party	70012
shall make a contribution or contributions, except a	70013
contribution or contributions to a designated state campaign	70014
committee, in a primary election period or a general election	70015
period, aggregating more than:	70016
(i) Two hundred fifty thousand dollars to the campaign	70017
committee of any one statewide candidate;	70018
(ii) Ten thousand dollars to the campaign committee of any	70019
one senate candidate;	70020
(iii) Ten thousand dollars to the campaign committee of	70021
any one house candidate.	70022
(b) (i) No state candidate fund of a state or county	70023
political party shall make a transfer or a contribution or	70024
transfers or contributions of cash or cash equivalents to a	70025
designated state campaign committee in a primary election period	70026
or in a general election period aggregating more than:	70027
(I) Five hundred thousand dollars to the campaign	70028
committee of any one statewide candidate;	70029
(II) One hundred thousand dollars to the campaign	70030
committee of any one senate candidate;	70031

(III) Fifty thousand dollars to the campaign committee of	70032
any one house candidate.	70033
(ii) No legislative campaign fund shall make a transfer or	70034
a contribution or transfers or contributions of cash or cash	70035
equivalents to a designated state campaign committee aggregating	70036
more than:	70037
(I) Fifty thousand dollars in a primary election period or	70038
one hundred thousand dollars in a general election period to the	70039
campaign committee of any one senate candidate;	70040
(II) Twenty-five thousand dollars in a primary election	70041
period or fifty thousand dollars in a general election period to	70042
the campaign committee of any one house candidate.	70043
(iii) As used in divisions (B) (6) (b) and (C) (6) of this	70044
section, "transfer or contribution of cash or cash equivalents"	70045
does not include any in-kind contributions.	70046
(c) A county political party that has no state candidate	70047
fund and that is located in a county having a population of less	70048
than one hundred fifty thousand may make one or more	70049
contributions from other accounts to any one statewide candidate	70050
or to any one designated state campaign committee that do not	70051
exceed, in the aggregate, two thousand five hundred dollars in	70052
any primary election period or general election period.	70053
(d) No legislative campaign fund shall make a	70054
contribution, other than to a designated state campaign	70055
committee or to the state candidate fund of a political party.	70056
(7) (a) Subject to division (D) (1) of this section, no	70057
political contributing entity shall make a contribution or	70058
contributions aggregating more than:	70059

- (i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period; 70060  
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- (ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period; 70063  
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- (iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period; 70066  
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- (iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year; 70069  
70070
- (v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year; 70071  
70072
- (vi) Ten thousand dollars to another political contributing entity or to a political action committee in a calendar year. This division does not apply to a political contributing entity that makes a contribution to a political contributing entity or a political action committee affiliated with it. For purposes of this division, a political contributing entity is affiliated with another political contributing entity or with a political action committee if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, ~~continuing association,~~ or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, ~~continuing association,~~ or other person. 70073  
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- (b) No political contributing entity shall make a contribution or contributions to a county political party for 70087  
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the party's state candidate fund. 70089

(C) (1) (a) Subject to division (D) (1) of this section, no 70090  
campaign committee of a statewide candidate shall do any of the 70091  
following: 70092

(i) Knowingly accept a contribution or contributions from 70093  
any individual who is under seven years of age; 70094

(ii) Accept a contribution or contributions aggregating 70095  
more than ten thousand dollars from any one individual who is 70096  
seven years of age or older, from any one political action 70097  
committee, from any one political contributing entity, or from 70098  
any one other campaign committee in a primary election period or 70099  
in a general election period; 70100

(iii) Accept a contribution or contributions aggregating 70101  
more than two hundred fifty thousand dollars from any one or 70102  
combination of state candidate funds of county political parties 70103  
in a primary election period or in a general election period. 70104

(b) No campaign committee of a statewide candidate shall 70105  
accept a contribution or contributions aggregating more than two 70106  
thousand five hundred dollars in a primary election period or in 70107  
a general election period from a county political party that has 70108  
no state candidate fund and that is located in a county having a 70109  
population of less than one hundred fifty thousand. 70110

(2) (a) Subject to division (D) (1) of this section and 70111  
except for a designated state campaign committee, no campaign 70112  
committee of a senate candidate shall do either of the 70113  
following: 70114

(i) Knowingly accept a contribution or contributions from 70115  
any individual who is under seven years of age; 70116

(ii) Accept a contribution or contributions aggregating 70117  
more than ten thousand dollars from any one individual who is 70118  
seven years of age or older, from any one political action 70119  
committee, from any one political contributing entity, from any 70120  
one state candidate fund of a county political party, or from 70121  
any one other campaign committee in a primary election period or 70122  
in a general election period. 70123

(b) No campaign committee of a senate candidate shall 70124  
accept a contribution or contributions aggregating more than two 70125  
thousand five hundred dollars in a primary election period or in 70126  
a general election period from a county political party that has 70127  
no state candidate fund and that is located in a county having a 70128  
population of less than one hundred fifty thousand. 70129

(3) (a) Subject to division (D) (1) of this section and 70130  
except for a designated state campaign committee, no campaign 70131  
committee of a house candidate shall do either of the following: 70132

(i) Knowingly accept a contribution or contributions from 70133  
any individual who is under seven years of age; 70134

(ii) Accept a contribution or contributions aggregating 70135  
more than ten thousand dollars from any one individual who is 70136  
seven years of age or older, from any one political action 70137  
committee, from any one political contributing entity, from any 70138  
one state candidate fund of a county political party, or from 70139  
any one other campaign committee in a primary election period or 70140  
in a general election period. 70141

(b) No campaign committee of a house candidate shall 70142  
accept a contribution or contributions aggregating more than two 70143  
thousand five hundred dollars in a primary election period or in 70144  
a general election period from a county political party that has 70145

no state candidate fund and that is located in a county having a 70146  
population of less than one hundred fifty thousand. 70147

(4) (a) (i) Subject to division (C) (4) (a) (ii) of this 70148  
section and except for a designated state campaign committee, no 70149  
county political party shall knowingly accept a contribution or 70150  
contributions from any individual who is under seven years of 70151  
age, or accept a contribution or contributions for the party's 70152  
state candidate fund aggregating more than ten thousand dollars 70153  
from any one individual whose designated Ohio residence is 70154  
located within that county and who is seven years of age or 70155  
older or from any one campaign committee in a calendar year. 70156

(ii) Subject to division (D) (1) of this section, no county 70157  
political party shall accept a contribution or contributions for 70158  
the party's state candidate fund from any individual whose 70159  
designated Ohio residence is located outside of that county and 70160  
who is seven years of age or older, from any campaign committee 70161  
unless the campaign committee's candidate will appear on a 70162  
ballot in that county or unless the campaign committee's 70163  
candidate is the holder of an elected public office that 70164  
represents all or part of the population of that county at the 70165  
time the contribution is accepted, or from any political action 70166  
committee or any political contributing entity. 70167

(iii) No county political party shall accept a 70168  
contribution or contributions from any other county political 70169  
party. 70170

(b) Subject to division (D) (1) of this section, no state 70171  
political party shall do either of the following: 70172

(i) Knowingly accept a contribution or contributions from 70173  
any individual who is under seven years of age; 70174

(ii) Accept a contribution or contributions for the 70175  
party's state candidate fund aggregating more than thirty 70176  
thousand dollars from any one individual who is seven years of 70177  
age or older, from any one political action committee, from any 70178  
one political contributing entity, or from any one campaign 70179  
committee, other than a designated state campaign committee, in 70180  
a calendar year. 70181

(5) Subject to division (D)(1) of this section, no 70182  
legislative campaign fund shall do either of the following: 70183

(a) Knowingly accept a contribution or contributions from 70184  
any individual who is under seven years of age; 70185

(b) Accept a contribution or contributions aggregating 70186  
more than fifteen thousand dollars from any one individual who 70187  
is seven years of age or older, from any one political action 70188  
committee, from any one political contributing entity, or from 70189  
any one campaign committee, other than a designated state 70190  
campaign committee, in a calendar year. 70191

(6) (a) No designated state campaign committee shall accept 70192  
a transfer or contribution of cash or cash equivalents from a 70193  
state candidate fund of a state political party aggregating in a 70194  
primary election period or a general election period more than: 70195

(i) Five hundred thousand dollars, in the case of a 70196  
campaign committee of a statewide candidate; 70197

(ii) One hundred thousand dollars, in the case of a 70198  
campaign committee of a senate candidate; 70199

(iii) Fifty thousand dollars, in the case of a campaign 70200  
committee of a house candidate. 70201

(b) No designated state campaign committee shall accept a 70202

transfer or contribution of cash or cash equivalents from a 70203  
legislative campaign fund aggregating more than: 70204

(i) Fifty thousand dollars in a primary election period or 70205  
one hundred thousand dollars in a general election period, in 70206  
the case of a campaign committee of a senate candidate; 70207

(ii) Twenty-five thousand dollars in a primary election 70208  
period or fifty thousand dollars in a general election period, 70209  
in the case of a campaign committee of a house candidate. 70210

(c) No campaign committee of a candidate for the office of 70211  
member of the general assembly, including a designated state 70212  
campaign committee, shall accept a transfer or contribution of 70213  
cash or cash equivalents from any one or combination of state 70214  
candidate funds of county political parties aggregating in a 70215  
primary election period or a general election period more than: 70216

(i) One hundred thousand dollars, in the case of a 70217  
campaign committee of a senate candidate; 70218

(ii) Fifty thousand dollars, in the case of a campaign 70219  
committee of a house candidate. 70220

(7) (a) Subject to division (D) (3) of this section, no 70221  
political action committee and no political contributing entity 70222  
shall do either of the following: 70223

(i) Knowingly accept a contribution or contributions from 70224  
any individual who is under seven years of age; 70225

(ii) Accept a contribution or contributions aggregating 70226  
more than ten thousand dollars from any one individual who is 70227  
seven years of age or older, from any one campaign committee, or 70228  
from any one political party in a calendar year. 70229

(b) Subject to division (D) (1) of this section, no 70230

political action committee shall accept a contribution or 70231  
contributions aggregating more than ten thousand dollars from 70232  
another political action committee or from a political 70233  
contributing entity in a calendar year. Subject to division (D) 70234  
(1) of this section, no political contributing entity shall 70235  
accept a contribution or contributions aggregating more than ten 70236  
thousand dollars from another political contributing entity or 70237  
from a political action committee in a calendar year. This 70238  
division does not apply to a political action committee or 70239  
political contributing entity that accepts a contribution from a 70240  
political action committee or political contributing entity 70241  
affiliated with it. For purposes of this division, a political 70242  
action committee is affiliated with another political action 70243  
committee or with a political contributing entity if they are 70244  
both established, financed, maintained, or controlled by the 70245  
same corporation, organization, labor organization, ~~continuing~~ 70246  
~~association,~~ or other person, including any parent, subsidiary, 70247  
division, or department of that corporation, organization, labor 70248  
organization, ~~continuing association,~~ or other person. 70249

(D) (1) (a) For purposes of the limitations prescribed in 70250  
division (B) (2) of this section and the limitations prescribed 70251  
in divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 70252  
section, whichever is applicable, all contributions made by and 70253  
all contributions accepted from political action committees that 70254  
are established, financed, maintained, or controlled by, or that 70255  
are, the same corporation, organization, labor organization, 70256  
~~continuing association,~~ or other person, including any parent, 70257  
subsidiary, division, or department of that corporation, 70258  
organization, labor organization, ~~continuing association,~~ or 70259  
other person, are considered to have been made by or accepted 70260  
from a single political action committee. 70261

(b) For purposes of the limitations prescribed in division 70262  
(B) (7) of this section and the limitations prescribed in 70263  
divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 70264  
section, whichever is applicable, all contributions made by and 70265  
all contributions accepted from political contributing entities 70266  
that are established, financed, maintained, or controlled by, or 70267  
that are, the same corporation, organization, labor 70268  
organization, ~~continuing association,~~ or other person, including 70269  
any parent, subsidiary, division, or department of that 70270  
corporation, organization, labor organization, ~~continuing~~ 70271  
~~association,~~ or other person, are considered to have been made 70272  
by or accepted from a single political contributing entity. 70273

(2) As used in divisions (B) (1) (a) (vii), (B) (3) (d), (B) (4) 70274  
(a), and (C) (7) of this section, "political action committee" 70275  
does not include a political action committee that ~~is organized~~ 70276  
~~to support or oppose a ballot issue or question and that makes~~ 70277  
~~no contributions to or only independent expenditures on behalf~~ 70278  
~~of a political party, campaign committee, legislative campaign~~ 70279  
~~fund, or contributions to political action committee, committees~~ 70280  
or political contributing ~~entity~~ entities that make only 70281  
independent expenditures. As used in divisions (B) (1) (a) (viii), 70282  
(B) (3) (e), (B) (4) (a), and (C) (7) of this section, "political 70283  
contributing entity" does not include a political contributing 70284  
entity that ~~is organized to support or oppose a ballot issue or~~ 70285  
~~question and that makes no contributions to or only independent~~ 70286  
~~expenditures on behalf of a political party, campaign committee,~~ 70287  
~~legislative campaign fund, or contributions to political action~~ 70288  
~~committee, committees~~ or political contributing ~~entity~~ entities 70289  
that make only independent expenditures. 70290

(3) For purposes of the limitations prescribed in 70291  
divisions (B) (4) and (C) (7) (a) of this section, all 70292

contributions made by and all contributions accepted from a 70293  
national political party, a state political party, and a county 70294  
political party are considered to have been made by or accepted 70295  
from a single political party and shall be combined with each 70296  
other to determine whether the limitations have been exceeded. 70297

(E) (1) If a legislative campaign fund has kept a total 70298  
amount of contributions exceeding one hundred fifty thousand 70299  
dollars at the close of business on the seventh day before the 70300  
postgeneral election statement is required to be filed under 70301  
section 3517.10 of the Revised Code, the legislative campaign 70302  
fund shall comply with division (E) (2) of this section. 70303

(2) (a) Any legislative campaign fund that has kept a total 70304  
amount of contributions in excess of the amount specified in 70305  
division (E) (1) of this section at the close of business on the 70306  
seventh day before the postgeneral election statement is 70307  
required to be filed under section 3517.10 of the Revised Code 70308  
shall dispose of the excess amount in the manner prescribed in 70309  
division (E) (2) (b) (i), (ii), or (iii) of this section not later 70310  
than ninety days after the day the postgeneral election 70311  
statement is required to be filed under section 3517.10 of the 70312  
Revised Code. Any legislative campaign fund that is required to 70313  
dispose of an excess amount of contributions under this division 70314  
shall file a statement on the ninetieth day after the 70315  
postgeneral election statement is required to be filed under 70316  
section 3517.10 of the Revised Code indicating the total amount 70317  
of contributions the fund has at the close of business on the 70318  
seventh day before the postgeneral election statement is 70319  
required to be filed under section 3517.10 of the Revised Code 70320  
and that the excess contributions were disposed of pursuant to 70321  
this division and division (E) (2) (b) of this section. The 70322  
statement shall be on a form prescribed by the secretary of 70323



state and shall contain any additional information the secretary 70324  
of state considers necessary. 70325

(b) Any legislative campaign fund that is required to 70326  
dispose of an excess amount of contributions under division (E) 70327  
(2) of this section shall dispose of that excess amount by doing 70328  
any of the following: 70329

(i) Giving the amount to the treasurer of state for 70330  
deposit into the state treasury to the credit of the Ohio 70331  
~~elections~~ election integrity commission fund created by ~~division~~ 70332  
~~(I) of section 3517.152-111.29~~ of the Revised Code; 70333

(ii) Giving the amount to individuals who made 70334  
contributions to that legislative campaign fund as a refund of 70335  
all or part of their contributions; 70336

(iii) Giving the amount to a corporation that is exempt 70337  
from federal income taxation under subsection 501(a) and 70338  
described in subsection 501(c) of the Internal Revenue Code. 70339

(F) (1) No legislative campaign fund shall fail to file a 70340  
statement required by division (E) of this section. 70341

(2) No legislative campaign fund shall fail to dispose of 70342  
excess contributions as required by division (E) of this 70343  
section. 70344

(G) Nothing in this section shall affect, be used in 70345  
determining, or supersede a limitation on campaign contributions 70346  
as provided for in the Federal Election Campaign Act. 70347

**Sec. 3517.103.** (A) For purposes of this section: 70348

(1) "Statewide candidate" means the joint candidates for 70349  
the offices of governor and lieutenant governor or a candidate 70350  
for the office of secretary of state, auditor of state, 70351

treasurer of state, or attorney general, ~~or member of the state~~ 70352  
~~board of education.~~ 70353

(2) (a) "Personal funds" means contributions to the 70354  
campaign committee of a candidate by the candidate. 70355

(b) A loan obtained by, guaranteed by, or for the benefit 70356  
of a statewide candidate, senate candidate, or house candidate 70357  
shall be considered "personal funds" subject to the provisions 70358  
of this section to the extent that the loan is obtained or 70359  
guaranteed by the candidate. A loan that is obtained or 70360  
guaranteed and that is for the benefit of a statewide candidate, 70361  
senate candidate, or house candidate shall not be considered 70362  
"personal funds" for the purposes of this section but shall be 70363  
considered to be a "contribution" for the purposes of this 70364  
chapter if the loan is obtained or guaranteed by anyone other 70365  
than the candidate. 70366

(c) When a debt or other obligation incurred by a 70367  
committee or by a candidate on behalf of the candidate's 70368  
committee is to be paid from "personal funds," those funds are 70369  
considered to be expended when the debt or other obligation is 70370  
incurred, regardless of when it is paid. 70371

(B) (1) Except as otherwise provided in division (B) (2) of 70372  
this section, no statewide candidate or candidate for the office 70373  
of member of the general assembly shall make an expenditure of 70374  
personal funds to influence the results of an election for that 70375  
candidate's nomination or election to office unless the personal 70376  
funds are first deposited into the campaign fund of that 70377  
candidate's campaign committee. 70378

(2) A statewide candidate or candidate for the office of 70379  
member of the general assembly may make an expenditure of 70380

personal funds without first depositing those funds into the 70381  
campaign committee's funds as long as the aggregate total of 70382  
those expenditures does not exceed five hundred dollars at any 70383  
time during an election period. After the candidate's campaign 70384  
committee reimburses the candidate for any direct expenditure of 70385  
personal funds, the amount that was reimbursed is no longer 70386  
included in the aggregate total of expenditures of personal 70387  
funds subject to the five-hundred-dollar limit. 70388

**Sec. 3517.104.** (A) In January of each odd-numbered year, 70389  
the secretary of state, in accordance with this division and 70390  
division (B) of this section, shall adjust each amount specified 70391  
in section 3517.102, in division (B) (4) (e) of section 3517.10, 70392  
and in division (B) of section 3517.101 of the Revised Code. The 70393  
adjustment shall be based on the yearly average of the previous 70394  
two years of the Consumer Price Index for All Urban Consumers or 70395  
its successive equivalent, as determined by the United States 70396  
department of labor, bureau of labor statistics, or its 70397  
successor in responsibility, for all items, Series A. Using the 70398  
1996 yearly average as the base year, the secretary of state 70399  
shall compare the most current average consumer price index with 70400  
that determined in the preceding odd-numbered year, and shall 70401  
determine the percentage increase or decrease. The percentage 70402  
increase or decrease shall be multiplied by the actual dollar 70403  
figure for each office or entity specified in section 3517.102 70404  
of the Revised Code and by each actual dollar figure specified 70405  
in division (B) (4) (e) of section 3517.10 and in division (B) of 70406  
section 3517.101 of the Revised Code as determined in the 70407  
previous odd-numbered year, and the product shall be added to or 70408  
subtracted from its corresponding actual dollar figure, as 70409  
necessary, for that previous odd-numbered year. 70410

The resulting amount shall be rounded to the nearest 70411

twenty-five dollars if the calculations are made regarding the 70412  
amounts specified in division (B) (4) (e) of section 3517.10 of 70413  
the Revised Code. 70414

If the calculations are made regarding the amounts 70415  
specified in section 3517.101 or 3517.102 of the Revised Code, 70416  
the resulting amount shall not be rounded. If that resulting 70417  
amount is less than one hundred dollars, the secretary of state 70418  
shall retain a record of the resulting amount and the manner in 70419  
which it was calculated, but shall not make an adjustment unless 70420  
the resulting amount, when added to the resulting amount 70421  
calculated in each prior odd-numbered year since the last 70422  
adjustment was made, equals or exceeds one hundred dollars. 70423

(B) (1) The secretary of state shall calculate the 70424  
adjustment under division (A) of this section and shall report 70425  
the calculations and necessary materials to the auditor of 70426  
state, on or before the thirty-first day of January of each odd- 70427  
numbered year. The secretary of state shall base the adjustment 70428  
on the most current consumer price index that is described in 70429  
division (A) of this section and that is in effect as of the 70430  
first day of January of each odd-numbered year. 70431

(2) The calculations made by the secretary of state under 70432  
divisions (A) and (B) (1) of this section shall be certified by 70433  
the auditor of state on or before the fifteenth day of February 70434  
of each odd-numbered year. 70435

(3) On or before the twenty-fifth day of February of each 70436  
odd-numbered year, the secretary of state shall prepare a report 70437  
setting forth the maximum contribution limitations under section 70438  
3517.102 of the Revised Code, the maximum amounts, if any, of 70439  
contributions permitted to be kept under that section, the 70440  
amounts required under division (B) (4) (e) of section 3517.10 of 70441

the Revised Code for reporting contributions and in-kind 70442  
contributions at social or fund-raising activities and 70443  
contributions from amounts deducted from an employee's wages and 70444  
salary, and the maximum office facility gift limitations under 70445  
section 3517.101 of the Revised Code, as calculated and 70446  
certified pursuant to divisions (A) and (B) (1) and (2) of this 70447  
section. The report and all documents relating to the 70448  
calculations contained in the report are public records. The 70449  
report shall contain an indication of the period in which the 70450  
limitations, the maximum contribution or gift amounts, and the 70451  
reporting amounts apply, a summary of how the limitations, the 70452  
maximum contribution or gift amounts, and the reporting amounts 70453  
were calculated, and a statement that the report and all related 70454  
documents are available for inspection and copying at the office 70455  
of the secretary of state. 70456

(4) On or before the twenty-fifth day of February of each 70457  
odd-numbered year, the secretary of state shall transmit the 70458  
report to the general assembly and shall send the report by mail 70459  
to the board of elections of each county. 70460

(5) The secretary of state shall send the report by mail 70461  
to each person who files a declaration of candidacy or 70462  
nominating petition with the secretary of state for the office 70463  
of governor, lieutenant governor, secretary of state, auditor of 70464  
state, treasurer of state, attorney general, ~~member of the state~~ 70465  
~~board of education~~, chief justice of the supreme court, or 70466  
justice of the supreme court. The report shall be mailed on or 70467  
before the tenth day after the filing. 70468

(6) A board of elections shall send the report by mail to 70469  
each person who files a declaration of candidacy or nominating 70470  
petition with the board for the office of state representative 70471

or state senator. The report shall be mailed on or before the 70472  
tenth day after the filing. 70473

**Sec. 3517.105.** (A) (1) As used in this section, "public 70474  
political advertising" means advertising to the general public 70475  
through a broadcasting station, newspaper, magazine, poster, 70476  
yard sign, or outdoor advertising facility, by direct mail, or 70477  
by any other means of advertising to the general public. 70478

(2) For purposes of this section and section 3517.20 of 70479  
the Revised Code, a person is a member of a political action 70480  
committee if the person makes one or more contributions to that 70481  
political action committee, and a person is a member of a 70482  
political contributing entity if the person makes one or more 70483  
contributions to, or pays dues, membership fees, or other 70484  
assessments to, that political contributing entity. 70485

(B) (1) Whenever a candidate, a campaign committee, a 70486  
political action committee or political contributing entity with 70487  
ten or more members, or a legislative campaign fund makes an 70488  
independent expenditure, or whenever a political action 70489  
committee or political contributing entity with fewer than ten 70490  
members makes an independent expenditure in excess of one 70491  
hundred dollars for a local candidate, in excess of two hundred 70492  
fifty dollars for a candidate for the office of member of the 70493  
general assembly, or in excess of five hundred dollars for a 70494  
statewide candidate, for the purpose of financing communications 70495  
advocating the election or defeat of an identified candidate or 70496  
solicits without the candidate's express consent a contribution 70497  
for or against an identified candidate through public political 70498  
advertising, a statement shall appear or be presented in a clear 70499  
and conspicuous manner in the advertising that does both of the 70500  
following: 70501

(a) Clearly indicates that the communication or public 70502  
political advertising is not authorized by the candidate or the 70503  
candidate's campaign committee; 70504

(b) Clearly identifies the candidate, campaign committee, 70505  
political action committee, political contributing entity, or 70506  
legislative campaign fund that has paid for the communication or 70507  
public political advertising in accordance with section 3517.20 70508  
of the Revised Code. 70509

(2) (a) Whenever any campaign committee, legislative 70510  
campaign fund, political action committee, political 70511  
contributing entity, or political party makes an independent 70512  
expenditure in support of or opposition to any candidate, the 70513  
committee, entity, fund, or party shall report the independent 70514  
expenditure and identify the candidate on a statement prescribed 70515  
by the secretary of state and filed by the committee, entity, 70516  
fund, or party as part of its statement of contributions and 70517  
expenditures pursuant to division (A) of section 3517.10 and 70518  
division (A) of section 3517.11 of the Revised Code. 70519

(b) Whenever any individual, ~~partnership~~, or ~~other~~ entity, 70520  
except a ~~corporation~~, ~~labor organization~~, campaign committee, 70521  
legislative campaign fund, political action committee, political 70522  
contributing entity, or political party, makes one or more 70523  
independent expenditures in support of or opposition to any 70524  
candidate, the individual, ~~partnership~~, or ~~other~~ entity shall 70525  
file with the secretary of state in the case of a statewide 70526  
candidate, or with the board of elections in the county in which 70527  
the candidate files the candidate's petitions for nomination or 70528  
election for district or local office, not later than the dates 70529  
specified in divisions (A) (1), (2), (3), and (4) of section 70530  
3517.10 of the Revised Code, and, except as otherwise provided 70531

in that section, a statement itemizing all independent 70532  
expenditures made during the period since the close of business 70533  
on the last day reflected in the last previously filed such 70534  
statement, if any. The statement shall be made on a form 70535  
prescribed by the secretary of state or shall be filed by 70536  
electronic means of transmission pursuant to division (E) of 70537  
section 3517.106 of the Revised Code as authorized or required 70538  
by that division. The statement shall indicate the date and the 70539  
amount of each independent expenditure and the candidate on 70540  
whose behalf it was made and shall be made under penalty of 70541  
election falsification. 70542

(C) (1) Whenever a ~~corporation, labor organization,~~ 70543  
campaign committee, political action committee or political 70544  
contributing entity with ten or more members, or legislative 70545  
campaign fund makes an independent expenditure, or whenever a 70546  
political action committee or political contributing entity with 70547  
fewer than ten members makes an independent expenditure in 70548  
excess of one hundred dollars for a local ballot issue or 70549  
question, or in excess of five hundred dollars for a statewide 70550  
ballot issue or question, for the purpose of financing 70551  
communications advocating support of or opposition to an 70552  
identified ballot issue or question or solicits without the 70553  
express consent of the ballot issue committee a contribution for 70554  
or against an identified ballot issue or question through public 70555  
political advertising, a statement shall appear or be presented 70556  
in a clear and conspicuous manner in the advertising that does 70557  
both of the following: 70558

(a) Clearly indicates that the communication or public 70559  
political advertising is not authorized by the identified ballot 70560  
issue committee; 70561



(b) Clearly identifies the ~~corporation, labor-~~ 70562  
~~organization,~~ campaign committee, legislative campaign fund, ~~or-~~ 70563  
political action committee, or political contributing entity 70564  
that has paid for the communication or public political 70565  
advertising in accordance with section 3517.20 of the Revised 70566  
Code. 70567

(2) (a) Whenever any ~~corporation, labor organization,~~ 70568  
campaign committee, legislative campaign fund, political party, 70569  
~~or~~ political action committee, or political contributing entity 70570  
makes an independent expenditure in support of or opposition to 70571  
any ballot issue or question, ~~the corporation or labor~~ 70572  
~~organization shall report the independent expenditure in-~~ 70573  
~~accordance with division (C) of section 3599.03 of the Revised-~~ 70574  
~~Code, and~~ the campaign committee, legislative campaign fund, 70575  
political party, ~~or~~ political action committee, or political 70576  
contributing entity shall report the independent expenditure and 70577  
identify the ballot issue or question on a statement prescribed 70578  
by the secretary of state and filed by the committee, fund, or 70579  
party as part of its statement of contributions and expenditures 70580  
pursuant to division (A) of section 3517.10 and division (A) of 70581  
section 3517.11 of the Revised Code. 70582

(b) Whenever any individual, ~~partnership,~~ or other entity, 70583  
except a ~~corporation, labor organization,~~ campaign committee, 70584  
legislative campaign fund, political action committee, political 70585  
contributing entity, or political party, makes one or more 70586  
independent expenditures in excess of one hundred dollars in 70587  
support of or opposition to any ballot issue or question, the 70588  
individual, ~~partnership,~~ or other entity shall file with the 70589  
secretary of state in the case of a statewide ballot issue or 70590  
question, or with the board of elections in the county that 70591  
certifies the issue or question for placement on the ballot in 70592

the case of a district or local issue or question, not later 70593  
than the dates specified in divisions (A) (1), (2), (3), and (4) 70594  
of section 3517.10 of the Revised Code, and, except as otherwise 70595  
provided in that section, a statement itemizing all independent 70596  
expenditures made during the period since the close of business 70597  
on the last day reflected in the last previously filed such 70598  
statement, if any. The statement shall be made on a form 70599  
prescribed by the secretary of state or shall be filed by 70600  
electronic means of transmission pursuant to division (E) of 70601  
section 3517.106 of the Revised Code as authorized or required 70602  
by that division. The statement shall indicate the date and the 70603  
amount of each independent expenditure and the ballot issue or 70604  
question in support of or opposition to which it was made and 70605  
shall be made under penalty of election falsification. 70606

(3) No person, campaign committee, legislative campaign 70607  
fund, political action committee, ~~corporation, labor~~ 70608  
~~organization, political contributing entity,~~ or other 70609  
organization or association shall use or cause to be used a 70610  
false or fictitious name in making an independent expenditure in 70611  
support of or opposition to any candidate or any ballot issue or 70612  
question. A name is false or fictitious if the person, campaign 70613  
committee, legislative campaign fund, political action 70614  
committee, ~~corporation, labor organization, political~~ 70615  
~~contributing entity,~~ or other organization or association does 70616  
not actually exist or operate, if the ~~corporation, labor~~ 70617  
~~organization, or other~~ organization or association has failed to 70618  
file a fictitious name or other registration with the secretary 70619  
of state, if it is required to do so, or if the person, campaign 70620  
committee, legislative campaign fund, ~~or~~ political action 70621  
committee, or political contributing entity has failed to file a 70622  
designation of the appointment of a treasurer, if it is required 70623

to do so by division (D) (1) of section 3517.10 of the Revised Code. 70624  
70625

(D) Any expenditure by a political party for the purpose 70626  
of financing communications advocating the election or defeat of 70627  
a candidate for judicial office shall be deemed to be an 70628  
independent expenditure subject to the provisions of this 70629  
section. 70630

**Sec. 3517.106.** (A) As used in this section: 70631

(1) "Statewide office" means any of the offices of 70632  
governor, lieutenant governor, secretary of state, auditor of 70633  
state, treasurer of state, attorney general, chief justice of 70634  
the supreme court, and justice of the supreme court. 70635

(2) "Addendum to a statement" includes an amendment or 70636  
other correction to that statement. 70637

(B) The secretary of state shall store all of the 70638  
following information on computer: 70639

(1) The information contained in statements of 70640  
contributions and expenditures and monthly statements required 70641  
to be filed under section 3517.10 of the Revised Code and in 70642  
statements of independent expenditures required to be filed 70643  
under section 3517.105 of the Revised Code with the secretary of 70644  
state and the information transmitted to the secretary of state 70645  
by boards of elections under division (E) (2) of this section; 70646

(2) The information contained in disclosure of 70647  
electioneering communications statements required to be filed 70648  
under section 3517.1011 of the Revised Code; 70649

(3) The information contained in deposit and disbursement 70650  
statements required to be filed with the office of the secretary 70651

of state under section 3517.1012 of the Revised Code; 70652

(4) The gift and disbursement information contained in 70653  
statements required to be filed with the office of the secretary 70654  
of state under section 3517.1013 of the Revised Code; 70655

(5) The information contained in donation and disbursement 70656  
statements required to be filed with the office of the secretary 70657  
of state under section 3517.1014 of the Revised Code. 70658

(C) (1) The secretary of state shall make available to the 70659  
campaign committees, political action committees, political 70660  
contributing entities, legislative campaign funds, political 70661  
parties, individuals, ~~partnerships, corporations, labor~~ 70662  
~~organizations,~~ treasurers of transition funds, and other 70663  
entities that are permitted or required to file statements by 70664  
electronic means of transmission, and to members of the news 70665  
media and other interested persons, for a reasonable fee, 70666  
computer programs that are compatible with the secretary of 70667  
state's method of storing the information contained in the 70668  
statements. 70669

(2) The secretary of state shall make the information 70670  
required to be stored under division (B) of this section 70671  
available on computer at the secretary of state's office so 70672  
that, to the maximum extent feasible, individuals may obtain at 70673  
the secretary of state's office any part or all of that 70674  
information for any given year, subject to the limitation 70675  
expressed in division (D) of this section. 70676

(D) The secretary of state shall keep the information 70677  
stored on computer under division (B) of this section for at 70678  
least six years. 70679

(E) (1) Subject to division (J) of this section and subject 70680

to the secretary of state having implemented, tested, and 70681  
verified the successful operation of any system the secretary of 70682  
state prescribes pursuant to division (F) (1) of this section and 70683  
divisions (C) (6) (b) and (D) (6) of section 3517.10 of the Revised 70684  
Code for the filing of campaign finance statements by electronic 70685  
means of transmission, each of the following entities shall be 70686  
permitted or required to file statements by electronic means of 70687  
transmission, as applicable: 70688

(a) The campaign committee of each candidate for statewide 70689  
office may file the statements prescribed by section 3517.10 of 70690  
the Revised Code by electronic means of transmission or, if the 70691  
total amount of the contributions received or the total amount 70692  
of the expenditures made by the campaign committee for the 70693  
applicable reporting period as specified in division (A) of 70694  
section 3517.10 of the Revised Code exceeds ten thousand 70695  
dollars, shall file those statements by electronic means of 70696  
transmission. 70697

(b) A campaign committee of a candidate for the office of 70698  
member of the general assembly or a campaign committee of a 70699  
candidate for the office of judge of a court of appeals may file 70700  
the statements prescribed by section 3517.10 of the Revised Code 70701  
in accordance with division (A) (2) of section 3517.11 of the 70702  
Revised Code or by electronic means of transmission to the 70703  
office of the secretary of state or, if the total amount of the 70704  
contributions received by the campaign committee for the 70705  
applicable reporting period as specified in division (A) of 70706  
section 3517.10 of the Revised Code exceeds ten thousand 70707  
dollars, shall file those statements by electronic means of 70708  
transmission to the office of the secretary of state. 70709

(c) A campaign committee of a candidate for an office 70710

other than a statewide office, the office of member of the 70711  
general assembly, or the office of judge of a court of appeals 70712  
may file the statements prescribed by section 3517.10 of the 70713  
Revised Code by electronic means of transmission to the 70714  
secretary of state or the board of elections, as applicable. 70715

(d) A political action committee and a political 70716  
contributing entity described in division (A) (1) of section 70717  
3517.11 of the Revised Code, a legislative campaign fund, and a 70718  
state political party may file the statements prescribed by 70719  
section 3517.10 of the Revised Code by electronic means of 70720  
transmission to the office of the secretary of state or, if the 70721  
total amount of the contributions received or the total amount 70722  
of the expenditures made by the political action committee, 70723  
political contributing entity, legislative campaign fund, or 70724  
state political party for the applicable reporting period as 70725  
specified in division (A) of section 3517.10 of the Revised Code 70726  
exceeds ten thousand dollars, shall file those statements by 70727  
electronic means of transmission. 70728

(e) A county political party shall file the statements 70729  
prescribed by section 3517.10 of the Revised Code with respect 70730  
to its state candidate fund by electronic means of transmission 70731  
to the office of the secretary of state. 70732

(f) A county political party may file all other statements 70733  
prescribed by section 3517.10 of the Revised Code by electronic 70734  
means of transmission to the board of elections. 70735

(g) A political action committee or political contributing 70736  
entity described in division (A) (3) of section 3517.11 of the 70737  
Revised Code may file the statements prescribed by section 70738  
3517.10 of the Revised Code by electronic means of transmission 70739  
to the board of elections. 70740

(h) Any individual, ~~partnership~~, or ~~other~~ entity that 70741  
makes independent expenditures in support of or opposition to a 70742  
statewide candidate or a statewide ballot issue or question as 70743  
provided in division (B) (2) (b) or (C) (2) (b) of section 3517.105 70744  
of the Revised Code may file the statement specified in that 70745  
division by electronic means of transmission to the office of 70746  
the secretary of state or, if the total amount of independent 70747  
expenditures made during the reporting period under that 70748  
division exceeds ten thousand dollars, shall file the statement 70749  
specified in that division by electronic means of transmission. 70750

(i) Any individual, ~~partnership~~, or ~~other~~ entity that 70751  
makes independent expenditures in support of or opposition to a 70752  
candidate or ballot issue other than a statewide candidate or a 70753  
statewide ballot issue as provided in division (B) (2) (b) or (C) 70754  
(2) (b) of section 3517.105 of the Revised Code may file the 70755  
statement specified in that division by electronic means of 70756  
transmission to the board of elections. 70757

(2) A board of elections that receives a statement by 70758  
electronic means of transmission shall transmit that statement 70759  
to the secretary of state within five business days after 70760  
receiving the statement. If the board receives an addendum or an 70761  
amended statement from an entity that filed a statement with the 70762  
board by electronic means of transmission, the board shall 70763  
transmit the addendum or amended statement to the secretary of 70764  
state not later than the close of business on the day the board 70765  
received the addendum or amended statement. 70766

(3) (a) Except as otherwise provided in division (E) (3) (b) 70767  
of this section, within five business days after a statement 70768  
filed under division (E) (1) of this section is received by the 70769  
secretary of state by electronic or other means of transmission, 70770

the secretary of state shall make available online to the public 70771  
through the internet, as provided in division (G) of this 70772  
section, the contribution and expenditure information in that 70773  
statement. 70774

(b) The secretary of state shall not make available online 70775  
to the public through the internet any contribution or 70776  
expenditure information contained in a statement for any 70777  
candidate until the secretary of state is able to make available 70778  
online to the public through the internet the contribution and 70779  
expenditure information for all candidates for a particular 70780  
office, or until the applicable filing deadline for that 70781  
statement has passed, whichever is sooner. As soon as the 70782  
secretary of state has available all of the contribution and 70783  
expenditure information for all candidates for a particular 70784  
office, or as soon as the applicable filing deadline for a 70785  
statement has passed, whichever is sooner, the secretary of 70786  
state shall simultaneously make available online to the public 70787  
through the internet the information for all candidates for that 70788  
office. 70789

(4) (a) If a statement filed by electronic means of 70790  
transmission is found to be incomplete or inaccurate after the 70791  
examination of the statement for completeness and accuracy 70792  
pursuant to division (B) (3) (a) of section 3517.11 of the Revised 70793  
Code, the entity that filed the statement shall file by 70794  
electronic means of transmission any addendum to the statement 70795  
that provides the information necessary to complete or correct 70796  
the statement or, if required under that division, an amended 70797  
statement. 70798

(b) Within five business days after the secretary of state 70799  
receives an addendum to the statement or an amended statement by 70800



electronic or other means of transmission, the secretary of 70801  
state shall make the contribution and expenditure information in 70802  
the addendum or amended statement available online to the public 70803  
through the internet as provided in division (G) of this 70804  
section. 70805

(5) If a campaign committee for the office of member of 70806  
the general assembly or a campaign committee of a candidate for 70807  
the office of judge of a court of appeals files a statement, 70808  
addendum, or amended statement by printed version only with the 70809  
appropriate board of elections, the campaign committee shall 70810  
file two copies of the printed version of the statement, 70811  
addendum, or amended statement with the board of elections. The 70812  
board of elections shall send one of those copies by certified 70813  
mail or an electronic copy to the secretary of state before the 70814  
close of business on the day the board of elections receives the 70815  
statement, addendum, or amended statement. 70816

(F) (1) The secretary of state, by rule adopted pursuant to 70817  
section 3517.23 of the Revised Code, shall prescribe one or more 70818  
techniques by which a person who executes and transmits to the 70819  
secretary of state or a board of elections by electronic means a 70820  
statement of contributions and expenditures, a statement of 70821  
independent expenditures, a disclosure of electioneering 70822  
communications statement, a deposit and disbursement statement, 70823  
a gift and disbursement statement, or a donation and 70824  
disbursement statement, an addendum to any of those statements, 70825  
an amended statement of contributions and expenditures, an 70826  
amended statement of independent expenditures, an amended 70827  
disclosure of electioneering communications statement, an 70828  
amended deposit and disbursement statement, an amended gift and 70829  
disbursement statement, or an amended donation and disbursement 70830  
statement, under this section or section 3517.10, 3517.105, 70831

3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised 70832  
Code shall electronically sign the statement, addendum, or 70833  
amended statement. Any technique prescribed by the secretary of 70834  
state pursuant to this division shall create an electronic 70835  
signature that satisfies all of the following: 70836

(a) It is unique to the signer. 70837

(b) It objectively identifies the signer. 70838

(c) It involves the use of a signature device or other 70839  
means or method that is under the sole control of the signer and 70840  
that cannot be readily duplicated or compromised. 70841

(d) It is created and linked to the electronic record to 70842  
which it relates in a manner that, if the record or signature is 70843  
intentionally or unintentionally changed after signing, the 70844  
electronic signature is invalidated. 70845

(2) An electronic signature prescribed by the secretary of 70846  
state under division (F)(1) of this section shall be attached to 70847  
or associated with the statement of contributions and 70848  
expenditures, the statement of independent expenditures, the 70849  
disclosure of electioneering communications statement, the 70850  
deposit and disbursement statement, the gift and disbursement 70851  
statement, or the donation and disbursement statement, the 70852  
addendum to any of those statements, the amended statement of 70853  
contributions and expenditures, the amended statement of 70854  
independent expenditures, the amended disclosure of 70855  
electioneering communications statement, the amended deposit and 70856  
disbursement statement, the amended gift and disbursement 70857  
statement, or the amended donation and disbursement statement 70858  
that is executed and transmitted by electronic means by the 70859  
person to whom the electronic signature is attributed. The 70860

electronic signature that is attached to or associated with the 70861  
statement, addendum, or amended statement under this division 70862  
shall be binding on all persons and for all purposes under the 70863  
campaign finance reporting law as if the signature had been 70864  
handwritten in ink on a printed form. 70865

(G) The secretary of state shall make all of the following 70866  
information available online to the public by any means that are 70867  
searchable, viewable, and accessible through the internet: 70868

(1) The contribution and expenditure, the contribution and 70869  
disbursement, the deposit and disbursement, the gift and 70870  
disbursement, or the donation and disbursement information in 70871  
all statements, all addenda to the statements, and all amended 70872  
statements that are filed with the secretary of state by 70873  
electronic or other means of transmission under this section or 70874  
section 3517.10, 3517.105, 3517.1011, 3517.1012, 3517.1013, 70875  
3517.1014, or 3517.11 of the Revised Code; 70876

(2) The contribution and expenditure or the deposit and 70877  
disbursement information in all statements that are filed with a 70878  
board of elections by electronic means of transmission, and in 70879  
all addenda to those statements and all amended versions of 70880  
those statements, under this section or section 3517.10, 70881  
3517.105, 3517.1012, or 3517.11 of the Revised Code. 70882

(H) (1) As used in this division, "library" means a library 70883  
that is open to the public and that is one of the following: 70884

(a) A library that is maintained and regulated under 70885  
section 715.13 of the Revised Code; 70886

(b) A library that is created, maintained, and regulated 70887  
under Chapter 3375. of the Revised Code. 70888

(2) The secretary of state shall notify all libraries of 70889

the location on the internet at which the contribution and 70890  
expenditure, contribution and disbursement, deposit and 70891  
disbursement, gift and disbursement, or donation and 70892  
disbursement information in campaign finance statements required 70893  
to be made available online to the public through the internet 70894  
pursuant to division (G) of this section may be accessed. 70895

If that location is part of the world wide web and if the 70896  
secretary of state has notified a library of that world wide web 70897  
location as required by this division, the library shall include 70898  
a link to that world wide web location on each internet- 70899  
connected computer it maintains that is accessible to the 70900  
public. 70901

(3) If the system the secretary of state prescribes for 70902  
the filing of campaign finance statements by electronic means of 70903  
transmission pursuant to division (F)(1) of this section and 70904  
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 70905  
Code includes filing those statements through the internet via 70906  
the world wide web, the secretary of state shall notify all 70907  
libraries of the world wide web location at which those 70908  
statements may be filed. 70909

If those statements may be filed through the internet via 70910  
the world wide web and if the secretary of state has notified a 70911  
library of that world wide web location as required by this 70912  
division, the library shall include a link to that world wide 70913  
web location on each internet-connected computer it maintains 70914  
that is accessible to the public. 70915

(I) It is an affirmative defense to a complaint or charge 70916  
brought against any campaign committee, political action 70917  
committee, political contributing entity, legislative campaign 70918  
fund, ~~or political party, any individual, partnership,~~ or other 70919

entity, any person making disbursements to pay the direct costs 70920  
of producing or airing electioneering communications, or any 70921  
treasurer of a transition fund, for the failure to file by 70922  
electronic means of transmission a campaign finance statement as 70923  
required by this section or section 3517.10, 3517.105, 70924  
3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised 70925  
Code that all of the following apply to the campaign committee, 70926  
political action committee, political contributing entity, 70927  
legislative campaign fund, ~~or political party, the individual,~~ 70928  
~~partnership,~~ or other entity, the person making disbursements to 70929  
pay the direct costs of producing or airing electioneering 70930  
communications, or the treasurer of a transition fund that 70931  
failed to so file: 70932

(1) The campaign committee, political action committee, 70933  
political contributing entity, legislative campaign fund, ~~or~~ 70934  
political party, ~~the individual, partnership,~~ or other entity, 70935  
the person making disbursements to pay the direct costs of 70936  
producing or airing electioneering communications, or the 70937  
treasurer of a transition fund attempted to file by electronic 70938  
means of transmission the required statement prior to the 70939  
deadline set forth in the applicable section. 70940

(2) The campaign committee, political action committee, 70941  
political contributing entity, legislative campaign fund, ~~or~~ 70942  
political party, ~~the individual, partnership,~~ or other entity, 70943  
the person making disbursements to pay the direct costs of 70944  
producing or airing electioneering communications, or the 70945  
treasurer of a transition fund was unable to file by electronic 70946  
means of transmission due to an expected or unexpected shutdown 70947  
of the whole or part of the electronic campaign finance 70948  
statement-filing system, such as for maintenance or because of 70949  
hardware, software, or network connection failure. 70950

(3) The campaign committee, political action committee, 70951  
political contributing entity, legislative campaign fund, ~~or~~ 70952  
political party, ~~the individual, partnership,~~ or other entity, 70953  
the person making disbursements to pay the direct costs of 70954  
producing or airing electioneering communications, or the 70955  
treasurer of a transition fund filed by electronic means of 70956  
transmission the required statement within a reasonable period 70957  
of time after being unable to so file it under the circumstance 70958  
described in division (I) (2) of this section. 70959

(J) (1) The secretary of state shall adopt rules pursuant 70960  
to Chapter 119. of the Revised Code to permit a campaign 70961  
committee of a candidate for statewide office that makes 70962  
expenditures of less than twenty-five thousand dollars during 70963  
the filing period or a campaign committee for the office of 70964  
member of the general assembly or the office of judge of a court 70965  
of appeals that would otherwise be required to file campaign 70966  
finance statements by electronic means of transmission under 70967  
division (E) of this section to file those statements by paper 70968  
with the office of the secretary of state. Those rules shall 70969  
provide for all of the following: 70970

(a) An eligible campaign committee that wishes to file a 70971  
campaign finance statement by paper instead of by electronic 70972  
means of transmission shall file the statement on paper with the 70973  
office of the secretary of state not sooner than twenty-four 70974  
hours after the end of the filing period set forth in section 70975  
3517.10 of the Revised Code that is covered by the applicable 70976  
statement. 70977

(b) The statement shall be accompanied by a fee, the 70978  
amount of which the secretary of state shall determine by rule. 70979  
The amount of the fee established under this division shall not 70980

exceed the data entry and data verification costs the secretary 70981  
of state will incur to convert the information on the statement 70982  
to an electronic format as required under division (G) of this 70983  
section. 70984

(c) The secretary of state shall arrange for the 70985  
information in campaign finance statements filed pursuant to 70986  
division (J) of this section to be made available online to the 70987  
public through the internet in the same manner, and at the same 70988  
times, as information is made available under divisions (E) and 70989  
(G) of this section for candidates whose campaign committees 70990  
file those statements by electronic means of transmission. 70991

(d) The candidate of an eligible campaign committee that 70992  
intends to file a campaign finance statement pursuant to 70993  
division (J) of this section shall file a notice indicating that 70994  
the candidate's campaign committee intends to so file and 70995  
stating that filing the statement by electronic means of 70996  
transmission would constitute a hardship for the candidate or 70997  
for the eligible campaign committee. 70998

(e) An eligible campaign committee that files a campaign 70999  
finance statement on paper pursuant to division (J) of this 71000  
section shall review the contribution and information made 71001  
available online by the secretary of state with respect to that 71002  
paper filing and shall notify the secretary of state of any 71003  
errors with respect to that filing that appear in the data made 71004  
available on that web site. 71005

(f) If an eligible campaign committee whose candidate has 71006  
filed a notice in accordance with rules adopted under division 71007  
(J) (1) (d) of this section subsequently fails to file that 71008  
statement on paper by the applicable deadline established in 71009  
rules adopted under division (J) (1) (a) of this section, 71010

penalties for the late filing of the campaign finance statement 71011  
shall apply to that campaign committee for each day after that 71012  
paper filing deadline, as if the campaign committee had filed 71013  
the statement after the applicable deadline set forth in 71014  
division (A) of section 3517.10 of the Revised Code. 71015

(2) The process for permitting campaign committees that 71016  
would otherwise be required to file campaign finance statements 71017  
by electronic means of transmission to file those statements on 71018  
paper with the office of the secretary of state that is required 71019  
to be developed under division (J)(1) of this section shall be 71020  
in effect and available for use by eligible campaign committees 71021  
for all campaign finance statements that are required to be 71022  
filed on or after June 30, 2005. Notwithstanding any provision 71023  
of the Revised Code to the contrary, if the process the 71024  
secretary of state is required to develop under division (L)(1) 71025  
of this section is not in effect and available for use on and 71026  
after June 30, 2005, all penalties for the failure of campaign 71027  
committees to file campaign finance statements by electronic 71028  
means of transmission shall be suspended until such time as that 71029  
process is in effect and available for use. 71030

(3) Notwithstanding any provision of the Revised Code to 71031  
the contrary, any eligible campaign committee that files 71032  
campaign finance statements on paper with the office of the 71033  
secretary of state pursuant to division (J)(1) of this section 71034  
shall be deemed to have filed those campaign finance statements 71035  
by electronic means of transmission to the office of the 71036  
secretary of state. 71037

**Sec. 3517.107.** (A) As used in this section, "federal 71038  
political committee" means a political committee, as defined in 71039  
the Federal Election Campaign Act, that is registered with the 71040



federal election commission under that act. 71041

(B) Any federal political committee may make 71042  
contributions, expenditures, or independent expenditures from 71043  
its federal account in connection with any state or local 71044  
election in Ohio. Prior to making any such contribution, 71045  
expenditure, or independent expenditure, the federal political 71046  
committee shall register with the secretary of state by filing a 71047  
copy of its most recent federal statement of organization. A 71048  
federal political committee registered with the secretary of 71049  
state under this division shall file with the secretary of state 71050  
any amendment to its statement of organization that is required 71051  
under the Federal Election Campaign Act to be reported to the 71052  
federal election commission. 71053

(C) When, during any federal reporting period under the 71054  
Federal Election Campaign Act, a federal political committee 71055  
makes a contribution, expenditure, or independent expenditure 71056  
from its federal account in connection with a state or local 71057  
election in Ohio, the committee shall file with the secretary of 71058  
state not later than the date on which its report is required to 71059  
be filed with the appropriate federal office or officer under 71060  
the Federal Election Campaign Act, copies of the following pages 71061  
from that report: 71062

(1) The summary page; 71063

(2) The detailed summary page; 71064

(3) The page or pages that contain an itemized list of the 71065  
contributions, expenditures, and independent expenditures made 71066  
in connection with state and local elections in Ohio. 71067

The total amount of contributions, expenditures, and 71068  
independent expenditures made in connection with state and local 71069

elections in Ohio shall be reflected on the summary page or on a form that the secretary of state shall prescribe.

(D) When, during any calendar year, a federal political committee makes a contribution from its federal account in connection with a state or local election in Ohio to a state or local political action committee that is required under section 3517.11 of the Revised Code to file any statement prescribed by section 3517.10 of the Revised Code, and the federal political committee and state or local political action committee are established, financed, maintained, or controlled by the same corporation, organization, ~~continuing association,~~ or other person, including any parent, subsidiary, division, department, or unit of that corporation, organization, ~~continuing association,~~ or other person, the federal political committee shall file a statement with the secretary of state not later than the last business day of January of the next calendar year. The statement shall be on a form prescribed by the secretary of state and shall include a list of the names and addresses of contributors that are residents of Ohio that made contributions to the federal political committee during the calendar year covered by the statement and, for each name listed, the aggregate total amount contributed by each contributor during the reporting period.

**Sec. 3517.108.** (A) As used in divisions (A) and (B) of this section:

(1) "Candidate" has the same meaning as in section 3517.01 of the Revised Code but includes only candidates for the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, ~~member of the state board of education,~~ member of the general assembly, chief

justice of the supreme court, and justice of the supreme court. 71100

(2) A "general election period" begins on the day after 71101  
the primary election immediately preceding the general election 71102  
at which a candidate seeks an office specified in division (A) 71103  
(1) of this section and ends on the thirty-first day of December 71104  
following that general election. 71105

(3) A "primary election period" begins on the first day of 71106  
January of the year following the year in which the general 71107  
election was held for the office that the candidate seeks, 71108  
including any mid-term election, and ends on the day of the 71109  
primary election. 71110

(B) Whenever the campaign committee of a candidate has 71111  
unpaid debt at the end of a primary election period or at the 71112  
end of a general election period, the committee may accept 71113  
additional contributions during the immediately following 71114  
election period up to the applicable limitation prescribed under 71115  
section 3517.102 of the Revised Code from any individual, 71116  
political action committee, political contributing entity, or 71117  
other campaign committee who, during the primary or general 71118  
election period for which debt remains unpaid, has contributed 71119  
less than the contribution limitations prescribed under section 71120  
3517.102 of the Revised Code applicable to that individual, 71121  
political action committee, political contributing entity, or 71122  
other campaign committee. Any additional contribution that a 71123  
campaign committee accepts under this division shall count 71124  
toward the applicable limitations prescribed under section 71125  
3517.102 of the Revised Code for that primary or general 71126  
election period at the end of which the debt remains unpaid, and 71127  
shall not count toward the applicable limitations for any other 71128  
primary or general election period if all of the following 71129

conditions apply: 71130

(1) The campaign committee reports, on the statement 71131  
required to be filed under division (A) (2) of section 3517.10 of 71132  
the Revised Code, all debt remaining unpaid at the end of the 71133  
election period. The committee shall also file a separate 71134  
statement, on a form prescribed by the secretary of state, at 71135  
the same time that the committee is required to file a statement 71136  
of contributions and expenditures under section 3517.10 of the 71137  
Revised Code. The separate statement shall include the name and 71138  
address of each contributor who makes an additional contribution 71139  
under division (B) of this section, how the contribution was 71140  
applied to pay the unpaid debt as required by division (B) (3) of 71141  
this section, and the balance of the unpaid debt after each 71142  
contribution was applied to it. 71143

(2) The additional contributions are accepted only during 71144  
the primary or general election period, whichever is applicable, 71145  
immediately following the election period covered in the 71146  
statement filed under division (B) (1) of this section. 71147

(3) All additional contributions made under division (B) 71148  
of this section are used by the campaign committee that receives 71149  
them only to pay the debt of the committee reported under 71150  
division (B) (1) of this section. 71151

(4) The campaign committee maintains a separate account 71152  
for all additional contributions made under division (B) of this 71153  
section and uses moneys in that account only to pay the unpaid 71154  
debt reported under division (B) (1) of this section and to 71155  
administer the account. 71156

(5) The campaign committee stops accepting additional 71157  
contributions after funds sufficient to repay the unpaid debt 71158

reported under division (B)(1) of this section have been raised 71159  
and promptly disposes of any contributions received that exceed 71160  
the amount of the unpaid debt by returning the excess 71161  
contributions to the contributors or by giving the excess 71162  
contributions to an organization that is exempt from federal 71163  
income taxation under subsection 501(a) and described in 71164  
subsection 501(c)(3), (4), (8), (10), or (19) of the Internal 71165  
Revenue Code. 71166

**Sec. 3517.109.** (A) As used in this section: 71167

(1) "Candidate" has the same meaning as in section 3517.01 71168  
of the Revised Code but includes only candidates for the offices 71169  
of governor, lieutenant governor, secretary of state, auditor of 71170  
state, treasurer of state, attorney general, ~~member of the state~~ 71171  
~~board of education,~~ and member of the general assembly. 71172

(2) "Statewide candidate" means the joint candidates for 71173  
the offices of governor and lieutenant governor or a candidate 71174  
for the office of secretary of state, auditor of state, 71175  
treasurer of state, and attorney general, ~~and member of the~~ 71176  
~~state board of education.~~ 71177

(3) "Senate candidate" means a candidate for the office of 71178  
state senator. 71179

(4) "House candidate" means a candidate for the office of 71180  
state representative. 71181

(5) "State office" means the offices of governor, 71182  
lieutenant governor, secretary of state, auditor of state, 71183  
treasurer of state, attorney general, ~~member of the state board~~ 71184  
~~of education,~~ and member of the general assembly. 71185

(6) "Aggregate contribution" means the total of all 71186  
contributions from a contributor during the pre-filing period. 71187

(7) "Allowable aggregate contribution" means all of the 71188  
following: 71189

(a) In the case of a contribution from a contributor whose 71190  
contributions are subject to the contribution limits described 71191  
in division (B) (1), (2), (3), (6) (a), or (7) of section 3517.102 71192  
of the Revised Code, that portion of the amount of the 71193  
contributor's aggregate contribution that does not exceed the 71194  
preprimary contribution limit applicable to that contributor. 71195

(b) In the case of a contribution or contributions from a 71196  
contributor whose contributions are not subject to the 71197  
contribution limits described in divisions (B) (1), (2), (3), (6) 71198  
(a), or (7) of section 3517.102 of the Revised Code, the total 71199  
of the following: 71200

(i) That portion of the aggregate contribution that was 71201  
received as in-kind services; 71202

(ii) That portion of the aggregate contribution that was 71203  
received as cash and does not exceed the applicable preprimary 71204  
cash transfer or contribution limits described in division (B) 71205  
(6) (b) of section 3517.102 of the Revised Code. 71206

(8) "Excess aggregate contribution" means, for each 71207  
contributor, the amount by which that contributor's aggregate 71208  
contribution exceeds that contributor's allowable aggregate 71209  
contribution. 71210

(9) "Pre-filing period" means the period of time ending on 71211  
the day that the candidacy petitions are due for the state 71212  
office for which the candidate has filed and beginning on the 71213  
latest date of the following: 71214

(a) The first day of January of the year following the 71215  
general election in which that state office was last on the 71216

ballot; 71217

(b) The first day of January of the year following the 71218  
general election in which the candidate was last a candidate for 71219  
any office; 71220

(c) The first day of the month following the primary 71221  
election in which the candidate was last a candidate for any 71222  
office. 71223

(10) "Filing date" means the last date on which a 71224  
candidacy petition may be filed for an office. 71225

(11) "Applicable carry-in limit" means thirty-five 71226  
thousand dollars if the candidate is a house candidate ~~or a~~ 71227  
~~candidate for the state board of education~~, one hundred thousand 71228  
dollars if the candidate is a senate candidate, and two hundred 71229  
thousand dollars if the candidate is a statewide candidate ~~other~~ 71230  
~~than a candidate for the state board of education~~. 71231

(12) "Campaign asset" means prepaid, purchased, or donated 71232  
assets available to the candidate on the date of the filing 71233  
deadline for the office the candidate is seeking that will be 71234  
consumed or depleted in the course of the candidate's election 71235  
campaign, including, but not limited to, postage, prepaid rent 71236  
for campaign headquarters, prepaid radio, television, and 71237  
newspaper advertising, and other prepaid consulting and personal 71238  
services. 71239

(13) "Permitted funds" means the sum of the following: 71240

(a) The total of the allowable aggregate contribution of 71241  
each contributor; 71242

(b) The applicable carry-in limit. 71243

(14) "Excess funds" means the amount by which the sum of 71244

the total cash on hand and total reported campaign assets 71245  
exceeds permitted funds. 71246

(15) "Covered candidate" means both of the following: 71247

(a) A candidate who, during the pre-filing period, accepts 71248  
or has a campaign committee that accepts contributions on the 71249  
candidate's behalf for the purpose of nominating or electing the 71250  
candidate to any office not subject to the contribution limits 71251  
prescribed in section 3517.102 of the Revised Code; 71252

(b) A person who, during the pre-filing period, accepts or 71253  
has a campaign committee that accepts contributions on the 71254  
person's behalf prior to the person deciding upon or announcing 71255  
the office for which the person will become a candidate for 71256  
nomination or election. 71257

(B) Each candidate who files for state office, not later 71258  
than the filing date for that office, shall dispose of any 71259  
excess funds. Each covered candidate who files for state office, 71260  
not later than the filing date for that office, shall dispose of 71261  
any excess aggregate contributions. 71262

(C) Any campaign committee that is required to dispose of 71263  
excess funds or excess aggregate contributions under division 71264  
(B) of this section shall dispose of that excess amount or 71265  
amounts by doing any of the following: 71266

(1) Giving the amount to the treasurer of state for 71267  
deposit into the state treasury to the credit of the Ohio 71268  
~~elections~~ election integrity commission fund created ~~by division~~ 71269  
~~(I) of under~~ section 3517.152-111.29 of the Revised Code; 71270

(2) Giving the amount to individuals who made 71271  
contributions to that campaign committee as a refund of all or 71272  
part of their contributions; 71273



(3) Giving the amount to a corporation that is exempt from 71274  
federal income taxation under subsection 501(a) and described in 71275  
subsection 501(c) of the Internal Revenue Code. 71276

(D) (1) Subject to division (D) (2) of this section, no 71277  
candidate or covered candidate shall appear on the ballot, even 71278  
if certified to appear on the ballot, unless the candidate's or 71279  
covered candidate's campaign committee has disposed of excess 71280  
funds, excess aggregate contributions, or both as required by 71281  
divisions (B) and (C) of this section. 71282

(2) If the excess aggregate contributions accepted by a 71283  
covered candidate or a covered candidate's campaign committee 71284  
aggregate a total of less than five thousand dollars from all 71285  
contributors, that candidate shall not be prohibited from 71286  
appearing on the ballot under division (D) (1) of this section. 71287

(E) (1) The campaign committee of each candidate required 71288  
to dispose of excess funds under this section shall file a 71289  
report, on a form prescribed by the secretary of state, with the 71290  
official or board with which the candidate is required to file 71291  
statements under section 3517.11 of the Revised Code. The report 71292  
shall be filed by the seventh day following the filing deadline 71293  
for the office the candidate is seeking, shall indicate the 71294  
amount of excess funds disposed of, and shall describe the 71295  
manner in which the campaign committee disposed of the excess 71296  
amount. 71297

(2) In addition to the information required to be included 71298  
in a report filed under division (E) (1) of this section, the 71299  
campaign committee of each covered candidate required to dispose 71300  
of excess aggregate contributions under this section shall 71301  
include in that report the source and amount of each excess 71302  
aggregate contribution disposed of and shall describe the manner 71303

in which the campaign committee disposed of the excess amount. 71304

(F) (1) Each campaign committee of a candidate who has 71305  
filed a declaration of candidacy or a nominating petition for a 71306  
state office, not later than seven days after the filing date 71307  
for the office the candidate is seeking, shall file a 71308  
declaration of filing-day finances, on a form prescribed by the 71309  
secretary of state, with the official or board with which the 71310  
candidate is required to file statements under section 3517.11 71311  
of the Revised Code. 71312

(2) A declaration of filing-day finances shall list all of 71313  
the following: 71314

(a) The amount of cash on hand in the candidate's campaign 71315  
fund on the filing date for the office the candidate is seeking. 71316

(b) The value and description of all campaign assets worth 71317  
five hundred dollars or more available to the candidate on the 71318  
filing date. Assets purchased by the campaign shall be valued at 71319  
actual cost, and in-kind contributions shall be valued at market 71320  
value. 71321

(c) The total of all aggregate contributions; 71322

(d) The total of all allowable aggregate contributions; 71323

(e) The applicable carry-in limit, if any. 71324

(3) In addition to the information required to be included 71325  
in a report of filing-day finances filed under division (F) (1) 71326  
of this section, the campaign committee of each covered 71327  
candidate shall include both of the following in that report: 71328

(a) The total of all excess aggregate contributions; 71329

(b) For each contributor, if any, for whom there is an 71330

excess aggregate contribution, the name, address, aggregate 71331  
contribution, and excess aggregate contribution. 71332

(G) A campaign committee of a candidate is not required to 71333  
file a declaration of filing-day finances under division (F) of 71334  
this section if all of the following apply: 71335

(1) The campaign committee has not accepted, during the 71336  
pre-filing period, any aggregate contribution greater than the 71337  
applicable amount. 71338

(2) The campaign committee had less than the carry-in 71339  
amount in cash on hand at the beginning of the pre-filing 71340  
period. 71341

(3) The candidate files a declaration, on a form 71342  
prescribed by the secretary of state, with the official or board 71343  
with which the candidate is required to file statements under 71344  
section 3517.11 of the Revised Code not later than seven days 71345  
after the filing date for the office that candidate is seeking, 71346  
stating that the candidate's campaign committee has not accepted 71347  
aggregate contributions as described in division (G)(1) of this 71348  
section and has less than the carry-in amount in cash on hand as 71349  
described in division (G)(2) of this section. 71350

Sec. 3517.1010. (A) If a campaign committee or political 71351  
action committee desires to terminate itself under division (A) 71352  
of section 3517.10 of the Revised Code, but has a balance on 71353  
hand and no outstanding obligations, the committee may file a 71354  
statement indicating its desire to be terminated with the Ohio 71355  
election integrity commission. The commission shall declare the 71356  
committee terminated if all of the following apply: 71357

(1) The committee has received no contributions and made 71358  
no expenditures during the past five years. 71359

(2) The person responsible for the operation of the 71360  
campaign committee or political action committee attests, by an 71361  
affidavit under penalty of election falsification, that the 71362  
person has used the person's best efforts to correct or identify 71363  
the errors preventing the person from disposing of any excess 71364  
funds or aggregate contributions, or otherwise winding up the 71365  
committee's affairs and reducing the balance on hand to zero. 71366

(3) The person submits an affidavit by a certified public 71367  
accountant verifying that, after reasonable efforts, 71368  
reconciliation is not possible. 71369

(4) The commission determines that reconciliation is not 71370  
possible and that the balance is a de minimis amount. 71371

(B) The commission may, of its own accord, declare a 71372  
campaign committee or political action committee terminated if 71373  
all of the following apply: 71374

(1) The committee has received no contributions and made 71375  
no expenditures during the past five years. 71376

(2) After a reasonable effort at searching, the commission 71377  
determines that the only person responsible for the operation of 71378  
the committee has died or is unavailable for another reason. 71379

(3) The committee's balance on hand is zero or the 71380  
commission determines that the balance is a de minimis amount. 71381

**Sec. 3517.1011.** (A) As used in this section: 71382

(1) "Address" has the same meaning as in section 3517.10 71383  
of the Revised Code. 71384

(2) "Broadcast, cable, or satellite communication" means a 71385  
communication that is publicly distributed by a television 71386  
station, radio station, cable television system, or satellite 71387

system. 71388

(3) "Candidate" has the same meaning as in section 3501.01 71389  
of the Revised Code. 71390

(4) "Contribution" means any loan, gift, deposit, 71391  
forgiveness of indebtedness, donation, advance, payment, or 71392  
transfer of funds or of anything of value, including a transfer 71393  
of funds from an inter vivos or testamentary trust or decedent's 71394  
estate, and the payment by any person other than the person to 71395  
whom the services are rendered for the personal services of 71396  
another person, that is made, received, or used to pay the 71397  
direct costs of producing or airing electioneering 71398  
communications. 71399

(5) (a) "Coordinated electioneering communication" means 71400  
any electioneering communication that is made pursuant to any 71401  
arrangement, coordination, or direction by a candidate or a 71402  
candidate's campaign committee, by an officer, agent, employee, 71403  
or consultant of a candidate or a candidate's campaign 71404  
committee, or by a former officer, former agent, former 71405  
employee, or former consultant of a candidate or a candidate's 71406  
campaign committee prior to the airing, broadcasting, or 71407  
cablecasting of the communication. An electioneering 71408  
communication is presumed to be a "coordinated electioneering 71409  
communication" when it is either of the following: 71410

(i) Based on information about a candidate's plans, 71411  
projects, or needs provided to the person making the 71412  
disbursement by the candidate or the candidate's campaign 71413  
committee, by an officer, agent, employee, or consultant of the 71414  
candidate or the candidate's campaign committee, or by a former 71415  
officer, former agent, former employee, or former consultant of 71416  
the candidate or the candidate's campaign committee, with a view 71417

toward having the communication made; 71418

(ii) Made by or through any person who is, or has been, 71419  
authorized to raise or expend funds on behalf of a candidate or 71420  
the candidate's campaign committee, who is, or has been, an 71421  
officer, agent, employee, or consultant of the candidate or of 71422  
the candidate's campaign committee, or who is, or has been, 71423  
receiving any form of compensation or reimbursement from the 71424  
candidate or the candidate's campaign committee or from an 71425  
officer, agent, employee, or consultant of the candidate or of 71426  
the candidate's campaign committee. 71427

(b) An electioneering communication shall not be presumed 71428  
to be a "coordinated electioneering communication" under 71429  
division (A)(5)(a)(ii) of this section if the communication is 71430  
made through any person who provides a service that does not 71431  
affect the content of the communication, such as communications 71432  
placed through the efforts of a media buyer, unless that person 71433  
also affects the content of the communication. 71434

(6) "Disclosure date" means both of the following: 71435

(a) The first date during any calendar year by which a 71436  
person makes disbursements for the direct costs of producing or 71437  
airing electioneering communications aggregating in excess of 71438  
ten thousand dollars; 71439

(b) The same day of the week of each remaining week in the 71440  
same calendar year as the day of the week of the initial 71441  
disclosure date established under division (A)(6)(a) of this 71442  
section, if, during that remaining week, the person makes 71443  
disbursements for the direct costs of producing or airing 71444  
electioneering communications aggregating in excess of one 71445  
dollar. 71446

(7) (a) "Electioneering communication" means any broadcast, 71447  
cable, or satellite communication that refers to a clearly 71448  
identified candidate and that is made during either of the 71449  
following periods of time: 71450

(i) If the person becomes a candidate before the day of 71451  
the primary election at which candidates will be nominated for 71452  
election to that office, between the date that the person 71453  
becomes a candidate and the thirtieth day prior to that primary 71454  
election, and between the date of the primary election and the 71455  
thirtieth day prior to the general election at which a candidate 71456  
will be elected to that office; 71457

(ii) If the person becomes a candidate after the day of 71458  
the primary election at which candidates were nominated for 71459  
election to that office, between the date of the primary 71460  
election and the thirtieth day prior to the general election at 71461  
which a candidate will be elected to that office. 71462

(b) "Electioneering communication" does not include any of 71463  
the following: 71464

(i) A communication that is publicly disseminated through 71465  
a means of communication other than a broadcast, cable, or 71466  
satellite television or radio station. For example, 71467  
"electioneering communication" does not include communications 71468  
appearing in print media, including a newspaper or magazine, 71469  
handbill, brochure, bumper sticker, yard sign, poster, 71470  
billboard, and other written materials, including mailings; 71471  
communications over the internet, including electronic mail; or 71472  
telephone communications. 71473

(ii) A communication that appears in a news story, 71474  
commentary, public service announcement, bona fide news 71475

programming, or editorial distributed through the facilities of 71476  
any broadcast, cable, or satellite television or radio station, 71477  
unless those facilities are owned or controlled by any political 71478  
party, political committee, or candidate; 71479

(iii) A communication that constitutes an expenditure or 71480  
an independent expenditure under section 3517.01 of the Revised 71481  
Code; 71482

(iv) A communication that constitutes a candidate debate 71483  
or forum or that solely promotes a candidate debate or forum and 71484  
is made by or on behalf of the person sponsoring the debate or 71485  
forum. 71486

(8) "Filing date" has the same meaning as in section 71487  
3517.109 of the Revised Code. 71488

(9) "Immigration and Nationality Act" means the 71489  
Immigration and Nationality Act, 110 Stat. 309 (1996), 8 U.S.C. 71490  
1101 et seq., as amended. 71491

(10) "Person" has the same meaning as in section 1.59 of 71492  
the Revised Code and includes any political organization 71493  
considered exempt from income taxation under section 527 of the 71494  
Internal Revenue Code. 71495

(11) "Political committee" means any of the following: 71496

(a) Any committee, club, association, or other group of 71497  
persons that receives contributions aggregating in excess of one 71498  
thousand dollars during a calendar year or that makes 71499  
expenditures aggregating in excess of one thousand dollars 71500  
during a calendar year; 71501

(b) Any separate segregated fund; 71502

(c) Any state, county, or local committee of a political 71503



party that does any of the following: 71504

(i) Receives contributions aggregating in excess of five 71505  
thousand dollars during a calendar year; 71506

(ii) Makes payments that do not constitute contributions 71507  
or expenditures aggregating in excess of five thousand dollars 71508  
during a calendar year; 71509

(iii) Makes contributions or expenditures aggregating in 71510  
excess of one thousand dollars during a calendar year. 71511

(12) "Publicly distributed" means aired, broadcast, 71512  
cablecast, or otherwise disseminated for a fee. 71513

(13) "Refers to a clearly identified candidate" means that 71514  
the candidate's name, nickname, photograph, or drawing appears, 71515  
or the identity of the candidate is otherwise apparent through 71516  
an unambiguous reference to the person such as "the chief 71517  
justice," "the governor," "member of the Ohio senate," "member 71518  
of the Ohio house of representatives," "county auditor," 71519  
"mayor," or "township trustee" or through an unambiguous 71520  
reference to the person's status as a candidate. 71521

(B) For the purposes of this section, a person shall be 71522  
considered to have made a disbursement if the person has entered 71523  
into a contract to make the disbursement. 71524

(C) Any person intending to make a disbursement or 71525  
disbursements for the direct costs of producing or airing 71526  
electioneering communications, prior to making the first 71527  
disbursement for the direct costs of producing or airing an 71528  
electioneering communication, shall file a notice with the 71529  
office of the secretary of state that the person is intending to 71530  
make such disbursements. 71531

(D) (1) Every person that makes a disbursement or 71532  
disbursements for the direct costs of producing and airing 71533  
electioneering communications aggregating in excess of ten 71534  
thousand dollars during any calendar year shall file, within 71535  
twenty-four hours of each disclosure date, a disclosure of 71536  
electioneering communications statement containing the following 71537  
information: 71538

(a) The full name and address of the person making the 71539  
disbursement, of any person sharing or exercising direction or 71540  
control over the activities of the person making the 71541  
disbursement, and of the custodian of the books and accounts of 71542  
the person making the disbursement; 71543

(b) The principal place of business of the person making 71544  
the disbursement, if not an individual; 71545

(c) The amount of each disbursement of more than one 71546  
dollar during the period covered by the statement and the 71547  
identity of the person to whom the disbursement was made; 71548

(d) The nominations or elections to which the 71549  
electioneering communications pertain and the names, if known, 71550  
of the candidates identified or to be identified; 71551

(e) If the disbursements were paid out of a segregated 71552  
bank account that consists of funds contributed solely by 71553  
individuals who are United States citizens or nationals or 71554  
lawfully admitted for permanent residence as defined in section 71555  
101(a) (20) of the Immigration and Nationality Act directly to 71556  
the account for electioneering communications, the information 71557  
specified in division (D) (2) of this section for all 71558  
contributors who contributed an aggregate amount of two hundred 71559  
dollars or more to the segregated bank account and whose 71560

contributions were used for making the disbursement or 71561  
disbursements required to be reported under division (D) of this 71562  
section during the period covered by the statement. Nothing in 71563  
this division prohibits or shall be construed to prohibit the 71564  
use of funds in such a segregated bank account for a purpose 71565  
other than electioneering communications. 71566

(f) If the disbursements were paid out of funds not 71567  
described in division (D) (1) (e) of this section, the information 71568  
specified in division (D) (2) of this section for all 71569  
contributors who contributed an aggregate amount of two hundred 71570  
dollars or more to the person making the disbursement and whose 71571  
contributions were used for making the disbursement or 71572  
disbursements required to be reported under division (D) of this 71573  
section during the period covered by the statement. 71574

(2) For each contributor for which information is required 71575  
to be reported under division (D) (1) (e) or (f) of this section, 71576  
all of the following shall be reported: 71577

(a) The month, day, and year that the contributor made the 71578  
contribution or contributions aggregating two hundred dollars or 71579  
more; 71580

(b) (i) The full name and address of the contributor, and, 71581  
if the contributor is a political action committee, the 71582  
registration number assigned to the political action committee 71583  
under division (D) (1) of section 3517.10 of the Revised Code; 71584

(ii) If the contributor is an individual, the name of the 71585  
individual's current employer, if any, or, if the individual is 71586  
self-employed, the individual's occupation and the name of the 71587  
individual's business, if any; 71588

(iii) If the contribution is transmitted pursuant to 71589

section 3599.031 of the Revised Code from amounts deducted from 71590  
the wages and salaries of two or more employees that exceed in 71591  
the aggregate one hundred dollars during the period specified in 71592  
division (D) (1) (e) or (f) of this section, as applicable, the 71593  
full name of the employees' employer and the full name of the 71594  
labor organization of which the employees are members, if any. 71595

(c) A description of the contribution, if other than 71596  
money; 71597

(d) The value in dollars and cents of the contribution. 71598

(3) Subject to the secretary of state having implemented, 71599  
tested, and verified the successful operation of any system the 71600  
secretary of state prescribes pursuant to divisions (C) (6) (b) 71601  
and (D) (6) of section 3517.10 and division (F) (1) of section 71602  
3517.106 of the Revised Code for the filing of campaign finance 71603  
statements by electronic means of transmission, a person shall 71604  
file the disclosure of electioneering communications statement 71605  
prescribed under divisions (D) (1) and (2) of this section by 71606  
electronic means of transmission to the office of the secretary 71607  
of state. 71608

Within five business days after the secretary of state 71609  
receives a disclosure of electioneering communications statement 71610  
under this division, the secretary of state shall make available 71611  
online to the public through the internet, as provided in 71612  
division (G) of section 3517.106 of the Revised Code, the 71613  
contribution and disbursement information in that statement. 71614

If a filed disclosure of electioneering communications 71615  
statement is found to be incomplete or inaccurate after its 71616  
examination for completeness and accuracy pursuant to division 71617  
(B) (3) (a) of section 3517.11 of the Revised Code, the person 71618

shall file by electronic means of transmission to the office of 71619  
the secretary of state any addendum, amendment, or other 71620  
correction to the statement that provides the information 71621  
necessary to complete or correct the statement or, if required 71622  
by the secretary of state under that division, an amended 71623  
statement. 71624

Within five business days after the secretary of state 71625  
receives an addendum, amendment, or other correction to a 71626  
disclosure of electioneering communications statement or an 71627  
amended statement by electronic means of transmission under this 71628  
division or division (B) (3) (a) of section 3517.11 of the Revised 71629  
Code, the secretary of state shall make the contribution and 71630  
disbursement information in the addendum, amendment, or other 71631  
correction to the statement or amended statement available 71632  
online to the public through the internet as provided in 71633  
division (G) of section 3517.106 of the Revised Code. 71634

(E) (1) Any person who makes a contribution for the purpose 71635  
of funding the direct costs of producing or airing an 71636  
electioneering communication under this section shall provide 71637  
the person's full name and address to the recipient of the 71638  
contribution at the time the contribution is made. 71639

(2) Any individual who makes a contribution or 71640  
contributions aggregating two hundred dollars or more for the 71641  
purpose of funding the direct costs of producing or airing an 71642  
electioneering communication under this section shall provide 71643  
the name of the individual's current employer, if any, or, if 71644  
the individual is self-employed, the individual's occupation and 71645  
the name of the individual's business, if any, to the recipient 71646  
of the contribution at the time the contribution is made. 71647

(F) In each electioneering communication, a statement 71648

shall appear or be presented in a clear and conspicuous manner 71649  
that does both of the following: 71650

(1) Clearly indicates that the electioneering 71651  
communication is not authorized by the candidate or the 71652  
candidate's campaign committee; 71653

(2) Clearly identifies the person making the disbursement 71654  
for the electioneering communication in accordance with section 71655  
3517.20 of the Revised Code. 71656

(G) Any coordinated electioneering communication is an in- 71657  
kind contribution, subject to the applicable contribution limits 71658  
prescribed in section 3517.102 of the Revised Code, to the 71659  
candidate by the person making disbursements to pay the direct 71660  
costs of producing or airing the communication. 71661

~~(H) No person shall make, during the thirty days preceding 71662  
a primary election or during the thirty days preceding a general 71663  
election, any broadcast, cable, or satellite communication that 71664  
refers to a clearly identified candidate using any contributions 71665  
received from a corporation or labor organization. 71666~~

**Sec. 3517.1012.** (A) (1) Each state and county political 71667  
party shall establish a restricted fund that is separate from 71668  
all other accounts of the political party. 71669

(2) A state or county political party shall deposit into 71670  
its restricted fund all gifts that are made to or accepted by 71671  
the political party from a corporation or labor organization 71672  
subject to the applicable limitations prescribed in division (X) 71673  
of section 3517.13 of the Revised Code. A state or county 71674  
political party may deposit into its restricted fund any gifts 71675  
that are made to or accepted by the political party from a 71676  
source other than a corporation or labor organization. 71677

(3) Moneys in a state or county political party's 71678  
restricted fund may be disbursed to pay costs incurred for any 71679  
of the following purposes—specified in division (A) of section— 71680  
3517.18 of the Revised Code: 71681

(a) The defraying of operating and maintenance costs 71682  
associated with political party headquarters, including rental 71683  
or leasing costs, staff salaries, office equipment and supplies, 71684  
postage, and the purchase, lease, or maintenance of computer 71685  
hardware and software; 71686

(b) The organization of voter registration programs and 71687  
get-out-the-vote campaigns and the costs associated with voter 71688  
registration and get-out-the-vote activities, including, but not 71689  
limited to, rental costs for booth spaces at fairs, festivals, 71690  
or similar events if voter registration forms are available at 71691  
those booths, printing costs for registration forms, mailing 71692  
costs for communications soliciting voter registration, and 71693  
payments for the services of persons conducting voter 71694  
registration and get-out-the-vote activities; 71695

(c) The administration of party fund-raising drives; 71696

(d) Direct mail campaigns or other communications with the 71697  
registered voters of a party that are not related to any 71698  
particular candidate or election; 71699

(e) The preparation of reports required by law. 71700

(B) Except as otherwise provided in this division, a state 71701  
or county political party shall file deposit and disbursement 71702  
statements, in the same manner as the party is required to file 71703  
statements of contributions and expenditures under section 71704  
3517.10 of the Revised Code, regarding all deposits made into, 71705  
and all disbursements made from, the party's restricted fund. 71706

Deposit and disbursement statements filed in accordance with 71707  
this division by a county political party shall be filed by 71708  
electronic means of transmission to the office of the secretary 71709  
of state at the times specified in division (A) of section 71710  
3517.10 of the Revised Code for the filing of statements of 71711  
contributions and expenditures if the county political party 71712  
accepts gifts from a corporation or labor organization under 71713  
division (A) (2) of this section. 71714

**Sec. 3517.11.** (A) (1) Campaign committees of candidates for 71715  
~~statewide office or the state board of education,~~ political 71716  
action committees or political contributing entities that make 71717  
contributions to campaign committees of candidates that are 71718  
required to file the statements prescribed by section 3517.10 of 71719  
the Revised Code with the secretary of state, political action 71720  
committees or political contributing entities that make 71721  
contributions to campaign committees of candidates for member of 71722  
the general assembly, political action committees or political 71723  
contributing entities that make contributions to state and 71724  
national political parties and to legislative campaign funds, 71725  
political action committees or political contributing entities 71726  
that receive contributions or make expenditures in connection 71727  
with a statewide ballot issue, political action committees or 71728  
political contributing entities that make contributions to other 71729  
political action committees or political contributing entities, 71730  
political parties, and campaign committees, except as set forth 71731  
in division (A) (3) of this section, legislative campaign funds, 71732  
and state and national political parties shall file the 71733  
statements prescribed by section 3517.10 of the Revised Code 71734  
with the secretary of state. 71735

(2) (a) Except as otherwise provided in division (E) of 71736  
section 3517.106 of the Revised Code, campaign committees of 71737



candidates for all other offices shall file the statements 71738  
prescribed by section 3517.10 of the Revised Code with the board 71739  
of elections where their candidates are required to file their 71740  
petitions or other papers for nomination or election. 71741

(b) A campaign committee of a candidate for office of 71742  
member of the general assembly or a campaign committee of a 71743  
candidate for the office of judge of a court of appeals shall 71744  
file two copies of the printed version of any statement, 71745  
addendum, or amended statement if the committee does not file 71746  
pursuant to division (E) or (J) of section 3517.106 of the 71747  
Revised Code but files by printed version only with the 71748  
appropriate board of elections. The board of elections shall 71749  
send one of those copies by certified mail or an electronic copy 71750  
to the secretary of state before the close of business on the 71751  
day the board of elections receives the statement, addendum, or 71752  
amended statement. 71753

(3) Political action committees or political contributing 71754  
entities that only contribute to a county political party, 71755  
contribute to campaign committees of candidates whose nomination 71756  
or election is to be submitted only to electors within a county, 71757  
subdivision, or district, excluding candidates for member of the 71758  
general assembly, and receive contributions or make expenditures 71759  
in connection with ballot questions or issues to be submitted 71760  
only to electors within a county, subdivision, or district shall 71761  
file the statements prescribed by section 3517.10 of the Revised 71762  
Code with the board of elections in that county or in the county 71763  
contained in whole or part within the subdivision or district 71764  
having a population greater than that of any other county 71765  
contained in whole or part within that subdivision or district, 71766  
as the case may be. 71767

(4) Except as otherwise provided in division (E) (1) (e) of 71768  
section 3517.106 of the Revised Code with respect to state 71769  
candidate funds, county political parties shall file the 71770  
statements prescribed by section 3517.10 of the Revised Code 71771  
with the board of elections of their respective counties. 71772

(B) (1) The official with whom petitions and other papers 71773  
for nomination or election to public office are filed shall 71774  
furnish each candidate at the time of that filing a copy of 71775  
sections 3517.01, 3517.08 to 3517.11, 3517.13 to 71776  
~~3517.993~~3517.991, 3599.03, and 3599.031 of the Revised Code and 71777  
any other materials that the secretary of state may require. 71778  
Each candidate receiving the materials shall acknowledge their 71779  
receipt in writing. 71780

(2) On or before the tenth day before the dates on which 71781  
statements are required to be filed by section 3517.10 of the 71782  
Revised Code, the secretary of state shall notify every 71783  
candidate subject to the provisions of this section and sections 71784  
3517.10 and 3517.106 of the Revised Code of the requirements and 71785  
applicable penalties of those sections. The secretary of state 71786  
shall notify all candidates required to file those statements 71787  
with the secretary of state's office either by certified mail, 71788  
or, if the secretary of state has record of an internet 71789  
identifier of record associated with the candidate, by ordinary 71790  
mail and by that internet identifier of record. The board of 71791  
elections of every county shall notify by first class mail any 71792  
candidate who has personally appeared at the office of the board 71793  
on or before the tenth day before the statements are required to 71794  
be filed and signed a form, to be provided by the secretary of 71795  
state, attesting that the candidate has been notified of the 71796  
candidate's obligations under the campaign finance law. The 71797  
board shall forward the completed form to the secretary of 71798

state. The board shall notify all other candidates required to 71799  
file those statements with it either by certified mail, or, if 71800  
the secretary of state has record of an internet identifier of 71801  
record associated with the candidate, by ordinary mail and by 71802  
that internet identifier of record. 71803

(3) (a) Any statement required to be filed under sections 71804  
3517.081 to ~~3517.14~~ 3517.13 of the Revised Code that is found to 71805  
be incomplete or inaccurate by the officer to whom it is 71806  
submitted shall be accepted on a conditional basis, and the 71807  
person who filed it shall be notified by certified mail as to 71808  
the incomplete or inaccurate nature of the statement. The 71809  
secretary of state may examine statements filed for candidates 71810  
for the office of member of the general assembly and candidates 71811  
for the office of judge of a court of appeals for completeness 71812  
and accuracy. The secretary of state shall examine for 71813  
completeness and accuracy statements that campaign committees of 71814  
candidates for the office of member of the general assembly and 71815  
campaign committees of candidates for the office of judge of a 71816  
court of appeals file pursuant to division (E) or (J) of section 71817  
3517.106 of the Revised Code. If an officer at the board of 71818  
elections where a statement filed for a candidate for the office 71819  
of member of the general assembly or for a candidate for the 71820  
office of judge of a court of appeals was submitted finds the 71821  
statement to be incomplete or inaccurate, the officer shall 71822  
immediately notify the secretary of state of its incomplete or 71823  
inaccurate nature. If either an officer at the board of 71824  
elections or the secretary of state finds a statement filed for 71825  
a candidate for the office of member of the general assembly or 71826  
for a candidate for the office of judge of a court of appeals to 71827  
be incomplete or inaccurate, only the secretary of state shall 71828  
send the notification as to the incomplete or inaccurate nature 71829

of the statement. 71830

Within twenty-one days after receipt of the notice, in the 71831  
case of a pre-election statement, a postelection statement, a 71832  
monthly statement, an annual statement, or a semiannual 71833  
statement prescribed by section 3517.10, an annual statement 71834  
prescribed by section 3517.101, or a statement prescribed by 71835  
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 71836  
3517.107 of the Revised Code, the recipient shall file an 71837  
addendum, amendment, or other correction to the statement 71838  
providing the information necessary to complete or correct the 71839  
statement. The secretary of state may require that, in lieu of 71840  
filing an addendum, amendment, or other correction to a 71841  
statement that is filed by electronic means of transmission to 71842  
the office of the secretary of state or a board of elections 71843  
pursuant to section 3517.106 of the Revised Code, the recipient 71844  
of the notice described in this division file by electronic 71845  
means of transmission an amended statement that incorporates the 71846  
information necessary to complete or correct the statement. 71847

The secretary of state shall determine by rule when an 71848  
addendum, amendment, or other correction to any of the following 71849  
or when an amended statement of any of the following shall be 71850  
filed: 71851

(i) A two-business-day statement prescribed by section 71852  
3517.10 of the Revised Code; 71853

(ii) A disclosure of electioneering communications 71854  
statement prescribed by division (D) of section 3517.1011 of the 71855  
Revised Code; 71856

(iii) A deposit and disbursement statement prescribed 71857  
under division (B) of section 3517.1012 of the Revised Code; 71858

(iv) A gift and disbursement statement prescribed under 71859  
section 3517.1013 of the Revised Code; 71860

(v) A donation and disbursement statement prescribed under 71861  
section 3517.1014 of the Revised Code. 71862

An addendum, amendment, or other correction to a statement 71863  
that is filed by electronic means of transmission pursuant to 71864  
section 3517.106 of the Revised Code shall be filed in the same 71865  
manner as the statement. 71866

The provisions of sections 3517.10, 3517.106, 3517.1011, 71867  
3517.1012, 3517.1013, and 3517.1014 of the Revised Code 71868  
pertaining to the filing of statements of contributions and 71869  
expenditures, statements of independent expenditures, disclosure 71870  
of electioneering communications statements, deposit and 71871  
disbursement statements, gift and disbursement statements, and 71872  
donation and disbursement statements by electronic means of 71873  
transmission apply to the filing of addenda, amendments, or 71874  
other corrections to those statements by electronic means of 71875  
transmission and the filing of amended statements by electronic 71876  
means of transmission. 71877

(b) Within five business days after the secretary of state 71878  
receives, by electronic or other means of transmission, an 71879  
addendum, amendment, or other correction to a statement or an 71880  
amended statement under division (B)(3)(a) of this section, the 71881  
secretary of state, pursuant to divisions (E) and (G) of section 71882  
3517.106 or division (D) of section 3517.1011 of the Revised 71883  
Code, shall make the contribution and expenditure, contribution 71884  
and disbursement, deposit and disbursement, gift and 71885  
disbursement, or donation and disbursement information in that 71886  
addendum, amendment, correction, or amended statement available 71887  
online to the public through the internet. 71888

(4) (a) The secretary of state or the board of elections 71889  
shall examine all statements for compliance with sections 71890  
3517.08 to ~~3517.14~~ 3517.13 of the Revised Code. 71891

(b) The secretary of state may contract with an individual 71892  
or entity not associated with the secretary of state and 71893  
experienced in interpreting the campaign finance law of this 71894  
state to conduct examinations of statements filed by any 71895  
statewide candidate, as defined in section 3517.103 of the 71896  
Revised Code. 71897

(c) The examination shall be conducted by a person or 71898  
entity qualified to conduct it. The results of the examination 71899  
shall be available to the public, and, when the examination is 71900  
conducted by an individual or entity not associated with the 71901  
secretary of state, the results of the examination shall be 71902  
reported to the secretary of state. 71903

(C) (1) In the event of a failure to file or a late filing 71904  
of a statement required to be filed under sections 3517.081 to 71905  
~~3517.14~~ 3517.13 of the Revised Code, or if a filed statement or 71906  
any addendum, amendment, or other correction to a statement or 71907  
any amended statement, if an addendum, amendment, or other 71908  
correction or an amended statement is required to be filed, is 71909  
incomplete or inaccurate or appears to disclose a failure to 71910  
comply with or a violation of law, the official whose duty it is 71911  
to examine the statement shall promptly file a complaint ~~with~~ 71912  
~~the Ohio elections commission~~ under section ~~3517.153~~ 3517.16 of 71913  
the Revised Code if the law is ~~one over which the commission has~~ 71914  
~~jurisdiction to hear complaints~~ listed in division (A) of section 71915  
3517.15 of the Revised Code, or the official shall promptly 71916  
report the failure or violation to the board of elections and 71917  
the board shall promptly report it to the prosecuting attorney 71918

in accordance with division (J) of section 3501.11 of the Revised Code. ~~If the official files a complaint with the commission, the commission shall proceed in accordance with sections 3517.154 to 3517.157 of the Revised Code.~~

(2) For purposes of division (C)(1) of this section, a statement or an addendum, amendment, or other correction to a statement or an amended statement required to be filed under sections 3517.081 to ~~3517.14~~ 3517.13 of the Revised Code is incomplete or inaccurate under this section if the statement, addendum, amendment, other correction, or amended statement fails to disclose substantially all contributions, gifts, or donations that are received or deposits that are made that are required to be reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the Revised Code or if the statement, addendum, amendment, other correction, or amended statement fails to disclose at least ninety per cent of the total contributions, gifts, or donations received or deposits made or of the total expenditures or disbursements made during the reporting period.

(D) No certificate of nomination or election shall be issued to a person, and no person elected to an office shall enter upon the performance of the duties of that office, until that person or that person's campaign committee, as appropriate, has fully complied with this section and sections 3517.08, 3517.081, 3517.10, and 3517.13 of the Revised Code.

**Sec. 3517.121.** Notwithstanding any contrary provision of the Revised Code:

(A) As used in this section:

(1) "Electioneering communication" has the same meaning as

in section 3517.1011 of the Revised Code. 71948

(2) "Foreign national" means any of the following, as 71949  
applicable: 71950

(a) In the case of an individual, an individual who is not 71951  
a United States citizen or national; 71952

(b) A government of a foreign country or of a political 71953  
subdivision of a foreign country; 71954

(c) A foreign political party; 71955

(d) A person, other than an individual, that is organized 71956  
under the laws of, or has its principal place of business in, a 71957  
foreign country. 71958

(B) No foreign national shall, directly or indirectly 71959  
through any person or entity, do any of the following: 71960

(1) Make a contribution, expenditure, or independent 71961  
expenditure in support of or opposition to a candidate for any 71962  
elective office in this state, including an office of a 71963  
political party; 71964

(2) Make a contribution, expenditure, or independent 71965  
expenditure in support of or opposition to a statewide ballot 71966  
issue or question, regardless of whether the ballot issue or 71967  
question has yet been certified to appear on the ballot; 71968

(3) Make a disbursement for the direct cost of producing 71969  
or airing an electioneering communication; 71970

(4) Make a contribution to a candidate, campaign 71971  
committee, political action committee, ~~political contributing~~ 71972  
~~entity,~~ legislative campaign fund, state candidate fund, 71973  
political party, or separate segregated fund, to any committee 71974



created to support or oppose a ballot issue or question, or, to 71975  
the maximum extent permitted by law and by the constitutions of 71976  
the United States and of this state, to a ~~continuing association~~ 71977  
political contributing entity; 71978

(5) Promise, either expressly or implicitly, to make a 71979  
contribution, expenditure, independent expenditure, or 71980  
disbursement described in division (B) (1), (2), (3), or (4) of 71981  
this section. 71982

(C) No individual, candidate, campaign committee, 71983  
political action committee, ~~political contributing entity~~, 71984  
legislative campaign fund, state candidate fund, political 71985  
party, separate segregated fund, or committee created to support 71986  
or oppose a ballot issue or question and, to the maximum extent 71987  
permitted by law and by the constitutions of the United States 71988  
and of this state, no ~~continuing association political~~ 71989  
contributing entity shall, directly or indirectly through any 71990  
other person or entity, knowingly do either of the following: 71991

(1) Solicit, accept, or receive any funds from a foreign 71992  
national for any purpose described in division (B) of this 71993  
section; 71994

(2) Make a contribution, expenditure, or independent 71995  
expenditure using any funds the person knows were received from 71996  
a foreign national for any purpose described in division (B) of 71997  
this section. 71998

(D) No person shall knowingly aid or facilitate a 71999  
violation of division (B) or (C) of this section. 72000

(E) Any complaint that alleges a violation of division (W) 72001  
of section 3517.13 of the Revised Code shall be treated as 72002  
instead alleging a violation of this section. 72003

(F) (1) Whoever knowingly violates division (B) of this 72004  
section is guilty of a misdemeanor of the first degree on a 72005  
first offense and is guilty of a felony of the fifth degree on a 72006  
second or subsequent offense. The violator also shall be fined 72007  
an amount equal to three times the amount involved in the 72008  
violation or ten thousand dollars, whichever amount is greater. 72009

(2) Whoever knowingly violates division (C) of this 72010  
section is guilty of a misdemeanor of the first degree on a 72011  
first offense and is guilty of a felony of the fifth degree on a 72012  
second or subsequent offense. The violator also shall be fined 72013  
an amount equal to three times the amount involved in the 72014  
violation or ten thousand dollars, whichever amount is greater, 72015  
and shall be required to return the total amount accepted in 72016  
violation of that division to the foreign national from whom it 72017  
was accepted. 72018

(3) Whoever knowingly violates division (D) of this 72019  
section is guilty of a misdemeanor of the first degree and shall 72020  
be fined one thousand dollars. 72021

(G) (1) (a) Except as otherwise provided in division (G) (1) 72022  
(b) of this section, the attorney general has exclusive 72023  
authority to prosecute a violation of this section and has 72024  
exclusive supervision and control of all investigations, 72025  
prosecutions, and enforcement proceedings under this section. 72026

(b) If the attorney general is a victim or witness or 72027  
otherwise involved in an alleged violation of this section, the 72028  
attorney general shall refer the matter to the appropriate 72029  
prosecutor, as determined under division ~~(A) (2)~~ (C) of section 72030  
~~3517.155~~ 3517.17 of the Revised Code, except that if applicable, 72031  
the attorney general shall make the determination described in 72032  
division ~~(A) (2) (b)~~ (B) (2) of that section instead of the Ohio 72033

~~elections~~ election integrity commission. 72034

(2) Upon the occurrence of either of the following, the 72035  
attorney general shall investigate an alleged violation of this 72036  
section in consultation with the secretary of state: 72037

(a) The submission of a written request to the attorney 72038  
general by the governor, the secretary of state, the general 72039  
assembly, or the Ohio ~~elections~~ election integrity commission, 72040  
alleging a violation of this section; 72041

(b) The filing of a complaint with the attorney general by 72042  
an elector of this state, alleging a violation of this section. 72043

(3) If it appears to the attorney general, after 72044  
conducting an investigation under division (G) (2) of this 72045  
section, that there is probable cause to believe that a 72046  
violation of this section has occurred, the attorney general may 72047  
prosecute the violation in a court of competent jurisdiction. 72048

(H) When proceeding under this section, the attorney 72049  
general and any assistant or special counsel designated by the 72050  
attorney general for that purpose have all the rights, 72051  
privileges, and powers conferred by law on prosecuting 72052  
attorneys, including the power to appear before grand juries and 72053  
to interrogate witnesses before such grand juries. These powers 72054  
of the attorney general are in addition to any other applicable 72055  
powers of the attorney general. 72056

**Sec. 3517.13.** (A) (1) No campaign committee of a statewide 72057  
candidate shall fail to file a complete and accurate statement 72058  
required under division (A) (1) of section 3517.10 of the Revised 72059  
Code. 72060

(2) No campaign committee of a statewide candidate shall 72061  
fail to file a complete and accurate monthly statement, and no 72062

campaign committee of a statewide candidate or a candidate for 72063  
the office of chief justice or justice of the supreme court 72064  
shall fail to file a complete and accurate two-business-day 72065  
statement, as required under section 3517.10 of the Revised 72066  
Code. 72067

As used in this division, "statewide candidate" has the 72068  
same meaning as in division (F) (2) of section 3517.10 of the 72069  
Revised Code. 72070

(B) No campaign committee shall fail to file a complete 72071  
and accurate statement required under division (A) (1) of section 72072  
3517.10 of the Revised Code. 72073

(C) No campaign committee shall fail to file a complete 72074  
and accurate statement required under division (A) (2) of section 72075  
3517.10 of the Revised Code. 72076

(D) No campaign committee shall fail to file a complete 72077  
and accurate statement required under division (A) (3) or (4) of 72078  
section 3517.10 of the Revised Code. 72079

(E) No person other than a campaign committee shall 72080  
knowingly fail to file a statement required under section 72081  
3517.10 or 3517.107 of the Revised Code. 72082

(F) No person shall make cash contributions to any person 72083  
totaling more than one hundred dollars in each primary, special, 72084  
or general election. 72085

(G) (1) No person shall knowingly conceal or misrepresent 72086  
contributions given or received, expenditures made, or any other 72087  
information required to be reported by a provision in sections 72088  
3517.08 to 3517.13 of the Revised Code. 72089

(2) (a) No person shall make a contribution to a campaign 72090

committee, political action committee, political contributing 72091  
entity, legislative campaign fund, political party, or person 72092  
making disbursements to pay the direct costs of producing or 72093  
airing electioneering communications in the name of another 72094  
person. 72095

(b) A person does not make a contribution in the name of 72096  
another when either of the following applies: 72097

(i) An individual makes a contribution from a partnership 72098  
or other unincorporated business account, ~~if the contribution is~~ 72099  
~~reported by listing both the name of the partnership or other~~ 72100  
~~unincorporated business and the name of the partner or owner~~ 72101  
~~making the contribution as required~~ permitted under division ~~(I)~~ 72102  
(I) (1) (b) of section 3517.10 of the Revised Code. 72103

(ii) A person makes a contribution in that person's 72104  
spouse's name or in both of their names. 72105

(H) No person within this state, publishing a newspaper or 72106  
other periodical, shall charge a campaign committee for 72107  
political advertising a rate in excess of the rate such person 72108  
would charge if the campaign committee were a general rate 72109  
advertiser whose advertising was directed to promoting its 72110  
business within the same area as that encompassed by the 72111  
particular office that the candidate of the campaign committee 72112  
is seeking. The rate shall take into account the amount of space 72113  
used, as well as the type of advertising copy submitted by or on 72114  
behalf of the campaign committee. All discount privileges 72115  
otherwise offered by a newspaper or periodical to general rate 72116  
advertisers shall be available upon equal terms to all campaign 72117  
committees. 72118

No person within this state, operating a radio or 72119

television station or network of stations in this state, shall 72120  
charge a campaign committee for political broadcasts a rate that 72121  
exceeds: 72122

(1) During the forty-five days preceding the date of a 72123  
primary election and during the sixty days preceding the date of 72124  
a general or special election in which the candidate of the 72125  
campaign committee is seeking office, the lowest unit charge of 72126  
the station for the same class and amount of time for the same 72127  
period; 72128

(2) At any other time, the charges made for comparable use 72129  
of that station by its other users. 72130

(I) Subject to divisions (K), (L), (M), and (N) of this 72131  
section, no agency or department of this state or any political 72132  
subdivision shall award any contract, other than one let by 72133  
competitive bidding or a contract incidental to such contract or 72134  
which is by force account, for the purchase of goods costing 72135  
more than five hundred dollars or services costing more than 72136  
five hundred dollars to any individual, partnership, 72137  
association, including, without limitation, a professional 72138  
association organized under Chapter 1785. of the Revised Code, 72139  
estate, or trust if the individual has made or the individual's 72140  
spouse has made, or any partner, shareholder, administrator, 72141  
executor, or trustee or the spouse of any of them has made, as 72142  
an individual, within the two previous calendar years, one or 72143  
more contributions totaling in excess of one thousand dollars to 72144  
the holder of the public office having ultimate responsibility 72145  
for the award of the contract or to the public officer's 72146  
campaign committee. 72147

(J) Subject to divisions (K), (L), (M), and (N) of this 72148  
section, no agency or department of this state or any political 72149

subdivision shall award any contract, other than one let by 72150  
competitive bidding or a contract incidental to such contract or 72151  
which is by force account, for the purchase of goods costing 72152  
more than five hundred dollars or services costing more than 72153  
five hundred dollars to a corporation or business trust, except 72154  
a professional association organized under Chapter 1785. of the 72155  
Revised Code, if an owner of more than twenty per cent of the 72156  
corporation or business trust or the spouse of that person has 72157  
made, as an individual, within the two previous calendar years, 72158  
taking into consideration only owners for all of that period, 72159  
one or more contributions totaling in excess of one thousand 72160  
dollars to the holder of a public office having ultimate 72161  
responsibility for the award of the contract or to the public 72162  
officer's campaign committee. 72163

(K) For purposes of divisions (I) and (J) of this section, 72164  
if a public officer who is responsible for the award of a 72165  
contract is appointed by the governor, whether or not the 72166  
appointment is subject to the advice and consent of the senate, 72167  
excluding members of boards, commissions, committees, 72168  
authorities, councils, boards of trustees, task forces, and 72169  
other such entities appointed by the governor, the office of the 72170  
governor is considered to have ultimate responsibility for the 72171  
award of the contract. 72172

(L) For purposes of divisions (I) and (J) of this section, 72173  
if a public officer who is responsible for the award of a 72174  
contract is appointed by the elected chief executive officer of 72175  
a municipal corporation, or appointed by the elected chief 72176  
executive officer of a county operating under an alternative 72177  
form of county government or county charter, excluding members 72178  
of boards, commissions, committees, authorities, councils, 72179  
boards of trustees, task forces, and other such entities 72180

appointed by the chief executive officer, the office of the 72181  
chief executive officer is considered to have ultimate 72182  
responsibility for the award of the contract. 72183

(M) (1) Divisions (I) and (J) of this section do not apply 72184  
to contracts awarded by the board of commissioners of the 72185  
sinking fund, municipal legislative authorities, boards of 72186  
education, boards of county commissioners, boards of township 72187  
trustees, or other boards, commissions, committees, authorities, 72188  
councils, boards of trustees, task forces, and other such 72189  
entities created by law, by the supreme court or courts of 72190  
appeals, by county courts consisting of more than one judge, 72191  
courts of common pleas consisting of more than one judge, or 72192  
municipal courts consisting of more than one judge, or by a 72193  
division of any court if the division consists of more than one 72194  
judge. This division shall apply to the specified entity only if 72195  
the members of the entity act collectively in the award of a 72196  
contract for goods or services. 72197

(2) Divisions (I) and (J) of this section do not apply to 72198  
actions of the controlling board. 72199

(N) (1) Divisions (I) and (J) of this section apply to 72200  
contributions made to the holder of a public office having 72201  
ultimate responsibility for the award of a contract, or to the 72202  
public officer's campaign committee, during the time the person 72203  
holds the office and during any time such person was a candidate 72204  
for the office. Those divisions do not apply to contributions 72205  
made to, or to the campaign committee of, a candidate for or 72206  
holder of the office other than the holder of the office at the 72207  
time of the award of the contract. 72208

(2) Divisions (I) and (J) of this section do not apply to 72209  
contributions of a partner, shareholder, administrator, 72210



executor, trustee, or owner of more than twenty per cent of a 72211  
corporation or business trust made before the person held any of 72212  
those positions or after the person ceased to hold any of those 72213  
positions in the partnership, association, estate, trust, 72214  
corporation, or business trust whose eligibility to be awarded a 72215  
contract is being determined, nor to contributions of the 72216  
person's spouse made before the person held any of those 72217  
positions, after the person ceased to hold any of those 72218  
positions, before the two were married, after the granting of a 72219  
decree of divorce, dissolution of marriage, or annulment, or 72220  
after the granting of an order in an action brought solely for 72221  
legal separation. Those divisions do not apply to contributions 72222  
of the spouse of an individual whose eligibility to be awarded a 72223  
contract is being determined made before the two were married, 72224  
after the granting of a decree of divorce, dissolution of 72225  
marriage, or annulment, or after the granting of an order in an 72226  
action brought solely for legal separation. 72227

(0) No beneficiary of a campaign fund or other person 72228  
shall convert for personal use, and no person shall knowingly 72229  
give to a beneficiary of a campaign fund or any other person, 72230  
for the beneficiary's or any other person's personal use, 72231  
anything of value from the beneficiary's campaign fund, 72232  
including, without limitation, payments to a beneficiary for 72233  
services the beneficiary personally performs, except as 72234  
reimbursement for any of the following: 72235

(1) Legitimate and verifiable prior campaign expenses 72236  
incurred by the beneficiary; 72237

(2) Legitimate and verifiable ordinary and necessary prior 72238  
expenses incurred by the beneficiary in connection with duties 72239  
as the holder of a public office, including, without limitation, 72240

expenses incurred through participation in nonpartisan or 72241  
bipartisan events if the participation of the holder of a public 72242  
office would normally be expected; 72243

(3) Legitimate and verifiable ordinary and necessary prior 72244  
expenses incurred by the beneficiary while doing any of the 72245  
following: 72246

(a) Engaging in activities in support of or opposition to 72247  
a candidate other than the beneficiary, political party, or 72248  
ballot issue; 72249

(b) Raising funds for a political party, political action 72250  
committee, political contributing entity, legislative campaign 72251  
fund, campaign committee, or other candidate; 72252

(c) Participating in the activities of a political party, 72253  
political action committee, political contributing entity, 72254  
legislative campaign fund, or campaign committee; 72255

(d) Attending a political party convention or other 72256  
political meeting. 72257

For purposes of this division, an expense is incurred 72258  
whenever a beneficiary has either made payment or is obligated 72259  
to make payment, as by the use of a credit card or other credit 72260  
procedure or by the use of goods or services received on 72261  
account. 72262

(P) No beneficiary of a campaign fund shall knowingly 72263  
accept, and no person shall knowingly give to the beneficiary of 72264  
a campaign fund, reimbursement for an expense under division (O) 72265  
of this section to the extent that the expense previously was 72266  
reimbursed or paid from another source of funds. If an expense 72267  
is reimbursed under division (O) of this section and is later 72268  
paid or reimbursed, wholly or in part, from another source of 72269

funds, the beneficiary shall repay the reimbursement received 72270  
under division (O) of this section to the extent of the payment 72271  
made or reimbursement received from the other source. 72272

(Q) No candidate or public official or employee shall 72273  
accept for personal or business use anything of value from a 72274  
political party, political action committee, political 72275  
contributing entity, legislative campaign fund, or campaign 72276  
committee other than the candidate's or public official's or 72277  
employee's own campaign committee, and no person shall knowingly 72278  
give to a candidate or public official or employee anything of 72279  
value from a political party, political action committee, 72280  
political contributing entity, legislative campaign fund, or 72281  
such a campaign committee, except for the following: 72282

(1) Reimbursement for legitimate and verifiable ordinary 72283  
and necessary prior expenses not otherwise prohibited by law 72284  
incurred by the candidate or public official or employee while 72285  
engaged in any legitimate activity of the political party, 72286  
political action committee, political contributing entity, 72287  
legislative campaign fund, or such campaign committee. Without 72288  
limitation, reimbursable expenses under this division include 72289  
those incurred while doing any of the following: 72290

(a) Engaging in activities in support of or opposition to 72291  
another candidate, political party, or ballot issue; 72292

(b) Raising funds for a political party, legislative 72293  
campaign fund, campaign committee, or another candidate; 72294

(c) Attending a political party convention or other 72295  
political meeting. 72296

(2) Compensation not otherwise prohibited by law for 72297  
actual and valuable personal services rendered under a written 72298

contract to the political party, political action committee, 72299  
political contributing entity, legislative campaign fund, or 72300  
such campaign committee for any legitimate activity of the 72301  
political party, political action committee, political 72302  
contributing entity, legislative campaign fund, or such campaign 72303  
committee. 72304

Reimbursable expenses under this division do not include, 72305  
and it is a violation of this division for a candidate or public 72306  
official or employee to accept, or for any person to knowingly 72307  
give to a candidate or public official or employee from a 72308  
political party, political action committee, political 72309  
contributing entity, legislative campaign fund, or campaign 72310  
committee other than the candidate's or public official's or 72311  
employee's own campaign committee, anything of value for 72312  
activities primarily related to the candidate's or public 72313  
official's or employee's own campaign for election, except for 72314  
contributions to the candidate's or public official's or 72315  
employee's campaign committee. 72316

For purposes of this division, an expense is incurred 72317  
whenever a candidate or public official or employee has either 72318  
made payment or is obligated to make payment, as by the use of a 72319  
credit card or other credit procedure, or by the use of goods or 72320  
services on account. 72321

(R) (1) Division (O) or (P) of this section does not 72322  
prohibit a campaign committee from making direct advance or post 72323  
payment from contributions to vendors for goods and services for 72324  
which reimbursement is permitted under division (O) of this 72325  
section, except that no campaign committee shall pay its 72326  
candidate or other beneficiary for services personally performed 72327  
by the candidate or other beneficiary. 72328

(2) If any expense that may be reimbursed under division 72329  
(O), (P), or (Q) of this section is part of other expenses that 72330  
may not be paid or reimbursed, the separation of the two types 72331  
of expenses for the purpose of allocating for payment or 72332  
reimbursement those expenses that may be paid or reimbursed may 72333  
be by any reasonable accounting method, considering all of the 72334  
surrounding circumstances. 72335

(3) For purposes of divisions (O), (P), and (Q) of this 72336  
section, mileage allowance at a rate not greater than that 72337  
allowed by the internal revenue service at the time the travel 72338  
occurs may be paid instead of reimbursement for actual travel 72339  
expenses allowable. 72340

(S) (1) As used in division (S) of this section: 72341

(a) "State elective office" has the same meaning as in 72342  
section 3517.092 of the Revised Code. 72343

(b) "Federal office" means a federal office as defined in 72344  
the Federal Election Campaign Act. 72345

(c) "Federal campaign committee" means a principal 72346  
campaign committee or authorized committee as defined in the 72347  
Federal Election Campaign Act. 72348

(2) No person who is a candidate for state elective office 72349  
and who previously sought nomination or election to a federal 72350  
office shall transfer any funds or assets from that person's 72351  
federal campaign committee for nomination or election to the 72352  
federal office to that person's campaign committee as a 72353  
candidate for state elective office. 72354

(3) No campaign committee of a person who is a candidate 72355  
for state elective office and who previously sought nomination 72356  
or election to a federal office shall accept any funds or assets 72357

from that person's federal campaign committee for that person's 72358  
nomination or election to the federal office. 72359

(T) (1) Except as otherwise provided in division (B) (6) (c) 72360  
of section 3517.102 of the Revised Code, a state or county 72361  
political party shall not disburse moneys from any account other 72362  
than a state candidate fund to make contributions to any of the 72363  
following: 72364

(a) A state candidate fund; 72365

(b) A legislative campaign fund; 72366

(c) A campaign committee of a candidate for the office of 72367  
governor, lieutenant governor, secretary of state, auditor of 72368  
state, treasurer of state, attorney general, ~~member of the state~~ 72369  
~~board of education,~~ or member of the general assembly. 72370

(2) No state candidate fund, legislative campaign fund, or 72371  
campaign committee of a candidate for any office described in 72372  
division (T) (1) (c) of this section shall knowingly accept a 72373  
contribution in violation of division (T) (1) of this section. 72374

(U) No person shall fail to file a statement required 72375  
under section 3517.12 of the Revised Code. 72376

(V) No campaign committee shall fail to file a statement 72377  
required under division (K) (3) of section 3517.10 of the Revised 72378  
Code. 72379

(W) (1) No foreign national shall, directly or indirectly 72380  
through any other person or entity, make a contribution, 72381  
expenditure, or independent expenditure or promise, either 72382  
expressly or implicitly, to make a contribution, expenditure, or 72383  
independent expenditure in support of or opposition to a 72384  
candidate for any elective office in this state, including an 72385

office of a political party. 72386

(2) No candidate, campaign committee, political action 72387  
committee, political contributing entity, legislative campaign 72388  
fund, state candidate fund, political party, or separate 72389  
segregated fund shall solicit or accept a contribution, 72390  
expenditure, or independent expenditure from a foreign national. 72391  
The secretary of state may direct any candidate, committee, 72392  
entity, fund, or party that accepts a contribution, expenditure, 72393  
or independent expenditure in violation of this division to 72394  
return the contribution, expenditure, or independent expenditure 72395  
or, if it is not possible to return the contribution, 72396  
expenditure, or independent expenditure, then to return instead 72397  
the value of it, to the contributor. 72398

(3) As used in division (W) of this section, 72399  
"foreignnational" has the same meaning as in section 441e(b) of 72400  
the Federal Election Campaign Act. 72401

(X) (1) No state or county political party shall transfer 72402  
any moneys from its restricted fund to any account of the 72403  
political party into which contributions may be made or from 72404  
which contributions or expenditures may be made. 72405

(2) (a) No state or county political party shall deposit a 72406  
contribution or contributions that it receives into its 72407  
restricted fund. 72408

(b) No state or county political party shall make a 72409  
contribution or an expenditure from its restricted fund. 72410

(3) (a) No corporation or labor organization shall make a 72411  
gift or gifts from the corporation's or labor organization's 72412  
money or property aggregating more than ten thousand dollars to 72413  
any one state or county political party for the party's 72414

restricted fund in a calendar year. 72415

(b) No state or county political party shall accept a gift 72416  
or gifts for the party's restricted fund aggregating more than 72417  
ten thousand dollars from any one corporation or labor 72418  
organization in a calendar year. 72419

(4) No state or county political party shall transfer any 72420  
moneys in the party's restricted fund to any other state or 72421  
county political party. 72422

(5) No state or county political party shall knowingly 72423  
fail to file a statement required under section 3517.1012 of the 72424  
Revised Code. 72425

~~(Y)~~(Y) (1) No political action committee or political 72426  
contributing entity that accepts a contribution from a 72427  
corporation or labor organization shall knowingly make a 72428  
contribution to a candidate, campaign committee, political 72429  
party, or legislative campaign fund. 72430

(2) No political action committee or political 72431  
contributing entity that accepts a contribution from a 72432  
corporation or labor organization shall knowingly make a 72433  
contribution to a political action committee or political 72434  
contributing entity, other than to a political action committee 72435  
or political contributing entity that makes only independent 72436  
expenditures and contributions to political action committees or 72437  
political contributing entities that make only independent 72438  
expenditures. 72439

(3) No candidate, campaign committee, political party, 72440  
legislative campaign fund, political action committee, or 72441  
political contributing entity shall knowingly accept a 72442  
contribution in violation of division (Y) (1) or (2) of this 72443



section. 72444

(Z) The administrator of workers' compensation and the 72445  
employees of the bureau of workers' compensation shall not 72446  
conduct any business with or award any contract, other than one 72447  
awarded by competitive bidding, for the purchase of goods 72448  
costing more than five hundred dollars or services costing more 72449  
than five hundred dollars to any individual, partnership, 72450  
association, including, without limitation, a professional 72451  
association organized under Chapter 1785. of the Revised Code, 72452  
estate, or trust, if the individual has made, or the 72453  
individual's spouse has made, or any partner, shareholder, 72454  
administrator, executor, or trustee, or the spouses of any of 72455  
those individuals has made, as an individual, within the two 72456  
previous calendar years, one or more contributions totaling in 72457  
excess of one thousand dollars to the campaign committee of the 72458  
governor or lieutenant governor or to the campaign committee of 72459  
any candidate for the office of governor or lieutenant governor. 72460

~~(Z)~~ (AA) The administrator of workers' compensation and 72461  
the employees of the bureau of workers' compensation shall not 72462  
conduct business with or award any contract, other than one 72463  
awarded by competitive bidding, for the purchase of goods 72464  
costing more than five hundred dollars or services costing more 72465  
than five hundred dollars to a corporation or business trust, 72466  
except a professional association organized under Chapter 1785. 72467  
of the Revised Code, if an owner of more than twenty per cent of 72468  
the corporation or business trust, or the spouse of the owner, 72469  
has made, as an individual, within the two previous calendar 72470  
years, taking into consideration only owners for all of such 72471  
period, one or more contributions totaling in excess of one 72472  
thousand dollars to the campaign committee of the governor or 72473  
lieutenant governor or to the campaign committee of any 72474

candidate for the office of governor or lieutenant governor. 72475

**Sec. ~~3517.152~~ 3517.14.** (A) (1) There is hereby ~~created in~~ 72476  
~~the office of the secretary of state the Ohio elections election~~ 72477  
~~integrity commission, consisting of seven the following five~~ 72478  
~~members:~~ 72479

(a) A chairperson appointed by the secretary of state; 72480

(b) One member appointed by the speaker of the house of 72481  
representatives; 72482

(c) One member appointed by the minority leader of the 72483  
house of representatives; 72484

(d) One member appointed by the president of the senate; 72485

(e) One member appointed by the senate minority leader. 72486

~~Not later than forty-five days after August 24, 1995, the~~ 72487  
~~speaker of the house of representatives and the leader in the~~ 72488  
~~senate of the political party of which the speaker is a member~~ 72489  
~~shall jointly submit to the governor a list of five persons who~~ 72490  
~~are affiliated with that political party. Not later than forty-~~ 72491  
~~five days after August 24, 1995, the two legislative leaders in~~ 72492  
~~the two houses of the general assembly of the major political~~ 72493  
~~party of which the speaker is not a member shall jointly submit~~ 72494  
~~to the governor a list of five persons who are affiliated with~~ 72495  
~~the major political party of which the speaker is not a member.~~ 72496  
~~Not later than fifteen days after receiving each list, the~~ 72497  
~~governor shall appoint three persons from each list to the~~ 72498  
~~commission. The governor shall appoint one person from each list~~ 72499  
~~to a term that ends on December 31, 1996, one person from each~~ 72500  
~~list to a term that ends on December 31, 1997, and one person~~ 72501  
~~from each list to a term that ends on December 31, 1998.~~ 72502

~~Not later than thirty days after the governor appoints these six members, they shall, by a majority vote, appoint to the commission a seventh member, who shall not be affiliated with a political party. If the six members fail to appoint the seventh member within this thirty-day period, the chief justice of the supreme court, not later than thirty days after the end of the period during which the six members were required to appoint a member, shall appoint the seventh member, who shall not be affiliated with a political party. The seventh member shall be appointed to a term that ends on December 31, 2001. Terms of the initial members appointed under this division begin on January 1, 1996.~~

~~(2) (a) If a vacancy occurs in the position of the seventh member, who is not affiliated with a political party, the six remaining members by a majority vote shall appoint, not later than forty-five days after the date of the vacancy, the seventh member of the commission, who shall not be affiliated with a political party. If these members fail to appoint the seventh member within this forty-five-day period, the chief justice of the supreme court, within fifteen days after the end of this period, shall appoint the seventh member, who shall not be affiliated with a political party.~~

~~(b) If a vacancy occurs in any of the other six positions on the commission, the legislative leaders of the political party from whose list of persons the member being replaced was appointed shall submit to the governor, not later than thirty days after the date of the vacancy, a list of three persons who are affiliated with that political party. Not later than fifteen days after receiving the list, the governor, with the advice and consent of the senate, shall appoint one person from the list to the commission.~~

~~(3) (a) For the purpose of appointing alternates to the commission, not later than forty-five days after the effective date of this section, the speaker of the house of representatives and the leader in the senate of the political party of which the speaker is a member shall jointly submit to the governor a list of three persons who are affiliated with that political party. Not later than forty-five days after the effective date of this section, the two legislative leaders in the two houses of the general assembly of the major political party of which the speaker is not a member shall jointly submit to the governor a list of three persons who are affiliated with the major political party of which the speaker is not a member. Not later than fifteen days after receiving each list, the governor shall appoint one person from each list as an alternate to the commission to a term that ends on December 31, 2026. The initial term described in this division begins upon appointment by the governor. If a vacancy occurs in the position of alternate under this division, the vacancy shall be filled in the same manner as described in division (A) (2) (b) of this section.~~

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~~(b) For the purpose of appointing an alternate for the seventh member who is not affiliated with a political party, the six members who are affiliated with a political party by a majority vote shall appoint, not later than forty-five days after the effective date of this amendment, the alternate for the seventh member of the commission, who shall not be affiliated with a political party. If these members fail to appoint the alternate for the seventh member within this forty-five-day period, the chief justice of the supreme court, within fifteen days after the end of that period, shall appoint the alternate for the seventh member, who shall not be affiliated~~

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~~with a political party. The seventh member shall be appointed to~~ 72565  
~~a term that ends on December 31, 2026. The initial term~~ 72566  
~~described in this division begins upon the appointment of the~~ 72567  
~~alternate. If a vacancy occurs in the position of alternate for~~ 72568  
~~the seventh member who is not affiliated with a political party,~~ 72569  
~~the vacancy shall be filled in the same manner as described in~~ 72570  
~~division (A) (2) (a) of this section.~~ 72571

~~(4) At no time shall more than six members of the~~ 72572  
~~commission be affiliated with a political party, and, of these~~ 72573  
~~six members, not more than three shall be affiliated with the~~ 72574  
~~same political party.~~ 72575

~~(5) In making appointments to the commission, including~~ 72576  
~~alternates, the governor shall take into consideration the~~ 72577  
~~various geographic areas of this state and shall appoint members~~ 72578  
~~and alternates so that those areas are represented on the~~ 72579  
~~commission in a balanced manner, to the extent feasible.~~ 72580

~~(6) Members and alternates~~ (2) (a) The chairperson of the 72581  
commission shall be a registered elector to whom at least one of 72582  
the following applies: 72583

(i) The person is an attorney in good standing before the 72584  
supreme court of Ohio. 72585

(ii) The person has at least four years of work experience 72586  
in election administration. 72587

(b) Each member of the commission appointed by a member of 72588  
the general assembly shall be a registered elector and shall be 72589  
of good moral character elector to whom at least one of the 72590  
following applies: 72591

(i) The person is an attorney in good standing before the 72592  
supreme court of Ohio. 72593

(ii) The person has at least four years of work experience 72594  
in election administration. 72595

(iii) The person has appeared on the ballot at a general 72596  
election as a candidate for election to an office, other than 72597  
the office of presidential elector. 72598

~~(7) Alternates shall serve on the commission when a member~~ 72599  
~~of the commission is recused from hearing a complaint or is~~ 72600  
~~otherwise unable to hear a complaint. Alternates shall serve on~~ 72601  
~~the commission during a vacancy until the vacancy is filled. An~~ 72602  
~~alternate may only serve in lieu of a member affiliated with the~~ 72603  
~~same political party as the alternate. The alternate for the~~ 72604  
~~unaffiliated seventh member of the commission may only serve in~~ 72605  
~~lieu of the unaffiliated seventh member of the commission. When~~ 72606  
~~serving in this capacity, alternates count as members of the~~ 72607  
~~commission for the purpose of constituting a quorum under~~ 72608  
~~division (C) (3) of this section.~~ 72609

(3) The members of the commission appointed under 72610  
divisions (A) (1) (a), (c), and (d) of this section shall serve 72611  
initial terms of four years beginning on January 1, 2026, and 72612  
the members appointed under divisions (A) (1) (b) and (e) of this 72613  
section shall serve initial terms of two years beginning on 72614  
January 1, 2026. Thereafter, all terms shall be four years. 72615

~~(B) Each member and alternate of the Ohio elections~~ 72616  
~~commission shall hold office from the date of the member's~~ 72617  
~~appointment until the end of the term for which the member was~~ 72618  
~~appointed. A member appointed to fill a vacancy occurring prior~~ 72619  
~~to the expiration of the term for which the member's predecessor~~ 72620  
~~was appointed shall hold office for the remainder of that term.~~ 72621  
~~A member shall continue in office subsequent to the expiration~~ 72622  
~~date of the member's term until the member's successor takes~~ 72623

office or until a period of sixty days has elapsed, whichever 72624  
occurs first. ~~After the initial terms of office provided for in~~ 72625  
~~divisions (A) (1) and (3) of this section, terms of office shall~~ 72626  
~~be for five years.~~ 72627

(C) A vacancy ~~in on the Ohio elections commission~~ may be 72628  
caused by death, or resignation, ~~or three absences from~~ 72629  
~~commission meetings in a calendar year if those absences are~~ 72630  
~~caused by reasons declared invalid by a vote of five members of~~ 72631  
~~the remaining members of the commission~~ by removal under division 72632  
(I) of this section. Any vacancy shall be filled in the same 72633  
manner as for the original appointment. 72634

(D) Each member of the ~~Ohio elections commission~~ while in 72635  
the performance of the business of the commission shall be 72636  
entitled to receive compensation at the rate of ~~twenty-five-five~~ 72637  
thousand dollars per year. Members shall be reimbursed for 72638  
expenses actually and necessarily incurred in the performance of 72639  
their duties. 72640

~~Each alternate of the Ohio elections commission, when~~ 72641  
~~serving on the commission as described in division (A) (7) of~~ 72642  
~~this section, shall be paid at the per diem rate of one hundred~~ 72643  
~~fifty dollars, and shall be reimbursed for expenses actually and~~ 72644  
~~necessarily incurred in the performance of the alternate's~~ 72645  
~~duties.~~ 72646

(E) No member of the ~~Ohio elections commission~~ shall serve 72647  
for more than one full term unless the terms served are served 72648  
nonconsecutively two successive terms of four years. Terms are 72649  
considered successive unless separated by a period of at least 72650  
four years. In determining a person's eligibility to be a member 72651  
of the commission, all of the following apply: 72652

(1) Time spent as a member in fulfillment of a term to 72653  
which another person was first appointed shall not be 72654  
considered, provided that a period of at least four years has 72655  
passed between the time, if any, when the person previously was 72656  
a member and the time the person is appointed to fulfill the 72657  
unexpired term. 72658

(2) A person who is appointed to serve a full term and 72659  
resigns before completing the term is considered to have served 72660  
the full term. 72661

(3) A two year term served under division (A) (3) of this 72662  
section is considered a full term of four years. 72663

(F) (1) No member ~~or alternate~~ of the Ohio ~~elections~~ 72664  
election integrity commission shall do or be any of the 72665  
following: 72666

(a) Hold, or be a candidate for, a public office; 72667

(b) Serve on a committee supporting or opposing a 72668  
candidate or ballot question or issue; 72669

(c) Be an officer of the state central committee, a county 72670  
central committee, or a district, city, township, or other 72671  
committee of a political party or an officer of the executive 72672  
committee of the state central committee, a county central 72673  
committee, or a district, city, township, or other committee of 72674  
a political party; 72675

(d) Be a legislative agent as defined in section 101.70 of 72676  
the Revised Code or an executive agency lobbyist as defined in 72677  
section 121.60 of the Revised Code; 72678

(e) Solicit or be involved in soliciting contributions on 72679  
behalf of a candidate, campaign committee, political party, 72680



political action committee, or political contributing entity; 72681

(f) Be in the unclassified service under section 124.11 of 72682  
the Revised Code; 72683

(g) Be a person or employee who is excluded from the 72684  
definition of public employee pursuant to division (C) of 72685  
section 4117.01 of the Revised Code. 72686

(2) No member, ~~alternate~~, or employee of the commission 72687  
shall make a contribution to, or for the benefit of, a campaign 72688  
committee or committee in support of or opposition to a ballot 72689  
question or issue, a political party, a legislative campaign 72690  
fund, a political action committee, or a political contributing 72691  
entity. 72692

(G) (1) ~~The members of the Ohio elections commission shall~~ 72693  
~~elect a chairperson and a vice-chairperson. At no time shall the~~ 72694  
~~chairperson and vice-chairperson be affiliated with the same~~ 72695  
~~political party. The chairperson shall serve in that capacity~~ 72696  
~~for one year and shall not serve as chairperson more than twice~~ 72697  
~~during a term as a member of the commission. No two successive~~ 72698  
~~chairpersons shall be affiliated with the same political party.~~ 72699

~~(2)~~ The commission shall meet at the call of the 72700  
chairperson or upon the written request of a majority of the 72701  
members. The meetings and hearings of the commission ~~or a panel~~ 72702  
~~of the commission~~ under sections ~~3517.153 to 3517.157~~ 3517.15 to 72703  
3517.18 of the Revised Code are subject to section 121.22 of the 72704  
Revised Code. 72705

~~(3)~~ (2) The commission shall adopt rules for its 72706  
procedures in accordance with Chapter 119. of the Revised Code. 72707  
~~Five~~ Four of the ~~seven~~ five members constitute a quorum. Except 72708  
as otherwise provided in this section and in sections ~~3517.154~~ 72709

~~to 3517.157-3517.15 to 3517.18~~ of the Revised Code, no action 72710  
shall be taken without the concurrence of a majority of the 72711  
members. 72712

(H) (1) The ~~Ohio elections~~ commission shall employ the 72713  
technical, professional, and clerical employees that are 72714  
necessary for it to carry out its duties, and the attorney 72715  
general shall provide legal counsel to the commission upon the 72716  
commission's request. 72717

~~(2) (a) Notwithstanding section 109.02 of the Revised Code,~~ 72718  
~~the commission shall employ a full-time attorney, and, as~~ 72719  
~~needed, one or more investigatory attorneys to conduct~~ 72720  
~~investigations for the commission or a panel of the commission.~~ 72721  
~~The commission may employ or contract for the services of~~ 72722  
~~additional attorneys, as needed. The full-time attorney shall do~~ 72723  
~~all of the following:~~ 72724

~~(i) Serve as the commission's attorney in regard to all~~ 72725  
~~legal matters, including representing the commission at appeals~~ 72726  
~~from a final determination of the commission, except that the~~ 72727  
~~full-time attorney shall not perform the duties that an~~ 72728  
~~investigatory attorney is required or requested to perform or~~ 72729  
~~that another attorney the commission employs or contracts with~~ 72730  
~~for services is required or requested to perform, and shall not~~ 72731  
~~represent the commission in any legal proceeding in which the~~ 72732  
~~commission is a named party;~~ 72733

~~(ii) At the request of the commission or a panel of the~~ 72734  
~~commission, be present at a hearing held under sections 3517.154~~ 72735  
~~to 3517.156 of the Revised Code to rule on the admissibility of~~ 72736  
~~evidence and to advise on the conduct of procedure;~~ 72737

~~(iii) Perform other duties as required by rule of the~~ 72738

~~commission.~~ 72739

~~(b) An attorney employed by or under contract with the~~ 72740  
~~commission shall be licensed to practice law in this state.~~ 72741

~~(3) (a) Except as otherwise provided in division (H) (3) (b)~~ 72742  
~~of this section, at~~ (2) At least five ~~four~~ members of the 72743  
commission shall agree on the employment of a person, a majority 72744  
of the members shall agree on the discharge of an employee, and 72745  
a person employed by the commission shall serve at the pleasure 72746  
of the commission. 72747

~~(b) At least five of the seven members shall agree on the~~ 72748  
~~discharge of an investigatory attorney.~~ 72749

~~(I) There is hereby created in the state treasury the Ohio~~ 72750  
~~elections commission fund. All moneys credited to the fund shall~~ 72751  
~~be used solely for the purpose of paying expenses related to the~~ 72752  
~~operation of the Ohio elections commission.~~ (I) (1) The secretary 72753  
of state, the speaker or minority leader of the house of 72754  
representatives, or the president or minority leader of the 72755  
senate may file a complaint in the supreme court of Ohio, 72756  
seeking the removal of a member of the commission on any of the 72757  
following grounds: 72758

(a) That the member does not meet the applicable 72759  
requirements of division (A) (2) of this section; 72760

(b) That the member has violated division (F) of this 72761  
section; 72762

(c) That the member has been absent from three or more 72763  
meetings of the commission in a calendar year; 72764

(d) That the member is guilty of misconduct in office, as 72765  
described in section 3.07 of the Revised Code. 72766

(2) The court shall hear a complaint filed with it under  
division (I)(1) of this section on an expedited basis. If the  
court determines that the charges in the complaint are true, the  
court shall order the member removed from the commission, and  
the seat shall be considered vacant.

**Sec. ~~3517.153~~ 3517.15.** (A) ~~Upon the filing of a complaint~~  
~~with the Ohio elections commission, which shall be made by~~  
~~affidavit of any person, on personal knowledge, and subject to~~  
~~the penalties for perjury, or upon the filing of a complaint~~  
~~made by the secretary of state or an official at the board of~~  
~~elections, setting forth a failure to comply with or a violation~~  
~~of any provision in sections 3517.08 to 3517.13, 3517.20 to~~  
~~3517.22, 3599.03, or 3599.031 of the Revised Code, the~~  
~~commission shall proceed in accordance with sections 3517.154 to~~  
~~3517.157 of the Revised Code.~~

~~(B) The commission shall prescribe the form for complaints~~  
~~made under division (A) of this section. The secretary of state~~  
~~and boards of elections shall furnish the information that the~~  
~~commission requests. The commission or a member of the~~  
~~commission may administer oaths, and the commission may issue~~  
~~subpoenas to any person in the state compelling the attendance~~  
~~of witnesses and the production of relevant papers, books,~~  
~~accounts, and reports. Section 101.42 of the Revised Code~~  
~~governs the issuance of subpoenas insofar as applicable. Upon~~  
~~the refusal of any person to obey a subpoena or to be sworn or~~  
~~to answer as a witness, the commission may apply to the court of~~  
~~common pleas of Franklin county under section 2705.03 of the~~  
~~Revised Code. The court shall hold proceedings in accordance~~  
~~with Chapter 2705. of the Revised Code.~~

~~(C) No prosecution shall commence for a violation of a~~

provision in sections 145.054, 742.043, 3307.073, 3309.073, 72797  
3501.35, 3517.08 to 3517.12, 3517.13, 3517.17, 3517.18, 3517.20 72798  
to 3517.22, 3599.03, ~~or 3599.031,~~ 3599.13, 3599.14, 3599.21, or 72799  
5505.045, division (A) of section 3599.11, or division (A) (1) or 72800  
(2) of section 3599.12 of the Revised Code unless a complaint 72801  
has been filed with the ~~commission~~ secretary of state under this 72802  
section 3517.16 of the Revised Code and all proceedings ~~of the~~ 72803  
~~commission or a panel of the commission, as appropriate,~~ under 72804  
sections ~~3517.154 to 3517.157~~ 3517.16 to 3517.18 of the Revised 72805  
Code are completed. 72806

~~(D)~~ (B) (1) The Ohio election integrity commission shall 72807  
hear all matters referred to the commission by the secretary of 72808  
state under division (E) (3) of section 3517.16 of the Revised 72809  
Code. 72810

(2) The commission may recommend legislation and render 72811  
advisory opinions concerning ~~sections 3517.08, 3517.082,~~ 72812  
~~3517.092, 3517.102, 3517.105, 3517.1014, 3517.13, 3517.20 to~~ 72813  
~~3517.22, 3599.03, and 3599.031~~ the provisions of the Revised 72814  
Code listed in division (A) of this section for persons over 72815  
whose acts ~~it~~ the commission has or may have jurisdiction. When 72816  
the commission, or the joint legislative ethics committee as 72817  
provided in division (C) (2) of section 102.08 of the Revised 72818  
Code, renders an advisory opinion relating to a specific set of 72819  
circumstances involving any of those sections stating that there 72820  
is no violation of a provision in those sections, the person to 72821  
whom the opinion is directed or a person who is similarly 72822  
situated may reasonably rely on the opinion and is immune from 72823  
criminal prosecution and a civil action, including, without 72824  
limitation, a civil action for removal from public office or 72825  
employment, based on facts and circumstances covered by the 72826  
opinion. An advisory opinion issued by the Ohio elections 72827

commission that is in effect as of the effective date of this 72828  
amendment is considered an advisory opinion of the Ohio election 72829  
integrity commission, unless and until the Ohio election 72830  
integrity commission amends or rescinds the advisory opinion. 72831

~~(E)~~ (3) The commission shall declare campaign committees 72832  
and political action committees as terminated, as described in 72833  
section 3517.1010 of the Revised Code. 72834

(C) The secretary of state and the boards of elections 72835  
shall furnish the information that the commission requests. The 72836  
commission or a member of the commission may administer oaths, 72837  
and the commission may issue subpoenas to any person in the 72838  
state compelling the attendance of witnesses and the production 72839  
of relevant papers, books, accounts, and reports. Section 101.42 72840  
of the Revised Code governs the issuance of subpoenas insofar as 72841  
applicable. Upon the refusal of any person to obey a subpoena or 72842  
to be sworn or to answer as a witness, the commission may apply 72843  
to the court of common pleas of Franklin county under section 72844  
2705.03 of the Revised Code. The court shall hold proceedings in 72845  
accordance with Chapter 2705. of the Revised Code. 72846

(D) The Ohio election integrity commission shall establish 72847  
a web site on which it shall post, at a minimum, all decisions 72848  
and advisory opinions issued by the commission, all decisions 72849  
and advisory opinions issued by the Ohio elections commission 72850  
before the effective date of this amendment, all advisory 72851  
opinions issued by the joint legislative ethics committee under 72852  
division (C)(2) of section 102.08 of the Revised Code, and 72853  
copies of each election law as it is amended by the general 72854  
assembly. The Ohio election integrity commission shall update 72855  
the web site regularly to reflect any changes to those decisions 72856  
and advisory opinions and any new decisions and advisory 72857

opinions. 72858

**Sec. ~~3517.154~~ 3517.16.** (A) (1) 72859

~~The full-time~~ Any person who has personal knowledge of a 72860  
violation of a provision of the Revised Code listed in division 72861  
(A) of section 3517.15 of the Revised Code may file a complaint 72862  
with the secretary of state, on a form prescribed by the 72863  
secretary of state and signed under penalty of perjury. 72864

(2) The secretary of state or an official at a board of 72865  
elections may file a complaint with the secretary of state, on a 72866  
form prescribed by the secretary of state and signed under 72867  
penalty of perjury, alleging a violation of a provision of the 72868  
Revised Code listed in division (A) of section 3517.15 of the 72869  
Revised Code. 72870

(B) Subject to division (G) of this section, the secretary 72871  
of state shall designate an attorney ~~for~~ in good standing before 72872  
the supreme court of Ohio ~~elections commission shall to~~ review 72873  
each complaint filed with the ~~commission~~ secretary of state 72874  
under division (A) of this section ~~3517.153 of the Revised Code,~~ 72875  
~~shall determine the nature of the complaint, and, unless~~ 72876  
~~division (A) (2) (a) of this section requires that the complaint~~ 72877  
~~receive an automatic expedited hearing, shall make a~~ 72878  
~~recommendation to the commission for its disposition, in~~ 72879  
~~accordance with this section. The attorney shall make the~~ 72880  
~~determination and the recommendation, if required, not later~~ 72881  
~~than one business day after the complaint is filed.~~ 72882

~~(2) (a) If the attorney determines that the complaint sets~~ 72883  
~~forth a violation of division (B) of section 3517.21 or division~~ 72884  
~~(B) of section 3517.22 of the Revised Code and that the~~ 72885  
~~complaint is filed during one of the periods of time specified~~ 72886

~~in division (B) (1) of section 3517.156 of the Revised Code, the~~ 72887  
~~complaint shall receive an automatic expedited hearing under~~ 72888  
~~section 3517.156 of the Revised Code.~~ 72889

~~(b) If the attorney determines that the complaint sets~~ 72890  
~~forth a failure to comply with or a violation of division (G),~~ 72891  
~~(I), (J), (O), (P), or (Q) of section 3517.13, division (A) of~~ 72892  
~~section 3517.21, or division (A) of section 3517.22 of the~~ 72893  
~~Revised Code and that the complaint is filed during one of the~~ 72894  
~~periods of time specified in division (B) (1) of section 3517.156~~ 72895  
~~of the Revised Code, the attorney shall recommend to the~~ 72896  
~~commission that the complaint receive an expedited hearing under~~ 72897  
~~section 3517.156 of the Revised Code, and the complaint shall~~ 72898  
~~receive such a hearing.~~ 72899

~~(c) If the attorney determines that the complaint sets~~ 72900  
~~forth a failure to comply with or a violation of a section of~~ 72901  
~~the Revised Code over which the commission has jurisdiction to~~ 72902  
~~hear complaints other than the sections described in divisions~~ 72903  
~~(A) (2) (a) and (b) of this section, and unless the attorney makes~~ 72904  
~~a determination as provided for in division (A) (3) of this~~ 72905  
~~section, the attorney shall recommend to the commission that the~~ 72906  
~~complaint be submitted to the commission under section 3517.155~~ 72907  
~~of the Revised Code. After the attorney makes that~~ 72908  
~~recommendation, the attorney shall notify all parties to the~~ 72909  
~~complaint of the attorney's recommendation.~~ 72910

~~(3) (a) If a complaint sets forth a failure to comply with~~ 72911  
~~or a violation of a section of the Revised Code over which the~~ 72912  
~~commission has jurisdiction to hear complaints other than the~~ 72913  
~~sections described in divisions (A) (2) (a) and (b) of this~~ 72914  
~~section and if the complaint is filed during one of the periods~~ 72915  
~~of time specified in division (B) (1) of section 3517.156 of the~~ 72916



~~Revised Code, the attorney may determine that the complaint should receive an expedited hearing under that section. The attorney shall make that determination by considering one or more of the following:~~

~~(i) The number of prior failures to comply with or violations of Title XXXV of the Revised Code that the person or entity against whom the complaint has been brought has committed and any prior penalties the commission has imposed on the person or entity;~~

~~(ii) If the complaint involves a statement required to be filed under section 3517.10, division (E) of section 3517.102, or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 3517.1012, or 3517.1014 of the Revised Code or an addendum required to be filed under section 3517.11 of the Revised Code that is filed late, how late the filing is and how much time has elapsed between the deadline for filing the statement or addendum and the filing of the complaint;~~

~~(iii) If the complaint involves contributions and expenditures, contributions and disbursements, deposits and disbursements, gifts and disbursements, or donations and disbursements required to be reported under section 3517.10, division (E) of section 3517.102, or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code that are either not reported or reported late, the number of contributions and expenditures, contributions and disbursements, deposits and disbursements, gifts and disbursements, or donations and disbursements not reported or how late they were reported;~~

~~(iv) If the complaint involves contributions required to be reported by a campaign committee under section 3517.10,~~

~~division (E) of section 3517.102, or section 3517.105, 3517.107, 72947~~  
~~3517.108, or 3517.109 of the Revised Code that are not reported, 72948~~  
~~whether any of the contributors of the contributions not 72949~~  
~~reported have a personal or professional relationship with the 72950~~  
~~campaign committee's candidate; 72951~~

~~(v) If the complaint involves a statement required to be 72952~~  
~~filed under section 3517.10, division (E) of section 3517.102, 72953~~  
~~or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 72954~~  
~~3517.1012, 3517.1013, or 3517.1014 of the Revised Code that is 72955~~  
~~incomplete, the degree to which it is incomplete; 72956~~

~~(vi) If the complaint involves the receipt of 72957~~  
~~contributions in violation of section 3599.03 of the Revised 72958~~  
~~Code, the dollar amount and number of contributions received in 72959~~  
~~violation of that section; 72960~~

~~(vii) If the complaint involves a failure to make the 72961~~  
~~identification or a misstatement of the identification required 72962~~  
~~under section 3517.105 or 3517.20 of the Revised Code, whether 72963~~  
~~the failure or misstatement was purposely made; 72964~~

~~(viii) If the complaint sets forth a failure to comply 72965~~  
~~with or a violation of a section of the Revised Code described 72966~~  
~~in division (A) (2) (c) of this section, whether the person or 72967~~  
~~entity against whom the complaint has been made has committed 72968~~  
~~more than one such failure or violation within a reasonable 72969~~  
~~amount of time, or whether the cumulative nature of the failures 72970~~  
~~or violations indicates a systematic disregard for the law. 72971~~

~~(b) Prior to making a determination under division (A) (3) 72972~~  
~~(a) of this section that the complaint should receive an 72973~~  
~~expedited hearing under section 3517.156 of the Revised Code, 72974~~  
~~the attorney shall take into consideration the number of panels 72975~~

~~of the commission that have cases pending before them and the~~ 72976  
~~number of cases pending before the panels and shall not make a~~ 72977  
~~determination that will place an undue burden on a panel of the~~ 72978  
~~commission.~~ 72979

~~(e) If the attorney determines that the complaint should~~ 72980  
~~receive an expedited hearing under section 3517.156 of the~~ 72981  
~~Revised Code, the attorney shall recommend to the commission~~ 72982  
~~that the complaint receive an expedited hearing, and, if a~~ 72983  
~~majority of the members of the commission agrees with the~~ 72984  
~~recommendation, the complaint shall receive an expedited hearing~~ 72985  
~~under that section.~~ 72986

~~(4)-(C) (1) Upon the filing of a complaint, the attorney~~ 72987  
~~shall review the complaint. If the complaint does not allege a~~ 72988  
~~violation of a provision of the Revised Code listed in division~~ 72989  
~~(A) of section 3517.15 of the Revised Code or, in the case of a~~ 72990  
~~complaint filed under division (A) (1) of this section, is not~~ 72991  
~~based on personal knowledge, the secretary of state shall~~ 72992  
~~dismiss the complaint. Except as otherwise provided in division~~ 72993  
~~(C) (2) of this section, a dismissal under this division is~~ 72994  
~~without prejudice.~~ 72995

~~(2) After a complaint is dismissed under division (C) (1)~~ 72996  
~~of this section on the ground that the complaint is not based on~~ 72997  
~~personal knowledge, if the same person files another complaint~~ 72998  
~~alleging the same or a substantially similar violation and the~~ 72999  
~~complaint is not based on personal knowledge, the secretary of~~ 73000  
~~state shall dismiss the complaint with prejudice.~~ 73001

~~(D) If the complaint is not dismissed under division (C)~~ 73002  
~~of this section, the attorney shall notify the person who is~~ 73003  
~~alleged to have committed the violation of the complaint and~~ 73004  
~~afford the person an opportunity for a hearing in accordance~~ 73005

with Chapter 119. of the Revised Code. After holding any 73006  
hearing, the attorney shall draft a report and recommend that 73007  
the secretary of state make a finding and, if applicable, impose 73008  
a fine or refer the matter for prosecution, in accordance with 73009  
section 3517.17 of the Revised Code. 73010

(E) The attorney may join two or more complaints if the 73011  
attorney determines that the allegations in each complaint are 73012  
of the same or similar character, are based on the same act or 73013  
failure to act, or are based on two or more acts or failures to 73014  
act constituting parts of a common scheme or plan. If one 73015  
complaint contains two or more allegations, the attorney may 73016  
separate the allegations if they are not of the same or similar 73017  
character, if they are not based on the same act or failure to 73018  
act, or if they are not based on two or more acts or failures to 73019  
act constituting parts of a common scheme or plan. If the 73020  
attorney separates the allegations in a complaint, the attorney 73021  
may make separate recommendations under division ~~(A) (2) or (3)~~ 73022  
(D) of this section for each allegation. 73023

~~(B) Whenever a person or other entity files a complaint~~ 73024  
~~with the commission setting forth a failure to comply with or a~~ 73025  
~~violation of a section of the Revised Code as described in~~ 73026  
~~division (A) (2) (c) of this section and the complaint is filed~~ 73027  
~~during one of the periods of time specified in division (B) (1)~~ 73028  
~~of section 3517.156 of the Revised Code, the person or entity~~ 73029  
~~may request an expedited hearing under that section at the time~~ 73030  
~~the complaint is filed. The attorney for the commission shall~~ 73031  
~~inform the members of the commission of that request at the time~~ 73032  
~~the attorney makes a recommendation under division (A) of this~~ 73033  
~~section. The commission may grant the request for an expedited~~ 73034  
~~hearing under this division if it determines that an expedited~~ 73035  
~~hearing is practicable. (F) (1) Upon receiving the recommendation~~ 73036

of the attorney under division (D) of this section, the 73037  
secretary of state shall review the report and recommendation 73038  
and shall do one of the following: 73039

(a) Refer the matter back to the attorney for further 73040  
investigation and a revised recommendation under division (D) of 73041  
this section; 73042

(b) Make a finding in accordance with section 3517.17 of 73043  
the Revised Code, and, if applicable, impose a fine or refer the 73044  
matter for prosecution. 73045

(2) The secretary of state shall send notice of the 73046  
secretary of state's decision under division (F) (1) (b) of this 73047  
section to the person who is alleged to have committed the 73048  
violation by certified mail. 73049

(3) If, within fourteen days after receiving the notice, 73050  
the person objects to the secretary of state's decision, the 73051  
secretary of state shall not impose a fine or refer the matter 73052  
for prosecution, and shall refer the matter to the Ohio election 73053  
integrity commission for its determination under section 3517.17 73054  
of the Revised Code. 73055

(4) If the person does not object to the secretary of 73056  
state's decision within fourteen days after receiving the 73057  
notice, the secretary of state's decision is final and, if 73058  
applicable, the secretary of state shall impose a fine or refer 73059  
the matter for prosecution as determined under division (F) (1) 73060  
(b) of this section. 73061

(G) (1) If any of the following apply to a complaint, the 73062  
secretary of state shall proceed under division (G) (2) of this 73063  
section: 73064

(a) The secretary of state is a party to the complaint. 73065

(b) A candidate for an office for which the secretary of 73066  
state is also a candidate is a party to the complaint or is 73067  
otherwise involved in the complaint. 73068

(c) The complaint involves a contribution, expenditure, or 73069  
independent expenditure made to advocate the election or defeat 73070  
of the secretary of state or a candidate for an office for which 73071  
the secretary of state is also a candidate. 73072

(d) The secretary of state determines that the secretary 73073  
of state otherwise has a conflict of interest with respect to 73074  
the complaint or that the secretary of state should proceed 73075  
under division (G) (2) of this section to avoid any appearance of 73076  
impropriety. 73077

(2) Notwithstanding any contrary provision of divisions 73078  
(B) to (F) of this section, when division (G) (1) of this section 73079  
applies to a complaint, the secretary of state shall request the 73080  
attorney general to appoint an attorney who is in good standing 73081  
before the supreme court of Ohio to fulfill the duties of the 73082  
attorney described in divisions (B) to (F) of this section. The 73083  
attorney general shall appoint the attorney and shall fulfill 73084  
the duties of the secretary of state under divisions (B) to (F) 73085  
of this section. 73086

**Sec. ~~3517.155~~ 3517.17.** (A) (1) Except as otherwise provided 73087  
in division ~~(B)~~ (A) (2) of this section, upon the referral of a 73088  
matter for a hearing under division (F) (3) of section 3517.16 of 73089  
the Revised Code, the Ohio elections-election integrity 73090  
commission shall ~~hold its first hearing on a~~ appoint an attorney 73091  
in good standing before the supreme court of Ohio to review and 73092  
hear the complaint filed in accordance with it, other than a 73093  
complaint that receives an expedited hearing under section 73094  
3517.156 of the Revised Code, not later than ninety business 73095

~~days after the complaint is filed unless the commission has good~~ 73096  
~~cause to hold the hearing after that time, in which case it~~ 73097  
~~shall hold the hearing not later than one hundred eighty~~ 73098  
~~business days after the complaint is filed~~Chapter 119. of the 73099  
Revised Code. At the hearing, the commissionThe attorney shall 73100  
draft a report and recommend that the commission make a finding 73101  
and, if applicable, impose a fine or refer the matter for 73102  
prosecution, in accordance with division (B) of this section. 73103

(2) Upon receiving the recommendation of the attorney 73104  
under division (A) (1) of this section, the commission shall 73105  
review the report and recommendation and shall do one of the 73106  
following: 73107

(a) Refer the matter back to the attorney for further 73108  
investigation and a revised recommendation under division (A) (1) 73109  
of this section; 73110

(b) Make a finding in accordance with division (B) of this 73111  
section and, if applicable, impose a fine or refer the matter 73112  
for prosecution. 73113

(B) (1) Except as otherwise provided in division (B) (2) of 73114  
this section, the secretary of state or the commission, as 73115  
applicable, shall determine by a preponderance of the evidence 73116  
whether or not the failure to act or the a violation alleged in 73117  
the a complaint has occurred and shall do only one of the 73118  
following, except as otherwise provided in division (B) of this 73119  
section or in division (B) of section 3517.151 of the Revised 73120  
Code: 73121

(a) Enter a finding that good cause has been shown not to 73122  
impose a fine or not to refer the matter to the appropriate 73123  
prosecutorFind that no violation has occurred; 73124

(b) ~~Impose~~ Find that a violation has occurred and impose a fine under section ~~3517.993~~ 3517.171 of the Revised Code; 73125  
73126

(c) ~~Refer~~ Find that a significant violation has occurred or that repeated violations have occurred and refer the matter to the appropriate prosecutor~~+~~, as determined under division (C) of this section. 73127  
73128  
73129  
73130

(2) ~~As used in~~ In the case of a complaint that alleges a violation of division (A) or (B) of section 3517.21 or division (A) or (B) of section 3517.22 of the Revised Code, the secretary of state or the commission, as applicable, shall determine by clear and convincing evidence whether or not the violation has occurred and shall do only one of the following: 73131  
73132  
73133  
73134  
73135  
73136

(a) Find that no violation has occurred; 73137

(b) Find that a violation has occurred and refer the matter to the appropriate prosecutor, as determined under division (C) of this section. 73138  
73139  
73140

(C) For purposes of division ~~(A)~~ (B) of this section, "the appropriate prosecutor" ~~means is~~ a prosecutor as defined in section 2935.01 of the Revised Code and either of the following: 73141  
73142  
73143

~~(a)~~ (1) In the case of a failure to comply with or a violation of law involving a campaign committee or the committee's candidate, a political party, a legislative campaign fund, a political action committee, or a political contributing entity, that is required to file a statement of contributions and expenditures with the secretary of state under division (A) of section 3517.11 of the Revised Code, the prosecutor of Franklin county; 73144  
73145  
73146  
73147  
73148  
73149  
73150  
73151

~~(b)~~ (2) In the case of a failure to comply with or a violation of law involving any other ~~campaign committee or~~ 73152  
73153



~~committee's candidate, or any other political party, political-~~ 73154  
~~action committee, or political contributing entity either~~ 73155  
person, one of the following as determined by the secretary of 73156  
state or the commission, as applicable: 73157

(i) The prosecutor of Franklin county; 73158

(ii) The prosecutor of the county in which the candidacy 73159  
or ballot question or issue, if applicable, is submitted to the 73160  
electors or, if it is submitted in more than one county, the 73161  
most populous of those counties; 73162

(iii) The prosecutor of the county in which the person 73163  
resides. 73164

~~(B) If the commission decides that the evidence is-~~ 73165  
~~insufficient for it to determine whether or not the failure to-~~ 73166  
~~act or the violation alleged in the complaint has occurred, the-~~ 73167  
~~commission, by the affirmative vote of five members, may request~~ 73168  
~~that an investigatory attorney investigate the complaint. Upon-~~ 73169  
~~that request, an investigatory attorney shall make an-~~ 73170  
~~investigation in order to produce sufficient evidence for the-~~ 73171  
~~commission to decide the matter. If the commission requests an-~~ 73172  
~~investigation under this division, for good cause shown by the-~~ 73173  
~~investigatory attorney, the commission may extend by sixty days-~~ 73174  
~~the deadline for holding its first hearing on the complaint as-~~ 73175  
~~required in division (A) of this section.~~ 73176

~~(C) The commission shall take one of the actions required-~~ 73177  
~~under division (A) of this section not later than thirty days-~~ 73178  
~~after the close of all the evidence presented.~~ 73179

~~(D) (1) The commission shall make any finding of a failure-~~ 73180  
~~to comply with or a violation of law in regard to a complaint-~~ 73181  
~~that alleges a violation of division (A) or (B) of section-~~ 73182

~~3517.21, or division (A) or (B) of section 3517.22 of the~~ 73183  
~~Revised Code by clear and convincing evidence. The commission~~ 73184  
~~shall make any finding of a failure to comply with or a~~ 73185  
~~violation of law in regard to any other complaint by a~~ 73186  
~~preponderance of the evidence.~~ 73187

~~(2) If the commission finds a violation of division (B) of~~ 73188  
~~section 3517.21 or division (B) of section 3517.22 of the~~ 73189  
~~Revised Code, it shall refer the matter to the appropriate~~ 73190  
~~prosecutor under division (A) (1) (c) of this section and shall~~ 73191  
~~not impose a fine under division (A) (1) (b) of this section or~~ 73192  
~~section 3517.993 of the Revised Code.~~ 73193

~~(E) In an action before the commission or a panel of the~~ 73194  
~~commission, if (D) If the allegations of the complainant are not~~ 73195  
~~proved, and the secretary of state or the commission takes the~~ 73196  
~~action described in division (A) (1) (a) of this section or a~~ 73197  
~~panel of the commission takes the action described in division~~ 73198  
~~(C) (1) of section 3517.156 of the Revised Code, as applicable,~~ 73199  
~~determines that no violation has occurred, the secretary of~~ 73200  
~~state or the commission or a panel of the commission, as~~ 73201  
~~applicable, may find that the complaint is frivolous, and, if~~ 73202  
~~the commission or panel so finds, the commission shall order the~~ 73203  
~~complainant to pay reasonable attorney's fees and to pay the~~ 73204  
~~costs of the secretary of state or the commission or panel as~~ 73205  
~~determined by a majority of the members of the commission, as~~ 73206  
~~applicable. The costs paid to the commission or panel under this~~ 73207  
~~division shall be deposited into the Ohio elections election~~ 73208  
~~integrity commission fund.~~ 73209

**Sec. ~~3517.993~~ 3517.171.** ~~This section authorizes the~~ 73210  
~~establishment of fines that may be imposed only with respect to~~ 73211  
~~acts or failures to act that occur on and after August 24, 1995.~~ 73212

(A) Except as otherwise provided in division ~~(D) (2)~~ (D) of 73213  
this section 3517.155 of the Revised Code, when section 3517.17 73214  
of the Revised Code authorizes the imposition of an 73215  
administrative fine, the secretary of state or the Ohio 73216  
elections election integrity commission-, as applicable, may 73217  
impose an administrative fines under division (A) (1) (b) of 73218  
section 3517.155 of the Revised Code in accordance with the 73219  
amounts set forth under sections 3517.992, 3599.03, and 3599.031 73220  
of the Revised Code fine of up to one thousand dollars for each 73221  
violation. 73222

~~(B) The commission may suspend all or part of a fine it~~ 73223  
~~imposes under this section upon whatever terms and conditions~~ 73224  
~~the commission considers just.~~ 73225

~~(C) (1)~~ (B) (1) The secretary of state or the commission-, 73226  
as applicable, shall consider any of the following circumstances 73227  
in determining whether to impose a maximum fine under division 73228  
(A) of this section: 73229

(a) Whether the violator has been found guilty of any 73230  
other violation of section 145.054, 742.043, 3307.073, 3309.073, 73231  
or 5505.045 or Title XXXV of the Revised Code; 73232

(b) Whether the violation was made knowingly or purposely; 73233

(c) Whether any relevant statements, addenda, or 73234  
affidavits required to be filed have not been filed; 73235

(d) Whether the violator has any outstanding fines imposed 73236  
for a violation of section 145.054, 742.043, 3307.073, 3309.073, 73237  
or 5505.045 or Title XXXV of the Revised Code; 73238

(e) Whether the violation occurred during the course of a 73239  
campaign. 73240

(2) The secretary of state or the commission-, as 73241  
applicable, shall consider any of the following circumstances in 73242  
determining whether to impose a ~~minimal~~-lesser fine ~~or no fine~~- 73243  
under division (A) of this section: 73244

(a) Whether the violator previously has not been found 73245  
guilty of any other violation of section 145.054, 742.043, 73246  
3307.073, 3309.073, or 5505.045 or Title XXXV of the Revised 73247  
Code; 73248

(b) Whether the violator has promptly corrected the 73249  
violator's violation; 73250

(c) Whether the nature and circumstances of the violation 73251  
merit a ~~minimum~~-lesser fine; 73252

(d) Whether there are substantial grounds tending to 73253  
excuse or justify the violation, although failing to establish a 73254  
defense to the violation; 73255

(e) Whether the violation was not purposely committed. 73256

(3) The circumstances set forth in divisions ~~(C) (1)~~-(B) (1) 73257  
and (2) of this section shall be considered by, but shall not 73258  
control the decision of, the secretary of state or the 73259  
commission-, as applicable, in imposing a fine. 73260

(D) Notwithstanding divisions (A), (B), and (C) of this 73261  
section, when section 3517.17 of the Revised Code authorizes the 73262  
imposition of an administrative fine with respect to an act or 73263  
failure to act that occurred before the effective date of this 73264  
section, the secretary of state or the commission, as 73265  
applicable, shall impose the fine authorized under the Revised 73266  
Code and, if applicable, under the rules of the Ohio elections 73267  
commission, as they existed at the time of the violation. 73268

(E) (1) ~~Fines imposed by the commission~~ under this section 73269  
shall be ~~paid~~ deposited into the Ohio ~~elections~~ election 73270  
integrity commission fund created by section 111.29 of the 73271  
Revised Code. 73272

(2) The secretary of state shall certify to the attorney 73273  
general for collection under section 131.02 of the Revised Code 73274  
the amount of any fine imposed by the secretary of state, by the 73275  
Ohio election integrity commission, or by the Ohio elections 73276  
commission under this section or under a former version of this 73277  
section that is not paid within forty-five days after it is 73278  
imposed. 73279

**Sec. ~~3517.157~~ 3517.18.** (A) A complaint shall be filed with 73280  
the ~~Ohio elections commission~~ secretary of state under section 73281  
3517.16 of the Revised Code within two years after the 73282  
occurrence of the act or failure to act that is the subject of 73283  
the complaint, except that if the act or failure to act involves 73284  
fraud, concealment, or misrepresentation and was not discovered 73285  
during that two-year period, a complaint may be filed within one 73286  
year after discovery of such act or failure to act. 73287

(B) Whoever files a complaint with the ~~commission~~ 73288  
secretary of state under section ~~3517.153~~ 3517.16 of the Revised 73289  
Code may withdraw it at ~~the following times:~~ 73290

~~(1) If the complaint receives an expedited hearing under~~ 73291  
~~section 3517.156 of the Revised Code, at any time prior to the~~ 73292  
~~hearing without the permission of the commission, or at any time~~ 73293  
~~after the hearing begins but only with the permission of the~~ 73294  
~~commission;~~ 73295

~~(2) If the complaint does not receive an expedited~~ 73296  
~~hearing, at any time.~~ 73297

~~(C) The commission may dismiss a complaint pending before~~ 73298  
~~it or before a panel of the commission.~~ 73299

~~(D) The commission or a panel of the commission shall~~ 73300  
~~conduct hearings in accordance with Chapter 119. of the Revised~~ 73301  
~~Code and the Rules of Civil Procedure, except as they are~~ 73302  
~~inconsistent with rules adopted by the commission. A party~~ 73303  
~~adversely affected by a final determination of the commission,~~ 73304  
~~including the secretary of state, may appeal from the~~ 73305  
~~determination under section 119.12 of the Revised Code.~~ 73306

~~(E) The privilege granted to an attorney under section~~ 73307  
~~2317.02 of the Revised Code shall be granted to the full-time~~ 73308  
~~attorney employed by the commission under division (H) (2) of~~ 73309  
~~section 3517.152 of the Revised Code, and the commission or a~~ 73310  
~~panel of the commission shall be considered the client of that~~ 73311  
~~attorney for purposes of that privilege.~~ 73312

~~(F)~~ (D) The members of the commission shall not do either 73313  
of the following except at a meeting of the commission subject 73314  
to section 121.22 of the Revised Code: 73315

(1) Discuss among themselves a complaint pending before 73316  
the commission ~~or a panel of the commission;~~ 73317

(2) Discuss a complaint pending before the commission ~~or a~~ 73318  
~~panel of the commission~~ with a party to the complaint, an 73319  
attorney representing a party to the complaint, or an 73320  
~~investigatory attorney of the commission~~ appointed to hear the 73321  
complaint. 73322

**Sec. 3517.20.** (A) As used in this section: 73323

(1) "Political publication for or against a candidate" 73324  
means a notice, placard, advertisement, sample ballot, brochure, 73325  
flyer, direct mailer, or other form of general publication that 73326

is designed to promote the nomination, election, or defeat of a 73327  
candidate. 73328

(2) "Political publication for or against an issue" means 73329  
a notice, placard, advertisement, sample ballot, brochure, 73330  
flyer, direct mailer, or other form of general publication that 73331  
is designed to promote the adoption or defeat of a ballot issue 73332  
or question or to influence the voters in an election. 73333

(3) "Public political advertising" means newspapers, 73334  
magazines, outdoor advertising facilities, direct mailings, or 73335  
other similar types of general public political advertising, or 73336  
flyers, handbills, or other nonperiodical printed matter. 73337

(4) "Statewide candidate" has the same meaning as in 73338  
section 3517.102 of the Revised Code. 73339

(5) "Legislative candidate" means a candidate for the 73340  
office of member of the general assembly. 73341

(6) "Local candidate" means a candidate for an elective 73342  
office of a political subdivision of this state. 73343

(7) "Legislative campaign fund" has the same meaning as in 73344  
section 3517.01 of the Revised Code. 73345

(8) "Limited political action committee" means a political 73346  
action committee of fewer than ten members. 73347

(9) "Limited political contributing entity" means a 73348  
political contributing entity of fewer than ten members. 73349

(10) "Designated amount" means one hundred dollars in the 73350  
case of a local candidate or a local ballot issue, two hundred 73351  
fifty dollars in the case of a legislative candidate, or five 73352  
hundred dollars in the case of a statewide candidate or a 73353  
statewide ballot issue. 73354

(11) "To issue" includes to print, post, distribute, 73355  
reproduce for distribution, or cause to be issued, printed, 73356  
posted, distributed, or reproduced for distribution. 73357

(12) "Telephone bank" means more than five hundred 73358  
telephone calls of an identical or substantially similar nature 73359  
within any thirty-day period, whether those telephone calls are 73360  
made by individual callers or by recording. 73361

(B) (1) Except as otherwise provided in division (B) (2) of 73362  
this section, no entity shall do any of the following unless the 73363  
name of the entity appears in a conspicuous place on or is 73364  
contained or included within the publication, communication, or 73365  
telephone call: 73366

(a) Issue a form of political publication in support of or 73367  
opposition to a candidate or a ballot issue or question; 73368

(b) Make an expenditure for the purpose of financing 73369  
political communications in support of or opposition to a 73370  
candidate or a ballot issue or question through public political 73371  
advertising; 73372

(c) Utter or cause to be uttered, over the broadcasting 73373  
facilities of any radio or television station within this state, 73374  
any communication in support of or opposition to a candidate or 73375  
a ballot issue or question or any communication that is designed 73376  
to influence the voters in an election; 73377

(d) Conduct a telephone bank for the purpose of supporting 73378  
or opposing a candidate or a ballot issue or question or for the 73379  
purpose of influencing the voters in an election. 73380

(2) A limited political action committee or limited 73381  
political contributing entity may do any of the following 73382  
without including its name in the publication or communication: 73383



(a) Issue a form of political publication in support of or 73384  
opposition to a candidate or a ballot issue or question that 73385  
does not cost in excess of the designated amount or that is not 73386  
issued in cooperation, consultation, or concert with, or at the 73387  
request or suggestion of, a candidate, a campaign committee, a 73388  
legislative campaign fund, a political party, a political action 73389  
committee with ten or more members, a political contributing 73390  
entity with ten or more members, or a limited political action 73391  
committee or limited political contributing entity that spends 73392  
in excess of the designated amount on a related or the same or 73393  
similar political publication in support of or opposition to a 73394  
candidate or a ballot issue or question; 73395

(b) Make an expenditure that is not in excess of the 73396  
designated amount in support of or opposition to a candidate or 73397  
a ballot issue or question or make an expenditure that is not 73398  
made in cooperation, consultation, or concert with, or at the 73399  
request or suggestion of, a candidate, a campaign committee, a 73400  
legislative campaign fund, a political party, a political action 73401  
committee with ten or more members, a political contributing 73402  
entity with ten or more members, or a limited political action 73403  
committee or limited political contributing entity that spends 73404  
in excess of the designated amount in support of or opposition 73405  
to the same candidate or a ballot issue or question, for the 73406  
purpose of financing political communications in support of or 73407  
opposition to that candidate or a ballot issue or question 73408  
through public political advertising. 73409

(C) If more than one piece of printed matter or printed 73410  
political communications are mailed as a single packet, the 73411  
requirements of division (B) of this section are met if one of 73412  
the pieces of printed matter or printed political communications 73413  
in the packet contains the name of the organization or entity 73414

that issues or is responsible for the printed matter or other 73415  
printed political communications. 73416

(D) This section does not apply to the transmittal of 73417  
personal correspondence that is not reproduced by machine for 73418  
general distribution. 73419

(E) The secretary of state, by rule, may exempt from the 73420  
requirements of this section, printed matter and certain other 73421  
kinds of printed communications such as campaign buttons, 73422  
balloons, pencils, or similar items, the size or nature of which 73423  
makes it unreasonable to add an identification or disclaimer. 73424

(F) The disclaimer or identification described in division 73425  
(B) of this section, when paid for by a candidate, legislative 73426  
campaign fund, or campaign committee, shall be identified by the 73427  
words "paid for by" followed by the name of the entity. The 73428  
identification or disclaimer may use reasonable abbreviations 73429  
for common terms such as "committee." 73430

The disclaimer "paid political advertisement" is not 73431  
sufficient to meet the requirements of this section. 73432

(G) (1) No person operating a broadcast station or an organ 73433  
of printed media shall broadcast or print a paid political 73434  
communication that does not contain the identification required 73435  
by this section. 73436

(2) Division (B) (1) (c) of this section does not apply to 73437  
any communications made on behalf of a radio or television 73438  
station or network by any employee of such radio or television 73439  
station or network while acting in the course of the employee's 73440  
employment. 73441

(H) (1) No candidate or entity shall use or cause to be 73442  
used a false, fictitious, or fraudulent name or address in the 73443

making or issuing of a publication or communication included 73444  
within the provisions of this section. 73445

(2) No political action committee or political 73446  
contributing entity shall use or cause to be used, in the making 73447  
or issuing of a publication or communication included within the 73448  
provisions of this section, a name or address that would lead a 73449  
reasonable person to believe that the publication or 73450  
communication is made by or on behalf of a county political 73451  
party, unless the political action committee or political 73452  
contributing ~~committee~~ entity has obtained a written statement, 73453  
signed by the chairperson of the county political party's 73454  
executive committee, granting the political action committee or 73455  
political contributing entity permission to act on behalf of or 73456  
represent the county political party. 73457

~~(I) Before a prosecution may commence under this section,~~ 73458  
~~a complaint shall be filed with the Ohio elections commission~~ 73459  
~~under section 3517.153 of the Revised Code. After the complaint~~ 73460  
~~is filed, the commission shall proceed in accordance with~~ 73461  
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 73462

**Sec. 3517.21.** (A) No person, during the course of any 73463  
campaign for nomination or election to public office or office 73464  
of a political party, shall knowingly and with intent to affect 73465  
the outcome of such campaign do any of the following: 73466

(1) Serve, or place another person to serve, as an agent 73467  
or employee in the election campaign organization of a candidate 73468  
for the purpose of acting to impede the conduct of the 73469  
candidate's campaign for nomination or election or of reporting 73470  
information to the employee's employer or the agent's principal 73471  
without the knowledge of the candidate or the candidate's 73472  
organization; 73473

(2) Promise, offer, or give any valuable thing or valuable benefit to any person who is employed by or is an agent of a candidate or a candidate's election campaign organization for the purpose of influencing the employee or agent with respect to the improper discharge of the employee's or agent's campaign duties or to obtain information about the candidate or the candidate's campaign organization.

(B) No person, during the course of any campaign for nomination or election to public office or office of a political party, by means of campaign materials, including sample ballots, an advertisement on radio or television or in a newspaper or periodical, a public speech, press release, or otherwise, shall knowingly and with intent to affect the outcome of such campaign do any of the following:

(1) Use the title of an office not currently held by a candidate in a manner that implies that the candidate does currently hold that office or use the term "re-elect" when the candidate has never been elected at a primary, general, or special election to the office for which he or she is a candidate;

(2) Make a false statement concerning the formal schooling or training completed or attempted by a candidate; a degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a candidate; or the period of time during which a candidate attended any school, college, community technical school, or institution;

(3) Make a false statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages;

(4) Make a false statement that a candidate or public official has been indicted or convicted of a theft offense, extortion, or other crime involving financial corruption or moral turpitude;

(5) Make a statement that a candidate has been indicted for any crime or has been the subject of a finding by the Ohio elections commission, the secretary of state, or the Ohio election integrity commission without disclosing the outcome of any legal proceedings resulting from the indictment or finding;

(6) Make a false statement that a candidate or official has a record of treatment or confinement for mental disorder;

(7) Make a false statement that a candidate or official has been subjected to military discipline for criminal misconduct or dishonorably discharged from the armed services;

(8) Falsely identify the source of a statement, issue statements under the name of another person without authorization, or falsely state the endorsement of or opposition to a candidate by a person or publication;

(9) Make a false statement concerning the voting record of a candidate or public official;

(10) Post, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate.

As used in this section, "voting record" means the recorded "yes" or "no" vote on a bill, ordinance, resolution, motion, amendment, or confirmation.

~~(C) Before a prosecution may commence under this section,~~ 73532  
~~a complaint shall be filed with the Ohio elections commission~~ 73533  
~~under section 3517.153 of the Revised Code. After the complaint~~ 73534  
~~is filed, the commission shall proceed in accordance with~~ 73535  
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 73536

**Sec. 3517.22.** (A) No person during the course of any 73537  
campaign in advocacy of or in opposition to the adoption of any 73538  
proposition or issue submitted to the voters shall knowingly and 73539  
with intent to affect the outcome of such campaign do any of the 73540  
following: 73541

(1) Serve, or place another person to serve, as an agent 73542  
or employee in the election campaign organization of a committee 73543  
which advocates or is in opposition to the adoption of any 73544  
ballot proposition or issue for the purpose of acting to impede 73545  
the conduct of the campaign on the proposition or issue or of 73546  
reporting information to the employee's employer or the agent's 73547  
principal without the knowledge of the committee; 73548

(2) Promise, offer, or give any valuable thing or valuable 73549  
benefit to any person who is employed by or is an agent of a 73550  
committee in advocacy of or in opposition to the adoption of any 73551  
ballot proposition or issue, for the purpose of influencing the 73552  
employee or agent with respect to the improper discharge of the 73553  
employee's or agent's campaign duties or to obtain information 73554  
about the committee's campaign organization. 73555

(B) No person, during the course of any campaign in 73556  
advocacy of or in opposition to the adoption of any ballot 73557  
proposition or issue, by means of campaign material, including 73558  
sample ballots, an advertisement on radio or television or in a 73559  
newspaper or periodical, a public speech, a press release, or 73560  
otherwise, shall knowingly and with intent to affect the outcome 73561

of such campaign do any of the following:

(1) Falsely identify the source of a statement, issue statements under the name of another person without authorization, or falsely state the endorsement of or opposition to a ballot proposition or issue by a person or publication;

(2) Post, publish, circulate, distribute, or otherwise disseminate, a false statement, either knowing the same to be false or acting with reckless disregard of whether it was false or not, that is designed to promote the adoption or defeat of any ballot proposition or issue.

~~(C) Before a prosecution may commence under this section, a complaint shall be filed with the Ohio elections commission under section 3517.153 of the Revised Code. After the complaint is filed, the commission shall proceed in accordance with sections 3517.154 to 3517.157 of the Revised Code.~~

**Sec. 3517.23.** The secretary of state shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration and enforcement of sections 3517.08 to 3517.13, ~~3517.18,~~ 3517.20 to 3517.22, 3599.03, and 3599.031 of the Revised Code and shall provide each candidate, political action committee, political contributing entity, legislative campaign fund, political party, and person making disbursements to pay the direct costs of producing or airing electioneering communications with written instructions and explanations in order to ensure compliance with sections 3517.08 to 3517.13, 3517.20 to 3517.22, 3599.03, and 3599.031 of the Revised Code.

**Sec. ~~3517.992~~ 3517.99.** ~~This section establishes penalties only with respect to acts or failures to act that occur on and~~

~~after August 24, 1995. Except as otherwise provided in section~~ 73591  
3517.991 of the Revised Code: 73592

(A) (1) A candidate whose campaign committee violates 73593  
division (A), (B), (C), (D), or (V) of section 3517.13 of the 73594  
Revised Code, or a treasurer of a campaign committee who 73595  
violates any of those divisions, shall be fined not more than 73596  
one hundred dollars for each day of violation. 73597

(2) Whoever violates division (E) or (X) (5) of section 73598  
3517.13 or division (E) (1) of section 3517.1014 of the Revised 73599  
Code shall be fined not more than one hundred dollars for each 73600  
day of violation. 73601

(B) An entity that violates division (G) (1) of section 73602  
3517.101 of the Revised Code shall be fined not more than one 73603  
hundred dollars for each day of violation. 73604

(C) Whoever violates division (G) (2) of section 3517.101, 73605  
division (G) of section 3517.13, or division (E) (2) or (3) of 73606  
section 3517.1014 of the Revised Code shall be fined not more 73607  
than ten thousand dollars or, if the offender is a person who 73608  
was nominated or elected to public office, shall forfeit the 73609  
nomination or the office to which the offender was elected, or 73610  
both. 73611

(D) Whoever violates division (F) or (Y) of section 73612  
3517.13 of the Revised Code shall be fined not more than three 73613  
times the amount contributed. 73614

(E) Whoever violates division (H) of section 3517.13 of 73615  
the Revised Code shall be fined not more than one hundred 73616  
dollars. 73617

(F) Whoever violates division (O), (P), or (Q) of section 73618  
3517.13 of the Revised Code is guilty of a misdemeanor of the 73619



first degree. 73620

(G) A state or county committee of a political party that 73621  
violates division (B) (1) of section 3517.18 of the Revised Code 73622  
as that section existed before its repeal by H.B. 166 of the 73623  
133rd general assembly shall be fined not more than twice the 73624  
amount of the improper expenditure. 73625

(H) An entity that violates division (H) of section 73626  
3517.101 of the Revised Code shall be fined not more than twice 73627  
the amount of the improper expenditure or use. 73628

(I) (1) Any individual who violates division (B) (1) of 73629  
section 3517.102 of the Revised Code and knows that the 73630  
contribution the individual makes violates that division shall 73631  
be fined an amount equal to three times the amount contributed 73632  
in excess of the amount permitted by that division. 73633

(2) Any political action committee that violates division 73634  
(B) (2) of section 3517.102 of the Revised Code shall be fined an 73635  
amount equal to three times the amount contributed in excess of 73636  
the amount permitted by that division. 73637

(3) Any campaign committee that violates division (B) (3) 73638  
or (5) of section 3517.102 of the Revised Code shall be fined an 73639  
amount equal to three times the amount contributed in excess of 73640  
the amount permitted by that division. 73641

(4) (a) Any legislative campaign fund that violates 73642  
division (B) (6) of section 3517.102 of the Revised Code shall be 73643  
fined an amount equal to three times the amount transferred or 73644  
contributed in excess of the amount permitted by that division, 73645  
as applicable. 73646

(b) Any state political party, county political party, or 73647  
state candidate fund of a state political party or county 73648

political party that violates division (B) (6) of section 73649  
3517.102 of the Revised Code shall be fined an amount equal to 73650  
three times the amount transferred or contributed in excess of 73651  
the amount permitted by that division, as applicable. 73652

(c) Any political contributing entity that violates 73653  
division (B) (7) of section 3517.102 of the Revised Code shall be 73654  
fined an amount equal to three times the amount contributed in 73655  
excess of the amount permitted by that division. 73656

(5) Any political party that violates division (B) (4) of 73657  
section 3517.102 of the Revised Code shall be fined an amount 73658  
equal to three times the amount contributed in excess of the 73659  
amount permitted by that division. 73660

(6) Notwithstanding divisions (I) (1), (2), (3), (4), and 73661  
(5) of this section, no violation of division (B) of section 73662  
3517.102 of the Revised Code occurs, and the secretary of state 73663  
shall not ~~refer parties to the Ohio elections commission~~ file a 73664  
complaint under section 3517.16 of the Revised Code, if the 73665  
amount transferred or contributed in excess of the amount 73666  
permitted by that division meets either of the following 73667  
conditions: 73668

(a) It is completely refunded within five business days 73669  
after it is accepted. 73670

(b) It is completely refunded on or before the tenth 73671  
business day after notification to the recipient of the excess 73672  
transfer or contribution by the board of elections or the 73673  
secretary of state that a transfer or contribution in excess of 73674  
the permitted amount has been received. 73675

(J) (1) Any campaign committee that violates division (C) 73676  
(1), (2), (3), or (6) of section 3517.102 of the Revised Code 73677

shall be fined an amount equal to three times the amount 73678  
accepted in excess of the amount permitted by that division. 73679

(2) (a) Any county political party that violates division 73680  
(C) (4) (a) (ii) or (iii) of section 3517.102 of the Revised Code 73681  
shall be fined an amount equal to three times the amount 73682  
accepted. 73683

(b) Any county political party that violates division (C) 73684  
(4) (a) (i) of section 3517.102 of the Revised Code shall be fined 73685  
an amount from its state candidate fund equal to three times the 73686  
amount accepted in excess of the amount permitted by that 73687  
division. 73688

(c) Any state political party that violates division (C) 73689  
(4) (b) of section 3517.102 of the Revised Code shall be fined an 73690  
amount from its state candidate fund equal to three times the 73691  
amount accepted in excess of the amount permitted by that 73692  
division. 73693

(3) Any legislative campaign fund that violates division 73694  
(C) (5) of section 3517.102 of the Revised Code shall be fined an 73695  
amount equal to three times the amount accepted in excess of the 73696  
amount permitted by that division. 73697

(4) Any political action committee or political 73698  
contributing entity that violates division (C) (7) of section 73699  
3517.102 of the Revised Code shall be fined an amount equal to 73700  
three times the amount accepted in excess of the amount 73701  
permitted by that division. 73702

(5) Notwithstanding divisions (J) (1), (2), (3), and (4) of 73703  
this section, no violation of division (C) of section 3517.102 73704  
of the Revised Code occurs, and the secretary of state shall not 73705  
~~refer parties to the Ohio elections commission~~ file a complaint 73706

under section 3517.16 of the Revised Code, if the amount 73707  
transferred or contributed in excess of the amount permitted to 73708  
be accepted by that division meets either of the following 73709  
conditions: 73710

(a) It is completely refunded within five business days 73711  
after its acceptance. 73712

(b) It is completely refunded on or before the tenth 73713  
business day after notification to the recipient of the excess 73714  
transfer or contribution by the board of elections or the 73715  
secretary of state that a transfer or contribution in excess of 73716  
the permitted amount has been received. 73717

(K) (1) Any legislative campaign fund that violates 73718  
division (F) (1) of section 3517.102 of the Revised Code shall be 73719  
fined twenty-five dollars for each day of violation. 73720

(2) Any legislative campaign fund that violates division 73721  
(F) (2) of section 3517.102 of the Revised Code shall give to the 73722  
treasurer of state for deposit into the state treasury to the 73723  
credit of the Ohio ~~elections~~ election integrity commission fund 73724  
all excess contributions not disposed of as required by division 73725  
(E) of section 3517.102 of the Revised Code. 73726

(L) Whoever violates section 3517.105 of the Revised Code 73727  
shall be fined one thousand dollars. 73728

(M) (1) Whoever solicits a contribution in violation of 73729  
section 3517.092 or violates division (B) of section 3517.09 of 73730  
the Revised Code is guilty of a misdemeanor of the first degree. 73731

(2) Whoever knowingly accepts a contribution in violation 73732  
of division (B) or (C) of section 3517.092 of the Revised Code 73733  
shall be fined an amount equal to three times the amount 73734  
accepted in violation of either of those divisions and shall 73735

return to the contributor any amount so accepted. Whoever 73736  
unknowingly accepts a contribution in violation of division (B) 73737  
or (C) of section 3517.092 of the Revised Code shall return to 73738  
the contributor any amount so accepted. 73739

(N) Whoever violates division (S) of section 3517.13 of 73740  
the Revised Code shall be fined an amount equal to three times 73741  
the amount of funds transferred or three times the value of the 73742  
assets transferred in violation of that division. 73743

(O) Any campaign committee that accepts a contribution or 73744  
contributions in violation of section 3517.108 of the Revised 73745  
Code, uses a contribution in violation of that section, or fails 73746  
to dispose of excess contributions in violation of that section 73747  
shall be fined an amount equal to three times the amount 73748  
accepted, used, or kept in violation of that section. 73749

(P) Any political party, state candidate fund, legislative 73750  
candidate fund, or campaign committee that violates division (T) 73751  
of section 3517.13 of the Revised Code shall be fined an amount 73752  
equal to three times the amount contributed or accepted in 73753  
violation of that section. 73754

(Q) A treasurer of a committee or another person who 73755  
violates division (U) of section 3517.13 of the Revised Code 73756  
shall be fined not more than two hundred fifty dollars. 73757

(R) Whoever violates division (I) or (J) of section 73758  
3517.13 of the Revised Code shall be fined not more than one 73759  
thousand dollars. Whenever a person is found guilty of violating 73760  
division (I) or (J) of section 3517.13 of the Revised Code, the 73761  
contract awarded in violation of either of those divisions shall 73762  
be rescinded if its terms have not yet been performed. 73763

(S) A candidate whose campaign committee violates or a 73764

treasurer of a campaign committee who violates section 3517.081 73765  
of the Revised Code, and a candidate whose campaign committee 73766  
violates or a treasurer of a campaign committee or another 73767  
person who violates division (C) of section 3517.10 of the 73768  
Revised Code, shall be fined not more than five hundred dollars. 73769

(T) A candidate whose campaign committee violates or a 73770  
treasurer of a committee who violates division (B) of section 73771  
3517.09 of the Revised Code, or a candidate whose campaign 73772  
committee violates or a treasurer of a campaign committee or 73773  
another person who violates division (C) of section 3517.09 of 73774  
the Revised Code shall be fined not more than one thousand 73775  
dollars. 73776

(U) Whoever violates section 3517.20 of the Revised Code 73777  
shall be fined not more than five hundred dollars. 73778

(V) Whoever violates section 3517.21 or 3517.22 of the 73779  
Revised Code shall be imprisoned for not more than six months or 73780  
fined not more than five thousand dollars, or both. 73781

(W) ~~A campaign committee that is required to file a~~ 73782  
~~declaration of no limits under division (D) (2) of section~~ 73783  
~~3517.103 of the Revised Code that, before filing that~~ 73784  
~~declaration, accepts a contribution or contributions that exceed~~ 73785  
~~the limitations prescribed in section 3517.102 of the Revised~~ 73786  
~~Code, shall return that contribution or those contributions to~~ 73787  
~~the contributor.~~ 73788

~~(X)~~ Any campaign committee that fails to file the 73789  
declaration of filing-day finances required by division (F) of 73790  
section 3517.109 of the Revised Code shall be fined twenty-five 73791  
dollars for each day of violation. 73792

~~(Y) (1)~~ (X) (1) Any campaign committee that fails to dispose 73793

of excess funds or excess aggregate contributions under division 73794  
(B) of section 3517.109 of the Revised Code in the manner 73795  
required by division (C) of that section shall give to the 73796  
treasurer of state for deposit into the Ohio ~~elections~~ election 73797  
integrity commission fund created under ~~division (I) of section~~ 73798  
~~3517.152~~ 111.29 of the Revised Code all funds not disposed of 73799  
pursuant to that division. 73800

(2) Any treasurer of a transition fund that fails to 73801  
dispose of assets remaining in the transition fund as required 73802  
under division (H) (1) or (2) of section 3517.1014 of the Revised 73803  
Code shall give to the treasurer of state for deposit into the 73804  
Ohio ~~elections~~ election integrity commission fund all assets not 73805  
disposed of pursuant to that division. 73806

~~(Z)~~ (Y) Any individual, campaign committee, political 73807  
action committee, political contributing entity, legislative 73808  
campaign fund, political party, treasurer of a transition fund, 73809  
or other entity that violates any provision of sections 3517.09 73810  
to 3517.12 of the Revised Code for which no penalty is provided 73811  
for under any other division of this section shall be fined not 73812  
more than one thousand dollars. 73813

~~(AA) (1)~~ (Z) (1) Whoever knowingly violates division (W) (1) 73814  
of section 3517.13 of the Revised Code shall be fined an amount 73815  
equal to three times the amount contributed, expended, or 73816  
promised in violation of that division or ten thousand dollars, 73817  
whichever amount is greater. 73818

(2) Whoever knowingly violates division (W) (2) of section 73819  
3517.13 of the Revised Code shall be fined an amount equal to 73820  
three times the amount solicited or accepted in violation of 73821  
that division or ten thousand dollars, whichever amount is 73822  
greater. 73823

~~(BB)~~ (AA) Whoever knowingly violates division (C) or (D) 73824  
of section 3517.1011 of the Revised Code shall be fined not more 73825  
than ten thousand dollars plus not more than one thousand 73826  
dollars for each day of violation. 73827

~~(CC) (1) Subject to division (CC) (2) of this section,~~ 73828  
~~whoever violates division (H) of section 3517.1011 of the~~ 73829  
~~Revised Code shall be fined an amount up to three times the~~ 73830  
~~amount disbursed for the direct costs of airing the~~ 73831  
~~communication made in violation of that division.~~ 73832

~~(2) Whoever has been ordered by the Ohio elections~~ 73833  
~~commission or by a court of competent jurisdiction to cease~~ 73834  
~~making communications in violation of division (H) of section~~ 73835  
~~3517.1011 of the Revised Code who again violates that division~~ 73836  
~~shall be fined an amount equal to three times the amount~~ 73837  
~~disbursed for the direct costs of airing the communication made~~ 73838  
~~in violation of that division.~~ 73839

~~(DD) (1)~~ (BB) (1) Any corporation or labor organization that 73840  
violates division (X) (3) (a) of section 3517.13 of the Revised 73841  
Code shall be fined an amount equal to three times the amount 73842  
given in excess of the amount permitted by that division. 73843

(2) Any state or county political party that violates 73844  
division (X) (3) (b) of section 3517.13 of the Revised Code shall 73845  
be fined an amount equal to three times the amount accepted in 73846  
excess of the amount permitted by that division. 73847

~~(EE) (1)~~ (CC) (1) Any campaign committee or person who 73848  
violates division (C) (1) (b) or (c) of section 3517.1014 of the 73849  
Revised Code shall be fined an amount equal to three times the 73850  
amount donated in excess of the amount permitted by that 73851  
division. 73852



(2) Any officeholder or treasurer of a transition fund who 73853  
violates division (C)(3)(a) or (b) of section 3517.1014 of the 73854  
Revised Code shall be fined an amount equal to three times the 73855  
amount accepted in excess of the amount permitted by that 73856  
division. 73857

Sec. 3517.991. A person who is convicted of a violation of 73858  
this chapter or section 145.054, 742.043, 3307.073, 3309.073, 73859  
3599.03, 3599.031, or 5505.045 of the Revised Code shall be 73860  
sentenced under the law as it existed at the time the violation 73861  
occurred. 73862

**Sec. 3599.03.** (A)(1) Except to carry on activities 73863  
specified in sections 3517.082, 3517.101, 3517.105, and 73864  
3517.1011, division (A)(2) of section 3517.1012, division (B) of 73865  
section 3517.1013, division (C)(1) of section 3517.1014, and 73866  
section 3599.031 of the Revised Code and except as otherwise 73867  
provided in ~~divisions (D), (E), and (F) of this section,~~ no 73868  
corporation, no nonprofit corporation, and no labor 73869  
organization, directly or indirectly, shall pay or use, or 73870  
offer, advise, consent, or agree to pay or use, the 73871  
corporation's money or property, or the labor organization's 73872  
money, including dues, initiation fees, or other assessments 73873  
paid by members, or property, for or in aid of or opposition to 73874  
a political party, a candidate for election or nomination to 73875  
public office, a political action committee including a 73876  
political action committee of the corporation or labor 73877  
organization, a legislative campaign fund, or any organization 73878  
that supports or opposes any such candidate, or for any partisan 73879  
political purpose, shall violate any law requiring the filing of 73880  
an affidavit or statement respecting such use of those funds, or 73881  
shall pay or use the corporation's or labor organization's money 73882  
for the expenses of a social fund-raising event for its 73883

political action committee if an employee's or labor 73884  
organization member's right to attend such an event is 73885  
predicated on the employee's or member's contribution to the 73886  
corporation's or labor organization's political action 73887  
committee. 73888

(2) Whoever violates division (A) (1) of this section shall 73889  
be fined not less than five hundred nor more than five thousand 73890  
dollars. 73891

(B) (1) No officer, stockholder, attorney, or agent of a 73892  
corporation or nonprofit corporation, no member, including an 73893  
officer, attorney, or agent, of a labor organization, and no 73894  
candidate, political party official, or other individual shall 73895  
knowingly aid, advise, solicit, or receive money or other 73896  
property in violation of division (A) (1) of this section. 73897

(2) Whoever violates division (B) (1) of this section shall 73898  
be fined not more than one thousand dollars, or imprisoned not 73899  
more than one year, or both. 73900

(C) ~~A~~ Except as otherwise provided in section 3517.121 of 73901  
the Revised Code, a corporation, a nonprofit corporation, or a 73902  
labor organization may use its funds or property ~~for or in aid~~ 73903  
~~of or opposition to a proposed or certified ballot issue~~ to make 73904  
an independent expenditure or to make a contribution to a 73905  
political action committee or a political contributing entity 73906  
that makes only independent expenditures. A corporation, 73907  
nonprofit corporation, or labor organization that makes a 73908  
contribution or expenditure is considered a political 73909  
contributing entity. Such use of funds or property shall be 73910  
reported ~~on a form prescribed by the secretary of state. Reports~~ 73911  
~~of contributions in connection with statewide ballot issues~~ 73912  
~~shall be filed with the secretary of state. Reports of~~ 73913

~~contributions in connection with local issues shall be filed~~ 73914  
~~with the board of elections of the most populous county of the~~ 73915  
~~district in which the issue is submitted or to be submitted to~~ 73916  
~~the electors. Reports made pursuant to this division shall be~~ 73917  
~~filed by the times specified in divisions (A) (1) and (2) of~~ 73918  
~~section~~ accordance with sections 3517.10 and 3517.105 of the 73919  
Revised Code. 73920

(D) A nonprofit corporation that is a membership 73921  
association and that is exempt from taxation under subsection 73922  
501(c) (6) of the Internal Revenue Code may transfer 73923  
contributions received as part of a regular dues payment from 73924  
member partnerships and other unincorporated businesses ~~as~~ 73925  
~~defined in division (I) (6) of section 3517.10 of the Revised~~ 73926  
~~Code to its political action committee. Contributions received~~ 73927  
~~under this division shall be itemized and allocated to~~ 73928  
~~individuals subject to contribution limits. The political action~~ 73929  
committee shall itemize and report those contributions in 73930  
accordance with division (I) (1) (a) or (b) of section 3517.10 of 73931  
the Revised Code, as indicated by each partnership or other 73932  
unincorporated business. 73933

(E) (1) Any gift made pursuant to section 3517.101 of the 73934  
Revised Code does not constitute a violation of this section or 73935  
of any other section of the Revised Code. 73936

(2) Any gift made pursuant to division (A) (2) of section 73937  
3517.1012 of the Revised Code does not constitute a violation of 73938  
this section. 73939

(3) Any gift made pursuant to division (B) of section 73940  
3517.1013 of the Revised Code does not constitute a violation of 73941  
this section. 73942

(4) Any donation made pursuant to division (C) (1) of 73943  
section 3517.1014 of the Revised Code does not constitute a 73944  
violation of this section. 73945

(F) Any compensation or fees paid by a financial 73946  
institution to a state political party for services rendered 73947  
pursuant to division (B) of section 3517.19 of the Revised Code 73948  
do not constitute a violation of this section or of any other 73949  
section of the Revised Code. 73950

(G) (1) The use by a nonprofit corporation of its money or 73951  
property for communicating information for a purpose specified 73952  
in division (A) of this section is not a violation of that 73953  
division if the stockholders, members, donors, trustees, or 73954  
officers of the nonprofit corporation are the predominant 73955  
recipients of the communication. The nonprofit corporation is 73956  
not required to report that use of its money or property as an 73957  
independent expenditure. 73958

(2) The placement of a campaign sign on the property of a 73959  
corporation, nonprofit corporation, or labor organization is not 73960  
a use of property in violation of division (A) of this section 73961  
by that corporation, nonprofit corporation, or labor 73962  
organization. 73963

(3) The use by a corporation or labor organization of its 73964  
money or property for communicating information for a purpose 73965  
specified in division (A) of this section is not a violation of 73966  
that division if it is not a communication made by mass 73967  
broadcast such as radio or television or made by advertising in 73968  
a newspaper of general circulation but is a communication sent 73969  
exclusively to members, employees, officers, or trustees of that 73970  
labor organization or shareholders, employees, officers, or 73971  
directors of that corporation or to members of the immediate 73972

families of any such individuals or if the communication 73973  
intended to be so sent exclusively is unintentionally sent as 73974  
well to a de minimis number of other individuals. The 73975  
corporation or labor organization is not required to report that 73976  
use of its money or property as an independent expenditure. 73977

(H) In addition to the laws listed in division (A) of 73978  
section 4117.10 of the Revised Code that prevail over 73979  
conflicting agreements between employee organizations and public 73980  
employers, this section prevails over any conflicting provisions 73981  
of agreements between labor organizations and public employers 73982  
that are entered into on or after March 31, 2005, pursuant to 73983  
Chapter 4117. of the Revised Code. 73984

(I) As used in this section, "contribution," 73985  
"expenditure," "independent expenditure," "labor organization," 73986  
~~has~~ "political action committee," and "political contributing 73987  
entity" have the same meaning-meanings as in section 3517.01 of 73988  
the Revised Code. 73989

**Sec. 3701.021.** (A) The director of health shall adopt, in 73990  
accordance with Chapter 119. of the Revised Code, such rules as 73991  
are necessary to carry out sections 3701.021 to 3701.0210 of the 73992  
Revised Code, including, but not limited to, rules to establish 73993  
the following: 73994

(1) Subject to division (D) of this section, medical and 73995  
financial eligibility requirements for the program for children 73996  
and youth with special health care needs; 73997

(2) Subject to division (C) of this section, eligibility 73998  
requirements for providers who provide goods and services for 73999  
the program for children and youth with special health care 74000  
needs; 74001

(3) Procedures to be followed by the department of health	74002
in disqualifying providers for violating requirements adopted	74003
under division (A) (2) of this section;	74004
(4) Procedures to be used by the department regarding	74005
application for diagnostic services under division (B) of	74006
section 3701.023 of the Revised Code and payment for those	74007
services under division (E) of that section;	74008
(5) Standards for the provision of service coordination by	74009
the department of health and city and general health districts;	74010
(6) Procedures for the department to use to determine the	74011
amount to be paid annually by each county for services for	74012
children and youth with special health care needs and to allow	74013
counties to retain funds under divisions (A) (2) and (3) of	74014
section 3701.024 of the Revised Code;	74015
(7) Financial eligibility requirements for services for	74016
Ohio residents twenty-one years of age or older who have cystic	74017
fibrosis;	74018
(8) Criteria for payment of approved providers who provide	74019
goods and services for children and youth with special health	74020
care needs;	74021
(9) Criteria for the department to use in determining	74022
whether the payment of health insurance premiums of participants	74023
in the program for children and youth with special health care	74024
needs is cost-effective;	74025
(10) Procedures for appeal of denials of applications	74026
under divisions (A) and (D) of section 3701.023 of the Revised	74027
Code, disqualification of providers, and amounts paid for	74028
services;	74029

(11) Terms of appointment for members of the children and youth with special health care needs medical advisory council created in section 3701.025 of the Revised Code; 74030  
74031  
74032

(12) Eligibility requirements for the hemophilia program, including income and hardship requirements; 74033  
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(13) If a manufacturer discount program is established under division (J) (1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas. 74035  
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(B) The department of health shall develop a manual of operational procedures and guidelines for the program for children and youth with special health care needs to implement sections 3701.021 to 3701.0210 of the Revised Code. 74040  
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(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for children and youth with special health care needs that the provider is approved to provide for the medicaid program and the director shall approve such a provider for participation in the program for children and youth with special health care needs. 74044  
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(D) In establishing medical and financial eligibility requirements for the program for children and youth with special health care needs, the director of health shall not specify an age restriction that excludes from eligibility an individual who is ~~either of the following:~~ 74051  
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~~(1) Beginning on July 1, 2021, less than twenty-two years of age;~~ 74056  
74057

~~(2) Beginning on July 1, 2022, less than twenty-three~~ 74058

~~years of age;~~ 74059

~~(3) Beginning on July 1, 2023, less than twenty-four years~~ 74060  
~~of age;~~ 74061

~~(4) Beginning on July 1, 2024, less than twenty-five years~~ 74062  
~~of age~~ less than twenty-six years of age. 74063

**Sec. 3701.033.** (A) This section establishes the order of 74064  
priority to be followed by the department of health when 74065  
distributing funds for the purpose of providing family planning 74066  
services, including funds the department receives through the 74067  
"Maternal and Child Health Block Grant," Title V of the "Social 74068  
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, 74069  
and funds the department receives through Title X of the "Public 74070  
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 74071  
amended. This section does not apply to grants awarded by the 74072  
department under section 3701.046 of the Revised Code. 74073

(B) With respect to each period during which funds from a 74074  
particular source are distributed for the purpose of providing 74075  
family planning services, the department is subject to both of 74076  
the following when distributing the funds to applicants seeking 74077  
those funds: 74078

(1) Foremost priority shall be given to public entities 74079  
that are operated by state or local government entities and that 74080  
provide or are able to provide family planning services. 74081

(2) If any funds remain after the department distributes 74082  
funds to public entities under division (B)(1) of this section, 74083  
the department may distribute funds to nonpublic entities. If 74084  
funds are distributed to nonpublic entities, the department 74085  
shall distribute the funds in the following order of descending 74086  
priority: 74087



(a) Nonpublic entities that are federally qualified health 74088  
centers or federally qualified health center look-alikes, both 74089  
as defined in section 3701.047 of the Revised Code, or community 74090  
action agencies, as defined in section ~~122.66~~ 5101.311 of the 74091  
Revised Code; 74092

(b) Nonpublic entities that provide comprehensive primary 74093  
and preventive care services in addition to family planning 74094  
services; 74095

(c) Nonpublic entities that provide family planning 74096  
services, but do not provide comprehensive primary and 74097  
preventive care services. 74098

**Sec. 3701.045.** (A) The department of health, in 74099  
consultation with the ~~children's trust fund board established~~ 74100  
~~under section 3109.15 of the Revised Code~~ department of children 74101  
and youth and any bodies acting as child fatality review boards 74102  
on October 5, 2000, shall adopt rules in accordance with Chapter 74103  
119. of the Revised Code that establish a procedure for county 74104  
or regional child fatality review boards to follow in conducting 74105  
a review of the death of a child. The rules shall do all of the 74106  
following: 74107

(1) Establish the format for the annual reports required 74108  
by section 307.626 of the Revised Code; 74109

(2) Establish guidelines for a county or regional child 74110  
fatality review board to follow in compiling statistics for 74111  
annual reports so that the reports do not contain any 74112  
information that would permit any person's identity to be 74113  
ascertained from a report; 74114

(3) Establish guidelines for a county or regional child 74115  
fatality review board to follow in creating and maintaining the 74116

comprehensive database of child deaths required by section 74117  
307.623 of the Revised Code, including provisions establishing 74118  
uniform record-keeping procedures; 74119

(4) Establish guidelines for reporting child fatality 74120  
review data to the department of health or a national child 74121  
death review database, either of which must maintain the 74122  
confidentiality of information that would permit a person's 74123  
identity to be ascertained; 74124

(5) Establish guidelines, materials, and training to help 74125  
educate members of county or regional child fatality review 74126  
boards about the purpose of the review process and the 74127  
confidentiality of the information described in section 307.629 74128  
of the Revised Code and to make them aware that such information 74129  
is not a public record under section 149.43 of the Revised Code. 74130

(B) On or before the thirtieth day of September of each 74131  
year, the department of health and the ~~children's trust fund-~~ 74132  
~~board~~ department of children and youth jointly shall prepare and 74133  
publish a report organizing and setting forth the data from the 74134  
department of health child death review database or the national 74135  
child death review database, data in all the reports provided by 74136  
county or regional child fatality review boards in their annual 74137  
reports for the previous calendar year, and recommendations for 74138  
any changes to law and policy that might prevent future deaths. 74139  
The department of health and the ~~children's trust fund board-~~ 74140  
department of children and youth jointly shall provide a copy of 74141  
the report to the governor, the speaker of the house of 74142  
representatives, the president of the senate, the minority 74143  
leaders of the house of representatives and the senate, each 74144  
county or regional child fatality review board, and each county 74145  
or regional family and children first council. 74146

**Sec. 3701.511.** None of the funds appropriated to 74147  
administer the programs authorized by sections 3701.501 and 74148  
3701.502 of the Revised Code shall be used to counsel or refer 74149  
for abortion, ~~except in the case of a medical emergency.~~ 74150

**Sec. 3701.79.** (A) As used in this section and in sections 74151  
3701.791 and 3701.792 of the Revised Code: 74152

(1) "Abortion" has the same meaning as in section 2919.11 74153  
of the Revised Code. 74154

(2) "Abortion report" means a form completed pursuant to 74155  
division (C) of this section. 74156

(3) "Ambulatory surgical facility" has the same meaning as 74157  
in section 3702.30 of the Revised Code. 74158

(4) "Department" means the department of health. 74159

(5) "Hospital" means any building, structure, institution, 74160  
or place devoted primarily to the maintenance and operation of 74161  
facilities for the diagnosis, treatment, and medical or surgical 74162  
care for three or more unrelated individuals having illness, 74163  
disease, injury, or deformity, and regularly making available at 74164  
least clinical laboratory services, diagnostic x-ray services, 74165  
treatment facilities for surgery or obstetrical care, or other 74166  
definitive medical treatment. "Hospital" does not include a 74167  
"home" as defined in section 3721.01 of the Revised Code. 74168

(6) "Physician's office" means an office or portion of an 74169  
office that is used to provide medical or surgical services to 74170  
the physician's patients. "Physician's office" does not mean an 74171  
ambulatory surgical facility, a hospital, or a hospital 74172  
emergency department. 74173

(7) "Postabortion care" means care given after the uterus 74174

has been evacuated by abortion. 74175

(B) The department shall be responsible for collecting and 74176  
collating abortion data reported to the department as required 74177  
by this section. 74178

(C) The attending physician shall complete an individual 74179  
abortion report for the abortion, by surgical procedure or by 74180  
abortion-inducing drugs, of each zygote, blastocyte, embryo, or 74181  
fetus the physician performs. The report shall be confidential 74182  
and shall not contain the woman's name. The report shall 74183  
include, but is not limited to, all of the following, insofar as 74184  
the patient makes the data available that is not within the 74185  
physician's knowledge: 74186

(1) Patient number; 74187

(2) The name and address of the facility in which the 74188  
abortion was performed, and whether the facility is a hospital, 74189  
ambulatory surgical facility, physician's office, or other 74190  
facility; 74191

(3) The date of the abortion; 74192

(4) If a surgical abortion, the method of final 74193  
disposition of the fetal remains under Chapter 3726. of the 74194  
Revised Code; 74195

(5) All of the following regarding the woman on whom the 74196  
abortion was performed: 74197

(a) ~~Zip~~ State and zip code of residence; 74198

(b) Age; 74199

(c) Race; 74200

(d) Marital status; 74201

(e) Number of previous pregnancies;	74202
(f) Years of education;	74203
(g) Number of living children;	74204
(h) Number of zygotes, blastocytes, embryos, or fetuses previously aborted;	74205 74206
(i) Date of last induced abortion;	74207
(j) Date of last live birth;	74208
(k) Method of contraception at the time of conception;	74209
(l) Date of the first day of the last menstrual period;	74210
(m) Medical condition at the time of the abortion;	74211
(n) Rh-type;	74212
(o) The number of weeks of gestation at the time of the abortion.	74213 74214
(6) The type of abortion procedure performed;	74215
(7) Complications by type;	74216
(8) Written acknowledgment by the attending physician that the pregnant woman is not seeking the abortion, in whole or in part, because of any of the following:	74217 74218 74219
(a) A test result indicating Down syndrome in an unborn child;	74220 74221
(b) A prenatal diagnosis of Down syndrome in an unborn child;	74222 74223
(c) Any other reason to believe that an unborn child has Down syndrome.	74224 74225

(9) Type of procedure performed after the abortion;	74226
(10) Type of family planning recommended;	74227
(11) Type of additional counseling given;	74228
(12) Signature of attending physician.	74229
(D) The physician who completed the abortion report under	74230
division (C) of this section shall submit the abortion report to	74231
the department within fifteen days after the woman is	74232
discharged.	74233
(E) The appropriate vital records report or certificate	74234
shall be made out after the twentieth week of gestation.	74235
(F) A copy of the abortion report shall be made part of	74236
the medical record of the patient of the facility in which the	74237
abortion was performed.	74238
(G) Each hospital shall file monthly and annual reports	74239
listing the total number of women who have undergone a post-	74240
twelve-week-gestation abortion and received postabortion care._	74241
<u>The reports also shall include the total number of Ohio</u>	74242
<u>residents and the total number of non-Ohio residents who have</u>	74243
<u>undergone a post-twelve-week gestation abortion and received</u>	74244
<u>postabortion care.</u> The annual report shall be filed following	74245
the conclusion of the state's fiscal year. Each report shall be	74246
filed within thirty days after the end of the applicable	74247
reporting period.	74248
(H) Each case in which a physician treats a post abortion	74249
complication shall be reported on a postabortion complication	74250
form. The report shall be made upon a form prescribed by the	74251
department, shall be signed by the attending physician, and	74252
shall be confidential.	74253

(I) (1) Not later than the first day of ~~October~~ March of 74254  
each year, the department shall issue an annual report of the 74255  
abortion data reported to the department for the previous 74256  
calendar year as required by this section. The department shall 74257  
develop a public electronic dashboard to publish on a monthly 74258  
basis the abortion data reported to the department. The annual 74259  
report and monthly dashboard update shall include at least the 74260  
following information: 74261

(a) The total number of zygotes, blastocytes, embryos, or 74262  
fetuses that were aborted; 74263

(b) The number of abortions performed on Ohio residents 74264  
and the number performed on out-of-state residents, sorted by 74265  
the age of the woman on whom the abortion was performed, using 74266  
the following categories: under sixteen years of age, sixteen to 74267  
seventeen years of age, eighteen to twenty-four years of age, 74268  
twenty-five to twenty-nine years of age, thirty to thirty-four 74269  
years of age, thirty-five to thirty-nine years of age, forty to 74270  
forty-four years of age, forty-five years of age or older; 74271

(c) The number of abortions performed, sorted by each of 74272  
the following: 74273

(i) The age of the woman on whom the abortion was 74274  
performed, using the following categories: under ~~fifteen~~ sixteen 74275  
years of age, ~~fifteen~~ sixteen to ~~nineteen~~ seventeen years of 74276  
age, ~~twenty~~ eighteen to twenty-four years of age, twenty-five to 74277  
twenty-nine years of age, thirty to thirty-four years of age, 74278  
thirty-five to thirty-nine years of age, forty to forty-four 74279  
years of age, forty-five years of age or older; 74280

(ii) The race and Hispanic ethnicity of the woman on whom 74281  
the abortion was performed; 74282

(iii) The education level of the woman on whom the 74283  
abortion was performed, using the following categories or their 74284  
equivalents: less than ninth grade, ninth through twelfth grade, 74285  
one or more years of college; 74286

(iv) The marital status of the woman on whom the abortion 74287  
was performed; 74288

(v) The number of living children of the woman on whom the 74289  
abortion was performed, using the following categories: none, 74290  
one, or two or more; 74291

(vi) The number of weeks of gestation of the woman at the 74292  
time the abortion was performed, using the following categories: 74293  
less than nine weeks, nine to twelve weeks, thirteen to nineteen 74294  
weeks, or twenty weeks or more; 74295

(vii) The county in which the abortion was performed; 74296

(viii) The type of abortion procedure performed; 74297

(ix) The number of zygotes, blastocytes, embryos, or 74298  
fetuses previously aborted by the woman on whom the abortion was 74299  
performed, sorted by the age of the woman on whom the abortion 74300  
was performed, using the following categories: under sixteen 74301  
years of age, sixteen to seventeen years of age, eighteen to 74302  
twenty-four years of age, twenty-five to twenty-nine years of 74303  
age, thirty to thirty-four years of age, thirty-five to thirty- 74304  
nine years of age, forty to forty-four years of age, forty-five 74305  
years of age or older; 74306

(x) The type of facility in which the abortion was 74307  
performed; 74308

(xi) For Ohio residents, the county of residence of the 74309  
woman on whom the abortion was performed; 74310



(xii) The total number of abortions performed on minors by 74311  
each facility in the categories of under sixteen years of age 74312  
and sixteen to seventeen years of age. 74313

(2) The report also shall indicate the number and type of 74314  
the abortion complications reported to the department either on 74315  
the abortion report required under division (C) of this section 74316  
or the postabortion complication report required under division 74317  
(H) of this section. 74318

(3) In addition to the annual report required under 74319  
division (I)(1) of this section, the department shall make 74320  
available, on request, the number of abortions performed by zip 74321  
code of residence. 74322

(J) The director of health shall implement this section 74323  
and shall apply to the court of common pleas for temporary or 74324  
permanent injunctions restraining a violation or threatened 74325  
violation of its requirements. This action is an additional 74326  
remedy not dependent on the adequacy of the remedy at law. 74327

**Sec. 3701.841.** The tobacco use prevention fund is hereby 74328  
created in the state treasury. The fund shall consist of money 74329  
deposited by the treasurer of state into the fund from the 74330  
liquidation, pursuant to Sub. H.B. 544 of the 127th general 74331  
assembly, of the former tobacco use prevention and control 74332  
endowment fund and any gifts, grants, or donations received by 74333  
the director of health for the purposes of the tobacco use 74334  
prevention fund. ~~All investment earnings of the fund shall be~~ 74335  
~~credited to the fund.~~ The treasurer, in consultation with the 74336  
director, may invest moneys in the fund in accordance with 74337  
section 135.143 of the Revised Code. Moneys in the fund shall be 74338  
used to pay outstanding expenses of the former tobacco use 74339  
prevention and control foundation at the discretion of the 74340

director of health pursuant to Sub. H.B. 544 of the 127th 74341  
general assembly and shall be used in accordance with section 74342  
3701.84 of the Revised Code. 74343

Sec. 3701.88. (A) As used in this section: 74344

"340B covered entity" means an entity described in section 74345  
340B(a) (4) of the "Public Health Service Act," 42 U.S.C. 256b(a) 74346  
(4) . 74347

"340B drug" means a covered outpatient drug that has been 74348  
subject to discount pricing under the 340B drug pricing program 74349  
and is purchased by a 340B covered entity. 74350

"340B drug pricing program" means the federal drug pricing 74351  
program established under 42 U.S.C. 256b. 74352

"Charity care" means free or discounted health care items 74353  
and services provided to an individual who meets the hospital's 74354  
financial assistance criteria and is unable to pay for the items 74355  
or services, as reported on the hospital's medicare cost report. 74356

"Contract pharmacy" means a retail pharmacy under contract 74357  
with a 340B covered entity to provide 340B drugs to patients on 74358  
behalf of that covered entity under the 340B drug discount 74359  
program or contract pharmacy on behalf of the covered entity. 74360

"Hospital" has the same meaning as in section 3722.01 of 74361  
the Revised Code. 74362

"Low-income patient" means a patient with a household 74363  
income below two hundred per cent of the federal poverty line. 74364

"Nonprofit hospital" means a hospital that meets the 74365  
definition of covered entity in 42 U.S.C. 256b(a) (4) (L), (M), 74366  
(N), or (O) . 74367

(B) Not later than July 1, 2026, and not later than the 74368  
first day of July in each year thereafter, each nonprofit 74369  
hospital participating as a covered entity in the 340B drug 74370  
pricing program shall submit a report to the department of 74371  
health. The report shall be submitted in the form and manner 74372  
specified by the department, in consultation with any other 74373  
agency the department of health determines appropriate. The 74374  
report shall contain all of the following information, for the 74375  
hospital and each offsite facility associated with it, from the 74376  
previous calendar year: 74377

(1) All of the following data, delineated by patient payor 74378  
type, including private insurance, medicare, medicaid, other 74379  
third-party payor, uninsured, or self-pay: 74380

(a) The aggregate acquisition cost for all 340B drugs 74381  
dispensed or administered by the nonprofit hospital, associated 74382  
facility, or contract pharmacy; 74383

(b) The aggregate payments received from third-party 74384  
payors, including insurers, for all 340B drugs dispensed or 74385  
administered by the nonprofit hospital, associated facility, or 74386  
contract pharmacy; 74387

(c) The total number of prescriptions dispensed or 74388  
administered by the nonprofit hospital, associated facility, or 74389  
contract pharmacy, and the percentage of that total number that 74390  
were 340B drugs; 74391

(d) The percentage of patients served on a sliding fee 74392  
scale for 340B drugs that were dispensed or administered at the 74393  
nonprofit hospital, associated facility, or contract pharmacy. 74394

(2) The total operating cost of the nonprofit hospital, 74395  
including an itemized cost report of all of the following: 74396

(a) Implementing a direct pass through of 340B profits to patients, in the form of lower cost-sharing for 340B drugs that are dispensed or administered by the nonprofit hospital, associated facility, or contracted pharmacy; 74397  
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(b) Implementing a sliding fee scale for low-income patients for 340B drugs that are dispensed or administered by the nonprofit hospital, associated facility, or contract pharmacy; 74401  
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(c) The nonprofit hospital's charity care costs. 74405

(3) In connection with administering and providing services under the 340B drug pricing program, the total payments made by the nonprofit hospital to contract pharmacies, third-party administrators, or any other party or entity. 74406  
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(4) Information regarding the nonprofit hospital's contract pharmacies, including all of the following: 74410  
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(a) The nonprofit hospital's total number of contract pharmacies; 74412  
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(b) The number of those contract pharmacies that are located outside of this state, including the state where each of those pharmacies are located; 74414  
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(c) The total number of the nonprofit hospital's prescriptions that were filled at a contract pharmacy, the percentage of that number that are contract pharmacies located outside of this state, and the percentage of all of the nonprofit hospital's prescriptions that were filled by contract pharmacies; 74417  
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(d) The total reimbursements paid by the nonprofit hospital to contract pharmacies or their affiliates for any 340B 74423  
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drugs dispensed or administered on behalf of the nonprofit 74425  
hospital, and the percentage change in that amount compared to 74426  
the previous year. 74427

(5) A detailed, itemized accounting of the nonprofit 74428  
hospital's expenditures from 340B drug pricing program profits, 74429  
including all programs, services, and equipment funded or 74430  
purchased with those profits. 74431

(C) The department of health shall post the information in 74432  
the reports required under this section on its public web site. 74433

**Sec. 3702.44.** (A) As used in this section: 74434

(1) "Hospital" means an institution or facility licensed 74435  
under Chapter 3722. of the Revised Code. 74436

(2) "Physician" means an individual authorized under 74437  
Chapter 4731. of the Revised Code to practice medicine and 74438  
surgery, osteopathic medicine and surgery, or podiatric medicine 74439  
and surgery. 74440

(B) (1) Beginning January 1, 2027, and subject to division 74441  
(B) (2) of this section, an ambulatory surgical facility or 74442  
medical practice owned or operated by a hospital or hospital 74443  
system shall not charge a facility fee in connection with any 74444  
health care procedure or service provided to a patient at the 74445  
facility or practice. 74446

(2) The prohibition described in division (B) (1) of this 74447  
section applies only if the ambulatory surgical facility or 74448  
medical practice was owned or operated solely by a physician or 74449  
group of physicians at the time of its purchase by the hospital 74450  
or hospital system. 74451

(C) This section shall not be construed to apply to an 74452

ambulatory surgical facility or site of a medical practice 74453

constructed by a hospital or hospital system. 74454

**Sec. 3704.0310.** (A) As used in this section: 74455

(1) "Air nuisance rule" means a rule adopted by the 74456

director of environmental protection that declares any of the 74457

following to be a public nuisance: 74458

(a) The emission or escape into the open air from any 74459

source or sources whatsoever, of smoke, ashes, dust, dirt, 74460

grime, acids, fumes, gases, vapors, or any other substances or 74461

combinations of substances, in such manner or in such amounts as 74462

to endanger the health, safety, or welfare of the public, or 74463

cause unreasonable injury or damage to property; 74464

(b) The emission or escape into the open air from any 74465

source or sources of odors whatsoever that is subject to 74466

regulation under Chapter 3704. of the Revised Code and is 74467

operated in such a manner to emit such amounts of odor as to 74468

endanger the health, safety, or welfare of the public, or cause 74469

unreasonable injury or damage to property; 74470

(c) Activities that are substantially similar to those 74471

described in divisions (A)(1)(a) and (b) of this section. 74472

(2) "State implementation plan" means the state 74473

implementation plan regarding national ambient air quality 74474

standards required to be submitted under section 110 of the 74475

"Clean Air Act," 42 U.S.C. 7410. 74476

(B) If the state implementation plan includes an air 74477

nuisance rule, the director of environmental protection shall 74478

remove the air nuisance rule from the plan and take such steps 74479

as are necessary to do so. 74480

On and after the effective date of this section, the  
director shall not include an air nuisance rule in the state  
implementation plan or rely upon an air nuisance rule to  
implement or enforce ambient air quality standards adopted  
pursuant to the federal Clean Air Act.

**Sec. 3704.14.** (A) (1) If the director of environmental  
protection determines that implementation of a motor vehicle  
inspection and maintenance program is necessary for the state to  
effectively comply with the federal Clean Air Act after June 30,  
~~2023~~2025, the director may provide for the implementation of the  
program in those counties in this state in which such a program  
is federally mandated. Upon making such a determination, the  
director of environmental protection may request the director of  
administrative services to extend the terms of the contract that  
was entered into under the authority of ~~Am. Sub. H.B. 64-33~~ of  
the ~~131st-135th~~ general assembly. Upon receiving the request,  
the director of administrative services shall extend the  
contract, beginning on July 1, ~~2023~~2025, in accordance with this  
section. The contract shall be extended for a period of up to  
twenty-four months with the contractor who conducted the motor  
vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that  
~~is was~~ authorized by division (A) (1) of this section under the  
authority of H.B. 33 of the 135th general assembly, the director  
of environmental protection shall request the director of  
administrative services to enter into a contract with a vendor  
to operate a decentralized motor vehicle inspection and  
maintenance program in each county in this state in which such a  
program is federally mandated through June 30, 2027, ~~with an~~  
~~option for the state to renew the contract for a period of up to~~  
~~twenty-four months through June 30, 2029.~~ The contract shall

ensure that the decentralized motor vehicle inspection and 74512  
maintenance program achieves ~~at least the same~~ an equivalent 74513  
amount of emission reductions as achieved by the program 74514  
operated under the authority of the contract that was extended 74515  
under division (A) (1) of this section under the authority of 74516  
H.B. 33 of the 135th general assembly. The director of 74517  
administrative services shall select a vendor through a 74518  
competitive selection process in compliance with Chapter 125. of 74519  
the Revised Code. 74520

(3) Notwithstanding any law to the contrary, the director 74521  
of administrative services shall ensure that a competitive 74522  
selection process regarding a contract to operate a 74523  
decentralized motor vehicle inspection and maintenance program 74524  
in this state incorporates the following, which shall be 74525  
included in the contract: 74526

(a) For purposes of expanding the number of testing 74527  
locations for consumer convenience, a requirement that the 74528  
vendor utilize established local businesses, auto repair 74529  
facilities, or leased properties to operate state-approved 74530  
inspection and maintenance testing facilities; 74531

(b) A requirement that the vendor selected to operate the 74532  
program provide notification of the program's requirements to 74533  
each owner of a motor vehicle that is required to be inspected 74534  
under the program. The contract shall require the notification 74535  
to be provided not later than sixty days prior to the date by 74536  
which the owner of the motor vehicle is required to have the 74537  
motor vehicle inspected. The director of environmental 74538  
protection and the vendor shall jointly agree on the content of 74539  
the notice. However, the notice shall include at a minimum the 74540  
locations of all inspection facilities within a specified 74541



distance of the address that is listed on the owner's motor 74542  
vehicle registration~~r~~\_. 74543

(c) A requirement that the vendor comply with testing 74544  
methodology and supply the required equipment approved by the 74545  
director of environmental protection as specified in the 74546  
competitive selection process in compliance with Chapter 125. of 74547  
the Revised Code. 74548

(4) A decentralized motor vehicle inspection and 74549  
maintenance program operated under this section shall comply 74550  
with division (B) of this section. The director of environmental 74551  
protection shall administer the decentralized motor vehicle 74552  
inspection and maintenance program operated under this section. 74553

(B) The director shall establish a decentralized motor 74554  
vehicle inspection and maintenance program as authorized by this 74555  
section and, at a minimum, the director shall ensure that the 74556  
program does all of the following: 74557

(1) Complies with the federal Clean Air Act; 74558

(2) Provides for the issuance of inspection certificates 74559  
and alternative emissions certificates as specified in rules 74560  
adopted under division (C) (2) of this section; 74561

(3) Provides for a new car exemption for motor vehicles 74562  
six years old or newer and provides that a new motor vehicle is 74563  
exempt for six years regardless of whether legal title to the 74564  
motor vehicle is transferred during that period; 74565

(4) Provides for an exemption for battery electric motor 74566  
vehicles; 74567

(5) Provides for an exemption for hybrid motor vehicles 74568  
seven years old or newer and provides that a hybrid motor 74569

vehicle is exempt for seven years regardless of whether legal 74570  
title to the motor vehicle is transferred during that period. 74571

(C) (1) The director of environmental protection shall 74572  
adopt rules in accordance with Chapter 119. of the Revised Code 74573  
that the director determines are necessary to implement this 74574  
section. The director may continue to implement and enforce 74575  
rules pertaining to the motor vehicle inspection and maintenance 74576  
program previously implemented under former section 3704.14 of 74577  
the Revised Code as that section existed prior to its repeal and 74578  
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 74579  
provided that the rules do not conflict with this section. 74580

(2) The rules adopted under division (C) (1) of this 74581  
section shall provide for the issuance of inspections 74582  
certificates and alternative emissions certificates. Under the 74583  
rules, an inspection certificate shall be issued to the owner or 74584  
lessee of a motor vehicle when the motor vehicle passes an 74585  
emissions inspection conducted in accordance with the motor 74586  
vehicle inspection and maintenance program established under 74587  
this section. In lieu of obtaining an inspection certificate, 74588  
the rules shall establish a system by which the owner or lessee 74589  
of a motor vehicle may request an alternative emissions 74590  
certificate from the director. 74591

(a) The rules providing for the issuance of alternative 74592  
emissions certificates shall require an owner or lessee of a 74593  
motor vehicle to do the following in order to receive the 74594  
certificate: 74595

(i) Complete and submit an attestation form created by the 74596  
director that includes a statement that reads substantially as 74597  
follows: 74598

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

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

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

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

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

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

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

form if the director receives it by electronic means. 74628

(d) The rules shall require the director to reject an 74629  
attestation form for any of the following reasons: 74630

(i) The motor vehicle that is the subject of the 74631  
attestation form was in an accident or collision within the two 74632  
years prior to the date of submission of the form, and the 74633  
accident or collision caused substantial damage to the internal 74634  
structure of the motor vehicle. 74635

(ii) The owner or lessee of the motor vehicle that is the 74636  
subject of the attestation form has received a ticket, citation, 74637  
or summons with regard to that motor vehicle within the two 74638  
years prior to the date of submission of the form for a 74639  
violation of section 4513.22 of the Revised Code or 74640  
substantially equivalent municipal ordinance. 74641

(iii) The information in the attestation form is 74642  
determined by the director to be false. 74643

If the director rejects an attestation form under division 74644  
(C) (2) (d) (iii) of this section, the director shall provide 74645  
notice to the owner or lessee that the attestation form was 74646  
determined to be false. The notice shall inform the owner or 74647  
lessee that the owner or lessee may submit a corrected form to 74648  
the director within thirty days of the receipt of the notice. If 74649  
the owner or lessee submits a corrected attestation form that 74650  
complies with rules adopted under division (C) (2) of this 74651  
section within that thirty-day period, the director shall issue 74652  
an alternative emissions certificate to the owner or lessee. If 74653  
the owner or lessee fails to correct the attestation form, the 74654  
director shall require the owner or lessee to complete an 74655  
emissions inspection and obtain an inspection certificate in 74656

accordance with rules adopted under this section. 74657

If the director rejects an attestation form under division 74658  
(C) (2) (d) (i) or (ii) of this section, the director shall require 74659  
the owner or lessee to complete an emissions inspection and 74660  
obtain an inspection certificate in accordance with rules 74661  
adopted under this section. 74662

(e) In adopting rules under division (C) (2) of this 74663  
section, the director shall ensure that the owner or lessee of a 74664  
motor vehicle who falsifies an attestation form receives a 74665  
notice that includes a statement that reads substantially as 74666  
follows: "You have falsified an attestation form for your 74667  
vehicle under the E-Check/motor vehicle emissions testing 74668  
program. Your vehicle is registered in one of [insert the number 74669  
of counties] counties in this state that has federal emission 74670  
mandates imposed on it that the State of Ohio is required, under 74671  
threat of penalty, to enforce. This letter serves as Ohio's only 74672  
penalty for falsification of an attestation form. You have 74673  
thirty days from the date of this notice to amend your 74674  
attestation form and submit the amended form to the 74675  
Environmental Protection Agency. However, if you choose not to 74676  
submit an amended attestation form, you must have a motor 74677  
vehicle emissions inspection conducted for your vehicle in 74678  
accordance with section 3704.14 of the Revised Code and rules 74679  
adopted under it." 74680

(f) No penalties apply to a person who the director has 74681  
determined to have falsified an attestation form, other than the 74682  
issuance of the notice required under division (C) (2) (e) of this 74683  
section. 74684

(D) There is hereby created in the state treasury the auto 74685  
emissions test fund, which shall consist of money received by 74686

the director from any cash transfers, state and local grants, 74687  
and other contributions that are received for the purpose of 74688  
funding the program established under this section. The director 74689  
of environmental protection shall use money in the fund solely 74690  
for the implementation, supervision, administration, operation, 74691  
and enforcement of the motor vehicle inspection and maintenance 74692  
program established under this section. Money in the fund shall 74693  
not be used for either of the following: 74694

(1) To pay for the inspection costs incurred by a motor 74695  
vehicle dealer so that the dealer may provide inspection 74696  
certificates to an individual purchasing a motor vehicle from 74697  
the dealer when that individual resides in a county that is 74698  
subject to the motor vehicle inspection and maintenance program; 74699

(2) To provide payment for more than one free passing 74700  
emissions inspection or a total of three emissions inspections 74701  
for a motor vehicle in any three-hundred-sixty-five-day period. 74702  
The owner or lessee of a motor vehicle is responsible for 74703  
inspection fees that are related to emissions inspections beyond 74704  
one free passing emissions inspection or three total emissions 74705  
inspections in any three-hundred-sixty-five-day period. 74706  
Inspection fees that are charged by a contractor conducting 74707  
emissions inspections under a motor vehicle inspection and 74708  
maintenance program shall be approved by the director of 74709  
environmental protection. 74710

(E) The motor vehicle inspection and maintenance program 74711  
established under this section expires upon the termination of 74712  
all contracts entered into under this section and shall not be 74713  
implemented beyond the final date on which termination occurs. 74714

(F) As used in this section "battery electric motor 74715  
vehicle" and "hybrid motor vehicle" have the same meanings as in 74716

section 4501.01 of the Revised Code.

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(G) ~~On the effective date of this amendment~~ June 30, 2025,  
the director shall immediately begin procedures to submit to the  
United States environmental protection agency the alternative  
emissions certification program for approval as part of the Ohio  
state implementation plan. If the United States environmental  
protection agency approves the modification of the decentralized  
motor vehicle inspection and maintenance program as providing  
sufficient air pollution reductions to meet the federal Clean  
Air Act requirements for a vehicle inspection and maintenance  
program and modifies the Ohio state implementation plan, the  
director shall immediately begin to modify the Ohio  
environmental protection agency rules to implement the  
alternative emissions certification program. Nothing in this  
division requires the Ohio environmental protection agency to  
take action to implement the alternative emissions certification  
program until the United States environmental protection agency  
approves the alternative program as part of the Ohio state  
implementation plan.

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(H) If the United States environmental protection agency  
determines that the motor vehicle inspection and maintenance  
program implemented in accordance with this section is not  
necessary for the state or any area of the state to comply with  
the federal Clean Air Act, the director shall immediately  
discontinue the program and take any actions necessary to  
effectuate the termination of the program.

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**Sec. 3705.126.** The department of health shall neither open  
an adoption file nor make its contents available except as  
follows:

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(A) The department shall inspect the file to determine the

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court involved for the purpose of division (D) of section 74747  
3107.09 or section 3107.091 or 3107.171 of the Revised Code. 74748

(B) The department shall make the file's contents 74749  
available to an adopted person or lineal descendant of an 74750  
adopted person in accordance with section 3107.38 of the Revised 74751  
Code. 74752

(C) The department shall open the file to transfer 74753  
releases to the file in accordance with section 3107.381 of the 74754  
Revised Code. 74755

(D) The department shall open the file to file a contact 74756  
preference form from a biological parent pursuant to section 74757  
3107.39 of the Revised Code and remove any previously filed 74758  
contact preference form from the biological parent. 74759

(E) The department shall open the file to ~~file a~~ 74760  
~~biological parent's name redaction request form pursuant to~~ 74761  
~~division (C) of section 3107.391 of the Revised Code or to~~ 74762  
remove and destroy the a name redaction request form pursuant to 74763  
division ~~(D)~~ (A) of ~~that~~ section 3107.391 of the Revised Code. 74764

(F) The department shall open the file to file a denial of 74765  
release form under division (A) of section 3107.46 of the 74766  
Revised Code or an authorization of release form under division 74767  
(B) of that section. 74768

(G) The department shall make the file's contents 74769  
available to an adopted person or adoptive parent in accordance 74770  
with section 3107.47 of the Revised Code. 74771

(H) The department shall open the file to file a request 74772  
from an adopted person under division (A) of section 3107.48 of 74773  
the Revised Code or to remove and destroy the request pursuant 74774  
to division (B) of that section. 74775



(I) The department shall inspect the file to assist a birth parent or birth sibling in finding the adopted person's name by adoption in accordance with section 3107.49 of the Revised Code.

(J) The court that decreed the adoption may order that the contents be made open for inspection or available for copying.

**Sec. 3705.16.** (A) For purposes of this section notwithstanding section 3705.01 of the Revised Code, "fetal death" does not include death of the product of human conception prior to twenty weeks of gestation.

(B) Each death or fetal death that occurs in this state shall be registered with the local registrar of vital statistics of the district in which the death or fetal death occurred, by the funeral director or other person in charge of the final disposition of the remains. The personal and statistical information in the death or fetal death certificate shall be obtained from the best qualified persons or sources available, by the funeral director or other person in charge of the final disposition of the remains. The statement of facts relating to the disposition of the body and information relative to the armed services referred to in section 3705.19 of the Revised Code shall be signed by the funeral director or other person in charge of the final disposition of the remains.

(C) ~~The~~ (1) For certification of the cause of death, the funeral director or other person in charge of the final disposition of the remains shall present the death or fetal death certificate to one of the attending physician of the decedent, the coroner, or the medical examiner, as appropriate for certification of the cause of death. If following individuals:

(a) If a death or fetal death occurs under any 74806  
circumstances mentioned circumstance described in section 313.12 74807  
of the Revised Code, the coroner in the county in which the 74808  
death occurs, ~~or a deputy coroner,~~ the medical examiner, ~~or~~ 74809  
~~deputy medical examiner serving in an equivalent capacity,~~ shall 74810  
~~certify the cause of death unless that death was reported to the~~ 74811  
~~coroner, deputy coroner, medical examiner, or deputy medical~~ 74812  
~~examiner and that person, after a preliminary examination,~~ 74813  
~~declined to assert jurisdiction with respect to the death or~~ 74814  
~~fetal death. A physician other than the coroner in the county in~~ 74815  
~~which a death or fetal death occurs, or a deputy coroner,~~ 74816  
~~medical examiner, or deputy medical examiner serving in an~~ 74817  
~~equivalent capacity, may certify only those deaths that occur~~ 74818  
~~under natural circumstances;~~ 74819

(b) If a death or fetal death occurs under a circumstance 74820  
other than as described in section 313.12 of the Revised Code, 74821  
the attending physician of the decedent, except that, in the 74822  
case of decedent who did not have an attending physician, the 74823  
physician who, either in person or through a means of 74824  
telehealth, last examined or treated the decedent for any 74825  
illness or condition. 74826

(2) After the death or fetal death certificate is 74827  
presented, the cause of death shall be certified and the medical 74828  
certificate of death shall be completed and signed as follows: 74829

(a) If the death or fetal death certificate is presented 74830  
to the coroner or medical examiner, the coroner, or a deputy 74831  
coroner, medical examiner, or deputy medical examiner serving in 74832  
an equivalent capacity, shall certify the cause of death. 74833

(b) If the death or fetal death certificate is presented 74834  
to the physician described in division (C) (1) (b) of this 74835

section, that physician shall certify the cause of death. 74836

(3) The medical certificate of death shall be completed 74837  
and signed by the ~~physician who attended the decedent or by the~~ 74838  
coroner or medical examiner, physician who attended the 74839  
decedent, or physician who last examined or treated the 74840  
decedent, as appropriate, within forty-eight hours after 74841  
notification of the death or fetal death.~~A~~ 74842

A coroner or medical examiner may satisfy the requirement 74843  
of signing a medical certificate showing the cause of death or 74844  
fetal death as pending ~~either by stamping it with a stamp of the~~ 74845  
~~coroner's or medical examiner's signature or by signing it in~~ 74846  
~~the coroner's or medical examiner's own hand, but within forty-~~ 74847  
~~eight hours after notification of the death or fetal death,~~ 74848  
provided that the coroner or medical examiner shall sign any 74849  
other medical certificate of death or supplementary medical 74850  
certification ~~in the coroner's or medical examiner's own~~ 74851  
~~hand~~ within forty-eight hours after the cause of death has been 74852  
determined. 74853

A physician described in division (C)(1)(b) of this 74854  
section may satisfy the requirement of signing a medical 74855  
certificate by signing with an electronic signature. 74856

(D) A coroner, medical examiner, or physician who acts in 74857  
good faith in accordance with this section, without fraud or 74858  
malice, and upon reasonable belief of the cause of death or 74859  
fetal death based on the information, if any, presented is not 74860  
subject to civil liability or professional disciplinary action 74861  
for any act or omission in certifying the cause of death or in 74862  
completing and signing the medical certificate of death. 74863

(E) Any death certificate registered pursuant to this 74864

section shall contain the social security number of the 74865  
decedent, if available. A social security number obtained under 74866  
this section is a public record under section 149.43 of the 74867  
Revised Code. 74868

**Sec. 3705.17.** The body of a person whose death occurs in 74869  
this state shall not be interred, deposited in a vault or tomb, 74870  
cremated, or otherwise disposed of by a funeral director until a 74871  
burial permit is issued by a local registrar or sub-registrar of 74872  
vital statistics. No such permit shall be issued by a local 74873  
registrar or sub-registrar until a satisfactory death, fetal 74874  
death, or provisional death certificate is filed with the local 74875  
registrar or sub-registrar. When the medical certification as to 74876  
the cause of death cannot be provided by the attending physician 74877  
or coroner prior to burial, for sufficient cause, as determined 74878  
by rule of the director of health, the funeral director may file 74879  
a provisional death certificate with the local registrar or sub- 74880  
registrar for the purpose of securing a burial or burial-transit 74881  
permit. When the funeral director files a provisional death 74882  
certificate to secure a burial or burial-transit permit, the 74883  
funeral director shall file a satisfactory and complete death 74884  
certificate within five days after the date of death. The 74885  
director of health, by rule, may provide additional time for 74886  
filing a satisfactory death certificate. A burial permit 74887  
authorizing cremation shall not be issued upon the filing of a 74888  
provisional certificate of death. 74889

When a funeral director or other person obtains a burial 74890  
permit from a local registrar or sub-registrar, the registrar or 74891  
sub-registrar shall charge a fee of ~~three~~ten dollars for the 74892  
issuance of the burial permit. ~~Two~~Nine dollars and fifty cents 74893  
of each fee collected for a burial permit shall be paid into the 74894  
state treasury to the credit of the cemetery registration fund 74895

created under section 4767.03 of the Revised Code to be used by 74896  
the division of real estate and professional licensing in the 74897  
department of commerce in discharging its duties prescribed in 74898  
Chapter 4767. of the Revised Code and the Ohio cemetery dispute 74899  
resolution commission created by section 4767.05 of the Revised 74900  
Code. A local registrar or sub-registrar shall transmit payments 74901  
of that portion of the amount of each fee collected under this 74902  
section to the treasurer of state on a quarterly basis or more 74903  
frequently, if possible. The director of health, by rule, shall 74904  
provide for the issuance of a burial permit without the payment 74905  
of the fee required by this section if the total cost of the 74906  
burial will be paid by an agency or instrumentality of the 74907  
United States, the state or a state agency, or a political 74908  
subdivision of the state. 74909

The director of commerce may by rule adopted in accordance 74910  
with Chapter 119. of the Revised Code reduce the total amount of 74911  
the fee required by this section and that portion of the amount 74912  
of the fee required to be paid to the credit of the division of 74913  
real estate and professional licensing for the use of the 74914  
division and the Ohio cemetery dispute resolution commission, if 74915  
the director determines that the total amount of funds the fee 74916  
is generating at the amount required by this section exceeds the 74917  
amount of funds the division of real estate and professional 74918  
licensing and the commission need to carry out their powers and 74919  
duties prescribed in Chapter 4767. of the Revised Code. 74920

No person in charge of any premises in which interments or 74921  
cremations are made shall inter or cremate or otherwise dispose 74922  
of a body, unless it is accompanied by a burial permit. Each 74923  
person in charge of a cemetery, crematory, or other place of 74924  
disposal shall indorse upon a burial permit the date of 74925  
interment, cremation, or other disposal and shall retain such 74926

permits for a period of at least five years. The person in 74927  
charge shall keep an accurate record of all interments, 74928  
cremations, or other disposal of dead bodies, made in the 74929  
premises under the person's charge, stating the name of the 74930  
deceased person, place of death, date of burial, cremation, or 74931  
other disposal, and name and address of the funeral director. 74932  
Such record shall at all times be open to public inspection. 74933

**Sec. 3706.01.** As used in this chapter: 74934

(A) "Governmental agency" means a department, division, or 74935  
other unit of state government, a municipal corporation, county, 74936  
township, and other political subdivision, or any other public 74937  
corporation or agency having the power to acquire, construct, or 74938  
operate air quality facilities, the United States or any agency 74939  
thereof, and any agency, commission, or authority established 74940  
pursuant to an interstate compact or agreement. 74941

(B) "Person" means any individual, firm, partnership, 74942  
association, or corporation, or any combination thereof. 74943

(C) "Air contaminant" means particulate matter, dust, 74944  
fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, 74945  
radiation, or odorous substance, or any combination thereof. 74946

(D) "Air pollution" means the presence in the ambient air 74947  
of one or more air contaminants in sufficient quantity and of 74948  
such characteristics and duration as to injure human health or 74949  
welfare, plant or animal life, or property, or that unreasonably 74950  
interferes with the comfortable enjoyment of life or property. 74951

(E) "Ambient air" means that portion of the atmosphere 74952  
outside of buildings and other enclosures, stacks, or ducts that 74953  
surrounds human, plant, or animal life, or property. 74954

(F) "Emission" means the release into the outdoor 74955

atmosphere of an air contaminant. 74956

(G) "Air quality facility" means any of the following: 74957

(1) Any method, modification or replacement of property, 74958  
process, device, structure, or equipment that removes, reduces, 74959  
prevents, contains, alters, conveys, stores, disperses, or 74960  
disposes of air contaminants or substances containing air 74961  
contaminants, or that renders less noxious or reduces the 74962  
concentration of air contaminants in the ambient air, including, 74963  
without limitation, facilities and expenditures that qualify as 74964  
air pollution control facilities under section 103 (C) (4) (F) of 74965  
the Internal Revenue Code of 1954, as amended, and regulations 74966  
adopted thereunder; 74967

(2) Motor vehicle inspection stations operated in 74968  
accordance with, and any equipment used for motor vehicle 74969  
inspections conducted under, section 3704.14 of the Revised Code 74970  
and rules adopted under it; 74971

(3) Ethanol or other biofuel facilities, including any 74972  
equipment used at the ethanol or other biofuel facility for the 74973  
production of ethanol or other biofuels; 74974

(4) Any property or portion thereof used for the 74975  
collection, storage, treatment, utilization, processing, or 74976  
final disposal of a by-product or solid waste resulting from any 74977  
method, process, device, structure, or equipment that removes, 74978  
reduces, prevents, contains, alters, conveys, stores, disperses, 74979  
or disposes of air contaminants, or that renders less noxious or 74980  
reduces the concentration of air contaminants in the ambient 74981  
air; 74982

(5) Any property, device, or equipment that promotes the 74983  
reduction of emissions of air contaminants into the ambient air 74984

through improvements in the efficiency of energy utilization or 74985  
energy conservation; 74986

(6) Any coal research and development project conducted 74987  
under Chapter 1555. of the Revised Code; 74988

(7) As determined by the director of the Ohio coal 74989  
development office, any property or portion thereof that is used 74990  
for the collection, storage, treatment, utilization, processing, 74991  
or final disposal of a by-product resulting from a coal research 74992  
and development project as defined in section 1555.01 of the 74993  
Revised Code or from the use of clean coal technology, excluding 74994  
any property or portion thereof that is used primarily for other 74995  
subsequent commercial purposes; 74996

(8) ~~Any property or portion thereof that is part of the~~ 74997  
~~FutureGen project of the United States department of energy or~~ 74998  
~~related to the siting of the FutureGen project~~Any property, 74999  
device, or equipment comprising a facility generating green 75000  
energy; 75001

(9) Any property, device, or equipment that promotes the 75002  
reduction of emissions of air contaminants into the ambient air 75003  
through the generation of clean, renewable energy with renewable 75004  
energy resources or advanced energy resources as defined in 75005  
section 3706.25 of the Revised Code; 75006

(10) Any property, device, structure, or equipment 75007  
necessary for the manufacture and production of equipment 75008  
described as an air quality facility under this chapter; 75009

(11) Any property, device, or equipment related to the 75010  
recharging or refueling of vehicles that promotes the reduction 75011  
of emissions of air contaminants into the ambient air through 75012  
the use of an alternative fuel as defined in section 125.831 of 75013



the Revised Code or the use of a renewable energy resource as 75014  
defined in section 3706.25 of the Revised Code; 75015

(12) Any special energy improvement project, as defined in 75016  
section 1710.01 of the Revised Code, that promotes the reduction 75017  
of emissions of air contaminants into the ambient air. 75018

"Air quality facility" further includes any property or 75019  
system to be used in whole or in part for any of the purposes in 75020  
divisions (G) (1) to (12) of this section, whether another 75021  
purpose is also served, and any property or system incidental to 75022  
or that has to do with, or the end purpose of which is, any of 75023  
the foregoing. Air quality facilities that are defined in this 75024  
division for industry, commerce, distribution, or research, 75025  
including public utility companies, are hereby determined to be 75026  
those that qualify as facilities for the control of air 75027  
pollution and thermal pollution related to air under Section 13 75028  
of Article VIII, Ohio Constitution. 75029

(H) "Project" or "air quality project" means any air 75030  
quality facility, including undivided or other interests 75031  
therein, acquired or to be acquired or constructed or to be 75032  
constructed by the Ohio air quality development authority under 75033  
this chapter, or acquired or to be acquired or constructed or to 75034  
be constructed by a governmental agency or person with all or a 75035  
part of the cost thereof being paid from a loan or grant from 75036  
the authority under this chapter or otherwise paid from the 75037  
proceeds of air quality revenue bonds, including all buildings 75038  
and facilities that the authority determines necessary for the 75039  
operation of the project, together with all property, rights, 75040  
easements, and interests that may be required for the operation 75041  
of the project. 75042

(I) "Cost" as applied to an air quality project means the 75043

cost of acquisition and construction, the cost of acquisition of 75044  
all land, rights-of-way, property rights, easements, franchise 75045  
rights, and interests required for such acquisition and 75046  
construction, the cost of demolishing or removing any buildings 75047  
or structures on land so acquired, including the cost of 75048  
acquiring any lands to which such buildings or structures may be 75049  
moved, the cost of acquiring or constructing and equipping a 75050  
principal office and sub-offices of the authority, the cost of 75051  
diverting highways, interchange of highways, and access roads to 75052  
private property, including the cost of land or easements for 75053  
such access roads, the cost of public utility and common carrier 75054  
relocation or duplication, the cost of all machinery, 75055  
furnishings, and equipment, financing charges, interest prior to 75056  
and during construction and for no more than eighteen months 75057  
after completion of construction, engineering, expenses of 75058  
research and development with respect to air quality facilities, 75059  
the cost of any commodity contract, including fees and expenses 75060  
related thereto, legal expenses, plans, specifications, surveys, 75061  
studies, estimates of cost and revenues, working capital, other 75062  
expenses necessary or incident to determining the feasibility or 75063  
practicability of acquiring or constructing such project, 75064  
administrative expense, and such other expense as may be 75065  
necessary or incident to the acquisition or construction of the 75066  
project, the financing of such acquisition or construction, 75067  
including the amount authorized in the resolution of the 75068  
authority providing for the issuance of air quality revenue 75069  
bonds to be paid into any special funds from the proceeds of 75070  
such bonds, and the financing of the placing of such project in 75071  
operation. Any obligation, cost, or expense incurred by any 75072  
governmental agency or person for surveys, borings, preparation 75073  
of plans and specifications, and other engineering services, or 75074  
any other cost described above, in connection with the 75075

acquisition or construction of a project may be regarded as a 75076  
part of the cost of that project and may be reimbursed out of 75077  
the proceeds of air quality revenue bonds as authorized by this 75078  
chapter. 75079

(J) "Owner" includes an individual, copartnership, 75080  
association, or corporation having any title or interest in any 75081  
property, rights, easements, or interests authorized to be 75082  
acquired by this chapter. 75083

(K) "Revenues" means all rentals and other charges 75084  
received by the authority for the use or services of any air 75085  
quality project, any gift or grant received with respect to any 75086  
air quality project, any moneys received with respect to the 75087  
lease, sublease, sale, including installment sale or conditional 75088  
sale, or other disposition of an air quality project, moneys 75089  
received in repayment of and for interest on any loans made by 75090  
the authority to a person or governmental agency, whether from 75091  
the United States or any department, administration, or agency 75092  
thereof, or otherwise, proceeds of such bonds to the extent that 75093  
use thereof for payment of principal of, premium, if any, or 75094  
interest on the bonds is authorized by the authority, amounts 75095  
received or otherwise derived from a commodity contract or from 75096  
the sale of the related commodity under such a contract, 75097  
proceeds from any insurance, condemnation, or guaranty 75098  
pertaining to a project or property mortgaged to secure bonds or 75099  
pertaining to the financing of the project, and income and 75100  
profit from the investment of the proceeds of air quality 75101  
revenue bonds or of any revenues. 75102

(L) "Public roads" includes all public highways, roads, 75103  
and streets in the state, whether maintained by the state, 75104  
county, city, township, or other political subdivision. 75105

(M) "Public utility facilities" includes tracks, pipes, 75106  
mains, conduits, cables, wires, towers, poles, and other 75107  
equipment and appliances of any public utility. 75108

(N) "Construction," unless the context indicates a 75109  
different meaning or intent, includes reconstruction, 75110  
enlargement, improvement, or providing furnishings or equipment. 75111

(O) "Air quality revenue bonds," unless the context 75112  
indicates a different meaning or intent, includes air quality 75113  
revenue notes, air quality revenue renewal notes, and air 75114  
quality revenue refunding bonds, except that notes issued in 75115  
anticipation of the issuance of bonds shall have a maximum 75116  
maturity of five years as provided in section 3706.05 of the 75117  
Revised Code and notes or renewal notes issued as the definitive 75118  
obligation may be issued maturing at such time or times with a 75119  
maximum maturity of forty years from the date of issuance of the 75120  
original note. 75121

(P) "Solid waste" means any garbage; refuse; sludge from a 75122  
waste water treatment plant, water supply treatment plant, or 75123  
air pollution control facility; and other discarded material, 75124  
including solid, liquid, semisolid, or contained gaseous 75125  
material resulting from industrial, commercial, mining, and 75126  
agricultural operations, and from community activities, but not 75127  
including solid or dissolved material in domestic sewage, or 75128  
solid or dissolved material in irrigation return flows or 75129  
industrial discharges that are point sources subject to permits 75130  
under section 402 of the "Federal Water Pollution Control Act 75131  
Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, 75132  
or source, special nuclear, or byproduct material as defined by 75133  
the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, 75134  
as amended. 75135

(Q) "Sludge" means any solid, semisolid, or liquid waste, 75136  
other than a recyclable by-product, generated from a municipal, 75137  
commercial, or industrial waste water treatment plant, water 75138  
supply plant, or air pollution control facility or any other 75139  
such wastes having similar characteristics and effects. 75140

(R) "Ethanol or other biofuel facility" means a plant at 75141  
which ethanol or other biofuel is produced. 75142

(S) "Ethanol" means fermentation ethyl alcohol derived 75143  
from agricultural products, including potatoes, cereal, grains, 75144  
cheese whey, and sugar beets; forest products; or other 75145  
renewable or biomass resources, including residue and waste 75146  
generated from the production, processing, and marketing of 75147  
agricultural products, forest products, and other renewable or 75148  
biomass resources, that meets all of the specifications in the 75149  
American society for testing and materials (ASTM) specification 75150  
D 4806-88 and is denatured as specified in Parts 20 and 21 of 75151  
Title 27 of the Code of Federal Regulations. 75152

(T) "Biofuel" means any fuel that is made from cellulosic 75153  
biomass resources, including renewable organic matter, crop 75154  
waste residue, wood, aquatic plants and other crops, animal 75155  
waste, solid waste, or sludge, and that is used for the 75156  
production of energy for transportation or other purposes. 75157

(U) "FutureGen project" means the buildings, equipment, 75158  
and real property and functionally related buildings, equipment, 75159  
and real property, including related research projects that 75160  
support the development and operation of the buildings, 75161  
equipment, and real property, designated by the United States 75162  
department of energy and the FutureGen industrial alliance, 75163  
inc., as the coal-fueled, zero-emissions power plant designed to 75164  
prove the technical and economic feasibility of producing 75165

electricity and hydrogen from coal and nearly eliminating carbon 75166  
dioxide emissions through capture and permanent storage. 75167

(V) "Commodity contract" means a contract or series of 75168  
contracts entered into in connection with the acquisition or 75169  
construction of air quality facilities for the purchase or sale 75170  
of a commodity that is eligible for prepayment with the proceeds 75171  
of federally tax exempt bonds under sections 103, 141, and 148 75172  
of the Internal Revenue Code of 1986, as amended, and 75173  
regulations adopted under it. 75174

(W) "Green energy" has the same meaning as in section 75175  
4928.01 of the Revised Code. 75176

**Sec. 3709.15.** The board of health of a city or general 75177  
health district may appoint as many persons for sanitary duty as 75178  
the public health and sanitary conditions of the district 75179  
require, and such persons shall have general police powers and 75180  
be known as "sanitarians." The board may also appoint as many 75181  
registered nurses for public health nurse duty as the public 75182  
health and sanitary conditions of the district require, who 75183  
shall be known as "public health nurses," and where such are 75184  
appointed, the board may appoint licensed practical nurses as 75185  
defined by section ~~4723.15~~ 4723.02 of the Revised Code. The 75186  
legislative authority of the city may determine the maximum 75187  
number of sanitarians and public health nurses and licensed 75188  
practical nurses to be appointed. 75189

The board of health of a city or general health district 75190  
may provide nursing care and other therapeutic and supportive 75191  
care services to maintain an ill or infirm person in a place of 75192  
residence used as such person's home or elsewhere. The board 75193  
shall charge and collect reasonable fees not to exceed the cost 75194  
of service for such care from patients financially able to pay, 75195

or may accept payment for such services from persons or public 75196  
or private agencies on behalf of the recipient, either directly 75197  
or by contract with such persons or agencies. The fees shall be 75198  
retained by the board and placed in a special fund to be known 75199  
as the home health services fund, and shall be used by the board 75200  
only for defraying the cost of personnel, equipment, supplies, 75201  
rental of physical facilities including real property, 75202  
utilities, and administrative costs in providing services under 75203  
this section. ~~The approval of the auditor of state referred to~~ 75204  
~~in section 5705.12 of the Revised Code shall not be required for~~ 75205  
~~the establishment of the fund.~~ 75206

The board, in addition, may contract with any individual 75207  
or a public or private agency to furnish services authorized by 75208  
this section on behalf of a city or general health district for 75209  
such time and for such compensation as may be agreed upon by the 75210  
board and the individual or agency. The compensation shall be 75211  
paid by the board from the home health services fund, or from 75212  
any other available fund of the board. 75213

**Sec. 3717.071.** (A) The director of agriculture and 75214  
director of health shall prescribe forms for use in calculating 75215  
the licensing fees that may be charged under sections 3717.25 75216  
and 3717.45 of the Revised Code. Each licensor that charges 75217  
licensing fees shall use the forms in calculating its costs 75218  
according to the uniform methodologies established in rules 75219  
adopted under section 3717.07 of the Revised Code. 75220

(B) (1) If the licensor is a board of health, the board 75221  
shall submit the form to the director of agriculture in the case 75222  
of fees being charged for retail food establishment licenses, 75223  
and to the director of health in the case of fees being charged 75224  
for food service operation licenses. The board shall submit the 75225

form to the appropriate director not later than the first day of 75226  
the fiscal year in which the fees will apply. A form that is 75227  
mailed to the director shall be considered to have been 75228  
submitted on its postmark date. 75229

(2) On receipt of a form from a board of health, the 75230  
director of agriculture or director of health shall review the 75231  
form to determine if the board has calculated its fees in 75232  
accordance with the uniform methodologies. ~~The director may~~ 75233  
~~request that the auditor of state conduct an audit of the board~~ 75234  
~~to determine if the fees it established are appropriate. The~~ 75235  
~~audit is in addition to the annual or biennial audit conducted~~ 75236  
~~pursuant to division (A) of section 117.11 of the Revised Code,~~ 75237  
~~and the cost of the audit is the responsibility of the board of~~ 75238  
~~health.~~ If at any time the director of agriculture or director 75239  
of health has reasonable cause to believe that ~~a different~~ an 75240  
audit of a board of health, in addition to the annual or 75241  
biennial audit conducted pursuant to division (A) of section 75242  
117.11 of the Revised Code, is in the public interest, the 75243  
director may request that the auditor of state conduct the 75244  
audit. If the audit is conducted, the cost of the audit is the 75245  
responsibility of the board of health. 75246

(C) (1) If a board of health fails to submit the forms as 75247  
required under division (B) (1) of this section and the failure 75248  
has occurred not more than twice in the immediately preceding 75249  
five-year period, the board is subject to the following 75250  
penalties: 75251

(a) If the form is late by one but not more than five 75252  
working days, a fine of fifty dollars for each working day the 75253  
form is late; 75254

(b) If the form is late by six working days but not more 75255



than ten working days, a fine of one hundred dollars for each 75256  
working day the form is late; 75257

(c) If the form is late by more than ten working days, the 75258  
board shall reduce by twenty per cent the fees it charges under 75259  
section 3717.25 or 3717.45 of the Revised Code during the next 75260  
succeeding fiscal year. 75261

(2) If a board fails to submit the forms and the failure 75262  
has occurred more than twice in the immediately preceding five- 75263  
year period, the board shall reduce by twenty per cent the fees 75264  
it charges under section 3717.25 or 3717.45 of the Revised Code 75265  
during the next succeeding fiscal year. 75266

(3) A board of health that is required to pay a fine or 75267  
reduce its licensing fees shall not include any part of the cost 75268  
of the penalty in the fees it charges under section 3717.25 or 75269  
3717.45 of the Revised Code or the fees it charges in operating 75270  
any other licensing program. 75271

**Sec. 3719.04.** (A) A person ~~identified in division (B) (1)~~ 75272  
~~(a) of section 4729.52 of the Revised Code who holds a category-~~ 75273  
~~III license issued under that section 4729.52 of the Revised~~ 75274  
Code granting authority with respect to controlled substances 75275  
may sell at wholesale controlled substances to any of the 75276  
following persons and is subject to the following conditions: 75277

(1) To another person who holds a ~~category III~~ license 75278  
issued under section 4729.52 of the Revised Code granting 75279  
authority with respect to controlled substances or to a terminal 75280  
distributor of dangerous drugs with a ~~category III~~ license 75281  
issued under section 4729.54 of the Revised Code granting 75282  
authority with respect to controlled substances; 75283

(2) To a person in the employ of the United States 75284

government or of any state, territorial, district, county, 75285  
municipal, or insular government, purchasing, receiving, 75286  
possessing, or dispensing controlled substances by reason of 75287  
official duties; 75288

(3) To a master of a ship or a person in charge of any 75289  
aircraft upon which no physician is regularly employed, for the 75290  
actual medical needs of persons on board the ship or aircraft, 75291  
when not in port; provided such controlled substances shall be 75292  
sold to the master of the ship or person in charge of the 75293  
aircraft only in pursuance of a special official written order 75294  
approved by a commissioned medical officer or acting assistant 75295  
surgeon of the United States public health service; 75296

(4) To a person in a foreign country, if the federal drug 75297  
abuse control laws are complied with. 75298

(B) An official written order for any schedule II 75299  
controlled substances shall comply with all requirements of the 75300  
federal drug abuse control laws and rules adopted by the state 75301  
board of pharmacy. Except as provided in section 3719.05 of the 75302  
Revised Code or as otherwise specified in rules adopted by the 75303  
board, each party engaged in the sale of schedule II controlled 75304  
substances shall maintain all records relating to the order for 75305  
a period of five years in such a way as to be readily accessible 75306  
for inspection by any public officer or employee engaged in the 75307  
enforcement of this chapter. 75308

**Sec. 3721.074.** (A) As used in this section: 75309

(1) "Independent living facility" has the same meaning as 75310  
in section 5709.12 of the Revised Code. 75311

(2) "Residential facility" has the same meaning as in 75312  
section 5119.34 of the Revised Code. 75313

(B) (1) Notwithstanding any provision of the Revised Code 75314  
to the contrary, an independent living facility or residential 75315  
facility that applies to the director of health pursuant to 75316  
section 3721.07 of the Revised Code for a license as a 75317  
residential care facility may continue to operate as an 75318  
independent living facility or residential facility in 75319  
accordance with this section during the period of time that the 75320  
application is under consideration by the director. 75321

(2) An independent living facility or residential facility 75322  
shall not provide care to more than two residents while its 75323  
application under section 3721.07 of the Revised Code is 75324  
pending. 75325

**Sec. 3721.32.** (A) The director of health shall establish a 75326  
state nurse aide registry listing all individuals who have done 75327  
any of the following: 75328

(1) Were used by a long-term care facility as nurse aides 75329  
on a full-time, temporary, per diem, or other basis at any time 75330  
during the period commencing July 1, 1989, and ending January 1, 75331  
1990, and successfully completed, not later than October 1, 75332  
1990, a competency evaluation program approved by the director 75333  
under division (A) of section 3721.31 of the Revised Code or 75334  
conducted by the director under division (C) of that section; 75335

(2) Successfully completed a training and competency 75336  
evaluation program approved by the director under division (A) 75337  
of section 3721.31 of the Revised Code or met the conditions 75338  
specified in division (F) (1) or (2) of section 3721.28 of the 75339  
Revised Code, and, if the training and competency evaluation 75340  
program or the training, instruction, or education the 75341  
individual completed in meeting the conditions specified in 75342  
division (F) (1) of section 3721.28 of the Revised Code was 75343

conducted in or by a long-term care facility, has successfully 75344  
completed a competency evaluation program conducted by the 75345  
director; 75346

(3) Successfully completed a training and competency 75347  
evaluation program conducted by the director under division (C) 75348  
of section 3721.31 of the Revised Code; 75349

(4) Successfully completed, prior to July 1, 1989, a 75350  
program that the director has determined under division (B) (3) 75351  
of section 3721.28 of the Revised Code included a competency 75352  
evaluation component no less stringent than the competency 75353  
evaluation programs approved or conducted by the director under 75354  
section 3721.31 of the Revised Code, and was otherwise 75355  
comparable to the training and competency evaluation program 75356  
being approved by the director under section 3721.31 of the 75357  
Revised Code; 75358

(5) Are listed in a nurse aide registry maintained by 75359  
another state that certifies that its program for training and 75360  
evaluation of competency of nurse aides complies with Titles 75361  
XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 75362  
42 U.S.C.A. 301, as amended, or regulations adopted thereunder; 75363

(6) Were found competent, as provided in division (B) (5) 75364  
of section 3721.28 of the Revised Code, prior to July 1, 1989, 75365  
after the completion of a course of nurse aide training of at 75366  
least one hundred hours' duration; 75367

(7) Are enrolled in a prelicensure program of nursing 75368  
education approved by the board of nursing or by an agency of 75369  
another state that regulates nursing education, have provided 75370  
the long-term care facility with a certificate from the program 75371  
indicating that the individual has successfully completed the 75372

courses that teach basic nursing skills including infection 75373  
control, safety and emergency procedures, and personal care, and 75374  
have successfully completed a competency evaluation program 75375  
conducted by the director under division (A) of section 3721.31 75376  
of the Revised Code; 75377

(8) Have the equivalent of twelve months or more of full- 75378  
time employment in the five years preceding listing in the 75379  
registry as a hospital aide or orderly and have successfully 75380  
completed a competency evaluation program conducted by the 75381  
director under division (C) of section 3721.31 of the Revised 75382  
Code; 75383

(9) Successfully completed a prelicensure program of 75384  
nursing education approved by the board of nursing under section 75385  
4723.06 of the Revised Code or by an agency of another state 75386  
that regulates nursing education and passed the examination 75387  
accepted by the board of nursing under section 4723.10 of the 75388  
Revised Code, which shall be deemed as successfully completing a 75389  
competency evaluation program conducted by the director under 75390  
division (C) of section 3721.31 of the Revised Code; 75391

(10) Successfully completed both of the following: 75392

(a) A training course provided by the United States 75393  
department of veterans affairs in a community living center 75394  
operated by the department of veterans affairs that the director 75395  
of health determines is similar to a training and competency 75396  
evaluation program conducted by the director under division (C) 75397  
of section 3721.31 of the Revised Code; 75398

(b) A competency evaluation program conducted by the 75399  
director of health under division (C) of section 3721.31 of the 75400  
Revised Code. 75401

(B) In addition to the list of individuals required by 75402  
division (A) of this section, the registry shall include both of 75403  
the following: 75404

(1) The statement required by section 3721.23 of the 75405  
Revised Code detailing findings by the director under that 75406  
section regarding alleged abuse, neglect, or exploitation of a 75407  
resident or misappropriation of resident property; 75408

(2) Any statement provided by an individual under section 75409  
3721.23 of the Revised Code disputing the director's findings. 75410

Whenever an inquiry is received as to the information 75411  
contained in the registry concerning an individual about whom a 75412  
statement required by section 3721.23 of the Revised Code is 75413  
included in the registry, the director shall disclose the 75414  
statement or a summary of the statement together with any 75415  
statement provided by the individual under section 3721.23 or a 75416  
clear and accurate summary of that statement. 75417

(C) The director may by rule specify additional 75418  
information that must be provided to the registry by long-term 75419  
care facilities and persons or government agencies conducting 75420  
approved training and competency evaluation programs. 75421

(D) Information contained in the registry is a public 75422  
record for the purposes of section 149.43 of the Revised Code, 75423  
and is subject to inspection and copying under section 1347.08 75424  
of the Revised Code. 75425

(E) An individual who is listed on the registry in good 75426  
standing shall be referred to as a certified nurse aide. Only 75427  
individuals listed on the registry shall use the designation 75428  
"certified nurse aide" or "CNA." 75429

**Sec. 3722.04.** ~~If a hospital licensed under this chapter is~~ 75430

~~assigned, sold, or transferred to a new owner, within thirty~~ 75431  
~~days of the assignment, sale, or transfer, the new owner shall~~ 75432  
~~apply to the director of health for a license transfer. The~~ 75433  
~~application shall be submitted to the director in the form and~~ 75434  
~~manner prescribed in rules adopted under section 3722.06 of the~~ 75435  
~~Revised Code.~~ (A) As used in this section: 75436

(1) "Entering owner" means the person, political 75437  
subdivision, agency, or instrumentality of this state, including 75438  
a state university, that will become the owner and operator of a 75439  
hospital when a change of owner occurs. 75440

(2) "Related party" means an individual or organization 75441  
that, to a significant extent, has common ownership with, is 75442  
associated or affiliated with, has control of, or is controlled 75443  
by, the entering owner. 75444

(a) An individual who is a relative of an entering owner 75445  
is a related party. 75446

(b) Common ownership exists when an individual or 75447  
individuals possess significant ownership or equity in both the 75448  
provider and the other organization. Significant ownership or 75449  
equity exists when an individual or individuals possess five per 75450  
cent ownership or equity in both the entering owner and a 75451  
supplier. Significant ownership or equity is presumed to exist 75452  
when an individual or individuals possess ten per cent ownership 75453  
or equity in both the entering owner and another organization 75454  
from which the entering owner purchases or leases real property. 75455

(c) Control exists when an individual or organization has 75456  
the power, directly or indirectly, to significantly influence or 75457  
direct the actions or policies of an organization. 75458

(d) An individual or organization that supplies goods or 75459

services to an entering owner shall not be considered a related 75460  
party if all of the following conditions are met: 75461

(i) The supplier is a separate bona fide organization. 75462

(ii) A substantial part of the supplier's business 75463  
activity of the type carried on with the entering owner is 75464  
transacted with others than the entering owner and there is an 75465  
open, competitive market for the types of goods or services the 75466  
supplier furnishes. 75467

(iii) The types of goods or services are commonly obtained 75468  
by other hospitals from outside organizations and are not a 75469  
basic element of patient care ordinarily furnished directly to 75470  
patients by hospitals. 75471

(iv) The charge to the entering owner is in line with the 75472  
charge for the goods or services in the open market and not more 75473  
than the charge made under comparable circumstances to others by 75474  
the supplier. 75475

(B) If a change of owner is proposed for a hospital for 75476  
which a license to operate has been issued under this chapter, a 75477  
person or political subdivision, agency, or instrumentality of 75478  
the state, including a state university, seeking to operate the 75479  
hospital as its entering owner shall apply to the director of 75480  
health for a license to operate the hospital. 75481

An application shall be submitted not later than forty- 75482  
five days before the date of the proposed change of owner, 75483  
except that the director may waive that timeline in the event of 75484  
an emergency. 75485

(C) To be eligible for the license, an applicant shall 75486  
satisfy all of the following: 75487



(1) Submit a complete application and pay the change of 75488  
owner fee specified in rules adopted under section 3722.06 of 75489  
the Revised Code; 75490

(2) Identify the one or more individuals, that own, 75491  
directly or indirectly, at least five per cent of each of the 75492  
following: 75493

(a) The entering owner, if the entering owner is an 75494  
entity; 75495

(b) The owner of the building or buildings in which the 75496  
main hospital and, if applicable, any of its remote locations 75497  
are located, if the owner of the building or buildings differs 75498  
from the entering owner; 75499

(c) Each related party that provides or will provide 75500  
services to the hospital, through contracts with any individual 75501  
identified in division (C) (2) of this section. 75502

(3) With respect to an individual identified as described 75503  
in division (C) (2) of this section, disclose the exact 75504  
percentage of the individual's ownership interest; 75505

(4) Disclose the following: 75506

(a) Whether or not an individual identified in division 75507  
(C) (2) of this section owns or owned, directly or indirectly, an 75508  
interest in a hospital licensed by the director or by another 75509  
state; 75510

(b) With respect to the hospital described in division (C) 75511  
(4) (a) of this section, whether or not any of the following 75512  
events occurred within the five years immediately preceding the 75513  
date of application: 75514

(i) The hospital closed, either voluntarily or 75515

involuntarily; 75516

(ii) The hospital or its owner was the subject of 75517  
voluntary or involuntary bankruptcy proceedings; 75518

(iii) The hospital or its owner was the subject of 75519  
voluntary or involuntary receivership proceedings; 75520

(iv) The hospital's license to operate was suspended, 75521  
denied, or revoked; 75522

(v) The hospital was the subject of injunction proceedings 75523  
initiated by a regulatory agency; 75524

(vi) A civil or criminal action was filed against the 75525  
hospital by a state or federal entity. 75526

(4) Provide any additional information that the director 75527  
of health considers necessary. 75528

(D) Except for an application identifying direct or 75529  
indirect ownership of at least fifty per cent of the entering 75530  
owner, the applicant also shall submit to the director evidence 75531  
of a bond in an amount not less than the product of the number 75532  
of beds reported by the hospital in its most recent license 75533  
application or renewal, multiplied by ten thousand dollars. 75534

(1) The bond shall be renewed, replaced, or maintained for 75535  
five years after the effective date of the change of owner. The 75536  
aggregate liability of a surety shall not exceed the sum of the 75537  
bond, which is not cumulative from period to period. If the bond 75538  
is not renewed, replaced, or maintained in accordance with this 75539  
division, the director shall revoke the hospital's license after 75540  
providing thirty days' notice to the owner. The bond shall be 75541  
released five years after the effective date of the change of 75542  
owner if none of the events described in division (C) (2) of this 75543

section have occurred. 75544

(2) The director may utilize the bond required under this 75545  
division to pay expenses incurred by the director or another 75546  
state official or agency if any of the following occur during 75547  
the five-year period for which the bond is required: 75548

(a) The hospital is voluntarily or involuntarily closed. 75549

(b) The hospital or its owner is the subject of voluntary 75550  
or involuntary bankruptcy proceedings. 75551

(c) The hospital or its owner is the subject of voluntary 75552  
or involuntary receivership proceedings. 75553

(d) The license to operate the hospital is suspended, 75554  
denied, or revoked. 75555

(e) The hospital undergoes a change of ownership, unless 75556  
the new applicant submits a bond in accordance with this 75557  
section. 75558

(E) The applicant also shall demonstrate to the director 75559  
that the entering owner or person who will have operational 75560  
control of the hospital has at least five years of experience 75561  
with operational control of a hospital licensed by the director 75562  
or by another state. 75563

(F) The applicant also shall attest to the director all of 75564  
the following: 75565

(1) That the entering owner has developed quality 75566  
assurance and risk management plans for the hospital's 75567  
operation; 75568

(2) That the entering owner has general and professional 75569  
liability insurance coverage that provides coverage of at least 75570

one million dollars per occurrence and three million dollars 75571  
aggregate; 75572

(3) That sufficient numbers of qualified staff, by 75573  
training or experience, will be employed to properly care for 75574  
the type and number of hospital patients. 75575

(G) As soon as practicable after receiving a completed 75576  
application, the director shall review it to determine if the 75577  
requirements of this section, rules adopted under this section, 75578  
or rules regarding changes of owner adopted under section 75579  
3722.06 of the Revised Code have been met. If the director makes 75580  
such a determination, the director shall issue to the applicant 75581  
a notice of intent to grant a change of owner license, with the 75582  
license's issuance contingent on the submission of documents 75583  
evidencing completion of the change of owner transaction. 75584

(H) The director shall deny a change of owner application 75585  
if any of the following is the case: 75586

(1) The requirements of this section, any rules adopted 75587  
under it, or any rules regarding changes of owner adopted under 75588  
section 3722.06 of the Revised Code have not been met. 75589

(2) The entering owner or individual identified in 75590  
division (C) (2) of this section as owning, directly or 75591  
indirectly, twenty-five per cent or more of the entering owner 75592  
meets both of the following criteria: 75593

(a) The entering owner or individual has or had either of 75594  
the following relationships with a currently or previously 75595  
licensed hospital by the director or by another state: 75596

(i) Fifty per cent or more direct or indirect ownership in 75597  
the hospital; 75598

<u>(ii) Alone or together with one or more other persons,</u>	75599
<u>operational control of the hospital.</u>	75600
<u>(b) Any of the following occurred with respect to the</u>	75601
<u>current or previously licensed hospital described in division</u>	75602
<u>(H) (2) (a) of this section within the five years immediately</u>	75603
<u>preceding the date of application:</u>	75604
<u>(i) Involuntary closure of the hospital by a regulatory</u>	75605
<u>agency or voluntary closure in response to licensure or</u>	75606
<u>certification action;</u>	75607
<u>(ii) Voluntary or involuntary bankruptcy proceedings that</u>	75608
<u>are not dismissed within sixty days of filing for bankruptcy;</u>	75609
<u>(iii) Voluntary or involuntary receivership proceedings</u>	75610
<u>that are not dismissed within sixty days of the proceedings'</u>	75611
<u>initiation;</u>	75612
<u>(iv) License suspension, denial, or revocation for failure</u>	75613
<u>to comply with operating standards.</u>	75614
<u>(3) If a change of twenty-five per cent or more of the</u>	75615
<u>property ownership interest in a hospital occurs in connection</u>	75616
<u>with the change of owner, the person who acquired the property</u>	75617
<u>ownership interest meets both of the following criteria:</u>	75618
<u>(a) The person has or had either of the following</u>	75619
<u>relationships to a hospital currently or previously licensed by</u>	75620
<u>the director or by another state:</u>	75621
<u>(i) Fifty per cent or more direct or indirect property</u>	75622
<u>ownership in the hospital;</u>	75623
<u>(ii) Alone or together with one or more other persons,</u>	75624
<u>operational control of the hospital.</u>	75625

(b) Any of the following occurred with respect to the 75626  
current or previously licensed hospital described in division 75627  
(H) (3) (a) of this section within the five years immediately 75628  
preceding the date of application: 75629

(i) Involuntary closure of the hospital by a regulatory 75630  
agency or voluntary closure in response to licensure or 75631  
certification action; 75632

(ii) Voluntary or involuntary bankruptcy proceedings that 75633  
are not dismissed within sixty days of filing for bankruptcy; 75634

(iii) Voluntary or involuntary receivership proceedings 75635  
that are not dismissed within sixty days of the proceedings' 75636  
initiation; 75637

(iv) License suspension, denial, or revocation for failure 75638  
to comply with operating standards. 75639

(I) An applicant may appeal, in accordance with Chapter 75640  
119. of the Revised Code, the denial of a change of owner 75641  
license. 75642

(J) An entering owner shall do all of the following: 75643

(1) As soon as practicable after the entering owner 75644  
discovers an error, omission, or change of information in the 75645  
entering owner's application submitted under this section, 75646  
notify the director of the error, omission, or change; 75647

(2) When a change in the information or documentation 75648  
required by this section occurs after the change of owner 75649  
license is issued, notify the director of the change in the 75650  
information or documentation within ten days of its occurrence; 75651

(3) Truthfully supply to the director any additional 75652  
information or documentation that the director requests; 75653

(4) Refrain from completing the change of owner 75654  
transaction until after the director issues to the entering 75655  
owner notice of the director's intent to grant a change of owner 75656  
as described in division (G) of this section; 75657

(5) Not later than five days after completing the change 75658  
of owner transaction, submit to the director the final document 75659  
evidencing its completion. 75660

If an entering owner fails to notify the director or to 75661  
supply additional information or documentation as required by 75662  
divisions (J) (1) to (3) of this section, the director shall 75663  
impose on the entering owner a civil penalty of two thousand 75664  
dollars for each day of noncompliance. 75665

(K) (1) The director shall investigate either of the 75666  
following: 75667

(a) An allegation that a change of owner has occurred and 75668  
the entering owner failed to submit an application under this 75669  
section; 75670

(b) An allegation that an application filed under this 75671  
section included information that was fraudulent. 75672

The director may request the attorney general's assistance 75673  
in conducting such an investigation. 75674

(2) If the director becomes aware, by means of an 75675  
investigation or otherwise, that either of the events described 75676  
in division (K) (1) of this section are the case, the director 75677  
shall impose on the entering owner a civil penalty of two 75678  
thousand dollars for each day of noncompliance after the date 75679  
the change of owner has occurred. 75680

If the entering owner fails to submit an application or 75681

new application for a change of owner license within sixty days 75682  
of the director becoming aware of the change of owner, the 75683  
director shall begin the process for license revocation 75684  
specified in section 3722.07 of the Revised Code. 75685

(L) The ~~new-entering~~ owner is responsible for compliance 75686  
with any action taken or proposed by the director under section 75687  
3722.07 or 3722.08 of the Revised Code. If a notice has been 75688  
served under sections 119.05 and 119.07 of the Revised Code, the 75689  
~~new-entering~~ owner becomes party to the notice. 75690

(M) In addition to the rules establishing procedures for 75691  
changing owners required by section 3722.06 of the Revised Code, 75692  
the director may adopt any other rules as necessary to implement 75693  
this section. The rules shall be adopted in accordance with 75694  
Chapter 119. of the Revised Code. 75695

(N) It is the intent of the general assembly in amending 75696  
this section to require full and complete disclosure and 75697  
transparency with respect to the ownership, operation, and 75698  
management of each licensed hospital undergoing a change of 75699  
owner. 75700

**Sec. 3722.06.** (A) Not later than the date that is one year 75701  
after ~~the effective date of this section~~ September 30, 2022, the 75702  
director of health shall adopt rules establishing health, 75703  
safety, welfare, and quality standards for hospitals licensed 75704  
under this chapter, including standards for all of the 75705  
following: 75706

(1) Maternity units; 75707

(2) Newborn care nurseries; 75708

(3) Health care services. 75709



(B) Not later than the date that is one year after ~~the~~ 75710  
~~effective date of this section~~ September 30, 2022, the director 75711  
shall adopt rules establishing standards and procedures for the 75712  
licensure of hospitals, including all of the following: 75713

(1) Procedures for applying and renewing licenses as 75714  
described in section 3722.03 of the Revised Code; 75715

(2) Procedures for ~~transferring licenses~~ changing owners 75716  
as described in section 3722.04 of the Revised Code; 75717

(3) Procedures for inspections following complaints; 75718

(4) Subject to division (C) (1) of this section, fees for 75719  
initial applications, license renewals, and ~~license~~ 75720  
~~transfers~~ changes of owner, as well as inspections conducted 75721  
under section 3722.05 of the Revised Code; 75722

(5) Subject to division (C) (2) of this section, standards 75723  
and procedures for imposing civil penalties as described in 75724  
section 3722.07 of the Revised Code; 75725

(6) Subject to division (C) (3) of this section, standards 75726  
and procedures for correcting violations, including through the 75727  
submission of correction plans; 75728

(7) Standards and procedures for identifying, monitoring, 75729  
managing, reporting, and reducing exposures to risk conditions, 75730  
such as Legionella, including through the use of environmental 75731  
facility assessments, the development of water management plans, 75732  
and the use of disinfection measures; 75733

(8) Standards and procedures for data reporting; 75734

(9) Standards and procedures for emergency preparedness; 75735

(10) Standards and procedures for the provision of 75736

technical assistance as described in section 3722.09 of the 75737  
Revised Code; 75738

(11) Standards and procedures for new hospitals to 75739  
demonstrate eligibility as described in division (B)(2) of 75740  
section 3722.03 of the Revised Code; 75741

(12) Standards and procedures to address changes to a 75742  
hospital's license, including adding or removing a location of 75743  
the hospital. 75744

(C)(1) In the case of an inspection fee described in 75745  
division (B)(4) of this section, the director shall establish an 75746  
amount to cover only the cost of the inspection. All other fees 75747  
established under that division shall be limited to what is 75748  
necessary to support the hospital licensure program. 75749

(2) The director shall establish a scale for use in 75750  
determining the amount of a civil penalty that may be imposed 75751  
under section 3722.07 of the Revised Code. The scale shall 75752  
include per day amounts for ongoing violations. The total amount 75753  
of a civil penalty shall not exceed two hundred fifty thousand 75754  
dollars for each violation. 75755

(3) The director shall accept a corrective action plan 75756  
that also was accepted by the federal centers for medicare and 75757  
medicaid services or an accrediting organization approved under 75758  
42 U.S.C. 1395bb(a) provided that the plan was submitted to the 75759  
centers or organization in response to the same deficiencies 75760  
identified by the director. 75761

(D) The director may adopt any other rules as necessary to 75762  
implement this chapter. 75763

(E) When adopting rules under this section, all of the 75764  
following apply: 75765

(1) The director shall adopt the rules in accordance with 75766  
Chapter 119. of the Revised Code; 75767

(2) Any rules adopted are not subject to division (F) of 75768  
section 121.95 of the Revised Code; 75769

(3) The director shall collaborate with representatives of 75770  
this state's hospital industry to maximize the public health 75771  
utility of rules adopted under this section and limit the 75772  
administrative burden of and costs of complying with such rules. 75773

(4) The director shall not adopt rules that conflict with 75774  
requirements under federal laws or regulations. 75775

**Sec. 3728.01.** As used in this chapter: 75776

(A) "Administer epinephrine" means to inject an individual 75777  
with epinephrine using an autoinjector in a manufactured dosage 75778  
form. 75779

(B) "Peace officer" has the same meaning as in section 75780  
109.71 of the Revised Code and also includes a sheriff. 75781

(C) "Prescriber" means an individual who is authorized by 75782  
law to prescribe drugs or dangerous drugs or drug therapy 75783  
related devices in the course of the individual's professional 75784  
practice, including only the following: 75785

(1) A clinical nurse specialist, certified nurse-midwife, 75786  
or certified nurse practitioner who holds a certificate to 75787  
prescribe issued under section 4723.48 of the Revised Code; 75788

(2) A physician authorized under Chapter 4731. of the 75789  
Revised Code to practice medicine and surgery, osteopathic 75790  
medicine and surgery, or podiatric medicine and surgery; 75791

(3) A physician assistant who is licensed under Chapter 75792

4730. of the Revised Code, holds a valid prescriber number 75793  
issued by the state medical board, and has been granted 75794  
physician-delegated prescriptive authority. 75795

(D) "Qualified entity" means either of the following: 75796

(1) Any public or private entity that is associated with a 75797  
location where allergens capable of causing anaphylaxis may be 75798  
present, including child care centers, colleges and 75799  
universities, places of employment, restaurants, amusement 75800  
parks, recreation camps, sports playing fields and arenas, and 75801  
other similar locations, except that "qualified entity" does not 75802  
include either of the following: 75803

(a) A chartered or nonchartered nonpublic school; 75804  
community school; science, technology, engineering, and 75805  
mathematics school; college-preparatory boarding school; or a 75806  
school operated by the board of education of a city, local, 75807  
exempted village, or joint vocational school district, as those 75808  
entities are otherwise authorized to procure epinephrine 75809  
autoinjectors pursuant to sections 3313.7110, 3313.7111, 75810  
3314.143, 3326.28, or 3328.29 of the Revised Code; 75811

(b) A camp described in section ~~5101.76~~ 5180.26 of the 75812  
Revised Code that is authorized to procure epinephrine 75813  
autoinjectors pursuant to that section; 75814

(2) Either of the following served by a peace officer: a 75815  
law enforcement agency or other entity described in division (A) 75816  
of section 109.71 of the Revised Code. 75817

**Sec. 3734.021.** (A) Infectious wastes shall be segregated, 75818  
managed, treated, and disposed of in accordance with rules 75819  
adopted under this section. 75820

(B) The director of environmental protection, in 75821

accordance with Chapter 119. of the Revised Code, shall adopt 75822  
rules necessary or appropriate to protect human health or safety 75823  
or the environment that do both of the following: 75824

(1) Establish standards for generators of infectious 75825  
wastes that include, without limitation, the following 75826  
requirements and authorizations that: 75827

(a) All generators of infectious wastes: 75828

(i) Either treat all specimen cultures and cultures of 75829  
viable infectious agents on the premises where they are 75830  
generated to render them noninfectious by methods, techniques, 75831  
or practices prescribed by rules adopted under division (B) (2) 75832  
(a) of this section before they are transported off that 75833  
premises for disposal or ensure that such wastes are treated to 75834  
render them noninfectious at an infectious waste treatment 75835  
facility off that premises prior to disposal of the wastes; 75836

(ii) Transport and dispose of infectious wastes, if a 75837  
generator produces fewer than fifty pounds of infectious wastes 75838  
during any one month that are subject to and packaged and 75839  
labeled in accordance with federal requirements, in the same 75840  
manner as solid wastes. Such generators who treat specimen 75841  
cultures and cultures of viable infectious agents on the 75842  
premises where they are generated shall not be considered 75843  
treatment facilities as "treatment" and "facility" are defined 75844  
in section 3734.01 of the Revised Code. 75845

(iii) Dispose of infectious wastes subject to and treated 75846  
in accordance with rules adopted under division (B) (1) (a) (i) of 75847  
this section in the same manner as solid wastes; 75848

(iv) May take wastes generated in providing care to a 75849  
patient by an emergency medical services organization, as 75850

defined in section 4765.01 of the Revised Code, to and leave 75851  
them at a hospital, as defined in section 3727.01 of the Revised 75852  
Code, for treatment at a treatment facility owned or operated by 75853  
the hospital or, in conjunction with infectious wastes generated 75854  
by the hospital, at another treatment facility regardless of 75855  
whether the wastes were generated in providing care to the 75856  
patient at the scene of an emergency or during the 75857  
transportation of the patient to a hospital; 75858

(v) May take wastes generated by an individual for 75859  
purposes of the individual's own care or treatment to and leave 75860  
them at a hospital, as defined in section 3727.01 of the Revised 75861  
Code, for treatment at a treatment facility owned or operated by 75862  
the hospital or, in conjunction with infectious wastes generated 75863  
by the hospital, at another treatment facility. 75864

(b) Each generator of fifty pounds or more of infectious 75865  
wastes during any one month: 75866

(i) Register with the environmental protection agency as a 75867  
generator of infectious wastes and obtain a registration 75868  
certificate. ~~The fee for issuance of a generator registration~~ 75869  
~~certificate is one hundred forty dollars payable at the time of~~ 75870  
~~application.~~ The registration certificate applies to all the 75871  
premises owned or operated by the generator in this state where 75872  
infectious wastes are generated and shall list the address of 75873  
each such premises. If a generator owns or operates facilities 75874  
for the treatment of infectious wastes it generates, the 75875  
certificate shall list the address and method of treatment used 75876  
at each such facility. 75877

A generator registration certificate is valid for three 75878  
years from the date of issuance and shall be renewed for a term 75879  
of three years upon the generator's submission of an application 75880

for renewal and payment of a one hundred forty dollar renewal fee. 75881  
75882

The rules may establish a system of staggered renewal 75883  
dates with approximately one-third of such certificates subject 75884  
to renewal each year. The applicable renewal date shall be 75885  
prescribed on each registration certificate. ~~Registration fees~~ 75886  
~~shall be prorated according to the time remaining in the~~ 75887  
~~registration cycle to the nearest year.~~ 75888

~~The registration and renewal fees collected under division 75889  
(B) (1) (b) (i) of this section shall be deposited in the state 75890  
treasury to the credit of the waste management fund created in 75891  
section 3734.061 of the Revised Code.~~ 75892

(ii) Segregate infectious wastes from other wastes at the 75893  
point of generation. Nothing in this section and rules adopted 75894  
under it prohibits a generator of infectious wastes from 75895  
designating and managing any wastes, in addition to those 75896  
defined as infectious wastes under section 3734.01 of the 75897  
Revised Code, as infectious wastes. After designating any such 75898  
other wastes as infectious, the generator shall manage those 75899  
wastes in compliance with the requirements of this chapter and 75900  
rules adopted under it applicable to the management of 75901  
infectious wastes. 75902

(iii) Either treat the infectious wastes that it generates 75903  
at a facility owned or operated by the generator by methods, 75904  
techniques, or practices prescribed by rules adopted under 75905  
division (B) (2) (a) of this section to render them noninfectious, 75906  
or designate the wastes for treatment off that premises at an 75907  
infectious waste treatment facility holding a license issued 75908  
under division (B) of section 3734.05 of the Revised Code, at an 75909  
infectious waste treatment facility that is located in another 75910

state that is in compliance with applicable state and federal 75911  
laws, or at a treatment facility authorized by rules adopted 75912  
under division (B) (2) (d) of this section, prior to disposal of 75913  
the wastes. After being treated to render them noninfectious, 75914  
the wastes shall be disposed of at a solid waste disposal 75915  
facility holding a license issued under division (A) of section 75916  
3734.05 of the Revised Code or at a disposal facility in another 75917  
state that is in compliance with applicable state and federal 75918  
laws. 75919

(iv) Not compact or grind any type of infectious wastes 75920  
prior to treatment in accordance with rules adopted under 75921  
division (B) (2) (a) of this section; 75922

(v) May discharge untreated liquid or semiliquid 75923  
infectious wastes consisting of blood, blood products, body 75924  
fluids, and excreta into a disposal system, as defined in 75925  
section 6111.01 of the Revised Code, unless the discharge of 75926  
those wastes into a disposal system is inconsistent with the 75927  
terms and conditions of the permit for the system issued under 75928  
Chapter 6111. of the Revised Code; 75929

(vi) May transport or cause to be transported infectious 75930  
wastes that have been treated to render them noninfectious in 75931  
the same manner as solid wastes are transported. 75932

(2) Establish standards for owners and operators of 75933  
infectious waste treatment facilities that include, without 75934  
limitation, the following requirements and authorizations that: 75935

(a) Require treatment of all wastes received to be 75936  
performed in accordance with methods, techniques, and practices 75937  
approved by the director; 75938

(b) Govern the location, design, construction, and 75939



operation of infectious waste treatment facilities. The rules 75940  
adopted under division (B) (2) (b) of this section shall require 75941  
that a new infectious waste incineration facility be located so 75942  
that the incinerator unit and all areas where infectious wastes 75943  
are handled on the premises where the facility is proposed to be 75944  
located are at least three hundred feet inside the property line 75945  
of the tract of land on which the facility is proposed to be 75946  
located and are at least one thousand feet from any domicile, 75947  
school, prison, or jail that is in existence on the date on 75948  
which the application for the permit to establish the 75949  
incinerator is submitted under division (B) (2) (b) of section 75950  
3734.05 of the Revised Code. 75951

(c) Establish quality control and testing procedures to 75952  
ensure compliance with the rules adopted under division (B) (2) 75953  
(b) of this section; 75954

(d) Authorize infectious wastes to be treated at a 75955  
facility that holds a license or renewal of a license to operate 75956  
a crematory facility issued under Chapter 4717., and a permit 75957  
issued under Chapter 3704., of the Revised Code to the extent 75958  
that the treatment of those wastes is consistent with that 75959  
permit and its terms and conditions. The rules adopted under 75960  
divisions (B) (2) (b) and (c) of this section do not apply to a 75961  
facility holding such a license and permit. 75962

In adopting the rules required by divisions (B) (2) (a) to 75963  
(d) of this section, the director shall consider and, to the 75964  
maximum feasible extent, utilize existing standards and 75965  
guidelines established by professional and governmental 75966  
organizations having expertise in the fields of infection 75967  
control and infectious wastes management. 75968

(e) Require shipping papers to accompany shipments of 75969

wastes that have been treated to render them noninfectious. The 75970  
shipping papers shall include only the following elements: 75971

(i) The name of the owner or operator of the facility 75972  
where the wastes were treated and the address of the treatment 75973  
facility; 75974

(ii) A certification by the owner or operator of the 75975  
treatment facility where the wastes were treated indicating that 75976  
the wastes have been treated by the methods, techniques, and 75977  
practices prescribed in rules adopted under division (B) (2) (a) 75978  
of this section. 75979

(C) This section and rules adopted under it do not apply 75980  
to the treatment or disposal of wastes consisting of dead 75981  
animals or parts thereof, or the blood of animals: 75982

(1) By the owner of the animal after slaughter by the 75983  
owner on the owner's premises to obtain meat for consumption by 75984  
the owner and the members of the owner's household; 75985

(2) In accordance with Chapter 941. of the Revised Code; 75986  
or 75987

(3) By persons who are subject to any of the following: 75988

(a) Inspection under the "Federal Meat Inspection Act," 81 75989  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 75990

(b) Chapter 918. of the Revised Code; 75991

(c) Chapter 953. of the Revised Code. 75992

(D) As used in this section, "generator" means a person 75993  
who produces infectious wastes at a specific premises. 75994

(E) Rules adopted under this section shall not concern or 75995  
relate to personnel policies, salaries, wages, fringe benefits, 75996

or other conditions of employment of employees of persons owning 75997  
or operating infectious waste treatment facilities. 75998

(F) (1) The director, in accordance with Chapter 119. of 75999  
the Revised Code, shall adopt rules governing the issuance, 76000  
modification, revocation, suspension, and denial of variances 76001  
from the rules adopted under division (B) of this section. 76002  
Variances shall be issued, modified, revoked, suspended, or 76003  
denied in accordance with division (F) of this section, rules 76004  
adopted under it, and Chapter 3745. of the Revised Code. 76005

(2) A person who desires to obtain a variance or renew a 76006  
variance from the rules adopted under division (B) of this 76007  
section shall submit to the director an application as 76008  
prescribed by the director. The application shall contain detail 76009  
plans, specifications, and information regarding objectives, 76010  
procedures, controls, and any other information that the 76011  
director may require. The director shall issue, renew, or deny a 76012  
variance or renewal of a variance within six months of the date 76013  
on which the director receives a complete application with all 76014  
required information and data. 76015

(3) The director may hold a public hearing on an 76016  
application submitted under division (F) of this section for a 76017  
variance at a location in the county in which the operations 76018  
that are the subject of the application for a variance or 76019  
renewal of variance are conducted. Not less than twenty days 76020  
before the hearing, the director shall provide to the applicant 76021  
notice of the hearing by certified mail or by another type of 76022  
mail that is accompanied by a receipt and shall publish notice 76023  
of the hearing at least one time in a newspaper of general 76024  
circulation in the county in which the hearing is to be held or 76025  
may instead provide public notice by publication on the 76026

environmental protection agency's web site. The director shall 76027  
make a complete stenographic record or electronic record of 76028  
testimony and other evidence submitted at the hearing. Not later 76029  
than ten days after the hearing, the director shall make a 76030  
written determination to issue, renew, or deny the variance and 76031  
shall enter the determination and the basis for it into the 76032  
record of the hearing. 76033

(4) A variance shall not be issued, modified, revoked, or 76034  
denied under division (F) of this section until the director has 76035  
considered the relative interests of the applicant, other 76036  
persons and property that will be affected by the variance, and 76037  
the general public. The director shall grant a variance only if 76038  
the applicant demonstrates to the director's satisfaction that 76039  
the requested action will not create a nuisance or a hazard to 76040  
the health or safety of the public or to the environment. In 76041  
granting a variance, the director shall state the specific 76042  
provision or provisions whose terms are to be varied and also 76043  
shall state specific terms or conditions imposed on the 76044  
applicant in place of the provision or provisions. 76045

(5) A variance granted under division (F) of this section 76046  
shall be for a period specified by the director and may be 76047  
renewed from time to time on terms and for periods that the 76048  
director determines to be appropriate. The director may order 76049  
the person to whom a variance has been issued to take action 76050  
within the time that the director determines to be appropriate 76051  
and reasonable to prevent the creation of a nuisance or a hazard 76052  
to the health or safety of the public or to the environment. 76053

(6) An application submitted under division (F) of this 76054  
section shall not be denied and a variance shall not be revoked 76055  
or modified under that division without a written order of the 76056

director stating the findings on which the denial, revocation,  
or modification is based. A copy of the order shall be sent to  
the applicant or holder of a variance by certified mail or by  
another type of mail that is accompanied by a receipt.

(7) The director shall make available for public  
inspection at the principal office of the environmental  
protection agency a current list of pending applications for  
variances submitted under division (F) of this section and a  
current schedule of pending variance hearings under it.

**Sec. 3734.05.** (A) (1) Except as provided in divisions (A)  
(6) and (7) of this section, no person shall operate or maintain  
a solid waste facility without a license issued under this  
division by the board of health of the health district in which  
the facility is located or by the director of environmental  
protection when the health district in which the facility is  
located is not on the approved list under section 3734.08 of the  
Revised Code.

During the month of December, but before the first day of  
January of the next year, every person proposing to continue to  
operate an existing solid waste facility shall procure a license  
under this division to operate the facility for that year from  
the board of health of the health district in which the facility  
is located or, if the health district is not on the approved  
list under section 3734.08 of the Revised Code, from the  
director. The application for such a license shall be submitted  
to the board of health or to the director, as appropriate, on or  
before the last day of September of the year preceding that for  
which the license is sought. In addition to the application fee  
prescribed in division (A) (2) of this section, a person who  
submits an application after that date shall pay an additional

ten per cent of the amount of the application fee for each week 76087  
that the application is late. Late payment fees accompanying an 76088  
application submitted to the board of health shall be credited 76089  
to the special fund of the health district created in division 76090  
(B) of section 3734.06 of the Revised Code, and late payment 76091  
fees accompanying an application submitted to the director shall 76092  
be credited to the general revenue fund. A person who has 76093  
received a license, upon sale or disposition of a solid waste 76094  
facility, and upon consent of the board of health and the 76095  
director, may have the license transferred to another person. 76096  
The board of health or the director may include such terms and 76097  
conditions in a license or revision to a license as are 76098  
appropriate to ensure compliance with this chapter and rules 76099  
adopted under it. The terms and conditions may establish the 76100  
authorized maximum daily waste receipts for the facility. 76101  
Limitations on maximum daily waste receipts shall be specified 76102  
in cubic yards of volume for the purpose of regulating the 76103  
design, construction, and operation of solid waste facilities. 76104  
Terms and conditions included in a license or revision to a 76105  
license by a board of health shall be consistent with, and 76106  
pertain only to the subjects addressed in, the rules adopted 76107  
under division (A) of section 3734.02 and division (D) of 76108  
section 3734.12 of the Revised Code. 76109

(2) (a) Except as provided in divisions (A) (2) (b), (6), and 76110  
(7) of this section, each person proposing to open a new solid 76111  
waste facility or to modify an existing solid waste facility 76112  
shall submit an application for a permit with accompanying 76113  
detail plans and specifications to the environmental protection 76114  
agency for required approval under the rules adopted by the 76115  
director pursuant to division (A) of section 3734.02 of the 76116  
Revised Code and applicable rules adopted under division (D) of 76117

section 3734.12 of the Revised Code at least two hundred seventy 76118  
days before proposed operation of the facility and shall 76119  
concurrently make application for the issuance of a license 76120  
under division (A) (1) of this section with the board of health 76121  
of the health district in which the proposed facility is to be 76122  
located. 76123

(b) On and after the effective date of the rules adopted 76124  
under division (A) of section 3734.02 of the Revised Code and 76125  
division (D) of section 3734.12 of the Revised Code governing 76126  
solid waste transfer facilities, each person proposing to open a 76127  
new solid waste transfer facility or to modify an existing solid 76128  
waste transfer facility shall submit an application for a permit 76129  
with accompanying engineering detail plans, specifications, and 76130  
information regarding the facility and its method of operation 76131  
to the environmental protection agency for required approval 76132  
under those rules at least two hundred seventy days before 76133  
commencing proposed operation of the facility and concurrently 76134  
shall make application for the issuance of a license under 76135  
division (A) (1) of this section with the board of health of the 76136  
health district in which the facility is located or proposed. 76137

(c) Each application for a permit under division (A) (2) (a) 76138  
or (b) of this section shall be accompanied by a nonrefundable 76139  
application fee of four hundred dollars that shall be credited 76140  
to the general revenue fund. Each application for an annual 76141  
license under division (A) (1) or (2) of this section shall be 76142  
accompanied by a nonrefundable application fee of one hundred 76143  
dollars. If the application for an annual license is submitted 76144  
to a board of health on the approved list under section 3734.08 76145  
of the Revised Code, the application fee shall be credited to 76146  
the special fund of the health district created in division (B) 76147  
of section 3734.06 of the Revised Code. If the application for 76148

an annual license is submitted to the director, the application 76149  
fee shall be credited to the general revenue fund. If a permit 76150  
or license is issued, the amount of the application fee paid 76151  
shall be deducted from the amount of the permit fee due under 76152  
division ~~(Q)~~(P) of section 3745.11 of the Revised Code or the 76153  
amount of the license fee due under division (A) (1), (2), (3), 76154  
(4), or (5) of section 3734.06 of the Revised Code. 76155

(d) As used in divisions (A) (2) (d), (e), and (f) of this 76156  
section, "modify" means any of the following: 76157

(i) Any increase of more than ten per cent in the total 76158  
capacity of a solid waste facility; 76159

(ii) Any expansion of the limits of solid waste placement 76160  
at a solid waste facility; 76161

(iii) Any increase in the depth of excavation at a solid 76162  
waste facility; 76163

(iv) Any change in the technique of waste receipt or type 76164  
of waste received at a solid waste facility that may endanger 76165  
human health, as determined by the director by rules adopted in 76166  
accordance with Chapter 119. of the Revised Code. 76167

Not later than forty-five days after submitting an 76168  
application under division (A) (2) (a) or (b) of this section for 76169  
a permit to open a new or modify an existing solid waste 76170  
facility, the applicant, in conjunction with an officer or 76171  
employee of the environmental protection agency, shall hold a 76172  
public meeting on the application within the county in which the 76173  
new or modified solid waste facility is or is proposed to be 76174  
located or within a contiguous county. ~~Not~~ 76175

Not less than thirty days before holding the public 76176  
meeting on the application, the applicant shall publish notice 76177



of the meeting in each newspaper of general circulation that is 76178  
published in the county in which the facility is or is proposed 76179  
to be located. If no newspaper of general circulation is 76180  
published in the county, the applicant shall publish the notice 76181  
in a newspaper of general circulation in the county. The notice 76182  
shall contain the date, time, and location of the public meeting 76183  
and a general description of the proposed new or modified 76184  
facility. ~~Not~~ 76185

Not later than five days after publishing the notice, the 76186  
applicant shall send by certified mail a copy of the notice and 76187  
the date the notice was published to the director and the 76188  
legislative authority of each municipal corporation, township, 76189  
and county, and to the chief executive officer of each municipal 76190  
corporation, in which the facility is or is proposed to be 76191  
located. ~~At~~ 76192

At the public meeting, the applicant shall provide 76193  
information and describe the application and respond to comments 76194  
or questions concerning the application, and the officer or 76195  
employee of the agency shall describe the permit application 76196  
process. At the public meeting, any person may submit written or 76197  
oral comments on or objections to the application. ~~Not~~ 76198

Not more than thirty days after the public meeting, the 76199  
applicant shall provide the director with a copy of a transcript 76200  
of the full meeting, copies of any exhibits, displays, or other 76201  
materials presented by the applicant at the meeting, and the 76202  
original copy of any written comments submitted at the meeting. 76203

(e) Except as provided in division (A) (2) (f) of this 76204  
section, prior to taking an action, other than a proposed or 76205  
final denial, upon an application submitted under division (A) 76206  
(2) (a) of this section for a permit to open a new or modify an 76207

existing solid waste facility, the director shall hold a public 76208  
information session and a public hearing on the application 76209  
within the county in which the new or modified solid waste 76210  
facility is or is proposed to be located or within a contiguous 76211  
county. If the application is for a permit to open a new solid 76212  
waste facility, the director shall hold the hearing not less 76213  
than fourteen days after the information session. If the 76214  
application is for a permit to modify an existing solid waste 76215  
facility, the director may hold both the information session and 76216  
the hearing on the same day unless any individual affected by 76217  
the application requests in writing that the information session 76218  
and the hearing not be held on the same day, in which case the 76219  
director shall hold the hearing not less than fourteen days 76220  
after the information session. The director shall publish notice 76221  
of the public information session or public hearing not less 76222  
than thirty days before holding the information session or 76223  
hearing, as applicable. The notice shall be published in each 76224  
newspaper of general circulation that is published in the county 76225  
in which the facility is or is proposed to be located. ~~If no~~ 76226  
~~newspaper of general circulation is published in the county, the~~ 76227  
~~director shall publish the notice in a newspaper of general~~ 76228  
~~circulation in the county~~ or by publication on the environmental 76229  
protection agency's official web site. The notice shall contain 76230  
the date, time, and location of the information session or 76231  
hearing, as applicable, and a general description of the 76232  
proposed new or modified facility. At the public information 76233  
session, an officer or employee of the environmental protection 76234  
agency shall describe the status of the permit application and 76235  
be available to respond to comments or questions concerning the 76236  
application. At the public hearing, any person may submit 76237  
written or oral comments on or objections to the approval of the 76238  
application. The applicant, or a representative of the applicant 76239

who has knowledge of the location, construction, and operation 76240  
of the facility, shall attend the information session and public 76241  
hearing to respond to comments or questions concerning the 76242  
facility directed to the applicant or representative by the 76243  
officer or employee of the environmental protection agency 76244  
presiding at the information session and hearing. 76245

(f) The solid waste management policy committee of a 76246  
county or joint solid waste management district may adopt a 76247  
resolution requesting expeditious consideration of a specific 76248  
application submitted under division (A) (2) (a) of this section 76249  
for a permit to modify an existing solid waste facility within 76250  
the district. The resolution shall make the finding that 76251  
expedited consideration of the application without the public 76252  
information session and public hearing under division (A) (2) (e) 76253  
of this section is in the public interest and will not endanger 76254  
human health, as determined by the director by rules adopted in 76255  
accordance with Chapter 119. of the Revised Code. Upon receiving 76256  
such a resolution, the director, at the director's discretion, 76257  
may issue a final action upon the application without holding a 76258  
public information session or public hearing pursuant to 76259  
division (A) (2) (e) of this section. 76260

(3) The director may issue an order in accordance with 76261  
Chapter 3745. of the Revised Code to the owner or operator of a 76262  
solid waste facility requiring the person to submit to the 76263  
director updated engineering detail plans, specifications, and 76264  
information regarding the facility and its method of operation 76265  
for approval under rules adopted under division (A) of section 76266  
3734.02 of the Revised Code and applicable rules adopted under 76267  
division (D) of section 3734.12 of the Revised Code if, in the 76268  
director's judgment, conditions at the facility constitute a 76269  
substantial threat to public health or safety or are causing or 76270

contributing to or threatening to cause or contribute to air or 76271  
water pollution or soil contamination. Any person who receives 76272  
such an order shall submit the updated engineering detail plans, 76273  
specifications, and information to the director within one 76274  
hundred eighty days after the effective date of the order. 76275

(4) The director shall act upon any updated engineering 76276  
plans, specifications, and information submitted under division 76277  
(A) (3) of this section within one hundred eighty days after 76278  
receiving them. If the director issues an order disapproving the 76279  
plans, specifications, and information submitted under division 76280  
(A) (3) of this section, the order shall include all of the 76281  
following requirements: 76282

(a) That the owner or operator submit a plan for closure 76283  
and post-closure care of the facility to the director for 76284  
approval within six months after issuance of the order; 76285

(b) That the owner or operator cease accepting solid 76286  
wastes for disposal or transfer at the facility; and 76287

(c) The owner or operator commence closure of the facility 76288  
not later than one year after issuance of the order. 76289

If the director determines that closure of the facility 76290  
within that one-year period would result in the unavailability 76291  
of sufficient solid waste management facility capacity within 76292  
the county or joint solid waste management district in which the 76293  
facility is located to dispose of or transfer the solid waste 76294  
generated within the district, the director in the order of 76295  
disapproval may postpone commencement of closure of the facility 76296  
for such period of time as the director finds necessary for the 76297  
board of county commissioners or directors of the district to 76298  
secure access to or for there to be constructed within the 76299

district sufficient solid waste management facility capacity to 76300  
meet the needs of the district, provided that the director shall 76301  
certify in the director's order that postponing the date for 76302  
commencement of closure will not endanger ground water or any 76303  
property surrounding the facility, allow methane gas migration 76304  
to occur, or cause or contribute to any other type of 76305  
environmental damage. 76306

If an emergency need for disposal capacity that may affect 76307  
public health and safety exists as a result of closure of a 76308  
facility under division (A) (4) of this section, the director may 76309  
issue an order designating another solid waste facility to 76310  
accept the wastes that would have been disposed of at the 76311  
facility to be closed. 76312

(5) If the director determines that standards more 76313  
stringent than those applicable in rules adopted under division 76314  
(A) of section 3734.02 of the Revised Code and division (D) of 76315  
section 3734.12 of the Revised Code, or standards pertaining to 76316  
subjects not specifically addressed by those rules, are 76317  
necessary to ensure that a solid waste facility constructed at 76318  
the proposed location will not cause a nuisance, cause or 76319  
contribute to water pollution, or endanger public health or 76320  
safety, the director may issue a permit for the facility with 76321  
such terms and conditions as the director finds necessary to 76322  
protect public health and safety and the environment. If a 76323  
permit is issued, the director shall state in the order issuing 76324  
it the specific findings supporting each such term or condition. 76325

(6) Divisions (A) (1) and (2) (a) of this section do not 76326  
apply to a solid waste compost facility that accepts exclusively 76327  
source separated yard wastes and that is registered under 76328  
division (C) of section 3734.02 of the Revised Code or, unless 76329

otherwise provided in rules adopted under division (N) (3) of 76330  
section 3734.02 of the Revised Code, to a solid waste compost 76331  
facility if the director has adopted rules establishing an 76332  
alternative system for authorizing the establishment, operation, 76333  
or modification of a solid waste compost facility under that 76334  
division. 76335

(7) Divisions (A) (1) to (5) of this section do not apply 76336  
to scrap tire collection, storage, monocell, monofill, and 76337  
recovery facilities. The approval of plans and specifications, 76338  
as applicable, and the issuance of registration certificates, 76339  
permits, and licenses for those facilities are subject to 76340  
sections 3734.75 to 3734.78 of the Revised Code, as applicable, 76341  
and section 3734.81 of the Revised Code. 76342

(B) (1) No person shall operate or maintain an infectious 76343  
waste treatment facility without a license issued by the board 76344  
of health of the health district in which the facility is 76345  
located or by the director when the health district in which the 76346  
facility is located is not on the approved list under section 76347  
3734.08 of the Revised Code. 76348

(2) (a) During the month of December, but before the first 76349  
day of January of the next year, every person proposing to 76350  
continue to operate an existing infectious waste treatment 76351  
facility shall procure a license to operate the facility for 76352  
that year from the board of health of the health district in 76353  
which the facility is located or, if the health district is not 76354  
on the approved list under section 3734.08 of the Revised Code, 76355  
from the director. The application for such a license shall be 76356  
submitted to the board of health or to the director, as 76357  
appropriate, on or before the last day of September of the year 76358  
preceding that for which the license is sought. In addition to 76359

the application fee prescribed in division (B) (2) (c) of this 76360  
section, a person who submits an application after that date 76361  
shall pay an additional ten per cent of the amount of the 76362  
application fee for each week that the application is late. Late 76363  
payment fees accompanying an application submitted to the board 76364  
of health shall be credited to the special infectious waste fund 76365  
of the health district created in division (C) of section 76366  
3734.06 of the Revised Code, and late payment fees accompanying 76367  
an application submitted to the director shall be credited to 76368  
the general revenue fund. A person who has received a license, 76369  
upon sale or disposition of an infectious waste treatment 76370  
facility and upon consent of the board of health and the 76371  
director, may have the license transferred to another person. 76372  
The board of health or the director may include such terms and 76373  
conditions in a license or revision to a license as are 76374  
appropriate to ensure compliance with the infectious waste 76375  
provisions of this chapter and rules adopted under them. 76376

(b) Each person proposing to open a new infectious waste 76377  
treatment facility or to modify an existing infectious waste 76378  
treatment facility shall submit an application for a permit with 76379  
accompanying detail plans and specifications to the 76380  
environmental protection agency for required approval under the 76381  
rules adopted by the director pursuant to section 3734.021 of 76382  
the Revised Code two hundred seventy days before proposed 76383  
operation of the facility and concurrently shall make 76384  
application for a license with the board of health of the health 76385  
district in which the facility is or is proposed to be located. 76386  
Not later than ninety days after receiving a complete 76387  
application under division (B) (2) (b) of this section for a 76388  
permit to open a new infectious waste treatment facility or 76389  
modify an existing infectious waste treatment facility to expand 76390

its treatment capacity, or receiving a complete application 76391  
under division (A) (2) (a) of this section for a permit to open a 76392  
new solid waste incineration facility, or modify an existing 76393  
solid waste incineration facility to also treat infectious 76394  
wastes or to increase its infectious waste treatment capacity, 76395  
that pertains to a facility for which a notation authorizing 76396  
infectious waste treatment is included or proposed to be 76397  
included in the solid waste incineration facility's license 76398  
pursuant to division (B) (3) of this section, the director shall 76399  
hold a public hearing on the application within the county in 76400  
which the new or modified infectious waste or solid waste 76401  
facility is or is proposed to be located or within a contiguous 76402  
county. Not less than thirty days before holding the public 76403  
hearing on the application, the director shall publish notice of 76404  
the hearing in each newspaper that has general circulation and 76405  
that is published in the county in which the facility is or is 76406  
proposed to be located. ~~If there is no newspaper that has~~ 76407  
~~general circulation and that is published in the county, the~~ 76408  
~~director shall publish the notice in a newspaper of general~~ 76409  
~~circulation in the county or by publication on the environmental~~ 76410  
protection agency's official web site. The notice shall contain 76411  
the date, time, and location of the public hearing and a general 76412  
description of the proposed new or modified facility. At the 76413  
public hearing, any person may submit written or oral comments 76414  
on or objections to the approval or disapproval of the 76415  
application. The applicant, or a representative of the applicant 76416  
who has knowledge of the location, construction, and operation 76417  
of the facility, shall attend the public hearing to respond to 76418  
comments or questions concerning the facility directed to the 76419  
applicant or representative by the officer or employee of the 76420  
environmental protection agency presiding at the hearing. 76421



(c) Each application for a permit under division (B) (2) (b) 76422  
of this section shall be accompanied by a nonrefundable 76423  
application fee of four hundred dollars that shall be credited 76424  
to the general revenue fund. Each application for an annual 76425  
license under division (B) (2) (a) of this section shall be 76426  
accompanied by a nonrefundable application fee of one hundred 76427  
dollars. If the application for an annual license is submitted 76428  
to a board of health on the approved list under section 3734.08 76429  
of the Revised Code, the application fee shall be credited to 76430  
the special infectious waste fund of the health district created 76431  
in division (C) of section 3734.06 of the Revised Code. If the 76432  
application for an annual license is submitted to the director, 76433  
the application fee shall be credited to the general revenue 76434  
fund. If a permit or license is issued, the amount of the 76435  
application fee paid shall be deducted from the amount of the 76436  
permit fee due under division ~~(Q)~~(P) of section 3745.11 of the 76437  
Revised Code or the amount of the license fee due under division 76438  
(C) of section 3734.06 of the Revised Code. 76439

(d) The director may issue an order in accordance with 76440  
Chapter 3745. of the Revised Code to the owner or operator of an 76441  
infectious waste treatment facility requiring the person to 76442  
submit to the director updated engineering detail plans, 76443  
specifications, and information regarding the facility and its 76444  
method of operation for approval under rules adopted under 76445  
section 3734.021 of the Revised Code if, in the director's 76446  
judgment, conditions at the facility constitute a substantial 76447  
threat to public health or safety or are causing or contributing 76448  
to or threatening to cause or contribute to air or water 76449  
pollution or soil contamination. Any person who receives such an 76450  
order shall submit the updated engineering detail plans, 76451  
specifications, and information to the director within one 76452

hundred eighty days after the effective date of the order. 76453

(e) The director shall act on any updated engineering 76454  
plans, specifications, and information submitted under division 76455  
(B) (2) (d) of this section within one hundred eighty days after 76456  
receiving them. If the director disapproves any such updated 76457  
engineering plans, specifications, and information, the director 76458  
shall include in the order disapproving the plans the 76459  
requirement that the owner or operator cease accepting 76460  
infectious wastes for treatment at the facility. 76461

(3) Division (B) of this section does not apply to a 76462  
generator of infectious wastes that meets any of the following 76463  
conditions: 76464

(a) Treats, by methods, techniques, and practices 76465  
established by rules adopted under division (B) (2) (a) of section 76466  
3734.021 of the Revised Code, any of the following wastes: 76467

(i) Infectious wastes that are generated on any premises 76468  
that are owned or operated by the generator; 76469

(ii) Infectious wastes that are generated by a generator 76470  
who has staff privileges at a hospital as defined in section 76471  
3727.01 of the Revised Code; 76472

(iii) Infectious wastes that are generated in providing 76473  
care to a patient by an emergency medical services organization 76474  
as defined in section 4765.01 of the Revised Code. 76475

(b) Holds a license or renewal of a license to operate a 76476  
crematory facility issued under Chapter 4717. and a permit 76477  
issued under Chapter 3704. of the Revised Code; 76478

(c) Treats or disposes of dead animals or parts thereof, 76479  
or the blood of animals, and is subject to any of the following: 76480

(i) Inspection under the "Federal Meat Inspection Act," 81 76481  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 76482

(ii) Chapter 918. of the Revised Code; 76483

(iii) Chapter 953. of the Revised Code. 76484

Nothing in division (B) of this section requires a 76485  
facility that holds a license issued under division (A) of this 76486  
section as a solid waste facility and that also treats 76487  
infectious wastes by the same method, technique, or process to 76488  
obtain a license under division (B) of this section as an 76489  
infectious waste treatment facility. However, the solid waste 76490  
facility license for the facility shall include the notation 76491  
that the facility also treats infectious wastes. 76492

The director shall not issue a permit to open a new solid 76493  
waste incineration facility unless the proposed facility 76494  
complies with the requirements for the location of new 76495  
infectious waste incineration facilities established in rules 76496  
adopted under division (B) (2) (b) of section 3734.021 of the 76497  
Revised Code. 76498

(C) Except for a facility or activity described in 76499  
division (E) (3) of section 3734.02 of the Revised Code, a person 76500  
who proposes to establish or operate a hazardous waste facility 76501  
shall submit a complete application for a hazardous waste 76502  
facility installation and operation permit and accompanying 76503  
detail plans, specifications, and such information as the 76504  
director may require to the environmental protection agency at 76505  
least one hundred eighty days before the proposed beginning of 76506  
operation of the facility. The applicant shall notify by 76507  
certified mail the legislative authority of each municipal 76508  
corporation, township, and county in which the facility is 76509

proposed to be located of the submission of the application 76510  
within ten days after the submission or at such earlier time as 76511  
the director may establish by rule. If the application is for a 76512  
proposed new hazardous waste disposal or thermal treatment 76513  
facility, the applicant also shall give actual notice of the 76514  
general design and purpose of the facility to the legislative 76515  
authority of each municipal corporation, township, and county in 76516  
which the facility is proposed to be located at least ninety 76517  
days before the permit application is submitted to the 76518  
environmental protection agency. 76519

In accordance with rules adopted under section 3734.12 of 76520  
the Revised Code, prior to the submission of a complete 76521  
application for a hazardous waste facility installation and 76522  
operation permit, the applicant shall hold at least one meeting 76523  
in the township or municipal corporation in which the facility 76524  
is proposed to be located, whichever is geographically closer to 76525  
the proposed location of the facility. The meeting shall be open 76526  
to the public and shall be held to inform the community of the 76527  
proposed hazardous waste management activities and to solicit 76528  
questions from the community concerning the activities. 76529

(D) (1) Except as provided in section 3734.123 of the 76530  
Revised Code, upon receipt of a complete application for a 76531  
hazardous waste facility installation and operation permit under 76532  
division (C) of this section, the director shall consider the 76533  
application and accompanying information to determine whether 76534  
the application complies with agency rules and the requirements 76535  
of division (D) (2) of this section. After making a 76536  
determination, the director shall issue either a draft permit or 76537  
a notice of intent to deny the permit. The director, in 76538  
accordance with rules adopted under section 3734.12 of the 76539  
Revised Code or with rules adopted to implement Chapter 3745. of 76540

the Revised Code, shall provide public notice of the application 76541  
and the draft permit or the notice of intent to deny the permit, 76542  
provide an opportunity for public comments, and, if significant 76543  
interest is shown, schedule a public meeting in the county in 76544  
which the facility is proposed to be located and give public 76545  
notice of the date, time, and location of the public meeting in 76546  
a newspaper of general circulation in that county. 76547

(2) The director shall not approve an application for a 76548  
hazardous waste facility installation and operation permit or an 76549  
application for a modification under division (I)(3) of this 76550  
section unless the director finds and determines as follows: 76551

(a) The nature and volume of the waste to be treated, 76552  
stored, or disposed of at the facility; 76553

(b) That the facility complies with the director's 76554  
hazardous waste standards adopted pursuant to section 3734.12 of 76555  
the Revised Code; 76556

(c) That the facility represents the minimum adverse 76557  
environmental impact, considering the state of available 76558  
technology and the nature and economics of various alternatives, 76559  
and other pertinent considerations; 76560

(d) That the facility represents the minimum risk of all 76561  
of the following: 76562

(i) Fires or explosions from treatment, storage, or 76563  
disposal methods; 76564

(ii) Release of hazardous waste during transportation of 76565  
hazardous waste to or from the facility; 76566

(iii) Adverse impact on the public health and safety. 76567

(e) That the facility will comply with this chapter and 76568

Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D) (2) (f) of this section.

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored,

treated, or disposed of and where the aggregate of the storage 76600  
design capacity and the disposal design capacity of all 76601  
hazardous waste in those areas is greater than two hundred fifty 76602  
thousand gallons, are not located or operated within any of the 76603  
following: 76604

(i) Two thousand feet of any residence, school, hospital, 76605  
jail, or prison; 76606

(ii) Any naturally occurring wetland; 76607

(iii) Any flood hazard area if the applicant cannot show 76608  
that the facility will be designed, constructed, operated, and 76609  
maintained to prevent washout by a one-hundred-year flood. 76610

Division (D) (2) (g) of this section does not apply to the 76611  
facility of any applicant who demonstrates to the director that 76612  
the limitations specified in that division are not necessary 76613  
because of the nature or volume of the waste and the manner of 76614  
management applied, the facility will impose no substantial 76615  
danger to the health and safety of persons occupying the 76616  
structures listed in division (D) (2) (g) (i) of this section, and 76617  
the facility is to be located or operated in an area where the 76618  
proposed hazardous waste activities will not be incompatible 76619  
with existing land uses in the area. 76620

(h) That the facility will not be located within the 76621  
boundaries of a state park established or dedicated under 76622  
Chapter 1546. of the Revised Code, a state park purchase area 76623  
established under section 1546.06 of the Revised Code, any unit 76624  
of the national park system, or any property that lies within 76625  
the boundaries of a national park or recreation area, but that 76626  
has not been acquired or is not administered by the secretary of 76627  
the United States department of the interior, located in this 76628

state, or any candidate area located in this state identified 76629  
for potential inclusion in the national park system in the 76630  
edition of the "national park system plan" submitted under 76631  
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 76632  
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 76633  
filing of the application for the permit, unless the facility 76634  
will be used exclusively for the storage of hazardous waste 76635  
generated within the park or recreation area in conjunction with 76636  
the operation of the park or recreation area. Division (D) (2) (h) 76637  
of this section does not apply to the facility of any applicant 76638  
for modification of a permit unless the modification application 76639  
proposes to increase the land area included in the facility or 76640  
to increase the quantity of hazardous waste that will be 76641  
treated, stored, or disposed of at the facility. 76642

(3) Not later than one hundred eighty days after the end 76643  
of the public comment period, the director, without prior 76644  
hearing, shall issue or deny the permit in accordance with 76645  
Chapter 3745. of the Revised Code. If the director approves an 76646  
application for a hazardous waste facility installation and 76647  
operation permit, the director shall issue the permit, upon such 76648  
terms and conditions as the director finds are necessary to 76649  
ensure the construction and operation of the hazardous waste 76650  
facility in accordance with the standards of this section. 76651

(E) No political subdivision of this state shall require 76652  
any additional zoning or other approval, consent, permit, 76653  
certificate, or condition for the construction or operation of a 76654  
hazardous waste facility authorized by a hazardous waste 76655  
facility installation and operation permit issued pursuant to 76656  
this chapter, nor shall any political subdivision adopt or 76657  
enforce any law, ordinance, or rule that in any way alters, 76658  
impairs, or limits the authority granted in the permit. 76659



(F) The director may issue a single hazardous waste 76660  
facility installation and operation permit to a person who 76661  
operates two or more adjoining facilities where hazardous waste 76662  
is stored, treated, or disposed of if the application includes 76663  
detail plans, specifications, and information on all facilities. 76664  
For the purposes of this section, "adjoining" means sharing a 76665  
common boundary, separated only by a public road, or in such 76666  
proximity that the director determines that the issuance of a 76667  
single permit will not create a hazard to the public health or 76668  
safety or the environment. 76669

(G) No person shall falsify or fail to keep or submit any 76670  
plans, specifications, data, reports, records, manifests, or 76671  
other information required to be kept or submitted to the 76672  
director by this chapter or the rules adopted under it. 76673

(H) (1) Each person who holds an installation and operation 76674  
permit issued under this section and who wishes to obtain a 76675  
permit renewal shall submit a completed application for an 76676  
installation and operation permit renewal and any necessary 76677  
accompanying general plans, detail plans, specifications, and 76678  
such information as the director may require to the director no 76679  
later than one hundred eighty days prior to the expiration date 76680  
of the existing permit or upon a later date prior to the 76681  
expiration of the existing permit if the permittee can 76682  
demonstrate good cause for the late submittal. The director 76683  
shall consider the application and accompanying information, 76684  
inspection reports of the facility, results of performance 76685  
tests, a report regarding the facility's compliance or 76686  
noncompliance with the terms and conditions of its permit and 76687  
rules adopted by the director under this chapter, and such other 76688  
information as is relevant to the operation of the facility and 76689  
shall issue a draft renewal permit or a notice of intent to deny 76690

the renewal permit. The director, in accordance with rules 76691  
adopted under this section or with rules adopted to implement 76692  
Chapter 3745. of the Revised Code, shall give public notice of 76693  
the application and draft renewal permit or notice of intent to 76694  
deny the renewal permit, provide for the opportunity for public 76695  
comments within a specified time period, schedule a public 76696  
meeting in the county in which the facility is located if 76697  
significant interest is shown, and give public notice of the 76698  
public meeting. 76699

(2) Within sixty days after the public meeting or close of 76700  
the public comment period, the director, without prior hearing, 76701  
shall issue or deny the renewal permit in accordance with 76702  
Chapter 3745. of the Revised Code. The director shall not issue 76703  
a renewal permit unless the director determines that the 76704  
facility under the existing permit has a history of compliance 76705  
with this chapter, rules adopted under it, the existing permit, 76706  
or orders entered to enforce such requirements that demonstrates 76707  
sufficient reliability, expertise, and competency to operate the 76708  
facility henceforth under this chapter, rules adopted under it, 76709  
and the renewal permit. If the director approves an application 76710  
for a renewal permit, the director shall issue the permit 76711  
subject to the payment of the annual permit fee required under 76712  
division (E) of section 3734.02 of the Revised Code and upon 76713  
such terms and conditions as the director finds are reasonable 76714  
to ensure that continued operation, maintenance, closure, and 76715  
post-closure care of the hazardous waste facility are in 76716  
accordance with the rules adopted under section 3734.12 of the 76717  
Revised Code. 76718

(3) An installation and operation permit renewal 76719  
application submitted to the director that also contains or 76720  
would constitute an application for a modification shall be 76721

acted upon by the director in accordance with division (I) of 76722  
this section in the same manner as an application for a 76723  
modification. In approving or disapproving the renewal portion 76724  
of a permit renewal application containing an application for a 76725  
modification, the director shall apply the criteria established 76726  
under division (H) (2) of this section. 76727

(4) An application for renewal or modification of a permit 76728  
that does not contain an application for a modification as 76729  
described in divisions (I) (3) (a) to (d) of this section shall 76730  
not be subject to division (D) (2) of this section. 76731

(I) (1) As used in this section, "modification" means a 76732  
change or alteration to a hazardous waste facility or its 76733  
operations that is inconsistent with or not authorized by its 76734  
existing permit or authorization to operate. Modifications shall 76735  
be classified as Class 1, 2, or 3 modifications in accordance 76736  
with rules adopted under division (K) of this section. 76737  
Modifications classified as Class 3 modifications, in accordance 76738  
with rules adopted under that division, shall be further 76739  
classified by the director as either Class 3 modifications that 76740  
are to be approved or disapproved by the director under 76741  
divisions (I) (3) (a) to (d) of this section or as Class 3 76742  
modifications that are to be approved or disapproved by the 76743  
director under division (I) (5) of this section. Not later than 76744  
thirty days after receiving a request for a modification under 76745  
division (I) (4) of this section that is not listed in Appendix I 76746  
to 40 C.F.R. 270.42 or in rules adopted under division (K) of 76747  
this section, the director shall classify the modification and 76748  
shall notify the owner or operator of the facility requesting 76749  
the modification of the classification. Notwithstanding any 76750  
other law to the contrary, a modification that involves the 76751  
transfer of a hazardous waste facility installation and 76752

operation permit to a new owner or operator for any off-site 76753  
facility as defined in section 3734.41 of the Revised Code shall 76754  
be classified as a Class 3 modification. The transfer of a 76755  
hazardous waste facility installation and operation permit to a 76756  
new owner or operator for a facility that is not an off-site 76757  
facility shall be classified as a Class 1 modification requiring 76758  
prior approval of the director. 76759

(2) Except as provided in section 3734.123 of the Revised 76760  
Code, a hazardous waste facility installation and operation 76761  
permit may be modified at the request of the director or upon 76762  
the written request of the permittee only if any of the 76763  
following applies: 76764

(a) The permittee desires to accomplish alterations, 76765  
additions, or deletions to the permitted facility or to 76766  
undertake alterations, additions, deletions, or activities that 76767  
are inconsistent with or not authorized by the existing permit; 76768

(b) New information or data justify permit conditions in 76769  
addition to or different from those in the existing permit; 76770

(c) The standards, criteria, or rules upon which the 76771  
existing permit is based have been changed by new, amended, or 76772  
rescinded standards, criteria, or rules, or by judicial decision 76773  
after the existing permit was issued, and the change justifies 76774  
permit conditions in addition to or different from those in the 76775  
existing permit; 76776

(d) The permittee proposes to transfer the permit to 76777  
another person. 76778

(3) The director shall approve or disapprove an 76779  
application for a modification in accordance with division (D) 76780  
(2) of this section and rules adopted under division (K) of this 76781

section for all of the following categories of Class 3 76782  
modifications: 76783

(a) Authority to conduct treatment, storage, or disposal 76784  
at a site, location, or tract of land that has not been 76785  
authorized for the proposed category of treatment, storage, or 76786  
disposal activity by the facility's permit; 76787

(b) Modification or addition of a hazardous waste 76788  
management unit, as defined in rules adopted under section 76789  
3734.12 of the Revised Code, that results in an increase in a 76790  
facility's storage capacity of more than twenty-five per cent 76791  
over the capacity authorized by the facility's permit, an 76792  
increase in a facility's treatment rate of more than twenty-five 76793  
per cent over the rate so authorized, or an increase in a 76794  
facility's disposal capacity over the capacity so authorized. 76795  
The authorized disposal capacity for a facility shall be 76796  
calculated from the approved design plans for the disposal units 76797  
at that facility. In no case during a five-year period shall a 76798  
facility's storage capacity or treatment rate be modified to 76799  
increase by more than twenty-five per cent in the aggregate 76800  
without the director's approval in accordance with division (D) 76801  
(2) of this section. Notwithstanding any provision of division 76802  
(I) of this section to the contrary, a request for modification 76803  
of a facility's annual total waste receipt limit shall be 76804  
classified and approved or disapproved by the director under 76805  
division (I) (5) of this section. 76806

(c) Authority to add any of the following categories of 76807  
regulated activities not previously authorized at a facility by 76808  
the facility's permit: storage at a facility not previously 76809  
authorized to store hazardous waste, treatment at a facility not 76810  
previously authorized to treat hazardous waste, or disposal at a 76811

facility not previously authorized to dispose of hazardous 76812  
waste; or authority to add a category of hazardous waste 76813  
management unit not previously authorized at the facility by the 76814  
facility's permit. Notwithstanding any provision of division (I) 76815  
of this section to the contrary, a request for authority to add 76816  
or to modify an activity or a hazardous waste management unit 76817  
for the purposes of performing a corrective action shall be 76818  
classified and approved or disapproved by the director under 76819  
division (I) (5) of this section. 76820

(d) Authority to treat, store, or dispose of waste types 76821  
listed or characterized as reactive or explosive, in rules 76822  
adopted under section 3734.12 of the Revised Code, or any acute 76823  
hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a 76824  
facility not previously authorized to treat, store, or dispose 76825  
of those types of wastes by the facility's permit unless the 76826  
requested authority is limited to wastes that no longer exhibit 76827  
characteristics meeting the criteria for listing or 76828  
characterization as reactive or explosive wastes, or for listing 76829  
as acute hazardous waste, but still are required to carry those 76830  
waste codes as established in rules adopted under section 76831  
3734.12 of the Revised Code because of the requirements 76832  
established in 40 C.F.R. 261(a) and (e), as amended, that is, 76833  
the "mixture," "derived-from," or "contained-in" regulations. 76834

(4) A written request for a modification from the 76835  
permittee shall be submitted to the director and shall contain 76836  
such information as is necessary to support the request. 76837  
Requests for modifications shall be acted upon by the director 76838  
in accordance with this section and rules adopted under it. 76839

(5) Class 1 modification applications that require prior 76840  
approval of the director, as provided in division (I) (1) of this 76841

section or as determined in accordance with rules adopted under 76842  
division (K) of this section, Class 2 modification applications, 76843  
and Class 3 modification applications that are not described in 76844  
divisions (I) (3) (a) to (d) of this section shall be approved or 76845  
disapproved by the director in accordance with rules adopted 76846  
under division (K) of this section. The board of county 76847  
commissioners of the county, the board of township trustees of 76848  
the township, and the city manager or mayor of the municipal 76849  
corporation in which a hazardous waste facility is located shall 76850  
receive notification of any application for a modification for 76851  
that facility and shall be considered as interested persons with 76852  
respect to the director's consideration of the application. 76853

As used in division (I) of this section: 76854

(a) "Owner" means the person who owns a majority or 76855  
controlling interest in a facility. 76856

(b) "Operator" means the person who is responsible for the 76857  
overall operation of a facility. 76858

The director shall approve or disapprove an application 76859  
for a Class 1 modification that requires the director's approval 76860  
within sixty days after receiving the request for modification. 76861  
The director shall approve or disapprove an application for a 76862  
Class 2 modification within three hundred days after receiving 76863  
the request for modification. The director shall approve or 76864  
disapprove an application for a Class 3 modification within 76865  
three hundred sixty-five days after receiving the request for 76866  
modification. 76867

(6) The approval or disapproval by the director of a Class 76868  
1 modification application is not a final action that is 76869  
appealable under Chapter 3745. of the Revised Code. The approval 76870

or disapproval by the director of a Class 2 modification or a 76871  
Class 3 modification is a final action that is appealable under 76872  
that chapter. In approving or disapproving a request for a 76873  
modification, the director shall consider all comments 76874  
pertaining to the request that are received during the public 76875  
comment period and the public meetings. The administrative 76876  
record for appeal of a final action by the director in approving 76877  
or disapproving a request for a modification shall include all 76878  
comments received during the public comment period relating to 76879  
the request for modification, written materials submitted at the 76880  
public meetings relating to the request, and any other documents 76881  
related to the director's action. 76882

(7) Notwithstanding any other provision of law to the 76883  
contrary, a change or alteration to a hazardous waste facility 76884  
described in division (E)(3)(a) or (b) of section 3734.02 of the 76885  
Revised Code, or its operations, is a modification for the 76886  
purposes of this section. An application for a modification at 76887  
such a facility shall be submitted, classified, and approved or 76888  
disapproved in accordance with divisions (I)(1) to (6) of this 76889  
section in the same manner as a modification to a hazardous 76890  
waste facility installation and operation permit. 76891

(J)(1) Except as provided in division (J)(2) of this 76892  
section, an owner or operator of a hazardous waste facility that 76893  
is operating in accordance with a permit by rule under rules 76894  
adopted by the director under division (E)(3)(b) of section 76895  
3734.02 of the Revised Code shall submit either a hazardous 76896  
waste facility installation and operation permit application for 76897  
the facility or a modification application, whichever is 76898  
required under division (J)(1)(a) or (b) of this section, within 76899  
one hundred eighty days after the director has requested the 76900  
application or upon a later date if the owner or operator 76901



demonstrates to the director good cause for the late submittal. 76902

(a) If the owner or operator does not have a hazardous 76903  
waste facility installation and operation permit for any 76904  
hazardous waste treatment, storage, or disposal activities at 76905  
the facility, the owner or operator shall submit an application 76906  
for such a permit to the director for the activities authorized 76907  
by the permit by rule. Notwithstanding any other provision of 76908  
law to the contrary, the director shall approve or disapprove 76909  
the application for the permit in accordance with the procedures 76910  
governing the approval or disapproval of permit renewals under 76911  
division (H) of this section. 76912

(b) If the owner or operator has a hazardous waste 76913  
facility installation and operation permit for hazardous waste 76914  
treatment, storage, or disposal activities at the facility other 76915  
than those authorized by the permit by rule, the owner or 76916  
operator shall submit to the director a request for modification 76917  
in accordance with division (I) of this section. Notwithstanding 76918  
any other provision of law to the contrary, the director shall 76919  
approve or disapprove the modification application in accordance 76920  
with division (I)(5) of this section. 76921

(2) The owner or operator of a boiler or industrial 76922  
furnace that is conducting thermal treatment activities in 76923  
accordance with a permit by rule under rules adopted by the 76924  
director under division (E)(3)(b) of section 3734.02 of the 76925  
Revised Code shall submit a hazardous waste facility 76926  
installation and operation permit application if the owner or 76927  
operator does not have such a permit for any hazardous waste 76928  
treatment, storage, or disposal activities at the facility or, 76929  
if the owner or operator has such a permit for hazardous waste 76930  
treatment, storage, or disposal activities at the facility other 76931

than thermal treatment activities authorized by the permit by 76932  
rule, a modification application to add those activities 76933  
authorized by the permit by rule, whichever is applicable, 76934  
within one hundred eighty days after the director has requested 76935  
the submission of the application or upon a later date if the 76936  
owner or operator demonstrates to the director good cause for 76937  
the late submittal. The application shall be accompanied by 76938  
information necessary to support the request. The director shall 76939  
approve or disapprove an application for a hazardous waste 76940  
facility installation and operation permit in accordance with 76941  
division (D) of this section and approve or disapprove an 76942  
application for a modification in accordance with division (I) 76943  
(3) of this section, except that the director shall not 76944  
disapprove an application for the thermal treatment activities 76945  
on the basis of the criteria set forth in division (D) (2) (g) or 76946  
(h) of this section. 76947

(3) As used in division (J) of this section: 76948

(a) "Modification application" means a request for a 76949  
modification submitted in accordance with division (I) of this 76950  
section. 76951

(b) "Thermal treatment," "boiler," and "industrial 76952  
furnace" have the same meanings as in rules adopted under 76953  
section 3734.12 of the Revised Code. 76954

(K) The director shall adopt, and may amend, suspend, or 76955  
rescind, rules in accordance with Chapter 119. of the Revised 76956  
Code in order to implement divisions (H) and (I) of this 76957  
section. Except when in actual conflict with this section, rules 76958  
governing the classification of and procedures for the 76959  
modification of hazardous waste facility installation and 76960  
operation permits shall be substantively and procedurally 76961

identical to the regulations governing hazardous waste facility 76962  
permitting and permit modifications adopted under the "Resource 76963  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 76964  
U.S.C.A. 6921, as amended. 76965

**Sec. 3734.57.** (A) The following fees are hereby levied on 76966  
the transfer or disposal of solid wastes in this state: 76967

(1) Seventy-one cents per ton through June 30, ~~2026~~2028, 76968  
eleven cents of the proceeds of which shall be deposited in the 76969  
state treasury to the credit of the hazardous waste facility 76970  
management fund created in section 3734.18 of the Revised Code 76971  
and sixty cents of the proceeds of which shall be deposited in 76972  
the state treasury to the credit of the hazardous waste clean-up 76973  
fund created in section 3734.28 of the Revised Code; 76974

(2) An additional ninety cents per ton through June 30, 76975  
~~2026~~2028, the proceeds of which shall be deposited in the state 76976  
treasury to the credit of the waste management fund created in 76977  
section 3734.061 of the Revised Code; 76978

(3) An additional two dollars and eighty-one cents per ton 76979  
through June 30, ~~2026~~2028, the proceeds of which shall be 76980  
deposited in the state treasury to the credit of the 76981  
environmental protection fund created in section 3745.015 of the 76982  
Revised Code; 76983

(4) An additional twenty-five cents per ton through June 76984  
30, ~~2026~~2028, the proceeds of which shall be deposited in the 76985  
state treasury to the credit of the soil and water conservation 76986  
district assistance fund created in section 940.15 of the 76987  
Revised Code; 76988

(5) An additional eight cents per ton through June 30, 76989  
~~2026~~2028, the proceeds of which shall be deposited in the state 76990

treasury to the credit of the national priority list remedial 76991  
support fund created in section 3734.579 of the Revised Code. 76992

In the case of solid wastes that are taken to a solid 76993  
waste transfer facility located in this state prior to being 76994  
transported for disposal at a solid waste disposal facility 76995  
located in this state or outside of this state, the fees levied 76996  
under this division shall be collected by the owner or operator 76997  
of the transfer facility as a trustee for the state. The amount 76998  
of fees required to be collected under this division at such a 76999  
transfer facility shall equal the total tonnage of solid wastes 77000  
received at the facility multiplied by the fees levied under 77001  
this division. In the case of solid wastes that are not taken to 77002  
a solid waste transfer facility located in this state prior to 77003  
being transported to a solid waste disposal facility, the fees 77004  
shall be collected by the owner or operator of the solid waste 77005  
disposal facility as a trustee for the state. The amount of fees 77006  
required to be collected under this division at such a disposal 77007  
facility shall equal the total tonnage of solid wastes received 77008  
at the facility that was not previously taken to a solid waste 77009  
transfer facility located in this state multiplied by the fees 77010  
levied under this division. Fees levied under this division do 77011  
not apply to materials separated from a mixed waste stream for 77012  
recycling by a generator or materials removed from the solid 77013  
waste stream through recycling, as "recycling" is defined in 77014  
rules adopted under section 3734.02 of the Revised Code. 77015

The owner or operator of a solid waste transfer facility 77016  
or disposal facility, as applicable, shall prepare and file with 77017  
the director of environmental protection each month a return 77018  
indicating the total tonnage of solid wastes received at the 77019  
facility during that month and the total amount of the fees 77020  
required to be collected under this division during that month. 77021

In addition, the owner or operator of a solid waste disposal 77022  
facility shall indicate on the return the total tonnage of solid 77023  
wastes received from transfer facilities located in this state 77024  
during that month for which the fees were required to be 77025  
collected by the transfer facilities. The monthly returns shall 77026  
be filed on a form prescribed by the director. Not later than 77027  
thirty days after the last day of the month to which a return 77028  
applies, the owner or operator shall mail to the director the 77029  
return for that month together with the fees required to be 77030  
collected under this division during that month as indicated on 77031  
the return or may submit the return and fees electronically in a 77032  
manner approved by the director. If the return is filed and the 77033  
amount of the fees due is paid in a timely manner as required in 77034  
this division, the owner or operator may retain a discount of 77035  
three-fourths of one per cent of the total amount of the fees 77036  
that are required to be paid as indicated on the return. 77037

The owner or operator may request an extension of not more 77038  
than thirty days for filing the return and remitting the fees, 77039  
provided that the owner or operator has submitted such a request 77040  
in writing to the director together with a detailed description 77041  
of why the extension is requested, the director has received the 77042  
request not later than the day on which the return is required 77043  
to be filed, and the director has approved the request. If the 77044  
fees are not remitted within thirty days after the last day of 77045  
the month to which the return applies or are not remitted by the 77046  
last day of an extension approved by the director, the owner or 77047  
operator shall not retain the three-fourths of one per cent 77048  
discount and shall pay an additional ten per cent of the amount 77049  
of the fees for each month that they are late. For purposes of 77050  
calculating the late fee, the first month in which fees are late 77051  
begins on the first day after the deadline has passed for timely 77052

submitting the return and fees, and one additional month shall 77053  
be counted every thirty days thereafter. 77054

The owner or operator of a solid waste facility may 77055  
request a refund or credit of fees levied under this division 77056  
and remitted to the director that have not been paid to the 77057  
owner or operator. Such a request shall be made only if the fees 77058  
have not been collected by the owner or operator, have become a 77059  
debt that has become worthless or uncollectable for a period of 77060  
six months or more, and may be claimed as a deduction, including 77061  
a deduction claimed if the owner or operator keeps accounts on 77062  
an accrual basis, under the "Internal Revenue Code of 1954," 68A 77063  
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 77064  
under it. Prior to making a request for a refund or credit, an 77065  
owner or operator shall make reasonable efforts to collect the 77066  
applicable fees. A request for a refund or credit shall not 77067  
include any costs resulting from those efforts to collect unpaid 77068  
fees. 77069

A request for a refund or credit of fees shall be made in 77070  
writing, on a form prescribed by the director, and shall be 77071  
supported by evidence that may be required in rules adopted by 77072  
the director under this chapter. After reviewing the request, 77073  
and if the request and evidence submitted with the request 77074  
indicate that a refund or credit is warranted, the director 77075  
shall grant a refund to the owner or operator or shall permit a 77076  
credit to be taken by the owner or operator on a subsequent 77077  
monthly return submitted by the owner or operator. The amount of 77078  
a refund or credit shall not exceed an amount that is equal to 77079  
ninety days' worth of fees owed to an owner or operator by a 77080  
particular debtor of the owner or operator. A refund or credit 77081  
shall not be granted by the director to an owner or operator 77082  
more than once in any twelve-month period for fees owed to the 77083

owner or operator by a particular debtor. 77084

If, after receiving a refund or credit from the director, 77085  
an owner or operator receives payment of all or part of the 77086  
fees, the owner or operator shall remit the fees with the next 77087  
monthly return submitted to the director together with a written 77088  
explanation of the reason for the submittal. 77089

For purposes of computing the fees levied under this 77090  
division or division (B) of this section, any solid waste 77091  
transfer or disposal facility that does not use scales as a 77092  
means of determining gate receipts shall use a conversion factor 77093  
of three cubic yards per ton of solid waste or one cubic yard 77094  
per ton for baled waste, as applicable. 77095

The fees levied under this division and divisions (B) and 77096  
(C) of this section are in addition to all other applicable fees 77097  
and taxes and shall be paid by the customer or a political 77098  
subdivision to the owner or operator of a solid waste transfer 77099  
or disposal facility. In the alternative, the fees shall be paid 77100  
by a customer or political subdivision to a transporter of waste 77101  
who subsequently transfers the fees to the owner or operator of 77102  
such a facility. The fees shall be paid notwithstanding the 77103  
existence of any provision in a contract that the customer or a 77104  
political subdivision may have with the owner or operator or 77105  
with a transporter of waste to the facility that would not 77106  
require or allow such payment regardless of whether the contract 77107  
was entered prior to or after October 16, 2009. For those 77108  
purposes, "customer" means a person who contracts with, or 77109  
utilizes the solid waste services of, the owner or operator of a 77110  
solid waste transfer or disposal facility or a transporter of 77111  
solid waste to such a facility. 77112

(B) For the purposes specified in division (G) of this 77113

section, the solid waste management policy committee of a county 77114  
or joint solid waste management district may levy fees upon the 77115  
following activities: 77116

(1) The disposal at a solid waste disposal facility 77117  
located in the district of solid wastes generated within the 77118  
district; 77119

(2) The disposal at a solid waste disposal facility within 77120  
the district of solid wastes generated outside the boundaries of 77121  
the district, but inside this state; 77122

(3) The disposal at a solid waste disposal facility within 77123  
the district of solid wastes generated outside the boundaries of 77124  
this state. 77125

The solid waste management plan of the county or joint 77126  
district approved under section 3734.521 or 3734.55 of the 77127  
Revised Code and any amendments to it, or the resolution adopted 77128  
under this division, as appropriate, shall establish the rates 77129  
of the fees levied under divisions (B) (1), (2), and (3) of this 77130  
section, if any, and shall specify whether the fees are levied 77131  
on the basis of tons or cubic yards as the unit of measurement. 77132  
A solid waste management district that levies fees under this 77133  
division on the basis of cubic yards shall do so in accordance 77134  
with division (A) of this section. 77135

The fee levied under division (B) (1) of this section shall 77136  
be not less than one dollar per ton nor more than two dollars 77137  
per ton, the fee levied under division (B) (2) of this section 77138  
shall be not less than two dollars per ton nor more than four 77139  
dollars per ton, and the fee levied under division (B) (3) of 77140  
this section shall be not more than the fee levied under 77141  
division (B) (1) of this section. 77142



Prior to the approval of the solid waste management plan 77143  
of a district under section 3734.55 of the Revised Code, the 77144  
solid waste management policy committee of a district may levy 77145  
fees under this division by adopting a resolution establishing 77146  
the proposed amount of the fees. Upon adopting the resolution, 77147  
the committee shall deliver a copy of the resolution to the 77148  
board of county commissioners of each county forming the 77149  
district and to the legislative authority of each municipal 77150  
corporation and township under the jurisdiction of the district 77151  
and shall prepare and publish the resolution and a notice of the 77152  
time and location where a public hearing on the fees will be 77153  
held. Upon adopting the resolution, the committee shall deliver 77154  
written notice of the adoption of the resolution; of the amount 77155  
of the proposed fees; and of the date, time, and location of the 77156  
public hearing to the director and to the fifty industrial, 77157  
commercial, or institutional generators of solid wastes within 77158  
the district that generate the largest quantities of solid 77159  
wastes, as determined by the committee, and to their local trade 77160  
associations. The committee shall make good faith efforts to 77161  
identify those generators within the district and their local 77162  
trade associations, but the nonprovision of notice under this 77163  
division to a particular generator or local trade association 77164  
does not invalidate the proceedings under this division. The 77165  
publication shall occur at least thirty days before the hearing. 77166  
After the hearing, the committee may make such revisions to the 77167  
proposed fees as it considers appropriate and thereafter, by 77168  
resolution, shall adopt the revised fee schedule. Upon adopting 77169  
the revised fee schedule, the committee shall deliver a copy of 77170  
the resolution doing so to the board of county commissioners of 77171  
each county forming the district and to the legislative 77172  
authority of each municipal corporation and township under the 77173  
jurisdiction of the district. Within sixty days after the 77174

delivery of a copy of the resolution adopting the proposed 77175  
revised fees by the policy committee, each such board and 77176  
legislative authority, by ordinance or resolution, shall approve 77177  
or disapprove the revised fees and deliver a copy of the 77178  
ordinance or resolution to the committee. If any such board or 77179  
legislative authority fails to adopt and deliver to the policy 77180  
committee an ordinance or resolution approving or disapproving 77181  
the revised fees within sixty days after the policy committee 77182  
delivered its resolution adopting the proposed revised fees, it 77183  
shall be conclusively presumed that the board or legislative 77184  
authority has approved the proposed revised fees. The committee 77185  
shall determine if the resolution has been ratified in the same 77186  
manner in which it determines if a draft solid waste management 77187  
plan has been ratified under division (B) of section 3734.55 of 77188  
the Revised Code. 77189

The committee may amend the schedule of fees levied 77190  
pursuant to a resolution adopted and ratified under this 77191  
division by adopting a resolution establishing the proposed 77192  
amount of the amended fees. The committee may repeal the fees 77193  
levied pursuant to such a resolution by adopting a resolution 77194  
proposing to repeal them. Upon adopting such a resolution, the 77195  
committee shall proceed to obtain ratification of the resolution 77196  
in accordance with this division. 77197

Not later than fourteen days after declaring the new fees 77198  
to be ratified or the fees to be repealed under this division, 77199  
the committee shall notify by certified mail the owner or 77200  
operator of each solid waste disposal facility that is required 77201  
to collect the fees of the ratification and the amount of the 77202  
fees or of the repeal of the fees. Collection of any fees shall 77203  
commence or collection of repealed fees shall cease on the first 77204  
day of the second month following the month in which 77205

notification is sent to the owner or operator. 77206

Fees levied under this division also may be established, 77207  
amended, or repealed by a solid waste management policy 77208  
committee through the adoption of a new district solid waste 77209  
management plan, the adoption of an amended plan, or the 77210  
amendment of the plan or amended plan in accordance with 77211  
sections 3734.55 and 3734.56 of the Revised Code or the adoption 77212  
or amendment of a district plan in connection with a change in 77213  
district composition under section 3734.521 of the Revised Code. 77214

Not later than fourteen days after the director issues an 77215  
order approving a district's solid waste management plan, 77216  
amended plan, or amendment to a plan or amended plan that 77217  
establishes, amends, or repeals a schedule of fees levied by the 77218  
district, the committee shall notify by certified mail the owner 77219  
or operator of each solid waste disposal facility that is 77220  
required to collect the fees of the approval of the plan or 77221  
amended plan, or the amendment to the plan, as appropriate, and 77222  
the amount of the fees, if any. In the case of an initial or 77223  
amended plan approved under section 3734.521 of the Revised Code 77224  
in connection with a change in district composition, other than 77225  
one involving the withdrawal of a county from a joint district, 77226  
the committee, within fourteen days after the change takes 77227  
effect pursuant to division (G) of that section, shall notify by 77228  
certified mail the owner or operator of each solid waste 77229  
disposal facility that is required to collect the fees that the 77230  
change has taken effect and of the amount of the fees, if any. 77231  
Collection of any fees shall commence or collection of repealed 77232  
fees shall cease on the first day of the second month following 77233  
the month in which notification is sent to the owner or 77234  
operator. 77235

If, in the case of a change in district composition 77236  
involving the withdrawal of a county from a joint district, the 77237  
director completes the actions required under division (G) (1) or 77238  
(3) of section 3734.521 of the Revised Code, as appropriate, 77239  
forty-five days or more before the beginning of a calendar year, 77240  
the policy committee of each of the districts resulting from the 77241  
change that obtained the director's approval of an initial or 77242  
amended plan in connection with the change, within fourteen days 77243  
after the director's completion of the required actions, shall 77244  
notify by certified mail the owner or operator of each solid 77245  
waste disposal facility that is required to collect the 77246  
district's fees that the change is to take effect on the first 77247  
day of January immediately following the issuance of the notice 77248  
and of the amount of the fees or amended fees levied under 77249  
divisions (B) (1) to (3) of this section pursuant to the 77250  
district's initial or amended plan as so approved or, if 77251  
appropriate, the repeal of the district's fees by that initial 77252  
or amended plan. Collection of any fees set forth in such a plan 77253  
or amended plan shall commence on the first day of January 77254  
immediately following the issuance of the notice. If such an 77255  
initial or amended plan repeals a schedule of fees, collection 77256  
of the fees shall cease on that first day of January. 77257

If, in the case of a change in district composition 77258  
involving the withdrawal of a county from a joint district, the 77259  
director completes the actions required under division (G) (1) or 77260  
(3) of section 3734.521 of the Revised Code, as appropriate, 77261  
less than forty-five days before the beginning of a calendar 77262  
year, the director, on behalf of each of the districts resulting 77263  
from the change that obtained the director's approval of an 77264  
initial or amended plan in connection with the change 77265  
proceedings, shall notify by certified mail the owner or 77266

operator of each solid waste disposal facility that is required 77267  
to collect the district's fees that the change is to take effect 77268  
on the first day of January immediately following the mailing of 77269  
the notice and of the amount of the fees or amended fees levied 77270  
under divisions (B) (1) to (3) of this section pursuant to the 77271  
district's initial or amended plan as so approved or, if 77272  
appropriate, the repeal of the district's fees by that initial 77273  
or amended plan. Collection of any fees set forth in such a plan 77274  
or amended plan shall commence on the first day of the second 77275  
month following the month in which notification is sent to the 77276  
owner or operator. If such an initial or amended plan repeals a 77277  
schedule of fees, collection of the fees shall cease on the 77278  
first day of the second month following the month in which 77279  
notification is sent to the owner or operator. 77280

If the schedule of fees that a solid waste management 77281  
district is levying under divisions (B) (1) to (3) of this 77282  
section is amended or repealed, the fees in effect immediately 77283  
prior to the amendment or repeal shall continue to be collected 77284  
until collection of the amended fees commences or collection of 77285  
the repealed fees ceases, as applicable, as specified in this 77286  
division. In the case of a change in district composition, money 77287  
so received from the collection of the fees of the former 77288  
districts shall be divided among the resulting districts in 77289  
accordance with division (B) of section 343.012 of the Revised 77290  
Code and the agreements entered into under division (B) of 77291  
section 343.01 of the Revised Code to establish the former and 77292  
resulting districts and any amendments to those agreements. 77293

For the purposes of the provisions of division (B) of this 77294  
section establishing the times when newly established or amended 77295  
fees levied by a district are required to commence and the 77296  
collection of fees that have been amended or repealed is 77297

required to cease, "fees" or "schedule of fees" includes, in 77298  
addition to fees levied under divisions (B) (1) to (3) of this 77299  
section, those levied under section 3734.573 or 3734.574 of the 77300  
Revised Code. 77301

(C) For the purposes of defraying the added costs to a 77302  
municipal corporation or township of maintaining roads and other 77303  
public facilities and of providing emergency and other public 77304  
services, and compensating a municipal corporation or township 77305  
for reductions in real property tax revenues due to reductions 77306  
in real property valuations resulting from the location and 77307  
operation of a solid waste disposal facility within the 77308  
municipal corporation or township, a municipal corporation or 77309  
township in which such a solid waste disposal facility is 77310  
located may levy a fee of not more than twenty-five cents per 77311  
ton on the disposal of solid wastes at a solid waste disposal 77312  
facility located within the boundaries of the municipal 77313  
corporation or township regardless of where the wastes were 77314  
generated. 77315

The legislative authority of a municipal corporation or 77316  
township may levy fees under this division by enacting an 77317  
ordinance or adopting a resolution establishing the amount of 77318  
the fees. Upon so doing the legislative authority shall mail a 77319  
certified copy of the ordinance or resolution to the board of 77320  
county commissioners or directors of the county or joint solid 77321  
waste management district in which the municipal corporation or 77322  
township is located or, if a regional solid waste management 77323  
authority has been formed under section 343.011 of the Revised 77324  
Code, to the board of trustees of that regional authority, the 77325  
owner or operator of each solid waste disposal facility in the 77326  
municipal corporation or township that is required to collect 77327  
the fee by the ordinance or resolution, and the director of 77328

environmental protection. Although the fees levied under this 77329  
division are levied on the basis of tons as the unit of 77330  
measurement, the legislative authority, in its ordinance or 77331  
resolution levying the fees under this division, may direct that 77332  
the fees be levied on the basis of cubic yards as the unit of 77333  
measurement based upon a conversion factor of three cubic yards 77334  
per ton generally or one cubic yard per ton for baled wastes. 77335

Not later than five days after enacting an ordinance or 77336  
adopting a resolution under this division, the legislative 77337  
authority shall so notify by certified mail the owner or 77338  
operator of each solid waste disposal facility that is required 77339  
to collect the fee. Collection of any fee levied on or after 77340  
March 24, 1992, shall commence on the first day of the second 77341  
month following the month in which notification is sent to the 77342  
owner or operator. 77343

(D) (1) The fees levied under divisions (A), (B), and (C) 77344  
of this section do not apply to the disposal of solid wastes 77345  
that: 77346

(a) Are disposed of at a facility owned by the generator 77347  
of the wastes when the solid waste facility exclusively disposes 77348  
of solid wastes generated at one or more premises owned by the 77349  
generator regardless of whether the facility is located on a 77350  
premises where the wastes are generated; 77351

(b) Are generated from the combustion of coal, or from the 77352  
combustion of primarily coal, regardless of whether the disposal 77353  
facility is located on the premises where the wastes are 77354  
generated; 77355

(c) Are asbestos or asbestos-containing materials or 77356  
products disposed of at a construction and demolition debris 77357

facility that is licensed under Chapter 3714. of the Revised 77358  
Code or at a solid waste facility that is licensed under this 77359  
chapter. 77360

(2) Except as provided in section 3734.571 of the Revised 77361  
Code, any fees levied under division (B)(1) of this section 77362  
apply to solid wastes originating outside the boundaries of a 77363  
county or joint district that are covered by an agreement for 77364  
the joint use of solid waste facilities entered into under 77365  
section 343.02 of the Revised Code by the board of county 77366  
commissioners or board of directors of the county or joint 77367  
district where the wastes are generated and disposed of. 77368

(3) When solid wastes, other than solid wastes that 77369  
consist of scrap tires, are burned in a disposal facility that 77370  
is an incinerator or energy recovery facility, the fees levied 77371  
under divisions (A), (B), and (C) of this section shall be 77372  
levied upon the disposal of the fly ash and bottom ash remaining 77373  
after burning of the solid wastes and shall be collected by the 77374  
owner or operator of the sanitary landfill where the ash is 77375  
disposed of. 77376

(4) When solid wastes are delivered to a solid waste 77377  
transfer facility, the fees levied under divisions (B) and (C) 77378  
of this section shall be levied upon the disposal of solid 77379  
wastes transported off the premises of the transfer facility for 77380  
disposal and shall be collected by the owner or operator of the 77381  
solid waste disposal facility where the wastes are disposed of. 77382

(5) The fees levied under divisions (A), (B), and (C) of 77383  
this section do not apply to sewage sludge that is generated by 77384  
a waste water treatment facility holding a national pollutant 77385  
discharge elimination system permit and that is disposed of 77386  
through incineration, land application, or composting or at 77387



another resource recovery or disposal facility that is not a 77388  
landfill. 77389

(6) The fees levied under divisions (A), (B), and (C) of 77390  
this section do not apply to solid wastes delivered to a solid 77391  
waste composting facility for processing. When any unprocessed 77392  
solid waste or compost product is transported off the premises 77393  
of a composting facility and disposed of at a landfill, the fees 77394  
levied under divisions (A), (B), and (C) of this section shall 77395  
be collected by the owner or operator of the landfill where the 77396  
unprocessed waste or compost product is disposed of. 77397

(7) When solid wastes that consist of scrap tires are 77398  
processed at a scrap tire recovery facility, the fees levied 77399  
under divisions (A), (B), and (C) of this section shall be 77400  
levied upon the disposal of the fly ash and bottom ash or other 77401  
solid wastes remaining after the processing of the scrap tires 77402  
and shall be collected by the owner or operator of the solid 77403  
waste disposal facility where the ash or other solid wastes are 77404  
disposed of. 77405

(8) The director of environmental protection may issue an 77406  
order exempting from the fees levied under this section solid 77407  
wastes, including, but not limited to, scrap tires, that are 77408  
generated, transferred, or disposed of as a result of a contract 77409  
providing for the expenditure of public funds entered into by 77410  
the administrator or regional administrator of the United States 77411  
environmental protection agency, the director of environmental 77412  
protection, or the director of administrative services on behalf 77413  
of the director of environmental protection for the purpose of 77414  
remediating conditions at a hazardous waste facility, solid 77415  
waste facility, or other location at which the administrator or 77416  
regional administrator or the director of environmental 77417

protection has reason to believe that there is a substantial 77418  
threat to public health or safety or the environment or that the 77419  
conditions are causing or contributing to air or water pollution 77420  
or soil contamination. An order issued by the director of 77421  
environmental protection under division (D) (8) of this section 77422  
shall include a determination that the amount of the fees not 77423  
received by a solid waste management district as a result of the 77424  
order will not adversely impact the implementation and financing 77425  
of the district's approved solid waste management plan and any 77426  
approved amendments to the plan. Such an order is a final action 77427  
of the director of environmental protection. 77428

(E) The fees levied under divisions (B) and (C) of this 77429  
section shall be collected by the owner or operator of the solid 77430  
waste disposal facility where the wastes are disposed of as a 77431  
trustee for the county or joint district and municipal 77432  
corporation or township where the wastes are disposed of. Moneys 77433  
from the fees levied under division (B) of this section shall be 77434  
forwarded to the board of county commissioners or board of 77435  
directors of the district in accordance with rules adopted under 77436  
division (H) of this section. Moneys from the fees levied under 77437  
division (C) of this section shall be forwarded to the treasurer 77438  
or such other officer of the municipal corporation as, by virtue 77439  
of the charter, has the duties of the treasurer or to the fiscal 77440  
officer of the township, as appropriate, in accordance with 77441  
those rules. 77442

(F) Moneys received by the treasurer or other officer of 77443  
the municipal corporation under division (E) of this section 77444  
shall be paid into the general fund of the municipal 77445  
corporation. Moneys received by the fiscal officer of the 77446  
township under that division shall be paid into the general fund 77447  
of the township. The treasurer or other officer of the municipal 77448

corporation or the township fiscal officer, as appropriate, 77449  
shall maintain separate records of the moneys received from the 77450  
fees levied under division (C) of this section. 77451

(G) Moneys received by the board of county commissioners 77452  
or board of directors under division (E) of this section or 77453  
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 77454  
Code shall be paid to the county treasurer, or other official 77455  
acting in a similar capacity under a county charter, in a county 77456  
district or to the county treasurer or other official designated 77457  
by the board of directors in a joint district and kept in a 77458  
separate and distinct fund to the credit of the district. If a 77459  
regional solid waste management authority has been formed under 77460  
section 343.011 of the Revised Code, moneys received by the 77461  
board of trustees of that regional authority under division (E) 77462  
of this section shall be kept by the board in a separate and 77463  
distinct fund to the credit of the district. Moneys in the 77464  
special fund of the county or joint district arising from the 77465  
fees levied under division (B) of this section and the fee 77466  
levied under division (A) of section 3734.573 of the Revised 77467  
Code shall be expended by the board of county commissioners or 77468  
directors of the district in accordance with the district's 77469  
solid waste management plan or amended plan approved under 77470  
section 3734.521, 3734.55, or 3734.56 of the Revised Code 77471  
exclusively for the following purposes: 77472

(1) Preparation of the solid waste management plan of the 77473  
district under section 3734.54 of the Revised Code, monitoring 77474  
implementation of the plan, and conducting the periodic review 77475  
and amendment of the plan required by section 3734.56 of the 77476  
Revised Code by the solid waste management policy committee; 77477

(2) Implementation of the approved solid waste management 77478

plan or amended plan of the district, including, without 77479  
limitation, the development and implementation of solid waste 77480  
recycling or reduction programs; 77481

(3) Providing financial assistance to boards of health 77482  
within the district, if solid waste facilities are located 77483  
within the district, for enforcement of this chapter and rules, 77484  
orders, and terms and conditions of permits, licenses, and 77485  
variances adopted or issued under it, other than the hazardous 77486  
waste provisions of this chapter and rules adopted and orders 77487  
and terms and conditions of permits issued under those 77488  
provisions; 77489

(4) Providing financial assistance to each county within 77490  
the district to defray the added costs of maintaining roads and 77491  
other public facilities and of providing emergency and other 77492  
public services resulting from the location and operation of a 77493  
solid waste facility within the county under the district's 77494  
approved solid waste management plan or amended plan; 77495

(5) Pursuant to contracts entered into with boards of 77496  
health within the district, if solid waste facilities contained 77497  
in the district's approved plan or amended plan are located 77498  
within the district, for paying the costs incurred by those 77499  
boards of health for collecting and analyzing samples from 77500  
public or private water wells on lands adjacent to those 77501  
facilities; 77502

(6) Developing and implementing a program for the 77503  
inspection of solid wastes generated outside the boundaries of 77504  
this state that are disposed of at solid waste facilities 77505  
included in the district's approved solid waste management plan 77506  
or amended plan; 77507

(7) Providing financial assistance to boards of health 77508  
within the district for the enforcement of section 3734.03 of 77509  
the Revised Code or to local law enforcement agencies having 77510  
jurisdiction within the district for enforcing anti-littering 77511  
laws and ordinances; 77512

(8) Providing financial assistance to boards of health of 77513  
health districts within the district that are on the approved 77514  
list under section 3734.08 of the Revised Code to defray the 77515  
costs to the health districts for the participation of their 77516  
employees responsible for enforcement of the solid waste 77517  
provisions of this chapter and rules adopted and orders and 77518  
terms and conditions of permits, licenses, and variances issued 77519  
under those provisions in the training and certification program 77520  
as required by rules adopted under division (L) of section 77521  
3734.02 of the Revised Code; 77522

(9) Providing financial assistance to individual municipal 77523  
corporations and townships within the district to defray their 77524  
added costs of maintaining roads and other public facilities and 77525  
of providing emergency and other public services resulting from 77526  
the location and operation within their boundaries of a 77527  
composting, energy or resource recovery, incineration, or 77528  
recycling facility that either is owned by the district or is 77529  
furnishing solid waste management facility or recycling services 77530  
to the district pursuant to a contract or agreement with the 77531  
board of county commissioners or directors of the district; 77532

(10) Payment of any expenses that are agreed to, awarded, 77533  
or ordered to be paid under section 3734.35 of the Revised Code 77534  
and of any administrative costs incurred pursuant to that 77535  
section. In the case of a joint solid waste management district, 77536  
if the board of county commissioners of one of the counties in 77537

the district is negotiating on behalf of affected communities, 77538  
as defined in that section, in that county, the board shall 77539  
obtain the approval of the board of directors of the district in 77540  
order to expend moneys for administrative costs incurred. 77541

Prior to the approval of the district's solid waste 77542  
management plan under section 3734.55 of the Revised Code, 77543  
moneys in the special fund of the district arising from the fees 77544  
shall be expended for those purposes in the manner prescribed by 77545  
the solid waste management policy committee by resolution. 77546

Notwithstanding division (G) (6) of this section as it 77547  
existed prior to October 29, 1993, or any provision in a 77548  
district's solid waste management plan prepared in accordance 77549  
with division (B) (2) (e) of section 3734.53 of the Revised Code 77550  
as it existed prior to that date, any moneys arising from the 77551  
fees levied under division (B) (3) of this section prior to 77552  
January 1, 1994, may be expended for any of the purposes 77553  
authorized in divisions (G) (1) to (10) of this section. 77554

(H) The director shall adopt rules in accordance with 77555  
Chapter 119. of the Revised Code prescribing procedures for 77556  
collecting and forwarding the fees levied under divisions (B) 77557  
and (C) of this section to the boards of county commissioners or 77558  
directors of county or joint solid waste management districts 77559  
and to the treasurers or other officers of municipal 77560  
corporations and the fiscal officers of townships. The rules 77561  
also shall prescribe the dates for forwarding the fees to the 77562  
boards and officials and may prescribe any other requirements 77563  
the director considers necessary or appropriate to implement and 77564  
administer divisions (A), (B), and (C) of this section. 77565

**Sec. 3734.79.** (A) Except as provided in division (B) of 77566  
this section, each application for a permit submitted under 77567

sections 3734.76 to 3734.78 of the Revised Code shall be 77568  
accompanied by a nonrefundable application fee of four hundred 77569  
dollars that shall be credited to the scrap tire management fund 77570  
created in section 3734.82 of the Revised Code. If a permit is 77571  
issued, the amount of the application fee paid shall be deducted 77572  
from the amount of the applicable permit fee due under division 77573  
~~(R)~~(Q) of section 3745.11 of the Revised Code. 77574

(B) Division (A) of this section does not apply to an 77575  
application for a permit for a scrap tire storage facility 77576  
submitted under section 3734.76 of the Revised Code if the owner 77577  
or operator of the facility or proposed facility is a motor 77578  
vehicle salvage dealer licensed under Chapter 4738. of the 77579  
Revised Code. 77580

**Sec. 3734.901.** (A) (1) For the purpose of providing revenue 77581  
to defray the cost of administering and enforcing the scrap tire 77582  
provisions of this chapter, rules adopted under those 77583  
provisions, and terms and conditions of orders, variances, and 77584  
licenses issued under those provisions; to abate accumulations 77585  
of scrap tires; to make grants supporting market development 77586  
activities for scrap tires and synthetic rubber from tire 77587  
manufacturing processes and tire recycling processes and to 77588  
support scrap tire amnesty and cleanup events; to make loans to 77589  
promote the recycling or recovery of energy from scrap tires; 77590  
and to defray the costs of administering and enforcing sections 77591  
3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents 77592  
per tire is hereby levied on the sale of tires. The proceeds of 77593  
the fee shall be deposited in the state treasury to the credit 77594  
of the scrap tire management fund created in section 3734.82 of 77595  
the Revised Code. The fee is levied from the first day of the 77596  
calendar month that begins next after thirty days from October 77597  
29, 1993, through June 30, ~~2026~~2028. 77598

(2) Beginning on July 1, 2011, and ending on June 30, 77599  
~~2026~~2028, there is hereby levied an additional fee of fifty 77600  
cents per tire on the sale of tires the proceeds of which shall 77601  
be deposited in the state treasury to the credit of the soil and 77602  
water conservation district assistance fund created in section 77603  
940.15 of the Revised Code. 77604

(B) Only one sale of the same article shall be used in 77605  
computing the amount of the fee due. 77606

**Sec. 3734.907.** (A) Any person required to pay the fee 77607  
imposed by section 3734.901 of the Revised Code is personally 77608  
liable for the fee. The tax commissioner may make an assessment, 77609  
based upon any information in the commissioner's possession, 77610  
against any person who fails to file a return or pay any fee, 77611  
interest, or additional charge as required by sections 3734.90 77612  
to 3734.9014 of the Revised Code. The commissioner shall give 77613  
the person assessed written notice of the assessment in the 77614  
manner provided in section 5703.37 of the Revised Code. With the 77615  
notice, the commissioner shall provide instructions on how to 77616  
petition for reassessment and request a hearing on the petition. 77617

(B) When the information in the possession of the tax 77618  
commissioner indicates that a person liable for the fee imposed 77619  
by section 3734.901 of the Revised Code has not paid the full 77620  
amount of fee due, the commissioner may audit a representative 77621  
sample of the person's business and may issue an assessment 77622  
based on the audit. 77623

(C) A penalty of up to fifteen per cent may be added to 77624  
all amounts assessed under this section. The commissioner may 77625  
adopt rules providing for the imposition and remission of the 77626  
penalties. 77627



(D) Unless the person assessed files with the tax 77628  
commissioner within sixty days after service of the notice of 77629  
assessment, ~~either personally or by certified mail,~~ a written 77630  
petition for reassessment signed by the person assessed or that 77631  
person's authorized agent having knowledge of the facts, the 77632  
assessment becomes final and the amount of the assessment is due 77633  
and payable from the person assessed to the treasurer of state. 77634  
The petition shall indicate the objections of the person 77635  
assessed, but additional objections may be raised in writing if 77636  
received by the commissioner prior to the date shown on the 77637  
final determination. If the petition has been properly filed, 77638  
the commissioner shall proceed under section 5703.60 of the 77639  
Revised Code. 77640

(E) After an assessment becomes final, if any portion of 77641  
the assessment, including accrued interest, remains unpaid, a 77642  
certified copy of the tax commissioner's entry making the 77643  
assessment final may be filed in the office of the clerk of the 77644  
court of common pleas in the county in which the person assessed 77645  
resides or in which the person's business is conducted. If the 77646  
person assessed maintains no place of business in this state and 77647  
is not a resident of this state, the certified copy of the entry 77648  
may be filed in the office of the clerk of the court of common 77649  
pleas of Franklin county. 77650

Immediately upon the filing of the entry, the clerk shall 77651  
enter a judgment for the state against the person assessed in 77652  
the amount shown on the entry. The judgment may be filed by the 77653  
clerk in a loose-leaf book entitled "special judgments for state 77654  
tire fee," and shall have the same effect as other judgments. 77655  
Execution shall issue upon the judgment upon the request of the 77656  
tax commissioner, and all laws applicable to sales on execution 77657  
shall apply to sales made under the judgment. 77658

If the assessment is not paid in its entirety within sixty 77659  
days after the day the assessment was issued, the portion of the 77660  
assessment consisting of the fee due shall bear interest at the 77661  
rate per annum prescribed by section 5703.47 of the Revised Code 77662  
from the day the commissioner issues the assessment until the 77663  
day the assessment is paid or until it is certified to the 77664  
attorney general for collection under section 131.02 of the 77665  
Revised Code, whichever comes first. If the unpaid portion of 77666  
the assessment is certified to the attorney general for 77667  
collection, the entire unpaid portion of the assessment shall 77668  
bear interest at the rate per annum prescribed by section 77669  
5703.47 of the Revised Code from the date of certification until 77670  
the date it is paid in its entirety. Interest shall be paid in 77671  
the same manner as the fee and may be collected by the issuance 77672  
of an assessment under this section. 77673

(F) If the tax commissioner believes that collection of 77674  
the fee will be jeopardized unless proceedings to collect or 77675  
secure collection of the fee are instituted without delay, the 77676  
commissioner may issue a jeopardy assessment against the person 77677  
liable for the fee. Immediately upon the issuance of the 77678  
jeopardy assessment, the commissioner shall file an entry with 77679  
the clerk of the court of common pleas in the manner prescribed 77680  
by division (E) of this section. Notice of the jeopardy 77681  
assessment shall be served on the person assessed or the 77682  
person's legal representative, as provided in section 5703.37 of 77683  
the Revised Code, within five days of the filing of the entry 77684  
with the clerk. The total amount assessed is immediately due and 77685  
payable, unless the person assessed files a petition for 77686  
reassessment in accordance with division (D) of this section and 77687  
provides security in a form satisfactory to the commissioner and 77688  
in an amount sufficient to satisfy the unpaid balance of the 77689

assessment. Full or partial payment of the assessment does not 77690  
prejudice the commissioner's consideration of the petition for 77691  
reassessment. 77692

(G) All money collected by the tax commissioner under this 77693  
section shall be paid to the treasurer of state as revenue 77694  
arising from the fee imposed by section 3734.901 of the Revised 77695  
Code. 77696

**Sec. 3737.83.** The state fire marshal shall, as part of the 77697  
state fire code, adopt rules to: 77698

(A) Establish minimum standards of performance for fire 77699  
protection equipment and fire fighting equipment; 77700

(B) Establish minimum standards of training, fix minimum 77701  
qualifications, and require certificates for all persons who 77702  
engage in the business for profit of installing, testing, 77703  
repairing, or maintaining fire protection equipment; 77704

(C) Provide for the issuance of certificates required 77705  
under division (B) of this section and establish the fees to be 77706  
charged for such certificates. A certificate shall be granted, 77707  
renewed, or revoked according to rules the state fire marshal 77708  
shall adopt, except that the state fire marshal shall grant a 77709  
certificate in accordance with Chapter 4796. of the Revised Code 77710  
to an applicant if either of the following applies: 77711

(1) The applicant holds a license or certificate in 77712  
another state. 77713

(2) The applicant has satisfactory work experience, a 77714  
government certification, or a private certification as 77715  
described in that chapter as a person engaged in the business of 77716  
installing, testing, repairing, or maintaining fire protection 77717  
equipment in a state that does not issue that certificate. 77718

(D) Establish minimum standards of flammability for 77719  
consumer goods in any case where the federal government or any 77720  
department or agency thereof has established, or may from time 77721  
to time establish standards of flammability for consumer goods. 77722  
The standards established by the state fire marshal shall be 77723  
identical to the minimum federal standards. 77724

In any case where the federal government or any department 77725  
or agency thereof, establishes standards of flammability for 77726  
consumer goods subsequent to the adoption of a flammability 77727  
standard by the state fire marshal, standards previously adopted 77728  
by the state fire marshal shall not continue in effect to the 77729  
extent such standards are not identical to the minimum federal 77730  
standards. 77731

With respect to the adoption of minimum standards of 77732  
flammability, this division shall supersede any authority 77733  
granted a political subdivision by any other section of the 77734  
Revised Code. 77735

(E) Establish minimum standards pursuant to section 77736  
5104.05 of the Revised Code for fire prevention and fire safety 77737  
in child care centers and in type A family child care homes, as 77738  
defined in section 5104.01 of the Revised Code. 77739

(F) Establish minimum standards for fire prevention and 77740  
safety in a residential facility licensed under section 5119.34 77741  
of the Revised Code that provides accommodations, supervision, 77742  
and personal care services for three to sixteen unrelated 77743  
adults. The state fire marshal shall adopt the rules under this 77744  
division in consultation with the director of mental health and 77745  
addiction services and interested parties designated by the 77746  
director of mental health and addiction services. 77747

(G) (1) Establish that, for buildings and structures 77748  
incident to the agricultural purposes of the land and determined 77749  
to be exempt from the rules of the board of building standards 77750  
pursuant to division (B) (1) of section 3781.06 or section 77751  
3781.061 of the Revised Code, the occupant load of a covered 77752  
patio and its area are not to be included in the fire area 77753  
calculation of the building for the determination of sprinkler 77754  
thresholds, if all the following apply: 77755

(a) The building or structure would be classified as an 77756  
assembly occupancy. 77757

(b) The covered patio is completely open to the atmosphere 77758  
without enclosing walls on at least three sides all year with 77759  
accessible means of egress on each side. 77760

(c) The occupant load of the covered patio does not exceed 77761  
one hundred occupants. 77762

(d) The floor area of the covered patio is at the level of 77763  
exit discharge. 77764

(e) If the patio is constructed on or after the effective 77765  
date of this amendment, the horizontal assembly or roof and 77766  
columns are constructed of materials that are non-combustible, 77767  
limited-combustible, or fire-retardant treated wood. 77768

(2) If a building or zoning official makes a determination 77769  
pursuant to division (B) (1) of section 3781.06 or section 77770  
3781.061 of the Revised Code that results in a building or 77771  
structure being exempt from the rules of the board of building 77772  
standards, such official shall provide a written notification to 77773  
the affected party that the state fire code applies to the 77774  
exempt location, including as specified in this section. 77775

(3) Nothing in division (G) of this section shall be 77776

construed to limit or restrict the scope of application of the 77777  
state fire code, except as expressly provided in division (G) (1) 77778  
of this section, including the distinct hazard or serious hazard 77779  
standards specified in the state fire code. 77780

(4) Notwithstanding any provision of section 121.95 of the 77781  
Revised Code to the contrary, a regulatory restriction contained 77782  
in a rule adopted under division (G) (1) of this section is not 77783  
subject to sections 121.95 to 121.953 of the Revised Code. 77784

**Sec. 3742.32.** (A) The director of health shall appoint an 77785  
advisory council to assist in the ongoing development and 77786  
implementation of the child lead poisoning prevention program 77787  
created under section 3742.31 of the Revised Code. The advisory 77788  
council shall consist of the following members: 77789

(1) A representative of the department of medicaid; 77790

~~(2) A representative of the bureau of child care in the~~ 77791  
~~department of job and family services;~~ 77792

~~(3)~~ A representative of the department of environmental 77793  
protection; 77794

~~(4)~~ (3) A representative of the department of education and 77795  
workforce; 77796

~~(5)~~ (4) A representative of the department of development; 77797

~~(6)~~ (5) A representative of the department of children and 77798  
youth; 77799

~~(7)~~ (6) A representative of the Ohio apartment owner's 77800  
association; 77801

~~(8)~~ (7) A representative of the Ohio healthy homes network; 77802

~~(9)~~ (8) A representative of the Ohio environmental health 77803

association; 77804

~~(10)~~ (9) An Ohio representative of the American coatings association; 77805  
77806

~~(11)~~ (10) A representative from Ohio realtors; 77807

~~(12)~~ (11) A representative of the Ohio housing finance agency; 77808  
77809

~~(13)~~ (12) A physician knowledgeable in the field of lead poisoning prevention; 77810  
77811

~~(14)~~ (13) A certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner knowledgeable in the field of lead poisoning prevention; 77812  
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~~(15)~~ (14) A representative of the public. 77815

(B) The advisory council shall do both of the following: 77816

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation; 77817  
77818  
77819  
77820

(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year. 77821  
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77823

(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code. 77824  
77825

**Sec. 3743.04.** (A) The license of a manufacturer of fireworks is effective for one year beginning on the first day of December, and the state fire marshal shall issue or renew a license only on that date and at no other time. If a manufacturer of fireworks wishes to continue manufacturing 77826  
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77830

fireworks at the designated fireworks plant after its then 77831  
effective license expires, it shall apply no later than the 77832  
first day of October for a new license pursuant to section 77833  
3743.02 of the Revised Code. The state fire marshal shall send a 77834  
written notice of the expiration of its license to a licensed 77835  
manufacturer at least three months before the expiration date. 77836

(B) If, during the effective period of its licensure, a 77837  
licensed manufacturer of fireworks wishes to construct, locate, 77838  
or relocate any buildings or other structures on the premises of 77839  
its fireworks plant, to make any structural change or renovation 77840  
in any building or other structure on the premises of its 77841  
fireworks plant, to change the nature of its manufacturing of 77842  
fireworks so as to include the processing of fireworks, or to 77843  
relocate its fireworks plant to a new licensed premises, the 77844  
manufacturer shall notify the state fire marshal in writing. The 77845  
state fire marshal may require a licensed manufacturer also to 77846  
submit documentation, including, but not limited to, plans 77847  
covering the proposed construction, location, relocation, 77848  
structural change or renovation, change in manufacturing of 77849  
fireworks, or new licensed premises, if the state fire marshal 77850  
determines the documentation is necessary for evaluation 77851  
purposes in light of the proposed construction, location, 77852  
relocation, structural change or renovation, change in 77853  
manufacturing of fireworks, or new licensed premises. 77854

Upon receipt of the notification and additional 77855  
documentation required by the state fire marshal, the state fire 77856  
marshal shall inspect the existing premises of the fireworks 77857  
plant, or proposed new licensed premises, to determine if the 77858  
proposed construction, location, relocation, structural change 77859  
or renovation, change in manufacturing of fireworks, or new 77860  
licensed premises conform to sections 3743.02 to 3743.08 of the 77861



Revised Code and the rules adopted by the state fire marshal 77862  
pursuant to section 3743.05 of the Revised Code. The state fire 77863  
marshal shall issue a written authorization to the manufacturer 77864  
for the construction, location, relocation, structural change or 77865  
renovation, change in manufacturing of fireworks, or new 77866  
licensed premises, if the state fire marshal determines, upon 77867  
the inspection and a review of submitted documentation, that the 77868  
construction, location, relocation, structural change or 77869  
renovation, change in manufacturing of fireworks, or new 77870  
licensed premises conform to those sections and rules. Upon 77871  
authorizing a change in manufacturing of fireworks to include 77872  
the processing of fireworks, the state fire marshal shall make 77873  
notations on the manufacturer's license and in the list of 77874  
licensed manufacturers in accordance with section 3743.03 of the 77875  
Revised Code. 77876

On or before June 1, 1998, a licensed manufacturer shall 77877  
install, in every licensed building in which fireworks are 77878  
manufactured, stored, or displayed and to which the public has 77879  
access, interlinked fire detection, smoke exhaust, and smoke 77880  
evacuation systems that are approved by the superintendent of 77881  
industrial compliance, and shall comply with floor plans showing 77882  
occupancy load limits and internal circulation and egress 77883  
patterns that are approved by the state fire marshal and 77884  
superintendent, and that are submitted under seal as required by 77885  
section 3791.04 of the Revised Code. Notwithstanding section 77886  
3743.59 of the Revised Code, the construction and safety 77887  
requirements established in this division are not subject to any 77888  
variance, waiver, or exclusion. 77889

(C) The license of a manufacturer of fireworks authorizes 77890  
the manufacturer to engage only in the following activities: 77891

(1) The manufacturing of fireworks on the premises of the fireworks plant as described in the application for licensure or in the notification submitted under division (B) of this section, except that a licensed manufacturer shall not engage in the processing of fireworks unless authorized to do so by its license.

(2) To possess for sale at wholesale and sell at wholesale the fireworks manufactured by the manufacturer, to persons who are licensed wholesalers of fireworks, to persons in accordance with sections 3743.44 to 3743.46 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the manufacturer. A person who is licensed as a manufacturer of fireworks on June 14, 1988, also may possess for sale and sell pursuant to division (C) (2) of this section fireworks other than those the person manufactures. The possession for sale shall be on the premises of the fireworks plant described in the application for licensure or in the notification submitted under division (B) of this section, and the sale shall be from the inside of a licensed building and from no other structure or device outside a licensed building. At no time shall a licensed manufacturer sell any class of fireworks outside a licensed building.

(3) Possess for sale at retail and sell at retail the fireworks manufactured by the manufacturer, other than 1.4G fireworks as designated by the state fire marshal in rules adopted pursuant to division (A) of section 3743.05 of the Revised Code, to licensed exhibitors in accordance with sections 3743.50 to 3743.55 of the Revised Code, and possess for sale at retail and sell at retail the fireworks manufactured by the manufacturer, including 1.4G fireworks, to persons in accordance with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or

to persons located in another state provided the fireworks are 77923  
shipped directly out of this state to them by the manufacturer. 77924  
A person who is licensed as a manufacturer of fireworks on June 77925  
14, 1988, may also possess for sale and sell pursuant to 77926  
division (C) (3) of this section fireworks other than those the 77927  
person manufactures. The possession for sale shall be on the 77928  
premises of the fireworks plant described in the application for 77929  
licensure or in the notification submitted under division (B) of 77930  
this section, ~~and,~~ except as otherwise provided in section 77931  
3743.48 of the Revised Code, the sale shall be from the inside 77932  
of a licensed building and from no other structure or device 77933  
outside a licensed building. ~~At no time shall~~ Except as 77934  
otherwise provided in section 3743.48 of the Revised Code, a 77935  
licensed manufacturer shall not sell any class of fireworks 77936  
outside a licensed building. 77937

A licensed manufacturer of fireworks shall sell under 77938  
division (C) of this section only fireworks that meet the 77939  
standards set by the consumer product safety commission or by 77940  
the American fireworks standard laboratories or that have 77941  
received an EX number from the United States department of 77942  
transportation. 77943

(D) The license of a manufacturer of fireworks shall be 77944  
protected under glass and posted in a conspicuous place on the 77945  
premises of the fireworks plant. Except as otherwise provided in 77946  
this division, the license is not transferable or assignable. 77947

(1) The ownership of a manufacturer of fireworks license 77948  
may be transferred to another person for the same fireworks 77949  
plant for which the license was issued, or approved pursuant to 77950  
division (B) of this section, if the assets of the plant are 77951  
transferred to that person by inheritance or by a sale approved 77952

by the state fire marshal. 77953

(2) The license of a manufacturer of fireworks may be 77954  
geographically relocated in accordance with division (D) of 77955  
section 3743.75 of the Revised Code. 77956

(3) The license is subject to revocation in accordance 77957  
with section 3743.08 of the Revised Code. 77958

(E) The state fire marshal shall not place the license of 77959  
a manufacturer of fireworks in a temporarily inactive status 77960  
while the holder of the license is attempting to qualify to 77961  
retain the license. 77962

(F) Each licensed manufacturer of fireworks that possesses 77963  
fireworks for sale and sells fireworks under division (C) of 77964  
section 3743.04 of the Revised Code, or a designee of the 77965  
manufacturer, whose identity is provided to the state fire 77966  
marshal by the manufacturer, annually shall attend a continuing 77967  
education program. The state fire marshal shall develop the 77968  
program and the state fire marshal or a person or public agency 77969  
approved by the state fire marshal shall conduct it. A licensed 77970  
manufacturer or the manufacturer's designee who attends a 77971  
program as required under this division, within one year after 77972  
attending the program, shall conduct in-service training as 77973  
approved by the state fire marshal for other employees of the 77974  
licensed manufacturer regarding the information obtained in the 77975  
program. A licensed manufacturer shall provide the state fire 77976  
marshal with notice of the date, time, and place of all in- 77977  
service training. For any program conducted under this division, 77978  
the state fire marshal shall, in accordance with rules adopted 77979  
by the state fire marshal under Chapter 119. of the Revised 77980  
Code, establish the subjects to be taught, the length of 77981  
classes, the standards for approval, and time periods for 77982

notification by the licensee to the state fire marshal of any 77983  
in-service training. 77984

(G) A licensed manufacturer shall maintain comprehensive 77985  
general liability insurance coverage in the amount and type 77986  
specified under division (B) (2) of section 3743.02 of the 77987  
Revised Code at all times. Each policy of insurance required 77988  
under this division shall contain a provision requiring the 77989  
insurer to give not less than fifteen days' prior written notice 77990  
to the state fire marshal before termination, lapse, or 77991  
cancellation of the policy, or any change in the policy that 77992  
reduces the coverage below the minimum required under this 77993  
division. Prior to canceling or reducing the amount of coverage 77994  
of any comprehensive general liability insurance coverage 77995  
required under this division, a licensed manufacturer shall 77996  
secure supplemental insurance in an amount and type that 77997  
satisfies the requirements of this division so that no lapse in 77998  
coverage occurs at any time. A licensed manufacturer who secures 77999  
supplemental insurance shall file evidence of the supplemental 78000  
insurance with the state fire marshal prior to canceling or 78001  
reducing the amount of coverage of any comprehensive general 78002  
liability insurance coverage required under this division. 78003

(H) The state fire marshal shall adopt rules for the 78004  
expansion or contraction of a licensed premises and for approval 78005  
of such expansions or contractions. The boundaries of a licensed 78006  
premises, including any geographic expansion or contraction of 78007  
those boundaries, shall be approved by the state fire marshal in 78008  
accordance with rules the state fire marshal adopts. If the 78009  
licensed premises consists of more than one parcel of real 78010  
estate, those parcels shall be contiguous unless an exception is 78011  
allowed pursuant to division (I) of this section. 78012

(I) (1) A licensed manufacturer may expand its licensed 78013  
premises within this state to include not more than two storage 78014  
locations that are located upon one or more real estate parcels 78015  
that are noncontiguous to the licensed premises as that licensed 78016  
premises exists on the date a licensee submits an application as 78017  
described below, if all of the following apply: 78018

(a) The licensee submits an application to the state fire 78019  
marshal and an application fee of one hundred dollars per 78020  
storage location for which the licensee is requesting approval. 78021

(b) The identity of the holder of the license remains the 78022  
same at the storage location. 78023

(c) The storage location has received a valid certificate 78024  
of zoning compliance as applicable and a valid certificate of 78025  
occupancy for each building or structure at the storage location 78026  
issued by the authority having jurisdiction to issue the 78027  
certificate for the storage location, and those certificates 78028  
permit the distribution and storage of fireworks regulated under 78029  
this chapter at the storage location and in the buildings or 78030  
structures. The storage location shall be in compliance with all 78031  
other applicable federal, state, and local laws and regulations. 78032

(d) Every building or structure located upon the storage 78033  
location is separated from occupied residential and 78034  
nonresidential buildings or structures, railroads, highways, or 78035  
any other buildings or structures on the licensed premises in 78036  
accordance with the distances specified in the rules adopted by 78037  
the state fire marshal pursuant to section 3743.05 of the 78038  
Revised Code. 78039

(e) Neither the licensee nor any person holding, owning, 78040  
or controlling a five per cent or greater beneficial or equity 78041

interest in the licensee has been convicted of or pleaded guilty 78042  
to a felony under the laws of this state, any other state, or 78043  
the United States, after September 29, 2005. 78044

(f) The state fire marshal approves the application for 78045  
expansion. 78046

(2) The state fire marshal shall approve an application 78047  
for expansion requested under division (I)(1) of this section if 78048  
the state fire marshal receives the application fee and proof 78049  
that the requirements of divisions (I)(1)(b) to (e) of this 78050  
section are satisfied. The storage location shall be considered 78051  
part of the original licensed premises and shall use the same 78052  
distinct number assigned to the original licensed premises with 78053  
any additional designations as the state fire marshal deems 78054  
necessary in accordance with section 3743.03 of the Revised 78055  
Code. 78056

(J)(1) A licensee who obtains approval for the use of a 78057  
storage location in accordance with division (I) of this section 78058  
shall use the storage location exclusively for the following 78059  
activities, in accordance with division (C) of this section: 78060

(a) The packaging, assembling, or storing of fireworks, 78061  
which shall only occur in buildings or structures approved for 78062  
such hazardous uses by the building code official having 78063  
jurisdiction for the storage location or, for 1.4G fireworks, in 78064  
containers or trailers approved for such hazardous uses by the 78065  
state fire marshal if such containers or trailers are not 78066  
subject to regulation by the building code adopted in accordance 78067  
with Chapter 3781. of the Revised Code. All such storage shall 78068  
be in accordance with the rules adopted by the state fire 78069  
marshal under division (G) of section 3743.05 of the Revised 78070  
Code for the packaging, assembling, and storage of fireworks. 78071

(b) Distributing fireworks to other parcels of real estate 78072  
located on the manufacturer's licensed premises, to licensed 78073  
wholesalers or other licensed manufacturers in this state or to 78074  
similarly licensed persons located in another state or country; 78075

(c) Distributing fireworks to a licensed exhibitor of 78076  
fireworks pursuant to a properly issued permit in accordance 78077  
with section 3743.54 of the Revised Code. 78078

(2) A licensed manufacturer shall not engage in any sales 78079  
activity, including the retail sale of fireworks otherwise 78080  
permitted under division (C) (2) or (C) (3) of this section, or 78081  
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 78082  
the storage location approved under this section. 78083

(3) A storage location may not be relocated for a minimum 78084  
period of five years after the storage location is approved by 78085  
the state fire marshal in accordance with division (I) of this 78086  
section. 78087

(K) The licensee shall prohibit public access to the 78088  
storage location. The state fire marshal shall adopt rules to 78089  
describe the acceptable measures a manufacturer shall use to 78090  
prohibit access to the storage site. 78091

**Sec. 3743.06.** In addition to conforming to the rules of 78092  
the fire marshal adopted pursuant to section 3743.05 of the 78093  
Revised Code, licensed manufacturers of fireworks shall operate 78094  
their fireworks plants in accordance with the following: 78095

(A) Signs indicating that smoking is generally forbidden 78096  
and trespassing is prohibited on the premises of a fireworks 78097  
plant shall be posted on the premises in a manner determined by 78098  
the fire marshal. 78099

(B) Reasonable precautions shall be taken to protect the 78100



premises of a fireworks plant from trespass, loss, theft, or 78101  
destruction. Only persons employed by the manufacturer, 78102  
authorized governmental personnel, and persons who have obtained 78103  
permission from a member of the manufacturer's office to be on 78104  
the premises, are to be allowed to enter and remain on the 78105  
premises. 78106

(C) Smoking or the carrying of pipes, cigarettes, or 78107  
cigars, matches, lighters, other flame-producing items, or open 78108  
flame on, or the carrying of a concealed source of ignition 78109  
into, the premises of a fireworks plant is prohibited, except 78110  
that a manufacturer may permit smoking in specified lunchrooms 78111  
or restrooms in buildings or other structures in which no 78112  
manufacturing, handling, sales, or storage of fireworks takes 78113  
place. "NO SMOKING" signs shall be posted on the premises as 78114  
required by the fire marshal. 78115

(D) Fire and explosion prevention and other reasonable 78116  
safety measures and precautions shall be implemented by a 78117  
manufacturer. 78118

(E) Persons shall not be permitted to have in their 78119  
possession or under their control, while they are on the 78120  
premises of the fireworks plant, any intoxicating liquor, beer, 78121  
or controlled substance, and they shall not be permitted to 78122  
enter or remain on the premises if they are found to be under 78123  
the influence of any intoxicating liquor, beer, or controlled 78124  
substance. 78125

(F) A manufacturer shall conform to all building, safety, 78126  
and zoning statutes, ordinances, rules, or other enactments that 78127  
apply to the premises of its fireworks plant. 78128

(G) Each fireworks plant shall have at least one class 1 78129

magazine that is approved by the bureau of alcohol, tobacco, and 78130  
firearms of the United States department of the treasury and 78131  
that is otherwise in conformity with federal law. This division 78132  
does not apply to fireworks plants existing on or before August 78133  
3, 1931. 78134

(H) Awnings, tents, and canopies shall not be used as 78135  
facilities for the sale or storage of fireworks, except as 78136  
expressly permitted by section 3743.48 of the Revised Code. This 78137  
division does not prohibit the use of an awning or canopy 78138  
attached to a public access showroom for storing nonflammable 78139  
shopping convenience items such as shopping carts or baskets or 78140  
providing a shaded area for patrons waiting to enter the public 78141  
sales area. 78142

(I) Fireworks may be stored in trailers if the trailers 78143  
are properly enclosed, secured, and grounded and are separated 78144  
from any structure to which the public is admitted by a distance 78145  
that will, in the fire marshal's judgment, allow fire-fighting 78146  
equipment to have full access to the structures on the licensed 78147  
premises. Such trailers may be moved into closer proximity to 78148  
any structure only to accept or discharge cargo for a period not 78149  
to exceed forty-eight hours. Only two such trailers may be 78150  
placed in such closer proximity at any one time. At no time may 78151  
trailers be used for conducting sales of any class of fireworks, 78152  
nor may members of the public have access to the trailers. 78153

Storage areas for fireworks that are in the same building 78154  
where fireworks are displayed and sold to the public shall be 78155  
separated from the areas to which the public has access by an 78156  
appropriately rated fire wall. 78157

(J) A fire suppression system as defined in section 78158  
3781.108 of the Revised Code may be turned off only for repair, 78159

drainage of the system to prevent damage by freezing during the 78160  
period of time, approved by the fire marshal, that the facility 78161  
is closed to all public access during winter months, or 78162  
maintenance of the system. If any repair or maintenance is 78163  
necessary during times when the facility is open for public 78164  
access and business as approved by the fire marshal, the 78165  
licensed manufacturer shall notify in advance the appropriate 78166  
insurance company and fire chief or fire prevention officer 78167  
regarding the nature of the maintenance or repair and the time 78168  
when it will be performed. 78169

(K) If any fireworks item is removed from its original 78170  
package or is manufactured with any fuse other than a safety 78171  
fuse approved by the consumer product safety commission, then 78172  
the item shall be covered completely by repackaging or bagging 78173  
or it shall otherwise be covered so as to prevent ignition prior 78174  
to sale. 78175

(L) A safety officer shall be present during regular 78176  
business hours at a building open to the public during the 78177  
period commencing fourteen days before, and ending two days 78178  
after, each fourth day of July. The officer shall be highly 78179  
visible, enforce this chapter and any applicable building codes 78180  
to the extent the officer is authorized by law, and be one of 78181  
the following: 78182

(1) A deputy sheriff; 78183

(2) A law enforcement officer of a municipal corporation, 78184  
township, or township or joint police district; 78185

(3) A private uniformed security guard registered under 78186  
section 4749.06 of the Revised Code. 78187

(M) All doors of all buildings on the licensed premises 78188

shall swing outward. 78189

(N) All wholesale and commercial sales of fireworks shall 78190  
be packaged, shipped, placarded, and transported in accordance 78191  
with United States department of transportation regulations 78192  
applicable to the transportation, and the offering for 78193  
transportation, of hazardous materials. For purposes of this 78194  
division, "wholesale and commercial sales" includes all sales 78195  
for resale and any nonretail sale made in furtherance of a 78196  
commercial enterprise. For purposes of enforcement of these 78197  
regulations under section 4923.99 of the Revised Code, any sales 78198  
transaction exceeding one thousand pounds shall be rebuttably 78199  
presumed to be a wholesale or commercial sale. 78200

**Sec. 3743.17.** (A) The license of a wholesaler of fireworks 78201  
is effective for one year beginning on the first day of 78202  
December, and the state fire marshal shall issue or renew a 78203  
license only on that date and at no other time. If a wholesaler 78204  
of fireworks wishes to continue engaging in the wholesale sale 78205  
of fireworks at the particular location after its then effective 78206  
license expires, it shall apply not later than the first day of 78207  
October for a new license pursuant to section 3743.15 of the 78208  
Revised Code. The state fire marshal shall send a written notice 78209  
of the expiration of its license to a licensed wholesaler at 78210  
least three months before the expiration date. 78211

(B) If, during the effective period of its licensure, a 78212  
licensed wholesaler of fireworks wishes to perform any 78213  
construction, or make any structural change or renovation, on 78214  
the premises on which the fireworks are sold, or to relocate its 78215  
sales operations to a new licensed premises, the wholesaler 78216  
shall notify the state fire marshal in writing. The state fire 78217  
marshal may require a licensed wholesaler also to submit 78218

documentation, including, but not limited to, plans covering the 78219  
proposed construction or structural change or renovation, or 78220  
proposed new licensed premises, if the state fire marshal 78221  
determines the documentation is necessary for evaluation 78222  
purposes in light of the proposed construction, structural 78223  
change or renovation, or relocation. 78224

Upon receipt of the notification and additional 78225  
documentation required by the state fire marshal, the state fire 78226  
marshal shall inspect the premises on which the fireworks are 78227  
sold, or the proposed new licensed premises, to determine if the 78228  
proposed construction, structural change or renovation, or 78229  
relocation conforms to sections 3743.15 to 3743.21 of the 78230  
Revised Code, divisions (C)(1) and (2) of section 3743.25 of the 78231  
Revised Code, and the rules adopted by the state fire marshal 78232  
pursuant to section 3743.18 of the Revised Code. The state fire 78233  
marshal shall issue a written authorization to the wholesaler 78234  
for the construction, structural change or renovation, or new 78235  
licensed premises if the state fire marshal determines, upon the 78236  
inspection and a review of submitted documentation, that the 78237  
construction, structural change or renovation, or new licensed 78238  
premises conform to those sections and rules. 78239

(C) The license of a wholesaler of fireworks authorizes 78240  
the wholesaler to engage only in the following activities: 78241

(1) Possess for sale at wholesale and sell at wholesale 78242  
fireworks to persons who are licensed wholesalers of fireworks, 78243  
to persons in accordance with sections 3743.44 to 3743.46 of the 78244  
Revised Code, or to persons located in another state provided 78245  
the fireworks are shipped directly out of this state to them by 78246  
the wholesaler. The possession for sale shall be at the location 78247  
described in the application for licensure or in the 78248

notification submitted under division (B) of this section, and 78249  
the sale shall be from the inside of a licensed building and 78250  
from no structure or device outside a licensed building. At no 78251  
time shall a licensed wholesaler sell any class of fireworks 78252  
outside a licensed building. 78253

(2) Possess for sale at retail and sell at retail 78254  
fireworks, other than 1.4G fireworks as designated by the state 78255  
fire marshal in rules adopted pursuant to division (A) of 78256  
section 3743.05 of the Revised Code, to licensed exhibitors in 78257  
accordance with sections 3743.50 to 3743.55 of the Revised Code, 78258  
and possess for sale at retail and sell at retail fireworks, 78259  
including 1.4G fireworks, to persons in accordance with sections 78260  
3743.44 to ~~3743.46-3743.48~~ of the Revised Code, or to persons 78261  
located in another state provided the fireworks are shipped 78262  
directly out of this state to them by the wholesaler. The 78263  
possession for sale shall be at the location described in the 78264  
application for licensure or in the notification submitted under 78265  
division (B) of this section, and, except as otherwise provided 78266  
in section 3743.48 of the Revised Code, the sale shall be from 78267  
the inside of the licensed building and from no other structure 78268  
or device outside this licensed building. ~~At no time shall~~ Except 78269  
as otherwise provided in section 3743.48 of the Revised Code, a 78270  
licensed wholesaler shall not sell any class of fireworks 78271  
outside a licensed building. 78272

A licensed wholesaler of fireworks shall sell under 78273  
division (C) of this section only fireworks that meet the 78274  
standards set by the consumer product safety commission or by 78275  
the American fireworks standard laboratories or that have 78276  
received an EX number from the United States department of 78277  
transportation. 78278

(D) The license of a wholesaler of fireworks shall be 78279  
protected under glass and posted in a conspicuous place at the 78280  
location described in the application for licensure or in the 78281  
notification submitted under division (B) of this section. 78282  
Except as otherwise provided in this section, the license is not 78283  
transferable or assignable. 78284

(1) The ownership of a wholesaler of fireworks license may 78285  
be transferred to another person for the same location for which 78286  
the license was issued, or approved pursuant to division (B) of 78287  
this section, if the assets of the wholesaler are transferred to 78288  
that person by inheritance or by a sale approved by the state 78289  
fire marshal. 78290

(2) The license of a wholesaler of fireworks may be 78291  
geographically relocated in accordance with division (D) of 78292  
section 3743.75 of the Revised Code. 78293

(3) The license is subject to revocation in accordance 78294  
with section 3743.21 of the Revised Code. 78295

(E) The state fire marshal shall adopt rules for the 78296  
expansion or contraction of a licensed premises and for the 78297  
approval of an expansion or contraction. The boundaries of a 78298  
licensed premises, including any geographic expansion or 78299  
contraction of those boundaries, shall be approved by the state 78300  
fire marshal in accordance with rules the state fire marshal 78301  
adopts. If the licensed premises of a licensed wholesaler from 78302  
which the wholesaler operates consists of more than one parcel 78303  
of real estate, those parcels must be contiguous, unless an 78304  
exception is allowed pursuant to division (F) of this section. 78305

(F) (1) A licensed wholesaler may expand its licensed 78306  
premises within this state to include not more than two storage 78307

locations that are located upon one or more real estate parcels 78308  
that are noncontiguous to the licensed premises as that licensed 78309  
premises exists on the date a licensee submits an application as 78310  
described below, if all of the following apply: 78311

(a) The licensee submits an application to the state fire 78312  
marshal requesting the expansion and an application fee of one 78313  
hundred dollars per storage location for which the licensee is 78314  
requesting approval. 78315

(b) The identity of the holder of the license remains the 78316  
same at the storage location. 78317

(c) The storage location has received a valid certificate 78318  
of zoning compliance, as applicable, and a valid certificate of 78319  
occupancy for each building or structure at the storage location 78320  
issued by the authority having jurisdiction to issue the 78321  
certificate for the storage location, and those certificates 78322  
permit the distribution and storage of fireworks regulated under 78323  
this chapter at the storage location and in the buildings or 78324  
structures. The storage location shall be in compliance with all 78325  
other applicable federal, state, and local laws and regulations. 78326

(d) Every building or structure located upon the storage 78327  
location is separated from occupied residential and 78328  
nonresidential buildings or structures, railroads, highways, and 78329  
any other buildings or structures on the licensed premises in 78330  
accordance with the distances specified in the rules adopted by 78331  
the state fire marshal pursuant to section 3743.18 of the 78332  
Revised Code. 78333

(e) Neither the licensee nor any person holding, owning, 78334  
or controlling a five per cent or greater beneficial or equity 78335  
interest in the licensee has been convicted of or pleaded guilty 78336



to a felony under the laws of this state, any other state, or 78337  
the United States, after September 29, 2005. 78338

(f) The state fire marshal approves the application for 78339  
expansion. 78340

(2) The state fire marshal shall approve an application 78341  
for expansion requested under division (F) (1) of this section if 78342  
the state fire marshal receives the application fee and proof 78343  
that the requirements of divisions (F) (1) (b) to (e) of this 78344  
section are satisfied. The storage location shall be considered 78345  
part of the original licensed premises and shall use the same 78346  
distinct number assigned to the original licensed premises with 78347  
any additional designations as the state fire marshal deems 78348  
necessary in accordance with section 3743.16 of the Revised 78349  
Code. 78350

(G) (1) A licensee who obtains approval for use of a 78351  
storage location in accordance with division (F) of this section 78352  
shall use the site exclusively for the following activities, in 78353  
accordance with division (C) (1) of this section: 78354

(a) Packaging, assembling, or storing fireworks, which 78355  
shall occur only in buildings or structures approved for such 78356  
hazardous uses by the building code official having jurisdiction 78357  
for the storage location or, for 1.4G fireworks, in containers 78358  
or trailers approved for such hazardous uses by the state fire 78359  
marshal if such containers or trailers are not subject to 78360  
regulation by the building code adopted in accordance with 78361  
Chapter 3781. of the Revised Code. All such storage shall be in 78362  
accordance with the rules adopted by the state fire marshal 78363  
under division (B) (4) of section 3743.18 of the Revised Code for 78364  
the packaging, assembling, and storage of fireworks. 78365

(b) Distributing fireworks to other parcels of real estate 78366  
located on the wholesaler's licensed premises, to licensed 78367  
manufacturers or other licensed wholesalers in this state or to 78368  
similarly licensed persons located in another state or country; 78369

(c) Distributing fireworks to a licensed exhibitor of 78370  
fireworks pursuant to a properly issued permit in accordance 78371  
with section 3743.54 of the Revised Code. 78372

(2) A licensed wholesaler shall not engage in any sales 78373  
activity, including the retail sale of fireworks otherwise 78374  
permitted under division (C) (2) of this section or pursuant to 78375  
section 3743.44 or 3743.45 of the Revised Code, at a storage 78376  
location approved under this section. 78377

(3) A storage location may not be relocated for a minimum 78378  
period of five years after the storage location is approved by 78379  
the state fire marshal in accordance with division (F) of this 78380  
section. 78381

(H) A licensee shall prohibit public access to all storage 78382  
locations it uses. The state fire marshal shall adopt rules 78383  
establishing acceptable measures a wholesaler shall use to 78384  
prohibit access to storage sites. 78385

(I) The state fire marshal shall not place the license of 78386  
a wholesaler of fireworks in temporarily inactive status while 78387  
the holder of the license is attempting to qualify to retain the 78388  
license. 78389

(J) Each licensed wholesaler of fireworks or a designee of 78390  
the wholesaler, whose identity is provided to the state fire 78391  
marshal by the wholesaler, annually shall attend a continuing 78392  
education program. The state fire marshal shall develop the 78393  
program and the state fire marshal or a person or public agency 78394

approved by the state fire marshal shall conduct it. A licensed 78395  
wholesaler or the wholesaler's designee who attends a program as 78396  
required under this division, within one year after attending 78397  
the program, shall conduct in-service training as approved by 78398  
the state fire marshal for other employees of the licensed 78399  
wholesaler regarding the information obtained in the program. A 78400  
licensed wholesaler shall provide the state fire marshal with 78401  
notice of the date, time, and place of all in-service training. 78402  
For any program conducted under this division, the state fire 78403  
marshal shall, in accordance with rules adopted by the state 78404  
fire marshal under Chapter 119. of the Revised Code, establish 78405  
the subjects to be taught, the length of classes, the standards 78406  
for approval, and time periods for notification by the licensee 78407  
to the state fire marshal of any in-service training. 78408

(K) A licensed wholesaler shall maintain comprehensive 78409  
general liability insurance coverage in the amount and type 78410  
specified under division (B) (2) of section 3743.15 of the 78411  
Revised Code at all times. Each policy of insurance required 78412  
under this division shall contain a provision requiring the 78413  
insurer to give not less than fifteen days' prior written notice 78414  
to the state fire marshal before termination, lapse, or 78415  
cancellation of the policy, or any change in the policy that 78416  
reduces the coverage below the minimum required under this 78417  
division. Prior to canceling or reducing the amount of coverage 78418  
of any comprehensive general liability insurance coverage 78419  
required under this division, a licensed wholesaler shall secure 78420  
supplemental insurance in an amount and type that satisfies the 78421  
requirements of this division so that no lapse in coverage 78422  
occurs at any time. A licensed wholesaler who secures 78423  
supplemental insurance shall file evidence of the supplemental 78424  
insurance with the state fire marshal prior to canceling or 78425

reducing the amount of coverage of any comprehensive general 78426  
liability insurance coverage required under this division. 78427

**Sec. 3743.19.** In addition to conforming to the rules of 78428  
the fire marshal adopted pursuant to section 3743.18 of the 78429  
Revised Code, licensed wholesalers of fireworks shall conduct 78430  
their business operations in accordance with the following: 78431

(A) ~~A~~ Except as otherwise provided in section 3743.48 of 78432  
the Revised Code, a wholesaler shall conduct its business 78433  
operations from the location described in its application for 78434  
licensure or in a notification submitted under division (B) of 78435  
section 3743.17 of the Revised Code. 78436

(B) Signs indicating that smoking is generally forbidden 78437  
and trespassing is prohibited on the premises of a wholesaler 78438  
shall be posted on the premises as determined by the fire 78439  
marshal. 78440

(C) Reasonable precautions shall be taken to protect the 78441  
premises of a wholesaler from trespass, loss, theft, or 78442  
destruction. 78443

(D) Smoking or the carrying of pipes, cigarettes, or 78444  
cigars, matches, lighters, other flame-producing items, or open 78445  
flame on, or the carrying of a concealed source of ignition 78446  
into, the premises of a wholesaler is prohibited, except that a 78447  
wholesaler may permit smoking in specified lunchrooms or 78448  
restrooms in buildings or other structures in which no sales, 78449  
handling, or storage of fireworks takes place. "NO SMOKING" 78450  
signs shall be posted on the premises as required by the fire 78451  
marshal. 78452

(E) Fire and explosion prevention and other reasonable 78453  
safety measures and precautions shall be implemented by a 78454

wholesaler. 78455

(F) Persons shall not be permitted to have in their 78456  
possession or under their control, while they are on the 78457  
premises of a wholesaler, any intoxicating liquor, beer, or 78458  
controlled substance, and they shall not be permitted to enter 78459  
or remain on the premises if they are found to be under the 78460  
influence of any intoxicating liquor, beer, or controlled 78461  
substance. 78462

(G) A wholesaler shall conform to all building, safety, 78463  
and zoning statutes, ordinances, rules, or other enactments that 78464  
apply to its premises. 78465

(H) Each building used in the sale of fireworks shall be 78466  
kept open to the public for at least four hours each day between 78467  
the hours of eight a.m. and five p.m., five days of each week, 78468  
every week of the year. Upon application from a licensed 78469  
wholesaler, the fire marshal may waive any of the requirements 78470  
of this division. 78471

(I) Awnings, tents, or canopies shall not be used as 78472  
facilities for the storage or sale of fireworks, except as 78473  
expressly permitted by section 3743.48 of the Revised Code. This 78474  
division does not prohibit the use of an awning or canopy 78475  
attached to a public access showroom for storing nonflammable 78476  
shopping convenience items such as shopping carts or baskets or 78477  
providing a shaded area for patrons waiting to enter the public 78478  
sales area. 78479

(J) 1.4G fireworks may be stored in trailers if the 78480  
trailers are properly enclosed, secured, and grounded and are 78481  
separated from any structure to which the public is admitted by 78482  
a distance that will, in the fire marshal's judgment, allow 78483

fire-fighting equipment to have full access to the structures on 78484  
the licensed premises. Such trailers may be moved into closer 78485  
proximity to any structure only to accept or discharge cargo for 78486  
a period not to exceed forty-eight hours. Only two such trailers 78487  
may be placed in such closer proximity at any one time. At no 78488  
time may trailers be used for conducting sales of any class of 78489  
fireworks nor may members of the public have access to the 78490  
trailers. 78491

Storage areas for fireworks that are in the same building 78492  
where fireworks are displayed and sold to the public shall be 78493  
separated from the areas to which the public has access by an 78494  
appropriately rated fire wall. If the licensee installs and 78495  
properly maintains an early suppression fast response sprinkler 78496  
system or equivalent fire suppression system as described in the 78497  
fire code adopted by the fire marshal in accordance with section 78498  
3737.82 of the Revised Code throughout the structure, a fire 78499  
barrier wall may be substituted for a fire wall between the 78500  
areas to which the public has access and the storage portions of 78501  
the structure. 78502

(K) A fire suppression system as defined in section 78503  
3781.108 of the Revised Code may be turned off only for repair, 78504  
drainage of the system to prevent damage by freezing during the 78505  
period of time, approved by the fire marshal under division (I) 78506  
of this section, that the facility is closed to public access 78507  
during winter months, or maintenance of the system. If any 78508  
repair or maintenance is necessary during times when the 78509  
facility is open for public access and business, the licensed 78510  
wholesaler shall notify in advance the appropriate insurance 78511  
company and fire chief or fire prevention officer regarding the 78512  
nature of the maintenance or repair and the time when it will be 78513  
performed. 78514

(L) If any fireworks item is removed from its original 78515  
package or is manufactured with any fuse other than a fuse 78516  
approved by the consumer product safety commission, then the 78517  
item shall be covered completely by repackaging or bagging or it 78518  
shall otherwise be covered so as to prevent ignition prior to 78519  
sale. 78520

(M) A safety officer shall be present during regular 78521  
business hours at a building open to the public during the 78522  
period commencing fourteen days before, and ending two days 78523  
after, each fourth day of July. The officer shall be highly 78524  
visible, enforce this chapter and any applicable building codes 78525  
to the extent the officer is authorized by law, and be one of 78526  
the following: 78527

(1) A deputy sheriff; 78528

(2) A law enforcement officer of a municipal corporation, 78529  
township, or township or joint police district; 78530

(3) A private uniformed security guard registered under 78531  
section 4749.06 of the Revised Code. 78532

(N) All doors of all buildings on the licensed premises 78533  
shall swing outward. 78534

(O) All wholesale and commercial sales of fireworks shall 78535  
be packaged, shipped, placarded, and transported in accordance 78536  
with United States department of transportation regulations 78537  
applicable to the transportation, and the offering for 78538  
transportation, of hazardous materials. For purposes of this 78539  
division, "wholesale and commercial sales" includes all sales 78540  
for resale and any nonretail sale made in furtherance of a 78541  
commercial enterprise. For purposes of enforcement of these 78542  
regulations under section 4923.99 of the Revised Code, any sales 78543

transaction exceeding one thousand pounds shall be rebuttably 78544  
presumed to be a wholesale or commercial sale. 78545

**Sec. 3743.25.** (A) (1) Except as described in division (A) 78546  
(2) of this section and in section 3743.48 of the Revised Code, 78547  
all retail sales of 1.4G fireworks by a licensed manufacturer or 78548  
wholesaler shall only occur from an approved retail sales 78549  
showroom on a licensed premises or from a representative sample 78550  
showroom as described in this section on a licensed premises. 78551  
For the purposes of this section, a retail sale includes the 78552  
transfer of the possession of the 1.4G fireworks from the 78553  
licensed manufacturer or wholesaler to the purchaser of the 78554  
fireworks. 78555

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 78556  
properly permitted exhibition shall occur in accordance with the 78557  
provisions of the Revised Code and rules adopted by the state 78558  
fire marshal under Chapter 119. of the Revised Code. Such rules 78559  
shall specify, at a minimum, that the licensed exhibitor holds a 78560  
license under section 3743.51 of the Revised Code, that the 78561  
exhibitor possesses a valid exhibition permit issued in 78562  
accordance with section 3743.54 of the Revised Code, and that 78563  
the fireworks shipped are to be used at the specifically 78564  
permitted exhibition. 78565

(B) All wholesale sales of fireworks by a licensed 78566  
manufacturer or wholesaler shall only occur from a licensed 78567  
premises to persons who intend to resell the fireworks purchased 78568  
at wholesale. A wholesale sale by a licensed manufacturer or 78569  
wholesaler may occur as follows: 78570

(1) The direct sale and shipment of fireworks to a person 78571  
outside of this state; 78572



(2) From an approved retail sales showroom as described in 78573  
this section; 78574

(3) From a representative sample showroom as described in 78575  
this section; 78576

(4) By delivery of wholesale fireworks to a purchaser at a 78577  
licensed premises outside of a structure or building on that 78578  
premises. All other portions of the wholesale sales transaction 78579  
may occur at any location on a licensed premises. 78580

(5) Any other method as described in rules adopted by the 78581  
state fire marshal under Chapter 119. of the Revised Code. 78582

(C) A-Except as otherwise provided in section 3743.48 of 78583  
the Revised Code, a licensed manufacturer or wholesaler shall 78584  
only sell 1.4G fireworks from a representative sample showroom 78585  
or a retail sales showroom. Each licensed premises shall only 78586  
contain one sales structure. 78587

A representative sample showroom shall consist of a 78588  
structure constructed and maintained in accordance with the 78589  
nonresidential building code adopted under Chapter 3781. of the 78590  
Revised Code and the fire code adopted under section 3737.82 of 78591  
the Revised Code for a use and occupancy group that permits 78592  
mercantile sales. A representative sample showroom shall not 78593  
contain any pyrotechnics, pyrotechnic materials, fireworks, 78594  
explosives, explosive materials, or any similar hazardous 78595  
materials or substances. A representative sample showroom shall 78596  
be used only for the public viewing of fireworks product 78597  
representations, including paper materials, packaging materials, 78598  
catalogs, photographs, or other similar product depictions. The 78599  
delivery of product to a purchaser of fireworks at a licensed 78600  
premises that has a representative sample structure shall not 78601

occur inside any structure on a licensed premises. Such product 78602  
delivery shall occur on the licensed premises in a manner 78603  
prescribed by rules adopted by the state fire marshal pursuant 78604  
to Chapter 119. of the Revised Code. 78605

If a manufacturer or wholesaler elects to conduct sales 78606  
from a retail sales showroom, the showroom structures, to which 78607  
the public may have any access and in which employees are 78608  
required to work, on all licensed premises, shall comply with 78609  
the following safety requirements: 78610

(1) A fireworks showroom that is constructed or upon which 78611  
expansion is undertaken on and after June 30, 1997, shall be 78612  
equipped with interlinked fire detection, fire suppression, 78613  
smoke exhaust, and smoke evacuation systems that are approved by 78614  
the superintendent of industrial compliance in the department of 78615  
commerce. 78616

(2) (a) A fireworks showroom that first begins to operate 78617  
on or after June 30, 1997, or that resumes operations at any 78618  
time after a period of inactive status of licensure greater than 78619  
one year, and to which the public has access for retail purposes 78620  
shall not exceed seven thousand five hundred square feet in 78621  
floor area. 78622

(b) A fireworks showroom that, through construction of a 78623  
new showroom, expansion of an existing showroom, or similar 78624  
means, first exceeds five thousand square feet, to which the 78625  
public has access for retail purposes, after ~~the effective date~~ 78626  
~~of this amendment~~ February 7, 2022, shall be equipped with a 78627  
sprinkler system that meets the criteria for sprinkler systems 78628  
in extra hazard (group 2) occupancies under "NFPA 13, Standard 78629  
for the Installation of Sprinkler Systems (2019 Edition)." 78630

(c) Notwithstanding division (D) of this section, the state fire marshal may provide a variance to the requirements of division (C)(2)(b) of this section pursuant to section 3743.59 of the Revised Code for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)."

(3) A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the state fire marshal and superintendent showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the state fire marshal and superintendent.

(4) A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and superintendent, and that are submitted under seal as required by section 3791.04 of the Revised Code.

(D) The safety requirements established in division (C) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.

Sec. 3743.48. (A) For the purposes of this section, 78661  
"online sale" means a retail sale through an internet web site 78662  
or other digital platform. 78663

(B) A licensed manufacturer or licensed wholesaler may 78664  
conduct online sales of 1.4G fireworks in accordance with this 78665  
section. A licensed manufacturer or licensed wholesaler shall 78666  
ensure that all selection, ordering, payment, and delivery is 78667  
carried out in accordance with the procedures and requirements 78668  
of this chapter and all rules adopted thereunder, except to the 78669  
extent that those procedures, requirements, and rules directly 78670  
conflict with this section. 78671

(C) Each online sale of 1.4G fireworks shall be 78672  
specifically associated with a single licensed manufacturer or 78673  
licensed wholesaler, identified by license identification number 78674  
and the address of the licensed premises. A licensed 78675  
manufacturer or licensed wholesaler shall transfer possession of 78676  
1.4G fireworks purchased in an online sale only in the retail 78677  
showroom of the licensed premises or via curbside delivery made 78678  
in accordance with all of the following: 78679

(1) The delivery is made to the verified purchaser of the 78680  
1.4G fireworks. 78681

(2) The delivery occurs on the licensed premises 78682  
associated with sale. 78683

(3) The delivery occurs in a designated customer pick-up 78684  
zone which may be accessible by motor vehicles. 78685

(4) The purchaser is provided a safety pamphlet, in 78686  
accordance with section 3743.47 of the Revised Code, at the 78687  
point of delivery. 78688

(5) The purchaser is offered safety glasses for a nominal 78689

fee at the point of delivery in accordance section 3743.47 of 78690  
the Revised Code. 78691

(D) A licensed manufacturer or licensed wholesaler may 78692  
construct a tent or other temporary structure on a licensed 78693  
premises to provide shelter for employees and purchasers at the 78694  
point of curbside delivery, provided that such structures are 78695  
approved by the state fire marshal and are in compliance with 78696  
all state and local laws, including the state building code, the 78697  
state fire code, and any applicable zoning requirements. 78698

(E) A licensed manufacturer or licensed wholesaler shall 78699  
not transfer possession of 1.4G fireworks purchased in an online 78700  
sale to any person other than the verified purchaser. Before 78701  
transferring possession, the licensed manufacturer or licensed 78702  
wholesaler shall verify all of the following: 78703

(1) The number and types of items included in the order; 78704

(2) That the purchaser is at least eighteen years of age; 78705

(3) That the purchaser's name is the same name associated 78706  
with the credit or debit card with which the order was placed; 78707

(4) That the purchaser attests to understanding and agrees 78708  
to comply with all applicable federal, state, and local laws 78709  
regarding consumer fireworks storage and use; 78710

(5) That the purchaser signs all forms required by law; 78711

(6) That the purchaser pays the fee imposed by section 78712  
3743.22 of the Revised Code. 78713

(F) A licensed manufacturer or licensed wholesaler that 78714  
conducts online sales of 1.4G fireworks shall do all of the 78715  
following: 78716

(1) Comply with all applicable state and local laws, 78717  
including the state building code, state fire code, and zoning 78718  
requirements; 78719

(2) Implement reasonable traffic control measures for 78720  
curbside deliveries; 78721

(3) Maintain all regular fireworks sales records, 78722  
including any records necessary to demonstrate compliance with 78723  
this section, and make those records available upon request of 78724  
the state fire marshal or any law enforcement officer, fire code 78725  
official, or building code official with jurisdiction. 78726

(G) A licensed manufacturer or licensed wholesaler shall 78727  
not do any of the following: 78728

(1) Deliver fireworks via mail order, parcel service, or 78729  
any other delivery process that occurs outside of the licensed 78730  
premises; 78731

(2) Sell or offer for sale fireworks or other items 78732  
outside of the licensed retail showroom except as expressly 78733  
authorized by this section; 78734

(3) Display fireworks for sale outside of a retail 78735  
showroom; 78736

(4) Permit any member of the public to access any areas on 78737  
the licensed premises other than the retail showroom and the 78738  
designated area for curbside delivery. 78739

(H) Nothing in this section shall be construed to do any 78740  
of the following: 78741

(1) Reduce, waive, or otherwise eliminate any licensure or 78742  
safety requirements in this chapter or the rules adopted 78743  
thereunder; 78744

<u>(2) Exempt any retail sales of 1.4G fireworks from the fee</u>	78745
<u>imposed by section 3743.22 of the Revised Code;</u>	78746
<u>(3) Reduce, waive, or otherwise eliminate any of a</u>	78747
<u>licensed manufacturer's or licensed wholesaler's liability,</u>	78748
<u>insurance, workers compensation, or other legal obligations.</u>	78749
<u>(I) (1) A licensed wholesaler or licensed manufacturer is</u>	78750
<u>not required to conduct online sales of fireworks.</u>	78751
<u>(2) A licensed wholesaler or licensed manufacturer may</u>	78752
<u>implement a hybrid firework purchase and delivery system</u>	78753
<u>composed of one or more of the following:</u>	78754
<u>(a) Standard retail showroom sales;</u>	78755
<u>(b) Online selection of, or payment for, 1.4G fireworks</u>	78756
<u>products and in-store showroom delivery of those products;</u>	78757
<u>(c) Online selection of, or payment for, 1.4G fireworks</u>	78758
<u>products and curb-side delivery of those products;</u>	78759
<u>(d) Retail showroom-based product selection and payment,</u>	78760
<u>and curb-side delivery of those products;</u>	78761
<u>(e) Other similar purchase and delivery systems approved</u>	78762
<u>in writing by the state fire marshal in accordance with division</u>	78763
<u>(J) of this section.</u>	78764
<u>(J) A licensed wholesaler or licensed manufacturer may</u>	78765
<u>submit to the state fire marshal proposals for alternative 1.4G</u>	78766
<u>firework purchase and delivery systems that satisfy the</u>	78767
<u>requirements of this section. The state fire marshal shall</u>	78768
<u>review each such proposal and, if the alternative firework</u>	78769
<u>purchase and delivery system satisfies the requirements of this</u>	78770
<u>section, may approve that firework purchase and delivery system</u>	78771
<u>for use by the licensed wholesaler or licensed manufacturer.</u>	78772

(K) This section does not apply to 1.3G fireworks or 78773  
wholesale sales. 78774

(L) The state fire marshal shall adopt rules and standards 78775  
in accordance with Chapter 119. of the Revised Code as necessary 78776  
to implement and enforce this section. 78777

**Sec. 3743.60.** (A) No person shall manufacture fireworks in 78778  
this state unless it is a licensed manufacturer of fireworks, 78779  
and no person shall operate a fireworks plant in this state 78780  
unless it has been issued a license as a manufacturer of 78781  
fireworks for the particular fireworks plant. 78782

(B) No person shall operate a fireworks plant in this 78783  
state after its license as a manufacturer of fireworks for the 78784  
particular fireworks plant has expired, is suspended, has been 78785  
denied renewal, or has been revoked, unless a new license has 78786  
been obtained or the suspension lifted. 78787

(C) No licensed manufacturer of fireworks, during the 78788  
effective period of its licensure, shall construct, locate, or 78789  
relocate any buildings or other structures on the premises of 78790  
its fireworks plant, make any structural change or renovation in 78791  
any building or other structure on the premises of its fireworks 78792  
plant, or change the nature of its manufacturing of fireworks so 78793  
as to include the processing of fireworks without first 78794  
obtaining a written authorization from the state fire marshal 78795  
pursuant to division (B) of section 3743.04 of the Revised Code. 78796

(D) No licensed manufacturer of fireworks shall 78797  
manufacture fireworks, possess fireworks for sale at wholesale 78798  
or retail, or sell fireworks at wholesale or retail, in a manner 78799  
not authorized by division (C) of section 3743.04 of the Revised 78800  
Code. 78801



(E) No licensed manufacturer of fireworks shall knowingly  
fail to comply with the rules adopted by the state fire marshal  
pursuant to ~~section~~sections 3743.05 and 3743.48 of the Revised  
Code or the requirements of ~~section~~sections 3743.06 and 3743.48  
of the Revised Code.

(F) No licensed manufacturer of fireworks shall fail to  
maintain complete inventory, wholesale sale, and retail records  
as required by section 3743.07 of the Revised Code, or to permit  
inspection of these records or the premises of a fireworks plant  
pursuant to section 3743.08 of the Revised Code.

(G) No licensed manufacturer of fireworks shall fail to  
comply with an order of the state fire marshal issued pursuant  
to division (B)(1) of section 3743.08 of the Revised Code,  
within the specified period of time.

(H) No licensed manufacturer of fireworks shall fail to  
comply with an order of the state fire marshal issued pursuant  
to division (B)(2) of section 3743.08 of the Revised Code until  
the nonconformities are eliminated, corrected, or otherwise  
remedied or the seventy-two hour period specified in that  
division has expired, whichever first occurs.

(I) No person shall smoke or shall carry a pipe,  
cigarette, or cigar, or a match, lighter, other flame-producing  
item, or open flame on, or shall carry a concealed source of  
ignition into, the premises of a fireworks plant, except as  
smoking is authorized in specified lunchrooms or restrooms by a  
manufacturer pursuant to division (C) of section 3743.06 of the  
Revised Code.

(J) No person shall have possession or control of, or be  
under the influence of, any intoxicating liquor, beer, or

controlled substance, while on the premises of a fireworks 78831  
plant. 78832

(K) No licensed manufacturer of fireworks shall 78833  
negligently fail to furnish a safety pamphlet to a purchaser of 78834  
1.4G fireworks as required by division (A) of section 3743.47 of 78835  
the Revised Code. 78836

(L) No licensed manufacturer of fireworks shall 78837  
negligently fail to have safety glasses available for sale as 78838  
required by division (B) of section 3743.47 of the Revised Code. 78839

**Sec. 3743.61.** (A) No person, except a licensed 78840  
manufacturer of fireworks engaging in the wholesale sale of 78841  
fireworks as authorized by division (C) (2) of section 3743.04 of 78842  
the Revised Code, shall operate as a wholesaler of fireworks in 78843  
this state unless it is a licensed wholesaler of fireworks, or 78844  
shall operate as a wholesaler of fireworks at any location in 78845  
this state unless it has been issued a license as a wholesaler 78846  
of fireworks for the particular location. 78847

(B) No person shall operate as a wholesaler of fireworks 78848  
at a particular location in this state after its license as a 78849  
wholesaler of fireworks for the particular location has expired, 78850  
is suspended, has been denied renewal, or has been revoked, 78851  
unless a new license has been obtained or the suspension lifted. 78852

(C) No licensed wholesaler of fireworks, during the 78853  
effective period of its licensure, shall perform any 78854  
construction, or make any structural change or renovation, on 78855  
the premises on which the fireworks are sold without first 78856  
obtaining a written authorization from the state fire marshal 78857  
pursuant to division (B) of section 3743.17 of the Revised Code. 78858

(D) No licensed wholesaler of fireworks shall possess 78859

fireworks for sale at wholesale or retail, or sell fireworks at 78860  
wholesale or retail, in a manner not authorized by division (C) 78861  
of section 3743.17 of the Revised Code. 78862

(E) No licensed wholesaler of fireworks shall knowingly 78863  
fail to comply with the rules adopted by the state fire marshal 78864  
pursuant to ~~section~~sections 3743.18 and 3743.48 or the 78865  
requirements of ~~section~~sections 3743.19 and 3743.48 of the 78866  
Revised Code. 78867

(F) No licensed wholesaler of fireworks shall fail to 78868  
maintain complete inventory, wholesale sale, and retail records 78869  
as required by section 3743.20 of the Revised Code, or to permit 78870  
inspection of these records or the premises of the wholesaler 78871  
pursuant to section 3743.21 of the Revised Code. 78872

(G) No licensed wholesaler of fireworks shall fail to 78873  
comply with an order of the state fire marshal issued pursuant 78874  
to division (B) (1) of section 3743.21 of the Revised Code, 78875  
within the specified period of time. 78876

(H) No licensed wholesaler of fireworks shall fail to 78877  
comply with an order of the state fire marshal issued pursuant 78878  
to division (B) (2) of section 3743.21 of the Revised Code until 78879  
the nonconformities are eliminated, corrected, or otherwise 78880  
remedied or the seventy-two hour period specified in that 78881  
division has expired, whichever first occurs. 78882

(I) No person shall smoke or shall carry a pipe, 78883  
cigarette, or cigar, or a match, lighter, other flame-producing 78884  
item, or open flame on, or shall carry a concealed source of 78885  
ignition into, the premises of a wholesaler of fireworks, except 78886  
as smoking is authorized in specified lunchrooms or restrooms by 78887  
a wholesaler pursuant to division (D) of section 3743.19 of the 78888

Revised Code. 78889

(J) No person shall have possession or control of, or be 78890  
under the influence of, any intoxicating liquor, beer, or 78891  
controlled substance, while on the premises of a wholesaler of 78892  
fireworks. 78893

(K) No licensed wholesaler of fireworks shall negligently 78894  
fail to furnish a safety pamphlet to a purchaser of 1.4G 78895  
fireworks as required by division (A) of section 3743.47 of the 78896  
Revised Code. 78897

(L) No licensed wholesaler of fireworks shall negligently 78898  
fail to have safety glasses available for sale as required by 78899  
division (B) of section 3743.47 of the Revised Code. 78900

**Sec. 3743.63.** (A) No person who purchases fireworks in 78901  
this state shall obtain possession of the fireworks in this 78902  
state unless the person complies with sections 3743.44 to 78903  
~~3743.46~~3743.48 of the Revised Code. 78904

(B) Except for the purchase of 1.4G fireworks made under 78905  
section 3743.45 of the Revised Code, no person who resides in 78906  
another state and who purchases fireworks in this state shall 78907  
obtain possession of fireworks in this state other than from a 78908  
licensed manufacturer or wholesaler, or fail, when transporting 78909  
1.3G fireworks, to transport them directly out of this state 78910  
within seventy-two hours after the time of their purchase. 78911

(C) No person who purchases fireworks in this state under 78912  
section 3743.45 of the Revised Code shall give or sell to any 78913  
other person in this state fireworks that the person has 78914  
acquired in this state. 78915

**Sec. 3743.65.** (A) No person shall possess fireworks in 78916  
this state or shall possess for sale or sell fireworks in this 78917

state, except a licensed manufacturer of fireworks as authorized 78918  
by sections 3743.02 to 3743.08 and 3743.48 of the Revised Code, 78919  
a licensed wholesaler of fireworks as authorized by sections 78920  
3743.15 to 3743.21 and 3743.48 of the Revised Code, a shipping 78921  
permit holder as authorized by section 3743.40 of the Revised 78922  
Code, a licensed fountain device retailer as authorized by 78923  
section 3743.27 of the Revised Code, a person as authorized by 78924  
sections 3743.44~~and~~, 3743.45, and 3743.48 of the Revised Code, 78925  
or a licensed exhibitor of fireworks as authorized by sections 78926  
3743.50 to 3743.55 of the Revised Code, and except as provided 78927  
in section 3743.80 of the Revised Code. 78928

(B) Except as provided in sections 3743.45 and 3743.80 of 78929  
the Revised Code and except for licensed exhibitors of fireworks 78930  
authorized to conduct a fireworks exhibition pursuant to 78931  
sections 3743.50 to 3743.55 of the Revised Code, no person shall 78932  
discharge, ignite, or explode any fireworks in this state. 78933

(C) No person shall use in a theater or public hall, what 78934  
is technically known as fireworks showers, or a mixture 78935  
containing potassium chlorate and sulphur. 78936

(D) No person shall sell fireworks of any kind to a person 78937  
under eighteen years of age. No person under eighteen years of 78938  
age shall enter a fireworks sales showroom unless that person is 78939  
accompanied by a parent, legal guardian, or other responsible 78940  
adult. No person under eighteen years of age shall touch or 78941  
possess fireworks on a licensed premises without the consent of 78942  
the licensee. A licensee may eject any person from a licensed 78943  
premises that is in any way disruptive to the safe operation of 78944  
the premises. 78945

(E) Except as otherwise provided in section 3743.44 of the 78946  
Revised Code, no person, other than a licensed manufacturer, 78947

licensed wholesaler, licensed exhibitor, or shipping permit 78948  
holder, shall possess 1.3G fireworks in this state. 78949

(F) Except as otherwise provided in division (J) of 78950  
section 3743.06 and division (K) of section 3743.19 of the 78951  
Revised Code, no person shall knowingly disable a fire 78952  
suppression system as defined in section 3781.108 of the Revised 78953  
Code on the premises of a fireworks plant of a licensed 78954  
manufacturer of fireworks or on the premises of the business 78955  
operations of a licensed wholesaler of fireworks. 78956

(G) No person shall negligently discharge, ignite, or 78957  
explode fireworks while in possession or control of, or under 78958  
the influence of, any intoxicating liquor, beer, or controlled 78959  
substance. 78960

(H) No person shall negligently discharge, ignite, or 78961  
explode fireworks on the property of another person without that 78962  
person's permission to use fireworks on that property. 78963

**Sec. 3745.11.** (A) Applicants for and holders of permits, 78964  
licenses, variances, plan approvals, and certifications issued 78965  
by the director of environmental protection pursuant to Chapters 78966  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a 78967  
fee to the environmental protection agency for each such 78968  
issuance and each application for an issuance as provided by 78969  
this section. No fee shall be charged for any issuance for which 78970  
no application has been submitted to the director. 78971

(B) Except as otherwise provided in division (C) (2) of 78972  
this section, beginning July 1, 1994, each person who owns or 78973  
operates an air contaminant source and who is required to apply 78974  
for and obtain a Title V permit under section 3704.036 of the 78975  
Revised Code shall pay an annual fee of five thousand dollars in 78976

addition to the fees set forth in this division. For the 78977  
purposes of this division, total emissions of air contaminants 78978  
may be calculated using engineering calculations, emissions 78979  
factors, material balance calculations, or performance testing 78980  
procedures, as authorized by the director. 78981

The following fees shall be assessed on the total actual 78982  
emissions from a source in tons per year of the regulated 78983  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 78984  
organic compounds, and lead: 78985

(1) Fifteen dollars per ton on the total actual emissions 78986  
of each such regulated pollutant during the period July through 78987  
December 1993, to be collected no sooner than July 1, 1994; 78988

(2) Twenty dollars per ton on the total actual emissions 78989  
of each such regulated pollutant during calendar year 1994, to 78990  
be collected no sooner than April 15, 1995; 78991

(3) Twenty-five dollars per ton on the total actual 78992  
emissions of each such regulated pollutant in calendar year 78993  
1995, and each subsequent calendar year, to be collected no 78994  
sooner than the fifteenth day of April of the year next 78995  
succeeding the calendar year in which the emissions occurred. 78996

The fees levied under this division do not apply to that 78997  
portion of the emissions of a regulated pollutant at a facility 78998  
that exceed four thousand tons during a calendar year. 78999

(C) (1) The fees assessed under division (B) of this 79000  
section are for the purpose of providing funding for the Title V 79001  
permit program. 79002

(2) The fees assessed under division (B) of this section 79003  
do not apply to emissions from any electric generating unit 79004  
designated as a Phase I unit under Title IV of the federal Clean 79005

Air Act prior to calendar year 2000. Those fees shall be 79006  
assessed on the emissions from such a generating unit commencing 79007  
in calendar year 2001 based upon the total actual emissions from 79008  
the generating unit during calendar year 2000 and shall continue 79009  
to be assessed each subsequent calendar year based on the total 79010  
actual emissions from the generating unit during the preceding 79011  
calendar year. 79012

(3) The director shall issue invoices to owners or 79013  
operators of air contaminant sources who are required to pay a 79014  
fee assessed under division (B) or (D) of this section. Any such 79015  
invoice shall be issued no sooner than the applicable date when 79016  
the fee first may be collected in a year under the applicable 79017  
division, shall identify the nature and amount of the fee 79018  
assessed, and shall indicate that the fee is required to be paid 79019  
within thirty days after the issuance of the invoice. 79020

(D) (1) Except as provided in division (D) (2) of this 79021  
section, beginning January 1, 2004, each person who owns or 79022  
operates an air contaminant source; who is required to apply for 79023  
a permit to operate pursuant to rules adopted under division 79024  
(G), or a variance pursuant to division (H), of section 3704.03 79025  
of the Revised Code; and who is not required to apply for and 79026  
obtain a Title V permit under section 3704.03 of the Revised 79027  
Code shall pay a single fee based upon the sum of the actual 79028  
annual emissions from the facility of the regulated pollutants 79029  
particulate matter, sulfur dioxide, nitrogen oxides, organic 79030  
compounds, and lead in accordance with the following schedule: 79031  
79032

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2

A Total tons per year

Annual fee



	of regulated pollutants emitted	per facility
B	More than 0, but less than 10	\$100
C	10 or more, but less than 50	200
D	50 or more, but less than 100	300
E	100 or more	700

(2) (a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) ~~Beginning January 1, 2000, through June 30, 2026, each~~  
Each person who owns or operates a synthetic minor facility\_  
shall pay an annual fee of five thousand dollars in addition to  
a fee based on the sum of the actual annual emissions from the  
facility of particulate matter, sulfur dioxide, nitrogen  
dioxide, organic compounds, and lead in accordance with the  
following schedule:

	1	2
A	Combined total tons per year of all regulated pollutants emitted	Annual fee per facility

B	Less than 10	<del>\$170</del>
		<u>\$255</u>
C	10 or more, but less than 20	<del>340</del> <u>510</u>
D	20 or more, but less than 30	<del>670</del> <u>1,005</u>
E	30 or more, but less than 40	<del>1,010</del> <u>1,515</u>
F	40 or more, but less than 50	<del>1,340</del> <u>2,010</u>
G	50 or more, but less than 60	<del>1,680</del> <u>2,520</u>
H	60 or more, but less than 70	<del>2,010</del> <u>3,015</u>
I	70 or more, but less than 80	<del>2,350</del> <u>3,525</u>
J	80 or more, but less than 90	<del>2,680</del> <u>4,020</u>
K	90 or more, but less than 100	<del>3,020</del> <u>4,530</u>
L	100 or more	<del>3,350</del> <u>5,025</u>

(3) The fees assessed under division (D) (1) of this	79048
section shall be collected annually no sooner than the fifteenth	79049
day of April, commencing in 2005. The fees assessed under	79050
division (D) (2) of this section shall be collected no sooner	79051
than the fifteenth day of April, commencing in 2000. The fees	79052
assessed under division (D) of this section in a calendar year	79053
shall be based upon the sum of the actual emissions of those	79054
regulated pollutants during the preceding calendar year. For the	79055
purpose of division (D) of this section, emissions of air	79056
contaminants may be calculated using engineering calculations,	79057
emission factors, material balance calculations, or performance	79058

testing procedures, as authorized by the director. The director, 79059  
by rule, may require persons who are required to pay the fees 79060  
assessed under division (D) of this section to pay those fees 79061  
biennially rather than annually. 79062

(E) (1) Consistent with the need to cover the reasonable 79063  
costs of the Title V permit program, the director annually shall 79064  
increase the fees assessed on emissions prescribed in division 79065  
(B) of this section by the percentage, if any, by which the 79066  
consumer price index for the most recent calendar year ending 79067  
before the beginning of a year exceeds the consumer price index 79068  
for calendar year 1989. Upon calculating an increase in fees 79069  
authorized by division (E) (1) of this section, the director 79070  
shall compile revised fee schedules for the purposes of division 79071  
(B) of this section and shall make the revised schedules 79072  
available to persons required to pay the fees assessed under 79073  
that division and to the public. 79074

(2) For the purposes of division (E) (1) of this section: 79075

(a) The consumer price index for any year is the average 79076  
of the consumer price index for all urban consumers published by 79077  
the United States department of labor as of the close of the 79078  
twelve-month period ending on the thirty-first day of August of 79079  
that year. 79080

(b) If the 1989 consumer price index is revised, the 79081  
director shall use the revision of the consumer price index that 79082  
is most consistent with that for calendar year 1989. 79083

(F) Each person who is issued a permit to install pursuant 79084  
to rules adopted under division (F) of section 3704.03 of the 79085  
Revised Code on or after July 1, 2003, shall pay the fees 79086  
specified in the following schedules: 79087

(1) Fuel-burning equipment (boilers, furnaces, or process	79088
heaters used in the process of burning fuel for the primary	79089
purpose of producing heat or power by indirect heat transfer)	79090
	79091

1

2

A	Input capacity (maximum)	Permit to install
	(million British thermal units per hour)	
B	Greater than 0, but less than 10	<del>\$200</del>
		<u>\$300</u>
C	10 or more, but less than 100	<del>400</del> <u>600</u>
D	100 or more, but less than 300	<del>1000</del> <u>1,500</u>
E	300 or more, but less than 500	<del>2250</del> <u>3,375</u>
F	500 or more, but less than 1000	<del>3750</del> <u>5,625</u>
G	1000 or more, but less than 5000	<del>6000</del> <u>9,000</u>
H	5000 or more	<del>9000</del> <u>13,500</u>

Units burning exclusively natural gas, number two fuel	79092
oil, or both shall be assessed a fee that is one-half the	79093
applicable amount shown in division (F) (1) of this section.	79094

(2) Combustion turbines and stationary internal combustion	79095
engines designed to generate electricity	79096
	79097

1

2

A	Generating capacity (mega watts)	Permit to install
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B	0 or more, but less than 10	<del>\$25</del>	
		<u>\$37.50</u>	
C	10 or more, but less than 25	<del>150</del>	<u>225</u>
D	25 or more, but less than 50	<del>300</del>	<u>450</u>
E	50 or more, but less than 100	<del>500</del>	<u>750</u>
F	100 or more, but less than 250	<del>1000</del>	<u>1,500</u>
G	250 or more	<del>2000</del>	<u>3,000</u>
	(3) Incinerators		79098
			79099

1

2

A	Input capacity (pounds per hour)	Permit to install	
B	0 to 100	<del>\$100</del>	
		<u>\$150</u>	
C	101 to 500	<del>500</del>	<u>750</u>
D	501 to 2000	<del>1000</del>	<u>1,500</u>
E	2001 to 20,000	<del>1500</del>	<u>2,250</u>
F	more than 20,000	<del>3750</del>	<u>5,625</u>
	(4) (a) Process		79100
			79101

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2

A	Process weight rate (pounds per hour)	Permit to install
B	0 to 1000	<del>\$200</del>
		<u>\$300</u>
C	1001 to 5000	<del>500</del> <u>750</u>
D	5001 to 10,000	<del>750</del> <u>1,125</u>
E	10,001 to 50,000	<del>1000</del> <u>1,500</u>
F	more than 50,000	<del>1250</del> <u>1,875</u>

In any process where process weight rate cannot be 79102  
ascertained, the minimum fee shall be assessed. A boiler, 79103  
furnace, combustion turbine, stationary internal combustion 79104  
engine, or process heater designed to provide direct heat or 79105  
power to a process not designed to generate electricity shall be 79106  
assessed a fee established in division (F) (4) (a) of this 79107  
section. A combustion turbine or stationary internal combustion 79108  
engine designed to generate electricity shall be assessed a fee 79109  
established in division (F) (2) of this section. 79110

(b) Notwithstanding division (F) (4) (a) of this section, 79111  
any person issued a permit to install pursuant to rules adopted 79112  
under division (F) of section 3704.03 of the Revised Code shall 79113  
pay the fees set forth in division (F) (4) (c) of this section for 79114  
a process used in any of the following industries, as identified 79115  
by the applicable two-digit, three-digit, or four-digit standard 79116  
industrial classification code according to the Standard 79117  
Industrial Classification Manual published by the United States 79118  
office of management and budget in the executive office of the 79119  
president, 1987, as revised: 79120

Major group 10, metal mining;	79121
Major group 12, coal mining;	79122
Major group 14, mining and quarrying of nonmetallic	79123
minerals;	79124
Industry group 204, grain mill products;	79125
2873 Nitrogen fertilizers;	79126
2874 Phosphatic fertilizers;	79127
3281 Cut stone and stone products;	79128
3295 Minerals and earth, ground or otherwise treated;	79129
4221 Grain elevators (storage only);	79130
5159 Farm related raw materials;	79131
5261 Retail nurseries and lawn and garden supply stores.	79132
(c) The fees set forth in the following schedule apply to	79133
the issuance of a permit to install pursuant to rules adopted	79134
under division (F) of section 3704.03 of the Revised Code for a	79135
process identified in division (F) (4) (b) of this section:	79136
	79137

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2

A	Process weight rate (pounds per hour)	Permit to install
B	0 to 10,000	<del>\$200</del>
		<u>\$300</u>
C	10,001 to 50,000	<del>400</del> <u>600</u>
D	50,001 to 100,000	<del>500</del> <u>750</u>

E	100,001 to 200,000	<del>600</del> <u>900</u>	
F	200,001 to 400,000	<del>750</del> <u>1,125</u>	
G	400,001 or more	<del>900</del> <u>1,350</u>	
	(5) Storage tanks		79138
			79139

1

2

A	Gallons (maximum useful capacity)	Permit to install	
B	0 to 20,000	<del>\$100</del>	
		<u>\$150</u>	
C	20,001 to 40,000	<del>150</del> <u>225</u>	
D	40,001 to 100,000	<del>250</del> <u>375</u>	
E	100,001 to 500,000	<del>400</del> <u>600</u>	
F	500,001 or greater	<del>750</del> <u>1,125</u>	
	(6) Gasoline/fuel dispensing facilities		79140
			79141

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A	For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install <del>\$100</del> <u>\$150</u>	
	(7) Dry cleaning facilities		79142
			79143



	1	2	
A	For each dry cleaning facility (includes all units at the facility)	Permit to install <del>\$100</del> <u>\$150</u>	
	(8) Registration status		79144 79145

	1	2	
A	For each source covered by registration status	Permit to install <del>\$75</del> <u>\$112.50</u>	
	(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:		79146 79147 79148 79149 79150 79151

	1	2	
A	Action	Fee	
B	Each notification		\$75
C	Asbestos removal	\$3/unit	
D	Asbestos cleanup	\$4/cubic yard	

	For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.		79152 79153
	(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules		79154 79155

adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised Code, or a rule adopted under any of them, in connection with a violation of rules adopted under division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source" means the initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the laying of underground pipework.

(K) (1) Money received under division (B) of this section shall be deposited in the state treasury to the credit of the Title V clean air fund created in section 3704.035 of the Revised Code. Annually, not more than fifty cents per ton of each fee assessed under division (B) of this section on actual emissions from a source and received by the environmental protection agency pursuant to that division may be transferred by the director using an interstate transfer voucher to the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. In addition, annually, the amount of money necessary for the operation of the office of ombudsperson as determined under division (B) of that section shall be transferred to the state treasury to the credit of the small business ombudsperson fund created by that section.

(2) Money received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the non-Title V clean air fund created in section 3704.035 of the Revised Code.

(L) (1) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2026~~2028,

and a nonrefundable application fee of one hundred dollars plus 79216  
two-tenths of one per cent of the estimated project cost on and 79217  
after July 1, ~~2026~~2028, except that the total fee shall not 79218  
exceed fifteen thousand dollars through June 30, ~~2026~~2028, and 79219  
five thousand dollars on and after July 1, ~~2026~~2028. The fee 79220  
shall be paid at the time the application is submitted. 79221

(2) A person who has entered into an agreement with the 79222  
director under section 6111.14 of the Revised Code shall pay an 79223  
administrative service fee for each plan submitted under that 79224  
section for approval that shall not exceed the minimum amount 79225  
necessary to pay administrative costs directly attributable to 79226  
processing plan approvals. The director annually shall calculate 79227  
the fee and shall notify all persons who have entered into 79228  
agreements under that section, or who have applied for 79229  
agreements, of the amount of the fee. 79230

(3) (a) (i) Not later than January 30, ~~2024~~2026, and January 79231  
30, ~~2025~~2027, a person holding an NPDES discharge permit issued 79232  
pursuant to Chapter 6111. of the Revised Code with an average 79233  
daily discharge flow of five thousand gallons or more shall pay 79234  
a nonrefundable annual discharge fee. Any person who fails to 79235  
pay the fee at that time shall pay an additional amount that 79236  
equals ten per cent of the required annual discharge fee. 79237

(ii) The billing year for the annual discharge fee 79238  
established in division (L) (3) (a) (i) of this section shall 79239  
consist of a twelve-month period beginning on the first day of 79240  
January of the year preceding the date when the annual discharge 79241  
fee is due. In the case of an existing source that permanently 79242  
ceases to discharge during a billing year, the director shall 79243  
reduce the annual discharge fee, including the surcharge 79244  
applicable to certain industrial facilities pursuant to division 79245

(L) (3) (c) of this section, by one-twelfth for each full month 79246  
during the billing year that the source was not discharging, but 79247  
only if the person holding the NPDES discharge permit for the 79248  
source notifies the director in writing, not later than the 79249  
first day of October of the billing year, of the circumstances 79250  
causing the cessation of discharge. 79251

(iii) The annual discharge fee established in division (L) 79252  
(3) (a) (i) of this section, except for the surcharge applicable 79253  
to certain industrial facilities pursuant to division (L) (3) (c) 79254  
of this section, shall be based upon the average daily discharge 79255  
flow in gallons per day calculated using first day of May 79256  
through thirty-first day of October flow data for the period two 79257  
years prior to the date on which the fee is due. In the case of 79258  
NPDES discharge permits for new sources, the fee shall be 79259  
calculated using the average daily design flow of the facility 79260  
until actual average daily discharge flow values are available 79261  
for the time period specified in division (L) (3) (a) (iii) of this 79262  
section. The annual discharge fee may be prorated for a new 79263  
source as described in division (L) (3) (a) (ii) of this section. 79264

(b) (i) An NPDES permit holder that is a public discharger 79265  
shall pay the fee specified in the following schedule: 79266

79267

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2

A	Average daily discharge flow	Fee due by January 30, <del>2024</del> <u>2026</u> , and January 30, <del>2025</del> <u>2027</u>
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B	5,000 to 49,999	\$200
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C	50,000 to 100,000	500
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D	100,001 to 250,000	1,050
E	250,001 to 1,000,000	2,600
F	1,000,001 to 5,000,000	5,200
G	5,000,001 to 10,000,000	10,350
H	10,000,001 to 20,000,000	15,550
I	20,000,001 to 50,000,000	25,900
J	50,000,001 to 100,000,000	41,400
K	100,000,001 or more	62,100

(ii) Public dischargers owning or operating two or more 79268  
publicly owned treatment works serving the same political 79269  
subdivision, as "treatment works" is defined in section 6111.01 79270  
of the Revised Code, and that serve exclusively political 79271  
subdivisions having a population of fewer than one hundred 79272  
thousand persons shall pay an annual discharge fee under 79273  
division (L) (3) (b) (i) of this section that is based on the 79274  
combined average daily discharge flow of the treatment works. 79275

(c) (i) An NPDES permit holder that is an industrial 79276  
discharger, other than a coal mining operator identified by P in 79277  
the third character of the permittee's NPDES permit number, 79278  
shall pay the fee specified in the following schedule: 79279  
79280

1

2

A	Average daily discharge flow	Fee due by January 30, <del>2024</del> <u>2026</u> , and January 30,
---	------------------------------	---

~~2025~~2027

B	5,000 to 49,999	\$250
C	50,000 to 250,000	1,200
D	250,001 to 1,000,000	2,950
E	1,000,001 to 5,000,000	5,850
F	5,000,001 to 10,000,000	8,800
G	10,000,001 to 20,000,000	11,700
H	20,000,001 to 100,000,000	14,050
I	100,000,001 to 250,000,000	16,400
J	250,000,001 or more	18,700

(ii) In addition to the fee specified in the above 79281  
 schedule, an NPDES permit holder that is an industrial 79282  
 discharger classified as a major discharger during all or part 79283  
 of the annual discharge fee billing year specified in division 79284  
 (L) (3) (a) (ii) of this section shall pay a nonrefundable annual 79285  
 surcharge of seven thousand five hundred dollars not later than 79286  
 January 30, ~~2024~~2026, and not later than January 30, ~~2025~~2027. 79287  
 Any person who fails to pay the surcharge at that time shall pay 79288  
 an additional amount that equals ten per cent of the amount of 79289  
 the surcharge. 79290

(d) Notwithstanding divisions (L) (3) (b) and (c) of this 79291  
 section, a public discharger, that is not a separate municipal 79292  
 storm sewer system, identified by I in the third character of 79293  
 the permittee's NPDES permit number and an industrial discharger 79294

identified by I, J, L, V, W, X, Y, or Z in the third character 79295  
of the permittee's NPDES permit number shall pay a nonrefundable 79296  
annual discharge fee of one hundred eighty dollars not later 79297  
than January 30, ~~2024~~ 2026, and not later than January 30, 79298  
~~2025~~2027. Any person who fails to pay the fee at that time shall 79299  
pay an additional amount that equals ten per cent of the 79300  
required fee. 79301

(4) Each person obtaining an NPDES permit for municipal 79302  
storm water discharge shall pay a nonrefundable storm water 79303  
annual discharge fee of ten dollars per one-tenth of a square 79304  
mile of area permitted. The fee shall not exceed ten thousand 79305  
dollars and shall be payable on or before January 30, 2004, and 79306  
the thirtieth day of January of each year thereafter. Any person 79307  
who fails to pay the fee on the date specified in division (L) 79308  
(4) of this section shall pay an additional amount per year 79309  
equal to ten per cent of the annual fee that is unpaid. 79310

(5) The director shall transmit all moneys collected under 79311  
division (L) of this section to the treasurer of state for 79312  
deposit into the state treasury to the credit of the surface 79313  
water protection fund created in section 6111.038 of the Revised 79314  
Code. 79315

(6) As used in this section: 79316

(a) "NPDES" means the federally approved national 79317  
pollutant discharge elimination system individual and general 79318  
program for issuing, modifying, revoking, reissuing, 79319  
terminating, monitoring, and enforcing permits and imposing and 79320  
enforcing pretreatment requirements under Chapter 6111. of the 79321  
Revised Code and rules adopted under it. 79322

(b) "Public discharger" means any holder of an NPDES 79323



permit identified by P in the second character of the NPDES 79324  
permit number assigned by the director. 79325

(c) "Industrial discharger" means any holder of an NPDES 79326  
permit identified by I in the second character of the NPDES 79327  
permit number assigned by the director. 79328

(d) "Major discharger" means any holder of an NPDES permit 79329  
classified as major by the regional administrator of the United 79330  
States environmental protection agency in conjunction with the 79331  
director. 79332

(M) Through June 30, ~~2026~~2028, a person applying for a 79333  
license or license renewal to operate a public water system 79334  
under section 6109.21 of the Revised Code shall pay the 79335  
appropriate fee established under this division at the time of 79336  
application to the director. Any person who fails to pay the fee 79337  
at that time shall pay an additional amount that equals ten per 79338  
cent of the required fee. The director shall transmit all moneys 79339  
collected under this division to the treasurer of state for 79340  
deposit into the drinking water protection fund created in 79341  
section 6109.30 of the Revised Code. 79342

Except as provided in divisions (M) (4) and (5) of this 79343  
section, fees required under this division shall be calculated 79344  
and paid in accordance with the following schedule: 79345

(1) For the initial license required under section 6109.21 79346  
of the Revised Code for any public water system that is a 79347  
community water system as defined in section 6109.01 of the 79348  
Revised Code, and for each license renewal required for such a 79349  
system prior to January 31, ~~2026~~2028, the fee is: 79350  
79351

A	Number of service connections	Fee amount
B	Not more than 49	\$112
C	50 to 99	176
D	Number of service connections	Average cost per connection
E	100 to 2,499	\$1.92
F	2,500 to 4,999	1.48
G	5,000 to 7,499	1.42
H	7,500 to 9,999	1.34
I	10,000 to 14,999	1.16
J	15,000 to 24,999	1.10
K	25,000 to 49,999	1.04
L	50,000 to 99,999	.92
M	100,000 to 149,999	.86
N	150,000 to 199,999	.80
O	200,000 or more	.76

A public water system may determine how it will pay the 79352  
total amount of the fee calculated under division (M) (1) of this 79353  
section, including the assessment of additional user fees that 79354  
may be assessed on a volumetric basis. 79355

As used in division (M) (1) of this section, "service  
connection" means the number of active or inactive pipes,  
goosenecks, pigtails, and any other fittings connecting a water  
main to any building outlet.

(2) For the initial license required under section 6109.21  
of the Revised Code for any public water system that is not a  
community water system and serves a nontransient population, and  
for each license renewal required for such a system prior to  
January 31, ~~2026~~2028, the fee is:

1		2
A	Population served	Fee amount
B	Fewer than 150	\$112
C	150 to 299	176
D	300 to 749	384
E	750 to 1,499	628
F	1,500 to 2,999	1,268
G	3,000 to 7,499	2,816
H	7,500 to 14,999	5,510
I	15,000 to 22,499	9,048
J	22,500 to 29,999	12,430
K	30,000 or more	16,820

As used in division (M) (2) of this section, "population  
served" means the total number of individuals having access to  
the water supply during a twenty-four-hour period for at least  
sixty days during any calendar year. In the absence of a  
specific population count, that number shall be calculated at  
the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21  
of the Revised Code for any public water system that is not a  
community water system and serves a transient population, and  
for each license renewal required for such a system prior to  
January 31, ~~2026~~2028, the fee is:

	1	2
A	Number of wells or sources, other than surface water, supplying system	Fee amount
B	1	\$112
C	2	112
D	3	176
E	4	278
F	5	568
G	System designated as using a surface water source	792

As used in division (M) (3) of this section, "number of  
wells or sources, other than surface water, supplying system"  
means those wells or sources that are physically connected to

the plumbing system serving the public water system. 79381

(4) A public water system designated as using a surface 79382  
water source shall pay a fee of seven hundred ninety-two dollars 79383  
or the amount calculated under division (M) (1) or (2) of this 79384  
section, whichever is greater. 79385

(5) An applicant for an initial license who is proposing 79386  
to operate a new public water supply system shall submit a fee 79387  
that equals a prorated amount of the appropriate fee for the 79388  
remainder of the licensing year. 79389

(N) (1) A person applying for a plan approval for a public 79390  
water supply system under section 6109.07 of the Revised Code 79391  
shall pay a fee of one hundred fifty dollars plus thirty-five 79392  
hundredths of one per cent of the estimated project cost, except 79393  
that the total fee shall not exceed twenty thousand dollars 79394  
through June 30, ~~2026~~2028, and fifteen thousand dollars on and 79395  
after July 1, ~~2026~~2028. The fee shall be paid at the time the 79396  
application is submitted. 79397

(2) A person who has entered into an agreement with the 79398  
director under division (A) (2) of section 6109.07 of the Revised 79399  
Code shall pay an administrative service fee for each plan 79400  
submitted under that section for approval that shall not exceed 79401  
the minimum amount necessary to pay administrative costs 79402  
directly attributable to processing plan approvals. The director 79403  
annually shall calculate the fee and shall notify all persons 79404  
that have entered into agreements under that division, or who 79405  
have applied for agreements, of the amount of the fee. 79406

(3) Through June 30, ~~2026~~2028, the following fee, on a per 79407  
survey basis, shall be charged any person for services rendered 79408  
by the state in the evaluation of laboratories and laboratory 79409

personnel for compliance with accepted analytical techniques and 79410  
procedures established pursuant to Chapter 6109. of the Revised 79411  
Code for determining the qualitative characteristics of water: 79412  
79413

	1	2
A	microbiological	
B	MMO-MUG	\$2,000
C	MF	2,100
D	MMO-MUG and MF	2,550
E	organic chemical	5,400
F	trace metals	5,400
G	standard chemistry	2,800
H	limited chemistry	1,550

On and after July 1, ~~2026~~2028, the following fee, on a per 79414  
survey basis, shall be charged any such person: 79415  
79416

	1	2
A	microbiological	\$1,650
B	organic chemicals	3,500
C	trace metals	3,500
D	standard chemistry	1,800



B	Class I operator	105
C	Class II operator	120
D	Class III operator	130
E	Class IV operator	145

On and after December 1, ~~2026~~2028, the applicant shall pay 79440  
a fee in accordance with the following schedule: 79441  
79442

	1	2	
A	Class A operator		\$50
B	Class I operator	70	
C	Class II operator	80	
D	Class III operator	90	
E	Class IV operator	100	

Any person applying to the director for certification as 79443  
an operator of a water supply system or wastewater system who 79444  
has passed an examination administered by an examination 79445  
provider approved by the director shall pay a certification fee 79446  
of forty-five dollars. 79447

A person shall pay a biennial certification renewal fee 79448  
for each applicable class of certification in accordance with 79449  
the following schedule: 79450  
79451



A	Class A operator		\$25
B	Class I operator	35	
C	Class II operator	45	
D	Class III operator	55	
E	Class IV operator	65	

If a certification renewal fee is received by the director 79452  
more than thirty days, but not more than one year, after the 79453  
expiration date of the certification, the person shall pay a 79454  
certification renewal fee in accordance with the following 79455  
schedule: 79456  
79457

		1	2	
A	Class A operator			\$45
B	Class I operator		55	
C	Class II operator		65	
D	Class III operator		75	
E	Class IV operator		85	

A person who requests a replacement certificate shall pay 79458  
a fee of twenty-five dollars at the time the request is made. 79459

Any person applying to be a water supply system or 79460  
wastewater treatment system examination provider shall pay an 79461  
application fee of five hundred dollars. Any person approved by 79462  
the director as a water supply system or wastewater treatment 79463

system examination provider shall pay an annual fee that is 79464  
equal to ten per cent of the fees that the provider assesses and 79465  
collects for administering water supply system or wastewater 79466  
treatment system certification examinations in this state for 79467  
the calendar year. The fee shall be paid not later than forty- 79468  
five days after the end of a calendar year. 79469

The director shall transmit all moneys collected under 79470  
this division to the treasurer of state for deposit into the 79471  
drinking water protection fund created in section 6109.30 of the 79472  
Revised Code. 79473

~~(P) Any person submitting an application for an industrial 79474  
water pollution control certificate under section 6111.31 of the 79475  
Revised Code, as that section existed before its repeal by H.B. 79476  
95 of the 125th general assembly, shall pay a nonrefundable fee 79477  
of five hundred dollars at the time the application is 79478  
submitted. The director shall transmit all moneys collected 79479  
under this division to the treasurer of state for deposit into 79480  
the surface water protection fund created in section 6111.038 of 79481  
the Revised Code. A person paying a certificate fee under this 79482  
division shall not pay an application fee under division (S)(1) 79483  
of this section. On and after June 26, 2003, persons shall file 79484  
such applications and pay the fee as required under sections 79485  
5709.20 to 5709.27 of the Revised Code, and proceeds from the 79486  
fee shall be credited as provided in section 5709.212 of the 79487  
Revised Code. 79488~~

~~(Q)~~ Except as otherwise provided in division ~~(R)~~ (Q) of 79489  
this section, a person issued a permit by the director for a new 79490  
solid waste disposal facility other than an incineration or 79491  
composting facility, a new infectious waste treatment facility 79492  
other than an incineration facility, or a modification of such 79493

an existing facility that includes an increase in the total 79494  
disposal or treatment capacity of the facility pursuant to 79495  
Chapter 3734. of the Revised Code shall pay a fee of ten dollars 79496  
per thousand cubic yards of disposal or treatment capacity, or 79497  
one thousand dollars, whichever is greater, except that the 79498  
total fee for any such permit shall not exceed eighty thousand 79499  
dollars. A person issued a modification of a permit for a solid 79500  
waste disposal facility or an infectious waste treatment 79501  
facility that does not involve an increase in the total disposal 79502  
or treatment capacity of the facility shall pay a fee of one 79503  
thousand dollars. A person issued a permit to install a new, or 79504  
modify an existing, solid waste transfer facility under that 79505  
chapter shall pay a fee of two thousand five hundred dollars. A 79506  
person issued a permit to install a new or to modify an existing 79507  
solid waste incineration or composting facility, or an existing 79508  
infectious waste treatment facility using incineration as its 79509  
principal method of treatment, under that chapter shall pay a 79510  
fee of one thousand dollars. The increases in the permit fees 79511  
under this division resulting from the amendments made by 79512  
Amended Substitute House Bill 592 of the 117th general assembly 79513  
do not apply to any person who submitted an application for a 79514  
permit to install a new, or modify an existing, solid waste 79515  
disposal facility under that chapter prior to September 1, 1987; 79516  
any such person shall pay the permit fee established in this 79517  
division as it existed prior to June 24, 1988. In addition to 79518  
the applicable permit fee under this division, a person issued a 79519  
permit to install or modify a solid waste facility or an 79520  
infectious waste treatment facility under that chapter who fails 79521  
to pay the permit fee to the director in compliance with 79522  
division ~~(V)~~ (U) of this section shall pay an additional ten per 79523  
cent of the amount of the fee for each week that the permit fee 79524  
is late. 79525

Permit and late payment fees paid to the director under 79526  
this division shall be credited to the general revenue fund. 79527

~~(R)~~ (1) (Q) (1) A person issued a registration certificate 79528  
for a scrap tire collection facility under section 3734.75 of 79529  
the Revised Code shall pay a fee of two hundred dollars, except 79530  
that if the facility is owned or operated by a motor vehicle 79531  
salvage dealer licensed under Chapter 4738. of the Revised Code, 79532  
the person shall pay a fee of twenty-five dollars. 79533

(2) A person issued a registration certificate for a new 79534  
scrap tire storage facility under section 3734.76 of the Revised 79535  
Code shall pay a fee of three hundred dollars, except that if 79536  
the facility is owned or operated by a motor vehicle salvage 79537  
dealer licensed under Chapter 4738. of the Revised Code, the 79538  
person shall pay a fee of twenty-five dollars. 79539

(3) A person issued a permit for a scrap tire storage 79540  
facility under section 3734.76 of the Revised Code shall pay a 79541  
fee of one thousand dollars, except that if the facility is 79542  
owned or operated by a motor vehicle salvage dealer licensed 79543  
under Chapter 4738. of the Revised Code, the person shall pay a 79544  
fee of fifty dollars. 79545

(4) A person issued a permit for a scrap tire monocell or 79546  
monofill facility under section 3734.77 of the Revised Code 79547  
shall pay a fee of ten dollars per thousand cubic yards of 79548  
disposal capacity or one thousand dollars, whichever is greater, 79549  
except that the total fee for any such permit shall not exceed 79550  
eighty thousand dollars. 79551

(5) A person issued a registration certificate for a scrap 79552  
tire recovery facility under section 3734.78 of the Revised Code 79553  
shall pay a fee of one hundred dollars. 79554

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions ~~(R)(1)~~(Q)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division ~~(V)~~(U) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions ~~(R)(1)~~(Q)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

~~(S)(1)(a)~~(R)(1)(a) Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2026~~2028, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2026~~2028.

(b)(i) Except as otherwise provided in divisions ~~(S)(1)(b)~~(R)(1)(b)(iii) and (iv) of this section, through June 30, ~~2026~~2028, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2026~~2028, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.

(ii) In addition to the nonrefundable application fee, any 79585  
person applying for an NPDES permit under Chapter 6111. of the 79586  
Revised Code shall pay a design flow discharge fee based on each 79587  
point source to which the issuance is applicable in accordance 79588  
with the following schedule: 79589  
79590

	1	2
A	Design flow discharge (gallons per day)	Fee
B	0 to 1,000	\$0
C	1,001 to 5,000	100
D	5,001 to 50,000	200
E	50,001 to 100,000	300
F	100,001 to 300,000	525
G	over 300,000	750

(iii) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 79591  
and (ii) of this section, the application and design flow 79592  
discharge fee for an NPDES permit for a public discharger 79593  
identified by the letter I in the third character of the NPDES 79594  
permit number shall not exceed nine hundred fifty dollars. 79595

(iv) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 79596  
and (ii) of this section, the application and design flow 79597  
discharge fee for an NPDES permit for a coal mining operation 79598  
regulated under Chapter 1513. of the Revised Code shall not 79599  
exceed four hundred fifty dollars per mine. 79600

(v) A person issued a modification of an NPDES permit 79601

shall pay a nonrefundable modification fee equal to the 79602  
application fee and one-half the design flow discharge fee based 79603  
on each point source, if applicable, that would be charged for 79604  
an NPDES permit, except that the modification fee shall not 79605  
exceed six hundred dollars. 79606

(c) In addition to the application fee established under 79607  
division ~~(S)(1)(b)(i)~~ (R)(1)(b)(i) of this section, any person 79608  
applying for an NPDES general storm water construction permit 79609  
shall pay a nonrefundable fee of twenty dollars per acre for 79610  
each acre that is permitted above five acres at the time the 79611  
application is submitted. However, the per acreage fee shall not 79612  
exceed three hundred dollars. In addition to the application fee 79613  
established under division ~~(S)(1)(b)(i)~~ (R)(1)(b)(i) of this 79614  
section, any person applying for an NPDES general storm water 79615  
industrial permit shall pay a nonrefundable fee of one hundred 79616  
fifty dollars at the time the application is submitted. 79617

(d) The director shall transmit all moneys collected under 79618  
division ~~(S)(1)~~ (R)(1) of this section pursuant to Chapter 6109. 79619  
of the Revised Code to the treasurer of state for deposit into 79620  
the drinking water protection fund created in section 6109.30 of 79621  
the Revised Code. 79622

(e) The director shall transmit all moneys collected under 79623  
division ~~(S)(1)~~ (R)(1) of this section pursuant to Chapter 6111. 79624  
of the Revised Code and under division ~~(S)(2)~~ (R)(2) of this 79625  
section to the treasurer of state for deposit into the surface 79626  
water protection fund created in section 6111.038 of the Revised 79627  
Code. 79628

(f) If a person submits an electronic application for a 79629  
registration certificate, permit, variance, or plan approval for 79630  
which an application fee is established under division ~~(S)(1)~~ (R) 79631

(1) of this section, the person shall pay all applicable fees as  
expeditiously as possible after the submission of the electronic  
application. An application for a registration certificate,  
permit, variance, or plan approval for which an application fee  
is established under division ~~(S)(1)~~ (R)(1) of this section shall  
not be reviewed or processed until the applicable application  
fee, and any other fees established under this division, are  
paid.

(2) A person applying for coverage under an NPDES general  
discharge permit for household sewage treatment systems shall  
pay a nonrefundable fee of two hundred dollars at the time of  
application for initial permit coverage. No fee is required for  
an application for permit coverage renewal.

~~(T)~~ (S) The director may adopt, amend, and rescind rules in  
accordance with Chapter 119. of the Revised Code that do all of  
the following:

(1) Prescribe fees to be paid by applicants for and  
holders of any license, permit, variance, plan approval, or  
certification required or authorized by Chapter 3704., 3734.,  
6109., or 6111. of the Revised Code that are not specifically  
established in this section. The fees shall be designed to  
defray the cost of processing, issuing, revoking, modifying,  
denying, and enforcing the licenses, permits, variances, plan  
approvals, and certifications.

The director shall transmit all moneys collected under  
rules adopted under division ~~(T)(1)~~ (S)(1) of this section  
pursuant to Chapter 6109. of the Revised Code to the treasurer  
of state for deposit into the drinking water protection fund  
created in section 6109.30 of the Revised Code.



The director shall transmit all moneys collected under 79661  
rules adopted under division ~~(T) (1)~~ (S) (1) of this section 79662  
pursuant to Chapter 6111. of the Revised Code to the treasurer 79663  
of state for deposit into the surface water protection fund 79664  
created in section 6111.038 of the Revised Code. 79665

(2) Exempt the state and political subdivisions thereof, 79666  
including education facilities or medical facilities owned by 79667  
the state or a political subdivision, or any person exempted 79668  
from taxation by section 5709.07 or 5709.12 of the Revised Code, 79669  
from any fee required by this section; 79670

(3) Provide for the waiver of any fee, or any part 79671  
thereof, otherwise required by this section whenever the 79672  
director determines that the imposition of the fee would 79673  
constitute an unreasonable cost of doing business for any 79674  
applicant, class of applicants, or other person subject to the 79675  
fee; 79676

(4) Prescribe measures that the director considers 79677  
necessary to carry out this section. 79678

~~(U)~~ (T) When the director reasonably demonstrates that the 79679  
direct cost to the state associated with the issuance of a 79680  
permit, license, variance, plan approval, or certification 79681  
exceeds the fee for the issuance or review specified by this 79682  
section, the director may condition the issuance or review on 79683  
the payment by the person receiving the issuance or review of, 79684  
in addition to the fee specified by this section, the amount, or 79685  
any portion thereof, in excess of the fee specified under this 79686  
section. The director shall not so condition issuances for which 79687  
a fee is prescribed in division ~~(S) (1) (b) (iii)~~ (R) (1) (b) (iii) of 79688  
this section. 79689

~~(V)~~(U) Except as provided in divisions (L), (M), ~~(P)~~, and 79690  
~~(S)~~(R) of this section or unless otherwise prescribed by a rule 79691  
of the director adopted pursuant to Chapter 119. of the Revised 79692  
Code, all fees required by this section are payable within 79693  
thirty days after the issuance of an invoice for the fee by the 79694  
director or the effective date of the issuance of the license, 79695  
permit, variance, plan approval, or certification. If payment is 79696  
late, the person responsible for payment of the fee shall pay an 79697  
additional ten per cent of the amount due for each month that it 79698  
is late. 79699

~~(W)~~(V) As used in this section, "fuel-burning equipment," 79700  
"fuel-burning equipment input capacity," "incinerator," 79701  
"incinerator input capacity," "process," "process weight rate," 79702  
"storage tank," "gasoline dispensing facility," "dry cleaning 79703  
facility," "design flow discharge," and "new source treatment 79704  
works" have the meanings ascribed to those terms by applicable 79705  
rules or standards adopted by the director under Chapter 3704. 79706  
or 6111. of the Revised Code. 79707

~~(X)~~(W) As used in divisions (B), (D), (E), (F), (H), (I), 79708  
and (J) of this section, and in any other provision of this 79709  
section pertaining to fees paid pursuant to Chapter 3704. of the 79710  
Revised Code: 79711

(1) "Facility," "federal Clean Air Act," "person," and 79712  
"Title V permit" have the same meanings as in section 3704.01 of 79713  
the Revised Code. 79714

(2) "Title V permit program" means the following 79715  
activities as necessary to meet the requirements of Title V of 79716  
the federal Clean Air Act and 40 C.F.R. part 70, including at 79717  
least: 79718

(a) Preparing and adopting, if applicable, generally 79719  
applicable rules or guidance regarding the permit program or its 79720  
implementation or enforcement; 79721

(b) Reviewing and acting on any application for a Title V 79722  
permit, permit revision, or permit renewal, including the 79723  
development of an applicable requirement as part of the 79724  
processing of a permit, permit revision, or permit renewal; 79725

(c) Administering the permit program, including the 79726  
supporting and tracking of permit applications, compliance 79727  
certification, and related data entry; 79728

(d) Determining which sources are subject to the program 79729  
and implementing and enforcing the terms of any Title V permit, 79730  
not including any court actions or other formal enforcement 79731  
actions; 79732

(e) Emission and ambient monitoring; 79733

(f) Modeling, analyses, or demonstrations; 79734

(g) Preparing inventories and tracking emissions; 79735

(h) Providing direct and indirect support to small 79736  
business stationary sources to determine and meet their 79737  
obligations under the federal Clean Air Act pursuant to the 79738  
small business stationary source technical and environmental 79739  
compliance assistance program required by section 507 of that 79740  
act and established in sections 3704.18, 3704.19, and 3706.19 of 79741  
the Revised Code. 79742

(3) "Organic compound" means any chemical compound of 79743  
carbon, excluding carbon monoxide, carbon dioxide, carbonic 79744  
acid, metallic carbides or carbonates, and ammonium carbonate. 79745

~~(Y) (1)~~ (X) (1) Except as provided in divisions ~~(Y) (2)~~ (X) (2), 79746

(3), and (4) of this section, each sewage sludge facility shall 79747  
pay a nonrefundable annual sludge fee equal to three dollars and 79748  
fifty cents per dry ton of sewage sludge, including the dry tons 79749  
of sewage sludge in materials derived from sewage sludge, that 79750  
the sewage sludge facility treats or disposes of in this state. 79751  
The annual volume of sewage sludge treated or disposed of by a 79752  
sewage sludge facility shall be calculated using the first day 79753  
of January through the thirty-first day of December of the 79754  
calendar year preceding the date on which payment of the fee is 79755  
due. 79756

(2) (a) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) 79757  
of this section, each sewage sludge facility shall pay a minimum 79758  
annual sewage sludge fee of one hundred dollars. 79759

(b) The annual sludge fee required to be paid by a sewage 79760  
sludge facility that treats or disposes of exceptional quality 79761  
sludge in this state shall be thirty-five per cent less per dry 79762  
ton of exceptional quality sludge than the fee assessed under 79763  
division ~~(Y) (1)~~ (X) (1) of this section, subject to the following 79764  
exceptions: 79765

(i) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of 79766  
this section, a sewage sludge facility that treats or disposes 79767  
of exceptional quality sludge shall pay a minimum annual sewage 79768  
sludge fee of one hundred dollars. 79769

(ii) A sewage sludge facility that treats or disposes of 79770  
exceptional quality sludge shall not be required to pay the 79771  
annual sludge fee for treatment or disposal in this state of 79772  
exceptional quality sludge generated outside of this state and 79773  
contained in bags or other containers not greater than one 79774  
hundred pounds in capacity. 79775

A thirty-five per cent reduction for exceptional quality  
sludge applies to the maximum annual fees established under  
division ~~(Y) (3)~~ (X) (3) of this section.

(c) A sewage sludge facility that transfers sewage sludge  
to another sewage sludge facility in this state for further  
treatment prior to disposal in this state shall not be required  
to pay the annual sludge fee for the tons of sewage sludge that  
have been transferred. In such a case, the sewage sludge  
facility that disposes of the sewage sludge shall pay the annual  
sludge fee. However, the facility transferring the sewage sludge  
shall pay the one-hundred-dollar minimum fee required under  
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section.

In the case of a sewage sludge facility that treats sewage  
sludge in this state and transfers it out of this state to  
another entity for disposal, the sewage sludge facility in this  
state shall be required to pay the annual sludge fee for the  
tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge  
resulting from an average daily discharge flow of less than five  
thousand gallons per day is not subject to the fees assessed  
under division ~~(Y) (X)~~ of this section.

(3) No sewage sludge facility required to pay the annual  
sludge fee shall be required to pay more than the maximum annual  
fee for each disposal method that the sewage sludge facility  
uses. The maximum annual fee does not include the additional  
amount that may be charged under division ~~(Y) (5)~~ (X) (5) of this  
section for late payment of the annual sludge fee. The maximum  
annual fee for the following methods of disposal of sewage  
sludge is as follows:

(a) Incineration: five thousand dollars; 79805

(b) Preexisting land reclamation project or disposal in a 79806  
landfill: five thousand dollars; 79807

(c) Land application, land reclamation, surface disposal, 79808  
or any other disposal method not specified in division ~~(Y) (3) (a)~~ 79809  
(X) (3) (a) or (b) of this section: twenty thousand dollars. 79810

(4) (a) In the case of an entity that generates sewage 79811  
sludge or a sewage sludge facility that treats sewage sludge and 79812  
transfers the sewage sludge to an incineration facility for 79813  
disposal, the incineration facility, and not the entity 79814  
generating the sewage sludge or the sewage sludge facility 79815  
treating the sewage sludge, shall pay the annual sludge fee for 79816  
the tons of sewage sludge that are transferred. However, the 79817  
entity or facility generating or treating the sewage sludge 79818  
shall pay the one-hundred-dollar minimum fee required under 79819  
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section. 79820

(b) In the case of an entity that generates sewage sludge 79821  
and transfers the sewage sludge to a landfill for disposal or to 79822  
a sewage sludge facility for land reclamation or surface 79823  
disposal, the entity generating the sewage sludge, and not the 79824  
landfill or sewage sludge facility, shall pay the annual sludge 79825  
fee for the tons of sewage sludge that are transferred. 79826

(5) Not later than the first day of April of the calendar 79827  
year following March 17, 2000, and each first day of April 79828  
thereafter, the director shall issue invoices to persons who are 79829  
required to pay the annual sludge fee. The invoice shall 79830  
identify the nature and amount of the annual sludge fee assessed 79831  
and state the first day of May as the deadline for receipt by 79832  
the director of objections regarding the amount of the fee and 79833

the first day of July as the deadline for payment of the fee. 79834

Not later than the first day of May following receipt of 79835  
an invoice, a person required to pay the annual sludge fee may 79836  
submit objections to the director concerning the accuracy of 79837  
information regarding the number of dry tons of sewage sludge 79838  
used to calculate the amount of the annual sludge fee or 79839  
regarding whether the sewage sludge qualifies for the 79840  
exceptional quality sludge discount established in division ~~(Y)~~ 79841  
~~(2) (b)~~ (X) (2) (b) of this section. The director may consider the 79842  
objections and adjust the amount of the fee to ensure that it is 79843  
accurate. 79844

If the director does not adjust the amount of the annual 79845  
sludge fee in response to a person's objections, the person may 79846  
appeal the director's determination in accordance with Chapter 79847  
119. of the Revised Code. 79848

Not later than the first day of June, the director shall 79849  
notify the objecting person regarding whether the director has 79850  
found the objections to be valid and the reasons for the 79851  
finding. If the director finds the objections to be valid and 79852  
adjusts the amount of the annual sludge fee accordingly, the 79853  
director shall issue with the notification a new invoice to the 79854  
person identifying the amount of the annual sludge fee assessed 79855  
and stating the first day of July as the deadline for payment. 79856

Not later than the first day of July, any person who is 79857  
required to do so shall pay the annual sludge fee. Any person 79858  
who is required to pay the fee, but who fails to do so on or 79859  
before that date shall pay an additional amount that equals ten 79860  
per cent of the required annual sludge fee. 79861

(6) The director shall transmit all moneys collected under 79862

division ~~(Y)~~(X) of this section to the treasurer of state for 79863  
deposit into the surface water protection fund created in 79864  
section 6111.038 of the Revised Code. The moneys shall be used 79865  
to defray the costs of administering and enforcing provisions in 79866  
Chapter 6111. of the Revised Code and rules adopted under it 79867  
that govern the use, storage, treatment, or disposal of sewage 79868  
sludge. 79869

(7) Beginning in fiscal year 2001, and every two years 79870  
thereafter, the director shall review the total amount of moneys 79871  
generated by the annual sludge fees to determine if that amount 79872  
exceeded six hundred thousand dollars in either of the two 79873  
preceding fiscal years. If the total amount of moneys in the 79874  
fund exceeded six hundred thousand dollars in either fiscal 79875  
year, the director, after review of the fee structure and 79876  
consultation with affected persons, shall issue an order 79877  
reducing the amount of the fees levied under division ~~(Y)~~(X) of 79878  
this section so that the estimated amount of moneys resulting 79879  
from the fees will not exceed six hundred thousand dollars in 79880  
any fiscal year. 79881

If, upon review of the fees under division ~~(Y)~~(7)(X)(7) of 79882  
this section and after the fees have been reduced, the director 79883  
determines that the total amount of moneys collected and 79884  
accumulated is less than six hundred thousand dollars, the 79885  
director, after review of the fee structure and consultation 79886  
with affected persons, may issue an order increasing the amount 79887  
of the fees levied under division ~~(Y)~~(X) of this section so that 79888  
the estimated amount of moneys resulting from the fees will be 79889  
approximately six hundred thousand dollars. Fees shall never be 79890  
increased to an amount exceeding the amount specified in 79891  
division ~~(Y)~~(7)(X)(7) of this section. 79892



Notwithstanding section 119.06 of the Revised Code, the 79893  
director may issue an order under division ~~(Y) (7)~~ (X) (7) of this 79894  
section without the necessity to hold an adjudicatory hearing in 79895  
connection with the order. The issuance of an order under this 79896  
division is not an act or action for purposes of section 3745.04 79897  
of the Revised Code. 79898

(8) As used in division ~~(Y)~~ (X) of this section: 79899

(a) "Sewage sludge facility" means an entity that performs 79900  
treatment on or is responsible for the disposal of sewage 79901  
sludge. 79902

(b) "Sewage sludge" means a solid, semi-solid, or liquid 79903  
residue generated during the treatment of domestic sewage in a 79904  
treatment works as defined in section 6111.01 of the Revised 79905  
Code. "Sewage sludge" includes, but is not limited to, scum or 79906  
solids removed in primary, secondary, or advanced wastewater 79907  
treatment processes. "Sewage sludge" does not include ash 79908  
generated during the firing of sewage sludge in a sewage sludge 79909  
incinerator, grit and screenings generated during preliminary 79910  
treatment of domestic sewage in a treatment works, animal 79911  
manure, residue generated during treatment of animal manure, or 79912  
domestic septage. 79913

(c) "Exceptional quality sludge" means sewage sludge that 79914  
meets all of the following qualifications: 79915

(i) Satisfies the class A pathogen standards in 40 C.F.R. 79916  
503.32(a); 79917

(ii) Satisfies one of the vector attraction reduction 79918  
requirements in 40 C.F.R. 503.33(b) (1) to (b) (8); 79919

(iii) Does not exceed the ceiling concentration 79920  
limitations for metals listed in table one of 40 C.F.R. 503.13; 79921

- (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13. 79922  
79923
- (d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. 79924  
79925  
79926
- (e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator. 79927  
79928  
79929  
79930
- (f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil. 79931  
79932  
79933  
79934  
79935
- (g) "Land reclamation" means the returning of disturbed land to productive use. 79936  
79937
- (h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites. 79938  
79939  
79940  
79941
- (i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device. 79942  
79943  
79944  
79945
- (j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway. 79946  
79947  
79948  
79949

(k) "Annual sludge fee" means the fee assessed under 79950  
division ~~(Y)(1)~~ (X)(1) of this section. 79951

(l) "Landfill" means a sanitary landfill facility, as 79952  
defined in rules adopted under section 3734.02 of the Revised 79953  
Code, that is licensed under section 3734.05 of the Revised 79954  
Code. 79955

(m) "Preexisting land reclamation project" means a 79956  
property-specific land reclamation project that has been in 79957  
continuous operation for not less than five years pursuant to 79958  
approval of the activity by the director and includes the 79959  
implementation of a community outreach program concerning the 79960  
activity. 79961

**Sec. 3745.21.** (A) There is hereby created within the 79962  
environmental protection agency the Ohio environmental education 79963  
fund advisory council consisting of the directors of 79964  
environmental protection, natural resources, and education and 79965  
workforce, or their designees, as members ex officio, one member 79966  
of the house of representatives to be appointed by the speaker 79967  
of the house of representatives or the member's designee, ~~one~~ 79968  
~~member of the senate to be appointed by the president of the~~ 79969  
~~senate or the member's designee,~~ one member to be appointed by 79970  
the chancellor of higher education who shall have experience in 79971  
providing environmental education at the university or college 79972  
level, and six members to be appointed by the governor with the 79973  
advice and consent of the senate. Of the members appointed by 79974  
the governor, two shall be from statewide environmental advocacy 79975  
organizations, one shall represent the interests of the 79976  
industrial community in this state, one shall represent the 79977  
interests of employers in this state with one hundred fifty or 79978  
fewer employees, one shall represent municipal corporations, and 79979

one shall represent the interests of elementary and secondary 79980  
school teachers in this state. Within thirty days after October 79981  
1, 1990, the appointing authorities shall make their initial 79982  
appointments to the council. The initial appointment to the 79983  
council by the chancellor shall be for a term ending two years 79984  
after October 1, 1990. Of the initial appointments made to the 79985  
council by the governor, three shall be for a term ending one 79986  
year after October 1, 1990, and three shall be for a term ending 79987  
two years after October 1, 1990. Thereafter, the terms of office 79988  
of the members appointed by the chancellor and the governor 79989  
shall be for two years, with each term ending on the same day of 79990  
the same month as the term that it succeeds. Each member shall 79991  
hold office from the date of appointment until the end of the 79992  
term for which the member was appointed. Members may be 79993  
reappointed. Vacancies shall be filled in the manner provided 79994  
for original appointments. Any member appointed to fill a 79995  
vacancy occurring prior to the expiration date of the term for 79996  
which the member's predecessor was appointed shall hold office 79997  
as a member of the board of trustees for the remainder of that 79998  
term. A member of the council appointed by the chancellor or the 79999  
governor shall continue in office subsequent to the expiration 80000  
date of the member's term until the member's successor takes 80001  
office or until a period of sixty days has elapsed, whichever 80002  
occurs first. 80003

The council shall hold at least two regular, semiannual 80004  
meetings each year. Special meetings may be held at the behest 80005  
of the chairperson or a majority of the members. The director of 80006  
environmental protection shall serve as the chairperson of the 80007  
council. The council annually shall select from among its 80008  
members a vice-chairperson and a secretary to keep a record of 80009  
its proceedings. A majority vote of the members of the council 80010

is necessary to take action on any matter. 80011

Serving as a member of the council does not constitute 80012  
holding a public office or a position of employment under the 80013  
laws of this state and does not constitute grounds for the 80014  
removal of public officers or employees from their offices or 80015  
positions of employment. The chancellor may at any time remove a 80016  
member of the council appointed by the chancellor for 80017  
misfeasance, malfeasance, or nonfeasance in office. The governor 80018  
may at any time remove a member of the council appointed by the 80019  
governor for misfeasance, malfeasance, or nonfeasance in office. 80020

Members of the council appointed by the chancellor and the 80021  
governor shall serve without compensation. Members of the 80022  
council shall be reimbursed for their actual and necessary 80023  
expenses incurred in the performance of their duties as members 80024  
of the council from moneys credited to the environmental 80025  
education fund created in section 3745.22 of the Revised Code. 80026

(B) The council shall advise and assist the director of 80027  
environmental protection in the implementation and 80028  
administration of section 3745.22 of the Revised Code and shall 80029  
review and comment on all expenditures from the fund proposed by 80030  
the director. 80031

(C) The council may adopt bylaws for the regulation and 80032  
conduct of the council's affairs and may propose to the director 80033  
of environmental protection expenditures from the fund. 80034

**Sec. 3748.13.** (A) The director of health shall inspect 80035  
sources of radiation for which licensure or registration by the 80036  
handler is required, and the sources' shielding and 80037  
surroundings, according to the schedule established in rules 80038  
adopted under division (D) of section 3748.04 of the Revised 80039

Code. In accordance with rules adopted under section 3748.04 of 80040  
the Revised Code, the director shall inspect all records and 80041  
operating procedures of handlers that install or service sources 80042  
of radiation and all sources of radiation for which licensure of 80043  
radioactive material or registration of radiation-generating 80044  
equipment by the handler is required. The director may make 80045  
other inspections upon receiving complaints or other evidence of 80046  
a violation of this chapter or rules adopted under it. 80047

The director shall require any hospital registered under 80048  
division (A) of section 3701.07 of the Revised Code to develop 80049  
and maintain a quality assurance program for all sources of 80050  
radiation-generating equipment. A certified radiation expert 80051  
shall conduct oversight and maintenance of the program and shall 80052  
file a report of audits of the program with the director on 80053  
forms prescribed by the director. The audit reports shall become 80054  
part of the inspection record. 80055

(B) (1) Except as provided in division (B) (2) of this 80056  
section, a facility shall pay inspection fees for radioactive 80057  
material and radiation-generating equipment according to the 80058  
schedule and categories established in rules adopted under 80059  
division (A) (9) of section 3748.04 of the Revised Code. 80060

(2) A facility that is, or is operated by, a medical 80061  
practitioner or medical-practitioner group shall pay inspection 80062  
fees for radiation-generating equipment according to the 80063  
following schedule and categories: 80064  
80065

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A	First dental x-ray tube	<del>\$155.00</del>
		<u>\$310.00</u>

B	Each additional dental x-ray tube at the same location	<del>\$77.00</del> <u>\$154.00</u>
C	First medical x-ray tube	<del>\$307.00</del> <u>\$614.00</u>
D	Each additional medical x-ray tube at the same location	<del>\$163.00</del> <u>\$326.00</u>
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	<del>\$610.00</del> <u>\$1,220.00</u>
F	First nonionizing radiation-generating equipment of any kind	<del>\$307.00</del> <u>\$614.00</u>
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	<del>\$163.00</del> <u>\$326.00</u>

(C) (1) Except as provided in division (C) (2) of this section, the fee for the inspection of a facility that proposes to handle radioactive material or radiation-generating equipment and is not licensed or registered, and for which no license or registration application is pending at the time of inspection, is four hundred seventy-four dollars plus the applicable fee specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection

if the facility is not licensed or registered, and no license or 80077  
registration is pending at the time of inspection, is four 80078  
hundred seventy-four dollars plus the fee applicable under the 80079  
schedule in division (B) (2) of this section. 80080

(D) (1) Except as provided in division (D) (2) of this 80081  
section, for a facility that handles radioactive material or 80082  
radiation-generating equipment, the fee for an inspection to 80083  
determine whether violations cited in a previous inspection have 80084  
been corrected is the amount specified in rules adopted under 80085  
division (A) (9) of section 3748.04 of the Revised Code. 80086

(2) For a facility that is, or is operated by, a medical 80087  
practitioner or medical-practitioner group and handles 80088  
radiation-generating equipment, the fee for an inspection to 80089  
determine whether violations cited in a previous inspection have 80090  
been corrected is fifty per cent of the applicable fee under the 80091  
schedule in division (B) (2) of this section. 80092

(E) The director may conduct a review of shielding plans 80093  
or the adequacy of shielding on the request of a licensee or 80094  
registrant or an applicant for licensure or registration or 80095  
during an inspection when the director considers a review to be 80096  
necessary. 80097

(1) Except as provided in division (E) (2) of this section, 80098  
the fee for the review is the applicable amount specified in 80099  
rules adopted under division (A) (9) of section 3748.04 of the 80100  
Revised Code. 80101

(2) For a facility that is, or is operated by, a medical 80102  
practitioner or medical-practitioner group and handles or 80103  
proposes to handle radiation-generating equipment, the fee for 80104  
the review is seven hundred sixty-two dollars for each room 80105



where a source of radiation is used and is in addition to any 80106  
other fee applicable under the schedule in division (B) (2) of 80107  
this section. 80108

(F) All fees shall be paid to the department of health no 80109  
later than thirty days after the invoice for the fee is mailed. 80110  
Fees shall be deposited in the general operations fund created 80111  
in section 3701.83 of the Revised Code. The fees shall be used 80112  
solely to administer and enforce this chapter and rules adopted 80113  
under it. 80114

(G) Any fee required under this section that remains 80115  
unpaid on the ninety-first day after the original invoice date 80116  
shall be assessed an additional amount equal to ten per cent of 80117  
the original fee. 80118

(H) If the director determines that a board of health of a 80119  
city or general health district is qualified to conduct 80120  
inspections of radiation-generating equipment, the director may 80121  
delegate to the board, by contract, the authority to conduct 80122  
such inspections. In making a determination of the 80123  
qualifications of a board of health to conduct those 80124  
inspections, the director shall evaluate the credentials of the 80125  
individuals who are to conduct the inspections of radiation- 80126  
generating equipment and the radiation detection and measuring 80127  
equipment available to them for that purpose. If a contract is 80128  
entered into, the board shall have the same authority to make 80129  
inspections of radiation-generating equipment as the director 80130  
has under this chapter and rules adopted under it. The contract 80131  
shall stipulate that only individuals approved by the director 80132  
as qualified shall be permitted to inspect radiation-generating 80133  
equipment under the contract's provisions. The contract shall 80134  
provide for such compensation for services as is agreed to by 80135

the director and the board of health of the contracting health 80136  
district. The director may reevaluate the credentials of the 80137  
inspection personnel and their radiation detecting and measuring 80138  
equipment as often as the director considers necessary and may 80139  
terminate any contract with the board of health of any health 80140  
district that, in the director's opinion, is not satisfactorily 80141  
performing the terms of the contract. 80142

(I) The director may enter at all reasonable times upon 80143  
any public or private property to determine compliance with this 80144  
chapter and rules adopted under it. 80145

**Sec. 3750.02.** (A) There is hereby created the emergency 80146  
response commission consisting of the directors of environmental 80147  
protection ~~and, health, and administrative services,~~ the 80148  
chairperson of the public utilities commission, the fire 80149  
marshal, the director of public safety, the director of 80150  
transportation, the director of natural resources, the 80151  
superintendent of the highway patrol, and the attorney general 80152  
as members ex officio, or their designees; notwithstanding 80153  
section 101.26 of the Revised Code, ~~the chairpersons of the~~ 80154  
~~respective standing committees of the senate and house of~~ 80155  
~~representatives that are primarily responsible for considering~~ 80156  
~~environmental issues~~ a member of the house of representatives 80157  
appointed by the speaker of the house of representatives and a 80158  
member of the senate appointed by the president of the senate, 80159  
who may participate fully in all the commission's deliberations 80160  
and activities, except that they shall serve as nonvoting 80161  
members; and ten members to be appointed by the governor with 80162  
the advice and consent of the senate. The appointed members, to 80163  
the extent practicable, shall have technical expertise in the 80164  
field of emergency response. Of the appointed members, two shall 80165  
represent environmental advocacy organizations, one shall 80166

represent the interests of petroleum refiners or marketers or 80167  
chemical manufacturers, one shall represent the interests of 80168  
another industry subject to this chapter, one shall represent 80169  
the interests of municipal corporations, one shall represent the 80170  
interests of counties, one shall represent the interests of 80171  
chiefs of fire departments, one shall represent the interests of 80172  
professional firefighters, one shall represent the interests of 80173  
volunteer firefighters, and one shall represent the interests of 80174  
local emergency management agencies. 80175

An appointed member of the commission also may serve as a 80176  
member of the local emergency planning committee of an emergency 80177  
planning district. An appointed member of the commission who is 80178  
also a member of a local emergency planning committee shall not 80179  
participate as a member of the commission in the appointment of 80180  
members of the local emergency planning committee of which the 80181  
member is a member, in the review of the chemical emergency 80182  
response and preparedness plan submitted by the local emergency 80183  
planning committee of which the member is a member, in any vote 80184  
to approve a grant to the member's district, or in any vote of 80185  
the commission on any motion or resolution pertaining 80186  
specifically to the member's district or the local emergency 80187  
planning committee on which the member serves. A commission 80188  
member who is also a member of a local emergency planning 80189  
committee shall not lobby or otherwise act as an advocate for 80190  
the member's district to other members of the commission to 80191  
obtain from the commission anything of value for the member's 80192  
district or the local emergency planning committee of which the 80193  
member is a member. A member of the commission who is also a 80194  
member of a local emergency planning committee may vote on 80195  
resolutions of the commission that apply uniformly to all local 80196  
emergency planning committees and districts in the state and do 80197

not provide a grant or other pecuniary benefit to the member's 80198  
district or the committee of which the member is a member. 80199

The governor shall make the initial appointments to the 80200  
commission within thirty days after December 14, 1988. Of the 80201  
initial appointments to the commission, five shall be for a term 80202  
of two years and five shall be for a term of one year. 80203  
Thereafter, terms of office of the appointed members of the 80204  
commission shall be for two years, with each term ending on the 80205  
same day of the same month as did the term that it succeeds. 80206  
Each member shall hold office from the date of appointment until 80207  
the end of the term for which the member was appointed. Members 80208  
may be reappointed. Vacancies shall be filled in the manner 80209  
provided for original appointments. Any member appointed to fill 80210  
a vacancy occurring prior to the expiration of the term for 80211  
which the member's predecessor was appointed shall hold office 80212  
for the remainder of that term. A member shall continue in 80213  
office subsequent to the expiration date of the member's term 80214  
until the member's successor takes office or until a period of 80215  
sixty days has elapsed, whichever occurs first. The commission 80216  
may at any time by a vote of two-thirds of all the members 80217  
remove any appointed member of the commission for misfeasance, 80218  
nonfeasance, or malfeasance. Members of the commission shall 80219  
serve without compensation, but shall be reimbursed for the 80220  
reasonable expenses incurred by them in the discharge of their 80221  
duties as members of the commission. 80222

The commission shall meet at least annually and shall hold 80223  
such additional meetings as are necessary to implement and 80224  
administer this chapter. Additional meetings may be held at the 80225  
behest of either a co-chairperson or a majority of the members. 80226  
The commission shall, by adoption of internal management rules 80227  
under division (B) (9) of this section, establish an executive 80228

committee and delegate to it the performance of such of the 80229  
commission's duties and powers under this chapter as are 80230  
required or authorized to be so delegated by that division. The 80231  
commission may organize itself into such additional committees 80232  
as it considers necessary or convenient to implement and 80233  
administer this chapter. The director of environmental 80234  
protection and the director of public safety or their designees 80235  
shall serve as co-chairpersons of the commission and the 80236  
executive committee. Except as otherwise provided in this 80237  
chapter, a majority of the voting members of the commission 80238  
constitutes a quorum and the affirmative vote of a majority of 80239  
the voting members of the commission is necessary for any action 80240  
taken by the commission. Meetings of the executive committee 80241  
conducted for the purpose of determining whether to issue an 80242  
enforcement order or request that a civil action, civil penalty 80243  
action, or criminal action be brought to enforce this chapter or 80244  
rules adopted or orders issued under it are not subject to 80245  
section 121.22 of the Revised Code pursuant to division (D) of 80246  
that section. 80247

Except for the purposes of Chapters 102. and 2921. and 80248  
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 80249  
as an appointed member of the commission does not constitute 80250  
holding a public office or position of employment under the laws 80251  
of this state and does not constitute grounds for removal of 80252  
public officers or employees from their offices or positions of 80253  
employment. 80254

(B) The commission shall: 80255

(1) Adopt rules in accordance with Chapter 119. of the 80256  
Revised Code that are consistent with and equivalent in scope, 80257  
content, and coverage to the "Emergency Planning and Community 80258

Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, 80259  
and applicable regulations adopted under it: 80260

(a) Identifying or listing extremely hazardous substances 80261  
and establishing a threshold planning quantity for each such 80262  
substance. To the extent consistent with that act and applicable 80263  
regulations adopted under it, the rules may establish threshold 80264  
planning quantities based upon classes of those substances or 80265  
categories of facilities at which such substances are present. 80266

(b) Listing hazardous chemicals, establishing threshold 80267  
quantities for those chemicals, establishing categories of 80268  
health and physical hazards of those chemicals, establishing 80269  
criteria or procedures for identifying those chemicals and the 80270  
appropriate hazard categories of those chemicals, and 80271  
establishing ranges of quantities for those chemicals to be used 80272  
in preparing emergency and hazardous chemical inventory forms 80273  
under section 3750.08 of the Revised Code. To the extent 80274  
consistent with that act and applicable regulations adopted 80275  
under it, the rules may establish threshold quantities based 80276  
upon classes of those chemicals or categories of facilities 80277  
where those chemicals are present. 80278

To the extent consistent with that act, the threshold 80279  
quantities for purposes of the submission of lists of hazardous 80280  
chemicals under section 3750.07 and the submission of emergency 80281  
and hazardous chemical inventory forms under section 3750.08 of 80282  
the Revised Code may differ. 80283

(c) Identifying or listing hazardous substances and 80284  
establishing reportable quantities of each of those substances 80285  
and each extremely hazardous substance. In addition to being 80286  
consistent with and equivalent in scope, content, and coverage 80287  
to that act and applicable regulations adopted under it, the 80288

rules shall be consistent with and equivalent in scope, content, 80289  
and coverage to regulations identifying or listing hazardous 80290  
substances and reportable quantities of those substances adopted 80291  
under the "Comprehensive Environmental Response, Compensation, 80292  
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 80293  
amended. 80294

(d) Prescribing the information to be included in the 80295  
lists of hazardous chemicals required to be submitted under 80296  
section 3750.07 of the Revised Code; 80297

(e) Prescribing the information to be included in the 80298  
emergency and hazardous chemical inventory forms required to be 80299  
submitted under section 3750.08 of the Revised Code. If the 80300  
commission establishes its own emergency and hazardous chemical 80301  
inventory form, the rules shall authorize owners and operators 80302  
of facilities who also have one or more facilities located 80303  
outside the state for which they are required to submit 80304  
inventory forms under the federal act and regulations adopted 80305  
under it to submit their annual inventories on forms prescribed 80306  
by the administrator of the United States environmental 80307  
protection agency under that act instead of on forms prescribed 80308  
by the commission and shall require those owners or operators to 80309  
submit any additional information required by the commission's 80310  
inventory form on an attachment to the federal form. 80311

(f) Establishing procedures for giving verbal notice of 80312  
releases under section 3750.06 of the Revised Code and 80313  
prescribing the information to be provided in such a notice and 80314  
in the follow-up written notice required by that section; 80315

(g) Establishing standards for determining valid needs for 80316  
the release of tier II information under division (B) (4) of 80317  
section 3750.10 of the Revised Code; 80318

(h) Identifying the types or categories of information 80319  
submitted or obtained under this chapter and rules adopted under 80320  
it that constitute confidential business information; 80321

(i) Establishing criteria and procedures to protect trade 80322  
secret and confidential business information from unauthorized 80323  
disclosure; 80324

(j) Establishing other requirements or authorizations that 80325  
the commission considers necessary or appropriate to implement, 80326  
administer, and enforce this chapter. 80327

(2) Adopt rules in accordance with Chapter 119. of the 80328  
Revised Code to implement and administer this chapter that may 80329  
be more stringent than the "Emergency Planning and Community 80330  
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, 80331  
and regulations adopted under it. Rules adopted under division 80332  
(B) (2) of this section shall not be inconsistent with that act 80333  
or the regulations adopted under it. The rules shall: 80334

(a) Prescribe the information to be included in the 80335  
chemical emergency response and preparedness plans prepared and 80336  
submitted by local emergency planning committees under section 80337  
3750.04 of the Revised Code; 80338

(b) Establish criteria and procedures for reviewing the 80339  
chemical emergency response and preparedness plans of local 80340  
emergency planning committees required by section 3750.04 of the 80341  
Revised Code and the annual exercise of those plans and for 80342  
providing concurrence or requesting modifications in the plans 80343  
and the exercise of those plans. The criteria shall include, 80344  
without limitation, the requirement that each exercise of a 80345  
committee's plan involve, in addition to local emergency 80346  
response and medical personnel, either a facility that is 80347



subject to the plan or a transporter of materials that are 80348  
identified or listed as hazardous materials by regulations 80349  
adopted under the "Hazardous Materials Transportation Act," 88 80350  
Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 80351

(c) Establish policies and procedures for maintaining 80352  
information submitted to the commission and local emergency 80353  
planning committees under this chapter, and for receiving and 80354  
fulfilling requests from the public for access to review and to 80355  
obtain copies of that information. The criteria and procedures 80356  
shall include the following requirements and authorizations 80357  
regarding that information and access to it: 80358

(i) Information that is protected as trade secret 80359  
information or confidential business information under this 80360  
chapter and rules adopted under it shall be kept in files that 80361  
are separate from those containing information that is not so 80362  
protected. 80363

(ii) The original copies of information submitted to the 80364  
commission or committee shall not be removed from the custody 80365  
and control of the commission or committee. 80366

(iii) A person who, either in person or by mail, requests 80367  
to obtain a copy of a material safety data sheet submitted under 80368  
this chapter by a facility owner or operator shall submit a 80369  
separate application for each facility for which a material 80370  
safety data sheet is being requested. 80371

(iv) A person who requests to receive by mail a copy of 80372  
information submitted under this chapter by a facility owner or 80373  
operator shall submit a separate application for each facility 80374  
for which information is being requested and shall specify both 80375  
the facility for which information is being requested and the 80376

particular types of documents requested. 80377

(v) Only employees of the commission or committee shall 80378  
copy information in the files of the commission or committee. 80379

(vi) The commission or committee may require any person 80380  
who requests to review or obtain a copy of information in its 80381  
files to schedule an appointment for that purpose with the 80382  
information coordinator of the commission or committee at least 80383  
twenty-four hours before arriving at the office of the 80384  
commission or committee for the review or copy. 80385

(vii) Any person who seeks access to information in the 80386  
files of the commission or a local emergency planning committee 80387  
shall submit a written application, either in person or by mail, 80388  
to the information coordinator on a form provided by the 80389  
commission or committee. The person also shall provide the 80390  
person's name and current mailing address on the application and 80391  
may be requested by the commission or committee to provide basic 80392  
demographic information on the form to assist in the evaluation 80393  
of the information access provisions of this chapter and rules 80394  
adopted under it. Application forms may be obtained by mail or 80395  
in person or by request by telephone at the office of the 80396  
commission or committee during regular business hours. Upon 80397  
receipt of a request for an application by telephone or mail, 80398  
the information coordinator shall promptly mail an application 80399  
to the person who requested it. 80400

(viii) The application form shall provide the applicant 80401  
with a means of indicating that the applicant's name and address 80402  
are to be kept confidential. If the applicant so indicates, that 80403  
information is not a public record under section 149.43 of the 80404  
Revised Code and shall not be disclosed to any person who is not 80405  
a member or employee of the commission or committee or an 80406

employee of the environmental protection agency. When a name and 80407  
address are to be kept confidential, they also shall be deleted 80408  
from the copy of the application required to be placed in the 80409  
file of the facility under division (B) (2) (c) (xii) of this 80410  
section and shall be withheld from any log of information 80411  
requests kept by the commission or committee pursuant to that 80412  
division. 80413

(ix) Neither the commission nor a local emergency planning 80414  
committee shall charge any fee for access to review information 80415  
in its files when no copies or computer searches of that 80416  
information are requested. 80417

(x) An applicant shall be informed of the cost of copying, 80418  
mailing, or conducting a computer search of information on file 80419  
with the commission or committee before such a copy or search is 80420  
made, and the commission or committee shall collect the 80421  
appropriate fees as established under section 3750.13 of the 80422  
Revised Code. Each applicant shall acknowledge on the 80423  
application form that the applicant is aware that the applicant 80424  
will be charged for copies and computer searches of that 80425  
information the applicant requests and for the costs of mailing 80426  
copies of the information to the applicant. 80427

(xi) The commission or committee may require a person 80428  
requesting copies of information on file with it to take 80429  
delivery of them in the office of the commission or committee 80430  
whenever it considers the volume of the information to be large 80431  
enough to make mailing or delivery by a parcel or package 80432  
delivery service impractical. 80433

(xii) When the commission or committee receives a request 80434  
for access to review or obtain copies of information in its 80435  
files, it shall not routinely notify the owner or operator of 80436

the facility involved, but instead shall either keep a log or 80437  
file of requests for the information or shall place a copy of 80438  
each completed application form in the file for the facility to 80439  
which the application pertains. Such a log or file shall be 80440  
available for review by the public and by the owners and 80441  
operators of facilities required to submit information to the 80442  
commission or committee under this chapter and rules adopted 80443  
under it. 80444

(d) Require that claims for the protection, as a trade 80445  
secret, of information obtained under this chapter regarding 80446  
extremely hazardous substances identified or listed in rules 80447  
adopted under division (B)(1)(a) of this section and hazardous 80448  
chemicals identified or listed in rules adopted under division 80449  
(B)(1)(b) of this section be submitted to the administrator of 80450  
the United States environmental protection agency for 80451  
determination under section 322 of the the "Emergency Planning 80452  
and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 80453  
U.S.C.A. 11042, and regulations adopted under that section; 80454

(e) Establish criteria and procedures for the issuance of 80455  
variances under divisions (B) and (C) of section 3750.11 of the 80456  
Revised Code. The rules shall require that, before approval of 80457  
an application for a variance, the commission or committee find 80458  
by a preponderance of the scientific evidence based upon 80459  
generally accepted scientific principles or laboratory tests 80460  
that the extremely hazardous substances, hazardous chemicals, or 80461  
hazardous substances that would be subject to the reporting 80462  
requirement pose a substantial risk of catastrophic injury to 80463  
public health or safety or to the environment, or pose an 80464  
extraordinary risk of injury to emergency management personnel 80465  
responding to a release of the chemicals or substances, when the 80466  
substances or chemicals are present at a facility in an amount 80467

equal to or exceeding the quantity for which reporting would be 80468  
required under the reporting requirement for which the variance 80469  
is sought. The rules shall also require that before approval of 80470  
an application for a variance, the commission or committee find 80471  
by a preponderance of the evidence that the development and 80472  
implementation of a local emergency response plan for releases 80473  
of the substances or chemicals covered by the reporting 80474  
requirement will reduce the risk of catastrophic injury to 80475  
public health or safety or to the environment, or will reduce 80476  
the extraordinary risk of injury to responding emergency 80477  
management personnel, in the event of a release of the 80478  
substances or chemicals and find by a preponderance of the 80479  
evidence that the reporting requirement is necessary for the 80480  
development of such a local emergency response plan. The rules 80481  
shall require that when determining whether the substances or 80482  
chemicals that would be subject to the reporting requirement 80483  
pose a substantial risk of catastrophic injury to public health 80484  
or safety or to the environment, or pose an extraordinary risk 80485  
of injury to emergency management personnel responding to a 80486  
release of the substance or chemical, the commission or 80487  
committee consider all of the following factors: 80488

(i) The specific characteristics and degree and nature of 80489  
the hazards posed by a release of the extremely hazardous 80490  
substances, hazardous chemicals, or hazardous substances; 80491

(ii) The proximity of the facilities that would be subject 80492  
to the reporting requirement to residential areas, to areas 80493  
where significantly large numbers of people are employed or 80494  
otherwise congregate, and to environmental resources that are 80495  
subject to injury; 80496

(iii) The quantities of the extremely hazardous 80497

substances, hazardous chemicals, or hazardous substances that 80498  
are routinely present at facilities that would be subject to the 80499  
reporting requirement; 80500

(iv) The frequency with which the extremely hazardous 80501  
substances, hazardous chemicals, or hazardous substances are 80502  
present at the facilities that would be subject to the reporting 80503  
requirement in quantities for which reporting would be required 80504  
thereunder. 80505

(f) Establish criteria and procedures for the issuance of 80506  
orders under division (D) of section 3750.11 of the Revised Code 80507  
requiring the placement of emergency response lock box units. 80508  
The rules shall require that before approval of an application 80509  
for issuance of such an order, the commission or committee find 80510  
by a preponderance of the scientific evidence based upon 80511  
generally accepted scientific principles or laboratory tests 80512  
that the presence of the extremely hazardous substances, 80513  
hazardous chemicals, or hazardous substances in the quantities 80514  
in which they are routinely or intermittently present at the 80515  
facility for which the order is sought pose a substantial risk 80516  
of catastrophic injury to public health or safety or to the 80517  
environment, or pose an extraordinary risk of injury to 80518  
responding emergency management personnel, in the event of a 80519  
release of any of those substances or chemicals from the 80520  
facility. The rules shall require that before approval of an 80521  
application for issuance of such an order, the commission or 80522  
committee also find by a preponderance of the evidence that the 80523  
placement of an emergency response lock box unit at the facility 80524  
is necessary to protect against the substantial risk of 80525  
catastrophic injury to public health or safety or the 80526  
environment, or to protect against an extraordinary risk of 80527  
injury to responding emergency management personnel, in the 80528

event of a release of any of the extremely hazardous substances, 80529  
hazardous chemicals, or hazardous substances routinely or 80530  
intermittently present at the facility. The rules shall require 80531  
that when determining whether the extremely hazardous 80532  
substances, hazardous chemicals, or hazardous substances present 80533  
at the facility pose a substantial risk of catastrophic injury 80534  
to public health or safety or to the environment, or pose an 80535  
extraordinary risk of injury to responding emergency management 80536  
personnel, in the event of a release of any of those substances 80537  
or chemicals from the facility, the commission or committee 80538  
consider all of the following factors: 80539

(i) The specific characteristics and the degree and nature 80540  
of the hazards posed by a release of the extremely hazardous 80541  
substances, hazardous chemicals, or hazardous substances present 80542  
at the facility; 80543

(ii) The proximity of the facility to residential areas, 80544  
to areas where significantly large numbers of people are 80545  
employed or otherwise congregate, and to environmental resources 80546  
that are subject to injury; 80547

(iii) The quantities of the extremely hazardous 80548  
substances, hazardous chemicals, or hazardous substances that 80549  
are routinely present at the facility; 80550

(iv) The frequency with which the extremely hazardous 80551  
substances, hazardous chemicals, or hazardous substances are 80552  
present at the facility. 80553

(g) Establish procedures to be followed by the commission 80554  
and the executive committee of the commission for the issuance 80555  
of orders under this chapter. 80556

(3) In accordance with Chapter 119. of the Revised Code 80557

adopt rules establishing reportable quantities for releases of 80558  
oil that are consistent with and equivalent in scope, content, 80559  
and coverage to section 311 of the "Federal Water Pollution 80560  
Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, 80561  
as amended, and applicable regulations adopted under it; 80562

(4) Adopt rules in accordance with Chapter 119. of the 80563  
Revised Code establishing criteria and procedures for 80564  
identifying or listing extremely hazardous substances in 80565  
addition to those identified or listed in rules adopted under 80566  
division (B) (1) (a) of this section and for establishing 80567  
threshold planning quantities and reportable quantities for the 80568  
added extremely hazardous substances; for identifying or listing 80569  
hazardous chemicals in addition to those identified or listed in 80570  
rules adopted under division (B) (1) (b) of this section and for 80571  
establishing threshold quantities and categories of health and 80572  
physical hazards for the added hazardous chemicals; and for 80573  
identifying or listing hazardous substances in addition to those 80574  
identified or listed in rules adopted under division (B) (1) (c) 80575  
of this section and for establishing reportable quantities for 80576  
the added hazardous substances. The criteria for identifying or 80577  
listing additional extremely hazardous substances and 80578  
establishing threshold planning quantities and reportable 80579  
quantities therefor and for identifying or listing additional 80580  
hazardous chemicals and establishing threshold quantities and 80581  
categories of health and physical hazards for the added 80582  
hazardous chemicals shall be consistent with and equivalent to 80583  
applicable criteria therefor under the "Emergency Planning and 80584  
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 80585  
U.S.C.A. 11001, and regulations adopted under it. The criteria 80586  
for identifying additional hazardous substances and for 80587  
establishing reportable quantities of the added hazardous 80588



substances shall be consistent with and equivalent to the 80589  
applicable criteria for identifying or listing hazardous 80590  
substances and establishing reportable quantities therefor under 80591  
the "Comprehensive Environmental Response, Compensation, and 80592  
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 80593  
amended, and regulations adopted under it. 80594

The rules shall require that, before identifying or 80595  
listing any such additional extremely hazardous substance, 80596  
hazardous chemical, or hazardous substance and establishing a 80597  
threshold planning quantity, threshold quantity, or reportable 80598  
quantity therefor, the commission find by a preponderance of the 80599  
scientific evidence based on generally accepted scientific 80600  
principles or laboratory tests that the substance or chemical 80601  
poses a substantial risk of catastrophic injury to public health 80602  
or safety or to the environment, or poses an extraordinary risk 80603  
of injury to emergency management personnel responding to a 80604  
release of the chemical or substance, when the chemical or 80605  
substance is present at a facility in an amount equal to the 80606  
proposed threshold planning quantity or threshold quantity or, 80607  
in the instance of a proposed additional extremely hazardous 80608  
substance or hazardous substance, poses a substantial risk of 80609  
catastrophic injury to public health or safety or to the 80610  
environment if a release of the proposed reportable quantity of 80611  
the substance occurs. The rules shall further require that, 80612  
before so identifying or listing a substance or chemical, the 80613  
commission find by a preponderance of the evidence that the 80614  
development and implementation of state or local emergency 80615  
response plans for releases of the substance or chemical will 80616  
reduce the risk of a catastrophic injury to public health or 80617  
safety or to the environment, or will reduce the extraordinary 80618  
risk of injury to responding emergency response personnel, in 80619

the event of a release of the substance or chemical and find by 80620  
a preponderance of the evidence that the identification or 80621  
listing of the substance or chemical is necessary for the 80622  
development of state or local emergency response plans for 80623  
releases of the substance or chemical. The rules shall require 80624  
that the commission consider the toxicity of the substance or 80625  
chemical in terms of both the short-term and long-term health 80626  
effects resulting from exposure to it and its reactivity, 80627  
volatility, dispersibility, combustibility, and flammability 80628  
when determining the risks posed by a release of the substance 80629  
or chemical and, as appropriate, when establishing a threshold 80630  
planning quantity, threshold quantity, reportable quantity, or 80631  
category of health or physical hazard for it. 80632

(5) Adopt rules in accordance with Chapter 119. of the 80633  
Revised Code establishing criteria and procedures for receiving 80634  
and deciding claims for protection of information as a trade 80635  
secret that are applicable only to extremely hazardous 80636  
substances and hazardous chemicals identified or listed in rules 80637  
adopted under division (C) (5) of this section. The rules shall 80638  
be equivalent in scope, content, and coverage to section 322 of 80639  
the "Emergency Planning and Community Right-To-Know Act of 80640  
1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations 80641  
adopted under it. 80642

(6) (a) After consultation with the fire marshal, adopt 80643  
rules in accordance with Chapter 119. of the Revised Code 80644  
establishing standards for the construction, placement, and use 80645  
of emergency response lock box units at facilities that are 80646  
subject to this chapter. The rules shall establish all of the 80647  
following: 80648

(i) Specific standards of construction for lock box units; 80649

(ii) The specific types of information that shall be placed in the lock box units required to be placed at a facility by an order issued under division (D) of section 3750.11 of the Revised Code, which shall include the location of on-site emergency fire-fighting and spill cleanup equipment; a diagram of the public and private water supply and sewage systems serving the facility that are known to the owner or operator of the facility; a copy of the emergency and hazardous chemical inventory form for the facility most recently required to be submitted under section 3750.08 of the Revised Code from which the owner or operator may withhold information claimed or determined to be trade secret information pursuant to rules adopted under division (B) (2) (d) of this section, or pursuant to division (B) (14) of this section and rules adopted under division (B) (5) of this section, and confidential business information identified in rules adopted under division (B) (1) (h) of this section; a copy of the local fire department's and facility's emergency management plans for the facility, if any; a current list of the names, positions, addresses, and telephone numbers of all key facility personnel knowledgeable in facility safety procedures and the locations at the facility where extremely hazardous substances, hazardous chemicals, and hazardous substances are produced, used, or stored. The rules shall stipulate that, in the instance of lock box units placed voluntarily at facilities by the owners or operators of the facilities, such information shall be maintained in them as is prescribed by agreement by the owner or operator and the fire department having jurisdiction over the facility.

(iii) The conditions that shall be met in order to provide safe and expedient access to a lock box unit during a release or threatened release of an extremely hazardous substance,

hazardous chemical, or hazardous substance. 80681

(b) Unless the owner or operator of a facility is issued 80682  
an order under division (D) of section 3750.11 of the Revised 80683  
Code requiring the owner or operator to place a lock box unit at 80684  
the facility, the owner or operator may place a lock box unit at 80685  
the facility at the owner's or operator's discretion. If the 80686  
owner or operator chooses to place a lock box unit at the 80687  
facility, the responsibility to deposit information in the lock 80688  
box unit is in addition to any other obligations established in 80689  
this chapter. 80690

(c) Any costs associated with the purchase, construction, 80691  
or placement of a lock box unit shall be paid by the owner or 80692  
operator of the facility. 80693

(7) In accordance with Chapter 119. of the Revised Code, 80694  
adopt rules governing the application for and awarding of grants 80695  
under division (C) of section 3750.14 and division (B) of 80696  
section 3750.15 of the Revised Code; 80697

(8) Adopt rules in accordance with Chapter 119. of the 80698  
Revised Code establishing reasonable maximum fees that may be 80699  
charged by the commission and local emergency planning 80700  
committees for copying information in the commission's or 80701  
committee's files to fulfill requests from the public for that 80702  
information; 80703

(9) Adopt internal management rules governing the 80704  
operations of the commission. The internal management rules 80705  
shall establish an executive committee of the commission 80706  
consisting of the director of environmental protection or the 80707  
director's designee, the director of public safety or the 80708  
director's designee, the attorney general or the attorney 80709

general's designee, one of the appointed members of the 80710  
commission representing industries subject to this chapter to be 80711  
appointed by the commission, one of the appointed members of the 80712  
commission representing the interests of environmental advocacy 80713  
organizations to be appointed by the commission, and one other 80714  
appointed member or member ex officio of the commission to be 80715  
appointed by the commission. The executive committee has 80716  
exclusive authority to issue enforcement orders under section 80717  
3750.18 of the Revised Code and to request the attorney general 80718  
to bring a civil action, civil penalty action, or criminal 80719  
action under section 3750.20 of the Revised Code in the name of 80720  
the commission regarding violations of this chapter, rules 80721  
adopted under it, or orders issued under it. The internal 80722  
management rules may set forth the other specific powers and 80723  
duties of the commission that the executive committee may 80724  
exercise and carry out and the conditions under which the 80725  
executive committee may do so. The internal management rules 80726  
shall not authorize the executive committee to issue variances 80727  
under division (B) or (C) of section 3750.11 of the Revised Code 80728  
or orders under division (D) of that section. 80729

(10) Oversee and coordinate the implementation and 80730  
enforcement of this chapter and make such recommendations to the 80731  
director of environmental protection and the director of public 80732  
safety as it considers necessary or appropriate to improve the 80733  
implementation and enforcement of this chapter; 80734

(11) Make allocations of moneys under division (B) of 80735  
section 3750.14 of the Revised Code and make grants under 80736  
division (C) of section 3750.14 and division (B) of section 80737  
3750.15 of the Revised Code; 80738

(12) Designate an officer of the environmental protection 80739

agency to serve as the commission's information coordinator 80740  
under this chapter; 80741

(13) Not later than December 14, 1989, develop and 80742  
distribute a state emergency response plan that defines the 80743  
emergency response roles and responsibilities of the state 80744  
agencies that are represented on the commission and that 80745  
provides appropriate coordination with the national contingency 80746  
plan and the regional contingency plan required by section 105 80747  
of the "Comprehensive Environmental Response, Compensation, and 80748  
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 80749  
amended. The plan shall ensure a well-coordinated response by 80750  
state agencies that may be involved in assisting local emergency 80751  
responders during a major release of oil or a major sudden and 80752  
accidental release of a hazardous substance or extremely 80753  
hazardous substance. The plan may incorporate existing state 80754  
emergency response plans by reference. At least annually, the 80755  
commission and the state agencies that are represented on it 80756  
shall jointly exercise the state plan in conjunction with the 80757  
exercise of a local emergency response plan by a local emergency 80758  
planning committee under section 3750.04 of the Revised Code. 80759  
After any such exercise, the commission shall review the state 80760  
plan and make such revisions in it as the commission considers 80761  
necessary or appropriate. 80762

(14) Receive and decide claims for the protection of 80763  
information as a trade secret that pertain only to extremely 80764  
hazardous substances and hazardous chemicals identified or 80765  
listed by rules adopted under division (C)(5) of this section. 80766  
If the commission determines that the claim meets the criteria 80767  
established in rules adopted under division (B)(5) of this 80768  
section, it shall issue an order to that effect in accordance 80769  
with section 3750.18 of the Revised Code. If the commission 80770

determines that the claim does not meet the criteria established 80771  
in those rules, it shall issue an order to that effect in 80772  
accordance with section 3750.18 of the Revised Code. 80773

(15) Annually compile, make available to the public, and 80774  
submit to the president of the senate and the speaker of the 80775  
house of representatives a summary report on the number of 80776  
facilities estimated to be subject to regulation under sections 80777  
3750.05, 3750.07, and 3750.08 of the Revised Code, the number of 80778  
facilities reporting to the commission, an estimate of the 80779  
percentage of facilities in compliance with those sections, and 80780  
recommendations regarding the types of activities the commission 80781  
considers necessary to improve such compliance. The commission 80782  
shall base its estimate of the number of facilities that are 80783  
subject to regulation under those sections on the current 80784  
estimates provided by the local emergency planning committees 80785  
under division (D) (6) of section 3750.03 of the Revised Code. 80786

(C) The commission may: 80787

(1) Procure by contract the temporary or intermittent 80788  
services of experts or consultants when those services are to be 80789  
performed on a part-time or fee-for-service basis and do not 80790  
involve the performance of administrative duties; 80791

(2) Enter into contracts or agreements with political 80792  
subdivisions or emergency planning districts for the purposes of 80793  
this chapter; 80794

(3) Accept on behalf of the state any gift, grant, or 80795  
contribution from any governmental or private source for the 80796  
purposes of this chapter; 80797

(4) Enter into contracts, agreements, or memoranda of 80798  
understanding with any state department, agency, board, 80799

commission, or institution to obtain the services of personnel 80800  
thereof or utilize resources thereof for the purposes of this 80801  
chapter. Employees of a state department, agency, board, 80802  
commission, or institution providing services to the commission 80803  
under any such contract, agreement, or memorandum shall perform 80804  
only those functions and provide only the services provided for 80805  
in the contract, agreement, or memorandum. 80806

(5) Identify or list extremely hazardous substances in 80807  
addition to those identified or listed in rules adopted under 80808  
division (B) (1) (a) of this section and establish threshold 80809  
planning quantities and reportable quantities for the additional 80810  
extremely hazardous substances, identify or list hazardous 80811  
chemicals in addition to those identified or listed in rules 80812  
adopted under division (B) (1) (b) of this section and establish 80813  
threshold quantities and categories of health and physical 80814  
hazards for the added chemicals, and identify or list hazardous 80815  
substances in addition to those identified or listed in rules 80816  
adopted under division (B) (1) (c) of this section and establish 80817  
reportable quantities for the added hazardous substances. The 80818  
commission may establish threshold planning quantities for the 80819  
additional extremely hazardous substances based upon classes of 80820  
those substances or categories of facilities at which they are 80821  
present and may establish threshold quantities for the 80822  
additional hazardous chemicals based upon classes of those 80823  
chemicals or categories of facilities where they are present. 80824  
The commission shall identify or list such additional substances 80825  
or chemicals and establish threshold planning quantities, 80826  
threshold quantities, reportable quantities, and hazard 80827  
categories therefor in accordance with the criteria and 80828  
procedures established in rules adopted under division (B) (4) of 80829  
this section and, after compliance with those criteria and 80830



procedures, by the adoption of rules in accordance with Chapter 80831  
119. of the Revised Code. The commission shall not adopt rules 80832  
under division (C) (5) of this section modifying any threshold 80833  
planning quantity established in rules adopted under division 80834  
(B) (1) (a) of this section, any threshold quantity established in 80835  
rules adopted under division (B) (1) (b) of this section, or any 80836  
reportable quantity established in rules adopted under division 80837  
(B) (1) (c) of this section. 80838

If, after the commission has adopted rules under division 80839  
(C) (5) of this section identifying or listing an extremely 80840  
hazardous substance, hazardous chemical, or hazardous substance, 80841  
the administrator of the United States environmental protection 80842  
agency identifies or lists the substance or chemical as an 80843  
extremely hazardous substance or hazardous chemical under the 80844  
"Emergency Planning and Community Right-To-Know Act of 1986," 80845  
100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a 80846  
substance as a hazardous substance under the "Comprehensive 80847  
Environmental Response, Compensation, and Liability Act of 80848  
1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the 80849  
commission shall rescind its rules adopted under division (C) (5) 80850  
of this section pertaining to the substance or chemical and 80851  
adopt the appropriate rules under division (B) (1) (a), (b), or 80852  
(c) of this section. 80853

(6) From time to time, request the director of 80854  
environmental protection and the executive director of the 80855  
emergency management agency to review implementation, 80856  
administration, and enforcement of the chemical emergency 80857  
response planning and reporting programs created by this chapter 80858  
and rules adopted under it regarding their effectiveness in 80859  
preparing for response to releases of extremely hazardous 80860  
substances, hazardous chemicals, and hazardous substances. After 80861

completion of any such review, the director of environmental 80862  
protection and the director of public safety shall report their 80863  
findings to the commission. Upon receipt of their findings, the 80864  
commission may make such recommendations for legislative and 80865  
administrative action as the commission finds necessary or 80866  
appropriate to promote achievement of the purposes of this 80867  
chapter. 80868

(D) Except as provided in section 3750.06 of the Revised 80869  
Code, nothing in this chapter applies to the transportation, 80870  
including the storage incident to transportation, of any 80871  
substance or chemical subject to the requirements of this 80872  
chapter, including the transportation and distribution of 80873  
natural gas. 80874

(E) This chapter authorizes the state, through the 80875  
emergency response commission, the department of public safety, 80876  
and the environmental protection agency, to establish and 80877  
maintain chemical emergency response planning and preparedness, 80878  
community right-to-know, and hazardous substance and extremely 80879  
hazardous substance release reporting programs that are 80880  
consistent with and equivalent in scope, coverage, and content 80881  
to the "Emergency Planning and Community Right-To-Know Act of 80882  
1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations 80883  
adopted under it, except as otherwise specifically required or 80884  
authorized in this chapter. The commission, department, and 80885  
agencies may do all things necessary, incidental, or appropriate 80886  
to implement, administer, and enforce this chapter and to 80887  
perform the duties and exercise the powers of the state 80888  
emergency response commission under that act and regulations 80889  
adopted under it and under this chapter. 80890

**Sec. 3769.088.** (A) (1) If any permit holder required by 80891

this chapter to pay the taxes levied by sections 3769.08, 80892  
3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay 80893  
the taxes as required, the tax commissioner may make an 80894  
assessment against the permit holder based upon any information 80895  
in the commissioner's possession. 80896

(2) If a permit holder required to remit taxes or file a 80897  
report electronically in the manner prescribed under section 80898  
3769.103 of the Revised Code fails to do so, the tax 80899  
commissioner may impose an additional penalty of fifty dollars 80900  
or ten per cent of the tax due as shown on the report, whichever 80901  
is greater. 80902

(3) A penalty of up to fifteen per cent may be added to 80903  
the amount of every assessment made under this section. 80904

(4) The commissioner may adopt rules providing for the 80905  
imposition and remission of penalties added to assessments made 80906  
under this section. 80907

(5) The commissioner shall give the party assessed written 80908  
notice of the assessment in the manner provided in section 80909  
5703.37 of the Revised Code. With the notice, the commissioner 80910  
shall provide instructions on how to petition for reassessment 80911  
and request a hearing on the petition. 80912

(B) Unless the party assessed files with the tax 80913  
commissioner within sixty days after service of the notice of 80914  
assessment, ~~either personally or by certified mail,~~ a written 80915  
petition for reassessment signed by the party assessed or that 80916  
party's authorized agent having knowledge of the facts, the 80917  
assessment becomes final and the amount of the assessment is due 80918  
and payable from the party assessed to the commissioner. The 80919  
petition shall indicate the objections of the party assessed, 80920

but additional objections may be raised in writing if received 80921  
by the commissioner prior to the date shown on the final 80922  
determination. If the petition has been properly filed, the 80923  
commissioner shall proceed under section 5703.60 of the Revised 80924  
Code. 80925

(C) After an assessment becomes final, if any portion of 80926  
the assessment remains unpaid, including accrued interest, a 80927  
certified copy of the tax commissioner's entry making the 80928  
assessment final may be filed in the office of the clerk of the 80929  
court of common pleas in the county in which the place, track, 80930  
or enclosure for which the permit was issued is located or the 80931  
county in which the party assessed resides or has its principal 80932  
place of business. If the party assessed maintains no place of 80933  
business in this state and is not a resident of this state, the 80934  
certified copy of the entry may be filed in the office of the 80935  
clerk of the court of common pleas of Franklin county. 80936

Immediately upon the filing of the entry, the clerk shall 80937  
enter a judgment for the state against the party assessed in the 80938  
amount shown on the entry. The judgment may be filed by the 80939  
clerk in a loose-leaf book entitled "special judgments for state 80940  
horse racing tax," and shall have the same effect as other 80941  
judgments. Execution shall issue upon the judgment upon the 80942  
request of the tax commissioner, and all laws applicable to 80943  
sales on execution shall apply to sales made under the judgment. 80944

If the assessment is not paid in its entirety within sixty 80945  
days after the day the assessment was issued, the portion of the 80946  
assessment consisting of tax due shall bear interest at the rate 80947  
per annum prescribed by section 5703.47 of the Revised Code from 80948  
the day the tax commissioner issues the assessment until the day 80949  
the assessment is paid or until it is certified to the attorney 80950

general for collection under section 131.02 of the Revised Code, 80951  
whichever comes first. If the unpaid portion of the assessment 80952  
is certified to the attorney general for collection, the entire 80953  
unpaid portion of the assessment shall bear interest at the rate 80954  
per annum prescribed by section 5703.47 of the Revised Code from 80955  
the date of certification until the date it is paid in its 80956  
entirety. Interest shall be paid in the same manner as the tax 80957  
and may be collected by the issuance of an assessment under this 80958  
section. 80959

(D) All money collected by the tax commissioner under this 80960  
section shall be treated as revenue arising from the taxes 80961  
imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of 80962  
the Revised Code. 80963

**Sec. 3770.06.** (A) There is hereby created the state 80964  
lottery gross revenue fund, which shall be in the custody of the 80965  
treasurer of state but shall not be part of the state treasury. 80966  
All gross revenues received from sales of lottery tickets, 80967  
fines, fees, and related proceeds in connection with the 80968  
statewide lottery, all gross proceeds of lottery sports gaming 80969  
described in sections 3770.23 to 3770.25 of the Revised Code, 80970  
and all gross proceeds from statewide joint lottery games shall 80971  
be deposited into the fund. The treasurer of state shall invest 80972  
any portion of the fund not needed for immediate use in the same 80973  
manner as, and subject to all provisions of law with respect to 80974  
the investment of, state funds. The treasurer of state shall 80975  
disburse money from the fund on order of the director of the 80976  
state lottery commission or the director's designee. 80977

Except for gross proceeds from statewide joint lottery 80978  
games, all revenues of the state lottery gross revenue fund that 80979  
are not paid to holders of winning lottery tickets, that are not 80980

required to meet short-term prize liabilities, that are not 80981  
credited to lottery sales agents in the form of bonuses, 80982  
commissions, or reimbursements, that are not paid to financial 80983  
institutions to reimburse those institutions for sales agent 80984  
nonsufficient funds, and that are collected from sales agents 80985  
for remittance to insurers under contract to provide sales agent 80986  
bonding services shall be transferred to the state lottery fund, 80987  
which is hereby created in the state treasury. In addition, all 80988  
revenues of the state lottery gross revenue fund that represent 80989  
the gross proceeds from the statewide joint lottery games and 80990  
that are not paid to holders of winning lottery tickets, that 80991  
are not required to meet short-term prize liabilities, that are 80992  
not credited to lottery sales agents in the form of bonuses, 80993  
commissions, or reimbursements, and that are not necessary to 80994  
cover operating expenses associated with those games or to 80995  
otherwise comply with the agreements signed by the governor that 80996  
the director enters into under division (J) of section 3770.02 80997  
of the Revised Code or the rules the commission adopts under 80998  
division (B) (5) of section 3770.03 of the Revised Code shall be 80999  
transferred to the state lottery fund. All investment earnings 81000  
of the fund shall be credited to the fund. Moneys shall be 81001  
disbursed from the fund pursuant to vouchers approved by the 81002  
director. Total disbursements for monetary prize awards to 81003  
holders of winning lottery tickets in connection with the 81004  
statewide lottery, other than lottery sports gaming, and 81005  
purchases of goods and services awarded as prizes to holders of 81006  
winning lottery tickets shall be of an amount equal to at least 81007  
fifty per cent of the total revenue accruing from the sale of 81008  
lottery tickets. 81009

(B) Pursuant to Section 6 of Article XV, Ohio 81010  
Constitution, there is hereby established in the state treasury 81011

the lottery profits education fund. Whenever, in the judgment of 81012  
the director of the state lottery commission, the amount to the 81013  
credit of the state lottery fund that does not represent 81014  
proceeds from statewide joint lottery games is in excess of that 81015  
needed to meet the maturing obligations of the commission and as 81016  
working capital for its further operations, the director of the 81017  
state lottery commission shall recommend the amount of the 81018  
excess to be transferred to the lottery profits education fund, 81019  
and the director of budget and management may transfer the 81020  
excess to the lottery profits education fund in connection with 81021  
the statewide lottery. In addition, whenever, in the judgment of 81022  
the director of the state lottery commission, the amount to the 81023  
credit of the state lottery fund that represents proceeds from 81024  
statewide joint lottery games equals the entire net proceeds of 81025  
those games as described in division (B)(5) of section 3770.03 81026  
of the Revised Code and the rules adopted under that division, 81027  
the director of the state lottery commission shall recommend the 81028  
amount of the proceeds to be transferred to the lottery profits 81029  
education fund, and the director of budget and management may 81030  
transfer those proceeds to the lottery profits education fund. 81031  
~~Investment earnings of the lottery profits education fund shall~~ 81032  
~~be credited to the fund.~~ 81033

The lottery profits education fund shall be used solely 81034  
for the support of elementary, secondary, vocational, and 81035  
special education programs as determined in appropriations made 81036  
by the general assembly, or as provided in applicable bond 81037  
proceedings for the payment of debt service on obligations 81038  
issued to pay costs of capital facilities, including those for a 81039  
system of common schools throughout the state pursuant to 81040  
section 2n of Article VIII, Ohio Constitution. When determining 81041  
the availability of money in the lottery profits education fund, 81042

the director of budget and management may consider all balances 81043  
and estimated revenues of the fund. 81044

(C) There is hereby established in the state treasury the 81045  
deferred prizes trust fund. With the approval of the director of 81046  
budget and management, an amount sufficient to fund annuity 81047  
prizes shall be transferred from the state lottery fund and 81048  
credited to the trust fund. The treasurer of state shall credit 81049  
all earnings arising from investments purchased under this 81050  
division to the trust fund. Within sixty days after the end of 81051  
each fiscal year, the treasurer of state shall certify to the 81052  
director of budget and management whether the actuarial amount 81053  
of the trust fund is sufficient over the fund's life for 81054  
continued funding of all remaining deferred prize liabilities as 81055  
of the last day of the fiscal year just ended. Also, within that 81056  
sixty days, the director of budget and management shall certify 81057  
the amount of investment earnings necessary to have been 81058  
credited to the trust fund during the fiscal year just ending to 81059  
provide for such continued funding of deferred prizes. Any 81060  
earnings credited in excess of the latter certified amount shall 81061  
be transferred to the lottery profits education fund. 81062

To provide all or a part of the amounts necessary to fund 81063  
deferred prizes awarded by the commission in connection with the 81064  
statewide lottery, the treasurer of state, in consultation with 81065  
the commission, may invest moneys contained in the deferred 81066  
prizes trust fund which represents proceeds from the statewide 81067  
lottery in obligations of the type permitted for the investment 81068  
of state funds but whose maturities are thirty years or less. 81069  
Notwithstanding the requirements of any other section of the 81070  
Revised Code, to provide all or part of the amounts necessary to 81071  
fund deferred prizes awarded by the commission in connection 81072  
with statewide joint lottery games, the treasurer of state, in 81073



consultation with the commission, may invest moneys in the trust 81074  
fund which represent proceeds derived from the statewide joint 81075  
lottery games in accordance with the rules the commission adopts 81076  
under division (B) (5) of section 3770.03 of the Revised Code. 81077  
Investments of the trust fund are not subject to the provisions 81078  
of division (A) (11) of section 135.143 of the Revised Code 81079  
limiting to twenty-five per cent the amount of the state's total 81080  
average portfolio that may be invested in debt interests other 81081  
than commercial paper and limiting to five per cent the amount 81082  
that may be invested in debt interests, including commercial 81083  
paper, of a single issuer. 81084

All purchases made under this division shall be effected 81085  
on a delivery versus payment method and shall be in the custody 81086  
of the treasurer of state. 81087

The treasurer of state may retain an investment advisor, 81088  
if necessary. The commission shall pay any costs incurred by the 81089  
treasurer of state in retaining an investment advisor. 81090

(D) The auditor of state shall conduct annual audits of 81091  
all funds and any other audits as the auditor of state or the 81092  
general assembly considers necessary. The auditor of state may 81093  
examine all records, files, and other documents of the 81094  
commission, and records of lottery sales agents that pertain to 81095  
their activities as agents, for purposes of conducting 81096  
authorized audits. 81097

(E) The state lottery commission shall establish an 81098  
internal audit plan before the beginning of each fiscal year, 81099  
subject to the approval of the office of internal audit in the 81100  
office of budget and management. At the end of each fiscal year, 81101  
the commission shall prepare and submit an annual report to the 81102  
office of internal audit for the office's review and approval, 81103

specifying the internal audit work completed by the end of that 81104  
fiscal year and reporting on compliance with the annual internal 81105  
audit plan. 81106

(F) Whenever, in the judgment of the director of budget 81107  
and management, an amount of net state lottery proceeds is 81108  
necessary to be applied to the payment of debt service on 81109  
obligations, all as defined in sections 151.01 and 151.03 of the 81110  
Revised Code, the director shall transfer that amount directly 81111  
from the state lottery fund or from the lottery profits 81112  
education fund to the bond service fund defined in those 81113  
sections. The provisions of this division are subject to any 81114  
prior pledges or obligation of those amounts to the payment of 81115  
bond service charges as defined in division (C) of section 81116  
3318.21 of the Revised Code, as referred to in division (B) of 81117  
this section. 81118

**Sec. 3770.071.** (A) As used in this section, "lottery prize 81119  
award" does not include a prize award from a video lottery 81120  
terminal and does not include winnings from lottery sports 81121  
gaming, except that "lottery prize award" includes winnings from 81122  
lottery sports gaming wagers placed through a terminal described 81123  
in division (B) (3) of section 3770.24 of the Revised Code. 81124

(B) If the amount of the prize money or the cost of goods 81125  
or services awarded as a lottery prize award meets or exceeds 81126  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 81127  
subsequent analogous section of the Internal Revenue Code, the 81128  
director of the state lottery commission or the director's 81129  
designee shall consult the data match program established under 81130  
section 3123.89 of the Revised Code to determine whether the 81131  
person is subject to a final and enforceable determination of 81132  
default made under sections 3123.01 to 3123.07 of the Revised 81133

Code. If so, the director or the director's designee shall 81134  
withhold an amount from the prize award in accordance with 81135  
section 3123.89 of the Revised Code. 81136

**Sec. 3770.072.** (A) As used in this section, "prize 81137  
winner," and "transferee," and ~~"transferor"~~ have the same 81138  
meanings as in section 3770.10 of the Revised Code. 81139

(B) The state lottery commission shall deduct amounts from 81140  
lottery prize awards and file returns in accordance with 81141  
~~sections~~ section 5747.062 ~~and 5747.064~~ of the Revised Code and 81142  
any rules adopted by the tax commissioner pursuant to ~~those~~ 81143  
~~sections~~ that section. This division also applies to lottery 81144  
prize award payments the commission remits to transferees. 81145

~~(C) (1) (a)~~ (C) (1) Each transferee shall deduct and withhold 81146  
from each gross amount payable to each prize winner four per 81147  
cent of the gross amount payable prior to making any other 81148  
reduction required by this chapter. 81149

~~(b) Subject to division (C) (1) (c) of this section, each~~ 81150  
~~transferee, including any transferee that is a related member,~~ 81151  
~~as defined in section 5733.042 of the Revised Code, to the~~ 81152  
~~transferor, shall deduct and withhold from each amount payable~~ 81153  
~~to a transferor that is not a prize winner four per cent of the~~ 81154  
~~portion of the payment representing gain or income the~~ 81155  
~~transferor will recognize in connection with the payment.~~ 81156

~~(c) For purposes of division (C) (1) (b) of this section,~~ 81157  
~~the portion of any payment representing gain or income~~ 81158  
~~recognized by the transferor shall be computed in accordance~~ 81159  
~~with the Internal Revenue Code. The transferor shall prepare a~~ 81160  
~~written statement setting forth that amount and sign the~~ 81161  
~~statement under penalty of perjury. Within five days before the~~ 81162

~~date on which the payment is to be made, the transferor shall~~ 81163  
~~deliver the written statement to the transferee and deliver a~~ 81164  
~~copy of the written statement to the tax commissioner. If the~~ 81165  
~~transferee does not receive the written statement by the time~~ 81166  
~~the payment is made, the transferee shall withhold four per cent~~ 81167  
~~of the entire amount of the payment. If the tax commissioner~~ 81168  
~~notifies the transferee that the transferor has erroneously~~ 81169  
~~computed the amount of gain or income recognized, the transferee~~ 81170  
~~shall withhold four per cent of the entire amount of each~~ 81171  
~~payment to be made after the transferee receives the notice.~~ 81172

~~(d) The tax commissioner may impose a penalty of up to one~~ 81173  
~~thousand dollars for any person failing to timely deliver to the~~ 81174  
~~tax commissioner the copy of the written statement as required~~ 81175  
~~by division (C) (1) (c) of this section. Proceeds from the~~ 81176  
~~imposition of the penalty shall be considered as revenue arising~~ 81177  
~~from the tax imposed under section 5733.06 or 5747.02 of the~~ 81178  
~~Revised Code, as applicable.~~ 81179

(2) With respect to amounts deducted and withheld pursuant 81180  
to division (C) (1) of this section, each transferee shall comply 81181  
with divisions (A) (2) to (4) of section 5747.062 of the Revised 81182  
Code. 81183

(3) An employee of a corporation, limited liability 81184  
company, or business trust having control or supervision of or 81185  
charged with the responsibility of filing the report and making 81186  
the payment required by division (C) of this section and section 81187  
5747.062 of the Revised Code, or an officer, member, manager, or 81188  
trustee of a corporation, limited liability company, or business 81189  
trust who is responsible for the execution of the corporation's, 81190  
limited liability company's, or business trust's fiscal 81191  
responsibilities, shall be personally liable for failure to file 81192

the report or pay the amount due as required by division (C) of 81193  
this section and section 5747.062 of the Revised Code. The 81194  
dissolution, termination, or bankruptcy of a corporation, 81195  
limited liability company, or business trust does not discharge 81196  
a responsible officer's, member's, manager's, employee's, or 81197  
trustee's liability for a failure of the corporation, limited 81198  
liability company, or business trust to file returns or pay the 81199  
amount due. 81200

(4) (a) The tax commissioner may make an assessment against 81201  
any person listed in division (C) (1) or (3) of this section for 81202  
any deficiency for any period. Section 5747.13 of the Revised 81203  
Code shall apply with respect to issuing assessments, filing 81204  
petitions for reassessments, conducting hearings, issuing final 81205  
determinations, making the assessment final, and filing the 81206  
entry that makes the assessment final. Section 5717.02 of the 81207  
Revised Code shall apply to appeals of the commissioner's final 81208  
decision in connection with assessments issued pursuant to 81209  
division (C) (4) of this section. 81210

(b) An assessment issued against any person listed in 81211  
division (C) (1) or (3) of this section shall not be considered 81212  
an election of remedies or a bar to an assessment against any 81213  
other person for the failure to comply with division (C) (1) of 81214  
this section. No assessment shall be issued against any person 81215  
who is so listed if the amount required to be withheld has been 81216  
paid by another. 81217

(c) The assessment shall include interest at the rate per 81218  
annum prescribed by section 5703.47 of the Revised Code on 81219  
liability from the time the payment is due until the date of 81220  
assessment. Interest shall continue to accrue from the date of 81221  
assessment until the date the assessment is paid in full. Any 81222

interest accruing subsequent to the date of the issuance of the 81223  
assessment shall be considered to be an additional deficiency 81224  
for which the tax commissioner may issue subsequent assessments. 81225  
The initial assessment and any subsequent assessments may 81226  
include a penalty in an amount not to exceed twice the 81227  
applicable interest charged under this division. 81228

**Sec. 3770.073.** (A) As used in this section, "lottery prize 81229  
award" does not include a prize award from a video lottery 81230  
terminal and does not include winnings from lottery sports 81231  
gaming, except that "lottery prize award" includes winnings from 81232  
lottery sports gaming wagers placed through a terminal described 81233  
in division (B) (3) of section 3770.24 of the Revised Code. 81234

(B) The attorney general shall provide the state lottery 81235  
commission or its designee with access to the real time data 81236  
match program described in sections 3772.37 and 3775.16 of the 81237  
Revised Code for the purpose of identifying prize winners who 81238  
owe amounts to the state or a political subdivision. 81239

(C) If a person is entitled to a lottery prize award and 81240  
is indebted to the state for the payment of any tax, workers' 81241  
compensation premium, unemployment contribution, payment in lieu 81242  
of unemployment contribution, or certified claim under section 81243  
131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a 81244  
political subdivision that has a certified claim under section 81245  
131.02 of the Revised Code, owes lottery sales receipts held in 81246  
trust on behalf of the state lottery commission as described in 81247  
division (H) (4) of section 3770.05 of the Revised Code, or owes 81248  
any charge, penalty, or interest arising from ~~these~~ any of those 81249  
debts and if the amount of the prize money or the cost of goods 81250  
or services awarded as a lottery prize award meets or exceeds 81251  
the reportable winnings amount set by 26 U.S.C. 6041, the 81252

director of the state lottery commission, or the director's 81253  
designee, shall do either of the following: 81254

(1) If the prize award will be paid in a lump sum, deduct 81255  
from the prize award and pay to the attorney general an amount 81256  
in satisfaction of the debt and pay any remainder to that 81257  
person. If the amount of the prize award is less than the amount 81258  
of the debt, the entire amount of the prize award shall be 81259  
deducted and paid in partial satisfaction of the debt. 81260

(2) If the prize award will be paid in annual 81261  
installments, on the date the initial installment payment is 81262  
due, deduct from that installment and pay to the attorney 81263  
general an amount in satisfaction of the debt and, if necessary 81264  
to collect the full amount of the debt, do the same for any 81265  
subsequent annual installments, at the time the installments 81266  
become due and owing to the person, until the debt is fully 81267  
satisfied. 81268

~~(B)~~ (D) If a person entitled to a lottery prize award owes 81269  
more than one debt, any debt owed to the state shall be 81270  
satisfied first, subject to both section 5739.33 and division 81271  
(G) of section 5747.07 of the Revised Code having first 81272  
priority, and subject to division ~~(C)~~ (E) of this section. 81273

~~(C)~~ (E) Any debt owed under section 3770.071 of the 81274  
Revised Code shall be satisfied with first priority over debts 81275  
owed under this section. 81276

~~(D)~~ (F) Except as provided in section 131.021 of the 81277  
Revised Code, this section applies only to debts that have 81278  
become final. 81279

**Sec. 3770.074.** If the amount of a prize award from a video 81280  
lottery terminal meets or exceeds the reportable winnings amount 81281

set by 26 U.S.C. 6041, the video lottery sales agent shall 81282  
consult the data match program established under section 3123.89 81283  
of the Revised Code to determine whether the person is subject 81284  
to a final and enforceable determination of default made under 81285  
sections 3123.01 to 3123.07 of the Revised Code. If so, the 81286  
video lottery sales agent shall withhold an amount from the 81287  
prize award in accordance with section 3123.89 of the Revised 81288  
Code. 81289

**Sec. 3770.075.** (A) The attorney general shall provide each 81290  
video lottery sales agent with access to the real time data 81291  
match program described in sections 3772.37 and 3775.16 of the 81292  
Revised Code for the purpose of identifying prize winners who 81293  
owe amounts to the state or a political subdivision. 81294

(B) If a person is entitled to a prize award from a video 81295  
lottery terminal that meets or exceeds the reportable winnings 81296  
amount set by 26 U.S.C. 6041 and the person is indebted to the 81297  
state for the payment of any tax, workers' compensation premium, 81298  
unemployment contribution, payment in lieu of unemployment 81299  
contribution, or certified claim under section 131.02 or 131.021 81300  
of the Revised Code, is indebted to a political subdivision that 81301  
has a certified claim under section 131.02 of the Revised Code, 81302  
owes lottery sales receipts held in trust on behalf of the state 81303  
lottery commission as described in division (H) (4) of section 81304  
3770.05 of the Revised Code, or owes any charge, penalty, or 81305  
interest arising from any of those debts, the video lottery 81306  
sales agent shall deduct from the prize award and pay to the 81307  
attorney general an amount in satisfaction of the debt and pay 81308  
any remainder to that person. If the amount of the prize award 81309  
is less than the amount of the debt, the entire amount of the 81310  
prize award shall be deducted and paid in partial satisfaction 81311  
of the debt. 81312



(C) If a person entitled to a prize award from a video lottery terminal owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (D) of this section.

(D) Any debt owed under section 3770.074 of the Revised Code shall be satisfied with first priority over debts owed under this section.

(E) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

**Sec. 3770.10.** As used in sections 3770.07 to ~~3770.073~~  
3770.075 and 3770.10 to 3770.14 of the Revised Code:

(A) "Court of competent jurisdiction" means either the general division or the probate division of the court of common pleas of the county in which the prize winner ~~or transferor~~ resides, or, if the prize winner ~~or transferor~~ is not a resident of this state, either the general division or the probate division of the court of common pleas of Franklin county or a federal court having jurisdiction over the lottery prize award.

(B) "Discounted present value" means the present value of the future payments of a lottery prize award that is determined by discounting those payments to the present, using the most recently published applicable federal rate for determining the present value of an annuity as issued by the United States internal revenue service and assuming daily compounding.

(C) "Independent professional advice" means the advice of ~~an attorney, a certified public accountant, an actuary, or any other~~ a licensed professional adviser if all of the following apply:

(1) The prize winner has engaged the services of the 81342  
licensed professional adviser to render advice concerning the 81343  
legal, financial, and other implications of a transfer of the 81344  
lottery prize award. 81345

(2) The licensed professional adviser is not affiliated in 81346  
any manner with or compensated in any manner by the transferee 81347  
of the lottery prize award. 81348

(3) The compensation of the licensed professional adviser 81349  
is not affected by whether or not a transfer of a lottery prize 81350  
award occurs. 81351

(D) "Prize winner" means any person that holds the right 81352  
to receive all or any part of a lottery prize award as a result 81353  
of being any of the following: 81354

(1) A person who is a claimant under division (A) of 81355  
section 3770.07 of the Revised Code; 81356

(2) A person who is entitled to a prize award and who is 81357  
under a legal disability as described in division (B) of section 81358  
3770.07 of the Revised Code; 81359

(3) A person who was awarded a prize award to which 81360  
another has claimed title by a federal bankruptcy court order or 81361  
other court order referred to in division (D) of section 3770.07 81362  
of the Revised Code; 81363

(4) A person who is receiving payments upon the death of a 81364  
prize winner as provided in division (D) of section 3770.07 of 81365  
the Revised Code. 81366

(E) "Transfer" means any form of sale, assignment, or 81367  
redirection of payment of ~~all or any part~~ the remainder of a 81368  
lottery prize award for consideration. 81369

(F) "Transfer agreement" means an agreement that is 81370  
complete and valid, and that provides for the transfer of ~~all or~~ 81371  
~~any part~~ the remainder of a lottery prize award from a 81372  
~~transferor prize winner~~ to a transferee. A transfer agreement is 81373  
incomplete and invalid unless the agreement contains both of the 81374  
following: 81375

(1) A statement, signed by the ~~transferor prize winner~~ 81376  
under penalties of perjury, that the ~~transferor prize winner~~ 81377  
irrevocably agrees that the ~~transferor prize winner~~ is subject 81378  
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 81379  
with respect to gain or income which the ~~transferor prize winner~~ 81380  
will recognize in connection with the transfer. ~~If the~~ 81381  
~~transferor is a pass-through entity, as defined in section~~ 81382  
~~5733.04 of the Revised Code, each investor in the pass-through~~ 81383  
~~entity shall also sign under penalties of perjury a statement~~ 81384  
~~that the investor irrevocably agrees that the investor is~~ 81385  
~~subject to the tax imposed by Chapter 5733. or 5747. of the~~ 81386  
~~Revised Code with respect to gain or income which the transferor~~ 81387  
~~and the investor will recognize in connection with the transfer.~~ 81388

(2) A statement, signed by the transferee, that the 81389  
transferee irrevocably agrees that the transferee is subject to 81390  
the withholding requirements imposed by division (C) of section 81391  
3770.072 of the Revised Code and that the transferee is subject 81392  
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 81393  
with respect to gain or income which the transferee will 81394  
recognize in connection with a lottery prize awards award to be 81395  
received as a result of the transfer. If the transferee is a 81396  
pass-through entity, as defined in section 5733.04 of the 81397  
Revised Code, each investor in the pass-through entity shall 81398  
also sign under penalties of perjury a statement setting forth 81399  
that the investor irrevocably agrees that the investor is 81400

subject to the withholding requirements imposed by division (C) 81401  
of section 3770.072 of the Revised Code and is subject to the 81402  
tax imposed by Chapter 5733. or 5747. of the Revised Code with 81403  
respect to gain or income which the transferee and the investor 81404  
will recognize in connection with a lottery prize awards-award 81405  
to be received as a result of the transfer. 81406

(G) "Transferee" means a party acquiring or proposing to 81407  
acquire ~~all or any part~~ the remainder of a lottery prize award 81408  
from a prize winner through a transfer. 81409

(H) ~~"Transferor" means either a prize winner or a~~ 81410  
~~transferee in an earlier transfer whose interest is acquired by~~ 81411  
~~or is sought to be acquired by a transferee or a new transferee~~ 81412  
~~through a transfer.~~ "Licensed professional adviser" means any of 81413  
the following: 81414

(1) An attorney; 81415

(2) A certified public accountant; 81416

(3) An actuary; 81417

(4) A financial planner who is accredited by a nationally 81418  
recognized accreditation agency. 81419

(I) "Lottery prize award" includes winnings from lottery 81420  
sports gaming, except as otherwise specified in the applicable 81421  
section of the Revised Code. 81422

(J) "Video lottery terminal" has the same meaning as in 81423  
section 3770.21 of the Revised Code. 81424

(K) "Video lottery sales agent" means an agent of the 81425  
state lottery authorized to operate video lottery terminals 81426  
under section 3770.21 of the Revised Code. 81427

**Sec. 3770.12.** A court of competent jurisdiction shall 81428  
approve a transfer of a lottery prize award only in a final 81429  
order that is based on express findings of the court. The court 81430  
shall approve the transfer if each of the following conditions 81431  
that applies is met and is included in the court's express 81432  
findings: 81433

(A) ~~If the transferor is a prize winner, the~~ The 81434  
transferee has provided to the prize winner a disclosure 81435  
statement that complies with section 3770.11 of the Revised 81436  
Code, and the prize winner has confirmed the prize winner's 81437  
receipt of the disclosure statement, as evidenced by the prize 81438  
winner's notarized signature on a copy of the disclosure 81439  
statement. 81440

(B) ~~If the transferor is a~~ The prize winner, the prize 81441  
~~winner~~ has received independent professional advice regarding 81442  
the legal, financial, and other implications of the transfer, as 81443  
evidenced by a statement signed under penalty of perjury by the 81444  
prize winner and the licensed professional adviser. 81445

(C) The transferee has given written notice of the 81446  
transferee's name, address, and taxpayer identification number 81447  
to the state lottery commission and has filed a copy of that 81448  
notice with the court in which the application for approval of 81449  
the transfer was filed. 81450

(D) The transferee is a trust, limited partnership, 81451  
general partnership, corporation, professional association, 81452  
limited liability company, or other entity that is qualified to 81453  
do business in this state and meets the registration 81454  
requirements for that type of entity under Title XVII of the 81455  
Revised Code. 81456

(E) The transfer complies with all applicable requirements 81457  
of the Revised Code and does not contravene any applicable 81458  
statute or court order. 81459

(F) The transfer does not include or cover the amounts of 81460  
the lottery prize award that are required to be withheld or 81461  
deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 81462  
3123.06, 3770.071, or 3770.072 of the Revised Code. 81463

(G) Any amounts described in division (F) of this section 81464  
that are required to be withheld or deducted, as of the date of 81465  
the court order, will be offset by the commission first against 81466  
remaining payments due the ~~transferor~~prize winner and then 81467  
against payments due the transferee. 81468

(H) Except as provided in divisions (F) and (G) of this 81469  
section, that the ~~transferor's~~prize winner's interest in each 81470  
and all of the future payments from a particular lottery prize 81471  
award is to be paid to a single transferee, ~~or, if the payments~~ 81472  
~~from the lottery prize award are to be directed from the state~~ 81473  
~~lottery commission to multiple transferees, the commission has~~ 81474  
~~promulgated rules under section 3770.03 of the Revised Code~~ 81475  
~~permitting transfers to multiple transferees, and the transfer~~ 81476  
~~is consistent with those rules.~~ 81477

~~(I) If the lottery prize award has been transferred within 81478  
twelve months immediately preceding the effective date of the 81479  
proposed transfer, the state lottery commission has not objected 81480  
to the proposed transfer. The court shall presume that the 81481  
requirements of this division are met unless the commission 81482  
notifies the court in writing before the hearing on the 81483  
application for transfer, or through counsel at that hearing, 81484  
that a transfer of the same lottery prize award has been made 81485  
within that twelve-month period and that the commission objects 81486~~

~~to a subsequent transfer within that twelve-month period. The~~ 81487  
~~court shall find that the requirements of this division are not~~ 81488  
~~met if the commission provides notice of a prior transfer of the~~ 81489  
~~same lottery prize award within that twelve-month period and its~~ 81490  
~~objection to the proposed transfer, unless the transferor or~~ 81491  
~~transferee shows by clear and convincing evidence that no~~ 81492  
~~previous transfer of the same lottery prize award occurred~~ 81493  
~~within that twelve-month period. For purposes of this division,~~ 81494  
~~any of a series of transfers of a lottery prize award that occur~~ 81495  
~~simultaneously as part of a single transaction shall not be~~ 81496  
~~considered to be a prior transfer of the lottery prize award~~ 81497  
~~within the twelve-month period immediately preceding the~~ 81498  
~~effective date of the proposed transfer, provided that the~~ 81499  
~~condition set forth in division (C) of this section is met.~~ 81500

If the court determines that all of the conditions in 81501  
divisions (A) to ~~(I)~~ (H) of this section that apply are met, the 81502  
transfer of the lottery prize award shall be presumed to be fair 81503  
and reasonable and in the best interests of the prize winner. 81504

**Sec. 3770.121.** Any state lottery commission rules allowing 81505  
lottery prize awards to be paid in installments also shall allow 81506  
a prize winner who is being paid a prize award in that manner to 81507  
transfer ~~all or a portion of~~ the remainder of the prize award, 81508  
subject to each of the following conditions: 81509

(A) ~~If each transfer is for less than one hundred per cent~~ 81510  
~~of the remainder of the prize award, the remainder of the prize~~ 81511  
~~award for each transfer must be five hundred thousand dollars or~~ 81512  
~~greater at the time of the transfer. If the lottery prize award~~ 81513  
~~is a lifetime prize, for each transfer the remainder of the~~ 81514  
~~minimum guaranteed prize to which the prize winner is entitled~~ 81515  
~~must be five hundred thousand dollars or greater at the time of~~ 81516

~~the transfer.~~

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~~(B)~~ Payments of the prize award transferred shall be  
subject to the withholding or deduction of any amounts that are  
required to be withheld or deducted under section 3119.80,  
3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 5747.062 of the  
Revised Code.

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~~(C) The maximum number of transfers~~ (B) Only one transfer  
is permitted under this section with respect to any single prize  
award ~~shall not exceed three unless a greater number of~~  
permitted transfers has been specified by the commission in the  
rules.

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**Sec. 3770.13.** (A) A transferee shall file an application  
under sections 3770.10 to 3770.14 of the Revised Code for the  
approval in advance of a transfer of a lottery prize award in a  
court of competent jurisdiction.

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(B) The following procedures shall apply to an application  
for the approval in advance by a court of a transfer of a  
lottery prize award under division (A) of this section:

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(1) Upon the filing of the application, the court shall  
set a date, time, and place for a hearing on the application and  
shall notify the transferee and ~~transferor~~ the prize winner of  
the date, time, and place of the hearing.

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(2) Not less than thirty days prior to the date set by the  
court for the hearing on an application filed pursuant to this  
section, the transferee shall file with the court and shall  
serve on the state lottery commission, in the manner prescribed  
in the Rules of Civil Procedure for the service of process, a  
notice of the proposed transfer and the application for its  
approval in advance. The notice shall include all of the

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following: 81546

(a) A copy of the application; 81547

(b) A copy of the transfer agreement ~~or, if the transferor~~ 81548  
~~is not a prize winner, a redacted copy of the transfer agreement~~ 81549  
~~that discloses sufficient information to allow the commission~~ 81550  
~~and the court to determine the validity of the transfer~~ 81551  
~~agreement;~~ 81552

(c) ~~If the transferor is a prize winner, a~~ A copy of the 81553  
disclosure statement provided by the transferee pursuant to 81554  
section 3770.11 of the Revised Code and signed by the prize 81555  
winner pursuant to division (A) of section 3770.12 of the 81556  
Revised Code; 81557

(d) A statement, signed under penalty of perjury by the 81558  
prize winner and a licensed professional adviser, that the prize 81559  
winner has received independent professional advice regarding 81560  
the legal, financial, and other implications of the transfer; 81561

(e) The amounts and due dates of the lottery prize award 81562  
payments that will be transferred under the transfer agreement; 81563

~~(e)~~ (f) Notification of the date, time, and place of the 81564  
hearing on the application; 81565

~~(f)~~ (g) The complete name, address, and taxpayer 81566  
identification number of the transferee. 81567

(3) The commission shall not be required to appear in or 81568  
be named as a party to a hearing on the application, but may 81569  
intervene as of right in the proceeding. 81570

(4) At the conclusion of the hearing on an application 81571  
under this section, the court may grant or deny the approval of 81572  
the transfer. The court shall enter its order accordingly. If 81573

the court grants the approval of the transfer, it shall include 81574  
in its order all of the express findings specified in section 81575  
3770.12 of the Revised Code. If the court denies the approval of 81576  
the transfer, it shall include in its order the reasons for the 81577  
denial. 81578

(5) An order of the court made under division (B) (4) of 81579  
this section is a final and appealable order. 81580

**Sec. 3770.25.** (A) The state lottery commission shall offer 81581  
lottery sports gaming only at type C sports gaming hosts' 81582  
facilities on self-service or clerk-operated terminals, and only 81583  
to individuals who are at least twenty-one years of age and who 81584  
are physically present on the premises of the facility. 81585

(B) All of the following apply concerning lottery sports 81586  
gaming: 81587

(1) If a type C sports gaming proprietor intends to 81588  
install more than two terminals in any type C sports gaming 81589  
host's facility, the type C sports gaming proprietor shall 81590  
notify the Ohio casino control commission of that fact not later 81591  
than seven days before installing the additional terminals. The 81592  
commission may disallow the installation of more than two 81593  
terminals in the facility, in accordance with the commission's 81594  
rules. 81595

(2) The self-service terminal or the clerk, as applicable, 81596  
shall verify that the lottery sports gaming participant is at 81597  
least twenty-one years of age. 81598

(3) A type C sports gaming proprietor may offer only the 81599  
following types of wagers on sporting events, as approved by the 81600  
Ohio casino control commission: 81601

(a) Spread wagers; 81602

(b) Over-under wagers; 81603

(c) Moneyline wagers; 81604

(d) Parlay wagers that are based on not more than four 81605  
component wagers. 81606

(4) A self-service terminal or clerk shall accept wagers 81607  
only by cash, credit card, debit card, or electronic payment 81608  
account. As used in this section, "electronic payment account" 81609  
means an account maintained with a third party for purposes of 81610  
making electronic payments, such as paypal, google pay, or apple 81611  
pay, that is intended for general use and not only for sports 81612  
gaming purposes. 81613

(5) A self-service terminal or clerk shall not accept 81614  
wagers aggregating more than seven hundred dollars in a calendar 81615  
week from any one participant. 81616

(6) The rules of the Ohio casino control commission and 81617  
the state lottery commission concerning lottery sports gaming 81618  
shall apply identically in all applicable respects to lottery 81619  
sports gaming offered on a self-service terminal and to lottery 81620  
sports gaming offered on a clerk-operated terminal. 81621

(C) (1) A participant whose winnings from lottery sports 81622  
gaming are of an amount that ~~is not subject to withholding under~~ 81623  
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 81624  
~~Code~~ does not meet or exceed the reportable winnings amount set 81625  
by 26 U.S.C. 6041 may receive the participant's winnings by any 81626  
of the following methods: 81627

(a) As a credit to the participant's credit card, debit 81628  
card, or electronic payment account-; 81629

(b) In cash from any type C sports gaming host; 81630

(c) By any additional method permitted by the state 81631  
lottery commission by rule. 81632

(2) A participant whose winnings from lottery sports 81633  
gaming are of an amount that ~~is subject to withholding under~~ 81634  
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 81635  
~~Code meets or exceeds the reportable winnings amount set by 26~~ 81636  
U.S.C. 6041 may receive the participant's winnings in the ~~same~~ 81637  
~~manner as any other determined by the state lottery prize award~~ 81638  
~~of an amount that is subject to~~ commission, subject to 81639  
withholding by the sports gaming proprietor under those sections 81640  
718.031, 3123.90, 3775.16, and 5747.063 of the Revised Code or 81641  
subject to withholding by the state lottery commission under 81642  
sections 718.031, 3770.071, 3770.073, and 5747.062 of the 81643  
Revised Code, as applicable. 81644

**Sec. 3774.01.** As used in this chapter: 81645

(A) "Commission" means the Ohio casino control commission. 81646

(B) "Entry fee" means cash or cash equivalent that a 81647  
fantasy contest operator requires to be paid by a fantasy 81648  
contest player to participate in a fantasy contest. 81649

(C) "Fantasy contest" means a simulated game or contest 81650  
with an entry fee that satisfies all of the following 81651  
conditions: 81652

(1) The value of all prizes and awards offered to winning 81653  
fantasy contest players is established and made known to the 81654  
players in advance of the contest. 81655

(2) All winning outcomes reflect the relative knowledge 81656  
and skill of the fantasy contest players and are determined 81657  
predominantly by accumulated statistical results of the 81658  
performance of managing rosters of athletes whose performance 81659

directly corresponds with the actual performance of athletes in 81660  
professional sports competitions. 81661

(3) Winning outcomes are not based on randomized or 81662  
historical events, or on the score, point spread, or any 81663  
performance of any single actual team or combination of teams or 81664  
solely on any single performance of an individual athlete or 81665  
player in any single actual event. 81666

(4) The game or contest does not involve horses or horse 81667  
racing. 81668

(D) "Fantasy contest operator" means a person that offers 81669  
fantasy contests with an entry fee for a prize or award to the 81670  
general public. Fantasy contest operator does not include a 81671  
person that offers a pool not conducted for profit as defined 81672  
under division ~~(XX)~~ (WW) of section 2915.01 of the Revised Code. 81673

(E) "Fantasy contest platform" means any digital or online 81674  
method through which a fantasy contest operator provides access 81675  
to a fantasy contest. 81676

(F) "Fantasy contest player" means a person who 81677  
participates in a fantasy contest offered by a fantasy contest 81678  
operator. 81679

(G) "Holding company" means any corporation, firm, 81680  
partnership, limited partnership, limited liability company, 81681  
trust, or other form of business organization not a natural 81682  
person that directly or indirectly does any of the following: 81683

(1) Has the power or right to control a fantasy contest 81684  
operator; 81685

(2) Holds an ownership interest of ten per cent or more, 81686  
as determined by the commission, in a fantasy contest operator; 81687

(3) Holds voting rights with the power to vote ten per cent or more of the outstanding voting rights of a fantasy contest operator.

(H) "Key employee" means a person, employed by a fantasy contest operator, who is responsible for ensuring, and has the authority necessary to ensure, that all requirements under this chapter and the rules adopted under this chapter and division (L) of section 3772.03 of the Revised Code are met.

(I) "Management company" means an organization retained by a fantasy contest operator to manage a fantasy contest platform and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

(J) "Material nonpublic information" means information related to the play of a fantasy contest by a fantasy contest player that is not readily available to the general public and is obtained as a result of a person's employment.

(K) "Script" means a list of commands that a fantasy-contest-related computer program can execute and that is created by a fantasy contest player, or by a third party for a fantasy contest player, to automate processes on a fantasy contest platform.

**Sec. 3775.16.** (A) Pursuant to section 131.02 of the Revised Code, the attorney general shall develop and implement a real time data match program and make it available to each sports gaming proprietor to identify patrons who owe amounts to the state or a political subdivision.

(B) (1) ~~Before~~ Subject to division (E) of this section,  
before disbursing any sports gaming winnings to a patron in an amount for which reporting to the internal revenue service of

the amount is required by section 6041 of the Internal Revenue Code, as amended, a sports gaming proprietor shall consult the data match program to determine whether the patron owes any amounts to the state or a political subdivision. If the data match program indicates that the patron owes any amounts to the state or a political subdivision, the sports gaming proprietor shall withhold from the patron's winnings an amount sufficient to satisfy those amounts, up to the amount of the winnings.

(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default under a support order, the sports gaming proprietor shall transmit to the department of job and family services an amount sufficient to satisfy any past due support owed by the patron, up to the amount of the winnings, before transmitting any remaining amount to the attorney general under division (C) of this section.

(C) (1) Not later than fourteen days after withholding an amount under division (B) of this section, the sports gaming proprietor shall transmit to the attorney general any amount withheld and not already disbursed to the department of job and family services under section 3123.90 of the Revised Code as payment on the amount owed.

(2) If the patron owes more than one amount to the state or a political subdivision as identified by the data match program described in this section, the amount owed to the state shall be satisfied first, except that any amounts owed under section 5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority.

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that

have become final. 81747

(E) A sports gaming proprietor that offers lottery sports 81748  
gaming through a terminal described in division (B) (3) of 81749  
section 3770.24 of the Revised Code shall not withhold amounts 81750  
under this section from winnings from wagers placed through that 81751  
terminal. The state lottery commission shall withhold amounts 81752  
from those winnings under section 3770.073 of the Revised Code. 81753

(F) The attorney general, in consultation with the 81754  
commission, may adopt rules under Chapter 119. of the Revised 81755  
Code as necessary to implement this section. 81756

**Sec. 3780.02. Authorization and purpose.** 81757

(A) Controlled and regulated sales and use of adult use cannabis 81758  
shall be permitted under this chapter for the following public 81759  
purposes: 81760

(1) Reducing illegal marijuana sales and providing for a safer 81761  
and regulated cannabis product; 81762

(2) Limiting the transportation of out-of-state cannabis into 81763  
the state; 81764

(3) Providing key funding to ~~support social equity, job~~ 81765  
~~creation, host communities that have adult use dispensaries,~~ 81766  
~~cannabis research, and proper oversight and regulation of the~~ 81767  
~~adult cannabis industry; and~~ 81768

~~(4) Improving social equity issues to address the state's~~ 81769  
~~compelling interest to redress past and present effects of~~ 81770  
~~discrimination and economic disadvantage for individuals in the~~ 81771  
state fund the needs of the state. 81772

(B) Adult use cannabis shall only be sold to, or used by, an 81773  
adult use consumer pursuant to this chapter unless otherwise 81774



authorized pursuant to the Revised Code. 81775

(C) Nothing in this chapter shall limit any sale, use, 81776  
possession, or any other activity authorized by Chapter 3796\_ of 81777  
the Revised Code. 81778

**Sec. 3780.03. Establishment and authority of division of 81779  
cannabis control; adoption of rules. 81780**

(A) There is hereby established a division of cannabis control 81781  
within the department of commerce. 81782

(B) To ensure the proper oversight and control of the adult use 81783  
cannabis industry, the division of cannabis control shall have 81784  
the authority to license, regulate, investigate, and penalize 81785  
adult use cannabis operators, adult use testing laboratories, 81786  
and individuals required to be licensed under this chapter. 81787

(C) The division of cannabis control shall adopt, and as 81788  
advisable and necessary shall amend or repeal, rules on the 81789  
following: 81790

(1) Prevention of practices detrimental to the public interest 81791  
consistent with this chapter, and also ways to educate the 81792  
public about this chapter; 81793

(2) Establishing application, licensure, and renewal standards 81794  
and procedures for license applicants or license holders related 81795  
to adult use cannabis operators, adult use testing laboratories, 81796  
and individuals required to be licensed, including any 81797  
additional background check requirements, the disqualifying 81798  
offenses under section 3780.01 of the Revised Code that prohibit 81799  
licensure, and any exemption criteria from licensing 81800  
requirements for institutional or private investors who do not 81801  
have significant control or influence over a license applicant 81802  
or license holder, and whose ownership in a license is for 81803

investment purposes only; 81804

(3) Establishing reasonable application, licensure, and renewal 81805  
fees amounts to ensure license applicants and license holders 81806  
under this chapter pay for the actual costs for administration 81807  
and licensure for the division of cannabis control; 81808

(4) Establishing standards for provisional licenses for an 81809  
individual who is required to be licensed and who has exigent 81810  
circumstances. Such standards for provisional licenses must 81811  
include submission of a complete application and compliance with 81812  
a required background check. A provisional license shall be 81813  
valid not longer than three months. A provisional license may be 81814  
renewed, at the division of cannabis control's discretion, for 81815  
an additional three months. In establishing standards with 81816  
regard to instant background checks the division of cannabis 81817  
control may use all available resources~~+~~. 81818

(5) Specifying the process and reasons for which a license 81819  
holder may be fined, suspended either with or without a prior 81820  
hearing, revoked, or not renewed or issued; 81821

(6) The process and requirements for division of cannabis 81822  
control approval of any requested change in ownership or 81823  
transfer of control of an adult use cannabis operator or adult 81824  
use testing laboratory; 81825

(7) Establishing ~~process~~processes and standards for expanding 81826  
the size of the cultivation area for a cultivation facility; 81827

(8) Establishing standards and procedures for the testing of 81828  
adult use cannabis by an adult use testing laboratory licensed 81829  
under this chapter. When establishing standards and procedures 81830  
for the testing of cannabis, the division of cannabis control 81831  
shall do all of the following: 81832

- (a) Specify when testing must be conducted; 81833
- (b) Determine the minimum amount of adult use cannabis that must be tested; 81834  
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- (c) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of cannabis products processed ~~for~~ and dispensed; and 81836  
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- (d) Specify the manner in which test results are provided. 81839
- (9) The minimum amount of insurance or surety bond that must be maintained by an adult use cannabis operator and adult use testing laboratory; 81840  
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- (10) Requiring the division of cannabis control to adopt reasonable standards for any adult use cannabis samples, and advertising as prescribed in section 3780.21 of the Revised Code; 81843  
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- (11) Requiring that the records, including financial statements, of an adult use cannabis operator or adult use testing laboratory be maintained in the manner up to two years as prescribed by the division of cannabis control and which shall be made available for inspection upon demand by the division of cannabis control, but shall be subject to section 3780.31 of the Revised Code; 81847  
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- (12) Prescribing technical standards and requirements consistent with industry standards that must be met for security and surveillance equipment necessary for the provision of security and surveillance of adult use cannabis operators and adult use testing laboratories; 81854  
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- (13) Prescribing requirements for a license holder's provision of security services for an adult use cannabis operator and 81859  
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adult use testing laboratories which shall include the license 81861  
holder's option to use armed or unarmed services including 81862  
through agents of the license holder; 81863

(14) Prescribing standards according to which license holders 81864  
shall keep accounts and standards according to which adult use 81865  
cannabis operators and adult use testing laboratories accounts 81866  
shall be audited, and establish guidance for assisting the 81867  
department of taxation in levying and collecting the adult use 81868  
tax levied under section 3780.22 of the Revised Code; 81869

(15) Determining penalties for violation of division of cannabis 81870  
control rules or this chapter, and a process for imposing such 81871  
penalties; 81872

(16) Training requirements for employees and agents of adult use 81873  
cannabis operators and adult use laboratories; 81874

(17) Prescribing standards and procedures to allow for adult use 81875  
cannabis delivery to adult use consumers, and online and mobile 81876  
ordering procedures, which may only be conducted by an adult use 81877  
dispensary or their agent; 81878

(18) Prescribing cannabis inventory requirements to be 81879  
maintained in an electronic database consistent with section 81880  
3780.05 of the Revised Code; 81881

(19) Prescribing standards and procedures for product packaging 81882  
and labeling of adult use cannabis products; 81883

~~(20) Prescribing standards and procedures in coordination with~~ 81884  
~~the department of development to administer and enforce the~~ 81885  
~~cannabis social equity and jobs program as prescribed under~~ 81886  
~~3780.19 of the Revised Code;—~~ 81887

~~(21) Establishing a tetrahydrocannabinol content limit for adult~~ 81888

use cannabis, which for plant material the content limit shall 81889  
be ~~no~~not less than thirty-five per cent and for extracts the 81890  
content limit shall be ~~no~~not less than ninety per cent, but 81891  
that such content limits may be increased or eliminated by the 81892  
division of cannabis control; and 81893

~~(22)~~ (21) Prescribing duty to update requirements for license 81894  
holders. 81895

(D) All rules adopted under this section and chapter shall be 81896  
adopted in accordance with Chapter 119. of the Revised Code. 81897

(E) In addition to the rules described in division (C) of this 81898  
section, the division of cannabis control may adopt any other 81899  
rules it considers necessary for the administration, 81900  
implementation, and enforcement of this chapter consistent with 81901  
this chapter. 81902

(F) When adopting rules under this section, the division of 81903  
cannabis control shall consider standards and procedures that 81904  
have been found to be best practices relative to the use and 81905  
regulation of adult use cannabis and shall harmonize any rules 81906  
with the rules adopted pursuant to sections 3796.03 and 3796.04 81907  
of the Revised Code to minimize duplication of operational 81908  
requirements and fees as much as possible. If there is a 81909  
conflict with Chapter 3796. of the Revised Code and related 81910  
rules, and ~~chapter~~ Chapter 3780. of the Revised Code and related 81911  
rules, then ~~chapter~~ Chapter 3780. of the Revised Code and 81912  
related rules shall govern. 81913

**Sec. 3780.06. Information provided by the department of 81914  
taxation. 81915**

(A) (1) Notwithstanding section 149.43 of the Revised Code or any 81916  
other public records law to the contrary or any law relating to 81917

the confidentiality of tax return information, upon the request 81918  
of the division of cannabis control, the department of taxation 81919  
shall provide to the division of cannabis control all of the 81920  
following information: 81921

(a) Whether an applicant for license or licensee under this 81922  
chapter follows the applicable tax laws of this state; 81923

(b) Any past or pending violation by the applicant or licensee 81924  
of those tax laws, and any penalty imposed on the applicant or 81925  
licensee for such a violation. 81926

(2) The division of cannabis control shall request the 81927  
information only as it pertains to an application for license 81928  
that the division of cannabis control is reviewing or a licensee 81929  
operating under this chapter. 81930

(3) The department of taxation may charge the division of 81931  
cannabis control a reasonable fee to cover the administrative 81932  
cost of providing the information. 81933

(B) Information received under this section is confidential. 81934  
Except as otherwise permitted by other state law or federal law, 81935  
the division of cannabis control shall not make the information 81936  
available to any person other than the applicant for licensure\_ 81937  
or the licensee to whom the information applies. 81938

**Sec. 3780.10. Adult use cannabis operator and adult use 81939  
testing laboratory licenses. 81940**

(A) No person shall operate as an adult use cannabis operator or 81941  
adult use testing laboratory without a license issued pursuant 81942  
to this chapter. 81943

(B) The following licenses shall be issued by the division of 81944  
cannabis control within nine months of ~~the effective date of~~ 81945

~~this section~~ December 7, 2023, if the license applicant is in 81946  
compliance with section 3780.11 of the Revised Code and this 81947  
chapter, and the license applicant has, or the same owners of 81948  
the license applicant, ~~have~~, a certificate of operation or 81949  
medical provisional license issued as of ~~the effective date of~~ 81950  
~~this section~~ December 7, 2023: 81951

(1) A dispensary issued a certificate of operation or medical 81952  
provisional license shall be issued an adult use dispensary 81953  
license under this chapter for the current location of the 81954  
dispensary; 81955

(2) A level I cultivator issued a certificate of operation or 81956  
medical provisional license shall be issued under this chapter 81957  
three adult use dispensary licenses at locations designated in a 81958  
license application, and one level I adult use cultivator 81959  
license for the current location of the level I cultivation 81960  
facility; 81961

(3) A level II cultivator issued a certificate of operation or 81962  
medical provisional license shall be issued under this chapter 81963  
one adult use dispensary license at a location designated in the 81964  
license application, and one level II adult use cultivator 81965  
license for the current location of the level II cultivation 81966  
facility; 81967

(4) A dispensary issued a certificate of operation or medical 81968  
provisional license shall be issued under this chapter one adult 81969  
use dispensary license at a different location as designated in 81970  
the license application if the dispensary does not have any 81971  
common ownership or control with any level I adult use 81972  
cultivator, level II adult use cultivator, or adult use 81973  
processor license applicant or licensee; 81974

(5) A processor issued a certificate of operation or medical  
provisional license shall be issued under this chapter one adult  
use processor license for the current location of the processor;  
and

(6) A testing laboratory issued a certificate of operation shall  
be issued under this chapter one adult use testing laboratory  
license for the current location of the testing laboratory.

Notwithstanding anything in this section, a license shall not be  
issued pursuant to division (B) of this section to a license  
applicant holding only a related medical provisional license  
unless the medical provisional license holder is issued a  
certificate of operation within two years of ~~the effective date of this section~~  
December 7, 2023.

(C) The division of cannabis control shall issue up to forty  
level III adult use cultivator licenses consistent with this  
~~chapter with preference provided to applicants who have been~~  
~~certified as cannabis social equity and jobs program~~  
~~participants under the cannabis social equity and jobs program~~  
~~pursuant to 3780.19 of this chapter.~~ No person may have any  
ownership or control in more than one level III adult use  
cultivator license under this chapter. No adult use cultivator  
or adult use processor may have any ownership or control in a  
level III adult use cultivator license.

(D) The division of cannabis control shall issue up to fifty  
additional adult use dispensary licenses in conformity with this  
~~chapter with preference provided to applicants who have been~~  
~~certified as cannabis social equity and jobs program~~  
~~participants under the cannabis social equity and jobs program.~~

(E) Following twenty-four months from the first date of issuance



of an adult use operator license, the division of cannabis 82004  
control shall review the number of adult use cannabis operator 82005  
licenses on a biannual basis and may authorize additional 82006  
licenses after considering: 82007

(1) The current and anticipated market growth and consumer 82008  
demand, including the number of adult use consumers seeking 82009  
adult use cannabis; 82010

(2) The current and projected supply of adult use cannabis 82011  
produced by licensed adult use cultivators, level III adult use 82012  
cultivators, and adult use processors; and 82013

(3) The geographic distribution of adult use dispensary sites in 82014  
an effort to ensure adult use customer access to adult use 82015  
cannabis. 82016

(F) (1) The division of cannabis control shall provide a report 82017  
and recommendation within ninety days of the conclusion of the 82018  
requirements in division (E) of this section to the director for 82019  
consideration. 82020

(2) The division of cannabis control may adopt rules as 82021  
necessary to implement this division. 82022

(3) The division of cannabis control shall adopt a rule 82023  
regarding the number of licenses a license holder may hold for 82024  
each type of license consistent with this chapter. As of ~~the~~ 82025  
~~effective date of this section~~ December 7, 2023, and 82026  
notwithstanding any other provision of this chapter, no person 82027  
shall be issued more than eight adult use dispensary licenses, 82028  
~~and~~ not more than one adult use cultivator license, and not more 82029  
than one adult use processor license at any time, unless 82030  
authorized by the division of cannabis control after an analysis 82031  
supporting the licensing pursuant to rule. 82032

(G) The division of cannabis control may authorize additional 82033  
adult use testing laboratory licenses at any time. 82034

Sec. 3780.22. (A) Terms used in this section have the same 82035  
meanings as in section 5739.01 of the Revised Code. As used in 82036  
this section, "adult use marijuana" means marijuana that is 82037  
cultivated, processed, dispensed, or tested for, or possessed or 82038  
used by, an adult use consumer, in accordance with this chapter. 82039

(B) For the purpose of funding the needs of the state and 82040  
providing funding for certain dispensary host communities, an 82041  
excise tax is levied on the retail sale of adult use marijuana. 82042  
The rate of the tax shall equal ten per cent of the price of 82043  
adult use marijuana and is in addition to other taxes levied 82044  
under Chapters 5739. and 5741. of the Revised Code. 82045

(C) The tax shall be paid by the consumer to the vendor at 82046  
the time of the sale, and the vendor shall report and remit the 82047  
tax to the state in the same manner and at the same time the 82048  
vendor reports and remits the tax levied under section 5739.02 82049  
of the Revised Code. The return required under this division 82050  
shall be filed on a form prescribed by the tax commissioner, 82051  
which shall be separate from the return required to be filed 82052  
under section 5739.12 of the Revised Code. A vendor with no 82053  
sales of adult use marijuana for a reporting period is not 82054  
required to file this separate return. For all purposes of the 82055  
Revised Code, the tax levied under this section shall be 82056  
considered a tax levied under section 5739.02 of the Revised 82057  
Code. 82058

(D) For the same purpose as the tax levied under division 82059  
(B) of this section, a tax is levied on a vendor that sells any 82060  
marijuana other than adult use marijuana or medical marijuana to 82061  
a consumer. That tax equals ten per cent of the price of such 82062

marijuana, and the consumer and vendor are liable for any 82063  
amounts, including tax, interest, and penalties, imposed under 82064  
this section and chapter in the same manner as a vendor subject 82065  
to the tax imposed under division (B) of this section. 82066

(E) For the purpose of receiving and distributing, and 82067  
accounting for, revenue received from the tax levied by this 82068  
section, and any civil penalty paid under division (B) (4) of 82069  
section 3780.26 of the Revised Code, the adult use tax fund and 82070  
host community cannabis fund are created in the state treasury. 82071  
All moneys collected from that tax and civil penalty shall be 82072  
deposited into the adult use tax fund, which is created in the 82073  
state treasury, to be distributed as follows: 82074

(1) Beginning in fiscal year 2026, and for the following 82075  
four fiscal years, the director of budget and management shall 82076  
transfer twenty per cent of funds from the adult use tax fund to 82077  
the host community cannabis fund, which is created in the state 82078  
treasury, for the benefit of municipal corporations or townships 82079  
that have, as of June 30, 2025, and at all times since, at least 82080  
one adult use dispensary or location for which a provisional 82081  
dispensary license has been issued under this chapter, and the 82082  
municipal corporations or townships may use such funds for any 82083  
approved purpose. Distributions to municipal corporations or 82084  
townships shall be based on the percentage of adult use tax 82085  
attributable to each municipal corporation or township. 82086

(2) All other revenue shall be credited to the general 82087  
revenue fund. 82088

**Sec. 3780.24. Tax administration and enforcement.** 82089

The tax commissioner shall administer and enforce ~~sections~~ 82090  
section 3780.22 through 3780.23 of this chapter the Revised 82091

Code. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

(A) Prescribe all forms that are required to be filed under ~~sections section 3780.22 through 3780.23 of this chapter the~~ Revised Code;

(B) Adopt rules that are necessary and proper to carry out ~~section 3780.22 through 3780.23 of this chapter the~~ Revised Code; and

(C) Appoint professional, technical, and clerical employees as are necessary to carry out the tax commissioner's duties under ~~sections section 3780.22 through 3780.23 of this chapter the~~ Revised Code.

**Sec. 3780.26. Enforcement authority of the division of cannabis control.**

(A) The division of cannabis control shall enforce, or cause to be enforced, all sections of this chapter and the rules adopted thereunder. If the division of cannabis control has information that any provision of this chapter or that any rule adopted thereunder has been violated, it may investigate the matter and take any reasonable action as it considers appropriate.

(B) The division of cannabis control may do any of the following for any reason specified in rules adopted under section 3780.03 of the Revised Code:

(1) Suspend, suspend without prior hearing upon finding clear and convincing evidence that continued distribution of adult use cannabis presents a danger of immediate and serious harm to others, revoke, restrict, or refuse to renew a license it issued under this chapter;

(2) Refuse to issue a license unless a license is required in	82120
accordance with this chapter;	82121
(3) Inspect the premises of an adult use cannabis operator or an	82122
adult use testing laboratory without prior notice; or	82123
(4) Impose on a provisional license holder or license holder a	82124
civil penalty in an amount to be determined by the division of	82125
cannabis control through rule to be paid into the <del>division of</del>	82126
<del>cannabis control and tax commissioner fund</del> <u>adult use tax fund</u>	82127
<u>created under section 3780.22 of the Revised Code.</u>	82128
(C) If the division of cannabis control suspends, revokes, or	82129
refuses to renew any license issued under this chapter or	82130
determines that there is clear and convincing evidence of a	82131
danger of immediate and serious harm to any individual, the	82132
division of cannabis control may place under seal all adult use	82133
cannabis owned by or in the possession, custody, or control of	82134
the affected license holder. Except as provided in this section,	82135
the division of cannabis control shall not dispose of the adult	82136
use cannabis sealed under this section until the license holder	82137
exhausts all of the license holder's appeal rights under Chapter	82138
119. of the Revised Code. The court involved in such an appeal	82139
may order the division of cannabis control, during the pendency	82140
of the appeal, to sell cannabis that is perishable. The division	82141
of cannabis control shall deposit the proceeds of the sale with	82142
the court.	82143
(D) The division of cannabis control's enforcement actions under	82144
this section shall be taken in accordance with Chapter 119. of	82145
the Revised Code.	82146
(E) Nothing in this chapter shall be construed to require the	82147
division of cannabis control to enforce minor violations of this	82148

chapter if the division of cannabis control determines that the 82149  
public interest is adequately served by a notice or warning to 82150  
the alleged offender. 82151

**Sec. 3780.30. Cannabis addiction services; toll-free 82152**  
**telephone numbers. 82153**

(A) The division of cannabis control shall enter into an 82154  
agreement with the department of mental health and addiction 82155  
services under which the department shall provide a program for 82156  
cannabis addiction services to be implemented on behalf of the 82157  
division of cannabis control, which includes best practices for 82158  
education and treatment for individuals with addiction issues 82159  
related to cannabis or other controlled substances, including 82160  
opioids. 82161

(B) The department of mental health and addiction services shall 82162  
establish, operate, and publicize an in-state, toll-free 82163  
telephone number Ohio residents may call to obtain basic 82164  
information about addiction services available to ~~consumer~~ 82165  
consumers, and options for an addicted consumer to obtain help. 82166  
The telephone number shall be staffed twenty-four hours per day, 82167  
seven days a week in order to respond to inquiries and provide 82168  
that information. ~~The costs of establishing, operating, and~~ 82169  
~~publicizing the telephone number shall be paid for with money in~~ 82170  
~~the substance abuse and addiction fund.~~ 82171

(C) ~~The director of mental health and addiction services shall~~ 82172  
~~administer the substance abuse and addiction fund.~~ The director 82173  
shall ~~use the money in the fund to~~ support addiction services or 82174  
other services that relate to addiction and substance abuse, and 82175  
research that relates to addiction and substance abuse. 82176  
Treatment and prevention services supported ~~by money in the fund~~ 82177  
~~under this section~~ shall be services that are certified by the 82178

department of mental health and addiction services. 82179

~~(D) The director mental health and addiction services shall 82180  
prepare an annual report describing the use of the fund for 82181  
these purposes. The director shall submit the report to the 82182  
director of the department of commerce, the speaker and minority 82183  
leader of the house of representatives, the president and 82184  
minority leader of the senate, and the governor. 82185~~

~~(E)~~ License holders shall provide informational resources for 82186  
patrons related to cannabis addiction issues and services. 82187

~~(F)~~ (E) License holders shall provide training for their 82188  
employees regarding the cannabis addiction services resources 82189  
for patrons related to this section. 82190

**Sec. 3781.10.** (A) (1) The board of building standards shall 82191  
formulate and adopt rules governing the erection, construction, 82192  
repair, alteration, and maintenance of all buildings or classes 82193  
of buildings specified in section 3781.06 of the Revised Code, 82194  
including land area incidental to those buildings, the 82195  
construction of industrialized units, the installation of 82196  
equipment, and the standards or requirements for materials used 82197  
in connection with those buildings. The board shall incorporate 82198  
those rules into separate residential and nonresidential 82199  
building codes. The standards shall relate to the conservation 82200  
of energy and the safety and sanitation of those buildings. 82201

~~(2)~~ (2) (a) The rules governing nonresidential buildings are 82202  
the lawful minimum requirements specified for those buildings 82203  
and industrialized units, except that no rule other than as 82204  
provided in division (C) of section 3781.108 of the Revised Code 82205  
that specifies a higher requirement than is imposed by any 82206  
section of the Revised Code is enforceable. 82207

(b) The rules governing residential buildings are uniform 82208  
requirements ~~for residential buildings~~ in any area with a 82209  
building department certified to enforce the state residential 82210  
building code in accordance with division (E) of this section, 82211  
for both of the following: 82212

(i) The erection and construction of new residential 82213  
buildings; 82214

(ii) The repair and alteration of existing residential 82215  
buildings. 82216

(c) In no case shall any local code or regulation differ 82217  
from the state residential building code for either the erection 82218  
and construction of new residential buildings or for the repair 82219  
and alteration of existing residential buildings unless that 82220  
code or regulation addresses subject matter not addressed by the 82221  
state residential building code or is adopted pursuant to 82222  
section 3781.01 of the Revised Code. 82223

(3) The rules adopted pursuant to this section are 82224  
complete, lawful alternatives to any requirements specified for 82225  
buildings or industrialized units in any section of the Revised 82226  
Code. Except as otherwise provided in division (I) of this 82227  
section, the board shall, on its own motion or on application 82228  
made under sections 3781.12 and 3781.13 of the Revised Code, 82229  
formulate, propose, adopt, modify, amend, or repeal the rules to 82230  
the extent necessary or desirable to effectuate the purposes of 82231  
sections 3781.06 to 3781.18 of the Revised Code. 82232

(B) The board shall report to the general assembly 82233  
proposals for amendments to existing statutes relating to the 82234  
purposes declared in section 3781.06 of the Revised Code that 82235  
public health and safety and the development of the arts require 82236



and shall recommend any additional legislation to assist in 82237  
carrying out fully, in statutory form, the purposes declared in 82238  
that section. The board shall prepare and submit to the general 82239  
assembly a summary report of the number, nature, and disposition 82240  
of the petitions filed under sections 3781.13 and 3781.14 of the 82241  
Revised Code. 82242

(C) On its own motion or on application made under 82243  
sections 3781.12 and 3781.13 of the Revised Code, and after 82244  
thorough testing and evaluation, the board shall determine by 82245  
rule that any particular fixture, device, material, process of 82246  
manufacture, manufactured unit or component, method of 82247  
manufacture, system, or method of construction complies with 82248  
performance standards adopted pursuant to section 3781.11 of the 82249  
Revised Code. The board shall make its determination with regard 82250  
to adaptability for safe and sanitary erection, use, or 82251  
construction, to that described in any section of the Revised 82252  
Code, wherever the use of a fixture, device, material, method of 82253  
manufacture, system, or method of construction described in that 82254  
section of the Revised Code is permitted by law. The board shall 82255  
amend or annul any rule or issue an authorization for the use of 82256  
a new material or manufactured unit on any like application. No 82257  
department, officer, board, or commission of the state other 82258  
than the board of building standards or the board of building 82259  
appeals shall permit the use of any fixture, device, material, 82260  
method of manufacture, newly designed product, system, or method 82261  
of construction at variance with what is described in any rule 82262  
the board of building standards adopts or issues or that is 82263  
authorized by any section of the Revised Code. Nothing in this 82264  
section shall be construed as requiring approval, by rule, of 82265  
plans for an industrialized unit that conforms with the rules 82266  
the board of building standards adopts pursuant to section 82267

3781.11 of the Revised Code. 82268

(D) The board shall recommend rules, codes, and standards 82269  
to help carry out the purposes of section 3781.06 of the Revised 82270  
Code and to help secure uniformity of state administrative 82271  
rulings and local legislation and administrative action to the 82272  
bureau of workers' compensation, the director of commerce, any 82273  
other department, officer, board, or commission of the state, 82274  
and to legislative authorities and building departments of 82275  
counties, townships, and municipal corporations, and shall 82276  
recommend that they audit those recommended rules, codes, and 82277  
standards by any appropriate action that they are allowed 82278  
pursuant to law or the constitution. 82279

(E) (1) The board shall certify municipal, township, and 82280  
county building departments, the personnel of those building 82281  
departments, persons described in division (E) (7) of this 82282  
section, and employees of individuals, firms, the state, or 82283  
corporations described in division (E) (7) of this section to 82284  
exercise enforcement authority, to accept and approve plans and 82285  
specifications, and to make inspections, pursuant to sections 82286  
3781.03, 3791.04, and 4104.43 of the Revised Code. 82287

(2) The board shall certify departments, personnel, and 82288  
persons to enforce the state residential building code for the 82289  
erection and construction of new residential buildings, to 82290  
enforce the nonresidential building code, or to enforce both the 82291  
residential and the nonresidential building codes. A department 82292  
certified to enforce the state residential building code for the 82293  
erection and construction of new residential buildings may also 82294  
enforce the state residential building code for the repair and 82295  
alteration of existing residential buildings upon obtaining the 82296  
appropriate certification from the board, in accordance with 82297

this section, for the department and its personnel. Any 82298  
department, personnel, or person may enforce only the type of 82299  
building code for which certified. 82300

(3) The board shall not require a building department, its 82301  
personnel, or any persons that it employs to be certified for 82302  
residential building code enforcement if that building 82303  
department does not enforce the state residential building code. 82304  
The board shall specify, in rules adopted pursuant to Chapter 82305  
119. of the Revised Code, the requirements for certification for 82306  
residential and nonresidential building code enforcement, which 82307  
shall be consistent with this division. The requirements for 82308  
residential and nonresidential certification may differ. Except 82309  
as otherwise provided in this division, the requirements shall 82310  
include, but are not limited to, the satisfactory completion of 82311  
an initial examination and, to remain certified, the completion 82312  
of a specified number of hours of continuing building code 82313  
education within each three-year period following the date of 82314  
certification which shall be not less than thirty hours. The 82315  
rules shall provide that continuing education credits and 82316  
certification issued by the council of American building 82317  
officials, national model code organizations, and agencies or 82318  
entities the board recognizes are acceptable for purposes of 82319  
this division. The rules shall specify requirements that are 82320  
consistent with the provisions of section 5903.12 of the Revised 82321  
Code relating to active duty military service and are 82322  
compatible, to the extent possible, with requirements the 82323  
council of American building officials and national model code 82324  
organizations establish. 82325

(4) The board shall establish and collect a certification 82326  
and renewal fee for building department personnel, and persons 82327  
and employees of persons, firms, or corporations as described in 82328

this section, who are certified pursuant to this division. 82329

(5) Any individual certified pursuant to this division 82330  
shall complete the number of hours of continuing building code 82331  
education that the board requires or, for failure to do so, 82332  
forfeit certification. 82333

(6) This division does not require or authorize the board 82334  
to certify personnel of municipal, township, and county building 82335  
departments, and persons and employees of persons, firms, or 82336  
corporations as described in this section, whose 82337  
responsibilities do not include the exercise of enforcement 82338  
authority, the approval of plans and specifications, or making 82339  
inspections under the state residential and nonresidential 82340  
building codes. 82341

(7) Enforcement authority for approval of plans and 82342  
specifications and enforcement authority for inspections may be 82343  
exercised, and plans and specifications may be approved and 82344  
inspections may be made on behalf of a municipal corporation, 82345  
township, or county, by any of the following who the board of 82346  
building standards certifies: 82347

(a) Officers or employees of the municipal corporation, 82348  
township, or county; 82349

(b) Persons, or employees of persons, firms, or 82350  
corporations, pursuant to a contract to furnish architectural, 82351  
engineering, or other services to the municipal corporation, 82352  
township, or county; 82353

(c) Officers or employees of, and persons under contract 82354  
with, a municipal corporation, township, county, health 82355  
district, or other political subdivision, pursuant to a contract 82356  
to furnish architectural, engineering, or other services; 82357

(d) Officers or employees of the division of industrial 82358  
compliance in the department of commerce pursuant to a contract 82359  
authorized by division (B) of section 121.083 of the Revised 82360  
Code. 82361

(8) Municipal, township, and county building departments 82362  
have jurisdiction within the meaning of sections 3781.03, 82363  
3791.04, and 4104.43 of the Revised Code, only with respect to 82364  
the types of buildings and subject matters for which they are 82365  
certified under this section. 82366

(9) A certified municipal, township, or county building 82367  
department may exercise enforcement authority, accept and 82368  
approve plans and specifications, and make inspections pursuant 82369  
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 82370  
for a park district created pursuant to Chapter 1545. of the 82371  
Revised Code upon the approval, by resolution, of the board of 82372  
park commissioners of the park district requesting the 82373  
department to exercise that authority and conduct those 82374  
activities, as applicable. 82375

(10) Certification shall be granted upon application by 82376  
the municipal corporation, the board of township trustees, or 82377  
the board of county commissioners and approval of that 82378  
application by the board of building standards. The application 82379  
shall set forth: 82380

(a) Whether the certification is requested for residential 82381  
or nonresidential buildings, or both; 82382

(b) If the certification is requested for residential 82383  
buildings, whether the requested certification is for only the 82384  
erection and construction of new residential buildings or also 82385  
the repair and alteration of existing residential buildings; 82386

(c) The number and qualifications of the staff composing the building department; 82387  
82388

~~(e)~~ (d) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E) (7) (b) of this section; 82389  
82390  
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~~(d)~~ (e) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E) (7) of this section; 82392  
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~~(e)~~ (f) The proposed budget for the operation of the building department. 82396  
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(11) The board of building standards shall adopt rules governing all of the following: 82398  
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(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E) (7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work. 82400  
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(b) The minimum services to be provided by a certified 82415

building department. 82416

(12) The board of building standards may revoke or suspend 82417  
certification to enforce the residential and nonresidential 82418  
building codes, on petition to the board by any person affected 82419  
by that enforcement or approval of plans, or by the board on its 82420  
own motion. Hearings shall be held and appeals permitted on any 82421  
proceedings for certification or revocation or suspension of 82422  
certification in the same manner as provided in section 3781.101 82423  
of the Revised Code for other proceedings of the board of 82424  
building standards. 82425

(13) Upon certification, and until that authority is 82426  
revoked, any county or township building department shall 82427  
enforce the residential and nonresidential building codes for 82428  
which it is certified without regard to limitation upon the 82429  
authority of boards of county commissioners under Chapter 307. 82430  
of the Revised Code or boards of township trustees under Chapter 82431  
505. of the Revised Code. 82432

(14) The board shall certify a person to exercise 82433  
enforcement authority, to accept and approve plans and 82434  
specifications, or to make inspections in this state in 82435  
accordance with Chapter 4796. of the Revised Code if either of 82436  
the following applies: 82437

(a) The person holds a license or certificate in another 82438  
state. 82439

(b) The person has satisfactory work experience, a 82440  
government certification, or a private certification as 82441  
described in that chapter in the same profession, occupation, or 82442  
occupational activity as the profession, occupation, or 82443  
occupational activity for which the certificate is required in 82444

this state in a state that does not issue that license or 82445  
certificate. 82446

(F) In addition to hearings sections 3781.06 to 3781.18 82447  
and 3791.04 of the Revised Code require, the board of building 82448  
standards shall make investigations and tests, and require from 82449  
other state departments, officers, boards, and commissions 82450  
information the board considers necessary or desirable to assist 82451  
it in the discharge of any duty or the exercise of any power 82452  
mentioned in this section or in sections 3781.06 to 3781.18, 82453  
3791.04, and 4104.43 of the Revised Code. 82454

(G) The board shall adopt rules and establish reasonable 82455  
fees for the review of all applications submitted where the 82456  
applicant applies for authority to use a new material, assembly, 82457  
or product of a manufacturing process. The fee shall bear some 82458  
reasonable relationship to the cost of the review or testing of 82459  
the materials, assembly, or products and for the notification of 82460  
approval or disapproval as provided in section 3781.12 of the 82461  
Revised Code. 82462

(H) The residential construction advisory committee shall 82463  
provide the board with a proposal for a state residential 82464  
building code that the committee recommends pursuant to division 82465  
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 82466  
recommendation from the committee that is acceptable to the 82467  
board, the board shall adopt rules establishing that code as the 82468  
state residential building code. 82469

(I) (1) The committee may provide the board with proposed 82470  
rules to update or amend the state residential building code 82471  
that the committee recommends pursuant to division (E) of 82472  
section 4740.14 of the Revised Code. 82473



(2) If the board receives a proposed rule to update or  
amend the state residential building code as provided in  
division (I) (1) of this section, the board either may accept or  
reject the proposed rule for incorporation into the residential  
building code. If the board does not act to either accept or  
reject the proposed rule within ninety days after receiving the  
proposed rule from the committee as described in division (I) (1)  
of this section, the proposed rule shall become part of the  
residential building code.

(J) The board shall cooperate with the director of  
children and youth when the director promulgates rules pursuant  
to section 5104.05 of the Revised Code regarding safety and  
sanitation in type A family child care homes.

(K) The board shall adopt rules to implement the  
requirements of section 3781.108 of the Revised Code.

**Sec. 3781.102.** (A) Any county or municipal building  
department certified pursuant to division (E) of section 3781.10  
of the Revised Code as of September 14, 1970, and that, as of  
that date, was inspecting single-family, two-family, and three-  
family residences, and any township building department  
certified pursuant to division (E) of section 3781.10 of the  
Revised Code, is hereby declared to be certified to inspect  
single-family, two-family, and three-family residences  
containing industrialized units, and shall inspect the buildings  
or classes of buildings subject to division (E) of section  
3781.10 of the Revised Code.

(B) Each board of county commissioners may adopt, by  
resolution, rules establishing standards and providing for the  
licensing of electrical and heating, ventilating, and air  
conditioning contractors who are not required to hold a valid

and unexpired license pursuant to Chapter 4740. of the Revised 82504  
Code. 82505

Rules adopted by a board of county commissioners pursuant 82506  
to this division may be enforced within the unincorporated areas 82507  
of the county and within any municipal corporation where the 82508  
legislative authority of the municipal corporation has 82509  
contracted with the board for the enforcement of the county 82510  
rules within the municipal corporation pursuant to section 82511  
307.15 of the Revised Code. The rules shall not conflict with 82512  
rules adopted by the board of building standards pursuant to 82513  
section 3781.10 of the Revised Code or by the department of 82514  
commerce pursuant to Chapter 3703. of the Revised Code. This 82515  
division does not impair or restrict the power of municipal 82516  
corporations under Section 3 of Article XVIII, Ohio 82517  
Constitution, to adopt rules concerning the erection, 82518  
construction, repair, alteration, and maintenance of buildings 82519  
and structures or of establishing standards and providing for 82520  
the licensing of specialty contractors pursuant to section 82521  
715.27 of the Revised Code. 82522

A board of county commissioners, pursuant to this 82523  
division, may require all electrical contractors and heating, 82524  
ventilating, and air conditioning contractors, other than those 82525  
who hold a valid and unexpired license issued pursuant to 82526  
Chapter 4740. of the Revised Code, to successfully complete an 82527  
examination, test, or demonstration of technical skills, and may 82528  
impose a fee and additional requirements for a license to engage 82529  
in their respective occupations within the jurisdiction of the 82530  
board's rules under this division. 82531

(C) No board of county commissioners shall require any 82532  
specialty contractor who holds a valid and unexpired license 82533

issued pursuant to Chapter 4740. of the Revised Code to 82534  
successfully complete an examination, test, or demonstration of 82535  
technical skills in order to engage in the type of contracting 82536  
for which the license is held, within the unincorporated areas 82537  
of the county and within any municipal corporation whose 82538  
legislative authority has contracted with the board for the 82539  
enforcement of county regulations within the municipal 82540  
corporation, pursuant to section 307.15 of the Revised Code. 82541

(D) A board may impose a fee for registration of a 82542  
specialty contractor who holds a valid and unexpired license 82543  
issued pursuant to Chapter 4740. of the Revised Code before that 82544  
specialty contractor may engage in the type of contracting for 82545  
which the license is held within the unincorporated areas of the 82546  
county and within any municipal corporation whose legislative 82547  
authority has contracted with the board for the enforcement of 82548  
county regulations within the municipal corporation, pursuant to 82549  
section 307.15 of the Revised Code, provided that the fee is the 82550  
same for all specialty contractors who wish to engage in that 82551  
type of contracting. If a board imposes such a fee, the board 82552  
immediately shall permit a specialty contractor who presents 82553  
proof of holding a valid and unexpired license and pays the 82554  
required fee to engage in the type of contracting for which the 82555  
license is held within the unincorporated areas of the county 82556  
and within any municipal corporation whose legislative authority 82557  
has contracted with the board for the enforcement of county 82558  
regulations within the municipal corporation, pursuant to 82559  
section 307.15 of the Revised Code. 82560

(E) The political subdivision associated with each 82561  
municipal, township, and county building department the board of 82562  
building standards certifies pursuant to division (E) of section 82563  
3781.10 of the Revised Code may prescribe fees to be paid by 82564

persons, political subdivisions, or any department, agency, 82565  
board, commission, or institution of the state, for the 82566  
acceptance and approval of plans and specifications, and for the 82567  
making of inspections, pursuant to sections 3781.03 and 3791.04 82568  
of the Revised Code. 82569

(F) Each political subdivision that prescribes fees 82570  
pursuant to division (E) of this section shall collect, on 82571  
behalf of the board of building standards, fees equal to the 82572  
following: 82573

(1) Three per cent of the fees the political subdivision 82574  
collects in connection with nonresidential buildings; 82575

(2) One per cent of the fees the political subdivision 82576  
collects in connection with the erection of and construction of 82577  
new residential buildings and, if the political subdivision 82578  
elects under division (E) of section 3781.10 of the Revised Code 82579  
to enforce the state residential building code for the repair 82580  
and alteration of existing residential buildings, one per cent 82581  
of the fees the political subdivision collects in connection 82582  
with the repair and alteration of existing residential 82583  
buildings. 82584

(G) (1) The board shall adopt rules, in accordance with 82585  
Chapter 119. of the Revised Code, specifying the manner in which 82586  
the fee assessed pursuant to division (F) of this section shall 82587  
be collected and remitted monthly to the board. The board shall 82588  
pay the fees into the state treasury to the credit of the 82589  
industrial compliance operating fund created in section 121.084 82590  
of the Revised Code. 82591

(2) All money credited to the industrial compliance 82592  
operating fund under this division shall be used exclusively for 82593

the following: 82594

(a) Operating costs of the board; 82595

(b) Providing services, including educational programs, 82596  
for the building departments that are certified by the board 82597  
pursuant to division (E) of section 3781.10 of the Revised Code; 82598

(c) Paying the expenses of the residential construction 82599  
advisory committee, including the expenses of committee members 82600  
as provided in section 4740.14 of the Revised Code. 82601

(H) A board of county commissioners that adopts rules 82602  
providing for the licensing of electrical and heating, 82603  
ventilating, and air conditioning contractors, pursuant to 82604  
division (B) of this section, may accept, for purposes of 82605  
satisfying the requirements of rules adopted under that 82606  
division, a valid and unexpired license issued pursuant to 82607  
Chapter 4740. of the Revised Code that is held by an electrical 82608  
or heating, ventilating, and air conditioning contractor, for 82609  
the construction, replacement, maintenance, or repair of one- 82610  
family, two-family, or three-family dwelling houses or accessory 82611  
structures incidental to those dwelling houses. 82612

(I) A board of county commissioners shall not register a 82613  
specialty contractor who is required to hold a license under 82614  
Chapter 4740. of the Revised Code but does not hold a valid 82615  
license issued under that chapter. 82616

(J) If a board of county commissioners regulates a 82617  
profession, occupation, or occupational activity under this 82618  
section, the board shall comply with Chapter 4796. of the 82619  
Revised Code. 82620

(K) As used in this section, "specialty contractor" means 82621  
a heating, ventilating, and air conditioning contractor, 82622

refrigeration contractor, electrical contractor, plumbing 82623  
contractor, or hydronics contractor, as those contractors are 82624  
described in Chapter 4740. of the Revised Code. 82625

**Sec. 3781.1011.** (A) As used in this section: 82626

(1) "Alarm system" means a device or system that transmits 82627  
a signal intended to summon law enforcement to a county, 82628  
township, or municipal corporation in response to an alleged 82629  
violation of an offense under Chapter 2911. of the Revised Code 82630  
occurring in a nonresidential zone of the applicable county, 82631  
township, or municipal corporation. The term includes an alarm 82632  
that emits an audible signal on the exterior of a structure. The 82633  
term does not include an alarm installed on a vehicle or an 82634  
alarm designed to alert only the inhabitants within the 82635  
premises. The term includes an alarm system for which a permit 82636  
may be issued under any applicable section of the Revised Code 82637  
or Ohio Constitution. 82638

(2) "Battery-charged fence" means a ~~fence connected to~~ 82639  
system, including integrated components or equipment, that 82640  
satisfies all of the following: 82641

(a) Functions with a battery-operated energizer that is 82642  
intended to periodically to deliver voltage impulses to the 82643  
fence, system with an impulse repetition rate that does not 82644  
exceed one hertz and an impulse duration that does not exceed 82645  
ten milliseconds; 82646

(b) Exclusively uses a battery charging device used 82647  
exclusively to charge the battery, and any other ancillary 82648  
components or equipment attached to such a system; 82649

(c) Interfaces with a monitored alarm system; 82650

(d) Has a battery-operated energizer that is powered by a 82651

commercial storage battery that is not more than twelve volts of 82652  
direct current; 82653

(e) Is four to twelve inches behind a non-battery-charged 82654  
perimeter fence, wall, or structure that is not less than five 82655  
feet in height; 82656

(f) Is ten feet in height, or two feet higher than the 82657  
height of the non-battery-charged perimeter fence, wall, or 82658  
structure, whichever is higher; 82659

(g) Is marked with conspicuous warning signs that are 82660  
located on the battery-charged fence at not more than thirty- 82661  
foot intervals and that read: "WARNING-SHOCK HAZARD" or a 82662  
similar warning message. 82663

(3) "Permit" means a certificate, license, permit, or 82664  
other form of permission that authorizes a person to engage in 82665  
an action. 82666

(B) A-Subject to division (D) of this section, a person 82667  
may install, operate, and use a battery-charged fence installed- 82668  
on private, nonresidential property within a county, township, 82669  
or municipal corporation ~~shall satisfy all of the following:~~ 82670

~~(1) Interface with a monitored alarm system;~~ 82671

~~(2) Have a battery-operated energizer that is powered by a~~ 82672  
~~commercial storage battery that is not more than twelve volts of~~ 82673  
~~direct current, and that meets the standards set forth by the~~ 82674  
~~international electrotechnical commission 60335-02-76 current-~~ 82675  
~~edition;~~ 82676

~~(3) Be completely surrounded by a nonelectric perimeter~~ 82677  
~~fence or wall that is not less than five feet in height;~~ 82678

~~(4) Be not more than the higher of ten feet in height, or-~~ 82679

~~two feet higher than the height of the nonelectric perimeter~~ 82680  
~~fence or wall; and~~ 82681

~~(5) Be marked with conspicuous warning signs that are~~ 82682  
~~located on the battery-charged fence at not more than forty-foot~~ 82683  
~~intervals and that read: "WARNING--ELECTRIC FENCE."~~ 82684

(C) Division (B) of this section does not apply to any of 82685  
the following fences, regardless of whether such fences are 82686  
battery-charged fences under division (A)(2) of this section: 82687

(1) Fences that are required to be constructed by persons 82688  
or corporations owning, controlling, or managing a railroad 82689  
pursuant to Chapter 4959. of the Revised Code; 82690

(2) Partition fences constructed in accordance with 82691  
Chapter 971. of the Revised Code; 82692

(3) Fences constructed or installed by the state or a 82693  
political subdivision, or by the federal government; 82694

(4) Fences installed at a facility that is an accredited 82695  
member of the association of zoos and aquariums or the 82696  
zoological association of America and that is licensed by the 82697  
United States department of agriculture under the federal animal 82698  
welfare act; 82699

(5) Fences installed at a wildlife sanctuary; 82700

(6) Fences constructed and used for agricultural purposes, 82701  
as agriculture is defined in either section 303.01 or 519.01 of 82702  
the Revised Code. 82703

(D) ~~Notwithstanding any other section of the Revised Code,~~ 82704  
~~a~~A county, township, or municipal corporation may adopt and 82705  
enforce an ordinance, order, resolution, or regulation that does 82706  
any of the following: 82707



(1) Imposes installation ~~or~~, operational, or use 82708  
requirements for battery-charged fences in nonresidential 82709  
properties that ~~are do not in conflict with the requirements and~~ 82710  
~~standards set forth in~~ expressly, implicitly, or functionally 82711  
prohibit the installation, operation, or use of such fences, as 82712  
authorized under division (B) of this section; 82713

(2) Requires a permit or fee for the installation, 82714  
operation, or use of a battery-charged fence to which this 82715  
section applies in accordance with a permit or fee for an alarm 82716  
system issued or charged by the county, township, or municipal 82717  
corporation; 82718

(3) ~~Prohibits~~ Completely prohibits or imposes generally 82719  
applicable requirements on the installation, operation, or use 82720  
of a ~~battery-charged fence~~ non-battery-charged perimeter fence, 82721  
wall, or structure or any system that does not constitute a 82722  
battery-charged fence under division (A) (2) of this section in a 82723  
nonresidential zone ~~that does not meet the requirements and~~ 82724  
~~standards set forth in division (B) of this section.~~ 82725

**Sec. 3901.3815.** (A) As used in this section: 82726

(1) "Health plan issuer" has the same meaning as in 82727  
section 3922.01 of the Revised Code, except that the term also 82728  
includes any vendor contracted by a health plan issuer, as 82729  
defined in that section. 82730

(2) "Health care provider" has the same meaning as in 82731  
section 3701.74 of the Revised Code. 82732

(3) "Credit card" means a single-use or virtual payment 82733  
card provided in an electronic, digital, facsimile, physical, or 82734  
paper format. 82735

(4) "Business day" has the same meaning as in section 82736

3901.81 of the Revised Code.

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(B) A health plan issuer shall offer all reasonably available methods of payment to a health care provider, which shall include payment by check and electronic funds transfer. A health plan issuer shall not charge a health care provider a fee for delivering payment by check or electronic funds transfer, either directly or indirectly through an agent, affiliate, or third party contracted by the health plan issuer in connection with the method of payment.

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(C) A health plan issuer that offers payment by credit card shall provide a process by which a health care provider may opt out of that method of payment and select another method of payment.

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(D) If a health plan issuer or an agent, affiliate, or third party contracted by a health plan issuer in connection with one of the available payment methods, other than payment by check or electronic funds transfer, charges a fee, the health plan issuer shall, prior to initiating the first payment to a health care provider or upon changing the payment methods available to a health care provider, do both of the following:

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(1) Notify the provider about potential fees associated with a particular payment method, disclose any charges by the health plan issuer, and advise the provider to contact the provider's financial institution, credit card issuer, or payment processor for information about other fees that may apply;

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(2) Provide the health care provider with clear instructions as to how to select each payment method either on the health plan issuer's web site or through a means other than the contract offered to the health care provider.

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(E) (1) If a health care provider requests a change in the 82766  
available payment method, the health plan issuer shall implement 82767  
the change to the payment method selected by the health care 82768  
provider within thirty-one business days. 82769

(2) The payment method selected by the health care 82770  
provider shall remain in effect until either the health care 82771  
provider requests a different payment method or the health plan 82772  
issuer has not generated a payment to the provider for more than 82773  
one year. 82774

(3) The health plan issuer shall not charge a fee for a 82775  
change in payment method. 82776

**Sec. 3902.51.** (A) (1) (a) A health plan issuer shall 82777  
reimburse an out-of-network provider for unanticipated out-of- 82778  
network care when both of the following apply: 82779

(i) The services are provided to a covered person at an 82780  
in-network facility. 82781

(ii) The services would be covered if provided by an in- 82782  
network provider. 82783

(b) A health plan issuer shall reimburse both of the 82784  
following for emergency services provided to a covered person at 82785  
an out-of-network emergency facility: 82786

(i) An out-of-network provider; 82787

(ii) The out-of-network emergency facility. 82788

(c) A health plan issuer shall reimburse both of the 82789  
following for emergency services provided to a covered person by 82790  
an out-of-network ambulance: 82791

(i) An out-of-network provider; 82792

(ii) The out-of-network ambulance.	82793
(2) In the case of clinical laboratory services provided	82794
in connection with care described in division (A)(1) of this	82795
section, a health plan issuer shall reimburse any out-of-network	82796
provider and any out-of-network facility that provided the	82797
clinical laboratory services.	82798
(3) For purposes of sections 3902.50 to 3902.54 of the	82799
Revised Code:	82800
(a) In the request for reimbursement, the provider,	82801
facility, emergency facility, or ambulance shall include the	82802
proper billing code for the service for which reimbursement is	82803
requested.	82804
(b) The health plan issuer shall send the provider,	82805
facility, emergency facility, or ambulance its intended	82806
reimbursement as described in division (B)(1) of this section.	82807
(c) Within the period of time specified by the	82808
superintendent of insurance in rule, the provider, facility,	82809
emergency facility, or ambulance shall either notify the health	82810
plan issuer of its acceptance of the reimbursement or seek to	82811
negotiate reimbursement under division (B)(2) of this section.	82812
Failure to timely notify the issuer of an intent to negotiate	82813
shall be considered acceptance of the issuer's reimbursement.	82814
(B)(1) Unless the provider, facility, emergency facility,	82815
or ambulance wishes to negotiate reimbursement under division	82816
(B)(2) of this section, the reimbursement required to be paid to	82817
the provider, facility, emergency facility, or ambulance under	82818
division (A) of this section shall be the greatest of the	82819
following amounts:	82820
(a) The amount negotiated with in-network providers,	82821

facilities, emergency facilities, or ambulances for the service 82822  
in question in that geographic region under that health benefit 82823  
plan, excluding any in-network cost sharing imposed under the 82824  
health benefit plan. If there is more than one such amount, the 82825  
relevant amount shall be the median of those amounts, excluding 82826  
any in-network cost sharing imposed under the health benefit 82827  
plan. In determining the median amount, the amount negotiated 82828  
with each in-network provider, facility, emergency facility, or 82829  
ambulance shall be treated as a separate amount even if the same 82830  
amount is paid to more than one provider. If there is no per- 82831  
service amount, such as under a capitation or similar payment 82832  
arrangement, the amount described in division (B)(1)(a) of this 82833  
section shall be disregarded. 82834

(b) The amount for the service in question calculated 82835  
using the same method the health benefit plan generally uses to 82836  
determine payments for out-of-network health care services, such 82837  
as the usual, customary, and reasonable amount, excluding any 82838  
in-network cost sharing imposed under the health benefit plan. 82839  
This amount shall be determined with the reduction for cost 82840  
sharing that generally applies under the health benefit plan 82841  
with respect to out-of-network health care services. 82842

(c) ~~The~~ Whichever of the following amounts apply to the 82843  
service in question, calculated according to the amount that 82844  
would be paid under the medicare program, part A or part B of 82845  
Title XVIII of the "Social Security Act," 42 U.S.C. 1395, as 82846  
amended, for the service in question, excluding any in-network 82847  
cost sharing imposed under the health benefit plan: 82848

(i) One hundred per cent of the medicare payment amount, 82849  
in the case of a provider, facility, or emergency facility; 82850

(ii) Two hundred fifty per cent of the medicare payment 82851

amount, in the case of an ambulance. 82852

(2) In lieu of accepting reimbursement under division (B) 82853  
(1) of this section, a provider, facility, emergency facility, 82854  
or ambulance may notify the health plan issuer that the 82855  
provider, facility, emergency facility, or ambulance wishes to 82856  
negotiate reimbursement. Upon receipt of such notice, the health 82857  
plan issuer shall attempt a good faith negotiation with the 82858  
provider, facility, emergency facility, or ambulance. 82859

(C) (1) For unanticipated out-of-network care provided at 82860  
an in-network facility in this state, a provider shall not bill 82861  
a covered person for the difference between the health plan 82862  
issuer's reimbursement and the provider's charge for the 82863  
services. 82864

(2) For emergency services provided at an out-of-network 82865  
emergency facility in this state, neither the emergency facility 82866  
nor an out-of-network provider shall bill a covered person for 82867  
the difference between the health plan issuer's reimbursement 82868  
and the emergency facility's or the provider's charge for the 82869  
services. 82870

(3) For emergency services provided by an out-of-network 82871  
ambulance in this state, neither the ambulance nor an out-of- 82872  
network provider shall bill a covered person for the difference 82873  
between the health plan issuer's reimbursement and the 82874  
ambulance's or provider's charge for the services. 82875

(4) In the case of clinical laboratory services provided 82876  
in this state in connection with care described in division (A) 82877  
(1) of this section, no out-of-network provider or out-of- 82878  
network facility shall bill a covered person for the difference 82879  
between the health plan issuer's reimbursement and the 82880

provider's or facility's charge for the clinical laboratory 82881  
services. 82882

(D) A health plan issuer shall not require cost sharing 82883  
for any service described in division (A) of this section from 82884  
the covered person at a rate higher than if the services were 82885  
provided in network. 82886

(E) For health care services, other than those described 82887  
in division (A) of this section, that are covered under a health 82888  
benefit plan but are provided to a covered person by an out-of- 82889  
network provider at an in-network facility, both of the 82890  
following apply: 82891

(1) For services provided in this state, the provider 82892  
shall not bill the covered person for the difference between the 82893  
health plan issuer's out-of-network reimbursement and the 82894  
provider's charge for the services unless all of the following 82895  
conditions are met: 82896

(a) The provider informs the covered person that the 82897  
provider is not in the covered person's health benefit plan 82898  
network. 82899

(b) The provider provides to the covered person a good 82900  
faith estimate of the cost of the services, including the 82901  
provider's charge, the estimated reimbursement by the health 82902  
plan issuer, and the covered person's responsibility. The 82903  
estimate shall contain a disclaimer that the covered person is 82904  
not required to obtain the health care service at that location 82905  
or from that provider. 82906

(c) The covered person affirmatively consents to receive 82907  
the services. 82908

(2) The health plan issuer may reimburse the provider at 82909

either the in-network or out-of-network rate as described in the 82910  
covered person's health benefit plan. 82911

(F) Nothing in this section is subject to section 3901.71 82912  
of the Revised Code. 82913

**Sec. 3902.70.** As used in this section and section 3902.71 82914  
of the Revised Code: 82915

(A) "340B covered entity" and ~~"third-party administrator"~~ 82916  
~~have the same meanings as in section 5167.01 of the Revised~~ 82917  
~~Code~~ means an entity described in section 340B(a) (4) of the 82918  
"Public Health Service Act," 42 U.S.C. 256b(a) (4) and includes 82919  
any pharmacy under contract with the entity to dispense drugs on 82920  
behalf of the entity. 82921

(B) "Terminal distributor of dangerous drugs" has the same 82922  
meaning as in section 4729.01 of the Revised Code. 82923

(C) "Third-party administrator" has the same meaning as in 82924  
section 5167.01 of the Revised Code. 82925

**Sec. 3905.426.** (A) As used in this section: 82926

(1) "Contract holder" means the person who purchased a 82927  
motor vehicle ancillary product protection contract, any 82928  
authorized transferee or assignee of the purchaser, or any other 82929  
person assuming the purchaser's rights under the motor vehicle 82930  
ancillary product protection contract. 82931

(2) "Finance agreement" means a loan or retail installment 82932  
contract secured by a motor vehicle or a lease contract for the 82933  
use of a motor vehicle. 82934

~~(2)~~ (3) "Motor vehicle" has the same meaning as in section 82935  
4501.01 of the Revised Code and also includes utility vehicles 82936  
and under-speed vehicles as defined in that section. 82937



~~(3) (a)~~ (4) (a) "Motor vehicle ancillary product protection contract" means a contract or agreement that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle, or its parts or equipment, to perform any one or more of the following services:

(i) Repair or replacement of glass on a motor vehicle necessitated by wear and tear or damage caused by a road hazard;

(ii) Removal of a dent, ding, or crease without affecting the existing paint finish using paintless dent removal techniques but which expressly excludes replacement of vehicle body panels, sanding, bonding, or painting;

(iii) Repair to the interior components of a motor vehicle necessitated by wear and tear but which expressly excludes replacement of any part or component of a motor vehicle's interior;

(iv) Repair or replacement of tires or wheels damaged because of a road hazard;

(v) Replacement of a lost, stolen, or inoperable key or key fob;

(vi) In conjunction with a motor vehicle leased for use, the repair, replacement, or maintenance of property, or indemnification for repair, replacement, or maintenance, due to excess wear and use, damage for items such as tires, paint cracks or chips, missing interior or exterior parts, or excess mileage that results in a lease-end charge, or any other charge for damage that is deemed as excess wear and use by a lessor under a motor vehicle lease, provided any such charge shall not exceed the purchase price of the vehicle at the end of the lease term;

<u>(vii) Provide a benefit under a vehicle value protection</u>	82967
<u>agreement.</u>	82968
(b) A motor vehicle ancillary product protection contract	82969
may, but is not required to, provide for incidental payment of	82970
indemnity under limited circumstances, including, without	82971
limitation, towing, rental, and emergency road services.	82972
(c) "Motor vehicle ancillary product protection contract"	82973
does not include any of the following:	82974
(i) A motor vehicle service contract;	82975
(ii) A vehicle protection product warranty as defined in	82976
section 3905.421 of the Revised Code;	82977
(iii) A home service contract as defined in section	82978
3905.422 of the Revised Code;	82979
(iv) A consumer goods service contract as defined in	82980
section 3905.423 of the Revised Code;	82981
(v) A contract for prepaid routine, scheduled maintenance	82982
only.	82983
<del>(4)</del> <u>(5)</u> "Motor vehicle service contract" means a contract	82984
or agreement to perform or pay for the repair, replacement, or	82985
maintenance of a motor vehicle due to defect in materials or	82986
workmanship, normal wear and tear, mechanical or electrical	82987
breakdown, or failure of parts or equipment of a motor vehicle,	82988
with or without additional provisions for incidental payment of	82989
indemnity under limited circumstances, including, without	82990
limitation, towing, rental, and emergency road services, that is	82991
effective for a specified duration and paid for by means other	82992
than the purchase of a motor vehicle.	82993
<del>(5)</del> <u>(6)</u> "Provider" means a person who is contractually	82994

obligated to a contract holder under the terms of a motor 82995  
vehicle ancillary product protection contract. 82996

~~(6)~~ (7) "Road hazard" means a condition that may cause 82997  
damage or wear and tear to a tire or wheel on a public or 82998  
private roadway, roadside, driveway, or parking lot or garage, 82999  
including potholes, nails, glass, road debris, and curbs. "Road 83000  
hazard" does not include fire, theft, vandalism or malicious 83001  
mischievous, or other perils normally covered by automobile 83002  
physical damage insurance. 83003

~~(7)~~ (8) "Reimbursement insurance policy" means a policy of 83004  
insurance issued by an insurer authorized or eligible to do 83005  
business in this state to a provider to pay, on behalf of the 83006  
provider in the event of the provider's nonperformance, all 83007  
covered contractual obligations incurred by the provider under 83008  
the terms and conditions of the motor vehicle ancillary product 83009  
protection contract. 83010

~~(8)~~ (9) "Supplier" has the same meaning as in section 83011  
1345.01 of the Revised Code. 83012

(10) "Vehicle value protection agreement" includes a 83013  
contractual agreement that provides a benefit towards either the 83014  
reduction of some or all of the contract holder's current 83015  
finance agreement deficiency balance, or towards the purchase or 83016  
lease of a replacement motor vehicle or motor vehicle services, 83017  
upon the occurrence of an adverse event to the motor vehicle, 83018  
including loss, theft, damage, obsolescence, diminished value, 83019  
or depreciation. "Vehicle value protection agreement" includes 83020  
trade-in-credit agreements, diminished value agreements, 83021  
depreciation benefit agreements, or other similar agreements. 83022  
"Vehicle value protection agreement" does not include a debt 83023  
suspension or debt cancellation product. 83024

(B) All motor vehicle ancillary product protection 83025  
contracts issued in this state shall be covered by a 83026  
reimbursement insurance policy. 83027

(C) A motor vehicle ancillary product protection contract 83028  
issued by a provider that is required to be covered by a 83029  
reimbursement insurance policy under division (B) of this 83030  
section shall conspicuously state all of the following: 83031

(1) "This contract is not insurance and is not subject to 83032  
the insurance laws of this state." 83033

(2) That the obligations of the provider are guaranteed 83034  
under a reimbursement insurance policy; 83035

(3) That if a provider fails to perform or make payment 83036  
due under the terms of the contract within sixty days after the 83037  
contract holder requests performance or payment pursuant to the 83038  
terms of the contract, the contract holder may request 83039  
performance or payment directly from the provider's 83040  
reimbursement insurance policy insurer, including any obligation 83041  
in the contract by which the provider must refund the contract 83042  
holder upon cancellation of a contract; 83043

(4) The name, address, and telephone number of the 83044  
provider's reimbursement insurance policy insurer. 83045

(D) A motor vehicle ancillary product protection contract 83046  
that includes repair or replacement of glass on a motor vehicle 83047  
as provided in division ~~(A) (3) (a) (i)~~ (A) (4) (a) (i) of this 83048  
section, shall conspicuously state: "This contract may provide a 83049  
duplication of coverage already provided by your automobile 83050  
physical damage insurance policy." 83051

(E) A vehicle value protection agreement may be canceled 83052  
by the contract holder within thirty days of the effective date 83053

of the agreement, and the contract holder shall be entitled to a 83054  
full refund of the purchase price paid by the contract holder, 83055  
if any, so long as no benefits have been provided under the 83056  
contract. 83057

(F) A vehicle value protection agreement that, under the 83058  
terms of the agreement, may be canceled by the contract holder 83059  
more than thirty days after the effective date of the agreement 83060  
must state the conditions under which it may be canceled, 83061  
including the procedures for requesting any refund of the 83062  
purchase price paid by the contract holder and the methodology 83063  
for calculating any refund of the purchase price. 83064

(G) The contract provider of the vehicle value protection 83065  
agreement shall mail a written notice to the contract holder at 83066  
the last known address of the contract holder contained in the 83067  
records of the contract provider at least five days prior to 83068  
cancellation by the contract provider. Prior notice is not 83069  
required if the reason for cancellation is nonpayment of the 83070  
provider fee, a material misrepresentation by the contract 83071  
holder to the contract provider or administrator, or a 83072  
substantial breach of duties by the contract holder relating to 83073  
the covered product or the use of the covered product. The 83074  
notice shall state the effective date of the cancellation and 83075  
the reason for the cancellation. If a vehicle value protection 83076  
agreement is canceled by the contract provider for a reason 83077  
other than nonpayment of the provider fee, the provider shall 83078  
refund to the contract holder one hundred per cent of the 83079  
unearned provider fee paid by the contract holder, if any. If 83080  
coverage under the vehicle value protection agreement continues 83081  
after a claim, then all claims paid may be deducted from any 83082  
refund required by this division. A reasonable administrative 83083  
fee of up to seventy-five dollars may be charged by the contract 83084

provider and deducted from any refund due under this division or 83085  
division (F) of this section. 83086

(H) Any refund under divisions (E) and (F) of this section 83087  
shall be paid to the seller or assignee of a retail installment 83088  
contract or lease agreement unless otherwise agreed to by the 83089  
contract holder and the seller or assignee. 83090

(I) A reimbursement insurance policy that is required to 83091  
be issued under this section shall contain: 83092

(1) A statement that if a provider fails to perform or 83093  
make payment due under the terms of the motor vehicle ancillary 83094  
product protection contract within sixty days after the contract 83095  
holder requests performance or payment pursuant to the terms of 83096  
the contract, the contract holder may request performance or 83097  
payment directly from the provider's reimbursement insurance 83098  
policy insurer, including any obligation in the contract by 83099  
which the provider must refund the contract holder upon 83100  
cancellation of a contract. 83101

(2) A statement that in the event of cancellation of the 83102  
provider's reimbursement insurance policy, insurance coverage 83103  
will continue for all contract holders whose motor vehicle 83104  
ancillary product protection contracts were issued by the 83105  
provider and reported to the insurer for coverage during the 83106  
term of the reimbursement insurance policy. 83107

~~(F)~~ (J) The sale or issuance of a motor vehicle ancillary 83108  
product protection contract is a consumer transaction for 83109  
purposes of sections 1345.01 to 1345.13 of the Revised Code. The 83110  
provider is the supplier and the contract holder is the consumer 83111  
for purposes of those sections. 83112

~~(G)~~ (K) Unless issued by an insurer authorized or eligible 83113

to do business in this state, a motor vehicle ancillary product 83114  
protection contract does not constitute a contract substantially 83115  
amounting to insurance, or the contract's issuance the business 83116  
of insurance, under section 3905.42 of the Revised Code. 83117

~~(H)~~ (L) Unless issued by an insurer authorized or eligible 83118  
to do business in this state, a contract identified in division 83119  
~~(A) (3) (c) (i)~~ (A) (4) (c) (i) or (v) of this section does not 83120  
constitute a contract substantially amounting to insurance, or 83121  
the contract's issuance the business of insurance, under section 83122  
3905.42 of the Revised Code. 83123

~~(I)~~ (M) The rights of a contract holder against a 83124  
provider's reimbursement insurance policy insurer as provided in 83125  
this section apply only in regard to a reimbursement insurance 83126  
policy issued under this section. This section does not create 83127  
any contractual rights in favor of a person that does not 83128  
qualify as an insured under any other type of insurance policy 83129  
described in Title XXXIX of the Revised Code. This section does 83130  
not prohibit the insurer of a provider's reimbursement insurance 83131  
policy from assuming liability for contracts issued prior to the 83132  
effective date of the policy or July 1, 2009. 83133

~~(J)~~ (N) A contract or agreement described in division ~~(A)~~ 83134  
~~(3) (a) (iv)~~ (A) (4) (a) (iv) of this section in which the provider is 83135  
a tire manufacturer shall be exempt from the requirements of 83136  
division (B) of this section if the contract or agreement 83137  
conspicuously states all of the following: 83138

(1) That the contract or agreement is not an insurance 83139  
contract; 83140

(2) That any covered obligations or claims under the 83141  
contract or agreement are the responsibility of the provider; 83142

(3) The name, address, and telephone number of any administrator responsible for the administration of the contract or agreement, the provider obligated to perform under the contract or agreement, and the contract seller;

(4) The procedure for making a claim under the contract or agreement, including a toll-free telephone number for claims service and a procedure for obtaining emergency repairs or replacements performed outside normal business hours.

**Sec. 3905.72.** (A) (1) No person shall act as a managing general agent representing an insurer licensed in this state with respect to risks located in this state unless the person is licensed as a managing general agent pursuant to division (C) or (D) of this section.

(2) No person shall act as a managing general agent representing an insurer organized under the laws of this state with respect to risks located outside this state unless the person is licensed as a managing general agent pursuant to division (C) of this section.

(B) Every person that seeks to act as a managing general agent as described in division (A) of this section shall apply to the superintendent of insurance for a license. Except as otherwise provided in division (D) of this section, the application shall be in writing on a form provided by the superintendent ~~and shall be sworn or affirmed before a notary public or other person empowered to administer oaths.~~ The application shall be kept on file by the superintendent and shall include all of the following:

(1) The name and principal business address of the applicant;



- (2) If the applicant is an individual, the applicant's  
current occupation; 83172  
83173
- (3) If the applicant is an individual, the applicant's  
occupation or occupations during the five-year period prior to 83174  
applying for the license to act as a managing general agent; 83175  
83176
- (4) A copy of the contract between the applicant and the 83177  
insurer as required by, and in compliance with, section 3905.73 83178  
of the Revised Code; 83179
- (5) A copy of a certified resolution of the board of 83180  
directors of the insurer on whose behalf the applicant will act, 83181  
appointing the applicant as a managing general agent and agent 83182  
of the insurer, specifying the duties the applicant is expected 83183  
to perform on behalf of the insurer and the lines of insurance 83184  
the applicant will manage, and authorizing the insurer to enter 83185  
into a contract with the applicant as required by section 83186  
3905.73 of the Revised Code; 83187
- (6) A statement that the applicant submits to the 83188  
jurisdiction of the superintendent and the courts of this state; 83189
- (7) Any other information required by the superintendent. 83190
- (C) The superintendent shall issue to a resident of this 83191  
state or a business entity organized under the laws of this 83192  
state a license to act as a managing general agent representing 83193  
an insurer licensed to do business in this state with respect to 83194  
risks located in this state or a license to act as a managing 83195  
general agent representing an insurer organized under the laws 83196  
of this state with respect to risks located outside this state, 83197  
and shall renew such a license, if the superintendent is 83198  
satisfied that all of the following conditions are met: 83199
- (1) The applicant is a suitable person and intends to hold 83200

self out in good faith as a managing general agent. 83201

(2) The applicant understands the duties and obligations 83202  
of a managing general agent. 83203

(3) The applicant has filed a completed application that 83204  
complies with division (B) of this section. 83205

(4) The applicant has paid a fee in the amount of twenty 83206  
dollars. 83207

(5) The applicant maintains a bond in the amount of not 83208  
less than fifty thousand dollars for the protection of the 83209  
insurer. 83210

(6) The applicant maintains an errors and omissions policy 83211  
of insurance. 83212

(7) The applicant is not, and has never been, under an 83213  
order of suspension or revocation under section 3905.77 of the 83214  
Revised Code or under any other law of this state, or any other 83215  
state, relating to insurance, and is otherwise in compliance 83216  
with sections 3905.71 to 3905.79 of the Revised Code and all 83217  
other laws of this state relating to insurance. 83218

(D) If the applicant is a resident of another state or a 83219  
business entity organized under the laws of another state, the 83220  
applicant shall submit a request for licensure, along with a fee 83221  
of twenty dollars, to the superintendent. The superintendent 83222  
shall issue a license to act as a managing general agent if the 83223  
request for licensure includes proof that the applicant is 83224  
licensed and in good standing as a managing general agent in the 83225  
applicant's home state and either a copy of the application for 83226  
licensure the applicant submitted to the applicant's home state 83227  
or the application described in division (B) of this section. 83228

If the applicant's home state does not license managing 83229  
general agents under provisions similar to those in sections 83230  
3905.71 to 3905.79 of the Revised Code, or if the applicant's 83231  
home state does not grant licenses to residents of this state on 83232  
the same reciprocal basis, the applicant shall comply with 83233  
divisions (B) and (C) of this section. 83234

(E) Unless suspended or revoked by an order of the 83235  
superintendent pursuant to section 3905.77 of the Revised Code 83236  
and except as provided in division (F) of this section, any 83237  
license issued or renewed pursuant to division (C) or (D) of 83238  
this section shall expire on the last day of February next after 83239  
its issuance or renewal. 83240

(F) If the appointment of a managing general agent is 83241  
terminated by the insurer, the license of the managing general 83242  
agent shall expire on the date of the termination. 83243

(G) A license shall be renewed in accordance with the 83244  
standard renewal procedure specified in Chapter 4745. of the 83245  
Revised Code. 83246

(H) All license fees collected pursuant to this section 83247  
shall be paid into the state treasury to the credit of the 83248  
department of insurance operating fund. 83249

**Sec. 3921.22.** (A) A fraternal benefit society shall hold, 83250  
invest, and disburse all assets for the use and benefit of the 83251  
society. No member or beneficiary shall have or acquire 83252  
individual rights to the assets, or be entitled to any 83253  
apportionment on the surrender of any part of the assets, except 83254  
as provided in the benefit contract. 83255

(B) A society may create, maintain, invest, disburse, and 83256  
apply any special fund or funds necessary to carry out any 83257

purpose permitted by the laws of the society. No society shall, 83258  
directly or indirectly, pay or use, or offer, consent, or agree 83259  
to pay or use, any of its funds, money, or property for or in 83260  
aid of any political party, campaign committee, political action 83261  
committee, ~~continuing association,~~ political contributing 83262  
entity, or any other political organization. 83263

(C) A society may, pursuant to resolution of its supreme 83264  
governing body, establish and operate one or more separate 83265  
accounts and issue contracts on a variable basis, subject to the 83266  
provisions of law regulating life insurers that establish such 83267  
accounts and issue such contracts including those described in 83268  
section 3911.011 of the Revised Code. To the extent the society 83269  
considers it necessary in order to comply with any applicable 83270  
federal or state law, or any rule issued under that law, the 83271  
society may do any of the following: 83272

(1) Adopt special procedures for the conduct of the 83273  
business and affairs of a separate account; 83274

(2) For persons having beneficial interests in the 83275  
account, provide special voting and other rights, including 83276  
special rights and procedures relating to investment policy, 83277  
investment advisory services, selection of certified public 83278  
accountants, and selection of a committee to manage the business 83279  
and affairs of the account; 83280

(3) Issue contracts on a variable basis to which divisions 83281  
(B) and (D) of section 3921.19 of the Revised Code do not apply. 83282

**Sec. 3923.443.** (A) (1) No agent shall sell, solicit, or 83283  
negotiate long-term care insurance ~~on or after September 1,~~ 83284  
~~2008,~~ without first completing an initial eight-hour partnership 83285  
program training course as described in division (B) of this 83286

section. 83287

(2) (a) Any agent that sells, solicits, or negotiates any 83288  
long-term care insurance shall complete at least four hours of 83289  
continuing education in every ~~twenty-four-month period~~ 83290  
~~commencing on the first day of January of the year immediately~~ 83291  
~~following the year of the issuance of the agent's license~~ 83292  
license renewal period beginning with the first license renewal period 83293  
following the agent's completion of the partnership training 83294  
course described in division (A) (1) of this section. 83295

(b) ~~No~~ An agent ~~shall fail who fails~~ to complete the 83296  
continuing education requirements in division (A) (2) (a) of this 83297  
section ~~in the twenty-four-month period described in that~~ 83298  
~~division~~ before the end of a license renewal period shall not 83299  
sell, solicit, or negotiate long-term care insurance until such 83300  
requirements have been met. 83301

(B) The initial training course and continuing education 83302  
required under division (A) of this section may be approved by 83303  
the superintendent of insurance as continuing education courses 83304  
under sections 3905.481 to 3905.486 of the Revised Code and 83305  
shall consist of combined topics related to long-term care 83306  
insurance, long-term care services, and state long-term care 83307  
insurance partnership programs, including all of the following: 83308

(1) State and federal regulations and requirements and the 83309  
relationship between state long-term care insurance partnership 83310  
programs and other public and private coverage of long-term care 83311  
services, including medicaid; 83312

(2) Available long-term care services and providers; 83313

(3) Changes or improvements in long-term care services or 83314  
providers; 83315

(4) Alternatives to the purchase of private long-term care insurance; 83316  
83317

(5) The effect of inflation on benefits and the importance of inflation protection; 83318  
83319

(6) Consumer suitability standards and guidelines; 83320

(7) Any other topics required by the superintendent. 83321

(C) The initial training and continuing education required by division (A) of this section shall not include training that is specific to a particular insurer or company product or that includes any sales or marketing information, materials, or training other than those required by state or federal law. 83322  
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(D) A resident agent shall satisfy the initial training and continuing education required by division (A) of this section by completing long-term care courses that are approved by the superintendent. A nonresident agent may satisfy the training and continuing education required by division (A) of this section by completing the training requirements in any other state, provided that the course is approved for credit by the insurance department of that state prior to the agent taking the course. 83327  
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(E) Each insurer shall obtain records of the initial training and continuing education completed by agents of that insurer pursuant to division (A) of this section as well as the training completed by the insurer's agents concerning the distribution of the insurer's partnership program policies and shall make those records available to the superintendent upon request. 83336  
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(F) Each insurer shall maintain records with respect to the training of its agents concerning the distribution of the 83343  
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insurer's partnership program policies. Each insurer shall 83345  
provide documentation to the superintendent that will allow the 83346  
superintendent to provide assurance to the medicaid director 83347  
that agents have received the training required by this section 83348  
and that agents have demonstrated an understanding of the 83349  
partnership program policies and their relationship to public 83350  
and private coverage of long-term care in this state, including 83351  
medicaid. The superintendent may audit each insurer's records 83352  
annually to verify that the insurer is maintaining the records 83353  
required by this division. The superintendent shall make the 83354  
records provided to the superintendent pursuant to division (E) 83355  
of this section available to the director. 83356

**Sec. 3951.03.** (A) Before any certificate of authority 83357  
shall be issued by the superintendent of insurance there shall 83358  
be filed in the superintendent's office a written application 83359  
therefor. Such application shall be in the form or forms and 83360  
supplements thereto prescribed by the superintendent and shall 83361  
set forth: 83362

(1) The name and address of the applicant, and if the 83363  
applicant be a firm, association, or partnership, the name and 83364  
address of each member thereof, and if the applicant be a 83365  
corporation, the name and address of each of its officers and 83366  
directors; 83367

(2) Whether any license or certificate of authority as 83368  
agent, broker, or public insurance adjuster has been issued 83369  
previously by the superintendent of this state or by the 83370  
insurance department of any state to the individual applicant, 83371  
and, if the applicant be an individual, whether any such 83372  
certificate has been issued previously to any firm, association, 83373  
or partnership of which the individual was or is an officer or 83374

director, and, if the applicant be a firm, association, or 83375  
partnership, whether any such certificate has been issued 83376  
previously to any member thereof, and, if the applicant be a 83377  
corporation, whether any such certificate has been issued 83378  
previously to any officer or director of such corporation; 83379

(3) The business or employment in which the applicant has 83380  
been engaged for the five years next preceding the date of the 83381  
application, and the name and address of such business and the 83382  
name or names and addresses of his employer or employers; 83383

(4) Such information as the superintendent may require of 83384  
applicants in order to determine their trustworthiness and 83385  
competency to transact the business of public insurance 83386  
adjusters, in such manner as to safeguard the interest of the 83387  
public; 83388

(B) Except as provided in division (C) of this section, 83389  
the superintendent shall issue a public insurance adjuster agent 83390  
certificate to a person, who is a bona fide employee of a public 83391  
insurance adjuster without examination, provided said 83392  
application is made by a person, partnership, association, or 83393  
corporation engaged in the public insurance adjusting business. 83394  
The fee to be paid by the applicant for such a license at the 83395  
time the application is made, and annually thereafter for the 83396  
renewal thereof according to the standard renewal procedure of 83397  
sections 4745.01 to 4745.03, inclusive, of the Revised Code, 83398  
shall be fifty dollars, and such applicant shall be bonded in 83399  
the amount of one thousand dollars as provided for in division 83400  
(D) of section 3951.06 of the Revised Code. 83401

(C) The superintendent shall issue a public insurance 83402  
adjuster agent certificate in accordance with Chapter 4796. of 83403  
the Revised Code to an applicant if either of the following 83404



applies: 83405

(1) The applicant holds a license or certificate in 83406  
another state. 83407

(2) The applicant has satisfactory work experience, a 83408  
government certification, or a private certification as 83409  
described in that chapter as a public insurance adjuster agent 83410  
in a state that does not issue that license or certificate. 83411

(D) An application for any certificate of authority shall 83412  
be signed ~~and verified under oath~~ by the applicant and, if made 83413  
by a firm, association, partnership, or corporation, by each 83414  
member or officer and director thereof to be authorized thereby 83415  
to act as a public insurance adjuster. 83416

**Sec. 4113.31.** (A) As used in this section: 83417

(1) "Employer," "mass layoff," and "plant closing" have 83418  
the same meanings as in the WARN Act and 20 C.F.R. 639.3. 83419

(2) "WARN Act" means the "Worker Adjustment and Retraining 83420  
Notification (WARN) Act," 29 U.S.C. 2101, et seq. 83421

(B) An employer in this state shall comply with all 83422  
requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. The 83423  
requirements specified in this section do not establish a 83424  
different standard than that established by federal statutes and 83425  
regulations. 83426

(C) In accordance with 29 U.S.C 2101(a)(1)(B), an employer 83427  
must provide the notice required by 29 U.S.C. 2102(a) if both of 83428  
the following apply: 83429

(1) The employer employs one hundred or more employees who 83430  
in the aggregate work at least four thousand hours a week. 83431

(2) The employer lays off fifty or more employees at a 83432  
single site of employment during any thirty-day period. 83433

(D) An employer is not required to provide the notice 83434  
described in 29 U.S.C. 2102(a) when a plant closing or mass 83435  
layoff constitutes a strike or constitutes a lockout as 83436  
described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d). 83437

(E) In accordance with 29 U.S.C 2102(a)(1), not less than 83438  
sixty days before the date a plant closing or mass layoff 83439  
begins, an employer shall provide written notice of the closing 83440  
or layoff to affected employees' authorized representatives or, 83441  
if there are no such representatives at the time, to each 83442  
affected employee. 83443

(1) The employer shall include all of the following in a 83444  
notice provided to affected employees' authorized 83445  
representatives: 83446

(a) The location of the facility affected by the plant 83447  
closing or mass layoff; 83448

(b) A detailed statement explaining the reason for the 83449  
plant closing or mass layoff and whether it will be permanent or 83450  
temporary; 83451

(c) The expected date when the plant closing or mass 83452  
layoff will commence and the anticipated date on which the 83453  
employees' employment will cease; 83454

(d) The total number of employees affected by the plant 83455  
closing or mass layoff, including the employees' job titles or 83456  
positions and any department or division impacted. 83457

(2) The employer shall include all of the following in a 83458  
notice provided to affected employees' who do not have an 83459

authorized representative at the time the notice is sent: 83460

(a) A detailed statement explaining the reason for the 83461  
plant closing or mass layoff and whether it will be permanent or 83462  
temporary; 83463

(b) The expected date when the plant closing or mass 83464  
layoff will commence and the anticipated date on which the 83465  
employees' employment will cease; 83466

(c) An indication as to whether an affected employee has 83467  
bumping rights or other reemployment rights under a collective 83468  
bargaining agreement or a company policy, including any 83469  
procedures for exercising those rights; 83470

(d) Information on how affected employees can access 83471  
unemployment insurance benefits and other assistance programs; 83472

(e) The name, title, and contact information of an 83473  
employer representative who can answer questions about the plant 83474  
closing or mass layoff; 83475

(f) Information about any available services for an 83476  
affected employee, including job placement assistance, 83477  
retraining programs, or counseling services. 83478

(F) In accordance with 29 U.S.C 2102(a) (2), an employer 83479  
shall provide written notice of a plant closing or mass layoff 83480  
to the director of job and family services and to the chief 83481  
elected official of the municipal corporation and the county 83482  
where the plant closing or mass layoff is to occur. The written 83483  
notice shall include the same information required under 83484  
division (E) of this section and all of the following: 83485

(1) A description of any action taken or planned to 83486  
mitigate the impact of the plant closing or mass layoff, 83487

including any efforts to secure alternative employment or 83488  
training for affected employees; 83489

(2) The name of each employee organization representing 83490  
affected employees, and the name and address of the chief 83491  
elected officer of each organization; 83492

(3) A copy of the notice provided to affected employees or 83493  
their representatives, as applicable. 83494

(G) The period within which an employer shall provide 83495  
notice may be reduced or waived under the circumstances 83496  
described in 29 U.S.C. 2102(b). 83497

(H) The director of job and family services may issue 83498  
guidance and procedures for the submission and review of notices 83499  
by employers. 83500

(I) When an employer fails to comply with the WARN Act, an 83501  
affected employee may seek the remedies specified in 29 U.S.C. 83502  
2104. 83503

**Sec. 4115.04.** (A) (1) Every public authority authorized to 83504  
contract for or construct with its own forces a public 83505  
improvement, before advertising for bids or undertaking such 83506  
construction with its own forces, shall have the director of 83507  
commerce determine the prevailing rates of wages of mechanics 83508  
and laborers in accordance with section 4115.05 of the Revised 83509  
Code for the class of work called for by the public improvement, 83510  
in the locality where the work is to be performed. Except as 83511  
provided in division (A) (2) of this section, that schedule of 83512  
wages shall be attached to and made part of the specifications 83513  
for the work, and shall be printed on the bidding blanks where 83514  
the work is done by contract. A copy of the bidding blank shall 83515  
be filed with the director before the contract is awarded. A 83516

minimum rate of wages for common laborers, on work coming under 83517  
the jurisdiction of the department of transportation, shall be 83518  
fixed in each county of the state by the department of 83519  
transportation, in accordance with section 4115.05 of the 83520  
Revised Code. 83521

(2) In the case of contracts that are administered by the 83522  
department of natural resources, the director of natural 83523  
resources or the director's designee shall include language in 83524  
the contracts requiring wage rate determinations and updates to 83525  
be obtained directly from the department of commerce through 83526  
electronic or other means as appropriate. Contracts that include 83527  
this requirement are exempt from the requirements established in 83528  
division (A)(1) of this section that involve attaching the 83529  
schedule of wages to the specifications for the work, making the 83530  
schedule part of those specifications, and printing the schedule 83531  
on the bidding blanks where the work is done by contract. 83532

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 83533  
apply to: 83534

(1) Public improvements in any case where the federal 83535  
government or any of its agencies furnishes by loan or grant all 83536  
or any part of the funds used in constructing such improvements, 83537  
provided that the federal government or any of its agencies 83538  
prescribes predetermined minimum wages to be paid to mechanics 83539  
and laborers employed in the construction of such improvements; 83540

(2) A participant in a work activity, developmental 83541  
activity, or an alternative work activity under sections 5107.40 83542  
to 5107.69 of the Revised Code when a public authority directly 83543  
uses the labor of the participant to construct a public 83544  
improvement if the participant is not engaged in paid employment 83545  
or subsidized employment pursuant to the activity; 83546

(3) Public improvements undertaken by, or under contract 83547  
for, the board of education of any school district or the 83548  
governing board of any educational service center; 83549

(4) Public improvements undertaken by, or under contract 83550  
for, a county hospital operated pursuant to Chapter 339. of the 83551  
Revised Code or a municipal hospital operated pursuant to 83552  
Chapter 749. of the Revised Code if none of the funds used in 83553  
constructing the improvements are the proceeds of bonds or other 83554  
obligations that are secured by the full faith and credit of the 83555  
state, a county, a township, or a municipal corporation and none 83556  
of the funds used in constructing the improvements, including 83557  
funds used to repay any amounts borrowed to construct the 83558  
improvements, are funds that have been appropriated for that 83559  
purpose by the state, a board of county commissioners, a 83560  
township, or a municipal corporation from funds generated by the 83561  
levy of a tax, provided that a county hospital or municipal 83562  
hospital may elect to apply sections 4115.03 to 4115.16 of the 83563  
Revised Code to a public improvement undertaken by, or under 83564  
contract for, the hospital; 83565

(5) Any project described in divisions (D) (1) (a) to ~~(D) (1)~~ 83566  
~~(e)~~ (D) (1) (f) of section 176.05 of the Revised Code; 83567

(6) Public improvements undertaken by, or under contract 83568  
for, a port authority as defined in section 4582.01 or 4582.21 83569  
of the Revised Code; 83570

(7) Any portion of a public improvement undertaken and 83571  
completed solely with labor donated by the individuals 83572  
performing the labor, by a labor organization and its members, 83573  
or by a contractor or subcontractor that donates all labor and 83574  
materials for that portion of the public improvement project. 83575

(C) Under no circumstances shall a public authority apply the prevailing wage requirements of this chapter to a public improvement that is exempt under division (B) (3) of this section.

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, or terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section and division (E) of section 4117.03 of the Revised Code.

(B) Neither of the following are appropriate subjects for collective bargaining:

(1) The conduct and grading of civil service examinations, the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists~~are not appropriate subjects for collective bargaining;~~

(2) For collective bargaining agreements that are entered into on or after the effective date of this amendment, the ability of state employees to perform their duties at a location designated as a worksite under division (B) (2) of section 124.184 of the Revised Code or other location designated under division (D) of section 124.184 of the Revised Code.

(C) Unless a public employer agrees otherwise in a collective bargaining agreement, nothing in Chapter 4117. of the Revised Code impairs the right and responsibility of each public employer to:

(1) Determine matters of inherent managerial policy which

include, but are not limited to, areas of discretion or policy 83605  
such as the functions and programs of the public employer, 83606  
standards of services, its overall budget, utilization of 83607  
technology, and organizational structure; 83608

(2) Direct, supervise, evaluate, or hire employees; 83609

(3) Maintain and improve the efficiency and effectiveness 83610  
of governmental operations; 83611

(4) Determine the overall methods, process, means, or 83612  
personnel by which governmental operations are to be conducted; 83613

(5) Suspend, discipline, demote, or discharge for just 83614  
cause, or lay off, transfer, assign, schedule, promote, or 83615  
retain employees; 83616

(6) Determine the adequacy of the work force; 83617

(7) Determine the overall mission of the employer as a 83618  
unit of government; 83619

(8) Effectively manage the work force; 83620

(9) Take actions to carry out the mission of the public 83621  
employer as a governmental unit. 83622

The employer is not required to bargain on subjects 83623  
reserved to the management and direction of the governmental 83624  
unit except as affect wages, hours, terms and conditions of 83625  
employment, and the continuation, modification, or deletion of 83626  
an existing provision of a collective bargaining agreement. A 83627  
public employee or exclusive representative may raise a 83628  
legitimate complaint or file a grievance based on the collective 83629  
bargaining agreement. 83630

**Sec. 4117.10.** (A) An agreement between a public employer 83631



and an exclusive representative entered into pursuant to this 83632  
chapter governs the wages, hours, and terms and conditions of 83633  
public employment covered by the agreement. If the agreement 83634  
provides for a final and binding arbitration of grievances, 83635  
public employers, employees, and employee organizations are 83636  
subject solely to that grievance procedure and the state 83637  
personnel board of review or civil service commissions have no 83638  
jurisdiction to receive and determine any appeals relating to 83639  
matters that were the subject of a final and binding grievance 83640  
procedure. Where no agreement exists or where an agreement makes 83641  
no specification about a matter, the public employer and public 83642  
employees are subject to all applicable state or local laws or 83643  
ordinances pertaining to the wages, hours, and terms and 83644  
conditions of employment for public employees. All of the 83645  
following prevail over conflicting provisions of agreements 83646  
between employee organizations and public employers: 83647

(1) Laws pertaining to any of the following subjects: 83648

(a) Civil rights; 83649

(b) Affirmative action; 83650

(c) Unemployment compensation; 83651

(d) Workers' compensation; 83652

(e) The retirement of public employees; 83653

(f) Residency requirements; 83654

(g) The minimum educational requirements contained in the 83655  
Revised Code pertaining to public education including the 83656  
requirement of a certificate by the fiscal officer of a school 83657  
district pursuant to section 5705.41 of the Revised Code; 83658

(h) The provisions of division (A) of section 124.34 of 83659

the Revised Code governing the disciplining of officers and 83660  
employees who have been convicted of a felony; 83661

(i) The minimum standards promulgated by the director of 83662  
education and workforce pursuant to division (D) of section 83663  
3301.07 of the Revised Code. 83664

(2) The law pertaining to the leave of absence and 83665  
compensation provided under section 5923.05 of the Revised Code, 83666  
if the terms of the agreement contain benefits which are less 83667  
than those contained in that section or the agreement contains 83668  
no such terms and the public authority is the state or any 83669  
agency, authority, commission, or board of the state or if the 83670  
public authority is another entity listed in division (B) of 83671  
section 4117.01 of the Revised Code that elects to provide leave 83672  
of absence and compensation as provided in section 5923.05 of 83673  
the Revised Code; 83674

(3) The law pertaining to the leave established under 83675  
section 5906.02 of the Revised Code, if the terms of the 83676  
agreement contain benefits that are less than those contained in 83677  
section 5906.02 of the Revised Code; 83678

(4) The law pertaining to excess benefits prohibited under 83679  
section 3345.311 of the Revised Code with respect to an 83680  
agreement between an employee organization and a public employer 83681  
entered into on or after September 29, 2015; 83682

(5) The law pertaining to state employee work location 83683  
policies under section 124.184 of the Revised Code with respect 83684  
to an agreement between an employee organization and a public 83685  
employer entered into on or after the effective date of this 83686  
amendment. 83687

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 83688

the Revised Code and arrangements entered into thereunder, and 83689  
section 4981.21 of the Revised Code as necessary to comply with 83690  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 83691  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 83692  
entered into thereunder, this chapter prevails over any and all 83693  
other conflicting laws, resolutions, provisions, present or 83694  
future, except as otherwise specified in this chapter or as 83695  
otherwise specified by the general assembly. Nothing in this 83696  
section prohibits or shall be construed to invalidate the 83697  
provisions of an agreement establishing supplemental workers' 83698  
compensation or unemployment compensation benefits or exceeding 83699  
minimum requirements contained in the Revised Code pertaining to 83700  
public education or the minimum standards promulgated by the 83701  
director of education and workforce pursuant to division (D) of 83702  
section 3301.07 of the Revised Code. 83703

(B) The public employer shall submit a request for funds 83704  
necessary to implement an agreement and for approval of any 83705  
other matter requiring the approval of the appropriate 83706  
legislative body to the legislative body within fourteen days of 83707  
the date on which the parties finalize the agreement, unless 83708  
otherwise specified, but if the appropriate legislative body is 83709  
not in session at the time, then within fourteen days after it 83710  
convenes. The legislative body must approve or reject the 83711  
submission as a whole, and the submission is deemed approved if 83712  
the legislative body fails to act within thirty days after the 83713  
public employer submits the agreement. The parties may specify 83714  
that those provisions of the agreement not requiring action by a 83715  
legislative body are effective and operative in accordance with 83716  
the terms of the agreement, provided there has been compliance 83717  
with division (C) of this section. If the legislative body 83718  
rejects the submission of the public employer, either party may 83719

reopen all or part of the entire agreement. 83720

As used in this section, "legislative body" includes the 83721  
governing board of a municipal corporation, school district, 83722  
college or university, village, township, or board of county 83723  
commissioners or any other body that has authority to approve 83724  
the budget of their public jurisdiction and, with regard to the 83725  
state, "legislative body" means the controlling board. 83726

(C) The chief executive officer, or the chief executive 83727  
officer's representative, of each municipal corporation, the 83728  
designated representative of the board of education of each 83729  
school district, college or university, or any other body that 83730  
has authority to approve the budget of their public 83731  
jurisdiction, the designated representative of the board of 83732  
county commissioners and of each elected officeholder of the 83733  
county whose employees are covered by the collective 83734  
negotiations, and the designated representative of the village 83735  
or the board of township trustees of each township is 83736  
responsible for negotiations in the collective bargaining 83737  
process; except that the legislative body may accept or reject a 83738  
proposed collective bargaining agreement. When the matters about 83739  
which there is agreement are reduced to writing and approved by 83740  
the employee organization and the legislative body, the 83741  
agreement is binding upon the legislative body, the employer, 83742  
and the employee organization and employees covered by the 83743  
agreement. 83744

(D) There is hereby established an office of collective 83745  
bargaining in the department of administrative services for the 83746  
purpose of negotiating with and entering into written agreements 83747  
between state agencies, departments, boards, and commissions and 83748  
the exclusive representative on matters of wages, hours, terms 83749

and other conditions of employment and the continuation, 83750  
modification, or deletion of an existing provision of a 83751  
collective bargaining agreement. Nothing in any provision of law 83752  
to the contrary shall be interpreted as excluding the bureau of 83753  
workers' compensation and the industrial commission from the 83754  
preceding sentence. This office shall not negotiate on behalf of 83755  
other statewide elected officials or boards of trustees of state 83756  
institutions of higher education who shall be considered as 83757  
separate public employers for the purposes of this chapter; 83758  
however, the office may negotiate on behalf of these officials 83759  
or trustees where authorized by the officials or trustees. The 83760  
staff of the office of collective bargaining are in the 83761  
unclassified service. The director of administrative services 83762  
shall fix the compensation of the staff. 83763

The office of collective bargaining shall: 83764

(1) Assist the director in formulating management's 83765  
philosophy for public collective bargaining as well as planning 83766  
bargaining strategies; 83767

(2) Conduct negotiations with the exclusive 83768  
representatives of each employee organization; 83769

(3) Coordinate the state's resources in all mediation, 83770  
fact-finding, and arbitration cases as well as in all labor 83771  
disputes; 83772

(4) Conduct systematic reviews of collective bargaining 83773  
agreements for the purpose of contract negotiations; 83774

(5) Coordinate the systematic compilation of data by all 83775  
agencies that is required for negotiating purposes; 83776

(6) Prepare and submit an annual report and other reports 83777  
as requested to the governor and the general assembly on the 83778

implementation of this chapter and its impact upon state government. 83779  
83780

**Sec. 4123.442.** When developing the investment policy for 83781  
the investment of the assets of the funds specified in this 83782  
chapter and Chapters 4121., 4127., and 4131. of the Revised 83783  
Code, the workers' compensation investment committee shall do 83784  
all of the following: 83785

(A) Specify the asset allocation targets and ranges, risk 83786  
factors, asset class benchmarks, time horizons, total return 83787  
objectives, and performance evaluation guidelines; 83788

(B) Prohibit investing the assets of those funds, directly 83789  
or indirectly, in vehicles that target any of the following: 83790

(1) Coins; 83791

(2) Artwork; 83792

(3) Horses; 83793

(4) Jewelry or gems; 83794

(5) Stamps; 83795

(6) Antiques; 83796

(7) Artifacts; 83797

(8) Collectibles; 83798

(9) Memorabilia; 83799

(10) Similar unregulated investments that are not commonly 83800  
part of an institutional portfolio, that lack liquidity, and 83801  
that lack readily determinable valuation. 83802

(C) Specify that the administrator of workers' 83803  
compensation may invest in an investment class only if the 83804

bureau of workers' compensation board of directors, by a 83805  
majority vote, opens that class; 83806

(D) Prohibit investing the assets of those funds in any 83807  
class of investments the board, by majority vote, closed, or any 83808  
specific investment in which the board prohibits the 83809  
administrator from investing; 83810

(E) Prohibit investing the assets of those funds with the 83811  
primary purpose of influencing any social or environmental 83812  
policy or attempting to influence the governance of any 83813  
corporation; 83814

(F) Not specify in the investment policy that the 83815  
administrator or employees of the bureau of workers' 83816  
compensation are prohibited from conducting business with an 83817  
investment management firm, any investment management 83818  
professional associated with that firm, any third party 83819  
solicitor associated with that firm, or any political action 83820  
committee controlled by that firm or controlled by an investment 83821  
management professional of that firm based on criteria that are 83822  
more restrictive than the restrictions described in divisions 83823  
~~(Y) and (Z)~~ and (AA) of section 3517.13 of the Revised Code. 83824

**Sec. 4141.01.** As used in this chapter, unless the context 83825  
otherwise requires: 83826

(A) (1) "Employer" means the any of the following, provided 83827  
the individual or entity is subject to this chapter under 83828  
section 4141.011 of the Revised Code: any state, its 83829  
instrumentalities, its political subdivisions and their 83830  
instrumentalities, Indian tribes, and any individual or type of 83831  
organization including any partnership, limited liability 83832  
company, association, trust, estate, joint-stock company, 83833

insurance company, or corporation, whether domestic or foreign, 83834  
or the receiver, trustee in bankruptcy, trustee, or the 83835  
successor thereof, or the legal representative of a deceased 83836  
~~person who subsequent to December 31, 1971, or in the case of~~ 83837  
~~political subdivisions or their instrumentalities, subsequent to~~ 83838  
~~December 31, 1973:~~ 83839

~~(a) Had in employment at least one individual, or in the~~ 83840  
~~case of a nonprofit organization, subsequent to December 31,~~ 83841  
~~1973, had not less than four individuals in employment for some~~ 83842  
~~portion of a day in each of twenty different calendar weeks, in~~ 83843  
~~either the current or the preceding calendar year whether or not~~ 83844  
~~the same individual was in employment in each such day; or~~ 83845

~~(b) Except for a nonprofit organization, had paid for~~ 83846  
~~service in employment wages of fifteen hundred dollars or more~~ 83847  
~~in any calendar quarter in either the current or preceding~~ 83848  
~~calendar year; or~~ 83849

~~(c) Had paid, subsequent to December 31, 1977, for~~ 83850  
~~employment in domestic service in a local college club, or local~~ 83851  
~~chapter of a college fraternity or sorority, cash remuneration~~ 83852  
~~of one thousand dollars or more in any calendar quarter in the~~ 83853  
~~current calendar year or the preceding calendar year, or had~~ 83854  
~~paid subsequent to December 31, 1977, for employment in domestic~~ 83855  
~~service in a private home cash remuneration of one thousand~~ 83856  
~~dollars in any calendar quarter in the current calendar year or~~ 83857  
~~the preceding calendar year:~~ 83858

~~(i) For the purposes of divisions (A) (1) (a) and (b) of~~ 83859  
~~this section, there shall not be taken into account any wages~~ 83860  
~~paid to, or employment of, an individual performing domestic~~ 83861  
~~service as described in this division.~~ 83862



~~(ii) An employer under this division shall not be an  
employer with respect to wages paid for any services other than  
domestic service unless the employer is also found to be an  
employer under division (A) (1) (a), (b), or (d) of this section.~~

~~(d) As a farm operator or a crew leader subsequent to  
December 31, 1977, had in employment individuals in agricultural  
labor; and~~

~~(i) During any calendar quarter in the current calendar  
year or the preceding calendar year, paid cash remuneration of  
twenty thousand dollars or more for the agricultural labor; or~~

~~(ii) Had at least ten individuals in employment in  
agricultural labor, not including agricultural workers who are  
aliens admitted to the United States to perform agricultural  
labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A.  
1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in  
each of the twenty different calendar weeks, in either the  
current or preceding calendar year whether or not the same  
individual was in employment in each day; or~~

~~(e) Is not otherwise an employer as defined under division  
(A) (1) (a) or (b) of this section; and~~

~~(i) For which, within either the current or preceding  
calendar year, service, except for domestic service in a private  
home not covered under division (A) (1) (c) of this section, is or  
was performed with respect to which such employer is liable for  
any federal tax against which credit may be taken for  
contributions required to be paid into a state unemployment  
fund;~~

~~(ii) Which, as a condition for approval of this chapter~~

~~for full tax credit against the tax imposed by the "Federal-~~ 83892  
~~Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311,~~ 83893  
~~is required, pursuant to such act to be an employer under this~~ 83894  
~~chapter; or~~ 83895

~~(iii) Who became an employer by election under division~~ 83896  
~~(A) (4) or (5) of this section and for the duration of such~~ 83897  
~~election; or~~ 83898

~~(f) In the case of the state, its instrumentalities, its~~ 83899  
~~political subdivisions, and their instrumentalities, and Indian~~ 83900  
~~tribes, had in employment, as defined in divisions (B) (2) (a) and~~ 83901  
~~(B) (2) (1) of this section, at least one individual;~~ 83902

~~(g) For the purposes of division (A) (1) (a) of this~~ 83903  
~~section, if any week includes both the thirty-first day of~~ 83904  
~~December and the first day of January, the days of that week~~ 83905  
~~before the first day of January shall be considered one calendar~~ 83906  
~~week and the days beginning the first day of January another~~ 83907  
~~week.~~ 83908

(2) Each individual employed to perform or to assist in 83909  
performing the work of any agent or employee of an employer is 83910  
employed by such employer for all the purposes of this chapter, 83911  
whether such individual was hired or paid directly by such 83912  
employer or by such agent or employee, provided the employer had 83913  
actual or constructive knowledge of the work. All individuals 83914  
performing services for an employer of any person in this state 83915  
who maintains two or more establishments within this state are 83916  
employed by a single employer for the purposes of this chapter. 83917

~~(3) An employer subject to this chapter within any~~ 83918  
~~calendar year is subject to this chapter during the whole of~~ 83919  
~~such year and during the next succeeding calendar year.~~ 83920

~~(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect.~~

~~(5) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect.~~

~~(6) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that~~

~~is not customarily exercised by a franchisor for the purpose of~~ 83952  
~~protecting the franchisor's trademark, brand, or both. For~~ 83953  
~~purposes of this division, "franchisor" and "franchisee" have~~ 83954  
~~the same meanings as in 16 C.F.R. 436.1.~~ 83955

(B) (1) "Employment" means service performed by an 83956  
individual for remuneration under any contract of hire, written 83957  
or oral, express or implied, including service performed in 83958  
interstate commerce and service performed by an officer of a 83959  
corporation, without regard to whether such service is 83960  
executive, managerial, or manual in nature, and without regard 83961  
to whether such officer is a stockholder or a member of the 83962  
board of directors of the corporation, unless it is shown to the 83963  
satisfaction of the director that such individual has been and 83964  
will continue to be free from direction or control over the 83965  
performance of such service, both under a contract of service 83966  
and in fact. The director of job and family services shall adopt 83967  
rules to define "direction or control." 83968

(2) "Employment" includes: 83969

(a) Service performed after December 31, 1977, by an 83970  
individual in the employ of the state or any of its 83971  
instrumentalities, or any political subdivision thereof or any 83972  
of its instrumentalities or any instrumentality of more than one 83973  
of the foregoing or any instrumentality of any of the foregoing 83974  
and one or more other states or political subdivisions and 83975  
without regard to ~~divisions~~ division (A) ~~(1) (a) and (b)~~ of this 83976  
section 4141.011 of the Revised Code, provided that such service 83977  
is excluded from employment as defined in the "Federal 83978  
Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c) 83979  
(7) and is not excluded under division (B) (3) of this section; 83980  
or the services of employees covered by voluntary election, as 83981

provided under divisions ~~(A) (4)~~ (H) and ~~(5) (I)~~ of ~~this~~ section\_ 83982  
4141.011 of the Revised Code; 83983

(b) Service performed after December 31, 1971, by an 83984  
individual in the employ of a religious, charitable, 83985  
educational, or other organization which is excluded from the 83986  
term "employment" as defined in the "Federal Unemployment Tax 83987  
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 83988  
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 83989  
excluded under division (B) (3) of this section; 83990

(c) Domestic service performed after December 31, 1977, 83991  
for an employer, as provided in division ~~(A) (1) (e)~~ (C) of ~~this~~ 83992  
section 4141.011 of the Revised Code; 83993

(d) Agricultural labor performed after December 31, 1977, 83994  
for a farm operator or a crew leader, as provided in division 83995  
~~(A) (1) (d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code; 83996

(e) Subject to division (B) (2) (m) of this section, service 83997  
not covered under division (B) (1) of this section which is 83998  
performed after December 31, 1971: 83999

(i) As an agent-driver or commission-driver engaged in 84000  
distributing meat products, vegetable products, fruit products, 84001  
bakery products, beverages other than milk, laundry, or dry- 84002  
cleaning services, for the individual's employer or principal; 84003

(ii) As a traveling or city salesperson, other than as an 84004  
agent-driver or commission-driver, engaged on a full-time basis 84005  
in the solicitation on behalf of and in the transmission to the 84006  
salesperson's employer or principal except for sideline sales 84007  
activities on behalf of some other person of orders from 84008  
wholesalers, retailers, contractors, or operators of hotels, 84009  
restaurants, or other similar establishments for merchandise for 84010

resale, or supplies for use in their business operations, 84011  
provided that for the purposes of division (B) (2) (e) (ii) of this 84012  
section, the services shall be deemed employment if the contract 84013  
of service contemplates that substantially all of the services 84014  
are to be performed personally by the individual and that the 84015  
individual does not have a substantial investment in facilities 84016  
used in connection with the performance of the services other 84017  
than in facilities for transportation, and the services are not 84018  
in the nature of a single transaction that is not a part of a 84019  
continuing relationship with the person for whom the services 84020  
are performed. 84021

(f) An individual's entire service performed within or 84022  
both within and without the state if: 84023

(i) The service is localized in this state. 84024

(ii) The service is not localized in any state, but some 84025  
of the service is performed in this state and either the base of 84026  
operations, or if there is no base of operations then the place 84027  
from which such service is directed or controlled, is in this 84028  
state or the base of operations or place from which such service 84029  
is directed or controlled is not in any state in which some part 84030  
of the service is performed but the individual's residence is in 84031  
this state. 84032

(g) Service not covered under division (B) (2) (f) (ii) of 84033  
this section and performed entirely without this state, with 84034  
respect to no part of which contributions are required and paid 84035  
under an unemployment compensation law of any other state, the 84036  
Virgin Islands, Canada, or of the United States, if the 84037  
individual performing such service is a resident of this state 84038  
and the director approves the election of the employer for whom 84039  
such services are performed; or, if the individual is not a 84040

resident of this state but the place from which the service is 84041  
directed or controlled is in this state, the entire services of 84042  
such individual shall be deemed to be employment subject to this 84043  
chapter, provided service is deemed to be localized within this 84044  
state if the service is performed entirely within this state or 84045  
if the service is performed both within and without this state 84046  
but the service performed without this state is incidental to 84047  
the individual's service within the state, for example, is 84048  
temporary or transitory in nature or consists of isolated 84049  
transactions; 84050

(h) Service of an individual who is a citizen of the 84051  
United States, performed outside the United States except in 84052  
Canada after December 31, 1971, or the Virgin Islands, after 84053  
December 31, 1971, and before the first day of January of the 84054  
year following that in which the United States secretary of 84055  
labor approves the Virgin Islands law for the first time, in the 84056  
employ of an American employer, other than service which is 84057  
"employment" under divisions (B) (2) (f) and (g) of this section 84058  
or similar provisions of another state's law, if: 84059

(i) The employer's principal place of business in the 84060  
United States is located in this state; 84061

(ii) The employer has no place of business in the United 84062  
States, but the employer is an individual who is a resident of 84063  
this state; or the employer is a corporation which is organized 84064  
under the laws of this state, or the employer is a partnership 84065  
or a trust and the number of partners or trustees who are 84066  
residents of this state is greater than the number who are 84067  
residents of any other state; or 84068

(iii) None of the criteria of divisions (B) (2) (f) (i) and 84069  
(ii) of this section is met but the employer has elected 84070

coverage in this state or the employer having failed to elect 84071  
coverage in any state, the individual has filed a claim for 84072  
benefits, based on such service, under this chapter. 84073

(i) For the purposes of division (B) (2) (h) of this 84074  
section, the term "American employer" means an employer who is 84075  
an individual who is a resident of the United States; or a 84076  
partnership, if two-thirds or more of the partners are residents 84077  
of the United States; or a trust, if all of the trustees are 84078  
residents of the United States; or a corporation organized under 84079  
the laws of the United States or of any state, provided the term 84080  
"United States" includes the states, the District of Columbia, 84081  
the Commonwealth of Puerto Rico, and the Virgin Islands. 84082

(j) Notwithstanding any other provisions of divisions (B) 84083  
(1) and (2) of this section, service, except for domestic 84084  
service in a private home not covered under division ~~(A) (1) (e)~~ 84085  
(C) of this section 4141.011 of the Revised Code, with respect 84086  
to which a tax is required to be paid under any federal law 84087  
imposing a tax against which credit may be taken for 84088  
contributions required to be paid into a state unemployment 84089  
fund, or service, except for domestic service in a private home 84090  
not covered under division ~~(A) (1) (e)~~ (C) of this section 4141.011 84091  
of the Revised Code, which, as a condition for full tax credit 84092  
against the tax imposed by the "Federal Unemployment Tax Act," 84093  
84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be 84094  
covered under this chapter. 84095

(k) Construction services performed by any individual 84096  
under a construction contract, as defined in section 4141.39 of 84097  
the Revised Code, if the director determines that the employer 84098  
for whom services are performed has the right to direct or 84099  
control the performance of the services and that the individuals 84100



who perform the services receive remuneration for the services 84101  
performed. The director shall presume that the employer for whom 84102  
services are performed has the right to direct or control the 84103  
performance of the services if ten or more of the following 84104  
criteria apply: 84105

(i) The employer directs or controls the manner or method 84106  
by which instructions are given to the individual performing 84107  
services; 84108

(ii) The employer requires particular training for the 84109  
individual performing services; 84110

(iii) Services performed by the individual are integrated 84111  
into the regular functioning of the employer; 84112

(iv) The employer requires that services be provided by a 84113  
particular individual; 84114

(v) The employer hires, supervises, or pays the wages of 84115  
the individual performing services; 84116

(vi) A continuing relationship between the employer and 84117  
the individual performing services exists which contemplates 84118  
continuing or recurring work, even if not full-time work; 84119

(vii) The employer requires the individual to perform 84120  
services during established hours; 84121

(viii) The employer requires that the individual 84122  
performing services be devoted on a full-time basis to the 84123  
business of the employer; 84124

(ix) The employer requires the individual to perform 84125  
services on the employer's premises; 84126

(x) The employer requires the individual performing 84127

services to follow the order of work established by the	84128
employer;	84129
(xi) The employer requires the individual performing	84130
services to make oral or written reports of progress;	84131
(xii) The employer makes payment to the individual for	84132
services on a regular basis, such as hourly, weekly, or monthly;	84133
(xiii) The employer pays expenses for the individual	84134
performing services;	84135
(xiv) The employer furnishes the tools and materials for	84136
use by the individual to perform services;	84137
(xv) The individual performing services has not invested	84138
in the facilities used to perform services;	84139
(xvi) The individual performing services does not realize	84140
a profit or suffer a loss as a result of the performance of the	84141
services;	84142
(xvii) The individual performing services is not	84143
performing services for more than two employers simultaneously;	84144
(xviii) The individual performing services does not make	84145
the services available to the general public;	84146
(xix) The employer has a right to discharge the individual	84147
performing services;	84148
(xx) The individual performing services has the right to	84149
end the individual's relationship with the employer without	84150
incurring liability pursuant to an employment contract or	84151
agreement.	84152
(1) Service performed by an individual in the employ of an	84153
Indian tribe as defined by section 4(e) of the "Indian Self-	84154

Determination and Education Assistance Act," 88 Stat. 2204 84155  
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 84156  
subsidiary, or business enterprise wholly owned by an Indian 84157  
tribe provided that the service is excluded from employment as 84158  
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 84159  
(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 84160  
under division (B)(3) of this section. 84161

(m) Service performed by an individual for or on behalf of 84162  
a motor carrier transporting property as an operator of a 84163  
vehicle or vessel, unless all of the following factors apply to 84164  
the individual and the motor carrier has not elected to consider 84165  
the individual's service as employment: 84166

(i) The individual owns the vehicle or vessel that is used 84167  
in performing the services for or on behalf of the carrier, or 84168  
the individual leases the vehicle or vessel under a bona fide 84169  
lease agreement that is not a temporary replacement lease 84170  
agreement. For purposes of this division, a bona fide lease 84171  
agreement does not include an agreement between the individual 84172  
and the motor carrier transporting property for which, or on 84173  
whose behalf, the individual provides services. 84174

(ii) The individual is responsible for supplying the 84175  
necessary personal services to operate the vehicle or vessel 84176  
used to provide the service. 84177

(iii) The compensation paid to the individual is based on 84178  
factors related to work performed, including on a mileage-based 84179  
rate or a percentage of any schedule of rates, and not solely on 84180  
the basis of the hours or time expended. 84181

(iv) The individual substantially controls the means and 84182  
manner of performing the services, in conformance with 84183

regulatory requirements and specifications of the shipper. 84184

(v) The individual enters into a written contract with the 84185  
carrier for whom the individual is performing the services that 84186  
describes the relationship between the individual and the 84187  
carrier to be that of an independent contractor and not that of 84188  
an employee. 84189

(vi) The individual is responsible for substantially all 84190  
of the principal operating costs of the vehicle or vessel and 84191  
equipment used to provide the services, including maintenance, 84192  
fuel, repairs, supplies, vehicle or vessel insurance, and 84193  
personal expenses, except that the individual may be paid by the 84194  
carrier the carrier's fuel surcharge and incidental costs, 84195  
including tolls, permits, and lump sum fees. 84196

(vii) The individual is responsible for any economic loss 84197  
or economic gain from the arrangement with the carrier. 84198

(viii) The individual is not performing services described 84199  
in 26 U.S.C. 3306(c) (7) or (8). 84200

(3) "Employment" does not include the following services 84201  
if they are found not subject to the "Federal Unemployment Tax 84202  
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 84203  
services are not required to be included under division (B) (2) 84204  
(j) of this section: 84205

(a) Service performed after December 31, 1977, in 84206  
agricultural labor, except as provided in division ~~(A) (1) (d)~~ (D) 84207  
of ~~this section~~ 4141.011 of the Revised Code; 84208

(b) Domestic service performed after December 31, 1977, in 84209  
a private home, local college club, or local chapter of a 84210  
college fraternity or sorority except as provided in division 84211  
~~(A) (1) (e)~~ (C) of ~~this section~~ 4141.011 of the Revised Code; 84212

(c) Service performed after December 31, 1977, for this	84213
state or a political subdivision as described in division (B) (2)	84214
(a) of this section when performed:	84215
(i) As a publicly elected official;	84216
(ii) As a member of a legislative body, or a member of the	84217
judiciary;	84218
(iii) As a military member of the Ohio national guard;	84219
(iv) As an employee, not in the classified service as	84220
defined in section 124.11 of the Revised Code, serving on a	84221
temporary basis in case of fire, storm, snow, earthquake, flood,	84222
or similar emergency;	84223
(v) In a position which, under or pursuant to law, is	84224
designated as a major nontenured policymaking or advisory	84225
position, not in the classified service of the state, or a	84226
policymaking or advisory position the performance of the duties	84227
of which ordinarily does not require more than eight hours per	84228
week.	84229
(d) In the employ of any governmental unit or	84230
instrumentality of the United States;	84231
(e) Service performed after December 31, 1971:	84232
(i) Service in the employ of an educational institution or	84233
institution of higher education, including those operated by the	84234
state or a political subdivision, if such service is performed	84235
by a student who is enrolled and is regularly attending classes	84236
at the educational institution or institution of higher	84237
education; or	84238
(ii) By an individual who is enrolled at a nonprofit or	84239
public educational institution which normally maintains a	84240

regular faculty and curriculum and normally has a regularly 84241  
organized body of students in attendance at the place where its 84242  
educational activities are carried on as a student in a full- 84243  
time program, taken for credit at the institution, which 84244  
combines academic instruction with work experience, if the 84245  
service is an integral part of the program, and the institution 84246  
has so certified to the employer, provided that this subdivision 84247  
shall not apply to service performed in a program established 84248  
for or on behalf of an employer or group of employers. 84249

(f) Service performed by an individual in the employ of 84250  
the individual's son, daughter, or spouse and service performed 84251  
by a child under the age of eighteen in the employ of the 84252  
child's father or mother; 84253

(g) Service performed for one or more principals by an 84254  
individual who is compensated on a commission basis, who in the 84255  
performance of the work is master of the individual's own time 84256  
and efforts, and whose remuneration is wholly dependent on the 84257  
amount of effort the individual chooses to expend, and which 84258  
service is not subject to the "Federal Unemployment Tax Act," 53 84259  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 84260  
after December 31, 1971: 84261

(i) By an individual for an employer as an insurance agent 84262  
or as an insurance solicitor, if all this service is performed 84263  
for remuneration solely by way of commission; 84264

(ii) As a home worker performing work, according to 84265  
specifications furnished by the employer for whom the services 84266  
are performed, on materials or goods furnished by such employer 84267  
which are required to be returned to the employer or to a person 84268  
designated for that purpose. 84269

- (h) Service performed after December 31, 1971: 84270
- (i) In the employ of a church or convention or association 84271  
of churches, or in an organization which is operated primarily 84272  
for religious purposes and which is operated, supervised, 84273  
controlled, or principally supported by a church or convention 84274  
or association of churches; 84275
- (ii) By a duly ordained, commissioned, or licensed 84276  
minister of a church in the exercise of the individual's 84277  
ministry or by a member of a religious order in the exercise of 84278  
duties required by such order; or 84279
- (iii) In a facility conducted for the purpose of carrying 84280  
out a program of rehabilitation for individuals whose earning 84281  
capacity is impaired by age or physical or mental disability or 84282  
injury, or providing remunerative work for individuals who 84283  
because of their impaired physical or mental capacity cannot be 84284  
readily absorbed in the competitive labor market, by an 84285  
individual receiving such rehabilitation or remunerative work. 84286
- (i) Service performed after June 30, 1939, with respect to 84287  
which unemployment compensation is payable under the "Railroad 84288  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 84289  
351; 84290
- (j) Service performed by an individual in the employ of 84291  
any organization exempt from income tax under section 501 of the 84292  
"Internal Revenue Code of 1954," if the remuneration for such 84293  
service does not exceed fifty dollars in any calendar quarter, 84294  
or if such service is in connection with the collection of dues 84295  
or premiums for a fraternal beneficial society, order, or 84296  
association and is performed away from the home office or is 84297  
ritualistic service in connection with any such society, order, 84298

or association; 84299

(k) Casual labor not in the course of an employer's trade 84300  
or business; incidental service performed by an officer, 84301  
appraiser, or member of a finance committee of a bank, building 84302  
and loan association, savings and loan association, or savings 84303  
association when the remuneration for such incidental service 84304  
exclusive of the amount paid or allotted for directors' fees 84305  
does not exceed sixty dollars per calendar quarter is casual 84306  
labor; 84307

(l) Service performed in the employ of a voluntary 84308  
employees' beneficial association providing for the payment of 84309  
life, sickness, accident, or other benefits to the members of 84310  
such association or their dependents or their designated 84311  
beneficiaries, if admission to a membership in such association 84312  
is limited to individuals who are officers or employees of a 84313  
municipal or public corporation, of a political subdivision of 84314  
the state, or of the United States and no part of the net 84315  
earnings of such association inures, other than through such 84316  
payments, to the benefit of any private shareholder or 84317  
individual; 84318

(m) Service performed by an individual in the employ of a 84319  
foreign government, including service as a consular or other 84320  
officer or employee or of a nondiplomatic representative; 84321

(n) Service performed in the employ of an instrumentality 84322  
wholly owned by a foreign government if the service is of a 84323  
character similar to that performed in foreign countries by 84324  
employees of the United States or of an instrumentality thereof 84325  
and if the director finds that the secretary of state of the 84326  
United States has certified to the secretary of the treasury of 84327  
the United States that the foreign government, with respect to 84328



whose instrumentality exemption is claimed, grants an equivalent 84329  
exemption with respect to similar service performed in the 84330  
foreign country by employees of the United States and of 84331  
instrumentalities thereof; 84332

(o) Service with respect to which unemployment 84333  
compensation is payable under an unemployment compensation 84334  
system established by an act of congress; 84335

(p) Service performed as a student nurse in the employ of 84336  
a hospital or a nurses' training school by an individual who is 84337  
enrolled and is regularly attending classes in a nurses' 84338  
training school chartered or approved pursuant to state law, and 84339  
service performed as an intern in the employ of a hospital by an 84340  
individual who has completed a four years' course in a medical 84341  
school chartered or approved pursuant to state law; 84342

(q) Service performed by an individual under the age of 84343  
eighteen in the delivery or distribution of newspapers or 84344  
shopping news, not including delivery or distribution to any 84345  
point for subsequent delivery or distribution; 84346

(r) Service performed in the employ of the United States 84347  
or an instrumentality of the United States immune under the 84348  
Constitution of the United States from the contributions imposed 84349  
by this chapter, except that to the extent that congress permits 84350  
states to require any instrumentalities of the United States to 84351  
make payments into an unemployment fund under a state 84352  
unemployment compensation act, this chapter shall be applicable 84353  
to such instrumentalities and to services performed for such 84354  
instrumentalities in the same manner, to the same extent, and on 84355  
the same terms as to all other employers, individuals, and 84356  
services, provided that if this state is not certified for any 84357  
year by the proper agency of the United States under section 84358

3304 of the "Internal Revenue Code of 1954," the payments 84359  
required of such instrumentalities with respect to such year 84360  
shall be refunded by the director from the fund in the same 84361  
manner and within the same period as is provided in division (E) 84362  
of section 4141.09 of the Revised Code with respect to 84363  
contributions erroneously collected; 84364

(s) Service performed by an individual as a member of a 84365  
band or orchestra, provided such service does not represent the 84366  
principal occupation of such individual, and which service is 84367  
not subject to or required to be covered for full tax credit 84368  
against the tax imposed by the "Federal Unemployment Tax Act," 84369  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 84370

(t) Service performed in the employ of a day camp whose 84371  
camping season does not exceed twelve weeks in any calendar 84372  
year, and which service is not subject to the "Federal 84373  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 84374  
3311. Service performed after December 31, 1971: 84375

(i) In the employ of a hospital, if the service is 84376  
performed by a patient of the hospital, as defined in division 84377  
(W) of this section; 84378

(ii) For a prison or other correctional institution by an 84379  
inmate of the prison or correctional institution; 84380

(iii) Service performed after December 31, 1977, by an 84381  
inmate of a custodial institution operated by the state, a 84382  
political subdivision, or a nonprofit organization. 84383

(u) Service that is performed by a nonresident alien 84384  
individual for the period the individual temporarily is present 84385  
in the United States as a nonimmigrant under division (F), (J), 84386  
(M), or (Q) of section 101(a)(15) of the "Immigration and 84387

Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 84388  
that is excluded under section 3306(c)(19) of the "Federal 84389  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 84390  
3311. 84391

(v) Notwithstanding any other provisions of division (B) 84392  
(3) of this section, services that are excluded under divisions 84393  
(B)(3)(g), (j), (k), and (l) of this section shall not be 84394  
excluded from employment when performed for a nonprofit 84395  
organization, as defined in division (X) of this section, or for 84396  
this state or its instrumentalities, or for a political 84397  
subdivision or its instrumentalities or for Indian tribes; 84398

(w) Service that is performed by an individual working as 84399  
an election official or election worker if the amount of 84400  
remuneration received by the individual during the calendar year 84401  
for services as an election official or election worker is less 84402  
than one thousand dollars; 84403

(x) Service performed for an elementary or secondary 84404  
school that is operated primarily for religious purposes, that 84405  
is described in subsection 501(c)(3) and exempt from federal 84406  
income taxation under subsection 501(a) of the Internal Revenue 84407  
Code, 26 U.S.C.A. 501; 84408

(y) Service performed by a person committed to a penal 84409  
institution. 84410

(z) Service performed for an Indian tribe as described in 84411  
division (B)(2)(l) of this section when performed in any of the 84412  
following manners: 84413

(i) As a publicly elected official; 84414

(ii) As a member of an Indian tribal council; 84415

(iii) As a member of a legislative or judiciary body;	84416
(iv) In a position which, pursuant to Indian tribal law,	84417
is designated as a major nontenured policymaking or advisory	84418
position, or a policymaking or advisory position where the	84419
performance of the duties ordinarily does not require more than	84420
eight hours of time per week;	84421
(v) As an employee serving on a temporary basis in the	84422
case of a fire, storm, snow, earthquake, flood, or similar	84423
emergency.	84424
(aa) Service performed after December 31, 1971, for a	84425
nonprofit organization, this state or its instrumentalities, a	84426
political subdivision or its instrumentalities, or an Indian	84427
tribe as part of an unemployment work-relief or work-training	84428
program assisted or financed in whole or in part by any federal	84429
agency or an agency of a state or political subdivision,	84430
thereof, by an individual receiving the work-relief or work-	84431
training.	84432
(bb) Participation in a learn to earn program as defined	84433
in section 4141.293 of the Revised Code.	84434
(4) If the services performed during one half or more of	84435
any pay period by an employee for the person employing that	84436
employee constitute employment, all the services of such	84437
employee for such period shall be deemed to be employment; but	84438
if the services performed during more than one half of any such	84439
pay period by an employee for the person employing that employee	84440
do not constitute employment, then none of the services of such	84441
employee for such period shall be deemed to be employment. As	84442
used in division (B) (4) of this section, "pay period" means a	84443
period, of not more than thirty-one consecutive days, for which	84444

payment of remuneration is ordinarily made to the employee by 84445  
the person employing that employee. Division (B) (4) of this 84446  
section does not apply to services performed in a pay period by 84447  
an employee for the person employing that employee, if any of 84448  
such service is excepted by division (B) (3) (o) of this section. 84449

(C) "Benefits" means money payments payable to an 84450  
individual who has established benefit rights, as provided in 84451  
this chapter, for loss of remuneration due to the individual's 84452  
unemployment. 84453

(D) "Benefit rights" means the weekly benefit amount and 84454  
the maximum benefit amount that may become payable to an 84455  
individual within the individual's benefit year as determined by 84456  
the director. 84457

(E) "Claim for benefits" means a claim for waiting period 84458  
or benefits for a designated week. 84459

(F) "Additional claim" means the first claim for benefits 84460  
filed following any separation from employment during a benefit 84461  
year; "continued claim" means any claim other than the first 84462  
claim for benefits and other than an additional claim. 84463

(G) "Wages" means remuneration paid to an employee by each 84464  
of the employee's employers with respect to employment; except 84465  
that wages shall not include that part of remuneration paid 84466  
during any calendar year to an individual by an employer or such 84467  
employer's predecessor in interest in the same business or 84468  
enterprise, which in any calendar year is in excess of nine 84469  
thousand dollars on and after January 1, 1995; nine thousand 84470  
five hundred dollars on and after January 1, 2018; and nine 84471  
thousand dollars on and after January 1, 2020. Remuneration in 84472  
excess of such amounts shall be deemed wages subject to 84473

contribution to the same extent that such remuneration is 84474  
defined as wages under the "Federal Unemployment Tax Act," 84 84475  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 84476  
remuneration paid an employee by an employer with respect to 84477  
employment in another state, upon which contributions were 84478  
required and paid by such employer under the unemployment 84479  
compensation act of such other state, shall be included as a 84480  
part of remuneration in computing the amount specified in this 84481  
division. 84482

(H) (1) "Remuneration" means all compensation for personal 84483  
services, including commissions and bonuses and the cash value 84484  
of all compensation in any medium other than cash, except that 84485  
in the case of agricultural or domestic service, "remuneration" 84486  
includes only cash remuneration. Gratuities customarily received 84487  
by an individual in the course of the individual's employment 84488  
from persons other than the individual's employer and which are 84489  
accounted for by such individual to the individual's employer 84490  
are taxable wages. 84491

The reasonable cash value of compensation paid in any 84492  
medium other than cash shall be estimated and determined in 84493  
accordance with rules prescribed by the director, provided that 84494  
"remuneration" does not include: 84495

(a) Payments as provided in divisions (b) (2) to (b) (20) of 84496  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 84497  
713, 26 U.S.C.A. 3301 to 3311, as amended; 84498

(b) The payment by an employer, without deduction from the 84499  
remuneration of the individual in the employer's employ, of the 84500  
tax imposed upon an individual in the employer's employ under 84501  
section 3101 of the "Internal Revenue Code of 1954," with 84502  
respect to services performed after October 1, 1941. 84503

(2) "Cash remuneration" means all remuneration paid in 84504  
cash, including commissions and bonuses, but not including the 84505  
cash value of all compensation in any medium other than cash. 84506

(I) "Interested party" means the director and any party to 84507  
whom notice of a determination of an application for benefit 84508  
rights or a claim for benefits is required to be given under 84509  
section 4141.28 of the Revised Code. 84510

(J) "Annual payroll" means the total amount of wages 84511  
subject to contributions during a twelve-month period ending 84512  
with the last day of the second calendar quarter of any calendar 84513  
year. 84514

(K) "Average annual payroll" means the average of the last 84515  
three annual payrolls of an employer, provided that if, as of 84516  
any computation date, the employer has had less than three 84517  
annual payrolls in such three-year period, such average shall be 84518  
based on the annual payrolls which the employer has had as of 84519  
such date. 84520

(L) (1) "Contributions" means the money payments to the 84521  
state unemployment compensation fund required of employers by 84522  
section 4141.25 of the Revised Code and of the state and any of 84523  
its political subdivisions electing to pay contributions under 84524  
section 4141.242 of the Revised Code. Employers paying 84525  
contributions shall be described as "contributory employers." 84526

(2) "Payments in lieu of contributions" means the money 84527  
payments to the state unemployment compensation fund required of 84528  
reimbursing employers under sections 4141.241 and 4141.242 of 84529  
the Revised Code. 84530

(M) An individual is "totally unemployed" in any week 84531  
during which the individual performs no services and with 84532

respect to such week no remuneration is payable to the 84533  
individual. 84534

(N) An individual is "partially unemployed" in any week 84535  
if, due to involuntary loss of work, the total remuneration 84536  
payable to the individual for such week is less than the 84537  
individual's weekly benefit amount. 84538

(O) "Week" means the calendar week ending at midnight 84539  
Saturday unless an equivalent week of seven consecutive calendar 84540  
days is prescribed by the director. 84541

(1) "Qualifying week" means any calendar week in an 84542  
individual's base period with respect to which the individual 84543  
earns or is paid remuneration in employment subject to this 84544  
chapter. A calendar week with respect to which an individual 84545  
earns remuneration but for which payment was not made within the 84546  
base period, when necessary to qualify for benefit rights, may 84547  
be considered to be a qualifying week. The number of qualifying 84548  
weeks which may be established in a calendar quarter shall not 84549  
exceed the number of calendar weeks in the quarter. 84550

(2) "Average weekly wage" means the amount obtained by 84551  
dividing an individual's total remuneration for all qualifying 84552  
weeks during the base period by the number of such qualifying 84553  
weeks, provided that if the computation results in an amount 84554  
that is not a multiple of one dollar, such amount shall be 84555  
rounded to the next lower multiple of one dollar. 84556

(P) "Weekly benefit amount" means the amount of benefits 84557  
an individual would be entitled to receive for one week of total 84558  
unemployment. 84559

(Q) (1) "Base period" means the first four of the last five 84560  
completed calendar quarters immediately preceding the first day 84561



of an individual's benefit year, except as provided in division 84562  
(Q) (2) of this section. 84563

(2) If an individual does not have sufficient qualifying 84564  
weeks and wages in the base period to qualify for benefit 84565  
rights, the individual's base period shall be the four most 84566  
recently completed calendar quarters preceding the first day of 84567  
the individual's benefit year. Such base period shall be known 84568  
as the "alternate base period." If information as to weeks and 84569  
wages for the most recent quarter of the alternate base period 84570  
is not available to the director from the regular quarterly 84571  
reports of wage information, which are systematically 84572  
accessible, the director may, consistent with the provisions of 84573  
section 4141.28 of the Revised Code, base the determination of 84574  
eligibility for benefits on the affidavit of the claimant with 84575  
respect to weeks and wages for that calendar quarter. The 84576  
claimant shall furnish payroll documentation, where available, 84577  
in support of the affidavit. The determination based upon the 84578  
alternate base period as it relates to the claimant's benefit 84579  
rights, shall be amended when the quarterly report of wage 84580  
information from the employer is timely received and that 84581  
information causes a change in the determination. As provided in 84582  
division (B) of section 4141.28 of the Revised Code, any 84583  
benefits paid and charged to an employer's account, based upon a 84584  
claimant's affidavit, shall be adjusted effective as of the 84585  
beginning of the claimant's benefit year. No calendar quarter in 84586  
a base period or alternate base period shall be used to 84587  
establish a subsequent benefit year. 84588

(3) The "base period" of a combined wage claim, as 84589  
described in division (H) of section 4141.43 of the Revised 84590  
Code, shall be the base period prescribed by the law of the 84591  
state in which the claim is allowed. 84592

(4) For purposes of determining the weeks that comprise a completed calendar quarter under this division, only those weeks ending at midnight Saturday within the calendar quarter shall be utilized.

(R) (1) "Benefit year" with respect to an individual means the fifty-two week period beginning with the first day of that week with respect to which the individual first files a valid application for determination of benefit rights, and thereafter the fifty-two week period beginning with the first day of that week with respect to which the individual next files a valid application for determination of benefit rights after the termination of the individual's last preceding benefit year, except that the application shall not be considered valid unless the individual has had employment in six weeks that is subject to this chapter or the unemployment compensation act of another state, or the United States, and has, since the beginning of the individual's previous benefit year, in the employment earned three times the average weekly wage determined for the previous benefit year. The "benefit year" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the benefit year prescribed by the law of the state in which the claim is allowed. Any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual filing such application is unemployed, has been employed by an employer or employers subject to this chapter in at least twenty qualifying weeks within the individual's base period, and has earned or been paid remuneration at an average weekly wage of not less than twenty-seven and one-half per cent of the statewide average weekly wage for such weeks. For purposes of determining whether an individual has had sufficient employment

since the beginning of the individual's previous benefit year to 84624  
file a valid application, "employment" means the performance of 84625  
services for which remuneration is payable. 84626

(2) Effective for benefit years beginning on and after 84627  
December 26, 2004, but before July 1, 2022, any application for 84628  
determination of benefit rights made in accordance with section 84629  
4141.28 of the Revised Code is valid if the individual satisfies 84630  
the criteria described in division (R)(1) of this section, and 84631  
if the reason for the individual's separation from employment is 84632  
not disqualifying pursuant to division (D)(2) of section 4141.29 84633  
or section 4141.291 of the Revised Code. A disqualification 84634  
imposed pursuant to division (D)(2) of section 4141.29 or 84635  
section 4141.291 of the Revised Code must be removed as provided 84636  
in those sections as a requirement of establishing a valid 84637  
application for benefit years beginning on and after December 84638  
26, 2004, but before July 1, 2022. Effective for benefit years 84639  
beginning on and after July 1, 2022, any application for 84640  
determination of benefit rights made in accordance with section 84641  
4141.28 of the Revised Code is valid if the individual satisfies 84642  
the criteria described in division (R)(1) of this section. A 84643  
disqualification imposed pursuant to division (D)(2) of section 84644  
4141.29 or section 4141.291 of the Revised Code does not affect 84645  
the validity of an application. 84646

(3) The statewide average weekly wage shall be calculated 84647  
by the director once a year based on the twelve-month period 84648  
ending the thirtieth day of June, as set forth in division (B) 84649  
(3) of section 4141.30 of the Revised Code, rounded down to the 84650  
nearest dollar. Increases or decreases in the amount of 84651  
remuneration required to have been earned or paid in order for 84652  
individuals to have filed valid applications shall become 84653  
effective on Sunday of the calendar week in which the first day 84654

of January occurs that follows the twelve-month period ending 84655  
the thirtieth day of June upon which the calculation of the 84656  
statewide average weekly wage was based. 84657

(4) As used in this division, an individual is 84658  
"unemployed" if, with respect to the calendar week in which such 84659  
application is filed, the individual is "partially unemployed" 84660  
or "totally unemployed" as defined in this section or if, prior 84661  
to filing the application, the individual was separated from the 84662  
individual's most recent work for any reason which terminated 84663  
the individual's employee-employer relationship, or was laid off 84664  
indefinitely or for a definite period of seven or more days. 84665

(S) "Calendar quarter" means the period of three 84666  
consecutive calendar months ending on the thirty-first day of 84667  
March, the thirtieth day of June, the thirtieth day of 84668  
September, and the thirty-first day of December, or the 84669  
equivalent thereof as the director prescribes by rule. 84670

(T) "Computation date" means the first day of the third 84671  
calendar quarter of any calendar year. 84672

(U) "Contribution period" means the calendar year 84673  
beginning on the first day of January of any year. 84674

(V) "Agricultural labor," for the purpose of this 84675  
division, means any service performed prior to January 1, 1972, 84676  
which was agricultural labor as defined in this division prior 84677  
to that date, and service performed after December 31, 1971: 84678

(1) On a farm, in the employ of any person, in connection 84679  
with cultivating the soil, or in connection with raising or 84680  
harvesting any agricultural or horticultural commodity, 84681  
including the raising, shearing, feeding, caring for, training, 84682  
and management of livestock, bees, poultry, and fur-bearing 84683

animals and wildlife; 84684

(2) In the employ of the owner or tenant or other operator 84685  
of a farm in connection with the operation, management, 84686  
conservation, improvement, or maintenance of such farm and its 84687  
tools and equipment, or in salvaging timber or clearing land of 84688  
brush and other debris left by hurricane, if the major part of 84689  
such service is performed on a farm; 84690

(3) In connection with the production or harvesting of any 84691  
commodity defined as an agricultural commodity in section 15 (g) 84692  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 84693  
U.S.C. 1141j, as amended, or in connection with the ginning of 84694  
cotton, or in connection with the operation or maintenance of 84695  
ditches, canals, reservoirs, or waterways, not owned or operated 84696  
for profit, used exclusively for supplying and storing water for 84697  
farming purposes; 84698

(4) In the employ of the operator of a farm in handling, 84699  
planting, drying, packing, packaging, processing, freezing, 84700  
grading, storing, or delivering to storage or to market or to a 84701  
carrier for transportation to market, in its unmanufactured 84702  
state, any agricultural or horticultural commodity, but only if 84703  
the operator produced more than one half of the commodity with 84704  
respect to which such service is performed; 84705

(5) In the employ of a group of operators of farms, or a 84706  
cooperative organization of which the operators are members, in 84707  
the performance of service described in division (V) (4) of this 84708  
section, but only if the operators produced more than one-half 84709  
of the commodity with respect to which the service is performed; 84710

(6) Divisions (V) (4) and (5) of this section shall not be 84711  
deemed to be applicable with respect to service performed: 84712

(a) In connection with commercial canning or commercial 84713  
freezing or in connection with any agricultural or horticultural 84714  
commodity after its delivery to a terminal market for 84715  
distribution for consumption; or 84716

(b) On a farm operated for profit if the service is not in 84717  
the course of the employer's trade or business. 84718

As used in division (V) of this section, "farm" includes 84719  
stock, dairy, poultry, fruit, fur-bearing animal, and truck 84720  
farms, plantations, ranches, nurseries, ranges, greenhouses, or 84721  
other similar structures used primarily for the raising of 84722  
agricultural or horticultural commodities and orchards. 84723

(W) "Hospital" means an institution which has been 84724  
registered or licensed by the Ohio department of health as a 84725  
hospital. 84726

(X) "Nonprofit organization" means an organization, or 84727  
group of organizations, described in section 501(c)(3) of the 84728  
"Internal Revenue Code of 1954," and exempt from income tax 84729  
under section 501(a) of that code. 84730

(Y) "Institution of higher education" means a public or 84731  
nonprofit educational institution, including an educational 84732  
institution operated by an Indian tribe, which: 84733

(1) Admits as regular students only individuals having a 84734  
certificate of graduation from a high school, or the recognized 84735  
equivalent; 84736

(2) Is legally authorized in this state or by the Indian 84737  
tribe to provide a program of education beyond high school; and 84738

(3) Provides an educational program for which it awards a 84739  
bachelor's or higher degree, or provides a program which is 84740

acceptable for full credit toward such a degree, a program of 84741  
post-graduate or post-doctoral studies, or a program of training 84742  
to prepare students for gainful employment in a recognized 84743  
occupation. 84744

For the purposes of this division, all colleges and 84745  
universities in this state are institutions of higher education. 84746

(Z) For the purposes of this chapter, "states" includes 84747  
the District of Columbia, the Commonwealth of Puerto Rico, and 84748  
the Virgin Islands. 84749

(AA) "Alien" means, for the purposes of division ~~(A) (1) (d)~~ 84750  
(D) of this section 4141.011 of the Revised Code, an individual 84751  
who is an alien admitted to the United States to perform service 84752  
in agricultural labor pursuant to sections 214 (c) and 101 (a) 84753  
(15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 84754  
8 U.S.C.A. 1101. 84755

(BB) (1) "Crew leader" means an individual who furnishes 84756  
individuals to perform agricultural labor for any other employer 84757  
or farm operator, and: 84758

(a) Pays, either on the individual's own behalf or on 84759  
behalf of the other employer or farm operator, the individuals 84760  
so furnished by the individual for the service in agricultural 84761  
labor performed by them; 84762

(b) Has not entered into a written agreement with the 84763  
other employer or farm operator under which the agricultural 84764  
worker is designated as in the employ of the other employer or 84765  
farm operator. 84766

(2) For the purposes of this chapter, any individual who 84767  
is a member of a crew furnished by a crew leader to perform 84768  
service in agricultural labor for any other employer or farm 84769

operator shall be treated as an employee of the crew leader if: 84770

(a) The crew leader holds a valid certificate of 84771  
registration under the "Farm Labor Contractor Registration Act 84772  
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 84773

(b) Substantially all the members of the crew operate or 84774  
maintain tractors, mechanized harvesting or crop-dusting 84775  
equipment, or any other mechanized equipment, which is provided 84776  
by the crew leader; and 84777

(c) If the individual is not in the employment of the 84778  
other employer or farm operator within the meaning of division 84779  
(B) (1) of this section. 84780

(3) For the purposes of this division, any individual who 84781  
is furnished by a crew leader to perform service in agricultural 84782  
labor for any other employer or farm operator and who is not 84783  
treated as in the employment of the crew leader under division 84784  
(BB) (2) of this section shall be treated as the employee of the 84785  
other employer or farm operator and not of the crew leader. The 84786  
other employer or farm operator shall be treated as having paid 84787  
cash remuneration to the individual in an amount equal to the 84788  
amount of cash remuneration paid to the individual by the crew 84789  
leader, either on the crew leader's own behalf or on behalf of 84790  
the other employer or farm operator, for the service in 84791  
agricultural labor performed for the other employer or farm 84792  
operator. 84793

(CC) "Educational institution" means an institution other 84794  
than an institution of higher education as defined in division 84795  
(Y) of this section, including an educational institution 84796  
operated by an Indian tribe, which: 84797

(1) Offers participants, trainees, or students an 84798



organized course of study or training designed to transfer to 84799  
them knowledge, skills, information, doctrines, attitudes, or 84800  
abilities from, by, or under the guidance of an instructor or 84801  
teacher; and 84802

(2) Is approved, chartered, or issued a permit to operate 84803  
as a school by the director of education and workforce, other 84804  
government agency, or Indian tribe that is authorized within the 84805  
state to approve, charter, or issue a permit for the operation 84806  
of a school. 84807

For the purposes of this division, the courses of study or 84808  
training which the institution offers may be academic, 84809  
technical, trade, or preparation for gainful employment in a 84810  
recognized occupation. 84811

(DD) "Cost savings day" means any unpaid day off from work 84812  
in which employees continue to accrue employee benefits which 84813  
have a determinable value including, but not limited to, 84814  
vacation, pension contribution, sick time, and life and health 84815  
insurance. 84816

(EE) "Motor carrier" has the same meaning as in section 84817  
4923.01 of the Revised Code. 84818

**Sec. 4141.011.** (A) (1) Except as provided in this section, 84819  
an employer is subject to this chapter if either of the 84820  
following apply: 84821

(a) The employer had at least one individual in employment 84822  
for some portion of a day in each of twenty different calendar 84823  
weeks, in either the current or the preceding calendar year, 84824  
whether or not the same individual was in employment in each 84825  
such day; 84826

(b) The employer paid for service in employment wages of 84827

fifteen hundred dollars or more in any calendar quarter in 84828  
either the current or preceding calendar year. 84829

(2) For purposes of division (A)(1)(a) of this section, if 84830  
any week includes both the thirty-first day of December and the 84831  
first day of January, the days of that week before the first day 84832  
of January shall be considered one calendar week and the days to 84833  
beginning the first day of January another week. 84834

(B) If an employer is a nonprofit organization, the 84835  
employer is subject to this chapter if the employer had at least 84836  
four individuals in employment for some portion of a day in each 84837  
of twenty different calendar weeks, in either the current or the 84838  
preceding calendar year, whether or not the same individual was 84839  
in employment in each such day. 84840

(C)(1) An employer is subject to this chapter with respect 84841  
to employment in domestic service in a local college club, local 84842  
chapter of a college fraternity or sorority, or a private home 84843  
if the employer paid cash remuneration for such employment of at 84844  
least one thousand dollars in any calendar quarter in the 84845  
current calendar year or the preceding calendar year. 84846

(2) Wages paid to, or employment of, an individual 84847  
performing domestic service as described in division (C)(1) of 84848  
this section do not apply to employment or wages for purposes of 84849  
divisions (A) and (B) of this section. 84850

(3) An employer subject to this chapter under division (C) 84851  
(1) of this section is not subject to this chapter with respect 84852  
to wages paid for any services other than domestic service 84853  
unless the employer is also found to be subject to this chapter 84854  
under division (A), (B), or (D) of this section. 84855

(D) If an employer is a farm operator or a crew leader, 84856

the employer is subject to this chapter if the employer had 84857  
individuals in employment in agricultural labor and either of 84858  
the following apply: 84859

(1) The employer paid cash remuneration of twenty thousand 84860  
dollars or more for the agricultural labor during any calendar 84861  
quarter in the current calendar year or the preceding calendar 84862  
year; 84863

(2) The employer had at least ten individuals in 84864  
employment in agricultural labor, not including agricultural 84865  
workers who are aliens admitted to the United States to perform 84866  
agricultural labor pursuant to sections 1184(c) and 1101(a) (15) 84867  
(H) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a) 84868  
(15) (H) (ii) (a), 1184(c), for some portion of a day in each of 84869  
the twenty different calendar weeks, in either the current or 84870  
preceding calendar year whether or not the same individual was 84871  
in employment in each day. 84872

(E) An employer who is not subject to this chapter under 84873  
division (A) of this section is subject to this chapter if any 84874  
of the following apply: 84875

(1) Service, except for domestic service in a private home 84876  
not covered under division (C) of this section, is or was 84877  
performed within either the current or preceding calendar year, 84878  
and with respect to which such employer is liable for any 84879  
federal tax against which credit may be taken for contributions 84880  
required to be paid into a state unemployment fund; 84881

(2) As a condition for approval of this chapter for full 84882  
tax credit against the tax imposed by the "Federal Unemployment 84883  
Tax Act," 26 U.S.C. 3301 to 3311, is required, pursuant to such 84884  
act to be an employer subject to this chapter; 84885

(3) The employer became subject to this chapter by 84886  
election under division (H) or (I) of this section and for the 84887  
duration of such election. 84888

(F) If an employer is any state, its instrumentalities, 84889  
its political subdivisions, their instrumentalities, or an 84890  
Indian tribe, the employer is subject to this chapter if the 84891  
employer had at least one individual in employment, as defined 84892  
in divisions (B) (2) (a) and (B) (2) (1) of section 4141.01 of the 84893  
Revised Code. 84894

(G) An employer subject to this chapter within any 84895  
calendar year is subject to this chapter during the whole of 84896  
such year and during the next succeeding calendar year. 84897

(H) An employer not otherwise subject to this chapter who 84898  
files with the director of job and family services a written 84899  
election to become an employer subject to this chapter for not 84900  
less than two calendar years shall, with the written approval of 84901  
such election by the director, become an employer subject to 84902  
this chapter to the same extent as all other employers as of the 84903  
date stated in such approval, and shall cease to be subject to 84904  
this chapter as of the first day of January of any calendar year 84905  
subsequent to such two calendar years only if at least thirty 84906  
days prior to such first day of January the employer has filed 84907  
with the director a written notice to that effect. 84908

(I) Any employer for whom services that do not constitute 84909  
employment are performed may file with the director a written 84910  
election that all such services performed by individuals in the 84911  
employer's employ in one or more distinct establishments or 84912  
places of business shall be deemed to constitute employment for 84913  
all the purposes of this chapter, for not less than two calendar 84914  
years. Upon written approval of the election by the director, 84915

such services shall be deemed to constitute employment subject 84916  
to this chapter from and after the date stated in such approval. 84917  
Such services shall cease to be employment subject to this 84918  
chapter as of the first day of January of any calendar year 84919  
subsequent to such two calendar years only if at least thirty 84920  
days prior to such first day of January such employer has filed 84921  
with the director a written notice to that effect. 84922

(J) An employer who is a franchisor is not subject to this 84923  
chapter with respect to the franchisor's relationship with a 84924  
franchisee or an employee of a franchisee, unless the franchisor 84925  
agrees to assume that role in writing or a court of competent 84926  
jurisdiction determines that the franchisor exercises a type or 84927  
degree of control over the franchisee or the franchisee's 84928  
employees that is not customarily exercised by a franchisor for 84929  
the purpose of protecting the franchisor's trademark, brand, or 84930  
both. For purposes of this division, "franchisor" and 84931  
"franchisee" have the same meanings as in 16 C.F.R. 436.1. 84932

**Sec. 4141.02.** A nonprofit organization ~~that does not meet~~ 84933  
~~the definition of employer for purposes of~~ 84934  
to this chapter pursuant to division (A)(1)(a)(B) of section 84935  
4141.01-4141.011 of the Revised Code, and that does not elect to 84936  
become an employer subject to this chapter pursuant to division 84937  
~~(A)(4)(H) of section 4141.01-4141.011 of the Revised Code, shall~~ 84938  
notify the organization's employees upon hiring that the 84939  
organization, and the employee's employment with the 84940  
organization, are exempt from this chapter. 84941

**Sec. 4141.162.** (A) The director of job and family services 84942  
shall establish an income and eligibility verification system 84943  
that complies with section 1137 of the "Social Security Act." 84944  
The programs included in the system are all of the following: 84945

(1) Unemployment compensation pursuant to section 3304 of the "Internal Revenue Code of 1954";

(2) The state programs funded in part under part A of Title IV of the "Social Security Act" and administered under Chapters 5107. and 5108. of the Revised Code;

(3) The medicaid program;

(4) The supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(5) Any Ohio program under a plan approved under Title I, X, XIV, or XVI of the "Social Security Act."

(B) Wage information provided by employers to the director shall be furnished to the income and eligibility verification system. Such information shall be used by the director to determine eligibility of individuals for unemployment compensation benefits and the amount of those benefits and used by the agencies that administer the programs identified in divisions (A) (2) to (5) of this section to determine or verify eligibility for or the amount of benefits under those programs.

(C) The director shall, on request, disclose wage and claim information to any state or local agency administering a program identified in division (A) of this section that has entered into a written data sharing agreement with the director that meets the standards specified in federal law, including the requirements in 20 C.F.R. 603.10.

~~The director shall fully implement the use of wage information to determine eligibility for and the amount of unemployment compensation benefits by September 30, 1988.~~

(D) Information furnished under the system shall also be

made available to the appropriate state or local child support 84974  
enforcement agency for the purposes of an approved plan under 84975  
Title IV-D of the "Social Security Act" and to the appropriate 84976  
federal agency for the purposes of Titles II and XVI of the 84977  
"Social Security Act." 84978

~~(B) The director shall adopt rules as necessary under 84979  
which the department of job and family services and other state 84980  
agencies that the director determines must participate in order 84981  
to ensure compliance with section 1137 of the "Social Security 84982  
Act" exchange information with each other or authorized federal 84983  
agencies about individuals who are applicants for or recipients 84984  
of benefits under any of the programs enumerated in division (A) 84985  
of this section. The rules shall extend to all of the following: 84986~~

~~(1) A requirement for standardized formats and procedures 84987  
for a participating agency to request and receive information 84988  
about an individual, which information shall include the 84989  
individual's social security number; 84990~~

~~(2) A requirement that all applicants for and recipients 84991  
of benefits under any program enumerated in division (A) of this 84992  
section be notified at the time of application, and periodically 84993  
thereafter, that information available through the system may be 84994  
shared with agencies that administer other benefit programs and 84995  
utilized in establishing or verifying eligibility or benefit 84996  
amounts under the other programs enumerated in division (A) of 84997  
this section; 84998~~

~~(3) A requirement that information is made available only 84999  
to the extent necessary to assist in the valid administrative 85000  
needs of the program receiving the information and is targeted 85001  
for use in ways which are most likely to be productive in 85002  
identifying and preventing ineligibility and incorrect payments; 85003~~

~~(4) A requirement that information is adequately protected against unauthorized disclosures for purposes other than to establish or verify eligibility or benefit amounts under the programs enumerated in division (A) of this section;~~

~~(5) A requirement that a program providing information is reimbursed by the program using the information for the actual costs of furnishing the information and that the director be reimbursed by the participating programs for any actual costs incurred in operating the system;~~

~~(6) Requirements for any other matters necessary to ensure the effective, efficient, and timely exchange of necessary information or that the director determines must be addressed in order to ensure compliance with the requirements of section 1137 of the "Social Security Act."~~

~~(C) Each participating agency shall furnish to the income and eligibility verification system established in division (A) of this section that information, which the director, by rule, determines is necessary in order to comply with section 1137 of the "Social Security Act."~~

~~(D) Notwithstanding the information disclosure requirements of this section and section 4141.21 and division (A) of section 4141.284 of the Revised Code, the director shall administer those provisions of law so as to comply with section 1137 of the "Social Security Act."~~

~~(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under~~



~~this section.~~

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~~(F) The director of job and family services shall consult  
with the medicaid director and the director of administrative  
services regarding the implementation of this section.~~

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**Sec. 4141.23.** (A) Contributions shall accrue and become  
payable by each employer for each calendar year or other period  
as prescribed by this chapter. Such contributions become due and  
shall be paid by each employer to the director of job and family  
services for the unemployment compensation fund in accordance  
with such regulations as the director prescribes, and shall not  
be deducted, in whole or in part, from the remuneration of  
individuals in the employer's employ.

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In the payment of any contributions, a fractional part of  
a dollar may be disregarded unless it amounts to fifty cents or  
more, in which case it may be increased to the next higher  
dollar.

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~~(B) (1) Any contribution or payment in lieu of  
contribution, due from an employer on or before December 31,  
1992, shall, if not paid when due, bear interest at the rate of  
ten per cent per annum. In such computation any fraction of a  
month shall be considered as a full month.~~

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~~(2) Any contribution, payment in lieu of contribution,  
interest, forfeiture, or fine due from an employer on or after  
January 1, 1993~~before December 31, 2025, shall, if not paid when  
due, bear interest at the annual rate of fourteen per cent  
compounded monthly on the aggregate receivable balance due. In  
such computation any fraction of a month shall be considered as  
a full month.

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(2) Any contribution, payment in lieu of contribution,

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interest, forfeiture, or fine due from an employer on or after 85062  
January 1, 2026, shall, if not paid when due, bear interest at 85063  
the interest rate established by the state tax commissioner 85064  
pursuant to section 5703.47 of the Revised Code, not exceeding 85065  
fifteen per cent. In such computation any fraction of a month 85066  
shall be considered as a full month. 85067

(C) The director may waive the interest assessed under 85068  
division ~~(B) (2)~~ (B) of this section if the employer meets all of 85069  
the following conditions within thirty days after the date the 85070  
director mails or delivers the notice of assessment of interest: 85071

(1) Provides to the director a written request for a 85072  
waiver of interest clearly demonstrating that the employer's 85073  
failure to timely pay contributions, payments in lieu of 85074  
contributions, interest, forfeiture, and fines was a result of 85075  
circumstances beyond the control of the employer or the 85076  
employer's agent, except that negligence on the part of the 85077  
employer or the employer's agent shall not be considered beyond 85078  
the control of the employer or the employer's agent; 85079

(2) Furnishes to the director all quarterly reports 85080  
required under section 4141.20 of the Revised Code; 85081

(3) Pays in full all contributions, payments in lieu of 85082  
contributions, interest, forfeiture, and fines for each quarter 85083  
for which such payments are due. 85084

The director shall deny an employer's request for a waiver 85085  
of interest after finding that the employer's failure to timely 85086  
furnish reports or make payments as required under this chapter 85087  
was due to an attempt to evade payment. 85088

(D) Any contribution, interest, forfeiture, or fine 85089  
required to be paid under this chapter by any employer shall, if 85090

not paid when due, become a lien upon the real and personal 85091  
property of such employer. Upon failure of such employer to pay 85092  
the contributions, interest, forfeiture, or fine required to be 85093  
paid under this chapter, the director shall file notice of such 85094  
lien, for which there shall be no charge, in the office of the 85095  
county recorder of the county in which it is ascertained that 85096  
such employer owns real estate or personal property. The 85097  
director shall notify the employer by mail of the lien. The 85098  
absence of proof that the notice was sent does not affect the 85099  
validity of the lien. Such lien shall not be valid as against 85100  
the claim of any mortgagee, pledgee, purchaser, judgment 85101  
creditor, or other lienholder of record at the time such notice 85102  
is filed. 85103

If the employer acquires real or personal property after 85104  
notice of lien is filed, such lien shall not be valid as against 85105  
the claim of any mortgagee, pledgee, subsequent bona fide 85106  
purchaser for value, judgment creditor, or other lienholder of 85107  
record to such after-acquired property, unless the notice of 85108  
lien is refiled after such property was acquired by the employer 85109  
and before the competing lien attached to such after-acquired 85110  
property or before the conveyance to such subsequent bona fide 85111  
purchaser for value. 85112

Such a notice shall be recorded in the county recorder's 85113  
official records and indexed in the direct and reverse indexes 85114  
under the name of the employer. When such unpaid contributions, 85115  
interest, forfeiture, or fines have been paid, the employer may 85116  
record with the county recorder of the county in which such 85117  
notice of lien has been filed and recorded, notice of such 85118  
payment, and the notice of payment shall be recorded in the 85119  
county recorder's official records and indexed in the direct and 85120  
reverse indexes. For recording the notice of payment, the county 85121

recorder shall charge and receive from the employer a base fee 85122  
of two dollars for services and a housing trust fund fee of two 85123  
dollars pursuant to section 317.36 of the Revised Code. 85124

(E) Notwithstanding other provisions in this section, the 85125  
director may reduce, in whole or in part, the amount of 85126  
interest, forfeiture, or fines required to be paid under this 85127  
chapter if the director determines that the reduction is in the 85128  
best interest of the unemployment compensation fund. 85129

(F) Assessment of contributions shall not be made after 85130  
four years from the date on which such contributions became 85131  
payable, and no action in court for the collection of 85132  
contributions without assessment of such contributions shall be 85133  
begun after the expiration of five years from the date such 85134  
contributions became payable. In case of a false or fraudulent 85135  
report or of a willful attempt in any manner to evade 85136  
contributions, such contributions may be assessed or a 85137  
proceeding in court for the collection of such contributions may 85138  
be begun without assessment at any time. When the assessment of 85139  
contributions has been made within such four-year period 85140  
provided, action in court to collect such contributions may be 85141  
begun within, but not later than, six years after such 85142  
assessment. 85143

(G) In the event of a distribution of an employer's 85144  
assets, pursuant to an order of any court under the law of this 85145  
state, including any receivership, assignment for benefit of 85146  
creditors, adjudicated insolvency, or similar proceedings, 85147  
contributions, interest, forfeiture, or fine then or thereafter 85148  
due have the same priority as provided by law for the payment of 85149  
taxes due the state and shall be paid out of the trust fund in 85150  
the same manner as provided for other claims for unpaid taxes 85151

due the state. 85152

(H) If the attorney general finds after investigation that 85153  
any claim for delinquent contributions, interest, forfeitures, 85154  
or fines owing to the director is uncollectible, in whole or in 85155  
part, the attorney general shall recommend to the director the 85156  
cancellation of such claim or any part thereof. The director may 85157  
thereupon effect such cancellation. 85158

**Sec. 4141.281. APPEALS** 85159

(A) APPEAL FILED 85160

Any party notified of a determination of benefit rights or 85161  
a claim for benefits determination may appeal within twenty-one 85162  
calendar days after the written determination was sent to the 85163  
party or within an extended period as provided under division 85164  
(D) (9) of this section. 85165

(B) REDETERMINATION 85166

Within twenty-one days after receipt of the appeal, the 85167  
director of job and family services shall issue a 85168  
redetermination or transfer the appeal to the unemployment 85169  
compensation review commission. A redetermination under this 85170  
section is appealable in the same manner as an initial 85171  
determination by the director. 85172

(C) REVIEW COMMISSION 85173

(1) JURISDICTION 85174

The commission shall provide an opportunity for a fair 85175  
hearing to the interested parties of appeals over which the 85176  
commission has jurisdiction. The commission has jurisdiction 85177  
over an appeal on transfer or on direct appeal to the 85178  
commission. If the commission concludes that a pending appeal 85179

does not warrant a hearing, the commission may remand the appeal 85180  
to the director for redetermination. The commission retains 85181  
jurisdiction until the appeal is remanded to the director or a 85182  
final decision is issued and appealed to court, or the time to 85183  
request a review or to appeal a decision of a hearing officer or 85184  
the commission is expired. 85185

(2) CONDUCT OF HEARINGS 85186

Hearings before the commission are held at the hearing 85187  
officer level and the review level. Unless otherwise provided in 85188  
this chapter, initial hearings involving claims for compensation 85189  
and other unemployment compensation issues are conducted at the 85190  
hearing officer level by hearing officers appointed by the 85191  
commission. Hearings at the review level are conducted by 85192  
hearing officers appointed by the commission, by members of the 85193  
commission acting either individually or collectively, and by 85194  
members of the commission and hearing officers acting jointly. 85195  
In all hearings conducted at the review level, the commission 85196  
shall designate the hearing officer or officers who are to 85197  
conduct the hearing. When the term "hearing officer" is used in 85198  
reference to hearings conducted at the review level, the term 85199  
includes members of the commission. All decisions issued at the 85200  
review level are issued by the commission. 85201

Provisions contained in the remainder of this paragraph 85202  
apply to hearings at both the hearing officer level and the 85203  
review level. The principles of due process in administrative 85204  
hearings shall be applied to all hearings conducted under the 85205  
authority of the commission. In conducting hearings, all hearing 85206  
officers shall control the conduct of the hearing, exclude 85207  
irrelevant or cumulative evidence, and give weight to the kind 85208  
of evidence on which reasonably prudent persons are accustomed 85209

to rely in the conduct of serious affairs. Hearing officers have 85210  
an affirmative duty to question parties and witnesses in order 85211  
to ascertain the relevant facts and to fully and fairly develop 85212  
the record. Hearing officers are not bound by common law or 85213  
statutory rules of evidence or by technical or formal rules of 85214  
procedure. No person shall impose upon the claimant or the 85215  
employer any burden of proof as is required in a court of law. 85216  
The proceedings at hearings shall be recorded by mechanical 85217  
means or otherwise as may be prescribed by the commission. In 85218  
the absence of further proceedings, the record need not be 85219  
transcribed. After considering all of the evidence, a hearing 85220  
officer shall issue a written decision that sets forth the facts 85221  
as the hearing officer finds them to be, cites the applicable 85222  
law, and gives the reasoning for the decision. 85223

(3) HEARING OFFICER LEVEL 85224

When an appeal is transferred to the commission by the 85225  
director, the commission shall notify all interested parties of 85226  
the time and place of the hearing and assign the appeal for a 85227  
hearing by a hearing officer. The hearings shall be de novo, 85228  
except that the director's file pertaining to a case shall be 85229  
included in the record to be considered. 85230

Following a hearing, the hearing officer shall affirm, 85231  
modify, or reverse the determination of the director in the 85232  
manner that appears just and proper. The hearing officer's 85233  
written decision shall be sent to all interested parties. The 85234  
decision shall state the right of an interested party to request 85235  
a review by the commission. 85236

A request for review shall be filed within twenty-one days 85237  
after the decision was sent to the party, or within an extended 85238  
period as provided under division (D) (9) of this section. The 85239

hearing officer's decision shall become final unless a request 85240  
for review is filed and allowed or the commission removes the 85241  
appeal to itself within twenty-one days after the hearing 85242  
officer's decision is sent. 85243

(4) REVIEW LEVEL 85244

At the review level, the commission may affirm, modify, or 85245  
reverse previous determinations by the director or at the 85246  
hearing officer level. At the review level, the commission may 85247  
affirm, modify, or reverse a hearing officer's decision or 85248  
remand the decision to the hearing officer level for further 85249  
hearing. The commission shall consider an appeal at the review 85250  
level under the following circumstances: when an appeal is 85251  
required to be heard initially at the review level under this 85252  
chapter; when the commission on its own motion removes an appeal 85253  
to itself within twenty-one days after the hearing officer's 85254  
decision is sent; when the assigned hearing officer refers an 85255  
appeal to the commission before the hearing officer's decision 85256  
is sent; or when an interested party files a request for review 85257  
with the commission within twenty-one days after the hearing 85258  
officer's decision is sent. 85259

(5) COMMISSION EXAMINATION 85260

The commission shall consider a request for review by an 85261  
interested party, including the reasons for the request. The 85262  
commission may adopt rules prescribing the methods for 85263  
requesting a review. The commission may allow or disallow the 85264  
request for review. The disallowance of a request for review 85265  
constitutes a final decision by the commission. 85266

(6) REVIEW PROCEDURE 85267

If the commission allows a request for review, the 85268



commission shall notify all interested parties of that fact and 85269  
provide a reasonable period of time, as the commission defines 85270  
by rule, in which interested parties may file a response. After 85271  
that period of time, the commission, based on the record before 85272  
it, may do one of the following: affirm the decision of the 85273  
hearing officer; provide for the appeal to be heard or reheard 85274  
at the hearing officer or review level; provide for the appeal 85275  
to be heard at the review level as a potential precedential 85276  
decision; or provide for the decision to be rewritten without 85277  
further hearing at the review level. When a further hearing is 85278  
provided or the decision is rewritten, the commission may 85279  
affirm, modify, or reverse the previous decision. 85280

If a member of the commission is unable or unavailable to 85281  
consider an appeal allowed by the commission, the other members 85282  
of the commission may appoint a hearing officer as a temporary 85283  
commissioner to fulfill the unable or unavailable commissioner's 85284  
duties with respect to the appeal. The members of the commission 85285  
may not appoint the hearing officer who decided the appeal at 85286  
the hearing officer level. 85287

(7) NOTICES 85288

The commission shall send written notice to all interested 85289  
parties when it orders an appeal to be heard or reheard. The 85290  
notice shall include the reasons for the hearing or rehearing. 85291

(8) PRECEDENTIAL 85292

An appeal the commission identifies as potentially 85293  
precedential shall be heard at the review level. In the notice 85294  
for that type of hearing, the commission shall notify the 85295  
director, all interested parties, and any other parties, as the 85296  
commission determines appropriate, that the appeal is designated 85297

as potentially precedential. After the hearing, parties shall be 85298  
given the opportunity to submit briefs on the issue or issues 85299  
involved. The commission may designate a decision as 85300  
precedential after issuing the decision or at any point in the 85301  
appeal process, even if the commission does not initially 85302  
identify the appeal as potentially precedential. 85303

(9) MASS APPEALS 85304

When the commission determines that it has five appeals 85305  
pending that have common facts or common issues, the commission 85306  
may transfer the appeals to the review level on its own motion 85307  
to be heard as a mass appeal, including appeals from claimants 85308  
separated due to a labor dispute, on the condition that there 85309  
are fewer than twenty-five claimants involved. 85310

To facilitate a mass hearing, the commission may allow an 85311  
authorized agent to accept notice of hearing on behalf of 85312  
claimants. An authorized agent may waive this notice of hearing 85313  
and also the sending of decisions to individual claimants 85314  
represented by the agent. 85315

(D) SPECIAL PROVISIONS 85316

(1) TIMELINESS OF APPEALS 85317

The date of the mailing provided by the director or the 85318  
commission is sufficient evidence upon which to conclude that a 85319  
determination, redetermination, or decision was sent to the 85320  
party on that date. Appeals may be filed with the director, 85321  
commission, with an employee of another state or federal agency 85322  
charged with the duty of accepting claims, or with the 85323  
unemployment insurance commission of Canada. Any timely written 85324  
notice by an interested party indicating a desire to appeal 85325  
shall be accepted. 85326

The director, commission, or authorized agent must receive 85327  
the appeal within the specified appeal period in order for the 85328  
appeal to be deemed timely filed, except that: if the United 85329  
States postal service is used as the means of delivery, the 85330  
enclosing envelope must have a postmark date or postal meter 85331  
postmark that is on or before the last day of the specified 85332  
appeal period; and where the postmark is illegible or missing, 85333  
the appeal is timely filed if received not later than the end of 85334  
the fifth calendar day following the last day of the specified 85335  
appeal period. 85336

The director and the commission may adopt rules pertaining 85337  
to alternate methods of filing appeals under this section. 85338

(2) WAIVER 85339

Interested parties may waive, in writing, a hearing at 85340  
either the hearing officer or review level. If the parties waive 85341  
a hearing, the hearing officer shall issue a decision based on 85342  
the evidence of record. 85343

(3) TELEPHONE HEARINGS 85344

Hearing officers may conduct hearings at either the 85345  
hearing officer or review level in person or by telephone or 85346  
interactive video conference. The commission shall adopt rules 85347  
that designate the circumstances under which hearing officers 85348  
may conduct a hearing by telephone or interactive video 85349  
conference or grant a party to the hearing the opportunity to 85350  
object to a hearing by telephone or interactive video 85351  
conference. An interested party whose hearing would be by 85352  
telephone or interactive video conference may elect to have an 85353  
in-person hearing, provided that the party agrees to have the 85354  
hearing at the time and place the commission determines pursuant 85355

to rule. 85356

(4) EVENING HEARINGS 85357

Unless the commission grants a request for an evening 85358  
telephone or interactive video conference hearing, hearing 85359  
officers shall conduct hearings at the hearing officer and 85360  
review level during normal business hours. An interested party 85361  
who is regularly employed throughout those hours may request to 85362  
have a hearing by telephone or interactive video conference 85363  
during the evening. The commission shall grant or deny a request 85364  
for an evening telephone or interactive video conference 85365  
hearing. If a conflict concerning a request for an evening 85366  
hearing and an in-person hearing arises, the commission shall 85367  
schedule the hearing by telephone or interactive video 85368  
conference during evening hours. 85369

(5) NO APPEARANCE -- APPELLANT 85370

For hearings at either the hearing officer or review 85371  
level, if the appealing party fails to appear at the hearing, 85372  
the hearing officer shall dismiss the appeal. The commission 85373  
shall vacate the dismissal upon a showing that written notice of 85374  
the hearing was not sent to that party's last known address, or 85375  
good cause for the appellant's failure to appear is shown to the 85376  
commission within fourteen days after the hearing date. 85377

If the commission finds that the appealing party's reason 85378  
for failing to appear does not constitute good cause for failing 85379  
to appear, the commission shall send written notice of that 85380  
finding, and the appealing party may request a hearing to 85381  
present testimony on the issue of good cause for failing to 85382  
appear. The appealing party shall file a request for a hearing 85383  
on the issue of good cause for failing to appear within ten days 85384

after the commission sends written notice indicating a finding 85385  
of no good cause for failing to appear. 85386

(6) NO APPEARANCE -- APPELLEE 85387

For hearings at either the hearing officer or review 85388  
level, if the appellee fails to appear at the hearing, the 85389  
hearing officer shall proceed with the hearing and shall issue a 85390  
decision based on the evidence of record. The commission shall 85391  
vacate the decision upon a showing that written notice of the 85392  
hearing was not sent to the appellee's last known address, or 85393  
good cause for the appellee's failure to appear is shown to the 85394  
commission within fourteen days after the hearing date. 85395

(7) AGENT 85396

Any appeal or request for review may be executed on behalf 85397  
of any party or any group of claimants by an agent. 85398

(8) COLLATERAL ESTOPPEL 85399

No finding of fact or law, decision, or order of the 85400  
director, hearing officer, the commission, or a reviewing court 85401  
under this section or section 4141.28 of the Revised Code shall 85402  
be given collateral estoppel or res judicata effect in any 85403  
separate or subsequent judicial, administrative, or arbitration 85404  
proceeding, other than a proceeding arising under this chapter. 85405

(9) EXTENSION OF APPEAL PERIODS 85406

The time for filing an appeal or a request for review 85407  
under this section or a court appeal under section 4141.282 of 85408  
the Revised Code shall be extended in the manner described in 85409  
the following four sentences. When the last day of an appeal 85410  
period is a Saturday, Sunday, or legal holiday, the appeal 85411  
period is extended to the next work day after the Saturday, 85412

Sunday, or legal holiday. When an interested party provides 85413  
certified medical evidence stating that the interested party's 85414  
physical condition or mental capacity prevented the interested 85415  
party from filing an appeal or request for review under this 85416  
section within the appropriate twenty-one-day period, the appeal 85417  
period is extended to twenty-one days after the end of the 85418  
physical or mental condition, and the appeal or request for 85419  
review is considered timely filed if filed within that extended 85420  
period. When an interested party provides evidence, which 85421  
evidence may consist of testimony from the interested party, 85422  
that is sufficient to establish that the party did not actually 85423  
receive the determination or decision within the applicable 85424  
appeal period under this section, and the director or the 85425  
commission finds that the interested party did not actually 85426  
receive the determination or decision within the applicable 85427  
appeal period, then the appeal period is extended to twenty-one 85428  
days after the interested party actually receives the 85429  
determination or decision. When an interested party provides 85430  
evidence, which evidence may consist of testimony from the 85431  
interested party, that is sufficient to establish that the party 85432  
did not actually receive a decision within the thirty-day appeal 85433  
period provided in section 4141.282 of the Revised Code, and a 85434  
court of common pleas finds that the interested party did not 85435  
actually receive the decision within that thirty-day appeal 85436  
period, then the appeal period is extended to thirty days after 85437  
the interested party actually receives the decision. 85438

**Sec. 4141.29.** Each eligible individual shall receive 85439  
benefits as compensation for loss of remuneration due to 85440  
involuntary total or partial unemployment in the amounts and 85441  
subject to the conditions stipulated in this chapter. 85442

(A) No individual is entitled to a waiting period or 85443

benefits for any week unless the individual: 85444

(1) Has filed a valid application for determination of 85445  
benefit rights in accordance with section 4141.28 of the Revised 85446  
Code; 85447

(2) Has made a claim for benefits in accordance with 85448  
section 4141.28 of the Revised Code; 85449

(3) (a) Has registered for work and thereafter continues to 85450  
report to an employment office or other registration place 85451  
maintained or designated by the director of job and family 85452  
services. Registration shall be made in accordance with the time 85453  
limits, frequency, and manner prescribed by the director. 85454

(b) For purposes of division (A) (3) of this section, an 85455  
individual has "registered" upon doing any of the following: 85456

(i) Filing an application for benefit rights; 85457

(ii) Making a weekly claim for benefits; 85458

(iii) Reopening an existing claim following a period of 85459  
employment or nonreporting. 85460

(c) After an applicant is registered, that registration 85461  
continues for a period of three calendar weeks, including the 85462  
week during which the applicant registered. However, an 85463  
individual is not registered for purposes of division (A) (3) of 85464  
this section during any period in which the individual fails to 85465  
report, as instructed by the director, or fails to reopen an 85466  
existing claim following a period of employment. 85467

(d) The director may, for good cause, extend the period of 85468  
registration. 85469

(e) For purposes of this section, "report" means contact 85470

by phone, access electronically, or be present for an in-person 85471  
appointment, as designated by the director. 85472

(4) (a) (i) Is able to work and available for suitable work 85473  
and, except as provided in division (A) (4) (a) (ii) or (iii) of 85474  
this section, is actively seeking suitable work either in a 85475  
locality in which the individual has earned wages subject to 85476  
this chapter during the individual's base period, or if the 85477  
individual leaves that locality, then in a locality where 85478  
suitable work normally is performed. 85479

(ii) The director may waive the requirement that a 85480  
claimant be actively seeking work when the director finds that 85481  
the individual has been laid off and the employer who laid the 85482  
individual off has notified the director within ten days after 85483  
the layoff, that work is expected to be available for the 85484  
individual within a specified number of days not to exceed 85485  
forty-five calendar days following the last day the individual 85486  
worked. In the event the individual is not recalled within the 85487  
specified period, this waiver shall cease to be operative with 85488  
respect to that layoff. 85489

(iii) The director may waive the requirement that a 85490  
claimant be actively seeking work if the director determines 85491  
that the individual has been laid off and the employer who laid 85492  
the individual off has notified the director in accordance with 85493  
division (C) of section 4141.28 of the Revised Code that the 85494  
employer has closed the employer's entire plant or part of the 85495  
employer's plant for a purpose other than inventory or vacation 85496  
that will cause unemployment for a definite period not exceeding 85497  
twenty-six weeks beginning on the date the employer notifies the 85498  
director, for the period of the specific shutdown, if all of the 85499  
following apply: 85500



(I) The employer and the individuals affected by the 85501  
layoff who are claiming benefits under this chapter jointly 85502  
request the exemption. 85503

(II) The employer provides that the affected individuals 85504  
shall return to work for the employer within twenty-six weeks 85505  
after the date the employer notifies the director. 85506

(III) The director determines that the waiver of the 85507  
active search for work requirement will promote productivity and 85508  
economic stability within the state. 85509

(iv) Division (A) (4) (a) (iii) of this section does not 85510  
exempt an individual from meeting the other requirements 85511  
specified in division (A) (4) (a) (i) of this section to be able to 85512  
work and otherwise fully be available for work. An exemption 85513  
granted under division (A) (4) (a) (iii) of this section may be 85514  
granted only with respect to a specific plant closing. 85515

(b) (i) The individual shall be instructed as to the 85516  
efforts that the individual must make in the search for suitable 85517  
work, including that, within six months after October 11, 2013, 85518  
the individual shall register with the OhioMeansJobs web site, 85519  
except in any of the following circumstances: 85520

(I) The individual is an individual described in division 85521  
(A) (4) (b) (iii) of this section; 85522

(II) Where the active search for work requirement has been 85523  
waived under division (A) (4) (a) of this section; 85524

(III) Where the active search for work requirement is 85525  
considered to be met under division (A) (4) (c), (d), or (e) of 85526  
this section. 85527

(ii) An individual who is registered with the 85528

OhioMeansJobs web site shall receive a weekly listing of 85529  
available jobs based on information provided by the individual 85530  
at the time of registration. For each week that the individual 85531  
claims benefits, the individual shall keep a record of the 85532  
individual's work search efforts and shall produce that record 85533  
in the manner and means prescribed by the director. 85534

(iii) No individual shall be required to register with the 85535  
OhioMeansJobs web site if the individual is legally prohibited 85536  
from using a computer, has a physical or visual impairment that 85537  
makes the individual unable to use a computer, or has a limited 85538  
ability to read, write, speak, or understand a language in which 85539  
the OhioMeansJobs web site is available. 85540

(iv) As used in division (A) (4) (b) of this section: 85541

(I) "OhioMeansJobs web site" has the same meaning as in 85542  
section 6301.01 of the Revised Code. 85543

(II) "Registration" includes the creation, electronic 85544  
posting, and maintenance of an active, searchable resume. 85545

(c) An individual who is attending a training course 85546  
approved by the director meets the requirement of this division, 85547  
if attendance was recommended by the director and the individual 85548  
is regularly attending the course and is making satisfactory 85549  
progress. An individual also meets the requirements of this 85550  
division if the individual is participating and advancing in a 85551  
training program, as defined in division (P) of section 5709.61 85552  
of the Revised Code, and if an enterprise, defined in division 85553  
(B) of section 5709.61 of the Revised Code, is paying all or 85554  
part of the cost of the individual's participation in the 85555  
training program with the intention of hiring the individual for 85556  
employment as a new employee, as defined in division (L) of 85557

section 5709.61 of the Revised Code, for at least ninety days 85558  
after the individual's completion of the training program. 85559

(d) An individual who becomes unemployed while attending a 85560  
regularly established school and whose base period qualifying 85561  
weeks were earned in whole or in part while attending that 85562  
school, meets the availability and active search for work 85563  
requirements of division (A) (4) (a) of this section if the 85564  
individual regularly attends the school during weeks with 85565  
respect to which the individual claims unemployment benefits and 85566  
makes self available on any shift of hours for suitable 85567  
employment with the individual's most recent employer or any 85568  
other employer in the individual's base period, or for any other 85569  
suitable employment to which the individual is directed, under 85570  
this chapter. 85571

(e) An individual who is a member in good standing with a 85572  
labor organization that refers individuals to jobs meets the 85573  
active search for work requirement specified in division (A) (4) 85574  
(a) of this section if the individual provides documentation 85575  
that the individual is eligible for a referral or placement upon 85576  
request and in a manner prescribed by the director. 85577

(f) Notwithstanding any other provisions of this section, 85578  
no otherwise eligible individual shall be denied benefits for 85579  
any week because the individual is in training approved under 85580  
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 85581  
U.S.C.A. 2296, nor shall that individual be denied benefits by 85582  
reason of leaving work to enter such training, provided the work 85583  
left is not suitable employment, or because of the application 85584  
to any week in training of provisions in this chapter, or any 85585  
applicable federal unemployment compensation law, relating to 85586  
availability for work, active search for work, or refusal to 85587

accept work. 85588

For the purposes of division (A) (4) (f) of this section, 85589  
"suitable employment" means with respect to an individual, work 85590  
of a substantially equal or higher skill level than the 85591  
individual's past adversely affected employment, as defined for 85592  
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 85593  
U.S.C.A. 2101, and wages for such work at not less than eighty 85594  
per cent of the individual's average weekly wage as determined 85595  
for the purposes of that federal act. 85596

(5) Is unable to obtain suitable work. ~~An individual who~~ 85597  
~~is provided temporary work assignments by the individual's~~ 85598  
~~employer under agreed terms and conditions of employment, and~~ 85599  
~~who is required pursuant to those terms and conditions to~~ 85600  
~~inquire with the individual's employer for available work~~ 85601  
~~assignments upon the conclusion of each work assignment, is not~~ 85602  
~~considered unable to obtain suitable employment if suitable work~~ 85603  
~~assignments are available with the employer but the individual~~ 85604  
~~fails to contact the employer to inquire about work assignments.~~ 85605

(6) Participates in reemployment services, such as job 85606  
search assistance services, if the individual has been 85607  
determined to be likely to exhaust benefits under this chapter, 85608  
including compensation payable pursuant to 5 U.S.C.A. Chapter 85609  
85, other than extended compensation, and needs reemployment 85610  
services pursuant to the profiling system established by the 85611  
director under division (K) of this section, unless the director 85612  
determines that: 85613

(a) The individual has completed such services; or 85614

(b) There is justifiable cause for the claimant's failure 85615  
to participate in such services. 85616

Ineligibility for failure to participate in reemployment services as described in division (A)(6) of this section shall be for the week or weeks in which the claimant was scheduled and failed to participate without justifiable cause.

(7) Participates in the reemployment and eligibility assessment program, or other reemployment services, as required by the director. As used in division (A)(7) of this section, "reemployment services" includes job search assistance activities, skills assessments, and the provision of labor market statistics or analysis.

(a) For purposes of division (A)(7) of this section, participation is required unless the director determines that either of the following circumstances applies to the individual:

(i) The individual has completed similar services.

(ii) Justifiable cause exists for the failure of the individual to participate in those services.

(b) Within six months after October 11, 2013, notwithstanding any earlier contact an individual may have had with a local OhioMeansJobs center, as defined in section 6301.01 of the Revised Code, beginning with the eighth week after the week during which an individual first files a valid application for determination of benefit rights in the individual's benefit year, the individual shall report to a local OhioMeansJobs center for reemployment services in the manner prescribed by the director.

(c) An individual whose active search for work requirement has been waived under division (A)(4)(a) of this section or is considered to be satisfied under division (A)(4)(c), (d), or (e) of this section is exempt from the requirements of division (A)

(7) of this section. 85646

(B) An individual suffering total or partial unemployment 85647  
is eligible for benefits for unemployment occurring subsequent 85648  
to a waiting period of one week and no benefits shall be payable 85649  
during this required waiting period. Not more than one week of 85650  
waiting period shall be required of any individual in any 85651  
benefit year in order to establish the individual's eligibility 85652  
for total or partial unemployment benefits. 85653

(C) The waiting period for total or partial unemployment 85654  
shall commence on the first day of the first week with respect 85655  
to which the individual first files a claim for benefits at an 85656  
employment office or other place of registration maintained or 85657  
designated by the director or on the first day of the first week 85658  
with respect to which the individual has otherwise filed a claim 85659  
for benefits in accordance with the rules of the department of 85660  
job and family services, provided such claim is allowed by the 85661  
director. 85662

(D) Notwithstanding division (A) of this section, no 85663  
individual may serve a waiting period or be paid benefits under 85664  
the following conditions: 85665

(1) For any week with respect to which the director finds 85666  
that: 85667

(a) The individual's unemployment was due to a labor 85668  
dispute other than a lockout at any factory, establishment, or 85669  
other premises located in this or any other state and owned or 85670  
operated by the employer by which the individual is or was last 85671  
employed; and for so long as the individual's unemployment is 85672  
due to such labor dispute. No individual shall be disqualified 85673  
under this provision if either of the following applies: 85674

(i) The individual's employment was with such employer at 85675  
any factory, establishment, or premises located in this state, 85676  
owned or operated by such employer, other than the factory, 85677  
establishment, or premises at which the labor dispute exists, if 85678  
it is shown that the individual is not financing, participating 85679  
in, or directly interested in such labor dispute; 85680

(ii) The individual's employment was with an employer not 85681  
involved in the labor dispute but whose place of business was 85682  
located within the same premises as the employer engaged in the 85683  
dispute, unless the individual's employer is a wholly owned 85684  
subsidiary of the employer engaged in the dispute, or unless the 85685  
individual actively participates in or voluntarily stops work 85686  
because of such dispute. If it is established that the claimant 85687  
was laid off for an indefinite period and not recalled to work 85688  
prior to the dispute, or was separated by the employer prior to 85689  
the dispute for reasons other than the labor dispute, or that 85690  
the individual obtained a bona fide job with another employer 85691  
while the dispute was still in progress, such labor dispute 85692  
shall not render the employee ineligible for benefits. 85693

(b) The individual has been given a disciplinary layoff 85694  
for misconduct in connection with the individual's work. 85695

(2) For the duration of the individual's unemployment if 85696  
the director finds that: 85697

(a) The individual quit work without just cause or has 85698  
been discharged for just cause in connection with the 85699  
individual's work, provided division (D)(2) of this section does 85700  
not apply to the separation of a person under any of the 85701  
following circumstances: 85702

(i) Separation from employment for the purpose of entering 85703

the armed forces of the United States if the individual is 85704  
inducted into the armed forces within one of the following 85705  
periods: 85706

(I) Thirty days after separation; 85707

(II) One hundred eighty days after separation if the 85708  
individual's date of induction is delayed solely at the 85709  
discretion of the armed forces. 85710

(ii) Separation from employment pursuant to a labor- 85711  
management contract or agreement, or pursuant to an established 85712  
employer plan, program, or policy, which permits the employee, 85713  
because of lack of work, to accept a separation from employment; 85714

(iii) The individual has left employment to accept a 85715  
recall from a prior employer or, except as provided in division 85716  
(D) (2) (a) (iv) of this section, to accept other employment as 85717  
provided under section 4141.291 of the Revised Code, or left or 85718  
was separated from employment that was concurrent employment at 85719  
the time of the most recent separation or within six weeks prior 85720  
to the most recent separation where the remuneration, hours, or 85721  
other conditions of such concurrent employment were 85722  
substantially less favorable than the individual's most recent 85723  
employment and where such employment, if offered as new work, 85724  
would be considered not suitable under the provisions of 85725  
divisions (E) and (F) of this section. Any benefits that would 85726  
otherwise be chargeable to the account of the employer from whom 85727  
an individual has left employment or was separated from 85728  
employment that was concurrent employment under conditions 85729  
described in division (D) (2) (a) (iii) of this section, shall 85730  
instead be charged to the mutualized account created by division 85731  
(B) of section 4141.25 of the Revised Code, except that any 85732  
benefits chargeable to the account of a reimbursing employer 85733



under division (D) (2) (a) (iii) of this section shall be charged 85734  
to the account of the reimbursing employer and not to the 85735  
mutualized account, except as provided in division (D) (2) of 85736  
section 4141.24 of the Revised Code. 85737

(iv) When an individual has been issued a definite layoff 85738  
date by the individual's employer and before the layoff date, 85739  
the individual quits to accept other employment, the provisions 85740  
of division (D) (2) (a) (iii) of this section apply and no 85741  
disqualification shall be imposed under division (D) of this 85742  
section. However, if the individual fails to meet the employment 85743  
and earnings requirements of division (A) (2) of section 4141.291 85744  
of the Revised Code, then the individual, pursuant to division 85745  
(A) (5) of this section, shall be ineligible for benefits for any 85746  
week of unemployment that occurs prior to the layoff date. 85747

(v) The individual's spouse is a member of the armed 85748  
forces of the United States who is on active duty or a member of 85749  
the commissioned corps of the national oceanic and atmospheric 85750  
administration or public health service, the spouse is the 85751  
subject of a transfer, the individual left employment to 85752  
accompany the individual's spouse to a location from which it is 85753  
impractical to commute to the individual's place of employment, 85754  
and upon arrival at the new place of residence, the individual 85755  
is in all respects able and available for suitable work. For- 85756  
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 85757  
"active duty" and "armed forces" have the same meanings as in 10 85758  
U.S.C. 101. 85759

(b) The individual has refused without good cause to 85760  
accept an offer of suitable work when made by an employer either 85761  
in person or to the individual's last known address, or has 85762  
refused or failed to investigate a referral to suitable work 85763

when directed to do so by a local employment office of this 85764  
state or another state, provided that this division shall not 85765  
cause a disqualification for a waiting week or benefits under 85766  
the following circumstances: 85767

(i) When work is offered by the individual's employer and 85768  
the individual is not required to accept the offer pursuant to 85769  
the terms of the labor-management contract or agreement; or 85770

(ii) When the individual is attending a training course 85771  
pursuant to division (A) (4) of this section except, in the event 85772  
of a refusal to accept an offer of suitable work or a refusal or 85773  
failure to investigate a referral, benefits thereafter paid to 85774  
such individual shall not be charged to the account of any 85775  
employer and, except as provided in division (B) (1) (b) of 85776  
section 4141.241 of the Revised Code, shall be charged to the 85777  
mutualized account as provided in division (B) of section 85778  
4141.25 of the Revised Code. 85779

(c) Such individual quit work to marry or because of 85780  
marital, parental, filial, or other domestic obligations. 85781

(d) The individual became unemployed by reason of 85782  
commitment to any correctional institution. 85783

(e) The individual became unemployed because of dishonesty 85784  
in connection with the individual's most recent or any base 85785  
period work. Remuneration earned in such work shall be excluded 85786  
from the individual's total base period remuneration and 85787  
qualifying weeks that otherwise would be credited to the 85788  
individual for such work in the individual's base period shall 85789  
not be credited for the purpose of determining the total 85790  
benefits to which the individual is eligible and the weekly 85791  
benefit amount to be paid under section 4141.30 of the Revised 85792

Code. Such excluded remuneration and noncredited qualifying 85793  
weeks shall be excluded from the calculation of the maximum 85794  
amount to be charged, under division (D) of section 4141.24 and 85795  
section 4141.33 of the Revised Code, against the accounts of the 85796  
individual's base period employers. In addition, no benefits 85797  
shall thereafter be paid to the individual based upon such 85798  
excluded remuneration or noncredited qualifying weeks. 85799

For purposes of division (D) (2) (e) of this section, 85800  
"dishonesty" means the commission of substantive theft, fraud, 85801  
or deceitful acts. 85802

(3) For purposes of division (D) (2) (a) of this section, an 85803  
individual shall be considered to have quit work without just 85804  
cause if all of the following apply: 85805

(a) The individual is provided temporary work assignments 85806  
by the individual's employer under agreed terms and conditions 85807  
of employment. 85808

(b) The individual is required pursuant to those terms and 85809  
conditions to inquire with the individual's employer for 85810  
available work assignments upon the conclusion of each work 85811  
assignment. 85812

(c) Suitable work assignments are available with the 85813  
employer, but the individual fails to contact the employer to 85814  
inquire about work assignments. 85815

(E) No individual otherwise qualified to receive benefits 85816  
shall lose the right to benefits by reason of a refusal to 85817  
accept new work if: 85818

(1) As a condition of being so employed the individual 85819  
would be required to join a company union, or to resign from or 85820  
refrain from joining any bona fide labor organization, or would 85821

be denied the right to retain membership in and observe the 85822  
lawful rules of any such organization. 85823

(2) The position offered is vacant due directly to a 85824  
strike, lockout, or other labor dispute. 85825

(3) The work is at an unreasonable distance from the 85826  
individual's residence, having regard to the character of the 85827  
work the individual has been accustomed to do, and travel to the 85828  
place of work involves expenses substantially greater than that 85829  
required for the individual's former work, unless the expense is 85830  
provided for. 85831

(4) The remuneration, hours, or other conditions of the 85832  
work offered are substantially less favorable to the individual 85833  
than those prevailing for similar work in the locality. 85834

(F) Subject to the special exceptions contained in 85835  
division (A) (4) (f) of this section and section 4141.301 of the 85836  
Revised Code, in determining whether any work is suitable for a 85837  
claimant in the administration of this chapter, the director, in 85838  
addition to the determination required under division (E) of 85839  
this section, shall consider the degree of risk to the 85840  
claimant's health, safety, and morals, the individual's physical 85841  
fitness for the work, the individual's prior training and 85842  
experience, the length of the individual's unemployment, the 85843  
distance of the available work from the individual's residence, 85844  
and the individual's prospects for obtaining local work. 85845

(G) The "duration of unemployment" as used in this section 85846  
means the full period of unemployment next ensuing after a 85847  
separation from any base period or subsequent work and until an 85848  
individual has become reemployed in employment subject to this 85849  
chapter, or the unemployment compensation act of another state, 85850

or of the United States, and until such individual has worked 85851  
six weeks and for those weeks has earned or been paid 85852  
remuneration equal to six times an average weekly wage of not 85853  
less than: eighty-five dollars and ten cents per week beginning 85854  
on June 26, 1990; and beginning on and after January 1, 1992, 85855  
twenty-seven and one-half per cent of the statewide average 85856  
weekly wage as computed each first day of January under division 85857  
(B) (3) of section 4141.30 of the Revised Code, rounded down to 85858  
the nearest dollar, except for purposes of division (D) (2) (c) of 85859  
this section, such term means the full period of unemployment 85860  
next ensuing after a separation from such work and until such 85861  
individual has become reemployed subject to the terms set forth 85862  
above, and has earned wages equal to one-half of the 85863  
individual's average weekly wage or sixty dollars, whichever is 85864  
less. 85865

(H) If a claimant is disqualified under division (D) (2) 85866  
(a), (c), or (d) of this section or found to be qualified under 85867  
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), 85868  
or (v) of this section or division (A) (2) of section 4141.291 of 85869  
the Revised Code, then benefits that may become payable to such 85870  
claimant, which are chargeable to the account of the employer 85871  
from whom the individual was separated under such conditions, 85872  
shall be charged to the mutualized account provided in section 85873  
4141.25 of the Revised Code, provided that no charge shall be 85874  
made to the mutualized account for benefits chargeable to a 85875  
reimbursing employer, except as provided in division (D) (2) of 85876  
section 4141.24 of the Revised Code. In the case of a 85877  
reimbursing employer, the director shall refund or credit to the 85878  
account of the reimbursing employer any over-paid benefits that 85879  
are recovered under division (B) of section 4141.35 of the 85880  
Revised Code. Amounts chargeable to other states, the United 85881

States, or Canada that are subject to agreements and 85882  
arrangements that are established pursuant to section 4141.43 of 85883  
the Revised Code shall be credited or reimbursed according to 85884  
the agreements and arrangements to which the chargeable amounts 85885  
are subject. 85886

(I) (1) Benefits based on service in employment as provided 85887  
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 85888  
Code shall be payable in the same amount, on the same terms, and 85889  
subject to the same conditions as benefits payable on the basis 85890  
of other service subject to this chapter; except that after 85891  
December 31, 1977: 85892

(a) Benefits based on service in an instructional, 85893  
research, or principal administrative capacity in an institution 85894  
of higher education, as defined in division (Y) of section 85895  
4141.01 of the Revised Code; or for an educational institution 85896  
as defined in division (CC) of section 4141.01 of the Revised 85897  
Code, shall not be paid to any individual for any week of 85898  
unemployment that begins during the period between two 85899  
successive academic years or terms, or during a similar period 85900  
between two regular but not successive terms or during a period 85901  
of paid sabbatical leave provided for in the individual's 85902  
contract, if the individual performs such services in the first 85903  
of those academic years or terms and has a contract or a 85904  
reasonable assurance that the individual will perform services 85905  
in any such capacity for any such institution in the second of 85906  
those academic years or terms. 85907

(b) Benefits based on service for an educational 85908  
institution or an institution of higher education in other than 85909  
an instructional, research, or principal administrative 85910  
capacity, shall not be paid to any individual for any week of 85911

unemployment which begins during the period between two 85912  
successive academic years or terms of the employing educational 85913  
institution or institution of higher education, provided the 85914  
individual performed those services for the educational 85915  
institution or institution of higher education during the first 85916  
such academic year or term and, there is a reasonable assurance 85917  
that such individual will perform those services for any 85918  
educational institution or institution of higher education in 85919  
the second of such academic years or terms. 85920

If compensation is denied to any individual for any week 85921  
under division (I) (1) (b) of this section and the individual was 85922  
not offered an opportunity to perform those services for an 85923  
institution of higher education or for an educational 85924  
institution for the second of such academic years or terms, the 85925  
individual is entitled to a retroactive payment of compensation 85926  
for each week for which the individual timely filed a claim for 85927  
compensation and for which compensation was denied solely by 85928  
reason of division (I) (1) (b) of this section. An application for 85929  
retroactive benefits shall be timely filed if received by the 85930  
director or the director's deputy within or prior to the end of 85931  
the fourth full calendar week after the end of the period for 85932  
which benefits were denied because of reasonable assurance of 85933  
employment. The provision for the payment of retroactive 85934  
benefits under division (I) (1) (b) of this section is applicable 85935  
to weeks of unemployment beginning on and after November 18, 85936  
1983. The provisions under division (I) (1) (b) of this section 85937  
shall be retroactive to September 5, 1982, only if, as a 85938  
condition for full tax credit against the tax imposed by the 85939  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 85940  
3301 to 3311, the United States secretary of labor determines 85941  
that retroactivity is required by federal law. 85942

(c) With respect to weeks of unemployment beginning after 85943  
December 31, 1977, benefits shall be denied to any individual 85944  
for any week which commences during an established and customary 85945  
vacation period or holiday recess, if the individual performs 85946  
any services described in divisions (I)(1)(a) and (b) of this 85947  
section in the period immediately before the vacation period or 85948  
holiday recess, and there is a reasonable assurance that the 85949  
individual will perform any such services in the period 85950  
immediately following the vacation period or holiday recess. 85951

(d) With respect to any services described in division (I) 85952  
(1)(a), (b), or (c) of this section, benefits payable on the 85953  
basis of services in any such capacity shall be denied as 85954  
specified in division (I)(1)(a), (b), or (c) of this section to 85955  
any individual who performs such services in an educational 85956  
institution or institution of higher education while in the 85957  
employ of an educational service agency. For this purpose, the 85958  
term "educational service agency" means a governmental agency or 85959  
governmental entity that is established and operated exclusively 85960  
for the purpose of providing services to one or more educational 85961  
institutions or one or more institutions of higher education. 85962

(e) Any individual employed by a county board of 85963  
developmental disabilities shall be notified by the thirtieth 85964  
day of April each year if the individual is not to be reemployed 85965  
the following academic year. 85966

(f) Any individual employed by a school district, other 85967  
than a municipal school district as defined in section 3311.71 85968  
of the Revised Code, shall be notified by the first day of June 85969  
each year if the individual is not to be reemployed the 85970  
following academic year. 85971

(2) No disqualification will be imposed, between academic 85972



years or terms or during a vacation period or holiday recess 85973  
under this division, unless the director or the director's 85974  
deputy has received a statement in writing from the educational 85975  
institution or institution of higher education that the claimant 85976  
has a contract for, or a reasonable assurance of, reemployment 85977  
for the ensuing academic year or term. 85978

(3) If an individual has employment with an educational 85979  
institution or an institution of higher education and employment 85980  
with a noneducational employer, during the base period of the 85981  
individual's benefit year, then the individual may become 85982  
eligible for benefits during the between-term, or vacation or 85983  
holiday recess, disqualification period, based on employment 85984  
performed for the noneducational employer, provided that the 85985  
employment is sufficient to qualify the individual for benefit 85986  
rights separately from the benefit rights based on school 85987  
employment. The weekly benefit amount and maximum benefits 85988  
payable during a disqualification period shall be computed based 85989  
solely on the nonschool employment. 85990

(J) Benefits shall not be paid on the basis of employment 85991  
performed by an alien, unless the alien had been lawfully 85992  
admitted to the United States for permanent residence at the 85993  
time the services were performed, was lawfully present for 85994  
purposes of performing the services, or was otherwise 85995  
permanently residing in the United States under color of law at 85996  
the time the services were performed, under section 212(d) (5) of 85997  
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 85998  
1101: 85999

(1) Any data or information required of individuals 86000  
applying for benefits to determine whether benefits are not 86001  
payable to them because of their alien status shall be uniformly 86002

required from all applicants for benefits. 86003

(2) In the case of an individual whose application for 86004  
benefits would otherwise be approved, no determination that 86005  
benefits to the individual are not payable because of the 86006  
individual's alien status shall be made except upon a 86007  
preponderance of the evidence that the individual had not, in 86008  
fact, been lawfully admitted to the United States. 86009

(K) The director shall establish and utilize a system of 86010  
profiling all new claimants under this chapter that: 86011

(1) Identifies which claimants will be likely to exhaust 86012  
regular compensation and will need job search assistance 86013  
services to make a successful transition to new employment; 86014

(2) Refers claimants identified pursuant to division (K) 86015  
(1) of this section to reemployment services, such as job search 86016  
assistance services, available under any state or federal law; 86017

(3) Collects follow-up information relating to the 86018  
services received by such claimants and the employment outcomes 86019  
for such claimant's subsequent to receiving such services and 86020  
utilizes such information in making identifications pursuant to 86021  
division (K) (1) of this section; and 86022

(4) Meets such other requirements as the United States 86023  
secretary of labor determines are appropriate. 86024

(L) Except as otherwise provided in division (A) (6) of 86025  
this section, ineligibility pursuant to division (A) of this 86026  
section shall begin on the first day of the week in which the 86027  
claimant becomes ineligible for benefits and shall end on the 86028  
last day of the week preceding the week in which the claimant 86029  
satisfies the eligibility requirements. 86030

(M) The director may adopt rules that the director  
considers necessary for the administration of division (A) of  
this section.

**Sec. 4141.33.** (A) As used in this section:

(1) "Reasonable assurance" means a written, verbal, or  
implied agreement that the individual will perform services in  
the same or similar capacity during the ensuing sports season or  
seasonal period.

(2) "Seasonal employment" means employment of individuals  
hired primarily to perform services in an industry which because  
of climatic conditions or because of the seasonal nature of such  
industry it is customary to operate only during regularly  
recurring periods of forty weeks or less in any consecutive  
fifty-two weeks.

(3) "Seasonal employer" means an employer determined by  
the director of job and family services to be an employer whose  
operations and business, with the exception of certain  
administrative and maintenance operations, are substantially all  
in a seasonal industry.

(4) "Significantly" means forty per cent or more of an  
individual's base period consists of services performed in  
seasonal employment.

(B) Any employer who claims to have seasonal employment in  
a seasonal industry may file with the director a written  
application for classification of such employment as seasonal.  
Whenever in any industry it is customary to operate because of  
climatic conditions or because of the seasonal nature of such  
industry only during regularly recurring periods of forty weeks  
or less duration, benefits shall be payable only during the

longest seasonal periods which the best practice of such 86060  
industry will reasonably permit. The director shall determine, 86061  
~~after investigation, hearing, and due notice,~~ whether the 86062  
industry is seasonal and, if seasonal, establish seasonal 86063  
periods for such seasonal employer. The director shall make the 86064  
determination based on the application for classification filed 86065  
under this section and any other relevant information available. 86066  
Until such determination by the director, no industry or 86067  
employment shall be deemed seasonal. 86068

(C) When the director has determined such seasonal 86069  
periods, the director shall also establish the proportionate 86070  
number of weeks of employment and earnings required to qualify 86071  
for seasonal benefit rights in place of the weeks of employment 86072  
and earnings requirement stipulated in division (R) of section 86073  
4141.01 and section 4141.30 of the Revised Code, and the 86074  
proportionate number of weeks for which seasonal benefits may be 86075  
paid. An individual whose base period employment consists of 86076  
only seasonal employment for a single seasonal employer and who 86077  
meets the employment and earnings requirements determined by the 86078  
director pursuant to this division will have benefit rights 86079  
determined in accordance with this division, except benefits 86080  
shall not be paid for any week between two successive seasonal 86081  
periods. Benefit charges for such seasonal employment shall be 86082  
computed and charged in accordance with division (D) of section 86083  
4141.24 of the Revised Code. The director may adopt rules for 86084  
implementation of this section. 86085

(D) An individual whose base period employment consists of 86086  
either seasonal employment with two or more seasonal employers 86087  
or both seasonal employment and nonseasonal employment with 86088  
employers subject to this chapter, will have benefit rights 86089  
determined in accordance with division (R) of section 4141.01 86090

and section 4141.30 of the Revised Code. Benefit charges for 86091  
both seasonal and nonseasonal employment shall be computed and 86092  
charged in accordance with division (D) of section 4141.24 of 86093  
the Revised Code. The total seasonal and nonseasonal benefits 86094  
during a benefit year cannot exceed twenty-six times the weekly 86095  
benefit amount. Effective October 30, 2011, an individual who 86096  
performs services that significantly consist of services 86097  
performed in seasonal employment shall not be paid benefits for 86098  
those services for any week in the period between two successive 86099  
seasonal periods if the individual performed those services in 86100  
the first of the seasonal periods and there is reasonable 86101  
assurance that the individual will perform those services in the 86102  
later of the seasonal periods. The director shall adopt rules 86103  
for the implementation of this division. 86104

(E) Benefits shall not be paid to any individual on the 86105  
basis of any services, substantially all of which consist of 86106  
participating in sports or athletic events or training or 86107  
preparing to so participate, for any week which commences during 86108  
the period between two successive sport seasons, or similar 86109  
periods, if the individual performed services in the first of 86110  
the seasons, or similar periods, and there is a reasonable 86111  
assurance that the individual will perform services in the later 86112  
of the seasons, or similar periods. 86113

(F) The director shall adopt rules concerning the 86114  
eligibility for benefits of individuals under divisions (D) and 86115  
(E) of this section. 86116

**Sec. 4141.56.** ~~Beginning one year after the effective date~~ 86117  
~~of this section, and every year thereafter, the~~ The director of 86118  
job and family services annually shall prepare a report and 86119  
~~submit a report~~ it by the first day of August to the governor, 86120

the president and minority leader of the senate, and the speaker 86121  
and the minority leader of the house of representatives ~~that~~ 86122  
~~discusses~~. The report shall discuss the utilization of the 86123  
SharedWork Ohio program created under section 4141.50 of the 86124  
Revised Code. The director shall include in that report the 86125  
number of employers and employees participating in the program, 86126  
the amount of shared work compensation paid under the program 86127  
during the immediately preceding year, and any other information 86128  
the director considers to be relevant. 86129

**Sec. 4141.60.** (A) ~~Beginning on the last day of February~~ 86130  
~~that occurs after the effective date of this section, and~~ 86131  
~~annually thereafter, the~~ The director of job and family services 86132  
annually shall prepare a report and submit a report it by the 86133  
first day of August to the persons listed in division (B) of 86134  
this section. The director shall include all of the following 86135  
information in the report with respect to the calendar year 86136  
preceding the date the report is submitted: 86137

(1) The number of calls received from applicants for and 86138  
recipients of benefits under this chapter at all call centers 86139  
operated by the director; 86140

(2) The total number of claims for benefits filed under 86141  
this chapter; 86142

(3) The number of claims for benefits marked as 86143  
potentially fraudulent; 86144

(4) The number of complaints submitted by applicants for 86145  
and recipients of benefits under this chapter through the 86146  
uniform process created by the director under section 4141.13 of 86147  
the Revised Code; 86148

(5) A summary of updates or changes to the technology the 86149

director uses to administer this chapter that have occurred 86150  
during the calendar year covered by the report. 86151

(B) The director shall submit the report required under 86152  
division (A) of this section to the speaker of the house of 86153  
representatives, the president of the senate, and the governor, 86154  
~~and the members of the unemployment compensation modernization~~ 86155  
~~and improvement council.~~ 86156

**Sec. 4301.12.** (A) The division of liquor control shall 86157  
provide for the custody, safekeeping, and deposit of all moneys, 86158  
checks, and drafts received by it or any of its employees or 86159  
agents prior to paying them to the treasurer of state as 86160  
provided by section 113.08 of the Revised Code. 86161

(B) A sum equal to three dollars and thirty-eight cents 86162  
for each gallon of spirituous liquor sold by the division, 86163  
JobsOhio, or a designee of JobsOhio during the period covered by 86164  
the payment shall be paid into the state treasury to the credit 86165  
of the general revenue fund. All moneys Except as provided in 86166  
division (G) of section 4301.30 of the Revised Code, all money 86167  
received from permit fees, except B-2a, S-1, and S-2 permit fees 86168  
from B-2a, S-1, and S-2 permit holders who do not also hold A-2- 86169  
or A-2f permits, shall be paid to the credit of the undivided 86170  
liquor permit fund established by section 4301.30 of the Revised 86171  
Code. 86172

(C) Except as otherwise provided by law, the division 86173  
shall deposit all moneys collected under Chapters 4301. and 86174  
4303. of the Revised Code into the state treasury to the credit 86175  
of the state liquor regulatory fund created in section 4301.30 86176  
of the Revised Code. In addition, revenue resulting from any 86177  
contracts with the department of commerce pertaining to the 86178  
responsibilities and operations described in this chapter may be 86179

credited to the fund.

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(D) Whenever, in the judgment of the director of budget and management, the amount in the liquor control fund is in excess of that needed to meet the maturing obligations of the division, as working capital for its further operations, to pay the operating expenses of the commission, and for the alcohol testing program under section 3701.143 of the Revised Code, the director shall transfer the excess to the credit of the general revenue fund. If the director determines that the amount in the liquor control fund is insufficient, the director may transfer money from the general revenue fund to the liquor control fund.

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**Sec. 4301.19.** The division of liquor control shall sell spirituous liquor only, whether from a warehouse ~~or from~~, a state liquor store ~~or~~, an agency store, or an A-3a permit premises. All sales shall be in sealed containers and for resale as authorized by this chapter and Chapter 4303. of the Revised Code or for consumption off the premises only. Except as otherwise provided in this section, sale of containers holding one-half pint or less of spirituous liquor by the division shall be made at retail only, and not for the purpose of resale by any purchaser, by special order placed with a state liquor store or agency store and subject to rules established by the superintendent of liquor control. The division may sell at wholesale spirituous liquor in fifty milliliter sealed containers to any holder of a permit issued under Chapter 4303. of the Revised Code that authorizes the sale of spirituous liquor for consumption on the premises where sold. A person appointed by the division to act as an agent for the sale of spirituous liquor pursuant to section 4301.17 of the Revised Code may provide and accept gift certificates and may accept credit cards and debit cards for the retail purchase of

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spirituous liquor. Deliveries shall be made in the manner the 86211  
superintendent determines by rule. 86212

Subject to division (A) (3) of section 4301.10 and division 86213  
(A) of section 4301.14 of the Revised Code, if any person 86214  
desires to purchase any variety or brand of spirituous liquor 86215  
which is not in stock at the state liquor store or agency store 86216  
where the variety or brand is ordered, the division shall 86217  
immediately procure the variety or brand. The purchaser shall be 86218  
immediately notified upon the arrival of the spirituous liquor 86219  
at the store at which it was ordered. Unless the purchaser pays 86220  
for the variety or brand and accepts delivery within five days 86221  
after the giving of the notice, the division may place the 86222  
spirituous liquor in stock for general sale. 86223

**Sec. 4301.30.** (A) ~~All~~ Except as provided in division (G) 86224  
of this section, all fees collected by the division of liquor 86225  
control shall be deposited in the state treasury to the credit 86226  
of the undivided liquor permit fund, which is hereby created, at 86227  
the time prescribed under section 4301.12 of the Revised Code. 86228  
Each payment shall be accompanied by a statement showing 86229  
separately the amount collected for each class of permits in 86230  
each municipal corporation and in each township outside the 86231  
limits of any municipal corporation in such township. 86232

(B) (1) An amount equal to forty-five per cent of the fund 86233  
shall be paid from the fund into the state liquor regulatory 86234  
fund, which is hereby created in the state treasury. The state 86235  
liquor regulatory fund shall be used to pay the operating 86236  
expenses of the division of liquor control in administering and 86237  
enforcing Title XLIII of the Revised Code and the operating 86238  
expenses of the liquor control commission. ~~Investment earnings~~ 86239  
~~of the fund shall be credited to the fund.~~ 86240

(2) Whenever, in the judgment of the director of budget and management, the amount of money that is in the state liquor regulatory fund is in excess of the amount that is needed to pay the operating expenses of the division in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the commission, the director shall credit the excess amount to the general revenue fund.

(C) Twenty per cent of the undivided liquor permit fund shall be paid into the statewide treatment and prevention fund, which is hereby created in the state treasury. This amount shall be appropriated by the general assembly, together with an amount equal to one and one-half per cent of the gross profit of the division of liquor control derived under division (B) (4) of section 4301.10 of the Revised Code, to the department of mental health and addiction services. In planning for the allocation of and in allocating these amounts for the purposes of Chapter 5119. of the Revised Code, the department shall comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and any rules adopted under that act.

(D) Thirty-five per cent of the undivided liquor permit fund shall be distributed by the superintendent of liquor control at quarterly calendar periods as follows:

(1) To each municipal corporation, the aggregate amount shown by the statements to have been collected from permits in the municipal corporation, for the use of the general fund of the municipal corporation;

(2) To each township, the aggregate amount shown by the statements to have been collected from permits in its territory, outside the limits of any municipal corporation located in the township, for the use of the general fund of the township, or

for fire protection purposes, including buildings and equipment 86271  
in the township or in an established fire district within the 86272  
township, to the extent that the funds are derived from liquor 86273  
permits within the territory comprising such fire district. 86274

(E) For the purpose of the distribution required by this 86275  
section, E, H, and D permits covering boats or vessels are 86276  
deemed to have been issued in the municipal corporation or 86277  
township wherein the owner or operator of the vehicle, boat, 86278  
vessel, or dining car equipment to which the permit relates has 86279  
the owner's or operator's principal office or place of business 86280  
within the state. 86281

(F) If the division determines that the police or other 86282  
officers of any municipal corporation or township entitled to 86283  
share in distributions under this section are refusing or 86284  
culpably neglecting to enforce this chapter and Chapter 4303. of 86285  
the Revised Code, or the penal laws of this state relating to 86286  
the manufacture, importation, transportation, distribution, and 86287  
sale of beer and intoxicating liquors, or if the prosecuting 86288  
officer of a municipal corporation or a municipal court fails to 86289  
comply with the request of the division authorized by division 86290  
(A) (4) of section 4301.10 of the Revised Code, the division, by 86291  
certified mail or by electronic means as determined by the 86292  
superintendent to provide proper notice under the laws of this 86293  
state, may notify the chief executive officer of the municipal 86294  
corporation or the board of township trustees of the township of 86295  
the failure and require the immediate cooperation of the 86296  
responsible officers of the municipal corporation or township 86297  
with the division in the enforcement of those chapters and penal 86298  
laws. Within thirty days after the notice is served, the 86299  
division shall determine whether the requirement has been 86300  
complied with. If the division determines that the requirement 86301

has not been complied with, it may withhold the distributive 86302  
share of the municipal corporation or township. This action of 86303  
the division is reviewable within thirty days thereafter in the 86304  
court of common pleas of Franklin county. 86305

(G) All fees collected by the division of liquor control 86306  
from the issuance or renewal of ~~B-2a, S-1, and S-2 permits, and~~ 86307  
~~paid by B-2a, S-1, and S-2 permit holders who do not also hold~~ 86308  
~~A-1 or A-1c permits or A-2 or A-2f permits,~~ the following permits 86309  
shall be deposited in the state treasury to the credit of the 86310  
state liquor regulatory fund: 86311

(1) B-2a, S-1, and S-2 permits paid by B-2a, S-1, and S-2 86312  
permit holders who do not also hold A-1 or A-1c permits or A-2 86313  
or A-2f permits; 86314

(2) H permits where the permit premises are located 86315  
outside of this state. ~~Once~~ 86316

Once during each fiscal year, an amount equal to fifty per 86317  
cent of the fees collected shall be paid from the state liquor 86318  
regulatory fund into the general revenue fund. 86319

**Sec. 4301.421.** (A) For the purposes of section 307.696 of 86320  
the Revised Code, to pay the expenses of administering the tax, 86321  
and to pay any or all of the charge the board of elections makes 86322  
against the county to hold the election on the question of 86323  
levying the tax, or for those purposes and to provide revenues 86324  
to the county for permanent improvements, the board of county 86325  
commissioners may levy a tax on the sale of beer at a rate not 86326  
to exceed sixteen cents per gallon, on the sale of cider at a 86327  
rate not to exceed twenty-four cents per gallon, and on the sale 86328  
of wine and mixed beverages at a rate not to exceed thirty-two 86329  
cents per gallon. The tax shall be imposed on all beer, cider, 86330

wine, and mixed beverages sold for resale at retail in the 86331  
county, and on all beer, cider, wine, and mixed beverages sold 86332  
at retail in the county by the manufacturer, bottler, importer, 86333  
or other person upon which the tax has not been paid. The tax 86334  
shall not be levied on the sale of wine to be used for known 86335  
sacramental purposes. The tax may be levied for any number of 86336  
years not exceeding twenty. The tax shall be in addition to the 86337  
taxes imposed by sections 4301.42, 4301.43, 4301.432, and 86338  
4305.01 of the Revised Code. The tax shall not be considered a 86339  
cost in any computation required under rules of the liquor 86340  
control commission regulating minimum prices or mark-ups. 86341

Only one sale of the same article shall be used in 86342  
computing, reporting, and paying the amount of tax due. 86343

The tax shall be levied pursuant to a resolution of the 86344  
county commissioners approved by a majority of the electors in 86345  
the county voting on the question of levying the tax, which 86346  
resolution shall specify the rate of the tax, the number of 86347  
years the tax will be levied, and the purposes for which the tax 86348  
is levied. The election may be held on the date of a general 86349  
election or special election held not sooner than ninety days 86350  
after the date the board certifies its resolution to the board 86351  
of elections. If approved by the electors, the tax shall take 86352  
effect on the first day of the month specified in the resolution 86353  
but not sooner than the first day of the month that is at least 86354  
sixty days after the certification of the election results by 86355  
the board of elections. A copy of the resolution levying the tax 86356  
and the certification of the board of elections shall be 86357  
certified to the tax commissioner at least sixty days prior to 86358  
the date on which the tax is to become effective. 86359

A resolution under this section may be joined on the 86360

ballot as a single question with a resolution adopted under 86361  
section 307.697 or 5743.024 of the Revised Code to levy a tax 86362  
for the same purposes and for the purpose of paying the expenses 86363  
of administering the tax. The form of the ballot in an election 86364  
held pursuant to this section shall be as prescribed in section 86365  
307.697 of the Revised Code. 86366

(B) The board of county commissioners of a county in which 86367  
a tax is imposed under this section on the effective date of the 86368  
amendment of this section by H.B. 59 of the 130th general 86369  
assembly, September 29, 2013, may levy a tax for the purpose of 86370  
section 307.673 of the Revised Code regardless of whether or not 86371  
the cooperative agreement authorized under that section has been 86372  
entered into prior to the day the resolution adopted under 86373  
division (B)(1) or (2) of this section is adopted, for the 86374  
purpose of reimbursing a county for costs incurred in the 86375  
construction of a sports facility pursuant to an agreement 86376  
entered into by the county under section 307.696 of the Revised 86377  
Code, or for the purpose of paying the costs of capital repairs 86378  
of and improvements to a sports facility. The tax shall be 86379  
levied and approved in one of the manners prescribed by division 86380  
(B)(1) or (2) of this section. 86381

(1) The tax may be levied pursuant to a resolution adopted 86382  
by a majority of the members of the board of county 86383  
commissioners not later than September 2, 1995. A board of 86384  
county commissioners approving a tax under division (B)(1) of 86385  
this section may approve a tax under division (D)(1) of section 86386  
307.697 or division (C)(1) of section 5743.024 of the Revised 86387  
Code at the same time. Subject to the resolution being submitted 86388  
to a referendum under sections 305.31 to 305.41 of the Revised 86389  
Code, the resolution shall take effect immediately, but the tax 86390  
levied pursuant to the resolution shall not be levied prior to 86391

the day following the last day that any tax previously levied 86392  
pursuant to this division may be levied. 86393

(2) The tax may be levied pursuant to a resolution adopted 86394  
by a majority of the members of the board of county 86395  
commissioners not later than September 1, 2015, and approved by 86396  
a majority of the electors of the county voting on the question 86397  
of levying the tax. The board of county commissioners shall 86398  
certify a copy of the resolution to the board of elections 86399  
immediately upon adopting a resolution under division (D) (2) of 86400  
this section. The election may be held on the date of a general 86401  
or special election held not sooner than ninety days after the 86402  
date the board certifies its resolution to the board of 86403  
elections. The form of the ballot shall be as prescribed by 86404  
division (C) of section 307.697 of the Revised Code, except that 86405  
the phrase "paying not more than one-half of the costs of 86406  
providing a sports facility together with related redevelopment 86407  
and economic development projects" shall be replaced by the 86408  
phrase "paying the costs of constructing, renovating, improving, 86409  
or repairing a sports facility and reimbursing a county for 86410  
costs incurred by the county in the construction of a sports 86411  
facility," and the phrase ", beginning \_\_\_\_\_ (here insert 86412  
the earliest date the tax would take effect)" shall be appended 86413  
after "years." A board of county commissioners submitting the 86414  
question of a tax under division (B) (2) of this section may 86415  
submit the question of a tax under division (D) (2) of section 86416  
307.697 or division (C) (2) of section 5743.024 of the Revised 86417  
Code as a single question, and the form of the ballot shall 86418  
include each of the proposed taxes. 86419

If approved by a majority of electors voting on the 86420  
question, the tax shall take effect on the day specified on the 86421  
ballot, which shall not be earlier than the day following the 86422

last day that any tax previously levied pursuant to this 86423  
division may be levied. 86424

The rate of a tax levied pursuant to division (B) (1) or 86425  
(2) of this section shall not exceed the rate specified in 86426  
division (A) of this section. A tax levied pursuant to division 86427  
(B) (1) or (2) of this section may be levied for any number of 86428  
years not exceeding twenty. 86429

A board of county commissioners adopting a resolution 86430  
under division (B) (1) or (2) of this section shall certify a 86431  
copy of the resolution to the tax commissioner immediately upon 86432  
adoption of the resolution. 86433

(C) The board of county commissioners of a county whose 86434  
population is greater than one million one hundred thousand but 86435  
less than one million three hundred thousand may levy a tax 86436  
under this division for the purpose of section 307.673 of the 86437  
Revised Code regardless of whether or not the cooperative 86438  
agreement authorized under that section has been entered into 86439  
prior to the day the resolution adopted under division (C) of 86440  
this section is adopted, for the purpose of reimbursing a county 86441  
for costs incurred in the construction of a sports facility 86442  
pursuant to an agreement entered into by the county under 86443  
section 307.696 of the Revised Code, or for the purpose of 86444  
paying the costs of constructing, equipping, furnishing, 86445  
maintaining, renovating, improving, or repairing a sports 86446  
facility. The tax may be levied for any number of years or for a 86447  
continuing period of time. 86448

The tax may be levied pursuant to a resolution adopted by 86449  
the board of county commissioners and approved by a majority of 86450  
the electors of the county voting on the question of levying the 86451  
tax. The board of county commissioners shall certify a copy of 86452



the resolution to the board of elections immediately upon 86453  
adopting a resolution under division (C) of this section. The 86454  
election may be held on the date of a general or special 86455  
election held not sooner than ninety days after the date the 86456  
board certifies its resolution to the board of elections. The 86457  
form of the ballot shall be as follows or in any other form 86458  
acceptable to the secretary of state: 86459

"For the purpose of \_\_\_\_\_ (state the purpose or 86460  
purposes), shall an excise tax be levied by \_\_\_\_\_ county at 86461  
the rate of \_\_\_\_\_ cents per gallon on the sale of beer at 86462  
wholesale in the county, \_\_\_\_\_ cents per gallon on the sale of 86463  
wine and mixed beverages at wholesale in the county, and 86464  
cents per gallon on the sale of cider at wholesale in the county 86465  
for \_\_\_\_\_ (number of years or a continuing period of time), the 86466  
tax beginning on \_\_\_\_\_ (the earliest date the tax would 86467  
take effect)? 86468

	<u>Yes</u>	
	<u>No</u>	"

A board of county commissioners submitting the question of 86470  
a tax under division (C) of this section may submit the question 86471  
of a tax under section 5743.511, division (E) of section 86472  
307.697, or division (D) of section 5743.024 of the Revised 86473  
Code, or all, as a single question, provided that each tax is 86474  
for the same purpose and period of time and the form of the 86475  
ballot states the rate of each of the proposed taxes. 86476

If approved by a majority of electors voting on the 86477  
question, the tax shall take effect on the date specified in the 86478  
resolution but not sooner than the first day of the month that 86479

is at least sixty days after the certification of the election 86480  
results by the board of elections. The tax levied under division 86481  
(C) of this section may be approved and take effect before the 86482  
expiration of the tax levied under division (B) of this section. 86483  
The tax levied under division (C) of this section shall 86484  
supersede and replace any tax levied under division (B) of this 86485  
section, and the tax levied under division (B) of this section 86486  
shall no longer be levied once the tax levied under division (C) 86487  
of this section takes effect. 86488

The rate of tax levied pursuant to division (C) of this 86489  
section on the sale of beer shall not exceed thirty-two cents 86490  
per gallon, on the sale of cider shall not exceed forty-eight 86491  
cents per gallon, and on the sale of wine and mixed beverages 86492  
shall not exceed sixty-four cents per gallon. The tax levied 86493  
pursuant to division (C) of this section shall be imposed on all 86494  
beer, cider, wine, and mixed beverages sold for resale at retail 86495  
in the county, and on all beer, cider, wine, and mixed beverages 86496  
sold at retail in the county by the bottler, importer, or other 86497  
person upon which the tax has not been paid. The tax levied 86498  
pursuant to division (C) of this section shall not be levied on 86499  
the sale of wine to be used for known sacramental purposes. 86500

The tax levied pursuant to division (C) of this section 86501  
shall be in addition to the taxes imposed by sections 4301.42, 86502  
4301.43, 4301.432, and 4305.01 of the Revised Code. The tax 86503  
levied pursuant to division (C) of this section shall not be 86504  
considered a cost in any computation required under rules of the 86505  
liquor control commission regulating minimum prices or mark-ups. 86506  
Only one sale of the same article shall be used in computing, 86507  
reporting, and paying the amount of tax due. 86508

A board of county commissioners adopting a resolution 86509

under division (C) of this section shall certify a copy of the 86510  
resolution to the tax commissioner immediately upon adoption of 86511  
the resolution. 86512

(D) No tax shall be levied under division (A) of this 86513  
section on or after September 23, 2008. This division does not 86514  
apply to a tax levied under division (B) or (C) of this section, 86515  
and does not prevent the collection of any tax levied under this 86516  
section before September 23, 2008, so long as that tax remains 86517  
effective. 86518

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 86519  
owner or operator of a hotel or motel that is required to be 86520  
licensed under section 3731.03 of the Revised Code, that 86521  
contains at least fifty rooms for registered transient guests or 86522  
is owned by a state institution of higher education as defined 86523  
in section 3345.011 of the Revised Code or a private college or 86524  
university, and that qualifies under the other requirements of 86525  
this section, or to the owner or operator of a restaurant 86526  
specified under this section, to sell beer and any intoxicating 86527  
liquor at retail, only by the individual drink in glass and from 86528  
the container, for consumption on the premises where sold, and 86529  
to registered guests in their rooms, which may be sold by means 86530  
of a controlled access alcohol and beverage cabinet in 86531  
accordance with division (B) of section 4301.21 of the Revised 86532  
Code; and to sell the same products in the same manner and 86533  
amounts not for consumption on the premises as may be sold by 86534  
holders of D-1 and D-2 permits. The premises of the hotel or 86535  
motel shall include a retail food establishment or a food 86536  
service operation licensed pursuant to Chapter 3717. of the 86537  
Revised Code that operates as a restaurant for purposes of this 86538  
chapter and that is affiliated with the hotel or motel and 86539  
within or contiguous to the hotel or motel, and that serves food 86540

within the hotel or motel, but the principal business of the 86541  
owner or operator of the hotel or motel shall be the 86542  
accommodation of transient guests. In addition to the privileges 86543  
authorized in this division, the holder of a D-5a permit may 86544  
exercise the same privileges, and shall observe the same hours 86545  
of operation, as the holder of a D-5 permit. 86546

The owner or operator of a hotel, motel, or restaurant who 86547  
qualified for and held a D-5a permit on August 4, 1976, may, if 86548  
the owner or operator held another permit before holding a D-5a 86549  
permit, either retain a D-5a permit or apply for the permit 86550  
formerly held, and the division of liquor control shall issue 86551  
the permit for which the owner or operator applies and formerly 86552  
held, notwithstanding any quota. 86553

A D-5a permit shall not be transferred to another 86554  
location. No quota restriction shall be placed on the number of 86555  
D-5a permits that may be issued. 86556

The fee for this permit is two thousand three hundred 86557  
forty-four dollars. 86558

(B) Permit D-5b may be issued to the owner, operator, 86559  
tenant, lessee, or occupant of an enclosed shopping center to 86560  
sell beer and intoxicating liquor at retail, only by the 86561  
individual drink in glass and from the container, for 86562  
consumption on the premises where sold; and to sell the same 86563  
products in the same manner and amount not for consumption on 86564  
the premises as may be sold by holders of D-1 and D-2 permits. 86565  
In addition to the privileges authorized in this division, the 86566  
holder of a D-5b permit may exercise the same privileges, and 86567  
shall observe the same hours of operation, as a holder of a D-5 86568  
permit. 86569

A D-5b permit shall not be transferred to another 86570  
location. 86571

One D-5b permit may be issued at an enclosed shopping 86572  
center containing at least two hundred twenty-five thousand, but 86573  
less than four hundred thousand, square feet of floor area. 86574

Two D-5b permits may be issued at an enclosed shopping 86575  
center containing at least four hundred thousand square feet of 86576  
floor area. No more than one D-5b permit may be issued at an 86577  
enclosed shopping center for each additional two hundred 86578  
thousand square feet of floor area or fraction of that floor 86579  
area, up to a maximum of five D-5b permits for each enclosed 86580  
shopping center. The number of D-5b permits that may be issued 86581  
at an enclosed shopping center shall be determined by 86582  
subtracting the number of D-3 and D-5 permits issued in the 86583  
enclosed shopping center from the number of D-5b permits that 86584  
otherwise may be issued at the enclosed shopping center under 86585  
the formulas provided in this division. Except as provided in 86586  
this section, no quota shall be placed on the number of D-5b 86587  
permits that may be issued. Notwithstanding any quota provided 86588  
in this section, the holder of any D-5b permit first issued in 86589  
accordance with this section is entitled to its renewal in 86590  
accordance with section 4303.271 of the Revised Code. 86591

The holder of a D-5b permit issued before April 4, 1984, 86592  
whose tenancy is terminated for a cause other than nonpayment of 86593  
rent, may return the D-5b permit to the division of liquor 86594  
control, and the division shall cancel that permit. Upon 86595  
cancellation of that permit and upon the permit holder's payment 86596  
of taxes, contributions, premiums, assessments, and other debts 86597  
owing or accrued upon the date of cancellation to this state and 86598  
its political subdivisions and a filing with the division of a 86599

certification of that payment, the division shall issue to that 86600  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 86601  
as that person requests. The division shall issue the D-5 86602  
permit, or the D-1, D-2, and D-3 permits, even if the number of 86603  
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 86604  
corporation or in the unincorporated area of the township where 86605  
that person's proposed premises is located equals or exceeds the 86606  
maximum number of such permits that can be issued in that 86607  
municipal corporation or in the unincorporated area of that 86608  
township under the population quota restrictions contained in 86609  
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 86610  
permit so issued shall not be transferred to another location. 86611  
If a D-5b permit is canceled under the provisions of this 86612  
paragraph, the number of D-5b permits that may be issued at the 86613  
enclosed shopping center for which the D-5b permit was issued, 86614  
under the formula provided in this division, shall be reduced by 86615  
one if the enclosed shopping center was entitled to more than 86616  
one D-5b permit under the formula. 86617

The fee for this permit is two thousand three hundred 86618  
forty-four dollars. 86619

(C) Permit D-5c may be issued to the owner or operator of 86620  
a retail food establishment or a food service operation licensed 86621  
pursuant to Chapter 3717. of the Revised Code that operates as a 86622  
restaurant for purposes of this chapter and that qualifies under 86623  
the other requirements of this section to sell beer and any 86624  
intoxicating liquor at retail, only by the individual drink in 86625  
glass and from the container, for consumption on the premises 86626  
where sold, and to sell the same products in the same manner and 86627  
amounts not for consumption on the premises as may be sold by 86628  
holders of D-1 and D-2 permits. In addition to the privileges 86629  
authorized in this division, the holder of a D-5c permit may 86630

exercise the same privileges, and shall observe the same hours 86631  
of operation, as the holder of a D-5 permit. 86632

To qualify for a D-5c permit, the owner or operator of a 86633  
retail food establishment or a food service operation licensed 86634  
pursuant to Chapter 3717. of the Revised Code that operates as a 86635  
restaurant for purposes of this chapter, shall have operated the 86636  
restaurant at the proposed premises for not less than twenty- 86637  
four consecutive months immediately preceding the filing of the 86638  
application for the permit, have applied for a D-5 permit no 86639  
later than December 31, 1988, and appear on the division's quota 86640  
waiting list for not less than six months immediately preceding 86641  
the filing of the application for the permit. In addition to 86642  
these requirements, the proposed D-5c permit premises shall be 86643  
located within a municipal corporation and further within an 86644  
election precinct that, at the time of the application, has no 86645  
more than twenty-five per cent of its total land area zoned for 86646  
residential use. 86647

A D-5c permit shall not be transferred to another 86648  
location. No quota restriction shall be placed on the number of 86649  
such permits that may be issued. 86650

Any person who has held a D-5c permit for at least two 86651  
years may apply for a D-5 permit, and the division of liquor 86652  
control shall issue the D-5 permit notwithstanding the quota 86653  
restrictions contained in section 4303.29 of the Revised Code or 86654  
in any rule of the liquor control commission. 86655

The fee for this permit is one thousand five hundred 86656  
sixty-three dollars. 86657

(D) (1) Permit D-5d may be issued to the owner or operator 86658  
of a retail food establishment or a food service operation 86659

licensed pursuant to Chapter 3717. of the Revised Code that 86660  
operates as a restaurant for purposes of this chapter and that 86661  
is located at an airport operated by a municipal corporation, at 86662  
an airport operated by a board of county commissioners pursuant 86663  
to section 307.20 of the Revised Code, at an airport operated by 86664  
a port authority pursuant to Chapter 4582. of the Revised Code, 86665  
or at an airport operated by a regional airport authority 86666  
pursuant to Chapter 308. of the Revised Code. 86667

(2) The holder of a D-5d permit may sell either of the 86668  
following: 86669

(a) Beer and any intoxicating liquor at retail, only by 86670  
the individual drink in glass and from the container, for 86671  
consumption on the premises where sold. In addition, such 86672  
consumption may occur in the area of the airport terminal that 86673  
is restricted to persons taking flights to and from the airport, 86674  
provided all of the following apply: 86675

(i) The airport's governing body authorizes the 86676  
consumption of beer and intoxicating liquor in that area. 86677

(ii) The D-5d permit holder is located in that area. 86678

(iii) The airport is a public-use airport, as defined in 86679  
section 4563.30 of the Revised Code, that has commercial flight 86680  
activity and has one or more passenger or property screening 86681  
checkpoints or restricted areas used as security measures. 86682

(iv) The beer or intoxicating liquor is served solely in 86683  
plastic bottles or other plastic containers that clearly 86684  
identify the D-5d permit holder. 86685

(b) The same products in the same manner and amounts not 86686  
for consumption on the premises where sold as may be sold by the 86687  
holders of D-1 and D-2 permits. 86688



In addition to the privileges authorized in division (D) 86689  
of this section, the holder of a D-5d permit may exercise the 86690  
same privileges, and shall observe the same hours of operation, 86691  
as the holder of a D-5 permit. 86692

(3) A D-5d permit shall not be transferred to another 86693  
location. No quota restrictions shall be placed on the number of 86694  
such permits that may be issued. 86695

(4) The fee for the D-5d permit is two thousand three 86696  
hundred forty-four dollars. 86697

(E) Permit D-5e may be issued to any nonprofit 86698  
organization that is exempt from federal income taxation under 86699  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 86700  
501(c)(3), as amended, or that is a charitable organization 86701  
under any chapter of the Revised Code, and that owns or operates 86702  
a riverboat that meets all of the following: 86703

(1) Is permanently docked at one location; 86704

(2) Is designated as an historical riverboat by the Ohio 86705  
history connection; 86706

(3) Contains not less than fifteen hundred square feet of 86707  
floor area; 86708

(4) Has a seating capacity of fifty or more persons. 86709

The holder of a D-5e permit may sell beer and intoxicating 86710  
liquor at retail, only by the individual drink in glass and from 86711  
the container, for consumption on the premises where sold. 86712

A D-5e permit shall not be transferred to another 86713  
location. No quota restriction shall be placed on the number of 86714  
such permits that may be issued. The population quota 86715  
restrictions contained in section 4303.29 of the Revised Code or 86716

in any rule of the liquor control commission shall not apply to 86717  
this division, and the division shall issue a D-5e permit to any 86718  
applicant who meets the requirements of this division. However, 86719  
the division shall not issue a D-5e permit if the permit 86720  
premises or proposed permit premises are located within an area 86721  
in which the sale of spirituous liquor by the glass is 86722  
prohibited. 86723

In addition to the privileges authorized in this division, 86724  
the holder of a D-5e permit may exercise the same privileges, 86725  
and shall observe the same hours of operation, as the holder of 86726  
a D-5 permit. 86727

The fee for this permit is one thousand two hundred 86728  
nineteen dollars. 86729

(F) Permit D-5f may be issued to the owner or operator of 86730  
a retail food establishment or a food service operation licensed 86731  
under Chapter 3717. of the Revised Code that operates as a 86732  
restaurant for purposes of this chapter and that meets all of 86733  
the following: 86734

(1) It contains not less than twenty-five hundred square 86735  
feet of floor area. 86736

(2) It is located on or in, or immediately adjacent to, 86737  
the shoreline of, a navigable river. 86738

(3) It provides docking space for twenty-five boats. 86739

(4) It provides entertainment and recreation, provided 86740  
that not less than fifty per cent of the business on the permit 86741  
premises shall be preparing and serving meals for a 86742  
consideration. 86743

In addition, each application for a D-5f permit shall be 86744

accompanied by a certification from the local legislative 86745  
authority that the issuance of the D-5f permit is not 86746  
inconsistent with that political subdivision's comprehensive 86747  
development plan or other economic development goal as 86748  
officially established by the local legislative authority. 86749

The holder of a D-5f permit may sell beer and intoxicating 86750  
liquor at retail, only by the individual drink in glass and from 86751  
the container, for consumption on the premises where sold. 86752

A D-5f permit shall not be transferred to another 86753  
location. 86754

The division of liquor control shall not issue a D-5f 86755  
permit if the permit premises or proposed permit premises are 86756  
located within an area in which the sale of spirituous liquor by 86757  
the glass is prohibited. In addition to the privileges 86758  
authorized in this division, the holder of a D-5f permit may 86759  
exercise the same privileges, and shall observe the same hours 86760  
of operation, as the holder of a D-5 permit. 86761

A fee for this permit is two thousand three hundred forty- 86762  
four dollars. 86763

As used in this division, "navigable river" means a river 86764  
that is also a "navigable water" as defined in the "Federal 86765  
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 86766

(G) Permit D-5g may be issued to a nonprofit corporation 86767  
that is either the owner or the operator of a national 86768  
professional sports museum. The holder of a D-5g permit may sell 86769  
beer and any intoxicating liquor at retail, only by the 86770  
individual drink in glass and from the container, for 86771  
consumption on the premises where sold. The holder of a D-5g 86772  
permit shall sell no beer or intoxicating liquor for consumption 86773

on the premises where sold after two-thirty a.m. A D-5g permit 86774  
shall not be transferred to another location. No quota 86775  
restrictions shall be placed on the number of D-5g permits that 86776  
may be issued. In addition to the privileges authorized in this 86777  
division, the holder of a D-5g permit may exercise the same 86778  
privileges, and shall observe the same hours of operation, as 86779  
the holder of a D-5 permit. 86780

The fee for this permit is one thousand eight hundred 86781  
seventy-five dollars. 86782

(H) (1) Permit D-5h may be issued to any nonprofit 86783  
organization that is exempt from federal income taxation under 86784  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 86785  
501(c) (3), as amended, that owns or operates any of the 86786  
following: 86787

(a) A fine arts museum, provided that the nonprofit 86788  
organization has no less than one thousand five hundred bona 86789  
fide members possessing full membership privileges; 86790

(b) A community arts center. As used in division (H) (1) (b) 86791  
of this section, "community arts center" means a facility that 86792  
provides arts programming to the community in more than one arts 86793  
discipline, including, but not limited to, exhibits of works of 86794  
art and performances by both professional and amateur artists. 86795

(c) A community theater, provided that the nonprofit 86796  
organization is a member of the Ohio arts council and the 86797  
American community theatre association and has been in existence 86798  
for not less than ten years. As used in division (H) (1) (c) of 86799  
this section, "community theater" means a facility that contains 86800  
at least one hundred fifty seats and has a primary function of 86801  
presenting live theatrical performances and providing 86802

recreational opportunities to the community. 86803

(2) The holder of a D-5h permit may sell beer and any 86804  
intoxicating liquor at retail, only by the individual drink in 86805  
glass and from the container, for consumption on the premises 86806  
where sold. A D-5h permit shall not be transferred to another 86807  
location. No quota restrictions shall be placed on the number of 86808  
D-5h permits that may be issued. 86809

(3) In addition to the privileges authorized in this 86810  
division, the holder of a D-5h permit may exercise the same 86811  
privileges, and shall observe the same hours of operation, as 86812  
the holder of a D-5 permit. 86813

(4) The fee for a D-5h permit is one thousand eight 86814  
hundred seventy-five dollars. 86815

(I) Permit D-5i may be issued to the owner or operator of 86816  
a retail food establishment or a food service operation licensed 86817  
under Chapter 3717. of the Revised Code that operates as a 86818  
restaurant for purposes of this chapter and that meets all of 86819  
the following requirements: 86820

(1) It is located in a municipal corporation or a township 86821  
with a population of one hundred thousand or less. 86822

(2) It has inside seating capacity for at least one 86823  
hundred forty persons. 86824

(3) It has at least four thousand square feet of floor 86825  
area. 86826

(4) It offers full-course meals, appetizers, and 86827  
sandwiches. 86828

(5) Its receipts from beer and liquor sales, excluding 86829  
wine sales, do not exceed twenty-five per cent of its total 86830

gross receipts. 86831

(6) It has at least one of the following characteristics: 86832

(a) The value of its real and personal property exceeds 86833  
seven hundred twenty-five thousand dollars. 86834

(b) It is located on property that is owned or leased by 86835  
the state or a state agency, and its owner or operator has 86836  
authorization from the state or the state agency that owns or 86837  
leases the property to obtain a D-5i permit. 86838

The holder of a D-5i permit may sell beer and any 86839  
intoxicating liquor at retail, only by the individual drink in 86840  
glass and from the container, for consumption on the premises 86841  
where sold, and may sell the same products in the same manner 86842  
and amounts not for consumption on the premises where sold as 86843  
may be sold by the holders of D-1 and D-2 permits. In addition 86844  
to the privileges authorized in this division, the holder of a 86845  
D-5i permit may exercise the same privileges, and shall observe 86846  
the same hours of operation, as the holder of a D-5 permit. 86847

A D-5i permit shall not be transferred to another 86848  
location. The division of liquor control shall not renew a D-5i 86849  
permit unless the retail food establishment or food service 86850  
operation for which it is issued continues to meet the 86851  
requirements described in divisions (I)(1) to (6) of this 86852  
section. No quota restrictions shall be placed on the number of 86853  
D-5i permits that may be issued. The fee for the D-5i permit is 86854  
two thousand three hundred forty-four dollars. 86855

(J) Permit D-5j may be issued to the owner or the operator 86856  
of a retail food establishment or a food service operation 86857  
licensed under Chapter 3717. of the Revised Code to sell beer 86858  
and intoxicating liquor at retail, only by the individual drink 86859

in glass and from the container, for consumption on the premises 86860  
where sold and to sell beer and intoxicating liquor in the same 86861  
manner and amounts not for consumption on the premises where 86862  
sold as may be sold by the holders of D-1 and D-2 permits. The 86863  
holder of a D-5j permit may exercise the same privileges, and 86864  
shall observe the same hours of operation, as the holder of a D- 86865  
5 permit. 86866

The D-5j permit shall be issued only within a community 86867  
entertainment district that is designated under section 4301.80 86868  
of the Revised Code. The permit shall not be issued to a 86869  
community entertainment district that is designated under 86870  
divisions (B) and (C) of section 4301.80 of the Revised Code if 86871  
the district does not meet one of the following qualifications: 86872

(1) It is located in a municipal corporation with a 86873  
population of at least one hundred thousand. 86874

(2) It is located in a municipal corporation with a 86875  
population of at least twenty thousand, and either of the 86876  
following applies: 86877

(a) It contains an amusement park the rides of which have 86878  
been issued a permit by the department of agriculture under 86879  
Chapter 1711. of the Revised Code. 86880

(b) Not less than fifty million dollars will be invested 86881  
in development and construction in the community entertainment 86882  
district's area located in the municipal corporation. 86883

(3) It is located in a township with a population of at 86884  
least forty thousand. 86885

(4) It is located in a township with a population of at 86886  
least twenty thousand, and not less than seventy million dollars 86887  
will be invested in development and construction in the 86888

community entertainment district's area located in the township. 86889

(5) It is located in a municipal corporation with a 86890  
population between seven thousand and twenty thousand, and both 86891  
of the following apply: 86892

(a) The municipal corporation ~~was incorporated as a~~ 86893  
~~village prior to calendar year 1880 and~~ currently has a historic 86894  
downtown business district. 86895

(b) The municipal corporation is located in the same 86896  
county as another municipal corporation with at least one 86897  
community entertainment district. 86898

(6) It is located in a municipal corporation with a 86899  
population of at least ten thousand, and not less than seventy 86900  
million dollars will be invested in development and construction 86901  
in the community entertainment district's area located in the 86902  
municipal corporation. 86903

(7) It is located in a municipal corporation with a 86904  
population of at least three thousand, and not less than one 86905  
hundred fifty million dollars will be invested in development 86906  
and construction in the community entertainment district's area 86907  
located in the municipal corporation. 86908

The location of a D-5j permit may be transferred only 86909  
within the geographic boundaries of the community entertainment 86910  
district in which it was issued and shall not be transferred 86911  
outside the geographic boundaries of that district. 86912

Not more than one D-5j permit shall be issued within each 86913  
community entertainment district for each five acres of land 86914  
located within the district. Not more than fifteen D-5j permits 86915  
may be issued within a single community entertainment district. 86916  
Except as otherwise provided in division (J) (4) of this section, 86917



no quota restrictions shall be placed upon the number of D-5j permits that may be issued. 86918  
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The fee for a D-5j permit is two thousand three hundred forty-four dollars. 86920  
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(K) (1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c) (3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members. 86922  
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(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold. 86929  
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(3) In addition to the privileges authorized in this division, the holder of a D-5k permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit. 86932  
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(4) A D-5k permit shall not be transferred to another location. 86936  
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(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued. 86938  
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(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars. 86940  
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(L) (1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the 86942  
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individual drink in glass and from the container, for 86946  
consumption on the premises where sold and to sell beer and 86947  
intoxicating liquor in the same manner and amounts not for 86948  
consumption on the premises where sold as may be sold by the 86949  
holders of D-1 and D-2 permits. The holder of a D-51 permit may 86950  
exercise the same privileges, and shall observe the same hours 86951  
of operation, as the holder of a D-5 permit. 86952

(2) The D-51 permit shall be issued only to a premises to 86953  
which all of the following apply: 86954

(a) The premises has gross annual receipts from the sale 86955  
of food and meals that constitute not less than seventy-five per 86956  
cent of its total gross annual receipts. 86957

(b) The premises is located within a revitalization 86958  
district that is designated under section 4301.81 of the Revised 86959  
Code. 86960

(c) The premises is located in a municipal corporation or 86961  
township in which the number of D-5 permits issued equals or 86962  
exceeds the number of those permits that may be issued in that 86963  
municipal corporation or township under section 4303.29 of the 86964  
Revised Code. 86965

(d) The premises meets any of the following 86966  
qualifications: 86967

(i) It is located in a county with a population of one 86968  
hundred twenty-five thousand or less according to the population 86969  
estimates certified by the development services agency for 86970  
calendar year 2006. 86971

(ii) It is located in the municipal corporation that has 86972  
the largest population in a county when the county has a 86973  
population between two hundred fifteen thousand and two hundred 86974

twenty-five thousand according to the population estimates 86975  
certified by the development services agency for calendar year 86976  
2006. Division (L) (2) (d) (ii) of this section applies only to a 86977  
municipal corporation that is wholly located in a county. 86978

(iii) It is located in the municipal corporation that has 86979  
the largest population in a county when the county has a 86980  
population between one hundred forty thousand and one hundred 86981  
forty-one thousand according to the population estimates 86982  
certified by the development services agency for calendar year 86983  
2006. Division (L) (2) (d) (iii) of this section applies only to a 86984  
municipal corporation that is wholly located in a county. 86985

(iv) It is located in a township with a population density 86986  
of less than four hundred fifty people per square mile. For 86987  
purposes of division (L) (2) (d) (iv) of this section, the 86988  
population of a township is considered to be the population 86989  
shown by the most recent regular federal decennial census. 86990

(v) It is located in a municipal corporation that is 86991  
wholly located within the geographic boundaries of a township, 86992  
provided that the municipal corporation and the unincorporated 86993  
portion of the township have a combined population density of 86994  
less than four hundred fifty people per square mile. For 86995  
purposes of division (L) (2) (d) (v) of this section, the 86996  
population of a municipal corporation and unincorporated portion 86997  
of a township is the population shown by the most recent federal 86998  
decennial census. 86999

(vi) It is located in a county with a population of not 87000  
less than one hundred seventy-two thousand and not more than one 87001  
hundred ninety-five thousand. For purposes of division (L) (2) (d) 87002  
(vi) of this section, the population of a county is the 87003  
population shown by the most recent decennial census. 87004

(vii) It is located in a municipal corporation with a population of less than ten thousand and the municipal corporation is located in a county with a population of more than one million. For purposes of division (L) (2) (d) (vii) of this section, the population of a municipal corporation and a county is the population shown by the most recent decennial census.

(3) The location of a D-5l permit may be transferred only within the geographic boundaries of the revitalization district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

(4) Not more than one D-5l permit shall be issued within each revitalization district for each five acres of land located within the district. Not more than fifteen D-5l permits may be issued within a single revitalization district. Except as otherwise provided in division (L) (4) of this section, no quota restrictions shall be placed upon the number of D-5l permits that may be issued.

(5) No D-5l permit shall be issued to an adult entertainment establishment as defined in section 2907.39 of the Revised Code.

(6) The fee for a D-5l permit is two thousand three hundred forty-four dollars.

(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals as defined in section 4301.404 of the Revised

Code, to sell beer and any intoxicating liquor at retail, only 87034  
by the glass and from the container, for consumption on the 87035  
premises where sold, and to sell the same products in the same 87036  
manner and amounts not for consumption on the premises as may be 87037  
sold by the holders of D-1 and D-2 permits. In addition to the 87038  
privileges authorized by this division, the holder of a D-5m 87039  
permit may exercise the same privileges, and shall observe the 87040  
same hours of operation, as the holder of a D-5 permit. 87041

A D-5m permit shall not be transferred to another 87042  
location. No quota restrictions shall be placed on the number of 87043  
D-5m permits that may be issued. The fee for a permit D-5m is 87044  
two thousand three hundred forty-four dollars. 87045

(N) Permit D-5n shall be issued to either a casino 87046  
operator or a casino management company licensed under Chapter 87047  
3772. of the Revised Code that operates a casino facility under 87048  
that chapter, to sell beer and any intoxicating liquor at 87049  
retail, only by the individual drink in glass and from the 87050  
container, for consumption on the premises where sold, and to 87051  
sell the same products in the same manner and amounts not for 87052  
consumption on the premises as may be sold by the holders of D-1 87053  
and D-2 permits. In addition to the privileges authorized by 87054  
this division, the holder of a D-5n permit may exercise the same 87055  
privileges, and shall observe the same hours for beer and 87056  
intoxicating liquor sales, as the holder of a D-5 permit. A D-5n 87057  
permit shall not be transferred to another location. Only one D- 87058  
5n permit may be issued per casino facility and not more than 87059  
four D-5n permits shall be issued in this state. The fee for a 87060  
permit D-5n shall be twenty thousand dollars. The holder of a D- 87061  
5n permit may conduct casino gaming on the permit premises 87062  
notwithstanding any provision of the Revised Code or 87063  
Administrative Code. 87064

(O) Permit D-5o may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located within a casino facility for which a D-5n permit has been issued. The holder of a D-5o permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5o permit may exercise the same privileges, and shall observe the same hours for beer and intoxicating liquor sales, as the holder of a D-5 permit. A D-5o permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued. The fee for this permit is two thousand three hundred forty-four dollars.

**Sec. 4303.183.** Permit D-7 may be issued to the holder of any D-2 permit issued by the division of liquor control, or if there is an insufficient number of D-2 permit holders to fill the resort quota, to the operator of a retail food establishment or a food service operation required to be licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and which qualifies under the other requirements of this section, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. Not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration in order to qualify for and continue to hold such D-7 permit. The

permit premises shall be located in a resort area.

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"Resort area" means a municipal corporation, township, county, or any combination thereof, which provides entertainment, recreation, and transient housing facilities specifically intended to provide leisure time activities for persons other than those whose permanent residence is within the "resort area" and who increase the population of the "resort area" on a seasonal basis, and which experiences seasonal peaks of employment and governmental services as a direct result of population increase generated by the transient, recreating public. A resort season shall begin on the first day of May and end on the last day of October. Notwithstanding section 4303.27 of the Revised Code, such permits may be issued for resort seasons without regard to the calendar year or permit year. Quota restrictions on the number of such permits shall take into consideration the transient population during the resort season, the custom and habits of visitors and tourists, and the promotion of the resort and tourist industry. The fee for this permit is ~~four hundred sixty-nine dollars per month~~ two thousand eight hundred fourteen dollars.

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Any suspension of a D-7 permit shall be satisfied during the resort season in which such suspension becomes final. If such suspension becomes final during the off-season, or if the period of the suspension extends beyond the last day of October, the suspension or remainder thereof shall be satisfied during the next resort season.

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The ownership of a D-7 permit may be transferred from one permit holder to another. The holder of a D-7 permit may file an application to transfer such permit to a new location within the same resort area, provided that such permit holder shall be the

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owner or operator of a retail food establishment or a food 87126  
service operation, required to be licensed under Chapter 3717. 87127  
of the Revised Code, that operates as a restaurant for purposes 87128  
of this chapter, at such new location. 87129

**Sec. 4303.204.** (A) The division of liquor control may 87130  
issue an F-4 permit to an organization or corporation organized 87131  
not-for-profit in this state to conduct an event that includes 87132  
the introduction, showcasing, or promotion of Ohio wines, if the 87133  
event has all of the following characteristics: 87134

(1) It is coordinated by that organization or corporation, 87135  
and the organization or corporation is responsible for the 87136  
activities at it. 87137

(2) It has as one of its purposes the intent to introduce, 87138  
showcase, or promote Ohio wines to persons who attend it. 87139

(3) It includes the sale of food for consumption on the 87140  
premises where sold. 87141

(4) It features any combination of at least three A-2 or 87142  
A-2f permit holders who sell Ohio wine at it. 87143

(B) The holder of an F-4 permit may furnish, with or 87144  
without charge, wine that it has obtained from the A-2 or A-2f 87145  
permit holders that are participating in the event for which the 87146  
F-4 permit is issued, in two-ounce samples for consumption on 87147  
the premises where furnished and may sell such wine by the glass 87148  
for consumption on the premises where sold. The holder of an A-2 87149  
or A-2f permit that is participating in the event for which the 87150  
F-4 permit is issued may sell wine that it has manufactured, in 87151  
sealed containers for consumption off the premises where sold. 87152  
Wine may be furnished or sold on the premises of the event for 87153  
which the F-4 permit is issued only where and when the sale of 87154



wine is otherwise permitted by law. 87155

(C) The premises of the event for which the F-4 permit is 87156  
issued shall be clearly defined and sufficiently restricted to 87157  
allow proper enforcement of the permit by state and local law 87158  
enforcement officers. If an F-4 permit is issued for all or a 87159  
portion of the same premises for which another class of permit 87160  
is issued, that permit holder's privileges will be suspended in 87161  
that portion of the premises in which the F-4 permit is in 87162  
effect. 87163

(D) No F-4 permit shall be effective for more than 87164  
seventy-two consecutive hours. No sales or furnishing of wine 87165  
shall take place under an F-4 permit after one a.m. 87166

(E) The division shall not issue more than six F-4 permits 87167  
to the same not-for-profit organization or corporation in any 87168  
one calendar year. 87169

(F) An applicant for an F-4 permit shall apply for the 87170  
permit not later than thirty days prior to the first day of the 87171  
event for which the permit is sought. The application for the 87172  
permit shall list all of the A-2 and A-2f permit holders that 87173  
will participate in the event for which the F-4 permit is 87174  
sought. The fee for the F-4 permit is ~~sixty dollars per day~~one 87175  
hundred eighty dollars. 87176

The division shall prepare and make available an F-4 87177  
permit application form and may require applicants for and 87178  
holders of the F-4 permit to provide information that is in 87179  
addition to that required by this section and that is necessary 87180  
for the administration of this section. 87181

(G) (1) The holder of an F-4 permit is responsible for, and 87182  
is subject to penalties for, any violations of this chapter or 87183

Chapter 4301. of the Revised Code or the rules adopted under 87184  
this and that chapter. 87185

(2) An F-4 permit holder shall not allow an A-2 or A-2f 87186  
permit holder to participate in the event for which the F-4 87187  
permit is issued if the A-2 or A-2f or the A-1-A permit of that 87188  
A-2 or A-2f permit holder is under suspension. 87189

(3) The division may refuse to issue an F-4 permit to an 87190  
applicant who has violated any provision of this chapter or 87191  
Chapter 4301. of the Revised Code during the applicant's 87192  
previous operation under an F-4 permit, for a period of up to 87193  
two years after the date of the violation. 87194

(H) (1) Notwithstanding division (D) of section 4301.22 of 87195  
the Revised Code, an A-2 or A-2f permit holder that participates 87196  
in an event for which an F-4 permit is issued may donate wine 87197  
that it has manufactured to the holder of that F-4 permit. The 87198  
holder of an F-4 permit may return unused and sealed containers 87199  
of wine to the A-2 or A-2f permit holder that donated the wine 87200  
at the conclusion of the event for which the F-4 permit was 87201  
issued. 87202

(2) The participation by an A-2 or A-2f permit holder or 87203  
its employees in an event for which an F-4 permit is issued does 87204  
not violate section 4301.24 of the Revised Code. 87205

**Sec. 4303.2011.** (A) As used in this section, "nonprofit 87206  
organization" means a corporation, association, group, 87207  
institution, society, or other organization that: 87208

(1) Is exempt from federal income taxation; 87209

(2) Has a membership of two hundred fifty or more persons. 87210

(B) The division of liquor control may issue an F-11 87211

permit to a nonprofit organization to conduct an event if the 87212  
event has all of the following characteristics: 87213

(1) The event is coordinated by the nonprofit organization 87214  
and the nonprofit organization is responsible for the activities 87215  
at the event. 87216

(2) One of the event's purposes is the introduction, 87217  
showcasing, or promotion of craft beers manufactured in this 87218  
state. 87219

(3) The event includes the sale of food for consumption on 87220  
the premises where sold. 87221

(4) The event features at least twenty A-1c permit 87222  
holders, who are members of the nonprofit organization that has 87223  
organized the event, as participants. The nonprofit organization 87224  
may allow any number of A-1 permit holders to participate in the 87225  
event. 87226

(C) An F-11 permit holder may sell, at the event, beer 87227  
that it has purchased from the A-1 or A-1c permit holders that 87228  
are participating in the event or from the participating A-1 or 87229  
A-1c permit holder's assigned B-1 permit holder. The F-11 permit 87230  
holder may sell the beer in four-ounce samples or in containers 87231  
not exceeding sixteen ounces for consumption on the premises 87232  
where sold. 87233

The F-11 permit holder may sell beer on the F-11 permit 87234  
premises only where and when the sale of beer is otherwise 87235  
permitted by law. 87236

(D) The F-11 permit holder shall clearly define and 87237  
sufficiently restrict the premises of the event to allow proper 87238  
enforcement of the permit by state and local law enforcement 87239  
officers. If an F-11 permit is issued for all or a portion of 87240

the same premises for which another class of permit is issued, 87241  
that permit holder's privileges are suspended in that portion of 87242  
the premises in which the F-11 permit is in effect. 87243

(E) (1) No F-11 permit is effective for more than seventy- 87244  
two consecutive hours. However, for purposes of an exposition at 87245  
the state fairgrounds, an F-11 permit is effective for the 87246  
duration of the exposition. 87247

(2) No sales of beer shall take place under an F-11 permit 87248  
after one a.m. 87249

(F) The division shall not issue more than six F-11 87250  
permits to the same nonprofit organization in any one calendar 87251  
year. 87252

(G) An applicant for an F-11 permit shall apply for the 87253  
permit not later than thirty days prior to the first day of the 87254  
event for which the permit is sought. In the application, the 87255  
applicant shall list all of the A-1 and A-1c permit holders that 87256  
will participate in the event. The fee for the F-11 permit is 87257  
~~sixty dollars for each day of the event~~ one hundred eighty 87258  
dollars. 87259

The division shall prepare and make available an F-11 87260  
permit application form and may require applicants for and 87261  
holders of the F-11 permit to provide information that is in 87262  
addition to that required by this section and that is necessary 87263  
for the administration of this section. 87264

(H) (1) An F-11 permit holder is responsible, and is 87265  
subject to penalties, for any violations of this chapter or 87266  
Chapter 4301. of the Revised Code that occur during the event. 87267

(2) An F-11 permit holder shall not allow an A-1 or A-1c 87268  
permit holder to participate in the event if the A-1 or A-1c 87269

permit or, if applicable, the A-1-A permit of that A-1 or A-1c 87270  
permit holder is under suspension. 87271

(3) The division may refuse to issue an F-11 permit to an 87272  
applicant if both of the following apply: 87273

(a) The applicant has pleaded guilty to or has been 87274  
convicted of violating this chapter or Chapter 4301. of the 87275  
Revised Code while operating under a previously issued F-11 87276  
permit. 87277

(b) The violation occurred within the two years preceding 87278  
the filing of the new F-11 permit application. 87279

(I) Notwithstanding any provision of section 4301.24 of 87280  
the Revised Code or any rule adopted by the liquor control 87281  
commission to the contrary, employees of an A-1 or A-1c permit 87282  
holder or B-1 permit holder, or employees or agents of a B-1 87283  
permit holder may assist an F-11 permit holder in serving beer 87284  
at an event for which an F-11 permit is issued. 87285

**Sec. 4303.233.** (A) As used in this section, "personal 87286  
consumer" means an individual who is at least twenty-one years 87287  
of age, is a resident of this state, does not hold a permit 87288  
issued under this chapter, and intends to use wine purchased in 87289  
accordance with this section for personal consumption only and 87290  
not for resale or other commercial purposes. 87291

(B) (1) The division of liquor control may issue an S-2 87292  
permit to a person that manufactures two hundred fifty thousand 87293  
gallons or more of wine per year. If the person resides outside 87294  
this state, the person shall comply with the requirements 87295  
governing the issuance of licenses or permits that authorize the 87296  
sale of beer or intoxicating liquor by the appropriate authority 87297  
of the state in which the person resides and by the alcohol and 87298

tobacco tax and trade bureau of the United States department of 87299  
the treasury. 87300

(2) An S-2 permit holder may sell wine to a personal 87301  
consumer by receiving and filling orders that the personal 87302  
consumer submits to the permit holder. The permit holder shall 87303  
sell only wine that the permit holder has manufactured to a 87304  
personal consumer. An S-2 permit holder may use a fulfillment 87305  
warehouse registered under section 4303.234 of the Revised Code 87306  
to send a shipment of wine to a personal consumer. A fulfillment 87307  
warehouse is an agent of an S-2 permit holder and an S-2 permit 87308  
holder is liable for violations of this chapter and Chapter 87309  
4301. of the Revised Code that are committed by the fulfillment 87310  
warehouse regarding wine shipped on behalf of the S-2 permit 87311  
holder. 87312

(C) An S-2 permit holder shall collect and pay the taxes 87313  
relating to the delivery of wine to a personal consumer that are 87314  
levied under sections 4301.421, 4301.43, and 4301.432 and 87315  
Chapters 5739. and 5741. of the Revised Code. 87316

(D) (1) An S-2 permit holder shall send a shipment of wine 87317  
that has been paid for by a personal consumer to that personal 87318  
consumer via an H permit holder. Prior to sending a shipment of 87319  
wine to a personal consumer, the S-2 permit holder, or an 87320  
employee of the permit holder, shall make a bona fide effort to 87321  
ensure that the personal consumer is at least twenty-one years 87322  
of age. The shipment of wine shall be shipped in a package that 87323  
clearly states that it contains alcohol. No person shall fail to 87324  
comply with division (D) (1) of this section. 87325

(2) Upon delivering a shipment of wine to a personal 87326  
consumer, an H permit holder, or an employee of the permit 87327  
holder, shall verify that the personal consumer is at least 87328

twenty-one years of age by checking the personal consumer's 87329  
driver's or commercial driver's license or identification card 87330  
issued under sections 4507.50 to 4507.52 of the Revised Code. 87331

(3) An S-2 permit holder shall keep a record of each 87332  
shipment of wine that the permit holder sends to a personal 87333  
consumer. The records shall be used for all of the following: 87334

(a) To provide a copy of each wine shipment invoice to the 87335  
tax commissioner in a manner prescribed by the commissioner. The 87336  
invoice shall include the name of each personal consumer that 87337  
purchased wine from the S-2 permit holder in accordance with 87338  
this section and any other information required by the tax 87339  
commissioner. 87340

(b) To provide annually in electronic format by electronic 87341  
means a report to the division. The report shall include the 87342  
name and address of each personal consumer that purchased wine 87343  
from the S-2 permit holder in accordance with this section, the 87344  
quantity of wine purchased by each personal consumer, and any 87345  
other information requested by the division. If the S-2 permit 87346  
holder uses a fulfillment warehouse registered under section 87347  
4303.234 of the Revised Code to send a shipment of wine on 87348  
behalf of the S-2 permit holder, the S-2 permit holder need not 87349  
include the personal consumer information for that shipment in 87350  
the report. The division shall prescribe and provide an 87351  
electronic form for the report and shall determine the specific 87352  
electronic means that the S-2 permit holder must use to submit 87353  
the report. 87354

(c) To notify a personal consumer of any health or welfare 87355  
recalls of the wine that has been purchased by the personal 87356  
consumer. 87357

(E) An S-2 permit holder shall comply with this chapter, 87358  
Chapter 4301. of the Revised Code, and any rules adopted by the 87359  
liquor control commission under section 4301.03 of the Revised 87360  
Code. 87361

(F) (1) An S-2 permit holder shall renew the permit in 87362  
accordance with section 4303.271 of the Revised Code, except 87363  
that the renewal shall not be subject to the notice and hearing 87364  
requirements established in division (B) of that section. 87365

(2) The division may refuse to renew an S-2 permit for any 87366  
of the reasons specified in section 4303.292 of the Revised Code 87367  
or if the permit holder fails to do any of the following: 87368

(a) Collect and pay all applicable taxes specified in 87369  
division (C) of this section; 87370

(b) Pay the permit fee; 87371

(c) Comply with this section or any rules adopted by the 87372  
liquor control commission under section 4301.03 of the Revised 87373  
Code. 87374

(G) The ~~initial fee~~ for the S-2 permit is two hundred 87375  
fifty dollars. ~~The renewal fee for the S-2 permit is one hundred~~ 87376  
~~dollars.~~ 87377

**Sec. 4305.131.** (A) If any permit holder fails to pay the 87378  
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 87379  
of the Revised Code in the manner prescribed by section 4303.33 87380  
of the Revised Code, or by section 4301.421 or 4301.424 of the 87381  
Revised Code in the manner prescribed in section 4301.422 of the 87382  
Revised Code, and by the rules of the tax commissioner, the 87383  
commissioner may make an assessment against the permit holder 87384  
based upon any information in the commissioner's possession. 87385



No assessment shall be made against any permit holder for 87386  
any taxes imposed by section 4301.42, 4301.421, 4301.424, 87387  
4301.43, 4301.432, or 4305.01 of the Revised Code more than 87388  
three years after the last day of the calendar month in which 87389  
the sale was made or more than three years after the return for 87390  
that period is filed, whichever is later. This section does not 87391  
bar an assessment against any permit holder or registrant as 87392  
provided in section 4303.331 of the Revised Code who fails to 87393  
file a return as required by section 4301.422 or 4303.33 of the 87394  
Revised Code, or who files a fraudulent return. 87395

A penalty of up to thirty per cent may be added to the 87396  
amount of every assessment made under this section. The 87397  
commissioner may adopt rules providing for the imposition and 87398  
remission of penalties added to assessments made under this 87399  
section. 87400

The commissioner shall give the party assessed written 87401  
notice of the assessment in the manner provided in section 87402  
5703.37 of the Revised Code. With the notice, the commissioner 87403  
shall provide instructions on how to petition for reassessment 87404  
and request a hearing on the petition. 87405

(B) Unless the party assessed files with the tax 87406  
commissioner within sixty days after service of the notice of 87407  
assessment, ~~either personally or by certified mail,~~ a written 87408  
petition for reassessment, signed by the party assessed or that 87409  
party's authorized agent having knowledge of the facts, the 87410  
assessment becomes final and the amount of the assessment is due 87411  
and payable from the party assessed to the treasurer of state. 87412  
The petition shall indicate the objections of the party 87413  
assessed, but additional objections may be raised in writing if 87414  
received by the commissioner prior to the date shown on the 87415

final determination. If the petition has been properly filed, 87416  
the commissioner shall proceed under section 5703.60 of the 87417  
Revised Code. 87418

(C) After an assessment becomes final, if any portion of 87419  
the assessment remains unpaid, including accrued interest, a 87420  
certified copy of the tax commissioner's entry making the 87421  
assessment final may be filed in the office of the clerk of the 87422  
court of common pleas in the county in which the permit holder's 87423  
place of business is located or the county in which the party 87424  
assessed resides. If the party assessed maintains no place of 87425  
business in this state and is not a resident of this state, the 87426  
certified copy of the entry may be filed in the office of the 87427  
clerk of the court of common pleas of Franklin county. 87428

Immediately upon the filing of the entry, the clerk shall 87429  
enter a judgment for the state against the party assessed in the 87430  
amount shown on the entry. The judgment may be filed by the 87431  
clerk in a loose-leaf book entitled "special judgments for state 87432  
beer and liquor sales taxes," and shall have the same effect as 87433  
other judgments. Execution shall issue upon the judgment upon 87434  
the request of the commissioner, and all laws applicable to 87435  
sales on execution shall apply to sales made under the judgment, 87436  
except as otherwise provided in this chapter and Chapters 4301. 87437  
and 4307. of the Revised Code. 87438

If the assessment is not paid in its entirety within sixty 87439  
days after the day the assessment was issued, the portion of the 87440  
assessment consisting of tax due shall bear interest at the rate 87441  
per annum prescribed by section 5703.47 of the Revised Code from 87442  
the day the commissioner issues the assessment until it is paid 87443  
or until it is certified to the attorney general for collection 87444  
under section 131.02 of the Revised Code, whichever comes first. 87445

If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected under this section shall be considered as revenue arising from the taxes imposed by sections 4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of the Revised Code.

**Sec. 4501.027.** (A) Notwithstanding any provision of law to the contrary, the registrar of motor vehicles may conduct, or authorize a deputy registrar to conduct, any service or transaction authorized or required by law in an electronic or online format rather than in person. The registrar or deputy registrar also may accept electronically any documents required to accompany such service or transaction or any documents approved by the registrar for electronic or online submission and acceptance.

(B) The registrar or deputy registrar shall charge the same amount for the electronic or online service or transaction as the registrar or deputy registrar charges for the associated in-person transaction. The registrar or deputy registrar may accept payment for any such service or transaction by a financial transaction device. The registrar or deputy registrar may charge a person who tenders payment for an online service or transaction by means of a financial transaction device any costs the registrar or deputy registrar incurs from accepting payment by the financial transaction device.

**Sec. 4501.21.** (A) There is hereby created in the state 87476  
treasury the license plate contribution fund. The fund shall 87477  
consist of all contributions for specialty license plates paid 87478  
by motor vehicle registrants and collected by the registrar of 87479  
motor vehicles pursuant to the Revised Code sections referenced 87480  
in division (B) of this section. 87481

(B) The registrar shall pay the contributions the 87482  
registrar collects in the fund as follows: 87483

The registrar shall pay the contributions received 87484  
pursuant to section 4503.491 of the Revised Code to the breast 87485  
cancer fund of Ohio, which shall use that money only to pay for 87486  
programs that provide assistance and education to Ohio breast 87487  
cancer patients and that improve access for such patients to 87488  
quality health care and clinical trials and shall not use any of 87489  
the money for abortion information, counseling, services, or 87490  
other abortion-related activities. 87491

The registrar shall pay the contributions the registrar 87492  
receives pursuant to section 4503.492 of the Revised Code to the 87493  
organization cancer support community central Ohio, which shall 87494  
deposit the money into the Sheryl L. Kraner Fund of that 87495  
organization. Cancer support community central Ohio shall expend 87496  
the money it receives pursuant to this division only in the same 87497  
manner and for the same purposes as that organization expends 87498  
other money in that fund. 87499

The registrar shall pay the contributions received 87500  
pursuant to section 4503.493 of the Revised Code to the autism 87501  
society of Ohio, which shall use the contributions for programs 87502  
and autism awareness efforts throughout the state. 87503

The registrar shall pay the contributions the registrar 87504

receives pursuant to section 4503.494 of the Revised Code to the 87505  
national multiple sclerosis society for distribution in equal 87506  
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 87507  
chapters of the national multiple sclerosis society. These 87508  
chapters shall use the money they receive under this section to 87509  
assist in paying the expenses they incur in providing services 87510  
directly to their clients. 87511

The registrar shall pay the contributions the registrar 87512  
receives pursuant to section 4503.495 of the Revised Code to the 87513  
national pancreatic cancer foundation, which shall use the money 87514  
it receives under this section to assist those who have 87515  
pancreatic cancer and their families. 87516

The registrar shall pay the contributions the registrar 87517  
receives pursuant to section 4503.496 of the Revised Code to the 87518  
Ohio sickle cell and health association, which shall use the 87519  
contributions to help support educational, clinical, and social 87520  
support services for adults who have sickle cell disease. 87521

The registrar shall pay the contributions the registrar 87522  
receives pursuant to section 4503.497 of the Revised Code to the 87523  
St. Baldrick's foundation, which shall use the contributions for 87524  
its research and other programs. 87525

The registrar shall pay the contributions the registrar 87526  
receives pursuant to section 4503.498 of the Revised Code to 87527  
special olympics Ohio, inc., which shall use the contributions 87528  
for its programs, charitable efforts, and other activities. 87529

The registrar shall pay the contributions the registrar 87530  
receives pursuant to section 4503.499 of the Revised Code to the 87531  
children's glioma cancer foundation, which shall use the 87532  
contributions for its research and other programs. 87533

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4910 of the Revised Code to the KylerStrong foundation, which shall use the contributions to raise awareness of brain cancer caused by diffuse intrinsic pontine glioma and to fund research for the cure of such cancer.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4911 of the Revised Code to the research institution for childhood cancer at nationwide children's hospital, which shall use the contributions to fund research for the cure of childhood cancers.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4912 of the Revised Code to the Ben Morrison memorial fund, which shall use the contributions for scholarships and other programs that support mental health.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.50 of the Revised Code to the future farmers of America foundation, which shall deposit the contributions into its general account to be used for educational and scholarship purposes of the future farmers of America foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.501 of the Revised Code to the 4-H youth development program of the Ohio state university extension program, which shall use those contributions to pay the expenses it incurs in conducting its educational activities.

The registrar shall pay the contributions received pursuant to section 4503.502 of the Revised Code to the Ohio cattlemen's foundation, which shall use those contributions for

scholarships and other educational activities. 87563

The registrar shall pay the contributions received 87564  
pursuant to section 4503.505 of the Revised Code to the 87565  
organization Ohio region phi theta kappa, which shall use those 87566  
contributions for scholarships for students who are members of 87567  
that organization. 87568

The registrar shall pay the contributions the registrar 87569  
receives pursuant to section 4503.506 of the Revised Code to 87570  
Ohio demolay, which shall use the contributions for 87571  
scholarships, educational programs, and any other programs or 87572  
events the organization holds or sponsors in this state. 87573

The registrar shall pay the contributions received 87574  
pursuant to section 4503.507 of the Revised Code to the Ohio 87575  
aerospace institute, which shall use those contributions to 87576  
facilitate student internships in aerospace and educational 87577  
programming. 87578

The registrar shall pay the contributions received 87579  
pursuant to section 4503.508 of the Revised Code to the 87580  
organization bottoms up diaper drive to provide funding for that 87581  
organization for collecting and delivering diapers to parents in 87582  
need. 87583

The registrar shall pay the contributions the registrar 87584  
receives pursuant to section 4503.509 of the Revised Code to a 87585  
kid again, incorporated for distribution in equal amounts to the 87586  
Ohio chapters of a kid again. 87587

The registrar shall pay each contribution the registrar 87588  
receives pursuant to section 4503.51 of the Revised Code to the 87589  
university or college whose name or marking or design appears on 87590  
collegiate license plates that are issued to a person under that 87591

section. A university or college that receives contributions 87592  
from the fund shall deposit the contributions into its general 87593  
scholarship fund. 87594

The registrar shall pay each contribution the registrar 87595  
receives pursuant to section 4503.512 of the Revised Code to the 87596  
Iota Phi Theta Fraternity, Incorporated Delta Theta Omega 87597  
chapter in Ohio. The Iota Phi Theta Fraternity, Incorporated 87598  
Delta Theta Omega chapter shall use the contributions for the 87599  
development and perpetuation of scholarship, leadership, 87600  
citizenship, fidelity, and brotherhood among men and youth in 87601  
this state. 87602

The registrar shall pay the contributions the registrar 87603  
receives pursuant to section 4503.514 of the Revised Code to the 87604  
university of Notre Dame in South Bend, Indiana, for purposes of 87605  
awarding grants or scholarships to residents of Ohio who attend 87606  
the university. The university shall not use any of the funds it 87607  
receives for purposes of administering the scholarship program. 87608  
The registrar shall enter into appropriate agreements with the 87609  
university of Notre Dame to effectuate the distribution of such 87610  
funds as provided in this section. 87611

The registrar shall pay the contributions the registrar 87612  
receives pursuant to section 4503.516 of the Revised Code to 87613  
Marshall university in Huntington, West Virginia, for purposes 87614  
of awarding grants or scholarships to residents of Ohio who 87615  
attend the university. The university shall not use any of the 87616  
funds it receives for purposes of administering the scholarship 87617  
program. The registrar shall enter into appropriate agreements 87618  
with Marshall university to effectuate the distribution of such 87619  
funds as provided in this section. 87620

The registrar shall pay the contributions the registrar 87621



receives pursuant to section 4503.517 of the Revised Code to the 87622  
university of Alabama in Tuscaloosa, Alabama, for purposes of 87623  
awarding grants or scholarships to residents of Ohio who attend 87624  
the university. The university shall not use any of the funds it 87625  
receives for purposes of administering the scholarship program. 87626  
The registrar shall enter into appropriate agreements with the 87627  
university of Alabama to effectuate the distribution of such 87628  
funds as provided in this section. 87629

The registrar shall pay the contributions the registrar 87630  
receives pursuant to section 4503.518 of the Revised Code to the 87631  
Nationwide children's hospital, which shall use the 87632  
contributions for the "On Our Sleeves" campaign. 87633

The registrar shall pay the contributions the registrar 87634  
receives pursuant to section 4503.519 of the Revised Code 87635  
equally to NAMI Ohio (national alliance on mental illness of 87636  
Ohio), Ohio peer recovery organizations, and OCAAR (Ohio citizen 87637  
advocates for addiction recovery). 87638

The registrar shall pay the contributions the registrar 87639  
receives pursuant to section 4503.520 of the Revised Code to 87640  
Purdue university in West Lafayette, Indiana, for purposes of 87641  
awarding grants or scholarships to residents of Ohio who attend 87642  
the university. The university shall not use any of the funds it 87643  
receives for purposes of administering the scholarship program. 87644  
The registrar shall enter into appropriate agreements with 87645  
Purdue university to effectuate the distribution of such funds 87646  
as provided in this section. 87647

The registrar shall pay the contributions the registrar 87648  
receives pursuant to section 4503.521 of the Revised Code to the 87649  
Ohio bicycle federation to assist that organization in paying 87650  
for the educational programs it sponsors in support of Ohio 87651

cyclists of all ages. 87652

The registrar shall pay the contributions the registrar 87653  
receives pursuant to section 4503.522 of the Revised Code to the 87654  
"friends of Perry's victory and international peace memorial, 87655  
incorporated," a nonprofit corporation organized under the laws 87656  
of this state, to assist that organization in paying the 87657  
expenses it incurs in sponsoring or holding charitable, 87658  
educational, and cultural events at the monument. 87659

The registrar shall pay the contributions the registrar 87660  
receives pursuant to section 4503.523 of the Revised Code to the 87661  
fairport lights foundation, which shall use the money to pay for 87662  
the restoration, maintenance, and preservation of the 87663  
lighthouses of fairport harbor. 87664

The registrar shall pay the contributions the registrar 87665  
receives pursuant to section 4503.524 of the Revised Code to the 87666  
Massillon tiger football booster club, which shall use the 87667  
contributions only to promote and support the football team of 87668  
Washington high school of the Massillon city school district. 87669

The registrar shall pay the contributions the registrar 87670  
receives pursuant to section 4503.525 of the Revised Code to the 87671  
United States power squadron district seven which shall annually 87672  
distribute the contributions in equal amounts to all United 87673  
States power squadrons located in the state. Each power squadron 87674  
district shall use the money it receives under this section to 87675  
pay for the educational boating programs each district holds or 87676  
sponsors within this state. 87677

The registrar shall pay the contributions the registrar 87678  
receives pursuant to section 4503.526 of the Revised Code to the 87679  
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 87680

international, which shall use the money it receives under this 87681  
section to pay the costs of its educational and humanitarian 87682  
activities. 87683

The registrar shall pay the contributions the registrar 87684  
receives pursuant to section 4503.528 of the Revised Code to the 87685  
Ohio children's alliance, which shall use the money it receives 87686  
under this section to pay the expenses it incurs in advancing 87687  
its mission of sustainably improving the provision of services 87688  
to children, young adults, and families in this state. 87689

The registrar shall pay the contributions the registrar 87690  
receives pursuant to section 4503.529 of the Revised Code to the 87691  
Ohio nurses foundation. The foundation shall use the money it 87692  
receives under this section to provide educational scholarships 87693  
to assist individuals who aspire to join the nursing profession, 87694  
to assist nurses in the nursing profession who seek to advance 87695  
their education, and to support persons conducting nursing 87696  
research concerning the evidence-based practice of nursing and 87697  
the improvement of patient outcomes. 87698

The registrar shall pay the contributions the registrar 87699  
receives pursuant to section 4503.53 of the Revised Code to the 87700  
Indiana Kentucky Ohio regional council of carpenters. The 87701  
council shall use the money it receives to assist its members 87702  
who are experiencing financial hardship. 87703

The registrar shall pay the contributions the registrar 87704  
receives pursuant to section 4503.531 of the Revised Code to the 87705  
thank you foundation, incorporated, a nonprofit corporation 87706  
organized under the laws of this state, to assist that 87707  
organization in paying for the charitable activities and 87708  
programs it sponsors in support of United States military 87709  
personnel, veterans, and their families. 87710

The registrar shall pay the contributions the registrar receives pursuant to section 4503.532 of the Revised Code to the Ohio history connection, which shall use the contributions for the benefit of the Paul Laurence Dunbar house.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.533 of the Revised Code to the nonprofit organization Ohio conference of teamsters and industry health and welfare fund, which shall use the contributions to further the nonprofit's mission.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.536 of the Revised Code to save a warrior, incorporated, which shall use the contributions to prevent suicide by active members of the armed forces of the United States, veterans of those armed forces, and first responders.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.542 of the Revised Code to the Ohio craft brewers association.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.541 of the Revised Code to Dolly Parton's imagination library of Ohio. The library shall use the money it receives under this section for operational costs, including the distribution of books.

The registrar shall pay the contributions that are paid to

the registrar pursuant to section 4503.545 of the Revised Code 87740  
to the national rifle association foundation, which shall use 87741  
the money to pay the costs of the educational activities and 87742  
programs the foundation holds or sponsors in this state. 87743

The registrar shall pay the contributions the registrar 87744  
receives pursuant to section 4503.55 of the Revised Code to the 87745  
pro football hall of fame, which shall deposit the contributions 87746  
into a special bank account that it establishes and which shall 87747  
be separate and distinct from any other account the pro football 87748  
hall of fame maintains, to be used exclusively for the purpose 87749  
of promoting the pro football hall of fame as a travel 87750  
destination. 87751

The registrar shall pay to the Ohio pet fund the 87752  
contributions the registrar receives pursuant to section 87753  
4503.551 of the Revised Code and any other money from any other 87754  
source, including donations, gifts, and grants, that is 87755  
designated by the source to be paid to the Ohio pet fund. The 87756  
Ohio pet fund shall use the moneys it receives under this 87757  
section to support programs for the sterilization of dogs and 87758  
cats and for educational programs concerning the proper 87759  
veterinary care of those animals, and for expenses of the Ohio 87760  
pet fund that are reasonably necessary for it to obtain and 87761  
maintain its tax-exempt status and to perform its duties. 87762

The registrar shall pay the contributions the registrar 87763  
receives pursuant to section 4503.552 of the Revised Code to the 87764  
rock and roll hall of fame and museum, incorporated. 87765

The registrar shall pay the contributions the registrar 87766  
receives pursuant to section 4503.553 of the Revised Code to the 87767  
Ohio coalition for animals, incorporated, a nonprofit 87768  
corporation. Except as provided in division (B) of this section, 87769

the coalition shall distribute the money to its members, and the 87770  
members shall use the money only to pay for educational, 87771  
charitable, and other programs of each coalition member that 87772  
provide care for unwanted, abused, and neglected horses. The 87773  
Ohio coalition for animals may use a portion of the money to pay 87774  
for reasonable marketing costs incurred in the design and 87775  
promotion of the license plate and for administrative costs 87776  
incurred in the disbursement and management of funds received 87777  
under this section. 87778

The registrar shall pay the contributions the registrar 87779  
receives pursuant to section 4503.554 of the Revised Code to the 87780  
Ohio state council of the knights of Columbus, which shall use 87781  
the contributions to pay for its charitable activities and 87782  
programs. 87783

The registrar shall pay the contributions the registrar 87784  
receives pursuant to section 4503.555 of the Revised Code to the 87785  
western reserve historical society, which shall use the 87786  
contributions to fund the Crawford auto aviation museum. 87787

The registrar shall pay the contributions the registrar 87788  
receives pursuant to section 4503.556 of the Revised Code to the 87789  
Erica J. Holloman foundation, inc., for the awareness of triple 87790  
negative breast cancer. The foundation shall use the 87791  
contributions for charitable and educational purposes. 87792

The registrar shall pay each contribution the registrar 87793  
receives pursuant to section 4503.557 of the Revised Code to the 87794  
central Ohio chapter of the Ronald McDonald house charities, 87795  
which shall distribute the contribution to the chapter of the 87796  
Ronald McDonald house charities in whose geographic territory 87797  
the person who paid the contribution resides. 87798

The registrar shall pay the contributions the registrar receives pursuant to section 4503.559 of the Revised Code to playhouse square, located in Cleveland, Ohio, which shall use the contributions to further its mission of presenting and producing a wide variety of quality performing arts, advancing arts education, and creating a superior destination for entertainment, business, and residential living.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which such payments are to be made.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.562 of the Revised Code to the Mahoning river consortium, which shall use the money to pay the expenses it incurs in restoring and maintaining the Mahoning river watershed.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.564 of the Revised Code to the Glen Helen association to pay expenses related to the Glen Helen nature preserve.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.565 of the Revised Code to the

conservancy for Cuyahoga valley national park, which shall use 87829  
the money in support of the park. 87830

The registrar shall pay the contributions the registrar 87831  
receives pursuant to section 4503.566 of the Revised Code to the 87832  
Ottawa national wildlife refuge, which shall use the 87833  
contributions for wildlife preservation purposes. 87834

The registrar shall pay the contributions the registrar 87835  
receives pursuant to section 4503.567 of the Revised Code to the 87836  
girls on the run of Franklin county, inc., which shall use the 87837  
contributions to support the activities of the organization. 87838

The registrar shall pay the contributions the registrar 87839  
receives pursuant to section 4503.569 of the Revised Code to the 87840  
Ohio bird sanctuary, located in Mansfield, Ohio, which shall use 87841  
the contributions for purposes of its operations, bird care and 87842  
rehabilitation, and educational programs. 87843

The registrar shall pay the contributions the registrar 87844  
receives pursuant to section 4503.576 of the Revised Code to the 87845  
Ohio state beekeepers association, which shall use those 87846  
contributions to promote beekeeping, provide educational 87847  
information about beekeeping, and to support other state and 87848  
local beekeeping programs. 87849

The registrar shall pay the contributions the registrar 87850  
receives pursuant to section 4503.577 of the Revised Code to the 87851  
national aviation hall of fame, which shall use the 87852  
contributions to fulfill its mission of honoring aerospace 87853  
legends to inspire future leaders. 87854

The registrar shall pay the contributions the registrar 87855  
receives pursuant to section 4503.578 of the Revised Code to 87856  
keep Ohio beautiful, incorporated, which shall use the 87857



contributions towards its mission of empowering Ohio communities 87858  
to take greater responsibility for improving the local 87859  
environment through litter prevention, beautification, community 87860  
greening, waste reduction, and recycling. 87861

The registrar shall pay the contributions the registrar 87862  
receives pursuant to section 4503.579 of the Revised Code to the 87863  
national council of negro women, incorporated, which shall use 87864  
the contributions for educational purposes. 87865

The registrar shall pay the contributions the registrar 87866  
receives pursuant to section 4503.581 of the Revised Code to the 87867  
Ohio past detachment commander's club, inc., which shall use the 87868  
contributions to support the activities of the organization. 87869

The registrar shall pay the contributions the registrar 87870  
receives pursuant to section 4503.582 of the Revised Code to the 87871  
progressive animal welfare society adoption center, inc., which 87872  
shall use the contributions to support the activities of the 87873  
center. 87874

The registrar shall pay the contributions the registrar 87875  
receives pursuant to section 4503.583 of the Revised Code to the 87876  
American legion, department of Ohio, inc., which shall use the 87877  
contributions to support the activities of the organization. 87878

The registrar shall pay the contributions the registrar 87879  
receives, or has received, pursuant to section 4503.584 of the 87880  
Revised Code to the Ohio natural energy foundation to fund 87881  
scholarships for students pursuing careers in the oil and 87882  
natural gas industry. 87883

The registrar shall pay the contributions the registrar 87884  
receives pursuant to section 4503.585 of the Revised Code to the 87885  
Terrace Park recreation committee, inc. to offer scholarships to 87886

young athletes of, and maintain athletic facilities in, the 87887  
municipal corporation of Terrace Park. 87888

The registrar shall pay the contributions the registrar 87889  
receives pursuant to section 4503.586 of the Revised Code to the 87890  
Ohio mountain bike alliance. 87891

The registrar shall pay the contributions the registrar 87892  
receives pursuant to section 4503.588 of the Revised Code to the 87893  
Ohio grange patrons of husbandry foundation, which shall use the 87894  
contributions to support the activities of the organization. 87895

The registrar shall pay to a sports commission created 87896  
pursuant to section 4503.591 of the Revised Code each 87897  
contribution the registrar receives under that section that an 87898  
applicant pays to obtain license plates that bear the logo of a 87899  
professional sports team located in the county of that sports 87900  
commission and that is participating in the license plate 87901  
program pursuant to division (E) of that section, irrespective 87902  
of the county of residence of an applicant. 87903

The registrar shall pay to a community charity each 87904  
contribution the registrar receives under section 4503.591 of 87905  
the Revised Code that an applicant pays to obtain license plates 87906  
that bear the logo of a professional sports team that is 87907  
participating in the license plate program pursuant to division 87908  
(G) of that section. 87909

The registrar shall pay the contributions the registrar 87910  
receives pursuant to section 4503.592 of the Revised Code to 87911  
pollinator partnership's monarch wings across Ohio program, 87912  
which shall use the contributions for the protection and 87913  
preservation of the monarch butterfly and pollinator corridor in 87914  
Ohio and for educational programs. 87915

The registrar shall pay the contributions the registrar receives pursuant to section 4503.594 of the Revised Code to pelotonia, which shall use the contributions for the purpose of supporting cancer research.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.595 of the Revised Code to the Stan Hywet hall and gardens.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.596 of the Revised Code to the Cuyahoga valley scenic railroad.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.597 of the Revised Code to the Circleville pumpkin show, incorporated, which shall use the contributions to promote good will surrounding the Circleville pumpkin show as a nonprofit annual event.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.598 of the Revised Code equally to the Jackson local schools foundation and the Jackson high school alumni association. The foundation and alumni association shall use the contributions for the foundation's and alumni association's purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.67 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.68 of the Revised Code to the girl scouts of Ohio's heartland. The girl scouts of Ohio's

heartland shall distribute all contributions in an equitable 87945  
manner throughout the state to regional councils of the girl 87946  
scouts. 87947

The registrar shall pay the contributions the registrar 87948  
receives pursuant to section 4503.69 of the Revised Code to the 87949  
Dan Beard council of the boy scouts of America. The council 87950  
shall distribute all contributions in an equitable manner 87951  
throughout the state to regional councils of the boy scouts. 87952

The registrar shall pay the contributions the registrar 87953  
receives pursuant to section 4503.70 of the Revised Code to the 87954  
charitable foundation of the grand lodge of Ohio, f. & a. m., 87955  
which shall use the contributions for scholarship purposes. 87956

The registrar shall pay the contributions the registrar 87957  
receives pursuant to section 4503.701 of the Revised Code to the 87958  
Prince Hall grand lodge of free and accepted masons of Ohio, 87959  
which shall use the contributions for scholarship purposes. 87960

The registrar shall pay the contributions the registrar 87961  
receives pursuant to section 4503.702 of the Revised Code to the 87962  
Ohio Association of the Improved Benevolent and Protective Order 87963  
of the Elks of the World, which shall use the funds for 87964  
charitable purposes. 87965

The registrar shall pay the contributions the registrar 87966  
receives pursuant to section 4503.703 of the Revised Code to the 87967  
Ohio state moose association. 87968

The registrar shall pay the contributions the registrar 87969  
receives pursuant to section 4503.704 of the Revised Code to the 87970  
Antioch shrine foundation located in the municipal corporation 87971  
of Dayton. 87972

The registrar shall pay the contributions the registrar 87973

receives pursuant to section 4503.71 of the Revised Code to the 87974  
fraternal order of police of Ohio, incorporated, which shall 87975  
deposit the fees into its general account to be used for 87976  
purposes of the fraternal order of police of Ohio, incorporated. 87977

The registrar shall pay the contributions the registrar 87978  
receives pursuant to section 4503.711 of the Revised Code to the 87979  
fraternal order of police of Ohio, incorporated, which shall 87980  
deposit the contributions into an account that it creates to be 87981  
used for the purpose of advancing and protecting the law 87982  
enforcement profession, promoting improved law enforcement 87983  
methods, and teaching respect for law and order. 87984

The registrar shall pay the contributions received 87985  
pursuant to section 4503.712 of the Revised Code to Ohio 87986  
concerns of police survivors, which shall use those 87987  
contributions to provide whatever assistance may be appropriate 87988  
to the families of Ohio law enforcement officers who are killed 87989  
in the line of duty. 87990

The registrar shall pay the contributions received 87991  
pursuant to section 4503.713 of the Revised Code to the greater 87992  
Cleveland peace officers memorial society, which shall use those 87993  
contributions to honor law enforcement officers who have died in 87994  
the line of duty and support its charitable purposes. 87995

The registrar shall pay the contributions received 87996  
pursuant to section 4503.714 of the Revised Code to the Ohio 87997  
association of chiefs of police. 87998

The registrar shall pay the contributions the registrar 87999  
receives, or has received, pursuant to section 4503.715 of the 88000  
Revised Code to the community foundation of Ohio's electric 88001  
cooperatives, which shall use the contributions to recognize and 88002

memorialize fallen or injured lineworkers and support their 88003  
families. 88004

The registrar shall pay the contributions the registrar 88005  
receives pursuant to section 4503.716 of the Revised Code to the 88006  
fallen timbers battlefield preservation commission, which shall 88007  
use the contributions to further the mission of the commission. 88008

The registrar shall pay the contributions the registrar 88009  
receives pursuant to section 4503.72 of the Revised Code to the 88010  
organization known on March 31, 2003, as the Ohio CASA/GAL 88011  
association, a private, nonprofit corporation organized under 88012  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 88013  
shall use these contributions to pay the expenses it incurs in 88014  
administering a program to secure the proper representation in 88015  
the courts of this state of abused, neglected, and dependent 88016  
children, and for the training and supervision of persons 88017  
participating in that program. 88018

The registrar shall pay the contributions the registrar 88019  
receives pursuant to section 4503.722 of the Revised Code to the 88020  
Down Syndrome Association of Central Ohio, which shall use the 88021  
contributions for advocacy purposes throughout the state. 88022

The registrar shall pay the contributions the registrar 88023  
receives pursuant to section 4503.724 of the Revised Code to the 88024  
Ohio Chapter of the American Foundation for Suicide Prevention, 88025  
which shall use the contributions for programs, education, and 88026  
advocacy purposes throughout the state. 88027

The registrar shall pay the contributions the registrar 88028  
receives pursuant to section 4503.726 of the Revised Code to the 88029  
Ohio suicide prevention foundation, which shall use the 88030  
contributions for suicide prevention programs, education, and 88031

advocacy. 88032

The registrar shall pay the contributions the registrar 88033  
receives, or has received, pursuant to section 4503.725 of the 88034  
Revised Code to the ALS united Ohio, incorporated, which shall 88035  
split the contributions between that organization and the ALS 88036  
association in accordance with any agreement between the two 88037  
organizations. The contributions shall be used to discover 88038  
treatments and a cure for ALS, and to serve, advocate for, and 88039  
empower people affected by ALS to live their lives to the 88040  
fullest. 88041

The registrar shall pay the contributions the registrar 88042  
receives pursuant to section 4503.73 of the Revised Code to 88043  
Wright B. Flyer, incorporated, which shall deposit the 88044  
contributions into its general account to be used for purposes 88045  
of Wright B. Flyer, incorporated. 88046

The registrar shall pay the contributions the registrar 88047  
receives pursuant to section 4503.732 of the Revised Code to the 88048  
Siegel Shuster society, a nonprofit organization dedicated to 88049  
commemorating and celebrating the creation of Superman in 88050  
Cleveland, Ohio. 88051

The registrar shall pay the contributions the registrar 88052  
receives pursuant to section 4503.733 of the Revised Code to the 88053  
central Ohio chapter of the juvenile diabetes research 88054  
foundation, which shall distribute the contributions to the 88055  
chapters of the juvenile diabetes research foundation in whose 88056  
geographic territory the person who paid the contribution 88057  
resides. 88058

The registrar shall pay the contributions the registrar 88059  
receives pursuant to section 4503.734 of the Revised Code to the 88060

Ohio highway patrol auxiliary foundation, which shall use the 88061  
contributions to fulfill the foundation's mission of supporting 88062  
law enforcement education and assistance. 88063

The registrar shall pay the contributions the registrar 88064  
receives pursuant to section 4503.735 of the Revised Code to the 88065  
heart4seniors/healthcare evolution alert response technology 88066  
foundation, inc., which shall use the contributions for purposes 88067  
of the foundation's mission. 88068

The registrar shall pay the contributions the registrar 88069  
receives pursuant to section 4503.74 of the Revised Code to the 88070  
Columbus zoological park association, which shall disburse the 88071  
moneys to Ohio's major metropolitan zoos, as defined in section 88072  
4503.74 of the Revised Code, in accordance with a written 88073  
agreement entered into by the major metropolitan zoos. 88074

The registrar shall pay the contributions the registrar 88075  
receives pursuant to section 4503.741 of the Revised Code to the 88076  
Ohio house rabbit rescue, which shall use the contributions for 88077  
its rescue, adoption, and educational programs. 88078

The registrar shall pay the contributions the registrar 88079  
receives pursuant to section 4503.75 of the Revised Code to the 88080  
rotary foundation, located on March 31, 2003, in Evanston, 88081  
Illinois, to be placed in a fund known as the permanent fund and 88082  
used to endow educational and humanitarian programs of the 88083  
rotary foundation. 88084

The registrar shall pay the contributions the registrar 88085  
receives pursuant to section 4503.751 of the Revised Code to the 88086  
Ohio association of realtors, which shall deposit the 88087  
contributions into a property disaster relief fund maintained 88088  
under the Ohio realtors charitable and education foundation. 88089



The registrar shall pay the contributions the registrar receives pursuant to section 4503.752 of the Revised Code to buckeye corvettes, incorporated, which shall use the contributions to pay for its charitable activities and programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.754 of the Revised Code to the municipal corporation of Twinsburg.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.755 of the Revised Code to the little brown jug society to assist the society in maintaining, promulgating, and operating the little brown jug as part of Ohio's rich harness racing history.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.763 of the Revised Code to the Ohio history connection to be used solely to build, support, and maintain the Ohio battleflag collection within the Ohio history connection.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.764 of the Revised Code to the Medina county historical society, which shall use those contributions to distribute between the various historical societies and museums in Medina county.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.765 of the Revised Code to the Amaranth grand chapter foundation, which shall use the contributions for communal outreach, charitable service, and scholarship purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.766 of the Revised Code to the

Ohio society daughters of the American revolution, which shall 88119  
deposit the contributions into its general account to be used 88120  
for continuing the organization's endeavors in service, historic 88121  
preservation, education, and patriotism. 88122

The registrar shall pay the contributions the registrar 88123  
receives pursuant to section 4503.767 of the Revised Code to 88124  
folds of honor of central Ohio, which shall use the 88125  
contributions to provide scholarships to spouses and children 88126  
either of disabled veterans or of members of any branch of the 88127  
armed forces who died during their service. 88128

The registrar shall pay the contributions the registrar 88129  
receives pursuant to section 4503.85 of the Revised Code to the 88130  
Ohio sea grant college program to be used for Lake Erie area 88131  
research projects. 88132

The registrar shall pay the contributions the registrar 88133  
receives pursuant to section 4503.851 of the Revised Code to 88134  
West Virginia university in Morgantown, West Virginia for 88135  
purposes of awarding grants or scholarships to residents of Ohio 88136  
who attend the university. The university shall not use any of 88137  
the funds it receives for purposes of administering the 88138  
scholarship program. The registrar shall enter into appropriate 88139  
agreements with West Virginia university to effectuate the 88140  
distribution of such funds as provided in this section. 88141

The registrar shall pay the contributions the registrar 88142  
receives pursuant to section 4503.86 of the Revised Code to the 88143  
Ohio Lincoln highway historic byway, which shall use those 88144  
contributions solely to promote and support the historical 88145  
preservation and advertisement of the Lincoln highway in this 88146  
state. 88147

The registrar shall pay the contributions the registrar 88148  
receives pursuant to section 4503.87 of the Revised Code to the 88149  
Grove City little league dream field fund, which shall use those 88150  
contributions solely to build, maintain, and improve youth 88151  
baseball fields within the municipal corporation of Grove City. 88152

The registrar shall pay the contributions the registrar 88153  
receives pursuant to section 4503.871 of the Revised Code to the 88154  
Solon city school district. The school district shall use the 88155  
contributions it receives to pay the expenses it incurs in 88156  
providing services to the school district's students that assist 88157  
in developing or maintaining the mental and emotional well-being 88158  
of the students. The services provided may include bereavement 88159  
counseling, instruction in defensive driving techniques, 88160  
sensitivity training, and the counseling and education of 88161  
students regarding bullying, dating violence, drug abuse, 88162  
suicide prevention, and human trafficking. The school district 88163  
superintendent or, in the school district superintendent's 88164  
discretion, the appropriate school principal or appropriate 88165  
school counselors shall determine any charitable organizations 88166  
that the school district hires to provide those services. The 88167  
school district also may use the contributions it receives to 88168  
pay for members of the faculty of the school district to receive 88169  
training in providing such services to the students of the 88170  
school district. The school district shall ensure that any 88171  
charitable organization that is hired by the district is exempt 88172  
from federal income taxation under subsection 501(c)(3) of the 88173  
Internal Revenue Code. The school district shall not use the 88174  
contributions it receives for any other purpose. 88175

The registrar shall pay the contributions the registrar 88176  
receives pursuant to section 4503.872 of the Revised Code to the 88177  
Canton city school district. The district may use the 88178

contributions for student welfare, but shall not use the 88179  
contributions for any political purpose or to pay salaries of 88180  
district employees. 88181

The registrar shall pay the contributions the registrar 88182  
receives pursuant to section 4503.873 of the Revised Code to 88183  
Padua Franciscan high school located in the municipal 88184  
corporation of Parma. The school shall use fifty per cent of the 88185  
contributions it receives to provide tuition assistance to its 88186  
students. The school shall use the remaining fifty per cent to 88187  
pay the expenses it incurs in providing services to the school's 88188  
students that assist in developing or maintaining the mental and 88189  
emotional well-being of the students. The services provided may 88190  
include bereavement counseling, instruction in defensive driving 88191  
techniques, sensitivity training, and the counseling and 88192  
education of students regarding bullying, dating violence, drug 88193  
abuse, suicide prevention, and human trafficking. As a part of 88194  
providing such services, the school may pay for members of the 88195  
faculty of the school to receive training in providing those 88196  
services. The school principal or, in the school principal's 88197  
discretion, appropriate school counselors shall determine any 88198  
charitable organizations that the school hires to provide those 88199  
services. The school shall ensure that any such charitable 88200  
organization is exempt from federal income taxation under 88201  
subsection 501(c)(3) of the Internal Revenue Code. The school 88202  
shall not use the contributions it receives for any other 88203  
purpose. 88204

The registrar shall pay the contributions the registrar 88205  
receives pursuant to section 4503.874 of the Revised Code to St. 88206  
Edward high school located in the municipal corporation of 88207  
Lakewood. The school shall use fifty per cent of the 88208  
contributions it receives to provide tuition assistance to its 88209

students. The school shall use the remaining fifty per cent to 88210  
pay the expenses it incurs in providing services to the school's 88211  
students that assist in developing or maintaining the mental and 88212  
emotional well-being of the students. The services provided may 88213  
include bereavement counseling, instruction in defensive driving 88214  
techniques, sensitivity training, and the counseling and 88215  
education of students regarding bullying, dating violence, drug 88216  
abuse, suicide prevention, and human trafficking. As a part of 88217  
providing such services, the school may pay for members of the 88218  
faculty of the school to receive training in providing those 88219  
services. The school principal or, in the school principal's 88220  
discretion, appropriate school counselors shall determine any 88221  
charitable organizations that the school hires to provide those 88222  
services. The school shall ensure that any such charitable 88223  
organization is exempt from federal income taxation under 88224  
subsection 501(c)(3) of the Internal Revenue Code. The school 88225  
shall not use the contributions it receives for any other 88226  
purpose. 88227

The registrar shall pay the contributions the registrar 88228  
receives pursuant to section 4503.875 of the Revised Code to 88229  
Walsh Jesuit high school located in the municipal corporation of 88230  
Cuyahoga Falls. The school shall use fifty per cent of the 88231  
contributions it receives to provide tuition assistance to its 88232  
students. The school shall use the remaining fifty per cent to 88233  
pay the expenses it incurs in providing services to the school's 88234  
students that assist in developing or maintaining the mental and 88235  
emotional well-being of the students. The services provided may 88236  
include bereavement counseling, instruction in defensive driving 88237  
techniques, sensitivity training, and the counseling and 88238  
education of students regarding bullying, dating violence, drug 88239  
abuse, suicide prevention, and human trafficking. As a part of 88240

providing such services, the school may pay for members of the 88241  
faculty of the school to receive training in providing those 88242  
services. The school principal or, in the school principal's 88243  
discretion, appropriate school counselors shall determine any 88244  
charitable organizations that the school hires to provide those 88245  
services. The school shall ensure that any such charitable 88246  
organization is exempt from federal income taxation under 88247  
subsection 501(c)(3) of the Internal Revenue Code. The school 88248  
shall not use the contributions it receives for any other 88249  
purpose. 88250

The registrar shall pay the contributions the registrar 88251  
receives pursuant to section 4503.876 of the Revised Code to the 88252  
North Royalton city school district. The school district shall 88253  
use the contributions it receives to pay the expenses it incurs 88254  
in providing services to the school district's students that 88255  
assist in developing or maintaining the mental and emotional 88256  
well-being of the students. The services provided may include 88257  
bereavement counseling, instruction in defensive driving 88258  
techniques, sensitivity training, and the counseling and 88259  
education of students regarding bullying, dating violence, drug 88260  
abuse, suicide prevention, and human trafficking. The school 88261  
district superintendent or, in the school district 88262  
superintendent's discretion, the appropriate school principal or 88263  
appropriate school counselors shall determine any charitable 88264  
organizations that the school district hires to provide those 88265  
services. The school district also may use the contributions it 88266  
receives to pay for members of the faculty of the school 88267  
district to receive training in providing such services to the 88268  
students of the school district. The school district shall 88269  
ensure that any charitable organization that is hired by the 88270  
district is exempt from federal income taxation under subsection 88271

501(c) (3) of the Internal Revenue Code. The school district 88272  
shall not use the contributions it receives for any other 88273  
purpose. 88274

The registrar shall pay the contributions the registrar 88275  
receives pursuant to section 4503.877 of the Revised Code to the 88276  
Independence local school district. The school district shall 88277  
use the contributions it receives to pay the expenses it incurs 88278  
in providing services to the school district's students that 88279  
assist in developing or maintaining the mental and emotional 88280  
well-being of the students. The services provided may include 88281  
bereavement counseling, instruction in defensive driving 88282  
techniques, sensitivity training, and the counseling and 88283  
education of students regarding bullying, dating violence, drug 88284  
abuse, suicide prevention, and human trafficking. The school 88285  
district superintendent or, in the school district 88286  
superintendent's discretion, the appropriate school principal or 88287  
appropriate school counselors shall determine any charitable 88288  
organizations that the school district hires to provide those 88289  
services. The school district also may use the contributions it 88290  
receives to pay for members of the faculty of the school 88291  
district to receive training in providing such services to the 88292  
students of the school district. The school district shall 88293  
ensure that any charitable organization that is hired by the 88294  
district is exempt from federal income taxation under subsection 88295  
501(c) (3) of the Internal Revenue Code. The school district 88296  
shall not use the contributions it receives for any other 88297  
purpose. 88298

The registrar shall pay the contributions the registrar 88299  
receives pursuant to section 4503.878 of the Revised Code to the 88300  
Cuyahoga Heights local school district. The school district 88301  
shall use the contributions it receives to pay the expenses it 88302

incurs in providing services to the school district's students 88303  
that assist in developing or maintaining the mental and 88304  
emotional well-being of the students. The services provided may 88305  
include bereavement counseling, instruction in defensive driving 88306  
techniques, sensitivity training, and the counseling and 88307  
education of students regarding bullying, dating violence, drug 88308  
abuse, suicide prevention, and human trafficking. The school 88309  
district superintendent or, in the school district 88310  
superintendent's discretion, the appropriate school principal or 88311  
appropriate school counselors, shall determine any charitable 88312  
organizations that the school district hires to provide those 88313  
services. The school district also may use the contributions it 88314  
receives to pay for members of the faculty of the school 88315  
district to receive training in providing such services to the 88316  
students of the school district. The school district shall 88317  
ensure that any charitable organization that is hired by the 88318  
district is exempt from federal income taxation under subsection 88319  
501(c)(3) of the Internal Revenue Code. The school district 88320  
shall not use the contributions it receives for any other 88321  
purpose. 88322

The registrar shall pay the contributions the registrar 88323  
receives pursuant to section 4503.879 of the Revised Code to the 88324  
west technical high school alumni association, which shall use 88325  
the contributions for activities sponsored by the association. 88326

The registrar shall pay the contributions the registrar 88327  
receives pursuant to section 4503.88 of the Revised Code to the 88328  
Kenston local school district. The school district shall use the 88329  
contributions it receives to pay the expenses it incurs in 88330  
providing services that assist in developing or maintaining a 88331  
culture of environmental responsibility and an innovative 88332  
science, technology, engineering, art, and math (S.T.E.A.M.) 88333



curriculum to the school district's students. The school 88334  
district shall not use the contributions it receives for any 88335  
other purpose. 88336

The registrar shall pay the contributions the registrar 88337  
receives pursuant to section 4503.881 of the Revised Code to La 88338  
Salle high school in the municipal corporation of Cincinnati. 88339  
The high school shall not use the contributions it receives for 88340  
any political purpose. 88341

The registrar shall pay the contributions the registrar 88342  
receives pursuant to section 4503.882 of the Revised Code to St. 88343  
John's Jesuit high school and academy located in the municipal 88344  
corporation of Toledo. The school shall use the contributions it 88345  
receives to provide tuition assistance for students attending 88346  
the school. 88347

The registrar shall pay the contributions the registrar 88348  
receives pursuant to section 4503.883 of the Revised Code to St. 88349  
Charles preparatory school located in the municipal corporation 88350  
of Columbus, which shall use the contributions for the school's 88351  
alumni association and the alumni association's purposes. 88352

The registrar shall pay the contributions the registrar 88353  
receives pursuant to section 4503.884 of the Revised Code to 88354  
Archbishop Moeller high school located in the municipal 88355  
corporation of Cincinnati. The high school shall not use the 88356  
contributions it receives for any political purpose. 88357

The registrar shall pay the contributions the registrar 88358  
receives pursuant to section 4503.885 of the Revised Code to the 88359  
Revere schools foundation. The foundation shall use the 88360  
contributions to promote its mission, including awarding 88361  
scholarships to honor young people who are meaningfully engaged 88362

in their school or community. The foundation shall not use the 88363  
contributions for any political purpose. 88364

The registrar shall pay the contributions the registrar 88365  
receives pursuant to section 4503.886 of the Revised Code to 88366  
Stephen T. Badin high school in the municipal corporation of 88367  
Hamilton. 88368

The registrar shall pay the contributions the registrar 88369  
receives pursuant to section 4503.887 of the Revised Code to 88370  
Bishop Hartley high school located in the municipal corporation 88371  
of Columbus, which shall use the contributions for the school's 88372  
alumni association and the alumni association's purposes. 88373

The registrar shall pay the contributions the registrar 88374  
receives pursuant to section 4503.888 of the Revised Code to St. 88375  
Vincent-St. Mary high school located in the municipal 88376  
corporation of Akron. 88377

The registrar shall pay the contributions the registrar 88378  
receives pursuant to section 4503.89 of the Revised Code to the 88379  
American red cross of greater Columbus on behalf of the Ohio 88380  
chapters of the American red cross, which shall use the 88381  
contributions for disaster readiness, preparedness, and response 88382  
programs on a statewide basis. 88383

The registrar shall pay the contributions the registrar 88384  
receives pursuant to section 4503.891 of the Revised Code to the 88385  
Ohio lions foundation. The foundation shall use the 88386  
contributions for charitable and educational purposes. 88387

The registrar shall pay the contributions the registrar 88388  
receives pursuant to section 4503.892 of the Revised Code to the 88389  
Hudson city school district. The school district shall not use 88390  
the contributions it receives for any political purpose. 88391

The registrar shall pay the contributions the registrar receives pursuant to section 4503.893 of the Revised Code to the Harrison Central jr./sr. high school located in the municipal corporation of Cadiz.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.894 of the Revised Code to the Blanchester schools foundation for funding student scholarships and for funding activities and programs for at-risk students.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.895 of the Revised Code to the Lakeside Chautauqua foundation. The foundation shall use the contributions it receives for conservation and preservation of Lake Erie and the surrounding ecosystem.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.896 of the Revised Code to the American legion auxiliary department of Ohio. The auxiliary department shall use the contributions it receives to support the American legion, current and former military members, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.899 of the Revised Code to the Cleveland clinic foundation, which shall use the contributions to support Cleveland clinic children's education, research, and patient services.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.90 of the Revised Code to the nationwide children's hospital foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.901 of the Revised Code to the

Ohio association for pupil transportation, which shall use the 88421  
money to support transportation programs, provide training to 88422  
school transportation professionals, and support other 88423  
initiatives for school transportation safety. 88424

The registrar shall pay the contributions the registrar 88425  
receives pursuant to section 4503.902 of the Revised Code to St. 88426  
Ignatius high school located in the municipal corporation of 88427  
Cleveland. The school shall use fifty per cent of the 88428  
contributions it receives to provide tuition assistance to its 88429  
students. The school shall use the remaining fifty per cent to 88430  
pay the expenses it incurs in providing services to the school's 88431  
students that assist in developing or maintaining the mental and 88432  
emotional well-being of the students. The services provided may 88433  
include bereavement counseling, instruction in defensive driving 88434  
techniques, sensitivity training, and the counseling and 88435  
education of students regarding bullying, dating violence, drug 88436  
abuse, suicide prevention, and human trafficking. As a part of 88437  
providing such services, the school may pay for members of the 88438  
faculty of the school to receive training in providing those 88439  
services. The school principal or, in the school principal's 88440  
discretion, appropriate school counselors shall determine any 88441  
charitable organizations that the school hires to provide those 88442  
services. The school shall ensure that any such charitable 88443  
organization is exempt from federal income taxation under 88444  
subsection 501(c)(3) of the Internal Revenue Code. The school 88445  
shall not use the contributions it receives for any other 88446  
purpose. 88447

The registrar shall pay the contributions the registrar 88448  
receives pursuant to section 4503.903 of the Revised Code to the 88449  
Brecksville-Broadview Heights city school district. The school 88450  
district shall use the contributions it receives to pay the 88451

expenses it incurs in providing services to the school 88452  
district's students that assist in developing or maintaining the 88453  
mental and emotional well-being of the students. The services 88454  
provided may include bereavement counseling, instruction in 88455  
defensive driving techniques, sensitivity training, and the 88456  
counseling and education of students regarding bullying, dating 88457  
violence, drug abuse, suicide prevention, and human trafficking. 88458  
The school district superintendent or, in the school district 88459  
superintendent's discretion, the appropriate school principal or 88460  
appropriate school counselors shall determine any charitable 88461  
organizations that the school district hires to provide those 88462  
services. The school district also may use the contributions it 88463  
receives to pay for members of the faculty of the school 88464  
district to receive training in providing such services to the 88465  
students of the school district. The school district shall 88466  
ensure that any charitable organization that is hired by the 88467  
district is exempt from federal income taxation under subsection 88468  
501(c)(3) of the Internal Revenue Code. The school district 88469  
shall not use the contributions it receives for any other 88470  
purpose. 88471

The registrar shall pay the contributions the registrar 88472  
receives pursuant to section 4503.904 of the Revised Code to the 88473  
Chagrin Falls exempted village school district. The school 88474  
district shall use the contributions it receives to pay the 88475  
expenses it incurs in providing services to the school 88476  
district's students that assist in developing or maintaining the 88477  
mental and emotional well-being of the students. The services 88478  
provided may include bereavement counseling, instruction in 88479  
defensive driving techniques, sensitivity training, and the 88480  
counseling and education of students regarding bullying, dating 88481  
violence, drug abuse, suicide prevention, and human trafficking. 88482

The school district superintendent or, in the school district 88483  
superintendent's discretion, the appropriate school principal or 88484  
appropriate school counselors shall determine any charitable 88485  
organizations that the school district hires to provide those 88486  
services. The school district also may use the contributions it 88487  
receives to pay for members of the faculty of the school 88488  
district to receive training in providing such services to the 88489  
students of the school district. The school district shall 88490  
ensure that any charitable organization that is hired by the 88491  
district is exempt from federal income taxation under subsection 88492  
501(c)(3) of the Internal Revenue Code. The school district 88493  
shall not use the contributions it receives for any other 88494  
purpose. 88495

The registrar shall pay the contributions the registrar 88496  
receives pursuant to section 4503.905 of the Revised Code to the 88497  
Cuyahoga valley career center. The career center shall use the 88498  
contributions it receives to pay the expenses it incurs in 88499  
providing services to the career center's students that assist 88500  
in developing or maintaining the mental and emotional well-being 88501  
of the students. The services provided may include bereavement 88502  
counseling, instruction in defensive driving techniques, 88503  
sensitivity training, and the counseling and education of 88504  
students regarding bullying, dating violence, drug abuse, 88505  
suicide prevention, and human trafficking. The career center's 88506  
superintendent or in the career center's superintendent's 88507  
discretion, the school board or appropriate school counselors 88508  
shall determine any charitable organizations that the career 88509  
center hires to provide those services. The career center also 88510  
may use the contributions it receives to pay for members of the 88511  
faculty of the career center to receive training in providing 88512  
such services to the students of the career center. The career 88513

center shall ensure that any charitable organization that is 88514  
hired by the career center is exempt from federal income 88515  
taxation under subsection 501(c)(3) of the Internal Revenue 88516  
Code. The career center shall not use the contributions it 88517  
receives for any other purpose. 88518

The registrar shall pay the contributions the registrar 88519  
receives pursuant to section 4503.906 of the Revised Code to the 88520  
Stow-Munroe Falls city school district. The school district 88521  
shall not use the contributions it receives for any political 88522  
purpose. 88523

The registrar shall pay the contributions the registrar 88524  
receives pursuant to section 4503.907 of the Revised Code to the 88525  
Twinsburg city school district. The school district shall not 88526  
use the contributions it receives for any political purpose. 88527

The registrar shall pay the contributions the registrar 88528  
receives pursuant to section 4503.908 of the Revised Code to St. 88529  
Xavier high school located in Springfield township in Hamilton 88530  
county. The school shall use fifty per cent of the contributions 88531  
it receives to provide tuition assistance to its students. The 88532  
school shall use the remaining fifty per cent to pay the 88533  
expenses it incurs in providing services to the school's 88534  
students that assist in developing or maintaining the mental and 88535  
emotional well-being of the students. The services provided may 88536  
include bereavement counseling, instruction in defensive driving 88537  
techniques, sensitivity training, and the counseling and 88538  
education of students regarding bullying, dating violence, drug 88539  
abuse, suicide prevention, and human trafficking. As a part of 88540  
providing such services, the school may pay for members of the 88541  
faculty of the school to receive training in providing those 88542  
services. The school principal or, in the school principal's 88543

discretion, appropriate school counselors shall determine any 88544  
charitable organizations that the school hires to provide those 88545  
services. The school shall ensure that any such charitable 88546  
organization is exempt from federal income taxation under 88547  
subsection 501(c)(3) of the Internal Revenue Code. The school 88548  
shall not use the contributions it receives for any other 88549  
purpose. 88550

The registrar shall pay the contributions the registrar 88551  
receives pursuant to section 4503.909 of the Revised Code to the 88552  
Grandview Heights city school district, which shall use the 88553  
contributions for its gifted programs and special education and 88554  
related services. 88555

The registrar shall pay the contributions received 88556  
pursuant to section 4503.92 of the Revised Code to support our 88557  
troops, incorporated, a national nonprofit corporation, which 88558  
shall use those contributions in accordance with its articles of 88559  
incorporation and for the benefit of servicemembers of the armed 88560  
forces of the United States and their families when they are in 88561  
financial need. 88562

The registrar shall pay the contributions received 88563  
pursuant to section 4503.931 of the Revised Code to healthy New 88564  
Albany, which shall use the contributions for its community 88565  
programs, events, and other activities. 88566

The registrar shall pay the contributions the registrar 88567  
receives pursuant to section 4503.932 of the Revised Code to 88568  
habitat for humanity of Ohio, inc., which shall use the 88569  
contributions for its projects related to building affordable 88570  
houses. 88571

The registrar shall pay the contributions the registrar 88572



receives pursuant to section 4503.933 of the Revised Code to 88573  
Ohio citizens for the arts foundation, which shall use the 88574  
contributions for advocacy, education, and professional 88575  
development programs. 88576

The registrar shall pay the contributions the registrar 88577  
receives pursuant to section 4503.934 of the Revised Code to 88578  
Ohio society for respiratory care of the American association 88579  
for respiratory care, incorporated, which shall use the 88580  
contributions to benefit the Ohio society for respiratory care 88581  
student scholarship fund. 88582

The registrar shall pay the contributions the registrar 88583  
receives pursuant to section 4503.935 of the Revised Code to 88584  
Jesup W. Scott high school's principal activities fund. The high 88585  
school shall use the contributions to enhance learning 88586  
opportunities for the high school's students. 88587

The registrar shall pay the contributions the registrar 88588  
receives pursuant to section 4503.936 of the Revised Code to the 88589  
Hilliard Davidson baseball club, which shall use the 88590  
contributions to support the team. 88591

The registrar shall pay the contributions the registrar 88592  
receives pursuant to section 4503.94 of the Revised Code to the 88593  
Michelle's leading star foundation, which shall use the money 88594  
solely to fund the rental, lease, or purchase of the simulated 88595  
driving curriculum of the Michelle's leading star foundation by 88596  
boards of education of city, exempted village, local, and joint 88597  
vocational school districts. 88598

The registrar shall pay the contributions the registrar 88599  
receives pursuant to section 4503.941 of the Revised Code to the 88600  
Ohio chapter international society of arboriculture, which shall 88601

use the money to increase consumer awareness on the importance 88602  
of proper tree care and to raise funds for the chapter's 88603  
educational efforts. 88604

The registrar shall pay the contributions received 88605  
pursuant to section 4503.942 of the Revised Code to zero, the 88606  
end of prostate cancer, incorporated, a nonprofit organization, 88607  
which shall use those contributions to raise awareness of 88608  
prostate cancer, to support research to end prostate cancer, and 88609  
to support prostate cancer patients and their families. 88610

The registrar shall pay the contributions the registrar 88611  
receives pursuant to section 4503.943 of the Revised Code to the 88612  
nonprofit organization weirdo cat lovers of Cleveland, which 88613  
shall use the contributions to further its mission of assisting 88614  
pet parents with emergency veterinary bills for their feline 88615  
companions, providing food and litter to those in economic need, 88616  
and controlling feral cat populations through the process of 88617  
trap-neuter-return to the community. 88618

The registrar shall pay the contributions the registrar 88619  
receives pursuant to section 4503.944 of the Revised Code to the 88620  
eastern European congress of Ohio, which shall use the 88621  
contributions for charitable and educational purposes. 88622

The registrar shall pay the contributions the registrar 88623  
receives pursuant to section 4503.945 of the Revised Code to the 88624  
Summit metro parks foundation, which shall use the money in 88625  
support of the Summit county metro parks. 88626

The registrar shall pay the contributions the registrar 88627  
receives pursuant to section 4503.946 of the Revised Code to the 88628  
Ohio society, sons of the American revolution, which shall use 88629  
the contributions for special projects related to historical 88630

education. 88631

The registrar shall pay the contributions the registrar 88632  
receives pursuant to section 4503.951 of the Revised Code to the 88633  
Cincinnati city school district. 88634

The registrar shall pay the contributions the registrar 88635  
receives pursuant to section 4503.952 of the Revised Code to 88636  
Hawken school located in northeast Ohio. The school shall use 88637  
fifty per cent of the contributions it receives to provide 88638  
tuition assistance to its students. The school shall use the 88639  
remaining fifty per cent to pay the expenses it incurs in 88640  
providing services to the school's students that assist in 88641  
developing or maintaining the mental and emotional well-being of 88642  
the students. The services provided may include bereavement 88643  
counseling, instruction in defensive driving techniques, 88644  
sensitivity training, and the counseling and education of 88645  
students regarding bullying, dating violence, drug abuse, 88646  
suicide prevention, and human trafficking. As a part of 88647  
providing such services, the school may pay for members of the 88648  
faculty of the school to receive training in providing those 88649  
services. The school principal or, in the school principal's 88650  
discretion, appropriate school counselors shall determine any 88651  
charitable organizations that the school hires to provide those 88652  
services. The school shall ensure that any such charitable 88653  
organization is exempt from federal income taxation under 88654  
subsection 501(c)(3) of the Internal Revenue Code. The school 88655  
shall not use the contributions it receives for any other 88656  
purpose. 88657

The registrar shall pay the contributions the registrar 88658  
receives pursuant to section 4503.953 of the Revised Code to 88659  
Gilmour academy located in the municipal corporation of Gates 88660

Mills. The school shall use fifty per cent of the contributions 88661  
it receives to provide tuition assistance to its students. The 88662  
school shall use the remaining fifty per cent to pay the 88663  
expenses it incurs in providing services to the school's 88664  
students that assist in developing or maintaining the mental and 88665  
emotional well-being of the students. The services provided may 88666  
include bereavement counseling, instruction in defensive driving 88667  
techniques, sensitivity training, and the counseling and 88668  
education of students regarding bullying, dating violence, drug 88669  
abuse, suicide prevention, and human trafficking. As a part of 88670  
providing such services, the school may pay for members of the 88671  
faculty of the school to receive training in providing those 88672  
services. The school principal or, in the school principal's 88673  
discretion, appropriate school counselors shall determine any 88674  
charitable organizations that the school hires to provide those 88675  
services. The school shall ensure that any such charitable 88676  
organization is exempt from federal income taxation under 88677  
subsection 501(c)(3) of the Internal Revenue Code. The school 88678  
shall not use the contributions it receives for any other 88679  
purpose. 88680

The registrar shall pay the contributions the registrar 88681  
receives pursuant to section 4503.954 of the Revised Code to 88682  
University school located in the suburban area near the 88683  
municipal corporation of Cleveland. The school shall use fifty 88684  
per cent of the contributions it receives to provide tuition 88685  
assistance to its students. The school shall use the remaining 88686  
fifty per cent to pay the expenses it incurs in providing 88687  
services to the school's students that assist in developing or 88688  
maintaining the mental and emotional well-being of the students. 88689  
The services provided may include bereavement counseling, 88690  
instruction in defensive driving techniques, sensitivity 88691

training, and the counseling and education of students regarding 88692  
bullying, dating violence, drug abuse, suicide prevention, and 88693  
human trafficking. As a part of providing such services, the 88694  
school may pay for members of the faculty of the school to 88695  
receive training in providing those services. The school 88696  
principal or, in the school principal's discretion, appropriate 88697  
school counselors shall determine any charitable organizations 88698  
that the school hires to provide those services. The school 88699  
shall ensure that any such charitable organization is exempt 88700  
from federal income taxation under subsection 501(c)(3) of the 88701  
Internal Revenue Code. The school shall not use the 88702  
contributions it receives for any other purpose. 88703

The registrar shall pay the contributions the registrar 88704  
receives pursuant to section 4503.955 of the Revised Code to 88705  
Saint Albert the Great school located in North Royalton. The 88706  
school shall use fifty per cent of the contributions it receives 88707  
to provide tuition assistance to its students. The school shall 88708  
use the remaining fifty per cent to pay the expenses it incurs 88709  
in providing services to the school's students that assist in 88710  
developing or maintaining the mental and emotional well-being of 88711  
the students. The services provided may include bereavement 88712  
counseling, instruction in defensive driving techniques, 88713  
sensitivity training, and the counseling and education of 88714  
students regarding bullying, dating violence, drug abuse, 88715  
suicide prevention, and human trafficking. As a part of 88716  
providing such services, the school may pay for members of the 88717  
faculty of the school to receive training in providing those 88718  
services. The school principal or, in the school principal's 88719  
discretion, appropriate school counselors shall determine any 88720  
charitable organizations that the school hires to provide those 88721  
services. The school shall ensure that any such charitable 88722

organization is exempt from federal income taxation under 88723  
subsection 501(c)(3) of the Internal Revenue Code. The school 88724  
shall not use the contributions it receives for any other 88725  
purpose. 88726

The registrar shall pay the contributions the registrar 88727  
receives pursuant to section 4503.956 of the Revised Code to the 88728  
Liberty Center local school district, which shall use the 88729  
contributions for its gifted programs and special education and 88730  
related services. 88731

The registrar shall pay the contributions the registrar 88732  
receives pursuant to section 4503.957 of the Revised Code to 88733  
John F. Kennedy Catholic school located in Warren. The school 88734  
shall not use the contributions it receives for any political 88735  
purpose. 88736

The registrar shall pay the contributions the registrar 88737  
receives pursuant to section 4503.958 of the Revised Code to 88738  
Elder high school located in the municipal corporation of 88739  
Cincinnati. The school shall use fifty per cent of the 88740  
contributions it receives to provide tuition assistance to its 88741  
students, twenty-five per cent of the contributions to benefit 88742  
arts and enrichment at the school, and twenty-five per cent of 88743  
the contributions to benefit athletics at the school. 88744

The registrar shall pay the contributions the registrar 88745  
receives pursuant to section 4503.959 of the Revised Code to the 88746  
Dublin food pantry, which shall use the contributions to provide 88747  
food, hygiene products, and other resources to individuals and 88748  
families experiencing food insecurity. 88749

The registrar shall pay the contributions the registrar 88750  
receives pursuant to section 4503.961 of the Revised Code to 88751

Fairfield senior high school located in the municipal 88752  
corporation of Fairfield. The high school shall not use the 88753  
contributions for any political purpose. 88754

The registrar shall pay the contributions the registrar 88755  
receives pursuant to section 4503.962 of the Revised Code to 88756  
Hamilton high school located in the municipal corporation of 88757  
Hamilton. The high school shall not use the contributions for 88758  
any political purpose. 88759

The registrar shall pay the contributions the registrar 88760  
receives pursuant to section 4503.963 of the Revised Code to 88761  
Ross high school located in Ross township in Butler county. The 88762  
high school shall not use the contributions for any political 88763  
purpose. 88764

The registrar shall pay the contributions the registrar 88765  
receives pursuant to section 4503.964 of the Revised Code to 88766  
Chardon hilltopper gridiron club. The club shall use 88767  
contributions to fund college and career technical training 88768  
scholarships for students. 88769

The registrar shall pay the contributions the registrar 88770  
receives pursuant to section 4503.965 of the Revised Code to the 88771  
Norton music boosters association. The association shall use the 88772  
contributions to provide financial assistance to the Norton high 88773  
school music boosters for equipment, travel, and programming 88774  
expenses. 88775

The registrar shall pay the contributions the registrar 88776  
receives pursuant to section 4503.97 of the Revised Code to the 88777  
friends of united Hatzalah of Israel, which shall use the money 88778  
to support united Hatzalah of Israel, which provides free 88779  
emergency medical first response throughout Israel. 88780

The registrar shall pay the contributions the registrar receives pursuant to section 4503.98 of the Revised Code to the Westerville parks foundation to support the programs and activities of the foundation and its mission of pursuing the city of Westerville's vision of becoming "A City Within A Park."

(C) All investment earnings of the license plate contribution fund shall be credited to the fund. Not later than the first day of May of every year, the registrar shall distribute to each entity described in division (B) of this section the investment income the fund earned the previous calendar year. The amount of such a distribution paid to an entity shall be proportionate to the amount of money the entity received from the fund during the previous calendar year.

**Sec. 4501.29.** The department of administrative services shall collect user fees from participants in the multi-agency radio communications system (MARCS). The director of administrative services, with ~~the advice of the MARCS steering committee and~~ the consent of the director of budget and management, shall determine the amount of the user fees and the manner by which the fees shall be collected. All moneys from user fees shall be deposited in the MARCS administration fund, which is hereby created in the state treasury. All investment earnings on moneys in the fund shall be credited to the fund.

**Sec. 4501.30.** As used in sections 4501.30 to 4501.303 of the Revised Code:

"MARCS" means the multi-agency radio communications system.

"P25 standards" means standards for digital radio communications for use by federal, state, provincial, and local



public safety agencies in North America to enable communications 88810  
with other agencies and mutual aid response teams in 88811  
emergencies. "P25 standards" are the standards produced through 88812  
the joint efforts of the association of public-safety 88813  
communications officials, the national association of state 88814  
technology directors, selected federal agencies, and the 88815  
national communications system. 88816

"P25 system" means a communications system that meets P25 88817  
standards and fosters interoperability in mission critical 88818  
communications ~~as certified by the MARCS steering committee.~~ 88819

**Sec. 4501.302.** (A) The multi-agency radio communications 88820  
system (MARCS) steering committee is established consisting of 88821  
the following members: 88822

(1) The directors, or designees thereof, of administrative 88823  
services, public safety, natural resources, transportation, 88824  
rehabilitation and correction, and budget and management, and 88825  
the state fire marshal or the state fire marshal's designee; 88826

(2) The following members appointed by the governor: 88827

(a) One representative of the Ohio chapter of the 88828  
association of public safety communications officials or its 88829  
successor organization; 88830

(b) One representative of the buckeye state sheriff's 88831  
association or its successor organization; 88832

(c) One representative of the Ohio association of chiefs 88833  
of police or its successor organization; 88834

(d) One representative of the Ohio fire chiefs' 88835  
association or its successor organization. 88836

(3) Two members of the house of representatives appointed 88837

by the speaker of the house of representatives, one from the 88838  
majority party and one from the minority party; 88839

(4) Two members of the senate appointed by the president 88840  
of the senate, one from the majority party and one from the 88841  
minority party. 88842

(B) The director of administrative services or the 88843  
director's designee shall chair the committee. 88844

(C) The committee shall provide assistance to the director 88845  
of administrative services for effective and efficient 88846  
implementation of MARCS as well as develop policies for the 88847  
ongoing management of the system. Upon dates prescribed by the 88848  
directors of administrative services and budget and management, 88849  
the MARCS steering committee shall report to the directors on 88850  
the progress of MARCS implementation and the development of 88851  
policies related to the system. 88852

(D) The committee shall establish a subcommittee to 88853  
represent MARCS users on the local government level. The 88854  
chairperson of the subcommittee shall serve as a member of the 88855  
MARCS steering committee. 88856

(E) Divisions (A) to (D) of this section represent the 88857  
codification of the existing MARCS steering committee and 88858  
subcommittee. Upon the effective date of this amendment, members 88859  
of the MARCS steering committee and the subcommittee may 88860  
continue service on these committees, their terms unaffected by 88861  
the codification. 88862

(F) The MARCS steering committee shall certify that the 88863  
P25 system complies with P25 standards based on business 88864  
planning documents it approves. The planning documents shall 88865  
outline the various end user costs for monthly access to the 88866

system depending on the number of MARCS users and including 88867  
adequate funding for future repairs, maintenance, and upgrades 88868  
of MARCS statewide. 88869

**Sec. 4503.03.** (A) (1) (a) Except as provided in division (B) 88870  
of this section, the registrar of motor vehicles may designate 88871  
one or more of the following persons to act as a deputy 88872  
registrar in each county: 88873

(i) The county auditor in any county; 88874

(ii) The clerk of a court of common pleas in any county; 88875

(iii) An individual; 88876

(iv) A nonprofit corporation as defined in division (C) of 88877  
section 1702.01 of the Revised Code. 88878

All fees collected and retained by a clerk for conducting 88879  
deputy registrar services shall be paid into the county treasury 88880  
to the credit of the certificate of title administration fund 88881  
created under section 325.33 of the Revised Code. 88882

(b) As part of the selection process in awarding a deputy 88883  
registrar contract, the registrar shall consider the customer 88884  
service performance record of any person previously awarded a 88885  
deputy registrar contract pursuant to division (A) (1) of this 88886  
section. 88887

(2) Deputy registrars shall accept applications for the 88888  
annual license tax for any vehicle not taxed under section 88889  
4503.63 of the Revised Code and shall assign distinctive numbers 88890  
in the same manner as the registrar. Such deputies shall be 88891  
located in such locations as the registrar sees fit. Except as 88892  
provided in division (A) (3) of this section, there shall be at 88893  
least one deputy registrar in each county. 88894

(3) The registrar need not appoint a deputy registrar in a county to which all of the following apply:

(a) No individual, nonprofit corporation, or, where applicable, clerk of court of common pleas participates in the competitive selection process to be designated as a deputy registrar;

(b) Neither the county auditor nor the clerk of court of common pleas agrees to be designated as a deputy registrar;

(c) No individual or nonprofit corporation agrees to be designated as a deputy registrar;

(d) No deputy registrar operating an existing deputy registrar agency in another county agrees to be designated as the deputy registrar for that county.

(4) The registrar may reestablish a deputy registrar in any county without a deputy registrar if any of the following apply:

(a) The county auditor requests to be designated as a deputy registrar;

(b) The clerk of court of common pleas requests to be designated as a deputy registrar;

(c) A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as a deputy registrar for that county;

(d) A qualified individual or nonprofit corporation requests to be designated as a deputy registrar. In the event that two or more qualified individuals, nonprofit corporations, or a combination thereof, request to be designated as a deputy registrar, the registrar may make the designation through the

competitive selection process. 88923

Deputy registrar contracts are subject to the provisions 88924  
of division (B) of section 125.081 of the Revised Code. 88925

(B) (1) The registrar shall not designate any person to act 88926  
as a deputy registrar under division (A) (1) of this section if 88927  
the person or, where applicable, the person's spouse or a member 88928  
of the person's immediate family has made, within the current 88929  
calendar year or any one of the previous three calendar years, 88930  
one or more contributions totaling in excess of one hundred 88931  
dollars to any person or entity included in division (A) (2) of 88932  
section 4503.033 of the Revised Code. As used in this division, 88933  
"immediate family" has the same meaning as in division (D) of 88934  
section 102.01 of the Revised Code, and "entity" includes any 88935  
political party and any ~~"continuing association"~~ "political 88936  
contributing entity" as defined in ~~division (C) (4) of~~ section 88937  
3517.01 of the Revised Code or "political action committee" as 88938  
defined in ~~division (C) (8) of~~ that section that is primarily 88939  
associated with that political party. For purposes of this 88940  
division, contributions to any ~~continuing association~~ political 88941  
contributing entity or any political action committee that is 88942  
primarily associated with a political party shall be aggregated 88943  
with contributions to that political party. 88944

The contribution limitations contained in this division do 88945  
not apply to any county auditor or clerk of a court of common 88946  
pleas. A county auditor or clerk of a court of common pleas is 88947  
not required to file the disclosure statement or pay the filing 88948  
fee required under section 4503.033 of the Revised Code. The 88949  
limitations of this division also do not apply to a deputy 88950  
registrar who, subsequent to being awarded a deputy registrar 88951  
contract, is elected to an office of a political subdivision. 88952

(2) The registrar shall not designate either of the 88953  
following to act as a deputy registrar: 88954

(a) Any elected public official other than a county 88955  
auditor or, as authorized by division (A)(1) of this section, a 88956  
clerk of a court of common pleas, acting in an official 88957  
capacity, except that, the registrar shall continue and may 88958  
renew a contract with any deputy registrar who, subsequent to 88959  
being awarded a deputy registrar contract, is elected to an 88960  
office of a political subdivision; 88961

(b) Any person holding a current, valid contract to 88962  
conduct motor vehicle inspections under section 3704.14 of the 88963  
Revised Code. 88964

(3) As used in division (B) of this section, "political 88965  
subdivision" has the same meaning as in section 3501.01 of the 88966  
Revised Code. 88967

(C)(1) Except as provided in division (C)(2) of this 88968  
section, deputy registrars are independent contractors and 88969  
neither they nor their employees are employees of this state, 88970  
except that nothing in this section shall affect the status of 88971  
county auditors or clerks of courts of common pleas as public 88972  
officials, nor the status of their employees as employees of any 88973  
of the counties of this state, which are political subdivisions 88974  
of this state. Each deputy registrar shall be responsible for 88975  
the payment of all unemployment compensation premiums, all 88976  
workers' compensation premiums, social security contributions, 88977  
and any and all taxes for which the deputy registrar is legally 88978  
responsible. Each deputy registrar shall comply with all 88979  
applicable federal, state, and local laws requiring the 88980  
withholding of income taxes or other taxes from the compensation 88981  
of the deputy registrar's employees. Each deputy registrar shall 88982

maintain during the entire term of the deputy registrar's 88983  
contract a policy of business liability insurance satisfactory 88984  
to the registrar and shall hold the department of public safety, 88985  
the director of public safety, the bureau of motor vehicles, and 88986  
the registrar harmless upon any and all claims for damages 88987  
arising out of the operation of the deputy registrar agency. 88988

(2) For purposes of Chapter 4141. of the Revised Code, 88989  
determinations concerning the employment of deputy registrars 88990  
and their employees shall be made under Chapter 4141. of the 88991  
Revised Code. 88992

(D) (1) With the approval of the director, the registrar 88993  
shall adopt rules governing deputy registrars. The rules shall 88994  
do all of the following: 88995

(a) Establish requirements governing the terms of the 88996  
contract between the registrar and each deputy registrar and the 88997  
services to be performed; 88998

(b) Establish requirements governing the amount of bond to 88999  
be given as provided in this section; 89000

(c) Establish requirements governing the size and location 89001  
of the deputy's office; 89002

(d) Establish requirements governing the leasing of 89003  
equipment necessary to conduct the vision screenings required 89004  
under section 4507.12 of the Revised Code and training in the 89005  
use of the equipment; 89006

(e) Encourage every deputy registrar to inform the public 89007  
of the location of the deputy registrar's office and hours of 89008  
operation by means of public service announcements; 89009

(f) Allow any deputy registrar to advertise in regard to 89010

the operation of the deputy registrar's office, including 89011  
allowing nonprofit corporations operating as a deputy registrar 89012  
to advertise that a specified amount of proceeds collected by 89013  
the nonprofit corporation are directed to a specified charitable 89014  
organization or philanthropic cause; 89015

(g) Specify the hours the deputy's office is to be open to 89016  
the public and require as a minimum that one deputy's office in 89017  
each county be open to the public for at least four hours each 89018  
weekend, provided that if only one deputy's office is located 89019  
within the boundary of the county seat, that office is the 89020  
office that shall be open for the four-hour period each weekend; 89021

(h) Specify that every deputy registrar, upon request, 89022  
provide any person with information about the location and 89023  
office hours of all deputy registrars in the county; 89024

(i) Allow a deputy registrar contract to be awarded to a 89025  
nonprofit corporation formed under the laws of this state; 89026

(j) Establish procedures for a deputy registrar to request 89027  
the authority to collect reinstatement fees under sections 89028  
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 89029  
4510.72, and 4511.191 of the Revised Code and to transmit the 89030  
reinstatement fees and two dollars of the service fee collected 89031  
under those sections. The registrar shall ensure that at least 89032  
one deputy registrar in each county has the necessary equipment 89033  
and is able to accept reinstatement fees. The registrar shall 89034  
deposit the service fees received from a deputy registrar under 89035  
those sections into the public safety - highway purposes fund 89036  
created in section 4501.06 of the Revised Code and shall use the 89037  
money for deputy registrar equipment necessary in connection 89038  
with accepting reinstatement fees. 89039



(k) Establish standards for a deputy registrar, when the 89040  
deputy registrar is not a county auditor or a clerk of a court 89041  
of common pleas, to sell advertising rights to third party 89042  
businesses to be placed in the deputy registrar's office; 89043

(l) Allow any deputy registrar that is not a county 89044  
auditor or a clerk of a court of common pleas to operate a 89045  
vending machine; 89046

(m) Establish such other requirements as the registrar and 89047  
director consider necessary to provide a high level of service. 89048

(2) The rules may allow both of the following: 89049

(a) The registrar to award a contract to a deputy 89050  
registrar to operate more than one deputy registrar's office if 89051  
determined by the registrar to be practical; 89052

(b) A nonprofit corporation formed for the purposes of 89053  
providing automobile-related services to its members or the 89054  
public and that provides such services from more than one 89055  
location in this state to operate a deputy registrar office at 89056  
any location. 89057

(3) As a daily adjustment, the bureau of motor vehicles 89058  
shall credit to a deputy registrar the amount established under 89059  
section 4503.038 of the Revised Code for each damaged license 89060  
plate or validation sticker the deputy registrar replaces as a 89061  
service to a member of the public. 89062

(4) (a) With the prior approval of the registrar, each 89063  
deputy registrar may conduct at the location of the deputy 89064  
registrar's office any business that is consistent with the 89065  
functions of a deputy registrar and that is not specifically 89066  
mandated or authorized by this or another chapter of the Revised 89067  
Code or by implementing rules of the registrar. 89068

(b) In accordance with guidelines the director of public 89069  
safety shall establish, a deputy registrar may operate or 89070  
contract for the operation of a vending machine at a deputy 89071  
registrar location if products of the vending machine are 89072  
consistent with the functions of a deputy registrar. 89073

(c) A deputy registrar may enter into an agreement with 89074  
the Ohio turnpike and infrastructure commission pursuant to 89075  
division (A) (11) of section 5537.04 of the Revised Code for the 89076  
purpose of allowing the general public to acquire from the 89077  
deputy registrar the electronic toll collection devices that are 89078  
used under the multi-jurisdiction electronic toll collection 89079  
agreement between the Ohio turnpike and infrastructure 89080  
commission and any other entities or agencies that participate 89081  
in such an agreement. The approval of the registrar is not 89082  
necessary if a deputy registrar engages in this activity. 89083

(5) As used in this section and in section 4507.01 of the 89084  
Revised Code, "nonprofit corporation" has the same meaning as in 89085  
section 1702.01 of the Revised Code. 89086

(E) (1) Unless otherwise terminated and except for interim 89087  
contracts lasting not longer than one year, contracts with 89088  
deputy registrars shall be entered into through a competitive 89089  
selection process and shall be limited in duration as follows: 89090

(a) For contracts entered into between July 1, 1996 and 89091  
June 29, 2014, for a period of not less than two years, but not 89092  
more than three years; 89093

(b) For contracts entered into on or after June 29, 2014, 89094  
for a period of five years, unless the registrar determines that 89095  
a shorter contract term is appropriate for a particular deputy 89096  
registrar. 89097

(2) All contracts with deputy registrars shall expire on 89098  
the last Saturday of June in the year of their expiration. Prior 89099  
to the expiration of any deputy registrar contract, the 89100  
registrar, with the approval of the director, may award a one- 89101  
year contract extension to any deputy registrar who has provided 89102  
exemplary service based upon objective performance evaluations. 89103

(3) (a) The auditor of state may examine the accounts, 89104  
reports, systems, and other data of each deputy registrar at 89105  
least every two years. The registrar, with the approval of the 89106  
director, shall immediately remove a deputy who violates any 89107  
provision of the Revised Code related to the duties as a deputy, 89108  
any rule adopted by the registrar, or a term of the deputy's 89109  
contract with the registrar. The registrar also may remove a 89110  
deputy who, in the opinion of the registrar, has engaged in any 89111  
conduct that is either unbecoming to one representing this state 89112  
or is inconsistent with the efficient operation of the deputy's 89113  
office. 89114

(b) If the registrar, with the approval of the director, 89115  
determines that there is good cause to believe that a deputy 89116  
registrar or a person proposing for a deputy registrar contract 89117  
has engaged in any conduct that would require the denial or 89118  
termination of the deputy registrar contract, the registrar may 89119  
require the production of books, records, and papers as the 89120  
registrar determines are necessary, and may take the depositions 89121  
of witnesses residing within or outside the state in the same 89122  
manner as is prescribed by law for the taking of depositions in 89123  
civil actions in the court of common pleas, and for that purpose 89124  
the registrar may issue a subpoena for any witness or a subpoena 89125  
duces tecum to compel the production of any books, records, or 89126  
papers, directed to the sheriff of the county where the witness 89127  
resides or is found. Such a subpoena shall be served and 89128

returned in the same manner as a subpoena in a criminal case is 89129  
served and returned. The fees of the sheriff shall be the same 89130  
as that allowed in the court of common pleas in criminal cases. 89131  
Witnesses shall be paid the fees and mileage provided for under 89132  
section 119.094 of the Revised Code. The fees and mileage shall 89133  
be paid from the fund in the state treasury for the use of the 89134  
agency in the same manner as other expenses of the agency are 89135  
paid. 89136

In any case of disobedience or neglect of any subpoena 89137  
served on any person or the refusal of any witness to testify to 89138  
any matter regarding which the witness lawfully may be 89139  
interrogated, the court of common pleas of any county where the 89140  
disobedience, neglect, or refusal occurs or any judge of that 89141  
court, on application by the registrar, shall compel obedience 89142  
by attachment proceedings for contempt, as in the case of 89143  
disobedience of the requirements of a subpoena issued from that 89144  
court, or a refusal to testify in that court. 89145

(4) Nothing in division (E) of this section shall be 89146  
construed to require a hearing of any nature prior to the 89147  
termination of any deputy registrar contract by the registrar, 89148  
with the approval of the director, for cause. 89149

(F) Except as provided in section 2743.03 of the Revised 89150  
Code, no court, other than the court of common pleas of Franklin 89151  
county, has jurisdiction of any action against the department of 89152  
public safety, the director, the bureau, or the registrar to 89153  
restrain the exercise of any power or authority, or to entertain 89154  
any action for declaratory judgment, in the selection and 89155  
appointment of, or contracting with, deputy registrars. Neither 89156  
the department, the director, the bureau, nor the registrar is 89157  
liable in any action at law for damages sustained by any person 89158

because of any acts of the department, the director, the bureau, 89159  
or the registrar, or of any employee of the department or 89160  
bureau, in the performance of official duties in the selection 89161  
and appointment of, and contracting with, deputy registrars. 89162

(G) The registrar shall assign to each deputy registrar a 89163  
series of numbers sufficient to supply the demand at all times 89164  
in the area the deputy registrar serves, and the registrar shall 89165  
keep a record in the registrar's office of the numbers within 89166  
the series assigned. Except as otherwise provided in section 89167  
3.061 of the Revised Code, each deputy shall be required to give 89168  
bond in the amount of at least twenty-five thousand dollars, or 89169  
in such higher amount as the registrar determines necessary, 89170  
based on a uniform schedule of bond amounts established by the 89171  
registrar and determined by the volume of registrations handled 89172  
by the deputy. The form of the bond shall be prescribed by the 89173  
registrar. The bonds required of deputy registrars, in the 89174  
discretion of the registrar, may be individual or schedule bonds 89175  
or may be included in any blanket bond coverage carried by the 89176  
department. 89177

(H) Each deputy registrar shall keep a file of each 89178  
application received by the deputy and shall register that motor 89179  
vehicle with the name and address of its owner. 89180

(I) Upon request, a deputy registrar shall make the 89181  
physical inspection of a motor vehicle and issue the physical 89182  
inspection certificate required in section 4505.061 of the 89183  
Revised Code. 89184

(J) Each deputy registrar shall file a report semiannually 89185  
with the registrar of motor vehicles listing the number of 89186  
applicants for licenses the deputy has served, the number of 89187  
voter registration applications the deputy has completed and 89188

transmitted to the board of elections, and the number of voter  
registration applications declined.

**Sec. 4503.038.** (A) ~~Not later than ninety days after July~~  
~~3, 2019, the~~ The registrar of motor vehicles shall ~~adopt rules~~  
~~in accordance with Chapter 119. of the Revised Code establishing~~  
establish a service fee that applies for purposes of sections  
4503.03, 4503.036, 4503.042, 4503.10, 4503.102, 4503.12,  
4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 4506.08, 4507.24,  
4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 4519.56,  
and 4519.69 of the Revised Code. The service fee shall be ~~five~~  
eight dollars.

(B) ~~Not later than ninety days after July 3, 2019, the~~ The  
registrar shall ~~adopt rules in accordance with Chapter 119. of~~  
~~the Revised Code establishing~~ establish prorated service fees  
that apply for purposes of multi-year registrations authorized  
under section 4503.103 of the Revised Code.

(C) When a service fee is collected by the registrar, the  
following portion of the service fee that is not allocated to a  
deputy registrar but instead is deposited into the public safety  
- highway purposes fund created in section 4501.06 of the  
Revised Code shall be used exclusively for the state highway  
patrol for the enforcement of the motor vehicle and traffic laws  
of Ohio:

(1) The three-dollar increase in the service fee under  
division (A) of this section that is effective on and after the  
date of this amendment;

(2) Any increase in the service fee under division (B) of  
this section that is effective on and after the effective date  
of this amendment.

**Sec. 4503.06.** (A) The owner of each manufactured or mobile 89218  
home that has acquired situs in this state shall pay either a 89219  
real property tax pursuant to Title LVII of the Revised Code or 89220  
a manufactured home tax pursuant to division (C) of this 89221  
section. 89222

(B) The owner of a manufactured or mobile home shall pay 89223  
real property taxes if either of the following applies: 89224

(1) The manufactured or mobile home acquired situs in the 89225  
state or ownership in the home was transferred on or after 89226  
January 1, 2000, and all of the following apply: 89227

(a) The home is affixed to a permanent foundation as 89228  
defined in division (C) (5) of section 3781.06 of the Revised 89229  
Code. 89230

(b) The home is located on land that is owned by the owner 89231  
of the home. 89232

(c) The certificate of title has been inactivated by the 89233  
clerk of the court of common pleas that issued it, pursuant to 89234  
division (H) of section 4505.11 of the Revised Code. 89235

(2) The manufactured or mobile home acquired situs in the 89236  
state or ownership in the home was transferred before January 1, 89237  
2000, and all of the following apply: 89238

(a) The home is affixed to a permanent foundation as 89239  
defined in division (C) (5) of section 3781.06 of the Revised 89240  
Code. 89241

(b) The home is located on land that is owned by the owner 89242  
of the home. 89243

(c) The owner of the home has elected to have the home 89244  
taxed as real property and, pursuant to section 4505.11 of the 89245

Revised Code, has surrendered the certificate of title to the 89246  
auditor of the county containing the taxing district in which 89247  
the home has its situs, together with proof that all taxes have 89248  
been paid. 89249

(d) The county auditor has placed the home on the real 89250  
property tax list and delivered the certificate of title to the 89251  
clerk of the court of common pleas that issued it and the clerk 89252  
has inactivated the certificate. 89253

(C) (1) Any mobile or manufactured home that is not taxed 89254  
as real property as provided in division (B) of this section is 89255  
subject to an annual manufactured home tax, payable by the 89256  
owner, for locating the home in this state. The tax as levied in 89257  
this section is for the purpose of supplementing the general 89258  
revenue funds of the local subdivisions in which the home has 89259  
its situs pursuant to this section. 89260

(2) The year for which the manufactured home tax is levied 89261  
commences on the first day of January and ends on the following 89262  
thirty-first day of December. The state shall have the first 89263  
lien on any manufactured or mobile home on the list for the 89264  
amount of taxes, penalties, and interest charged against the 89265  
owner of the home under this section. The lien of the state for 89266  
the tax for a year shall attach on the first day of January to a 89267  
home that has acquired situs on that date. The lien for a home 89268  
that has not acquired situs on the first day of January, but 89269  
that acquires situs during the year, shall attach on the next 89270  
first day of January. The lien shall continue until the tax, 89271  
including any penalty or interest, is paid. 89272

(3) (a) The situs of a manufactured or mobile home located 89273  
in this state on the first day of January is the local taxing 89274  
district in which the home is located on that date. 89275



(b) The situs of a manufactured or mobile home not located 89276  
in this state on the first day of January, but located in this 89277  
state subsequent to that date, is the local taxing district in 89278  
which the home is located thirty days after it is acquired or 89279  
first enters this state. 89280

(4) The tax is collected by and paid to the county 89281  
treasurer of the county containing the taxing district in which 89282  
the home has its situs. 89283

(D) The manufactured home tax shall be computed and 89284  
assessed by the county auditor of the county containing the 89285  
taxing district in which the home has its situs as follows: 89286

(1) On a home that acquired situs in this state prior to 89287  
January 1, 2000: 89288

(a) By multiplying the assessable value of the home by the 89289  
tax rate of the taxing district in which the home has its situs, 89290  
and deducting from the product thus obtained any reduction 89291  
authorized under section 4503.065 of the Revised Code. The tax 89292  
levied under this formula shall not be less than thirty-six 89293  
dollars, unless the home qualifies for a reduction in assessable 89294  
value under section 4503.065 of the Revised Code, in which case 89295  
there shall be no minimum tax and the tax shall be the amount 89296  
calculated under this division. 89297

(b) The assessable value of the home shall be forty per 89298  
cent of the amount arrived at by the following computation: 89299

(i) If the cost to the owner, or market value at time of 89300  
purchase, whichever is greater, of the home includes the 89301  
furnishings and equipment, such cost or market value shall be 89302  
multiplied according to the following schedule: 89303  
89304

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	80%
B	2nd calendar year	x	75%
C	3rd "	x	70%
D	4th "	x	65%
E	5th "	x	60%
F	6th "	x	55%
G	7th "	x	50%
H	8th "	x	45%
I	9th "	x	40%
J	10th and each year thereafter	x	35%

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year. 89305  
89306  
89307

(ii) If the cost to the owner, or market value at the time of purchase, whichever is greater, of the home does not include the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule: 89308  
89309  
89310  
89311  
89312

	1	2	3
A	For the first calendar year in which the	x	95%

home is owned by the current owner

B	2nd calendar year	x	90%
C	3rd "	x	85%
D	4th "	x	80%
E	5th "	x	75%
F	6th "	x	70%
G	7th "	x	65%
H	8th "	x	60%
I	9th "	x	55%
J	10th and each year thereafter	x	50%

The first calendar year means any period between the first 89313  
day of January and the thirty-first day of December of the first 89314  
year. 89315

(2) On a home in which ownership was transferred or that 89316  
first acquired situs in this state on or after January 1, 2000: 89317

(a) By multiplying the assessable value of the home by the 89318  
effective tax rate, as defined in section 323.08 of the Revised 89319  
Code, for residential real property of the taxing district in 89320  
which the home has its situs, and deducting from the product 89321  
thus obtained the reductions required or authorized under 89322  
section 319.302, division (B) of section 323.152, or section 89323  
4503.065 of the Revised Code. 89324

(b) The assessable value of the home shall be thirty-five 89325

per cent of its true value as determined under division (L) of 89326  
this section. 89327

(3) On or before the fifteenth day of January each year, 89328  
the county auditor shall record the assessable value and the 89329  
amount of tax on the manufactured or mobile home on the tax list 89330  
and deliver a duplicate of the list to the county treasurer. In 89331  
the case of an emergency as defined in section 323.17 of the 89332  
Revised Code, the tax commissioner, by journal entry, may extend 89333  
the times for delivery of the duplicate for an additional 89334  
fifteen days upon receiving a written application from the 89335  
county auditor regarding an extension for the delivery of the 89336  
duplicate, or from the county treasurer regarding an extension 89337  
of the time for the billing and collection of taxes. The 89338  
application shall contain a statement describing the emergency 89339  
that will cause the unavoidable delay and must be received by 89340  
the tax commissioner on or before the last day of the month 89341  
preceding the day delivery of the duplicate is otherwise 89342  
required. When an extension is granted for delivery of the 89343  
duplicate, the time period for payment of taxes shall be 89344  
extended for a like period of time. When a delay in the closing 89345  
of a tax collection period becomes unavoidable, the tax 89346  
commissioner, upon application by the county auditor and county 89347  
treasurer, may order the time for payment of taxes to be 89348  
extended if the tax commissioner determines that penalties have 89349  
accrued or would otherwise accrue for reasons beyond the control 89350  
of the taxpayers of the county. The order shall prescribe the 89351  
final extended date for payment of taxes for that collection 89352  
period. 89353

(4) After January 1, 1999, the owner of a manufactured or 89354  
mobile home taxed pursuant to division (D)(1) of this section 89355  
may elect to have the home taxed pursuant to division (D)(2) of 89356

this section by filing a written request with the county auditor 89357  
of the taxing district in which the home is located on or before 89358  
the first day of December of any year. Upon the filing of the 89359  
request, the county auditor shall determine whether all taxes 89360  
levied under division (D) (1) of this section have been paid, and 89361  
if those taxes have been paid, the county auditor shall tax the 89362  
manufactured or mobile home pursuant to division (D) (2) of this 89363  
section commencing in the next tax year. 89364

(5) A manufactured or mobile home that acquired situs in 89365  
this state prior to January 1, 2000, shall be taxed pursuant to 89366  
division (D) (2) of this section if no manufactured home tax had 89367  
been paid for the home and the home was not exempted from 89368  
taxation pursuant to division (E) of this section for the year 89369  
for which the taxes were not paid. 89370

(6) (a) Immediately upon receipt of any manufactured home 89371  
tax duplicate from the county auditor, but not less than twenty 89372  
days prior to the last date on which the first one-half taxes 89373  
may be paid without penalty as prescribed in division (F) of 89374  
this section, the county treasurer shall cause to be prepared 89375  
and mailed or delivered to each person charged on that duplicate 89376  
with taxes, or to an agent designated by such person, the tax 89377  
bill prescribed by the tax commissioner under division (D) (7) of 89378  
this section. When taxes are paid by installments, the county 89379  
treasurer shall mail or deliver to each person charged on such 89380  
duplicate or the agent designated by that person a second tax 89381  
bill showing the amount due at the time of the second tax 89382  
collection. The second half tax bill shall be mailed or 89383  
delivered at least twenty days prior to the close of the second 89384  
half tax collection period. A change in the mailing address, 89385  
electronic mail address, or telephone number of any tax bill 89386  
shall be made in writing to the county treasurer. Failure to 89387

receive a bill required by this section does not excuse failure 89388  
or delay to pay any taxes shown on the bill or, except as 89389  
provided in division (B) (1) of section 5715.39 of the Revised 89390  
Code, avoid any penalty, interest, or charge for such delay. 89391

A policy adopted by a county treasurer under division (A) 89392  
(2) of section 323.13 of the Revised Code shall also allow any 89393  
person required to receive a tax bill under division (D) (6) (a) 89394  
of this section to request electronic delivery of that tax bill 89395  
in the same manner. A person may rescind such a request in the 89396  
same manner as a request made under division (A) (2) of section 89397  
323.13 of the Revised Code. The request shall terminate upon a 89398  
change in the name of the person charged with the taxes pursuant 89399  
to section 4503.061 of the Revised Code. 89400

(b) After delivery of the copy of the delinquent 89401  
manufactured home tax list under division (H) of this section, 89402  
the county treasurer may prepare and mail to each person in 89403  
whose name a home is listed an additional tax bill showing the 89404  
total amount of delinquent taxes charged against the home as 89405  
shown on the list. The tax bill shall include a notice that the 89406  
interest charge prescribed by division (G) of this section has 89407  
begun to accrue. 89408

(7) Each tax bill prepared and mailed or delivered under 89409  
division (D) (6) of this section shall be in the form and contain 89410  
the information required by the tax commissioner. The 89411  
commissioner may prescribe different forms for each county and 89412  
may authorize the county auditor to make up tax bills and tax 89413  
receipts to be used by the county treasurer. The tax bill shall 89414  
not contain or be mailed or delivered with any information or 89415  
material that is not required by this section or that is not 89416  
authorized by section 321.45 of the Revised Code or by the tax 89417

commissioner. In addition to the information required by the 89418  
commissioner, each tax bill shall contain the following 89419  
information: 89420

(a) The taxes levied and the taxes charged and payable 89421  
against the manufactured or mobile home; 89422

(b) The following notice: "Notice: If the taxes are not 89423  
paid within sixty days after the county auditor delivers the 89424  
delinquent manufactured home tax list to the county treasurer, 89425  
you and your home may be subject to collection proceedings for 89426  
tax delinquency." Failure to provide such notice has no effect 89427  
upon the validity of any tax judgment to which a home may be 89428  
subjected. 89429

(c) In the case of manufactured or mobile homes taxed 89430  
under division (D) (2) of this section, the following additional 89431  
information: 89432

(i) The effective tax rate. The words "effective tax rate" 89433  
shall appear in boldface type. 89434

(ii) The following notice: "Notice: If the taxes charged 89435  
against this home have been reduced by the 2-1/2 per cent tax 89436  
reduction for residences occupied by the owner but the home is 89437  
not a residence occupied by the owner, the owner must notify the 89438  
county auditor's office not later than March 31 of the year for 89439  
which the taxes are due. Failure to do so may result in the 89440  
owner being convicted of a fourth degree misdemeanor, which is 89441  
punishable by imprisonment up to 30 days, a fine up to \$250, or 89442  
both, and in the owner having to repay the amount by which the 89443  
taxes were erroneously or illegally reduced, plus any interest 89444  
that may apply. 89445

If the taxes charged against this home have not been 89446

reduced by the 2-1/2 per cent tax reduction and the home is a 89447  
residence occupied by the owner, the home may qualify for the 89448  
tax reduction. To obtain an application for the tax reduction or 89449  
further information, the owner may contact the county auditor's 89450  
office at \_\_\_\_\_ (insert the address and telephone number of 89451  
the county auditor's office)."

(d) For a manufactured or mobile home, the tax liability 89453  
of which has been reduced under section 5705.316 of the Revised 89454  
Code for the current tax year, the following notice: "Notice: 89455  
The school district taxes shown due on this bill are reduced 89456  
only for the current year due to the school district's excess 89457  
carry-over balance." 89458

(E) (1) A manufactured or mobile home is not subject to 89459  
this section when any of the following applies: 89460

(a) It is taxable as personal property pursuant to section 89461  
5709.01 of the Revised Code. Any manufactured or mobile home 89462  
that is used as a residence shall be subject to this section and 89463  
shall not be taxable as personal property pursuant to section 89464  
5709.01 of the Revised Code. 89465

(b) It bears a license plate issued by any state other 89466  
than this state unless the home is in this state in excess of an 89467  
accumulative period of thirty days in any calendar year. 89468

(c) The annual tax has been paid on the home in this state 89469  
for the current year. 89470

(d) The tax commissioner has determined, pursuant to 89471  
section 5715.27 of the Revised Code, that the property is exempt 89472  
from taxation, or would be exempt from taxation under Chapter 89473  
5709. of the Revised Code if it were classified as real 89474  
property. 89475



(2) A travel trailer or park trailer, as these terms are 89476  
defined in section 4501.01 of the Revised Code, is not subject 89477  
to this section if it is unused or unoccupied and stored at the 89478  
owner's normal place of residence or at a recognized storage 89479  
facility. 89480

(3) A travel trailer or park trailer, as these terms are 89481  
defined in section 4501.01 of the Revised Code, is subject to 89482  
this section and shall be taxed as a manufactured or mobile home 89483  
if it has a situs longer than thirty days in one location and is 89484  
connected to existing utilities, unless either of the following 89485  
applies: 89486

(a) The situs is in a state facility or a camping or park 89487  
area as defined in division (C), (Q), (S), or (V) of section 89488  
3729.01 of the Revised Code. 89489

(b) The situs is in a camping or park area that is a tract 89490  
of land that has been limited to recreational use by deed or 89491  
zoning restrictions and subdivided for sale of five or more 89492  
individual lots for the express or implied purpose of occupancy 89493  
by either self-contained recreational vehicles as defined in 89494  
division (T) of section 3729.01 of the Revised Code or by 89495  
dependent recreational vehicles as defined in division (D) of 89496  
section 3729.01 of the Revised Code. 89497

(F) Except as provided in division (D) (3) of this section, 89498  
the manufactured home tax is due and payable as follows: 89499

(1) When a manufactured or mobile home has a situs in this 89500  
state, as provided in this section, on the first day of January, 89501  
one-half of the amount of the tax is due and payable on or 89502  
before the first day of March and the balance is due and payable 89503  
on or before the thirty-first day of July. At the option of the 89504

owner of the home, the tax for the entire year may be paid in 89505  
full on the first day of March. 89506

(2) When a manufactured or mobile home first acquires a 89507  
situs in this state after the first day of January, no tax is 89508  
due and payable for that year. 89509

(G) (1) (a) Except as otherwise provided in division (G) (1) 89510  
(b) of this section, if one-half of the current taxes charged 89511  
under this section against a manufactured or mobile home, 89512  
together with the full amount of any delinquent taxes, are not 89513  
paid on or before the first day of March in that year, or on or 89514  
before the last day for such payment as extended pursuant to 89515  
section 4503.063 of the Revised Code, a penalty of ten per cent 89516  
shall be charged against the unpaid balance of such half of the 89517  
current taxes. If the total amount of all such taxes is not paid 89518  
on or before the thirty-first day of July, next thereafter, or 89519  
on or before the last day for payment as extended pursuant to 89520  
section 4503.063 of the Revised Code, a like penalty shall be 89521  
charged on the balance of the total amount of the unpaid current 89522  
taxes. 89523

(b) After a valid delinquent tax contract that includes 89524  
unpaid current taxes from a first-half collection period 89525  
described in division (F) of this section has been entered into 89526  
under section 323.31 of the Revised Code, no ten per cent 89527  
penalty shall be charged against such taxes after the second- 89528  
half collection period while the delinquent tax contract remains 89529  
in effect. On the day a delinquent tax contract becomes void, 89530  
the ten per cent penalty shall be charged against such taxes and 89531  
shall equal the amount of penalty that would have been charged 89532  
against unpaid current taxes outstanding on the date on which 89533  
the second-half penalty would have been charged thereon under 89534

division (G) (1) (a) of this section if the contract had not been 89535  
in effect. 89536

(2) (a) On the first day of the month following the last 89537  
day the second installment of taxes may be paid without penalty 89538  
beginning in 2000, interest shall be charged against and 89539  
computed on all delinquent taxes other than the current taxes 89540  
that became delinquent taxes at the close of the last day such 89541  
second installment could be paid without penalty. The charge 89542  
shall be for interest that accrued during the period that began 89543  
on the preceding first day of December and ended on the last day 89544  
of the month that included the last date such second installment 89545  
could be paid without penalty. The interest shall be computed at 89546  
the rate per annum prescribed by section 5703.47 of the Revised 89547  
Code and shall be entered as a separate item on the delinquent 89548  
manufactured home tax list compiled under division (H) of this 89549  
section. 89550

(b) On the first day of December beginning in 2000, the 89551  
interest shall be charged against and computed on all delinquent 89552  
taxes. The charge shall be for interest that accrued during the 89553  
period that began on the first day of the month following the 89554  
last date prescribed for the payment of the second installment 89555  
of taxes in the current year and ended on the immediately 89556  
preceding last day of November. The interest shall be computed 89557  
at the rate per annum prescribed by section 5703.47 of the 89558  
Revised Code and shall be entered as a separate item on the 89559  
delinquent manufactured home tax list. 89560

(c) After a valid undertaking has been entered into for 89561  
the payment of any delinquent taxes, no interest shall be 89562  
charged against such delinquent taxes while the undertaking 89563  
remains in effect in compliance with section 323.31 of the 89564

Revised Code. If a valid undertaking becomes void, interest 89565  
shall be charged against the delinquent taxes for the periods 89566  
that interest was not permitted to be charged while the 89567  
undertaking was in effect. The interest shall be charged on the 89568  
day the undertaking becomes void and shall equal the amount of 89569  
interest that would have been charged against the unpaid 89570  
delinquent taxes outstanding on the dates on which interest 89571  
would have been charged thereon under divisions (G) (1) and (2) 89572  
of this section had the undertaking not been in effect. 89573

(3) If the full amount of the taxes due at either of the 89574  
times prescribed by division (F) of this section is paid within 89575  
ten days after such time, the county treasurer shall waive the 89576  
collection of and the county auditor shall remit one-half of the 89577  
penalty provided for in this division for failure to make that 89578  
payment by the prescribed time. 89579

(4) The treasurer shall compile and deliver to the county 89580  
auditor a list of all tax payments the treasurer has received as 89581  
provided in division (G) (3) of this section. The list shall 89582  
include any information required by the auditor for the 89583  
remission of the penalties waived by the treasurer. The taxes so 89584  
collected shall be included in the settlement next succeeding 89585  
the settlement then in process. 89586

(H) (1) The county auditor shall compile annually a 89587  
"delinquent manufactured home tax list" consisting of homes the 89588  
county treasurer's records indicate have taxes that were not 89589  
paid within the time prescribed by divisions (D) (3) and (F) of 89590  
this section, have taxes that remain unpaid from prior years, or 89591  
have unpaid tax penalties or interest that have been assessed. 89592

(2) Within thirty days after the settlement under division 89593  
(H) (2) of section 321.24 of the Revised Code, the county auditor 89594

shall deliver a copy of the delinquent manufactured home tax 89595  
list to the county treasurer. The auditor shall update and 89596  
publish the delinquent manufactured home tax list annually in 89597  
the same manner as delinquent real property tax lists are 89598  
published. The county auditor may apportion the cost of 89599  
publishing the list among taxing districts in proportion to the 89600  
amount of delinquent manufactured home taxes so published that 89601  
each taxing district is entitled to receive upon collection of 89602  
those taxes, or the county auditor may charge the owner of a 89603  
home on the list a flat fee established under section 319.54 of 89604  
the Revised Code for the cost of publishing the list and, if the 89605  
fee is not paid, may place the fee upon the delinquent 89606  
manufactured home tax list as a lien on the listed home, to be 89607  
collected as other manufactured home taxes. 89608

(3) When taxes, penalties, or interest are charged against 89609  
a person on the delinquent manufactured home tax list and are 89610  
not paid within sixty days after the list is delivered to the 89611  
county treasurer, the county treasurer shall, in addition to any 89612  
other remedy provided by law for the collection of taxes, 89613  
penalties, and interest, enforce collection of such taxes, 89614  
penalties, and interest by civil action in the name of the 89615  
treasurer against the owner for the recovery of the unpaid taxes 89616  
following the procedures for the recovery of delinquent real 89617  
property taxes in sections 323.25 to 323.28 of the Revised Code. 89618  
The action may be brought in municipal or county court, provided 89619  
the amount charged does not exceed the monetary limitations for 89620  
original jurisdiction for civil actions in those courts. 89621

It is sufficient, having made proper parties to the suit, 89622  
for the county treasurer to allege in the treasurer's bill of 89623  
particulars or petition that the taxes stand chargeable on the 89624  
books of the county treasurer against such person, that they are 89625

due and unpaid, and that such person is indebted in the amount 89626  
of taxes appearing to be due the county. The treasurer need not 89627  
set forth any other matter relating thereto. If it is found on 89628  
the trial of the action that the person is indebted to the 89629  
state, judgment shall be rendered in favor of the county 89630  
treasurer prosecuting the action. The judgment debtor is not 89631  
entitled to the benefit of any law for stay of execution or 89632  
exemption of property from levy or sale on execution in the 89633  
enforcement of the judgment. 89634

Upon the filing of an entry of confirmation of sale or an 89635  
order of forfeiture in a proceeding brought under this division, 89636  
title to the manufactured or mobile home shall be in the 89637  
purchaser. The clerk of courts shall issue a certificate of 89638  
title to the purchaser upon presentation of proof of filing of 89639  
the entry of confirmation or order and, in the case of a 89640  
forfeiture, presentation of the county auditor's certificate of 89641  
sale. 89642

(I) The total amount of taxes collected shall be 89643  
distributed in the following manner: four per cent shall be 89644  
allowed as compensation to the county auditor for the county 89645  
auditor's service in assessing the taxes; two per cent shall be 89646  
allowed as compensation to the county treasurer for the services 89647  
the county treasurer renders as a result of the tax levied by 89648  
this section. Such amounts shall be paid into the county 89649  
treasury, to the credit of the county general revenue fund, on 89650  
the warrant of the county auditor. Fees to be paid to the credit 89651  
of the real estate assessment fund shall be collected pursuant 89652  
to division (C) of section 319.54 of the Revised Code and paid 89653  
into the county treasury, on the warrant of the county auditor. 89654  
The balance of the taxes collected shall be distributed among 89655  
the taxing subdivisions of the county in which the taxes are 89656

collected and paid in the same proportions that the amount of 89657  
manufactured home tax levied by each taxing subdivision of the 89658  
county in the current tax year bears to the amount of such tax 89659  
levied by all such subdivisions in the county in the current tax 89660  
year. The taxes levied and revenues collected under this section 89661  
shall be in lieu of any general property tax and any tax levied 89662  
with respect to the privilege of using or occupying a 89663  
manufactured or mobile home in this state except as provided in 89664  
sections 4503.04 and 5741.02 of the Revised Code. 89665

(J) An agreement to purchase or a bill of sale for a 89666  
manufactured home shall show whether or not the furnishings and 89667  
equipment are included in the purchase price. 89668

(K) If the county treasurer and the county prosecuting 89669  
attorney agree that an item charged on the delinquent 89670  
manufactured home tax list is uncollectible, they shall certify 89671  
that determination and the reasons to the county board of 89672  
revision. If the board determines the amount is uncollectible, 89673  
it shall certify its determination to the county auditor, who 89674  
shall strike the item from the list. 89675

(L) (1) The county auditor shall appraise at its true value 89676  
any manufactured or mobile home in which ownership is 89677  
transferred or which first acquires situs in this state on or 89678  
after January 1, 2000, and any manufactured or mobile home the 89679  
owner of which has elected, under division (D) (4) of this 89680  
section, to have the home taxed under division (D) (2) of this 89681  
section. The true value shall include the value of the home, any 89682  
additions, and any fixtures, but not any furnishings in the 89683  
home. In determining the true value of a manufactured or mobile 89684  
home, the auditor shall consider all facts and circumstances 89685  
relating to the value of the home, including its age, its 89686

capacity to function as a residence, any obsolete 89687  
characteristics, and other factors that may tend to prove its 89688  
true value. 89689

(2) (a) If a manufactured or mobile home has been the 89690  
subject of an arm's length sale between a willing seller and a 89691  
willing buyer within a reasonable length of time prior to the 89692  
determination of true value, the county auditor shall consider 89693  
the sale price of the home to be the true value for taxation 89694  
purposes. 89695

(b) The sale price in an arm's length transaction between 89696  
a willing seller and a willing buyer shall not be considered the 89697  
true value of the home if either of the following occurred after 89698  
the sale: 89699

(i) The home has lost value due to a casualty. 89700

(ii) An addition or fixture has been added to the home. 89701

(3) The county auditor shall have each home viewed and 89702  
appraised at least once in each six-year period in the same year 89703  
in which real property in the county is appraised pursuant to 89704  
Chapter 5713. of the Revised Code, and shall update the 89705  
appraised values in the third calendar year following the 89706  
appraisal. The person viewing or appraising a home may enter the 89707  
home to determine by actual view any additions or fixtures that 89708  
have been added since the last appraisal. In conducting the 89709  
appraisals and establishing the true value, the auditor shall 89710  
follow the procedures set forth for appraising real property in 89711  
sections 5713.01 and 5713.03 of the Revised Code. 89712

(4) The county auditor shall place the true value of each 89713  
home on the manufactured home tax list upon completion of an 89714  
appraisal. 89715



(5) (a) If the county auditor changes the true value of a home, the auditor shall notify the owner of the home in writing, delivered by mail or in person. The notice shall be given at least thirty days prior to the issuance of any tax bill that reflects the change. Failure to receive the notice does not invalidate any proceeding under this section.

(b) Any owner of a home or any other person or party that would be authorized to file a complaint under division (A) of section 5715.19 of the Revised Code if the home was real property may file a complaint against the true value of the home as appraised under this section. The complaint shall be filed with the county auditor on or before the thirty-first day of March of the current tax year or the date of closing of the collection for the first half of manufactured home taxes for the current tax year, whichever is later. The auditor shall present to the county board of revision all complaints filed with the auditor under this section. The board shall hear and investigate the complaint and may take action on it as provided under sections 5715.11 to 5715.19 of the Revised Code.

(c) If the county board of revision determines, pursuant to a complaint against the valuation of a manufactured or mobile home filed under this section, that the amount of taxes, assessments, or other charges paid was in excess of the amount due based on the valuation as finally determined, then the overpayment shall be refunded in the manner prescribed in section 5715.22 of the Revised Code.

(d) Payment of all or part of a tax under this section for any year for which a complaint is pending before the county board of revision does not abate the complaint or in any way affect the hearing and determination thereof.

(M) If the county auditor determines that any tax or other charge or any part thereof has been erroneously charged as a result of a clerical error as defined in section 319.35 of the Revised Code, the county auditor shall call the attention of the county board of revision to the erroneous charges. If the board finds that the taxes or other charges have been erroneously charged or collected, it shall certify the finding to the auditor. Upon receipt of the certification, the auditor shall remove the erroneous charges on the manufactured home tax list or delinquent manufactured home tax list in the same manner as is prescribed in section 319.35 of the Revised Code for erroneous charges against real property, and refund any erroneous charges that have been collected, with interest, in the same manner as is prescribed in section 319.36 of the Revised Code for erroneous charges against real property.

(N) As used in this section and section 4503.061 of the Revised Code:

(1) "Manufactured home taxes" includes taxes, penalties, and interest charged under division (C) or (G) of this section and any penalties charged under division (G) or (H) (5) of section 4503.061 of the Revised Code.

(2) "Current taxes" means all manufactured home taxes charged against a manufactured or mobile home that have not appeared on the manufactured home tax list for any prior year. Current taxes become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent.

(3) "Delinquent taxes" means:

(a) Any manufactured home taxes that were charged against 89775  
a manufactured or mobile home for a prior year, including any 89776  
penalties or interest charged for a prior year and the costs of 89777  
publication under division (H) (2) of this section, and that 89778  
remain unpaid; 89779

(b) Any current manufactured home taxes charged against a 89780  
manufactured or mobile home that remain unpaid after the last 89781  
day prescribed for payment of the second installment of current 89782  
taxes without penalty, whether or not they have been certified 89783  
delinquent, including any penalties or interest and the costs of 89784  
publication under division (H) (2) of this section. 89785

**Sec. 4503.065.** (A) (1) Division (A) of this section applies 89786  
to any of the following persons: 89787

(a) An individual who is permanently and totally disabled; 89788

(b) An individual who is sixty-five years of age or older; 89789

(c) An individual who is the surviving spouse of a 89790  
deceased person who was permanently and totally disabled or 89791  
sixty-five years of age or older and who applied and qualified 89792  
for a reduction in assessable value under this section in the 89793  
year of death, provided the surviving spouse is at least fifty- 89794  
nine but not sixty-five or more years of age on the date the 89795  
deceased spouse dies. 89796

(2) The manufactured home tax on a manufactured or mobile 89797  
home that is paid pursuant to division (C) of section 4503.06 of 89798  
the Revised Code and that is owned and occupied as a home by an 89799  
individual whose domicile is in this state and to whom this 89800  
section applies, shall be reduced for any tax year for which an 89801  
application for such reduction has been approved, provided the 89802  
individual did not acquire ownership from a person, other than 89803

the individual's spouse, related by consanguinity or affinity 89804  
for the purpose of qualifying for the reduction. An owner 89805  
includes a settlor of a revocable or irrevocable inter vivos 89806  
trust holding the title to a manufactured or mobile home 89807  
occupied by the settlor as of right under the trust. 89808

(a) For manufactured and mobile homes for which the tax 89809  
imposed by section 4503.06 of the Revised Code is computed under 89810  
division (D) (2) of that section, the reduction shall equal one 89811  
of the following amounts, as applicable to the person: 89812

(i) If the person received a reduction under this section 89813  
for tax year 2007, the greater of the reduction for that tax 89814  
year or the amount computed under division (A) (2) (b) of this 89815  
section; 89816

(ii) If the person received, for any homestead, a 89817  
reduction under division (A) of this section for tax year 2014 89818  
or under division (A) (1) of section 323.152 of the Revised Code 89819  
for tax year 2013 or the person is the surviving spouse of such 89820  
a person and the surviving spouse is at least fifty-nine years 89821  
of age on the date the deceased spouse dies, the amount computed 89822  
under division (A) (2) (b) of this section. 89823

(iii) If the person is not described in division (A) (2) (a) 89824  
(i) or (ii) of this section and the person's total income does 89825  
not exceed ~~thirty-four~~ thirty-two thousand five hundred dollars, as 89826  
adjusted under division (A) (2) (e) of this section, the amount 89827  
computed under division (A) (2) (b) of this section. 89828

(b) The amount of the reduction under division (A) (2) (b) 89829  
of this section equals the product of the following: 89830

(i) ~~Twenty-five~~ Thirty-two thousand dollars of the true 89831  
value of the property in money, as adjusted under division (A) 89832

(2) (e) of this section; 89833

(ii) The assessment percentage established by the tax 89834  
commissioner under division (B) of section 5715.01 of the 89835  
Revised Code, not to exceed thirty-five per cent; 89836

(iii) The effective tax rate used to calculate the taxes 89837  
charged against the property for the current year, where 89838  
"effective tax rate" is defined as in section 323.08 of the 89839  
Revised Code; 89840

(iv) The quantity equal to one minus the sum of the 89841  
percentage reductions in taxes received by the property for the 89842  
current tax year under section 319.302 of the Revised Code and 89843  
division (B) of section 323.152 of the Revised Code. 89844

(c) For manufactured and mobile homes for which the tax 89845  
imposed by section 4503.06 of the Revised Code is computed under 89846  
division (D) (1) of that section, the reduction shall equal one 89847  
of the following amounts, as applicable to the person: 89848

(i) If the person received a reduction under this section 89849  
for tax year 2007, the greater of the reduction for that tax 89850  
year or the amount computed under division (A) (2) (d) of this 89851  
section; 89852

(ii) If the person received, for any homestead, a 89853  
reduction under division (A) of this section for tax year 2014 89854  
or under division (A) (1) of section 323.152 of the Revised Code 89855  
for tax year 2013 or the person is the surviving spouse of such 89856  
a person and the surviving spouse is at least fifty-nine years 89857  
of age on the date the deceased spouse dies, the amount computed 89858  
under division (A) (2) (d) of this section. 89859

(iii) If the person is not described in division (A) (2) (c) 89860  
(i) or (ii) of this section and the person's total income does 89861

not exceed ~~thirty-five~~ thirty-two thousand five hundred dollars, as 89862  
adjusted under division (A) (2) (e) of this section, the amount 89863  
computed under division (A) (2) (d) of this section. 89864

(d) The amount of the reduction under division (A) (2) (d) 89865  
of this section equals the product of the following: 89866

(i) ~~Twenty-five~~ Thirty-two thousand dollars of the cost to 89867  
the owner, or the market value at the time of purchase, 89868  
whichever is greater, as those terms are used in division (D) (1) 89869  
of section 4503.06 of the Revised Code, and as adjusted under 89870  
division (A) (2) (e) of this section; 89871

(ii) The percentage from the appropriate schedule in 89872  
division (D) (1) (b) of section 4503.06 of the Revised Code; 89873

(iii) The assessment percentage of forty per cent used in 89874  
division (D) (1) (b) of section 4503.06 of the Revised Code; 89875

(iv) The tax rate of the taxing district in which the home 89876  
has its situs. 89877

(e) The tax commissioner shall adjust the income threshold 89878  
described in divisions (A) (2) (a) (iii) and (A) (2) (c) (iii) and the 89879  
reduction amounts described in divisions (A) (2) (b) (i), (A) (2) (d) 89880  
(i), (B) (1), (B) (2), (C) (1), and (C) (2) of this section by 89881  
completing the following calculations in September of each year: 89882

(i) Determine the percentage increase in the gross 89883  
domestic product deflator determined by the bureau of economic 89884  
analysis of the United States department of commerce from the 89885  
first day of January of the preceding calendar year to the last 89886  
day of December of the preceding calendar year; 89887

(ii) Multiply that percentage increase by the total income 89888  
threshold or reduction amount for the ensuing tax year, as 89889

applicable; 89890

(iii) Add the resulting product to the total income 89891  
threshold or reduction amount, as applicable for the ensuing tax 89892  
year; 89893

(iv) Round the resulting sum to the nearest multiple of 89894  
one hundred dollars. 89895

The commissioner shall certify the amount resulting from 89896  
each adjustment to each county auditor not later than the first 89897  
day of December each year. The certified amount applies to the 89898  
second ensuing tax year. The commissioner shall not make the 89899  
applicable adjustment in any calendar year in which the amount 89900  
resulting from the adjustment would be less than the total 89901  
income threshold or the reduction amount for the ensuing tax 89902  
year. 89903

(B) (1) The manufactured home tax levied pursuant to 89904  
division (C) of section 4503.06 of the Revised Code on a 89905  
manufactured or mobile home that is owned and occupied by a 89906  
disabled veteran shall be reduced for any tax year for which an 89907  
application for such reduction has been approved, provided the 89908  
disabled veteran did not acquire ownership from a person, other 89909  
than the disabled veteran's spouse, related by consanguinity or 89910  
affinity for the purpose of qualifying for the reduction. An 89911  
owner includes an owner within the meaning of division (A) (2) of 89912  
this section. 89913

(a) For manufactured and mobile homes for which the tax 89914  
imposed by section 4503.06 of the Revised Code is computed under 89915  
division (D) (2) of that section, the reduction shall equal the 89916  
product obtained by multiplying fifty-fifty-nine thousand 89917  
dollars of the true value of the property in money, as adjusted 89918

under division (A) (2) (e) of this section, by the amounts 89919  
described in divisions (A) (2) (b) (ii) to (iv) of this section. 89920

(b) For manufactured and mobile homes for which the tax 89921  
imposed by section 4503.06 of the Revised Code is computed under 89922  
division (D) (1) of that section, the reduction shall equal the 89923  
product obtained by multiplying ~~fifty~~fifty-nine thousand 89924  
dollars of the cost to the owner, or the market value at the 89925  
time of purchase, whichever is greater, as those terms are used 89926  
in division (D) (1) of section 4503.06 of the Revised Code, as 89927  
adjusted under division (A) (2) (e) of this section, by the 89928  
amounts described in divisions (A) (2) (d) (ii) to (iv) of this 89929  
section. 89930

The reduction is in lieu of any reduction under section 89931  
4503.0610 of the Revised Code or division (A), (B) (2), or (C) of 89932  
this section. The reduction applies to only one manufactured or 89933  
mobile home owned and occupied by a disabled veteran. 89934

(2) The manufactured home tax levied pursuant to division 89935  
(C) of section 4503.06 of the Revised Code on a manufactured or 89936  
mobile home that is owned and occupied by the surviving spouse 89937  
of a disabled veteran shall be reduced for each tax year for 89938  
which an application for such reduction has been approved. The 89939  
reduction shall equal the amount of the reduction authorized 89940  
under division (B) (1) (a) or (b) of this section, as applicable. 89941  
An owner includes an owner within the meaning of division (A) (2) 89942  
of this section. 89943

The reduction is in lieu of any reduction under section 89944  
4503.0610 of the Revised Code or division (A), (B) (1), or (C) of 89945  
this section. The reduction applies to only one manufactured or 89946  
mobile home owned and occupied by the surviving spouse of a 89947  
disabled veteran. A manufactured or mobile home qualifies for a 89948



reduction in taxes under division (B) (2) of this section 89949  
beginning in one of the following tax years: 89950

(a) For a surviving spouse described in division (H) (1) of 89951  
section 4503.064 of the Revised Code, the year the disabled 89952  
veteran dies; 89953

(b) For a surviving spouse described in division (H) (2) of 89954  
section 4503.064 of the Revised Code, the first year on the 89955  
first day of January of which the total disability rating 89956  
described in division (F) of section 323.151 of the Revised Code 89957  
has been received for the deceased spouse. 89958

In either case, the reduction shall continue through the 89959  
tax year in which the surviving spouse dies or remarries. 89960

(C) The manufactured home tax levied pursuant to division 89961  
(C) of section 4503.06 of the Revised Code on a manufactured or 89962  
mobile home that is owned and occupied by the surviving spouse 89963  
of a public service officer killed in the line of duty shall be 89964  
reduced for any tax year for which an application for such 89965  
reduction has been approved, provided the surviving spouse did 89966  
not acquire ownership from a person, other than the surviving 89967  
spouse's deceased public service officer spouse, related by 89968  
consanguinity or affinity for the purpose of qualifying for the 89969  
reduction. An owner includes an owner within the meaning of 89970  
division (A) (2) of this section. 89971

(1) For manufactured and mobile homes for which the tax 89972  
imposed by section 4503.06 of the Revised Code is computed under 89973  
division (D) (2) of that section, the reduction shall equal the 89974  
product obtained by multiplying ~~fifty~~fifty-nine thousand 89975  
dollars of the true value of the property in money, as adjusted 89976  
under division (A) (2) (e) of this section, by the amounts 89977

described in divisions (A) (2) (b) (ii) to (iv) of this section. 89978

(2) For manufactured and mobile homes for which the tax 89979  
imposed by section 4503.06 of the Revised Code is computed under 89980  
division (D) (1) of that section, the reduction shall equal the 89981  
product obtained by multiplying ~~fifty~~fifty-nine thousand 89982  
dollars of the cost to the owner, or the market value at the 89983  
time of purchase, whichever is greater, as those terms are used 89984  
in division (D) (1) of section 4503.06 of the Revised Code, as 89985  
adjusted under division (A) (2) (e) of this section, by the 89986  
amounts described in divisions (A) (2) (d) (ii) to (iv) of this 89987  
section. 89988

The reduction is in lieu of any reduction under section 89989  
4503.0610 of the Revised Code or division (A) or (B) of this 89990  
section. The reduction applies to only one manufactured or 89991  
mobile home owned and occupied by such a surviving spouse. A 89992  
manufactured or mobile home qualifies for a reduction in taxes 89993  
under this division for the tax year in which the public service 89994  
officer dies through the tax year in which the surviving spouse 89995  
dies or remarries. 89996

(D) If the owner or the spouse of the owner of a 89997  
manufactured or mobile home is eligible for a homestead 89998  
exemption on the land upon which the home is located, the 89999  
reduction to which the owner or spouse is entitled under this 90000  
section shall not exceed the difference between the reduction to 90001  
which the owner or spouse is entitled under division (A), (B), 90002  
or (C) of this section and the amount of the reduction under the 90003  
homestead exemption. 90004

(E) No reduction shall be made with respect to the home of 90005  
any person convicted of violating division (C) or (D) of section 90006  
4503.066 of the Revised Code for a period of three years 90007

following the conviction. 90008

**Sec. 4503.10.** (A) The owner of every snowmobile, off- 90009  
highway motorcycle, and all-purpose vehicle required to be 90010  
registered under section 4519.02 of the Revised Code shall file 90011  
an application for registration under section 4519.03 of the 90012  
Revised Code. The owner of a motor vehicle, other than a 90013  
snowmobile, off-highway motorcycle, or all-purpose vehicle, that 90014  
is not designed and constructed by the manufacturer for 90015  
operation on a street or highway may not register it under this 90016  
chapter except upon certification of inspection pursuant to 90017  
section 4513.02 of the Revised Code by the sheriff, or the chief 90018  
of police of the municipal corporation or township, with 90019  
jurisdiction over the political subdivision in which the owner 90020  
of the motor vehicle resides. Except as provided in sections 90021  
4503.103 and 4503.107 of the Revised Code, every owner of every 90022  
other motor vehicle not previously described in this section and 90023  
every person mentioned as owner in the last certificate of title 90024  
of a motor vehicle that is operated or driven upon the public 90025  
roads or highways shall cause to be filed each year, by mail or 90026  
otherwise, in the office of the registrar of motor vehicles or a 90027  
deputy registrar, a written or electronic application or a 90028  
preprinted registration renewal notice issued under section 90029  
4503.102 of the Revised Code, the form of which shall be 90030  
prescribed by the registrar, for registration for the following 90031  
registration year, which shall begin on the first day of January 90032  
of every calendar year and end on the thirty-first day of 90033  
December in the same year. Applications for registration and 90034  
registration renewal notices shall be filed at the times 90035  
established by the registrar pursuant to section 4503.101 of the 90036  
Revised Code. A motor vehicle owner also may elect to apply for 90037  
or renew a motor vehicle registration by electronic means using 90038

electronic signature in accordance with rules adopted by the 90039  
registrar. Except as provided in division (J) of this section, 90040  
applications for registration shall be made on blanks furnished 90041  
by the registrar for that purpose, containing the following 90042  
information: 90043

(1) A brief description of the motor vehicle to be 90044  
registered, including the year, make, model, and vehicle 90045  
identification number, and, in the case of commercial cars, the 90046  
gross weight of the vehicle fully equipped computed in the 90047  
manner prescribed in section 4503.08 of the Revised Code; 90048

(2) The name and residence address of the owner, and the 90049  
township and municipal corporation in which the owner resides; 90050

(3) The district of registration, which shall be 90051  
determined as follows: 90052

(a) In case the motor vehicle to be registered is used for 90053  
hire or principally in connection with any established business 90054  
or branch business, conducted at a particular place, the 90055  
district of registration is the municipal corporation in which 90056  
that place is located or, if not located in any municipal 90057  
corporation, the county and township in which that place is 90058  
located. 90059

(b) In case the vehicle is not so used, the district of 90060  
registration is the municipal corporation or county in which the 90061  
owner resides at the time of making the application. 90062

(4) Whether the motor vehicle is a new or used motor 90063  
vehicle; 90064

(5) The date of purchase of the motor vehicle; 90065

(6) Whether the fees required to be paid for the 90066

registration or transfer of the motor vehicle, during the 90067  
preceding registration year and during the preceding period of 90068  
the current registration year, have been paid. Each application 90069  
for registration shall be signed by the owner, either manually 90070  
or by electronic signature, or pursuant to obtaining a limited 90071  
power of attorney authorized by the registrar for registration, 90072  
or other document authorizing such signature. If the owner 90073  
elects to apply for or renew the motor vehicle registration with 90074  
the registrar by electronic means, the owner's manual signature 90075  
is not required. 90076

(7) The owner's social security number, driver's license 90077  
number, or state identification number, or, where a motor 90078  
vehicle to be registered is used for hire or principally in 90079  
connection with any established business, the owner's federal 90080  
taxpayer identification number. The bureau of motor vehicles 90081  
shall retain in its records all social security numbers provided 90082  
under this section, but the bureau shall not place social 90083  
security numbers on motor vehicle certificates of registration. 90084

(8) Whether the applicant wishes to certify willingness to 90085  
make an anatomical gift if an applicant has not so certified 90086  
under section 2108.05 of the Revised Code. The applicant's 90087  
response shall not be considered in the decision of whether to 90088  
approve the application for registration. 90089

(B) (1) When an applicant first registers a motor vehicle 90090  
in the applicant's name, the applicant shall provide proof of 90091  
ownership of that motor vehicle. Proof of ownership may include 90092  
any of the following: 90093

(a) The applicant may present for inspection a physical 90094  
certificate of title or memorandum certificate showing title to 90095  
the motor vehicle to be registered in the name of the applicant. 90096

(b) The applicant may present for inspection an electronic 90097  
certificate of title for the applicant's motor vehicle in a 90098  
manner prescribed by rules adopted by the registrar. 90099

(c) The registrar or deputy registrar may electronically 90100  
confirm the applicant's ownership of the motor vehicle. 90101

An applicant is not required to present a certificate of 90102  
title to an electronic motor vehicle dealer acting as a limited 90103  
authority deputy registrar in accordance with rules adopted by 90104  
the registrar. 90105

(2) When a motor vehicle inspection and maintenance 90106  
program is in effect under section 3704.14 of the Revised Code 90107  
and rules adopted under it, each application for registration 90108  
for a vehicle required to be inspected under that section and 90109  
those rules shall be accompanied by an inspection certificate or 90110  
alternative emissions certificate for the motor vehicle issued 90111  
in accordance with that section. 90112

(3) An application for registration shall be refused if 90113  
any of the following applies: 90114

(a) The application is not in proper form. 90115

(b) The application is prohibited from being accepted by 90116  
division (D) of section 2935.27, division (A) of section 90117  
4503.13, division (B) of section 4510.22, division (D) of 90118  
section 4503.234, division (B) (1) of section 4521.10, or 90119  
division (B) of section 5537.041 of the Revised Code. 90120

(c) Proof of ownership is required but is not presented or 90121  
confirmed in accordance with division (B) (1) of this section. 90122

(d) All registration and transfer fees for the motor 90123  
vehicle, for the preceding year or the preceding period of the 90124

current registration year, have not been paid. 90125

(e) The owner or lessee does not have an inspection 90126  
certificate or alternative emissions certificate for the motor 90127  
vehicle as provided in section 3704.14 of the Revised Code, and 90128  
rules adopted under it, if that section is applicable. 90129

(4) This section does not require the payment of license 90130  
or registration taxes on a motor vehicle for any preceding year, 90131  
or for any preceding period of a year, if the motor vehicle was 90132  
not taxable for that preceding year or period under sections 90133  
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 90134  
of the Revised Code. 90135

(5) When a certificate of registration is issued upon the 90136  
first registration of a motor vehicle by or on behalf of the 90137  
owner, the official issuing the certificate shall indicate the 90138  
issuance with a stamp on the certificate of title or memorandum 90139  
certificate or, in the case of an electronic certificate of 90140  
title or electronic verification of ownership, an electronic 90141  
stamp or other notation as specified in rules adopted by the 90142  
registrar, and with a stamp on the inspection certificate for 90143  
the motor vehicle, if any. 90144

(6) The official also shall indicate, by a stamp or by 90145  
other means the registrar prescribes, on the registration 90146  
certificate issued upon the first registration of a motor 90147  
vehicle by or on behalf of the owner the odometer reading of the 90148  
motor vehicle as shown in the odometer statement included in or 90149  
attached to the certificate of title. Upon each subsequent 90150  
registration of the motor vehicle by or on behalf of the same 90151  
owner, the official also shall so indicate the odometer reading 90152  
of the motor vehicle as shown on the immediately preceding 90153  
certificate of registration. 90154

(7) The registrar shall include in the permanent 90155  
registration record of any vehicle required to be inspected 90156  
under section 3704.14 of the Revised Code the inspection 90157  
certificate number from the inspection certificate or the 90158  
alternative emissions certificate number from the alternative 90159  
emissions certificate that is presented at the time of 90160  
registration of the vehicle as required under this division. 90161

~~(C) (1) Except as otherwise provided in division (C) (1) of~~ 90162  
~~this section, the~~ The registrar and each deputy registrar shall 90163  
collect ~~an~~ the following additional ~~fee of eleven dollars~~ fees 90164  
for each application for registration and registration renewal 90165  
received~~;~~: 90166

(a) Except as provided in division (C) (1) (b) of this 90167  
section, a fee of eleven dollars on or before December 31, 2025, 90168  
and a fee of sixteen dollars on and after January 1, 2026; 90169

(b) For vehicles specified in divisions (A) (1) to (21) of 90170  
section 4503.042 of the Revised Code, the registrar and deputy 90171  
registrar shall collect an additional a fee of thirty dollars 90172  
for each application for registration and registration renewal 90173  
received on or before December 31, 2025, and a fee of thirty-five 90174  
dollars on and after January 1, 2026. 90175

No additional fee shall be charged for vehicles registered 90176  
under section 4503.65 of the Revised Code. ~~The~~ Each additional 90177  
fee is for the purpose of defraying the department of public 90178  
safety's costs associated with the administration and 90179  
enforcement of the motor vehicle and traffic laws of Ohio. Each 90180  
deputy registrar shall transmit the fees collected under 90181  
divisions (C) (1) and (3) of this section in the time and manner 90182  
provided in this section. The registrar shall deposit all moneys 90183  
received under division (C) (1) of this section into the public 90184



safety - highway purposes fund established in section 4501.06 of 90185  
the Revised Code. 90186

(2) In addition, a charge of twenty-five cents shall be 90187  
made for each reflectorized safety license plate issued, and a 90188  
single charge of twenty-five cents shall be made for each county 90189  
identification sticker or each set of county identification 90190  
stickers issued, as the case may be, to cover the cost of 90191  
producing the license plates and stickers, including material, 90192  
manufacturing, and administrative costs. Those fees shall be in 90193  
addition to the license tax. If the total cost of producing the 90194  
plates is less than twenty-five cents per plate, or if the total 90195  
cost of producing the stickers is less than twenty-five cents 90196  
per sticker or per set issued, any excess moneys accruing from 90197  
the fees shall be distributed in the same manner as provided by 90198  
section 4501.04 of the Revised Code for the distribution of 90199  
license tax moneys. If the total cost of producing the plates 90200  
exceeds twenty-five cents per plate, or if the total cost of 90201  
producing the stickers exceeds twenty-five cents per sticker or 90202  
per set issued, the difference shall be paid from the license 90203  
tax moneys collected pursuant to section 4503.02 of the Revised 90204  
Code. 90205

(3) The registrar and each deputy registrar shall collect 90206  
the following additional fee, as applicable, for each 90207  
application for registration or registration renewal received 90208  
for any hybrid motor vehicle, plug-in hybrid electric motor 90209  
vehicle, or battery electric motor vehicle: 90210

(a) One hundred dollars for a hybrid motor vehicle; 90211

(b) One hundred fifty dollars for a plug-in hybrid 90212  
electric motor vehicle; 90213

(c) Two hundred dollars for a battery electric motor vehicle. 90214  
90215

Each fee imposed under this division shall be prorated 90216  
based on the number of months for which the vehicle is 90217  
registered. The registrar shall transmit all money arising from 90218  
each fee to the treasurer of state for distribution in 90219  
accordance with division (E) of section 5735.051 of the Revised 90220  
Code, subject to division (D) of section 5735.05 of the Revised 90221  
Code. 90222

(D) Each deputy registrar shall be allowed a fee equal to 90223  
the amount established under section 4503.038 of the Revised 90224  
Code for each application for registration and registration 90225  
renewal notice the deputy registrar receives, which shall be for 90226  
the purpose of compensating the deputy registrar for the deputy 90227  
registrar's services, and such office and rental expenses, as 90228  
may be necessary for the proper discharge of the deputy 90229  
registrar's duties in the receiving of applications and renewal 90230  
notices and the issuing of registrations. 90231

(E) Upon the certification of the registrar, the county 90232  
sheriff or local police officials shall recover license plates 90233  
erroneously or fraudulently issued. 90234

(F) Each deputy registrar, upon receipt of any application 90235  
for registration or registration renewal notice, together with 90236  
the license fee and any local motor vehicle license tax levied 90237  
pursuant to Chapter 4504. of the Revised Code, shall transmit 90238  
that fee and tax, if any, in the manner provided in this 90239  
section, together with the original and duplicate copy of the 90240  
application, to the registrar. The registrar, subject to the 90241  
approval of the director of public safety, may deposit the funds 90242  
collected by those deputies in a local bank or depository to the 90243

credit of the "state of Ohio, bureau of motor vehicles." Where a 90244  
local bank or depository has been designated by the registrar, 90245  
each deputy registrar shall deposit all moneys collected by the 90246  
deputy registrar into that bank or depository not more than one 90247  
business day after their collection and shall make reports to 90248  
the registrar of the amounts so deposited, together with any 90249  
other information, some of which may be prescribed by the 90250  
treasurer of state, as the registrar may require and as 90251  
prescribed by the registrar by rule. The registrar, within three 90252  
days after receipt of notification of the deposit of funds by a 90253  
deputy registrar in a local bank or depository, shall draw on 90254  
that account in favor of the treasurer of state. The registrar, 90255  
subject to the approval of the director and the treasurer of 90256  
state, may make reasonable rules necessary for the prompt 90257  
transmittal of fees and for safeguarding the interests of the 90258  
state and of counties, townships, municipal corporations, and 90259  
transportation improvement districts levying local motor vehicle 90260  
license taxes. The registrar may pay service charges usually 90261  
collected by banks and depositories for such service. If deputy 90262  
registrars are located in communities where banking facilities 90263  
are not available, they shall transmit the fees forthwith, by 90264  
money order or otherwise, as the registrar, by rule approved by 90265  
the director and the treasurer of state, may prescribe. The 90266  
registrar may pay the usual and customary fees for such service. 90267

(G) This section does not prevent any person from making 90268  
an application for a motor vehicle license directly to the 90269  
registrar by mail, by electronic means, or in person at any of 90270  
the registrar's offices, upon payment of a service fee equal to 90271  
the amount established under section 4503.038 of the Revised 90272  
Code for each application. 90273

(H) No person shall make a false statement as to the 90274

district of registration in an application required by division 90275  
(A) of this section. Violation of this division is falsification 90276  
under section 2921.13 of the Revised Code and punishable as 90277  
specified in that section. 90278

(I) (1) Where applicable, the requirements of division (B) 90279  
of this section relating to the presentation of an inspection 90280  
certificate issued under section 3704.14 of the Revised Code and 90281  
rules adopted under it for a motor vehicle, the refusal of a 90282  
license for failure to present an inspection certificate or 90283  
alternative emissions certificate, and the stamping of the 90284  
inspection certificate or alternative emissions certificate by 90285  
the official issuing the certificate of registration apply to 90286  
the registration of and issuance of license plates for a motor 90287  
vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 90288  
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 90289  
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised 90290  
Code. 90291

(2) (a) The registrar shall adopt rules ensuring that each 90292  
owner registering a motor vehicle in a county where a motor 90293  
vehicle inspection and maintenance program is in effect under 90294  
section 3704.14 of the Revised Code and rules adopted under it 90295  
receives information about the requirements established in that 90296  
section and those rules and about the need in those counties to 90297  
present an inspection certificate or an alternative emissions 90298  
certificate with an application for registration or 90299  
preregistration. 90300

(b) Upon request, the registrar shall provide the director 90301  
of environmental protection, or any person that has been awarded 90302  
a contract under section 3704.14 of the Revised Code, an on-line 90303  
computer data link to registration information for all passenger 90304

cars, noncommercial motor vehicles, and commercial cars that are 90305  
subject to that section. The registrar also shall provide to the 90306  
director of environmental protection a magnetic data tape 90307  
containing registration information regarding passenger cars, 90308  
noncommercial motor vehicles, and commercial cars for which a 90309  
multi-year registration is in effect under section 4503.103 of 90310  
the Revised Code or rules adopted under it, including, without 90311  
limitation, the date of issuance of the multi-year registration, 90312  
the registration deadline established under rules adopted under 90313  
section 4503.101 of the Revised Code that was applicable in the 90314  
year in which the multi-year registration was issued, and the 90315  
registration deadline for renewal of the multi-year 90316  
registration. 90317

(J) Subject to division (K) of this section, application 90318  
for registration under the international registration plan, as 90319  
set forth in sections 4503.60 to 4503.66 of the Revised Code, 90320  
shall be made to the registrar on forms furnished by the 90321  
registrar. In accordance with international registration plan 90322  
guidelines and pursuant to rules adopted by the registrar, the 90323  
forms shall include the following: 90324

(1) A uniform mileage schedule; 90325

(2) The gross vehicle weight of the vehicle or combined 90326  
gross vehicle weight of the combination vehicle as declared by 90327  
the registrant; 90328

(3) Any other information the registrar requires by rule. 90329

(K) The registrar shall determine the feasibility of 90330  
implementing an electronic commercial fleet licensing and 90331  
management program that will enable the owners of commercial 90332  
tractors, commercial trailers, and commercial semitrailers to 90333

conduct electronic transactions by July 1, 2010, or sooner. If 90334  
the registrar determines that implementing such a program is 90335  
feasible, the registrar shall adopt new rules under this 90336  
division or amend existing rules adopted under this division as 90337  
necessary in order to respond to advances in technology. 90338

If international registration plan guidelines and 90339  
provisions allow member jurisdictions to permit applications for 90340  
registrations under the international registration plan to be 90341  
made via the internet, the rules the registrar adopts under this 90342  
division shall permit such action. 90343

**Sec. 4503.102.** ~~(A)~~ (A) (1) The registrar of motor vehicles 90344  
~~shall may~~ adopt rules to establish a centralized system of motor 90345  
vehicle registration for initial registration, registration 90346  
renewal, and transfer of registration, by mail or by electronic 90347  
means. ~~Any~~ 90348

(2) Any person applying electronically for initial 90349  
registration or for transfer of registration may submit all 90350  
associated documents electronically through the centralized 90351  
system of motor vehicle registration established under this 90352  
section. The registrar or a deputy registrar shall verify and 90353  
authenticate such documents. 90354

(3) Any person owning a motor vehicle that was registered 90355  
in the person's name during the preceding registration year 90356  
shall renew the registration of the motor vehicle not more than 90357  
ninety days prior to the expiration date of the registration 90358  
either by through one of the following: 90359

(a) By mail or by electronic means through the centralized 90360  
system of registration established under this section, ~~or in;~~ 90361

(b) In person at any office of the registrar or at a 90362

deputy registrar's office.

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(B) (1) Except as provided in division (B) (2) of this section, no less than forty-five days prior to the expiration date of any motor vehicle registration, the registrar shall mail a renewal notice to the person in whose name the motor vehicle is registered. The renewal notice shall clearly state that the registration of the motor vehicle may be renewed by mail or electronic means through the centralized system of registration or in person at any office of the registrar or at a deputy registrar's office and shall be preprinted with information including, but not limited to, the owner's name and residence address as shown in the records of the bureau of motor vehicles, a brief description of the motor vehicle to be registered, notice of the license taxes and fees due on the motor vehicle, the toll-free telephone number of the registrar as required under division (D) (1) of section 4503.031 of the Revised Code, ~~a statement that payment for a renewal may be made by financial transaction device using the toll-free telephone number,~~ and any additional information the registrar may require by rule. The renewal notice shall not include the social security number of either the owner of the motor vehicle or the person in whose name the motor vehicle is registered. The renewal notice shall be sent by regular mail to the owner's last known address as shown in the records of the bureau of motor vehicles.

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(2) The registrar is not required to mail a renewal notice if either of the following applies:

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(a) The owner of the vehicle has consented to receiving the renewal notice by electronic means only.

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(b) The application for renewal of the registration of a motor vehicle is prohibited from being accepted by the registrar

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or a deputy registrar by division (D) of section 2935.27, 90393  
division (A) of section 4503.13, division (B) of section 90394  
4510.22, division (D) of section 4503.234, division (B) (1) of 90395  
section 4521.10, or division (B) of section 5537.041 of the 90396  
Revised Code. 90397

(3) If the owner of a motor vehicle has consented to 90398  
receiving a renewal notice by electronic means only, the 90399  
registrar shall send an electronic renewal notice to the owner 90400  
that contains the information specified in division (B) (1) of 90401  
this section at the time specified under that division. 90402

(C) The owner of the motor vehicle shall verify the 90403  
information contained in the notice, sign it either manually or 90404  
by electronic means, and return it, either by mail or electronic 90405  
means, or the owner may take it in person to any office of the 90406  
registrar or of a deputy registrar. The owner shall include with 90407  
the notice a financial transaction device number when renewing 90408  
in person or by electronic means but not by mail, check, or 90409  
money order in the amount of the registration taxes and fees 90410  
payable on the motor vehicle and a service fee equal to the 90411  
amount established under section 4503.038 of the Revised Code, 90412  
plus postage as indicated on the notice if the registration is 90413  
renewed or fulfilled by mail, and an inspection certificate or 90414  
alternative emissions certificate for the motor vehicle as 90415  
provided in section 3704.14 of the Revised Code. ~~For purposes of~~ 90416  
~~the centralized system of motor vehicle registration, the~~ 90417  
~~registrar shall accept payments via the toll-free telephone~~ 90418  
~~number established under division (D) (1) of section 4503.031 of~~ 90419  
~~the Revised Code for renewals made by mail.~~ If the motor vehicle 90420  
owner chooses to renew the motor vehicle registration by 90421  
electronic means, the owner shall proceed in accordance with the 90422  
rules the registrar adopts. 90423



(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B)(1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate or alternative emissions certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised Code.

(E)(1) Failure to receive a renewal notice does not relieve a motor vehicle owner from the responsibility to renew the registration for the motor vehicle. Any person who has a motor vehicle registered in this state and who does not receive a renewal notice as provided in division (B) of this section prior to the expiration date of the registration shall request an application for registration from the registrar or a deputy registrar and sign the application manually or by electronic means and submit the application and pay any applicable license taxes and fees to the registrar or deputy registrar.

(2) If the owner of a motor vehicle submits an application for registration and the registrar is prohibited by division (D) of section 2935.27, division (A) of section 4503.13, division

(B) of section 4510.22, division (D) of section 4503.234, 90455  
division (B) (1) of section 4521.10, or division (B) of section 90456  
5537.041 of the Revised Code from accepting the application, the 90457  
registrar shall return the application and the payment to the 90458  
owner. If the owner of a motor vehicle submits a registration 90459  
renewal application to the registrar by electronic means and the 90460  
registrar is prohibited from accepting the application as 90461  
provided in this division, the registrar shall notify the owner 90462  
of this fact and deny the application and return the payment or 90463  
give a credit on the financial transaction device account of the 90464  
owner in the manner the registrar prescribes by rule adopted 90465  
pursuant to division (A) of this section. 90466

(F) Every deputy registrar shall post in a prominent place 90467  
at the deputy's office a notice informing the public of the mail 90468  
registration system required by this section and also shall post 90469  
a notice that every owner of a motor vehicle and every chauffeur 90470  
holding a certificate of registration is required to notify the 90471  
registrar in writing of any change of residence within ten days 90472  
after the change occurs. The notice shall be in such form as the 90473  
registrar prescribes by rule. 90474

~~(G)~~ (G) (1) The service fee equal to the amount established 90475  
under section 4503.038 of the Revised Code that is collected 90476  
from a person who renews a motor vehicle registration by 90477  
electronic means or by mail, plus postage collected by the 90478  
registrar and any financial transaction device surcharge 90479  
collected by the registrar, shall be paid to the credit of the 90480  
public safety - highway purposes fund established by section 90481  
4501.06 of the Revised Code. 90482

(2) A person who submits an initial registration or a 90483  
transfer of registration by electronic means under this section 90484

shall pay a service fee equal to the amount established under 90485  
section 4503.038 of the Revised Code, any necessary postage 90486  
costs, and any financial transaction device surcharge, as 90487  
applicable. The service fee collected shall be paid to the 90488  
credit of the public safety - highway purposes fund established 90489  
by section 4501.06 of the Revised Code. If the registrar 90490  
authorizes a deputy registrar to mail the certificate of 90491  
registration and any associated license plate to the applicant, 90492  
the postage costs shall be paid to that deputy registrar. 90493

(H) (1) Pursuant to section 113.40 of the Revised Code, the 90494  
registrar shall implement a program permitting payment of motor 90495  
vehicle registration taxes and fees, driver's license and 90496  
commercial driver's license fees, and any other taxes, fees, 90497  
penalties, or charges imposed or levied by the state by means of 90498  
a financial transaction device for transactions occurring 90499  
online, at any office of the registrar, and at all deputy 90500  
registrar locations. The program shall take effect not later 90501  
than July 1, 2016. The registrar shall adopt rules as necessary 90502  
for this purpose, but all such rules are subject to any action, 90503  
policy, or procedure of the board of deposit or treasurer of 90504  
state taken or adopted under section 113.40 of the Revised Code. 90505

(2) The rules adopted under division (H) (1) of this 90506  
section shall require a deputy registrar to accept payments by 90507  
means of a financial transaction device beginning on the 90508  
effective date of the rules unless the deputy registrar contract 90509  
entered into by the deputy registrar prohibits the acceptance of 90510  
such payments by financial transaction device. However, 90511  
commencing with deputy registrar contract awards that have a 90512  
start date of July 1, 2016, and for all contract awards 90513  
thereafter, the registrar shall require that the proposer accept 90514  
payment by means of a financial transaction device, including 90515

credit cards and debit cards, for all department of public 90516  
safety transactions conducted at that deputy registrar location. 90517

The bureau and deputy registrars are not required to pay 90518  
any costs that result from accepting payment by means of a 90519  
financial transaction device. A deputy registrar may charge a 90520  
person who tenders payment for a department transaction by means 90521  
of a financial transaction device any cost the deputy registrar 90522  
incurs from accepting payment by the financial transaction 90523  
device, but the deputy registrar shall not require the person to 90524  
pay any additional fee of any kind in connection with the use by 90525  
the person of the financial transaction device. 90526

(3) In accordance with division (H)(1) of this section and 90527  
rules adopted by the registrar under that division, a county 90528  
auditor or clerk of a court of common pleas that is designated a 90529  
deputy registrar shall accept payment by means of a financial 90530  
transaction device, including credit cards and debit cards, for 90531  
all department transactions conducted at the office of the 90532  
county auditor or clerk in the county auditor's or clerk's 90533  
capacity as deputy registrar. The bureau is not required to pay 90534  
any costs incurred by a county auditor or clerk that result from 90535  
accepting payment by means of a financial transaction device for 90536  
any department transaction. 90537

(I) For persons who reside in counties where tailpipe 90538  
emissions inspections are required under the motor vehicle 90539  
inspection and maintenance program, the notice required by 90540  
division (B) of this section shall also include the toll-free 90541  
telephone number maintained by the Ohio environmental protection 90542  
agency to provide information concerning the locations of 90543  
emissions testing centers. The registrar also shall include a 90544  
statement in the notice that a battery electric motor vehicle is 90545

not required to undergo emissions inspection under the motor 90546  
vehicle inspection and maintenance program established under 90547  
section 3704.14 of the Revised Code. 90548

**Sec. 4503.29.** (A) The director of veterans services in 90549  
conjunction with the registrar of motor vehicles shall develop 90550  
and maintain a program to establish and issue specialty license 90551  
plates recognizing military service and military honors 90552  
pertaining to valor and service. 90553

(B) The director and the registrar shall jointly adopt 90554  
rules in accordance with Chapter 119. of the Revised Code for 90555  
purposes of establishing the program under this section. The 90556  
director and registrar shall adopt the rules as soon as possible 90557  
after June 29, 2018, but not later than nine months after June 90558  
29, 2018. The rules shall do all of the following: 90559

(1) Establish specialty license plates recognizing 90560  
military service; 90561

(2) Establish specialty license plates recognizing 90562  
military honors pertaining to valor and service; 90563

(3) Establish eligibility criteria that apply to each 90564  
specialty license plate issued under this section; 90565

(4) Establish requirements governing any necessary 90566  
documentary evidence required to be presented by an applicant 90567  
for a specialty license plate issued under this section. The 90568  
rules shall allow an applicant to present a veterans 90569  
identification card issued in accordance with section 317.241 of 90570  
the Revised Code in lieu of a copy of the applicant's DD-214 or 90571  
an equivalent document. An applicant may be required to present 90572  
additional evidence if the veterans identification card does not 90573  
show all of the information needed for issuance of the specific 90574

nonstandard license plate requested by the applicant. 90575

(5) Establish guidelines for the designs, markings, and 90576  
inscriptions on a specialty license plate established under this 90577  
section; 90578

(6) Establish procedures for altering the designs, 90579  
markings, or inscriptions on a specialty license plate 90580  
established under this section; 90581

(7) Prohibit specialty license plates established under 90582  
this section from recognizing achievement awards or unit awards; 90583

(8) Establish any other procedures or requirements that 90584  
are necessary for the implementation and administration of this 90585  
section. 90586

(C) The rules adopted under division (B) of this section 90587  
shall provide for the establishment of the military specialty 90588  
license plates created prior to June 29, 2018, that are no 90589  
longer codified in the Revised Code. 90590

(D) (1) Any person who meets the applicable qualifications 90591  
for the issuance of a specialty license plate established by 90592  
rule adopted under division (B) of this section may apply to the 90593  
registrar of motor vehicles for the registration of any 90594  
passenger car, noncommercial motor vehicle, recreational 90595  
vehicle, or other vehicle the person owns or leases of a class 90596  
approved by the registrar. The application may be combined with 90597  
a request for a special reserved license plate under section 90598  
4503.40 or 4503.42 of the Revised Code. 90599

(2) (a) Except as provided in division (D) (2) (b) of this 90600  
section, upon receipt of an application for registration of a 90601  
motor vehicle under this section and the required taxes and 90602  
fees, compliance with all applicable laws relating to the 90603

registration of a motor vehicle, and, if necessary, upon 90604  
presentation of the required documentary evidence, the registrar 90605  
shall issue to the applicant the appropriate motor vehicle 90606  
registration and a set of license plates and a validation 90607  
sticker, or a validation sticker alone when required by section 90608  
4503.191 of the Revised Code. 90609

(b) Any disabled veteran who qualifies to apply to the 90610  
registrar for the registration of a motor vehicle under section 90611  
4503.41 of the Revised Code without the payment of any 90612  
registration taxes or fees, may apply instead for registration 90613  
of the motor vehicle under this section. The disabled veteran 90614  
applying for registration under this section is not required to 90615  
pay any registration taxes or fees as required by sections 90616  
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 90617  
Revised Code, any local motor vehicle tax levied under Chapter 90618  
4504. of the Revised Code, ~~or~~ any fee charged under section 90619  
4503.19 of the Revised Code for up to two motor vehicles, 90620  
including any motor vehicle registered under section 4503.41 of 90621  
the Revised Code, or any fees associated with transferring a 90622  
registration under section 4503.12 of the Revised Code. Upon 90623  
receipt of an application for registration of the motor vehicle 90624  
and presentation of any documentation the registrar may require 90625  
by rule, the registrar shall issue to the applicant the 90626  
appropriate motor vehicle registration and a set of license 90627  
plates authorized under this section and a validation sticker, 90628  
or a validation sticker alone when required by section 4503.191 90629  
of the Revised Code. 90630

(3) The license plates shall display county identification 90631  
stickers that identify the county of registration as required 90632  
under section 4503.19 of the Revised Code. 90633

**Sec. 4503.41.** (A) Any disabled veteran who, because of a 90634  
service-connected disability, has been or is awarded funds for 90635  
the purchase of a motor vehicle under the "Disabled Veterans'  
and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 90636  
1998, 38 U.S.C. 1901, and amendments thereto, and any disabled 90637  
veteran having a service-connected disability either rated or 90638  
compensated at one hundred per cent by the veterans' 90639  
administration, may apply to the registrar for the registration 90640  
of the disabled veteran's personal motor vehicle. Except as 90641  
provided in division (C) of this section, a disabled veteran is 90642  
not required to pay any registration fee and service fee as 90643  
required by sections 4503.038, 4503.04, 4503.10, 4503.102, and 90644  
4503.103 of the Revised Code, any local motor vehicle tax levied 90645  
under Chapter 4504. of the Revised Code, ~~or~~ any fee charged 90646  
under section 4503.19 of the Revised Code, or any fees 90647  
associated with transferring a registration under section 90648  
4503.12 of the Revised Code. The application for registration 90649  
shall be accompanied by such documentary evidence of disability 90650  
as the registrar may require by rule. 90651  
90652

(B) Upon the receipt of an application for registration of 90653  
a motor vehicle under this section, and presentation of 90654  
satisfactory evidence of disability, the registrar or deputy 90655  
registrar shall issue to the applicant a set of license plates, 90656  
which shall be red, white, and blue in color and shall, in 90657  
addition to the letters and numbers ordinarily inscribed 90658  
thereon, be inscribed with the word "veteran" and imprinted with 90659  
the international wheelchair symbol. 90660

(C) A disabled veteran who is eligible to register a motor 90661  
vehicle under this section may register as many vehicles as are 90662  
titled and registered in that disabled veteran's name. For each 90663  
additional registration after the first registration, the 90664



registrar or deputy registrar shall collect any applicable fee 90665  
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 90666  
4503.103, and 4503.19 of the Revised Code, and any local motor 90667  
vehicle tax levied under Chapter 4504. of the Revised Code. 90668

**Sec. 4503.91.** (A) The owner or lessee of any passenger 90669  
car, noncommercial motor vehicle, recreational vehicle, or other 90670  
vehicle of a class approved by the registrar of motor vehicles 90671  
may apply to the registrar for the registration of the vehicle 90672  
and issuance of "choose life" license plates. The application 90673  
for "choose life" license plates may be combined with a request 90674  
for a special reserved license plate under section 4503.40 or 90675  
4503.42 of the Revised Code. Upon receipt of the completed 90676  
application and compliance with divisions (B) and (C) of this 90677  
section, the registrar shall issue to the applicant the 90678  
appropriate vehicle registration and a set of "choose life" 90679  
license plates with a validation sticker or a validation sticker 90680  
alone when required by section 4503.191 of the Revised Code. 90681

In addition to the letters and numbers ordinarily 90682  
inscribed on license plates, "choose life" license plates shall 90683  
be inscribed with the words "choose life" and a marking designed 90684  
by "choose life, inc.," a private, nonprofit corporation 90685  
incorporated in the state of Florida. The registrar shall review 90686  
the design and approve it if the design is feasible. If the 90687  
design is not feasible, the registrar shall notify "choose life, 90688  
inc." and the organization may resubmit designs until a feasible 90689  
one is approved. "Choose life" license plates shall bear county 90690  
identification stickers that identify the county of registration 90691  
as required under section 4503.19 of the Revised Code. 90692

(B) "Choose life" license plates and a validation sticker, 90693  
or a validation sticker alone, shall be issued upon receipt of a 90694

contribution as provided in division (C) of this section and 90695  
upon payment of the regular license tax prescribed in section 90696  
4503.04 of the Revised Code, any applicable motor vehicle tax 90697  
levied under Chapter 4504. of the Revised Code, any applicable 90698  
additional fee prescribed by section 4503.40 or 4503.42 of the 90699  
Revised Code, a fee of ten dollars for the purpose of 90700  
compensating the bureau of motor vehicles for additional 90701  
services required in the issuing of "choose life" license 90702  
plates, and compliance with all other applicable laws relating 90703  
to the registration of motor vehicles. 90704

(C) (1) For each application for registration and 90705  
registration renewal received under this section, the registrar 90706  
shall collect a contribution of twenty dollars. The registrar 90707  
shall transmit this contribution to the treasurer of state for 90708  
deposit in the "choose life" fund created in section ~~3701.65~~ 90709  
5180.72 of the Revised Code. 90710

(2) The registrar shall deposit the additional fee of ten 90711  
dollars specified in division (B) of this section for the 90712  
purpose of compensating the bureau for the additional services 90713  
required in issuing "choose life" license plates in the public 90714  
safety - highway purposes fund created in section 4501.06 of the 90715  
Revised Code. 90716

**Sec. 4505.07.** (A) A physical certificate of title shall be 90717  
printed upon a special paper with a secure printing process or 90718  
other secure process, for the printing of motor vehicle titles, 90719  
as required by section 2 of the "Truth in Mileage Act of 1986," 90720  
100 Stat. 3309, 15 U.S.C.A. 1901 et seq. 90721

An electronic certificate of title is an electronic record 90722  
stored in the automated title processing system that established 90723  
ownership of a motor vehicle, as well as any security interests 90724

that exist in that motor vehicle. 90725

(B) Every certificate of title shall bear the 90726  
distinguishing number assigned to the title, and shall contain, 90727  
on the front of the certificate, the following information: 90728

(1) An indication that the certificate is issued in this 90729  
state; 90730

(2) The county in which the certificate is issued; 90731

(3) An indication that the certificate is an original, 90732  
memorandum, duplicate, or salvage certificate; 90733

(4) The date of issuance of the certificate; 90734

(5) The name and address of the owner, in full; 90735

(6) The name and address of the previous owner, in full; 90736

(7) The previous certificate of title number; 90737

(8) The state in which the vehicle previously was titled; 90738

(9) The make, body type, year, model, and vehicle 90739  
identification number of the vehicle; 90740

(10) First and second lien notation information, including 90741  
the name and address of the lienholder in full and the date of 90742  
the lien notation; 90743

(11) For discharging and canceling the lien notation, a 90744  
notice that states: "lien discharge," a space for the signature 90745  
of the lienholder, the discharge date, a space for the signature 90746  
of the clerk of the court of common pleas, the cancellation 90747  
date, and a space for the notation of the deputy clerk; 90748

(12) The purchase price of the motor vehicle and the 90749  
amount of Ohio sales or use tax paid; 90750

(13) The mileage registered on the odometer and the status	90751
of the odometer of the vehicle at the time the previous title	90752
was assigned;	90753
(14) A space for the seal of the clerk;	90754
(15) The signature of the clerk;	90755
(16) A space for the notation of the deputy clerk;	90756
(17) A space for other pertinent information as may be	90757
required by the registrar of motor vehicles;	90758
(18) A consecutive number for control purposes;	90759
(19) In the case of a vehicle last previously registered	90760
in another state, a space to be used for recording any notation	90761
applicable to the vehicle and the abbreviation of the state in	90762
which the vehicle was last registered, as required by divisions	90763
(B) (1) and (2) of section 4505.08 of the Revised Code;	90764
(20) In the case of a vehicle last previously registered	90765
in this state, a space to be used for recording any information	90766
applicable to the vehicle as required by division (C) of section	90767
4505.08 of the Revised Code or by rule of the registrar of motor	90768
vehicles adopted under that division.	90769
(C) If the certificate of title is a duplicate	90770
certificate, that fact and the original title number must be	90771
stated on the front of the duplicate certificate.	90772
(D) If the certificate of title is a memorandum	90773
certificate, that fact and the original title number must be	90774
stated on the front of the memorandum certificate.	90775
(E) If the certificate of title is a salvage certificate,	90776
that fact and the original title number must be stated on the	90777

front of the salvage certificate. 90778

(F) The following information shall appear on the reverse 90779  
side of each certificate of title: 90780

(1) A notice in bold lettering that states: "ERASURES AND 90781  
ALTERATIONS VOID THIS TITLE ASSIGNMENT. (Type or print in 90782  
ink.)"; 90783

(2) The total consideration of the vehicle; 90784

(3) A disclosure that states: "I (we) certify the vehicle 90785  
described in this title was transferred for the price of 90786  
\$\_\_\_\_\_ to:" and the printed name and address of the buyer 90787  
in full; 90788

(4) An odometer certification statement that states: 90789  
"Federal and state laws require that you state the mileage in 90790  
connection with transfer of ownership. Failure to complete or 90791  
providing false information may result in fines and 90792  
imprisonment." 90793

The odometer certification language as required by federal law 90794  
and division (C) of section 4505.06 of the Revised Code. 90795

(5) A disclosure that states: "I (we) warrant the title to 90796  
be free of all liens." 90797

(6) A space for the signature of the transferor and the 90798  
transferor's printed name and address in full; 90799

(7) A space for the seal of the clerk or a notary; 90800

(8) The acknowledgment statement of the clerk, the deputy 90801  
clerk, or a notary; 90802

(9) A space for the signature of the clerk, the deputy 90803  
clerk, or a notary; 90804

(10) The buyer's odometer acknowledgment statement, with a 90805  
space for the buyer's printed name and address; 90806

(11) A notice in bold lettering that states: "WARNING TO 90807  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required 90808  
by law to state the true selling price. A false statement is in 90809  
violation of section 2921.13 of the Revised Code and is 90810  
punishable by six months' imprisonment or a fine of up to one 90811  
thousand dollars, or both. All transfers are audited by the 90812  
department of taxation. 90813

The seller and buyer must provide any information 90814  
requested by the department of taxation. The buyer may be 90815  
assessed any additional tax found to be due." 90816

(12) An application for a certificate of title, memorandum 90817  
certificate of title, or salvage certificate of title, as 90818  
prescribed by the registrar, which shall include all of the 90819  
following: 90820

(a) A disclosure that states: "Application for certificate 90821  
of title (type or print in ink)"; 90822

(b) A disclosure that states: "Fee of \$5.00 for failure to 90823  
apply for title within 30 days of assignment."; 90824

(c) A space for the applicant's printed name and address; 90825

(d) A space for the applicant's social security number or 90826  
employer's identification number. The last four digits of the 90827  
applicant's social security number is sufficient if the 90828  
application for title is for a salvage certificate of title for 90829  
an owner-retained vehicle or if the application is accompanied 90830  
by an application to transfer title to an insurance company or a 90831  
nonprofit corporation. 90832

(e) A space for the purchase price, tax paid, or tax exemption reason, or dealer's permit number, and vendor's number, and condition of the vehicle;

(f) A disclosure statement that states: "Lien information: If no lien state "none." If more than one lien, attach statement of all additional liens.";

(g) A space for the lienholder's name and address;

(h) A disclosure statement that states: "I (we) state that all information contained in this application is true and correct.";

(i) A space for the applicant's signature;

(j) A space for the acknowledgment statement of the clerk, the deputy clerk, or a notary;

(k) A space for the seal of the clerk or a notary;

(l) A space for the signature of the clerk, the deputy clerk, or a notary;

(m) Any other pertinent information as may be required by the registrar.

**Sec. 4505.09.** (A) (1) The clerk of a court of common pleas shall charge and retain fees as follows:

(a) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk.

(b) Fifteen dollars, or twenty dollars if a board of county commissioners adopts a resolution authorizing the increased fee for that county, for each certificate of title or

duplicate certificate of title including the issuance of a 90860  
memorandum certificate of title, or authorization to print a 90861  
non-negotiable evidence of ownership described in division (G) 90862  
of section 4505.08 of the Revised Code, non-negotiable evidence 90863  
of ownership printed by the clerk under division (H) of that 90864  
section, and notation of any lien on a certificate of title that 90865  
is applied for at the same time as the certificate of title. The 90866  
clerk shall retain eleven dollars and fifty cents of that fee 90867  
for each certificate of title when there is a notation of a lien 90868  
or security interest on the certificate of title, twelve dollars 90869  
and twenty-five cents when there is no lien or security interest 90870  
noted on the certificate of title, and eleven dollars and fifty 90871  
cents for each duplicate certificate of title. If a board of 90872  
county commissioners adopts a resolution authorizing a twenty- 90873  
dollar fee, the clerk shall retain the additional five dollars 90874  
of that fee. 90875

(c) Four dollars and fifty cents for each certificate of 90876  
title with no security interest noted that is issued to a 90877  
licensed motor vehicle dealer for resale purposes and, in 90878  
addition, a separate fee of fifty cents. The clerk shall retain 90879  
two dollars and twenty-five cents of that fee. 90880

(d) Five dollars for each memorandum certificate of title 90881  
or non-negotiable evidence of ownership that is applied for 90882  
separately. The clerk shall retain that entire fee. 90883

(2) The fees that are not retained by the clerk shall be 90884  
paid to the registrar of motor vehicles by monthly returns, 90885  
which shall be forwarded to the registrar not later than the 90886  
fifth day of the month next succeeding that in which the 90887  
certificate is issued or that in which the registrar is notified 90888  
of a lien or cancellation of a lien. 90889



(B) (1) The registrar shall pay twenty-five cents of the 90890  
amount received for each certificate of title issued to a motor 90891  
vehicle dealer for resale, one dollar for certificates of title 90892  
issued with a lien or security interest noted on the certificate 90893  
of title, and twenty-five cents for each certificate of title 90894  
with no lien or security interest noted on the certificate of 90895  
title into the public safety - highway purposes fund established 90896  
in section 4501.06 of the Revised Code. 90897

(2) Fifty cents of the amount received for each 90898  
certificate of title shall be paid by the registrar as follows: 90899

(a) Four cents shall be paid into the state treasury to 90900  
the credit of the motor vehicle dealers board fund, which is 90901  
hereby created. All investment earnings of the fund shall be 90902  
credited to the fund. The moneys in the motor vehicle dealers 90903  
board fund shall be used by the motor vehicle dealers board 90904  
created under section 4517.30 of the Revised Code, together with 90905  
other moneys appropriated to it, in the exercise of its powers 90906  
and the performance of its duties under Chapter 4517. of the 90907  
Revised Code, except that the director of budget and management 90908  
may transfer excess money from the motor vehicle dealers board 90909  
fund to the public safety - highway purposes fund if the 90910  
registrar determines that the amount of money in the motor 90911  
vehicle dealers board fund, together with other moneys 90912  
appropriated to the board, exceeds the amount required for the 90913  
exercise of its powers and the performance of its duties under 90914  
Chapter 4517. of the Revised Code and requests the director to 90915  
make the transfer. 90916

(b) Thirty-one cents shall be paid into the highway 90917  
operating fund created by section 5735.051 of the Revised Code. 90918

(c) Fifteen cents shall be paid into the state treasury to 90919

the credit of the motor vehicle sales audit fund, which is 90920  
hereby created. The moneys in the fund shall be used by the tax 90921  
commissioner together with other funds available to the 90922  
commissioner to conduct a continuing investigation of sales and 90923  
use tax returns filed for motor vehicles in order to determine 90924  
if sales and use tax liability has been satisfied. The 90925  
commissioner shall refer cases of apparent violations of section 90926  
2921.13 of the Revised Code made in connection with the titling 90927  
or sale of a motor vehicle and cases of any other apparent 90928  
violations of the sales or use tax law to the appropriate county 90929  
prosecutor whenever the commissioner considers it advisable. 90930

(3) Two dollars of the amount received by the registrar 90931  
under divisions (A)(1)(a), (b), and (d) of this section and one 90932  
dollar and fifty cents of the amount received by the registrar 90933  
under division (A)(1)(c) of this section for each certificate of 90934  
title shall be paid into the state treasury to the credit of the 90935  
automated title processing fund, which is hereby created and 90936  
which shall consist of moneys collected under division (B)(3) of 90937  
this section and under sections 1548.10 and 4519.59 of the 90938  
Revised Code. All investment earnings of the fund shall be 90939  
credited to the fund. The moneys in the fund shall be used as 90940  
follows: 90941

(a) Except for moneys collected under section 1548.10 of 90942  
the Revised Code, moneys collected under division (B)(3) of this 90943  
section shall be used to implement and maintain an automated 90944  
title processing system for the issuance of motor vehicle, off- 90945  
highway motorcycle, and all-purpose vehicle certificates of 90946  
title in the offices of the clerks of the courts of common 90947  
pleas. Those moneys also shall be used to pay expenses that 90948  
arise as a result of enabling electronic motor vehicle dealers 90949  
to directly transfer applications for certificates of title 90950

under division (A) (3) of section 4505.06 of the Revised Code. 90951

(b) Moneys collected under section 1548.10 of the Revised 90952  
Code shall be used to issue marine certificates of title in the 90953  
offices of the clerks of the courts of common pleas as provided 90954  
in Chapter 1548. of the Revised Code. 90955

(4) The registrar shall pay the fifty-cent separate fee 90956  
collected from a licensed motor vehicle dealer under division 90957  
(A) (1) (c) of this section into the title defect recision fund 90958  
created by section 1345.52 of the Revised Code. 90959

(C) (1) The automated title processing board is hereby 90960  
created consisting of the registrar or the registrar's 90961  
representative, a person selected by the registrar, the 90962  
president of the Ohio clerks of court association or the 90963  
president's representative, the president of the Ohio automobile 90964  
dealers association or the president's representative, and ~~two~~ 90965  
three clerks of courts of common pleas appointed by the 90966  
governor. ~~The director of budget and management or the~~ 90967  
~~director's designee, the~~ chief of the division of parks and 90968  
watercraft in the department of natural resources or the chief's 90969  
designee, and the tax commissioner or the commissioner's 90970  
designee shall be nonvoting members of the board. The purpose of 90971  
the board is to facilitate the operation and maintenance of an 90972  
automated title processing system and approve the procurement of 90973  
automated title processing system equipment and ribbons, 90974  
cartridges, or other devices necessary for the operation of that 90975  
equipment. Voting members of the board, excluding the registrar 90976  
or the registrar's representative, shall serve without 90977  
compensation, but shall be reimbursed for travel and other 90978  
necessary expenses incurred in the conduct of their official 90979  
duties. The registrar or the registrar's representative shall 90980

receive neither compensation nor reimbursement as a board 90981  
member. 90982

(2) The automated title processing board shall determine 90983  
each of the following: 90984

(a) The automated title processing equipment and 90985  
certificates of title requirements for each county; 90986

(b) The payment of expenses that may be incurred by the 90987  
counties in implementing an automated title processing system; 90988

(c) The repayment to the counties for existing title 90989  
processing equipment; 90990

(d) With the approval of the director of public safety, 90991  
the award of grants from the automated title processing fund to 90992  
the clerk of courts of any county who employs a person who 90993  
assists with the design of, updates to, tests of, installation 90994  
of, or any other activity related to, an automated title 90995  
processing system. Any grant awarded under division (C) (2) (d) of 90996  
this section shall be deposited into the appropriate county 90997  
certificate of title administration fund created under section 90998  
325.33 of the Revised Code and shall not be used to supplant any 90999  
other funds. 91000

(3) The registrar shall purchase, lease, or otherwise 91001  
acquire any automated title processing equipment and 91002  
certificates of title that the board determines are necessary 91003  
from moneys in the automated title processing fund established 91004  
by division (B) (3) of this section. 91005

(D) All counties shall conform to the requirements of the 91006  
registrar regarding the operation of their automated title 91007  
processing system for motor vehicle titles, certificates of 91008  
title for off-highway motorcycles and all-purpose vehicles, and 91009

certificates of title for watercraft and outboard motors. 91010

**Sec. 4506.01.** As used in this chapter: 91011

(A) "Alcohol concentration" means the concentration of 91012  
alcohol in a person's blood, breath, or urine. When expressed as 91013  
a percentage, it means grams of alcohol per the following: 91014

(1) One hundred milliliters of whole blood, blood serum, 91015  
or blood plasma; 91016

(2) Two hundred ten liters of breath; 91017

(3) One hundred milliliters of urine. 91018

(B) "Commercial driver's license" means a license issued 91019  
in accordance with this chapter that authorizes an individual to 91020  
drive a commercial motor vehicle. 91021

(C) "Commercial driver's license information system" means 91022  
the information system established pursuant to the requirements 91023  
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 91024  
3207-171, 49 U.S.C.A. App. 2701. 91025

(D) Except when used in section 4506.25 of the Revised 91026  
Code, "commercial motor vehicle" means any motor vehicle 91027  
designed or used to transport persons or property that meets any 91028  
of the following qualifications: 91029

(1) Any combination of vehicles with a gross vehicle 91030  
weight or combined gross vehicle weight rating of twenty-six 91031  
thousand one pounds or more, provided the gross vehicle weight 91032  
or gross vehicle weight rating of the vehicle or vehicles being 91033  
towed is in excess of ten thousand pounds; 91034

(2) Any single vehicle with a gross vehicle weight or 91035  
gross vehicle weight rating of twenty-six thousand one pounds or 91036

more; 91037

(3) Any single vehicle or combination of vehicles that is 91038  
not a class A or class B vehicle, but is designed to transport 91039  
sixteen or more passengers including the driver; 91040

(4) Any school bus with a gross vehicle weight or gross 91041  
vehicle weight rating of less than twenty-six thousand one 91042  
pounds that is designed to transport fewer than sixteen 91043  
passengers including the driver; 91044

(5) Is transporting hazardous materials for which 91045  
placarding is required under subpart F of 49 C.F.R. part 172, as 91046  
amended; 91047

(6) Any single vehicle or combination of vehicles that is 91048  
designed to be operated and to travel on a public street or 91049  
highway and is considered by the federal motor carrier safety 91050  
administration to be a commercial motor vehicle, including, but 91051  
not limited to, a motorized crane, a vehicle whose function is 91052  
to pump cement, a rig for drilling wells, and a portable crane. 91053

(E) "Controlled substance" means all of the following: 91054

(1) Any substance classified as a controlled substance 91055  
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 91056  
U.S.C.A. 802(6), as amended; 91057

(2) Any substance included in schedules I through V of 21 91058  
C.F.R. part 1308, as amended; 91059

(3) Any drug of abuse. 91060

(F) "Conviction" means an unvacated adjudication of guilt 91061  
or a determination that a person has violated or failed to 91062  
comply with the law in a court of original jurisdiction or an 91063  
authorized administrative tribunal, an unvacated forfeiture of 91064

bail or collateral deposited to secure the person's appearance 91065  
in court, a plea of guilty or nolo contendere accepted by the 91066  
court, the payment of a fine or court cost, or violation of a 91067  
condition of release without bail, regardless of whether or not 91068  
the penalty is rebated, suspended, or probated. 91069

(G) "Disqualification" means any of the following: 91070

(1) The suspension, revocation, or cancellation of a 91071  
person's privileges to operate a commercial motor vehicle; 91072

(2) Any withdrawal of a person's privileges to operate a 91073  
commercial motor vehicle as the result of a violation of state 91074  
or local law relating to motor vehicle traffic control other 91075  
than parking, vehicle weight, or vehicle defect violations; 91076

(3) A determination by the federal motor carrier safety 91077  
administration that a person is not qualified to operate a 91078  
commercial motor vehicle under 49 C.F.R. 391. 91079

(H) "Domiciled" means having a true, fixed, principal, and 91080  
permanent residence to which an individual intends to return. 91081

(I) "Downgrade" means any of the following, as applicable: 91082

(1) A change in the commercial driver's license, or 91083  
commercial driver's license temporary instruction permit, 91084  
holder's self-certified status as described in division (A) (1) 91085  
of section 4506.10 of the Revised Code; 91086

(2) A change to a lesser class of vehicle; 91087

(3) Removal of commercial driver's license privileges from 91088  
the individual's driver's license; 91089

(4) A change in the commercial driver's license, or 91090  
commercial driver's license temporary instruction permit, 91091

<u>holder's privileges as described in division (F) (1) of section</u>	91092
<u>4506.13 of the Revised Code.</u>	91093
 (J) "Drive" means to drive, operate, or be in physical	91094
control of a motor vehicle.	91095
 (K) "Driver" means any person who drives, operates, or is	91096
in physical control of a commercial motor vehicle or is required	91097
to have a commercial driver's license.	91098
 (L) "Driver's license" means a license issued by the	91099
bureau of motor vehicles that authorizes an individual to drive.	91100
 (M) "Drug of abuse" means any controlled substance,	91101
dangerous drug as defined in section 4729.01 of the Revised	91102
Code, harmful intoxicant as defined in section 2925.01 of the	91103
Revised Code, or over-the-counter medication that, when taken in	91104
quantities exceeding the recommended dosage, can result in	91105
impairment of judgment or reflexes.	91106
 (N) "Electronic device" includes a cellular telephone, a	91107
personal digital assistant, a pager, a computer, and any other	91108
device used to input, write, send, receive, or read text.	91109
 (O) "Eligible unit of local government" means a village,	91110
township, or county that has a population of not more than three	91111
thousand persons according to the most recent federal census.	91112
 (P) "Employer" means any person, including the federal	91113
government, any state, and a political subdivision of any state,	91114
that owns or leases a commercial motor vehicle or assigns a	91115
person to drive such a motor vehicle.	91116
 (Q) "Endorsement" means an authorization on a person's	91117
commercial driver's license that is required to permit the	91118
person to operate a specified type of commercial motor vehicle.	91119



(R) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this division and is not used in the operations of a motor carrier, as defined in section 4923.01 of the Revised Code.

(S) "Fatality" means the death of a person as the result of a motor vehicle accident occurring not more than three hundred sixty-five days prior to the date of death.

(T) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.

(U) "Foreign jurisdiction" means any jurisdiction other than a state.

(V) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

(W) "Hazardous materials" means any material that has been 91150  
designated as hazardous under 49 U.S.C. 5103 and is required to 91151  
be placarded under subpart F of 49 C.F.R. part 172 or any 91152  
quantity of a material listed as a select agent or toxin in 42 91153  
C.F.R. part 73, as amended. 91154

(X) "Imminent hazard" means the existence of a condition 91155  
that presents a substantial likelihood that death, serious 91156  
illness, severe personal injury, or a substantial endangerment 91157  
to health, property, or the environment may occur before the 91158  
reasonably foreseeable completion date of a formal proceeding 91159  
begun to lessen the risk of that death, illness, injury, or 91160  
endangerment. 91161

(Y) "Medical variance" means one of the following received 91162  
by a driver from the federal motor carrier safety administration 91163  
that allows the driver to be issued a medical certificate: 91164

(1) An exemption letter permitting operation of a 91165  
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 91166  
C.F.R. 391.64; 91167

(2) A skill performance evaluation certificate permitting 91168  
operation of a commercial motor vehicle pursuant to 49 C.F.R. 91169  
391.49. 91170

(Z) "Mobile telephone" means a mobile communication device 91171  
that falls under or uses any commercial mobile radio service as 91172  
defined in 47 C.F.R. 20, except that mobile telephone does not 91173  
include two-way or citizens band radio services. 91174

(AA) "Motor vehicle" means a vehicle, machine, tractor, 91175  
trailer, or semitrailer propelled or drawn by mechanical power 91176  
used on highways, except that such term does not include a 91177  
vehicle, machine, tractor, trailer, or semitrailer operated 91178

exclusively on a rail. 91179

(BB) "Out-of-service order" means a declaration by an 91180  
authorized enforcement officer of a federal, state, local, 91181  
Canadian, or Mexican jurisdiction declaring that a driver, 91182  
commercial motor vehicle, or commercial motor carrier operation 91183  
is out of service as defined in 49 C.F.R. 390.5. 91184

(CC) "Peace officer" has the same meaning as in section 91185  
2935.01 of the Revised Code. 91186

(DD) "Portable tank" means a liquid or gaseous packaging 91187  
designed primarily to be loaded onto or temporarily attached to 91188  
a vehicle and equipped with skids, mountings, or accessories to 91189  
facilitate handling of the tank by mechanical means. 91190

(EE) "Public safety vehicle" has the same meaning as in 91191  
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 91192

(FF) "Recreational vehicle" includes every vehicle that is 91193  
defined as a recreational vehicle in section 4501.01 of the 91194  
Revised Code and is used exclusively for purposes other than 91195  
engaging in business for profit. 91196

(GG) "Residence" means any person's residence determined 91197  
in accordance with standards prescribed in rules adopted by the 91198  
registrar. 91199

(HH) "School bus" has the same meaning as in section 91200  
4511.01 of the Revised Code. 91201

(II) "Serious traffic violation" means any of the 91202  
following: 91203

(1) A conviction arising from a single charge of operating 91204  
a commercial motor vehicle in violation of any provision of 91205  
section 4506.03 of the Revised Code; 91206

(2) (a) Except as provided in division (II) (2) (b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following: 91207  
91208  
91209  
91210  
91211  
91212

(i) Texting while driving; 91213

(ii) Using a handheld mobile telephone. 91214

(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services. 91215  
91216  
91217

(3) A conviction arising from the operation of any motor vehicle that involves any of the following: 91218  
91219

(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more; 91220  
91221

(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state; 91222  
91223  
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91225

(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident; 91226  
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(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's 91230  
91231  
91232  
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91234

license with the proper class or endorsement for the specific 91235  
vehicle group being operated or for the passengers or type of 91236  
cargo being transported; 91237

(e) Violation of section 4506.03 of the Revised Code or a 91238  
substantially similar municipal ordinance or county or township 91239  
resolution, or of any similar law of another state or political 91240  
subdivision of another state, that involves the operation of a 91241  
commercial motor vehicle without a valid commercial driver's 91242  
license being in the person's possession; 91243

(f) Violation of section 4511.33 or 4511.34 of the Revised 91244  
Code, or any municipal ordinance or county or township 91245  
resolution substantially similar to either of those sections, or 91246  
any substantially similar law of another state or political 91247  
subdivision of another state; 91248

(g) Violation of any other law of this state, any law of 91249  
another state, or any ordinance or resolution of a political 91250  
subdivision of this state or another state that meets both of 91251  
the following requirements: 91252

(i) It relates to traffic control, other than a parking 91253  
violation; 91254

(ii) It is determined to be a serious traffic violation by 91255  
the United States secretary of transportation and is designated 91256  
by the director as such by rule. 91257

(JJ) "Sex" means an individual's biological sex, as 91258  
defined in section 4507.01 of the Revised Code. 91259

(KK) "State" means a state of the United States and 91260  
includes the District of Columbia. 91261

~~(KK)~~ (LL) "Tank vehicle" means any commercial motor vehicle 91262

that is designed to transport any liquid or gaseous materials 91263  
within a tank or tanks that are either permanently or 91264  
temporarily attached to the vehicle or its chassis and have an 91265  
individual rated capacity of more than one hundred nineteen 91266  
gallons and an aggregate rated capacity of one thousand gallons 91267  
or more. "Tank vehicle" does not include a commercial motor 91268  
vehicle transporting an empty storage container tank that is not 91269  
designed for transportation, has a rated capacity of one 91270  
thousand gallons or more, and is temporarily attached to a 91271  
flatbed trailer. 91272

~~(LL)~~ (MM) "Tester" means a person or entity acting 91273  
pursuant to a valid agreement entered into pursuant to division 91274  
(B) of section 4506.09 of the Revised Code. 91275

~~(MM)~~ (NN) "Texting" means manually entering alphanumeric 91276  
text into, or reading text from, an electronic device. Texting 91277  
includes short message service, e-mail, instant messaging, a 91278  
command or request to access a world wide web page, pressing 91279  
more than a single button to initiate or terminate a voice 91280  
communication using a mobile telephone, or engaging in any other 91281  
form of electronic text retrieval or entry, for present or 91282  
future communication. Texting does not include the following: 91283

(1) Using voice commands to initiate, receive, or 91284  
terminate a voice communication using a mobile telephone; 91285

(2) Inputting, selecting, or reading information on a 91286  
global positioning system or navigation system; 91287

(3) Pressing a single button to initiate or terminate a 91288  
voice communication using a mobile telephone; or 91289

(4) Using, for a purpose that is not otherwise prohibited 91290  
by law, a device capable of performing multiple functions, such 91291

as a fleet management system, a dispatching device, a mobile 91292  
telephone, a citizens band radio, or a music player. 91293

~~(NN)~~ (OO) "Texting while driving" means texting while 91294  
operating a commercial motor vehicle, with the motor running, 91295  
including while temporarily stationary because of traffic, a 91296  
traffic control device, or other momentary delays. Texting while 91297  
driving does not include operating a commercial motor vehicle 91298  
with or without the motor running when the driver has moved the 91299  
vehicle to the side of, or off, a highway and is stopped in a 91300  
location where the vehicle can safely remain stationary. 91301

~~(OO)~~ (PP) "United States" means the fifty states and the 91302  
District of Columbia. 91303

~~(PP)~~ (QQ) "Upgrade" means a change in the class of 91304  
vehicles, endorsements, or self-certified status as described in 91305  
division (A)(1) of section 4506.10 of the Revised Code, that 91306  
expands the ability of a current commercial driver's license 91307  
holder to operate commercial motor vehicles under this chapter. 91308

~~(QQ)~~ (RR) "Use of a handheld mobile telephone" means: 91309

(1) Using at least one hand to hold a mobile telephone to 91310  
conduct a voice communication; 91311

(2) Dialing or answering a mobile telephone by pressing 91312  
more than a single button; or 91313

(3) Reaching for a mobile telephone in a manner that 91314  
requires a driver to maneuver so that the driver is no longer in 91315  
a seated driving position, or restrained by a seat belt that is 91316  
installed in accordance with 49 C.F.R. 393.93 and adjusted in 91317  
accordance with the vehicle manufacturer's instructions. 91318

~~(RR)~~ (SS) "Vehicle" has the same meaning as in section 91319

4511.01 of the Revised Code. 91320

**Sec. 4506.05.** (A) Notwithstanding any other provision of 91321  
law, a person may drive a commercial motor vehicle on a highway 91322  
in this state if all of the following conditions are met: 91323

(1) The person has a valid commercial driver's license or 91324  
commercial driver's license temporary instruction permit issued 91325  
by any state or jurisdiction in accordance with the minimum 91326  
standards adopted by the federal motor carrier safety 91327  
administration under the "Commercial Motor Vehicle Safety Act of 91328  
1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of 91329  
commercial driver's licenses; 91330

(2) The person's commercial driver's license or temporary 91331  
instruction permit is not suspended, revoked, or canceled, and 91332  
the person has the appropriate endorsements for the vehicle that 91333  
is being driven; 91334

(3) The person is not disqualified from driving a 91335  
commercial motor vehicle; 91336

(4) The person is not subject to an out-of-service order; 91337

(5) The person is medically certified as physically 91338  
qualified to operate a commercial motor vehicle in accordance 91339  
with this chapter. 91340

(a) A person who submitted a medical examiner's 91341  
certificate to the registrar in accordance with division (A) (1) 91342  
of section 4506.10 of the Revised Code and whose medical 91343  
certification information is maintained in the commercial 91344  
driver's license information system is not required to have the 91345  
medical examiner's certificate in the person's possession when 91346  
on duty. 91347



(b) A person whose medical certification information is 91348  
not maintained in the commercial driver's license information 91349  
system shall have in the person's possession when on duty the 91350  
original or a copy of the current medical examiner's certificate 91351  
that was submitted to the registrar. However, the person may 91352  
operate a commercial motor vehicle with such proof of medical 91353  
certification for not more than fifteen days after the date the 91354  
current medical examiner's certificate was issued to the person. 91355

(c) A person who has a medical variance shall have in the 91356  
person's possession the original or copy of the medical variance 91357  
documentation at all times while on duty. 91358

(6) The person is not prohibited from operating a 91359  
commercial motor vehicle because the person violated 49 C.F.R. 91360  
382, subpart B. 91361

(B) No person shall drive a commercial motor vehicle on a 91362  
highway in this state if the person does not meet the conditions 91363  
specified in division (A) of this section. 91364

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 91365  
391.62, 391.67, and 391.68, no person holding a commercial 91366  
driver's license temporary instruction permit or a commercial 91367  
driver's license issued under this chapter may drive a 91368  
commercial motor vehicle in interstate commerce until the person 91369  
is at least twenty-one years of age. 91370

(D) (1) Whoever violates this section is guilty of a 91371  
misdemeanor of the first degree. 91372

(2) The offenses established under this section are strict 91373  
liability offenses and section 2901.20 of the Revised Code does 91374  
not apply. The designation of these offenses as strict liability 91375  
offenses shall not be construed to imply that any other offense, 91376

for which there is no specified degree of culpability, is not a 91377  
strict liability offense. 91378

**Sec. 4506.07.** (A) An applicant for a commercial driver's 91379  
license, restricted commercial driver's license, or a commercial 91380  
driver's license temporary instruction permit, or a duplicate of 91381  
such a license or permit, shall submit an application upon a 91382  
form approved and furnished by the registrar of motor vehicles. 91383  
Except as provided in section 4506.24 of the Revised Code in 91384  
regard to a restricted commercial driver's license, the 91385  
applicant shall sign the application which shall contain the 91386  
following information: 91387

(1) The applicant's name, date of birth, social security 91388  
account number, sex, general description including height, 91389  
weight, and color of hair and eyes, current residence, duration 91390  
of residence in this state, state of domicile, country of 91391  
citizenship, and occupation; 91392

(2) Whether the applicant previously has been licensed to 91393  
operate a commercial motor vehicle or any other type of motor 91394  
vehicle in another state or a foreign jurisdiction and, if so, 91395  
when, by what state, and whether the license or driving 91396  
privileges currently are suspended or revoked in any 91397  
jurisdiction, or the applicant otherwise has been disqualified 91398  
from operating a commercial motor vehicle, or is subject to an 91399  
out-of-service order issued under this chapter or any similar 91400  
law of another state or a foreign jurisdiction and, if so, the 91401  
date of, locations involved, and reason for the suspension, 91402  
revocation, disqualification, or out-of-service order; 91403

(3) Whether the applicant has any physical or mental 91404  
disability or disease that prevents the applicant from 91405  
exercising reasonable and ordinary control over a motor vehicle 91406

while operating it upon a highway or is or has been subject to 91407  
any condition resulting in episodic impairment of consciousness 91408  
or loss of muscular control and, if so, the nature and extent of 91409  
the disability, disease, or condition, and the names and 91410  
addresses of the physicians, certified nurse-midwives if 91411  
authorized as described in section 4723.438 of the Revised Code, 91412  
clinical nurse specialists, or certified nurse practitioners 91413  
attending the applicant; 91414

(4) Whether the applicant has obtained a medical 91415  
examiner's certificate as required by this chapter and, 91416  
beginning January 30, 2012, the applicant, prior to or at the 91417  
time of applying, has self-certified to the registrar the 91418  
applicable status of the applicant under division (A) (1) of 91419  
section 4506.10 of the Revised Code; 91420

(5) Whether the applicant has pending a citation for 91421  
violation of any motor vehicle law or ordinance except a parking 91422  
violation and, if so, a description of the citation, the court 91423  
having jurisdiction of the offense, and the date when the 91424  
offense occurred; 91425

(6) If an applicant has not certified the applicant's 91426  
willingness to make an anatomical gift under section 2108.05 of 91427  
the Revised Code, whether the applicant wishes to certify 91428  
willingness to make such an anatomical gift, which shall be 91429  
given no consideration in the issuance of a license; 91430

(7) Whether the applicant has executed a valid durable 91431  
power of attorney for health care pursuant to sections 1337.11 91432  
to 1337.17 of the Revised Code or has executed a declaration 91433  
governing the use or continuation, or the withholding or 91434  
withdrawal, of life-sustaining treatment pursuant to sections 91435  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 91436

executed either type of instrument, whether the applicant wishes 91437  
the license issued to indicate that the applicant has executed 91438  
the instrument; 91439

(8) Whether the applicant is a veteran, active duty, or 91440  
reservist of the armed forces of the United States and, if the 91441  
applicant is such, whether the applicant wishes the license 91442  
issued to indicate that the applicant is a veteran, active duty, 91443  
or reservist of the armed forces of the United States by a 91444  
military designation on the license; 91445

(9) Whether the applicant currently is prohibited by the 91446  
federal motor carrier safety administration from operating a 91447  
commercial motor vehicle because the applicant violated 49 91448  
C.F.R. 382, subpart B. 91449

(B) Every applicant shall certify, on a form approved and 91450  
furnished by the registrar, all of the following: 91451

(1) That the motor vehicle in which the applicant intends 91452  
to take the driving skills test is representative of the type of 91453  
motor vehicle that the applicant expects to operate as a driver; 91454

(2) That the applicant is not subject to any 91455  
disqualification or out-of-service order, or license suspension, 91456  
revocation, or cancellation, under the laws of this state, of 91457  
another state, or of a foreign jurisdiction and does not have 91458  
more than one driver's license issued by this or another state 91459  
or a foreign jurisdiction; 91460

(3) Any additional information, certification, or evidence 91461  
that the registrar requires by rule in order to ensure that the 91462  
issuance of a commercial driver's license or commercial driver's 91463  
license temporary instruction permit to the applicant is in 91464  
compliance with the law of this state and with federal law. 91465

(C) Every applicant shall execute a form, approved and 91466  
furnished by the registrar, under which the applicant consents 91467  
to the release by the registrar of information from the 91468  
applicant's driving record. 91469

(D) The registrar or a deputy registrar, in accordance 91470  
with section 3503.11 of the Revised Code, shall register as an 91471  
elector any applicant for a commercial driver's license or for a 91472  
renewal or duplicate of such a license under this chapter, if 91473  
the applicant is eligible and wishes to be registered as an 91474  
elector. The decision of an applicant whether to register as an 91475  
elector shall be given no consideration in the decision of 91476  
whether to issue the applicant a license or a renewal or 91477  
duplicate. 91478

(E) The registrar or a deputy registrar, in accordance 91479  
with section 3503.11 of the Revised Code, shall offer the 91480  
opportunity of completing a notice of change of residence or 91481  
change of name to any applicant for a commercial driver's 91482  
license or for a renewal or duplicate of such a license who is a 91483  
resident of this state, if the applicant is a registered elector 91484  
who has changed the applicant's residence or name and has not 91485  
filed such a notice. 91486

(F) In considering any application submitted pursuant to 91487  
this section, the bureau of motor vehicles may conduct any 91488  
inquiries necessary to ensure that issuance or renewal of a 91489  
commercial driver's license would not violate any provision of 91490  
the Revised Code or federal law. 91491

(G) In addition to any other information it contains, the 91492  
form approved and furnished by the registrar of motor vehicles 91493  
for an application for a commercial driver's license, restricted 91494  
commercial driver's license, or a commercial driver's license 91495

temporary instruction permit or an application for a duplicate 91496  
of such a license or permit shall inform applicants that the 91497  
applicant must present a copy of the applicant's DD-214 or an 91498  
equivalent document in order to qualify to have the license, or 91499  
permit, or duplicate indicate that the applicant is a veteran, 91500  
active duty, or reservist of the armed forces of the United 91501  
States based on a request made pursuant to division (A) (8) of 91502  
this section. 91503

**Sec. 4506.13.** (A) The registrar of motor vehicles may 91504  
authorize the highway patrol or any other employee of the 91505  
department of public safety to issue an examiner's commercial 91506  
examinations passed form to an applicant who has passed the 91507  
required examinations. The examiner's commercial examinations 91508  
passed form shall be used to indicate the examinations taken and 91509  
passed by the commercial driver's license applicant. 91510

(B) (1) Before issuing, renewing, transferring, or 91511  
upgrading a commercial driver's license temporary instruction 91512  
permit or a commercial driver's license, the registrar of motor 91513  
vehicles shall obtain information about the applicant's driving 91514  
record, whether the applicant was previously issued a commercial 91515  
driver's license in another state, or whether the applicant is 91516  
disqualified or prohibited from operating a commercial motor 91517  
vehicle through the commercial driver's license information 91518  
system, the drug and alcohol clearinghouse, the applicant's 91519  
state of licensure, and when available, the national driver 91520  
register. In addition, before initially issuing a class A or 91521  
class B commercial driver's license, a passenger endorsement, a 91522  
school bus endorsement, or a hazardous materials endorsement, 91523  
the registrar shall verify that the applicant completed the 91524  
training required under 49 C.F.R. 380, subpart F, through the 91525  
federal motor carrier safety administration's training provider 91526

registry. The registrar also shall check the applicant's driver 91527  
record to ensure that an applicant who self-certified under 91528  
division (A) (1) (a) (i) of section 4506.10 of the Revised Code 91529  
that the applicant's operation of a commercial motor vehicle is 91530  
non-excepted interstate, is medically certified. 91531

(2) The registrar shall not issue, renew, upgrade, or 91532  
transfer the applicant's commercial driver's license temporary 91533  
instruction permit or commercial driver's license if any of the 91534  
following apply: 91535

(a) The registrar obtains adverse information regarding 91536  
the applicant's driving record. 91537

(b) There is no information regarding the driver's self- 91538  
certification type as required by division (A) (1) of section 91539  
4506.10 of the Revised Code. 91540

(c) The applicant's medical status is not certified, when 91541  
required to be certified under division (A) (1) (a) (i) of section 91542  
4506.10 of the Revised Code. 91543

(d) The applicant is prohibited from operating a 91544  
commercial motor vehicle because the applicant violated the drug 91545  
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 91546  
B; 91547

(e) If required, the applicant did not successfully 91548  
complete the training required by 49 C.F.R. 380, subpart F, as 91549  
documented in the federal motor carrier safety administration's 91550  
training provider registry. 91551

(3) If the record check reveals information that the 91552  
applicant claims is outdated, contested, or invalid, the 91553  
registrar shall deny the application until the applicant can 91554  
resolve the conflict. 91555

- (C) The registrar shall do all of the following: 91556
- (1) Within ten days after issuing a commercial driver's 91557  
license temporary instruction permit or commercial driver's 91558  
license, notify the commercial driver's license information 91559  
system, when available, of that fact and provide all information 91560  
required to ensure identification of the licensee. If the 91561  
registrar is notified that driver has been issued a medical 91562  
variance, the registrar shall indicate the existence of the 91563  
medical variance on the ~~commercial driver's license holder's~~ 91564  
commercial driver's license information system driver record. 91565
- (2) For those drivers self-certifying under division (A) 91566  
(1) (a) (i) of section 4506.10 of the Revised Code as non-excepted 91567  
interstate, post the applicant's medical status as certified or 91568  
non-certified on the applicant's commercial driver's license 91569  
information system driver record upon receiving a valid original 91570  
or copy of the medical examiner's certificate; 91571
- (3) Post the driver's self-certification type as set forth 91572  
in division (A) (1) of section 4506.10 of the Revised Code; 91573
- (4) Post information from the medical examiner's 91574  
certificate, if applicable, on the ~~commercial driver's license~~ 91575  
~~holder's~~ commercial driver's license information system driver 91576  
record within ten calendar days of receipt of the medical 91577  
examiner's certificate; 91578
- (5) Retain the original or a copy of the commercial 91579  
driver's license temporary instruction permit or commercial 91580  
driver's license holder's medical certificate for a minimum of 91581  
three years after the date the certificate was issued; 91582
- (6) Post and maintain as part of the commercial driver's 91583  
license information system driver record all convictions, 91584



disqualifications, and other licensing actions for violations of 91585  
any state or municipal ordinances related to motor vehicle 91586  
traffic control, other than parking violations for all persons 91587  
who hold a commercial driver's license temporary instruction 91588  
permit or commercial driver's license or operate a motor vehicle 91589  
for which a commercial driver's license is required; 91590

(7) Post an applicant's status of medically non-certified 91591  
on the applicant's commercial driver's license information 91592  
system driver record and downgrade the applicant's commercial 91593  
driver's license temporary instruction permit or commercial 91594  
driver's license in accordance with division (D) of this section 91595  
if either of the following applies: 91596

(a) The commercial driver's license temporary instruction 91597  
permit or commercial driver's license holder fails to provide 91598  
the driver's self-certification type as required by division (A) 91599  
(1) of section 4506.10 of the Revised Code. 91600

(b) The commercial driver's license temporary instruction 91601  
permit or commercial driver's license holder self-certifying 91602  
under division (A)(1)(a)(i) of section 4506.10 of the Revised 91603  
Code as non-excepted interstate fails to provide the registrar 91604  
with a current medical examiner's certificate. 91605

(8) Mark the commercial driver's license information 91606  
system driver record as non-certified for any commercial 91607  
driver's license temporary instruction permit or commercial 91608  
driver's license holder who has not self-certified under 91609  
division (A)(1) of section 4506.10 of the Revised Code by 91610  
January 30, 2014 and initiate the ~~commercial driver's license~~ 91611  
commercial driver's license downgrade procedures described in 91612  
division (D) of this section; 91613

(9) Within ten days after a commercial driver's license 91614  
temporary instruction permit or commercial driver's license 91615  
holder's medical certification status expires or a medical 91616  
variance expires or is rescinded, update the person's medical 91617  
certification status to non-certified; 91618

(10) Within ten calendar days after receiving information 91619  
from the federal motor carrier safety administration regarding 91620  
issuance or renewal of a medical variance for a driver, update 91621  
the driver's commercial driver's license information system 91622  
driver record to include the medical variance information 91623  
provided by the federal motor carrier safety administration; 91624

(11) Within ten calendar days after receiving information 91625  
from the federal motor carrier safety administration that a 91626  
commercial driver's license temporary instruction permit or 91627  
commercial driver's license holder is prohibited from operating 91628  
a commercial motor vehicle because of a violation of the drug 91629  
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 91630  
B, initiate the commercial driver's license downgrade procedures 91631  
described in division (F) (1) of this section; 91632

(12) Within ten calendar days after receiving information 91633  
from the federal motor carrier safety administration that a 91634  
commercial driver's license temporary instruction permit or 91635  
commercial driver's license holder is no longer prohibited or 91636  
was erroneously identified as prohibited from operating a 91637  
commercial motor vehicle because of a violation of the drug and 91638  
alcohol use and testing provisions of 49 C.F.R. 382, subpart B, 91639  
initiate the reinstatement procedures described in division (F) 91640  
(2) of this section. 91641

(D) If a driver's medical certification or medical 91642  
variance expires or the federal motor carrier safety 91643

administration notifies the registrar that a medical variance 91644  
was removed or rescinded, the registrar shall do the following: 91645

(1) Send notice to the commercial driver's license holder 91646  
of the holder's medically not certified status. The notice shall 91647  
inform the driver that the driver's commercial driver's license 91648  
privileges will be removed unless the driver resolves the 91649  
medical certification or medical variance defect by submitting a 91650  
current medical certificate or medical variance, as applicable, 91651  
or changing the driver's self-certification under division (A) 91652  
(1) of section 4506.10 of the Revised Code to driving only in 91653  
excepted interstate or excepted intrastate commerce within sixty 91654  
days. 91655

(2) Sixty days after the change to a medically not 91656  
certified status, if the commercial driver's license holder has 91657  
not resolved the medical certification or medical variance 91658  
defect as described in division (D) (1) of this section, the 91659  
registrar shall change the person's commercial driver's license 91660  
status to reflect no commercial driver's license privileges and 91661  
shall send the person a second notice informing the person that 91662  
the commercial driver's license privilege has been removed from 91663  
the driver's license. 91664

(E) To the extent permitted by federal and state law, the 91665  
registrar shall provide records from the commercial driver's 91666  
license information system regarding a commercial driver's 91667  
license holder or commercial motor vehicle operator to the 91668  
following individuals and entities or their authorized agents 91669  
within ten days of the receipt of conviction or disqualification 91670  
information concerning the holder or operator from another state 91671  
or within ten days of the date of conviction or disqualification 91672  
of the holder or operator if it occurred in this state, as 91673

applicable: 91674

(1) Other states; 91675

(2) The secretary of the United States department of 91676  
transportation; 91677

(3) The commercial driver's license holder or commercial 91678  
motor vehicle operator referenced in the records; 91679

(4) A motor carrier that is a current or prospective 91680  
employer of the commercial driver's license holder or commercial 91681  
motor vehicle operator referenced in the records. 91682

(F) (1) If the registrar receives information in accordance 91683  
with division (C) (11) of this section, the registrar shall 91684  
notify the subject commercial driver's license temporary 91685  
instruction permit or commercial driver's license holder. The 91686  
notice shall inform the driver that the driver's commercial 91687  
driver's license privileges will be downgraded unless the driver 91688  
resolves the prohibition in accordance with the federal 91689  
requirements within thirty days. If the driver does not resolve 91690  
the prohibition within the thirty days, the registrar shall do 91691  
all of the following: 91692

(a) Downgrade the driver's commercial driver's license 91693  
temporary instruction permit or commercial driver's license to 91694  
prohibit the driver from operating a commercial motor vehicle; 91695

(b) Send a second notice to the driver specifying that the 91696  
driver's license has been downgraded and that the driver is 91697  
prohibited from operating a commercial motor vehicle until the 91698  
driver takes the steps necessary to reinstate commercial 91699  
driver's license privileges; 91700

(c) Record the downgrade on the driver's commercial 91701

driver's license information system driver record not later than 91702  
sixty days after the original notification to the registrar from 91703  
the federal motor carrier safety administration. 91704

(2) If the registrar receives information in accordance 91705  
with division (C)(12) of this section, the registrar shall do 91706  
one of the following, as applicable: 91707

(a) If the registrar receives the information before the 91708  
registrar has downgraded a driver's commercial driver's license 91709  
privileges in accordance with division (F)(1) of this section, 91710  
the registrar shall terminate the downgrade process and notify 91711  
the applicable driver of the termination; 91712

(b) If the registrar receives the information after the 91713  
registrar has downgraded a driver's commercial driver's license 91714  
privileges in accordance with division (F)(1) of this section, 91715  
the registrar shall reinstate the driver's commercial driver's 91716  
license, provided that the driver is otherwise eligible for 91717  
reinstatement and such commercial driving privileges. 91718

(3) If the registrar receives information in accordance 91719  
with division (C)(12) of this section that the driver was 91720  
erroneously identified as prohibited from operating a commercial 91721  
motor vehicle, in addition to the reinstatement procedures under 91722  
division (F)(2) of this section, the registrar shall remove any 91723  
record of the downgrade from the driver's commercial driver's 91724  
license information system driver record and motor vehicle 91725  
driving record. 91726

**Sec. 4506.131.** ~~(A)~~(A)(1) The registrar of motor vehicles 91727  
shall not issue, renew, upgrade, or transfer a hazardous 91728  
materials endorsement for a commercial driver's license to any 91729  
individual authorizing that individual to operate a commercial 91730

motor vehicle transporting a hazardous material in commerce 91731  
unless the registrar has received from the transportation 91732  
security administration a determination indicating that the 91733  
individual does not pose a security risk warranting denial of 91734  
the endorsement. 91735

(2) The registrar may issue, renew, upgrade, or transfer a 91736  
hazardous materials endorsement for a commercial driver's 91737  
license to an individual who is under twenty-one years of age if 91738  
both of the following apply: 91739

(a) The individual uses the endorsement for purposes of 91740  
intrastate commerce of hazardous materials only; 91741

(b) The individual meets all other federal and state 91742  
requirements for issuance of the endorsement. 91743

(B) (1) Immediately upon receiving a determination from the 91744  
transportation security administration that an individual poses 91745  
a security risk warranting denial of a hazardous materials 91746  
endorsement, the registrar shall revoke any existing hazardous 91747  
materials endorsement and shall refuse to issue a hazardous 91748  
materials endorsement for the individual named as a security 91749  
risk. 91750

(2) Within fifteen days of receiving any determination 91751  
from the transportation security administration indicating the 91752  
status of an individual's security risk, the registrar shall 91753  
notify the commercial driver license information system of the 91754  
results of the security assessment. 91755

(C) The registrar shall order any revocation under 91756  
division (B) of this section without a hearing. Any person 91757  
adversely affected by the order may request an administrative 91758  
hearing before the registrar. The scope of the hearing shall be 91759

limited to whether the bureau of motor vehicles properly revoked 91760  
the hazardous material endorsement after receiving notification 91761  
from the transportation security administration and shall not 91762  
include consideration of whether the transportation security 91763  
administration acted properly in sending the notification. 91764

**Sec. 4506.14.** (A) Commercial driver's licenses shall 91765  
expire as follows: 91766

(1) Except as provided in division (A) (3) or (4) of this 91767  
section, each such license issued to replace an operator's or 91768  
chauffeur's license shall expire on the original expiration date 91769  
of the operator's or chauffeur's license and, upon renewal, 91770  
shall expire on the licensee's birthday in the fourth or eighth 91771  
year after the date of issuance, based on the period of renewal 91772  
requested by the applicant. A person who is sixty-five years of 91773  
age or older may only apply for a commercial driver's license 91774  
that expires on the birthday of the applicant in the fourth year 91775  
after the date it is issued. 91776

(2) (a) Except as provided in division (A) (3) or (4) of 91777  
this section, each such license issued as an original license to 91778  
a person whose residence is in this state shall expire on the 91779  
licensee's birthday in the fourth or eighth year after the date 91780  
of issuance, based on the period of renewal requested by the 91781  
applicant. A person who is sixty-five years of age or older may 91782  
only apply for a commercial driver's license that expires on the 91783  
birthday of the applicant in the fourth year after the date it 91784  
is issued. 91785

(b) Each such license issued to a person whose temporary 91786  
residence is in this state shall expire in accordance with rules 91787  
adopted by the registrar of motor vehicles. A license issued to 91788  
a person with a temporary residence in this state is 91789

~~nonrenewable, but may be replaced with a new license within~~ 91790  
~~ninety days prior to its expiration upon the applicant's~~ 91791  
~~compliance with all applicable requirements~~ 91792  
a limited term 91793  
license and may be renewed in accordance with division (C) of 91794  
this section.

(3) The registrar or a deputy registrar may issue a 91795  
license that expires on a date earlier than the licensee's 91796  
birthday in the fourth year after the date of issuance if the 91797  
licensee has undergone a security threat assessment required by 91798  
federal law to obtain a hazardous materials endorsement and the 91799  
assessment will expire before that date. No commercial driver's 91800  
license shall be issued under division (A) (3) of this section 91801  
for a period longer than four years and one hundred eighty days. 91802

(4) Each such license issued to replace the operator's or 91803  
chauffeur's license of a person who is less than twenty-one 91804  
years of age, and each such license issued as an original 91805  
license to a person who is less than twenty-one years of age, 91806  
shall expire on the licensee's twenty-first birthday. 91807

(B) No commercial driver's license shall be issued for a 91808  
period longer than eight years. Except as provided in section 91809  
4507.12 of the Revised Code, the registrar may waive the 91810  
examination of any person applying for the renewal of a 91811  
commercial driver's license issued under this chapter, provided 91812  
that the applicant presents either an unexpired commercial 91813  
driver's license or a commercial driver's license that has 91814  
expired not more than six months prior to the date of 91815  
application. 91816

~~(C)~~ (C) (1) Subject to the requirements of this chapter and 91817  
except as provided in division ~~(A) (2)~~ (C) (2) of this section in 91818  
regard to a person whose temporary residence is in this state, 91819



every commercial driver's license shall be renewable one hundred 91820  
eighty days before its expiration upon payment of the fees 91821  
required by section 4506.08 of the Revised Code. Each person 91822  
applying for renewal or transfer of a commercial driver's 91823  
license shall complete the application form prescribed by 91824  
section 4506.07 of the Revised Code and shall provide all 91825  
certifications required. 91826

(2) (a) Except as provided in division (C) (2) (b) of this 91827  
section, a limited term commercial driver's license shall not be 91828  
issued to a temporary resident for a period longer than the 91829  
expiration date of the temporary resident's authorized stay in 91830  
the United States, or for four years from the date of issuance, 91831  
whichever date is earliest. 91832

(b) If there is no expiration date for a temporary 91833  
resident's authorized stay in the United States, a limited term 91834  
commercial driver's license shall not be issued to the temporary 91835  
resident for a period longer than one year from the date of 91836  
issuance. 91837

(c) A limited term commercial driver's license may be 91838  
renewed within one hundred eighty days prior to its expiration 91839  
upon the applicant's presentation of documentation verifying the 91840  
applicant's legal presence or continued temporary lawful status 91841  
in the United States. 91842

(3) Prior to applying for renewal of a commercial driver's 91843  
license, each applicant shall submit a new copy or original 91844  
medical examiner's certificate required by section 4506.10 of 91845  
the Revised Code; if the person's medical status has changed, 91846  
the registrar shall take the appropriate action to address the 91847  
change in medical status. If the person wishes to retain an 91848  
endorsement authorizing the person to transport hazardous 91849

materials, the person shall take and successfully complete the 91850  
written test for the endorsement and shall submit to any 91851  
background check required by federal law. 91852

(D) Each person licensed as a driver under this chapter 91853  
shall notify the registrar of any change in the person's address 91854  
within ten days following that change. The notification shall be 91855  
in writing on a form provided by the registrar and shall include 91856  
the full name, date of birth, license number, county of 91857  
residence, social security number, and new address of the 91858  
person. 91859

(E) Whoever violates division (D) of this section is 91860  
guilty of a minor misdemeanor. 91861

**Sec. 4507.01.** (A) As used in this chapter, "motor 91862  
vehicle," "motorized bicycle," "state," "owner," "operator," 91863  
"chauffeur," and "highways" have the same meanings as in section 91864  
4501.01 of the Revised Code. 91865

"Driver's license" means a class D license issued to any 91866  
person to operate a motor vehicle or motor-driven cycle, other 91867  
than a commercial motor vehicle, and includes "probationary 91868  
license," "restricted license," "limited term license," and any 91869  
operator's or chauffeur's license issued before January 1, 1990. 91870

"Probationary license" means the license issued to any 91871  
person between sixteen and eighteen years of age to operate a 91872  
motor vehicle. 91873

"Restricted license" means the license issued to any 91874  
person to operate a motor vehicle subject to conditions or 91875  
restrictions imposed by the registrar of motor vehicles. 91876

"Commercial driver's license" means the license issued to 91877  
a person under Chapter 4506. of the Revised Code to operate a 91878

commercial motor vehicle. 91879

"Commercial motor vehicle" has the same meaning as in 91880  
section 4506.01 of the Revised Code. 91881

"Motorcycle operator's temporary instruction permit, 91882  
license, or endorsement" includes a temporary instruction 91883  
permit, license, or endorsement for a motor-driven cycle or 91884  
motor scooter unless otherwise specified. 91885

"Motorized bicycle license" means the license issued under 91886  
section 4511.521 of the Revised Code to any person to operate a 91887  
motorized bicycle including a "probationary motorized bicycle 91888  
license." 91889

"Probationary motorized bicycle license" means the license 91890  
issued under section 4511.521 of the Revised Code to any person 91891  
between fourteen and sixteen years of age to operate a motorized 91892  
bicycle. 91893

"Identification card" means a card issued under sections 91894  
4507.50 to 4507.52 of the Revised Code. 91895

"Resident" means a person who, in accordance with 91896  
standards prescribed in rules adopted by the registrar, resides 91897  
in this state on a permanent basis. 91898

"Temporary resident" means a person who, in accordance 91899  
with standards prescribed in rules adopted by the registrar, 91900  
resides in this state on a temporary basis. 91901

"Sex" means an individual's biological sex. 91902

"Biological sex" means the biological indication of male 91903  
and female, including sex chromosomes, naturally occurring sex 91904  
hormones, gonads, and nonambiguous internal and external 91905  
genitalia present at birth, without regard to an individual's 91906

psychological, chosen, or subjective experience of gender. 91907

(B) In the administration of this chapter and Chapter 91908  
4506. of the Revised Code, the registrar has the same authority 91909  
as is conferred on the registrar by section 4501.02 of the 91910  
Revised Code. Any act of an authorized deputy registrar of motor 91911  
vehicles under direction of the registrar is deemed the act of 91912  
the registrar. 91913

To carry out this chapter, the registrar shall appoint 91914  
such deputy registrars in each county as are necessary. 91915

The registrar also shall provide at each place where an 91916  
application for a driver's or commercial driver's license or 91917  
identification card may be made the necessary equipment to take 91918  
a photograph of the applicant for such license or card as 91919  
required under section 4506.11 or 4507.06 of the Revised Code, 91920  
and to conduct the vision screenings required by section 4507.12 91921  
of the Revised Code. 91922

The registrar shall assign one or more deputy registrars 91923  
to any driver's license examining station operated under the 91924  
supervision of the director of public safety, whenever the 91925  
registrar considers such assignment possible. Space shall be 91926  
provided in the driver's license examining station for any such 91927  
deputy registrar so assigned. The deputy registrars shall not 91928  
exercise the powers conferred by such sections upon the 91929  
registrar, unless they are specifically authorized to exercise 91930  
such powers by such sections. 91931

(C) No agent for any insurance company, writing automobile 91932  
insurance, shall be appointed deputy registrar, and any such 91933  
appointment is void. No deputy registrar shall in any manner 91934  
solicit any form of automobile insurance, nor in any manner 91935

advise, suggest, or influence any licensee or applicant for 91936  
license for or against any kind or type of automobile insurance, 91937  
insurance company, or agent, nor have the deputy registrar's 91938  
office directly connected with the office of any automobile 91939  
insurance agent, nor impart any information furnished by any 91940  
applicant for a license or identification card to any person, 91941  
except the registrar. This division shall not apply to any 91942  
nonprofit corporation appointed deputy registrar. 91943

(D) The registrar shall immediately remove a deputy 91944  
registrar who violates the requirements of this chapter. 91945

**Sec. 4507.061.** (A) The registrar of motor vehicles may 91946  
authorize the online renewal of a driver's license, commercial 91947  
driver's license, or identification card issued by the bureau of 91948  
motor vehicles for eligible applicants. An applicant is eligible 91949  
for online renewal if all of the following apply: 91950

(1) The applicant's current driver's license, commercial 91951  
driver's license, or identification card was processed in person 91952  
at a deputy registrar office. 91953

(2) The applicant has a photo on file with the bureau of 91954  
motor vehicles from the applicant's current driver's license, 91955  
commercial driver's license, or identification card. 91956

(3) The applicant's current driver's license, commercial 91957  
driver's license, or identification card expires on the birthday 91958  
of the applicant in the fourth year after the date it was 91959  
issued. 91960

(4) The applicant is applying for a driver's license, 91961  
commercial driver's license, or identification card that expires 91962  
on the birthday of the applicant in the fourth year after the 91963  
date it is issued. 91964

- (5) The applicant's current driver's license, commercial driver's license, or identification card is unexpired or expired not more than six months prior to the date of the application. 91965  
91966  
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- (6) The applicant is a citizen or a permanent resident of the United States and a permanent resident of this state. 91968  
91969
- (7) The applicant's current driver's license, commercial driver's license, or identification card was issued when the applicant was twenty-one years of age or older. 91970  
91971  
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- (8) If the applicant is renewing a driver's license or commercial driver's license, the applicant is less than sixty-five years of age. 91973  
91974  
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- (9) The applicant's current driver's license, commercial driver's license, or driving privileges are not suspended, canceled, revoked, or restricted, and the applicant is not otherwise prohibited by law from obtaining a driver's license, commercial driver's license, or identification card. 91976  
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91978  
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- (10) The applicant has no changes to the applicant's name or personal information, other than a change of address. 91981  
91982
- (11) The applicant has no medical restrictions that would require the applicant to apply for a driver's license, commercial driver's license, or identification card in person at a deputy registrar office. The registrar shall determine the medical restrictions that require in person applications. 91983  
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91985  
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- (12) For a commercial driver's license, the applicant complies with all the requirements of Chapter 4506. of the Revised Code, including self-certification and medical certificate requirements. 91988  
91989  
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- (13) For a commercial driver's license, the applicant is 91992

not under any restriction specified by any federal regulation. 91993

(B) An applicant may not submit an application online for 91994  
any of the following: 91995

(1) A temporary instruction permit; 91996

(2) A commercial driver's license temporary instruction 91997  
permit; 91998

(3) An initial issuance of an Ohio driver's license, 91999  
commercial driver's license, or identification card; 92000

(4) An initial issuance of a federally compliant driver's 92001  
license, commercial driver's license, or identification card; 92002

(5) An ignition interlock license; 92003

(6) A limited term driver's license or ~~nonrenewable~~ 92004  
limited term commercial driver's license issued to a temporary 92005  
resident. 92006

(C) The registrar may require an applicant to provide a 92007  
digital copy of any identification documents and supporting 92008  
documents as required by statute or administrative rule to 92009  
comply with current state and federal requirements. 92010

(D) Except as otherwise provided, an applicant shall 92011  
comply with all other applicable laws related to the issuance of 92012  
a driver's license, commercial driver's license, or 92013  
identification card in order to renew a driver's license, 92014  
commercial driver's license, or identification card under this 92015  
section. 92016

(E) The registrar may adopt rules in accordance with 92017  
Chapter 119. of the Revised Code to implement and administer 92018  
this section. 92019

**Sec. 4507.08.** (A) No probationary license shall be issued 92020  
to any person under the age of eighteen who has been adjudicated 92021  
an unruly or delinquent child or a juvenile traffic offender for 92022  
having committed any act that if committed by an adult would be 92023  
a drug abuse offense, as defined in section 2925.01 of the 92024  
Revised Code, a violation of division (B) of section 2917.11, or 92025  
a violation of division (A) of section 4511.19 of the Revised 92026  
Code, unless the person has been required by the court to attend 92027  
a drug abuse or alcohol abuse education, intervention, or 92028  
treatment program specified by the court and has satisfactorily 92029  
completed the program. 92030

(B) No temporary instruction permit or driver's license 92031  
shall be issued to any person whose license has been suspended, 92032  
during the period for which the license was suspended, nor to 92033  
any person whose license has been canceled, under Chapter 4510. 92034  
or any other provision of the Revised Code. 92035

(C) No temporary instruction permit or driver's license 92036  
shall be issued to any person whose commercial driver's license 92037  
is suspended under Chapter 4510. or any other provision of the 92038  
Revised Code during the period of the suspension. 92039

No temporary instruction permit or driver's license shall 92040  
be issued to any person when issuance is prohibited by division 92041  
(A) of section 4507.091 of the Revised Code. 92042

(D) No temporary instruction permit or driver's license 92043  
shall be issued to, or retained by, any of the following 92044  
persons: 92045

(1) Any person who has alcoholism, or is addicted to the 92046  
use of controlled substances to the extent that the use 92047  
constitutes an impairment to the person's ability to operate a 92048



motor vehicle with the required degree of safety; 92049

(2) Any person who is under the age of eighteen and has 92050  
been adjudicated an unruly or delinquent child or a juvenile 92051  
traffic offender for having committed any act that if committed 92052  
by an adult would be a drug abuse offense, as defined in section 92053  
2925.01 of the Revised Code, a violation of division (B) of 92054  
section 2917.11, or a violation of division (A) of section 92055  
4511.19 of the Revised Code, unless the person has been required 92056  
by the court to attend a drug abuse or alcohol abuse education, 92057  
intervention, or treatment program specified by the court and 92058  
has satisfactorily completed the program; 92059

(3) Any person who, in the opinion of the registrar, has a 92060  
physical or mental disability or disease that prevents the 92061  
person from exercising reasonable and ordinary control over a 92062  
motor vehicle while operating the vehicle upon the highways, 92063  
except that a restricted license ~~effective for six months~~ may be 92064  
issued to any person otherwise qualified who is or has been 92065  
subject to any condition resulting in episodic impairment of 92066  
consciousness or loss of muscular control and whose condition, 92067  
in the opinion of the registrar, is dormant or is sufficiently 92068  
under medical control that the person is capable of exercising 92069  
reasonable and ordinary control over a motor vehicle. A 92070  
restricted license ~~effective for six months~~ shall be issued to 92071  
any person who otherwise is qualified and who is subject to any 92072  
condition that causes episodic impairment of consciousness or a 92073  
loss of muscular control if the person presents a statement from 92074  
a licensed physician, certified nurse-midwife if authorized as 92075  
described in section 4723.438 of the Revised Code, clinical 92076  
nurse specialist, or certified nurse practitioner that the 92077  
person's condition is under effective medical control and the 92078  
period of time for which the control has been continuously 92079

maintained, unless, thereafter, a medical examination is ordered 92080  
and, pursuant thereto, cause for denial is found. 92081

A person to whom a ~~six-month~~ restricted license has been 92082  
issued shall give notice of the person's medical condition to 92083  
the registrar on forms provided by the registrar and signed by 92084  
the licensee's physician, certified nurse-midwife, clinical 92085  
nurse specialist, or certified nurse practitioner at intervals 92086  
required by the registrar. The ~~notice shall be sent to the~~ 92087  
~~registrar six months after the issuance of the license.~~ 92088  
~~Subsequent restricted licenses issued to the same individual~~ 92089  
~~shall be effective for six months~~ determine the validity period 92090  
of the restricted license. 92091

(4) Any person who is unable to understand highway 92092  
warnings or traffic signs or directions given in the English 92093  
language; 92094

(5) Any person making an application whose driver's 92095  
license or driving privileges are under cancellation, 92096  
revocation, or suspension in the jurisdiction where issued or 92097  
any other jurisdiction, until the expiration of one year after 92098  
the license was canceled or revoked or until the period of 92099  
suspension ends. Any person whose application is denied under 92100  
this division may file a petition in the municipal court or 92101  
county court in whose jurisdiction the person resides agreeing 92102  
to pay the cost of the proceedings and alleging that the conduct 92103  
involved in the offense that resulted in suspension, 92104  
cancellation, or revocation in the foreign jurisdiction would 92105  
not have resulted in a suspension, cancellation, or revocation 92106  
had the offense occurred in this state. If the petition is 92107  
granted, the petitioner shall notify the registrar by a 92108  
certified copy of the court's findings and a license shall not 92109

be denied under this division. 92110

(6) Any person who is under a class one or two suspension 92111  
imposed for a violation of section 2903.01, 2903.02, 2903.04, 92112  
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 92113  
Code or whose driver's or commercial driver's license or permit 92114  
was permanently revoked prior to January 1, 2004, for a 92115  
substantially equivalent violation pursuant to section 4507.16 92116  
of the Revised Code; 92117

(7) Any person who is not a resident or temporary resident 92118  
of this state. 92119

(E) No person whose driver's license or permit has been 92120  
suspended under Chapter 4510. of the Revised Code or any other 92121  
provision of the Revised Code shall have driving privileges 92122  
reinstated if the registrar determines that a warrant has been 92123  
issued in this state or any other state for the person's arrest 92124  
and that warrant is an active warrant. 92125

**Sec. 4507.09.** (A) (1) Except as provided in division (B) of 92126  
this section, every driver's license issued to a resident of 92127  
this state expires on the birthday of the applicant in the 92128  
fourth or eighth year after the date it is issued, based on the 92129  
period of renewal requested by the applicant. A resident who is 92130  
sixty-five years of age or older may only apply for a driver's 92131  
license that expires on the birthday of the applicant in the 92132  
fourth year after the date it is issued. In no event shall any 92133  
license be issued for a period longer than eight years and 92134  
ninety days. 92135

Subject to the requirements of section 4507.12 of the 92136  
Revised Code, every driver's license issued to a resident is 92137  
renewable at any time prior to its expiration. 92138

(2) A driver's license issued to a temporary resident 92139  
shall expire in accordance with rules adopted by the registrar 92140  
of motor vehicles. A driver's license issued to a temporary 92141  
resident is a limited term license, but may be renewed within 92142  
ninety days prior to its expiration in accordance with division 92143  
(E) of this section. 92144

(3) No refund shall be made or credit given for the 92145  
unexpired portion of the driver's license that is renewed. The 92146  
registrar shall notify each person whose driver's license has 92147  
expired within forty-five days after the date of expiration. 92148  
Notification shall be made by regular mail sent to the person's 92149  
last known address as shown in the records of the bureau of 92150  
motor vehicles. Failure to provide such notification shall not 92151  
be construed as a renewal or extension of any license. 92152

(4) For the purposes of this section, the date of birth of 92153  
any applicant born on the twenty-ninth day of February shall be 92154  
deemed to be the first day of March in any year in which there 92155  
is no twenty-ninth day of February. 92156

(B) Every driver's license or renewal of a driver's 92157  
license issued to a resident applicant who is sixteen years of 92158  
age or older, but less than twenty-one years of age, expires on 92159  
the twenty-first birthday of the applicant, except that an 92160  
applicant who applies no more than thirty days before the 92161  
applicant's twenty-first birthday shall be issued a license in 92162  
accordance with division (A) of this section. 92163

(C) Each person licensed as a driver under this chapter 92164  
shall notify the registrar of any change in the person's address 92165  
within ten days following that change. The notification shall be 92166  
in writing on a form provided by the registrar and shall include 92167  
the full name, date of birth, license number, county of 92168

residence, social security number, and new address of the 92169  
person. The registrar shall offer the person the opportunity to 92170  
submit a notice of change of address for voter registration 92171  
purposes by electronic means in conjunction with the person's 92172  
transaction with the registrar, in accordance with section 92173  
3503.11 of the Revised Code. 92174

(D) No driver's license shall be renewed when renewal is 92175  
prohibited by division (A) of section 4507.091 of the Revised 92176  
Code. 92177

(E) (1) Except as provided in division (E) (2) of this 92178  
section, a limited term license shall not be issued to a 92179  
temporary resident for a period longer than the expiration date 92180  
of the temporary resident's authorized stay in the United 92181  
States, or for four years from the date of issuance, whichever 92182  
date is earliest. 92183

(2) If there is no expiration date for a temporary 92184  
resident's authorized stay in the United States, a limited term 92185  
license shall not be issued to the temporary resident for a 92186  
period longer than one year from the date of issuance. 92187

(3) A limited term license may be renewed within ninety 92188  
days prior to its expiration upon the applicant's presentation 92189  
of documentation verifying the applicant's legal presence or 92190  
continued temporary lawful status in the United States. 92191

~~(3) A limited term license is not transferable, and the~~ 92192  
~~applicant may not rely on it to obtain a driver's license in~~ 92193  
~~another state.~~ 92194

(4) In accordance with Chapter 119. of the Revised Code, 92195  
the registrar shall adopt rules governing limited term licenses 92196  
for temporary residents. 92197

**Sec. 4507.13.** (A) (1) The registrar of motor vehicles shall 92198  
issue a driver's license to every person licensed as an operator 92199  
of motor vehicles other than commercial motor vehicles. No 92200  
person licensed as a commercial motor vehicle driver under 92201  
Chapter 4506. of the Revised Code need procure a driver's 92202  
license, but no person shall drive any commercial motor vehicle 92203  
unless licensed as a commercial motor vehicle driver. 92204

(2) Every driver's license shall display all of the 92205  
following information: 92206

(a) The distinguishing number assigned to the licensee; 92207

(b) The licensee's name and date of birth; 92208

(c) The licensee's residence address and county of 92209  
residence; 92210

(d) A photograph of the licensee; 92211

(e) A brief description of the licensee for the purpose of 92212  
identification, including sex, height, and color of eyes and 92213  
hair; 92214

(f) A facsimile of the signature of the licensee as it 92215  
appears on the application for the license; 92216

(g) A notation, in a manner prescribed by the registrar, 92217  
indicating any condition described in division (D) (3) of section 92218  
4507.08 of the Revised Code to which the licensee is subject; 92219

(h) If the licensee has executed a durable power of 92220  
attorney for health care or a declaration governing the use or 92221  
continuation, or the withholding or withdrawal, of life- 92222  
sustaining treatment and has specified that the licensee wishes 92223  
the license to indicate that the licensee has executed either 92224  
type of instrument, any symbol chosen by the registrar to 92225

indicate that the licensee has executed either type of 92226  
instrument; 92227

(i) If the licensee has specified that the licensee wishes 92228  
the license to indicate that the licensee is a veteran, active 92229  
duty, or reservist of the armed forces of the United States and 92230  
has presented a copy of the licensee's DD-214 form or an 92231  
equivalent document, any symbol chosen by the registrar to 92232  
indicate that the licensee is a veteran, active duty, or 92233  
reservist of the armed forces of the United States; 92234

(j) If the licensee is a noncitizen of the United States, 92235  
a notation designating that the licensee is a noncitizen; 92236

(k) Any additional information that the registrar requires 92237  
by rule. 92238

(3) No license shall display the licensee's social 92239  
security number unless the licensee specifically requests that 92240  
the licensee's social security number be displayed on the 92241  
license. If federal law requires the licensee's social security 92242  
number to be displayed on the license, the social security 92243  
number shall be displayed on the license notwithstanding this 92244  
section. 92245

(4) The driver's license for licensees under twenty-one 92246  
years of age shall have characteristics prescribed by the 92247  
registrar distinguishing it from that issued to a licensee who 92248  
is twenty-one years of age or older, except that a driver's 92249  
license issued to a person who applies no more than thirty days 92250  
before the applicant's twenty-first birthday shall have the 92251  
characteristics of a license issued to a person who is twenty- 92252  
one years of age or older. 92253

(5) The limited term license issued to a temporary 92254

resident shall contain the words "limited term" and shall have 92255  
any additional characteristics prescribed by the registrar 92256  
distinguishing it from a license issued to a resident. 92257

(6) Every driver's or commercial driver's license 92258  
displaying a motorcycle operator's endorsement and every 92259  
restricted license to operate a motor vehicle also shall display 92260  
the designation "novice," if the endorsement or license is 92261  
issued to a person who is eighteen years of age or older and 92262  
previously has not been licensed to operate a motorcycle by this 92263  
state or another jurisdiction recognized by this state. The 92264  
"novice" designation shall be effective for one year after the 92265  
date of issuance of the motorcycle operator's endorsement or 92266  
license. 92267

(7) Each license issued under this section shall be of 92268  
such material and so designed as to prevent its reproduction or 92269  
alteration without ready detection. 92270

(B) Except in regard to a driver's license issued to a 92271  
person who applies no more than thirty days before the 92272  
applicant's twenty-first birthday, neither the registrar nor any 92273  
deputy registrar shall issue a driver's license to anyone under 92274  
twenty-one years of age that does not have the characteristics 92275  
prescribed by the registrar distinguishing it from the driver's 92276  
license issued to persons who are twenty-one years of age or 92277  
older. 92278

(C) The registrar shall ensure that driver's licenses 92279  
issued in accordance with the federal "Real ID Act," 49 U.S.C. 92280  
30301, et seq., comply with the regulations specified in 6 92281  
C.F.R. part 37. 92282

(D) Whoever violates division (B) of this section is 92283



guilty of a minor misdemeanor. 92284

**Sec. 4507.40.** (A) As used in this section, "Ohio 92285  
credential" means a temporary instruction permit identification 92286  
card, driver's license, commercial driver's license, motorcycle 92287  
operator's license, motorized bicycle license, or identification 92288  
card issued by the Ohio bureau of motor vehicles. 92289

(B) Any valid holder of an Ohio credential issued after 92290  
July 2, 2018, may apply online to obtain an exact reprint of 92291  
that Ohio credential. Not more than one hundred eighty days 92292  
after ~~the effective date of this section~~ April 12, 2021, the 92293  
registrar of motor vehicles shall make the reprint application 92294  
process available through electronic means on the bureau of 92295  
motor vehicle's web site. A reprint of an Ohio credential shall 92296  
be available only through the online process. 92297

(C) An applicant may obtain not more than ~~one reprint~~ two 92298  
reprints between the initial issuance and renewal of an Ohio 92299  
credential or between renewals of an Ohio credential. A reprint 92300  
shall be an exact copy of the last-issued Ohio credential that 92301  
it replaces. A reprint expires on the same date as the Ohio 92302  
credential it replaces. 92303

(D) The applicant shall do all of the following in the 92304  
application: 92305

(1) Certify that the current Ohio credential is lost, 92306  
destroyed, or mutilated; 92307

(2) Provide identifying information, as required by the 92308  
registrar, in order to confirm the applicant's identity; 92309

(3) Include with the application a financial transaction 92310  
device number to pay the applicable fees for the reprint of the 92311  
Ohio credential, and a service fee equal to the amount 92312

established under section 4503.038 of the Revised Code. 92313

(E) Upon receipt of a completed application, the registrar 92314  
shall issue a reprint Ohio credential to the applicant, if the 92315  
applicant is eligible for the reprint. If the applicant does not 92316  
qualify for a reprint, the registrar shall notify the applicant 92317  
why the application was denied. 92318

(F) The fees that are collected from a person who applies 92319  
for a reprint of an Ohio credential shall be paid to the credit 92320  
of the public safety - highway purposes fund established by 92321  
section 4501.06 of the Revised Code. 92322

**Sec. 4507.53.** Digitalized photographic records of the 92323  
department of public safety may be released only to the 92324  
following: 92325

(A) State, local, or federal governmental agencies for 92326  
criminal justice purposes; 92327

(B) Any court; 92328

(C) The American association of motor vehicle 92329  
administrators to allow state department of motor vehicles 92330  
participating in the association's state-to-state verification 92331  
services and digital image access and exchange program to use 92332  
the photographic records for identity verification purposes; 92333

(D) The department of job and family services or the 92334  
unemployment compensation review commission for the purpose of 92335  
carrying out the department's or commission's functions under 92336  
Chapter 4141. of the Revised Code. 92337

**Sec. 4509.06.** (A) ~~The driver of any motor vehicle which~~ 92338  
Any person who is in any manner involved in a motor vehicle 92339  
~~accident within six months of the accident,~~ including as the 92340

driver of a motor vehicle, the owner of property, or any person 92341  
sustaining bodily injury or property damage, may, within six 92342  
months after the accident, forward a written report of the 92343  
accident to the registrar of motor vehicles on a form prescribed 92344  
by the registrar alleging that a driver or owner of any ~~other~~ 92345  
vehicle involved in the accident was uninsured at the time of 92346  
the accident. 92347

(B) Upon receipt of the accident report, the registrar 92348  
shall send a notice by regular mail to the driver and owner 92349  
alleged to be uninsured requiring the person to give evidence 92350  
that the person had proof of financial responsibility in effect 92351  
at the time of the accident. 92352

(C) Within thirty days after the mailing of the notice by 92353  
the registrar, the driver of the vehicle alleged to be uninsured 92354  
shall forward a report together with acceptable proof of 92355  
financial responsibility to the registrar in a form prescribed 92356  
by the registrar. The forwarding of the report by the owner of 92357  
the motor vehicle involved in the accident is deemed compliance 92358  
with this section by the driver. This section does not change or 92359  
modify the duties of the driver or operator of a motor vehicle 92360  
as set forth in section 4549.02 of the Revised Code. 92361

**Sec. 4509.07.** The report prescribed by the registrar of 92362  
motor vehicles shall request only information sufficient to 92363  
enable the registrar to administer and enforce the provisions of 92364  
sections 4509.01 to 4509.78, inclusive, of the Revised Code. 92365

The ~~driver or owner of a motor vehicle~~ person involved in 92366  
an accident who submits or is the subject of a report submitted 92367  
in accordance with section 4509.06 of the Revised Code shall 92368  
furnish such additional relevant information as the registrar 92369  
requires. 92370

**Sec. 4509.101.** (A) (1) No person shall operate, or permit 92371  
the operation of, a motor vehicle in this state, unless proof of 92372  
financial responsibility is maintained continuously throughout 92373  
the registration period with respect to that vehicle, or, in the 92374  
case of a driver who is not the owner, with respect to that 92375  
driver's operation of that vehicle. 92376

(2) Whoever violates division (A) (1) of this section shall 92377  
be subject to the following civil penalties: 92378

(a) Subject to divisions (A) (2) (b) and (c) of this 92379  
section, a class (F) suspension of the person's driver's 92380  
license, commercial driver's license, temporary instruction 92381  
permit, probationary license, or nonresident operating privilege 92382  
for the period of time specified in division (B) (6) of section 92383  
4510.02 of the Revised Code and impoundment of the person's 92384  
license. The court may grant limited driving privileges to the 92385  
person, but only if the person presents proof of financial 92386  
responsibility and is enrolled in a reinstatement fee payment 92387  
plan pursuant to section 4510.10 of the Revised Code. 92388

(b) If, within one year of the violation, the person's 92389  
operating privileges are again suspended and the person's 92390  
license again is impounded for a violation of division (A) (1) of 92391  
this section, a class C suspension of the person's driver's 92392  
license, commercial driver's license, temporary instruction 92393  
permit, probationary license, or nonresident operating privilege 92394  
for the period of time specified in division (B) (3) of section 92395  
4510.02 of the Revised Code. The court may grant limited driving 92396  
privileges to the person only if the person presents proof of 92397  
financial responsibility and has complied with division (A) (5) 92398  
of this section, and no court may grant limited driving 92399  
privileges for the first fifteen days of the suspension. 92400

(c) If, within one year of the violation, the person's 92401  
operating privileges are suspended and the person's license is 92402  
impounded two or more times for a violation of division (A) (1) 92403  
of this section, a class B suspension of the person's driver's 92404  
license, commercial driver's license, temporary instruction 92405  
permit, probationary license, or nonresident operating privilege 92406  
for the period of time specified in division (B) (2) of section 92407  
4510.02 of the Revised Code. The court may grant limited driving 92408  
privileges to the person only if the person presents proof of 92409  
financial responsibility and has complied with division (A) (5) 92410  
of this section, except that no court may grant limited driving 92411  
privileges for the first thirty days of the suspension. 92412

The clerk of court shall waive the cost of filing a 92413  
petition for limited driving privileges if, pursuant to section 92414  
2323.311 of the Revised Code, the petitioner applies to be 92415  
qualified as an indigent litigant and the court approves the 92416  
application. 92417

(3) A person to whom this state has issued a certificate 92418  
of registration for a motor vehicle or a license to operate a 92419  
motor vehicle or who is determined to have operated any motor 92420  
vehicle or permitted the operation in this state of a motor 92421  
vehicle owned by the person shall be required to verify the 92422  
existence of proof of financial responsibility covering the 92423  
operation of the motor vehicle or the person's operation of the 92424  
motor vehicle under either of the following circumstances: 92425

(a) The person or a motor vehicle owned by the person is 92426  
involved in a traffic accident that requires the filing of an 92427  
accident report under section 4509.06 of the Revised Code. 92428

(b) The person receives a traffic ticket indicating that 92429  
proof of the maintenance of financial responsibility was not 92430

produced upon the request of a peace officer or state highway 92431  
patrol trooper made in accordance with division (D) (2) of this 92432  
section. 92433

(4) An order of the registrar that suspends a license 92434  
shall state the date on or before which the person is required 92435  
to surrender the person's license. The person is deemed to have 92436  
surrendered the license, in compliance with the order, if the 92437  
person does either of the following: 92438

(a) On or before the date specified in the order, delivers 92439  
the license to the registrar; 92440

(b) Mails the license to the registrar in an envelope or 92441  
container bearing a postmark showing a date no later than the 92442  
date specified in the order. 92443

(5) Except as provided in division (L) of this section, 92444  
the registrar shall not restore any operating privileges 92445  
suspended under this section, return any license surrendered 92446  
under this section, or reissue a license under section 4510.52 92447  
of the Revised Code, if the registrar destroyed the suspended 92448  
license under that section, unless the rights are not subject to 92449  
suspension or revocation under any other law and unless the 92450  
person, in addition to complying with all other conditions 92451  
required by law for reinstatement of the operating privileges, 92452  
complies with all of the following: 92453

(a) Pays to the registrar or an eligible deputy registrar 92454  
a financial responsibility reinstatement fee of forty dollars 92455  
for the first violation of division (A) (1) of this section, 92456  
three hundred dollars for a second violation of that division, 92457  
and six hundred dollars for a third or subsequent violation of 92458  
that division; 92459

(b) Files and continuously maintains proof of financial 92460  
responsibility in accordance with sections 4509.44 to 4509.65 of 92461  
the Revised Code; 92462

(c) Pays a deputy registrar a service fee of ten dollars 92463  
to compensate the deputy registrar for services performed under 92464  
this section. The deputy registrar shall retain eight dollars of 92465  
the service fee and shall transmit the reinstatement fee and two 92466  
dollars of the service fee to the registrar in the manner the 92467  
registrar shall determine. 92468

(B) (1) Every party required to file an accident report 92469  
under section 4509.06 of the Revised Code also shall include 92470  
with the report a document described in division (G) (1) (a) of 92471  
this section or shall present proof of financial responsibility 92472  
through use of an electronic wireless communications device as 92473  
permitted by division (G) (1) (b) of this section. 92474

If the registrar determines, within forty-five days after 92475  
the report is filed, that an operator or owner has violated 92476  
division (A) (1) of this section, the registrar shall do all of 92477  
the following: 92478

(a) Order the suspension required under division (A) (2) 92479  
(a), (b), or (c) of this section of the license of any operator 92480  
or owner who has violated division (A) (1) of this section; 92481

(b) Record the name and address of the person whose 92482  
license has been suspended or is under an order of suspension, 92483  
the serial number of the person's license, and the person's 92484  
social security account number, if assigned, or, where the motor 92485  
vehicle that is the subject of the violation is used for hire or 92486  
principally in connection with any established business, the 92487  
person's federal taxpayer identification number. The information 92488

shall be recorded in such a manner that it becomes a part of the 92489  
person's permanent record, and assists the registrar in 92490  
monitoring compliance with the orders of suspension. 92491

(c) Send written notification to every person to whom the 92492  
order pertains, at the person's last known address as shown on 92493  
the records of the bureau. The person, within ten days after the 92494  
date of the mailing of the notification, shall surrender to the 92495  
registrar, in a manner set forth in division (A) (4) of this 92496  
section, any license under an order of suspension. 92497

(2) The registrar shall issue any order under division (B) 92498  
(1) of this section without a hearing. Any person adversely 92499  
affected by the order, within ~~ten~~fifteen days after the 92500  
issuance of the order, may request an administrative hearing 92501  
before the registrar, who shall provide the person with an 92502  
opportunity for a hearing in accordance with this paragraph. A 92503  
request for a hearing does not operate as a suspension of the 92504  
order. The scope of the hearing shall be limited to whether the 92505  
person in fact demonstrated to the registrar proof of financial 92506  
responsibility in accordance with this section. The registrar 92507  
shall determine the date, time, and place of any hearing, 92508  
provided that the hearing shall be held, and an order issued or 92509  
findings made, within thirty days after the registrar receives a 92510  
request for a hearing. If requested by the person in writing, 92511  
the registrar may designate as the place of hearing the county 92512  
seat of the county in which the person resides or a place within 92513  
fifty miles of the person's residence. The person shall pay the 92514  
cost of the hearing before the registrar, if the registrar's 92515  
order of suspension is upheld. 92516

(C) Any order of suspension issued under this section or 92517  
division (B) of section 4509.37 of the Revised Code may be 92518



terminated at any time if the registrar determines upon a 92519  
showing of proof of financial responsibility that the operator 92520  
or owner of the motor vehicle was in compliance with division 92521  
(A) (1) of this section at the time of the traffic offense, motor 92522  
vehicle inspection, or accident that resulted in the order 92523  
against the person. A determination may be made without a 92524  
hearing. This division does not apply unless the person shows 92525  
good cause for the person's failure to present satisfactory 92526  
proof of financial responsibility to the registrar prior to the 92527  
issuance of the order. 92528

(D) (1) (a) For the purpose of enforcing this section, every 92529  
peace officer is deemed an agent of the registrar. 92530

(b) Any peace officer who, in the performance of the peace 92531  
officer's duties as authorized by law, becomes aware of a person 92532  
whose license is under an order of suspension, pursuant to this 92533  
section, may confiscate the license and return it to the 92534  
registrar. 92535

(2) A peace officer shall request the owner or operator of 92536  
a motor vehicle to produce proof of financial responsibility in 92537  
a manner described in division (G) of this section at the time 92538  
the peace officer acts to enforce the traffic laws of this state 92539  
and during motor vehicle inspections conducted pursuant to 92540  
section 4513.02 of the Revised Code. 92541

(3) A peace officer shall indicate on every traffic ticket 92542  
whether the person receiving the traffic ticket produced proof 92543  
of the maintenance of financial responsibility in response to 92544  
the officer's request under division (D) (2) of this section. The 92545  
peace officer shall inform every person who receives a traffic 92546  
ticket and who has failed to produce proof of the maintenance of 92547  
financial responsibility that the person must submit proof to 92548

the traffic violations bureau with any payment of a fine and 92549  
costs for the ticketed violation or, if the person is to appear 92550  
in court for the violation, the person must submit proof to the 92551  
court. 92552

(4) (a) If a person who has failed to produce proof of the 92553  
maintenance of financial responsibility appears in court for a 92554  
ticketed violation, the court may permit the defendant to 92555  
present evidence of proof of financial responsibility to the 92556  
court at such time and in such manner as the court determines to 92557  
be necessary or appropriate. In a manner prescribed by the 92558  
registrar, the clerk of courts shall provide the registrar with 92559  
the identity of any person who fails to submit proof of the 92560  
maintenance of financial responsibility pursuant to division (D) 92561  
(3) of this section. 92562

(b) If a person who has failed to produce proof of the 92563  
maintenance of financial responsibility also fails to submit 92564  
that proof to the traffic violations bureau with payment of a 92565  
fine and costs for the ticketed violation, the traffic 92566  
violations bureau, in a manner prescribed by the registrar, 92567  
shall notify the registrar of the identity of that person. 92568

(5) (a) Upon receiving notice from a clerk of courts or 92569  
traffic violations bureau pursuant to division (D) (4) of this 92570  
section, the registrar shall order the suspension of the license 92571  
of the person required under division (A) (2) (a), (b), or (c) of 92572  
this section, effective forty-five days after the date of the 92573  
mailing of notification. The registrar also shall notify the 92574  
person that the person must present the registrar with proof of 92575  
financial responsibility in accordance with this section, 92576  
surrender to the registrar the person's license, or submit a 92577  
statement subject to section 2921.13 of the Revised Code that 92578

the person did not operate or permit the operation of the motor 92579  
vehicle at the time of the offense. Notification shall be in 92580  
writing and shall be sent to the person at the person's last 92581  
known address as shown on the records of the bureau of motor 92582  
vehicles. The person, within forty-five days after the date of 92583  
the mailing of notification, shall present proof of financial 92584  
responsibility, surrender the license to the registrar in a 92585  
manner set forth in division (A) (4) of this section, or submit 92586  
the statement required under this section together with other 92587  
information the person considers appropriate. 92588

If the registrar does not receive proof or the person does 92589  
not surrender the license, in accordance with this division, the 92590  
registrar shall permit the order for the suspension of the 92591  
license of the person to take effect. 92592

(b) In the case of a person who presents, within the 92593  
forty-five-day period, proof of financial responsibility, the 92594  
registrar shall terminate the order of suspension and shall send 92595  
written notification to the person, at the person's last known 92596  
address as shown on the records of the bureau. 92597

(c) Any person adversely affected by the order of the 92598  
registrar under division (D) (5) (a) or (b) of this section, 92599  
within ~~ten~~ fifteen days after the issuance of the order, may 92600  
request an administrative hearing before the registrar, who 92601  
shall provide the person with an opportunity for a hearing in 92602  
accordance with this paragraph. A request for a hearing does not 92603  
operate as a suspension of the order. The scope of the hearing 92604  
shall be limited to whether, at the time of the hearing, the 92605  
person presents proof of financial responsibility covering the 92606  
vehicle and whether the person is eligible for an exemption in 92607  
accordance with this section or any rule adopted under it. The 92608

registrar shall determine the date, time, and place of any 92609  
hearing; provided, that the hearing shall be held, and an order 92610  
issued or findings made, within thirty days after the registrar 92611  
receives a request for a hearing. If requested by the person, 92612  
the hearing may be held remotely by electronic means. If 92613  
requested by the person in writing, the registrar may designate 92614  
as the place of hearing the county seat of the county in which 92615  
the person resides or a place within fifty miles of the person's 92616  
residence. Such person shall pay the cost of the hearing before 92617  
the registrar, if the registrar's order of suspension under 92618  
division (D) (5) (a) or (b) of this section is upheld. 92619

(6) Any forms used by law enforcement agencies in 92620  
administering this section shall be prescribed, supplied, and 92621  
paid for by the registrar. 92622

(7) No peace officer, law enforcement agency employing a 92623  
peace officer, or political subdivision or governmental agency 92624  
that employs a peace officer shall be liable in a civil action 92625  
for damages or loss to persons arising out of the performance of 92626  
any duty required or authorized by this section. 92627

(8) As used in this section, "peace officer" has the 92628  
meaning set forth in section 2935.01 of the Revised Code. 92629

(E) All fees, except court costs, fees paid to a deputy 92630  
registrar, and those portions of the financial responsibility 92631  
reinstatement fees as otherwise specified in this division, 92632  
collected under this section shall be paid into the state 92633  
treasury to the credit of the public safety - highway purposes 92634  
fund established in section 4501.06 of the Revised Code and used 92635  
to cover costs incurred by the bureau in the administration of 92636  
this section and sections 4503.20, 4507.212, and 4509.81 of the 92637  
Revised Code, and by any law enforcement agency employing any 92638

peace officer who returns any license to the registrar pursuant 92639  
to division (C) of this section. 92640

Of each financial responsibility reinstatement fee the 92641  
registrar collects pursuant to division (A) (5) (a) of this 92642  
section or receives from a deputy registrar under division (A) 92643  
(5) (c) of this section, the registrar shall deposit ten dollars 92644  
of each forty-dollar reinstatement fee, fifty dollars of each 92645  
three-hundred-dollar reinstatement fee, and one hundred dollars 92646  
of each six-hundred-dollar reinstatement fee into the state 92647  
treasury to the credit of the indigent defense support fund 92648  
created by section 120.08 of the Revised Code. 92649

(F) Chapter 119. of the Revised Code applies to this 92650  
section only to the extent that any provision in that chapter is 92651  
not clearly inconsistent with this section. 92652

(G) (1) (a) The registrar, court, traffic violations bureau, 92653  
or peace officer may require proof of financial responsibility 92654  
to be demonstrated by use of a standard form prescribed by the 92655  
registrar. If the use of a standard form is not required, a 92656  
person may demonstrate proof of financial responsibility under 92657  
this section by presenting to the traffic violations bureau, 92658  
court, registrar, or peace officer any of the following 92659  
documents or a copy of the documents: 92660

(i) A financial responsibility identification card as 92661  
provided in section 4509.103 of the Revised Code; 92662

(ii) A certificate of proof of financial responsibility on 92663  
a form provided and approved by the registrar for the filing of 92664  
an accident report required to be filed under section 4509.06 of 92665  
the Revised Code; 92666

(iii) A policy of liability insurance, a declaration page 92667

of a policy of liability insurance, or liability bond, if the 92668  
policy or bond complies with section 4509.20 or sections 4509.49 92669  
to 4509.61 of the Revised Code; 92670

(iv) A bond or certification of the issuance of a bond as 92671  
provided in section 4509.59 of the Revised Code; 92672

(v) A certificate of deposit of money or securities as 92673  
provided in section 4509.62 of the Revised Code; 92674

(vi) A certificate of self-insurance as provided in 92675  
section 4509.72 of the Revised Code. 92676

(b) A person also may present proof of financial 92677  
responsibility under this section to the traffic violations 92678  
bureau, court, registrar, or peace officer through use of an 92679  
electronic wireless communications device as specified under 92680  
section 4509.103 of the Revised Code. 92681

(2) If a person fails to demonstrate proof of financial 92682  
responsibility in a manner described in division (G)(1) of this 92683  
section, the person may demonstrate proof of financial 92684  
responsibility under this section by any other method that the 92685  
court or the bureau, by reason of circumstances in a particular 92686  
case, may consider appropriate. 92687

(3) A motor carrier certificated by the interstate 92688  
commerce commission or by the public utilities commission may 92689  
demonstrate proof of financial responsibility by providing a 92690  
statement designating the motor carrier's operating authority 92691  
and averring that the insurance coverage required by the 92692  
certificating authority is in full force and effect. 92693

(4) (a) A finding by the registrar or court that a person 92694  
is covered by proof of financial responsibility in the form of 92695  
an insurance policy or surety bond is not binding upon the named 92696

insurer or surety or any of its officers, employees, agents, or 92697  
representatives and has no legal effect except for the purpose 92698  
of administering this section. 92699

(b) The preparation and delivery of a financial 92700  
responsibility identification card or any other document 92701  
authorized to be used as proof of financial responsibility and 92702  
the generation and delivery of proof of financial responsibility 92703  
to an electronic wireless communications device that is 92704  
displayed on the device as text or images does not do any of the 92705  
following: 92706

(i) Create any liability or estoppel against an insurer or 92707  
surety, or any of its officers, employees, agents, or 92708  
representatives; 92709

(ii) Constitute an admission of the existence of, or of 92710  
any liability or coverage under, any policy or bond; 92711

(iii) Waive any defenses or counterclaims available to an 92712  
insurer, surety, agent, employee, or representative in an action 92713  
commenced by an insured or third-party claimant upon a cause of 92714  
action alleged to have arisen under an insurance policy or 92715  
surety bond or by reason of the preparation and delivery of a 92716  
document for use as proof of financial responsibility or the 92717  
generation and delivery of proof of financial responsibility to 92718  
an electronic wireless communications device. 92719

(c) Whenever it is determined by a final judgment in a 92720  
judicial proceeding that an insurer or surety, which has been 92721  
named on a document or displayed on an electronic wireless 92722  
communications device accepted by a court or the registrar as 92723  
proof of financial responsibility covering the operation of a 92724  
motor vehicle at the time of an accident or offense, is not 92725

liable to pay a judgment for injuries or damages resulting from 92726  
such operation, the registrar, notwithstanding any previous 92727  
contrary finding, shall forthwith suspend the operating 92728  
privileges and registration rights of the person against whom 92729  
the judgment was rendered as provided in division (A) (2) of this 92730  
section. 92731

(H) In order for any document or display of text or images 92732  
on an electronic wireless communications device described in 92733  
division (G) (1) of this section to be used for the demonstration 92734  
of proof of financial responsibility under this section, the 92735  
document or words or images shall state the name of the insured 92736  
or obligor, the name of the insurer or surety company, and the 92737  
effective and expiration dates of the financial responsibility, 92738  
and designate by explicit description or by appropriate 92739  
reference all motor vehicles covered which may include a 92740  
reference to fleet insurance coverage. 92741

(I) For purposes of this section, "owner" does not include 92742  
a licensed motor vehicle leasing dealer as defined in section 92743  
4517.01 of the Revised Code, but does include a motor vehicle 92744  
renting dealer as defined in section 4549.65 of the Revised 92745  
Code. Nothing in this section or in section 4509.51 of the 92746  
Revised Code shall be construed to prohibit a motor vehicle 92747  
renting dealer from entering into a contractual agreement with a 92748  
person whereby the person renting the motor vehicle agrees to be 92749  
solely responsible for maintaining proof of financial 92750  
responsibility, in accordance with this section, with respect to 92751  
the operation, maintenance, or use of the motor vehicle during 92752  
the period of the motor vehicle's rental. 92753

(J) The purpose of this section is to require the 92754  
maintenance of proof of financial responsibility with respect to 92755



the operation of motor vehicles on the highways of this state, 92756  
so as to minimize those situations in which persons are not 92757  
compensated for injuries and damages sustained in motor vehicle 92758  
accidents. The general assembly finds that this section contains 92759  
reasonable civil penalties and procedures for achieving this 92760  
purpose. 92761

(K) Nothing in this section shall be construed to be 92762  
subject to section 4509.78 of the Revised Code. 92763

(L) (1) The registrar may terminate any suspension imposed 92764  
under this section and not require the owner to comply with 92765  
division (A) (5) of this section if the registrar with or without 92766  
a hearing determines that the owner of the vehicle has 92767  
established by clear and convincing evidence that all of the 92768  
following apply: 92769

(a) The owner customarily maintains proof of financial 92770  
responsibility. 92771

(b) Proof of financial responsibility was not in effect 92772  
for the vehicle on the date in question for one of the following 92773  
reasons: 92774

(i) The vehicle was inoperable. 92775

(ii) The vehicle is operated only seasonally, and the date 92776  
in question was outside the season of operation. 92777

(iii) A person other than the vehicle owner or driver was 92778  
at fault for the lapse of proof of financial responsibility 92779  
through no fault of the owner or driver. 92780

(iv) The lapse of proof of financial responsibility was 92781  
caused by excusable neglect under circumstances that are not 92782  
likely to recur and do not suggest a purpose to evade the 92783

requirements of this chapter. 92784

(2) The registrar may grant an owner or driver relief for 92785  
a reason specified in division (L) (1) (b) (iii) or (iv) of this 92786  
section only if the owner or driver has not previously been 92787  
granted relief under division (L) (1) (b) (iii) or (iv) of this 92788  
section. 92789

(M) The registrar shall adopt rules in accordance with 92790  
Chapter 119. of the Revised Code that are necessary to 92791  
administer and enforce this section. The rules shall include 92792  
provisions relating to acceptable forms of proof of financial 92793  
responsibility, the use of an electronic wireless communications 92794  
device to present proof of financial responsibility, and 92795  
verification of the existence of financial responsibility during 92796  
the period of registration. 92797

(N) (1) When a person utilizes an electronic wireless 92798  
communications device to present proof of financial 92799  
responsibility, only the evidence of financial responsibility 92800  
displayed on the device shall be viewed by the registrar, peace 92801  
officer, employee or official of the traffic violations bureau, 92802  
or the court. No other content of the device shall be viewed for 92803  
purposes of obtaining proof of financial responsibility. 92804

(2) When a person provides an electronic wireless 92805  
communications device to the registrar, a peace officer, an 92806  
employee or official of a traffic violations bureau, or the 92807  
court, the person assumes the risk of any resulting damage to 92808  
the device unless the registrar, peace officer, employee, or 92809  
official, or court personnel purposely, knowingly, or recklessly 92810  
commits an action that results in damage to the device. 92811

**Sec. 4509.70.** (A) After consultation with the insurance 92812

companies authorized to issue automobile liability or physical 92813  
damage policies, or both, in this state, the superintendent of 92814  
insurance shall approve a reasonable plan, fair and equitable to 92815  
the insurers and to their policyholders, for the apportionment 92816  
among such companies of applicants for such policies and for 92817  
motor-vehicle liability policies who are in good faith entitled 92818  
to but are unable to procure such policies through ordinary 92819  
methods. When any such plan has been approved by the 92820  
superintendent, all such insurance companies shall subscribe and 92821  
participate. Any applicant for such policy, any person insured 92822  
under such plan of operation, and any insurance company 92823  
affected, may appeal to the superintendent of insurance from any 92824  
ruling or decision of the manager or committee designated in the 92825  
plan to operate the assigned risk insurance plan. Any order or 92826  
act of the superintendent under this section is subject to 92827  
review as provided in sections 119.01 to 119.13 of the Revised 92828  
Code, at the instance of any party in interest. 92829

(B) The plan described in division (A) of this section may 92830  
permit the assigned risk insurance plan to directly issue and 92831  
process claims arising from such policies described in division 92832  
(A) of this section to applicants of automobile insurance 92833  
policies who are in good faith entitled to but are unable to 92834  
procure such policies through ordinary methods. 92835

(C) Every form of a policy, endorsement, rider, manual of 92836  
classifications, rules, and rates, every rating plan, and every 92837  
modification of any of them proposed to be used by the assigned 92838  
risk insurance plan shall be filed, or the plan may satisfy its 92839  
obligation to make such filings, as described in section 3937.03 92840  
of the Revised Code. 92841

(D) Any automobile insurance policy issued by the assigned 92842

risk insurance plan under division (B) of this section: 92843

(1) Shall be recognized as if issued by an insurance 92844  
company authorized to do business in this state; 92845

(2) Shall meet all requirements of proof of financial 92846  
responsibility as described in division (K) of section 4509.01 92847  
of the Revised Code. 92848

(E) Proof of financial responsibility provided by the 92849  
assigned risk insurance plan to an automobile insurance 92850  
policyholder that meets the requirements described in division 92851  
(G) (1) (a) or (b) of section 4509.101 of the Revised Code shall 92852  
be recognized as if issued by an insurance company authorized to 92853  
do business in this state to demonstrate proof of financial 92854  
responsibility under section 4509.101 of the Revised Code. 92855

(F) The assigned risk insurance plan designated in 92856  
division (A) of this section shall do both of the following: 92857

(1) Make annual audited financial reports available to the 92858  
superintendent of insurance promptly upon the completion of such 92859  
audit; 92860

(2) Upon reasonable notice, make available to the 92861  
superintendent of insurance all books and records relating to 92862  
the insurance transactions of the assigned risk insurance plan. 92863

(G) (1) Except as provided in division (G) (2) of this 92864  
section, records created, held by, or pertaining to the assigned 92865  
risk insurance plan are not public records under section 149.43 92866  
of the Revised Code, are confidential, and are not subject to 92867  
inspection or disclosure. 92868

(2) Division (G) (1) of this section does not apply to the 92869  
plan of operation and other information required to be filed 92870

under this section with the superintendent unless otherwise 92871  
prohibited from release by law. 92872

(H) (1) For the purposes of division (H) of this section, 92873  
"insurance agent" has the same meaning as in section 3905.01 of 92874  
the Revised Code. 92875

(2) Provided that the assigned risk insurance plan 92876  
establishes registration procedures for insurance agents under 92877  
division (H) (3) of this section, the plan shall not accept an 92878  
application for an automobile insurance policy issued under 92879  
division (B) of this section unless that application is 92880  
submitted through an insurance agent registered in accordance 92881  
with those procedures. 92882

(3) The plan may do all of the following: 92883

(a) Establish procedures to register insurance agents; 92884

(b) Establish separate registrations for commercial and 92885  
personal insurance agents, or one registration for both; 92886

(c) Empower the manager of the plan to make determinations 92887  
on registration status, including by revoking an insurance 92888  
agent's registration. 92889

(4) If an insurance agent is denied registration with the 92890  
plan, or the insurance agent's registration is revoked, the plan 92891  
may notify the superintendent of the plan's decision. The plan 92892  
and manager are immune from civil liability for any decision to 92893  
deny or revoke registration and from any decision to report 92894  
denials or revocations to the superintendent. 92895

(5) All insurance agents submitting applications to the 92896  
plan for automobile insurance coverage have an affirmative duty 92897  
to ensure that all information included in the application and 92898

any supporting materials is true and accurate. 92899

(6) (a) An insurance agent shall not submit an application 92900  
to the plan for automobile insurance coverage unless the agent 92901  
exercises due diligence in confirming that the person seeking 92902  
insurance is unable to obtain coverage through an insurer 92903  
authorized to do business in this state. 92904

(b) For the purposes of this section, due diligence 92905  
requires an insurance agent to contact at least five of the 92906  
authorized insurers the agent represents or, if the agent does 92907  
not represent five authorized insurers that customarily write 92908  
automobile insurance coverage, as many of such insurers as the 92909  
agent represents. 92910

(c) An insurance agent may assume that insurance coverage 92911  
cannot be procured for the applicant through ordinary methods 92912  
after each insurer contacted under division (H) (6) (b) of this 92913  
section declines to provide coverage. 92914

(d) An insurance agent may assume that an authorized 92915  
insurer declines to provide coverage to the applicant seeking 92916  
insurance upon either of the following: 92917

(i) Receiving notice from the insurer declining coverage; 92918

(ii) Receiving no response from the insurer within ten 92919  
days after the date the insurance agent initially makes contact 92920  
with the insurer. 92921

(e) The determination of whether an insurance agent has 92922  
adequately complied with the due diligence requirements is at 92923  
the discretion of the manager of the plan. 92924

(f) An agent shall not submit an application on behalf of 92925  
an applicant to the plan for any automobile insurance policy if 92926

any insurer admitted, authorized, or otherwise eligible to do 92927  
business in this state has in any way communicated a willingness 92928  
to insure the applicant, even if coverage provided by the plan 92929  
costs less than other insurers. 92930

(g) The manager of the plan may revoke the registration of 92931  
an insurance agent who fails to comply with division (H) (6) of 92932  
this section. 92933

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. 92934  
of the Revised Code: 92935

(A) "Vehicle" means every device, including a bicycle, 92936  
motorized bicycle, and an electric bicycle, in, upon, or by 92937  
which any person or property may be transported or drawn upon a 92938  
highway. "Vehicle" does not include any motorized wheelchair, 92939  
any electric personal assistive mobility device, any low-speed 92940  
micromobility device, any personal delivery device as defined in 92941  
section 4511.513 of the Revised Code, any device that is moved 92942  
by power collected from overhead electric trolley wires or that 92943  
is used exclusively upon stationary rails or tracks, or any 92944  
device that is moved by human power. 92945

(B) "Motor vehicle" means every vehicle propelled or drawn 92946  
by power other than muscular power or power collected from 92947  
overhead electric trolley wires, except motorized bicycles, 92948  
electric bicycles, road rollers, traction engines, power 92949  
shovels, power cranes, and other equipment used in construction 92950  
work and not designed for or employed in general highway 92951  
transportation, hole-digging machinery, well-drilling machinery, 92952  
ditch-digging machinery, farm machinery, and trailers designed 92953  
and used exclusively to transport a boat between a place of 92954  
storage and a marina, or in and around a marina, when drawn or 92955  
towed on a street or highway for a distance of no more than ten 92956

miles and at a speed of twenty-five miles per hour or less. 92957

(C) "Motorcycle" means every motor vehicle, other than a 92958  
tractor, having a seat or saddle for the use of the operator and 92959  
designed to travel on not more than three wheels in contact with 92960  
the ground, including, but not limited to, motor vehicles known 92961  
as "motor-driven cycle," "motor scooter," "autocycle," "cab- 92962  
enclosed motorcycle," or "motorcycle" without regard to weight 92963  
or brake horsepower. 92964

(D) "Emergency vehicle" means emergency vehicles of 92965  
municipal, township, or county departments or public utility 92966  
corporations when identified as such as required by law, the 92967  
director of public safety, or local authorities, and motor 92968  
vehicles when commandeered by a police officer. 92969

(E) "Public safety vehicle" means any of the following: 92970

(1) Ambulances, including private ambulance companies 92971  
under contract to a municipal corporation, township, or county, 92972  
and private ambulances and nontransport vehicles bearing license 92973  
plates issued under section 4503.49 of the Revised Code; 92974

(2) Motor vehicles used by public law enforcement officers 92975  
or other persons sworn to enforce the criminal and traffic laws 92976  
of the state; 92977

(3) Any motor vehicle when properly identified as required 92978  
by the director of public safety, when used in response to fire 92979  
emergency calls or to provide emergency medical service to ill 92980  
or injured persons, and when operated by a duly qualified person 92981  
who is a member of a volunteer rescue service or a volunteer 92982  
fire department, and who is on duty pursuant to the rules or 92983  
directives of that service. The state fire marshal shall be 92984  
designated by the director of public safety as the certifying 92985



agency for all public safety vehicles described in division (E) 92986  
(3) of this section. 92987

(4) Vehicles used by fire departments, including motor 92988  
vehicles when used by volunteer fire fighters responding to 92989  
emergency calls in the fire department service when identified 92990  
as required by the director of public safety. 92991

Any vehicle used to transport or provide emergency medical 92992  
service to an ill or injured person, when certified as a public 92993  
safety vehicle, shall be considered a public safety vehicle when 92994  
transporting an ill or injured person to a hospital regardless 92995  
of whether such vehicle has already passed a hospital. 92996

(5) Vehicles used by the motor carrier enforcement unit 92997  
for the enforcement of orders and rules of the public utilities 92998  
commission as specified in section 5503.34 of the Revised Code. 92999

(F) "School bus" means every bus designed for carrying 93000  
more than nine passengers that is owned by a public, private, or 93001  
governmental agency or institution of learning and operated for 93002  
the transportation of children to or from a school session or a 93003  
school function, or owned by a private person and operated for 93004  
compensation for the transportation of children to or from a 93005  
school session or a school function. "School bus" does not 93006  
include any of the following: 93007

(1) A bus operated by a municipally owned transportation 93008  
system, a mass transit company operating exclusively within the 93009  
territorial limits of a municipal corporation, or within such 93010  
limits and the territorial limits of municipal corporations 93011  
immediately contiguous to such municipal corporation, nor a 93012  
common passenger carrier certified by the public utilities 93013  
commission unless such bus is devoted exclusively to the 93014

transportation of children to and from a school session or a 93015  
school function; 93016

(2) A van or bus used by a licensed child care center or 93017  
type A family child care home to transport children from the 93018  
child care center or type A family child care home to a school 93019  
if the van or bus does not have more than fifteen children in 93020  
the van or bus at any time; 93021

(3) An alternative vehicle as defined in section 4511.76 93022  
of the Revised Code. 93023

(G) "Bicycle" means a pedal-powered vehicle upon which a 93024  
human operator sits, including an electric bicycle. 93025

(H) "Motorized bicycle" or "moped" means any vehicle 93026  
having either two tandem wheels or one wheel in the front and 93027  
two wheels in the rear, that may be pedaled, and that is 93028  
equipped with a helper motor of not more than fifty cubic 93029  
centimeters piston displacement that produces not more than one 93030  
brake horsepower and is capable of propelling the vehicle at a 93031  
speed of not greater than twenty miles per hour on a level 93032  
surface. "Motorized bicycle" or "moped" does not include an 93033  
electric bicycle. 93034

(I) "Commercial tractor" means every motor vehicle having 93035  
motive power designed or used for drawing other vehicles and not 93036  
so constructed as to carry any load thereon, or designed or used 93037  
for drawing other vehicles while carrying a portion of such 93038  
other vehicles, or load thereon, or both. 93039

(J) "Agricultural tractor" and "traction engine" mean 93040  
every self-propelling vehicle designed or used for drawing other 93041  
vehicles or wheeled machinery but having no provision for 93042  
carrying loads independently of such other vehicles, and used 93043

principally for agricultural purposes. 93044

(K) "Truck" means every motor vehicle, except trailers and 93045  
semitrailers, designed and used to carry property. 93046

(L) "Bus" means every motor vehicle designed for carrying 93047  
more than nine passengers and used for the transportation of 93048  
persons other than in a ridesharing arrangement, and every motor 93049  
vehicle, automobile for hire, or funeral car, other than a 93050  
taxicab or motor vehicle used in a ridesharing arrangement, 93051  
designed and used for the transportation of persons for 93052  
compensation. 93053

(M) "Trailer" means every vehicle designed or used for 93054  
carrying persons or property wholly on its own structure and for 93055  
being drawn by a motor vehicle, including any such vehicle when 93056  
formed by or operated as a combination of a "semitrailer" and a 93057  
vehicle of the dolly type, such as that commonly known as a 93058  
"trailer dolly," a vehicle used to transport agricultural 93059  
produce or agricultural production materials between a local 93060  
place of storage or supply and the farm when drawn or towed on a 93061  
street or highway at a speed greater than twenty-five miles per 93062  
hour, and a vehicle designed and used exclusively to transport a 93063  
boat between a place of storage and a marina, or in and around a 93064  
marina, when drawn or towed on a street or highway for a 93065  
distance of more than ten miles or at a speed of more than 93066  
twenty-five miles per hour. 93067

(N) "Semitrailer" means every vehicle designed or used for 93068  
carrying persons or property with another and separate motor 93069  
vehicle so that in operation a part of its own weight or that of 93070  
its load, or both, rests upon and is carried by another vehicle. 93071

(O) "Pole trailer" means every trailer or semitrailer 93072

attached to the towing vehicle by means of a reach, pole, or by 93073  
being boomed or otherwise secured to the towing vehicle, and 93074  
ordinarily used for transporting long or irregular shaped loads 93075  
such as poles, pipes, or structural members capable, generally, 93076  
of sustaining themselves as beams between the supporting 93077  
connections. 93078

(P) "Railroad" means a carrier of persons or property 93079  
operating upon rails or tracks placed principally on a private 93080  
right-of-way. 93081

(Q) "Train" means one or more locomotives coupled, with or 93082  
without cars, that operates on rails or tracks and to which all 93083  
other traffic is required by law to yield the right-of-way at 93084  
highway-rail grade crossings. 93085

(R) "Streetcar" means a car, other than a train, for 93086  
transporting persons or property, operated upon rails 93087  
principally within a street or highway. 93088

(S) "Trackless trolley" means every car that collects its 93089  
power from overhead electric trolley wires and that is not 93090  
operated upon rails or tracks. 93091

(T) "Explosives" means any chemical compound or mechanical 93092  
mixture that is intended for the purpose of producing an 93093  
explosion that contains any oxidizing and combustible units or 93094  
other ingredients in such proportions, quantities, or packing 93095  
that an ignition by fire, by friction, by concussion, by 93096  
percussion, or by a detonator of any part of the compound or 93097  
mixture may cause such a sudden generation of highly heated 93098  
gases that the resultant gaseous pressures are capable of 93099  
producing destructive effects on contiguous objects, or of 93100  
destroying life or limb. Manufactured articles shall not be held 93101

to be explosives when the individual units contain explosives in 93102  
such limited quantities, of such nature, or in such packing, 93103  
that it is impossible to procure a simultaneous or a destructive 93104  
explosion of such units, to the injury of life, limb, or 93105  
property by fire, by friction, by concussion, by percussion, or 93106  
by a detonator, such as fixed ammunition for small arms, 93107  
firecrackers, or safety fuse matches. 93108

(U) "Flammable liquid" means any liquid that has a flash 93109  
point of seventy degrees fahrenheit, or less, as determined by a 93110  
tagliabue or equivalent closed cup test device. 93111

(V) "Gross weight" means the weight of a vehicle plus the 93112  
weight of any load thereon. 93113

(W) "Person" means every natural person, firm, co- 93114  
partnership, association, or corporation. 93115

(X) "Pedestrian" means any person on foot, in a motorized 93116  
or non-motorized wheelchair, or using another equivalent device, 93117  
such as skates or a skateboard. "Pedestrian" includes a personal 93118  
delivery device as defined in section 4511.513 of the Revised 93119  
Code unless the context clearly suggests otherwise. 93120

(Y) "Driver or operator" means every person who drives or 93121  
is in actual physical control of a vehicle, trackless trolley, 93122  
or streetcar. 93123

(Z) "Police officer" means every officer authorized to 93124  
direct or regulate traffic, or to make arrests for violations of 93125  
traffic regulations. 93126

(AA) "Local authorities" means every county, municipal, 93127  
and other local board or body having authority to adopt police 93128  
regulations under the constitution and laws of this state. 93129

(BB) "Street" or "highway" means a general term for 93130  
denoting a public way for purposes of travel by vehicles, 93131  
streetcars, trackless trolleys, and vulnerable road users, 93132  
including the entire area within the right-of-way. 93133

(CC) "Controlled-access highway" means every street or 93134  
highway in respect to which owners or occupants of abutting 93135  
lands and other persons have no legal right of access to or from 93136  
the same except at such points only and in such manner as may be 93137  
determined by the public authority having jurisdiction over such 93138  
street or highway. 93139

(DD) "Private road" means every way or place in private 93140  
ownership used for vehicular travel by the owner and those 93141  
having express or implied permission from the owner but not by 93142  
other persons. 93143

(EE) "Roadway" means that portion of a highway improved, 93144  
designed, or ordinarily used for vehicular travel and parking 93145  
lanes, not including the berm, sidewalk, or shoulder, even if 93146  
the berm, sidewalk, or shoulder is used by a person operating a 93147  
bicycle or other human-powered vehicle. If a highway includes 93148  
two or more separate roadways the term "roadway" means any such 93149  
roadway separately but not all such roadways collectively. 93150

(FF) "Sidewalk" means that portion of a street between the 93151  
curb lines, or the lateral lines of a roadway, and the adjacent 93152  
property lines or easements of private property, that is paved 93153  
or improved, and is intended for the use of pedestrians. 93154

(GG) "Laned highway" means a highway the roadway of which 93155  
is divided into two or more clearly marked lanes for vehicular 93156  
traffic. 93157

(HH) "Through highway" means every street or highway as 93158

provided in section 4511.65 of the Revised Code. 93159

(II) "State highway" means a highway under the 93160  
jurisdiction of the department of transportation, outside the 93161  
limits of municipal corporations, provided that the authority 93162  
conferred upon the director of transportation in section 5511.01 93163  
of the Revised Code to erect state highway route markers and 93164  
signs directing traffic shall not be modified by sections 93165  
4511.01 to 4511.79 and 4511.99 of the Revised Code. 93166

(JJ) "State route" means every highway that is designated 93167  
with an official state route number and so marked. 93168

(KK) "Intersection" means: 93169

(1) The area embraced within the prolongation or 93170  
connection of the lateral curb lines, or, if none, the lateral 93171  
boundary lines of the roadways of two highways that join one 93172  
another at, or approximately at, right angles, or the area 93173  
within which vehicles traveling upon different highways that 93174  
join at any other angle might come into conflict. The junction 93175  
of an alley, driveway, or site roadway open to public travel 93176  
with a public roadway or highway does not constitute an 93177  
intersection, unless the public roadway or highway at the 93178  
junction is controlled by a traffic control device. 93179

(2) If a highway includes two roadways separated by a 93180  
median, then every crossing of each roadway of such divided 93181  
highway by an intersecting highway constitutes a separate 93182  
intersection if the opposing left-turn paths cross and there is 93183  
sufficient interior storage for the design vehicle. As used in 93184  
this division, "design vehicle" means the longest vehicle 93185  
authorized under section 5577.05 of the Revised Code to operate 93186  
on that roadway without a permit. 93187

(3) At a location controlled by a highway traffic signal, 93188  
regardless of the distance between the separate intersections as 93189  
described in division (KK) (2) of this section: 93190

(a) If a stop line, yield line, or crosswalk has not been 93191  
designated on the roadway within the median between the separate 93192  
intersections, the two intersections and the roadway and median 93193  
constitute one intersection. 93194

(b) Where a stop line, yield line, or crosswalk is 93195  
designated on the roadway on the intersection approach, the area 93196  
within the crosswalk and any area beyond the designated stop 93197  
line or yield line constitute part of the intersection. 93198

(c) Where a crosswalk is designated on a roadway on the 93199  
departure from the intersection, the intersection includes the 93200  
area that extends to the far side of the crosswalk. 93201

(LL) "Crosswalk" means: 93202

(1) That part of a roadway at an intersection included 93203  
within the connections of the lateral lines of the sidewalks on 93204  
opposite sides of the highway measured from the curbs, or, in 93205  
the absence of curbs, from the edges of the traversable roadway, 93206  
and in the absence of a sidewalk on one side of the roadway, the 93207  
part of a roadway included within the extension of the lateral 93208  
lines of the sidewalk at right angles to the center line; 93209

(2) Any portion of a roadway at an intersection or 93210  
elsewhere, distinctly indicated for pedestrian crossing by lines 93211  
or other markings on the surface, which might be supplemented by 93212  
contrasting pavement texture, style, or color; 93213

(3) Notwithstanding divisions (LL) (1) and (2) of this 93214  
section, "crosswalk" does not include an area where local 93215  
authorities have placed signs indicating no crossing. 93216



(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) "Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business.

(PP) "Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices.

(QQ) "Traffic control device" means a flagger, sign, signal, marking, channelization device, or other device that uses colors, shapes, symbols, words, sounds, or tactile information for the primary purpose of communicating a regulatory, warning, or guidance message to road users on a

street, highway, site roadway open to public travel, pedestrian 93247  
facility, bikeway, or pathway. 93248

(RR) "Traffic control signal" means a highway traffic 93249  
signal placed at an intersection, movable bridge, fire station, 93250  
midblock crosswalk, alternating one-way sections of a single 93251  
lane road, private driveway, or other location that requires 93252  
conflicting traffic to be directed to stop and permitted to 93253  
proceed in an orderly manner. "Traffic control signal" includes 93254  
a vehicular signal indication, a pedestrian signal indication, 93255  
and a bicycle symbol signal indication. "Traffic control signal" 93256  
does not include an emergency-vehicle hybrid beacon or a 93257  
pedestrian hybrid beacon. 93258

(SS) "Railroad sign or signal" means any sign, signal, or 93259  
device erected by authority of a public body or official or by a 93260  
railroad and intended to give notice of the presence of railroad 93261  
tracks or the approach of a train. 93262

(TT) "Traffic" means pedestrians, ridden or herded 93263  
animals, vehicles, streetcars, trackless trolleys, and other 93264  
devices, either singly or together, while using for purposes of 93265  
travel any highway or site roadway open to public travel. 93266

(UU) "Right-of-way" means either of the following, as the 93267  
context requires: 93268

(1) The right of a vehicle, streetcar, trackless trolley, 93269  
or pedestrian to proceed uninterruptedly in a lawful manner in 93270  
the direction in which it or the individual is moving in 93271  
preference to another vehicle, streetcar, trackless trolley, or 93272  
pedestrian approaching from a different direction into its or 93273  
the individual's path; 93274

(2) A general term denoting land, property, or the 93275

interest therein, usually in the configuration of a strip, 93276  
acquired for or devoted to transportation purposes. When used in 93277  
this context, right-of-way includes the roadway, shoulders or 93278  
berm, ditch, and slopes extending to the right-of-way limits 93279  
under the control of the state or local authority. 93280

(VV) "Rural mail delivery vehicle" means every vehicle 93281  
used to deliver United States mail on a rural mail delivery 93282  
route. 93283

(WW) "Funeral escort vehicle" means any motor vehicle, 93284  
including a funeral hearse, while used to facilitate the 93285  
movement of a funeral procession. 93286

(XX) "Alley" means a street or highway intended to provide 93287  
access to the rear or side of lots or buildings in urban 93288  
districts and not intended for the purpose of through vehicular 93289  
traffic, and includes any street or highway that has been 93290  
declared an "alley" by the legislative authority of the 93291  
municipal corporation in which such street or highway is 93292  
located. 93293

(YY) "Freeway" means a divided multi-lane highway for 93294  
through traffic with all crossroads separated in grade and with 93295  
full control of access. 93296

(ZZ) "Expressway" means a divided arterial street or 93297  
highway for through traffic with full or partial control of 93298  
access with an excess of fifty per cent of all crossroads 93299  
separated in grade. 93300

(AAA) "Thruway" means a through highway whose entire 93301  
roadway is reserved for through traffic and on which roadway 93302  
parking is prohibited. 93303

(BBB) "Stop intersection" means any intersection at one or 93304

more entrances of which stop signs are erected. 93305

(CCC) "Arterial street or highway" means a street or 93306  
highway primarily used by through traffic, usually on a 93307  
continuous route or a street or highway designated as part of an 93308  
arterial system. 93309

(DDD) "Ridesharing arrangement" means the transportation 93310  
of persons in a motor vehicle where such transportation is 93311  
incidental to another purpose of a volunteer driver and includes 93312  
ridesharing arrangements known as carpools, vanpools, and 93313  
buspools. 93314

(EEE) "Motorized wheelchair" means any self-propelled 93315  
vehicle designed for, and used by, a person with a disability 93316  
and that is incapable of a speed in excess of eight miles per 93317  
hour. 93318

(FFF) "Child care center" and "type A family child care 93319  
home" have the same meanings as in section 5104.01 of the 93320  
Revised Code. 93321

(GGG) "Multi-wheel agricultural tractor" means a type of 93322  
agricultural tractor that has two or more wheels or tires on 93323  
each side of one axle at the rear of the tractor, is designed or 93324  
used for drawing other vehicles or wheeled machinery, has no 93325  
provision for carrying loads independently of the drawn vehicles 93326  
or machinery, and is used principally for agricultural purposes. 93327

(HHH) "Operate" means to cause or have caused movement of 93328  
a vehicle, streetcar, or trackless trolley. 93329

(III) "Predicate motor vehicle or traffic offense" means 93330  
any of the following: 93331

(1) A violation of section 4511.03, 4511.051, 4511.12, 93332

4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 93333  
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 93334  
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 93335  
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 93336  
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 93337  
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 93338  
4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 93339  
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 93340  
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 93341  
4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 93342  
4511.84 of the Revised Code; 93343

(2) A violation of division (A) (2) of section 4511.17, 93344  
divisions (A) to (D) of section 4511.51, or division (A) of 93345  
section 4511.74 of the Revised Code; 93346

(3) A violation of any provision of sections 4511.01 to 93347  
4511.76 of the Revised Code for which no penalty otherwise is 93348  
provided in the section that contains the provision violated; 93349

(4) A violation of section 4511.214 of the Revised Code; 93350

(5) A violation of a municipal ordinance that is 93351  
substantially similar to any section or provision set forth or 93352  
described in division (III) (1), (2), (3), or (4) of this 93353  
section. 93354

(JJJ) "Road service vehicle" means wreckers, utility 93355  
repair vehicles, and state, county, and municipal service 93356  
vehicles equipped with visual signals by means of flashing, 93357  
rotating, or oscillating lights. 93358

(KKK) "Beacon" means a highway traffic signal with one or 93359  
more signal sections that operate in a flashing mode. 93360

(LLL) "Hybrid beacon" means a special type of beacon that 93361

is intentionally placed in a dark mode where no indications are 93362  
displayed between periods of operation and, when operated, 93363  
displays both steady and flashing highway traffic signal 93364  
indications. "Hybrid beacon" includes both of the following: 93365

(1) An emergency-vehicle hybrid beacon used to warn and 93366  
control traffic at an otherwise unsignalized location to assist 93367  
authorized emergency vehicles in entering or crossing a street 93368  
or highway; 93369

(2) A pedestrian hybrid beacon used to warn and control 93370  
traffic at an otherwise unsignalized location to assist 93371  
pedestrians in crossing a street or highway at a marked 93372  
crosswalk. 93373

(MMM) "Highway traffic signal" means a power-operated 93374  
traffic control device by which traffic is warned or directed to 93375  
take some specific action. "Highway traffic signal" includes a 93376  
beacon, an in-road warning light, a lane-use control signal, and 93377  
a traffic control signal. "Highway traffic signal" does not 93378  
include a power-operated sign, steadily illuminated pavement 93379  
marker, gate, flashing light signal, warning light, or steady 93380  
burning electric lamp. 93381

(NNN) "Median" means the portion of a highway separating 93382  
opposing directions of the traveled way or the area between two 93383  
roadways of a divided highway, measured from edge of traveled 93384  
way to edge of traveled way. The median excludes turn lanes. The 93385  
width of a median may be different between intersections, 93386  
interchanges, and at opposite approaches of the same 93387  
intersection. 93388

(OOO) "Site roadway open to public travel" means a roadway 93389  
or bikeway on site of a shopping center, office park, airport, 93390

school, university, sports arena, recreational park, or other 93391  
similar business, government, or recreation facility that is 93392  
publicly or privately owned but where the public is allowed to 93393  
travel without full-time access restrictions. "Site roadway open 93394  
to public travel" does not include a roadway where access is 93395  
restricted at all times by gates or guards to residents, 93396  
employees, or other specifically authorized persons, a parking 93397  
area, a driving aisle within a parking area, or a private 93398  
highway-rail grade crossing. 93399

(PPP) "Shared-use path" means a bikeway outside the 93400  
traveled way and physically separated from motorized vehicular 93401  
traffic by an open space or barrier and either within the 93402  
highway right-of-way or within an independent alignment. A 93403  
shared-use path also may be used by pedestrians, including 93404  
skaters, joggers, users of manual and motorized wheelchairs, and 93405  
other authorized motorized and non-motorized users. A shared-use 93406  
path does not include any trail that is intended to be used 93407  
primarily for mountain biking, hiking, equestrian use, or other 93408  
similar uses, or any other single track or natural surface trail 93409  
that has historically been reserved for nonmotorized use. 93410

(QQQ) "Highway maintenance vehicle" means a vehicle used 93411  
in snow and ice removal or road surface maintenance, including a 93412  
snow plow, traffic line striper, road sweeper, mowing machine, 93413  
asphalt distributing vehicle, or other such vehicle designed for 93414  
use in specific highway maintenance activities. 93415

(RRR) "Waste collection vehicle" means a vehicle used in 93416  
the collection of garbage, refuse, trash, or recyclable 93417  
materials. 93418

(SSS) "Electric bicycle" means a "class 1 electric 93419  
bicycle," a "class 2 electric bicycle," or a "class 3 electric 93420

bicycle" as defined in this section. 93421

(TTT) "Class 1 electric bicycle" means a bicycle that is 93422  
equipped with fully operable pedals and an electric motor of 93423  
less than seven hundred fifty watts that provides assistance 93424  
only when the rider is pedaling and ceases to provide assistance 93425  
when the bicycle reaches the speed of twenty miles per hour. 93426

(UUU) "Class 2 electric bicycle" means a bicycle that is 93427  
equipped with fully operable pedals and an electric motor of 93428  
less than seven hundred fifty watts that may provide assistance 93429  
regardless of whether the rider is pedaling and is not capable 93430  
of providing assistance when the bicycle reaches the speed of 93431  
twenty miles per hour. 93432

(VVV) "Class 3 electric bicycle" means a bicycle that is 93433  
equipped with fully operable pedals and an electric motor of 93434  
less than seven hundred fifty watts that provides assistance 93435  
only when the rider is pedaling and ceases to provide assistance 93436  
when the bicycle reaches the speed of twenty-eight miles per 93437  
hour. 93438

(WWW) "Low-speed micromobility device" means a device 93439  
weighing less than one hundred pounds that has handlebars, is 93440  
propelled by an electric motor or human power, and has an 93441  
attainable speed on a paved level surface of not more than 93442  
twenty miles per hour when propelled by the electric motor. 93443

(XXX) "Natural resources officer" means an officer 93444  
appointed pursuant to section 1501.24 of the Revised Code. 93445

(YYY) "Wildlife officer" means an officer designated 93446  
pursuant to section 1531.13 of the Revised Code. 93447

(ZZZ) "In-road warning light" means a special type of 93448  
highway traffic signal that is installed in the roadway surface 93449



to warn road users that they are approaching a condition on or 93450  
adjacent to the roadway that might not be readily apparent and 93451  
might require the road users to reduce speed or come to a 93452  
complete stop. 93453

(AAAA) "Lane-use control signal" means a signal face or 93454  
comparable display on a full-matrix changeable message sign that 93455  
displays indications to permit or prohibit the use of specific 93456  
lanes of a roadway or a shoulder where driving is sometimes 93457  
authorized or to indicate the impending prohibition of such use. 93458

(BBBB) "Bicycle box" means a designated area on the 93459  
approach to a signalized intersection, between an advance 93460  
motorist stop line and the crosswalk or intersection, that is 93461  
intended to provide bicyclists a visible location to wait in 93462  
front of stopped motorists during the red signal phase. 93463

(CCCC) "Two-stage bicycle turn box" means a designated 93464  
area at an intersection that is intended to provide bicyclists a 93465  
place to wait for traffic to clear before proceeding in a 93466  
different direction of travel. 93467

(DDDD) "Bicycle lane" means a portion of a roadway that 93468  
has been designated for preferential or exclusive use by 93469  
bicyclists and is often delineated from the adjacent general- 93470  
purpose lanes by longitudinal pavement markings and either a 93471  
bicycle lane symbol, words, or signs. "Bicycle lane" includes 93472  
all of the following: 93473

(1) A buffer-separated bicycle lane, which is separated 93474  
from the adjacent general-purpose lanes by a pattern of standard 93475  
longitudinal pavement markings that are wider than a normal or 93476  
wide-lane pavement marking; 93477

(2) A counter-flow bicycle lane, which is a one- 93478

directional bicycle lane that provides a lawful path of travel 93479  
for bicycles in the opposite direction from the general traffic 93480  
on a roadway that otherwise requires the general traffic to 93481  
travel in only one direction. A counter-flow bicycle lane is 93482  
designated by the traffic control devices used for other bicycle 93483  
lanes; 93484

(3) A separated bicycle lane, which is an exclusive 93485  
facility for bicyclists that is located within or directly 93486  
adjacent to the roadway and is physically separated from the 93487  
motor vehicle traffic with a vertical element. 93488

(EEEE) "Bicycle signal face" means a signal face that 93489  
displays only bicycle symbol signal indications in accordance 93490  
with section 4511.15 of the Revised Code, that exclusively 93491  
controls a bicyclist's movement from a designated bicycle lane 93492  
or from a separate facility, and that displays signal 93493  
indications that are applicable only to a bicyclist's movement. 93494

(FFFF) "Bicycle signal sign" means a sign meant to inform 93495  
road users that the signal indications in the bicycle signal 93496  
face are intended only for bicyclists, and to inform bicyclists 93497  
which bicyclist movements are controlled by that bicycle signal 93498  
face. 93499

(GGGG) "Bikeway" means any road, street, path, or way that 93500  
in some manner is specifically designated for bicycle travel, 93501  
regardless of whether the facility is designated for the 93502  
exclusive use of bicycles or if it is shared with other modes of 93503  
transportation. 93504

(HHHH) "Busway" means a traveled way that is used 93505  
exclusively by buses. 93506

(IIII) "Driveway" means an access from a roadway to a 93507

building, site, or abutting property. 93508

(JJJJ) "Roundabout" means a circular intersection with a 93509  
yield control at each entry, which permits a vehicle on the 93510  
circulatory roadway to proceed, with deflection of the 93511  
approaching vehicles counter-clockwise around a central island. 93512

(KKKK) "Shoulder" means a longitudinal area contiguous 93513  
with the traveled way that is used for accommodating vehicles 93514  
that are stopped for an emergency and for lateral support of 93515  
base and surface courses; graded for emergency stopping; either 93516  
paved or unpaved; and when paved, may be open for part-time 93517  
travel by some or all vehicles or may also be available for use 93518  
by pedestrians or bicycles in the absence of other pedestrian or 93519  
bicycle facilities. 93520

(LLLL) "Autocycle," "cab-enclosed motorcycle," 93521  
"electronic," "farm machinery," "motor-driven cycle or motor 93522  
scooter," "limited driving privileges," and "state" have the 93523  
same meanings as in section 4501.01 of the Revised Code. 93524

(MMMM) "Multifunction school activity bus" means a school 93525  
bus whose purposes do not include transporting children to and 93526  
from home or school bus stops. 93527

**Sec. 4511.213.** (A) The driver of a motor vehicle, upon 93528  
approaching a stationary vehicle in distress or upon approaching 93529  
a stationary public safety vehicle, emergency vehicle, road 93530  
service vehicle, waste collection vehicle, vehicle used by the 93531  
public utilities commission to conduct motor vehicle inspections 93532  
in accordance with sections 4923.04 and 4923.06 of the Revised 93533  
Code, or a highway maintenance vehicle that is displaying the 93534  
appropriate visual signals by means of flashing, oscillating, or 93535  
rotating lights, as prescribed in section 4513.17 of the Revised 93536

Code, shall do either of the following: 93537

(1) If the driver of the motor vehicle is traveling on a 93538  
highway that consists of at least two lanes that carry traffic 93539  
in the same direction of travel as that of the driver's motor 93540  
vehicle, the driver shall proceed with due caution and, if 93541  
possible and with due regard to the road, weather, and traffic 93542  
conditions, shall change lanes into a lane that is not adjacent 93543  
to that of the stationary vehicle in distress, public safety 93544  
vehicle, emergency vehicle, road service vehicle, waste 93545  
collection vehicle, vehicle used by the public utilities 93546  
commission to conduct motor vehicle inspections in accordance 93547  
with sections 4923.04 and 4923.06 of the Revised Code, or a 93548  
highway maintenance vehicle. 93549

(2) If the driver is not traveling on a highway of a type 93550  
described in division (A) (1) of this section, or if the driver 93551  
is traveling on a highway of that type but it is not possible to 93552  
change lanes or if to do so would be unsafe, the driver shall 93553  
proceed with due caution, reduce the speed of the motor vehicle, 93554  
and maintain a safe speed for the road, weather, and traffic 93555  
conditions. 93556

(B) This section does not relieve the driver of a vehicle 93557  
in distress, public safety vehicle, emergency vehicle, road 93558  
service vehicle, waste collection vehicle, vehicle used by the 93559  
public utilities commission to conduct motor vehicle inspections 93560  
in accordance with sections 4923.04 and 4923.06 of the Revised 93561  
Code, or a highway maintenance vehicle from the duty to drive 93562  
with due regard for the safety of all persons and property upon 93563  
the highway. 93564

(C) No person shall fail to drive a motor vehicle in 93565  
compliance with division (A) (1) or (2) of this section when so 93566

required by division (A) of this section. 93567

(D) (1) Except as otherwise provided in this division and 93568  
division (F) of this section, whoever violates this section is 93569  
guilty of a minor misdemeanor. If, within one year of the 93570  
offense, the offender previously has been convicted of or 93571  
pleaded guilty to one predicate motor vehicle or traffic 93572  
offense, whoever violates this section is guilty of a 93573  
misdemeanor of the fourth degree. If, within one year of the 93574  
offense, the offender previously has been convicted of two or 93575  
more predicate motor vehicle or traffic offenses, whoever 93576  
violates this section is guilty of a misdemeanor of the third 93577  
degree. 93578

(2) Notwithstanding section 2929.28 of the Revised Code\_ 93579  
and except as provided in division (F) of this section, upon a 93580  
finding that a person operated a motor vehicle in violation of 93581  
division (C) of this section, the court, in addition to all 93582  
other penalties provided by law, shall impose a fine of two 93583  
times the usual amount imposed for the violation. 93584

(3) If the offender commits the offense while distracted 93585  
and the distracting activity is a contributing factor to the 93586  
commission of the offense, the offender is subject to the 93587  
additional fine established under section 4511.991 of the 93588  
Revised Code. Division (D) (3) of this section does not apply to 93589  
an offense when the stationary vehicle is a vehicle in distress. 93590

(E) ~~The~~ Except as otherwise provided in division (F) of 93591  
this section, the offense established under this section is a 93592  
strict liability offense and section 2901.20 of the Revised Code 93593  
does not apply. The designation of this offense as a strict 93594  
liability offense shall not be construed to imply that any other 93595  
offense, for which there is no specified degree of culpability, 93596

is not a strict liability offense. 93597

(F) (1) Whoever knowingly violates this section when the 93598  
stationary vehicle is a vehicle in distress is guilty of a minor 93599  
misdemeanor. 93600

(2) An arrest or conviction for an offender under division 93601  
(F) (1) of this section does not constitute a criminal record and 93602  
need not be reported by the person so arrested or convicted in 93603  
response to any inquiries contained in any application for 93604  
employment, license, or other right or privilege, or made in 93605  
connection with the person's appearance as a witness. 93606

(G) As used in this section, "vehicle in distress" 93607  
includes all of the following: 93608

(1) Any disabled vehicle indicating its disability as 93609  
required under section 4513.28 of the Revised Code; 93610

(2) Any vehicle that is not subject to section 4513.28 of 93611  
the Revised Code near which a fusee, flare, or other emergency 93612  
sign is displayed; 93613

(3) Any vehicle that is displaying flashing emergency 93614  
lights or hazard lights. 93615

**Sec. 4511.75.** (A) The driver of a vehicle, streetcar, or 93616  
trackless trolley upon meeting or overtaking from either 93617  
direction any school bus stopped for the purpose of receiving or 93618  
discharging any school child, person attending programs offered 93619  
by community boards of mental health and county boards of 93620  
developmental disabilities, or child attending a program offered 93621  
by a head start agency, shall stop at least ten feet from the 93622  
front or rear of the school bus and shall not proceed until such 93623  
school bus resumes motion, or until signaled by the school bus 93624  
driver to proceed. 93625

It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (B) of this section.

(B) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, and an automatically extended stop warning sign of a type approved by the department of education and workforce, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.

(C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county

boards of developmental disabilities, or children attending 93657  
programs offered by head start agencies. The driver of any 93658  
vehicle, streetcar, or trackless trolley overtaking the school 93659  
bus shall comply with division (A) of this section. 93660

(D) School buses operating on divided highways or on 93661  
highways with four or more traffic lanes shall receive and 93662  
discharge all school children, persons attending programs 93663  
offered by community boards of mental health and county boards 93664  
of developmental disabilities, and children attending programs 93665  
offered by head start agencies on their residence side of the 93666  
highway. 93667

(E) No school bus driver shall start the driver's bus 93668  
until after any child, person attending programs offered by 93669  
community boards of mental health and county boards of 93670  
developmental disabilities, or child attending a program offered 93671  
by a head start agency who may have alighted therefrom has 93672  
reached a place of safety on the child's or person's residence 93673  
side of the road. 93674

(F) (1) Whoever violates division (A) of this section may 93675  
be fined an amount not to exceed five hundred dollars. A person 93676  
who is issued a citation for a violation of division (A) of this 93677  
section is not permitted to enter a written plea of guilty and 93678  
waive the person's right to contest the citation in a trial but 93679  
instead must appear in person in the proper court to answer the 93680  
charge. 93681

(2) In addition to and independent of any other penalty 93682  
provided by law, the court or mayor may impose upon an offender 93683  
who violates this section a class seven suspension of the 93684  
offender's driver's license, commercial driver's license, 93685  
temporary instruction permit, probationary license, or 93686



nonresident operating privilege from the range specified in 93687  
division (A) (7) of section 4510.02 of the Revised Code. When a 93688  
license is suspended under this section, the court or mayor 93689  
shall cause the offender to deliver the license to the court, 93690  
and the court or clerk of the court immediately shall forward 93691  
the license to the registrar of motor vehicles, together with 93692  
notice of the court's action. 93693

(G) As used in this section: 93694

(1) "Head start agency" has the same meaning as in section 93695  
3301.32 of the Revised Code. 93696

(2) "School bus," as used in relation to children who 93697  
attend a program offered by a head start agency, means a bus 93698  
that is owned and operated by a head start agency, is equipped 93699  
with an automatically extended stop warning sign of a type 93700  
approved by the department, is painted the color and displays 93701  
the markings described in section 4511.77 of the Revised Code, 93702  
and is equipped with amber and red visual signals meeting the 93703  
requirements of section 4511.771 of the Revised Code, 93704  
irrespective of whether or not the bus has fifteen or more 93705  
children aboard at any time. "School bus" does not include a van 93706  
owned and operated by a head start agency, irrespective of its 93707  
color, lights, or markings, or a multifunction school activity 93708  
bus. 93709

**Sec. 4511.76.** (A) The department of public safety, by and 93710  
with the advice of the department of education and workforce, 93711  
shall adopt and enforce rules relating to the construction, 93712  
design, and equipment, including lighting equipment required by 93713  
section 4511.771 of the Revised Code, of all school buses both 93714  
publicly and privately owned and operated in this state. 93715

(B) The department of education and workforce, by and with 93716  
the advice of the director of public safety, shall adopt and 93717  
enforce rules relating to the operation of all vehicles used for 93718  
pupil transportation. 93719

(C) No person shall operate a vehicle used for pupil 93720  
transportation within this state in violation of the rules of 93721  
the department of education and workforce or the department of 93722  
public safety. No person, being the owner thereof or having the 93723  
supervisory responsibility therefor, shall permit the operation 93724  
of a vehicle used for pupil transportation within this state in 93725  
violation of the rules of the department of education and 93726  
workforce or the department of public safety. 93727

(D) The department of public safety shall adopt and 93728  
enforce rules relating to the issuance of a license under 93729  
section 4511.763 of the Revised Code. The rules may relate to 93730  
the condition of the equipment to be operated; the liability and 93731  
property damage insurance carried by the applicant; the posting 93732  
of satisfactory and sufficient bond; and such other rules as the 93733  
director of public safety determines reasonably necessary for 93734  
the safety of the pupils to be transported. 93735

(E) A chartered nonpublic school or a community school may 93736  
own and operate, or contract with a vendor that supplies, 93737  
alternative vehicles to transport students to and from regularly 93738  
scheduled school sessions, school-related activities, and 93739  
school-sanctioned events when one of the following applies: 93740

(1) A student's school district of residence has declared 93741  
the transportation of the student impractical pursuant to 93742  
section 3327.02 of the Revised Code; 93743

(2) A student does not live within thirty minutes of the 93744

chartered nonpublic school or the community school, as 93745  
applicable, and the student's school district is not required to 93746  
transport the student under section 3327.01 of the Revised Code; 93747

(3) The governing authority of the chartered nonpublic 93748  
school or the community school has offered to provide the 93749  
transportation for its students in lieu of the students being 93750  
transported by their school district of residence. 93751

(F) A school district may own and operate, or contract 93752  
with a vendor that supplies, alternative vehicles to transport 93753  
students to and from regularly scheduled school sessions, 93754  
school-related activities, and school-sanctioned events. 93755

(G) A school district or the governing authority of a 93756  
chartered nonpublic school or community school that uses an 93757  
alternative vehicle in accordance with division (E) or (F) of 93758  
this section, shall ensure that all of the following apply to 93759  
the operation of that vehicle: 93760

(1) A qualified mechanic inspects the vehicle not fewer 93761  
than two times each year and determines that it is safe for 93762  
pupil transportation; 93763

(2) The driver of the vehicle does not stop on the roadway 93764  
to load or unload passengers; 93765

(3) The driver of the vehicle meets the requirements 93766  
specified for a driver of a school bus or motor van under 93767  
section 3327.10 of the Revised Code and any corresponding rules 93768  
adopted by the department of education and workforce. 93769  
Notwithstanding that section or any department rules to the 93770  
contrary, the driver is not required to have a commercial 93771  
driver's license but shall have a current, valid driver's 93772  
license, and shall be accustomed to operating the vehicle used 93773

to transport the students~~+~~. 93774

(4) The driver and all passengers in the vehicle comply 93775  
with the requirements of sections 4511.81 and 4513.263 of the 93776  
Revised Code, as applicable. 93777

~~(H)~~ (H) (1) A school district, a chartered nonpublic school, 93778  
or a community school may own and operate, or contract with a 93779  
vendor that supplies, a multifunction school activity bus to 93780  
transport students between school and school functions or 93781  
activities. 93782

(2) A multifunction school activity bus shall not be used 93783  
to transport students between school and home or between school 93784  
and designated school bus stops. 93785

(I) As used in this section: 93786

(1) "Alternative vehicle" means a motor vehicle originally 93787  
manufactured and designed for not more than twelve passengers, 93788  
not including the driver. 93789

(2) "Vehicle used for pupil transportation" means any 93790  
vehicle that is identified as such by the department of 93791  
education and workforce by rule and that is subject to Chapter 93792  
3301-83 of the Administrative Code. 93793

~~(I)~~ (J) Except as otherwise provided in this division, 93794  
whoever violates this section is guilty of a minor misdemeanor. 93795  
If the offender previously has been convicted of or pleaded 93796  
guilty to one or more violations of this section or section 93797  
4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of 93798  
the Revised Code or a municipal ordinance that is substantially 93799  
similar to any of those sections, whoever violates this section 93800  
is guilty of a misdemeanor of the fourth degree. 93801

**Sec. 4511.77.** (A) No person shall operate, nor shall any 93802  
person being the owner thereof or having supervisory 93803  
responsibility therefor permit the operation of, a school bus 93804  
within this state unless it is painted national school bus 93805  
yellow and is marked on both front and rear with the words 93806  
"school bus" in black lettering not less than eight inches in 93807  
height and on the rear of the bus with the word "stop" in black 93808  
lettering not less than ten inches in height. 93809

(B) Except as otherwise provided in this division, whoever 93810  
violates this section is guilty of a minor misdemeanor. If the 93811  
offender previously has been convicted of or pleaded guilty to 93812  
one or more violations of this section or section 4511.63, 93813  
4511.76, 4511.761, 4511.762, 4511.764, or 4511.79 of the Revised 93814  
Code or a municipal ordinance that is substantially similar to 93815  
any of those sections, whoever violates this section is guilty 93816  
of a misdemeanor of the fourth degree. 93817

(C) Whenever a person is found guilty in a court of record 93818  
of a violation of this section, the trial judge, in addition to 93819  
or independent of all other penalties provided by law, may 93820  
suspend for any period of time not exceeding three years, or 93821  
cancel the license of any person, partnership, association, or 93822  
corporation, issued under section 4511.763 of the Revised Code. 93823

(D) This section does not apply to a multifunction school 93824  
activity bus. 93825

**Sec. 4511.771.** (A) Every school bus shall, in addition to 93826  
any other equipment and distinctive markings required pursuant 93827  
to sections 4511.76, 4511.761, 4511.764, and 4511.77 of the 93828  
Revised Code, be equipped with signal lamps mounted as high as 93829  
practicable, which shall display to the front two alternately 93830  
flashing red lights and two alternately flashing amber lights 93831

located at the same level and to the rear two alternately 93832  
flashing red lights and two alternately flashing amber lights 93833  
located at the same level, and these lights shall be visible at 93834  
five hundred feet in normal sunlight. The alternately flashing 93835  
red lights shall be spaced as widely as practicable, and the 93836  
alternately flashing amber lights shall be located next to them. 93837

(B) Except as otherwise provided in this division, whoever 93838  
violates this section is guilty of a minor misdemeanor. If, 93839  
within one year of the offense, the offender previously has been 93840  
convicted of or pleaded guilty to one predicate motor vehicle or 93841  
traffic offense, whoever violates this section is guilty of a 93842  
misdemeanor of the fourth degree. If, within one year of the 93843  
offense, the offender previously has been convicted of two or 93844  
more predicate motor vehicle or traffic offenses, whoever 93845  
violates this section is guilty of a misdemeanor of the third 93846  
degree. 93847

(C) This section does not apply to a multifunction school 93848  
activity bus. 93849

**Sec. 4511.78.** (A) As used in this section: 93850

(1) "Mass transit system" means any county transit system, 93851  
regional transit authority, regional transit commission, 93852  
municipally owned transportation system, mass transit company 93853  
operating exclusively within the territorial limits of a 93854  
municipal corporation, or within such limits and the territorial 93855  
limits of municipal corporations immediately contiguous to such 93856  
municipal corporation, and any common passenger carrier, that 93857  
provides transportation for children to or from a school session 93858  
or a school function. 93859

(2) "Bus" means every motor vehicle designed for carrying 93860

more than nine passengers and used for the transportation of 93861  
persons, but does not mean any school bus or a multifunction 93862  
school activity bus as defined in section 4511.01 of the Revised 93863  
Code. 93864

(B) Whenever a mass transit system transports children to 93865  
or from a school session or school function, the mass transit 93866  
system shall provide for: 93867

(1) Periodic safety inspections of all buses used to 93868  
provide transportation service. The inspections shall be based 93869  
on rules adopted by the public utilities commission under 93870  
Chapters 4921. and 4923. of the Revised Code to ensure the 93871  
safety of operation of motor carriers. 93872

(2) The safety training of all drivers operating buses 93873  
used to provide transportation service; 93874

(3) The equipping of every bus with outside rear-view 93875  
mirrors meeting the motor carrier regulations for bus equipment 93876  
adopted by the federal highway administration. No exclusions 93877  
from this requirement granted under the federal regulations 93878  
shall be considered exclusions for the purposes of this 93879  
division. 93880

(C) Except as otherwise provided in this division, whoever 93881  
violates this section is guilty of a minor misdemeanor. If, 93882  
within one year of the offense, the offender previously has been 93883  
convicted of or pleaded guilty to one predicate motor vehicle or 93884  
traffic offense, whoever violates this section is guilty of a 93885  
misdemeanor of the fourth degree. If, within one year of the 93886  
offense, the offender previously has been convicted of two or 93887  
more predicate motor vehicle or traffic offenses, whoever 93888  
violates this section is guilty of a misdemeanor of the third 93889

degree. 93890

**Sec. 4517.01.** As used in sections 4517.01 to 4517.65 of 93891  
the Revised Code: 93892

(A) "Persons" includes individuals, partnerships, 93893  
associations, joint stock companies, corporations, sole 93894  
proprietorships, limited liability companies, limited liability 93895  
partnerships, business trusts, and any other legally recognized 93896  
business entities or any combinations of individuals. 93897

(B) "Motor vehicle" means motor vehicle as defined in 93898  
section 4501.01 of the Revised Code and also includes "all- 93899  
purpose vehicle" and "off-highway motorcycle" as those terms are 93900  
defined in section 4519.01 of the Revised Code. "Motor vehicle" 93901  
does not include a snowmobile as defined in section 4519.01 of 93902  
the Revised Code or manufactured and mobile homes. "Motor 93903  
vehicle" includes a "fifth wheel trailer," "park trailer," 93904  
"travel trailer," "tent-type fold-out camping trailer," and a 93905  
"semitrailer" but does not otherwise include trailers as defined 93906  
in section 4501.01 of the Revised Code. 93907

(C) "New motor vehicle" means a motor vehicle, the legal 93908  
title to which has never been transferred by a manufacturer, 93909  
remanufacturer, distributor, or dealer to an ultimate purchaser. 93910

(D) "Ultimate purchaser" means, with respect to any new 93911  
motor vehicle, the first person, other than a dealer purchasing 93912  
in the capacity of a dealer, who in good faith purchases such 93913  
new motor vehicle for purposes other than resale. 93914

(E) "Business" includes any activities engaged in by any 93915  
person for the object of gain, benefit, or advantage either 93916  
direct or indirect, including activities conducted through the 93917  
internet or another computer network. 93918



(F) "Engaging in business" means commencing, conducting, 93919  
or continuing in business, or liquidating a business when the 93920  
liquidator thereof holds self out to be conducting such 93921  
business; making a casual sale or otherwise making transfers in 93922  
the ordinary course of business when the transfers are made in 93923  
connection with the disposition of all or substantially all of 93924  
the transferor's assets is not engaging in business. 93925

(G) "Retail sale" or "selling at retail" means the act or 93926  
attempted act of selling, bartering, exchanging, or otherwise 93927  
disposing of a motor vehicle, including through use of the 93928  
internet or another computer network, to an ultimate purchaser. 93929

(H) "Retail installment contract" includes any contract in 93930  
the form of a note, chattel mortgage, conditional sales 93931  
contract, lease, agreement, or other instrument payable in one 93932  
or more installments over a period of time and arising out of 93933  
the retail sale of a motor vehicle. 93934

(I) "Farm machinery" means all machines and tools used in 93935  
the production, harvesting, and care of farm products. 93936

(J) "Dealer" or "motor vehicle dealer" means any new motor 93937  
vehicle dealer, any motor vehicle leasing dealer, any adaptive 93938  
mobility dealer, and any used motor vehicle dealer. 93939

(K) "New motor vehicle dealer" means any person engaged in 93940  
the business of selling at retail, displaying, offering for 93941  
sale, or dealing in new motor vehicles pursuant to a contract or 93942  
agreement entered into with the manufacturer, remanufacturer, or 93943  
distributor of the motor vehicles. 93944

(L) "Used motor vehicle dealer" means any person engaged 93945  
in the business of selling, displaying, offering for sale, or 93946  
dealing in used motor vehicles, at retail or wholesale, but does 93947

not mean any new motor vehicle dealer selling, displaying, 93948  
offering for sale, or dealing in used motor vehicles 93949  
incidentally to engaging in the business of selling, displaying, 93950  
offering for sale, or dealing in new motor vehicles, any person 93951  
engaged in the business of dismantling, salvaging, or rebuilding 93952  
motor vehicles by means of using used parts, or any public 93953  
officer performing official duties. 93954

(M) "Motor vehicle leasing dealer" means any person 93955  
engaged in the business of regularly making available, offering 93956  
to make available, or arranging for another person to use a 93957  
motor vehicle pursuant to a bailment, lease, sublease, or other 93958  
contractual arrangement under which a charge is made for its use 93959  
at a periodic rate for a term of thirty days or more, and title 93960  
to the motor vehicle is in and remains in the motor vehicle 93961  
leasing dealer who originally leases it, irrespective of whether 93962  
or not the motor vehicle is the subject of a later sublease, and 93963  
not in the user, including any financial institution acting as a 93964  
lessor for a lease or sublease. "Motor vehicle leasing dealer" 93965  
does not include a new motor vehicle dealer that is not the 93966  
lessor and that only assists in arranging a lease on the 93967  
lessor's behalf or a manufacturer or its affiliate leasing to 93968  
its employees or to dealers. 93969

(N) "Salesperson" means any person employed by a dealer to 93970  
sell, display, and offer for sale, or deal in motor vehicles for 93971  
a commission, compensation, or other valuable consideration, but 93972  
does not mean any public officer performing official duties. 93973

(O) "Casual sale" means any transfer of a motor vehicle by 93974  
a person other than a new motor vehicle dealer, used motor 93975  
vehicle dealer, adaptive mobility dealer, motor vehicle salvage 93976  
dealer, as defined in division (A) of section 4738.01 of the 93977

Revised Code, salesperson, motor vehicle auction owner, 93978  
manufacturer, or distributor acting in the capacity of a dealer, 93979  
salesperson, auction owner, manufacturer, or distributor, to a 93980  
person who purchases the motor vehicle for use as a consumer. 93981

(P) "Motor vehicle auction owner" means any person who is 93982  
engaged wholly or in part in the business of auctioning motor 93983  
vehicles, but does not mean a construction equipment auctioneer 93984  
or a construction equipment auction licensee. 93985

(Q) "Manufacturer" means a person who manufactures, 93986  
assembles, or imports motor vehicles, including motor homes, but 93987  
does not mean a person who only assembles or installs a body, 93988  
special equipment unit, finishing trim, or accessories on a 93989  
motor vehicle chassis supplied by a manufacturer or distributor. 93990

(R) "Tent-type fold-out camping trailer" means any vehicle 93991  
intended to be used, when stationary, as a temporary shelter 93992  
with living and sleeping facilities, and that is subject to the 93993  
following properties and limitations: 93994

(1) A minimum of twenty-five per cent of the fold-out 93995  
portion of the top and sidewalls combined must be constructed of 93996  
canvas, vinyl, or other fabric, and form an integral part of the 93997  
shelter. 93998

(2) When folded, the unit must not exceed: 93999

(a) Fifteen feet in length, exclusive of bumper and 94000  
tongue; 94001

(b) Sixty inches in height from the point of contact with 94002  
the ground; 94003

(c) Eight feet in width; 94004

(d) One ton gross weight at time of sale. 94005

(S) "Distributor" means any person authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed new motor vehicle dealers, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.

(T) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.

(U) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any new motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.

(V) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(W) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(X) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Y) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its

motor vehicles, parts, or accessories to dealers or for 94035  
supervising or contacting its dealers or prospective dealers. 94036

(Z) "Administrative or executive management" means those 94037  
individuals who are not subject to federal wage and hour laws. 94038

(AA) "Good faith" means honesty in the conduct or 94039  
transaction concerned and the observance of reasonable 94040  
commercial standards of fair dealing in the trade as is defined 94041  
in section 1301.201 of the Revised Code, including, but not 94042  
limited to, the duty to act in a fair and equitable manner so as 94043  
to guarantee freedom from coercion, intimidation, or threats of 94044  
coercion or intimidation; provided however, that recommendation, 94045  
endorsement, exposition, persuasion, urging, or argument shall 94046  
not be considered to constitute a lack of good faith. 94047

(BB) "Coerce" means to compel or attempt to compel by 94048  
failing to act in good faith or by threat of economic harm, 94049  
breach of contract, or other adverse consequences. Coerce does 94050  
not mean to argue, urge, recommend, or persuade. 94051

(CC) "Relevant market area" means any area within a radius 94052  
of ten miles from the site of a potential new dealership, except 94053  
that for manufactured home or recreational vehicle dealerships 94054  
the radius shall be twenty-five miles. The ten-mile radius shall 94055  
be measured from the dealer's established place of business that 94056  
is used exclusively for the purpose of selling, displaying, 94057  
offering for sale, or dealing in motor vehicles. 94058

(DD) "Wholesale" or "at wholesale" means the act or 94059  
attempted act of selling, bartering, exchanging, or otherwise 94060  
disposing of a motor vehicle to a transferee for the purpose of 94061  
resale and not for ultimate consumption by that transferee. 94062

(EE) "Motor vehicle wholesaler" means any person licensed 94063

as a dealer under the laws of another state and engaged in the 94064  
business of selling, displaying, or offering for sale used motor 94065  
vehicles, at wholesale, but does not mean any motor vehicle 94066  
dealer as defined in this section. 94067

(FF) (1) "Remanufacturer" means a person who assembles or 94068  
installs passenger seating, walls, a roof elevation, or a body 94069  
extension on a conversion van with the motor vehicle chassis 94070  
supplied by a manufacturer or distributor, a person who modifies 94071  
a truck chassis supplied by a manufacturer or distributor for 94072  
use as a public safety or public service vehicle, a person who 94073  
modifies a motor vehicle chassis supplied by a manufacturer or 94074  
distributor for use as a limousine or hearse, or a person who 94075  
modifies an incomplete motor vehicle cab and chassis supplied by 94076  
a new motor vehicle dealer or distributor for use as a tow 94077  
truck, but does not mean either of the following: 94078

(a) A person who assembles or installs passenger seating, 94079  
a roof elevation, or a body extension on a recreational vehicle 94080  
as defined in division (Q) and referred to in division (B) of 94081  
section 4501.01 of the Revised Code; 94082

(b) An adaptive mobility dealer. 94083

(2) For the purposes of division (FF) (1) of this section, 94084  
"public safety vehicle or public service vehicle" means a fire 94085  
truck, ambulance, school bus, street sweeper, garbage packing 94086  
truck, or cement mixer, or a mobile self-contained facility 94087  
vehicle. 94088

(3) For the purposes of division (FF) (1) of this section, 94089  
"limousine" means a motor vehicle, designed only for the purpose 94090  
of carrying nine or fewer passengers, that a person modifies by 94091  
cutting the original chassis, lengthening the wheelbase by forty 94092

inches or more, and reinforcing the chassis in such a way that 94093  
all modifications comply with all applicable federal motor 94094  
vehicle safety standards. No person shall qualify as or be 94095  
deemed to be a remanufacturer who produces limousines unless the 94096  
person has a written agreement with the manufacturer of the 94097  
chassis the person utilizes to produce the limousines to 94098  
complete properly the remanufacture of the chassis into 94099  
limousines. 94100

(4) For the purposes of division (FF)(1) of this section, 94101  
"hearse" means a motor vehicle, designed only for the purpose of 94102  
transporting a single casket, that is equipped with a 94103  
compartment designed specifically to carry a single casket that 94104  
a person modifies by cutting the original chassis, lengthening 94105  
the wheelbase by ten inches or more, and reinforcing the chassis 94106  
in such a way that all modifications comply with all applicable 94107  
federal motor vehicle safety standards. No person shall qualify 94108  
as or be deemed to be a remanufacturer who produces hearses 94109  
unless the person has a written agreement with the manufacturer 94110  
of the chassis the person utilizes to produce the hearses to 94111  
complete properly the remanufacture of the chassis into hearses. 94112

(5) For the purposes of division (FF)(1) of this section, 94113  
"mobile self-contained facility vehicle" means a mobile 94114  
classroom vehicle, mobile laboratory vehicle, bookmobile, 94115  
bloodmobile, testing laboratory, and mobile display vehicle, 94116  
each of which is designed for purposes other than for passenger 94117  
transportation and other than the transportation or displacement 94118  
of cargo, freight, materials, or merchandise. A vehicle is 94119  
remanufactured into a mobile self-contained facility vehicle in 94120  
part by the addition of insulation to the body shell, and 94121  
installation of all of the following: a generator, electrical 94122  
wiring, plumbing, holding tanks, doors, windows, cabinets, 94123

shelving, and heating, ventilating, and air conditioning 94124  
systems. 94125

(6) For the purposes of division (FF)(1) of this section, 94126  
"tow truck" means both of the following: 94127

(a) An incomplete cab and chassis that are purchased by a 94128  
remanufacturer from a new motor vehicle dealer or distributor of 94129  
the cab and chassis and on which the remanufacturer then 94130  
installs in a permanent manner a wrecker body it purchases from 94131  
a manufacturer or distributor of wrecker bodies, installs an 94132  
emergency flashing light pylon and emergency lights upon the 94133  
mast of the wrecker body or rooftop, and installs such other 94134  
related accessories and equipment, including push bumpers, front 94135  
grille guards with pads and other custom-ordered items such as 94136  
painting, special lettering, and safety striping so as to create 94137  
a complete motor vehicle capable of lifting and towing another 94138  
motor vehicle. 94139

(b) An incomplete cab and chassis that are purchased by a 94140  
remanufacturer from a new motor vehicle dealer or distributor of 94141  
the cab and chassis and on which the remanufacturer then 94142  
installs in a permanent manner a car carrier body it purchases 94143  
from a manufacturer or distributor of car carrier bodies, 94144  
installs an emergency flashing light pylon and emergency lights 94145  
upon the rooftop, and installs such other related accessories 94146  
and equipment, including push bumpers, front grille guards with 94147  
pads and other custom-ordered items such as painting, special 94148  
lettering, and safety striping. 94149

As used in division (FF)(6)(b) of this section, "car 94150  
carrier body" means a mechanical or hydraulic apparatus capable 94151  
of lifting and holding a motor vehicle on a flat level surface 94152  
so that one or more motor vehicles can be transported, once the 94153



car carrier is permanently installed upon an incomplete cab and 94154  
chassis. 94155

(GG) "Operate as a new motor vehicle dealership" means 94156  
engaging in activities such as displaying, offering for sale, 94157  
and selling new motor vehicles at retail, operating a service 94158  
facility to perform repairs and maintenance on motor vehicles, 94159  
offering for sale and selling motor vehicle parts at retail, and 94160  
conducting all other acts that are usual and customary to the 94161  
operation of a new motor vehicle dealership. For the purposes of 94162  
this chapter only, possession of either a valid new motor 94163  
vehicle dealer franchise agreement or a new motor vehicle 94164  
dealers license, or both of these items, is not evidence that a 94165  
person is operating as a new motor vehicle dealership. 94166

(HH) "Outdoor power equipment" means garden and small 94167  
utility tractors, walk-behind and riding mowers, chainsaws, and 94168  
tillers. 94169

(II) "Remote service facility" means premises that are 94170  
separate from a licensed new motor vehicle dealer's sales 94171  
facility by not more than one mile and that are used by the 94172  
dealer to perform repairs, warranty work, recall work, and 94173  
maintenance on motor vehicles pursuant to a franchise agreement 94174  
entered into with a manufacturer of motor vehicles. A remote 94175  
service facility shall be deemed to be part of the franchise 94176  
agreement and is subject to all the rights, duties, obligations, 94177  
and requirements of Chapter 4517. of the Revised Code that 94178  
relate to the performance of motor vehicle repairs, warranty 94179  
work, recall work, and maintenance work by new motor vehicle 94180  
dealers. 94181

(JJ) "Recreational vehicle" has the same meaning as in 94182  
section 4501.01 of the Revised Code. 94183

(KK) "Construction equipment auctioneer" means a person 94184  
who holds both a valid auction firm license issued under Chapter 94185  
4707. of the Revised Code and a valid construction equipment 94186  
auction license issued under this chapter. 94187

(LL) "Large construction or transportation equipment" 94188  
means vehicles having a gross vehicle weight rating of more than 94189  
ten thousand pounds and includes road rollers, traction engines, 94190  
power shovels, power cranes, commercial cars and trucks, or farm 94191  
trucks, and other similar vehicles obtained primarily from the 94192  
construction, mining, transportation or farming industries. 94193

(MM) "Local market conditions" includes, but is not 94194  
limited to: 94195

(1) Demographics in the franchisee's area; 94196

(2) Geographical and market characteristics in the 94197  
franchisee's area; 94198

(3) Local economic circumstances; 94199

(4) The proximity of other motor vehicle dealers of the 94200  
same line-make; 94201

(5) The proximity of motor vehicle manufacturing 94202  
facilities; 94203

(6) The buying patterns of motor vehicle purchasers; 94204

(7) Customer drive time and drive distance. 94205

(NN) "Established place of business" means a permanent, 94206  
enclosed building or structure that meets all of the following 94207  
requirements: 94208

(1) It is either owned, leased, or rented by the motor 94209  
vehicle dealer. 94210

- (2) It meets local zoning or municipal requirements. 94211
- (3) It is regularly occupied by at least one person. 94212
- (4) It is easily accessible to the public. 94213
- (5) The records and files necessary to conduct the 94214  
business are generally kept and maintained at the location or 94215  
are readily accessible and available for reasonable inspection 94216  
from the location. 94217
- "Established place of business" does not mean a residence, 94218  
tent, temporary stand, storage shed, lot, or any temporary 94219  
quarters, unless authorized by the registrar of motor vehicles. 94220
- (OO) "Adaptive mobility dealer" means any person engaged 94221  
in the business of all of the following: 94222
- (1) Selling at retail, displaying, offering for sale, 94223  
delivering, and dealing in adaptive mobility vehicles; 94224
- (2) Selling and installing adaptive mobility equipment, 94225  
related accessories, and other goods and services to meet the 94226  
automotive adaptive mobility needs of drivers and passengers 94227  
with disabilities; 94228
- (3) Providing maintenance and repair services for adaptive 94229  
mobility vehicles and adaptive mobility equipment. 94230
- (PP) "Adaptive mobility equipment" means the mechanical or 94231  
electronic devices or parts that are designed to facilitate the 94232  
use of a motor vehicle by a person who is aging or a person with 94233  
disabilities, in accordance with 49 C.F.R. part 571, and that 94234  
are permanently attached to or incorporated into the motor 94235  
vehicle. 94236
- Sec. 4517.52.** (A) Each franchisor shall fulfill warranty 94237

and recall obligations of diagnosing, repairing, and servicing 94238  
motor vehicles, including all parts and components manufactured 94239  
for installation in any motor vehicle. 94240

(B) Each franchisor shall compensate each of its 94241  
franchisees for labor and parts used to fulfill warranty and 94242  
recall obligations of diagnostic, repair-and-, servicing, 94243  
updates to vehicle accessories or functions, and initialization 94244  
or repair of vehicle parts, systems, accessories, or functions 94245  
at rates not less than the rates charged by the franchisee to 94246  
its retail customers for warranty-like diagnosis, labor, and 94247  
parts for nonwarranty work. A-Diagnostic work includes the time 94248  
spent by a technician, who meets the franchisor's qualifications 94249  
and requirements for the repair work, communicating with the 94250  
franchisor's technical assistance or external franchisor source 94251  
in order to complete a warranty repair. 94252

A franchisee, other than a franchisee that deals in 94253  
recreational vehicles, may establish rates of compensation for 94254  
labor performed and parts used by the franchisee for purposes of 94255  
this section if all of the following apply: 94256

(1) The franchisee submits to the franchisor either of the 94257  
following: 94258

(a) One hundred sequential nonwarranty service repair 94259  
orders for warranty-like repairs that have been paid by a 94260  
customer and closed by the time of submission; 94261

(b) All service repair orders for warranty-like repairs, 94262  
that have been paid by a customer and closed by the time of 94263  
submission, for a period of ninety consecutive days. 94264

A franchisee either may submit a set of repair orders for 94265  
purposes of calculating both its retail labor rate and its 94266

retail parts markup percentage, or may submit separate sets of 94267  
repair orders for purposes of calculating its retail labor rate 94268  
and its retail parts markup percentage separately. The repair 94269  
orders submitted under division (B) (1) (a) or (b) of this section 94270  
must be from a period occurring not more than one hundred eighty 94271  
days before the submission. 94272

Subject to division (C) (3) of this section, if a 94273  
franchisor determines from any set of repair orders submitted 94274  
under this section that the retail labor rate or parts markup 94275  
percentage calculated under division (B) (2) or (3) of this 94276  
section is substantially higher or lower than the rate currently 94277  
on record with the franchisor for labor or parts, the franchisor 94278  
may request additional documentation for a period of either 94279  
~~ninety-sixty~~ days prior to or ~~ninety-sixty~~ days subsequent to 94280  
the time period for which the repair orders were submitted for 94281  
purposes of an alteration. 94282

(2) The franchisee calculates its retail labor rate by 94283  
determining the franchisee's total labor sales from the service 94284  
repair orders submitted under division (B) (1) of this section 94285  
and dividing that amount by the total number of labor hours that 94286  
generated those sales. 94287

(3) The franchisee calculates its retail parts markup 94288  
percentage by determining the franchisee's total parts sales 94289  
from the service repair orders submitted under division (B) (1) 94290  
of this section and dividing that amount by the franchisee's 94291  
total cost for the purchase of those parts, subtracting one from 94292  
that amount, and then multiplying the amount by one hundred. 94293

(4) In calculating the retail labor rate in division (B) 94294  
(2) of this section and the retail parts markup percentage in 94295  
division (B) (3) of this section, the franchisee omits charges 94296

for any of the following from the calculation:	94297
(a) Manufacturer or distributor special events, specials,	94298
or promotional discounts for retail customer repairs;	94299
(b) Parts sold, or repairs performed, at wholesale;	94300
(c) Routine maintenance that is not covered under a retail	94301
customer warranty, including the replacement of fluids, filters,	94302
and belts that are not provided in the course of other repairs;	94303
(d) Items that do not have individual part numbers, such	94304
as nuts, bolts, and fasteners;	94305
(e) Vehicle reconditioning;	94306
(f) Accessories;	94307
(g) Repairs of damage caused by a collision, a road	94308
hazard, the force of the elements, vandalism, theft, or operator	94309
negligence;	94310
(h) Parts sold or repairs performed for insurance	94311
carriers;	94312
(i) Vehicle emission or safety inspections required by	94313
law;	94314
(j) Goodwill or policy repairs or replacements;	94315
(k) Repairs for which volume discounts have been	94316
negotiated with government agencies or insurance carriers;	94317
(l) Repairs performed on vehicles from a different line-	94318
make;	94319
(m) Replacement of tires or related elements.	94320
(5) The franchisee provides notice of its retail labor	94321
rate and retail parts markup percentage calculated in accordance	94322

with this section to the franchisor. 94323

(C) (1) A franchisor may contest the retail labor rate or 94324  
retail parts markup percentage that was calculated by the 94325  
franchisee under division (B) of this section within thirty days 94326  
after receiving notice from the franchisee. If the franchisor 94327  
seeks to contest the retail labor rate or retail parts markup 94328  
percentage, the franchisor shall notify the franchisee that the 94329  
franchisor believes the rate or markup percentage is materially 94330  
~~inaccurate or substantially different than that of other~~ 94331  
~~similarly situated, same line-make new motor vehicle dealers in~~ 94332  
~~the vicinity,~~ provide a full explanation of the reasons the 94333  
franchisor disagrees with the rate or markup percentage, provide 94334  
evidence substantiating the franchisor's position, and propose 94335  
an adjustment of the contested rate or markup percentage. The 94336  
franchisor shall not modify its notice to the franchisee or its 94337  
grounds for contesting the rate or markup percentage after 94338  
submitting a notice to the franchisee under division (C) (1) of 94339  
this section. 94340

(2) If the franchisor does not contest the rate or markup 94341  
percentage that was calculated by the franchisee under division 94342  
(B) of this section within thirty days after receiving notice of 94343  
the rate or markup percentage from the franchisee, the 94344  
uncontested rate or markup percentage takes effect. The 94345  
franchisor then shall use the rate and markup percentage to 94346  
determine compensation for any warranty and recall work and 94347  
service performed by the franchisee until the rate or markup 94348  
percentage is modified. 94349

(3) If the franchisor contests a rate or markup percentage 94350  
established by the franchisee under division (B) of this 94351  
section, the franchisor and franchisee shall resolve the 94352

disagreement through the franchisor's internal dispute 94353  
resolution process. However, the franchisee may appeal a 94354  
determination made as part of the dispute resolution process to 94355  
a court of competent jurisdiction. Any rate or markup percentage 94356  
established either through an internal dispute resolution 94357  
process or by a court as part of an appeal under this section 94358  
shall be applied retroactively to govern reimbursement for labor 94359  
or parts, as applicable, beginning thirty days after the date 94360  
the franchisee submitted the disputed rate or markup percentage 94361  
under division (B) of this section. 94362

(4) A franchisee shall not establish or modify a retail 94363  
labor rate or retail parts markup percentage more frequently 94364  
than once per calendar year. 94365

(D) When calculating the compensation that must be 94366  
provided to a franchisee for labor and parts used to fulfill 94367  
warranty and recall obligations under this section, all of the 94368  
following apply: 94369

(1) The franchisor shall use time allowances for the 94370  
diagnosis and performance of the warranty and recall work and 94371  
service that are reasonable and adequate for the work or 94372  
services to be performed by a qualified technician. 94373

(2) The franchisor shall use any retail labor rate and any 94374  
retail parts markup percentage established in accordance with 94375  
this section in calculating the compensation. 94376

(3) If the franchisor provided a part or component to the 94377  
franchisee at a reduced cost or no cost to use in performing 94378  
repairs under a recall, campaign service action, or warranty 94379  
repair, the franchisor shall provide to the franchisee an amount 94380  
equal to the retail parts markup for that part or component, 94381



which shall be calculated by multiplying the dealer cost for the 94382  
part or component as listed in the franchisor's price schedule 94383  
by the retail parts markup percentage. 94384

(4) A franchisor shall not assess penalties, surcharges, 94385  
or similar costs to a franchisee, transfer or shift any costs to 94386  
a franchisee, limit allocation of vehicles or parts to a 94387  
franchisee, or otherwise take retaliatory action against a 94388  
franchisee based on any franchisee's exercise of its rights 94389  
under this section. It is the burden of the franchisee to prove 94390  
any claims under division (D) (4) of this section by a 94391  
preponderance of the evidence. Nothing in this section prohibits 94392  
a franchisor from increasing the price of a vehicle or part in 94393  
the normal course of business. 94394

(5) A franchisor shall fully reimburse a franchisee for 94395  
the cost of any rental vehicle provided to a customer when the 94396  
rental is required, offered, advertised as available, or 94397  
otherwise agreed to by the franchisor. The franchisor shall not 94398  
deny or reduce the reimbursement to the franchisee because the 94399  
franchisee is unable to provide a specific type of vehicle, 94400  
including a particular line-make, size, or category of vehicle. 94401

(E) A franchisor shall not require a franchisee to 94402  
establish a retail labor rate or retail parts markup percentage 94403  
using any method that is unduly burdensome or time consuming, or 94404  
require the use of information that is unduly burdensome or time 94405  
consuming to obtain, including part-by-part or transaction-by- 94406  
transaction calculations or utilization of the franchisee's 94407  
financial statement. Further, no franchisor shall unilaterally 94408  
calculate a retail labor rate or retail parts markup percentage 94409  
for a franchisee. 94410

Divisions (A), (C), (D), and (E) of this section do not 94411

apply to franchisors or franchisees who deal in recreational 94412  
vehicles. Division (B) of this section as it pertains to 94413  
diagnostic work does not apply to franchisors or franchisees who 94414  
deal in recreational vehicles. 94415

**Sec. 4517.521.** (A) As used in this section: 94416

(1) "Stop-sale or do-not-drive order" means a notification 94417  
issued by a motor vehicle manufacturer to its franchised motor 94418  
vehicle dealers stating that certain used motor vehicles in 94419  
inventory shall not be sold, either at retail or wholesale, 94420  
leased, or driven due to a federal safety recall or a federal or 94421  
state emissions recall. 94422

(2) "Average trade-in value" means the approximate 94423  
monetary value for a used motor vehicle that is indicated in an 94424  
independent third-party guide, based on the year, make, and 94425  
model of a vehicle. 94426

(B) (1) Pursuant to division (B) (2) of this section, a 94427  
franchisor shall compensate a franchisee of not less than one 94428  
and twenty-five hundredths per cent of the average trade-in 94429  
value for a used motor vehicle that is the subject of a stop- 94430  
sale or do-not-drive order if both of the following apply: 94431

(a) The franchisee is authorized to sell or perform recall 94432  
repairs on motor vehicles that are the same line-make as the 94433  
subject motor vehicle; 94434

(b) The parts or remedy that are necessary to perform the 94435  
recall service or repair on the subject motor vehicle are not 94436  
reasonably available to perform that service or repair within 94437  
thirty days of the franchisor issuing the recall notice and 94438  
associated stop-sale or do-not-drive order. 94439

(2) The compensation described in division (B) (1) of this 94440

section shall be paid per month, or prorated for a portion of 94441  
the month. The compensation shall commence on the thirtieth day 94442  
after the recall notice and stop-sale or do-not-drive order was 94443  
issued. The compensation shall end on the earlier of the 94444  
following dates: 94445

(a) The date that the remedy or repair parts that are 94446  
necessary to resolve the recall notice and stop-sale or do-not- 94447  
drive order are available to the franchisee for the subject 94448  
motor vehicle; 94449

(b) The franchisee sells, trades, or otherwise disposes of 94450  
the subject motor vehicle. 94451

(3) A franchisor is not required to compensate a 94452  
franchisee for more than the total average trade-in value of the 94453  
subject motor vehicle. 94454

(C) Division (B) of this section does not apply to motor 94455  
vehicles purchased by a franchisee after the date the recall 94456  
notice or stop-sale or do-not-drive order was issued or to motor 94457  
vehicles that were purchased outside of the ordinary course of 94458  
business. 94459

(D) A franchisor may compensate a franchisee under a 94460  
national recall compensation program if the compensation under 94461  
that program equals or exceeds the compensation specified in 94462  
division (B) of this section or per any agreement between the 94463  
franchisor and franchisee. 94464

(E) A franchisor shall not attempt to recover all or any 94465  
other portion of its costs for compensating a franchisee in 94466  
accordance with this section either through a reduction in the 94467  
amount due to a franchisee or through a separate charge, 94468  
surcharge, or other imposition related to the costs of recalled 94469

vehicles, parts, diagnostic work, or other services. Nothing in 94470  
division (E) of this section prohibits a franchisor from 94471  
changing its prices in the ordinary course of business or 94472  
prohibits a franchisor from charging back a franchisee for an 94473  
unnecessary or improperly performed repair. 94474

(F) A franchisor may determine the manner and method in 94475  
which a franchisee demonstrates the inventory status of a motor 94476  
vehicle that is eligible for compensation in accordance with 94477  
this section. The manner, method, and type of information 94478  
required shall not be unduly burdensome for the franchisee. 94479

(G) Any remedy provided to a franchisee in accordance with 94480  
this section shall be the exclusive remedy provided to that 94481  
franchisee for compensation related to a used motor vehicle that 94482  
is the subject of a stop-sale or do-not-drive order. A remedy 94483  
provided in accordance with this section shall not be combined 94484  
with any other state or federal recall compensation remedy for 94485  
used motor vehicles subject to a stop-sale or do-not-drive 94486  
order. 94487

(H) This section does not apply to franchisors or 94488  
franchisees who deal in recreational vehicles. 94489

**Sec. 4517.60.** Notwithstanding the terms, conditions, or 94490  
provisions of any franchise, or the date such franchise was 94491  
executed, each franchisor shall indemnify and hold harmless its 94492  
franchisees against any losses, including, but not limited to, 94493  
court costs and attorney fees reasonably incurred, or damages 94494  
arising out of complaints, claims, or suits, whether or not 94495  
meritorious, relating in whole or in part to claims under 94496  
section 1345.72 of the Revised Code, or to the manufacture, 94497  
assembly, or design of motor vehicles, parts, or accessories, to 94498  
damage corrected by the franchisor prior to receipt of a motor 94499

vehicle by the franchisee, or relating to other functions of the 94500  
franchisor beyond the control of the franchisee, including, but 94501  
not limited to, the selection by the franchisor of parts or 94502  
components for the motor vehicle, the franchisor's designation 94503  
of features or equipment as optional, and any damage to 94504  
merchandise occurring in transit to the franchisee where the 94505  
carrier is designated by the franchisor. The franchisee shall 94506  
give notice to the franchisor within twenty-eight days of 94507  
service of summons on the franchisee of pending suits in which 94508  
allegations are made that come within this section and shall 94509  
cooperate with the franchisor in the defense of such suits. 94510

**Sec. 4519.59.** (A) (1) The clerk of a court of common pleas 94511  
shall charge and retain fees as follows: 94512

(a) Fifteen dollars, or twenty dollars if a board of 94513  
county commissioners adopts a resolution authorizing the 94514  
increased fee for that county, for each certificate of title or 94515  
duplicate certificate of title including the issuance of a 94516  
memorandum certificate of title, authorization to print a non- 94517  
negotiable evidence of ownership described in division (D) of 94518  
section 4519.58 of the Revised Code, non-negotiable evidence of 94519  
ownership printed by the clerk under division (E) of that 94520  
section, and notation of any lien on a certificate of title that 94521  
is applied for at the same time as the certificate of title. The 94522  
clerk shall retain eleven dollars and fifty cents of that fee 94523  
for each certificate of title when there is a notation of a lien 94524  
or security interest on the certificate of title, twelve dollars 94525  
and twenty-five cents when there is no lien or security interest 94526  
noted on the certificate of title, and eleven dollars and fifty 94527  
cents for each duplicate certificate of title. If a board of 94528  
county commissioners adopts a resolution authorizing a twenty- 94529  
dollar fee, the clerk shall retain the additional five dollars 94530

of that fee.

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(b) Five dollars for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes. The clerk shall retain two dollars and twenty-five cents of that fee.

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(c) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

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(2) The fees that are not retained by the clerk shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is forwarded or that in which the registrar is notified of a lien or cancellation of a lien.

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(B) (1) The registrar shall pay twenty-five cents of the amount received for each certificate of title that is issued to a motor vehicle dealer for resale, one dollar for certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

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(2) Fifty cents of the amount received for each certificate of title shall be paid by the registrar as follows:

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(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund created in section 4505.09 of the Revised Code, for use as described in division (B) (2) (a) of that section.

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(b) Twenty-one cents shall be paid into the highway

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operating fund. 94560

(c) Twenty-five cents shall be paid into the state 94561  
treasury to the credit of the motor vehicle sales audit fund 94562  
created in section 4505.09 of the Revised Code, for use as 94563  
described in division (B) (2) (c) of that section. 94564

(3) Two dollars of the amount received by the registrar 94565  
for each certificate of title shall be paid into the state 94566  
treasury to the credit of the automated title processing fund 94567  
created in section 4505.09 of the Revised Code, for use as 94568  
described in divisions (B) (3) (a) and (c) of that section. 94569

**Sec. 4582.024.** After a port authority has been created, 94570  
any municipal corporation, township, or county, acting by 94571  
ordinance, resolution of the township trustees, or resolution of 94572  
the county commissioners, respectively, which is contiguous to 94573  
such port authority, or to any municipal corporation, township, 94574  
or county which proposes to join such port authority at the same 94575  
time and is contiguous to such port authority, or any county 94576  
within which such port authority is situated, may join such port 94577  
authority and thereupon the jurisdiction and territory of such 94578  
port authority shall include such municipal corporation, county, 94579  
or township. If more than one such political subdivision is to 94580  
be joined to the port authority at the same time, then each such 94581  
ordinance or resolution shall designate the political 94582  
subdivisions which are to be so joined. Any territory or 94583  
municipal corporation not included in a port authority and which 94584  
is annexed to a municipal corporation included within the 94585  
jurisdiction and territory of a port authority shall, on such 94586  
annexation and without further proceedings, be annexed to and be 94587  
included in the jurisdiction and territory of such port 94588  
authority. Before such political subdivision or subdivisions are 94589

joined to a port authority, other than by annexation to a 94590  
municipality, the political subdivision or subdivisions 94591  
therefore comprising such port authority shall agree upon the 94592  
terms and conditions pursuant to which such political 94593  
subdivision or subdivisions are to be joined. For all purposes 94594  
of sections 4582.01 to 4582.20, inclusive, of the Revised Code, 94595  
such political subdivision or subdivisions shall be considered 94596  
to have participated in the creation of such port authority, 94597  
except that the initial term of any director of the port 94598  
authority appointed by such a political subdivision shall be 94599  
four years. After each ordinance or resolution proposing joinder 94600  
to the port authority has become effective and the terms and 94601  
conditions of joinder have been agreed to, the board of 94602  
directors of the port authority shall by resolution either 94603  
accept or reject such joinder. Such joinder shall be effective 94604  
on adoption of the resolution accepting such joinder, unless the 94605  
port authority to which a political subdivision or subdivisions 94606  
including a county within which such port authority is located, 94607  
are to be joined has authority under section 4582.14 of the 94608  
Revised Code to levy a tax on property within its jurisdiction, 94609  
then such joinder shall not be effective until approved by the 94610  
affirmative vote of a majority of the electors voting on the 94611  
question of such joinder. If more than one political subdivision 94612  
is to be joined to the port authority, then the electors of such 94613  
subdivision shall vote as a district and the majority 94614  
affirmative vote shall be determined by the vote cast in such 94615  
district as a whole. 94616

If a tax on property is to be levied, the board of 94617  
directors of the port authority and the county auditor shall 94618  
proceed in the same manner as required for a tax levy under 94619  
section 5705.03 of the Revised Code, except that the levy's 94620



annual collections shall be estimated assuming that the 94621  
additional subdivision or subdivisions have joined the port 94622  
authority. 94623

The election shall be called by the board of directors of 94624  
the port authority and shall be held, canvassed, and certified 94625  
in the manner provided for the submission of tax levies under 94626  
section 5705.191 of the Revised Code except that the question 94627  
appearing on the ballot shall read: 94628

"Shall \_\_\_\_\_ 94629

(name or names of political subdivisions to be joined) 94630

be joined to \_\_\_\_\_ (name) port authority and the 94631

existing tax levy (levies) of such port authority, that the 94632

county auditor estimates will collect \$\_\_\_\_\_ annually, at a rate 94633

not exceeding 94634

\_\_\_\_\_ mill(s) for each \$1 of taxable value, which amounts to 94635

\$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county~~ 94636

~~auditor's appraised market~~ value, be authorized to be 94637

levied against properties within 94638

\_\_\_\_\_ " 94639

(name or names of political subdivisions to be joined) 94640

If the question is approved such joinder shall be 94641

immediately effective and the port authority shall be authorized 94642

to extend the levy of such tax against all the taxable property 94643

within the political subdivision or political subdivisions which 94644

have been joined. If such question is approved at a general 94645

election then the port authority may amend its budget and 94646

resolution adopted pursuant to section 5705.34 of the Revised 94647

Code and such levy shall be placed on the current tax list and 94648  
duplicate and collected as other taxes are collected from all 94649  
taxable property within the port authority including the 94650  
political subdivision or political subdivisions joined as a 94651  
result of such election. 94652

As used in this section, "~~the county auditor's appraised~~ 94653  
market value" and "effective rate" have the same meanings as in 94654  
section 5705.01 of the Revised Code. 94655

**Sec. 4582.26.** After a port authority has been created, any 94656  
municipal corporation, township, county, or other political 94657  
subdivision, acting by ordinance or resolution, which is 94658  
contiguous to any municipal corporation, township, county, or 94659  
other political subdivision which participated in the creation 94660  
of such port authority or to any municipal corporation, 94661  
township, county, or other political subdivision which proposes 94662  
to join the port authority at the same time and is contiguous to 94663  
any municipal corporation, township, county, or other political 94664  
subdivision which participated in the creation of such port 94665  
authority, may join such port authority, and thereupon the 94666  
jurisdiction and territory of the port authority includes the 94667  
municipal corporation, county, township, or other political 94668  
subdivision so joining. If more than one such political 94669  
subdivision is to be joined to the port authority at the same 94670  
time, then each such ordinance or resolution shall designate the 94671  
political subdivisions which are to be so joined. Any territory 94672  
or municipal corporation not included in a port authority and 94673  
which is annexed to a municipal corporation included within the 94674  
jurisdiction and territory of a port authority shall, on such 94675  
annexation and without further proceedings, be annexed to and be 94676  
included in the jurisdiction and territory of the port 94677  
authority. Before such political subdivision or subdivisions are 94678

joined to a port authority, other than by annexation to a 94679  
municipal corporation, the political subdivision or subdivisions 94680  
theretofore comprising such port authority shall agree upon the 94681  
terms and conditions pursuant to which such political 94682  
subdivision or subdivisions are to be joined. For all purposes 94683  
of sections 4582.21 to 4582.59 of the Revised Code, such 94684  
political subdivision or subdivisions shall be considered to 94685  
have participated in the creation of such port authority, except 94686  
that the initial term of any director of the port authority 94687  
appointed by such a political subdivision shall be four years. 94688  
After each ordinance or resolution proposing joinder to the port 94689  
authority has become effective and the terms and conditions of 94690  
joinder have been agreed to, the board of directors of the port 94691  
authority shall by resolution either accept or reject such 94692  
joinder. Such joinder shall be effective upon adoption of the 94693  
resolution accepting such joinder, unless the port authority to 94694  
which a political subdivision or subdivisions, including a 94695  
county within which such port authority is located, are to be 94696  
joined, has authority under section 4582.40 of the Revised Code 94697  
to levy a tax on property within its jurisdiction, then such 94698  
joinder shall not be effective until approved by the affirmative 94699  
vote of a majority of the electors voting on the question of the 94700  
joinder. If more than one political subdivision is to be joined 94701  
to the port authority, then the electors of such subdivisions 94702  
shall vote as a district and the majority affirmative vote shall 94703  
be determined by the vote cast in such district as a whole. 94704

If a tax on property is to be levied, the board of 94705  
directors of the port authority and the county auditor shall 94706  
proceed in the manner as required for a tax levy under section 94707  
5705.03 of the Revised Code, except that the levy's annual 94708  
collections shall be estimated assuming that the additional 94709

subdivision or subdivisions have joined the port authority. 94710

The election shall be called by the board of directors of 94711  
the port authority and shall be held, canvassed, and certified 94712  
in the manner provided for the submission of tax levies under 94713  
section 5705.191 of the Revised Code except that the question 94714  
appearing on the ballot shall read: 94715

"Shall \_\_\_\_\_ 94716

(Name or names of political subdivisions to be joined) 94717

\_\_\_\_\_ 94718

be joined to \_\_\_\_\_ (Name) port authority 94719

and the existing tax levy (levies) of such port authority, that 94720  
the county auditor estimates will collect \$\_\_\_\_\_ annually, at a 94721  
rate not exceeding \_\_\_\_\_ mill(s) for each \$1 of 94722  
taxable value, which amounts to \$\_\_\_\_\_ (effective rate) for 94723  
each \$100,000 of ~~the county auditor's appraised market~~ value, 94724

be authorized to be levied against properties within 94725

\_\_\_\_\_?" 94726

(Name or names of political subdivisions to be joined) 94727

If the question is approved the joinder becomes 94728  
immediately effective and the port authority is authorized to 94729  
extend the levy of such tax against all the taxable property 94730  
within the political subdivision or political subdivisions which 94731  
have been joined. If such question is approved at a general 94732  
election, then the port authority may amend its budget and 94733  
resolution adopted pursuant to section 5705.34 of the Revised 94734  
Code and such levy shall be placed on the current tax list and 94735  
duplicate and collected as other taxes are collected from all 94736

taxable property within the port authority including the 94737  
political subdivision or political subdivisions joined as a 94738  
result of the election. 94739

As used in this section, "~~the county auditor's appraised~~ 94740  
market value" and "effective rate" have the same meanings as in 94741  
section 5705.01 of the Revised Code. 94742

Sec. 4582.61. (A) As used in this section, "capital 94743  
leaseback agreement" means the sale or transfer of property by a 94744  
port authority to another person contemporaneously followed by 94745  
the leasing of the property to the port authority. 94746

(B) On and after the effective date of this section and 94747  
notwithstanding any other provision in this chapter to the 94748  
contrary, no port authority shall enter into a capital leaseback 94749  
agreement with a non-public entity without approval from the 94750  
board of county commissioners in which the applicable property 94751  
is located or, if the property is located in more than one 94752  
county, from the board of county commissioners of each county in 94753  
which the property is located. 94754

Sec. 4582.72. Notwithstanding any other provision of this 94755  
chapter, no port authority created under section 4582.02 or 94756  
4582.22 of the Revised Code shall enter an agreement providing 94757  
for the construction or renovation of improvements to real 94758  
property to which all of the following applies without first 94759  
obtaining approval from the board of county commissioners in the 94760  
county where the property is located or, if the property is 94761  
located in more than one county, from the board of county 94762  
commissioners of each county in which the property is located: 94763

(A) The agreement is with a non-public entity. 94764

(B) The majority of the floor space of the improvements 94765

that are the subject of the agreement will not be occupied by 94766  
the port authority upon completion of the construction or 94767  
renovation. 94768

(C) Building materials purchased for the renovation or 94769  
construction will qualify for the exemption authorized by 94770  
division (B) (13) of section 5739.02 of the Revised Code. 94771

**Sec. 4582.73.** (A) As used in this section: 94772

(1) "Credit enhancement facilities" has the same meaning 94773  
as in section 133.01 of the Revised Code. 94774

(2) "Common bond fund program" means any program 94775  
authorized by a port authority for the purpose of financing port 94776  
authority facilities and enhancing the credit of port authority 94777  
obligations using credit enhancement facilities, cash reserves, 94778  
or other moneys available for such purpose. 94779

(3) "Obligations" means bonds, notes, or other forms or 94780  
evidences of obligation constituting revenue bonds as that term 94781  
is used in division (A) (4) of section 4582.06 of the Revised 94782  
Code, or port authority revenue bonds as that term is used in 94783  
section 4582.48 and division (A) (8) of section 4582.31 of the 94784  
Revised Code, issued by a port authority. 94785

(4) "Port authority" means a body corporate and politic 94786  
created pursuant to the authority of this chapter. 94787

(5) "Port authority facilities" and "port authority 94788  
facility" have the same meaning as in division (D) of section 94789  
4582.01 or in division (E) of section 4582.21 of the Revised 94790  
Code, as applicable. 94791

(B) A port authority may, by one or more resolutions of 94792  
its board of directors, establish and maintain a common bond 94793

fund program. A port authority that has established a common 94794  
bond fund program may operate and manage such program, authorize 94795  
agreements and other documents for such program, and appropriate 94796  
funds of the port authority for the support of such program. A 94797  
port authority, as part of a common bond fund program, may 94798  
authorize the use of one or more credit enhancement facilities 94799  
and cash reserves or other money available for the purpose of 94800  
financing port authority facilities, all as authorized in the 94801  
bond proceedings associated with the obligations issued as part 94802  
of the common bond fund program. 94803

Any obligations issued by a port authority and secured by 94804  
a trust agreement between the port authority and a corporate 94805  
trustee under division (A) (4) of section 4582.06 or section 94806  
4582.50 may, in the discretion of the port authority, be issued 94807  
as part of a common bond fund program. Any trust agreement used 94808  
in a common bond fund program, and the establishment, deposit, 94809  
investment and application of special funds, and the 94810  
safeguarding of money, shall be governed by the bond proceedings 94811  
associated with the obligations and by this chapter. More than 94812  
one obligation may be secured by a trust agreement used in a 94813  
common bond fund program. 94814

(C) All terms, provisions, and authorizations in this 94815  
chapter as applicable to a port authority, and the terms, 94816  
provisions, and authorizations of sections 9.96, 9.98, 9.981, 94817  
9.982, and 9.983 of the Revised Code, apply to obligations 94818  
issued as part of a common bond fund program and the associated 94819  
bond proceedings, except as otherwise provided in this section, 94820  
or except as otherwise provided in those obligations and 94821  
associated bond proceedings. 94822

(D) This section shall be liberally construed to effect 94823

the purpose of authorizing common bond fund programs. The powers 94824  
and authorizations granted in this section may be exercised 94825  
jointly or separately by one or more port authorities and are in 94826  
addition to and supplemental to the powers and authorizations 94827  
otherwise granted to port authorities under the applicable 94828  
provisions of this chapter and shall not be construed as a 94829  
limitation on any such powers or authorizations. 94830

(E) This section provides additional optional authority 94831  
for the establishment of a common bond fund program. Nothing in 94832  
this section shall impair or affect any common bond fund program 94833  
created prior to the effective date of this section. This 94834  
section does not apply to any common bond fund program created 94835  
prior to the effective date of this section unless the port 94836  
authority elects to apply this section to its common bond fund 94837  
program by one or more resolutions of its board of directors. 94838

**Sec. 4701.01.** As used in this chapter: 94839

(A) "Practice of public accounting" means performing or 94840  
offering to perform any engagement that will result in the 94841  
issuance of an attest report and, with respect to a person who 94842  
holds a CPA certificate, PA registration, foreign certificate, 94843  
or firm registration, any other services involving the use of 94844  
accounting or auditing skills as established by rules adopted by 94845  
the accountancy board. 94846

(B) "Public accounting firm" means a sole proprietorship, 94847  
a partnership, a limited liability company, a professional 94848  
association, a corporation-for-profit, or any other business 94849  
organization that is engaged in the practice of public 94850  
accounting in this state. 94851

(C) "Opinion report" means any opinion on a financial 94852



statement that is expressed in accordance with generally 94853  
accepted auditing standards as to the fairness of presentation 94854  
of information and that is used for guidance in financial 94855  
transactions, for accounting, or for assessing the status or 94856  
performance of commercial and noncommercial enterprises, whether 94857  
public, private, or governmental. 94858

(D) "Peer review" means a study, appraisal, or review of 94859  
one or more aspects of the professional work of a public 94860  
accounting firm that meets the standards and requirements set 94861  
forth by the accountancy board. 94862

(E) "Review report" means either of the following: 94863

(1) Any review report on a financial statement that is 94864  
issued with respect to any of the following: 94865

(a) Interim financial information in accordance with 94866  
generally accepted auditing standards; 94867

(b) The financial information of a nonpublic entity in 94868  
accordance with statements on standards for accounting and 94869  
review services; 94870

(c) The reliability of another party's written assertion 94871  
in accordance with statements on standards for attestation 94872  
engagements. 94873

(2) Any other review report on a financial statement that 94874  
is not described in division (E) (1) of this section and that is 94875  
issued in accordance with standards promulgated by the American 94876  
institute of certified public accountants. 94877

(F) "Compilation report" means any compilation report on a 94878  
financial statement that is issued with respect to financial 94879  
information of a nonpublic entity in accordance with statements 94880

on standards for accounting and review services as promulgated 94881  
by the American institute of certified public accountants. 94882

(G) "Examination report" means any examination report on a 94883  
financial statement that is issued with respect to another 94884  
party's written assertion in accordance with statements on 94885  
standards for attestation engagements as promulgated by the 94886  
American institute of certified public accountants. 94887

(H) "Agreed-upon procedures report" means any report that 94888  
is on a financial statement and that is based on agreed-upon 94889  
procedures issued with respect to another party's written 94890  
assertion in accordance with statements on standards for 94891  
attestation engagements as promulgated by the American institute 94892  
of certified public accountants. 94893

(I) "Qualified firm" means a sole proprietorship, 94894  
partnership, professional association, corporation-for-profit, 94895  
limited liability company, or other business organization in 94896  
which the individuals who own a majority of the business 94897  
organization interests in the business organization and control 94898  
the business organization hold an Ohio permit or a foreign 94899  
certificate. 94900

(J) "Own" means any direct or indirect ownership of an 94901  
equity interest or shares in a public accounting firm or 94902  
qualified firm. 94903

(K) "Control" or "controlled" means the right to exercise 94904  
the majority of the voting equity interests or shares in a 94905  
public accounting firm or qualified firm with respect to any 94906  
matter. 94907

(L) "Equity interest" means any capital interest or profit 94908  
interest in a sole proprietorship, partnership, professional 94909

association, corporation-for-profit, limited liability company, 94910  
or other business organization. 94911

(M) "Ohio permit" means a permit to practice public 94912  
accounting issued under division (A) of section 4701.10 of the 94913  
Revised Code that is not revoked or suspended. 94914

(N) "Ohio registration" means the registration under 94915  
division (B) of section 4701.10 of the Revised Code of a holder 94916  
of a CPA certificate or PA registration who is not in the 94917  
practice of public accounting in this state. 94918

(O) "Firm registration" or "registered firm" means 94919  
registration as a public accounting firm under section 4701.04 94920  
of the Revised Code. 94921

(P) "PA registration" means registration as a public 94922  
accountant under section 4701.07 of the Revised Code that is not 94923  
revoked or suspended. 94924

(Q) "CPA certificate" means a certificate issued under 94925  
section 4701.06 or 4701.061 of the Revised Code that is not 94926  
revoked or suspended. 94927

(R) "Foreign certificate" means a license, permit, 94928  
certificate, or registration issued to a certified public 94929  
accountant under the laws of another state that authorizes the 94930  
holder to practice public accounting in that state, is valid, is 94931  
in good standing, and has not expired. 94932

(S) "Attest report" means an opinion report, review 94933  
report, compilation report, examination report, agreed-upon 94934  
procedures report, or any similar report prepared in accordance 94935  
with standards established by the American institute of 94936  
certified public accountants with respect to a financial 94937  
statement or other financial information. 94938

(T) "Person" means any individual, corporation-for-profit, 94939  
business trust, estate, partnership, limited liability company, 94940  
professional association, or other business organization. 94941

(U) Technical terms that define specific public accounting 94942  
engagements have the same meanings as in the professional 94943  
standards promulgated by the American institute of certified 94944  
public accountants. 94945

**Sec. 4701.04.** (A) No public accounting firm located in 94946  
this state shall engage in the practice of public accounting in 94947  
this state unless it registers with the accountancy board and 94948  
pays a registration fee set by the board. 94949

(B) Public accounting firms shall apply for initial 94950  
registration within ninety days after formation or within ninety 94951  
days after the commencement of practicing public accounting in 94952  
this state. All public accounting firms shall renew their 94953  
registration triennially. All public accounting firms shall 94954  
submit with their initial and renewal registration applications 94955  
all of the following: 94956

(1) A list of the names, addresses, and certificate or 94957  
registration numbers of all individuals who hold an Ohio permit 94958  
and who own an equity interest or shares in the public 94959  
accounting firm or are employed by the public accounting firm; 94960

(2) A list of the names and addresses of each person who 94961  
does not hold an Ohio permit or a foreign certificate and who 94962  
owns an equity interest or shares in the public accounting firm 94963  
if the person's principal place of business is located in this 94964  
state; 94965

(3) A statement that the public accounting firm and each 94966  
person who owns an equity interest or shares in the public 94967

accounting firm or is employed by the public accounting firm and 94968  
who does not hold an Ohio permit or a foreign certificate is in 94969  
compliance with divisions (C) and (D) of this section. 94970

(C) A public accounting firm shall satisfy all of the 94971  
following requirements in order to register: 94972

(1) Except as provided in division ~~(C)~~ ~~(5)~~ (C) (7) of this 94973  
section, ~~each partner, shareholder, member, or other person who~~ 94974  
~~owns an more than fifty per cent of the total equity interest or~~ 94975  
shares in the public accounting firm shall be owned by 94976  
individuals who hold an Ohio permit or a foreign certificate. 94977

(2) If a public accounting firm has a board of directors, 94978  
more than fifty per cent of the directors shall hold an Ohio 94979  
permit or a foreign certificate. 94980

(3) If a public accounting firm has an employee stock 94981  
ownership plan, more than fifty per cent of the trustees of the 94982  
employee stock ownership plan shall hold an Ohio permit or a 94983  
foreign certificate. 94984

(4) The public accounting firm shall designate an 94985  
individual who holds an Ohio permit who shall be responsible for 94986  
the proper registration of the firm. The public accounting firm 94987  
shall identify this individual to the board. 94988

~~(3)~~ (5) Each individual in a public accounting firm who 94989  
signs any attest report issued from an office of the public 94990  
accounting firm located in this state shall hold an Ohio permit. 94991

~~(4)~~ (6) An individual who owns an equity interest or shares 94992  
in the public accounting firm or is employed by the public 94993  
accounting firm and who holds an Ohio permit or a foreign 94994  
certificate, or a qualified firm that owns an equity interest or 94995  
shares in the public accounting firm, shall assume ultimate 94996

responsibility for any attest report issued from an office of 94997  
the public accounting firm located in this state. 94998

~~(5)~~(7) Any person who does not hold an Ohio permit or a 94999  
foreign certificate and who holds an equity interest or shares 95000  
in the public accounting firm shall satisfy the conditions set 95001  
forth in division (D) of this section. 95002

~~(6)~~(8) The public accounting firm shall provide for the 95003  
transfer of the equity interest or shares owned by persons who 95004  
do not hold an Ohio permit or a foreign certificate to either 95005  
the public accounting firm or to another person who owns an 95006  
equity interest or shares in the firm if a person who does not 95007  
hold an Ohio permit or a foreign certificate withdraws from or 95008  
ceases to be employed by the public accounting firm. The public 95009  
accounting firm may make payments in connection with the 95010  
person's withdrawal from the firm to that person or, if that 95011  
person is deceased or dissolved, to the person's estate or 95012  
successor in interest. 95013

(D) A person who does not hold an Ohio permit or a foreign 95014  
certificate may own an equity interest or shares in a public 95015  
accounting firm if all of the following conditions are met: 95016

(1) All of the individuals who hold an Ohio permit or a 95017  
foreign certificate and who own equity interests or shares in 95018  
the public accounting firm, and qualified firms that own equity 95019  
interests or shares in the public accounting firm, own, in the 95020  
aggregate, a majority of the equity interests or shares in the 95021  
public accounting firm and control the public accounting firm. 95022

(2) The person does not assume or use any titles or 95023  
designations specified in division (A) of section 4701.14 of the 95024  
Revised Code. The person may designate or refer to the person as 95025

a shareholder, partner, member, principal, owner, or officer of 95026  
the public accounting firm and also may use any other title that 95027  
the board authorizes by rule. 95028

(3) The person is not in violation of any standard 95029  
regarding the character or conduct of that person that the board 95030  
establishes by rule. 95031

(4) The person's participation in the business of the 95032  
public accounting firm is the person's principal occupation and 95033  
consists of providing services to or on behalf of the public 95034  
accounting firm, and the person is not functioning solely or 95035  
predominately as a passive investor in the public accounting 95036  
firm. 95037

(5) The person meets or exceeds the continuing education 95038  
requirements that the board establishes by rule. 95039

(6) A person who holds a professional license, 95040  
registration, or certification issued by this state or another 95041  
state complies with the requirements of that license, 95042  
registration, or certification. 95043

(7) The person abides by the code of conduct of the 95044  
American institute of certified public accountants or a 95045  
comparable code of professional conduct that the board adopts by 95046  
rule. 95047

(8) The person complies with all applicable provisions of 95048  
this chapter and the rules adopted by the board. 95049

(E) A person who owns a voting equity interest or shares 95050  
in a public accounting firm may not delegate, by proxy or 95051  
otherwise, the duty to exercise any voting rights to a person 95052  
that does not hold an Ohio permit or a foreign certificate or to 95053  
a person that is not a qualified firm. 95054

(F) As a condition for initial or renewal registration of 95055  
a public accounting firm on and after January 1, 1993, the 95056  
board, by rule, shall require that each public accounting firm 95057  
undergo a peer review to determine the public accounting firm's 95058  
degree of compliance in the practice of public accounting with 95059  
generally accepted accounting principles, generally accepted 95060  
auditing standards, and other generally accepted technical 95061  
standards as defined by the board in rule, unless the public 95062  
accounting firm meets one of the exceptions in division (J) of 95063  
this section. 95064

(G) The board shall adopt rules establishing guidelines 95065  
for peer reviews, and may authorize an agent to administer all 95066  
or part of the board's peer review program and to assess a 95067  
reasonable fee to firms to cover the costs incurred by the agent 95068  
for program administration. The rules shall do all of the 95069  
following: 95070

(1) Designate a peer review committee consisting of 95071  
accounting professionals to serve as advisors to the board and 95072  
to ensure that the board's guidelines are followed. 95073

(2) Require that the peer review be conducted by a 95074  
reviewer that is both independent of the public accounting firm 95075  
reviewed and qualified pursuant to board rules; 95076

(3) Require that the standards and practices applied by 95077  
the reviewer be at least as stringent as those applied by the 95078  
American institute of certified public accountants; 95079

(4) Prohibit the use or disclosure of information obtained 95080  
by members of the board or a committee of peer reviewers during 95081  
or in connection with the peer review process for purposes other 95082  
than those related to determining the degree of compliance by 95083



the public accounting firm with generally accepted accounting principles, generally accepted auditing standards, and other generally accepted technical standards as defined by the board in rule. Division (G) (4) of this section does not apply to the use or disclosure of information that is described in division (K) (3) of this section or that is necessary to comply with any provision of law.

(H) (1) If a peer review report indicates that a public accounting firm does not comply with standards and practices set forth in the rules adopted by the board, the board, in its discretion, may review the results of the peer review report. If the board, or its authorized peer review program administrator, determines that the public accounting firm does not comply with the standards and practices, it may require both of the following:

(a) Remedial action, which may include any of the following:

(i) Requiring employees of the public accounting firm to complete general or specific continuing professional education courses;

(ii) Requiring the public accounting firm to undergo peer review more frequently than triennially and peer review that is conducted in whole or part under the direct supervision of the board or its designee;

(iii) Any other remedial action specified by the board.

(b) An affidavit and supporting documentation from the public accounting firm submitted within the time specified by the board indicating completion of required remedial actions.

(2) If the board, or its authorized peer review program

administrator, determines that a public accounting firm has not 95113  
complied with any requirement ordered under division (H) of this 95114  
section, or if the board determines, after the review of a peer 95115  
review report, that the public accounting firm has a history of 95116  
noncompliance with standards and practices set forth in board 95117  
rules, the board may hold a hearing to determine the extent of 95118  
the firm's noncompliance. If the board, after conducting the 95119  
hearing, determines that the public accounting firm does not 95120  
comply with appropriate standards and practices, the board may 95121  
issue an order that imposes any disciplinary measure set forth 95122  
in division (B) of section 4701.16 of the Revised Code. 95123

(3) Notwithstanding divisions (K) (1) and (2) of this 95124  
section, all matters relating to the procedures for determining 95125  
compliance with the standards and practices under division (H) 95126  
(2) of this section are subject to Chapter 119. of the Revised 95127  
Code, including the notice and conduct of any hearing and the 95128  
issuance and appeal of any order. Remedial orders made under 95129  
division (H) (1) of this section are not subject to Chapter 119. 95130  
of the Revised Code. 95131

(I) The public accounting firm reviewed shall pay for any 95132  
peer review performed. 95133

(J) The board may exempt a public accounting firm from the 95134  
requirement to undergo a peer review if the public accounting 95135  
firm submits to the board a written and notarized statement that 95136  
the public accounting firm meets at least one of the following 95137  
grounds for exemption identified in the statement: 95138

(1) Within three years of the date of application for 95139  
initial or renewal registration, the public accounting firm has 95140  
completed a peer review acceptable to the board and conducted 95141  
pursuant to standards not less stringent than the peer review 95142

standards promulgated by the American institute of certified 95143  
public accountants. A peer review that does not comply with 95144  
standards and practices set forth in the rules adopted by the 95145  
board and that may subject a public accounting firm to remedial 95146  
or disciplinary action pursuant to division (H) of this section, 95147  
does not qualify as an acceptable peer review. The public 95148  
accounting firm shall submit to the board a copy of the results 95149  
of the peer review and any additional documentation required by 95150  
the board. The board shall not require submittal of the working 95151  
papers related to the peer review process. 95152

(2) Within three years of the date of application for 95153  
initial or renewal registration, the public accounting firm has 95154  
completed a peer review acceptable to the board that was 95155  
conducted in another state or foreign country. The public 95156  
accounting firm shall submit to the board a copy of the results 95157  
of the peer review and any additional documentation required by 95158  
the board, including a detailed report of the procedures and 95159  
standards applied by the reviewer. 95160

(3) The public accounting firm has never practiced public 95161  
accounting in this state or any other state or foreign country, 95162  
will complete a peer review acceptable to the board within 95163  
eighteen months of initial registration, and will review its 95164  
registration with the board two years after initial registration 95165  
as specified in rules the board adopts. 95166

(4) The public accounting firm, on a schedule as required 95167  
by rule adopted by the board, submits a report to the board that 95168  
states all of the following: 95169

(a) The public accounting firm does not undertake any 95170  
engagement that will result in the issuance of an attest report 95171  
or other engagement that is subject to peer review in accordance 95172

with division (F) of this section. 95173

(b) The public accounting firm agrees to notify the board 95174  
within ninety days after accepting any engagement that will 95175  
result in the issuance of any attest report or other engagement 95176  
that is subject to peer review in accordance with division (F) 95177  
of this section and will complete a peer review acceptable to 95178  
the board within one year after the acceptance of an engagement 95179  
of that nature. 95180

(5) Subject to the board's approval and for good cause as 95181  
defined in rules the board adopts, the public accounting firm is 95182  
entitled to an exemption. 95183

(K) In any civil action, arbitration, or administrative 95184  
proceeding involving a public accounting firm, all of the 95185  
following shall apply: 95186

(1) The proceedings, records, and work papers of any 95187  
reviewer, including board members and review committee members, 95188  
involved in the peer review process are privileged and not 95189  
subject to discovery, subpoena, or other means of legal process 95190  
and may not be introduced into evidence. 95191

(2) No reviewer, including board members and review 95192  
committee members, involved in the peer review process shall be 95193  
permitted or required to testify as to any matters produced, 95194  
presented, disclosed, or discussed during or in connection with 95195  
the peer review process or shall be required to testify to any 95196  
finding, recommendation, evaluation, opinion, or other actions 95197  
of those committees or their members. 95198

(3) No privilege exists under this section for either of 95199  
the following: 95200

(a) Information presented or considered in the peer review 95201

process that was otherwise available to the public; 95202

(b) Materials prepared in connection with a particular 95203  
engagement merely because they subsequently are presented or 95204  
considered as part of the peer review process. 95205

(L) (1) If a peer review report indicates that a public 95206  
accounting firm complies with standards and practices set forth 95207  
in rules adopted by the board, the board shall destroy all 95208  
documents and reports related to the peer review within thirty 95209  
days after the board completes its review of the report. 95210

(2) If a peer review report indicates that a public 95211  
accounting firm does not comply with those standards and 95212  
practices set forth in rules adopted by the board, the board 95213  
shall retain all documents and reports related to the peer 95214  
review until completion of the next peer review that complies 95215  
with standards and practices set forth in rules adopted by the 95216  
board pursuant to division (G) of this section. The board also 95217  
may use these documents to determine a history of noncompliance 95218  
with standards and practices in any proceeding held under 95219  
division (H) (2) of this section. 95220

**Sec. 4701.16.** (A) After notice and hearing as provided in 95221  
Chapter 119. of the Revised Code, the accountancy board may 95222  
discipline as described in division (B) of this section a person 95223  
holding an Ohio permit, an Ohio registration, a firm 95224  
registration, a CPA certificate, or a PA registration or any 95225  
other person whose activities are regulated by the board for any 95226  
one or any combination of the following causes: 95227

(1) Fraud or deceit in obtaining a firm registration or in 95228  
obtaining a CPA certificate, a PA registration, an Ohio permit, 95229  
or an Ohio registration; 95230

(2) Dishonesty, fraud, or gross negligence in the practice of public accounting;	95231 95232
(3) Violation of any of the provisions of section 4701.14 of the Revised Code;	95233 95234
(4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;	95235 95236 95237
(5) Conviction of a felony under the laws of any state or of the United States;	95238 95239
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	95240 95241 95242
(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state;	95243 95244 95245 95246 95247
(8) Suspension or revocation of the right to practice before any state or federal agency;	95248 95249
(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;	95250 95251 95252 95253
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	95254 95255 95256
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	95257 95258

(B) For any of the reasons specified in division (A) of 95259  
this section, the board may do any of the following: 95260

(1) Revoke, suspend, or refuse to renew any CPA 95261  
certificate or PA registration or any Ohio permit, Ohio 95262  
registration, or firm registration; 95263

(2) Disqualify a person who is not a holder of an Ohio 95264  
permit or a foreign certificate from owning an equity interest\_ 95265  
or shares in a public accounting firm or qualified firm; 95266

(3) Publicly censure a registered firm or a holder of a 95267  
CPA certificate, a PA registration, an Ohio permit, or an Ohio 95268  
registration; 95269

(4) Levy against a registered firm or a holder of a CPA 95270  
certificate, a PA registration, an Ohio permit, or an Ohio 95271  
registration a penalty or fine not to exceed five thousand 95272  
dollars for each offense. Any fine shall be reasonable and in 95273  
relation to the severity of the offense. 95274

(5) In the case of violations of division (A) (2) or (4) of 95275  
this section, require completion of remedial continuing 95276  
education programs prescribed by the board in addition to those 95277  
required by section 4701.11 of the Revised Code; 95278

(6) In the case of violations of division (A) (2) or (4) of 95279  
this section, require the holder of a CPA certificate, PA 95280  
registration, or firm registration to submit to a peer review by 95281  
a professional committee designated by the board, which 95282  
committee shall report to the board concerning that holder's 95283  
compliance with generally accepted accounting principles, 95284  
generally accepted auditing standards, or other generally 95285  
accepted technical standards; 95286

(7) Revoke or suspend the privileges to offer or render 95287

attest services in this state or to use a CPA title or 95288  
designation in this state of an individual who holds a foreign 95289  
certificate. 95290

(C) If the board levies a fine against or suspends the 95291  
certificate of a person or registration of a person or firm for 95292  
a violation of division (A) (2) or (4) of this section, it may 95293  
waive all or any portion of the fine or suspension if the holder 95294  
of the CPA certificate, PA registration, or firm registration 95295  
complies fully with division (B) (5) or (6) of this section. 95296

(D) A person engaged in the practice of public accounting 95297  
shall not be subject to discipline by the accountancy board 95298  
solely because the person provided professional accounting 95299  
services to the holder of a license under Chapter 3796. of the 95300  
Revised Code. 95301

**Sec. 4707.024.** (A) Not later than seventy-two hours after 95302  
the end of an auction, a person licensed under this chapter 95303  
shall deposit in one or more trust or escrow accounts all money 95304  
received from the sale of an owner's or consignee's personal 95305  
property at auction unless the licensee pays the money to the 95306  
owner or consignee immediately after the end of the auction. 95307

(B) For purposes of this section, a person licensed under 95308  
this chapter shall designate a trust or escrow account that 95309  
contains an owner's or consignee's money as "client trust 95310  
account" or with words of similar meaning. In addition, a trust 95311  
or escrow account only shall contain money received from the 95312  
sale of personal property at auction that has not been disbursed 95313  
and money for expenses regarding the auction, including 95314  
commission and advertisement fees, that are specifically 95315  
delineated in the auction contract. 95316



~~(C)~~ (C) (1) Except for the payment of money to the owner or  
consignee immediately after the end of the auction, a person  
licensed under this chapter shall pay the owner or consignee  
with money from the client's trust or escrow account. In  
addition, the licensee may pay expenses, including commission  
and advertisement fees, that are specifically delineated in the  
auction contract with money from the trust or escrow account.  
Money in the trust or escrow account shall not be disbursed for  
any purpose that is inconsistent with this section. In addition,  
except as provided in division (C) (2) of this section, the money  
shall not be commingled with the licensee's personal or business  
money. In administering the trust or escrow account, the  
licensee shall keep detailed records that show deposits,  
withdrawals, and interest accrued, if applicable.

Unless otherwise agreed to by the parties in the auction  
contract or by the direction of a court of law or as otherwise  
provided in division (C) (2) of this section, all money deposited  
into a trust or escrow account shall be disbursed to the seller  
not later than fifteen days after the auction.

(2) Notwithstanding division (C) (1) of this section, a  
licensee may deposit money into a trust or escrow account, and  
retain that money in the account, to pay expenses related to  
bank charges necessary to maintain the account. A licensee shall  
not utilize any of the owner's or consignee's money to pay such  
expenses.

(D) Money from the sale of personal property at auction  
may be deposited in an interest bearing account if the parties  
to the auction contract specifically agree to such a deposit.  
Interest earned in the account shall be credited to the seller  
unless otherwise agreed to by the parties in the auction listing

contract. The interest credited to the account may remain in the 95347  
account for a period of sixty days after the seller receives the 95348  
money from the account. The interest money then shall be 95349  
disbursed according to the terms of the auction contract. 95350

(E) All money received in connection with the sale of real 95351  
property at auction shall be deposited in a broker's special or 95352  
trust bank account in a depository located in this state that is 95353  
described in division (A) (26) of section 4735.18 of the Revised 95354  
Code. 95355

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 95356  
quorum, may impose one or more of the following sanctions if it 95357  
finds that a person committed fraud in passing an examination 95358  
required to obtain a license or dialysis technician certificate 95359  
issued by the board or to have committed fraud, 95360  
misrepresentation, or deception in applying for or securing any 95361  
nursing license or dialysis technician certificate issued by the 95362  
board: deny, revoke, suspend, or place restrictions on any 95363  
nursing license or dialysis technician certificate issued by the 95364  
board; reprimand or otherwise discipline a holder of a nursing 95365  
license or dialysis technician certificate; or impose a fine of 95366  
not more than five hundred dollars per violation. 95367

(B) Except as provided in section 4723.092 of the Revised 95368  
Code, the board of nursing, by a vote of a quorum, may impose 95369  
one or more of the following sanctions: deny, revoke, suspend, 95370  
or place restrictions on any nursing license or dialysis 95371  
technician certificate issued by the board; reprimand or 95372  
otherwise discipline a holder of a nursing license or dialysis 95373  
technician certificate; or impose a fine of not more than five 95374  
hundred dollars per violation. The sanctions may be imposed for 95375  
any of the following: 95376

(1) Denial, revocation, suspension, or restriction of 95377  
authority to engage in a licensed profession or practice a 95378  
health care occupation, including nursing or practice as a 95379  
dialysis technician, for any reason other than a failure to 95380  
renew, in Ohio or another state or jurisdiction; 95381

(2) Engaging in the practice of nursing or engaging in 95382  
practice as a dialysis technician, having failed to renew a 95383  
nursing license or dialysis technician certificate issued under 95384  
this chapter, or while a nursing license or dialysis technician 95385  
certificate is under suspension; 95386

(3) Conviction of, a plea of guilty to, a judicial finding 95387  
of guilt of, a judicial finding of guilt resulting from a plea 95388  
of no contest to, or a judicial finding of eligibility for a 95389  
pretrial diversion or similar program or for intervention in 95390  
lieu of conviction for, a misdemeanor committed in the course of 95391  
practice; 95392

(4) Conviction of, a plea of guilty to, a judicial finding 95393  
of guilt of, a judicial finding of guilt resulting from a plea 95394  
of no contest to, or a judicial finding of eligibility for a 95395  
pretrial diversion or similar program or for intervention in 95396  
lieu of conviction for, any felony or of any crime involving 95397  
gross immorality or moral turpitude; 95398

(5) Selling, giving away, or administering drugs or 95399  
therapeutic devices for other than legal and legitimate 95400  
therapeutic purposes; or conviction of, a plea of guilty to, a 95401  
judicial finding of guilt of, a judicial finding of guilt 95402  
resulting from a plea of no contest to, or a judicial finding of 95403  
eligibility for a pretrial diversion or similar program or for 95404  
intervention in lieu of conviction for, violating any municipal, 95405  
state, county, or federal drug law; 95406

(6) Conviction of, a plea of guilty to, a judicial finding 95407  
of guilt of, a judicial finding of guilt resulting from a plea 95408  
of no contest to, or a judicial finding of eligibility for a 95409  
pretrial diversion or similar program or for intervention in 95410  
lieu of conviction for, an act in another jurisdiction that 95411  
would constitute a felony or a crime of moral turpitude in Ohio; 95412

(7) Conviction of, a plea of guilty to, a judicial finding 95413  
of guilt of, a judicial finding of guilt resulting from a plea 95414  
of no contest to, or a judicial finding of eligibility for a 95415  
pretrial diversion or similar program or for intervention in 95416  
lieu of conviction for, an act in the course of practice in 95417  
another jurisdiction that would constitute a misdemeanor in 95418  
Ohio; 95419

(8) Self-administering or otherwise taking into the body 95420  
any dangerous drug, as defined in section 4729.01 of the Revised 95421  
Code, in any way that is not in accordance with a legal, valid 95422  
prescription issued for that individual, or self-administering 95423  
or otherwise taking into the body any drug that is a schedule I 95424  
controlled substance; 95425

(9) Habitual or excessive use of controlled substances, 95426  
other habit-forming drugs, or alcohol or other chemical 95427  
substances to an extent that impairs the individual's ability to 95428  
provide safe nursing care or safe dialysis care; 95429

(10) Impairment of the ability to practice according to 95430  
acceptable and prevailing standards of safe nursing care or safe 95431  
dialysis care because of the use of drugs, alcohol, or other 95432  
chemical substances; 95433

(11) Impairment of the ability to practice according to 95434  
acceptable and prevailing standards of safe nursing care or safe 95435

dialysis care because of a physical or mental disability;	95436
(12) Assaulting or causing harm to a patient or depriving	95437
a patient of the means to summon assistance;	95438
(13) Misappropriation or attempted misappropriation of	95439
money or anything of value in the course of practice;	95440
(14) Adjudication by a probate court of being mentally ill	95441
or mentally incompetent. The board may reinstate the person's	95442
nursing license or dialysis technician certificate upon	95443
adjudication by a probate court of the person's restoration to	95444
competency or upon submission to the board of other proof of	95445
competency.	95446
(15) The suspension or termination of employment by the	95447
United States department of defense or department of veterans	95448
affairs for any act that violates or would violate this chapter;	95449
(16) Violation of this chapter or any rules adopted under	95450
it;	95451
(17) Violation of any restrictions placed by the board on	95452
a nursing license or dialysis technician certificate;	95453
(18) Failure to use universal and standard precautions	95454
established by rules adopted under section 4723.07 of the	95455
Revised Code;	95456
(19) Failure to practice in accordance with acceptable and	95457
prevailing standards of safe nursing care or safe dialysis care;	95458
(20) In the case of a registered nurse, engaging in	95459
activities that exceed the practice of nursing as a registered	95460
nurse;	95461
(21) In the case of a licensed practical nurse, engaging	95462

in activities that exceed the practice of nursing as a licensed 95463  
practical nurse; 95464

(22) In the case of a dialysis technician, engaging in 95465  
activities that exceed those permitted under section 4723.72 of 95466  
the Revised Code; 95467

(23) Aiding and abetting a person in that person's 95468  
practice of nursing without a license or practice as a dialysis 95469  
technician without a certificate issued under this chapter; 95470

(24) In the case of an advanced practice registered nurse, 95471  
except as provided in division (M) of this section, either of 95472  
the following: 95473

(a) Waiving the payment of all or any part of a deductible 95474  
or copayment that a patient, pursuant to a health insurance or 95475  
health care policy, contract, or plan that covers such nursing 95476  
services, would otherwise be required to pay if the waiver is 95477  
used as an enticement to a patient or group of patients to 95478  
receive health care services from that provider; 95479

(b) Advertising that the nurse will waive the payment of 95480  
all or any part of a deductible or copayment that a patient, 95481  
pursuant to a health insurance or health care policy, contract, 95482  
or plan that covers such nursing services, would otherwise be 95483  
required to pay. 95484

(25) Failure to comply with the terms and conditions of 95485  
participation in the safe haven program conducted under sections 95486  
4723.35 and 4723.351 of the Revised Code; 95487

(26) Failure to comply with the terms and conditions 95488  
required under the practice intervention and improvement program 95489  
established under section 4723.282 of the Revised Code; 95490

(27) In the case of an advanced practice registered nurse:	95491
(a) Engaging in activities that exceed those permitted for	95492
the nurse's nursing specialty under section 4723.43 of the	95493
Revised Code;	95494
(b) Failure to meet the quality assurance standards	95495
established under section 4723.07 of the Revised Code.	95496
(28) In the case of an advanced practice registered nurse	95497
other than a certified registered nurse anesthetist, failure to	95498
maintain a standard care arrangement in accordance with section	95499
4723.431 of the Revised Code or to practice in accordance with	95500
the standard care arrangement;	95501
(29) In the case of an advanced practice registered nurse	95502
who is designated as a clinical nurse specialist, certified	95503
nurse-midwife, or certified nurse practitioner, failure to	95504
prescribe drugs and therapeutic devices in accordance with	95505
section 4723.481 of the Revised Code;	95506
(30) Prescribing any drug or device to perform or induce	95507
an abortion, or otherwise performing or inducing an abortion;	95508
(31) Failure to establish and maintain professional	95509
boundaries with a patient, as specified in rules adopted under	95510
section 4723.07 of the Revised Code;	95511
(32) Regardless of whether the contact or verbal behavior	95512
is consensual, engaging with a patient other than the spouse of	95513
the registered nurse, licensed practical nurse, or dialysis	95514
technician in any of the following:	95515
(a) Sexual contact, as defined in section 2907.01 of the	95516
Revised Code;	95517
(b) Verbal behavior that is sexually demeaning to the	95518

patient or may be reasonably interpreted by the patient as 95519  
sexually demeaning. 95520

(33) Assisting suicide, as defined in section 3795.01 of 95521  
the Revised Code; 95522

(34) Failure to comply with the requirements in section 95523  
3719.061 of the Revised Code before issuing for a minor a 95524  
prescription for an opioid analgesic, as defined in section 95525  
3719.01 of the Revised Code; 95526

(35) Failure to comply with section 4723.487 of the 95527  
Revised Code, unless the state board of pharmacy no longer 95528  
maintains a drug database pursuant to section 4729.75 of the 95529  
Revised Code; 95530

(36) The revocation, suspension, restriction, reduction, 95531  
or termination of clinical privileges by the United States 95532  
department of defense or department of veterans affairs or the 95533  
termination or suspension of a certificate of registration to 95534  
prescribe drugs by the drug enforcement administration of the 95535  
United States department of justice; 95536

(37) In the case of an advanced practice registered nurse 95537  
who is designated as a clinical nurse specialist, certified 95538  
nurse-midwife, or certified nurse practitioner, failure to 95539  
comply with the terms of a consult agreement entered into with a 95540  
pharmacist pursuant to section 4729.39 of the Revised Code; 95541

(38) Violation of section 4723.93 of the Revised Code; 95542

(39) Failure to cooperate with an investigation conducted 95543  
by the board under this chapter, including failure to comply 95544  
with a subpoena or order issued by the board or failure to 95545  
answer truthfully a question presented by the board in an 95546  
investigative interview, in an investigative office conference, 95547



at a deposition, or in written interrogatories, except that 95548  
failure to cooperate with an investigation does not constitute 95549  
grounds for discipline if a court of competent jurisdiction has 95550  
issued an order that either quashes a subpoena or permits the 95551  
individual to withhold testimony or evidence at issue. 95552

(C) Disciplinary actions taken by the board under 95553  
divisions (A) and (B) of this section shall be taken pursuant to 95554  
an adjudication conducted under Chapter 119. of the Revised 95555  
Code, except that in lieu of a hearing, the board may enter into 95556  
a consent agreement with an individual to resolve an allegation 95557  
of a violation of this chapter or any rule adopted under it. A 95558  
consent agreement, when ratified by a vote of a quorum, shall 95559  
constitute the findings and order of the board with respect to 95560  
the matter addressed in the agreement. If the board refuses to 95561  
ratify a consent agreement, the admissions and findings 95562  
contained in the agreement shall be of no effect. 95563

(D) The hearings of the board shall be conducted in 95564  
accordance with Chapter 119. of the Revised Code, the board may 95565  
appoint a hearing examiner, as provided in section 119.09 of the 95566  
Revised Code, to conduct any hearing the board is authorized to 95567  
hold under Chapter 119. of the Revised Code. 95568

In any instance in which the board is required under 95569  
Chapter 119. of the Revised Code to give notice of an 95570  
opportunity for a hearing and the applicant, licensee, or 95571  
certificate holder does not make a timely request for a hearing 95572  
in accordance with section 119.07 of the Revised Code, the board 95573  
is not required to hold a hearing, but may adopt, by a vote of a 95574  
quorum, a final order that contains the board's findings. In the 95575  
final order, the board may order any of the sanctions listed in 95576  
division (A) or (B) of this section. 95577

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B) (3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act.

If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B) (3) to (7) of this section that is overturned on appeal, the registered nurse, licensed practical nurse, or dialysis technician may, on exhaustion of the appeal process, petition the board for reconsideration of its action. On receipt of the petition and supporting court documents, the board shall temporarily rescind its action. If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action. If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the original conviction, plea, or judicial finding was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis

technician committed such act, or if the registered nurse, 95609  
licensed practical nurse, or dialysis technician does not 95610  
request an adjudication, the board shall reinstate its action; 95611  
otherwise, the board shall permanently rescind its action. 95612

Notwithstanding the provision of division (D) (2) of 95613  
section 2953.32 or division (F) (1) of section 2953.39 of the 95614  
Revised Code specifying that if records pertaining to a criminal 95615  
case are sealed or expunged under that section the proceedings 95616  
in the case shall be deemed not to have occurred, sealing or 95617  
expungement of the following records on which the board has 95618  
based an action under this section shall have no effect on the 95619  
board's action or any sanction imposed by the board under this 95620  
section: records of any conviction, guilty plea, judicial 95621  
finding of guilt resulting from a plea of no contest, or a 95622  
judicial finding of eligibility for a pretrial diversion program 95623  
or intervention in lieu of conviction. 95624

The board shall not be required to seal, destroy, redact, 95625  
or otherwise modify its records to reflect the court's sealing 95626  
or expungement of conviction records. 95627

(F) The board may investigate an individual's criminal 95628  
background in performing its duties under this section. As part 95629  
of such investigation, the board may order the individual to 95630  
submit, at the individual's expense, a request to the bureau of 95631  
criminal identification and investigation for a criminal records 95632  
check and check of federal bureau of investigation records in 95633  
accordance with the procedure described in section 4723.091 of 95634  
the Revised Code. 95635

(G) During the course of an investigation conducted under 95636  
this section, the board may compel any registered nurse, 95637  
licensed practical nurse, or dialysis technician or applicant 95638

under this chapter to submit to a mental or physical 95639  
examination, or both, as required by the board and at the 95640  
expense of the individual, if the board finds reason to believe 95641  
that the individual under investigation may have a physical or 95642  
mental impairment that may affect the individual's ability to 95643  
provide safe nursing care. 95644

The board shall not compel an individual who has been 95645  
referred to the safe haven program as described in sections 95646  
4723.35 and 4723.351 of the Revised Code to submit to a mental 95647  
or physical examination. 95648

Failure of any individual to submit to a mental or 95649  
physical examination when directed constitutes an admission of 95650  
the allegations, unless the failure is due to circumstances 95651  
beyond the individual's control, and a default and final order 95652  
may be entered without the taking of testimony or presentation 95653  
of evidence. 95654

If the board finds that an individual is impaired, the 95655  
board shall require the individual to submit to care, 95656  
counseling, or treatment approved or designated by the board, as 95657  
a condition for initial, continued, reinstated, or renewed 95658  
authority to practice. The individual shall be afforded an 95659  
opportunity to demonstrate to the board that the individual can 95660  
begin or resume the individual's occupation in compliance with 95661  
acceptable and prevailing standards of care under the provisions 95662  
of the individual's authority to practice. 95663

For purposes of this division, any registered nurse, 95664  
licensed practical nurse, or dialysis technician or applicant 95665  
under this chapter shall be deemed to have given consent to 95666  
submit to a mental or physical examination when directed to do 95667  
so in writing by the board, and to have waived all objections to 95668

the admissibility of testimony or examination reports that 95669  
constitute a privileged communication. 95670

(H) The board shall investigate evidence that appears to 95671  
show that any person has violated any provision of this chapter 95672  
or any rule of the board. Any person may report to the board any 95673  
information the person may have that appears to show a violation 95674  
of any provision of this chapter or rule of the board. In the 95675  
absence of bad faith, any person who reports such information or 95676  
who testifies before the board in any adjudication conducted 95677  
under Chapter 119. of the Revised Code shall not be liable for 95678  
civil damages as a result of the report or testimony. 95679

(I) All of the following apply under this chapter with 95680  
respect to the confidentiality of information: 95681

(1) Information received by the board pursuant to a 95682  
complaint or an investigation is confidential and not subject to 95683  
discovery in any civil action, except that the board may 95684  
disclose information to law enforcement officers and government 95685  
entities for purposes of an investigation of either a licensed 95686  
health care professional, including a registered nurse, licensed 95687  
practical nurse, or dialysis technician, or a person who may 95688  
have engaged in the unauthorized practice of nursing or dialysis 95689  
care. No law enforcement officer or government entity with 95690  
knowledge of any information disclosed by the board pursuant to 95691  
this division shall divulge the information to any other person 95692  
or government entity except for the purpose of a government 95693  
investigation, a prosecution, or an adjudication by a court or 95694  
government entity. 95695

(2) If an investigation requires a review of patient 95696  
records, the investigation and proceeding shall be conducted in 95697  
such a manner as to protect patient confidentiality. 95698

(3) All adjudications and investigations of the board 95699  
shall be considered civil actions for the purposes of section 95700  
2305.252 of the Revised Code. 95701

(4) Any board activity that involves continued monitoring 95702  
of an individual as part of or following any disciplinary action 95703  
taken under this section shall be conducted in a manner that 95704  
maintains the individual's confidentiality. Information received 95705  
or maintained by the board with respect to the board's 95706  
monitoring activities is not subject to discovery in any civil 95707  
action and is confidential, except that the board may disclose 95708  
information to law enforcement officers and government entities 95709  
for purposes of an investigation of a licensee or certificate 95710  
holder. 95711

(J) Any action taken by the board under this section 95712  
resulting in a suspension from practice shall be accompanied by 95713  
a written statement of the conditions under which the person may 95714  
be reinstated to practice. 95715

(K) When the board refuses to grant a license or 95716  
certificate to an applicant, revokes a license or certificate, 95717  
or refuses to reinstate a license or certificate, the board may 95718  
specify that its action is permanent. An individual subject to 95719  
permanent action taken by the board is forever ineligible to 95720  
hold a license or certificate of the type that was refused or 95721  
revoked and the board shall not accept from the individual an 95722  
application for reinstatement of the license or certificate or 95723  
for a new license or certificate. 95724

(L) No unilateral surrender of a nursing license or 95725  
dialysis technician certificate issued under this chapter shall 95726  
be effective unless accepted by majority vote of the board. No 95727  
application for a nursing license or dialysis technician 95728

certificate issued under this chapter may be withdrawn without a 95729  
majority vote of the board. The board's jurisdiction to take 95730  
disciplinary action under this section is not removed or limited 95731  
when an individual has a license or certificate classified as 95732  
inactive or fails to renew a license or certificate. 95733

(M) Sanctions shall not be imposed under division (B) (24) 95734  
of this section against any licensee who waives deductibles and 95735  
copayments as follows: 95736

(1) In compliance with the health benefit plan that 95737  
expressly allows such a practice. Waiver of the deductibles or 95738  
copayments shall be made only with the full knowledge and 95739  
consent of the plan purchaser, payer, and third-party 95740  
administrator. Documentation of the consent shall be made 95741  
available to the board upon request. 95742

(2) For professional services rendered to any other person 95743  
licensed pursuant to this chapter to the extent allowed by this 95744  
chapter and the rules of the board. 95745

**Sec. 4723.483.** (A) (1) Subject to division (A) (2) of this 95746  
section, and notwithstanding any provision of this chapter or 95747  
rule adopted by the board of nursing, a clinical nurse 95748  
specialist, certified nurse-midwife, or certified nurse 95749  
practitioner who holds a certificate to prescribe issued under 95750  
section 4723.48 of the Revised Code may do either of the 95751  
following without having examined an individual to whom 95752  
epinephrine may be administered: 95753

(a) Personally furnish a supply of epinephrine 95754  
autoinjectors for use in accordance with sections 3313.7110, 95755  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 95756  
~~5101.76~~ 5180.26 of the Revised Code; 95757

(b) Issue a prescription for epinephrine autoinjectors for 95758  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 95759  
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 95760  
Revised Code. 95761

(2) An epinephrine autoinjector personally furnished or 95762  
prescribed under division (A)(1) of this section must be 95763  
furnished or prescribed in such a manner that it may be 95764  
administered only in a manufactured dosage form. 95765

(B) A nurse who acts in good faith in accordance with this 95766  
section is not liable for or subject to any of the following for 95767  
any action or omission of an entity to which an epinephrine 95768  
autoinjector is furnished or a prescription is issued: damages 95769  
in any civil action, prosecution in any criminal proceeding, or 95770  
professional disciplinary action. 95771

**Sec. 4723.4811.** (A)(1) Subject to division (A)(2) of this 95772  
section, and notwithstanding any provision of this chapter or 95773  
rule adopted by the board of nursing, a clinical nurse 95774  
specialist, certified nurse-midwife, or certified nurse 95775  
practitioner licensed as an advanced practice registered nurse 95776  
under Chapter 4723. of the Revised Code may do either of the 95777  
following without having examined an individual to whom glucagon 95778  
may be administered: 95779

(a) Personally furnish a supply of injectable or nasally 95780  
administered glucagon for use in accordance with sections 95781  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 95782  
5180.262 of the Revised Code; 95783

(b) Issue a prescription for injectable or nasally 95784  
administered glucagon for use in accordance with sections 95785  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 95786



5180.262 of the Revised Code. 95787

(2) Injectable or nasally administered glucagon personally 95788  
furnished or prescribed under division (A)(1) of this section 95789  
must be furnished or prescribed in such a manner that it may be 95790  
administered only in a manufactured dosage form. 95791

(B) A nurse who acts in good faith in accordance with this 95792  
section is not liable for or subject to any of the following for 95793  
any action or omission of an entity to which injectable or 95794  
nasally administered glucagon is furnished or a prescription is 95795  
issued: damages in any civil action, prosecution in any criminal 95796  
proceeding, or professional disciplinary action. 95797

**Sec. 4725.48.** (A) Any person who desires to engage in 95798  
optical dispensing shall file a properly completed application 95799  
for an examination with the state vision professionals board or 95800  
with the testing service the board has contracted with pursuant 95801  
to section 4725.49 of the Revised Code. The application for 95802  
examination shall be made using a form provided by the board and 95803  
shall be accompanied by an examination fee the board shall 95804  
establish by rule. 95805

(B) Any person who desires to engage in optical dispensing 95806  
shall file a properly completed application for a license with 95807  
the board ~~with~~. The application for licensure shall be 95808  
accompanied by a licensure application fee of one hundred 95809  
ninety-five dollars. 95810

No person shall be eligible to apply for a license under 95811  
this division, unless the person is at least eighteen years of 95812  
age, is free of contagious or infectious disease, has received a 95813  
passing score, as determined by the board, on the examination 95814  
administered under division (A) of this section, is a graduate 95815

of an accredited high school of any state, or has received an 95816  
equivalent education and has successfully completed one of the 95817  
following: 95818

(1) For a spectacle dispensing optician license, one 95819  
thousand hours of supervised experience under a licensed 95820  
dispensing optician, optometrist, or physician engaged in the 95821  
practice of ophthalmology; 95822

(2) For a spectacle-contact lens dispensing optician 95823  
license, one thousand five hundred hours of supervised 95824  
experience under a licensed dispensing optician, optometrist, or 95825  
physician engaged in the practice of ophthalmology; 95826

(3) A two-year college level program in optical dispensing 95827  
that has been approved by the board and that includes, but is 95828  
not limited to, courses of study in mathematics, science, 95829  
English, anatomy and physiology of the eye, applied optics, 95830  
ophthalmic optics, measurement and inspection of lenses, lens 95831  
grinding and edging, ophthalmic lens design, keratometry, and 95832  
the fitting and adjusting of spectacle lenses and frames and 95833  
contact lenses, including methods of fitting contact lenses and 95834  
post-fitting care. 95835

~~(C) The board shall issue a license to practice as an~~ 95836  
~~ocularist in accordance with Chapter 4796. of the Revised Code~~ 95837  
~~to an applicant if either of the following applies:~~ 95838

~~(1) The applicant holds a license in another state.~~ 95839

~~(2) The applicant has satisfactory work experience, a~~ 95840  
~~government certification, or a private certification as~~ 95841  
~~described in that chapter as an ocularist in a state that does~~ 95842  
~~not issue that license.~~ 95843

~~(D) (1) (C) (1)~~ Subject to divisions ~~(D) (3)~~ (C) (3) and (4) of 95844

this section, the board shall not adopt, maintain, renew, or 95845  
enforce any rule that precludes an individual from renewing a 95846  
license as a dispensing optician issued under sections 4725.40 95847  
to 4725.59 of the Revised Code due to any past criminal activity 95848  
or interpretation of moral character, unless the individual has 95849  
committed a crime of moral turpitude or a disqualifying offense 95850  
as those terms are defined in section 4776.10 of the Revised 95851  
Code. 95852

If the board denies an individual a license or license 95853  
renewal, the reasons for such denial shall be put in writing. 95854

(2) The board may refuse to issue a license to an 95855  
applicant because of a conviction of or plea of guilty to an 95856  
offense if the refusal is in accordance with section 9.79 of the 95857  
Revised Code. 95858

(3) In considering a renewal of an individual's license, 95859  
the board shall not consider any conviction or plea of guilty 95860  
prior to the initial licensing. However, the board may consider 95861  
a conviction or plea of guilty if it occurred after the 95862  
individual was initially licensed, or after the most recent 95863  
license renewal. 95864

(4) The board may grant an individual a conditional 95865  
license that lasts for one year. After the one-year period has 95866  
expired, the license is no longer considered conditional, and 95867  
the individual shall be considered fully licensed. 95868

~~(E)~~ (D) The board, subject to the approval of the 95869  
controlling board, may establish examination fees in excess of 95870  
the amount established by rule pursuant to this section, 95871  
provided that such fees do not exceed those amounts established 95872  
in rule by more than fifty per cent. 95873

Sec. 4729.01. As used in this chapter: 95874

(A) "Pharmacy," except when used in a context that refers 95875  
to the practice of pharmacy, means any area, room, rooms, place 95876  
of business, department, or portion of any of the foregoing 95877  
where the practice of pharmacy is conducted. 95878

(B) "Practice of pharmacy" means providing pharmacist care 95879  
requiring specialized knowledge, judgment, and skill derived 95880  
from the principles of biological, chemical, behavioral, social, 95881  
pharmaceutical, and clinical sciences. As used in this division, 95882  
"pharmacist care" includes the following: 95883

(1) Interpreting prescriptions; 95884

(2) Dispensing drugs and drug therapy related devices; 95885

(3) Compounding drugs; 95886

(4) Counseling individuals with regard to their drug 95887  
therapy, recommending drug therapy related devices, and 95888  
assisting in the selection of drugs and appliances for treatment 95889  
of common diseases and injuries and providing instruction in the 95890  
proper use of the drugs and appliances; 95891

(5) Performing drug regimen reviews with individuals by 95892  
discussing all of the drugs that the individual is taking and 95893  
explaining the interactions of the drugs; 95894

(6) Performing drug utilization reviews with licensed 95895  
health professionals authorized to prescribe drugs when the 95896  
pharmacist determines that an individual with a prescription has 95897  
a drug regimen that warrants additional discussion with the 95898  
prescriber; 95899

(7) Advising an individual and the health care 95900  
professionals treating an individual with regard to the 95901

individual's drug therapy; 95902

(8) Acting pursuant to a consult agreement, if an 95903  
agreement has been established; 95904

(9) Engaging in the administration of immunizations to the 95905  
extent authorized by section 4729.41 of the Revised Code; 95906

(10) Engaging in the administration of drugs to the extent 95907  
authorized by section 4729.45 of the Revised Code. 95908

(C) "Compounding" means the preparation, mixing, 95909  
assembling, packaging, and labeling of one or more drugs in any 95910  
of the following circumstances: 95911

(1) Pursuant to a prescription issued by a licensed health 95912  
professional authorized to prescribe drugs; 95913

(2) Pursuant to the modification of a prescription made in 95914  
accordance with a consult agreement; 95915

(3) As an incident to research, teaching activities, or 95916  
chemical analysis; 95917

(4) In anticipation of orders for drugs pursuant to 95918  
prescriptions, based on routine, regularly observed dispensing 95919  
patterns; 95920

(5) Pursuant to a request made by a licensed health 95921  
professional authorized to prescribe drugs for a drug that is to 95922  
be used by the professional for the purpose of direct 95923  
administration to patients in the course of the professional's 95924  
practice, if all of the following apply: 95925

(a) At the time the request is made, the drug is not 95926  
commercially available regardless of the reason that the drug is 95927  
not available, including the absence of a manufacturer for the 95928

drug or the lack of a readily available supply of the drug from 95929  
a manufacturer. 95930

(b) A limited quantity of the drug is compounded and 95931  
provided to the professional. 95932

(c) The drug is compounded and provided to the 95933  
professional as an occasional exception to the normal practice 95934  
of dispensing drugs pursuant to patient-specific prescriptions. 95935

(D) "Consult agreement" means an agreement that has been 95936  
entered into under section 4729.39 of the Revised Code. 95937

(E) "Drug" means: 95938

(1) Any article recognized in the United States 95939  
pharmacopoeia and national formulary, or any supplement to them, 95940  
intended for use in the diagnosis, cure, mitigation, treatment, 95941  
or prevention of disease in humans or animals; 95942

(2) Any other article intended for use in the diagnosis, 95943  
cure, mitigation, treatment, or prevention of disease in humans 95944  
or animals; 95945

(3) Any article, other than food, intended to affect the 95946  
structure or any function of the body of humans or animals; 95947

(4) Any article intended for use as a component of any 95948  
article specified in division (E)(1), (2), or (3) of this 95949  
section; but does not include devices or their components, 95950  
parts, or accessories. 95951

"Drug" does not include "hemp" or a "hemp product" as 95952  
those terms are defined in section 928.01 of the Revised Code. 95953

(F) "Dangerous drug" means any of the following: 95954

(1) Any drug to which either of the following applies: 95955

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 95956  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 95957  
required to bear a label containing the legend "Caution: Federal 95958  
law prohibits dispensing without prescription" or "Caution: 95959  
Federal law restricts this drug to use by or on the order of a 95960  
licensed veterinarian" or any similar restrictive statement, or 95961  
the drug may be dispensed only upon a prescription; 95962

(b) Under Chapter 3715. or 3719. of the Revised Code, the 95963  
drug may be dispensed only upon a prescription. 95964

(2) Any drug that contains a schedule V controlled 95965  
substance and that is exempt from Chapter 3719. of the Revised 95966  
Code or to which that chapter does not apply; 95967

(3) Any drug intended for administration by injection into 95968  
the human body other than through a natural orifice of the human 95969  
body; 95970

(4) Any drug that is a biological product, as defined in 95971  
section 3715.01 of the Revised Code. 95972

(G) "Federal drug abuse control laws" has the same meaning 95973  
as in section 3719.01 of the Revised Code. 95974

(H) "Prescription" means all of the following: 95975

(1) A written, electronic, or oral order for drugs or 95976  
combinations or mixtures of drugs to be used by a particular 95977  
individual or for treating a particular animal, issued by a 95978  
licensed health professional authorized to prescribe drugs; 95979

(2) For purposes of sections 4723.4810, 4729.282, 95980  
4730.432, and 4731.93 of the Revised Code, a written, 95981  
electronic, or oral order for a drug to treat chlamydia, 95982  
gonorrhea, or trichomoniasis issued to and in the name of a 95983

patient who is not the intended user of the drug but is the 95984  
sexual partner of the intended user; 95985

(3) For purposes of sections 3313.7110, 3313.7111, 95986  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 95987  
4731.96, and ~~5101.76~~5180.26 of the Revised Code, a written, 95988  
electronic, or oral order for an epinephrine autoinjector issued 95989  
to and in the name of a school, school district, or camp; 95990

(4) For purposes of Chapter 3728. and sections 4723.483, 95991  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 95992  
electronic, or oral order for an epinephrine autoinjector issued 95993  
to and in the name of a qualified entity, as defined in section 95994  
3728.01 of the Revised Code; 95995

(5) For purposes of sections 3313.7115, 3313.7116, 95996  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 95997  
~~5101.78~~5180.262 of the Revised Code, a written, electronic, or 95998  
oral order for injectable or nasally administered glucagon in 95999  
the name of a school, school district, or camp. 96000

(I) "Licensed health professional authorized to prescribe 96001  
drugs" or "prescriber" means an individual who is authorized by 96002  
law to prescribe drugs or dangerous drugs or drug therapy 96003  
related devices in the course of the individual's professional 96004  
practice, including only the following: 96005

(1) A dentist licensed under Chapter 4715. of the Revised 96006  
Code; 96007

(2) A clinical nurse specialist, certified nurse-midwife, 96008  
or certified nurse practitioner who holds a current, valid 96009  
license issued under Chapter 4723. of the Revised Code to 96010  
practice nursing as an advanced practice registered nurse; 96011

(3) A certified registered nurse anesthetist who holds a 96012



current, valid license issued under Chapter 4723. of the Revised 96013  
Code to practice nursing as an advanced practice registered 96014  
nurse, but only to the extent of the nurse's authority under 96015  
sections 4723.43 and 4723.434 of the Revised Code; 96016

(4) An optometrist licensed under Chapter 4725. of the 96017  
Revised Code to practice optometry; 96018

(5) A physician authorized under Chapter 4731. of the 96019  
Revised Code to practice medicine and surgery, osteopathic 96020  
medicine and surgery, or podiatric medicine and surgery; 96021

(6) A physician assistant who holds a license to practice 96022  
as a physician assistant issued under Chapter 4730. of the 96023  
Revised Code, holds a valid prescriber number issued by the 96024  
state medical board, and has been granted physician-delegated 96025  
prescriptive authority; 96026

(7) A veterinarian licensed under Chapter 4741. of the 96027  
Revised Code; 96028

(8) A certified mental health assistant licensed under 96029  
Chapter 4772. of the Revised Code who has been granted 96030  
physician-delegated prescriptive authority by the physician 96031  
supervising the certified mental health assistant. 96032

(J) "Sale" or "sell" includes any transaction made by any 96033  
person, whether as principal proprietor, agent, or employee, to 96034  
do or offer to do any of the following: deliver, distribute, 96035  
broker, exchange, gift or otherwise give away, or transfer, 96036  
whether the transfer is by passage of title, physical movement, 96037  
or both. 96038

(K) "Wholesale sale" and "sale at wholesale" mean any sale 96039  
in which the purpose of the purchaser is to resell the article 96040  
purchased or received by the purchaser. 96041

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.

(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:

(1) The proprietary name of the drug product;

(2) The established (generic) name of the drug product;

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.

(4) The dosage form;

(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.

(O) "Wholesale distributor of dangerous drugs" or 96071  
"wholesale distributor" means a person engaged in the sale of 96072  
dangerous drugs at wholesale and includes any agent or employee 96073  
of such a person authorized by the person to engage in the sale 96074  
of dangerous drugs at wholesale. 96075

(P) "Manufacturer of dangerous drugs" or "manufacturer" 96076  
means a person, other than a pharmacist or prescriber, who 96077  
manufactures dangerous drugs and who is engaged in the sale of 96078  
those dangerous drugs. 96079

(Q) "Terminal distributor of dangerous drugs" or "terminal 96080  
distributor" means a person who is engaged in the sale of 96081  
dangerous drugs at retail, or any person, other than a 96082  
manufacturer, repackager, outsourcing facility, third-party 96083  
logistics provider, wholesale distributor, or pharmacist, who 96084  
has possession, custody, or control of dangerous drugs for any 96085  
purpose other than for that person's own use and consumption. 96086  
"Terminal distributor" includes pharmacies, hospitals, nursing 96087  
homes, and laboratories and all other persons who procure 96088  
dangerous drugs for sale or other distribution by or under the 96089  
supervision of a pharmacist, licensed health professional 96090  
authorized to prescribe drugs, or other person authorized by the 96091  
state board of pharmacy. 96092

(R) "Promote to the public" means disseminating a 96093  
representation to the public in any manner or by any means, 96094  
other than by labeling, for the purpose of inducing, or that is 96095  
likely to induce, directly or indirectly, the purchase of a 96096  
dangerous drug at retail. 96097

(S) "Person" includes any individual, partnership, 96098  
association, limited liability company, or corporation, the 96099  
state, any political subdivision of the state, and any district, 96100

department, or agency of the state or its political 96101  
subdivisions. 96102

(T) (1) "Animal shelter" means a facility operated by a 96103  
humane society or any society organized under Chapter 1717. of 96104  
the Revised Code or a dog pound operated pursuant to Chapter 96105  
955. of the Revised Code. 96106

(2) "County dog warden" means a dog warden or deputy dog 96107  
warden appointed or employed under section 955.12 of the Revised 96108  
Code. 96109

(U) "Food" has the same meaning as in section 3715.01 of 96110  
the Revised Code. 96111

(V) "Pain management clinic" has the same meaning as in 96112  
section 4731.054 of the Revised Code. 96113

(W) "Investigational drug or product" means a drug or 96114  
product that has successfully completed phase one of the United 96115  
States food and drug administration clinical trials and remains 96116  
under clinical trial, but has not been approved for general use 96117  
by the United States food and drug administration. 96118  
"Investigational drug or product" does not include controlled 96119  
substances in schedule I, as defined in section 3719.01 of the 96120  
Revised Code. 96121

(X) "Product," when used in reference to an 96122  
investigational drug or product, means a biological product, 96123  
other than a drug, that is made from a natural human, animal, or 96124  
microorganism source and is intended to treat a disease or 96125  
medical condition. 96126

(Y) "Third-party logistics provider" means a person that 96127  
provides or coordinates warehousing or other logistics services 96128  
pertaining to dangerous drugs including distribution, on behalf 96129

of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.

(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

(CC) "Overdose reversal drug" means both of the following:

(1) Naloxone;

(2) Any other drug that the state board of pharmacy, through rules adopted in accordance with Chapter 119. of the Revised Code, designates as a drug that is approved by the federal food and drug administration for the reversal of a known or suspected opioid-related overdose.

Sec. 4729.261. (A) For purposes of division (D) (4) (b) of section 2925.14 of the Revised Code, and subject to division (B)

of this section, the state board of pharmacy shall adopt rules 96159  
establishing standards and procedures for its approval of types 96160  
of instruments that are not to be considered drug paraphernalia 96161  
because they demonstrate efficacy in reducing drug poisoning by 96162  
determining the presence of a specific compound or group of 96163  
compounds. The rules shall be adopted in accordance with Chapter 96164  
119. of the Revised Code. 96165

(B) Under this section, the board shall not approve any 96166  
type of instrument to the extent that the instrument is intended 96167  
to measure the purity of a mixture. 96168

**Sec. 4729.49.** (A) As used in this section~~r~~: 96169

(1) "340B covered entity~~r~~" "~~medicaid~~ has the same meaning 96170  
as in section 3902.70 of the Revised Code. 96171

(2) "Medicaid managed care organization," and "third-party 96172  
administrator" have the same meanings as in section 5167.01 of 96173  
the Revised Code. 96174

(B) A contract between a terminal distributor of dangerous 96175  
drugs and a 340B covered entity shall require the terminal 96176  
distributor to comply with division (C) of this section. 96177

(C) When paying a 340B covered entity for a dangerous drug 96178  
dispensed to a patient, a terminal distributor shall pay to the 96179  
340B covered entity the full reimbursement amount the terminal 96180  
distributor receives from the patient and the patient's health 96181  
insurer, including a third-party administrator or medicaid 96182  
managed care organization, except that the terminal distributor 96183  
may deduct from the full reimbursement amount a fee agreed on in 96184  
writing by the terminal distributor and the 340B covered entity. 96185

**Sec. 4729.52.** (A) As used in this section: 96186

(1) "Category II" means any dangerous drug that is not 96187  
included in category III. 96188

(2) "Category III" means any controlled substance that is 96189  
contained in schedule I, II, III, IV, or V. 96190

(3) "Schedule I," "schedule II," "schedule III," "schedule 96191  
IV," and "schedule V" have the same meanings as in section 96192  
3719.01 of the Revised Code. 96193

(B) (1) (a) The state board of pharmacy shall license 96194  
persons seeking to operate as any of the following persons, 96195  
whether located within or outside this state: 96196

(i) Wholesale distributors of dangerous drugs; 96197

(ii) Manufacturers of dangerous drugs; 96198

(iii) Outsourcing facilities; 96199

(iv) Third-party logistics providers; 96200

(v) Repackagers of dangerous drugs. 96201

(b) ~~There shall be two categories for the licenses~~ When 96202  
the board issues a license to a person identified in division 96203  
(B) (1) (a) of this section. The, the license shall be issued 96204  
according to one of the following categories are as follows, as 96205  
the case may be for the person's business operations: 96206

(i) Category II license. A category II license applies to 96207  
a person whose business operations are located within this 96208  
state. A person who obtains this license may possess, have 96209  
custody or control of, and distribute, only the dangerous drugs 96210  
described in category II. 96211

(ii) Category III license. A category III license applies 96212  
to a person whose business operations are located within this 96213

state. A person who obtains this license may possess, have 96214  
custody or control of, and distribute, the dangerous drugs 96215  
described in category II and the controlled substances described 96216  
in category III. 96217

(iii) Nonresident license. A nonresident license applies 96218  
to a person whose business operations are located outside this 96219  
state. One of the following subcategories shall be designated by 96220  
the board on the license, based on the license holder's business 96221  
operations: wholesale distributor of dangerous drugs, 96222  
manufacturer of dangerous drugs, outsourcing facility, third- 96223  
party logistics provider, or repackager of dangerous drugs. A 96224  
person who obtains a nonresident license may possess, have 96225  
custody or control of, and distribute the dangerous drugs 96226  
described in category II and the controlled substances described 96227  
in category III. 96228

(c) The board may adopt rules under section 4729.26 of the 96229  
Revised Code to create classification types of any license 96230  
issued pursuant to this section. Persons who meet the 96231  
definitions of the classification types shall comply with all 96232  
requirements for the specific license classification specified 96233  
in rule. 96234

(C) A person seeking a license ~~identified in division (B)~~ 96235  
~~(1)(a) of~~ issued under this section shall file with the 96236  
executive director of the board a verified application 96237  
containing such information as the board requires of the 96238  
applicant relative to the licensure qualifications set forth in 96239  
section 4729.53 of the Revised Code and the rules adopted under 96240  
that section. 96241

(D) (1) The board shall ~~license as~~ issue a category II or 96242  
category III license, designated for a manufacturer, outsourcing 96243



facility, third-party logistics provider, repackager, or 96244  
wholesale distributor as the case may be, to each applicant who 96245  
~~has paid~~ whose business operations are located within this 96246  
state, if the applicant pays the required license fee, ~~if and~~ 96247  
the board determines that the applicant meets the licensure 96248  
qualifications set forth in section 4729.53 of the Revised Code 96249  
and the rules adopted under that section. 96250

~~(D)~~ (2) The board may shall issue a nonresident license 96251  
with the appropriate subcategory designation to a person who 96252  
~~does not reside in an~~ applicant whose business operations are 96253  
located outside this state a license identified in division (B) 96254  
~~(1)(a) of this section,~~ if the person applicant pays the 96255  
required licensure license fee and meets the board determines 96256  
either of the following: 96257

~~(1) Possesses~~ (a) That the applicant possesses a current 96258  
and valid manufacturer, outsourcing facility, third-party 96259  
logistics provider, repackager, or wholesale distributor 96260  
license, or its equivalent, issued by another state in which 96261  
that ~~person is~~ person's business operations are physically 96262  
located, but only if that state has qualifications for licensure 96263  
comparable to the licensure requirements in this state; 96264

~~(2) Meets~~ (b) That the applicant meets the requirements 96265  
set forth by the board for issuance of a nonresident license 96266  
~~identified in division (B) (1) (a) of this section,~~ as verified by 96267  
a state, federal, or other entity recognized by the board to 96268  
perform such verification. 96269

(E) All licenses issued or renewed pursuant to this 96270  
section are effective for a period specified by the board in 96271  
rules adopted under section 4729.26 of the Revised Code. The 96272  
effective period for an initial or renewed license shall not 96273

exceed twenty-four months unless the board extends the period in 96274  
rules to adjust license renewal schedules. A license shall be 96275  
renewed by the board pursuant to this section, the standard 96276  
renewal procedure of Chapter 4745. of the Revised Code, and 96277  
rules adopted by the board under section 4729.26 of the Revised 96278  
Code. A person seeking to renew a license shall submit an 96279  
application for renewal and pay the required renewal fee before 96280  
the date specified in the rules adopted by the board. 96281

(F) Each license issued under this section shall describe 96282  
not more than one establishment or place where the license 96283  
holder may engage in the activities authorized by the license. 96284  
No license shall authorize or permit the person named therein to 96285  
engage in the sale or distribution of drugs at wholesale or to 96286  
maintain possession, custody, or control of dangerous drugs for 96287  
any purpose other than for the licensee's own use and 96288  
consumption at any establishment or place other than that 96289  
described in the license. 96290

~~(G)(1)(a)~~ (G) (1) The category II license fee is one 96291  
thousand nine hundred dollars and shall accompany each 96292  
application for licensure. The license renewal fee is one 96293  
thousand nine hundred dollars and shall accompany each renewal 96294  
application. 96295

~~(b)~~ (2) The category III license fee is two thousand 96296  
dollars and shall accompany each application for licensure. The 96297  
license renewal fee is two thousand dollars and shall accompany 96298  
each renewal application. 96299

~~(c)(i)~~ (3) The nonresident license fee is two thousand 96300  
dollars and shall accompany each application for licensure. The 96301  
license renewal fee is two thousand dollars and shall accompany 96302  
each renewal application. 96303

(H) (1) Subject to division ~~(G) (1) (c) (ii)~~ (H) (2) of this 96304  
section, a license issued pursuant to this section that has not 96305  
been renewed by the date specified in rules adopted by the board 96306  
may be reinstated upon payment of the renewal fee and a penalty 96307  
of three hundred dollars. 96308

~~(ii)~~ (2) If a complete application for renewal has not been 96309  
submitted by the sixty-first day after the renewal date 96310  
specified in rules adopted by the board, the license is 96311  
considered void and cannot be renewed, but the license holder 96312  
may reapply for licensure. 96313

~~(2)~~ (I) Renewal fees and penalties assessed under division 96314  
~~(G) (1)~~ (G) or (H) of this section shall not be returned if the 96315  
applicant fails to qualify for renewal. 96316

~~(3)~~ (J) A person licensed pursuant to this section that 96317  
fails to renew licensure in accordance with this section and 96318  
rules adopted by the board is prohibited from engaging in 96319  
manufacturing, repackaging, or compounding drugs, or 96320  
distributing drugs as a third-party logistics provider or 96321  
wholesale distributor, until a valid license is issued by the 96322  
board. 96323

~~(H)~~ (K) Holding a license issued pursuant to this section 96324  
subjects the holder and the holder's agents and employees to the 96325  
jurisdiction of the board and to the laws of this state for the 96326  
purpose of the enforcement of this chapter and the rules of the 96327  
board. However, the filing of an application for licensure under 96328  
this section by or on behalf of any person, or the issuance of a 96329  
license pursuant to this section to or on behalf of any person, 96330  
shall not of itself constitute evidence that the person is doing 96331  
business within this state. 96332

~~(I)~~(L) A person holding a license issued under this 96333  
section shall designate, and shall have available at all times, 96334  
a person to serve for the licensed location in a position to be 96335  
known as "responsible person." A person may be designated and 96336  
serve as a responsible person only if the person meets the 96337  
requirements established in rules the board shall adopt under 96338  
section 4729.26 of the Revised Code. Along with the license 96339  
holder, a responsible person shall accept responsibility for the 96340  
operation of the licensed location in accordance with all 96341  
applicable state and federal laws and rules. 96342

A license holder shall notify the board of the person who 96343  
is designated to serve as the responsible person and, 96344  
thereafter, shall notify the board each time a change is made in 96345  
the designation. Notice to the board shall be provided in 96346  
accordance with procedures established in rules that the board 96347  
shall adopt under section 4729.26 of the Revised Code. For any 96348  
change of responsible person, the board shall assess a fee of 96349  
fifteen dollars. 96350

(M) The board may enter into agreements with other states, 96351  
federal agencies, and other entities to exchange information 96352  
concerning licensing and inspection of any manufacturer, 96353  
outsourcing facility, third-party logistics provider, 96354  
repackager, or wholesale distributor located within or outside 96355  
this state and to investigate alleged violations of the laws and 96356  
rules governing distribution of drugs by such persons. Any 96357  
information received pursuant to such an agreement is subject to 96358  
the same confidentiality requirements applicable to the agency 96359  
or entity from which it was received and shall not be released 96360  
without prior authorization from that agency or entity. Any 96361  
information received is also subject to section 4729.23 of the 96362  
Revised Code. 96363

**Sec. 4729.53.** (A) The state board of pharmacy shall not 96364  
license any person as a manufacturer of dangerous drugs, 96365  
outsourcing facility, third-party logistics provider, repackager 96366  
of dangerous drugs, or wholesale distributor of dangerous drugs 96367  
unless the applicant for licensure furnishes satisfactory proof 96368  
to the board that all of the following conditions are met: 96369

(1) If the applicant has committed acts that the board 96370  
finds violate any federal, state, or local law, regulation, or 96371  
rule relating to drug samples, manufacturing, compounding, 96372  
repackaging, wholesale or retail drug distribution, or 96373  
distribution of dangerous drugs, including controlled 96374  
substances, or if the applicant has committed acts that the 96375  
board finds constitute a felony, or if a federal, state, or 96376  
local governmental entity has suspended or revoked any current 96377  
or prior license of the applicant for the manufacture, 96378  
compounding, repackaging, distribution, or sale of any dangerous 96379  
drugs, including controlled substances, the applicant, to the 96380  
satisfaction of the board, assures that the applicant has in 96381  
place adequate safeguards to prevent the recurrence of any such 96382  
violations, felonies, or license suspensions or revocations. 96383

(2) The applicant's past experience in the manufacture, 96384  
compounding, repackaging, or distribution of dangerous drugs, 96385  
including controlled substances, is acceptable to the board. 96386

(3) The applicant is properly equipped as to land, 96387  
buildings, equipment, and personnel to properly carry on its 96388  
business, including providing adequate security for and proper 96389  
storage conditions and handling for dangerous drugs, and is 96390  
complying with the requirements under this chapter and the rules 96391  
adopted pursuant thereto for maintaining and making available 96392  
records to properly identified board officials and federal, 96393

state, and local law enforcement agencies. 96394

(4) Personnel employed by the applicant have the 96395  
appropriate education or experience, as determined by the board, 96396  
to assume responsibility for positions related to compliance 96397  
with this chapter and the rules adopted pursuant thereto. 96398

(5) The applicant has designated the name and address of a 96399  
person to whom communications from the board may be directed and 96400  
upon whom the notices and citations provided for in section 96401  
4729.56 of the Revised Code may be served. 96402

(6) Adequate safeguards are assured to prevent the sale of 96403  
dangerous drugs other than in accordance with section 4729.51 of 96404  
the Revised Code. 96405

(7) With respect to criminal records checks, the applicant 96406  
has done both of the following, and the board has decided that 96407  
the results of the criminal records checks do not make the 96408  
applicant ineligible for a license issued pursuant to section 96409  
4729.52 of the Revised Code: 96410

(a) ~~Complied~~ The applicant has complied with sections 96411  
4776.01 to 4776.04 of the Revised Code~~+~~. 96412

(b) ~~Required any~~ The applicant has required each of the 96413  
following to submit to a criminal records check in accordance 96414  
with section 4776.02 of the Revised Code and send the results of 96415  
the criminal records check directly to the board: 96416

(i) Any person who is seeking to serve as the responsible 96417  
person on the license, as required by section 4729.52 of the 96418  
Revised Code; 96419

(2) Any person who has an ownership interest, or who is a 96420  
corporate officer, as set forth in rules adopted under division 96421

(C) of this section, ~~to submit to a criminal records check in~~ 96422  
~~accordance with section 4776.02 of the Revised Code and send the~~ 96423  
~~results of the criminal records check directly to the board.~~ 96424

(8) The applicant meets any other requirement or 96425  
qualification the board, by rule adopted under division (C) of 96426  
this section, considers relevant to and consistent with the 96427  
public safety and health. 96428

(B) In addition to the causes described in section 4729.56 96429  
of the Revised Code for refusing to grant or renew a license, 96430  
the board may refuse to grant or renew a license if the board 96431  
determines that the granting of the license or its renewal is 96432  
not in the public interest. 96433

(C) The board shall adopt rules in accordance with Chapter 96434  
119. of the Revised Code that do all of the following: 96435

(1) For purposes of division (A) (7) (b) of this section, 96436  
~~define "responsible person" and specify the persons with~~ 96437  
ownership interests and the corporate officers who are required 96438  
to submit to criminal records checks; 96439

(2) For purposes of division (A) (8) of this section, 96440  
specify other requirements or qualifications, if any, that an 96441  
applicant must meet to receive a license; 96442

(3) Address any other matter the board considers 96443  
appropriate to implement this section. 96444

**Sec. 4729.54.** (A) As used in this section: 96445

(1) "Category II" means any dangerous drug that is not 96446  
included in category III. 96447

(2) "Category III" means any controlled substance that is 96448  
contained in schedule I, II, III, IV, or V. 96449

(3) "Emergency medical service organization" has the same 96450  
meaning as in section 4765.01 of the Revised Code. 96451

(4) "Emergency medical service organization satellite" 96452  
means a location where dangerous drugs are stored that is 96453  
separate from, but associated with, the headquarters of an 96454  
emergency medical service organization. "Emergency medical 96455  
service organization satellite" does not include the units under 96456  
the control of the emergency medical service organization. 96457

(5) "Person" includes an emergency medical service 96458  
organization or an emergency medical service organization 96459  
satellite. 96460

(6) "Schedule I," "schedule II," "schedule III," "schedule 96461  
IV," and "schedule V" have the same meanings as in section 96462  
3719.01 of the Revised Code. 96463

(B) (1) The state board of pharmacy shall license persons 96464  
seeking to operate as terminal distributors of dangerous drugs, 96465  
whether located within or outside this state. 96466

A person seeking to be licensed as a terminal distributor 96467  
of dangerous drugs shall file with the executive director of the 96468  
~~state board of pharmacy~~ a verified application. After it is 96469  
filed, the application may not be withdrawn without approval of 96470  
the board. 96471

(2) An application shall contain all the following that 96472  
apply in the applicant's case: 96473

(a) Information that the board requires relative to the 96474  
qualifications of a terminal distributor of dangerous drugs set 96475  
forth in section 4729.55 of the Revised Code; 96476

(b) A statement as to ~~whether~~ the category of licensure, 96477



identified under division (E) of this section, that the person 96478  
is seeking to be licensed as a category II, category III, 96479  
limited category II, or limited category III terminal 96480  
distributor of dangerous drugs; 96481

(c) If the person is seeking to be licensed as a limited 96482  
category II or limited category III terminal distributor of 96483  
dangerous drugs, a list of the dangerous drugs described in 96484  
category II or the controlled substances described in category 96485  
III that the person is seeking to possess, have custody or 96486  
control of, and distribute, which list shall also specify the 96487  
purpose for which those drugs will be used and their source; 96488

(d) If the person is an emergency medical service 96489  
organization, the information that is specified in divisions (C) 96490  
(1) and (2) of this section, and if the person is an emergency 96491  
medical service organization satellite, the information required 96492  
under division (D) of this section; 96493

(e) Except with respect to the units under the control of 96494  
an emergency medical service organization, the identity of the 96495  
one establishment or place at which the person intends to engage 96496  
in the sale or other distribution of dangerous drugs at retail, 96497  
and maintain possession, custody, or control of dangerous drugs 96498  
for purposes other than the person's own use or consumption; 96499

(f) If the application pertains to a pain management 96500  
clinic, information that demonstrates, to the satisfaction of 96501  
the board, compliance with division (A) of section 4729.552 of 96502  
the Revised Code. 96503

(C) (1) Each emergency medical service organization that 96504  
applies for a terminal distributor of dangerous drugs license 96505  
shall submit with its application all of the following: 96506

(a) A copy of its standing orders or protocol, which 96507  
orders or protocol shall be signed by a physician; 96508

(b) A list of the dangerous drugs that the units under its 96509  
control may carry, expressed in standard dose units, which shall 96510  
be signed by a physician; 96511

(c) A list of the personnel employed or used by the 96512  
organization to provide emergency medical services in accordance 96513  
with Chapter 4765. of the Revised Code. 96514

In accordance with Chapter 119. of the Revised Code, the 96515  
board shall adopt rules specifying when an emergency medical 96516  
service organization that is licensed as a terminal distributor 96517  
must notify the board of any changes in its documentation 96518  
submitted pursuant to division (C)(1) of this section. 96519

(2) An emergency medical service organization seeking to 96520  
be licensed as a terminal distributor of dangerous drugs shall 96521  
list in its application for licensure the following additional 96522  
information: 96523

(a) The units under its control that the organization 96524  
determines will possess dangerous drugs for the purpose of 96525  
administering emergency medical services in accordance with 96526  
Chapter 4765. of the Revised Code; 96527

(b) With respect to each such unit, whether the dangerous 96528  
drugs that the organization determines the unit will possess are 96529  
in category II or III. 96530

(3) An emergency medical service organization that is 96531  
licensed as a terminal distributor of dangerous drugs shall file 96532  
a new application for such licensure if there is any change in 96533  
the number or location of any of its units or if there is any 96534  
change in the category of the dangerous drugs that any unit will 96535

possess. 96536

(4) A unit listed in an application for licensure pursuant 96537  
to division (C) (2) of this section may obtain the dangerous 96538  
drugs it is authorized to possess from its emergency medical 96539  
service organization or, on a replacement basis, from a hospital 96540  
pharmacy. If units will obtain dangerous drugs from a hospital 96541  
pharmacy, the organization shall file, and maintain in current 96542  
form, the following items with the pharmacist who is responsible 96543  
for the hospital's terminal distributor of dangerous drugs 96544  
license: 96545

(a) A copy of its standing orders or protocol; 96546

(b) A list of the personnel employed or used by the 96547  
organization to provide emergency medical services in accordance 96548  
with Chapter 4765. of the Revised Code, who are authorized to 96549  
possess the drugs, which list also shall indicate the personnel 96550  
who are authorized to administer the drugs. 96551

(D) Each emergency medical service organization satellite 96552  
that applies for a terminal distributor of dangerous drugs 96553  
license shall submit with its application all of the information 96554  
that the board requires to be submitted with the application, as 96555  
specified in rules the board shall adopt in accordance with 96556  
Chapter 119. of the Revised Code. 96557

(E) ~~There shall be four categories of terminal distributor~~ 96558  
~~of dangerous drugs licenses. The~~ When the board issues a license 96559  
to a person seeking to operate as a terminal distributor of 96560  
dangerous drugs, the board shall issue the license according to 96561  
one of the following categories as follows, as the case may 96562  
be for the person's business operations: 96563

(1) Category II license. A category II license applies to 96564

a person whose business operations are located within this 96565  
state. A person who obtains this license may possess, have 96566  
custody or control of, and distribute only the dangerous drugs 96567  
described in category II. 96568

(2) Limited category II license. A limited category II 96569  
license applies to a person whose business operations are 96570  
located within this state. A person who obtains this license may 96571  
possess, have custody or control of, and distribute only the 96572  
dangerous drugs described in category II that were listed in the 96573  
application for licensure. 96574

(3) Category III license, which may include a pain 96575  
management clinic classification issued under section 4729.552 96576  
of the Revised Code. A category III license applies to a person 96577  
whose business operations are located within this state. A 96578  
person who obtains this license may possess, have custody or 96579  
control of, and distribute the dangerous drugs described in 96580  
category II and category III. If the license includes a pain 96581  
management clinic classification, the person may operate a pain 96582  
management clinic. 96583

(4) Limited category III license. A limited category III 96584  
license applies to a person whose business operations are 96585  
located within this state. A person who obtains this license may 96586  
possess, have custody or control of, and distribute only the 96587  
dangerous drugs described in category II or the controlled 96588  
substances described in category III that were listed in the 96589  
application for licensure. 96590

(5) Nonresident license. A nonresident license applies to 96591  
a person whose business operations are located outside this 96592  
state. A person who obtains a nonresident license may possess, 96593  
have custody or control of, and distribute the dangerous drugs 96594

described in category II and the controlled substances described 96595  
in category III. 96596

(F) Except for an application made by a county dog warden 96597  
or on behalf of an animal shelter, if an applicant for a limited 96598  
category II license or limited category III license intends to 96599  
administer dangerous drugs to a person or animal, the applicant 96600  
shall submit, with the application, a copy of its protocol or 96601  
standing orders. The protocol or orders shall be signed by a 96602  
licensed health professional authorized to prescribe drugs, 96603  
specify the dangerous drugs to be administered, and list 96604  
personnel who are authorized to administer the dangerous drugs 96605  
in accordance with federal law or the law of this state. 96606

An application made by a county dog warden or on behalf of 96607  
an animal shelter shall include a list of the dangerous drugs to 96608  
be administered to animals and the personnel who are authorized 96609  
to administer the drugs to animals in accordance with section 96610  
4729.532 of the Revised Code. 96611

In accordance with Chapter 119. of the Revised Code, the 96612  
board shall adopt rules specifying when a licensee must notify 96613  
the board of any changes in its documentation submitted pursuant 96614  
to this division. 96615

(G) (1) Except as provided in division (G) (3) of this 96616  
section, each applicant for licensure as a terminal distributor 96617  
of dangerous drugs shall submit, with the application, a license 96618  
fee in the amount that applies to the category of licensure 96619  
being sought. The amount assessed shall not be returned to the 96620  
applicant if the applicant fails to qualify for the license. 96621

(2) The following fees apply under division (G) (1) of this 96622  
section: 96623

(a) Except as provided in division (G) (2) (b) of this section: 96624  
96625

(i) Three hundred ~~twenty-sixty~~ dollars for a category II or limited category II license; 96626  
96627

(ii) Four hundred ~~forty-sixty~~ dollars for a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license; 96628  
96629  
96630  
96631

(iii) Five hundred dollars for a nonresident license. 96632

(b) One hundred ~~twenty-sixty~~ dollars for all of the following whose business operations are located within this state: 96633  
96634  
96635

(i) A person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (C) of section 4729.541 of the Revised Code; 96636  
96637  
96638

(ii) A professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine that is not included in division (G) (2) (b) (i) of this section; 96639  
96640  
96641  
96642

(iii) An emergency medical service organization satellite. 96643

(3) No fee applies for a license issued to a charitable pharmacy, as defined in section 3719.811 of the Revised Code, if the charitable pharmacy is participating in the drug repository program established under section 3715.87 of the Revised Code. 96644  
96645  
96646  
96647

(H) (1) The board shall issue a terminal distributor of dangerous drugs license, in the appropriate category, to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is 96648  
96649  
96650  
96651

determined by the board to meet the requirements set forth in 96652  
section 4729.55 of the Revised Code, and satisfies any other 96653  
applicable requirements of this section. 96654

(2) Except for the license of a county dog warden, the 96655  
license shall describe the one establishment or place at which 96656  
the licensee may engage in the sale or other distribution of 96657  
dangerous drugs at retail and maintain possession, custody, or 96658  
control of dangerous drugs for purposes other than the 96659  
licensee's own use or consumption. The one establishment or 96660  
place shall be that which is identified in the application for 96661  
licensure. 96662

No such license shall authorize or permit the terminal 96663  
distributor of dangerous drugs named in it to engage in the sale 96664  
or other distribution of dangerous drugs at retail or to 96665  
maintain possession, custody, or control of dangerous drugs for 96666  
any purpose other than the distributor's own use or consumption, 96667  
at any establishment or place other than that described in the 96668  
license, except that an agent or employee of an animal shelter 96669  
or county dog warden may possess and use dangerous drugs in the 96670  
course of business as provided in section 4729.532 of the 96671  
Revised Code. 96672

(3) The license of an emergency medical service 96673  
organization shall cover the organization's headquarters and, in 96674  
addition, shall cover and describe all the units of the 96675  
organization listed in its application for licensure. 96676

(I) (1) All licenses issued or renewed pursuant to this 96677  
section shall be effective for a period specified by the board 96678  
in rules adopted under section 4729.26 of the Revised Code. The 96679  
effective period for an initial or renewed license shall not 96680  
exceed twenty-four months unless the board extends the period in 96681

rules to adjust license renewal schedules. A license shall be 96682  
renewed by the board according to the provisions of this 96683  
section, the standard renewal procedure of Chapter 4745. of the 96684  
Revised Code, and rules adopted by the board under section 96685  
4729.26 of the Revised Code. A person seeking to renew a license 96686  
shall submit an application for renewal and pay the required fee 96687  
on or before the date specified in the rules adopted by the 96688  
board. The fee required for the renewal of a license shall be 96689  
the same as the license fee that applies under division (G) (2) 96690  
of this section. 96691

(2) (a) Subject to division (I) (2) (b) of this section, a 96692  
license that has not been renewed by the date specified in rules 96693  
adopted by the board may be reinstated only upon payment of the 96694  
required renewal fee and a penalty fee of one hundred ten 96695  
dollars. 96696

(b) If an application for renewal has not been submitted 96697  
by the sixty-first day after the renewal date specified in rules 96698  
adopted by the board, the license is considered void and cannot 96699  
be renewed, but the license holder may reapply for licensure. 96700

(3) A terminal distributor of dangerous drugs that fails 96701  
to renew licensure in accordance with this section and rules 96702  
adopted by the board is prohibited from engaging in the retail 96703  
sale, possession, or distribution of dangerous drugs until a 96704  
valid license is issued by the board. 96705

(J) (1) No emergency medical service organization that is 96706  
licensed as a terminal distributor of dangerous drugs shall fail 96707  
to comply with division (C) (1), (3), or (4) of this section. 96708

(2) No licensed terminal distributor of dangerous drugs 96709  
shall possess, have custody or control of, or distribute 96710



dangerous drugs that the terminal distributor is not entitled to 96711  
possess, have custody or control of, or distribute by virtue of 96712  
its category of licensure. 96713

(3) No licensee that is required by division (F) of this 96714  
section to notify the board of changes in its protocol or 96715  
standing orders, or in personnel, shall fail to comply with that 96716  
division. 96717

(K) A person holding a license issued under this section 96718  
shall designate, and shall have available at all times, a person 96719  
to serve for the licensed location in a position to be known as 96720  
"responsible person." A person may be designated and serve as a 96721  
responsible person only if the person meets the requirements 96722  
established in rules that the board shall adopt under section 96723  
4729.26 of the Revised Code. Along with the license holder, a 96724  
responsible person shall accept responsibility for the operation 96725  
of the licensed location in accordance with all applicable state 96726  
and federal laws and rules. 96727

A license holder shall notify the board of the person who 96728  
is designated to serve as the responsible person and, 96729  
thereafter, shall notify the board each time a change is made in 96730  
the designation. Notice to the board shall be provided in 96731  
accordance with procedures established in rules that the board 96732  
shall adopt under section 4729.26 of the Revised Code. For any 96733  
change of responsible person, the board shall assess a fee of 96734  
fifteen dollars. 96735

(L) The board may enter into agreements with other states, 96736  
federal agencies, and other entities to exchange information 96737  
concerning licensing and inspection of terminal distributors of 96738  
dangerous drugs located within or outside this state and to 96739  
investigate alleged violations of the laws and rules governing 96740

distribution of drugs by terminal distributors. Any information 96741  
received pursuant to such an agreement is subject to the same 96742  
confidentiality requirements applicable to the agency or entity 96743  
from which it was received and shall not be released without 96744  
prior authorization from that agency or entity. Any information 96745  
received is also subject to section 4729.23 of the Revised Code. 96746

**Sec. 4729.541.** (A) Except as provided in divisions (B) and 96747  
(C) of this section, all of the following are exempt from 96748  
licensure as a terminal distributor of dangerous drugs: 96749

(1) A licensed health professional authorized to prescribe 96750  
drugs; 96751

(2) A business entity that is a corporation formed under 96752  
division (B) of section 1701.03 of the Revised Code, a limited 96753  
liability company formed under former Chapter 1705. of the 96754  
Revised Code as that chapter existed prior to February 11, 2022, 96755  
or Chapter 1706. of the Revised Code, or a professional 96756  
association formed under Chapter 1785. of the Revised Code if 96757  
the entity has a sole shareholder who is a prescriber and is 96758  
authorized to provide the professional services being offered by 96759  
the entity; 96760

(3) A business entity that is a corporation formed under 96761  
division (B) of section 1701.03 of the Revised Code, a limited 96762  
liability company formed under former Chapter 1705. of the 96763  
Revised Code as that chapter existed prior to February 11, 2022, 96764  
or Chapter 1706. of the Revised Code, a partnership or a limited 96765  
liability partnership formed under Chapter 1775. of the Revised 96766  
Code, or a professional association formed under Chapter 1785. 96767  
of the Revised Code, if, to be a shareholder, member, or 96768  
partner, an individual is required to be licensed, certified, or 96769  
otherwise legally authorized under Title XLVII of the Revised 96770

Code to perform the professional service provided by the entity 96771  
and each such individual is a prescriber; 96772

(4) An individual who holds a current license, 96773  
certificate, or registration issued under Title XLVII of the 96774  
Revised Code and has been certified to conduct diabetes 96775  
education by a national certifying body specified in rules 96776  
adopted by the state board of pharmacy under section 4729.68 of 96777  
the Revised Code, but only with respect to insulin that will be 96778  
used for the purpose of diabetes education and only if diabetes 96779  
education is within the individual's scope of practice under 96780  
statutes and rules regulating the individual's profession; 96781

(5) An individual who holds a valid certificate issued by 96782  
a nationally recognized S.C.U.B.A. diving certifying 96783  
organization approved by the state board of pharmacy under rules 96784  
adopted by the board, but only with respect to medical oxygen 96785  
that will be used for the purpose of emergency care or treatment 96786  
at the scene of a diving emergency; 96787

(6) With respect to epinephrine autoinjectors that may be 96788  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 96789  
or 3328.29 of the Revised Code, any of the following: the board 96790  
of education of a city, local, exempted village, or joint 96791  
vocational school district; a chartered or nonchartered 96792  
nonpublic school; a community school established under Chapter 96793  
3314. of the Revised Code; a STEM school established under 96794  
Chapter 3326. of the Revised Code; or a college-preparatory 96795  
boarding school established under Chapter 3328. of the Revised 96796  
Code; 96797

(7) With respect to epinephrine autoinjectors that may be 96798  
possessed under section ~~5101.76~~ 5180.26 of the Revised Code, any 96799  
of the following: a residential camp, as defined in section 96800

2151.011 of the Revised Code; a child day camp, as defined in 96801  
section 5104.01 of the Revised Code; or a child day camp 96802  
operated by any county, township, municipal corporation, 96803  
township park district created under section 511.18 of the 96804  
Revised Code, park district created under section 1545.04 of the 96805  
Revised Code, or joint recreation district established under 96806  
section 755.14 of the Revised Code; 96807

(8) With respect to epinephrine autoinjectors that may be 96808  
possessed under Chapter 3728. of the Revised Code, a qualified 96809  
entity, as defined in section 3728.01 of the Revised Code; 96810

(9) With respect to inhalers that may be possessed under 96811  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 96812  
the Revised Code, any of the following: the board of education 96813  
of a city, local, exempted village, or joint vocational school 96814  
district; a chartered or nonchartered nonpublic school; a 96815  
community school established under Chapter 3314. of the Revised 96816  
Code; a STEM school established under Chapter 3326. of the 96817  
Revised Code; or a college-preparatory boarding school 96818  
established under Chapter 3328. of the Revised Code; 96819

(10) With respect to inhalers that may be possessed under 96820  
section ~~5101.77~~ 5180.261 of the Revised Code, any of the 96821  
following: a residential camp, as defined in section 2151.011 of 96822  
the Revised Code; a child day camp, as defined in section 96823  
5104.01 of the Revised Code; or a child day camp operated by any 96824  
county, township, municipal corporation, township park district 96825  
created under section 511.18 of the Revised Code, park district 96826  
created under section 1545.04 of the Revised Code, or joint 96827  
recreation district established under section 755.14 of the 96828  
Revised Code; 96829

(11) With respect to overdose reversal drugs that may be 96830

possessed for the purposes described in section 3715.50 of the Revised Code, any person or government entity exercising the authority conferred by that section;

(12) With respect to overdose reversal drugs that may be possessed for use in personally furnishing supplies of the drug pursuant to a protocol established under section 3715.503 of the Revised Code, any individual exercising the authority conferred by that section;

(13) With respect to injectable or nasally administered glucagon that may be possessed under sections 3313.7115, 3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(14) With respect to injectable or nasally administered glucagon that may be possessed under section ~~5101.78~~ 5180.262 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(15) A person who possesses nitrous oxide for use as a direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for

testing or maintaining a plumbing or heating, ventilation, and 96861  
air conditioning system; 96862

(16) A person who possesses medical oxygen, sterile water, 96863  
or sterile saline for direct administration to patients or for 96864  
the purpose of installation or maintenance of home medical 96865  
equipment, as defined in section 4752.01 of the Revised Code; 96866

(17) A facility that is owned and operated by the United 96867  
States department of defense, the United States department of 96868  
veterans affairs, or any other federal agency. 96869

(B) If a person described in division (A) of this section 96870  
is a pain management clinic or is operating a pain management 96871  
clinic, the person shall hold a license as a terminal 96872  
distributor of dangerous drugs with a pain management clinic 96873  
classification issued under section 4729.552 of the Revised 96874  
Code. 96875

(C) Any of the persons described in divisions (A) (1) to 96876  
(16) of this section shall hold a license as a terminal 96877  
distributor of dangerous drugs in order to possess, have custody 96878  
or control of, and distribute any of the following: 96879

(1) Dangerous drugs that are compounded or used for the 96880  
purpose of compounding; 96881

(2) A schedule I, II, III, IV, or V controlled substance, 96882  
as defined in section 3719.01 of the Revised Code. 96883

**Sec. 4729.56.** (A) (1) The state board of pharmacy, in 96884  
accordance with Chapter 119. of the Revised Code, may impose any 96885  
one or more of the following sanctions on a person licensed 96886  
under ~~division (B) (1) (a) of~~ section 4729.52 of the Revised Code 96887  
for any of the causes set forth in division (A) (2) of this 96888  
section: 96889

(a) Suspend, revoke, restrict, limit, or refuse to grant	96890
or renew a license;	96891
(b) Reprimand or place the license holder on probation;	96892
(c) Impose a monetary penalty or forfeiture not to exceed	96893
in severity any fine designated under the Revised Code for a	96894
similar offense or two thousand five hundred dollars if the acts	96895
committed are not classified as an offense by the Revised Code;	96896
(2) The board may impose the sanctions set forth in	96897
division (A)(1) of this section for any of the following:	96898
(a) Making any false material statements in an application	96899
for licensure under section 4729.52 of the Revised Code;	96900
(b) Violating any federal, state, or local drug law; any	96901
provision of this chapter or Chapter 2925., 3715., or 3719. of	96902
the Revised Code; or any rule of the board;	96903
(c) A conviction of a felony;	96904
(d) Failing to satisfy the qualifications for licensure	96905
under section 4729.53 of the Revised Code or the rules of the	96906
board or ceasing to satisfy the qualifications after the	96907
registration is granted or renewed;	96908
(e) Falsely or fraudulently promoting to the public a drug	96909
that is a controlled substance included in schedule I, II, III,	96910
IV, or V, except that nothing in this division prohibits a	96911
manufacturer, outsourcing facility, third-party logistics	96912
provider, repackager, or wholesale distributor of dangerous	96913
drugs from furnishing information concerning a controlled	96914
substance to a health care provider or licensed terminal	96915
distributor;	96916
(f) Violating any provision of the "Federal Food, Drug,	96917

and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 96918  
Chapter 3715. of the Revised Code; 96919

(g) Any other cause for which the board may impose 96920  
sanctions as set forth in rules adopted under section 4729.26 of 96921  
the Revised Code. 96922

(B) Upon the suspension or revocation of any license 96923  
~~identified in division (B) (1) (a) of~~ issued under section 4729.52 96924  
of the Revised Code, the licensee shall immediately surrender 96925  
the license to the board. 96926

(C) If the board suspends, revokes, or refuses to renew 96927  
any license ~~identified in division (B) (1) (a) of~~ issued under 96928  
section 4729.52 of the Revised Code and determines that there is 96929  
clear and convincing evidence of a danger of immediate and 96930  
serious harm to any person, the board may place under seal all 96931  
dangerous drugs owned by or in the possession, custody, or 96932  
control of the affected licensee. Except as provided in this 96933  
division, the board shall not dispose of the dangerous drugs 96934  
sealed under this division until the licensee exhausts all of 96935  
the licensee's appeal rights under Chapter 119. of the Revised 96936  
Code. The court involved in such an appeal may order the board, 96937  
during the pendency of the appeal, to sell sealed dangerous 96938  
drugs that are perishable. The board shall deposit the proceeds 96939  
of the sale with the court. 96940

(D) If the board is required under Chapter 119. of the 96941  
Revised Code to give notice of an opportunity for a hearing and 96942  
the license holder does not make a timely request for a hearing 96943  
in accordance with section 119.07 of the Revised Code, the board 96944  
is not required to hold a hearing, but may adopt a final order 96945  
that contains the board's findings. In the final order, the 96946  
board may impose any of the sanctions listed in division (A) of 96947



this section. 96948

(E) Notwithstanding division (D) (2) of section 2953.32 or 96949  
division (F) (1) of section 2953.39 of the Revised Code 96950  
specifying that if records pertaining to a criminal case are 96951  
sealed or expunged under that section the proceedings in the 96952  
case must be deemed not to have occurred, sealing or expungement 96953  
of the following records on which the board has based an action 96954  
under this section shall have no effect on the board's action or 96955  
any sanction imposed by the board under this section: records of 96956  
any conviction, guilty plea, judicial finding of guilt resulting 96957  
from a plea of no contest, or a judicial finding of eligibility 96958  
for a pretrial diversion program or intervention in lieu of 96959  
conviction. The board is not required to seal, destroy, redact, 96960  
or otherwise modify its records to reflect the court's sealing 96961  
or expungement of conviction records. 96962

**Sec. 4729.561.** If the state board of pharmacy determines 96963  
that there is clear and convincing evidence that the method used 96964  
~~by a licensed manufacturer of dangerous drugs, outsourcing-~~ 96965  
~~facility, third-party logistics provider, repackager of-~~ 96966  
~~dangerous drugs, or wholesale distributor of dangerous drugs to~~ 96967  
possess or distribute dangerous drugs by a person licensed under 96968  
section 4729.52 of the Revised Code presents a danger of 96969  
immediate and serious harm to others, the board may suspend 96970  
without a hearing the person's license issued pursuant to that 96971  
~~section 4729.52 of the Revised Code.~~ The board shall follow the 96972  
procedure for suspension without a prior hearing in section 96973  
119.07 of the Revised Code. The suspension shall remain in 96974  
effect, unless removed by the board, until the board's final 96975  
adjudication order becomes effective, except that if the board 96976  
does not issue its final adjudication order within one hundred 96977  
twenty days after the suspension, the suspension shall be void 96978

on the one hundred twenty-first day after the suspension. 96979

**Sec. 4729.60.** (A) (1) Before a ~~licensee identified in~~ 96980  
~~division (B) (1) (a) of person licensed under~~ section 4729.52 of 96981  
the Revised Code may sell or distribute dangerous drugs at 96982  
wholesale to any person, except as provided in division (A) (2) 96983  
of this section, the licensee shall query the roster established 96984  
pursuant to section 4729.59 of the Revised Code to determine 96985  
whether the purchaser is a licensed terminal distributor of 96986  
dangerous drugs. 96987

If no documented query is conducted before a sale is made, 96988  
it shall be presumed that the sale of dangerous drugs by the 96989  
licensee is in violation of division (B) of section 4729.51 of 96990  
the Revised Code and the purchase of dangerous drugs by the 96991  
purchaser is in violation of division (E) of section 4729.51 of 96992  
the Revised Code. If a licensee conducts a documented query and 96993  
relies on the results of the query in selling or distributing 96994  
dangerous drugs at wholesale to the terminal distributor of 96995  
dangerous drugs, the licensee shall be deemed not to have 96996  
violated division (B) of section 4729.51 of the Revised Code in 96997  
making the sale. 96998

(2) Division (A) (1) of this section does not apply when a 96999  
~~licensee identified in division (B) (1) (a) of person licensed~~ 97000  
under section 4729.52 of the Revised Code sells or distributes 97001  
dangerous drugs at wholesale to any of the following: 97002

(a) A person specified in division (B) (4) of section 97003  
4729.51 of the Revised Code; 97004

(b) A person exempt from licensure as a terminal 97005  
distributor of dangerous drugs under section 4729.541 of the 97006  
Revised Code. 97007

(B) Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall query the roster established pursuant to section 4729.59 of the Revised Code to confirm the seller is licensed to engage in the sale or distribution of dangerous drugs at wholesale.

If no documented query is conducted before a purchase is made, it shall be presumed that the purchase of dangerous drugs by the terminal distributor is in violation of division (F) of section 4729.51 of the Revised Code and the sale of dangerous drugs by the seller is in violation of division (A) of section 4729.51 of the Revised Code. If a licensed terminal distributor of dangerous drugs conducts a documented query at least annually and relies on the results of the query in purchasing dangerous drugs at wholesale, the terminal distributor shall be deemed not to have violated division (F) of section 4729.51 of the Revised Code in making the purchase.

**Sec. 4729.80.** (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database only as follows:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being conducted by the government entity or relating to a professional who is acting as an expert witness for the government entity in such an

investigation. 97038

(2) On receipt of a request from a federal officer, or a 97039  
state or local officer of this or any other state, whose duties 97040  
include enforcing laws relating to drugs, the board shall 97041  
provide to the officer information from the database relating to 97042  
the person who is the subject of an active investigation of a 97043  
drug abuse offense, as defined in section 2925.01 of the Revised 97044  
Code, being conducted by the officer's employing government 97045  
entity. 97046

(3) Pursuant to a subpoena issued by a grand jury, the 97047  
board shall provide to the grand jury information from the 97048  
database relating to the person who is the subject of an 97049  
investigation being conducted by the grand jury. 97050

(4) Pursuant to a subpoena, search warrant, or court order 97051  
in connection with the investigation or prosecution of a 97052  
possible or alleged criminal offense, the board shall provide 97053  
information from the database as necessary to comply with the 97054  
subpoena, search warrant, or court order. 97055

(5) On receipt of a request from a prescriber or the 97056  
prescriber's delegate approved by the board, the board shall 97057  
provide to the prescriber a report of information from the 97058  
database relating to a patient who is either a current patient 97059  
of the prescriber or a potential patient of the prescriber based 97060  
on a referral of the patient to the prescriber, if all of the 97061  
following conditions are met: 97062

(a) The prescriber certifies in a form specified by the 97063  
board that it is for the purpose of providing medical treatment 97064  
to the patient who is the subject of the request; 97065

(b) The prescriber has not been denied access to the 97066

database by the board. 97067

(6) On receipt of a request from a pharmacist or the 97068  
pharmacist's delegate approved by the board, the board shall 97069  
provide to the pharmacist information from the database relating 97070  
to a current patient of the pharmacist, if the pharmacist 97071  
certifies in a form specified by the board that it is for the 97072  
purpose of the pharmacist's practice of pharmacy involving the 97073  
patient who is the subject of the request and the pharmacist has 97074  
not been denied access to the database by the board. 97075

(7) On receipt of a request from an individual seeking the 97076  
individual's own database information in accordance with the 97077  
procedure established in rules adopted under section 4729.84 of 97078  
the Revised Code, the board may provide to the individual the 97079  
individual's own prescription history. 97080

(8) On receipt of a request from a medical director or a 97081  
pharmacy director of a managed care organization that has 97082  
entered into a contract with the department of medicaid under 97083  
section 5167.10 of the Revised Code and a data security 97084  
agreement with the board required by section 5167.14 of the 97085  
Revised Code, the board shall provide to the medical director or 97086  
the pharmacy director information from the database relating to 97087  
a medicaid recipient enrolled in the managed care organization, 97088  
including information in the database related to prescriptions 97089  
for the recipient that were not covered or reimbursed under a 97090  
program administered by the department of medicaid. 97091

(9) On receipt of a request from the medicaid director, 97092  
the board shall provide to the director information from the 97093  
database relating to a recipient of a program administered by 97094  
the department of medicaid, including information in the 97095  
database related to prescriptions for the recipient that were 97096

not covered or paid by a program administered by the department. 97097

(10) On receipt of a request from a medical director of a 97098  
managed care organization that has entered into a contract with 97099  
the administrator of workers' compensation under division (B) (4) 97100  
of section 4121.44 of the Revised Code and a data security 97101  
agreement with the board required by section 4121.447 of the 97102  
Revised Code, the board shall provide to the medical director 97103  
information from the database relating to a claimant under 97104  
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 97105  
assigned to the managed care organization, including information 97106  
in the database related to prescriptions for the claimant that 97107  
were not covered or reimbursed under Chapter 4121., 4123., 97108  
4127., or 4131. of the Revised Code, if the administrator of 97109  
workers' compensation confirms, upon request from the board, 97110  
that the claimant is assigned to the managed care organization. 97111

(11) On receipt of a request from the administrator of 97112  
workers' compensation, the board shall provide to the 97113  
administrator information from the database relating to a 97114  
claimant under Chapter 4121., 4123., 4127., or 4131. of the 97115  
Revised Code, including information in the database related to 97116  
prescriptions for the claimant that were not covered or 97117  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 97118  
Revised Code. 97119

(12) On receipt of a request from a prescriber or the 97120  
prescriber's delegate approved by the board, the board shall 97121  
provide to the prescriber information from the database relating 97122  
to a patient's mother, if the prescriber certifies in a form 97123  
specified by the board that it is for the purpose of providing 97124  
medical treatment to a newborn or infant patient diagnosed as 97125  
opioid dependent and the prescriber has not been denied access 97126

to the database by the board. 97127

(13) On receipt of a request from the director of health, 97128  
the board shall provide to the director information from the 97129  
database relating to the duties of the director or the 97130  
department of health in implementing the Ohio violent death 97131  
reporting system established under section 3701.93 of the 97132  
Revised Code. 97133

(14) On receipt of a request from a requestor described in 97134  
division (A)(1), (2), (5), or (6) of this section who is from or 97135  
participating with another state's prescription monitoring 97136  
program, the board may provide to the requestor information from 97137  
the database, but only if there is a written agreement under 97138  
which the information is to be used and disseminated according 97139  
to the laws of this state. 97140

(15) On receipt of a request from a delegate of a retail 97141  
dispensary licensed under Chapter 3796. of the Revised Code who 97142  
is approved by the board to serve as the dispensary's delegate, 97143  
the board shall provide to the delegate a report of information 97144  
from the database pertaining only to a patient's use of medical 97145  
marijuana, if both of the following conditions are met: 97146

(a) The delegate certifies in a form specified by the 97147  
board that it is for the purpose of dispensing medical marijuana 97148  
for use in accordance with Chapter 3796. of the Revised Code. 97149

(b) The retail dispensary or delegate has not been denied 97150  
access to the database by the board. 97151

(16) On receipt of a request from a judge of a program 97152  
certified by the Ohio supreme court as a specialized docket 97153  
program for drugs, the board shall provide to the judge, or an 97154  
employee of the program who is designated by the judge to 97155

receive the information, information from the database that 97156  
relates specifically to a current or prospective program 97157  
participant. 97158

(17) On receipt of a request from a coroner, deputy 97159  
coroner, or coroner's delegate approved by the board, the board 97160  
shall provide to the requestor information from the database 97161  
relating to a deceased person about whom the coroner is 97162  
conducting or has conducted an autopsy or investigation. 97163

(18) On receipt of a request from a prescriber, the board 97164  
may provide to the prescriber a summary of the prescriber's 97165  
prescribing record if such a record is created by the board. 97166  
Information in the summary is subject to the confidentiality 97167  
requirements of this chapter. 97168

~~(19)(a)~~ (19) On receipt of a request from a pharmacy's 97169  
responsible person designated under section 4729.54 of the 97170  
Revised Code, the board may provide to the responsible person a 97171  
summary of the pharmacy's dispensing record if such a record is 97172  
created by the board. Information in the summary is subject to 97173  
the confidentiality requirements of this chapter. 97174

~~(b) As used in division (A) (19) (a) of this section,~~ 97175  
~~"responsible person" has the same meaning as in rules adopted by~~ 97176  
~~the board under section 4729.26 of the Revised Code.~~ 97177

(20) The board may provide information from the database 97178  
without request to a prescriber or pharmacist who is authorized 97179  
to use the database pursuant to this chapter. 97180

(21) (a) On receipt of a request from a prescriber or 97181  
pharmacist, or the prescriber's or pharmacist's delegate, who is 97182  
a designated representative of a peer review committee, the 97183  
board shall provide to the committee information from the 97184



database relating to a prescriber who is subject to the 97185  
committee's evaluation, supervision, or discipline if the 97186  
information is to be used for one of those purposes. The board 97187  
shall provide only information that it determines, in accordance 97188  
with rules adopted under section 4729.84 of the Revised Code, is 97189  
appropriate to be provided to the committee. 97190

(b) As used in division (A) (21) (a) of this section, "peer 97191  
review committee" has the same meaning as in section 2305.25 of 97192  
the Revised Code, except that it includes only a peer review 97193  
committee of a hospital or a peer review committee of a 97194  
nonprofit health care corporation that is a member of the 97195  
hospital or of which the hospital is a member. 97196

(22) On receipt of a request from a requestor described in 97197  
division (A) (5) or (6) of this section who is from or 97198  
participating with a prescription monitoring program that is 97199  
operated by a federal agency and approved by the board, the 97200  
board may provide to the requestor information from the 97201  
database, but only if there is a written agreement under which 97202  
the information is to be used and disseminated according to the 97203  
laws of this state. 97204

(23) Any personal health information submitted to the 97205  
board pursuant to section 4729.772 of the Revised Code may be 97206  
provided by the board only as authorized by the submitter of the 97207  
information and in accordance with rules adopted under section 97208  
4729.84 of the Revised Code. 97209

(24) On receipt of a request from a person described in 97210  
division (A) (5), (6), or (17) of this section who is 97211  
participating in a drug overdose fatality review committee 97212  
described in section 307.631 of the Revised Code, the board may 97213  
provide to the requestor information from the database, but only 97214

if there is a written agreement under which the information is 97215  
to be used and disseminated according to the laws of this state. 97216

(25) On receipt of a request from a person described in 97217  
division (A)(5), (6), or (17) of this section who is 97218  
participating in a suicide fatality review committee described 97219  
in section 307.641 of the Revised Code, the board may provide to 97220  
the requestor information from the database, but only if there 97221  
is a written agreement under which the information is to be used 97222  
and disseminated according to the laws of this state. 97223

(26) On receipt of a request from a designated 97224  
representative of the division of marijuana control in the 97225  
department of commerce, the board shall provide to the 97226  
representative information from the database relating to an 97227  
individual who, or entity that, is the subject of an active 97228  
investigation being conducted by the division. 97229

(B) The state board of pharmacy shall maintain a record of 97230  
each individual or entity that requests information from the 97231  
database pursuant to this section. In accordance with rules 97232  
adopted under section 4729.84 of the Revised Code, the board may 97233  
use the records to document and report statistics and law 97234  
enforcement outcomes. 97235

The board may provide records of an individual's requests 97236  
for database information only to the following: 97237

(1) A designated representative of a government entity 97238  
that is responsible for the licensure, regulation, or discipline 97239  
of health care professionals with authority to prescribe, 97240  
administer, or dispense drugs who is involved in an active 97241  
criminal or disciplinary investigation being conducted by the 97242  
government entity of the individual who submitted the requests 97243

for database information; 97244

(2) A federal officer, or a state or local officer of this 97245  
or any other state, whose duties include enforcing laws relating 97246  
to drugs and who is involved in an active investigation being 97247  
conducted by the officer's employing government entity of the 97248  
individual who submitted the requests for database information; 97249

(3) A designated representative of the department of 97250  
medicaid regarding a prescriber who is treating or has treated a 97251  
recipient of a program administered by the department and who 97252  
submitted the requests for database information. 97253

(C) Information contained in the database and any 97254  
information obtained from it is confidential and is not a public 97255  
record. Information contained in the records of requests for 97256  
information from the database is confidential and is not a 97257  
public record. Information contained in the database that does 97258  
not identify a person, including any licensee or registrant of 97259  
the board or other entity, may be released in summary, 97260  
statistical, or aggregate form. 97261

(D) A pharmacist or prescriber shall not be held liable in 97262  
damages to any person in any civil action for injury, death, or 97263  
loss to person or property on the basis that the pharmacist or 97264  
prescriber did or did not seek or obtain information from the 97265  
database. 97266

**Sec. 4729.901.** (A) An applicant for registration under 97267  
section 4729.90 of the Revised Code shall file with the state 97268  
board of pharmacy an application in the form and manner 97269  
prescribed in rules adopted under section 4729.94 of the Revised 97270  
Code. The application shall be accompanied by an application fee 97271  
of ~~fifty~~ sixty-five dollars, which shall not be returned if the 97272

applicant fails to qualify for registration. 97273

(B) If the board is satisfied that the applicant meets the 97274  
requirements of section 4729.90 of the Revised Code and any 97275  
additional requirements established by the board and determines 97276  
that the results of a criminal records check do not make the 97277  
applicant ineligible, the board shall register the applicant as 97278  
a registered pharmacy technician or certified pharmacy 97279  
technician, as applicable. 97280

(C) The board shall register as a registered pharmacy 97281  
technician or certified pharmacy technician, as applicable, in 97282  
accordance with Chapter 4796. of the Revised Code an applicant 97283  
if either of the following applies: 97284

(1) The applicant holds a license or is registered in 97285  
another state. 97286

(2) The applicant has satisfactory work experience, a 97287  
government certification, or a private certification as 97288  
described in that chapter as a pharmacy technician in a state 97289  
that does not issue that license or registration. 97290

(D) ~~Registration under division (B) or (C) of this section~~ 97291  
~~as a registered pharmacy technician or certified pharmacy~~ 97292  
~~technician is valid for the a two-year period, unless a~~ 97293  
~~different period is specified by the board in rules adopted~~ 97294  
~~under section 4729.94 of the Revised Code. The period shall not~~ 97295  
~~exceed twenty-four months unless the board extends the period in~~ 97296  
~~the rules to account for initial registration, adjust license~~ 97297  
~~registration renewal schedules, or to accommodate other matters~~ 97298  
~~the board considers appropriate.~~ 97299

**Sec. 4729.902.** (A) A registered pharmacy technician or 97300  
certified pharmacy technician shall file an application for\_ 97301

biennial registration renewal in the form and manner prescribed 97302  
by the state board of pharmacy in rules adopted under section 97303  
4729.94 of the Revised Code. Registrations shall be renewed in 97304  
accordance with the rules and the standard renewal procedure set 97305  
forth in Chapter 4745. of the Revised Code. The biennial renewal 97306  
fee is ~~twenty-five~~ sixty-five dollars ~~per year~~. 97307

(B) (1) A registered pharmacy technician or certified 97308  
pharmacy technician who fails to renew registration in 97309  
accordance with division (A) of this section is prohibited from 97310  
engaging in the activities authorized by section 4729.91 of the 97311  
Revised Code. 97312

(2) (a) A registration that is not renewed by a date 97313  
determined under division (A) of this section but has not lapsed 97314  
for more than ninety days may be reinstated if the applicant 97315  
does both of the following: 97316

(i) Submits a renewal application in a form prescribed by 97317  
the board in rules adopted under section 4729.94 of the Revised 97318  
Code; 97319

(ii) Pays the renewal fee and a late fee of fifty dollars. 97320

(b) A registration that has lapsed for more than ninety 97321  
days cannot be renewed, but the registration holder may reapply 97322  
for registration. 97323

**Sec. 4729.921.** (A) An applicant for registration as a 97324  
pharmacy technician trainee shall file with the state board of 97325  
pharmacy an application in the form and manner prescribed in 97326  
rules adopted under section 4729.94 of the Revised Code. The 97327  
application shall be accompanied by an application fee of 97328  
~~twenty-five~~ forty dollars, which shall not be returned if the 97329  
applicant fails to qualify for registration. 97330

If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a pharmacy technician trainee.

(B) (1) The board shall register as a pharmacy technician trainee in accordance with Chapter 4796. of the Revised Code an applicant who either holds a license or is registered in another state or has satisfactory work experience, a government certification, or a private certification as described in that chapter as a pharmacy technician trainee in a state that does not issue that license or registration.

(2) The board may register as a pharmacy technician trainee an applicant who is seventeen years of age if either of the following apply:

(a) The applicant possesses a high school diploma or certificate of high school equivalence;

(b) The applicant does not possess a high school diploma or certificate of high school equivalence but is enrolled in a career-technical school program that is approved by the board and conducted by a city, exempted village, local, or joint vocational school district.

(C) The board shall not refuse to register an applicant as a pharmacy technician trainee because of a conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Registration is valid for ~~one year~~ eighteen months from the date of registration, except that the board may extend

the time period for which registration is valid. Registration is 97360  
not renewable, but an individual may reapply for registration if 97361  
the individual's previous registration has lapsed for more than 97362  
five years or the board grants its approval. 97363

**Sec. 4730.25.** (A) The state medical board, by an 97364  
affirmative vote of not fewer than six members, may refuse to 97365  
grant a license to practice as a physician assistant to, or may 97366  
revoke the license held by, an individual found by the board to 97367  
have committed fraud, misrepresentation, or deception in 97368  
applying for or securing the license. 97369

(B) Except as provided in division (N) of this section, 97370  
the board, by an affirmative vote of not fewer than six members, 97371  
shall, to the extent permitted by law, limit, revoke, or suspend 97372  
an individual's license to practice as a physician assistant or 97373  
prescriber number, refuse to issue a license to an applicant, 97374  
refuse to renew a license, refuse to reinstate a license, or 97375  
reprimand or place on probation the holder of a license for any 97376  
of the following reasons: 97377

(1) Failure to practice in accordance with the supervising 97378  
physician's supervision agreement with the physician assistant, 97379  
including, if applicable, the policies of the health care 97380  
facility in which the supervising physician and physician 97381  
assistant are practicing; 97382

(2) Failure to comply with the requirements of this 97383  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 97384  
by the board; 97385

(3) Violating or attempting to violate, directly or 97386  
indirectly, or assisting in or abetting the violation of, or 97387  
conspiring to violate, any provision of this chapter, Chapter 97388

4731. of the Revised Code, or the rules adopted by the board; 97389

(4) Inability to practice according to acceptable and 97390  
prevailing standards of care by reason of mental illness or 97391  
physical illness, including physical deterioration that 97392  
adversely affects cognitive, motor, or perceptive skills; 97393

(5) Impairment of ability to practice according to 97394  
acceptable and prevailing standards of care because of substance 97395  
use disorder or excessive use or abuse of drugs, alcohol, or 97396  
other substances that may impair ability to practice; 97397

(6) Administering drugs for purposes other than those 97398  
authorized under this chapter; 97399

(7) Willfully betraying a professional confidence; 97400

(8) Making a false, fraudulent, deceptive, or misleading 97401  
statement in soliciting or advertising for employment as a 97402  
physician assistant; in connection with any solicitation or 97403  
advertisement for patients; in relation to the practice of 97404  
medicine as it pertains to physician assistants; or in securing 97405  
or attempting to secure a license to practice as a physician 97406  
assistant. 97407

As used in this division, "false, fraudulent, deceptive, 97408  
or misleading statement" means a statement that includes a 97409  
misrepresentation of fact, is likely to mislead or deceive 97410  
because of a failure to disclose material facts, is intended or 97411  
is likely to create false or unjustified expectations of 97412  
favorable results, or includes representations or implications 97413  
that in reasonable probability will cause an ordinarily prudent 97414  
person to misunderstand or be deceived. 97415

(9) Representing, with the purpose of obtaining 97416  
compensation or other advantage personally or for any other 97417



person, that an incurable disease or injury, or other incurable  
condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or  
anything of value by fraudulent misrepresentations in the course  
of practice;

(11) A plea of guilty to, a judicial finding of guilt of,  
or a judicial finding of eligibility for intervention in lieu of  
conviction for, a felony;

(12) Commission of an act that constitutes a felony in  
this state, regardless of the jurisdiction in which the act was  
committed;

(13) A plea of guilty to, a judicial finding of guilt of,  
or a judicial finding of eligibility for intervention in lieu of  
conviction for, a misdemeanor committed in the course of  
practice;

(14) A plea of guilty to, a judicial finding of guilt of,  
or a judicial finding of eligibility for intervention in lieu of  
conviction for, a misdemeanor involving moral turpitude;

(15) Commission of an act in the course of practice that  
constitutes a misdemeanor in this state, regardless of the  
jurisdiction in which the act was committed;

(16) Commission of an act involving moral turpitude that  
constitutes a misdemeanor in this state, regardless of the  
jurisdiction in which the act was committed;

(17) A plea of guilty to, a judicial finding of guilt of,  
or a judicial finding of eligibility for intervention in lieu of  
conviction for violating any state or federal law regulating the  
possession, distribution, or use of any drug, including

trafficking in drugs; 97446

(18) Any of the following actions taken by the state 97447  
agency responsible for regulating the practice of physician 97448  
assistants in another state, for any reason other than the 97449  
nonpayment of fees: the limitation, revocation, or suspension of 97450  
an individual's license to practice; acceptance of an 97451  
individual's license surrender; denial of a license; refusal to 97452  
renew or reinstate a license; imposition of probation; or 97453  
issuance of an order of censure or other reprimand; 97454

(19) A departure from, or failure to conform to, minimal 97455  
standards of care of similar physician assistants under the same 97456  
or similar circumstances, regardless of whether actual injury to 97457  
a patient is established; 97458

(20) Violation of the conditions placed by the board on a 97459  
license to practice as a physician assistant; 97460

(21) Failure to use universal blood and body fluid 97461  
precautions established by rules adopted under section 4731.051 97462  
of the Revised Code; 97463

(22) Failure to cooperate in an investigation conducted by 97464  
the board under section 4730.26 of the Revised Code, including 97465  
failure to comply with a subpoena or order issued by the board 97466  
or failure to answer truthfully a question presented by the 97467  
board at a deposition or in written interrogatories, except that 97468  
failure to cooperate with an investigation shall not constitute 97469  
grounds for discipline under this section if a court of 97470  
competent jurisdiction has issued an order that either quashes a 97471  
subpoena or permits the individual to withhold the testimony or 97472  
evidence in issue; 97473

(23) Assisting suicide, as defined in section 3795.01 of 97474

the Revised Code; 97475

(24) Prescribing any drug or device to perform or induce 97476  
an abortion, or otherwise performing or inducing an abortion; 97477

(25) Failure to comply with section 4730.53 of the Revised 97478  
Code, unless the board no longer maintains a drug database 97479  
pursuant to section 4729.75 of the Revised Code; 97480

(26) Failure to comply with the requirements in section 97481  
3719.061 of the Revised Code before issuing for a minor a 97482  
prescription for an opioid analgesic, as defined in section 97483  
3719.01 of the Revised Code; 97484

(27) Having certification by the national commission on 97485  
certification of physician assistants or a successor 97486  
organization expire, lapse, or be suspended or revoked; 97487

(28) The revocation, suspension, restriction, reduction, 97488  
or termination of clinical privileges by the United States 97489  
department of defense or department of veterans affairs or the 97490  
termination or suspension of a certificate of registration to 97491  
prescribe drugs by the drug enforcement administration of the 97492  
United States department of justice; 97493

(29) Failure to comply with terms of a consult agreement 97494  
entered into with a pharmacist pursuant to section 4729.39 of 97495  
the Revised Code; 97496

(30) Violation of section 4730.57 of the Revised Code. 97497

(C) Disciplinary actions taken by the board under 97498  
divisions (A) and (B) of this section shall be taken pursuant to 97499  
an adjudication under Chapter 119. of the Revised Code, except 97500  
that in lieu of an adjudication, the board may enter into a 97501  
consent agreement with a physician assistant or applicant to 97502

resolve an allegation of a violation of this chapter or any rule 97503  
adopted under it. A consent agreement, when ratified by an 97504  
affirmative vote of not fewer than six members of the board, 97505  
shall constitute the findings and order of the board with 97506  
respect to the matter addressed in the agreement. If the board 97507  
refuses to ratify a consent agreement, the admissions and 97508  
findings contained in the consent agreement shall be of no force 97509  
or effect. 97510

(D) For purposes of divisions (B) (12), (15), and (16) of 97511  
this section, the commission of the act may be established by a 97512  
finding by the board, pursuant to an adjudication under Chapter 97513  
119. of the Revised Code, that the applicant or license holder 97514  
committed the act in question. The board shall have no 97515  
jurisdiction under these divisions in cases where the trial 97516  
court renders a final judgment in the license holder's favor and 97517  
that judgment is based upon an adjudication on the merits. The 97518  
board shall have jurisdiction under these divisions in cases 97519  
where the trial court issues an order of dismissal upon 97520  
technical or procedural grounds. 97521

(E) The sealing or expungement of conviction records by 97522  
any court shall have no effect upon a prior board order entered 97523  
under the provisions of this section or upon the board's 97524  
jurisdiction to take action under the provisions of this section 97525  
if, based upon a plea of guilty, a judicial finding of guilt, or 97526  
a judicial finding of eligibility for intervention in lieu of 97527  
conviction, the board issued a notice of opportunity for a 97528  
hearing prior to the court's order to seal or expunge the 97529  
records. The board shall not be required to seal, destroy, 97530  
redact, or otherwise modify its records to reflect the court's 97531  
sealing or expungement of conviction records. 97532

(F) For purposes of this division, any individual who 97533  
holds a license issued under this chapter, or applies for a 97534  
license issued under this chapter, shall be deemed to have given 97535  
consent to submit to a mental or physical examination when 97536  
directed to do so in writing by the board and to have waived all 97537  
objections to the admissibility of testimony or examination 97538  
reports that constitute a privileged communication. 97539

(1) In enforcing division (B) (4) of this section, the 97540  
board, upon a showing of a possible violation, shall refer any 97541  
individual who holds, or has applied for, a license issued under 97542  
this chapter to the monitoring organization that conducts the 97543  
confidential monitoring program established under section 97544  
4731.25 of the Revised Code. The board also may compel the 97545  
individual to submit to a mental examination, physical 97546  
examination, including an HIV test, or both a mental and 97547  
physical examination. The expense of the examination is the 97548  
responsibility of the individual compelled to be examined. 97549  
Failure to submit to a mental or physical examination or consent 97550  
to an HIV test ordered by the board constitutes an admission of 97551  
the allegations against the individual unless the failure is due 97552  
to circumstances beyond the individual's control, and a default 97553  
and final order may be entered without the taking of testimony 97554  
or presentation of evidence. If the board finds a physician 97555  
assistant unable to practice because of the reasons set forth in 97556  
division (B) (4) of this section, the board shall require the 97557  
physician assistant to submit to care, counseling, or treatment 97558  
by physicians approved or designated by the board, as a 97559  
condition for an initial, continued, reinstated, or renewed 97560  
license. An individual affected under this division shall be 97561  
afforded an opportunity to demonstrate to the board the ability 97562  
to resume practicing in compliance with acceptable and 97563

prevailing standards of care.

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(2) For purposes of division (B) (5) of this section, if the board has reason to believe that any individual who holds a license issued under this chapter or any applicant for a license suffers such impairment, the board shall refer the individual to the monitoring organization that conducts the confidential monitoring program established under section 4731.25 of the Revised Code. The board also may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and approved under section 4731.251 of the Revised Code.

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Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment.

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Before being eligible to apply for reinstatement of a license suspended under this division, the physician assistant shall demonstrate to the board the ability to resume practice or prescribing in compliance with acceptable and prevailing standards of care. The demonstration shall include the

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following: 97594

(a) Certification from a treatment provider approved under 97595  
section 4731.251 of the Revised Code that the individual has 97596  
successfully completed any required inpatient treatment; 97597

(b) Evidence of continuing full compliance with an 97598  
aftercare contract or consent agreement; 97599

(c) Two written reports indicating that the individual's 97600  
ability to practice has been assessed and that the individual 97601  
has been found capable of practicing according to acceptable and 97602  
prevailing standards of care. The reports shall be made by 97603  
individuals or providers approved by the board for making such 97604  
assessments and shall describe the basis for their 97605  
determination. 97606

The board may reinstate a license suspended under this 97607  
division after such demonstration and after the individual has 97608  
entered into a written consent agreement. 97609

When the impaired physician assistant resumes practice or 97610  
prescribing, the board shall require continued monitoring of the 97611  
physician assistant. The monitoring shall include compliance 97612  
with the written consent agreement entered into before 97613  
reinstatement or with conditions imposed by board order after a 97614  
hearing, and, upon termination of the consent agreement, 97615  
submission to the board for at least two years of annual written 97616  
progress reports made under penalty of falsification stating 97617  
whether the physician assistant has maintained sobriety. 97618

(G) (1) If either of the following circumstances occur, the 97619  
secretary and supervising member may recommend that the board 97620  
suspend the individual's license without a prior hearing: 97621

(a) The secretary and supervising member determine that 97622

there is clear and convincing evidence that a physician 97623  
assistant has violated division (B) of this section and that the 97624  
individual's continued practice or prescribing presents a danger 97625  
of immediate and serious harm to the public. 97626

(b) The board receives verifiable information that a 97627  
licensee has been charged in any state or federal court with a 97628  
crime classified as a felony under the charging court's law and 97629  
the conduct charged constitutes a violation of division (B) of 97630  
this section. 97631

(2) If a recommendation is made to suspend without a prior 97632  
hearing pursuant to division (G)(1) of this section, written 97633  
allegations shall be prepared for consideration by the board. 97634

The board, upon review of those allegations and by an 97635  
affirmative vote of not fewer than six of its members, excluding 97636  
the secretary and supervising member, may suspend a license 97637  
without a prior hearing. A telephone conference call may be 97638  
utilized for reviewing the allegations and taking the vote on 97639  
the summary suspension. 97640

The board shall serve a written order of suspension in 97641  
accordance with sections 119.05 and 119.07 of the Revised Code. 97642  
~~The order shall not be subject to suspension by the court during~~ 97643  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 97644  
~~Code.~~ If the physician assistant requests an adjudicatory 97645  
hearing by the board, the date set for the hearing shall be 97646  
within fifteen days, but not earlier than seven days, after the 97647  
physician assistant requests the hearing, unless otherwise 97648  
agreed to by both the board and the license holder. 97649

(3) A summary suspension imposed under ~~this division~~ (G) 97650  
(2) of this section is not a final appealable order and is not 97651



an adjudication that may be appealed under section 119.12 of the Revised Code. The summary suspension shall remain in effect, ~~unless reversed on appeal,~~ until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. Once a final adjudicative order has been issued by the board, any party adversely affected by it may file an appeal in accordance with the requirements of Chapter 119. of the Revised Code. ~~The~~

The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. Failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B) (11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the individual's license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The license to practice issued to a physician 97682  
assistant and the physician assistant's practice in this state 97683  
are automatically suspended as of the date the physician 97684  
assistant pleads guilty to, is found by a judge or jury to be 97685  
guilty of, or is subject to a judicial finding of eligibility 97686  
for intervention in lieu of conviction in this state or 97687  
treatment or intervention in lieu of conviction in another state 97688  
for any of the following criminal offenses in this state or a 97689  
substantially equivalent criminal offense in another 97690  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 97691  
felonious assault, trafficking in persons, kidnapping, rape, 97692  
sexual battery, gross sexual imposition, aggravated arson, 97693  
aggravated robbery, or aggravated burglary. Continued practice 97694  
after the suspension shall be considered practicing without a 97695  
license. 97696

The board shall notify the individual subject to the 97697  
suspension in accordance with sections 119.05 and 119.07 of the 97698  
Revised Code. If an individual whose license is suspended under 97699  
this division fails to make a timely request for an adjudication 97700  
under Chapter 119. of the Revised Code, the board shall enter a 97701  
final order permanently revoking the individual's license to 97702  
practice. 97703

(J) In any instance in which the board is required by 97704  
Chapter 119. of the Revised Code to give notice of opportunity 97705  
for hearing and the individual subject to the notice does not 97706  
timely request a hearing in accordance with section 119.07 of 97707  
the Revised Code, the board is not required to hold a hearing, 97708  
but may adopt, by an affirmative vote of not fewer than six of 97709  
its members, a final order that contains the board's findings. 97710  
In that final order, the board may order any of the sanctions 97711  
identified under division (A) or (B) of this section. 97712

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue to an applicant a license to practice as a physician assistant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the license and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4730.14 of the Revised Code does not remove or limit the board's jurisdiction to take disciplinary

action under this section against the individual. 97742

(4) The placement of an individual's license on retired 97743  
status, as described in section 4730.141 of the Revised Code, 97744  
does not remove or limit the board's jurisdiction to take any 97745  
disciplinary action against the individual with regard to the 97746  
license as it existed before being placed on retired status. 97747

(N) The board shall not refuse to issue a license to an 97748  
applicant because of a conviction, plea of guilty, judicial 97749  
finding of guilt, judicial finding of eligibility for 97750  
intervention in lieu of conviction, or the commission of an act 97751  
that constitutes a criminal offense, unless the refusal is in 97752  
accordance with section 9.79 of the Revised Code. 97753

**Sec. 4730.433.** (A) (1) Subject to division (A) (2) of this 97754  
section, and notwithstanding any provision of this chapter or 97755  
rule adopted by the state medical board, a physician assistant 97756  
who holds a license issued under this chapter and a valid 97757  
prescriber number issued by the state medical board and has been 97758  
granted physician-delegated prescriptive authority may do either 97759  
of the following without having examined an individual to whom 97760  
epinephrine may be administered: 97761

(a) Personally furnish a supply of epinephrine 97762  
autoinjectors for use in accordance with sections 3313.7110, 97763  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 97764  
~~5101.76~~ 5180.26 of the Revised Code; 97765

(b) Issue a prescription for epinephrine autoinjectors for 97766  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 97767  
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 97768  
Revised Code. 97769

(2) An epinephrine autoinjector personally furnished or 97770

prescribed under division (A) (1) of this section must be 97771  
furnished or prescribed in such a manner that it may be 97772  
administered only in a manufactured dosage form. 97773

(B) A physician assistant who acts in good faith in 97774  
accordance with this section is not liable for or subject to any 97775  
of the following for any action or omission of an entity to 97776  
which an epinephrine autoinjector is furnished or a prescription 97777  
is issued: damages in any civil action, prosecution in any 97778  
criminal proceeding, or professional disciplinary action. 97779

**Sec. 4730.437.** (A) (1) Subject to division (A) (2) of this 97780  
section and notwithstanding any provision of this chapter or 97781  
rule adopted by the state medical board, a physician assistant 97782  
who holds a valid prescriber number issued by the board and has 97783  
been granted physician-delegated prescriptive authority may do 97784  
either of the following without having examined an individual to 97785  
whom glucagon may be administered: 97786

(a) Personally furnish a supply of injectable or nasally 97787  
administered glucagon for use in accordance with section 97788  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 97789  
5180.262 of the Revised Code; 97790

(b) Issue a prescription for injectable or nasally 97791  
administered glucagon in accordance with section 3313.7115, 97792  
3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of 97793  
the Revised Code. 97794

(2) Injectable or nasally administered glucagon personally 97795  
furnished or prescribed under division (A) (1) of this section 97796  
must be furnished or prescribed in such a manner that it may be 97797  
administered only in a manufactured dosage form. 97798

(B) A physician assistant who acts in good faith in 97799

accordance with this section is not liable for or subject to any 97800  
of the following for any action or omission of an entity to 97801  
which injectable or nasally administered glucagon is furnished 97802  
or a prescription is issued: damages in any civil action, 97803  
prosecution in any criminal proceeding, or professional 97804  
disciplinary action. 97805

**Sec. 4730.99.** (A) Whoever violates section 4730.02 of the 97806  
Revised Code is guilty of a misdemeanor of the first degree on a 97807  
first offense; on each subsequent offense, the person is guilty 97808  
of a felony of the fourth degree. 97809

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 97810  
(D), or (E) of section 4730.32 of the Revised Code is guilty of 97811  
a minor misdemeanor on a first offense; on each subsequent 97812  
offense the person is guilty of a misdemeanor of the fourth 97813  
degree, except that an individual guilty of a subsequent offense 97814  
shall not be subject to imprisonment, but to a fine alone of up 97815  
to one thousand dollars for each offense. 97816

(2) Whoever violates division (B) (2) or (C) (3) of section 97817  
4730.32 of the Revised Code is guilty of ~~failure to report~~ 97818  
~~criminal conduct or sexual misconduct~~, a misdemeanor of the 97819  
fourth degree. ~~If the offender has previously been convicted of~~ 97820  
~~a violation of this division, the failure to report~~ on a first 97821  
offense; on each subsequent offense, the person is guilty of a 97822  
misdemeanor of the first degree. 97823

(C) Whoever violates division (F) of section 4730.26 of 97824  
the Revised Code is guilty of ~~disclosing confidential~~ 97825  
~~investigatory information~~, a misdemeanor of the first degree. 97826

**Sec. 4731.22.** (A) The state medical board, by an 97827  
affirmative vote of not fewer than six of its members, may 97828

limit, revoke, or suspend a license or certificate to practice 97829  
or certificate to recommend, refuse to grant a license or 97830  
certificate, refuse to renew a license or certificate, refuse to 97831  
reinstate a license or certificate, or reprimand or place on 97832  
probation the holder of a license or certificate if the 97833  
individual applying for or holding the license or certificate is 97834  
found by the board to have committed fraud during the 97835  
administration of the examination for a license or certificate 97836  
to practice or to have committed fraud, misrepresentation, or 97837  
deception in applying for, renewing, or securing any license or 97838  
certificate to practice or certificate to recommend issued by 97839  
the board. 97840

(B) Except as provided in division (P) of this section, 97841  
the board, by an affirmative vote of not fewer than six members, 97842  
shall, to the extent permitted by law, limit, revoke, or suspend 97843  
a license or certificate to practice or certificate to 97844  
recommend, refuse to issue a license or certificate, refuse to 97845  
renew a license or certificate, refuse to reinstate a license or 97846  
certificate, or reprimand or place on probation the holder of a 97847  
license or certificate for one or more of the following reasons: 97848

(1) Permitting one's name or one's license or certificate 97849  
to practice to be used by a person, group, or corporation when 97850  
the individual concerned is not actually directing the treatment 97851  
given; 97852

(2) Failure to maintain minimal standards applicable to 97853  
the selection or administration of drugs, or failure to employ 97854  
acceptable scientific methods in the selection of drugs or other 97855  
modalities for treatment of disease; 97856

(3) Except as provided in section 4731.97 of the Revised 97857  
Code, selling, giving away, personally furnishing, prescribing, 97858

or administering drugs for other than legal and legitimate 97859  
therapeutic purposes or a plea of guilty to, a judicial finding 97860  
of guilt of, or a judicial finding of eligibility for 97861  
intervention in lieu of conviction of, a violation of any 97862  
federal or state law regulating the possession, distribution, or 97863  
use of any drug; 97864

(4) Willfully betraying a professional confidence. 97865

For purposes of this division, "willfully betraying a 97866  
professional confidence" does not include providing any 97867  
information, documents, or reports under sections 307.621 to 97868  
307.629 of the Revised Code to a child fatality review board; 97869  
does not include providing any information, documents, or 97870  
reports under sections 307.631 to 307.6410 of the Revised Code 97871  
to a drug overdose fatality review committee, a suicide fatality 97872  
review committee, or hybrid drug overdose fatality and suicide 97873  
fatality review committee; does not include providing any 97874  
information, documents, or reports under sections 307.651 to 97875  
307.659 of the Revised Code to a domestic violence fatality 97876  
review board; does not include providing any information, 97877  
documents, or reports to the director of health pursuant to 97878  
guidelines established under section 3701.70 of the Revised 97879  
Code; does not include written notice to a mental health 97880  
professional under section 4731.62 of the Revised Code; does not 97881  
include making a report as described in division (F) of section 97882  
2921.22 and section 4731.224 of the Revised Code; and does not 97883  
include the making of a report of an employee's use of a drug of 97884  
abuse, or a report of a condition of an employee other than one 97885  
involving the use of a drug of abuse, to the employer of the 97886  
employee as described in division (B) of section 2305.33 of the 97887  
Revised Code. Nothing in this division affects the immunity from 97888  
civil liability conferred by section 2305.33 or 4731.62 of the 97889



Revised Code upon a physician who makes a report in accordance 97890  
with section 2305.33 or notifies a mental health professional in 97891  
accordance with section 4731.62 of the Revised Code. As used in 97892  
this division, "employee," "employer," and "physician" have the 97893  
same meanings as in section 2305.33 of the Revised Code. 97894

(5) Making a false, fraudulent, deceptive, or misleading 97895  
statement in the solicitation of or advertising for patients; in 97896  
relation to the practice of medicine and surgery, osteopathic 97897  
medicine and surgery, podiatric medicine and surgery, or a 97898  
limited branch of medicine; or in securing or attempting to 97899  
secure any license or certificate to practice issued by the 97900  
board. 97901

As used in this division, "false, fraudulent, deceptive, 97902  
or misleading statement" means a statement that includes a 97903  
misrepresentation of fact, is likely to mislead or deceive 97904  
because of a failure to disclose material facts, is intended or 97905  
is likely to create false or unjustified expectations of 97906  
favorable results, or includes representations or implications 97907  
that in reasonable probability will cause an ordinarily prudent 97908  
person to misunderstand or be deceived. 97909

(6) A departure from, or the failure to conform to, 97910  
minimal standards of care of similar practitioners under the 97911  
same or similar circumstances, whether or not actual injury to a 97912  
patient is established; 97913

(7) Representing, with the purpose of obtaining 97914  
compensation or other advantage as personal gain or for any 97915  
other person, that an incurable disease or injury, or other 97916  
incurable condition, can be permanently cured; 97917

(8) The obtaining of, or attempting to obtain, money or 97918

anything of value by fraudulent misrepresentations in the course 97919  
of practice; 97920

(9) A plea of guilty to, a judicial finding of guilt of, 97921  
or a judicial finding of eligibility for intervention in lieu of 97922  
conviction for, a felony; 97923

(10) Commission of an act that constitutes a felony in 97924  
this state, regardless of the jurisdiction in which the act was 97925  
committed; 97926

(11) A plea of guilty to, a judicial finding of guilt of, 97927  
or a judicial finding of eligibility for intervention in lieu of 97928  
conviction for, a misdemeanor committed in the course of 97929  
practice; 97930

(12) Commission of an act in the course of practice that 97931  
constitutes a misdemeanor in this state, regardless of the 97932  
jurisdiction in which the act was committed; 97933

(13) A plea of guilty to, a judicial finding of guilt of, 97934  
or a judicial finding of eligibility for intervention in lieu of 97935  
conviction for, a misdemeanor involving moral turpitude; 97936

(14) Commission of an act involving moral turpitude that 97937  
constitutes a misdemeanor in this state, regardless of the 97938  
jurisdiction in which the act was committed; 97939

(15) Violation of the conditions of limitation placed by 97940  
the board upon a license or certificate to practice; 97941

(16) Failure to pay license renewal fees specified in this 97942  
chapter; 97943

(17) Except as authorized in section 4731.31 of the 97944  
Revised Code, engaging in the division of fees for referral of 97945  
patients, or the receiving of a thing of value in return for a 97946

specific referral of a patient to utilize a particular service 97947  
or business; 97948

(18) Subject to section 4731.226 of the Revised Code, 97949  
violation of any provision of a code of ethics of the American 97950  
medical association, the American osteopathic association, the 97951  
American podiatric medical association, or any other national 97952  
professional organizations that the board specifies by rule. The 97953  
state medical board shall obtain and keep on file current copies 97954  
of the codes of ethics of the various national professional 97955  
organizations. The individual whose license or certificate is 97956  
being suspended or revoked shall not be found to have violated 97957  
any provision of a code of ethics of an organization not 97958  
appropriate to the individual's profession. 97959

For purposes of this division, a "provision of a code of 97960  
ethics of a national professional organization" does not include 97961  
any provision that would preclude the making of a report by a 97962  
physician of an employee's use of a drug of abuse, or of a 97963  
condition of an employee other than one involving the use of a 97964  
drug of abuse, to the employer of the employee as described in 97965  
division (B) of section 2305.33 of the Revised Code. Nothing in 97966  
this division affects the immunity from civil liability 97967  
conferred by that section upon a physician who makes either type 97968  
of report in accordance with division (B) of that section. As 97969  
used in this division, "employee," "employer," and "physician" 97970  
have the same meanings as in section 2305.33 of the Revised 97971  
Code. 97972

(19) Inability to practice according to acceptable and 97973  
prevailing standards of care by reason of mental illness or 97974  
physical illness, including, but not limited to, physical 97975  
deterioration that adversely affects cognitive, motor, or 97976

perceptive skills.

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In enforcing this division, the board, upon a showing of a possible violation, shall refer any individual who is authorized to practice by this chapter or who has submitted an application pursuant to this chapter to the monitoring organization that conducts the confidential monitoring program established under section 4731.25 of the Revised Code. The board also may compel the individual to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing

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by the board, and to have waived all objections to the 98008  
admissibility of testimony or examination reports that 98009  
constitute a privileged communication. 98010

(20) Except as provided in division (F)(1)(b) of section 98011  
4731.282 of the Revised Code or when civil penalties are imposed 98012  
under section 4731.225 of the Revised Code, and subject to 98013  
section 4731.226 of the Revised Code, violating or attempting to 98014  
violate, directly or indirectly, or assisting in or abetting the 98015  
violation of, or conspiring to violate, any provisions of this 98016  
chapter or any rule promulgated by the board. 98017

This division does not apply to a violation or attempted 98018  
violation of, assisting in or abetting the violation of, or a 98019  
conspiracy to violate, any provision of this chapter or any rule 98020  
adopted by the board that would preclude the making of a report 98021  
by a physician of an employee's use of a drug of abuse, or of a 98022  
condition of an employee other than one involving the use of a 98023  
drug of abuse, to the employer of the employee as described in 98024  
division (B) of section 2305.33 of the Revised Code. Nothing in 98025  
this division affects the immunity from civil liability 98026  
conferred by that section upon a physician who makes either type 98027  
of report in accordance with division (B) of that section. As 98028  
used in this division, "employee," "employer," and "physician" 98029  
have the same meanings as in section 2305.33 of the Revised 98030  
Code. 98031

(21) The violation of section 3701.79 of the Revised Code 98032  
or of any abortion rule adopted by the director of health 98033  
pursuant to section 3701.341 of the Revised Code; 98034

(22) Any of the following actions taken by an agency 98035  
responsible for authorizing, certifying, or regulating an 98036  
individual to practice a health care occupation or provide 98037

health care services in this state or another jurisdiction, for 98038  
any reason other than the nonpayment of fees: the limitation, 98039  
revocation, or suspension of an individual's license to 98040  
practice; acceptance of an individual's license surrender; 98041  
denial of a license; refusal to renew or reinstate a license; 98042  
imposition of probation; or issuance of an order of censure or 98043  
other reprimand; 98044

(23) The violation of section 2919.12 of the Revised Code 98045  
or the performance or inducement of an abortion upon a pregnant 98046  
woman with actual knowledge that the conditions specified in 98047  
division (B) of section 2317.56 of the Revised Code have not 98048  
been satisfied or with a heedless indifference as to whether 98049  
those conditions have been satisfied, unless an affirmative 98050  
defense as specified in division (H) (2) of that section would 98051  
apply in a civil action authorized by division (H) (1) of that 98052  
section; 98053

(24) The revocation, suspension, restriction, reduction, 98054  
or termination of clinical privileges by the United States 98055  
department of defense or department of veterans affairs or the 98056  
termination or suspension of a certificate of registration to 98057  
prescribe drugs by the drug enforcement administration of the 98058  
United States department of justice; 98059

(25) Termination or suspension from participation in the 98060  
medicare or medicaid programs by the department of health and 98061  
human services or other responsible agency; 98062

(26) Impairment of ability to practice according to 98063  
acceptable and prevailing standards of care because of substance 98064  
use disorder or excessive use or abuse of drugs, alcohol, or 98065  
other substances that may impair ability to practice. 98066

For the purposes of this division, any individual 98067  
authorized to practice by this chapter accepts the privilege of 98068  
practicing in this state subject to supervision by the board. By 98069  
filing an application for or holding a license or certificate to 98070  
practice under this chapter, an individual shall be deemed to 98071  
have given consent to submit to a mental or physical examination 98072  
when ordered to do so by the board in writing, and to have 98073  
waived all objections to the admissibility of testimony or 98074  
examination reports that constitute privileged communications. 98075

If it has reason to believe that any individual authorized 98076  
to practice by this chapter or any applicant for licensure or 98077  
certification to practice suffers such impairment, the board 98078  
shall refer the individual to the monitoring organization that 98079  
conducts the confidential monitoring program established under 98080  
section 4731.25 of the Revised Code. The board also may compel 98081  
the individual to submit to a mental or physical examination, or 98082  
both. The expense of the examination is the responsibility of 98083  
the individual compelled to be examined. Any mental or physical 98084  
examination required under this division shall be undertaken by 98085  
a treatment provider or physician who is qualified to conduct 98086  
the examination and who is approved under section 4731.251 of 98087  
the Revised Code. 98088

Failure to submit to a mental or physical examination 98089  
ordered by the board constitutes an admission of the allegations 98090  
against the individual unless the failure is due to 98091  
circumstances beyond the individual's control, and a default and 98092  
final order may be entered without the taking of testimony or 98093  
presentation of evidence. If the board determines that the 98094  
individual's ability to practice is impaired, the board shall 98095  
suspend the individual's license or certificate or deny the 98096  
individual's application and shall require the individual, as a 98097

condition for initial, continued, reinstated, or renewed 98098  
licensure or certification to practice, to submit to treatment. 98099

Before being eligible to apply for reinstatement of a 98100  
license or certificate suspended under this division, the 98101  
impaired practitioner shall demonstrate to the board the ability 98102  
to resume practice in compliance with acceptable and prevailing 98103  
standards of care under the provisions of the practitioner's 98104  
license or certificate. The demonstration shall include, but 98105  
shall not be limited to, the following: 98106

(a) Certification from a treatment provider approved under 98107  
section 4731.251 of the Revised Code that the individual has 98108  
successfully completed any required inpatient treatment; 98109

(b) Evidence of continuing full compliance with an 98110  
aftercare contract or consent agreement; 98111

(c) Two written reports indicating that the individual's 98112  
ability to practice has been assessed and that the individual 98113  
has been found capable of practicing according to acceptable and 98114  
prevailing standards of care. The reports shall be made by 98115  
individuals or providers approved by the board for making the 98116  
assessments and shall describe the basis for their 98117  
determination. 98118

The board may reinstate a license or certificate suspended 98119  
under this division after that demonstration and after the 98120  
individual has entered into a written consent agreement. 98121

When the impaired practitioner resumes practice, the board 98122  
shall require continued monitoring of the individual. The 98123  
monitoring shall include, but not be limited to, compliance with 98124  
the written consent agreement entered into before reinstatement 98125  
or with conditions imposed by board order after a hearing, and, 98126



upon termination of the consent agreement, submission to the 98127  
board for at least two years of annual written progress reports 98128  
made under penalty of perjury stating whether the individual has 98129  
maintained sobriety. 98130

(27) A second or subsequent violation of section 4731.66 98131  
or 4731.69 of the Revised Code; 98132

(28) Except as provided in division (N) of this section: 98133

(a) Waiving the payment of all or any part of a deductible 98134  
or copayment that a patient, pursuant to a health insurance or 98135  
health care policy, contract, or plan that covers the 98136  
individual's services, otherwise would be required to pay if the 98137  
waiver is used as an enticement to a patient or group of 98138  
patients to receive health care services from that individual; 98139

(b) Advertising that the individual will waive the payment 98140  
of all or any part of a deductible or copayment that a patient, 98141  
pursuant to a health insurance or health care policy, contract, 98142  
or plan that covers the individual's services, otherwise would 98143  
be required to pay. 98144

(29) Failure to use universal blood and body fluid 98145  
precautions established by rules adopted under section 4731.051 98146  
of the Revised Code; 98147

(30) Failure to provide notice to, and receive 98148  
acknowledgment of the notice from, a patient when required by 98149  
section 4731.143 of the Revised Code prior to providing 98150  
nonemergency professional services, or failure to maintain that 98151  
notice in the patient's medical record; 98152

(31) Failure of a physician supervising a physician 98153  
assistant to maintain supervision in accordance with the 98154  
requirements of Chapter 4730. of the Revised Code and the rules 98155

adopted under that chapter; 98156

(32) Failure of a physician or podiatrist to enter into a 98157  
standard care arrangement with a clinical nurse specialist, 98158  
certified nurse-midwife, or certified nurse practitioner with 98159  
whom the physician or podiatrist is in collaboration pursuant to 98160  
section 4731.27 of the Revised Code or failure to fulfill the 98161  
responsibilities of collaboration after entering into a standard 98162  
care arrangement; 98163

(33) Failure to comply with the terms of a consult 98164  
agreement entered into with a pharmacist pursuant to section 98165  
4729.39 of the Revised Code; 98166

(34) Failure to cooperate in an investigation conducted by 98167  
the board under division (F) of this section, including failure 98168  
to comply with a subpoena or order issued by the board or 98169  
failure to answer truthfully a question presented by the board 98170  
in an investigative interview, an investigative office 98171  
conference, at a deposition, or in written interrogatories, 98172  
except that failure to cooperate with an investigation shall not 98173  
constitute grounds for discipline under this section if a court 98174  
of competent jurisdiction has issued an order that either 98175  
quashes a subpoena or permits the individual to withhold the 98176  
testimony or evidence in issue; 98177

(35) Failure to supervise an anesthesiologist assistant in 98178  
accordance with Chapter 4760. of the Revised Code and the 98179  
board's rules for supervision of an anesthesiologist assistant; 98180

(36) Assisting suicide, as defined in section 3795.01 of 98181  
the Revised Code; 98182

(37) Failure to comply with the requirements of section 98183  
2317.561 of the Revised Code; 98184

(38) Failure to supervise a radiologist assistant in	98185
accordance with Chapter 4774. of the Revised Code and the	98186
board's rules for supervision of radiologist assistants;	98187
(39) Performing or inducing an abortion at an office or	98188
facility with knowledge that the office or facility fails to	98189
post the notice required under section 3701.791 of the Revised	98190
Code;	98191
(40) Failure to comply with the standards and procedures	98192
established in rules under section 4731.054 of the Revised Code	98193
for the operation of or the provision of care at a pain	98194
management clinic;	98195
(41) Failure to comply with the standards and procedures	98196
established in rules under section 4731.054 of the Revised Code	98197
for providing supervision, direction, and control of individuals	98198
at a pain management clinic;	98199
(42) Failure to comply with the requirements of section	98200
4729.79 or 4731.055 of the Revised Code, unless the state board	98201
of pharmacy no longer maintains a drug database pursuant to	98202
section 4729.75 of the Revised Code;	98203
(43) Failure to comply with the requirements of section	98204
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	98205
to submit to the department of health in accordance with a court	98206
order a complete report as described in section 2919.171 or	98207
2919.202 of the Revised Code;	98208
(44) Practicing at a facility that is subject to licensure	98209
as a category III terminal distributor of dangerous drugs with a	98210
pain management clinic classification unless the person	98211
operating the facility has obtained and maintains the license	98212
with the classification;	98213

- (45) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification; 98214  
98215  
98216  
98217
- (46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code; 98218  
98219  
98220  
98221  
98222
- (47) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 98223  
98224  
98225  
98226
- (48) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana; 98227  
98228  
98229  
98230
- (49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code; 98231  
98232
- (50) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code; 98233  
98234  
98235
- (51) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive; 98236  
98237  
98238  
98239
- (52) Violation of section 4731.77 of the Revised Code; 98240
- (53) Failure of a physician supervising a certified mental 98241

health assistant to maintain supervision in accordance with the 98242  
requirements of Chapter 4772. of the Revised Code and the rules 98243  
adopted under that chapter; 98244

(54) Failure to comply with the requirements of section 98245  
3705.16 of the Revised Code when certifying a decedent's cause 98246  
of death and completing and signing the medical certificate of 98247  
death. 98248

(C) Disciplinary actions taken by the board under 98249  
divisions (A) and (B) of this section shall be taken pursuant to 98250  
an adjudication under Chapter 119. of the Revised Code, except 98251  
that in lieu of an adjudication, the board may enter into a 98252  
consent agreement with an individual to resolve an allegation of 98253  
a violation of this chapter or any rule adopted under it. A 98254  
consent agreement, when ratified by an affirmative vote of not 98255  
fewer than six members of the board, shall constitute the 98256  
findings and order of the board with respect to the matter 98257  
addressed in the agreement. If the board refuses to ratify a 98258  
consent agreement, the admissions and findings contained in the 98259  
consent agreement shall be of no force or effect. 98260

A telephone conference call may be utilized for 98261  
ratification of a consent agreement that revokes or suspends an 98262  
individual's license or certificate to practice or certificate 98263  
to recommend. The telephone conference call shall be considered 98264  
a special meeting under division (F) of section 121.22 of the 98265  
Revised Code. 98266

If the board takes disciplinary action against an 98267  
individual under division (B) of this section for a second or 98268  
subsequent plea of guilty to, or judicial finding of guilt of, a 98269  
violation of section 2919.123 or 2919.124 of the Revised Code, 98270  
the disciplinary action shall consist of a suspension of the 98271

individual's license or certificate to practice for a period of 98272  
at least one year or, if determined appropriate by the board, a 98273  
more serious sanction involving the individual's license or 98274  
certificate to practice. Any consent agreement entered into 98275  
under this division with an individual that pertains to a second 98276  
or subsequent plea of guilty to, or judicial finding of guilt 98277  
of, a violation of that section shall provide for a suspension 98278  
of the individual's license or certificate to practice for a 98279  
period of at least one year or, if determined appropriate by the 98280  
board, a more serious sanction involving the individual's 98281  
license or certificate to practice. 98282

(D) For purposes of divisions (B) (10), (12), and (14) of 98283  
this section, the commission of the act may be established by a 98284  
finding by the board, pursuant to an adjudication under Chapter 98285  
119. of the Revised Code, that the individual committed the act. 98286  
The board does not have jurisdiction under those divisions if 98287  
the trial court renders a final judgment in the individual's 98288  
favor and that judgment is based upon an adjudication on the 98289  
merits. The board has jurisdiction under those divisions if the 98290  
trial court issues an order of dismissal upon technical or 98291  
procedural grounds. 98292

(E) The sealing or expungement of conviction records by 98293  
any court shall have no effect upon a prior board order entered 98294  
under this section or upon the board's jurisdiction to take 98295  
action under this section if, based upon a plea of guilty, a 98296  
judicial finding of guilt, or a judicial finding of eligibility 98297  
for intervention in lieu of conviction, the board issued a 98298  
notice of opportunity for a hearing prior to the court's order 98299  
to seal or expunge the records. The board shall not be required 98300  
to seal, expunge, destroy, redact, or otherwise modify its 98301  
records to reflect the court's sealing of conviction records. 98302

(F) (1) The board shall investigate evidence that appears 98303  
to show that a person has violated any provision of this chapter 98304  
or any rule adopted under it. Any person may report to the board 98305  
in a signed writing any information that the person may have 98306  
that appears to show a violation of any provision of this 98307  
chapter or any rule adopted under it. In the absence of bad 98308  
faith, any person who reports information of that nature or who 98309  
testifies before the board in any adjudication conducted under 98310  
Chapter 119. of the Revised Code shall not be liable in damages 98311  
in a civil action as a result of the report or testimony. Each 98312  
complaint or allegation of a violation received by the board 98313  
shall be assigned a case number and shall be recorded by the 98314  
board. 98315

(2) Investigations of alleged violations of this chapter 98316  
or any rule adopted under it shall be supervised by the 98317  
supervising member elected by the board in accordance with 98318  
section 4731.02 of the Revised Code and by the secretary as 98319  
provided in section 4731.39 of the Revised Code. The president 98320  
may designate another member of the board to supervise the 98321  
investigation in place of the supervising member. Upon a vote of 98322  
the majority of the board to authorize the addition of a 98323  
consumer member in the supervision of any part of any 98324  
investigation, the president shall designate a consumer member 98325  
for supervision of investigations as determined by the 98326  
president. The authorization of consumer member participation in 98327  
investigation supervision may be rescinded by a majority vote of 98328  
the board. No member of the board who supervises the 98329  
investigation of a case shall participate in further 98330  
adjudication of the case. 98331

(3) In investigating a possible violation of this chapter 98332  
or any rule adopted under this chapter, or in conducting an 98333

inspection under division (E) of section 4731.054 of the Revised 98334  
Code, the board may question witnesses, conduct interviews, 98335  
administer oaths, order the taking of depositions, inspect and 98336  
copy any books, accounts, papers, records, or documents, issue 98337  
subpoenas, and compel the attendance of witnesses and production 98338  
of books, accounts, papers, records, documents, and testimony, 98339  
except that a subpoena for patient record information shall not 98340  
be issued without consultation with the attorney general's 98341  
office and approval of the secretary of the board. 98342

(a) Before issuance of a subpoena for patient record 98343  
information, the secretary shall determine whether there is 98344  
probable cause to believe that the complaint filed alleges a 98345  
violation of this chapter or any rule adopted under it and that 98346  
the records sought are relevant to the alleged violation and 98347  
material to the investigation. The subpoena may apply only to 98348  
records that cover a reasonable period of time surrounding the 98349  
alleged violation. 98350

(b) On failure to comply with any subpoena issued by the 98351  
board and after reasonable notice to the person being 98352  
subpoenaed, the board may move for an order compelling the 98353  
production of persons or records pursuant to the Rules of Civil 98354  
Procedure. 98355

(c) A subpoena issued by the board may be served by a 98356  
sheriff, the sheriff's deputy, or a board employee or agent 98357  
designated by the board. Service of a subpoena issued by the 98358  
board may be made by delivering a copy of the subpoena to the 98359  
person named therein, reading it to the person, or leaving it at 98360  
the person's usual place of residence, usual place of business, 98361  
or address on file with the board. When serving a subpoena to an 98362  
applicant for or the holder of a license or certificate issued 98363



under this chapter, service of the subpoena may be made by 98364  
certified mail, return receipt requested, and the subpoena shall 98365  
be deemed served on the date delivery is made or the date the 98366  
person refuses to accept delivery. If the person being served 98367  
refuses to accept the subpoena or is not located, service may be 98368  
made to an attorney who notifies the board that the attorney is 98369  
representing the person. 98370

(d) A sheriff's deputy who serves a subpoena shall receive 98371  
the same fees as a sheriff. Each witness who appears before the 98372  
board in obedience to a subpoena shall receive the fees and 98373  
mileage provided for under section 119.094 of the Revised Code. 98374

(4) All hearings, investigations, and inspections of the 98375  
board shall be considered civil actions for the purposes of 98376  
section 2305.252 of the Revised Code. 98377

(5) A report required to be submitted to the board under 98378  
this chapter, a complaint, or information received by the board 98379  
pursuant to an investigation or pursuant to an inspection under 98380  
division (E) of section 4731.054 of the Revised Code is 98381  
confidential and not subject to discovery in any civil action. 98382

The board shall conduct all investigations or inspections 98383  
and proceedings in a manner that protects the confidentiality of 98384  
patients and persons who file complaints with the board. The 98385  
board shall not make public the names or any other identifying 98386  
information about patients or complainants unless proper consent 98387  
is given or, in the case of a patient, a waiver of the patient 98388  
privilege exists under division (B) of section 2317.02 of the 98389  
Revised Code, except that consent or a waiver of that nature is 98390  
not required if the board possesses reliable and substantial 98391  
evidence that no bona fide physician-patient relationship 98392  
exists. 98393

The board may share any information it receives pursuant 98394  
to an investigation or inspection, including patient records and 98395  
patient record information, with law enforcement agencies, other 98396  
licensing boards, and other governmental agencies that are 98397  
prosecuting, adjudicating, or investigating alleged violations 98398  
of statutes or administrative rules. An agency or board that 98399  
receives the information shall comply with the same requirements 98400  
regarding confidentiality as those with which the state medical 98401  
board must comply, notwithstanding any conflicting provision of 98402  
the Revised Code or procedure of the agency or board that 98403  
applies when it is dealing with other information in its 98404  
possession. In a judicial proceeding, the information may be 98405  
admitted into evidence only in accordance with the Rules of 98406  
Evidence, but the court shall require that appropriate measures 98407  
are taken to ensure that confidentiality is maintained with 98408  
respect to any part of the information that contains names or 98409  
other identifying information about patients or complainants 98410  
whose confidentiality was protected by the state medical board 98411  
when the information was in the board's possession. Measures to 98412  
ensure confidentiality that may be taken by the court include 98413  
sealing its records or deleting specific information from its 98414  
records. 98415

No person shall knowingly access, use, or disclose 98416  
confidential investigatory information in a manner prohibited by 98417  
law. 98418

(6) On a quarterly basis, the board shall prepare a report 98419  
that documents the disposition of all cases during the preceding 98420  
three months. The report shall contain the following information 98421  
for each case with which the board has completed its activities: 98422

(a) The case number assigned to the complaint or alleged 98423

violation; 98424

(b) The type of license or certificate to practice, if 98425  
any, held by the individual against whom the complaint is 98426  
directed; 98427

(c) A description of the allegations contained in the 98428  
complaint; 98429

(d) Whether witnesses were interviewed; 98430

(e) Whether the individual against whom the complaint is 98431  
directed is the subject of any pending complaints; 98432

(f) The disposition of the case. 98433

The report shall state how many cases are still pending 98434  
and shall be prepared in a manner that protects the identity of 98435  
each person involved in each case. The report shall be a public 98436  
record under section 149.43 of the Revised Code. 98437

(7) The board may provide a status update regarding an 98438  
investigation to a complainant on request if the board verifies 98439  
the complainant's identity. 98440

(G) (1) If either of the following circumstances occur, the 98441  
secretary and supervising member may recommend that the board 98442  
suspend an individual's license or certificate to practice or 98443  
certificate to recommend without a prior hearing: 98444

(a) The secretary and supervising member determine both of 98445  
the following: 98446

(i) That there is clear and convincing evidence that an 98447  
individual has violated division (B) of this section; 98448

(ii) That the individual's continued practice presents a 98449  
danger of immediate and serious harm to the public. 98450

(b) The board receives verifiable information that a 98451  
licensee has been charged in any state or federal court with a 98452  
crime classified as a felony under the charging court's law and 98453  
the conduct constitutes a violation of division (B) of this 98454  
section. 98455

(2) If a recommendation is made to suspend without a prior 98456  
hearing pursuant to division (G)(1) of this section, written 98457  
allegations shall be prepared for consideration by the board. 98458  
The board, upon review of those allegations and by an 98459  
affirmative vote of not fewer than six of its members, excluding 98460  
the secretary and supervising member, may suspend a license or 98461  
certificate without a prior hearing. A telephone conference call 98462  
may be utilized for reviewing the allegations and taking the 98463  
vote on the summary suspension. 98464

The board shall serve a written order of suspension in 98465  
accordance with sections 119.05 and 119.07 of the Revised Code. 98466  
~~The order shall not be subject to suspension by the court during~~ 98467  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 98468  
~~Code.~~ If the individual subject to the summary suspension 98469  
requests an adjudicatory hearing by the board, the date set for 98470  
the hearing shall be within fifteen days, but not earlier than 98471  
seven days, after the individual requests the hearing, unless 98472  
otherwise agreed to by both the board and the individual. 98473

(3) Any summary suspension imposed under ~~this division~~ (G) 98474  
(2) of this section is not a final appealable order and is not 98475  
an adjudication that may be appealed under section 119.12 of the 98476  
Revised Code. The summary suspension shall remain in effect, ~~—~~ 98477  
~~unless reversed on appeal,~~ until a final adjudicative order 98478  
issued by the board pursuant to this section and Chapter 119. of 98479  
the Revised Code becomes effective. Once a final adjudicative 98480

order has been issued by the board, any party adversely affected 98481  
by it may file an appeal in accordance with the requirements of 98482  
Chapter 119. of the Revised Code. ~~The~~ 98483

The board shall issue its final adjudicative order within 98484  
seventy-five days after completion of its hearing. A failure to 98485  
issue the order within seventy-five days shall result in 98486  
dissolution of the summary suspension order but shall not 98487  
invalidate any subsequent, final adjudicative order. 98488

(H) If the board takes action under division (B) (9), (11), 98489  
or (13) of this section and the judicial finding of guilt, 98490  
guilty plea, or judicial finding of eligibility for intervention 98491  
in lieu of conviction is overturned on appeal, upon exhaustion 98492  
of the criminal appeal, a petition for reconsideration of the 98493  
order may be filed with the board along with appropriate court 98494  
documents. Upon receipt of a petition of that nature and 98495  
supporting court documents, the board shall reinstate the 98496  
individual's license or certificate to practice. The board may 98497  
then hold an adjudication under Chapter 119. of the Revised Code 98498  
to determine whether the individual committed the act in 98499  
question. Notice of an opportunity for a hearing shall be given 98500  
in accordance with Chapter 119. of the Revised Code. If the 98501  
board finds, pursuant to an adjudication held under this 98502  
division, that the individual committed the act or if no hearing 98503  
is requested, the board may order any of the sanctions 98504  
identified under division (B) of this section. 98505

(I) The license or certificate to practice issued to an 98506  
individual under this chapter and the individual's practice in 98507  
this state are automatically suspended as of the date of the 98508  
individual's second or subsequent plea of guilty to, or judicial 98509  
finding of guilt of, a violation of section 2919.123 or 2919.124 98510

of the Revised Code. In addition, the license or certificate to 98511  
practice or certificate to recommend issued to an individual 98512  
under this chapter and the individual's practice in this state 98513  
are automatically suspended as of the date the individual pleads 98514  
guilty to, is found by a judge or jury to be guilty of, or is 98515  
subject to a judicial finding of eligibility for intervention in 98516  
lieu of conviction in this state or treatment or intervention in 98517  
lieu of conviction in another jurisdiction for any of the 98518  
following criminal offenses in this state or a substantially 98519  
equivalent criminal offense in another jurisdiction: aggravated 98520  
murder, murder, voluntary manslaughter, felonious assault, 98521  
trafficking in persons, kidnapping, rape, sexual battery, gross 98522  
sexual imposition, aggravated arson, aggravated robbery, or 98523  
aggravated burglary. Continued practice after suspension shall 98524  
be considered practicing without a license or certificate. 98525

The board shall notify the individual subject to the 98526  
suspension in accordance with sections 119.05 and 119.07 of the 98527  
Revised Code. If an individual whose license or certificate is 98528  
automatically suspended under this division fails to make a 98529  
timely request for an adjudication under Chapter 119. of the 98530  
Revised Code, the board shall do whichever of the following is 98531  
applicable: 98532

(1) If the automatic suspension under this division is for 98533  
a second or subsequent plea of guilty to, or judicial finding of 98534  
guilt of, a violation of section 2919.123 or 2919.124 of the 98535  
Revised Code, the board shall enter an order suspending the 98536  
individual's license or certificate to practice for a period of 98537  
at least one year or, if determined appropriate by the board, 98538  
imposing a more serious sanction involving the individual's 98539  
license or certificate to practice. 98540

(2) In all circumstances in which division (I) (1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for

reinstatement of the license or certificate or for issuance of a 98571  
new license or certificate. 98572

(M) Notwithstanding any other provision of the Revised 98573  
Code, all of the following apply: 98574

(1) The surrender of a license or certificate issued under 98575  
this chapter shall not be effective unless or until accepted by 98576  
the board. A telephone conference call may be utilized for 98577  
acceptance of the surrender of an individual's license or 98578  
certificate to practice. The telephone conference call shall be 98579  
considered a special meeting under division (F) of section 98580  
121.22 of the Revised Code. Reinstatement of a license or 98581  
certificate surrendered to the board requires an affirmative 98582  
vote of not fewer than six members of the board. 98583

(2) An application for a license or certificate made under 98584  
the provisions of this chapter may not be withdrawn without 98585  
approval of the board. 98586

(3) Failure by an individual to renew a license or 98587  
certificate to practice in accordance with this chapter or a 98588  
certificate to recommend in accordance with rules adopted under 98589  
section 4731.301 of the Revised Code does not remove or limit 98590  
the board's jurisdiction to take any disciplinary action under 98591  
this section against the individual. 98592

(4) The placement of an individual's license on retired 98593  
status, as described in section 4731.283 of the Revised Code, 98594  
does not remove or limit the board's jurisdiction to take any 98595  
disciplinary action against the individual with regard to the 98596  
license as it existed before being placed on retired status. 98597

(5) At the request of the board, a license or certificate 98598  
holder shall immediately surrender to the board a license or 98599



certificate that the board has suspended, revoked, or 98600  
permanently revoked. 98601

(N) Sanctions shall not be imposed under division (B) (28) 98602  
of this section against any person who waives deductibles and 98603  
copayments as follows: 98604

(1) In compliance with the health benefit plan that 98605  
expressly allows such a practice. Waiver of the deductibles or 98606  
copayments shall be made only with the full knowledge and 98607  
consent of the plan purchaser, payer, and third-party 98608  
administrator. Documentation of the consent shall be made 98609  
available to the board upon request. 98610

(2) For professional services rendered to any other person 98611  
authorized to practice pursuant to this chapter, to the extent 98612  
allowed by this chapter and rules adopted by the board. 98613

(O) Under the board's investigative duties described in 98614  
this section and subject to division (F) of this section, the 98615  
board shall develop and implement a quality intervention program 98616  
designed to improve through remedial education the clinical and 98617  
communication skills of individuals authorized under this 98618  
chapter to practice medicine and surgery, osteopathic medicine 98619  
and surgery, and podiatric medicine and surgery. In developing 98620  
and implementing the quality intervention program, the board may 98621  
do all of the following: 98622

(1) Offer in appropriate cases as determined by the board 98623  
an educational and assessment program pursuant to an 98624  
investigation the board conducts under this section; 98625

(2) Select providers of educational and assessment 98626  
services, including a quality intervention program panel of case 98627  
reviewers; 98628

(3) Make referrals to educational and assessment service 98629  
providers and approve individual educational programs 98630  
recommended by those providers. The board shall monitor the 98631  
progress of each individual undertaking a recommended individual 98632  
educational program. 98633

(4) Determine what constitutes successful completion of an 98634  
individual educational program and require further monitoring of 98635  
the individual who completed the program or other action that 98636  
the board determines to be appropriate; 98637

(5) Adopt rules in accordance with Chapter 119. of the 98638  
Revised Code to further implement the quality intervention 98639  
program. 98640

An individual who participates in an individual 98641  
educational program pursuant to this division shall pay the 98642  
financial obligations arising from that educational program. 98643

(P) The board shall not refuse to issue a license to an 98644  
applicant because of a conviction, plea of guilty, judicial 98645  
finding of guilt, judicial finding of eligibility for 98646  
intervention in lieu of conviction, or the commission of an act 98647  
that constitutes a criminal offense, unless the refusal is in 98648  
accordance with section 9.79 of the Revised Code. 98649

(Q) A license or certificate to practice or certificate to 98650  
recommend issued to an individual under this chapter and an 98651  
individual's practice under this chapter in this state are 98652  
automatically suspended if the individual's license or 98653  
certificate to practice a health care occupation or provide 98654  
health care services is suspended, revoked, or surrendered or 98655  
relinquished in lieu of discipline by an agency responsible for 98656  
authorizing, certifying, or regulating an individual to practice 98657

a health care occupation or provide health care services in this 98658  
state or another jurisdiction. The automatic suspension begins 98659  
immediately upon entry of the order by the agency and lasts for 98660  
ninety days to permit the board to investigate the basis for the 98661  
action under this chapter. Continued practice during the 98662  
automatic suspension shall be considered practicing without a 98663  
license or certificate. 98664

The board shall notify the individual subject to the 98665  
automatic suspension by certified mail or in person in 98666  
accordance with section 119.07 of the Revised Code. If an 98667  
individual subject to an automatic suspension under this 98668  
division fails to make a timely request for an adjudication 98669  
under Chapter 119. of the Revised Code, the board is not 98670  
required to hold a hearing, but may adopt, by an affirmative 98671  
vote of not fewer than six of its members, a final order that 98672  
contains the board's findings. In that final order, the board 98673  
may order any of the sanctions identified under division (A) or 98674  
(B) of this section. 98675

**Sec. 4731.2210.** (A) As used in this section: 98676

(1) "Key third party" means an individual closely involved 98677  
in a patient's decision-making regarding health care services, 98678  
including a patient's spouse or partner, parents, children, 98679  
siblings, or guardians. An individual's status as a key third 98680  
party ceases upon termination of a practitioner-patient 98681  
relationship or termination of the relationship between a 98682  
patient and the individual. 98683

(2) "Practitioner" means any of the following: 98684

(a) An individual authorized under this chapter to 98685  
practice medicine and surgery, osteopathic medicine and surgery, 98686

podiatric medicine and surgery, or a limited branch of medicine; 98687

(b) An individual licensed under Chapter 4730. of the 98688  
Revised Code to practice as a physician assistant; 98689

(c) An individual authorized under Chapter 4759. of the 98690  
Revised Code to practice as a dietitian; 98691

(d) An individual authorized under Chapter 4760. of the 98692  
Revised Code to practice as an anesthesiologist assistant; 98693

(e) An individual authorized under Chapter 4761. of the 98694  
Revised Code to practice respiratory care; 98695

(f) An individual authorized under Chapter 4762. of the 98696  
Revised Code to practice as an acupuncturist ~~or oriental~~ 98697  
~~medicine practitioner;~~ 98698

(g) An individual authorized under Chapter 4772. of the 98699  
Revised Code to practice as a certified mental health assistant; 98700

(h) An individual authorized under Chapter 4774. of the 98701  
Revised Code to practice as a radiologist assistant; 98702

~~(h)~~ (i) An individual licensed under Chapter 4778. of the 98703  
Revised Code to practice as a genetic counselor. 98704

(3) "Sexual misconduct" has the same meaning as in section 98705  
4731.224 of the Revised Code. 98706

(B) Except as provided in division (D) of this section, 98707  
the state medical board may require a practitioner that is 98708  
subject to a probationary order of the board ~~that is made on or~~ 98709  
~~after the effective date of this section,~~ and that involves a 98710  
circumstance described in division (C) of this section, to 98711  
provide to each patient, or to the patient's guardian or a key 98712  
third party, a written disclosure signed by the practitioner 98713

that includes all of the following: 98714

(1) The practitioner's probation status; 98715

(2) The total length of the probation; 98716

(3) The probation end date; 98717

(4) Practice restrictions placed on the practitioner by 98718  
the board; 98719

(5) The board's telephone number; 98720

(6) An explanation of how the patient can find additional 98721  
information regarding the probation on the practitioner's 98722  
profile page on the board's internet web site. 98723

The written disclosure, if required by the board, shall be 98724  
provided before the patient's first visit following the 98725  
probationary order of the board. The practitioner shall obtain a 98726  
copy of the disclosure signed by the patient, or the patient's 98727  
guardian or a key third party, and maintain the signed copy in 98728  
the patient's medical record. The signed copy shall be made 98729  
available to the board immediately upon request. 98730

(C) The written disclosure described in division (B) of 98731  
this section applies in both of the following circumstances: 98732

(1) Issuance by the board of a final order, final 98733  
adjudicative order under Chapter 119. of the Revised Code, or a 98734  
consent agreement that is ratified by an affirmative vote of not 98735  
fewer than six members of the board establishing any of the 98736  
following: 98737

(a) Commission of any act of sexual misconduct with a 98738  
patient or key third party; 98739

(b) Drug or alcohol abuse directly resulting in patient 98740

harm, or that impairs the ability of the practitioner to 98741  
practice safely; 98742

(c) Criminal conviction directly resulting in harm to 98743  
patient health; 98744

(d) Inappropriate prescribing directly resulting in 98745  
patient harm. 98746

(2) A statement of issues alleged that the practitioner 98747  
committed any of the acts described in divisions (C) (1) (a) 98748  
through (d) and, notwithstanding a lack of admission of guilt, a 98749  
consent agreement ratified by an affirmative vote of not fewer 98750  
than six members of the board includes express acknowledgement 98751  
that the disclosure requirements of this section would serve to 98752  
protect the public interest. 98753

(D) Written disclosure as described in this section is not 98754  
required in the following circumstances: 98755

(1) The patient is unconscious or otherwise unable to 98756  
comprehend the disclosure and sign it, and a guardian or a key 98757  
third party is unavailable to comprehend and sign it; 98758

(2) The direct patient interaction occurs in an emergency 98759  
department or otherwise occurs as an immediate result of a 98760  
medical emergency; 98761

(3) The practitioner does not have a direct treatment 98762  
relationship with the patient and does not have direct contact 98763  
or direct communication with the patient. 98764

(E) The board shall provide the following information 98765  
regarding practitioners on probation and those practicing under 98766  
probationary status, in plain view on a practitioner's profile 98767  
page on the board's internet web site: 98768

(1) Formal action documents detailing the citation, 98769  
reports and recommendations, board order, and consent agreement; 98770

(2) The length of the probation and the end date; 98771

(3) Practice restrictions placed on the practitioner by 98772  
the board. 98773

(F) The board shall provide a sample probation disclosure 98774  
letter on its internet web site to be used by practitioners to 98775  
comply with this section. 98776

Sec. 4731.256. (A) In addition to all other powers and 98777  
duties conferred on the monitoring organization under contract 98778  
with the state medical board pursuant to section 4731.25 of the 98779  
Revised Code, the board shall require the monitoring 98780  
organization to implement this section as a condition of 98781  
entering into and maintaining the contract. 98782

(B) Not later than thirty days after the effective date of 98783  
this section, the monitoring organization, in collaboration with 98784  
the Ohio state medical association and Ohio hospital 98785  
association, shall create a foundation to be operated for the 98786  
sole purpose of supporting programs approved under the criteria 98787  
established by sections 4731.25 to 4731.254 of the Revised Code 98788  
and any rules adopted under section 4731.255 of the Revised 98789  
Code. Once the foundation is created, the monitoring 98790  
organization shall notify the treasurer of state. 98791

As part of organizing the foundation's operations, the 98792  
monitoring organization, in collaboration with the other 98793  
creating entities, shall establish a three-member governing 98794  
board. The members shall consist of one individual appointed by 98795  
the chief executive officer of the monitoring organization, one 98796  
individual appointed by the chief executive officer of Ohio 98797

state medical association, and one individual appointed by the 98798  
chief executive officer of the Ohio hospital association. Any 98799  
vacancy in the membership shall be filled in the same manner as 98800  
the original appointment. 98801

The foundation's governing board shall hold at least one 98802  
meeting each year to approve an annual plan for the disbursement 98803  
of funds held by the foundation. In determining the amount to be 98804  
disbursed, the governing board shall consider factors related to 98805  
the cost of providing monitoring services, the revenue generated 98806  
from participants who receive services from the monitoring 98807  
organization, and the extent to which the monitoring 98808  
organization's services are being used, particularly by 98809  
individuals who are applicants and practitioners, as those terms 98810  
are defined in section 4731.25 of the Revised Code. 98811

The determination of the amount to be disbursed under this 98812  
section is solely a power and duty of the foundation's governing 98813  
board. 98814

**Sec. 4731.92.** (A) As used in this section, "physician" 98815  
means an individual authorized under this chapter to practice 98816  
medicine and surgery, osteopathic medicine and surgery, or 98817  
podiatric medicine and surgery. 98818

(B) (1) Subject to division (B) (2) of this section, and 98819  
notwithstanding any provision of this chapter or rule adopted by 98820  
the state medical board, a physician may do either of the 98821  
following without having examined an individual to whom glucagon 98822  
may be administered: 98823

(a) Personally furnish a supply of injectable or nasally 98824  
administered glucagon for use in accordance with section 98825  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 98826



5180.262 of the Revised Code; 98827

(b) Issue a prescription for injectable or nasally 98828  
administered glucagon for use in accordance with section 98829  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 98830  
5180.262 of the Revised Code. 98831

(2) Injectable or nasally administered glucagon personally 98832  
furnished or prescribed under division (B)(1) of this section 98833  
must be furnished or prescribed in such a manner that it may be 98834  
administered only in a manufactured dosage form. 98835

(C) A physician who acts in good faith in accordance with 98836  
this section is not liable for or subject to any of the 98837  
following for any action or omission of an entity to which 98838  
injectable or nasally administered glucagon is furnished or a 98839  
prescription is issued: damages in any civil action, prosecution 98840  
in any criminal proceeding, or professional disciplinary action. 98841

**Sec. 4731.96.** (A) As used in this section and section 98842  
4731.961 of the Revised Code, "physician" means an individual 98843  
authorized under this chapter to practice medicine and surgery, 98844  
osteopathic medicine and surgery, or podiatric medicine and 98845  
surgery. 98846

(B)(1) Subject to division (B)(2) of this section, and 98847  
notwithstanding any provision of this chapter or rule adopted by 98848  
the state medical board, a physician may do either of the 98849  
following without having examined an individual to whom 98850  
epinephrine may be administered: 98851

(a) Personally furnish a supply of epinephrine 98852  
autoinjectors for use in accordance with sections 3313.7110, 98853  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 98854  
~~5101.76~~ 5180.26 of the Revised Code; 98855

(b) Issue a prescription for epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code.

(2) An epinephrine autoinjector personally furnished or prescribed under division (B) (1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(C) A physician who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which an epinephrine autoinjector is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

**Sec. 4731.99.** (A) Whoever violates section 4731.41, 4731.43, or 4731.60 of the Revised Code is guilty of a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

(B) Whoever violates section 4731.49, 4731.50, or 4731.81 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(C) Whoever violates section 4731.46 or 4731.47 of the Revised Code is guilty of a felony of the fifth degree.

(D) Whoever violates section 4731.48 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(E) (1) Whoever violates division (B) (1), (C) (1), (C) (2), (D), or (E) of section 4731.224 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor of the

fourth degree on each subsequent offense, except that an 98885  
individual guilty of a subsequent offense shall not be subject 98886  
to imprisonment, but to a fine alone of up to one thousand 98887  
dollars for each offense. 98888

(2) Whoever violates division (B) (2) or (C) (3) of section 98889  
4731.224 of the Revised Code is guilty of ~~failure to report~~ 98890  
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 98891  
fourth degree. ~~If the offender has previously been convicted of~~ 98892  
~~a violation of this division, the failure to report is on a~~ 98893  
first offense and a misdemeanor of the first degree on each 98894  
subsequent offense. 98895

(F) Whoever violates section 4731.481 of the Revised Code 98896  
is guilty of a misdemeanor of the first degree. 98897

(G) Whoever violates division (F) (5) of section 4731.22 of 98898  
the Revised Code is guilty of ~~disclosing confidential~~ 98899  
~~investigatory information,~~ a misdemeanor of the first degree. 98900

**Sec. 4735.01.** As used in this chapter: 98901

(A) "Real estate broker" includes any person, partnership, 98902  
association, limited liability company, limited liability 98903  
partnership, or corporation, foreign or domestic, who for 98904  
another, whether pursuant to a power of attorney or otherwise, 98905  
and who for a fee, commission, or other valuable consideration, 98906  
or with the intention, or in the expectation, or upon the 98907  
promise of receiving or collecting a fee, commission, or other 98908  
valuable consideration does any of the following: 98909

(1) Sells, exchanges, purchases, rents, or leases, or 98910  
negotiates the sale, exchange, purchase, rental, or leasing of 98911  
any real estate; 98912

(2) Offers, attempts, or agrees to negotiate the sale, 98913

exchange, purchase, rental, or leasing of any real estate; 98914

(3) Lists, or offers, attempts, or agrees to list, or 98915  
auctions, or offers, attempts, or agrees to auction, any real 98916  
estate; 98917

(4) Buys or offers to buy, sells or offers to sell, or 98918  
otherwise deals in options on real estate; 98919

(5) Operates, manages, or rents, or offers or attempts to 98920  
operate, manage, or rent, other than as custodian, caretaker, or 98921  
janitor, any building or portions of buildings to the public as 98922  
tenants; 98923

(6) Advertises or holds self out as engaged in the 98924  
business of selling, exchanging, purchasing, renting, or leasing 98925  
real estate; 98926

(7) Directs or assists in the procuring of prospects or 98927  
the negotiation of any transaction, other than mortgage 98928  
financing, which does or is calculated to result in the sale, 98929  
exchange, leasing, or renting of any real estate; 98930

(8) Is engaged in the business of charging an advance fee 98931  
or contracting for collection of a fee in connection with any 98932  
contract whereby the broker undertakes primarily to promote the 98933  
sale, exchange, purchase, rental, or leasing of real estate 98934  
through its listing in a publication issued primarily for such 98935  
purpose, or for referral of information concerning such real 98936  
estate to brokers, or both, except that this division does not 98937  
apply to a publisher of listings or compilations of sales of 98938  
real estate by their owners; 98939

(9) Collects rental information for purposes of referring 98940  
prospective tenants to rental units or locations of such units 98941  
and charges the prospective tenants a fee. 98942

(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery interment rights.

(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise.

(D) "Institution of higher education" includes all of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code.

(4) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code that is approved to offer degree or certificate programs in accordance with section 3332.05 of the Revised Code.

(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state.

(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited

liability partnership, or corporation, foreign or domestic, who 98971  
for another, whether pursuant to a power of attorney or 98972  
otherwise, and who for a fee, commission, or other valuable 98973  
consideration, or with the intention, or in the expectation, or 98974  
upon the promise of receiving or collecting a fee, commission, 98975  
or other valuable consideration, does or deals in any act or 98976  
transaction specified or comprehended in division (A) of this 98977  
section with respect to foreign real estate. 98978

(G) "Foreign real estate salesperson" means any person 98979  
associated with a licensed foreign real estate dealer to do or 98980  
deal in any act or transaction specified or comprehended in 98981  
division (A) of this section with respect to foreign real 98982  
estate, for compensation or otherwise. 98983

(H) Any person, partnership, association, limited 98984  
liability company, limited liability partnership, or 98985  
corporation, who, for another, in consideration of compensation, 98986  
by fee, commission, salary, or otherwise, or with the intention, 98987  
in the expectation, or upon the promise of receiving or 98988  
collecting a fee, does, or offers, attempts, or agrees to engage 98989  
in, any single act or transaction contained in the definition of 98990  
a real estate broker, whether an act is an incidental part of a 98991  
transaction, or the entire transaction, shall be constituted a 98992  
real estate broker or real estate salesperson under this 98993  
chapter. 98994

(I) (1) The terms "real estate broker," "real estate 98995  
salesperson," "foreign real estate dealer," and "foreign real 98996  
estate salesperson" do not include a person, partnership, 98997  
association, limited liability company, limited liability 98998  
partnership, or corporation, or the regular employees thereof, 98999  
who perform any of the acts or transactions specified or 99000

comprehended in division (A) of this section, whether or not 99001  
for, or with the intention, in expectation, or upon the promise 99002  
of receiving or collecting a fee, commission, or other valuable 99003  
consideration: 99004

(a) With reference to real estate situated in this state 99005  
owned by such person, partnership, association, limited 99006  
liability company, limited liability partnership, or 99007  
corporation, or acquired on its own account in the regular 99008  
course of, or as an incident to the management of the property 99009  
and the investment in it; 99010

(b) As receiver or trustee in bankruptcy, as guardian, 99011  
executor, administrator, trustee, assignee, commissioner, or any 99012  
person doing the things mentioned in this section, under 99013  
authority or appointment of, or incident to a proceeding in, any 99014  
court, or as a bona fide public officer, or as executor, 99015  
trustee, or other bona fide fiduciary under any trust agreement, 99016  
deed of trust, will, or other instrument that has been executed 99017  
in good faith creating a like bona fide fiduciary obligation; 99018

(c) As a public officer while performing the officer's 99019  
official duties; 99020

(d) As an attorney at law in the performance of the 99021  
attorney's duties; 99022

(e) As a person who engages in the brokering of the sale 99023  
of business assets, not including the sale, lease, exchange, or 99024  
assignment of any interest in real estate; 99025

(f) As a person who engages in the sale of manufactured 99026  
homes as defined in division (C) (4) of section 3781.06 of the 99027  
Revised Code, or of mobile homes as defined in division (O) of 99028  
section 4501.01 of the Revised Code, provided the sale does not 99029

include the negotiation, sale, lease, exchange, or assignment of 99030  
any interest in real estate; 99031

(g) As a person who engages in the sale of commercial real 99032  
estate pursuant to the requirements of section 4735.022 of the 99033  
Revised Code; 99034

(h) As an oil and gas land professional in the performance 99035  
of the oil and gas land professional's duties, provided the oil 99036  
and gas land professional is not engaged in the purchase or sale 99037  
of a fee simple absolute interest in oil and gas or other real 99038  
estate and the oil and gas land professional complies with 99039  
division (A) of section 4735.023 of the Revised Code; 99040

(i) As an oil and gas land professional employed by the 99041  
person, partnership, association, limited liability company, 99042  
limited liability partnership, or corporation for which the oil 99043  
and gas land professional is performing the oil and gas land 99044  
professional's duties. 99045

(2) A person, partnership, association, limited liability 99046  
company, limited liability partnership, or corporation exempt 99047  
under division (I)(1)(a) of this section shall be limited by the 99048  
legal interest in the real estate held by that person or entity 99049  
to performing any of the acts or transactions specified in or 99050  
comprehended by division (A) of this section. 99051

(J) "Disabled licensee" means a person licensed pursuant 99052  
to this chapter who is under a severe disability which is of 99053  
such a nature as to prevent the person from being able to attend 99054  
any instruction lasting at least three hours in duration. 99055

(K) "Division of real estate" may be used interchangeably 99056  
with, and for all purposes has the same meaning as, "division of 99057  
real estate and professional licensing." 99058



(L) "Superintendent" or "superintendent of real estate" 99059  
means the superintendent of the division of real estate and 99060  
professional licensing of this state. Whenever the division or 99061  
superintendent of real estate is referred to or designated in 99062  
any statute, rule, contract, or other document, the reference or 99063  
designation shall be deemed to refer to the division or 99064  
superintendent of real estate and professional licensing, as the 99065  
case may be. 99066

(M) "Inactive license" means the license status in which a 99067  
salesperson's license is in the possession of the division, 99068  
renewed as required under this chapter or rules adopted under 99069  
this chapter, and not associated with a real estate broker. 99070

(N) "Broker's license on deposit" means the license status 99071  
in which a broker's license is in the possession of the division 99072  
of real estate and professional licensing and renewed as 99073  
required under this chapter or rules adopted under this chapter. 99074

(O) "Suspended license" means the license status that 99075  
prohibits a licensee from providing services that require a 99076  
license under this chapter for a specified interval of time. 99077

(P) "Reactivate" means the process prescribed by the 99078  
superintendent of real estate and professional licensing to 99079  
remove a license from an inactive, suspended, or broker's 99080  
license on deposit status to allow a licensee to provide 99081  
services that require a license under this chapter. 99082

(Q) "Revoked" means the license status in which the 99083  
license is void and not eligible for reactivation. 99084

(R) "Commercial real estate" means any parcel of real 99085  
estate in this state other than real estate containing one to 99086  
four residential units. "Commercial real estate" does not 99087

include single-family residential units such as condominiums, 99088  
townhouses, manufactured homes, or homes in a subdivision when 99089  
sold, leased, or otherwise conveyed on a unit-by-unit basis, 99090  
even when those units are a part of a larger building or parcel 99091  
of real estate containing more than four residential units. 99092

(S) "Out-of-state commercial broker" includes any person, 99093  
partnership, association, limited liability company, limited 99094  
liability partnership, or corporation that is licensed to do 99095  
business as a real estate broker in a jurisdiction other than 99096  
Ohio. 99097

(T) "Out-of-state commercial salesperson" includes any 99098  
person affiliated with an out-of-state commercial broker who is 99099  
not licensed as a real estate salesperson in Ohio. 99100

(U) "Exclusive right to sell or lease listing agreement" 99101  
means an agency agreement between a seller and broker that meets 99102  
the requirements of section 4735.55 of the Revised Code and does 99103  
both of the following: 99104

(1) Grants the broker the exclusive right to represent the 99105  
seller in the sale or lease of the seller's property; 99106

(2) Provides the broker will be compensated if the broker, 99107  
the seller, or any other person or entity produces a purchaser 99108  
or tenant in accordance with the terms specified in the listing 99109  
agreement or if the property is sold or leased during the term 99110  
of the listing agreement to anyone other than to specifically 99111  
exempted persons or entities. 99112

(V) "Exclusive agency agreement" means an agency agreement 99113  
between a seller and broker that meets the requirements of 99114  
section 4735.55 of the Revised Code and does both of the 99115  
following: 99116

(1) Grants the broker the exclusive right to represent the 99117  
seller in the sale or lease of the seller's property; 99118

(2) Provides the broker will be compensated if the broker 99119  
or any other person or entity produces a purchaser or tenant in 99120  
accordance with the terms specified in the listing agreement or 99121  
if the property is sold or leased during the term of the listing 99122  
agreement, unless the property is sold or leased solely through 99123  
the efforts of the seller or to the specifically exempted 99124  
persons or entities. 99125

(W) "Exclusive purchaser agency agreement" means an agency 99126  
agreement between a purchaser or tenant and a broker that meets 99127  
the requirements of section 4735.55 of the Revised Code and does 99128  
both of the following: 99129

(1) Grants the broker the exclusive right to represent the 99130  
purchaser or tenant in the purchase or lease of property; 99131

(2) Provides the broker will be compensated in accordance 99132  
with the terms specified in the exclusive agency agreement or if 99133  
a property is purchased or leased by the purchaser or tenant 99134  
during the term of the agency agreement unless the property is 99135  
specifically exempted in the agency agreement. 99136

The agreement may authorize the broker to receive 99137  
compensation from the seller or the seller's agent and may 99138  
provide that the purchaser or tenant is not obligated to 99139  
compensate the broker if the property is purchased or leased 99140  
solely through the efforts of the purchaser or tenant. 99141

(X) "Seller" means a party in a real estate transaction 99142  
who is the potential transferor of property. "Seller" includes 99143  
an owner of property who is seeking to sell the property and a 99144  
landlord who is seeking to rent or lease property to another 99145

person. 99146

(Y) "Resigned" means the license status in which a license 99147  
has been voluntarily and permanently surrendered to or is 99148  
otherwise in the possession of the division of real estate and 99149  
professional licensing, may not be renewed or reactivated in 99150  
accordance with the requirements specified in this chapter or 99151  
the rules adopted pursuant to it, and is not associated with a 99152  
real estate broker. 99153

(Z) "Bona fide" means made in good faith or without 99154  
purpose of circumventing license law. 99155

(AA) "Associate broker" means an individual licensed as a 99156  
real estate broker under this chapter who does not function as 99157  
the principal broker or a management level licensee. 99158

(BB) "Brokerage" means a corporation, partnership, limited 99159  
partnership, association, limited liability company, limited 99160  
liability partnership, or sole proprietorship, foreign or 99161  
domestic, that has been issued a broker's license. "Brokerage" 99162  
includes the affiliated licensees who have been assigned 99163  
management duties that include supervision of licensees whose 99164  
duties may conflict with those of other affiliated licensees. 99165

(CC) Except as provided in section 4735.011 of the Revised 99166  
Code, "eligible course" means a credit or noncredit course 99167  
offered by an institution of higher education that may be 99168  
applied toward the requirements for a degree or certificate at 99169  
the institution. 99170

(DD) "Distance education" means courses required by 99171  
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6) 99172  
and (J) of section 4735.09, and division (A) of section 4735.141 99173  
of the Revised Code in which instruction is accomplished through 99174

use of interactive, electronic media and where the teacher and 99175  
student are separated by distance or time, or both. 99176

(EE) "Licensee" means any individual licensed as a real 99177  
estate broker or salesperson by the Ohio real estate commission 99178  
pursuant to this chapter. 99179

(FF) "Management level licensee" means a licensee who is 99180  
employed by or affiliated with a real estate broker and who has 99181  
supervisory responsibility over other licensees employed by or 99182  
affiliated with that real estate broker. 99183

(GG) "Oil and gas land professional" means a person 99184  
regularly engaged in the preparation and negotiation of 99185  
agreements for the purpose of exploring for, transporting, 99186  
producing, or developing oil and gas mineral interests, 99187  
including, but not limited to, oil and gas leases and pipeline 99188  
easements. 99189

(HH) "Principal broker" means an individual licensed as a 99190  
real estate broker under this chapter who oversees and directs 99191  
the operations of the brokerage. 99192

(II) "Right-to-list home sale agreement" means an 99193  
agreement whereby the owner of residential real estate agrees to 99194  
provide another person with exclusive rights to list the real 99195  
estate for sale at a future date in exchange for monetary 99196  
consideration, or an equivalent to monetary consideration, and 99197  
that meets one or both of the following: 99198

(1) The agreement states that it runs with the land or 99199  
otherwise purports to bind future owners of the residential real 99200  
estate; 99201

(2) The agreement purports to be a lien, encumbrance, or 99202  
other real property security interest. 99203

(JJ) "Nonexclusive agency agreement" means an agency 99204  
agreement between a purchaser, tenant, or seller and a broker 99205  
that meets the requirements of section 4735.55 of the Revised 99206  
Code and does both of the following: 99207

(1) Grants the broker the nonexclusive right to represent 99208  
the purchaser, tenant, or seller in the purchase, sale, or lease 99209  
of property; 99210

(2) Provides the broker will be compensated in accordance 99211  
with the terms specified in the nonexclusive agency agreement, 99212  
and the purchaser, tenant, or seller may obtain services from 99213  
other brokers or brokerage firms, subject to the terms of the 99214  
nonexclusive agency agreement. 99215

**Sec. 4735.06.** ~~(A)~~ (A) (1) Application for a license as a 99216  
real estate broker shall be made to the superintendent of real 99217  
estate on forms furnished by the superintendent and filed with 99218  
the superintendent and shall be signed by the applicant or its 99219  
members or officers. 99220

(2) Each application shall state the name of the person 99221  
applying and the location of the place of business for which the 99222  
license is desired, and give such other information as the 99223  
superintendent requires in the form of application prescribed by 99224  
the superintendent. 99225

(3) Each application shall include the address of the 99226  
applicant's current residence or, if the applicant is not an 99227  
individual, the address of the current residence of each of the 99228  
applicant's members or officers. 99229

(4) The superintendent shall retain residential addresses 99230  
submitted under division (A) (3) of this section as separate 99231  
records that do not constitute public records for the purposes 99232

of section 149.43 of the Revised Code. 99233

(B) (1) If the applicant is a partnership, limited 99234  
liability company, limited liability partnership, or 99235  
association, the names of all the members also shall be stated, 99236  
and, if the applicant is a corporation, the names of its 99237  
president and of each of its officers also shall be stated. 99238

The superintendent has the right to reject the application 99239  
of any partnership, association, limited liability company, 99240  
limited liability partnership, or corporation if the name 99241  
proposed to be used by such partnership, association, limited 99242  
liability company, limited liability partnership, or corporation 99243  
is likely to mislead the public or if the name is not such as to 99244  
distinguish it from the name of any existing partnership, 99245  
association, limited liability company, limited liability 99246  
partnership, or corporation licensed under this chapter, unless 99247  
there is filed with the application the written consent of such 99248  
existing partnership, association, limited liability company, 99249  
limited liability partnership, or corporation, executed by a 99250  
duly authorized representative of it, permitting the use of the 99251  
name of such existing partnership, association, limited 99252  
liability company, limited liability partnership, or 99253  
corporation. 99254

(2) The superintendent shall approve the use of a trade 99255  
name by a brokerage, if the name meets both of the following 99256  
criteria: 99257

(a) The proposed name is not the same as or is clearly 99258  
distinguishable from a name registered with the division of real 99259  
estate and professional licensing by another existing brokerage. 99260  
If the superintendent determines that the proposed name is not 99261  
clearly distinguishable from any other existing brokerage, the 99262

superintendent may approve the use of the trade name if there is 99263  
filed with the superintendent the written consent of the 99264  
existing brokerage with the same or similar name. 99265

(b) The name is not misleading or likely to mislead the 99266  
public. 99267

(3) The superintendent may approve the use of more than 99268  
one trade name for a brokerage. 99269

(4) When a brokerage has received the approval of the 99270  
superintendent to conduct business under one or more trade 99271  
names, those trade names shall be the only identifying names 99272  
used by the brokerage in all advertising. 99273

(C) A fee of one hundred thirty-five dollars shall 99274  
accompany the application for a real estate broker's license. 99275  
The initial licensing period commences at the time the license 99276  
is issued and ends on the applicant's first birthday thereafter. 99277  
However, if the applicant was an inactive or active salesperson 99278  
immediately preceding application for a broker's license, then 99279  
the initial licensing period shall commence at the time the 99280  
broker's license is issued and ends on the date the licensee's 99281  
continuing education is due as set when the applicant was a 99282  
salesperson. The application fee shall be nonrefundable. A fee 99283  
of one hundred thirty-five dollars shall be charged by the 99284  
superintendent for each successive application made by an 99285  
applicant. In the case of issuance of a three-year license, upon 99286  
passing the examination, or upon waiver of the examination 99287  
requirement, if the superintendent determines it is necessary, 99288  
the applicant shall submit an additional fee determined by the 99289  
superintendent based upon the number of years remaining in a 99290  
real estate salesperson's licensing period. 99291



(D) The Ohio real estate commission may use the division 99292  
of real estate operating fund created under section 4735.211 of 99293  
the Revised Code in discharging the duties prescribed in 99294  
divisions (E), (F), (G), and (H) of section 4735.03 of the 99295  
Revised Code and may use it in the advancement of education and 99296  
research in real estate at any institution of higher education 99297  
in the state, or in contracting with any such institution or a 99298  
trade organization for a particular research or educational 99299  
project in the field of real estate, or in advancing loans, not 99300  
exceeding two thousand dollars, to applicants for salesperson 99301  
licenses, to defray the costs of satisfying the educational 99302  
requirements of division (F) of section 4735.09 of the Revised 99303  
Code. Such loans shall be made according to rules established by 99304  
the commission under the procedures of Chapter 119. of the 99305  
Revised Code, and they shall be repaid to the fund within three 99306  
years of the time they are made. No more than twenty-five 99307  
thousand dollars shall be lent from the fund in any one fiscal 99308  
year. 99309

The governor may appoint a representative from the 99310  
executive branch to be a member ex officio of the commission for 99311  
the purpose of advising on research requests or educational 99312  
projects. The commission shall report to the general assembly on 99313  
the third Tuesday after the third Monday in January of each year 99314  
setting forth the total amount contained in the fund and the 99315  
amount of each research grant that it has authorized and the 99316  
amount of each research grant requested. A copy of all research 99317  
reports shall be submitted to the state library of Ohio and the 99318  
library of the legislative service commission. 99319

(E) If the superintendent, with the consent of the 99320  
commission, enters into an agreement with a national testing 99321  
service to administer the real estate broker's examination, 99322

pursuant to division (A) of section 4735.07 of the Revised Code, 99323  
the superintendent may require an applicant to pay the testing 99324  
service's examination fee directly to the testing service. If 99325  
the superintendent requires the payment of the examination fee 99326  
directly to the testing service, each applicant shall submit to 99327  
the superintendent a processing fee in an amount determined by 99328  
the Ohio real estate commission pursuant to division (A)(2) of 99329  
section 4735.10 of the Revised Code. 99330

**Sec. 4735.09.** (A) Application for a license as a real 99331  
estate salesperson shall be made to the superintendent of real 99332  
estate on forms furnished by the superintendent and signed by 99333  
the applicant. The application shall be in the form prescribed 99334  
by the superintendent and shall contain such information as is 99335  
required by this chapter and the rules of the Ohio real estate 99336  
commission. The application shall include the address of the 99337  
applicant's current residence. The superintendent shall retain 99338  
the applicant's current residence address in a separate record 99339  
that does not constitute a public record for purposes of section 99340  
149.43 of the Revised Code. The application shall be accompanied 99341  
by the recommendation of the real estate broker with whom the 99342  
applicant is associated or with whom the applicant intends to be 99343  
associated, certifying that the applicant is honest and 99344  
truthful, and has not been finally adjudged by a court to have 99345  
violated any municipal, state, or federal civil rights laws 99346  
relevant to the protection of purchasers or sellers of real 99347  
estate, which conviction or adjudication the applicant has not 99348  
disclosed to the superintendent, and recommending that the 99349  
applicant be admitted to the real estate salesperson 99350  
examination. 99351

(B) A fee of eighty-one dollars shall accompany the 99352  
application, which fee includes the fee for the initial year of 99353

the licensing period, if a license is issued. The initial year 99354  
of the licensing period commences at the time the license is 99355  
issued and ends on the applicant's first birthday thereafter. 99356  
The application fee shall be nonrefundable. A fee of eighty-one 99357  
dollars shall be charged by the superintendent for each 99358  
successive application made by the applicant. 99359

(C) There shall be no limit placed on the number of times 99360  
an applicant may retake the examination. 99361

(D) The superintendent, with the consent of the 99362  
commission, may enter into an agreement with a recognized 99363  
national testing service to administer the real estate 99364  
salesperson's examination under the superintendent's supervision 99365  
and control, consistent with the requirements of this chapter as 99366  
to the contents of the examination. 99367

If the superintendent, with the consent of the commission, 99368  
enters into an agreement with a national testing service to 99369  
administer the real estate salesperson's examination, the 99370  
superintendent may require an applicant to pay the testing 99371  
service's examination fee directly to the testing service. If 99372  
the superintendent requires the payment of the examination fee 99373  
directly to the testing service, each applicant shall submit to 99374  
the superintendent a processing fee in an amount determined by 99375  
the Ohio real estate commission pursuant to division (A)(1) of 99376  
section 4735.10 of the Revised Code. 99377

(E) The superintendent shall issue a real estate 99378  
salesperson's license when satisfied that the applicant has 99379  
received a passing score on each portion of the salesperson's 99380  
examination as determined by rule by the real estate commission. 99381

(F) No applicant for a salesperson's license shall take 99382

the salesperson's examination who has not established to the 99383  
satisfaction of the superintendent that the applicant: 99384

(1) Is honest and truthful; 99385

(2) (a) Has not been convicted of a disqualifying offense 99386  
as determined in accordance with section 9.79 of the Revised 99387  
Code; 99388

(b) Has not been finally adjudged by a court to have 99389  
violated any municipal, state, or federal civil rights laws 99390  
relevant to the protection of purchasers or sellers of real 99391  
estate or, if the applicant has been so adjudged, at least two 99392  
years have passed since the court decision and the 99393  
superintendent has disregarded the adjudication because the 99394  
applicant has proven, by a preponderance of the evidence, that 99395  
the applicant is honest and truthful, and there is no basis in 99396  
fact for believing that the applicant again will violate the 99397  
laws involved. 99398

(3) Has not, during any period in which the applicant was 99399  
licensed under this chapter, violated any provision of, or any 99400  
rule adopted pursuant to this chapter, or, if the applicant has 99401  
violated such provision or rule, has established to the 99402  
satisfaction of the superintendent that the applicant will not 99403  
again violate such provision or rule; 99404

(4) Is at least eighteen years of age; 99405

(5) If born after the year 1950, has a high school diploma 99406  
or a certificate of high school equivalence issued under section 99407  
3301.80 of the Revised Code; 99408

(6) Has successfully completed at an institution of higher 99409  
education all of the following eligible courses by either 99410  
classroom instruction or distance education: 99411

- (a) Forty hours of instruction in real estate practice; 99412
- (b) Forty hours of instruction that includes the subjects 99413  
of Ohio real estate law, municipal, state, and federal civil 99414  
rights law, new case law on housing discrimination, 99415  
desegregation issues, and methods of eliminating the effects of 99416  
prior discrimination. If feasible, the instruction in Ohio real 99417  
estate law shall be taught by a member of the faculty of an 99418  
accredited law school. If feasible, the instruction in 99419  
municipal, state, and federal civil rights law, new case law on 99420  
housing discrimination, desegregation issues, and methods of 99421  
eliminating the effects of prior discrimination shall be taught 99422  
by a staff member of the Ohio civil rights commission who is 99423  
knowledgeable with respect to those subjects. The requirements 99424  
of this division do not apply to an applicant who is admitted to 99425  
practice before the supreme court. 99426
- (c) Ten hours of instruction in real estate appraisal; 99427
- (d) Ten hours of instruction in real estate finance. 99428
- (G) (1) Successful completion of the instruction required 99429  
by division (F) (6) of this section shall be determined by the 99430  
law in effect on the date the instruction was completed. 99431
- (2) Division (F) (6) (c) of this section does not apply to 99432  
any new applicant who holds a valid Ohio real estate appraiser 99433  
license or certificate issued prior to the date of application 99434  
for a real estate salesperson's license. 99435
- (H) Only for noncredit course offerings, an institution of 99436  
higher education shall obtain approval from the appropriate 99437  
state authorizing entity prior to offering a real estate course 99438  
that is designed and marketed as satisfying the salesperson 99439  
license education requirements of division (F) (6) of this 99440

section. The state authorizing entity may consult with the 99441  
superintendent in reviewing the course for compliance with this 99442  
section. 99443

(I) Any person who has not been licensed as a real estate 99444  
salesperson or broker within a four-year period immediately 99445  
preceding the person's current application for the salesperson's 99446  
examination shall have successfully completed the prelicensure 99447  
instruction required by division (F)(6) of this section within a 99448  
ten-year period immediately preceding the person's current 99449  
application for the salesperson's examination. 99450

(J) Not earlier than the date of issue of a real estate 99451  
salesperson's license to a licensee, but not later than twelve 99452  
months after the date of issue of a real estate salesperson 99453  
license to a licensee, the licensee shall submit proof 99454  
satisfactory to the superintendent, on forms made available by 99455  
the superintendent, of the completion of twenty hours of 99456  
instruction that shall be completed in schools, seminars, and 99457  
educational institutions approved by the commission. The 99458  
instruction shall include, but is not limited to, current 99459  
practices relating to commercial real estate, property 99460  
management, short sales, and land contracts; contract law; 99461  
federal and state programs; economic conditions; and fiduciary 99462  
responsibility. Approval of the curriculum and providers shall 99463  
be granted according to rules adopted pursuant to section 99464  
4735.10 of the Revised Code and may be taken through classroom 99465  
instruction or distance education. 99466

If proof of completion of the required instruction is not 99467  
submitted within twelve months of the date a license is issued 99468  
under this section, the licensee's license is suspended 99469  
automatically without the taking of any action by the 99470

superintendent. The superintendent immediately shall notify the 99471  
broker with whom such salesperson is associated of the 99472  
suspension of the salesperson's license. A salesperson whose 99473  
license has been suspended under this division shall have twelve 99474  
months after the date of the suspension of the salesperson's 99475  
license to submit proof of successful completion of the 99476  
instruction required under this division. No such license shall 99477  
be reactivated by the superintendent until it is established, to 99478  
the satisfaction of the superintendent, that the requirements of 99479  
this division have been met and that the licensee is in 99480  
compliance with this chapter. A licensee's license is revoked 99481  
automatically without the taking of any action by the 99482  
superintendent when the licensee fails to submit the required 99483  
proof of completion of the education requirements under division 99484  
(I) of this section within twelve months of the date the license 99485  
is suspended. 99486

(K) Examinations shall be administered with reasonable 99487  
accommodations in accordance with the requirements of the 99488  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 99489  
U.S.C. 12189. The contents of an examination shall be consistent 99490  
with the classroom instructional requirements of division (F) (6) 99491  
of this section. An applicant who has completed the classroom 99492  
instructional requirements of division (F) (6) of this section at 99493  
the time of application shall be examined no later than twelve 99494  
months after the applicant is notified of the applicant's 99495  
admission to the examination. 99496

(L) Notwithstanding any provision of this chapter or 99497  
Chapter 4796. of the Revised Code to the contrary, the 99498  
superintendent shall issue a real estate salesperson's license 99499  
in accordance with Chapter 4796. of the Revised Code to an 99500  
applicant if both of the following apply: 99501

(1) The applicant satisfies the requirements specified in 99502  
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 99503  
applicable. 99504

(2) The applicant passes an examination on Ohio real 99505  
estate law. 99506

**Sec. 4735.55.** (A) As used in this section: 99507

(1) "Residential real property" has the same meaning as in 99508  
section 5302.30 of the Revised Code. 99509

(2) "Residential premises" and "tenant" ~~has~~ have the same 99510  
~~meaning-meanings~~ as in section 5321.01 of the Revised Code. 99511

(B) ~~Prior to marketing~~ A licensee shall enter into a 99512  
written agency agreement before doing any of the following: 99513

(1) Advertising or showing ~~a seller's~~ residential real 99514  
property, ~~making~~ on behalf of a seller; 99515

(2) Making an offer to purchase residential real property 99516  
on behalf of a purchaser, ~~or making~~; 99517

(3) Making an offer to lease a residential premises on 99518  
behalf of a ~~purchaser~~ tenant for a term exceeding eighteen 99519  
months, ~~a licensee shall enter into a written agency agreement~~  
~~that contains.~~ 99520  
99521

(C) The written agency agreement shall contain all of the 99522  
following: 99523

(1) An expiration date; 99524

(2) A statement that it is illegal, pursuant to the Ohio 99525  
fair housing law, division (H) of section 4112.02 of the Revised 99526  
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 99527  
amended, to refuse to sell, transfer, assign, rent, lease, 99528



sublease, or finance housing accommodations, refuse to negotiate 99529  
for the sale or rental of housing accommodations, or otherwise 99530  
deny or make unavailable housing accommodations because of race, 99531  
color, religion, sex, familial status as defined in section 99532  
4112.01 of the Revised Code, ancestry, military status as 99533  
defined in that section, disability as defined in that section, 99534  
or national origin or to so discriminate in advertising the sale 99535  
or rental of housing, in the financing of housing, or in the 99536  
provision of real estate brokerage services; 99537

(3) A statement defining the practice known as 99538  
"blockbusting" and stating that it is illegal; 99539

(4) A copy of the United States department of housing and 99540  
urban development equal housing opportunity logotype, as set 99541  
forth in 24 C.F.R. 109.30, as amended; 99542

(5) A statement that the licensee is appointed as an agent 99543  
of the client, and an indication of whether the agency 99544  
relationship is exclusive or nonexclusive; 99545

(6) The terms by which the real estate broker is to be 99546  
compensated; 99547

(7) A conspicuous statement that broker fees and 99548  
commissions are not set by law, are fully negotiable, and may be 99549  
paid by the seller, the buyer, the landlord, the tenant, or a 99550  
third party, or by sharing or splitting the fees and commissions 99551  
between brokers. 99552

~~(C)~~ (D) Each written agency agreement shall contain a place 99553  
for the licensee and the client to sign and date the agreement. 99554

~~(D)~~ (E) A licensee shall furnish a copy of any written 99555  
agency agreement to a client in a timely manner after the 99556  
licensee and the client have signed and dated it. 99557

**Sec. 4735.56.** (A) Each brokerage shall develop a written 99558  
brokerage policy on agency to be given to prospective sellers, 99559  
tenants, and purchasers in accordance with ~~divisions (C) and (D)~~ 99560  
~~of~~ this section. 99561

(B) The brokerage policy on agency described in division 99562  
(A) of this section shall include all of the following 99563  
information: 99564

(1) An explanation of the permissible agency relationships 99565  
available under section 4735.53 of the Revised Code and the 99566  
duties that the agent owes the agent's client; 99567

(2) The brokerage's policy on representation of purchasers 99568  
or sellers; 99569

(3) Whether at some time during the agency relationship 99570  
the brokerage and its licensee may act as a dual agent, and the 99571  
options and consequences for the client if a dual agency 99572  
situation arises including the right of the client to terminate 99573  
the agency relationship and seek representation from another 99574  
source; 99575

(4) Whether at some time during the agency relationship, 99576  
another licensee affiliated with the same brokerage as the 99577  
licensee may become the exclusive agent for the other party in 99578  
the transaction and whether each licensee will represent only 99579  
the interests of that licensee's client; 99580

(5) The brokerage's policy on cooperation with other 99581  
brokerages, including whether the brokerage offers compensation 99582  
to other brokerages or will seek compensation from other 99583  
brokerages; 99584

(6) That a brokerage that has a purchaser as a client 99585  
represents the purchaser's interests even though the seller's 99586

agent or the seller may compensate that purchaser's brokerage; 99587

(7) That the signature of the purchaser or the seller 99588  
indicates acknowledgement of receipt of the brokerage policy on 99589  
agency. 99590

(C) A licensee working directly with a seller in a real 99591  
estate transaction shall provide the seller with the brokerage 99592  
policy on agency described in this section at the time the 99593  
licensee and seller enter into an agency agreement, if required 99594  
by section 4735.55 of the Revised Code or, if an agency 99595  
agreement is not required by that section, prior to ~~marketing-~~ 99596  
advertising or showing the seller's real estate, and shall 99597  
obtain a signature from the seller acknowledging receipt unless 99598  
the seller refuses to provide a signature. If the seller refuses 99599  
to provide a signature, the licensee shall note this on the 99600  
policy. 99601

(D) A licensee working directly with a purchaser in a real 99602  
estate transaction, whether as the purchaser's agent, the 99603  
seller's agent, or the seller's subagent, shall provide the 99604  
purchaser with the brokerage policy on agency described in this 99605  
section and obtain a signature from the purchaser acknowledging 99606  
receipt of the policy unless the purchaser refuses to provide a 99607  
signature. If the purchaser refuses to provide a signature, the 99608  
licensee shall note this on the policy. Except as provided in 99609  
division (E) of this section, the licensee shall provide the 99610  
brokerage policy on agency to a purchaser prior to the earliest 99611  
of the following actions of the licensee: 99612

(1) Initiating a prequalification evaluation to determine 99613  
whether the purchaser has the financial ability to purchase or 99614  
lease a particular real estate property; 99615

(2) Requesting specific financial information from the purchaser to determine the purchaser's ability to purchase or finance real estate in a particular price range;

(3) Showing the real estate to the purchaser other than at an open house;

(4) Discussing, with the purchaser, the making of an offer to purchase or lease real estate;

(5) Submitting an offer to purchase or lease real estate on behalf of the purchaser;

(6) Entering into an agency agreement with the purchaser under section 4735.55 of the Revised Code.

(E) If the earliest event described in division (D) of this section is by telephone or electronic mail, the licensee shall disclose by that same medium the nature of the agency relationship that the licensee has with both the seller and the purchaser. The licensee shall provide the purchaser with the brokerage policy on agency described in this section at the first meeting with the purchaser following this disclosure of the agency relationship.

(F) A licensee acting as a seller's agent is not required to provide a purchaser with the brokerage policy on agency described in this section except in the case of an event described in division (D) of this section.

(G) The requirements of this section regarding provision of a brokerage policy on agency apply only in the following situations:

(1) The sale or lease of vacant land;

(2) The sale of a parcel of real estate containing one to

four residential units; 99644

(3) The leasing of residential premises as defined in 99645  
section 5321.01 of the Revised Code, if the rental or lease 99646  
agreement is for a term of more than eighteen months. 99647

**Sec. 4735.80.** (A) The superintendent of real estate shall, 99648  
within one year after ~~the effective date of this section~~ April 3, 99649  
2025, adopt rules in accordance with Chapter 119. of the Revised 99650  
Code that require a licensee, prior to listing residential real 99651  
estate for sale, exchange, or purchase, to provide to the seller 99652  
a disclosure form, developed and maintained by the division of 99653  
real estate, that outlines both of the following: 99654

(1) The federal and state laws that relate to anti- 99655  
discrimination in the home-buying process with which a seller of 99656  
residential real estate shall comply, including the laws listed 99657  
in divisions ~~(B) (2)~~ (C) (2) and (3) of section 4735.55 of the 99658  
Revised Code; 99659

(2) The penalties associated with violating any of the 99660  
laws specified pursuant to division (A) (1) of this section. 99661

(B) No licensee shall market or show a seller's 99662  
residential real estate before providing the seller with the 99663  
disclosure required by this section and receiving a copy of that 99664  
disclosure that is signed and dated by the seller. The licensee 99665  
shall retain the signed and dated copy of the disclosure for not 99666  
less than three years following the closing date on the seller's 99667  
residential real estate. 99668

(C) Notwithstanding any provision of section 121.95 of the 99669  
Revised Code to the contrary, a regulatory restriction contained 99670  
in a rule adopted under this section is not subject to sections 99671  
121.95 to 121.953 of the Revised Code. 99672

**Sec. 4740.06.** (A) Any individual who applies for a license 99673  
shall file a written application with the appropriate specialty 99674  
section of the Ohio construction industry licensing board, 99675  
accompanied with the application fee as determined pursuant to 99676  
section 4740.09 of the Revised Code. The application shall be on 99677  
the form the section prescribes ~~and verified by the applicant's~~ 99678  
~~oath~~. The applicant shall provide information satisfactory to 99679  
the section showing that the applicant meets the requirements of 99680  
division (B), (C), or (D) of this section. 99681

(B) To qualify to take an examination, an individual 99682  
shall: 99683

(1) Be at least eighteen years of age; 99684

(2) Be a United States citizen or legal alien who produces 99685  
valid documentation to demonstrate the individual is a legal 99686  
resident of the United States; 99687

(3) Either have been a tradesperson in the type of 99688  
licensed trade for which the application is filed for not less 99689  
than five years immediately prior to the date the application is 99690  
filed, be a currently registered engineer in this state with 99691  
three years of business experience in the construction industry 99692  
in the trade for which the engineer is applying to take an 99693  
examination, or have other experience acceptable to the 99694  
appropriate specialty section of the board; 99695

(4) Maintain contractor's liability insurance in an amount 99696  
the appropriate specialty section of the board determines and 99697  
only in one contracting company name; 99698

(5) Not have done any of the following: 99699

(a) Violated this chapter or any rule adopted pursuant to 99700  
it; 99701

(b) Obtained or renewed a license issued pursuant to this chapter, or any order, ruling, or authorization of the board or a section of the board by fraud, misrepresentation, or deception;

(c) Engaged in fraud, misrepresentation, or deception in the conduct of business.

(C) For an individual who holds an out-of-state occupational license, as defined in section 4796.01 of the Revised Code, that is substantially similar to the license for which the individual is applying under this chapter, to qualify to take an examination, an individual shall:

(1) Provide proof that the individual was issued at least five authorizations for construction, erection, equipment, alteration, or addition of any building by an authority with responsibility for enforcing building regulations in the jurisdiction where the individual holds the out-of-state occupational license;

(2) Provide at least one tax return that reflects income earned for services provided under the individual's out-of-state occupational license;

(3) Provide proof that the contracting company with whom the individual is employed in the jurisdiction where the individual holds the out-of-state occupational license is either of the following:

(a) Licensed as a foreign corporation under section 1703.04 of the Revised Code and has designated an agent in this state in accordance with section 1703.041 of the Revised Code;

(b) Registered as a foreign limited liability company under section 1706.511 of the Revised Code and has designated an

agent in this state in accordance with section 1706.09 of the Revised Code.

(4) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section.

(D) (1) For an individual who has been actively engaged in activities in the service of the uniformed services, as defined in section 4796.01 of the Revised Code, that are substantially similar to the activities for which the license the individual is applying under this chapter is required, to qualify to take an examination, an individual shall:

(a) Provide proof that the individual was actively engaged in the activities in the service of the uniformed services for at least three of the five years immediately preceding the date the application is submitted;

(b) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section.

(2) Each specialty section of the board may adopt a rule in accordance with Chapter 119. of the Revised Code to waive the requirement that an applicant under division (D) (1) (a) of this section has been actively engaged in the activity for three of the five years immediately preceding the date the application is submitted.

(E) The board secretary, or the secretary's designee, shall approve an application for examination submitted under division (C) or (D) of this section within thirty days after receiving a complete application that meets the requirements of that division.

(F) When an applicant for licensure as a contractor in a licensed trade meets the qualifications set forth in division



(B), (C), or (D) of this section and passes the required 99760  
examination, the appropriate specialty section of the board, 99761  
within ninety days after the application was filed, shall 99762  
authorize the administrative section of the board to license the 99763  
applicant for the type of contractor's license for which the 99764  
applicant qualifies. A specialty section of the board may 99765  
withdraw its authorization to the administrative section for 99766  
issuance of a license for good cause shown, on the condition 99767  
that notice of that withdrawal is given prior to the 99768  
administrative section's issuance of the license. 99769

(G) (1) Except as provided in division (G) (2) of this 99770  
section, if an applicant does not pass the required examination, 99771  
the applicant may retake the examination not less than sixty 99772  
days after the applicant's most recent examination. 99773

(2) An applicant who does not pass the required 99774  
examination after taking the examination five times under this 99775  
section shall reapply for a license under division (A) of this 99776  
section before retaking the required examination any subsequent 99777  
time. 99778

(H) All licenses a contractor holds pursuant to this 99779  
chapter shall expire annually on the same date, which shall be 99780  
the expiration date of the original license the contractor 99781  
holds. An individual holding a valid, unexpired license may 99782  
renew the license, without reexamination, by submitting an 99783  
application to the appropriate specialty section of the board 99784  
not more than ninety calendar days before the expiration of the 99785  
license, along with the renewal fee the specialty section 99786  
requires and proof of compliance with the applicable continuing 99787  
education requirements. The applicant shall provide information 99788  
in the renewal application satisfactory to demonstrate to the 99789

appropriate specialty section that the applicant continues to 99790  
meet the requirements of divisions (B) (2), (4), and (5) of this 99791  
section. 99792

Upon application and within one calendar year after a 99793  
license has expired, a section may waive any of the requirements 99794  
for renewal of a license upon finding that an applicant 99795  
substantially meets the renewal requirements or that failure to 99796  
timely apply for renewal is due to excusable neglect. A section 99797  
that waives requirements for renewal of a license may impose 99798  
conditions upon the licensee and assess a late filing fee of not 99799  
more than double the usual renewal fee. An applicant shall 99800  
satisfy any condition the section imposes before a license is 99801  
reissued. 99802

(I) An individual holding a valid license may request the 99803  
section of the board that authorized that license to place the 99804  
license in inactive status under conditions, and for a period of 99805  
time, as that section determines. 99806

(J) Except for the ninety-day extension provided for a 99807  
license assigned to a contracting company under division (D) of 99808  
section 4740.07 of the Revised Code, a license held by an 99809  
individual immediately terminates upon the death of the 99810  
individual. 99811

(K) Nothing in any license issued by the Ohio construction 99812  
industry licensing board shall be construed to limit or 99813  
eliminate any requirement of or any license issued by the Ohio 99814  
fire marshal. 99815

(L) (1) Subject to division (L) (3) of this section, no 99816  
specialty section of the board shall adopt, maintain, renew, or 99817  
enforce any rule, or otherwise preclude in any way, an 99818

individual from renewing a license under this chapter due to any 99819  
past criminal activity or interpretation of moral character. If 99820  
the specialty section denies an individual a license renewal, 99821  
the reasons for such denial shall be put in writing. 99822

(2) The section may refuse to issue a license to an 99823  
applicant because of a conviction of or plea of guilty to an 99824  
offense if the refusal is in accordance with section 9.79 of the 99825  
Revised Code. 99826

(3) In considering a renewal of an individual's license, 99827  
the section shall not consider any conviction or plea of guilty 99828  
prior to the initial licensing. However, the board may consider 99829  
a conviction or plea of guilty if it occurred after the 99830  
individual was initially licensed, or after the most recent 99831  
license renewal. 99832

(4) The section may grant an individual a conditional 99833  
license that lasts for one year. After the one-year period has 99834  
expired, the license is no longer considered conditional, and 99835  
the individual shall be considered fully licensed. 99836

(M) Notwithstanding divisions (H) and (L) of this section 99837  
and sections 4740.04 and 4740.05 of the Revised Code, the board 99838  
may establish rules that amend the continuing education 99839  
requirements and license renewal schedule for licensees as 99840  
provided in or adopted pursuant to those sections for the 99841  
purpose of establishing a compliance incentive program. These 99842  
rules may include provisions for the creation of the program and 99843  
the qualifications, continuing education requirements, and 99844  
renewal schedule for the program. 99845

**Sec. 4743.05.** (A) Except as otherwise provided in sections 99846  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 99847

the Revised Code, all money collected under Chapters 3773., 99848  
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 99849  
4732., 4733., 4734., 4741., 4744., 4747., 4753., 4755., 4757., 99850  
4758., 4771., 4775., 4779., and 4781. of the Revised Code and 99851  
all license, certificate, and permit fees received by the state 99852  
board of education, including the fees established under section 99853  
3319.51 of the Revised Code, shall be paid into the state 99854  
treasury to the credit of the occupational licensing and 99855  
regulatory fund, which is hereby created for use in 99856  
administering such chapters and in paying the operating expenses 99857  
of the state board of education. 99858

(B) At the end of each quarter, the director of budget and 99859  
management shall transfer from the occupational licensing and 99860  
regulatory fund to the nurse education assistance fund created 99861  
in section 3333.28 of the Revised Code the amount certified to 99862  
the director under division (B) of section 4723.08 of the 99863  
Revised Code. 99864

(C) At the end of each quarter, the director shall 99865  
transfer from the occupational licensing and regulatory fund to 99866  
the certified public accountant education assistance fund 99867  
created in section 4701.26 of the Revised Code the amount 99868  
certified to the director under division (H) (2) of section 99869  
4701.10 of the Revised Code. 99870

(D) On August 30, 2021, and every two years thereafter, 99871  
the director shall transfer from the occupational licensing and 99872  
regulatory fund to the veterinary student debt assistance fund 99873  
created in section 4741.56 of the Revised Code the amount 99874  
certified to the director under section 4741.57 of the Revised 99875  
Code. 99876

**Sec. 4743.09.** (A) As used in this section: 99877

(1) "Durable medical equipment" means a type of equipment, 99878  
such as a remote monitoring device utilized by a physician, 99879  
physician assistant, or advanced practice registered nurse in 99880  
accordance with this section, that can withstand repeated use, 99881  
is primarily and customarily used to serve a medical purpose, 99882  
and generally is not useful to a person in the absence of 99883  
illness or injury and, in addition, includes repair and 99884  
replacement parts for the equipment. 99885

(2) "Facility fee" means any fee charged or billed for 99886  
telehealth services provided in a facility that is intended to 99887  
compensate the facility for its operational expenses and is 99888  
separate and distinct from a professional fee. 99889

(3) "Health care professional" means: 99890

(a) An advanced practice registered nurse, as defined in 99891  
section 4723.01 of the Revised Code; 99892

(b) An optometrist licensed under Chapter 4725. of the 99893  
Revised Code to practice optometry; 99894

(c) A pharmacist licensed under Chapter 4729. of the 99895  
Revised Code; 99896

(d) A physician assistant licensed under Chapter 4730. of 99897  
the Revised Code; 99898

(e) A physician licensed under Chapter 4731. of the 99899  
Revised Code to practice medicine and surgery, osteopathic 99900  
medicine and surgery, or podiatric medicine and surgery; 99901

(f) A psychologist, independent school psychologist, or 99902  
school psychologist licensed under Chapter 4732. of the Revised 99903  
Code; 99904

(g) A chiropractor licensed under Chapter 4734. of the 99905

Revised Code;	99906
(h) An audiologist or speech-language pathologist licensed	99907
under Chapter 4753. of the Revised Code;	99908
(i) An occupational therapist or physical therapist	99909
licensed under Chapter 4755. of the Revised Code;	99910
(j) An occupational therapy assistant or physical	99911
therapist assistant licensed under Chapter 4755. of the Revised	99912
Code;	99913
(k) A professional clinical counselor, independent social	99914
worker, independent marriage and family therapist, art	99915
therapist, or music therapist licensed under Chapter 4757. of	99916
the Revised Code;	99917
(l) An independent chemical dependency counselor licensed	99918
under Chapter 4758. of the Revised Code;	99919
(m) <u>A peer recovery supporter, youth peer supporter, or</u>	99920
<u>family peer supporter certified under Chapter 4758. of the</u>	99921
<u>Revised Code;</u>	99922
<u>(n)</u> A dietitian licensed under Chapter 4759. of the	99923
Revised Code;	99924
<del>(n)</del> <u>(o)</u> A respiratory care professional licensed under	99925
Chapter 4761. of the Revised Code;	99926
<del>(o)</del> <u>(p)</u> A genetic counselor licensed under Chapter 4778. of	99927
the Revised Code;	99928
<del>(p)</del> <u>(q)</u> A certified Ohio behavior analyst certified under	99929
Chapter 4783. of the Revised Code;	99930
<del>(q)</del> <u>(r)</u> A certified mental health assistant licensed under	99931
Chapter 4772. of the Revised Code.	99932

- (4) "Health care professional licensing board" means any 99933  
of the following: 99934
- (a) The board of nursing; 99935
  - (b) The state vision professionals board; 99936
  - (c) The state board of pharmacy; 99937
  - (d) The state medical board; 99938
  - (e) The state board of psychology; 99939
  - (f) The state chiropractic board; 99940
  - (g) The state speech and hearing professionals board; 99941
  - (h) The Ohio occupational therapy, physical therapy, and 99942  
athletic trainers board; 99943
  - (i) The counselor, social worker, and marriage and family 99944  
therapist board; 99945
  - (j) The chemical dependency professionals board. 99946
- (5) "Health plan issuer" has the same meaning as in 99947  
section 3922.01 of the Revised Code. 99948
- (6) "Telehealth services" means health care services 99949  
provided through the use of information and communication 99950  
technology by a health care professional, within the 99951  
professional's scope of practice, who is located at a site other 99952  
than the site where either of the following is located: 99953
- (a) The patient receiving the services; 99954
  - (b) Another health care professional with whom the 99955  
provider of the services is consulting regarding the patient. 99956
- (B) (1) Each health care professional licensing board shall 99957

permit a health care professional under its jurisdiction to 99958  
provide the professional's services as telehealth services in 99959  
accordance with this section. Subject to division (B) (2) of this 99960  
section, a board may adopt any rules it considers necessary to 99961  
implement this section. All rules adopted under this section 99962  
shall be adopted in accordance with Chapter 119. of the Revised 99963  
Code. Any such rules adopted by a board are not subject to the 99964  
requirements of division (F) of section 121.95 of the Revised 99965  
Code. 99966

(2) (a) Except as provided in division (B) (2) (b) of this 99967  
section, the rules adopted by a health care professional 99968  
licensing board under this section shall establish a standard of 99969  
care for telehealth services that is equal to the standard of 99970  
care for in-person services. 99971

(b) Subject to division (B) (2) (c) of this section, a board 99972  
may require an initial in-person visit prior to prescribing a 99973  
schedule II controlled substance to a new patient, equivalent to 99974  
applicable state and federal requirements. 99975

(c) (i) A board shall not require an initial in-person 99976  
visit for a new patient whose medical record indicates that the 99977  
patient is receiving hospice or palliative care, who is 99978  
receiving medication-assisted treatment or any other medication 99979  
for opioid-use disorder, who is a patient with a mental health 99980  
condition, or who, as determined by the clinical judgment of a 99981  
health care professional, is in an emergency situation. 99982

(ii) Notwithstanding division (B) of section 3796.01 of 99983  
the Revised Code, medical marijuana shall not be considered a 99984  
schedule II controlled substance. 99985

(C) With respect to the provision of telehealth services, 99986



all of the following apply: 99987

(1) A health care professional may use synchronous or 99988  
asynchronous technology to provide telehealth services to a 99989  
patient during an initial visit if the appropriate standard of 99990  
care for an initial visit is satisfied. 99991

(2) A health care professional may deny a patient 99992  
telehealth services and, instead, require the patient to undergo 99993  
an in-person visit. 99994

(3) When providing telehealth services in accordance with 99995  
this section, a health care professional shall comply with all 99996  
requirements under state and federal law regarding the 99997  
protection of patient information. A health care professional 99998  
shall ensure that any username or password information and any 99999  
electronic communications between the professional and a patient 100000  
are securely transmitted and stored. 100001

(4) A health care professional may use synchronous or 100002  
asynchronous technology to provide telehealth services to a 100003  
patient during an annual visit if the appropriate standard of 100004  
care for an annual visit is satisfied. 100005

(5) In the case of a health care professional who is a 100006  
physician, physician assistant, or advanced practice registered 100007  
nurse, both of the following apply: 100008

(a) The professional may provide telehealth services to a 100009  
patient located outside of this state if permitted by the laws 100010  
of the state in which the patient is located. 100011

(b) The professional may provide telehealth services 100012  
through the use of medical devices that enable remote 100013  
monitoring, including such activities as monitoring a patient's 100014  
blood pressure, heart rate, or glucose level. 100015

(D) When a patient has consented to receiving telehealth services, the health care professional who provides those services is not liable in damages under any claim made on the basis that the services do not meet the same standard of care that would apply if the services were provided in-person.

(E) (1) A health care professional providing telehealth services shall not charge a patient or a health plan issuer covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the cost of providing the services, but the requirement to do so applies only once.

(F) Nothing in this section limits or otherwise affects any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the  
amendments to this section, to expand access to and investment  
in telehealth services in this state in congruence with the  
expansion and investment in telehealth services made during the  
COVID-19 pandemic.

**Sec. 4743.10.** (A) As used in this section:

(1) "Health care service" means medical care provided to  
any patient at any time over the entire course of the patient's  
treatment and may include one or more of the following: testing;  
diagnosis; referral; dispensing or administering a drug,  
medication, or device; psychological therapy or counseling;  
research; prognosis; therapy; record making procedures and notes  
related to treatment; preparation for or performance of a  
surgery or procedure; or any other care or services performed or  
provided by any medical practitioner.

(2) "Medical practitioner" means any person who  
facilitates or participates in the provision of health care  
services, including nursing, physician services, counseling and  
social work, psychological and psychiatric services, research  
services, surgical services, laboratory services, and the  
provision of pharmaceuticals and may include any of the  
following: any student or faculty at a medical, nursing, mental  
health, or counseling institution of higher education or an  
allied health professional, paraprofessional, or employee or  
contractor of a health care institution.

(3) "Participation in a health care service" means to  
provide, perform, assist with, facilitate, refer for, counsel  
for, advise with regard to, admit for the purposes of providing,  
or take part in any way in providing, any health care service.

(B) Notwithstanding any conflicting provision of the Revised Code, a medical practitioner, health care institution, or health care payer has the freedom to decline to perform, participate in, or pay for any health care service which violates the practitioner's, institution's, or payer's conscience as informed by the moral, ethical, or religious beliefs or principles held by the practitioner, institution, or payer, including when the procedure is ordered by a court. Exercise of the right of conscience is limited to conscience-based objections to a particular health care service.

(C) Whenever a situation arises in which a requested course of treatment includes a particular health care service that conflicts with the moral, ethical, or religious beliefs or convictions of a medical practitioner, the medical practitioner shall be excused from participating in the particular health care service to which the practitioner has a conflict.

When a medical practitioner becomes aware of the conflict, the medical practitioner shall notify the practitioner's supervisor, if applicable, and request to be excused from participating in the particular health care service that conflicts with the practitioner's beliefs or convictions.

When possible and when the medical practitioner is willing, the medical practitioner shall seek to transfer the patient to a colleague who will provide the requested health care service.

If participation in a transfer of care for a particular health care service violates the medical practitioner's beliefs or convictions or no willing colleague is identified, the patient shall be notified and provided the opportunity to seek an alternate medical practitioner. Upon patient request, the

patient's medical records shall be promptly released to the 100104  
patient. 100105

The medical practitioner is responsible for providing all 100106  
appropriate health care services, other than the particular 100107  
health care service that conflicts with the medical 100108  
practitioner's beliefs or convictions, until another medical 100109  
practitioner or facility is available. 100110

(D) A medical practitioner, health care institution, or 100111  
health care payer shall not be civilly, criminally, or 100112  
administratively liable for exercising the practitioner's, 100113  
institution's, or payer's right of conscience by declining to 100114  
participate in or pay for a particular health care service. 100115

A health care institution shall not be civilly, 100116  
criminally, or administratively liable for the exercise of 100117  
conscience rights not to participate in a particular health care 100118  
service by a medical practitioner who is employed by, under 100119  
contract with, or granted admitting privileges by the health 100120  
care institution. 100121

A medical practitioner, health care institution, or health 100122  
care payer shall not be discriminated against or suffer any 100123  
other adverse action as a result of declining to participate in 100124  
or pay for a particular health care service on the basis of 100125  
conscience. 100126

(E) Unless specifically prohibited by law, a medical 100127  
practitioner shall not be discriminated against or suffer any 100128  
adverse action for disclosing any information that the medical 100129  
practitioner reasonably believes evinces any violation of this 100130  
section or any other law, rule, or regulation; any violation of 100131  
any standard of care or other ethical guidelines for the 100132

provision of any health care service; or gross mismanagement, a 100133  
gross waste of funds, an abuse of authority, or a substantial 100134  
and specific danger to public health or safety. 100135

(F) A civil action for damages, injunctive relief, or any 100136  
other appropriate relief may be brought by any medical 100137  
practitioner, health care institution, or health care payer for 100138  
any violation of any provision of this section. 100139

Upon a finding of a violation of the rights of conscience 100140  
in this section, a court shall award threefold the actual 100141  
damages sustained and reasonable costs and attorney's fees. A 100142  
court considering such civil action may also award injunctive 100143  
relief, which may include reinstatement of a medical 100144  
practitioner to the practitioner's previous position, 100145  
reinstatement of board certification, and relicensure of a 100146  
health care institution or health care payer. 100147

(G) This section shall not be construed to override the 100148  
requirement to provide emergency medical treatment to all 100149  
patients as set forth in 42 U.S.C. § 1395dd. 100150

(H) With respect to the right of a health care payer to 100151  
decline to pay for a health care service as established in 100152  
division (B) of this section, the payer's right to decline 100153  
applies only to payments and health care services for which a 100154  
contract has been entered into between the payer and 100155  
policyholder on or after ~~the effective date of this section~~ 100156  
September 30, 2021. 100157

**Sec. 4749.01.** As used in this chapter: 100158

(A) "Private investigator" means any person who engages in 100159  
the business of private investigation. 100160

(B) "Business of private investigation" means, except when 100161

performed by one excluded under division (H) of this section, 100162  
the conducting, for hire, in person or through a partner or 100163  
employees, of any investigation relevant to any crime or wrong 100164  
done or threatened, or to obtain information on the identity, 100165  
habits, conduct, movements, whereabouts, affiliations, 100166  
transactions, reputation, credibility, or character of any 100167  
person, or to locate and recover lost or stolen property, or to 100168  
determine the cause of or responsibility for any libel or 100169  
slander, or any fire, accident, or damage to property, or to 100170  
secure evidence for use in any legislative, administrative, or 100171  
judicial investigation or proceeding. 100172

(C) "Security guard provider" means any person who engages 100173  
in the business of security services. 100174

(D) "Business of security services" means either of the 100175  
following: 100176

(1) Furnishing, for hire, watchpersons, guards, private 100177  
patrol officers, or other persons whose primary duties are to 100178  
protect persons or property; 100179

(2) Furnishing, for hire, guard dogs, or armored motor 100180  
vehicle security services, in connection with the protection of 100181  
persons or property. 100182

(E) "Class A license" means a license issued under section 100183  
4749.03 of the Revised Code that qualifies the person issued the 100184  
license to engage in the business of private investigation and 100185  
the business of security services. 100186

(F) "Class B license" means a license issued under section 100187  
4749.03 of the Revised Code that qualifies the person issued the 100188  
license to engage only in the business of private investigation. 100189

(G) "Class C license" means a license issued under section 100190

4749.03 of the Revised Code that qualifies the person issued the 100191  
license to engage only in the business of security services. 100192

(H) "Private investigator," "business of private 100193  
investigation," "security guard provider," and "business of 100194  
security services" do not include: 100195

(1) Public officers and employees whose official duties 100196  
require them to engage in investigatory activities; 100197

(2) Attorneys at law or any expert hired by an attorney at 100198  
law for consultation or litigation purposes; 100199

(3) A consumer reporting agency, as defined in the "Fair 100200  
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as 100201  
amended, provided that the consumer reporting agency is in 100202  
compliance with the requirements of that act and that the 100203  
agency's activities are confined to any of the following: 100204

(a) The issuance of consumer credit reports; 100205

(b) The conducting of limited background investigations 100206  
that pertain only to a client's prospective tenant and that are 100207  
engaged in with the prior written consent of the prospective 100208  
tenant; 100209

(c) The business of pre-employment background 100210  
investigation. As used in division (H) (3) (c) of this section, 100211  
"business of pre-employment background investigation" means, and 100212  
is limited to, furnishing for hire, in person or through a 100213  
partner or employees, the conducting of limited background 100214  
investigations, in-person interviews, telephone interviews, or 100215  
written inquiries that pertain only to a client's prospective 100216  
employee and the employee's employment and that are engaged in 100217  
with the prior written consent of the prospective employee. 100218



(4) Certified public insurance adjusters that hold a 100219  
certificate of authority issued pursuant to sections 3951.01 to 100220  
3951.09 of the Revised Code, while the adjuster is investigating 100221  
the cause of or responsibility for a fire, accident, or other 100222  
damage to property with respect to a claim or claims for loss or 100223  
damage under a policy of insurance covering real or personal 100224  
property; 100225

(5) Personnel placement services and persons who act as 100226  
employees of such entities engaged in investigating matters 100227  
related to personnel placement activities; 100228

(6) An employee in the regular course of the employee's 100229  
employment, engaged in investigating matters pertinent to the 100230  
business of the employee's employer or protecting property in 100231  
the possession of the employee's employer, provided the employer 100232  
is deducting all applicable state and federal employment taxes 100233  
on behalf of the employee and neither the employer nor the 100234  
employee is employed by, associated with, or acting for or on 100235  
behalf of any private investigator or security guard provider; 100236

(7) Any better business bureau or similar organization or 100237  
any of its employees while engaged in the maintenance of the 100238  
quality of business activities relating to consumer sales and 100239  
services; 100240

(8) An accountant who is registered or certified under 100241  
Chapter 4701. of the Revised Code or any of the accountant's 100242  
employees while engaged in activities for which the accountant 100243  
is certified or registered; 100244

(9) Any person who, for hire or otherwise, conducts 100245  
genealogical research in this state. 100246

As used in division (H) (9) of this section, "genealogical 100247

research" means the determination of the origins and descent of 100248  
families, including the identification of individuals, their 100249  
family relationships, and the biographical details of their 100250  
lives. "Genealogical research" does not include furnishing for 100251  
hire services for locating missing persons or natural or birth 100252  
parents or children. 100253

(10) Any person residing in this state who conducts 100254  
research for the purpose of locating the last known owner of 100255  
unclaimed funds, provided that the person is in compliance with 100256  
Chapter 169. of the Revised Code and rules adopted thereunder. 100257  
The exemption set forth in division (H) (10) of this section 100258  
applies only to the extent that the person is conducting 100259  
research for the purpose of locating the last known owner of 100260  
unclaimed funds. 100261

As used in division (H) (10) of this section, "owner" and 100262  
"unclaimed funds" have the same meanings as in section 169.01 of 100263  
the Revised Code. 100264

(11) A professional engineer who is registered under 100265  
Chapter 4733. of the Revised Code or any of ~~his~~ the engineer's 100266  
employees. 100267

As used in division (H) (11) of this section and 100268  
notwithstanding division (I) of this section, "employee" has the 100269  
same meaning as in section 4101.01 of the Revised Code. 100270

(12) Any person residing in this state who, for hire or 100271  
otherwise, conducts research for the purpose of locating persons 100272  
to whom the state of Ohio owes money in the form of warrants, as 100273  
defined in section 131.01 of the Revised Code, that the state 100274  
voided but subsequently reissues. 100275

(13) An independent insurance adjuster who, as an 100276

individual, an independent contractor, an employee of an 100277  
independent contractor, adjustment bureau association, 100278  
corporation, insurer, partnership, local recording agent, 100279  
managing general agent, or self-insurer, engages in the business 100280  
of independent insurance adjustment, or any person who 100281  
supervises the handling of claims except while acting as an 100282  
employee of an insurer licensed in this state while handling 100283  
claims pertaining to specific policies written by that insurer. 100284

As used in division (H) (13) of this section, "independent 100285  
insurance adjustment" means conducting investigations to 100286  
determine the cause of or circumstances concerning a fire, 100287  
accident, bodily injury, or damage to real or personal property; 100288  
determining the extent of damage of that fire, accident, injury, 100289  
or property damage; securing evidence for use in a legislative, 100290  
administrative, or judicial investigation or proceeding, 100291  
adjusting losses; and adjusting or settling claims, including 100292  
the investigation, adjustment, denial, establishment of damages, 100293  
negotiation, settlement, or payment of claims in connection with 100294  
insurance contractors, self-insured programs, or other similar 100295  
insurance programs. "Independent adjuster" does not include 100296  
either of the following: 100297

(a) An attorney who adjusts insurance losses incidental to 100298  
the practice of law and who does not advertise or represent that 100299  
the attorney is an independent insurance adjuster; 100300

(b) A licensed agent or general agent of an insurer 100301  
licensed in this state who processes undisputed or uncontested 100302  
losses for insurers under policies issued by that agent or 100303  
general agent. 100304

(14) Except for a commissioned peace officer who engages 100305  
in the business of private investigation or compensates others 100306

who engage in the business of private investigation or the 100307  
business of security services or both, any commissioned peace 100308  
officer as defined in division (B) of section 2935.01 of the 100309  
Revised Code. 100310

(15) Security personnel and contractors for a security 100311  
organization under an approved physical protection program at a 100312  
commercial nuclear power plant licensed by the United States 100313  
nuclear regulatory commission, or its successor agency, while 100314  
performing duties related to protecting the plant and nuclear 100315  
material from threats, thefts, and sabotage. 100316

(I) "Employee" means every person who may be required or 100317  
directed by any employer, in consideration of direct or indirect 100318  
gain or profit, to engage in any employment, or to go, or work, 100319  
or be at any time in any place of employment, provided that the 100320  
employer of the employee deducts all applicable state and 100321  
federal employment taxes on behalf of the employee. 100322

**Sec. 4751.20.** (A) Except as provided in section 4751.201 100323  
of the Revised Code, and subject to section 4751.32 of the 100324  
Revised Code, the board of executives of long-term services and 100325  
supports shall issue a nursing home administrator license to an 100326  
individual under this section if all of the following 100327  
requirements are satisfied: 100328

(1) The individual has submitted to the board a completed 100329  
application for the license in accordance with rules adopted 100330  
under section 4751.04 of the Revised Code and paid an 100331  
application fee of two hundred fifty dollars. 100332

(2) If the individual is required by rules adopted under 100333  
section 4751.04 of the Revised Code to serve as a nursing home 100334  
administrator ~~in training~~ resident, the individual has paid to 100335

the board the ~~administrator in training~~ application fee of two 100336  
hundred fifty dollars. 100337

(3) The individual is at least twenty-one years of age. 100338

(4) The individual has successfully completed educational 100339  
requirements and work experience specified in rules adopted 100340  
under section 4751.04 of the Revised Code, including, if so 100341  
required by the rules, experience obtained as a nursing home 100342  
administrator ~~in training~~ resident. 100343

(5) The individual has complied with section 4776.02 of 100344  
the Revised Code regarding a criminal records check. 100345

(6) The board, in accordance with section 9.79 of the 100346  
Revised Code, has determined that the results of the criminal 100347  
records check do not make the individual ineligible for the 100348  
license. 100349

(7) Except as provided in division (B) of this section, 100350  
the individual has passed the licensing examination administered 100351  
under section 4751.15 of the Revised Code. 100352

(8) The individual has paid to the board three hundred 100353  
fifty dollars for a temporary license issued under division (B) 100354  
of this section. 100355

(9) The individual has paid to the board a license fee of 100356  
~~two eight~~ hundred ~~fifty~~ dollars. 100357

~~(9)~~ (10) The individual has satisfied any additional 100358  
requirements as may be prescribed in rules adopted under section 100359  
4751.04 of the Revised Code. 100360

(B) Beginning January 1, 2025, the operator of a nursing 100361  
home may request that the board issue a nursing home 100362  
administrator license to an individual who meets the 100363

requirements specified in division (A) of this section but has 100364  
not passed the licensing examination administered under section 100365  
4751.15 of the Revised Code, in order to fill a vacancy in the 100366  
position of nursing home administrator at the nursing home 100367  
resulting from a death, illness, or other unexpected cause. An 100368  
individual issued a license under division (B) of this section 100369  
shall submit to the board, not later than one hundred eighty 100370  
days after a license is issued, satisfactory evidence that the 100371  
individual has passed the licensing examination administered 100372  
under section 4751.15 of the Revised Code. 100373

(C) A nursing home administrator license shall certify 100374  
that the individual to whom it was issued has met the applicable 100375  
requirements of this chapter and any applicable rules adopted 100376  
under section 4751.04 of the Revised Code and is authorized to 100377  
practice nursing home administration while the license is valid. 100378

**Sec. 4751.24.** (A) Subject to section 4751.32 of the 100379  
Revised Code, a nursing home administrator license is valid for 100380  
two years and may be renewed and reinstated in accordance with 100381  
this section. 100382

(B) If a licensed nursing home administrator intends to 100383  
continue to practice nursing home administration without 100384  
interruption after the administrator's license expires, the 100385  
administrator shall apply to the board of executives of long- 100386  
term services and supports for a renewed nursing home 100387  
administrator license. Subject to section 4751.32 of the Revised 100388  
Code, the board shall renew the license if the administrator 100389  
does all of the following before the license expires: 100390

(1) Submits to the board a completed application for 100391  
license renewal in accordance with rules adopted under section 100392  
4751.04 of the Revised Code; 100393

(2) Pays to the board the license renewal fee of ~~six~~ eight hundred dollars; 100394  
100395

(3) Submits to the board satisfactory evidence of having 100396  
attended such continuing education programs or courses of study 100397  
as may be prescribed in rules adopted under section 4751.04 of 100398  
the Revised Code; 100399

(4) Satisfies any other requirements as may be prescribed 100400  
in rules adopted under section 4751.04 of the Revised Code. 100401

(C) If a nursing home administrator license issued under 100402  
section 4751.20 or 4751.201 of the Revised Code is not renewed 100403  
before it expires, the individual who held the license may apply 100404  
to the board for the license's reinstatement. Subject to section 100405  
4751.32 of the Revised Code, the board shall reinstate the 100406  
license if the individual does all of the following not later 100407  
than one year after the date the license expired: 100408

(1) Submits to the board the completed application for 100409  
license reinstatement in accordance with rules adopted under 100410  
section 4751.04 of the Revised Code; 100411

(2) Pays to the board the license reinstatement fee equal 100412  
to the sum of the following: 100413

(a) ~~Three~~ Eight hundred dollars; 100414

(b) Fifty dollars for each calendar quarter that occurs 100415  
during the period beginning on the date the license expires and 100416  
ending on the last day of the calendar quarter during which the 100417  
individual applies for license reinstatement, up to a maximum of 100418  
two hundred dollars. 100419

(3) Submits to the board satisfactory evidence of having 100420  
attended such continuing education programs or courses of study 100421

as may be prescribed in rules adopted by the board under section 100422  
4751.04 of the Revised Code; 100423

(4) Satisfies any other requirements as may be prescribed 100424  
in rules adopted under section 4751.04 of the Revised Code. 100425

(D) A licensed nursing home administrator who determines 100426  
to temporarily abandon the practice of nursing home 100427  
administration shall notify the board in writing immediately. 100428  
The former administrator may thereafter resume the practice of 100429  
nursing home administration within the state upon complying with 100430  
the requirements of this section regarding biennial license 100431  
renewal or license reinstatement, whichever is applicable. 100432

**Sec. 4751.25.** (A) Subject to section 4751.32 of the 100433  
Revised Code, a health services executive license is valid for 100434  
one year and may be renewed and reinstated in accordance with 100435  
this section. 100436

(B) A licensed health services executive may apply to the 100437  
board of executives of long-term services and supports for a 100438  
renewed license. Subject to section 4751.32 of the Revised Code, 100439  
the board shall renew the license if the licensed health 100440  
services executive does all of the following before the license 100441  
expires: 100442

(1) Submits to the board the completed application for 100443  
license renewal in accordance with rules adopted under section 100444  
4751.04 of the Revised Code; 100445

(2) Pays to the board the license renewal fee of ~~fifty-one~~ 100446  
hundred dollars; 100447

(3) Submits to the board satisfactory evidence of having 100448  
attended such continuing education programs or courses of study 100449  
as may be prescribed in rules adopted under section 4751.04 of 100450



the Revised Code. 100451

(C) (1) If a health services executive license is not 100452  
renewed before it expires, the individual who held the license 100453  
may apply to the board for the license's reinstatement. Subject 100454  
to section 4751.32 of the Revised Code, the board shall 100455  
reinstate the license if the individual does all of the 100456  
following not later than one year after the date the license 100457  
expired: 100458

(a) Submits to the board the completed application for 100459  
license reinstatement in accordance with rules adopted under 100460  
section 4751.04 of the Revised Code; 100461

(b) Pays to the board the license reinstatement fee 100462  
specified in division (C) (2) of this section; 100463

(c) Submits to the board satisfactory evidence of having 100464  
attended such continuing education programs or courses of study 100465  
as may be prescribed in rules adopted under section 4751.04 of 100466  
the Revised Code. 100467

(2) The fee to reinstate a health services executive 100468  
license under division (C) (1) of this section is the following: 100469

(a) If the individual applying for reinstatement has, at 100470  
the same time, applied for reinstatement of a nursing home 100471  
administrator license under division (C) of section 4751.24 of 100472  
the Revised Code and paid the reinstatement fee required by 100473  
division (C) (2) of that section, one hundred dollars; 100474

(b) If division (C) (2) (a) of this section does not apply 100475  
to the individual, the sum of the following: 100476

(i) One hundred dollars; 100477

(ii) Twenty-five dollars for each calendar quarter that 100478

occurs during the period beginning on the date the license 100479  
expired and ending on the last day of the calendar quarter 100480  
during which the individual applies for license reinstatement, 100481  
up to a maximum of one hundred dollars. 100482

**Sec. 4757.41.** (A) This chapter shall not apply to the 100483  
following: 100484

(1) A person certified by the state board of education 100485  
under Chapter 3319. of the Revised Code while performing any 100486  
services within the person's scope of employment by a board of 100487  
education or by a private school meeting the standards 100488  
prescribed by the director of education and workforce under 100489  
division (D) of section 3301.07 of the Revised Code or in a 100490  
program operated under Chapter 5126. of the Revised Code for 100491  
training individuals with developmental disabilities; 100492

(2) Psychologists, independent school psychologists, or 100493  
school psychologists licensed under Chapter 4732. of the Revised 100494  
Code; 100495

(3) Members of other professions licensed, certified, or 100496  
registered by this state while performing services within the 100497  
recognized scope, standards, and ethics of their respective 100498  
professions; 100499

(4) Rabbis, priests, Christian science practitioners, 100500  
clergy, or members of religious orders and other individuals 100501  
participating with them in pastoral counseling when the 100502  
counseling activities are within the scope of the performance of 100503  
their regular or specialized ministerial duties and are 100504  
performed under the auspices or sponsorship of an established 100505  
and legally cognizable church, denomination, or sect or an 100506  
integrated auxiliary of a church as defined in federal tax 100507

regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 100508  
when the individual rendering the service remains accountable to 100509  
the established authority of that church, denomination, sect, or 100510  
integrated auxiliary; 100511

(5) Any person who is not licensed under this chapter as a 100512  
licensed professional clinical counselor, licensed professional 100513  
counselor, independent social worker, or social worker and is 100514  
employed in the civil service as defined in section 124.01 of 100515  
the Revised Code while engaging in professional counseling or 100516  
social work as a civil service employee, if on July 10, 2014, 100517  
the person has at least two years of service in that capacity; 100518

(6) A student in an accredited educational institution 100519  
while carrying out activities that are part of the student's 100520  
prescribed course of study if the activities are supervised as 100521  
required by the educational institution and if the student does 100522  
not hold herself or himself out as a person licensed or 100523  
registered under this chapter; 100524

(7) An individual who holds a license or certificate under 100525  
Chapter 4758. of the Revised Code who is acting within the scope 100526  
of the individual's license or certificate as a member of the 100527  
profession of ~~chemical dependency~~ substance use disorder 100528  
~~counseling or~~, prevention services, or peer support services; 100529

(8) Any person employed by the American red cross while 100530  
engaging in activities relating to services for military 100531  
families and veterans and disaster relief, as described in the 100532  
"American National Red Cross Act," 33 Stat. 599 (1905), 36 100533  
U.S.C.A. 1, as amended; 100534

(9) Members of labor organizations who hold union 100535  
counselor certificates while performing services in their 100536

official capacity as union counselors; 100537

(10) Any person employed in a hospital as defined in 100538  
section 3727.01 of the Revised Code or in a nursing home as 100539  
defined in section 3721.01 of the Revised Code while providing 100540  
as a hospital employee or nursing home employee, respectively, 100541  
social services other than counseling and the use of 100542  
psychosocial interventions and social psychotherapy; 100543

(11) A vocational rehabilitation professional who is 100544  
providing rehabilitation services to individuals under section 100545  
3304.17 of the Revised Code, or holds certification by the 100546  
commission on rehabilitation counselor certification and is 100547  
providing rehabilitation counseling services consistent with the 100548  
commission's standards; 100549

(12) A caseworker not licensed under this chapter as an 100550  
independent social worker or social worker who is employed by a 100551  
public children services agency under section 5153.112 of the 100552  
Revised Code; 100553

(13) A person completing supervised experience to qualify 100554  
for a license as an art therapist or music therapist, provided 100555  
that experience is completed under the supervision of a licensed 100556  
art therapist or music therapist, as applicable. 100557

(B) Divisions (A)(5) and (10) of this section do not 100558  
prevent a person described in those divisions from obtaining a 100559  
license or certificate of registration under this chapter. 100560

(C) Except as provided in divisions (A) and (D) of this 100561  
section, no employee in the service of the state, including 100562  
public employees as defined by Chapter 4117. of the Revised 100563  
Code, shall engage in the practice of professional counseling, 100564  
social work, or marriage and family therapy without the 100565

appropriate license issued by the board. Failure to comply with 100566  
this division constitutes nonfeasance under section 124.34 of 100567  
the Revised Code or just cause under a collective bargaining 100568  
agreement. Nothing in this division restricts the director of 100569  
administrative services from developing new classifications 100570  
related to this division or from reassigning affected employees 100571  
to appropriate classifications based on the employee's duties 100572  
and qualifications. 100573

(D) Except as provided in division (A) of this section, an 100574  
employee who was engaged in the practice of professional 100575  
counseling, social work, or marriage and family therapy in the 100576  
service of the state prior to July 10, 2014, including public 100577  
employees as defined by Chapter 4117. of the Revised Code, shall 100578  
comply with division (C) of this section within two years after 100579  
July 10, 2014. Any such employee who fails to comply shall be 100580  
removed from employment. 100581

(E) Nothing in this chapter prevents a public children 100582  
services agency from employing as a caseworker a person not 100583  
licensed under this chapter as an independent social worker or 100584  
social worker who has the qualifications specified in section 100585  
5153.112 of the Revised Code. 100586

**Sec. 4758.01.** As used in this chapter: 100587

(A) "Accredited educational institution" means an 100588  
educational institution accredited by an accrediting agency 100589  
accepted by the ~~Ohio board~~ department of regents higher 100590  
education. 100591

~~(B) (1) "Alcohol and other drug clinical counseling~~ 100592  
~~principles, methods, or procedures" means an approach to~~ 100593  
~~chemical dependency counseling that emphasizes the chemical~~ 100594

~~dependency counselor's role in systematically assisting clients through all of the following:~~ 100595  
100596

~~(a) Analyzing background and current information;~~ 100597

~~(b) Exploring possible solutions;~~ 100598

~~(c) Developing and providing a treatment plan;~~ 100599

~~(d) In the case of an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III only, diagnosing chemical dependency conditions.~~ 100600  
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~~(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.~~ 100604  
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~~(C) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after December 23, 2002.~~ 100608  
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~~(D) "Chemical dependency counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs.~~ 100615  
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~~(E) (B) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.~~ 100621  
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(C) "Family peer support services" means services that 100623  
promote resiliency and recovery, self-determination, advocacy, 100624  
well-being, and skill development for caregivers and families of 100625  
individuals with a mental illness or substance use disorder, or 100626  
both, and who may also have a co-occurring developmental 100627  
disability. 100628

(D) "Gambling disorder" means a persistent and recurring 100629  
maladaptive gambling behavior that is classified in accepted 100630  
nosologies, including the diagnostic and statistical manual of 100631  
mental disorders and the international classification of 100632  
diseases, and in editions of those nosologies published after 100633  
September 15, 2014. 100634

~~(F)~~ (E) "Peer recovery support services" means services 100635  
that promote resiliency and recovery, self-determination, 100636  
advocacy, well-being, and skill development for individuals with 100637  
a mental illness or substance use disorder, or both, and who may 100638  
also have a co-occurring developmental disability, or the 100639  
caregivers or families of the foregoing. 100640

(F) "Peer supporter" includes a peer recovery supporter, a 100641  
youth peer supporter, or a family peer supporter certified under 100642  
this chapter. 100643

(G) "Peer support services" means services that promote 100644  
resiliency and recovery, self-determination, advocacy, well- 100645  
being, and skill development for individuals, caregivers of, and 100646  
families of individuals with a mental illness or substance use 100647  
disorder, or both, and who may also have a co-occurring 100648  
developmental disability. 100649

(H) "Prevention services" means a comprehensive, multi- 100650  
system set of individual and environmental approaches that 100651

~~maximizes physical health, promotes safety, and precludes the~~ 100652  
~~onset of behavioral health disorders~~ services that are a planned 100653  
sequence of culturally relevant, evidenced-based strategies 100654  
designed to reduce the likelihood of, or delay the onset of, 100655  
mental, emotional, and behavioral disorders. 100656

~~(G)~~ (I) Unless the context provides otherwise, "scope of 100657  
practice" means the services, methods, and techniques in which 100658  
and the areas for which a person who holds a license, 100659  
certificate, or endorsement under this chapter is trained and 100660  
qualified. 100661

~~(H)~~ (J) "Substance abuse professional" has the same meaning 100662  
as in 49 C.F.R. 40.3. 100663

~~(I)~~ (K) "Substance use disorder clinical counseling 100664  
principles, methods, or procedures" means counseling, assessing, 100665  
treatment planning, crisis intervention, and referral as they 100666  
relate to substance use disorder conditions. 100667

(L) "Substance use disorder conditions" means those 100668  
conditions relating to the abuse of or dependency on alcohol or 100669  
other drugs that are classified in accepted nosologies, 100670  
including the diagnostic and statistical manual of mental 100671  
disorders and the international classification of diseases. 100672

(M) "Substance use disorder counseling" means rendering or 100673  
offering to render to individuals, groups, or the public a 100674  
counseling service involving the application of substance use 100675  
disorder clinical counseling principles, methods, or procedures. 100676

(N) "~~U.S.~~ United States department of transportation drug 100677  
and alcohol testing program" means a transportation workplace 100678  
drug and alcohol testing program governed by 49 C.F.R. part 40. 100679

(O) "Youth peer support services" means services that 100680



promote resiliency and recovery, self-determination, advocacy, 100681  
well-being, and skill development primarily for individuals who 100682  
are thirty years of age or younger with a mental illness or 100683  
substance use disorder, or both, and who may also have a co- 100684  
occurring developmental disability, as well as the individuals' 100685  
caregivers or families. 100686

**Sec. 4758.02.** ~~(A)~~ Except as provided in section 4758.03 of 100687  
the Revised Code, no person shall do any of the following: 100688

~~(1)~~ (A) Engage in or represent to the public that the 100689  
person engages in ~~chemical dependency~~ substance use disorder 100690  
counseling for a fee, salary, or other consideration unless the 100691  
person holds a valid independent chemical dependency counselor- 100692  
clinical supervisor license, independent chemical dependency 100693  
counselor license, chemical dependency counselor III license, 100694  
chemical dependency counselor II license, or chemical dependency 100695  
counselor assistant certificate issued under this chapter; 100696

~~(2)~~ (B) Use the title "licensed independent chemical 100697  
dependency counselor-clinical supervisor," "LICDC-CS," "licensed 100698  
independent chemical dependency counselor," "LICDC," "licensed 100699  
chemical dependency counselor III," "LCDC III," "licensed 100700  
chemical dependency counselor II," "LCDC II," "chemical 100701  
dependency counselor assistant," "CDCA," or any other title or 100702  
description incorporating the ~~word~~ words "chemical dependency 100703  
counselor" or any other initials used to identify persons acting 100704  
in those capacities unless currently authorized under this 100705  
chapter to act in the capacity indicated by the title or 100706  
initials; 100707

~~(3)~~ (C) Represent to the public that the person holds a 100708  
gambling disorder endorsement unless the person holds a valid 100709  
gambling disorder endorsement issued under this chapter; 100710

~~(4)~~ (D) Represent to the public that the person is a 100711  
registered applicant unless the person holds a valid registered 100712  
applicant certificate issued under this chapter; 100713

~~(5)~~ (E) Use the title "~~certified licensed~~ prevention 100714  
consultant," "~~CPC,~~" "~~certified licensed~~ prevention specialist," 100715  
"~~CPS,~~" "~~certified prevention specialist assistant,~~" "~~CPSA,~~" 100716  
"registered applicant," "~~RA,~~" or any other title, description, 100717  
or initials used to identify persons acting in those capacities 100718  
unless currently authorized under this chapter to act in the 100719  
capacity indicated by the title or initials. 100720

~~(B) No person shall engage in or represent to the public 100721  
that the person engages in chemical dependency counseling as a 100722  
chemical dependency counselor I; 100723~~

(F) Beginning one year after the effective date of this 100724  
amendment, engage in or represent to the public that the person 100725  
engages in the provision of peer recovery support services, 100726  
youth peer support services, or family peer support services for 100727  
a fee, salary, or other consideration unless the person holds a 100728  
valid peer recovery supporter certificate, youth peer supporter 100729  
certificate, or family peer supporter certificate issued under 100730  
this chapter; 100731

(G) Beginning one year after the effective date of this 100732  
amendment, use the title "certified peer supporter," "certified 100733  
peer recovery supporter," "certified youth peer supporter," 100734  
"certified family peer supporter," "licensed peer supporter," 100735  
"licensed peer recovery supporter, "licensed youth peer 100736  
supporter, "licensed family peer supporter," "peer supporter," 100737  
or any other title or initials used to identify persons acting 100738  
in those capacities unless currently authorized under this 100739  
chapter to act in the capacity indicated by the title or 100740

initials; 100741

(H) Beginning one year after the effective date of this 100742  
amendment, represent to the public that the person holds a peer 100743  
support supervisor endorsement unless the person holds a valid 100744  
peer support supervisor endorsement issued under this chapter. 100745

**Sec. 4758.03.** ~~Division (A) of section~~ Section 4758.02 of 100746  
the Revised Code does not apply to any of the following: 100747

(A) An individual who holds a valid license, registration, 100748  
certificate, or credentials issued under another chapter of the 100749  
Revised Code while performing services within the recognized 100750  
scope, standards, and ethics of the individual's profession; 100751

(B) An individual who is a rabbi, priest, Christian 100752  
Science practitioner, clergy, or member of a religious order and 100753  
other individuals participating with them in pastoral counseling 100754  
when the ~~chemical dependency~~ substance use disorder counseling 100755  
activities are within the scope of the performance of their 100756  
regular or specialized ministerial duties and are performed 100757  
under the auspices or sponsorship of an established and legally 100758  
cognizable church, denomination, or sect or an integrated 100759  
auxiliary of a church as defined in paragraph (h) of 26 Code of 100760  
Federal Regulations 1.6033-2 (2000) as amended, and the 100761  
individual rendering the service remains accountable to the 100762  
established authority of that church, denomination, sect, or 100763  
integrated auxiliary; 100764

(C) A student in an accredited educational institution 100765  
while carrying out activities that are part of the student's 100766  
prescribed course of study if the activities are supervised as 100767  
required by the educational institution and the student is not 100768  
represented as an individual who holds a license or certificate 100769

issued under this chapter. 100770

**Sec. 4758.10.** (A) There is hereby created the chemical 100771  
dependency professionals board. 100772

(B) The governor shall appoint all of the following voting 100773  
members of the board with the advice and consent of the senate: 100774

(1) Four individuals who hold a valid independent chemical 100775  
dependency counselor-clinical supervisor license or independent 100776  
chemical dependency counselor license issued under this chapter, 100777  
including at least two of whom have received ~~at least a~~ master's 100778  
degree or higher in a field related to ~~chemical dependency~~ 100779  
substance abuse counseling from an accredited educational 100780  
institution; 100781

(2) Two individuals who hold a valid chemical dependency 100782  
counselor III license issued under this chapter; 100783

(3) One individual who holds a valid chemical dependency 100784  
counselor II license issued under this chapter; 100785

(4) One individual who holds a valid chemical dependency 100786  
counselor assistant certificate issued under this chapter; 100787

(5) Two individuals who hold a valid prevention consultant 100788  
~~certificate license~~ or prevention specialist ~~certificate license~~ 100789  
issued under this chapter; 100790

~~(5)~~ (6) One individual who holds a valid peer recovery 100791  
supporter certificate, youth peer supporter certificate, or 100792  
family peer supporter certificate issued under this chapter; 100793

(7) One individual who is ~~authorized under Chapter 4731.~~ 100794  
~~of the Revised Code to practice medicine and surgery or~~ 100795  
~~osteopathic medicine and surgery and has experience practicing~~ 100796  
~~in a field related to chemical dependency counseling;~~ 100797

~~(6)~~ any of the following employed by, or contracted to work 100798  
for, a community addiction services provider or community mental 100799  
health services provider as defined in section 5119.01 of the 100800  
Revised Code: 100801

(a) A psychiatrist as defined in section 5122.01 of the 100802  
Revised Code; 100803

(b) A clinical nurse specialist licensed under Chapter 100804  
4723. of the Revised Code who is certified as a psychiatric- 100805  
mental health clinical nurse specialist by a national certifying 100806  
organization approved by the board of nursing under section 100807  
4723.46 of the Revised Code; 100808

(c) A certified nurse practitioner licensed under Chapter 100809  
4723. of the Revised Code who is certified as a psychiatric- 100810  
mental health nurse practitioner by a national certifying 100811  
organization approved by the board of nursing under section 100812  
4723.46 of the Revised Code; 100813

(d) A psychologist licensed under Chapter 4732. of the 100814  
Revised Code; 100815

(e) Any of the following licensed under Chapter 4757. of 100816  
the Revised Code: a licensed professional clinical counselor, 100817  
professional counselor, independent social worker, social 100818  
worker, independent marriage and family therapist, or marriage 100819  
and family therapist. 100820

(8) Two individuals who represent the public and have not 100821  
practiced ~~chemical dependency substance use disorder~~ counseling- 100822  
~~or~~, prevention services, or peer support services and have not 100823  
been involved in the delivery of ~~chemical dependency substance~~ 100824  
~~use disorder~~ counseling services-~~or~~, prevention services, or 100825  
peer support services. At least one of these individuals shall 100826

be at least fifty years of age. During their terms, the public 100827  
members shall not practice ~~chemical dependency substance use~~ 100828  
~~disorder counseling or, prevention services, or peer support~~ 100829  
~~services~~ or be involved in the delivery of ~~chemical dependency~~ 100830  
~~substance use disorder counseling services or, prevention~~ 100831  
~~services, or peer support services.~~ 100832

(C) ~~Not later than ninety days after December 23, 2002,~~ 100833  
~~the~~ The director of mental health and addiction services shall 100834  
appoint an individual who represents the department of mental 100835  
health and addiction services to serve as an ex officio member 100836  
of the chemical dependency professionals board. 100837

(D) Not more than one-half of the voting members of the 100838  
board may be of the same gender or members of the same political 100839  
party. At least two voting members of the board shall be of 100840  
African, Native American, Hispanic, or Asian descent. 100841

**Sec. 4758.11.** ~~Of the initial appointees to the chemical~~ 100842  
~~dependency professionals board appointed by the governor under~~ 100843  
~~division (B) of section 4758.10 of the Revised Code, four shall~~ 100844  
~~be appointed for terms ending one year after December 23, 2002,~~ 100845  
~~four shall be appointed for terms ending two years after~~ 100846  
~~December 23, 2002, and four shall be appointed for terms ending~~ 100847  
~~three years after December 23, 2002. After the initial~~ 100848  
~~appointments, terms~~ Terms of office of members of the chemical 100849  
dependency professional board appointed by the governor under 100850  
section 4758.10 of the Revised Code shall be three years, with 100851  
each term ending on the same day of the same month of the year 100852  
as the term it succeeds. 100853

A voting member of the board shall hold office from the 100854  
date of appointment until the end of the term for which the 100855  
member was appointed. A voting member appointed to fill a 100856

vacancy occurring prior to the expiration of the term for which 100857  
the member's predecessor was appointed shall hold office for the 100858  
remainder of that term. A voting member shall continue in office 100859  
after the expiration date of the member's term until the 100860  
member's successor takes office or until a period of sixty days 100861  
has elapsed, whichever occurs first. Voting members may be 100862  
reappointed, except that an individual who has held office for 100863  
two consecutive full terms shall not be reappointed sooner than 100864  
one year after the expiration of the second full term. 100865

The ex officio member of the board appointed by the 100866  
director of mental health and addiction services under division 100867  
(C) of section 4758.10 of the Revised Code shall serve at the 100868  
pleasure of the director. 100869

**Sec. 4758.13.** The chemical dependency professionals board 100870  
shall meet to discuss matters relating to the administration and 100871  
operation of the board and the regulation of the practices of 100872  
~~chemical dependency substance use disorder counseling, peer~~ 100873  
support services, and prevention services. The board shall hold 100874  
at least one regular meeting every three months. Additional 100875  
meetings may be held at such times as the board determines, on 100876  
the call of the chairperson, or on the written request to the 100877  
executive director of three or more voting board members. If 100878  
three or more voting members request a meeting, the executive 100879  
director shall call a meeting, which shall be held not later 100880  
than seven days after the request is received. 100881

~~Seven~~Nine voting members of the board constitute a quorum 100882  
to conduct business. Except as provided in section 4758.32 of 100883  
the Revised Code, no action shall be taken without the 100884  
concurrence of at least a quorum. 100885

At its first meeting each year, the board shall elect a 100886

chairperson from among its voting members. No member shall serve 100887  
more than two consecutive terms as chairperson. 100888

The board shall keep any records and minutes necessary to 100889  
fulfill the duties established by this chapter and rules adopted 100890  
under it. 100891

**Sec. 4758.20.** (A) The chemical dependency professionals 100892  
board shall adopt rules to establish, specify, or provide for 100893  
all of the following: 100894

(1) Fees for the purposes authorized by section 4758.21 of 100895  
the Revised Code; 100896

(2) If the board, pursuant to section 4758.221 of the 100897  
Revised Code, elects to administer examinations for individuals 100898  
seeking to act as substance abuse professionals in a U.S.-United 100899  
States department of transportation drug and alcohol testing 100900  
program, the board's administration of the examinations; 100901

(3) For the purpose of section 4758.23 of the Revised 100902  
Code, codes of ethical practice and professional conduct for 100903  
individuals who hold a license, certificate, or endorsement 100904  
issued under this chapter; 100905

(4) For the purpose of section 4758.24 of the Revised 100906  
Code, all of the following: 100907

(a) The documents that an individual seeking such a 100908  
license, certificate, or endorsement must submit to the board; 100909

(b) Requirements to obtain the license, certificate, or 100910  
endorsement that are in addition to the requirements established 100911  
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 100912  
4758.44, 4758.45, 4758.46, 4758.47, and 4758.48, 4758.49, and 100913  
4758.491 of the Revised Code. The additional requirements may 100914



include ~~preceptorships~~ internships and practicums. 100915

(c) Requirements for criminal records checks of applicants 100916  
under section 4776.03 of the Revised Code; 100917

(d) The period of time that an individual whose registered 100918  
applicant certificate has expired must wait before applying for 100919  
a new registered applicant certificate. 100920

(5) For the purpose of section 4758.28 of the Revised 100921  
Code, requirements for approval of ~~continuing education courses~~ 100922  
~~of study for individuals who hold a license, certificate, or~~ 100923  
~~endorsement issued under this chapter~~ programs; 100924

(6) For the purpose of section 4758.30 of the Revised 100925  
Code, all of the following: 100926

(a) The intervention for and treatment of an individual 100927  
holding a license, certificate, or endorsement issued under this 100928  
chapter whose abilities to practice are impaired due to abuse of 100929  
or dependency on alcohol or other drugs or other physical or 100930  
mental condition; 100931

~~(7)~~ (b) Requirements governing reinstatement of a suspended 100932  
or revoked license, certificate, or endorsement ~~under division~~ 100933  
~~(C) of section 4758.30 of the Revised Code,~~ including 100934  
requirements for determining the amount of time an individual 100935  
must wait to apply for reinstatement; 100936

~~(8)~~ (c) For the purpose of determining the amount of a fine 100937  
to be imposed, a graduated system of fines based on the scope 100938  
and severity of violations and the history of compliance, not to 100939  
exceed five hundred dollars per incident. 100940

(7) For the purpose of section 4758.31 of the Revised 100941  
Code, methods of ensuring that all records the board holds 100942

pertaining to an investigation remain confidential during the 100943  
investigation; 100944

~~(9)~~(8) Criteria for employees of the board to follow when 100945  
performing their duties under division (B) of section 4758.35 of 100946  
the Revised Code; 100947

~~(10)~~(9) For the purpose of division ~~(A)(1)~~(A) of section 100948  
4758.39 ~~and~~, division ~~(A)(1)~~(A) of section 4758.40, and division 100949  
(A) of section 4758.41 of the Revised Code, course requirements 100950  
for a degree in a behavioral science or nursing that may include 100951  
specific content areas and minimum hours for course 100952  
requirements; 100953

~~(11)~~(10) For the purpose of division ~~(A)(2)~~(B) of section 100954  
4758.39 of the Revised Code, the number of hours of compensated 100955  
work or supervised internship experience that an individual must 100956  
have and the number of those hours that must be in clinical 100957  
supervisory experience; 100958

~~(12)~~(11) For the purpose of division ~~(A)(3)~~(C) of section 100959  
4758.39, division ~~(A)(3)~~(C) of section 4758.40, division ~~(A)(3)~~ 100960  
(C) of section 4758.41, and ~~divisions~~ division (A)(3) ~~and (D)(3)~~ 100961  
of section 4758.42 of the Revised Code, both of the following: 100962

(a) The number of hours of training in ~~chemical dependency~~ 100963  
substance use disorders an individual must have; 100964

(b) Training requirements for ~~chemical dependency~~ 100965  
substance use disorders that shall, at a minimum, include 100966  
qualifications for the individuals who provide the training and 100967  
the content areas covered in the training. 100968

~~(13)~~(12) For the purpose of division ~~(A)(2)~~(B) of section 100969  
4758.40, division ~~(A)(2)~~(B) of section 4758.41, and division (A) 100970  
(2) of section 4758.42 of the Revised Code, the number of hours 100971

of compensated work or supervised internship experience that an 100972  
individual must have; 100973

~~(14) For the purpose of division (B) (2) (b) of section 100974~~  
~~4758.40 and division (B) (2) of section 4758.41 of the Revised 100975~~  
~~Code, requirements for the forty clock hours of training on the 100976~~  
~~version of the diagnostic and statistical manual of mental 100977~~  
~~disorders that is current at the time of the training, including 100978~~  
~~the number of the clock hours that must be on substance-related 100979~~  
~~disorders, the number of the clock hours that must be on 100980~~  
~~chemical dependency conditions, and the number of the clock 100981~~  
~~hours that must be on awareness of other mental and emotional 100982~~  
~~disorders;~~ 100983

~~(15) For the purpose of division (A) (1) of section 4758.41 100984~~  
~~of the Revised Code, course requirements for a degree in a 100985~~  
~~behavioral science or nursing;~~ 100986

~~(16)~~ (13) For the purpose of division (C) (2) of section 100987  
4758.42 of the Revised Code, education both of the following: 100988

(a) Education requirements for chemical- 100989  
dependency substance use disorders; 100990

~~(17) For the purpose of division (C) (3) of section 4758.42 100991~~  
~~of the Revised Code, requirements~~ (b) Requirements for programs 100992  
that provide practicum experience in ~~chemical dependency;~~ 100993

~~(18)~~ substance use disorders. 100994

(14) For the purpose of ~~division (A) of~~ section 4758.43 of 100995  
the Revised Code, ~~both~~ all of the following: 100996

(a) The number of hours of training or education in 100997  
chemical dependency substance use disorder counseling that an 100998  
individual must have; 100999

(b) Training requirements for ~~chemical dependency~~  
substance use disorder counseling that shall, at a minimum,  
include qualifications for the individuals who provide the  
training and the content areas covered in the training;  
(c) Requirements for obtaining a chemical dependency  
counselor preliminary certificate.  
~~(19)~~ (15) For the purpose of ~~division (A) (1) of section~~  
4758.44 of the Revised Code, ~~the~~ all of the following:  
(a) The number of hours of compensated work experience in  
prevention services that an individual must have and the number  
of those hours that must be in administering or supervising the  
services;  
~~(20)~~ For the purpose of ~~division (A) (2) of section 4758.44~~  
~~of the Revised Code, the~~ (b) The field of study in which an  
individual must obtain ~~at least a bachelor's degree~~ or higher;  
~~(21)~~ (c) The number of hours of administrative or  
supervisory education that an individual must have.  
(16) For the purpose of division (A) (3) (C) of section  
4758.44, ~~division (A) (3) (C)~~ of section 4758.45, and division (D)  
of section 4758.46 of the Revised Code, both of the following:  
(a) The number of hours of prevention-related education  
that an individual must have;  
(b) Requirements for prevention-related education.  
~~(22)~~ For the purpose of ~~division (A) (4) of section 4758.44~~  
~~of the Revised Code, the number of hours of administrative or~~  
~~supervisory education that an individual must have;~~  
~~(23)~~ (17) For the purpose of ~~division (A) (1) of section~~

4758.45 of the Revised Code, ~~the~~ both of the following: 101027

(a) The number of hours of compensated or volunteer work, 101028  
field placement, intern, or practicum experience in prevention 101029  
services that an individual must have and the number of those 101030  
hours that must be in planning or delivering the services; 101031

~~(24) For the purpose of division (A) (2) of section 4758.45~~ 101032  
~~of the Revised Code, the~~ (b) The field of study in which an 101033  
individual must obtain ~~at least an associate's degree,~~ 101034

~~(25)~~ or higher. 101035

(18) For the purpose of division (C) of section 4758.46 of 101036  
the Revised Code, the number of hours of compensated or 101037  
volunteer work, field placement, intern, or practicum experience 101038  
in prevention services that an individual must have; 101039

~~(26)~~ (19) Standards for the one hundred hours of 101040  
compensated work or supervised internship in gambling disorder 101041  
direct clinical experience required by division (B) (2) of 101042  
section 4758.48 of the Revised Code; 101043

~~(27)~~ (20) For the purpose of section 4758.49 of the Revised 101044  
Code, both of the following: 101045

(a) The equivalent of a high school diploma acceptable for 101046  
certification; 101047

(b) Standards and number of required hours for the 101048  
competency-based peer services training. 101049

(21) For the purpose of section 4758.491 of the Revised 101050  
Code, both of the following: 101051

(a) The number of hours of online learning that an 101052  
individual is required to complete; 101053

(b) Standards for the supervising peers training program 101054  
that an individual is required to complete. 101055

(22) For the purpose of section 4758.51 of the Revised 101056  
Code, continuing both of the following: 101057

(a) Continuing education requirements for individuals who 101058  
hold a license, certificate, or endorsement issued under this 101059  
chapter; 101060

~~(28) For the purpose of section 4758.51 of the Revised~~ 101061  
~~Code, the (b) The number of hours of continuing education that~~ 101062  
~~an individual must complete to have an expired license,~~ 101063  
~~certificate, or endorsement restored under section 4758.26 of~~ 101064  
~~the Revised Code;~~ 101065

~~(29) For the purpose of divisions (A) and (B) of section~~ 101066  
~~4758.52 of the Revised Code, training requirements for chemical~~ 101067  
~~dependency counseling;~~ 101068

~~(30).~~ 101069

(23) The duties, which may differ, of all of the 101070  
following: 101071

(a) An independent chemical dependency counselor-clinical 101072  
supervisor licensed under this chapter who supervises a chemical 101073  
dependency counselor III under section 4758.56 of the Revised 101074  
Code; 101075

(b) An independent chemical dependency counselor-clinical 101076  
supervisor, independent chemical dependency counselor, or 101077  
chemical dependency counselor III licensed under this chapter 101078  
who supervises a chemical dependency counselor assistant under 101079  
section 4758.59 of the Revised Code; 101080

(c) A prevention consultant or prevention specialist 101081

~~certified-licensed~~ under this chapter who supervises a 101082  
prevention specialist assistant or registered applicant under 101083  
section 4758.61 of the Revised Code. 101084

~~(31)~~(24) The duties of an independent chemical dependency 101085  
counselor licensed under this chapter who holds the gambling 101086  
disorder endorsement who supervises a chemical dependency 101087  
counselor III with the gambling disorder endorsement under 101088  
section 4758.62 of the Revised Code. 101089

~~(32)~~(25) For the purpose of sections 4758.60 and 4758.61 101090  
of the Revised Code, standards for the practice of prevention 101091  
services, including specifications that require prevention 101092  
services to be all of the following: 101093

(a) Intentionally designed to reduce risk or promote 101094  
health before the onset of a disorder; 101095

(b) Population-focused and targeted to specific levels of 101096  
risk; 101097

(c) Reserved for interventions designed to reduce the 101098  
occurrence of new cases of mental, emotional, and behavioral 101099  
disorders, and not be used for clinical assessment, treatment, 101100  
relapse and recovery support services, or medications of any 101101  
type. 101102

(26) For the purpose of section 4758.65 of the Revised 101103  
Code, both of the following: 101104

(a) Any additional competencies that may be promoted by a 101105  
peer supporter; 101106

(b) Any additional tasks within a peer supporter's scope 101107  
of practice. 101108

(27) For the purposes of section 4758.651 of the Revised 101109

Code, training requirements for supervisors of peer supporters 101110  
who do not hold a peer support supervisor endorsement issued 101111  
under this chapter; 101112

(28) Anything else the board considers necessary to 101113  
administer this chapter. 101114

(B) All rules adopted under this section shall be adopted 101115  
in accordance with Chapter 119. of the Revised Code and any 101116  
applicable federal laws and regulations. 101117

(C) When it adopts rules under this section, the board may 101118  
consider standards established by any national association or 101119  
other organization representing the interests of those involved 101120  
in ~~chemical dependency~~ substance use disorder counseling ~~or,~~ 101121  
prevention services, or peer support services. 101122

**Sec. 4758.21.** (A) In accordance with rules adopted under 101123  
section 4758.20 of the Revised Code and subject to division (B) 101124  
of this section, the chemical dependency professionals board 101125  
shall establish, and may from time to time adjust, fees to be 101126  
charged for the following: 101127

(1) Admitting an individual to an examination administered 101128  
pursuant to section 4758.22 of the Revised Code; 101129

(2) Issuing an initial independent chemical dependency 101130  
counselor-clinical supervisor license, independent chemical 101131  
dependency counselor license, chemical dependency counselor III 101132  
license, chemical dependency counselor II license, chemical 101133  
dependency counselor assistant certificate, peer recovery 101134  
supporter certificate, youth peer supporter certificate, family 101135  
peer supporter certificate, prevention consultant 101136  
~~certificate~~ license, prevention specialist ~~certificate~~ license, 101137  
prevention specialist assistant certificate, or registered 101138



applicant certificate; 101139

(3) Issuing ~~an initial~~ a gambling disorder endorsement; 101140

(4) Issuing a peer support supervisor endorsement; 101141

(5) Renewing an independent chemical dependency counselor- 101142  
clinical supervisor license, independent chemical dependency 101143  
counselor license, chemical dependency counselor III license, 101144  
chemical dependency counselor II license, chemical dependency 101145  
counselor assistant certificate, peer recovery supporter 101146  
certificate, youth peer supporter certificate, family peer 101147  
supporter certificate, prevention consultant certificate license, 101148  
prevention specialist certificate license, or prevention 101149  
specialist assistant certificate; 101150

~~(5)~~ (6) Renewing a gambling disorder endorsement; 101151

~~(6)~~ (7) Renewing a peer support supervisor endorsement; 101152

(8) Approving continuing education courses programs under 101153  
section 4758.28 of the Revised Code, except for online learning 101154  
courses administered by the department of mental health and 101155  
addiction services for the purposes of section 4758.49 of the 101156  
Revised Code; 101157

~~(7)~~ (9) Doing anything else the board determines necessary 101158  
to administer this chapter. 101159

(B) The fees established under division (A) of this 101160  
section are nonrefundable. They shall be in amounts sufficient 101161  
to cover the necessary expenses of the board in administering 101162  
this chapter and rules adopted under it. The fees for a license, 101163  
certificate, or endorsement and the renewal of a license, 101164  
certificate, or endorsement may differ for the various types of 101165  
licenses, certificates, or endorsements, but shall not exceed 101166

one hundred seventy-five dollars each, unless the board 101167  
determines that amounts in excess of one hundred seventy-five 101168  
dollars are needed to cover its necessary expenses in 101169  
administering this chapter and rules adopted under it and the 101170  
amounts in excess of one hundred seventy-five dollars are 101171  
approved by the controlling board. 101172

(C) All vouchers of the board shall be approved by the 101173  
chairperson or executive director of the board, or both, as 101174  
authorized by the board. 101175

**Sec. 4758.22.** The chemical dependency professionals board 101176  
shall prepare, cause to be prepared, or procure the use of, and 101177  
grade, cause to be graded, or procure the grading of, 101178  
examinations to determine the competence of individuals seeking 101179  
an independent chemical dependency counselor-clinical supervisor 101180  
license, independent chemical dependency counselor license, 101181  
chemical dependency counselor III license, chemical dependency 101182  
counselor II license, peer recovery supporter certificate, 101183  
youth peer supporter certificate, family peer supporter 101184  
certificate, prevention consultant ~~certificate~~ license, or 101185  
prevention specialist ~~certificate~~ license. The board may develop 101186  
the examinations or use examinations prepared by state or 101187  
national organizations that represent the interests of those 101188  
involved in chemical dependency substance use disorder 101189  
counseling or, prevention services, or peer support services. 101190  
The board shall conduct examinations at least twice each year 101191  
and shall determine the level of competence necessary for a 101192  
passing score. 101193

An individual may not sit for an examination administered 101194  
pursuant to this section unless the individual meets the 101195  
requirements to obtain the license or certificate the individual 101196

seeks, other than the requirement to have passed the 101197  
examination, and pays the fee established under section 4758.21 101198  
of the Revised Code. An individual who is denied admission to 101199  
the examination may appeal the denial in accordance with Chapter 101200  
119. of the Revised Code. 101201

**Sec. 4758.221.** In accordance with rules adopted under 101202  
section 4758.20 of the Revised Code, the chemical dependency 101203  
professionals board may administer examinations for individuals 101204  
seeking to act as substance abuse professionals in a ~~U.S.~~United 101205  
States department of transportation drug and alcohol testing 101206  
program. If it elects to administer the examinations, the board 101207  
shall use examinations that comprehensively cover all the 101208  
elements of substance abuse professional qualification training 101209  
listed in 49 C.F.R. 40.281(c) (1) and are prepared by a 101210  
nationally recognized professional or training organization that 101211  
represents the interests of those involved in ~~chemical-~~ 101212  
~~dependency-~~substance use disorder counseling services. 101213

**Sec. 4758.23.** (A) In rules adopted under section 4758.20 101214  
of the Revised Code, the chemical dependency professionals board 101215  
shall establish codes of ethical practice and professional 101216  
conduct for the following: 101217

(1) Individuals who hold a valid independent chemical 101218  
dependency counselor-clinical supervisor license, independent 101219  
chemical dependency counselor license, chemical dependency 101220  
counselor III license, chemical dependency counselor II license, 101221  
or chemical dependency counselor assistant certificate issued 101222  
under this chapter; 101223

(2) Individuals who hold a valid peer recovery supporter 101224  
certificate, youth peer supporter certificate, or family peer 101225  
supporter certificate issued under this chapter; 101226

(3) Individuals who hold a valid prevention consultant 101227  
~~certificate~~license, prevention specialist ~~certificate~~license, 101228  
prevention specialist assistant certificate, or registered 101229  
applicant certificate issued under this chapter; 101230

~~(3)~~ (4) Individuals who hold a valid peer support 101231  
supervisor endorsement; 101232

(5) Individuals who hold a valid gambling disorder 101233  
endorsement. 101234

(B) The codes for individuals identified under division 101235  
~~(A) (1)~~ (A) of this section shall define unprofessional conduct, 101236  
which shall include engaging in a ~~dual relationship~~ multiple 101237  
relationships with a client, former client, consumer, or former 101238  
consumer; committing an act of sexual abuse, misconduct, or 101239  
exploitation of a client, former client, consumer, or former 101240  
consumer; and, except as permitted by law, violating client or 101241  
consumer confidentiality. 101242

~~(C)~~ The codes for individuals identified under ~~division~~ 101243  
~~(A) (1)~~ divisions (A) (1) to (4) of this section may be based on 101244  
any codes of ethical practice and professional conduct developed 101245  
by national associations or other organizations representing the 101246  
interests of those involved in ~~chemical dependency~~ substance use 101247  
disorder counseling, peer support services, or prevention 101248  
services. The codes for individuals identified under ~~division~~ 101249  
~~(A) (2)~~ of this section may be based on any codes of ethical 101250  
~~practice and professional conduct developed by national~~ 101251  
~~associations or other organizations representing the interests~~ 101252  
~~of those involved in prevention services~~. The board may 101253  
establish standards in the codes that are more stringent than 101254  
those established by the national associations or other 101255  
organizations. 101256

**Sec. 4758.24.** (A) The chemical dependency professionals board shall issue a license, certificate, or endorsement under this chapter to an individual who meets all of the following requirements:

(1) ~~Except as provided in section 4758.241 of the Revised Code, submits~~ Submits a properly completed application and all other documentation specified in rules adopted under section 4758.20 of the Revised Code;

(2) ~~Except as provided in section 4758.241 of the Revised Code, pays~~ Pays the fee established under section 4758.21 of the Revised Code for the license, certificate, or endorsement that the individual seeks;

(3) Meets the requirements to obtain the license, certificate, or endorsement that the individual seeks as specified in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, ~~or 4758.48,~~ 4758.49, or 4758.491 of the Revised Code;

(4) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license, certificate, or endorsement that the individual seeks.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license, certificate, or endorsement issued under this chapter shall comply with sections 4776.01 to 4776.04 of the Revised Code. The board shall not grant a license, certificate, or endorsement to an applicant for an initial license, certificate, or endorsement issued under this chapter unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

(C) The board shall not ~~do either of the following:~~

~~(1) Issue a certificate to practice as a chemical  
dependency counselor I;~~ 101286  
101287

~~(2) Issue~~ issue a new registered applicant certificate to 101288  
an individual whose previous registered applicant certificate 101289  
has been expired for less than the period of time specified in 101290  
rules adopted under section 4758.20 of the Revised Code. 101291

**Sec. 4758.26.** (A) Subject to section 4758.30 of the 101292  
Revised Code, a license, certificate, or endorsement issued 101293  
under this chapter expires the following period of time after it 101294  
is issued: 101295

(1) In the case of ~~an initial~~ a chemical dependency 101296  
counselor assistant preliminary certificate or registered 101297  
applicant, thirteen months; 101298

(2) In the case of any other license, certificate, or 101299  
endorsement, two years. 101300

(B) Subject to section 4758.30 of the Revised Code and 101301  
except as provided in section 4758.27 of the Revised Code, the 101302  
chemical dependency professionals board shall renew a license, 101303  
certificate, or endorsement issued under this chapter in 101304  
accordance with the standard renewal procedure established under 101305  
Chapter 4745. of the Revised Code if the individual seeking the 101306  
renewal pays the renewal fee established under section 4758.21 101307  
of the Revised Code and ~~does the following:~~ 101308

~~(1) In the case of an individual seeking renewal of an  
initial chemical dependency counselor assistant certificate,  
satisfies the additional training requirement established under  
section 4758.52 of the Revised Code;~~ 101309  
101310  
101311  
101312

~~(2) In the case of any other individual,~~ satisfies the 101313  
continuing education requirements established under section 101314

4758.51 of the Revised Code. 101315

(C) Subject to section 4758.30 of the Revised Code and 101316  
except as provided in section 4758.27 of the Revised Code, a 101317  
license, certificate, or endorsement issued under this chapter 101318  
that has expired may be restored if the individual seeking the 101319  
restoration, not later than one year after the license, 101320  
certificate, or endorsement expires, applies for restoration of 101321  
the license, certificate, or endorsement. The board shall issue 101322  
a restored license, certificate, or endorsement to the 101323  
individual if the individual pays the renewal fee established 101324  
under section 4758.21 of the Revised Code and ~~does the~~ 101325  
~~following:~~ 101326

~~(1) In the case of an individual whose initial chemical~~ 101327  
~~dependency counselor assistant certificate expired, satisfies~~ 101328  
~~the additional training requirement established under section~~ 101329  
~~4758.52 of the Revised Code;~~ 101330

~~(2) In the case of any other individual,~~ satisfies the 101331  
continuing education requirements established under section 101332  
4758.51 of the Revised Code for restoring the license, 101333  
certificate, or endorsement. 101334

The board shall not require an individual to take an 101335  
examination as a condition of having an expired license, 101336  
certificate, or endorsement restored under this section. 101337

**Sec. 4758.27.** The chemical dependency professionals board 101338  
shall not renew or restore under section 4758.26 of the Revised 101339  
Code either of the following: 101340

(A) A ~~certificate to practice as a~~ chemical dependency 101341  
counselor assistant preliminary certificate; 101342

(B) A registered applicant certificate. 101343

**Sec. 4758.28.** The chemical dependency professionals board 101344  
shall approve, in accordance with rules adopted under section 101345  
4758.20 of the Revised Code and subject to payment of the fee 101346  
established under section 4758.21 of the Revised Code, 101347  
~~continuing education courses of study for individuals who hold~~ 101348  
programs that may be completed to meet the requirements to 101349  
receive an initial license, certificate, or endorsement issued 101350  
under this chapter or the renewal of a license, certificate, or 101351  
endorsement issued under this chapter. Programs that may be 101352  
approved under this section include degree and certificate 101353  
training programs offered by accredited educational 101354  
institutions, other training programs selected by the board, and 101355  
continuing education courses. 101356

**Sec. 4758.30.** (A) The chemical dependency professionals 101357  
board, in accordance with Chapter 119. of the Revised Code, may, 101358  
except as provided in division (B) of this section, refuse to 101359  
issue a license, certificate, or endorsement applied for under 101360  
this chapter; refuse to renew or restore a license, certificate, 101361  
or endorsement issued under this chapter; suspend, revoke, or 101362  
otherwise restrict a license, certificate, or endorsement issued 101363  
under this chapter; ~~or~~ reprimand an individual holding a 101364  
license, certificate, or endorsement issued under this chapter; 101365  
or impose a fine, in an amount determined in accordance with 101366  
rules adopted under section 4758.20 of the Revised Code, against 101367  
an individual holding a license, certificate, or endorsement 101368  
under this chapter. These actions may be taken by the board 101369  
regarding the applicant for a license, certificate, or 101370  
endorsement or the individual holding a license, certificate, or 101371  
endorsement for one or more of the following reasons: 101372

(1) Violation of any provision of this chapter or rules 101373  
adopted under it; 101374



(2) Knowingly making a false statement on an application 101375  
for a license, certificate, or endorsement or for renewal, 101376  
restoration, or reinstatement of a license, certificate, or 101377  
endorsement; 101378

(3) Acceptance of a commission or rebate for referring an 101379  
individual to a person who holds a license or certificate issued 101380  
by, or who is registered with, an entity of state government, 101381  
including persons practicing ~~chemical dependency substance use~~ 101382  
disorder counseling, peer support services, prevention services, 101383  
gambling disorder counseling, or fields related to ~~chemical-~~ 101384  
~~dependency counseling, prevention services, or gambling disorder~~ 101385  
counselingany of the foregoing; 101386

(4) Conviction in this state or any other ~~state-~~ 101387  
jurisdiction of any crime that is a felony in this state; 101388

(5) Conviction in this state or any other ~~state-~~ 101389  
jurisdiction of a misdemeanor committed in the course of 101390  
practice as an independent chemical dependency counselor- 101391  
clinical supervisor, independent chemical dependency counselor, 101392  
chemical dependency counselor III, chemical dependency counselor 101393  
II, chemical dependency counselor assistant, peer recovery 101394  
supporter, youth peer supporter, family peer supporter, 101395  
prevention consultant, gambling disorder endorsee, prevention 101396  
specialist, prevention specialist assistant, or registered 101397  
applicant; 101398

(6) Inability to practice as an independent chemical 101399  
dependency counselor-clinical supervisor, independent chemical 101400  
dependency counselor, chemical dependency counselor III, 101401  
chemical dependency counselor II, chemical dependency counselor 101402  
assistant, peer recovery supporter, youth peer supporter, family 101403  
peer supporter, gambling disorder endorsee, prevention 101404

consultant, prevention specialist, prevention specialist 101405  
assistant, or registered applicant due to abuse of or dependency 101406  
on alcohol or other drugs or ~~other physical or~~ by reason of 101407  
~~mental condition~~ illness or physical illness, including physical 101408  
deterioration that adversely affects cognitive, motor, or 101409  
perceptive skills; 101410

(7) Practicing outside the individual's scope of practice; 101411

(8) Practicing without complying with the supervision 101412  
requirements specified under section 4758.56, 4758.59, 4758.61, 101413  
~~or~~ 4758.62, or 4758.65 of the Revised Code; 101414

(9) Violation of the code of ethical practice and 101415  
professional conduct for ~~chemical dependency~~ substance use 101416  
disorder counseling, peer support services, prevention services, 101417  
or gambling disorder counseling adopted by the board pursuant to 101418  
section 4758.23 of the Revised Code; 101419

(10) Revocation of a license, certificate, or endorsement 101420  
or voluntary surrender of a license, certificate, or endorsement 101421  
in another state or jurisdiction for an offense that would be a 101422  
violation of this chapter. 101423

(B) The board shall not refuse to issue a license, 101424  
certificate, or endorsement to an applicant because of a 101425  
criminal conviction unless the refusal is in accordance with 101426  
section 9.79 of the Revised Code. 101427

(C) An individual whose license, certificate, or 101428  
endorsement has been suspended or revoked under this section may 101429  
apply to the board for reinstatement after an amount of time the 101430  
board shall determine in accordance with rules adopted under 101431  
section 4758.20 of the Revised Code. The board may accept or 101432  
refuse an application for reinstatement. The board may require 101433

an examination for reinstatement of a license, certificate, or 101434  
endorsement that has been suspended or revoked. 101435

**Sec. 4758.31.** The chemical dependency professionals board 101436  
shall investigate alleged violations of this chapter or the 101437  
rules adopted under it and alleged irregularities in the 101438  
delivery of ~~chemical dependency~~ substance use disorder 101439  
counseling services, peer support services, prevention services, 101440  
or gambling disorder counseling services by individuals who hold 101441  
a license, certificate, or endorsement issued under this 101442  
chapter. As part of an investigation, the board may issue 101443  
subpoenas, examine witnesses, and administer oaths. 101444

The board may receive any information necessary to conduct 101445  
an investigation under this section that has been obtained in 101446  
accordance with federal laws and regulations. If the board is 101447  
investigating the provision of ~~chemical dependency~~ substance use 101448  
disorder counseling services or gambling disorder counseling 101449  
services to a couple or group, it is not necessary for both 101450  
members of the couple or all members of the group to consent to 101451  
the release of information relevant to the investigation. 101452

The board shall ensure, in accordance with rules adopted 101453  
under section 4758.20 of the Revised Code, that all records it 101454  
holds pertaining to an investigation remain confidential during 101455  
the investigation. After the investigation, the records are 101456  
public records except as otherwise provided by federal or state 101457  
law. 101458

**Sec. 4758.35.** (A) An individual seeking a license, 101459  
certificate, or endorsement issued under this chapter shall ~~file~~ 101460  
~~with~~ submit an application to the chemical dependency 101461  
professionals board ~~a written application on a form prescribed~~ 101462  
~~by~~ in a manner that the board shall prescribe. Each ~~form~~ 101463

application shall state that a false statement made on the ~~form-~~ 101464  
application is the crime of falsification under section 2921.13 101465  
of the Revised Code. 101466

(B) The board shall require an individual or individuals 101467  
employed by the board under section 4758.15 of the Revised Code 101468  
to do both of the following in accordance with criteria 101469  
established by rules adopted under section 4758.20 of the 101470  
Revised Code: 101471

(1) Receive and review all applications submitted to the 101472  
board; 101473

(2) Submit to the board all applications the individual or 101474  
individuals recommend the board review based on the criteria 101475  
established in the rules. 101476

(C) The board shall review all applications submitted to 101477  
the board pursuant to division (B)(2) of this section. 101478

**Sec. 4758.36.** As part of the review process under division 101479  
(C) of section 4758.35 of the Revised Code of an application 101480  
submitted by an applicant whose education or experience in 101481  
chemical dependency substance use disorder counseling, peer 101482  
support services, prevention services, or gambling disorder 101483  
counseling was obtained outside the United States, or whose 101484  
education and experience both were obtained outside the United 101485  
States, the chemical dependency professionals board shall 101486  
determine whether the applicant's command of the English 101487  
language and education or experience meet the standards required 101488  
by this chapter and rules adopted under it. 101489

**Sec. 4758.39.** An individual seeking an independent 101490  
chemical dependency counselor-clinical supervisor license shall 101491  
~~meet the requirements of division (A) or (B) of this section.~~ 101492

~~(A) To meet the requirements of this division, an~~ 101493  
~~individual must meet all of the following requirements:~~ 101494

~~(1)~~ (A) Hold from an accredited educational institution ~~at~~ 101495  
~~least~~ a master's degree or higher in either a behavioral science 101496  
or nursing that meets the course requirements specified in rules 101497  
adopted under section 4758.20 of the Revised Code; 101498

~~(2)~~ (B) Have not less than the number of hours specified in 101499  
rules adopted under section 4758.20 of the Revised Code of 101500  
compensated work or supervised internship experience, including 101501  
at least the number of hours specified in those rules of 101502  
clinical supervisory experience, in any of the following, not 101503  
less than twenty per cent of which are in ~~chemical dependency~~ 101504  
substance use disorder counseling: 101505

~~(a) Chemical dependency services, substance abuse~~ 101506  
~~services, or both types of services~~ (1) The provision of services 101507  
in substance use disorder treatment within a scope of practice 101508  
that the board considers appropriate for an individual seeking 101509  
an independent chemical dependency counselor-clinical supervisor 101510  
license; 101511

~~(b)~~ (2) The practice of psychology, as defined in section 101512  
4732.01 of the Revised Code; 101513

~~(c)~~ (3) The practice of professional counseling, the 101514  
practice of social work, or the practice of marriage and family 101515  
therapy, all as defined in section 4757.01 of the Revised Code. 101516

~~(3)~~ (C) Have a minimum of the number of hours specified in 101517  
rules adopted under section 4758.20 of the Revised Code of 101518  
training in ~~chemical dependency~~ substance use disorders that 101519  
meets the requirements specified in those rules; 101520

~~(4)~~ (D) Unless the individual holds a valid license, 101521

registration, certificate, or credentials issued under another 101522  
chapter of the Revised Code that authorizes the individual to 101523  
engage in a profession whose scope of practice includes the 101524  
clinical supervision of ~~chemical dependency~~ substance use 101525  
disorder counseling, ~~chemical dependency~~ substance use disorder 101526  
counseling, and diagnosing and treating ~~chemical dependency~~ 101527  
substance use disorder conditions, pass one or more examinations 101528  
administered pursuant to section 4758.22 of the Revised Code for 101529  
the purpose of determining competence to practice as an 101530  
independent chemical dependency counselor-clinical supervisor. 101531

~~(B) To meet the requirement of this division, an 101532  
individual must hold, on March 22, 2013, a valid independent- 101533  
chemical dependency counselor license. 101534~~

**Sec. 4758.40.** An individual seeking an independent 101535  
chemical dependency counselor license shall ~~meet the 101536  
requirements of division (A) or (B) of this section. 101537~~

~~(A) To meet the requirements of this division, an 101538  
individual must meet all of the following requirements: 101539~~

~~(1) (A) Hold from an accredited educational institution at 101540  
least a master's degree or higher in a behavioral science or 101541  
nursing that meets the course requirements specified in rules 101542  
adopted under section 4758.20 of the Revised Code; 101543~~

~~(2) (B) Have not less than the number of hours specified in 101544  
rules adopted under section 4758.20 of the Revised Code of 101545  
compensated work or supervised internship experience in any of 101546  
the following, not less than twenty per cent of which are in 101547  
~~chemical dependency~~ substance use disorder counseling: 101548~~

~~(a) Chemical dependency services, substance abuse- 101549  
services, or both types of services (1) The provision of services 101550~~

in substance use disorder treatment within a scope of practice 101551  
that the board considers appropriate for an individual seeking 101552  
an independent chemical dependency counselor license; 101553

~~(b)~~ (2) The practice of psychology, as defined in section 101554  
4732.01 of the Revised Code; 101555

~~(c)~~ (3) The practice of professional counseling, the 101556  
practice of social work, or the practice of marriage and family 101557  
therapy, all as defined in section 4757.01 of the Revised Code. 101558

~~(3)~~ (C) Have a minimum of the number of hours specified in 101559  
rules adopted under section 4758.20 of the Revised Code of 101560  
training in ~~chemical dependency~~ substance use disorders that 101561  
meets the requirements specified in those rules; 101562

~~(4)~~ (D) Unless the individual holds a valid license, 101563  
registration, certificate, or credentials issued under another 101564  
chapter of the Revised Code that authorizes the individual to 101565  
engage in a profession whose scope of practice includes ~~chemical~~ 101566  
~~dependency~~ substance use disorder counseling and diagnosing and 101567  
treating ~~chemical dependency~~ substance use disorder conditions, 101568  
pass one or more examinations administered pursuant to section 101569  
4758.22 of the Revised Code for the purpose of determining 101570  
competence to practice as an independent chemical dependency 101571  
counselor. 101572

~~(B) To meet the requirements of this division, an~~ 101573  
~~individual must meet both of the following requirements:~~ 101574

~~(1) Hold, on December 23, 2002, a certificate or~~ 101575  
~~credentials that were accepted under former section 3793.07 of~~ 101576  
~~the Revised Code as authority to practice as a certified~~ 101577  
~~chemical dependency counselor III or certified chemical~~ 101578  
~~dependency counselor III-E;~~ 101579

~~(2) Meet one of the following requirements:~~ 101580

~~(a) Hold the degree described in division (A) (1) of this section;~~ 101581  
101582

~~(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A) (1) of this section may provide the portion of the training on chemical dependency conditions.~~ 101583  
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**Sec. 4758.41.** An individual seeking a chemical dependency counselor III license shall ~~meet the requirements of division (A), (B), or (C) of this section.~~ 101599  
101600  
101601

~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~ 101602  
101603

~~(1) (A) Hold from an accredited educational institution at least a bachelor's degree or higher in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;~~ 101604  
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~~(2) (B) Have not less than the number of hours specified in~~ 101608



rules adopted under section 4758.20 of the Revised Code of 101609  
compensated work or supervised internship experience in any of 101610  
the following, not less than twenty per cent of which are in 101611  
~~chemical dependency~~ substance use disorder counseling: 101612

~~(a) Chemical dependency services, substance abuse~~ 101613  
~~services, or both types of services~~ (1) The provision of services 101614  
in substance use disorder treatment within a scope of practice 101615  
that the board considers appropriate for an individual seeking a 101616  
chemical dependency counselor III license; 101617

~~(b)~~ (2) The practice of psychology, as defined in section 101618  
4732.01 of the Revised Code; 101619

~~(c)~~ (3) The practice of professional counseling, the 101620  
practice of social work, or the practice of marriage and family 101621  
therapy, all as defined in section 4757.01 of the Revised Code. 101622

~~(3)~~ (C) Have a minimum of the number of hours specified in 101623  
rules adopted under section 4758.20 of the Revised Code of 101624  
training in ~~chemical dependency~~ substance use disorders that 101625  
meets the requirements specified in those rules; 101626

~~(4)~~ (D) Unless the individual holds a valid license, 101627  
registration, certificate, or credentials issued under another 101628  
chapter of the Revised Code that authorizes the individual to 101629  
engage in a profession whose scope of practice includes ~~chemical~~ 101630  
~~dependency~~ substance use disorder counseling and diagnosing and 101631  
treating ~~chemical dependency~~ substance use disorder conditions, 101632  
pass one or more examinations administered pursuant to section 101633  
4758.22 of the Revised Code for the purpose of determining 101634  
competence to practice as a chemical dependency counselor III. 101635

~~(B) To meet the requirements of this division, an~~ 101636  
~~individual must meet both of the following requirements:~~ 101637

~~(1) Hold, on December 23, 2002, a certificate or~~ 101638  
~~credentials that were accepted under former section 3793.07 of~~ 101639  
~~the Revised Code as authority to practice as a certified~~ 101640  
~~chemical dependency counselor III or certified chemical~~ 101641  
~~dependency counselor III-E;~~ 101642

~~(2) Have not less than forty clock hours of training on~~ 101643  
~~the version of the diagnostic and statistical manual of mental~~ 101644  
~~disorders that is current at the time of the training. The~~ 101645  
~~training must meet the requirements specified in rules adopted~~ 101646  
~~under section 4758.20 of the Revised Code. An individual~~ 101647  
~~authorized under Chapter 4731. of the Revised Code to practice~~ 101648  
~~medicine and surgery or osteopathic medicine and surgery, a~~ 101649  
~~psychologist licensed under Chapter 4732. of the Revised Code,~~ 101650  
~~or a licensed professional clinical counselor or independent~~ 101651  
~~social worker licensed under Chapter 4757. of the Revised Code~~ 101652  
~~may provide any portion of the training. An independent chemical~~ 101653  
~~dependency counselor licensed under this chapter who holds the~~ 101654  
~~degree described in division (A) (1) of section 4758.40 of the~~ 101655  
~~Revised Code may provide the portion of the training on chemical~~ 101656  
~~dependency conditions.~~ 101657

~~(C) To meet the requirements of this division, an~~ 101658  
~~individual must meet all of the following requirements:~~ 101659

~~(1) Hold, on December 23, 2002, a certificate or~~ 101660  
~~credentials that were accepted under former section 3793.07 of~~ 101661  
~~the Revised Code as authority to practice as a certified~~ 101662  
~~chemical dependency counselor II;~~ 101663

~~(2) Meet the requirement of division (B) (2) of this~~ 101664  
~~section;~~ 101665

~~(3) Hold a bachelor's degree in a behavioral science.~~ 101666

Sec. 4758.42. An individual seeking a chemical dependency counselor II license shall meet the requirements of division (A) ~~or (B) or (C)~~ of this section ~~or, until three years after the effective date of this amendment, division (A), (B), (C), or (D) of this section.~~

(A) To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution an associate's degree in a behavioral science or nursing or a bachelor's degree in any field;

(2) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in chemical dependency substance use disorder counseling:

(a) ~~Chemical dependency services, substance abuse services, or both types of services~~ The provision of services in substance use disorder treatment within a scope of practice that the board considers appropriate for an individual seeking a chemical dependency counselor II license;

(b) The practice of psychology, as defined in section 4732.01 of the Revised Code;

(c) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.

(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency substance use disorders that meets the requirements specified in those rules;

(4) Pass one or more examinations administered pursuant to 101696  
section 4758.22 of the Revised Code for the purpose of 101697  
determining competence to practice as a chemical dependency 101698  
counselor II. 101699

~~(B) To meet the requirement of this division, an 101700  
individual must hold, on December 23, 2002, a certificate or 101701  
credentials that were accepted under former section 3793.07 of 101702  
the Revised Code as authority to practice as a certified 101703  
chemical dependency counselor II. 101704~~

~~(C)~~ To meet the requirements of this division, an 101705  
individual must meet all of the following requirements: 101706

(1) Hold from an accredited educational institution an 101707  
associate's or bachelor's degree in either of the following with 101708  
a specialization in ~~chemical dependency~~ substance use disorder 101709  
counseling: 101710

(a) A behavioral science; 101711

(b) Nursing. 101712

(2) Have a minimum of one hundred eighty hours of 101713  
education in ~~chemical dependency~~ substance use disorders that 101714  
meets the requirements specified in rules adopted under section 101715  
4758.20 of the Revised Code; 101716

(3) While holding a valid chemical dependency counselor 101717  
assistant certificate, have successfully completed, over the 101718  
course of not more than any two semesters, at least two hundred 101719  
forty hours of supervised practicum experience in ~~chemical-~~ 101720  
~~dependency~~ substance use disorder treatment through a program 101721  
that meets all of the following requirements: 101722

(a) The program includes at least two hours per week of 101723

supervised practicum experience; 101724

(b) The program provides intensive outpatient treatment or 101725  
a higher level of care, or another level of care if specified in 101726  
rules adopted under section 4758.20 of the Revised Code; 101727

(c) The program meets other requirements specified in 101728  
rules adopted under that section. 101729

(4) Have at least one thousand hours of compensated work 101730  
experience as a chemical dependency counselor assistant; 101731

(5) Provide to the chemical dependency professionals board 101732  
a written recommendation from an individual who supervised the 101733  
individual's practice of ~~chemical dependency~~ substance use 101734  
disorder counseling as a chemical dependency counselor assistant 101735  
as required by division (B) of section 4758.59 of the Revised 101736  
Code; 101737

(6) Pass one or more examinations administered pursuant to 101738  
section 4758.22 of the Revised Code for the purpose of 101739  
determining competence to practice as a chemical dependency 101740  
counselor II. 101741

~~(D) To meet the requirements of this division, an~~ 101742  
~~individual must meet all of the following requirements:~~ 101743

~~(1) Since at least December 31, 2008, continuously have~~ 101744  
~~done both of the following:~~ 101745

~~(a) Held a valid chemical dependency counselor assistant~~ 101746  
~~certificate;~~ 101747

~~(b) Practiced chemical dependency counseling while under~~ 101748  
~~supervision as required by division (B) of section 4758.59 of~~ 101749  
~~the Revised Code.~~ 101750

~~(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;~~

~~(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;~~

~~(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.~~

**Sec. 4758.43.** An individual seeking a chemical dependency counselor assistant certificate shall meet ~~either~~ all of the following requirements:

(A) Be at least eighteen years of age;

(B) Hold a high school diploma, a certificate of high school equivalence, or a higher degree;

(C) Have at least the number of hours in training or education specified in rules adopted under section 4758.20 of the Revised Code ~~of training in chemical dependency related to substance use disorder counseling that meets the requirements specified in those rules;~~

~~(B) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a registered candidate~~ (D) Obtain a chemical dependency counselor preliminary certificate in accordance with rules adopted under section 4758.20 of the Revised Code.

**Sec. 4758.44.** An individual seeking a prevention  
consultant ~~certificate license shall meet the requirements of~~  
~~division (A) or (B) of this section.~~

~~(A) To meet the requirements of this division, an~~  
~~individual must meet all of the following requirements:~~

~~(1)~~ (A) Have at least the number of hours specified in  
rules adopted under section 4758.20 of the Revised Code of  
compensated work experience in prevention services, including at  
least the number of hours specified in those rules of  
administering or supervising the services;

~~(2)~~ (B) Hold from an accredited educational institution ~~at~~  
~~least a bachelor's degree or higher~~ in a field of study  
specified in rules adopted under section 4758.20 of the Revised  
Code;

~~(3)~~ (C) Have at least the number of hours specified in  
rules adopted under section 4758.20 of the Revised Code of  
prevention-related education that meets the requirements  
specified in those rules;

~~(4)~~ (D) Have at least the number of hours specified in  
rules adopted under section 4758.20 of the Revised Code of  
administrative or supervisory education;

~~(5)~~ (E) Pass one or more examinations administered pursuant  
to section 4758.22 of the Revised Code for the purpose of  
determining competence to practice as a prevention consultant.

~~(B) To meet the requirement of this division, an~~  
~~individual must hold, on December 23, 2002, a certificate or~~  
~~credentials that were accepted under former section 3793.07 of~~  
~~the Revised Code as authority to practice as a certified~~  
~~prevention specialist II.~~

**Sec. 4758.45.** An individual seeking a prevention specialist ~~certificate-license shall meet the requirements of~~ division (A) or (B) of this section.

~~(A) To meet the requirements of this division, an individual must meet~~ all of the following requirements:

~~(1)~~ (A) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated or volunteer work, field placement, intern, or practicum experience in prevention services, including at least the number of hours specified in those rules of planning or delivering the services;

~~(2)~~ (B) Hold from an accredited educational institution ~~at least an associate's degree or higher~~ in a field of study specified in rules adopted under section 4758.20 of the Revised Code;

~~(3)~~ (C) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention-related education that meets the requirements specified in those rules;

~~(4)~~ (D) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention specialist.

~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist I.~~

**Sec. 4758.46.** An individual seeking a prevention specialist assistant certificate shall meet all of the following



requirements: 101838

(A) Be at least eighteen years of age; 101839

(B) Have ~~at least a~~ high school diploma ~~or~~, a certificate 101840  
of high school equivalence, or a higher degree; 101841

(C) Have at least the number of hours specified in rules 101842  
adopted under section 4758.20 of the Revised Code of compensated 101843  
or volunteer work, field placement, intern, or practicum 101844  
experience in prevention services; 101845

(D) Have at least the number of hours specified in rules 101846  
adopted under section 4758.20 of the Revised Code of prevention- 101847  
related education that meets the requirements specified in those 101848  
rules. 101849

**Sec. 4758.47.** An individual seeking a registered applicant 101850  
certificate shall meet all of the following requirements: 101851

(A) Be at least eighteen years of age; 101852

(B) Have ~~at least a~~ high school diploma ~~or~~, a certificate 101853  
of high school equivalence, or a higher degree; 101854

(C) Submit to the chemical dependency professionals board 101855  
a professional development plan that is acceptable to the board. 101856

**Sec. 4758.49.** (A) An individual seeking a peer recovery 101857  
supporter certificate shall meet all of the following 101858  
requirements: 101859

(1) Be at least eighteen years of age; 101860

(2) Hold a high school diploma, the equivalent of a high 101861  
school diploma as determined by the board in rules adopted under 101862  
section 4758.20 of the Revised Code, or a higher degree; 101863

(3) Attest that the individual has direct lived experience 101864

with mental illness or substance use disorder and is in recovery 101865  
from a mental illness or substance use disorder; 101866

(4) Complete at least the number of hours of competency- 101867  
based peer services training specified in rules adopted under 101868  
section 4758.20 of the Revised Code; 101869

(5) Pass one or more examinations administered pursuant to 101870  
section 4758.22 of the Revised Code for the purpose of 101871  
determining competence to practice as a peer recovery supporter; 101872

(6) Attest to having read and understood the code of 101873  
ethical practice and professional conduct established under 101874  
section 4758.23 of the Revised Code for peer recovery 101875  
supporters. 101876

(B) An individual seeking a youth peer supporter 101877  
certificate shall meet all of the following requirements: 101878

(1) Be at least eighteen years of age but not more than 101879  
thirty years of age; 101880

(2) Hold a high school diploma, the equivalent of a high 101881  
school diploma as determined by the board in rules adopted under 101882  
section 4758.20 of the Revised Code, or a higher degree; 101883

(3) Attest that the individual has direct lived experience 101884  
with the behavioral health system and other child or youth 101885  
services systems; 101886

(4) Complete at least the number of hours of competency- 101887  
based peer services training, including training specific to 101888  
youth peer support services, specified in rules adopted under 101889  
section 4758.20 of the Revised Code; 101890

(5) Pass one or more examinations administered pursuant to 101891  
section 4758.22 of the Revised Code for the purpose of 101892

determining competence to practice as a youth peer supporter; 101893

(6) Attest to having read and understood the code of 101894  
ethical practice and professional conduct established under 101895  
section 4758.23 of the Revised Code for youth peer supporters. 101896

(C) An individual seeking a family peer supporter 101897  
certificate shall meet all of the following requirements: 101898

(1) Be at least twenty-one years of age; 101899

(2) Hold a high school diploma, the equivalent of a high 101900  
school diploma as determined by the board in rules adopted under 101901  
section 4758.20 of the Revised Code, or a higher degree; 101902

(3) Attest that the individual has direct lived experience 101903  
as the caregiver of an individual with mental illness or 101904  
substance use disorder and has successfully navigated service 101905  
systems for at least one year on behalf of the individual; 101906

(4) Complete at least the number of hours of competency- 101907  
based peer services training, including training specific to 101908  
family peer support services, specified in rules adopted under 101909  
section 4758.20 of the Revised Code; 101910

(5) Pass one or more examinations administered pursuant to 101911  
section 4758.22 of the Revised Code for the purpose of 101912  
determining competence to practice as a family peer supporter; 101913

(6) Attest to having read and understood the code of 101914  
ethical practice and professional conduct established under 101915  
section 4758.23 of the Revised Code for family peer supporters. 101916

**Sec. 4758.491.** An individual seeking a peer support 101917  
supervisor endorsement shall meet all of the following 101918  
requirements: 101919

(A) Hold an active independent chemical dependency 101920  
counselor, chemical dependency counselor III, or chemical 101921  
dependency counselor II license, or peer recovery supporter, 101922  
youth peer supporter, or family peer supporter certificate 101923  
issued under this chapter; 101924

(B) Have provided services under either of the following 101925  
for at least two years: 101926

(1) An active license or certification described in 101927  
division (A) of this section; 101928

(2) A peer recovery supporter, youth peer supporter, or 101929  
family peer supporter certificate issued by the department of 101930  
mental health and addiction services prior to one year after the 101931  
effective date of this section. 101932

(C) Complete the number of hours of online learning 101933  
specified in rules adopted under section 4758.20 of the Revised 101934  
Code; 101935

(D) Complete a supervising peers training program that 101936  
meets the standards established in rules adopted under section 101937  
4758.20 of the Revised Code. 101938

**Sec. 4758.51.** (A) Except as provided in division (C) of 101939  
this section and in accordance with rules adopted under section 101940  
4758.20 of the Revised Code, each individual who holds a 101941  
license, certificate, or endorsement issued under this chapter, 101942  
other than ~~an initial~~ a chemical dependency counselor assistant 101943  
preliminary certificate or registered applicant certificate, 101944  
shall complete during the period that the license, certificate, 101945  
or endorsement is in effect not less than the following number 101946  
of clock hours of continuing education as a condition of 101947  
receiving a renewed license, certificate, or endorsement: 101948

(1) In the case of an individual holding a prevention specialist assistant certificate, twenty; 101949  
101950

(2) In the case of an individual holding a gambling disorder endorsement, six; 101951  
101952

(3) In the case of any other individual, thirty, except as follows: 101953  
101954

(a) If the individual is age sixty-five years or older, twenty; 101955  
101956

(b) If the individual holds an international certificate from the international certification and reciprocity consortium, the number of clock hours required by the consortium. 101957  
101958  
101959

(B) Except as provided in division (C) of this section, an individual whose license, certificate, or endorsement issued under this chapter, other than ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or registered applicant certificate, has expired shall complete the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving a restored license, certificate, or endorsement. 101960  
101961  
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(C) The chemical dependency professionals board may waive the continuing education requirements established under this section for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the board considers acceptable. 101968  
101969  
101970  
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**Sec. 4758.54.** In addition to practicing ~~chemical dependency~~ substance use disorder counseling, an individual holding a valid independent chemical dependency counselor-clinical supervisor license may do all of the following: 101973  
101974  
101975  
101976

(A) Diagnose and treat ~~chemical dependency~~ substance use disorder conditions; 101977  
101978

(B) Perform treatment planning, assessment, crisis 101979  
intervention, individual and group counseling, case management, 101980  
and education services as they relate to ~~abuse of and dependency~~ 101981  
~~on alcohol and other drugs~~ behavioral health conditions related 101982  
to substance use disorder; 101983

(C) Provide clinical supervision of ~~chemical dependency~~ 101984  
substance use disorder counseling; 101985

~~(D) Refer individuals with nonchemical dependency~~ 101986  
~~conditions to appropriate sources of help.~~ 101987

**Sec. 4758.55.** In addition to practicing ~~chemical~~ 101988  
~~dependency~~ substance use disorder counseling, an individual 101989  
holding a valid independent chemical dependency counselor 101990  
license may do all of the following: 101991

(A) Diagnose and treat ~~chemical dependency~~ substance use 101992  
disorder conditions; 101993

(B) Perform treatment planning, assessment, crisis 101994  
intervention, individual and group counseling, case management, 101995  
and education services as they relate to ~~abuse of and dependency~~ 101996  
~~on alcohol and other drugs~~ behavioral health conditions related 101997  
to substance use disorder; 101998

(C) Provide clinical supervision of ~~chemical dependency~~ 101999  
substance use disorder counseling under the supervision of any 102000  
of the following: 102001

(1) An independent chemical dependency counselor-clinical 102002  
supervisor licensed under this chapter; 102003

(2) An individual authorized under Chapter 4731. of the 102004

Revised Code to practice medicine and surgery or osteopathic	102005
medicine and surgery;	102006
(3) A psychologist licensed under Chapter 4732. of the	102007
Revised Code;	102008
(4) A registered nurse licensed under Chapter 4723. of the	102009
Revised Code or licensed professional clinical counselor,	102010
independent social worker, or independent marriage and family	102011
therapist licensed under Chapter 4757. of the Revised Code if	102012
such supervision is consistent with the scope of practice of the	102013
registered nurse, licensed professional clinical counselor,	102014
independent social worker, or independent marriage and family	102015
therapist;	102016
(5) An individual authorized to practice as a certified	102017
nurse practitioner or clinical nurse specialist under Chapter	102018
4723. of the Revised Code.	102019
<del>(D) Refer individuals with nonchemical dependency</del>	102020
<del>conditions to appropriate sources of help.</del>	102021
<b>Sec. 4758.56.</b> (A) In addition to practicing <del>chemical</del>	102022
<del>dependency</del> <u>substance use disorder</u> counseling, an individual	102023
holding a valid chemical dependency counselor III license may do	102024
all of the following:	102025
(1) Diagnose <del>chemical dependency</del> <u>substance use disorder</u>	102026
conditions under the supervision of any of the professionals	102027
listed in section 4758.561 of the Revised Code;	102028
(2) Treat <del>chemical dependency</del> <u>substance use disorder</u>	102029
conditions;	102030
(3) Perform treatment planning, assessment, crisis	102031
intervention, individual and group counseling, case management,	102032

and education services as they relate to ~~abuse of and dependency~~ 102033  
~~on alcohol and other drugs~~ behavioral health conditions related 102034  
to substance use disorder; 102035

(4) Provide clinical supervision of ~~chemical dependency~~ 102036  
substance use disorder counseling under the supervision of any 102037  
of the professionals listed in section 4758.561 of the Revised 102038  
Code. 102039

~~(5) Refer individuals with nonchemical dependency~~ 102040  
~~conditions to appropriate sources of help.~~ 102041

(B) A chemical dependency counselor III may not practice 102042  
as an individual practitioner. 102043

**Sec. 4758.57.** (A) In addition to practicing ~~chemical~~ 102044  
~~dependency~~ substance use disorder counseling, an individual 102045  
holding a valid chemical dependency counselor II license may ~~do~~ 102046  
~~both of the following:~~ 102047

~~(1) Perform~~ perform treatment planning, assessment, crisis 102048  
intervention, individual and group counseling, case management, 102049  
and education services as they relate to ~~abuse of and dependency~~ 102050  
~~on alcohol and other drugs;~~ 102051

~~(2) Refer individuals with nonchemical dependency~~ 102052  
~~conditions to appropriate sources of help~~ behavioral health 102053  
conditions related to substance use disorder. 102054

(B) A chemical dependency counselor II may not practice as 102055  
an individual practitioner. 102056

**Sec. 4758.59.** (A) Subject to division (B) of this section, 102057  
an individual holding a valid chemical dependency counselor 102058  
assistant certificate ~~may do both of the following,~~ in addition 102059  
to practicing chemical dependency counseling. 102060



~~(1) Perform, may perform~~ treatment planning, assessment, 102061  
crisis intervention, individual and group counseling, case 102062  
management, and education services as they relate to ~~abuse of or~~ 102063  
~~dependency on alcohol and other drugs;~~ 102064

~~(2) Refer individuals with nonchemical dependency~~ 102065  
~~conditions to appropriate sources of help~~ behavioral health 102066  
conditions related to substance use disorder. 102067

(B) An individual holding a valid chemical dependency 102068  
counselor assistant certificate may practice ~~chemical dependency~~ 102069  
substance use disorder counseling and perform the tasks 102070  
specified in division (A) of this section only while under the 102071  
supervision of any of the following: 102072

(1) An independent chemical dependency counselor-clinical 102073  
supervisor, independent chemical dependency counselor, or 102074  
chemical dependency counselor III licensed under this chapter; 102075

(2) An individual authorized under Chapter 4731. of the 102076  
Revised Code to practice medicine and surgery or osteopathic 102077  
medicine and surgery; 102078

(3) A psychologist licensed under Chapter 4732. of the 102079  
Revised Code; 102080

(4) A registered nurse licensed under Chapter 4723. of the 102081  
Revised Code or licensed professional clinical counselor, 102082  
independent social worker, or independent marriage and family 102083  
therapist licensed under Chapter 4757. of the Revised Code if 102084  
such supervision is consistent with the scope of practice of the 102085  
registered nurse, licensed professional clinical counselor, 102086  
independent social worker, or independent marriage and family 102087  
therapist; 102088

(5) An individual authorized to practice as a certified 102089

nurse practitioner or clinical nurse specialist under Chapter 102090  
4723. of the Revised Code. 102091

(C) A chemical dependency counselor assistant may not 102092  
practice as an individual practitioner. 102093

**Sec. 4758.60.** An individual who holds a valid prevention 102094  
consultant ~~certificate~~-license or prevention specialist 102095  
~~certificate~~-license issued under this chapter may engage in the 102096  
practice of prevention services as specified in rules adopted 102097  
under section 4758.20 of the Revised Code. 102098

**Sec. 4758.61.** An individual who holds a valid prevention 102099  
specialist assistant certificate or registered applicant 102100  
certificate issued under this chapter may engage in the practice 102101  
of prevention services, as specified in rules adopted under 102102  
section 4758.20 of the Revised Code, under the supervision of 102103  
any of the following: 102104

(A) A prevention consultant or prevention specialist 102105  
~~certified~~-licensed under this chapter; 102106

(B) An individual authorized under Chapter 4731. of the 102107  
Revised Code to practice medicine and surgery or osteopathic 102108  
medicine and surgery; 102109

(C) A psychologist licensed under Chapter 4732. of the 102110  
Revised Code; 102111

(D) A registered nurse licensed under Chapter 4723. of the 102112  
Revised Code; 102113

(E) A licensed professional clinical counselor, a licensed 102114  
professional counselor, an independent social worker, a social 102115  
worker, an independent marriage and family therapist, or a 102116  
marriage and family therapist licensed under Chapter 4757. of 102117

the Revised Code; 102118

(F) A school counselor licensed by the state board of 102119  
education pursuant to section 3319.22 of the Revised Code; 102120

(G) A health education specialist certified by the 102121  
national commission for health education credentialing; 102122

(H) An individual authorized to practice as a certified 102123  
nurse practitioner or clinical nurse specialist under Chapter 102124  
4723. of the Revised Code. 102125

**Sec. 4758.62.** An individual who holds an independent 102126  
chemical dependency counselor license and a gambling disorder 102127  
endorsement may do all of the following: 102128

(A) Diagnose and treat gambling disorder conditions; 102129

(B) Perform treatment planning, assessment, crisis 102130  
intervention, individual and group counseling, case management, 102131  
and educational services insofar as those functions relate to 102132  
gambling disorders; 102133

(C) Supervise gambling disorder counseling; ~~and~~ 102134

~~(D) Refer individuals with other gambling conditions to~~ 102135  
~~appropriate sources of help.~~ 102136

**Sec. 4758.63.** An individual who holds a chemical 102137  
dependency counselor III license and a gambling disorder 102138  
endorsement may do all of the following: 102139

(A) Treat gambling disorder conditions; 102140

(B) Diagnose gambling disorder conditions under 102141  
supervision; 102142

(C) Perform treatment planning, assessment, crisis 102143  
intervention, individual and group counseling, case management, 102144

and educational services insofar as those functions relate to 102145  
gambling disorders; 102146

(D) Supervise gambling disorder counseling under 102147  
supervision; ~~and~~ 102148

~~(E) Refer individuals with other gambling conditions to~~ 102149  
~~appropriate sources of help.~~ 102150

The supervision required by divisions (B) and (D) of this 102151  
section shall be provided by an independent chemical dependency 102152  
counselor licensed under this chapter; an individual authorized 102153  
to practice medicine and surgery or osteopathic medicine and 102154  
surgery under Chapter 4731. of the Revised Code; a psychologist 102155  
licensed under Chapter 4732. of the Revised Code; an individual 102156  
authorized to practice as a certified nurse practitioner or 102157  
clinical nurse specialist under Chapter 4723. of the Revised 102158  
Code; a registered nurse licensed under Chapter 4723. of the 102159  
Revised Code; or a professional clinical counselor, independent 102160  
social worker, or independent marriage and family therapist 102161  
licensed under Chapter 4757. of the Revised Code. 102162

An individual holding a chemical dependency counselor III 102163  
license shall not practice as an individual practitioner. 102164

**Sec. 4758.64.** (A) An individual who holds a chemical 102165  
dependency counselor II license and a gambling disorder 102166  
endorsement may do ~~all~~ both of the following: 102167

~~(A)~~ (1) Treat gambling disorder conditions; 102168

~~(B)~~ (2) Perform treatment planning, assessment, crisis 102169  
intervention, individual and group counseling, case management, 102170  
and educational services insofar as those functions relate to 102171  
gambling disorders; ~~and~~ 102172

~~(C) Refer individuals with other gambling conditions to~~ 102173  
~~appropriate sources of help.~~ 102174

(B) An individual holding a chemical dependency II license 102175  
shall not practice as an individual practitioner. 102176

**Sec. 4758.65.** (A) The activities described in division (B) 102177  
of this section may be performed only under the supervision of 102178  
an individual described in section 4758.651 of the Revised Code. 102179

(B) (1) A peer supporter certified under this chapter may 102180  
work with the following populations: 102181

(a) In the case of a peer recovery supporter, individuals 102182  
with a mental illness or substance use disorder, or both, and 102183  
who may also have a co-occurring developmental disability, as 102184  
well as the individuals' caregivers or families; 102185

(b) In the case of a youth peer supporter, individuals who 102186  
primarily are thirty years of age or younger with a mental 102187  
illness or substance use disorder, or both, and who may also 102188  
have a co-occurring developmental disability, as well as the 102189  
individuals' caregivers or families; 102190

(c) In the case of a family peer supporter, caregivers or 102191  
families of individuals with a mental illness or substance use 102192  
disorder, or both, and who may also have a co-occurring 102193  
developmental disability. 102194

(2) A peer supporter certified under this chapter may 102195  
promote any of the following competencies for the populations 102196  
within the peer supporter's scope of practice as specified in 102197  
division (B) (1) of this section: 102198

(a) Resiliency and recovery; 102199

(b) Self-determination; 102200

<u>(c) Advocacy;</u>	102201
<u>(d) Well-being;</u>	102202
<u>(e) Skill development;</u>	102203
<u>(f) Any other competencies specified in rules adopted</u>	102204
<u>pursuant to section 4758.20 of the Revised Code.</u>	102205
<u>(3) A peer supporter may perform any other tasks within</u>	102206
<u>the peer supporter's scope of practice as established in rules</u>	102207
<u>adopted pursuant to section 4758.20 of the Revised Code.</u>	102208
<u>(C) A peer supporter may not practice as an individual</u>	102209
<u>practitioner.</u>	102210
<u>Sec. 4758.651. For purposes of section 4758.65 of the</u>	102211
<u>Revised Code, any of the following may supervise a peer</u>	102212
<u>supporter certified under this chapter:</u>	102213
<u>(A) A peer recovery supporter, youth peer supporter, or</u>	102214
<u>family peer supporter certified under this chapter who holds a</u>	102215
<u>peer support supervisor endorsement issued under this chapter;</u>	102216
<u>(B) A chemical dependency counselor II, chemical</u>	102217
<u>dependency counselor III, or independent chemical dependency</u>	102218
<u>counselor licensed under this chapter who holds a peer support</u>	102219
<u>supervisor endorsement issued under this chapter;</u>	102220
<u>(C) Any of the following who has completed the training</u>	102221
<u>requirements specified in rules adopted under section 4758.20 of</u>	102222
<u>the Revised Code to supervise peer supporters without holding a</u>	102223
<u>peer support supervisor endorsement issued under this chapter:</u>	102224
<u>(1) A social worker, independent social worker,</u>	102225
<u>professional counselor, professional clinical counselor,</u>	102226
<u>marriage and family therapist, or independent marriage and</u>	102227

family therapist licensed under Chapter 4757. of the Revised 102228  
Code, if such supervision is consistent with the scope of 102229  
practice of the social worker, independent social worker, 102230  
professional counselor, professional clinical counselor, 102231  
marriage and family therapist, or independent marriage and 102232  
family therapist; 102233

(2) A psychologist licensed under Chapter 4732. of the 102234  
Revised Code; 102235

(3) A psychiatrist, as defined in section 5122.01 of the 102236  
Revised Code. 102237

**Sec. 4758.70.** (A) Except to the extent of providing 102238  
services authorized by this chapter, this chapter does not 102239  
authorize any individual to engage in either of the following: 102240

~~(A)~~ (1) The practice of psychology as defined in section 102241  
4732.01 of the Revised Code; 102242

~~(B)~~ (2) The practice of professional counseling, practice 102243  
of social work, or practice of marriage and family therapy, as 102244  
those terms are defined in section 4757.01 of the Revised Code. 102245

(B) Peer recovery supporters, youth peer supporters, or 102246  
family peer supporters certified under this chapter are not 102247  
authorized to engage in the practice of substance use disorder 102248  
counseling or prevention services. 102249

**Sec. 4758.80.** An independent chemical dependency 102250  
counselor, peer recovery supporter, youth peer supporter, or 102251  
family peer supporter may provide telehealth services in 102252  
accordance with section 4743.09 of the Revised Code. 102253

**Sec. 4758.99.** Whoever violates ~~division (A) or (B) of~~ 102254  
section 4758.02 of the Revised Code is guilty of a misdemeanor 102255

of the fourth degree on a first offense; on each subsequent 102256  
offense, the person is guilty of a misdemeanor of the third 102257  
degree. 102258

**Sec. 4759.07.** (A) The state medical board, by an 102259  
affirmative vote of not fewer than six members, shall, except as 102260  
provided in division (B) of this section, and to the extent 102261  
permitted by law, limit, revoke, or suspend an individual's 102262  
license or limited permit, refuse to issue a license or limited 102263  
permit to an individual, refuse to renew a license or limited 102264  
permit, refuse to reinstate a license or limited permit, or 102265  
reprimand or place on probation the holder of a license or 102266  
limited permit for one or more of the following reasons: 102267

(1) Except when civil penalties are imposed under section 102268  
4759.071 of the Revised Code, violating or attempting to 102269  
violate, directly or indirectly, or assisting in or abetting the 102270  
violation of, or conspiring to violate, any provision of this 102271  
chapter or the rules adopted by the board; 102272

(2) Making a false, fraudulent, deceptive, or misleading 102273  
statement in the solicitation of or advertising for patients; in 102274  
relation to the practice of dietetics; or in securing or 102275  
attempting to secure any license or permit issued by the board 102276  
under this chapter. 102277

As used in division (A) (2) of this section, "false, 102278  
fraudulent, deceptive, or misleading statement" means a 102279  
statement that includes a misrepresentation of fact, is likely 102280  
to mislead or deceive because of a failure to disclose material 102281  
facts, is intended or is likely to create false or unjustified 102282  
expectations of favorable results, or includes representations 102283  
or implications that in reasonable probability will cause an 102284  
ordinarily prudent person to misunderstand or be deceived. 102285



- (3) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;
- (4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;
- (5) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;
- (6) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;
- (7) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (8) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;
- (9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (10) A record of engaging in incompetent or negligent conduct in the practice of dietetics;
- (11) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient

is established; 102314

(12) The obtaining of, or attempting to obtain, money or 102315  
anything of value by fraudulent misrepresentations in the course 102316  
of practice; 102317

(13) Violation of the conditions of limitation placed by 102318  
the board on a license or permit; 102319

(14) Inability to practice according to acceptable and 102320  
prevailing standards of care by reason of mental illness or 102321  
physical illness, including, physical deterioration that 102322  
adversely affects cognitive, motor, or perceptive skills; 102323

(15) Any of the following actions taken by an agency 102324  
responsible for authorizing, certifying, or regulating an 102325  
individual to practice a health care occupation or provide 102326  
health care services in this state or another jurisdiction, for 102327  
any reason other than the nonpayment of fees: the limitation, 102328  
revocation, or suspension of an individual's license; acceptance 102329  
of an individual's license surrender; denial of a license; 102330  
refusal to renew or reinstate a license; imposition of 102331  
probation; or issuance of an order of censure or other 102332  
reprimand; 102333

(16) The revocation, suspension, restriction, reduction, 102334  
or termination of practice privileges by the United States 102335  
department of defense or department of veterans affairs; 102336

(17) Termination or suspension from participation in the 102337  
medicare or medicaid programs by the department of health and 102338  
human services or other responsible agency for any act or acts 102339  
that also would constitute a violation of division (A) (11), 102340  
(12), or (14) of this section; 102341

(18) Impairment of ability to practice according to 102342

acceptable and prevailing standards of care because of substance 102343  
use disorder or excessive use or abuse of drugs, alcohol, or 102344  
other substances that may impair ability to practice; 102345

(19) Failure to cooperate in an investigation conducted by 102346  
the board under division (B) of section 4759.05 of the Revised 102347  
Code, including failure to comply with a subpoena or order 102348  
issued by the board or failure to answer truthfully a question 102349  
presented by the board in an investigative interview, an 102350  
investigative office conference, at a deposition, or in written 102351  
interrogatories, except that failure to cooperate with an 102352  
investigation shall not constitute grounds for discipline under 102353  
this section if a court of competent jurisdiction has issued an 102354  
order that either quashes a subpoena or permits the individual 102355  
to withhold the testimony or evidence in issue; 102356

(20) Representing with the purpose of obtaining 102357  
compensation or other advantage as personal gain or for any 102358  
other person, that an incurable disease or injury, or other 102359  
incurable condition, can be permanently cured. 102360

(B) The board shall not refuse to issue a license or 102361  
limited permit to an applicant because of a plea of guilty to, a 102362  
judicial finding of guilt of, or a judicial finding of 102363  
eligibility for intervention in lieu of conviction for an 102364  
offense unless the refusal is in accordance with section 9.79 of 102365  
the Revised Code. 102366

(C) Any action taken by the board under division (A) of 102367  
this section resulting in a suspension from practice shall be 102368  
accompanied by a written statement of the conditions under which 102369  
the individual's license or permit may be reinstated. The board 102370  
shall adopt rules governing conditions to be imposed for 102371  
reinstatement. Reinstatement of a license or permit suspended 102372

pursuant to division (A) of this section requires an affirmative 102373  
vote of not fewer than six members of the board. 102374

(D) When the board refuses to grant or issue a license or 102375  
permit to an applicant, revokes an individual's license or 102376  
permit, refuses to renew an individual's license or permit, or 102377  
refuses to reinstate an individual's license or permit, the 102378  
board may specify that its action is permanent. An individual 102379  
subject to a permanent action taken by the board is forever 102380  
thereafter ineligible to hold a license or permit and the board 102381  
shall not accept an application for reinstatement of the license 102382  
or permit or for issuance of a new license or permit. 102383

(E) Disciplinary actions taken by the board under division 102384  
(A) of this section shall be taken pursuant to an adjudication 102385  
under Chapter 119. of the Revised Code, except that in lieu of 102386  
an adjudication, the board may enter into a consent agreement 102387  
with an individual to resolve an allegation of a violation of 102388  
this chapter or any rule adopted under it. A consent agreement, 102389  
when ratified by an affirmative vote of not fewer than six 102390  
members of the board, shall constitute the findings and order of 102391  
the board with respect to the matter addressed in the agreement. 102392  
If the board refuses to ratify a consent agreement, the 102393  
admissions and findings contained in the consent agreement shall 102394  
be of no force or effect. 102395

A telephone conference call may be utilized for 102396  
ratification of a consent agreement that revokes or suspends an 102397  
individual's license or permit. The telephone conference call 102398  
shall be considered a special meeting under division (F) of 102399  
section 121.22 of the Revised Code. 102400

(F) In enforcing division (A)(14) of this section, the 102401  
board, upon a showing of a possible violation, shall refer any 102402

individual authorized to practice by this chapter or who has 102403  
submitted an application pursuant to this chapter to the 102404  
monitoring organization that conducts the confidential 102405  
monitoring program established under section 4731.25 of the 102406  
Revised Code. The board also may compel the individual to submit 102407  
to a mental examination, physical examination, including an HIV 102408  
test, or both a mental and a physical examination. The expense 102409  
of the examination is the responsibility of the individual 102410  
compelled to be examined. Failure to submit to a mental or 102411  
physical examination or consent to an HIV test ordered by the 102412  
board constitutes an admission of the allegations against the 102413  
individual unless the failure is due to circumstances beyond the 102414  
individual's control, and a default and final order may be 102415  
entered without the taking of testimony or presentation of 102416  
evidence. If the board finds an individual unable to practice 102417  
because of the reasons set forth in division (A) (14) of this 102418  
section, the board shall require the individual to submit to 102419  
care, counseling, or treatment by physicians approved or 102420  
designated by the board, as a condition for initial, continued, 102421  
reinstated, or renewed authority to practice. An individual 102422  
affected under this division shall be afforded an opportunity to 102423  
demonstrate to the board the ability to resume practice in 102424  
compliance with acceptable and prevailing standards under the 102425  
provisions of the individual's license or permit. For the 102426  
purpose of division (A) (14) of this section, any individual who 102427  
applies for or receives a license or permit under this chapter 102428  
accepts the privilege of practicing in this state and, by so 102429  
doing, shall be deemed to have given consent to submit to a 102430  
mental or physical examination when directed to do so in writing 102431  
by the board, and to have waived all objections to the 102432  
admissibility of testimony or examination reports that 102433  
constitute a privileged communication. 102434

(G) For the purposes of division (A)(18) of this section, 102435  
any individual authorized to practice by this chapter accepts 102436  
the privilege of practicing in this state subject to supervision 102437  
by the board. By filing an application for or holding a license 102438  
or permit under this chapter, an individual shall be deemed to 102439  
have given consent to submit to a mental or physical examination 102440  
when ordered to do so by the board in writing, and to have 102441  
waived all objections to the admissibility of testimony or 102442  
examination reports that constitute privileged communications. 102443

If it has reason to believe that any individual authorized 102444  
to practice by this chapter or any applicant for a license or 102445  
permit suffers such impairment, the board shall refer the 102446  
individual to the monitoring organization that conducts the 102447  
confidential monitoring program established under section 102448  
4731.25 of the Revised Code. The board also may compel the 102449  
individual to submit to a mental or physical examination, or 102450  
both. The expense of the examination is the responsibility of 102451  
the individual compelled to be examined. Any mental or physical 102452  
examination required under this division shall be undertaken by 102453  
a treatment provider or physician who is qualified to conduct 102454  
the examination and who is approved under section 4731.251 of 102455  
the Revised Code. 102456

Failure to submit to a mental or physical examination 102457  
ordered by the board constitutes an admission of the allegations 102458  
against the individual unless the failure is due to 102459  
circumstances beyond the individual's control, and a default and 102460  
final order may be entered without the taking of testimony or 102461  
presentation of evidence. If the board determines that the 102462  
individual's ability to practice is impaired, the board shall 102463  
suspend the individual's license or permit or deny the 102464  
individual's application and shall require the individual, as a 102465

condition for an initial, continued, reinstated, or renewed 102466  
license or permit, to submit to treatment. 102467

Before being eligible to apply for reinstatement of a 102468  
license or permit suspended under this division, the impaired 102469  
practitioner shall demonstrate to the board the ability to 102470  
resume practice in compliance with acceptable and prevailing 102471  
standards of care under the provisions of the practitioner's 102472  
license or permit. The demonstration shall include, but shall 102473  
not be limited to, the following: 102474

(1) Certification from a treatment provider approved under 102475  
section 4731.251 of the Revised Code that the individual has 102476  
successfully completed any required inpatient treatment; 102477

(2) Evidence of continuing full compliance with an 102478  
aftercare contract or consent agreement; 102479

(3) Two written reports indicating that the individual's 102480  
ability to practice has been assessed and that the individual 102481  
has been found capable of practicing according to acceptable and 102482  
prevailing standards of care. The reports shall be made by 102483  
individuals or providers approved by the board for making the 102484  
assessments and shall describe the basis for their 102485  
determination. 102486

The board may reinstate a license or permit suspended 102487  
under this division after that demonstration and after the 102488  
individual has entered into a written consent agreement. 102489

When the impaired practitioner resumes practice, the board 102490  
shall require continued monitoring of the individual. The 102491  
monitoring shall include, but not be limited to, compliance with 102492  
the written consent agreement entered into before reinstatement 102493  
or with conditions imposed by board order after a hearing, and, 102494

upon termination of the consent agreement, submission to the 102495  
board for at least two years of annual written progress reports 102496  
made under penalty of perjury stating whether the individual has 102497  
maintained sobriety. 102498

(H) (1) If either of the following circumstances occur, the 102499  
secretary and supervising member may recommend that the board 102500  
suspend an individual's license or permit without a prior 102501  
hearing: 102502

(a) The secretary and supervising member determine both of 102503  
the following: 102504

(i) That there is clear and convincing evidence that an 102505  
individual has violated division (A) of this section; 102506

(ii) That the individual's continued practice presents a 102507  
danger of immediate and serious harm to the public. 102508

(b) The board receives verifiable information that a 102509  
licensee has been charged in any state or federal court for a 102510  
crime classified as a felony under the charging court's law and 102511  
the conduct charged constitutes a violation of division (A) of 102512  
this section. 102513

(2) If a recommendation is made to suspend without a prior 102514  
hearing pursuant to division (H) (1) of this section, written 102515  
allegations shall be prepared for consideration by the board. 102516  
The board, upon review of those allegations and by an 102517  
affirmative vote of not fewer than six of its members, excluding 102518  
the secretary and supervising member, may suspend a license or 102519  
permit without a prior hearing. A telephone conference call may 102520  
be utilized for reviewing the allegations and taking the vote on 102521  
the summary suspension. 102522

The board shall serve a written order of suspension in 102523



accordance with sections 119.05 and 119.07 of the Revised Code. 102524  
~~The order shall not be subject to suspension by the court during~~ 102525  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 102526  
~~Code.~~ If the individual subject to the summary suspension 102527  
requests an adjudicatory hearing by the board, the date set for 102528  
the hearing shall be within fifteen days, but not earlier than 102529  
seven days, after the individual requests the hearing, unless 102530  
otherwise agreed to by both the board and the individual. 102531

(3) Any summary suspension imposed under ~~this division~~ (H) 102532  
(2) of this section is not a final appealable order and is not 102533  
an adjudication that may be appealed under section 119.12 of the 102534  
Revised Code. The summary suspension shall remain in effect, 102535  
~~unless reversed on appeal,~~ until a final adjudicative order 102536  
issued by the board pursuant to this section and Chapter 119. of 102537  
the Revised Code becomes effective. Once a final adjudicative 102538  
order has been issued by the board, any party adversely affected 102539  
by it may file an appeal in accordance with the requirements of 102540  
Chapter 119. of the Revised Code. ~~The~~ 102541

The board shall issue its final adjudicative order within 102542  
seventy-five days after completion of its hearing. A failure to 102543  
issue the order within seventy-five days shall result in 102544  
dissolution of the summary suspension order but shall not 102545  
invalidate any subsequent, final adjudicative order. 102546

(I) If the board is required by Chapter 119. of the 102547  
Revised Code to give notice of an opportunity for a hearing and 102548  
if the individual subject to the notice does not timely request 102549  
a hearing in accordance with section 119.07 of the Revised Code, 102550  
the board is not required to hold a hearing, but may adopt, by 102551  
an affirmative vote of not fewer than six of its members, a 102552  
final order that contains the board's findings. In the final 102553

order, the board may order any of the sanctions identified under 102554  
division (A) of this section. 102555

(J) For purposes of divisions (A) (5), (7), and (9) of this 102556  
section, the commission of the act may be established by a 102557  
finding by the board, pursuant to an adjudication under Chapter 102558  
119. of the Revised Code, that the individual committed the act. 102559  
The board does not have jurisdiction under those divisions if 102560  
the trial court renders a final judgment in the individual's 102561  
favor and that judgment is based upon an adjudication on the 102562  
merits. The board has jurisdiction under those divisions if the 102563  
trial court issues an order of dismissal upon technical or 102564  
procedural grounds. 102565

(K) The sealing or expungement of conviction records by 102566  
any court shall have no effect upon a prior board order entered 102567  
under this section or upon the board's jurisdiction to take 102568  
action under this section if, based upon a plea of guilty, a 102569  
judicial finding of guilt, or a judicial finding of eligibility 102570  
for intervention in lieu of conviction, the board issued a 102571  
notice of opportunity for a hearing prior to the court's order 102572  
to seal or expunge the records. The board shall not be required 102573  
to seal, destroy, redact, or otherwise modify its records to 102574  
reflect the court's sealing or expungement of conviction 102575  
records. 102576

(L) If the board takes action under division (A) (4), (6), 102577  
or (8) of this section, and the judicial finding of guilt, 102578  
guilty plea, or judicial finding of eligibility for intervention 102579  
in lieu of conviction is overturned on appeal, upon exhaustion 102580  
of the criminal appeal, a petition for reconsideration of the 102581  
order may be filed with the board along with appropriate court 102582  
documents. Upon receipt of a petition for reconsideration and 102583

supporting court documents, the board shall reinstate the 102584  
individual's license or permit. The board may then hold an 102585  
adjudication under Chapter 119. of the Revised Code to determine 102586  
whether the individual committed the act in question. Notice of 102587  
an opportunity for a hearing shall be given in accordance with 102588  
Chapter 119. of the Revised Code. If the board finds, pursuant 102589  
to an adjudication held under this division, that the individual 102590  
committed the act or if no hearing is requested, the board may 102591  
order any of the sanctions identified under division (A) of this 102592  
section. 102593

(M) The license or permit issued to an individual under 102594  
this chapter and the individual's practice in this state are 102595  
automatically suspended as of the date the individual pleads 102596  
guilty to, is found by a judge or jury to be guilty of, or is 102597  
subject to a judicial finding of eligibility for intervention in 102598  
lieu of conviction in this state or treatment or intervention in 102599  
lieu of conviction in another jurisdiction for any of the 102600  
following criminal offenses in this state or a substantially 102601  
equivalent criminal offense in another jurisdiction: aggravated 102602  
murder, murder, voluntary manslaughter, felonious assault, 102603  
trafficking in persons, kidnapping, rape, sexual battery, gross 102604  
sexual imposition, aggravated arson, aggravated robbery, or 102605  
aggravated burglary. Continued practice after suspension shall 102606  
be considered practicing without a license or permit. 102607

The board shall serve the individual subject to the 102608  
suspension in accordance with sections 119.05 and 119.07 of the 102609  
Revised Code. If an individual whose license or permit is 102610  
automatically suspended under this division fails to make a 102611  
timely request for an adjudication under Chapter 119. of the 102612  
Revised Code, the board shall enter a final order permanently 102613  
revoking the individual's license or permit. 102614

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) The placement of an individual's license on retired status, as described in section 4759.064 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

(5) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

**Sec. 4759.99.** Whoever violates section 4759.02 of the Revised Code is guilty of a minor misdemeanor. If the offender

has been previously convicted once of a violation of ~~the~~ section 102644  
4759.02 of the Revised Code, then the ~~violation~~ offender is 102645  
guilty of a misdemeanor of the fourth degree. If the offender 102646  
has been previously convicted more than once of a violation of 102647  
~~the~~ section 4759.02 of the Revised Code, then the ~~violation~~ 102648  
offender is guilty of a misdemeanor of the first degree. 102649

Whoever violates division (B) (1) or (2) of section 4759.14 102650  
of the Revised Code is guilty of ~~failure to report criminal~~ 102651  
~~conduct or sexual misconduct,~~ a misdemeanor of the fourth 102652  
degree. ~~If the offender has previously been convicted of a~~ 102653  
~~violation of this division, the failure to report on a first~~ 102654  
offense; on each subsequent offense, the offender is guilty of a 102655  
misdemeanor of the first degree. 102656

Whoever violates division (B) of section 4759.05 of the 102657  
Revised Code is guilty of ~~disclosing confidential investigatory~~ 102658  
~~information,~~ a misdemeanor of the first degree. 102659

**Sec. 4760.13.** (A) The state medical board, by an 102660  
affirmative vote of not fewer than six members, may refuse to 102661  
grant a license to practice as an anesthesiologist assistant to, 102662  
or may revoke the license held by, an individual found by the 102663  
board to have committed fraud, misrepresentation, or deception 102664  
in applying for or securing the license. 102665

(B) The board, by an affirmative vote of not fewer than 102666  
six members, shall, except as provided in division (C) of this 102667  
section, and to the extent permitted by law, limit, revoke, or 102668  
suspend an individual's license to practice as an 102669  
anesthesiologist assistant, refuse to issue a license to an 102670  
applicant, refuse to renew a license, refuse to reinstate a 102671  
license, or reprimand or place on probation the holder of a 102672  
license for any of the following reasons: 102673

- (1) Permitting the holder's name or license to be used by another person; 102674  
102675
- (2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 102676  
102677  
102678
- (3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 102679  
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- (4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 102683  
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- (5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 102687  
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- (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice; 102691  
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- (7) Willfully betraying a professional confidence; 102695
- (8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant. 102696  
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- As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive 102699  
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102701

because of a failure to disclose material facts, is intended or 102702  
is likely to create false or unjustified expectations of 102703  
favorable results, or includes representations or implications 102704  
that in reasonable probability will cause an ordinarily prudent 102705  
person to misunderstand or be deceived. 102706

(9) The obtaining of, or attempting to obtain, money or a 102707  
thing of value by fraudulent misrepresentations in the course of 102708  
practice; 102709

(10) A plea of guilty to, a judicial finding of guilt of, 102710  
or a judicial finding of eligibility for intervention in lieu of 102711  
conviction for, a felony; 102712

(11) Commission of an act that constitutes a felony in 102713  
this state, regardless of the jurisdiction in which the act was 102714  
committed; 102715

(12) A plea of guilty to, a judicial finding of guilt of, 102716  
or a judicial finding of eligibility for intervention in lieu of 102717  
conviction for, a misdemeanor committed in the course of 102718  
practice; 102719

(13) A plea of guilty to, a judicial finding of guilt of, 102720  
or a judicial finding of eligibility for intervention in lieu of 102721  
conviction for, a misdemeanor involving moral turpitude; 102722

(14) Commission of an act in the course of practice that 102723  
constitutes a misdemeanor in this state, regardless of the 102724  
jurisdiction in which the act was committed; 102725

(15) Commission of an act involving moral turpitude that 102726  
constitutes a misdemeanor in this state, regardless of the 102727  
jurisdiction in which the act was committed; 102728

(16) A plea of guilty to, a judicial finding of guilt of, 102729

or a judicial finding of eligibility for intervention in lieu of 102730  
conviction for violating any state or federal law regulating the 102731  
possession, distribution, or use of any drug, including 102732  
trafficking in drugs; 102733

(17) Any of the following actions taken by the state 102734  
agency responsible for regulating the practice of 102735  
anesthesiologist assistants in another jurisdiction, for any 102736  
reason other than the nonpayment of fees: the limitation, 102737  
revocation, or suspension of an individual's license to 102738  
practice; acceptance of an individual's license surrender; 102739  
denial of a license; refusal to renew or reinstate a license; 102740  
imposition of probation; or issuance of an order of censure or 102741  
other reprimand; 102742

(18) Violation of the conditions placed by the board on a 102743  
license to practice; 102744

(19) Failure to use universal blood and body fluid 102745  
precautions established by rules adopted under section 4731.051 102746  
of the Revised Code; 102747

(20) Failure to cooperate in an investigation conducted by 102748  
the board under section 4760.14 of the Revised Code, including 102749  
failure to comply with a subpoena or order issued by the board 102750  
or failure to answer truthfully a question presented by the 102751  
board at a deposition or in written interrogatories, except that 102752  
failure to cooperate with an investigation shall not constitute 102753  
grounds for discipline under this section if a court of 102754  
competent jurisdiction has issued an order that either quashes a 102755  
subpoena or permits the individual to withhold the testimony or 102756  
evidence in issue; 102757

(21) Failure to comply with any code of ethics established 102758



by the national commission for the certification of 102759  
anesthesiologist assistants; 102760

(22) Failure to notify the state medical board of the 102761  
revocation or failure to maintain certification from the 102762  
national commission for certification of anesthesiologist 102763  
assistants. 102764

(C) The board shall not refuse to issue a certificate to 102765  
an applicant because of a plea of guilty to, a judicial finding 102766  
of guilt of, or a judicial finding of eligibility for 102767  
intervention in lieu of conviction for an offense unless the 102768  
refusal is in accordance with section 9.79 of the Revised Code. 102769

(D) Disciplinary actions taken by the board under 102770  
divisions (A) and (B) of this section shall be taken pursuant to 102771  
an adjudication under Chapter 119. of the Revised Code, except 102772  
that in lieu of an adjudication, the board may enter into a 102773  
consent agreement with an anesthesiologist assistant or 102774  
applicant to resolve an allegation of a violation of this 102775  
chapter or any rule adopted under it. A consent agreement, when 102776  
ratified by an affirmative vote of not fewer than six members of 102777  
the board, shall constitute the findings and order of the board 102778  
with respect to the matter addressed in the agreement. If the 102779  
board refuses to ratify a consent agreement, the admissions and 102780  
findings contained in the consent agreement shall be of no force 102781  
or effect. 102782

(E) For purposes of divisions (B) (11), (14), and (15) of 102783  
this section, the commission of the act may be established by a 102784  
finding by the board, pursuant to an adjudication under Chapter 102785  
119. of the Revised Code, that the applicant or license holder 102786  
committed the act in question. The board shall have no 102787  
jurisdiction under these divisions in cases where the trial 102788

court renders a final judgment in the license holder's favor and 102789  
that judgment is based upon an adjudication on the merits. The 102790  
board shall have jurisdiction under these divisions in cases 102791  
where the trial court issues an order of dismissal on technical 102792  
or procedural grounds. 102793

(F) The sealing or expungement of conviction records by 102794  
any court shall have no effect on a prior board order entered 102795  
under the provisions of this section or on the board's 102796  
jurisdiction to take action under the provisions of this section 102797  
if, based upon a plea of guilty, a judicial finding of guilt, or 102798  
a judicial finding of eligibility for intervention in lieu of 102799  
conviction, the board issued a notice of opportunity for a 102800  
hearing prior to the court's order to seal or expunge the 102801  
records. The board shall not be required to seal, destroy, 102802  
redact, or otherwise modify its records to reflect the court's 102803  
sealing or expungement of conviction records. 102804

(G) For purposes of this division, any individual who 102805  
holds a license to practice issued under this chapter, or 102806  
applies for a license to practice, shall be deemed to have given 102807  
consent to submit to a mental or physical examination when 102808  
directed to do so in writing by the board and to have waived all 102809  
objections to the admissibility of testimony or examination 102810  
reports that constitute a privileged communication. 102811

(1) In enforcing division (B)(5) of this section, the 102812  
board, on a showing of a possible violation, shall refer any 102813  
individual who holds, or has applied for, a license issued under 102814  
this chapter to the monitoring organization that conducts the 102815  
confidential monitoring program established under section 102816  
4731.25 of the Revised Code. The board also may compel the 102817  
individual to this chapter to submit to a mental or physical 102818

examination, or both. A physical examination may include an HIV 102819  
test. The expense of the examination is the responsibility of 102820  
the individual compelled to be examined. Failure to submit to a 102821  
mental or physical examination or consent to an HIV test ordered 102822  
by the board constitutes an admission of the allegations against 102823  
the individual unless the failure is due to circumstances beyond 102824  
the individual's control, and a default and final order may be 102825  
entered without the taking of testimony or presentation of 102826  
evidence. If the board finds an anesthesiologist assistant 102827  
unable to practice because of the reasons set forth in division 102828  
(B) (5) of this section, the board shall require the 102829  
anesthesiologist assistant to submit to care, counseling, or 102830  
treatment by physicians approved or designated by the board, as 102831  
a condition for an initial, continued, reinstated, or renewed 102832  
license to practice. An individual affected by this division 102833  
shall be afforded an opportunity to demonstrate to the board the 102834  
ability to resume practicing in compliance with acceptable and 102835  
prevailing standards of care. 102836

(2) For purposes of division (B) (6) of this section, if 102837  
the board has reason to believe that any individual who holds a 102838  
license to practice issued under this chapter or any applicant 102839  
for a license to practice suffers such impairment, the board 102840  
shall report the individual to the monitoring organization that 102841  
conducts the confidential monitoring program established under 102842  
section 4731.25 of the Revised Code. The board also may compel 102843  
the individual to submit to a mental or physical examination, or 102844  
both. The expense of the examination is the responsibility of 102845  
the individual compelled to be examined. Any mental or physical 102846  
examination required under this division shall be undertaken by 102847  
a treatment provider or physician qualified to conduct such 102848  
examination and approved under section 4731.251 of the Revised 102849

Code. 102850

Failure to submit to a mental or physical examination 102851  
ordered by the board constitutes an admission of the allegations 102852  
against the individual unless the failure is due to 102853  
circumstances beyond the individual's control, and a default and 102854  
final order may be entered without the taking of testimony or 102855  
presentation of evidence. If the board determines that the 102856  
individual's ability to practice is impaired, the board shall 102857  
suspend the individual's license or deny the individual's 102858  
application and shall require the individual, as a condition for 102859  
an initial, continued, reinstated, or renewed license to 102860  
practice, to submit to treatment. 102861

Before being eligible to apply for reinstatement of a 102862  
license suspended under this division, the anesthesiologist 102863  
assistant shall demonstrate to the board the ability to resume 102864  
practice in compliance with acceptable and prevailing standards 102865  
of care. The demonstration shall include the following: 102866

(a) Certification from a treatment provider approved under 102867  
section 4731.251 of the Revised Code that the individual has 102868  
successfully completed any required inpatient treatment; 102869

(b) Evidence of continuing full compliance with an 102870  
aftercare contract or consent agreement; 102871

(c) Two written reports indicating that the individual's 102872  
ability to practice has been assessed and that the individual 102873  
has been found capable of practicing according to acceptable and 102874  
prevailing standards of care. The reports shall be made by 102875  
individuals or providers approved by the board for making such 102876  
assessments and shall describe the basis for their 102877  
determination. 102878

The board may reinstate a license suspended under this 102879  
division after such demonstration and after the individual has 102880  
entered into a written consent agreement. 102881

When the impaired anesthesiologist assistant resumes 102882  
practice, the board shall require continued monitoring of the 102883  
anesthesiologist assistant. The monitoring shall include 102884  
monitoring of compliance with the written consent agreement 102885  
entered into before reinstatement or with conditions imposed by 102886  
board order after a hearing, and, on termination of the consent 102887  
agreement, submission to the board for at least two years of 102888  
annual written progress reports made under penalty of 102889  
falsification stating whether the anesthesiologist assistant has 102890  
maintained sobriety. 102891

(H) (1) If either of the following circumstances occur, the 102892  
secretary and supervising member may recommend that the board 102893  
suspend the individual's license without a prior hearing: 102894

(a) The secretary and supervising member determine that 102895  
there is clear and convincing evidence that an anesthesiologist 102896  
assistant has violated division (B) of this section and that the 102897  
individual's continued practice presents a danger of immediate 102898  
and serious harm to the public. 102899

(b) The board receives verifiable information that a 102900  
licensee has been charged in any state or federal court for a 102901  
crime classified as a felony under the charging court's law and 102902  
the conduct charged constitutes a violation of division (B) of 102903  
this section. 102904

(2) If a recommendation is made to suspend without a prior 102905  
hearing pursuant to division (H) (1) of this section, written 102906  
allegations shall be prepared for consideration by the board. 102907

The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. ~~The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code.~~ If the anesthesiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the anesthesiologist assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

(3) A summary suspension imposed under ~~this division~~ (H) (2) of this section is not a final appealable order and is not an adjudication that may be appealed under section 119.12 of the Revised Code. The summary suspension shall remain in effect, ~~unless reversed on appeal,~~ until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. Once a final adjudicative order has been issued by the board, any party adversely affected by it may file an appeal in accordance with the requirements of Chapter 119. of the Revised Code. The

The board shall issue its final adjudicative order within ~~sixty-seventy-five~~ days after completion of its hearing. Failure to issue the order within ~~sixty-seventy-five~~ days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B) (11), 102938  
(13), or (14) of this section, and the judicial finding of 102939  
guilt, guilty plea, or judicial finding of eligibility for 102940  
intervention in lieu of conviction is overturned on appeal, on 102941  
exhaustion of the criminal appeal, a petition for 102942  
reconsideration of the order may be filed with the board along 102943  
with appropriate court documents. On receipt of a petition and 102944  
supporting court documents, the board shall reinstate the 102945  
license to practice. The board may then hold an adjudication 102946  
under Chapter 119. of the Revised Code to determine whether the 102947  
individual committed the act in question. Notice of opportunity 102948  
for hearing shall be given in accordance with Chapter 119. of 102949  
the Revised Code. If the board finds, pursuant to an 102950  
adjudication held under this division, that the individual 102951  
committed the act, or if no hearing is requested, it may order 102952  
any of the sanctions specified in division (B) of this section. 102953

(J) The license to practice of an anesthesiologist 102954  
assistant and the assistant's practice in this state are 102955  
automatically suspended as of the date the anesthesiologist 102956  
assistant pleads guilty to, is found by a judge or jury to be 102957  
guilty of, or is subject to a judicial finding of eligibility 102958  
for intervention in lieu of conviction in this state or 102959  
treatment or intervention in lieu of conviction in another 102960  
jurisdiction for any of the following criminal offenses in this 102961  
state or a substantially equivalent criminal offense in another 102962  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 102963  
felonious assault, trafficking in persons, kidnapping, rape, 102964  
sexual battery, gross sexual imposition, aggravated arson, 102965  
aggravated robbery, or aggravated burglary. Continued practice 102966  
after the suspension shall be considered practicing without a 102967  
license. 102968

The board shall serve the individual subject to the suspension in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the anesthesiologist assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as an anesthesiologist assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An



individual subject to a permanent action taken by the board is 102999  
forever thereafter ineligible to hold a license to practice as 103000  
an anesthesiologist assistant and the board shall not accept an 103001  
application for reinstatement of the license or for issuance of 103002  
a new license. 103003

(N) Notwithstanding any other provision of the Revised 103004  
Code, all of the following apply: 103005

(1) The surrender of a license to practice issued under 103006  
this chapter is not effective unless or until accepted by the 103007  
board. Reinstatement of a license surrendered to the board 103008  
requires an affirmative vote of not fewer than six members of 103009  
the board. 103010

(2) An application made under this chapter for a license 103011  
to practice may not be withdrawn without approval of the board. 103012

(3) Failure by an individual to renew a license to 103013  
practice in accordance with section 4760.06 of the Revised Code 103014  
does not remove or limit the board's jurisdiction to take 103015  
disciplinary action under this section against the individual. 103016

(4) The placement of an individual's license on retired 103017  
status, as described in section 4760.062 of the Revised Code, 103018  
does not remove or limit the board's jurisdiction to take any 103019  
disciplinary action against the individual with regard to the 103020  
license as it existed before being placed on retired status. 103021

**Sec. 4760.99.** (A) Whoever violates section 4760.02 of the 103022  
Revised Code is guilty of a misdemeanor of the first degree on a 103023  
first offense; on each subsequent offense, the person is guilty 103024  
of a felony of the fourth degree. 103025

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 103026  
(D), or (E) of section 4760.16 of the Revised Code is guilty of 103027

a minor misdemeanor on a first offense; on each subsequent 103028  
offense the person is guilty of a misdemeanor of the fourth 103029  
degree, except that an individual guilty of a subsequent offense 103030  
shall not be subject to imprisonment, but to a fine alone of up 103031  
to one thousand dollars for each offense. 103032

(2) Whoever violates division (B) (2) or (C) (3) of section 103033  
4760.16 of the Revised Code is guilty of ~~failure to report~~ 103034  
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 103035  
fourth degree. ~~If the offender has previously been convicted of~~ 103036  
~~a violation of this division, the failure to report~~ on a first 103037  
offense; on each subsequent offense, the person is guilty of a 103038  
misdemeanor of the first degree. 103039

(C) Whoever violates division (E) of section 4760.14 of 103040  
the Revised Code is guilty of ~~disclosing confidential~~ 103041  
~~investigatory information,~~ a misdemeanor of the first degree. 103042

**Sec. 4761.09.** (A) The state medical board, by an 103043  
affirmative vote of not fewer than six members, shall, except as 103044  
provided in division (B) of this section, and to the extent 103045  
permitted by law, limit, revoke, or suspend an individual's 103046  
license or limited permit, refuse to issue a license or limited 103047  
permit to an individual, refuse to renew a license or limited 103048  
permit, refuse to reinstate a license or limited permit, or 103049  
reprimand or place on probation the holder of a license or 103050  
limited permit for one or more of the following reasons: 103051

(1) A plea of guilty to, a judicial finding of guilt of, 103052  
or a judicial finding of eligibility for intervention in lieu of 103053  
conviction for, a felony; 103054

(2) Commission of an act that constitutes a felony in this 103055  
state, regardless of the jurisdiction in which the act was 103056

committed; 103057

(3) A plea of guilty to, a judicial finding of guilt of, 103058  
or a judicial finding of eligibility for intervention in lieu of 103059  
conviction for, a misdemeanor committed in the course of 103060  
practice; 103061

(4) Commission of an act in the course of practice that 103062  
constitutes a misdemeanor in this state, regardless of the 103063  
jurisdiction in which the act was committed; 103064

(5) A plea of guilty to, a judicial finding of guilt of, 103065  
or a judicial finding of eligibility for intervention in lieu of 103066  
conviction for, a misdemeanor involving moral turpitude; 103067

(6) Commission of an act involving moral turpitude that 103068  
constitutes a misdemeanor in this state, regardless of the 103069  
jurisdiction in which the act was committed; 103070

(7) Except when civil penalties are imposed under section 103071  
4761.091 of the Revised Code, violating or attempting to 103072  
violate, directly or indirectly, or assisting in or abetting the 103073  
violation of, or conspiring to violate, any provision of this 103074  
chapter or the rules adopted by the board; 103075

(8) Making a false, fraudulent, deceptive, or misleading 103076  
statement in the solicitation of or advertising for patients; in 103077  
relation to the practice of respiratory care; or in securing or 103078  
attempting to secure any license or permit issued by the board 103079  
under this chapter. 103080

As used in division (A) (8) of this section, "false, 103081  
fraudulent, deceptive, or misleading statement" means a 103082  
statement that includes a misrepresentation of fact, is likely 103083  
to mislead or deceive because of a failure to disclose material 103084  
facts, is intended or is likely to create false or unjustified 103085

expectations of favorable results, or includes representations 103086  
or implications that in reasonable probability will cause an 103087  
ordinarily prudent person to misunderstand or be deceived. 103088

(9) Committing fraud during the administration of the 103089  
examination for a license to practice or committing fraud, 103090  
misrepresentation, or deception in applying for, renewing, or 103091  
securing any license or permit issued by the board; 103092

(10) A departure from, or failure to conform to, minimal 103093  
standards of care of similar practitioners under the same or 103094  
similar circumstances, whether or not actual injury to a patient 103095  
is established; 103096

(11) Violating the standards of ethical conduct adopted by 103097  
the board, in the practice of respiratory care; 103098

(12) The obtaining of, or attempting to obtain, money or 103099  
anything of value by fraudulent misrepresentations in the course 103100  
of practice; 103101

(13) Violation of the conditions of limitation placed by 103102  
the board upon a license or permit; 103103

(14) Inability to practice according to acceptable and 103104  
prevailing standards of care by reason of mental illness or 103105  
physical illness, including physical deterioration that 103106  
adversely affects cognitive, motor, or perceptive skills; 103107

(15) Any of the following actions taken by an agency 103108  
responsible for authorizing, certifying, or regulating an 103109  
individual to practice a health care occupation or provide 103110  
health care services in this state or another jurisdiction, for 103111  
any reason other than the nonpayment of fees: the limitation, 103112  
revocation, or suspension of an individual's license; acceptance 103113  
of an individual's license surrender; denial of a license; 103114

refusal to renew or reinstate a license; imposition of 103115  
probation; or issuance of an order of censure or other 103116  
reprimand; 103117

(16) The revocation, suspension, restriction, reduction, 103118  
or termination of practice privileges by the United States 103119  
department of defense or department of veterans affairs; 103120

(17) Termination or suspension from participation in the 103121  
medicare or medicaid programs by the department of health and 103122  
human services or other responsible agency for any act or acts 103123  
that also would constitute a violation of division (A) (10), 103124  
(12), or (14) of this section; 103125

(18) Impairment of ability to practice according to 103126  
acceptable and prevailing standards of care because of substance 103127  
use disorder or excessive use or abuse of drugs, alcohol, or 103128  
other substances that may impair ability to practice; 103129

(19) Failure to cooperate in an investigation conducted by 103130  
the board under division (E) of section 4761.03 of the Revised 103131  
Code, including failure to comply with a subpoena or order 103132  
issued by the board or failure to answer truthfully a question 103133  
presented by the board in an investigative interview, an 103134  
investigative office conference, at a deposition, or in written 103135  
interrogatories, except that failure to cooperate with an 103136  
investigation shall not constitute grounds for discipline under 103137  
this section if a court of competent jurisdiction has issued an 103138  
order that either quashes a subpoena or permits the individual 103139  
to withhold the testimony or evidence in issue; 103140

(20) Practicing in an area of respiratory care for which 103141  
the person is clearly untrained or incompetent or practicing in 103142  
a manner that conflicts with section 4761.17 of the Revised 103143

Code; 103144

(21) Employing, directing, or supervising a person who is 103145  
not authorized to practice respiratory care under this chapter 103146  
in the performance of respiratory care procedures; 103147

(22) Misrepresenting educational attainments or authorized 103148  
functions for the purpose of obtaining some benefit related to 103149  
the practice of respiratory care; 103150

(23) Assisting suicide as defined in section 3795.01 of 103151  
the Revised Code; 103152

(24) Representing, with the purpose of obtaining 103153  
compensation or other advantage as personal gain or for any 103154  
other person, that an incurable disease or injury, or other 103155  
incurable condition, can be permanently cured. 103156

Disciplinary actions taken by the board under division (A) 103157  
of this section shall be taken pursuant to an adjudication under 103158  
Chapter 119. of the Revised Code, except that in lieu of an 103159  
adjudication, the board may enter into a consent agreement with 103160  
an individual to resolve an allegation of a violation of this 103161  
chapter or any rule adopted under it. A consent agreement, when 103162  
ratified by an affirmative vote of not fewer than six members of 103163  
the board, shall constitute the findings and order of the board 103164  
with respect to the matter addressed in the agreement. If the 103165  
board refuses to ratify a consent agreement, the admissions and 103166  
findings contained in the consent agreement shall be of no 103167  
effect. 103168

A telephone conference call may be utilized for 103169  
ratification of a consent agreement that revokes or suspends an 103170  
individual's license or permit. The telephone conference call 103171  
shall be considered a special meeting under division (F) of 103172

section 121.22 of the Revised Code. 103173

(B) The board shall not refuse to issue a license or 103174  
limited permit to an applicant because of a plea of guilty to, a 103175  
judicial finding of guilt of, or a judicial finding of 103176  
eligibility for intervention in lieu of conviction for an 103177  
offense unless the refusal is in accordance with section 9.79 of 103178  
the Revised Code. 103179

(C) Any action taken by the board under division (A) of 103180  
this section resulting in a suspension from practice shall be 103181  
accompanied by a written statement of the conditions under which 103182  
the individual's license or permit may be reinstated. The board 103183  
shall adopt rules governing conditions to be imposed for 103184  
reinstatement. Reinstatement of a license or permit suspended 103185  
pursuant to division (A) of this section requires an affirmative 103186  
vote of not fewer than six members of the board. 103187

(D) When the board refuses to grant or issue a license or 103188  
permit to an applicant, revokes an individual's license or 103189  
permit, refuses to renew an individual's license or permit, or 103190  
refuses to reinstate an individual's license or permit, the 103191  
board may specify that its action is permanent. An individual 103192  
subject to a permanent action taken by the board is forever 103193  
thereafter ineligible to hold a license or permit and the board 103194  
shall not accept an application for reinstatement of the license 103195  
or permit or for issuance of a new license or permit. 103196

(E) If the board is required by Chapter 119. of the 103197  
Revised Code to give notice of an opportunity for a hearing and 103198  
if the individual subject to the notice does not timely request 103199  
a hearing in accordance with section 119.07 of the Revised Code, 103200  
the board is not required to hold a hearing, but may adopt, by 103201  
an affirmative vote of not fewer than six of its members, a 103202

final order that contains the board's findings. In the final 103203  
order, the board may order any of the sanctions identified under 103204  
division (A) of this section. 103205

(F) In enforcing division (A)(14) of this section, the 103206  
board, upon a showing of a possible violation, shall refer any 103207  
individual authorized to practice by this chapter or who has 103208  
submitted an application pursuant to this chapter to the 103209  
monitoring organization that conducts the confidential 103210  
monitoring program established under section 4731.25 of the 103211  
Revised Code. The board also may compel the individual to submit 103212  
to a mental examination, physical examination, including an HIV 103213  
test, or both a mental and a physical examination. The expense 103214  
of the examination is the responsibility of the individual 103215  
compelled to be examined. Failure to submit to a mental or 103216  
physical examination or consent to an HIV test ordered by the 103217  
board constitutes an admission of the allegations against the 103218  
individual unless the failure is due to circumstances beyond the 103219  
individual's control, and a default and final order may be 103220  
entered without the taking of testimony or presentation of 103221  
evidence. If the board finds an individual unable to practice 103222  
because of the reasons set forth in division (A)(14) of this 103223  
section, the board shall require the individual to submit to 103224  
care, counseling, or treatment by physicians approved or 103225  
designated by the board, as a condition for initial, continued, 103226  
reinstated, or renewed authority to practice. An individual 103227  
affected under this division shall be afforded an opportunity to 103228  
demonstrate to the board the ability to resume practice in 103229  
compliance with acceptable and prevailing standards under the 103230  
provisions of the individual's license or permit. For the 103231  
purpose of division (A)(14) of this section, any individual who 103232  
applies for or receives a license or permit to practice under 103233



this chapter accepts the privilege of practicing in this state 103234  
and, by so doing, shall be deemed to have given consent to 103235  
submit to a mental or physical examination when directed to do 103236  
so in writing by the board, and to have waived all objections to 103237  
the admissibility of testimony or examination reports that 103238  
constitute a privileged communication. 103239

(G) For the purposes of division (A)(18) of this section, 103240  
any individual authorized to practice by this chapter accepts 103241  
the privilege of practicing in this state subject to supervision 103242  
by the board. By filing an application for or holding a license 103243  
or permit under this chapter, an individual shall be deemed to 103244  
have given consent to submit to a mental or physical examination 103245  
when ordered to do so by the board in writing, and to have 103246  
waived all objections to the admissibility of testimony or 103247  
examination reports that constitute privileged communications. 103248

If it has reason to believe that any individual authorized 103249  
to practice by this chapter or any applicant for a license or 103250  
permit suffers such impairment, the board shall refer the 103251  
individual to the monitoring organization that conducts the 103252  
confidential monitoring program established under section 103253  
4731.25 of the Revised Code. The board also may compel the 103254  
individual to submit to a mental or physical examination, or 103255  
both. The expense of the examination is the responsibility of 103256  
the individual compelled to be examined. Any mental or physical 103257  
examination required under this division shall be undertaken by 103258  
a treatment provider or physician who is qualified to conduct 103259  
the examination and who is approved under section 4731.251 of 103260  
the Revised Code. 103261

Failure to submit to a mental or physical examination 103262  
ordered by the board constitutes an admission of the allegations 103263

against the individual unless the failure is due to 103264  
circumstances beyond the individual's control, and a default and 103265  
final order may be entered without the taking of testimony or 103266  
presentation of evidence. If the board determines that the 103267  
individual's ability to practice is impaired, the board shall 103268  
suspend the individual's license or permit or deny the 103269  
individual's application and shall require the individual, as a 103270  
condition for an initial, continued, reinstated, or renewed 103271  
license or permit, to submit to treatment. 103272

Before being eligible to apply for reinstatement of a 103273  
license or permit suspended under this division, the impaired 103274  
practitioner shall demonstrate to the board the ability to 103275  
resume practice in compliance with acceptable and prevailing 103276  
standards of care under the provisions of the practitioner's 103277  
license or permit. The demonstration shall include, but shall 103278  
not be limited to, the following: 103279

(1) Certification from a treatment provider approved under 103280  
section 4731.251 of the Revised Code that the individual has 103281  
successfully completed any required inpatient treatment; 103282

(2) Evidence of continuing full compliance with an 103283  
aftercare contract or consent agreement; 103284

(3) Two written reports indicating that the individual's 103285  
ability to practice has been assessed and that the individual 103286  
has been found capable of practicing according to acceptable and 103287  
prevailing standards of care. The reports shall be made by 103288  
individuals or providers approved by the board for making the 103289  
assessments and shall describe the basis for their 103290  
determination. 103291

The board may reinstate a license or permit suspended 103292

under this division after that demonstration and after the 103293  
individual has entered into a written consent agreement. 103294

When the impaired practitioner resumes practice, the board 103295  
shall require continued monitoring of the individual. The 103296  
monitoring shall include, but not be limited to, compliance with 103297  
the written consent agreement entered into before reinstatement 103298  
or with conditions imposed by board order after a hearing, and, 103299  
upon termination of the consent agreement, submission to the 103300  
board for at least two years of annual written progress reports 103301  
made under penalty of perjury stating whether the individual has 103302  
maintained sobriety. 103303

(H) (1) If either of the following circumstances occur, the 103304  
secretary and supervising member may recommend that the board 103305  
suspend an individual's license or permit without a prior 103306  
hearing: 103307

(a) The secretary and supervising member determine both of 103308  
the following: 103309

(i) That there is clear and convincing evidence that an 103310  
individual has violated division (A) of this section; 103311

(ii) That the individual's continued practice presents a 103312  
danger of immediate and serious harm to the public. 103313

(b) The board receives verifiable information that a 103314  
licensee has been charged in any state or federal court for a 103315  
crime classified as a felony under the charging court's law and 103316  
the conduct charged constitutes a violation of division (A) of 103317  
this section. 103318

(2) If a recommendation is made to suspend without a prior 103319  
hearing pursuant to division (H) (1) of this section, written 103320  
allegations shall be prepared for consideration by the board. 103321

The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. ~~The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code.~~ If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

(3) Any summary suspension imposed under ~~this division~~ (H) (2) of this section is not a final appealable order and is not an adjudication that may be appealed under section 119.12 of the Revised Code. The summary suspension shall remain in effect, ~~unless reversed on appeal,~~ until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. Once a final adjudicative order has been issued by the board, any party adversely affected by it may file an appeal in accordance with the requirements of Chapter 119. of the Revised Code. The

The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(I) For purposes of divisions (A) (2), (4), and (6) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(J) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(K) If the board takes action under division (A) (1), (3), or (5) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition for reconsideration and supporting court documents, the board shall reinstate the individual's license or permit. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine

whether the individual committed the act in question. Notice of 103383  
an opportunity for a hearing shall be given in accordance with 103384  
Chapter 119. of the Revised Code. If the board finds, pursuant 103385  
to an adjudication held under this division, that the individual 103386  
committed the act or if no hearing is requested, the board may 103387  
order any of the sanctions identified under division (A) of this 103388  
section. 103389

(L) The license or permit issued to an individual under 103390  
this chapter and the individual's practice in this state are 103391  
automatically suspended as of the date the individual pleads 103392  
guilty to, is found by a judge or jury to be guilty of, or is 103393  
subject to a judicial finding of eligibility for intervention in 103394  
lieu of conviction in this state or treatment or intervention in 103395  
lieu of conviction in another jurisdiction for any of the 103396  
following criminal offenses in this state or a substantially 103397  
equivalent criminal offense in another jurisdiction: aggravated 103398  
murder, murder, voluntary manslaughter, felonious assault, 103399  
trafficking in persons, kidnapping, rape, sexual battery, gross 103400  
sexual imposition, aggravated arson, aggravated robbery, or 103401  
aggravated burglary. Continued practice after suspension shall 103402  
be considered practicing without a license or permit. 103403

The board shall serve the individual subject to the 103404  
suspension in accordance with sections 119.05 and 119.07 of the 103405  
Revised Code. If an individual whose license or permit is 103406  
automatically suspended under this division fails to make a 103407  
timely request for an adjudication under Chapter 119. of the 103408  
Revised Code, the board shall enter a final order permanently 103409  
revoking the individual's license or permit. 103410

(M) Notwithstanding any other provision of the Revised 103411  
Code, all of the following apply: 103412

(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) The placement of an individual's license on retired status, as described in section 4761.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

(5) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

**Sec. 4761.99.** Whoever violates division (A) of section 4761.10 of the Revised Code is guilty of a minor misdemeanor on a first offense. On a second offense, the person is guilty of a misdemeanor of the fourth degree. On each subsequent offense,

the person is guilty of a misdemeanor of the first degree. 103442

Whoever violates division (B) (2) or (C) of section 4761.14 103443  
of the Revised Code is guilty of ~~failure to report criminal~~ 103444  
~~conduct or sexual misconduct,~~ a misdemeanor of the fourth 103445  
degree. ~~If the offender has previously been convicted of a~~ 103446  
~~violation of this division, the failure to report;~~ on each 103447  
subsequent offense, the person is guilty of a misdemeanor of the 103448  
first degree. 103449

Whoever violates division (E) (5) of section 4761.03 of the 103450  
Revised Code is guilty of ~~disclosing confidential investigatory~~ 103451  
~~information,~~ a misdemeanor of the first degree. 103452

**Sec. 4762.13.** (A) The state medical board, by an 103453  
affirmative vote of not fewer than six members, may refuse to 103454  
grant a license to practice as an oriental medicine practitioner 103455  
or license to practice as an acupuncturist to, or may revoke the 103456  
license held by, an individual found by the board to have 103457  
committed fraud, misrepresentation, or deception in applying for 103458  
or securing the license. 103459

(B) The board, by an affirmative vote of not fewer than 103460  
six members, shall, except as provided in division (C) of this 103461  
section, and to the extent permitted by law, limit, revoke, or 103462  
suspend an individual's license to practice, refuse to issue a 103463  
license to an applicant, refuse to renew a license, refuse to 103464  
reinstate a license, or reprimand or place on probation the 103465  
holder of a license for any of the following reasons: 103466

(1) Permitting the holder's name or license to be used by 103467  
another person; 103468

(2) Failure to comply with the requirements of this 103469  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 103470



by the board; 103471

(3) Violating or attempting to violate, directly or 103472  
indirectly, or assisting in or abetting the violation of, or 103473  
conspiring to violate, any provision of this chapter, Chapter 103474  
4731. of the Revised Code, or the rules adopted by the board; 103475

(4) A departure from, or failure to conform to, minimal 103476  
standards of care of similar practitioners under the same or 103477  
similar circumstances whether or not actual injury to the 103478  
patient is established; 103479

(5) Inability to practice according to acceptable and 103480  
prevailing standards of care by reason of mental illness or 103481  
physical illness, including physical deterioration that 103482  
adversely affects cognitive, motor, or perceptive skills; 103483

(6) Impairment of ability to practice according to 103484  
acceptable and prevailing standards of care because of substance 103485  
use disorder or excessive use or abuse of drugs, alcohol, or 103486  
other substances that may impair ability to practice; 103487

(7) Willfully betraying a professional confidence; 103488

(8) Making a false, fraudulent, deceptive, or misleading 103489  
statement in soliciting or advertising for patients or in 103490  
securing or attempting to secure a license to practice as an 103491  
oriental medicine practitioner or license to practice as an 103492  
acupuncturist. 103493

As used in this division, "false, fraudulent, deceptive, 103494  
or misleading statement" means a statement that includes a 103495  
misrepresentation of fact, is likely to mislead or deceive 103496  
because of a failure to disclose material facts, is intended or 103497  
is likely to create false or unjustified expectations of 103498  
favorable results, or includes representations or implications 103499

that in reasonable probability will cause an ordinarily prudent 103500  
person to misunderstand or be deceived. 103501

(9) Representing, with the purpose of obtaining 103502  
compensation or other advantage personally or for any other 103503  
person, that an incurable disease or injury, or other incurable 103504  
condition, can be permanently cured; 103505

(10) The obtaining of, or attempting to obtain, money or a 103506  
thing of value by fraudulent misrepresentations in the course of 103507  
practice; 103508

(11) A plea of guilty to, a judicial finding of guilt of, 103509  
or a judicial finding of eligibility for intervention in lieu of 103510  
conviction for, a felony; 103511

(12) Commission of an act that constitutes a felony in 103512  
this state, regardless of the jurisdiction in which the act was 103513  
committed; 103514

(13) A plea of guilty to, a judicial finding of guilt of, 103515  
or a judicial finding of eligibility for intervention in lieu of 103516  
conviction for, a misdemeanor committed in the course of 103517  
practice; 103518

(14) A plea of guilty to, a judicial finding of guilt of, 103519  
or a judicial finding of eligibility for intervention in lieu of 103520  
conviction for, a misdemeanor involving moral turpitude; 103521

(15) Commission of an act in the course of practice that 103522  
constitutes a misdemeanor in this state, regardless of the 103523  
jurisdiction in which the act was committed; 103524

(16) Commission of an act involving moral turpitude that 103525  
constitutes a misdemeanor in this state, regardless of the 103526  
jurisdiction in which the act was committed; 103527

(17) A plea of guilty to, a judicial finding of guilt of, 103528  
or a judicial finding of eligibility for intervention in lieu of 103529  
conviction for violating any state or federal law regulating the 103530  
possession, distribution, or use of any drug, including 103531  
trafficking in drugs; 103532

(18) Any of the following actions taken by the state 103533  
agency responsible for regulating the practice of oriental 103534  
medicine or acupuncture in another jurisdiction, for any reason 103535  
other than the nonpayment of fees: the limitation, revocation, 103536  
or suspension of an individual's license to practice; acceptance 103537  
of an individual's license surrender; denial of a license; 103538  
refusal to renew or reinstate a license; imposition of 103539  
probation; or issuance of an order of censure or other 103540  
reprimand; 103541

(19) Violation of the conditions placed by the board on a 103542  
license to practice as an oriental medicine practitioner or 103543  
license to practice as an acupuncturist; 103544

(20) Failure to use universal blood and body fluid 103545  
precautions established by rules adopted under section 4731.051 103546  
of the Revised Code; 103547

(21) Failure to cooperate in an investigation conducted by 103548  
the board under section 4762.14 of the Revised Code, including 103549  
failure to comply with a subpoena or order issued by the board 103550  
or failure to answer truthfully a question presented by the 103551  
board at a deposition or in written interrogatories, except that 103552  
failure to cooperate with an investigation shall not constitute 103553  
grounds for discipline under this section if a court of 103554  
competent jurisdiction has issued an order that either quashes a 103555  
subpoena or permits the individual to withhold the testimony or 103556  
evidence in issue; 103557

(22) Failure to comply with the standards of the national 103558  
certification commission for acupuncture and oriental medicine 103559  
regarding professional ethics, commitment to patients, 103560  
commitment to the profession, and commitment to the public; 103561

(23) Failure to have adequate professional liability 103562  
insurance coverage in accordance with section 4762.22 of the 103563  
Revised Code; 103564

(24) Failure to maintain a current and active designation 103565  
as a diplomate in oriental medicine, diplomate of acupuncture 103566  
and Chinese herbology, or diplomate in acupuncture, as 103567  
applicable, from the national certification commission for 103568  
acupuncture and oriental medicine, including revocation by the 103569  
commission of the individual's designation, failure by the 103570  
individual to meet the commission's requirements for 103571  
redesignation, or failure to notify the board that the 103572  
appropriate designation has not been maintained. 103573

(C) The board shall not refuse to issue a certificate to 103574  
an applicant because of a plea of guilty to, a judicial finding 103575  
of guilt of, or a judicial finding of eligibility for 103576  
intervention in lieu of conviction for an offense unless the 103577  
refusal is in accordance with section 9.79 of the Revised Code. 103578

(D) Disciplinary actions taken by the board under 103579  
divisions (A) and (B) of this section shall be taken pursuant to 103580  
an adjudication under Chapter 119. of the Revised Code, except 103581  
that in lieu of an adjudication, the board may enter into a 103582  
consent agreement with an oriental medicine practitioner or 103583  
acupuncturist or applicant to resolve an allegation of a 103584  
violation of this chapter or any rule adopted under it. A 103585  
consent agreement, when ratified by an affirmative vote of not 103586  
fewer than six members of the board, shall constitute the 103587

findings and order of the board with respect to the matter 103588  
addressed in the agreement. If the board refuses to ratify a 103589  
consent agreement, the admissions and findings contained in the 103590  
consent agreement shall be of no force or effect. 103591

(E) For purposes of divisions (B) (12), (15), and (16) of 103592  
this section, the commission of the act may be established by a 103593  
finding by the board, pursuant to an adjudication under Chapter 103594  
119. of the Revised Code, that the applicant or license holder 103595  
committed the act in question. The board shall have no 103596  
jurisdiction under these divisions in cases where the trial 103597  
court renders a final judgment in the license holder's favor and 103598  
that judgment is based upon an adjudication on the merits. The 103599  
board shall have jurisdiction under these divisions in cases 103600  
where the trial court issues an order of dismissal upon 103601  
technical or procedural grounds. 103602

(F) The sealing or expungement of conviction records by 103603  
any court shall have no effect upon a prior board order entered 103604  
under the provisions of this section or upon the board's 103605  
jurisdiction to take action under the provisions of this section 103606  
if, based upon a plea of guilty, a judicial finding of guilt, or 103607  
a judicial finding of eligibility for intervention in lieu of 103608  
conviction, the board issued a notice of opportunity for a 103609  
hearing or entered into a consent agreement prior to the court's 103610  
order to seal or expunge the records. The board shall not be 103611  
required to seal, destroy, redact, or otherwise modify its 103612  
records to reflect the court's sealing or expungement of 103613  
conviction records. 103614

(G) For purposes of this division, any individual who 103615  
holds a license to practice issued under this chapter, or 103616  
applies for a license to practice, shall be deemed to have given 103617

consent to submit to a mental or physical examination when 103618  
directed to do so in writing by the board and to have waived all 103619  
objections to the admissibility of testimony or examination 103620  
reports that constitute a privileged communication. 103621

(1) In enforcing division (B)(5) of this section, the 103622  
board, upon a showing of a possible violation, shall refer any 103623  
individual who holds, or has applied for, a license under this 103624  
chapter to the monitoring organization that conducts the 103625  
confidential monitoring program established under section 103626  
4731.25 of the Revised Code. The board also may compel the 103627  
individual to submit to a mental examination, physical 103628  
examination, including an HIV test, or both a mental and 103629  
physical examination. The expense of the examination is the 103630  
responsibility of the individual compelled to be examined. 103631  
Failure to submit to a mental or physical examination or consent 103632  
to an HIV test ordered by the board constitutes an admission of 103633  
the allegations against the individual unless the failure is due 103634  
to circumstances beyond the individual's control, and a default 103635  
and final order may be entered without the taking of testimony 103636  
or presentation of evidence. If the board finds an oriental 103637  
medicine practitioner or acupuncturist unable to practice 103638  
because of the reasons set forth in division (B)(5) of this 103639  
section, the board shall require the individual to submit to 103640  
care, counseling, or treatment by physicians approved or 103641  
designated by the board, as a condition for an initial, 103642  
continued, reinstated, or renewed license to practice. An 103643  
individual affected by this division shall be afforded an 103644  
opportunity to demonstrate to the board the ability to resume 103645  
practicing in compliance with acceptable and prevailing 103646  
standards of care. 103647

(2) For purposes of division (B)(6) of this section, if 103648

the board has reason to believe that any individual who holds a 103649  
license to practice issued under this chapter or any applicant 103650  
for a license suffers such impairment, the board shall refer the 103651  
individual to the monitoring organization that conducts the 103652  
confidential monitoring program established under section 103653  
4731.25 of the Revised Code. The board also may compel the 103654  
individual to submit to a mental or physical examination, or 103655  
both. The expense of the examination is the responsibility of 103656  
the individual compelled to be examined. Any mental or physical 103657  
examination required under this division shall be undertaken by 103658  
a treatment provider or physician qualified to conduct such 103659  
examination and approved under section 4731.251 of the Revised 103660  
Code. 103661

Failure to submit to a mental or physical examination 103662  
ordered by the board constitutes an admission of the allegations 103663  
against the individual unless the failure is due to 103664  
circumstances beyond the individual's control, and a default and 103665  
final order may be entered without the taking of testimony or 103666  
presentation of evidence. If the board determines that the 103667  
individual's ability to practice is impaired, the board shall 103668  
suspend the individual's license or deny the individual's 103669  
application and shall require the individual, as a condition for 103670  
an initial, continued, reinstated, or renewed license, to submit 103671  
to treatment. 103672

Before being eligible to apply for reinstatement of a 103673  
license suspended under this division, the oriental medicine 103674  
practitioner or acupuncturist shall demonstrate to the board the 103675  
ability to resume practice in compliance with acceptable and 103676  
prevailing standards of care. The demonstration shall include 103677  
the following: 103678

(a) Certification from a treatment provider approved under 103679  
section 4731.251 of the Revised Code that the individual has 103680  
successfully completed any required inpatient treatment; 103681

(b) Evidence of continuing full compliance with an 103682  
aftercare contract or consent agreement; 103683

(c) Two written reports indicating that the individual's 103684  
ability to practice has been assessed and that the individual 103685  
has been found capable of practicing according to acceptable and 103686  
prevailing standards of care. The reports shall be made by 103687  
individuals or providers approved by the board for making such 103688  
assessments and shall describe the basis for their 103689  
determination. 103690

The board may reinstate a license suspended under this 103691  
division after such demonstration and after the individual has 103692  
entered into a written consent agreement. 103693

When the impaired individual resumes practice, the board 103694  
shall require continued monitoring of the individual. The 103695  
monitoring shall include monitoring of compliance with the 103696  
written consent agreement entered into before reinstatement or 103697  
with conditions imposed by board order after a hearing, and, 103698  
upon termination of the consent agreement, submission to the 103699  
board for at least two years of annual written progress reports 103700  
made under penalty of falsification stating whether the 103701  
individual has maintained sobriety. 103702

(H) (1) If either of the following circumstances occur, the 103703  
secretary and supervising member may recommend that the board 103704  
suspend an individual's license to practice without a prior 103705  
hearing: 103706

(a) The secretary and supervising member determine both of 103707



the following: 103708

(i) That there is clear and convincing evidence that an 103709  
oriental medicine practitioner or acupuncturist has violated 103710  
division (B) of this section; 103711

(ii) That the individual's continued practice presents a 103712  
danger of immediate and serious harm to the public. 103713

(b) The board receives verifiable information that a 103714  
licensee has been charged in any state or federal court for a 103715  
crime classified as a felony under the charging court's law and 103716  
the conduct charged constitutes a violation of division (B) of 103717  
this section. 103718

(2) If a recommendation is made to suspend without a prior 103719  
hearing pursuant to division (H) (1) of this section, written 103720  
allegations shall be prepared for consideration by the board. 103721  
The board, upon review of the allegations and by an affirmative 103722  
vote of not fewer than six of its members, excluding the 103723  
secretary and supervising member, may suspend a license without 103724  
a prior hearing. A telephone conference call may be utilized for 103725  
reviewing the allegations and taking the vote on the summary 103726  
suspension. 103727

The board shall serve a written order of suspension in 103728  
accordance with sections 119.05 and 119.07 of the Revised Code. 103729  
~~The order shall not be subject to suspension by the court during~~ 103730  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 103731  
~~Code.~~ If the oriental medicine practitioner or acupuncturist 103732  
requests an adjudicatory hearing by the board, the date set for 103733  
the hearing shall be within fifteen days, but not earlier than 103734  
seven days, after the hearing is requested, unless otherwise 103735  
agreed to by both the board and the license holder. 103736

(3) A summary suspension imposed under ~~this~~ division (H) 103737  
(2) of this section is not a final appealable order and is not 103738  
an adjudication that may be appealed under section 119.12 of the 103739  
Revised Code. The summary suspension shall remain in effect, ~~—~~ 103740  
~~unless reversed on appeal,~~ until a final adjudicative order 103741  
issued by the board pursuant to this section and Chapter 119. of 103742  
the Revised Code becomes effective. Once a final adjudicative 103743  
order has been issued by the board, any party adversely affected 103744  
by it may file an appeal in accordance with the requirements of 103745  
Chapter 119. of the Revised Code. ~~The~~ 103746

The board shall issue its final adjudicative order within 103747  
~~sixty-seventy-five~~ days after completion of its hearing. Failure 103748  
to issue the order within ~~sixty-seventy-five~~ days shall result 103749  
in dissolution of the summary suspension order, but shall not 103750  
invalidate any subsequent, final adjudicative order. 103751

(I) If the board takes action under division (B) (11), 103752  
(13), or (14) of this section, and the judicial finding of 103753  
guilt, guilty plea, or judicial finding of eligibility for 103754  
intervention in lieu of conviction is overturned on appeal, upon 103755  
exhaustion of the criminal appeal, a petition for 103756  
reconsideration of the order may be filed with the board along 103757  
with appropriate court documents. Upon receipt of a petition and 103758  
supporting court documents, the board shall reinstate the 103759  
license. The board may then hold an adjudication under Chapter 103760  
119. of the Revised Code to determine whether the individual 103761  
committed the act in question. Notice of opportunity for hearing 103762  
shall be given in accordance with Chapter 119. of the Revised 103763  
Code. If the board finds, pursuant to an adjudication held under 103764  
this division, that the individual committed the act, or if no 103765  
hearing is requested, it may order any of the sanctions 103766  
specified in division (B) of this section. 103767

(J) The license to practice of an oriental medicine practitioner or acupuncturist and the practitioner's or acupuncturist's practice in this state are automatically suspended as of the date the practitioner or acupuncturist pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, trafficking in persons, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall serve the individual subject to the suspension in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of  
this section resulting in a suspension shall be accompanied by a  
written statement of the conditions under which the license may  
be reinstated. The board shall adopt rules in accordance with  
Chapter 119. of the Revised Code governing conditions to be  
imposed for reinstatement. Reinstatement of a license suspended  
pursuant to division (B) of this section requires an affirmative  
vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to  
an applicant, revokes an individual's license, refuses to renew  
an individual's license, or refuses to reinstate an individual's  
license, the board may specify that its action is permanent. An  
individual subject to a permanent action taken by the board is  
forever thereafter ineligible to hold a license to practice as  
an oriental medicine practitioner or license to practice as an  
acupuncturist and the board shall not accept an application for  
reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised  
Code, all of the following apply:

(1) The surrender of a license to practice as an oriental  
medicine practitioner or license to practice as an acupuncturist  
issued under this chapter is not effective unless or until  
accepted by the board. Reinstatement of a license surrendered to  
the board requires an affirmative vote of not fewer than six  
members of the board.

(2) An application made under this chapter for a license  
may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in  
accordance with section 4762.06 of the Revised Code does not

remove or limit the board's jurisdiction to take disciplinary 103828  
action under this section against the individual. 103829

(4) The placement of an individual's license on retired 103830  
status, as described in section 4762.062 of the Revised Code, 103831  
does not remove or limit the board's jurisdiction to take any 103832  
disciplinary action against the individual with regard to the 103833  
license as it existed before being placed on retired status. 103834

**Sec. 4762.99.** (A) Whoever violates section 4762.02 of the 103835  
Revised Code is guilty of a misdemeanor of the first degree on a 103836  
first offense; on each subsequent offense, the person is guilty 103837  
of a felony of the fourth degree. 103838

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 103839  
(D), or (E) of section 4762.16 of the Revised Code is guilty of 103840  
a minor misdemeanor on a first offense; on each subsequent 103841  
offense the person is guilty of a misdemeanor of the fourth 103842  
degree, except that an individual guilty of a subsequent offense 103843  
shall not be subject to imprisonment, but to a fine alone of up 103844  
to one thousand dollars for each offense. 103845

(2) Whoever violates division (B) (2) or (C) (3) of section 103846  
4762.16 of the Revised Code is guilty of ~~failure to report~~ 103847  
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 103848  
fourth degree. ~~If the offender has previously been convicted of~~ 103849  
~~a violation of this division, the failure to report on a first~~ 103850  
~~offense; on each subsequent offense, the person is guilty of a~~ 103851  
misdemeanor of the first degree. 103852

(C) Whoever violates division (E) of section 4762.14 of 103853  
the Revised Code is guilty of ~~disclosing confidential~~ 103854  
~~investigatory information,~~ a misdemeanor of the first degree. 103855

**Sec. 4767.10.** (A) The division of real estate in the 103856

department of commerce shall use ~~one dollar~~ six dollars of each 103857  
burial permit fee collected pursuant to section 3705.17 of the 103858  
Revised Code and paid into the state treasury to the credit of 103859  
the cemetery registration fund created under section 4767.03 of 103860  
the Revised Code to advance grants to cemeteries registered with 103861  
the division to defray the costs of exceptional cemetery 103862  
maintenance or training cemetery personnel in the maintenance 103863  
and operation of cemeteries. The division may not provide a 103864  
grant to a corporation or association that operates a cemetery 103865  
for profit. Grants provided under this section shall not exceed 103866  
five thousand dollars. An operator of five or more cemeteries 103867  
registered with the division may apply for and receive one grant 103868  
per year. All other operators of cemeteries registered with the 103869  
division may apply for and receive one grant every other year. 103870  
The division shall advance grants from the cemetery registration 103871  
fund in accordance with rules adopted by the Ohio cemetery 103872  
dispute resolution commission under Chapter 119. of the Revised 103873  
Code. 103874

(B) The director of commerce may increase, by rule adopted 103875  
under Chapter 119. of the Revised Code, the amount of total 103876  
grants the division may advance in a fiscal year if the director 103877  
determines the total amount of funds generated exceeds the 103878  
amount of funds the division needs to carry out its powers and 103879  
duties under this section. If the director determines the 103880  
increased amount depletes the amount of funds the division needs 103881  
to carry out its powers and duties under this section, the 103882  
director may decrease the amount not below the amount specified 103883  
in division (A) of this section. 103884

**Sec. 4772.20.** (A) The state medical board, by an 103885  
affirmative vote of not fewer than six members, may revoke or 103886  
may refuse to grant a license to practice as a certified mental 103887

health assistant to an individual found by the board to have 103888  
committed fraud, misrepresentation, or deception in applying for 103889  
or securing the license. 103890

(B) The board, by an affirmative vote of not fewer than 103891  
six members, shall, except as provided in division (C) of this 103892  
section, and to the extent permitted by law, limit, revoke, or 103893  
suspend an individual's license to practice as a certified 103894  
mental health assistant, refuse to issue a license to an 103895  
applicant, refuse to renew a license, refuse to reinstate a 103896  
license, or reprimand or place on probation the holder of a 103897  
license for any of the following reasons: 103898

(1) Permitting the holder's name or license to be used by 103899  
another person; 103900

(2) Failure to comply with the requirements of this 103901  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 103902  
by the board; 103903

(3) Violating or attempting to violate, directly or 103904  
indirectly, or assisting in or abetting the violation of, or 103905  
conspiring to violate, any provision of this chapter, Chapter 103906  
4731. of the Revised Code, or the rules adopted by the board; 103907

(4) A departure from, or failure to conform to, minimal 103908  
standards of care of similar practitioners under the same or 103909  
similar circumstances whether or not actual injury to the 103910  
patient is established; 103911

(5) Inability to practice according to acceptable and 103912  
prevailing standards of care by reason of mental illness or 103913  
physical illness, including physical deterioration that 103914  
adversely affects cognitive, motor, or perceptive skills; 103915

(6) Impairment of ability to practice according to 103916

acceptable and prevailing standards of care because of habitual 103917  
or excessive use or abuse of drugs, alcohol, or other substances 103918  
that impair ability to practice; 103919

(7) Willfully betraying a professional confidence; 103920

(8) Making a false, fraudulent, deceptive, or misleading 103921  
statement in securing or attempting to secure a license to 103922  
practice as a certified mental health assistant. 103923

As used in this division, "false, fraudulent, deceptive, 103924  
or misleading statement" means a statement that includes a 103925  
misrepresentation of fact, is likely to mislead or deceive 103926  
because of a failure to disclose material facts, is intended or 103927  
is likely to create false or unjustified expectations of 103928  
favorable results, or includes representations or implications 103929  
that in reasonable probability will cause an ordinarily prudent 103930  
person to misunderstand or be deceived. 103931

(9) The obtaining of, or attempting to obtain, money or a 103932  
thing of value by fraudulent misrepresentations in the course of 103933  
practice; 103934

(10) A plea of guilty to, a judicial finding of guilt of, 103935  
or a judicial finding of eligibility for intervention in lieu of 103936  
conviction for, a felony; 103937

(11) Commission of an act that constitutes a felony in 103938  
this state, regardless of the jurisdiction in which the act was 103939  
committed; 103940

(12) A plea of guilty to, a judicial finding of guilt of, 103941  
or a judicial finding of eligibility for intervention in lieu of 103942  
conviction for, a misdemeanor committed in the course of 103943  
practice; 103944



(13) A plea of guilty to, a judicial finding of guilt of, 103945  
or a judicial finding of eligibility for intervention in lieu of 103946  
conviction for, a misdemeanor involving moral turpitude; 103947

(14) Commission of an act in the course of practice that 103948  
constitutes a misdemeanor in this state, regardless of the 103949  
jurisdiction in which the act was committed; 103950

(15) Commission of an act involving moral turpitude that 103951  
constitutes a misdemeanor in this state, regardless of the 103952  
jurisdiction in which the act was committed; 103953

(16) A plea of guilty to, a judicial finding of guilt of, 103954  
or a judicial finding of eligibility for intervention in lieu of 103955  
conviction for violating any state or federal law regulating the 103956  
possession, distribution, or use of any drug, including 103957  
trafficking in drugs; 103958

(17) Any of the following actions taken by the state 103959  
agency responsible for regulating the practice of certified 103960  
mental health assistants in another jurisdiction, for any reason 103961  
other than the nonpayment of fees: the limitation, revocation, 103962  
or suspension of an individual's license to practice; acceptance 103963  
of an individual's license surrender; denial of a license; 103964  
refusal to renew or reinstate a license; imposition of 103965  
probation; or issuance of an order of censure or other 103966  
reprimand; 103967

(18) Violation of the conditions placed by the board on a 103968  
license to practice as a certified mental health assistant; 103969

(19) Failure to use universal blood and body fluid 103970  
precautions established by rules adopted under section 4731.051 103971  
of the Revised Code; 103972

(20) Failure to cooperate in an investigation conducted by 103973

the board under section 4772.21 of the Revised Code, including 103974  
failure to comply with a subpoena or order issued by the board 103975  
or failure to answer truthfully a question presented by the 103976  
board at a deposition or in written interrogatories, except that 103977  
failure to cooperate with an investigation shall not constitute 103978  
grounds for discipline under this section if a court of 103979  
competent jurisdiction has issued an order that either quashes a 103980  
subpoena or permits the individual to withhold the testimony or 103981  
evidence in issue; 103982

(21) Failure to practice in accordance with the 103983  
supervising physician's supervision agreement with the certified 103984  
mental health assistant; 103985

(22) Administering drugs for purposes other than those 103986  
authorized under this chapter; 103987

(23) Failure to comply with section 4772.13 of the Revised 103988  
Code, unless the board no longer maintains a drug database 103989  
pursuant to section 4729.75 of the Revised Code; 103990

(24) Assisting suicide, as defined in section 3795.01 of 103991  
the Revised Code. 103992

(C) The board shall not refuse to issue a license to an 103993  
applicant because of a plea of guilty to, a judicial finding of 103994  
guilt of, or a judicial finding of eligibility for intervention 103995  
in lieu of conviction for an offense unless the refusal is in 103996  
accordance with section 9.79 of the Revised Code. 103997

(D) Disciplinary actions taken by the board under 103998  
divisions (A) and (B) of this section shall be taken pursuant to 103999  
an adjudication under Chapter 119. of the Revised Code, except 104000  
that in lieu of an adjudication, the board may enter into a 104001  
consent agreement with a certified mental health assistant or 104002

applicant to resolve an allegation of a violation of this 104003  
chapter or any rule adopted under it. A consent agreement, when 104004  
ratified by an affirmative vote of not fewer than six members of 104005  
the board, shall constitute the findings and order of the board 104006  
with respect to the matter addressed in the agreement. If the 104007  
board refuses to ratify a consent agreement, the admissions and 104008  
findings contained in the consent agreement shall be of no force 104009  
or effect. 104010

(E) For purposes of divisions (B) (11), (14), and (15) of 104011  
this section, the commission of the act may be established by a 104012  
finding by the board, pursuant to an adjudication under Chapter 104013  
119. of the Revised Code, that the applicant or license holder 104014  
committed the act in question. The board shall have no 104015  
jurisdiction under these divisions in cases where the trial 104016  
court renders a final judgment in the license holder's favor and 104017  
that judgment is based upon an adjudication on the merits. The 104018  
board shall have jurisdiction under these divisions in cases 104019  
where the trial court issues an order of dismissal on technical 104020  
or procedural grounds. 104021

(F) The sealing or expungement of conviction records by 104022  
any court shall have no effect on a prior board order entered 104023  
under the provisions of this section or on the board's 104024  
jurisdiction to take action under the provisions of this section 104025  
if, based upon a plea of guilty, a judicial finding of guilt, or 104026  
a judicial finding of eligibility for intervention in lieu of 104027  
conviction, the board issued a notice of opportunity for a 104028  
hearing prior to the court's order to seal or expunge the 104029  
records. The board shall not be required to seal, destroy, 104030  
redact, or otherwise modify its records to reflect the court's 104031  
sealing or expungement of conviction records. 104032

(G) For purposes of this division, any individual who 104033  
holds a license to practice as a certified mental health 104034  
assistant issued under this chapter, or applies for a license, 104035  
shall be deemed to have given consent to submit to a mental or 104036  
physical examination when directed to do so in writing by the 104037  
board and to have waived all objections to the admissibility of 104038  
testimony or examination reports that constitute a privileged 104039  
communication. 104040

(1) In enforcing division (B)(5) of this section, the 104041  
board, on a showing of a possible violation, may compel any 104042  
individual who holds a license to practice as a certified mental 104043  
health assistant issued under this chapter or who has applied 104044  
for a license to submit to a mental or physical examination, or 104045  
both. A physical examination may include an HIV test. The 104046  
expense of the examination is the responsibility of the 104047  
individual compelled to be examined. Failure to submit to a 104048  
mental or physical examination or consent to an HIV test ordered 104049  
by the board constitutes an admission of the allegations against 104050  
the individual unless the failure is due to circumstances beyond 104051  
the individual's control, and a default and final order may be 104052  
entered without the taking of testimony or presentation of 104053  
evidence. If the board finds a certified mental health assistant 104054  
unable to practice because of the reasons set forth in division 104055  
(B)(5) of this section, the board shall require the certified 104056  
mental health assistant to submit to care, counseling, or 104057  
treatment by physicians approved or designated by the board, as 104058  
a condition for an initial, continued, reinstated, or renewed 104059  
license. An individual affected by this division shall be 104060  
afforded an opportunity to demonstrate to the board the ability 104061  
to resume practicing in compliance with acceptable and 104062  
prevailing standards of care. 104063

(2) For purposes of division (B)(6) of this section, if 104064  
the board has reason to believe that any individual who holds a 104065  
license to practice as a certified mental health assistant 104066  
issued under this chapter or any applicant for a license suffers 104067  
such impairment, the board may compel the individual to submit 104068  
to a mental or physical examination, or both. The expense of the 104069  
examination is the responsibility of the individual compelled to 104070  
be examined. Any mental or physical examination required under 104071  
this division shall be undertaken by a treatment provider or 104072  
physician qualified to conduct such examination and chosen by 104073  
the board. 104074

Failure to submit to a mental or physical examination 104075  
ordered by the board constitutes an admission of the allegations 104076  
against the individual unless the failure is due to 104077  
circumstances beyond the individual's control, and a default and 104078  
final order may be entered without the taking of testimony or 104079  
presentation of evidence. If the board determines that the 104080  
individual's ability to practice is impaired, the board shall 104081  
suspend the individual's license or deny the individual's 104082  
application and shall require the individual, as a condition for 104083  
an initial, continued, reinstated, or renewed license to 104084  
practice, to submit to treatment. 104085

Before being eligible to apply for reinstatement of a 104086  
license suspended under this division, the certified mental 104087  
health assistant shall demonstrate to the board the ability to 104088  
resume practice in compliance with acceptable and prevailing 104089  
standards of care. The demonstration shall include the 104090  
following: 104091

(a) Certification from a treatment provider approved under 104092  
section 4731.25 of the Revised Code that the individual has 104093

successfully completed any required inpatient treatment; 104094

(b) Evidence of continuing full compliance with an 104095  
aftercare contract or consent agreement; 104096

(c) Two written reports indicating that the individual's 104097  
ability to practice has been assessed and that the individual 104098  
has been found capable of practicing according to acceptable and 104099  
prevailing standards of care. The reports shall be made by 104100  
individuals or providers approved by the board for making such 104101  
assessments and shall describe the basis for their 104102  
determination. 104103

The board may reinstate a license suspended under this 104104  
division after such demonstration and after the individual has 104105  
entered into a written consent agreement. 104106

When the impaired certified mental health assistant 104107  
resumes practice, the board shall require continued monitoring 104108  
of the certified mental health assistant. The monitoring shall 104109  
include monitoring of compliance with the written consent 104110  
agreement entered into before reinstatement or with conditions 104111  
imposed by board order after a hearing, and, on termination of 104112  
the consent agreement, submission to the board for at least two 104113  
years of annual written progress reports made under penalty of 104114  
falsification stating whether the certified mental health 104115  
assistant has maintained sobriety. 104116

~~(H)~~ (H) (1) If either of the following circumstances occur, 104117  
the secretary and supervising member ~~determine that may~~ 104118  
recommend that the board suspend the individual's license 104119  
without a prior hearing: 104120

(a) The secretary and supervising member determine both of 104121  
the following: 104122

(i) That there is clear and convincing evidence that a 104123  
certified mental health assistant has violated division (B) of 104124  
this section~~and that;~~ 104125

(ii) That the individual's continued practice presents a 104126  
danger of immediate and serious harm to the public,~~they may~~ 104127  
~~recommend that the board suspend the individual's license to~~ 104128  
~~practice without a prior hearing.~~ 104129

(b) The board receives verifiable information that a 104130  
licensee has been charged in any state or federal court with a 104131  
crime classified as a felony under the charging court's law and 104132  
the conduct charged constitutes a violation of division (B) of 104133  
this section. Written 104134

(2) If a recommendation is made to suspend without a prior 104135  
hearing pursuant to division (H) (1) of this section, written 104136  
allegations shall be prepared for consideration by the board. 104137

The board, on review of the allegations and by an 104138  
affirmative vote of not fewer than six of its members, excluding 104139  
the secretary and supervising member, may suspend a license 104140  
without a prior hearing. A telephone conference call may be 104141  
utilized for reviewing the allegations and taking the vote on 104142  
the summary suspension. 104143

The board shall issue a written order of suspension by 104144  
certified mail or in person in accordance with section 119.07 of 104145  
the Revised Code. ~~The order shall not be subject to suspension~~ 104146  
~~by the court during pendency of any appeal filed under section~~ 104147  
~~119.12 of the Revised Code.~~ If the certified mental health 104148  
assistant requests an adjudicatory hearing by the board, the 104149  
date set for the hearing shall be within fifteen days, but not 104150  
earlier than seven days, after the certified mental health 104151

assistant requests the hearing, unless otherwise agreed to by 104152  
both the board and the license holder. 104153

(3) A summary suspension imposed under this division is 104154  
not a final appealable order and is not an adjudication that may 104155  
be appealed under section 119.12 of the Revised Code. The 104156  
summary suspension shall remain in effect,~~unless reversed on~~ 104157  
~~appeal,~~ until a final adjudicative order issued by the board 104158  
pursuant to this section and Chapter 119. of the Revised Code 104159  
becomes effective. Once a final adjudicative order has been 104160  
issued by the board, any party adversely affected by it may file 104161  
an appeal in accordance with Chapter 119. of the Revised Code. 104162  
~~The~~ 104163

The board shall issue its final adjudicative order within 104164  
~~sixty-seventy-five~~ days after completion of its hearing. Failure 104165  
to issue the order within ~~sixty-seventy-five~~ days shall result 104166  
in dissolution of the summary suspension order, but shall not 104167  
invalidate any subsequent, final adjudicative order. 104168

(I) If the board takes action under division (B) (10), 104169  
(12), or (13) of this section, and the judicial finding of 104170  
guilt, guilty plea, or judicial finding of eligibility for 104171  
intervention in lieu of conviction is overturned on appeal, on 104172  
exhaustion of the criminal appeal, a petition for 104173  
reconsideration of the order may be filed with the board along 104174  
with appropriate court documents. On receipt of a petition and 104175  
supporting court documents, the board shall reinstate the 104176  
license to practice as a certified mental health assistant. The 104177  
board may then hold an adjudication under Chapter 119. of the 104178  
Revised Code to determine whether the individual committed the 104179  
act in question. Notice of opportunity for hearing shall be 104180  
given in accordance with Chapter 119. of the Revised Code. If 104181



the board finds, pursuant to an adjudication held under this 104182  
division, that the individual committed the act, or if no 104183  
hearing is requested, it may order any of the sanctions 104184  
specified in division (B) of this section. 104185

(J) The license to practice of a certified mental health 104186  
assistant and the assistant's practice in this state are 104187  
automatically suspended as of the date the certified mental 104188  
health assistant pleads guilty to, is found by a judge or jury 104189  
to be guilty of, or is subject to a judicial finding of 104190  
eligibility for intervention in lieu of conviction in this state 104191  
or treatment of intervention in lieu of conviction in another 104192  
jurisdiction for any of the following criminal offenses in this 104193  
state or a substantially equivalent criminal offense in another 104194  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 104195  
felonious assault, trafficking in persons, kidnapping, rape, 104196  
sexual battery, gross sexual imposition, aggravated arson, 104197  
aggravated robbery, or aggravated burglary. Continued practice 104198  
after the suspension shall be considered practicing without a 104199  
license. 104200

The board shall notify the individual subject to the 104201  
suspension by certified mail or in person in accordance with 104202  
section 119.07 of the Revised Code. If an individual whose 104203  
license is suspended under this division fails to make a timely 104204  
request for an adjudication under Chapter 119. of the Revised 104205  
Code, the board shall enter a final order permanently revoking 104206  
the individual's license. 104207

(K) In any instance in which the board is required by 104208  
Chapter 119. of the Revised Code to give notice of opportunity 104209  
for hearing and the individual subject to the notice does not 104210  
timely request a hearing in accordance with section 119.07 of 104211

the Revised Code, the board is not required to hold a hearing, 104212  
but may adopt, by an affirmative vote of not fewer than six of 104213  
its members, a final order that contains the board's findings. 104214  
In the final order, the board may order any of the sanctions 104215  
identified under division (A) or (B) of this section. 104216

(L) Any action taken by the board under division (B) of 104217  
this section resulting in a suspension shall be accompanied by a 104218  
written statement of the conditions under which the certified 104219  
mental health assistant's license may be reinstated. The board 104220  
shall adopt rules in accordance with Chapter 119. of the Revised 104221  
Code governing conditions to be imposed for reinstatement. 104222  
Reinstatement of a license suspended pursuant to division (B) of 104223  
this section requires an affirmative vote of not fewer than six 104224  
members of the board. 104225

(M) When the board refuses to grant or issue a license to 104226  
practice as a certified mental health assistant to an applicant, 104227  
revokes an individual's license, refuses to renew an 104228  
individual's license, or refuses to reinstate an individual's 104229  
license, the board may specify that its action is permanent. An 104230  
individual subject to a permanent action taken by the board is 104231  
forever thereafter ineligible to hold a license to practice as a 104232  
certified mental health assistant and the board shall not accept 104233  
an application for reinstatement of the license or for issuance 104234  
of a new license. 104235

(N) Notwithstanding any other provision of the Revised 104236  
Code, all of the following apply: 104237

(1) The surrender of a license to practice as a certified 104238  
mental health assistant issued under this chapter is not 104239  
effective unless or until accepted by the board. Reinstatement 104240  
of a license surrendered to the board requires an affirmative 104241

vote of not fewer than six members of the board. 104242

(2) An application made under this chapter for a license 104243  
to practice may not be withdrawn without approval of the board. 104244

(3) Failure by an individual to renew a license to 104245  
practice in accordance with section 4772.08 of the Revised Code 104246  
shall not remove or limit the board's jurisdiction to take 104247  
disciplinary action under this section against the individual. 104248

**Sec. 4772.21.** (A) The state medical board shall 104249  
investigate evidence that appears to show that any person has 104250  
violated this chapter or the rules adopted under it. Any person 104251  
may report to the board in a signed writing any information the 104252  
person has that appears to show a violation of any provision of 104253  
this chapter or the rules adopted under it. In the absence of 104254  
bad faith, a person who reports such information or testifies 104255  
before the board in an adjudication conducted under Chapter 119. 104256  
of the Revised Code shall not be liable for civil damages as a 104257  
result of reporting the information or providing testimony. Each 104258  
complaint or allegation of a violation received by the board 104259  
shall be assigned a case number and be recorded by the board. 104260

(B) Investigations of alleged violations of this chapter 104261  
or rules adopted under it shall be supervised by the supervising 104262  
member elected by the board in accordance with section 4731.02 104263  
of the Revised Code and by the secretary as provided in section 104264  
4772.24 of the Revised Code. The board's president may designate 104265  
another member of the board to supervise the investigation in 104266  
place of the supervising member. Upon a vote of the majority of 104267  
the board to authorize the addition of a consumer member in the 104268  
supervision of any part of any investigation, the president 104269  
shall designate a consumer member for supervision of 104270  
investigations as determined by the president. The authorization 104271

of consumer member participation in investigation supervision 104272  
may be rescinded by a majority vote of the board. A member of 104273  
the board who supervises the investigation of a case shall not 104274  
participate in further adjudication of the case. 104275

(C) In investigating a possible violation of this chapter 104276  
or the rules adopted under it, the board may administer oaths, 104277  
order the taking of depositions, issue subpoenas, and compel the 104278  
attendance of witnesses and production of books, accounts, 104279  
papers, records, documents, and testimony, except that a 104280  
subpoena for patient record information shall not be issued 104281  
without consultation with the attorney general's office and 104282  
approval of the secretary and supervising member of the board. 104283  
Before issuance of a subpoena for patient record information, 104284  
the secretary and supervising member shall determine whether 104285  
there is probable cause to believe that the complaint filed 104286  
alleges a violation of this chapter or the rules adopted under 104287  
it and that the records sought are relevant to the alleged 104288  
violation and material to the investigation. The subpoena may 104289  
apply only to records that cover a reasonable period of time 104290  
surrounding the alleged violation. 104291

On failure to comply with any subpoena issued by the board 104292  
and after reasonable notice to the person being subpoenaed, the 104293  
board may move for an order compelling the production of persons 104294  
or records pursuant to the Rules of Civil Procedure. 104295

A subpoena issued by the board may be served by a sheriff, 104296  
the sheriff's deputy, or a board employee designated by the 104297  
board. Service of a subpoena issued by the board may be made by 104298  
delivering a copy of the subpoena to the person named therein, 104299  
reading it to the person, or leaving it at the person's usual 104300  
place of residence. When the person being served is a certified 104301

mental health assistant, service of the subpoena may be made by 104302  
certified mail, restricted delivery, return receipt requested, 104303  
and the subpoena shall be deemed served on the date delivery is 104304  
made or the date the person refuses to accept delivery. 104305

A sheriff's deputy who serves a subpoena shall receive the 104306  
same fees as a sheriff. Each witness who appears before the 104307  
board in obedience to a subpoena shall receive the fees and 104308  
mileage provided for witnesses in civil cases in the courts of 104309  
common pleas. 104310

(D) All hearings and investigations of the board shall be 104311  
considered civil actions for the purposes of section 2305.252 of 104312  
the Revised Code. 104313

(E) Information received by the board pursuant to an 104314  
investigation is confidential and not subject to discovery in 104315  
any civil action. 104316

The board shall conduct all investigations and proceedings 104317  
in a manner that protects the confidentiality of patients and 104318  
persons who file complaints with the board. The board shall not 104319  
make public the names or any other identifying information about 104320  
patients or complainants unless proper consent is given. 104321

The board may share any information it receives pursuant 104322  
to an investigation, including patient records and patient 104323  
record information, with law enforcement agencies, other 104324  
licensing boards, and other governmental agencies that are 104325  
prosecuting, adjudicating, or investigating alleged violations 104326  
of statutes or administrative rules. An agency or board that 104327  
receives the information shall comply with the same requirements 104328  
regarding confidentiality as those with which the state medical 104329  
board must comply, notwithstanding any conflicting provision of 104330

the Revised Code or procedure of the agency or board that 104331  
applies when it is dealing with other information in its 104332  
possession. In a judicial proceeding, the information may be 104333  
admitted into evidence only in accordance with the Rules of 104334  
Evidence, but the court shall require that appropriate measures 104335  
are taken to ensure that confidentiality is maintained with 104336  
respect to any part of the information that contains names or 104337  
other identifying information about patients or complainants 104338  
whose confidentiality was protected by the state medical board 104339  
when the information was in the board's possession. Measures to 104340  
ensure confidentiality that may be taken by the court include 104341  
sealing its records or deleting specific information from its 104342  
records. 104343

No person shall knowingly access, use, or disclose 104344  
confidential investigatory information in a manner prohibited by 104345  
law. 104346

(F) On a quarterly basis, the board shall prepare a report 104347  
that documents the disposition of all cases during the preceding 104348  
three months. The report shall contain the following information 104349  
for each case with which the board has completed its activities: 104350

(1) The case number assigned to the complaint or alleged 104351  
violation; 104352

(2) The type of license, if any, held by the individual 104353  
against whom the complaint is directed; 104354

(3) A description of the allegations contained in the 104355  
complaint; 104356

(4) Whether witnesses were interviewed; 104357

(5) Whether the individual against whom the complaint is 104358  
directed is the subject of any pending complaints; 104359

(6) The disposition of the case.

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The report shall state how many cases are still pending,  
and shall be prepared in a manner that protects the identity of  
each person involved in each case. The report is a public record  
for purposes of section 149.43 of the Revised Code.

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(G) The board may provide a status update regarding an  
investigation to a complainant on request if the board verifies  
the complainant's identity.

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**Sec. 4772.23.** (A) As used in this section, "criminal  
conduct" and "sexual misconduct" have the same meanings as in  
section 4731.224 of the Revised Code.

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(B) (1) Within ~~sixty~~ thirty days after the imposition of  
any formal disciplinary action taken by any health care  
facility, including a hospital, health care facility operated by  
a health insuring corporation, ambulatory surgical facility, or  
similar facility, against any individual holding a valid license  
to practice as a certified mental health assistant, the chief  
administrator or executive officer of the facility shall report  
to the state medical board the name of the individual, the  
action taken by the facility, and a summary of the underlying  
facts leading to the action taken. On request, the board shall  
be provided certified copies of the patient records that were  
the basis for the facility's action. Prior to release to the  
board, the summary shall be approved by the peer review  
committee that reviewed the case or by the governing board of  
the facility.

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The filing of a report with the board or decision not to  
file a report, investigation by the board, or any disciplinary  
action taken by the board, does not preclude a health care

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facility from taking disciplinary action against a certified 104389  
mental health assistant. 104390

In the absence of fraud or bad faith, no individual or 104391  
entity that provides patient records to the board shall be 104392  
liable in damages to any person as a result of providing the 104393  
records. 104394

(2) Within thirty days after commencing an investigation 104395  
regarding criminal conduct or sexual misconduct against any 104396  
individual holding a valid license to practice issued pursuant 104397  
to this chapter, a health care facility, including a hospital, 104398  
health care facility operated by a health insuring corporation, 104399  
ambulatory surgical center, or similar facility, shall report to 104400  
the board the name of the individual and a summary of the 104401  
underlying facts related to the investigation being commenced. 104402

~~(B) (1)~~ (C) (1) Except as provided in division ~~(B) (2)~~ (C) (2) 104403  
of this section and subject to division (C) (3) of this section, 104404  
a certified mental health assistant, professional association or 104405  
society of certified mental health assistants, physician, or 104406  
professional association or society of physicians that believes 104407  
a violation of any provision of this chapter, Chapter 4731. of 104408  
the Revised Code, or rule of the board has occurred shall report 104409  
to the board the information on which the belief is based. 104410

(2) A certified mental health assistant, professional 104411  
association or society of certified mental health assistants, 104412  
physician, or professional association or society of physicians 104413  
that believes a violation of division (B) (6) of section 4772.20 104414  
of the Revised Code has occurred shall report the information 104415  
upon which the belief is based to the monitoring organization 104416  
conducting the program established by the board under section 104417  
4731.251 of the Revised Code. If any such report is made to the 104418



board, it shall be referred to the monitoring organization 104419  
unless the board is aware that the individual who is the subject 104420  
of the report does not meet the program eligibility requirements 104421  
of section 4731.252 of the Revised Code. 104422

~~(C)~~ (3) If any individual authorized to practice under this 104423  
chapter or any professional association or society of such 104424  
individuals knows or has reasonable cause to suspect based on 104425  
facts that would cause a reasonable person in a similar position 104426  
to suspect that an individual authorized to practice under this 104427  
chapter has committed or participated in criminal conduct or 104428  
sexual misconduct, the information upon which the belief is 104429  
based shall be reported to the board within thirty days. 104430

This division does not apply to a professional association 104431  
or society whose staff interacts with members of the association 104432  
or society only in advocacy, governance, or educational 104433  
capacities and whose staff does not regularly interact with 104434  
members in practice settings. 104435

(4) In addition to the self-reporting of criminal offenses 104436  
that is required for license renewal, an individual authorized 104437  
to practice under this chapter shall report to the board 104438  
criminal charges regarding criminal conduct, sexual misconduct, 104439  
or any conduct involving the use of a motor vehicle while under 104440  
the influence of alcohol or drugs, including offenses that are 104441  
equivalent offenses under division (A) of section 4511.181 of 104442  
the Revised Code, violations of division (D) of section 4511.194 104443  
of the Revised Code, and violations of division (C) of section 104444  
4511.79 of the Revised Code. Reports under this division shall 104445  
be made within thirty days of the criminal charge being filed. 104446

(D) Any professional association or society composed 104447  
primarily of certified mental health assistants that suspends or 104448

revokes an individual's membership for violations of 104449  
professional ethics, or for reasons of professional incompetence 104450  
or professional malpractice, within ~~sixty~~thirty days after a 104451  
final decision, shall report to the board, on forms prescribed 104452  
and provided by the board, the name of the individual, the 104453  
action taken by the professional organization, and a summary of 104454  
the underlying facts leading to the action taken. 104455

The filing of a report with the board or decision not to 104456  
file a report, investigation by the board, or any disciplinary 104457  
action taken by the board, does not preclude a professional 104458  
organization from taking disciplinary action against a certified 104459  
mental health assistant. 104460

~~(D)~~ (E) Any insurer providing professional liability 104461  
insurance to any person holding a valid license to practice as a 104462  
certified mental health assistant or any other entity that seeks 104463  
to indemnify the professional liability of a certified mental 104464  
health assistant shall notify the board within thirty days after 104465  
the final disposition of any written claim for damages where 104466  
such disposition results in a payment exceeding twenty-five 104467  
thousand dollars. The notice shall contain the following 104468  
information: 104469

(1) The name and address of the person submitting the 104470  
notification; 104471

(2) The name and address of the insured who is the subject 104472  
of the claim; 104473

(3) The name of the person filing the written claim; 104474

(4) The date of final disposition; 104475

(5) If applicable, the identity of the court in which the 104476  
final disposition of the claim took place. 104477

~~(E)~~ (F) The board may investigate possible violations of 104478  
this chapter or the rules adopted under it that are brought to 104479  
its attention as a result of the reporting requirements of this 104480  
section, except that the board shall conduct an investigation if 104481  
a possible violation involves repeated malpractice. As used in 104482  
this division, "repeated malpractice" means three or more claims 104483  
for malpractice within the previous five-year period, each 104484  
resulting in a judgment or settlement in excess of twenty-five 104485  
thousand dollars in favor of the claimant, and each involving 104486  
negligent conduct by the certified mental health assistant. 104487

~~(F)~~ (G) All summaries, reports, and records received and 104488  
maintained by the board pursuant to this section shall be held- 104489  
~~in confidence and shall not be subject to discovery or~~ 104490  
~~introduction in evidence in any federal or state civil action~~ 104491  
~~involving a certified mental health assistant, supervising~~ 104492  
~~physician, or health care facility arising out of matters that~~ 104493  
~~are the subject of the reporting required by this section. The~~ 104494  
~~board may use the information obtained only as the basis for an~~ 104495  
~~investigation, as evidence in a disciplinary hearing against a~~ 104496  
~~certified mental health assistant or supervising physician, or~~ 104497  
~~in any subsequent trial or appeal of a board action or order.~~ 104498

~~The board may disclose the summaries and reports it~~ 104499  
~~receives under this section only to health care facility~~ 104500  
~~committees within or outside this state that are involved in~~ 104501  
~~credentialing or recredentialing a certified mental health~~ 104502  
~~assistant or supervising physician, if applicable, or reviewing~~ 104503  
~~their privilege to practice within a particular facility. The~~ 104504  
~~board shall indicate whether or not the information has been~~ 104505  
~~verified. Information transmitted by the board shall be subject~~ 104506  
~~to the same confidentiality provisions as when maintained by the~~ 104507  
~~board~~ confidential pursuant to division (E) of section 4772.21 of 104508

the Revised Code. 104509

~~(G)~~(H) Except for reports filed by an individual pursuant 104510  
to division ~~(B)~~(B) (2) or (C) of this section, the board shall 104511  
send a copy of any reports or summaries it receives pursuant to 104512  
this section to the certified mental health assistant. The 104513  
certified mental health assistant shall have the right to file a 104514  
statement with the board concerning the correctness or relevance 104515  
of the information. The statement shall at all times accompany 104516  
that part of the record in contention. 104517

~~(H)~~(I) An individual or entity that reports to the board, 104518  
reports to the monitoring organization described in section 104519  
4731.251 of the Revised Code, or refers an impaired certified 104520  
mental health assistant to a treatment provider approved by the 104521  
board under section 4731.25 of the Revised Code shall not be 104522  
subject to suit for civil damages as a result of the report, 104523  
referral, or provision of the information. 104524

~~(I)~~(J) In the absence of fraud or bad faith, a 104525  
professional association or society of certified mental health 104526  
assistants that sponsors a committee or program to provide peer 104527  
assistance to a certified mental health assistant with substance 104528  
abuse problems, a representative or agent of such a committee or 104529  
program, a representative or agent of the monitoring 104530  
organization described in section 4731.251 of the Revised Code, 104531  
and a member of the state medical board shall not be held liable 104532  
in damages to any person by reason of actions taken to refer a 104533  
certified mental health assistant to a treatment provider 104534  
approved under section 4731.25 of the Revised Code for 104535  
examination or treatment. 104536

**Sec. 4772.99.** (A) Whoever violates section 4772.02 of the 104537  
Revised Code is guilty of a misdemeanor of the first degree on a 104538

first offense; on each subsequent offense, the person is guilty 104539  
of a felony of the fourth degree. 104540

~~(B)~~ (B) (1) Whoever violates division ~~(A)~~, ~~(B)~~ (B) (1), ~~(C)~~ (C) 104541  
(1), ~~or~~ (C) (2), (D), or (E) of section 4772.23 of the Revised 104542  
Code is guilty of a minor misdemeanor on a first offense; on 104543  
each subsequent offense the person is guilty of a misdemeanor of 104544  
the fourth degree, except that an individual guilty of a 104545  
subsequent offense shall not be subject to imprisonment, but to 104546  
a fine alone of up to one thousand dollars for each offense. 104547

(2) Whoever violates division (B) (2) or (C) (3) of section 104548  
4772.23 of the Revised Code is guilty of a misdemeanor of the 104549  
fourth degree; on each subsequent offense, the person is guilty 104550  
of a misdemeanor of the first degree. 104551

(C) Whoever violates division (E) of section 4772.21 of 104552  
the Revised Code is guilty of a misdemeanor of the first degree. 104553

**Sec. 4774.13.** (A) The state medical board, by an 104554  
affirmative vote of not fewer than six members, may refuse to 104555  
grant a license to practice as a radiologist assistant to, or 104556  
may revoke the license held by, an individual found by the board 104557  
to have committed fraud, misrepresentation, or deception in 104558  
applying for or securing the license. 104559

(B) The board, by an affirmative vote of not fewer than 104560  
six members, shall, except as provided in division (C) of this 104561  
section, and to the extent permitted by law, limit, revoke, or 104562  
suspend an individual's license to practice as a radiologist 104563  
assistant, refuse to issue a license to an applicant, refuse to 104564  
renew a license, refuse to reinstate a license, or reprimand or 104565  
place on probation the holder of a license for any of the 104566  
following reasons: 104567

- (1) Permitting the holder's name or license to be used by another person; 104568  
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- (2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 104570  
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- (3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 104573  
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- (4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 104577  
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- (5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 104581  
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- (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice; 104585  
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- (7) Willfully betraying a professional confidence; 104589
- (8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant. 104590  
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- As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive 104593  
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because of a failure to disclose material facts, is intended or 104596  
is likely to create false or unjustified expectations of 104597  
favorable results, or includes representations or implications 104598  
that in reasonable probability will cause an ordinarily prudent 104599  
person to misunderstand or be deceived. 104600

(9) The obtaining of, or attempting to obtain, money or a 104601  
thing of value by fraudulent misrepresentations in the course of 104602  
practice; 104603

(10) A plea of guilty to, a judicial finding of guilt of, 104604  
or a judicial finding of eligibility for intervention in lieu of 104605  
conviction for, a felony; 104606

(11) Commission of an act that constitutes a felony in 104607  
this state, regardless of the jurisdiction in which the act was 104608  
committed; 104609

(12) A plea of guilty to, a judicial finding of guilt of, 104610  
or a judicial finding of eligibility for intervention in lieu of 104611  
conviction for, a misdemeanor committed in the course of 104612  
practice; 104613

(13) A plea of guilty to, a judicial finding of guilt of, 104614  
or a judicial finding of eligibility for intervention in lieu of 104615  
conviction for, a misdemeanor involving moral turpitude; 104616

(14) Commission of an act in the course of practice that 104617  
constitutes a misdemeanor in this state, regardless of the 104618  
jurisdiction in which the act was committed; 104619

(15) Commission of an act involving moral turpitude that 104620  
constitutes a misdemeanor in this state, regardless of the 104621  
jurisdiction in which the act was committed; 104622

(16) A plea of guilty to, a judicial finding of guilt of, 104623

or a judicial finding of eligibility for intervention in lieu of 104624  
conviction for violating any state or federal law regulating the 104625  
possession, distribution, or use of any drug, including 104626  
trafficking in drugs; 104627

(17) Any of the following actions taken by the state 104628  
agency responsible for regulating the practice of radiologist 104629  
assistants in another jurisdiction, for any reason other than 104630  
the nonpayment of fees: the limitation, revocation, or 104631  
suspension of an individual's license to practice; acceptance of 104632  
an individual's license surrender; denial of a license; refusal 104633  
to renew or reinstate a license; imposition of probation; or 104634  
issuance of an order of censure or other reprimand; 104635

(18) Violation of the conditions placed by the board on a 104636  
license to practice as a radiologist assistant; 104637

(19) Failure to use universal blood and body fluid 104638  
precautions established by rules adopted under section 4731.051 104639  
of the Revised Code; 104640

(20) Failure to cooperate in an investigation conducted by 104641  
the board under section 4774.14 of the Revised Code, including 104642  
failure to comply with a subpoena or order issued by the board 104643  
or failure to answer truthfully a question presented by the 104644  
board at a deposition or in written interrogatories, except that 104645  
failure to cooperate with an investigation shall not constitute 104646  
grounds for discipline under this section if a court of 104647  
competent jurisdiction has issued an order that either quashes a 104648  
subpoena or permits the individual to withhold the testimony or 104649  
evidence in issue; 104650

(21) Failure to maintain a license as a radiographer under 104651  
Chapter 4773. of the Revised Code; 104652



(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained;

(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant.

(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(E) For purposes of divisions (B) (11), (14), and (15) of 104683  
this section, the commission of the act may be established by a 104684  
finding by the board, pursuant to an adjudication under Chapter 104685  
119. of the Revised Code, that the applicant or license holder 104686  
committed the act in question. The board shall have no 104687  
jurisdiction under these divisions in cases where the trial 104688  
court renders a final judgment in the license holder's favor and 104689  
that judgment is based upon an adjudication on the merits. The 104690  
board shall have jurisdiction under these divisions in cases 104691  
where the trial court issues an order of dismissal on technical 104692  
or procedural grounds. 104693

(F) The sealing or expungement of conviction records by 104694  
any court shall have no effect on a prior board order entered 104695  
under the provisions of this section or on the board's 104696  
jurisdiction to take action under the provisions of this section 104697  
if, based upon a plea of guilty, a judicial finding of guilt, or 104698  
a judicial finding of eligibility for intervention in lieu of 104699  
conviction, the board issued a notice of opportunity for a 104700  
hearing prior to the court's order to seal or expunge the 104701  
records. The board shall not be required to seal, destroy, 104702  
redact, or otherwise modify its records to reflect the court's 104703  
sealing or expungement of conviction records. 104704

(G) For purposes of this division, any individual who 104705  
holds a license to practice as a radiologist assistant issued 104706  
under this chapter, or applies for a license, shall be deemed to 104707  
have given consent to submit to a mental or physical examination 104708  
when directed to do so in writing by the board and to have 104709  
waived all objections to the admissibility of testimony or 104710  
examination reports that constitute a privileged communication. 104711

(1) In enforcing division (B) (5) of this section, the 104712

board, on a showing of a possible violation, shall refer any 104713  
individual who holds, or has applied for, a license to practice 104714  
as a radiologist assistant issued under this chapter to the 104715  
monitoring organization that conducts the confidential 104716  
monitoring program established under section 4731.25 of the 104717  
Revised Code. The board also may compel the individual to submit 104718  
to a mental or physical examination, or both. A physical 104719  
examination may include an HIV test. The expense of the 104720  
examination is the responsibility of the individual compelled to 104721  
be examined. Failure to submit to a mental or physical 104722  
examination or consent to an HIV test ordered by the board 104723  
constitutes an admission of the allegations against the 104724  
individual unless the failure is due to circumstances beyond the 104725  
individual's control, and a default and final order may be 104726  
entered without the taking of testimony or presentation of 104727  
evidence. If the board finds a radiologist assistant unable to 104728  
practice because of the reasons set forth in division (B)(5) of 104729  
this section, the board shall require the radiologist assistant 104730  
to submit to care, counseling, or treatment by physicians 104731  
approved or designated by the board, as a condition for an 104732  
initial, continued, reinstated, or renewed license. An 104733  
individual affected by this division shall be afforded an 104734  
opportunity to demonstrate to the board the ability to resume 104735  
practicing in compliance with acceptable and prevailing 104736  
standards of care. 104737

(2) For purposes of division (B)(6) of this section, if 104738  
the board has reason to believe that any individual who holds a 104739  
license to practice as a radiologist assistant issued under this 104740  
chapter or any applicant for a license suffers such impairment, 104741  
the board shall refer the individual to the monitoring 104742  
organization that conducts the confidential monitoring program 104743

established under section 4731.25 of the Revised Code. The board 104744  
also may compel the individual to submit to a mental or physical 104745  
examination, or both. The expense of the examination is the 104746  
responsibility of the individual compelled to be examined. Any 104747  
mental or physical examination required under this division 104748  
shall be undertaken by a treatment provider or physician 104749  
qualified to conduct such examination and approved under section 104750  
4731.251 of the Revised Code. 104751

Failure to submit to a mental or physical examination 104752  
ordered by the board constitutes an admission of the allegations 104753  
against the individual unless the failure is due to 104754  
circumstances beyond the individual's control, and a default and 104755  
final order may be entered without the taking of testimony or 104756  
presentation of evidence. If the board determines that the 104757  
individual's ability to practice is impaired, the board shall 104758  
suspend the individual's license or deny the individual's 104759  
application and shall require the individual, as a condition for 104760  
an initial, continued, reinstated, or renewed license to 104761  
practice, to submit to treatment. 104762

Before being eligible to apply for reinstatement of a 104763  
license suspended under this division, the radiologist assistant 104764  
shall demonstrate to the board the ability to resume practice in 104765  
compliance with acceptable and prevailing standards of care. The 104766  
demonstration shall include the following: 104767

(a) Certification from a treatment provider approved under 104768  
section 4731.251 of the Revised Code that the individual has 104769  
successfully completed any required inpatient treatment; 104770

(b) Evidence of continuing full compliance with an 104771  
aftercare contract or consent agreement; 104772

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired radiologist assistant resumes practice, the board shall require continued monitoring of the radiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the radiologist assistant has maintained sobriety.

(H) (1) If either of the following circumstances occur, the secretary and supervising member may recommend that the board suspend the individual's license to practice without a prior hearing:

(a) The secretary and supervising member determine that there is clear and convincing evidence that a radiologist assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public.

(b) The board receives verifiable information that a

licensee has been charged in any state or federal court for a 104802  
crime classified as a felony under the charging court's law and 104803  
the conduct charged constitutes a violation of division (B) of 104804  
this section. 104805

(2) If a recommendation is made to suspend without a prior 104806  
hearing pursuant to division (H)(1) of this section, written 104807  
allegations shall be prepared for consideration by the board. 104808

The board, on review of the allegations and by an 104809  
affirmative vote of not fewer than six of its members, excluding 104810  
the secretary and supervising member, may suspend a license 104811  
without a prior hearing. A telephone conference call may be 104812  
utilized for reviewing the allegations and taking the vote on 104813  
the summary suspension. 104814

The board shall serve a written order of suspension in 104815  
accordance with sections 119.05 and 119.07 of the Revised Code. 104816  
~~The order shall not be subject to suspension by the court during~~ 104817  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 104818  
~~Code.~~ If the radiologist assistant requests an adjudicatory 104819  
hearing by the board, the date set for the hearing shall be 104820  
within fifteen days, but not earlier than seven days, after the 104821  
radiologist assistant requests the hearing, unless otherwise 104822  
agreed to by both the board and the license holder. 104823

(3) A summary suspension imposed under ~~this division~~ (H) 104824  
(2) of this section is not a final appealable order and is not 104825  
an adjudication that may be appealed under section 119.12 of the 104826  
Revised Code. The summary suspension shall remain in effect, 104827  
~~unless reversed on appeal,~~ until a final adjudicative order 104828  
issued by the board pursuant to this section and Chapter 119. of 104829  
the Revised Code becomes effective. Once a final adjudicative 104830  
order has been issued by the board, any party adversely affected 104831

by it may file an appeal in accordance with the requirements of 104832  
Chapter 119. of the Revised Code. ~~The~~ 104833

The board shall issue its final adjudicative order within 104834  
~~sixty-seventy-five~~ days after completion of its hearing. Failure 104835  
to issue the order within ~~sixty-seventy-five~~ days shall result 104836  
in dissolution of the summary suspension order, but shall not 104837  
invalidate any subsequent, final adjudicative order. 104838

(I) If the board takes action under division (B) (10), 104839  
(12), or (13) of this section, and the judicial finding of 104840  
guilt, guilty plea, or judicial finding of eligibility for 104841  
intervention in lieu of conviction is overturned on appeal, on 104842  
exhaustion of the criminal appeal, a petition for 104843  
reconsideration of the order may be filed with the board along 104844  
with appropriate court documents. On receipt of a petition and 104845  
supporting court documents, the board shall reinstate the 104846  
license to practice as a radiologist assistant. The board may 104847  
then hold an adjudication under Chapter 119. of the Revised Code 104848  
to determine whether the individual committed the act in 104849  
question. Notice of opportunity for hearing shall be given in 104850  
accordance with Chapter 119. of the Revised Code. If the board 104851  
finds, pursuant to an adjudication held under this division, 104852  
that the individual committed the act, or if no hearing is 104853  
requested, it may order any of the sanctions specified in 104854  
division (B) of this section. 104855

(J) The license to practice of a radiologist assistant and 104856  
the assistant's practice in this state are automatically 104857  
suspended as of the date the radiologist assistant pleads guilty 104858  
to, is found by a judge or jury to be guilty of, or is subject 104859  
to a judicial finding of eligibility for intervention in lieu of 104860  
conviction in this state or treatment or intervention in lieu of 104861

conviction in another jurisdiction for any of the following 104862  
criminal offenses in this state or a substantially equivalent 104863  
criminal offense in another jurisdiction: aggravated murder, 104864  
murder, voluntary manslaughter, felonious assault, trafficking 104865  
in persons, kidnapping, rape, sexual battery, gross sexual 104866  
imposition, aggravated arson, aggravated robbery, or aggravated 104867  
burglary. Continued practice after the suspension shall be 104868  
considered practicing without a license. 104869

The board shall serve the individual subject to the 104870  
suspension in accordance with sections 119.05 and 119.07 of the 104871  
Revised Code. If an individual whose license is suspended under 104872  
this division fails to make a timely request for an adjudication 104873  
under Chapter 119. of the Revised Code, the board shall enter a 104874  
final order permanently revoking the individual's license. 104875

(K) In any instance in which the board is required by 104876  
Chapter 119. of the Revised Code to give notice of opportunity 104877  
for hearing and the individual subject to the notice does not 104878  
timely request a hearing in accordance with section 119.07 of 104879  
the Revised Code, the board is not required to hold a hearing, 104880  
but may adopt, by an affirmative vote of not fewer than six of 104881  
its members, a final order that contains the board's findings. 104882  
In the final order, the board may order any of the sanctions 104883  
identified under division (A) or (B) of this section. 104884

(L) Any action taken by the board under division (B) of 104885  
this section resulting in a suspension shall be accompanied by a 104886  
written statement of the conditions under which the radiologist 104887  
assistant's license may be reinstated. The board shall adopt 104888  
rules in accordance with Chapter 119. of the Revised Code 104889  
governing conditions to be imposed for reinstatement. 104890  
Reinstatement of a license suspended pursuant to division (B) of 104891



this section requires an affirmative vote of not fewer than six 104892  
members of the board. 104893

(M) When the board refuses to grant or issue a license to 104894  
practice as a radiologist assistant to an applicant, revokes an 104895  
individual's license, refuses to renew an individual's license, 104896  
or refuses to reinstate an individual's license, the board may 104897  
specify that its action is permanent. An individual subject to a 104898  
permanent action taken by the board is forever thereafter 104899  
ineligible to hold a license to practice as a radiologist 104900  
assistant and the board shall not accept an application for 104901  
reinstatement of the license or for issuance of a new license. 104902

(N) Notwithstanding any other provision of the Revised 104903  
Code, all of the following apply: 104904

(1) The surrender of a license to practice as a 104905  
radiologist assistant issued under this chapter is not effective 104906  
unless or until accepted by the board. Reinstatement of a 104907  
license surrendered to the board requires an affirmative vote of 104908  
not fewer than six members of the board. 104909

(2) An application made under this chapter for a license 104910  
to practice may not be withdrawn without approval of the board. 104911

(3) Failure by an individual to renew a license to 104912  
practice in accordance with section 4774.06 of the Revised Code 104913  
does not remove or limit the board's jurisdiction to take 104914  
disciplinary action under this section against the individual. 104915

(4) The placement of an individual's license on retired 104916  
status, as described in section 4774.062 of the Revised Code, 104917  
does not remove or limit the board's jurisdiction to take any 104918  
disciplinary action against the individual with regard to the 104919  
license as it existed before being placed on retired status. 104920

**Sec. 4774.99.** (A) Whoever violates division (A) (1) or (2) 104921  
of section 4774.02 of the Revised Code is guilty of a 104922  
misdemeanor of the first degree on a first offense; on each 104923  
subsequent offense, the person is guilty of a felony of the 104924  
fourth degree. 104925

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 104926  
(D), or (E) of section 4774.16 of the Revised Code is guilty of 104927  
a minor misdemeanor on a first offense; on each subsequent 104928  
offense the person is guilty of a misdemeanor of the fourth 104929  
degree, except that an individual guilty of a subsequent offense 104930  
shall not be subject to imprisonment, but to a fine alone of up 104931  
to one thousand dollars for each offense. 104932

(2) Whoever violates division (B) (2) or (C) (3) of section 104933  
4774.16 of the Revised Code is guilty of ~~failure to report~~ 104934  
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 104935  
fourth degree. ~~If the offender has previously been convicted of~~ 104936  
~~a violation of this division, the failure to report~~ on a first 104937  
offense; on each subsequent offense, the person is guilty of a 104938  
misdemeanor of the first degree. 104939

(C) Whoever violates division (E) of section 4774.14 of 104940  
the Revised Code is guilty of ~~disclosing confidential~~ 104941  
~~investigatory information,~~ a misdemeanor of the first degree. 104942

**Sec. 4776.01.** As used in this chapter: 104943

(A) "License" means an authorization evidenced by a 104944  
license, certificate, registration, permit, card, or other 104945  
authority that is issued or conferred by a licensing agency to a 104946  
licensee or to an applicant for an initial license by which the 104947  
licensee or initial license applicant has or claims the 104948  
privilege to engage in a profession, occupation, or occupational 104949

activity, or, except in the case of the state dental board, to 104950  
have control of and operate certain specific equipment, 104951  
machinery, or premises, over which the licensing agency has 104952  
jurisdiction. 104953

(B) Except as provided in section 4776.20 of the Revised 104954  
Code, "licensee" means the person to whom the license is issued 104955  
by a licensing agency. "Licensee" includes a person who, for 104956  
purposes of section 3796.13 of the Revised Code, has complied 104957  
with sections 4776.01 to 4776.04 of the Revised Code and has 104958  
been determined by the division of marijuana control, as the 104959  
applicable licensing agency, to meet the requirements for 104960  
employment. 104961

(C) Except as provided in section 4776.20 of the Revised 104962  
Code, "licensing agency" means any of the following: 104963

(1) The board authorized by Chapters 4701., 4717., 4725., 104964  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 104965  
4753., 4755., 4757., 4758., 4759., 4760., 4761., 4762., 4772., 104966  
4774., 4778., 4779., and 4783. of the Revised Code to issue a 104967  
license to engage in a specific profession, occupation, or 104968  
occupational activity, or to have charge of and operate certain 104969  
specific equipment, machinery, or premises. 104970

(2) The state dental board, relative to its authority to 104971  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 104972  
or 4715.27 of the Revised Code; 104973

(3) The division of marijuana control, relative to its 104974  
authority under Chapter 3796. of the Revised Code and any rules 104975  
adopted under that chapter with respect to a person who is 104976  
subject to section 3796.13 of the Revised Code; 104977

(4) The director of agriculture, relative to the 104978

director's authority to issue licenses under Chapter 928. of the 104979  
Revised Code. 104980

(D) "Applicant for an initial license" includes persons 104981  
seeking a license for the first time and persons seeking a 104982  
license by reciprocity, endorsement, or similar manner of a 104983  
license issued in another state. "Applicant for an initial 104984  
license" also includes a person who, for purposes of section 104985  
3796.13 of the Revised Code, is required to comply with sections 104986  
4776.01 to 4776.04 of the Revised Code. 104987

(E) "Applicant for a restored license" includes persons 104988  
seeking restoration of a license under section 4730.14, 4730.28, 104989  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 104990  
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 104991  
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 104992  
"Applicant for a restored license" does not include a person 104993  
seeking restoration of a license under section 4751.33 of the 104994  
Revised Code. 104995

(F) "Criminal records check" has the same meaning as in 104996  
section 109.572 of the Revised Code. 104997

**Sec. 4776.20.** (A) As used in this section: 104998

(1) "Licensing agency" means, in addition to each board 104999  
identified in division (C) of section 4776.01 of the Revised 105000  
Code, the board or other government entity authorized to issue a 105001  
license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 105002  
4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 105003  
4747., 4749., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 105004  
4766., 4771., 4773., and 4781. of the Revised Code. "Licensing 105005  
agency" includes an administrative officer that has authority to 105006  
issue a license. 105007

(2) "Licensee" means, in addition to a licensee as 105008  
described in division (B) of section 4776.01 of the Revised 105009  
Code, the person to whom a license is issued by the board or 105010  
other government entity authorized to issue a license under 105011  
Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 105012  
4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 105013  
4751., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 4766., 105014  
4771., 4773., and 4781. of the Revised Code. 105015

(3) "Prosecutor" has the same meaning as in section 105016  
2935.01 of the Revised Code. 105017

(B) On a licensee's conviction of, plea of guilty to, 105018  
judicial finding of guilt of, or judicial finding of guilt 105019  
resulting from a plea of no contest to the offense of 105020  
trafficking in persons in violation of section 2905.32 of the 105021  
Revised Code, the prosecutor in the case shall promptly notify 105022  
the licensing agency of the conviction, plea, or finding and 105023  
provide the licensee's name and residential address. On receipt 105024  
of this notification, the licensing agency shall immediately 105025  
suspend the licensee's license. 105026

(C) If there is a conviction of, plea of guilty to, 105027  
judicial finding of guilt of, or judicial finding of guilt 105028  
resulting from a plea of no contest to the offense of 105029  
trafficking in persons in violation of section 2905.32 of the 105030  
Revised Code and all or part of the violation occurred on the 105031  
premises of a facility that is licensed by a licensing agency, 105032  
the prosecutor in the case shall promptly notify the licensing 105033  
agency of the conviction, plea, or finding and provide the 105034  
facility's name and address and the offender's name and 105035  
residential address. On receipt of this notification, the 105036  
licensing agency shall immediately suspend the facility's 105037

license. 105038

(D) Notwithstanding any provision of the Revised Code to 105039  
the contrary, the suspension of a license under division (B) or 105040  
(C) of this section shall be implemented by a licensing agency 105041  
without a prior hearing. After the suspension, the licensing 105042  
agency shall give written notice to the subject of the 105043  
suspension of the right to request a hearing under Chapter 119. 105044  
of the Revised Code. After a hearing is held, the licensing 105045  
agency shall either revoke or permanently revoke the license of 105046  
the subject of the suspension, unless it determines that the 105047  
license holder has not been convicted of, pleaded guilty to, 105048  
been found guilty of, or been found guilty based on a plea of no 105049  
contest to the offense of trafficking in persons in violation of 105050  
section 2905.32 of the Revised Code. 105051

**Sec. 4778.14.** (A) The state medical board, by an 105052  
affirmative vote of not fewer than six members, may refuse to 105053  
grant a license to practice as a genetic counselor to, or may 105054  
revoke the license held by, an individual found by the board to 105055  
have committed fraud, misrepresentation, or deception in 105056  
applying for or securing the license. 105057

(B) The board, by an affirmative vote of not fewer than 105058  
six members, shall, except as provided in division (C) of this 105059  
section, and to the extent permitted by law, limit, revoke, or 105060  
suspend an individual's license to practice as a genetic 105061  
counselor, refuse to issue a license to an applicant, refuse to 105062  
renew a license, refuse to reinstate a license, or reprimand or 105063  
place on probation the holder of a license for any of the 105064  
following reasons: 105065

(1) Permitting the holder's name or license to be used by 105066  
another person; 105067

(2) Failure to comply with the requirements of this 105068  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 105069  
by the board; 105070

(3) Violating or attempting to violate, directly or 105071  
indirectly, or assisting in or abetting the violation of, or 105072  
conspiring to violate, any provision of this chapter, Chapter 105073  
4731. of the Revised Code, or the rules adopted by the board; 105074

(4) A departure from, or failure to conform to, minimal 105075  
standards of care of similar practitioners under the same or 105076  
similar circumstances whether or not actual injury to the 105077  
patient is established; 105078

(5) Inability to practice according to acceptable and 105079  
prevailing standards of care by reason of mental illness or 105080  
physical illness, including physical deterioration that 105081  
adversely affects cognitive, motor, or perceptive skills; 105082

(6) Impairment of ability to practice according to 105083  
acceptable and prevailing standards of care because of substance 105084  
use disorder or excessive use or abuse of drugs, alcohol, or 105085  
other substances that may impair ability to practice; 105086

(7) Willfully betraying a professional confidence; 105087

(8) Making a false, fraudulent, deceptive, or misleading 105088  
statement in securing or attempting to secure a license to 105089  
practice as a genetic counselor. 105090

As used in this division, "false, fraudulent, deceptive, 105091  
or misleading statement" means a statement that includes a 105092  
misrepresentation of fact, is likely to mislead or deceive 105093  
because of a failure to disclose material facts, is intended or 105094  
is likely to create false or unjustified expectations of 105095  
favorable results, or includes representations or implications 105096

that in reasonable probability will cause an ordinarily prudent 105097  
person to misunderstand or be deceived. 105098

(9) The obtaining of, or attempting to obtain, money or a 105099  
thing of value by fraudulent misrepresentations in the course of 105100  
practice; 105101

(10) A plea of guilty to, a judicial finding of guilt of, 105102  
or a judicial finding of eligibility for intervention in lieu of 105103  
conviction for, a felony; 105104

(11) Commission of an act that constitutes a felony in 105105  
this state, regardless of the jurisdiction in which the act was 105106  
committed; 105107

(12) A plea of guilty to, a judicial finding of guilt of, 105108  
or a judicial finding of eligibility for intervention in lieu of 105109  
conviction for, a misdemeanor committed in the course of 105110  
practice; 105111

(13) A plea of guilty to, a judicial finding of guilt of, 105112  
or a judicial finding of eligibility for intervention in lieu of 105113  
conviction for, a misdemeanor involving moral turpitude; 105114

(14) Commission of an act in the course of practice that 105115  
constitutes a misdemeanor in this state, regardless of the 105116  
jurisdiction in which the act was committed; 105117

(15) Commission of an act involving moral turpitude that 105118  
constitutes a misdemeanor in this state, regardless of the 105119  
jurisdiction in which the act was committed; 105120

(16) A plea of guilty to, a judicial finding of guilt of, 105121  
or a judicial finding of eligibility for intervention in lieu of 105122  
conviction for violating any state or federal law regulating the 105123  
possession, distribution, or use of any drug, including 105124



trafficking in drugs; 105125

(17) Any of the following actions taken by an agency 105126  
responsible for authorizing, certifying, or regulating an 105127  
individual to practice a health care occupation or provide 105128  
health care services in this state or in another jurisdiction, 105129  
for any reason other than the nonpayment of fees: the 105130  
limitation, revocation, or suspension of an individual's license 105131  
to practice; acceptance of an individual's license surrender; 105132  
denial of a license; refusal to renew or reinstate a license; 105133  
imposition of probation; or issuance of an order of censure or 105134  
other reprimand; 105135

(18) Violation of the conditions placed by the board on a 105136  
license to practice as a genetic counselor; 105137

(19) Failure to cooperate in an investigation conducted by 105138  
the board under section 4778.18 of the Revised Code, including 105139  
failure to comply with a subpoena or order issued by the board 105140  
or failure to answer truthfully a question presented by the 105141  
board at a deposition or in written interrogatories, except that 105142  
failure to cooperate with an investigation shall not constitute 105143  
grounds for discipline under this section if a court of 105144  
competent jurisdiction has issued an order that either quashes a 105145  
subpoena or permits the individual to withhold the testimony or 105146  
evidence in issue; 105147

(20) Failure to maintain the individual's status as a 105148  
certified genetic counselor; 105149

(21) Failure to comply with the code of ethics established 105150  
by the national society of genetic counselors. 105151

(C) The board shall not refuse to issue a license to an 105152  
applicant because of a plea of guilty to, a judicial finding of 105153

guilt of, or a judicial finding of eligibility for intervention 105154  
in lieu of conviction for an offense unless the refusal is in 105155  
accordance with section 9.79 of the Revised Code. 105156

(D) Disciplinary actions taken by the board under 105157  
divisions (A) and (B) of this section shall be taken pursuant to 105158  
an adjudication under Chapter 119. of the Revised Code, except 105159  
that in lieu of an adjudication, the board may enter into a 105160  
consent agreement with a genetic counselor or applicant to 105161  
resolve an allegation of a violation of this chapter or any rule 105162  
adopted under it. A consent agreement, when ratified by an 105163  
affirmative vote of not fewer than six members of the board, 105164  
shall constitute the findings and order of the board with 105165  
respect to the matter addressed in the agreement. If the board 105166  
refuses to ratify a consent agreement, the admissions and 105167  
findings contained in the consent agreement shall be of no force 105168  
or effect. 105169

A telephone conference call may be utilized for 105170  
ratification of a consent agreement that revokes or suspends an 105171  
individual's license. The telephone conference call shall be 105172  
considered a special meeting under division (F) of section 105173  
121.22 of the Revised Code. 105174

(E) For purposes of divisions (B) (11), (14), and (15) of 105175  
this section, the commission of the act may be established by a 105176  
finding by the board, pursuant to an adjudication under Chapter 105177  
119. of the Revised Code, that the applicant or license holder 105178  
committed the act in question. The board shall have no 105179  
jurisdiction under these divisions in cases where the trial 105180  
court renders a final judgment in the license holder's favor and 105181  
that judgment is based upon an adjudication on the merits. The 105182  
board shall have jurisdiction under these divisions in cases 105183

where the trial court issues an order of dismissal on technical 105184  
or procedural grounds. 105185

(F) The sealing or expungement of conviction records by 105186  
any court shall have no effect on a prior board order entered 105187  
under the provisions of this section or on the board's 105188  
jurisdiction to take action under the provisions of this section 105189  
if, based upon a plea of guilty, a judicial finding of guilt, or 105190  
a judicial finding of eligibility for intervention in lieu of 105191  
conviction, the board issued a notice of opportunity for a 105192  
hearing or took other formal action under Chapter 119. of the 105193  
Revised Code prior to the court's order to seal or expunge the 105194  
records. The board shall not be required to seal, destroy, 105195  
redact, or otherwise modify its records to reflect the court's 105196  
sealing or expungement of conviction records. 105197

(G) For purposes of this division, any individual who 105198  
holds a license to practice as a genetic counselor, or applies 105199  
for a license, shall be deemed to have given consent to submit 105200  
to a mental or physical examination when directed to do so in 105201  
writing by the board and to have waived all objections to the 105202  
admissibility of testimony or examination reports that 105203  
constitute a privileged communication. 105204

(1) In enforcing division (B)(5) of this section, the 105205  
board, on a showing of a possible violation, shall refer any 105206  
individual who holds, or has applied for, a license to practice 105207  
as a genetic counselor to the monitoring organization that 105208  
conducts the confidential monitoring program established under 105209  
section 4731.25 of the Revised Code. The board also may compel 105210  
the individual to submit to a mental or physical examination, or 105211  
both. A physical examination may include an HIV test. The 105212  
expense of the examination is the responsibility of the 105213

individual compelled to be examined. Failure to submit to a 105214  
mental or physical examination or consent to an HIV test ordered 105215  
by the board constitutes an admission of the allegations against 105216  
the individual unless the failure is due to circumstances beyond 105217  
the individual's control, and a default and final order may be 105218  
entered without the taking of testimony or presentation of 105219  
evidence. If the board finds a genetic counselor unable to 105220  
practice because of the reasons set forth in division (B) (5) of 105221  
this section, the board shall require the genetic counselor to 105222  
submit to care, counseling, or treatment by physicians approved 105223  
or designated by the board, as a condition for an initial, 105224  
continued, reinstated, or renewed license to practice. An 105225  
individual affected by this division shall be afforded an 105226  
opportunity to demonstrate to the board the ability to resume 105227  
practicing in compliance with acceptable and prevailing 105228  
standards of care. 105229

(2) For purposes of division (B) (6) of this section, if 105230  
the board has reason to believe that any individual who holds a 105231  
license to practice as a genetic counselor or any applicant for 105232  
a license suffers such impairment, the board shall refer the 105233  
individual to the monitoring organization that conducts the 105234  
confidential monitoring program established under section 105235  
4731.25 of the Revised Code. The board also may compel the 105236  
individual to submit to a mental or physical examination, or 105237  
both. The expense of the examination is the responsibility of 105238  
the individual compelled to be examined. Any mental or physical 105239  
examination required under this division shall be undertaken by 105240  
a treatment provider or physician qualified to conduct such 105241  
examination and approved under section 4731.251 of the Revised 105242  
Code. 105243

Failure to submit to a mental or physical examination 105244

ordered by the board constitutes an admission of the allegations 105245  
against the individual unless the failure is due to 105246  
circumstances beyond the individual's control, and a default and 105247  
final order may be entered without the taking of testimony or 105248  
presentation of evidence. If the board determines that the 105249  
individual's ability to practice is impaired, the board shall 105250  
suspend the individual's license or deny the individual's 105251  
application and shall require the individual, as a condition for 105252  
an initial, continued, reinstated, or renewed license, to submit 105253  
to treatment. 105254

Before being eligible to apply for reinstatement of a 105255  
license suspended under this division, the genetic counselor 105256  
shall demonstrate to the board the ability to resume practice in 105257  
compliance with acceptable and prevailing standards of care. The 105258  
demonstration shall include the following: 105259

(a) Certification from a treatment provider approved under 105260  
section 4731.251 of the Revised Code that the individual has 105261  
successfully completed any required inpatient treatment; 105262

(b) Evidence of continuing full compliance with an 105263  
aftercare contract or consent agreement; 105264

(c) Two written reports indicating that the individual's 105265  
ability to practice has been assessed and that the individual 105266  
has been found capable of practicing according to acceptable and 105267  
prevailing standards of care. The reports shall be made by 105268  
individuals or providers approved by the board for making such 105269  
assessments and shall describe the basis for their 105270  
determination. 105271

The board may reinstate a license suspended under this 105272  
division after such demonstration and after the individual has 105273

entered into a written consent agreement. 105274

When the impaired genetic counselor resumes practice, the 105275  
board shall require continued monitoring of the genetic 105276  
counselor. The monitoring shall include monitoring of compliance 105277  
with the written consent agreement entered into before 105278  
reinstatement or with conditions imposed by board order after a 105279  
hearing, and, on termination of the consent agreement, 105280  
submission to the board for at least two years of annual written 105281  
progress reports made under penalty of falsification stating 105282  
whether the genetic counselor has maintained sobriety. 105283

(H) (1) If either of the following circumstances occur, the 105284  
secretary and supervising member may recommend that the board 105285  
suspend an individual's license to practice without a prior 105286  
hearing: 105287

(a) The secretary and supervising member determine both of 105288  
the following: 105289

(i) That there is clear and convincing evidence that a 105290  
genetic counselor has violated division (B) of this section; 105291

(ii) That the individual's continued practice presents a 105292  
danger of immediate and serious harm to the public. 105293

(b) The board receives verifiable information that a 105294  
licensee has been charged in any state or federal court for a 105295  
crime classified as a felony under the charging court's law and 105296  
the conduct charged constitutes a violation of division (B) of 105297  
this section. 105298

(2) If a recommendation is made to suspend without a prior 105299  
hearing pursuant to division (H) (1) of this section, written 105300  
allegations shall be prepared for consideration by the board. 105301  
The board, on review of the allegations and by an affirmative 105302

vote of not fewer than six of its members, excluding the 105303  
secretary and supervising member, may suspend a license without 105304  
a prior hearing. A telephone conference call may be utilized for 105305  
reviewing the allegations and taking the vote on the summary 105306  
suspension. 105307

The board shall serve a written order of suspension in 105308  
accordance with sections 119.05 and 119.07 of the Revised Code. 105309  
~~The order shall not be subject to suspension by the court during~~ 105310  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 105311  
~~Code.~~ If the genetic counselor requests an adjudicatory hearing 105312  
by the board, the date set for the hearing shall be within 105313  
fifteen days, but not earlier than seven days, after the genetic 105314  
counselor requests the hearing, unless otherwise agreed to by 105315  
both the board and the genetic counselor. 105316

(3) A summary suspension imposed under ~~this division~~ (H) 105317  
(2) of this section is not a final appealable order and is not 105318  
an adjudication that may be appealed under section 119.12 of the 105319  
Revised Code. The summary suspension shall remain in effect, 105320  
~~unless reversed on appeal,~~ until a final adjudicative order 105321  
issued by the board pursuant to this section and Chapter 119. of 105322  
the Revised Code becomes effective. Once a final adjudicative 105323  
order has been issued by the board, any party adversely affected 105324  
by it may file an appeal in accordance with the requirements of 105325  
Chapter 119. of the Revised Code. ~~The~~ 105326

The board shall issue its final adjudicative order within 105327  
~~sixty-seventy-five~~ days after completion of its hearing. Failure 105328  
to issue the order within ~~sixty-seventy-five~~ days shall result 105329  
in dissolution of the summary suspension order, but shall not 105330  
invalidate any subsequent, final adjudicative order. 105331

(I) If the board takes action under division (B) (10), 105332

(12), or (13) of this section, and the judicial finding of 105333  
guilt, guilty plea, or judicial finding of eligibility for 105334  
intervention in lieu of conviction is overturned on appeal, on 105335  
exhaustion of the criminal appeal, a petition for 105336  
reconsideration of the order may be filed with the board along 105337  
with appropriate court documents. On receipt of a petition and 105338  
supporting court documents, the board shall reinstate the 105339  
license to practice as a genetic counselor. The board may then 105340  
hold an adjudication under Chapter 119. of the Revised Code to 105341  
determine whether the individual committed the act in question. 105342  
Notice of opportunity for hearing shall be given in accordance 105343  
with Chapter 119. of the Revised Code. If the board finds, 105344  
pursuant to an adjudication held under this division, that the 105345  
individual committed the act, or if no hearing is requested, it 105346  
may order any of the sanctions specified in division (B) of this 105347  
section. 105348

(J) The license to practice as a genetic counselor and the 105349  
counselor's practice in this state are automatically suspended 105350  
as of the date the genetic counselor pleads guilty to, is found 105351  
by a judge or jury to be guilty of, or is subject to a judicial 105352  
finding of eligibility for intervention in lieu of conviction in 105353  
this state or treatment or intervention in lieu of conviction in 105354  
another jurisdiction for any of the following criminal offenses 105355  
in this state or a substantially equivalent criminal offense in 105356  
another jurisdiction: aggravated murder, murder, voluntary 105357  
manslaughter, felonious assault, trafficking in persons, 105358  
kidnapping, rape, sexual battery, gross sexual imposition, 105359  
aggravated arson, aggravated robbery, or aggravated burglary. 105360  
Continued practice after the suspension shall be considered 105361  
practicing without a license. 105362

The board shall serve the individual subject to the 105363



suspension in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license of the genetic counselor may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a genetic counselor to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter

ineligible to hold a license to practice as a genetic counselor 105394  
and the board shall not accept an application for reinstatement 105395  
of the license or for issuance of a new license. 105396

(N) Notwithstanding any other provision of the Revised 105397  
Code, all of the following apply: 105398

(1) The surrender of a license to practice as a genetic 105399  
counselor is not effective unless or until accepted by the 105400  
board. A telephone conference call may be utilized for 105401  
acceptance of the surrender of an individual's license. The 105402  
telephone conference call shall be considered a special meeting 105403  
under division (F) of section 121.22 of the Revised Code. 105404  
Reinstatement of a license surrendered to the board requires an 105405  
affirmative vote of not fewer than six members of the board. 105406

(2) An application made under this chapter for a license 105407  
to practice may not be withdrawn without approval of the board. 105408

(3) Failure by an individual to renew a license in 105409  
accordance with section 4778.06 of the Revised Code does not 105410  
remove or limit the board's jurisdiction to take disciplinary 105411  
action under this section against the individual. 105412

(4) The placement of an individual's license on retired 105413  
status, as described in section 4778.072 of the Revised Code, 105414  
does not remove or limit the board's jurisdiction to take any 105415  
disciplinary action against the individual with regard to the 105416  
license as it existed before being placed on retired status. 105417

**Sec. 4778.99.** Whoever violates section 4778.02 of the 105418  
Revised Code is guilty of a misdemeanor of the first degree on a 105419  
first offense and felony of the fifth degree on each subsequent 105420  
offense. 105421

Whoever violates division (B) (1) or (2) of section 105422

4778.171 of the Revised Code is guilty of ~~failure to report~~ 105423  
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 105424  
fourth degree. ~~If the offender has previously been convicted of~~ 105425  
~~a violation of this division, the failure to report is on a~~ 105426  
first offense and a misdemeanor of the first degree on each 105427  
subsequent offense. 105428

Whoever violates division (E) of section 4778.18 of the 105429  
Revised Code is guilty of ~~disclosing confidential investigatory~~ 105430  
~~information,~~ a misdemeanor of the first degree. 105431

**Sec. 4785.041.** (A) The division of industrial compliance 105432  
within the department of commerce may renew a license issued 105433  
under section 4785.04 of the Revised Code if the licensee does 105434  
all of the following: 105435

(1) Submits an application for license renewal on a form 105436  
prescribed by the division; 105437

(2) Pays the license renewal fee established by the 105438  
division; 105439

(3) If the licensee is an elevator mechanic, submits 105440  
evidence that the applicant has completed the continuing 105441  
education coursework described in division (B) of this section; 105442

(4) If the license is an elevator contractor's license, 105443  
submits proof that the applicant is in compliance with the 105444  
insurance requirements prescribed in section 4785.07 of the 105445  
Revised Code. 105446

(B) The continuing education courses described in division 105447  
(A) (3) of this section shall: 105448

(1) Instruct licensees on new and existing rules and 105449  
standards adopted by the division; 105450

(2) Consist of not less than eight hours of instruction; 105451

(3) Be attended and completed within one year immediately 105452  
preceding the scheduled date for the license renewal; 105453

(4) Be taught by instructors through continuing education 105454  
providers approved by the division. 105455

(C) A continuing education instructor who holds a license 105456  
under this chapter is exempt from the continuing education 105457  
requirement prescribed in division (A) (3) of this section, 105458  
provided that any such applicant was qualified as an instructor 105459  
at any time during the year immediately preceding the scheduled 105460  
date for the license renewal. 105461

(D) (1) A licensee who is unable to complete the continuing 105462  
education coursework required under this section before the 105463  
expiration of the licensee's license due to a temporary 105464  
disability may apply for a temporary continuing education waiver 105465  
from the division. 105466

(2) An application for a temporary continuing education 105467  
waiver shall be made in a form prescribed by the division, which 105468  
shall be signed by the applicant ~~under the penalty of perjury~~ 105469  
and accompanied by a ~~certified~~ statement from a competent 105470  
physician attesting to the temporary disability. If the division 105471  
grants the waiver, the licensee's license does not expire but is 105472  
placed on inactive status. 105473

(3) On the termination of the temporary disability, the 105474  
licensee shall submit to the division a ~~certified~~ statement from 105475  
the same physician, if practicable, attesting to the termination 105476  
of the temporary disability. The division shall then take the 105477  
licensee's license off inactive status and shall issue a waiver 105478  
sticker, valid for ninety days, to the licensee and affix the 105479

sticker to the license. The licensee may then perform the tasks 105480  
the license authorizes the licensee to perform but the licensee 105481  
shall meet the continuing education requirement during this 105482  
ninety-day period or be considered to have not met the 105483  
continuing education requirement and the license shall be deemed 105484  
to be expired. 105485

(E) (1) Approved continuing education providers shall keep 105486  
uniform records, for a period of ten years, of attendance of 105487  
licensees in a format approved by the division. Such records 105488  
shall be available for inspection by the division on request. 105489

(2) Approved training providers are responsible for the 105490  
security of all attendance records and certificates of 105491  
completion, provided, however, that falsifying or knowingly 105492  
allowing another to falsify such attendance records or 105493  
certificates of completion constitutes grounds for suspension or 105494  
revocation of a continuing education provider's division 105495  
approval. 105496

(F) The division shall not renew the license of an 105497  
individual or entity if the individual or entity would be denied 105498  
an initial license for a reason listed in division (E) of 105499  
section 4785.04 of the Revised Code. 105500

**Sec. 4903.10.** After any order has been made by the public 105501  
utilities commission, any party who has entered an appearance in 105502  
person or by counsel in the proceeding may apply for a rehearing 105503  
in respect to any matters determined in the proceeding. Such 105504  
application shall be filed within thirty days after the entry of 105505  
the order upon the journal of the commission. 105506

Notwithstanding the preceding paragraph, in any 105507  
uncontested proceeding or, by leave of the commission first had 105508

in any other proceeding, any affected person, firm, or 105509  
corporation may make an application for a rehearing within 105510  
thirty days after the entry of any final order upon the journal 105511  
of the commission. Leave to file an application for rehearing 105512  
shall not be granted to any person, firm, or corporation who did 105513  
not enter an appearance in the proceeding unless the commission 105514  
first finds: 105515

(A) The applicant's failure to enter an appearance prior 105516  
to the entry upon the journal of the commission of the order 105517  
complained of was due to just cause; and, 105518

(B) The interests of the applicant were not adequately 105519  
considered in the proceeding. 105520

Every applicant for rehearing or for leave to file an 105521  
application for rehearing shall give due notice of the filing of 105522  
such application to all parties who have entered an appearance 105523  
in the proceeding in the manner and form prescribed by the 105524  
commission. 105525

Such application shall be in writing and shall set forth 105526  
specifically the ground or grounds on which the applicant 105527  
considers the order to be unreasonable or unlawful. No party 105528  
shall in any court urge or rely on any ground for reversal, 105529  
vacation, or modification not so set forth in the application. 105530

Where such application for rehearing has been filed before 105531  
the effective date of the order as to which a rehearing is 105532  
sought, the effective date of such order, unless otherwise 105533  
ordered by the commission, shall be postponed or stayed pending 105534  
disposition of the matter by the commission or by operation of 105535  
law. In all other cases the making of such an application shall 105536  
not excuse any person from complying with the order, or operate 105537

to stay or postpone the enforcement thereof, without a special 105538  
order of the commission. 105539

Where such application for rehearing has been filed, the 105540  
commission may grant and hold such rehearing on the matter 105541  
specified in such application, if in its judgment sufficient 105542  
reason therefor is made to appear. Notice of such rehearing 105543  
shall be given by regular mail to all parties who have entered 105544  
an appearance in the proceeding. 105545

If the commission does not grant or deny such application 105546  
for rehearing within thirty days from the date of filing 105547  
thereof, it is denied by operation of law. 105548

If the commission grants such rehearing, it shall specify 105549  
in the notice of such granting the purpose for which it is 105550  
granted. The commission shall also specify the scope of the 105551  
additional evidence, if any, that will be taken, but it shall 105552  
not upon such rehearing take any evidence that, with reasonable 105553  
diligence, could have been offered upon the original hearing. 105554

If, after such rehearing, the commission is of the opinion 105555  
that the original order or any part thereof is in any respect 105556  
unjust or unwarranted, or should be changed, the commission may 105557  
abrogate or modify the same; otherwise such order shall be 105558  
affirmed. An order made after such rehearing, abrogating or 105559  
modifying the original order, shall have the same effect as an 105560  
original order, but shall not affect any right or the 105561  
enforcement of any right arising from or by virtue of the 105562  
original order prior to the receipt of notice by the affected 105563  
party of the filing of the application for rehearing. 105564

If the commission does not affirm, abrogate, or modify the 105565  
original order within ninety days from the date granting such 105566

rehearing, the order is affirmed by operation of law. 105567

No cause of action arising out of any order of the 105568  
commission, other than in support of the order, shall accrue in 105569  
any court to any person, firm, or corporation unless such 105570  
person, firm, or corporation has made a proper application to 105571  
the commission for a rehearing. 105572

**Sec. 4905.311.** (A) As used in this section, "electric 105573  
distribution utility" has the same meaning as in section 4928.01 105574  
of the Revised Code. 105575

(B) Notwithstanding any provision of the Revised Code to 105576  
the contrary, an electric distribution utility may supply behind 105577  
the meter electric generation service, provided that an 105578  
application for any behind the meter electric generation 105579  
facilities that the utility intends to use to supply such 105580  
service ~~were~~ was filed with the public utilities commission 105581  
under section 4928.47 of the Revised Code, as that section 105582  
existed prior to its repeal by H.B. 15 of the 136th General 105583  
Assembly, no later than March 31, 2025. 105584

(C) No electric distribution utility shall recover any of 105585  
the following costs through any rate, charge, or recovery from 105586  
retail electric service customers that are not receiving behind 105587  
the meter electric generation service from the utility: 105588

(1) Costs associated with supplying behind the meter 105589  
electric generation service; 105590

(2) Costs associated with any behind the meter electric 105591  
generation service facility; 105592

(3) Stranded costs associated with the closing of any 105593  
behind the meter electric generation service facility or an end- 105594  
use customer of the behind the meter electric generation service 105595



ceasing operations. 105596

(D) No electric distribution utility shall offer direct, 105597  
associated inducements for contracting with the utility for any 105598  
behind the meter electric generation service. 105599

(E) The public utilities commission shall periodically 105600  
audit all electric distribution utilities that provide any 105601  
behind the meter electric generation service to ensure 105602  
compliance with this section. 105603

**Sec. 4911.18.** (A) For the sole purpose of maintaining and 105604  
administering the office of the consumers' counsel and 105605  
exercising the powers of the consumers' counsel under this 105606  
chapter, an amount equal to the appropriation to the office of 105607  
the consumers' counsel in each fiscal year shall be apportioned 105608  
among and assessed against each public utility within this 105609  
state, as defined in section 4911.01 of the Revised Code, by 105610  
first computing an assessment as though it were to be made in 105611  
proportion to the intrastate gross earnings or receipts of the 105612  
public utility for the calendar year next preceding that in 105613  
which the assessment is made, excluding earnings or receipts 105614  
from sales to other public utilities for resale. The office may 105615  
include in that first computation any amount of a public 105616  
utility's intrastate gross earnings or receipts underreported in 105617  
a prior year. In addition to whatever penalties apply under the 105618  
Revised Code to such underreporting, the office shall assess the 105619  
public utility interest at the rate stated in division (A) of 105620  
section 1343.01 of the Revised Code. The office shall deposit 105621  
any interest so collected into the consumers' counsel operating 105622  
fund. The office may exclude from that first computation any 105623  
such amounts that were over-reported in a prior year. 105624

The final computation of the assessment shall consist of 105625

imposing upon each public utility whose assessment under the 105626  
first computation would have been one hundred dollars or less an 105627  
assessment of one hundred dollars and recomputing the assessment 105628  
of the remaining companies by apportioning an amount equal to 105629  
the appropriation to the office of consumers' counsel in each 105630  
fiscal year less the total amount to be recovered from those 105631  
paying the minimum assessment, in proportion to the intrastate 105632  
gross earnings or receipts of the remaining companies for the 105633  
calendar year next preceding that in which the assessments are 105634  
made, excluding earnings or receipts from sales to other public 105635  
utilities for resale. 105636

In the case of an assessment based on intrastate gross 105637  
receipts under this section against a public utility that is an 105638  
electric utility as defined in section 4928.01 of the Revised 105639  
Code, or an electric services company, electric cooperative, or 105640  
governmental aggregator subject to certification under section 105641  
4928.08 of the Revised Code, such receipts shall be those 105642  
specified in the utility's, company's, cooperative's, or 105643  
aggregator's most recent report of intrastate gross receipts and 105644  
sales of kilowatt hours of electricity, filed with the public 105645  
utilities commission pursuant to division (F) of section 4928.06 105646  
of the Revised Code, and verified by the commission. 105647

In the case of an assessment based on intrastate gross 105648  
receipts under this section against a retail natural gas 105649  
supplier or governmental aggregator subject to certification 105650  
under section 4929.20 of the Revised Code, such receipts shall 105651  
be those specified in the supplier's or aggregator's most recent 105652  
report of intrastate gross receipts and sales of hundred cubic 105653  
feet of natural gas, filed with the commission pursuant to 105654  
division (B) of section 4929.23 of the Revised Code, and 105655  
verified by the commission. However, no such retail natural gas 105656

supplier or such governmental aggregator serving or proposing to 105657  
serve customers of a particular natural gas company, as defined 105658  
in section 4929.01 of the Revised Code, shall be assessed under 105659  
this section until after the commission, pursuant to section 105660  
4905.26 or 4909.18 of the Revised Code, has removed from the 105661  
base rates of the natural gas company the amount of assessment 105662  
under this section that is attributable to the value of 105663  
commodity sales service, as defined in section 4929.01 of the 105664  
Revised Code, in the base rates paid by those customers of the 105665  
company that do not purchase that service from the natural gas 105666  
company. 105667

(B) Through calendar year 2005, on or before the first day 105668  
of October in each year, the office of consumers' counsel shall 105669  
notify each public utility of the sum assessed against it, 105670  
whereupon payment shall be made to the counsel, who shall 105671  
deposit it into the state treasury to the credit of the 105672  
consumers' counsel operating fund, which is hereby created. 105673  
Beginning in calendar year 2006, on or before the fifteenth day 105674  
of May in each year, the consumers' counsel shall notify each 105675  
public utility that had a sum assessed against it for the 105676  
current fiscal year of more than one thousand dollars that fifty 105677  
per cent of that amount shall be paid to the consumers' counsel 105678  
by the twentieth day of June of that year as an initial payment 105679  
of the assessment against the company for the next fiscal year. 105680  
On or before the first day of October in each year, the 105681  
consumers' counsel shall make a final determination of the sum 105682  
of the assessment against each public utility and shall notify 105683  
each public utility of the sum assessed against it. The 105684  
consumers' counsel shall deduct from the assessment for each 105685  
public utility any initial payment received. Payment of the 105686  
assessment shall be made to the consumers' counsel by the first 105687

day of November of that year. The consumers' counsel shall 105688  
deposit the payments received into the state treasury to the 105689  
credit of the consumers' counsel operating fund. Any such 105690  
amounts paid into the fund but not expended by the office shall 105691  
be credited ratably by the office to the public utilities that 105692  
pay more than the minimum assessment, according to the 105693  
respective portions of such sum assessable against them for the 105694  
ensuing fiscal year, after first deducting any deficits 105695  
accumulated from prior years. The assessments for such fiscal 105696  
year shall be reduced correspondingly. 105697

(C) Within five days after the beginning of each fiscal 105698  
year through fiscal year 2006, the director of budget and 105699  
management shall transfer from the general revenue fund to the 105700  
consumers' counsel operating fund an amount sufficient for 105701  
maintaining and administering the office of the consumers' 105702  
counsel and exercising the powers of the consumers' counsel 105703  
under this chapter during the first four months of the fiscal 105704  
year. Not later than the thirty-first day of December of the 105705  
fiscal year, the same amount shall be transferred back to the 105706  
general revenue fund from the consumers' counsel operating fund. 105707

~~(D)~~ (D) (1) As used in this section, "public utility" 105708  
includes: 105709

~~(1)~~ (a) In addition to an electric utility as defined in 105710  
section 4928.01 of the Revised Code, an electric services 105711  
company, an electric cooperative, or a governmental aggregator 105712  
subject to certification under section 4928.08 of the Revised 105713  
Code, to the extent of the company's, cooperative's, or 105714  
aggregator's engagement in the business of supplying or 105715  
arranging for the supply in this state of any retail electric 105716  
service for which it must be so certified; 105717

~~(2)~~—(b) In addition to a natural gas company as defined in 105718  
section 4929.01 of the Revised Code, a retail natural gas 105719  
supplier or governmental aggregator subject to certification 105720  
under section 4929.20 of the Revised Code, to the extent of the 105721  
supplier's or aggregator's engagement in the business of 105722  
supplying or arranging for the supply in this state of any 105723  
competitive retail natural gas service for which it must be 105724  
certified. 105725

(2) As used in this section, "public utility" does not 105726  
include a wireless service provider or reseller as defined in 105727  
section 128.01 of the Revised Code, to the extent either of them 105728  
are providing wireless service as defined under section 128.01 105729  
of the Revised Code. 105730

**Sec. 4921.01.** As used in this chapter: 105731

(A) "Ambulance" has the same meaning as in section 4766.01 105732  
of the Revised Code. 105733

(B) "For-hire motor carrier" means a person engaged in the 105734  
business of transporting persons or property by motor vehicle 105735  
for compensation, except when engaged in any of the following in 105736  
intrastate commerce: 105737

(1) The transportation of persons in taxicabs in the usual 105738  
taxicab service; 105739

(2) The transportation of pupils in school buses operating 105740  
to or from school sessions or school events; 105741

(3) The transportation of farm supplies to the farm or 105742  
farm products from farm to market or to food fabricating plants; 105743

(4) The distribution of newspapers; 105744

(5) The transportation of crude petroleum incidental to 105745

gathering from wells and delivery to destination by pipeline; 105746

(6) The transportation of injured, ill, or deceased 105747  
persons by hearse or ambulance; 105748

(7) The transportation of compost (a combination of manure 105749  
and sand or shredded bark mulch) or shredded bark mulch; 105750

(8) The transportation of persons in a ridesharing 105751  
arrangement when any fee charged each person so transported is 105752  
in such amount as to recover only the person's share of the 105753  
costs of operating the motor vehicle for such purpose; 105754

(9) The operation of motor vehicles for contractors on 105755  
public road work; 105756

(10) The operation of trailers that are both of the 105757  
following: 105758

(a) Designed and used exclusively to transport a single 105759  
boat between the following that are not more than ten miles 105760  
apart: 105761

(i) A place of storage; 105762

(ii) A marina, or a place that is in and around a marina; 105763

(b) Drawn or towed within this state on a public road or 105764  
highway at a speed of twenty-five miles per hour or less. 105765

"For-hire motor carrier" includes the carrier's agents, 105766  
officers, and representatives, as well as employees responsible 105767  
for hiring, supervising, training, assigning, or dispatching 105768  
drivers and employees concerned with the installation, 105769  
inspection, and maintenance of motor-vehicle equipment and 105770  
accessories. 105771

Divisions (B) (1) to (9) of this section shall not be 105772

construed to relieve a person from compliance with rules 105773  
governing unified carrier registration adopted under section 105774  
4921.11 of the Revised Code. 105775

(C) "Household goods" means personal effects and property 105776  
used or to be used in a dwelling, excluding property moving from 105777  
a factory or store. 105778

(D) "Interstate commerce" means trade, traffic, or 105779  
transportation in the United States that is any of the 105780  
following: 105781

(1) Between a place in a state and a place outside of that 105782  
state (including a place outside of the United States); 105783

(2) Between two places in a state through another state or 105784  
a place outside of the United States; 105785

(3) Between two places in a state as part of trade, 105786  
traffic, or transportation originating or terminating outside 105787  
the state or the United States. 105788

(E) "Intrastate commerce" means any trade, traffic, or 105789  
transportation in any state which is not described in the term 105790  
"interstate commerce." 105791

(F) "Motor vehicle" means any vehicle, machine, tractor, 105792  
trailer, or semitrailer propelled or drawn by mechanical power 105793  
and used upon the highways in the transportation of persons or 105794  
property, or any combination thereof, but does not include any 105795  
vehicle, locomotive, or car operated exclusively on a rail or 105796  
rails, or a trolley bus operated by electric power derived from 105797  
a fixed overhead wire, furnishing local passenger transportation 105798  
similar to street-railway service and does not include trailers 105799  
that are both of the following: 105800

(1) Designed and used exclusively to transport a single 105801  
boat between the following that are not more than ten miles 105802  
apart: 105803

(a) A place of storage; 105804

(b) A marina, or a place that is in and around a marina; 105805

(2) Drawn or towed within this state on a public road or 105806  
highway at a speed of twenty-five miles per hour or less. 105807

(G) "Public highway" means any public street, road, or 105808  
highway in this state, whether within or without the corporate 105809  
limits of a municipal corporation. 105810

(H) "Ridesharing arrangement" means the transportation of 105811  
persons in a motor vehicle where such transportation is 105812  
incidental to another purpose of a volunteer driver, and 105813  
includes ridesharing arrangements known as carpools, vanpools, 105814  
and buspools. 105815

(I) "School bus" has the same meaning as in section 105816  
4511.01 of the Revised Code. 105817

(J) "Trailer" means any vehicle without motive power 105818  
designed or used for carrying persons or property and for being 105819  
drawn by a separate motor vehicle, including any vehicle of the 105820  
trailer type, whether designed or used for carrying persons or 105821  
property wholly on its own structure, or so designed or used 105822  
that a part of its own weight or the weight of its load rests 105823  
upon and is carried by such motor vehicle. 105824

**Sec. 4923.01.** As used in this chapter: 105825

(A) "Ambulance," "interstate commerce," "intrastate 105826  
commerce," "motor vehicle," "public highway," "ridesharing 105827  
arrangement," and "school bus" have the same meanings as in 105828



section 4921.01 of the Revised Code. 105829

(B) "For-hire motor carrier" means a person engaged in the 105830  
business of transporting persons or property by motor vehicle 105831  
for compensation, except when engaged in any of the following in 105832  
intrastate commerce: 105833

(1) The transportation of persons in taxicabs in the usual 105834  
taxicab service; 105835

(2) The transportation of pupils in school ~~busses~~ buses 105836  
operating to or from school sessions or school events; 105837

(3) The transportation of farm supplies to the farm or 105838  
farm products from farm to market or to food fabricating plants; 105839

(4) The distribution of newspapers; 105840

(5) The transportation of crude petroleum incidental to 105841  
gathering from wells and delivery to destination by pipe line; 105842

(6) The transportation of injured, ill, or deceased 105843  
persons by hearse or ambulance; 105844

(7) The transportation of compost (a combination of manure 105845  
and sand or shredded bark mulch) or shredded bark mulch; 105846

(8) The transportation of persons in a ridesharing 105847  
arrangement when any fee charged each person so transported is 105848  
in such amount as to recover only the person's share of the 105849  
costs of operating the motor vehicle for such purpose; 105850

(9) The operation of motor vehicles for contractors on 105851  
public road work; 105852

(10) The operation of trailers that are both of the 105853  
following: 105854

(a) Designed and used exclusively to transport a single 105855

boat between the following that are not more than ten miles 105856  
apart: 105857

(i) A place of storage; 105858

(ii) A marina, or a place that is in and around a marina; 105859

(b) Drawn or towed within this state on a public road or 105860  
highway at a speed of twenty-five miles per hour or less. 105861

"For-hire motor carrier" includes the carrier's agents, 105862  
officers, and representatives, as well as employees responsible 105863  
for hiring, supervising, training, assigning, or dispatching 105864  
drivers and employees concerned with the installation, 105865  
inspection, and maintenance of motor-vehicle equipment and 105866  
accessories. 105867

Divisions (B) (1) to (9) of this section shall not be 105868  
construed to relieve a person from compliance with rules adopted 105869  
under division (A) (2) of section 4923.04 of the Revised Code, 105870  
division (E) of section 4923.06 of the Revised Code, division 105871  
(B) of section 4923.07 of the Revised Code, and section 4923.11 105872  
of the Revised Code, or from compliance with rules regarding 105873  
commercial driver's licenses adopted under division (A) (1) of 105874  
section 4923.04 of the Revised Code. 105875

(C) "Motor carrier" means both a for-hire motor carrier 105876  
and a private motor carrier. 105877

(D) "Private motor carrier" means a person who is not a 105878  
for-hire motor carrier but is engaged in the business of 105879  
transporting persons or property by motor vehicle, except as 105880  
provided in section 4923.02 of the Revised Code. "Private motor 105881  
carrier" includes the carrier's agents, officers, and 105882  
representatives, as well as employees responsible for hiring, 105883  
supervising, training, assigning, or dispatching drivers and 105884

employees concerned with the installation, inspection, and 105885  
maintenance of motor-vehicle equipment and accessories. 105886

**Sec. 4927.01.** (A) As used in this chapter: 105887

(1) "Basic local exchange service" means residential-end- 105888  
user access to and usage of telephone-company-provided services 105889  
over a single line or small-business-end-user access to and 105890  
usage of telephone-company-provided services over the primary 105891  
access line of service, which in the case of residential and 105892  
small-business access and usage is not part of a bundle or 105893  
package of services, that does both of the following: 105894

(a) Enables a customer to originate or receive voice 105895  
communications within a local service area as that area exists 105896  
on September 13, 2010, or as that area is changed with the 105897  
approval of the public utilities commission; 105898

(b) Consists of all of the following services: 105899

(i) Local dial tone service; 105900

(ii) For residential end users, flat-rate telephone 105901  
exchange service; 105902

(iii) Touch tone dialing service; 105903

(iv) Access to and usage of 9-1-1 services, where such 105904  
services are available; 105905

(v) Access to operator services and directory assistance; 105906

(vi) Provision of a telephone directory in any reasonable 105907  
format, which includes, at the telephone company's option, an 105908  
internet-accessible database of directory listings, for no 105909  
additional charge and a listing in that directory, with 105910  
reasonable accommodations made for private listings, and for a 105911

telephone company that no longer offers a printed directory, 105912  
provision of reasonable customer notice of the available options 105913  
to obtain directory information; 105914

(vii) Per call, caller identification blocking services; 105915

(viii) Access to telecommunications relay service; and 105916

(ix) Access to toll presubscription, interexchange or toll 105917  
providers or both, and networks of other telephone companies. 105918

"Basic local exchange service" excludes any voice service 105919  
to which customers are transitioned following a withdrawal of 105920  
basic local exchange service under section 4927.10 of the 105921  
Revised Code. 105922

(2) "Bundle or package of services" means one or more 105923  
telecommunications services or other services offered together 105924  
as one service option at a single price. 105925

(3) "Carrier access" means access to and usage of 105926  
telephone company-provided facilities that enable end user 105927  
customers originating or receiving voice grade, data, or image 105928  
communications, over a local exchange telephone company network 105929  
operated within a local service area, to access interexchange or 105930  
other networks and includes special access. 105931

(4) "Federal poverty level" means the income level 105932  
represented by the poverty guidelines as revised annually by the 105933  
United States department of health and human services in 105934  
accordance with section 673(2) of the "Omnibus Reconciliation 105935  
Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a 105936  
family size equal to the size of the family of the person whose 105937  
income is being determined. 105938

(5) "Incumbent local exchange carrier" means, with respect 105939

to an area, the local exchange carrier that: 105940

(a) On February 8, 1996, provided telephone exchange 105941  
service in such area; and 105942

(b) (i) On February 8, 1996, was deemed to be a member of 105943  
the exchange carrier association pursuant to 47 C.F.R. 105944  
69.601(b); or 105945

(ii) Is a person or entity that, on or after February 8, 105946  
1996, became a successor or assign of a member described in 105947  
division (A) (5) (b) (i) of this section. 105948

(6) "Internet protocol-enabled services" means any 105949  
services, capabilities, functionalities, or applications that 105950  
are provided using internet protocol or a successor protocol to 105951  
enable an end user to send or receive communications in internet 105952  
protocol format or a successor format, regardless of how any 105953  
particular such service is classified by the federal 105954  
communications commission, and includes voice over internet 105955  
protocol service. 105956

(7) "Interstate-access component" means the portion of 105957  
carrier access that is within the jurisdiction of the federal 105958  
communications commission. 105959

(8) "Local exchange carrier" means any person engaged in 105960  
the provision of telephone exchange service, or the offering of 105961  
access to telephone exchange service or facilities for the 105962  
purpose of originating or terminating telephone toll service. 105963

(9) "Local service area" means the geographic area that 105964  
may encompass more than one exchange area and within which a 105965  
telephone customer, by paying the rate for basic local exchange 105966  
service, may complete calls to other telephone customers without 105967  
being assessed long distance toll charges. 105968

- (10) "Small business" means a nonresidential service customer with three or fewer service access lines. 105969  
105970
- (11) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. 105971  
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- (12) "Telecommunications carrier" has the same meaning as in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153. 105975  
105976  
105977
- (13) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. 105978  
105979  
105980  
105981
- (14) "Telephone company" means a company described in division (A) of section 4905.03 of the Revised Code that is a public utility under section 4905.02 of the Revised Code. 105982  
105983  
105984
- (15) "Telephone exchange service" means telecommunications service that is within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and that is covered by the exchange service charge; or comparable service provided through a system of switches, transmission equipment, or other facilities, or combination thereof, by which a customer can originate and terminate a telecommunications service. 105985  
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- (16) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with customers 105995  
105996  
105997

for exchange service. 105998

(17) "Voice over internet protocol service" means a 105999  
service that enables real-time, two-way, voice communications 106000  
that originate or terminate from the user's location using 106001  
internet protocol or a successor protocol, including, but not 106002  
limited to, any such service that permits an end user to receive 106003  
calls from and terminate calls to the public switched network. 106004

(18) "Voice service" includes all of the applicable 106005  
functionalities described in 47 C.F.R. 54.101(a). "Voice 106006  
service" is not the same as basic local exchange service. 106007

(19) "Wireless service" means federally licensed 106008  
commercial mobile service as defined in the "Telecommunications 106009  
Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and 106010  
further defined as commercial mobile radio service in 47 C.F.R. 106011  
20.3. Under division (A)(19) of this section, commercial mobile 106012  
radio service is specifically limited to mobile telephone, 106013  
mobile cellular telephone, paging, personal communications 106014  
services, and specialized mobile radio service provided by a 106015  
common carrier in this state and excludes fixed wireless 106016  
service. 106017

(20) "Wireless service provider" means a facilities-based 106018  
provider of wireless service to one or more end users in this 106019  
state. 106020

(21) "Broadband internet access service" has the same 106021  
meaning as in 47 C.F.R. 8.1. 106022

(B) The definitions of this section shall be applied 106023  
consistent with the definitions in the "Telecommunications Act 106024  
of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and 106025  
with federal decisions interpreting those definitions. 106026

<u>Sec. 4927.22. (A) Notwithstanding any provision of the</u>	106027
<u>Revised Code, other than division (B) of this section:</u>	106028
<u>(1) Broadband internet access service is not subject to</u>	106029
<u>regulation by the public utilities commission.</u>	106030
<u>(2) No agency, commission, or political subdivision of</u>	106031
<u>this state shall enact, adopt, or enforce, either directly or</u>	106032
<u>indirectly, any law, rule, regulation, ordinance, standard,</u>	106033
<u>order or other provision having the force or effect of law that</u>	106034
<u>regulates, or has the effect of regulating, the rates, terms, or</u>	106035
<u>conditions of any broadband internet access service, or</u>	106036
<u>otherwise treats providers of broadband internet access services</u>	106037
<u>as public utilities or telecommunications carriers.</u>	106038
<u>(B) This section shall not be construed to do any of the</u>	106039
<u>following:</u>	106040
<u>(1) Restrict any authority delegated to the commission or</u>	106041
<u>to any state agency to administer a state or federal grant</u>	106042
<u>program under state or federal statute, rule, or order;</u>	106043
<u>(2) Restrict the application to broadband internet access</u>	106044
<u>service, or providers thereof, of any law that applies generally</u>	106045
<u>to the conduct of business in the state relating to consumer</u>	106046
<u>protection and fair competition;</u>	106047
<u>(3) Restrict the authority of any political subdivision in</u>	106048
<u>the state to manage access to and use of any public way or</u>	106049
<u>public rights-of-way.</u>	106050
<u>Sec. 4928.041. (A) Except as provided in sections 4928.141</u>	106051
<u>and 4928.142 of the Revised Code, no electric utility shall</u>	106052
<u>provide in this state, either directly or through an affiliate,</u>	106053
<u>a competitive retail electric service <del>in this state</del> if that</u>	106054
<u>service was deemed competitive or otherwise legally classified</u>	106055



as competitive prior to ~~the effective date of this section~~August 106056  
14, 2025. 106057

(B) The standard service offer under section 4928.141 of 106058  
the Revised Code shall continue to be provided to consumers in 106059  
this state by electric utilities. 106060

**Sec. 4928.06.** (A) Beginning on the starting date of 106061  
competitive retail electric service, the public utilities 106062  
commission shall ensure that the policy specified in section 106063  
4928.02 of the Revised Code is effectuated. To the extent 106064  
necessary, the commission shall adopt rules to carry out this 106065  
chapter. Initial rules necessary for the commencement of the 106066  
competitive retail electric service under this chapter shall be 106067  
adopted within one hundred eighty days after the effective date 106068  
of this section. Except as otherwise provided in this chapter, 106069  
the proceedings and orders of the commission under the chapter 106070  
shall be subject to and governed by Chapter 4903. of the Revised 106071  
Code. 106072

(B) If the commission determines, on or after the starting 106073  
date of competitive retail electric service, that there is a 106074  
decline or loss of effective competition with respect to a 106075  
competitive retail electric service of an electric utility, 106076  
which service was declared competitive by commission order 106077  
issued pursuant to division (A) of section 4928.04 of the 106078  
Revised Code, the commission shall ensure that that service is 106079  
provided at compensatory, fair, and nondiscriminatory prices and 106080  
terms and conditions. 106081

(C) In addition to its authority under section 4928.04 of 106082  
the Revised Code and divisions (A) and (B) of this section, the 106083  
commission, on an ongoing basis, shall monitor and evaluate the 106084  
provision of retail electric service in this state for the 106085

purpose of discerning any noncompetitive retail electric service 106086  
that should be available on a competitive basis on or after the 106087  
starting date of competitive retail electric service pursuant to 106088  
a declaration in the Revised Code, and for the purpose of 106089  
discerning any competitive retail electric service that is no 106090  
longer subject to effective competition on or after that date. 106091  
Upon such evaluation, the commission periodically shall report 106092  
its findings and any recommendations for legislation to the 106093  
standing committees of both houses of the general assembly that 106094  
have primary jurisdiction regarding public utility legislation. 106095  
~~Until 2008, the commission and the consumer's counsel also shall~~ 106096  
~~provide biennial reports to those standing committees, regarding~~ 106097  
~~the effectiveness of competition in the supply of competitive~~ 106098  
~~retail electric services in this state. In addition, until the~~ 106099  
~~end of all market development periods as determined by the~~ 106100  
~~commission under section 4928.40 of the Revised Code, those~~ 106101  
~~standing committees shall meet at least biennially to consider~~ 106102  
~~the effect on this state of electric service restructuring and~~ 106103  
~~to receive reports from the commission, consumers' counsel, and~~ 106104  
~~director of development.~~ 106105

(D) In determining, for purposes of division (B) or (C) of 106106  
this section, whether there is effective competition in the 106107  
provision of a retail electric service or reasonably available 106108  
alternatives for that service, the commission shall consider 106109  
factors including, but not limited to, all of the following: 106110

(1) The number and size of alternative providers of that 106111  
service; 106112

(2) The extent to which the service is available from 106113  
alternative suppliers in the relevant market; 106114

(3) The ability of alternative suppliers to make 106115

functionally equivalent or substitute services readily available 106116  
at competitive prices, terms, and conditions; 106117

(4) Other indicators of market power, which may include 106118  
market share, growth in market share, ease of entry, and the 106119  
affiliation of suppliers of services. 106120

The burden of proof shall be on any entity requesting, 106121  
under division (B) or (C) of this section, a determination by 106122  
the commission of the existence of or a lack of effective 106123  
competition or reasonably available alternatives. 106124

(E) (1) Beginning on the starting date of competitive 106125  
retail electric service, the commission has authority under 106126  
Chapters 4901. to 4909. of the Revised Code, and shall exercise 106127  
that authority, to resolve abuses of market power by any 106128  
electric utility that interfere with effective competition in 106129  
the provision of retail electric service. 106130

(2) In addition to the commission's authority under 106131  
division (E) (1) of this section, the commission, beginning the 106132  
first year after the market development period of a particular 106133  
electric utility and after reasonable notice and opportunity for 106134  
hearing, may take such measures within a transmission 106135  
constrained area in the utility's certified territory as are 106136  
necessary to ensure that retail electric generation service is 106137  
provided at reasonable rates within that area. The commission 106138  
may exercise this authority only upon findings that an electric 106139  
utility is or has engaged in the abuse of market power and that 106140  
that abuse is not adequately mitigated by rules and practices of 106141  
any independent transmission entity controlling the transmission 106142  
facilities. Any such measure shall be taken only to the extent 106143  
necessary to protect customers in the area from the particular 106144  
abuse of market power and to the extent the commission's 106145

authority is not preempted by federal law. The measure shall 106146  
remain in effect until the commission, after reasonable notice 106147  
and opportunity for hearing, determines that the particular 106148  
abuse of market power has been mitigated. 106149

(F) An electric utility, electric services company, 106150  
electric cooperative, or governmental aggregator subject to 106151  
certification under section 4928.08 of the Revised Code shall 106152  
provide the commission with such information, regarding a 106153  
competitive retail electric service for which it is subject to 106154  
certification, as the commission considers necessary to carry 106155  
out this chapter. An electric utility shall provide the 106156  
commission with such information as the commission considers 106157  
necessary to carry out divisions (B) to (E) of this section. The 106158  
commission shall take such measures as it considers necessary to 106159  
protect the confidentiality of any such information. 106160

The commission shall require each electric utility to file 106161  
with the commission on and after the starting date of 106162  
competitive retail electric service an annual report of its 106163  
intrastate gross receipts and sales of kilowatt hours of 106164  
electricity, and shall require each electric services company, 106165  
electric cooperative, and governmental aggregator subject to 106166  
certification to file an annual report on and after that 106167  
starting date of such receipts and sales from the provision of 106168  
those retail electric services for which it is subject to 106169  
certification. For the purpose of the reports, sales of kilowatt 106170  
hours of electricity are deemed to occur at the meter of the 106171  
retail customer. 106172

**Sec. 4928.34.** (A) The public utilities commission shall 106173  
not approve or prescribe a transition plan under division (A) or 106174  
(B) of section 4928.33 of the Revised Code unless the commission 106175

first makes all of the following determinations: 106176

(1) The unbundled components for the electric transmission 106177  
component of retail electric service, as specified in the 106178  
utility's rate unbundling plan required by division (A) (1) of 106179  
section 4928.31 of the Revised Code, equal the tariff rates 106180  
determined by the federal energy regulatory commission that are 106181  
in effect on the date of the approval of the transition plan 106182  
under sections 4928.31 to 4928.40 of the Revised Code, as each 106183  
such rate is determined applicable to each particular customer 106184  
class and rate schedule by the commission. The unbundled 106185  
transmission component shall include a sliding scale of charges 106186  
under division (B) of section 4905.31 of the Revised Code to 106187  
ensure that refunds determined or approved by the federal energy 106188  
regulatory commission are flowed through to retail electric 106189  
customers. 106190

(2) The unbundled components for retail electric 106191  
distribution service in the rate unbundling plan equal the 106192  
difference between the costs attributable to the utility's 106193  
transmission and distribution rates and charges under its 106194  
schedule of rates and charges in effect on the effective date of 106195  
this section, based upon the record in the most recent rate 106196  
proceeding of the utility for which the utility's schedule was 106197  
established, and the tariff rates for electric transmission 106198  
service determined by the federal energy regulatory commission 106199  
as described in division (A) (1) of this section. 106200

(3) All other unbundled components required by the 106201  
commission in the rate unbundling plan equal the costs 106202  
attributable to the particular service as reflected in the 106203  
utility's schedule of rates and charges in effect on the 106204  
effective date of this section. 106205

(4) The unbundled components for retail electric 106206  
generation service in the rate unbundling plan equal the 106207  
residual amount remaining after the determination of the 106208  
transmission, distribution, and other unbundled components, and 106209  
after any adjustments necessary to reflect the effects of the 106210  
amendment of section 5727.111 of the Revised Code by Sub. S.B. 106211  
No. 3 of the 123rd general assembly. 106212

(5) All unbundled components in the rate unbundling plan 106213  
have been adjusted to reflect any base rate reductions on file 106214  
with the commission and as scheduled to be in effect by December 106215  
31, 2005, under rate settlements in effect on the effective date 106216  
of this section. However, all earnings obligations, 106217  
restrictions, or caps imposed on an electric utility in a 106218  
commission order prior to the effective date of this section are 106219  
void. 106220

(6) Subject to division (A) (5) of this section, the total 106221  
of all unbundled components in the rate unbundling plan are 106222  
capped and shall equal during the market development period, 106223  
except as specifically provided in this chapter, the total of 106224  
all rates and charges in effect under the applicable bundled 106225  
schedule of the electric utility pursuant to section 4905.30 of 106226  
the Revised Code in effect on the day before the effective date 106227  
of this section, including the transition charge determined 106228  
under section 4928.40 of the Revised Code, adjusted for any 106229  
changes in the taxation of electric utilities and retail 106230  
electric service under Sub. S.B. No. 3 of the 123rd General 106231  
Assembly, and the universal service rider authorized by section 106232  
4928.51 of the Revised Code, ~~and the temporary rider authorized~~ 106233  
~~by section 4928.61 of the Revised Code.~~ For the purpose of this 106234  
division, the rate cap applicable to a customer receiving 106235  
electric service pursuant to an arrangement approved by the 106236

commission under section 4905.31 of the Revised Code is, for the 106237  
term of the arrangement, the total of all rates and charges in 106238  
effect under the arrangement. For any rate schedule filed 106239  
pursuant to section 4905.30 of the Revised Code or any 106240  
arrangement subject to approval pursuant to section 4905.31 of 106241  
the Revised Code, the initial tax-related adjustment to the rate 106242  
cap required by this division shall be equal to the rate of 106243  
taxation specified in section 5727.81 of the Revised Code and 106244  
applicable to the schedule or arrangement. To the extent such 106245  
total annual amount of the tax-related adjustment is greater 106246  
than or less than the comparable amount of the total annual tax 106247  
reduction experienced by the electric utility as a result of the 106248  
provisions of Sub. S.B. No. 3 of the 123rd general assembly, 106249  
such difference shall be addressed by the commission through 106250  
accounting procedures, refunds, or an annual surcharge or credit 106251  
to customers, or through other appropriate means, to avoid 106252  
placing the financial responsibility for the difference upon the 106253  
electric utility or its shareholders. Any adjustments in the 106254  
rate of taxation specified in section 5727.81 of the Revised 106255  
Code shall not occur without a corresponding adjustment to the 106256  
rate cap for each such rate schedule or arrangement. The 106257  
department of taxation shall advise the commission and self- 106258  
assessors under section 5727.81 of the Revised Code prior to the 106259  
effective date of any change in the rate of taxation specified 106260  
under that section, and the commission shall modify the rate cap 106261  
to reflect that adjustment so that the rate cap adjustment is 106262  
effective as of the effective date of the change in the rate of 106263  
taxation. This division shall be applied, to the extent 106264  
possible, to eliminate any increase in the price of electricity 106265  
for customers that otherwise may occur as a result of 106266  
establishing the taxes contemplated in section 5727.81 of the 106267  
Revised Code. 106268

(7) The rate unbundling plan complies with any rules 106269  
adopted by the commission under division (A) of section 4928.06 106270  
of the Revised Code. 106271

(8) The corporate separation plan required by division (A) 106272  
(2) of section 4928.31 of the Revised Code complies with section 106273  
4928.17 of the Revised Code and any rules adopted by the 106274  
commission under division (A) of section 4928.06 of the Revised 106275  
Code. 106276

(9) Any plan or plans the commission requires to address 106277  
operational support systems and any other technical 106278  
implementation issues pertaining to competitive retail electric 106279  
service comply with any rules adopted by the commission under 106280  
division (A) of section 4928.06 of the Revised Code. 106281

(10) The employee assistance plan required by division (A) 106282  
(4) of section 4928.31 of the Revised Code sufficiently provides 106283  
severance, retraining, early retirement, retention, 106284  
outplacement, and other assistance for the utility's employees 106285  
whose employment is affected by electric industry restructuring 106286  
under this chapter. 106287

(11) The consumer education plan required under division 106288  
(A) (5) of section 4928.31 of the Revised Code complies with 106289  
former section 4928.42 of the Revised Code and any rules adopted 106290  
by the commission under division (A) of section 4928.06 of the 106291  
Revised Code. 106292

(12) The transition revenues for which an electric utility 106293  
is authorized a revenue opportunity under sections 4928.31 to 106294  
4928.40 of the Revised Code are the allowable transition costs 106295  
of the utility as such costs are determined by the commission 106296  
pursuant to section 4928.39 of the Revised Code, and the 106297



transition charges for the customer classes and rate schedules 106298  
of the utility are the charges determined pursuant to section 106299  
4928.40 of the Revised Code. 106300

(13) Any independent transmission plan included in the 106301  
transition plan filed under section 4928.31 of the Revised Code 106302  
reasonably complies with section 4928.12 of the Revised Code and 106303  
any rules adopted by the commission under division (A) of 106304  
section 4928.06 of the Revised Code, unless the commission, for 106305  
good cause shown, authorizes the utility to defer compliance 106306  
until an order is issued under division (G) of section 4928.35 106307  
of the Revised Code. 106308

(14) The utility is in compliance with sections 4928.01 to 106309  
4928.11 of the Revised Code and any rules or orders of the 106310  
commission adopted or issued under those sections. 106311

(15) All unbundled components in the rate unbundling plan 106312  
have been adjusted to reflect the elimination of the tax on 106313  
gross receipts imposed by section 5727.30 of the Revised Code. 106314

In addition, a transition plan approved by the commission 106315  
under section 4928.33 of the Revised Code but not containing an 106316  
approved independent transmission plan shall contain the express 106317  
conditions that the utility will comply with an order issued 106318  
under division (G) of section 4928.35 of the Revised Code. 106319

(B) If the commission finds that any part of the 106320  
transition plan would constitute an abandonment under sections 106321  
4905.20 and 4905.21 of the Revised Code, the commission shall 106322  
not approve that part of the transition plan unless it makes the 106323  
finding required for approval of an abandonment application 106324  
under section 4905.21 of the Revised Code. Sections 4905.20 and 106325  
4905.21 of the Revised Code otherwise shall not apply to a 106326

transition plan under sections 4928.31 to 4928.40 of the Revised Code. 106327  
106328

**Sec. 4928.43.** (A) Each state agency that provides 106329  
employment assistance and job training programs, including the 106330  
~~bureau of employment~~ department of job and family services ~~and~~ 106331  
~~the department of development~~, shall provide concentrated 106332  
attention through those programs to assisting employees whose 106333  
employment is affected by electric industry restructuring under 106334  
this chapter. 106335

(B) To the extent not prohibited by federal law or any law 106336  
of this state and except as otherwise provided in a labor 106337  
contract or other agreement, no unencumbered money in a pension 106338  
fund for employees of electric utilities shall be used for any 106339  
purpose other than to pay allowable pensions or early retirement 106340  
buyouts for the employees. 106341

**Sec. 4928.51.** ~~(A)~~ There is hereby established in the state 106342  
treasury ~~a universal service~~ the electric partnership plan fund, 106343  
into which shall be deposited all ~~universal service~~ revenues 106344  
remitted to the director of development under this section, for 106345  
the exclusive purposes of providing funding for the low-income 106346  
customer assistance programs ~~and for the consumer education~~ 106347  
~~program authorized under section 4928.56 of the Revised Code,~~ 106348  
~~and paying the administrative costs of the low-income customer~~ 106349  
~~assistance programs~~ and the consumer education program. Interest 106350  
on the fund shall be credited to the fund. Disbursements from 106351  
the fund shall be made to any supplier that provides a 106352  
competitive retail electric service or a noncompetitive retail 106353  
electric service to a customer who is approved to receive 106354  
assistance under a specified low-income customer assistance 106355  
program and to any authorized provider of weatherization or 106356

energy efficiency service to a customer approved to receive such 106357  
assistance under a specified low-income customer assistance 106358  
program. 106359

~~(B) Universal service revenues~~ Revenues deposited in the 106360  
electric partnership plan fund shall include all ~~of the~~ 106361  
~~following:~~ 106362

~~(1) Revenues~~ revenues remitted to the director after 106363  
collection by an electric distribution utility ~~beginning July 1,~~ 106364  
~~2000, attributable to the collection from customers of the~~ 106365  
~~universal service rider prescribed under pursuant to~~ section 106366  
4928.52 of the Revised Code. 106367

~~(2) Revenues remitted to the director that have been~~ 106368  
~~collected by an electric distribution utility beginning July 1,~~ 106369  
~~2000, as customer payments under the percentage of income~~ 106370  
~~payment plan program, including revenues remitted under division~~ 106371  
~~(C) of this section,~~ 106372

~~(3) Adequate revenues remitted to the director after~~ 106373  
~~collection by a municipal electric utility or electric~~ 106374  
~~cooperative in this state not earlier than July 1, 2000, upon~~ 106375  
~~the utility's or cooperative's decision to participate in the~~ 106376  
~~low-income customer assistance programs.~~ 106377

~~(C) (1) Beginning July 1, 2000, an electric distribution~~ 106378  
~~utility shall transfer to the director the right to collect all~~ 106379  
~~arrearage payments of a customer for percentage of income~~ 106380  
~~payment plan program debt owed to the utility on the day before~~ 106381  
~~that date or retain the right to collect that debt but remit to~~ 106382  
~~the director all program revenues received by the utility for~~ 106383  
~~that customer.~~ 106384

~~(2) A current or past percentage of income payment plan~~ 106385

~~program customer is relieved of any payment obligation under the~~ 106386  
~~percentage of income payment program for any unpaid arrears~~ 106387  
~~accrued by the customer under the program as of the effective~~ 106388  
~~date of this section if the customer, as determined by the~~ 106389  
~~director, meets both of the following criteria:~~ 106390

~~(a) The customer as of that date has complied with~~ 106391  
~~customer payment responsibilities under the program.~~ 106392

~~(b) The customer is permanently and totally disabled as~~ 106393  
~~defined in section 5117.01 of the Revised Code or is sixty-five~~ 106394  
~~years of age or older as defined in that section.~~ 106395

~~(D) The public utilities commission shall complete an~~ 106396  
~~audit of each electric utility by July 1, 2000, for the purpose~~ 106397  
~~of establishing a baseline for the percentage of income payment~~ 106398  
~~plan program component of the low-income assistance programs.~~ 106399

**Sec. 4928.55.** The director of ~~development~~ job and family 106400  
services shall establish an energy efficiency and weatherization 106401  
program targeted, to the extent practicable, to high-cost, high- 106402  
volume use structures occupied by customers eligible for the 106403  
percentage of income payment plan program, with the goal of 106404  
reducing the energy bills of the occupants. Acceptance of energy 106405  
efficiency and weatherization services provided by the program 106406  
shall be a condition for the eligibility of any such customer to 106407  
participate in the percentage of income payment plan program. 106408

**Sec. 4928.56.** The director of ~~development~~ job and family 106409  
services may adopt rules in accordance with Chapter 119. of the 106410  
Revised Code establishing an education program for consumers 106411  
eligible to participate in the low-income customer assistance 106412  
programs. The education program shall provide information to 106413  
consumers regarding energy efficiency and energy conservation. 106414

**Sec. 4928.58.** (A) There is hereby created the public 106415  
benefits advisory board, which has the purpose of ensuring that 106416  
energy services be provided to low-income consumers in this 106417  
state in an affordable manner consistent with the policy 106418  
specified in section 4928.02 of the Revised Code. The advisory 106419  
board shall consist of twenty-one members as follows: the 106420  
director of ~~development~~job and family services, the chairperson 106421  
of the public utilities commission, the consumers' counsel, and 106422  
the director of the air quality development authority, each 106423  
serving ex officio and represented by a designee at the 106424  
official's discretion; two members of the house of 106425  
representatives appointed by the speaker of the house of 106426  
representatives, neither of the same political party, and two 106427  
members of the senate appointed by the president of the senate, 106428  
neither of the same political party; and thirteen members 106429  
appointed by the governor with the advice and consent of the 106430  
senate, consisting of one representative of suppliers of 106431  
competitive retail electric service; one representative of the 106432  
residential class of electric utility customers; one 106433  
representative of the industrial class of electric utility 106434  
customers; one representative of the commercial class of 106435  
electric utility customers; one representative of agricultural 106436  
or rural customers of an electric utility; two customers 106437  
receiving assistance under one or more of the low-income 106438  
customer assistance programs, to represent customers eligible 106439  
for any such assistance, including senior citizens; one 106440  
representative of the general public; one representative of 106441  
local intake agencies; one representative of a community-based 106442  
organization serving low-income customers; one representative of 106443  
environmental protection interests; one representative of 106444  
lending institutions; and one person considered an expert in 106445  
energy efficiency or renewables technology. Initial appointments 106446

shall be made not later than November 1, 1999. 106447

(B) Initial terms of six of the appointed members shall 106448  
end on June 30, 2003, and initial terms of the remaining seven 106449  
appointed members shall end on June 30, 2004. Thereafter, terms 106450  
of appointed members shall be for three years, with each term 106451  
ending on the same day of the same month as the term it 106452  
succeeds. Each member shall hold office from the date of the 106453  
member's appointment until the end of the term for which the 106454  
member was appointed. Members may be reappointed. 106455

Vacancies shall be filled in the manner provided for 106456  
original appointments. Any member appointed to fill a vacancy 106457  
occurring prior to the expiration date of the term for which the 106458  
member's predecessor was appointed shall hold office as a member 106459  
for the remainder of that term. A member shall continue in 106460  
office after the expiration date of the member's term until the 106461  
member's successor takes office or until a period of sixty days 106462  
has elapsed, whichever occurs first. 106463

(C) Board members shall be reimbursed for their actual and 106464  
necessary expenses incurred in the performance of board duties. 106465  
The reimbursements constitute, as applicable, administrative 106466  
costs of the low-income customer assistance programs for the 106467  
purpose of ~~division (A) of section~~ sections 4928.51 and 4928.52 106468  
of the Revised Code ~~or administrative costs of the advanced-~~ 106469  
~~energy program for the purpose of division (A) of section~~ 106470  
~~4528.61 of the Revised Code.~~ 106471

(D) The advisory board shall select a chairperson from 106472  
among its members. Only board members appointed by the governor 106473  
with the advice and consent of the senate shall be voting 106474  
members of the board; each shall have one vote in all 106475  
deliberations of the board. A majority of the voting members 106476

constitute a quorum. 106477

(E) ~~The duties of the advisory board shall be as follows:~~ 106478

~~(1) Advise advise the director of job and family services~~ 106479  
~~in the administration of the universal service fund and the low-~~ 106480  
~~income customer assistance programs and advise the director on~~ 106481  
~~the director's recommendation to the commission regarding the~~ 106482  
~~appropriate level of the universal service rider;~~ 106483

~~(2) Advise the director on the administration of the~~ 106484  
~~advanced energy program and the advanced energy fund under~~ 106485  
~~sections 4928.61 to 4928.63 of the Revised Code.~~ 106486

(F) The advisory board is not an agency for purposes of 106487  
sections 101.82 to 101.87 of the Revised Code. 106488

**Sec. 4928.61.** (A) There is hereby established in the state 106489  
treasury the advanced energy fund, into which shall be deposited 106490  
all advanced energy revenues remitted to the director of 106491  
development under division (B) of this section, for the 106492  
exclusive purposes of funding the advanced energy program 106493  
created under section 4928.62 of the Revised Code and paying the 106494  
program's administrative costs. Interest on the fund shall be 106495  
credited to the fund. 106496

(B) Advanced energy revenues shall include all of the 106497  
following: 106498

~~(1) Revenues remitted to the director after collection by~~ 106499  
~~each electric distribution utility in this state of a temporary~~ 106500  
~~rider on retail electric distribution service rates as such~~ 106501  
~~rates are determined by the public utilities commission pursuant~~ 106502  
~~to this chapter. The rider shall be a uniform amount statewide,~~ 106503  
~~determined by the director of development, after consultation~~ 106504  
~~with the public benefits advisory board created by section~~ 106505

~~4928.58 of the Revised Code. The amount shall be determined by~~ 106506  
~~dividing an aggregate revenue target for a given year as~~ 106507  
~~determined by the director, after consultation with the advisory~~ 106508  
~~board, by the number of customers of electric distribution~~ 106509  
~~utilities in this state in the prior year. Such aggregate~~ 106510  
~~revenue target shall not exceed more than fifteen million~~ 106511  
~~dollars in any year through 2005 and shall not exceed more than~~ 106512  
~~five million dollars in any year after 2005. The rider shall be~~ 106513  
~~imposed beginning on the effective date of the amendment of this~~ 106514  
~~section by Sub. H.B. 251 of the 126th general assembly, January~~ 106515  
~~4, 2007, and shall terminate at the end of ten years following~~ 106516  
~~the starting date of competitive retail electric service or~~ 106517  
~~until the advanced energy fund, including interest, reaches one~~ 106518  
~~hundred million dollars, whichever is first.~~ 106519

~~(2)~~ Revenues from payments, repayments, and collections 106520  
under the advanced energy program and from program income; 106521

~~(3)~~ (2) Revenues remitted to the director after collection 106522  
by a municipal electric utility or electric cooperative in this 106523  
state upon the utility's or cooperative's decision to 106524  
participate in the advanced energy fund; 106525

~~(4)~~ (3) Revenues from renewable energy compliance payments 106526  
as provided under division (C) (2) of section 4928.64 of the 106527  
Revised Code; 106528

~~(5)~~ (4) Revenue from forfeitures under division (C) of 106529  
section 4928.66 of the Revised Code; 106530

~~(6)~~ (5) Funds transferred pursuant to division (B) of 106531  
Section 512.10 of S.B. 315 of the 129th general assembly; 106532

~~(7)~~ (6) Interest earnings on the advanced energy fund. 106533

~~(C) (1) Each electric distribution utility in this state~~ 106534



~~shall remit to the director on a quarterly basis the revenues described in divisions (B) (1) and (2) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter.~~ 106535  
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~~(2) Each participating electric cooperative and participating municipal electric utility shall remit to the director on a quarterly basis the revenues described in division (B) (3) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter. For the purpose of division (B) (3) of this section, the participation of an electric cooperative or municipal electric utility in the energy efficiency revolving loan program as it existed immediately prior to the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, does not constitute a decision to participate in the advanced energy fund under this section as so amended.~~ 106539  
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~~(3) All remittances under divisions (C) (1) and (2) of this section shall continue only until the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~ 106551  
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~~(D) Any moneys collected in rates for non-low-income customer energy efficiency programs, as of October 5, 1999, and not contributed to the energy efficiency revolving loan fund authorized under this section prior to the effective date of its amendment by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, shall be used to continue to fund cost-effective, residential energy efficiency programs, be contributed into the universal service fund as a supplement to that required under section 4928.53 of the Revised Code, or be~~ 106556  
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~~returned to ratepayers in the form of a rate reduction at the~~ 106565  
~~option of the affected electric distribution utility.~~ 106566

**Sec. 4928.62.** (A) There is hereby created the advanced 106567  
energy program, which shall be administered by the director of 106568  
development. Under the program, the director may authorize the 106569  
use of moneys in the advanced energy fund for financial, 106570  
technical, and related assistance for advanced energy projects 106571  
in this state or for economic development assistance, in 106572  
furtherance of the purposes set forth in section 4928.63 of the 106573  
Revised Code. 106574

(1) To the extent feasible given approved applications for 106575  
assistance, the assistance shall be distributed among the 106576  
certified territories of electric distribution utilities and 106577  
participating electric cooperatives, and among the service areas 106578  
of participating municipal electric utilities, in amounts 106579  
proportionate to the remittances of each utility and cooperative 106580  
under ~~divisions (B)(1) and (3)~~division (B)(2) of section 4928.61 106581  
of the Revised Code. 106582

(2) The funds described in division ~~(B)(6)~~(B)(5) of 106583  
section 4928.61 of the Revised Code shall not be subject to the 106584  
territorial requirements of division (A)(1) of this section. 106585

(3) The director shall not authorize financial assistance 106586  
for an advanced energy project under the program unless the 106587  
director first determines that the project will create new jobs 106588  
or preserve existing jobs in this state or use innovative 106589  
technologies or materials. 106590

(B) In carrying out sections 4928.61 to 4928.63 of the 106591  
Revised Code, the director may do all of the following to 106592  
further the public interest in advanced energy projects and 106593

economic development: 106594

(1) Award grants, contracts, loans, loan participation 106595  
agreements, linked deposits, and energy production incentives; 106596

(2) Acquire in the name of the director any property of 106597  
any kind or character in accordance with this section, by 106598  
purchase, purchase at foreclosure, or exchange, on such terms 106599  
and in such manner as the director considers proper; 106600

(3) Make and enter into all contracts and agreements 106601  
necessary or incidental to the performance of the director's 106602  
duties and the exercise of the director's powers under sections 106603  
4928.61 to 4928.63 of the Revised Code; 106604

(4) Employ or enter into contracts with financial 106605  
consultants, marketing consultants, consulting engineers, 106606  
architects, managers, construction experts, attorneys, technical 106607  
monitors, energy evaluators, or other employees or agents as the 106608  
director considers necessary, and fix their compensation; 106609

(5) Adopt rules prescribing the application procedures for 106610  
financial assistance under the advanced energy program; the 106611  
fees, charges, interest rates, payment schedules, local match 106612  
requirements, and other terms and conditions of any grants, 106613  
contracts, loans, loan participation agreements, linked 106614  
deposits, and energy production incentives; criteria pertaining 106615  
to the eligibility of participating lending institutions; and 106616  
any other matters necessary for the implementation of the 106617  
program; 106618

(6) Do all things necessary and appropriate for the 106619  
operation of the program. 106620

(C) The department of development may hold ownership to 106621  
any unclaimed energy efficiency and renewable energy emission 106622

allowances provided for in Chapter 3745-14 of the Administrative Code or otherwise, that result from advanced energy projects that receive funding from the advanced energy fund, and it may use the allowances to further the public interest in advanced energy projects or for economic development.

(D) Financial statements, financial data, and trade secrets submitted to or received by the director from an applicant or recipient of financial assistance under sections 4928.61 to 4928.63 of the Revised Code, or any information taken from those statements, data, or trade secrets for any purpose, are not public records for the purpose of section 149.43 of the Revised Code.

(E) Nothing in the amendments of sections 4928.61, 4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 126th general assembly shall affect any pending or effected assistance, pending or effected purchases or exchanges of property made, or pending or effected contracts or agreements entered into pursuant to division (A) or (B) of this section as the section existed prior to the effective date of those amendments, January 4, 2007, or shall affect the exemption provided under division (C) of this section as the section existed prior to that effective date.

(F) Any assistance a school district receives for an advanced energy project, including a geothermal heating, ventilating, and air conditioning system, shall be in addition to any assistance provided under Chapter 3318. of the Revised Code and shall not be included as part of the district or state portion of the basic project cost under that chapter.

**Sec. 4928.63.** The director of development ~~and the public benefits advisory board have~~ has the powers and duties provided

in sections 4928.61 and 4928.62 of the Revised Code, in order to 106653  
promote the welfare of the people of this state; stabilize the 106654  
economy; assist in the improvement and development within this 106655  
state of not-for-profit entity, industrial, commercial, 106656  
distribution, residential, and research buildings and activities 106657  
required for the people of this state; improve the economic 106658  
welfare of the people of this state by reducing energy costs and 106659  
by reducing energy usage in a cost-efficient manner using, as 106660  
determined by the director, both the most appropriate national, 106661  
federal, or other standards for products and the best practices 106662  
for the use of technology, products, or services in the context 106663  
of a total facility or building; and assist in the lowering of 106664  
energy demand to reduce air, water, or thermal pollution. It is 106665  
hereby determined that the accomplishment of those purposes is 106666  
essential so that the people of this state may maintain their 106667  
present high standards in comparison with the people of other 106668  
states and so that opportunities for improving the economic 106669  
welfare of the people of this state, for improving the housing 106670  
of residents of this state, and for favorable markets for the 106671  
products of this state's natural resources, agriculture, and 106672  
manufacturing shall be improved; and that it is necessary for 106673  
this state to establish the program authorized pursuant to 106674  
sections 4928.61 and 4928.62 of the Revised Code. 106675

**Sec. 4928.66.** (A) (1) (a) Beginning in 2009, an electric 106676  
distribution utility shall implement energy efficiency programs 106677  
that achieve energy savings equivalent to at least three-tenths 106678  
of one per cent of the total, annual average, and normalized 106679  
kilowatt-hour sales of the electric distribution utility during 106680  
the preceding three calendar years to customers in this state. 106681  
An energy efficiency program may include a combined heat and 106682  
power system placed into service or retrofitted on or after the 106683

effective date of the amendment of this section by S.B. 315 of 106684  
the 129th general assembly, September 10, 2012, or a waste 106685  
energy recovery system placed into service or retrofitted on or 106686  
after September 10, 2012, except that a waste energy recovery 106687  
system described in division (A)(38)(b) of section 4928.01 of 106688  
the Revised Code may be included only if it was placed into 106689  
service between January 1, 2002, and December 31, 2004. For a 106690  
waste energy recovery or combined heat and power system, the 106691  
savings shall be as estimated by the public utilities 106692  
commission. The savings requirement, using such a three-year 106693  
average, shall increase to an additional five-tenths of one per 106694  
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 106695  
of one per cent in 2012, nine-tenths of one per cent in 2013, 106696  
and one per cent in 2014. In 2015 and 2016, an electric 106697  
distribution utility shall achieve energy savings equal to the 106698  
result of subtracting the cumulative energy savings achieved 106699  
since 2009 from the product of multiplying the baseline for 106700  
energy savings, described in division (A)(2)(a) of this section, 106701  
by four and two-tenths of one per cent. If the result is zero or 106702  
less for the year for which the calculation is being made, the 106703  
utility shall not be required to achieve additional energy 106704  
savings for that year, but may achieve additional energy savings 106705  
for that year. The annual savings requirements shall be, for 106706  
years 2017, 2018, 2019, and 2020, an additional one per cent of 106707  
the baseline. For purposes of a waste energy recovery or 106708  
combined heat and power system, an electric distribution utility 106709  
shall not apply more than the total annual percentage of the 106710  
electric distribution utility's industrial-customer load, 106711  
relative to the electric distribution utility's total load, to 106712  
the annual energy savings requirement. 106713

(b) Beginning in 2009, an electric distribution utility 106714

shall implement peak demand reduction programs designed to 106715  
achieve a one per cent reduction in peak demand in 2009 and an 106716  
additional seventy-five hundredths of one per cent reduction 106717  
each year through 2014. In 2015 and 2016, an electric 106718  
distribution utility shall achieve a reduction in peak demand 106719  
equal to the result of subtracting the cumulative peak demand 106720  
reductions achieved since 2009 from the product of multiplying 106721  
the baseline for peak demand reduction, described in division 106722  
(A) (2) (a) of this section, by four and seventy-five hundredths 106723  
of one per cent. If the result is zero or less for the year for 106724  
which the calculation is being made, the utility shall not be 106725  
required to achieve an additional reduction in peak demand for 106726  
that year, but may achieve an additional reduction in peak 106727  
demand for that year. In 2017 and each year thereafter through 106728  
2020, the utility shall achieve an additional seventy-five 106729  
hundredths of one per cent reduction in peak demand. 106730

(2) For the purposes of divisions (A) (1) (a) and (b) of 106731  
this section: 106732

(a) The baseline for energy savings under division (A) (1) 106733  
(a) of this section shall be the average of the total kilowatt 106734  
hours the electric distribution utility sold in the preceding 106735  
three calendar years. The baseline for a peak demand reduction 106736  
under division (A) (1) (b) of this section shall be the average 106737  
peak demand on the utility in the preceding three calendar 106738  
years, except that the commission may reduce either baseline to 106739  
adjust for new economic growth in the utility's certified 106740  
territory. Neither baseline shall include the load and usage of 106741  
any of the following customers: 106742

(i) Beginning January 1, 2017, a customer for which a 106743  
reasonable arrangement has been approved under section 4905.31 106744

of the Revised Code; 106745

(ii) A customer that has opted out of the utility's 106746  
portfolio plan under section 4928.6611 of the Revised Code; 106747

(iii) A customer that has opted out of the utility's 106748  
portfolio plan under Section 8 of S.B. 310 of the 130th general 106749  
assembly. 106750

(b) The commission may amend the benchmarks set forth in 106751  
division (A)(1)(a) or (b) of this section if, after application 106752  
by the electric distribution utility, the commission determines 106753  
that the amendment is necessary because the utility cannot 106754  
reasonably achieve the benchmarks due to regulatory, economic, 106755  
or technological reasons beyond its reasonable control. 106756

(c) Compliance with divisions (A)(1)(a) and (b) of this 106757  
section shall be measured by including the effects of all 106758  
demand-response programs for mercantile customers of the subject 106759  
electric distribution utility, all waste energy recovery systems 106760  
and all combined heat and power systems, and all such mercantile 106761  
customer-sited energy efficiency, including waste energy 106762  
recovery and combined heat and power, and peak demand reduction 106763  
programs, adjusted upward by the appropriate loss factors. Any 106764  
mechanism designed to recover the cost of energy efficiency, 106765  
including waste energy recovery and combined heat and power, and 106766  
peak demand reduction programs under divisions (A)(1)(a) and (b) 106767  
of this section may exempt mercantile customers that commit 106768  
their demand-response or other customer-sited capabilities, 106769  
whether existing or new, for integration into the electric 106770  
distribution utility's demand-response, energy efficiency, 106771  
including waste energy recovery and combined heat and power, or 106772  
peak demand reduction programs, if the commission determines 106773  
that that exemption reasonably encourages such customers to 106774



commit those capabilities to those programs. If a mercantile 106775  
customer makes such existing or new demand-response, energy 106776  
efficiency, including waste energy recovery and combined heat 106777  
and power, or peak demand reduction capability available to an 106778  
electric distribution utility pursuant to division (A) (2) (c) of 106779  
this section, the electric utility's baseline under division (A) 106780  
(2) (a) of this section shall be adjusted to exclude the effects 106781  
of all such demand-response, energy efficiency, including waste 106782  
energy recovery and combined heat and power, or peak demand 106783  
reduction programs that may have existed during the period used 106784  
to establish the baseline. The baseline also shall be normalized 106785  
for changes in numbers of customers, sales, weather, peak 106786  
demand, and other appropriate factors so that the compliance 106787  
measurement is not unduly influenced by factors outside the 106788  
control of the electric distribution utility. 106789

(d) (i) Programs implemented by a utility may include the 106790  
following: 106791

(I) Demand-response programs; 106792

(II) Smart grid investment programs, provided that such 106793  
programs are demonstrated to be cost-beneficial; 106794

(III) Customer-sited programs, including waste energy 106795  
recovery and combined heat and power systems; 106796

(IV) Transmission and distribution infrastructure 106797  
improvements that reduce line losses; 106798

(V) Energy efficiency savings and peak demand reduction 106799  
that are achieved, in whole or in part, as a result of funding 106800  
provided from the ~~universal service~~ electric partnership plan 106801  
fund established by section 4928.51 of the Revised Code to 106802  
benefit low-income customers through programs that include, but 106803

are not limited to, energy audits, the installation of energy 106804  
efficiency insulation, appliances, and windows, and other 106805  
weatherization measures. 106806

(ii) No energy efficiency or peak demand reduction 106807  
achieved under divisions (A) (2) (d) (i) (IV) and (V) of this 106808  
section shall qualify for shared savings. 106809

(iii) Division (A) (2) (c) of this section shall be applied 106810  
to include facilitating efforts by a mercantile customer or 106811  
group of those customers to offer customer-sited demand- 106812  
response, energy efficiency, including waste energy recovery and 106813  
combined heat and power, or peak demand reduction capabilities 106814  
to the electric distribution utility as part of a reasonable 106815  
arrangement submitted to the commission pursuant to section 106816  
4905.31 of the Revised Code. 106817

(e) No programs or improvements described in division (A) 106818  
(2) (d) of this section shall conflict with any statewide 106819  
building code adopted by the board of building standards. 106820

(B) In accordance with rules it shall adopt, the public 106821  
utilities commission shall produce and docket at the commission 106822  
an annual report containing the results of its verification of 106823  
the annual levels of energy efficiency and of peak demand 106824  
reductions achieved by each electric distribution utility 106825  
pursuant to division (A) of this section. A copy of the report 106826  
shall be provided to the consumers' counsel. 106827

(C) If the commission determines, after notice and 106828  
opportunity for hearing and based upon its report under division 106829  
(B) of this section, that an electric distribution utility has 106830  
failed to comply with an energy efficiency or peak demand 106831  
reduction requirement of division (A) of this section, the 106832

commission shall assess a forfeiture on the utility as provided 106833  
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 106834  
Code, either in the amount, per day per undercompliance or 106835  
noncompliance, relative to the period of the report, equal to 106836  
that prescribed for noncompliances under section 4905.54 of the 106837  
Revised Code, or in an amount equal to the then existing market 106838  
value of one renewable energy credit per megawatt hour of 106839  
undercompliance or noncompliance. Revenue from any forfeiture 106840  
assessed under this division shall be deposited to the credit of 106841  
the advanced energy fund created under section 4928.61 of the 106842  
Revised Code. 106843

(D) The commission may establish rules regarding the 106844  
content of an application by an electric distribution utility 106845  
for commission approval of a revenue decoupling mechanism under 106846  
this division. Such an application shall not be considered an 106847  
application to increase rates and may be included as part of a 106848  
proposal to establish, continue, or expand energy efficiency or 106849  
conservation programs. The commission by order may approve an 106850  
application under this division if it determines both that the 106851  
revenue decoupling mechanism provides for the recovery of 106852  
revenue that otherwise may be forgone by the utility as a result 106853  
of or in connection with the implementation by the electric 106854  
distribution utility of any energy efficiency or energy 106855  
conservation programs and reasonably aligns the interests of the 106856  
utility and of its customers in favor of those programs. 106857

(E) The commission additionally shall adopt rules that 106858  
require an electric distribution utility to provide a customer 106859  
upon request with two years' consumption data in an accessible 106860  
form. 106861

(F) (1) As used in divisions (F) (2), (3), and (4) of this 106862

section, "portfolio plan" has the same meaning as in division 106863  
(C) (1) of section 4928.6610 of the Revised Code. 106864

(2) If an electric distribution utility has a portfolio 106865  
plan in effect as of October 22, 2019, and that plan expires 106866  
before December 31, 2020, the commission shall extend the plan 106867  
through that date. All portfolio plans shall terminate on that 106868  
date. 106869

(3) If a portfolio plan is extended beyond its commission 106870  
approved term by division (F) (2) of this section, the existing 106871  
plan's budget shall be increased for the extended term to 106872  
include an amount equal to the annual average of the approved 106873  
budget for all years of the portfolio plan in effect as of 106874  
October 22, 2019. 106875

(4) All other terms and conditions of a portfolio plan 106876  
extended beyond its commission-approved term by division (F) (2) 106877  
of this section shall remain the same unless changes are 106878  
authorized by the commission. 106879

(G) (1) Not later than February 1, 2021, the commission 106880  
shall determine the cumulative energy savings collectively 106881  
achieved, since 2009, by all electric distribution utilities in 106882  
this state as of December 31, 2020. In determining that 106883  
cumulative total, the commission shall do both of the following: 106884

(a) Include energy savings that were estimated by the 106885  
commission to be achieved as of December 31, 2020, and banked 106886  
under division (G) of section 4928.662 of the Revised Code; 106887

(b) Use an energy savings baseline that is the average of 106888  
the total kilowatt hours sold by all electric distribution 106889  
utilities in this state in the calendar years 2018, 2019, and 106890  
2020. The baseline shall exclude the load and usage described in 106891

division (A) (2) (a) (i), (ii), and (iii) of this section. That 106892  
baseline may also be reduced for new economic growth in the 106893  
utility's certified territory as provided in division (A) (2) (a) 106894  
of this section and adjusted and normalized as provided in 106895  
division (A) (2) (c) of this section. 106896

(2) (a) If the cumulative energy savings collectively 106897  
achieved as determined by the commission under division (G) (1) 106898  
of this section is at least seventeen and one-half per cent of 106899  
the baseline described in division (G) (1) (b) of this section, 106900  
then full compliance with division (A) (1) (a) of this section 106901  
shall be deemed to have been achieved notwithstanding any 106902  
provision of this section to the contrary. 106903

(b) If the cumulative energy savings collectively achieved 106904  
as determined by the commission under division (G) (1) of this 106905  
section is less than seventeen and one-half per cent of the 106906  
baseline described in division (G) (1) (b) of this section, then 106907  
both of the following shall apply: 106908

(i) The commission shall determine the manner in which 106909  
further implementation of energy efficiency programs shall occur 106910  
as may be reasonably necessary for collective achievement of 106911  
cumulative energy savings equal to seventeen and one-half per 106912  
cent, and not more, of the baseline described in division (G) (1) 106913  
(b) of this section. 106914

(ii) Full compliance with division (A) (1) (a) of this 106915  
section shall be deemed to be achieved as of a date certain 106916  
established by the commission notwithstanding any provision of 106917  
this section to the contrary. 106918

(3) Upon the date that full compliance with division (A) 106919  
(1) (a) of this section is deemed achieved under division (G) (2) 106920

(a) or (b) of this section, any electric distribution utility 106921  
cost recovery mechanisms authorized by the commission for 106922  
compliance with this section shall terminate except as may be 106923  
necessary to reconcile the difference between revenue collected 106924  
and the allowable cost of compliance associated with compliance 106925  
efforts occurring prior to December 31, 2021, for programs re- 106926  
established under section 4928.661 of the Revised Code, and 106927  
prior to the date upon which full compliance with division (A) 106928  
(1) (a) of this section is deemed achieved, for all other 106929  
compliance efforts. No such cost recovery mechanism shall be 106930  
authorized by the commission beyond the period of time required 106931  
to complete this final reconciliation. 106932

**Sec. 4928.75.** ~~Beginning in fiscal year 2021 and each~~ 106933  
~~fiscal year thereafter, the~~ The director of development job and 106934  
family services shall, in each fiscal year, submit a completed 106935  
waiver request in accordance with section 96.83 of Title 45 of 106936  
the Code of Federal Regulations to the United States department 106937  
of health and human services and any other applicable federal 106938  
agencies for the state to expend twenty-five per cent of federal 106939  
low-income home energy assistance programs funds from the home 106940  
energy assistance block grants for weatherization services 106941  
allowed by section 96.83(a) of Title 45 of the Code of Federal 106942  
Regulations to the United States department of health and human 106943  
services. 106944

**Sec. 4928.86.** (A) Except as provided in division (C) of 106945  
this section, each ~~entity~~ public utility, as defined in section 106946  
4905.02 of the Revised Code, that owns or controls transmission 106947  
facilities located in this state and is not a regional 106948  
transmission organization shall create a heat map that includes 106949  
both of the following: 106950

(1) For major transmission lines and substations, the 106951  
additional power load the lines and substations can take at the 106952  
time that the map is created, accounting for all signed electric 106953  
service agreements; 106954

(2) The amount of localized generation that can be hosted 106955  
on each transmission line. 106956

(B) If a heat map created under this section is not 106957  
critical electric infrastructure information, then the ~~entity~~ 106958  
utility that created the map shall publish the map on the 106959  
~~entity's~~ utility's web site. 106960

(C) The following entities are exempt from the 106961  
requirements of this section: 106962

(1) An electric utility owned or operated by a municipal 106963  
corporation; 106964

(2) An electric cooperative. 106965

**Sec. 4981.02.** (A) There is hereby created the Ohio rail 106966  
development commission, as an independent agency of the state 106967  
within the department of transportation, consisting of the 106968  
following members: 106969

(1) Two members of the Ohio senate, one of whom shall be 106970  
appointed by and serve at the pleasure of the president of the 106971  
senate and one of whom shall be appointed by and serve at the 106972  
pleasure of the minority leader of the senate; 106973

(2) Two members of the Ohio house of representatives, one 106974  
of whom shall be appointed by and serve at the pleasure of the 106975  
speaker of the house of representatives and one of whom shall be 106976  
appointed by and serve at the pleasure of the minority leader of 106977  
the house of representatives; 106978

(3) Two members representing the general public, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the speaker of the house of representatives;

(4) The director of transportation, or the director's designee, who shall be an ex officio member;

(5) The director of development, or the director's designee, who shall be an ex officio member;

(6) The following members appointed by the governor with the advice and consent of the senate:

(a) One member, who shall serve as chairperson of the commission until October 21, 2025, or an earlier date if the member resigns or otherwise leaves office;

(b) ~~One member~~ Two members, who shall represent the interests of a freight rail company. One such member shall represent a class I railroad and one such member shall represent a class II or class III railroad, as defined by the surface transportation board under 49 C.F.R. 1201;

~~(c) One member, who shall represent the interests of passenger rail service;~~

~~(d)~~ One member, who shall have expertise in infrastructure financing;

~~(e)~~ (d) One member, who shall represent the interests of organized labor;

~~(f)~~ (e) One member, who shall represent the interests of manufacturers;

~~(g)~~ (f) One member who shall represent the general public,



subject to division (B) of this section. 107006

(B) Beginning on October 21, 2025, or at an earlier date 107007  
if there is a vacancy in the position of chairperson, the 107008  
director of transportation or the director's designee shall 107009  
serve as the chairperson of the commission. Upon the director or 107010  
director's designee assuming the position of chairperson, the 107011  
governor shall appoint an additional member to the commission to 107012  
represent the general public. 107013

(C) All members shall be reimbursed for actual expenses 107014  
incurred in the performance of their duties. The members of the 107015  
commission from the Ohio senate and the Ohio house of 107016  
representatives shall serve as nonvoting members. No more than 107017  
four members of the seven appointed to the commission by the 107018  
governor shall be from the same political party. Each member of 107019  
the commission shall be a resident of this state.—, except for 107020  
the two members appointed under division (A) (6) (b) of this 107021  
section who may be nonresidents with a substantial connection to 107022  
freight rail operations in Ohio. 107023

(D) Within sixty days after October 20, 1994, the governor 107024  
shall make initial appointments to the commission. Of the 107025  
initial appointments made to the commission, three shall be for 107026  
a term ending three years after October 20, 1994, and three 107027  
shall be for a term ending six years after that date. Terms for 107028  
all other appointments made to the commission shall be for six 107029  
years. Vacancies shall be filled in the manner provided for 107030  
original appointments. Any member appointed to fill a vacancy 107031  
shall have the same qualifications as the member's predecessor. 107032  
Each term shall end on the same day of the same month of the 107033  
year as did the term which it succeeds. Each appointed member 107034  
shall hold office from the date of the member's appointment 107035

until the end of the term for which the member was appointed. 107036  
Any member appointed to fill a vacancy before the expiration of 107037  
the term for which the member's predecessor was appointed shall 107038  
hold office for the remainder of that term. Any appointed member 107039  
shall continue in office subsequent to the expiration date of 107040  
the member's term until the member's successor takes office, or 107041  
for a period of sixty days, whichever occurs first. All members 107042  
shall be eligible for reappointment. 107043

(E) The commission may employ an executive director, who 107044  
shall have appropriate experience as determined by the 107045  
commission, and a secretary-treasurer and other employees that 107046  
the commission considers appropriate. The commission may fix the 107047  
compensation of the employees. 107048

(F) Six members of the commission shall constitute a 107049  
quorum, and the affirmative vote of six members shall be 107050  
necessary for any action taken by the commission. No vacancy in 107051  
the membership of the commission shall impair the rights of a 107052  
quorum to exercise all the rights and perform all the duties of 107053  
the commission. 107054

(G) All members of the commission are subject to Chapter 107055  
102. of the Revised Code. 107056

(H) The department of transportation may use all 107057  
appropriate sources of revenue to assist the commission in 107058  
developing and implementing rail service. 107059

(I) Expenditures by the department of transportation, the 107060  
Ohio rail development commission, or any other state agency for 107061  
capital improvements for the development of passenger rail shall 107062  
be subject to the approval of the controlling board with an 107063  
affirmative vote of not fewer than five members, including the 107064

affirmative vote of a majority of the controlling board members 107065  
appointed by the president of the senate and a majority of the 107066  
controlling board members appointed by the speaker of the house 107067  
of representatives. All public funds acquired by the commission 107068  
shall be used for developing, implementing, and regulating rail 107069  
service and not for operating rail service unless the general 107070  
assembly specifically approves the expenditure of funds for 107071  
operating rail service. 107072

Sec. 5101.042. (A) As used in this section, "public 107073  
assistance benefits" means all of the following: 107074

(1) Supplemental nutrition assistance program benefits; 107075

(2) Benefits funded in part by the temporary assistance 107076  
for needy families block grant; 107077

(3) Cash assistance provided through the Ohio works first 107078  
program; 107079

(4) Benefits provided by the medicaid program; 107080

(5) Publicly funded child care as defined in section 107081  
5104.01 of the Revised Code. 107082

(B) The department of job and family services shall update 107083  
the systems used by the department and by county departments of 107084  
job and family services to determine eligibility for public 107085  
assistance benefits programs. The updates shall include a 107086  
mechanism by which application information input by individual 107087  
caseworkers may be tracked and audited and shall require county 107088  
departments of job and family services to provide caseworker 107089  
training regarding improper determinations. 107090

Sec. 5101.101. (A) This section establishes the order of 107091  
priority to be followed by the department of job and family 107092

services when distributing funds for the purpose of providing 107093  
family planning services, including funds the department 107094  
receives through Title XX of the "Social Security Act," 88 Stat. 107095  
2337 (1974), 42 U.S.C. 1397, as amended, and funds the 107096  
department receives through Title IV-A of the "Social Security 107097  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be 107098  
used for purposes of providing Title XX social services. This 107099  
section does not apply to payments made under the medicaid 107100  
program. 107101

(B) With respect to each period during which funds from a 107102  
particular source are distributed for the purpose of providing 107103  
family planning services, the department is subject to both of 107104  
the following when distributing the funds to applicants seeking 107105  
those funds: 107106

(1) Foremost priority shall be given to public entities 107107  
that are operated by state or local government entities and that 107108  
provide or are able to provide family planning services. 107109

(2) If any funds remain after the department distributes 107110  
funds to public entities under division (B) (1) of this section, 107111  
the department may distribute funds to nonpublic entities. If 107112  
funds are distributed to nonpublic entities, the department 107113  
shall distribute the funds in the following order of descending 107114  
priority: 107115

(a) Nonpublic entities that are federally qualified health 107116  
centers or federally qualified health center look-alikes, both 107117  
as defined in section 3701.047 of the Revised Code, or community 107118  
action agencies, as defined in section ~~122.66~~ 5101.311 of the 107119  
Revised Code; 107120

(b) Nonpublic entities that provide comprehensive primary 107121

and preventive care services in addition to family planning 107122  
services; 107123

(c) Nonpublic entities that provide family planning 107124  
services, but do not provide comprehensive primary and 107125  
preventive care services. 107126

**Sec. 5101.211.** The director of job and family services or 107127  
the director of children and youth may provide for a grant 107128  
agreement entered into under section 5101.21 of the Revised Code 107129  
to have a retroactive effective date of the first day of July of 107130  
an odd-numbered year if both of the following are the case: 107131

(A) The agreement is entered into after that date and 107132  
before the last day of that July. 107133

(B) The board of county commissioners requests the 107134  
retroactive effective date and provides the director good cause 107135  
satisfactory to the director for the reason the agreement was 107136  
not entered into on or before the first day of that July. 107137

**Sec. 5101.212.** The department of job and family services 107138  
or the director of children and youth shall publish in a manner 107139  
accessible to the public all of the following that concern 107140  
family services duties for which grants included in grant 107141  
agreements entered into under section 5101.21 of the Revised 107142  
Code are awarded: state plans for receipt of federal financial 107143  
participation, agreements between the department and a federal 107144  
agency, and executive orders issued by the governor. The 107145  
department may publish the materials electronically or 107146  
otherwise. 107147

**Sec. 5101.215.** If the director of job and family services 107148  
or the director of children and youth enters into an agreement 107149  
or contracts with, or issues a grant to, a religious 107150

organization under section 5101.214 of the Revised Code, the 107151  
religious organization shall comply with section 104 of the 107152  
Personal Responsibility and Work Opportunity and Reconciliation 107153  
Act of 1996 (P.L. 104-193). 107154

**Sec. 5101.222.** The director of job and family services or 107155  
the director of children and youth may adopt rules in accordance 107156  
with section 111.15 of the Revised Code to implement sections 107157  
5101.22 to 5101.222 of the Revised Code. If the director adopts 107158  
the rules, the director shall adopt the rules as if they were 107159  
internal management rules. 107160

**Sec. 5101.242.** The department of job and family services 107161  
or the director of children and youth may certify a claim to the 107162  
attorney general under section 131.02 of the Revised Code for 107163  
the attorney general to take action under that section against a 107164  
responsible county grantee or responsible entity to recover any 107165  
funds that the department determines the responsible county 107166  
grantee or responsible entity owes the department for actions 107167  
taken under division (C) (2), (3), (4), or (5) of section 5101.24 107168  
or 5101.241 of the Revised Code. 107169

**Sec. 5101.26.** As used in this section and in sections 107170  
5101.27 to 5101.30 of the Revised Code: 107171

(A) "Community control sanction" has the same meaning as 107172  
in section 2929.01 of the Revised Code. 107173

(B) "County agency" means a county department of job and 107174  
family services or a public children services agency. 107175

(C) "Fugitive felon" means an individual who is fleeing to 107176  
avoid prosecution, or custody or confinement after conviction, 107177  
under the laws of the place from which the individual is 107178  
fleeing, for a crime or an attempt to commit a crime that is a 107179

felony under the laws of the place from which the individual is 107180  
fleeing or, in the case of New Jersey, a high misdemeanor, 107181  
regardless of whether the individual has departed from the 107182  
individual's usual place of residence. 107183

(D) "Information" means records as defined in section 107184  
149.011 of the Revised Code, any other documents in any format, 107185  
and data derived from records and documents that are generated, 107186  
acquired, or maintained by the department of job and family 107187  
services, the department of children and youth, a county agency, 107188  
or an entity performing duties on behalf of the department or a 107189  
county agency. 107190

(E) "Law enforcement agency" has the same meaning as in 107191  
section 109.573 of the Revised Code. 107192

(F) "Post-release control sanction" has the same meaning 107193  
as in section 2967.01 of the Revised Code. 107194

(G) "Public assistance" means financial assistance or 107195  
social services that are provided under a program administered 107196  
by the department of job and family services, department of 107197  
children and youth, or a county agency pursuant to Chapter 329., 107198  
5101., 5104., 5107., or 5108. of the Revised Code or an 107199  
executive order issued under section 107.17 of the Revised Code. 107200  
"Public assistance" does not mean medical assistance provided 107201  
under a medical assistance program, as defined in section 107202  
5160.01 of the Revised Code. 107203

(H) "Public assistance recipient" means an applicant for 107204  
or recipient or former recipient of public assistance. 107205

(I) "Publicly funded child care" has the same meaning as 107206  
in section 5104.01 of the Revised Code. 107207

(J) "Tuberculosis control unit" means the county 107208

tuberculosis control unit designated by a board of county 107209  
commissioners under section 339.72 of the Revised Code or the 107210  
district tuberculosis control unit designated pursuant to an 107211  
agreement entered into by two or more boards of community 107212  
commissioners under that section. 107213

**Sec. 5101.272.** (A) For the purposes of section 5101.27 of 107214  
the Revised Code, an authorization shall be made on a form that 107215  
uses language understandable to the average person and contains 107216  
all of the following: 107217

(1) A description of the information to be used or 107218  
disclosed that identifies the information in a specific and 107219  
meaningful fashion; 107220

(2) The name or other specific identification of the 107221  
person or class of persons authorized to make the requested use 107222  
or disclosure; 107223

(3) The name or other specific identification of the 107224  
person or governmental entity to which the information may be 107225  
released; 107226

(4) A description of each purpose of the requested use or 107227  
disclosure of the information; 107228

(5) The date on which the authorization expires or an 107229  
event related either to the individual who is the subject of the 107230  
request or to the purposes of the requested use or disclosure, 107231  
the occurrence of which will cause the authorization to expire; 107232

(6) A statement that the information used or disclosed 107233  
pursuant to the authorization may be disclosed by the recipient 107234  
of the information and may no longer be protected from 107235  
disclosure; 107236



(7) The signature of the individual or the individual's 107237  
authorized representative and the date on which the 107238  
authorization was signed; 107239

(8) If signed by an authorized representative, a 107240  
description of the representative's authority to act for the 107241  
individual; 107242

(9) A statement of the individual or authorized 107243  
representative's right to prospectively revoke the written 107244  
authorization in writing, along with one of the following: 107245

(a) A description of how the individual or authorized 107246  
representative may revoke the authorization; 107247

(b) If the department of job and family services' or 107248  
department of children and youth's privacy notice contains a 107249  
description of how the individual or authorized representative 107250  
may revoke the authorization, a reference to that privacy 107251  
notice. 107252

(10) A statement that treatment, payment, enrollment, or 107253  
eligibility for public assistance cannot be conditioned on 107254  
signing the authorization unless the authorization is necessary 107255  
for determining eligibility for the public assistance program. 107256

(B) When an individual requests information pursuant to 107257  
section 5101.27 of the Revised Code regarding the individual's 107258  
receipt of public assistance and does not wish to provide a 107259  
statement of purpose, the statement "at request of the 107260  
individual" is a sufficient description for purposes of division 107261  
(A) (4) of this section. 107262

**Sec. 5101.273.** The department of job and family services 107263  
or the department of children and youth shall enter into any 107264  
necessary agreements with the United States department of health 107265

and human services and neighboring states to join and 107266  
participate as an active member in the public assistance 107267  
reporting information system. The department may disclose 107268  
information regarding a public assistance recipient to the 107269  
extent necessary to participate as an active member in the 107270  
public assistance reporting information system. 107271

**Sec. 5101.28.** (A) (1) On request of the department of job 107272  
and family services, the department of children and youth, or a 107273  
county agency, a law enforcement agency shall provide 107274  
information regarding public assistance recipients to enable the 107275  
department of job and family services, department of children 107276  
and youth, or county agency to determine, for eligibility 107277  
purposes, whether a recipient or a member of a recipient's 107278  
assistance group is a fugitive felon or violating a condition of 107279  
probation, a community control sanction, parole, or a post- 107280  
release control sanction imposed under state or federal law. 107281

(2) A county agency may enter into a written agreement 107282  
with a local law enforcement agency establishing procedures 107283  
concerning access to information and providing for compliance 107284  
with this section. 107285

(B) To the extent permitted by federal law, the department 107286  
of job and family services, department of children and youth, 107287  
and county agencies shall provide information regarding 107288  
recipients of public assistance to a law enforcement agency on 107289  
request for use in the performance of the law enforcement 107290  
agency's official duties. 107291

(C) Information about a public assistance recipient shall 107292  
be exchanged, obtained, or shared only if the department of job 107293  
and family services, department of children and youth, county 107294  
agency, or law enforcement agency requesting the information 107295

gives sufficient information to specifically identify the 107296  
recipient. In addition to the recipient's name, identifying 107297  
information may include the recipient's current or last known 107298  
address, social security number, other identifying number, age, 107299  
gender, physical characteristics, any information specified in 107300  
an agreement entered into under division (A) of this section, or 107301  
any information considered appropriate by the department of job 107302  
and family services, department of children and youth or agency. 107303

(D) (1) The department of job and family services, 107304  
department of children and youth, and ~~its~~ each department's 107305  
officers and employees are not liable in damages in a civil 107306  
action for any injury, death, or loss to person or property that 107307  
allegedly arises from the release of information in accordance 107308  
with divisions (A), (B), and (C) of this section. This section 107309  
does not affect any immunity or defense that the department of 107310  
job and family services, department of children and youth, and 107311  
~~its~~ each department's officers and employees may be entitled to 107312  
under another section of the Revised Code or the common law of 107313  
this state, including section 9.86 of the Revised Code. 107314

(2) The county agencies and their employees are not liable 107315  
in damages in a civil action for any injury, death, or loss to 107316  
person or property that allegedly arises from the release of 107317  
information in accordance with divisions (A), (B), and (C) of 107318  
this section. "Employee" has the same meaning as in division (B) 107319  
of section 2744.01 of the Revised Code. This section does not 107320  
affect any immunity or defense that the county agencies and 107321  
their employees may be entitled to under another section of the 107322  
Revised Code or the common law of this state, including section 107323  
2744.02 and division (A) (6) of section 2744.03 of the Revised 107324  
Code. 107325

(E) To the extent permitted by federal law, the department 107326  
of job and family services, department of children and youth, 107327  
and county agencies shall provide access to information to the 107328  
auditor of state acting pursuant to Chapter 117. or sections 107329  
5101.181 and 5101.182 of the Revised Code and to any other 107330  
government entity authorized by federal law to conduct an audit 107331  
of, or similar activity involving, a public assistance program. 107332

(F) To the extent permitted by law, nothing in this 107333  
section prohibits the department of job and family services, the 107334  
department of children and youth, county departments of job and 107335  
family services, and employees of the departments from reporting 107336  
to a public children services agency or other appropriate agency 107337  
information on known or suspected physical or mental injury, 107338  
sexual abuse or exploitation, or negligent treatment or 107339  
maltreatment, of a child. 107340

**Sec. 5101.30.** (A) The director of job and family services 107341  
and the director of children and youth shall adopt rules in 107342  
accordance with Chapter 119. of the Revised Code implementing 107343  
sections 5101.26 to 5101.30 of the Revised Code and governing 107344  
the custody, use, disclosure, and preservation of the 107345  
information generated or received by the department of job and 107346  
family services, the department of children and youth, county 107347  
agencies, other state and county entities, contractors, 107348  
grantees, private entities, or officials participating in the 107349  
administration of public assistance programs. The rules shall 107350  
comply with applicable federal statutes and regulations. 107351

(1) The rules shall specify conditions and procedures for 107352  
the release of information which may include, among other 107353  
conditions and procedures, both of the following: 107354

(a) Permitting providers of services or assistance under 107355

public assistance programs limited access to information that is 107356  
essential for the providers to render services or assistance or 107357  
to bill for services or assistance rendered. The department of 107358  
aging, when investigating a complaint under section 173.20 of 107359  
the Revised Code, shall be granted any limited access permitted 107360  
in the rules pursuant to division (A)(1) of this section. 107361

(b) Permitting a contractor, grantee, or other state or 107362  
county entity limited access to information that is essential 107363  
for the contractor, grantee, or entity to perform administrative 107364  
or other duties on behalf of the department or county agency. A 107365  
contractor, grantee, or entity given access to information 107366  
pursuant to division (A)(2) of this section is bound by the 107367  
director's rules, and disclosure of the information by the 107368  
contractor, grantee, or entity in a manner not authorized by the 107369  
rules is a violation of section 5101.27 of the Revised Code. 107370

(2) The rules may define who is an "authorized 107371  
representative" for purposes of sections 5101.27 and 5101.272 of 107372  
the Revised Code. 107373

(B) Whenever names, addresses, or other information 107374  
relating to public assistance recipients is held by any agency 107375  
other than the department or a county agency, that other agency 107376  
shall adopt rules consistent with sections 5101.26 to 5101.30 of 107377  
the Revised Code to prevent the publication or disclosure of 107378  
names, lists, or other information concerning those recipients. 107379

**Sec. ~~122.66~~ 5101.311.** As used in sections ~~122.66~~ 5101.311 107380  
to ~~122.702~~ 5101.317 of the Revised Code: 107381

(A) "Poverty line" means the official poverty line 107382  
established by the director of the United States office of 107383  
management and budget and as revised by the secretary of health 107384

and human services in accordance with section 673(2) of the 107385  
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 107386  
9902. 107387

(B) "Low-income person" means a person whose adjusted 107388  
gross income as defined in division (A) of section 5747.01 of 107389  
the Revised Code is below the poverty line as defined in 107390  
division (A) of this section. 107391

(C) "Advocacy" means the act of pleading for, supporting, 107392  
or recommending actions on behalf of low-income persons. 107393

(D) "Community action agency" means a community-based and 107394  
operated private nonprofit agency or organization incorporated 107395  
under Chapter 1702. of the Revised Code that includes or is 107396  
designed to include a sufficient number of projects or 107397  
components to provide a range of services and activities having 107398  
a measurable and potentially major impact on the causes of 107399  
poverty in the community or those areas of the community where 107400  
poverty is a particularly acute problem and is designated as a 107401  
community action agency by the ~~community services division~~ 107402  
department of job and family services pursuant to sections 107403  
~~122.68-5101.313~~ and ~~122.69-5101.315~~ of the Revised Code. A 107404  
"community action agency" is not a state agency or public 107405  
office. 107406

(E) "Community" means a city, village, county, multicity 107407  
or multicounty unit, a neighborhood or other area, disregarding 107408  
boundaries or political subdivisions, which provides a suitable 107409  
organizational base and possesses a commonality of needs and 107410  
interests for a community action program suitable to be served 107411  
by a community action agency. 107412

(F) "Service area" means the geographical area served by a 107413

community action agency. 107414

**Sec. ~~122.67~~ 5101.312.** ~~There is hereby created in the~~ 107415  
~~development services agency the community services division.~~ The 107416  
director of ~~development services~~ job and family services shall 107417  
employ and fix the compensation of professional and technical 107418  
unclassified personnel as necessary to carry out the provisions 107419  
of sections ~~122.66~~ 5101.311 to ~~122.701~~ 5101.317 of the Revised 107420  
Code. 107421

**Sec. ~~122.68~~ 5101.313.** The ~~community services division~~ 107422  
department of job and family services shall: 107423

(A) Administer all federal funds appropriated to the state 107424  
from the "Community Services Block Grant Act," 95 Stat. 511, 42 107425  
U.S.C.A. 9901, and comply with requirements imposed by that act 107426  
in its application for, and administration of, the funds; 107427

(B) Designate community action agencies to receive 107428  
community services block grant funds; 107429

(C) (1) Subject to division (C) (2) of this section, 107430  
disburse at least ninety-one per cent of the funds received in 107431  
the state from the "Community Services Block Grant Act" to 107432  
community action agencies that comply with the requirements of 107433  
section ~~122.69~~ 5101.315 of the Revised Code and migrant and 107434  
seasonal farm worker organizations that are not designated 107435  
community action agencies but which provide the services 107436  
described in division (B) (1) of section ~~122.69~~ 5101.315 of the 107437  
Revised Code; 107438

(2) Disburse at least four and one-half per cent of the 107439  
funds received in the state from the "Community Services Block 107440  
Grant Act" to one or more nonprofit organizations to which both 107441  
of the following apply: 107442

(a) The organization or organizations were incorporated 107443  
under the laws of this state before January 1, 2015. 107444

(b) The primary purpose of the organization or 107445  
organizations is to provide training and technical assistance to 107446  
community action agencies that comply with the requirements of 107447  
section ~~122.69~~ 5101.315 of the Revised Code. 107448

(D) Provide technical assistance to community action 107449  
agencies to improve program planning, development, and 107450  
administration; 107451

(E) Conduct yearly performance assessments, according to 107452  
criteria determined by ~~development services agency~~ department of  
job and family services rule, to determine whether community 107453  
action agencies are in compliance with section ~~122.69~~ 5101.315 107454  
of the Revised Code; 107455  
107456

(F) Annually prepare and submit to the United States 107457  
secretary of health and human services, the governor, the 107458  
president of the Ohio senate, and the speaker of the Ohio house 107459  
of representatives, a comprehensive report that includes: 107460

(1) Certification that all community action agencies 107461  
designated to receive funds from the "Community Services Block 107462  
Grant Act" are in compliance with section ~~122.69~~ 5101.315 of the 107463  
Revised Code; 107464

(2) A program plan for the next federal fiscal year that 107465  
has been made available for public inspection and that details 107466  
how community services block grant funds will be disbursed and 107467  
used during that fiscal year; 107468

(3) Information detailing how funds were expended for the 107469  
current fiscal year; 107470



(4) An audit of community services block grant expenditures for the preceding federal fiscal year that is conducted in accordance with generally accepted accounting principles by an independent auditing firm that has no connection with any community action agency receiving community services block grant funds or with any employee of the division.

(G) Serve as a statewide advocate for social and economic opportunities for low-income persons.

**Sec. ~~122.681~~ 5101.314.** (A) Except as permitted by this section, or when required by federal law, no person or government entity shall solicit, release, disclose, receive, use, or knowingly permit or participate in the use of any information regarding an individual receiving assistance pursuant to a ~~community services division~~ department of job and family services program under sections ~~122.66~~ 5101.311 to ~~122.702~~ 5101.317 of the Revised Code for any purpose not directly related to the administration of a ~~division~~ department assistance program.

(B) To the extent permitted by federal law, the ~~division~~ department, and any entity that receives ~~division~~ department funds to administer a ~~division~~ department program to assist individuals, shall release information regarding an individual assistance recipient to the following:

(1) A government entity responsible for administering the assistance program for purposes directly related to the administration of the program;

(2) A law enforcement agency for the purpose of any investigation, prosecution, or criminal or civil proceeding relating to the administration of the assistance program;

(3) A government entity responsible for administering a 107500  
children's protective services program, for the purpose of 107501  
protecting children; 107502

(4) Any appropriate person in compliance with a search 107503  
warrant, subpoena, or other court order. 107504

(C) To the extent permitted by federal law and section 107505  
1347.08 of the Revised Code, the ~~division~~department, and any 107506  
entity administering a ~~division~~department program, shall 107507  
provide access to information regarding an individual assistance 107508  
recipient to all of the following: 107509

(1) The individual assistance recipient; 107510

(2) The authorized representative of the individual 107511  
assistance recipient; 107512

(3) The legal guardian of the individual assistance 107513  
recipient; 107514

(4) The attorney of the individual assistance recipient. 107515

(D) To the extent permitted by federal law, the 107516  
~~division~~department, and any entity administering a ~~division~~ 107517  
department program, may do either of the following: 107518

(1) Release information about an individual assistance 107519  
recipient if the recipient gives voluntary, written 107520  
authorization; 107521

(2) Release information regarding an individual assistance 107522  
recipient to a state, federal, or federally assisted program 107523  
that provides cash or in-kind assistance or services directly to 107524  
individuals based on need. 107525

(E) The ~~community services division~~department of job and 107526

family services, or an entity administering a ~~division~~  
department program, shall provide, at no cost, a copy of each  
written authorization to the individual who signed it.

(F) The ~~development services agency~~ department may adopt  
rules defining who may serve as an individual assistance  
recipient's authorized representative for purposes of division  
(C) (2) of this section.

**Sec. ~~122-69~~ 5101.315.** (A) Any nonprofit agency or  
organization seeking designation as a community action agency by  
the ~~community services division~~ department of job and family  
services shall obtain the endorsement of the chief elected  
officials of at least two-thirds of the municipal corporations  
and the counties within the community to be served by the agency  
or organization.

(B) Any nonprofit agency or organization that receives the  
endorsement provided for in division (A) of this section shall  
be designated by the ~~division~~ department as the community action  
agency for the community it serves and shall receive community  
services block grant funds for any period of time that the  
nonprofit agency or organization:

(1) Provides a range of services and opportunities having  
a measurable and potentially major impact on the causes of  
poverty in the community or those areas of the community where  
poverty is a particularly acute problem. These activities may  
include but shall not be limited to:

(a) Providing activities designed to assist low-income  
persons, including low-income persons who are elderly and who  
have disabilities, to:

(i) Secure and maintain meaningful employment, training,

work experience, and unsubsidized employment;	107556
(ii) Attain an adequate education;	107557
(iii) Make better use of available income;	107558
(iv) Obtain and maintain adequate housing and a suitable living environment;	107559 107560
(v) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;	107561 107562 107563 107564
(vi) Remove obstacles and solve personal and family problems that block the achievement of self-sufficiency;	107565 107566
(vii) Achieve greater participation in the affairs of the community;	107567 107568
(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;	107569 107570
(ix) Obtain energy assistance, conservation, and weatherization services.	107571 107572
(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons;	107573 107574 107575 107576
(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;	107577 107578 107579
(d) Providing child care services, nutrition and health services, transportation services, alcoholism and narcotic addiction prevention and rehabilitation services, youth	107580 107581 107582

development services, and community services to persons who are 107583  
elderly and who have disabilities; 107584

(e) Encouraging entities in the private sector to 107585  
participate in efforts to ameliorate poverty in the community. 107586

(2) Annually submits to the ~~division~~department a program 107587  
plan and budget for use of community services block grant funds 107588  
for the next federal fiscal year. At least ten days prior to its 107589  
submission to the ~~division~~department, a copy of the program plan 107590  
and budget shall be made available to the chief elected 107591  
officials of the municipal corporations and counties within the 107592  
service area in order to provide them the opportunity to review 107593  
and comment upon such plan and budget. 107594

(3) Composes its board of directors in compliance with 107595  
~~section (c) (3) of section 675 of the "Community Services Block~~ 107596  
~~Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904~~U.S.C. 9910, except 107597  
that the board shall consist of not less than fifteen nor more 107598  
than thirty-three members; 107599

(4) Complies with the prohibitions against discrimination 107600  
and political activity, as provided in the "Community Services 107601  
Block Grant Act"; 107602

(5) Complies with fiscal and program requirements 107603  
established by ~~development services agency~~department rule. 107604

**Sec. ~~122.70~~ 5101.316.** The board of directors of a 107605  
community action agency shall: 107606

(A) Select, appoint, and may remove the executive director 107607  
of the community action agency; 107608

(B) Approve contracts, annual program budgets, and 107609  
policies of the community action agency; 107610

(C) Advise the elected officials of any political subdivision located within its service area, and state and federal elected officials who represent its service area, of the nature and extent of poverty within its community, and advise them of any needed changes;

(D) Convene public meetings to provide community members the opportunity to comment on public policies and programs to reduce poverty;

(E) Annually evaluate the policies and programs of the community action agency according to criteria determined by ~~department of development~~ department of job and family services rule;

(F) Submit the results of the evaluation required by division (E) of this section, along with recommendations for improved administration of the community action agency, to the ~~community services division~~ department;

(G) Adopt a code of ethics for the board of directors and the employees of the community action agency;

(H) Adopt written policies describing all of the following:

(1) How the community action agency is to expend and distribute the community services block grant funds that it receives from the division under sections ~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code;

(2) The salary, benefits, travel expenses, and any other compensation that persons are to receive for serving on the community action agency's board of directors;

(3) The operating procedures to be used by the board to

conduct its meetings, to vote on all official business it 107639  
considers, and to provide notice of its meetings. 107640

The written operating procedures described in this 107641  
division shall specify the methods by which the board may 107642  
conduct meetings using virtual electronic technology, and shall 107643  
specify that the board may provide notice of its meetings by any 107644  
means deemed appropriate to the board. 107645

(I) Provide for the posting of notices in a conspicuous 107646  
place indicating that the code of ethics described in division 107647  
(G) of this section and the policies described in division (H) 107648  
of this section are available for public inspection at the 107649  
community action agency during normal business hours. 107650

**Sec. ~~122.701~~ 5101.317.** (A) Prior to designating a new 107651  
community action agency or rescinding a community action 107652  
agency's designation, the ~~community services division~~ department  
of job and family services shall: 107653  
107654

(1) Determine whether a community action agency is in 107655  
compliance with section ~~122.69~~ 5101.315 of the Revised Code; 107656

(2) Consult with the chief elected officials of political 107657  
subdivisions located within a community action agency's service 107658  
area, and, in designating a new community action agency, obtain 107659  
their endorsement of the agency in accordance with division (A) 107660  
of section ~~122.69~~ 5101.315 of the Revised Code; 107661

(3) Hold at least one public meeting within a community 107662  
action agency's service area for the purpose of allowing 107663  
citizens to comment on the community action agency's delivery of 107664  
services; 107665

(4) Evaluate the proposed service area of the community 107666  
action agency, and, as may be necessary, modify the boundaries 107667

of the service area so that low-income persons in the area are 107668  
adequately and efficiently served. 107669

(B) After providing notice and hearing pursuant to 107670  
sections 119.01 to 119.13 of the Revised Code, the director of 107671  
~~development~~ job and family services: 107672

(1) May rescind the designation of a community action 107673  
agency after finding that the agency is not in compliance with 107674  
any or all of the provisions of section ~~122.69~~ 5101.315 of the 107675  
Revised Code; 107676

(2) Shall rescind the designation of a community action 107677  
agency upon notification from the chief elected officials of 107678  
more than one-half of the municipal corporations and the 107679  
counties within a community currently served by a community 107680  
action agency that such agency is not endorsed by them and after 107681  
finding that the agency is not in compliance with section ~~122.69~~ 107682  
5101.315 of the Revised Code. 107683

Any agency whose designation is rescinded pursuant to this 107684  
section may appeal from an order rescinding such designation 107685  
pursuant to section 119.12 of the Revised Code. 107686

**Sec. 5101.33.** (A) As used in this section, "benefits" 107687  
means any of the following: 107688

(1) Cash assistance paid under Chapter 5107. of the 107689  
Revised Code; 107690

(2) Supplemental nutrition assistance program benefits 107691  
provided under section 5101.54 of the Revised Code; 107692

(3) Any other program administered by the department of 107693  
job and family services or the department of children and youth 107694  
under which assistance is provided or service rendered; 107695



(4) Any other program, service, or assistance administered 107696  
by a person or government entity that the department determines 107697  
may be delivered through the medium of electronic benefit 107698  
transfer. 107699

(B) The department of job and family services or 107700  
department of children and youth may make any payment or 107701  
delivery of benefits to eligible individuals through the medium 107702  
of electronic benefit transfer by doing all of the following: 107703

(1) Contracting with an agent to supply debit cards to the 107704  
department of job and family services or the department of 107705  
children and youth for use by such individuals in accessing 107706  
their benefits and to credit such cards electronically with the 107707  
amounts specified by the director of job and family services or 107708  
the director of children and youth pursuant to law; 107709

(2) Informing such individuals about the use of the 107710  
electronic benefit transfer system and furnishing them with 107711  
debit cards and information that will enable them to access 107712  
their benefits through the system; 107713

(3) Arranging with specific financial institutions or 107714  
vendors, county departments of job and family services, or 107715  
persons or government entities for individuals to have their 107716  
cards credited electronically with the proper amounts at their 107717  
facilities; 107718

(4) Periodically preparing vouchers for the payment of 107719  
such benefits by electronic benefit transfer; 107720

(5) Satisfying any applicable requirements of federal and 107721  
state law. 107722

(C) The department may enter into a written agreement with 107723  
any person or government entity to provide benefits administered 107724

by that person or entity through the medium of electronic 107725  
benefit transfer. A written agreement may require the person or 107726  
government entity to pay to the department either or both of the 107727  
following: 107728

(1) A charge that reimburses the department for all costs 107729  
the department incurs in having the benefits administered by the 107730  
person or entity provided through the electronic benefit 107731  
transfer system; 107732

(2) A fee for having the benefits provided through the 107733  
electronic benefit transfer system. 107734

(D) The department may designate which counties will 107735  
participate in the medium of electronic benefit transfer, 107736  
specify the date a designated county will begin participation, 107737  
and specify which benefits will be provided through the medium 107738  
of electronic benefit transfer in a designated county. 107739

(E) The department of job and family services or the 107740  
department of children and youth may adopt rules in accordance 107741  
with Chapter 119. of the Revised Code for the efficient 107742  
administration of this section. 107743

**Sec. 5101.35.** (A) As used in this section: 107744

(1) (a) "Agency" means the following entities that 107745  
administer a family services program: 107746

(i) The department of job and family services; 107747

(ii) The department of children and youth; 107748

(iii) A county department of job and family services; 107749

(iv) A public children services agency; 107750

(v) A private or government entity administering, in whole 107751

or in part, a family services program for or on behalf of the 107752  
department of job and family services, the department of 107753  
children and youth, or a county department of job and family 107754  
services or public children services agency. 107755

(b) If the department of medicaid contracts with the 107756  
department of job and family services to hear appeals authorized 107757  
by section 5160.31 of the Revised Code regarding medical 107758  
assistance programs, "agency" includes the department of 107759  
medicaid. 107760

(2) "Appellant" means an applicant, participant, former 107761  
participant, recipient, or former recipient of a family services 107762  
program who is entitled by federal or state law to a hearing 107763  
regarding a decision or order of the agency that administers the 107764  
program. 107765

(3) (a) "Family services program" means all of the 107766  
following: 107767

(i) A Title IV-A program as defined in section 5101.80 of 107768  
the Revised Code; 107769

(ii) Programs that provide assistance under Chapter 5104. 107770  
of the Revised Code; 107771

(iii) Programs that provide assistance under section 107772  
~~5101.141~~, 5101.461, 5101.54, 5119.41, 5153.163, ~~or~~ 5153.165, or 107773  
5180.42 of the Revised Code; 107774

(iv) Title XX social services provided under section 107775  
5101.46 of the Revised Code, other than such services provided 107776  
by the department of mental health and addiction services, the 107777  
department of developmental disabilities, a board of alcohol, 107778  
drug addiction, and mental health services, or a county board of 107779  
developmental disabilities. 107780

(b) If the department of medicaid contracts with the 107781  
department of job and family services to hear appeals authorized 107782  
by section 5160.31 of the Revised Code regarding medical 107783  
assistance programs, "family services program" includes medical 107784  
assistance programs. 107785

(4) "Medical assistance program" has the same meaning as 107786  
in section 5160.01 of the Revised Code. 107787

(B) Except as provided by divisions (G) and (H) of this 107788  
section, an appellant who appeals under federal or state law a 107789  
decision or order of an agency administering a family services 107790  
program shall, at the appellant's request, be granted a state 107791  
hearing by the department of job and family services or the 107792  
department of children and youth, as appropriate. This state 107793  
hearing shall be conducted in accordance with rules adopted 107794  
under this section. The state hearing shall be recorded, but 107795  
neither the recording nor a transcript of the recording shall be 107796  
part of the official record of the proceeding. Except as 107797  
provided in section 5160.31 of the Revised Code, a state hearing 107798  
decision is binding upon the agency and department, unless it is 107799  
reversed or modified on appeal to the director of job and family 107800  
services, director of children and youth, or a court of common 107801  
pleas. 107802

(C) Except as provided by division (G) of this section, an 107803  
appellant who disagrees with a state hearing decision may make 107804  
an administrative appeal to the director of job and family 107805  
services or director of children and youth in accordance with 107806  
rules adopted under this section. This administrative appeal 107807  
does not require a hearing, but the director or the director's 107808  
designee shall review the state hearing decision and previous 107809  
administrative action and may affirm, modify, remand, or reverse 107810

the state hearing decision. An administrative appeal decision is 107811  
the final decision of the department and, except as provided in 107812  
section 5160.31 of the Revised Code, is binding upon the 107813  
department and agency, unless it is reversed or modified on 107814  
appeal to the court of common pleas. 107815

(D) An agency shall comply with a decision issued pursuant 107816  
to division (B) or (C) of this section within the time limits 107817  
established by rules adopted under this section. If a county 107818  
department of job and family services or a public children 107819  
services agency fails to comply within these time limits, the 107820  
department may take action pursuant to section 5101.24 of the 107821  
Revised Code. If another agency, other than the department of 107822  
medicaid, fails to comply within the time limits, the department 107823  
may force compliance by withholding funds due the agency or 107824  
imposing another sanction established by rules adopted under 107825  
this section. 107826

(E) An appellant who disagrees with an administrative 107827  
appeal decision of the director of job and family services, the 107828  
director of children and youth, or either director's designee 107829  
issued under division (C) of this section may appeal from the 107830  
decision to the court of common pleas pursuant to section 119.12 107831  
of the Revised Code. The appeal shall be governed by section 107832  
119.12 of the Revised Code except that: 107833

(1) The person may apply to the court for designation as 107834  
an indigent and, if the court grants this application, the 107835  
appellant shall not be required to furnish the costs of the 107836  
appeal. 107837

(2) The appellant shall mail the notice of appeal to the 107838  
department of job and family services or director of children 107839  
and youth, as appropriate, and file notice of appeal with the 107840

court within thirty days after the department mails the 107841  
administrative appeal decision to the appellant. For good cause 107842  
shown, the court may extend the time for mailing and filing 107843  
notice of appeal, but such time shall not exceed six months from 107844  
the date the department mails the administrative appeal 107845  
decision. Filing notice of appeal with the court shall be the 107846  
only act necessary to vest jurisdiction in the court. 107847

(3) The department shall be required to file a transcript 107848  
of the testimony of the state hearing with the court only if the 107849  
court orders the department to file the transcript. The court 107850  
shall make such an order only if it finds that the department 107851  
and the appellant are unable to stipulate to the facts of the 107852  
case and that the transcript is essential to a determination of 107853  
the appeal. The department shall file the transcript not later 107854  
than thirty days after the day such an order is issued. 107855

(F) The department of job and family service and 107856  
department of children and youth, as applicable, shall adopt 107857  
rules in accordance with Chapter 119. of the Revised Code to 107858  
implement this section, including rules governing the following: 107859

(1) State hearings under division (B) of this section. The 107860  
rules shall include provisions regarding notice of eligibility 107861  
termination and the opportunity of an appellant appealing a 107862  
decision or order of a county department of job and family 107863  
services to request a county conference with the county 107864  
department before the state hearing is held. 107865

(2) Administrative appeals under division (C) of this 107866  
section; 107867

(3) Time limits for complying with a decision issued under 107868  
division (B) or (C) of this section; 107869

(4) Sanctions that may be applied against an agency under 107870  
division (D) of this section. 107871

(G) The department of job and family services and the 107872  
department of children and youth, as applicable, may adopt rules 107873  
in accordance with Chapter 119. of the Revised Code establishing 107874  
an appeals process for an appellant who appeals a decision or 107875  
order regarding a Title IV-A program identified under division 107876  
(A) (4) (c), (d), (e), (f), (g), or (h) of section 5101.80 of the 107877  
Revised Code that is different from the appeals process 107878  
established by this section. The different appeals process may 107879  
include having a state agency that administers the Title IV-A 107880  
program pursuant to an interagency agreement entered into under 107881  
section 5101.801 of the Revised Code administer the appeals 107882  
process. 107883

(H) If an appellant receiving medicaid through a health 107884  
insuring corporation that holds a certificate of authority under 107885  
Chapter 1751. of the Revised Code is appealing a denial of 107886  
medicaid services based on lack of medical necessity or other 107887  
clinical issues regarding coverage by the health insuring 107888  
corporation, the person hearing the appeal may order an 107889  
independent medical review if that person determines that a 107890  
review is necessary. The review shall be performed by a health 107891  
care professional with appropriate clinical expertise in 107892  
treating the recipient's condition or disease. The department 107893  
shall pay the costs associated with the review. 107894

A review ordered under this division shall be part of the 107895  
record of the hearing and shall be given appropriate evidentiary 107896  
consideration by the person hearing the appeal. 107897

(I) The requirements of Chapter 119. of the Revised Code 107898  
apply to a state hearing or administrative appeal under this 107899

section only to the extent, if any, specifically provided by 107900  
rules adopted under this section. 107901

**Sec. 5101.351.** The department of job and family services 107902  
or the department of children and youth may employ or contract 107903  
with hearing officers to draft and recommend state hearing 107904  
decisions under division (B) of section 5101.35 of the Revised 107905  
Code. The department may employ or contract with hearing 107906  
authorities to issue state hearing decisions under division (B) 107907  
of section 5101.35 of the Revised Code. A hearing authority 107908  
employed or contracted with under this section is not required 107909  
to have been admitted to the practice of law in this state. 107910

**Sec. 5101.38.** The department of job and family services or 107911  
the department of children and youth may appoint and commission 107912  
any competent officer, employee, agency, or person to serve as a 107913  
special agent, investigator, or representative to perform a 107914  
designated duty for and in behalf of the department. Specific 107915  
credentials shall be given by the department to each person so 107916  
designated, and each credential shall state: 107917

(A) The person's name; 107918

(B) Agency with which such person is connected; 107919

(C) Purpose of appointment; 107920

(D) Date of expiration of appointment, if appropriate; 107921

(E) Such information as the department considers proper. 107922

**Sec. 5101.461.** (A) As used in this section: 107923

(1) "Title IV-A" means Title IV-A of the "Social Security 107924  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 107925

(2) "Title XX" has the same meaning as in section 5101.46 107926



of the Revised Code. 107927

(B) To the extent authorized by federal law, the 107928  
department of job and family services or the department of 107929  
children and youth may use funds received through the Title IV-A 107930  
temporary assistance for needy families block grant for purposes 107931  
of providing Title XX social services. The amount used under 107932  
this section shall not exceed the maximum amount permitted by 107933  
federal law. The funds and provision of Title XX social services 107934  
with the funds are not subject to section 5101.46 of the Revised 107935  
Code. 107936

Funds distributed under this section for the purpose of 107937  
providing family planning services shall be distributed by a 107938  
county department of job and family services according to the 107939  
same order of priority that applies to the department of job and 107940  
family services under section 5101.101 of the Revised Code. 107941

(C) The department and any county department of job and 107942  
family services may require an entity under contract to provide 107943  
Title XX social services with funds used under this section to 107944  
submit to an audit on the basis of alleged misuse or improper 107945  
accounting of funds. If an audit is required, the social 107946  
services provider shall reimburse the state department or county 107947  
department for the cost it incurred in conducting the audit or 107948  
having the audit conducted. 107949

If an audit demonstrates that a social services provider 107950  
is responsible for one or more adverse findings, the provider 107951  
shall reimburse the state department or county department the 107952  
amount of the adverse findings. The amount shall not be 107953  
reimbursed with funds received under this section. The state 107954  
department and county departments may terminate or refuse to 107955  
enter into a contract with a social services provider to provide 107956

services with funds available pursuant to this section if there 107957  
are adverse findings in an audit that are the responsibility of 107958  
the provider. 107959

(D) The state department of job and family services or the 107960  
department of children and youth may adopt rules to implement 107961  
and carry out the purposes of this section. Rules governing 107962  
financial and operational matters of the department or matters 107963  
between the department and county departments of job and family 107964  
services shall be adopted as internal management rules in 107965  
accordance with section 111.15 of the Revised Code. Rules 107966  
governing eligibility for services, program participation, and 107967  
other matters pertaining to applicants and participants shall be 107968  
adopted in accordance with Chapter 119. of the Revised Code. 107969

**Sec. 5101.548.** (A) (1) Except as otherwise provided in 107970  
division (A) (2) of this section, the department of job and 107971  
family services shall not implement the option available under 107972  
section 6(o) (6) of the "Food and Nutrition Act of 2008," 7 107973  
U.S.C. 2015(o) (6). 107974

(2) The department of job and family services may 107975  
implement the option described in division (A) (1) of this 107976  
section only to prevent a federal penalty and to maintain 107977  
compliance with federal rules governing the supplemental 107978  
nutrition assistance program. The department shall not delegate 107979  
the authority to waive individual work requirements or otherwise 107980  
grant exemptions to county departments of job and family 107981  
services. The department shall notify the chairpersons of the 107982  
standing committees having jurisdiction in both the house of 107983  
representatives and the senate when implementing the option 107984  
described in division (A) (1) of this section. 107985

(B) The department of job and family services shall not 107986

request, apply for, or renew a waiver authorized by section 6(o) 107987  
(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o) 107988  
(4). 107989

Sec. 5101.612. (A) As used in this section, "federal 107990  
poverty line" has the same meaning as in section 5162.01 of the 107991  
Revised Code. 107992

(B) Within available funds, the department of job and 107993  
family services shall distribute funds to the counties not later 107994  
than thirty days after the beginning of each calendar quarter 107995  
for a part of the counties' costs for protective services. Funds 107996  
provided to a county under this section shall be deposited into 107997  
the public assistance fund created under section 5101.161 of the 107998  
Revised Code. 107999

(C) In each fiscal year, the amount of funds available for 108000  
distribution under this section shall be allocated to counties 108001  
as follows: 108002

(1) If the amount is less than the amount initially 108003  
appropriated for the immediately preceding fiscal year, each 108004  
county shall receive an amount equal to the percentage of the 108005  
funding it received in the immediately preceding fiscal year, 108006  
exclusive of any releases from or additions to the allocation or 108007  
any sanctions imposed under this section; 108008

(2) If the amount is equal to the amount initially 108009  
appropriated for the immediately preceding fiscal year, each 108010  
county shall receive an amount equal to the amount it received 108011  
in the preceding fiscal year, exclusive of any releases from or 108012  
additions to the allocation or any sanctions imposed under this 108013  
section; 108014

(3) If the amount is greater than the amount initially 108015

appropriated for the immediately preceding fiscal year, each 108016  
county shall receive the amount determined under division (C) (2) 108017  
of this section as a base allocation, plus a percentage of the 108018  
amount that exceeds the amount initially appropriated for the 108019  
immediately preceding fiscal year. The amount exceeding the 108020  
amount initially appropriated in the immediately preceding 108021  
fiscal year shall be allocated to the counties as follows: 108022

(a) Twelve per cent divided equally among all counties; 108023

(b) Forty-eight per cent in the ratio that the number of 108024  
residents of the county aged sixty or older bears to the total 108025  
number of such persons residing in this state; 108026

(c) Forty per cent in the ratio that the number of 108027  
residents of the county with incomes under the federal poverty 108028  
line bears to the total number of such persons in this state. 108029

(D) Not later than ninety days after the end of each state 108030  
fiscal biennium, each county shall return any unspent funds to 108031  
the department. 108032

(E) The director of job and family services may adopt 108033  
rules in accordance with section 111.15 of the Revised Code to 108034  
allocate funds under this section and prescribe reports on 108035  
expenditures to be submitted by the counties as necessary for 108036  
the implementation of this section. 108037

**Sec. 5101.80.** (A) As used in this section and in section 108038  
5101.801 of the Revised Code: 108039

(1) "County family services agency" has the same meaning 108040  
as in section 307.981 of the Revised Code. 108041

(2) "State agency" has the same meaning as in section 9.82 108042  
of the Revised Code. 108043

(3) "Title IV-A administrative agency" means both of the following: 108044  
108045

(a) A county family services agency or state agency 108046  
administering a Title IV-A program under the supervision of the 108047  
department of job and family services or the department of 108048  
children and youth; 108049

(b) A government agency or private, not-for-profit entity 108050  
administering a project funded in whole or in part with funds 108051  
provided under the Title IV-A demonstration program created 108052  
under section 5101.803 of the Revised Code. 108053

(4) "Title IV-A program" means all of the following that 108054  
are funded in part with funds provided under the temporary 108055  
assistance for needy families block grant established by Title 108056  
IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 108057  
U.S.C. 601, as amended: 108058

(a) The Ohio works first program established under Chapter 108059  
5107. of the Revised Code; 108060

(b) The prevention, retention, and contingency program 108061  
established under Chapter 5108. of the Revised Code; 108062

(c) A program established by the general assembly or an 108063  
executive order issued by the governor that is administered or 108064  
supervised by the department of job and family services or 108065  
department of children and youth pursuant to section 5101.801 of 108066  
the Revised Code; 108067

(d) The kinship permanency incentive program created under 108068  
section ~~5101.802~~5180.52 of the Revised Code; 108069

(e) The Title IV-A demonstration program created under 108070  
section 5101.803 of the Revised Code; 108071

(f) The Ohio parenting and pregnancy program created under 108072  
section ~~5101.804~~5180.71 of the Revised Code; 108073

(g) Fatherhood programs recommended by the Ohio commission 108074  
on fatherhood under section ~~5101.805~~5180.704 of the Revised 108075  
Code; 108076

(h) A component of a Title IV-A program identified under 108077  
divisions (A) (4) (a) to (g) of this section that the Title IV-A 108078  
state plan prepared under division (C) (1) of this section 108079  
identifies as a component. 108080

(B) The department of job and family services shall act as 108081  
the single state agency to administer and supervise the 108082  
administration of Title IV-A programs. The Title IV-A state plan 108083  
and amendments to the plan prepared under division (C) of this 108084  
section are binding on Title IV-A administrative agencies. No 108085  
Title IV-A administrative agency may establish, by rule or 108086  
otherwise, a policy governing a Title IV-A program that is 108087  
inconsistent with a Title IV-A program policy established, in 108088  
rule or otherwise, by the director of job and family services. 108089

(C) The department of job and family services shall do all 108090  
of the following: 108091

(1) Prepare and submit to the United States secretary of 108092  
health and human services a Title IV-A state plan for Title IV-A 108093  
programs; 108094

(2) Prepare and submit to the United States secretary of 108095  
health and human services amendments to the Title IV-A state 108096  
plan that the department determines necessary, including 108097  
amendments necessary to implement Title IV-A programs identified 108098  
in divisions (A) (4) (c) to (h) of this section; 108099

(3) Prescribe forms for applications, certificates, 108100

reports, records, and accounts of Title IV-A administrative 108101  
agencies, and other matters related to Title IV-A programs; 108102

(4) Make such reports, in such form and containing such 108103  
information as the department may find necessary to assure the 108104  
correctness and verification of such reports, regarding Title 108105  
IV-A programs; 108106

(5) Require reports and information from each Title IV-A 108107  
administrative agency as may be necessary or advisable regarding 108108  
a Title IV-A program; 108109

(6) Afford a fair hearing in accordance with section 108110  
5101.35 of the Revised Code to any applicant for, or participant 108111  
or former participant of, a Title IV-A program aggrieved by a 108112  
decision regarding the program; 108113

(7) Administer and expend, pursuant to Chapters 5104., 108114  
5107., and 5108. of the Revised Code and sections 5101.801, 108115  
~~5101.802,~~ 5101.803, ~~and 5101.804~~ 5180.52, and 5180.71 of the 108116  
Revised Code, any sums appropriated by the general assembly for 108117  
the purpose of those chapters and sections and all sums paid to 108118  
the state by the secretary of the treasury of the United States 108119  
as authorized by Title IV-A of the "Social Security Act," 110 108120  
Stat. 2113 (1996), 42 U.S.C. 601, as amended; 108121

(8) Conduct investigations and audits as are necessary 108122  
regarding Title IV-A programs; 108123

(9) Enter into reciprocal agreements with other states 108124  
relative to the provision of Ohio works first and prevention, 108125  
retention, and contingency to residents and nonresidents; 108126

(10) Contract with a private entity to conduct an 108127  
independent on-going evaluation of the Ohio works first program 108128  
and the prevention, retention, and contingency program. The 108129

contract must require the private entity to do all of the 108130  
following: 108131

(a) Examine issues of process, practice, impact, and 108132  
outcomes; 108133

(b) Study former participants of Ohio works first who have 108134  
not participated in Ohio works first for at least one year to 108135  
determine whether they are employed, the type of employment in 108136  
which they are engaged, the amount of compensation they are 108137  
receiving, whether their employer provides health insurance, 108138  
whether and how often they have received benefits or services 108139  
under the prevention, retention, and contingency program, and 108140  
whether they are successfully self sufficient; 108141

(c) Provide the department with reports at times the 108142  
department specifies. 108143

(11) Not later than the last day of each January and July, 108144  
prepare a report containing information on the following: 108145

(a) Individuals exhausting the time limits for 108146  
participation in Ohio works first set forth in section 5107.18 108147  
of the Revised Code. 108148

(b) Individuals who have been exempted from the time 108149  
limits set forth in section 5107.18 of the Revised Code and the 108150  
reasons for the exemption. 108151

(D) The department shall provide copies of the reports it 108152  
receives under division (C) (10) of this section and prepares 108153  
under division (C) (11) of this section to the governor, the 108154  
president and minority leader of the senate, and the speaker and 108155  
minority leader of the house of representatives. The department 108156  
shall provide copies of the reports to any private or government 108157  
entity on request. 108158



(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

**Sec. 5101.801.** (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services or the department of children and youth, as appropriate, shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency for the state agency to administer the program under the

department's supervision. 108189

(2) The department of job and family services and the 108190  
department of children and youth may enter into an agreement 108191  
with a government entity and, to the extent permitted by federal 108192  
law, a private, not-for-profit entity for the entity to receive 108193  
funding for a project under the Title IV-A demonstration program 108194  
created under section 5101.803 of the Revised Code. 108195

(3) To the extent permitted by federal law, the department 108196  
of children and youth may enter into an agreement with a 108197  
private, not-for-profit entity for the entity to receive funds 108198  
under the Ohio parenting and pregnancy program created under 108199  
section ~~5101.804~~5180.71 of the Revised Code. 108200

(4) To the extent permitted by federal law, the department 108201  
of children and youth may enter into an agreement with a 108202  
private, not-for-profit entity for the entity to receive funds 108203  
as recommended by the Ohio commission on fatherhood under 108204  
section ~~5101.805~~5180.704 of the Revised Code. 108205

(C) The department of job and family services and the 108206  
department of children and youth, may adopt rules governing 108207  
Title IV-A programs identified under divisions (A) (4) (c), (d), 108208  
(e), (f), (g), and (h) of section 5101.80 of the Revised Code. 108209  
Rules governing financial and operational matters of either 108210  
department or between either department and county family 108211  
services agencies shall be adopted as internal management rules 108212  
adopted in accordance with section 111.15 of the Revised Code. 108213  
All other rules shall be adopted in accordance with Chapter 119. 108214  
of the Revised Code. 108215

(D) If the department of job and family services or the 108216  
department of children and youth, enters into an agreement 108217

regarding a Title IV-A program identified under division (A) (4) 108218  
(c), (e), (f), (g), or (h) of section 5101.80 of the Revised 108219  
Code pursuant to division (B) (1) (b) or (2) of this section, the 108220  
agreement shall include at least all of the following: 108221

(1) A requirement that the state agency or entity comply 108222  
with the requirements for the program or project, including all 108223  
of the following requirements established by federal statutes 108224  
and regulations, state statutes and rules, the United States 108225  
office of management and budget, and the Title IV-A state plan 108226  
prepared under section 5101.80 of the Revised Code: 108227

(a) Eligibility; 108228

(b) Reports; 108229

(c) Benefits and services; 108230

(d) Use of funds; 108231

(e) Appeals for applicants for, and recipients and former 108232  
recipients of, the benefits and services; 108233

(f) Audits. 108234

(2) A complete description of all of the following: 108235

(a) The benefits and services that the program or project 108236  
is to provide; 108237

(b) The methods of program or project administration; 108238

(c) The appeals process under section 5101.35 of the 108239  
Revised Code for applicants for, and recipients and former 108240  
recipients of, the program or project's benefits and services; 108241

(d) Other requirements that the department of job and 108242  
family services or the department of children and youth, as 108243  
applicable, requires be included. 108244

(3) Procedures for the department of job and family 108245  
services or the department of children and youth, as applicable, 108246  
to approve a policy, established by rule or otherwise, that the 108247  
state agency or entity establishes for the program or project 108248  
before the policy is established; 108249

(4) Provisions regarding how the department of job and 108250  
family services or the department of children and youth, as 108251  
applicable, is to reimburse the state agency or entity for 108252  
allowable expenditures under the program or project that the 108253  
applicable department approves, including all of the following: 108254

(a) Limitations on administrative costs; 108255

(b) The department of job and family services or the 108256  
department of children and youth, as applicable, at its 108257  
discretion, doing either of the following: 108258

(i) Withholding no more than five per cent of the funds 108259  
that the department of job and family services or the department 108260  
of children and youth, as applicable, would otherwise provide to 108261  
the state agency or entity for the program or project; 108262

(ii) Charging the state agency or entity for the costs to 108263  
the department of job and family services or the department of 108264  
children and youth, as applicable, of performing, or contracting 108265  
for the performance of, audits and other administrative 108266  
functions associated with the program or project. 108267

(5) If the state agency or entity arranges by contract, 108268  
grant, or other agreement for another entity to perform a 108269  
function the state agency or entity would otherwise perform 108270  
regarding the program or project, the state agency or entity's 108271  
responsibilities for both of the following: 108272

(a) Ensuring that the other entity complies with the 108273

agreement between the state agency or entity and the department 108274  
of job and family services or the department of children and 108275  
youth, as applicable and federal statutes and regulations and 108276  
state statutes and rules governing the use of funds for the 108277  
program or project; 108278

(b) Auditing the other entity in accordance with 108279  
requirements established by the United States office of 108280  
management and budget. 108281

(6) The state agency or entity's responsibilities 108282  
regarding the prompt payment, including any interest assessed, 108283  
of any adverse audit finding, final disallowance of federal 108284  
funds, or other sanction or penalty imposed by the federal 108285  
government, auditor of state, department of job and family 108286  
services or the department of children and youth, as applicable, 108287  
a court, or other entity regarding funds for the program or 108288  
project; 108289

(7) Provisions for the department of job and family 108290  
services or the department of children and youth, as applicable, 108291  
to terminate the agreement or withhold reimbursement from the 108292  
state agency or entity if either of the following occur: 108293

(a) The federal government disapproves the program or 108294  
project or reduces federal funds for the program or project; 108295

(b) The state agency or entity fails to comply with the 108296  
terms of the agreement. 108297

(8) Provisions for both of the following: 108298

(a) The department of job and family services or the 108299  
department of children and youth, as applicable, and state 108300  
agency or entity determining the performance outcomes expected 108301  
for the program or project; 108302

(b) An evaluation of the program or project to determine 108303  
its success in achieving the performance outcomes determined 108304  
under division (D) (8) (a) of this section. 108305

(E) To the extent consistent with the law enacted by the 108306  
general assembly or executive order issued by the governor 108307  
establishing the Title IV-A program and subject to the approval 108308  
of the director of budget and management, the director of job 108309  
and family services or the director of children and youth, as 108310  
applicable, may terminate a Title IV-A program identified under 108311  
division (A) (4) (c), (d), (e), (f), (g), or (h) of section 108312  
5101.80 of the Revised Code or reduce funding for the program if 108313  
the applicable director determines that federal or state funds 108314  
are insufficient to fund the program. If the director of budget 108315  
and management approves the termination or reduction in funding 108316  
for such a program, the director of job and family services or 108317  
the department of children and youth, as applicable, shall issue 108318  
instructions for the termination or funding reduction. If a 108319  
Title IV-A administrative agency is administering the program, 108320  
the agency is bound by the termination or funding reduction and 108321  
shall comply with the applicable director's instructions. 108322

(F) The director of job and family services and the 108323  
director of children and youth may adopt internal management 108324  
rules in accordance with section 111.15 of the Revised Code as 108325  
necessary to implement this section. The rules are binding on 108326  
each Title IV-A administrative agency. 108327

**Sec. 5101.89.** As used in sections 5101.89 to 5101.899 of 108328  
the Revised Code: 108329

(A) "Youth" means a person who is any of the following: 108330

(1) Less than eighteen years of age; 108331

(2) An emancipated young adult; 108332

(3) Is in the temporary or permanent custody of a public 108333  
children services agency, a planned permanent living 108334  
arrangement, or in the Title-IV-E-eligible care and placement 108335  
responsibility of a juvenile court or other governmental agency 108336  
that provides Title IV-E reimbursable placement services. 108337

(B) "Emancipated young adult" has the same meaning as in 108338  
section ~~5101.141~~5180.42 of the Revised Code. 108339

**Sec. 5101.891.** (A) There is created a youth and family 108340  
~~ombudsman~~ombudsmen office under the department of job and 108341  
family services consisting of the following: 108342

(1) A family ombudsman, who shall be appointed by the 108343  
governor, to investigate complaints made by adults; 108344

(2) A youth ombudsman, who shall be appointed by the 108345  
governor with advice from the overcoming hurdles in Ohio youth 108346  
advisory board, to investigate complaints made by youth and to 108347  
advocate for the best interests of children involved in concerns 108348  
investigated by the office; 108349

(3) Not fewer than two regional ombudsmen; 108350

(4) Any necessary support staff. 108351

(B) The office shall investigate and resolve concerns made 108352  
by or on behalf of children and families involved with public 108353  
children services agencies, Title IV-E agencies, or private 108354  
provider agencies that administer or oversee foster care or 108355  
placement services for the children services system. The office 108356  
shall ensure the independent and impartial review of youth, 108357  
family, and community complaints or concerns. 108358

**Sec. 5101.892.** The youth and family ~~ombudsman~~ombudsmen 108359

office shall perform all of the following duties: 108360

(A) Receive, investigate, and attempt to resolve 108361  
complaints from citizens, including children in the custody of a 108362  
public children services agency or in the care and placement of 108363  
a Title IV-E agency, related to government services regarding 108364  
child protective services, foster care, and adoption; 108365

(B) Establish procedures for receiving, investigating, and 108366  
resolving complaints, consistent with state and federal law; 108367

(C) Provide an annual report to the governor, speaker of 108368  
the house of representatives, president of the senate, minority 108369  
leadership of the house of representatives and senate, the 108370  
director of job and family services, the director of children 108371  
and youth, and representatives of the overcoming hurdles in Ohio 108372  
youth advisory board. 108373

**Sec. 5101.893.** Not later than sixty days after release of 108374  
the annual report described under section 5101.892 of the 108375  
Revised Code, the overcoming hurdles in Ohio youth advisory 108376  
board shall provide an evaluation of the report to the governor 108377  
and the youth ombudsman of the youth and family ~~ombudsman~~ 108378  
ombudsmen office. 108379

**Sec. 5101.894.** To the extent permitted by state or federal 108380  
law, a representative of the youth and family ~~ombudsman~~ 108381  
ombudsmen office may report to an appropriate authority any 108382  
suspected violation of state law discovered during the course of 108383  
a complaint review. 108384

**Sec. 5101.895.** The department of job and family services 108385  
shall be responsible for all administrative undertakings for the 108386  
youth and family ~~ombudsman~~ ombudsmen office, including the 108387  
provision of offices, equipment, and supplies, as necessary. 108388



**Sec. 5101.897.** (A) No employee of the youth and family 108389  
~~ombudsman~~ombudsmen office shall do any of the following: 108390

(1) Hold any office of trust or profit; 108391

(2) Engage in any occupation or business interfering or 108392  
inconsistent with the duties of the office; 108393

(3) Serve on any committee of any political party; 108394

(4) Have any interest that is, or may be, in conflict with 108395  
the interests and concerns of the office. 108396

(B) As used in this section, "office of trust or profit" 108397  
means any of the following: 108398

(1) A federal or state elective office or an elective 108399  
office of a political subdivision of the state; 108400

(2) A position on a board or commission of the state that 108401  
is appointed by the governor; 108402

(3) An office set forth in section 121.03, 121.04, or 108403  
121.05 of the Revised Code; 108404

(4) An office of the government of the United States that 108405  
is appointed by the president of the United States. 108406

**Sec. 5101.899.** (A) The youth and family ~~ombudsman~~ 108407  
~~ombudsmen~~ office shall have access to ~~only~~ the records of the 108408  
department of children and youth and the department of job and 108409  
family services that are necessary for the administration of 108410  
sections 5101.89 to 5101.899 of the Revised Code and in the 108411  
performance of its official duties, including any records 108412  
maintained in the uniform statewide automated child welfare 108413  
information system under section ~~5101.13~~5180.40 of the Revised 108414  
Code. The office has the right to request of the director of 108415

children and youth and the director of job and family services 108416  
necessary information from any work unit of the department 108417  
having information. The collection, compilation, analysis, and 108418  
dissemination of information by the office shall be performed in 108419  
a manner that protects complainants, individuals providing 108420  
information about a complaint, public entities, and confidential 108421  
records. 108422

(B) The office shall have access to any necessary records 108423  
in the control of a public children services agency, a Title IV- 108424  
E agency, or a private provider agency that administers or 108425  
oversees foster care or placement services for the children 108426  
services system. 108427

(C) Files of the office and any records contained in those 108428  
files are not public records subject to inspection or copying 108429  
under section 149.43 of the Revised Code. Information contained 108430  
in investigative and other files maintained by the office shall 108431  
be disclosed only at the discretion of the office or if 108432  
disclosure is required by a court order. 108433

**Sec. 5101.91.** (A) As used in this section: 108434

(1) "Multi-system youth" are children and adolescents who 108435  
are receiving services from two or more of the following 108436  
systems: child protective services, behavioral health services, 108437  
developmental disabilities services, juvenile court, and 108438  
medicaid. 108439

(2) "Licensed care" means detention facilities, shelter 108440  
facilities, certified children's crisis care facilities, 108441  
certified foster homes, placement in a prospective adoptive home 108442  
prior to the issuance of a final decree of adoption, 108443  
organizations, certified organizations, group home providers, 108444

group homes, institutions, state institutions, residential 108445  
facilities, or residential care facilities. 108446

(B) The following departments must collaborate to identify 108447  
and take appropriate action with available resources to meet the 108448  
needs of multi-system youth more effectively: 108449

(1) The department of job and family services; 108450

(2) The department of children and youth; 108451

(3) The department of behavioral health; 108452

(4) The department of developmental disabilities; 108453

(5) The department of youth services; 108454

(6) The department of medicaid. 108455

(C) Not later than one year after the effective date of 108456  
this section, the departments described in division (B) of this 108457  
section must jointly submit to the general assembly a report 108458  
with policy recommendations and the following information: 108459

(1) Data on the number of multi-system youth; 108460

(2) Data on the number of multi-system youth who are 108461  
placed in licensed care; 108462

(3) Information on how the departments described in 108463  
division (B) of this section track multi-system youth; 108464

(4) A summary of actions taken by the departments to 108465  
better serve multi-system youth. 108466

**Sec. 5101.95.** Not later than thirty days before submitting 108467  
a waiver or state plan amendment relating to a public assistance 108468  
benefit program to the appropriate federal entity, the director 108469  
of job and family services shall submit a copy of the waiver or 108470

state plan amendment to the speaker of the house of 108471  
representatives, the president of the senate, and the 108472  
chairpersons of the relevant house of representatives and senate 108473  
committees with jurisdiction over the subject matter of the 108474  
waiver or state plan amendment. 108475

**Sec. 5101.98.** (A) Quarterly, the department of job and 108476  
family services shall compile a report on public assistance 108477  
programs in this state, including the following information: 108478

(1) Regarding the supplemental nutrition assistance 108479  
program, ~~the number of:~~ 108480

(a) ~~Accounts~~ The number of accounts with high balances, as 108481  
determined by the department; 108482

(b) ~~Out-of-state~~ The number of out-of-state transactions, 108483  
including the city and state in which the transaction occurred, 108484  
and the amount of each out-of-state transaction; 108485

(c) ~~Transactions~~ The number of transactions when the final 108486  
amount processed was a whole dollar amount without additional 108487  
cents; 108488

(d) The number of accounts with a transaction in which the 108489  
final amount processed was a whole dollar amount without 108490  
additional cents; 108491

(e) The number of electronic benefit transfer cards 108492  
reported lost; 108493

(f) The number of electronic benefit transfer cards 108494  
reported stolen; 108495

(g) The amount of funds that have been stolen through card 108496  
skimming, card cloning, or similar fraudulent methods; 108497

(h) Any enhancements made to electronic benefit transfer 108498  
cards during the quarterly period; 108499

(i) Electronic benefit transfer payment error rates. 108500

(2) Regarding public assistance programs in this state, 108501  
including ~~medicaid~~, the supplemental nutrition assistance 108502  
program, temporary assistance for needy families, or cash 108503  
assistance, the number of the following, itemized separately by 108504  
program: 108505

(a) Payments made in error, and the dollar amount of those 108506  
payments; 108507

(b) Work requirement exemptions issued; 108508

(c) Confirmed cases of intentional program violation and 108509  
fraud. 108510

(B) The department of medicaid shall collaborate with the 108511  
department of job and family services to provide all information 108512  
required under division (A) of this section that the department 108513  
of medicaid oversees. 108514

(C) The department of job and family services shall submit 108515  
the report to the president of the senate and the speaker of the 108516  
house of representatives, who shall distribute the report to the 108517  
chairs of any legislative committee with jurisdiction over 108518  
public assistance. 108519

**Sec. 5101.99.** (A) Whoever violates division (A) of section 108520  
5101.27 of the Revised Code is guilty of a misdemeanor of the 108521  
first degree. 108522

(B) Whoever violates ~~section 5101.133~~, division (A) of 108523  
section 5101.63, or division (C) (2) of section 5101.631 of the 108524  
Revised Code is guilty of a misdemeanor of the fourth degree. 108525

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of 108526  
the Revised Code: 108527

(A) (1) "Association" or "institution" includes all of the 108528  
following: 108529

(a) Any incorporated or unincorporated organization, 108530  
society, association, or agency, public or private, that 108531  
receives or cares for children for two or more consecutive 108532  
weeks; 108533

(b) Any individual, including the operator of a foster 108534  
home, who, for hire, gain, or reward, receives or cares for 108535  
children for two or more consecutive weeks, unless the 108536  
individual is related to them by blood or marriage; 108537

(c) Any individual not in the regular employ of a court, 108538  
or of an institution or association certified in accordance with 108539  
section 5103.03 of the Revised Code, who in any manner becomes a 108540  
party to the placing of children in foster homes, unless the 108541  
individual is related to such children by blood or marriage or 108542  
is the appointed guardian of such children. 108543

(2) "Association" or "institution" does not include any of 108544  
the following: 108545

(a) Any organization, society, association, school, 108546  
agency, child guidance center, detention or rehabilitation 108547  
facility, or children's clinic licensed, regulated, approved, 108548  
operated under the direction of, or otherwise certified by the 108549  
department of education and workforce, a local board of 108550  
education, the department of youth services, the department of 108551  
mental health and addiction services, or the department of 108552  
developmental disabilities; 108553

(b) Any individual who provides care for only a single- 108554

family group, placed there by their parents or other relative 108555  
having custody; 108556

(c) A private, nonprofit therapeutic wilderness camp; 108557

(d) A qualified organization as defined in section 2151.90 108558  
of the Revised Code. 108559

(B) "Family foster home" means a foster home that is not a 108560  
specialized foster home. 108561

(C) "Foster caregiver" means a person holding a valid 108562  
foster home certificate issued under section 5103.03 of the 108563  
Revised Code. 108564

(D) "Foster home" means a private residence in which 108565  
children are received apart from their parents, guardian, or 108566  
legal custodian, by an individual reimbursed for providing the 108567  
children nonsecure care, supervision, or training twenty-four 108568  
hours a day. "Foster home" does not include care provided for a 108569  
child in the home of a person other than the child's parent, 108570  
guardian, or legal custodian while the parent, guardian, or 108571  
legal custodian is temporarily away. Family foster homes and 108572  
specialized foster homes are types of foster homes. 108573

(E) "Kinship caregiver" has the same meaning as in section 108574  
~~5101.85~~ 5180.50 of the Revised Code. 108575

(F) "Medically fragile foster home" means a foster home 108576  
that provides specialized medical services designed to meet the 108577  
needs of children with intensive health care needs who meet all 108578  
of the following criteria: 108579

(1) Under rules adopted by the medicaid director governing 108580  
medicaid payments for long-term care services, the children 108581  
require a skilled level of care. 108582

(2) The children require the services of a doctor of 108583  
medicine or osteopathic medicine at least once a week due to the 108584  
instability of their medical conditions. 108585

(3) The children require the services of a registered 108586  
nurse on a daily basis. 108587

(4) The children are at risk of institutionalization in a 108588  
hospital, skilled nursing facility, or intermediate care 108589  
facility for individuals with intellectual disabilities. 108590

(G) "Private, nonprofit therapeutic wilderness camp" means 108591  
a structured, alternative residential setting for children who 108592  
are experiencing emotional, behavioral, moral, social, or 108593  
learning difficulties at home or school in which all of the 108594  
following are the case: 108595

(1) The children spend the majority of their time, 108596  
including overnight, either outdoors or in a primitive 108597  
structure. 108598

(2) The children have been placed there by their parents 108599  
or another relative having custody. 108600

(3) The camp accepts no public funds for use in its 108601  
operations. 108602

(H) "Recommending agency" means a public children services 108603  
agency, private child placing agency, or private noncustodial 108604  
agency that recommends that the department of children and youth 108605  
take any of the following actions under section 5103.03 of the 108606  
Revised Code regarding a foster home: 108607

(1) Issue a certificate; 108608

(2) Deny a certificate; 108609



- (3) Revoke a certificate. 108610
- (I) "Resource caregiver" means a foster caregiver or a 108611  
kinship caregiver. 108612
- (J) "Resource family" means a foster home or the kinship 108613  
caregiver family. 108614
- (K) "Specialized foster home" means a medically fragile 108615  
foster home or a treatment foster home. 108616
- (L) "Treatment foster home" means a foster home that 108617  
incorporates special rehabilitative services designed to treat 108618  
the specific needs of the children received in the foster home 108619  
and that receives and cares for children who are emotionally or 108620  
behaviorally disturbed, who are chemically dependent, who have 108621  
developmental disabilities, or who otherwise have exceptional 108622  
needs. 108623
- Sec. 5103.021.** (A) As used in this section, a "scholars 108624  
residential center" is a center that meets all of the following: 108625
- (1) The center is a certified affiliate in good standing 108626  
of a national organization with a mission to help underserved 108627  
children in middle school and high school in a comprehensive 108628  
manner that is academically focused and service-oriented and in 108629  
a family-like setting. 108630
- (2) The center is private and not-for-profit. 108631
- (3) The center does not receive Title IV-E funding or any 108632  
associated Title IV funds related to child welfare. 108633
- (4) The center only accepts children placed by their 108634  
parents or legal custodian. 108635
- (5) The center is voluntary and uses a competitive 108636

selection process. 108637

(B) The director of ~~job and family services~~ children and 108638  
youth shall adopt rules in accordance with Chapter 119. of the 108639  
Revised Code to implement standards regarding a scholars 108640  
residential center. The rules shall be substantially similar, as 108641  
determined by the director, to other similarly situated 108642  
providers of residential care for children, including rules 108643  
provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative 108644  
Code, except that the rules shall reflect all of the following: 108645

(1) A center is not subject to any policy that is not 108646  
specific or relevant to the center. 108647

(2) A center is not required to provide discharge 108648  
summaries. 108649

(3) A center is permitted to request agency waivers. 108650

(4) A center is not required to implement case plans or 108651  
service plans. 108652

(5) Training requirements for center staff are limited to 108653  
completion of all of the following: 108654

(a) Orientation training; 108655

(b) Current American red cross, American heart 108656  
association, or equivalent first aid and cardiopulmonary 108657  
resuscitation certification; 108658

(c) One hour of annual trauma training. 108659

(6) A center is not subject to existing rules regarding: 108660

(a) Recreation and leisure activity requirements, provided 108661  
that the center has a recreation area available and permits 108662  
children to swim if a person who has completed life-saving or 108663

water safety training is present; 108664

(b) Visiting and communications policies, provided that 108665  
the center ensures that children have contact with their family; 108666

(c) Qualified residential treatment program requirements; 108667

(d) Treatment-focused requirements established for 108668  
residential agencies. 108669

(7) A center shall provide notification and documentation 108670  
of critical incidents to parents and legal custodians. 108671

(C) The director shall certify a scholars residential 108672  
center that submits an application to the director, on a form 108673  
prescribed by the director, that indicates to the director's 108674  
satisfaction that the center meets the standards set forth in 108675  
rules adopted under division (B) of this section. 108676

Sec. 5103.039. (A) The department of children and youth 108677  
may suspend, without a prior hearing, the certificate of an 108678  
institution or association, as defined in section 5103.02 of the 108679  
Revised Code, which includes a foster caregiver, if any of the 108680  
following occur: 108681

(1) A child dies or suffers a serious injury while placed 108682  
or residing with the institution or association, including a 108683  
foster home, as defined in section 5103.02 of the Revised Code. 108684

(2) A public children services agency receives a report 108685  
pursuant to section 2151.421 of the Revised Code, and the person 108686  
alleged to have inflicted abuse or neglect on the child who is 108687  
the subject of the report is any of the following: 108688

(a) A principal of the institution or association; 108689

(b) An employee or volunteer of the institution or 108690

association who has not immediately been placed on 108691  
administrative leave or released from employment; 108692

(c) Any person who resides in the foster home. 108693

(3) One of the following is charged by an indictment, 108694  
information, or complaint with an offense relating to the death, 108695  
injury, abuse, or neglect of a child: 108696

(a) A principal of the institution or association; 108697

(b) An employee or volunteer of the institution or 108698  
association who has not immediately been placed on 108699  
administrative leave or released from employment. 108700

(4) The department, the recommending agency, a public 108701  
children services agency, or a county department of job and 108702  
family services determines that a principal, employee, or 108703  
volunteer of the institution or association, including a foster 108704  
caregiver, or a person residing in the foster home, created a 108705  
serious risk to the health or safety of a child placed therein 108706  
that resulted in or could have resulted in a child's death or 108707  
injury. 108708

(5) The department determines that the owner of the 108709  
institution or association or the foster caregiver does not meet 108710  
the requirements of section 2151.86, 5103.0310, or 5103.053 of 108711  
the Revised Code. 108712

(B) In suspending a license under division (A) of this 108713  
section, the department shall comply with section 119.07 of the 108714  
Revised Code. A principal of an institution or association, 108715  
including a foster caregiver, may request an adjudicatory 108716  
hearing before the department pursuant to sections 119.06 and 108717  
119.12 of the Revised Code. If a hearing is requested and the 108718  
department does not issue its final adjudication order within 108719

one hundred twenty days after the suspension, the suspension is 108720  
void on the one hundred twenty-first day after the suspension, 108721  
unless the hearing on the suspension is continued on agreement 108722  
by the parties or for good cause. 108723

(C) A summary suspension imposed under this section shall 108724  
remain in effect until any of the following occurs: 108725

(1) The public children services agency completes its 108726  
investigation of the report pursuant to section 2151.421 of the 108727  
Revised Code and determines that all of the allegations are 108728  
unsubstantiated. 108729

(2) All criminal charges are disposed of through dismissal 108730  
or a finding of not guilty. 108731

(3) The department issues pursuant to Chapter 119. of the 108732  
Revised Code a final order terminating the suspension. 108733

(D) An institution or association shall not have children 108734  
placed in the institution or association while a summary 108735  
suspension remains in effect. Upon the issuance of the order of 108736  
suspension, the department shall place a hold on the certificate 108737  
or indicate that the certificate is suspended in Ohio's 108738  
statewide automated child welfare information system. 108739

(E) The director of children and youth may adopt rules in 108740  
accordance with Chapter 119. of the Revised Code establishing 108741  
standards and procedures for the summary suspension of 108742  
certificates. 108743

(F) This section does not limit the authority of the 108744  
department to revoke a certificate pursuant to section 5103.03 108745  
of the Revised Code. 108746

(G) As used in this section, "principal" means any of the 108747

following: 108748

(1) The institution or association's administrator or 108749  
director; 108750

(2) The institution or association's owners or partners; 108751

(3) Members of the institution or association's governing 108752  
body; 108753

(4) A foster caregiver. 108754

**Sec. 5103.0329.** ~~(A)~~ A recommending agency may submit a 108755  
request to the department of children and youth, on a case-by- 108756  
case basis only, to waive any non-safety standards for a kinship 108757  
caregiver seeking foster home certification. Non-safety 108758  
standards include training hours and other requirements under 108759  
sections 5103.031 and 5103.032 of the Revised Code and standards 108760  
established by rules adopted under sections 5103.03 and 108761  
5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 108762  
(a) (10). 108763

~~(B) "Kinship caregiver" has the same meaning as in section~~ 108764  
~~5101.85 of the Revised Code.~~ 108765

**Sec. 5103.0520.** (A) As used in this section, "group home" 108766  
has the same meaning as "group home for children" in section 108767  
5103.05 of the Revised Code. 108768

(B) Not later than two hundred seventy days after the 108769  
effective date of this section, the director of children and 108770  
youth shall adopt rules in accordance with Chapter 119. of the 108771  
Revised Code to establish requirements regarding all of the 108772  
following for group homes: 108773

(1) The use of the Ohio professional registry, as operated 108774  
by the Ohio child care resource and referral association or its 108775

successor organization or entity, to complete background checks 108776  
or criminal records checks pursuant to section 2151.86, 108777  
5103.037, 5103.0310, or 5103.053 of the Revised Code for any 108778  
owner, board president, administrator, officer, operator, staff, 108779  
volunteer, intern, and subcontractor of a group home; 108780

(2) Training on behavioral intervention, including the use 108781  
of de-escalation, for all new and existing individuals working 108782  
at a group home; 108783

(3) The supervision of children, including a ratio of at 108784  
least one staff person for every five children or, if the group 108785  
home accepts placement of fewer than five children, one staff 108786  
person for every four children. 108787

(C) The operator of a group home shall comply with the 108788  
ratio requirements established in rules adopted under division 108789  
(B) (3) of this section as a requirement for certification. 108790

(D) The director of children and youth may suspend or 108791  
revoke the certificate of a group home in accordance with 108792  
Chapter 119. of the Revised Code for any violation under this 108793  
section or rules adopted under this section. 108794

**Sec. 5103.09.** (A) As used in this section, "Title IV-E 108795  
agency" has the same meaning as in section 5101.132 of the 108796  
Revised Code. 108797

(B) Upon receiving the care and placement of a child, a 108798  
Title IV-E agency shall determine if the child is eligible for 108799  
or receiving benefits administered by the United States social 108800  
security administration, the United States department of 108801  
veterans affairs, the Ohio public employee retirement system, 108802  
the Ohio police and fire pension fund, the state teachers 108803  
retirement system of Ohio, the school employees retirement 108804

system of Ohio, or the Ohio highway patrol retirement system. If 108805  
the child is eligible for or receiving such benefits, the agency 108806  
shall not use the child's benefits to pay for or reimburse the 108807  
agency, county, or state for any cost of the child's care. 108808

(C) The director of children and youth may adopt rules in 108809  
accordance with section 111.15 of the Revised Code to implement 108810  
this section, including the establishment of new procedures 108811  
necessary to assist a Title IV-E agency in complying with this 108812  
section. 108813

**Sec. 5103.15.** (A) (1) The parents, guardian, or other 108814  
persons having the custody of a child may enter into an 108815  
agreement with any public children services agency or private 108816  
child placing agency, whereby the child is placed without the 108817  
approval of the juvenile court in the temporary custody of the 108818  
agency for a period of time of up to thirty days, except that an 108819  
agreement for temporary custody can be for a period of time of 108820  
up to sixty days without court approval if the agreement is 108821  
executed solely for the purpose of obtaining the adoption of a 108822  
child who is less than six months of age on the date of the 108823  
execution of the agreement. 108824

(2) Except as provided in division (A) (3) of this section 108825  
for agreements entered into to obtain the adoption of a child 108826  
under the age of six months, any public children services agency 108827  
or private child placing agency that obtains, without court 108828  
approval, temporary custody of a child pursuant to an agreement 108829  
executed in accordance with this division may request the 108830  
juvenile court of the county in which the child has a residence 108831  
or legal settlement for an original thirty-day extension of the 108832  
temporary custody agreement. Upon the filing of a request for 108833  
the extension of the temporary custody agreement, the juvenile 108834



court shall determine whether the extension is in the best 108835  
interest of the child and may extend the temporary custody 108836  
agreement for a period of thirty days beyond the initial thirty- 108837  
day period for which court approval is not required by this 108838  
division. The agency requesting the original extension shall 108839  
file a case plan, prepared pursuant to section 2151.412 of the 108840  
Revised Code, with the court at the same time that it files its 108841  
request for an extension. 108842

At the expiration of the original thirty-day extension 108843  
period, the agency may request the juvenile court to grant an 108844  
additional thirty-day extension of the temporary custody 108845  
agreement. Upon the filing of the request for the additional 108846  
extension, the juvenile court may extend the temporary custody 108847  
agreement for a period of thirty days beyond the original 108848  
thirty-day extension period if it determines that the additional 108849  
extension is in the best interest of the child. The agency shall 108850  
file an updated version of the child's case plan at the same 108851  
time that it files its request for an additional extension. 108852

At the expiration of an additional thirty-day extension 108853  
period and at the expiration of the original thirty-day 108854  
extension period if the agency does not request an additional 108855  
thirty-day extension, the agency shall either return the child 108856  
to the child's parents, guardian, or other person having custody 108857  
of the child or file a complaint with the court pursuant to 108858  
section 2151.27 of the Revised Code requesting temporary or 108859  
permanent custody of the child. The complaint shall be 108860  
accompanied by a case plan prepared in accordance with section 108861  
2151.412 of the Revised Code. 108862

(3) Any public children services agency or private child 108863  
placing agency that obtains, without court approval and solely 108864

for the purpose of obtaining the adoption of the child, 108865  
temporary custody of a child who is under the age of six months 108866  
pursuant to an agreement executed in accordance with this 108867  
division may request the juvenile court in the county in which 108868  
the child has a residence or legal settlement to grant a thirty 108869  
day extension of the temporary custody agreement. Upon the 108870  
filing of the request, the court shall determine whether the 108871  
extension is in the best interest of the child and may extend 108872  
the temporary custody agreement for a period of thirty days 108873  
beyond the sixty day period for which the court approval is not 108874  
required by this division. The agency requesting the extension 108875  
shall file a case plan, prepared pursuant to section 2151.412 of 108876  
the Revised Code, with the court at the same time that it files 108877  
its request for an extension. 108878

At the expiration of the thirty day extension, the agency 108879  
shall either return the child to the parents, guardian, or other 108880  
person having custody of the child or file a complaint with the 108881  
court pursuant to section 2151.27 of the Revised Code requesting 108882  
temporary or permanent custody of the child. The complaint shall 108883  
be accompanied by a case plan prepared in accordance with 108884  
section 2151.412 of the Revised Code. 108885

(B) (1) Subject to juvenile court approval, the following 108886  
may enter into an agreement with a public children services 108887  
agency or private child placing agency surrendering the child 108888  
into the permanent custody of that agency: 108889

(a) The parents, guardian, or other persons having custody 108890  
of the child; 108891

(b) The parents of a child who is in the temporary custody 108892  
of a public children services agency or private child placing 108893  
agency. 108894

(2) An agency that enters into an agreement under division 108895  
(B) (1) of this section may take and care for the child or place 108896  
the child in a family home. 108897

(3) A private child placing agency or public children 108898  
services agency that seeks permanent custody of a child pursuant 108899  
to division (B) (1) of this section shall file a request with the 108900  
juvenile court of the county in which the child has a residence 108901  
or legal settlement for approval of the agency's permanent 108902  
surrender agreement with the parents, guardian, or other persons 108903  
having custody of the child. Not later than fourteen business 108904  
days after the request is filed, the juvenile court shall 108905  
determine whether the permanent surrender agreement is in the 108906  
best interest of the child. The court may approve the permanent 108907  
surrender agreement if it determines that the agreement is in 108908  
the best interest of the child and, in the case of an agreement 108909  
between a parent and an agency, the requirements of section 108910  
5103.151 of the Revised Code are met. The agency requesting the 108911  
approval of the permanent surrender agreement shall file with 108912  
the court an original or amended case plan, prepared pursuant to 108913  
section 2151.412 of the Revised Code, at the same time that it 108914  
files its request for the approval of the permanent surrender 108915  
agreement. 108916

(4) Notwithstanding division (B) (1) of this section, the 108917  
parents of a child less than six months of age may enter into an 108918  
agreement with a private child placing agency surrendering the 108919  
child into the permanent custody of the agency without juvenile 108920  
court approval if the agreement is executed solely for the 108921  
purpose of obtaining the adoption of the child. The agency 108922  
shall, not later than two business days after entering into the 108923  
agreement, notify the juvenile court. The agency also shall 108924  
notify the court not later than two business days after the 108925

agency places the child for adoption. The court shall journalize 108926  
the notices it receives under division (B) (4) of this section. 108927

(C) The agreements provided for in this section shall be 108928  
in writing, on forms prescribed and furnished by the department\_ 108929  
of children and youth, and may contain any proper and legal 108930  
stipulations for proper care of the child, and may authorize the 108931  
public children services agency or private child placing agency 108932  
when such agreements are for permanent care and custody to 108933  
appear in any proceeding for the legal adoption of the child, 108934  
and consent to the child's adoption, as provided in section 108935  
3107.06 of the Revised Code. If an agreement for permanent care 108936  
and custody of a child is executed, social and medical histories 108937  
shall be completed in relation to the child in accordance with 108938  
section 3107.09 of the Revised Code. The adoption order of the 108939  
probate court judge made upon the consent shall be binding upon 108940  
the child and the child's parents, guardian, or other person, as 108941  
if those persons were personally in court and consented to the 108942  
order, whether made party to the proceeding or not. 108943

(D) An agreement entered into under this section by a 108944  
parent under age eighteen is as valid as an agreement entered 108945  
into by a parent age eighteen or older. 108946

**Sec. 5103.155.** As used in this section, "children with 108947  
special needs" has the same meaning as in rules adopted under 108948  
section 5153.163 of the Revised Code. 108949

If the department of ~~job and family services~~ children and 108950  
youth determines that money in the putative father registry fund 108951  
created under section 2101.16 of the Revised Code is more than 108952  
is needed to perform its duties related to the putative father 108953  
registry, the department may ~~transfer~~ use surplus moneys in the 108954  
fund to ~~the department of children and youth to promote adoption~~ 108955

of children with special needs. 108956

**Sec. 5103.18.** (A) (1) Prior to certification as a foster 108957  
home under section 5103.03 of the Revised Code, a recommending 108958  
agency shall obtain a summary report of a search of the uniform 108959  
statewide automated child welfare information system, 108960  
established under section ~~5101.13~~5180.40 of the Revised Code, 108961  
from an entity listed in section ~~5101.132~~5180.402 of the 108962  
Revised Code. 108963

(2) Whenever a prospective foster parent or any other 108964  
person eighteen years of age or older who resides with a 108965  
prospective foster parent has resided in another state within 108966  
the five-year period immediately prior to the date on which a 108967  
criminal records check is requested for the person under 108968  
division (A) of section 2151.86 of the Revised Code, the 108969  
recommending agency shall request a check of the central 108970  
registry of abuse and neglect of this state from the department 108971  
of children and youth regarding the prospective foster parent or 108972  
the person eighteen years of age or older who resides with the 108973  
prospective foster parent to enable the agency to check any 108974  
child abuse and neglect registry maintained by that other state. 108975  
The recommending agency shall make the request and shall review 108976  
the results of the check before the prospective foster parent 108977  
may be finally approved for placement of a child. Information 108978  
received pursuant to such a request shall be considered for 108979  
purposes of this chapter as if it were a summary report required 108980  
under division (A) of this section. The department of children 108981  
and youth shall comply with any request to check the central 108982  
registry that is similar to the request described in this 108983  
division and that is received from any other state. 108984

(B) (1) The summary report required under division (A) of 108985

this section shall contain, if applicable, a chronological list 108986  
of abuse and neglect determinations or allegations of which a 108987  
person seeking to become a foster caregiver of a child is 108988  
subject and in regards to which a public children services 108989  
agency has done one of the following: 108990

(a) Determined that abuse or neglect occurred; 108991

(b) Initiated an investigation, and the investigation is 108992  
ongoing; 108993

(c) Initiated an investigation, and the agency was unable 108994  
to determine whether abuse or neglect occurred. 108995

(2) The summary report required under division (A) of this 108996  
section shall not contain any of the following: 108997

(a) An abuse and neglect determination of which a person 108998  
seeking to become a foster caregiver of a child is subject and 108999  
in regards to which a public children services agency determined 109000  
that abuse or neglect did not occur; 109001

(b) Information or reports the dissemination of which is 109002  
prohibited by, or interferes with eligibility under, the "Child 109003  
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 109004  
U.S.C. 5101 et seq., as amended; 109005

(c) The name of the person who or entity that made, or 109006  
participated in the making of, the report of abuse or neglect. 109007

(C) (1) A foster home certification may be denied based on 109008  
a summary report containing the information described under 109009  
division (B) (1) (a) of this section, when considered within the 109010  
totality of the circumstances. 109011

(2) A foster home certification shall not be denied solely 109012  
based on a summary report containing the information described 109013

under division (B) (1) (b) or (c) of this section. 109014

(D) The director of children and youth shall adopt rules 109015  
in accordance with Chapter 119. of the Revised Code necessary 109016  
for the implementation and execution of this section. 109017

**Sec. 5103.30.** The Ohio child welfare training program is 109018  
hereby established in the department of children and youth as a 109019  
statewide program. The program shall provide all of the 109020  
following: 109021

(A) The training that section 3107.014 of the Revised Code 109022  
requires an assessor to complete; 109023

(B) The preplacement training that sections 5103.031 and 109024  
5103.033 of the Revised Code require a prospective foster 109025  
caregiver to complete; 109026

(C) The continuing training that sections 5103.032 and 109027  
5103.033 of the Revised Code require a foster caregiver to 109028  
complete; 109029

(D) The training that section 5153.122 of the Revised Code 109030  
requires a PCSA caseworker to complete; 109031

(E) The training that section 5153.123 of the Revised Code 109032  
requires a PCSA caseworker supervisor to complete; 109033

(F) The training required under section ~~5101.1414~~ 109034  
5180.4211 of the Revised Code for a case manager and supervisor. 109035

**Sec. 5103.32.** (A) As used in this section: 109036

(1) "Title IV-B" means Title IV-B of the "Social Security 109037  
Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 109038

(2) "Title IV-E" means Title IV-E of the "Social Security 109039  
Act," 94 Stat. 501, 42 U.S.C. 670 (1980). 109040

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code.

(B) For purposes of adequately funding the Ohio child welfare training program, the department of children and youth may use any of the following:

(1) The federal financial participation funds withheld pursuant to division (E) of section ~~5101.141~~ 5180.42 of the Revised Code in an amount determined by the department;

(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs;

(3) Other available state or federal funds;

(4) Funds that a person, including a foundation, makes available for the program.

**Sec. 5103.41.** The department of ~~job and family services~~ children and youth, in consultation with the Ohio child welfare training program steering committee, shall designate training regions in the state. The department ~~of children and youth~~, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes. The department ~~of children and youth~~ may change the composition of the training regions as the department considers necessary.

The department may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department shall specify in the grant all of the center's duties, including the duties specified in section 5103.42 of the



Revised Code. 109070

**Sec. 5104.01.** As used in this chapter: 109071

(A) "Administrator" means the person responsible for the 109072  
daily operation of a center, type A home, or approved child day 109073  
camp. The administrator and the owner may be the same person. 109074

(B) "Approved child day camp" means a child day camp 109075  
approved pursuant to section 5104.22 of the Revised Code. 109076

(C) "Authorized representative" means an individual 109077  
employed by a center, type A home, or approved child day camp 109078  
that is owned by a person other than an individual and who is 109079  
authorized by the owner to do all of the following: 109080

(1) Communicate on the owner's behalf; 109081

(2) Submit on the owner's behalf applications for 109082  
licensure or approval; 109083

(3) Enter into on the owner's behalf provider agreements 109084  
for publicly funded child care. 109085

(D) "Border state child care provider" means a child care 109086  
provider that is located in a state bordering Ohio and that is 109087  
licensed, certified, or otherwise approved by that state to 109088  
provide child care funded by the child care block grant act. 109089

(E) "Career pathways model" means an alternative pathway 109090  
to meeting the requirements to be a child care staff member or 109091  
administrator that does both of the following: 109092

(1) Uses a framework approved by the director of children 109093  
and youth to document formal education, training, experience, 109094  
and specialized credentials and certifications; 109095

(2) Allows the child care staff member or administrator to 109096

achieve a designation as an early childhood professional level 109097  
one, two, three, four, five, or six. 109098

(F) "Caretaker parent" means the father or mother of a 109099  
child whose presence in the home is needed as the caretaker of 109100  
the child, a person who has legal custody of a child and whose 109101  
presence in the home is needed as the caretaker of the child, a 109102  
guardian of a child whose presence in the home is needed as the 109103  
caretaker of the child, and any other person who stands in loco 109104  
parentis with respect to the child and whose presence in the 109105  
home is needed as the caretaker of the child. 109106

(G) "Chartered nonpublic school" means a school that meets 109107  
standards for nonpublic schools prescribed by the director of 109108  
education and workforce for nonpublic schools pursuant to 109109  
section 3301.07 of the Revised Code. 109110

(H) "Child" includes an infant, toddler, preschool-age 109111  
child, or school-age child. 109112

(I) "Child care block grant act" means the "Child Care and 109113  
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 109114  
U.S.C. 9858, as amended. 109115

(J) "Child day camp" means a program in which only school- 109116  
age children attend or participate, that operates for no more 109117  
than twelve hours per day and no more than fifteen weeks during 109118  
the summer. For purposes of this division, the maximum twelve 109119  
hours of operation time does not include transportation time 109120  
from a child's home to a child day camp and from a child day 109121  
camp to a child's home. 109122

(K) "Child care" means all of the following: 109123

(1) Administering to the needs of infants, toddlers, 109124  
preschool-age children, and school-age children outside of 109125

school hours; 109126

(2) By persons other than their parents, guardians, or 109127  
custodians; 109128

(3) For part of the twenty-four-hour day; 109129

(4) In a place other than a child's own home, except that 109130  
an in-home aide provides child care in the child's own home; 109131

(5) By a provider required by this chapter to be licensed 109132  
or approved by the department of children and youth, certified 109133  
by a county department of job and family services, or under 109134  
contract with the department to provide publicly funded child 109135  
care as described in section 5104.32 of the Revised Code. 109136

(L) "Child care center" and "center" mean any place that 109137  
is not the permanent residence of the licensee or administrator 109138  
in which child care or publicly funded child care is provided 109139  
for seven or more children at one time. "Child care center" and 109140  
"center" do not include any of the following: 109141

(1) A place located in and operated by a hospital, as 109142  
defined in section 3727.01 of the Revised Code, in which the 109143  
needs of children are administered to, if all the children whose 109144  
needs are being administered to are monitored under the on-site 109145  
supervision of a physician licensed under Chapter 4731. of the 109146  
Revised Code or a registered nurse licensed under Chapter 4723. 109147  
of the Revised Code, and the services are provided only for 109148  
children who, in the opinion of the child's parent, guardian, or 109149  
custodian, are exhibiting symptoms of a communicable disease or 109150  
other illness or are injured; 109151

(2) A child day camp; 109152

(3) A place that provides care, if all of the following 109153

apply: 109154

(a) An organized religious body provides the care; 109155

(b) A parent, custodian, or guardian of at least one child 109156  
receiving care is on the premises and readily accessible at all 109157  
times; 109158

(c) The care is not provided for more than thirty days a 109159  
year; 109160

(d) The care is provided only for preschool-age and 109161  
school-age children. 109162

(M) "Child care resource and referral service 109163  
organization" means a community-based nonprofit organization 109164  
that provides child care resource and referral services but not 109165  
child care. 109166

(N) "Child care resource and referral services" means all 109167  
of the following services: 109168

(1) Maintenance of a uniform data base of all child care 109169  
providers in the community that are in compliance with this 109170  
chapter, including current occupancy and vacancy data; 109171

(2) Provision of individualized consumer education to 109172  
families seeking child care; 109173

(3) Provision of timely referrals of available child care 109174  
providers to families seeking child care; 109175

(4) Recruitment of child care providers; 109176

(5) Assistance in developing, conducting, and 109177  
disseminating training for child care professionals and 109178  
provision of technical assistance to current and potential child 109179  
care providers, employers, and the community; 109180

- (6) Collection and analysis of data on the supply of and demand for child care in the community; 109181  
109182
- (7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs; 109183  
109184  
109185
- (8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community; 109186  
109187  
109188
- (9) Provision of written educational materials to caretaker parents and informational resources to child care providers; 109189  
109190  
109191
- (10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of children and youth; 109192  
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109196
- (11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family child care homes. 109197  
109198  
109199  
109200
- (O) "Child care staff member" means an employee of a child care center, type A family child care home, licensed type B family child care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties. 109201  
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109203  
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- (P) "Drop-in child care center," "drop-in center," "drop-in type A family child care home," and "drop-in type A home" mean a center or type A home that provides child care or 109207  
109208  
109209

publicly funded child care for children on a temporary, 109210  
irregular basis. 109211

(Q) "Early learning and development program" has the same 109212  
meaning as "licensed child care program." 109213

(R) "Employee" means a person who either: 109214

(1) Receives compensation for duties performed in a child 109215  
care center, type A family child care home, licensed type B 109216  
family child care home, or approved child day camp; 109217

(2) Is assigned specific working hours or duties in a 109218  
child care center, type A family child care home, licensed type 109219  
B family child care home, or approved child day camp. 109220

~~(R)~~ (S) "Employer" means a person, firm, institution, 109221  
organization, or agency that operates a child care center, type 109222  
A family child care home, licensed type B family child care 109223  
home, or approved child day camp subject to licensure or 109224  
approval under this chapter. 109225

~~(S)~~ (T) "Federal poverty line" means the official poverty 109226  
guideline as revised annually in accordance with section 673(2) 109227  
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 109228  
511, 42 U.S.C. 9902, as amended, for a family size equal to the 109229  
size of the family of the person whose income is being 109230  
determined. 109231

~~(T)~~ (U) "Head start program" means a school-readiness 109232  
program that satisfies all of the following: 109233

(1) Is for children from birth to age five who are from 109234  
low-income families; 109235

(2) Receives funds distributed under the "Improving Head 109236  
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as 109237

amended; 109238

(3) Is licensed as a child care program. 109239

~~(U)~~ (V) "Home education" has the same meaning as in section 109240  
3321.042 of the Revised Code. 109241

~~(V)~~ (W) "Home education learning pod" means a voluntary 109242  
association of parents who direct their children's education 109243  
through home education and includes the following 109244  
characteristics: 109245

(1) The parents choose to group their children together in 109246  
a home or other location at various times, which may include 109247  
hours when home education is not provided. 109248

(2) The pod includes only the parents' children who are 109249  
receiving home education, except that it also may include 109250  
siblings of those children, or other children who are under the 109251  
care of the parents, regardless of age. 109252

(3) At least one parent of any of the children 109253  
participating in the pod must be on the premises while the pod 109254  
is meeting. 109255

~~(W)~~ (X) "Homeless child care" means child care provided to 109256  
a child who satisfies any of the following: 109257

(1) Is homeless as defined in 42 U.S.C. 11302; 109258

(2) Is a homeless child or youth as defined in 42 U.S.C. 109259  
11434a; 109260

(3) Resides temporarily with a caretaker in a facility 109261  
providing emergency shelter for homeless families or is 109262  
determined by a county department of job and family services to 109263  
be homeless. 109264

~~(X)~~ (Y) "Income" means gross income, as defined in section 109265  
5107.10 of the Revised Code, less any amounts required by 109266  
federal statutes or regulations to be disregarded. 109267

~~(Y)~~ (Z) "Indicator checklist" means an inspection tool, 109268  
used in conjunction with an instrument-based program monitoring 109269  
information system, that contains selected licensing 109270  
requirements that are statistically reliable indicators or 109271  
predictors of a child care center's, type A family child care 109272  
home's, or licensed type B family child care home's compliance 109273  
with licensing requirements. 109274

~~(Z)~~ (AA) "Infant" means a child who is less than eighteen 109275  
months of age. 109276

~~(AA)~~ (BB) "In-home aide" means a person who does not reside 109277  
with the child but provides care in the child's home and is 109278  
certified by a county director of job and family services 109279  
pursuant to section 5104.12 of the Revised Code to provide 109280  
publicly funded child care to a child in a child's own home 109281  
pursuant to this chapter and any rules adopted under it. 109282

~~(BB)~~ (CC) "Instrument-based program monitoring information 109283  
system" means a method to assess compliance with licensing 109284  
requirements for child carecenters, type A family child care 109285  
homes, and licensed type B family child care homes in which each 109286  
licensing requirement is assigned a weight indicative of the 109287  
relative importance of the requirement to the health, growth, 109288  
and safety of the children that is used to develop an indicator 109289  
checklist. 109290

~~(CC)~~ (DD) "License capacity" means the maximum number in 109291  
each age category of children who may be cared for in a child 109292  
care center, type A family child care home, or licensed type B 109293



family child care home at one time as determined by the director 109294  
of children and youth considering building occupancy limits 109295  
established by the department of commerce, amount of available 109296  
indoor floor space and outdoor play space, and amount of 109297  
available play equipment, materials, and supplies. 109298

~~(DD)~~ (EE) "Licensed child care program" means any of the 109299  
following: 109300

(1) A child care center licensed by the department of 109301  
children and youth pursuant to this chapter; 109302

(2) A type A family child care home or type B family child 109303  
care home licensed by the department of children and youth 109304  
pursuant to this chapter; 109305

(3) A licensed preschool program or licensed school child 109306  
program. 109307

~~(EE)~~ (FF) "Licensed preschool program" or "licensed school 109308  
child program" means a preschool program or school child 109309  
program, as defined in section 3301.52 of the Revised Code, that 109310  
is licensed by the department of children and youth pursuant to 109311  
sections 3301.52 to 3301.59 of the Revised Code. 109312

~~(FF)~~ (GG) "Licensed type B family child care home" and 109313  
"licensed type B home" mean a type B family child care home for 109314  
which there is a valid license issued by the director of 109315  
children and youth pursuant to section 5104.03 of the Revised 109316  
Code. 109317

~~(GG)~~ (HH) "Licensee" means the owner of a child care 109318  
center, type A family child care home, or type B family child 109319  
care home that is licensed pursuant to this chapter and who is 109320  
responsible for ensuring compliance with this chapter and rules 109321  
adopted pursuant to this chapter. 109322

~~(HH)~~ (II) "Operate a child day camp" means to operate, 109323  
establish, manage, conduct, or maintain a child day camp. 109324

~~(II)~~ (JJ) "Owner" includes a person, as defined in section 109325  
1.59 of the Revised Code, or government entity. 109326

~~(JJ)~~ (KK) "Parent cooperative child care center," "parent 109327  
cooperative center," "parent cooperative type A family child 109328  
care home," and "parent cooperative type A home" mean a 109329  
corporation or association organized for providing educational 109330  
services to the children of members of the corporation or 109331  
association, without gain to the corporation or association as 109332  
an entity, in which the services of the corporation or 109333  
association are provided only to children of the members of the 109334  
corporation or association, ownership and control of the 109335  
corporation or association rests solely with the members of the 109336  
corporation or association, and at least one parent-member of 109337  
the corporation or association is on the premises of the center 109338  
or type A home during its hours of operation. 109339

~~(KK)~~ (LL) "Part-time child care center," "part-time 109340  
center," "part-time type A family child care home," and "part- 109341  
time type A home" mean a center or type A home that provides 109342  
child care or publicly funded child care for not more than four 109343  
hours a day for any child or not more than fifteen consecutive 109344  
weeks per year, regardless of the number of hours per day. 109345

~~(LL)~~ (MM) "Place of worship" means a building where 109346  
activities of an organized religious group are conducted and 109347  
includes the grounds and any other buildings on the grounds used 109348  
for such activities. 109349

~~(MM)~~ (NN) "Preschool-age child" means a child who is three 109350  
years old or older but is not a school-age child. 109351

~~(NN)~~ (OO) "Protective child care" means publicly funded  
child care for the direct care and protection of a child to whom  
all of the following apply:

(1) A case plan has been prepared and maintained for the  
child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian,  
or another person who stands in loco parentis as defined in  
rules adopted under section 5104.38 of the Revised Code.

~~(OO)~~ (PP) "Publicly funded child care" means administering  
to the needs of infants, toddlers, preschool-age children, and  
school-age children under age thirteen during any part of the  
twenty-four-hour day by persons other than their caretaker  
parents for remuneration wholly or in part with federal or state  
funds, including funds available under the child care block  
grant act, Title IV-A, and Title XX, distributed by the  
department of children and youth.

~~(PP)~~ (QQ) "Religious activities" means any of the  
following: worship or other religious services; religious  
instruction; Sunday school classes or other religious classes  
conducted during or prior to worship or other religious  
services; youth or adult fellowship activities; choir or other  
musical group practices or programs; meals; festivals; or  
meetings conducted by an organized religious group.

~~(QQ)~~ (RR) "School-age child" means a child who is enrolled  
in or is eligible to be enrolled in a grade of kindergarten or  
above but is less than fifteen years old or, in the case of a  
child who is receiving special needs child care, is less than  
eighteen years old.

~~(RR)~~ (SS) "Serious risk noncompliance" means a licensure or 109381  
certification rule violation that leads to a great risk of harm 109382  
to, or death of, a child, and is observable, not inferable. 109383

~~(SS)~~ (TT) "Special needs child care" means child care 109384  
provided to a child who is less than eighteen years of age and 109385  
either has one or more chronic health conditions or does not 109386  
meet age appropriate expectations in one or more areas of 109387  
development, including social, emotional, cognitive, 109388  
communicative, perceptual, motor, physical, and behavioral 109389  
development and that may include on a regular basis such 109390  
services, adaptations, modifications, or adjustments needed to 109391  
assist in the child's function or development. 109392

~~(TT)~~ (UU) "Title IV-A" means Title IV-A of the "Social 109393  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 109394

~~(UU)~~ (VV) "Title XX" means Title XX of the "Social Security 109395  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 109396

~~(VV)~~ (WW) "Toddler" means a child who is at least eighteen 109397  
months of age but less than three years of age. 109398

~~(WW)~~ (XX) "Type A family child care home" and "type A home" 109399  
mean the permanent residence of the administrator in which child 109400  
care or publicly funded child care is provided for seven to 109401  
twelve children at one time or a permanent residence of the 109402  
administrator in which child care is provided for four to twelve 109403  
children at one time if four or more children at one time are 109404  
under two years of age. In counting children for the purposes of 109405  
this division, any children under six years of age who are 109406  
related to a licensee, administrator, or employee and who are on 109407  
the premises of the type A home shall be counted. "Type A family 109408  
child care home" and "type A home" do not include any child day 109409

camp. 109410

~~(XX)~~(YY) "Type B family child care home" and "type B home" 109411  
mean a permanent residence of the provider in which care is 109412  
provided for one to six children at one time and in which no 109413  
more than three children are under two years of age at one time. 109414  
In counting children for the purposes of this division, any 109415  
children under six years of age who are related to the provider 109416  
and who are on the premises of the type B home shall be counted. 109417  
"Type B family child care home" and "type B home" do not include 109418  
any child day camp. 109419

**Sec. 5104.12.** (A) (1) A county director of job and family 109420  
services may certify in-home aides to provide publicly funded 109421  
child care pursuant to this chapter and any rules adopted under 109422  
it. Any in-home aide who receives a certificate pursuant to this 109423  
section to provide publicly funded child care is an independent 109424  
contractor and is not an employee of the county department of 109425  
job and family services that issues the certificate. 109426

(2) Every person desiring to receive certification as an 109427  
in-home aide shall apply for certification to a county director 109428  
of job and family services on such forms as the director of 109429  
children and youth prescribes. A county director shall provide 109430  
at no charge to each applicant a copy of rules for certifying 109431  
in-home aides adopted pursuant to this chapter. 109432

(B) To be eligible for certification as an in-home aide, a 109433  
person shall not be either of the following: 109434

(1) The owner of a center or home whose license was 109435  
revoked pursuant to section 5104.04 of the Revised Code within 109436  
the previous five years; 109437

(2) An in-home aide whose certificate was revoked under 109438

division (C) (2) of this section within the previous five years. 109439

(C) (1) If the county director of job and family services 109440  
determines that the applicant complies with this chapter and any 109441  
rules adopted under it, the county director shall certify the 109442  
person as an in-home aide and issue the person a certificate to 109443  
provide publicly funded child care ~~for twenty-four months~~. The 109444  
county director shall furnish a copy of the certificate to the 109445  
parent, custodian, or guardian. The certificate shall state the 109446  
name and address of the in-home aide, ~~the expiration date of the~~  
~~certification~~, and the name and telephone number of the county 109447  
director who issued the certificate. 109448  
109449

(2) The county director may revoke the certificate in 109450  
either of the following circumstances: 109451

(a) The county director determines, pursuant to rules 109452  
adopted under Chapter 119. of the Revised Code, that revocation 109453  
is necessary; 109454

(b) The in-home aide does not comply with division (C) (2) 109455  
of section 5104.32 of the Revised Code. 109456

(D) (1) The county director of job and family services 109457  
shall inspect every home of a child who is receiving publicly 109458  
funded child care in the child's own home while the in-home aide 109459  
is providing the services. Inspections may be unannounced. Upon 109460  
receipt of a complaint, the county director shall investigate 109461  
the in-home aide, shall investigate the home of a child who is 109462  
receiving publicly funded child care in the child's own home, 109463  
and division (D) (2) of this section applies regarding the 109464  
complaint. The caretaker parent shall permit the county director 109465  
to inspect any part of the child's home. The county director 109466  
shall prepare a written inspection report and furnish one copy 109467

each to the in-home aide and the caretaker parent within a 109468  
reasonable time after the inspection. 109469

(2) Upon receipt of a complaint as described in division 109470  
(D) (1) of this section, in addition to the investigations that 109471  
are required under that division, both of the following apply: 109472

(a) If the complaint alleges that a child suffered 109473  
physical harm while receiving publicly funded child care in the 109474  
child's own home from an in-home aide or that the noncompliance 109475  
with law or act alleged in the complaint involved, resulted in, 109476  
or poses a substantial risk of physical harm to a child 109477  
receiving publicly funded child care in the child's own home 109478  
from an in-home aide, the county director shall inspect the home 109479  
of the child. 109480

(b) If division (D) (2) (a) of this section does not apply 109481  
regarding the complaint, the county director may inspect the 109482  
home of the child. 109483

(3) Division (D) (2) of this section does not limit, 109484  
restrict, or negate any duty of the county director to inspect a 109485  
home of a child who is receiving publicly funded child care from 109486  
an in-home aide that otherwise is imposed under this section, or 109487  
any authority of the county director to inspect such a home that 109488  
otherwise is granted under this section when the county director 109489  
believes the inspection is necessary and it is permitted under 109490  
the grant. 109491

**Sec. 5104.29.** (A) ~~As used in this section, "early learning~~ 109492  
~~and development program" has the same meaning as "licensed child~~ 109493  
~~care program" as defined in section 5104.01 of the Revised Code.~~ 109494

~~(B)~~ There is hereby created in the department of children 109495  
and youth the step up to quality program, under which the 109496

department of children and youth, in cooperation with the 109497  
department of education and workforce, shall develop a tiered 109498  
quality rating and improvement system for all early learning and 109499  
development programs in this state. The step up to quality 109500  
program shall include all of the following components: 109501

(1) Quality program standards for early learning and 109502  
development programs; 109503

(2) Accountability measures that include tiered ratings 109504  
representing each program's level of quality; 109505

(3) Program and provider outreach and support to help 109506  
programs meet higher standards and promote participation in the 109507  
step up to quality program; 109508

(4) Financial incentives for early learning and 109509  
development programs that provide publicly funded child care and 109510  
are linked to achieving and maintaining quality standards; 109511

(5) Parent and consumer education to help parents learn 109512  
about program quality and ratings so they can make informed 109513  
choices on behalf of their children. 109514

~~(C)~~ (B) The step up to quality program shall have the 109515  
following goals: 109516

(1) Increasing the number of low-income children, special 109517  
needs children, and children with limited English proficiency 109518  
participating in quality early learning and development 109519  
programs; 109520

(2) Providing families with an easy-to-use tool for 109521  
evaluating the quality of early learning and development 109522  
programs; 109523

(3) Recognizing and supporting early learning and 109524



development programs that achieve higher levels of quality; 109525

(4) Providing incentives and supports to help early 109526  
learning and development programs implement continuous quality 109527  
improvement systems. 109528

~~(D)~~ (C) Under the step up to quality program, participating 109529  
early learning and development programs may be eligible for 109530  
grants, technical assistance, training, and other assistance. 109531  
Programs that maintain a quality rating may be eligible for 109532  
unrestricted monetary awards. 109533

~~(E)~~ (D) The tiered ratings developed pursuant to this 109534  
section shall be based on an early learning and development 109535  
program's performance in meeting program standards in the 109536  
following four domains: 109537

(1) Learning and development; 109538

(2) Administration and leadership practices; 109539

(3) Staff quality and professional development; 109540

(4) Family and community partnerships. 109541

The ratings developed under this section shall not take 109542  
into consideration whether an administrator or employee of an 109543  
early learning and development program holds or obtains a 109544  
bachelor's, master's, or doctoral degree. 109545

~~(F)~~ (E) The director of children and youth, in 109546  
collaboration with the director of education and workforce, 109547  
shall adopt rules in accordance with Chapter 119. of the Revised 109548  
Code to implement the step up to quality program described in 109549  
this section. 109550

**Sec. 5104.30.** (A) The department of children and youth is 109551

hereby designated as the state agency responsible for 109552  
administration and coordination of federal and state funding for 109553  
publicly funded child care in this state. Publicly funded child 109554  
care shall be provided to the following: 109555

(1) Recipients of transitional child care as provided 109556  
under section 5104.34 of the Revised Code; 109557

(2) Participants in the Ohio works first program 109558  
established under Chapter 5107. of the Revised Code; 109559

(3) Individuals who would be participating in the Ohio 109560  
works first program if not for a sanction under section 5107.16 109561  
of the Revised Code and who continue to participate in a work 109562  
activity, developmental activity, or alternative work activity 109563  
pursuant to an assignment under section 5107.42 of the Revised 109564  
Code; 109565

(4) A family receiving publicly funded child care on 109566  
October 1, 1997, until the family's income reaches one hundred 109567  
fifty per cent of the federal poverty line; 109568

(5) Subject to available funds, other individuals 109569  
determined eligible in accordance with rules adopted under 109570  
section 5104.38 of the Revised Code. 109571

The department shall apply to the United States department 109572  
of health and human services for authority to operate a 109573  
coordinated program for publicly funded child care, if the 109574  
director of children and youth determines that the application 109575  
is necessary. For purposes of this section, the department of 109576  
children and youth may enter into agreements with other state 109577  
agencies that are involved in regulation or funding of child 109578  
care. The department shall consider the special needs of migrant 109579  
workers when it administers and coordinates publicly funded 109580

child care and shall develop appropriate procedures for 109581  
accommodating the needs of migrant workers for publicly funded 109582  
child care. 109583

(B) The department of children and youth shall distribute 109584  
state and federal funds for publicly funded child care, 109585  
including appropriations of state funds for publicly funded 109586  
child care and appropriations of federal funds available under 109587  
the child care block grant act, Title IV-A, and Title XX. The 109588  
department may use any state funds appropriated for publicly 109589  
funded child care as the state share required to match any 109590  
federal funds appropriated for publicly funded child care. 109591

(C) In the use of federal funds available under the child 109592  
care block grant act, all of the following apply: 109593

(1) The department may use the federal funds to hire staff 109594  
to prepare any rules required under this chapter and to 109595  
administer and coordinate federal and state funding for publicly 109596  
funded child care. 109597

(2) Not more than five per cent of the aggregate amount of 109598  
the federal funds received for a fiscal year may be expended for 109599  
administrative costs. 109600

(3) The department shall allocate and use at least four 109601  
per cent of the federal funds for the following: 109602

(a) Activities designed to provide comprehensive consumer 109603  
education to parents and the public; 109604

(b) Activities that increase parental choice; 109605

(c) Activities, including child care resource and referral 109606  
services, designed to improve the quality, and increase the 109607  
supply, of child care; 109608

(d) Establishing the step up to quality program pursuant 109609  
to section 5104.29 of the Revised Code. 109610

(4) The department shall ensure that the federal funds 109611  
will be used only to supplement, and will not be used to 109612  
supplant, federal, state, and local funds available on the 109613  
effective date of the child care block grant act for publicly 109614  
funded child care and related programs. If authorized by rules 109615  
adopted by the department pursuant to section 5104.42 of the 109616  
Revised Code, county departments of job and family services may 109617  
purchase child care from funds obtained through any other means. 109618

(D) The department shall encourage the development of 109619  
suitable child care throughout the state, especially in areas 109620  
with high concentrations of recipients of public assistance and 109621  
families with low incomes. The department shall encourage the 109622  
development of suitable child care designed to accommodate the 109623  
special needs of migrant workers. On request, the department, 109624  
through its employees or contracts with state or community child 109625  
care resource and referral service organizations, shall provide 109626  
consultation to groups and individuals interested in developing 109627  
child care. The department of children and youth may enter into 109628  
interagency agreements with the department of education and 109629  
workforce, the chancellor of higher education, the department of 109630  
development, and other state agencies and entities whenever the 109631  
cooperative efforts of the other state agencies and entities are 109632  
necessary for the department of children and youth to fulfill 109633  
its duties and responsibilities under this chapter. 109634

The department shall develop and maintain a registry of 109635  
persons providing child care. The director shall adopt rules in 109636  
accordance with Chapter 119. of the Revised Code establishing 109637  
procedures and requirements for the registry's administration. 109638

(E) (1) The director shall adopt rules in accordance with 109639  
Chapter 119. of the Revised Code establishing both of the 109640  
following: 109641

(a) ~~Reimbursement~~ Payment rates for providers of publicly 109642  
funded child care not later than the first day of July in each 109643  
odd-numbered year; 109644

(b) A procedure for ~~reimbursing and~~ paying providers of 109645  
publicly funded child care. 109646

(2) In establishing ~~reimbursement~~ payment rates under 109647  
division (E) (1) (a) of this section, the director shall do all of 109648  
the following: 109649

(a) Use the information obtained from the market rate 109650  
survey developed and conducted in accordance with 45 C.F.R. 109651  
98.45; 109652

(b) Establish an enhanced ~~reimbursement~~ payment rate for 109653  
providers who ~~provide child care for~~ enroll children whose 109654  
caretaker parents ~~who~~ work nontraditional hours; 109655

(c) With regard to the step up to quality program 109656  
established pursuant to section 5104.29 of the Revised Code, 109657  
establish enhanced ~~reimbursement~~ payment rates for child care 109658  
providers that participate in the program. 109659

(3) In establishing ~~reimbursement~~ payment rates under 109660  
division (E) (1) (a) of this section, the director may establish 109661  
different ~~reimbursement~~ payment rates based on any of the 109662  
following: 109663

(a) Geographic location of the provider; 109664

(b) Type of care provided; 109665

(c) Age of the child served;	109666
(d) Special needs of the child served;	109667
(e) Whether the expanded hours of service are provided;	109668
(f) Whether weekend service is provided;	109669
(g) Whether the provider has exceeded the minimum	109670
requirements of state statutes and rules governing child care;	109671
(h) Any other factors the director considers appropriate.	109672
<b><u>Sec. 5104.302.</u></b> In addition to establishing payment rates	109673
<u>for publicly funded child care providers in each odd-numbered</u>	109674
<u>year, as required by section 5104.30 of the Revised Code, the</u>	109675
<u>director of children and youth may contract with a third-party</u>	109676
<u>entity to analyze information regarding the prices charged for</u>	109677
<u>child care for the subsequent even-numbered year.</u>	109678
<b>Sec. 5104.32.</b> (A) All purchases of publicly funded child	109679
care shall be made under a contract entered into by a licensed	109680
child care center, licensed type A family child care home,	109681
licensed type B family child care home, certified in-home aide,	109682
approved child day camp, licensed preschool program, licensed	109683
school child program, or border state child care provider and	109684
the department of children and youth. All contracts for publicly	109685
funded child care shall be contingent upon the availability of	109686
state and federal funds. The department shall prescribe a	109687
standard form to be used for all contracts for the purchase of	109688
publicly funded child care, regardless of the source of public	109689
funds used to purchase the child care. To the extent permitted	109690
by federal law and notwithstanding any other provision of the	109691
Revised Code that regulates state contracts or contracts	109692
involving the expenditure of state or federal funds, all	109693
contracts for publicly funded child care shall be entered into	109694

in accordance with the provisions of this chapter and are exempt 109695  
from any other provision of the Revised Code that regulates 109696  
state contracts or contracts involving the expenditure of state 109697  
or federal funds. 109698

(B) Each contract for publicly funded child care shall 109699  
specify at least the following: 109700

(1) That the provider of publicly funded child care agrees 109701  
to be paid ~~for rendering services at the lower of the rate~~ 109702  
~~customarily charged by the provider for children enrolled for~~ 109703  
~~child care or the reimbursement rate of payment established~~ 109704  
pursuant to section 5104.30 of the Revised Code; 109705

(2) ~~That, if a provider provides child care to an~~ 109706  
~~individual potentially eligible for publicly funded child care~~ 109707  
~~who is subsequently determined to be eligible, the department~~ 109708  
~~agrees to pay for all child care provided between the date the~~ 109709  
~~county department of job and family services receives the~~ 109710  
~~individual's completed application and the date the individual's~~ 109711  
~~eligibility is determined;~~ 109712

~~(3)~~ Whether the county department of job and family 109713  
services, the provider, or a child care resource and referral 109714  
service organization will make eligibility determinations, 109715  
whether the provider or a child care resource and referral 109716  
service organization will be required to collect information to 109717  
be used by the county department to make eligibility 109718  
determinations, and the time period within which the provider or 109719  
child care resource and referral service organization is 109720  
required to complete required eligibility determinations or to 109721  
transmit to the county department any information collected for 109722  
the purpose of making eligibility determinations; 109723

~~(4)~~(3) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

~~(5)~~(4) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

~~(6)~~(5) Whether the provider will be paid by the department of children and youth or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

~~(7)~~(6) That the contract is subject to the availability of state and federal funds.

(C) (1) The department shall establish an automated child care system to track child attendance and enrollment and calculate payments for publicly funded child care. Not later than July 1, 2026, and thereafter, the department shall calculate payments for publicly funded child care based on a child's enrollment, as described in 45 C.F.R. 98.45(m), rather than on a child's attendance.

(2) Each eligible provider that provides publicly funded child care shall participate in the automated child care system. A provider participating in the system shall not do any of the following:



- (a) Use or have possession of a personal identification number or password issued to a caretaker parent under the automated child care system; 109753  
109754  
109755
- (b) Falsify child attendance or enrollment records; 109756
- (c) Knowingly seek or accept payment for publicly funded child care ~~that was not provided for a child not enrolled with the provider or for which the provider was not eligible~~; 109757  
109758  
109759
- (d) Knowingly seek or accept payment for child care ~~provided to for~~ a child who resides in the provider's own home. 109760  
109761
- (D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following: 109762  
109763  
109764  
109765  
109766
- (1) The terms of the contract entered into under this section; 109767  
109768
- (2) This chapter or any rules adopted under it. 109769
- (E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care. 109770  
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- (F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119. 109777  
109778  
109779  
109780

of the Revised Code. 109781

**Sec. 5104.34.** (A) (1) Each county department of job and 109782  
family services shall implement procedures for making 109783  
determinations of eligibility for publicly funded child care. 109784  
Under those procedures, the eligibility determination for each 109785  
applicant shall be made no later than thirty calendar days from 109786  
the date the county department receives a completed application 109787  
for publicly funded child care. Each applicant shall be notified 109788  
promptly of the results of the eligibility determination. An 109789  
applicant aggrieved by a decision or delay in making an 109790  
eligibility determination may appeal the decision or delay to 109791  
the department of children and youth in accordance with section 109792  
5101.35 of the Revised Code. The due process rights of 109793  
applicants shall be protected. 109794

To the extent permitted by federal law, the county 109795  
department may make all determinations of eligibility for 109796  
publicly funded child care, may contract with child care 109797  
providers or child care resource and referral service 109798  
organizations for the providers or resource and referral service 109799  
organizations to make all or any part of the determinations, and 109800  
may contract with child care providers or child care resource 109801  
and referral service organizations for the providers or resource 109802  
and referral service organizations to collect specified 109803  
information for use by the county department in making 109804  
determinations. If a county department contracts with a child 109805  
care provider or a child care resource and referral service 109806  
organization for eligibility determinations or for the 109807  
collection of information, the contract shall require the 109808  
provider or resource and referral service organization to make 109809  
each eligibility determination no later than thirty calendar 109810  
days from the date the provider or resource and referral 109811

organization receives a completed application that is the basis 109812  
of the determination and to collect and transmit all necessary 109813  
information to the county department within a period of time 109814  
that enables the county department to make each eligibility 109815  
determination no later than thirty days after the filing of the 109816  
application that is the basis of the determination. 109817

The county department may station employees of the 109818  
department in various locations throughout the county to collect 109819  
information relevant to applications for publicly funded child 109820  
care and to make eligibility determinations. The county 109821  
department, child care provider, and child care resource and 109822  
referral service organization shall make each determination of 109823  
eligibility for publicly funded child care no later than thirty 109824  
days after the filing of the application that is the basis of 109825  
the determination, shall make each determination in accordance 109826  
with any relevant rules adopted pursuant to section 5104.38 of 109827  
the Revised Code, and shall notify promptly each applicant for 109828  
publicly funded child care of the results of the determination 109829  
of the applicant's eligibility. 109830

The director of children and youth shall adopt rules in 109831  
accordance with Chapter 119. of the Revised Code for monitoring 109832  
the eligibility determination process. In accordance with those 109833  
rules, the state department shall monitor eligibility 109834  
determinations made by county departments of job and family 109835  
services and shall direct any entity that is not in compliance 109836  
with this division or any rule adopted under this division to 109837  
implement corrective action specified by the department. 109838

(2) (a) All eligibility determinations for publicly funded 109839  
child care shall be made in accordance with rules adopted 109840  
pursuant to division (A) of section 5104.38 of the Revised Code. 109841

Except as otherwise provided in this section, all of the 109842  
following apply: 109843

(i) Publicly funded child care may be provided only to 109844  
eligible infants, toddlers, preschool-age children, school-age 109845  
children under age thirteen, or children receiving special needs 109846  
child care. 109847

(ii) For an applicant to be eligible for publicly funded 109848  
child care, the caretaker parent must be employed or 109849  
participating in a program of education or training for an 109850  
amount of time reasonably related to the time that the parent's 109851  
children are receiving publicly funded child care. This 109852  
restriction does not apply to families whose children are 109853  
eligible for protective child care. 109854

(iii) The eligibility period for publicly funded child 109855  
care shall be at least twelve months. 109856

~~(b) In accordance with rules adopted under division (B) of 109857  
section 5104.38 of the Revised Code, an applicant may receive 109858  
publicly funded child care while the county department 109859  
determines eligibility. An applicant may receive publicly funded 109860  
child care while a county department determines eligibility only 109861  
once during a twelve-month period. If the county department 109862  
determines that an applicant is not eligible for publicly funded 109863  
child care, the child care provider shall be paid for providing 109864  
publicly funded child care for up to five days after that 109865  
determination if the county department received a completed 109866  
application with all required documentation. A program may 109867  
appeal a denial of payment under this division. 109868~~

~~(e) If a caretaker parent who has been determined eligible 109869  
to receive publicly funded child care no longer meets the 109870~~

requirements of division (A) (2) (a) (ii) of this section, the 109871  
caretaker parent may continue to receive publicly funded child 109872  
care for a period of at least three but not more than four 109873  
months not to extend beyond the caretaker parent's eligibility 109874  
period. 109875

~~(d)~~ (c) If a child turns thirteen, or if a child receiving 109876  
special needs child care turns eighteen, during the eligibility 109877  
period, the caretaker parent may continue to receive publicly 109878  
funded child care until the end of that eligibility period. 109879

Subject to available funds, the department of children and 109880  
youth shall allow a family to receive publicly funded child care 109881  
unless the family's income exceeds the maximum income 109882  
eligibility limit. Initial and continued eligibility for 109883  
publicly funded child care is subject to available funds unless 109884  
the family is receiving child care pursuant to division (A) (1), 109885  
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 109886  
department must limit eligibility due to lack of available 109887  
funds, it shall give first priority for publicly funded child 109888  
care to an assistance group whose income is not more than the 109889  
maximum income eligibility limit that received transitional 109890  
child care in the previous month but is no longer eligible 109891  
because the eligibility period has expired. Such an assistance 109892  
group shall continue to receive priority for publicly funded 109893  
child care until its income exceeds the maximum income 109894  
eligibility limit. 109895

(3) An assistance group that ceases to participate in the 109896  
Ohio works first program established under Chapter 5107. of the 109897  
Revised Code is eligible for transitional child care at any time 109898  
during the immediately following twelve-month period that both 109899  
of the following apply: 109900

(a) The assistance group requires child care due to employment; 109901  
109902

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line. 109903  
109904

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care. 109905  
109906  
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(B) To the extent permitted by federal law, the department of children and youth may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child. 109909  
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(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs. 109917  
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(D) If the department of children and youth determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income. 109922  
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109924  
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(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child 109928  
109929

during a week, unless a county department grants the family an exemption for one of the following reasons:

(1) The child needs additional care during non-traditional hours;

(2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

(3) The child's provider is closed on scheduled school days off or on calamity days.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

**Sec. 5104.36.** The licensee or administrator of a child care center, type A family child care home, or licensed type B family child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child enrolled with the center, home, in-home aide, camp, or provider, to be made available to the county department of job and family services or the department of children and youth on request. The record shall include all of the following:

(A) The name and date of birth of the child;

(B) The name and address of the child's caretaker parent;

(C) The name and address of the caretaker parent's place of employment or program of education or training;

(D) The hours for which the child has been enrolled with the center, home, in-home aide, camp, or provider and the hours

for which child care services have been provided for the child; 109958

(E) Any other information required by the county 109959  
department of job and family services or the department of 109960  
children and youth. 109961

**Sec. 5104.37.** (A) In addition to the duties described in 109962  
division (D) of section 5104.30 of the Revised Code, the 109963  
director of ~~job and family services~~ children and youth shall 109964  
engage in activities to do the following: 109965

(1) Encourage the establishment and licensure of family 109966  
~~day-care~~ child care homes in this state, especially in areas 109967  
with the greatest need for child care; 109968

(2) Connect families and caretaker parents in need of 109969  
child care with family ~~day-care~~ child care homes not meeting the 109970  
license capacity specified on their licenses, as described in 109971  
division (E) of section 5104.03 of the Revised Code. 109972

(B) The director may contract with one or more third-party 109973  
entities to assist the director in performing the duties 109974  
described in division (A) of this section. 109975

(C) Not later than May 30, 2023, and periodically 109976  
thereafter, the director shall submit to the general assembly a 109977  
report documenting any barriers that may prevent the 109978  
establishment or licensure of family ~~day-care~~ child care homes. 109979  
The director shall submit the required report in accordance with 109980  
section 101.68 of the Revised Code. 109981

**Sec. 5104.38.** In addition to any other rules adopted under 109982  
this chapter, the director of children and youth shall adopt 109983  
rules in accordance with Chapter 119. of the Revised Code 109984  
governing financial and administrative requirements for publicly 109985  
funded child care and establishing all of the following: 109986



(A) Procedures and criteria to be used in making 109987  
determinations of eligibility for publicly funded child care 109988  
that give priority to children of families with lower incomes 109989  
and procedures and criteria for eligibility for publicly funded 109990  
protective child care or homeless child care. The rules shall 109991  
specify the maximum amount of income a family may have for 109992  
initial and continued eligibility. The maximum amount shall not 109993  
exceed three hundred per cent of the federal poverty line. The 109994  
rules may specify exceptions to the eligibility requirements in 109995  
the case of a family that previously received publicly funded 109996  
child care and is seeking to have the child care reinstated 109997  
after the family's eligibility was terminated. 109998

~~(B) Procedures under which an applicant for publicly 109999  
funded child care may receive publicly funded child care while 110000  
the county department of job and family services determines 110001  
eligibility and under which a child care provider may appeal a 110002  
denial of payment under division (A) (2) (b) of section 5104.34 of 110003  
the Revised Code; 110004~~

~~(C)~~ A schedule of fees requiring all eligible caretaker 110005  
parents to pay a fee for publicly funded child care according to 110006  
income and family size, which shall be uniform for all types of 110007  
publicly funded child care, except as authorized by rule, and, 110008  
to the extent permitted by federal law, shall permit the use of 110009  
state and federal funds to pay the customary deposits and other 110010  
advance payments that a provider charges all children who 110011  
receive child care from that provider. 110012

~~(D)~~ (C) A formula for determining the amount of state and 110013  
federal funds appropriated for publicly funded child care that 110014  
may be allocated to a county department to use for 110015  
administrative purposes; 110016

<del>(F)</del> <u>(D)</u> Procedures to be followed by the department and	110017
county departments in recruiting individuals and groups to	110018
become providers of child care;	110019
<del>(F)</del> <u>(E)</u> Procedures to be followed in establishing state or	110020
local programs designed to assist individuals who are eligible	110021
for publicly funded child care in identifying the resources	110022
available to them and to refer the individuals to appropriate	110023
sources to obtain child care;	110024
<del>(G)</del> <u>(F)</u> Procedures to deal with fraud and abuse committed	110025
by either recipients or providers of publicly funded child care;	110026
<del>(H)</del> <u>(G)</u> Procedures for establishing a child care grant or	110027
loan program in accordance with the child care block grant act;	110028
<del>(I)</del> <u>(H)</u> Standards and procedures for applicants to apply	110029
for grants and loans, and for the department to make grants and	110030
loans;	110031
<del>(J)</del> <u>(I)</u> A definition of "person who stands in loco	110032
parentis" for the purposes of division <del>(NN) (3)</del> <u>(OO) (3)</u> of section	110033
5104.01 of the Revised Code;	110034
<del>(K)</del> <u>(J)</u> Procedures for a county department of job and	110035
family services to follow in making eligibility determinations	110036
and redeterminations for publicly funded child care available	110037
through telephone, computer, and other means at locations other	110038
than the county department;	110039
<del>(L)</del> <u>(K)</u> If the director establishes a different	110040
<del>reimbursement</del> <u>payment</u> rate under division (E) (3) (d) of section	110041
5104.30 of the Revised Code, standards and procedures for	110042
determining the amount of the higher payment that is to be	110043
issued to a child care provider based on the special needs of	110044
the child being served;	110045

~~(M)~~ (L) To the extent permitted by federal law, procedures  
for enrolling and paying for up to thirty days of child care for  
a child whose caretaker parent is seeking employment, taking  
part in employment orientation activities, or taking part in  
activities in anticipation of enrolling in or attending an  
education or training program or activity, if the employment or  
the education or training program or activity is expected to  
begin within the thirty-day period;

~~(N)~~ (M) Any other rules necessary to carry out sections  
5104.30 to 5104.43 of the Revised Code.

**Sec. 5104.41.** A child and the child's caretaker who are  
otherwise ineligible for publicly funded child care are eligible  
for homeless child care for ~~the lesser of the following:~~

~~(A) Not more than ninety days;~~

~~(B) The period of time they reside in a facility providing  
emergency shelter for homeless families or the period of time in  
which the county department determines they are homeless~~twelve  
months.

**Sec. 5104.53.** (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of  
the Revised Code.

(2) "Resource caregiver" has the same meaning as in  
section 5103.02 of the Revised Code.

(B) The early childhood education grant program is created  
in the department of children and youth. Subject to available  
funds, the program shall support and invest in early learning  
and development programs operating in this state by awarding  
grants to programs that meet the conditions of this section in

an amount that corresponds to the number of eligible children 110074  
served by the programs. 110075

(C) To be eligible for a grant under this section, an 110076  
early learning and development program shall meet each of the 110077  
following conditions: 110078

(1) The program is rated through the step up to quality 110079  
program established under section 5104.29 of the Revised Code at 110080  
the tiered rating specified by the department in rules adopted 110081  
under this section. 110082

(2) The program provides early learning and development 110083  
services to one or more preschool-age children described in 110084  
division (D) of this section. 110085

(3) The program meets any other eligibility condition 110086  
specified by the department in rules adopted under this section. 110087

(D) A preschool-age child who meets all of the following 110088  
conditions, as determined by a county department of job and 110089  
family services, is eligible to participate in the early 110090  
childhood education grant program if a slot is available: 110091

(1) Either the amount of the child's family income does 110092  
not exceed two hundred per cent of the federal poverty line or 110093  
the child meets one of the following conditions: 110094

(a) An IEP has been developed for the child; 110095

(b) The child is placed with a resource caregiver as 110096  
described in Chapter 5103. of the Revised Code, with such 110097  
placement documented by either a family case plan or kinship 110098  
permanency incentive payments; 110099

(c) The child is homeless as described in division (V) of 110100  
section 5104.01 of the Revised Code. 110101

(2) The child is a citizen of the United States or a 110102  
qualified alien. 110103

(3) The child meets any other eligibility condition 110104  
specified by the department in rules adopted under this section. 110105

(E) Any funds appropriated to the department for purposes 110106  
of the early childhood education grant program shall be used as 110107  
follows: 110108

(1) In each fiscal year, not more than two per cent of 110109  
appropriated funds shall be used for program support and 110110  
technical assistance. 110111

(2) Appropriated funds other than those described in 110112  
division (E) (1) of this section shall be distributed to grant 110113  
recipients. 110114

(F) In accordance with Chapter 119. of the Revised Code, 110115  
the director shall adopt rules to implement this section and 110116  
administer the early childhood education grant program, 110117  
including rules addressing all of the following topics: 110118

(1) Eligibility conditions and other requirements for 110119  
participation in the grant program by early learning and 110120  
development programs, including the tiered rating at which a 110121  
program becomes eligible to participate; 110122

(2) Eligibility conditions for children participating in 110123  
the early childhood education grant program if a slot is 110124  
available; 110125

(3) Standards, procedures, and requirements to apply for 110126  
and distribute funds to participating early learning and 110127  
development programs; 110128

(4) In the event funds are distributed in error under the 110129

program, methods by which the department may recover those 110130  
funds. 110131

**Sec. 5104.60.** The director of children and youth shall 110132  
contract with a third-party entity to develop a registry 110133  
information system to provide, on an ongoing basis, training and 110134  
professional development opportunities to the employees of early 110135  
learning and development programs that receive funding under the 110136  
child care block grant act. The registry information system 110137  
shall be known as the Ohio professional registry. 110138

In developing the registry information system, the third- 110139  
party entity shall comply with requirements set forth in the 110140  
child care block grant act and 45 C.F.R. Part 98. 110141

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 110142  
Revised Code shall be punished as follows: 110143

(1) For each offense, the offender shall be fined not less 110144  
than one hundred dollars nor more than five hundred dollars 110145  
multiplied by the number of children receiving child care at the 110146  
child care center or type A family child care home that either 110147  
exceeds the number of children to which a type B family ~~day-care~~ 110148  
child care home may provide child care or, if the offender is a 110149  
licensed type A family child care home that is operating as a 110150  
child care center without being licensed as a center, exceeds 110151  
the license capacity of the type A home. 110152

(2) In addition to the fine specified in division (A) (1) 110153  
of this section, all of the following apply: 110154

(a) Except as provided in divisions (A) (2) (b), (c), and 110155  
(d) of this section, the court shall order the offender to 110156  
reduce the number of children to which it provides child care to 110157  
a number that does not exceed either the number of children to 110158

which a type B family child care home may provide child care or, 110159  
if the offender is a licensed type A family child care home that 110160  
is operating as a child care center without being licensed as a 110161  
center, the license capacity of the type A home. 110162

(b) If the offender previously has been convicted of or 110163  
pleaded guilty to one violation of section 5104.02 of the 110164  
Revised Code, the court shall order the offender to cease the 110165  
provision of child care to any person until it obtains a child 110166  
care center license or a type A family child care home license, 110167  
as appropriate, under section 5104.03 of the Revised Code. 110168

(c) If the offender previously has been convicted of or 110169  
pleaded guilty to two violations of section 5104.02 of the 110170  
Revised Code, the offender is guilty of a misdemeanor of the 110171  
first degree, and the court shall order the offender to cease 110172  
the provision of child care to any person until it obtains a 110173  
child care center license or a type A family child care home 110174  
license, as appropriate, under section 5104.03 of the Revised 110175  
Code. The court shall impose the fine specified in division (A) 110176  
(1) of this section and may impose an additional fine provided 110177  
that the total amount of the fines so imposed does not exceed 110178  
the maximum fine authorized for a misdemeanor of the first 110179  
degree under section 2929.28 of the Revised Code. 110180

(d) If the offender previously has been convicted of or 110181  
pleaded guilty to three or more violations of section 5104.02 of 110182  
the Revised Code, the offender is guilty of a felony of the 110183  
fifth degree, and the court shall order the offender to cease 110184  
the provision of child care to any person until it obtains a 110185  
child care center license or a type A family child care home 110186  
license, as appropriate, under section 5104.03 of the Revised 110187  
Code. The court shall impose the fine specified in division (A) 110188

(1) of this section and may impose an additional fine provided 110189  
that the total amount of the fines so imposed does not exceed 110190  
the maximum fine authorized for a felony of the fifth degree 110191  
under section 2929.18 of the Revised Code. 110192

(B) Whoever violates section 5104.09 of the Revised Code 110193  
is guilty of a misdemeanor of the third degree. 110194

**Sec. 5117.07.** (A) On or before the first day of October, 110195  
the director of development shall review all applications 110196  
submitted under division (C) of section 5117.03 of the Revised 110197  
Code and shall determine the eligibility of each applicant to 110198  
receive a credit or payment. The total income and current total 110199  
income amounts set forth in division (A) of this section are 110200  
subject to adjustment under section 5117.071 of the Revised 110201  
Code. 110202

(1) An applicant is eligible for a credit of thirty per 110203  
cent if the applicant is a head of household, has a total income 110204  
of five thousand dollars or less or a current total income of 110205  
two thousand five hundred dollars or less, owns and occupies or 110206  
rents and occupies a household receiving the source of energy 110207  
for its primary heating system from an energy company and such 110208  
energy is separately metered, and is either of the following: 110209

(a) Sixty-five years of age or older; 110210

(b) Permanently and totally disabled. 110211

(2) An applicant is eligible for a credit of twenty-five 110212  
per cent if the applicant is a head of household, has a total 110213  
income of more than five thousand dollars but not more than nine 110214  
thousand dollars or a current total income of more than two 110215  
thousand five hundred dollars but not more than four thousand 110216  
five hundred dollars, is sixty-five years of age or older or 110217



permanently and totally disabled, and owns and occupies or rents 110218  
and occupies a household receiving the source of energy for its 110219  
primary heating system from an energy company and such energy is 110220  
separately metered. 110221

(3) An applicant is eligible for a payment if either of 110222  
the following applies to the applicant: 110223

(a) The applicant would be eligible for the credit under 110224  
division (A) (1) or (2) of this section but for the fact that the 110225  
source of energy for the primary heating system of the 110226  
applicant's household is not separately metered; 110227

(b) The applicant is a head of household, has a total 110228  
income of no more than nine thousand dollars or a current total 110229  
income of no more than four thousand five hundred dollars, is 110230  
sixty-five years of age or older or permanently and totally 110231  
disabled, and owns and occupies or rents and occupies a 110232  
household receiving the source of energy for its primary heating 110233  
system from an energy dealer. 110234

(4) In the case of a multiple unit dwelling for which 110235  
separate metering for the source of energy for its primary 110236  
heating system is not provided, more than one applicant 110237  
occupying such dwelling may be determined eligible for a payment 110238  
under division (A) (3) (a) of this section. 110239

(B) Notwithstanding division (A) of this section: 110240

(1) No head of household who resides in public housing or 110241  
receives a rent subsidy from a government agency is eligible for 110242  
a credit or payment unless the person's rent subsidy does not 110243  
reflect the costs of that person's household receiving the 110244  
source of energy for its primary heating system; 110245

(2) A resident of a nursing home, hospital, or other 110246

extended health care facility is not eligible for a credit or 110247  
payment for the costs of providing the source of energy for the 110248  
primary heating system of the facility. 110249

(C) The director shall establish a procedure whereby the 110250  
director~~-commissioner~~ can verify total income and current total 110251  
income for the calendar year in which an applicant is determined 110252  
eligible for a payment or credit. If a person receives a credit 110253  
or payment that the person is ineligible to receive under 110254  
division (A) of this section as determined by the director, that 110255  
person shall refund to the director the credit or payment, or 110256  
excess portion of a credit or payment, that person received. The 110257  
sum refunded shall be deposited in the state treasury to the 110258  
credit of the ~~universal service~~ electric partnership plan fund 110259  
created in section 4928.51 of the Revised Code. 110260

(D) The director may request an additional certification 110261  
of permanent and total disability for any applicant claiming 110262  
such status on an application renewal form submitted under 110263  
section 5117.03 of the Revised Code. Such certification shall be 110264  
requested from the person or agency named on the form pursuant 110265  
to division (B)(1) of section 5117.03 of the Revised Code. If 110266  
such additional certification is refused due to a conclusion by 110267  
the person or agency that the applicant is not permanently and 110268  
totally disabled, the director shall determine the applicant 110269  
ineligible for any credit or payment. If such additional 110270  
certification is unavailable or refused for any other reason, 110271  
the director may determine the applicant to be eligible for a 110272  
credit or payment provided the director~~-commissioner~~ has good 110273  
cause to believe the applicant is permanently and totally 110274  
disabled. 110275

(E) On or before the first day of October, the director 110276

shall notify each applicant of the disposition of the 110277  
applicant's application under divisions (A) and (B) of this 110278  
section. At the same time, the director~~-tax commissioner~~ shall 110279  
notify the applicant, regardless of whether the applicant's 110280  
application is approved or disapproved, that the applicant may 110281  
be eligible to participate in a state or federal weatherization 110282  
program and should contact the applicant's community action 110283  
agency for further information. If an application is 110284  
disapproved, the applicant may appeal to the director for a 110285  
hearing on the matter. A notice of disapproval shall include a 110286  
detailed explanation of the applicant's right of appeal under 110287  
this chapter. Any such appeal shall be on an appeal form 110288  
prescribed by the director and shall be filed with the director 110289  
within twenty days of the receipt of the notice of disapproval. 110290

**Sec. 5117.12.** (A) On or before the thirty-first day of 110291  
August of each year, each energy company shall file a written 110292  
report with the director of development regarding the impact, if 110293  
any, of the requirements of division (E) of section 5117.11 of 110294  
the Revised Code on the number of uncollectible and past due 110295  
residential accounts for the twelve-month period ending on the 110296  
preceding thirty-first day of July. The report shall include 110297  
such information as is prescribed by the director. The 110298  
information shall be based on actual reviews of residential 110299  
customer accounts and shall be presented in verifiable form. The 110300  
director may consult with the public utilities commission and 110301  
the consumers' counsel in prescribing the contents of such 110302  
reports and complying with the requirements of division (C) (4) 110303  
of this section. 110304

(B) Before the thirty-first day of January of each year, 110305  
the director shall prepare a written report including a final 110306  
review of the Ohio energy credit program for which applications 110307

were required to be mailed or provided by the fifteenth day of 110308  
June of the second preceding calendar year pursuant to section 110309  
5117.03 of the Revised Code and an interim review of the program 110310  
for which applications were required to be mailed or provided by 110311  
the fifteenth day of June of the preceding calendar year under 110312  
such section. On or before the thirty-first day of January of 110313  
each year, the director shall provide written copies of such 110314  
report to the speaker of the house of representatives, president 110315  
of the senate, minority leaders of the house of representatives 110316  
and senate, chairpersons of the house finance and appropriations 110317  
committee and senate finance committee, chairpersons of the 110318  
committees of the house of representatives and senate 110319  
customarily entrusted with matters concerning public utilities, 110320  
clerk of the house of representatives, and clerk of the senate. 110321

(C) Each report prepared under division (B) of this 110322  
section shall include a review of: 110323

(1) Program costs; 110324

(2) The number of persons receiving credits or payments 110325  
under the program; 110326

(3) Progress in the implementation of any changes in the 110327  
program made by the general assembly within the period covered 110328  
by the report; 110329

(4) The impact, if any, of the requirements of division 110330  
(E) of section 5117.11 of the Revised Code on the number of 110331  
uncollectible and past due residential accounts of energy 110332  
companies for the twelve-month period ending on the preceding 110333  
thirty-first day of July; 110334

(5) The impact of any federal energy assistance programs 110335  
available to the same groups of people as are eligible for the 110336

energy credit program under sections 5117.01 to 5117.12 of the 110337  
Revised Code, together with any recommendations on modifications 110338  
that may, because of the federal programs, be needed in the 110339  
energy credit program; 110340

(6) Any suggestions for improving the program; 110341

(7) Any other matters considered appropriate by the 110342  
director. 110343

(D) The director shall consult with ~~the auditor of state,~~ 110344  
energy companies, energy dealers, department of aging, and 110345  
commission on Hispanic-Latino affairs in the preparation of any 110346  
report under this section. The director may require information 110347  
from such agencies for the purpose of preparing such report. 110348

**Sec. 5119.01.** (A) As used in this chapter: 110349

(1) "Addiction" means the chronic and habitual use of 110350  
alcoholic beverages, the use of a drug of abuse as defined in 110351  
section 3719.011 of the Revised Code, or the use of gambling by 110352  
an individual to the extent that the individual no longer can 110353  
control the individual's use of alcohol, the individual becomes 110354  
physically or psychologically dependent on the drug, the 110355  
individual's use of alcohol or drugs endangers the health, 110356  
safety, or welfare of the individual or others, or the 110357  
individual's gambling causes psychological, financial, 110358  
emotional, marital, legal, or other difficulties endangering the 110359  
health, safety, or welfare of the individual or others. 110360

(2) "Addiction services" means services, including 110361  
intervention, for the treatment of persons with alcohol, drug, 110362  
or gambling addictions, and for the prevention of such 110363  
addictions. 110364

(3) "Alcohol and drug addiction services" means services, 110365

including intervention, for the treatment of persons with 110366  
alcohol use disorder or persons who abuse drugs of abuse and for 110367  
the prevention of alcohol use disorder and drug addiction. 110368

(4) "Alcohol use disorder" means a medical condition 110369  
characterized by an individual's impaired ability to stop or 110370  
control the individual's alcohol use despite adverse social, 110371  
occupational, or health consequences. An alcohol use disorder 110372  
may be classified as mild, moderate, or severe. 110373

(5) "Certifiable services and supports" means all of the 110374  
following: 110375

(a) Alcohol and drug addiction services; 110376

(b) Mental health services; 110377

(c) The types of recovery supports that are specified in 110378  
rules adopted under section 5119.36 of the Revised Code as 110379  
requiring certification under that section. 110380

(6) "Community addiction services provider" means an 110381  
agency, association, corporation or other legal entity, 110382  
individual, or program that provides one or more of the 110383  
following: 110384

(a) Alcohol and drug addiction services that are certified 110385  
by the director of ~~mental-behavioral health and addiction~~ 110386  
~~services~~ under section 5119.36 of the Revised Code; 110387

(b) Gambling addiction services; 110388

(c) Recovery supports that are related to alcohol and drug 110389  
addiction services or gambling addiction services and paid for 110390  
with federal, state, or local funds administered by the 110391  
department of ~~mental-behavioral health and addiction services~~ or 110392  
a board of alcohol, drug addiction, and mental health services. 110393

(7) "Community mental health services provider" means an 110394  
agency, association, corporation, individual, or program that 110395  
provides either of the following: 110396

(a) Mental health services that are certified by the 110397  
director of ~~mental-behavioral health and addiction services~~ 110398  
under section 5119.36 of the Revised Code; 110399

(b) Recovery supports that are related to mental health 110400  
services and paid for with federal, state, or local funds 110401  
administered by the department of ~~mental-behavioral health and~~ 110402  
~~addiction services~~ or a board of alcohol, drug addiction, and 110403  
mental health services. 110404

(8) "Drug addiction" means the use of a drug of abuse, as 110405  
defined in section 3719.011 of the Revised Code, by an 110406  
individual to the extent that the individual becomes physically 110407  
or psychologically dependent on the drug or endangers the 110408  
health, safety, or welfare of the individual or others. 110409

(9) "Gambling addiction" means the use of gambling by an 110410  
individual to the extent that it causes psychological, 110411  
financial, emotional, marital, legal, or other difficulties 110412  
endangering the health, safety, or welfare of the individual or 110413  
others. 110414

(10) "Gambling addiction services" means services for the 110415  
treatment of persons who have a gambling addiction and for the 110416  
prevention of gambling addiction. 110417

(11) "Hospital" means a hospital or inpatient unit 110418  
licensed by the department of ~~mental-behavioral health and~~ 110419  
~~addiction services~~ under section 5119.33 of the Revised Code, 110420  
and any institution, hospital, or other place established, 110421  
controlled, or supervised by the department under this chapter. 110422

(12) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required to be included in the community-based continuum of care established under section 340.032 of the Revised Code.

(13) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol-free and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction.

(18) "Recovery supports" means assistance that is intended to help an individual with alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcohol use



disorder, drug addiction, or mental illness. "Recovery supports" 110452  
does not mean alcohol and drug addiction services or mental 110453  
health services. 110454

(19) (a) "Residence," except when referring to a recovery 110455  
housing residence or the meaning of "residence" in section 110456  
5119.90 of the Revised Code, means a person's physical presence 110457  
in a county with intent to remain there, except in either of the 110458  
following circumstances: 110459

(i) If a person is receiving a mental health treatment 110460  
service at a facility that includes nighttime sleeping 110461  
accommodations, "residence" means that county in which the 110462  
person maintained the person's primary place of residence at the 110463  
time the person entered the facility; 110464

(ii) If a person is committed pursuant to section 2945.38, 110465  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 110466  
"residence" means the county where the criminal charges were 110467  
filed. 110468

(b) When the residence of a person is disputed, the matter 110469  
of residence shall be referred to the department of ~~mental~~ 110470  
behavioral health and addiction services for investigation and 110471  
determination. Residence shall not be a basis for a board of 110472  
alcohol, drug addiction, and mental health services to deny 110473  
services to any person present in the board's service district, 110474  
and the board shall provide services for a person whose 110475  
residence is in dispute while residence is being determined and 110476  
for a person in an emergency situation. 110477

(B) Any reference in this chapter to a board of alcohol, 110478  
drug addiction, and mental health services also refers to an 110479  
alcohol and drug addiction services board or a community mental 110480

health board in a service district in which an alcohol and drug 110481  
addiction services board or a community mental health board has 110482  
been established under section 340.021 or former section 340.02 110483  
of the Revised Code. 110484

**Sec. 5119.011.** (A) Whenever the term ~~"department of mental~~ 110485  
~~health," the term "Ohio department of mental health," the term~~ 110486  
~~"department of alcohol and drug addiction services," or the term~~ 110487  
~~"Ohio department of alcohol and drug addiction services"~~ 110488  
"department of mental health and addiction services" is used, 110489  
referred to, or designated in any statute, rule, contract, 110490  
grant, or other document, the use, reference, or designation 110491  
shall be construed to mean the department of mental behavioral 110492  
~~health and addiction services.~~ 110493

(B) Whenever the term ~~"director of mental health" or the~~ 110494  
~~term "director of alcohol and drug addiction services"~~ "director 110495  
of mental health and addiction services" is used, referred to, 110496  
or designated in any statute, rule, contract, grant, or other 110497  
document, the use, reference, or designation shall be construed 110498  
to mean the director of mental behavioral ~~health and addiction~~ 110499  
~~services.~~ 110500

**Sec. 5119.04.** The department of mental behavioral health 110501  
~~and addiction services~~ and any institutions under its 110502  
supervision or jurisdiction shall, where applicable, be in 110503  
substantial compliance with standards set forth for psychiatric 110504  
facilities by the joint commission or medical assistance 110505  
standards under Title XIX of the "Social Security Act," 49 Stat. 110506  
620 (1935), 42 U.S.C. 301, as amended, or other applicable 110507  
standards. 110508

The requirements of this section are in addition to any 110509  
other requirements established by the Revised Code and nothing 110510

in this section shall be construed to limit any rights, 110511  
privileges, protections, or immunities which may exist under the 110512  
constitution and laws of the United States or this state. 110513

**Sec. 5119.05.** Subject to the rules of the director of 110514  
~~mental behavioral health and addiction services~~, each 110515  
institution under the jurisdiction of the department shall be 110516  
under the management and control of a managing officer to be 110517  
known as a chief executive officer or by another appropriate 110518  
title. Such managing officer shall be appointed by the director 110519  
of ~~mental behavioral health and addiction services~~, and shall be 110520  
in the unclassified service and serve at the pleasure of the 110521  
director. Each managing officer shall be of good moral character 110522  
and have skill, ability, and experience in the managing 110523  
officer's profession. 110524

The managing officer, under the director, shall serve as 110525  
the appointing authority of the institution to which such 110526  
managing officer is appointed. Subject to civil service rules, 110527  
the managing officer shall have the power to appoint and remove 110528  
employees of the institution. On behalf of the institution, the 110529  
managing officer has the authority and responsibility for 110530  
entering into contracts and other agreements for the efficient 110531  
operations of the institution. 110532

**Sec. 5119.051.** The department of ~~mental behavioral health~~ 110533  
~~and addiction services~~ shall keep in its office a proper and 110534  
complete set of books and accounts with each institution, which 110535  
shall clearly show the nature and amount of every expenditure 110536  
authorized and made at such institution, and which shall contain 110537  
an account of all appropriations made by the general assembly 110538  
and of all other funds, together with the disposition of such 110539  
funds. 110540

The department shall prescribe the form of vouchers, 110541  
records, and methods of keeping accounts at each of the 110542  
institutions, which shall be as nearly uniform as possible. The 110543  
department may examine the records of each institution at any 110544  
time. 110545

The department may authorize any of its bookkeepers, 110546  
accountants, or employees to examine and check the records, 110547  
accounts, and vouchers or take an inventory of the property of 110548  
any institution, or do whatever is necessary, and pay the actual 110549  
and reasonable expenses incurred in such service when an 110550  
itemized account is filed and approved. 110551

**Sec. 5119.06.** The department of ~~mental-behavioral~~ health 110552  
~~and addiction services~~ shall keep in its office, accessible only 110553  
to its employees, except by the consent of the department or the 110554  
order of the judge of a court of record, a record showing the 110555  
name, residence, sex, age, nativity, occupation, condition, and 110556  
date of entrance or commitment of every patient in the 110557  
institutions governed by it, the date, cause, and terms of 110558  
discharge and the condition of such person at the time of 110559  
leaving, and also a record of all transfers from one institution 110560  
to another, and, if such person dies while in the care or 110561  
custody of the department, the date and cause of death. These 110562  
and such other facts as the department requires shall be 110563  
furnished by the managing officer of each institution within 110564  
twenty-four hours after the commitment, entrance, death, or 110565  
discharge of a patient. 110566

In case of an accident or injury or peculiar death of a 110567  
patient the managing officer shall make a special report to the 110568  
department within twenty-four hours thereafter, giving the 110569  
circumstances as fully as possible. 110570

**Sec. 5119.07.** A person, firm, or corporation may file a petition in the court of common pleas of the county in which a benevolent institution of the department of ~~mental-behavioral~~ health and addiction services is located, in which petition the desire to erect or carry on at a less distance than that prescribed in section 3767.19 of the Revised Code shall be set forth, the business prohibited, the precise point of its establishment, and the reasons and circumstances, in its opinion, why the erection or carrying on of the business would not annoy or endanger the health, convenience, or recovery of the patients of such institution. The petitioner shall give notice in a newspaper of general circulation in the county of the pendency and prayer of the petition for at least six consecutive weeks before the day set for hearing the petition and serve a written notice upon the managing officer of the institution at least thirty days before the day set for hearing the petition.

If, upon the hearing of the petition, it appears that the notice has been given as required and the court is of the opinion that no good reason exists why such establishment may not be erected or such business carried on and that by the erection or carrying on of the business at the point named, the institution will sustain no detriment, the court may issue an order granting the prayer of the petitioner. Thereafter the petitioner may locate such establishment or carry on such business at the point named in the petition.

**Sec. 5119.08.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B) (1) Subject to division (C) of this section, upon the recommendation of the director of ~~mental-behavioral~~ health and

~~addiction services~~, the managing officer of an institution under 110601  
the jurisdiction of the department of ~~mental-behavioral~~ health 110602  
~~and addiction services~~ may designate one or more employees to be 110603  
special police officers of the department. The special police 110604  
officers shall take an oath of office, wear the badge of office, 110605  
and give bond for the proper and faithful discharge of their 110606  
duties in an amount that the director requires. 110607

(2) In accordance with section 109.77 of the Revised Code, 110608  
the special police officers shall be required to complete 110609  
successfully a peace officer basic training program approved by 110610  
the Ohio peace officer training commission and to be certified 110611  
by the commission. The cost of the training shall be paid by the 110612  
department of ~~mental-behavioral~~ health ~~and addiction services~~. 110613

(3) Special police officers, on the premises of 110614  
institutions under the jurisdiction of the department of ~~mental-~~ 110615  
~~behavioral~~ health ~~and addiction services~~ and subject to the 110616  
rules of the department, shall protect the property of the 110617  
institutions and the persons and property of patients in the 110618  
institutions, suppress riots, disturbances, and breaches of the 110619  
peace, and enforce the laws of the state and the rules of the 110620  
department for the preservation of good order. They may arrest 110621  
any person without a warrant and detain the person until a 110622  
warrant can be obtained under the circumstances described in 110623  
division (F) of section 2935.03 of the Revised Code. 110624

(C) (1) The managing officer of an institution under the 110625  
jurisdiction of the department of ~~mental-behavioral~~ health ~~and-~~ 110626  
~~addiction services~~ shall not designate an employee as a special 110627  
police officer of the department pursuant to division (B) (1) of 110628  
this section on a permanent basis, on a temporary basis, for a 110629  
probationary term, or on other than a permanent basis if the 110630

employee previously has been convicted of or has pleaded guilty 110631  
to a felony. 110632

(2) (a) The managing officer of an institution under the 110633  
jurisdiction of the department of ~~mental-behavioral health and~~ 110634  
~~addiction services~~ shall terminate the employment as a special 110635  
police officer of the department of an employee designated as a 110636  
special police officer under division (B) (1) of this section if 110637  
that employee does either of the following: 110638

(i) Pleads guilty to a felony; 110639

(ii) Pleads guilty to a misdemeanor pursuant to a 110640  
negotiated plea agreement as provided in division (D) of section 110641  
2929.43 of the Revised Code in which the employee agrees to 110642  
surrender the certificate awarded to that employee under section 110643  
109.77 of the Revised Code. 110644

(b) The managing officer shall suspend from employment as 110645  
a special police officer of the department an employee 110646  
designated as a special police officer under division (B) (1) of 110647  
this section if that employee is convicted, after trial, of a 110648  
felony. If the special police officer files an appeal from that 110649  
conviction and the conviction is upheld by the highest court to 110650  
which the appeal is taken or if the special police officer does 110651  
not file a timely appeal, the managing officer shall terminate 110652  
the employment of that special police officer. If the special 110653  
police officer files an appeal that results in that special 110654  
police officer's acquittal of the felony or conviction of a 110655  
misdemeanor, or in the dismissal of the felony charge against 110656  
that special police officer, the managing officer shall 110657  
reinstate that special police officer. A special police officer 110658  
of the department who is reinstated under division (C) (2) (b) of 110659  
this section shall not receive any back pay unless that special 110660

police officer's conviction of the felony was reversed on 110661  
appeal, or the felony charge was dismissed, because the court 110662  
found insufficient evidence to convict the special police 110663  
officer of the felony. 110664

(3) Division (C) of this section does not apply regarding 110665  
an offense that was committed prior to January 1, 1997. 110666

(4) The suspension from employment, or the termination of 110667  
the employment, of a special police officer under division (C) 110668  
(2) of this section shall be in accordance with applicable 110669  
collective bargaining agreements. 110670

**Sec. 5119.091.** The attorney general shall attend to all 110671  
claims instituted on behalf of or against the department of 110672  
~~mental-behavioral health and addiction services~~ or any 110673  
institution under the jurisdiction of the department and the 110674  
managing officer thereof, except such institutions as are 110675  
privately owned or operated under a license from the department 110676  
of ~~mental-behavioral health and addiction services~~, and shall 110677  
represent the public hospital in proceedings under section 110678  
5122.15 of the Revised Code. The department of ~~mental-behavioral~~ 110679  
~~health and addiction services~~ shall reimburse the attorney 110680  
general for the compensation of assistant attorneys general 110681  
required to represent the public hospital in proceedings under 110682  
section 5122.15 of the Revised ~~code~~Code and shall also pay the 110683  
costs of litigation incurred by the attorney general under that 110684  
section. 110685

If a writ of habeas corpus is applied for, the clerk of 110686  
the court shall give notice of the time and place of hearing to 110687  
the attorney general. 110688

**Sec. 5119.10.** (A) The director of ~~mental-behavioral health~~ 110689



~~and addiction services~~ is the chief executive and appointing 110690  
authority of the department of ~~mental behavioral health and~~ 110691  
~~addiction services~~. The director may organize the department for 110692  
its efficient operation, including creating divisions or offices 110693  
as necessary. The director may establish procedures for the 110694  
governance of the department, conduct of its employees and 110695  
officers, performance of its business, and custody, use, and 110696  
preservation of departmental records, papers, books, documents, 110697  
and property. Whenever the Revised Code imposes a duty upon or 110698  
requires an action of the department or any of its institutions, 110699  
the director or the director's designee shall perform the action 110700  
or duty in the name of the department, except that the medical 110701  
director appointed pursuant to section 5119.11 of the Revised 110702  
Code shall be responsible for decisions relating to medical 110703  
diagnosis, treatment, rehabilitation, quality assurance, and the 110704  
clinical aspects of the following: licensure of hospitals and 110705  
residential facilities, research, community addiction and mental 110706  
health plans, and certification and delivery of addiction 110707  
services and mental health services. 110708

(B) The director shall: 110709

(1) Adopt rules for the proper execution of the powers and 110710  
duties of the department with respect to the institutions under 110711  
its control, and require the performance of additional duties by 110712  
the officers of the institutions as necessary to fully meet the 110713  
requirements, intents, and purposes of this chapter. In case of 110714  
an apparent conflict between the powers conferred upon any 110715  
managing officer and those conferred by such sections upon the 110716  
department, the presumption shall be conclusive in favor of the 110717  
department. 110718

(2) Adopt rules for the nonpartisan management of the 110719

institutions under the department's control. An officer or 110720  
employee of the department or any officer or employee of any 110721  
institution under its control who, by solicitation or otherwise, 110722  
exerts influence directly or indirectly to induce any other 110723  
officer or employee of the department or any of its institutions 110724  
to adopt the exerting officer's or employee's political views or 110725  
to favor any particular person, issue, or candidate for office 110726  
shall be removed from the exerting officer's or employee's 110727  
office or position, by the department in case of an officer or 110728  
employee, and by the governor in case of the director. 110729

(3) Appoint such employees, including the medical 110730  
director, as are necessary for the efficient conduct of the 110731  
department, and prescribe their titles and duties; 110732

(4) Prescribe the forms of affidavits, applications, 110733  
medical certificates, orders of hospitalization and release, and 110734  
all other forms, reports, and records that are required in the 110735  
hospitalization or admission and release of all persons to the 110736  
institutions under the control of the department, or are 110737  
otherwise required under this chapter or Chapter 5122. of the 110738  
Revised Code; 110739

(5) Exercise the powers and perform the duties relating to 110740  
addiction and mental health facilities, addiction services, 110741  
mental health services, 9-8-8 suicide and crisis response, and 110742  
recovery supports that are assigned to the director under this 110743  
chapter and Chapter 340. of the Revised Code; 110744

(6) Develop and implement clinical evaluation and 110745  
monitoring of services that are operated by the department; 110746

(7) Adopt rules establishing standards for the performance 110747  
of evaluations by a forensic center or other psychiatric program 110748

or facility of the mental condition of defendants ordered by the 110749  
court under section 2919.271, or 2945.371 of the Revised Code, 110750  
and for the treatment of defendants who have been found 110751  
incompetent to stand trial and ordered by the court under 110752  
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 110753  
Code to receive treatment in facilities; 110754

(8) On behalf of the department, have the authority and 110755  
responsibility for entering into contracts and other agreements 110756  
with providers, agencies, institutions, and other entities, both 110757  
public and private, as necessary for the department to carry out 110758  
its duties under this chapter and Chapters 340., 2919., 2945., 110759  
and 5122. of the Revised Code. Chapter 125. of the Revised Code 110760  
does not apply to contracts the director enters into under this 110761  
section for addiction services, mental health services, or 110762  
recovery supports provided to individuals who have an addiction 110763  
or mental illness by providers, agencies, institutions, and 110764  
other entities not owned or operated by the department. 110765

(9) Adopt rules in accordance with Chapter 119. of the 110766  
Revised Code specifying the supplemental services that may be 110767  
provided through a trust authorized by section 5815.28 of the 110768  
Revised Code; 110769

(10) Adopt rules in accordance with Chapter 119. of the 110770  
Revised Code establishing standards for the maintenance and 110771  
distribution to a beneficiary of assets of a trust authorized by 110772  
section 5815.28 of the Revised Code. 110773

(C) The director may contract with hospitals licensed by 110774  
the department under section 5119.33 of the Revised Code for the 110775  
care and treatment of patients with mental illnesses, or with 110776  
persons, organizations, or agencies for the custody, evaluation, 110777  
supervision, care, or treatment of persons with mental illnesses 110778

receiving services elsewhere than within the enclosure of a 110779  
hospital operated under section 5119.14 of the Revised Code. 110780

**Sec. 5119.11.** (A) The director of ~~mental~~behavioral health 110781  
~~and addiction services~~ shall appoint a medical director who is 110782  
eligible or certified by the American board of psychiatry and 110783  
neurology or the American osteopathic board of neurology and 110784  
psychiatry, and has at least five years of clinical and two 110785  
years of administrative experience. The medical director shall 110786  
also have certification or substantial training and experience 110787  
in the field of addiction medicine or addiction psychiatry. The 110788  
medical director shall be responsible for decisions relating to 110789  
medical diagnosis, treatment, prevention, rehabilitation, 110790  
quality assurance, and the clinical aspects of addiction 110791  
services and mental health services involving all of the 110792  
following: 110793

(1) Licensure of hospitals, residential facilities, and 110794  
outpatient facilities; 110795

(2) Research; 110796

(3) Community addiction and mental health plans; 110797

(4) Certification and delivery of addiction and mental 110798  
health services. 110799

(B) The medical director shall also exercise clinical 110800  
supervision of the chief clinical officers of hospitals and 110801  
institutions under the jurisdiction of the department and shall 110802  
review and approve decisions relating to the employment of the 110803  
chief clinical officers. The medical director or the medical 110804  
director's designee shall advise the director on matters 110805  
relating to licensure, research, the certification and delivery 110806  
of addiction services and mental health services, and community 110807

addiction and mental health plans. The medical director shall 110808  
participate in the development of guidelines for community 110809  
addiction and mental health plans. The director of ~~mental~~ 110810  
behavioral health ~~and addiction services~~ may establish other 110811  
duties of the medical director. 110812

**Sec. 5119.14.** (A) The department of ~~mental~~behavioral 110813  
health ~~and addiction services~~ shall maintain, operate, manage, 110814  
and govern state institutions and other services for the care 110815  
and treatment of persons with mental illnesses. 110816

(B) (1) The department of ~~mental~~behavioral health ~~and~~ 110817  
~~addiction services~~ may, with the approval of the governor, 110818  
designate the name and purpose of any institutions under its 110819  
jurisdiction and may change, with the approval of the governor, 110820  
the designation and name when necessary. 110821

(2) The department shall divide the state into districts 110822  
for the purpose of designating the institution in which persons 110823  
with mental illnesses are hospitalized and may change the 110824  
districts. 110825

~~(3)~~ (C) Subject to section 5139.08 and pursuant to Chapter 110826  
5122. of the Revised Code and on the agreement of the 110827  
~~departments~~ department of ~~mental~~behavioral health ~~and addiction~~ 110828  
~~services~~ and department of youth services, the department of 110829  
~~mental~~behavioral health ~~and addiction services~~ may receive from 110830  
the department of youth services for psychiatric observation, 110831  
diagnosis, or treatment any person eighteen years of age or 110832  
older in the custody of the department of youth services. The 110833  
departments may enter into a written agreement specifying the 110834  
procedures necessary to implement this division. 110835

~~(C)~~ (D) The department of ~~mental~~behavioral health ~~and~~ 110836

~~addiction services~~ shall designate hospitals, facilities, and 110837  
community mental health services providers for the custody, 110838  
care, and special treatment of, and authorize payment for such 110839  
custody, care, and special treatment provided to, persons who 110840  
are charged with a crime and who are found incompetent to stand 110841  
trial or not guilty by reason of insanity. 110842

~~(D)~~ (E) The department of ~~mental behavioral health and~~ 110843  
~~addiction services~~ may do any of the following: 110844

(1) Require reports from the managing officer of any 110845  
institution under the department's jurisdiction, relating to the 110846  
admission, examination, comprehensive evaluation, diagnosis, 110847  
release, or discharge of any patient; 110848

(2) Visit each institution regularly to review its 110849  
operations and to investigate complaints made by any patient or 110850  
by any person on behalf of a patient, provided these duties may 110851  
be performed by a person designated by the director. 110852

~~(E)~~ (F) The department of ~~mental behavioral health and~~ 110853  
~~addiction services~~ may provide or contract to provide addiction 110854  
services for offenders incarcerated in the state prison system. 110855

~~(F)~~ (G) In addition to the powers expressly conferred on 110856  
the department of behavioral health, the department ~~of mental~~ 110857  
~~health and addiction services~~ shall have all other powers and 110858  
authority necessary for the full and efficient exercise of the 110859  
executive, administrative, and fiscal supervision over the state 110860  
institutions described in this section. 110861

**Sec. 5119.141.** ~~The~~ In addition to the powers and duties 110862  
expressly conferred on the department of behavioral health, the 110863  
department ~~of mental health and addiction services~~ has all the 110864  
~~authority~~ may take any other action it considers necessary to 110865

carry out ~~its powers and duties under~~ the purposes of this 110866  
chapter and Chapters 340., 2919., 2945., and 5122. of the 110867  
Revised Code, ~~including~~ . Actions authorized by this section 110868  
include the authority to adopt rules pursuant to Chapter 119. of 110869  
the Revised Code that may be necessary to carry out the purposes 110870  
of this chapter and Chapters 340., 2919., 2945., and 5122. of 110871  
the Revised Code. 110872

**Sec. 5119.15.** The department of ~~mental~~ behavioral health 110873  
~~and addiction services~~ may make such investigations as are 110874  
necessary in the performance of its duties and to that end the 110875  
director of ~~mental~~ behavioral health ~~and addiction services~~ 110876  
shall have the same power as a judge of a county court to 110877  
administer oaths and to enforce the attendance and testimony of 110878  
witnesses and the production of books or papers. 110879

The department shall keep a record of such investigations 110880  
stating the time, place, charges or subject, witnesses summoned 110881  
and examined, and its conclusions. 110882

In matters involving the conduct of an officer, a 110883  
stenographic report of the evidence shall be taken and a copy of 110884  
such report, with all documents introduced, kept on file at the 110885  
office of the department. 110886

The fees of witnesses for attendance and travel shall be 110887  
the same as in the court of common pleas, but no officer or 110888  
employee of the institution under investigation is entitled to 110889  
such fees. 110890

Any judge of the probate court or of the court of common 110891  
pleas, upon application of the department, may compel the 110892  
attendance of witnesses, the production of books or papers, and 110893  
the giving of testimony before the department, by a judgment for 110894

contempt or otherwise, in the same manner as in cases before 110895  
such courts. 110896

The department of ~~mental-behavioral health and addiction-~~ 110897  
~~services~~ may appoint and commission any competent agency or 110898  
person, to serve without compensation, as a special agent, 110899  
investigator, or representative to perform a designated duty for 110900  
the department. Specific credentials shall be given by the 110901  
department to each person so designated. Each credential shall 110902  
state the: 110903

(A) Name of the agent, investigator, or representative; 110904

(B) Agency with which such person is connected; 110905

(C) Purpose of appointment; 110906

(D) Date of expiration of appointment; 110907

(E) Such information as the department considers proper. 110908

**Sec. 5119.161.** The department of ~~mental-behavioral health-~~ 110909  
~~and addiction services~~, in conjunction with the department of 110910  
job and family services, shall develop a joint state plan to 110911  
improve the accessibility and timeliness of alcohol and drug 110912  
addiction services for individuals identified by a public 110913  
children services agency as in need of those services. The plan 110914  
shall address the fact that Ohio works first participants may be 110915  
among the persons receiving services under section 340.15 of the 110916  
Revised Code and shall require the department of job and family 110917  
services to seek federal funds available under Title IV-A of the 110918  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 110919  
amended, for the provision of the services to Ohio works first 110920  
participants who are receiving services under section 340.15 of 110921  
the Revised Code. 110922



The departments shall review and amend the plan as 110923  
necessary. 110924

**Sec. 5119.17.** (A) The department of ~~mental~~ behavioral 110925  
~~health and addiction services,~~ in accordance with division (B) 110926  
of this section, shall give priority to developing, and promptly 110927  
shall develop, with available public and private resources a 110928  
program that does all of the following: 110929

(1) Provides a manner of identifying the aggregate number 110930  
of pregnant women in this state who are addicted to a drug of 110931  
abuse; 110932

(2) Provides for an effective means of intervention to 110933  
eliminate the addiction of pregnant women to drugs of abuse 110934  
prior to the birth of their children; 110935

(3) Gives priority to the treatment of pregnant women 110936  
addicted to drugs of abuse, including by requiring community 110937  
addiction services providers that receive public funds to give 110938  
priority to pregnant women referred for treatment; 110939

(4) Provides for the continued monitoring of women who 110940  
were addicted to a drug of abuse during their pregnancies, after 110941  
the birth of their children, and for the availability of 110942  
treatment and rehabilitation for those women; 110943

(5) Provides a manner of determining the aggregate number 110944  
of children who are born in this state to women who are 110945  
addicted, at the time of birth, to a drug of abuse, and of 110946  
children who are born in this state with an addiction to or a 110947  
dependency on a drug of abuse; 110948

(6) Provides for the continued monitoring of children who 110949  
are born in this state to women who are addicted, at the time of 110950  
birth, to a drug of abuse, or who are born in this state with an 110951

addiction to or dependency on a drug of abuse, after their 110952  
birth; 110953

(7) Provides for the treatment and rehabilitation of any 110954  
child who is born to a woman who is addicted, at the time of 110955  
birth, to a drug of abuse, and of any child who is born with an 110956  
addiction to or dependency on a drug of abuse. 110957

(B) In developing the program described in division (A) of 110958  
this section, the department may obtain information from the 110959  
department of health and the department of job and family 110960  
services, and those departments shall cooperate with the 110961  
department of ~~mental-behavioral~~ health and ~~addiction services~~ in 110962  
its development and implementation of the program. 110963

(C) Immediately upon its development of the program 110964  
described in division (A) of this section, the department shall 110965  
implement the program. 110966

(D) Any record or information that is obtained or 110967  
maintained by the department in connection with the program 110968  
described in division (A) of this section and could enable the 110969  
identification of any woman or child described in division (A) 110970  
(1) or (5) of this section is not a public record subject to 110971  
inspection or copying under section 149.43 of the Revised Code. 110972

(E) A community addiction services provider that receives 110973  
public funds shall not refuse to treat a person solely because 110974  
the person is pregnant if appropriate treatment is offered by 110975  
the provider. 110976

**Sec. 5119.18.** An appointing authority may appoint a person 110977  
who holds a certified or permanent position in the classified 110978  
service within the department of ~~mental-behavioral~~ health and ~~and~~ 110979  
~~addiction services~~ to a position in the unclassified service 110980

within the department. A person appointed pursuant to this 110981  
section to a position in the unclassified service shall retain 110982  
the right to resume the position and status held by the person 110983  
in the classified service immediately prior to the person's 110984  
appointment to the position in the unclassified service, 110985  
pursuant to division (D) of section 124.11 of the Revised Code. 110986

A person who holds a position in the classified service 110987  
and who is appointed to a position in the unclassified service 110988  
on or after January 1, 2016, shall have the right to resume a 110989  
position in the classified service under this section only 110990  
within five years after the effective date of the person's 110991  
appointment in the unclassified service. 110992

**Sec. 5119.181.** (A) No appointing officer shall appoint a 110993  
person to fill a position in either the classified or 110994  
unclassified service of the department of ~~mental-behavioral~~ 110995  
~~health and addiction services~~ if the person has been convicted 110996  
of or pleaded guilty to a violation of the following: 110997

(1) Any felony contained in the Revised Code, if the 110998  
felony bears a direct and substantial relationship to the 110999  
position being filled; 111000

(2) Any crime contained in the Revised Code constituting a 111001  
misdemeanor of the first degree on the first offense and a 111002  
felony on subsequent offenses, if the crime bears a direct and 111003  
substantial relationship to the position being filled; 111004

(3) An existing or former law of this state, any other 111005  
state, or the United States, if the law violated is 111006  
substantially equivalent to any of the offenses described in 111007  
division (A)(1) or (2) of this section. 111008

(B) The director of ~~mental-behavioral~~ health and addiction 111009

~~services~~ shall adopt rules, in accordance with Chapter 119. of 111010  
the Revised Code, to implement this section. 111011

(C) The director or an appointing officer shall request 111012  
the bureau of criminal identification and investigation created 111013  
by section 109.51 of the Revised Code or, at the director's or 111014  
appointing officer's discretion, any other state or federal 111015  
agency, to supply the director or appointing officer with a 111016  
written report regarding the criminal records of any applicant. 111017  
For each investigation undertaken at the department's request 111018  
under this section, the department shall pay a reasonable fee to 111019  
the bureau or other state or federal agency conducting the 111020  
investigation. The amount of the fee shall be determined by the 111021  
bureau or other state or federal agency conducting the 111022  
investigation and shall be sufficient to cover the costs of 111023  
conducting the investigation. The report made by the bureau or 111024  
other state or federal agency is not a public record for 111025  
purposes of section 149.43 of the Revised Code and shall not be 111026  
made available to any person, except the applicant, the 111027  
director, the appointing officer or the appointing officer's 111028  
designees, or any hearing officer involved in a case denying 111029  
employment. 111030

(D) As used in this section, "applicant" means a person 111031  
who is under final consideration for appointment to a position 111032  
in the classified or unclassified service of the department of 111033  
~~mental behavioral health and addiction services.~~ 111034

**Sec. 5119.182.** The department of ~~mental behavioral health~~ 111035  
~~and addiction services~~ may require any of its employees and each 111036  
officer and employee of every institution under its control who 111037  
may be charged with custody or control of any money or property 111038  
belonging to the state or who is required to give bond, to give 111039

a surety company bond, properly conditioned, in a sum to be 111040  
fixed by the department which when approved by the department, 111041  
shall be filed in the office of the secretary of state. The cost 111042  
of such bonds, when approved by the department, shall be paid 111043  
from funds available for the department. The bonds required or 111044  
authorized by this section may, in the discretion of the 111045  
director of ~~mental-behavioral health-and-addiction services~~, be 111046  
individual, schedule, or blanket bonds. 111047

**Sec. 5119.184.** The department of ~~mental-behavioral health~~ 111048  
~~and-addiction services~~ may provide educational grants or tuition 111049  
reimbursements to upgrade the education, training, and 111050  
professional achievement of its employees, whenever it 111051  
determines that provision of such grants or reimbursements is 111052  
essential to the achievement of its goals. The department may 111053  
enter into agreements with its employees for the purposes of 111054  
this section. The agreements may require, as a condition of each 111055  
grant or reimbursement, that the employee continue employment 111056  
with the department or with another federal, state, or local 111057  
public agency designated by the department for a period of time 111058  
stated in the agreement. If an employee does not fulfill the 111059  
employment requirement stated in the agreement, the department 111060  
may take action to recover the amount of all educational grants 111061  
or tuition reimbursements paid to the employee under this 111062  
section, plus interest at the rate of ten per cent per year 111063  
calculated from the date of payment of each grant or 111064  
reimbursement. 111065

**Sec. 5119.185.** (A) As used in this section: 111066

(1) "Advanced practice registered nurse" has the same 111067  
meaning as in section 4723.01 of the Revised Code. 111068

(2) "Clinician" means any of the following: 111069

- (a) An advanced practice registered nurse; 111070
- (b) A physician; 111071
- (c) A physician assistant. 111072
- (3) "Physician" means an individual authorized under 111073  
Chapter 4731. of the Revised Code to practice medicine and 111074  
surgery or osteopathic medicine and surgery. 111075
- (4) "Physician assistant" means an individual who holds a 111076  
current, valid license to practice as a physician assistant 111077  
issued under Chapter 4730. of the Revised Code. 111078
- (B) The department of ~~mental-behavioral~~ health ~~and-~~ 111079  
~~addiction services~~ may establish a clinician recruitment program 111080  
under which the department agrees to repay all or part of the 111081  
principal and interest of a government or other educational loan 111082  
incurred by a clinician who agrees to provide services to 111083  
inpatients and outpatients of institutions under the 111084  
department's administration. To be eligible to participate in 111085  
the program, a clinician must have attended the following: 111086
- (1) In the case of a physician, a school that was, at the 111087  
time of attendance, a medical school or osteopathic medical 111088  
school in this country accredited by the ~~liason~~ liaison 111089  
committee on medical education or the American osteopathic 111090  
association, or a medical school or osteopathic medical school 111091  
located outside this country that was acknowledged by the world 111092  
health organization and verified by a member state of that 111093  
organization as operating within that state's jurisdiction; 111094
- (2) In the case of a physician assistant, a school that 111095  
was, at the time of attendance, accredited by the accreditation 111096  
review commission on education for the physician assistant or a 111097  
regional or specialized and professional accrediting agency 111098

recognized by the council for higher education accreditation; 111099

(3) In the case of an advanced practice registered nurse, 111100  
a school that was, at the time of attendance, accredited by a 111101  
national or regional accrediting organization. 111102

(C) The department shall enter into a contract with each 111103  
clinician it recruits under this section. Each contract shall 111104  
include at least the following terms: 111105

(1) The clinician agrees to provide a specified scope of 111106  
health care services for a specified number of hours per week 111107  
and a specified number of years to patients of one or more 111108  
specified institutions administered by the department. 111109

(2) The department agrees to repay all or a specified 111110  
portion of the principal and interest of a government or other 111111  
educational loan taken by the clinician for the following 111112  
expenses if the clinician meets the service obligation agreed to 111113  
and the expenses were incurred while the clinician was enrolled 111114  
in, for up to a maximum of four years, a school that qualifies 111115  
the clinician to participate in the program: 111116

(a) Tuition; 111117

(b) Other educational expenses for specific purposes, 111118  
including fees, books, and laboratory expenses, in amounts 111119  
determined to be reasonable in accordance with rules adopted 111120  
under division (D) of this section; 111121

(c) Room and board, in an amount determined to be 111122  
reasonable in accordance with rules adopted under division (D) 111123  
of this section. 111124

(3) The clinician agrees to pay the department a specified 111125  
amount, which shall be not less than the amount already paid by 111126

the department pursuant to its agreement, as damages if the 111127  
clinician fails to complete the service obligation agreed to or 111128  
fails to comply with other specified terms of the contract. The 111129  
contract may vary the amount of damages based on the portion of 111130  
the clinician's service obligation that remains uncompleted as 111131  
determined by the department. 111132

(4) Other terms agreed upon by the parties. 111133

(D) If the department elects to implement the clinician 111134  
recruitment program, it shall adopt rules in accordance with 111135  
Chapter 119. of the Revised Code that establish all of the 111136  
following: 111137

(1) Criteria for designating institutions for which 111138  
clinicians will be recruited; 111139

(2) Criteria for selecting clinicians for participation in 111140  
the program; 111141

(3) Criteria for determining the portion of a clinician's 111142  
loan that the department will agree to repay; 111143

(4) Criteria for determining reasonable amounts of the 111144  
expenses described in divisions (C) (2) (b) and (c) of this 111145  
section; 111146

(5) Procedures for monitoring compliance by clinicians 111147  
with the terms of their contracts; 111148

(6) Any other criteria or procedures necessary to 111149  
implement the program. 111150

**Sec. 5119.186.** (A) The director of ~~mental-behavioral~~ 111151  
~~health and addiction services~~ or the managing officer of an 111152  
institution of the department may enter into an agreement with 111153  
boards of trustees or boards of directors of one or more 111154



institutions of higher education or hospitals licensed pursuant 111155  
to section 5119.33 of the Revised Code to establish, manage, and 111156  
conduct collaborative training efforts for students enrolled in 111157  
courses of studies for occupations or professions that involve 111158  
the care and treatment for persons receiving addiction or mental 111159  
health services. 111160

(B) Such collaborative training efforts may include but 111161  
are not limited to programs in psychiatry, psychology, nursing, 111162  
social work, counseling professions, and others considered 111163  
appropriate by the director of ~~mental-behavioral health-and-~~ 111164  
~~addiction services~~. Any such program shall be approved or 111165  
accredited by its respective professional organization or state 111166  
board having jurisdiction over the profession. 111167

(1) The department shall require that the following be 111168  
provided for in agreements between the department and 111169  
institutions of higher education or hospitals licensed pursuant 111170  
to section 5119.33 of the Revised Code: 111171

(a) Establishment of inter-disciplinary committees to 111172  
advise persons responsible for training programs. Each committee 111173  
shall have representation drawn from the geographical community 111174  
the institution of higher education or hospital serves and shall 111175  
include representatives of agencies, boards, targeted 111176  
populations as determined by the department, racial and ethnic 111177  
minority groups, and publicly funded programs; 111178

(b) Funding procedures; 111179

(c) Specific outcomes and accomplishments that are 111180  
expected or required of a program under such agreement; 111181

(d) The types of services to be provided under such 111182  
agreement. 111183

(2) The department may require that the following be 111184  
provided for in agreements between the department and 111185  
institutions of higher education or hospitals licensed pursuant 111186  
to section 5119.33 of the Revised Code: 111187

(a) Special arrangements for individual residents or 111188  
trainees to encourage their employment in publicly funded 111189  
settings upon completion of their training; 111190

(b) Procedures for the selection of residents or trainees 111191  
to promote the admission, retention, and graduation of women, 111192  
minorities, and disabled persons; 111193

(c) Cross-cultural training and other subjects considered 111194  
necessary to enhance training efforts and the care and treatment 111195  
of patients and clients; 111196

(d) Funding of faculty positions oriented toward meeting 111197  
the needs of publicly funded programs. 111198

Subject to appropriations by the general assembly, the 111199  
director of ~~mental-behavioral health and addiction services~~ has 111200  
final approval of the funding of these collaborative training 111201  
efforts. 111202

**Sec. 5119.187.** The courses of study for the instruction 111203  
and training of all persons in institutions under the control of 111204  
the department of ~~mental-behavioral health and addiction-~~ 111205  
~~services~~ shall be subject to the approval of the superintendent 111206  
of public instruction. 111207

All teachers employed in institutions under the control of 111208  
the department of ~~mental-behavioral health and addiction-~~ 111209  
~~services~~ shall possess such educator licenses or have such 111210  
qualifications and approval as the superintendent of public 111211  
instruction, after consulting with the officers in charge of the 111212

institutions, prescribes for the various types of service in the 111213  
institutions. 111214

**Sec. 5119.188.** (A) As used in this section, "state 111215  
correctional institution" has the same meaning as in section 111216  
2967.01 of the Revised Code. 111217

(B) The department of ~~mental-behavioral health and~~ 111218  
~~addiction services~~ shall develop a program that is designed to 111219  
educate and train the employees of each state correctional 111220  
institution, the employees of each department of youth services 111221  
institution, and other persons associated by contract or 111222  
otherwise with each state correctional institution or each 111223  
department of youth services institution, who will be 111224  
responsible for the conduct of, or otherwise providing treatment 111225  
or rehabilitation services pursuant to, a substance abuse 111226  
treatment or rehabilitation program offered in the institution 111227  
to adult prisoners or juvenile offenders. Upon the development 111228  
of the educational and training program, the department of 111229  
~~mental-behavioral health and addiction services~~ promptly shall 111230  
commence its implementation. The department of ~~mental-behavioral~~ 111231  
~~health and addiction services~~ may charge to the department of 111232  
rehabilitation and correction and to the department of youth 111233  
services a reasonable annual fee that reflects the expenses 111234  
incurred by it during the immediately preceding calendar year in 111235  
preparing and offering the educational and training program 111236  
during that year to the respective employees and other 111237  
associated persons described in this division. 111238

The director of rehabilitation and correction and the 111239  
director of youth services shall require the respective 111240  
employees and other associated persons described in this 111241  
division to attend and successfully complete the educational and 111242

training program developed pursuant to this division as a 111243  
condition of their continuing to have responsibility for the 111244  
conduct of, or their continuing to provide treatment or 111245  
rehabilitation services pursuant to, any treatment or 111246  
rehabilitation program that is offered in a state correctional 111247  
institution or in a department of youth services institution to 111248  
adult prisoners or juvenile offenders. If the department of 111249  
~~mental behavioral health and addiction services~~ charges a 111250  
reasonable annual fee as described in this division, the 111251  
director involved shall cause that fee to be paid from any 111252  
available funds of the department of rehabilitation and 111253  
correction or any available funds of the department of youth 111254  
services. 111255

(C) The department of rehabilitation and correction and 111256  
the department of ~~mental behavioral health and addiction~~ 111257  
~~services~~ jointly shall develop program specifications for the 111258  
alcohol and drug addiction treatment programs offered in state 111259  
correctional institutions. 111260

**Sec. 5119.19.** (A) As used in this section: 111261

(1) "Community-based correctional facility" has the same 111262  
meaning as in section 2929.01 of the Revised Code. 111263

(2) "Drug used in medication-assisted treatment" means a 111264  
drug approved by the United States food and drug administration 111265  
for use in medication-assisted treatment, regardless of the 111266  
method the drug is administered or the form in which it is 111267  
dispensed, including an oral drug, an injectable drug, or a 111268  
long-acting or extended-release drug. "Drug used in medication- 111269  
assisted treatment" includes all of the following: 111270

(a) A full agonist; 111271

(b) A partial agonist;	111272
(c) An antagonist.	111273
(3) "Drug used in withdrawal management or detoxification"	111274
means a drug approved by the United States food and drug	111275
administration for use in, or a drug in standard use for,	111276
mitigating opioid or alcohol withdrawal symptoms or assisting	111277
with detoxification, regardless of the method the drug is	111278
administered or the form in which it is dispensed, including an	111279
oral drug, an injectable drug, or a long-acting or extended-	111280
release drug. "Drug used in withdrawal management or	111281
detoxification" includes all of the following:	111282
(a) A full agonist;	111283
(b) A partial agonist;	111284
(c) An antagonist;	111285
(d) An alpha-2 adrenergic agonist.	111286
(4) "Medication-assisted treatment" has the same meaning	111287
as in section 340.01 of the Revised Code.	111288
(5) "Prescribed drug" has the same meaning as in section	111289
5164.01 of the Revised Code.	111290
(6) (a) "Psychotropic drug" means, except as provided in	111291
division (A) (6) (b) of this section, a drug that has the	111292
capability of changing or controlling mental functioning or	111293
behavior through direct pharmacological action. "Psychotropic	111294
drug" includes all of the following:	111295
(i) Antipsychotic medications, including those	111296
administered or dispensed in a long-acting injectable form;	111297
(ii) Antidepressant medications;	111298

(iii) Anti-anxiety medications; 111299

(iv) Mood stabilizing medications. 111300

(b) "Psychotropic drug" excludes a stimulant prescribed 111301  
for the treatment of attention deficit hyperactivity disorder. 111302

(7) "Withdrawal management or detoxification" means a set 111303  
of medical interventions aimed at managing the acute physical 111304  
symptoms of intoxication and withdrawal. Withdrawal management 111305  
seeks to minimize the physical harm caused by the intoxication 111306  
and withdrawal from a substance of abuse. Detoxification denotes 111307  
a clearing of toxins from the body of the patient who is acutely 111308  
intoxicated, dependent on a substance of abuse, or both. 111309

(B) There is hereby created a program to be known as the 111310  
behavioral health drug reimbursement ~~program. The program, which~~ 111311  
shall be administered by the department of ~~mental-behavioral~~ 111312  
~~health-and-addiction-services.~~ 111313

The purpose of the program is to provide state 111314  
~~reimbursement~~ financial assistance to counties for the cost of 111315  
the following drugs that are administered or dispensed to 111316  
inmates of county jails in this state and individuals confined 111317  
in community-based correctional facilities in this state: 111318  
psychotropic drugs, drugs used in medication-assisted treatment, 111319  
and drugs used in withdrawal management or detoxification. 111320

Each county shall ensure that inmates of county jails and 111321  
individuals confined in community-based correctional facilities 111322  
have access to all behavioral health drugs specified in this 111323  
division that are prescribed drugs covered by the fee-for- 111324  
service component of the medicaid program. 111325

(C) The department, based on factors it considers 111326  
appropriate, shall allocate an amount to each county for 111327

~~reimbursement of drug costs that have been or will be incurred~~ 111328  
by the county pursuant to this section. 111329

(D) The director of ~~mental behavioral health and addiction~~ 111330  
~~services~~ may adopt rules as necessary to implement this section. 111331  
The rules, if adopted, shall be adopted in accordance with 111332  
Chapter 119. of the Revised Code. 111333

**Sec. 5119.20.** (A) As used in this section: 111334

"Electroencephalogram (EEG) combined transcranial magnetic 111335  
stimulation" means treatment in which transcranial magnetic 111336  
stimulation (TMS) frequency pulses are tuned to the patient's 111337  
physiology and biometric data. 111338

"First responder" has the meaning defined in section 111339  
2903.01 of the Revised Code. 111340

"Law enforcement officer" has the meaning defined in 111341  
section 9.69 of the Revised Code. 111342

(B) The director of ~~mental behavioral health and addiction~~ 111343  
~~services~~ shall establish a program to make electroencephalogram 111344  
(EEG) combined transcranial magnetic stimulation available for 111345  
veterans, first responders, and law enforcement officers. 111346  
Eligible individuals must have substance use disorders, mental 111347  
illness, sleep disorders, traumatic brain injuries, sexual 111348  
trauma, post traumatic stress disorder and accompanying 111349  
comorbidities, concussions or other brain trauma, or other 111350  
issues identified by the individual's qualified medical 111351  
practitioner as issues that would warrant treatment under the 111352  
program. The program shall be operated in conjunction with a 111353  
supplier selected under this section. 111354

(C) The director shall choose a location for the program 111355  
and for up to ten branch sites, and shall enter into a contract 111356

for the purchase of services related to the program. Each branch 111357  
site may operate one or more portable units or EEG combined 111358  
neuromodulation portable units if the director determines that 111359  
portable units or EEG combined neuromodulation portable units 111360  
are necessary to expand access to care. The contract shall 111361  
include provisions requiring the supplier to create and conduct 111362  
a clinical trial, to establish and operate a clinical practice, 111363  
to evaluate outcomes of the clinical trial and the clinical 111364  
practice, to expend payments received from the state as needed 111365  
for purposes of the program, and to report quarterly regarding 111366  
the program to the president of the senate and to the standing 111367  
committee of the senate that generally considers legislation 111368  
regarding veterans affairs. 111369

(D) There is the electroencephalogram (EEG) combined 111370  
transcranial magnetic stimulation fund in the state treasury. It 111371  
shall consist of moneys appropriated to it by the general 111372  
assembly. The director, with the approval of the controlling 111373  
board, may authorize a disbursement from the fund for services 111374  
rendered under the contract. 111375

(E) The director shall adopt rules under Chapter 119. of 111376  
the Revised Code as necessary to administer this section. 111377

(F) The supplier, in conducting the clinical trial and in 111378  
operating the clinical practice, shall adhere to all of the 111379  
following: 111380

(1) The United States food and drug administration 111381  
regulations governing the conduct of clinical practice and 111382  
clinical trials; 111383

(2) A peer-to-peer support network shall be made available 111384  
by the supplier to any individual receiving treatment under the 111385



program. 111386

(3) The program protocol shall use adapted stimulation 111387  
frequency and intensity modulation based on EEG and motor 111388  
threshold testing as well as clinical symptoms and signs, and 111389  
biometrics. 111390

(4) Each individual who receives treatment under the 111391  
program also shall receive neurophysiological monitoring, 111392  
monitoring for symptoms of substance use and mental health 111393  
disorders, and access to counseling and wellness programming. 111394  
Each individual also shall participate in the peer-to-peer 111395  
support network established by the supplier. 111396

(5) Clinical protocols and outcomes of the clinical trial, 111397  
and of any treatment provided by the clinical practice, shall be 111398  
collected and reported quarterly in a report provided by the 111399  
supplier to the director of ~~mental-behavioral~~ health ~~and~~ 111400  
~~addiction services~~ and to the United States food and drug 111401  
administration. 111402

(6) Any individual who receives treatment at the clinical 111403  
practice shall be eligible for a minimum of two 111404  
electroencephalograms, plus an additional electroencephalogram 111405  
for every ten treatments, during the course of the individual's 111406  
treatment. 111407

(7) The report required by this section shall include a 111408  
thorough accounting of the use and expenditure of all funds 111409  
received from the state under this section. 111410

(G) Contracts entered into under this section are subject 111411  
to section 9.231 and Chapter 125. of the Revised Code. 111412

(H) Operation of the program established under this 111413  
section is contingent upon an appropriation by the general 111414

assembly designated for that purpose. 111415

**Sec. 5119.201.** (A) The director of mental-behavioral 111416  
~~health and addiction services~~ may acquire by purchase, lease, or 111417  
otherwise such real and personal property rights in the name of 111418  
the state as are necessary for the purposes of the department. 111419

(B) When it is necessary for a state institution under the 111420  
jurisdiction of the department to acquire any real estate, 111421  
right-of-way, or easement in real estate in order to accomplish 111422  
the purposes for which it was organized or is being conducted, 111423  
and the department is unable to agree with the owner of such 111424  
property upon the price to be paid for the property, such 111425  
property may be appropriated in the manner provided for the 111426  
appropriation of property for other state purposes. 111427

(C) The director may work with the department of 111428  
administrative services to sell, lease, or exchange portions of 111429  
real and personal property of the department when the sale, 111430  
lease, or exchange is advantageous to the state. Money received 111431  
from such sales, leases, or exchanges shall be credited to the 111432  
the department of mental-behavioral ~~health and addiction-~~ 111433  
~~services~~ trust fund, created in section 5119.46 of the Revised 111434  
Code. 111435

(D) Any instrument by which real property is acquired 111436  
pursuant to this section shall identify the agency of the state 111437  
that has the use and benefit of the real property as specified 111438  
in section 5301.012 of the Revised Code. 111439

**Sec. 5119.21.** (A) The department of mental-behavioral 111440  
~~health and addiction services~~ shall: 111441

(1) To the extent the department has available resources 111442  
and in consultation with boards of alcohol, drug addiction, and 111443

mental health services, support the community-based continuum of 111444  
care that the boards are required by section 340.032 of the 111445  
Revised Code to establish. The department shall provide the 111446  
support on a district or multi-district basis. The department 111447  
shall assist in identifying resources, and may prioritize 111448  
support, for one or more of the elements of the community-based 111449  
continuum of care. For the purpose of division (A)(10) of 111450  
section 340.032 of the Revised Code and to the extent the 111451  
department determines is necessary, the department shall define 111452  
additional elements to be included in the community-based 111453  
continuum of care. 111454

(2) Provide training, consultation, and technical 111455  
assistance regarding addiction services, mental health services, 111456  
recovery supports, and appropriate prevention, recovery, and 111457  
mental health promotion activities, including those that are 111458  
culturally competent, to employees of the department, community 111459  
addiction services providers, community mental health services 111460  
providers, and boards of alcohol, drug addiction, and mental 111461  
health services; 111462

(3) To the extent the department has available resources, 111463  
promote and support a full range of addiction services, mental 111464  
health services, and recovery supports that are available and 111465  
accessible to all residents of this state, especially for 111466  
severely emotionally disturbed children and adolescents, adults 111467  
with severe mental disabilities, pregnant women, parents, 111468  
guardians or custodians of children at risk of abuse or neglect, 111469  
and other special target populations, including racial and 111470  
ethnic minorities, as determined by the department; 111471

(4) Develop standards and measures for both of the 111472  
following: 111473

(a) Evaluating the effectiveness of addiction services, 111474  
including opioid treatment programs, of mental health services, 111475  
and of recovery supports; 111476

(b) Increasing the accountability of community addiction 111477  
services providers and community mental health services 111478  
providers. 111479

(5) Design and set criteria for the determination of 111480  
priority populations; 111481

(6) Promote, direct, conduct, and coordinate scientific 111482  
research, taking ethnic and racial differences into 111483  
consideration, concerning all of the following: 111484

(a) The causes and prevention of mental illness and 111485  
addiction; 111486

(b) Methods of providing effective addiction services, 111487  
mental health services, and recovery supports; 111488

(c) Means of enhancing the mental health of and recovery 111489  
from addiction of all residents of this state. 111490

(7) Foster the establishment and availability of 111491  
vocational rehabilitation services and the creation of 111492  
employment opportunities for individuals with addiction and 111493  
mental health needs, including members of racial and ethnic 111494  
minorities; 111495

(8) Establish a program to protect and promote the rights 111496  
of persons receiving addiction services, mental health services, 111497  
and recovery supports, including the issuance of guidelines on 111498  
informed consent and other rights; 111499

(9) Promote the involvement of persons who are receiving 111500  
or have received addiction services, mental health services, and 111501

recovery supports including families and other persons having a 111502  
close relationship to a person receiving those services and 111503  
supports, in the planning, evaluation, delivery, and operation 111504  
of addiction services, mental health services, and recovery 111505  
supports; 111506

(10) Notify and consult with the relevant constituencies 111507  
that may be affected by rules, standards, and guidelines issued 111508  
by the department of ~~mental-behavioral health-and-addiction-~~ 111509  
~~services~~. These constituencies shall include consumers of 111510  
addiction services, mental health services, and recovery 111511  
supports and the families of such consumers. These 111512  
constituencies may include public and private providers, 111513  
employee organizations, and others when appropriate. Whenever 111514  
the department proposes the adoption, amendment, or rescission 111515  
of rules under Chapter 119. of the Revised Code, the 111516  
notification and consultation required by this division shall 111517  
occur prior to the commencement of proceedings under Chapter 111518  
119. The department shall adopt rules under Chapter 119. of the 111519  
Revised Code that establish procedures for the notification and 111520  
consultation required by this division. 111521

(11) Provide consultation to the department of 111522  
rehabilitation and correction concerning the delivery of 111523  
addiction services and mental health services in state 111524  
correctional institutions; 111525

(12) Promote and coordinate efforts in the provision of 111526  
addiction services by other state agencies, as defined in 111527  
section 1.60 of the Revised Code; courts; hospitals; clinics; 111528  
physicians in private practice; public health authorities; 111529  
boards of alcohol, drug addiction, and mental health services; 111530  
community addiction services providers; law enforcement 111531

agencies; and related groups; 111532

(13) Provide to each court of record, and biennially 111533  
update, a list of the treatment and education programs within 111534  
that court's jurisdiction that the court may require an 111535  
offender, sentenced pursuant to section 4511.19 of the Revised 111536  
Code, to attend; 111537

(14) Make the warning sign described in sections 3313.752, 111538  
3345.41, and 3707.50 of the Revised Code available on the 111539  
department's internet web site; 111540

(15) Provide a program of gambling addiction services on 111541  
behalf of the state lottery commission, pursuant to an agreement 111542  
entered into with the director of the commission under division 111543  
(K) of section 3770.02 of the Revised Code, and provide a 111544  
program of gambling addiction services on behalf of the Ohio 111545  
casino control commission, under an agreement entered into with 111546  
the executive director of the commission under section 3772.062 111547  
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 111548  
Constitution, the department may enter into agreements with 111549  
boards of alcohol, drug addiction, and mental health services, 111550  
including boards with districts in which a casino facility is 111551  
not located, and nonprofit organizations to provide addiction 111552  
services, and with state institutions of higher education or 111553  
private nonprofit institutions that possess a certificate of 111554  
authorization issued under Chapter 1713. of the Revised Code to 111555  
perform related research. 111556

(B) The department may accept and administer grants from 111557  
public or private sources for carrying out any of the duties 111558  
enumerated in this section. 111559

(C) The department may adopt rules in accordance with 111560

Chapter 119. of the Revised Code as necessary to implement the 111561  
requirements of this chapter. 111562

Sec. 5119.211. The department of behavioral health may 111563  
establish a process and standards for the state certification of 111564  
certified community behavioral health clinics. The process and 111565  
standards may be based on the provisions of section 223 of the 111566  
"Protecting Access to Medicare Act of 2014," 42 U.S.C. 1396a 111567  
note. 111568

If the department establishes a process and standards for 111569  
the state certification of certified community behavioral health 111570  
clinics, the department may coordinate with local, state, and 111571  
federal government entities for the development and 111572  
establishment of the clinics. 111573

The director of behavioral health may adopt rules as the 111574  
director considers necessary to implement this section. If the 111575  
director adopts rules, the rules shall be adopted in accordance 111576  
with Chapter 119. of the Revised Code. 111577

Sec. 5119.22. The director of ~~mental-behavioral health-and~~ 111578  
~~addiction services,~~ with respect to all mental health and 111579  
addiction facilities, addiction services, mental health 111580  
services, and recovery supports established and operated or 111581  
provided under Chapter 340. of the Revised Code, shall do all of 111582  
the following: 111583

(A) Adopt rules pursuant to Chapter 119. of the Revised 111584  
Code that may be necessary to carry out the purposes of this 111585  
chapter and Chapters 340. and 5122. of the Revised Code. 111586

(B) Review and evaluate the community-based continuum of 111587  
care required by section 340.032 of the Revised Code to be 111588  
established in each service district, taking into account the 111589

findings and recommendations of the board of alcohol, drug 111590  
addiction, and mental health services of the district submitted 111591  
under division (A) (4) of section 340.03 of the Revised Code and 111592  
the priorities and plans of the department of ~~mental~~ behavioral 111593  
~~health and addiction services~~, including the needs of residents 111594  
of the district currently receiving services in state-operated 111595  
hospitals, and make recommendations for needed improvements to 111596  
boards of alcohol, drug addiction, and mental health services; 111597

(C) At the director's discretion, provide to boards of 111598  
alcohol, drug addiction, and mental health services state or 111599  
federal funds, in addition to those allocated under section 111600  
5119.23 of the Revised Code, for special programs or projects 111601  
the director considers necessary but for which local funds are 111602  
not available; 111603

(D) Establish criteria by which each board of alcohol, 111604  
drug addiction, and mental health services reviews and evaluates 111605  
the quality, effectiveness, and efficiency of the facility 111606  
services, addiction services, mental health services, and 111607  
recovery supports for which it contracts under section 340.036 111608  
of the Revised Code. The criteria shall include requirements 111609  
ensuring appropriate utilization of the services and supports. 111610  
The department shall assess each board's evaluation of the 111611  
services and supports and the compliance of each board with this 111612  
section, Chapter 340. of the Revised Code, and other state or 111613  
federal law and regulations. The department, in cooperation with 111614  
the board, periodically shall review and evaluate the quality, 111615  
effectiveness, and efficiency of the facility services, 111616  
addiction services, mental health services, and recovery 111617  
supports for which each board contracts under section 340.036 of 111618  
the Revised Code and the facilities, addiction services, and 111619  
mental health services that each board operates or provides 111620



under section 340.037 of the Revised Code. The department shall 111621  
collect information that is necessary to perform these 111622  
functions. 111623

(E) To the extent the director determines necessary and 111624  
after consulting with boards of alcohol, drug addiction, and 111625  
mental health services, community addiction services providers, 111626  
and community mental health services providers, develop and 111627  
operate, or contract for the operation of, a community 111628  
behavioral health information system or systems. The department 111629  
shall specify the information that must be provided by the 111630  
boards and providers for inclusion in the system or systems. 111631

Boards of alcohol, drug addiction, and mental health 111632  
services, community addiction services providers, and community 111633  
mental health services providers shall submit information 111634  
requested by the department in the form and manner and in 111635  
accordance with time frames prescribed by the department. 111636  
Information collected by the department may include all of the 111637  
following: 111638

(1) Information on addiction services, mental health 111639  
services, and recovery supports provided; 111640

(2) Financial information regarding expenditures of 111641  
federal, state, or local funds; 111642

(3) Information about persons served. 111643

The department shall not collect any personal information 111644  
from the boards or providers except as required or permitted by 111645  
state or federal law for purposes related to payment, health 111646  
care operations, program and service evaluation, reporting 111647  
activities, research, system administration, and oversight. 111648

(F) In consultation with representatives of boards of 111649

alcohol, drug addiction, and mental health services and after 111650  
consideration of recommendations made by the medical director 111651  
appointed under section 5119.11 of the Revised Code, establish 111652  
all of the following: 111653

(1) Guidelines, including a timetable, for the boards' 111654  
development and submission of proposed community addiction and 111655  
mental health plans, budgets, and lists of addiction services, 111656  
mental health services, and recovery supports under sections 111657  
340.03 and 340.08 of the Revised Code; 111658

(2) Procedures, including a timetable, for the director's 111659  
review and approval or disapproval of the plans, budgets, and 111660  
lists; 111661

(3) Procedures for corrective action regarding the plans, 111662  
budgets, and lists, including submission of revised or new 111663  
plans, budgets, and lists; 111664

(4) Procedures for the director to follow in offering 111665  
technical assistance to boards to assist them in making the 111666  
plans, budgets, and lists acceptable or in making proposed 111667  
amendments to approved plans, budgets, and lists meet criteria 111668  
for approval; 111669

(5) Procedures for issuing time-limited waivers under 111670  
section 5119.221 of the Revised Code. 111671

(G) Review each board's proposed community addiction and 111672  
mental health plan, budget, and list of addiction services, 111673  
mental health services, and recovery supports submitted pursuant 111674  
to sections 340.03 and 340.08 of the Revised Code and approve or 111675  
disapprove the plan, the budget, and the list in whole or in 111676  
part. The director shall disapprove a board's proposed budget in 111677  
whole or in part if the proposed budget would not make available 111678

in the board's service district the essential elements of the 111679  
community-based continuum of care required by section 340.032 of 111680  
the Revised Code, including, except as otherwise authorized by a 111681  
time-limited waiver issued under section 5119.221 of the Revised 111682  
Code, an array of addiction services and recovery supports for 111683  
all levels of opioid and co-occurring drug addiction. 111684

Prior to a final decision to disapprove a plan, budget, or 111685  
list in whole or in part, a representative of the director shall 111686  
meet with the board and discuss the reason for the action the 111687  
director proposes to take and any corrective action that should 111688  
be taken to make the plan, budget, or list acceptable to the 111689  
director. In addition, the director shall offer technical 111690  
assistance to the board to assist it to make the plan, budget, 111691  
or list acceptable. The director shall give the board a 111692  
reasonable time in which to revise the plan, budget, or list. 111693  
The board thereafter shall submit a revised plan, budget, or 111694  
list or a new plan, budget, or list. 111695

(H) Approve or disapprove all or part of proposed 111696  
amendments that a board of alcohol, drug addiction, or mental 111697  
health services submits under section 340.03 or 340.08 of the 111698  
Revised Code to an approved community addiction and mental 111699  
health plan, budget, or list of addiction services, mental 111700  
health services, and recovery supports. 111701

If the director disapproves of all or part of any proposed 111702  
amendment, the director shall provide the board an opportunity 111703  
to present its position. The director shall inform the board of 111704  
the reasons for the disapproval and of the criteria that must be 111705  
met before the proposed amendment may be approved. The director 111706  
shall give the board a reasonable time within which to meet the 111707  
criteria and shall offer technical assistance to the board to 111708

help it meet the criteria. 111709

**Sec. 5119.221.** (A) The director of ~~mental-behavioral~~ 111710  
~~health and addiction services~~, in accordance with procedures 111711  
established under division (F) (5) of section 5119.22 of the 111712  
Revised Code, may issue to a board of alcohol, drug addiction, 111713  
and mental health services a time-limited waiver of the 111714  
requirement of section 340.033 of the Revised Code that 111715  
ambulatory detoxification and medication-assisted treatment be 111716  
made available within the borders of the board's service 111717  
district if the director determines that both of the following 111718  
apply: 111719

(1) The board seeking the waiver has made reasonable 111720  
efforts to make ambulatory detoxification and medication- 111721  
assisted treatment available within the borders of the board's 111722  
service district; 111723

(2) Ambulatory detoxification and medication-assisted 111724  
treatment can be made available through one or more contracts 111725  
between the board seeking the waiver and community addiction 111726  
services providers that are located not more than thirty miles 111727  
beyond the borders of the board's service district. 111728

(B) Each waiver issued under this section shall specify 111729  
the amount of time for which it is in effect and whether it 111730  
applies to ambulatory detoxification, medication-assisted 111731  
treatment, or both. 111732

**Sec. 5119.23.** (A) The department of ~~mental-behavioral~~ 111733  
~~health and addiction services~~ shall establish a methodology for 111734  
allocating to boards of alcohol, drug addiction, and mental 111735  
health services the funds appropriated by the general assembly 111736  
to the department for the purpose of the community-based 111737

continuum of care that each board establishes under section 111738  
340.032 of the Revised Code. The department shall establish the 111739  
methodology after notifying and consulting with relevant 111740  
constituencies as required by division (A)(10) of section 111741  
5119.21 of the Revised Code. The methodology may provide for the 111742  
funds to be allocated to boards on a district or multi-district 111743  
basis. 111744

(B) Subject to section 5119.25 of the Revised Code, and to 111745  
required submissions and approvals under sections 340.08 and 111746  
5119.22 of the Revised Code, the department shall allocate the 111747  
funds to the boards in a manner consistent with the methodology, 111748  
this section, other state and federal laws, rules, and 111749  
regulations. 111750

(C) In consultation with boards, community addiction 111751  
services providers, community mental health services providers, 111752  
and persons receiving addiction services, mental health 111753  
services, and recovery supports, the department shall establish 111754  
guidelines for the use of funds allocated under this section. 111755

**Sec. 5119.24.** (A) As used in this section, "administrative 111756  
function" means a function related to one or more of the 111757  
following: 111758

- (1) Continuous quality improvement; 111759
- (2) Utilization review; 111760
- (3) Resource development; 111761
- (4) Fiscal administration; 111762
- (5) General administration; 111763
- (6) Any other function related to administration that is 111764  
required by Chapter 340. of the Revised Code. 111765

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental-behavioral health and addiction services~~ specifying how the board used funds allocated to the board under section 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental-behavioral health and addiction services~~ shall establish the date by which the report must be submitted each year.

**Sec. 5119.25.** (A) The director of ~~mental-behavioral health and addiction services~~ may withhold funds, in whole or in part, that otherwise are to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The board fails to comply with Chapter 340. or 5119. of the Revised Code or rules of the department of ~~mental-behavioral health and addiction services~~;

(2) The board denies available service on the basis of race, color, religion, ancestry, military status, sex, age, national origin, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

(B) The director shall withhold funds, in whole or in part, that otherwise are to be allocated to a board under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The director, under division (G) of section 5119.22 of the Revised Code, disapproves all or part of the board's proposed community addiction and mental health plan, budget, or list of addiction services, mental health services, and recovery supports;

(2) The board's use of state and federal funds fails to 111795  
comply with the board's approved budget, including approved 111796  
amendments to the budget. 111797

(C) The director shall issue a notice identifying the 111798  
areas of noncompliance and the action necessary to achieve 111799  
compliance. The director may offer technical assistance to the 111800  
board to achieve compliance. The board shall have thirty days 111801  
from receipt of the notice of noncompliance to present its 111802  
position that it is in compliance or to submit to the director 111803  
evidence of corrective action the board took to achieve 111804  
compliance. Before withholding funds, the director or the 111805  
director's designee shall hold a hearing within thirty days of 111806  
receipt of the board's position or evidence to determine if 111807  
there are continuing violations and that either assistance is 111808  
rejected or the board is unable, or has failed, to achieve 111809  
compliance. The director may appoint a representative from 111810  
another board of alcohol, drug addiction, and mental health 111811  
services to serve as a mentor for the board in developing and 111812  
executing a plan of corrective action to achieve compliance. Any 111813  
such representative shall be from a board that is in compliance 111814  
with Chapter 340. of the Revised Code, this chapter, and the 111815  
department's rules. Subsequent to the hearing process, if it is 111816  
determined that compliance has not been achieved, the director 111817  
may allocate all or part of the withheld funds to one or more 111818  
community mental health services providers or community 111819  
addiction services providers to provide the mental health 111820  
service, addiction service, or recovery support for which the 111821  
board is not in compliance until the time that there is 111822  
compliance. 111823

(D) The director shall adopt rules in accordance with 111824  
Chapter 119. of the Revised Code to implement this section. 111825

**Sec. 5119.27.** (A) As used in this section: 111826

(1) "Community control sanction" has the same meaning as 111827  
in section 2929.01 of the Revised Code. 111828

(2) "Federally assisted," "program," and "substance use 111829  
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 111830  
further described in 42 C.F.R. 2.12(b). 111831

(3) "Post-release control sanction" has the same meaning 111832  
as in section 2967.01 of the Revised Code. 111833

(B) In accordance with 42 U.S.C. 290dd-2, records or 111834  
information created or maintained by a federally assisted 111835  
program for the treatment of substance use disorders shall be 111836  
kept confidential and may be disclosed only for the purposes and 111837  
under the circumstances expressly authorized under 42 C.F.R. 111838  
Part 2. 111839

(C) When the person, with respect to whom any record or 111840  
information referred to in division (B) of this section is 111841  
maintained, gives consent in the form of a written release 111842  
signed by the person, the content of the record or information 111843  
may be disclosed if the written release conforms to all of the 111844  
requirements set forth in 42 C.F.R. 2.31. 111845

(D) In accordance with 42 C.F.R. 2.35, a person who is 111846  
subject to a community control sanction, a post-release control 111847  
sanction, is on parole, or is ordered to intervention in lieu of 111848  
conviction, and who has agreed to participate in a federally 111849  
assisted program for the treatment of substance use disorders as 111850  
a condition of the community control sanction, post-release 111851  
control sanction, parole, or intervention order, shall consent 111852  
to the release of records and information relating to the 111853  
progress of treatment, frequency of treatment, adherence to 111854



treatment requirements, and probable outcome of treatment. 111855  
Release of information and records under this division shall be 111856  
limited to the court or governmental personnel having the 111857  
responsibility for supervising the person's community control 111858  
sanction, post-release control sanction, parole, or intervention 111859  
order. A person, described in this division, who refuses to 111860  
allow disclosure may be considered in violation of the 111861  
conditions of the person's community control sanction, post- 111862  
release control sanction, parole, or intervention order. 111863

(E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure 111864  
of a person's record may be made without the person's consent to 111865  
qualified personnel for the purpose of conducting scientific 111866  
research, management, financial audits, or program evaluation, 111867  
but these personnel may not identify, directly or indirectly, 111868  
any particular person in any report of the research, audit, or 111869  
evaluation, or otherwise disclose a person's identity in any 111870  
manner. 111871

(F) In accordance with 42 C.F.R. 2.66, upon the request of 111872  
a prosecuting attorney or the director of mental-behavioral 111873  
~~health-and-addiction services~~, a court of competent jurisdiction 111874  
may order the disclosure of records or information referred to 111875  
in division (B) of this section if the court has reason to 111876  
believe that a federally assisted program for the treatment of 111877  
substance use disorders is being operated or used in a manner 111878  
contrary to law. The use of any information or record so 111879  
disclosed shall be limited to the prosecution of persons who are 111880  
or may be charged with any offense related to the illegal 111881  
operation or use of the program, or to the decision to withdraw 111882  
the authority of a the program to continue operation. For 111883  
purposes of this division the court shall do all of the 111884  
following: 111885

(1) Limit disclosure to those parts of the person's record 111886  
considered essential to fulfill the objective for which the 111887  
order was granted; 111888

(2) Require, where appropriate, that all information be 111889  
disclosed in chambers; 111890

(3) Include any other appropriate measures to keep 111891  
disclosure to a minimum, consistent with the protection of the 111892  
persons seeking or receiving services, the provider-client 111893  
relationship, and the administration of the program. 111894

**Sec. 5119.28.** (A) All records, and reports, other than 111895  
court journal entries or court docket entries, identifying a 111896  
person and pertaining to the person's mental health condition, 111897  
assessment, provision of care, treatment, or recovery supports, 111898  
or payment for assessment, care, treatment, or recovery supports 111899  
that are maintained in connection with any services certified by 111900  
the department of ~~mental-behavioral health-and-addiction-~~ 111901  
~~services,~~ any recovery supports paid for with funds administered 111902  
by the department or a board of alcohol, drug addiction, and 111903  
mental health services, or any hospitals or facilities licensed 111904  
or operated by the department, shall be kept confidential and 111905  
shall not be disclosed by any person except: 111906

(1) If the person identified, or the person's legal 111907  
guardian, if any, or if the person is a minor, the person's 111908  
parent or legal guardian, consents; 111909

(2) When disclosure is provided for in this chapter or 111910  
Chapter 340. or 5122. of the Revised Code or in accordance with 111911  
other provisions of state or federal law authorizing such 111912  
disclosure; 111913

(3) That hospitals, boards of alcohol, drug addiction, and 111914

mental health services, licensed facilities, and community 111915  
mental health services providers may release necessary 111916  
information to insurers and other third-party payers, including 111917  
government entities responsible for processing and authorizing 111918  
payment, to obtain payment for goods and services furnished to 111919  
the person; 111920

(4) Pursuant to a court order signed by a judge; 111921

(5) That a person shall be granted access to the person's 111922  
own psychiatric and medical records, unless access specifically 111923  
is restricted in a person's treatment plan for clear treatment 111924  
reasons; 111925

(6) That the department of ~~mental-behavioral health and~~ 111926  
~~addiction services~~ may exchange psychiatric records and other 111927  
pertinent information with community mental health services 111928  
providers and boards of alcohol, drug addiction, and mental 111929  
health services relating to the person's care or services. 111930  
Records and information that may be exchanged pursuant to this 111931  
division shall be limited to medication history, physical health 111932  
status and history, financial status, summary of course of 111933  
treatment, summary of treatment needs, and a discharge summary, 111934  
if any. 111935

(7) That the department of ~~mental-behavioral health and~~ 111936  
~~addiction services~~, hospitals and community providers operated 111937  
by the department, hospitals licensed by the department under 111938  
section 5119.33 of the Revised Code, and community mental health 111939  
services providers may exchange psychiatric records and other 111940  
pertinent information with payers and other providers of 111941  
treatment and health services if the purpose of the exchange is 111942  
to facilitate continuity of care for the person or for the 111943  
emergency treatment of the person; 111944

(8) That the department of ~~mental behavioral~~ health and ~~addiction services~~ and community mental health services 111945  
providers may exchange psychiatric records and other pertinent 111946  
information with boards of alcohol, drug addiction, and mental 111947  
health services for purposes of any board function set forth in 111948  
Chapter 340. of the Revised Code. Boards of alcohol, drug 111950  
addiction, and mental health services shall not access any 111951  
personal information from the department or providers except as 111952  
required or permitted by this section, or Chapter 340. or 5122. 111953  
of the Revised Code for purposes related to payment, care 111954  
coordination, health care operations, program and service 111955  
evaluation, reporting activities, research, system 111956  
administration, oversight, or other authorized purposes. 111957

(9) That a person's family member who is involved in the 111958  
provision, planning, and monitoring of services to the person 111959  
may receive medication information, a summary of the person's 111960  
diagnosis and prognosis, and a list of the services and 111961  
personnel available to assist the person and the person's 111962  
family, if the person's treatment provider determines that the 111963  
disclosure would be in the best interests of the person. No such 111964  
disclosure shall be made unless the person is notified first and 111965  
receives the information and does not object to the disclosure. 111966

(10) That community mental health services providers may 111967  
exchange psychiatric records and certain other information with 111968  
the board of alcohol, drug addiction, and mental health services 111969  
and other providers in order to provide services to a person 111970  
involuntarily committed to a board. Release of records under 111971  
this division shall be limited to medication history, physical 111972  
health status and history, financial status, summary of course 111973  
of treatment, summary of treatment needs, and discharge summary, 111974  
if any. 111975

(11) That information may be disclosed to the executor or 111976  
the administrator of an estate of a deceased person when the 111977  
information is necessary to administer the estate; 111978

(12) That information may be disclosed to staff members of 111979  
the appropriate board or to staff members designated by the 111980  
director of ~~mental-behavioral health and addiction services~~ for 111981  
the purpose of evaluating the quality, effectiveness, and 111982  
efficiency of mental health services and recovery supports and 111983  
determining if the services and supports meet minimum standards. 111984  
Information obtained during such evaluations shall not be 111985  
retained with the name of any person. 111986

(13) That records pertaining to the person's diagnosis, 111987  
course of treatment, treatment needs, and prognosis shall be 111988  
disclosed and released to the appropriate prosecuting attorney 111989  
if the person was committed pursuant to section 2945.38, 111990  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 111991  
to the attorney designated by the board for proceedings pursuant 111992  
to involuntary commitment under Chapter 5122. of the Revised 111993  
Code; 111994

(14) That the department of ~~mental-behavioral health and~~ 111995  
~~addiction services~~ may exchange psychiatric hospitalization 111996  
records, other mental health treatment records, and other 111997  
pertinent information with the department of rehabilitation and 111998  
correction and with the department of youth services to ensure 111999  
continuity of care for inmates and offenders who are receiving 112000  
mental health services in an institution of the department of 112001  
rehabilitation and correction or the department of youth 112002  
services and may exchange psychiatric hospitalization records, 112003  
other mental health treatment records, and other pertinent 112004  
information with boards of alcohol, drug addiction, and mental 112005

health services and community mental health services providers 112006  
to ensure continuity of care for inmates or offenders who are 112007  
receiving mental health services in an institution and are 112008  
scheduled for release within six months. The release of records 112009  
under this division is limited to records regarding an inmate's 112010  
or offender's medication history, physical health status and 112011  
history, summary of course of treatment, summary of treatment 112012  
needs, and a discharge summary, if any. 112013

(15) That a community mental health services provider that 112014  
ceases to operate may transfer to either a community mental 112015  
health services provider that assumes its caseload or to the 112016  
board of alcohol, drug addiction, and mental health services of 112017  
the service district in which the person resided at the time 112018  
mental health services or recovery supports were most recently 112019  
provided any records concerning the services or supports that 112020  
have not been transferred elsewhere at the person's request; 112021

(16) That records and reports relating to a person who has 112022  
been deceased for fifty years or more are no longer considered 112023  
confidential. 112024

(B) Before records are disclosed pursuant to divisions (A) 112025  
(3), (6), and (10) of this section, the custodian of the records 112026  
shall attempt to obtain the person's consent for the disclosure. 112027

(C) No person shall reveal the content of a medical record 112028  
of a person that is confidential pursuant to this section, 112029  
except as authorized by law. 112030

**Sec. 5119.29.** The department of ~~mental-behavioral health-~~ 112031  
~~and addiction services,~~ in conjunction with boards of alcohol, 112032  
drug addiction, and mental health services and community mental 112033  
health boards, shall develop a coordinated system for tracking 112034

and monitoring persons found not guilty by reason of insanity 112035  
and committed pursuant to section 2945.40 of the Revised Code 112036  
who have been granted a conditional release and persons found 112037  
incompetent to stand trial and committed pursuant to section 112038  
2945.39 of the Revised Code who have been granted a conditional 112039  
release. The system shall do all of the following: 112040

(A) Centralize responsibility for the tracking of those 112041  
persons; 112042

(B) Develop uniformity in monitoring those persons; 112043

(C) Develop a mechanism to allow prompt rehospitalization, 112044  
reinstitutionalization, or detention when a violation of the 112045  
conditional release or decompensation occurs. 112046

**Sec. 5119.30.** The department of ~~mental-behavioral~~ health 112047  
~~and addiction services~~ promptly shall develop and maintain a 112048  
program that continually provides the courts of this state with 112049  
relevant information pertaining to addiction services and 112050  
programs available both within their jurisdictions and statewide 112051  
in order to facilitate the ability of the courts to utilize 112052  
treatment and rehabilitation alternatives in addition to or in 112053  
lieu of imposing sentences of imprisonment upon appropriate 112054  
offenders. 112055

**Sec. 5119.31.** The department of administrative services 112056  
shall purchase all supplies needed for the proper support and 112057  
maintenance of the institutions under the control of the 112058  
department of ~~mental-behavioral~~ health ~~and addiction services~~ in 112059  
accordance with the competitive selection procedures of Chapter 112060  
125. of the Revised Code and such rules as the department of 112061  
administrative services adopts. All bids shall be publicly 112062  
opened on the day and hour and at the place specified in the 112063

advertisement. 112064

Preference shall be given to bidders in localities wherein 112065  
the institution is located, if the price is fair and reasonable 112066  
and not greater than the usual price; but bids not meeting the 112067  
specifications shall be rejected. 112068

The department of administrative services may require such 112069  
security as it considers proper to accompany the bids and shall 112070  
fix the security to be given by the contractor. 112071

The department of administrative services may reject any 112072  
or all bids and secure new bids, if for any reason it is deemed 112073  
for the best interest of the state to do so, and it may 112074  
authorize the managing officer of any institution to purchase 112075  
perishable goods and supplies for use in cases of emergency, in 112076  
which cases such managing officer shall certify such fact in 112077  
writing and the department of administrative services shall 112078  
record the reasons for such purchase. 112079

**Sec. 5119.311.** The department of ~~mental-behavioral health~~ 112080  
~~and addiction services~~ may examine into, with or without expert 112081  
assistance, the question of the mental and physical condition of 112082  
any person committed to or involuntarily confined in any 112083  
hospital for persons with mental illnesses, or restrained of 112084  
liberty at any place within this state by reason of alleged 112085  
mental illness and may order and compel the discharge of any 112086  
such person who is not a person with a mental illness subject to 112087  
court order as defined in division (B) of section 5122.01 of the 112088  
Revised Code and direct what disposition shall be made of the 112089  
person. The order of discharge shall be signed by the director 112090  
of ~~mental-behavioral health and addiction services~~. Upon receipt 112091  
of such order by the superintendent or other person in charge of 112092  
the building in which the person named in such order is 112093



confined, such person shall forthwith be discharged or otherwise 112094  
disposed of according to the terms of said order, and any 112095  
further or other detention of such person is unlawful. No such 112096  
order shall be made in favor of any person committed and held 112097  
for trial on a criminal charge, in confinement by an order of a 112098  
judge or court made in a criminal proceeding, or in any case 112099  
unless notice is given to the superintendent or other person 112100  
having charge of the building in which the alleged person with a 112101  
mental illness is detained, and a reasonable opportunity is 112102  
allowed the person in charge to justify further detention of the 112103  
person confined. 112104

**Sec. 5119.32.** The department of ~~mental-behavioral~~ health 112105  
~~and addiction services~~ is hereby designated as the state 112106  
administrative agency for the substance abuse prevention 112107  
treatment block grant and the community mental health services 112108  
block grant authorized by the "Public Health Services Act," 95 112109  
Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol, 112110  
drug abuse, or mental health programs that are specified in an 112111  
appropriations act. 112112

**Sec. 5119.33.** ~~(A)(1)~~ (A) The department of ~~mental-~~ 112113  
~~behavioral health and addiction services~~ shall inspect and 112114  
license all hospitals that receive persons with mental 112115  
illnesses, except those hospitals managed by the department. No 112116  
hospital may receive for care or treatment, either at public or 112117  
private expense, any person who is or appears to have a mental 112118  
illness, whether or not so adjudicated, unless the hospital has 112119  
received a license from the department authorizing it to receive 112120  
for care or treatment persons with mental illnesses or the 112121  
hospital is managed by the department. 112122

~~(2) No such license shall be granted to a hospital for the~~ 112123

~~treatment of persons with mental illnesses unless both of the~~ 112124  
~~following are the case:—~~ 112125

~~(a) The department is satisfied, after investigation, that~~ 112126  
~~the hospital is managed and operated by qualified persons, is~~ 112127  
~~adequately staffed and equipped to operate, and has on its staff~~ 112128  
~~one or more qualified physicians responsible for the medical~~ 112129  
~~care of the patients confined there. At least one such physician~~ 112130  
~~shall be a psychiatrist.—~~ 112131

~~(b) The department has not been notified under section~~ 112132  
~~5119.334 of the Revised Code or is not otherwise aware that the~~ 112133  
~~hospital, or any owner, sponsor, medical director,~~ 112134  
~~administrator, or principal of the hospital, has been the~~ 112135  
~~subject of an adverse action, as defined in that section, taken~~ 112136  
~~during the three-year period immediately preceding the date of~~ 112137  
~~application.—~~ 112138

(B) The department shall adopt rules under Chapter 119. of 112139  
the Revised Code prescribing minimum standards for the operation 112140  
of hospitals for the care and treatment of persons with mental 112141  
illnesses and establishing standards and procedures for the 112142  
issuance, renewal, or revocation of full, probationary, and 112143  
interim licenses. No license shall be granted to any hospital 112144  
established or used for the care of persons with mental 112145  
illnesses unless such hospital is operating in accordance with 112146  
this section and rules adopted pursuant to this section. A full 112147  
license shall expire one year after the date of issuance, a 112148  
probationary license shall expire at the time prescribed by rule 112149  
adopted pursuant to Chapter 119. of the Revised Code by the 112150  
director of mental behavioral health and addiction services, and 112151  
an interim license shall expire ninety days after the date of 112152  
issuance. A full, probationary, or interim license may be 112153

renewed, except that an interim license may be renewed only 112154  
twice. The department may fix reasonable fees for licenses and 112155  
for license renewals. Such hospitals are subject to inspection 112156  
and on-site review by the department. 112157

(C) Except as otherwise provided in Chapter 5122. of the 112158  
Revised Code, neither the director of ~~mental-behavioral health-~~ 112159  
~~and addiction services;~~ an employee of the department; a board 112160  
of alcohol, drug addiction, and mental health services or 112161  
employee of a community mental health services provider; nor any 112162  
other public official shall hospitalize any person with a mental 112163  
illness for care or treatment in any hospital that is not 112164  
licensed in accordance with this section. 112165

(D) (1) The department may issue an order suspending the 112166  
admission of patients with mental illnesses to a hospital for 112167  
care or treatment if it finds either of the following: 112168

(a) The hospital is not in compliance with rules adopted 112169  
by the director pursuant to this section. 112170

(b) The hospital has been cited for more than one 112171  
violation of statutes or rules during any previous period of 112172  
time during which the hospital is licensed pursuant to this 112173  
section. 112174

(2) (a) Except as provided in division (D) (2) (b) of this 112175  
section, proceedings initiated to suspend the admission of 112176  
patients are governed by Chapter 119. of the Revised Code. 112177

(b) If a suspension of admissions is proposed because the 112178  
director has determined that the licensee has demonstrated a 112179  
pattern of serious noncompliance or that a violation creates a 112180  
substantial risk to the health and safety of patients, the 112181  
director may issue an order imposing the suspension of 112182

admissions before providing an opportunity for an adjudication 112183  
under Chapter 119. of the Revised Code. The director shall lift 112184  
the order for the suspension of admissions if the director 112185  
determines that the violation that formed the basis for the 112186  
order has been corrected. 112187

(3) Appeals from proceedings initiated to order the 112188  
suspension of admissions shall be conducted in accordance with 112189  
Chapter 119. of the Revised Code, unless the order was issued 112190  
before providing an opportunity for an adjudication, in which 112191  
case all of the following apply: 112192

(a) The licensee may request a hearing not later than ten 112193  
days after being served in accordance with sections 119.05 and 112194  
119.07 of the Revised Code. 112195

(b) If a timely request for a hearing that includes the 112196  
licensee's current address is made, the hearing shall commence 112197  
not later than thirty days after the department receives the 112198  
request. 112199

(c) After commencing, the hearing shall continue 112200  
uninterrupted, except for Saturdays, Sundays, and legal 112201  
holidays, unless other interruptions are agreed to by the 112202  
licensee and the director. 112203

(d) If the hearing is conducted by a hearing examiner, the 112204  
hearing examiner shall file a report and recommendations with 112205  
the department not later than ten days after the last of the 112206  
following: 112207

(i) The close of the hearing; 112208

(ii) If a transcript of the proceedings is ordered, the 112209  
hearing examiner receives the transcript; 112210

(iii) If post-hearing briefs are timely filed, the hearing  
examiner receives the briefs. 112211  
112212

(e) The hearing examiner shall send a written copy of the 112213  
report and recommendations, by certified mail, to the licensee, 112214  
or the licensee's attorney, if applicable, not later than five 112215  
days after the report is filed with the department. 112216

(f) Not later than five days after receiving the report 112217  
and recommendations, the licensee may file objections with the 112218  
department. 112219

(g) Not later than fifteen days after the hearing examiner 112220  
files the report and recommendations, the department shall issue 112221  
an order approving, modifying, or disapproving the report and 112222  
recommendations. 112223

(h) Notwithstanding the pendency of the hearing, the 112224  
department shall lift the order for the suspension of admissions 112225  
if the department determines the violation that formed the basis 112226  
for the order has been corrected. 112227

(E) (1) ~~Any license issued by the department under this~~ 112228  
~~section may be revoked or not renewed by the department. The~~ 112229  
department may deny, refuse to renew, or revoke a license for 112230  
any of the following reasons: 112231

(a) The hospital is ~~no longer~~ not a suitable place for the 112232  
care or treatment of persons with mental illnesses. 112233

(b) The hospital refuses to be subject to inspection or 112234  
on-site review by the department. 112235

(c) The hospital ~~has failed~~ fails to furnish humane, kind, 112236  
and adequate treatment and care. 112237

(d) The hospital fails to comply with the licensure rules 112238

of the department. 112239

(e) The department finds that the hospital is not managed 112240  
and operated by qualified persons, is not adequately staffed and 112241  
equipped to operate, or does not have on its staff one or more 112242  
qualified physicians, including at least one psychiatrist, who 112243  
is responsible for the care of the patients in the hospital. 112244

(f) The department has been notified under section 112245  
5119.334 of the Revised Code or otherwise becomes aware that the 112246  
hospital, any owner, sponsor, medical director, administrator, 112247  
or principal of the hospital, or any subsidiary of the hospital, 112248  
owner, or sponsor has been the subject of an adverse action, as 112249  
defined in that section, taken during the three-year period 112250  
immediately preceding the date of notification or date of 112251  
becoming aware of the adverse action. 112252

(2) Proceedings initiated to deny applications for full or 112253  
probationary licenses, to refuse to renew full or probationary 112254  
licenses, or to revoke full or probationary licenses are 112255  
governed by Chapter 119. of the Revised Code. If an order has 112256  
been issued suspending the admission of patients, the order 112257  
remains in effect during the pendency of those proceedings. 112258

(F) (1) In a proceeding initiated to suspend the admission 112259  
of patients, to deny an application for a full or probationary 112260  
license, to refuse to renew a full or probationary license, or 112261  
to revoke a full or probationary license, the department may 112262  
order the suspension, denial, refusal, or revocation regardless 112263  
of whether some or all of the deficiencies that prompted the 112264  
proceedings have been corrected at the time of the hearing. 112265

(2) When the department issues an order suspending the 112266  
admission of patients, denies an application for a full or 112267

probationary license, refuses to renew a full or probationary 112268  
license, or revokes a full or probationary license, the 112269  
department shall not grant an opportunity for submitting a plan 112270  
of correction. 112271

(G) The department may inspect, conduct an on-site review, 112272  
and review the records of any hospital that the department has 112273  
reason to believe is operating without a license. 112274

**Sec. 5119.331.** If the department of ~~mental-behavioral~~ 112275  
~~health and addiction services~~ determines that a hospital not 112276  
licensed by the department is receiving for care or treatment 112277  
any person who is or appears to have a mental illness, the 112278  
department may request in writing that the attorney general 112279  
petition the court of common pleas in the county where the 112280  
hospital is located to enjoin the hospital from continued 112281  
operation in violation of section 5119.33 of the Revised Code. 112282

**Sec. 5119.332.** No third-party payer shall directly or 112283  
indirectly reimburse, nor shall any person be obligated to pay 112284  
any hospital for psychiatric services for which a license is 112285  
required under section 5119.33 of the Revised Code unless the 112286  
hospital is licensed by the department of ~~mental-behavioral~~ 112287  
~~health and addiction services~~. 112288

As used in this section, "third-party payer" means a 112289  
health insuring corporation licensed under Chapter 1751. of the 112290  
Revised Code, an insurance company that issues sickness and 112291  
accident insurance in conformity with Chapter 3923. of the 112292  
Revised Code, a state-financed health insurance program under 112293  
Chapter 3701., 4123., or 5101. of the Revised Code, or any self- 112294  
insurance plan. 112295

**Sec. 5119.333.** No person shall keep or maintain a hospital 112296

for the care or treatment of persons with mental illnesses 112297  
unless it is licensed by the department of ~~mental-behavioral~~ 112298  
~~health-and-addiction-services~~, as provided by section 5119.33 of 112299  
the Revised Code. 112300

**Sec. 5119.334.** (A) As used in this section, "adverse 112301  
action" means an action by a state, provincial, federal, or 112302  
other licensing or regulatory authority other than the 112303  
department of behavioral health to deny, revoke, suspend, place 112304  
on probation, or otherwise restrict a license, certificate, or 112305  
other approval to operate a hospital or practice a health care 112306  
profession. 112307

(B) (1) When submitting an application for initial or 112308  
renewed licensure of a hospital under section 5119.33 of the 112309  
Revised Code, the applicant shall notify the department of 112310  
~~mental-behavioral health and addiction-services~~ of any adverse 112311  
action taken against any of the following during the three-year 112312  
period immediately preceding the date of application: 112313

(a) The hospital-or-the-hospital's; 112314

(b) Any owner, sponsor, medical director, administrator, 112315  
~~or any of its principals within principal of the three-year-~~ 112316  
~~period immediately preceding the date of application~~hospital; 112317

(c) Any subsidiary of the hospital, owner, or sponsor. 112318

(2) Not later than seven days after receiving a notice of 112319  
adverse action ~~from a licensing or regulatory authority that is-~~ 112320  
~~other than the department of mental health and addiction-~~ 112321  
~~services~~, the holder of a hospital license issued under section 112322  
5119.33 of the Revised Code shall notify the department of the 112323  
action. 112324

(C) To notify the department as required by this section, 112325



a copy of the notice of adverse action shall be provided to the 112326  
department. 112327

**Sec. 5119.34.** (A) As used in this section and sections 112328  
5119.341 to 5119.343 of the Revised Code: 112329

(1) "Accommodations" means housing, daily meal 112330  
preparation, laundry, housekeeping, arranging for 112331  
transportation, social and recreational activities, maintenance, 112332  
security, and other services that do not constitute personal 112333  
care services or skilled nursing care. 112334

(2) "ADAMHS board" means a board of alcohol, drug 112335  
addiction, and mental health services. 112336

(3) "Adult" means a person who is eighteen years of age or 112337  
older, other than a person described in division (A) (4) of this 112338  
section who is between eighteen and twenty-one years of age. 112339

(4) "Child" means a person who is under eighteen years of 112340  
age or a person with a mental disability who is under twenty-one 112341  
years of age. 112342

(5) ~~"Community mental health services provider" means a~~ 112343  
~~community mental health services provider as defined in section~~ 112344  
~~5119.01 of the Revised Code.~~ 112345

~~(6) "Community mental health services" means any mental~~ 112346  
~~health services certified by the department pursuant to section~~ 112347  
~~5119.36 of the Revised Code.~~ 112348

~~(7)~~ "Operator" means the person or persons, firm, 112349  
partnership, agency, governing body, association, corporation, 112350  
or other entity that is responsible for the administration and 112351  
management of a residential facility and that is the applicant 112352  
for a residential facility license. 112353

~~(8)~~ (6) "Personal care services" means services including, 112354  
but not limited to, the following: 112355

(a) Assisting residents with activities of daily living; 112356

(b) Assisting residents with self-administration of 112357  
medication in accordance with rules adopted under this section; 112358

(c) Preparing special diets, other than complex 112359  
therapeutic diets, for residents pursuant to the instructions of 112360  
a physician or a licensed dietitian, in accordance with rules 112361  
adopted under this section. 112362

"Personal care services" does not include "skilled nursing 112363  
care" as defined in section 3721.01 of the Revised Code. A 112364  
facility need not provide more than one of the services listed 112365  
in division ~~(A)~~ ~~(8)~~ (A) (6) of this section to be considered to be 112366  
providing personal care services. 112367

~~(9)~~ (7) "Room and board" means the provision of sleeping 112368  
and living space, meals or meal preparation, laundry services, 112369  
housekeeping services, or any combination thereof. 112370

~~(10)~~ (8) "Residential state supplement program" means the 112371  
program established under section 5119.41 of the Revised Code. 112372

~~(11)~~ (9) "Supervision" means any of the following: 112373

(a) Observing a resident to ensure the resident's health, 112374  
safety, and welfare while the resident engages in activities of 112375  
daily living or other activities; 112376

(b) Reminding a resident to perform or complete an 112377  
activity, such as reminding a resident to engage in personal 112378  
hygiene or other self-care activities; 112379

(c) Assisting a resident in making or keeping an 112380

appointment. 112381

~~(12)~~(10) "Unrelated" means that a resident is not related 112382  
to the owner or operator of a residential facility or to the 112383  
owner's or operator's spouse as a parent, grandparent, child, 112384  
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 112385  
uncle, or as the child of an aunt or uncle. 112386

(B) (1) A "residential facility" is a publicly or privately 112387  
operated home or facility that falls into one of the following 112388  
categories: 112389

(a) Class one facilities provide accommodations, 112390  
supervision, personal care services, and mental health services 112391  
for one or more unrelated adults with mental illness or one or 112392  
more unrelated children or adolescents with severe emotional 112393  
disturbances; 112394

(b) Class two facilities provide accommodations, 112395  
supervision, and personal care services to any of the following: 112396

(i) One or two unrelated persons with mental illness; 112397

(ii) One or two unrelated adults who are receiving 112398  
payments under the residential state supplement program; 112399

(iii) Three to sixteen unrelated adults. 112400

(c) Class three facilities provide room and board for five 112401  
or more unrelated adults with mental illness. 112402

(2) "Residential facility" does not include any of the 112403  
following: 112404

(a) A hospital subject to licensure under section 5119.33 112405  
of the Revised Code or an institution maintained, operated, 112406  
managed, and governed by the department of ~~mental~~behavioral 112407

~~health and addiction services~~ for the hospitalization of persons 112408  
with mental illnesses pursuant to section 5119.14 of the Revised 112409  
Code; 112410

(b) A residential facility licensed under section 5123.19 112411  
of the Revised Code or otherwise regulated by the department of 112412  
developmental disabilities; 112413

(c) An institution or association subject to certification 112414  
under section 5103.03 of the Revised Code; 112415

(d) A facility operated by a hospice care program licensed 112416  
under section 3712.04 of the Revised Code that is used 112417  
exclusively for care of hospice patients; 112418

(e) A nursing home, residential care facility, or home for 112419  
the aging as defined in section 3721.02 of the Revised Code; 112420

(f) A facility licensed under section 5119.37 of the 112421  
Revised Code to operate an opioid treatment program; 112422

(g) Any facility that receives funding for operating costs 112423  
from the department of development under any program established 112424  
to provide emergency shelter housing or transitional housing for 112425  
the homeless; 112426

(h) A terminal care facility for the homeless that has 112427  
entered into an agreement with a hospice care program under 112428  
section 3712.07 of the Revised Code; 112429

(i) A facility approved by the veterans administration 112430  
under section 104(a) of the "Veterans Health Care Amendments of 112431  
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 112432  
exclusively for the placement and care of veterans; 112433

(j) The residence of a relative or guardian of a person 112434  
with mental illness. 112435

(C) Nothing in division (B) of this section shall be 112436  
construed to permit personal care services to be imposed on a 112437  
resident who is capable of performing the activity in question 112438  
without assistance. 112439

(D) Except in the case of a residential facility described 112440  
in division (B) (1) (a) of this section, members of the staff of a 112441  
residential facility shall not administer medication to the 112442  
facility's residents, but may do any of the following: 112443

(1) Remind a resident when to take medication and watch to 112444  
ensure that the resident follows the directions on the 112445  
container; 112446

(2) Assist a resident in the self-administration of 112447  
medication by taking the medication from the locked area where 112448  
it is stored, in accordance with rules adopted pursuant to this 112449  
section, and handing it to the resident. If the resident is 112450  
physically unable to open the container, a staff member may open 112451  
the container for the resident. 112452

(3) Assist a resident who is physically impaired but 112453  
mentally alert, such as a resident with arthritis, cerebral 112454  
palsy, or Parkinson's disease, in removing oral or topical 112455  
medication from containers and in consuming or applying the 112456  
medication, upon request by or with the consent of the resident. 112457  
If a resident is physically unable to place a dose of medicine 112458  
to the resident's mouth without spilling it, a staff member may 112459  
place the dose in a container and place the container to the 112460  
mouth of the resident. 112461

(E) A person operating or seeking to operate a residential 112462  
facility shall apply for licensure of the facility to the 112463  
department of ~~mental-behavioral health-and-addiction services~~. 112464

The application shall be submitted by the operator. When 112465  
applying for the license, the applicant shall pay to the 112466  
department the application fee specified in rules adopted under 112467  
division (N) of this section. The fee is nonrefundable. 112468

The department shall send a copy of an application to the 112469  
ADAMHS board serving the county in which the person operates or 112470  
seeks to operate the facility. The ADAMHS board shall review the 112471  
application and provide to the department any information about 112472  
the applicant or the facility that the board would like the 112473  
department to consider in reviewing the application. 112474

(F) The department of ~~mental behavioral health and~~ 112475  
~~addiction services~~ shall inspect and license the operation of 112476  
residential facilities. ~~The department may issue a license to~~ 112477  
~~operate a residential facility only if all of the following are~~ 112478  
~~the case:—~~ 112479

~~(1) The department is satisfied, after investigation, that~~ 112480  
~~the facility is managed and operated by qualified persons and is~~ 112481  
~~adequately staffed and equipped to operate.—~~ 112482

~~(2) The department has not been notified under section~~ 112483  
~~5119.343 of the Revised Code or is not otherwise aware that the~~ 112484  
~~residential facility or any owner, operator, or manager of the~~ 112485  
~~residential facility has been the subject of an adverse action,—~~ 112486  
~~as defined in that section, taken during the three-year period~~ 112487  
~~immediately preceding the date of application.—~~ 112488

~~(3) The department has not been notified or is not~~ 112489  
~~otherwise aware that the residential facility or any owner,—~~ 112490  
~~operator, or manager of the facility has been the subject of an~~ 112491  
~~adverse action, as defined in that section, taken at any time—~~ 112492  
~~based on an act or omission that violated the right of a~~ 112493

~~residential facility resident to be free from abuse, neglect, or~~ 112494  
~~exploitation.~~ 112495

The department may issue full, probationary, and interim 112496  
licenses. A full license shall expire up to three years after 112497  
the date of issuance, a probationary license shall expire in a 112498  
shorter period of time as specified in rules adopted by the 112499  
director of ~~mental behavioral health and addiction services~~ 112500  
under division (N) of this section, and an interim license shall 112501  
expire ninety days after the date of issuance. A license may be 112502  
renewed in accordance with rules adopted by the director under 112503  
division (N) of this section. The renewal application shall be 112504  
submitted by the operator. When applying for renewal of a 112505  
license, the applicant shall pay to the department the renewal 112506  
fee specified in rules adopted under division (N) of this 112507  
section. The fee is nonrefundable. 112508

(G) (1) If the department finds any of the following with 112509  
respect to a residential facility, the department may issue an 112510  
order suspending the admission of residents to the facility, 112511  
refuse to issue or renew a license for the facility, or revoke 112512  
the facility's license: 112513

(a) The facility is not in compliance with rules adopted 112514  
by the director pursuant to division (N) of this section; 112515

(b) Any facility operated by the applicant or licensee has 112516  
been cited for a pattern of serious noncompliance or repeated 112517  
violations of statutes or rules during the period of current or 112518  
previous licenses; 112519

(c) The applicant or licensee submits false or misleading 112520  
information as part of a license application, renewal, or 112521  
investigation. 112522

(d) The facility is not managed and operated by qualified 112523  
persons or adequately staffed and equipped to operate. 112524

(e) The department has been notified under section 112525  
5119.343 of the Revised Code or otherwise becomes aware that the 112526  
facility, any owner, operator, or manager of the facility, or 112527  
any subsidiary of the facility, owner, or operator has been the 112528  
subject of an adverse action, as defined in that section, taken 112529  
during the three-year period immediately preceding the date of 112530  
notification or date of becoming aware of the adverse action. 112531

(f) The department has been notified under section 112532  
5119.343 of the Revised Code or otherwise becomes aware that the 112533  
facility, any owner, operator, or manager of the facility, or 112534  
any subsidiary of the facility, owner, or operator has been the 112535  
subject of an adverse action, as defined in that section, taken 112536  
at any time based on an act or omission that violated the right 112537  
of a residential facility resident to be free from abuse, 112538  
neglect, or exploitation. 112539

(2) Proceedings initiated to deny applications for full or 112540  
probationary licenses, to refuse to renew full or probationary 112541  
licenses, or to revoke full or probationary licenses are 112542  
governed by Chapter 119. of the Revised Code. If an order has 112543  
been issued suspending the admission of residents to the 112544  
facility, the order remains in effect during the pendency of 112545  
those proceedings. 112546

Proceedings initiated to suspend the admission of 112547  
residents to a facility are governed by Chapter 119. of the 112548  
Revised Code, except as provided in division (H) of this 112549  
section. 112550

(3) In a proceeding initiated to suspend the admission of 112551



residents to a facility, to deny an application for a full or 112552  
probationary license, to refuse to renew a full or probationary 112553  
license, or to revoke a full or probationary license, the 112554  
department may order the suspension, denial, refusal, or 112555  
revocation regardless of whether some or all of the deficiencies 112556  
that prompted the proceedings have been corrected at the time of 112557  
the hearing. 112558

(4) When the department issues an order suspending the 112559  
admission of residents to a facility, denies an application for 112560  
a full or probationary license, refuses to renew a full or 112561  
probationary license, or revokes a full or probationary license, 112562  
the department shall not grant an opportunity for submitting a 112563  
plan of correction. 112564

(H) (1) If a suspension of admissions of residents to a 112565  
facility is proposed because the director has determined that 112566  
the licensee has demonstrated a pattern of serious noncompliance 112567  
or that a violation creates a substantial risk to the health and 112568  
safety of residents, the director may issue an order imposing 112569  
the suspension of admissions before providing an opportunity for 112570  
an adjudication under Chapter 119. of the Revised Code. The 112571  
director shall lift the order for the suspension of admissions 112572  
if the director determines that the violation that formed the 112573  
basis for the order has been corrected. 112574

(2) Appeals from proceedings initiated to order the 112575  
suspension of admissions to a facility shall be conducted in 112576  
accordance with Chapter 119. of the Revised Code, unless the 112577  
order was issued before providing an opportunity for an 112578  
adjudication, in which case all of the following apply: 112579

(a) The licensee may request a hearing not later than ten 112580  
days after being served in accordance with sections 119.05 and 112581

119.07 of the Revised Code. 112582

(b) If a timely request for a hearing that includes the 112583  
licensee's current address is made, the hearing shall commence 112584  
not later than thirty days after the department receives the 112585  
request. 112586

(c) After commencing, the hearing shall continue 112587  
uninterrupted, except for Saturdays, Sundays, and legal 112588  
holidays, unless other interruptions are agreed to by the 112589  
licensee and the director. 112590

(d) If the hearing is conducted by a hearing examiner, the 112591  
hearing examiner shall file a report and recommendations with 112592  
the department not later than ten days after the last of the 112593  
following: 112594

(i) The close of the hearing; 112595

(ii) If a transcript of the proceedings is ordered, the 112596  
hearing examiner receives the transcript; 112597

(iii) If post-hearing briefs are timely filed, the hearing 112598  
examiner receives the briefs. 112599

(e) The hearing examiner shall send a written copy of the 112600  
report and recommendations, by certified mail, to the licensee, 112601  
or the licensee's attorney, if applicable, not later than five 112602  
days after the report is filed with the department. 112603

(f) Not later than five days after receiving the report 112604  
and recommendations, the licensee may file objections with the 112605  
department. 112606

(g) Not later than fifteen days after the hearing examiner 112607  
files the report and recommendations, the department shall issue 112608  
an order approving, modifying, or disapproving the report and 112609

recommendations. 112610

(h) Notwithstanding the pendency of the hearing, the 112611  
department shall lift the order for the suspension of admissions 112612  
if the department determines the violation that formed the basis 112613  
for the order has been corrected. 112614

(I) The department may issue an interim license to operate 112615  
a residential facility if both of the following conditions are 112616  
met: 112617

(1) The department determines that the closing of or the 112618  
need to remove residents from another residential facility has 112619  
created an emergency situation requiring immediate removal of 112620  
residents and an insufficient number of licensed beds are 112621  
available. 112622

(2) The residential facility applying for an interim 112623  
license meets standards established for interim licenses in 112624  
rules adopted by the director under division (N) of this 112625  
section. 112626

An interim license shall be valid for ninety days and may 112627  
be renewed by the director no more than twice. Proceedings 112628  
initiated to deny applications for or to revoke interim licenses 112629  
under this division are not subject to Chapter 119. of the 112630  
Revised Code. 112631

(J) (1) The department of ~~mental behavioral health and~~ 112632  
~~addiction services~~ may conduct an inspection of a residential 112633  
facility as follows: 112634

(a) Prior to issuance of a license for the facility; 112635

(b) Prior to renewal of the license; 112636

(c) To determine whether the facility has completed a plan 112637

of correction required pursuant to division (J) (2) of this 112638  
section and corrected deficiencies to the satisfaction of the 112639  
department and in compliance with this section and rules adopted 112640  
pursuant to it; 112641

(d) Upon complaint by any individual or agency; 112642

(e) At any time the director considers an inspection to be 112643  
necessary in order to determine whether the facility is in 112644  
compliance with this section and rules adopted pursuant to this 112645  
section. 112646

(2) In conducting inspections the department may conduct 112647  
an on-site examination and evaluation of the residential 112648  
facility and its personnel, activities, and services. The 112649  
department shall have access to examine and copy all records, 112650  
accounts, and any other documents relating to the operation of 112651  
the residential facility, including records pertaining to 112652  
residents, and shall have access to the facility in order to 112653  
conduct interviews with the operator, staff, and residents. 112654  
Following each inspection and review, the department shall 112655  
complete a report listing any deficiencies, and including, when 112656  
appropriate, a time table within which the operator shall 112657  
correct the deficiencies. The department may require the 112658  
operator to submit a plan of correction describing how the 112659  
deficiencies will be corrected. 112660

(K) No person shall do any of the following: 112661

(1) Operate a residential facility unless the facility 112662  
holds a valid license; 112663

(2) Violate any of the conditions of licensure after 112664  
having been granted a license; 112665

(3) Interfere with a state or local official's inspection 112666

or investigation of a residential facility; 112667

(4) Violate any of the provisions of this section or any 112668  
rules adopted pursuant to this section. 112669

(L) The following may enter a residential facility at any 112670  
time: 112671

(1) Employees designated by the director of ~~mental-~~ 112672  
behavioral health and addiction services; 112673

(2) Employees of an ADAMHS board under either of the 112674  
following circumstances: 112675

(a) When a resident of the facility is receiving services 112676  
from a community mental health services provider under contract 112677  
with that ADAMHS board or another ADAMHS board; 112678

(b) When authorized by section 340.05 of the Revised Code. 112679

(3) Employees of a community mental health services 112680  
provider under either of the following circumstances: 112681

(a) When the provider has a person receiving services 112682  
residing in the facility; 112683

(b) When the provider is acting as an agent of an ADAMHS 112684  
board other than the board with which it is under contract. 112685

(4) Representatives of the state long-term care ombudsman 112686  
program when the facility provides accommodations, supervision, 112687  
and personal care services for three to sixteen unrelated adults 112688  
or to one or two unrelated adults who are receiving payments 112689  
under the residential state supplement program. 112690

The persons specified in division (L) of this section 112691  
shall be afforded access to examine and copy all records, 112692  
accounts, and any other documents relating to the operation of 112693

the residential facility, including records pertaining to 112694  
residents. 112695

(M) Employees of the department of ~~mental~~ behavioral 112696  
~~health and addiction services~~ may enter, for the purpose of 112697  
investigation, any institution, residence, facility, or other 112698  
structure which has been reported to the department as, or that 112699  
the department has reasonable cause to believe is, operating as 112700  
a residential facility without a valid license. 112701

(N) The director of behavioral health shall adopt and may 112702  
amend and rescind rules pursuant to Chapter 119. of the Revised 112703  
Code governing the licensing and operation of residential 112704  
facilities. The rules shall establish all of the following: 112705

(1) Minimum standards for the health, safety, adequacy, 112706  
and cultural competency of treatment of and services for persons 112707  
in residential facilities; 112708

(2) Procedures for the issuance, renewal, or revocation of 112709  
the licenses of residential facilities; 112710

(3) Procedures for conducting background investigations 112711  
for prospective or current operators, employees, volunteers, and 112712  
other non-resident occupants who may have direct access to 112713  
facility residents; 112714

(4) The fee to be paid when applying for a new residential 112715  
facility license or renewing the license; 112716

(5) Procedures for the operator of a residential facility 112717  
to follow when notifying the ADAMHS board serving the county in 112718  
which the facility is located when the facility is serving 112719  
residents with mental illness or severe mental disability, 112720  
including the circumstances under which the operator is required 112721  
to make such a notification; 112722

- (6) Procedures for the issuance and termination of orders 112723  
of suspension of admission of residents to a residential 112724  
facility; 112725
- (7) Measures to be taken by residential facilities 112726  
relative to residents' medication; 112727
- (8) Requirements relating to preparation of special diets; 112728
- (9) The maximum number of residents who may be served in a 112729  
residential facility; 112730
- (10) The rights of residents of residential facilities and 112731  
procedures to protect such rights; 112732
- (11) Standards and procedures under which the director may 112733  
waive the requirements of any of the rules adopted. 112734
- (O) (1) The department of behavioral health may withhold 112735  
the source of any complaint reported as a violation of this 112736  
section when the department determines that disclosure could be 112737  
detrimental to the department's purposes or could jeopardize the 112738  
investigation. The department may disclose the source of any 112739  
complaint if the complainant agrees in writing to such 112740  
disclosure and shall disclose the source upon order by a court 112741  
of competent jurisdiction. 112742
- (2) Any person who makes a complaint under division (O) (1) 112743  
of this section, or any person who participates in an 112744  
administrative or judicial proceeding resulting from such a 112745  
complaint, is immune from civil liability and is not subject to 112746  
criminal prosecution, other than for perjury, unless the person 112747  
has acted in bad faith or with malicious purpose. 112748
- (P) (1) The director of ~~mental~~ behavioral health ~~and~~ 112749  
~~addiction services~~ may petition the court of common pleas of the 112750

county in which a residential facility is located for an order 112751  
enjoining any person from operating a residential facility 112752  
without a license or from operating a licensed facility when, in 112753  
the director's judgment, there is a present danger to the health 112754  
or safety of any of the occupants of the facility. The court 112755  
shall have jurisdiction to grant such injunctive relief upon a 112756  
showing that the respondent named in the petition is operating a 112757  
facility without a license or there is a present danger to the 112758  
health or safety of any residents of the facility. 112759

(2) When the court grants injunctive relief in the case of 112760  
a facility operating without a license, the court shall issue, 112761  
at a minimum, an order enjoining the facility from admitting new 112762  
residents to the facility and an order requiring the facility to 112763  
assist with the safe and orderly relocation of the facility's 112764  
residents. 112765

(3) If injunctive relief is granted against a facility for 112766  
operating without a license and the facility continues to 112767  
operate without a license, the director shall refer the case to 112768  
the attorney general for further action. 112769

(Q) The director of behavioral health may fine a person 112770  
for violating division (K) of this section. The fine shall be 112771  
five hundred dollars for a first offense; for each subsequent 112772  
offense, the fine shall be one thousand dollars. The director's 112773  
actions in imposing a fine shall be taken in accordance with 112774  
Chapter 119. of the Revised Code. 112775

**Sec. 5119.342.** (A) Upon petition by the director of ~~mental~~ 112776  
behavioral health and addiction services, the court of common 112777  
pleas or the probate court may appoint a receiver to take 112778  
possession of and operate a residential facility licensed 112779  
pursuant to section 5119.34 of the Revised Code, when conditions 112780



existing at the residential facility present a substantial risk 112781  
of physical or mental harm to residents and no other remedies at 112782  
law are adequate to protect the health, safety, and welfare of 112783  
the residents. 112784

Petitions filed pursuant to this section shall include: 112785

(1) A description of the specific conditions existing at 112786  
the residential facility which present a substantial risk of 112787  
physical or mental harm to residents; 112788

(2) A statement of the absence of other adequate remedies 112789  
at law; 112790

(3) The number of individuals residing at the facility; 112791

(4) A statement that the facts have been brought to the 112792  
attention of the owner or licensee and that conditions have not 112793  
been remedied within a reasonable period of time or that the 112794  
conditions, though remedied periodically, habitually exist at 112795  
the residential facility as a pattern or practice; and 112796

(5) The name and address of the person holding the license 112797  
for the residential facility. 112798

(B) A court in which a petition is filed pursuant to this 112799  
section shall notify the person holding the license for the 112800  
facility of the filing. The department shall send notice of the 112801  
filing to the following, as appropriate: the Ohio protection and 112802  
advocacy system as defined in section 5123.60 of the Revised 112803  
Code; facility owner; facility operator; board of alcohol, drug 112804  
addiction, and mental health services; board of health; 112805  
department of developmental disabilities; department of job and 112806  
family services; facility residents; and residents' families and 112807  
guardians. The court shall provide a hearing on the petition 112808  
within five court days of the time it was filed, except that the 112809

court may appoint a receiver prior to that time if it determines 112810  
that the circumstances necessitate such action. 112811

Following a hearing on the petition, and upon a 112812  
determination that the appointment of a receiver is warranted, 112813  
the court shall appoint a receiver and notify the department of 112814  
~~mental-behavioral health and addiction services~~ and appropriate 112815  
persons of this action. 112816

In setting forth the powers of the receiver, the court may 112817  
generally authorize the receiver to do all that is prudent and 112818  
necessary to safely and efficiently operate the residential 112819  
facility within the requirements of state and federal law, but 112820  
shall require the receiver to obtain court approval prior to 112821  
making any single expenditure of more than five thousand dollars 112822  
to correct deficiencies in the structure or furnishings of a 112823  
facility. The court shall closely review the conduct of the 112824  
receiver and shall require regular and detailed reports. 112825

(C) A receivership established pursuant to this section 112826  
shall be terminated, following notification of the appropriate 112827  
parties and a hearing, if the court determines either of the 112828  
following: 112829

(1) The residential facility has been closed and the 112830  
former residents have been relocated to an appropriate facility; 112831

(2) Circumstances no longer exist at the residential 112832  
facility which present a substantial risk of physical or mental 112833  
harm to residents, and there is no deficiency in the residential 112834  
facility that is likely to create a future risk of harm. 112835

Notwithstanding division (C) (2) of this section, the court 112836  
shall not terminate a receivership for a residential facility 112837  
that has previously operated under another receivership unless 112838

the responsibility for the operation of the facility is 112839  
transferred to an operator approved by the court and the 112840  
department of ~~mental-behavioral health-and-addiction services~~. 112841

(D) Except for the department of ~~mental-behavioral health~~ 112842  
~~and-addiction services~~ or appropriate board of alcohol, drug 112843  
addiction, and mental health services, no party or person 112844  
interested in an action shall be appointed a receiver pursuant 112845  
to this section. 112846

To assist the court in identifying persons qualified to be 112847  
named as receivers, the director of ~~mental-behavioral health and~~ 112848  
~~addiction services~~ shall maintain a list of the names of such 112849  
persons. The department of ~~mental-behavioral health-and-~~ 112850  
~~addiction services~~, the department of job and family services, 112851  
and the department of health shall provide technical assistance 112852  
to any receiver appointed pursuant to this section. 112853

Before entering upon the duties of receiver, the receiver 112854  
must be sworn to perform the duties faithfully, and, with surety 112855  
approved by the court, judge, or clerk, execute a bond to such 112856  
person, and in such sum as the court or judge directs, to the 112857  
effect that such receiver will faithfully discharge the duties 112858  
of receiver in the action, and obey the orders of the court 112859  
therein. 112860

(1) Under the control of the appointing court, a receiver 112861  
may do the following: 112862

(a) Bring and defend actions in the appointee's name as 112863  
receiver; 112864

(b) Take and keep possession of property. 112865

(2) The court shall authorize the receiver to do the 112866  
following: 112867

(a) Collect payment for all goods and services provided to 112868  
the residents or others during the period of the receivership at 112869  
the same rate as was charged by the licensee at the time the 112870  
petition for receivership was filed, unless a different rate is 112871  
set by the court; 112872

(b) Honor all leases, mortgages, and secured transactions 112873  
governing all buildings, goods, and fixtures of which the 112874  
receiver has taken possession, but, in the case of a rental 112875  
agreement only to the extent of payments that are for the use of 112876  
the property during the period of the receivership, or, in the 112877  
case of a purchase agreement, only to the extent that payments 112878  
come due during the period of the receivership; 112879

(c) If transfer of residents is necessary, provide for the 112880  
orderly transfer of residents by: 112881

(i) Cooperating with all appropriate state and local 112882  
agencies in carrying out the transfer of residents to 112883  
alternative community placements; 112884

(ii) Providing for the transportation of residents' 112885  
belongings and records; 112886

(iii) Helping to locate alternative placements and develop 112887  
plans for transfer; 112888

(iv) Encouraging residents or guardians to participate in 112889  
transfer planning except when an emergency exists and immediate 112890  
transfer is necessary. 112891

(d) Make periodic reports on the status of the residential 112892  
facility to the court; the appropriate state agencies; and the 112893  
board of alcohol, drug addiction, and mental health services. 112894  
Each report shall be made available to residents, their 112895  
guardians, and families. 112896

(e) Compromise demands or claims; and 112897

(f) Generally do such acts respecting the residential 112898  
facility as the court authorizes. 112899

Notwithstanding any other provision of law, contracts 112900  
which are necessary to carry out the powers and duties of the 112901  
receiver need not be competitively bid. 112902

**Sec. 5119.343.** (A) As used in this section, "adverse 112903  
action" means an action by a state, provincial, federal, or 112904  
other licensing or regulatory authority other than the 112905  
department of behavioral health to deny, revoke, suspend, place 112906  
on probation, or otherwise restrict a license, certificate, or 112907  
other approval to operate a residential facility or practice a 112908  
health care profession. 112909

(B) (1) When submitting an application for initial or 112910  
renewed licensure of a residential facility under section 112911  
5119.34 of the Revised Code, the applicant shall notify the 112912  
department of ~~mental-behavioral health and addiction services~~ of 112913  
any adverse action taken against any of the following during the 112914  
three-year period immediately preceding the date of application: 112915

(a) The residential facility or the facility's; 112916

(b) Any owner, operator, or manager within of the three- 112917  
year period immediately preceding the date of 112918  
applicationfacility; 112919

(c) Any subsidiary of the facility, owner, or operator. 112920

(2) Not later than seven days after receiving a notice of 112921  
adverse action ~~from a licensing or regulatory authority that is~~ 112922  
~~other than the department of mental health and addiction~~ 112923  
~~services~~, the holder of a residential facility license issued 112924

under section 5119.34 of the Revised Code shall notify the 112925  
department of the action. 112926

(3) To notify the department as required by this section, 112927  
a copy of the notice of adverse action shall be provided to the 112928  
department. 112929

**Sec. 5119.345.** The department of behavioral health shall 112930  
publish a directory of all residential facilities licensed under 112931  
section 5119.34 of the Revised Code on the department's web 112932  
site. For each facility, the directory shall include all of the 112933  
following: 112934

(A) The name of the facility; 112935

(B) The facility's full address; 112936

(C) The facility's categorization as a class one, class 112937  
two, or class three facility; 112938

(D) The services offered at the facility. 112939

**Sec. 5119.35.** (A) Except as provided in division (B) of 112940  
this section, if a mental health service or alcohol and drug 112941  
addiction service has been specified in rules adopted under this 112942  
section as a service that is required to be certified, no person 112943  
or government entity shall provide that service unless it has 112944  
been certified under section 5119.36 of the Revised Code. 112945

(B) Division (A) of this section does not apply to either 112946  
of the following: 112947

(1) An individual who holds a valid license, certificate, 112948  
or registration issued by this state authorizing the practice of 112949  
a health care profession that includes the performance of any 112950  
service that is required to be certified as described in this 112951  
section, regardless of whether the service is performed as part 112952

of a sole proprietorship, partnership, or group practice; 112953

(2) An individual who provides any service that is 112954  
required to be certified as described in this section as part of 112955  
an employment or contractual relationship with a hospital 112956  
outpatient clinic that is accredited by an accreditation agency 112957  
or organization approved by the director of ~~mental~~ behavioral 112958  
~~health and addiction services.~~ 112959

(C) (1) If the director of ~~mental~~ behavioral health and 112960  
~~addiction services~~ determines that a person or government entity 112961  
is violating division (A) of this section, the director may 112962  
request, in writing, that the attorney general petition the 112963  
court of common pleas in the county where the person or 112964  
government entity is located or providing the services to enjoin 112965  
the person or government entity from engaging in the conduct 112966  
that violates division (A) of this section. 112967

(2) No person or government entity that is subject to this 112968  
section is eligible to receive, for a service that is subject to 112969  
this section, any federal funds, state funds, or funds 112970  
administered by a board of alcohol, drug addiction, and mental 112971  
health services, unless that service has been certified under 112972  
section 5119.36 of the Revised Code. This limitation is in 112973  
addition to the injunction that may be sought under division (C) 112974  
(1) of this section for a violation of division (A) of this 112975  
section. 112976

(D) The director may adopt rules in accordance with 112977  
Chapter 119. of the Revised Code to specify mental health 112978  
services and alcohol and drug addiction services that are 112979  
required to be certified under section 5119.36 of the Revised 112980  
Code. 112981

**Sec. 5119.36.** (A) A person or government entity that seeks 112982  
initial certification of one or more certifiable services and 112983  
supports, or that seeks to renew certification of one or more 112984  
certifiable services and supports, shall submit an application 112985  
to the director of ~~mental-behavioral health-and-addiction-~~ 112986  
~~services~~. On receipt of the application, the director shall 112987  
determine whether the standards established by ~~divisions-~~ 112988  
division (B) ~~and (C)~~ of this section and any rules adopted under 112989  
this section are satisfied or continue to be satisfied by the 112990  
applicant. As part of the determination the director may conduct 112991  
an on-site review of the applicant. In doing so, the director 112992  
may conduct the review in cooperation with a board of alcohol, 112993  
drug addiction, and mental health services that seeks to 112994  
contract or has a contract with the applicant under section 112995  
340.036 of the Revised Code. 112996

Not later than fourteen days after receipt of an ~~initial-~~ 112997  
~~or-renewal~~ application for initial or renewed certification, the 112998  
director shall inform the board of alcohol, drug addiction, and 112999  
mental health services serving the alcohol, drug addiction, and 113000  
mental health service district in which the applicant's 113001  
certifiable services and supports will be provided of the 113002  
receipt of the application. On the board's request, the director 113003  
shall provide the board with a copy of the application. 113004

Not later than thirty days after a provider's 113005  
certification ceases to be valid for any reason, including the 113006  
provider's failure to renew the certification prior to 113007  
expiration, the director's acceptance of the provider's 113008  
surrender of the certification, or the issuance of a final order 113009  
for disciplinary action under division ~~(G)~~ (F) or ~~(M)~~ (L) of this 113010  
section, the director shall provide notice to the applicable 113011  
board of alcohol, drug addiction, and mental health services of 113012



the reason the certification ceased to be valid and the date it 113013  
became invalid. 113014

(B) (1) Except as provided in division (B) (4) of this 113015  
section, beginning on ~~the effective date of this amendment~~ 113016  
October 3, 2023, an applicant seeking initial certification of 113017  
certifiable services and supports shall be accredited by one or 113018  
more national accrediting organizations specified in division 113019  
(B) (3) of this section for certifiable services and supports for 113020  
which national accreditation exists for such services and 113021  
supports or equivalent services and supports. 113022

(2) Except as provided in division (B) (4) of this section, 113023  
beginning October 1, 2025, an applicant seeking to renew 113024  
certification of certifiable services and supports shall be 113025  
accredited by one or more national accrediting organizations 113026  
specified in division (B) (3) of this section for certifiable 113027  
services and supports for which national accreditation exists 113028  
for such services and supports or equivalent services and 113029  
supports. 113030

(3) For purposes of divisions (B) (1) and (2) of this 113031  
section, the director shall accept appropriate accreditation of 113032  
an applicant's certifiable services and supports from any of the 113033  
following national accrediting organizations: 113034

(a) The joint commission; 113035

(b) The commission on accreditation of rehabilitation 113036  
facilities; 113037

(c) The council on accreditation; 113038

(d) Any other national accrediting organization the 113039  
director considers appropriate. 113040

(4) The accreditation requirements of divisions (B) (1) and 113041  
(2) of this section do not apply to an applicant seeking an 113042  
initial or renewed certification to provide prevention services, 113043  
as that term is defined in rules adopted under this section. For 113044  
such applicants, accreditation is optional. 113045

~~(C) In addition to meeting the accreditation standard set 113046  
forth in division (B) of this section, an applicant seeking 113047  
initial or renewed certification of one or more certifiable 113048  
services and supports is eligible to receive the certification 113049  
only if both of the following are the case, as determined by the 113050  
director:— 113051~~

~~(1) The applicant has adequate staff and equipment to 113052  
provide the certifiable services and supports;— 113053~~

~~(2) The department has not been notified under section 113054  
5119.367 of the Revised Code or is not otherwise aware that the 113055  
applicant, or any owner or principal of the applicant, has been 113056  
the subject of an adverse action, as defined in that section, 113057  
taken during the three-year period immediately preceding the 113058  
date of application.— 113059~~

~~(D) (1) (C) (1)~~ Except as provided in division ~~(D) (2) (C) (2)~~ 113060  
of this section, if the director determines that an applicant 113061  
has paid any required certification fee, that the applicant's 113062  
accreditation of certifiable services and supports is current 113063  
and appropriate for the services and supports for which the 113064  
applicant is seeking initial or renewed certification, ~~that the 113065  
applicant meets the requirements of division (C) of this 113066  
section,~~ and that the applicant meets any other requirements 113067  
established by this section or rules adopted under it, the 113068  
director shall certify the services and supports or renew the 113069  
certification of the services and supports, as applicable. 113070

Except as provided in division ~~(J)~~(I) of this section, the 113071  
director shall issue or renew the certification without further 113072  
evaluation of the services and supports. 113073

(2) Prior to October 1, 2025, if an applicant that seeks 113074  
to renew certification of certifiable services and supports is 113075  
not accredited to provide those services and supports by one or 113076  
more national accrediting organizations specified in division 113077  
(B) (3) of this section, the director shall conduct an evaluation 113078  
of the applicant to determine whether the applicant's 113079  
certifiable services and supports satisfy the standards for 113080  
certification. The evaluation is in addition to any on-site 113081  
review conducted under division (A) of this section and shall be 113082  
performed in cooperation with a board of alcohol, drug 113083  
addiction, and mental health services that seeks to contract or 113084  
has a contract with the applicant under section 340.036 of the 113085  
Revised Code. If the director determines that an applicant has 113086  
paid any required certification fee, that the applicant's 113087  
certifiable services and supports satisfy the standards for 113088  
renewed certification, ~~that the applicant meets the requirements~~ 113089  
~~of division (C) of this section,~~ and that the applicant meets 113090  
any other requirements established by this section or the rules 113091  
adopted under it, the director shall certify the certifiable 113092  
services and supports. 113093

~~(E)~~(D) For purposes of the accreditation requirements of 113094  
this section, both of the following apply: 113095

(1) The director may review the accrediting organizations 113096  
specified in division (B) (3) of this section to evaluate whether 113097  
the accreditation standards and processes used by the 113098  
organizations are consistent with service delivery models the 113099  
director considers appropriate for mental health services, 113100

alcohol and drug addiction services, or physical health 113101  
services. The director may communicate to an accrediting 113102  
organization any identified concerns, trends, needs, and 113103  
recommendations. 113104

(2) The director shall require a community mental health 113105  
services provider and a community addiction services provider to 113106  
notify the director not later than ten days after any change in 113107  
the provider's accreditation status. The provider may notify the 113108  
director by providing a copy of the relevant document the 113109  
provider received from the accrediting organization. 113110

~~(F)~~ (E) The director may require a community mental health 113111  
services provider or a community addiction services provider to 113112  
submit to the director cost reports pertaining to the provider. 113113

~~(G)~~ (F) The director may refuse to certify certifiable 113114  
services and supports, refuse to renew certification, or revoke 113115  
certification if any of the following apply to an applicant for 113116  
certification or the holder of the certification: 113117

(1) The applicant or holder is not in compliance with 113118  
rules adopted under this section. 113119

(2) The applicant or holder has been cited for a pattern 113120  
of serious noncompliance or repeated violations of statutes or 113121  
rules during the current certification period or any previous 113122  
certification period. 113123

(3) The applicant or holder has been found to be in 113124  
violation of section 5119.396 of the Revised Code; 113125

(4) The applicant or holder submits false or misleading 113126  
information as part of a certification application, renewal, or 113127  
investigation. 113128

(5) The applicant does not have adequate staff and 113129  
equipment to provide the certifiable services and supports. 113130

(6) The department has been notified under section 113131  
5119.367 of the Revised Code or is otherwise aware that the 113132  
applicant, any owner or principal of the applicant, or any 113133  
subsidiary of the applicant or owner has been the subject of an 113134  
adverse action, as defined in that section, taken during the 113135  
three-year period immediately preceding the date of notification 113136  
or date of becoming aware of the adverse action. 113137

~~(H)~~ (G) Proceedings initiated to deny applications to 113138  
certify certifiable services and supports, to refuse to renew 113139  
certification, or to revoke certification are governed by 113140  
Chapter 119. of the Revised Code. If an order has been issued 113141  
suspending admissions to a community addiction services 113142  
provider, as provided in division ~~(M)~~ (L) of this section, the 113143  
order remains in effect during the pendency of those 113144  
proceedings. 113145

~~(I)~~ (H) The director may conduct an on-site review or 113146  
otherwise evaluate a community mental health services provider 113147  
or a community addiction services provider at any time based on 113148  
cause, including complaints made by or on behalf of persons 113149  
receiving mental health services or alcohol and drug addiction 113150  
services and confirmed or alleged deficiencies brought to the 113151  
attention of the director. This authority does not affect the 113152  
director's duty to conduct the inspections required by section 113153  
5119.37 of the Revised Code. 113154

In conducting an on-site review under this division, the 113155  
director may do so in cooperation with a board of alcohol, drug 113156  
addiction, and mental health services that seeks to contract or 113157  
has a contract with the applicant under section 340.036 of the 113158

Revised Code. In conducting any other evaluation under this 113159  
division, the director shall do so in cooperation with such a 113160  
board. 113161

~~(J)~~(I) If the director proposes to take action under 113162  
division ~~(G)~~(F) of this section, the director shall notify the 113163  
board of alcohol, drug addiction, and mental health services 113164  
serving the alcohol, drug addiction, and mental health service 113165  
district in which the certifiable services and supports will be 113166  
or were provided, and provide the board opportunity to respond 113167  
as specified in division (A) of this section with respect to 113168  
initial or renewal applications. 113169

When a final order is issued by the director under 113170  
division ~~(G)~~(F) of this section, the director may request that 113171  
the appropriate board of alcohol, drug addiction, and mental 113172  
health services reallocate any funds for the certifiable 113173  
services and supports the applicant was to provide to a 113174  
community mental health services provider or community addiction 113175  
services provider whose certifiable services and supports 113176  
satisfy the standards. If the board does not reallocate such 113177  
funds in a reasonable period of time, the director may withhold 113178  
state and federal funds for the certifiable services and 113179  
supports and allocate those funds directly to a community mental 113180  
health services provider or community addiction services 113181  
provider whose certifiable services and supports satisfy the 113182  
standards. 113183

~~(K)~~(J) Each applicant seeking initial or renewed 113184  
certification of its certifiable services and supports shall pay 113185  
a fee for the certification required by this section, unless the 113186  
applicant is exempt under rules adopted under this section. Fees 113187  
shall be paid into the state treasury to the credit of the sale 113188

of goods and services fund created pursuant to section 5119.45 113189  
of the Revised Code. 113190

~~(L)~~(K) The director shall adopt rules in accordance with 113191  
Chapter 119. of the Revised Code to implement this section. The 113192  
rules shall do all of the following: 113193

(1) Subject to section 340.034 of the Revised Code, 113194  
specify the types of recovery supports that are required to be 113195  
certified under this section; 113196

(2) Establish certification standards for certifiable 113197  
services and supports that are consistent with nationally 113198  
recognized applicable standards and facilitate participation in 113199  
federal assistance programs. The rules shall include as 113200  
certification standards only requirements that improve the 113201  
quality of certifiable services and supports or the health and 113202  
safety of persons receiving certifiable services and supports. 113203  
The standards shall address at a minimum all of the following: 113204

(a) Reporting major unusual incidents to the director; 113205

(b) Procedures for applicants for and persons receiving 113206  
certifiable services and supports to file grievances and 113207  
complaints; 113208

(c) Seclusion; 113209

(d) Restraint; 113210

(e) Requirements regarding the physical facilities in 113211  
which certifiable services and supports are provided; 113212

(f) Requirements with regard to health, safety, adequacy, 113213  
and cultural specificity and sensitivity; 113214

(g) Standards for evaluating certifiable services and 113215

supports; 113216

(h) Standards and procedures for granting full, 113217  
probationary, and interim certification of the certifiable 113218  
services and supports of an applicant; 113219

(i) Standards and procedures for revoking the 113220  
certification of a community mental health services provider's 113221  
or community addiction services provider's certifiable services 113222  
and supports that do not continue to meet the minimum standards 113223  
established pursuant to this section; 113224

(j) The limitations to be placed on a provider whose 113225  
certifiable services and supports are granted probationary or 113226  
interim certification; 113227

(k) Development of written policies addressing the rights 113228  
of persons receiving certifiable services and supports, 113229  
including all of the following: 113230

(i) The right to a copy of the written policies addressing 113231  
the rights of persons receiving certifiable services and 113232  
supports; 113233

(ii) The right at all times to be treated with 113234  
consideration and respect for the person's privacy and dignity; 113235

(iii) The right to have access to the person's own 113236  
psychiatric, medical, or other treatment records unless access 113237  
is specifically restricted in the person's treatment plan for 113238  
clear treatment reasons; 113239

(iv) The right to have a client rights officer provided by 113240  
the provider or board of alcohol, drug addiction, and mental 113241  
health services advise the person of the person's rights, 113242  
including the person's rights under Chapter 5122. of the Revised 113243



Code if the person is committed to the provider or board. 113244

(1) Documentation that must be submitted as evidence of 113245  
holding appropriate accreditation; 113246

(m) A process by which the director may review the 113247  
accreditation standards and process used by the national 113248  
accrediting organizations specified in division (B) (3) of this 113249  
section. 113250

(3) Establish the process for certification of certifiable 113251  
services and supports; 113252

(4) Set the amount of initial and renewal certification 113253  
fees and any reasons for which applicants may be exempt from the 113254  
fees; 113255

(5) Specify the type of notice and hearing to be provided 113256  
prior to a decision on whether to reallocate funds; 113257

(6) Establish a process by which the director, based on 113258  
deficiencies identified as a result of conducting an on-site 113259  
review or otherwise evaluating a community mental health 113260  
services provider or community addiction services provider under 113261  
division ~~(I)~~ (H) of this section, may take any range of 113262  
correction actions, including revocation of the provider's 113263  
certification. 113264

~~(M)~~ ~~(1)~~ (L) (1) The director may issue an order suspending 113265  
admissions to a community addiction services provider that 113266  
provides overnight accommodations if the director finds either 113267  
of the following: 113268

(a) The provider's certifiable services and supports are 113269  
not in compliance with rules adopted under this section; 113270

(b) The provider has been cited for more than one 113271

violation of statutes or rules during any previous certification 113272  
period of the provider. 113273

(2) (a) Except as provided in division ~~(M) (2) (b)~~ (L) (2) (b) 113274  
of this section, proceedings initiated to suspend admissions to 113275  
a community addiction services provider that provides overnight 113276  
accommodations are governed by Chapter 119. of the Revised Code. 113277

(b) If a suspension of admissions is proposed because the 113278  
director has determined that the provider has demonstrated a 113279  
pattern of serious noncompliance or that a violation creates a 113280  
substantial risk to the health and safety of patients, the 113281  
director may issue an order suspending admissions before 113282  
providing an opportunity for an adjudication under Chapter 119. 113283  
of the Revised Code. The director shall lift the order for the 113284  
suspension of admissions if the director determines that the 113285  
violation that formed the basis for the order has been 113286  
corrected. 113287

(3) Appeals from proceedings initiated to order the 113288  
suspension of admissions shall be conducted in accordance with 113289  
Chapter 119. of the Revised Code, unless the order was issued 113290  
before providing an opportunity for an adjudication, in which 113291  
case all of the following apply: 113292

(a) The provider may request a hearing not later than ten 113293  
days after being served in accordance with sections 119.05 and 113294  
119.07 of the Revised Code. 113295

(b) If a timely request for a hearing that includes the 113296  
provider's current address is made, the hearing shall commence 113297  
not later than thirty days after the department receives the 113298  
request. 113299

(c) After commencing, the hearing shall continue 113300

uninterrupted, except for Saturdays, Sundays, and legal 113301  
holidays, unless other interruptions are agreed to by the 113302  
provider and the director. 113303

(d) If the hearing is conducted by a hearing examiner, the 113304  
hearing examiner shall file a report and recommendations with 113305  
the department not later than ten days after the last of the 113306  
following: 113307

(i) The close of the hearing; 113308

(ii) If a transcript of the proceedings is ordered, the 113309  
hearing examiner receives the transcript; 113310

(iii) If post-hearing briefs are timely filed, the hearing 113311  
examiner receives the briefs. 113312

(e) The hearing examiner shall send a written copy of the 113313  
report and recommendations, by certified mail, to the provider, 113314  
or the provider's attorney, if applicable, not later than five 113315  
days after the report is filed with the department. 113316

(f) Not later than five days after receiving the report 113317  
and recommendations, the provider may file objections with the 113318  
department. 113319

(g) Not later than fifteen days after the hearing examiner 113320  
files the report and recommendations, the department shall issue 113321  
an order approving, modifying, or disapproving the report and 113322  
recommendations. 113323

(h) Notwithstanding the pendency of the hearing, the 113324  
department shall lift the order for the suspension of admissions 113325  
if the department determines the violation that formed the basis 113326  
for the order has been corrected. 113327

~~(N) (1)~~ (M) (1) In a proceeding initiated to suspend 113328

admissions to a community addiction services provider that 113329  
provides overnight accommodations, to deny an application for 113330  
certification of certifiable services and supports, to refuse to 113331  
renew certification, or to revoke certification, the department 113332  
may order the suspension, denial, refusal, or revocation 113333  
regardless of whether some or all of the deficiencies that 113334  
prompted the proceedings have been corrected at the time of the 113335  
hearing. 113336

(2) When the department issues an order suspending 113337  
admissions to a community addiction services provider that 113338  
provides overnight accommodations, denies an application for 113339  
certification of certifiable services and supports, refuses to 113340  
renew certification, or revokes a certification, the department 113341  
shall not grant an opportunity for submitting a plan of 113342  
correction. 113343

~~(O)~~ (N) The department of ~~mental-behavioral~~ health and 113344  
~~addiction services~~ shall maintain a current list of community 113345  
addiction services providers and shall provide a copy of the 113346  
list to a judge of a court of common pleas who requests a copy 113347  
for the use of the judge under division (H) of section 2925.03 113348  
of the Revised Code. The list shall identify each provider by 113349  
its name, its address, and the county in which it is located. 113350

~~(P)~~ (O) No person shall represent in any manner that a 113351  
community mental health services provider's or community 113352  
addiction services provider's certifiable services and supports 113353  
are certified by the director if the certifiable services and 113354  
supports are not so certified at the time the representation is 113355  
made. 113356

~~(O)~~ (P) If a board of alcohol, drug addiction, and mental 113357  
health services requests the department of ~~mental-behavioral~~ 113358

health ~~and addiction services~~ to investigate a community mental 113359  
health services provider or community addiction services 113360  
provider pursuant to this section, the department shall initiate 113361  
the investigation not later than ten business days after receipt 113362  
of the request. If the department initiates an investigation of 113363  
a community mental health services provider or community 113364  
addiction services provider under this section for any other 113365  
reason, the department shall notify the board of alcohol, drug 113366  
addiction, and mental health services serving the applicable 113367  
alcohol, drug addiction, and mental health service district of 113368  
the investigation and the reason for the investigation not later 113369  
than three business days after the investigation begins. On the 113370  
board's request, the department shall provide the board with 113371  
information specifying the status of the investigation and the 113372  
final disposition of the investigation. 113373

**Sec. 5119.362.** (A) In accordance with rules adopted under 113374  
section 5119.363 of the Revised Code, each community addiction 113375  
services provider shall do all of the following: 113376

(1) Maintain a waiting list for the provider's included 113377  
opioid and co-occurring drug addiction services and recovery 113378  
supports; 113379

(2) Notify an individual included on the provider's 113380  
waiting list when the provider has a slot available for the 113381  
individual and, if the individual does not contact the provider 113382  
about the slot within a period of time specified in the rules, 113383  
contact the individual to determine why the individual did not 113384  
contact the provider and to assess whether the individual still 113385  
needs the included opioid and co-occurring drug addiction 113386  
services and recovery supports; 113387

(3) Remove an individual from the waiting list if either 113388

of the following applies: 113389

(a) The individual withdraws the individual's request for 113390  
included opioid and co-occurring drug addiction services and 113391  
recovery supports; 113392

(b) When the provider notifies the individual about an 113393  
available slot, the individual does not contact the provider 113394  
about the slot within the period of time specified in the rules 113395  
or otherwise vacates the slot before beginning to receive the 113396  
services and supports. 113397

(4) As part of the process of maintaining the waiting 113398  
list, determine both of the following: 113399

(a) For each individual who seeks from the provider 113400  
included opioid and co-occurring drug addiction services and 113401  
recovery supports, the number of days that starts with the day 113402  
the individual first contacts the provider about accessing the 113403  
services and supports and ends on the following day: 113404

(i) If the individual is required to be assessed for the 113405  
individual's clinical need for the services and supports, the 113406  
day of the assessment; 113407

(ii) If the individual is not required to be assessed for 113408  
the individual's clinical need for the services and supports, 113409  
the first day of the individual's access to the services and 113410  
supports. 113411

(b) For each such individual who is required to be 113412  
assessed for the individual's clinical need for the services and 113413  
supports, the number of days that starts with the day of the 113414  
assessment and ends with the first day of the individual's 113415  
access to the services and supports. 113416

(5) Using information the provider acquires by maintaining the waiting list, determine whether included opioid and co-occurring drug addiction services and recovery supports are insufficient to meet the needs of individuals on the waiting list;

(6) Subject to division (B) of this section, report all of the following information not later than the last day of each month to the department of ~~mental behavioral health and~~ addiction services:

(a) An unduplicated count of all individuals who were included on the provider's waiting list during the immediately preceding month and each type of included opioid and co-occurring drug addiction services and recovery supports for which they were waiting;

(b) The total number of days each such individual had been on the provider's waiting list during the immediately preceding month;

(c) The last known type of residential setting in which each such individual resided during the immediately preceding month;

(d) The total number of individuals who did not contact the provider after receiving, during the immediately preceding month, the notices under division (A) (2) of this section about the provider having slots available for the individuals and, if known, the reasons the contacts were not made;

(e) The total number of such individuals who withdrew, in the immediately preceding month, their requests for included opioid and co-occurring drug addiction services and recovery supports, each type of service and support that those

individuals had requested or been assessed as having a clinical 113446  
need for, and, if known, the reasons those individuals withdrew 113447  
their requests; 113448

(f) An unduplicated count of all individuals who were 113449  
referred to another community addiction services provider 113450  
because the referring provider does not provide the type of 113451  
included opioid and co-occurring drug addiction services and 113452  
recovery supports that those individuals had requested or been 113453  
assessed as having a clinical need for and each type of service 113454  
and support for which those individuals were referred; 113455

(g) All other information specified in the rules. 113456

(B) Each report that a community addiction services 113457  
provider provides to the department under this section shall do 113458  
both of the following: 113459

(1) For the purposes of divisions (A) (6) (a) and (f) of 113460  
this section, specify the counties of residence of the 113461  
individuals in the unduplicated counts and include identifying 113462  
information required by the rules adopted under section 5119.363 113463  
of the Revised Code so that the department is able to identify 113464  
any individuals who are inadvertently duplicated in the counts; 113465

(2) For the purpose of the information reported under 113466  
division (A) (6) (c) of this section, identify the types of 113467  
residential settings at least as either institutional or 113468  
noninstitutional. 113469

**Sec. 5119.363.** The director of ~~mental-behavioral~~ health 113470  
~~and addiction services~~ shall adopt rules governing the duties of 113471  
community addiction services providers under section 5119.362 of 113472  
the Revised Code. The rules shall be adopted in accordance with 113473  
Chapter 119. of the Revised Code. 113474



The director shall adopt rules under this section that 113475  
authorize the department of ~~mental-behavioral health and~~ 113476  
~~addiction services~~ to determine an advanced practice registered 113477  
nurse's, physician assistant's, or physician's compliance with 113478  
section 3719.064 of the Revised Code if such practitioner works 113479  
for a community addiction services provider. 113480

**Sec. 5119.364.** (A) The department of ~~mental-behavioral~~ 113481  
~~health and addiction services~~ shall do both of the following 113482  
with the reports it receives from community addiction services 113483  
providers under section 5119.362 of the Revised Code: 113484

(1) Subject to division (B) of this section, make the 113485  
reports available on the department's internet web site; 113486

(2) Make the reports available in an electronic format to 113487  
boards of alcohol, drug addiction, and mental health services in 113488  
a manner that provides the information about an individual 113489  
contained in a report to the board that serves the individual's 113490  
county. 113491

(B) In making the reports available on the department's 113492  
web site, the department shall present the information contained 113493  
in the reports on both a statewide aggregate basis and county- 113494  
level aggregate basis. The information on the web site shall be 113495  
updated monthly after the community addiction services providers 113496  
submit new reports to the department. 113497

**Sec. 5119.365.** The director of ~~mental-behavioral~~ health 113498  
~~and addiction services~~ shall adopt rules in accordance with 113499  
Chapter 119. of the Revised Code to do both of the following: 113500

(A) Streamline the intake procedures used by a community 113501  
addiction services provider accepting and beginning to serve a 113502  
new individual, including procedures regarding intake forms and 113503

questionnaires; 113504

(B) Enable a community addiction services provider to 113505  
retain an individual as an active patient even though the 113506  
patient last received services from the provider more than 113507  
thirty days before resumption of services so that the individual 113508  
and provider do not have to repeat the intake procedures. 113509

**Sec. 5119.366.** The director of ~~mental-behavioral~~ health 113510  
~~and addiction services~~ shall require that each board of alcohol, 113511  
drug addiction, and mental health services ensure that each 113512  
community mental health services provider and community 113513  
addiction services provider with which it contracts under 113514  
section 340.036 of the Revised Code to provide certifiable 113515  
services and supports establish grievance procedures consistent 113516  
with rules adopted under section 5119.36 of the Revised Code 113517  
that are available to all persons seeking or receiving 113518  
certifiable services and supports from a community mental health 113519  
services provider or community addiction services provider. 113520

**Sec. 5119.367.** (A) As used in this section, "adverse 113521  
action" means an action by a state, provincial, federal, or 113522  
other licensing or regulatory authority other than the 113523  
department of behavioral health to deny, revoke, suspend, place 113524  
on probation, or otherwise restrict a license, certification, or 113525  
other approval to provide certifiable services and supports or 113526  
an equivalent to certifiable services and supports. 113527

(B) (1) When submitting an application for initial or 113528  
renewed certification of one or more certifiable services and 113529  
supports, the applicant shall notify the department of ~~mental-~~ 113530  
~~behavioral~~ health ~~and addiction services~~ of any adverse action 113531  
taken against the following during the three-year period 113532  
immediately preceding the date of application: 113533

(a) The applicant~~or any~~; 113534

(b) Any owner or principal of the applicant~~within~~; 113535

(c) Any subsidiary of the ~~three-year period immediately~~  
~~preceding the date of application~~applicant or owner. 113537

(2) Not later than seven days after receiving a notice of 113538  
adverse action ~~from a licensing or regulatory authority that is~~ 113539  
~~other than the department of mental health and addiction~~ 113540  
~~services, an applicant for initial or renewed certification or~~ 113541  
the holder of a certification issued under section 5119.36 of 113542  
the Revised Code shall notify the department of the action. 113543

(C) To notify the department as required by this section, 113544  
a copy of the notice of adverse action shall be provided to the 113545  
department. 113546

**Sec. 5119.368.** (A) As used in this section, "telehealth 113547  
services" has the same meaning as in section 4743.09 of the 113548  
Revised Code. 113549

(B) Each community mental health services provider and 113550  
community addiction services provider shall establish written 113551  
policies and procedures describing how the provider will ensure 113552  
that staff persons assisting clients with receiving telehealth 113553  
services or providing telehealth services are fully trained in 113554  
using equipment necessary for providing the services. 113555

(C) Prior to providing telehealth services to a client, a 113556  
provider shall describe to the client the potential risks 113557  
associated with receiving treatment through telehealth services 113558  
and shall document that the client was provided with the risks 113559  
and agreed to assume those risks. The risks communicated to a 113560  
client shall address the following: 113561

- (1) Clinical aspects of receiving treatment through telehealth services; 113562  
113563
- (2) Security considerations when receiving treatment through telehealth services; 113564  
113565
- (3) Confidentiality for individual and group counseling. 113566
- (D) It is the responsibility of the provider, to the extent possible, to ensure contractually that any entity or individuals involved in the transmission of information through telehealth mechanisms guarantee that the confidentiality of the information is protected. 113567  
113568  
113569  
113570  
113571
- (E) Every provider shall have a contingency plan for providing telehealth services to clients in the event that technical problems occur during the provision of those services. 113572  
113573  
113574
- (F) Providers shall maintain, at a minimum, the following information pertaining to local resources: 113575  
113576
- (1) The local suicide prevention telephone hotline, if available, or the national suicide prevention telephone hotline. 113577  
113578
- (2) Contact information for the local police and fire departments. 113579  
113580
- The provider shall provide the client written information on how to access assistance in a crisis, including one caused by equipment malfunction or failure. 113581  
113582  
113583
- (G) It is the responsibility of the provider to ensure that equipment meets standards sufficient to do the following: 113584  
113585
- (1) To the extent possible, ensure confidentiality of communication; 113586  
113587
- (2) Provide for interactive communication between the 113588

provider and the client; 113589

(3) When providing telehealth services using synchronous 113590  
technology, ensure that video or audio are sufficient to enable 113591  
real-time interaction between the client and the provider and to 113592  
ensure the quality of the service provided. 113593

(H) A mental health facility or unit that is serving as a 113594  
client site shall be maintained in such a manner that 113595  
appropriate staff persons are on hand at the facility or unit in 113596  
the event of a malfunction with the equipment used to provide 113597  
telehealth services. 113598

(I) (1) All telehealth services provided by interactive 113599  
videoconferencing shall meet both of the following conditions: 113600

(a) Begin with the verification of the client through a 113601  
name and password or personal identification number when 113602  
treatment services are being provided; 113603

(b) Be provided in accordance with state and federal law. 113604

(2) When providing telehealth services in accordance with 113605  
this section, a provider shall comply with all requirements 113606  
under state and federal law regarding the protection of patient 113607  
information. Each provider shall ensure that any username or 113608  
password information and any electronic communications between 113609  
the provider and a client are securely transmitted and stored. 113610

(J) The department of ~~mental-behavioral health and~~ 113611  
~~addiction services~~ may adopt rules as it considers necessary to 113612  
implement this section. The rules shall be adopted in accordance 113613  
with Chapter 119. of the Revised Code. Any such rules adopted by 113614  
the department are not subject to the requirements of division 113615  
(F) of section 121.95 of the Revised Code. 113616

**Sec. 5119.37.** (A) (1) (a) Except as provided in division (A) 113617  
(1) (b) of this section, no person or government entity shall 113618  
operate an opioid treatment program requiring certification, as 113619  
certification is defined in 42 C.F.R. 8.2, unless the person or 113620  
government entity is a community addiction services provider and 113621  
the program is licensed under this section. 113622

(b) Division (A) (1) (a) of this section does not apply to a 113623  
program operated by the United States department of veterans 113624  
affairs. 113625

(2) No community addiction services provider licensed 113626  
under this section shall operate an opioid treatment program in 113627  
a manner inconsistent with this section and the rules adopted 113628  
under it. 113629

(B) A community addiction services provider seeking a 113630  
license to operate an opioid treatment program shall apply to 113631  
the department of ~~mental behavioral health and addiction~~ 113632  
~~services~~. The department shall review all applications received. 113633

(C) The department may issue a license to operate an 113634  
opioid treatment program to a community addiction services 113635  
provider only if all of the following apply: 113636

(1) During the three-year period immediately preceding the 113637  
date of application, the provider ~~or any owner, sponsor, medical~~ 113638  
~~director, administrator, or principal of the provider has and~~ 113639  
each of the following, as the case may be, have been in good 113640  
standing to operate an opioid treatment program in all other 113641  
locations where the provider or such other person has been 113642  
operating a similar program, ~~as~~: an owner, sponsor, medical 113643  
director, administrator, or principal of the provider; a 113644  
subsidiary of the provider; or a subsidiary of the provider's 113645

owner or sponsor. Good standing shall be evidenced by both of 113646  
the following: 113647

(a) Not having been denied a license, certificate, or 113648  
similar approval to operate an opioid treatment program by this 113649  
state or another jurisdiction; 113650

(b) Not having been the subject of any of the following in 113651  
this state or another jurisdiction: 113652

(i) An action that resulted in the suspension or 113653  
revocation of the license, certificate, or similar approval of 113654  
the provider or other person; 113655

(ii) A voluntary relinquishment, withdrawal, or other 113656  
action taken by the provider or other person to avoid suspension 113657  
or revocation of the license, certificate, or similar approval; 113658

(iii) A disciplinary action that was based, in whole or in 113659  
part, on the provider or other person engaging in the 113660  
inappropriate prescribing, dispensing, administering, personally 113661  
furnishing, diverting, storing, supplying, compounding, or 113662  
selling of a controlled substance or other dangerous drug. 113663

(2) It affirmatively appears to the department that the 113664  
provider is adequately staffed and equipped to operate an opioid 113665  
treatment program. 113666

(3) It affirmatively appears to the department that the 113667  
provider will operate an opioid treatment program in strict 113668  
compliance with all laws relating to drug abuse and the rules 113669  
adopted by the department. 113670

(4) Except as provided in division (D) of this section and 113671  
section 5119.371 of the Revised Code, if the provider is seeking 113672  
an initial license for a particular location, the proposed 113673

opioid treatment program is not located on a parcel of real 113674  
estate that is within a radius of five hundred linear feet of 113675  
the boundaries of a parcel of real estate having situated on it 113676  
a public or private school, child care center licensed under 113677  
Chapter 5104. of the Revised Code, or child-serving agency 113678  
regulated by the department under this chapter. 113679

(5) The provider meets any additional requirements 113680  
established by the department in rules adopted under division 113681  
(F) of this section. 113682

(D) The department may waive the requirement of division 113683  
(C) (4) of this section if it receives, from each public or 113684  
private school, child care center, or child-serving agency that 113685  
is within the five hundred linear feet radius described in that 113686  
division, a letter of support for the location. The department 113687  
shall determine whether a letter of support is satisfactory for 113688  
purposes of waiving the requirement. 113689

(E) (1) Except as provided in division (E) (2) of this 113690  
section, a license to operate an opioid treatment program shall 113691  
expire two years from the date of issuance. Licenses may be 113692  
renewed. 113693

(2) In circumstances in which the director of ~~mental-~~ 113694  
behavioral health ~~and addiction services~~ has concerns regarding 113695  
compliance of a community addiction services provider licensed 113696  
as an opioid treatment program, the department shall notify the 113697  
provider of those concerns and stipulate that the provider's 113698  
license expires annually on a date determined by the department. 113699

(F) The department shall establish procedures and adopt 113700  
rules for licensing, inspection, and supervision of community 113701  
addiction services providers that operate an opioid treatment 113702



program. The rules shall establish standards for the control, 113703  
storage, furnishing, use, dispensing, and administering of 113704  
medications used in medication-assisted treatment; prescribe 113705  
minimum standards for the operation of the opioid treatment 113706  
program component of the provider's operations; and comply with 113707  
federal laws and regulations. 113708

All rules adopted under this division shall be adopted in 113709  
accordance with Chapter 119. of the Revised Code. All actions 113710  
taken by the department regarding the licensing of providers to 113711  
operate opioid treatment programs shall be conducted in 113712  
accordance with Chapter 119. of the Revised Code, except as 113713  
provided in division (L) of this section. 113714

(G) (1) The department shall inspect all community 113715  
addiction services providers licensed to operate an opioid 113716  
treatment program. Inspections shall be conducted at least 113717  
biennially and may be conducted more frequently. 113718

In addition, the department may inspect any provider or 113719  
other person that it reasonably believes to be operating an 113720  
opioid treatment program without a license issued under this 113721  
section. 113722

(2) When conducting an inspection, the department may do 113723  
both of the following: 113724

(a) Examine and copy all records, accounts, and other 113725  
documents relating to the provider's or other person's 113726  
operations, including records pertaining to patients or clients; 113727

(b) Conduct interviews with any individual employed by or 113728  
contracted or otherwise associated with the provider or person, 113729  
including an administrator, staff person, patient, or client. 113730

(3) No person or government entity shall interfere with a 113731

state or local government official acting on behalf of the 113732  
department while conducting an inspection. 113733

(H) A community addiction services provider shall not 113734  
administer or dispense methadone in a tablet, powder, or 113735  
intravenous form. Methadone shall be administered or dispensed 113736  
only in a liquid form intended for ingestion. 113737

A community addiction services provider shall not 113738  
administer or dispense a medication used in medication-assisted 113739  
treatment for pain or other medical reasons. 113740

(I) As used in this division, "program sponsor" means a 113741  
person who assumes responsibility for the operation and 113742  
employees of the opioid treatment program component of a 113743  
community addiction services provider's operations. 113744

A provider shall not permit an individual to act as a 113745  
program sponsor, medical director, or director of the provider 113746  
if the individual is receiving a medication used in medication- 113747  
assisted treatment from any community addiction services 113748  
provider. 113749

(J) The department may issue orders to ensure compliance 113750  
with all laws relating to drug abuse and the rules adopted under 113751  
this section. Subject to section 5119.27 of the Revised Code, 113752  
the department may hold hearings, require the production of 113753  
relevant matter, compel testimony, issue subpoenas, and make 113754  
adjudications. Upon failure of a person without lawful excuse to 113755  
obey a subpoena or to produce relevant matter, the department 113756  
may apply to a court of common pleas for an order compelling 113757  
compliance. 113758

(K) The department may refuse to issue, or may withdraw or 113759  
revoke, a license to operate an opioid treatment program. A 113760

license may be refused if a community addiction services 113761  
provider does not meet the requirements of division (C) of this 113762  
section. A license may be withdrawn at any time the department 113763  
determines that the provider no longer meets the requirements 113764  
for receiving the license. A license may be revoked in 113765  
accordance with division (L) of this section. 113766

Once a license is issued under this section, the 113767  
department shall not consider the requirement of division (C) (4) 113768  
of this section in determining whether to renew, withdraw, or 113769  
revoke the license or whether to reissue the license as a result 113770  
of a change in ownership. 113771

(L) If the department finds reasonable cause to believe 113772  
that a community addiction services provider licensed under this 113773  
section is in violation of any state or federal law or rule 113774  
relating to drug abuse, the department may issue an order 113775  
immediately revoking the license, subject to division (M) of 113776  
this section. The department shall set a date not more than 113777  
fifteen days later than the date of the order of revocation for 113778  
a hearing on the continuation or cancellation of the revocation. 113779  
For good cause, the department may continue the hearing on 113780  
application of any interested party. In conducting hearings, the 113781  
department has all the authority and power set forth in division 113782  
(J) of this section. Following the hearing, the department shall 113783  
either confirm or cancel the revocation. The hearing shall be 113784  
conducted in accordance with Chapter 119. of the Revised Code, 113785  
except that the provider shall not be permitted to operate an 113786  
opioid treatment program pending the hearing or pending any 113787  
appeal from an adjudication made as a result of the hearing. 113788  
Notwithstanding any provision of Chapter 119. of the Revised 113789  
Code to the contrary, a court shall not stay or suspend any 113790  
order of revocation issued by the department under this division 113791

pending judicial appeal. 113792

(M) The department shall not revoke a license to operate 113793  
an opioid treatment program unless all clients receiving 113794  
medication used in medication-assisted treatment from the 113795  
community addiction services provider are provided adequate 113796  
substitute medication or treatment. For purposes of this 113797  
division, the department may transfer the clients to other 113798  
providers licensed to operate opioid treatment programs or 113799  
replace any or all of the administrators and staff of the 113800  
provider with representatives of the department who shall 113801  
continue on a provisional basis the opioid treatment component 113802  
of the provider's operations. 113803

(N) Each time the department receives an application from 113804  
a community addiction services provider for a license to operate 113805  
an opioid treatment program, issues or refuses to issue a 113806  
license, or withdraws or revokes a license, the department shall 113807  
notify the board of alcohol, drug addiction, and mental health 113808  
services of each alcohol, drug addiction, and mental health 113809  
service district in which the provider operates. 113810

(O) Whenever it appears to the department from files, upon 113811  
complaint, or otherwise, that a community addiction services 113812  
provider has engaged in any practice declared to be illegal or 113813  
prohibited by section 3719.61 of the Revised Code, or any other 113814  
state or federal laws or regulations relating to drug abuse, or 113815  
when the department believes it to be in the best interest of 113816  
the public and necessary for the protection of the citizens of 113817  
the state, the department may request criminal proceedings by 113818  
laying before the prosecuting attorney of the proper county any 113819  
evidence of criminality which may come to its knowledge. 113820

(P) The department shall maintain a current list of 113821

community addiction services providers licensed by the 113822  
department under this section and shall provide a copy of the 113823  
current list to a judge of a court of common pleas who requests 113824  
a copy for the use of the judge under division (H) of section 113825  
2925.03 of the Revised Code and to a board of alcohol, drug 113826  
addiction, and mental health services that requests a copy for 113827  
purposes of division (I)(3) of section 340.08 of the Revised 113828  
Code. The list of licensed community addiction services 113829  
providers shall identify each licensed provider by its name, its 113830  
address, and the county in which it is located. 113831

**Sec. 5119.371.** (A) On application by a community addiction 113832  
services provider that has purchased or leased real property to 113833  
be used as the location of an opioid treatment program subject 113834  
to licensure under section 5119.37 of the Revised Code, the 113835  
department of ~~mental-behavioral health and addiction services~~ 113836  
shall determine whether the location of the proposed program 113837  
complies with the requirements of division (C)(4) of section 113838  
5119.37 of the Revised Code by not being located on a parcel of 113839  
real estate that is within a radius of five hundred linear feet 113840  
of the boundaries of a parcel of real estate having situated on 113841  
it a public or private school, child care center licensed under 113842  
Chapter 5104. of the Revised Code, or child-serving agency 113843  
regulated by the department under this chapter. 113844

If the department determines that the location is in 113845  
compliance with division (C)(4) of section 5119.37 of the 113846  
Revised Code, the department shall issue a declaration stating 113847  
that the location is in compliance. The declaration is valid for 113848  
two years from the date of issuance. 113849

The department shall provide to the provider either a copy 113850  
of the declaration or a notice that the department has 113851

determined that the location is not in compliance with division 113852  
(C) (4) of section 5119.37 of the Revised Code. 113853

If, before expiration of the declaration, a community 113854  
addiction services provider applies for a license to operate an 113855  
opioid treatment program, the department shall not consider the 113856  
requirement of division (C) (4) of section 5119.37 of the Revised 113857  
Code in determining whether to issue the license. 113858

(B) A community addiction services provider seeking to 113859  
relocate an opioid treatment program licensed under section 113860  
5119.37 of the Revised Code may apply for and be granted a 113861  
declaration under division (A) of this section. If, before 113862  
expiration of the declaration, the provider applies for issuance 113863  
of a license due to relocation, the department shall not 113864  
consider the requirement of division (C) (4) of section 5119.37 113865  
of the Revised Code in determining whether to reissue the 113866  
license due to relocation. 113867

**Sec. 5119.38.** A drivers' intervention program may be used 113868  
as an alternative to a term of imprisonment for an offender 113869  
sentenced pursuant to division (G) (1) (a) of section 4511.19 of 113870  
the Revised Code, if it is certified by the director of ~~mental-~~ 113871  
behavioral health and addiction services pursuant to this 113872  
section. No drivers' intervention program shall be used as an 113873  
alternative to a term of imprisonment that is imposed pursuant 113874  
to division (G) (1) (b), (c), (d), or (e) of section 4511.19 of 113875  
the Revised Code. 113876

To qualify for certification by the director and to 113877  
receive funds from the statewide treatment and prevention fund 113878  
created by section 4301.30 of the Revised Code in any amounts 113879  
and at any times that the director determines are appropriate, a 113880  
drivers' intervention program shall meet state minimum standards 113881

that the director shall establish by rule. The rules shall 113882  
include, but are not limited to, standards governing program 113883  
course hours and content, qualifications of program personnel, 113884  
methods of identifying and testing participants to isolate 113885  
participants with alcohol and drug abuse problems, referral of 113886  
such persons to community addiction services providers, the 113887  
prompt notification of courts by program operators of the 113888  
completion of the programs by persons required by courts to 113889  
attend them, and record keeping, including methods of tracking 113890  
participants for a reasonable time after they have left the 113891  
program. 113892

The director shall issue a certificate to any qualified 113893  
drivers' intervention program. The certificate is valid for 113894  
three years. 113895

**Sec. 5119.39.** (A) The department of ~~mental-behavioral~~ 113896  
~~health and addiction services~~ shall monitor the operation of 113897  
recovery housing in this state by doing either of the following: 113898

(1) Certifying recovery housing residences through a 113899  
process established by the department; 113900

(2) Accepting accreditation, or its equivalent for 113901  
recovery housing, from one or more of the following: 113902

(a) The Ohio affiliate of the national alliance for 113903  
recovery residences; 113904

(b) Oxford house, inc.; 113905

(c) Any other organization that is designated by the 113906  
department for purposes of this section. 113907

(B) If the department certifies recovery housing 113908  
residences, the department shall, in rules adopted under section 113909

5119.397 of the Revised Code, establish requirements for initial 113910  
certification and renewal certification, as well as grounds and 113911  
procedures for disciplinary action against operators of recovery 113912  
housing residences. 113913

**Sec. 5119.391.** (A) The department of ~~mental-behavioral~~ 113914  
~~health and addiction services~~ shall monitor the establishment of 113915  
recovery housing residences in this state. 113916

(B) For purposes of division (A) of this section, and 113917  
within the timeframe specified in division (C) of this section, 113918  
each person or government entity that will operate a recovery 113919  
housing residence on or after ~~the effective date of this section~~ 113920  
October 3, 2023, including any recovery housing that was 113921  
established and in operation prior to ~~the effective date of this~~ 113922  
~~section~~ October 3, 2023, shall file with the department, on a 113923  
form prescribed by the department, all of the following 113924  
information: 113925

(1) The name of the recovery housing residence and any 113926  
other name under which the residence does business; 113927

(2) The address of the recovery housing residence; 113928

(3) The name of the person or government entity operating 113929  
the residence; 113930

(4) The primary telephone number and electronic mail 113931  
address for the recovery housing operator; 113932

(5) The date the recovery housing residence was first 113933  
occupied, or will be occupied, by its first resident; 113934

(6) Information related to any existing accreditation or 113935  
its equivalent that the recovery housing residence has obtained 113936  
or is in the process of obtaining; 113937



(7) Any other information the department considers 113938  
appropriate. 113939

(C) The form required by division (B) of this section 113940  
shall be filed with the department as follows: 113941

(1) For a recovery housing residence that began operating 113942  
before the effective date of this section, not later than thirty 113943  
days after ~~the effective date of this section~~ October 3, 2023; 113944

(2) For a recovery housing residence that will begin 113945  
operating on or after ~~the effective date of this section~~ October 113946  
3, 2023, not later than thirty days after the first resident 113947  
begins occupying the residence. 113948

(D) If the department accepts accreditation or its 113949  
equivalent from an organization specified in section 5119.39 of 113950  
the Revised Code, the department may provide copies of forms 113951  
filed in accordance with this section to any such organization. 113952

**Sec. 5119.392.** (A) Beginning January 1, 2025, no person or 113953  
government entity shall operate a recovery housing residence 113954  
unless either of the following applies: 113955

(1) (a) If the department of ~~mental-behavioral health and~~ 113956  
~~addiction services~~ certifies recovery housing residences, the 113957  
recovery housing residence is certified by the department. 113958

(b) If the department accepts accreditation or its 113959  
equivalent from an organization specified in section 5119.39 of 113960  
the Revised Code, the residence is accredited by such an 113961  
organization. 113962

(2) The recovery housing residence has been operating for 113963  
not more than eighteen months and is actively engaged in efforts 113964  
to obtain certification or accreditation, as applicable. For 113965

purposes of identifying this eighteen-month timeframe, a 113966  
recovery housing residence is considered to begin operating on 113967  
the date that the first resident occupies the residence, as 113968  
specified on the form filed in accordance with section 5119.391 113969  
of the Revised Code. 113970

(B) If the director of ~~mental-behavioral health and~~ 113971  
~~addiction services~~ determines that a recovery housing residence 113972  
is operating in violation of this section, the director may 113973  
request, in writing, that the attorney general petition the 113974  
court of common pleas of the county in which the recovery 113975  
housing residence is located for an order enjoining operation of 113976  
the recovery housing residence. 113977

**Sec. 5119.393.** (A) The department of ~~mental-behavioral~~ 113978  
~~health and addiction services~~ shall establish a procedure to 113979  
receive and investigate complaints from residents, staff, and 113980  
the public regarding recovery housing residences. The department 113981  
may contract with one or more of the organizations specified in 113982  
section 5119.39 of the Revised Code to fulfill some or all of 113983  
the functions associated with receiving and investigating 113984  
complaints. 113985

(B) Any organization under contract with the department to 113986  
receive and investigate complaints shall make reports to the 113987  
department as follows: 113988

(1) Not less than monthly, the contractor shall report the 113989  
status of each pending investigation and shall report the 113990  
outcome of each investigation that has been completed since the 113991  
last report was made; 113992

(2) As soon as practicable, but not later than ten days 113993  
after making an adverse decision, if a contractor's 113994

accreditation or its equivalent is accepted by the department 113995  
for purposes of section 5119.39 of the Revised Code, the 113996  
contractor shall report that decision to the department in a 113997  
manner prescribed by the department. 113998

**Sec. 5119.394.** (A) The department of ~~mental-behavioral~~ 113999  
~~health and addiction services~~ shall establish and maintain a 114000  
registry of recovery housing residences that meet the criteria 114001  
described in division (A) (1) or (2) of section 5119.392 of the 114002  
Revised Code. For each residence, the registry shall include all 114003  
of the following: 114004

(1) Any information from the form required by division (B) 114005  
of section 5119.391 of the Revised Code that the department 114006  
chooses to include in the registry; 114007

(2) If a complaint received under section 5119.393 of the 114008  
Revised Code has been investigated and substantiated, a 114009  
description of the complaint, the date the complaint was 114010  
submitted to the department or its contractor, and the outcome 114011  
of the investigation; 114012

(3) Any other information the department considers 114013  
appropriate. 114014

(B) The department shall immediately remove from the 114015  
registry a recovery housing residence that ceases to meet the 114016  
criteria described in division (A) (1) or (2) of section 5119.392 114017  
of the Revised Code, including if the criteria described in 114018  
those divisions ceases to be met because the residence has had 114019  
its certification or accreditation, as applicable, revoked or 114020  
not renewed. 114021

(C) The department shall make the registry available to 114022  
the public on the department's web site. 114023

**Sec. 5119.395.** (A) Beginning January 1, 2025, no person or 114024  
government entity shall advertise or represent any residence or 114025  
other building to be a recovery housing residence, sober living 114026  
home, or any other alcohol and drug free housing for persons 114027  
recovering from alcohol use disorder or drug addiction unless 114028  
the residence or building meets either of the following 114029  
conditions: 114030

(1) The residence or building is on the registry 114031  
established and maintained under section 5119.394 of the Revised 114032  
Code; 114033

(2) The residence or building is regulated by the 114034  
department of rehabilitation and correction under section 114035  
2967.14 of the Revised Code. 114036

(B) If the director of ~~mental-behavioral~~ health and 114037  
~~addiction services~~ determines that a person or government entity 114038  
is violating division (A) of this section, the director may 114039  
request, in writing, that the attorney general petition the 114040  
court of common pleas of the county where the person or 114041  
government entity is operating the residence or other building 114042  
to enjoin that person or government entity from engaging in the 114043  
conduct that violates division (A) of this section. 114044

**Sec. 5119.397.** The director of ~~mental-behavioral~~ health 114045  
~~and addiction services~~ may adopt rules in accordance with 114046  
Chapter 119. of the Revised Code to implement sections 5119.39 114047  
to 5119.396 of the Revised Code. 114048

**Sec. 5119.40.** (A) As used in this section, "individual 114049  
with a mental illness" and "specialized services" have the same 114050  
meanings as in section 5165.03 of the Revised Code. 114051

(B) (1) Except as provided in division (B) (2) of this 114052

section and rules adopted under division (E) (3) of this section, 114053  
for purposes of section 5165.03 of the Revised Code, the 114054  
department of ~~mental behavioral health and addiction services~~ 114055  
shall determine in accordance with the "Social Security Act," 114056  
section 1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations 114057  
adopted under section 1919(f) (8) (A) of that act, 42 U.S.C. 114058  
1396r(f) (8) (A), whether, because of the individual's physical 114059  
and mental condition, an individual with a mental illness 114060  
seeking admission to a nursing facility requires the level of 114061  
services provided by a nursing facility and, if the individual 114062  
requires that level of services, whether the individual requires 114063  
specialized services for mental illness. The determination 114064  
required by this division shall be based on an independent 114065  
physical and mental evaluation performed by a person or entity 114066  
other than the department. 114067

(2) Except as provided in division (B) (3) of this section, 114068  
a determination under division (B) (1) of this section is not 114069  
required for any of the following: 114070

(a) An individual seeking readmission to a nursing 114071  
facility after having been transferred from a nursing facility 114072  
to a hospital for care; 114073

(b) An individual who meets all of the following 114074  
conditions: 114075

(i) The individual is admitted to the nursing facility 114076  
directly from a hospital after receiving inpatient care at the 114077  
hospital; 114078

(ii) The individual requires nursing facility services for 114079  
the condition for which care in the hospital was received; 114080

(iii) The individual's attending physician has certified, 114081

before admission to the nursing facility, that the individual is 114082  
likely to require less than thirty days of nursing facility 114083  
services. 114084

(c) An individual transferred from one nursing facility to 114085  
another nursing facility, with or without an intervening 114086  
hospital stay. 114087

(3) A determination under division (B) (1) of this section 114088  
is required for an individual described in division (B) (2) (a) or 114089  
(b) of this section if the hospital from which the individual is 114090  
transferred or directly admitted to a nursing facility is either 114091  
of the following: 114092

(a) A hospital that the department maintains, operates, 114093  
manages, and governs under section 5119.14 of the Revised Code 114094  
for the care and treatment of persons with mental illnesses; 114095

(b) A free-standing hospital, or unit of a hospital, 114096  
licensed by the department under section 5119.33 of the Revised 114097  
Code. 114098

(C) Except as provided in rules adopted under division (E) 114099  
(3) of this section, the department of ~~mental-behavioral~~ health 114100  
~~and addiction services~~ shall review and determine for each 114101  
resident of a nursing facility who has a mental illness, whether 114102  
the resident, because of the resident's physical and mental 114103  
condition, requires the level of services provided by a nursing 114104  
facility and whether the resident requires specialized services 114105  
for mental illness. The review and determination shall be 114106  
conducted in accordance with section 1919(e) (7) of the "Social 114107  
Security Act" and the regulations adopted under section 1919(f) 114108  
(8) (A) of the act and based on an independent physical and 114109  
mental evaluation performed by a person or entity other than the 114110

department. The review and determination shall be completed 114111  
promptly after a nursing facility has notified the department 114112  
that there has been a significant change in the resident's 114113  
mental or physical condition. 114114

(D) (1) In the case of a nursing facility resident who has 114115  
continuously resided in a nursing facility for at least thirty 114116  
months before the date of a review and determination under 114117  
division (C) of this section, if the resident is determined not 114118  
to require the level of services provided by a nursing facility, 114119  
but is determined to require specialized services for mental 114120  
illness, the department, in consultation with the resident's 114121  
family or legal representative and care givers, shall do all of 114122  
the following: 114123

(a) Inform the resident of the institutional and 114124  
noninstitutional alternatives covered under the state plan for 114125  
medical assistance; 114126

(b) Offer the resident the choice of remaining in the 114127  
nursing facility or receiving covered services in an alternative 114128  
institutional or noninstitutional setting; 114129

(c) Clarify the effect on eligibility for services under 114130  
the state plan for medical assistance if the resident chooses to 114131  
leave the facility, including its effect on readmission to the 114132  
facility; 114133

(d) Provide for or arrange for the provision of 114134  
specialized services for the resident's mental illness in the 114135  
setting chosen by the resident. 114136

(2) In the case of a nursing facility resident who has 114137  
continuously resided in a nursing facility for less than thirty 114138  
months before the date of the review and determination under 114139

division (C) of this section, if the resident is determined not 114140  
to require the level of services provided by a nursing facility, 114141  
but is determined to require specialized services for mental 114142  
illness, or if the resident is determined to require neither the 114143  
level of services provided by a nursing facility nor specialized 114144  
services for mental illness, the department shall act in 114145  
accordance with its alternative disposition plan approved by the 114146  
United States department of health and human services under 114147  
section 1919(e) (7) (E) of the "Social Security Act." 114148

(3) In the case of an individual who is determined under 114149  
division (B) or (C) of this section to require both the level of 114150  
services provided by a nursing facility and specialized services 114151  
for mental illness, the department of ~~mental-behavioral~~ health 114152  
~~and addiction services~~ shall provide or arrange for the 114153  
provision of the specialized services needed by the individual 114154  
or resident while residing in a nursing facility. 114155

(E) The department of ~~mental-behavioral~~ health ~~and~~ 114156  
~~addiction services~~ shall adopt rules in accordance with Chapter 114157  
119. of the Revised Code that do all of the following: 114158

(1) Establish criteria to be used in making the 114159  
determinations required by divisions (B) and (C) of this 114160  
section. The criteria shall not exceed the criteria established 114161  
by regulations adopted by the United States department of health 114162  
and human services under section 1919(f) (8) (A) of the "Social 114163  
Security Act." 114164

(2) Specify information to be provided by the individual 114165  
or nursing facility resident being assessed; 114166

(3) Specify any circumstances, in addition to 114167  
circumstances listed in division (B) of this section, under 114168



which determinations under divisions (B) and (C) of this section 114169  
are not required to be made. 114170

**Sec. 5119.41.** (A) The department of ~~mental-behavioral~~ 114171  
~~health and addiction services~~ shall implement the residential 114172  
state supplement program under which the state supplements the 114173  
amounts received by aged, blind, or disabled adults as 114174  
supplemental security income payments under Title XVI of the 114175  
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 114176  
security benefits or social security disability insurance 114177  
benefits under Title II of the "Social Security Act," 42 U.S.C. 114178  
401 et seq. Residential state supplement payments shall be used 114179  
for the provision of accommodations, supervision, and personal 114180  
care services to recipients of supplemental security income 114181  
payments, social security benefits, and social security 114182  
disability insurance benefits who the department determines are 114183  
at risk of needing institutional care. 114184

In implementing the program, the department may designate 114185  
one or more entities to be responsible for providing 114186  
administrative services regarding the program. The department 114187  
may designate an entity either by entering into a contract with 114188  
the entity to ~~provide~~ provide the services or by otherwise 114189  
delegating to the entity the responsibility to provide the 114190  
services. 114191

(B) To be eligible for residential state supplement 114192  
payments, an individual must satisfy all eligibility 114193  
requirements established by rules adopted under this section. 114194

(C) The director of ~~mental-behavioral~~ health and addiction 114195  
~~services~~ and the medicaid director shall adopt rules as 114196  
necessary to implement the residential state supplement program, 114197  
including the requirements that an individual must satisfy to be 114198

eligible for payments under the program. The rules shall be 114199  
adopted in accordance with Chapter 119. of the Revised Code. 114200

The rules adopted by the director of ~~mental behavioral~~ 114201  
~~health and addiction services~~ may establish the method to be 114202  
used to determine the payment an eligible individual will 114203  
receive under the program. The amount the general assembly 114204  
appropriates for the program may be a factor included in the 114205  
method that director establishes. 114206

To the extent permitted by Title XVI of the "Social 114207  
Security Act" and any other provision of federal law, the rules 114208  
adopted by the medicaid director may establish standards for 114209  
adjusting the eligibility requirements concerning the level of 114210  
impairment an individual must have so that the amount 114211  
appropriated for the program by the general assembly is adequate 114212  
for the number of eligible individuals. The rules shall not 114213  
limit the eligibility of individuals who are disabled solely on 114214  
a basis classifying disabilities as physical or mental. 114215

(D) The county department of job and family services of 114216  
the county in which an applicant for the residential state 114217  
supplement program resides or the department of medicaid shall 114218  
determine whether the applicant meets income and resource 114219  
requirements for the program. 114220

The county department of job and family services or the 114221  
department of medicaid shall notify each individual who is 114222  
denied approval for payments under the program of the 114223  
individual's right to a hearing. On request, the hearing shall 114224  
be provided in accordance with section 5101.35 of the Revised 114225  
Code. 114226

(E) An individual in a licensed or certified living 114227

arrangement receiving state supplementation on November 15, 114228  
1990, under former section 5101.531 of the Revised Code shall 114229  
not become ineligible for payments under this program solely by 114230  
reason of the individual's living arrangement as long as the 114231  
individual remains in the living arrangement in which the 114232  
individual resided on November 15, 1990. 114233

**Sec. 5119.42.** (A) As used in this section, "private, 114234  
nonprofit organization" means a private association, 114235  
organization, corporation, or other entity that is tax exempt 114236  
under section 501(a) and described in section 501(c) of the 114237  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 114238

(B) To the extent funds are available and on application 114239  
by boards of alcohol, drug addiction, and mental health 114240  
services, the director of ~~mental behavioral health and addiction~~ 114241  
~~services~~ may approve state reimbursement of, or state grants 114242  
for, community construction programs including residential 114243  
housing for persons with severe mental disabilities and persons 114244  
with substance use disorders. The director may also approve an 114245  
application for reimbursement or a grant for such programs 114246  
submitted by other governmental entities or by private, 114247  
nonprofit organizations, after the application has been reviewed 114248  
and recommended for approval or disapproval by the board of 114249  
alcohol, drug addiction, and mental health services for the 114250  
district from which the application came, and the application is 114251  
consistent with the board's approved community addiction and 114252  
mental health plan submitted under division (A) of section 114253  
340.03 of the Revised Code and the board's approved budget and 114254  
list of addiction services, mental health services, and recovery 114255  
supports submitted under divisions (A) and (B) of section 340.08 114256  
of the Revised Code. 114257

(C) (1) The director of ~~mental behavioral health and~~ 114258  
~~addiction services~~ shall adopt rules in accordance with Chapter 114259  
119. of the Revised Code that specify procedures for applying 114260  
for state reimbursement of and state grants for community 114261  
construction programs, including residential housing for persons 114262  
with severe mental disabilities and persons with substance use 114263  
disorders and procedures and criteria for approval of such 114264  
reimbursement and grants. 114265

(2) The director of ~~mental behavioral health and addiction~~ 114266  
~~services~~ shall not approve state reimbursement or a state grant 114267  
unless all of the following conditions are met: 114268

(a) The applicant includes with the application a plan 114269  
specifying the services, in addition to housing, that will be 114270  
provided to persons who will reside in the residential housing. 114271  
Services specified may include any of the services described in 114272  
section 340.09 of the Revised Code. 114273

(b) The director is satisfied that the residential housing 114274  
for persons with severe mental disabilities will be developed to 114275  
promote the maximum practical integration of persons with severe 114276  
mental disabilities with persons at the same site who do not 114277  
have severe mental disabilities. 114278

(c) The use of any funds distributed pursuant to the 114279  
reimbursement or grant will not subject any obligation from 114280  
which the funds are derived to federal income taxation. 114281

(3) The director may enter into an agreement establishing 114282  
terms for any reimbursement or grant approved under this 114283  
division with the organization, board, or other government 114284  
entity that is the recipient of the reimbursement or grant. Any 114285  
such agreement is subject to any covenant or agreement 114286

pertaining to any obligation issued to provide funds for the 114287  
reimbursement or grant. 114288

**Sec. 5119.421.** (A) This section applies to a board of 114289  
alcohol, drug addiction, and mental health services, another 114290  
governmental entity, or a private, nonprofit organization that 114291  
received a grant or reimbursement under section 5119.42 of the 114292  
Revised Code for a facility on which the department of ~~mental-~~ 114293  
behavioral health and addiction services holds a security 114294  
interest. 114295

(B) A board of alcohol, drug addiction, and mental health 114296  
services, another governmental entity, or a private, nonprofit 114297  
organization to which this section applies may apply to the 114298  
director of ~~mental-behavioral health and addiction services~~ for 114299  
approval to sell its facility and acquire, construct, or 114300  
renovate a replacement facility pursuant to this section. The 114301  
director shall prescribe the form of the application. Before 114302  
submitting an application to the director, a governmental entity 114303  
or private, nonprofit organization must obtain approval of the 114304  
application from the board of alcohol, drug addiction, and 114305  
mental health services with jurisdiction over the service 114306  
district in which the existing facility is located. The director 114307  
shall approve an application for a replacement project upon 114308  
determining that the project provides for the continuation of 114309  
appropriate mental health and addiction services to the 114310  
population served by the board, entity, or organization. 114311

(C) A board, entity, or organization that obtains approval 114312  
for a project under division (B) of this section shall pay the 114313  
proceeds of the sale of its facility to the director of ~~mental-~~ 114314  
behavioral health and addiction services. The director shall 114315  
deposit the proceeds to the credit of the community capital 114316

replacement facilities fund. 114317

(D) When a board, entity, or organization that has sold 114318  
its facility notifies the director of ~~mental behavioral health~~ 114319  
~~and addiction services~~ that it is ready to acquire, construct, 114320  
or renovate a replacement facility, the director shall do one of 114321  
the following: 114322

(1) If the replacement facility is located in the same 114323  
alcohol, drug addiction, and mental health service district as 114324  
the original facility, and if the purposes for which the 114325  
replacement facility will be used are the same as or similar to 114326  
those for the original facility, the director shall pay to the 114327  
board, entity, or organization from the community capital 114328  
replacement facilities fund an amount equal to the lesser of an 114329  
amount equal to the proceeds of the sale of the original 114330  
facility or the amount of the state's agreed-upon participation 114331  
(as a per cent of the total cost) in the cost of the replacement 114332  
facility. If the amount of the state's agreed-upon participation 114333  
in the cost of the replacement facility is less than the value 114334  
of the state's security interest in the original facility, the 114335  
difference between the state's agreed-upon participation in the 114336  
cost of the replacement facility and the value of the state's 114337  
security interest in the original facility shall be retained in 114338  
the community capital replacement facilities fund, and any 114339  
excess proceeds shall be paid to the board, entity, or 114340  
organization. 114341

(2) If the replacement facility is located in a different 114342  
alcohol, drug addiction, and mental health service district than 114343  
the original facility, or if the purposes for which the 114344  
replacement facility will be used are not the same as or similar 114345  
to those for the original facility, the director shall request 114346

controlling board approval for release of funds for the project. 114347  
If the controlling board so approves, the director shall pay to 114348  
the board, entity, or organization from the community capital 114349  
replacement facilities fund the lesser of an amount equal to the 114350  
proceeds of the sale of the original facility or the amount of 114351  
the state's agreed-upon participation (as a per cent of the 114352  
total cost) in the cost of the replacement facility. If the 114353  
amount of the state's agreed-upon participation in the cost of 114354  
the replacement facility is less than the value of the state's 114355  
security interest in the original facility, the difference 114356  
between the state's agreed-upon participation in the cost of the 114357  
replacement facility and the value of the state's security 114358  
interest in the original facility shall be retained in the 114359  
community capital replacement facilities fund, and any excess 114360  
proceeds shall be paid to the board, entity, or organization. 114361

(E) The director of ~~mental-behavioral health and addiction~~ 114362  
~~services~~ and a board, entity, or organization shall enter into 114363  
an agreement specifying the terms of any payment made to the 114364  
board, entity, or organization under division (D) of this 114365  
section. The terms may include provision for the department of 114366  
~~mental-behavioral health and addiction services~~ to hold a 114367  
security interest in the facility. 114368

(F) (1) When approving an application under division (B) of 114369  
this section, the director of ~~mental-behavioral health and~~ 114370  
~~addiction services~~ shall establish a deadline by which the 114371  
board, entity, or organization must notify the director that it 114372  
is ready to acquire, construct, or renovate a replacement 114373  
facility. If the board, entity, or organization does not notify 114374  
the director on or before the deadline, the director may cancel 114375  
the project. Upon canceling the project, the director shall pay 114376  
to the board, entity, or organization from the community capital 114377

replacement facilities fund an amount equal to the portion of 114378  
the proceeds of the sale of the original facility that exceeds 114379  
the value of the state's security interest in the facility. 114380

(2) Notwithstanding the deadline established under 114381  
division (F)(1) of this section, if at any time a board, entity, 114382  
or organization notifies the director that it does not intend to 114383  
acquire, construct, or renovate a replacement facility under 114384  
this section, the director shall cancel the replacement project 114385  
and pay to the board, entity, or organization from the community 114386  
capital replacement facilities fund an amount equal to the 114387  
portion of the proceeds of the sale of the original facility 114388  
that exceeds the value of the state's security interest in the 114389  
facility. 114390

(G) If a replacement project is canceled after the sale of 114391  
the original facility, the director of ~~mental-behavioral~~ health 114392  
~~and addiction services~~ shall use funds equal to the value of the 114393  
state's security interest in the original facility for 114394  
additional grants or reimbursements under section 5119.42 of the 114395  
Revised Code. The director shall obtain the approval of the 114396  
controlling board before releasing the additional grants or 114397  
reimbursements. 114398

(H) The community capital replacement facilities fund is 114399  
hereby created in the state treasury. The director of ~~mental-~~ 114400  
~~behavioral~~ health ~~and addiction services~~ shall use the fund for 114401  
the purposes of this section. 114402

**Sec. 5119.43.** (A) The director of ~~mental-behavioral~~ health 114403  
~~and addiction services~~ may enter into agreements with any 114404  
person, political subdivision, or state agency for the sale or 114405  
lease of land or facilities under the jurisdiction of the 114406  
director of ~~mental-behavioral~~ health ~~and addiction services~~ in 114407



the following manner: 114408

(1) The director of ~~mental-behavioral health and addiction~~ 114409  
~~services~~ shall designate lands and facilities that are not 114410  
needed by the department of ~~mental-behavioral health and~~ 114411  
~~addiction services~~ and are under the jurisdiction of the 114412  
department. 114413

(2) The director of ~~mental-behavioral health and addiction~~ 114414  
~~services~~ shall have a preliminary appraisal made of any lands or 114415  
facilities designated under division (A) (1) of this section by a 114416  
disinterested professional appraiser from the department of 114417  
administrative services. The appraiser shall deliver to the 114418  
director of ~~mental-behavioral health and addiction services~~ a 114419  
signed certificate of the probable market value of the lands and 114420  
facilities as determined from the preliminary appraisal. 114421

(3) The director of ~~mental-behavioral health and addiction~~ 114422  
~~services~~ shall certify to the clerk of the house of 114423  
representatives and to the clerk of the senate a list of all 114424  
lands and facilities which may be sold or leased, and shall 114425  
include with the list the results of the preliminary appraisals 114426  
of the lands and facilities, a general description of the land 114427  
and facilities, and a description of the current use of the land 114428  
and facilities. 114429

(4) Every list of lands and facilities certified by the 114430  
director of ~~mental-behavioral health and addiction services~~ to 114431  
the clerk of the house of representatives and to the clerk of 114432  
the senate under division (A) (3) of this section, shall 114433  
immediately be transmitted by the respective clerks to the 114434  
committees in the house and the senate to which land conveyance 114435  
bills are usually referred. If either committee files in its 114436  
clerk's office, within sixty calendar days of the original 114437

certification of the lands and facilities by the director of 114438  
~~mental-behavioral health and addiction services~~, a report 114439  
disapproving the sale or lease of any lands or facilities, the 114440  
sale or lease of the lands or facilities disapproved in the 114441  
report shall not be made under this section. With respect to a 114442  
sale or lease of lands and facilities that has not been 114443  
disapproved under this division, the director of ~~mental-~~ 114444  
behavioral health and addiction services shall certify those 114445  
lands and facilities to the director of administrative services. 114446

(5) After certification to the director of administrative 114447  
services under division (A) (4) of this section, the director of 114448  
~~mental-behavioral health and addiction services~~ shall have a 114449  
formal appraisal made of the lands and facilities by a 114450  
disinterested professional appraiser from the department of 114451  
administrative services. The director of ~~mental-behavioral~~ 114452  
health and addiction services may accept the formal appraisal or 114453  
may reject it and order a new formal appraisal by a 114454  
disinterested professional appraiser who shall not be from the 114455  
department of administrative services. The director of ~~mental-~~ 114456  
behavioral health and addiction services may then sell or lease 114457  
the lands or facilities in accordance with this division and 114458  
department of administrative services procedures as set forth in 114459  
Chapter 123. of the Revised Code. Any such deed or lease shall 114460  
be prepared and recorded pursuant to section 5301.13 of the 114461  
Revised Code. The department of administrative services shall be 114462  
the sole agent for the state and shall complete the sale or 114463  
lease of the lands or facilities, up to and including the 114464  
closing thereof, after the director of ~~mental-behavioral~~ health 114465  
~~and addiction services~~ approves the sale price. The director of 114466  
~~mental-behavioral health and addiction services~~ and the director 114467  
of administrative services may, if it is determined to be in the 114468

best interests of the state, agree to sell surplus land for an 114469  
amount less than the formal appraised value but shall not sell 114470  
any land for less than two-thirds of the formal appraised value. 114471

(B) Coincident with the certification made under division 114472  
(A) (3) of this section concerning lands which may be sold, the 114473  
director of ~~mental-behavioral health and addiction services~~ 114474  
shall give written notice of intention to sell the lands by 114475  
certified mail to the executive officer of each county, 114476  
township, municipal corporation, and school district within 114477  
which the lands are situated. In each notice, the director of 114478  
~~mental-behavioral health and addiction services~~ shall specify 114479  
the conditions under which the lands shall be sold, including 114480  
whether the lands will be sold as a single unit or sold in 114481  
specific parcels that the director designates, and shall solicit 114482  
from the subdivision offers to purchase the lands in accordance 114483  
with the conditions the director of ~~mental-behavioral health and~~ 114484  
~~addiction services~~ has specified and at a price equal to the 114485  
preliminary appraised value determined pursuant to division (A) 114486  
(2) of this section. If, within thirty days of having certified 114487  
the lands to the director of administrative services under 114488  
division (A) (4) of this section, the director of ~~mental-~~ 114489  
~~behavioral health and addiction services~~ receives from the 114490  
executive officer of a subdivision a written offer to purchase 114491  
the lands at or above the price specified in the original notice 114492  
from the director of ~~mental-behavioral health and addiction-~~ 114493  
~~services~~ to the officer, provided such offer otherwise complies 114494  
with the conditions of purchase specified in the original notice 114495  
from the director of ~~mental-behavioral health and addiction-~~ 114496  
~~services~~, the director of ~~mental-behavioral health and addiction~~ 114497  
~~services~~ shall forthwith enter into an agreement to sell the 114498  
lands to the subdivision. The agreement shall incorporate any 114499

and all terms that are acceptable to both parties and that are  
consistent with the terms specified in the original notice from  
the director of ~~mental-behavioral health and addiction services~~.  
If no offer to purchase is received by the director of ~~mental-~~  
~~behavioral health and addiction services~~ within the thirty-day  
period provided in this division, the original notice from the  
director of ~~mental-behavioral health and addiction services~~  
shall be considered withdrawn and the director of ~~mental-~~  
~~behavioral health and addiction services~~ shall be under no  
obligation to sell any of the lands specified in the notice to  
the subdivision. If two or more offers to purchase the same  
parcels of land are received by the director of ~~mental-~~  
~~behavioral health and addiction services~~ within the required  
time period from the executive officers of two or more  
subdivisions, the director of ~~mental-behavioral health and-~~  
~~addiction services~~ shall accept the offer or offers to purchase  
that the director considers to be in the best interests of the  
state and of the department of ~~mental-behavioral health and-~~  
~~addiction services~~ and shall proceed to enter into agreements of  
sale pursuant to this division. If all of the original notices  
from the director of ~~mental-behavioral health and addiction-~~  
~~services~~ relating to a given parcel of land become withdrawn,  
the director of ~~mental-behavioral health and addiction services~~  
may thereupon proceed to sell the parcel as otherwise provided  
in this section. No subdivision may commence an action to  
enforce the provisions of this division, or to seek any other  
legal or equitable remedy relative to this division, with  
respect to any lands certified to the director of administrative  
services under division (A) (4) of this section, except within  
sixty days of the date on which the lands were so certified.

(C) Any agreement under this section shall be at such

terms as will be in the best interests of the state and the 114531  
department of ~~mental-behavioral health-and-addiction services~~. 114532  
However, the terms of any agreement for sale shall include a 114533  
provision that the purchaser will abide by any comprehensive 114534  
plan for the area that has been adopted by the local government 114535  
in which the property is located before the parties enter into 114536  
the agreement. No lease shall be of a duration greater than 114537  
fifteen years. No agreement, except an agreement entered into 114538  
under division (B) of this section, shall be entered into before 114539  
the proposal to sell or lease the land or facilities has been 114540  
advertised once each week for four weeks in a newspaper of 114541  
general circulation in every county in which the lands or 114542  
facilities are located and if the preliminary appraised value of 114543  
the land to be sold or leased is more than one hundred thousand 114544  
dollars, advertisement shall be made once each week for four 114545  
weeks in at least two newspapers in the state having a daily 114546  
circulation of one hundred thousand or more. If a city in this 114547  
state is served by more than one newspaper having a circulation 114548  
of one hundred thousand or more, advertisement may be made in 114549  
only one of the newspapers serving the city. 114550

(D) Each deed or lease prepared and recorded pursuant to 114551  
this section shall contain a recital stating that all provisions 114552  
of this section have been complied with. The recital shall be 114553  
considered binding and conclusive against all subdivisions of 114554  
the state provided no action has been commenced pursuant to 114555  
division (B) of this section. Any deed or lease containing such 114556  
a recital shall be conclusively presumed to have been executed 114557  
in compliance with this section insofar as title or other 114558  
interest of any bona fide purchasers, lessees, or transferees of 114559  
the property is concerned. 114560

(E) Nothing in this section shall be construed as 114561

establishing a precedent for the disposal of state lands and 114562  
facilities by other departments of the state. 114563

**Sec. 5119.431.** When it is necessary for a state 114564  
institution under the jurisdiction of the department of ~~mental-~~ 114565  
~~behavioral health and addiction services~~ to acquire any real 114566  
estate, right of way, or easement in real estate in order to 114567  
accomplish the purposes for which it was organized or is being 114568  
conducted, and the department is unable to agree with the owner 114569  
of such property upon the price to be paid therefor, such 114570  
property may be appropriated in the manner provided for the 114571  
appropriation of property for other state purposes. 114572

Any instrument by which real property is acquired pursuant 114573  
to this section shall identify the agency of the state that has 114574  
the use and benefit of the real property as specified in section 114575  
5301.012 of the Revised Code. 114576

**Sec. 5119.44.** As used in this section, "free clinic" has 114577  
the same meaning as in section 2305.2341 of the Revised Code. 114578

(A) The department of ~~mental-behavioral health and-~~ 114579  
~~addiction services~~ may provide certain goods and services for 114580  
the department of ~~mental-behavioral health-and-addiction-~~ 114581  
~~services~~, the department of developmental disabilities, the 114582  
department of rehabilitation and correction, the department of 114583  
youth services, and other state, county, or municipal agencies 114584  
requesting such goods and services when the department of ~~mental-~~ 114585  
~~behavioral health and addiction services~~ determines that it is 114586  
in the public interest, and considers it advisable, to provide 114587  
these goods and services. The department of ~~mental-behavioral~~ 114588  
health ~~and addiction services~~ also may provide goods and 114589  
services to agencies operated by the United States government 114590  
and to public or private nonprofit agencies, other than free 114591

clinics, that are funded in whole or in part by the state if the 114592  
public or private nonprofit agencies are designated for 114593  
participation in this program by the director of ~~mental-~~ 114594  
behavioral health and addiction services for community addiction 114595  
services providers and community mental health services 114596  
providers, the director of developmental disabilities for 114597  
community developmental disabilities agencies, the director of 114598  
rehabilitation and correction for community rehabilitation and 114599  
correction agencies, or the director of youth services for 114600  
community youth services agencies. 114601

Designated community agencies or services providers shall 114602  
receive goods and services through the department of ~~mental-~~ 114603  
behavioral health and addiction services only in those cases 114604  
where the designating state agency certifies that providing such 114605  
goods and services to the agency or services provider will 114606  
conserve public resources to the benefit of the public and where 114607  
the provision of such goods and services is considered feasible 114608  
by the department of ~~mental-behavioral health and addiction-~~ 114609  
~~services~~. 114610

(B) The department of ~~mental-behavioral health and-~~ 114611  
~~addiction services~~ may permit free clinics to purchase certain 114612  
goods and services to the extent the purchases fall within the 114613  
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 114614  
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 114615  
amended. 114616

(C) The goods and services that may be provided by the 114617  
department of ~~mental-behavioral health and addiction services-~~ 114618  
under divisions (A) and (B) of this section may include: 114619

(1) Procurement, storage, processing, and distribution of 114620  
food and professional consultation on food operations; 114621

(2) Procurement, storage, and distribution of medical and 114622  
laboratory supplies, dental supplies, medical records, forms, 114623  
optical supplies, and sundries; 114624

(3) Procurement, storage, repackaging, distribution, and 114625  
dispensing of drugs, the provision of professional pharmacy 114626  
consultation, and drug information services; 114627

(4) Other goods and services. 114628

(D) The department of ~~mental-behavioral health and~~ 114629  
~~addiction services~~ may provide the goods and services designated 114630  
in division (C) of this section to its institutions and to 114631  
state-operated community-based mental health or addiction 114632  
services providers. 114633

(E) After consultation with and advice from the director 114634  
of developmental disabilities, the director of rehabilitation 114635  
and correction, and the director of youth services, the 114636  
department of ~~mental-behavioral health and addiction services~~ 114637  
may provide the goods and services designated in division (C) of 114638  
this section to the department of developmental disabilities, 114639  
the department of rehabilitation and correction, and the 114640  
department of youth services. 114641

(F) The cost of administration of this section shall be 114642  
determined by the department of ~~mental-behavioral health and~~ 114643  
~~addiction services~~ and paid by the agencies, services providers, 114644  
or free clinics receiving the goods and services to the 114645  
department for deposit in the state treasury to the credit of 114646  
the Ohio pharmacy services fund, which is hereby created. The 114647  
fund shall be used to pay the cost of administration of this 114648  
section to the department. 114649

(G) Whenever a state agency fails to make a payment for 114650



goods and services provided under this section within thirty-one 114651  
days after the date the payment was due, the office of budget 114652  
and management may transfer moneys from the state agency to the 114653  
department of ~~mental-behavioral health and addiction services~~. 114654  
The amount transferred shall not exceed the amount of overdue 114655  
payments. Prior to making a transfer under this division, the 114656  
office of budget and management shall apply any credits the 114657  
state agency has accumulated in payments for goods and services 114658  
provided under this section. 114659

(H) Purchases of goods and services under this section are 114660  
not subject to section 307.86 of the Revised Code. 114661

**Sec. 5119.45.** Unless otherwise specifically provided by 114662  
law, all moneys received by the department of ~~mental-behavioral~~ 114663  
~~health and addiction services~~ from the sale of goods and 114664  
services, including, but not limited to, shared service 114665  
agreements with other governmental entities and nongovernmental 114666  
entities, employee housing and cafeteria receipts, fees for 114667  
copying services, and sales of other tangible personal property 114668  
under the department's control, shall be paid into the state 114669  
treasury to the credit of the sale of goods and services fund, 114670  
which is hereby created. Moneys received by the department 114671  
pursuant to section 5119.44 of the Revised Code shall not be 114672  
paid into the fund. The department shall use the moneys in the 114673  
fund for paying operating expenses of the department. 114674

**Sec. 5119.46.** There is hereby created in the state 114675  
treasury the department of ~~mental-behavioral health and~~ 114676  
~~addiction services~~ trust fund. ~~Not later than the first day of~~ 114677  
~~September of each year, the director of mental health and~~ 114678  
~~addiction services shall certify to the director of budget and~~ 114679  
~~management the amount of all of the unexpended, unencumbered~~ 114680

~~balances of general revenue fund appropriations made to the~~ 114681  
~~department of mental health and addiction services for the~~ 114682  
~~previous fiscal year, excluding funds appropriated for rental~~ 114683  
~~payments to the Ohio public facilities commission. On receipt of~~ 114684  
~~the certification, the director of budget and management shall~~ 114685  
~~transfer cash to the trust fund in an amount up to, but not~~ 114686  
~~exceeding, the total of the amounts certified by the director of~~ 114687  
~~mental health and addiction services.~~ 114688

~~In addition, the~~ The trust fund shall receive all amounts, 114689  
subject to any provisions in bond documents, received from the 114690  
sale or lease of lands and facilities by the department. 114691

All moneys in the trust fund ~~shall be used by the~~ 114692  
~~department of mental health and addiction services to pay for~~ 114693  
~~expenditures the department incurs in performing any of its~~ 114694  
~~duties under this chapter~~ are subject to appropriation by the 114695  
general assembly or may be used with the approval of the 114696  
controlling board. The use of moneys in the trust fund pursuant 114697  
to this section does not represent an ongoing commitment to the 114698  
continuation of the trust fund or to the use of moneys in the 114699  
trust fund. 114700

**Sec. 5119.47.** The director of ~~mental behavioral health and~~ 114701  
~~addiction services~~ shall administer the problem casino gambling 114702  
and addictions fund. The director shall use the money in the 114703  
fund to support gambling addiction services, alcohol and drug 114704  
addiction services, other services that relate to gambling 114705  
addiction and substance abuse, and research that relates to 114706  
gambling addiction and substance abuse. Treatment and prevention 114707  
services supported by money in the fund under this section shall 114708  
be services that are certified by the department of ~~mental~~ 114709  
behavioral health and addiction services. 114710

The director shall prepare an annual report describing the use of the fund for these purposes. The director shall submit the report to the Ohio casino control commission, the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the governor.

**Sec. 5119.48.** (A) The department of ~~mental-behavioral~~ health and ~~addiction services~~ shall create the all roads lead to home program. The program shall include all of the following initiatives:

(1) A media campaign. As part of the campaign, the department shall develop public service announcements and shall make the announcements available to television and radio media outlets. The announcements shall be made available beginning on January 1, 2018, ~~and~~. Thereafter, the announcements shall be made at least twice annually, once between January and March of each year, and once in September of each year as part of national recovery month.

(2) A web site ~~as~~ that meets the requirements described in division (C) of this section;

(3) A twenty-four-hour hotline, that is operated by a call center, for the purpose of helping individuals access addiction services.

(B) The media campaign described in division (A) (1) of this section shall do all of the following:

(1) Include messages to reduce the stigma associated with seeking help for drug addiction;

(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following:

- (a) Information on where to find help for drug addiction; 114740
- (b) Information on intervention and referral options; 114741
- (c) Contact information for ~~county board~~ boards of  
alcohol, drug addiction-assistance authorities, and mental  
health services. 114742  
114743  
114744
- (3) Prioritize its efforts in media markets that have the 114745  
highest rates of drug overdose deaths in this state; 114746
- (4) Utilize television and radio public service 114747  
announcements provided to media outlets, as well as internet 114748  
advertising models such as low-cost social media outlets. 114749
- (C) Before January 1, 2018, for purposes of division (A) 114750  
(2) of this section, the department shall create a web site as- 114751  
described in division (A) (2) of this section that is interactive 114752  
and offers all of the following components: 114753
- (1) If reasonably available for use, an evidence-based 114754  
self-reporting screening tool approved by the department's 114755  
medical director; 114756
- (2) Community detoxification and withdrawal management 114757  
options and community treatment options; 114758
- (3) A searchable database of certified substance abuse 114759  
providers organized by zip code; 114760
- (4) Information on recovery supports, including recovery 114761  
housing residences; 114762
- (5) Clinical information regarding what a person may 114763  
expect during detoxification, withdrawal, and treatment. 114764
- (D) The department may contract with private vendors for 114765  
the creation and maintenance of the ~~interactive~~ web site 114766

described in division (C) of this section. 114767

**Sec. 5119.49.** (A) The director of ~~mental-behavioral health~~ 114768  
~~and addiction services~~ shall collaborate with the state board of 114769  
pharmacy and attorney general in the establishment and 114770  
administration of a drug take-back program, as provided under 114771  
section 4729.69 of the Revised Code. 114772

(B) The department may accept grants, gifts, or donations 114773  
for purposes of the program. Money received under this division 114774  
shall be deposited into the drug take-back program fund 114775  
established under section 109.90 of the Revised Code. 114776

**Sec. 5119.50.** The director of ~~mental-behavioral health and~~ 114777  
~~addiction services~~ may accept, hold, and administer in trust on 114778  
behalf of the state, if it is for the public interest, any 114779  
grant, gift, devise, or bequest of money or property made to the 114780  
state for the use or benefit of any institution described in 114781  
section 5119.14 of the Revised Code or for the use and benefit 114782  
of persons with mental illnesses under its control. If the trust 114783  
so provides, the money or property may be used for any work 114784  
which the department of ~~mental-behavioral health and addiction~~ 114785  
~~services~~ is authorized to undertake. 114786

The department shall keep such gift, grant, devise, or 114787  
bequest as a distinct property or fund and, if it is in money, 114788  
shall invest it in the manner provided by law. The department 114789  
may deposit in a proper trust company or savings bank any money 114790  
left in trust during a specified life or lives and shall adopt 114791  
rules governing the deposit, transfer, withdrawal, or investment 114792  
of such money and the income thereof. 114793

The department shall, in the manner prescribed by the 114794  
director of budget and management pursuant to section 126.21 of 114795

the Revised Code, account for all money or property received or 114796  
expended under this section. The records, together with a 114797  
statement certified by the depository showing the funds 114798  
deposited there to the credit of the trust, shall be open to 114799  
public inspection. The director of budget and management may 114800  
require the department to file a report with the director on any 114801  
particular portion, or the whole, of any trust property received 114802  
or expended by it. 114803

The department shall, upon the expiration of any trust 114804  
according to its terms, dispose of the funds or property held 114805  
thereunder in the manner provided in the instrument creating the 114806  
trust. If the instrument creating the trust failed to make any 114807  
terms of disposition, or if no trust was in evidence, then the 114808  
decedent patient's money, saving or commercial deposits, 114809  
dividends or distributions, bonds, or any other interest-bearing 114810  
debt certificate or stamp issued by the United States government 114811  
shall escheat to the state. All such unclaimed intangible 114812  
personal property of a former patient shall be retained by the 114813  
managing officer in such institution for the period of one year, 114814  
during which time every possible effort shall be made to find 114815  
such former patient or the former patient's legal 114816  
representative. 114817

If, after a period of one year from the time the patient 114818  
has left the institution or has died, the managing officer has 114819  
been unable to locate such person or the person's legal 114820  
representative, then upon proper notice of such fact the 114821  
director shall at that time formulate in writing a method of 114822  
disposition on the minutes of the department authorizing the 114823  
managing officer to convert such intangible personal property to 114824  
cash to be paid into the state treasury to the credit of the 114825  
general revenue fund. 114826

The department shall include in its annual report a 114827  
statement of all money and property and the terms and conditions 114828  
relating thereto. 114829

**Sec. 5119.51.** (A) As used in this section, "supplemental 114830  
services" has the same meaning as in section 5815.28 of the 114831  
Revised Code. 114832

(B) There is hereby created in the state treasury the 114833  
services fund for individuals with mental illness. On the death 114834  
of the beneficiary of a trust created pursuant to section 114835  
5815.28 of the Revised Code, the portion of the remaining assets 114836  
of the trust specified in the trust instrument shall be 114837  
deposited to the credit of the fund. Money credited to the fund 114838  
shall be used for individuals with mental illness. 114839

Supplemental services may be provided through the 114840  
department or boards of alcohol, drug addiction, and mental 114841  
health services. In accordance with Chapter 119. of the Revised 114842  
Code, the department of ~~mental-behavioral health and addiction-~~ 114843  
~~services~~ may adopt any rules necessary to implement this 114844  
section. 114845

**Sec. 5119.52.** Each managing officer of an institution 114846  
under the jurisdiction of the department of ~~mental-behavioral~~ 114847  
~~health and addiction services~~ as described in section 5119.14 of 114848  
the Revised Code, with the approval of the director of ~~mental-~~ 114849  
~~behavioral health and addiction services~~, may establish local 114850  
institution funds designated as follows: 114851

(A) Industrial and entertainment fund created and 114852  
maintained for the entertainment and welfare of the patients of 114853  
the institution. The director shall establish rules for the 114854  
operation of the industrial and entertainment fund. 114855

(B) Commissary fund created and maintained for the benefit 114856  
of patients in the institution. Commissary revenue over and 114857  
above operating costs and reserve shall be considered profits. 114858  
All profits from the commissary fund operations shall be paid 114859  
into the industrial and entertainment fund and used only for the 114860  
entertainment and welfare of patients. The director shall 114861  
establish rules for the operation of the commissary fund. 114862

**Sec. 5119.54.** The treasurer of state shall have charge of 114863  
all funds under the jurisdiction of the department of ~~mental-~~ 114864  
behavioral health and addiction services and shall pay out the 114865  
same only in accordance with this chapter. 114866

The department shall cause to be furnished a contract of 114867  
indemnity to cover all funds received by it or by its managing 114868  
officers, employees, or agents while the funds are in the 114869  
possession of such managing officers, employees or agents. Such 114870  
funds are designated as follows: 114871

(A) Funds which are due and payable to the treasurer of 114872  
state as provided by Chapter 131. of the Revised Code; 114873

(B) Those funds which are held in trust by the managing 114874  
officers, employees, or agents of the institution as local funds 114875  
or accounts under the jurisdiction of the department. 114876

Such contract of indemnity shall be made payable to the 114877  
state and the premium for such contract of indemnity may be paid 114878  
from any of the moneys received for the use of the department 114879  
under this chapter and Chapters 5121. and 5122. of the Revised 114880  
Code. 114881

Funds collected from various sources, such as the sale of 114882  
goods, and all miscellaneous articles, shall be transmitted on 114883  
or before Monday of each week to the treasurer of state and a 114884



detailed statement of such collections shall be made to the 114885  
department. 114886

**Sec. 5119.55.** The department of ~~mental-behavioral~~ health 114887  
~~and addiction services~~ may pay an amount for personal use to 114888  
each individual residing in a state institution as described in 114889  
section 5119.14 of the Revised Code who would be eligible for 114890  
supplemental security income benefits at the reduced rate 114891  
established by Title XVI of the "Social Security Act," 42 U.S.C. 114892  
1381 et seq., if the medicaid program covers services provided 114893  
in such institutions. The amount paid by the department shall 114894  
not exceed the reduced supplemental security income benefit rate 114895  
established by Title XVI of the "Social Security Act." 114896

**Sec. 5119.56.** Money or property deposited with managing 114897  
officers of institutions under the jurisdiction of the 114898  
department of ~~mental-behavioral~~ health ~~and addiction services~~ by 114899  
any patient under the department's control or by relatives, 114900  
guardians, conservators, and others for the special benefit of 114901  
such patient, as well as all other funds and all other income 114902  
paid to the patient, the patient's estate, or on the patient's 114903  
behalf, or paid to the managing officer or to the institution as 114904  
representative payee or otherwise paid on the patient's behalf, 114905  
shall remain in the hands of such officers in appropriate 114906  
accounts for use accordingly. The managing officer shall keep 114907  
itemized book accounts of the receipt and disposition of such 114908  
money and property, which book shall be open at all times to the 114909  
inspection of the department. The director of ~~mental-behavioral~~ 114910  
health ~~and addiction services~~ shall adopt rules governing the 114911  
deposit, transfer, withdrawal, or investment of the funds and 114912  
the income thereof, as well as rules under which such funds and 114913  
income shall be paid by managing officers for the support of the 114914  
patients pursuant to Chapter 5121. of the Revised Code, or for 114915

their other needs. 114916

Whenever any patient confined in any state institution 114917  
subject to the jurisdiction of the department dies, escapes, or 114918  
is discharged from such institution, and any personal funds of 114919  
such person remain in the hands of the managing officer thereof 114920  
and no demand for such funds is made upon such managing officer 114921  
by the owner of the funds or the owner's legally appointed 114922  
representative, the managing officer shall hold the funds in the 114923  
personal deposit fund for a period of at least one year during 114924  
which time the managing officer shall make every effort possible 114925  
to locate the owner or the owner's legally appointed 114926  
representative. 114927

If at the end of this period no demand has been made for 114928  
the funds, the managing officer shall dispose of the funds as 114929  
follows: 114930

(A) All money in a personal deposit fund in excess of ten 114931  
dollars due for the support of a patient shall be paid in 114932  
accordance with the provisions of Chapter 5121. of the Revised 114933  
Code. 114934

(B) All money in a personal deposit fund in excess of ten 114935  
dollars not due for the support of a patient shall be placed to 114936  
the credit of the institution's local account designated as the 114937  
"industrial and entertainment" fund. 114938

(C) The first ten dollars to the credit of a patient shall 114939  
be placed to the credit of the institution's local account 114940  
designated as the "industrial and entertainment" fund. 114941

Whenever any patient in any state institution subject to 114942  
the jurisdiction of the department dies, escapes, or is 114943  
discharged from such institution, and any personal effects of 114944

such person remain in the hands of the managing officer thereof, 114945  
and no demand is made upon such managing officer by the owner of 114946  
the property or the owner's legally appointed representative, 114947  
the managing officer shall hold and dispose of such property in 114948  
the following manner. 114949

All the miscellaneous personal effects shall be held for a 114950  
period of at least one year, during which time the managing 114951  
officer shall make every effort possible to locate the owner or 114952  
the owner's legal representative. If at the end of this period, 114953  
no demand has been made by the owner of the property or the 114954  
owner's legal representative, the managing officer shall file 114955  
with the county recorder of the county of commitment of such 114956  
owner, all deeds, wills, contract mortgages, or assignments. The 114957  
balance of the personal effects shall be sold at public auction 114958  
after being duly advertised, and the funds turned over to the 114959  
treasurer of state for credit to the general revenue fund. If 114960  
any of the property is not of a type to be filed with the county 114961  
recorder and is not salable at public auction, then the managing 114962  
officer of the institution shall destroy such property. 114963

**Sec. 5119.60.** The department of ~~mental-behavioral~~ health 114964  
~~and addiction services~~ shall submit an annual report to the 114965  
governor that shall describe the services the department offers 114966  
and how appropriated funds have been spent. The report shall 114967  
include all of the following: 114968

(A) The utilization of state hospitals by each alcohol, 114969  
drug addiction, and mental health service district; 114970

(B) The number of persons served by community addiction 114971  
services providers that receive funds distributed by the 114972  
department, with a breakdown into categories including age, sex, 114973  
race, the type of drug to which the person is addicted, and any 114974

other categories the director of ~~mental-behavioral~~ health and- 114975  
~~addiction services~~ considers significant; 114976

(C) The number of persons with severe mental disabilities 114977  
served in each district; 114978

(D) The number and types of addiction services, mental 114979  
health services, and recovery supports provided to persons with 114980  
severe mental disabilities through state-operated services, 114981  
community addiction services providers, and community mental 114982  
health services providers; 114983

(E) A report measuring the success of community addiction 114984  
services providers, based on the measures for accountability 114985  
developed by the department, including the percentage of persons 114986  
served by such community addiction services providers who have 114987  
not relapsed; 114988

(F) Any other information that the director considers 114989  
significant or is requested by the governor. 114990

**Sec. 5119.61.** (A) The department of ~~mental-behavioral~~ 114991  
health and ~~addiction services~~ shall collect and compile 114992  
statistics and other information on the care and treatment of 114993  
persons with mental disabilities, and the care, treatment, and 114994  
rehabilitation of persons with alcohol use disorder, persons 114995  
with drug dependencies, persons in danger of drug dependence, 114996  
and persons with or in danger of developing a gambling addiction 114997  
in this state. The information shall include, without 114998  
limitation, information on the number of such persons, the type 114999  
of drug involved, if any, the type of care, treatment, or 115000  
rehabilitation prescribed or undertaken, and the success or 115001  
failure of the care, treatment, or rehabilitation. The 115002  
department shall collect information about addiction services, 115003

mental health services, and recovery supports delivered and 115004  
persons served as required for reporting and evaluation relating 115005  
to state and federal funds expended for such purposes. 115006

(B) No community addiction services provider or community 115007  
mental health services provider shall fail to supply statistics 115008  
and other information within its knowledge and with respect to 115009  
its addiction services, mental health services, and recovery 115010  
supports upon request of the department. 115011

(C) Communications by a person seeking aid in good faith 115012  
for alcohol use disorder or drug dependence are confidential, 115013  
and this section does not require the collection or permit the 115014  
disclosure of information which reveals or comprises the 115015  
identity of any person seeking aid. 115016

(D) Based on the information collected and compiled under 115017  
division (A) of this section, the department shall develop a 115018  
project to assess the outcomes of persons served by community 115019  
addiction services providers and community mental health 115020  
services providers that receive funds distributed by the 115021  
department. 115022

(E) The director of ~~mental-behavioral health and addiction~~ 115023  
~~services~~ may fine a community addiction services provider or 115024  
community mental health services provider for violating division 115025  
(B) of this section. In determining whether to impose a fine, 115026  
the director shall consider whether the provider has engaged in 115027  
a pattern of noncompliance. If a fine is imposed, it shall be 115028  
one thousand dollars for a first failure to comply with division 115029  
(B) of this section and two thousand dollars for each subsequent 115030  
failure. The director's actions in imposing a fine shall be 115031  
taken in accordance with Chapter 119. of the Revised Code. 115032

All fines collected under this division shall be deposited 115033  
in the state treasury to the credit of the department's 115034  
statewide treatment and prevention fund created by section 115035  
4301.30 of the Revised Code. 115036

**Sec. 5119.71.** Pursuant to Article X of the compact set 115037  
forth in section 5119.70 of the Revised Code, the director of 115038  
~~mental-behavioral health and addiction services~~ and the director 115039  
of developmental disabilities each shall designate an officer 115040  
who shall be the compact administrator for the department and 115041  
who, acting jointly with like officers of other party states, 115042  
shall adopt rules to carry out more effectively the terms of the 115043  
compact. The compact administrators of each department shall 115044  
serve subject to the pleasure of the governor and shall 115045  
cooperate with all departments, agencies, and officers of and in 115046  
the government of this state and its subdivisions in 115047  
facilitating the proper administration of the compact or of any 115048  
supplementary agreements entered into by this state thereunder. 115049

**Sec. 5119.82.** There is hereby established a 9-8-8 115050  
administrator within the department of ~~mental-behavioral health~~ 115051  
~~and addiction services~~ to oversee the administration of the 9-8- 115052  
8 suicide prevention and mental health crisis hotline system 115053  
statewide. 115054

**Sec. 5119.85.** (A) As used in this section, "telephone 115055  
company" has the same meaning as in section 128.01 of the 115056  
Revised Code. 115057

(B) Except for willful or wanton misconduct, a telephone 115058  
company, a provider of interconnected voice over internet 115059  
protocol service, and any other installer, maintainer, or 115060  
provider, through the sale or otherwise, of customer premises 115061  
equipment, or service used for or with the 9-8-8 hotline, and 115062

their respective officers, directors, employees, agents, 115063  
suppliers, corporate parents, and affiliates are not liable in 115064  
damages in a civil action for injuries, death or loss to persons 115065  
or property incurred by any person resulting from such an 115066  
entity's or its officers', directors', employees', agents', or 115067  
suppliers' participation in or acts or omissions in connection 115068  
with participating in or developing, maintaining, or operating 115069  
the 9-8-8 hotline. 115070

**Sec. 5119.89.** The director of ~~mental-behavioral health and~~ 115071  
~~addiction services~~ shall consult with the superintendent of 115072  
insurance as required by section 3901.90 of the Revised Code to 115073  
develop consumer and payer education on ~~mental-behavioral health~~ 115074  
~~and addiction services~~ insurance parity and establish and 115075  
promote a consumer hotline to collect information and help 115076  
consumers understand and access their insurance benefits. 115077

The department of ~~mental-behavioral health and addiction~~ 115078  
~~services~~ and the department of insurance shall jointly report 115079  
annually on the departments' efforts, which shall include 115080  
information on consumer and payer outreach activities and 115081  
identification of trends and barriers to access and coverage in 115082  
this state. The departments shall submit the report to the 115083  
general assembly, the joint medicaid oversight committee, and 115084  
the governor, not later than the thirtieth day of January of 115085  
each year. 115086

**Sec. 5119.90.** As used in sections 5119.90 to 5119.98 of 115087  
the Revised Code: 115088

(A) "Alcohol and other drug abuse" means alcohol use 115089  
disorder or drug addiction. 115090

(B) "Another drug" means a controlled substance as defined 115091

in section 3719.01 of the Revised Code or a harmful intoxicant 115092  
as defined in section 2925.01 of the Revised Code. 115093

(C) "Board of alcohol, drug addiction, and mental health 115094  
services" means a board of alcohol, drug addiction, and mental 115095  
health services established under section 340.02 or 340.021 of 115096  
the Revised Code. 115097

(D) "Danger" or "threat of danger to self, family, or 115098  
others" means substantial physical harm or threat of substantial 115099  
physical harm upon self, family, or others. 115100

(E) "Hospital" has the same meaning as in section 3701.01 115101  
or 3727.01 of the Revised Code but does not include either a 115102  
hospital operated by the department of ~~mental-behavioral~~ health 115103  
~~and addiction services~~ or an inpatient unit licensed by the 115104  
department. 115105

(F) "Intoxicated" means being under the influence of 115106  
alcohol, another drug, or both alcohol and another drug and, as 115107  
a result, having a significantly impaired ability to function. 115108

(G) "Petitioner" means a person who institutes a 115109  
proceeding under sections 5119.91 to 5119.98 of the Revised 115110  
Code. 115111

(H) "Probate court" means the probate division of the 115112  
court of common pleas. 115113

(I) "Qualified health professional" means a person that is 115114  
properly credentialed or licensed to conduct a drug and alcohol 115115  
assessment and diagnosis under Ohio law. 115116

(J) "Residence" means the legal residence of a person as 115117  
determined by applicable principles governing conflicts of law. 115118

(K) "Respondent" means a person alleged in a petition 115119



filed or hearing under sections 5119.91 to 5119.98 of the 115120  
Revised Code to be a person who is experiencing alcohol and 115121  
other drug abuse and who may be ordered under those sections to 115122  
undergo treatment. 115123

(L) "Treatment" means services and programs for the care 115124  
and rehabilitation of intoxicated persons and persons 115125  
experiencing alcohol and other drug abuse. "Treatment" includes 115126  
residential treatment, a halfway house setting, and an intensive 115127  
outpatient or outpatient level of care. 115128

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the 115129  
Revised Code is guilty of a misdemeanor of the first degree. 115130

(B) Whoever violates section 5119.27 or 5119.28, division 115131  
~~(P)~~(O) of section 5119.36, or division (A)(1) or (2) of section 115132  
5119.37 of the Revised Code is guilty of a felony of the fifth 115133  
degree. 115134

**Sec. 5120.16.** (A) Persons sentenced to any institution, 115135  
division, or place under the control of the department of 115136  
rehabilitation and correction are committed to the control, 115137  
care, and custody of the department. Subject to division ~~(B)~~(C) 115138  
of this section, the director of rehabilitation and correction 115139  
or the director's designee may direct that persons sentenced to 115140  
the department, or to any institution or place within the 115141  
department, shall be conveyed by the sheriff initially to an 115142  
appropriate facility established and maintained by the 115143  
department, or committed electronically in accordance with 115144  
division (B) of this section, for reception, examination, 115145  
observation, and classification of the persons so sentenced. 115146  
Prior to removal of an individual on an out of jurisdiction 115147  
detainer, the sheriff shall convey the sentenced person to the 115148  
department of rehabilitation and correction or electronically 115149

commit the sentenced person in accordance with division (B) of 115150  
this section. 115151

If a presentence investigation report was not prepared 115152  
pursuant to section 2947.06 or 2951.03 of the Revised Code or 115153  
Criminal Rule 32.2 regarding any person sentenced to the 115154  
department or to any institution or place within the department, 115155  
the director or the director's designee may order the 115156  
department's field staff to conduct an offender background 115157  
investigation and prepare an offender background investigation 115158  
report regarding the person. The investigation and report shall 115159  
be conducted in accordance with division (A) of section 2951.03 115160  
of the Revised Code and the report shall contain the same 115161  
information as a presentence investigation report prepared 115162  
pursuant to that section. 115163

When the examination, observation, and classification of 115164  
the person have been completed by the facility and a written 115165  
report of the examination, observation, and classification is 115166  
filed with the commitment papers, the director or the director's 115167  
designee, subject to division (B) of this section, shall assign 115168  
the person to a suitable state institution or place maintained 115169  
by the state within the director's department or shall designate 115170  
that the person is to be housed in a county, multicounty, 115171  
municipal, municipal-county, or multicounty-municipal jail or 115172  
workhouse, if authorized by section 5120.161 of the Revised 115173  
Code, there to be confined, cared for, treated, trained, and 115174  
rehabilitated until paroled, released in accordance with section 115175  
2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or 115176  
otherwise released under the order of the court that imposed the 115177  
person's sentence. No person committed by a probate court, a 115178  
trial court pursuant to section 2945.40, 2945.401, or 2945.402 115179  
of the Revised Code subsequent to a finding of not guilty by 115180

reason of insanity, or a juvenile court shall be assigned to a 115181  
state correctional institution. 115182

If a person is sentenced, committed, or assigned for the 115183  
commission of a felony to any one of the institutions or places 115184  
maintained by the department or to a county, multicounty, 115185  
municipal, municipal-county, or multicounty-municipal jail or 115186  
workhouse, the department, by order duly recorded and subject to 115187  
division (B) of this section, may transfer the person to any 115188  
other institution, or, if authorized by section 5120.161 of the 115189  
Revised Code, to a county, multicounty, municipal, municipal- 115190  
county, or multicounty-municipal jail or workhouse. 115191

(B) An agreement may be entered into between a court of 115192  
common pleas and the department of rehabilitation and correction 115193  
under which persons may be electronically committed to the 115194  
department of rehabilitation and correction. 115195

(C) If the case of a child who is alleged to be a 115196  
delinquent child is transferred for criminal prosecution to the 115197  
appropriate court having jurisdiction of the offense pursuant to 115198  
section 2152.12 of the Revised Code, if the child is convicted 115199  
of or pleads guilty to a felony in that case, if the child is 115200  
sentenced to a prison term, as defined in section 2901.01 of the 115201  
Revised Code, and if the child is under eighteen years of age 115202  
when delivered to the custody of the department of 115203  
rehabilitation and correction, all of the following apply 115204  
regarding the housing of the child: 115205

(1) Until the child attains eighteen years of age, subject 115206  
to divisions ~~(B)~~ ~~(2)~~ (C) (2), (3), and (4) of this section, the 115207  
department shall house the child in a housing unit in a state 115208  
correctional institution separate from inmates who are eighteen 115209  
years of age or older. 115210

(2) The department is not required to house the child in 115211  
the manner described in division ~~(B) (1)~~ (C) (1) of this section if 115212  
the child does not observe the rules and regulations of the 115213  
institution or the child otherwise creates a security risk by 115214  
being housed separately. 115215

(3) If the department receives too few inmates who are 115216  
under eighteen years of age to fill a housing unit in a state 115217  
correctional institution separate from inmates who are eighteen 115218  
years of age or older, as described in division ~~(B) (1)~~ (C) (1) of 115219  
this section, the department may house the child in a housing 115220  
unit in a state correctional institution that includes both 115221  
inmates who are under eighteen years of age and inmates who are 115222  
eighteen years of age or older and under twenty-one years of 115223  
age. 115224

(4) Upon the child's attainment of eighteen years of age, 115225  
the department may house the child with the adult population of 115226  
the state correctional institution. 115227

~~(C)~~ (D) The director or the director's designee shall 115228  
develop a policy for dealing with problems related to infection 115229  
with the human immunodeficiency virus. The policy shall include 115230  
methods of identifying individuals committed to the custody of 115231  
the department who are at high risk of infection with the virus 115232  
and counseling those individuals. 115233

Arrangements for housing individuals diagnosed as having 115234  
AIDS or an AIDS-related condition shall be made by the 115235  
department based on security and medical considerations and in 115236  
accordance with division ~~(B)~~ (C) of this section, if applicable. 115237

**Sec. 5120.85.** (A) As used in this section: 115238

(1) "Correction officer" means a correction officer, 115239

corporal, sergeant, lieutenant, or captain, and the equivalents 115240  
of all such persons, at an institution under the control of the 115241  
department of rehabilitation and correction. 115242

(2) "Killed in the line of duty" has the same meaning as 115243  
in section 742.63 of the Revised Code. 115244

(B) (1) The director of rehabilitation and correction shall 115245  
notify the director of administrative services when a correction 115246  
officer is killed in the line of duty. On receiving the notice, 115247  
the director of administrative services shall enroll the 115248  
surviving spouse of the deceased correction officer in any 115249  
health, medical, hospital, dental, surgical, or vision benefit 115250  
the department of administrative services contracts for under 115251  
section 124.82 of the Revised Code or otherwise provides for the 115252  
benefit of state employees who are paid directly by warrant of 115253  
the director of budget and management. Receiving benefits under 115254  
this section does not make the surviving spouse a state 115255  
employee. 115256

(2) A surviving spouse is ineligible to participate in a 115257  
health, medical, hospital, dental, surgical, or vision benefit 115258  
under division (B) (1) of this section if the spouse is either of 115259  
the following: 115260

(a) An employee paid directly by warrant of the director 115261  
of budget and management who is eligible to participate in those 115262  
benefits pursuant to section 124.82 of the Revised Code; 115263

(b) Eligible to enroll in the medicare program established 115264  
by Title XVIII of the "Social Security Act," 42 U.S.C. 1395c. 115265

(C) The department of rehabilitation and correction shall 115266  
pay the department of administrative services for the total cost 115267  
of a surviving spouse's health, medical, hospital, dental, 115268

surgical, or vision benefit under division (B) (1) of this 115269  
section, plus any applicable administrative costs. 115270

(D) A surviving spouse who is receiving a health, medical, 115271  
hospital, dental, surgical, or vision benefit under division (B) 115272  
(1) of this section shall apply to the director of 115273  
administrative services to participate in any health, medical, 115274  
hospital, dental, surgical, or vision benefit available under 115275  
section 124.824 of the Revised Code as soon as practicable after 115276  
the spouse's application for a death benefit paid under section 115277  
742.63 of the Revised Code is approved by the board of trustees 115278  
of the Ohio police and fire pension fund. 115279

**Sec. 5121.30.** As used in sections 5121.30 to 5121.56 of 115280  
the Revised Code: 115281

(A) "Countable assets" means all of the following: 115282

- (1) Cash; 115283
- (2) Bank deposits; 115284
- (3) Securities; 115285
- (4) Individual retirement accounts; 115286
- (5) Qualified employer plans, including 401(k) and Keogh 115287  
plans; 115288
- (6) Annuities; 115289
- (7) Funds in a trust created under section 5815.28 of the 115290  
Revised Code; 115291
- (8) Investment property and income; 115292
- (9) The cash surrender values of life insurance policies; 115293
- (10) Assets acquired by gift, bequest, devise, or 115294

inheritance; 115295

(11) Any other asset determined by the department of 115296  
mental health and addiction services to be equivalent to the 115297  
assets enumerated in this division. 115298

(B) "Federal poverty level" or "FPL" means the income 115299  
level represented by the poverty guidelines as revised annually 115300  
by the United States department of health and human services in 115301  
accordance with section 673(2) of the "Omnibus Reconciliation 115302  
Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a 115303  
family size equal to the size of the family of the person whose 115304  
income is being determined. 115305

(C) "Federal poverty guidelines" means the poverty 115306  
guidelines as revised annually by the United States department 115307  
of health and human services in accordance with section 673(2) 115308  
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 115309  
511, 42 U.S.C. 9902, as amended, for a family size equal to the 115310  
size of the family of the person whose income is being 115311  
determined. 115312

(D) "Hospital" means an institution, hospital, or other 115313  
place established, controlled, or supervised by the department 115314  
of mental health and addiction services under Chapter 5119. of 115315  
the Revised Code, except when otherwise described only as a 115316  
hospital operated by the department. 115317

(E) "Liable relative" means all of the following: 115318

(1) A patient's spouse; 115319

(2) A patient's mother or father, or both, if the patient 115320  
is under eighteen years of age; 115321

(3) A patient's guardian. 115322

(F) "Patient" means a person admitted to a hospital for inpatient care or treatment, including a person transferred to a hospital from a state correctional institution or a person under indictment or conviction who has been transferred to a hospital.

**Sec. 5121.32.** On an annual basis, the department of mental health and addiction services shall determine both of the following using generally accepted governmental accounting principles:

(A) The ~~applicable~~ per diem charge for each hospital operated by the department;

(B) The ancillary per diem rate for each hospital operated by the department.

In determining a hospital's ~~applicable~~ per diem charge and ancillary per diem rate, the department shall consider the average actual per diem cost of maintaining and treating a patient at the hospital or, at the department's discretion, the average actual per diem cost of maintaining and treating a patient in a unit of the hospital.

**Sec. 5121.33.** (A) Except as provided in sections 5121.35, 5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code, the department of mental health and addiction services shall, for each billing cycle, charge a patient, patient's estate, or liable relative ~~an amount equal to the sum of the following:~~

~~(A) The applicable per diem charge multiplied the amount calculated under division (B) of this section for care and treatment the patient receives in a hospital operated by the department.~~

(B) The amount to be charged under division (A) of this



section shall be calculated by multiplying the hospital's per 115352  
diem charge or ancillary per diem rate determined under section 115353  
5121.32 of the Revised Code, whichever the department determines 115354  
applies, by the number of days the patient was admitted to the 115355  
hospital. 115356

~~(B) An amount that was previously billed but not paid~~ 115357  
during the period that is covered by the billing cycle. 115358

**Sec. 5121.34.** (A) A patient, patient's estate, and 115359  
patient's liable relatives shall be jointly and severally liable 115360  
for amounts charged by the department of mental health and 115361  
addiction services in accordance with section 5121.33 or 5121.35 115362  
of the Revised Code. In no case shall any of the foregoing 115363  
persons be liable for more than one hundred per cent of the full 115364  
~~sum~~ amount charged under section 5121.33 of the Revised Code. 115365

(B) Collections of support payments shall be made by the 115366  
department and, subject to meeting prior requirements for 115367  
payment and crediting of such collections and other available 115368  
receipts, in accordance with the bond proceedings applicable to 115369  
obligations issued pursuant to section 154.20 of the Revised 115370  
Code. The collections and other available receipts designated by 115371  
the director of mental health and addiction services for deposit 115372  
in the special accounts, together with insurance contract 115373  
payments provided for in section 5121.43 of the Revised Code, 115374  
shall be remitted to the treasurer of state for deposit in the 115375  
state treasury to the credit of the mental health operating 115376  
fund, which is hereby created, to be used for the general 115377  
purposes of the department. The department shall make refunds of 115378  
overpayment of support charges from the mental health operating 115379  
fund. 115380

**Sec. 5121.41.** (A) If the assets of a patient, patient's 115381

estate, or liable relative do not exceed the countable asset 115382  
limit in section 5121.40 of the Revised Code and the annual 115383  
income of the patient, estate, or relative does not exceed four 115384  
hundred per cent of the federal poverty level, the patient, 115385  
estate, or relative shall be charged an amount discounted from 115386  
the amount the department charges under section 5121.33 of the 115387  
Revised Code for the first thirty days the patient is admitted 115388  
as an inpatient in a hospital and for which the patient is 115389  
liable for the cost of care. The amount of the discount shall be 115390  
computed according to the following schedule: 115391

Annual Gross Income 115392

Expressed as a Percentage of FPL 115393

115394

	1	2	3	4	5	6	7
A Inpatient Days at	0 -	176 -	200 -	250 -	300 -	350 -	
a Hospital	175	199	249	299	349	400	

Percentage discount from charged amount 115395

115396

	1	2	3	4	5	6	7
A 1 - 14	100	90	70	50	30	10	
B 15 - 30	100	95	75	55	35	15	

(B) A patient, estate, or relative who is charged a 115397  
discounted amount for the first thirty days the patient is 115398  
admitted as an inpatient and who has an annual income not 115399  
greater than one hundred seventy-five per cent of the federal 115400  
poverty level shall not be charged for the days the patient is 115401  
admitted beyond the thirtieth day. 115402

(C) A patient, estate, or relative who is charged a 115403  
discounted amount for the first thirty days the patient is 115404  
admitted as an inpatient and who has an annual income greater 115405  
than one hundred seventy-five per cent of the federal poverty 115406  
level shall be charged an amount equal to the sum of the 115407  
following for the days the patient is admitted beyond the 115408  
thirtieth day: 115409

(1) The ancillary per diem rate that applies to the 115410  
hospital, as determined under section 5121.32 of the Revised 115411  
Code, multiplied by the number of days the patient was admitted 115412  
to the hospital; 115413

(2) An amount that was previously charged but not paid. 115414

**Sec. 5121.43.** (A) If a patient is covered by an insurance 115415  
policy or other contract that provides for payment of expenses 115416  
for care and treatment for mental illness at or from a hospital 115417  
under the jurisdiction of operated by the department of mental 115418  
health and addiction services, sections 5121.33 to 5121.55 of 115419  
the Revised Code are inapplicable to the extent that the policy 115420  
or contract is in force. Any insurance carrier or other third 115421  
party payor providing coverage for such care and treatment shall 115422  
pay for the patient's support obligation in amounts equal to the 115423  
lesser of amounts charged by the department under section 115424  
5121.33 of the Revised Code or the benefits provided under the 115425  
policy or other contract. Whether or not an insured, owner of, 115426  
or other person having an interest in such policy or other 115427  
contract is liable for support payments, the all of the 115428  
following apply with respect to the amount owed to the 115429  
department for such care and treatment: 115430

(1) The insured, policy owner, or other person having an 115431  
interest in the policy or other contract shall assign payment 115432

directly to the department of all assignable benefits under the 115433  
policy or other contract and shall pay to the department, within 115434  
ten days of receipt, all insurance or other benefits received as 115435  
reimbursement or payment for expenses incurred by the patient or 115436  
for any other reason. ~~If the insured, policy owner, or other~~ 115437  
~~person refuses to assign payment to the department or refuses to~~ 115438  
~~pay received reimbursements or payments to the department within~~ 115439  
~~ten days of receipt, the total liability of the insured, policy~~ 115440  
~~owner, or other person for the services is an amount equal to~~ 115441  
~~the per diem charge for the hospital where the patient was~~ 115442  
~~admitted multiplied by the number of days the patient was~~ 115443  
~~admitted.~~ 115444

(2) (a) Regardless of the coverage provided by the policy 115445  
or other contract, the patient, patient's estate, or patient's 115446  
liable relative is liable to the department for the actual cost 115447  
of care and treatment calculated under section 5121.33 of the 115448  
Revised Code. 115449

(b) If the amount the department receives through the 115450  
assignment of benefits, as required by division (A) (1) of this 115451  
section, is less than the actual cost of care and treatment that 115452  
is calculated under section 5121.33 of the Revised Code, the 115453  
department shall charge the patient, patient's estate, or liable 115454  
relative the lesser of the following: 115455

(i) The amount calculated under section 5121.33 of the 115456  
Revised Code that remains after subtracting the amount the 115457  
department receives through the assignment of benefits; 115458

(ii) The amount calculated under section 5121.33 of the 115459  
Revised Code that applies after the department takes into 115460  
consideration the exceptions described in sections 5121.35, 115461  
5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code. 115462

(3) In no event shall ~~this total~~ a patient, patient's 115463  
estate, or liable relative have liability ~~exceed~~ under this 115464  
section for an amount that exceeds either, as the case may be, 115465  
the department's actual cost of providing care and treatment to 115466  
a patient calculated under section 5121.33 of the Revised Code 115467  
or the amount that is charged under division (A) (2) (b) of this 115468  
section. 115469

(B) With respect to the requirements of division (A) (1) of 115470  
this section, both of the following apply: 115471

(1) The department may disqualify patients and liable 115472  
relatives who have failed to assign benefits in accordance with 115473  
division (A) (1) of this section, and retained third party funds, 115474  
from future discounts that otherwise may have been available. 115475

(2) The department may request that the attorney general 115476  
petition a court of competent jurisdiction to compel ~~the~~ an 115477  
insured, policy owner ~~of~~, or other person having an interest in 115478  
the policy or other contract to comply with the assignment 115479  
requirements ~~in~~ of division (A) (1) of this section. 115480

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 115481  
the Revised Code: 115482

(A) "Mental illness" means a substantial disorder of 115483  
thought, mood, perception, orientation, or memory that grossly 115484  
impairs judgment, behavior, capacity to recognize reality, or 115485  
ability to meet the ordinary demands of life. 115486

(B) "Person with a mental illness subject to court order" 115487  
means a person with a mental illness who, because of the 115488  
person's illness: 115489

(1) Represents a substantial risk of physical harm to self 115490  
as manifested by evidence of threats of, or attempts at, suicide 115491

or serious self-inflicted bodily harm; 115492

(2) Represents a substantial risk of physical harm to 115493  
others as manifested by evidence of recent homicidal or other 115494  
violent behavior, evidence of recent threats that place another 115495  
in reasonable fear of violent behavior and serious physical 115496  
harm, or other evidence of present dangerousness; 115497

(3) Represents a substantial and immediate risk of serious 115498  
physical impairment or injury to self as manifested by evidence 115499  
that the person is unable to provide for and is not providing 115500  
for the person's basic physical needs because of the person's 115501  
mental illness and that appropriate provision for those needs 115502  
cannot be made immediately available in the community; 115503

(4) Would benefit from treatment for the person's mental 115504  
illness and is in need of such treatment as manifested by 115505  
evidence of behavior that creates a grave and imminent risk to 115506  
substantial rights of others or the person; 115507

(5) (a) Would benefit from treatment as manifested by 115508  
evidence of behavior that indicates all of the following: 115509

(i) The person is unlikely to survive safely in the 115510  
community without supervision, based on a clinical 115511  
determination. 115512

(ii) The person has a history of lack of compliance with 115513  
treatment for mental illness and one of the following applies: 115514

(I) At least twice within the thirty-six months prior to 115515  
the filing of an affidavit seeking court-ordered treatment of 115516  
the person under section 5122.111 of the Revised Code, the lack 115517  
of compliance has been a significant factor in necessitating 115518  
hospitalization in a hospital or receipt of services in a 115519  
forensic or other mental health unit of a correctional facility, 115520

provided that the thirty-six-month period shall be extended by 115521  
the length of any hospitalization or incarceration of the person 115522  
that occurred within the thirty-six-month period. 115523

(II) Within the forty-eight months prior to the filing of 115524  
an affidavit seeking court-ordered treatment of the person under 115525  
section 5122.111 of the Revised Code, the lack of compliance 115526  
resulted in one or more acts of serious violent behavior toward 115527  
self or others or threats of, or attempts at, serious physical 115528  
harm to self or others, provided that the forty-eight-month 115529  
period shall be extended by the length of any hospitalization or 115530  
incarceration of the person that occurred within the forty- 115531  
eight-month period. 115532

(iii) The person, as a result of the person's mental 115533  
illness, is unlikely to voluntarily participate in necessary 115534  
treatment. 115535

(iv) In view of the person's treatment history and current 115536  
behavior, the person is in need of treatment in order to prevent 115537  
a relapse or deterioration that would be likely to result in 115538  
substantial risk of serious harm to the person or others. 115539

(b) An individual who meets only the criteria described in 115540  
division (B) (5) (a) of this section is not subject to 115541  
hospitalization. 115542

(C) (1) "Patient" means, subject to division (C) (2) of this 115543  
section, a person who is admitted either voluntarily or 115544  
involuntarily to a hospital or other place under section 115545  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 115546  
subsequent to a finding of not guilty by reason of insanity or 115547  
incompetence to stand trial or under this chapter, who is under 115548  
observation or receiving treatment in such place. 115549

(2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to patient, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association on the basis of formal training and five or more years of medical practice limited to psychiatry.

(F) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental-behavioral health and addiction services~~ under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(G) "Public hospital" means a facility that is tax-supported and under the jurisdiction of the department of ~~mental-behavioral health and addiction services~~.



(H) "Community mental health services provider" means an 115579  
agency, association, corporation, individual, or program that 115580  
provides community mental health services that are certified by 115581  
the director of ~~mental-behavioral health and addiction services~~ 115582  
under section 5119.36 of the Revised Code. 115583

(I) "Licensed clinical psychologist" means a person who 115584  
holds a current, valid psychologist license issued under section 115585  
4732.12 of the Revised Code, and in addition, meets the 115586  
educational requirements set forth in division (B) of section 115587  
4732.10 of the Revised Code and has a minimum of two years' 115588  
full-time professional experience, or the equivalent as 115589  
determined by rule of the state board of psychology, at least 115590  
one year of which shall be a predoctoral internship, in clinical 115591  
psychological work in a public or private hospital or clinic or 115592  
in private practice, diagnosing and treating problems of mental 115593  
illness or intellectual disability under the supervision of a 115594  
psychologist who is licensed or who holds a diploma issued by 115595  
the American board of professional psychology, or whose 115596  
qualifications are substantially similar to those required for 115597  
licensure by the state board of psychology when the supervision 115598  
has occurred prior to enactment of laws governing the practice 115599  
of psychology. 115600

(J) "Health officer" means any public health physician; 115601  
public health nurse; or other person authorized or designated by 115602  
a city or general health district or a board of alcohol, drug 115603  
addiction, and mental health services to perform the duties of a 115604  
health officer under this chapter. 115605

(K) "Chief clinical officer" means the medical director of 115606  
a hospital, community mental health services provider, or board 115607  
of alcohol, drug addiction, and mental health services, or, if 115608

there is no medical director, the licensed physician responsible 115609  
for the treatment provided by a hospital or community mental 115610  
health services provider. The chief clinical officer may 115611  
delegate to the attending physician responsible for a patient's 115612  
care the duties imposed on the chief clinical officer by this 115613  
chapter. In the case of a community mental health services 115614  
provider, the chief clinical officer shall be designated by the 115615  
governing body of the services provider and shall be a licensed 115616  
physician or licensed clinical psychologist who supervises 115617  
diagnostic and treatment services. A licensed physician or 115618  
licensed clinical psychologist designated by the chief clinical 115619  
officer may perform the duties and accept the responsibilities 115620  
of the chief clinical officer in the chief clinical officer's 115621  
absence. 115622

(L) "Working day" or "court day" means Monday, Tuesday, 115623  
Wednesday, Thursday, and Friday, except when such day is a 115624  
holiday. 115625

(M) "Indigent" means unable without deprivation of 115626  
satisfaction of basic needs to provide for the payment of an 115627  
attorney and other necessary expenses of legal representation, 115628  
including expert testimony. 115629

(N) "Respondent" means the person whose detention, 115630  
commitment, hospitalization, continued hospitalization or 115631  
commitment, or discharge is being sought in any proceeding under 115632  
this chapter. 115633

(O) "Ohio protection and advocacy system" has the same 115634  
meaning as in section 5123.60 of the Revised Code. 115635

(P) "Independent expert evaluation" means an evaluation 115636  
conducted by a licensed clinical psychologist, psychiatrist, or 115637

licensed physician who has been selected by the respondent or 115638  
the respondent's counsel and who consents to conducting the 115639  
evaluation. 115640

(Q) "Court" means the probate division of the court of 115641  
common pleas. 115642

(R) "Expunge" means: 115643

(1) The removal and destruction of court files and 115644  
records, originals and copies, and the deletion of all index 115645  
references; 115646

(2) The reporting to the person of the nature and extent 115647  
of any information about the person transmitted to any other 115648  
person by the court; 115649

(3) Otherwise insuring that any examination of court files 115650  
and records in question shall show no record whatever with 115651  
respect to the person; 115652

(4) That all rights and privileges are restored, and that 115653  
the person, the court, and any other person may properly reply 115654  
that no such record exists, as to any matter expunged. 115655

(S) "Residence" means a person's physical presence in a 115656  
county with intent to remain there, except that: 115657

(1) If a person is receiving a mental health service at a 115658  
facility that includes nighttime sleeping accommodations, 115659  
residence means that county in which the person maintained the 115660  
person's primary place of residence at the time the person 115661  
entered the facility; 115662

(2) If a person is committed pursuant to section 2945.38, 115663  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 115664  
residence means the county where the criminal charges were 115665

filed. 115666

When the residence of a person is disputed, the matter of 115667  
residence shall be referred to the department of ~~mental~~ 115668  
~~behavioral health and addiction services~~ for investigation and 115669  
determination. Residence shall not be a basis for a board of 115670  
alcohol, drug addiction, and mental health services to deny 115671  
services to any person present in the board's service district, 115672  
and the board shall provide services for a person whose 115673  
residence is in dispute while residence is being determined and 115674  
for a person in an emergency situation. 115675

(T) "Admission" to a hospital or other place means that a 115676  
patient is accepted for and stays at least one night at the 115677  
hospital or other place. 115678

(U) "Prosecutor" means the prosecuting attorney, village 115679  
solicitor, city director of law, or similar chief legal officer 115680  
who prosecuted a criminal case in which a person was found not 115681  
guilty by reason of insanity, who would have had the authority 115682  
to prosecute a criminal case against a person if the person had 115683  
not been found incompetent to stand trial, or who prosecuted a 115684  
case in which a person was found guilty. 115685

(V) (1) "Treatment plan" means a written statement of 115686  
reasonable objectives and goals for an individual established by 115687  
the treatment team, with specific criteria to evaluate progress 115688  
towards achieving those objectives. 115689

(2) The active participation of the patient in 115690  
establishing the objectives and goals shall be documented. The 115691  
treatment plan shall be based on patient needs and include 115692  
services to be provided to the patient while the patient is 115693  
hospitalized, after the patient is discharged, or in an 115694

outpatient setting. The treatment plan shall address services to 115695  
be provided. In the establishment of the treatment plan, 115696  
consideration should be given to the availability of services, 115697  
which may include but are not limited to all of the following: 115698

(a) Community psychiatric supportive treatment; 115699

(b) Assertive community treatment; 115700

(c) Medications; 115701

(d) Individual or group therapy; 115702

(e) Peer support services; 115703

(f) Financial services; 115704

(g) Housing or supervised living services; 115705

(h) Alcohol or substance abuse treatment; 115706

(i) Any other services prescribed to treat the patient's 115707  
mental illness and to either assist the patient in living and 115708  
functioning in the community or to help prevent a relapse or a 115709  
deterioration of the patient's current condition. 115710

(3) If the person subject to the treatment plan has 115711  
executed an advance directive for mental health treatment, the 115712  
treatment team shall consider any directions included in such 115713  
advance directive in developing the treatment plan. 115714

(W) "Community control sanction" has the same meaning as 115715  
in section 2929.01 of the Revised Code. 115716

(X) "Post-release control sanction" has the same meaning 115717  
as in section 2967.01 of the Revised Code. 115718

(Y) "Local correctional facility" has the same meaning as 115719  
in section 2903.13 of the Revised Code. 115720

(Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code. 115721  
115722  
115723

**Sec. 5122.03.** A patient admitted under section 5122.02 of the Revised Code who requests release in writing, or whose release is requested in writing by the patient's counsel, legal guardian, parent, spouse, or adult next of kin shall be released forthwith, except when any of the following is the case: 115724  
115725  
115726  
115727  
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(A) The patient was admitted on the patient's own application and the request for release is made by a person other than the patient, release may be conditional upon the agreement of the patient. 115729  
115730  
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(B) The patient was, within the past twelve months, a defendant described in division (B) (1) (a) (v) (I) of section 2945.38 of the Revised Code and the chief clinical officer of the hospital decides not to file or cause to be filed an affidavit under section 5122.11 of the Revised Code as described in division (C) of this section. In that circumstance, the chief clinical officer shall immediately notify the trial court or prosecutor described in division (B) (1) (a) (v) (I) of section 2945.38 of the Revised Code of the chief clinical officer's decision and intent to release the patient. Not later than three court days after being notified of the intent to release, the trial court or prosecutor may file or cause to be filed with the court of the county where the patient is hospitalized, or the court of the county where the patient resides, an affidavit under section 5122.11 of the Revised Code. If such an affidavit is filed, the patient's release must be postponed until a hearing under section 5122.141 of the Revised Code is held. 115733  
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(C) The chief clinical officer of the hospital, within 115750

three court days from the receipt of the request for release, 115751  
files or causes to be filed with the court of the county where 115752  
the patient is hospitalized or of the county where the patient 115753  
is a resident, an affidavit under section 5122.11 of the Revised 115754  
Code. Release may be postponed until the hearing held under 115755  
section 5122.141 of the Revised Code. A telephone communication 115756  
within three court days from the receipt of the request for 115757  
release from the chief clinical officer to the court, indicating 115758  
that the required affidavit has been mailed, is sufficient 115759  
compliance with the time limit for filing such affidavit. 115760

Unless the patient is released within three days from the 115761  
receipt of the request by the chief clinical officer, the 115762  
request shall serve as a request for an initial hearing under 115763  
section 5122.141 of the Revised Code. If the court finds that 115764  
the patient is a person with a mental illness subject to court 115765  
order, all provisions of this chapter with respect to 115766  
involuntary hospitalization apply to such person. 115767

Judicial proceedings for hospitalization shall not be 115768  
commenced with respect to a voluntary patient except pursuant to 115769  
this section. 115770

Sections 5121.30 to 5121.56 of the Revised Code apply to 115771  
persons received in a hospital operated by the department of 115772  
~~mental-behavioral health and addiction services~~ on a voluntary 115773  
application. 115774

The chief clinical officer of the hospital shall provide 115775  
reasonable means and arrangements for informing patients of 115776  
their rights to release as provided in this section and for 115777  
assisting them in making and presenting requests for release or 115778  
for a hearing under section 5122.141 of the Revised Code. 115779

Before a patient is released from a public hospital, the  
chief clinical officer shall, when possible, ~~notify~~ provide  
notice of the patient's pending release to the board of alcohol,  
drug addiction, and mental health services serving the patient's  
county of residence ~~of the patient's pending release after.~~  
Before the notice is given, the chief clinical officer ~~has~~  
~~informed~~ shall inform the patient that the board will be so  
notified.

**Sec. 5122.10.** (A) (1) Any of the following who has reason  
to believe that a person is a person with a mental illness  
subject to court order and represents a substantial risk of  
physical harm to self or others if allowed to remain at liberty  
pending examination may take the person into custody and may  
immediately transport the person to a hospital or,  
notwithstanding section 5119.33 of the Revised Code, to a  
general hospital not licensed by the department of ~~mental~~  
behavioral health and addiction services where the person may be  
held for the period prescribed in this section:

- (a) A psychiatrist;
- (b) A licensed physician;
- (c) A licensed clinical psychologist;
- (d) A clinical nurse specialist who is certified as a  
psychiatric-mental health CNS by the American nurses  
credentialing center;
- (e) A certified nurse practitioner who is certified as a  
psychiatric-mental health NP by the American nurses  
credentialing center;
- (f) A health officer;



(g) A parole officer; 115808

(h) A police officer; 115809

(i) A sheriff. 115810

(2) If the chief of the adult parole authority or a parole 115811  
or probation officer with the approval of the chief of the 115812  
authority has reason to believe that a parolee, an offender 115813  
under a community control sanction or post-release control 115814  
sanction, or an offender under transitional control is a person 115815  
with a mental illness subject to court order and represents a 115816  
substantial risk of physical harm to self or others if allowed 115817  
to remain at liberty pending examination, the chief or officer 115818  
may take the parolee or offender into custody and may 115819  
immediately transport the parolee or offender to a hospital or, 115820  
notwithstanding section 5119.33 of the Revised Code, to a 115821  
general hospital not licensed by the department of ~~mental~~ 115822  
behavioral health ~~and addiction services~~ where the parolee or 115823  
offender may be held for the period prescribed in this section. 115824

(B) A written statement shall be given to the hospital by 115825  
the individual authorized under division (A) (1) or (2) of this 115826  
section to transport the person. The statement shall specify the 115827  
circumstances under which such person was taken into custody and 115828  
the reasons for the belief that the person is a person with a 115829  
mental illness subject to court order and represents a 115830  
substantial risk of physical harm to self or others if allowed 115831  
to remain at liberty pending examination. This statement shall 115832  
be made available to the respondent or the respondent's attorney 115833  
upon request of either. 115834

(C) Every reasonable and appropriate effort shall be made 115835  
to take persons into custody in the least conspicuous manner 115836

possible. A person taking the respondent into custody pursuant 115837  
to this section shall explain to the respondent: the name and 115838  
professional designation and affiliation of the person taking 115839  
the respondent into custody; that the custody-taking is not a 115840  
criminal arrest; and that the person is being taken for 115841  
examination by mental health professionals at a specified mental 115842  
health facility identified by name. 115843

(D) If a person taken into custody under this section is 115844  
transported to a general hospital, the general hospital may 115845  
admit the person, or provide care and treatment for the person, 115846  
or both, notwithstanding section 5119.33 of the Revised Code, 115847  
but by the end of twenty-four hours after arrival at the general 115848  
hospital, the person shall be transferred to a hospital as 115849  
defined in section 5122.01 of the Revised Code. 115850

(E) A person transported or transferred to a hospital or 115851  
community mental health services provider under this section 115852  
shall be examined by the staff of the hospital or services 115853  
provider within twenty-four hours after arrival at the hospital 115854  
or services provider. If to conduct the examination requires 115855  
that the person remain overnight, the hospital or services 115856  
provider shall admit the person in an unclassified status until 115857  
making a disposition under this section. After the examination, 115858  
if the chief clinical officer of the hospital or services 115859  
provider believes that the person is not a person with a mental 115860  
illness subject to court order, the chief clinical officer shall 115861  
release or discharge the person immediately unless a court has 115862  
issued a temporary order of detention applicable to the person 115863  
under section 5122.11 of the Revised Code. After the 115864  
examination, if the chief clinical officer believes that the 115865  
person is a person with a mental illness subject to court order, 115866  
the chief clinical officer may detain the person for not more 115867

than three court days following the day of the examination and 115868  
during such period admit the person as a voluntary patient under 115869  
section 5122.02 of the Revised Code or file an affidavit under 115870  
section 5122.11 of the Revised Code. If neither action is taken 115871  
and a court has not otherwise issued a temporary order of 115872  
detention applicable to the person under section 5122.11 of the 115873  
Revised Code, the chief clinical officer shall discharge the 115874  
person at the end of the three-day period unless the person has 115875  
been sentenced to the department of rehabilitation and 115876  
correction and has not been released from the person's sentence, 115877  
in which case the person shall be returned to that department. 115878

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 115879  
manner consistent with this chapter and with due process of law. 115880  
The hearings shall be conducted by a judge of the probate court 115881  
or a referee designated by a judge of the probate court and may 115882  
be conducted in or out of the county in which the respondent is 115883  
held. Any referee designated under this division shall be an 115884  
attorney. 115885

(1) With the consent of the respondent, the following 115886  
shall be made available to counsel for the respondent: 115887

(a) All relevant documents, information, and evidence in 115888  
the custody or control of the state or prosecutor; 115889

(b) All relevant documents, information, and evidence in 115890  
the custody or control of the hospital in which the respondent 115891  
currently is held, or in which the respondent has been held 115892  
pursuant to this chapter; 115893

(c) All relevant documents, information, and evidence in 115894  
the custody or control of any hospital, facility, or person not 115895  
included in division (A) (1) (a) or (b) of this section. 115896

(2) The respondent has the right to attend the hearing and 115897  
to be represented by counsel of the respondent's choice. The 115898  
right to attend the hearing may be waived only by the respondent 115899  
or counsel for the respondent after consultation with the 115900  
respondent. 115901

(3) If the respondent is not represented by counsel, is 115902  
absent from the hearing, and has not validly waived the right to 115903  
counsel, the court shall appoint counsel immediately to 115904  
represent the respondent at the hearing, reserving the right to 115905  
tax costs of appointed counsel to the respondent, unless it is 115906  
shown that the respondent is indigent. If the court appoints 115907  
counsel, or if the court determines that the evidence relevant 115908  
to the respondent's absence does not justify the absence, the 115909  
court shall continue the case. 115910

(4) The respondent shall be informed that the respondent 115911  
may retain counsel and have independent expert evaluation. If 115912  
the respondent is unable to obtain an attorney, the respondent 115913  
shall be represented by court-appointed counsel. If the 115914  
respondent is indigent, court-appointed counsel and independent 115915  
expert evaluation shall be provided as an expense under section 115916  
5122.43 of the Revised Code. 115917

(5) The hearing shall be closed to the public, unless 115918  
counsel for the respondent, with the permission of the 115919  
respondent, requests that the hearing be open to the public. 115920

(6) If the hearing is closed to the public, the court, for 115921  
good cause shown, may admit persons who have a legitimate 115922  
interest in the proceedings. If the respondent, the respondent's 115923  
counsel, or the designee of the director or of the chief 115924  
clinical officer objects to the admission of any person, the 115925  
court shall hear the objection and any opposing argument and 115926

shall rule upon the admission of the person to the hearing. 115927

(7) The affiant under section 5122.11 of the Revised Code 115928  
shall be subject to subpoena by either party. 115929

(8) The court shall examine the sufficiency of all 115930  
documents filed and shall inform the respondent, if present, and 115931  
the respondent's counsel of the nature and content of the 115932  
documents and the reason for which the respondent is being 115933  
detained, or for which the respondent's placement is being 115934  
sought. 115935

(9) The court shall receive only reliable, competent, and 115936  
material evidence. 115937

(10) Unless proceedings are initiated pursuant to section 115938  
5120.17 or 5139.08 of the Revised Code, an attorney that the 115939  
board designates shall present the case demonstrating that the 115940  
respondent is a person with a mental illness subject to court 115941  
order. The attorney shall offer evidence of the diagnosis, 115942  
prognosis, record of treatment, if any, and less restrictive 115943  
treatment plans, if any. In proceedings pursuant to section 115944  
5120.17 or 5139.08 of the Revised Code, the attorney general 115945  
shall designate an attorney who shall present the case 115946  
demonstrating that the respondent is a person with a mental 115947  
illness subject to court order. The attorney shall offer 115948  
evidence of the diagnosis, prognosis, record of treatment, if 115949  
any, and less restrictive treatment plans, if any. 115950

(11) The respondent or the respondent's counsel has the 115951  
right to subpoena witnesses and documents and to examine and 115952  
cross-examine witnesses. 115953

(12) The respondent has the right, but shall not be 115954  
compelled, to testify, and shall be so advised by the court. 115955

(13) On motion of the respondent or the respondent's 115956  
counsel for good cause shown, or on the court's own motion, the 115957  
court may order a continuance of the hearing. 115958

(14) If the respondent is represented by counsel and the 115959  
respondent's counsel requests a transcript and record, or if the 115960  
respondent is not represented by counsel, the court shall make 115961  
and maintain a full transcript and record of the proceeding. If 115962  
the respondent is indigent and the transcript and record is 115963  
made, a copy shall be provided to the respondent upon request 115964  
and be treated as an expense under section 5122.43 of the 115965  
Revised Code. 115966

(15) To the extent not inconsistent with this chapter, the 115967  
Rules of Civil Procedure are applicable. 115968

(B) Unless, upon completion of the hearing the court finds 115969  
by clear and convincing evidence that the respondent is a person 115970  
with a mental illness subject to court order, it shall order the 115971  
respondent's discharge immediately. 115972

(C) If, upon completion of the hearing, the court finds by 115973  
clear and convincing evidence that the respondent is a person 115974  
with a mental illness subject to court order, the court shall 115975  
order the respondent for a period not to exceed ninety days to 115976  
any of the following: 115977

(1) A hospital operated by the department of ~~mental~~ 115978  
behavioral health and addiction services if the respondent is 115979  
committed pursuant to section 5139.08 of the Revised Code; 115980

(2) A nonpublic hospital; 115981

(3) The veterans' administration or other agency of the 115982  
United States government; 115983

- (4) A board of alcohol, drug addiction, and mental health services or services provider the board designates; 115984  
115985
- (5) Receive private psychiatric or psychological care and treatment; 115986  
115987
- (6) Any other suitable facility or person consistent with the diagnosis, prognosis, and treatment needs of the respondent. 115988  
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A jail or other local correctional facility is not a suitable facility. 115990  
115991
- (D) Any order made pursuant to division (C) (2), (3), (5), or (6) of this section shall be conditioned upon the receipt by the court of consent by the hospital, facility, agency, or person to accept the respondent and may include a requirement that a person or entity described in division (C) (2), (3), (5), or (6) of this section inform the board of alcohol, drug addiction, and mental health services or community mental health services provider the board designates about the progress of the respondent with the treatment plan. 115992  
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- (E) In determining the entity or person to which the respondent is to be committed under division (C) of this section, the court shall consider all of the following: 116001  
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- (1) The respondent's diagnosis and prognosis made by a psychiatrist, licensed clinical psychologist, clinical nurse specialist who is certified as a psychiatric-mental health clinical nurse specialist by the American nurses credentialing center, or certified nurse practitioner who is certified as a psychiatric-mental health nurse practitioner by the American nurses credentialing center; 116004  
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- (2) The respondent's preferences; 116011
- (3) The respondent's projected treatment plan. 116012

The court shall order the implementation of the least restrictive alternative available and consistent with treatment goals. If the court determines that the least restrictive alternative available that is consistent with treatment goals is inpatient hospitalization, the court's order shall so state.

(F) During the ninety-day period the entity or person shall examine and treat the respondent. If the respondent is receiving treatment in an outpatient setting, or receives treatment in an outpatient setting during a subsequent period of continued commitment under division (H) of this section, the entity or person to whom the respondent is committed shall determine the appropriate outpatient treatment for the respondent. If, at any time prior to the expiration of the ninety-day period, it is determined by the entity or person that the respondent's treatment needs could be equally well met in an available and appropriate less restrictive setting, both of the following apply:

(1) The respondent shall be released from the care of the entity or person immediately and shall be referred to the court together with a report of the findings and recommendations of the entity or person;

(2) The entity or person shall notify the respondent's counsel or the attorney designated by a board of alcohol, drug addiction, and mental health services or, if the respondent was committed to a board or a services provider designated by the board, it shall place the respondent in the least restrictive setting available consistent with treatment goals and notify the court and the respondent's counsel of the placement.

The court shall dismiss the case or order placement in the least restrictive setting.



(G) (1) Except as provided in division (G) (2) of this 116043  
section, any person for whom proceedings for treatment have been 116044  
commenced pursuant to section 5122.11 of the Revised Code, may 116045  
apply at any time for voluntary admission or treatment to the 116046  
entity or person to which the person was committed. Upon 116047  
admission as a voluntary patient the chief clinical officer of 116048  
the entity or the person immediately shall notify the court, the 116049  
patient's counsel, and the attorney designated by the board, if 116050  
the attorney has entered the proceedings, in writing of that 116051  
fact, and, upon receipt of the notice, the court shall dismiss 116052  
the case. 116053

(2) A person who is found incompetent to stand trial or 116054  
not guilty by reason of insanity and who is committed pursuant 116055  
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 116056  
Revised Code shall not voluntarily commit the person pursuant to 116057  
this section until after the final termination of the 116058  
commitment, as described in division (J) of section 2945.401 of 116059  
the Revised Code. 116060

(H) If, at the end of the first ninety-day period or any 116061  
subsequent period of continued commitment, there has been no 116062  
disposition of the case, either by discharge or voluntary 116063  
admission or treatment, the entity or person shall discharge the 116064  
patient immediately, unless at least ten days before the 116065  
expiration of the period the attorney the board designates or 116066  
the prosecutor files with the court an application for continued 116067  
commitment. The application of the attorney or the prosecutor 116068  
shall include a written report containing the diagnosis, 116069  
prognosis, past treatment, a list of alternative treatment 116070  
settings and plans, and identification of the treatment setting 116071  
that is the least restrictive consistent with treatment needs. 116072  
The attorney the board designates or the prosecutor shall file 116073

the written report at least three days prior to the full 116074  
hearing. A copy of the application and written report shall be 116075  
provided to the respondent's counsel immediately. 116076

The court shall hold a full hearing on applications for 116077  
continued commitment at the expiration of the first ninety-day 116078  
period and at least every two years after the expiration of the 116079  
first ninety-day period. 116080

Hearings following any application for continued 116081  
commitment are mandatory and may not be waived. 116082

For a respondent who is ordered to receive treatment in an 116083  
outpatient setting, if at any time after the first ninety-day 116084  
period the entity or person to whom the respondent was ordered 116085  
determines that the respondent has demonstrated voluntary 116086  
consent for treatment, that entity or person shall immediately 116087  
notify the respondent, the respondent's counsel, the attorney 116088  
designated by the board, and the court. The entity or person 116089  
shall submit to the court a report of the findings and 116090  
recommendations. The court may dismiss the case upon review of 116091  
the facts. 116092

Upon request of a person who is involuntarily committed 116093  
under this section, or the person's counsel, that is made more 116094  
than one hundred eighty days after the person's last full 116095  
hearing, mandatory or requested, the court shall hold a full 116096  
hearing on the person's continued commitment. Upon the 116097  
application of a person involuntarily committed under this 116098  
section, supported by an affidavit of a psychiatrist or licensed 116099  
clinical psychologist, alleging that the person no longer is a 116100  
person with a mental illness subject to court order, the court 116101  
for good cause shown may hold a full hearing on the person's 116102  
continued commitment prior to the expiration of one hundred 116103

eighty days after the person's last full hearing. Section 116104  
5122.12 of the Revised Code applies to all hearings on continued 116105  
commitment. 116106

If the court, after a hearing for continued commitment 116107  
finds by clear and convincing evidence that the respondent is a 116108  
person with a mental illness subject to court order, the court 116109  
may order continued commitment at places or to persons specified 116110  
in division (C) of this section. 116111

(I) Unless the admission is pursuant to section 5120.17 or 116112  
5139.08 of the Revised Code, the chief clinical officer of the 116113  
entity admitting a respondent pursuant to a judicial proceeding, 116114  
within ten working days of the admission, shall make a report of 116115  
the admission to the board of alcohol, drug addiction, and 116116  
mental health services serving the respondent's county of 116117  
residence. 116118

(J) A referee appointed by the court may make all orders 116119  
that a judge may make under this section and sections 5122.11 116120  
and 5122.141 of the Revised Code, except an order of contempt of 116121  
court. The orders of a referee take effect immediately. Within 116122  
fourteen days of the making of an order by a referee, a party 116123  
may file written objections to the order with the court. The 116124  
filed objections shall be considered a motion, shall be 116125  
specific, and shall state their grounds with particularity. 116126  
Within ten days of the filing of the objections, a judge of the 116127  
court shall hold a hearing on the objections and may hear and 116128  
consider any testimony or other evidence relating to the 116129  
respondent's mental condition. At the conclusion of the hearing, 116130  
the judge may ratify, rescind, or modify the referee's order. 116131

(K) An order of the court under division (C), (H), or (J) 116132  
of this section is a final order. 116133

(L) Before a board, or a services provider the board  
designates, may place an unconsenting respondent in an inpatient  
setting from a less restrictive placement, the board or services  
provider shall do all of the following:

(1) Determine that the respondent is in immediate need of  
treatment in an inpatient setting because the respondent  
represents a substantial risk of physical harm to the respondent  
or others if allowed to remain in a less restrictive setting;

(2) On the day of placement in the inpatient setting or on  
the next court day, file with the court a motion for transfer to  
an inpatient setting or communicate to the court by telephone  
that the required motion has been mailed;

(3) Ensure that every reasonable and appropriate effort is  
made to take the respondent to the inpatient setting in the  
least conspicuous manner possible;

(4) Immediately notify the board's designated attorney and  
the respondent's attorney.

At the respondent's request, the court shall hold a  
hearing on the motion and make a determination pursuant to  
division (E) of this section within five days of the placement.

(M) Before a board, or a services provider the board  
designates, may move a respondent from one residential placement  
to another, the board or services provider shall consult with  
the respondent about the placement. If the respondent objects to  
the placement, the proposed placement and the need for it shall  
be reviewed by a qualified mental health professional who  
otherwise is not involved in the treatment of the respondent.

(N) The entity or person to whom the respondent was  
ordered for treatment in an outpatient setting may submit a

report to the court indicating that the respondent has either 116163  
failed to comply with the treatment plan or begun to demonstrate 116164  
signs of decompensation that may be grounds for hospitalization. 116165  
On receipt of the report, the court shall promptly schedule a 116166  
hearing to review the case. The court shall conduct the hearing 116167  
in a manner consistent with this chapter and due process of law. 116168  
The board shall receive notice of the hearing and the board and 116169  
entity or person treating the respondent shall submit a report 116170  
to the court with a plan for appropriate alternative treatment, 116171  
if any, or recommend that the court discontinue the court- 116172  
ordered treatment. The court shall consider available and 116173  
appropriate alternative placements but shall not impose criminal 116174  
sanctions that result in confinement in a jail or other local 116175  
correctional facility based on the respondent's failure to 116176  
comply with the treatment plan. The court may not order the 116177  
respondent to a more restrictive placement unless the criteria 116178  
specified in division (L) of this section are met and may not 116179  
order the respondent to an inpatient setting unless the court 116180  
determines by clear and convincing evidence presented by the 116181  
board that the respondent meets the criteria specified in 116182  
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 116183  
the Revised Code. 116184

**Sec. 5122.20.** The director of ~~mental-behavioral~~ health and 116185  
~~addiction services~~ or the director's designee may transfer, or 116186  
authorize the transfer of, an involuntary patient, or a 116187  
consenting voluntary patient hospitalized pursuant to section 116188  
5122.02 or sections 5122.11 to 5122.15 of the Revised Code, from 116189  
one public hospital to another, or to a hospital, community 116190  
mental health services provider, or other facility offering 116191  
treatment or other services for mental illness, if the medical 116192  
director of the department of ~~mental-behavioral~~ health and 116193

~~addiction services~~ determines that it would be consistent with 116194  
the medical needs of the patient to do so. If such a transfer is 116195  
made to a private facility, the transfer shall be conditioned 116196  
upon the consent of the facility. 116197

Before an involuntary patient may be transferred to a more 116198  
restrictive setting, the chief clinical officer shall file a 116199  
motion with the court requesting the court to amend its order of 116200  
placement issued under section 5122.15 of the Revised Code. At 116201  
the patient's request, the court shall hold a hearing on the 116202  
motion at which the patient has the same rights as at a full 116203  
hearing under section 5122.15 of the Revised Code. The hearing 116204  
shall be held within ten days after the date on which the 116205  
respondent was transferred to the more restrictive setting or on 116206  
which the motion was filed, whichever is earlier. On the motion 116207  
of the respondent, the respondent's counsel, or the chief 116208  
clinical officer, or on its own motion, and for good cause 116209  
shown, the court may order a continuance of the hearing for up 116210  
to ten days. 116211

Whenever an involuntary patient is transferred, written 116212  
notice of the transfer shall be given to the patient's legal 116213  
guardian, parents, spouse, and counsel, or, if none is known, to 116214  
the patient's nearest known relative or friend. If the patient 116215  
is a minor, the department, before making such a transfer, shall 116216  
make a minute of the order for the transfer and the reason for 116217  
it upon its record and shall send a certified copy at least 116218  
seven days prior to the transfer to the person shown by its 116219  
record to have had the care or custody of the minor immediately 116220  
prior to the minor's commitment. Whenever a consenting voluntary 116221  
patient is transferred, the notification shall be given only at 116222  
the patient's request. The chief clinical officer shall advise a 116223  
voluntary patient who is being transferred that the patient may 116224

decide if the notification shall be given. In all such 116225  
transfers, due consideration shall be given to the wishes of the 116226  
patient, and the relationship of the patient to the patient's 116227  
family, legal guardian, or friends, so as to maintain the 116228  
relationship and encourage visits beneficial to the patient. 116229

When a voluntary patient whose medical or psychological 116230  
needs are found by the chief clinical officer to warrant a 116231  
transfer refuses to be transferred to an alternate facility, the 116232  
chief clinical officer may file an affidavit for a hearing under 116233  
section 5122.11 of the Revised Code. 116234

**Sec. 5122.21.** (A) The chief clinical officer shall as 116235  
frequently as practicable, and at least once every thirty days, 116236  
examine or cause to be examined every patient, and, whenever the 116237  
chief clinical officer determines that the conditions justifying 116238  
involuntary hospitalization or commitment no longer obtain, 116239  
shall discharge the patient not under indictment or conviction 116240  
for crime and immediately make a report of the discharge to the 116241  
department of ~~mental-behavioral health-and-addiction services~~. 116242  
The chief clinical officer may discharge a patient who is under 116243  
an indictment, a sentence of imprisonment, a community control 116244  
sanction, or a post-release control sanction or on parole ten 116245  
days after written notice of intent to discharge the patient has 116246  
been given by personal service or certified mail, return receipt 116247  
requested, to the court having criminal jurisdiction over the 116248  
patient. Except when the patient was found not guilty by reason 116249  
of insanity and the defendant's commitment is pursuant to 116250  
section 2945.40 of the Revised Code, the chief clinical officer 116251  
has final authority to discharge a patient who is under an 116252  
indictment, a sentence of imprisonment, a community control 116253  
sanction, or a post-release control sanction or on parole. 116254

(B) After a finding pursuant to section 5122.15 of the Revised Code that a person is a person with a mental illness subject to court order, the chief clinical officer of the hospital or community mental health services provider to which the person is ordered or to which the person is transferred under section 5122.20 of the Revised Code, may grant a discharge without the consent or authorization of any court.

Upon discharge, the chief clinical officer shall notify the court that caused the judicial hospitalization of the discharge from the hospital.

**Sec. 5122.23.** The chief clinical officer of a public hospital shall immediately report to the department of ~~mental-behavioral health and addiction services~~ and the board of alcohol, drug addiction, and mental health services serving the patient's county of residence the removal, death, escape, discharge, or trial visit of any patient hospitalized under section 5122.15 of the Revised Code, or the return of such an escaped or visiting patient to the department, the probate judge of the county from which such patient was hospitalized, and the probate judge of the county of residence of such patient. In case of death, the chief clinical officer also shall notify one or more of the nearest relatives of the deceased patient, if known to the chief clinical officer, by letter, telegram, or telephone. If the place of residence of such relative is unknown to the chief clinical officer, immediately upon receiving notification the probate judge shall in the speediest manner possible notify such relatives, if known to the probate judge.

The chief clinical officer of a public hospital, upon the request of the probate judge of the county from which a patient was hospitalized or the probate judge of the county of residence



of such a patient, shall make a report to the judge of the 116285  
condition of any patient under the care, treatment, custody, or 116286  
control of the chief clinical officer. 116287

**Sec. 5122.26.** (A) If a patient is absent without leave, on 116288  
a verbal or written order issued within five days of the time of 116289  
the unauthorized absence by the department of ~~mental-behavioral~~ 116290  
~~health-and-addiction services~~, the chief clinical officer of the 116291  
hospital from which the patient is absent without leave, or the 116292  
court of either the county from which the patient was committed 116293  
or in which the patient is found, any health or police officer 116294  
or sheriff may take the patient into custody and transport the 116295  
patient to the hospital in which the patient was hospitalized or 116296  
to a place that is designated in the order. The officer 116297  
immediately shall report such fact to the entity that issued the 116298  
order. 116299

The chief clinical officer of a hospital may discharge a 116300  
patient who is under an indictment, a sentence of imprisonment, 116301  
a community control sanction, or a post-release control sanction 116302  
or on parole and who has been absent without leave for more than 116303  
thirty days but shall give written notice of the discharge to 116304  
the court with criminal jurisdiction over the patient. The chief 116305  
clinical officer of a hospital may discharge any other patient 116306  
who has been absent without leave for more than fourteen days. 116307

The chief clinical officer shall take all proper measures 116308  
for the apprehension of an escaped patient. The expense of the 116309  
return of an escaped patient shall be borne by the hospital 116310  
where the patient is hospitalized. 116311

(B) (1) Subject to division (B) (2) of this section, no 116312  
patient hospitalized under Chapter 5122. of the Revised Code 116313  
whose absence without leave was caused or contributed to by the 116314

patient's mental illness shall be subject to a charge of escape. 116315

(2) Division (B)(1) of this section does not apply to any 116316  
person who was hospitalized, institutionalized, or confined in a 116317  
facility under an order made pursuant to or under authority of 116318  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 116319  
or 2945.402 of the Revised Code and who escapes from the 116320  
facility, from confinement in a vehicle for transportation to or 116321  
from the facility, or from supervision by an employee of the 116322  
facility that is incidental to hospitalization, 116323  
institutionalization, or confinement in the facility and that 116324  
occurs outside the facility, in violation of section 2921.34 of 116325  
the Revised Code. 116326

**Sec. 5122.27.** The chief clinical officer of the hospital 116327  
or the chief clinical officer's designee shall assure that all 116328  
patients hospitalized or committed pursuant to this chapter 116329  
shall: 116330

(A) Receive, within twenty days of their admission 116331  
sufficient professional care to assure that an evaluation of 116332  
current status, differential diagnosis, probable prognosis, and 116333  
description of the current treatment plan is stated on the 116334  
official chart; 116335

(B) Have a written treatment plan consistent with the 116336  
evaluation, diagnosis, prognosis, and goals which shall be 116337  
provided, upon request of the patient or patient's counsel, to 116338  
the patient's counsel and to any private physician or licensed 116339  
clinical psychologist designated by the patient or the patient's 116340  
counsel or to the Ohio protection and advocacy system; 116341

(C) Receive treatment consistent with the treatment plan. 116342  
The department of ~~mental-behavioral health and addiction~~ 116343

~~services~~ shall set standards for treatment provided to such 116344  
patients, consistent wherever possible with standards set by the 116345  
joint commission. 116346

(D) Receive periodic reevaluations of the treatment plan 116347  
by the professional staff at intervals not to exceed ninety 116348  
days; 116349

(E) Be provided with adequate medical treatment for 116350  
physical disease or injury; 116351

(F) Receive humane care and treatment, including without 116352  
limitation, the following: 116353

(1) The least restrictive environment consistent with the 116354  
treatment plan; 116355

(2) The necessary facilities and personnel required by the 116356  
treatment plan; 116357

(3) A humane psychological and physical environment; 116358

(4) The right to obtain current information concerning the 116359  
patient's treatment program and expectations in terms that the 116360  
patient can reasonably understand; 116361

(5) Participation in programs designed to afford the 116362  
patient substantial opportunity to acquire skills to facilitate 116363  
return to the community or to terminate an involuntary 116364  
commitment; 116365

(6) The right to be free from unnecessary or excessive 116366  
medication; 116367

(7) Freedom from restraints or isolation unless it is 116368  
stated in a written order by the chief clinical officer or the 116369  
chief clinical officer's designee, or the patient's individual 116370

physician or psychologist in a private or general hospital. 116371

If the chief clinical officer of the hospital is unable to 116372  
provide the treatment required by divisions (C), (E), and (F) of 116373  
this section for any patient hospitalized pursuant to Chapter 116374  
5122. of the Revised Code, the chief clinical officer shall 116375  
immediately notify the patient, the court, the Ohio protection 116376  
and advocacy system, the director of ~~mental-behavioral health-~~ 116377  
~~and addiction services~~, and the patient's counsel and legal 116378  
guardian, if known. If within ten days after receipt of such 116379  
notification by the director, the director is unable to effect a 116380  
transfer of the patient, pursuant to section 5122.20 of the 116381  
Revised Code, to a hospital, community mental health services 116382  
provider, or other medical facility where treatment is 116383  
available, or has not received an order of the court to the 116384  
contrary, the involuntary commitment of any patient hospitalized 116385  
pursuant to Chapter 5122. of the Revised Code and defined as a 116386  
person with a mental illness subject to court order under 116387  
division (B)(4) of section 5122.01 of the Revised Code shall 116388  
automatically be terminated. 116389

**Sec. 5122.31.** (A) All certificates, applications, records, 116390  
and reports made for the purpose of this chapter and sections 116391  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 116392  
Code, other than court journal entries or court docket entries, 116393  
and directly or indirectly identifying a patient or former 116394  
patient or person whose hospitalization or commitment has been 116395  
sought under this chapter, shall be kept confidential and shall 116396  
not be disclosed by any person except: 116397

(1) If the person identified, or the person's legal 116398  
guardian, if any, or if the person is a minor, the person's 116399  
parent or legal guardian, consents, and if the disclosure is in 116400

the best interests of the person, as may be determined by the 116401  
court for judicial records and by the chief clinical officer for 116402  
medical records; 116403

(2) When disclosure is provided for in this chapter or 116404  
Chapters 340. or 5119. of the Revised Code or in accordance with 116405  
other provisions of state or federal law authorizing such 116406  
disclosure; 116407

(3) That hospitals, boards of alcohol, drug addiction, and 116408  
mental health services, and community mental health services 116409  
providers may release necessary medical information to insurers 116410  
and other third-party payers, including government entities 116411  
responsible for processing and authorizing payment, to obtain 116412  
payment for goods and services furnished to the patient; 116413

(4) Pursuant to a court order signed by a judge; 116414

(5) That a patient shall be granted access to the 116415  
patient's own psychiatric and medical records, unless access 116416  
specifically is restricted in a patient's treatment plan for 116417  
clear treatment reasons; 116418

(6) That hospitals and other institutions and facilities 116419  
within the department of ~~mental-behavioral health and addiction-~~ 116420  
~~services~~ may exchange psychiatric records and other pertinent 116421  
information with other hospitals, institutions, and facilities 116422  
of the department, and with community mental health services 116423  
providers and boards of alcohol, drug addiction, and mental 116424  
health services with which the department has a current 116425  
agreement for patient care or services. Records and information 116426  
that may be released pursuant to this division shall be limited 116427  
to medication history, physical health status and history, 116428  
financial status, summary of course of treatment in the 116429

hospital, summary of treatment needs, and a discharge summary, 116430  
if any. 116431

(7) That hospitals within the department and other 116432  
institutions and facilities within the department may exchange 116433  
psychiatric records and other pertinent information with payers 116434  
and other providers of treatment, health services, and recovery 116435  
supports if the purpose of the exchange is to facilitate 116436  
continuity of care for a patient or for the emergency treatment 116437  
of an individual; 116438

(8) That a patient's family member who is involved in the 116439  
provision, planning, and monitoring of services to the patient 116440  
may receive medication information, a summary of the patient's 116441  
diagnosis and prognosis, and a list of the services and 116442  
personnel available to assist the patient and the patient's 116443  
family, if the patient's treating physician determines that the 116444  
disclosure would be in the best interests of the patient. No 116445  
such disclosure shall be made unless the patient is notified 116446  
first and receives the information and does not object to the 116447  
disclosure. 116448

(9) That community mental health services providers may 116449  
exchange psychiatric records and certain other information with 116450  
the board of alcohol, drug addiction, and mental health services 116451  
and other services providers in order to provide services to a 116452  
person involuntarily committed to a board. Release of records 116453  
under this division shall be limited to medication history, 116454  
physical health status and history, financial status, summary of 116455  
course of treatment, summary of treatment needs, and discharge 116456  
summary, if any. 116457

(10) That information may be disclosed to the executor or 116458  
the administrator of an estate of a deceased patient when the 116459

information is necessary to administer the estate; 116460

(11) That records in the possession of the Ohio history 116461  
connection may be released to the closest living relative of a 116462  
deceased patient upon request of that relative; 116463

(12) That records pertaining to the patient's diagnosis, 116464  
course of treatment, treatment needs, and prognosis shall be 116465  
disclosed and released to the appropriate prosecuting attorney 116466  
if the patient was committed pursuant to section 2945.38, 116467  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 116468  
to the attorney designated by the board for proceedings pursuant 116469  
to involuntary commitment under this chapter. 116470

(13) That the department of ~~mental-behavioral health and~~ 116471  
~~addiction services~~ may exchange psychiatric hospitalization 116472  
records, other mental health treatment records, and other 116473  
pertinent information with the department of rehabilitation and 116474  
correction and with the department of youth services to ensure 116475  
continuity of care for inmates or offenders who are receiving 116476  
mental health services in an institution of the department of 116477  
rehabilitation and correction or the department of youth 116478  
services and may exchange psychiatric hospitalization records, 116479  
other mental health treatment records, and other pertinent 116480  
information with boards of alcohol, drug addiction, and mental 116481  
health services and community mental health services providers 116482  
to ensure continuity of care for inmates or offenders who are 116483  
receiving mental health services in an institution and are 116484  
scheduled for release within six months. The release of records 116485  
under this division is limited to records regarding an inmate's 116486  
or offender's medication history, physical health status and 116487  
history, summary of course of treatment, summary of treatment 116488  
needs, and a discharge summary, if any; 116489

(14) That records and reports relating to a person who has 116490  
been deceased for fifty years or more are no longer considered 116491  
confidential. 116492

(B) Before records are disclosed pursuant to divisions (A) 116493  
(3), (6), and (9) of this section, the custodian of the records 116494  
shall attempt to obtain the patient's consent for the 116495  
disclosure. No person shall reveal the contents of a medical 116496  
record of a patient except as authorized by law. 116497

(C) The managing officer of a hospital who releases 116498  
necessary medical information under division (A) (3) of this 116499  
section to allow an insurance carrier or other third party payor 116500  
to comply with section 5121.43 of the Revised Code shall neither 116501  
be subject to criminal nor civil liability. 116502

**Sec. 5122.32.** (A) As used in this section: 116503

(1) "Quality assurance committee" means a committee that 116504  
is appointed in the central office of the department of ~~mental-~~ 116505  
behavioral health and addiction services by the director of 116506  
~~mental-behavioral health and addiction services~~, a committee of 116507  
a hospital or community setting program, or a duly authorized 116508  
subcommittee of a committee of that nature and that is 116509  
designated to carry out quality assurance program activities. 116510

(2) "Quality assurance program" means a comprehensive 116511  
program within the department of ~~mental-behavioral health and-~~ 116512  
~~addiction services~~ to systematically review and improve the 116513  
quality of medical and mental health services within the 116514  
department and its hospitals and community setting programs, the 116515  
safety and security of persons receiving or administering 116516  
medical and mental health services within the department and its 116517  
hospitals and community setting programs, and the efficiency and 116518



effectiveness of the utilization of staff and resources in the 116519  
delivery of medical and mental health services within the 116520  
department and its hospitals and community setting programs. 116521  
"Quality assurance program" includes the central office quality 116522  
assurance committees, morbidity and mortality review committees, 116523  
quality assurance programs of community setting programs, 116524  
quality assurance committees of hospitals operated by the 116525  
department of ~~mental-behavioral health and addiction services~~, 116526  
and the office of licensure and certification of the department. 116527

(3) "Quality assurance program activities" include 116528  
collecting or compiling information and reports required by a 116529  
quality assurance committee, receiving, reviewing, or 116530  
implementing the recommendations made by a quality assurance 116531  
committee, and credentialing, privileging, infection control, 116532  
tissue review, peer review, utilization review including access 116533  
to patient care records, patient care assessment records, and 116534  
medical and mental health records, medical and mental health 116535  
resource management, mortality and morbidity review, and 116536  
identification and prevention of medical or mental health 116537  
incidents and risks, whether performed by a quality assurance 116538  
committee or by persons who are directed by a quality assurance 116539  
committee. 116540

(4) "Quality assurance records" means the proceedings, 116541  
discussion, records, findings, recommendations, evaluations, 116542  
opinions, minutes, reports, and other documents or actions that 116543  
emanate from quality assurance committees, quality assurance 116544  
programs, or quality assurance program activities. "Quality 116545  
assurance records" does not include aggregate statistical 116546  
information that does not disclose the identity of persons 116547  
receiving or providing medical or mental health services in 116548  
department of ~~mental-behavioral health and addiction services~~ 116549

hospitals or community setting programs. 116550

(B) (1) Except as provided in division (E) of this section, 116551  
quality assurance records are confidential and are not public 116552  
records under section 149.43 of the Revised Code, and shall be 116553  
used only in the course of the proper functions of a quality 116554  
assurance program. 116555

(2) Except as provided in division (E) of this section, no 116556  
person who possesses or has access to quality assurance records 116557  
and who knows that the records are quality assurance records 116558  
shall willfully disclose the contents of the records to any 116559  
person or entity. 116560

(C) (1) Except as provided in division (E) of this section, 116561  
no quality assurance record shall be subject to discovery, and 116562  
is not admissible in evidence, in any judicial or administrative 116563  
proceeding. 116564

(2) Except as provided in division (E) of this section, no 116565  
member of a quality assurance committee or a person who is 116566  
performing a function that is part of a quality assurance 116567  
program shall be permitted or required to testify in a judicial 116568  
or administrative proceeding with respect to quality assurance 116569  
records or with respect to any finding, recommendation, 116570  
evaluation, opinion, or other action taken by the committee, 116571  
member, or person. 116572

(3) Information, documents, or records otherwise available 116573  
from original sources are not to be construed as being 116574  
unavailable for discovery or admission in evidence in a judicial 116575  
or administrative proceeding merely because they were presented 116576  
to a quality assurance committee. No person testifying before a 116577  
quality assurance committee or person who is a member of a 116578

quality assurance committee shall be prevented from testifying 116579  
as to matters within the person's knowledge, but the witness 116580  
cannot be asked about the witness' testimony before the quality 116581  
assurance committee or about an opinion formed by the person as 116582  
a result of the quality assurance committee proceedings. 116583

(D) (1) A person who, without malice and in the reasonable 116584  
belief that the information is warranted by the facts known to 116585  
the person, provides information to a person engaged in quality 116586  
assurance program activities is not liable for damages in a 116587  
civil action for injury, death, or loss to person or property to 116588  
any person as a result of providing the information. 116589

(2) A member of a quality assurance committee, a person 116590  
engaged in quality assurance program activities, and an employee 116591  
of the department of ~~mental-behavioral health and addiction-~~ 116592  
~~services~~ shall not be liable in damages in a civil action for 116593  
injury, death, or loss to person or property to any person for 116594  
any acts, omissions, decisions, or other conduct within the 116595  
scope of the functions of the quality assurance program. 116596

(3) Nothing in this section shall relieve any institution 116597  
or individual from liability arising from the treatment of a 116598  
patient. 116599

(E) Quality assurance records may be disclosed, and 116600  
testimony may be provided concerning quality assurance records, 116601  
only to the following persons or entities: 116602

(1) Persons who are employed or retained by the department 116603  
of ~~mental-behavioral health and addiction services~~ and who have 116604  
authority to evaluate or implement the recommendations of a 116605  
state-operated hospital, community setting program, or central 116606  
office quality assurance committee; 116607

(2) Public or private agencies or organizations if needed 116608  
to perform a licensing or accreditation function related to 116609  
department of ~~mental-behavioral health and addiction services~~ 116610  
hospitals or community setting programs, or to perform 116611  
monitoring of a hospital or program of that nature as required 116612  
by law. 116613

(F) A disclosure of quality assurance records pursuant to 116614  
division (E) of this section does not otherwise waive the 116615  
confidential and privileged status of the disclosed quality 116616  
assurance records. 116617

(G) Nothing in this section shall limit the access of the 116618  
Ohio protection and advocacy system to records or personnel as 116619  
required under section 5123.601 of the Revised Code. Nothing in 116620  
this section shall limit the admissibility of documentary or 116621  
testimonial evidence in an action brought by the Ohio protection 116622  
and advocacy system in its own name or on behalf of a client. 116623

**Sec. 5122.33.** The department of ~~mental-behavioral health~~ 116624  
~~and addiction services~~ may prescribe the form of applications, 116625  
reports, records, and medical certificates provided for under 116626  
this chapter, and the information required to be contained 116627  
therein; require reports from the chief clinical officer of any 116628  
public hospital relating to the admission, examination, 116629  
diagnosis, release, or discharge of any patient; visit each such 116630  
hospital regularly to review the admission procedures of all new 116631  
patients admitted between visits; investigate by personal visit 116632  
complaints made by any patient or by any person on behalf of a 116633  
patient; and adopt such rules as are reasonably necessary to 116634  
effectuate the provisions of this chapter. 116635

**Sec. 5122.341.** (A) As used in this section: 116636

(1) "Facility or provider" means, in the context of a 116637  
person committed to the department of ~~mental-behavioral health~~ 116638  
~~and addiction services~~ under sections 2945.37 to 2945.402 of the 116639  
Revised Code, any entity in which the department of ~~mental-~~ 116640  
~~behavioral health and addiction services~~ places such a person. 116641

(2) "Person committed to the department" means a person 116642  
committed to the department of ~~mental-behavioral health and-~~ 116643  
~~addiction services~~ under sections 2945.37 to 2945.402 of the 116644  
Revised Code. 116645

(B) No member of a board of directors, or employee, of a 116646  
facility or provider in which the department of ~~mental-~~ 116647  
~~behavioral health and addiction services~~ places a person 116648  
committed to the department is liable for injury or damages 116649  
caused by any action or inaction taken within the scope of the 116650  
board member's official duties or employee's employment relating 116651  
to the commitment of, and services provided to, the person 116652  
committed to the department, unless the action or inaction 116653  
constitutes willful or wanton misconduct. A board member's or 116654  
employee's action or inaction does not constitute willful or 116655  
wanton misconduct if the board member or employee acted in good 116656  
faith and reasonably under the circumstances and with the 116657  
knowledge reasonably attributable to the board member or 116658  
employee. 116659

The immunity from liability conferred by this section is 116660  
in addition to and not in limitation of any immunity conferred 116661  
by any other section of the Revised Code or by judicial 116662  
precedent. 116663

**Sec. 5122.36.** If the legal residence of a person with a 116664  
mental illness is in another county of the state, the necessary 116665  
expense of the person's return is a proper charge against the 116666

county of legal residence. If an adjudication and order of 116667  
hospitalization by the probate court of the county of temporary 116668  
residence are required, the regular probate court fees and 116669  
expenses incident to the order of hospitalization under this 116670  
chapter and any other expense incurred on the person's behalf 116671  
shall be charged to and paid by the county of the person's legal 116672  
residence upon the approval and certification of the probate 116673  
judge of the county of the person's legal residence. The 116674  
ordering court shall send to the probate court of the person's 116675  
county of legal residence a certified copy of the commitment 116676  
order from the ordering court. The receiving court shall enter 116677  
and record the commitment order. The certified commitment order 116678  
is prima facie evidence of the residence of the person. When the 116679  
residence of the person cannot be established as represented by 116680  
the ordering court, the matter of residence shall be referred to 116681  
the department of ~~mental-behavioral health and addiction-~~ 116682  
~~services~~ for investigation and determination. 116683

**Sec. 5122.44.** As used in sections 5122.44 to 5122.47 of 116684  
the Revised Code: 116685

(A) "Compilation" means a written list of the following 116686  
information, as the department of ~~mental-behavioral health and-~~ 116687  
~~addiction-services~~ is able to reasonably ascertain, for every 116688  
patient who was buried, entombed, or inurned prior to March 31, 116689  
2005, in a cemetery located on the grounds of or adjacent to the 116690  
grounds of a public hospital: 116691

(1) Name; 116692

(2) Date of birth; 116693

(3) Date of death or burial; 116694

(4) Specific physical location of the burial, entombment, 116695

or inurnment, including the plot or grave site number if 116696  
available. 116697

(B) "Patient" means an individual who died while admitted 116698  
to a public hospital that was under the control of the 116699  
department of ~~mental-behavioral health-and-addiction services~~. 116700

(C) "Record" has the same meaning as in section 149.011 of 116701  
the Revised Code. 116702

(D) "State agency" means every organized body, office, or 116703  
agency established by the laws of the state for the exercise of 116704  
any function of state government. 116705

**Sec. 5122.45.** The department of ~~mental-behavioral health~~ 116706  
~~and addiction services~~ shall create a separate compilation for 116707  
each cemetery located on the grounds of or adjacent to the 116708  
grounds of a public hospital that is under the control of the 116709  
department on March 31, 2005. The compilation shall be created 116710  
within a reasonable time not exceeding three years after March 116711  
31, 2005. The department shall use its best efforts to create 116712  
the most complete compilations possible using records in the 116713  
department's possession and records obtained in accordance with 116714  
section 5122.46 of the Revised Code. 116715

**Sec. 5122.46.** The Ohio history connection and each state 116716  
agency shall, at the request of the department of ~~mental-~~ 116717  
~~behavioral health-and-addiction services~~, provide the department 116718  
access to records and information in the possession of the Ohio 116719  
history connection or state agency for purposes of creating 116720  
compilations. 116721

**Sec. 5122.47.** The department of ~~mental-behavioral health~~ 116722  
~~and addiction services~~ shall deposit a copy of each compilation 116723  
with the Ohio history connection and the state library as soon 116724

as a compilation is completed. The department shall not disclose 116725  
any record or information used to create a compilation except as 116726  
provided in sections 149.43 and 5122.31 of the Revised Code. 116727

**Sec. 5123.081.** (A) As used in this section: 116728

(1) (a) "Applicant" means any of the following: 116729

(i) A person who is under final consideration for 116730  
appointment to or employment with the department of 116731  
developmental disabilities or a county board of developmental 116732  
disabilities; 116733

(ii) A person who is being transferred to the department 116734  
or a county board; 116735

(iii) An employee who is being recalled to or reemployed 116736  
by the department or a county board after a layoff; 116737

(iv) A person under final consideration for a direct 116738  
services position with a provider or subcontractor. 116739

(b) Neither of the following is an applicant: 116740

(i) A person who is employed by a responsible entity in a 116741  
position for which a criminal records check is required by this 116742  
section and either is being considered for a different position 116743  
with the responsible entity or is returning after a leave of 116744  
absence or seasonal break in employment, unless the responsible 116745  
entity has reason to believe that the person has committed a 116746  
disqualifying offense; 116747

(ii) A person who is to provide only respite care under a 116748  
family support services program established under section 116749  
5126.11 of the Revised Code if a family member of the individual 116750  
with a developmental disability who is to receive the respite 116751  
care selects the person. 116752



- (2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 116753  
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- (3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities. 116755  
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- (4) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code. 116759  
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- (5) (a) "Employee" means either of the following: 116762
- (i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities; 116763  
116764  
116765
- (ii) A person employed in a direct services position by a provider or subcontractor. 116766  
116767
- (b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person. 116768  
116769  
116770  
116771  
116772
- (6) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 116773  
116774
- (7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions. 116775  
116776  
116777
- (8) "Responsible entity" means the following: 116778
- (a) The department of developmental disabilities in the 116779

case of either of the following: 116780

(i) A person who is an applicant because the person is 116781  
under final consideration for appointment to or employment with 116782  
the department, being transferred to the department, or being 116783  
recalled to or reemployed by the department after a layoff; 116784

(ii) A person who is an employee because the person is 116785  
appointed to or employed by the department. 116786

(b) A county board of developmental disabilities in the 116787  
case of either of the following: 116788

(i) A person who is an applicant because the person is 116789  
under final consideration for appointment to or employment with 116790  
the county board, being transferred to the county board, or 116791  
being recalled to or reemployed by the county board after a 116792  
layoff; 116793

(ii) A person who is an employee because the person is 116794  
appointed to or employed by the county board. 116795

(c) A provider in the case of either of the following: 116796

(i) A person who is an applicant because the person is 116797  
under final consideration for a direct services position with 116798  
the provider; 116799

(ii) A person who is an employee because the person is 116800  
employed in a direct services position by the provider. 116801

(d) A subcontractor in the case of either of the 116802  
following: 116803

(i) A person who is an applicant because the person is 116804  
under final consideration for a direct services position with 116805  
the subcontractor; 116806

(ii) A person who is an employee because the person is 116807  
employed in a direct services position by the subcontractor. 116808

(9) "Specialized services" means any program or service 116809  
designed and operated to serve primarily individuals with 116810  
developmental disabilities, including a program or service 116811  
provided by an entity licensed or certified by the department of 116812  
developmental disabilities. If there is a question as to whether 116813  
a provider or subcontractor is providing specialized services, 116814  
the provider or subcontractor may request that the director of 116815  
developmental disabilities make a determination. The director's 116816  
determination is final. 116817

(10) "Subcontractor" means a person to which both of the 116818  
following apply: 116819

(a) The person has either of the following: 116820

(i) A subcontract with a provider to provide specialized 116821  
services included in the contract between the provider and the 116822  
department of developmental disabilities or a county board of 116823  
developmental disabilities; 116824

(ii) A subcontract with another subcontractor to provide 116825  
specialized services included in a subcontract between the other 116826  
subcontractor and a provider or other subcontractor. 116827

(b) The person employs one or more persons in direct 116828  
services positions. 116829

(B) A responsible entity shall not employ an applicant or 116830  
continue to employ an employee if either of the following 116831  
applies: 116832

(1) The applicant or employee fails to comply with 116833  
division (D)(3) of this section. 116834

(2) Except as provided in rules adopted under this 116835  
section, the applicant or employee is found by a criminal 116836  
records check required by this section to have been convicted 116837  
of, pleaded guilty to, or been found eligible for intervention 116838  
in lieu of conviction for a disqualifying offense. 116839

(C) Before employing an applicant in a position for which 116840  
a criminal records check is required by this section, a 116841  
responsible entity shall require the applicant to submit a 116842  
statement with the applicant's signature attesting that the 116843  
applicant has not been convicted of, pleaded guilty to, or been 116844  
found eligible for intervention in lieu of conviction for a 116845  
disqualifying offense. The responsible entity also shall require 116846  
the applicant to sign an agreement under which the applicant 116847  
agrees to notify the responsible entity within fourteen calendar 116848  
days if, while employed by the responsible entity, the applicant 116849  
is formally charged with, is convicted of, pleads guilty to, or 116850  
is found eligible for intervention in lieu of conviction for a 116851  
disqualifying offense. The agreement shall provide that the 116852  
applicant's failure to provide the notification may result in 116853  
termination of the applicant's employment. 116854

(D) (1) As a condition of employing any applicant in a 116855  
position for which a criminal records check is required by this 116856  
section, a responsible entity shall request the superintendent 116857  
of the bureau of criminal identification and investigation to 116858  
conduct a criminal records check of the applicant. If rules 116859  
adopted under this section require an employee to undergo a 116860  
criminal records check, a responsible entity shall request the 116861  
superintendent to conduct a criminal records check of the 116862  
employee at times specified in the rules as a condition of the 116863  
responsible entity's continuing to employ the employee in a 116864  
position for which a criminal records check is required by this 116865

section. If an applicant or employee does not present proof that 116866  
the applicant or employee has been a resident of this state for 116867  
the five-year period immediately prior to the date upon which 116868  
the criminal records check is requested, the responsible entity 116869  
shall request that the superintendent obtain information from 116870  
the federal bureau of investigation as a part of the criminal 116871  
records check. If the applicant or employee presents proof that 116872  
the applicant or employee has been a resident of this state for 116873  
that five-year period, the responsible entity may request that 116874  
the superintendent include information from the federal bureau 116875  
of investigation in the criminal records check. For purposes of 116876  
this division, an applicant or employee may provide proof of 116877  
residency in this state by presenting, with a ~~notarized~~ 116878  
statement asserting that the applicant or employee has been a 116879  
resident of this state for that five-year period, a valid 116880  
driver's license, notification of registration as an elector, a 116881  
copy of an officially filed federal or state tax form 116882  
identifying the applicant's or employee's permanent residence, 116883  
or any other document the responsible entity considers 116884  
acceptable. 116885

(2) A responsible entity shall do all of the following: 116886

(a) Provide to each applicant and employee for whom a 116887  
criminal records check is required by this section a copy of the 116888  
form prescribed pursuant to division (C)(1) of section 109.572 116889  
of the Revised Code and a standard impression sheet to obtain 116890  
fingerprint impressions prescribed pursuant to division (C)(2) 116891  
of section 109.572 of the Revised Code; 116892

(b) Obtain the completed form and standard impression 116893  
sheet from the applicant or employee; 116894

(c) Forward the completed form and standard impression 116895

sheet to the superintendent at the time the criminal records 116896  
check is requested. 116897

(3) Any applicant or employee who receives pursuant to 116898  
this division a copy of the form prescribed pursuant to division 116899  
(C) (1) of section 109.572 of the Revised Code and a copy of the 116900  
standard impression sheet prescribed pursuant to division (C) (2) 116901  
of that section and who is requested to complete the form and 116902  
provide a set of the applicant's or employee's fingerprint 116903  
impressions shall complete the form or provide all the 116904  
information necessary to complete the form and shall provide the 116905  
standard impression sheet with the impressions of the 116906  
applicant's or employee's fingerprints. 116907

(4) A responsible entity shall pay to the bureau of 116908  
criminal identification and investigation the fee prescribed 116909  
pursuant to division (C) (3) of section 109.572 of the Revised 116910  
Code for each criminal records check requested and conducted 116911  
pursuant to this section. 116912

(E) A responsible entity may request any other state or 116913  
federal agency to supply the responsible entity with a written 116914  
report regarding the criminal record of an applicant or 116915  
employee. If an employee holds an occupational or professional 116916  
license or other credentials, the responsible entity may request 116917  
that the state or federal agency that regulates the employee's 116918  
occupation or profession supply the responsible entity with a 116919  
written report of any information pertaining to the employee's 116920  
criminal record that the agency obtains in the course of 116921  
conducting an investigation or in the process of renewing the 116922  
employee's license or other credentials. The responsible entity 116923  
may consider the reports when determining whether to employ the 116924  
applicant or to continue to employ the employee. 116925

(F) As a condition of employing an applicant in a position 116926  
for which a criminal records check is required by this section 116927  
and that involves transporting individuals with developmental 116928  
disabilities or operating a responsible entity's vehicles for 116929  
any purpose, the responsible entity shall obtain the applicant's 116930  
driving record from the bureau of motor vehicles. If rules 116931  
adopted under this section require a responsible entity to 116932  
obtain an employee's driving record, the responsible entity 116933  
shall obtain the employee's driving record from the bureau at 116934  
times specified in the rules as a condition of continuing to 116935  
employ the employee. The responsible entity may consider the 116936  
applicant's or employee's driving record when determining 116937  
whether to employ the applicant or to continue to employ the 116938  
employee. 116939

(G) A responsible entity may employ an applicant 116940  
conditionally pending receipt of a report regarding the 116941  
applicant requested under this section. The responsible entity 116942  
shall request the report before employing the applicant 116943  
conditionally. The responsible entity shall terminate the 116944  
applicant's employment if it is determined from a report that 116945  
the applicant failed to inform the responsible entity that the 116946  
applicant had been convicted of, pleaded guilty to, or been 116947  
found eligible for intervention in lieu of conviction for a 116948  
disqualifying offense. 116949

(H) A responsible entity may charge an applicant a fee for 116950  
costs the responsible entity incurs in obtaining a report 116951  
regarding the applicant under this section if the responsible 116952  
entity notifies the applicant of the amount of the fee at the 116953  
time of the applicant's initial application for employment and 116954  
that, unless the fee is paid, the responsible entity will not 116955  
consider the applicant for employment. The fee shall not exceed 116956

the amount of the fee, if any, the responsible entity pays for 116957  
the report. 116958

(I) (1) Any report obtained pursuant to this section is not 116959  
a public record for purposes of section 149.43 of the Revised 116960  
Code and shall not be made available to any person, other than 116961  
the following: 116962

(a) The applicant or employee who is the subject of the 116963  
report or the applicant's or employee's representative; 116964

(b) The responsible entity that requested the report or 116965  
its representative; 116966

(c) The department if a county board, provider, or 116967  
subcontractor is the responsible entity that requested the 116968  
report and the department requests the responsible entity to 116969  
provide a copy of the report to the department; 116970

(d) A county board if a provider or subcontractor is the 116971  
responsible entity that requested the report and the county 116972  
board requests the responsible entity to provide a copy of the 116973  
report to the county board; 116974

(e) Any court, hearing officer, or other necessary 116975  
individual involved in a case dealing with any of the following: 116976

(i) The denial of employment to the applicant or employee; 116977

(ii) The denial, suspension, or revocation of a 116978  
certificate under section 5123.166 or 5123.45 of the Revised 116979  
Code; 116980

(iii) A civil or criminal action regarding the medicaid 116981  
program or a program the department administers. 116982

(2) An applicant or employee for whom the responsible 116983



entity has obtained reports under this section may submit a 116984  
written request to the responsible entity to have copies of the 116985  
reports sent to any state agency, entity of local government, or 116986  
private entity. The applicant or employee shall specify in the 116987  
request the agencies or entities to which the copies are to be 116988  
sent. On receiving the request, the responsible entity shall 116989  
send copies of the reports to the agencies or entities 116990  
specified. 116991

(3) A responsible entity may request that a state agency, 116992  
entity of local government, or private entity send copies to the 116993  
responsible entity of any report regarding a records check or 116994  
criminal records check that the agency or entity possesses, if 116995  
the responsible entity obtains the written consent of the 116996  
individual who is the subject of the report. 116997

(4) A responsible entity shall provide each applicant and 116998  
employee with a copy of any report obtained about the applicant 116999  
or employee under this section. 117000

(J) The director of developmental disabilities shall adopt 117001  
rules in accordance with Chapter 119. of the Revised Code to 117002  
implement this section. 117003

(1) The rules may do the following: 117004

(a) Require employees to undergo criminal records checks 117005  
under this section; 117006

(b) Require responsible entities to obtain the driving 117007  
records of employees under this section; 117008

(c) If the rules require employees to undergo criminal 117009  
records checks, require responsible entities to obtain the 117010  
driving records of employees, or both, exempt one or more 117011  
classes of employees from the requirements. 117012

- (2) The rules shall do all of the following: 117013
- (a) If the rules require employees to undergo criminal 117014  
records checks, require responsible entities to obtain the 117015  
driving records of employees, or both, specify the times at 117016  
which the criminal records checks are to be conducted and the 117017  
driving records are to be obtained; 117018
- (b) Specify circumstances under which a responsible entity 117019  
may employ an applicant or employee who is found by a criminal 117020  
records check required by this section to have been convicted 117021  
of, pleaded guilty to, or been found eligible for intervention 117022  
in lieu of conviction for a disqualifying offense but meets 117023  
standards in regard to rehabilitation set by the director; 117024
- (c) Require a responsible entity to request a criminal 117025  
records check under this section before employing an applicant 117026  
conditionally as permitted under division (G) of this section. 117027
- Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.1611~~ 117028  
5123.1613 of the Revised Code: 117029
- (1) "Applicant" means any of the following: 117030
- (a) The chief executive officer of a business that applies 117031  
under section 5123.161 of the Revised Code for a certificate to 117032  
provide supported living; 117033
- (b) The chief executive officer of a business that seeks 117034  
renewal of the business's supported living certificate under 117035  
section 5123.164 of the Revised Code; 117036
- (c) An individual who applies under section 5123.161 of 117037  
the Revised Code for a certificate to provide supported living 117038  
as an independent provider; 117039
- (d) An independent provider who seeks renewal of the 117040

independent provider's supported living certificate under 117041  
section 5123.164 of the Revised Code. 117042

(2) "Business" means an association, corporation, 117043  
nonprofit organization, partnership, trust, or other group of 117044  
persons. "Business" does not mean an independent provider. 117045

(3) "Criminal records check" has the same meaning as in 117046  
section 109.572 of the Revised Code. 117047

(4) "Disqualifying offense" means any of the offenses 117048  
listed or described in divisions (A)(3)(a) to (e) of section 117049  
109.572 of the Revised Code. 117050

(5) "Independent provider" means a provider who provides 117051  
supported living on a self-employed basis and does not employ, 117052  
directly or through contract, another person to provide the 117053  
supported living. 117054

(6) "Provider" means a person or government entity 117055  
certified by the director of developmental disabilities to 117056  
provide supported living. For the purpose of division (A)(8) of 117057  
this section, "provider" includes a person or government entity 117058  
that seeks or previously held a certificate to provide supported 117059  
living. 117060

(7) "Minor drug possession offense" has the same meaning 117061  
as in section 2925.01 of the Revised Code. 117062

(8) "Related party" means any of the following: 117063

(a) In the case of a provider who is an individual, any of 117064  
the following: 117065

(i) The spouse of the provider; 117066

(ii) A parent or stepparent of the provider or provider's 117067

spouse; 117068

(iii) A child of the provider or provider's spouse; 117069

(iv) A sibling, half sibling, or stepsibling of the 117070  
provider or provider's spouse; 117071

(v) A grandparent of the provider or provider's spouse; 117072

(vi) A grandchild of the provider or provider's spouse. 117073

(b) In the case of a provider that is a person other than 117074  
an individual, any of the following: 117075

(i) Any person or government entity that directly or 117076  
indirectly controls the provider's day-to-day operations 117077  
(including as a general manager, business manager, financial 117078  
manager, administrator, or director), regardless of whether the 117079  
person or government entity exercises the control pursuant to a 117080  
contract or other arrangement and regardless of whether the 117081  
person or government entity is required to file an Internal 117082  
Revenue Code form W-2 for the provider; 117083

(ii) An officer of the provider, including the chief 117084  
executive officer, president, vice-president, secretary, and 117085  
treasurer; 117086

(iii) A member of the provider's board of directors or 117087  
trustees; 117088

(iv) A person owning a financial interest of five per cent 117089  
or more in the provider, including a direct, indirect, security, 117090  
or mortgage financial interest; 117091

(v) The spouse, parent, stepparent, child, sibling, half 117092  
sibling, stepsibling, grandparent, or grandchild of any of the 117093  
persons specified in divisions (A) (8) (b) (i) to (iv) of this 117094

section; 117095

(vi) A person over which the provider has control of the 117096  
day-to-day operation; 117097

(vii) A corporation that has a subsidiary relationship 117098  
with the provider. 117099

(c) In the case of a provider that is a government entity, 117100  
any of the following: 117101

(i) Any person or government entity that directly or 117102  
indirectly controls the provider's day-to-day operations 117103  
(including as a general manager, financial manager, 117104  
administrator, or director), regardless of whether the person or 117105  
government entity exercises the control pursuant to a contract 117106  
or other arrangement; 117107

(ii) An officer of the provider; 117108

(iii) A member of the provider's governing board; 117109

(iv) A person or government entity over which the provider 117110  
has control of the day-to-day operation. 117111

(B) No person or government entity may provide supported 117112  
living without a valid supported living certificate issued by 117113  
the director of developmental disabilities. 117114

(C) A county board of developmental disabilities may 117115  
provide supported living only to the extent permitted by rules 117116  
adopted under section 5123.1611 of the Revised Code. 117117

**Sec. 5123.168.** The director of developmental disabilities 117118  
~~may issue an adjudication order in accordance with Chapter 119.~~ 117119  
~~of the Revised Code to shall~~ terminate a supported living 117120  
certificate if the certificate holder has not billed for 117121

supported living for ~~twelve~~twenty-four consecutive months. To 117122  
terminate a supported living certificate under this section, the 117123  
director shall send a notice by certified mail to the 117124  
certificate holder at the address on file with the department of 117125  
developmental disabilities explaining why the certificate is 117126  
terminated. 117127

**Sec. 5123.169.** (A) The director of developmental 117128  
disabilities shall not issue a supported living certificate to 117129  
an applicant or renew an applicant's supported living 117130  
certificate if either of the following applies: 117131

(1) The applicant fails to comply with division (C) (2) of 117132  
this section; 117133

(2) Except as provided in rules adopted under section 117134  
5123.1611 of the Revised Code, the applicant is found by a 117135  
criminal records check required by this section to have been 117136  
convicted of, pleaded guilty to, or been found eligible for 117137  
intervention in lieu of conviction for a disqualifying offense. 117138

(B) Before issuing a supported living certificate to an 117139  
applicant or renewing an applicant's supported living 117140  
certificate, the director shall require the applicant to submit 117141  
a statement with the applicant's signature attesting that the 117142  
applicant has not been convicted of, pleaded guilty to, or been 117143  
found eligible for intervention in lieu of conviction for a 117144  
disqualifying offense. The director also shall require the 117145  
applicant to sign an agreement under which the applicant agrees 117146  
to notify the director within fourteen calendar days if, while 117147  
holding a supported living certificate, the applicant is 117148  
formally charged with, is convicted of, pleads guilty to, or is 117149  
found eligible for intervention in lieu of conviction for a 117150  
disqualifying offense. The agreement shall provide that the 117151

applicant's failure to provide the notification may result in 117152  
action being taken by the director against the applicant under 117153  
section 5123.166 of the Revised Code. 117154

(C) (1) As a condition of receiving a supported living 117155  
certificate or having a supported living certificate renewed, an 117156  
applicant shall request the superintendent of the bureau of 117157  
criminal identification and investigation to conduct a criminal 117158  
records check of the applicant. If an applicant does not present 117159  
proof to the director that the applicant has been a resident of 117160  
this state for the five-year period immediately prior to the 117161  
date that the applicant applies for issuance or renewal of the 117162  
supported living certificate, the director shall require the 117163  
applicant to request that the superintendent obtain information 117164  
from the federal bureau of investigation as a part of the 117165  
criminal records check. If the applicant presents proof to the 117166  
director that the applicant has been a resident of this state 117167  
for that five-year period, the director may require the 117168  
applicant to request that the superintendent include information 117169  
from the federal bureau of investigation in the criminal records 117170  
check. For purposes of this division, an applicant may provide 117171  
proof of residency in this state by presenting, with a ~~notarized~~ 117172  
statement asserting that the applicant has been a resident of 117173  
this state for that five-year period, a valid driver's license, 117174  
notification of registration as an elector, a copy of an 117175  
officially filed federal or state tax form identifying the 117176  
applicant's permanent residence, or any other document the 117177  
director considers acceptable. 117178

(2) Each applicant shall do all of the following: 117179

(a) Obtain a copy of the form prescribed pursuant to 117180  
division (C) (1) of section 109.572 of the Revised Code and a 117181

standard impression sheet prescribed pursuant to division (C) (2) 117182  
of section 109.572 of the Revised Code; 117183

(b) Complete the form and provide the applicant's 117184  
fingerprint impressions on the standard impression sheet; 117185

(c) Forward the completed form and standard impression 117186  
sheet to the superintendent at the time the criminal records 117187  
check is requested; 117188

(d) Instruct the superintendent to submit the completed 117189  
report of the criminal records check directly to the director; 117190

(e) Pay to the bureau of criminal identification and 117191  
investigation the fee prescribed pursuant to division (C) (3) of 117192  
section 109.572 of the Revised Code for each criminal records 117193  
check of the applicant requested and conducted pursuant to this 117194  
section. 117195

(D) The director may request any other state or federal 117196  
agency to supply the director with a written report regarding 117197  
the criminal record of an applicant. The director may consider 117198  
the reports when determining whether to issue a supported living 117199  
certificate to the applicant or to renew an applicant's 117200  
supported living certificate. 117201

(E) An applicant who seeks to be an independent provider 117202  
or is an independent provider seeking renewal of the applicant's 117203  
supported living certificate shall obtain the applicant's 117204  
driving record from the bureau of motor vehicles and provide a 117205  
copy of the record to the director if the supported living that 117206  
the applicant will provide involves transporting individuals 117207  
with developmental disabilities. The director may consider the 117208  
applicant's driving record when determining whether to issue the 117209  
applicant a supported living certificate or to renew the 117210



applicant's supported living certificate. 117211

(F) (1) A report obtained pursuant to this section is not a 117212  
public record for purposes of section 149.43 of the Revised Code 117213  
and shall not be made available to any person, other than the 117214  
following: 117215

(a) The applicant who is the subject of the report or the 117216  
applicant's representative; 117217

(b) The director or the director's representative; 117218

(c) Any court, hearing officer, or other necessary 117219  
individual involved in a case dealing with any of the following: 117220

(i) The denial of a supported living certificate or 117221  
refusal to renew a supported living certificate; 117222

(ii) The denial, suspension, or revocation of a 117223  
certificate under section 5123.45 of the Revised Code; 117224

(iii) A civil or criminal action regarding the medicaid 117225  
program. 117226

(2) An applicant for whom the director has obtained 117227  
reports under this section may submit a written request to the 117228  
director to have copies of the reports sent to any person or 117229  
state or local government entity. The applicant shall specify in 117230  
the request the person or entities to which the copies are to be 117231  
sent. On receiving the request, the director shall send copies 117232  
of the reports to the persons or entities specified. 117233

(3) The director may request that a person or state or 117234  
local government entity send copies to the director of any 117235  
report regarding a records check or criminal records check that 117236  
the person or entity possesses, if the director obtains the 117237  
written consent of the individual who is the subject of the 117238

report. 117239

(4) The director shall provide each applicant with a copy 117240  
of any report obtained about the applicant under this section. 117241

**Sec. 5123.1613.** (A) A person who has been granted 117242  
guardianship of an individual with a developmental disability 117243  
shall not provide supported living to that individual either as 117244  
an independent provider or as an employee or contractor of a 117245  
supported living certificate holder unless there is a 117246  
relationship by blood, adoption, or marriage between the 117247  
guardian and the individual. 117248

(B) A supported living certificate holder owned or 117249  
operated by a guardian of an individual with a developmental 117250  
disability shall not provide supported living to that individual 117251  
unless there is a relationship by blood, adoption, or marriage 117252  
between the guardian and the individual. 117253

**Sec. 5123.191.** (A) The court of common pleas or a judge 117254  
thereof in the judge's county, or the probate court, may appoint 117255  
a receiver to take possession of and operate a residential 117256  
facility licensed by the department of developmental 117257  
disabilities, in causes pending in such courts respectively, 117258  
when conditions existing at the facility present a substantial 117259  
risk of physical or mental harm to residents and no other 117260  
remedies at law are adequate to protect the health, safety, and 117261  
welfare of the residents. Conditions at the facility that may 117262  
present such risk of harm include, but are not limited to, 117263  
instances when any of the following occur: 117264

(1) The residential facility is in violation of state or 117265  
federal law or regulations. 117266

(2) The facility has had its license revoked or procedures 117267

for revocation have been initiated, or the facility is closing 117268  
or intends to cease operations. 117269

(3) Arrangements for relocating residents need to be made. 117270

(4) Insolvency of the operator, licensee, or landowner 117271  
threatens the operation of the facility. 117272

(5) The facility or operator has demonstrated a pattern 117273  
and practice of repeated violations of state or federal laws or 117274  
regulations. 117275

(B) A court in which a petition is filed pursuant to this 117276  
section shall notify the person holding the license for the 117277  
facility and the department of developmental disabilities of the 117278  
filing. The court shall order the department to notify the 117279  
facility owner, facility operator, county board of developmental 117280  
disabilities, facility residents, and residents' parents and 117281  
guardians of the filing of the petition. 117282

The court shall provide a hearing on the petition within 117283  
five court days of the time it was filed, except that the court 117284  
may appoint a receiver prior to that time if it determines that 117285  
the circumstances necessitate such action. Following a hearing 117286  
on the petition, and upon a determination that the appointment 117287  
of a receiver is warranted, the court shall appoint a receiver 117288  
and notify the department of developmental disabilities and 117289  
appropriate persons of this action. 117290

(C) A residential facility for which a receiver has been 117291  
named is deemed to be in compliance with section 5123.19 and 117292  
Chapter 3721. of the Revised Code for the duration of the 117293  
receivership. 117294

(D) When the operating revenue of a residential facility 117295  
in receivership is insufficient to meet its operating expenses, 117296

including the cost of bringing the facility into compliance with 117297  
state or federal laws or regulations, the court may order the 117298  
state to provide necessary funding, except as provided in 117299  
division (K) of this section. The state shall provide such 117300  
funding, subject to the approval of the controlling board. The 117301  
court may also order the appropriate authorities to expedite all 117302  
inspections necessary for the issuance of licenses or the 117303  
certification of a facility, and order a facility to be closed 117304  
if it determines that reasonable efforts cannot bring the 117305  
facility into substantial compliance with the law. 117306

(E) In establishing a receivership, the court shall set 117307  
forth the powers and duties of the receiver. The court may 117308  
generally authorize the receiver to do all that is prudent and 117309  
necessary to safely and efficiently operate the residential 117310  
facility within the requirements of state and federal law, but 117311  
shall require the receiver to obtain court approval prior to 117312  
making any single expenditure of more than five thousand dollars 117313  
to correct deficiencies in the structure or furnishings of a 117314  
facility. The court shall closely review the conduct of the 117315  
receiver it has appointed and shall require regular and detailed 117316  
reports. The receivership shall be reviewed at least every sixty 117317  
days. 117318

(F) A receivership established pursuant to this section 117319  
shall be terminated, following notification of the appropriate 117320  
parties and a hearing, if the court determines either of the 117321  
following: 117322

(1) The residential facility has been closed and the 117323  
former residents have been relocated to an appropriate facility. 117324

(2) Circumstances no longer exist at the facility that 117325  
present a substantial risk of physical or mental harm to 117326

residents, and there is no deficiency in the facility that is 117327  
likely to create a future risk of harm. 117328

Notwithstanding division (F) (2) of this section, the court 117329  
shall not terminate a receivership for a residential facility 117330  
that has previously operated under another receivership unless 117331  
the responsibility for the operation of the facility is 117332  
transferred to an operator approved by the court and the 117333  
department of developmental disabilities. 117334

(G) The department of developmental disabilities may, upon 117335  
its own initiative or at the request of an owner, operator, or 117336  
resident of a residential facility, or at the request of a 117337  
resident's guardian or relative or a county board of 117338  
developmental disabilities, petition the court to appoint a 117339  
receiver to take possession of and operate a residential 117340  
facility. When the department has been requested to file a 117341  
petition by any of the parties listed above, it shall, within 117342  
forty-eight hours of such request, either file such a petition 117343  
or notify the requesting party of its decision not to file. If 117344  
the department refuses to file, the requesting party may file a 117345  
petition with the court requesting the appointment of a receiver 117346  
to take possession of and operate a residential facility. 117347

Petitions filed pursuant to this division shall include 117348  
the following: 117349

(1) A description of the specific conditions existing at 117350  
the facility which present a substantial risk of physical or 117351  
mental harm to residents; 117352

(2) A statement of the absence of other adequate remedies 117353  
at law; 117354

(3) The number of individuals residing at the facility; 117355

(4) A statement that the facts have been brought to the 117356  
attention of the owner or licensee and that conditions have not 117357  
been remedied within a reasonable period of time or that the 117358  
conditions, though remedied periodically, habitually exist at 117359  
the facility as a pattern or practice; 117360

(5) The name and address of the person holding the license 117361  
for the facility and the address of the department of 117362  
developmental disabilities. 117363

The court may award to an operator appropriate costs and 117364  
expenses, including reasonable attorney's fees, if it determines 117365  
that a petitioner has initiated a proceeding in bad faith or 117366  
merely for the purpose of harassing or embarrassing the 117367  
operator. 117368

(H) Except for the department of developmental 117369  
disabilities or a county board of developmental disabilities, no 117370  
party or person interested in an action shall be appointed a 117371  
receiver pursuant to this section. 117372

To assist the court in identifying persons qualified to be 117373  
named as receivers, the director of developmental disabilities 117374  
shall maintain a list of the names of such persons. The director 117375  
shall, in accordance with Chapter 119. of the Revised Code, 117376  
establish standards for evaluating persons desiring to be 117377  
included on such a list. 117378

(I) Before a receiver enters upon the duties of that 117379  
person, the receiver must be sworn to perform the duties of 117380  
receiver faithfully, and, with surety approved by the court, 117381  
judge, or clerk, execute a bond to such person, and in such sum 117382  
as the court or judge directs, to the effect that such receiver 117383  
will faithfully discharge the duties of receiver in the action, 117384

and obey the orders of the court therein. 117385

(J) Under the control of the appointing court, a receiver 117386  
may bring and defend actions in the receiver's own name as 117387  
receiver and take and keep possession of property. 117388

The court shall authorize the receiver to do the 117389  
following: 117390

(1) Collect payment for all goods and services provided to 117391  
the residents or others during the period of the receivership at 117392  
the same rate as was charged by the licensee at the time the 117393  
petition for receivership was filed, unless a different rate is 117394  
set by the court; 117395

(2) Honor all leases, mortgages, and secured transactions 117396  
governing all buildings, goods, and fixtures of which the 117397  
receiver has taken possession and continues to use, subject to 117398  
the following conditions: 117399

(a) In the case of a rental agreement, only to the extent 117400  
of payments that are for the use of the property during the 117401  
period of the receivership; 117402

(b) In the case of a purchase agreement only to the extent 117403  
of payments that come due during the period of the receivership. 117404

(3) If transfer of residents is necessary, provide for the 117405  
orderly transfer of residents by doing the following: 117406

(a) Cooperating with all appropriate state and local 117407  
agencies in carrying out the transfer of residents to 117408  
alternative community placements; 117409

(b) Providing for the transportation of residents' 117410  
belongings and records; 117411

(c) Helping to locate alternative placements and develop discharge plans; 117412  
117413

(d) Preparing residents for the trauma of discharge; 117414

(e) Permitting residents or guardians to participate in transfer or discharge planning except when an emergency exists and immediate transfer is necessary. 117415  
117416  
117417

(4) Make periodic reports on the status of the residential program to the appropriate state agency, county board of developmental disabilities, parents, guardians, and residents; 117418  
117419  
117420

(5) Compromise demands or claims; 117421

(6) Generally do such acts respecting the residential facility as the court authorizes. 117422  
117423

(K) Neither the receiver nor the department of developmental disabilities is liable for debts incurred by the owner or operator of a residential facility for which a receiver has been appointed. 117424  
117425  
117426  
117427

(L) The department of developmental disabilities may contract for the operation of a residential facility in receivership. The department shall establish the conditions of a contract. Notwithstanding any other provision of law, contracts that are necessary to carry out the powers and duties of the receiver need not be competitively bid. 117428  
117429  
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(M) The department of developmental disabilities, the department of ~~job and family services~~ children and youth, and the department of health shall provide technical assistance to any receiver appointed pursuant to this section. 117434  
117435  
117436  
117437

**Sec. 5123.41.** As used in this section and sections 5123.42 to 5123.47 of the Revised Code: 117438  
117439



(A) "Adult services" has the same meaning as in section 5126.01 of the Revised Code. 117440  
117441

(B) "Certified supported living provider" means a person 117442  
or government entity certified under section 5123.161 of the 117443  
Revised Code. 117444

(C) "Drug" has the same meaning as in section 4729.01 of 117445  
the Revised Code. 117446

(D) "Family member" means a parent, sibling, spouse, son, 117447  
daughter, grandparent, aunt, uncle, cousin, or guardian of an 117448  
individual with a developmental disability if the individual 117449  
with a developmental disability lives with the person and is 117450  
dependent on the person to the extent that, if the supports were 117451  
withdrawn, another living arrangement would have to be found. 117452

(E) "Family support services" has the same meaning as in 117453  
section 5126.01 of the Revised Code. 117454

~~(E)~~ (F) "Health-related activities" means the following: 117455

(1) Taking vital signs; 117456  
  
(2) Application of clean dressings that do not require 117457  
health assessment; 117458

(3) Basic measurement of bodily intake and output; 117459

(4) Oral suctioning; 117460

(5) Use of glucometers; 117461

(6) External urinary catheter cleaning; 117462

(7) Emptying and replacing ostomy bags; 117463

(8) Collection of specimens by noninvasive means; 117464

(9) Pulse oximetry reading; 117465

(10) Use of continuous positive airway pressure machines;	117466
(11) Application of percussion vests;	117467
(12) Use of cough assist devices and insufflators;	117468
(13) Application of prescribed compression hosiery.	117469
<del>(F)</del> <u>(G)</u> "Licensed health professional authorized to	117470
prescribe drugs" has the same meaning as in section 4729.01 of	117471
the Revised Code.	117472
<del>(G)</del> <u>(H)</u> "Metered dose inhaled medication" means a	117473
premeasured medication administered by inhalation using a hand-	117474
held dispenser or aerosol nebulizer.	117475
<del>(H)</del> <u>(I)</u> "Developmental disabilities personnel" means the	117476
employees and the workers under contract who provide specialized	117477
services to individuals with developmental disabilities.	117478
"Developmental disabilities personnel" includes those who	117479
provide the services as follows:	117480
(1) Through direct employment with the department of	117481
developmental disabilities or a county board of developmental	117482
disabilities;	117483
(2) Through an entity under contract with the department	117484
of developmental disabilities or a county board of developmental	117485
disabilities;	117486
(3) Through direct employment or by being under contract	117487
with private entities, including private entities that operate	117488
residential facilities.	117489
<del>(I)</del> <u>(J)</u> "Nursing delegation" means the process established	117490
in rules adopted by the board of nursing pursuant to Chapter	117491
4723. of the Revised Code under which a registered nurse or	117492

licensed practical nurse acting at the direction of a registered 117493  
nurse transfers the performance of a particular nursing activity 117494  
or task to another person who is not otherwise authorized to 117495  
perform the activity or task. 117496

~~(J)~~ (K) "Over-the-counter medication" means a drug that may 117497  
be sold and purchased without a prescription. 117498

~~(K)~~ (L) "Prescribed medication" means a drug that is to be 117499  
administered according to the instructions of a licensed health 117500  
professional authorized to prescribe drugs. 117501

~~(L)~~ (M) "Residential facility" means a facility licensed 117502  
under section 5123.19 of the Revised Code. 117503

~~(M)~~ (N) "Specialized services" has the same meaning as in 117504  
section 5123.50 of the Revised Code. 117505

~~(N)~~ (O) "Topical over-the-counter musculoskeletal 117506  
medication" means an over-the-counter medication that is applied 117507  
topically or passes through the skin to provide relief from 117508  
discomfort in the muscles, joints, or bones. 117509

**Sec. 5123.42.** (A) Developmental disabilities personnel who 117510  
are not specifically authorized by other provisions of the 117511  
Revised Code to administer medications or perform health-related 117512  
activities may do so pursuant to this section as part of the 117513  
specialized services the developmental disabilities personnel 117514  
provide to individuals with developmental disabilities in the 117515  
following categories: 117516

(1) Recipients of early intervention, preschool, and 117517  
school-age services offered or provided pursuant to this chapter 117518  
or Chapter 5126. of the Revised Code; 117519

(2) Recipients of adult services, if the services are 117520

received in a setting where seventeen or more individuals 117521  
receive the services and the services are offered or provided 117522  
pursuant to this chapter or Chapter 5126. of the Revised Code; 117523

(3) Recipients of adult services, if the services are 117524  
received in a setting where not more than sixteen individuals 117525  
receive the services and the services are offered or provided 117526  
pursuant to this chapter or Chapter 5126. of the Revised Code; 117527

(4) Recipients of family support services offered or 117528  
provided pursuant to this chapter or Chapter 5126. of the 117529  
Revised Code; 117530

(5) Recipients of services from certified supported living 117531  
providers, if the services are offered or provided pursuant to 117532  
this chapter or Chapter 5126. of the Revised Code; 117533

(6) Recipients of residential support services from 117534  
certified home and community-based services providers, if the 117535  
services are received in a community living arrangement that 117536  
includes not more than four individuals with developmental 117537  
disabilities and the services are offered or provided pursuant 117538  
to this chapter or Chapter 5126. of the Revised Code; 117539

(7) Recipients of services not included in divisions (A) 117540  
(1) to (6) of this section that are offered or provided pursuant 117541  
to this chapter or Chapter 5126. of the Revised Code; 117542

(8) Residents of a residential facility with not more than 117543  
five resident beds; 117544

(9) Residents of a residential facility with at least six 117545  
resident beds. 117546

(B) (1) In the case of individuals described in divisions 117547  
(A) (1) to (9) of this section, developmental disabilities 117548

personnel may do all of the following without nursing delegation 117549  
and without a certificate issued under section 5123.45 of the 117550  
Revised Code: 117551

(a) Activate a ~~vagal~~-vagus nerve stimulator; 117552

(b) ~~Use an epinephrine autoinjector to~~ To treat 117553  
anaphylaxis, administer prescribed epinephrine either by 117554  
autoinjector or intranasally; 117555

(c) Administer topical over-the-counter medications for 117556  
the purpose of cleaning, protecting, or comforting the skin, 117557  
hair, nails, teeth, or oral surfaces, but not for the purpose of 117558  
treating an open wound or a condition that requires a medical 117559  
diagnosis, including a fungal infection. 117560

(2) The authority of developmental disabilities personnel 117561  
~~to activate a vagal nerve stimulator, use an epinephrine~~ 117562  
~~autoinjector, and perform the health-related activity or~~ 117563  
~~administer topical over-the-counter the medications described in~~ 117564  
division (B) (1) of this section is subject to all of the 117565  
following: 117566

(a) ~~To activate a vagal nerve stimulator or use an~~ 117567  
~~epinephrine autoinjector, developmental~~ Developmental 117568  
disabilities personnel shall successfully complete the training 117569  
course or courses developed under section 5123.43 of the Revised 117570  
Code for developmental disabilities personnel. Developmental 117571  
disabilities personnel shall ~~activate a vagal nerve stimulator~~ 117572  
~~or use an epinephrine autoinjector~~ perform the health-related 117573  
activity or administer the medications described in division (B) 117574  
(1) of this section only as authorized by the training 117575  
completed. 117576

(b) The employer of developmental disabilities personnel 117577

shall ensure that the personnel have been trained specifically 117578  
with respect to each individual for whom they ~~activate a vagal~~ 117579  
~~nerve stimulator or use an epinephrine autoinjector~~perform the 117580  
health-related activity or administer the medications described 117581  
in division (B)(1) of this section. Developmental disabilities 117582  
personnel shall not ~~activate a vagal nerve stimulator or use an~~ 117583  
~~epinephrine autoinjector~~perform such an activity or administer 117584  
such medications for any individual for whom they have not been 117585  
specifically trained. 117586

(c) If the employer of developmental disabilities 117587  
personnel believes that the personnel have not or will not 117588  
safely ~~activate a vagal nerve stimulator or use an epinephrine~~ 117589  
~~autoinjector~~perform the health-related activity or administer 117590  
the medications described in division (B)(1) of this section, 117591  
the employer shall prohibit the developmental disabilities 117592  
personnel from continuing or commencing to do so. Developmental 117593  
disabilities personnel shall not engage in the action or actions 117594  
subject to an employer's prohibition. 117595

(d) Developmental disabilities personnel shall activate a 117596  
~~vagal-vagus~~ nerve stimulator, ~~use an~~administer prescribed 117597  
epinephrine either by autoinjector or intranasally, or 117598  
administer topical over-the-counter medications in accordance 117599  
with the manufacturer's instructions. 117600

(C)(1) In the case of recipients of early intervention, 117601  
preschool, and school-age services, as specified in division (A) 117602  
(1) of this section, all of the following apply: 117603

(a) With nursing delegation, developmental disabilities 117604  
personnel may perform health-related activities. 117605

(b) With nursing delegation, developmental disabilities 117606

personnel may administer oral and topical prescribed medications 117607  
and topical over-the-counter musculoskeletal medications. 117608

(c) With nursing delegation, developmental disabilities 117609  
personnel may administer oxygen and metered dose inhaled 117610  
medications. 117611

(d) With nursing delegation, developmental disabilities 117612  
personnel may administer prescribed medications through 117613  
gastrostomy and jejunostomy tubes, if the tubes being used are 117614  
stable and labeled. 117615

(e) With nursing delegation, developmental disabilities 117616  
personnel may administer routine doses of insulin through 117617  
subcutaneous injections, inhalation, and insulin pumps. 117618

(f) With nursing delegation, developmental disabilities 117619  
personnel may administer prescribed medications for the 117620  
treatment of metabolic glycemc disorders through subcutaneous 117621  
injections. 117622

(2) In the case of individuals described in divisions (A) 117623  
(2), (7), and (9) of this section, all of the following apply: 117624

(a) With nursing delegation, developmental disabilities 117625  
personnel may perform health-related activities. 117626

(b) With nursing delegation, developmental disabilities 117627  
personnel may administer oral and topical prescribed medications 117628  
and topical over-the-counter musculoskeletal medications. 117629

(c) With nursing delegation, developmental disabilities 117630  
personnel may administer oxygen and metered dose inhaled 117631  
medications. 117632

(d) With nursing delegation, developmental disabilities 117633  
personnel may administer prescribed medications through 117634

gastrostomy and jejunostomy tubes, if the tubes being used are 117635  
stable and labeled. 117636

(e) With nursing delegation, developmental disabilities 117637  
personnel may administer routine doses of insulin through 117638  
subcutaneous injections, inhalation, and insulin pumps. 117639

(f) With nursing delegation, developmental disabilities 117640  
personnel may administer prescribed medications for the 117641  
treatment of metabolic glyceimic disorders through subcutaneous 117642  
injections. 117643

(3) In the case of individuals described in divisions (A) 117644  
(3), (4), (5), (6), and (8) of this section, all of the 117645  
following apply: 117646

(a) Without nursing delegation, developmental disabilities 117647  
personnel may perform health-related activities. 117648

(b) Without nursing delegation, developmental disabilities 117649  
personnel may administer oral and topical prescribed medications 117650  
and topical over-the-counter musculoskeletal medications. 117651

(c) Without nursing delegation, developmental disabilities 117652  
personnel may administer oxygen and metered dose inhaled 117653  
medications. 117654

(d) With nursing delegation, developmental disabilities 117655  
personnel may administer prescribed medications through 117656  
gastrostomy and jejunostomy tubes, if the tubes being used are 117657  
stable and labeled. 117658

(e) With nursing delegation, developmental disabilities 117659  
personnel may administer routine doses of insulin through 117660  
subcutaneous injections, inhalation, and insulin pumps. 117661

(f) With nursing delegation, developmental disabilities 117662



personnel may administer prescribed medications for the 117663  
treatment of metabolic glyceimic disorders through subcutaneous 117664  
injections. 117665

(D) The authority of developmental disabilities personnel 117666  
to administer medications and perform health-related activities 117667  
pursuant to division (C) of this section is subject to all of 117668  
the following: 117669

(1) To administer medications or perform health-related 117670  
activities for individuals in the categories specified under 117671  
divisions (A) (1) to (9) of this section, developmental 117672  
disabilities personnel shall obtain the certificate or 117673  
certificates required by the department of developmental 117674  
disabilities and issued under section 5123.45 of the Revised 117675  
Code. Developmental disabilities personnel shall administer 117676  
medications and perform health-related activities only as 117677  
authorized by the certificate or certificates held. 117678

(2) If nursing delegation is required under division (C) 117679  
of this section, developmental disabilities personnel shall not 117680  
act without nursing delegation or in a manner that is 117681  
inconsistent with the delegation. 117682

(3) The employer of developmental disabilities personnel 117683  
shall ensure that the personnel have been trained specifically 117684  
with respect to each individual for whom they administer 117685  
medications or perform health-related activities. Developmental 117686  
disabilities personnel shall not administer medications or 117687  
perform health-related activities for any individual for whom 117688  
they have not been specifically trained. 117689

(4) If the employer of developmental disabilities 117690  
personnel believes that the developmental disabilities personnel 117691

have not or will not safely administer medications or perform 117692  
health-related activities, the employer shall prohibit the ~~the~~ 117693  
personnel from continuing or commencing to do so. Developmental 117694  
disabilities personnel shall not engage in the action or actions 117695  
subject to an employer's prohibition. 117696

(E) In accordance with section 5123.46 of the Revised 117697  
Code, the department of developmental disabilities shall adopt 117698  
rules governing its implementation of this section. The rules 117699  
shall include the following: 117700

(1) Requirements for documentation of the administration 117701  
of medications and performance of health-related activities by 117702  
developmental disabilities personnel pursuant to the authority 117703  
granted under this section; 117704

(2) Procedures for reporting errors that occur in the 117705  
administration of medications and performance of health-related 117706  
activities by developmental disabilities personnel pursuant to 117707  
the authority granted under this section; 117708

(3) Other standards and procedures the department 117709  
considers necessary for implementation of this section. 117710

**Sec. 5123.423.** A family member may administer medications 117711  
or perform health-related activities as described in section 117712  
5123.42 of the Revised Code without either of the following: 117713  
nursing delegation or a certificate issued under section 5123.45 117714  
of the Revised Code. 117715

**Sec. 5123.47.** (A) As used in this section: 117716

(1) "In-home care" means the supportive services provided 117717  
within the home of an individual with a developmental disability 117718  
who receives funding for the services through a county board of 117719  
developmental disabilities, including any recipient of 117720

residential services funded as home and community-based 117721  
services, family support services provided under section 5126.11 117722  
of the Revised Code, or supported living provided in accordance 117723  
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 117724  
care" includes care that is provided outside an individual's 117725  
home in places incidental to the home, and while traveling to 117726  
places incidental to the home, except that "in-home care" does 117727  
not include care provided in the facilities of a county board of 117728  
developmental disabilities or care provided in schools. 117729

(2) "Parent" means either parent of a child, including an 117730  
adoptive parent but not a foster parent. 117731

(3) "Unlicensed in-home care worker" means an individual 117732  
who provides in-home care on a self-employed basis and does not 117733  
employ, either directly or through contract, another person to 117734  
provide the in-home care, but who is not a health care 117735  
professional. 117736

~~(4) "Family member" means a parent, sibling, spouse, son,~~ 117737  
~~daughter, grandparent, aunt, uncle, cousin, or guardian of the~~ 117738  
~~individual with a developmental disability if the individual~~ 117739  
~~with a developmental disability lives with the person and is~~ 117740  
~~dependent on the person to the extent that, if the supports were~~ 117741  
~~withdrawn, another living arrangement would have to be found.~~ 117742

~~(5)~~ "Health care professional" means any of the following: 117743

(a) A dentist who holds a valid license issued under 117744  
Chapter 4715. of the Revised Code; 117745

(b) A registered or licensed practical nurse who holds a 117746  
valid license issued under Chapter 4723. of the Revised Code; 117747

(c) An optometrist who holds a valid license issued under 117748  
Chapter 4725. of the Revised Code; 117749

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code; 117750  
117751

(e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine; 117752  
117753  
117754  
117755

(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code; 117756  
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(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code; 117758  
117759  
117760  
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(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code; 117762  
117763

(i) A certified mental health assistant who holds a valid license issued under Chapter 4772. of the Revised Code. 117764  
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~~(6)~~ (5) "Health care task" means a task that is prescribed, ordered, ~~delegated,~~ or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of ~~oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glyceimic disorders through subcutaneous injections.~~ 117766  
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(B) Except as provided in division ~~(E)~~ (F) of this section, a family member of an individual with a developmental disability 117777  
117778

may authorize an unlicensed in-home care worker to perform 117779  
health care tasks as part of the in-home care the worker 117780  
provides to the individual, if all of the following apply: 117781

(1) The family member is the primary supervisor of the 117782  
care. 117783

(2) At the time the family member both authorizes the 117784  
unlicensed in-home care worker to perform health care tasks and 117785  
supervises the care provided to the individual, the family 117786  
member is not acting as a paid provider for the individual. 117787

(3) The unlicensed in-home care worker has been selected 117788  
by the family member or the individual receiving care and is 117789  
under the direct supervision of the family member. 117790

~~(3) The unlicensed in-home care worker is providing the 117791  
care through an employment or other arrangement entered into 117792  
directly with the family member and is not otherwise employed by 117793  
or under contract with a person or government entity to provide 117794  
services to individuals with developmental disabilities. 117795~~

(4) The health care task is completed in accordance with 117796  
standard, written instructions. 117797

(5) Performance of the health care task requires no 117798  
judgment based on specialized health care knowledge or 117799  
expertise. 117800

(6) The outcome of the health care task is reasonably 117801  
predictable. 117802

(7) Performance of the health care task requires no 117803  
complex observation of the individual receiving the care. 117804

(8) Improper performance of the health care task will 117805  
result in only minimal complications that are not life- 117806

threatening. 117807

(C) A family member who authorizes an unlicensed in-home 117808  
care worker to perform health care tasks under this section 117809  
shall ~~obtain~~ do all of the following: 117810

(1) Obtain a prescription, if applicable, and written 117811  
instructions from a health care professional for the care to be 117812  
provided to the individual. ~~The family member shall authorize;~~ 117813

(2) Authorize the unlicensed in-home care worker to 117814  
provide the care by preparing a written document granting the 117815  
authority. ~~The family member shall provide;~~ 117816

(3) Provide the unlicensed in-home care worker with 117817  
appropriate training and written instructions in accordance with 117818  
the instructions obtained from the health care professional. ~~The~~ 117819  
~~family member or a health care professional shall be;~~ 117820

(4) Be available to communicate with the unlicensed in- 117821  
home care worker either in person or by telecommunication while 117822  
the in-home care worker performs a health care task. 117823

(D) Before an unlicensed in-home care worker may perform 117824  
the health care tasks authorized by a family member under this 117825  
section, the worker shall accept the written document described 117826  
in division (C) (2) of this section granting the worker that 117827  
authority. 117828

(E) A family member who authorizes an unlicensed in-home 117829  
care worker to ~~administer oral and topical prescribed~~ 117830  
~~medications or perform other~~ health care tasks retains full 117831  
responsibility for the health and safety of the individual 117832  
receiving the care and for ensuring that the worker provides the 117833  
care appropriately and safely. No entity that funds or monitors 117834  
the provision of in-home care may be held liable for the results 117835

of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of developmental disabilities and the department of developmental disabilities.

An unlicensed in-home care worker who is authorized under this section by a family member to provide care to an individual may not be held liable for any injury caused in providing the care, unless the worker provides the care in a manner that is not in accordance with the training and instructions received or the worker acts in a manner that constitutes willful or wanton misconduct.

~~(E)~~ (F) A county board of developmental disabilities may evaluate the authority granted by a family member under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. ~~If~~ In evaluating the authority, the board shall use appropriately licensed health care professionals.

If, after its evaluation, the board determines that a family member has acted in a manner that is inappropriate for the health and safety of the individual receiving the care, then all of the following apply:

(1) The authorization granted by the family member to an unlicensed in-home care worker is void, ~~and the~~.

(2) The family member may not authorize other unlicensed in-home care workers to provide the care. ~~In making such a determination, the~~

(3) The board shall use ~~authorize~~ appropriately licensed health care professionals and or certified providers to instead perform the health care tasks.

(4) The board shall provide the family member an 117865  
opportunity to file a complaint under section 5126.06 of the 117866  
Revised Code. 117867

**Sec. 5124.15.** (A) Except as otherwise provided by section 117868  
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of 117869  
the Revised Code, and division (B) of this section, the total 117870  
per medicaid day payment rate that the department of 117871  
developmental disabilities shall pay to an ICF/IID provider for 117872  
ICF/IID services the provider's ICF/IID provides during a fiscal 117873  
year shall equal the sum of all of the following: 117874

(1) The per medicaid day capital component rate determined 117875  
for the ICF/IID under section 5124.17 of the Revised Code; 117876

(2) The per medicaid day direct care costs component rate 117877  
determined for the ICF/IID under section 5124.19 of the Revised 117878  
Code; 117879

(3) The per medicaid day indirect care costs component 117880  
rate determined for the ICF/IID under section 5124.21 of the 117881  
Revised Code; 117882

(4) The per medicaid day other protected costs component 117883  
rate determined for the ICF/IID under section 5124.23 of the 117884  
Revised Code; 117885

(5) The sum of the following: 117886

(a) The per medicaid day quality incentive payment 117887  
determined for the ICF/IID under section 5124.24 of the Revised 117888  
Code; 117889

(b) A direct support personnel payment equal to two and 117890  
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 117891  
allowable, per medicaid day direct care costs from the 117892



applicable cost report year; 117893

(c) ~~A For state fiscal year 2026, a professional workforce~~ 117894  
~~development payment equal to thirteen and fifty-five hundredths~~ 117895  
~~for state fiscal year 2024 and twenty and eighty-one hundredths~~ 117896  
~~during fiscal year 2025 ten and four hundred five thousandths~~ 117897  
per cent of the ICF/IID's desk-reviewed, actual, allowable, per 117898  
medicaid day direct care costs from the applicable cost report 117899  
year. 117900

(B) The department shall adjust the total per medicaid day 117901  
payment rate otherwise determined for an ICF/IID under this 117902  
section as directed by the general assembly through the 117903  
enactment of law governing medicaid payments to ICF/IID 117904  
providers. 117905

(C) (1) In addition to paying an ICF/IID provider the total 117906  
per medicaid day payment rate determined for the provider's 117907  
ICF/IID under divisions (A) and (B) of this section for a fiscal 117908  
year, the department may do either or both of the following: 117909

(a) In accordance with section 5124.25 of the Revised 117910  
Code, pay the provider a rate add-on for ventilator-dependent 117911  
outlier ICF/IID services if the rate add-on is to be paid under 117912  
that section and the department approves the provider's 117913  
application for the rate add-on; 117914

(b) In accordance with section 5124.26 of the Revised 117915  
Code, pay the provider for outlier ICF/IID services the ICF/IID 117916  
provides to residents identified as needing intensive behavioral 117917  
health support services if the rate add-on is to be paid under 117918  
that section and the department approves the provider's 117919  
application for the rate add-on. 117920

(2) The rate add-ons are not to be part of the ICF/IID's 117921

total per medicaid day payment rate. 117922

Sec. 5126.222. (A) A superintendent of a county board of 117923  
developmental disabilities shall ensure that a service and 117924  
support administrator, a conditional status service and support 117925  
administrator, and a service and support administration 117926  
supervisor successfully completes a web-based training program 117927  
established by the department of developmental disabilities not 117928  
later than thirty days after being hired. The training shall 117929  
include all of the following topics: 117930

(1) Empowering individuals serviced through the 117931  
development of person-centered individual service plans; 117932

(2) Coordinating services; 117933

(3) Enhancing team effectiveness; 117934

(4) Understanding medicaid; 117935

(5) An overview of ICFs/IID; 117936

(6) An overview of medicaid home and community-based 117937  
services waivers administered by the department of developmental 117938  
disabilities and county boards of developmental disabilities, 117939  
including self-directed services, budget authority, and employer 117940  
authority; 117941

(7) Targeted case management; 117942

(8) Employment navigation. 117943

(B) Before a superintendent of a county board of 117944  
developmental disabilities renews the certification of a service 117945  
and support administrator or service and support administration 117946  
supervisor, the superintendent shall ensure that the renewal 117947  
applicant has successfully completed the training program 117948

described in division (A) of this section.

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**Sec. 5139.05.** (A) The juvenile court may commit any child to the department of youth services as authorized in Chapter 2152. of the Revised Code, provided that any child so committed shall be at least ten years of age at the time of the child's delinquent act, and, if the child is ten or eleven years of age, the delinquent act is a violation of section 2909.03 of the Revised Code or would be aggravated murder, murder, or a first or second degree felony offense of violence if committed by an adult. Any order to commit a child to an institution under the control and management of the department shall have the effect of ordering that the child be committed to the department and assigned to an institution or placed in a community corrections facility in accordance with division (E) of section 5139.36 of the Revised Code as follows:

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(1) For an indefinite term consisting of the prescribed minimum period specified by the court under division (A)(1) of section 2152.16 of the Revised Code and a maximum period not to exceed the child's attainment of twenty-one years of age, if the child was committed pursuant to section 2152.16 of the Revised Code;

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(2) Until the child's attainment of twenty-one years of age, if the child was committed for aggravated murder or murder pursuant to section 2152.16 of the Revised Code;

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(3) For a period of commitment that shall be in addition to, and shall be served consecutively with and prior to, a period of commitment described in division (A)(1) or (2) of this section, if the child was committed pursuant to section 2152.17 of the Revised Code;

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(4) If the child is ten or eleven years of age, to an 117978  
institution, a residential care facility, a residential 117979  
facility, or a facility licensed by the department of ~~job and~~ 117980  
~~family services~~ children and youth that the department of youth 117981  
services considers best designated for the training and 117982  
rehabilitation of the child and protection of the public. The 117983  
child shall be housed separately from children who are twelve 117984  
years of age or older until the child is released or discharged 117985  
or until the child attains twelve years of age, whichever occurs 117986  
first. Upon the child's attainment of twelve years of age, if 117987  
the child has not been released or discharged, the department is 117988  
not required to house the child separately. 117989

(B) (1) Except as otherwise provided in section 5139.54 of 117990  
the Revised Code, the release authority of the department of 117991  
youth services, in accordance with section 5139.51 of the 117992  
Revised Code and at any time after the end of the minimum period 117993  
specified under division (A) (1) of section 2152.16 of the 117994  
Revised Code, may grant the release from custody of any child 117995  
committed to the department. 117996

The order committing a child to the department of youth 117997  
services shall state that the child has been adjudicated a 117998  
delinquent child and state the minimum period. The jurisdiction 117999  
of the court terminates at the end of the minimum period except 118000  
as follows: 118001

(a) In relation to judicial release procedures, 118002  
supervision, and violations; 118003

(b) With respect to functions of the court related to the 118004  
revocation of supervised release that are specified in sections 118005  
5139.51 and 5139.52 of the Revised Code; 118006

(c) In relation to its duties relating to serious youthful offender dispositional sentences under sections 2152.13 and 2152.14 of the Revised Code.

(2) When a child has been committed to the department under section 2152.16 of the Revised Code, the department shall retain legal custody of the child until one of the following:

(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child.

(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child, or upon petition of the department, terminates the department's legal custody of the child.

(c) The committing court grants the child a judicial release to court supervision under section 2152.22 of the Revised Code.

(d) The department's legal custody of the child is terminated automatically by the child attaining twenty-one years of age.

(e) If the child is subject to a serious youthful offender dispositional sentence, the adult portion of that dispositional sentence is imposed under section 2152.14 of the Revised Code.

(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall

be made in writing and shall include a record of observation, 118036  
treatment, and medical history and a recommendation for future 118037  
treatment, custody, and maintenance. The department shall 118038  
thereupon order the placement and treatment that it determines 118039  
to be most conducive to the purposes of Chapters 2151. and 5139. 118040  
of the Revised Code. The committing court and all public 118041  
authorities shall make available to the department all pertinent 118042  
data in their possession with respect to the case. 118043

(D) Records maintained by the department of youth services 118044  
pertaining to the children in its custody shall be accessible 118045  
only to department employees, except by consent of the 118046  
department, upon the order of the judge of a court of record, or 118047  
as provided in divisions (D)(1) and (2) of this section. These 118048  
records shall not be considered "public records," as defined in 118049  
section 149.43 of the Revised Code. 118050

(1) Except as otherwise provided by a law of this state or 118051  
the United States, the department of youth services may release 118052  
records that are maintained by the department of youth services 118053  
and that pertain to children in its custody to the department of 118054  
rehabilitation and correction regarding persons who are under 118055  
the jurisdiction of the department of rehabilitation and 118056  
correction and who have previously been committed to the 118057  
department of youth services. The department of rehabilitation 118058  
and correction may use those records for the limited purpose of 118059  
carrying out the duties of the department of rehabilitation and 118060  
correction. Records released by the department of youth services 118061  
to the department of rehabilitation and correction shall remain 118062  
confidential and shall not be considered public records as 118063  
defined in section 149.43 of the Revised Code. 118064

(2) The department of youth services shall provide to the 118065

superintendent of the school district in which a child 118066  
discharged or released from the custody of the department is 118067  
entitled to attend school under section 3313.64 or 3313.65 of 118068  
the Revised Code the records described in divisions (D) (4) (a) to 118069  
(d) of section 2152.18 of the Revised Code. Subject to the 118070  
provisions of section 3319.321 of the Revised Code and the 118071  
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 118072  
amended, the records released to the superintendent shall remain 118073  
confidential and shall not be considered public records as 118074  
defined in section 149.43 of the Revised Code. 118075

(E) (1) When a child is committed to the department of 118076  
youth services, the department, orally or in writing, shall 118077  
notify the parent, guardian, or custodian of a child that the 118078  
parent, guardian, or custodian may request at any time from the 118079  
superintendent of the institution in which the child is located 118080  
any of the information described in divisions (E) (1) (a), (b), 118081  
(c), and (d) of this section. The parent, guardian, or custodian 118082  
may provide the department with the name, address, and telephone 118083  
number of the parent, guardian, or custodian, and, until the 118084  
department is notified of a change of name, address, or 118085  
telephone number, the department shall use the name, address, 118086  
and telephone number provided by the parent, guardian, or 118087  
custodian to provide notices or answer inquiries concerning the 118088  
following information: 118089

(a) When the department of youth services makes a 118090  
permanent assignment of the child to a facility, the department, 118091  
orally or in writing and on or before the third business day 118092  
after the day the permanent assignment is made, shall notify the 118093  
parent, guardian, or custodian of the child of the name of the 118094  
facility to which the child has been permanently assigned. 118095

If a parent, guardian, or custodian of a child who is 118096  
committed to the department of youth services requests, orally 118097  
or in writing, the department to provide the parent, guardian, 118098  
or custodian with the name of the facility in which the child is 118099  
currently located, the department, orally or in writing and on 118100  
or before the next business day after the day on which the 118101  
request is made, shall provide the name of that facility to the 118102  
parent, guardian, or custodian. 118103

(b) If a parent, guardian, or custodian of a child who is 118104  
committed to the department of youth services, orally or in 118105  
writing, asks the superintendent of the institution in which the 118106  
child is located whether the child is being disciplined by the 118107  
personnel of the institution, what disciplinary measure the 118108  
personnel of the institution are using for the child, or why the 118109  
child is being disciplined, the superintendent or the 118110  
superintendent's designee, on or before the next business day 118111  
after the day on which the request is made, shall provide the 118112  
parent, guardian, or custodian with written or oral responses to 118113  
the questions. 118114

(c) If a parent, guardian, or custodian of a child who is 118115  
committed to the department of youth services, orally or in 118116  
writing, asks the superintendent of the institution in which the 118117  
child is held whether the child is receiving any medication from 118118  
personnel of the institution, what type of medication the child 118119  
is receiving, or what condition of the child the medication is 118120  
intended to treat, the superintendent or the superintendent's 118121  
designee, on or before the next business day after the day on 118122  
which the request is made, shall provide the parent, guardian, 118123  
or custodian with oral or written responses to the questions. 118124

(d) When a major incident occurs with respect to a child 118125



who is committed to the department of youth services, the 118126  
department, as soon as reasonably possible after the major 118127  
incident occurs, shall notify the parent, guardian, or custodian 118128  
of the child that a major incident has occurred with respect to 118129  
the child and of all the details of that incident that the 118130  
department has ascertained. 118131

(2) The failure of the department of youth services to 118132  
provide any notification required by or answer any requests made 118133  
pursuant to division (E) of this section does not create a cause 118134  
of action against the state. 118135

(F) The department of youth services, as a means of 118136  
punishment while the child is in its custody, shall not prohibit 118137  
a child who is committed to the department from seeing that 118138  
child's parent, guardian, or custodian during standard 118139  
visitation periods allowed by the department of youth services 118140  
unless the superintendent of the institution in which the child 118141  
is held determines that permitting that child to visit with the 118142  
child's parent, guardian, or custodian would create a safety 118143  
risk to that child, that child's parents, guardian, or 118144  
custodian, the personnel of the institution, or other children 118145  
held in that institution. 118146

(G) As used in this section: 118147

(1) "Permanent assignment" means the assignment or 118148  
transfer for an extended period of time of a child who is 118149  
committed to the department of youth services to a facility in 118150  
which the child will receive training or participate in 118151  
activities that are directed toward the child's successful 118152  
rehabilitation. "Permanent assignment" does not include the 118153  
transfer of a child to a facility for judicial release hearings 118154  
pursuant to section 2152.22 of the Revised Code or for any other 118155

temporary assignment or transfer to a facility. 118156

(2) "Major incident" means the escape or attempted escape 118157  
of a child who has been committed to the department of youth 118158  
services from the facility to which the child is assigned; the 118159  
return to the custody of the department of a child who has 118160  
escaped or otherwise fled the custody and control of the 118161  
department without authorization; the allegation of any sexual 118162  
activity with a child committed to the department; physical 118163  
injury to a child committed to the department as a result of 118164  
alleged abuse by department staff; an accident resulting in 118165  
injury to a child committed to the department that requires 118166  
medical care or treatment outside the institution in which the 118167  
child is located; the discovery of a controlled substance upon 118168  
the person or in the property of a child committed to the 118169  
department; a suicide attempt by a child committed to the 118170  
department; a suicide attempt by a child committed to the 118171  
department that results in injury to the child requiring 118172  
emergency medical services outside the institution in which the 118173  
child is located; the death of a child committed to the 118174  
department; an injury to a visitor at an institution under the 118175  
control of the department that is caused by a child committed to 118176  
the department; and the commission or suspected commission of an 118177  
act by a child committed to the department that would be an 118178  
offense if committed by an adult. 118179

(3) "Sexual activity" has the same meaning as in section 118180  
2907.01 of the Revised Code. 118181

(4) "Controlled substance" has the same meaning as in 118182  
section 3719.01 of the Revised Code. 118183

(5) "Residential care facility" and "residential facility" 118184  
have the same meanings as in section 2151.011 of the Revised 118185

Code. 118186

**Sec. 5139.08.** The department of youth services may enter 118187  
into an agreement with the director of rehabilitation and 118188  
correction pursuant to which the department of youth services, 118189  
in accordance with division (C) (2) of section 5139.06 and 118190  
section 5120.162 of the Revised Code, may transfer to a 118191  
correctional medical center established by the department of 118192  
rehabilitation and correction, children who are within its 118193  
custody for diagnosis or treatment of an illness, physical 118194  
condition, or other medical problem. The department of youth 118195  
services may enter into any other agreements with the director 118196  
of children and youth, the director of job and family services, 118197  
the director of mental health and addiction services, the 118198  
director of developmental disabilities, the director of 118199  
rehabilitation and correction, with the courts having probation 118200  
officers or other public officials, and with private agencies or 118201  
institutions for separate care or special treatment of children 118202  
subject to the control of the department of youth services. The 118203  
department of youth services may, upon the request of a juvenile 118204  
court not having a regular probation officer, provide probation 118205  
services for such court. 118206

Upon request by the department of youth services, any 118207  
public agency or group care facility established or administered 118208  
by the state for the care and treatment of children and youth 118209  
shall, consistent with its functions, accept and care for any 118210  
child whose custody is vested in the department in the same 118211  
manner as it would be required to do if custody had been vested 118212  
by a court in such agency or group care facility. If the 118213  
department has reasonable grounds to believe that any child or 118214  
youth whose custody is vested in it is mentally ill or has an 118215  
intellectual disability, the department may file an affidavit 118216

under section 5122.11 or 5123.76 of the Revised Code. The 118217  
department's affidavit for admission of a child or youth to such 118218  
institution shall be filed with the probate court of the county 118219  
from which the child was committed to the department. Such court 118220  
may request the probate court of the county in which the child 118221  
is held to conduct the hearing on the application, in which case 118222  
the court making such request shall bear the expenses of the 118223  
proceeding. If the department files such an affidavit, the child 118224  
or youth may be kept in such institution until a final decision 118225  
on the affidavit is made by the appropriate court. 118226

**Sec. 5139.34.** (A) Funds may be appropriated to the 118227  
department of youth services for the purpose of granting state 118228  
subsidies to counties. A county or the juvenile court that 118229  
serves a county shall use state subsidies granted to the county 118230  
pursuant to this section only in accordance with divisions (B) 118231  
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 118232  
rules pertaining to the state subsidy funds that the department 118233  
adopts pursuant to division (D) of section 5139.04 of the 118234  
Revised Code. The department shall not grant financial 118235  
assistance pursuant to this section for the provision of care 118236  
and services for children in a placement facility unless the 118237  
facility has been certified, licensed, or approved by a state or 118238  
national agency with certification, licensure, or approval 118239  
authority, including, but not limited to, the department of ~~job-~~ 118240  
~~and family services~~ children and youth, department of education 118241  
and workforce, department of mental health and addiction 118242  
services, department of developmental disabilities, or American 118243  
correctional association. For the purposes of this section, 118244  
placement facilities do not include a state institution or a 118245  
county or district children's home. 118246

The department of youth services also shall not grant 118247

financial assistance pursuant to this section for the provision 118248  
of care and services for children, including, but not limited 118249  
to, care and services in a detention facility, in another 118250  
facility, or in out-of-home placement, unless the minimum 118251  
standards applicable to the care and services that the 118252  
department prescribes in rules adopted pursuant to division (D) 118253  
of section 5139.04 of the Revised Code have been satisfied. 118254

(B) The department of youth services shall apply the 118255  
following formula to determine the amount of the annual grant 118256  
that each county is to receive pursuant to division (A) of this 118257  
section, subject to the appropriation for this purpose to the 118258  
department made by the general assembly: 118259

(1) Each county shall receive a basic annual grant of 118260  
fifty thousand dollars. 118261

(2) The sum of the basic annual grants provided under 118262  
division (B)(1) of this section shall be subtracted from the 118263  
total amount of funds appropriated to the department of youth 118264  
services for the purpose of making grants pursuant to division 118265  
(A) of this section to determine the remaining portion of the 118266  
funds appropriated. The remaining portion of the funds 118267  
appropriated shall be distributed on a per capita basis to each 118268  
county that has a population of more than twenty-five thousand 118269  
for that portion of the population of the county that exceeds 118270  
twenty-five thousand. 118271

(C) (1) Prior to a county's receipt of an annual grant 118272  
pursuant to this section, the juvenile court that serves the 118273  
county shall prepare, submit, and file in accordance with 118274  
division (B)(3)(a) of section 5139.43 of the Revised Code an 118275  
annual grant agreement and application for funding that is for 118276  
the combined purposes of, and that satisfies the requirements 118277

of, this section and section 5139.43 of the Revised Code. In 118278  
addition to the subject matters described in division (B)(3)(a) 118279  
of section 5139.43 of the Revised Code or in the rules that the 118280  
department adopts to implement that division, the annual grant 118281  
agreement and application for funding shall address fiscal 118282  
accountability and performance matters pertaining to the 118283  
programs, care, and services that are specified in the agreement 118284  
and application and for which state subsidy funds granted 118285  
pursuant to this section will be used. 118286

(2) The county treasurer of each county that receives an 118287  
annual grant pursuant to this section shall deposit the state 118288  
subsidy funds so received into the county's felony delinquent 118289  
care and custody fund created pursuant to division (B)(1) of 118290  
section 5139.43 of the Revised Code. Subject to exceptions 118291  
prescribed in section 5139.43 of the Revised Code that may apply 118292  
to the disbursement, the department shall disburse the state 118293  
subsidy funds to which a county is entitled in a lump sum 118294  
payment that shall be made in July of each calendar year. 118295

(3) Upon an order of the juvenile court that serves a 118296  
county and subject to appropriation by the board of county 118297  
commissioners of that county, a county treasurer shall disburse 118298  
from the county's felony delinquent care and custody fund the 118299  
state subsidy funds granted to the county pursuant to this 118300  
section for use only in accordance with this section, the 118301  
applicable provisions of section 5139.43 of the Revised Code, 118302  
and the county's approved annual grant agreement and application 118303  
for funding. 118304

(4) The moneys in a county's felony delinquent care and 118305  
custody fund that represent state subsidy funds granted pursuant 118306  
to this section are subject to appropriation by the board of 118307

county commissioners of the county; shall be disbursed by the 118308  
county treasurer as required by division (C) (3) of this section; 118309  
shall be used in the manners referred to in division (C) (3) of 118310  
this section; shall not revert to the county general fund at the 118311  
end of any fiscal year; shall carry over in the felony 118312  
delinquent care and custody fund from the end of any fiscal year 118313  
to the next fiscal year; shall be in addition to, and shall not 118314  
be used to reduce, any usual annual increase in county funding 118315  
that the juvenile court is eligible to receive or the current 118316  
level of county funding of the juvenile court and of any 118317  
programs, care, or services for alleged or adjudicated 118318  
delinquent children, unruly children, or juvenile traffic 118319  
offenders or for children who are at risk of becoming delinquent 118320  
children, unruly children, or juvenile traffic offenders; and 118321  
shall not be used to pay for the care and custody of felony 118322  
delinquents who are in the care and custody of an institution 118323  
pursuant to a commitment, recommitment, or revocation of a 118324  
release on parole by the juvenile court of that county or who 118325  
are in the care and custody of a community corrections facility 118326  
pursuant to a placement by the department as described in 118327  
division (E) of section 5139.36 of the Revised Code. 118328

(5) As a condition of the continued receipt of state 118329  
subsidy funds pursuant to this section, each county and the 118330  
juvenile court that serves each county that receives an annual 118331  
grant pursuant to this section shall comply with divisions (B) 118332  
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 118333

Sec. 5145.32. Every officer or employee of a correctional 118334  
institution under the control or supervision of the department 118335  
of rehabilitation and correction, and every contractor, or 118336  
employee of such contractor, upon entering the grounds of a 118337  
state correctional institution, shall be subject to screening to 118338

prevent the conveyance of drugs of abuse into the institution. 118339

**Sec. 5153.10.** Each public children services agency shall 118340  
designate an executive officer known as the "executive 118341  
director," who shall not be in the classified civil service. The 118342  
superintendent of the children's home, the county director of 118343  
job and family services, or other individual may serve as the 118344  
executive director. 118345

The agency shall, from time to time, inquire into 118346  
community conditions affecting the welfare of children and study 118347  
the work of the agency and its relation to the work of other 118348  
organizations whose functions are related to child welfare. The 118349  
agency may, after consultation with the executive director, 118350  
adopt rules of general application, not inconsistent with law or 118351  
with the rules adopted by the director of ~~job and family~~ 118352  
~~services~~ children and youth. 118353

**Sec. 5153.122.** Each PCSA caseworker hired after January 1, 118354  
2007, shall complete in-service training during the first year 118355  
of the caseworker's continuous employment as a PCSA caseworker, 118356  
except that the executive director of the public children 118357  
services agency may waive the training requirement for a school 118358  
of social work graduate who participated in the university 118359  
partnership program described in division (E) of section 118360  
~~5101.141~~ 5180.42 of the Revised Code and as provided in section 118361  
5153.124 of the Revised Code. The training shall consist of 118362  
courses in all of the following: 118363

(A) Recognizing, accepting reports of, and preventing 118364  
child abuse, neglect, and dependency; 118365

(B) Assessing child safety; 118366

(C) Assessing risks; 118367



(D) Interviewing persons;	118368
(E) Investigating cases;	118369
(F) Intervening;	118370
(G) Providing services to children and their families;	118371
(H) The importance of and need for accurate data;	118372
(I) Preparation for court;	118373
(J) Maintenance of case record information;	118374
(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;	118375 118376 118377 118378 118379 118380
(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.	118381 118382 118383 118384
After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.	118385 118386 118387 118388
During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of children and youth shall adopt pursuant to Chapter 119. of the Revised Code.	118389 118390 118391 118392 118393 118394

**Sec. 5153.16.** (A) Except as provided in section 2151.422 118395  
of the Revised Code, in accordance with rules adopted under 118396  
section 5153.166 of the Revised Code, and on behalf of children 118397  
in the county whom the public children services agency considers 118398  
to be in need of public care or protective services, the public 118399  
children services agency shall do all of the following: 118400

(1) Make an investigation concerning any child alleged to 118401  
be an abused, neglected, or dependent child; 118402

(2) Enter into agreements with the parent, guardian, or 118403  
other person having legal custody of any child, or with the 118404  
department of children and youth, department of mental health 118405  
and addiction services, department of developmental 118406  
disabilities, other department, any certified organization 118407  
within or outside the county, or any agency or institution 118408  
outside the state, having legal custody of any child, with 118409  
respect to the custody, care, or placement of any child, or with 118410  
respect to any matter, in the interests of the child, provided 118411  
the permanent custody of a child shall not be transferred by a 118412  
parent to the public children services agency without the 118413  
consent of the juvenile court; 118414

(3) Enter into a contract with an agency providing 118415  
prevention services in an effort to prevent neglect or abuse, to 118416  
enhance a child's welfare, and to preserve the family unit 118417  
intact when referring a family for prevention services under 118418  
division (J) of section 2151.421 of the Revised Code. 118419

(4) Accept custody of children committed to the public 118420  
children services agency by a court exercising juvenile 118421  
jurisdiction; 118422

(5) Provide such care as the public children services 118423

agency considers to be in the best interests of any child 118424  
adjudicated to be an abused, neglected, or dependent child the 118425  
agency finds to be in need of public care or service; 118426

(6) Provide social services to any unmarried girl 118427  
adjudicated to be an abused, neglected, or dependent child who 118428  
is pregnant with or has been delivered of a child; 118429

(7) Make available to the children with medical handicaps 118430  
program of the department of health at its request any 118431  
information concerning a child with a disability found to be in 118432  
need of treatment under sections 3701.021 to 3701.028 of the 118433  
Revised Code who is receiving services from the public children 118434  
services agency; 118435

(8) Provide temporary emergency care for any child 118436  
considered by the public children services agency to be in need 118437  
of such care, without agreement or commitment; 118438

(9) Find certified foster homes, within or outside the 118439  
county, for the care of children, including children with 118440  
disabilities from other counties attending special schools in 118441  
the county; 118442

(10) Subject to the approval of the board of county 118443  
commissioners and the department of children and youth, 118444  
establish and operate a training school or enter into an 118445  
agreement with any municipal corporation or other political 118446  
subdivision of the county respecting the operation, acquisition, 118447  
or maintenance of any children's home, training school, or other 118448  
institution for the care of children maintained by such 118449  
municipal corporation or political subdivision; 118450

(11) Acquire and operate a county children's home, 118451  
establish, maintain, and operate a receiving home for the 118452

temporary care of children, or procure certified foster homes 118453  
for this purpose; 118454

(12) Enter into an agreement with the trustees of any 118455  
district children's home, respecting the operation of the 118456  
district children's home in cooperation with the other county 118457  
boards in the district; 118458

(13) Cooperate with, make its services available to, and 118459  
act as the agent of persons, courts, the department of children 118460  
and youth, the department of health, and other organizations 118461  
within and outside the state, in matters relating to the welfare 118462  
of children, except that the public children services agency 118463  
shall not be required to provide supervision of or other 118464  
services related to the exercise of parenting time rights 118465  
granted pursuant to section 3109.051 or 3109.12 of the Revised 118466  
Code or companionship or visitation rights granted pursuant to 118467  
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 118468  
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 118469  
or a common pleas court, pursuant to division (E)(6) of section 118470  
3113.31 of the Revised Code, requires the provision of 118471  
supervision or other services related to the exercise of the 118472  
parenting time rights or companionship or visitation rights; 118473

(14) Make investigations at the request of any 118474  
superintendent of schools in the county or the principal of any 118475  
school concerning the application of any child adjudicated to be 118476  
an abused, neglected, or dependent child for release from 118477  
school, where such service is not provided through a school 118478  
attendance department; 118479

(15) Administer funds provided under Title IV-E of the 118480  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 118481  
amended, in accordance with rules adopted under section ~~5101.141~~ 118482

5180.42 of the Revised Code; 118483

(16) In addition to administering Title IV-E adoption 118484  
assistance funds, enter into agreements to make adoption 118485  
assistance payments under section 5153.163 of the Revised Code; 118486

(17) Implement a system of safety and risk assessment, in 118487  
accordance with rules adopted by the director of children and 118488  
youth, to assist the public children services agency in 118489  
determining the risk of abuse or neglect to a child; 118490

(18) Enter into a plan of cooperation with the board of 118491  
county commissioners under section 307.983 of the Revised Code 118492  
and comply with each fiscal agreement the board enters into 118493  
under section 307.98 of the Revised Code that include family 118494  
services duties of public children services agencies and 118495  
contracts the board enters into under sections 307.981 and 118496  
307.982 of the Revised Code that affect the public children 118497  
services agency; 118498

(19) Make reasonable efforts to prevent the removal of an 118499  
alleged or adjudicated abused, neglected, or dependent child 118500  
from the child's home, eliminate the continued removal of the 118501  
child from the child's home, or make it possible for the child 118502  
to return home safely, except that reasonable efforts of that 118503  
nature are not required when a court has made a determination 118504  
under division (A) (2) of section 2151.419 of the Revised Code; 118505

(20) Make reasonable efforts to place the child in a 118506  
timely manner in accordance with the permanency plan approved 118507  
under division (E) of section 2151.417 of the Revised Code and 118508  
to complete whatever steps are necessary to finalize the 118509  
permanent placement of the child; 118510

(21) Administer a Title IV-A program identified under 118511

division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 118512  
that the department of children and youth provides for the 118513  
public children services agency to administer under the 118514  
department's supervision pursuant to section 5101.801 of the 118515  
Revised Code; 118516

(22) Administer the kinship permanency incentive program 118517  
created under section ~~5101.802~~ 5180.52 of the Revised Code under 118518  
the supervision of the director of children and youth; 118519

(23) Provide independent living services pursuant to 118520  
sections 2151.81 to 2151.84 of the Revised Code; 118521

(24) File a missing child report with a local law 118522  
enforcement agency upon becoming aware that a child in the 118523  
custody of the public children services agency is or may be 118524  
missing. 118525

(B) The public children services agency shall use the 118526  
system implemented pursuant to division (A) (17) of this section 118527  
in connection with an investigation undertaken pursuant to 118528  
division (G) (1) of section 2151.421 of the Revised Code to 118529  
assess both of the following: 118530

(1) The ongoing safety of the child; 118531

(2) The appropriateness of the intensity and duration of 118532  
the services provided to meet child and family needs throughout 118533  
the duration of a case. 118534

(C) Except as provided in section 2151.422 of the Revised 118535  
Code, in accordance with rules of the director of children and 118536  
youth, and on behalf of children in the county whom the public 118537  
children services agency considers to be in need of public care 118538  
or protective services, the public children services agency may 118539  
do the following: 118540

(1) Provide or find, with other child serving systems, 118541  
specialized foster care for the care of children in a 118542  
specialized foster home, as defined in section 5103.02 of the 118543  
Revised Code, certified under section 5103.03 of the Revised 118544  
Code; 118545

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 118546  
this section, contract with the following for the purpose of 118547  
assisting the agency with its duties: 118548

(i) County departments of job and family services; 118549

(ii) Boards of alcohol, drug addiction, and mental health 118550  
services; 118551

(iii) County boards of developmental disabilities; 118552

(iv) Regional councils of political subdivisions 118553  
established under Chapter 167. of the Revised Code; 118554

(v) Private and government providers of services; 118555

(vi) Managed care organizations and prepaid health plans. 118556

(b) A public children services agency contract under 118557  
division (C) (2) (a) of this section regarding the agency's duties 118558  
under section 2151.421 of the Revised Code may not provide for 118559  
the entity under contract with the agency to perform any service 118560  
not authorized by the department's rules. 118561

(c) Only a county children services board appointed under 118562  
section 5153.03 of the Revised Code that is a public children 118563  
services agency may contract under division (C) (2) (a) of this 118564  
section. If an entity specified in division (B) or (C) of 118565  
section 5153.02 of the Revised Code is the public children 118566  
services agency for a county, the board of county commissioners 118567  
may enter into contracts pursuant to section 307.982 of the 118568

Revised Code regarding the agency's duties. 118569

**Sec. 5153.163.** (A) As used in this section: 118570

(1) "Adoptive parent" means, as the context requires, a 118571  
prospective adoptive parent or an adoptive parent. 118572

(2) "Relative" has the same meaning as in section ~~5101.141~~ 118573  
5180.42 of the Revised Code. 118574

(B) (1) Before a child's adoption is finalized, a public 118575  
children services agency may enter into an agreement with the 118576  
child's adoptive parent under which the agency, to the extent 118577  
state funds are available, may make state adoption maintenance 118578  
subsidy payments as needed on behalf of the child when all of 118579  
the following apply: 118580

(a) The child is a child with special needs. 118581

(b) The child was placed in the adoptive home by a public 118582  
children services agency or a private child placing agency and 118583  
may legally be adopted. 118584

(c) The adoptive parent has the capability of providing 118585  
the permanent family relationships needed by the child. 118586

(d) The needs of the child are beyond the economic 118587  
resources of the adoptive parent. 118588

(e) Acceptance of the child as a member of the adoptive 118589  
parent's family would not be in the child's best interest 118590  
without payments on the child's behalf under this section. 118591

(f) The gross income of the adoptive parent's family does 118592  
not exceed one hundred twenty per cent of the median income of a 118593  
family of the same size, including the child, as most recently 118594  
determined for this state by the secretary of health and human 118595



services under Title XX of the "Social Security Act," 88 Stat. 118596  
2337, 42 U.S.C.A. 1397, as amended. 118597

(g) The child is not eligible for adoption assistance 118598  
payments under Title IV-E of the "Social Security Act," 94 Stat. 118599  
501 (1980), 42 U.S.C.A. 671, as amended. 118600

(2) State adoption maintenance subsidy payment agreements 118601  
must be made by either the public children services agency that 118602  
has permanent custody of the child or the public children 118603  
services agency of the county in which the private child placing 118604  
agency that has permanent custody of the child is located. 118605

(3) State adoption maintenance subsidy payments shall be 118606  
made in accordance with the agreement between the public 118607  
children services agency and the adoptive parent and are subject 118608  
to an annual redetermination of need. 118609

(4) Payments under this division may begin either before 118610  
or after issuance of the final adoption decree, except that 118611  
payments made before issuance of the final adoption decree may 118612  
be made only while the child is living in the adoptive parent's 118613  
home. Preadoption payments may be made for not more than twelve 118614  
months, unless the final adoption decree is not issued within 118615  
that time because of a delay in court proceedings. Payments that 118616  
begin before issuance of the final adoption decree may continue 118617  
after its issuance. 118618

(C) (1) A public children services agency may enter into an 118619  
agreement with a child's relative under which the agency, to the 118620  
extent state funds are available, may provide state kinship 118621  
guardianship assistance as needed on behalf of the child when 118622  
all of the following apply: 118623

(a) The relative has cared for the eligible child as a 118624

foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months. 118625  
118626

(b) Both of the following apply: 118627

(i) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order. 118628  
118629  
118630  
118631

(ii) The relative has committed to care for the child on a permanent basis. 118632  
118633

(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child. 118634  
118635  
118636

(d) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 118637  
118638  
118639  
118640

(e) Returning the child home or adoption are not appropriate permanency options for the child. 118641  
118642

(f) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 118643  
118644  
118645

(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 118646  
118647  
118648

(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 118649  
118650  
118651

(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C) (1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative.

(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C) (1) of this section and is subject to an annual redetermination of need.

~~(4) Not later than fifteen months after September 30, 2021, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented.~~

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a person with a mental or physical disability twenty-one years of age or older.

(E) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;

(2) The method to determine the amount of assistance

payable under division (B) of this section; 118681

(3) The definition of "child with special needs" for this 118682  
section; 118683

(4) The process whereby a child's continuing need for 118684  
services provided under division (B) or (C) of this section is 118685  
annually redetermined; 118686

(5) Any other rule, requirement, or procedure the 118687  
department considers appropriate for the implementation of this 118688  
section. 118689

(F) The state adoption special services subsidy program 118690  
ceases to exist on July 1, 2004, except that, subject to the 118691  
findings of the annual redetermination process established under 118692  
division (E) of this section and the child's individual need for 118693  
services, a public children services agency may continue to 118694  
provide state adoption special services subsidy payments on 118695  
behalf of a child for whom payments were being made prior to 118696  
July 1, 2004. 118697

(G) Benefits and services provided under this section are 118698  
inalienable whether by way of assignment, charge, or otherwise 118699  
and exempt from execution, attachment, garnishment, and other 118700  
like processes. 118701

Sec. 5160.25. (A) Regarding individuals with end-stage 118702  
renal disease in this state, the department of medicaid shall do 118703  
all of the following: 118704

(1) Evaluate medicare application requirements and review 118705  
state policies and procedures related to patients who are sixty- 118706  
five years of age or younger that have end-stage renal disease; 118707

(2) Review and identify whether there exist medicare 118708

eligibility gaps for individuals with end-stage renal disease; 118709

(3) Take steps to address any eligibility gaps identified 118710  
under division (A) (2) of this section to improve patient access 118711  
to medicare benefits; 118712

(4) Develop a process to assist patients with end-stage 118713  
renal disease apply for medicare benefits. 118714

(B) Not later than September 1, 2026, the department shall 118715  
prepare and submit a report to the general assembly in 118716  
accordance with section 101.68 of the Revised Code. The report 118717  
shall detail the department's review conducted in accordance 118718  
with division (A) of this section, including the feasibility of 118719  
developing a process to assist patients with end-stage renal 118720  
disease apply for medicare benefits. If the department 118721  
determines assisting patients apply for medicare benefits is not 118722  
feasible, the report shall include the results of the 118723  
department's finding and the steps the department took to reach 118724  
its conclusion. 118725

**Sec. 5160.37.** (A) A medical assistance recipient's 118726  
enrollment in a medical assistance program gives an automatic 118727  
right of recovery to the department of medicaid and a county 118728  
department of job and family services against the liability of a 118729  
third party for the cost of medical assistance paid on behalf of 118730  
the recipient. When an action or claim is brought against a 118731  
third party by a medical assistance recipient, any payment, 118732  
settlement or compromise of the action or claim, or any court 118733  
award or judgment, is subject to the recovery right of the 118734  
department of medicaid or county department. Except in the case 118735  
of a medical assistance recipient who receives medical 118736  
assistance through a medicaid managed care organization, the 118737  
department's or county department's claim shall not exceed the 118738

amount of medical assistance paid by the department or county 118739  
department on behalf of the recipient. A payment, settlement, 118740  
compromise, judgment, or award that excludes the cost of medical 118741  
assistance paid for by the department or county department shall 118742  
not preclude a department from enforcing its rights under this 118743  
section. 118744

(B) (1) In the case of a medical assistance recipient who 118745  
receives medical assistance through a medicaid managed care 118746  
organization that has a capitation agreement with a provider, 118747  
the amount of the department's or county department's claim 118748  
shall be the amount the medicaid managed care organization would 118749  
have paid in the absence of a capitation agreement. 118750

(2) In the case of a medical assistance recipient who 118751  
receives medical assistance through a medicaid managed care 118752  
organization that does not have a capitation agreement with a 118753  
provider, the amount of the department's or county department's 118754  
claim shall be the amount the medicaid managed care organization 118755  
pays for medical assistance rendered to the recipient, even if 118756  
that amount is more than the amount the department or county 118757  
department pays to the medicaid managed care organization for 118758  
the recipient's medical assistance. 118759

(C) A medical assistance recipient, and the recipient's 118760  
attorney, if any, shall cooperate with the departments. In 118761  
furtherance of this requirement, the medical assistance 118762  
recipient, or the recipient's attorney, if any, shall, not later 118763  
than thirty days after initiating informal recovery activity or 118764  
filing a legal recovery action against a third party, provide 118765  
written notice of the activity or action to the department of 118766  
medicaid or county department if it has paid for medical 118767  
assistance under a medical assistance program. 118768

(D) The written notice that must be given under division 118769  
(C) of this section shall disclose the identity and address of 118770  
any third party against whom the medical assistance recipient 118771  
has or may have a right of recovery. 118772

(E) No settlement, compromise, judgment, or award or any 118773  
recovery in any action or claim by a medical assistance 118774  
recipient where the department or county department has a right 118775  
of recovery shall be made final without first giving the 118776  
department or county department written notice as described in 118777  
division (C) of this section and a reasonable opportunity to 118778  
perfect its rights of recovery. If the department or county 118779  
department is not given the appropriate written notice, the 118780  
medical assistance recipient and, if there is one, the 118781  
recipient's attorney, are liable to reimburse the department or 118782  
county department for the recovery received to the extent of 118783  
medical assistance payments made by the department or county 118784  
department. 118785

(F) The department or county department shall be permitted 118786  
to enforce its recovery rights against the third party even 118787  
though it accepted prior payments in discharge of its rights 118788  
under this section if, at the time the department or county 118789  
department received such payments, it was not aware that 118790  
additional medical expenses had been incurred but had not yet 118791  
been paid by the department or county department. The third 118792  
party becomes liable to the department or county department as 118793  
soon as the third party is notified in writing of the valid 118794  
claims for recovery under this section. 118795

(G) (1) Subject to division (G) (2) of this section, the 118796  
right of recovery of the department or county department does 118797  
not apply to that portion of any judgment, award, settlement, or 118798

compromise of a claim, to the extent of attorneys' fees, costs, 118799  
or other expenses incurred by a medical assistance recipient in 118800  
securing the judgment, award, settlement, or compromise, or to 118801  
the extent of medical, surgical, and hospital expenses paid by 118802  
such recipient from the recipient's own resources. 118803

(2) Reasonable attorneys' fees, not to exceed one-third of 118804  
the total judgment, award, settlement, or compromise, plus costs 118805  
and other expenses incurred by the medical assistance recipient 118806  
in securing the judgment, award, settlement, or compromise, 118807  
shall first be deducted from the total judgment, award, 118808  
settlement, or compromise. After fees, costs, and other expenses 118809  
are deducted from the total judgment, award, settlement, or 118810  
compromise, there shall be a rebuttable presumption that the 118811  
department of medicaid or county department shall receive no 118812  
less than one-half of the remaining amount, or the actual amount 118813  
of medical assistance paid, whichever is less. A party may rebut 118814  
the presumption in accordance with division (L) (1) ~~or~~, (2), or 118815  
(3) of this section, as applicable. 118816

(H) A right of recovery created by this section may be 118817  
enforced separately or jointly by the department of medicaid or 118818  
county department. To enforce its recovery rights, the 118819  
department or county department may do any of the following: 118820

(1) Intervene or join in any action or proceeding brought 118821  
by the medical assistance recipient or on the recipient's behalf 118822  
against any third party who may be liable for the cost of 118823  
medical assistance paid; 118824

(2) Institute and pursue legal proceedings against any 118825  
third party who may be liable for the cost of medical assistance 118826  
paid; 118827



(3) Initiate legal proceedings in conjunction with any 118828  
injured, diseased, or disabled medical assistance recipient or 118829  
the recipient's attorney or representative. 118830

(I) A medical assistance recipient shall not assess 118831  
attorney fees, costs, or other expenses against the department 118832  
of medicaid or a county department when the department or county 118833  
department enforces its right of recovery created by this 118834  
section. 118835

(J) The right of recovery given to the department under 118836  
this section includes payments made by a third party under 118837  
contract with a person having a duty to support. 118838

(K) The department of medicaid may assign to a medical 118839  
assistance provider the right of recovery given to the 118840  
department under this section with respect to any claim for 118841  
which the department has notified the provider that the 118842  
department intends to recoup the department's prior payment for 118843  
the claim. 118844

(L) (1) Prior to any payment to the department or a county 118845  
department pursuant to the department's or county department's 118846  
right of recovery under this section, a party that desires to 118847  
rebut the presumption in division (G) of this section shall 118848  
submit to the department or county department a request for a 118849  
hearing in accordance with the procedure the department 118850  
establishes in rules required by division (O) of this section. 118851  
The amount sought by the department or county department shall 118852  
be held in escrow or in an interest on lawyers' trust account 118853  
until the hearing examiner renders a decision or the case is 118854  
otherwise concluded. A party successfully rebuts the presumption 118855  
by a showing of clear and convincing evidence that a different 118856  
allocation is warranted. 118857

(2) A medical assistance recipient who has repaid money, 118858  
on or after September 29, 2007, to the department or a county 118859  
department pursuant to the department's or county department's 118860  
right of recovery under this section, section 5160.38 of the 118861  
Revised Code, or former section 5101.58 or 5101.59 of the 118862  
Revised Code may request a hearing to rebut the presumption in 118863  
division (G) of this section. The request shall be made in 118864  
accordance with the procedure the department establishes for 118865  
this purpose in rules required by division (O) of this section. 118866  
It must be made not later than one hundred eighty days after 118867  
September 29, 2015, or ninety days after the payment is made, 118868  
whichever is later. A party successfully rebuts the presumption 118869  
by a showing of clear and convincing evidence that a different 118870  
allocation is warranted. 118871

(3) A medical assistance recipient who has repaid money, 118872  
between April 6, 2007 and September 28, 2007, to the department 118873  
or a county department pursuant to the department's or county 118874  
department's right of recovery under this section, section 118875  
5160.38 of the Revised Code, or former section 5101.58 or 118876  
5101.59 of the Revised Code may request a hearing to rebut the 118877  
presumption in division (G) of this section. The request shall 118878  
be made not later than one hundred eighty days after the 118879  
effective date of this amendment in accordance with the 118880  
procedure the department establishes for this purpose in rules 118881  
required by division (O) of this section. The presumption is 118882  
successfully rebutted if the requestor demonstrates by clear and 118883  
convincing evidence that a different allocation is warranted. 118884

(4) With respect to a hearing requested under division (L) 118885  
(1) ~~or~~, (2), or (3) of this section, all of the following are 118886  
the case: 118887

(a) The hearing examiner may consider, but is not bound by the allocation of, medical expenses specified in a settlement agreement between the medical assistance recipient and the relevant third party;

(b) The department or county department may raise affirmative defenses during the hearing, including the existence of a prior settlement with the medical assistance recipient, the doctrine of accord and satisfaction, or the common law principle of res judicata;

(c) If the parties agree, live testimony shall not be presented at the hearing;

(d) The hearing may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to the hearing only to the extent specified in those rules;

(e) The hearing examiner's decision is binding on the department or county department and the medical assistance recipient unless the decision is reversed or modified on appeal to the medicaid director as described in division (M) of this section;

(f) A request for a hearing may be submitted by any of the following:

(i) The medical assistance recipient;

(ii) The medical assistance recipient's authorized representative;

(iii) The executor or administrator of a medical assistance recipient's estate authorized to make or pursue a request;

(iv) A court-appointed guardian; 118916

(v) An attorney who has been directly retained by the 118917  
medical assistance recipient, or the recipient's parent, legal 118918  
guardian, or court-appointed guardian. 118919

(M) (1) A medical assistance recipient who disagrees with a 118920  
hearing examiner's decision under division (L) of this section 118921  
may file an administrative appeal with the medicaid director in 118922  
accordance with the procedure the department establishes for 118923  
this purpose in rules required by division (O) of this section. 118924  
A hearing is not required during the administrative appeal, but 118925  
the director or the director's designee shall review the hearing 118926  
examiner's decision and any prior relevant administrative 118927  
action. After the review, the director or the director's 118928  
designee shall affirm, modify, remand, or reverse the hearing 118929  
decision. A decision made under this division is final and 118930  
binding on the department or county department and the medical 118931  
assistance recipient unless it is reversed or modified on appeal 118932  
to a court of common pleas as described in division (N) of this 118933  
section. 118934

(2) An administrative appeal may be governed by rules 118935  
adopted under section 5160.02 of the Revised Code. If such rules 118936  
are adopted, Chapter 119. of the Revised Code applies to an 118937  
administrative appeal only to the extent specified in those 118938  
rules. 118939

(N) A party to an administrative appeal described in 118940  
division (M) of this section may file an appeal with a court of 118941  
common pleas in accordance with section 119.12 of the Revised 118942  
Code. 118943

(O) The medicaid director shall adopt rules under section 118944

5160.02 of the Revised Code as necessary to implement this 118945  
section, including rules establishing procedures a party may use 118946  
to request a hearing under division (L) (1) ~~or~~, (2), or (3) of 118947  
this section or an administrative appeal under division (M) (1) 118948  
of this section. The rules shall be adopted in accordance with 118949  
Chapter 119. of the Revised Code. 118950

(P) Divisions (L) to (N) of this section are remedial in 118951  
nature and shall be liberally construed by the courts of this 118952  
state in accordance with section 1.11 of the Revised Code. Those 118953  
divisions specify the sole remedy available to a party who 118954  
claims the department or a county department has received or is 118955  
to receive more money than entitled to receive under this 118956  
section, section 5160.38 of the Revised Code, or former section 118957  
5101.58 or 5101.59 of the Revised Code. 118958

Sec. 5162.08. (A) Notwithstanding any provision of law to 118959  
the contrary, and in accordance with section 5166.03 of the 118960  
Revised Code, the department of medicaid shall not seek or 118961  
implement an amendment to the medicaid state plan or a medicaid 118962  
waiver under section 1115 or 1915 of the "Social Security Act," 118963  
42 U.S.C. 1315 and 42 U.S.C. 1396n, that would expand medicaid 118964  
coverage to any additional individuals or class of individuals 118965  
or increase any net costs to the state, without first providing 118966  
notice to the joint medicaid oversight committee and the 118967  
standing committees in the house of representatives and the 118968  
senate with jurisdiction over medicaid. 118969

(B) The department shall provide regular updates to those 118970  
committees, on a schedule determined by the chairpersons of each 118971  
committee, regarding the status of any amendment to the medicaid 118972  
state plan or medicaid waiver described in division (A) of this 118973  
section and shall seek input from the committees to design any 118974

amendment or waiver.

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**Sec. 5162.132.** ~~Annually~~ (A) Not later than the thirty-first day of December of each year, the department of medicaid shall prepare a report on the department's efforts to minimize fraud, waste, and abuse in the medicaid program. The report shall include all of the following for the most recently concluded state fiscal year:

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(1) Improper medicaid payments and expenditures, including the individual and total dollar amounts for claims that were determined to be the result of fraud, waste, or abuse;

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(2) Federal and state recovered funds, including the dollar amounts per claim and the total dollar amounts concerning fraud, waste, and abuse in the medicaid program;

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(3) Aggregate data concerning improper payments and ineligible medicaid recipients who received medicaid services as a percentage of the claims investigated or reviewed;

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(4) The number of payments made in error, the dollar amount of those payments within the medicaid program, and the number of confirmed cases of intentional program violation and fraud.

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(B) Each report shall be made available on the department's web site. The department shall submit a copy of each report to the ~~governor, general assembly, and joint medicaid oversight committee~~ and the chairpersons and ranking members of the committees of the house of representatives and senate with jurisdiction over medicaid. ~~The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. Copies of the report also shall be made available to the public on request.~~

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**Sec. 5162.133.** Not less than once each year, the medicaid director shall submit a report on the medicaid buy-in for workers with disabilities program to the governor, general assembly, and joint medicaid oversight committee. The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report shall include all of the following information:

(A) The number of individuals who participated in the medicaid buy-in for workers with disabilities program;

(B) The cost of the program;

~~(C) The amount of revenue generated by premiums that participants pay under section 5163.094 of the Revised Code;~~

~~(D) The average amount of earned income of participants' families;~~

~~(E)~~ (D) The average amount of time participants have participated in the program;

~~(F)~~ (E) The types of other health insurance participants have been able to obtain.

**Sec. 5162.25.** (A) As used in this section:

(1) "State directed payment program" means a payment program authorized by the United States centers for medicare and medicaid services under 42 C.F.R. 438.6(c).

(2) "Preprint" means a form created by the United States centers for medicare and medicaid services to request approval of a state directed payment program, as required under 42 C.F.R. 438.6(c).

(B) (1) Except as provided in division (B) (2) or (3) of

this section, the medicaid director shall comply with this 119031  
section for all new and existing state directed payment 119032  
programs. 119033

(2) The medicaid director shall not establish more than 119034  
fifty state directed payment programs during a fiscal biennium. 119035

(3) This section does not apply to a state directed 119036  
payment program that is funded by the department of medicaid or 119037  
the hospital franchise permit fee program. 119038

(C) All of the following apply to a state directed payment 119039  
program that is subject to this section: 119040

(1) The program shall comply with the requirements of 42 119041  
C.F.R. 438.6(c), including all of the following: 119042

(a) The program shall be approved by the United States 119043  
centers for medicare and medicaid services, and the director 119044  
shall seek approval for the program in accordance with section 119045  
5162.07 of the Revised Code. 119046

(b) Directed payments under the program shall not exceed 119047  
the average commercial rate for all providers participating 119048  
under a preprint unless exempted by a value-based purchasing 119049  
agreement approved by the United States centers for medicare and 119050  
medicaid services. 119051

(c) The program shall be subject to an evaluation plan, in 119052  
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 119053

(2) The program shall be for hospital providers and 119054  
services or professional services provided by hospitals. 119055

(3) Unless otherwise determined by the medicaid director, 119056  
only one state directed payment preprint may be approved for 119057  
each of the following provider classes: 119058



<u>(a) Inpatient and outpatient hospital services;</u>	119059
<u>(b) Physician services;</u>	119060
<u>(c) Children's hospitals participating in the outcomes</u>	119061
<u>acceleration for kids quality initiative.</u>	119062
<u>(D) A hospital provider participating in a state directed</u>	119063
<u>payment program shall do all of the following:</u>	119064
<u>(1) Enter into one or more contracts related to the state</u>	119065
<u>directed payment program as necessary, as determined by the</u>	119066
<u>department;</u>	119067
<u>(2) Comply with all average commercial rate reporting</u>	119068
<u>requirements established by the department, related to the</u>	119069
<u>requirements set forth in 42 C.F.R. 438.6(c) (2) (iii);</u>	119070
<u>(3) Comply with the department's state directed payment</u>	119071
<u>quality measure set, including the metrics and targets set by</u>	119072
<u>the department for the state directed payment program to advance</u>	119073
<u>the goals and objectives specified in the department's quality</u>	119074
<u>strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42</u>	119075
<u>C.F.R. 438.340;</u>	119076
<u>(4) Cooperate with any evaluation or reporting</u>	119077
<u>requirements established by the department related to the</u>	119078
<u>requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F).</u>	119079
<u>(E) For any preprint effective for a rating period</u>	119080
<u>beginning on or after January 1, 2027, a hospital provider</u>	119081
<u>contract required under division (D) (1) of this section shall be</u>	119082
<u>executed not later than the first day of October preceding the</u>	119083
<u>first fiscal year of a biennium. A contract required under this</u>	119084
<u>section may be entered into in accordance with section 5162.32</u>	119085
<u>of the Revised Code.</u>	119086

(F) The department shall enter into an agreement with the 119087  
authorized representative of each entity participating in a 119088  
state directed payment program established under this section. 119089  
No agreement entered into under this section shall be valid and 119090  
enforceable unless the director of budget and management first 119091  
certifies that there is a balance in the appropriation used to 119092  
support state directed payment programs that is not already 119093  
obligated under existing directed payment programs, in an amount 119094  
at least equal to the cost in the current fiscal year of the 119095  
state directed payment program that is the subject of the 119096  
agreement. 119097

(G) (1) All funds supporting a state directed payment 119098  
program shall comply with the requirements specified in 42 119099  
C.F.R. 433.51. No hospital provider may participate in a state 119100  
directed payment program unless sufficient funds are obligated 119101  
and appropriated. 119102

(2) The department shall not at any time provide general 119103  
revenue funds or other state funds for a state directed payment 119104  
program that is subject to this section. The director shall 119105  
terminate or decline to establish any state directed payment 119106  
program if either of the following is the case: 119107

(a) Local funding is not available or sufficient to 119108  
sustain the program. 119109

(b) The federal government restricts or limits the 119110  
availability of federal funds to support state directed payment 119111  
programs or otherwise requires the state to utilize general 119112  
revenue funds or other state funds as a condition of 119113  
establishing or maintaining a state directed payment program. 119114

(H) The department shall not utilize more than two per 119115

cent of funds received to support a state directed payment 119116  
program established under this section, including federal 119117  
financial participation, for the administration of state 119118  
directed payment programs. Additionally, the department shall 119119  
not utilize more than two per cent of funds received to support 119120  
a state directed payment program established under this section, 119121  
including federal financial participation, for the 119122  
administration of the department and the medicaid program. 119123

**Sec. 5163.03.** (A) ~~Subject to section 5163.05 of the~~ 119124  
~~Revised Code, the~~ The medicaid program shall cover all mandatory 119125  
eligibility groups. 119126

(B) The medicaid program shall cover all of the optional 119127  
eligibility groups that state statutes require the medicaid 119128  
program to cover. 119129

(C) The medicaid program may cover any of the optional 119130  
eligibility groups to which either of the following applies: 119131

(1) State statutes expressly permit the medicaid program 119132  
to cover the optional eligibility group. 119133

(2) The medicaid program covers the optional eligibility 119134  
group ~~on the effective date of this amendment~~ November 22, 2017. 119135

(D) The medicaid program shall not cover an optional 119136  
eligibility group to which either of the following applies: 119137

(1) State statutes prohibit the medicaid program from 119138  
covering the optional eligibility group. 119139

(2) Except as provided in divisions (B) and (C) (1) of this 119140  
section, the medicaid program does not cover the optional 119141  
eligibility group ~~on the effective date of this amendment~~ 119142  
November 22, 2017. 119143

Sec. 5163.04. (A) If the federal medical assistance 119144  
percentage for medical assistance provided to members of the 119145  
expansion eligibility group is set below ninety per cent, the 119146  
department of medicaid shall do both of the following: 119147

(1) Immediately discontinue all medical assistance for 119148  
members of the group. 119149

(2) Not later than fifteen business days after the change 119150  
to the federal medical assistance percentage, certify to the 119151  
director of budget and management, the joint medicaid oversight 119152  
committee, the president of the senate, and the speaker of the 119153  
house of representatives the state and federal shares of total 119154  
actual expenditure for the expansion eligibility group for the 119155  
most recently completed month prior to the change. 119156

(B) (1) Except as provided in division (B) (2) of this 119157  
section, the state share amount certified under division (A) (2) 119158  
of this section shall be multiplied by the number of months 119159  
remaining in the fiscal year. The amount calculated under this 119160  
division shall remain in the general revenue fund until the end 119161  
of the fiscal year, at which time the funds shall be transferred 119162  
in accordance with section 131.44 of the Revised Code. 119163

(2) If the change to the federal medical assistance 119164  
percentage described in division (A) of this section occurs 119165  
during the first year of a fiscal biennium, the state share 119166  
amount certified under division (A) (2) of this section shall be 119167  
multiplied by twelve for the second year of the fiscal biennium. 119168  
The amount calculated under this division shall remain in the 119169  
general revenue fund until the end of the fiscal biennium, at 119170  
which time the funds shall be transferred in accordance with 119171  
section 131.44 of the Revised Code. 119172

**Sec. 5163.091.** Under the medicaid buy-in for workers with 119173  
disabilities program, an individual who does ~~all~~both of the 119174  
following in accordance with rules authorized by section 119175  
5163.098 of the Revised Code qualifies for the medicaid program: 119176

(A) Applies for the medicaid buy-in for workers with 119177  
disabilities program; 119178

(B) Provides satisfactory evidence of all of the 119179  
following: 119180

(1) That the individual is at least sixteen years of age 119181  
and under sixty-five years of age; 119182

(2) Except as provided in section 5163.096 of the Revised 119183  
Code, that one of the following applies to the individual: 119184

(a) The individual is considered disabled for the purpose 119185  
of the supplemental security income program, regardless of 119186  
whether the individual receives supplemental security income 119187  
benefits, and the individual has earnings from employment. 119188

(b) The individual is an employed individual with a 119189  
medically improved disability. 119190

(3) That the value of the individual's resources, less 119191  
amounts disregarded pursuant to rules authorized by section 119192  
5163.098 of the Revised Code, does not exceed the amount 119193  
provided for by section 5163.092 of the Revised Code; 119194

(4) That the individual's income, less amounts disregarded 119195  
pursuant to section 5163.093 of the Revised Code, does not 119196  
exceed two hundred fifty per cent of the federal poverty line; 119197

(5) That the individual meets the additional eligibility 119198  
requirements for the medicaid buy-in for workers with 119199  
disabilities program established in rules authorized by section 119200

5163.098 of the Revised Code. 119201

~~(C) To the extent required by section 5163.094 of the~~ 119202  
~~Revised Code, pays the premium established under that section.~~ 119203

**Sec. 5163.093.** For the purpose of determining whether an 119204  
individual is within the income eligibility limit for the 119205  
medicaid buy-in for workers with disabilities program, all of 119206  
the following apply: 119207

(A) Twenty thousand dollars of the individual's earned 119208  
income shall be disregarded. 119209

(B) No amount that the individual's employer pays to 119210  
obtain health insurance for one or more members of the 119211  
individual's family, ~~including any amount of a premium~~ 119212  
~~established under section 5163.094 of the Revised Code that the~~ 119213  
~~employer pays,~~ shall be treated as the individual's income. 119214

(C) Any other amounts, if any, specified in rules 119215  
authorized by section 5163.098 of the Revised Code shall be 119216  
disregarded from the individual's earned income, unearned 119217  
income, or both. 119218

**Sec. 5163.094.** An individual ~~whose income exceeds one~~ 119219  
~~hundred fifty per cent of the federal poverty line shall not be~~ 119220  
~~required to pay an annual a premium as a condition of qualifying~~ 119221  
for the medicaid buy-in for workers with disabilities program. 119222  
~~The amount of the premium shall be determined as follows:~~ 119223

~~(A) Subtract one hundred fifty per cent of the federal~~ 119224  
~~poverty line, as applicable for a family size equal to the size~~ 119225  
~~of the individual's family, from the amount of the income of the~~ 119226  
~~individual's family,~~ 119227

~~(B) Subtract an amount specified in rules authorized by~~ 119228

~~section 5163.098 of the Revised Code from the difference~~ 119229  
~~determined under division (A) of this section;~~ 119230

~~(C) Multiply the difference determined under division (B)~~ 119231  
~~of this section by one tenth.~~ 119232

**Sec. 5163.098.** (A) The medicaid director shall adopt rules 119233  
under section 5163.02 of the Revised Code as necessary to 119234  
implement the medicaid buy-in for workers with disabilities 119235  
program. The rules shall do all of the following: 119236

(1) Specify assets, asset values, and amounts to be 119237  
disregarded in determining asset and income eligibility limits 119238  
for the program; 119239

(2) Establish meanings for the terms "earned income," 119240  
"health insurance," "resources," "spouse," and "unearned 119241  
income"; 119242

(3) Establish additional eligibility requirements for the 119243  
program that must be established for the United States secretary 119244  
of health and human services to approve the program; 119245

~~(4) For the purpose of division (B) of section 5163.094 of~~ 119246  
~~the Revised Code, specify an amount to be subtracted from the~~ 119247  
~~difference determined under division (A) of that section.~~ 119248

(B) The director may adopt rules under section 5163.02 of 119249  
the Revised Code to specify amounts to be disregarded from an 119250  
individual's earned income, unearned income, or both under 119251  
division (C) of section 5163.093 of the Revised Code for the 119252  
purpose of determining whether the individual is within the 119253  
income eligibility limit for the medicaid buy-in for workers 119254  
with disabilities program. 119255

**Sec. 5163.104.** As used in this section, "presumptive 119256

eligibility error rate" has the same meaning as in section 119257  
5163.103 of the Revised Code. 119258

Quarterly, the department of medicaid shall report to the 119259  
general assembly the presumptive eligibility error rate for 119260  
presumptive eligibility determinations made during the previous 119261  
quarter. Reports made under this section shall be submitted to 119262  
the general assembly in accordance with section 101.68 of the 119263  
Revised Code. 119264

**Sec. 5163.11.** To the extent permissible under federal law, 119265  
the department of medicaid shall redetermine the eligibility of 119266  
members of the expansion eligibility group for medicaid benefits 119267  
every six months. 119268

**Sec. 5163.30.** (A) As used in this section: 119269

(1) "Assets" include all of an individual's income and 119270  
resources and those of the individual's spouse, including any 119271  
income or resources the individual or spouse is entitled to but 119272  
does not receive because of action by any of the following: 119273

(a) The individual or spouse; 119274

(b) A person or government entity, including a court or 119275  
administrative agency, with legal authority to act in place of 119276  
or on behalf of the individual or spouse; 119277

(c) A person or government entity, including a court or 119278  
administrative agency, acting at the direction or on the request 119279  
of the individual or spouse. 119280

(2) "Home and community-based services" means home and 119281  
community-based services furnished under a medicaid waiver 119282  
granted by the United States secretary of health and human 119283  
services under the "Social Security Act," section 1915(c) or 119284



(d), 42 U.S.C. 1396n(c) or (d). 119285

(3) "Institutionalized individual" means a resident of a 119286  
nursing facility, an inpatient in a medical institution for whom 119287  
a payment is made based on a level of care provided in a nursing 119288  
facility, or an individual described in the "Social Security 119289  
Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A) 119290  
(ii)(VI). 119291

(4) "Look-back date" means the date that is a number of 119292  
months specified in rules adopted under section 5163.02 of the 119293  
Revised Code immediately before either of the following: 119294

(a) The date an individual becomes an institutionalized 119295  
individual if the individual is eligible for medicaid on that 119296  
date; 119297

(b) The date an individual applies for medicaid while an 119298  
institutionalized individual. 119299

(5) "Nursing facility equivalent services" means services 119300  
that are covered by the medicaid program, equivalent to nursing 119301  
facility services, provided by an institution that provides the 119302  
same level of care as a nursing facility, and provided to an 119303  
inpatient of the institution who is a medicaid recipient 119304  
eligible for medicaid-covered nursing facility equivalent 119305  
services. 119306

(6) "Undue hardship" means being deprived of either of the 119307  
following: 119308

(a) Medical care such that an individual's health or life 119309  
is endangered; 119310

(b) Food, clothing, shelter, or other necessities of life. 119311

(B) Except as provided in division (C) of this section and 119312

rules adopted under section 5163.02 of the Revised Code, an 119313  
institutionalized individual is ineligible for nursing facility 119314  
services, nursing facility equivalent services, and home and 119315  
community-based services if the individual or individual's 119316  
spouse disposes of assets for less than fair market value on or 119317  
after the look-back date. The institutionalized individual's 119318  
ineligibility shall begin on a date determined in accordance 119319  
with rules adopted under section 5163.02 of the Revised Code and 119320  
shall continue for a number of months determined in accordance 119321  
with such rules. 119322

(C) (1) An institutionalized individual may be granted a 119323  
waiver of all or a portion of the period of ineligibility to 119324  
which the individual would otherwise be subjected under division 119325  
(B) of this section if the ineligibility would cause an undue 119326  
hardship for the individual. 119327

(2) An institutionalized individual ~~shall~~may be granted a 119328  
waiver of all or a portion of the period of ineligibility if the 119329  
administrator of the nursing facility in which the individual 119330  
resides has notified the individual of a proposed transfer or 119331  
discharge under section 3721.16 of the Revised Code due to 119332  
failure to pay for the care the nursing facility has provided to 119333  
the individual, the individual or the individual's sponsor 119334  
requests a hearing on the proposed transfer or discharge in 119335  
accordance with section 3721.161 of the Revised Code, and the 119336  
transfer or discharge is upheld by a final determination that is 119337  
not subject to further appeal. 119338

(3) An institutionalized individual may be granted a 119339  
waiver of all of the period of ineligibility if all of the 119340  
assets that were disposed of for less than fair market value are 119341  
returned to the individual or individual's spouse or if the 119342

individual or individual's spouse receives cash or other 119343  
personal or real property that equals the difference between 119344  
what the individual or individual's spouse received for the 119345  
assets and the fair market value of the assets. Except as 119346  
provided in division (C) (1) or (2) of this section, no waiver of 119347  
any part of the period of ineligibility shall be granted if the 119348  
amount the individual or individual's spouse receives is less 119349  
than the difference between what the individual or individual's 119350  
spouse received for the assets and the fair market value of the 119351  
assets. 119352

(4) Waivers shall be granted in accordance with rules 119353  
adopted under section 5163.02 of the Revised Code. 119354

(D) To secure compliance with this section, the medicaid 119355  
director may require an individual, as a condition of initial or 119356  
continued eligibility for medicaid, to provide documentation of 119357  
the individual's assets up to five years before the date the 119358  
individual becomes an institutionalized individual if the 119359  
individual is eligible for medicaid on that date or the date the 119360  
individual applies for medicaid while an institutionalized 119361  
individual. Documentation may include tax returns, records from 119362  
financial institutions, and real property records. 119363

Sec. 5163.50. (A) The department of medicaid shall issue 119364  
one or more requests for information relating to medicaid 119365  
eligibility data and operations to identify and assess systems 119366  
and solutions that may be available to improve or augment the 119367  
management, efficiency, frequency, and accuracy of medicaid 119368  
eligibility determinations and processing. The requests for 119369  
information shall include systems and data relating to all of 119370  
the following: 119371

(1) Medicaid enrollee or applicant identity verification; 119372

<u>(2) Medicaid enrollee death verification;</u>	119373
<u>(3) Employment and wages;</u>	119374
<u>(4) Lottery winnings;</u>	119375
<u>(5) Residency verification including residency relating to</u>	119376
<u>concurrent enrollment in medicaid programs in other states;</u>	119377
<u>(6) Household composition;</u>	119378
<u>(7) Medicaid enrollee incarceration status;</u>	119379
<u>(8) Third-party liability verification;</u>	119380
<u>(9) Asset verification;</u>	119381
<u>(10) Any other records or systems the department considers</u>	119382
<u>appropriate in order to strengthen program integrity, reduce</u>	119383
<u>costs, and reduce fraud, waste, and abuse in the medicaid</u>	119384
<u>program.</u>	119385
<u>(B) As part of the considerations under division (A) of</u>	119386
<u>this section, the department shall consider augmenting existing</u>	119387
<u>vendor arrangements relating to processing and managing medicaid</u>	119388
<u>eligibility cases.</u>	119389
<u>(C) The department may procure one or more vendors to</u>	119390
<u>implement any solutions identified as cost effective and</u>	119391
<u>feasible. Any vendor compensation under this section shall be</u>	119392
<u>performance-based.</u>	119393
<u><b>Sec. 5164.093.</b> (A) As used in this section, "rapid whole</u>	119394
<u>genome sequencing" means an investigation of the entire human</u>	119395
<u>genome, including coding and non-coding regions and</u>	119396
<u>mitochondrial deoxyribonucleic acid, to identify disease-causing</u>	119397
<u>genetic changes, and includes patient-only whole genome</u>	119398
<u>sequencing and duo and trio whole genome sequencing of the</u>	119399

patient and biological parent or parents. 119400

(B) Beginning one year after the effective date of this 119401  
section, and subject to approval from the centers for medicare 119402  
and medicaid services, the medicaid program shall reimburse 119403  
medicaid providers for rapid whole genome sequencing for 119404  
patients who are Medicaid recipients and meet all of the 119405  
following criteria: 119406

(1) The patient is under one year of age. 119407

(2) The patient has a complex or acute illness of unknown 119408  
etiology that is not confirmed to be caused by an environmental 119409  
exposure, toxic ingestion, infection with normal response to 119410  
therapy, or trauma. 119411

(3) The patient is receiving hospital services in an 119412  
intensive care unit or other high acuity care unit within a 119413  
hospital. 119414

(C) A laboratory performing the rapid whole genome 119415  
sequencing provided pursuant to this section shall return the 119416  
preliminary positive results within seven days and final results 119417  
within fifteen days from the date of receipt of the sample. 119418

(D) Payment provided pursuant to this section may be 119419  
subject to any of the following evidence-based medical necessity 119420  
criteria: 119421

(1) The patient has symptoms that suggest a broad 119422  
differential diagnosis that would require an evaluation by 119423  
multiple genetic tests if rapid whole genome sequencing is not 119424  
performed. 119425

(2) The patient's treating health care provider has 119426  
determined that timely identification of a molecular diagnosis 119427

is necessary to guide clinical decision-making and testing 119428  
results may guide the treatment or management of the patient's 119429  
condition. 119430

(3) The patient has a family genetic history related to 119431  
the patient's condition. 119432

(4) The patient has a complex or acute illness of unknown 119433  
etiology including at least one of the following conditions: 119434

(a) Congenital anomalies involving at least two organ 119435  
systems or complex or multiple congenital anomalies in one organ 119436  
system; 119437

(b) Specific organ malformations highly suggestive of a 119438  
genetic etiology; 119439

(c) Abnormal laboratory tests or abnormal chemistry 119440  
profiles suggesting the presence of a genetic disease, complex 119441  
metabolic disorder, or inborn error of metabolism; 119442

(d) Refractory or severe hypoglycemia or hyperglycemia; 119443

(e) Abnormal response to therapy related to an underlying 119444  
medical condition affecting vital organs or bodily systems; 119445

(f) Severe muscle weakness, rigidity, or spasticity; 119446

(g) A high-risk stratification for a brief, resolved, 119447  
unexplained, and recurrent event that is any of the following: 119448

(i) An event without respiratory infection; 119449

(ii) A witnessed seizure-like event; 119450

(iii) A cardiopulmonary resuscitation event. 119451

(h) Refractory seizures; 119452

(i) Abnormal cardiac diagnostic testing results suggestive 119453

of possible channelopathies, arrhythmias, cardiomyopathies, 119454  
myocarditis, or structural heart disease; 119455

(j) Abnormal diagnostic imaging studies suggestive of an 119456  
underlying genetic condition; 119457

(k) Abnormal physiologic function studies suggestive of an 119458  
underlying genetic etiology. 119459

(E) The director may add conditions to those specified in 119460  
division (D) (4) of this section based on new medical evidence 119461  
and may provide coverage for rapid whole genome sequencing or 119462  
other next-generation sequencing and genetic testing in addition 119463  
to the reimbursement required under this section. 119464

(F) (1) Except as provided in division (F) (2) of this 119465  
section, genetic data generated as a result of performing rapid 119466  
whole genome sequencing pursuant to this section shall have a 119467  
primary use of assisting the ordering health care professional 119468  
and treating care team to diagnose and treat the patient, and as 119469  
protected health information it shall be subject to the 119470  
requirements applicable to protected health information set 119471  
forth in the "Health Insurance Portability and Accountability 119472  
Act of 1996," 42 U.S.C. 1320d et seq., the "Health Information 119473  
Technology for Economic and Clinical Health Act of 2009," 42 119474  
U.S.C. 17921 et seq., and any other applicable law regarding 119475  
protected health information. 119476

(2) Genetic data generated from rapid whole genome 119477  
sequencing reimbursed under this section can be used in 119478  
scientific research if consent for such use of the data has been 119479  
expressly given by the patient's legal guardian. The patient, 119480  
the patient's legal guardian, or the patient's health care 119481  
provider with the patient or the patient's guardian's consent, 119482

may request access to the results of the testing for use in 119483  
other clinical settings. A health care provider may only charge 119484  
a fee to the patient based on the direct costs of producing the 119485  
results in a format usable in other clinical settings. A patient 119486  
or a patient's legal guardian shall have the right to rescind 119487  
the original consent to the use of the data in scientific 119488  
research at any time, and upon receipt of a written revocation 119489  
of the consent the health care provider or other entity using 119490  
the data shall cease use and expunge the data from any data 119491  
repository where it is held. 119492

(G) The director shall take any actions necessary to 119493  
implement the provisions of this section, including: 119494

(1) Adopting rules authorized by section 5166.02 of the 119495  
Revised Code; 119496

(2) Any other administrative action determined to be 119497  
necessary to implement the requirements of this section. 119498

**Sec. 5165.192.** (A) (1) Except as provided in division (B) 119499  
of this section and in accordance with the process specified in 119500  
rules authorized by this section, the department of medicaid 119501  
shall do all of the following: 119502

(a) Every quarter, determine the following two case-mix 119503  
scores for each nursing facility: 119504

(i) A quarterly case-mix score that includes each resident 119505  
who is a medicaid recipient and is not a low case-mix resident; 119506

(ii) A quarterly case-mix score that includes each 119507  
resident regardless of payment source. 119508

(b) Every six months, determine a semiannual average case- 119509  
mix score for each nursing facility by using the quarterly case- 119510



mix scores determined for the nursing facility pursuant to 119511  
division (A) (1) (a) (i) of this section; 119512

(c) After the end of each calendar year, determine an 119513  
annual average case-mix score for each nursing facility by using 119514  
the quarterly case-mix scores determined for the nursing 119515  
facility pursuant to division (A) (1) (a) (ii) of this section. 119516

(2) When determining case-mix scores under division (A) (1) 119517  
of this section, the department shall use all of the following: 119518

(a) Data from a resident assessment instrument specified 119519  
in rules authorized by section 5165.191 of the Revised Code; 119520

(b) Except as provided in rules authorized by this 119521  
section, the case-mix values established by the United States 119522  
department of health and human services; 119523

(c) Except as modified in rules authorized by this 119524  
section, the grouper methodology used on ~~June 30, 1999~~ October 1, 119525  
2019, for the patient driven payment model nursing index, by the 119526  
United States department of health and human services for 119527  
prospective payment of skilled nursing facilities under the 119528  
medicare program. 119529

(B) (1) Subject to division (B) (2) of this section, the 119530  
department, for one or more months of a calendar quarter, may 119531  
assign to a nursing facility a case-mix score that is five per 119532  
cent less than the nursing facility's case-mix score for the 119533  
immediately preceding calendar quarter if any of the following 119534  
apply: 119535

(a) The provider does not timely submit complete and 119536  
accurate resident assessment data necessary to determine the 119537  
nursing facility's case-mix score for the calendar quarter; 119538

(b) The nursing facility was subject to an exception 119539  
review under section 5165.193 of the Revised Code for the 119540  
immediately preceding calendar quarter; 119541

(c) The nursing facility was assigned a case-mix score for 119542  
the immediately preceding calendar quarter. 119543

(2) Before assigning a case-mix score to a nursing 119544  
facility due to the submission of incorrect resident assessment 119545  
data, the department shall permit the provider to correct the 119546  
data. The department may assign the case-mix score if the 119547  
provider fails to submit the corrected resident assessment data 119548  
not later than the earlier of the forty-fifth day after the end 119549  
of the calendar quarter to which the data pertains or the 119550  
deadline for submission of such corrections established by 119551  
regulations adopted by the United States department of health 119552  
and human services under Title XVIII and Title XIX. 119553

(3) If, for more than six months in a calendar year, a 119554  
provider is paid a rate determined for a nursing facility using 119555  
a case-mix score assigned to the nursing facility under division 119556  
(B) (1) of this section, the department may assign the nursing 119557  
facility a cost per case-mix unit that is five per cent less 119558  
than the nursing facility's actual or assigned cost per case-mix 119559  
unit for the immediately preceding calendar year. The department 119560  
may use the assigned cost per case-mix unit, instead of 119561  
determining the nursing facility's actual cost per case-mix unit 119562  
in accordance with section 5165.19 of the Revised Code, to 119563  
establish the nursing facility's rate for direct care costs for 119564  
the fiscal year immediately following the calendar year for 119565  
which the cost per case-mix unit is assigned. 119566

(4) The department shall take action under division (B) 119567  
(1), (2), or (3) of this section only in accordance with rules 119568

authorized by this section. The department shall not take an 119569  
action that affects rates for prior payment periods except in 119570  
accordance with sections 5165.41 and 5165.42 of the Revised 119571  
Code. 119572

(C) The medicaid director shall adopt rules under section 119573  
5165.02 of the Revised Code as necessary to implement this 119574  
section. 119575

(1) The rules shall do all of the following: 119576

(a) Specify the process for determining the semiannual and 119577  
annual average case-mix scores for nursing facilities; 119578

~~(b) Adjust the case-mix values specified in division (A)~~ 119579  
~~(2)(b) of this section to reflect changes in relative wage~~ 119580  
~~differentials that are specific to this state;~~ 119581

~~(c) Express all of those case-mix values in numeric terms~~ 119582  
~~that are different from the terms specified by the United States~~ 119583  
~~department of health and human services but that do not alter~~ 119584  
~~the relationship of the case-mix values to one another;~~ 119585

~~(d)~~ Modify the grouper methodology specified in division 119586  
(A) (2) (c) of this section as follows: 119587

~~(i) Establish a different hierarchy for assigning~~ 119588  
~~residents to case-mix categories under the methodology;~~ 119589

~~(ii) Allow the use of the index maximizer element of the~~ 119590  
~~methodology;~~ 119591

~~(iii) Incorporate changes to the grouper methodology for~~ 119592  
~~the patient driven payment model nursing index used by the~~ 119593  
~~United States department of health and human services makes~~ 119594  
~~after June 30, 1999~~ on October 1, 2019, for prospective payment 119595  
of skilled nursing facilities under the medicare program; 119596

~~(iv)~~ (ii) Make other changes the department determines are necessary. 119597  
119598

~~(e)~~ (c) Establish procedures under which resident 119599  
assessment data shall be reviewed for accuracy and providers 119600  
shall be notified of any data that requires correction; 119601

~~(f)~~ (d) Establish procedures for providers to correct 119602  
resident assessment data and specify a reasonable period of time 119603  
by which providers shall submit the corrections. The procedures 119604  
may limit the content of corrections in the manner required by 119605  
regulations adopted by the United States department of health 119606  
and human services under Title XVIII and Title XIX. 119607

~~(g)~~ (e) Specify when and how the department will assign 119608  
case-mix scores or costs per case-mix unit to a nursing facility 119609  
under division (B) of this section if information necessary to 119610  
calculate the nursing facility's case-mix score is not provided 119611  
or corrected in accordance with the procedures established by 119612  
the rules. 119613

(2) Notwithstanding any other provision of this chapter, 119614  
the rules may provide for the exclusion of case-mix scores 119615  
assigned to a nursing facility under division (B) of this 119616  
section from the determination of the nursing facility's 119617  
semiannual or annual average case-mix score and the cost per 119618  
case-mix unit for the nursing facility's peer group. 119619

**Sec. 5165.26.** (A) As used in this section: 119620

(1) "Base rate" means the portion of a nursing facility's 119621  
total per medicaid day payment rate determined under divisions 119622  
(A) and (B) of section 5165.15 of the Revised Code. 119623

(2) "CMS" means the United States centers for medicare and 119624  
medicaid services. 119625

(3) "Long-stay resident" means an individual who has 119626  
resided in a nursing facility for at least one hundred one days. 119627

(4) "Nursing facilities for which a quality score was 119628  
determined" includes nursing facilities that are determined to 119629  
have a quality score of zero. 119630

(5) "SFF list" means the list of nursing facilities that 119631  
the United States department of health and human services 119632  
creates under the special focus facility program. 119633

(6) "Special focus facility program" means the program 119634  
conducted by the United States secretary of health and human 119635  
services pursuant to section 1919(f)(10) of the "Social Security 119636  
Act," 42 U.S.C. 1396r(f)(10). 119637

(B) Subject to divisions (D) and (E) and except as 119638  
provided in division (F) of this section, the department of 119639  
medicaid shall determine each nursing facility's per medicaid 119640  
day quality incentive payment rate as follows: 119641

(1) Determine the sum of the quality scores determined 119642  
under division (C) of this section for all nursing facilities. 119643

(2) Determine the average quality score by dividing the 119644  
sum determined under division (B)(1) of this section by the 119645  
number of nursing facilities for which a quality score was 119646  
determined. 119647

(3) Determine the sum of the total number of medicaid days 119648  
for all of the calendar year preceding the fiscal year for which 119649  
the rate is determined for all nursing facilities for which a 119650  
quality score was determined. 119651

(4) Multiply the average quality score determined under 119652  
division (B)(2) of this section by the sum determined under 119653

division (B) (3) of this section. 119654

(5) Determine the value per quality point by determining 119655  
the quotient of the following: 119656

(a) The sum determined under division (E) (2) of this 119657  
section. 119658

(b) The product determined under division (B) (4) of this 119659  
section. 119660

(6) Multiply the value per quality point determined under 119661  
division (B) (5) of this section by the nursing facility's 119662  
quality score determined under division (C) of this section. 119663

(C) (1) Except as provided in divisions (C) (2) and (3) of 119664  
this section, a nursing facility's quality score for a state 119665  
fiscal year shall be the sum of the following: 119666

(a) The total number of points that CMS assigned to the 119667  
nursing facility under CMS's nursing facility five-star quality 119668  
rating system for the following quality metrics, or CMS's 119669  
successor metrics as described below, based on the most recent 119670  
four-quarter average data, or the average data for fewer 119671  
quarters in the case of successor metrics, available in the 119672  
database maintained by CMS and known as nursing home compare in 119673  
the most recent month of the calendar year during which the 119674  
fiscal year for which the rate is determined begins: 119675

(i) The percentage of the nursing facility's long-stay 119676  
residents at high risk for pressure ulcers who had pressure 119677  
ulcers; 119678

(ii) The percentage of the nursing facility's long-stay 119679  
residents who had a urinary tract infection; 119680

(iii) The percentage of the nursing facility's long-stay 119681

residents whose ability to move independently worsened; 119682

(iv) The percentage of the nursing facility's long-stay 119683  
residents who had a catheter inserted and left in their bladder. 119684

If CMS ceases to publish any of the metrics specified in 119685  
division (C)(1)(a) of this section, the department shall use the 119686  
nursing facility quality metrics on the same topics that CMS 119687  
subsequently publishes. 119688

(b) Seven and five-tenths points for fiscal year 2024 and 119689  
three points for fiscal year 2025 and subsequent fiscal years if 119690  
the nursing facility's occupancy rate is greater than seventy- 119691  
five per cent. For purposes of this division, the department 119692  
shall utilize the facility's occupancy rate for licensed beds 119693  
reported on its cost report for the calendar year preceding the 119694  
fiscal year for which the rate is determined or, if the facility 119695  
is not required to be licensed, the facility's occupancy rate 119696  
for certified beds. If the facility surrenders licensed or 119697  
certified beds before the first day of July of the calendar year 119698  
in which the fiscal year begins, the department shall calculate 119699  
a nursing facility's occupancy rate by dividing the inpatient 119700  
days reported on the facility's cost report for the calendar 119701  
year preceding the fiscal year for which the rate is determined 119702  
by the product of the number of days in the calendar year and 119703  
the facility's number of licensed, or if applicable, certified 119704  
beds on the first day of July of the calendar year in which the 119705  
fiscal year begins. 119706

(c) Beginning with state fiscal year 2025, the total 119707  
number of points that CMS assigned to the nursing facility under 119708  
CMS's nursing facility five-star quality rating system for the 119709  
following quality metrics, or successor metrics designated by 119710  
CMS, based on the most recent four-quarter average data 119711

available in the database maintained by CMS and known as nursing 119712  
home compare in the most recent month of the calendar year 119713  
during which the fiscal year for which the rate is determined 119714  
begins: 119715

(i) The percentage of the nursing facility's long-stay 119716  
residents whose need for help with daily activities has 119717  
increased; 119718

(ii) The percentage of the nursing facility's long-stay 119719  
residents experiencing one or more falls with major injury; 119720

(iii) The percentage of the nursing facility's long-stay 119721  
residents who were administered an antipsychotic medication; 119722

(iv) Adjusted total nurse staffing hours per resident per 119723  
day using quintiles instead of deciles by using the points 119724  
assigned to the higher of the two deciles that constitute the 119725  
quintile. 119726

If CMS ceases to publish any of the metrics specified in 119727  
division (C)(1)(c) of this section, the department shall use the 119728  
nursing facility quality metrics on the same topics CMS 119729  
subsequently publishes. 119730

(2) In determining a nursing facility's quality score for 119731  
a state fiscal year, the department shall make the following 119732  
adjustment to the number of points that CMS assigned to the 119733  
nursing facility for each of the quality metrics specified in 119734  
divisions (C)(1)(a) and (c) of this section: 119735

(a) Unless division (C)(2)(b) or (c) of this section 119736  
applies, divide the number of the nursing facility's points for 119737  
the quality metric by twenty. 119738

(b) If CMS assigned the nursing facility to the lowest 119739



percentile for the quality metric, reduce the number of the 119740  
nursing facility's points for the quality metric to zero. 119741

(c) If the nursing facility's total number of points 119742  
calculated for or during a state fiscal year for all of the 119743  
quality metrics specified in divisions (C) (1) (a), and if 119744  
applicable, division (C) (1) (c) of this section is less than a 119745  
number of points that is equal to the twenty-fifth percentile of 119746  
all nursing facilities, calculated using the points for the July 119747  
1 rate setting of that fiscal year reduce the nursing facility's 119748  
points to zero until the next point calculation. If a facility's 119749  
recalculated points under division (C) (3) of this section are 119750  
below the number of points determined to be the twenty-fifth 119751  
percentile for that fiscal year, the facility shall receive zero 119752  
points for the remainder of that fiscal year. 119753

(3) A nursing facility's quality score shall be 119754  
recalculated for the second half of the state fiscal year based 119755  
on the most recent four quarter average data, or the average 119756  
data for fewer quarters in the case of successor metrics, 119757  
available in the database maintained by CMS and known as the 119758  
care compare, in the most recent month of the calendar year 119759  
during which the fiscal year for which the rate is determined 119760  
begins. The metrics specified by division (C) (1) (b) of this 119761  
section shall not be recalculated. In redetermining the quality 119762  
payment for each facility based on the recalculated points, the 119763  
department shall use the same per point value determined for the 119764  
quality payment at the start of the fiscal year. 119765

(D) A nursing facility shall not receive a quality 119766  
incentive payment if the Department of Health assigned the 119767  
nursing facility to the SFF list under the special focus 119768  
facility program and the nursing facility is listed in table A, 119769

on the first day of May of the calendar year for which the rate 119770  
is being determined. 119771

(E) The total amount to be spent on quality incentive 119772  
payments under division (B) of this section for a fiscal year 119773  
shall be determined as follows: 119774

(1) Determine the following amount for each nursing 119775  
facility: 119776

(a) The amount that is five and two-tenths per cent of the 119777  
nursing facility's base rate for nursing facility services 119778  
provided on the first day of the state fiscal year plus one 119779  
dollar and seventy-nine cents plus sixty per cent of the per 119780  
diem amount by which the nursing facility's rate for direct care 119781  
costs determined for the fiscal year under section 5165.19 of 119782  
the Revised Code changed as a result of the rebasing conducted 119783  
under section 5165.36 of the Revised Code. 119784

(b) Multiply the amount determined under division (E) (1) 119785  
(a) of this section by the number of the nursing facility's 119786  
medicaid days for the calendar year preceding the fiscal year 119787  
for which the rate is determined. 119788

(2) Determine the sum of the products determined under 119789  
division (E) (1) (b) of this section for all nursing facilities 119790  
for which the product was determined for the state fiscal year. 119791

(3) To the sum determined under division (E) (2) of this 119792  
section, add one hundred twenty-five million dollars. 119793

(F) (1) Beginning July 1, 2023, a new nursing facility 119794  
shall receive a quality incentive payment for the fiscal year in 119795  
which the new facility obtains an initial provider agreement and 119796  
the immediately following fiscal year equal to the median 119797  
quality incentive payment determined for nursing facilities for 119798

the fiscal year. For the state fiscal year after the immediately 119799  
following fiscal year and subsequent fiscal years, the quality 119800  
incentive payment shall be determined under division (C) of this 119801  
section. 119802

(2) A nursing facility that undergoes a change of operator 119803  
with an effective date of July 1, ~~2023~~2025, or later shall not 119804  
receive a quality incentive payment until the earlier of the 119805  
first day of January or the first day of July that is at least 119806  
six months after the effective date of the change of operator. 119807  
Thereafter any quality incentive payment shall be determined 119808  
under division (C) of this section. 119809

~~(3) A nursing facility that undergoes a change of owner 119810  
with an effective date of July 1, 2023, or later shall not 119811  
receive a quality incentive payment until the earlier of the 119812  
first day of January or the first day of July that is at least 119813  
six months after the effective date of the change of owner if, 119814  
within one year after the change of owner, there is an increase 119815  
in the lease payments or other financial obligations of the 119816  
operator to the owner above the payments or obligations 119817  
specified by the agreement between the previous owner and the 119818  
operator. Thereafter, any quality incentive payments for the 119819  
facility shall be determined under division (C) of this section. 119820~~

**Sec. 5166.03.** The medicaid director may not submit a 119821  
request to the United States secretary of health and human 119822  
services for a medicaid waiver under the "Social Security Act," 119823  
section 1115, 42 U.S.C. 1315, unless the director provides the 119824  
speaker of the house of representatives and president of the 119825  
senate written notice of the director's intent to submit the 119826  
request at least ten days before the date the director submits 119827  
the request to the United States secretary. The notice shall 119828

include a detailed explanation of the medicaid waiver the 119829  
director proposes to seek and confirmation that the department 119830  
of medicaid has complied with the requirements of section 119831  
5162.08 of the Revised Code. 119832

**Sec. 5167.01.** As used in this chapter: 119833

(A) "~~340B covered entity~~grantee" means an entity described 119834  
in section 340B(a) (4) (A)-(K) of the "Public Health Service Act," 119835  
42 U.S.C. 256b(a) (4) (A)-(K) that is designated as an active (A)- 119836  
(K) entity under the health resources and services 119837  
administration covered entity daily report, and includes any 119838  
pharmacy under contract with the entity to dispense drugs on 119839  
behalf of the entity. 119840

(B) "Affiliated company" means an entity, including a 119841  
third-party payer or specialty pharmacy, with common ownership, 119842  
members of a board of directors, or managers, or that is a 119843  
parent company, subsidiary company, jointly held company, or 119844  
holding company with respect to the other entity. 119845

(C) "Care management system" means the system established 119846  
under section 5167.03 of the Revised Code. 119847

(D) "Controlled substance" has the same meaning as in 119848  
section 3719.01 of the Revised Code. 119849

(E) "Dual eligible individual" has the same meaning as in 119850  
section 5160.01 of the Revised Code. 119851

(F) "Emergency services" has the same meaning as in the 119852  
"Social Security Act," section 1932(b) (2), 42 U.S.C. 1396u-2(b) 119853  
(2). 119854

(G) "Enrollee" means a medicaid recipient who participates 119855  
in the care management system and enrolls in a medicaid MCO 119856

plan. 119857

(H) "ICDS participant" ~~has~~ and "integrated care delivery  
system" have the same ~~meaning~~ meanings as in section 5164.01 of  
the Revised Code. 119858  
119859  
119860

(I) "ICDS successor program" means a fully integrated dual 119861  
eligible special needs plan established in accordance with 42 119862  
C.F.R. 422.107, that the department of medicaid utilizes as a 119863  
replacement for the integrated care delivery system. 119864

(J) "Medicaid managed care organization" means a managed 119865  
care organization under contract with the department of medicaid 119866  
pursuant to section 5167.10 of the Revised Code. 119867

~~(J)~~ (K) "Medicaid MCO plan" means a plan that a medicaid 119868  
managed care organization, pursuant to its contract with the 119869  
department of medicaid under section 5167.10 of the Revised 119870  
Code, makes available to medicaid recipients participating in 119871  
the care management system. 119872

~~(K)~~ (L) "Medicaid waiver component" has the same meaning as 119873  
in section 5166.01 of the Revised Code. 119874

~~(L)~~ (M) "Network provider" has the same meaning as in 42 119875  
C.F.R. 438.2. 119876

~~(M)~~ (N) "Nursing facility services" has the same meaning as 119877  
in section 5165.01 of the Revised Code. 119878

~~(N)~~ (O) "Part B drug" means a drug or biological described 119879  
in section 1842(o) (1) (C) of the "Social Security Act," 42 U.S.C. 119880  
1395u(o) (1) (C) . 119881

~~(O)~~ (P) "Pharmacy benefit manager" has the same meaning as 119882  
in section 3959.01 of the Revised Code. 119883

~~(P)~~ (Q) "Practice of pharmacy" has the same meaning as in 119884  
section 4729.01 of the Revised Code. 119885

~~(Q)~~ (R) "Prescribed drug" has the same meaning as in 119886  
section 5164.01 of the Revised Code. 119887

~~(R)~~ (S) "Prior authorization requirement" has the same 119888  
meaning as in section 5160.34 of the Revised Code. 119889

~~(S)~~ (T) "Provider" means any person or government entity 119890  
that furnishes services to a medicaid recipient enrolled in a 119891  
medicaid MCO plan, regardless of whether the person or entity 119892  
has a provider agreement. 119893

~~(T)~~ (U) "Provider agreement" has the same meaning as in 119894  
section 5164.01 of the Revised Code. 119895

~~(U)~~ (V) "State pharmacy benefit manager" means the pharmacy 119896  
benefit manager selected by and under contract with the medicaid 119897  
director under section 5167.24 of the Revised Code. 119898

~~(V)~~ (W) "Third-party administrator" means any person who 119899  
adjusts or settles claims on behalf of an insuring entity in 119900  
connection with life, dental, health, prescription drugs, or 119901  
disability insurance or self-insurance programs and includes a 119902  
pharmacy benefit manager. 119903

**Sec. 5167.03.** (A) As part of the medicaid program, the 119904  
department of medicaid shall establish a care management system. 119905  
The department shall implement the system in some or all 119906  
counties. 119907

(B) The department shall designate the medicaid recipients 119908  
who are required or permitted to participate in the care 119909  
management system. Those who shall be required to participate in 119910  
the system include medicaid recipients who receive cognitive 119911

behavioral therapy as described in division (A) (2) of section 119912  
5167.16 of the Revised Code. Except as provided in section 119913  
5166.406 of the Revised Code, no medicaid recipient 119914  
participating in the healthy Ohio program established under 119915  
section 5166.40 of the Revised Code shall participate in the 119916  
system. 119917

~~The~~ (C) Except as otherwise provided in this section, the 119918  
general assembly's authorization through the enactment of 119919  
legislation is needed before home and community-based services 119920  
available under a medicaid waiver component or nursing facility 119921  
services are included in the care management system, ~~except that~~ 119922  
. ICDS participants, or participants in the ICDS successor 119923  
program, may be required or permitted to obtain such services 119924  
under the system. Medicaid recipients who receive such services 119925  
may be designated for voluntary or mandatory participation in 119926  
the system in order to receive other health care services 119927  
included in the system. 119928

~~The~~ (D) The department may require or permit participants 119929  
in the care management system to do either or both of the 119930  
following: 119931

~~(A)~~ (1) Obtain health care services from providers 119932  
designated by the department; 119933

~~(B)~~ (2) Enroll in a medicaid MCO plan. 119934

**Sec. 5167.09.** The department of medicaid shall include all 119935  
of the following on the department's managed care financial 119936  
dashboard: 119937

(A) Actuarial metrics for annual and quarterly cost 119938  
reports, delineated by the following categories: 119939

(1) Adults for whom financial eligibility for the medicaid 119940

<u>program is determined by utilizing the modified adjusted gross</u>	119941
<u>income standard and who are not members of the expansion</u>	119942
<u>eligibility group;</u>	119943
<u>(2) Children for whom financial eligibility for the</u>	119944
<u>medicaid program is determined by utilizing the modified</u>	119945
<u>adjusted gross income standard;</u>	119946
<u>(3) Individuals in the aged, blind, and disabled</u>	119947
<u>eligibility group who are twenty-one years of age or older;</u>	119948
<u>(4) Individuals in the aged, blind, and disabled</u>	119949
<u>eligibility group who are twenty years of age or younger;</u>	119950
<u>(5) Individuals who are members of the expansion</u>	119951
<u>eligibility group;</u>	119952
<u>(6) Individuals who are members of the adoption and foster</u>	119953
<u>kids eligibility group;</u>	119954
<u>(7) All other individuals eligible for medicaid benefits</u>	119955
<u>who are not included in another category described in division</u>	119956
<u>(A) of this section.</u>	119957
<u>(B) Quarterly and annual composite per member per month</u>	119958
<u>category of service reports for each managed care organization</u>	119959
<u>providing services under the care management system, delineated</u>	119960
<u>into the following categories:</u>	119961
<u>(1) Inpatient services;</u>	119962
<u>(2) Outpatient facility services;</u>	119963
<u>(3) Professional services;</u>	119964
<u>(4) Radiology, pathology, and laboratory services;</u>	119965
<u>(5) Pharmacy services;</u>	119966



(6) Behavioral health services; 119967

(7) All other services. 119968

(C) As used in this section, "expansion eligibility group" 119969  
has the same meaning as in section 5163.01 of the Revised Code. 119970

**Sec. 5167.123.** (A) No contract between a medicaid managed 119971  
care organization, including a third-party administrator, and a 119972  
340B ~~covered entity~~ grantee shall contain any of the following 119973  
provisions: 119974

(1) A payment rate for a prescribed drug provided by a 119975  
340B grantee to an individual as a result of health care 119976  
services provided by the grantee directly to the individual, 119977  
that is less than the ~~national average drug acquisition cost~~ 119978  
~~rate for that drug as determined by the United States centers~~ 119979  
~~for medicare and medicaid services, measured at the time the~~ 119980  
~~drug is administered or dispensed, or, if no such rate is~~ 119981  
~~available at that time, a reimbursement rate that is less than~~ 119982  
~~the wholesale acquisition cost of the drug, as defined in 42~~ 119983  
~~U.S.C. 1395w-3a(e)(6)(B)~~ payment rate applied to health care 119984  
providers that are not 340B grantees; 119985

(2) A fee that is not imposed on a health care provider 119986  
that is not a 340B ~~covered entity~~ grantee; 119987

(3) A fee amount that exceeds the amount for a health care 119988  
provider that is not a 340B ~~covered entity~~ grantee. 119989

(B) The organization, or its contracted third-party 119990  
administrators, shall not discriminate against a 340B ~~covered~~ 119991  
~~entity~~ grantee in a manner that prevents or interferes with a 119992  
medicaid recipient's choice to receive a prescription drug from 119993  
a 340B ~~covered entity or its contracted pharmacies~~ grantee. 119994

(C) Any provision of a contract entered into between the organization and a 340B ~~covered entity~~ grantee that is contrary to division (A) of this section is unenforceable and shall be replaced with the dispensing fee or payment rate that applies for health care providers that are not 340B ~~covered entities~~ grantees.

(D) A medicaid managed care organization or a third-party administrator shall provide a payment rate for all prescribed drugs obtained through the federal 340B drug pricing program by providers that are not 340B grantees that is equal to the payment rate for those prescribed drugs that is specified in the medicaid state plan.

(E) Any payment made pursuant to a payment rate described in this section is subject to audit by the department of medicaid under section 5160.20 of the Revised Code.

**Sec. 5168.08.** (A) Before or during each program year, the department of medicaid shall issue to each hospital the preliminary determination of the amount that the hospital is assessed under section 5168.06 of the Revised Code during the program year. The preliminary determination of a hospital's assessment shall be calculated for a cost-reporting period that is specified in rules adopted under section 5168.02 of the Revised Code.

The department shall consult with hospitals each year when determining the date on which it will issue the preliminary determinations in order to minimize hospitals' cash flow difficulties.

If no hospital submits a request for reconsideration under division (B) of this section, the preliminary determination

constitutes the final reconciliation of each hospital's 120024  
assessment under section 5168.06 of the Revised Code. The final 120025  
reconciliation ~~is~~ constitutes an interim final order and may be 120026  
subject to adjustments under made by the United States centers 120027  
for medicare and medicaid services pursuant to division (D) of 120028  
this section. 120029

(B) Not later than fourteen days after the preliminary 120030  
determinations are issued, any hospital may submit to the 120031  
department a written request to reconsider the preliminary 120032  
determinations. The request shall be accompanied by written 120033  
materials setting forth the basis for the reconsideration, which 120034  
may be delivered to the department by regular mail, electronic 120035  
mail, or in-person delivery. ~~If one or more hospitals submit a~~ 120036  
~~request, the department shall hold a public hearing not later~~ 120037  
~~than thirty days after the preliminary determinations are issued~~ 120038  
~~to reconsider the preliminary determinations. The department~~ 120039  
~~shall issue to each hospital a written notice of the date, time,~~ 120040  
~~and place of the hearing at least ten days prior to the hearing.~~ 120041  
On the basis of the evidence submitted to the department ~~or~~ 120042  
~~presented at the public hearing,~~ the department shall reconsider 120043  
and may adjust the preliminary determinations. The result of the 120044  
reconsideration is the final reconciliation of the hospital's 120045  
assessment under section 5168.06 of the Revised Code. The final 120046  
reconciliation ~~is~~ constitutes an interim final order and may be 120047  
subject to adjustments under by the United States centers for 120048  
medicare and medicaid services pursuant to division (D) of this 120049  
section. 120050

(C) The department shall issue to each hospital a written 120051  
notice of its assessment for the program year under the final 120052  
reconciliation. A hospital may appeal the final reconciliation 120053  
of its assessment to the court of common pleas of Franklin 120054

county, pursuant to Chapter 2505. of the Revised Code. The 120055  
complete record of the proceedings shall include all 120056  
documentation considered by the department in issuing the final 120057  
reconciliation. While a judicial appeal is pending, the hospital 120058  
shall pay, in accordance with the schedules required by division 120059  
(B) of section 5168.06 of the Revised Code, any amount of its 120060  
assessment that is not in dispute into the hospital care 120061  
assurance program fund created in section 5168.11 of the Revised 120062  
Code. 120063

(D) In the course of any program year, the department may 120064  
adjust the assessment rate or rates established in rules 120065  
pursuant to section 5168.06 of the Revised Code or adjust the 120066  
amounts of intergovernmental transfers required under section 120067  
5168.07 of the Revised Code and, as a result of the adjustment, 120068  
adjust each hospital's assessment and intergovernmental 120069  
transfer, to reflect refinements made by the United States 120070  
centers for medicare and medicaid services during that program 120071  
year to the limits it prescribed under the "Social Security 120072  
Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the 120073  
assessment rate or rates must comply with division (A) of 120074  
section 5168.06 of the Revised Code. An adjusted 120075  
intergovernmental transfer must comply with division (A) of 120076  
section 5168.07 of the Revised Code. The department shall notify 120077  
hospitals of adjustments made under this division and adjust for 120078  
the remainder of the program year the installments paid by 120079  
hospitals under sections 5168.06 and 5168.07 of the Revised Code 120080  
in accordance with rules adopted under section 5168.02 of the 120081  
Revised Code. 120082

**Sec. 5168.11.** (A) Except as provided in section 5162.52 of 120083  
the Revised Code, all payments of assessments by hospitals under 120084  
section 5168.06 of the Revised Code and all intergovernmental 120085

transfers under section 5168.07 of the Revised Code shall be 120086  
deposited in the state treasury to the credit of the hospital 120087  
care assurance program fund, hereby created. All investment 120088  
earnings of the hospital care assurance program fund shall be 120089  
credited to the fund. The department of medicaid shall maintain 120090  
records that show the amount of money in the hospital care 120091  
assurance program fund at any time that has been paid by each 120092  
hospital and the amount of any investment earnings on that 120093  
amount. All moneys credited to the hospital care assurance 120094  
program fund shall be used solely to make payments to hospitals 120095  
under division (D) of this section and section 5168.09 of the 120096  
Revised Code. 120097

(B) All federal matching funds received as a result of the 120098  
department distributing funds from the hospital care assurance 120099  
program fund to hospitals under section 5168.09 of the Revised 120100  
Code shall be credited to the health care - federal fund created 120101  
under section 5162.50 of the Revised Code. 120102

(C) All distributions of funds to hospitals under section 120103  
5168.09 of the Revised Code are conditional on: 120104

(1) Expiration of the time for appeals under section 120105  
5168.08 of the Revised Code without the filing of an appeal, or 120106  
on court determinations, in the event of appeals, that the 120107  
hospital is entitled to the funds; 120108

(2) The sum of the following being sufficient to 120109  
distribute the funds after the final determination of any 120110  
appeals: 120111

(a) The available money in the hospital care assurance 120112  
program fund; 120113

(b) The available portion of the money in the health care 120114

- federal fund that is credited to that fund pursuant to 120115  
division (B) of this section. 120116

(3) The hospital's compliance with section 5168.14 of the 120117  
Revised Code. 120118

(D) If an audit conducted by the department, pursuant to 120119  
42 C.F.R. 455.304, of the amounts of payments made and funds 120120  
received by hospitals under sections 5168.06, 5168.07, and 120121  
5168.09 of the Revised Code identifies amounts that, due to 120122  
errors by the department, a hospital should not have been 120123  
required to pay but did pay, should have been required to pay 120124  
but did not pay, should not have received but did receive, or 120125  
should have received but did not receive, the department shall: 120126

(1) Make payments to any hospital that the audit reveals 120127  
paid amounts it should not have been required to pay or did not 120128  
receive amounts it should have received; 120129

(2) Take action to recover from a hospital any amounts 120130  
that the audit reveals it should have been required to pay but 120131  
did not pay or that it should not have received but did receive. 120132

Payments made under division (D) (1) of this section shall 120133  
be made from the hospital care assurance program fund. Amounts 120134  
recovered under division (D) (2) of this section shall be 120135  
deposited to the credit of that fund. ~~Any hospital may appeal~~ 120136  
~~the amount.~~ An action authorized under Chapter 2721. of the 120137  
Revised Code and filed in Franklin county shall be the exclusive 120138  
remedy for any hospital that disagrees with the amount that the 120139  
hospital is to be paid under division (D) (1) or the amount that 120140  
is to be recovered from the hospital under division (D) (2) of 120141  
this section ~~to the court of common pleas of Franklin county.~~ 120142  
While any judicial proceeding is pending under division (D) of 120143

this section, a hospital shall pay to the hospital care 120144  
assurance program fund any amount identified pursuant to 120145  
division (D) (2) of this section that is not in dispute. 120146

**Sec. 5168.22.** (A) Before or during each assessment program 120147  
year, the department of medicaid shall issue to each hospital 120148  
the preliminary determination of the amount that the hospital is 120149  
assessed under section 5168.21 of the Revised Code for the 120150  
assessment program year. Except as provided in division (B) of 120151  
this section, the preliminary determination becomes the final 120152  
determination for the assessment program year fifteen days after 120153  
the preliminary determination is issued to the hospital. 120154

(B) A hospital may request that the department reconsider 120155  
the preliminary determination issued to the hospital under 120156  
division (A) of this section by submitting to the department a 120157  
written request for a reconsideration not later than fourteen 120158  
days after the hospital's preliminary determination is issued to 120159  
the hospital. The request must be accompanied by written 120160  
materials setting forth the basis for the reconsideration, which 120161  
may be delivered to the department by regular mail, electronic 120162  
mail, or in-person delivery. On receipt of the timely request, 120163  
the department shall reconsider the preliminary determination 120164  
and may adjust the preliminary determination on the basis of the 120165  
written materials accompanying the request. The result of the 120166  
reconsideration is the final determination of the hospital's 120167  
assessment under section 5168.21 of the Revised Code for the 120168  
assessment program year. 120169

(C) The department shall issue to each hospital a written 120170  
notice of the final determination of its assessment for the 120171  
assessment program year. A hospital may appeal the final 120172  
determination to the court of common pleas of Franklin county, 120173

pursuant to Chapter 2505. of the Revised Code. The complete 120174  
record of the proceedings shall include all documentation 120175  
considered by the department in issuing the final determination. 120176  
While a judicial appeal is pending, the hospital shall pay, in 120177  
accordance with section 5168.23 of the Revised Code, any amount 120178  
of its assessment that is not in dispute. 120179

**Sec. 5168.25.** There is hereby created in the state 120180  
treasury the hospital assessment fund. All installment payments 120181  
made by hospitals under section 5168.23 of the Revised Code and 120182  
all recoveries the department of medicaid makes under section 120183  
5168.24 of the Revised Code shall be deposited into the fund. 120184  
~~All investment earnings of the fund shall be credited to the~~ 120185  
~~fund.~~ The department shall use money in the fund to pay for the 120186  
costs of the medicaid program, including the program's 120187  
administrative costs. 120188

**Sec. ~~5104.50~~ 5180.04.** (A) The governor shall create the 120189  
~~early childhood~~ children and youth advisory council in 120190  
accordance with 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441 and 120191  
shall appoint one of its members to serve as chairperson of the 120192  
council with the director of children and youth serving as co- 120193  
chairperson. ~~The~~ 120194

(B) (1) The council shall serve as both the state advisory 120195  
council on early childhood education and care, as described in 120196  
42 U.S.C. 9837b(b) (1), and the state interagency coordinating 120197  
council, as described in 20 U.S.C. 1441. ~~In addition to the~~ 120198  
~~duties specified in 42 U.S.C. 9837b(b) (1), the~~ 120199

(2) The council shall ~~promote~~ advise the governor on the 120200  
availability, accessibility, affordability, and quality of 120201  
services provided through the prenatal and child-serving 120202  
systems. This includes fostering a continuum of care that 120203



promotes family-centered programs and services that acknowledge 120204  
and support the social, emotional, cognitive, intellectual, and 120205  
physical development of children and the vital role of families 120206  
in ensuring the well-being and success of children. 120207

(3) ~~The early childhood advisory council~~ shall advise the 120208  
director of children and youth on matters affecting the 120209  
licensing of centers, type A homes, and type B homes and the 120210  
certification of in-home aides. The council shall make an annual 120211  
report to the director that addresses the availability, 120212  
affordability, accessibility, and quality of child care and that 120213  
summarizes the recommendations and plans of action that the 120214  
council has proposed to the director during the preceding fiscal 120215  
year. The director shall provide copies of the report to the 120216  
governor, speaker and minority leader of the house of 120217  
representatives, and the president and minority leader of the 120218  
senate and, on request, shall make copies available to the 120219  
public. 120220

(C) (1) The advisory council shall include up to twenty- 120221  
five members appointed by the governor, including the following: 120222

(a) At least one representative of the department of 120223  
children and youth; 120224

(b) At least one representative of the department of 120225  
medicaid; 120226

(c) At least one representative of the department of job 120227  
and family services; 120228

(d) At least one representative of the department of 120229  
mental health and addiction services; 120230

(e) At least one representative of the department of 120231  
education and workforce; 120232

<u>(f) At least one representative of the department of</u>	120233
<u>health;</u>	120234
<u>(g) At least one representative of the department of</u>	120235
<u>developmental disabilities;</u>	120236
<u>(h) At least one representative of the department of youth</u>	120237
<u>services;</u>	120238
<u>(i) At least one representative from each of the following</u>	120239
<u>stakeholder groups, selected from multi-sized municipal</u>	120240
<u>corporations and geographically diverse areas of the state,</u>	120241
<u>including rural, urban, and suburban areas:</u>	120242
<u>(i) Maternal and infant vitality;</u>	120243
<u>(ii) Early intervention;</u>	120244
<u>(iii) Home visiting;</u>	120245
<u>(iv) Early childhood education;</u>	120246
<u>(v) Child care centers providing publicly funded child</u>	120247
<u>care;</u>	120248
<u>(vi) Family child care homes providing publicly funded</u>	120249
<u>child care;</u>	120250
<u>(vii) School child programs;</u>	120251
<u>(viii) Preschool programs;</u>	120252
<u>(ix) Children's services.</u>	120253
<u>(2) In making appointments to the advisory council, the</u>	120254
<u>governor shall ensure that the membership of the council</u>	120255
<u>reasonably represents the population of the state.</u>	120256
<u>(D) (1) The advisory council shall create topic-specific</u>	120257
<u>advisory groups that address a continuum of services including</u>	120258

the following: 120259

(a) Early childhood education and care; 120260

(b) Children services; 120261

(c) Maternal and infant vitality; 120262

(d) Early childhood mental health services and supports; 120263

(e) Early intervention services. 120264

(2) No representative of the department of children and 120265  
youth shall serve as a chairperson for a topic-specific advisory 120266  
group. 120267

(3) The governor shall appoint additional members as 120268  
necessary to the early childhood education and care advisory 120269  
group and the early intervention services advisory group to 120270  
satisfy the requirements of 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 120271  
1441. 120272

(4) The director of children and youth shall appoint each 120273  
representative appointed pursuant to division (C) (1) (i) of this 120274  
section to at least one topic-specific advisory group. 120275

**Sec. 5180.14.** (A) As used in this section and sections 120276  
5180.15, 5180.16, and 5180.17 of the Revised Code: 120277

(1) "Child care center," "type A family child care home," 120278  
and "licensed type B family child care home" have the same 120279  
meanings as in section 5104.01 of the Revised Code. 120280

(2) "Child care facility" means a child care center, a 120281  
type A family child care home, or a licensed type B family child 120282  
care home. 120283

(3) "Foster caregiver" has the same meaning as in section 120284  
5103.02 of the Revised Code. 120285

(4) "Freestanding birthing center" has the same meaning as 120286  
in section 3701.503 of the Revised Code. 120287

(5) "Hospital" has the same meaning as in section 3722.01 120288  
of the Revised Code to which either of the following applies: 120289

(a) The hospital has a maternity unit. 120290

(b) The hospital receives for care infants who have been 120291  
transferred to it from other facilities and who have never been 120292  
discharged to their residences following birth. 120293

(6) "Infant" means a child who is less than one year of 120294  
age. 120295

(7) "Maternity unit" means the distinct portion of a 120296  
hospital in which maternity services are provided. 120297

(8) "Other person responsible for the infant" includes a 120298  
foster caregiver. 120299

(9) "Parent" means either parent, unless the parents are 120300  
separated or divorced or their marriage has been dissolved or 120301  
annulled, in which case "parent" means the parent who is the 120302  
residential parent and legal custodian of the child. "Parent" 120303  
also means a prospective adoptive parent with whom a child is 120304  
placed. 120305

(10) "Shaken baby syndrome" means signs and symptoms, 120306  
including, but not limited to, retinal hemorrhages in one or 120307  
both eyes, subdural hematoma, or brain swelling, resulting from 120308  
the violent shaking or the shaking and impacting of the head of 120309  
an infant or small child. 120310

(B) The director of children and youth shall establish the 120311  
shaken baby syndrome education program by doing all of the 120312  
following: 120313

(1) Developing educational materials that present readily	120314
comprehensible information on shaken baby syndrome;	120315
(2) Making available on the department of children and	120316
youth web site in an easily accessible format the educational	120317
materials developed under division (B) (1) of this section;	120318
(3) Annually assessing the effectiveness of the shaken	120319
baby syndrome education program by doing all of the following:	120320
(a) Evaluating the reports received pursuant to section	120321
<del>5101.135</del> <u>5180.405</u> of the Revised Code;	120322
(b) Reviewing the content of the educational materials to	120323
determine if updates or improvements should be made;	120324
(c) Reviewing the manner in which the educational	120325
materials are distributed, as described in section 5180.15 of	120326
the Revised Code, to determine if modifications to that manner	120327
should be made.	120328
(C) In meeting the requirements under division (B) of this	120329
section, the director shall develop educational materials that,	120330
to the extent possible, minimize administrative or financial	120331
burdens on any of the entities or persons listed in section	120332
5180.15 of the Revised Code.	120333
<b>Sec. 5180.21.</b> (A) The department of children and youth	120334
shall establish the help me grow program as the state's	120335
evidence-based parent support program that encourages early	120336
prenatal and well-baby care, as well as provides parenting	120337
education to promote the comprehensive health and development of	120338
children. The program shall provide home visiting services to	120339
families with a pregnant woman or child under five years of age	120340
that meet the eligibility requirements established in rules	120341
adopted under this section. Home visiting services shall be	120342

provided through evidence-based home visiting models or 120343  
innovative, promising home visiting models recommended by the 120344  
~~Ohio home visiting consortium~~ children and youth advisory 120345  
council created under section ~~5180.23~~ 5180.04 of the Revised 120346  
Code. 120347

(B) Families shall be referred to the appropriate home 120348  
visiting services through the central intake and referral system 120349  
created under section 5180.22 of the Revised Code. 120350

(C) To the extent possible, the goals of the help me grow 120351  
program shall be consistent with the goals of the federal home 120352  
visiting program, as specified by the maternal and child health 120353  
bureau of the health resources and services administration in 120354  
the United States department of health and human services or its 120355  
successor. 120356

(D) The director of children and youth shall enter into an 120357  
interagency agreement with one or more state agencies, including 120358  
the department of developmental disabilities, department of job 120359  
and family services, department of medicaid, commission on 120360  
minority health, Ohio fatherhood commission, and children's 120361  
trust fund board, to implement the help me grow program, to 120362  
ensure coordination of early childhood programs, and to maximize 120363  
reimbursement for the help me grow program from any federal 120364  
source. 120365

In addition to creating the central intake and referral 120366  
system as described in section 5180.22 of the Revised Code, the 120367  
department of children and youth shall ensure there is a 120368  
consistent comprehensive screening and connection program to 120369  
support the coordination of home visiting services across the 120370  
state, including through the department of health, department of 120371  
developmental disabilities, department of job and family 120372

services, department of medicaid, and commission on minority 120373  
health. Following the program's establishment, the department of 120374  
children and youth shall evaluate the program's effectiveness in 120375  
coordinating home visiting services at least once annually. 120376

(E) The director may distribute help me grow program funds 120377  
through contracts, grants, or subsidies to entities providing 120378  
services under the program. 120379

(F) As a condition of receiving payments for home visiting 120380  
services, providers shall report to the director data on the 120381  
program performance indicators, specified in rules adopted under 120382  
division (G) of this section, that are used to assess progress 120383  
toward achieving all of the following: 120384

(1) The benchmark domains established for the federal home 120385  
visiting program, including improvement in maternal and newborn 120386  
health; reduction in child injuries, abuse, and neglect; 120387  
improved school readiness and achievement; reduction in crime 120388  
and domestic violence; and improved family economic self- 120389  
sufficiency; 120390

(2) Improvement in birth outcomes and reduction in 120391  
stillbirths, as that term is defined in section 5180.12 of the 120392  
Revised Code; 120393

(3) Reduction in tobacco use by pregnant women, new 120394  
parents, and others living in households with children. 120395

The providers shall report the data in the format and 120396  
within the time frames specified in the rules. 120397

The director shall prepare an annual report on the data 120398  
received from the providers. Each report shall include an 120399  
evaluation addressing the number of families and children 120400  
served, the number and type of services provided, health and 120401

developmental outcomes for participating families and children, 120402  
and variation in outcomes between the types of home visiting 120403  
programs specified in division (B) (3) of section 5180.22 of the 120404  
Revised Code. The director shall submit the report to the 120405  
general assembly in accordance with section 101.68 of the 120406  
Revised Code and make the report available on the internet web 120407  
site maintained by the department of children and youth. 120408

(G) Pursuant to Chapter 119. of the Revised Code, the 120409  
director shall adopt rules that are necessary and proper to 120410  
implement this section. The rules shall specify all of the 120411  
following: 120412

(1) Subject to division (H) of this section, eligibility 120413  
requirements for home visiting services; 120414

(2) Eligibility requirements for providers of home 120415  
visiting services; 120416

(3) Standards and procedures for the provision of program 120417  
services, including data collection, program monitoring, and 120418  
program evaluation; 120419

(4) Procedures for appealing the denial of an application 120420  
for program services or the termination of services; 120421

(5) Procedures for appealing the denial of an application 120422  
to become a provider of program services or the termination of 120423  
the department's approval of a provider; 120424

(6) Procedures for addressing complaints; 120425

(7) The program performance indicators on which data must 120426  
be reported by providers of home visiting services under 120427  
division (F) of this section, which, to the extent possible, 120428  
shall be consistent with federal reporting requirements for 120429



federally funded home visiting services; 120430

(8) The format in which reports must be submitted under 120431  
division (F) of this section and the time frames within which 120432  
the reports must be submitted; 120433

(9) Criteria for payment of approved providers of program 120434  
services; 120435

(10) Any other rules necessary to implement the program. 120436

(H) When adopting rules required by division (G) (1) of 120437  
this section, the director shall specify that families residing 120438  
in the urban and rural communities specified in rules adopted 120439  
under section 3701.142 of the Revised Code and families in the 120440  
child welfare system are to receive priority over other families 120441  
for home visiting services. 120442

(I) The department, in collaboration with the departments 120443  
of job and family services and medicaid, shall propose 120444  
strategies to increase the workforce capacity of home visiting 120445  
service providers and parenting support professionals, including 120446  
efforts to incentivize and retain such providers and 120447  
professionals in this state. 120448

**Sec. 5180.22.** (A) The department of children and youth 120449  
shall create a central intake and referral system for all home 120450  
visiting programs operating in this state. Through a competitive 120451  
bidding process, the department of children and youth may select 120452  
one or more persons or government entities to operate the 120453  
system. In its oversight of the one or more system operators, 120454  
the department shall streamline the system to ensure families 120455  
and children receive services from home visiting programs as 120456  
described in division (B) (3) of this section. 120457

(B) If the department of children and youth chooses to 120458

select one or more system operators as described in division (A) 120459  
of this section, a contract with any system operator shall 120460  
require that the system do all of the following: 120461

(1) Serve as a single point of entry for access, 120462  
assessment, and referral of families and children to appropriate 120463  
home visiting services based on each family's location of 120464  
residence; 120465

(2) Use a standardized form or other mechanism to assess 120466  
each family member's risk factors and social determinants of 120467  
health; 120468

(3) Ensure that families and children are referred to and 120469  
receive services from home visiting programs that are 120470  
appropriate to their level of needs, including the following: 120471

(a) Programs using home visiting contractors that provide 120472  
services within a pathways community HUB certified by the 120473  
pathways community HUB institute; 120474

(b) Programs that provide services using the early head 120475  
start home-based option. 120476

(C) The standardized form or other mechanism described in 120477  
division (B) (2) of this section shall be agreed to by the ~~home-~~ 120478  
~~visiting consortium~~ children and youth advisory council created 120479  
under section ~~5180.23~~ 5180.04 of the Revised Code. 120480

(D) A contract entered into under division (B) of this 120481  
section shall require a system operator to issue an annual 120482  
report to the department of children and youth that includes 120483  
data regarding referrals made by the central intake and referral 120484  
system, costs associated with the referrals, and the quality of 120485  
services received by families and children who were referred to 120486  
services through the system. The report shall be distributed to 120487

the ~~home visiting consortium~~ children and youth advisory council 120488  
created under section ~~5180.23~~ 5180.04 of the Revised Code. 120489

(E) Nothing in this section is intended to do any of the 120490  
following: 120491

(1) Prohibit the department of children and youth from 120492  
using alternative promotional materials or names for the central 120493  
intake and referral system; 120494

(2) Require the use of help me grow program promotional 120495  
materials or names; 120496

(3) Prohibit providers, central coordinators, the 120497  
department of children and youth, or stakeholders from using the 120498  
help me grow name for promotional materials for home visiting. 120499

**Sec. ~~5101.76~~ 5180.26.** (A) A residential camp, as defined 120500  
in section 2151.011 of the Revised Code, a child day camp, as 120501  
defined in section 5104.01 of the Revised Code, or a child day 120502  
camp operated by any county, township, municipal corporation, 120503  
township park district created under section 511.18 of the 120504  
Revised Code, park district created under section 1545.04 of the 120505  
Revised Code, or joint recreation district established under 120506  
section 755.14 of the Revised Code may procure epinephrine 120507  
autoinjectors for use in emergency situations identified under 120508  
division (C) (5) of this section by doing one of the following: 120509

(1) Having a licensed health professional authorized to 120510  
prescribe drugs, acting in accordance with section 4723.483, 120511  
4730.433, or 4731.96 of the Revised Code, personally furnish the 120512  
epinephrine autoinjectors to the camp or issue a prescription 120513  
for them in the name of the camp; 120514

(2) Obtaining a prescriber-issued protocol that includes 120515  
definitive orders for epinephrine autoinjectors and the dosages 120516

of epinephrine to be administered through them. 120517

A camp that elects to procure epinephrine autoinjectors 120518  
under this section is encouraged to maintain at least two 120519  
epinephrine autoinjectors at all times. 120520

(B) A camp that elects to procure epinephrine 120521  
autoinjectors under this section shall adopt a policy governing 120522  
their maintenance and use. Before adopting the policy, the camp 120523  
shall consult with a licensed health professional authorized to 120524  
prescribe drugs. 120525

(C) The policy adopted under division (B) of this section 120526  
shall do all of the following: 120527

(1) Identify the one or more locations in which an 120528  
epinephrine autoinjector must be stored; 120529

(2) Specify the conditions under which an epinephrine 120530  
autoinjector must be stored, replaced, and disposed; 120531

(3) Specify the individuals employed by or under contract 120532  
with the camp who may access and use an epinephrine autoinjector 120533  
to provide a dosage of epinephrine to an individual in an 120534  
emergency situation identified under division (C) (5) of this 120535  
section; 120536

(4) Specify any training that employees or contractors 120537  
specified under division (C) (3) of this section must complete 120538  
before being authorized to access and use an epinephrine 120539  
autoinjector; 120540

(5) Identify the emergency situations, including when an 120541  
individual exhibits signs and symptoms of anaphylaxis, in which 120542  
employees or contractors specified under division (C) (3) of this 120543  
section may access and use an epinephrine autoinjector; 120544

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C) (5) of this section.

(D) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A camp;

(b) A camp employee or contractor;

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(E) A camp may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(F) A camp that elects to procure epinephrine 120574  
autoinjectors under this section shall report to the department 120575  
of children and youth each procurement and occurrence in which 120576  
an epinephrine autoinjector is used from a camp's supply of 120577  
epinephrine autoinjectors. 120578

(G) As used in this section, "licensed health professional 120579  
authorized to prescribe drugs" and "prescriber" have the same 120580  
meanings as in section 4729.01 of the Revised Code. 120581

**Sec. ~~5101.77~~ 5180.261.** (A) As used in this section, 120582  
"inhaler" means a device that delivers medication to alleviate 120583  
asthmatic symptoms, is manufactured in the form of a metered 120584  
dose inhaler or dry powdered inhaler, and may include a spacer, 120585  
holding chamber, or other device that attaches to the inhaler 120586  
and is used to improve the delivery of the medication. 120587

(B) A residential camp, as defined in section 2151.011 of 120588  
the Revised Code, a child day camp, as defined in section 120589  
5104.01 of the Revised Code, or a child day camp operated by any 120590  
county, township, municipal corporation, township park district 120591  
created under section 511.18 of the Revised Code, park district 120592  
created under section 1545.04 of the Revised Code, or joint 120593  
recreation district established under section 755.14 of the 120594  
Revised Code may procure inhalers for use in emergency 120595  
situations identified under division (D)(5) of this section. A 120596  
camp that elects to procure inhalers under this section is 120597  
encouraged to maintain at least two inhalers at all times. 120598

(C) A camp that elects to procure inhalers under this 120599  
section shall adopt a policy governing their maintenance and 120600  
use. Before adopting the policy, the camp shall consult with a 120601  
licensed health professional authorized to prescribe drugs, as 120602  
defined in section 4729.01 of the Revised Code. 120603

(D) A component of a policy adopted by a camp under 120604  
division (C) of this section shall be a prescriber-issued 120605  
protocol specifying definitive orders for inhalers, including 120606  
the dosages of medication to be administered through them, the 120607  
number of times that each inhaler may be used before disposal, 120608  
and the methods of disposal. The policy also shall do all of the 120609  
following: 120610

(1) Identify the one or more locations in which an inhaler 120611  
must be stored; 120612

(2) Specify the conditions under which an inhaler must be 120613  
stored, replaced, and disposed; 120614

(3) Specify the individuals employed by or under contract 120615  
with the camp who may access and use an inhaler to provide a 120616  
dosage of medication to an individual in an emergency situation 120617  
identified under division (D) (5) of this section; 120618

(4) Specify any training that employees or contractors 120619  
specified under division (D) (3) of this section must complete 120620  
before being authorized to access and use an inhaler; 120621

(5) Identify the emergency situations, including when an 120622  
individual exhibits signs and symptoms of asthma, in which 120623  
employees or contractors specified under division (D) (3) of this 120624  
section may access and use an inhaler; 120625

(6) Specify that assistance from an emergency medical 120626  
service provider must be requested immediately after an employee 120627  
or contractor, other than a licensed health professional, uses 120628  
an inhaler; 120629

(7) Specify the individuals to whom a dosage of medication 120630  
may be administered through an inhaler in an emergency situation 120631  
specified under division (D) (5) of this section. 120632

(E) A camp or camp employee or contractor is not liable in 120633  
damages in a civil action for injury, death, or loss to person 120634  
or property that allegedly arises from an act or omission 120635  
associated with procuring, maintaining, accessing, or using an 120636  
inhaler under this section, unless the act or omission 120637  
constitutes willful or wanton misconduct. 120638

This section does not eliminate, limit, or reduce any 120639  
other immunity or defense that a camp or camp employee or 120640  
contractor may be entitled to under Chapter 2744. or any other 120641  
provision of the Revised Code or under the common law of this 120642  
state. 120643

(F) A camp may accept donations of inhalers from a 120644  
wholesale distributor of dangerous drugs, as defined in section 120645  
4729.01 of the Revised Code, and may accept donations of money 120646  
from any person to purchase inhalers. 120647

(G) A camp that elects to procure inhalers under this 120648  
section shall report to the department of children and youth 120649  
each procurement and occurrence in which an inhaler is used from 120650  
a camp's supply of inhalers. 120651

**Sec. ~~5101.78~~ 5180.262.** (A) As used in this section, 120652  
"licensed health professional authorized to prescribe drugs" and 120653  
"prescriber" have the same meanings as in section 4729.01 of the 120654  
Revised Code. 120655

(B) A residential camp, as defined in section 2151.011 of 120656  
the Revised Code; a child day camp, as defined in section 120657  
5104.01 of the Revised Code; or a child day camp operated by any 120658  
county, township, municipal corporation, township park district 120659  
created under section 511.18 of the Revised Code, park district 120660  
created under section 1545.04 of the Revised Code, or joint 120661



recreation district established under section 755.14 of the 120662  
Revised Code may procure injectable or nasally administered 120663  
glucagon for use in emergency situations identified under 120664  
division (D) (5) of this section by doing one of the following: 120665

(1) Having a licensed health professional authorized to 120666  
prescribe drugs, acting in accordance with section 4723.4811, 120667  
4730.437, or 4731.92 of the Revised Code, personally furnish the 120668  
injectable or nasally administered glucagon to the camp or issue 120669  
a prescription for the drug in the name of the camp; 120670

(2) Obtaining a prescriber-issued protocol that includes 120671  
definitive orders for injectable or nasally administered 120672  
glucagon and the dosages to be administered; 120673

A camp that elects to procure injectable or nasally 120674  
administered glucagon under this section is encouraged to 120675  
maintain at least two doses of the drug at all times. 120676

(C) A camp that elects to procure injectable or nasally 120677  
administered glucagon under this section shall adopt a policy 120678  
governing maintenance and use of the drug. Before adopting the 120679  
policy, the camp shall consult with a licensed health 120680  
professional authorized to prescribe drugs. 120681

(D) The policy adopted under division (C) of this section 120682  
shall do all of the following: 120683

(1) Identify the one or more locations at the camp in 120684  
which injectable or nasally administered glucagon must be 120685  
stored; 120686

(2) Specify the conditions under which injectable or 120687  
nasally administered glucagon must be stored, replaced, or 120688  
disposed; 120689

(3) Specify the individuals employed by or under contract with the camp, or who volunteer at the camp, who may access and use injectable or nasally administered glucagon in an emergency situation identified under division (D) (5) of this section;

(4) Specify any training that employees, contractors, or volunteers specified under division (D) (3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D) (3) of this section may access and use injectable or nasally administered glucagon;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;

(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D) (5) of this section.

(E) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A camp;

(b) A camp employee, contractor, or volunteer;

(c) A licensed health professional authorized to prescribe

drugs who personally furnishes or prescribes injectable or 120718  
nasally administered glucagon, provides a consultation, or 120719  
issues a protocol pursuant to this section; 120720

(2) This section does not eliminate, limit, or reduce any 120721  
other immunity or defense that a camp; camp employee, 120722  
contractor, or volunteer; or licensed health professional may be 120723  
entitled to under Chapter 2744. or any other provision of the 120724  
Revised Code or under the common law of this state. 120725

(F) A camp may accept donations of injectable or nasally 120726  
administered glucagon from a wholesale distributor of dangerous 120727  
drugs or manufacturer of dangerous drugs, as defined in section 120728  
4729.01 of the Revised Code, and may accept donations of money 120729  
from any person to purchase the drug. 120730

(G) A camp that elects to procure injectable or nasally 120731  
administered glucagon under this section shall report to the 120732  
department of children and youth each procurement and each 120733  
occurrence in which a dose of the drug is used from the camp's 120734  
supply. 120735

**Sec. ~~3738.01~~ 5180.27.** (A) As used in this section and 120736  
sections ~~3738.02-5180.271~~ to ~~3738.09-5180.278~~ of the Revised 120737  
Code, "pregnancy-associated death" means the death of a woman 120738  
while pregnant or anytime within one year of pregnancy 120739  
regardless of cause. 120740

(B) There is hereby established in the department of 120741  
~~health-children and youth~~ a pregnancy-associated mortality 120742  
review (PAMR) board to identify and review all pregnancy- 120743  
associated deaths statewide for the purpose of reducing the 120744  
incidence of those deaths. 120745

**Sec. ~~3738.02~~ 5180.271.** The PAMR board may not conduct a 120746

review of a pregnancy-associated death while an investigation of 120747  
the death or prosecution of a person for causing the death is 120748  
pending unless the prosecuting attorney agrees to allow the 120749  
review. The law enforcement agency conducting the criminal 120750  
investigation, on the conclusion of the investigation, and the 120751  
prosecuting attorney prosecuting the case, on the conclusion of 120752  
the prosecution, shall notify the chairperson of the PAMR board 120753  
of the conclusion. 120754

**Sec. ~~3738.03~~ 5180.272.** All of the following apply with 120755  
respect to the PAMR board: 120756

(A) The director of ~~health-children and youth~~ shall 120757  
appoint the board's members. In doing so, the director shall 120758  
make a good faith effort to select members who represent all 120759  
regions of the state and multiple areas of expertise and 120760  
constituencies concerned with the care of pregnant and 120761  
postpartum women. 120762

(B) The board, by a majority vote of a quorum of its 120763  
members, shall select an individual to serve as its chairperson. 120764  
The board may replace a chairperson in the same manner. 120765

(C) An appointed member shall hold office until a 120766  
successor is appointed. The director of ~~health-children and~~ 120767  
~~youth~~ shall fill a vacancy as soon as practicable. 120768

(D) A member shall not receive any compensation for, and 120769  
shall not be paid for any expenses incurred pursuant to, 120770  
fulfilling the member's duties on the board. 120771

(E) The board shall meet at the call of the board's 120772  
chairperson as often as the chairperson determines necessary for 120773  
timely completion of pregnancy-associated death reviews. The 120774  
reviews shall be conducted in accordance with rules adopted 120775

under section ~~3738.09~~5180.278 of the Revised Code. 120776

(F) The department of ~~health~~children and youth shall 120777  
provide meeting space, staff services, and other technical 120778  
assistance required by the board in carrying out its duties. 120779

**Sec. ~~3738.04~~ 5180.273.** The PAMR board shall seek to reduce 120780  
the incidence of pregnancy-associated deaths in this state by 120781  
doing all of the following: 120782

(A) Promoting cooperation, collaboration, and 120783  
communication between all groups, professions, agencies, and 120784  
entities that serve pregnant and postpartum women and families; 120785

(B) Recommending and developing plans for implementing 120786  
service and program changes, as well as changes to the groups, 120787  
professions, agencies, and entities that serve pregnant and 120788  
postpartum women and families; 120789

(C) Providing the department of ~~health~~children and youth 120790  
with aggregate data, trends, and patterns regarding pregnancy- 120791  
associated deaths using data and other relevant information 120792  
specified in rules adopted under section ~~3738.09~~5180.278 of the 120793  
Revised Code; 120794

(D) Developing effective interventions to reduce the 120795  
mortality of pregnant and postpartum women. 120796

**Sec. ~~3738.05~~ 5180.274.** (A) Notwithstanding section 120797  
3701.243 and any other section of the Revised Code pertaining to 120798  
confidentiality, and except as provided in division (B) of this 120799  
section, an individual, government entity, agency that provides 120800  
services specifically to individuals or families, law 120801  
enforcement agency, health care provider, or other public or 120802  
private entity that provided services to a woman whose death is 120803  
being reviewed by the PAMR board shall submit to the board a 120804

copy of any record it possesses that the board requests. In 120805  
addition, such an individual or entity may make available to the 120806  
board additional information, documents, or reports that could 120807  
be useful to the board's investigation. 120808

(B) No person, government entity, law enforcement agency, 120809  
or prosecuting attorney shall provide any information regarding 120810  
a pregnancy-associated death while an investigation of the death 120811  
or prosecution of a person for causing the death is pending 120812  
unless the prosecuting attorney agrees to allow the review. 120813

(C) A family member of the deceased may decline to 120814  
participate in an interview as part of the review process. In 120815  
that case, the review shall continue without the family member's 120816  
participation. 120817

**Sec. ~~3738.06~~ 5180.275.** (A) Any record, document, report, 120818  
or other information presented to the PAMR board, as well as all 120819  
statements made by board members during board meetings, all work 120820  
products of the board, and data submitted to the department of 120821  
~~health-children and youth~~ by the board, other than the biennial 120822  
reports described in section ~~3738.08~~ 5180.277 of the Revised 120823  
Code, are confidential and not a public record under section 120824  
149.43 of the Revised Code. Such materials shall be used by the 120825  
board and department only in the exercise of the proper 120826  
functions of the board and department. 120827

(B) No person shall permit or encourage the unauthorized 120828  
dissemination of confidential information described in division 120829  
(A) of this section. 120830

~~(C) Whoever violates division (B) of this section is~~ 120831  
~~guilty of a misdemeanor of the second degree.~~ 120832

**Sec. ~~3738.07~~ 5180.276.** (A) An individual or public or 120833

private entity providing records, documents, reports, or other 120834  
information to the PAMR board is immune from any civil liability 120835  
for injury, death, or loss to person or property that otherwise 120836  
might be incurred or imposed as a result of providing the 120837  
records, documents, reports, or information to the board. 120838

(B) Each board member is immune from any civil liability 120839  
for injury, death, or loss to person or property that might 120840  
otherwise be incurred or imposed as a result of the member's 120841  
participation on the board. 120842

**Sec. ~~3738.08~~ 5180.277.** (A) The PAMR board shall prepare a 120843  
biennial report that does all of the following: 120844

(1) Summarizes the board's findings from the reviews 120845  
completed in the immediately preceding two calendar years, 120846  
including any trends or patterns identified by the board; 120847

(2) Makes recommendations on how pregnancy-associated 120848  
deaths may be prevented, including changes that should be made 120849  
to policies and laws; 120850

(3) Includes any other information related to pregnancy- 120851  
associated mortality the board considers useful. 120852

(B) A report shall not contain individually identifiable 120853  
information regarding any woman whose death was reviewed by the 120854  
board. 120855

(C) The board shall submit a copy of each report to the 120856  
director of ~~health~~children and youth, the general assembly, and 120857  
the governor. The copy to the general assembly shall be 120858  
submitted in accordance with section 101.68 of the Revised Code. 120859  
The initial report shall be submitted not later than March 1, 120860  
2020, with subsequent reports submitted not later than March 1 120861  
every two years thereafter. 120862

The director shall make a copy of each report available on 120863  
the department of ~~health's~~ children and youth's web site. 120864

(D) Reports prepared under this section are public records 120865  
under section 149.43 of the Revised Code. 120866

**Sec. ~~3738.09~~ 5180.278.** The director of ~~health~~ children and 120867  
youth shall adopt rules that are necessary for the 120868  
implementation of sections ~~3738.01~~ 5180.27 to ~~3738.08~~ 5180.277 120869  
of the Revised Code, including rules that do all of the 120870  
following: 120871

(A) Establish a procedure for the PAMR board to follow in 120872  
conducting pregnancy-associated death reviews; 120873

(B) Specify the data and other relevant information the 120874  
board must use when conducting pregnancy-associated death 120875  
reviews; 120876

(C) Establish guidelines for the board to follow to 120877  
prevent an unauthorized dissemination of confidential 120878  
information in violation of division (B) of section ~~3738.06~~ 120879  
5180.275 of the Revised Code. 120880

The rules shall be adopted in accordance with Chapter 119. 120881  
of the Revised Code. 120882

**Sec. ~~5101.13~~ 5180.40.** (A) The department of children and 120883  
youth shall establish and maintain a uniform statewide automated 120884  
child welfare information system in accordance with the 120885  
requirements of 42 ~~U.S.C.A.~~ U.S.C. 674(a)(3)(C) and related 120886  
federal regulations and guidelines. The information system shall 120887  
contain records regarding any of the following: 120888

(1) Investigations of children and families, and 120889  
children's care in out-of-home care, in accordance with sections 120890



2151.421 and 5153.16 of the Revised Code; 120891

(2) Care and treatment provided to children and families; 120892

(3) Any other information related to children and families 120893  
that state or federal law, regulation, or rule requires the 120894  
department or a public children services agency to maintain. 120895

~~(B) The department shall plan implementation of the 120896  
information system on a county-by-county basis and shall 120897  
finalize statewide implementation by all public children 120898  
services agencies as described in section 5153.02 of the Revised 120899  
Code not later than January 1, 2008. 120900~~

~~(C) The department shall promptly notify all public 120901  
children services agencies of the initiation and completion of 120902  
statewide implementation of the statewide information system 120903  
established under division (A) of this section. 120904~~

~~(D) "Out-of-home care" has the same meaning as in section 120905  
2151.011 of the Revised Code. 120906~~

**Sec. ~~5101.131~~ 5180.401.** Except as provided in section 120907  
~~5101.132~~ 5180.402 of the Revised Code, information contained in 120908  
or obtained from the information system established and 120909  
maintained under section ~~5101.13~~ 5180.40 of the Revised Code is 120910  
confidential and is not subject to disclosure pursuant to 120911  
section 149.43 or 1347.08 of the Revised Code. 120912

**Sec. ~~5101.132~~ 5180.402.** (A) Information contained in the 120913  
information system established and maintained under section 120914  
~~5101.13~~ 5180.40 of the Revised Code may be accessed or entered 120915  
only as follows: 120916

(1) The department of job and family services, the 120917  
department of children and youth, a public children services 120918

agency, a title IV-E agency, a prosecuting attorney, a private  
child placing agency, and a private noncustodial agency may  
access or enter the information when either of the following is  
the case:

(a) The access or entry is directly connected with  
assessment, investigation, or services regarding a child or  
family;

(b) The access or entry is permitted by state or federal  
law, rule, or regulation.

(2) A person may access or enter the information in a  
manner, to the extent, and for the purposes authorized by rules  
adopted by the department.

(B) As used in this section, "title IV-E agency" means a  
public children services agency or a public entity with which  
the department of job and family services or department of  
children and youth has a title IV-E subgrant agreement in  
effect.

**Sec. ~~5101.133~~ 5180.403.** No person shall access or use  
information contained in the information system established and  
maintained under section ~~5101.13~~ 5180.40 of the Revised Code  
other than in accordance with section ~~5101.132~~ 5180.402 of the  
Revised Code or rules authorized by that section.

No person shall disclose information obtained from the  
information system established and maintained under section  
~~5101.13~~ 5180.40 of the Revised Code in a manner not specified by  
rules authorized by section ~~5101.134~~ 5180.404 of the Revised  
Code.

**Sec. ~~5101.134~~ 5180.404.** (A) Notwithstanding any provision  
of the Revised Code that requires confidentiality of information

that is contained in the uniform statewide automated child 120948  
welfare information system established in section ~~5101.13~~ 120949  
5180.40 of the Revised Code, the department of children and 120950  
youth shall adopt rules in accordance with Chapter 119. of the 120951  
Revised Code regarding a private child placing agency's or 120952  
private noncustodial agency's access, data entry, and use of 120953  
information in the uniform statewide automated child welfare 120954  
information system. 120955

(B) (1) The department of children and youth may adopt 120956  
rules in accordance with section 111.15 of the Revised Code, as 120957  
if they were internal management rules, as necessary to carry 120958  
out the purposes of sections ~~5101.13~~ 5180.40 to ~~5101.133~~ 120959  
5180.403 of the Revised Code. 120960

(2) The department may adopt rules in accordance with 120961  
Chapter 119. of the Revised Code as necessary to carry out the 120962  
purposes of division (A) (2) of section ~~5101.132~~ 5180.402 of the 120963  
Revised Code. 120964

(C) Public children services agencies shall implement and 120965  
use the information system established pursuant to section 120966  
~~5101.13~~ 5180.40 of the Revised Code in accordance with rules 120967  
adopted by the department. 120968

**Sec. ~~5101.135~~ 5180.405.** (A) A public children services 120969  
employee who is entering a report of an investigation of child 120970  
abuse in the statewide automated child welfare information 120971  
system, as required by section ~~5101.13~~ 5180.40 of the Revised 120972  
Code, shall make a notation on each case of child abuse that 120973  
indicates whether the child abuse arose from an act that caused 120974  
the child to suffer from, or resulted in the child suffering 120975  
from, shaken baby syndrome. 120976

(B) On the first day of March of each year, the department  
of children and youth shall report to the director of health the  
number of reports of child abuse that arose from an act that  
caused the child to suffer from, or resulted in the child  
suffering from, shaken baby syndrome and that arose during the  
calendar year immediately preceding the calendar year in which  
the report is made, as determined by an examination of the  
statewide automated child welfare information system established  
and maintained under section ~~5101.13~~ 5180.40 of the Revised  
Code.

(C) As used in this section, "shaken baby syndrome" has  
the same meaning as in section 5180.14 of the Revised Code.

**Sec. ~~5101.136~~ 5180.406.** If a person requests the  
department of ~~job and family services~~ children and youth to  
conduct a search of whether that person's name has been placed  
or remains in the statewide automated child welfare information  
system as an alleged perpetrator of child abuse or neglect and a  
search reveals that a "substantiated" disposition exists, the  
department shall send a letter to the person who requested the  
search indicating a "match."

**Sec. ~~5101.137~~ 5180.407.** The department of ~~job and family~~  
~~services~~ children and youth shall work with stakeholders to  
establish an expungement policy regarding dispositions of child  
abuse or neglect in Ohio's central registry on child abuse and  
neglect by March 1, 2024.

**Sec. ~~5101.14~~ 5180.41.** (A) As used in this section and  
section ~~5101.144~~ 5180.411 of the Revised Code, "children  
services" means services provided to children pursuant to  
Chapter 5153. of the Revised Code.

(B) Within available funds, the department of children and youth shall distribute funds to the counties within thirty days after the beginning of each calendar quarter for a part of the counties' costs for children services.

Funds provided to the county under this section shall be deposited into the children services fund created pursuant to section ~~5101.144~~5180.411 of the Revised Code.

(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (C) (2) of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding

fiscal year shall be allocated to the counties as follows: 121035

(a) Twelve per cent divided equally among all counties; 121036

(b) Forty-eight per cent in the ratio that the number of 121037  
residents of the county under the age of eighteen bears to the 121038  
total number of such persons residing in this state; 121039

(c) Forty per cent in the ratio that the number of 121040  
residents of the county with incomes under the federal poverty 121041  
guideline bears to the total number of such persons in this 121042  
state. 121043

As used in division (C) (3) (c) of this section, "federal 121044  
poverty guideline" means the poverty guideline as defined by the 121045  
United States office of management and budget and revised by the 121046  
United States secretary of health and human services in 121047  
accordance with section 673 of the "Community Services Block 121048  
Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 121049

(D) Within ninety days after the end of each state fiscal 121050  
biennium, each county shall return any unspent funds to the 121051  
department. 121052

(E) The director of children and youth may adopt the 121053  
following rules in accordance with section 111.15 of the Revised 121054  
Code: 121055

(1) Rules that are necessary for the allocation of funds 121056  
under this section; 121057

(2) Rules prescribing reports on expenditures to be 121058  
submitted by the counties as necessary for the implementation of 121059  
this section. 121060

**Sec. ~~5101.144~~ 5180.411.** Each county shall deposit all 121061  
funds its public children services agency receives from 121062

appropriations made by the board of county commissioners or any 121063  
other source for the purpose of providing children services into 121064  
a special fund in the county treasury known as the children 121065  
services fund. A county shall use money in the fund only for the 121066  
purposes of meeting the expenses of providing children services. 121067

**Sec. ~~5101.141~~ 5180.42.** (A) As used in sections ~~5101.141~~ 121068  
5180.42 to ~~5101.1417~~ 5180.4214 of the Revised Code: 121069

(1) "Adopted young adult" means a person: 121070

(a) Who was in the temporary or permanent custody of a 121071  
public children services agency; 121072

(b) Who was adopted at the age of sixteen or seventeen and 121073  
attained the age of sixteen before a Title IV-E adoption 121074  
assistance agreement became effective; 121075

(c) Who has attained the age of eighteen; and 121076

(d) Who has not yet attained the age of twenty-one. 121077

(2) "Child" means any of the following: 121078

(a) A person who meets the requirements of division (B) (3) 121079  
of section 5153.01 of the Revised Code; 121080

(b) An adopted young adult; 121081

(c) An emancipated young adult. 121082

(3) "Emancipated young adult" means a person: 121083

(a) Who was in the temporary or permanent custody of a 121084  
public children services agency, a planned permanent living 121085  
arrangement, or in the Title-IV-E-eligible care and placement 121086  
responsibility of a juvenile court or other governmental agency 121087  
that provides Title IV-E reimbursable placement services; 121088

(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and

(c) Who has not yet attained the age of twenty-one.

(4) "Kinship guardianship young adult" means an individual that meets the following criteria:

(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A) (4) (b) of this section;

(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;

(c) Has attained the age of eighteen;

(d) Has not yet attained the age of twenty-one.

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:

(a) The following individuals related by blood or adoption to the child:

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(ii) Siblings;

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

(iv) First cousins and first cousins once removed.



(b) Stepparents and stepsiblings of the child; 121115

(c) Spouses and former spouses of individuals named in 121116  
divisions (A) (5) (a) and (b) of this section; 121117

(d) A legal guardian of the child; 121118

(e) A legal custodian of the child; 121119

(f) Any nonrelative adult that has a familiar and long- 121120  
standing relationship or bond with the child or the family, 121121  
which relationship or bond will ensure the child's social ties. 121122

(6) "Representative" means a person with whom the 121123  
department of children and youth has entered into a contract, 121124  
pursuant to division (B) (2) (b) of this section. 121125

(7) "Title IV-E" means Title IV-E of the "Social Security 121126  
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 121127

(B) (1) Except as provided in divisions (B) (2) ~~and~~ (3) ~~and~~ ~~and (4)~~ of this section, the department of children and youth 121128  
shall act as the single state agency to administer federal 121129  
payments for foster care, kinship guardianship assistance, and 121130  
adoption assistance made pursuant to Title IV-E. The director of 121131  
children and youth shall adopt rules to implement this 121132  
authority. Rules governing financial and administrative 121133  
requirements applicable to public children services agencies and 121134  
government entities that provide Title IV-E reimbursable 121135  
placement services to children shall be adopted in accordance 121136  
with section 111.15 of the Revised Code, as if they were 121137  
internal management rules. Rules governing requirements 121138  
applicable to private child placing agencies and private 121139  
noncustodial agencies and rules establishing eligibility, 121140  
program participation, and other requirements concerning Title 121141  
IV-E shall be adopted in accordance with Chapter 119. of the 121142  
121143

Revised Code. A public children services agency to which the 121144  
department distributes Title IV-E funds shall administer the 121145  
funds in accordance with those rules. 121146

~~(2) If the~~ (2) (a) The department shall implement the state 121147  
plan ~~is as~~ amended under divisions (A) and (B) of section 121148  
~~5101.1411-5180.428~~ of the Revised Code, ~~both of the following~~ 121149  
~~shall apply:—~~ 121150

~~(a) Implementation of the amendments to the plan shall~~ 121151  
~~begin fifteen months after September 13, 2016, the effective~~ 121152  
~~date of H.B. 50 of the 131st general assembly, if both of the~~ 121153  
~~following apply:—~~ 121154

~~(i) The plan as amended is approved by the secretary of~~ 121155  
~~health and human services;—~~ 121156

~~(ii) The~~ if the general assembly has appropriated 121157  
sufficient funds to operate the program required under the plan 121158  
as amended. 121159

(b) The department shall have, exercise, and perform all 121160  
new duties required under the plan as amended. In doing so, the 121161  
department may contract with another person to carry out those 121162  
new duties, to the extent permitted under Title IV-E. 121163

~~(3) If the state plan is amended under division (C) of~~ 121164  
~~section 5101.1411 of the Revised Code, both of the following~~ 121165  
~~apply:—~~ 121166

~~(a) Implementation of the amendments to the plan shall~~ 121167  
~~begin fifteen months after September 30, 2021, if both of the~~ 121168  
~~following apply:—~~ 121169

~~(i) The plan as amended is approved by the secretary of~~ 121170  
~~health and human services.—~~ 121171

~~(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.~~ 121172  
121173

~~(b) The department shall perform all new duties required under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.~~ 121174  
121175  
121176  
121177

~~(4) If The department shall implement the state plan is as amended under section ~~5101.1416~~ 5180.4213 of the Revised Code, and is approved by the secretary of health and human services, implementation of the amendments to the plan shall begin fifteen months after September 30, 2021.~~ 121178  
121179  
121180  
121181  
121182

(C) (1) Except with regard to the new duties imposed on the department or its contractor under ~~divisions~~ division (B) (2) (b) and ~~(B) (3) (b)~~ of this section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following: 121183  
121184  
121185  
121186  
121187  
121188

(a) The child's food, clothing, shelter, daily supervision, and school supplies; 121189  
121190

(b) The child's personal incidentals; 121191

(c) Reasonable travel to the child's home for visitation. 121192

(2) In addition to payments made under division (C) (1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following: 121193  
121194  
121195  
121196

(a) Liability insurance with respect to the child; 121197

(b) If the county is participating in the demonstration project established under division (A) of section ~~5101.142~~ 121198  
121199

5180.421 of the Revised Code, services provided under the 121200  
project. 121201

(3) With respect to a child who is in a child-care 121202  
institution, including any type of group home designed for the 121203  
care of children or any privately operated program consisting of 121204  
two or more certified foster homes operated by a common 121205  
administrative unit, the foster care maintenance payments made 121206  
by the county on behalf of the child shall include the 121207  
reasonable cost of the administration and operation of the 121208  
institution, group home, or program, as necessary to provide the 121209  
items described in divisions (C) (1) and (2) of this section. 121210

(D) To the extent that either foster care maintenance 121211  
payments under division (C) of this section, Title IV-E kinship 121212  
guardianship assistance, or Title IV-E adoption assistance 121213  
payments for maintenance costs require the expenditure of county 121214  
funds, the board of county commissioners shall report the nature 121215  
and amount of each expenditure of county funds to the 121216  
department. 121217

(E) The department shall distribute to public children 121218  
services agencies that incur and report expenditures of the type 121219  
described in division (D) of this section federal financial 121220  
participation received for administrative and training costs 121221  
incurred in the operation of foster care maintenance, kinship 121222  
guardianship assistance, and adoption assistance programs. The 121223  
department may withhold not more than three per cent of the 121224  
federal financial participation received. The funds withheld may 121225  
be used only to fund the following: 121226

(1) The Ohio child welfare training program established 121227  
under section 5103.30 of the Revised Code; 121228

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including voluntary activities to be accredited by a nationally recognized accreditation organization.

The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.

(F) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section ~~5101.144~~ 5180.411 of the Revised Code.

~~(G)~~ (G) (1) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(2) The department may issue a request for proposals to establish statewide rate cards for placement and care of children eligible for foster care maintenance payments. If a request for proposals is issued, the department shall review and accept the reasonable cost of providing the items described in division (C) of this section.

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of social services to children in relation to whom all

of the following apply: 121258

(1) They have special needs. 121259

(2) This state or another state that is a party to the 121260  
interstate compact is providing kinship guardianship assistance 121261  
or adoption assistance on their behalf. 121262

(3) They move into this state from another state or move 121263  
out of this state to another state. 121264

**Sec. ~~5101.142~~ 5180.421.** (A) The department of children and 121265  
youth may apply to the United States secretary of health and 121266  
human services for a waiver of requirements established under 121267  
Title IV-E, or regulations adopted thereunder, to conduct a 121268  
demonstration project expanding eligibility for and services 121269  
provided under Title IV-E. The department may enter into 121270  
agreements with the secretary necessary to implement the 121271  
demonstration project, including agreements establishing the 121272  
terms and conditions of the waiver authorizing the project. If a 121273  
demonstration project is to be established, the department shall 121274  
do all of the following: 121275

(1) Have the director of children and youth adopt rules in 121276  
accordance with Chapter 119. of the Revised Code governing the 121277  
project. The rules shall be consistent with the agreements the 121278  
department enters into with the secretary. 121279

(2) Enter into agreements with public children services 121280  
agencies that the department selects for participation in the 121281  
project. The department shall not select an agency that objects 121282  
to participation or refuses to be bound by the terms and 121283  
conditions of the project. 121284

(3) Contract with persons or governmental agencies 121285  
providing services under the project; 121286

(4) Amend the state plan required by section 471 of the "Social Security Act," 42 ~~U.S.C.A.~~U.S.C. 671, as amended, as needed to implement the project;

(5) Conduct ongoing evaluations of the project;

(6) Perform other administrative and operational activities required by the agreement with the secretary.

(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," ~~81 Stat. 821,~~ 42 ~~U.S.C.A.~~U.S.C. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153. of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function.

**Sec. ~~5101.145~~ 5180.422.** (A) In adopting rules under section ~~5101.141~~5180.42 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, private noncustodial agencies, and government entities that provide Title IV-E reimbursable placement services to children, the department of children and youth ~~shall~~may establish both of the following:

(1) A single form for the agencies or entities to report costs reimbursable under Title IV-E and costs reimbursable under medicaid;

(2) Procedures to monitor cost reports submitted by the agencies or entities.

(B) The procedures established under division (A) (2) of this section shall ~~be implemented not later than October 1,~~

~~2003. The procedures shall be used to do both of the following:~~ 121316

(1) Determine which of the costs are reimbursable under 121317  
Title IV-E; 121318

(2) Ensure that costs reimbursable under medicaid are 121319  
excluded from determinations made under division (B) (1) of this 121320  
section. 121321

**Sec. ~~5101.146~~ 5180.423.** The department of children and 121322  
youth shall establish the following penalties, which shall be 121323  
enforced at the discretion of the department, for the failure of 121324  
a public children services agency, private child placing agency, 121325  
private noncustodial agency, or government entity that provides 121326  
Title IV-E reimbursable placement services to children to comply 121327  
with procedures the department establishes to ensure fiscal 121328  
accountability: 121329

(A) For initial failure, the department and the agency or 121330  
entity involved shall jointly develop and implement a corrective 121331  
action plan according to a specific schedule. If requested by 121332  
the agency or entity involved, the department shall provide 121333  
technical assistance to the agency or entity to ensure the 121334  
fiscal accountability procedures and goals of the plan are met. 121335

(B) For subsequent failures or failure to achieve the 121336  
goals of the plan described in division (A) of this section, one 121337  
of the following: 121338

(1) For public children services agencies, the department 121339  
may take any action permitted under division (C) (2), (4), (5), 121340  
or (6) of section 5101.24 of the Revised Code. 121341

(2) For private child placing agencies or private 121342  
noncustodial agencies, cancellation of any Title IV-E 121343  
allowability rates for the agency involved pursuant to section 121344



~~5101.141~~ 5180.42 of the Revised Code or revocation pursuant to 121345  
Chapter 119. of the Revised Code of that agency's certificate 121346  
issued under section 5103.03 of the Revised Code; 121347

(3) For government entities, other than public children 121348  
services agencies, that provide Title IV-E reimbursable 121349  
placement services to children, cancellation of any Title IV-E 121350  
allowability rates for the entity involved pursuant to section 121351  
~~5101.141~~ 5180.42 of the Revised Code. 121352

**Sec. ~~5101.147~~ 5180.424.** If a public children services 121353  
agency fails to comply with the fiscal accountability procedures 121354  
established by the department of children and youth, the 121355  
department shall notify the board of county commissioners of the 121356  
county served by the agency. If a private child placing agency 121357  
or private noncustodial agency fails to comply with the fiscal 121358  
accountability procedures, the department shall notify the 121359  
executive director of each public children services agency that 121360  
has entered into a contract for services with the private child 121361  
placing agency or private noncustodial agency. 121362

**Sec. ~~5101.148~~ 5180.425.** If the department of children and 121363  
youth sanctions a public children services agency, private child 121364  
placing agency, or private noncustodial agency, it shall take 121365  
every possible precaution to ensure that any foster children 121366  
that have been placed by the agency under sanction are not 121367  
unnecessarily removed from the certified foster homes in which 121368  
they reside. 121369

**Sec. ~~5101.149~~ 5180.426.** Money from the children services 121370  
fund shall not be used to provide a personal loan to any 121371  
individual. 121372

**Sec. ~~5101.1410~~ 5180.427.** In addition to the remedies 121373

available under sections ~~5101.146 and~~ 5101.24 and 5180.423 of 121374  
the Revised Code, the department of children and youth may 121375  
certify a claim to the attorney general under section 131.02 of 121376  
the Revised Code for the attorney general to take action under 121377  
that section against a public children services agency, private 121378  
child placing agency, private noncustodial agency, or government 121379  
entity that provides Title IV-E reimbursable placement services 121380  
to children if all of the following are the case: 121381

(A) The agency or entity files a cost report with the 121382  
department pursuant to rules adopted under division (B) of 121383  
section ~~5101.141~~ 5180.42 of the Revised Code. 121384

(B) The department receives and distributes federal Title 121385  
IV-E reimbursement funds based on the cost report. 121386

(C) The agency's or entity's misstatement, 121387  
misclassification, overstatement, understatement, or other 121388  
inclusion or omission of any cost included in the cost report 121389  
causes the United States department of health and human services 121390  
to disallow all or part of the federal Title IV-E reimbursement 121391  
funds the department received and distributed. 121392

(D) The agency's or entity's misstatement, 121393  
misclassification, overstatement, understatement, or other 121394  
inclusion or omission of any cost included in the cost report is 121395  
not the direct result of a written directive concerning the 121396  
agency or entity's cost report that the department issued to the 121397  
agency or entity. 121398

**Sec. ~~5101.1411~~ 5180.428.** (A) (1) The director of ~~job and~~ 121399  
~~family services children and youth~~ shall, ~~not later than nine~~ 121400  
~~months after September 13, 2016, the effective date of H.B. 50-~~ 121401  
~~of the 131st general assembly, submit an amendment to the state~~ 121402

~~plan required by 42 U.S.C. 671 to the United States secretary of~~ 121403  
~~health and human services to~~ implement 42 U.S.C. 675(8) to make 121404  
federal payments for foster care under Title IV-E directly to, 121405  
or on behalf of, any emancipated young adult who meets the 121406  
following requirements: 121407

(a) The emancipated young adult signs a voluntary 121408  
participation agreement. 121409

(b) The emancipated young adult satisfies division (D) of 121410  
this section. 121411

(2) Any emancipated young adult who meets the requirements 121412  
of division (A) (1) of this section may apply for foster care 121413  
payments and make the appropriate application at any time. 121414

(B) (1) The director of ~~job and family services children~~ 121415  
~~and youth shall, not later than nine months after September 13,~~ 121416  
~~2016, the effective date of H.B. 50 of the 131st general~~ 121417  
~~assembly, submit an amendment to the state plan required by 42~~ 121418  
~~U.S.C. 671 to the United States secretary of health and human~~ 121419  
~~services to~~ implement 42 U.S.C. 675(8) to make federal payments 121420  
for adoption assistance under Title IV-E available to any parent 121421  
who meets all of the following requirements: 121422

(a) The parent adopted a person who is an adopted young 121423  
adult and the parent entered into an adoption assistance 121424  
agreement under 42 U.S.C. 673 while the adopted person was age 121425  
sixteen or seventeen. 121426

(b) The parent maintains parental responsibility for the 121427  
adopted young adult. 121428

(c) The adopted young adult satisfies division (D) of this 121429  
section. 121430

(2) Any parent who meets the requirements of division (B) 121431  
(1) of this section that are applicable to a parent may request 121432  
an extension of adoption assistance payments at any time before 121433  
the adopted young adult reaches age twenty-one. 121434

(3) An adopted young adult who is eligible to receive 121435  
adoption assistance payments is not considered an emancipated 121436  
young adult and is therefore not eligible to receive payment 121437  
under division (A) of this section. 121438

(C) (1) The director of ~~job and family services children~~ 121439  
~~and youth~~ shall, ~~not later than nine months after September 30,~~ 121440  
~~2021, submit an amendment to the state plan required by 42-~~ 121441  
~~U.S.C. 671 to the United States secretary of health and human~~ 121442  
~~services to~~ implement 42 U.S.C. 673(d) to provide kinship 121443  
guardianship assistance under Title IV-E available to any 121444  
relative who meets all of the following requirements: 121445

(a) Both of the following apply: 121446

(i) A juvenile court issued an order granting legal 121447  
custody of a person who is a kinship guardianship young adult to 121448  
the relative, or a probate court issued an order granting 121449  
guardianship of a person who is a kinship guardianship young 121450  
adult to the relative, and the order is not a temporary court 121451  
order. 121452

(ii) The relative entered into a kinship guardianship 121453  
assistance agreement under 42 U.S.C. 673(d) while the kinship 121454  
guardianship young adult was age sixteen or seventeen. 121455

(b) The relative maintains parental responsibility for the 121456  
kinship guardianship young adult. 121457

(c) The kinship guardianship young adult satisfies 121458  
division (D) of this section. 121459

(2) Any person who meets the requirements of division (C) 121460  
(1) of this section may request an extension of kinship 121461  
guardianship assistance at any time before the kinship 121462  
guardianship young adult reaches age twenty-one. 121463

(3) A kinship guardianship young adult who is eligible to 121464  
receive kinship guardianship assistance is not considered an 121465  
emancipated young adult and is therefore not eligible to receive 121466  
assistance under division (A) of this section. 121467

(D) In addition to other requirements, an adopted, kinship 121468  
guardianship, or emancipated young adult must meet at least one 121469  
of the following criteria: 121470

(1) Is completing secondary education or a program leading 121471  
to an equivalent credential; 121472

(2) Is enrolled in an institution that provides post- 121473  
secondary or vocational education; 121474

(3) Is participating in a program or activity designed to 121475  
promote, or remove barriers to, employment; 121476

(4) Is employed for at least eighty hours per month; 121477

(5) Is incapable of doing any of the activities described 121478  
in divisions (D)(1) to (4) of this section due to a physical or 121479  
mental condition, which incapacity is supported by regularly 121480  
updated information in the person's case record or plan. 121481

(E) Any emancipated young adult described in division (A) 121482  
(1) of this section who is directly receiving foster care 121483  
payments, or on whose behalf such foster care payments are 121484  
received, or any relative described in division (C)(1) of this 121485  
section who is receiving kinship guardianship assistance, or any 121486  
parent receiving adoption assistance payments, may refuse the 121487

payments at any time. 121488

(F) (1) An emancipated young adult described in division 121489  
(A) (1) of this section who is directly receiving foster care 121490  
payments, or on whose behalf such foster care payments are 121491  
received, or any relative described in division (C) (1) of this 121492  
section who is receiving kinship guardianship assistance and the 121493  
kinship guardianship young adult, or a parent receiving adoption 121494  
assistance payments and the adopted young adult shall be 121495  
eligible for services set forth in the federal, "Fostering 121496  
Connections to Success and Increasing Adoptions Act of 2008," 121497  
P.L. 110-351, ~~122 Stat. 3949~~. 121498

(2) An emancipated young adult described in division (A) 121499  
(1) of this section who is directly receiving foster care 121500  
payments, or on whose behalf such foster care payments are 121501  
received, pursuant to this section, may be eligible to reside in 121502  
a supervised independent living setting, including apartment 121503  
living, room and board arrangements, college or university 121504  
dormitories, host homes, and shared roommate settings. 121505

(G) Any determination by the department of ~~job and family~~ 121506  
~~services or the department of~~ children and youth that denies or 121507  
terminates foster care assistance, kinship guardianship 121508  
assistance, ~~kinship support program payments,~~ or adoption 121509  
assistance payments shall be subject to a state hearing pursuant 121510  
to section 5101.35 of the Revised Code. 121511

**Sec. ~~5101.1412~~ 5180.429.** (A) Without the approval of a 121512  
court, an emancipated young adult who receives payments, or on 121513  
whose behalf payments are received, under division (A) of 121514  
section ~~5101.1411~~ 5180.428 of the Revised Code, may enter into a 121515  
voluntary participation agreement with the department of 121516  
children and youth, or its representative, for the emancipated 121517

young adult's care and placement. The agreement shall stay in 121518  
effect until one of the following occurs: 121519

(1) The emancipated young adult enrolled in the program 121520  
notifies the department, or its representative, that they want 121521  
to terminate the agreement. 121522

(2) The emancipated young adult becomes ineligible for the 121523  
program. 121524

(B) In order to maintain Title IV-E eligibility for the 121525  
emancipated young adult, both of the following apply: 121526

(1) Not later than one hundred eighty days after the 121527  
effective date of the voluntary participation agreement, the 121528  
department or its representative must petition the court for, 121529  
and obtain, a judicial determination that the emancipated young 121530  
adult's best interest is served by continuing the care and 121531  
placement with the department or its representative. 121532

(2) Not later than twelve months after the effective date 121533  
of the voluntary participation agreement, and at least once 121534  
every twelve months thereafter, the department or its 121535  
representative must petition the court for, and obtain, a 121536  
judicial determination that the department or its representative 121537  
has made reasonable efforts to finalize a permanency plan to 121538  
prepare the emancipated young adult for independence. 121539

**Sec. ~~5101.1413~~ 5180.4210.** Notwithstanding section ~~5101.141~~ 121540  
~~5180.42~~ of the Revised Code and any rules adopted thereunder, 121541  
the department of children and youth shall pay the full 121542  
nonfederal share of payments made pursuant to section ~~5101.1411~~ 121543  
~~5180.428~~ of the Revised Code. No public children services agency 121544  
shall be responsible for the cost of any payments made pursuant 121545  
to section ~~5101.1411~~ 5180.428 of the Revised Code. 121546

**Sec. ~~5101.1414~~ 5180.4211.** (A) The department of children 121547  
and youth shall adopt rules necessary to carry out the purposes 121548  
of sections ~~5101.1411~~ 5180.428 to ~~5101.1413~~ 5180.4210 of the 121549  
Revised Code, including rules that do all of the following: 121550

(1) Allow an emancipated young adult described in division 121551  
(A) (1) of section ~~5101.1411~~ 5180.428 of the Revised Code who is 121552  
directly receiving foster care payments, or on whose behalf such 121553  
foster care payments are received, or an adopted young adult 121554  
whose adoptive parents are receiving adoption assistance 121555  
payments, to maintain eligibility while transitioning into, or 121556  
out of, qualified employment or educational activities; 121557

(2) Require that a thirty-day notice of termination be 121558  
given by the department to an emancipated young adult described 121559  
in division (A) (1) of section ~~5101.1411~~ 5180.428 of the Revised 121560  
Code who is receiving foster care payments, or on whose behalf 121561  
such foster care payments are received, or to a parent receiving 121562  
adoption assistance payments for an adopted young adult 121563  
described in division (B) (1) of section ~~5101.1411~~ 5180.428 of 121564  
the Revised Code, who is determined to be ineligible for 121565  
payments; 121566

(3) Establish the scope of practice and training necessary 121567  
for case managers and supervisors who care for emancipated young 121568  
adults described in division (A) (1) of section ~~5101.1411~~ 121569  
5180.428 of the Revised Code who are receiving foster care 121570  
payments, or on whose behalf such foster care payments are 121571  
received, under section ~~5101.1411~~ 5180.428 of the Revised Code. 121572

(B) The department of children and youth shall create an 121573  
advisory council to evaluate and make recommendations for 121574  
statewide implementation of sections ~~5101.1411~~ 5180.428 and 121575  
~~5101.1412~~ 5180.429 of the Revised Code. 121576



**Sec. ~~5101.1415~~ 5180.4212.** The provisions of divisions (A) 121577  
and (D) to (G) of section ~~5101.1411~~-5180.428 of the Revised Code 121578  
shall not apply if the person is eligible for temporary or 121579  
permanent custody until age twenty-one pursuant to a 121580  
dispositional order under sections 2151.353, 2151.414, and 121581  
2151.415 of the Revised Code. 121582

**Sec. ~~5101.1416~~ 5180.4213.** (A) ~~Not later than nine months~~ 121583  
~~after the effective date of this section , the~~ The director of 121584  
~~job and family services children and youth shall submit an~~ 121585  
~~amendment to the state plan required by 42 U.S.C. 671 to the~~ 121586  
~~United States secretary of health and human services to~~ 121587  
implement 42 U.S.C. 673(d) to provide kinship guardianship 121588  
assistance under Title IV-E on behalf of a child to a relative 121589  
who meets the following requirements: 121590

(1) The relative has cared for the eligible child pursuant 121591  
to division (B) of this section as a foster caregiver as defined 121592  
by section 5103.02 of the Revised Code for at least six 121593  
consecutive months. 121594

(2) Both of the following apply: 121595

(a) A juvenile court issued an order granting legal 121596  
custody of the child to the relative, or a probate court issued 121597  
an order granting guardianship of the child to the relative, and 121598  
the order is not a temporary court order. 121599

(b) The relative has committed to care for the child on a 121600  
permanent basis. 121601

(3) The relative signs a kinship guardianship assistance 121602  
agreement required by 42 U.S.C. 673. 121603

(B) A child is an eligible child for kinship guardianship 121604  
assistance under this section if the following are met: 121605

(1) The child has been removed from his or her home 121606  
pursuant to a voluntary placement agreement or as a result of a 121607  
judicial determination to the effect that continuation in the 121608  
home would be contrary to the welfare of the child. 121609

(2) The child has been eligible for foster care 121610  
maintenance payments under section ~~5101.141~~ 5180.42 of the 121611  
Revised Code while residing for at least six consecutive months 121612  
in the home of a relative described in division (A) of this 121613  
section. 121614

(3) Returning the child home or adoption of the child are 121615  
not appropriate permanency options for the child. 121616

(4) The child demonstrates a strong attachment to the 121617  
child's relative described in division (A) of this section and 121618  
the relative has a strong commitment to caring permanently for 121619  
the child. 121620

(5) With respect to a child who has attained fourteen 121621  
years of age, the child has been consulted regarding the kinship 121622  
guardianship arrangement. 121623

**Sec. ~~5101.1417~~ 5180.4214.** The department of children and 121624  
youth shall adopt rules necessary to carry out the purposes of 121625  
sections ~~5101.141~~ 5180.42, ~~5101.1411~~ 5180.428, and ~~5101.1416~~ 121626  
5180.4213 of the Revised Code, and 42 U.S.C. 673(d) of the 121627  
"Social Security Act," including rules that do all of the 121628  
following: 121629

(A) Allow a kinship guardianship young adult described in 121630  
division (C) of section ~~5101.1411~~ 5180.428 of the Revised Code 121631  
on whose behalf kinship guardianship assistance is received, to 121632  
maintain eligibility while transitioning into, or out of, 121633  
qualified employment or educational activities; 121634

(B) Require that a thirty-day notice of termination be 121635  
given by the department to a person receiving kinship 121636  
guardianship assistance for a kinship guardianship young adult 121637  
described in division (C) of section ~~5101.1411~~ 5180.428 of the 121638  
Revised Code, who is determined to be ineligible for assistance. 121639

**Sec. ~~5101.1418~~ 5180.43.** (A) (1) If, after a child's 121640  
adoption is finalized, the department of children and youth 121641  
considers the child to be in need of public care or protective 121642  
services, the department may, to the extent state funds are 121643  
available for this purpose, enter into an agreement with the 121644  
child's adoptive parent under which the department may make post 121645  
adoption special services subsidy payments on behalf of the 121646  
child as needed when both of the following apply: 121647

(a) The child has a physical or developmental disability 121648  
or mental or emotional condition that either: 121649

(i) Existed before the adoption petition was filed; or 121650

(ii) Developed after the adoption petition was filed and 121651  
can be directly attributed to factors in the child's preadoption 121652  
background, medical history, or biological family's background 121653  
or medical history. 121654

(b) The department determines the expenses necessitated by 121655  
the child's disability or condition are beyond the adoptive 121656  
parent's economic resources. 121657

(2) Services for which the department may make post 121658  
adoption special services subsidy payments on behalf of a child 121659  
under this section shall include medical, surgical, psychiatric, 121660  
psychological, and counseling services, including residential 121661  
treatment. 121662

(3) The department shall establish clinical standards to 121663

evaluate a child's physical or developmental disability or 121664  
mental or emotional condition and assess the child's need for 121665  
services. 121666

(4) The total dollar value of post adoption special 121667  
services subsidy payments made on a child's behalf shall not 121668  
exceed ten thousand dollars in any fiscal year, unless the 121669  
department determines that extraordinary circumstances exist 121670  
that necessitate further funding of services for the child. 121671  
Under such extraordinary circumstances, the value of the 121672  
payments made on the child's behalf shall not exceed fifteen 121673  
thousand dollars in any fiscal year. 121674

(5) The adoptive parent or parents of a child who receives 121675  
post adoption special services subsidy payments shall pay at 121676  
least five per cent of the total cost of all services provided 121677  
to the child; except that the department may waive this 121678  
requirement if the gross annual income of the child's adoptive 121679  
family is not more than two hundred per cent of the federal 121680  
poverty guideline. 121681

(6) The department may use other sources of revenue to 121682  
make post adoption special services subsidy payments, in 121683  
addition to any state funds appropriated for that purpose. 121684

(7) The department may contract with another person to 121685  
carry out any of the duties described in this section. 121686

(B) No payment shall be made on behalf of any person 121687  
eighteen years of age or older beyond the end of the school year 121688  
during which the person attains the age of eighteen or on behalf 121689  
of a mentally or physically disabled person twenty-one years of 121690  
age or older. 121691

(C) The director of children and youth shall adopt rules 121692

in accordance with Chapter 119. of the Revised Code necessary to 121693  
implement this section. The rules shall establish all of the 121694  
following: 121695

(1) The application process for all forms of assistance 121696  
provided under this section; 121697

(2) Standards for determining the children who qualify to 121698  
receive assistance provided under this section; 121699

(3) The method of determining the amount, duration, and 121700  
scope of services provided to a child; 121701

(4) The method of transitioning the post adoption special 121702  
services subsidy program from public children services agencies 121703  
to the department; 121704

(5) Any other rule, requirement, or procedure the 121705  
department considers appropriate for the implementation of this 121706  
section. 121707

~~(D) The department shall implement this section not later 121708~~  
~~than July 1, 2022. 121709~~

**Sec. ~~5101.15~~ 5180.44.** Within available funds the 121710  
department of children and youth may reimburse counties in 121711  
accordance with this section for a portion of the salaries paid 121712  
to child welfare workers employed under section 5153.12 of the 121713  
Revised Code. No county with a population of eighty thousand or 121714  
less, according to the latest census accepted by the department 121715  
as official, shall be entitled to reimbursement on the salaries 121716  
of more than two child welfare workers, and no county with a 121717  
population of more than eighty thousand, according to such 121718  
census, shall be entitled to reimbursement on the salaries of 121719  
more than two child welfare workers plus one additional child 121720  
welfare worker for each one hundred thousand of population in 121721

excess of eighty thousand. 121722

The maximum reimbursement to which a county may be 121723  
entitled on any child welfare worker shall be as follows: 121724

(A) Twenty-seven hundred dollars a year for a child 121725  
welfare worker who is a graduate of an accredited high school, 121726  
college, or university; 121727

(B) Thirty-three hundred dollars a year for a child 121728  
welfare worker who has one year or more of graduate training in 121729  
social work or a field which the department finds to be related 121730  
to social work; 121731

(C) Thirty-nine hundred dollars a year for a child welfare 121732  
worker who has completed two years of social work training. 121733

The salary of the executive director, designated in 121734  
accordance with section 5153.10 of the Revised Code, shall be 121735  
subject to reimbursement under this section, provided that the 121736  
executive director qualifies under division (A), (B), or (C) of 121737  
this section. No funds shall be allocated under this section 121738  
until the director of children and youth has approved a plan of 121739  
child welfare services for the county submitted by the public 121740  
children services agency. 121741

**Sec. ~~5101.19~~ 5180.45.** As used in sections ~~5101.19~~ 5180.45 121742  
to ~~5101.194~~ 5180.454 of the Revised Code: 121743

(A) "Adopted child" means a person who is less than 121744  
eighteen years of age when the person becomes subject to a final 121745  
order of adoption, an interlocutory order of adoption, or when 121746  
the adoption is recognized by this state under section 3107.18 121747  
of the Revised Code. 121748

(B) "Adoption" includes an adoption arranged by an 121749

attorney, a public children services agency, private child 121750  
placing agency, or a private noncustodial agency, an interstate 121751  
adoption, or an international or foreign adoption. 121752

(C) "Adoptive parent" means the person or persons who 121753  
obtain parental rights and responsibilities over an adopted 121754  
child pursuant to a final order of adoption, an interlocutory 121755  
order of adoption, or an adoption recognized by this state under 121756  
section 3107.18 of the Revised Code. 121757

(D) "Casework services" means services performed or 121758  
arranged by a public children services agency, private child 121759  
placing agency, private noncustodial agency, or public entity 121760  
with whom the department of children and youth has a Title IV-E 121761  
subgrant agreement in effect, to manage the progress, provide 121762  
supervision and protection of the child and the child's parent, 121763  
guardian, or custodian. 121764

(E) "Foster caregiver" has the same meaning as in section 121765  
5103.02 of the Revised Code. 121766

(F) "Qualified professional" means an individual that is, 121767  
but not limited to, any one of the following: 121768

- (1) Audiologist; 121769
- (2) Orthopedist; 121770
- (3) Physician; 121771
- (4) Certified nurse practitioner; 121772
- (5) Physician assistant; 121773
- (6) Psychiatrist; 121774
- (7) Psychologist; 121775
- (8) School psychologist; 121776

(9) Licensed marriage and family therapist;	121777
(10) Speech and language pathologist;	121778
(11) Licensed independent social worker;	121779
(12) Licensed professional clinical counselor;	121780
(13) Licensed social worker who is under the direct	121781
supervision of a licensed independent social worker;	121782
(14) Licensed professional counselor who is under the	121783
direct supervision of a licensed professional clinical	121784
counselor.	121785
(G) "Special needs" means any of the following:	121786
(1) A developmental disability as defined in section	121787
5123.01 of the Revised Code;	121788
(2) A physical or mental impairment that substantially	121789
limits one or more of the major life activities;	121790
(3) Any physiological disorder or condition, cosmetic	121791
disfigurement, or anatomical loss affecting one or more body	121792
systems;	121793
(4) Any mental or psychological disorder;	121794
(5) A medical condition causing distress, pain,	121795
dysfunction, or social problems as diagnosed by a qualified	121796
professional that results in ongoing medical treatment.	121797
<b>Sec. <del>5101.191</del> <u>5180.451</u>.</b> (A) The director of children and	121798
youth shall establish and administer the Ohio adoption grant	121799
program in accordance with sections <del>5101.19</del> <u>5180.45</u> to <del>5101.194</del>	121800
<u>5180.454</u> of the Revised Code.	121801
(B) The director shall provide <del>one, but not both,</del> <u>either</u> of	121802



the following one-time payments for an adopted child to the 121803  
child's adoptive parent if the requirements of division (A) of 121804  
section ~~5101.192~~5180.452 of the Revised Code, but not division 121805  
(B) of that section, are satisfied regarding the child: 121806

(1) Ten thousand dollars; 121807

(2) Fifteen thousand dollars, if the parent was a foster 121808  
caregiver who cared for the child prior to adoption. 121809

(C) The director shall provide a one-time payment for an 121810  
adopted child of twenty thousand dollars to the child's adoptive 121811  
parent if the requirements of divisions (A) and (B) of section 121812  
~~5101.192~~5180.452 of the Revised Code are satisfied regarding 121813  
the child. 121814

(D) The payment described in divisions (B) and (C) of this 121815  
section shall be provided to all eligible applicants to the 121816  
extent state funds are available for this purpose. 121817

**Sec. ~~5101.192~~ 5180.452.** (A) To receive a grant payment 121818  
under division (B) of section ~~5101.191~~5180.451 of the Revised 121819  
Code, all of the following must be satisfied: 121820

(1) The adoptive parent has not previously received a 121821  
grant payment from the Ohio adoption grant program for the 121822  
adopted child for whom the parent is seeking payment. 121823

(2) The adoptive parent does not also currently claim an 121824  
adoption tax credit pursuant to former section 5747.37 of the 121825  
Revised Code for the adopted child for whom the parent is 121826  
seeking payment. 121827

(3) The adoptive parent applies for the grant not later 121828  
than one year after the final adoption order, interlocutory 121829  
order of adoption, or recognition of the adoption by this state 121830

under section 3107.18 of the Revised Code for the adopted child 121831  
for whom the grant payment is sought. 121832

(4) The adoption was not by a parent whose spouse is a 121833  
biological or adoptive parent of the child prior to the adoption 121834  
for which the payment is sought. 121835

(5) The adoption is finalized on or after January 1, 2023. 121836

(6) The adoptive parent was a resident of Ohio at the time 121837  
the adoption was finalized. 121838

(B) To receive a grant payment under division (C) of 121839  
section ~~5101.191~~5180.451 of the Revised Code, both of the 121840  
following must be satisfied: 121841

(1) The requirements of division (A) of this section must 121842  
be satisfied. 121843

(2) A qualified professional who does not provide casework 121844  
services to the adopted child diagnoses the child with one or 121845  
more special needs in the professional's area of expertise prior 121846  
to the final order of adoption, interlocutory order of adoption, 121847  
or recognition of the adoption by this state under section 121848  
3107.18 of the Revised Code. 121849

**Sec. ~~5101.193~~ 5180.453.** (A) The director of children and 121850  
youth shall adopt rules to administer and implement the Ohio 121851  
adoption grant program. The director, in consultation with the 121852  
tax commissioner, shall also adopt rules authorizing the 121853  
department to withhold and remit to the Internal Revenue Service 121854  
federal income tax from grant payments under division (B) of 121855  
section ~~5101.191~~5180.451 of the Revised Code, provided such 121856  
withholding is authorized under federal law or approved by the 121857  
Internal Revenue Service. 121858

(B) No application fee shall be charged for the grant program. 121859  
121860

(C) Notwithstanding any law to the contrary, the director may require, as necessary to administer the Ohio adoption grant program, either or both of the following: 121861  
121862  
121863

(1) ~~The submission~~ Certified copies of any court or legal document necessary to prove a final order of adoption, an interlocutory order of adoption, or recognition of the adoption under section 3107.18 of the Revised Code; 121864  
121865  
121866  
121867

(2) Any department, agency, court, or division of the state, including the department of health, to provide any document related to the adoption. 121868  
121869  
121870

~~(D)~~ (D) (1) No person shall knowingly produce or submit any false or misleading documentation or information to the department of children and youth in an effort to qualify for or obtain a grant from the Ohio adoption grant program. 121871  
121872  
121873  
121874

(2) Whoever violates division (D) (1) of this section is guilty of falsification in accordance with section 2921.13 of the Revised Code. 121875  
121876  
121877

(E) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under section ~~5101.193~~ 5180.453 of the Revised Code is not subject to sections 121.95 to 121.953 of the Revised Code. 121878  
121879  
121880  
121881  
121882

**Sec. ~~5101.194~~ 5180.454.** Any document provided to the department of children and youth under division (C) of section ~~5101.193~~ 5180.453 of the Revised Code remains ~~a~~ : 121883  
121884  
121885

(A) A public record under section 149.43 of the Revised 121886

Code if it was a public record under that section before being 121887  
provided to the department; 121888

(B) Confidential if it was confidential under any state or 121889  
federal law before being provided to the department. 121890

**Sec. ~~5101.85~~ 5180.50.** As used in sections ~~5101.851~~ 5180.51 121891  
to ~~5101.856~~ 5180.514 of the Revised Code, "kinship caregiver" 121892  
means any of the following who is eighteen years of age or older 121893  
and is caring for a child in place of the child's parents: 121894

(A) The following individuals related by blood or adoption 121895  
to the child: 121896

(1) Grandparents, including grandparents with the prefix 121897  
"great," "great-great," or "great-great-great"; 121898

(2) Siblings; 121899

(3) Aunts, uncles, nephews, and nieces, including such 121900  
relatives with the prefix "great," "great-great," "grand," or 121901  
"great-grand"; 121902

(4) First cousins and first cousins once removed. 121903

(B) Stepparents and stepsiblings of the child; 121904

(C) Spouses and former spouses of individuals named in 121905  
divisions (A) and (B) of this section; 121906

(D) A legal guardian of the child; 121907

(E) A legal custodian of the child; 121908

(F) Any nonrelative adult that has a familiar and long- 121909  
standing relationship or bond with the child or the family, 121910  
which relationship or bond will ensure the child's social ties. 121911

**Sec. ~~5101.851~~ 5180.51.** The department of children and 121912

youth shall establish a statewide kinship care navigator program 121913  
to assist kinship caregivers who are seeking information 121914  
regarding, or assistance obtaining, services and benefits 121915  
available at the state and local level that address the needs of 121916  
those caregivers residing in each county. The program shall 121917  
provide to kinship caregivers information and referral services 121918  
and assistance obtaining support services including the 121919  
following: 121920

(A) Publicly funded child care; 121921

(B) Respite care; 121922

(C) Training related to caring for special needs children; 121923

(D) A toll-free telephone number that may be called to 121924  
obtain basic information about the rights of, and services 121925  
available to, kinship caregivers; 121926

(E) Legal services. 121927

**Sec. ~~5101.853~~ 5180.511.** The director of children and youth 121928  
shall divide the state into not less than five and not greater 121929  
than twelve regions, for the kinship care navigator program 121930  
under section ~~5101.851~~ 5180.51 of the Revised Code. The director 121931  
shall take the following into consideration when establishing 121932  
the regions: 121933

(A) The population size; 121934

(B) The estimated number of kinship caregivers; 121935

(C) The expertise of kinship navigators; 121936

(D) Any other factor the director considers relevant. 121937

**Sec. ~~5101.854~~ 5180.512.** The program in each kinship care 121938  
navigator region established under section ~~5101.853~~ 5180.511 of 121939

the Revised Code shall provide information and referral services 121940  
and assistance in obtaining support services for kinship 121941  
caregivers within its region. 121942

**Sec. ~~5101.855~~ 5180.513.** The department of children and 121943  
youth shall adopt rules to implement the kinship care navigator 121944  
program. The rules shall be adopted under Chapter 119. of the 121945  
Revised Code, except that rules governing fiscal and 121946  
administrative matters related to implementation of the program 121947  
are internal management rules and shall be adopted under section 121948  
111.15 of the Revised Code. 121949

**Sec. ~~5101.856~~ 5180.514.** (A) (1) The kinship care navigator 121950  
program shall be funded to the extent that general revenue funds 121951  
have been appropriated by the general assembly for that purpose. 121952

(2) The director of children and youth shall take any 121953  
action necessary to obtain funds available for the kinship care 121954  
navigator program under Title IV-E of the "Social Security Act," 121955  
~~94 Stat. 501 (1980),~~ 42 U.S.C. 670, as amended. 121956

(B) The department shall pay the full nonfederal share for 121957  
the kinship care navigator program. No county department of job 121958  
and family services or public children services agency shall be 121959  
responsible for the cost of the program. 121960

**Sec. ~~5101.802~~ 5180.52.** (A) As used in this section: 121961

(1) "Custodian," "guardian," and "minor child" have the 121962  
same meanings as in section 5107.02 of the Revised Code. 121963

(2) "Federal poverty guidelines" has the same meaning as 121964  
in section 5101.46 of the Revised Code. 121965

(3) "Kinship caregiver" has the same meaning as in section 121966  
~~5101.85~~ 5180.50 of the Revised Code. 121967

(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver's home. The program may provide additional permanency incentive payments for the minor child at six-month intervals, based on the availability of funds. An eligible caregiver may receive a maximum of eight incentive payments per minor child.

(C) A kinship caregiver may participate in the program if all of the following requirements are met:

(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section;

(2) Not earlier than July 1, 2005, a juvenile court issues an order granting legal custody to the kinship caregiver, or a probate court grants guardianship to the kinship caregiver, except that a temporary court order is not sufficient to meet this requirement;

(3) The kinship caregiver is either the minor child's custodian or guardian;

(4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;

(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not

exceed three hundred per cent of the federal poverty guidelines. 121997

(6) The kinship caregiver is not receiving kinship 121998  
guardianship assistance under Title IV-E of the "Social Security 121999  
Act," 42 U.S.C. 673(d), as amended, or the program described in 122000  
section ~~5101.1411~~5180.428 of the Revised Code or the program 122001  
described in section 5153.163 of the Revised Code. 122002

(D) Public children services agencies shall make initial 122003  
and ongoing eligibility determinations for the kinship 122004  
permanency incentive program in accordance with rules authorized 122005  
by division (E) of this section. The director of children and 122006  
youth shall supervise public children services agencies' duties 122007  
under this section. 122008

(E) The director of children and youth shall adopt rules 122009  
under division (C) of section 5101.801 of the Revised Code as 122010  
necessary to implement the kinship permanency incentive program. 122011  
The rules shall establish all of the following: 122012

(1) The application process for the program; 122013

(2) The placement approval process through which a minor 122014  
child is placed with a kinship caregiver for the kinship 122015  
caregiver to be eligible for the program; 122016

(3) The initial and ongoing eligibility determination 122017  
process for the program, including the computation of income 122018  
eligibility; 122019

(4) The amount of the incentive payments provided under 122020  
the program; 122021

(5) The method by which the incentive payments are 122022  
provided to a kinship caregiver. 122023

(F) The amendments made to this section by Am. Sub. H.B. 122024



119 of the 127th general assembly shall not affect the 122025  
eligibility of any kinship caregiver whose eligibility was 122026  
established before June 30, 2007. 122027

**Sec. ~~5101.88~~ 5180.53.** As used in sections ~~5101.881~~ 122028  
~~5180.531~~ to ~~5101.8811~~ 5180.536 of the Revised Code: 122029

(A) "Cost-of-living adjustment" has the same meaning as in 122030  
section 5107.04 of the Revised Code. 122031

(B) "Kinship caregiver" has the same meaning as in section 122032  
~~5101.85~~ 5180.50 of the Revised Code. 122033

**Sec. ~~5101.881~~ 5180.531.** There is hereby established the 122034  
kinship support program. The department of children and youth 122035  
shall coordinate and administer the program to the extent funds 122036  
are appropriated and allocated for this purpose. 122037

**Sec. ~~5101.884~~ 5180.532.** The kinship support program shall 122038  
provide financial payments to kinship caregivers who: 122039

(A) Receive placement of a child who is in the temporary 122040  
or permanent custody of a public children services agency or 122041  
under the Title IV-E agency with legal responsibility for the 122042  
care and placement of the child; and 122043

(B) Do not have foster home certification under section 122044  
5103.03 of the Revised Code. 122045

**Sec. ~~5101.885~~ 5180.533.** Kinship support program payments 122046  
under section ~~5101.884~~ 5180.532 of the Revised Code shall be ten 122047  
dollars and twenty cents per child, per day, to the extent funds 122048  
are available. The department of children and youth shall 122049  
increase the payment amount on January 1, 2022, and on the first 122050  
day of each January thereafter by the cost-of-living adjustment 122051  
made in the immediately preceding December. 122052

**Sec. ~~5101.886~~ 5180.534.** Kinship support program payments shall be made to kinship caregivers ~~as follows:~~

~~(A) For not more than nine months after the effective date of this section, if a child has been placed with the kinship caregiver as of the effective date of this section;~~

~~(B) For not more than than nine months after the placement of a child with the kinship caregiver, if the placement occurs during the nine-month period that begins on the effective date of this section;~~

~~(C) For for not more than six months after the date of placement of a child with the kinship caregiver, if the placement occurs after the nine-month period that began on the effective date of this section.~~

**Sec. ~~5101.887~~ 5180.535.** Kinship support program payments under section ~~5101.884~~ 5180.532 of the Revised Code shall cease when any of the following occur:

(A) The kinship caregiver obtains foster home certification under section 5103.03 of the Revised Code.

(B) In accordance with section ~~5101.886~~ 5180.534 of the Revised Code;

(C) Placement with the kinship caregiver is terminated or otherwise ceases.

**Sec. ~~5101.8811~~ 5180.536.** The director of children and youth may adopt rules for the administration of the kinship support program in accordance with section 111.15 of the Revised Code.

**Sec. ~~5101.8812~~ 5180.56.** Benefits and services provided under the kinship guardianship assistance program, extended

kinship guardianship assistance program, kinship support 122081  
program, and kinship permanency incentive program are 122082  
inalienable whether by way of assignment, charge, or otherwise 122083  
and exempt from execution, attachment, ~~guardianship~~ garnishment, 122084  
and other like processes. 122085

**Sec. ~~5101.889~~ 5180.57.** A kinship caregiver, on obtaining 122086  
foster home certification under section 5103.03 of the Revised 122087  
Code, shall receive foster care maintenance payments equal to 122088  
the custodial agency rate as determined by the certifying 122089  
agency, which is either the custodial agency, private child 122090  
placing agency, or private non-custodial agency. 122091

**Sec. ~~5101.34~~ 5180.70.** (A) There is hereby created in the 122092  
department of children and youth the Ohio commission on 122093  
fatherhood. The commission shall consist of the following 122094  
members: 122095

(1) (a) Four members of the house of representatives 122096  
appointed by the speaker of the house, not more than two of whom 122097  
are members of the same political party. Two of the members must 122098  
be from legislative districts that include a county or part of a 122099  
county that is among the one-third of counties in this state 122100  
with the highest number per capita of households headed by 122101  
females. 122102

(b) Two members of the senate appointed by the president 122103  
of the senate, each from a different political party. One of the 122104  
members must be from a legislative district that includes a 122105  
county or part of a county that is among the one-third of 122106  
counties in this state with the highest number per capita of 122107  
households headed by females. 122108

(2) The governor, or the governor's designee; 122109

(3) One representative of the judicial branch of 122110  
government appointed by the chief justice of the supreme court; 122111

(4) The directors of health, children and youth, 122112  
rehabilitation and correction, mental health and addiction 122113  
services, youth services, and education and workforce, or their 122114  
designees; 122115

(5) One representative of the Ohio family and children 122116  
first cabinet council created under section 121.37 of the 122117  
Revised Code appointed by the chairperson of the council; 122118

(6) Five representatives of the general public appointed 122119  
by the governor. These members shall have extensive experience 122120  
in issues related to fatherhood. 122121

(B) Members appointed to the Ohio commission on fatherhood 122122  
shall serve two-year terms. A member appointed pursuant to 122123  
division (A)(1) of this section shall serve on the commission 122124  
until the end of the general assembly from which the member was 122125  
appointed or until the member ceases to serve in the chamber of 122126  
the general assembly in which the member serves at the time of 122127  
appointment, whichever occurs first. The governor or the 122128  
governor's designee shall serve on the commission until the 122129  
governor ceases to be governor. The directors or their designees 122130  
shall serve on the commission until they cease, or the director 122131  
a designee represents ceases, to be director. Each member shall 122132  
serve on the commission from the date of appointment until the 122133  
end of the term for which the member was appointed. Members may 122134  
be reappointed. 122135

Vacancies shall be filled in the manner provided for 122136  
original appointments. Any member appointed to fill a vacancy 122137  
occurring prior to the expiration date of the term for which the 122138

member's predecessor was appointed shall serve on the commission 122139  
for the remainder of that term. A member shall continue to serve 122140  
on the commission subsequent to the expiration date of the 122141  
member's term until the member's successor is appointed or until 122142  
a period of sixty days has elapsed, whichever occurs first. 122143  
Members shall serve without compensation but shall be reimbursed 122144  
for necessary expenses. 122145

**Sec. ~~5101.341~~ 5180.701.** (A) The Ohio commission on 122146  
fatherhood shall elect a chairperson from among its members in 122147  
every odd-numbered year. 122148

(B) The governor shall appoint an individual to serve as 122149  
the commission's executive director. The executive director 122150  
shall serve at the pleasure of the governor and shall report to 122151  
the director of children and youth or the director's designee. 122152

The governor shall fix the executive director's salary on 122153  
the basis of the executive director's experience and the 122154  
executive director's responsibilities and duties. The executive 122155  
director shall be in the unclassified civil service. 122156

The department of children and youth shall provide staff 122157  
and other support services as necessary for the commission to 122158  
fulfill its duties. 122159

(C) The commission may accept gifts, grants, donations, 122160  
contributions, benefits, and other funds from any public agency 122161  
or private source to carry out any or all of the commission's 122162  
duties. The funds shall be deposited into the Ohio commission on 122163  
fatherhood fund, which is hereby created in the state treasury. 122164  
All gifts, grants, donations, contributions, benefits, and other 122165  
funds received by the commission pursuant to this division shall 122166  
be used solely to support the operations of the commission. 122167

**Sec. ~~5101.342~~ 5180.702.** The Ohio commission on fatherhood 122168  
shall do both of the following: 122169

(A) Organize a state summit on fatherhood every four 122170  
years; 122171

(B) Prepare a report each year that does the following: 122172

(1) Identifies resources available to fund fatherhood- 122173  
related programs and explores the creation of initiatives to do 122174  
the following: 122175

(a) Build the parenting skills of fathers; 122176

(b) Provide employment-related services for low-income, 122177  
noncustodial fathers; 122178

(c) Prevent premature fatherhood; 122179

(d) Provide services to fathers who are inmates in or have 122180  
just been released from imprisonment in a state correctional 122181  
institution, as defined in section 2967.01 of the Revised Code, 122182  
or in any other detention facility, as defined in section 122183  
2921.01 of the Revised Code, so that they are able to maintain 122184  
or reestablish their relationships with their families; 122185

(e) Reconcile fathers with their families; 122186

(f) Increase public awareness of the critical role fathers 122187  
play. 122188

(2) Describes the commission's expectations for the 122189  
outcomes of fatherhood-related programs and initiatives and the 122190  
methods the commission uses for conducting annual measures of 122191  
those outcomes; 122192

(3) Evaluates the number of fathers and children served 122193  
and the number and types of additional services provided as a 122194

result of the recommendations made to the director of job and 122195  
family services pursuant to section ~~5101.805~~ 5180.704 of the 122196  
Revised Code; 122197

(4) Evaluates the performance of the nonprofit community- 122198  
based organizations that received grants under section 5180.706 122199  
of the Revised Code. 122200

The commission shall submit each report to the general 122201  
assembly in accordance with section 101.68 of the Revised Code. 122202

(C) Pursuant to section ~~5101.805~~ 5180.704 of the Revised 122203  
Code, the commission may make recommendations to the director of 122204  
~~job and family services~~ children and youth regarding funding, 122205  
approval, and implementation of fatherhood programs in this 122206  
state that meet at least one of the four purposes of the 122207  
temporary assistance for needy families block grant, as 122208  
specified in 42 U.S.C. 601. 122209

(D) The portion of the report prepared pursuant to 122210  
~~division~~ divisions (B) (2) and (4) of this section shall be 122211  
prepared by the commission in collaboration with the director of 122212  
children and youth. 122213

(E) The commission shall submit each report prepared 122214  
pursuant to division (B) of this section to the president and 122215  
minority leader of the senate, speaker and minority leader of 122216  
the house of representatives, governor, and chief justice of the 122217  
supreme court. The first report is due not later than one year 122218  
after the last of the initial appointments to the commission is 122219  
made under section ~~5101.341~~ 5180.701 of the Revised Code. 122220

**Sec. ~~5101.343~~ 5180.703.** Sections 101.82 to 101.87 of the 122221  
Revised Code do not apply to the Ohio commission on fatherhood. 122222

**Sec. ~~5101.805~~ 5180.704.** (A) Subject to division (E) of 122223

section 5101.801 of the Revised Code, the Ohio commission on 122224  
fatherhood, created under section ~~5101.34~~ 5180.70 of the Revised 122225  
Code, may make recommendations to the director of ~~job and family~~ 122226  
~~services~~ children and youth concerning the funding, approval, 122227  
and implementation of fatherhood programs in this state that 122228  
meet at least one of the four purposes of the temporary 122229  
assistance for needy families block grant, as specified in 42 122230  
U.S.C. 601. 122231

(B) The department of ~~job and family services~~ children and 122232  
youth may provide funding under this section to government 122233  
entities and, to the extent permitted by federal law, private, 122234  
not-for-profit entities with which the department enters into 122235  
agreements under division (B) (4) of section 5101.801 of the 122236  
Revised Code. 122237

**Sec. 5180.705.** (A) The department of children and youth, 122238  
through the Ohio commission on fatherhood, must contract for the 122239  
development and implementation of the responsible fatherhood 122240  
initiative. The initiative must provide an opportunity for every 122241  
father in the state to obtain information and inspiration that 122242  
will motivate and enable him to enhance his abilities as a 122243  
father, recognizing that some fathers have greater challenges 122244  
than others and would benefit from greater support. 122245

(B) The initiative must do the following: 122246

(1) Provide a web site and other related electronic 122247  
resources that will allow a father to obtain information about 122248  
effective parenting, identify areas in which support would 122249  
enable him to enhance his ability to be an effective father, and 122250  
be connected to such support, including support provided by 122251  
nonprofit community-based organizations receiving grants under 122252  
section 5180.706 of the Revised Code; 122253



(2) Use appropriate materials from the fatherhood media 122254  
campaign available through the national responsible fatherhood 122255  
clearinghouse; 122256

(3) Include print, television, digital, and social media 122257  
elements and public events, which may include appearances by and 122258  
involvement from public figures and influencers. 122259

(C) (1) The department must contract for the development 122260  
and implementation of the initiative with a nonprofit community- 122261  
based organization that has both of the following: 122262

(a) A history of focusing on responsible fatherhood, 122263  
including providing online resources to fathers, and engaging 122264  
fathers, father figures, and children through community-based 122265  
and school-based events to encourage responsible fatherhood; 122266

(b) The organizational capacity to manage a statewide 122267  
initiative and successfully carry out the requirements of this 122268  
section. 122269

(2) The organization must collaborate with other relevant 122270  
government agencies and private organizations to develop and 122271  
implement the initiative. Those agencies and organizations must 122272  
collaborate with the contracted organization to carry out the 122273  
initiative. 122274

**Sec. 5180.706.** (A) The department of children and youth, 122275  
through the Ohio commission on fatherhood, must award grants to 122276  
eligible nonprofit community-based organizations, as described 122277  
in section 5180.705 of the Revised Code, to address the needs of 122278  
fathers. The department must award the following types of 122279  
grants: 122280

(1) Grants that comprehensively address the needs of 122281  
fathers, such as assisting them in finding employment, managing 122282

child support obligations, transitioning from a period of 122283  
incarceration, accessing health care, understanding child 122284  
development, and enhancing parenting skills. Services provided 122285  
must be tailored to the needs of the father being served. Case 122286  
management services must be provided by the grant recipient, 122287  
either directly or by subcontract, to the fathers who are served 122288  
by the grants under this section. If the father receiving case 122289  
management services through a grant awarded under this section 122290  
has a child receiving services from a public children services 122291  
agency because the child is the subject of an abuse, neglect, or 122292  
dependency proceeding, the case management services may be 122293  
coordinated. 122294

(2) Grants that provide evidence-based parenting education 122295  
specifically for fathers. The grants under this section must not 122296  
require case management services. 122297

(B) The department must prioritize applicants for a grant 122298  
based on the following: 122299

(1) Need in a geographic area and the population to be 122300  
served by the grant as indicated by the following: 122301

(a) Unemployment rates; 122302

(b) Incarceration rates; 122303

(c) Housing instability; 122304

(d) The number of single-parent households; 122305

(e) The number of public benefit recipients; 122306

(f) Graduation rates; 122307

(g) Levels of academic achievement. 122308

(2) Whether an applicant has a primary mission of, or a 122309

history of a significant focus on and effective work towards, 122310  
addressing the needs of men in their role as fathers; 122311

(3) Applicant current and historical involvement in the 122312  
community being served; 122313

(4) Applicant commitment and capability to employ 122314  
competent staff who can effectively engage with the fathers 122315  
being served, including individuals who share similar 122316  
backgrounds as the fathers being served; 122317

(5) The number of individuals the applicant plans to serve 122318  
through the grant and the projected costs for the program; 122319

(6) Applicant organizational capacity to effectively meet 122320  
the requirements of the grant and to deliver the programs 122321  
proposed by the applicant. The department may offer technical 122322  
assistance to applicants and grant recipients that have lower 122323  
organizational capacity if they have, or their leadership has, 122324  
significant experience serving fathers. 122325

(C) Grants are to be awarded for not more than three 122326  
years, with subsequent funding contingent on compliance with 122327  
grant requirements and adequate performance. Grant recipients 122328  
must submit reports to the department in a format and at 122329  
intervals, which must be at least annually, prescribed by the 122330  
department. 122331

**Sec. 5180.707.** (A) A nonprofit community-based 122332  
organization that receives a grant under section 5180.706 of the 122333  
Revised Code must address the unique needs of the fathers of 122334  
children who are served by the organization. The organization 122335  
must do all of the following: 122336

(1) Conduct an initial assessment of its engagement with 122337  
those fathers and its provision of and referral to father- 122338

oriented services; 122339

(2) Create an action plan to address any gaps identified 122340  
through the assessment and implement the action plan; 122341

(3) Engage with the Ohio commission on fatherhood to build 122342  
relationships with fathers, help identify their needs, assist 122343  
them in accessing services, and communicate with the 122344  
organization about the challenges faced by these fathers and how 122345  
to appropriately meet their unique needs. 122346

(B) The Ohio commission on fatherhood must annually review 122347  
how all recipient organizations are meeting the needs of 122348  
fathers, including how the organizations are helping fathers 122349  
establish positive, stable relationships with their children and 122350  
assisting fathers in receiving needed services. All recipient 122351  
organizations must provide any relevant information on how they 122352  
are meeting the needs of these fathers to the commission. The 122353  
information must be included in the annual report required under 122354  
section 5180.702 of the Revised Code. 122355

**Sec. ~~5101.804~~ 5180.71.** (A) Subject to division (E) of 122356  
section 5101.801 of the Revised Code, there is hereby created 122357  
the Ohio parenting and pregnancy program to provide services for 122358  
pregnant women and parents or other relatives caring for 122359  
children twelve months of age or younger that do both of the 122360  
following: 122361

(1) Promote childbirth, parenting, and alternatives to 122362  
abortion; 122363

(2) Meet one or more of the four purposes of the temporary 122364  
assistance for needy families block grant as specified in 42 122365  
U.S.C. 601. 122366

(B) To the extent permitted by federal law, the department 122367

of children and youth may provide funds under the program to 122368  
entities with which the department enters into agreements under 122369  
division (B) (3) of section 5101.801 of the Revised Code. In 122370  
accordance with criteria the department develops, the department 122371  
may solicit proposals from entities seeking to provide services 122372  
under the program. The department may enter into an agreement 122373  
with an entity only if it meets all of the following conditions: 122374

(1) Is a private, not-for-profit entity; 122375

(2) Is an entity whose primary purpose is to promote 122376  
childbirth, rather than abortion, through counseling and other 122377  
services, including parenting and adoption support; 122378

(3) Provides services to pregnant women and parents or 122379  
other relatives caring for children twelve months of age or 122380  
younger, including clothing, counseling, diapers, food, 122381  
furniture, health care, parenting classes, postpartum recovery, 122382  
shelter, and any other supportive services, programs, or related 122383  
outreach; 122384

(4) Does not charge pregnant women and parents or other 122385  
relatives caring for children twelve months of age or younger a 122386  
fee for any services received; 122387

(5) Is not involved in or associated with any abortion 122388  
activities, including providing abortion counseling or referrals 122389  
to abortion clinics, performing abortion-related medical 122390  
procedures, or engaging in pro-abortion advertising; 122391

(6) Does not discriminate in its provision of services on 122392  
the basis of race, religion, color, age, marital status, 122393  
national origin, disability, or gender. 122394

(C) An entity that has entered into an agreement with the 122395  
department under division (B) (3) of section 5101.801 of the 122396

Revised Code may enter into a subcontract with another entity 122397  
under which the other entity provides all or part of the 122398  
services described in division (B) (3) of this section. A 122399  
subcontract may be entered into with another entity only if that 122400  
entity meets all of the following conditions: 122401

(1) Is a private, not-for-profit entity; 122402

(2) Is physically and financially separate from any 122403  
entity, or component of an entity, that engages in abortion 122404  
activities; 122405

(3) Is not involved in or associated with any abortion 122406  
activities, including providing abortion counseling or referrals 122407  
to abortion clinics, performing abortion-related medical 122408  
procedures, or engaging in pro-abortion advertising. 122409

(D) The director of children and youth shall adopt rules 122410  
under division (C) of section 5101.801 of the Revised Code as 122411  
necessary to implement the Ohio parenting and pregnancy program. 122412

**Sec. ~~3701.65~~ 5180.72.** (A) There is hereby created in the 122413  
state treasury the "choose life" fund. The fund shall consist of 122414  
the contributions that are paid to the registrar of motor 122415  
vehicles by applicants who voluntarily elect to obtain "choose 122416  
life" license plates pursuant to section 4503.91 of the Revised 122417  
Code and any money returned to the fund under division (E) (1) (d) 122418  
of this section. All investment earnings of the fund shall be 122419  
credited to the fund. 122420

(B) (1) At least annually, the director of ~~health~~ children 122421  
and youth shall distribute the money in the fund to any private, 122422  
nonprofit organization that is eligible to receive funds under 122423  
this section and that applies for funding under division (C) of 122424  
this section. 122425

(2) The director shall allocate the funds to each county 122426  
in proportion to the number of "choose life" license plates 122427  
issued during the preceding year to vehicles registered in each 122428  
county. The director shall distribute funds allocated for a 122429  
county as follows: 122430

(a) To one or more eligible organizations located within 122431  
the county; 122432

(b) If no eligible organization located within the county 122433  
applies for funding, to one or more eligible organizations 122434  
located in contiguous counties; 122435

(c) If no eligible organization located within the county 122436  
or a contiguous county applies for funding, to one or more 122437  
eligible organizations within any other county. 122438

(3) The director shall ensure that any funds allocated for 122439  
a county are distributed equally among eligible organizations 122440  
that apply for funding within the county. 122441

(C) Any organization seeking funds under this section 122442  
annually shall apply for distribution of the funds based on the 122443  
county in which the organization is located. An organization 122444  
also may apply for funding in a county in which it is not 122445  
located if it demonstrates that it provides services for 122446  
pregnant women residing in that county. The director shall 122447  
develop an application form and may determine the schedule and 122448  
procedures that an organization shall follow when annually 122449  
applying for funds. The application shall inform the applicant 122450  
of the conditions for receiving and using funds under division 122451  
(E) of this section. The application shall require evidence that 122452  
the organization meets all of the following requirements: 122453

(1) Is a private, nonprofit organization; 122454

- (2) Is committed to counseling pregnant women about the option of adoption; 122455  
122456
- (3) Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women; 122457  
122458  
122459
- (4) Does not charge women for any services received; 122460
- (5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising; 122461  
122462  
122463  
122464
- (6) Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, disability, gender, or age; 122465  
122466  
122467
- (7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county. 122468  
122469  
122470
- (D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section. 122471  
122472  
122473  
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122475  
122476  
122477
- (E) (1) An organization receiving funds under this section shall do all of the following: 122478  
122479
- (a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants 122480  
122481  
122482



awaiting placement with adoptive parents, including clothing, 122483  
housing, medical care, food, utilities, and transportation; 122484

(b) Use not more than forty per cent of the funds 122485  
distributed to it for counseling, training, or advertising; 122486

(c) Not use any of the funds distributed to it for 122487  
administrative expenses, legal expenses, or capital 122488  
expenditures; 122489

(d) Annually return to the fund created under division (A) 122490  
of this section any unused money that exceeds ten per cent of 122491  
the money distributed to the organization. 122492

(2) The organization annually shall submit to the director 122493  
an audited financial statement verifying its compliance with 122494  
division (E)(1) of this section. 122495

(F) The director, in accordance with Chapter 119. of the 122496  
Revised Code, shall adopt rules to implement this section. 122497

It is not the intent of the general assembly that the 122498  
department create a new position within the department to 122499  
implement and administer this section. It is the intent of the 122500  
general assembly that the implementation and administration of 122501  
this section be accomplished by existing department personnel. 122502

(G) If funds that have been allocated to a county for any 122503  
previous year have not been distributed to one or more eligible 122504  
organizations, the director may distribute those funds in 122505  
accordance with this section. 122506

**Sec. ~~5180.40~~ 5180.73.** To increase participation in 122507  
evidence-based parenting education programs, the department of 122508  
children and youth shall ensure state departments, agencies, and 122509  
boards have information to communicate with parents, caregivers, 122510

and child care providers about such programs to promote their 122511  
benefits, including their parenting, caregiving, and educational 122512  
resources. 122513

**Sec. 5180.99.** (A) Whoever violates division (B) of section 122514  
5180.275 of the Revised Code is guilty of a misdemeanor of the 122515  
second degree. 122516

(B) Whoever violates section 5180.403 of the Revised Code 122517  
is guilty of a misdemeanor of the fourth degree. 122518

**Sec. 5310.06.** All money received by the clerk of the 122519  
probate court or the clerk of the court of common pleas under 122520  
section 5310.05 of the Revised Code shall be paid at least once 122521  
a month to the treasurer of state, who shall, ~~with the advice~~ 122522  
~~and approval of the secretary of state and the auditor of state,~~ 122523  
invest, reinvest, and keep invested such funds in bonds and 122524  
securities of the United States, or of this state, or of any 122525  
county, township, district, or municipal corporation of this 122526  
state, or in approved mortgages on ~~income-producing income-~~ 122527  
producing lands that are registered, provided that no loan shall 122528  
be made by mortgage on any land which is not assessed, at the 122529  
latest general assessment, for at least twice the amount of the 122530  
loan, exclusive of improvements. 122531

**Sec. 5310.47.** Abolition of land registration in a county 122532  
does not bar ~~either of the following:~~ 122533

~~(A) A~~ a person who is deprived of land, any interest 122534  
therein, or any encumbrance thereon as the result of a decree 122535  
obtained by fraud in a case relating to registered land or to 122536  
the initial registration of land from filing a complaint to open 122537  
up and review the case as provided in section 5309.23 or 5309.81 122538  
of the Revised Code. 122539

~~(B) A person who has a cause of action under section 122540  
5310.07 of the Revised Code from commencing and prosecuting an 122541  
action as provided in that section, subject to the period of 122542  
limitation provided in section 5310.12 of the Revised Code. If 122543  
judgment is rendered for the plaintiff in such an action, 122544  
recovery shall be had as provided in sections 5310.09 to 5310.11 122545  
and 5310.13 of the Revised Code. 122546~~

**Sec. 5323.02.** (A) An owner of residential rental property 122547  
shall file with the county auditor of the county in which the 122548  
property is located the following information: 122549

(1) The name, address, and telephone number of the owner; 122550

(2) If the residential rental property is owned by a 122551  
trust, business trust, estate, partnership, limited partnership, 122552  
limited liability company, association, corporation, or any 122553  
other business entity, the name, address, and telephone number 122554  
of the following: 122555

(a) A trustee, in the case of a trust or business trust; 122556

(b) The executor or administrator, in the case of an 122557  
estate; 122558

(c) A general partner, in the case of a partnership or a 122559  
limited partnership; 122560

(d) A member, manager, or officer, in the case of a 122561  
limited liability company; 122562

(e) An associate, in the case of an association; 122563

(f) An officer, in the case of a corporation; 122564

(g) A member, manager, or officer, in the case of any 122565  
other business entity. 122566

(3) The street address and permanent parcel number of the residential rental property.

(B) The information required under division (A) of this section shall be filed and maintained on the tax list or the real property record.

(C) An owner of residential rental property shall update the information required under division (A) of this section within sixty days after any change in the information occurs.

(D) The county auditor shall provide an owner of residential rental property located in a county that has a population of more than two hundred thousand according to the most recent decennial census with notice pursuant to division (B) of section 323.131 of the Revised Code of the requirement to file the information required under division (A) of this section and the requirement to update that information under division (C) of this section.

(E) The owner of residential real property shall comply with the requirements under divisions (A) and (C) of this section within sixty days after receiving the notice provided under division (D) of this section, division ~~(D)~~ (E) of section 319.202, or division (B) of section 323.131 of the Revised Code.

(F) Any agent designated by the owner to manage the property on the owner's behalf may file or update any information, or do anything otherwise required by this section, on the owner's behalf.

Sec. 5501.57. The department of transportation shall collect and analyze data regarding building permits that have been issued for residential and commercial developments that are or will be constructed after the effective date of this section

in order to assess if the transportation facilities impacted by 122596  
the developments are adequate to properly handle any increased 122597  
traffic that results from anticipated growth associated with the 122598  
developments. The department shall use such data in the 122599  
department's transportation construction planning. 122600

**Sec. 5502.262.** (A) As used in this section: 122601

(1) "Administrator" means the superintendent, principal, 122602  
chief administrative officer, or other person having supervisory 122603  
authority of any of the following: 122604

(a) A city, exempted village, local, or joint vocational 122605  
school district; 122606

(b) A community school established under Chapter 3314. of 122607  
the Revised Code, as required through reference in division (A) 122608  
(11)(d) of section 3314.03 of the Revised Code; 122609

(c) A STEM school established under Chapter 3326. of the 122610  
Revised Code, as required through reference in section 3326.11 122611  
of the Revised Code; 122612

(d) A college-preparatory boarding school established 122613  
under Chapter 3328. of the Revised Code; 122614

(e) A district or school operating a career-technical 122615  
education program approved by the department of education and 122616  
workforce under section 3317.161 of the Revised Code; 122617

(f) A chartered nonpublic school; 122618

(g) An educational service center; 122619

(h) A preschool program or school-age child care program 122620  
licensed by the department of education and workforce; 122621

(i) Any other facility that primarily provides educational 122622

services to children subject to regulation by the department of 122623  
education and workforce. 122624

(2) "Emergency management test" means a regularly 122625  
scheduled drill, exercise, or activity designed to assess and 122626  
evaluate an emergency management plan under this section. 122627

(3) "Building" means any school, school building, 122628  
facility, program, or center. 122629

(4) "Regional mobile training officer" means the regional 122630  
mobile training officer appointed under section 5502.70 of the 122631  
Revised Code for the region in which a district, school, center, 122632  
program, or facility is located. 122633

(B) (1) Each administrator shall develop and adopt a 122634  
comprehensive emergency management plan, in accordance with 122635  
rules adopted pursuant to division (F) of this section, for each 122636  
building under the administrator's control. The administrator 122637  
shall examine the environmental conditions and operations of 122638  
each building to determine potential hazards to student and 122639  
staff safety and shall propose operating changes to promote the 122640  
prevention of potentially dangerous problems and circumstances. 122641  
In developing the plan for each building, the administrator 122642  
shall involve community law enforcement and safety officials, 122643  
parents of students who are assigned to the building, and 122644  
teachers and nonteaching employees who are assigned to the 122645  
building. The administrator may involve the regional mobile 122646  
training officer in the development of the plan. The 122647  
administrator shall incorporate remediation strategies into the 122648  
plan for any building where documented safety problems have 122649  
occurred. 122650

(2) Each administrator shall also incorporate into the 122651

emergency management plan adopted under division (B) (1) of this 122652  
section all of the following: 122653

(a) A protocol for addressing serious threats to the 122654  
safety of property, students, employees, or administrators; 122655

(b) A protocol for responding to any emergency events that 122656  
occur and compromise the safety of property, students, 122657  
employees, or administrators. This protocol shall include, but 122658  
not be limited to, all of the following: 122659

(i) A floor plan that is unique to each floor of the 122660  
building; 122661

(ii) A site plan that includes all building property and 122662  
surrounding property; 122663

(iii) An emergency contact information sheet. 122664

(c) A threat assessment plan developed as prescribed in 122665  
section 5502.263 of the Revised Code. A building may use the 122666  
model plan developed by the department of public safety under 122667  
that section; 122668

(d) A protocol for school threat assessment teams 122669  
established under section 3313.669 of the Revised Code; 122670

(e) A protocol that addresses student use of cellular 122671  
telephones during an active threat or emergency. 122672

(3) Each protocol described in division (B) of this 122673  
section shall include procedures determined to be appropriate by 122674  
the administrator for responding to threats and emergency 122675  
events, respectively, including such things as notification of 122676  
appropriate law enforcement personnel, calling upon specified 122677  
emergency response personnel for assistance, and informing 122678  
parents of affected students. 122679

Prior to the opening day of each school year, the 122680  
administrator shall inform each student or child enrolled in the 122681  
school and the student's or child's parent of the parental 122682  
notification procedures included in the protocol. 122683

(4) Each administrator shall keep a copy of the emergency 122684  
management plan adopted pursuant to this section in a secure 122685  
place. 122686

(C) (1) The administrator shall submit to the director of 122687  
public safety, in accordance with rules adopted pursuant to 122688  
division (F) of this section, an electronic copy of the 122689  
emergency management plan prescribed by division (B) of this 122690  
section not less than once every three years, whenever a major 122691  
modification to the building requires changes in the procedures 122692  
outlined in the plan, and whenever information on the emergency 122693  
contact information sheet changes. 122694

(2) The administrator also shall file a copy of the plan 122695  
with each law enforcement agency that has jurisdiction over the 122696  
school building and, upon request, to any of the following: 122697

(a) The fire department that serves the political 122698  
subdivision in which the building is located; 122699

(b) The emergency medical service organization that serves 122700  
the political subdivision in which the building is located; 122701

(c) The county emergency management agency for the county 122702  
in which the building is located; 122703

(d) The regional mobile training officer. 122704

(3) Upon receipt of an emergency management plan, the 122705  
director shall post the information on the contact and 122706  
information management system and submit the information in 122707



accordance with rules adopted pursuant to division (F) of this 122708  
section, to the attorney general, who shall post that 122709  
information on the Ohio law enforcement gateway or its 122710  
successor. 122711

(4) Any department or entity to which copies of an 122712  
emergency management plan are filed under this section shall 122713  
keep the copies in a secure place. 122714

(D) (1) Not later than the first day of September of each 122715  
year, each administrator shall review the emergency management 122716  
plan and certify to the director that the plan is current and 122717  
accurate. 122718

(2) Anytime that an administrator updates the emergency 122719  
management plan pursuant to division (C) (1) of this section, the 122720  
administrator shall file copies, not later than the tenth day 122721  
after the revision is adopted and in accordance with rules 122722  
adopted pursuant to division (F) of this section, to the 122723  
director and to any entity with which the administrator filed a 122724  
copy under division (C) (2) of this section. 122725

(E) Each administrator shall do both of the following: 122726

(1) Prepare and conduct at least one annual emergency 122727  
management test, as defined in division (A) (2) of this section, 122728  
in accordance with rules adopted pursuant to division (F) of 122729  
this section; 122730

(2) Grant access to each building under the control of the 122731  
administrator to law enforcement personnel and to entities 122732  
described in division (C) (2) of this section, to enable the 122733  
personnel and entities to hold training sessions for responding 122734  
to threats and emergency events affecting the building, provided 122735  
that the access occurs outside of student instructional hours 122736

and the administrator, or the administrator's designee, is 122737  
present in the building during the training sessions. 122738

(F) The director of public safety, in consultation with 122739  
representatives from the education community and in accordance 122740  
with Chapter 119. of the Revised Code, shall adopt rules 122741  
regarding emergency management plans under this section, 122742  
including the content of the plans and procedures for filing the 122743  
plans. The rules shall specify that plans and information 122744  
required under division (B) of this section be submitted on 122745  
standardized forms developed by the director for such purpose. 122746  
The rules shall also specify the requirements and procedures for 122747  
emergency management tests conducted pursuant to division (E) (1) 122748  
of this section. Failure to comply with the rules may result in 122749  
discipline pursuant to section 3319.31 of the Revised Code or 122750  
any other action against the administrator as prescribed by 122751  
rule. 122752

(G) Division (B) of section 3319.31 of the Revised Code 122753  
applies to any administrator who is subject to the requirements 122754  
of this section and is not exempt under division (H) of this 122755  
section and who is an applicant for a license or holds a license 122756  
from the state board of education pursuant to section 3319.22 of 122757  
the Revised Code. 122758

(H) (1) The director may exempt any administrator from the 122759  
requirements of this section, if the director determines that 122760  
the requirements do not otherwise apply to a building or 122761  
buildings under the control of that administrator. 122762

(2) The director shall exempt from the requirements of 122763  
this section the administrator of an online learning school, 122764  
established under section 3302.42 of the Revised Code, unless 122765  
students of that school participate in in-person instruction or 122766

assessments at a location that is not covered by an existing 122767  
emergency management plan, developed under this section as of 122768  
December 14, 2021. 122769

(I) Copies of the emergency management plan, including all 122770  
records related to the plan, emergency management tests, and 122771  
information required under division (B) of this section are 122772  
security records and are not public records pursuant to section 122773  
149.433 of the Revised Code. In addition, the information posted 122774  
to the contact and information management system, pursuant to 122775  
division (C) (3) (b) of this section, is exempt from public 122776  
disclosure or release in accordance with sections 149.43, 122777  
149.433, and 5502.03 of the Revised Code. 122778

Notwithstanding section 149.433 of the Revised Code, a 122779  
floor plan filed with the attorney general pursuant to this 122780  
section is not a public record to the extent it is a record kept 122781  
by the attorney general. 122782

**Sec. 5502.29.** (A) As used in this section, "political 122783  
subdivision" has the same meaning as in section 5502.41 of the 122784  
Revised Code. 122785

(B) Political subdivisions, in collaboration with other 122786  
public and private agencies within this state, may develop 122787  
mutual assistance or aid agreements for reciprocal emergency 122788  
management assistance or aid for purposes of preparing for, 122789  
responding to, and recovering from an incident, disaster, 122790  
exercise, training activity, planned event, or emergency, any of 122791  
which requires additional resources. In time of any incident, 122792  
disaster, exercise, training activity, planned event, or 122793  
emergency, any of which requires additional resources, each 122794  
political subdivision may render assistance in accordance with 122795  
such mutual assistance or aid agreements. Such mutual assistance 122796

or aid agreements shall not in any manner relieve the chief 122797  
elected official of any political subdivision of the 122798  
responsibility for providing emergency management. 122799

(C) Political subdivisions, in collaboration with 122800  
political subdivisions in adjacent states, may develop 122801  
agreements for mutual assistance or aid for purposes of 122802  
preparing for, responding to, and recovering from an incident, 122803  
disaster, exercise, training activity, planned event, or 122804  
emergency, any of which requires additional resources. Each 122805  
political subdivision may render assistance in accordance with 122806  
the mutual assistance or aid agreements. A mutual assistance or 122807  
aid agreement with political subdivisions in adjacent states 122808  
shall be approved by the chief elected officials of the agreeing 122809  
political subdivisions or their designees and shall be prepared 122810  
in accordance with the laws, regulations, ordinances, and 122811  
resolutions applicable to the agreeing political subdivisions. 122812

(D) When engaged in preparation for, response to, or 122813  
recovery from an incident, disaster, exercise, training 122814  
activity, planned event, or emergency, any of which requires 122815  
additional resources, and in accordance with the applicable 122816  
mutual assistance or aid agreement, personnel from political 122817  
subdivisions outside this state shall be permitted to provide 122818  
services within this state in accordance with this section and 122819  
the terms of the mutual assistance or aid agreement. 122820

(E) Personnel of the responding political subdivision 122821  
shall continue under their local command and control structure, 122822  
but shall be under the operational control of the appropriate 122823  
officials within the incident management system of the political 122824  
subdivision receiving the assistance or aid. 122825

(F) Nothing in this section shall be construed to prohibit 122826

a private company or its employees from participating in the 122827  
provision of mutual assistance or aid, if the responding 122828  
political subdivision approves the participation and the 122829  
contract between the political subdivision and the private 122830  
company permits the participation. 122831

(G) Nothing in this section shall be construed to prohibit 122832  
personnel of political subdivisions in this state from 122833  
responding to a request for mutual assistance or aid resulting 122834  
from an incident, disaster, exercise, training activity, planned 122835  
event, or emergency, any of which requires additional resources, 122836  
when the personnel are responding as part of a regional response 122837  
team that is under the operational control of the incident 122838  
command structure. 122839

(H) Whenever a person from outside this state who is 122840  
subject to a mutual assistance or aid agreement authorized by 122841  
this section holds a license, certificate, or other permit 122842  
issued by any state evidencing qualification for professional, 122843  
mechanical, or other skills, such license, certificate, or other 122844  
permit shall be recognized by this state as authorizing the 122845  
person to render assistance or aid in this state involving such 122846  
skill to meet the request for assistance or aid, so long as the 122847  
person is acting within the scope of the person's license, 122848  
certificate, or other permit. 122849

(I) ~~Personnel~~ (1) Except as provided in division (I) (2) of 122850  
this section, personnel rendering assistance or aid pursuant to 122851  
a mutual assistance or aid agreement authorized by this section 122852  
remain employees or agents of their respective political 122853  
subdivisions, including for purposes of tort liability and 122854  
immunity from tort liability, and nothing in this section or any 122855  
mutual assistance or aid agreement entered into pursuant to this 122856

section creates an employment relationship between the political 122857  
subdivision requesting aid and the employees or agents of the 122858  
political subdivision rendering aid. 122859

(2) For purposes of Chapters 4121. and 4123. of the 122860  
Revised Code, personnel rendering intrastate mutual assistance 122861  
or aid outside their respective political subdivisions pursuant 122862  
to a mutual assistance or aid agreement authorized by this 122863  
section shall be considered employees of the emergency 122864  
management agency established within the department of public 122865  
safety while rendering such intrastate mutual assistance or aid. 122866

(J) Responding political subdivisions and the personnel of 122867  
that political subdivision, while rendering assistance or aid 122868  
under this section, or while in route to or from rendering 122869  
assistance or aid under this section, in a political subdivision 122870  
in an adjacent state under an agreement authorized by this 122871  
section, shall be deemed to be exercising governmental functions 122872  
as defined in section 2744.01 of the Revised Code, shall have 122873  
the defenses to and immunities from civil liability provided in 122874  
sections 2744.02 and 2744.03 of the Revised Code, and shall be 122875  
entitled to all applicable limitations on recoverable damages 122876  
under section 2744.05 of the Revised Code. 122877

(K) All pension, disability, death benefits, workers' 122878  
compensation, and other benefits enjoyed by personnel rendering 122879  
interstate or intrastate mutual assistance or aid shall extend 122880  
to the services they perform outside their respective political 122881  
subdivisions to the same extent as while acting within the 122882  
boundaries of the political subdivisions, and, subject to 122883  
division (I) (2) of this section, personnel are entitled to the 122884  
rights and benefits of Chapter 4123. of the Revised Code to the 122885  
same extent as while performing service within the boundaries of 122886

the political subdivisions. 122887

**Sec. 5502.41.** (A) As used in this section: 122888

(1) "Chief executive of a participating political 122889  
subdivision" means the elected chief executive of a 122890  
participating political subdivision or, if the political 122891  
subdivision does not have an elected chief executive, a member 122892  
of the political subdivision's governing body or an employee of 122893  
the political subdivision appointed by the governing body's 122894  
members to be its representative for purposes of the intrastate 122895  
mutual aid program created pursuant to this section. 122896

(2) "Countywide emergency management agency" means a 122897  
countywide emergency management agency established under section 122898  
5502.26 of the Revised Code. 122899

(3) "Emergency" means any period during which the congress 122900  
of the United States, a chief executive as defined in section 122901  
5502.21 of the Revised Code, or a chief executive of a 122902  
participating political subdivision has declared or proclaimed 122903  
that an emergency exists. 122904

(4) "Participating political subdivision" means each 122905  
political subdivision in this state except a political 122906  
subdivision that enacts or adopts, by appropriate legislation, 122907  
ordinance, resolution, rule, bylaw, or regulation signed by its 122908  
chief executive, a decision not to participate in the intrastate 122909  
mutual aid program created by this section and that provides a 122910  
copy of the legislation, ordinance, resolution, rule, bylaw, or 122911  
regulation to the state emergency management agency and to the 122912  
countywide emergency management agency, regional authority for 122913  
emergency management, or program for emergency management within 122914  
the political subdivision. 122915

(5) "Planned event" means a scheduled nonemergency activity as defined by the national incident management system adopted under section 5502.28 of the Revised Code as the state's standard procedure for incident management. "Planned event" includes, but is not limited to, a sporting event, concert, or parade.

(6) "Political subdivision" or "subdivision" has the same meaning as in section 2744.01 of the Revised Code and also includes a health district established under Chapter 3709. of the Revised Code.

(7) "Program for emergency management within a political subdivision" means a program for emergency management created by a political subdivision under section 5502.271 of the Revised Code.

(8) "Regional authority for emergency management" means a regional authority for emergency management established under section 5502.27 of the Revised Code.

(9) "Regional response team" means a group of persons from participating political subdivisions who provide mutual assistance or aid in preparation for, response to, or recovery from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources. "Regional response team" includes, but is not limited to, an incident management team, hazardous materials response team, water rescue team, bomb team, or search and rescue team.

(B) There is hereby created the intrastate mutual aid program to be known as "the intrastate mutual aid compact" to complement existing mutual aid agreements. The program shall have two purposes:



(1) Provide for mutual assistance or aid among the 122945  
participating political subdivisions for purposes of preparing 122946  
for, responding to, and recovering from an incident, disaster, 122947  
exercise, training activity, planned event, or emergency, any of 122948  
which requires additional resources; 122949

(2) Establish a method by which a participating political 122950  
subdivision may seek assistance or aid that resolves many of the 122951  
common issues facing political subdivisions before, during, and 122952  
after an incident, disaster, exercise, training activity, 122953  
planned event, or emergency, any of which requires additional 122954  
resources, and that ensures, to the extent possible, eligibility 122955  
for available state and federal disaster assistance or other 122956  
funding. 122957

(C) Each countywide emergency management agency, regional 122958  
authority for emergency management, and program for emergency 122959  
management within a political subdivision, in coordination with 122960  
all departments, divisions, boards, commissions, agencies, and 122961  
other instrumentalities within that political subdivision, shall 122962  
establish procedures or plans that, to the extent possible, 122963  
accomplish both of the following: 122964

(1) Identify hazards that potentially could affect the 122965  
participating political subdivisions served by that agency, 122966  
authority, or program; 122967

(2) Identify and inventory the current services, 122968  
equipment, supplies, personnel, and other resources related to 122969  
the preparedness, response, and recovery activities of the 122970  
participating political subdivisions served by that agency, 122971  
authority, or program. 122972

(D) (1) The executive director of the state emergency 122973

management agency shall coordinate with the countywide emergency 122974  
management agencies, regional authorities for emergency 122975  
management, and programs for emergency management within a 122976  
political subdivision in identifying and formulating appropriate 122977  
procedures or plans to resolve resource shortfalls. 122978

(2) During and after the formulation of the procedures or 122979  
plans to resolve resource shortfalls, there shall be ongoing 122980  
consultation and coordination among the executive director of 122981  
the state emergency management agency; the countywide emergency 122982  
management agencies, regional authorities for emergency 122983  
management, and programs for emergency management within a 122984  
political subdivision; and all departments, divisions, boards, 122985  
commissions, agencies, and other instrumentalities of, and 122986  
having emergency response functions within, each participating 122987  
political subdivision, regarding this section, local procedures 122988  
and plans, and the resolution of the resource shortfalls. 122989

(E) (1) A participating political subdivision that is 122990  
impacted by an incident, disaster, exercise, training activity, 122991  
planned event, or emergency, any of which requires additional 122992  
resources, may request mutual assistance or aid by doing either 122993  
of the following: 122994

(a) Declaring a state of emergency and issuing a request 122995  
for assistance or aid from any other participating political 122996  
subdivision; 122997

(b) Issuing to another participating political subdivision 122998  
a verbal or written request for assistance or aid. If the 122999  
request is made verbally, a written confirmation of the request 123000  
shall be made not later than seventy-two hours after the verbal 123001  
request is made. 123002

(2) Requests for assistance or aid made under division (E) 123003  
(1) of this section shall be made through the emergency 123004  
management agency of a participating political subdivision or an 123005  
official designated by the chief executive of the participating 123006  
political subdivision from which the assistance or aid is 123007  
requested and shall provide the following information: 123008

(a) A description of the incident, disaster, exercise, 123009  
training activity, planned event, or emergency; 123010

(b) A description of the assistance or aid needed; 123011

(c) An estimate of the length of time the assistance or 123012  
aid will be needed; 123013

(d) The specific place and time for staging of the 123014  
assistance or aid and a point of contact at that location. 123015

(F) A participating political subdivision shall provide 123016  
assistance or aid to another participating political subdivision 123017  
that is impacted by an incident, disaster, exercise, training 123018  
activity, planned event, or emergency, any of which requires 123019  
additional resources. The provision of the assistance or aid is 123020  
subject to the following conditions: 123021

(1) The responding political subdivision may withhold 123022  
resources necessary to provide for its own protection. 123023

(2) Personnel of the responding political subdivision 123024  
shall continue under their local command and control structure, 123025  
but shall be under the operational control of the appropriate 123026  
officials within the incident management system of the 123027  
participating political subdivision receiving assistance or aid. 123028

(3) Responding law enforcement officers acting pursuant to 123029  
this section have the same authority to enforce the law as when 123030

acting within the territory of their regular employment. 123031

(4) For purposes of Chapters 4121. and 4123. of the 123032  
Revised Code, personnel of the responding political subdivision 123033  
shall be considered employees of the emergency management agency 123034  
established within the department of public safety while 123035  
rendering mutual assistance or aid to the participating 123036  
political subdivision. 123037

(G) (1) Nothing in this section shall do any of the 123038  
following: 123039

(a) Alter the duties and responsibilities of emergency 123040  
response personnel; 123041

(b) Prohibit a private company from participating in the 123042  
provision of mutual assistance or aid pursuant to the compact 123043  
created pursuant to this section if the participating political 123044  
subdivision approves the participation and the contract with the 123045  
private company allows for the participation; 123046

(c) Prohibit employees of participating political 123047  
subdivisions from responding to a request for mutual assistance 123048  
or aid precipitated by an incident, disaster, exercise, training 123049  
activity, planned event, or emergency, any of which requires 123050  
additional resources, when the employees are responding as part 123051  
of a regional response team that is under the operational 123052  
control of the incident command structure; 123053

(d) Authorize employees of participating political 123054  
subdivisions to respond to an incident, disaster, exercise, 123055  
training activity, planned event, or emergency, any of which 123056  
requires additional resources, without a request from a 123057  
participating political subdivision. 123058

(2) This section does not preclude a participating 123059

political subdivision from entering into a mutual aid or other 123060  
agreement with another political subdivision, and does not 123061  
affect any other agreement to which a participating political 123062  
subdivision may be a party, or any request for assistance or aid 123063  
that may be made, under any other section of the Revised Code, 123064  
including, but not limited to, any mutual aid arrangement under 123065  
this chapter, any fire protection or emergency medical services 123066  
contract under section 9.60 of the Revised Code, sheriffs' 123067  
requests for assistance to preserve the public peace and protect 123068  
persons and property under section 311.07 of the Revised Code, 123069  
any agreement for mutual assistance or aid in police protection 123070  
under section 737.04 of the Revised Code, any agreement for law 123071  
enforcement services between universities and colleges and 123072  
political subdivisions under section 3345.041 or 3345.21 of the 123073  
Revised Code, and mutual aid agreements among emergency planning 123074  
districts for hazardous substances or chemicals response under 123075  
sections 3750.02 and 3750.03 of the Revised Code. 123076

(H) (1) ~~Personnel~~ Subject to division (F) (4) of this 123077  
section, personnel of a responding participating political 123078  
subdivision who suffer injury or death in the course of, and 123079  
arising out of, their employment while rendering assistance or 123080  
aid under this section to another participating political 123081  
subdivision are entitled to all applicable benefits under 123082  
Chapters 4121. and 4123. of the Revised Code. 123083

(2) Personnel of a responding participating political 123084  
subdivision shall be considered, while rendering assistance or 123085  
aid under this section in another participating political 123086  
subdivision, to be agents of the responding political 123087  
subdivision for purposes of tort liability and immunity from 123088  
tort liability under the law of this state. 123089

(3) (a) A responding participating political subdivision 123090  
and the personnel of that political subdivision, while rendering 123091  
assistance or aid under this section, or while in route to or 123092  
from rendering assistance or aid under this section, in another 123093  
participating political subdivision, shall be deemed to be 123094  
exercising governmental functions as defined in section 2744.01 123095  
of the Revised Code, shall have the defenses to and immunities 123096  
from civil liability provided in sections 2744.02 and 2744.03 of 123097  
the Revised Code, and shall be entitled to all applicable 123098  
limitations on recoverable damages under section 2744.05 of the 123099  
Revised Code. 123100

(b) A participating political subdivision requesting 123101  
assistance or aid and the personnel of that political 123102  
subdivision, while requesting or receiving assistance or aid 123103  
under this section from any other participating political 123104  
subdivision, shall be deemed to be exercising governmental 123105  
functions as defined in section 2744.01 of the Revised Code, 123106  
shall have the defenses to and immunities from civil liability 123107  
provided in sections 2744.02 and 2744.03 of the Revised Code, 123108  
and shall be entitled to all applicable limitations on 123109  
recoverable damages under section 2744.05 of the Revised Code. 123110

(I) If a person holds a license, certificate, or other 123111  
permit issued by a participating political subdivision 123112  
evidencing qualification in a professional, mechanical, or other 123113  
skill, and if the assistance or aid of that person is asked for 123114  
under this section by a participating political subdivision, the 123115  
person shall be deemed to be licensed or certified in or 123116  
permitted by the participating political subdivision receiving 123117  
the assistance or aid to render the assistance or aid, subject 123118  
to any limitations and conditions the chief executive of the 123119  
participating political subdivision receiving the assistance or 123120

aid may prescribe by executive order or otherwise. 123121

(J) (1) Subject to division (K) of this section and except 123122  
as provided in division (J) (2) of this section, any 123123  
participating political subdivision rendering assistance or aid 123124  
under this section in another participating political 123125  
subdivision shall be reimbursed by the participating political 123126  
subdivision receiving the assistance or aid for any loss or 123127  
damage to, or expense incurred in the operation of, any 123128  
equipment used in rendering the assistance or aid, for any 123129  
expense incurred in the provision of any service used in 123130  
rendering the assistance or aid, and for all other costs 123131  
incurred in responding to the request for assistance or aid. To 123132  
avoid duplication of payments, insurance proceeds available to 123133  
cover any loss or damage to equipment of a participating 123134  
political subdivision rendering assistance or aid shall be 123135  
considered in the reimbursement by the participating political 123136  
subdivision receiving the assistance or aid. 123137

(2) A participating political subdivision rendering 123138  
assistance or aid under this section to another participating 123139  
political subdivision shall not be reimbursed for ~~either of the~~ 123140  
~~following:~~ 123141

~~(a) The first eight hours of mutual assistance or aid it~~ 123142  
~~provides to the political subdivision receiving the assistance~~ 123143  
~~or aid;~~ 123144

~~(b) Expenses the participating political subdivision~~ 123145  
~~incurs under division (H) (1) of this section.~~ 123146

(K) A participating political subdivision rendering 123147  
assistance or aid under this section may do any of the 123148  
following: 123149

(1) Assume, in whole or in part, any loss, damage, 123150  
expense, or cost the political subdivision incurs in rendering 123151  
the assistance or aid; 123152

(2) Loan, without charge, any equipment, or donate any 123153  
service, to the political subdivision receiving the assistance 123154  
or aid; 123155

(3) Enter into agreements with one or more other 123156  
participating political subdivisions to establish different 123157  
allocations of losses, damages, expenses, or costs among such 123158  
political subdivisions. 123159

**Sec. 5505.045.** (A) No person shall knowingly fail to file 123160  
a complete and accurate campaign finance statement or 123161  
independent expenditure statement in accordance with section 123162  
5505.044 of the Revised Code. 123163

(B) No person, during the course of a person seeking 123164  
nomination for, and during any campaign for, election to the 123165  
state highway patrol retirement board, shall knowingly and with 123166  
intent to affect the nomination or the outcome of the campaign 123167  
do any of the following by means of campaign materials, an 123168  
advertisement on radio or television or in a newspaper or 123169  
periodical, a public speech, press release, or otherwise: 123170

(1) With regard to a candidate, identify the candidate in 123171  
a manner that implies that the candidate is a member of the 123172  
board or use the term "re-elect" when the candidate is not 123173  
currently a member of the board; 123174

(2) Make a false statement concerning the formal schooling 123175  
or training completed or attempted by a candidate; a degree, 123176  
diploma, certificate, scholarship, grant, award, prize, or honor 123177  
received, earned, or held by a candidate; or the period of time 123178



during which a candidate attended any school, college, community 123179  
technical school, or institution; 123180

(3) Make a false statement concerning the professional, 123181  
occupational, or vocational licenses held by a candidate, or 123182  
concerning any position the candidate held for which the 123183  
candidate received a salary or wages; 123184

(4) Make a false statement that a candidate or board 123185  
member has been indicted or convicted of a theft offense, 123186  
extortion, or other crime involving financial corruption or 123187  
moral turpitude; 123188

(5) Make a statement that a candidate has been indicted 123189  
for any crime or has been the subject of a finding by the Ohio 123190  
elections commission, the secretary of state, or the Ohio 123191  
election integrity commission without disclosing the outcome of 123192  
any legal proceedings resulting from the indictment or finding; 123193

(6) Make a false statement that a candidate or board 123194  
member has a record of treatment or confinement for mental 123195  
disorder; 123196

(7) Make a false statement that a candidate or board 123197  
member has been subjected to military discipline for criminal 123198  
misconduct or dishonorably discharged from the armed services; 123199

(8) Falsely identify the source of a statement, issue 123200  
statements under the name of another person without 123201  
authorization, or falsely state the endorsement of or opposition 123202  
to a candidate by a person or publication; 123203

(9) Make a false statement concerning the voting record of 123204  
a candidate or board member; 123205

(10) Post, publish, circulate, distribute, or otherwise 123206

disseminate a false statement concerning a candidate, either 123207  
knowing the same to be false or with reckless disregard of 123208  
whether it was false or not, if the statement is designed to 123209  
promote the election, nomination, or defeat of the candidate. 123210

**Sec. 5505.046.** ~~The secretary of state, or any person~~ 123211  
~~acting on personal knowledge and subject to the penalties of~~ 123212  
~~perjury, may file a~~ A ~~complaint with the Ohio elections~~ 123213  
~~commission~~ alleging a violation of section 5505.045 of the 123214  
Revised Code may be filed in accordance with section 3517.16 of 123215  
the Revised Code. ~~The complaint shall be made on a form~~ 123216  
~~prescribed and provided by the commission.~~ 123217

~~On receipt of a complaint under this section, the~~ 123218  
~~commission shall hold a hearing open to the public to determine~~ 123219  
~~whether the violation alleged in the complaint has occurred. The~~ 123220  
~~commission may administer oaths and issue subpoenas to any~~ 123221  
~~person in the state compelling the attendance of witnesses and~~ 123222  
~~the production of relevant papers, books, accounts, and reports.~~ 123223  
~~On the refusal of any person to obey a subpoena or to be sworn~~ 123224  
~~or to answer as a witness, the commission may apply to the court~~ 123225  
~~of common pleas of Franklin county under section 2705.03 of the~~ 123226  
~~Revised Code. The court shall hold contempt proceedings in~~ 123227  
~~accordance with Chapter 2705. of the Revised Code.~~ 123228

~~The commission shall provide the person accused of the~~ 123229  
~~violation at least seven days prior notice of the time, date,~~ 123230  
~~and place of the hearing. The accused may be represented by an~~ 123231  
~~attorney and shall have an opportunity to present evidence, call~~ 123232  
~~witnesses, and cross-examine witnesses.~~ 123233

~~At the hearing, the commission shall determine whether the~~ 123234  
~~violation alleged in the complaint has occurred. If the~~ 123235  
~~commission determines that a violation of division (A) of~~ 123236

~~section 5505.045 of the Revised Code has occurred, the~~ 123237  
~~commission shall either impose a fine under section 5505.99 of~~ 123238  
~~the Revised Code or enter a finding that good cause has been~~ 123239  
~~shown not to impose the fine. If the commission determines that~~ 123240  
~~a violation of division (B) of section 5505.045 of the Revised~~ 123241  
~~Code has occurred, the commission shall impose the fine~~ 123242  
~~described in section 5505.99 of the Revised Code, refer the~~ 123243  
~~matter to the appropriate prosecutor, or enter a finding that~~ 123244  
~~good cause has been shown to not impose a fine or refer the~~ 123245  
~~matter to the appropriate prosecutor.~~ 123246

**Sec. 5505.99.** (A) Whoever violates division (A) of section 123247  
5505.045 of the Revised Code shall be fined not more than one 123248  
hundred dollars for each day of the violation. 123249

(B) Whoever violates division (B) of section 5505.045 of 123250  
the Revised Code shall be imprisoned for not more than six 123251  
months or fined not more than five thousand dollars, or both. 123252

~~(C) Fines imposed by the Ohio elections commission under~~ 123253  
~~this section shall be paid into the Ohio elections commission~~ 123254  
~~fund created under section 3513.10 of the Revised Code.~~ 123255

**Sec. 5525.03.** (A) All prospective bidders other than 123256  
environmental remediators and specialty contractors for which 123257  
there are no classes of work provided for in the rules adopted 123258  
by the director of transportation shall apply for qualification 123259  
on forms prescribed and furnished by the director. The 123260  
application shall be ~~accompanied by a certificate of compliance~~ 123261  
~~with affirmative action programs issued pursuant to section 9.47~~ 123262  
~~of the Revised Code and~~ dated no earlier than one hundred eighty 123263  
days before the date fixed for the award of the contract for a 123264  
particular project. 123265

(B) The director shall act upon an application for 123266  
qualification within thirty days after it is presented to the 123267  
director. Upon the receipt of any application for qualification, 123268  
the director shall examine the application to determine whether 123269  
the applicant is competent and responsible and possesses the 123270  
financial resources required by section 5525.04 of the Revised 123271  
Code. If the applicant is found to possess the qualifications 123272  
prescribed by sections 5525.02 to 5525.09 of the Revised Code 123273  
and by rules adopted by the director, ~~including a certificate of~~ 123274  
~~compliance with affirmative action programs,~~ a certificate of 123275  
qualification shall be issued to the applicant, which shall be 123276  
valid for the period of one year or such shorter period of time 123277  
as the director prescribes, unless revoked by the director for 123278  
cause as defined by rules adopted by the director under section 123279  
5525.05 of the Revised Code. 123280

(C) The certificate of qualification shall contain a 123281  
statement fixing the aggregate amount of work, for any or all 123282  
owners, that the applicant may have under construction and 123283  
uncompleted at any one time and may contain a statement limiting 123284  
such bidder to the submission of bids upon a certain class of 123285  
work. Subject to any restriction as to amount or class of work 123286  
therein contained, the certificate of qualification shall 123287  
authorize its holder to bid on all work on which bids are taken 123288  
by the department of transportation during the period of time 123289  
therein specified. 123290

(D) An applicant who has received a certificate of 123291  
qualification and desires to amend the certificate by the dollar 123292  
amount or by the classes of work may submit to the director such 123293  
documentation as the director considers appropriate. The 123294  
director shall review the documentation submitted by the 123295  
applicant and, within fifteen days, shall either amend the 123296

certificate of qualification or deny the request. If the 123297  
director denies the request to amend the certificate, the 123298  
applicant may appeal that decision to the director's 123299  
prequalification review board in accordance with section 5525.07 123300  
of the Revised Code. Two or more persons, partnerships, or 123301  
corporations may bid jointly on any one project, but only on 123302  
condition that prior to the time bids are taken on the project 123303  
the bidders make a joint application for qualification and 123304  
obtain a joint certificate qualification. 123305

(E) The director may debar from participating in future 123306  
contracts with the department any bidding company as well as any 123307  
partner of a partnership, or the officers and directors of an 123308  
association or corporation if the certificate of qualification 123309  
of the company, partnership, association, or corporation is 123310  
revoked or not renewed by the director. When the director 123311  
reasonably believes that grounds for revocation and debarment 123312  
exist, the director shall send the bidding company and any 123313  
individual involved a notice of proposed revocation and 123314  
debarment indicating the grounds for such action as established 123315  
in rules adopted by the director under section 5525.05 of the 123316  
Revised Code and the procedure for requesting a hearing. The 123317  
notice and hearing shall be in accordance with Chapter 119. of 123318  
the Revised Code. If the bidding company or individual does not 123319  
respond with a request for a hearing in the manner specified in 123320  
Chapter 119. of the Revised Code, the director shall revoke the 123321  
certificate and issue the debarment decision without a hearing 123322  
and shall notify the bidding company or individual of the 123323  
decision by certified mail, return receipt requested. 123324

(F) The debarment period may be of any length determined 123325  
by the director and the director may modify or rescind the 123326  
debarment at any time. During the period of debarment, the 123327

director shall not issue a certificate of qualification for any 123328  
company, partnership, association, or corporation affiliated 123329  
with a debarred individual. After the debarment period expires, 123330  
the bidding company or individual, and any partnership, 123331  
association, or corporation affiliated with the individual may 123332  
make an application for qualification if such entity or 123333  
individual is not otherwise debarred. 123334

**Sec. 5537.01.** As used in this chapter: 123335

(A) "Commission" means the Ohio turnpike and 123336  
infrastructure commission created by section 5537.02 of the 123337  
Revised Code or, if that commission is abolished, the board, 123338  
body, officer, or commission succeeding to the principal 123339  
functions thereof or to which the powers given by this chapter 123340  
to the commission are given by law. 123341

(B) "Turnpike project" means any express or limited access 123342  
highway, super highway, or motorway constructed, operated, or 123343  
improved, under the jurisdiction of the commission and pursuant 123344  
to this chapter, ~~at a location or locations reviewed by the~~ 123345  
~~turnpike legislative review committee~~ and approved by the 123346  
governor, including all bridges, tunnels, overpasses, 123347  
underpasses, interchanges, entrance plazas, approaches, those 123348  
portions of connecting public roads that serve interchanges and 123349  
are determined by the commission and the director of 123350  
transportation to be necessary for the safe merging of traffic 123351  
between the turnpike project and those public roads, toll 123352  
booths, service facilities, and administration, storage, and 123353  
other buildings, property, and facilities that the commission 123354  
considers necessary for the operation or policing of the 123355  
turnpike project, together with all property and rights which 123356  
may be acquired by the commission for the construction, 123357

maintenance, or operation of the turnpike project, and includes 123358  
any sections or extensions of a turnpike project designated by 123359  
the commission as such for the particular purpose. Each turnpike 123360  
project shall be separately designated, by name or number, and 123361  
may be constructed, improved, or extended in such sections as 123362  
the commission may from time to time determine. Construction 123363  
includes the improvement and renovation of a previously 123364  
constructed turnpike project, including additional interchanges, 123365  
whether or not the turnpike project was initially constructed by 123366  
the commission. 123367

(C) "Infrastructure project" means any public express or 123368  
limited access highway, super highway, or motorway, including 123369  
all bridges, tunnels, overpasses, underpasses, interchanges, 123370  
entrance plazas, approaches, and those portions of connecting 123371  
public roads that serve interchanges, that is constructed or 123372  
improved, in whole or in part, with infrastructure funding 123373  
approved pursuant to criteria established under section 5537.18 123374  
of the Revised Code. 123375

(D) "Cost," as applied to construction of a turnpike 123376  
project or an infrastructure project, includes the cost of 123377  
construction, including bridges over or under existing highways 123378  
and railroads, acquisition of all property acquired either by 123379  
the commission or by the owner of the infrastructure project for 123380  
the construction, demolishing or removing any buildings or 123381  
structures on land so acquired, including the cost of acquiring 123382  
any lands to which the buildings or structures may be moved, 123383  
site clearance, improvement, and preparation, diverting public 123384  
roads, interchanges with public roads, access roads to private 123385  
property, including the cost of land or easements therefor, all 123386  
machinery, furnishings, and equipment, communications 123387  
facilities, financing expenses, interest prior to and during 123388

construction and for one year after completion of construction, 123389  
traffic estimates, indemnity and surety bonds and premiums on 123390  
insurance, title work and title commitments, insurance, and 123391  
guarantees, engineering, feasibility studies, and legal 123392  
expenses, plans, specifications, surveys, estimates of cost and 123393  
revenues, other expenses necessary or incident to determining 123394  
the feasibility or practicability of constructing or operating a 123395  
turnpike project or an infrastructure project, administrative 123396  
expenses, and any other expense that may be necessary or 123397  
incident to the construction of the turnpike project or an 123398  
infrastructure project, the financing of the construction, and 123399  
the placing of the turnpike project or an infrastructure project 123400  
in operation. Any obligation or expense incurred by the 123401  
department of transportation with the approval of the commission 123402  
for surveys, borings, preparation of plans and specifications, 123403  
and other engineering services in connection with the 123404  
construction of a turnpike project or an infrastructure project, 123405  
or by the federal government with the approval of the commission 123406  
for any public road projects which must be reimbursed as a 123407  
condition to the exercise of any of the powers of the commission 123408  
under this chapter, shall be regarded as a part of the cost of 123409  
the turnpike project or an infrastructure project and shall be 123410  
reimbursed to the state or the federal government, as the case 123411  
may be, from revenues, state taxes, or the proceeds of bonds as 123412  
authorized by this chapter. 123413

(E) "Owner" includes all persons having any title or 123414  
interest in any property authorized to be acquired by the 123415  
commission for turnpike projects under this chapter, or the 123416  
public entity for whom an infrastructure project is funded, in 123417  
whole or in part, by the commission under this chapter. 123418

(F) "Revenues" means all tolls, service revenues, 123419



investment income on special funds, rentals, gifts, grants, and 123420  
all other moneys coming into the possession of or under the 123421  
control of the commission by virtue of this chapter, except the 123422  
proceeds from the sale of bonds. "Revenues" does not include 123423  
state taxes. 123424

(G) "Public roads" means all public highways, roads, and 123425  
streets in the state, whether maintained by a state agency or 123426  
any other governmental agency. 123427

(H) "Public utility facilities" means tracks, pipes, 123428  
mains, conduits, cables, wires, towers, poles, and other 123429  
equipment and appliances of any public utility. 123430

(I) "Financing expenses" means all costs and expenses 123431  
relating to the authorization, issuance, sale, delivery, 123432  
authentication, deposit, custody, clearing, registration, 123433  
transfer, exchange, fractionalization, replacement, payment, and 123434  
servicing of bonds including, without limitation, costs and 123435  
expenses for or relating to publication and printing, postage, 123436  
delivery, preliminary and final official statements, offering 123437  
circulars, and informational statements, travel and 123438  
transportation, underwriters, placement agents, investment 123439  
bankers, paying agents, registrars, authenticating agents, 123440  
remarketing agents, custodians, clearing agencies or 123441  
corporations, securities depositories, financial advisory 123442  
services, certifications, audits, federal or state regulatory 123443  
agencies, accounting and computation services, legal services 123444  
and obtaining approving legal opinions and other legal opinions, 123445  
credit ratings, redemption premiums, and credit enhancement 123446  
facilities. 123447

(J) "Bond proceedings" means the resolutions, trust 123448  
agreements, certifications, notices, sale proceedings, leases, 123449

lease-purchase agreements, assignments, credit enhancement 123450  
facility agreements, and other agreements, instruments, and 123451  
documents, as amended and supplemented, or any one or more or 123452  
any combination thereof, authorizing, or authorizing or 123453  
providing for the terms and conditions applicable to, or 123454  
providing for the security or sale or award or liquidity of, 123455  
bonds, and includes the provisions set forth or incorporated in 123456  
those bonds and bond proceedings. 123457

(K) "Bond service charges" means principal, including any 123458  
mandatory sinking fund or mandatory redemption requirements for 123459  
the retirement of bonds, and interest and any redemption premium 123460  
payable on bonds, as those payments come due and are payable to 123461  
the bondholder or to a person making payment under a credit 123462  
enhancement facility of those bond service charges to a 123463  
bondholder. 123464

(L) "Bond service fund" means the applicable fund created 123465  
by the bond proceedings for and pledged to the payment of bond 123466  
service charges on bonds provided for by those proceedings, 123467  
including all moneys and investments, and earnings from 123468  
investments, credited and to be credited to that fund as 123469  
provided in the bond proceedings. 123470

(M) "Bonds" means bonds, notes, including notes 123471  
anticipating bonds or other notes, commercial paper, 123472  
certificates of participation, or other evidences of obligation, 123473  
including any interest coupons pertaining thereto, issued by the 123474  
commission pursuant to this chapter. 123475

(N) "Infrastructure fund" means the applicable fund or 123476  
funds created by the bond proceedings, which shall be used to 123477  
pay or defray the cost of infrastructure projects recommended by 123478  
the director of transportation and evaluated and approved by the 123479

commission. 123480

(O) "Net revenues" means revenues lawfully available to 123481  
pay both current operating expenses of the commission and bond 123482  
service charges in any fiscal year or other specified period, 123483  
less current operating expenses of the commission and any amount 123484  
necessary to maintain a working capital reserve for that period. 123485

(P) "Pledged revenues" means net revenues, moneys and 123486  
investments, and earnings on those investments, in the 123487  
applicable bond service fund and any other special funds, and 123488  
the proceeds of any bonds issued for the purpose of refunding 123489  
prior bonds, all as lawfully available and by resolution of the 123490  
commission committed for application as pledged revenues to the 123491  
payment of bond service charges on particular issues of bonds. 123492

(Q) "Service facilities" means service stations, 123493  
restaurants, and other facilities for food service, roadside 123494  
parks and rest areas, parking, camping, tenting, rest, and 123495  
sleeping facilities, hotels or motels, and all similar and other 123496  
facilities providing services to the traveling public in 123497  
connection with the use of a turnpike project and owned, leased, 123498  
licensed, or operated by the commission. 123499

(R) "Service revenues" means those revenues of the 123500  
commission derived from its ownership, leasing, licensing, or 123501  
operation of service facilities. 123502

(S) "Special funds" means the applicable bond service fund 123503  
and any accounts and subaccounts in that fund, any other funds 123504  
or accounts permitted by and established under, and identified 123505  
as a "special fund" or "special account" in, the bond 123506  
proceedings, including any special fund or account established 123507  
for purposes of rebate or other requirements under federal 123508

income tax laws. 123509

(T) "State agencies" means the state, officers of the 123510  
state, and boards, departments, branches, divisions, or other 123511  
units or agencies of the state. 123512

(U) "State taxes" means receipts of the commission from 123513  
the proceeds of state taxes or excises levied and collected, or 123514  
appropriated by the general assembly to the commission, for the 123515  
purposes and functions of the commission. State taxes do not 123516  
include tolls, or investment earnings on state taxes except on 123517  
those state taxes referred to in Section 5a of Article XII, Ohio 123518  
Constitution. 123519

(V) "Tolls" means tolls, special fees or permit fees, or 123520  
other charges by the commission to the owners, lessors, lessees, 123521  
or operators of motor vehicles for the operation of or the right 123522  
to operate those vehicles on a turnpike project. 123523

(W) "Credit enhancement facilities" means letters of 123524  
credit, lines of credit, standby, contingent, or firm securities 123525  
purchase agreements, insurance, or surety arrangements, 123526  
guarantees, and other arrangements that provide for direct or 123527  
contingent payment of bond service charges, for security or 123528  
additional security in the event of nonpayment or default in 123529  
respect of bonds, or for making payment of bond service charges 123530  
and at the option and on demand of bondholders or at the option 123531  
of the commission or upon certain conditions occurring under put 123532  
or similar arrangements, or for otherwise supporting the credit 123533  
or liquidity of the bonds, and includes credit, reimbursement, 123534  
marketing, remarketing, indexing, carrying, interest rate hedge, 123535  
and subrogation agreements, and other agreements and 123536  
arrangements for payment and reimbursement of the person 123537  
providing the credit enhancement facility and the security for 123538

that payment and reimbursement. 123539

(X) "Person" has the same meaning as in section 1.59 of 123540  
the Revised Code and, unless the context otherwise provides, 123541  
also includes any governmental agency and any combination of 123542  
those persons. 123543

(Y) "Refund" means to fund and retire outstanding bonds, 123544  
including advance refunding with or without payment or 123545  
redemption prior to stated maturity. 123546

(Z) "Governmental agency" means any state agency, federal 123547  
agency, political subdivision, or other local, interstate, or 123548  
regional governmental agency, and any combination of those 123549  
agencies. 123550

(AA) "Property" has the same meaning as in section 1.59 of 123551  
the Revised Code, and includes interests in property. 123552

(BB) "Administrative agent," "agent," "commercial paper," 123553  
"floating rate interest structure," "indexing agent," "interest 123554  
rate hedge," "interest rate period," "put arrangement," and 123555  
"remarketing agent" have the same meanings as in section 9.98 of 123556  
the Revised Code. 123557

(CC) "Outstanding," as applied to bonds, means outstanding 123558  
in accordance with the terms of the bonds and the applicable 123559  
bond proceedings. 123560

(DD) "Ohio turnpike system" or "system" means all existing 123561  
and future turnpike projects constructed, operated, and 123562  
maintained under the jurisdiction of the commission. 123563

(EE) "Ohio turnpike and infrastructure system" means 123564  
turnpike projects and infrastructure projects funded by the 123565  
commission existing on and after July 1, 2013, that facilitate 123566

access to, use of, and egress from the Ohio turnpike system, and 123567  
also facilitate access to and from areas of population, 123568  
commerce, and industry that are connected to the Ohio turnpike 123569  
system. 123570

**Sec. 5537.02.** (A) There is hereby created a commission to 123571  
be known on and after July 1, 2013, as the "Ohio turnpike and 123572  
infrastructure commission." The commission is a body both 123573  
corporate and politic, constituting an instrumentality of the 123574  
state, and the exercise by it of the powers conferred by this 123575  
chapter in the construction, operation, and maintenance of the 123576  
Ohio turnpike system, and also in entering into agreements with 123577  
the department of transportation to pay the cost or a portion of 123578  
the costs of infrastructure projects, are and shall be held to 123579  
be essential governmental functions of the state. Chapter 2744. 123580  
of the Revised Code applies to the commission and the commission 123581  
is a political subdivision of the state for purposes of that 123582  
chapter. The commission is subject to all provisions of law 123583  
generally applicable to state agencies which do not conflict 123584  
with this chapter. 123585

(B) (1) The commission shall consist of ten members as 123586  
follows: 123587

(a) Six members appointed by the governor with the advice 123588  
and consent of the senate, no more than three of whom shall be 123589  
members of the same political party; 123590

(b) The director of transportation, or the director's 123591  
designee, who shall be a voting member, and the director of 123592  
budget and management, or the director's designee. The directors 123593  
or their designees, as applicable, shall serve as ex officio 123594  
members, without compensation; 123595

(c) One member of the senate, appointed by the president 123596  
of the senate, ~~who shall represent either a district in which is~~ 123597  
~~located or through which passes a portion of a turnpike project~~ 123598  
~~that is part of the Ohio turnpike system or a district located~~ 123599  
~~in the vicinity of a turnpike project that is part of the Ohio~~ 123600  
~~turnpike system;~~ 123601

(d) One member of the house of representatives, appointed 123602  
by the speaker of the house of representatives, ~~who shall~~ 123603  
~~represent either a district in which is located or through which~~ 123604  
~~passes a portion of a turnpike project that is part of the Ohio~~ 123605  
~~turnpike system or a district located in the vicinity of a~~ 123606  
~~turnpike project that is part of the Ohio turnpike system.~~ 123607

(2) The members appointed by the governor shall be 123608  
residents of the state, shall have been qualified electors 123609  
therein for a period of at least five years next preceding their 123610  
appointment. In making the appointments, the governor may 123611  
appoint persons who reside in different geographic areas of the 123612  
state, taking into consideration the various turnpike and 123613  
infrastructure projects in the state. Members appointed to the 123614  
commission prior to July 1, 2013, shall serve terms of eight 123615  
years commencing on the first day of July and ending on the 123616  
thirtieth day of June. Thereafter, members appointed by the 123617  
governor shall serve terms of five years commencing on the first 123618  
day of July and ending on the thirtieth day of June. Those 123619  
members appointed by the president of the senate or the speaker 123620  
of the house of representatives shall serve a term of the 123621  
remainder of the general assembly during which the senator or 123622  
representative is appointed. Each appointed member shall hold 123623  
office from the date of appointment until the end of the term 123624  
for which the member was appointed. If a commission member dies 123625  
or resigns, or if a senator or representative who is a member of 123626

the commission ceases to be a senator or representative, or if 123627  
an ex officio member ceases to hold the applicable office, the 123628  
vacancy shall be filled in the same manner as provided in 123629  
division (B) (1) of this section. Any member who fills a vacancy 123630  
occurring prior to the end of the term for which the member's 123631  
predecessor was appointed shall, if appointed by the governor, 123632  
hold office for the remainder of such term or, if appointed by 123633  
the president of the senate or the speaker of the house of 123634  
representatives, shall hold office for the remainder of the term 123635  
or for a shorter period of time as determined by the president 123636  
or the speaker. Any member appointed by the governor shall 123637  
continue in office subsequent to the expiration date of the 123638  
member's term until the member's successor takes office, or 123639  
until a period of sixty days has elapsed, whichever occurs 123640  
first. A member of the commission is eligible for reappointment. 123641  
Each member of the commission appointed by the governor, before 123642  
entering upon the member's duties, shall take an oath as 123643  
provided by Section 7 of Article XV, Ohio Constitution. The 123644  
governor, the president of the senate, or the speaker of the 123645  
house of representatives, may at any time remove their 123646  
respective appointees to the commission for misfeasance, 123647  
nonfeasance, or malfeasance in office. 123648

(3) (a) A member of the commission who is appointed by the 123649  
president of the senate or the speaker of the house of 123650  
representatives shall not participate in any vote of the 123651  
commission. Serving as an appointed member of the commission 123652  
under divisions (B) (1) (c), (1) (d), or (2) of this section does 123653  
not constitute grounds for resignation from the senate or the 123654  
house of representatives under section 101.26 of the Revised 123655  
Code. 123656

(b) The director of budget and management shall not 123657



participate in any vote of the commission. 123658

(C) The voting members of the commission shall elect one 123659  
of the voting members as chairperson and another as vice- 123660  
chairperson, and shall appoint a secretary-treasurer who need 123661  
not be a member of the commission. Four of the voting members of 123662  
the commission constitute a quorum, and the affirmative vote of 123663  
four voting members is necessary for any action taken by the 123664  
commission. No vacancy in the membership of the commission 123665  
impairs the rights of a quorum to exercise all the rights and 123666  
perform all the duties of the commission. 123667

(D) Each member of the commission appointed by the 123668  
governor shall give a surety bond to the commission in the penal 123669  
sum of twenty-five thousand dollars and the secretary-treasurer 123670  
shall give such a bond in at least the penal sum of fifty 123671  
thousand dollars. The commission may require any of its officers 123672  
or employees to file surety bonds including a blanket bond as 123673  
provided in section 3.06 of the Revised Code. Each such bond 123674  
shall be in favor of the commission and shall be conditioned 123675  
upon the faithful performance of the duties of the office, 123676  
executed by a surety company authorized to transact business in 123677  
this state, approved by the governor, and filed in the office of 123678  
the secretary of state. The costs of the surety bonds shall be 123679  
paid or reimbursed by the commission from revenues. Each member 123680  
of the commission appointed by the governor shall receive an 123681  
annual salary of five thousand dollars, payable in monthly 123682  
installments. Each member shall be reimbursed for the member's 123683  
actual expenses necessarily incurred in the performance of the 123684  
member's duties. All costs and expenses incurred by the 123685  
commission in carrying out this chapter shall be payable solely 123686  
from revenues and state taxes, and no liability or obligation 123687  
shall be incurred by the commission beyond the extent to which 123688

revenues have been provided for pursuant to this chapter. 123689

**Sec. 5537.03.** In order to remove present and anticipated 123690  
impediments and potential hazards on the congested highways in 123691  
this state, to facilitate vehicular traffic throughout the 123692  
state, to finance infrastructure projects that improve and 123693  
enhance mobility in Ohio, and also to promote the agricultural, 123694  
recreational, tourism, and commercial, industrial, and economic 123695  
development of the state, and to provide for the general welfare 123696  
by the construction, improvement, and maintenance of modern 123697  
express highways embodying safety devices, including without 123698  
limitation center divisions, ample shoulder widths, long sight 123699  
distances, multiple lanes in each direction, and grade 123700  
separations at intersections with other public roads and 123701  
railroads, the Ohio turnpike and infrastructure commission may 123702  
do the following: 123703

(A) Subject to section 5537.26 of the Revised Code, 123704  
construct, maintain, repair, and operate a system of turnpike 123705  
projects ~~at locations that are reviewed by the turnpike~~ 123706  
~~legislative review committee and approved by the governor,~~ and 123707  
in accordance with alignment and design standards that are 123708  
approved by the director of transportation, and issue revenue 123709  
bonds of this state, payable solely from pledged revenues, to 123710  
pay the cost of those projects. The turnpikes and turnpike 123711  
projects authorized by this chapter are hereby or shall be made 123712  
part of the Ohio turnpike system. 123713

(B) Provide the infrastructure funds to pay the cost or a 123714  
portion of the cost of infrastructure projects as recommended by 123715  
the director of transportation pursuant to a determination made 123716  
by the commission based on criteria set forth in rules adopted 123717  
by the commission under section 5537.18 of the Revised Code. A 123718

determination by the commission to provide infrastructure funds 123719  
for an infrastructure project shall be conclusive and 123720  
incontestable. 123721

**Sec. 5537.27.** The Ohio turnpike and infrastructure 123722  
commission, the director of transportation or the director's 123723  
designee, and another person designated by the governor shall 123724  
establish a procedure whereby a political subdivision or other 123725  
government agency or agencies may submit a written application 123726  
to the commission, requesting the commission to construct and 123727  
operate a turnpike project within the boundaries of the 123728  
subdivision, agency, or agencies making the request. The 123729  
procedure shall include a requirement that the commission send a 123730  
written reply to the subdivision, agency, or agencies, 123731  
explaining the disposition of the request. The procedure 123732  
established pursuant to this section shall not become effective 123733  
unless it is approved by the commission and by the director or 123734  
the director's designee and the designee of the governor, ~~and~~ 123735  
~~shall require submission of the proposed turnpike project to the~~ 123736  
~~turnpike legislative review committee if the project must be~~ 123737  
~~approved by the governor.~~ 123738

**Sec. 5540.02.** (A) A transportation improvement district 123739  
may be created by the board of county commissioners of a county. 123740  
The board, by resolution, shall determine the structure of the 123741  
board of trustees of the transportation improvement district it 123742  
creates by adopting the structure contained either in division 123743  
(C) (1) or (2) of this section. 123744

(B) A transportation improvement district is a body both 123745  
corporate and politic, and the exercise by it of the powers 123746  
conferred by this chapter in the financing, construction, 123747  
maintenance, repair, and operation of a project are and shall be 123748

held to be essential governmental functions. 123749

(C) (1) If the board of county commissioners so elects, a 123750  
transportation improvement district shall be governed by a board 123751  
of trustees consisting of the following members: 123752

(a) Two members appointed by the board of county 123753  
commissioners; 123754

(b) Three members appointed by the legislative authority 123755  
of the most populous municipal corporation in the district; 123756

(c) Two members appointed by the legislative authority of 123757  
the second most populous municipal corporation in the district; 123758

(d) Two members appointed by the board of township 123759  
trustees of the township in the county that is most populous in 123760  
its unincorporated area; 123761

(e) The county engineer; 123762

(f) One member appointed by the legislative authority of 123763  
any township or municipal corporation that cannot otherwise 123764  
appoint a member to the board pursuant to this section, and that 123765  
is wholly or partially within the area of the transportation 123766  
improvement district as the district was originally designated 123767  
by the board of county commissioners; 123768

(g) If the area of a transportation improvement district 123769  
is expanded by the board of county commissioners, the 123770  
legislative authority of any township or municipal corporation 123771  
that is wholly or partially within the area of expansion and 123772  
that cannot otherwise appoint a member to the board pursuant to 123773  
this section, with the consent of the board of trustees of the 123774  
district, may appoint one member to the board; 123775

(h) One member appointed by the regional planning 123776

commission for the county, who shall be a nonvoting member of  
the board; 123777  
123778

~~(i) One member appointed at the discretion of the speaker  
of the house of representatives, who, if appointed, shall be a  
nonvoting member of the board and who may be a member of the  
house of representatives. 123779  
123780  
123781  
123782~~

One of each of the appointments made by the board of 123783  
county commissioners, the legislative authority of a municipal 123784  
corporation, and the board of township trustees under divisions 123785  
(C) (1) (a), (b), (c), and (d) of this section, shall be members 123786  
of the chamber of commerce for the respective political 123787  
subdivision. 123788

Whenever the addition of members to the board of trustees 123789  
of a transportation improvement district pursuant to division 123790  
(C) (1) (f) or (g) of this section results in an even number of 123791  
total voting members on the board, the board of trustees of the 123792  
district may appoint an additional person to its membership to 123793  
maintain an odd number of voting members. 123794

(2) As an alternative to the structure prescribed in 123795  
division (C) (1) of this section, a board of county 123796  
commissioners, by resolution, may elect that the transportation 123797  
improvement district it creates be governed by a board of 123798  
trustees consisting of ~~the following members:~~ 123799

~~(a) Five~~ five members appointed by the board of county 123800  
commissioners; 123801

~~(b) One member appointed at the discretion of the speaker  
of the house of representatives, who, if appointed, shall be a  
nonvoting member of the board and who may be a member of the  
house of representatives. 123802  
123803  
123804  
123805~~

(D) Each appointed member of the board shall hold office 123806  
for a term of two years but subject to removal at the pleasure 123807  
of the authority that appointed the member. Members may be 123808  
reappointed. Except as otherwise provided in this division, any 123809  
vacancy on the board shall be filled in the same manner as the 123810  
original appointment. Any vacancy on a board appointed under 123811  
division (C)(1) of this section lasting longer than thirty days 123812  
due to the failure of the legislative authority of a municipal 123813  
corporation or a board of township trustees to make an 123814  
appointment shall be filled by the board of trustees of the 123815  
transportation improvement district. 123816

(E) The voting members of the board shall elect from the 123817  
entire board membership a chairperson, vice-chairperson, and 123818  
secretary-treasurer. A majority of the voting members of the 123819  
board constitutes a quorum, the affirmative vote of which is 123820  
necessary for any action of the district. No vacancy in the 123821  
membership of the board impairs the right of a quorum to 123822  
exercise all the rights and perform all duties of the district. 123823

(F) The board of county commissioners of any county, the 123824  
legislative authority of any municipal corporation, and the 123825  
board of township trustees of any township may make 123826  
appropriations from moneys available to them and not otherwise 123827  
appropriated to pay costs incurred by the district in the 123828  
exercise of its functions under this chapter, provided those 123829  
moneys are available to use for that purpose. 123830

(G) An organizational meeting of the board of trustees of 123831  
a transportation improvement district created under this section 123832  
shall be held at the time and place designated by the board 123833  
member who has served the most years as a member of the board of 123834  
county commissioners that created the transportation improvement 123835

district. 123836

**Sec. 5595.02.** (A) The boards of county commissioners of 123837  
two or more counties may undertake a regional transportation 123838  
improvement project for the purpose of completing transportation 123839  
improvements within the territory of the counties. The project 123840  
shall be administered by a governing board in accordance with a 123841  
cooperative agreement. 123842

~~(B)~~ (B) (1) The cooperative agreement shall provide for the 123843  
creation of a governing board consisting of ~~one~~ the following 123844  
individuals: 123845

(a) One county commissioner from each county that is a 123846  
party to the agreement or a designee appointed by the board of 123847  
county commissioners of the county for the purpose of serving on 123848  
the governing board, ~~and the~~ ; 123849

(b) The county engineer of each such county or a designee 123850  
appointed by the county engineer for the purpose of serving on 123851  
the governing board. 123852

(2) The cooperative agreement may authorize the chief 123853  
executive officer of the JobsOhio network partner that covers 123854  
the majority of the area encompassed by the regional 123855  
transportation improvement project or a designee appointed by 123856  
the chief executive officer to serve as an additional member of 123857  
the governing board. Membership 123858

(3) Membership on the board is not a direct or indirect 123859  
interest in a contract or expenditure of money by the county. 123860  
The board is a public body for the purposes of section 121.22 of 123861  
the Revised Code and a public office for the purposes of section 123862  
149.43 of the Revised Code. Chapter 2744. of the Revised Code 123863  
applies to the board. 123864

(C) The governing board of a regional transportation 123865  
improvement project is a body both corporate and politic, and 123866  
the exercise by it of the powers conferred by this chapter in 123867  
the financing, construction, maintenance, repair, and operation 123868  
of transportation improvements are essential governmental 123869  
functions. 123870

(D) A board of county commissioners, in accordance with 123871  
the cooperative agreement, may make appropriations to pay costs 123872  
incurred by the governing board in the exercise of its functions 123873  
under this chapter so long as such costs are approved by the 123874  
director of transportation under section 5595.12 of the Revised 123875  
Code. 123876

**Sec. 5701.11.** The effective date to which this section 123877  
refers is the effective date of this section as amended by H.B. 123878  
14 of the 136th general assembly. 123879

(A) (1) Except as provided under division (A) (2) or (B) of 123880  
this section, any reference in Title LVII or section 149.311, 123881  
3123.90, 3770.07, 3770.071, 3770.072, 3770.073, ~~or~~ 3772.37, or 123882  
3775.16 of the Revised Code to the Internal Revenue Code, to the 123883  
Internal Revenue Code "as amended," to other laws of the United 123884  
States, or to other laws of the United States, "as amended," 123885  
means the Internal Revenue Code or other laws of the United 123886  
States as they exist on the effective date. 123887

(2) This section does not apply to any reference in Title 123888  
LVII of the Revised Code to the Internal Revenue Code as of a 123889  
date certain specifying the day, month, and year, or to other 123890  
laws of the United States as of a date certain specifying the 123891  
day, month, and year. 123892

(B) (1) For purposes of applying section 5733.04, 5745.01, 123893



or 5747.01 of the Revised Code to a taxpayer's taxable year 123894  
ending after March 15, 2023, and before the effective date, a 123895  
taxpayer may irrevocably elect to incorporate the provisions of 123896  
the Internal Revenue Code or other laws of the United States 123897  
that are in effect for federal income tax purposes for that 123898  
taxable year if those provisions differ from the provisions 123899  
that, under division (A) of this section, would otherwise apply. 123900  
The filing by the taxpayer for that taxable year of a report or 123901  
return that incorporates the provisions of the Internal Revenue 123902  
Code or other laws of the United States applicable for federal 123903  
income tax purposes for that taxable year, and that does not 123904  
include any adjustments to reverse the effects of any 123905  
differences between those provisions and the provisions that 123906  
would otherwise apply, constitutes the making of an irrevocable 123907  
election under this division for that taxable year. 123908

(2) Elections under prior versions of division (B) (1) of 123909  
this section remain in effect for the taxable years to which 123910  
they apply. 123911

**Sec. 5703.052.** (A) There is hereby created in the state 123912  
treasury the tax refund fund, from which refunds shall be paid 123913  
for amounts illegally or erroneously assessed or collected, or 123914  
for any other reason overpaid, with respect to taxes levied by 123915  
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 123916  
5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. 123917  
and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 123918  
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 123919  
Code. Refunds for fees levied under sections 3734.90 to 123920  
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 123921  
under section 128.40 of the Revised Code, next generation 9-1-1 123922  
access fees imposed under sections 128.41 and 128.42 of the 123923  
Revised Code, or any penalties assessed with respect to such 123924

fees or charges, that are illegally or erroneously assessed or 123925  
collected, or for any other reason overpaid, also shall be paid 123926  
from the fund. Refunds for amounts illegally or erroneously 123927  
assessed or collected by the tax commissioner, or for any other 123928  
reason overpaid, that are due under section 1509.50 of the 123929  
Revised Code shall be paid from the fund. Refunds for amounts 123930  
illegally or erroneously assessed or collected by the 123931  
commissioner, or for any other reason overpaid to the 123932  
commissioner, under sections 718.80 to 718.95 of the Revised 123933  
Code shall be paid from the fund. However, refunds for amounts 123934  
illegally or erroneously assessed or collected by the 123935  
commissioner, or for any other reason overpaid to the 123936  
commissioner, with respect to taxes levied under section 123937  
5739.101 of the Revised Code shall not be paid from the tax 123938  
refund fund, but shall be paid as provided in section 5739.104 123939  
of the Revised Code. 123940

(B) (1) Upon certification by the tax commissioner to the 123941  
treasurer of state of a tax refund, a wireless 9-1-1 charge 123942  
refund, a next generation 9-1-1 access fee refund, or another 123943  
amount refunded, or by the superintendent of insurance of a 123944  
domestic or foreign insurance tax refund, the treasurer of state 123945  
shall place the amount certified to the credit of the fund. The 123946  
certified amount transferred shall be derived from the receipts 123947  
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 123948  
1-1 access fee, or other amount from which the refund arose. 123949

(2) When a refund is for a tax, fee, wireless 9-1-1 123950  
charge, next generation 9-1-1 access fee, or other amount that 123951  
is not levied by the state or that was illegally or erroneously 123952  
distributed to a taxing jurisdiction, the tax commissioner shall 123953  
recover the amount of that refund from the next distribution of 123954  
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 123955

access fee, or other amount that otherwise would be made to the 123956  
taxing jurisdiction. If the amount to be recovered would exceed 123957  
twenty-five per cent of the next distribution of that tax, fee, 123958  
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 123959  
other amount, the commissioner may spread the recovery over more 123960  
than one future distribution, taking into account the amount to 123961  
be recovered and the amount of the anticipated future 123962  
distributions. In no event may the commissioner spread the 123963  
recovery over a period to exceed ~~thirty-six~~ seventy-two months. 123964

**Sec. 5703.21.** (A) Except as provided in divisions (B) and 123965  
(C) of this section, no agent of the department of taxation, 123966  
except in the agent's report to the department or when called on 123967  
to testify in any court or proceeding, shall divulge any 123968  
information acquired by the agent as to the transactions, 123969  
property, or business of any person while acting or claiming to 123970  
act under orders of the department. Whoever violates this 123971  
provision shall thereafter be disqualified from acting as an 123972  
officer or employee or in any other capacity under appointment 123973  
or employment of the department. 123974

(B) (1) For purposes of an audit pursuant to section 117.15 123975  
of the Revised Code, or an audit of the department pursuant to 123976  
Chapter 117. of the Revised Code, or an audit, pursuant to that 123977  
chapter, the objective of which is to express an opinion on a 123978  
financial report or statement prepared or issued pursuant to 123979  
division (A) (7) or (9) of section 126.21 of the Revised Code, 123980  
the officers and employees of the auditor of state charged with 123981  
conducting the audit shall have access to and the right to 123982  
examine any state tax returns and state tax return information 123983  
in the possession of the department to the extent that the 123984  
access and examination are necessary for purposes of the audit. 123985  
Any information acquired as the result of that access and 123986

examination shall not be divulged for any purpose other than as 123987  
required for the audit or unless the officers and employees are 123988  
required to testify in a court or proceeding under compulsion of 123989  
legal process. Whoever violates this provision shall thereafter 123990  
be disqualified from acting as an officer or employee or in any 123991  
other capacity under appointment or employment of the auditor of 123992  
state. 123993

(2) For purposes of an internal audit pursuant to section 123994  
126.45 of the Revised Code, the officers and employees of the 123995  
office of internal audit in the office of budget and management 123996  
charged with directing the internal audit shall have access to 123997  
and the right to examine any state tax returns and state tax 123998  
return information in the possession of the department to the 123999  
extent that the access and examination are necessary for 124000  
purposes of the internal audit. Any information acquired as the 124001  
result of that access and examination shall not be divulged for 124002  
any purpose other than as required for the internal audit or 124003  
unless the officers and employees are required to testify in a 124004  
court or proceeding under compulsion of legal process. Whoever 124005  
violates this provision shall thereafter be disqualified from 124006  
acting as an officer or employee or in any other capacity under 124007  
appointment or employment of the office of internal audit. 124008

(3) As provided by section 6103(d)(2) of the Internal 124009  
Revenue Code, any federal tax returns or federal tax information 124010  
that the department has acquired from the internal revenue 124011  
service, through federal and state statutory authority, may be 124012  
disclosed to the auditor of state or the office of internal 124013  
audit solely for purposes of an audit of the department. 124014

(4) For purposes of Chapter 3739. of the Revised Code, an 124015  
agent of the department of taxation may share information with 124016

the division of state fire marshal that the agent finds during 124017  
the course of an investigation. 124018

(C) Division (A) of this section does not prohibit any of 124019  
the following: 124020

(1) Divulging information contained in applications, 124021  
complaints, and related documents filed with the department 124022  
under section 5715.27 of the Revised Code or in applications 124023  
filed with the department under section 5715.39 of the Revised 124024  
Code; 124025

(2) Providing to the attorney general information the 124026  
department obtains under division (J) of section 1346.01 of the 124027  
Revised Code; 124028

(3) Permitting properly authorized officers, employees, or 124029  
agents of a municipal corporation from inspecting reports or 124030  
information pursuant to section 718.84 of the Revised Code or 124031  
rules adopted under section 5745.16 of the Revised Code; 124032

(4) Providing information regarding the name, account 124033  
number, or business address of a holder of a vendor's license 124034  
issued pursuant to section 5739.17 of the Revised Code, a holder 124035  
of a direct payment permit issued pursuant to section 5739.031 124036  
of the Revised Code, or a seller having a use tax account 124037  
maintained pursuant to section 5741.17 of the Revised Code, or 124038  
information regarding the active or inactive status of a 124039  
vendor's license, direct payment permit, or seller's use tax 124040  
account; 124041

(5) Providing to a county auditor notices or documents 124042  
concerning or affecting the taxable value of property in the 124043  
county auditor's county. Unless authorized by law to disclose 124044  
documents so provided, the county auditor shall not disclose 124045

such documents; 124046

(6) Providing to a county auditor a sales or use tax 124047  
return or audit information under section 333.06 of the Revised 124048  
Code; 124049

(7) Disclosing to a state or federal government agency, 124050  
for use in the performance of that agency's official duties in 124051  
this state, information in the possession of the tax 124052  
commissioner necessary to verify compliance with any provision 124053  
of the Revised Code or federal law relating to that agency. 124054  
Unless disclosure is otherwise authorized by law, information 124055  
provided to any state or federal government agency under this 124056  
section remains confidential and is not subject to further 124057  
disclosure; 124058

(8) Disclosing to a current or former employee, for use in 124059  
preparation of the employee's income tax return, the account 124060  
number issued by the tax commissioner to an employer for use in 124061  
filing returns and making payments under section 5747.07 of the 124062  
Revised Code. The commissioner may require the employee to 124063  
provide evidence of current or past employment before such 124064  
disclosure; 124065

(9) Publishing or disclosing the amount of revenue 124066  
distributed to a county, municipal corporation, township, school 124067  
district, or any other political subdivision from any tax or 124068  
fund administered by the tax commissioner; 124069

(10) Disclosing to a county auditor information in or 124070  
discovered pursuant to the property tax relief screening system 124071  
created in section 5703.83 of the Revised Code. 124072

**Sec. 5703.37.** (A) (1) Except as provided in division (B) of 124073  
this section, whenever service of a notice or order is required 124074

in the manner provided in this section, a copy of the notice or 124075  
order shall be served upon the person affected thereby either by 124076  
personal service, by certified mail, or by a delivery service 124077  
authorized under section 5703.056 of the Revised Code that 124078  
notifies the tax commissioner of the date of delivery. 124079

(2) In lieu of serving a copy of a notice or order through 124080  
one of the means provided in division (A)(1) of this section, 124081  
the commissioner may serve a notice or order upon the person 124082  
affected thereby through alternative means as provided in this 124083  
section, including, but not limited to, delivery by secure 124084  
electronic mail as provided in division (F) of this section or 124085  
by ordinary mail. Delivery by such means satisfies the 124086  
requirements for delivery under this section. 124087

(B)(1)(a) If certified or ordinary mail is returned 124088  
because of an undeliverable address, the commissioner shall 124089  
first utilize reasonable means to ascertain a new last known 124090  
address, including the use of a change of address service 124091  
offered by the United States postal service or an authorized 124092  
delivery service under section 5703.056 of the Revised Code. If, 124093  
after using reasonable means, the commissioner is unable to 124094  
ascertain a new last known address, the assessment is final for 124095  
purposes of section 131.02 of the Revised Code sixty days after 124096  
the notice or order ~~sent by certified mail~~ is first returned to 124097  
the commissioner, and the commissioner shall certify the notice 124098  
or order, if applicable, to the attorney general for collection 124099  
under section 131.02 of the Revised Code. 124100

(b) Notwithstanding certification to the attorney general 124101  
under division (B)(1)(a) of this section, once the commissioner 124102  
or attorney general, or the designee of either, makes an initial 124103  
contact with the person to whom the notice or order is directed, 124104

the person may protest an assessment by filing a petition for 124105  
reassessment within sixty days after the initial contact. The 124106  
certification of an assessment under division (B)(1)(a) of this 124107  
section is prima-facie evidence that delivery is complete and 124108  
that the notice or order is served. 124109

(2) If mailing of a notice or order by certified or 124110  
ordinary mail is returned for some cause other than an 124111  
undeliverable address or if a person does not access an 124112  
electronic notice or order within the time provided in division 124113  
(F) of this section, the commissioner shall resend the notice or 124114  
order by ordinary mail. The notice or order shall show the date 124115  
the commissioner sends the notice or order and include the 124116  
following statement: 124117

"This notice or order is deemed to be served on the 124118  
addressee under applicable law ten days from the date this 124119  
notice or order was mailed by the commissioner as shown on the 124120  
notice or order, and all periods within which an appeal may be 124121  
filed apply from and after that date." 124122

Unless the mailing is returned because of an undeliverable 124123  
address, the mailing of that information is prima-facie evidence 124124  
that delivery of the notice or order was completed ten days 124125  
after the commissioner ~~sent~~ resent the notice or order by 124126  
ordinary mail and that the notice or order was served. 124127

If the ~~ordinary mail mailing~~ is subsequently returned 124128  
because of an undeliverable address, the commissioner shall 124129  
proceed under division (B)(1)(a) of this section. A person may 124130  
challenge the presumption of delivery and service under this 124131  
division in accordance with division (C) of this section. 124132

(C) (1) A person disputing the presumption of delivery and 124133



service under division (B) of this section bears the burden of 124134  
proving by a preponderance of the evidence that the address to 124135  
which the notice or order was sent was not an address with which 124136  
the person was associated at the time the commissioner 124137  
originally mailed the notice or order ~~by certified mail~~. For the 124138  
purposes of this section, a person is associated with an address 124139  
at the time the commissioner originally mailed the notice or 124140  
order if, at that time, the person was residing, receiving legal 124141  
documents, or conducting business at the address; or if, before 124142  
that time, the person had conducted business at the address and, 124143  
when the notice or order was mailed, the person's agent or the 124144  
person's affiliate was conducting business at the address. For 124145  
the purposes of this section, a person's affiliate is any other 124146  
person that, at the time the notice or order was mailed, owned 124147  
or controlled at least twenty per cent, as determined by voting 124148  
rights, of the addressee's business. 124149

(2) If the person elects to protest an assessment 124150  
certified to the attorney general for collection, the person 124151  
must do so within sixty days after the attorney general's 124152  
initial contact with the person. The attorney general may enter 124153  
into a compromise with the person under sections 131.02 and 124154  
5703.06 of the Revised Code if the person does not file a 124155  
petition for reassessment with the commissioner. 124156

(D) Nothing in this section prohibits the commissioner or 124157  
the commissioner's designee from delivering a notice or order by 124158  
personal service. 124159

(E) Collection actions taken pursuant to section 131.02 of 124160  
the Revised Code upon any assessment being challenged under 124161  
division (B) (1) (b) of this section shall be stayed upon the 124162  
pendency of an appeal under this section. If a petition for 124163

reassessment is filed pursuant to this section on a claim that 124164  
has been certified to the attorney general for collection, the 124165  
claim shall be uncertified. 124166

(F) (1) The commissioner may serve a notice or order upon 124167  
the person affected by the notice or order or that person's 124168  
authorized representative through secure electronic means 124169  
associated with the person's or representative's last known 124170  
address, but only with the person's consent. The commissioner 124171  
must inform the recipient, electronically or by mail, that a 124172  
notice or order is available for electronic review and provide 124173  
instructions to access and print the notice or order. The types 124174  
of electronic notification the commissioner may use include 124175  
electronic mail, text message, or any other form of electronic 124176  
communication. The recipient's electronic access of the notice 124177  
or order satisfies the requirements for delivery under this 124178  
section. If the recipient fails to access the notice or order 124179  
electronically within ten business days, then the commissioner 124180  
shall inform the recipient a second time, electronically or by 124181  
mail, that a notice or order is available for electronic review 124182  
and provide instructions to access and print the notice or 124183  
order. If the recipient fails to access the notice or order 124184  
electronically within ten business days of the second 124185  
notification, the notice or order shall be served upon the 124186  
person through the means provided in division (B) (2) of this 124187  
section. 124188

(2) The tax commissioner shall establish a system to issue 124189  
notification of assessments to taxpayers through secure 124190  
electronic means. 124191

(G) As used in this section: 124192

(1) "Last known address" means the address the department 124193

has at the time the document is originally sent by certified or 124194  
ordinary mail, or any address the department can ascertain using 124195  
reasonable means such as the use of a change of address service 124196  
offered by the United States postal service or an authorized 124197  
delivery service under section 5703.056 of the Revised Code. For 124198  
documents sent by secure electronic means, "last known address" 124199  
means an electronic mode of communication that is identified on 124200  
a form prescribed by the commissioner for such purpose or that 124201  
is associated with the person or the authorized representative 124202  
of the person as of the date the notification was sent on the 124203  
Ohio business gateway, as defined in section 718.01 of the 124204  
Revised Code, ~~as of the date the notification was sent~~ or another 124205  
electronic filing or payment system prescribed by the 124206  
commissioner. 124207

(2) "Undeliverable address" means an address to which the 124208  
United States postal service or an authorized delivery service 124209  
under section 5703.056 of the Revised Code is not able to 124210  
deliver a notice or order, except when the reason for 124211  
nondelivery is because the addressee fails to acknowledge or 124212  
accept the notice or order. 124213

**Sec. 5703.70.** (A) On the filing of an application for 124214  
refund under section 718.91, 3734.905, 4307.05, 4307.07, 124215  
5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 124216  
5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 124217  
~~5739.071,~~ 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 124218  
5751.08, or 5753.06 of the Revised Code, or an application for 124219  
compensation under section 5739.061 of the Revised Code, if the 124220  
tax commissioner determines that the amount of the refund or 124221  
compensation to which the applicant is entitled is less than the 124222  
amount claimed in the application, the commissioner shall give 124223  
the applicant written notice by ordinary mail of the amount. The 124224

notice shall be sent to the address shown on the application 124225  
unless the applicant notifies the commissioner of a different 124226  
address. The applicant shall have sixty days from the date the 124227  
commissioner mails the notice to provide additional information 124228  
to the commissioner or request a hearing, or both. 124229

(B) If the applicant neither requests a hearing nor 124230  
provides additional information to the tax commissioner within 124231  
the time prescribed by division (A) of this section, the 124232  
commissioner shall take no further action, and the refund or 124233  
compensation amount denied becomes final. 124234

(C) (1) If the applicant requests a hearing within the time 124235  
prescribed by division (A) of this section, the tax commissioner 124236  
shall assign a time and place for the hearing and notify the 124237  
applicant of such time and place, but the commissioner may 124238  
continue the hearing from time to time, as necessary. After the 124239  
hearing, the commissioner may make such adjustments to the 124240  
refund or compensation as the commissioner finds proper, and 124241  
shall issue a final determination thereon. 124242

(2) If the applicant does not request a hearing, but 124243  
provides additional information, within the time prescribed by 124244  
division (A) of this section, the commissioner shall review the 124245  
information, make such adjustments to the refund or compensation 124246  
as the commissioner finds proper, and issue a final 124247  
determination thereon. The commissioner may review such 124248  
information and make such adjustments as many times as the 124249  
commissioner finds proper before the issuance of a final 124250  
determination. 124251

(3) If the applicant requests a hearing and provides 124252  
additional information within the time prescribed by division 124253  
(A) of this section, the commissioner may review the information 124254

and make such adjustments to the refund or compensation as the commissioner finds proper. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

The commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make any additional adjustments to the refund or compensation as the commissioner finds proper and shall issue a final determination thereon.

(4) The commissioner shall serve a copy of the final determination made under division (C)(1), (2), or (3) of this section on the applicant in the manner provided in section 5703.37 of the Revised Code, and the decision is final, subject to appeal under section 5717.02 of the Revised Code.

(D) The tax commissioner shall certify to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code, the amount of the refund to be refunded under division (B) or (C) of this section. The commissioner also shall certify to the director and treasurer of state for payment from the general revenue fund the amount of compensation to be paid under division (B) or (C) of this section.

**Sec. 5703.83.** (A) The department of taxation shall establish policies, procedures, and internal controls, including implementing a property tax relief screening system to evaluate the eligibility of owners of real property and manufactured and mobile homes in this state that receive one or both of the

following reductions in taxes: 124285

(1) The reduction authorized under division (B) of section 124286  
323.152 of the Revised Code; 124287

(2) The reductions authorized under division (A) of 124288  
section 323.152 and section 4503.065 of the Revised Code. 124289

(B) Each county auditor shall have access to the property 124290  
tax relief screening system authorized under this section. If a 124291  
county auditor discovers an error in the system relative to real 124292  
property or a manufactured or mobile home, the auditor shall 124293  
notify the department of taxation of the error. 124294

(C) If the department of taxation discovers through the 124295  
property tax relief screening system that real property or a 124296  
manufactured or mobile home was granted one or more of the 124297  
reductions described in divisions (A) (1) and (2) of this section 124298  
for one or more tax years in which the property or home was not 124299  
eligible for the reduction, the department shall notify the 124300  
county auditor of the county in which the property or 124301  
manufactured or mobile home is located. 124302

(D) The tax commissioner, on or before the last day of 124303  
each calendar year, beginning in 2026, shall annually submit to 124304  
the general assembly a report in accordance with division (B) of 124305  
section 101.68 of the Revised Code that lists the number, 124306  
arranged by county, of parcels of real property or manufactured 124307  
or mobile homes that were identified through the property tax 124308  
relief screening system as not eligible for a reduction in taxes 124309  
since the inception of the system, for the first report, or 124310  
since the preceding report. 124311

**Sec. 5705.01.** As used in this chapter: 124312

(A) "Subdivision" means any county; municipal corporation; 124313

township; township police district; joint police district; 124314  
township fire district; joint fire district; joint ambulance 124315  
district; joint emergency medical services district; fire and 124316  
ambulance district; joint recreation district; township waste 124317  
disposal district; township road district; community college 124318  
district; technical college district; detention facility 124319  
district; a district organized under section 2151.65 of the 124320  
Revised Code; a combined district organized under sections 124321  
2152.41 and 2151.65 of the Revised Code; a joint-county alcohol, 124322  
drug addiction, and mental health service district; a drainage 124323  
improvement district created under section 6131.52 of the 124324  
Revised Code; a lake facilities authority created under Chapter 124325  
353. of the Revised Code; a union cemetery district; a county 124326  
school financing district; a city, local, exempted village, 124327  
cooperative education, joint vocational school district; a 124328  
regional student education district created under section 124329  
3313.83 of the Revised Code; or a career-technical cooperative 124330  
education district created under section 3313.831 of the Revised 124331  
Code. 124332

(B) "Municipal corporation" means all municipal 124333  
corporations, including those that have adopted a charter under 124334  
Article XVIII, Ohio Constitution. 124335

(C) "Taxing authority" or "bond issuing authority" means, 124336  
in the case of any county, the board of county commissioners; in 124337  
the case of a municipal corporation, the council or other 124338  
legislative authority of the municipal corporation; in the case 124339  
of a city, local, exempted village, cooperative education, or 124340  
joint vocational school district, the board of education; in the 124341  
case of a community college district, the board of trustees of 124342  
the district; in the case of a technical college district, the 124343  
board of trustees of the district; in the case of a detention 124344

facility district, a district organized under section 2151.65 of 124345  
the Revised Code, or a combined district organized under 124346  
sections 2152.41 and 2151.65 of the Revised Code, the joint 124347  
board of county commissioners of the district; in the case of a 124348  
township, the board of township trustees; in the case of a joint 124349  
police district, the joint police district board; in the case of 124350  
a joint fire district, the board of fire district trustees; in 124351  
the case of a joint recreation district, the joint recreation 124352  
district board of trustees; in the case of a joint-county 124353  
alcohol, drug addiction, and mental health service district, the 124354  
district's board of alcohol, drug addiction, and mental health 124355  
services; in the case of a joint ambulance district or a fire 124356  
and ambulance district, the board of trustees of the district; 124357  
in the case of a union cemetery district, the legislative 124358  
authority of the municipal corporation and the board of township 124359  
trustees, acting jointly as described in section 759.341 of the 124360  
Revised Code; in the case of a drainage improvement district, 124361  
the board of county commissioners of the county in which the 124362  
drainage district is located; in the case of a lake facilities 124363  
authority, the board of directors; in the case of a joint 124364  
emergency medical services district, the joint board of county 124365  
commissioners of all counties in which all or any part of the 124366  
district lies; and in the case of a township police district, a 124367  
township fire district, a township road district, or a township 124368  
waste disposal district, the board of township trustees of the 124369  
township in which the district is located. "Taxing authority" 124370  
also means the educational service center governing board that 124371  
serves as the taxing authority of a county school financing 124372  
district as provided in section 3311.50 of the Revised Code, the 124373  
board of directors of a regional student education district 124374  
created under section 3313.83 of the Revised Code, and the board 124375  
of directors of a career-technical cooperative education 124376



district created under section 3313.831 of the Revised Code. 124377

(D) "Fiscal officer" in the case of a county, means the 124378  
county auditor; in the case of a municipal corporation, the city 124379  
auditor or village clerk, or an officer who, by virtue of the 124380  
charter, has the duties and functions of the city auditor or 124381  
village clerk, except that in the case of a municipal university 124382  
the board of directors of which have assumed, in the manner 124383  
provided by law, the custody and control of the funds of the 124384  
university, the chief accounting officer of the university shall 124385  
perform, with respect to the funds, the duties vested in the 124386  
fiscal officer of the subdivision by sections 5705.41 and 124387  
5705.44 of the Revised Code; in the case of a school district, 124388  
the treasurer of the board of education; in the case of a county 124389  
school financing district, the treasurer of the educational 124390  
service center governing board that serves as the taxing 124391  
authority; in the case of a township, the township fiscal 124392  
officer; in the case of a joint police district, the treasurer 124393  
of the district; in the case of a joint fire district, the clerk 124394  
of the board of fire district trustees; in the case of a joint 124395  
ambulance district, the clerk of the board of trustees of the 124396  
district; in the case of a joint emergency medical services 124397  
district, the person appointed as fiscal officer pursuant to 124398  
division (D) of section 307.053 of the Revised Code; in the case 124399  
of a fire and ambulance district, the person appointed as fiscal 124400  
officer pursuant to division (B) of section 505.375 of the 124401  
Revised Code; in the case of a joint recreation district, the 124402  
person designated pursuant to section 755.15 of the Revised 124403  
Code; in the case of a union cemetery district, the clerk of the 124404  
municipal corporation designated in section 759.34 of the 124405  
Revised Code; in the case of a children's home district, 124406  
educational service center, general health district, joint- 124407

county alcohol, drug addiction, and mental health service 124408  
district, county library district, detention facility district, 124409  
district organized under section 2151.65 of the Revised Code, a 124410  
combined district organized under sections 2152.41 and 2151.65 124411  
of the Revised Code, or a metropolitan park district for which 124412  
no treasurer has been appointed pursuant to section 1545.07 of 124413  
the Revised Code, the county auditor of the county designated by 124414  
law to act as the auditor of the district; in the case of a 124415  
metropolitan park district which has appointed a treasurer 124416  
pursuant to section 1545.07 of the Revised Code, that treasurer; 124417  
in the case of a drainage improvement district, the auditor of 124418  
the county in which the drainage improvement district is 124419  
located; in the case of a lake facilities authority, the fiscal 124420  
officer designated under section 353.02 of the Revised Code; in 124421  
the case of a regional student education district, the fiscal 124422  
officer appointed pursuant to section 3313.83 of the Revised 124423  
Code; in the case of a career-technical cooperative education 124424  
district, the fiscal officer appointed pursuant to section 124425  
3313.831 of the Revised Code; and in all other cases, the 124426  
officer responsible for keeping the appropriation accounts and 124427  
drawing warrants for the expenditure of the moneys of the 124428  
district or taxing unit. 124429

(E) "Permanent improvement" or "improvement" means any 124430  
property, asset, or improvement with an estimated life or 124431  
usefulness of five years or more, including land and interests 124432  
therein, and reconstructions, enlargements, and extensions 124433  
thereof having an estimated life or usefulness of five years or 124434  
more. 124435

(F) "Current operating expenses" and "current expenses" 124436  
mean the lawful expenditures of a subdivision, except those for 124437  
permanent improvements, and except payments for interest, 124438

sinking fund, and retirement of bonds, notes, and certificates 124439  
of indebtedness of the subdivision. 124440

(G) "Debt charges" means interest, sinking fund, and 124441  
retirement charges on bonds, notes, or certificates of 124442  
indebtedness. 124443

(H) "Taxing unit" means any subdivision or other 124444  
governmental district having authority to levy taxes on the 124445  
property in the district or issue bonds that constitute a charge 124446  
against the property of the district, including conservancy 124447  
districts, metropolitan park districts, sanitary districts, road 124448  
districts, and other districts. 124449

(I) "District authority" means any board of directors, 124450  
trustees, commissioners, or other officers controlling a 124451  
district institution or activity that derives its income or 124452  
funds from two or more subdivisions, such as the educational 124453  
service center, the trustees of district children's homes, the 124454  
district board of health, a joint-county alcohol, drug 124455  
addiction, and mental health service district's board of 124456  
alcohol, drug addiction, and mental health services, detention 124457  
facility districts, a joint recreation district board of 124458  
trustees, districts organized under section 2151.65 of the 124459  
Revised Code, combined districts organized under sections 124460  
2152.41 and 2151.65 of the Revised Code, and other such boards. 124461

(J) "Tax list" and "tax duplicate" mean the general tax 124462  
lists and duplicates prescribed by sections 319.28 and 319.29 of 124463  
the Revised Code. 124464

(K) "Property" as applied to a tax levy means taxable 124465  
property listed on general tax lists and duplicates. 124466

(L) "Association library district" means a territory, the 124467

boundaries of which are defined by the state library board 124468  
pursuant to division (I) of section 3375.01 of the Revised Code, 124469  
in which a library association or private corporation maintains 124470  
a free public library. 124471

(M) "Library district" means a territory, the boundaries 124472  
of which are defined by the state library board pursuant to 124473  
section 3375.01 of the Revised Code, in which the board of 124474  
trustees of a county, municipal corporation, school district, or 124475  
township public library maintains a free public library. 124476

(N) "Qualifying library levy" means either of the 124477  
following: 124478

(1) A levy for the support of a library association or 124479  
private corporation that has an association library district 124480  
with boundaries that are not identical to those of a 124481  
subdivision; 124482

(2) A levy proposed under section 5705.23 of the Revised 124483  
Code for the support of the board of trustees of a public 124484  
library that has a library district with boundaries that are not 124485  
identical to those of a subdivision. 124486

(O) "School library district" means a school district in 124487  
which a free public library has been established that is under 124488  
the control and management of a board of library trustees as 124489  
provided in section 3375.15 of the Revised Code. 124490

(P) "~~The county auditor's appraised~~ Market value" means 124491  
the true value in money of real property. 124492

(Q) (1) "Effective rate" means one of the following: 124493

(a) For a levy that is the renewal of an existing levy or 124494  
an existing levy extended to additional territory, the effective 124495

tax rate of the levy on class one property, as most recently 124496  
determined by the county auditor under section 323.08 of the 124497  
Revised Code; 124498

(b) For a levy that is the increase of an existing levy, 124499  
the effective tax rate of the portion of the levy equal to the 124500  
rate of the existing levy on class one property, as most 124501  
recently determined by the county auditor under section 323.08 124502  
of the Revised Code, plus the rate of the additional portion of 124503  
the levy; 124504

(c) For a levy that is the decrease of an existing levy, 124505  
the effective tax rate of the levy on class one property, as 124506  
most recently determined by the county auditor under section 124507  
323.08 of the Revised Code, and as proportionately reduced to 124508  
account for the decrease pursuant to rules adopted by the tax 124509  
commissioner. 124510

(2) As used in division (Q) (1) of this section: 124511

(a) "Effective tax rate" has the same meaning in section 124512  
323.08 of the Revised Code. 124513

(b) "Class one property" means real property classified as 124514  
residential or agricultural under section 5713.041 of the 124515  
Revised Code. 124516

(R) "Qualifying subdivision" means a taxing unit, created 124517  
by one or more member authorities, with a taxing authority or 124518  
any other governing authority the majority of the members of 124519  
which are not required to be elected local officials. 124520

(S) "Elected local official" means a member of a board of 124521  
township trustees, a board of county commissioners, a 124522  
legislative authority of a municipal corporation, a board of 124523  
education of a city, local, or exempted village school district, 124524

or an educational service center governing board, or any other 124525  
township, county, or municipal official serving in an elected 124526  
office. 124527

(T) "Member authority" means the board of commissioners of 124528  
a county, the board of trustees of a township, the legislative 124529  
authority of a municipal corporation, the board of education of 124530  
a city, local, or exempted village school district, or the 124531  
educational service center governing board that either created 124532  
or joined a qualifying subdivision and remains a member thereof 124533  
or has territory therein. 124534

**Sec. 5705.03.** (A) The taxing authority of each subdivision 124535  
may levy taxes annually, subject to the limitations of sections 124536  
5705.01 to 5705.47 of the Revised Code, on the real and personal 124537  
property within the subdivision for the purpose of paying the 124538  
current operating expenses of the subdivision and acquiring or 124539  
constructing permanent improvements. The taxing authority of 124540  
each subdivision and taxing unit shall, subject to the 124541  
limitations of such sections, levy such taxes annually as are 124542  
necessary to pay the interest and sinking fund on and retire at 124543  
maturity the bonds, notes, and certificates of indebtedness of 124544  
such subdivision and taxing unit, including levies in 124545  
anticipation of which the subdivision or taxing unit has 124546  
incurred indebtedness. 124547

(B) (1) When a taxing authority determines that it is 124548  
necessary to levy a tax outside the ten-mill limitation for any 124549  
purpose authorized by the Revised Code, the taxing authority 124550  
shall certify to the county auditor a resolution or ordinance 124551  
requesting that the county auditor certify to the taxing 124552  
authority the amounts described in division (B) (2) of this 124553  
section. The resolution or ordinance shall state all of the 124554

following: 124555

(a) The proposed rate of the tax, expressed in mills for 124556  
each one dollar of taxable value, or the dollar amount of 124557  
revenue to be generated by the proposed tax; 124558

(b) The purpose of the tax; 124559

(c) Whether the tax is an additional levy, a renewal ~~or a~~ 124560  
~~replacement~~ of an existing tax, a renewal ~~or replacement~~ of an 124561  
existing tax with an increase or a decrease, a reduction or 124562  
decrease of an existing tax, or an extension of an existing tax 124563  
to additional territory; 124564

(d) The section of the Revised Code authorizing submission 124565  
of the question of the tax; 124566

(e) The term of years of the tax or if the tax is for a 124567  
continuing period of time; 124568

(f) That the tax is to be levied upon the entire territory 124569  
of the subdivision or, if authorized by the Revised Code, a 124570  
description of the portion of the territory of the subdivision 124571  
in which the tax is to be levied; 124572

(g) The date of the election at which the question of the 124573  
tax shall appear on the ballot; 124574

(h) That the ballot measure shall be submitted to the 124575  
entire territory of the subdivision or, if authorized by the 124576  
Revised Code, a description of the portion of the territory of 124577  
the subdivision to which the ballot measure shall be submitted; 124578

(i) The tax year in which the tax will first be levied and 124579  
the calendar year in which the tax will first be collected; 124580

(j) Each such county in which the subdivision has 124581

territory. 124582

(2) Upon receipt of a resolution or ordinance certified 124583  
under division (B) (1) of this section, the county auditor shall 124584  
certify to the taxing authority each of the following, as 124585  
applicable to that levy: 124586

(a) The total current tax valuation of the subdivision. 124587

(b) The number of mills for each one dollar of taxable 124588  
value that is required to generate a specified amount of 124589  
revenue. 124590

(c) Either of the following: 124591

(i) If the levy is to renew, renew and increase, renew and 124592  
decrease, reduce or decrease, or extend to additional territory 124593  
an existing levy that is subject to reduction under section 124594  
319.301 of the Revised Code, the levy's effective rate, 124595  
expressed in dollars, rounded to the nearest dollar, for each 124596  
one hundred thousand dollars of ~~the county auditor's appraised~~ 124597  
market value; 124598

(ii) For all other levies, the levy's rate, described in 124599  
division (B) (2) (b) or (d) of this section, expressed in dollars, 124600  
rounded to the nearest dollar, for each one hundred thousand 124601  
dollars of the ~~county auditor's appraised~~ market value. 124602

(d) The dollar amount of revenue, rounded to the nearest 124603  
dollar, that would be generated by a specified number of mills 124604  
for each one dollar of taxable value. 124605

(e) For any levy or portion of a levy except a levy or 124606  
portion of a levy to pay debt charges, an estimate of the levy's 124607  
annual collections, rounded to the nearest dollar, which shall 124608  
be calculated assuming that the amount of the tax list of the 124609



taxing authority remains throughout the life of the levy the 124610  
same as the amount of the tax list most recently certified by 124611  
the auditor under division (A) of section 319.28 of the Revised 124612  
Code. 124613

(f) If the purpose of the tax is for current expenses or 124614  
current operating expenses and the resolution is certified by a 124615  
city, local, or exempted village school district, the amount by 124616  
which the carry-over balance in the district's general operating 124617  
budget from the preceding fiscal year exceeds the district's 124618  
general fund expenditures made in the preceding fiscal year, 124619  
expressed both in dollars and as a percentage of those 124620  
expenditures. This amount and percentage shall be determined on 124621  
the basis of the most recent certification made by the district 124622  
to the county budget commission under section 5705.36 of the 124623  
Revised Code. 124624

If a subdivision is located in more than one county, the 124625  
county auditor shall obtain from the county auditor of each 124626  
other county in which the subdivision is located the current tax 124627  
valuation for the portion of the subdivision in that county. The 124628  
county auditor shall issue the certification to the taxing 124629  
authority within ten days after receiving the taxing authority's 124630  
resolution or ordinance requesting it. 124631

(3) Upon receiving the certification from the county 124632  
auditor under division (B) (2) of this section, unless the 124633  
percentage certified under division (B) (2) (f) of this section is 124634  
one hundred per cent or more, the taxing authority may adopt a 124635  
resolution or ordinance stating the rate of the tax levy, 124636  
expressed in mills for each one dollar of taxable value and the 124637  
rate or effective rate, as applicable, in dollars for each one 124638  
hundred thousand dollars of ~~the county auditor's appraised~~ 124639

market value, as estimated by the county auditor, and that the 124640  
taxing authority will proceed with the submission of the 124641  
question of the tax to electors. The taxing authority shall 124642  
certify this resolution or ordinance, a copy of the county 124643  
auditor's certifications, and the resolution or ordinance the 124644  
taxing authority adopted under division (B)(1) of this section 124645  
to the proper county board of elections in the manner and within 124646  
the time prescribed by the section of the Revised Code governing 124647  
submission of the question. The county board of elections shall 124648  
not submit the question of the tax to electors unless a copy of 124649  
the county auditor's certification accompanies the resolutions 124650  
or ordinances the taxing authority certifies to the board. 124651  
Before requesting a taxing authority to submit a tax levy, any 124652  
agency or authority authorized to make that request shall first 124653  
request the certification from the county auditor provided under 124654  
this section. 124655

(4) This division is supplemental to, and not in 124656  
derogation of, any similar requirement governing the 124657  
certification by the county auditor of the tax valuation of a 124658  
subdivision or necessary tax rates for the purposes of the 124659  
submission of the question of a tax in excess of the ten-mill 124660  
limitation, including ~~sections~~ section 133.18 and ~~5705.195~~ of 124661  
the Revised Code. 124662

(C) All taxes levied on property shall be extended on the 124663  
tax list and duplicate by the county auditor of the county in 124664  
which the property is located, and shall be collected by the 124665  
county treasurer of such county in the same manner and under the 124666  
same laws and rules as are prescribed for the assessment and 124667  
collection of county taxes. The proceeds of any tax levied by or 124668  
for any subdivision when received by its fiscal officer shall be 124669  
deposited in its treasury to the credit of the appropriate fund. 124670

**Sec. 5705.12.** In addition to the funds provided for by 124671  
sections 5705.09, 5705.121, 5705.13, and 5705.131 of the Revised 124672  
Code, the taxing authority of a subdivision may establish, with 124673  
the approval of and in the manner prescribed by the auditor of 124674  
state, such other funds as are desirable, and may provide by 124675  
ordinance or resolution that money derived from specified 124676  
sources other than the general property tax shall be paid 124677  
directly into such funds. ~~The auditor of state shall consult~~ 124678  
~~with the tax commissioner before approving such funds.~~ 124679

**Sec. 5705.121.** A municipal corporation may establish in 124680  
the manner provided by law a sanitary police pension fund, an 124681  
urban redevelopment tax increment equivalent fund, or a cemetery 124682  
fund. 124683

A township may establish by law a cemetery fund. 124684

A subdivision that levies a tax for the purpose described 124685  
in division (ZZ) or (AAA) of section 5705.19 of the Revised Code 124686  
shall establish a general capital and infrastructure fund to 124687  
which the proceeds from that levy shall be credited. By 124688  
resolution or ordinance, the taxing authority may establish 124689  
accounts within that fund for any of the several particular 124690  
purposes for which such money may lawfully be spent, may 124691  
eliminate such accounts when no longer necessary or desirable, 124692  
and may transfer money between such accounts. Money in the fund 124693  
may not be used to pay the compensation of officers or employees 124694  
of the subdivision. 124695

The board of health of a city or general health district 124696  
may establish the home health services fund referred to in 124697  
section 3709.15 of the Revised Code. 124698

**Sec. 5705.13.** (A) A taxing authority of a subdivision, by 124699

resolution or ordinance, may establish reserve balance accounts 124700  
to accumulate currently available resources for the following 124701  
purposes: 124702

(1) To stabilize subdivision budgets against cyclical 124703  
changes in revenues and expenditures; 124704

(2) Except as otherwise provided by this section, to 124705  
provide for the payment of claims and deductibles under an 124706  
individual or joint self-insurance program for the subdivision, 124707  
if the subdivision is permitted by law to establish such a 124708  
program; 124709

(3) To provide for the payment of claims, assessments, and 124710  
deductibles under a self-insurance program, individual 124711  
retrospective ratings plan, group rating plan, group 124712  
retrospective rating plan, medical only program, deductible 124713  
plan, or large deductible plan for workers' compensation. 124714

The ordinance or resolution establishing a reserve balance 124715  
account shall state the purpose for which the account is 124716  
established, the fund in which the account is to be established, 124717  
and the total amount of money to be reserved in the account. 124718

Not more than one reserve balance account may be 124719  
established for each of the purposes permitted under divisions 124720  
(A) (2) and (3) of this section. Money to the credit of a reserve 124721  
balance account may be expended only for the purpose for which 124722  
the account was established. 124723

A reserve balance account established for the purpose 124724  
described in division (A) (1) of this section may be established 124725  
in the general fund or in one or more special funds for 124726  
operating purposes of the subdivision. The amount of money to be 124727  
reserved in such an account in any fiscal year shall not exceed 124728

five per cent of the revenue credited in the preceding fiscal 124729  
year to the fund in which the account is established, or, in the 124730  
case of a reserve balance account of a county or of a township, 124731  
the greater of that amount or one-sixth of the expenditures 124732  
during the preceding fiscal year from the fund in which the 124733  
account is established. ~~Subject to division (F) of section~~ 124734  
~~5705.29 of the Revised Code, any reserve balance in an account~~ 124735  
~~established under division (A) (1) of this section shall not be~~ 124736  
~~considered part of the unencumbered balance or revenue of the~~ 124737  
~~subdivision under division (A) of section 5705.35 or division~~ 124738  
~~(A) (1) of section 5705.36 of the Revised Code.~~ 124739

At any time, a taxing authority of a subdivision, by 124740  
resolution or ordinance, may reduce or eliminate the reserve 124741  
balance in a reserve balance account established for the purpose 124742  
described in division (A) (1) of this section. 124743

A reserve balance account established for the purpose 124744  
described in division (A) (2) or (3) of this section shall be 124745  
established in the general fund of the subdivision or by the 124746  
establishment of a separate internal service fund established to 124747  
account for the operation of an individual or joint self- 124748  
insurance program described in division (A) (2) of this section 124749  
or a workers' compensation program or plan described in division 124750  
(A) (3) of this section, and shall be based on sound actuarial 124751  
principles. The total amount of money in a reserve balance 124752  
account for self-insurance may be expressed in dollars or as the 124753  
amount determined to represent an adequate reserve according to 124754  
sound actuarial principles. 124755

A taxing authority of a subdivision, by resolution or 124756  
ordinance, may rescind a reserve balance account established 124757  
under this division. If a reserve balance account is rescinded, 124758

money that has accumulated in the account shall be transferred 124759  
to the fund or funds from which the money originally was 124760  
transferred. 124761

(B) A taxing authority of a subdivision, by resolution or 124762  
ordinance, may establish a special revenue fund for the purpose 124763  
of accumulating resources for the payment of accumulated sick 124764  
leave and vacation leave, and for payments in lieu of taking 124765  
compensatory time off, upon the termination of employment or the 124766  
retirement of officers and employees of the subdivision. The 124767  
special revenue fund may also accumulate resources for payment 124768  
of salaries during any fiscal year when the number of pay 124769  
periods exceeds the usual and customary number of pay periods. 124770  
Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 124771  
Revised Code, the taxing authority, by resolution or ordinance, 124772  
may transfer money to the special revenue fund from any other 124773  
fund of the subdivision from which such payments may lawfully be 124774  
made. The taxing authority, by resolution or ordinance, may 124775  
rescind a special revenue fund established under this division. 124776  
If a special revenue fund is rescinded, money that has 124777  
accumulated in the fund shall be transferred to the fund or 124778  
funds from which the money originally was transferred. 124779

(C) A taxing authority of a subdivision, by resolution or 124780  
ordinance, may establish a capital projects fund for the purpose 124781  
of accumulating resources for the acquisition, construction, or 124782  
improvement of fixed assets of the subdivision. For the purposes 124783  
of this section, "fixed assets" includes motor vehicles. More 124784  
than one capital projects fund may be established and may exist 124785  
at any time. The ordinance or resolution shall identify the 124786  
source of the money to be used to acquire, construct, or improve 124787  
the fixed assets identified in the resolution or ordinance, the 124788  
amount of money to be accumulated for that purpose, the period 124789

of time over which that amount is to be accumulated, and the 124790  
fixed assets that the taxing authority intends to acquire, 124791  
construct, or improve with the money to be accumulated in the 124792  
fund. 124793

A taxing authority of a subdivision shall not accumulate 124794  
money in a capital projects fund for more than ten years after 124795  
the resolution or ordinance establishing the fund is adopted. If 124796  
the subdivision has not entered into a contract for the 124797  
acquisition, construction, or improvement of fixed assets for 124798  
which money was accumulated in such a fund before the end of 124799  
that ten-year period, the fiscal officer of the subdivision 124800  
shall transfer all money in the fund to the fund or funds from 124801  
which that money originally was transferred or the fund that 124802  
originally was intended to receive the money. 124803

A taxing authority of a subdivision, by resolution or 124804  
ordinance, may rescind a capital projects fund. If a capital 124805  
projects fund is rescinded, money that has accumulated in the 124806  
fund shall be transferred to the fund or funds from which the 124807  
money originally was transferred. 124808

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of 124809  
the Revised Code, the taxing authority of a subdivision, by 124810  
resolution or ordinance, may transfer money to the capital 124811  
projects fund from any other fund of the subdivision that may 124812  
lawfully be used for the purpose of acquiring, constructing, or 124813  
improving the fixed assets identified in the resolution or 124814  
ordinance. 124815

**Sec. 5705.131.** A taxing authority of a subdivision may 124816  
establish a nonexpendable trust fund for the purpose of 124817  
receiving donations or contributions that the donor or 124818  
contributor requires to be maintained intact. The principal of 124819

such fund may be invested, and the investment earnings on the 124820  
principal shall be credited to the fund. ~~The principal of the~~ 124821  
~~fund, and any additions to principal arising from sources other~~ 124822  
~~than the reinvestment of investment earnings arising from the~~ 124823  
~~fund, shall not be considered part of the unencumbered balance~~ 124824  
~~or revenue of the subdivision under division (A) of section~~ 124825  
~~5705.35 or division (A) (1) of section 5705.36 of the Revised~~ 124826  
~~Code. Only investment earnings arising from investment of the~~ 124827  
~~principal or investment of such additions to principal may be~~ 124828  
~~considered an unencumbered balance or revenue of the subdivision~~ 124829  
~~under that division.~~ 124830

**Sec. 5705.132.** In addition to any reserve balance account 124831  
established under section 5705.13 of the Revised Code, a board 124832  
of township trustees, by resolution, may establish a reserve 124833  
balance account to accumulate currently available resources for 124834  
any purpose for which the board may lawfully expend money of the 124835  
township other than for the purposes for which a reserve balance 124836  
account may be established under section 5705.13 of the Revised 124837  
Code. Money may be transferred to the reserve balance account 124838  
from another fund or account of the township only if money in 124839  
that fund or account may lawfully be expended for the purpose 124840  
for which the reserve balance account is created. A reserve 124841  
balance account created under this section may exist for not 124842  
more than five fiscal years beginning with the first fiscal year 124843  
in which money is credited to the account. The total amount of 124844  
money to the credit of all reserve balance accounts established 124845  
under this section at any time in any fiscal year shall not 124846  
exceed five per cent of the total of the township's revenue from 124847  
all sources for the preceding fiscal year and any unencumbered 124848  
balances carried over to the current fiscal year from the 124849  
preceding fiscal year. Money in a reserve balance account shall 124850



be expended only for the purpose for which the account is 124851  
established. More than one reserve balance account may be 124852  
established under this section. 124853

The resolution establishing a reserve balance account 124854  
shall state the specific purpose for which the account is 124855  
established, the fund within which the account is established, 124856  
the fund or account from which money shall be transferred to the 124857  
account, and the number of years the account will exist. The 124858  
resolution shall specify the maximum total amount of money that 124859  
may be credited to the account during its existence and the 124860  
maximum amount of money to be credited to the account each 124861  
fiscal year the account exists. The board, by subsequent 124862  
resolution, may change the amount to be credited and the source 124863  
from which money is transferred, subject to the limitations of 124864  
this section. 124865

The board, by resolution, may rescind a reserve balance 124866  
account established under this section before the expiration of 124867  
the account. The board, by resolution, may extend the life of a 124868  
reserve balance account, provided that the total number of years 124869  
the fund exists shall not exceed five fiscal years beginning 124870  
with the first fiscal year in which money is credited to the 124871  
account. 124872

Upon the expiration or rescission of a reserve balance 124873  
account established under this section, any unexpended balance 124874  
in the account shall be transferred to the fund or account from 124875  
which money in the account was originally transferred. If money 124876  
in the account originally was transferred from more than one 124877  
fund or account, a pro rata share of the unexpended balance 124878  
shall be transferred to each such fund or account proportionate 124879  
to the amount originally transferred from that fund or account. 124880

~~The balance to the credit of a reserve balance account~~ 124881  
~~shall not be considered part of the unencumbered balance or~~ 124882  
~~revenue of the township under division (A) of section 5705.35 or~~ 124883  
~~division (A) (1) of section 5705.36 of the Revised Code.~~ 124884

**Sec. 5705.14.** No transfer shall be made from one fund of a 124885  
subdivision to any other fund, by order of the court or 124886  
otherwise, except as follows: 124887

(A) The unexpended balance in a bond fund that is no 124888  
longer needed for the purpose for which such fund was created 124889  
shall be transferred to the sinking fund or bond retirement fund 124890  
from which such bonds are payable. 124891

(B) The unexpended balance in any specific permanent 124892  
improvement fund, other than a bond fund, after the payment of 124893  
all obligations incurred in the acquisition of such improvement, 124894  
shall be transferred to the sinking fund or bond retirement fund 124895  
of the subdivision; provided that if such money is not required 124896  
to meet the obligations payable from such funds, it may be 124897  
transferred to a special fund for the acquisition of permanent 124898  
improvements, or, with the approval of the court of common pleas 124899  
of the county in which such subdivision is located, to the 124900  
general fund of the subdivision. 124901

(C) (1) Except as provided in division (C) (2) of this 124902  
section, the unexpended balance in the sinking fund or bond 124903  
retirement fund of a subdivision, after all indebtedness, 124904  
interest, and other obligations for the payment of which such 124905  
fund exists have been paid and retired, shall be transferred, in 124906  
the case of the sinking fund, to the bond retirement fund, and 124907  
in the case of the bond retirement fund, to the sinking fund; 124908  
provided that if such transfer is impossible by reason of the 124909  
nonexistence of the fund to receive the transfer, such 124910

unexpended balance, with the approval of the court of common 124911  
pleas of the county in which such division is located, may be 124912  
transferred to any other fund of the subdivision. 124913

(2) Money in a bond fund or bond retirement fund of a 124914  
city, local, exempted village, cooperative education, or joint 124915  
vocational school district may be transferred to a specific 124916  
permanent improvement fund provided that the county budget 124917  
commission of the county in which the school district is located 124918  
approves the transfer upon its determination that the money 124919  
transferred will not be required to meet the obligations payable 124920  
from the bond fund or bond retirement fund. In arriving at such 124921  
a determination, the county budget commission shall consider the 124922  
balance of the bond fund or bond retirement fund, the 124923  
outstanding obligations payable from the fund, and the sources 124924  
and timing of the fund's revenue. 124925

(D) The unexpended balance in any special fund, other than 124926  
an improvement fund, existing in accordance with division (D), 124927  
(F), or (G) of section 5705.09 or section 5705.12 of the Revised 124928  
Code, may be transferred to the general fund or to the sinking 124929  
fund or bond retirement fund after the termination of the 124930  
activity, service, or other undertaking for which such special 124931  
fund existed, but only after the payment of all obligations 124932  
incurred and payable from such special fund. 124933

(E) Money may be transferred from the general fund to any 124934  
other fund of the subdivision. 124935

(F) Moneys retained or received by a county under section 124936  
4501.04 or division (A) (2) of section 5735.27 of the Revised 124937  
Code may be transferred from the fund into which they were 124938  
deposited to the sinking fund or bond retirement fund from which 124939  
any principal, interest, or charges for which such moneys may be 124940

used is payable. 124941

(G) Moneys retained or received by a municipal corporation 124942  
under section 4501.04 or division (A) (1) of section 5735.27 of 124943  
the Revised Code may be transferred from the fund into which 124944  
they were deposited to the sinking fund or bond retirement fund 124945  
from which any principal, interest, or charges for which such 124946  
moneys may be used is payable. 124947

(H) (1) Money may be transferred from the county 124948  
developmental disabilities general fund to the county 124949  
developmental disabilities capital fund established under 124950  
section 5705.091 of the Revised Code or to any other fund 124951  
created for the purposes of the county board of developmental 124952  
disabilities, so long as money in the fund to which the money is 124953  
transferred can be spent for the particular purpose of the 124954  
transferred money. The county board of developmental 124955  
disabilities may request, by resolution, that the board of 124956  
county commissioners make the transfer. The county board of 124957  
developmental disabilities shall transmit a certified copy of 124958  
the resolution to the board of county commissioners. Upon 124959  
receiving the resolution, the board of county commissioners may 124960  
make the transfer. Money transferred to a fund shall be credited 124961  
to an account appropriate to its particular purpose. 124962

(2) An unexpended balance in an account in the county 124963  
developmental disabilities capital fund or any other fund 124964  
created for the purposes of the county board of developmental 124965  
disabilities may be transferred back to the county developmental 124966  
disabilities general fund. The transfer may be made if the 124967  
unexpended balance is no longer needed for its particular 124968  
purpose and all outstanding obligations have been paid. Money 124969  
transferred back to the county developmental disabilities 124970

general fund shall be credited to an account for current 124971  
expenses within that fund. The county board of developmental 124972  
disabilities may request, by resolution, that the board of 124973  
county commissioners make the transfer. The county board of 124974  
developmental disabilities shall transmit a certified copy of 124975  
the resolution to the board of county commissioners. Upon 124976  
receiving the resolution, the board of county commissioners may 124977  
make the transfer. 124978

(I) Money may be transferred from the public assistance 124979  
fund established under section 5101.161 of the Revised Code to 124980  
either of the following funds, so long as the money to be 124981  
transferred from the public assistance fund may be spent for the 124982  
purposes for which money in the receiving fund may be used: 124983

(1) The children services fund established under section 124984  
~~5101.144~~ 5180.411 of the Revised Code; 124985

(2) The child support enforcement administrative fund 124986  
established, as authorized under rules adopted by the director 124987  
of job and family services, in the county treasury for use by 124988  
any county family services agency. 124989

(J) Notwithstanding this section, money in any fund or 124990  
account of a village dissolved in accordance with sections 124991  
703.31 to 703.39 of the Revised Code may be transferred by the 124992  
receiver-trustee to a special account for the purpose of paying 124993  
the debts, obligations, and liabilities of the dissolved village 124994  
or to the general fund of any township into which the territory 124995  
of the village is dissolved for any purpose that directly or 124996  
indirectly benefits the former territory of the dissolved 124997  
village. 124998

(K) Except in the case of transfer pursuant to division 124999

(E) or (J) of this section, transfers authorized by this section 125000  
shall only be made by resolution of the taxing authority passed 125001  
with the affirmative vote of two-thirds of the members. 125002

**Sec. 5705.17.** (A) As used in this section: 125003

(1) "Qualifying levy" means any levy in excess of the ten- 125004  
mill limitation for current expenses or current operating 125005  
expenses. 125006

(2) "School district" means a city, local, or exempted 125007  
village school district. 125008

(B) Notwithstanding anything in the Revised Code to the 125009  
contrary, any election notice and ballot language for qualifying 125010  
levy submitted to electors by a school district shall display 125011  
the information certified by the county auditor in division (B) 125012  
(2) (f) of section 5705.03 of the Revised Code. The secretary of 125013  
state shall prescribe the form of the notice and ballot to 125014  
incorporate this information. 125015

**Sec. 5705.194.** The board of education of any city, local, 125016  
exempted village, cooperative education, or joint vocational 125017  
school district at any time before the effective date of this 125018  
amendment may declare by resolution, by a vote of two-thirds of 125019  
all of its members, that the revenue that will be raised by all 125020  
tax levies which the district is authorized to impose, when 125021  
combined with state and federal revenues, will be insufficient 125022  
to provide for the emergency requirements of the school district 125023  
or to avoid an operating deficit, and that it is therefore 125024  
necessary to levy an additional tax in excess of the ten-mill 125025  
limitation. The resolution shall be confined to a single purpose 125026  
and shall specify that purpose. If the levy is proposed to renew 125027  
all or a portion of the proceeds derived from one or more 125028

existing levies imposed pursuant to this section, it shall be 125029  
called a renewal levy and shall be so designated on the ballot. 125030  
If two or more existing levies are to be included in a single 125031  
renewal levy but are not scheduled to expire in the same year, 125032  
the resolution shall specify that the existing levies to be 125033  
renewed shall not be levied after the year preceding the year in 125034  
which the renewal levy is first imposed. Notwithstanding the 125035  
original purpose of any one or more existing levies that are to 125036  
be in any single renewal levy, the purpose of the renewal levy 125037  
may be either to avoid an operating deficit or to provide for 125038  
the emergency requirements of the school district. The 125039  
resolution shall further specify the amount of money it is 125040  
necessary to raise for the specified purpose for each calendar 125041  
year the millage is to be imposed; if a renewal levy, whether 125042  
the levy is to renew all, or a portion of, the proceeds derived 125043  
from one or more existing levies; and the number of years in 125044  
which the millage is to be in effect, which may include a levy 125045  
upon the current year's tax list. The number of years may be any 125046  
number not exceeding ten. 125047

The question shall be submitted at a special election on a 125048  
date specified in the resolution. The date shall not be earlier 125049  
than eighty days after the adoption and certification of the 125050  
resolution to the county auditor and shall be consistent with 125051  
the requirements of section 3501.01 of the Revised Code. A 125052  
resolution for a renewal levy shall not be placed on the ballot 125053  
unless the question is submitted on a date on which a special 125054  
election may be held under division (D) of section 3501.01 of 125055  
the Revised Code, except for the first Tuesday after the first 125056  
Monday in August, during the last year the levy to be renewed 125057  
may be extended on the real and public utility property tax list 125058  
and duplicate, or at any election held in the ensuing year, 125059

except that if the resolution proposes renewing two or more 125060  
existing levies, the question shall be submitted on the date of 125061  
the general or primary election held during the last year at 125062  
least one of the levies to be renewed may be extended on that 125063  
list and duplicate, or at any election held during the ensuing 125064  
year. For purposes of this section ~~and sections 5705.197 and~~ 125065  
section 5705.199 of the Revised Code, a levy shall be considered 125066  
to be an "existing levy" through the year following the last 125067  
year it can be placed on the real and public utility property 125068  
tax list and duplicate. 125069

The submission of questions to the electors under this 125070  
section is subject to the limitation on the number of election 125071  
dates established by section 5705.214 of the Revised Code. 125072

The resolution shall go into immediate effect upon its 125073  
passage, and no publication of the resolution shall be necessary 125074  
other than that provided for in the notice of election. A copy 125075  
of the resolution shall immediately after its passing be 125076  
certified to the county auditor of the proper county. ~~Section~~ 125077  
~~5705.195 of the Revised Code shall govern the arrangements for~~ 125078  
~~the submission of questions to the electors under this section~~ 125079  
~~and other matters concerning the election.~~ Publication of notice 125080  
of the election shall be made in one newspaper of general 125081  
circulation in the county once a week for two consecutive weeks, 125082  
or as provided in section 7.16 of the Revised Code, prior to the 125083  
election. If the board of elections operates and maintains a web 125084  
site, the board of elections shall post notice of the election 125085  
on its web site for thirty days prior to the election. If a 125086  
majority of the electors voting on the question submitted in an 125087  
election vote in favor of the levy, the board of education of 125088  
the school district may make the additional levy necessary to 125089  
raise the amount specified in the resolution for the purpose 125090



stated in the resolution. The tax levy shall be included in the 125091  
next tax budget that is certified to the county budget 125092  
commission. 125093

After the approval of the levy and prior to the time when 125094  
the first tax collection from the levy can be made, the board of 125095  
education may anticipate a fraction of the proceeds of the levy 125096  
and issue anticipation notes in an amount not exceeding the 125097  
total estimated proceeds of the levy to be collected during the 125098  
first year of the levy. 125099

The notes shall be issued as provided in section 133.24 of 125100  
the Revised Code, shall have principal payments during each year 125101  
after the year of their issuance over a period not to exceed 125102  
five years, and may have principal payment in the year of their 125103  
issuance. 125104

**Sec. 5705.199.** (A) At any time before the effective date 125105  
of this amendment the board of education of a city, local, 125106  
exempted village, cooperative education, or joint vocational 125107  
school district, by a vote of two-thirds of all its members, may 125108  
declare by resolution that the revenue that will be raised by 125109  
all tax levies that the district is authorized to impose, when 125110  
combined with state and federal revenues, will be insufficient 125111  
to provide for the necessary requirements of the school 125112  
district, and that it is therefore necessary to levy a tax in 125113  
excess of the ten-mill limitation for the purpose of providing 125114  
for the necessary requirements of the school district. Such a 125115  
levy shall be proposed as a substitute for all or a portion of 125116  
one or more existing levies imposed under ~~sections~~ section 125117  
5705.194 ~~to 5705.197~~ of the Revised Code or under this section, 125118  
by levying a tax as follows: 125119

(1) In the initial year the levy is in effect, the levy 125120

shall be in a specified amount of money equal to the aggregate 125121  
annual dollar amount of proceeds derived from the levy or 125122  
levies, or portion thereof, being substituted. 125123

(2) In each subsequent year the levy is in effect, the 125124  
levy shall be in a specified amount of money equal to the sum of 125125  
the following: 125126

(a) The dollar amount of the proceeds derived from the 125127  
levy in the prior year; and 125128

(b) The dollar amount equal to the product of the total 125129  
taxable value of all taxable real property in the school 125130  
district in the then-current year, excluding carryover property 125131  
as defined in section 319.301 of the Revised Code, multiplied by 125132  
the annual levy, expressed in mills for each one dollar of 125133  
taxable value, that was required to produce the annual dollar 125134  
amount of the levy under this section in the prior year; 125135  
provided, that the amount under division (A) (2) (b) of this 125136  
section shall not be less than zero. 125137

~~(B) The resolution proposing the substitute levy shall 125138~~  
~~specify the annual dollar amount the levy is to produce in its 125139~~  
~~initial year; the first calendar year in which the levy will be 125140~~  
~~due; and the term of the levy expressed in years, which may be 125141~~  
~~any number not exceeding ten, or for a continuing period of 125142~~  
~~time. The resolution shall specify the date of holding the 125143~~  
~~election, which shall not be earlier than ninety days after 125144~~  
~~certification of the resolution to the board of elections, and 125145~~  
~~which shall be consistent with the requirements of section 125146~~  
~~3501.01 of the Revised Code. If two or more existing levies are 125147~~  
~~to be included in a single substitute levy, but are not 125148~~  
~~scheduled to expire in the same year, the resolution shall 125149~~  
~~specify that the existing levies to be substituted shall not be 125150~~

~~levied after the year preceding the year in which the substitute~~ 125151  
~~levy is first imposed.~~ 125152

~~The resolution shall go into immediate effect upon its~~ 125153  
~~passage, and no publication of the resolution shall be necessary~~ 125154  
~~other than that provided for in the notice of election. A copy~~ 125155  
~~of the resolution shall immediately after its passage be~~ 125156  
~~certified to the county auditor in the manner provided by~~ 125157  
~~section 5705.195 of the Revised Code, and sections 5705.194 and~~ 125158  
~~5705.196 of the Revised Code shall govern the arrangements for~~ 125159  
~~the submission of the question and other matters concerning the~~ 125160  
~~notice of election and the election, except as may be provided~~ 125161  
~~otherwise in this section.~~ 125162

~~(C) The form of the ballot to be used at the election on~~ 125163  
~~the question of a levy under this section shall be as follows:~~ 125164

~~"Shall a tax levy substituting for an existing levy be~~ 125165  
~~imposed by the \_\_\_\_\_ (here insert name of school district)~~ 125166  
~~for the purpose of providing for the necessary requirements of~~ 125167  
~~the school district in the initial sum of \$\_\_\_\_\_ (here~~ 125168  
~~insert the annual dollar amount the levy is to produce in its~~ 125169  
~~initial year), and a levy of taxes be made outside of the ten-~~ 125170  
~~mill limitation estimated by the county auditor to require~~ 125171  
~~\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to~~ 125172  
~~\$\_\_\_\_\_ for each \$100,000 of the county auditor's appraised~~ 125173  
~~value for the initial year of the tax, for a period of~~ 125174  
~~\_\_\_\_\_ (here insert the number of years the levy is to be~~ 125175  
~~imposed, or that it will be levied for a continuing period of~~ 125176  
~~time), commencing in \_\_\_\_\_ (first year the tax is to be~~ 125177  
~~levied), first due in calendar year \_\_\_\_\_ (first calendar~~ 125178  
~~year in which the tax shall be due), with the sum of such tax to~~ 125179  
~~increase only if and as new land or real property improvements~~ 125180

~~not previously taxed by the school district are added to its tax list?~~

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	<del>FOR THE TAX LEVY</del>	
	<del>AGAINST THE TAX LEVY</del>	"

~~If the levy submitted is a proposal to substitute all or a portion of more than one existing levy, the form of the ballot may be changed so long as the ballot reflects the number of levies to be substituted and that none of the existing levies to be substituted will be levied after the year preceding the year in which the substitute levy is first imposed. The form of the ballot shall be modified by substituting the statement "Shall a tax levy substituting for an existing levy" with "Shall a tax levy substituting for existing levies" and adding the following statement after "added to its tax list?" and before "For the Tax Levy":~~

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~~"If approved, any remaining tax years on any of the \_\_\_\_\_ (here insert the number of existing levies) existing levies will not be collected after \_\_\_\_\_ (here insert the current tax year or, if not the current tax year, the applicable tax year)."~~

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~~(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.~~

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~~(E) If a majority of the electors voting on the question so submitted in an election vote in favor of the levy, the board of education may make the necessary levy within the school district at the rate and for the purpose stated in the~~

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resolution. The tax levy shall be included in the next tax 125207  
budget that is certified to the county budget commission. 125208

~~(F)~~ (C) A levy for a continuing period of time may be 125209  
decreased pursuant to section 5705.261 of the Revised Code. 125210

~~(G) A levy under this section substituting for all or a 125211  
portion of one or more existing levies imposed under sections 125212  
5705.194 to 5705.197 of the Revised Code or under this section 125213  
shall be treated as having renewed the levy or levies being 125214  
substituted for purposes of the payments made under sections 125215  
5751.20 to 5751.22 of the Revised Code. 125216~~

~~(H)~~ (D) After the approval of a levy on the current tax 125217  
list and duplicate, and prior to the time when the first tax 125218  
collection from the levy can be made, the board of education may 125219  
anticipate a fraction of the proceeds of the levy and issue 125220  
anticipation notes in a principal amount not exceeding fifty per 125221  
cent of the total estimated proceeds of the levy to be collected 125222  
during the first year of the levy. The notes shall be issued as 125223  
provided in section 133.24 of the Revised Code, shall have 125224  
principal payments during each year after the year of their 125225  
issuance over a period not to exceed five years, and may have a 125226  
principal payment in the year of their issuance. 125227

**Sec. 5705.21.** (A) At any time, the board of education of 125228  
any city, local, exempted village, cooperative education, or 125229  
joint vocational school district, by a vote of two-thirds of all 125230  
its members, may declare by resolution that the amount of taxes 125231  
that may be raised within the ten-mill limitation by levies on 125232  
the current tax list will be insufficient to provide an adequate 125233  
amount for the necessary requirements of the school district, 125234  
that it is necessary to levy a tax in excess of such limitation 125235  
for one of the purposes specified in division (A), (D), (F), 125236

(H), or (DD) of section 5705.19 of the Revised Code, for general 125237  
permanent improvements, for the purpose of operating a cultural 125238  
center, for the purpose of providing for school safety and 125239  
security, or for the purpose of providing education technology, 125240  
and that the question of such additional tax levy shall be 125241  
submitted to the electors of the school district at a special 125242  
election on a day to be specified in the resolution. In the case 125243  
of a qualifying library levy for the support of a library 125244  
association or private corporation, the question shall be 125245  
submitted to the electors of the association library district. 125246  
If the resolution states that the levy is for the purpose of 125247  
operating a cultural center, the ballot shall state that the 125248  
levy is "for the purpose of operating the\_\_\_\_\_ (name of 125249  
cultural center)." 125250

As used in this division, "cultural center" means a 125251  
freestanding building, separate from a public school building, 125252  
that is open to the public for educational, musical, artistic, 125253  
and cultural purposes; "education technology" means, but is not 125254  
limited to, computer hardware, equipment, materials, and 125255  
accessories, equipment used for two-way audio or video, and 125256  
software; "general permanent improvements" means permanent 125257  
improvements without regard to the limitation of division (F) of 125258  
section 5705.19 of the Revised Code that the improvements be a 125259  
specific improvement or a class of improvements that may be 125260  
included in a single bond issue; and "providing for school 125261  
safety and security" includes but is not limited to providing 125262  
for permanent improvements to provide or enhance security, 125263  
employment of or contracting for the services of safety 125264  
personnel, providing mental health services and counseling, or 125265  
providing training in safety and security practices and 125266  
responses. 125267

A resolution adopted under this division shall be confined 125268  
to a single purpose and shall specify the amount of the increase 125269  
in rate that it is necessary to levy, the purpose of the levy, 125270  
and the number of years during which the increase in rate shall 125271  
be in effect. The number of years may be any number not 125272  
exceeding five or, if the levy is for current expenses of the 125273  
district or for general permanent improvements, for a continuing 125274  
period of time. 125275

(B) (1) The board of education of a qualifying school 125276  
district, by resolution, by a vote of two-thirds of all of its 125277  
members, may declare that it is necessary to levy a tax in 125278  
excess of the ten-mill limitation for the purpose of paying the 125279  
current expenses of partnering community schools and, if any of 125280  
the levy proceeds are so allocated, of the district. A 125281  
qualifying school district that is not a municipal school 125282  
district may allocate all of the levy proceeds to partnering 125283  
community schools. A municipal school district shall allocate a 125284  
portion of the levy proceeds to the current expenses of the 125285  
district. The resolution shall declare that the question of the 125286  
additional tax levy shall be submitted to the electors of the 125287  
school district at a special election on a day to be specified 125288  
in the resolution. The resolution shall state the purpose of the 125289  
levy, the rate of the tax expressed in mills for each one dollar 125290  
of taxable value, the number of such mills to be levied for the 125291  
current expenses of the partnering community schools and the 125292  
number of such mills, if any, to be levied for the current 125293  
expenses of the school district, the number of years the tax 125294  
will be levied, and the first year the tax will be levied. The 125295  
number of years the tax may be levied may be any number not 125296  
exceeding ten years, or for a continuing period of time. 125297

The levy of a tax for the current expenses of a partnering 125298

community school under this section and the distribution of 125299  
proceeds from the tax by a qualifying school district to 125300  
partnering community schools is hereby determined to be a proper 125301  
public purpose. 125302

(2) (a) If any portion of the levy proceeds are to be 125303  
allocated to the current expenses of the qualifying school 125304  
district, the form of the ballot at an election held pursuant to 125305  
division (B) of this section shall be as follows: 125306

"Shall a levy be imposed by the\_\_\_\_\_ (insert the name 125307  
of the qualifying school district) for the purpose of current 125308  
expenses of the school district and of partnering community 125309  
schools, that the county auditor estimates will collect \$\_\_\_\_\_ 125310  
annually, at a rate not exceeding\_\_\_\_\_ mills for each \$1 of 125311  
taxable value, of which\_\_\_\_\_ (insert the number of mills to be 125312  
allocated to partnering community schools) mills is to be 125313  
allocated to partnering community schools, which amounts to 125314  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 125315  
~~market~~ value, for\_\_\_\_\_ (insert the number of years the levy is 125316  
to be imposed, or that it will be levied for a continuing period 125317  
of time), beginning\_\_\_\_\_ (insert first year the tax is to be 125318  
levied), which will first be payable in calendar year\_\_\_\_\_ 125319  
(insert the first calendar year in which the tax would be 125320  
payable)? 125321  
125322

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(b) If all of the levy proceeds are to be allocated to the 125323  
current expenses of partnering community schools, the form of 125324  
the ballot shall be as follows: 125325



"Shall a levy be imposed by the\_\_\_\_\_ (insert the name  
of the qualifying school district) for the purpose of current  
expenses of partnering community schools, that the county  
auditor estimates will collect \$\_\_\_\_\_ annually, at a rate not  
exceeding\_\_\_\_\_ mills for each \$1 of taxable value which amounts  
to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~  
market value, for\_\_\_\_\_ (insert the number of years the levy is  
to be imposed, or that it will be levied for a continuing period  
of time), beginning\_\_\_\_\_ (insert first year the tax is to be  
levied), which will first be payable in calendar year\_\_\_\_\_  
(insert the first calendar year in which the tax would be  
payable)?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(3) Upon each receipt of a tax distribution by the  
qualifying school district, the board of education shall credit  
the portion allocated to partnering community schools to the  
partnering community schools fund. All income from the  
investment of money in the partnering community schools fund  
shall be credited to that fund.

(a) If the qualifying school district is a municipal  
school district, the board of education shall distribute the  
partnering community schools amount among the then qualifying  
community schools not more than forty-five days after the school  
district receives and deposits each tax distribution. From each  
tax distribution, each such partnering community school shall  
receive a portion of the partnering community schools amount in  
the proportion that the number of its resident students bears to

the aggregate number of resident students of all such partnering 125353  
community schools as of the date of receipt and deposit of the 125354  
tax distribution. 125355

(b) If the qualifying school district is not a municipal 125356  
school district, the board of education may distribute all or a 125357  
portion of the amount in the partnering community schools fund 125358  
during a fiscal year to partnering community schools on or 125359  
before the first day of June of the preceding fiscal year. Each 125360  
such partnering community school shall receive a portion of the 125361  
amount distributed by the board from the partnering community 125362  
schools fund during the fiscal year in the proportion that the 125363  
number of its resident students bears to the aggregate number of 125364  
resident students of all such partnering community schools as of 125365  
the date the school district received and deposited the most 125366  
recent tax distribution. On or before the fifteenth day of June 125367  
of each fiscal year, the board of education shall announce an 125368  
estimated allocation to partnering community schools for the 125369  
ensuing fiscal year. The board is not required to allocate to 125370  
partnering community schools the entire partnering community 125371  
schools amount in the fiscal year in which a tax distribution is 125372  
received and deposited in the partnering community schools fund. 125373  
The estimated allocation shall be published on the web site of 125374  
the school district and expressed as a dollar amount per 125375  
resident student. The actual allocation to community schools in 125376  
a fiscal year need not conform to the estimate published by the 125377  
school district so long if the estimate was made in good faith. 125378

Distributions by a school district under division (B) (3) 125379  
(b) of this section shall be made in accordance with 125380  
distribution agreements entered into by the board of education 125381  
and each partnering community school eligible for distributions 125382  
under this division. The distribution agreements shall be 125383

certified to the department of education each fiscal year before 125384  
the thirtieth day of July. Each agreement shall provide for at 125385  
least three distributions by the school district to the 125386  
partnering community school during the fiscal year and shall 125387  
require the initial distribution be made on or before the 125388  
thirtieth day of July. 125389

(c) For the purposes of division (B) of this section, the 125390  
number of resident students shall be the number of such students 125391  
reported under section 3317.03 of the Revised Code and 125392  
established by the department of education as of the date of 125393  
receipt and deposit of the tax distribution. 125394

(4) To the extent an agreement whereby the qualifying 125395  
school district and a community school endorse each other's 125396  
programs is necessary for the community school to qualify as a 125397  
partnering community school under division (B) (6) (b) of this 125398  
section, the board of education of the school district shall 125399  
certify to the department of education the agreement along with 125400  
the determination that such agreement satisfies the requirements 125401  
of that division. The board's determination is conclusive. 125402

(5) For the purposes of Chapter 3317. of the Revised Code 125403  
or other laws referring to the "taxes charged and payable" for a 125404  
school district, the taxes charged and payable for a qualifying 125405  
school district that levies a tax under division (B) of this 125406  
section includes only the taxes charged and payable under that 125407  
levy for the current expenses of the school district, and does 125408  
not include the taxes charged and payable for the current 125409  
expenses of partnering community schools. The taxes charged and 125410  
payable for the current expenses of partnering community schools 125411  
shall not affect the calculation of "state education aid" as 125412  
defined in section 5751.20 of the Revised Code. 125413

- (6) As used in division (B) of this section: 125414
- (a) "Qualifying school district" means a municipal school 125415  
district, as defined in section 3311.71 of the Revised Code or a 125416  
school district that contains within its territory a partnering 125417  
community school. 125418
- (b) "Partnering community school" means a community school 125419  
established under Chapter 3314. of the Revised Code that is 125420  
located within the territory of the qualifying school district 125421  
and meets one of the following criteria: 125422
- (i) If the qualifying school district is a municipal 125423  
school district, the community school is sponsored by the 125424  
district or is a party to an agreement with the district whereby 125425  
the district and the community school endorse each other's 125426  
programs; 125427
- (ii) If the qualifying school district is not a municipal 125428  
school district, the community school is sponsored by a sponsor 125429  
that was rated as "exemplary" in the ratings most recently 125430  
published under section 3314.016 of the Revised Code before the 125431  
resolution proposing the levy is certified to the board of 125432  
elections. 125433
- (c) "Partnering community schools amount" means the 125434  
product obtained, as of the receipt and deposit of the tax 125435  
distribution, by multiplying the amount of a tax distribution by 125436  
a fraction, the numerator of which is the number of mills per 125437  
dollar of taxable value of the property tax to be allocated to 125438  
partnering community schools, and the denominator of which is 125439  
the total number of mills per dollar of taxable value authorized 125440  
by the electors in the election held under division (B) of this 125441  
section, each as set forth in the resolution levying the tax. If 125442

the resolution allocates all of the levy proceeds to partnering 125443  
community schools, the "partnering schools amount" equals the 125444  
amount of the tax distribution. 125445

(d) "Partnering community schools fund" means a separate 125446  
fund established by the board of education of a qualifying 125447  
school district for the deposit of partnering community school 125448  
amounts under this section. 125449

(e) "Resident student" means a student enrolled in a 125450  
partnering community school who is entitled to attend school in 125451  
the qualifying school district under section 3313.64 or 3313.65 125452  
of the Revised Code. 125453

(f) "Tax distribution" means a distribution of proceeds of 125454  
the tax authorized by division (B) of this section under section 125455  
321.24 of the Revised Code and distributions that are 125456  
attributable to that tax under sections 323.156 and 4503.068 of 125457  
the Revised Code or other applicable law. 125458

(C) A resolution adopted under this section shall specify 125459  
the date of holding the election, which shall not be earlier 125460  
than ninety days after the adoption and certification of the 125461  
resolution and which shall be consistent with the requirements 125462  
of section 3501.01 of the Revised Code. 125463

A resolution adopted under this section may propose to 125464  
renew one or more existing levies imposed under division (A) or 125465  
(B) of this section or to ~~increase or decrease~~ a single levy 125466  
imposed under either such division. 125467

If the board of education imposes one or more existing 125468  
levies for the purpose specified in division (F) of section 125469  
5705.19 of the Revised Code, the resolution may propose to renew 125470  
one or more of those existing levies, or to ~~increase or decrease~~ 125471

a single such existing levy, for the purpose of general 125472  
permanent improvements. 125473

If the resolution proposes to renew two or more existing 125474  
levies, the levies shall be levied for the same purpose. The 125475  
resolution shall identify those levies and the rates at which 125476  
they are levied. The resolution also shall specify that the 125477  
existing levies shall not be extended on the tax lists after the 125478  
year preceding the year in which the renewal levy is first 125479  
imposed, regardless of the years for which those levies 125480  
originally were authorized to be levied. 125481

If the resolution proposes to renew an existing levy 125482  
imposed under division (B) of this section, the rates allocated 125483  
to the qualifying school district and to partnering community 125484  
schools each may be increased or decreased or remain the same, 125485  
and the total rate may be ~~increased, decreased,~~ or remain the 125486  
same. The resolution and notice of election shall specify the 125487  
number of the mills to be levied for the current expenses of the 125488  
partnering community schools and the number of the mills, if 125489  
any, to be levied for the current expenses of the qualifying 125490  
school district. 125491

A resolution adopted under this section shall go into 125492  
immediate effect upon its passage, and no publication of the 125493  
resolution shall be necessary other than that provided for in 125494  
the notice of election. A copy of the resolution shall 125495  
immediately after its passing be certified, along with the 125496  
county auditor's certification provided under section 5705.03 of 125497  
the Revised Code, to the board of elections of the proper county 125498  
in the manner provided by section 5705.25 of the Revised Code. 125499  
That section shall govern the arrangements for the submission of 125500  
such question and other matters concerning the election to which 125501

that section refers, including publication of notice of the 125502  
election, except that the election shall be held on the date 125503  
specified in the resolution. In the case of a resolution adopted 125504  
under division (B) of this section, the publication of notice of 125505  
that election shall state the number of the mills, if any, to be 125506  
levied for the current expenses of partnering community schools 125507  
and the number of the mills to be levied for the current 125508  
expenses of the qualifying school district. If a majority of the 125509  
electors voting on the question so submitted in an election vote 125510  
in favor of the levy, the board of education may make the 125511  
necessary levy within the school district or, in the case of a 125512  
qualifying library levy for the support of a library association 125513  
or private corporation, within the association library district, 125514  
at the additional rate, or at any lesser rate in excess of the 125515  
ten-mill limitation on the tax list, for the purpose stated in 125516  
the resolution. A levy for a continuing period of time may be 125517  
reduced pursuant to section 5705.261 of the Revised Code. The 125518  
tax levy shall be included in the next tax budget that is 125519  
certified to the county budget commission. 125520

(D) (1) After the approval of a levy on the current tax 125521  
list and duplicate for current expenses, for recreational 125522  
purposes, for community centers provided for in section 755.16 125523  
of the Revised Code, or for a public library of the district 125524  
under division (A) of this section, and prior to the time when 125525  
the first tax collection from the levy can be made, the board of 125526  
education may anticipate a fraction of the proceeds of the levy 125527  
and issue anticipation notes in a principal amount not exceeding 125528  
fifty per cent of the total estimated proceeds of the levy to be 125529  
collected during the first year of the levy. 125530

(2) After the approval of a levy for general permanent 125531  
improvements for a specified number of years or for permanent 125532

improvements having the purpose specified in division (F) of 125533  
section 5705.19 of the Revised Code, the board of education may 125534  
anticipate a fraction of the proceeds of the levy and issue 125535  
anticipation notes in a principal amount not exceeding fifty per 125536  
cent of the total estimated proceeds of the levy remaining to be 125537  
collected in each year over a period of five years after the 125538  
issuance of the notes. 125539

The notes shall be issued as provided in section 133.24 of 125540  
the Revised Code, shall have principal payments during each year 125541  
after the year of their issuance over a period not to exceed 125542  
five years, and may have a principal payment in the year of 125543  
their issuance. 125544

(3) After approval of a levy for general permanent 125545  
improvements for a continuing period of time, the board of 125546  
education may anticipate a fraction of the proceeds of the levy 125547  
and issue anticipation notes in a principal amount not exceeding 125548  
fifty per cent of the total estimated proceeds of the levy to be 125549  
collected in each year over a specified period of years, not 125550  
exceeding ten, after the issuance of the notes. 125551

The notes shall be issued as provided in section 133.24 of 125552  
the Revised Code, shall have principal payments during each year 125553  
after the year of their issuance over a period not to exceed ten 125554  
years, and may have a principal payment in the year of their 125555  
issuance. 125556

(4) After the approval of a levy on the current tax list 125557  
and duplicate under division (B) of this section, and prior to 125558  
the time when the first tax collection from the levy can be 125559  
made, the board of education may anticipate a fraction of the 125560  
proceeds of the levy for the current expenses of the school 125561  
district and issue anticipation notes in a principal amount not 125562



exceeding fifty per cent of the estimated proceeds of the levy 125563  
to be collected during the first year of the levy and allocated 125564  
to the school district. The portion of the levy proceeds to be 125565  
allocated to partnering community schools under that division 125566  
shall not be included in the estimated proceeds anticipated 125567  
under this division and shall not be used to pay debt charges on 125568  
any anticipation notes. 125569

The notes shall be issued as provided in section 133.24 of 125570  
the Revised Code, shall have principal payments during each year 125571  
after the year of their issuance over a period not to exceed 125572  
five years, and may have a principal payment in the year of 125573  
their issuance. 125574

(E) The submission of questions to the electors under this 125575  
section is subject to the limitation on the number of election 125576  
dates established by section 5705.214 of the Revised Code. 125577

(F) The board of education of any school district that 125578  
levies a tax under this section for the purpose of providing for 125579  
school safety and security may report to the department of 125580  
education how the district is using revenue from that tax. 125581

The board of education of any school district that 125582  
proposes to levy a tax for the purpose of providing for school 125583  
safety and security may share the proceeds of the tax with 125584  
chartered nonpublic schools, as defined by section 3310.01 of 125585  
the Revised Code, that are located in the territory of the 125586  
school district as provided in this division. The resolution 125587  
levying the tax and the form of the ballot shall state that 125588  
proceeds from the levy are to be shared with chartered nonpublic 125589  
schools and shall state the percentage of the proceeds that is 125590  
to be shared with those schools. 125591

If a percentage of the proceeds of such a tax are to be 125592  
shared with chartered nonpublic schools under this division, 125593  
such proceeds shall be shared with all chartered nonpublic 125594  
schools located in the territory of the school district. Of the 125595  
percentage of the proceeds to be shared with chartered nonpublic 125596  
schools, each such school shall receive an amount that bears the 125597  
same proportion of that percentage that the number of resident 125598  
students attending that school bears to the total number of 125599  
resident students attending all such schools in the territory of 125600  
the school district. For the purposes of this section, a 125601  
resident student is a student enrolled in a chartered nonpublic 125602  
school located in the territory of the school district who is 125603  
entitled to attend school in the school district under section 125604  
3313.64 or 3313.65 of the Revised Code. 125605

All proceeds of the levy shall be credited to a fund of 125606  
the school district created for that purpose, and the board of 125607  
education shall pay each chartered nonpublic school its share of 125608  
the proceeds from that fund not less frequently than once after 125609  
each settlement of taxes under divisions (A) and (C) of section 125610  
321.24 of the Revised Code. Any chartered nonpublic school 125611  
receiving payments under this section shall use all of such 125612  
payments only for providing for school safety and security. 125613

**Sec. 5705.212.** (A) (1) The board of education of any school 125614  
district, at any time and by a vote of two-thirds of all of its 125615  
members, may declare by resolution that the amount of taxes that 125616  
may be raised within the ten-mill limitation will be 125617  
insufficient to provide an adequate amount for the present and 125618  
future requirements of the school district, that it is necessary 125619  
to levy not more than five taxes in excess of that limitation 125620  
for current expenses, and that each of the proposed taxes first 125621  
will be levied in a different year, over a specified period of 125622

time. The board shall identify the taxes proposed under this 125623  
section as follows: the first tax to be levied shall be called 125624  
the "original tax." Each tax subsequently levied shall be called 125625  
an "incremental tax." The rate of each incremental tax shall be 125626  
identical, but the rates of such incremental taxes need not be 125627  
the same as the rate of the original tax. The resolution also 125628  
shall state that the question of these additional taxes shall be 125629  
submitted to the electors of the school district at a special 125630  
election. The resolution shall specify separately for each tax 125631  
proposed: the amount of the increase in rate that it is 125632  
necessary to levy, expressed separately for the original tax and 125633  
each incremental tax; that the purpose of the levy is for 125634  
current expenses; the number of years during which the original 125635  
tax shall be in effect; a specification that the last year in 125636  
which the original tax is in effect shall also be the last year 125637  
in which each incremental tax shall be in effect; and the year 125638  
in which each tax first is proposed to be levied. The original 125639  
tax may be levied for any number of years not exceeding ten, or 125640  
for a continuing period of time. The resolution shall specify 125641  
the date of holding the special election, which shall not be 125642  
earlier than ninety days after the adoption and certification of 125643  
the resolution and shall be consistent with the requirements of 125644  
section 3501.01 of the Revised Code. 125645

(2) The board of education, by a vote of two-thirds of all 125646  
of its members, may adopt a resolution proposing to renew taxes 125647  
levied other than for a continuing period of time under division 125648  
(A) (1) of this section. Such a resolution shall provide for 125649  
levying a tax and specify all of the following: 125650

(a) That the tax shall be called and designated on the 125651  
ballot as a renewal levy; 125652

(b) The rate of the renewal tax, which shall be a single  
rate that combines the rate of the original tax and each  
incremental tax into a single rate. The rate of the renewal tax  
shall not exceed the aggregate rate of the original and  
incremental taxes.

(c) The number of years, not to exceed ten, that the  
renewal tax will be levied, or that it will be levied for a  
continuing period of time;

(d) That the purpose of the renewal levy is for current  
expenses;

(e) Subject to the certification and notification  
requirements of section 5705.251 of the Revised Code, that the  
question of the renewal levy shall be submitted to the electors  
of the school district at the general election held during the  
last year the original tax may be extended on the real and  
public utility property tax list and duplicate or at a special  
election held during the ensuing year.

(3) A resolution adopted under division (A) (1) or (2) of  
this section shall go into immediate effect upon its adoption  
and no publication of the resolution is necessary other than  
that provided for in the notice of election. Immediately after  
its adoption, a copy of the resolution shall be certified to the  
board of elections of the proper county in the manner provided  
by division (A) of section 5705.251 of the Revised Code, and  
that division shall govern the arrangements for the submission  
of the question and other matters concerning the election to  
which that section refers. The election shall be held on the  
date specified in the resolution. If a majority of the electors  
voting on the question so submitted in an election vote in favor  
of the taxes or a renewal tax, the board of education, if the

original or a renewal tax is authorized to be levied for the 125683  
current year, immediately may make the necessary levy within the 125684  
school district at the authorized rate, or at any lesser rate in 125685  
excess of the ten-mill limitation, for the purpose stated in the 125686  
resolution. No tax shall be imposed prior to the year specified 125687  
in the resolution as the year in which it is first proposed to 125688  
be levied. The rate of the original tax and the rate of each 125689  
incremental tax shall be cumulative, so that the aggregate rate 125690  
levied in any year is the sum of the rates of both the original 125691  
tax and all incremental taxes levied in or prior to that year 125692  
under the same proposal. A tax levied for a continuing period of 125693  
time under this section may be reduced pursuant to section 125694  
5705.261 of the Revised Code. 125695

(B) Notwithstanding section 133.30 of the Revised Code, 125696  
after the approval of a tax to be levied in the current or the 125697  
succeeding year and prior to the time when the first tax 125698  
collection from that levy can be made, the board of education 125699  
may anticipate a fraction of the proceeds of the levy and issue 125700  
anticipation notes in an amount not to exceed fifty per cent of 125701  
the total estimated proceeds of the levy to be collected during 125702  
the first year of the levy. The notes shall be sold as provided 125703  
in Chapter 133. of the Revised Code. If anticipation notes are 125704  
issued, they shall mature serially and in substantially equal 125705  
amounts during each year over a period not to exceed five years; 125706  
and the amount necessary to pay the interest and principal as 125707  
the anticipation notes mature shall be deemed appropriated for 125708  
those purposes from the levy, and appropriations from the levy 125709  
by the board of education shall be limited each fiscal year to 125710  
the balance available in excess of that amount. 125711

If the auditor of state has certified a deficit pursuant 125712  
to section 3313.483 of the Revised Code, the notes authorized 125713

under this section may be sold in accordance with Chapter 133. 125714  
of the Revised Code, except that the board may sell the notes 125715  
after providing a reasonable opportunity for competitive 125716  
bidding. 125717

(C) (1) The board of education of a qualifying school 125718  
district, at any time and by a vote of two-thirds of all its 125719  
members, may declare by resolution that it is necessary to levy 125720  
not more than five taxes in excess of the ten-mill limitation 125721  
for the current expenses of partnering community schools and, if 125722  
any of the levy proceeds are so allocated, of the school 125723  
district, and that each of the proposed taxes first will be 125724  
levied in a different year, over a specified period of time. A 125725  
qualifying school district that is not a municipal school 125726  
district may allocate all of the levy proceeds to partnering 125727  
community schools. A municipal school district shall allocate a 125728  
portion of the levy proceeds to the current expenses of the 125729  
district. The board shall identify the taxes proposed under this 125730  
division in the same manner as in division (A) (1) of this 125731  
section. The rate of each incremental tax shall be identical, 125732  
but the rates of such incremental taxes need not be the same as 125733  
the rate of the original tax. In addition to the specifications 125734  
required of the resolution in division (A) of this section, the 125735  
resolution shall state the number of the mills to be levied each 125736  
year for the current expenses of the partnering community 125737  
schools and the number of the mills, if any, to be levied each 125738  
year for the current expenses of the school district. The number 125739  
of mills for the current expenses of partnering community 125740  
schools shall be the same for each of the incremental taxes, and 125741  
the number of mills for the current expenses of the qualifying 125742  
school district shall be the same for each of the incremental 125743  
taxes. 125744

The levy of taxes for the current expenses of a partnering community school under division (C) of this section and the distribution of proceeds from the tax by a qualifying school district to partnering community schools is hereby determined to be a proper public purpose.

(2) The board of education, by a vote of two-thirds of all of its members, may adopt a resolution proposing to renew taxes levied other than for a continuing period of time under division (C) (1) of this section. In such a renewal levy, the rates allocated to the qualifying school district and to partnering community schools each may be increased or decreased or remain the same, and the total rate may be ~~increased, decreased,~~ or remain the same. In addition to the requirements of division (A) (2) of this section, the resolution shall state the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills to be levied for the current expenses of the school district.

(3) A resolution adopted under division (C) (1) or (2) of this section is subject to the rules and procedures prescribed by division (A) (3) of this section.

(4) The proceeds of each tax levied under division (C) (1) or (2) of this section shall be credited and distributed in the manner prescribed by division (B) (3) of section 5705.21 of the Revised Code, and divisions (B) (4), (5), and (6) of that section apply to taxes levied under division (C) of this section.

(5) Notwithstanding section 133.30 of the Revised Code, after the approval of a tax to be levied under division (C) (1) or (2) of this section, in the current or succeeding year and prior to the time when the first tax collection from that levy can be made, the board of education may anticipate a fraction of

the proceeds of the levy for the current expenses of the 125775  
qualifying school district and issue anticipation notes in a 125776  
principal amount not exceeding fifty per cent of the estimated 125777  
proceeds of the levy to be collected during the first year of 125778  
the levy and allocated to the school district. The portion of 125779  
levy proceeds to be allocated to partnering community schools 125780  
shall not be included in the estimated proceeds anticipated 125781  
under this division and shall not be used to pay debt charges on 125782  
any anticipation notes. 125783

The notes shall be sold as provided in Chapter 133. of the 125784  
Revised Code. If anticipation notes are issued, they shall 125785  
mature serially and in substantially equal amounts during each 125786  
year over a period not to exceed five years. The amount 125787  
necessary to pay the interest and principal as the anticipation 125788  
notes mature shall be deemed appropriated for those purposes 125789  
from the levy, and appropriations from the levy by the board of 125790  
education shall be limited each fiscal year to the balance 125791  
available in excess of that amount. 125792

If the auditor of state has certified a deficit pursuant 125793  
to section 3313.483 of the Revised Code, the notes authorized 125794  
under this section may be sold in accordance with Chapter 133. 125795  
of the Revised Code, except that the board may sell the notes 125796  
after providing a reasonable opportunity for competitive 125797  
bidding. 125798

As used in division (C) of this section, "qualifying 125799  
school district" and "partnering community schools" have the 125800  
same meanings as in section 5705.21 of the Revised Code. 125801

(D) The submission of questions to the electors under this 125802  
section is subject to the limitation on the number of election 125803  
dates established by section 5705.214 of the Revised Code. 125804



(E) When a school board certifies a resolution to the 125805  
county auditor under division (B) (1) of section 5705.03 of the 125806  
Revised Code proposing to levy a tax under division (A) (1) or 125807  
(C) (1) of this section, the county auditor shall certify, in 125808  
addition to the other information the auditor is required to 125809  
certify under that section, an estimate of both the levy's 125810  
annual collections for the tax year for which the original tax 125811  
applies and the levies' aggregate annual collections for the tax 125812  
year for which the final incremental tax applies, in both cases 125813  
rounded to the nearest dollar, which shall be calculated 125814  
assuming that the amount of the tax list of the taxing authority 125815  
remains throughout the life of the levy the same as the amount 125816  
of the tax list most recently certified by the county auditor 125817  
under division (A) of section 319.28 of the Revised Code. If a 125818  
school district is located in more than one county, the county 125819  
auditor shall obtain from the county auditor of each other 125820  
county in which the district is located the current tax 125821  
valuation for the portion of the district in that county. 125822

**Sec. 5705.213.** (A) (1) The board of education of any school 125823  
district, at any time and by a vote of two-thirds of all of its 125824  
members, may declare by resolution that the amount of taxes that 125825  
may be raised within the ten-mill limitation will be 125826  
insufficient to provide an adequate amount for the present and 125827  
future requirements of the school district and that it is 125828  
necessary to levy a tax in excess of that limitation for current 125829  
expenses. The resolution also shall state that the question of 125830  
the additional tax shall be submitted to the electors of the 125831  
school district at a special election. The resolution shall 125832  
specify, for each year the levy is in effect, the amount of 125833  
money that the levy is proposed to raise, which may, for years 125834  
after the first year the levy is made, be expressed in terms of 125835

a dollar or percentage increase over the prior year's amount. 125836  
The resolution also shall specify that the purpose of the levy 125837  
is for current expenses, the number of years during which the 125838  
tax shall be in effect which may be for any number of years not 125839  
exceeding ten, and the year in which the tax first is proposed 125840  
to be levied. The resolution shall specify the date of holding 125841  
the special election, which shall not be earlier than ninety- 125842  
five days after the adoption and certification of the resolution 125843  
to the county auditor and not earlier than ninety days after 125844  
certification to the board of elections. The date of the 125845  
election shall be consistent with the requirements of section 125846  
3501.01 of the Revised Code. 125847

(2) The board of education, by a vote of two-thirds of all 125848  
of its members, may adopt a resolution proposing to renew a tax 125849  
levied under division (A) (1) of this section. Such a resolution 125850  
shall provide for levying a tax and specify all of the 125851  
following: 125852

(a) That the tax shall be called and designated on the 125853  
ballot as a renewal levy; 125854

(b) The amount of the renewal tax, which shall be no more 125855  
than the amount of tax levied during the last year the tax being 125856  
renewed is authorized to be in effect; 125857

(c) The number of years, not to exceed ten, that the 125858  
renewal tax will be levied, or that it will be levied for a 125859  
continuing period of time; 125860

(d) That the purpose of the renewal levy is for current 125861  
expenses; 125862

(e) Subject to the certification and notification 125863  
requirements of section 5705.251 of the Revised Code, that the 125864

question of the renewal levy shall be submitted to the electors 125865  
of the school district at the general election held during the 125866  
last year the tax being renewed may be extended on the real and 125867  
public utility property tax list and duplicate or at a special 125868  
election held during the ensuing year. 125869

(3) A resolution adopted under division (A) (1) or (2) of 125870  
this section shall go into immediate effect upon its adoption 125871  
and no publication of the resolution is necessary other than 125872  
that provided for in the notice of election. Immediately after 125873  
its adoption, a copy of the resolution shall be certified to the 125874  
county auditor of the proper county, who shall, within ten days, 125875  
calculate and certify to the board of education the estimated 125876  
levy, for the first year, and for each subsequent year for which 125877  
the tax is proposed to be in effect. The estimates shall be made 125878  
both in mills for each one dollar of taxable value and in 125879  
dollars for each one hundred thousand dollars of ~~the county~~ 125880  
~~auditor's appraised market~~ value. In making the estimates, the 125881  
auditor shall assume that the amount of the tax list remains 125882  
throughout the life of the levy, the same as the tax list most 125883  
recently certified by the county auditor under division (A) of 125884  
section 319.28 of the Revised Code. 125885

If the board desires to proceed with the submission of the 125886  
question, it shall certify its resolution, with the estimated 125887  
tax levy expressed in mills for each one dollar of taxable value 125888  
and dollars for each one hundred thousand dollars of ~~the county~~ 125889  
~~auditor's appraised market~~ value for each year that the tax is 125890  
proposed to be in effect, to the board of elections of the 125891  
proper county in the manner provided by division (A) of section 125892  
5705.251 of the Revised Code. Section 5705.251 of the Revised 125893  
Code shall govern the arrangements for the submission of the 125894  
question and other matters concerning the election to which that 125895

section refers. The election shall be held on the date specified 125896  
in the resolution. If a majority of the electors voting on the 125897  
question so submitted in an election vote in favor of the tax, 125898  
and if the tax is authorized to be levied for the current year, 125899  
the board of education immediately may make the additional levy 125900  
necessary to raise the amount specified in the resolution or a 125901  
lesser amount for the purpose stated in the resolution. 125902

(4) The submission of questions to the electors under this 125903  
section is subject to the limitation on the number of election 125904  
dates established by section 5705.214 of the Revised Code. 125905

(B) Notwithstanding section 133.30 of the Revised Code, 125906  
after the approval of a tax to be levied in the current or the 125907  
succeeding year and prior to the time when the first tax 125908  
collection from that levy can be made, the board of education 125909  
may anticipate a fraction of the proceeds of the levy and issue 125910  
anticipation notes in an amount not to exceed fifty per cent of 125911  
the total estimated proceeds of the levy to be collected during 125912  
the first year of the levy. The notes shall be sold as provided 125913  
in Chapter 133. of the Revised Code. If anticipation notes are 125914  
issued, they shall mature serially and in substantially equal 125915  
amounts during each year over a period not to exceed five years; 125916  
and the amount necessary to pay the interest and principal as 125917  
the anticipation notes mature shall be deemed appropriated for 125918  
those purposes from the levy, and appropriations from the levy 125919  
by the board of education shall be limited each fiscal year to 125920  
the balance available in excess of that amount. 125921

If the auditor of state has certified a deficit pursuant 125922  
to section 3313.483 of the Revised Code, the notes authorized 125923  
under this section may be sold in accordance with Chapter 133. 125924  
of the Revised Code, except that the board may sell the notes 125925

after providing a reasonable opportunity for competitive 125926  
bidding. 125927

**Sec. 5705.215.** (A) The governing board of an educational 125928  
service center that is the taxing authority of a county school 125929  
financing district, upon receipt of identical resolutions 125930  
adopted within a sixty-day period by ~~a majority two-thirds~~ of 125931  
~~the all~~ members of the board of education of each school 125932  
district that is within the territory of the county school 125933  
financing district, may submit a tax levy to the electors of the 125934  
territory in the same manner as a school board may submit a levy 125935  
under division (C) of section 5705.21 of the Revised Code, 125936  
except that: 125937

(1) The levy may be for a period not to exceed ten years, 125938  
or, if the levy is solely for the purpose or purposes described 125939  
in division (A) (2) (a), (c), or (f) of this section, for a 125940  
continuing period of time. 125941

(2) The purpose of the levy shall be one or more of the 125942  
following: 125943

(a) For current expenses for the provision of special 125944  
education and related services within the territory of the 125945  
district; 125946

(b) For permanent improvements within the territory of the 125947  
district for special education and related services; 125948

(c) For current expenses for specified educational 125949  
programs within the territory of the district; 125950

(d) For permanent improvements within the territory of the 125951  
district for specified educational programs; 125952

(e) For permanent improvements within the territory of the 125953

district; 125954

(f) For current expenses for school safety and security 125955  
and mental health services, including training and employment of 125956  
or contracting for the services of safety personnel, mental 125957  
health personnel, social workers, and counselors. 125958

(B) If the levy provides for but is not limited to current 125959  
expenses, the resolutions shall apportion the annual rate of the 125960  
levy between current expenses and the other purposes. The 125961  
apportionment need not be the same for each year of the levy, 125962  
but the respective portions of the rate actually levied each 125963  
year for current expenses and the other purposes shall be 125964  
limited by that apportionment. 125965

(C) Prior to the application of section 319.301 of the 125966  
Revised Code, the rate of a levy that is limited to, or to the 125967  
extent that it is apportioned to, purposes other than current 125968  
expenses shall be reduced in the same proportion in which the 125969  
district's total valuation increases during the life of the levy 125970  
because of additions to such valuation that have resulted from 125971  
improvements added to the tax list and duplicate. 125972

(D) After the approval of a county school financing 125973  
district levy under this section, the taxing authority may 125974  
anticipate a fraction of the proceeds of such levy and may from 125975  
time to time during the life of such levy, but in any given year 125976  
prior to the time when the tax collection from such levy can be 125977  
made for that year, issue anticipation notes in an amount not 125978  
exceeding fifty per cent of the estimated proceeds of the levy 125979  
to be collected in each year up to a period of five years after 125980  
the date of the issuance of such notes, less an amount equal to 125981  
the proceeds of such levy obligated for each year by the 125982  
issuance of anticipation notes, provided that the total amount 125983

maturing in any one year shall not exceed fifty per cent of the 125984  
anticipated proceeds of the levy for that year. Each issue of 125985  
notes shall be sold as provided in Chapter 133. of the Revised 125986  
Code, and shall, except for the limitation that the total amount 125987  
of such notes maturing in any one year shall not exceed fifty 125988  
per cent of the anticipated proceeds of such levy for that year, 125989  
mature serially in substantially equal installments during each 125990  
year over a period not to exceed five years after their 125991  
issuance. 125992

(E) (1) In a resolution to be submitted to the taxing 125993  
authority of a county school financing district under division 125994  
(A) of this section calling for a ballot issue on the question 125995  
of the levying of a tax for a continuing period of time by the 125996  
taxing authority, the board of education of a school district 125997  
that is part of the territory of the county school financing 125998  
district also may propose to reduce the rate of one or more of 125999  
that school district's property taxes levied for a continuing 126000  
period of time in excess of the ten-mill limitation. The 126001  
reduction in the rate of a property tax may be any amount, not 126002  
exceeding the rate at which the tax is authorized to be levied. 126003  
The reduction in the rate of a tax shall first take effect in 126004  
the same year that the county school financing district tax 126005  
takes effect, and shall continue for each year that the county 126006  
school financing district tax is in effect. A board of 126007  
education's resolution proposing to reduce the rate of one or 126008  
more of its school district property taxes shall, in addition to 126009  
including information required for a resolution under division 126010  
(B) (1) of section 5705.03 of the Revised Code, specifically 126011  
identify each such tax and shall state for each tax the maximum 126012  
rate at which it currently may be levied and the maximum rate at 126013  
which it could be levied after the proposed reduction, expressed 126014

in mills for each one dollar of taxable value. 126015

Before submitting the resolution to the taxing authority 126016  
of the county school financing district, the board of education 126017  
of the school district shall certify a copy of it to the tax 126018  
commissioner and the county auditor. The county auditor shall 126019  
certify to the board all information required under division (B) 126020  
(2) of section 5705.03 of the Revised Code, in the manner 126021  
required under that division, and both of the following: 126022

(a) An estimate of the levy's annual collections beginning 126023  
for the first year for which the reduction applies, rounded to 126024  
the nearest dollar, which shall be calculated assuming that the 126025  
amount of the tax list of the taxing authority remains 126026  
throughout the life of the reduced levy the same as the amount 126027  
of the tax list most recently certified by the county auditor 126028  
under division (A) of section 319.28 of the Revised Code. 126029

If a school district is located in more than one county, 126030  
the county auditor shall obtain from the county auditor of each 126031  
other county in which the district is located the current tax 126032  
valuation for the portion of the district in that county. 126033

(b) The effective rate of the levy for the last year 126034  
before the proposed reduction and the first year that the 126035  
reduction applies, both expressed in dollars for each one 126036  
hundred thousand dollars of ~~the county auditor's appraised~~ 126037  
market value. 126038

The tax commissioner, within ten days of receiving the 126039  
resolution, shall certify to the board the reduction in the 126040  
school district's total effective tax rate for each class of 126041  
property that would have resulted if the proposed reduction in 126042  
the rate or rates had been in effect the previous year. As used 126043



in this paragraph, "effective tax rate" has the same meaning as 126044  
in section 323.08 of the Revised Code. 126045

After receiving these certifications from the commissioner 126046  
and the auditor, the board may amend its resolution to change 126047  
the proposed property tax rate reduction before submitting the 126048  
resolution to the financing district taxing authority, provided 126049  
the board certifies a copy of the amended resolution to the 126050  
county auditor with a request to provide the information 126051  
required under divisions (E) (1) (a) and (b) of this section and 126052  
the auditor transmits that information to the taxing authority. 126053

If the board of education of a school district that is 126054  
part of the territory of a county school financing district 126055  
adopts a resolution proposing to reduce the rate of one or more 126056  
of its property taxes in conjunction with the levying of a tax 126057  
by the financing district, the resolution submitted by the board 126058  
to the taxing authority of the financing district under division 126059  
(A) of this section does not have to be identical in this 126060  
respect to the resolutions submitted by the boards of education 126061  
of the other school districts that are part of the territory of 126062  
the county school financing district. 126063

(2) Each school district that is part of the territory of 126064  
a county school financing district may tailor to its own 126065  
situation a proposed reduction in one or more property tax rates 126066  
in conjunction with the proposed levying of a tax by the county 126067  
school financing district; if one such school district proposes 126068  
a reduction in one or more tax rates, another school district 126069  
may propose a reduction of a different size or may propose no 126070  
reduction. Within each school district that is part of the 126071  
territory of the county school financing district, the electors 126072  
shall vote on one ballot issue combining the question of the 126073

levying of the tax by the taxing authority of the county school 126074  
financing district with, if any such reduction is proposed, the 126075  
question of the reduction in the rate of one or more taxes of 126076  
the school district. If a majority of the electors of the county 126077  
school financing district voting on the question of the proposed 126078  
levying of a tax by the taxing authority of the financing 126079  
district vote to approve the question, any tax reductions 126080  
proposed by school districts that are part of the territory of 126081  
the financing district also are approved. 126082

(3) The form of the ballot for an issue proposing to levy 126083  
a county school financing district tax in conjunction with the 126084  
reduction of the rate of one or more school district taxes shall 126085  
be as follows: 126086

"Shall the \_\_\_\_\_ (name of the county school financing 126087  
district) be authorized to levy an additional tax for \_\_\_\_\_ 126088  
(purpose stated in the resolutions), that the county auditor 126089  
estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding 126090  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 126091  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 126092  
market value, for a continuing period of time? If the county 126093  
school financing district tax is approved, the rate of an 126094  
existing tax currently levied by the \_\_\_\_\_ (name of the school 126095  
district of which the elector is a resident) at the rate of 126096  
\_\_\_\_\_ mills shall be reduced to \_\_\_\_\_ mills for each \$1 of 126097  
taxable value, which amounts to a reduction from \$\_\_\_\_\_ 126098  
(effective rate) to \$\_\_\_\_\_ (effective rate) for each \$100,000 126099  
of ~~the county auditor's appraised~~ market value, that the county 126100  
auditor estimates will collect \$\_\_\_\_\_ annually, until any such 126101  
time as the county school financing district tax is decreased or 126102  
repealed. 126103  
126104

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the board of education of the school district proposes to reduce the rate of more than one of its existing taxes, the second sentence of the ballot language shall be modified for residents of that district to express the rates and effective rates at which those taxes currently are levied and the rates and effective rates to which they would be reduced as well as each levy's estimated annual collections, as provided by the county auditor under division (E) (1) (a) of this section. If the board of education of the school district does not propose to reduce the rate of any of its taxes, the second sentence of the ballot language shall not be used for residents of that district. In any case, the first sentence of the ballot language shall be the same for all the electors in the county school financing district, but the second sentence shall be different in each school district depending on whether and in what amount the board of education of the school district proposes to reduce the rate of one or more of its property taxes.

(4) If the rate of a school district property tax is reduced pursuant to this division, the tax commissioner shall compute the percentage required to be computed for that tax under division (D) of section 319.301 of the Revised Code each year the rate is reduced as if the tax had been levied in the preceding year at the rate to which it has been reduced. If the reduced rate of a tax is increased under division (E) (5) of this section, the commissioner shall compute the percentage required to be computed for that tax under division (D) of section 319.301 of the Revised Code each year the rate is increased as

if the tax had been levied in the preceding year at the rate to 126132  
which it has been increased. 126133

(5) After the levying of a county school financing 126134  
district tax in conjunction with the reduction of the rate of 126135  
one or more school district taxes is approved by the electors 126136  
under this division, if the rate of the county school financing 126137  
district tax is decreased pursuant to an election under section 126138  
5705.261 of the Revised Code, the rate of each school district 126139  
tax that had been reduced shall be increased by the number of 126140  
mills obtained by multiplying the number of mills of the 126141  
original reduction by the same percentage that the financing 126142  
district tax rate is decreased. If the county school financing 126143  
district tax is repealed pursuant to an election under section 126144  
5705.261 of the Revised Code, each school district may resume 126145  
levying the property taxes that had been reduced at the full 126146  
rate originally approved by the electors. A reduction in the 126147  
rate of a school district property tax under this division is a 126148  
reduction in the rate at which the board of education may levy 126149  
that tax only for the period during which the county school 126150  
financing district tax is levied prior to any decrease or repeal 126151  
under section 5705.261 of the Revised Code. The resumption of 126152  
the authority of the board of education to levy an increased or 126153  
the full rate of tax does not constitute the levying of a new 126154  
tax in excess of the ten-mill limitation. 126155

(F) If a county school financing district has a tax in 126156  
effect under this section, the territory of a city, local, or 126157  
exempted village school district that is not a part of the 126158  
county school financing district shall not become a part of the 126159  
county school financing district unless approved by the electors 126160  
of the city, local, or exempted village school district in 126161  
accordance with division (C) of section 3311.50 of the Revised 126162

Code. 126163

**Sec. 5705.217.** (A) The board of education of a city, 126164  
local, or exempted village school district, at any time by a 126165  
vote of two-thirds of all its members, may declare by resolution 126166  
that the amount of taxes that can be raised within the ten-mill 126167  
limitation will be insufficient to provide an adequate amount 126168  
for the present and future requirements of the school district; 126169  
that it is necessary to levy an additional tax in excess of that 126170  
limitation for the purposes of providing funds for current 126171  
operating expenses and for general permanent improvements as 126172  
defined in section 5705.21 of the Revised Code; and that the 126173  
question of the tax shall be submitted to the electors of the 126174  
district at a special election. The tax may be levied for a 126175  
specified number of years not exceeding five or for a continuing 126176  
period of time. The resolution shall specify the proposed tax 126177  
rate, the first year the tax will be levied, and the number of 126178  
years it will be levied, or that it will be levied for a 126179  
continuing period of time. The resolution shall apportion the 126180  
annual rate of the tax between current operating expenses and 126181  
permanent improvements. The apportionment may but need not be 126182  
the same for each year of the tax, but the respective portions 126183  
of the rate actually levied each year for current operating 126184  
expenses and permanent improvements shall be limited by the 126185  
apportionment. 126186

The resolution shall specify the date of holding the 126187  
special election, which shall not be earlier than ninety days 126188  
after certification of the resolution to the board of elections 126189  
and shall be consistent with the requirements of section 3501.01 126190  
of the Revised Code. The resolution shall go into immediate 126191  
effect upon its passage, and no publication of it is necessary 126192  
other than that provided in the notice of election. The board of 126193

education shall certify a copy of the resolution to the board of 126194  
elections immediately after its adoption. Section 5705.25 of the 126195  
Revised Code governs the arrangements and form of the ballot for 126196  
the submission of the question to the electors. 126197

If a majority of the electors voting on the question vote 126198  
in favor of the tax, the board of education may make the levy at 126199  
the additional rate, or at any lesser rate in excess of the ten- 126200  
mill limitation. If the tax is for a continuing period of time, 126201  
it may be decreased in accordance with section 5705.261 of the 126202  
Revised Code. 126203

A board of education may adopt a resolution to renew one 126204  
or more existing levies imposed under this section, or to 126205  
~~increase or~~ decrease the rate of a tax levied under this 126206  
section, for the purpose of providing funds for either current 126207  
expenses and general permanent improvements or solely for 126208  
general permanent improvements. 126209

(B) (1) After the approval of a tax for current operating 126210  
expenses under this section and prior to the time the first 126211  
collection and distribution from the levy can be made, the board 126212  
of education may anticipate a fraction of the proceeds of such 126213  
levy and issue anticipation notes in a principal amount not 126214  
exceeding fifty per cent of the total estimated proceeds of the 126215  
tax to be collected during the first year of the levy. 126216

(2) After the approval of a tax for general permanent 126217  
improvements levied under this section for a specified number of 126218  
years, the board of education may anticipate a fraction of the 126219  
proceeds of such tax and issue anticipation notes in a principal 126220  
amount not exceeding fifty per cent of the total estimated 126221  
proceeds of the tax remaining to be collected in each year over 126222  
a specified period of years, not exceeding the number of years 126223

for which the tax was levied, after issuance of the notes. 126224

(3) After the approval of a tax for general permanent 126225  
improvements levied under this section for a continuing period 126226  
of time, the board of education may anticipate a fraction of the 126227  
proceeds of such tax and issue anticipation notes in a principal 126228  
amount not exceeding fifty per cent of the total estimated 126229  
proceeds of the tax to be collected in each year over a 126230  
specified period of years, not exceeding ten, after issuance of 126231  
the notes. 126232

Anticipation notes under this section shall be issued as 126233  
provided in section 133.24 of the Revised Code. Notes issued 126234  
under division (B) (1) or (2) of this section shall have 126235  
principal payments during each year after the year of their 126236  
issuance over a period not to exceed five years, and may have a 126237  
principal payment in the year of their issuance. Notes issued 126238  
under division (B) (3) of this section shall have principal 126239  
payments during each year after the year of their issuance over 126240  
a period not to exceed ten years, and may have a principal 126241  
payment in the year of their issuance. 126242

(C) The submission of a question to the electors under 126243  
this section is subject to the limitation on the number of 126244  
elections that can be held in a year under section 5705.214 of 126245  
the Revised Code. 126246

**Sec. 5705.218.** (A) The board of education of a city, 126247  
local, or exempted village school district, at any time by a 126248  
vote of two-thirds of all its members, may declare by resolution 126249  
that it may be necessary for the school district to issue 126250  
general obligation bonds for permanent improvements. The 126251  
resolution shall state all of the following: 126252

(1) The necessity and purpose of the bond issue; 126253

(2) The date of the special election at which the question 126254  
shall be submitted to the electors; 126255

(3) The amount, approximate date, estimated rate of 126256  
interest, and maximum number of years over which the principal 126257  
of the bonds may be paid; 126258

(4) The necessity of levying a tax outside the ten-mill 126259  
limitation to pay debt charges on the bonds and any anticipatory 126260  
securities. 126261

On adoption of the resolution, the board shall certify a 126262  
copy of it to the county auditor. The county auditor promptly 126263  
shall estimate and certify to the board the average annual 126264  
property tax rate, expressed in mills for each one dollar of 126265  
taxable value and in dollars for each one hundred thousand 126266  
dollars of ~~the county auditor's appraised market~~ value, required 126267  
throughout the stated maturity of the bonds to pay debt charges 126268  
on the bonds in the same manner as under division (C) of section 126269  
133.18 of the Revised Code. 126270

(B) After receiving the county auditor's certification 126271  
under division (A) of this section, the board of education of 126272  
the city, local, or exempted village school district, by a vote 126273  
of two-thirds of all its members, may declare by resolution that 126274  
the amount of taxes that can be raised within the ten-mill 126275  
limitation will be insufficient to provide an adequate amount 126276  
for the present and future requirements of the school district; 126277  
that it is necessary to issue general obligation bonds of the 126278  
school district for permanent improvements and to levy an 126279  
additional tax in excess of the ten-mill limitation to pay debt 126280  
charges on the bonds and any anticipatory securities; that it is 126281



necessary for a specified number of years or for a continuing 126282  
period of time to levy additional taxes in excess of the ten- 126283  
mill limitation to provide funds for the acquisition, 126284  
construction, enlargement, renovation, and financing of 126285  
permanent improvements or to pay for current operating expenses, 126286  
or both; and that the question of the bonds and taxes shall be 126287  
submitted to the electors of the school district at a special 126288  
election, which shall not be earlier than ninety days after 126289  
certification of the resolution to the board of elections, and 126290  
the date of which shall be consistent with section 3501.01 of 126291  
the Revised Code. The resolution shall specify all of the 126292  
following: 126293

(1) The county auditor's estimate of the average annual 126294  
property tax rate required throughout the stated maturity of the 126295  
bonds to pay debt charges on the bonds; 126296

(2) The proposed rate of the tax, if any, for current 126297  
operating expenses expressed in mills for each one dollar of 126298  
taxable value and in dollars for each one hundred thousand 126299  
dollars of ~~the county auditor's appraised~~ market value, the 126300  
first year the tax will be levied, and the number of years it 126301  
will be levied, or that it will be levied for a continuing 126302  
period of time; 126303

(3) The proposed rate of the tax, if any, for permanent 126304  
improvements expressed in mills for each one dollar of taxable 126305  
value and in dollars for each one hundred thousand dollars of 126306  
~~the county auditor's appraised~~ market value, the first year the 126307  
tax will be levied, and the number of years it will be levied, 126308  
or that it will be levied for a continuing period of time. 126309

The resolution shall apportion the annual rate of the tax 126310  
between current operating expenses and permanent improvements, 126311

if both taxes are proposed. The apportionment may but need not 126312  
be the same for each year of the tax, but the respective 126313  
portions of the rate actually levied each year for current 126314  
operating expenses and permanent improvements shall be limited 126315  
by the apportionment. The resolution shall go into immediate 126316  
effect upon its passage, and no publication of it is necessary 126317  
other than that provided in the notice of election. The board of 126318  
education shall certify a copy of the resolution, along with 126319  
copies of the auditor's estimates and its resolution under 126320  
division (A) of this section, to the board of elections 126321  
immediately after its adoption. 126322

(C) The board of elections shall make the arrangements for 126323  
the submission to the electors of the school district of the 126324  
question proposed under division (B) or (J) of this section, and 126325  
the election shall be conducted, canvassed, and certified in the 126326  
same manner as regular elections in the district for the 126327  
election of county officers. The resolution shall be put before 126328  
the electors as one ballot question, with a favorable vote 126329  
indicating approval of the bond issue, the levy to pay debt 126330  
charges on the bonds and any anticipatory securities, the 126331  
current operating expenses levy, the permanent improvements 126332  
levy, and the levy for the current expenses of a qualifying 126333  
school district and of partnering community schools, as those 126334  
levies may be proposed. The board of elections shall publish 126335  
notice of the election in a newspaper of general circulation in 126336  
the school district once a week for two consecutive weeks, or as 126337  
provided in section 7.16 of the Revised Code, prior to the 126338  
election. If a board of elections operates and maintains a web 126339  
site, that board also shall post notice of the election on its 126340  
web site for thirty days prior to the election. The notice of 126341  
election shall state all of the following: 126342

- (1) The principal amount of the proposed bond issue; 126343
- (2) The permanent improvements for which the bonds are to 126344  
be issued; 126345
- (3) The maximum number of years over which the principal 126346  
of the bonds may be paid; 126347
- (4) The estimated additional average annual property tax 126348  
rate to pay the debt charges on the bonds, as certified by the 126349  
county auditor and expressed in mills for each one dollar of 126350  
taxable value and in dollars for each one hundred thousand 126351  
dollars of ~~the county auditor's appraised~~ market value; 126352
- (5) The proposed rate of the additional tax, if any, for 126353  
current operating expenses expressed in mills for each one 126354  
dollar of taxable value and in dollars for each one hundred 126355  
thousand dollars of ~~the county auditor's appraised~~ market value 126356  
and, if the question is proposed under division (J) of this 126357  
section, the portion of the rate to be allocated to the school 126358  
district and the portion to be allocated to partnering community 126359  
schools; 126360
- (6) The number of years the current operating expenses tax 126361  
will be in effect, or that it will be in effect for a continuing 126362  
period of time; 126363
- (7) The proposed rate of the additional tax, if any, for 126364  
permanent improvements expressed in mills for each one dollar of 126365  
taxable value and in dollars for each one hundred thousand 126366  
dollars of ~~the county auditor's appraised~~ market value; 126367
- (8) The number of years the permanent improvements tax 126368  
will be in effect, or that it will be in effect for a continuing 126369  
period of time; 126370

(9) The annual estimated collections, if applicable, of 126371  
the current operating expenses levy and permanent improvements 126372  
levy, as certified by the county auditor; 126373

(10) The time and place of the special election. 126374

(D) The form of the ballot for an election under this 126375  
section is as follows: 126376

"Shall the \_\_\_\_\_ school district be authorized to do 126377  
the following: 126378

(1) Issue bonds for the purpose of \_\_\_\_\_ in the 126379  
principal amount of \$\_\_\_\_\_, to be repaid annually over a 126380  
maximum period of \_\_\_\_\_ years, and levy a property tax outside 126381  
the ten-mill limitation, estimated by the county auditor to 126382  
average over the bond repayment period \_\_\_\_\_ mills for each \$1 126383  
of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 126384  
~~the county auditor's appraised market~~ value, to pay the annual 126385  
debt charges on the bonds, and to pay debt charges on any notes 126386  
issued in anticipation of those bonds?" 126387

If either a levy for permanent improvements or a levy for 126388  
current operating expenses is proposed, or both are proposed, 126389  
the ballot also shall contain the following language, as 126390  
appropriate: 126391

"(2) Levy an additional property tax to provide funds for 126392  
the acquisition, construction, enlargement, renovation, and 126393  
financing of permanent improvements, that the county auditor 126394  
estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding 126395  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 126396  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 126397  
~~market~~ value, for \_\_\_\_\_ (number of years of the levy, or a 126398  
continuing period of time)? 126399

(3) Levy an additional property tax to pay current operating expenses, that the county auditor estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ market value, for \_\_\_\_\_ (number of years of the levy, or a continuing period of time)?

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

If the question is proposed under division (J) of this section, the form of the ballot shall be modified as prescribed by division (J) (4) of this section.

(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote for it, the board of education may proceed with issuance of the bonds and with the levy and collection of the property tax or taxes at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(F) (1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the

tax to be collected during the first year of the levy. 126427

(2) After the approval of a tax under this section for 126428  
permanent improvements having a specific purpose, the board of 126429  
education may anticipate a fraction of the proceeds of such tax 126430  
and issue anticipation notes in a principal amount not exceeding 126431  
fifty per cent of the total estimated proceeds of the tax 126432  
remaining to be collected in each year over a period of five 126433  
years after issuance of the notes. 126434

(3) After the approval of a tax under this section for 126435  
general permanent improvements as defined under section 5705.21 126436  
of the Revised Code, the board of education may anticipate a 126437  
fraction of the proceeds of such tax and issue anticipation 126438  
notes in a principal amount not exceeding fifty per cent of the 126439  
total estimated proceeds of the tax to be collected in each year 126440  
over a specified period of years, not exceeding ten, after 126441  
issuance of the notes. 126442

Anticipation notes under this section shall be issued as 126443  
provided in section 133.24 of the Revised Code. Notes issued 126444  
under division (F) (1) or (2) of this section shall have 126445  
principal payments during each year after the year of their 126446  
issuance over a period not to exceed five years, and may have a 126447  
principal payment in the year of their issuance. Notes issued 126448  
under division (F) (3) of this section shall have principal 126449  
payments during each year after the year of their issuance over 126450  
a period not to exceed ten years, and may have a principal 126451  
payment in the year of their issuance. 126452

(G) A tax for current operating expenses or for permanent 126453  
improvements levied under this section for a specified number of 126454  
years may be renewed ~~or replaced~~ in the same manner as a tax for 126455  
current operating expenses or for permanent improvements levied 126456

under section 5705.21 of the Revised Code. A tax for current 126457  
operating expenses or for permanent improvements levied under 126458  
this section for a continuing period of time may be decreased in 126459  
accordance with section 5705.261 of the Revised Code. 126460

(H) The submission of a question to the electors under 126461  
this section is subject to the limitation on the number of 126462  
elections that can be held in a year under section 5705.214 of 126463  
the Revised Code. 126464

(I) A school district board of education proposing a 126465  
ballot measure under this section to generate local resources 126466  
for a project under the school building assistance expedited 126467  
local partnership program under section 3318.36 of the Revised 126468  
Code may combine the questions under division (D) of this 126469  
section with a question for the levy of a property tax to 126470  
generate moneys for maintenance of the classroom facilities 126471  
acquired under that project as prescribed in section 3318.361 of 126472  
the Revised Code. 126473

(J) (1) After receiving the county auditor's certifications 126474  
under division (A) of this section, the board of education of a 126475  
qualifying school district, by a vote of two-thirds of all its 126476  
members, may declare by resolution that it is necessary to levy 126477  
a tax in excess of the ten-mill limitation for the purpose of 126478  
paying the current expenses of the school district and of 126479  
partnering community schools, as defined in section 5705.21 of 126480  
the Revised Code; that it is necessary to issue general 126481  
obligation bonds of the school district for permanent 126482  
improvements of the district and to levy an additional tax in 126483  
excess of the ten-mill limitation to pay debt charges on the 126484  
bonds and any anticipatory securities; and that the question of 126485  
the bonds and taxes shall be submitted to the electors of the 126486

school district at a special election, which shall not be 126487  
earlier than ninety days after certification of the resolution 126488  
to the board of elections, and the date of which shall be 126489  
consistent with section 3505.01 of the Revised Code. 126490

The levy of taxes for the current expenses of a partnering 126491  
community school under division (J) of this section and the 126492  
distribution of proceeds from the tax by a qualifying school 126493  
district to partnering community schools is hereby determined to 126494  
be a proper public purpose. 126495

(2) The tax for the current expenses of the school 126496  
district and of partnering community schools is subject to the 126497  
requirements of divisions (B)(3), (4), and (5) of section 126498  
5705.21 of the Revised Code. 126499

(3) In addition to the required specifications of the 126500  
resolution under division (B) of this section, the resolution 126501  
shall express the rate of the tax in mills for each one dollar 126502  
of taxable value and in dollars for each one hundred thousand 126503  
dollars of ~~the county auditor's appraised market~~ value, state 126504  
the number of the mills to be levied for the current expenses of 126505  
the partnering community schools and the number of the mills to 126506  
be levied for the current expenses of the school district, 126507  
specify the number of years (not exceeding ten) the tax will be 126508  
levied or that it will be levied for a continuing period of 126509  
time, and state the first year the tax will be levied. 126510

The resolution shall go into immediate effect upon its 126511  
passage, and no publication of it is necessary other than that 126512  
provided in the notice of election. The board of education shall 126513  
certify a copy of the resolution, along with copies of the 126514  
auditor's estimate and its resolution under division (A) of this 126515  
section, to the board of elections immediately after its 126516



adoption. 126517

(4) The form of the ballot shall be modified by replacing 126518  
the ballot form set forth in division (D) (3) of this section 126519  
with the following: 126520

"Levy an additional property tax for the purpose of the 126521  
current expenses of the school district and of partnering 126522  
community schools, that the county auditor estimates will 126523  
collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ mills 126524  
for each \$1 of taxable value (of which \_\_\_\_\_ (insert the number 126525  
of mills to be allocated to partnering community schools) mills 126526  
is to be allocated to partnering community schools), which 126527  
amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's~~ 126528  
~~appraised market~~ value, for \_\_\_\_\_ (insert the number of years 126529  
the levy is to be imposed, or that it will be levied for a 126530  
continuing period of time)? 126531  
126532

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

(5) After the approval of a tax for the current expenses 126533  
of the school district and of partnering community schools under 126534  
division (J) of this section, and prior to the time the first 126535  
collection and distribution from the levy can be made, the board 126536  
of education may anticipate a fraction of the proceeds of the 126537  
levy for the current expenses of the school district and issue 126538  
anticipation notes in a principal amount not exceeding fifty per 126539  
cent of the estimated proceeds of the levy to be collected 126540  
during the first year of the levy and allocated to the school 126541  
district. The portion of levy proceeds to be allocated to 126542  
partnering community schools shall not be included in the 126543

estimated proceeds anticipated under this division and shall not 126544  
be used to pay debt charges on any anticipation notes. 126545

The notes shall be issued as provided in section 133.24 of 126546  
the Revised Code, shall have principal payments during each year 126547  
after the year of their issuance over a period not to exceed 126548  
five years, and may have a principal payment in the year of 126549  
their issuance. 126550

(6) A tax for the current expenses of the school district 126551  
and of partnering community schools levied under division (J) of 126552  
this section for a specified number of years may be renewed ~~or~~ 126553  
~~replaced~~ in the same manner as a tax for the current expenses of 126554  
a school district and of partnering community schools levied 126555  
under division (B) of section 5705.21 of the Revised Code. A tax 126556  
for the current expenses of the school district and of 126557  
partnering community schools levied under this division for a 126558  
continuing period of time may be decreased in accordance with 126559  
section 5705.261 of the Revised Code. 126560

(7) The proceeds from the issuance of the general 126561  
obligation bonds under division (J) of this section shall be 126562  
used solely to pay for permanent improvements of the school 126563  
district and not for permanent improvements of partnering 126564  
community schools. 126565

**Sec. 5705.219.** (A) As used in this section: 126566

(1) "Eligible school district" means a city, local, or 126567  
exempted village school district in which the taxes charged and 126568  
payable for current expenses on residential/agricultural real 126569  
property in the tax year preceding the year in which the levy 126570  
authorized by this section will be submitted for elector 126571  
approval or rejection are greater than two per cent of the 126572

taxable value of the residential/agricultural real property. 126573

(2) "Residential/agricultural real property" and 126574  
"nonresidential/agricultural real property" means the property 126575  
classified as such under section 5713.041 of the Revised Code. 126576

(3) "Effective tax rate" and "taxes charged and payable" 126577  
have the same meanings as in division (B) of section 319.301 of 126578  
the Revised Code. 126579

(B) On or after January 1, 2010, but before January 1, 126580  
2015, the board of education of an eligible school district, by 126581  
a vote of two-thirds of all its members, may adopt a resolution 126582  
proposing to convert existing levies imposed for the purpose of 126583  
current expenses into a levy raising a specified amount of tax 126584  
money by repealing all or a portion of one or more of those 126585  
existing levies and imposing a levy in excess of the ten-mill 126586  
limitation that will raise a specified amount of money for 126587  
current expenses of the district. 126588

The board of education shall certify a copy of the 126589  
resolution to the tax commissioner not later than one hundred 126590  
five days before the election upon which the repeal and levy 126591  
authorized by this section will be proposed to the electors. 126592  
Within ten days after receiving the copy of the resolution, the 126593  
tax commissioner shall determine each of the following and 126594  
certify the determinations to the board of education: 126595

(1) The dollar amount to be raised by the proposed levy, 126596  
which shall be the product of: 126597

(a) The difference between the aggregate effective tax 126598  
rate for residential/agricultural real property for the tax year 126599  
preceding the year in which the repeal and levy will be proposed 126600  
to the electors and twenty mills for each one dollar of taxable 126601

value; 126602

(b) The total taxable value of all property on the tax 126603  
list of real and public utility property for the tax year 126604  
preceding the year in which the repeal and levy will be proposed 126605  
to the electors. 126606

(2) The estimated tax rate of the proposed levy. 126607

(3) The existing levies and any portion of an existing 126608  
levy to be repealed upon approval of the question. Levies shall 126609  
be repealed in reverse chronological order from most recently 126610  
imposed to least recently imposed until the sum of the effective 126611  
tax rates repealed for residential/agricultural real property is 126612  
equal to the difference calculated in division (B) (1) (a) of this 126613  
section. 126614

(4) The sum of the following: 126615

(a) The total taxable value of nonresidential/agricultural 126616  
real property for the tax year preceding the year in which the 126617  
repeal and levy will be proposed to the electors multiplied by 126618  
the difference between (i) the aggregate effective tax rate for 126619  
nonresidential/agricultural real property for the existing 126620  
levies and any portion of an existing levy to be repealed and 126621  
(ii) the amount determined under division (B) (1) (a) of this 126622  
section, but not less than zero; 126623

(b) The total taxable value of public utility tangible 126624  
personal property for the tax year preceding the year in which 126625  
the repeal and levy will be proposed to the electors multiplied 126626  
by the difference between (i) the aggregate voted tax rate for 126627  
the existing levies and any portion of an existing levy to be 126628  
repealed and (ii) the amount determined under division (B) (1) (a) 126629  
of this section, but not less than zero. 126630

(C) Upon receipt of the certification from the tax commissioner under division (B) of this section, a majority of the members of the board of education may adopt a resolution proposing the repeal of the existing levies as identified in the certification and the imposition of a levy in excess of the ten-mill limitation that will raise annually the amount certified by the commissioner. If the board determines that the tax should be for an amount less than that certified by the commissioner, the board may request that the commissioner redetermine the rate under division (B)(2) of this section on the basis of the lesser amount the levy is to raise as specified by the board. The amount certified under division (B)(4) and the levies to be repealed as certified under division (B)(3) of this section shall not be redetermined. Within ten days after receiving a timely request specifying the lesser amount to be raised by the levy, the commissioner shall redetermine the rate and recertify it to the board as otherwise provided in division (B) of this section. Only one such request may be made by the board of education of an eligible school district.

The resolution shall state the first calendar year in which the levy will be due; the existing levies and any portion of an existing levy that will be repealed, as certified by the commissioner; the term of the levy expressed in years, which may be any number not exceeding ten, or that it will be levied for a continuing period of time; and the date of the election, which shall be the date of a primary or general election.

Immediately upon its passage, the resolution shall go into effect and shall be certified by the board of education to the county auditor of the proper county. The county auditor and the board of education shall proceed as required under section 5705.195 of the Revised Code, as that section existed before the

effective date of its repeal by this act. No publication of the 126662  
resolution is necessary other than that provided for in the 126663  
notice of election. Section 5705.196 of the Revised Code, as 126664  
that section existed before the effective date of its repeal by 126665  
this act, shall govern the matters concerning the election. The 126666  
submission of a question to the electors under this section is 126667  
subject to the limitation on the number of election dates 126668  
established by section 5705.214 of the Revised Code. 126669

(D) The form of the ballot to be used at the election 126670  
provided for in this section shall be as follows: 126671

"Shall the existing levy of \_\_\_\_\_ (insert the voted 126672  
millage rate of the levy to be repealed), currently being 126673  
charged against residential and agricultural property by the 126674  
\_\_\_\_\_ (insert the name of school district) at a rate of 126675  
\_\_\_\_\_ (insert the residential/agricultural real property 126676  
effective tax rate of the levy being repealed) for the purpose 126677  
of \_\_\_\_\_ (insert the purpose of the existing levy) be 126678  
repealed, and shall a levy be imposed by the \_\_\_\_\_ (insert 126679  
the name of school district) in excess of the ten-mill 126680  
limitation for the necessary requirements of the school district 126681  
in the sum of \_\_\_\_\_ (insert the annual amount the levy is 126682  
to produce), estimated by the tax commissioner to require 126683  
\_\_\_\_\_ (insert the number of mills) mills for each one 126684  
dollar of valuation, which amounts to \_\_\_\_\_ (insert the 126685  
rate expressed in dollars and cents) for each one hundred 126686  
dollars of valuation for the initial year of the tax, for a 126687  
period of \_\_\_\_\_ (insert the number of years the levy is to 126688  
be imposed, or that it will be levied for a continuing period of 126689  
time), commencing in \_\_\_\_\_ (insert the first year the tax 126690  
is to be levied), first due in calendar year \_\_\_\_\_ (insert 126691  
the first calendar year in which the tax shall be due)? 126692

126693

	FOR THE RENEWAL OF THE TAX LEVY	
	AGAINST THE RENEWAL OF THE TAX LEVY	"

126694

	FOR THE REPEAL AND TAX	
	AGAINST THE REPEAL AND TAX	"

If the question submitted is a proposal to repeal all or a portion of more than one existing levy, the form of the ballot shall be modified by substituting the statement "shall the existing levy of" with "shall existing levies of" and inserting the aggregate voted and aggregate effective tax rates to be repealed.

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(E) If a majority of the electors voting on the question submitted in an election vote in favor of the repeal and levy, the result shall be certified immediately after the canvass by the board of elections to the board of education. The board of education may make the levy necessary to raise the amount specified in the resolution for the purpose stated in the resolution and shall certify it to the county auditor, who shall extend it on the current year tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

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(F) A levy imposed under this section for a continuing period of time may be decreased or repealed pursuant to section 5705.261 of the Revised Code. If a levy imposed under this section is decreased, the amount calculated under division (B) (4) of this section and paid under section 5705.2110 of the

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Revised Code shall be decreased by the same proportion as the 126716  
levy is decreased. If the levy is repealed, no further payments 126717  
shall be made to the district under that section. 126718

(G) At any time, the board of education, by a vote of two- 126719  
thirds of all of its members, may adopt a resolution to renew a 126720  
tax levied under this section. The resolution shall provide for 126721  
levying the tax and specifically all of the following: 126722

(1) That the tax shall be called, and designated on the 126723  
ballot as, a renewal levy; 126724

(2) The amount of the renewal tax, which shall be no more 126725  
than the amount of tax previously collected; 126726

(3) The number of years, not to exceed ten, that the 126727  
renewal tax will be levied, or that it will be levied for a 126728  
continuing period of time; 126729

(4) That the purpose of the renewal tax is for current 126730  
expenses. 126731

The board shall certify a copy of the resolution to the 126732  
board of elections not later than ninety days before the date of 126733  
the election at which the question is to be submitted, which 126734  
shall be the date of a primary or general election. 126735

(H) The form of the ballot to be used at the election on 126736  
the question of renewing a levy under this section shall be as 126737  
follows: 126738

"Shall a tax levy renewing an existing levy of \_\_\_\_\_ 126739  
(insert the annual dollar amount the levy is to produce each 126740  
year), estimated to require \_\_\_\_\_ (insert the number of 126741  
mills) mills for each \$1 of taxable value, which amounts to 126742  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 126743



market value, be imposed by the \_\_\_\_\_ (insert the name of 126744  
school district) for the purpose of current expenses for a 126745  
period of \_\_\_\_\_ (insert the number of years the levy is to 126746  
be imposed, or that it will be levied for a continuing period of 126747  
time), commencing in \_\_\_\_\_ (insert the first year the tax 126748  
is to be levied), first due in calendar year \_\_\_\_\_ (insert 126749  
the first calendar year in which the tax shall be due)? 126750  
126751

	FOR THE RENEWAL OF THE TAX LEVY
	AGAINST THE RENEWAL OF THE TAX LEVY

"

If the levy submitted is to be for less than the amount of 126752  
money previously collected, the form of the ballot shall be 126753  
modified to add "and reducing" after "renewing" and to add 126754  
before "estimated to require" the statement "be approved at a 126755  
tax rate necessary to produce \$ \_\_\_\_\_ (insert the lower 126756  
annual dollar amount the levy is to produce each year)." 126757

**Sec. 5705.2111.** (A) If the board of directors of a 126758  
regional student education district created under section 126759  
3313.83 of the Revised Code desires to levy a tax in excess of 126760  
the ten-mill limitation throughout the district for the purpose 126761  
of funding the services to be provided by the district to 126762  
students enrolled in the school districts of which the district 126763  
is composed and their immediate family members, the board shall 126764  
propose the levy to each of the boards of education of those 126765  
school districts. The proposal shall specify the rate or amount 126766  
of the tax, the number of years the tax will be levied or that 126767  
it will be levied for a continuing period of time, and that the 126768  
aggregate rate of the tax shall not exceed three mills per 126769  
dollar of taxable value in the regional student education 126770

district. 126771

(B) (1) If ~~a majority~~ two-thirds of the members of the 126772  
boards of education of each of the school districts of which the 126773  
regional student education district is composed approves the 126774  
proposal for the tax levy, the board of directors of the 126775  
regional student education district may adopt a resolution 126776  
approved by a majority of the board's full membership declaring 126777  
the necessity of levying the proposed tax in excess of the ten- 126778  
mill limitation throughout the district for the purpose of 126779  
funding the services to be provided by the district to students 126780  
enrolled in the school districts of which the district is 126781  
composed and their immediate family members. The resolution 126782  
shall provide for the question of the tax to be submitted to the 126783  
electors of the district at a general, primary, or special 126784  
election on a day to be specified in the resolution that is 126785  
consistent with the requirements of section 3501.01 of the 126786  
Revised Code and that occurs at least ninety days after the 126787  
resolution is certified to the board of elections. The 126788  
resolution shall specify the rate or amount of the tax and the 126789  
number of years the tax will be levied or that the tax will be 126790  
levied for a continuing period of time. The aggregate rate of 126791  
tax levied by a regional student education district under this 126792  
section at any time shall not exceed three mills per dollar of 126793  
taxable value in the district. A tax levied under this section 126794  
may be renewed, subject to section 5705.25 of the Revised Code, ~~or~~ 126795  
~~or replaced as provided in section 5705.192 of the Revised Code.~~ 126796

(2) The resolution shall take effect immediately upon 126797  
passage, and no publication of the resolution is necessary other 126798  
than that provided in the notice of election. The resolution 126799  
shall be certified and submitted in the manner provided under 126800  
section 5705.25 of the Revised Code, and that section governs 126801

the arrangements governing submission of the question and other 126802  
matters concerning the election. 126803

**Sec. 5705.2113.** The fiscal board of a qualifying 126804  
partnership may declare that it is necessary to issue general 126805  
obligation bonds for the purpose of acquiring classroom 126806  
facilities and necessary appurtenances and to levy a tax in 126807  
excess of the ten-mill limitation to pay debt charges on the 126808  
bonds as provided in section 133.18 of the Revised Code, subject 126809  
to the following: 126810

(A) The issuance of the bonds and the levy of the tax is 126811  
subject to approval by a majority of the electors in the 126812  
combined territory of all participating school districts, not 126813  
necessarily by a majority of electors in each participating 126814  
school district. 126815

(B) Before proposing the question of issuing bonds to the 126816  
electors, the fiscal board shall obtain identical resolutions 126817  
adopted by ~~a majority~~ two-thirds of the members of the board of 126818  
education of each participating school district specifying all 126819  
of the matters required by division (B) of section 133.18 of the 126820  
Revised Code. 126821

(C) The maximum maturity of the bonds shall be fifteen 126822  
years, notwithstanding section 133.20 of the Revised Code. 126823

(D) The bonds are Chapter 133. securities for the purposes 126824  
of Chapter 133. of the Revised Code and other law applying to 126825  
Chapter 133. securities, except as otherwise provided in this 126826  
section. 126827

(E) The combined territory and tax valuation of all 126828  
participating school districts is the territory and tax 126829  
valuation of the subdivision for the purposes of that section. 126830

(F) The fiscal board is a "taxing authority" for the 126831  
purposes of Chapter 133. of the Revised Code with respect to the 126832  
tax and bonds authorized under this section, and the treasurer 126833  
of the school district serving as the fiscal board is the fiscal 126834  
officer for the purposes of that chapter. 126835

**Sec. 5705.2114.** (A) If the board of directors of a career- 126836  
technical cooperative education district created under section 126837  
3313.831 of the Revised Code desires to levy a tax in excess of 126838  
the ten-mill limitation throughout the district for the purpose 126839  
of funding the services to be provided by the district to 126840  
students enrolled in the school districts of which the district 126841  
is composed, the board shall propose the levy to each of the 126842  
boards of education of those school districts. The proposal 126843  
shall specify the rate or amount of the tax, the number of years 126844  
the tax will be levied or that it will be levied for a 126845  
continuing period of time, and that the aggregate rate of the 126846  
tax shall not exceed three mills per dollar of taxable value in 126847  
the career-technical cooperative education district. 126848

(B) (1) If a majority of the boards of education of the 126849  
school districts of which the career-technical cooperative 126850  
education district is composed approves the proposal for the tax 126851  
levy, the board of directors of the career-technical cooperative 126852  
education district may adopt a resolution approved by a majority 126853  
of the board's full membership declaring the necessity of 126854  
levying the proposed tax in excess of the ten-mill limitation 126855  
throughout the district for the purpose of funding the services 126856  
to be provided by the district to students enrolled in the 126857  
school districts of which the district is composed. The 126858  
resolution shall provide for the question of the tax to be 126859  
submitted to the electors of the district at a general, primary, 126860  
or special election on a day to be specified in the resolution 126861

that is consistent with the requirements of section 3501.01 of 126862  
the Revised Code and that occurs at least ninety days after the 126863  
resolution is certified to the board of elections. The 126864  
resolution shall specify the rate or amount of the tax and the 126865  
number of years the tax will be levied or that the tax will be 126866  
levied for a continuing period of time. The aggregate rate of 126867  
tax levied by a career-technical cooperative education district 126868  
under this section at any time shall not exceed three mills per 126869  
dollar of taxable value in the district. A tax levied under this 126870  
section may be renewed, subject to section 5705.25 of the 126871  
Revised Code, except that the tax may not be renewed and 126872  
increased. 126873

(2) The resolution shall take effect immediately upon 126874  
passage, and no publication of the resolution is necessary other 126875  
than that provided in the notice of election. The resolution 126876  
shall be certified and submitted in the manner provided under 126877  
section 5705.25 of the Revised Code, and that section governs 126878  
the arrangements governing submission of the question and other 126879  
matters concerning the election. 126880

**Sec. 5705.221.** (A) At any time, the board of county 126881  
commissioners of any county by a majority vote of the full 126882  
membership may declare by resolution and certify to the board of 126883  
elections of the county that the amount of taxes which may be 126884  
raised within the ten-mill limitation by levies on the current 126885  
tax duplicate will be insufficient to provide the necessary 126886  
requirements of the county's alcohol, drug addiction, and mental 126887  
health service district established pursuant to Chapter 340. of 126888  
the Revised Code, or the county's contribution to a joint-county 126889  
district of which the county is a part, and that it is necessary 126890  
to levy a tax in excess of such limitation for the operation of 126891  
community addiction services providers and community mental 126892

health services providers and the acquisition, construction, 126893  
renovation, financing, maintenance, and operation of alcohol and 126894  
drug addiction facilities and mental health facilities. 126895

Such resolution shall conform to section 5705.19 of the 126896  
Revised Code, except that the increased rate may be in effect 126897  
for any number of years not exceeding ten. 126898

The resolution shall be certified and submitted in the 126899  
manner provided in section 5705.25 of the Revised Code, except 126900  
that it may be placed on the ballot in any election, and except 126901  
as otherwise provided in division (G) of this section. The 126902  
resolution shall be certified to the board of elections not less 126903  
than ninety days before the election at which it will be voted 126904  
upon. 126905

If the majority of the electors voting on a levy to 126906  
supplement general fund appropriations for the support of the 126907  
comprehensive community addiction and mental health services 126908  
providers vote in favor of the levy, the board may levy a tax 126909  
within the county at the additional rate outside the ten-mill 126910  
limitation during the specified period, for the purpose stated 126911  
in the resolution. 126912

(B) When electors have approved a tax levy under this 126913  
section, the board of county commissioners may anticipate a 126914  
fraction of the proceeds of the levy and, from time to time, 126915  
issue anticipation notes in accordance with section 5705.191 or 126916  
5705.193 of the Revised Code. 126917

(C) The county auditor who is the fiscal officer of the 126918  
alcohol, drug addiction, and mental health service district, 126919  
upon receipt of a resolution from the board of alcohol, drug 126920  
addiction, and mental health services, shall establish for the 126921

district a capital improvements account or a reserve balance 126922  
account, or both, as specified in the resolution. The capital 126923  
improvements account shall be a contingency fund for the 126924  
necessary acquisition, replacement, renovation, or construction 126925  
of facilities and movable and fixed equipment. Upon the request 126926  
of the board, funds not needed to pay for current expenses may 126927  
be appropriated to the capital improvements account, in amounts 126928  
such that the account does not exceed twenty-five per cent of 126929  
the replacement value of all capital facilities and equipment 126930  
currently used by the board for programs and services. Other 126931  
funds which are available for current capital expenses from 126932  
federal, state, or local sources may also be appropriated to 126933  
this account. 126934

The reserve balance account shall contain those funds that 126935  
are not needed to pay for current operating expenses and not 126936  
deposited in the capital improvements account but that will be 126937  
needed to pay for operating expenses in the future. Upon the 126938  
request of a board, such funds shall be appropriated to the 126939  
reserve balance account. Payments from the capital improvements 126940  
account and the reserve balance account shall be made by the 126941  
county treasurer who is the custodian of funds for the district 126942  
upon warrants issued by the county auditor who is the fiscal 126943  
officer of the district pursuant to orders of the board. 126944

(D) If a board of county commissioners levies a tax under 126945  
this section for the county's contribution to a joint-county 126946  
district of which the county is a part, revenue from the tax 126947  
shall only be expended for the benefit of the residents of the 126948  
county. 126949

(E) If a board of county commissioners levies a tax under 126950  
this section for the county's contribution to a joint-county 126951

district of which the county is a part and that district expands 126952  
or contracts due to the addition or withdrawal of another 126953  
county, the board, provided that county remains a part of the 126954  
newly expanded or contracted joint-county district, shall 126955  
continue to levy and collect that tax, pursuant to the terms 126956  
originally approved by electors, for the county's contribution 126957  
to the newly expanded or contracted joint-county district of 126958  
which the county is a part. Notwithstanding ~~sections 5705.192-~~ 126959  
~~and section 5705.25~~ of the Revised Code, the election notice and 126960  
ballot language of a renewal ~~or replacement~~ of such a levy shall 126961  
identify the name of the newly expanded or contracted joint- 126962  
county district. 126963

(F) If a board of county commissioners levies a tax under 126964  
this section for the county's contribution to a joint-county 126965  
district of which the county is a part and the county withdraws 126966  
from the district, the board shall continue to levy and collect 126967  
that tax, pursuant to the terms originally approved by electors, 126968  
for one of the following purposes, if either situation applies: 126969

(1) For the county's contribution to a newly joined joint- 126970  
county district, if the county joins such a joint-county 126971  
district in the tax year after the year in which the county 126972  
withdraws from the other joint-county district; 126973

(2) To provide the necessary requirements of the county's 126974  
alcohol, drug addiction, and mental health service district, if 126975  
the county establishes such a district under Chapter 340. of the 126976  
Revised Code in the tax year after the year in which the county 126977  
withdraws from the joint-county district. 126978

Notwithstanding ~~sections 5705.192 and section 5705.25~~ of 126979  
the Revised Code, the election notice and ballot language of a 126980  
renewal ~~or replacement~~ of such a levy shall identify the name of 126981



the newly established district or newly joined joint-county district. 126982  
126983

(G) Division (G) of this section applies only if all of 126984  
the following apply: 126985

(1) The county withdraws from a joint-county district. 126986

(2) The board of alcohol, drug addiction, and mental 126987  
health services of that joint-county district levies a tax under 126988  
section 5705.19 of the Revised Code in the tax year for which 126989  
the county withdraws from the joint-county district. 126990

(3) The board of county commissioners of the withdrawing 126991  
county adopts a resolution under division (A) of this section 126992  
proposing a tax under this section that specifies that the first 126993  
tax year the tax is to be levied by the board is the tax year 126994  
after the year the tax described in division (G) (2) of this 126995  
section expires or is renewed ~~or replaced~~, as authorized under 126996  
division (B) of section 340.01 of the Revised Code. 126997

The proposed tax described in division (G) (3) of this 126998  
section may be a renewal, renewal and decrease, or renewal and 126999  
increase of the tax described in division (G) (2) of this 127000  
section, except that, notwithstanding section 5705.25 of the 127001  
Revised Code, the election notice and ballot language of a 127002  
renewal of such a levy shall identify the county as the 127003  
subdivision within which the tax will be levied and not the 127004  
joint-county district from which the county withdrew. 127005

~~Alternatively, the tax described in division (G) (3) of~~ 127006  
~~this section may be a replacement, replacement and decrease, or~~ 127007  
~~replacement and increase of the tax described in division (G) (2)~~ 127008  
~~of this section, as authorized under section 5705.192 of the~~ 127009  
~~Revised Code, except that, notwithstanding that section, the~~ 127010

~~election notice and ballot language of a replacement of such a~~ 127011  
~~levy shall identify the county as the subdivision within which~~ 127012  
~~the tax will be levied and not the joint-county district from~~ 127013  
~~which the county withdrew.~~ 127014

**Sec. 5705.222.** (A) At any time the board of county 127015  
commissioners of any county by a majority vote of the full 127016  
membership may declare by resolution and certify to the board of 127017  
elections of the county that the amount of taxes which may be 127018  
raised within the ten-mill limitation by levies on the current 127019  
tax duplicate will be insufficient to provide the necessary 127020  
requirements of the county board of developmental disabilities 127021  
established pursuant to Chapter 5126. of the Revised Code and 127022  
that it is necessary to levy a tax in excess of such limitation 127023  
for the operation of community programs and services authorized 127024  
by county boards of developmental disabilities, for the 127025  
acquisition, construction, renovation, financing, maintenance, 127026  
and operation of developmental disabilities facilities, or for 127027  
both of such purposes. 127028

The resolution shall conform to section 5705.19 of the 127029  
Revised Code, except that the increased rate may be in effect 127030  
for any number of years not exceeding ten or for a continuing 127031  
period of time. 127032

The resolution shall be certified and submitted in the 127033  
manner provided in section 5705.25 of the Revised Code, except 127034  
that it may be placed on the ballot in any election, and shall 127035  
be certified to the board of elections not less than ninety days 127036  
before the election at which it will be voted upon. 127037

If the majority of the electors voting on a levy for the 127038  
support of the programs and services of the county board of 127039  
developmental disabilities vote in favor of the levy, the board 127040

of county commissioners may levy a tax within the county at the 127041  
additional rate outside the ten-mill limitation during the 127042  
specified or continuing period, for the purpose stated in the 127043  
resolution. 127044

The county board of developmental disabilities, within its 127045  
budget and with the approval of the board of county 127046  
commissioners through annual appropriations, shall use the 127047  
proceeds of a levy approved under this section or division (L) 127048  
of section 5705.19 of the Revised Code solely for the purposes 127049  
authorized by that section or division. 127050

A board of county commissioners that levies a tax under 127051  
this section or for the purpose authorized by division (L) of 127052  
section 5705.19 of the Revised Code, by a majority vote of the 127053  
full membership, may adopt a resolution to renew such a levy, or 127054  
renew two or more such levies as a single ballot question, in 127055  
the manner provided by section 5705.25 of the Revised Code for 127056  
the renewal of existing levies. The purpose of the renewal levy 127057  
may be for any of the purposes authorized for a levy imposed 127058  
under this section or division (L) of section 5705.19 of the 127059  
Revised Code. The term of the renewal levy may be for any number 127060  
of years not exceeding ten or for a continuing period of time. 127061

(B) When electors have approved a tax levy under this 127062  
section, the county commissioners may anticipate a fraction of 127063  
the proceeds of the levy and issue anticipation notes in 127064  
accordance with section 5705.191 or 5705.193 of the Revised 127065  
Code. 127066

(C) The county auditor, upon receipt of a resolution from 127067  
the county board of developmental disabilities, shall establish 127068  
a capital improvements account or a reserve balance account, or 127069  
both, as specified in the resolution. The capital improvements 127070

account shall be a contingency account for the necessary 127071  
acquisition, replacement, renovation, or construction of 127072  
facilities and movable and fixed equipment. Upon the request of 127073  
the county board of developmental disabilities, moneys not 127074  
needed to pay for current expenses may be appropriated to this 127075  
account, in amounts such that this account does not exceed 127076  
twenty-five per cent of the replacement value of all capital 127077  
facilities and equipment currently used by the county board of 127078  
developmental disabilities for developmental disabilities 127079  
programs and services. Other moneys available for current 127080  
capital expenses from federal, state, or local sources may also 127081  
be appropriated to this account. 127082

The reserve balance account shall contain those moneys 127083  
that are not needed to pay for current operating expenses and 127084  
not deposited in the capital improvements account but that will 127085  
be needed to pay for operating expenses in the future. Upon the 127086  
request of a county board of developmental disabilities, the 127087  
board of county commissioners may appropriate county funds, 127088  
including funds from federal and state sources, to the reserve 127089  
balance account. 127090

The total balance in a reserve balance account shall not 127091  
exceed forty per cent of the county board of developmental 127092  
disabilities' expenditures for all services in the preceding 127093  
calendar year. 127094

~~Amounts in a capital improvements account or reserve~~ 127095  
~~balance account that are not in excess of the limitations~~ 127096  
~~prescribed in this division shall be considered reasonable and~~ 127097  
~~shall not be taken into consideration by the county budget~~ 127098  
~~commission when determining whether to reduce the taxing~~ 127099  
~~authority of a county under section 5705.32 of the Revised Code.~~ 127100

**Sec. 5705.233.** (A) As used in this section, "criminal justice facility" means any facility located within the county in which a tax is levied under this section and for which the board of commissioners of such county may make an appropriation under section 307.45 of the Revised Code.

(B) The board of county commissioners of any county, at any time, may declare by resolution that it may be necessary for the county to issue general obligation bonds for permanent improvements to a criminal justice facility, including the acquisition, construction, enlargement, renovation, or maintenance of such a facility. The resolution shall state all of the following:

(1) The necessity and purpose of the bond issue;

(2) The date of the general or special election at which the question shall be submitted to the electors;

(3) The amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid;

(4) The necessity of levying a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities.

On adoption of the resolution, the board of county commissioners shall certify a copy of it to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate, expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value, required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as

under division (C) of section 133.18 of the Revised Code. Except 127130  
as provided in division (C) of this section, division (B) of 127131  
section 5705.03 of the Revised Code does not apply to tax levy 127132  
proceedings initiated under this section. 127133

(C) After receiving the county auditor's certification 127134  
under division (B) of this section and, if applicable, section 127135  
5705.03 of the Revised Code, the board of county commissioners 127136  
may declare by resolution that the amount of taxes that can be 127137  
raised within the ten-mill limitation will be insufficient to 127138  
provide an adequate amount for the present and future criminal 127139  
justice requirements of the county; that it is necessary to 127140  
issue general obligation bonds of the county for permanent 127141  
improvements to a criminal justice facility and to levy an 127142  
additional tax in excess of the ten-mill limitation to pay debt 127143  
charges on the bonds and any anticipatory securities; that it is 127144  
necessary for a specified number of years or for a continuing 127145  
period of time to levy additional taxes in excess of the ten- 127146  
mill limitation to provide funds for the acquisition, 127147  
construction, enlargement, renovation, maintenance, and 127148  
financing of permanent improvements to such a criminal justice 127149  
facility or to pay for operating expenses of the facility and 127150  
other criminal justice services for which the board may make an 127151  
appropriation under section 307.45 of the Revised Code, or both; 127152  
and that the question of the bonds and taxes shall be submitted 127153  
to the electors of the county at a general or special election, 127154  
which shall not be earlier than ninety days after certification 127155  
of the resolution to the board of elections, and the date of 127156  
which shall be consistent with section 3501.01 of the Revised 127157  
Code. The resolution shall specify all of the following: 127158

(1) The county auditor's estimate of the average annual 127159  
property tax rate required throughout the stated maturity of the 127160

bonds to pay debt charges on the bonds; 127161

(2) The proposed rate of the tax, if any, for operating 127162  
expenses and criminal justice services, the first year the tax 127163  
will be levied, and the number of years it will be levied, or 127164  
that it will be levied for a continuing period of time; 127165

(3) The proposed rate of the tax, if any, for permanent 127166  
improvements to a criminal justice facility, the first year the 127167  
tax will be levied, and the number of years it will be levied, 127168  
or that it will be levied for a continuing period of time. 127169

The resolution shall go into immediate effect upon its 127170  
passage, and no publication of it is necessary other than that 127171  
provided in the notice of election, except that division (B) of 127172  
section 5705.03 of the Revised Code applies if the resolution 127173  
proposes an additional tax for operating expenses and criminal 127174  
justice services or permanent improvements. The board of county 127175  
commissioners shall certify, immediately after its adoption, a 127176  
copy of the resolution, along with copies of the auditor's 127177  
certifications under division (B) of this section or section 127178  
5705.03 of the Revised Code, if applicable, and the board's 127179  
resolution under division (B) of this section, to the board of 127180  
elections. 127181

(D) The board of elections shall make the arrangements for 127182  
the submission of the question proposed under division (C) of 127183  
this section to the electors of the county, and the election 127184  
shall be conducted, canvassed, and certified in the same manner 127185  
as regular elections in the county for the election of county 127186  
officers. The resolution shall be put before the electors as one 127187  
ballot question, with a favorable vote indicating approval of 127188  
the bond issue, the levy to pay debt charges on the bonds and 127189  
any anticipatory securities, the operating expenses and criminal 127190

justice services levy, and the permanent improvements levy, as 127191  
those levies may be proposed. The board of elections shall 127192  
publish notice of the election in a newspaper of general 127193  
circulation in the county once a week for two consecutive weeks, 127194  
or as provided in section 7.16 of the Revised Code, before the 127195  
election. If a board of elections operates and maintains a web 127196  
site, that board also shall post notice of the election on its 127197  
web site for thirty days before the election. The notice of 127198  
election shall state all of the following: 127199

(1) The principal amount of the proposed bond issue; 127200

(2) The permanent improvements for which the bonds are to 127201  
be issued; 127202

(3) The maximum number of years over which the principal 127203  
of the bonds may be paid; 127204

(4) The estimated additional average annual property tax 127205  
rate, expressed in mills for each one dollar of taxable value 127206  
and in dollars for each one hundred thousand dollars of ~~the~~ 127207  
~~county auditor's appraised market~~ value, to pay the debt charges 127208  
on the bonds, as certified by the county auditor; 127209

(5) The proposed rate of the additional tax, if any, for 127210  
operating expenses and criminal justice services; 127211

(6) The number of years the operating expenses or criminal 127212  
justice services tax will be in effect, or that it will be in 127213  
effect for a continuing period of time; 127214

(7) The proposed rate of the additional tax, if any, for 127215  
permanent improvements; 127216

(8) The number of years the permanent improvements tax 127217  
will be in effect, or that it will be in effect for a continuing 127218



period of time; 127219

(9) The estimated annual collections, if applicable, of 127220  
the current operating expenses or criminal justice services levy 127221  
and permanent improvements levy, as certified by the county 127222  
auditor; 127223

(10) The time and place of the election. 127224

(E) The form of the ballot for an election under this 127225  
section is as follows: 127226

"Shall \_\_\_\_\_ be authorized to do the following: 127227

(1) Issue bonds for the purpose of \_\_\_\_\_ in the 127228  
principal amount of \$\_\_\_\_\_, to be repaid annually over a 127229  
maximum period of \_\_\_\_\_ years, and levy a property tax outside 127230  
the ten-mill limitation, estimated by the county auditor to 127231  
average over the bond repayment period \_\_\_\_\_ mills for each \$1 127232  
of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 127233  
~~the county auditor's appraised market~~ value, to pay the annual 127234  
debt charges on the bonds, and to pay debt charges on any notes 127235  
issued in anticipation of those bonds?" 127236

If either a levy for permanent improvements or a levy for 127237  
operating expenses and criminal justice services is proposed, or 127238  
both are proposed, the ballot also shall contain the following 127239  
language, as appropriate: 127240

"(2) Levy an additional property tax to provide funds for 127241  
the acquisition, construction, enlargement, renovation, 127242  
maintenance, and financing of permanent improvements to a 127243  
criminal justice facility, that the county auditor estimates 127244  
will collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ 127245  
mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ 127246  
for each \$100,000 of ~~the county auditor's appraised market~~ 127247

value, for \_\_\_\_\_ (number of years of the levy, or a continuing  
period of time)?

(3) Levy an additional property tax to pay operating  
expenses of a criminal justice facility and provide other  
criminal justice services, that the county auditor estimates  
will collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_  
mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_  
for each \$100,000 of ~~the county auditor's appraised market~~  
value, for \_\_\_\_\_ (number of years of the levy, or a continuing  
period of time)?

FOR THE BOND ISSUE AND LEVY (OR LEVIES)

AGAINST THE BOND ISSUE AND LEVY (OR LEVIES) "

(F) The board of elections promptly shall certify the  
results of the election to the tax commissioner and the county  
auditor. If a majority of the electors voting on the question  
vote for it, the board of county commissioners may proceed with  
issuance of the bonds and the levy and collection of the  
property tax for the debt service on the bonds and any  
anticipatory securities in the same manner and subject to the  
same limitations as for securities issued under section 133.18  
of the Revised Code, and with the levy and collection of the  
property tax or taxes for operating expenses and criminal  
justice services and for permanent improvements at the  
additional rate or any lesser rate in excess of the ten-mill  
limitation. Any securities issued by the board of commissioners  
under this section are Chapter 133. securities, as that term is  
defined in section 133.01 of the Revised Code.

(G) (1) After the approval of a tax for operating expenses  
and criminal justice services under this section and before the

time the first collection and distribution from the levy can be 127277  
made, the board of county commissioners may anticipate a 127278  
fraction of the proceeds of the levy and issue anticipation 127279  
notes in a principal amount not exceeding fifty per cent of the 127280  
total estimated proceeds of the tax to be collected during the 127281  
first year of the levy. 127282

(2) After the approval of a tax under this section for 127283  
permanent improvements to a criminal justice facility, the board 127284  
of county commissioners may anticipate a fraction of the 127285  
proceeds of the tax and issue anticipation notes in a principal 127286  
amount not exceeding fifty per cent of the total estimated 127287  
proceeds of the tax remaining to be collected in each year over 127288  
a period of five years after issuance of the notes. 127289

Anticipation notes under this section shall be issued as 127290  
provided in section 133.24 of the Revised Code. Notes issued 127291  
under division (G) of this section shall have principal payments 127292  
during each year after the year of their issuance over a period 127293  
not to exceed five years, and may have a principal payment in 127294  
the year of their issuance. 127295

(H) A tax for operating expenses and criminal justice 127296  
services or for permanent improvements levied under this section 127297  
for a specified number of years may be renewed ~~or replaced~~ in 127298  
the same manner as a tax for current operating expenses or 127299  
permanent improvements levied under section 5705.19 of the 127300  
Revised Code. A tax levied under this section for a continuing 127301  
period of time may be decreased in accordance with section 127302  
5705.261 of the Revised Code. 127303

**Sec. 5705.25.** (A) (1) A copy of any resolution adopted as 127304  
provided in section 5705.19 or 5705.2111 of the Revised Code 127305  
shall be certified by the taxing authority to the board of 127306

elections of the proper county not less than ninety days before 127307  
the general election in any year, and the board shall submit the 127308  
proposal to the electors of the subdivision at the succeeding 127309  
November election. In the case of a qualifying library levy, the 127310  
board shall submit the question to the electors of the library 127311  
district or association library district. 127312

(2) Except as otherwise provided in this division, a 127313  
resolution to renew or to renew and increase or renew and 127314  
decrease an existing levy, regardless of the section of the 127315  
Revised Code under which the tax was imposed, shall not be 127316  
placed on the ballot unless the question is submitted at the 127317  
general election held during the last year the tax to be renewed 127318  
may be extended on the real and public utility property tax list 127319  
and duplicate, or at any election held in the ensuing year. The 127320  
limitation of the foregoing sentence does not apply to a 127321  
resolution to renew and increase or to renew and decrease an 127322  
existing levy that was imposed under section 5705.191 of the 127323  
Revised Code to supplement the general fund for the purpose of 127324  
making appropriations for one or more of the following purposes: 127325  
for public assistance, human or social services, relief, 127326  
welfare, hospitalization, health, and support of general 127327  
hospitals. The limitation of the second preceding sentence also 127328  
does not apply to a resolution that proposes to renew two or 127329  
more existing levies imposed under section 5705.222 or division 127330  
(L) of section 5705.19 of the Revised Code, or under section 127331  
5705.21 or 5705.217 of the Revised Code, in which case the 127332  
question shall be submitted on the date of the general or 127333  
primary election held during the last year at least one of the 127334  
levies to be renewed may be extended on the real and public 127335  
utility property tax list and duplicate, or at any election held 127336  
during the ensuing year. A resolution proposing to renew or 127337

renew and increase or decrease an existing levy may specify that 127338  
the renewal, increase, or decrease of the existing levy shall be 127339  
extended on the tax list for the tax year specified in the 127340  
resolution, which may be the last year the existing levy may be 127341  
extended on the list or the ensuing year. If the renewal, 127342  
increase, or decrease is to be extended on the tax list for the 127343  
last tax year the existing levy would otherwise be extended, the 127344  
existing levy shall not be extended on the tax list for that 127345  
last year unless the question of the renewal, increase, or 127346  
decrease is not approved by a majority of electors voting on the 127347  
question, in which case the existing levy shall be extended on 127348  
the tax list for that last year. 127349

For purposes of this section, a levy shall be considered 127350  
to be an "existing levy" through the year following the last 127351  
year it can be placed on the tax list and duplicate. 127352

(3) The board of elections shall make the necessary 127353  
arrangements for the submission of such questions to the 127354  
electors of such subdivision, library district, or association 127355  
library district, and the election shall be conducted, 127356  
canvassed, and certified in the same manner as regular elections 127357  
in such subdivision, library district, or association library 127358  
district for the election of county officers. Notice of the 127359  
election shall be published in a newspaper of general 127360  
circulation in the subdivision, library district, or association 127361  
library district once a week for two consecutive weeks, or as 127362  
provided in section 7.16 of the Revised Code, prior to the 127363  
election. If the board of elections operates and maintains a web 127364  
site, the board of elections shall post notice of the election 127365  
on its web site for thirty days prior to the election. The 127366  
notice shall state the purpose, the levy's estimated annual 127367  
collections if the levy is not to pay debt charges, the proposed 127368

increase in rate, expressed in mills for each one dollar of 127369  
taxable value, either that rate or the effective rate, as 127370  
applicable, expressed in dollars for each one hundred thousand 127371  
dollars of ~~the county auditor's appraised market~~ value, the 127372  
number of years during which the increase will be in effect, the 127373  
first month and year in which the tax will be levied, and the 127374  
time and place of the election. 127375

(B) The form of the ballots cast at an election held 127376  
pursuant to division (A) of this section shall be as follows: 127377

"An additional tax for the benefit of (name of subdivision 127378  
or public library) \_\_\_\_\_ for the purpose of (purpose stated 127379  
in the resolution) \_\_\_\_\_, that the county auditor estimates 127380  
will collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ 127381  
mills for each \$1 of taxable value, which amounts to 127382  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's~~ 127383  
~~appraised market~~ value, for \_\_\_\_\_ (life of indebtedness or 127384  
number of years the levy is to run). 127385

	For the Tax Levy
	Against the Tax Levy

"

(C) If the levy is to be in effect for a continuing period 127387  
of time, the notice of election and the form of ballot shall so 127388  
state instead of setting forth a specified number of years for 127389  
the levy. 127390

If the additional tax or the renewal, increase, or 127391  
decrease of an existing levy is to be placed on the current tax 127392  
list, the form of the ballot shall be modified by adding, after 127393  
the statement of the number of years the levy is to run, the 127394

phrase ", commencing in \_\_\_\_\_ (first year the tax is to be 127395  
levied), first due in calendar year \_\_\_\_\_ (first calendar 127396  
year in which the tax shall be due)." 127397

If the levy submitted is a proposal to renew, increase, or 127398  
decrease an existing levy, the form of the ballot specified in 127399  
division (B) of this section must be changed by substituting for 127400  
the words "An additional" at the beginning of the form, the 127401  
words "A renewal of a" in case of a proposal to renew an 127402  
existing levy in the same amount; the words "A renewal of 127403  
\_\_\_\_\_ mills and an increase of \_\_\_\_\_ mills for each \$1 of 127404  
taxable value to constitute a" in the case of an increase; or 127405  
the words "A renewal of part of an existing levy, being a 127406  
reduction of \_\_\_\_\_ mills for each \$1 of taxable value, to 127407  
constitute a" in the case of a decrease in the proposed levy. 127408  
Additionally, the effective rate, in lieu of the rate, shall be 127409  
expressed for each one hundred thousand dollars of ~~the county~~ 127410  
~~auditor's appraised market~~ value. 127411

If the levy submitted is a proposal to renew two or more 127412  
existing levies imposed under section 5705.222 or division (L) 127413  
of section 5705.19 of the Revised Code, or under section 5705.21 127414  
or 5705.217 of the Revised Code, the form of the ballot 127415  
specified in division (B) of this section shall be modified by 127416  
substituting for the words "an additional tax" the words "a 127417  
renewal of \_\_\_\_ (insert the number of levies to be renewed) 127418  
existing taxes." 127419

If the levy submitted is a levy under section 5705.72 of 127420  
the Revised Code or a proposal to renew, increase, or decrease 127421  
an existing levy imposed under that section, the name of the 127422  
subdivision shall be "the unincorporated area of \_\_\_\_\_ 127423  
(name of township)." 127424

If the levy is for the payment of debt charges, the form 127425  
of the ballot shall be modified by omitting the phrase ", that 127426  
the county auditor estimates will collect \$\_\_\_\_\_ annually." 127427

The question covered by a resolution adopted under this 127428  
section shall be submitted as a separate proposition but may be 127429  
printed on the same ballot with any other proposition submitted 127430  
at the same election, other than the election of officers. More 127431  
than one such question may be submitted at the same election. 127432

(D) A levy voted in excess of the ten-mill limitation 127433  
under this section shall be certified to the tax commissioner. 127434  
In the first year of the levy, it shall be extended on the tax 127435  
lists after the February settlement succeeding the election. If 127436  
the additional tax is to be placed upon the tax list of the 127437  
current year, as specified in the resolution providing for its 127438  
submission, the result of the election shall be certified 127439  
immediately after the canvass by the board of elections to the 127440  
taxing authority, who shall make the necessary levy and certify 127441  
it to the county auditor, who shall extend it on the tax lists 127442  
for collection. After the first year, the tax levy shall be 127443  
included in the annual tax budget that is certified to the 127444  
county budget commission. 127445

(E) A tax levied under section 5705.2111 of the Revised 127446  
Code shall not be renewed and increased. 127447

**Sec. 5705.251.** (A) A copy of a resolution adopted under 127448  
section 5705.212 or 5705.213 of the Revised Code shall be 127449  
certified by the board of education to the board of elections of 127450  
the proper county not less than ninety days before the date of 127451  
the election specified in the resolution, and the board of 127452  
elections shall submit the proposal to the electors of the 127453  
school district at a special election to be held on that date. 127454



The board of elections shall make the necessary arrangements for 127455  
the submission of the question or questions to the electors of 127456  
the school district, and the election shall be conducted, 127457  
canvassed, and certified in the same manner as regular elections 127458  
in the school district for the election of county officers. 127459  
Notice of the election shall be published in a newspaper of 127460  
general circulation in the subdivision once a week for two 127461  
consecutive weeks, or as provided in section 7.16 of the Revised 127462  
Code, prior to the election. If the board of elections operates 127463  
and maintains a web site, the board of elections shall post 127464  
notice of the election on its web site for thirty days prior to 127465  
the election. 127466

(1) In the case of a resolution adopted under section 127467  
5705.212 of the Revised Code, the notice shall state separately, 127468  
for each tax being proposed, the purpose; the proposed increase 127469  
in rate, expressed in dollars for each one hundred thousand 127470  
dollars of ~~the county auditor's appraised market~~ value as well 127471  
as in mills for each one dollar of taxable value; the number of 127472  
years during which the increase will be in effect; and the first 127473  
calendar year in which the tax will be due. The notice shall 127474  
also state the original tax's estimated annual collections and 127475  
the estimated aggregate annual collections of all such taxes. 127476  
For an election on the question of a renewal levy, the notice 127477  
shall state the purpose; the levy's estimated annual 127478  
collections; the proposed rate, expressed in mills for each one 127479  
dollar of taxable value; the effective rate, expressed in 127480  
dollars for each one hundred thousand dollars of ~~the county~~ 127481  
~~auditor's appraised market~~ value; and the number of years the 127482  
tax will be in effect. If the resolution is adopted under 127483  
division (C) of that section, the rate of each tax being 127484  
proposed shall be expressed as both the total rate and the 127485

portion of the total rate to be allocated to the qualifying 127486  
school district and the portion to be allocated to partnering 127487  
community schools. 127488

(2) In the case of a resolution adopted under section 127489  
5705.213 of the Revised Code, the notice shall state the 127490  
purpose; the amount proposed to be raised by the tax in the 127491  
first year it is levied; the estimated average additional tax 127492  
rate for the first year it is proposed to be levied, expressed 127493  
in mills for each one dollar of taxable value and in dollars for 127494  
each one hundred thousand dollars of ~~the county auditor's~~ 127495  
~~appraised market~~ value; the number of years during which the 127496  
increase will be in effect; and the first calendar year in which 127497  
the tax will be due. The notice also shall state the amount by 127498  
which the amount to be raised by the tax may be increased in 127499  
each year after the first year. The amount of the allowable 127500  
increase may be expressed in terms of a dollar increase over, or 127501  
a percentage of, the amount raised by the tax in the immediately 127502  
preceding year. For an election on the question of a renewal 127503  
levy, the notice shall state the purpose; the amount proposed to 127504  
be raised by the tax; the estimated tax rate, expressed in mills 127505  
for each one dollar of taxable value and in dollars for each one 127506  
hundred thousand dollars of ~~the county auditor's appraised~~ 127507  
~~market~~ value; and the number of years the tax will be in effect. 127508

In any case, the notice also shall state the time and 127509  
place of the election. 127510

(B) (1) The form of the ballot in an election on taxes 127511  
proposed under section 5705.212 of the Revised Code shall be as 127512  
follows: 127513

"Shall the \_\_\_\_\_ school district be authorized to 127514  
levy taxes for current expenses, the aggregate rate of which may 127515

increase in \_\_\_\_\_ (number) increment(s) of not more than \_\_\_\_\_ 127516  
mill(s) for each \$1 of taxable value, from an original rate of 127517  
\_\_\_\_\_ mill(s) for each \$1 of taxable value, which amounts to 127518  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 127519  
~~market value~~, that the county auditor estimates will collect 127520  
\$\_\_\_\_\_ annually, to a maximum rate of \_\_\_\_\_ mill(s) for each \$1 127521  
of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 127522  
~~the county auditor's appraised market value~~, that the county 127523  
auditor estimates will collect \$\_\_\_\_\_ annually? The original tax 127524  
is first proposed to be levied in \_\_\_\_\_ (the first year of the 127525  
tax), and the incremental tax in \_\_\_\_\_ (the first year of the 127526  
increment) (if more than one incremental tax is proposed in the 127527  
resolution, the first year that each incremental tax is proposed 127528  
to be levied shall be stated in the preceding format, and the 127529  
increments shall be referred to as the first, second, third, or 127530  
fourth increment, depending on their number). The aggregate rate 127531  
of tax so authorized will \_\_\_\_\_ (insert either, "expire 127532  
with the original rate of tax which shall be in effect for 127533  
\_\_\_\_\_ years" or "be in effect for a continuing period of 127534  
time"). 127535  
127536

	FOR THE TAX LEVIES	
	AGAINST THE TAX LEVIES	"

If the tax is proposed by a qualifying school district 127537  
under division (C) (1) of section 5705.212 of the Revised Code, 127538  
the form of the ballot shall be modified by adding, after the 127539  
phrase "each \$1 of taxable value," the following: "(of which 127540  
\_\_\_\_\_ mills is to be allocated to partnering community 127541  
schools)." 127542

(2) The form of the ballot in an election on the question 127543  
of a renewal levy under section 5705.212 of the Revised Code 127544  
shall be as follows: 127545

"Shall the \_\_\_\_\_ school district be authorized to 127546  
renew a tax for current expenses, that the county auditor 127547  
estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding 127548  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 127549  
\$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county~~ 127550  
~~auditor's appraised market~~ value, for \_\_\_\_\_ (number of 127551  
years the levy shall be in effect, or a continuing period of 127552  
time)? 127553  
127554

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

If the tax is proposed by a qualifying school district 127555  
under division (C) (2) of section 5705.212 of the Revised Code 127556  
and the total rate and the rates allocated to the school 127557  
district and partnering community schools are to remain the same 127558  
as those of the levy being renewed, the form of the ballot shall 127559  
be modified by adding, after the phrase "each \$1 of taxable 127560  
value," the following: "(of which \_\_\_\_\_ mills is to be 127561  
allocated to partnering community schools)." If the total rate 127562  
is to be increased, the form of the ballot shall state that the 127563  
proposal is to renew the existing tax with an increase in rate 127564  
and shall state the increase in rate, the total rate resulting 127565  
from the increase, and, of that rate, the portion of the rate to 127566  
be allocated to partnering community schools. If the total rate 127567  
is to be decreased, the form of the ballot shall state that the 127568  
proposal is to renew a part of the existing tax and shall state 127569

the reduction in rate, the total rate resulting from the 127570  
decrease, and, of that rate, the portion of the rate to be 127571  
allocated to partnering community schools. 127572

(3) If a tax proposed by a ballot form prescribed in 127573  
division (B) (1) or (2) of this section is to be placed on the 127574  
current tax list, the form of the ballot shall be modified by 127575  
adding, after the statement of the number of years the levy is 127576  
to be in effect, the phrase ", commencing in \_\_\_\_\_ (first 127577  
year the tax is to be levied), first due in calendar year 127578  
\_\_\_\_\_ (first calendar year in which the tax shall be due)."

(C) The form of the ballot in an election on a tax 127580  
proposed under section 5705.213 of the Revised Code shall be as 127581  
follows: 127582

"Shall the \_\_\_\_\_ school district be authorized to levy 127583  
the following tax for current expenses? The tax will first be 127584  
levied in \_\_\_\_\_ (year) to raise \$\_\_\_\_\_. In the \_\_\_\_\_ (number 127585  
of years) following years, the tax will increase by not more 127586  
than \_\_\_\_\_ (per cent or dollar amount of increase) each year, 127587  
so that, during \_\_\_\_\_ (last year of the tax), the tax will 127588  
raise approximately \_\_\_\_\_ (dollars). The county auditor 127589  
estimates that the rate will be \_\_\_\_\_ mill(s) for each \$1 of 127590  
taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the~~ 127591  
~~county auditor's appraised market~~ value, both during \_\_\_\_\_ 127592  
(first year of the tax) and \_\_\_\_\_ mill(s) for each \$1 of 127593  
taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the~~ 127594  
~~county auditor's appraised market~~ value, during \_\_\_\_\_ (last 127595  
year of the tax). The tax will not be levied after \_\_\_\_\_ 127596  
(year). 127597  
127598

	FOR THE TAX LEVIES
--	--------------------

	AGAINST THE TAX LEVIES	"
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The form of the ballot in an election on the question of a  
renewal levy under section 5705.213 of the Revised Code shall be  
as follows:

"Shall the \_\_\_\_\_ school district be authorized to  
renew a tax for current expenses which will raise \$\_\_\_\_\_,  
estimated by the county auditor to be \_\_\_\_\_ mills for each  
\$1 of taxable value, which amounts to \$\_\_\_\_\_ for each  
\$100,000 of ~~the county auditor's appraised market~~ value? The tax  
shall be in effect for \_\_\_\_\_ (the number of years the levy  
shall be in effect, or a continuing period of time).

	FOR THE TAX LEVIES	
	AGAINST THE TAX LEVIES	"

If the tax is to be placed on the current tax list, the  
form of the ballot shall be modified by adding, after the  
statement of the number of years the levy is to be in effect,  
the phrase ", commencing in \_\_\_\_\_ (first year the tax is to  
be levied), first due in calendar year \_\_\_\_\_ (first  
calendar year in which the tax shall be due)."

(D) The question covered by a resolution adopted under  
section 5705.212 or 5705.213 of the Revised Code shall be  
submitted as a separate question, but may be printed on the same  
ballot with any other question submitted at the same election,  
other than the election of officers. More than one question may  
be submitted at the same election.

(E) Taxes voted in excess of the ten-mill limitation under

division (B) or (C) of this section shall be certified to the 127623  
tax commissioner. If an additional tax is to be placed upon the 127624  
tax list of the current year, as specified in the resolution 127625  
providing for its submission, the result of the election shall 127626  
be certified immediately after the canvass by the board of 127627  
elections to the board of education. The board of education 127628  
immediately shall make the necessary levy and certify it to the 127629  
county auditor, who shall extend it on the tax list for 127630  
collection. After the first year, the levy shall be included in 127631  
the annual tax budget that is certified to the county budget 127632  
commission. 127633

**Sec. 5705.261.** (A) The question of decrease of an 127634  
increased rate of levy approved for a continuing period of time 127635  
by the voters of a subdivision or, in the case of a qualifying 127636  
library levy, the voters of the library district or association 127637  
library district, may be initiated by the filing of a petition 127638  
with the board of elections of the proper county not less than 127639  
ninety days before the general election in any year requesting 127640  
that an election be held on such question. Such petition shall 127641  
state the amount of the proposed decrease in the rate of levy 127642  
and shall be signed by qualified electors residing in the 127643  
subdivision, library district, or association library district 127644  
equal in number to at least ten per cent of the total number of 127645  
votes cast in the subdivision, library district, or association 127646  
library district for the office of governor at the most recent 127647  
general election for that office. Only one such petition may be 127648  
filed during each five-year period following the election at 127649  
which the voters approved the increased rate for a continuing 127650  
period of time. 127651

After determination by it that such petition is valid, the 127652  
board of elections shall do both of the following: 127653

(1) Request that the county auditor certify to the board, 127654  
in the same manner as required for a tax levy under section 127655  
5705.03 of the Revised Code, an estimate of the levy's annual 127656  
collections and the levy's effective rate in both the last year 127657  
before the proposed decrease and the first year that the 127658  
decrease applies, stated in dollars, rounded to the nearest 127659  
dollar, for each one hundred thousand dollars of ~~the county-~~ 127660  
~~auditor's appraised market~~ value. If the subdivision, library 127661  
district, or association library district is located in more 127662  
than one county, the county auditor shall obtain from the county 127663  
auditor of each other county in which the subdivision or 127664  
district is located the tax valuation applicable to the portion 127665  
of the subdivision or district in that county. 127666

The county auditor shall certify such information to the 127667  
board of elections within ten days after receiving the board's 127668  
request. 127669

(2) Submit the question to the electors of the 127670  
subdivision, library district, or association library district 127671  
at the succeeding general election pursuant to division (B) of 127672  
this section. 127673

(B) The election shall be conducted, canvassed, and 127674  
certified in the same manner as regular elections in such 127675  
subdivision, library district, or association library district 127676  
for county offices. Notice of the election shall be published in 127677  
a newspaper of general circulation in the district once a week 127678  
for two consecutive weeks, or as provided in section 7.16 of the 127679  
Revised Code, prior to the election. If the board of elections 127680  
operates and maintains a web site, the board of elections shall 127681  
post notice of the election on its web site for thirty days 127682  
prior to the election. The notice shall state the purpose, the 127683



levy's estimated annual collections, the amount of the proposed 127684  
decrease in rate, expressed in mills for each one dollar of 127685  
taxable value, the effective rate of the levy in the year before 127686  
the proposed decrease and the first year that the decrease 127687  
applies, both expressed in dollars for each one hundred thousand 127688  
dollars of ~~the county auditor's appraised~~ market value, and the 127689  
time and place of the election. The form of the ballot cast at 127690  
such election shall be prescribed by the secretary of state but 127691  
must include all information required to be included in the 127692  
notice. The question covered by the petition shall be submitted 127693  
as a separate proposition but it may be printed on the same 127694  
ballot with any other propositions submitted at the same 127695  
election other than the election of officers. If a majority of 127696  
the qualified electors voting on the question of a decrease at 127697  
such election approve the proposed decrease in rate, the result 127698  
of the election shall be certified immediately after the canvass 127699  
by the board of elections to the appropriate taxing authority, 127700  
which shall thereupon, after the current year, cease to levy 127701  
such increased rate or levy such tax at such reduced rate upon 127702  
the tax list of the subdivision, library district, or 127703  
association library district. If notes have been issued in 127704  
anticipation of the collection of such levy, the taxing 127705  
authority shall continue to levy and collect under authority of 127706  
the election authorizing the original levy such amounts as will 127707  
be sufficient to pay the principal of and interest on such 127708  
anticipation notes as the same fall due. 127709

In the case of a levy for the current expenses of a 127710  
qualifying school district and of partnering community schools 127711  
imposed under section 5705.192, as it existed before the 127712  
effective date of this amendment, division (B) of section 127713  
5705.21, division (C) of section 5705.212, or division (J) of 127714

section 5705.218 of the Revised Code for a continuing period of 127715  
time, the rate allocated to the school district and to 127716  
partnering community schools shall each be decreased by a number 127717  
of mills per dollar that is proportionate to the decrease in the 127718  
rate of the levy in proportion to the rate at which the levy was 127719  
imposed before the decrease. 127720

**Sec. 5705.27.** There is hereby created in each county a 127721  
county budget commission consisting of the county auditor, the 127722  
county treasurer, and the prosecuting attorney. Upon petition 127723  
filed with the board of elections, signed by the number of 127724  
electors of the county equal in amount to three per cent of the 127725  
total number of votes cast for governor at the most recent 127726  
election therefor, there shall be submitted to the electors of 127727  
the county at the next general election occurring not sooner 127728  
than ninety days after the filing of the petition, the question 127729  
"Shall the county budget commission consist of two additional 127730  
members to be elected from the county?" Provision shall be made 127731  
on the ballot for the election from the county at large of two 127732  
additional members of the county budget commission who shall be 127733  
electors of the county if a majority of the electors voting on 127734  
the question shall have voted in the affirmative. In such 127735  
counties, where the electors have voted in the affirmative, the 127736  
county budget commission shall consist of such two elected 127737  
members in addition to the county auditor, the county treasurer 127738  
and the prosecuting attorney. Such members, who shall not hold 127739  
any other public office, shall serve for a term of four years. 127740  
~~The~~ 127741

The commission shall meet at the office of the county 127742  
auditor in each county on the first Monday in February and on 127743  
the first Monday in August, annually, and shall complete its 127744  
work on or before the first day of September, annually, unless 127745

for good cause the tax commissioner extends the time for 127746  
completing the work. The commission shall offer, during at least 127747  
one public meeting annually, testimony from a member of the 127748  
commission or an invited speaker describing the concept and 127749  
function of taxes levied within the ten-mill limitation, how 127750  
such taxes are allocated to various jurisdictions in the county, 127751  
and the fiscal impact of such taxes in light of its exemption 127752  
from the reduction authorized under section 319.301 of the 127753  
Revised Code. A majority of members shall constitute a quorum, 127754  
provided that no action of the commission shall be valid unless 127755  
agreed to by a majority of the members of the commission. The 127756  
auditor shall be the secretary of the commission and shall keep 127757  
a full and accurate record of all proceedings. The auditor shall 127758  
appoint such messengers and clerks as the commission deems 127759  
necessary, and the budget commissioners shall be allowed their 127760  
actual and necessary expenses. The elected members of the 127761  
commission shall also receive twenty dollars for each day in 127762  
attendance at commission meetings and in discharge of official 127763  
duties. Any vacancy among such elected members shall be filled 127764  
by the presiding judge of the court of common pleas. In 127765  
adjusting the rates of taxation and fixing the amount of taxes 127766  
to be levied each year, the commissioners shall be governed by 127767  
the amount of the taxable property shown on the auditor's tax 127768  
list for the current year; provided that if the auditor's tax 127769  
list has not been completed, the auditor shall estimate, as 127770  
nearly as practicable, the amount of the taxable property for 127771  
such year, and such officers shall be governed by such estimate. 127772

In any county in which two members of the commission are 127773  
elected, upon petition filed with the board of elections, signed 127774  
by the number of electors of the county equal in amount to three 127775  
per cent of the votes cast for governor at the most recent 127776

election therefor, there shall be submitted to the electors of 127777  
the county at the next general election occurring not sooner 127778  
than ninety days after the filing of the petition, the question 127779  
"Shall the elected members be eliminated from the county budget 127780  
commission?" If the majority of the electors voting thereon 127781  
shall have voted in the affirmative, the county budget 127782  
commission shall consist solely of the county auditor, the 127783  
county treasurer, and the prosecuting attorney. 127784

**Sec. 5705.29.** This section does not apply to a subdivision 127785  
or taxing unit for which the county budget commission has waived 127786  
the requirement to adopt a tax budget pursuant to section 127787  
5705.281 of the Revised Code. The tax budget shall present the 127788  
following information in such detail as is prescribed by the 127789  
auditor of state: 127790

(A) (1) A statement of the necessary current operating 127791  
expenses for the ensuing fiscal year for each department and 127792  
division of the subdivision, classified as to personal services 127793  
and other expenses, and the fund from which such expenditures 127794  
are to be made. Except in the case of a school district, this 127795  
estimate may include a contingent expense not designated for any 127796  
particular purpose, and not to exceed three per cent of the 127797  
total amount of appropriations for current expenses. In the case 127798  
of a school district, this estimate may include a contingent 127799  
expense not designated for any particular purpose and not to 127800  
exceed thirteen per cent of the total amount of appropriations 127801  
for current expenses. 127802

(2) A statement of the expenditures for the ensuing fiscal 127803  
year necessary for permanent improvements, exclusive of any 127804  
expense to be paid from bond issues, classified as to the 127805  
improvements contemplated by the subdivision and the fund from 127806

which such expenditures are to be made; 127807

(3) The amounts required for the payment of final 127808  
judgments; 127809

(4) A statement of expenditures for the ensuing fiscal 127810  
year necessary for any purpose for which a special levy is 127811  
authorized, and the fund from which such expenditures are to be 127812  
made; 127813

(5) Comparative statements, so far as possible, in 127814  
parallel columns of corresponding items of expenditures for the 127815  
current fiscal year and the two preceding fiscal years. 127816

(B) (1) An estimate of receipts from other sources than the 127817  
general property tax during the ensuing fiscal year, which shall 127818  
include an estimate of unencumbered balances at the end of the 127819  
current fiscal year, and the funds to which such estimated 127820  
receipts are credited; 127821

(2) The amount each fund requires from the general 127822  
property tax, which shall be the difference between the 127823  
contemplated expenditure from the fund and the estimated 127824  
receipts, as provided in this section. The section of the 127825  
Revised Code under which the tax is authorized shall be set 127826  
forth. 127827

(3) Comparative statements, so far as possible, in 127828  
parallel columns of taxes and other revenues for the current 127829  
fiscal year and the two preceding fiscal years; 127830

(4) Comparative statements, so far as possible, in 127831  
parallel columns of all funds in control of the subdivision for 127832  
the current fiscal year and the two preceding fiscal years not 127833  
already included in the tax budget pursuant to divisions (B) (1) 127834  
to (3) of this section. 127835

(C) (1) The amount required for debt charges; 127836

(2) The estimated receipts from sources other than the tax 127837  
levy for payment of such debt charges, including the proceeds of 127838  
refunding bonds to be issued to refund bonds maturing in the 127839  
next succeeding fiscal year; 127840

(3) The net amount for which a tax levy shall be made, 127841  
classified as to bonds authorized and issued prior to January 1, 127842  
1922, and those authorized and issued subsequent to such date, 127843  
and as to what portion of the levy will be within and what in 127844  
excess of the ten-mill limitation. 127845

(D) An estimate of amounts from taxes authorized to be 127846  
levied in excess of the ten-mill limitation on the tax rate, and 127847  
the fund to which such amounts will be credited, together with 127848  
the sections of the Revised Code under which each such tax is 127849  
exempted from all limitations on the tax rate. 127850

(E) (1) A board of education may include in its budget for 127851  
the fiscal year in which a levy proposed under section 5705.194, 127852  
5705.199, 5705.21, 5705.213, or 5705.219, a property tax levy 127853  
proposed under section 5748.09, or the original levy under 127854  
section 5705.212 of the Revised Code is first extended on the 127855  
tax list and duplicate an estimate of expenditures to be known 127856  
as a voluntary contingency reserve balance, which shall not be 127857  
greater than twenty-five per cent of the total amount of the 127858  
levy estimated to be available for appropriation in such year. 127859

(2) A board of education may include in its budget for the 127860  
fiscal year following the year in which a levy proposed under 127861  
section 5705.194, 5705.199, 5705.21, 5705.213, or 5705.219, a 127862  
property tax levy proposed under section 5748.09, or the 127863  
original levy under section 5705.212 of the Revised Code is 127864

first extended on the tax list and duplicate an estimate of 127865  
expenditures to be known as a voluntary contingency reserve 127866  
balance, which shall not be greater than twenty per cent of the 127867  
amount of the levy estimated to be available for appropriation 127868  
in such year. 127869

(3) Except as provided in division (E) (4) of this section, 127870  
the full amount of any reserve balance the board includes in its 127871  
budget shall be retained by the county auditor and county 127872  
treasurer out of the first semiannual settlement of taxes until 127873  
the beginning of the next succeeding fiscal year, and thereupon, 127874  
with the depository interest apportioned thereto, it shall be 127875  
turned over to the board of education, to be used for the 127876  
purposes of such fiscal year. 127877

(4) A board of education, by a two-thirds vote of all 127878  
members of the board, may appropriate any amount withheld as a 127879  
voluntary contingency reserve balance during the fiscal year for 127880  
any lawful purpose, provided that prior to such appropriation 127881  
the board of education has authorized the expenditure of all 127882  
amounts appropriated for contingencies under section 5705.40 of 127883  
the Revised Code. Upon request by the board of education, the 127884  
county auditor shall draw a warrant on the district's account in 127885  
the county treasury payable to the district in the amount 127886  
requested. 127887

~~(F) Except as otherwise provided in this division, the 127888~~  
~~county budget commission shall not reduce the taxing authority 127889~~  
~~of a subdivision as a result of the creation of a reserve 127890~~  
~~balance account. Except as otherwise provided in this division, 127891~~  
~~the county budget commission shall not consider the amount in a 127892~~  
~~reserve balance account of a township, county, or municipal 127893~~  
~~corporation as an unencumbered balance or as revenue for the 127894~~

~~purposes of division (E) (3) or (4) of section 5747.51 of the~~ 127895  
~~Revised Code. The county budget commission may require~~ 127896  
~~documentation of the reasonableness of the reserve balance held~~ 127897  
~~in any reserve balance account. The commission shall consider~~ 127898  
~~any amount in a reserve balance account that it determines to be~~ 127899  
~~unreasonable as unencumbered and as revenue for the purposes of~~ 127900  
~~section 5747.51 of the Revised Code and may take such amounts~~ 127901  
~~into consideration when determining whether to reduce the taxing~~ 127902  
~~authority of a subdivision.~~ 127903

**Sec. 5705.31.** The county auditor shall present to the 127904  
county budget commission the annual tax budgets submitted under 127905  
sections 5705.01 to 5705.47 of the Revised Code, together with 127906  
an estimate prepared by the auditor of the amount of any state 127907  
levy, the rate of any school tax levy as previously determined, 127908  
the tax commissioner's estimate of the amount to be received in 127909  
the county public library fund, the tax rates provided under 127910  
section 5705.281 of the Revised Code if adoption of the tax 127911  
budget was waived under that section, and such other information 127912  
as the commission requests or the tax commissioner prescribes. 127913  
The budget commission shall examine such budget and ascertain 127914  
the total amount proposed to be raised in the county for the 127915  
purposes of each subdivision and other taxing units in the 127916  
county. 127917

The commission shall ascertain that the following levies 127918  
have been properly authorized and, if so authorized, shall 127919  
approve them without modification: 127920

(A) All levies in excess of the ten-mill limitation in the 127921  
first year they are levied, unless the levy is the renewal of an 127922  
existing tax; 127923

(B) All levies for debt charges ~~not provided for by levies~~ 127924



~~in excess of the ten-mill limitation~~, including levies necessary 127925  
to pay notes issued for emergency purposes; 127926

(C) The levies prescribed by division (B) of sections 127927  
742.33 and 742.34 of the Revised Code; 127928

(D) Except as otherwise provided in this division, a 127929  
minimum levy within the ten-mill limitation for the current 127930  
expense and debt service of each subdivision or taxing unit, 127931  
which shall equal two-thirds of the average levy for current 127932  
expenses and debt service allotted within the fifteen-mill 127933  
limitation to such subdivision or taxing unit during the last 127934  
five years the fifteen-mill limitation was in effect unless such 127935  
subdivision or taxing unit requests an amount requiring a lower 127936  
rate. Except as provided in section 5705.312 of the Revised 127937  
Code, if the levies required in divisions (B) and (C) of this 127938  
section for the subdivision or taxing unit equal or exceed the 127939  
entire minimum levy of the subdivision as fixed, the minimum 127940  
levies of the other subdivisions or taxing units shall be 127941  
reduced by the commission to provide for the levies and an 127942  
operating levy for the subdivision. Such additional levy shall 127943  
be deducted from the minimum levies of each of the other 127944  
subdivisions or taxing units, but the operating levy for a 127945  
school district shall not be reduced below a figure equivalent 127946  
to forty-five per cent of the millage available within the ten- 127947  
mill limitation after all the levies in divisions (B) and (C) of 127948  
this section have been provided for. 127949

If a municipal corporation and a township have entered 127950  
into an annexation agreement under section 709.192 of the 127951  
Revised Code in which they agree to reallocate their shares of 127952  
the minimum levies established under this division and if that 127953  
annexation agreement is submitted along with the annual tax 127954

budget of both the township and the municipal corporation, then, 127955  
when determining the minimum levy under this division, the 127956  
auditor shall allocate, to the extent possible, the minimum levy 127957  
for that municipal corporation and township in accordance with 127958  
their annexation agreement. 127959

~~(E) The levies prescribed by section 3709.29 of the~~ 127960  
~~Revised Code.~~ 127961

Divisions (A) to ~~(E)~~ (D) of this section are mandatory, 127962  
and commissions shall be without discretion to reduce such 127963  
~~minimum levies except as provided in such divisions~~ section 127964  
5705.316 of the Revised Code. 127965

If any debt charge is omitted from the budget, the 127966  
commission shall include it therein. 127967

**Sec. 5705.314.** (A) If the board of education of a city, 127968  
local, or exempted village school district proposes to change 127969  
its levy within the ten-mill limitation in a manner that will 127970  
result in an increase in the amount of real property taxes 127971  
levied by the board in the tax year the change takes effect, the 127972  
board shall hold a public hearing solely on the proposal and 127973  
obtain approval from the county budget commission of each county 127974  
in which the district has territory before adopting a resolution 127975  
to implement the proposal. 127976

~~The~~ (B) Before holding the board of education hearing 127977  
required by division (A) of this section, the board shall 127978  
publish notice of the hearing in a newspaper of general 127979  
circulation in the school district once a week for two 127980  
consecutive weeks or as provided in section 7.16 of the Revised 127981  
Code. The second publication shall be not less than ten nor more 127982  
than thirty days before the date of the hearing, and the notice 127983

shall include the date, time, place, and subject of the hearing, 127984  
and a statement that the change proposed by the board may result 127985  
in an increase in the amount of real property taxes levied by 127986  
the board. At the time the board submits the notice for 127987  
publication, the board shall send a copy of the notice to the 127988  
auditor of the county where the school district is located or, 127989  
if the school district is located in more than one county, to 127990  
the auditor of each of those counties. Upon receipt of the 127991  
notice, the county auditor shall certify a copy of the notice to 127992  
the county budget commission. 127993

(C) Upon certification of a notice to a county budget 127994  
commission pursuant to division (B) of this section, the county 127995  
budget commission shall schedule a hearing for a date that is 127996  
not less than ten and not more than thirty days after the date 127997  
of certification. 127998

The hearing shall not be held on the same day as the 127999  
hearing required by division (A) of this section, and if more 128000  
than one county budget commission is required under this 128001  
division to hold a hearing on the proposed levy, the county 128002  
budget commission hearings shall not be held on the same day. 128003  
Each commission shall publish the date, time, location, and 128004  
purpose of the meeting on the county auditor's web site. The 128005  
school district shall publish that information on the school's 128006  
web site. 128007

During the hearing before each commission, the school 128008  
district shall present evidence demonstrating the need to change 128009  
the levy to the county budget commission. The district shall not 128010  
change the levy unless, by majority vote, the county budget 128011  
commission approves the need to change the levy. 128012

**Sec. 5705.316.** A board of education of a city, local, or 128013

exempted village school district shall make the certification 128014  
required under section 5705.36 of the Revised Code to the county 128015  
auditor of each county in which the district is located on or 128016  
before the fifteenth day of July. 128017

The county budget commission or, if applicable, joint 128018  
budget commission shall convene on or before the fifteenth day 128019  
of August to review the certifications from each such school 128020  
district to determine if the amount of carry-over balance in the 128021  
district's general operating budget from the preceding fiscal 128022  
year exceeds fifty per cent of the district's general fund 128023  
expenditures made in the preceding fiscal year. A board may, by 128024  
resolution, designate an amount of the district's carry-over 128025  
balance as reserved for expenditure on current or future 128026  
permanent improvements within the following three years. Upon 128027  
certification of the resolution to the commission on or before 128028  
the fifteenth day of July, the commission shall not consider the 128029  
designated amount in determining whether the district's carry- 128030  
over balance exceeded the threshold for those three years. If 128031  
such funds are not expended as designated within those three 128032  
years, the commission shall consider them as a part of the 128033  
carry-over balance in all subsequent years. 128034

If a district's carry-over balance exceeds that threshold, 128035  
the commission shall reduce the rate of, or the annual amount of 128036  
money to be raised by, any or all of the current expense taxes 128037  
levied by the district for the current tax year so as to reduce 128038  
the district's collections by the amount by which the district's 128039  
general operating budget carry-over balance exceeded the 128040  
threshold. These reductions apply only for the current tax year 128041  
and shall be made without regard to maintaining the reduction 128042  
limit imposed under division (E) (2) of section 319.301 of the 128043  
Revised Code. 128044

This section does not apply to an island school district 128045  
or a joint state school district. Nothing in this section 128046  
prohibits a county budget commission from reducing the rate of a 128047  
current levy as otherwise authorized by law. 128048

**Sec. 5705.32.** (A) The county budget commission shall 128049  
adjust the estimated amounts required from the general property 128050  
tax for each fund, as shown by the tax budgets or other 128051  
information required to be provided under section 5705.281 of 128052  
the Revised Code, so as to bring the tax levies required 128053  
therefor within the limitations specified in sections 5705.01 to 128054  
5705.47 of the Revised Code, for such levies, ~~but no levy shall~~ 128055  
~~be reduced below a minimum fixed by law.~~ The commission may 128056  
revise and adjust the estimate of balances and receipts from all 128057  
sources for each fund and shall determine the total 128058  
appropriations that may be made therefrom. 128059

(B) Except as otherwise provided in section 5705.31 of the 128060  
Revised Code, the county budget commission may adjust the 128061  
estimated amounts required from the general property tax for 128062  
each fund, as shown by the tax budgets or other information 128063  
required to be provided under section 5705.281 of the Revised 128064  
Code, so as to bring the tax levies required therefor within 128065  
levels the commission finds reasonable and prudent to avoid 128066  
unnecessary, excessive, or unneeded collections. If the county 128067  
budget commission adjusts amounts from any tax levied by a 128068  
taxing unit other than a qualifying subdivision, the adjustment 128069  
shall be subject to both of the following: 128070

(1) Except as authorized by section 5705.316 of the 128071  
Revised Code, no levy shall be reduced below the level that 128072  
would cause it to collect less than what the levy collected in 128073  
the preceding year, unless funds are available from reserve 128074

balance accounts, nonexpendable trust funds, or carryover 128075  
amounts to offset a reduction below that level, and the budget 128076  
commission shall consider reserve balance accounts, 128077  
nonexpendable trust funds, and carryover amounts for that 128078  
purpose; 128079

(2) Except as authorized by section 5705.316 of the 128080  
Revised Code, no levy may be reduced to a level that would cause 128081  
a school district subject to division (A) of section 3317.01 of 128082  
the Revised Code to levy less than twenty mills for current 128083  
operating expenses as required by that division. 128084

(C) The commission shall fix the amount of the county 128085  
public library fund to be distributed to each board of public 128086  
library trustees that has qualified under section 5705.28 of the 128087  
Revised Code for participation in the proceeds of such fund. The 128088  
amount paid to all libraries in the county from such fund shall 128089  
never be a smaller per cent of the fund than the average of the 128090  
percentages of the county's classified taxes that were 128091  
distributed to libraries in 1982, 1983, and 1984, as determined 128092  
by the county auditor. The commission shall base the amount for 128093  
distribution on the needs of such library for the construction 128094  
of new library buildings, parts of buildings, improvements, 128095  
operation, maintenance, or other expenses. In determining the 128096  
needs of each library board of trustees, and in calculating the 128097  
amount to be distributed to any library board of trustees on the 128098  
basis of its needs, the commission shall make no reduction in 128099  
its allocation from the fund on account of additional revenues 128100  
realized by a library from increased taxes or service charges 128101  
voted by its electorate, from revenues received through federal 128102  
or state grants, projects, or programs, or from grants from 128103  
private sources. 128104

~~(C)~~ (D) Notwithstanding the fact that alternative methods 128105  
of financing such needs are available, after fixing the amount 128106  
to be distributed to libraries, the commission shall fix the 128107  
amount, if any, of the county public library fund to be 128108  
distributed to each board of township park commissioners, the 128109  
county, and each municipal corporation in accordance with the 128110  
following: 128111

(1) Each municipal corporation in the county shall receive 128112  
a per cent of the remainder that equals the per cent that the 128113  
county auditor determines the classified property taxes 128114  
originating in such municipal corporation in 1984 were of the 128115  
total of all of the county's classified property taxes in 1984. 128116  
The commission may deduct from this amount any amount that the 128117  
budget commission allows to the board of township park 128118  
commissioners of a township park district, the boundaries of 128119  
which are coextensive with or contained within the boundaries of 128120  
the municipal corporation. 128121

(2) The county shall receive a per cent of the remainder 128122  
that equals the per cent that the county auditor determines the 128123  
classified property taxes originating outside of the boundaries 128124  
of municipal corporations in the county in 1984 were of the 128125  
total of all of the county's classified property taxes in 1984. 128126  
The commission may deduct from this amount any amount that the 128127  
budget commission allows to the board of township park 128128  
commissioners of a township park district, the boundaries of 128129  
which are not coextensive with or contained within those of any 128130  
municipal corporation in the county. 128131

~~(D)~~ (E) The commission shall separately set forth the 128132  
amounts fixed and determined under divisions ~~(B)~~ (C) and ~~(C)~~ (D) 128133  
of this section in the "official certificate of estimated 128134

resources," as provided in section 5705.35 of the Revised Code, 128135  
and separately certify such amount to the county auditor who 128136  
shall be guided thereby in the distribution of the county public 128137  
library fund for and during the fiscal year. In determining such 128138  
amounts, the commission shall be guided by the estimate 128139  
certified by the tax commissioner and presented by the auditor 128140  
under section 5705.31 of the Revised Code, as to the total 128141  
amount of revenue to be received in the county public library 128142  
fund during such fiscal year. 128143

~~(E)~~ (F) (1) At least five days before the date of any 128144  
meeting at which the budget commission plans to discuss the 128145  
distribution of the county public library fund, it shall notify 128146  
each legislative authority and board of public library trustees, 128147  
county commissioners, and township park commissioners eligible 128148  
to participate in the distribution of the fund of the date, 128149  
time, place, and agenda for the meeting. Any legislative 128150  
authority or board entitled to notice under this division may 128151  
designate an officer or employee of such legislative authority 128152  
or board to whom the commission shall deliver the notice. 128153

(2) Before the final determination of the amount to be 128154  
allotted to each subdivision from any source, the commission 128155  
shall permit representatives of each subdivision and of each 128156  
board of public library trustees to appear before it to explain 128157  
its financial needs. 128158

~~(F)~~ (G) If any public library receives and expends any 128159  
funds allocated to it under this section for the construction of 128160  
new library buildings or parts of buildings, such library shall 128161  
be free and open to the inhabitants of the county in which it is 128162  
located. Any board of library trustees that receives funds under 128163  
this section and section 5747.48 of the Revised Code shall have 128164



its financial records open for public inspection at all 128165  
reasonable times. 128166

**Sec. 5705.321.** (A) As used in this section: 128167

(1) "City, located wholly or partially in the county, with 128168  
the greatest population" means the city, located wholly or 128169  
partially in the county, with the greatest population residing 128170  
in the county; however, if the county budget commission on or 128171  
before January 1, 1998, adopted an alternative method of 128172  
apportionment that was approved by the city, located partially 128173  
in the county, with the greatest population but not the greatest 128174  
population residing in the county, "city, located wholly or 128175  
partially in the county, with the greatest population" means the 128176  
city, located wholly or partially in the county, with the 128177  
greatest population whether residing in the county or not, if 128178  
this alternative meaning is adopted by action of the board of 128179  
county commissioners and a majority of the boards of township 128180  
trustees and legislative authorities of municipal corporations 128181  
located wholly or partially in the county. 128182

(2) "Participating political subdivision" means a 128183  
municipal corporation or township that satisfies all of the 128184  
following: 128185

(a) It is located wholly or partially in the county. 128186

(b) It is not the city, located wholly or partially in the 128187  
county, with the greatest population. 128188

(c) Public library fund moneys are apportioned to it under 128189  
the county's alternative method or formula of apportionment in 128190  
the current calendar year. 128191

(B) In lieu of the method of apportionment of the county 128192  
public library fund provided by division ~~(C)~~(D) of section 128193

5705.32 of the Revised Code, the county budget commission may 128194  
provide for the apportionment of the fund under an alternative 128195  
method or on a formula basis as authorized by this section. 128196

Except as otherwise provided in division (C) of this 128197  
section, the alternative method of apportionment shall have 128198  
first been approved by all of the following governmental units: 128199  
the board of county commissioners; the legislative authority of 128200  
the city, located wholly or partially in the county, with the 128201  
greatest population; and a majority of the boards of township 128202  
trustees and legislative authorities of municipal corporations, 128203  
located wholly or partially in the county, excluding the 128204  
legislative authority of the city, located wholly or partially 128205  
in the county, with the greatest population. In granting or 128206  
denying approval for an alternative method of apportionment, the 128207  
board of county commissioners, boards of township trustees, and 128208  
legislative authorities of municipal corporations shall act by 128209  
motion. A motion to approve shall be passed upon a majority vote 128210  
of the members of a board of county commissioners, board of 128211  
township trustees, or legislative authority of a municipal 128212  
corporation, shall take effect immediately, and need not be 128213  
published. 128214

Any alternative method of apportionment adopted and 128215  
approved under this division may be revised, amended, or 128216  
repealed in the same manner as it may be adopted and approved. 128217  
If an alternative method of apportionment adopted and approved 128218  
under this division is repealed, the county public library fund 128219  
shall be apportioned among the subdivisions eligible to 128220  
participate in the fund, commencing in the ensuing calendar 128221  
year, under the apportionment provided in divisions ~~(B)~~ (C) and 128222  
~~(C)~~ (D) of section 5705.32 of the Revised Code, unless the repeal 128223  
occurs by operation of division (C) of this section or a new 128224

method for apportionment of the fund is provided in the action 128225  
of repeal. 128226

(C) This division applies only in counties in which the 128227  
city, located wholly or partially in the county, with the 128228  
greatest population has a population of twenty thousand or less 128229  
and a population that is less than fifteen per cent of the total 128230  
population of the county. In such a county, the legislative 128231  
authorities or boards of township trustees of two or more 128232  
participating political subdivisions, which together have a 128233  
population residing in the county that is a majority of the 128234  
total population of the county, each may adopt a resolution to 128235  
exclude the approval otherwise required of the legislative 128236  
authority of the city, located wholly or partially in the 128237  
county, with the greatest population. All of the resolutions to 128238  
exclude that approval shall be adopted not later than the first 128239  
Monday of August of the year preceding the calendar year in 128240  
which distributions are to be made under an alternative method 128241  
of apportionment. 128242

A motion granting or denying approval of an alternative 128243  
method of apportionment under this division shall be adopted by 128244  
a majority vote of the members of the board of county 128245  
commissioners and by a majority vote of a majority of the boards 128246  
of township trustees and legislative authorities of the 128247  
municipal corporations located wholly or partially in the 128248  
county, other than the city, located wholly or partially in the 128249  
county, with the greatest population, shall take effect 128250  
immediately, and need not be published. The alternative method 128251  
of apportionment under this division shall be adopted and 128252  
approved annually, not later than the first Monday of August of 128253  
the year preceding the calendar year in which distributions are 128254  
to be made under it. A motion granting approval of an 128255

alternative method of apportionment under this division repeals 128256  
any existing alternative method of apportionment, effective with 128257  
distributions to be made from the fund in the ensuing calendar 128258  
year. An alternative method of apportionment under this division 128259  
shall not be revised or amended after the first Monday of August 128260  
of the year preceding the calendar year in which distributions 128261  
are to be made under it. 128262

(D) In determining an alternative method of apportionment 128263  
authorized by this section, the county budget commission may 128264  
include in the method any factor considered to be appropriate 128265  
and reliable, in the sole discretion of the county budget 128266  
commission. 128267

(E) On the basis of any alternative method of 128268  
apportionment adopted and approved as authorized by this 128269  
section, as certified by the auditor to the county treasurer, 128270  
the county treasurer shall make distribution of the money in the 128271  
county public library fund to each subdivision eligible to 128272  
participate in the fund, and the auditor, when the amount of 128273  
those shares is in the custody of the treasurer in the amounts 128274  
so computed to be due the respective subdivisions, shall at the 128275  
same time certify to the tax commissioner the percentage share 128276  
of the county as a subdivision. All money received into the 128277  
treasury of a subdivision from the county public library fund in 128278  
a county treasury shall be paid into the general fund and used 128279  
for the current operating expenses of the subdivision. 128280

(F) The actions of the county budget commission taken 128281  
pursuant to this section are final and may not be appealed to 128282  
the board of tax appeals, except on the issues of abuse of 128283  
discretion and failure to comply with the formula. 128284

**Sec. 5705.35.** (A) The certification of the budget 128285

commission to the taxing authority of each subdivision or taxing unit, as set forth in section 5705.34 of the Revised Code, shall show the various funds of such subdivisions other than funds to be created by transfer and shall be filed by the county budget commission with such taxing authority on or before the first day of March in the case of school districts and the city of Cincinnati and on or before the first day of September in each year in the case of all other taxing authorities. There shall be set forth on the credit side of each fund the estimated unencumbered balances and receipts, and if a tax is to be levied for such fund, the estimated revenue to be derived therefrom, the rate of the levy, and what portion thereof is within, and what in excess of, the ten-mill tax limitation, and on the debit side, the total appropriations that may be made therefrom. ~~Subject to division (F) of section 5705.29 of the Revised Code, any reserve balance in an account established under section 5705.13 of the Revised Code for the purpose described in division (A)(1) of that section, and the principal of a nonexpendable trust fund established under section 5705.131 of the Revised Code and any additions to principal arising from sources other than the reinvestment of investment earnings arising from that fund, are not unencumbered balances for the purposes of this section. The balance in a reserve balance account established under section 5705.132 of the Revised Code is not an unencumbered balance for the purposes of this division.~~

There shall be attached to the certification a summary, which shall be known as the "official certificate of estimated resources," that shall state the total estimated resources of each fund of the subdivision that are available for appropriation in the fiscal year, other than funds to be created

by transfer, and a statement of the amount of the total tax 128317  
duplicate of the school district to be used in the collection of 128318  
taxes for the following calendar year. Before the end of the 128319  
fiscal year, the taxing authority of each subdivision and other 128320  
taxing unit shall revise its tax budget, if one was adopted, so 128321  
that the total contemplated expenditures from any fund during 128322  
the ensuing fiscal year will not exceed the total appropriations 128323  
that may be made from such fund, as determined by the budget 128324  
commission in its certification; and such revised budget shall 128325  
be the basis of the annual appropriation measure. 128326

(B) Revenue from real property taxes scheduled to be 128327  
settled on or before the tenth day of August and the fifteenth 128328  
day of February of a fiscal year under divisions (A) and (C) of 128329  
section 321.24 of the Revised Code shall not be available for 128330  
appropriation by a board of education prior to the fiscal year 128331  
in which such latest scheduled settlement date occurs, except 128332  
that moneys advanced to the treasurer of a board of education 128333  
under division (A) (2) (b) of section 321.34 of the Revised Code 128334  
shall be available for appropriation in the fiscal year in which 128335  
they are paid to the treasurer under such section. If the date 128336  
for any settlement of taxes is extended under division (E) of 128337  
section 321.24 of the Revised Code, the latest date set forth in 128338  
divisions (A) to (D) of that section shall be used to determine 128339  
in which fiscal year the revenues are first available for 128340  
appropriation. 128341

**Sec. 5705.36.** (A) (1) On or about the first day of each 128342  
fiscal year, the fiscal officer of each subdivision and other 128343  
taxing unit shall certify to the county auditor the total amount 128344  
from all sources available for expenditures from each fund set 128345  
up in the tax budget or, if adoption of a tax budget was waived 128346  
under section 5705.281 of the Revised Code, from each fund 128347

created by or on behalf of the taxing authority. The amount 128348  
certified shall include any unencumbered balances that existed 128349  
at the end of the preceding year, ~~excluding any of the~~ 128350  
~~following:~~ 128351

~~(a) Subject to division (F) of section 5705.29 of the~~ 128352  
~~Revised Code, any reserve balance in an account established~~ 128353  
~~under section 5705.13 of the Revised Code for the purpose~~ 128354  
~~described in division (A) (1) of that section;~~ 128355

~~(b) The principal of a nonexpendable trust fund~~ 128356  
~~established under section 5705.131 of the Revised Code and any~~ 128357  
~~additions to principal arising from sources other than the~~ 128358  
~~reinvestment of investment earnings arising from that fund;~~ 128359

~~(c) The balance in a reserve balance account established~~ 128360  
~~under section 5705.132 of the Revised Code.~~ 128361

A school district's certification shall separately show 128362  
the amount of any notes and unpaid and outstanding expenses on 128363  
the preceding thirtieth day of June that are to be paid from 128364  
property taxes that are to be settled during the current fiscal 128365  
year under divisions (C) and (D) of section 321.24 of the 128366  
Revised Code. The budget commission, taking into consideration 128367  
the balances and revenues to be derived from taxation and other 128368  
sources, shall revise its estimate of the amounts that will be 128369  
credited to each fund from such sources, and shall certify to 128370  
the taxing authority of each subdivision an amended official 128371  
certificate of estimated resources. 128372

(2) Subject to divisions (A) (3) and (4) of this section, 128373  
upon a determination by the fiscal officer of a subdivision that 128374  
the revenue to be collected by the subdivision will be greater 128375  
or less than the amount included in an official certificate, the 128376

fiscal officer may certify the amount of the deficiency or 128377  
excess to the commission, and if the commission determines that 128378  
the fiscal officer's certification is reasonable, the commission 128379  
shall certify an amended official certificate reflecting the 128380  
deficiency or excess. 128381

(3) Upon a determination by the fiscal officer of a 128382  
subdivision that the revenue to be collected by the subdivision 128383  
will be greater than the amount included in an official 128384  
certificate and the legislative authority intends to appropriate 128385  
and expend the excess revenue, the fiscal officer shall certify 128386  
the amount of the excess to the commission, and if the 128387  
commission determines that the fiscal officer's certification is 128388  
reasonable, the commission shall certify an amended official 128389  
certificate reflecting the excess. 128390

(4) Upon a determination by the fiscal officer of a 128391  
subdivision that the revenue to be collected by the subdivision 128392  
will be less than the amount included in an official certificate 128393  
and that the amount of the deficiency will reduce available 128394  
resources below the level of current appropriations, the fiscal 128395  
officer shall certify the amount of the deficiency to the 128396  
commission, and the commission shall certify an amended 128397  
certificate reflecting the deficiency. 128398

(5) The total appropriations made during the fiscal year 128399  
from any fund shall not exceed the amount set forth as available 128400  
for expenditure from such fund in the official certificate of 128401  
estimated resources, or any amendment thereof, certified prior 128402  
to the making of the appropriation or supplemental 128403  
appropriation. 128404

(B) At the time of settlement of taxes against which notes 128405  
have been issued under division (D) of section 133.10 of the 128406



Revised Code and at the time a tax duplicate is delivered 128407  
pursuant to section 319.28 or 319.29 of the Revised Code, the 128408  
county auditor shall determine whether the total amount to be 128409  
distributed to each school district from such settlement or 128410  
duplicate, when combined with the amounts to be distributed from 128411  
any subsequent settlement, will increase or decrease the amount 128412  
available for appropriation during the current fiscal year from 128413  
any fund. The county auditor shall certify this finding to the 128414  
budget commission, which shall certify an amended official 128415  
certificate reflecting the finding or certify to the school 128416  
district that no amended certificate needs to be issued. 128417

**Sec. 5705.391.** (A) Not later than the thirty-first day of 128418  
August of each fiscal year, each school district board of 128419  
education shall submit to the department of education and 128420  
workforce appropriations, revenue, and fund balance assumptions 128421  
contained in the budget adopted by the board for that fiscal 128422  
year and projections of expenditures, revenues, and fund balance 128423  
for the three succeeding fiscal years. 128424

Not later than the last day of February of each fiscal 128425  
year, each school district board of education shall submit 128426  
updated appropriations, revenue, and fund balance information 128427  
for the budget adopted for the fiscal year and updated 128428  
projections of expenditures, revenues, and fund balance for the 128429  
three succeeding fiscal years. 128430

The department of education and workforce and the auditor 128431  
of state shall jointly adopt rules ~~requiring boards of education~~ 128432  
~~to submit five-year governing the submission of current budget~~ 128433  
information and three-year projections of operational revenues 128434  
and expenditures by boards of education. The rules shall specify 128435  
the information required for current budget information and 128436

three-year forecast submissions and any additional school 128437  
district financial and operating information necessary for the 128438  
audits and analyses conducted by the auditor of state or the 128439  
department, including special and federal funds expenditures, 128440  
revenues, and balances. The rules shall provide for the auditor 128441  
of state or the department to examine the five-year current 128442  
budget information and three-year projections and to determine 128443  
whether any further fiscal analysis is needed to ascertain 128444  
whether a district has the potential to incur a deficit during 128445  
the first ~~three~~ two years of the ~~five-year~~ three-year period. 128446

The auditor of state or the department may conduct any 128447  
further audits or analyses necessary to assess any district's 128448  
fiscal condition. If further audits or analyses are conducted by 128449  
the auditor of state, the auditor of state shall notify the 128450  
department of the district's fiscal condition, and the 128451  
department shall immediately notify the district of any 128452  
potential to incur a deficit in the current fiscal year or of 128453  
any strong indications that a deficit will be incurred in either 128454  
of the ensuing two years. If such audits or analyses are 128455  
conducted by the department, the department shall immediately 128456  
notify the district and the auditor of state of such potential 128457  
deficit or strong indications thereof. 128458

A district notified under this section shall take 128459  
immediate steps to eliminate any deficit in the current fiscal 128460  
year and shall begin to plan to avoid the projected future 128461  
deficits. 128462

(B) The state board of education, in accordance with 128463  
sections 3319.31 and 3319.311 of the Revised Code, may limit, 128464  
suspend, or revoke a license as defined under section 3319.31 of 128465  
the Revised Code that has been issued to any school employee 128466

found to have willfully contributed erroneous, inaccurate, or 128467  
incomplete data required for the submission of the ~~five-~~ 128468  
~~year~~ current budget information and -three-year projection 128469  
required by this section. 128470

~~(C) The department and the auditor of state, in their 128471  
joint adoption of rules under division (A) of this section, 128472  
shall not require a board of education to submit its five-year 128473  
projection of operational revenues and expenditures prior to the 128474  
thirtieth day of November of any fiscal year. 128475~~

~~(D) Beginning with submissions required in for fiscal year 128476  
2024-2026 and for each fiscal year in which a submission is 128477  
required under this section thereafter, the department and the 128478  
auditor shall label the projections regarding property tax 128479  
allocation in the projection as "state share of local property 128480  
taxes. state reimbursement for property tax credits." 128481~~

**Sec. 5705.40.** Any appropriation ordinance or measure may 128482  
be amended or supplemented, provided that such amendment or 128483  
supplement shall comply with all provisions of law governing the 128484  
taxing authority in making an original appropriation and that no 128485  
appropriation for any purpose shall be reduced below an amount 128486  
sufficient to cover all unliquidated and outstanding contracts 128487  
or obligations certified from or against the appropriation. 128488  
Transfers may be made by resolution or ordinance from one 128489  
appropriation item to another, except that a board of county 128490  
commissioners shall, at the request of the county board of 128491  
elections, adopt a resolution to transfer funds from one 128492  
appropriation item of the board of elections to another 128493  
appropriation item of the board of elections unless the board of 128494  
county commissioners determines that the transfer is sought for 128495  
the purpose of providing employee bonuses or salary increases 128496

other than increases necessary to reimburse employees for 128497  
overtime worked. At the close of each fiscal year, the 128498  
unencumbered balance of each appropriation shall revert to the 128499  
respective fund from which it was appropriated and shall be 128500  
subject to future appropriations, provided that funds unexpended 128501  
at the end of such fiscal year previously appropriated for the 128502  
payment of obligations unliquidated and outstanding, or 128503  
previously appropriated pursuant to section 321.261 of the 128504  
Revised Code for the collection of delinquent taxes, need not be 128505  
reappropriated, ~~but such unexpended funds shall not be included~~ 128506  
~~by any budget-making body or board or any county budget~~ 128507  
~~commission in estimating the balance available for the purposes~~ 128508  
~~of the next or any succeeding fiscal year.~~ 128509

The annual appropriation measure, or an amendment or 128510  
supplement thereto, may contain an appropriation for 128511  
contingencies not to exceed the amount authorized by section 128512  
5705.29 of the Revised Code and in the case of a school district 128513  
may also include a voluntary contingency reserve balance in the 128514  
amount authorized by such section. By a two-thirds vote of all 128515  
members of the taxing authority of a subdivision or taxing unit, 128516  
expenditures may be authorized in pursuance of such contingency 128517  
appropriation or voluntary contingency reserve balance for any 128518  
lawful purpose for which public funds may be expended, if such 128519  
purpose could not have reasonably been foreseen at the time of 128520  
the adoption of the appropriation measure or, in the case of a 128521  
voluntary contingency reserve balance, if the board of education 128522  
requests payment of any portion of such balance. 128523

**Sec. 5705.412.** (A) As used in this section, "qualifying 128524  
contract" means any agreement for the expenditure of money under 128525  
which aggregate payments from the funds included in the school 128526  
district's ~~five-year~~ three-year forecast under section 5705.391 128527

of the Revised Code will exceed the lesser of the following 128528  
amounts: 128529

(1) Five hundred thousand dollars; 128530

(2) One per cent of the total revenue to be credited in 128531  
the current fiscal year to the district's general fund, as 128532  
specified in the district's most recent certificate of estimated 128533  
resources certified under section 5705.36 of the Revised Code. 128534

(B) (1) Notwithstanding section 5705.41 of the Revised 128535  
Code, no school district shall adopt any appropriation measure, 128536  
make any qualifying contract, or increase during any school year 128537  
any wage or salary schedule unless there is attached thereto a 128538  
certificate, signed as required by this section, that the school 128539  
district has in effect the authorization to levy taxes including 128540  
the renewal ~~or replacement~~ of existing levies which, when 128541  
combined with the estimated revenue from all other sources 128542  
available to the district at the time of certification, are 128543  
sufficient to provide the operating revenues necessary to enable 128544  
the district to maintain all personnel and programs for all the 128545  
days set forth in its adopted school calendars for the current 128546  
fiscal year and for a number of days in succeeding fiscal years 128547  
equal to the number of days instruction was held or is scheduled 128548  
for the current fiscal year, as follows: 128549

(a) A certificate attached to an appropriation measure 128550  
under this section shall cover only the fiscal year in which the 128551  
appropriation measure is effective and shall not consider the 128552  
renewal ~~or replacement~~ of an existing levy as the authority to 128553  
levy taxes that are subject to appropriation in the current 128554  
fiscal year unless the renewal ~~or replacement~~ levy has been 128555  
approved by the electors and is subject to appropriation in the 128556  
current fiscal year. 128557

(b) A certificate attached, in accordance with this 128558  
section, to any qualifying contract shall cover the term of the 128559  
contract. 128560

(c) A certificate attached under this section to a wage or 128561  
salary schedule shall cover the term of the schedule. 128562

If the board of education has not adopted a school 128563  
calendar for the school year beginning on the first day of the 128564  
fiscal year in which a certificate is required, the certificate 128565  
attached to an appropriation measure shall include the number of 128566  
days on which instruction was held in the preceding fiscal year 128567  
and other certificates required under this section shall include 128568  
that number of days for the fiscal year in which the certificate 128569  
is required and any succeeding fiscal years that the certificate 128570  
must cover. 128571

The certificate shall be signed by the treasurer and 128572  
president of the board of education and the superintendent of 128573  
the school district, unless the district is in a state of fiscal 128574  
emergency declared under Chapter 3316. of the Revised Code. In 128575  
that case, the certificate shall be signed by a member of the 128576  
district's financial planning and supervision commission who is 128577  
designated by the commission for this purpose. 128578

(2) In lieu of the certificate required under division (B) 128579  
of this section, an alternative certificate stating the 128580  
following may be attached: 128581

(a) The contract is a multi-year contract for materials, 128582  
equipment, or nonpayroll services essential to the education 128583  
program of the district; 128584

(b) The multi-year contract demonstrates savings over the 128585  
duration of the contract as compared to costs that otherwise 128586

would have been demonstrated in a single year contract, and the 128587  
terms will allow the district to reduce the deficit it is 128588  
currently facing in future years as demonstrated in its ~~five-~~ 128589  
~~year~~ three-year forecast adopted in accordance with section 128590  
5705.391 of the Revised Code. 128591

The certificate shall be signed by the treasurer and 128592  
president of the board of education and the superintendent of 128593  
the school district, unless the district is in a state of fiscal 128594  
emergency declared under Chapter 3316. of the Revised Code. In 128595  
that case, the certificate shall be signed by a member of the 128596  
district's financial planning and supervision commission who is 128597  
designated by the commission for this purpose. 128598

(C) Every qualifying contract made or wage or salary 128599  
schedule adopted or put into effect without such a certificate 128600  
shall be void, and no payment of any amount due thereon shall be 128601  
made. 128602

(D) The department of education and workforce and the 128603  
auditor of state jointly shall adopt rules governing the methods 128604  
by which treasurers, presidents of boards of education, 128605  
superintendents, and members of financial planning and 128606  
supervision commissions shall estimate revenue and determine 128607  
whether such revenue is sufficient to provide necessary 128608  
operating revenue for the purpose of making certifications 128609  
required by this section. 128610

(E) The auditor of state shall be responsible for 128611  
determining whether school districts are in compliance with this 128612  
section. At the time a school district is audited pursuant to 128613  
section 117.11 of the Revised Code, the auditor of state shall 128614  
review each certificate issued under this section since the 128615  
district's last audit, and the appropriation measure, contract, 128616

or wage and salary schedule to which such certificate was 128617  
attached. If the auditor of state determines that a school 128618  
district has not complied with this section with respect to any 128619  
qualifying contract or wage or salary schedule, the auditor of 128620  
state shall notify the prosecuting attorney for the county, the 128621  
city director of law, or other chief law officer of the school 128622  
district. That officer may file a civil action in any court of 128623  
appropriate jurisdiction to seek a declaration that the contract 128624  
or wage or salary schedule is void, to recover for the school 128625  
district from the payee the amount of payments already made 128626  
under it, or both, except that the officer shall not seek to 128627  
recover payments made under any collective bargaining agreement 128628  
entered into under Chapter 4117. of the Revised Code. If the 128629  
officer does not file such an action within one hundred twenty 128630  
days after receiving notice of noncompliance from the auditor of 128631  
state, any taxpayer may institute the action in the taxpayer's 128632  
own name on behalf of the school district. 128633

(F) This section does not apply to any contract or 128634  
increase in any wage or salary schedule that is necessary in 128635  
order to enable a board of education to comply with division (B) 128636  
of section 3317.13 of the Revised Code, provided the contract or 128637  
increase does not exceed the amount required to be paid to be in 128638  
compliance with such division. 128639

(G) Any officer, employee, or other person who expends or 128640  
authorizes the expenditure of any public funds or authorizes or 128641  
executes any contract or schedule contrary to this section, 128642  
expends or authorizes the expenditure of any public funds on the 128643  
void contract or schedule, or issues a certificate under this 128644  
section which contains any false statements is liable to the 128645  
school district for the full amount paid from the district's 128646  
funds on the contract or schedule. The officer, employee, or 128647



other person is jointly and severally liable in person and upon 128648  
any official bond that the officer, employee, or other person 128649  
has given to the school district to the extent of any payments 128650  
on the void claim, not to exceed ten thousand dollars. However, 128651  
no officer, employee, or other person shall be liable for a 128652  
mistaken estimate of available resources made in good faith and 128653  
based upon reasonable grounds. If an officer, employee, or other 128654  
person is found to have complied with rules jointly adopted by 128655  
the department of education and workforce and the auditor of 128656  
state under this section governing methods by which revenue 128657  
shall be estimated and determined sufficient to provide 128658  
necessary operating revenue for the purpose of making 128659  
certifications required by this section, the officer, employee, 128660  
or other person shall not be liable under this section if the 128661  
estimates and determinations made according to those rules do 128662  
not, in fact, conform with actual revenue. The prosecuting 128663  
attorney of the county, the city director of law, or other chief 128664  
law officer of the district shall enforce this liability by 128665  
civil action brought in any court of appropriate jurisdiction in 128666  
the name of and on behalf of the school district. If the 128667  
prosecuting attorney, city director of law, or other chief law 128668  
officer of the district fails, upon the written request of any 128669  
taxpayer, to institute action for the enforcement of the 128670  
liability, the attorney general, or the taxpayer in the 128671  
taxpayer's own name, may institute the action on behalf of the 128672  
subdivision. 128673

(H) This section does not require the attachment of an 128674  
additional certificate beyond that required by section 5705.41 128675  
of the Revised Code for current payrolls of, or contracts of 128676  
employment with, any employees or officers of the school 128677  
district. 128678

This section does not require the attachment of a 128679  
certificate to a temporary appropriation measure if all of the 128680  
following apply: 128681

(1) The amount appropriated does not exceed twenty-five 128682  
per cent of the total amount from all sources available for 128683  
expenditure from any fund during the preceding fiscal year; 128684

(2) The measure will not be in effect on or after the 128685  
thirtieth day following the earliest date on which the district 128686  
may pass an annual appropriation measure; 128687

(3) An amended official certificate of estimated resources 128688  
for the current year, if required, has not been certified to the 128689  
board of education under division (B) of section 5705.36 of the 128690  
Revised Code. 128691

**Sec. 5705.55.** (A) The board of directors of a lake 128692  
facilities authority, by a vote of two-thirds of all its 128693  
members, may at any time declare by resolution that the amount 128694  
of taxes which may be raised within the ten-mill limitation by 128695  
levies on the current tax duplicate will be insufficient to 128696  
provide an adequate amount for the necessary requirements of the 128697  
authority, that it is necessary to levy a tax in excess of such 128698  
limitation for any of the purposes specified in divisions (A), 128699  
(B), (F), and (H) of section 5705.19 of the Revised Code, and 128700  
that the question of such additional tax levy shall be submitted 128701  
by the board to the electors residing within the boundaries of 128702  
the impacted lake district on the day of a primary or general 128703  
election. The resolution shall conform to section 5705.19 of the 128704  
Revised Code, except that the tax levy may be in effect for no 128705  
more than five years, as set forth in the resolution, unless the 128706  
levy is for the payment of debt charges, and the total number of 128707  
mills levied for each dollar of taxable valuation that may be 128708

levied under this section for any tax year shall not exceed one 128709  
mill. If the levy is for the payment of debt charges, the levy 128710  
shall be for the life of the bond indebtedness. 128711

The resolution shall specify the date of holding the 128712  
election, which shall not be earlier than ninety days after the 128713  
adoption and certification of the resolution to the board of 128714  
elections. The resolution shall not include a levy on the 128715  
current tax list and duplicate unless the election is to be held 128716  
at or prior to the first Tuesday after the first Monday in 128717  
November of the current tax year. 128718

The resolution shall be certified to the board of 128719  
elections of the proper county or counties not less than ninety 128720  
days before the date of the election. The resolution shall go 128721  
into immediate effect upon its passage, and no publication of 128722  
the resolution shall be necessary other than that provided in 128723  
the notice of election. Section 5705.25 of the Revised Code 128724  
shall govern the arrangements for the submission of such 128725  
question and other matters concerning the election, to which 128726  
that section refers, except that the election shall be held on 128727  
the date specified in the resolution. If a majority of the 128728  
electors voting on the question so submitted in an election vote 128729  
in favor of the levy, the board of directors may forthwith make 128730  
the necessary levy within the boundaries of the impacted lake 128731  
district at the additional rate in excess of the ten-mill 128732  
limitation on the tax list, for the purpose stated in the 128733  
resolution. The tax levy shall be included in the next annual 128734  
tax budget that is certified to the county budget commission. 128735

(B) The form of the ballot in an election held on the 128736  
question of levying a tax proposed pursuant to this section 128737  
shall be as follows or in any other form acceptable to the 128738

secretary of state:

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"A tax for the benefit of (name of lake facilities  
authority) \_\_\_\_\_ for the purpose of \_\_\_\_\_, that the  
county auditor estimates will collect \$\_\_\_\_\_ annually, at a rate  
not exceeding \_\_\_\_\_ mills for each \$1 of taxable value,  
which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county~~  
~~auditor's appraised market~~ value, for \_\_\_\_\_ (life of  
indebtedness or number of years the levy is to run).

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	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

If the levy is for the payment of debt charges, the form  
of the ballot shall be modified by omitting the phrase ", that  
the county auditor estimates will collect \$\_\_\_\_\_ annually."

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(C) On approval of the levy, notes may be issued in  
anticipation of the collection of the proceeds of the tax levy,  
other than the proceeds to be received for the payment of bond  
debt charges, in the amount and manner and at the times as are  
provided in section 5705.193 of the Revised Code, for the  
issuance of notes by a county in anticipation of the proceeds of  
a tax levy. The lake facilities authority may borrow money in  
anticipation of the collection of current revenues as provided  
in section 133.10 of the Revised Code.

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(D) If a tax is levied under this section in a tax year,  
no other taxing authority of a subdivision or taxing unit,  
including a port authority, may levy a tax on property in the  
impacted lake district in the same tax year if the purpose of  
the levy is substantially the same as the purpose for which the

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lake facilities authority of the impacted lake district was 128765  
created. 128766

**Sec. 5709.212.** (A) ~~With~~ Except for applications filed for 128767  
an industrial water pollution control facility, with every 128768  
application for an exempt facility certificate filed pursuant to 128769  
section 5709.21 of the Revised Code, the applicant shall pay a 128770  
fee equal to one-half of one per cent of the total exempt 128771  
facility project cost, not to exceed two thousand dollars. If 128772  
the director of environmental protection is required to provide 128773  
the opinion for an application for an air pollution control 128774  
facility or noise pollution control facility, the fee shall be 128775  
credited to the non-Title V clean air fund created in section 128776  
3704.035 of the Revised Code for use in administering section 128777  
5709.211 of the Revised Code, ~~unless the application is for an~~ 128778  
~~industrial water pollution control facility. In such a case, the~~ 128779  
~~fee shall be credited to the surface water protection fund~~ 128780  
~~created in section 6111.038 of the Revised Code for use in~~ 128781  
~~administering section 5709.211 of the Revised Code.~~ If the 128782  
director of development or director of natural resources is 128783  
required to provide the opinion for an application, the fee for 128784  
each exempt facility application shall be credited to the exempt 128785  
facility inspection fund, which is hereby created in the state 128786  
treasury, for appropriation to the department of development 128787  
~~services agency~~ or department of natural resources, as 128788  
applicable, for use in administering section 5709.211 of the 128789  
Revised Code. 128790

An applicant is not entitled to any tax exemption under 128791  
section 5709.25 of the Revised Code until the fee required by 128792  
this section is paid. The fee required by this section is not 128793  
refundable, and is due with the application for an exempt 128794  
facility certificate even if an exempt facility certificate 128795

ultimately is not issued or is withdrawn. Any application 128796  
submitted without payment of the fee shall be deemed incomplete 128797  
until the fee is paid. 128798

(B) The application fee imposed under division (A) of this 128799  
section for a jointly owned facility shall be equal to one-half 128800  
of one per cent of the total exempt facility project cost, not 128801  
to exceed two thousand dollars for each facility that is the 128802  
subject of the application. 128803

Sec. 5709.89. (A) As used in this section: 128804

(1) "Indebted subdivision" means a county, township, or 128805  
municipal corporation that has accepted a residential 128806  
development loan. 128807

(2) "Residential development loan" means a loan authorized 128808  
under section 122.98 of the Revised Code. 128809

(B) The legislative authority of an indebted subdivision 128810  
shall adopt a resolution or ordinance exempting from real 128811  
property taxation improvements to each parcel of real property 128812  
whose construction commenced as the result of infrastructure 128813  
whose development, repair, or upgrade was funded by a 128814  
residential development loan accepted by the subdivision. The 128815  
resolution or ordinance shall be adopted and begin to apply in 128816  
the same tax year in which such infrastructure is developed, 128817  
repaired, or upgraded. 128818

The resolution or ordinance shall require the owner of the 128819  
improvements exempted from taxation to make annual service 128820  
payments in lieu of taxes to the county treasurer on or before 128821  
the final dates for payment of real property taxes. Service 128822  
payments in lieu of taxes required by a resolution or ordinance 128823  
adopted under this section shall be charged and collected in the 128824

same manner and in the same amount as the real property taxes 128825  
that would have been charged and payable against the 128826  
improvements if not for the exemption. 128827

Service payment receipts shall be distributed at the same 128828  
time and in the same manner as real property tax payments. The 128829  
entire amount, however, shall be paid to the indebted 128830  
subdivision. The county treasurer shall maintain a record of the 128831  
service payments in lieu of taxes made from property in each 128832  
indebted subdivision. 128833

The indebted subdivision shall use the payments solely to 128834  
repay the residential development loan associated with the 128835  
exempted improvements. An exemption from taxation under this 128836  
section and the obligation to make service payments ends 128837  
beginning for the tax year after the applicable residential 128838  
development loan is fully repaid, including any applicable 128839  
interest. The indebted subdivision shall notify the parcel's 128840  
owner, the county auditor, and the county treasurer immediately 128841  
after the loan is fully repaid of the tax year in which the 128842  
exemption and payments are to end. 128843

**Sec. 5709.92.** (A) As used in this section: 128844

(1) "School district" means a city, local, or exempted 128845  
village school district. 128846

(2) "Joint vocational school district" means a joint 128847  
vocational school district created under section 3311.16 of the 128848  
Revised Code, and includes a cooperative education school 128849  
district created under section 3311.52 or 3311.521 of the 128850  
Revised Code and a county school financing district created 128851  
under section 3311.50 of the Revised Code. 128852

(3) "Total resources" means the sum of the amounts 128853

described in divisions (A) (3) (a) to (g) of this section less any 128854  
reduction required under division (C) (3) (a) of this section. 128855

(a) The state education aid for fiscal year 2015; 128856

(b) The sum of the payments received in fiscal year 2015 128857  
for current expense levy losses under division (C) (3) of section 128858  
5727.85 and division (C) (12) of section 5751.21 of the Revised 128859  
Code, as they existed at that time, excluding the portion of 128860  
such payments attributable to levies for joint vocational school 128861  
district purposes; 128862

(c) The sum of fixed-sum levy loss payments received by 128863  
the school district in fiscal year 2015 under division (F) (1) of 128864  
section 5727.85 and division (E) (1) of section 5751.21 of the 128865  
Revised Code, as they existed at that time, for fixed-sum levies 128866  
charged and payable for a purpose other than paying debt 128867  
charges; 128868

(d) The district's taxes charged and payable against all 128869  
property on the tax list of real and public utility property for 128870  
current expense purposes for tax year 2014, including taxes 128871  
charged and payable from emergency levies charged and payable 128872  
under ~~sections~~ section 5705.194 ~~to 5705.197~~ of the Revised Code, 128873  
excluding taxes levied for joint vocational school district 128874  
purposes or levied under section 5705.23 of the Revised Code; 128875

(e) The amount certified for fiscal year 2015 under 128876  
division (A) (2) of section 3317.08 of the Revised Code; 128877

(f) Distributions received during calendar year 2014 from 128878  
taxes levied under section 718.09 of the Revised Code; 128879

(g) Distributions received during fiscal year 2015 from 128880  
the gross casino revenue county student fund. 128881



(4) (a) "State education aid" for a school district means 128882  
the sum of state amounts computed for the district under 128883  
sections 3317.022 and 3317.0212 of the Revised Code after any 128884  
amounts are added or subtracted under Section 263.240 of Am. 128885  
Sub. H.B. 59 of the 130th general assembly, entitled 128886  
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 128887  
DISTRICTS." 128888

(b) "State education aid" for a joint vocational district 128889  
means the amount computed for the district under section 3317.16 128890  
of the Revised Code after any amounts are added or subtracted 128891  
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 128892  
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 128893  
DISTRICTS." 128894

(5) "Taxes charged and payable" means taxes charged and 128895  
payable after the reduction required by section 319.301 of the 128896  
Revised Code but before the reductions required by sections 128897  
319.302 and 323.152 of the Revised Code. 128898

(6) "Capacity quintile" means the capacity measure 128899  
quintiles determined under division (B) of this section. 128900

(7) "Threshold per cent" means the following: 128901

(a) For a school district in the lowest capacity quintile, 128902  
one per cent for fiscal year 2016 and two per cent for fiscal 128903  
year 2017. 128904

(b) For a school district in the second lowest capacity 128905  
quintile, one and one-fourth per cent for fiscal year 2016 and 128906  
two and one-half per cent for fiscal year 2017. 128907

(c) For a school district in the third lowest capacity 128908  
quintile, one and one-half per cent for fiscal year 2016 and 128909  
three per cent for fiscal year 2017. 128910

(d) For a school district in the second highest capacity 128911  
quintile, one and three-fourths per cent for fiscal year 2016 128912  
and three and one-half per cent for fiscal year 2017. 128913

(e) For a school district in the highest capacity 128914  
quintile, two per cent for fiscal year 2016 and four per cent 128915  
for fiscal year 2017. 128916

(f) For a joint vocational school district, two per cent 128917  
for fiscal year 2016 and four per cent for fiscal year 2017. 128918

(8) "Current expense allocation" means the sum of the 128919  
payments received by a school district or joint vocational 128920  
school district in fiscal year 2015 for current expense levy 128921  
losses under division (C) (3) of section 5727.85 and division (C) 128922  
(12) of section 5751.21 of the Revised Code as they existed at 128923  
that time, less any reduction required under division (C) (3) (b) 128924  
of this section. 128925

(9) "Non-current expense allocation" means the sum of the 128926  
payments received by a school district or joint vocational 128927  
school district in fiscal year 2015 for levy losses under 128928  
division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of 128929  
section 5751.21 of the Revised Code, as they existed at that 128930  
time, and levy losses in fiscal year 2015 under division (H) of 128931  
section 5727.84 of the Revised Code as that section existed at 128932  
that time attributable to levies for and payments received for 128933  
losses on levies intended to generate money for maintenance of 128934  
classroom facilities. 128935

(10) "Operating TPP fixed-sum levy losses" means the sum 128936  
of payments received by a school district in fiscal year 2015 128937  
for levy losses under division (E) of section 5751.21 of the 128938  
Revised Code, excluding levy losses for debt purposes. 128939

(11) "Operating S.B. 3 fixed-sum levy losses" means the 128940  
sum of payments received by the school district in fiscal year 128941  
2015 for levy losses under division (H) of section 5727.84 of 128942  
the Revised Code, excluding levy losses for debt purposes. 128943

(12) "TPP fixed-sum debt levy losses" means the sum of 128944  
payments received by a school district in fiscal year 2015 for 128945  
levy losses under division (E) of section 5751.21 of the Revised 128946  
Code for debt purposes. 128947

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 128948  
payments received by the school district in fiscal year 2015 for 128949  
levy losses under division (H) of section 5727.84 of the Revised 128950  
Code for debt purposes. 128951

(14) "Qualifying levies" means qualifying levies described 128952  
in section 5751.20 of the Revised Code as that section was in 128953  
effect before July 1, 2015. 128954

(15) "Total taxable value" has the same meaning as in 128955  
section 3317.02 of the Revised Code. 128956

(B) The department of education and workforce shall rank 128957  
all school districts in the order of districts' capacity 128958  
measures determined under former section 3317.018 of the Revised 128959  
Code from lowest to highest, and divide such ranking into 128960  
quintiles, with the first quintile containing the twenty per 128961  
cent of school districts having the lowest capacity measure and 128962  
the fifth quintile containing the twenty per cent of school 128963  
districts having the highest capacity measure. This calculation 128964  
and ranking shall be performed once, in fiscal year 2016. 128965

(C) (1) In fiscal year 2016, payments shall be made to 128966  
school districts and joint vocational school districts equal to 128967  
the sum of the amounts described in divisions (C) (1) (a) or (b) 128968

and (C) (1) (c) of this section. In fiscal year 2017, payments 128969  
shall be made to school districts and joint vocational school 128970  
districts equal to the amount described in division (C) (1) (a) or 128971  
(b) of this section. 128972

(a) If the ratio of the current expense allocation to 128973  
total resources is equal to or less than the district's 128974  
threshold percent, zero; 128975

(b) If the ratio of the current expense allocation to 128976  
total resources is greater than the district's threshold per 128977  
cent, the difference between the current expense allocation and 128978  
the product of the threshold percentage and total resources; 128979

(c) For fiscal year 2016, the product of the non-current 128980  
expense allocation multiplied by fifty per cent. 128981

(2) In fiscal year 2018 and subsequent fiscal years, 128982  
payments shall be made to school districts and joint vocational 128983  
school districts equal to the difference obtained by subtracting 128984  
the amount described in division (C) (2) (b) of this section from 128985  
the amount described in division (C) (2) (a) of this section, 128986  
provided that such amount is greater than zero. 128987

(a) The sum of the payments received by the district under 128988  
division (C) (1) (b) or (C) (2) of this section for the immediately 128989  
preceding fiscal year; 128990

(b) One-sixteenth of one per cent of the average of the 128991  
total taxable value of the district for tax years 2014, 2015, 128992  
and 2016. 128993

(3) (a) "Total resources" used to compute payments under 128994  
division (C) (1) of this section shall be reduced to the extent 128995  
that payments distributed in fiscal year 2015 were attributable 128996  
to levies no longer charged and payable for tax year 2014. 128997

(b) "Current expense allocation" used to compute payments 128998  
under division (C) (1) of this section shall be reduced to the 128999  
extent that the payments distributed in fiscal year 2015 were 129000  
attributable to levies no longer charged and payable for tax 129001  
year 2014. 129002

(4) The department of education and workforce shall report 129003  
to each school district and joint vocational school district the 129004  
apportionment of the payments under division (C) (1) of this 129005  
section among the district's funds based on qualifying levies. 129006

(D) (1) Payments in the following amounts shall be made to 129007  
school districts and joint vocational school districts in tax 129008  
years 2016 through 2021: 129009

(a) In tax year 2016, the sum of the district's operating 129010  
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy 129011  
losses. 129012

(b) In tax year 2017, the sum of the district's operating 129013  
TPP fixed-sum levy losses and eighty per cent of operating S.B. 129014  
3 fixed-sum levy losses. 129015

(c) In tax year 2018, the sum of eighty per cent of the 129016  
district's operating TPP fixed-sum levy losses and sixty per 129017  
cent of its operating S.B. 3 fixed-sum levy losses. 129018

(d) In tax year 2019, the sum of sixty per cent of the 129019  
district's operating TPP fixed-sum levy losses and forty per 129020  
cent of its operating S.B. 3 fixed-sum levy losses. 129021

(e) In tax year 2020, the sum of forty per cent of the 129022  
district's operating TPP fixed-sum levy losses and twenty per 129023  
cent of its operating S.B. 3 fixed-sum levy losses. 129024

(f) In tax year 2021, twenty per cent of the district's 129025

operating TPP fixed-sum levy losses. 129026

No payment shall be made under division (D) (1) of this 129027  
section after tax year 2021. 129028

(2) Amounts are payable under division (D) of this section 129029  
for fixed-sum levy losses only to the extent of such losses for 129030  
qualifying levies that remain in effect for the current tax 129031  
year. For this purpose, a qualifying levy levied under section 129032  
5705.194 or 5705.213 of the Revised Code remains in effect for 129033  
the current tax year only if a tax levied under either of those 129034  
sections is charged and payable for the current tax year for an 129035  
annual sum at least equal to the annual sum levied by the board 129036  
of education for tax year 2004 under those sections less the 129037  
amount of the payment under this division. 129038

(E) (1) For fixed-sum levies for debt purposes, payments 129039  
shall be made to school districts and joint vocational school 129040  
districts equal to one hundred per cent of the district's fixed- 129041  
sum levy loss determined under division (E) of section 5751.20 129042  
and division (H) of section 5727.84 of the Revised Code as in 129043  
effect before July 1, 2015, and paid in tax year 2014. No 129044  
payment shall be made for qualifying levies that are no longer 129045  
charged and payable. 129046

(2) Beginning in 2016, by the thirty-first day of January 129047  
of each year, the tax commissioner shall review the calculation 129048  
of fixed-sum levy loss for debt purposes determined under 129049  
division (E) of section 5751.20 and division (H) of section 129050  
5727.84 of the Revised Code as in effect before July 1, 2015. If 129051  
the commissioner determines that a fixed-sum levy that had been 129052  
scheduled to be reimbursed in the current year is no longer 129053  
charged and payable, a revised calculation for that year and all 129054  
subsequent years shall be made. 129055

(F) (1) For taxes levied within the ten-mill limitation for 129056  
debt purposes in tax year 1998 in the case of electric company 129057  
tax value losses, and in tax year 1999 in the case of natural 129058  
gas company tax value losses, payments shall be made to school 129059  
districts and joint vocational school districts equal to one 129060  
hundred per cent of the loss computed under division (D) of 129061  
section 5727.85 of the Revised Code as in effect before July 1, 129062  
2015, as if the tax were a fixed-rate levy, but those payments 129063  
shall extend through fiscal year 2016. 129064

(2) For taxes levied within the ten-mill limitation for 129065  
debt purposes in tax year 2005, payments shall be made to school 129066  
districts and joint vocational school districts equal to one 129067  
hundred per cent of the loss computed under division (D) of 129068  
section 5751.21 of the Revised Code as in effect before July 1, 129069  
2015, as if the tax were a fixed-rate levy, but those payments 129070  
shall extend through fiscal year 2018. 129071

(G) If all the territory of a school district or joint 129072  
vocational school district is merged with another district, or 129073  
if a part of the territory of a school district or joint 129074  
vocational school district is transferred to an existing or 129075  
newly created district, the department of education and 129076  
workforce, in consultation with the tax commissioner, shall 129077  
adjust the payments made under this section as follows: 129078

(1) For a merger of two or more districts, fixed-sum levy 129079  
losses, total resources, current expense allocation, and non- 129080  
current expense allocation of the successor district shall be 129081  
the sum of such items for each of the districts involved in the 129082  
merger. 129083

(2) If property is transferred from one district to a 129084  
previously existing district, the amount of the total resources, 129085

current expense allocation, and non-current expense allocation 129086  
that shall be transferred to the recipient district shall be an 129087  
amount equal to the total resources, current expense allocation, 129088  
and non-current expense allocation of the transferor district 129089  
times a fraction, the numerator of which is the number of pupils 129090  
being transferred to the recipient district, measured, in the 129091  
case of a school district, by formula ADM as defined in section 129092  
3317.02 of the Revised Code or, in the case of a joint vocational 129093  
school district, by formula ADM as defined for a joint 129094  
vocational school district in that section, and the denominator 129095  
of which is the formula ADM of the transferor district. 129096

(3) After December 31, 2010, if property is transferred 129097  
from one or more districts to a district that is newly created 129098  
out of the transferred property, the newly created district 129099  
shall be deemed not to have any total resources, current expense 129100  
allocation, total allocation, or non-current expense allocation. 129101

(4) If the recipient district under division (G) (2) of 129102  
this section or the newly created district under division (G) (3) 129103  
of this section is assuming debt from one or more of the 129104  
districts from which the property was transferred and any of the 129105  
districts losing the property had fixed-sum levy losses, the 129106  
department of education and workforce, in consultation with the 129107  
tax commissioner, shall make an equitable division of the 129108  
reimbursements for those losses. 129109

(H) The payments required by divisions (C), (D), (E), (F), 129110  
and (I) of this section shall be distributed periodically to 129111  
each school and joint vocational school district by the 129112  
department of education and workforce unless otherwise provided 129113  
for. Except as provided in division (D) of this section, if a 129114  
levy that is a qualifying levy is not charged and payable in any 129115



year after 2014, payments to the school district or joint 129116  
vocational school district shall be reduced to the extent that 129117  
the payments distributed in fiscal year 2015 were attributable 129118  
to the levy loss of that levy. 129119

(I) For fiscal years 2022 through 2026, if the total 129120  
amount to be received under divisions (C) and (E) of this 129121  
section by any school district that has a nuclear power plant 129122  
located within its territory is less than the amount the 129123  
district received under this section in fiscal year 2017, the 129124  
district shall receive a supplemental payment equal to the 129125  
difference between the amount to be received under those 129126  
divisions for the fiscal year and the amount received under this 129127  
section in fiscal year 2017. 129128

**Sec. 5709.93.** (A) As used in this section: 129129

(1) "Taxes charged and payable" means taxes charged and 129130  
payable after the reduction required by section 319.301 of the 129131  
Revised Code but before the reductions required by sections 129132  
319.302 and 323.152 of the Revised Code. 129133

(2) "Threshold per cent" means two per cent for fiscal 129134  
year 2016; and, for fiscal year 2017 and thereafter, the sum of 129135  
the prior year's threshold per cent plus two percentage points. 129136

(3) "Public library" means a county, municipal, school 129137  
district, or township public library that receives the proceeds 129138  
of a tax levied under section 5705.23 of the Revised Code. 129139

(4) "Local taxing unit" means a subdivision or taxing 129140  
unit, as defined in section 5705.01 of the Revised Code, a park 129141  
district created under Chapter 1545. of the Revised Code, or a 129142  
township park district established under section 511.23 of the 129143  
Revised Code, but excludes school districts and joint vocational 129144

school districts. 129145

(5) "Municipal current expense allocation" means the sum 129146  
of the payments received by a municipal corporation in calendar 129147  
year 2014 for current expense levy losses under division (A)(1) 129148  
(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 129149  
5751.22 of the Revised Code as they existed at that time. 129150

(6) "Current expense allocation" means the sum of the 129151  
payments received by a local taxing unit or public library in 129152  
calendar year 2014 for current expense levy losses under 129153  
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) 129154  
of section 5751.22 of the Revised Code as they existed at that 129155  
time, less any reduction required under division (B)(2) of this 129156  
section. 129157

(7) "TPP inside millage debt levy loss" means payments 129158  
made to local taxing units in calendar year 2014 under division 129159  
(A)(3) of section 5751.22 of the Revised Code as that section 129160  
existed at that time. 129161

(8) "S.B. 3 inside millage debt levy loss" means payments 129162  
made to local taxing units in calendar year 2014 under section 129163  
(A)(4) of section 5727.86 of the Revised Code as that section 129164  
existed at that time. 129165

(9) "Qualifying levy" means a levy for which payment was 129166  
made in calendar year 2014 under division (A)(1) of section 129167  
5727.86 and divisions (A)(1) and (2) of section 5751.22 of the 129168  
Revised Code as they existed at that time. 129169

(10) "Total resources," in the case of county mental 129170  
health and disability related functions, means the sum of the 129171  
amounts in divisions (A)(10)(a) and (b) of this section less any 129172  
reduction required under division (B)(1) of this section. 129173

(a) The sum of the payments received by the county for 129174  
mental health and developmental disability related functions in 129175  
calendar year 2014 under division (A)(1) of section 5727.86 and 129176  
division (A)(1) of section 5751.22 of the Revised Code as they 129177  
existed at that time; 129178

(b) With respect to taxes levied by the county for mental 129179  
health and developmental disability related purposes, the taxes 129180  
charged and payable for such purposes against all property on 129181  
the tax list of real and public utility property for tax year 129182  
2014. 129183

(11) "Total resources," in the case of county senior 129184  
services related functions, means the sum of the amounts in 129185  
divisions (A)(11)(a) and (b) of this section less any reduction 129186  
required under division (B)(1) of this section. 129187

(a) The sum of the payments received by the county for 129188  
senior services related functions in calendar year 2014 under 129189  
division (A)(1) of section 5727.86 and division (A)(1) of 129190  
section 5751.22 of the Revised Code as they existed at that 129191  
time; 129192

(b) With respect to taxes levied by the county for senior 129193  
services related purposes, the taxes charged and payable for 129194  
such purposes against all property on the tax list of real and 129195  
public utility property for tax year 2014. 129196

(12) "Total resources," in the case of county children's 129197  
services related functions, means the sum of the amounts in 129198  
divisions (A)(12)(a) and (b) of this section less any reduction 129199  
required under division (B)(1) of this section. 129200

(a) The sum of the payments received by the county for 129201  
children's services related functions in calendar year 2014 129202

under division (A) (1) of section 5727.86 and division (A) (1) of 129203  
section 5751.22 of the Revised Code as they existed at that 129204  
time; 129205

(b) With respect to taxes levied by the county for 129206  
children's services related purposes, the taxes charged and 129207  
payable for such purposes against all property on the tax list 129208  
of real and public utility property for tax year 2014. 129209

(13) "Total resources," in the case of county public 129210  
health related functions, means the sum of the amounts in 129211  
divisions (A) (13) (a) and (b) of this section less any reduction 129212  
required under division (B) (1) of this section. 129213

(a) The sum of the payments received by the county for 129214  
public health related functions in calendar year 2014 under 129215  
division (A) (1) of section 5727.86 and division (A) (1) of 129216  
section 5751.22 of the Revised Code as they existed at that 129217  
time; 129218

(b) With respect to taxes levied by the county for public 129219  
health related purposes, the taxes charged and payable for such 129220  
purposes against all property on the tax list of real and public 129221  
utility property for tax year 2014. 129222

(14) "Total resources," in the case of all county 129223  
functions not included in divisions (A) (10) to (13) of this 129224  
section, means the sum of the amounts in divisions (A) (14) (a) to 129225  
(e) of this section less any reduction required under division 129226  
(B) (1) or (2) of this section. 129227

(a) The sum of the payments received by the county for all 129228  
other purposes in calendar year 2014 under division (A) (1) of 129229  
section 5727.86 and division (A) (1) of section 5751.22 of the 129230  
Revised Code as they existed at that time; 129231

(b) The county's percentage share of county undivided 129232  
local government fund allocations as certified to the tax 129233  
commissioner for calendar year 2015 by the county auditor under 129234  
division (J) of section 5747.51 of the Revised Code or division 129235  
(F) of section 5747.53 of the Revised Code multiplied by the 129236  
total amount actually distributed in calendar year 2014 from the 129237  
county undivided local government fund; 129238

(c) With respect to taxes levied by the county for all 129239  
other purposes, the taxes charged and payable for such purposes 129240  
against all property on the tax list of real and public utility 129241  
property for tax year 2014, excluding taxes charged and payable 129242  
for the purpose of paying debt charges; 129243

(d) The sum of the amounts distributed to the county in 129244  
calendar year 2014 for the taxes levied pursuant to sections 129245  
5739.021 and 5741.021 of the Revised Code; 129246

(e) The sum of amounts distributed to the county from the 129247  
gross casino revenue county fund from July 2014 through April 129248  
2015. 129249

(15) "Total resources," in the case of a municipal 129250  
corporation, means the sum of the amounts in divisions (A) (15) 129251  
(a) to (h) of this section less any reduction required under 129252  
division (B) (1) or (2) of this section. 129253

(a) The sum of the payments received by the municipal 129254  
corporation in calendar year 2014 for current expense levy 129255  
losses under division (A) (1) of section 5727.86 and division (A) 129256  
(1) of section 5751.22 of the Revised Code as they existed at 129257  
that time; 129258

(b) The municipal corporation's percentage share of county 129259  
undivided local government fund allocations as certified to the 129260

tax commissioner for calendar year 2015 by the county auditor 129261  
under division (J) of section 5747.51 of the Revised Code or 129262  
division (F) of section 5747.53 of the Revised Code multiplied 129263  
by the total amount actually distributed in calendar year 2014 129264  
from the county undivided local government fund; 129265

(c) The sum of the amounts distributed to the municipal 129266  
corporation in calendar year 2014 pursuant to section 5747.50 of 129267  
the Revised Code; 129268

(d) With respect to taxes levied by the municipal 129269  
corporation, the taxes charged and payable against all property 129270  
on the tax list of real and public utility property for 129271  
municipal current expenses for tax year 2014; 129272

(e) The amount of admissions tax collected by the 129273  
municipal corporation in calendar year 2013, or if such 129274  
information has not yet been reported to the tax commissioner, 129275  
in the most recent year before 2013 for which the municipal 129276  
corporation has reported data to the commissioner; 129277

(f) The amount of income taxes collected by the municipal 129278  
corporation in calendar year 2013 as certified to the tax 129279  
commissioner under section 5747.50 of the Revised Code in 2013, 129280  
or if such information has not yet been reported to the 129281  
commissioner, in the most recent year before 2014 for which the 129282  
municipal corporation has reported such data to the 129283  
commissioner; 129284

(g) The sum of the amounts distributed to the municipal 129285  
corporation from the gross casino revenue host city fund from 129286  
July 2014 through April 2015; 129287

(h) The sum of the amounts distributed to the municipal 129288  
corporation from the gross casino revenue county fund from July 129289

2014 through April 2015. 129290

(16) "Total resources," in the case of a township, means 129291  
the sum of the amounts in divisions (A) (16) (a) to (c) of this 129292  
section less any reduction required under division (B) (1) or (2) 129293  
of this section. 129294

(a) The sum of the payments received by the township in 129295  
calendar year 2014 pursuant to division (A) (1) of section 129296  
5727.86 of the Revised Code and division (A) (1) of section 129297  
5751.22 of the Revised Code as they existed at that time, 129298  
excluding payments received for debt purposes; 129299

(b) The township's percentage share of county undivided 129300  
local government fund allocations as certified to the tax 129301  
commissioner for calendar year 2015 by the county auditor under 129302  
division (J) of section 5747.51 of the Revised Code or division 129303  
(F) of section 5747.53 of the Revised Code multiplied by the 129304  
total amount actually distributed in calendar year 2014 from the 129305  
county undivided local government fund; 129306

(c) With respect to taxes levied by the township, the 129307  
taxes charged and payable against all property on the tax list 129308  
of real and public utility property for tax year 2014 excluding 129309  
taxes charged and payable for the purpose of paying debt charges 129310  
or from levies imposed under section 5705.23 of the Revised 129311  
Code. 129312

(17) "Total resources," in the case of a local taxing unit 129313  
that is not a county, municipal corporation, township, or public 129314  
library means the sum of the amounts in divisions (A) (17) (a) to 129315  
(e) of this section less any reduction required under division 129316  
(B) (1) of this section. 129317

(a) The sum of the payments received by the local taxing 129318

unit in calendar year 2014 pursuant to division (A) (1) of 129319  
section 5727.86 of the Revised Code and division (A) (1) of 129320  
section 5751.22 of the Revised Code as they existed at that 129321  
time; 129322

(b) The local taxing unit's percentage share of county 129323  
undivided local government fund allocations as certified to the 129324  
tax commissioner for calendar year 2015 by the county auditor 129325  
under division (J) of section 5747.51 of the Revised Code or 129326  
division (F) of section 5747.53 of the Revised Code multiplied 129327  
by the total amount actually distributed in calendar year 2014 129328  
from the county undivided local government fund; 129329

(c) With respect to taxes levied by the local taxing unit, 129330  
the taxes charged and payable against all property on the tax 129331  
list of real and public utility property for tax year 2014 129332  
excluding taxes charged and payable for the purpose of paying 129333  
debt charges or from a levy imposed under section 5705.23 of the 129334  
Revised Code; 129335

(d) The amount received from the tax commissioner during 129336  
calendar year 2014 for sales or use taxes authorized under 129337  
sections 5739.023 and 5741.022 of the Revised Code; 129338

(e) For institutions of higher education receiving tax 129339  
revenue from a local levy, as identified in section 3358.02 of 129340  
the Revised Code, the final state share of instruction 129341  
allocation for fiscal year 2014 as calculated by the chancellor 129342  
of higher education and reported to the state controlling board. 129343

(18) "Total resources," in the case of a county, municipal 129344  
corporation, school district, or township public library that 129345  
receives the proceeds of a tax levied under section 5705.23 of 129346  
the Revised Code, means the sum of the amounts in divisions (A) 129347



(18) (a) to (d) of this section less any reduction required under 129348  
division (B) (1) of this section. 129349

(a) The sum of the payments received by the county, 129350  
municipal corporation, school district, or township public 129351  
library in calendar year 2014 pursuant to sections 5727.86 and 129352  
5751.22 of the Revised Code, as they existed at that time, for 129353  
fixed-rate levy losses attributable to a tax levied under 129354  
section 5705.23 of the Revised Code for the benefit of the 129355  
public library; 129356

(b) The public library's percentage share of county 129357  
undivided local government fund allocations as certified to the 129358  
tax commissioner for calendar year 2015 by the county auditor 129359  
under division (J) of section 5747.51 of the Revised Code or 129360  
division (F) of section 5747.53 of the Revised Code multiplied 129361  
by the total amount actually distributed in calendar year 2014 129362  
from the county undivided local government fund; 129363

(c) With respect to a tax levied pursuant to section 129364  
5705.23 of the Revised Code for the benefit of the public 129365  
library, the amount of such tax that is charged and payable 129366  
against all property on the tax list of real and public utility 129367  
property for tax year 2014 excluding any tax that is charged and 129368  
payable for the purpose of paying debt charges; 129369

(d) The sum of the amounts distributed to the library 129370  
district from the county public library fund in calendar year 129371  
2014, as reported to the tax commissioner by the county auditor. 129372

(19) "Municipal current expense property tax levies" means 129373  
all property tax levies of a municipality, except those with the 129374  
following levy names: library; airport resurfacing; bond or any 129375  
levy name including the word "bond"; capital improvement or any 129376

levy name including the word "capital"; debt or any levy name 129377  
including the word "debt"; equipment or any levy name including 129378  
the word "equipment," unless the levy is for combined operating 129379  
and equipment; employee termination fund; fire pension or any 129380  
levy containing the word "pension," including police pensions; 129381  
fireman's fund or any practically similar name; sinking fund; 129382  
road improvements or any levy containing the word "road"; fire 129383  
truck or apparatus; flood or any levy containing the word 129384  
"flood"; conservancy district; county health; note retirement; 129385  
sewage, or any levy containing the words "sewage" or "sewer"; 129386  
park improvement; parkland acquisition; storm drain; street or 129387  
any levy name containing the word "street"; lighting, or any 129388  
levy name containing the word "lighting"; and water. 129389

(20) "Operating fixed-rate levy loss" means, in the case 129390  
of local taxing units other than municipal corporations, fixed- 129391  
rate levy losses of levies imposed for purposes other than 129392  
paying debt charges or, in the case of municipal corporations, 129393  
fixed-rate levy losses of municipal current expense property tax 129394  
levies. 129395

(21)(a) "Qualifying municipal corporation" means a 129396  
municipal corporation in the territory of which a qualifying end 129397  
user is located. 129398

(b) "Qualifying end user" means an end user of at least 129399  
seven million qualifying kilowatt hours of electricity annually. 129400

(c) "Qualifying kilowatt hours" means kilowatt hours of 129401  
electricity generated by a renewable energy resource, as defined 129402  
in section 5727.01 of the Revised Code, using wind energy and 129403  
the distribution of which is subject to the tax levied under 129404  
section 5727.81 of the Revised Code for any measurement period 129405  
beginning after June 30, 2015. 129406

(22) Any term used in this section has the same meaning as 129407  
in section 5727.84 or 5751.20 of the Revised Code unless 129408  
otherwise defined by this section. 129409

(B) (1) "Total resources" used to compute payments to be 129410  
made under division (C) of this section shall be reduced to the 129411  
extent that payments distributed in calendar year 2014 were 129412  
attributable to levies no longer charged and payable. 129413

(2) "Current expense allocation" used to compute payments 129414  
to be made under division (C) of this section shall be reduced 129415  
to the extent that payments distributed in calendar year 2014 129416  
were attributable to levies no longer charged and payable. 129417

(C) (1) Except as provided in division (D) of this section, 129418  
the tax commissioner shall compute payments for operating fixed- 129419  
rate levy losses of local taxing units and public libraries for 129420  
fiscal year 2016 and each year thereafter as prescribed in 129421  
divisions (C) (1) (a) and (b) of this section: 129422

(a) For public libraries and local taxing units other than 129423  
municipal corporations: 129424

(i) If the ratio of current expense allocation to total 129425  
resources is equal to or less than the threshold per cent, zero; 129426

(ii) If the ratio of current expense allocation to total 129427  
resources is greater than the threshold per cent, the current 129428  
expense allocation minus the product of total resources 129429  
multiplied by the threshold per cent. 129430

(b) For municipal corporations: 129431

(i) If the ratio of the municipal current expense 129432  
allocation to total resources is equal to or less than the 129433  
threshold per cent, zero; 129434

(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent.

(2) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable.

(D) (1) Except as provided in division (D) (2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter.

(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter.

(E) For a qualifying municipal corporation, the tax commissioner shall compute payments for fiscal year 2016 and each ensuing fiscal year in an amount equal to the amount of tax imposed under section 5727.81 of the Revised Code and paid on the basis of qualifying kilowatt hours of electricity

distributed through the meter of a qualifying end user located 129465  
in the municipal corporation for measurement periods ending in 129466  
the preceding calendar year. The payment shall be computed 129467  
regardless of whether the qualifying municipal corporation 129468  
qualifies for a payment under any other division of this section 129469  
for the fiscal year in which the payment is computed under this 129470  
division. For the purposes of this division, the commissioner 129471  
may require an electric distribution company distributing 129472  
qualifying kilowatt hours or, if the end user is a self- 129473  
assessing purchaser, the end user, to report to the commissioner 129474  
the number of qualifying kilowatt hours distributed through the 129475  
meter of the qualifying end user. 129476

(F) (1) The payments required to be made under divisions 129477  
(C), (D), and (H) of this section shall be paid from the ~~local-~~ 129478  
~~government tangible property tax replacement~~ general revenue 129479  
fund to the county undivided income tax fund in the proper 129480  
county treasury. Beginning in August 2015, one-half of the 129481  
amount determined under each of those divisions shall be paid on 129482  
or before the last day of August each year, and one-half shall 129483  
be paid on or before the last day of February each year. Within 129484  
thirty days after receipt of such payments, the county treasurer 129485  
shall distribute amounts determined under this section to the 129486  
proper local taxing unit or public library as if they had been 129487  
levied and collected as taxes, and the local taxing unit or 129488  
public library shall allocate the amounts so received among its 129489  
funds in the same proportions as if those amounts had been 129490  
levied and collected as taxes. 129491

(2) On or before the last day of August and of February of 129492  
each fiscal year that follows a calendar year in which taxes are 129493  
paid on the basis of qualifying kilowatt hours of electricity 129494  
distributed through the meter of a qualifying end user located 129495

in a qualifying municipal corporation, one-half of the payment 129496  
computed under division (E) of this section shall be paid from 129497  
the ~~local government tangible personal property tax replacement~~ 129498  
general revenue fund directly to the qualifying municipal 129499  
corporation. The municipal corporation shall credit the payments 129500  
to a special fund created for the purpose of providing grants or 129501  
other financial assistance to the qualifying end user or to 129502  
compensate the municipal corporation for municipal income tax or 129503  
other tax credits or reductions as the legislative authority may 129504  
grant to the qualifying end user. Such grants or other financial 129505  
assistance may be provided for by ordinance or resolution of the 129506  
legislative authority of the qualifying municipal corporation 129507  
and may continue for as long as is provided by the ordinance or 129508  
resolution. 129509

(G) If all or a part of the territories of two or more 129510  
local taxing units are merged, or unincorporated territory of a 129511  
township is annexed by a municipal corporation, the tax 129512  
commissioner shall adjust the payments made under this section 129513  
to each of the local taxing units in proportion to the square 129514  
mileage of the merged or annexed territory as a percentage of 129515  
the total square mileage of the jurisdiction from which the 129516  
territory originated, or as otherwise provided by a written 129517  
agreement between the legislative authorities of the local 129518  
taxing units certified to the commissioner not later than the 129519  
first day of June of the calendar year in which the payment is 129520  
to be made. 129521

(H) For fiscal years 2022 through 2026, if the total 129522  
amount to be received under division (C) of this section by a 129523  
joint fire district that has a nuclear power plant located 129524  
within its territory is less than the amount the district 129525  
received under this section in fiscal year 2017, the district 129526

shall receive a supplemental payment equal to the difference 129527  
between the amount to be received under that division for the 129528  
fiscal year and the amount received under this section in fiscal 129529  
year 2017. 129530

**Sec. 5713.34.** (A) (1) Upon the conversion of all or any 129531  
portion of a tract, lot, or parcel of land devoted exclusively 129532  
to agricultural use a portion of the tax savings upon such 129533  
converted land shall be recouped as provided for by Section 36, 129534  
Article II, Ohio Constitution by levying a charge on such land 129535  
in an amount equal to the amount of the tax savings on the 129536  
converted land during the three tax years immediately preceding 129537  
the year in which the conversion occurs. If the auditor 129538  
discovers that agricultural land valued at the lowest valued 129539  
soil type, pursuant to section 5713.31 of the Revised Code, 129540  
because of its use for a conservation practice or designation as 129541  
eligible conservation land ceases to meet that criteria sooner 129542  
than thirty-six months after the initial certification, the 129543  
auditor shall levy a charge on such agricultural land in an 129544  
amount equal to the reduction in taxes resulting from the land's 129545  
valuation at the lowest valued soil type, rather than valuation 129546  
at its actual soil type, in all preceding years the land was so 129547  
valued, not to exceed the most recent three years. The charges 129548  
levied under this section shall constitute a lien of the state 129549  
upon such converted land as of the first day of January of the 129550  
tax year in which the charge is levied and shall continue until 129551  
discharged as provided by law. 129552

(2) Upon the conversion of an adequately described portion 129553  
of a tract, lot, or parcel of land, the county auditor shall 129554  
divide any numbered permanent parcel into economic units and 129555  
value each unit individually for the purpose of levying the 129556  
charge under division (A) (1) of this section against only the 129557

converted portion. 129558

(3) A charge shall not be levied under this section for 129559  
the conversion of a portion of a tract, lot, or parcel of land 129560  
devoted exclusively to agricultural use if the conversion is 129561  
incident to the construction or installation of an energy 129562  
facility, as defined in section 5727.01 of the Revised Code, and 129563  
if the remaining portion of the tract, lot, or parcel continues 129564  
to be devoted exclusively to agricultural use. 129565

(B) Except as otherwise provided in division (C) or (D) of 129566  
this section, a public entity that acquires by any means and 129567  
converts land devoted exclusively to agricultural use and a 129568  
private entity granted the power of eminent domain that acquires 129569  
by any means and converts land devoted exclusively to 129570  
agricultural use shall pay the charge levied by division (A) of 129571  
this section and shall not, directly or indirectly, transfer the 129572  
charge to the person from whom the land is acquired. A person 129573  
injured by a violation of this division may recover, in a civil 129574  
action, any damages resulting from the violation. 129575

(C) The charge levied by division (A)(1) of this section 129576  
does not apply to the conversion of land that meets either of 129577  
the following conditions: 129578

(1) The land is exempt from taxation pursuant to division 129579  
(B) of section 5709.09 of the Revised Code and remains 129580  
principally undeveloped. 129581

(2) The land is acquired by a public entity by means other 129582  
than eminent domain and thereafter used exclusively for a public 129583  
purpose that leaves the land principally undeveloped when either 129584  
of the following conditions applies: 129585

~~(1)~~ (a) In the case of land so acquired and converted by a 129586



park district created under Chapter 1545. of the Revised Code, 129587  
the land is located within the boundaries of the park district. 129588

~~(2)~~(b) In the case of land so acquired and converted by a 129589  
public entity other than a park district created under Chapter 129590  
1545. of the Revised Code, the land is located within the 129591  
boundaries of any city, local, exempted village, or joint 129592  
vocational school district that is wholly or partially located 129593  
within the boundaries of the public entity that so acquired and 129594  
converted the land. 129595

If all or any portion of a tract, lot, or parcel of ~~such~~ 129596  
land described in division (C) (1) or (2) of this section is 129597  
later developed or otherwise converted to a purpose other than 129598  
one of the purposes enumerated under division (E) (1) of this 129599  
section, the charge levied by division (A) (1) of this section 129600  
shall be levied against such developed or converted land as 129601  
otherwise required by that division. 129602

The county auditor of the county in which the land is 129603  
located shall determine annually whether all or any portion of a 129604  
tract, lot, or parcel of land formerly converted to a purpose 129605  
enumerated under division (E) (1) of this section has been 129606  
developed in such a way or converted to such a purpose as to 129607  
require the charge levied by division (A) (1) of this section to 129608  
be levied against the land so developed or converted. 129609

(D) Division (B) of this section does not apply to a 129610  
public entity that acquires by means other than eminent domain 129611  
and converts land devoted exclusively to agricultural use to use 129612  
for public, active or passive, outdoor education, recreation, or 129613  
similar open space uses when either of the following conditions 129614  
applies: 129615

(1) In the case of land so acquired and converted by a 129616  
park district created under Chapter 1545. of the Revised Code, 129617  
the land is located outside the boundaries of the park district. 129618

(2) In the case of land so acquired and converted by a 129619  
public entity other than a park district created under Chapter 129620  
1545. of the Revised Code, the land is located outside the 129621  
boundaries of any city, local, exempted village, or joint 129622  
vocational school district that is wholly or partially located 129623  
within the boundaries of the public entity that so acquired and 129624  
converted the land. 129625

(E) As used in divisions (C) and (D) of this section: 129626

(1) "Principally undeveloped" means a parcel of real 129627  
property that is used for public, active or passive, outdoor 129628  
education, recreation, or similar open space uses and contains 129629  
only the structures, roadways, and other facilities that are 129630  
necessary for such uses. 129631

(2) "Public entity" means any political subdivision of 129632  
this state or any agency or instrumentality of a political 129633  
subdivision. 129634

**Sec. 5725.01.** As used in sections 5725.01 to 5725.26 of 129635  
the Revised Code: 129636

(A) "Financial institution" means: 129637

(1) A national bank organized and existing as a national 129638  
bank association pursuant to the "National Bank Act," 12 U.S.C. 129639  
21; 129640

(2) A federal savings association or federal savings bank 129641  
that is chartered under 12 U.S.C. 1464; 129642

(3) A bank, banking association, trust company, savings 129643

and loan association, savings bank, or other banking institution 129644  
that is incorporated or organized under the laws of any state; 129645

(4) Any corporation organized under 12 U.S.C. 611 to 631; 129646

(5) Any agency or branch of a foreign depository as 129647  
defined in 12 U.S.C. 3101; 129648

(6) A company licensed as a small business investment 129649  
company under the "Small Business Investment Act of 1958," 72 129650  
Stat. 689, 15 U.S.C. 661, as amended; or 129651

(7) A company chartered under the "Farm Credit Act of 129652  
1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended. 129653

Corporations or institutions organized under the "Federal 129654  
Farm Loan Act" and amendments thereto, insurance companies, and 129655  
credit unions shall not be considered financial institutions or 129656  
dealers in intangibles within the meaning of such sections. 129657

~~(B)-(1)~~ (B) "Dealer in intangibles" includes every person 129658  
who keeps an office or other place of business in this state and 129659  
engages at such office or other place in a business that 129660  
consists primarily of lending money, or discounting, buying, or 129661  
selling bills of exchange, drafts, acceptances, notes, 129662  
mortgages, or other evidences of indebtedness, or of buying or 129663  
selling bonds, stocks, or other investment securities, whether 129664  
on the person's own account with a view to profit, or as agent 129665  
or broker for others, with a view to profit or personal 129666  
earnings. Dealer in intangibles excludes institutions used 129667  
exclusively for charitable purposes, insurance companies, and 129668  
financial institutions. The investment of funds as personal 129669  
accumulations or as business reserves or working capital does 129670  
not constitute engaging in a business within the meaning of this 129671  
division; but a person who, having engaged in a business that 129672

consists primarily of lending money, or discounting, buying, or 129673  
selling bills of exchange, drafts, acceptances, notes, 129674  
mortgages, or other evidences of indebtedness on the person's 129675  
own account, remains in business primarily for the purpose of 129676  
realizing upon the assets of the business is deemed a dealer in 129677  
intangibles, though not presently engaged in a business that 129678  
consists primarily of lending money or discounting or buying 129679  
such securities. 129680

~~(2) The tax commissioner shall adopt a rule defining 129681~~  
~~"primarily" as that term is used in division (B) (1) of this 129682~~  
~~section. 129683~~

(C) "Insurance company" includes every corporation, 129684  
association, and society engaged in the business of insurance of 129685  
any character, or engaged in the business of entering into 129686  
contracts substantially amounting to insurance of any character, 129687  
or of indemnifying or guaranteeing against loss or damage, or 129688  
acting as surety on bonds or undertakings. "Insurance company" 129689  
also includes any health insuring corporation as defined in 129690  
section 1751.01 of the Revised Code. 129691

(D) "Domestic insurance company" includes every insurance 129692  
company organized and existing under the laws of this state, and 129693  
every unincorporated association and society formed under the 129694  
laws of this state for the purpose of engaging in said business, 129695  
except a company, association, or society that is an insurance 129696  
holding company affiliate controlled by a nonresident affiliate 129697  
and has risks in this state formerly written by its foreign 129698  
affiliates in a total amount exceeding the risks outstanding on 129699  
the taxpayer's latest annual report that arise from business 129700  
initially written by it in this state; and excludes every 129701  
foreign insurance company. As used in this division, terms 129702

defined in section 3901.32 of the Revised Code have the same 129703  
meanings given to them in that section. 129704

(E) "Foreign insurance company" includes every insurance 129705  
company organized or existing under the laws of any other state, 129706  
territory, country, or the United States and every insurance 129707  
holding company affiliate excepted under division (D) of this 129708  
section. 129709

(F) "Credit union" means a nonprofit cooperative financial 129710  
institution organized or chartered under the laws of this state, 129711  
of another state, or of the United States. 129712

**Sec. 5725.23.** Taxes, interest, and penalties may be 129713  
recovered from a delinquent domestic insurance company or person 129714  
in an action brought in the name of the state in the court of 129715  
common pleas of Franklin county or any county in which such 129716  
company or person has an office or place of business, and such 129717  
court shall have jurisdiction of such action regardless of the 129718  
amount involved. The attorney general, on request of the 129719  
superintendent of insurance or tax commissioner, shall institute 129720  
such action in the court of common pleas of Franklin county or 129721  
any other county the superintendent or commissioner directs. In 129722  
any such action, it shall be sufficient to allege that the tax, 129723  
interest, and penalty sought to be recovered stand charged on 129724  
the tax list of domestic insurance company franchise taxes ~~or~~ 129725  
~~intangible property taxes~~ in the office of the treasurer of 129726  
state and have been unpaid for a period of forty-five days after 129727  
having been placed thereon. Sums recovered in any such action 129728  
shall be paid into the state treasury and distributed as 129729  
provided in section 5725.24 of the Revised Code. 129730

**Sec. 5725.35.** There is allowed a credit against the tax 129731  
imposed by section 5725.18 of the Revised Code for an insurance 129732

company subject to that tax that holds the rights to a tax 129733  
credit certificate issued under section 122.09 of the Revised 129734  
Code. The credit shall equal the dollar amount indicated on the 129735  
certificate. The credit shall be claimed in the calendar year 129736  
specified in the certificate or the ensuing calendar year and in 129737  
the order required under section 5725.98 of the Revised Code. If 129738  
the credit exceeds the amount of tax otherwise due in that year, 129739  
the company may carry forward the excess for not more than five 129740  
ensuing years, but the amount of the excess credit claimed 129741  
against the tax for any year shall be deducted from the balance 129742  
carried forward to the next year. 129743

No credit shall be claimed under this section to the 129744  
extent the certificate was used to claim a credit under section 129745  
5726.62, 5729.18, or 5747.87 of the Revised Code. 129746

**Sec. 5725.38.** Terms used in this section have the same 129747  
meanings as in section 122.84 of the Revised Code. 129748

There is allowed a nonrefundable credit against the tax 129749  
imposed by section 5725.18 of the Revised Code for a domestic 129750  
insurance company that is issued, or to which is transferred, a 129751  
tax credit certificate under section 122.84 of the Revised Code. 129752  
The credit equals the amount stated on the certificate and may 129753  
be claimed for the calendar year that includes the investment 129754  
period that was the subject of the application for the 129755  
certificate under that section or for the ensuing calendar year. 129756  
For a credit issued during the July application round each year, 129757  
the credit may also be claimed for the preceding calendar year. 129758  
A taxpayer applying a credit for the preceding calendar year 129759  
shall file an amended return or apply that amendment on the 129760  
taxpayer's original return, for that year. 129761

The credit authorized in this section shall be claimed in 129762

the order required under section 5725.98 of the Revised Code. If 129763  
the amount of a credit exceeds the tax otherwise due under 129764  
section 5725.18 of the Revised Code after deducting all other 129765  
credits preceding the credit in that order, the excess may be 129766  
carried forward for not more than five ensuing calendar years. 129767  
The amount of the excess credit claimed in any such year shall 129768  
be deducted from the balance carried forward to the next 129769  
calendar year. 129770

No credit shall be claimed under this section to the 129771  
extent the credit was claimed under section 5726.61, 5729.21, or 129772  
5747.86 of the Revised Code. 129773

**Sec. 5726.03.** (A) (1) Annually, on or before the fifteenth 129774  
day of October, the reporting person for each taxpayer shall 129775  
make a report in writing to the tax commissioner, in such form 129776  
as the commissioner prescribes, and shall remit to the 129777  
commissioner the amount of tax shown to be due on the report. 129778  
The remittance shall be made payable to the treasurer of state. 129779  
~~The commissioner shall make available, on the official internet-~~ 129780  
~~web site of the department of taxation, copies of the forms-~~ 129781  
~~prescribed by the commissioner for the purpose of making the-~~ 129782  
~~annual report.~~ 129783

(2) An annual report shall be signed by the president, 129784  
vice-president, secretary, treasurer, general manager, 129785  
superintendent, or managing agent in this state of the reporting 129786  
person. 129787

(3) An annual report shall contain the facts, figures, 129788  
computations, and attachments that result in the determination 129789  
of the amount of tax due from a taxpayer under this chapter. 129790

(B) (1) In the case of a financial institution described in 129791

division (H) (1) of section 5726.01 of the Revised Code, the 129792  
annual report filed for a taxable year shall list, and include 129793  
information related to, each person includable in an FR Y-9 129794  
filed by the reporting person for that taxable year. 129795

(2) In the case of a financial institution described in 129796  
division (H) (2) or (3) of section 5726.01 of the Revised Code, 129797  
the annual report for a taxable year shall list, and include 129798  
information related to, each person includable in a call report 129799  
filed by the reporting person for that taxable year. 129800

(C) (1) The reporting person for a taxpayer shall remit 129801  
each tax payment and, if required by the commissioner, file each 129802  
annual or estimated tax report electronically. The commissioner 129803  
may require reporting persons to use the Ohio business gateway 129804  
as defined in section 718.01 of the Revised Code to file reports 129805  
and remit the tax, or may provide another means for reporting 129806  
persons to file and remit the tax electronically. 129807

(2) The payment of taxes as provided in division (C) of 129808  
this section shall not affect a taxpayer's obligation to file an 129809  
annual report required under division (A) of this section. 129810

(3) The reporting person for a taxpayer that is required 129811  
to remit tax payments electronically under this section may 129812  
apply to the tax commissioner, in the manner prescribed by the 129813  
commissioner, to be excused from that requirement. The 129814  
commissioner may excuse the taxpayer from the requirements of 129815  
division (C) of this section for good cause. 129816

(4) If the reporting person for a taxpayer that is 129817  
required to remit tax payments or file reports electronically 129818  
under this section fails to do so, the commissioner may impose a 129819  
penalty not to exceed the following: 129820



(a) For either of the first two reports the person so 129821  
fails, five per cent of the amount of the payment that was 129822  
required to be remitted; 129823

(b) For the third and any subsequent reports the person so 129824  
fails, ten per cent of the amount of the payment that was 129825  
required to be remitted. 129826

The penalty imposed under this section is in addition to 129827  
any other penalty or charge imposed under this chapter and shall 129828  
be considered as revenue arising from the tax levied under this 129829  
chapter. A penalty may be collected by assessment in the manner 129830  
prescribed by section 5726.20 of the Revised Code. The tax 129831  
commissioner may abate all or a portion of such a penalty and 129832  
may adopt rules governing such abatements. 129833

**Sec. 5726.20.** (A) The tax commissioner may make an 129834  
assessment, based on any information in the commissioner's 129835  
possession, against any person that fails to file a return or 129836  
report or pay any tax as required by this chapter. The reporting 129837  
person for a taxpayer shall file the annual report required 129838  
under section 5726.03 of the Revised Code and remit the tax 129839  
imposed by this chapter. Each person included in the annual 129840  
report of the taxpayer is jointly and severally liable for the 129841  
tax imposed by this chapter and any penalties and interest 129842  
thereon. If the reporting person fails, for any reason, to file 129843  
and remit any tax, the amount due may be collected by assessment 129844  
against the reporting person and against any or all other 129845  
persons required to be included in the annual report of the 129846  
taxpayer as provided in section 5703.90 of the Revised Code. The 129847  
commissioner shall make the assessment in the manner provided in 129848  
this section. The commissioner shall give the person assessed 129849  
written notice of the assessment as provided in section 5703.37 129850

of the Revised Code. With the notice, the commissioner shall 129851  
provide instructions on the manner in which to petition for 129852  
reassessment and request a hearing with respect to the petition. 129853

(B) No assessment shall be made or issued against a person 129854  
under this section more than four years after the later of the 129855  
final date the report subject to assessment was required to be 129856  
filed or the date such report was filed. Such time limit may be 129857  
extended if both the person and the commissioner consent in 129858  
writing to the extension or if an agreement waiving or extending 129859  
the time limit has been entered into pursuant to section 122.171 129860  
of the Revised Code. Any such extension shall extend the four- 129861  
year time limit prescribed in division (A) of section 5726.30 of 129862  
the Revised Code for the same period of time. There shall be no 129863  
bar or limit to an assessment against a person that fails to 129864  
file a report subject to assessment as required by this chapter, 129865  
or that files a fraudulent report. 129866

(C) Unless the person assessed, within sixty days after 129867  
service of the notice of assessment, files with the tax 129868  
commissioner, ~~either in person or by certified mail,~~ a written 129869  
petition for reassessment signed by the person or the person's 129870  
authorized agent having knowledge of the facts, the assessment 129871  
shall become final, and the amount of the assessment is due and 129872  
payable from the person assessed to the treasurer of state. A 129873  
petition shall indicate the objections of the person assessed, 129874  
but additional objections may be raised in writing if received 129875  
by the commissioner prior to the date shown on the final 129876  
determination. If a petition for reassessment has been properly 129877  
filed, the commissioner shall proceed under section 5703.60 of 129878  
the Revised Code. 129879

(D) (1) After an assessment becomes final, if any portion 129880

of the assessment, including any accrued interest, remains 129881  
unpaid, a certified copy of the tax commissioner's entry making 129882  
the assessment final may be filed in the office of the clerk of 129883  
the court of common pleas in the county in which the person 129884  
resides or has its principal place of business in this state, or 129885  
in the office of the clerk of court of common pleas of Franklin 129886  
county. 129887

(2) Immediately upon the filing of the entry, the clerk 129888  
shall enter judgment for the state against the person assessed 129889  
in the amount shown on the entry. The judgment may be filed by 129890  
the clerk in a loose-leaf book entitled, "special judgments for 129891  
the financial institution tax" and shall have the same effect as 129892  
other judgments. Execution shall issue upon the judgment at the 129893  
request of the tax commissioner, and all laws applicable to 129894  
sales on execution shall apply to sales made under the judgment. 129895

(3) If the assessment is not paid in its entirety within 129896  
sixty days after the day the assessment was issued, the portion 129897  
of the assessment consisting of tax due shall bear interest at 129898  
the rate per annum prescribed by section 5703.47 of the Revised 129899  
Code from the date the tax commissioner issues the assessment 129900  
until the date the assessment is paid or until it is certified 129901  
to the attorney general for collection under section 131.02 of 129902  
the Revised Code, whichever comes first. If the unpaid portion 129903  
of the assessment is certified to the attorney general for 129904  
collection, the entire unpaid portion of the assessment shall 129905  
bear interest at the rate per annum prescribed by section 129906  
5703.47 of the Revised Code from the date of certification until 129907  
the date it is paid in its entirety. Interest shall be paid in 129908  
the same manner as the tax and may be collected by the issuance 129909  
of an assessment under this section. 129910

(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed shall be immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (C) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the petition for reassessment.

(F) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section. Such amounts shall be considered as revenue arising from the tax imposed by this chapter.

(G) If the tax commissioner possesses information indicating that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the reporting person for the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in

selecting a representative sample. The tax commissioner may 129942  
apply a sampling method only if the commissioner has prescribed 129943  
the method by rule. 129944

(H) If the whereabouts of a person subject to this chapter 129945  
is not known to the tax commissioner, the secretary of state is 129946  
hereby deemed to be that person's agent for purposes of service 129947  
of process or notice of any assessment, action, or proceedings 129948  
instituted in this state against the person under this chapter. 129949  
Such process or notice shall be served on such person by the 129950  
commissioner or by an agent of the commissioner by leaving a 129951  
true and attested copy of the process or notice at the office of 129952  
the secretary of state at least fifteen days before the return 129953  
day of such process or notice, and by sending a copy of the 129954  
process or notice to such person by ordinary mail, with an 129955  
endorsement thereon of the service upon the secretary of state, 129956  
addressed to such person at the person's last known address. 129957

**Sec. 5726.61.** Terms used in this section have the same 129958  
meanings as in section 122.84 of the Revised Code. 129959

A taxpayer may claim a nonrefundable credit against the 129960  
tax imposed under section 5726.02 of the Revised Code for each 129961  
person included in the annual report of the taxpayer to whom a 129962  
certificate is issued under section 122.84 of the Revised Code 129963  
or is transferred pursuant to that section. The credit equals 129964  
the amount stated on the certificate and may be claimed for the 129965  
taxable year that aligns with the calendar year that includes 129966  
the investment period that was the subject of the application 129967  
for the certificate under that section or for the ensuing 129968  
calendar year. For a credit issued during the July application 129969  
round each year, the credit may also be claimed for the 129970  
preceding taxable year. A taxpayer applying a credit for the 129971

preceding taxable year shall file an amended report or apply 129972  
that amendment on the taxpayer's original report, for that year. 129973

The credit authorized in this section shall be claimed in 129974  
the order required under section 5726.98 of the Revised Code. If 129975  
the amount of a credit exceeds the tax otherwise due under 129976  
section 5726.02 of the Revised Code after deducting all other 129977  
credits preceding the credit in that order, the excess may be 129978  
carried forward for not more than five ensuing taxable years. 129979  
The amount of the excess credit claimed in any such year shall 129980  
be deducted from the balance carried forward to the next taxable 129981  
year. 129982

No credit shall be claimed under this section to the 129983  
extent the credit was claimed under section 5725.38, 5729.21, or 129984  
5747.86 of the Revised Code. 129985

**Sec. 5726.62.** A taxpayer may claim a nonrefundable credit 129986  
against the tax imposed under this chapter for each person 129987  
included in the annual report of the taxpayer that holds the 129988  
rights to a tax credit certificate that is issued on or after 129989  
the effective date of this section under section 122.09 of the 129990  
Revised Code. The credit shall equal the dollar amount indicated 129991  
on the certificate and may be claimed for the taxable year that 129992  
aligns with the calendar year specified in the certificate or 129993  
with the ensuing calendar year and in the order required under 129994  
section 5726.98 of the Revised Code. If the credit amount 129995  
exceeds the tax otherwise due under section 5726.02 of the 129996  
Revised Code after deducting all other credits preceding the 129997  
credit in the order prescribed in section 5726.98 of the Revised 129998  
Code, the excess may be carried forward for not more than five 129999  
ensuing taxable years, but the amount of the excess credit 130000  
claimed against the tax for any year shall be deducted from the 130001

<u>balance carried forward to the next year.</u>	130002
<u>No credit shall be claimed under this section to the</u>	130003
<u>extent the certificate was used to claim a credit under section</u>	130004
<u>5725.35, 5729.18, or 5747.87 of the Revised Code.</u>	130005
<b>Sec. 5726.98.</b> (A) To provide a uniform procedure for	130006
calculating the amount of tax due under section 5726.02 of the	130007
Revised Code, a taxpayer shall claim any credits to which the	130008
taxpayer is entitled under this chapter in the following order:	130009
The nonrefundable job retention credit under division (B)	130010
of section 5726.50 of the Revised Code;	130011
The nonrefundable credit for purchases of qualified low-	130012
income community investments under section 5726.54 of the	130013
Revised Code;	130014
<u>The nonrefundable credit for transformational mixed use</u>	130015
<u>development tax credit certificate holders under section 5726.62</u>	130016
<u>of the Revised Code;</u>	130017
The nonrefundable credit for qualified research expenses	130018
under section 5726.56 of the Revised Code;	130019
The nonrefundable credit for qualifying dealer in	130020
intangibles taxes under section 5726.57 of the Revised Code;	130021
The nonrefundable Ohio low-income housing tax credit under	130022
section 5726.58 of the Revised Code;	130023
The nonrefundable affordable single-family home credit	130024
under section 5726.60 of the Revised Code;	130025
The nonrefundable welcome home Ohio (WHO) program credit	130026
under section 122.633 of the Revised Code;	130027
The nonrefundable opportunity zone investment credit under	130028

section 5726.61 of the Revised Code; 130029

The refundable credit for rehabilitating an historic 130030  
building under section 5726.52 of the Revised Code; 130031

The refundable job retention or job creation credit under 130032  
division (A) of section 5726.50 of the Revised Code; 130033

The refundable credit under section 5726.53 of the Revised 130034  
Code for losses on loans made under the Ohio venture capital 130035  
program under sections 150.01 to 150.10 of the Revised Code; 130036

The refundable motion picture and Broadway theatrical 130037  
production credit under section 5726.55 of the Revised Code; 130038

~~The refundable credit for film and theater capital-~~ 130039  
~~improvement projects under section 5726.59 of the Revised Code.~~ 130040

(B) For any credit except the refundable credits 130041  
enumerated in this section, the amount of the credit for a 130042  
taxable year shall not exceed the tax due after allowing for any 130043  
other credit that precedes it in the order required under this 130044  
section. Any excess amount of a particular credit may be carried 130045  
forward if authorized under the section creating that credit. 130046  
Nothing in this chapter shall be construed to allow a taxpayer 130047  
to claim, directly or indirectly, a credit more than once for a 130048  
taxable year. 130049

**Sec. 5727.111.** As used in this section, "convert" means to 130050  
switch fuel input from one energy source to another and 130051  
"repower" means to replace enough of the original taxable 130052  
production equipment to make an original production facility 130053  
equivalent to a new facility, such that at least eighty per cent 130054  
of the true value of the taxable production equipment is derived 130055  
from new taxable production equipment installed as part of the 130056  
replacement project. The taxable property of each public 130057



utility, except a railroad company, and of each interexchange  
telecommunications company shall be assessed at the following  
percentages of true value:

(A) In the case of a rural electric company, one of the  
following:

(1) Fifty per cent in the case of its taxable transmission  
and distribution property or energy conversion equipment first  
subject to taxation in this state before tax year 2027;

(2) Seven per cent in the case of its taxable production  
~~or~~and energy conversion equipment first subject to taxation in  
this state for tax year 2027 and thereafter or any other taxable  
production equipment that is either converted or repowered;

(3) Twenty-five per cent in the case of all its other  
taxable property.

(B) In the case of a telephone or telegraph company,  
twenty-five per cent for taxable property first subject to  
taxation in this state for tax year 1995 or thereafter for tax  
years before tax year 2007, and pursuant to division (H) of  
section 5711.22 of the Revised Code for tax year 2007 and  
thereafter, and the following for all other taxable property:

(1) For tax years prior to 2005, eighty-eight per cent;

(2) For tax year 2005, sixty-seven per cent;

(3) For tax year 2006, forty-six per cent;

(4) For tax year 2007 and thereafter, pursuant to division  
(H) of section 5711.22 of the Revised Code.

(C) Twenty-five per cent in the case of (1) a natural gas  
company or (2) a water-works company for taxable property first

subject to taxation in this state for tax year 2017 and	130085
thereafter.	130086
(D) Eighty-eight per cent in the case of a water-works	130087
company for taxable property first subject to taxation in this	130088
state before tax year 2017, or a heating company.	130089
(E) In the case of an electric company, one of the	130090
following:	130091
(1) Eighty-five per cent in the case of its taxable	130092
transmission and distribution property and energy conversion	130093
equipment first subject to taxation in this state before tax	130094
year 2027;	130095
(2) Twenty-five per cent in the case of its other taxable	130096
transmission and distribution property;	130097
(3) Seven per cent in the case of its taxable production	130098
and energy conversion equipment first subject to taxation in	130099
this state for tax year 2027 and thereafter or any other taxable	130100
production equipment that is either converted or repowered;	130101
(4) Twenty-four per cent in the case of all its other	130102
taxable property.	130103
(F) (1) Twenty-five per cent in the case of an	130104
interexchange telecommunications company for tax years before	130105
tax year 2007;	130106
(2) Pursuant to division (H) of section 5711.22 of the	130107
Revised Code for tax year 2007 and thereafter.	130108
(G) Twenty-five per cent in the case of a water	130109
transportation company.	130110
(H) In the case of an energy company, one of the	130111

following: 130112

(1) Eighty-five per cent in the case of its taxable 130113  
transmission and distribution property first subject to taxation 130114  
in this state before tax year 2027; 130115

(2) Twenty-five per cent in the case of its other taxable 130116  
transmission and distribution property; 130117

(3) Seven per cent in the case of its taxable production 130118  
~~or~~and energy conversion equipment first subject to taxation in 130119  
this state for tax year 2027 and thereafter or any other taxable 130120  
production equipment that is either converted or repowered; 130121

(4) Twenty-four per cent in the case of its other taxable 130122  
production equipment; 130123

(5) Eighty-five per cent in the case of all its other 130124  
taxable property. 130125

(I) In the case of a pipeline company, one of the 130126  
following: 130127

(1) Eighty-eight per cent of its taxable property first 130128  
subject to taxation in this state before tax year 2027; 130129

(2) Twenty-five per cent in the case of all its other 130130  
taxable property. 130131

**Sec. 5727.26.** (A) The tax commissioner may make an 130132  
assessment, based on any information in the commissioner's 130133  
possession, against any natural gas company or combined company 130134  
that fails to file a return or pay any tax, interest, or 130135  
additional charge as required by sections 5727.24 to 5727.29 of 130136  
the Revised Code. The commissioner shall give the company 130137  
assessed written notice of the assessment as provided in section 130138  
5703.37 of the Revised Code. With the notice, the commissioner 130139

shall provide instructions on how to petition for reassessment 130140  
and request a hearing on the petition. A penalty of up to 130141  
fifteen per cent may be added to all amounts assessed under this 130142  
section. The tax commissioner may adopt rules providing for the 130143  
imposition and remission of the penalty. 130144

(B) Unless the company assessed, within sixty days after 130145  
service of the notice of assessment, files with the tax 130146  
commissioner, ~~either personally or by certified mail,~~ a written 130147  
petition signed by the company's authorized agent having 130148  
knowledge of the facts, the assessment becomes final, and the 130149  
amount of the assessment is due and payable from the company 130150  
assessed to the commissioner. The petition shall indicate the 130151  
objections of the company assessed, but additional objections 130152  
may be raised in writing if received by the commissioner prior 130153  
to the date shown on the final determination. 130154

If a petition for reassessment has been properly filed, 130155  
the commissioner shall proceed under section 5703.60 of the 130156  
Revised Code. 130157

(C) After an assessment becomes final, if any portion of 130158  
the assessment, including accrued interest, remains unpaid, a 130159  
certified copy of the tax commissioner's entry making the 130160  
assessment final may be filed in the office of the clerk of the 130161  
court of common pleas in the county in which the natural gas 130162  
company's or combined company's principal place of business is 130163  
located, or in the office of the clerk of court of common pleas 130164  
of Franklin county. 130165

Immediately on the filing of the entry, the clerk shall 130166  
enter judgment for the state against the company assessed in the 130167  
amount shown on the entry. The judgment may be filed by the 130168  
clerk in a loose-leaf book entitled, "special judgments for the 130169

public utility excise tax on natural gas and combined 130170  
companies," and shall have the same effect as other judgments. 130171  
Execution shall issue upon the judgment at the request of the 130172  
tax commissioner, and all laws applicable to sales on execution 130173  
shall apply to sales made under the judgment. 130174

If the assessment is not paid in its entirety within sixty 130175  
days after the day the assessment was issued, the portion of the 130176  
assessment consisting of tax due shall bear interest at the rate 130177  
per annum prescribed by section 5703.47 of the Revised Code from 130178  
the day the tax commissioner issues the assessment until it is 130179  
paid or until it is certified to the attorney general for 130180  
collection under section 131.02 of the Revised Code, whichever 130181  
comes first. If the unpaid portion of the assessment is 130182  
certified to the attorney general for collection, the entire 130183  
unpaid portion of the assessment shall bear interest at the rate 130184  
per annum prescribed by section 5703.47 of the Revised Code from 130185  
the date of certification until the date it is paid in its 130186  
entirety. Interest shall be paid in the same manner as the tax 130187  
and may be collected by the issuance of an assessment under this 130188  
section. 130189

(D) If the tax commissioner believes that collection of 130190  
the tax will be jeopardized unless proceedings to collect or 130191  
secure collection of the tax are instituted without delay, the 130192  
commissioner may issue a jeopardy assessment against the company 130193  
liable for the tax. Immediately upon the issuance of the 130194  
jeopardy assessment, the commissioner shall file an entry with 130195  
the clerk of the court of common pleas in the manner prescribed 130196  
by division (C) of this section. Notice of the jeopardy 130197  
assessment shall be served on the company assessed or the 130198  
company's authorized agent in the manner provided in section 130199  
5703.37 of the Revised Code within five days of the filing of 130200

the entry with the clerk. The total amount assessed is 130201  
immediately due and payable, unless the company assessed files a 130202  
petition for reassessment in accordance with division (B) of 130203  
this section and provides security in a form satisfactory to the 130204  
commissioner and in an amount sufficient to satisfy the unpaid 130205  
balance of the assessment. Full or partial payment of the 130206  
assessment does not prejudice the commissioner's consideration 130207  
of the petition for reassessment. 130208

(E) The tax commissioner shall immediately forward to the 130209  
treasurer of state all amounts that the tax commissioner 130210  
receives under this section, and such amounts shall be 130211  
considered revenue arising from the tax imposed by section 130212  
5727.24 of the Revised Code. 130213

(F) No assessment shall be made or issued against a 130214  
natural gas company or combined company for the tax imposed by 130215  
section 5727.24 of the Revised Code more than four years after 130216  
the return date for the period in which the tax was reported, or 130217  
more than four years after the return for the period was filed, 130218  
whichever is later. 130219

**Sec. 5727.38.** On or before the first Monday of November, 130220  
annually, the tax commissioner may assess an excise tax against 130221  
a public utility subject to the excise tax under section 5727.30 130222  
of the Revised Code. The tax shall be computed by multiplying 130223  
the taxable gross receipts as determined by the commissioner 130224  
under section 5727.33 of the Revised Code by six and three- 130225  
fourths per cent in the case of pipe-line companies, and four 130226  
and three-fourths per cent in the case of all other companies. 130227  
The minimum tax for any such company for owning property or 130228  
doing business in this state shall be fifty dollars. The 130229  
assessment shall be ~~mailed to the taxpayer~~ served on the public 130230

utility in the manner prescribed by section 5703.37 of the 130231  
Revised Code. 130232

**Sec. 5727.42.** (A) The tax commissioner shall collect the 130233  
excise tax imposed by section 5727.30 of the Revised Code and 130234  
the taxpayer shall pay all taxes and any penalties thereon. 130235  
Payments of the tax may be made by mail, in person, 130236  
electronically if required to do so by section 5727.311 of the 130237  
Revised Code, or by any other means authorized by the 130238  
commissioner. The commissioner may adopt rules concerning the 130239  
methods and timeliness of payment. 130240

(B) Each tax assessment issued pursuant to this section 130241  
shall separately reflect the taxes and any penalty due, and any 130242  
other information considered necessary. ~~The commissioner shall~~ 130243  
~~mail the assessment to the taxpayer, and the mailing of it shall~~ 130244  
~~be prima-facie evidence of receipt thereof by the taxpayer.~~ The 130245  
assessment shall be served on the taxpayer in the manner 130246  
prescribed by section 5703.37 of the Revised Code. 130247

(C) The commissioner shall refund taxes levied and 130248  
payments made for the tax imposed by section 5727.30 of the 130249  
Revised Code as provided in this section, ~~but no refund shall be~~ 130250  
~~made to a taxpayer having a delinquent claim certified pursuant~~ 130251  
~~to this section that remains unpaid. The commissioner may~~ 130252  
~~consult the attorney general regarding such claims.~~ 130253

(D) After receiving any excise tax annual statement for 130254  
the tax imposed by section 5727.30 of the Revised Code, the 130255  
commissioner shall: 130256

(1) Ascertain the difference between the total taxes owed 130257  
and the sum of all payments made for that year. 130258

(2) If the difference is a deficiency, the commissioner 130259

shall issue an assessment. 130260

(3) If the difference is an excess, the commissioner shall 130261  
issue a refund of that amount to the taxpayer. If the amount of 130262  
the refund is less than that claimed by the taxpayer, the 130263  
taxpayer, within sixty days of the issuance of the refund, may 130264  
provide to the commissioner additional information to support 130265  
the claim or may request a hearing. Upon receiving such 130266  
information or request within that time, the commissioner shall 130267  
follow the same procedures set forth in divisions (C) and (D) of 130268  
section 5703.70 of the Revised Code for the determination of 130269  
refund applications. 130270

If the taxpayer has a deficiency for one tax year and an 130271  
excess for another tax year, or any combination thereof for more 130272  
than two years, the commissioner may determine the net result 130273  
and, depending on such result, proceed to issue an assessment or 130274  
certify a refund. 130275

(E) If a taxpayer fails to pay the amount of taxes 130276  
required to be paid, or fails to make an estimated payment on or 130277  
before the due date prescribed in division (B) of section 130278  
5727.31 of the Revised Code, the commissioner shall impose a 130279  
penalty in the amount of fifteen per cent of the unpaid amount, 130280  
and the commissioner shall issue an assessment for the unpaid 130281  
amount and penalty. Unless a timely petition for reassessment is 130282  
filed under section 5727.47 of the Revised Code, the attorney 130283  
general shall proceed to collect the delinquent taxes and 130284  
penalties thereon in the manner prescribed by law and notify the 130285  
commissioner of all collections. 130286

(F) If a taxpayer entitled to a refund under this section 130287  
is indebted to the state for any tax or fee administered by the 130288  
tax commissioner, or any charge, penalty, or interest arising 130289



from such a tax or fee, the amount refundable may be applied in 130290  
satisfaction of that debt. If the amount refundable is less than 130291  
the amount of the debt, it may be applied in partial 130292  
satisfaction of the debt. If the amount refundable is greater 130293  
than the amount of the debt, the amount remaining after 130294  
satisfaction of the debt shall be refunded. 130295

**Sec. 5727.47.** (A) Notice of each assessment certified or 130296  
issued pursuant to section 5727.23 or 5727.38 of the Revised 130297  
Code shall be ~~mailed to the public utility, and its mailing~~ 130298  
~~shall be prima-facie evidence of its receipt by the public~~ 130299  
~~utility to which it is addressed~~served on the public utility or 130300  
public utility property lessor in the manner prescribed by 130301  
section 5703.37 of the Revised Code. With the notice, the tax 130302  
commissioner shall provide instructions on how to petition for 130303  
reassessment and request a hearing on the petition. If a public 130304  
utility objects to such an assessment, it may file with the 130305  
commissioner, ~~either personally or by certified mail,~~ within 130306  
sixty days after the mailing of the notice of assessment a 130307  
written petition for reassessment signed by the utility's 130308  
authorized agent having knowledge of the facts. The date the 130309  
commissioner receives the petition shall be considered the date 130310  
of filing. The petition shall indicate the utility's objections, 130311  
but additional objections may be raised in writing if received 130312  
by the commissioner prior to the date shown on the final 130313  
determination. 130314

In the case of a petition seeking a reduction in taxable 130315  
value filed with respect to an assessment certified under 130316  
section 5727.23 of the Revised Code, the petitioner shall state 130317  
in the petition the total amount of reduction in taxable value 130318  
sought by the petitioner. If the petitioner objects to the 130319  
percentage of true value at which taxable property is assessed 130320

by the commissioner, the petitioner shall state in the petition 130321  
the total amount of reduction in taxable value sought both with 130322  
and without regard to the objection pertaining to the percentage 130323  
of true value at which its taxable property is assessed. If a 130324  
petitioner objects to the commissioner's apportionment of the 130325  
taxable value of the petitioner's taxable property, the 130326  
petitioner shall distinctly state in the petition that the 130327  
petitioner objects to the commissioner's apportionment, and, 130328  
within forty-five days after filing the petition for 130329  
reassessment, shall submit the petitioner's proposed 130330  
apportionment of the taxable value of its taxable property among 130331  
taxing districts. If a petitioner that objects to the 130332  
commissioner's apportionment fails to state its objections to 130333  
that apportionment in its petition for reassessment or fails to 130334  
submit its proposed apportionment within forty-five days after 130335  
filing the petition for reassessment, the commissioner shall 130336  
dismiss the petitioner's objection to the commissioner's 130337  
apportionment, and the taxable value of the petitioner's taxable 130338  
property, subject to any adjustment to taxable value pursuant to 130339  
the petition or appeal, shall be apportioned in the manner used 130340  
by the commissioner in the preliminary or amended preliminary 130341  
assessment certified under section 5727.23 of the Revised Code. 130342

If an additional objection seeking a reduction in taxable 130343  
value in excess of the reduction stated in the original petition 130344  
is properly and timely raised with respect to an assessment 130345  
issued under section 5727.23 of the Revised Code, the petitioner 130346  
shall state the total amount of the reduction in taxable value 130347  
sought in the additional objection both with and without regard 130348  
to any reduction in taxable value pertaining to the percentage 130349  
of true value at which taxable property is assessed. If a 130350  
petitioner fails to state the reduction in taxable value sought 130351

in the original petition or in additional objections properly 130352  
raised after the petition is filed, the commissioner shall 130353  
notify the petitioner of the failure in the manner provided in 130354  
section 5703.37 of the Revised Code. If the petitioner fails to 130355  
notify the commissioner in writing of the reduction in taxable 130356  
value sought in the petition or in an additional objection 130357  
within thirty days after receiving the commissioner's notice, 130358  
the commissioner shall dismiss the petition or the additional 130359  
objection in which that reduction is sought. 130360

(B) (1) Subject to divisions (B) (2) and (3) of this 130361  
section, a public utility filing a petition for reassessment 130362  
regarding an assessment certified or issued under section 130363  
5727.23 or 5727.38 of the Revised Code shall pay the tax with 130364  
respect to the assessment objected to as required by law. The 130365  
acceptance of any tax payment by the tax commissioner or any 130366  
county treasurer shall not prejudice any claim for taxes on 130367  
final determination by the commissioner or final decision by the 130368  
board of tax appeals or any court. 130369

(2) If a public utility properly and timely files a 130370  
petition for reassessment regarding an assessment certified 130371  
under section 5727.23 of the Revised Code, the petitioner shall 130372  
pay the tax as prescribed by divisions (B) (2) (a), (b), and (c) 130373  
of this section: 130374

(a) If the petitioner does not object to the 130375  
commissioner's apportionment of the taxable value of the 130376  
petitioner's taxable property, the petitioner is not required to 130377  
pay the part of the tax otherwise due on the taxable value that 130378  
the petitioner seeks to have reduced, subject to division (B) (2) 130379  
(c) of this section. 130380

(b) If the petitioner objects to the commissioner's 130381

apportionment of the taxable value of the petitioner's taxable 130382  
property, the petitioner is not required to pay the tax 130383  
otherwise due on the part of the taxable value apportioned to 130384  
any taxing district that the petitioner objects to, subject to 130385  
division (B) (2) (c) of this section. If, pursuant to division (A) 130386  
of this section, the petitioner has, in a proper and timely 130387  
manner, apportioned taxable value to a taxing district to which 130388  
the commissioner did not apportion the petitioner's taxable 130389  
value, the petitioner shall pay the tax due on the taxable value 130390  
that the petitioner has apportioned to the taxing district, 130391  
subject to division (B) (2) (c) of this section. 130392

(c) If a petitioner objects to the percentage of true 130393  
value at which taxable property is assessed by the commissioner, 130394  
the petitioner shall pay the tax due on the basis of the 130395  
percentage of true value at which the public utility's taxable 130396  
property is assessed by the commissioner. In any case, the 130397  
petitioner's payment of tax shall not be less than the amount of 130398  
tax due based on the taxable value reflected on the last appeal 130399  
notice issued by the commissioner under division (C) of this 130400  
section. Until the county auditor receives notification under 130401  
division (E) of this section and proceeds under section 5727.471 130402  
of the Revised Code to issue any refund that is found to be due, 130403  
the county auditor shall not issue a refund for any increase in 130404  
the reduction in taxable value that is sought by a petitioner 130405  
later than forty-five days after the petitioner files the 130406  
original petition as required under division (A) of this 130407  
section. 130408

(3) Any part of the tax that, under division (B) (2) (a) or 130409  
(b) of this section, is not paid shall be collected upon receipt 130410  
of the notification as provided in section 5727.471 of the 130411  
Revised Code with interest thereon computed in the same manner 130412

as interest is computed under division (E) of section 5715.19 of 130413  
the Revised Code, subject to any correction of the assessment by 130414  
the commissioner under division (E) of this section or the final 130415  
judgment of the board of tax appeals or a court to which the 130416  
board's final judgment is appealed. The penalty imposed under 130417  
section 323.121 of the Revised Code shall apply only to the 130418  
unpaid portion of the tax if the petitioner's tax payment is 130419  
less than the amount of tax due based on the taxable value 130420  
reflected on the last appeal notice issued by the commissioner 130421  
under division (C) of this section. 130422

(C) Upon receipt of a properly filed petition for 130423  
reassessment with respect to an assessment certified under 130424  
section 5727.23 of the Revised Code, the tax commissioner shall 130425  
notify the treasurer of state or the auditor of each county to 130426  
which the assessment objected to has been certified. In the case 130427  
of a petition with respect to an assessment certified under 130428  
section 5727.23 of the Revised Code, the commissioner shall 130429  
issue an appeal notice within thirty days after receiving the 130430  
amount of the taxable value reduction and apportionment changes 130431  
sought by the petitioner in the original petition or in any 130432  
additional objections properly and timely raised by the 130433  
petitioner. The appeal notice shall indicate the amount of the 130434  
reduction in taxable value sought in the petition or in the 130435  
additional objections and the extent to which the reduction in 130436  
taxable value and any change in apportionment requested by the 130437  
petitioner would affect the commissioner's apportionment of the 130438  
taxable value among taxing districts in the county as shown in 130439  
the assessment. If a petitioner is seeking a reduction in 130440  
taxable value on the basis of a lower percentage of true value 130441  
than the percentage at which the commissioner assessed the 130442  
petitioner's taxable property, the appeal notice shall indicate 130443

the reduction in taxable value sought by the petitioner without 130444  
regard to the reduction sought on the basis of the lower 130445  
percentage and shall indicate that the petitioner is required to 130446  
pay tax on the reduced taxable value determined without regard 130447  
to the reduction sought on the basis of a lower percentage of 130448  
true value, as provided under division (B) (2) (c) of this 130449  
section. The appeal notice shall include a statement that the 130450  
reduced taxable value and the apportionment indicated in the 130451  
notice are not final and are subject to adjustment by the 130452  
commissioner or by the board of tax appeals or a court on 130453  
appeal. If the commissioner finds an error in the appeal notice, 130454  
the commissioner may amend the notice, but the notice is only 130455  
for informational and tax payment purposes; the notice is not 130456  
subject to appeal by any person. The commissioner also shall 130457  
~~mail~~provide a copy of the appeal notice to the petitioner. Upon 130458  
the request of a taxing authority, the county auditor may 130459  
disclose to the taxing authority the extent to which a reduction 130460  
in taxable value sought by a petitioner would affect the 130461  
apportionment of taxable value to the taxing district or 130462  
districts under the taxing authority's jurisdiction, but such a 130463  
disclosure does not constitute a notice required by law to be 130464  
given for the purpose of section 5717.02 of the Revised Code. 130465

(D) If the petitioner requests a hearing on the petition, 130466  
the tax commissioner shall assign a time and place for the 130467  
hearing on the petition and notify the petitioner of such time 130468  
and place, but the commissioner may continue the hearing from 130469  
time to time as necessary. 130470

(E) The tax commissioner may make corrections to the 130471  
assessment as the commissioner finds proper. The commissioner 130472  
shall serve a copy of the commissioner's final determination on 130473  
the petitioner in the manner provided in section 5703.37 of the 130474

Revised Code. The commissioner's decision in the matter shall be 130475  
final, subject to appeal under section 5717.02 of the Revised 130476  
Code. With respect to a final determination issued for an 130477  
assessment certified under section 5727.23 of the Revised Code, 130478  
the commissioner also shall transmit a copy of the final 130479  
determination to the applicable county auditor. In the absence 130480  
of any further appeal, or when a decision of the board of tax 130481  
appeals or of any court to which the decision has been appealed 130482  
becomes final, the commissioner shall notify the public utility 130483  
and, as appropriate, shall proceed under section 5727.42 of the 130484  
Revised Code, or notify the applicable county auditor, who shall 130485  
proceed under section 5727.471 of the Revised Code. 130486

The notification made under this division is not subject 130487  
to further appeal. 130488

(F) On appeal, no adjustment shall be made in the tax 130489  
commissioner's assessment certified under section 5727.23 of the 130490  
Revised Code that reduces the taxable value of a petitioner's 130491  
taxable property by an amount that exceeds the reduction sought 130492  
by the petitioner in its petition for reassessment or in any 130493  
additional objections properly and timely raised after the 130494  
petition is filed with the commissioner. 130495

**Sec. 5727.48.** The tax commissioner, ~~on application by a~~ 130496  
~~public utility,~~ may extend to ~~the~~ a public utility a further 130497  
specified time, not to exceed thirty days, within which to file 130498  
any report or statement required by this chapter to be filed 130499  
with the commissioner, except reports required by sections 130500  
5727.24 to 5727.29 of the Revised Code. A public utility ~~must~~ 130501  
~~file such an application, in writing, with the commissioner~~ 130502  
shall request this extension, in the form and manner prescribed 130503  
by the commissioner, on or before the date that the report or 130504

statement is otherwise required to be filed. 130505

**Sec. 5727.89.** (A) The tax commissioner may make an 130506  
assessment, based on any information in the commissioner's 130507  
possession, against any natural gas distribution company, 130508  
electric distribution company, self-assessing purchaser, or 130509  
qualified end user that fails to file a return or pay any tax, 130510  
interest, or additional charge as required by sections 5727.80 130511  
to 5727.95 of the Revised Code. 130512

When information in the possession of the tax commissioner 130513  
indicates that a person liable for the tax imposed by section 130514  
5727.81 or 5727.811 of the Revised Code has not paid the full 130515  
amount of tax due, the commissioner may audit a representative 130516  
sample of the person's business and may issue an assessment 130517  
based on the audit. The commissioner shall give the person 130518  
assessed written notice of the assessment in the manner provided 130519  
in section 5703.37 of the Revised Code. With the notice, the 130520  
commissioner shall provide instructions on how to petition for 130521  
reassessment and request a hearing on the petition. 130522

The tax commissioner may issue an assessment for which the 130523  
tax imposed by section 5727.81 or 5727.811 of the Revised Code 130524  
was due and unpaid on the date the person was informed by an 130525  
agent of the tax commissioner of an investigation or audit of 130526  
the person. Any payment of the tax for the period covered by the 130527  
assessment, after the person is so informed, shall be credited 130528  
against the assessment. 130529

A penalty of up to fifteen per cent may be added to all 130530  
amounts assessed under this section. The commissioner may adopt 130531  
rules providing for the imposition and remission of penalties. 130532

(B) Unless the party assessed files with the tax 130533



commissioner within sixty days after service of the notice of 130534  
assessment, ~~either personally or by certified mail,~~ a written 130535  
petition for reassessment signed by the party assessed or that 130536  
party's authorized agent having knowledge of the facts, the 130537  
assessment becomes final and the amount of the assessment is due 130538  
and payable from the party assessed to the treasurer of state. 130539  
The petition shall indicate the objections of the party 130540  
assessed, but additional objections may be raised in writing if 130541  
received by the commissioner prior to the date shown on the 130542  
final determination. If the petition has been properly filed, 130543  
the commissioner shall proceed under section 5703.60 of the 130544  
Revised Code. 130545

(C) After an assessment becomes final, if any portion of 130546  
the assessment, including accrued interest, remains unpaid, a 130547  
certified copy of the tax commissioner's entry making the 130548  
assessment final may be filed in the office of the clerk of the 130549  
court of common pleas in the county in which the party assessed 130550  
resides or in which the party's business is conducted. If the 130551  
party assessed maintains no place of business in this state and 130552  
is not a resident of this state, the certified copy of the entry 130553  
may be filed in the office of the clerk of the court of common 130554  
pleas of Franklin county. 130555

Immediately upon the filing of the entry, the clerk shall 130556  
enter a judgment for the state against the person assessed in 130557  
the amount shown on the entry. The judgment may be filed by the 130558  
clerk in a loose-leaf book entitled "special judgments for the 130559  
distribution excise taxes," and shall have the same effect as 130560  
other judgments. Execution shall issue upon the judgment at the 130561  
request of the tax commissioner, and all laws applicable to 130562  
sales on execution shall apply to sales made under the judgment. 130563

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) If the tax commissioner believes that collection of the tax imposed by section 5727.81 or 5727.811 of the Revised Code will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the party assessed or the party's legal representative within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the party assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the

assessment. Full or partial payment of the assessment does not 130595  
prejudice the commissioner's consideration of the petition for 130596  
reassessment. 130597

(E) All money collected by the tax commissioner under this 130598  
section shall be paid to the treasurer of state, and when paid 130599  
shall be considered as revenue arising from the taxes imposed by 130600  
sections 5727.81 and 5727.811 of the Revised Code. 130601

**Sec. 5728.10.** (A) If any person required to file a fuel 130602  
use tax return by sections 5728.01 to 5728.14 of the Revised 130603  
Code, fails to file the return within the time prescribed by 130604  
those sections, files an incomplete return, files an incorrect 130605  
return, or fails to remit the full amount of the tax due for the 130606  
period covered by the return, the tax commissioner may make an 130607  
assessment against the person, based upon any information in the 130608  
commissioner's possession, for the period for which the tax was 130609  
due. 130610

No assessment shall be made against any person for any tax 130611  
imposed by this chapter more than four years after the return 130612  
date for the period for which the tax was due or more than four 130613  
years after the return for the period was filed, whichever is 130614  
later. This section does not bar an assessment against any 130615  
person who fails to file a fuel use tax return as required by 130616  
this chapter, or who files a fraudulent fuel use tax return. 130617

A penalty of up to fifteen per cent may be added to the 130618  
amount of every assessment made pursuant to this section. The 130619  
commissioner may adopt rules providing for the imposition and 130620  
remission of penalties added to assessments made under this 130621  
section. 130622

The commissioner shall give the party assessed written 130623

notice of the assessment in the manner provided in section 130624  
5703.37 of the Revised Code. With the notice, the commissioner 130625  
shall provide instructions on how to petition for reassessment 130626  
and request a hearing on the petition. 130627

(B) Unless the party assessed files with the tax 130628  
commissioner within sixty days after service of the notice of 130629  
assessment, ~~either personally or by certified mail,~~ a written 130630  
petition for reassessment, signed by the party assessed, or by 130631  
the party's authorized agent having knowledge of the facts, the 130632  
assessment becomes final and the amount of the assessment is due 130633  
and payable from the party assessed to the treasurer of state. 130634  
The petition shall indicate the objections of the party 130635  
assessed, but additional objections may be raised in writing if 130636  
received by the commissioner prior to the date shown on the 130637  
final determination. If the petition has been properly filed, 130638  
the commissioner shall proceed under section 5703.60 of the 130639  
Revised Code. 130640

(C) After an assessment becomes final, if any portion of 130641  
the assessment remains unpaid, including accrued interest, a 130642  
certified copy of the tax commissioner's entry making the 130643  
assessment final may be filed in the office of the clerk of the 130644  
court of common pleas in the county in which the party's place 130645  
of business is located or the county in which the party assessed 130646  
resides. If the party maintains no office in this state and is 130647  
not a resident of this state, the certified copy of the entry 130648  
may be filed in the office of the clerk of the court of common 130649  
pleas of Franklin county. 130650

Immediately upon the filing of the entry, the clerk shall 130651  
enter a judgment for the state of Ohio against the party 130652  
assessed in the amount shown on the entry. The judgment may be 130653

filed by the clerk in a loose-leaf book entitled "special 130654  
judgments for state fuel use tax," and shall have the same 130655  
effect as other judgments. Execution shall issue upon the 130656  
judgment upon the request of the commissioner, and all laws 130657  
applicable to sales on execution shall apply to sales made under 130658  
the judgment. 130659

If the assessment is not paid within sixty days after the 130660  
day the assessment was issued, the portion of the assessment 130661  
consisting of tax due shall bear interest at the rate per annum 130662  
prescribed by section 5703.47 of the Revised Code from the day 130663  
the commissioner issues the assessment until it is paid or until 130664  
it is certified to the attorney general for collection under 130665  
section 131.02 of the Revised Code, whichever comes first. If 130666  
the unpaid portion of the assessment is certified to the 130667  
attorney general for collection, the entire unpaid portion of 130668  
the assessment shall bear interest at the rate per annum 130669  
prescribed by section 5703.47 of the Revised Code from the date 130670  
of certification until the date it is paid in its entirety. 130671  
Interest shall be paid in the same manner as the tax and may be 130672  
collected by the issuance of an assessment under this section. 130673

(D) All money collected by the tax commissioner under this 130674  
section shall be paid into the state treasury in the same manner 130675  
as the revenues deriving from the taxes imposed by section 130676  
5728.06 of the Revised Code. 130677

**Sec. 5729.10.** If a company fails to pay the tax levied by 130678  
section 5729.03 of the Revised Code, or to make any partial 130679  
payment thereof as required by law after a statement thereof has 130680  
been made and mailed to it, or if the annual statement required 130681  
by law to be made by it is false or incorrect, the 130682  
superintendent of insurance may revoke the license of such 130683

company doing business in this state. Upon failure to pay the 130684  
tax or to make partial payment thereof according to law, the 130685  
~~superintendent~~treasurer of state shall certify that fact to the 130686  
attorney general, who shall thereupon begin an action against 130687  
the company in the court of common pleas of Franklin county, or 130688  
any other county ~~he~~the attorney general elects, to recover the 130689  
amount of the tax. If such company ceases to do business in this 130690  
state, it shall thereupon make a report to the superintendent of 130691  
the gross amount of premiums not theretofore reported as 130692  
provided in section 5729.02 or 5729.04 of the Revised Code 130693  
received by it from policies covering risks within this state 130694  
prior to such discontinuance of business, after deducting return 130695  
premiums and considerations received for reinsurance not 130696  
theretofore so reported, and shall forthwith pay to the 130697  
~~superintendent~~treasurer of state a like per cent of tax 130698  
thereon. 130699

**Sec. 5729.18.** There is allowed a credit against the tax 130700  
imposed by section 5729.03 of the Revised Code for an insurance 130701  
company subject to that tax that holds the rights to a tax 130702  
credit certificate issued under section 122.09 of the Revised 130703  
Code. The credit shall equal the dollar amount indicated on the 130704  
certificate or the ensuing calendar year. The credit shall be 130705  
claimed in the calendar year specified in the certificate and in 130706  
the order required under section 5729.98 of the Revised Code. If 130707  
the credit exceeds the amount of tax otherwise due in that year, 130708  
the company may carry forward the excess for not more than five 130709  
ensuing years, but the amount of the excess credit claimed 130710  
against the tax for any year shall be deducted from the balance 130711  
carried forward to the next year. 130712

No credit shall be claimed under this section to the 130713  
extent the certificate was used to claim a credit under section 130714

5725.35, 5726.62, or 5747.87 of the Revised Code. 130715

**Sec. 5729.21.** Terms used in this section have the same 130716  
meanings as in section 122.84 of the Revised Code. 130717

There is allowed a ~~non-refundable~~-nonrefundable credit 130718  
against the tax imposed by section 5729.03 of the Revised Code 130719  
for a foreign insurance company that is issued, or to which is 130720  
transferred, a tax credit certificate under section 122.84 of 130721  
the Revised Code. The credit equals the amount stated on the 130722  
certificate and may be claimed for the calendar year that 130723  
includes the investment period that was the subject of the 130724  
application for the certificate under that section or for the 130725  
ensuing calendar year. For a credit issued during the July 130726  
application round each year, the credit may also be claimed for 130727  
the preceding calendar year. A taxpayer applying a credit for 130728  
the preceding calendar year shall file an amended return or 130729  
apply that amendment on the taxpayer's original return, for that 130730  
year. 130731

The credit authorized in this section shall be claimed in 130732  
the order required under section 5729.98 of the Revised Code. If 130733  
the amount of a credit exceeds the tax otherwise due under 130734  
section 5729.03 of the Revised Code after deducting all other 130735  
credits preceding the credit in that order, the excess may be 130736  
carried forward for not more than five ensuing calendar years. 130737  
The amount of the excess credit claimed in any such year shall 130738  
be deducted from the balance carried forward to the next 130739  
calendar year. 130740

No credit shall be claimed under this section to the 130741  
extent the credit was claimed under section 5725.38, 5726.61, or 130742  
5747.86 of the Revised Code. 130743

A foreign insurance company shall not be required to pay 130744  
any additional tax levied under section 5729.06 of the Revised 130745  
Code as a result of claiming the tax credit authorized by this 130746  
section. 130747

**Sec. 5735.12.** (A) Any person required by this chapter to 130748  
file reports or pay the tax levied by this chapter who fails to 130749  
do so within the time prescribed may be liable for an additional 130750  
charge not exceeding the greater of ten per cent of the person's 130751  
tax liability for that month or fifty dollars. The tax 130752  
commissioner may remit all or a portion of the additional charge 130753  
and may adopt rules relating to the remission of all or a 130754  
portion of the charge. 130755

If any person required by this chapter to file reports or 130756  
pay the taxes, interest, or additional charge levied by this 130757  
chapter fails to file the report, files an incomplete or 130758  
incorrect report, or fails to remit the full amount of the tax, 130759  
interest, or additional charge due for the period covered by the 130760  
report, the commissioner may make an assessment against the 130761  
person based upon any information in the commissioner's 130762  
possession. 130763

No assessment shall be made against any motor fuel dealer 130764  
for taxes imposed by this chapter more than four years after the 130765  
date on which the report on which the assessment was based was 130766  
due or was filed, whichever is later. This section does not bar 130767  
an assessment against any motor fuel dealer who fails to file a 130768  
report required by section 5735.06 of the Revised Code, or who 130769  
files a fraudulent motor fuel tax report. 130770

A penalty of up to fifteen per cent may be added to the 130771  
amount of every assessment made under this section. The 130772  
commissioner may adopt rules providing for the imposition and 130773



remission of penalties added to assessments made under this 130774  
section. 130775

The commissioner shall give the party assessed written 130776  
notice of the assessment in the manner provided in section 130777  
5703.37 of the Revised Code. With the notice, the commissioner 130778  
shall provide instructions on how to petition for reassessment 130779  
and request a hearing on the petition. 130780

(B) Unless the party assessed files with the tax 130781  
commissioner within sixty days after service of the notice of 130782  
assessment, ~~either personally or by certified mail,~~ a written 130783  
petition for reassessment in writing, signed by the party 130784  
assessed or that party's authorized agent having knowledge of 130785  
the facts, the assessment becomes final and the amount of the 130786  
assessment is due and payable from the party assessed to the 130787  
treasurer of state. The petition shall indicate the objections 130788  
of the party assessed, but additional objections may be raised 130789  
in writing if received by the commissioner prior to the date 130790  
shown on the final determination. If the petition has been 130791  
properly filed, the commissioner shall proceed under section 130792  
5703.60 of the Revised Code. 130793

(C) After an assessment becomes final, if any portion of 130794  
the assessment remains unpaid, including accrued interest, a 130795  
certified copy of the tax commissioner's entry making the 130796  
assessment final may be filed in the office of the clerk of the 130797  
court of common pleas in the county in which the party assessed 130798  
resides or in which the business of the party assessed is 130799  
conducted. If the party assessed maintains no place of business 130800  
in this state and is not a resident of this state, the certified 130801  
copy of the entry may be filed in the office of the clerk of the 130802  
court of common pleas of Franklin county. 130803

Immediately upon the filing of the entry, the clerk shall 130804  
enter a judgment for the state against the party assessed in the 130805  
amount shown on the entry. The judgment may be filed by the 130806  
clerk in a loose-leaf book entitled "special judgments for state 130807  
motor fuel tax," and shall have the same effect as other 130808  
judgments. Execution shall issue upon the judgment upon the 130809  
request of the tax commissioner, and all laws applicable to 130810  
sales on execution shall apply to sales made under the judgment. 130811

If the assessment is not paid in its entirety within sixty 130812  
days after the day the assessment was issued, the portion of the 130813  
assessment consisting of tax due shall bear interest at the rate 130814  
per annum prescribed by section 5703.47 of the Revised Code from 130815  
the day the commissioner issues the assessment until it is paid 130816  
or until it is certified to the attorney general for collection 130817  
under section 131.02 of the Revised Code, whichever comes first. 130818  
If the unpaid portion of the assessment is certified to the 130819  
attorney general for collection, the entire unpaid portion of 130820  
the assessment shall bear interest at the rate per annum 130821  
prescribed by section 5703.47 of the Revised Code from the date 130822  
of certification until the date it is paid in its entirety. 130823  
Interest shall be paid in the same manner as the tax and may be 130824  
collected by the issuance of an assessment under this section. 130825

(D) All money collected by the tax commissioner under this 130826  
section shall be paid to the treasurer of state, and when paid 130827  
shall be considered as revenue arising from the tax imposed by 130828  
this chapter. 130829

(E) If the tax commissioner determines that the 130830  
commissioner has erroneously refunded motor fuel tax to any 130831  
person, the commissioner may make an assessment against the 130832  
person for recovery of the erroneously refunded tax. 130833

**Sec. 5736.09.** (A) The tax commissioner may make an 130834  
assessment, based on any information in the commissioner's 130835  
possession, against any person that fails to file a return or 130836  
pay any tax as required by this chapter. The commissioner shall 130837  
give the person assessed written notice of the assessment as 130838  
provided in section 5703.37 of the Revised Code. With the 130839  
notice, the commissioner shall provide instructions on the 130840  
manner in which to petition for reassessment and request a 130841  
hearing with respect to the petition. 130842

(B) Unless the person assessed, within sixty days after 130843  
service of the notice of assessment, files with the 130844  
commissioner, ~~either personally or by certified mail,~~ a written 130845  
petition signed by the person or the person's authorized agent 130846  
having knowledge of the facts, the assessment becomes final, and 130847  
the amount of the assessment is due and payable from the person 130848  
assessed to the treasurer of state. The petition shall indicate 130849  
the objections of the person assessed, but additional objections 130850  
may be raised in writing if received by the commissioner prior 130851  
to the date shown on the final determination. 130852

If a petition for reassessment has been properly filed, 130853  
the commissioner shall proceed under section 5703.60 of the 130854  
Revised Code. 130855

(C) (1) After an assessment becomes final, if any portion 130856  
of the assessment, including accrued interest, remains unpaid, a 130857  
certified copy of the commissioner's entry making the assessment 130858  
final may be filed in the office of the clerk of the court of 130859  
common pleas in the county in which the person resides or has 130860  
its principal place of business in this state, or in the office 130861  
of the clerk of court of common pleas of Franklin county. 130862

(2) Immediately upon the filing of the entry, the clerk 130863

shall enter judgment for the state against the person assessed 130864  
in the amount shown on the entry. The judgment may be filed by 130865  
the clerk in a loose-leaf book entitled, "special judgments for 130866  
the petroleum activity tax" and shall have the same effect as 130867  
other judgments. Execution shall issue upon the judgment at the 130868  
request of the commissioner, and all laws applicable to sales on 130869  
execution shall apply to sales made under the judgment. 130870

(3) If the assessment is not paid in its entirety within 130871  
sixty days after the day the assessment was issued, the portion 130872  
of the assessment consisting of tax due shall bear interest at 130873  
the rate per annum prescribed by section 5703.47 of the Revised 130874  
Code from the day the commissioner issues the assessment until 130875  
it is paid or until it is certified to the attorney general for 130876  
collection under section 131.02 of the Revised Code, whichever 130877  
comes first. If the unpaid portion of the assessment is 130878  
certified to the attorney general for collection, the entire 130879  
unpaid portion of the assessment shall bear interest at the rate 130880  
per annum prescribed by section 5703.47 of the Revised Code from 130881  
the date of certification until the date it is paid in its 130882  
entirety. Interest shall be paid in the same manner as the tax 130883  
and may be collected by the issuance of an assessment under this 130884  
section. 130885

(D) If the commissioner believes that collection of the 130886  
tax will be jeopardized unless proceedings to collect or secure 130887  
collection of the tax are instituted without delay, the 130888  
commissioner may issue a jeopardy assessment against the person 130889  
liable for the tax. Immediately upon the issuance of the 130890  
jeopardy assessment, the commissioner shall file an entry with 130891  
the clerk of the court of common pleas in the manner prescribed 130892  
by division (C) of this section. Notice of the jeopardy 130893  
assessment shall be served on the person assessed or the 130894

person's authorized agent in the manner provided in section 130895  
5703.37 of the Revised Code within five days of the filing of 130896  
the entry with the clerk. The total amount assessed is 130897  
immediately due and payable, unless the person assessed files a 130898  
petition for reassessment in accordance with division (B) of 130899  
this section and provides security in a form satisfactory to the 130900  
commissioner and in an amount sufficient to satisfy the unpaid 130901  
balance of the assessment. Full or partial payment of the 130902  
assessment does not prejudice the commissioner's consideration 130903  
of the petition for reassessment. 130904

(E) The commissioner shall immediately forward to the 130905  
treasurer of state all amounts the commissioner receives under 130906  
this section, and such amounts shall be considered as revenue 130907  
arising from the tax imposed under this chapter. 130908

(F) Except as otherwise provided in this division, no 130909  
assessment shall be made or issued against a taxpayer for the 130910  
tax imposed under this chapter more than four years after the 130911  
due date for the filing of the return for the tax period for 130912  
which the tax was reported, or more than four years after the 130913  
return for the tax period was filed, whichever is later. The 130914  
time limit may be extended if both the taxpayer and the 130915  
commissioner consent in writing to the extension or enter into 130916  
an agreement waiving or extending the time limit. Any such 130917  
extension shall extend the four-year time limit in division (A) 130918  
of section 5736.08 of the Revised Code for the same period of 130919  
time. Nothing in this division bars an assessment against a 130920  
taxpayer that fails to file a return required by this chapter or 130921  
that files a fraudulent return. 130922

(G) If the commissioner possesses information that 130923  
indicates that the amount of tax a taxpayer is required to pay 130924

under this chapter exceeds the amount the taxpayer paid, the 130925  
commissioner may audit a sample of the taxpayer's calculated 130926  
gross receipts over a representative period of time to ascertain 130927  
the amount of tax due, and may issue an assessment based on the 130928  
audit. The commissioner shall make a good faith effort to reach 130929  
agreement with the taxpayer in selecting a representative 130930  
sample. The commissioner may apply a sampling method only if the 130931  
commissioner has prescribed the method by rule. 130932

(H) If the whereabouts of a person subject to this chapter 130933  
is not known to the commissioner, the commissioner shall follow 130934  
the procedures under section 5703.37 of the Revised Code. 130935

**Sec. 5739.01.** As used in this chapter: 130936

(A) "Person" includes individuals, receivers, assignees, 130937  
trustees in bankruptcy, estates, firms, partnerships, 130938  
associations, joint-stock companies, joint ventures, clubs, 130939  
societies, corporations, the state and its political 130940  
subdivisions, and combinations of individuals of any form. 130941

(B) "Sale" and "selling" include all of the following 130942  
transactions for a consideration in any manner, whether 130943  
absolutely or conditionally, whether for a price or rental, in 130944  
money or by exchange, and by any means whatsoever: 130945

(1) All transactions by which title or possession, or 130946  
both, of tangible personal property, is or is to be transferred, 130947  
or a license to use or consume tangible personal property is or 130948  
is to be granted; 130949

(2) All transactions by which lodging by a hotel is or is 130950  
to be furnished to transient guests; 130951

(3) All transactions by which: 130952

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;

(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;

(d) Laundry and dry cleaning services are or are to be provided;

(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with

voting rights.	130983
(f) Telecommunications service, including prepaid calling	130984
service, prepaid wireless calling service, or ancillary service,	130985
is or is to be provided, but not including coin-operated	130986
telephone service;	130987
(g) Landscaping and lawn care service is or is to be	130988
provided;	130989
(h) Private investigation and security service is or is to	130990
be provided;	130991
(i) Information services or tangible personal property is	130992
provided or ordered by means of a nine hundred telephone call;	130993
(j) Building maintenance and janitorial service is or is	130994
to be provided;	130995
(k) Exterminating service is or is to be provided;	130996
(l) Physical fitness facility service is or is to be	130997
provided;	130998
(m) Recreation and sports club service is or is to be	130999
provided;	131000
(n) Satellite broadcasting service is or is to be	131001
provided;	131002
(o) Personal care service is or is to be provided to an	131003
individual. As used in this division, "personal care service"	131004
includes skin care, the application of cosmetics, manicuring,	131005
pedicuring, hair removal, tattooing, body piercing, tanning,	131006
massage, and other similar services. "Personal care service"	131007
does not include a service provided by or on the order of a	131008
licensed physician, certified nurse-midwife, clinical nurse	131009



specialist, certified nurse practitioner, or chiropractor, or 131010  
the cutting, coloring, or styling of an individual's hair. 131011

(p) The transportation of persons by motor vehicle or 131012  
aircraft is or is to be provided, when the transportation is 131013  
entirely within this state, except for transportation provided 131014  
by an ambulance service, by a transit bus, as defined in section 131015  
5735.01 of the Revised Code, and transportation provided by a 131016  
citizen of the United States holding a certificate of public 131017  
convenience and necessity issued under 49 U.S.C. 41102; 131018

(q) Motor vehicle towing service is or is to be provided. 131019  
As used in this division, "motor vehicle towing service" means 131020  
the towing or conveyance of a wrecked, disabled, or illegally 131021  
parked motor vehicle. 131022

(r) Snow removal service is or is to be provided. As used 131023  
in this division, "snow removal service" means the removal of 131024  
snow by any mechanized means, but does not include the providing 131025  
of such service by a person that has less than five thousand 131026  
dollars in sales of such service during the calendar year. 131027

(s) Electronic publishing service is or is to be provided 131028  
to a consumer for use in business, except that such transactions 131029  
occurring between members of an affiliated group, as defined in 131030  
division (B) (3) (e) of this section, are not sales. 131031

(4) All transactions by which printed, imprinted, 131032  
overprinted, lithographic, multilithic, blueprinted, 131033  
photostatic, or other productions or reproductions of written or 131034  
graphic matter are or are to be furnished or transferred; 131035

(5) The production or fabrication of tangible personal 131036  
property for a consideration for consumers who furnish either 131037  
directly or indirectly the materials used in the production of 131038

fabrication work; and include the furnishing, preparing, or 131039  
serving for a consideration of any tangible personal property 131040  
consumed on the premises of the person furnishing, preparing, or 131041  
serving such tangible personal property. Except as provided in 131042  
section 5739.03 of the Revised Code, a construction contract 131043  
pursuant to which tangible personal property is or is to be 131044  
incorporated into a structure or improvement on and becoming a 131045  
part of real property is not a sale of such tangible personal 131046  
property. The construction contractor is the consumer of such 131047  
tangible personal property, provided that the sale and 131048  
installation of carpeting, the sale and installation of 131049  
agricultural land tile, the sale and erection or installation of 131050  
portable grain bins, or the provision of landscaping and lawn 131051  
care service and the transfer of property as part of such 131052  
service is never a construction contract. 131053

As used in division (B) (5) of this section: 131054

(a) "Agricultural land tile" means fired clay or concrete 131055  
tile, or flexible or rigid perforated plastic pipe or tubing, 131056  
incorporated or to be incorporated into a subsurface drainage 131057  
system appurtenant to land used or to be used primarily in 131058  
production by farming, agriculture, horticulture, or 131059  
floriculture. The term does not include such materials when they 131060  
are or are to be incorporated into a drainage system appurtenant 131061  
to a building or structure even if the building or structure is 131062  
used or to be used in such production. 131063

(b) "Portable grain bin" means a structure that is used or 131064  
to be used by a person engaged in farming or agriculture to 131065  
shelter the person's grain and that is designed to be 131066  
disassembled without significant damage to its component parts. 131067

(6) All transactions in which all of the shares of stock 131068

of a closely held corporation are transferred, or an ownership 131069  
interest in a pass-through entity, as defined in section 5733.04 131070  
of the Revised Code, is transferred, if the corporation or pass- 131071  
through entity is not engaging in business and its entire assets 131072  
consist of boats, planes, motor vehicles, or other tangible 131073  
personal property operated primarily for the use and enjoyment 131074  
of the shareholders or owners; 131075

(7) All transactions in which a warranty, maintenance or 131076  
service contract, or similar agreement by which the vendor of 131077  
the warranty, contract, or agreement agrees to repair or 131078  
maintain the tangible personal property of the consumer is or is 131079  
to be provided; 131080

(8) The transfer of copyrighted motion picture films ~~used~~ 131081  
~~solely for advertising purposes, except that the transfer of~~ 131082  
~~such films for exhibition purposes is not a sale;~~ 131083

(9) All transactions by which tangible personal property 131084  
is or is to be stored, except such property that the consumer of 131085  
the storage holds for sale in the regular course of business; 131086

(10) All transactions in which "guaranteed auto 131087  
protection" is provided whereby a person promises to pay to the 131088  
consumer the difference between the amount the consumer receives 131089  
from motor vehicle insurance and the amount the consumer owes to 131090  
a person holding title to or a lien on the consumer's motor 131091  
vehicle in the event the consumer's motor vehicle suffers a 131092  
total loss under the terms of the motor vehicle insurance policy 131093  
or is stolen and not recovered, if the protection and its price 131094  
are included in the purchase or lease agreement; 131095

(11) (a) Except as provided in division (B) (11) (b) of this 131096  
section, all transactions by which health care services are paid 131097

for, reimbursed, provided, delivered, arranged for, or otherwise 131098  
made available by a medicaid health insuring corporation 131099  
pursuant to the corporation's contract with the state. 131100

(b) If the centers for medicare and medicaid services of 131101  
the United States department of health and human services 131102  
determines that the taxation of transactions described in 131103  
division (B)(11)(a) of this section constitutes an impermissible 131104  
health care-related tax under the "Social Security Act," section 131105  
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 131106  
the medicaid director shall notify the tax commissioner of that 131107  
determination. Beginning with the first day of the month 131108  
following that notification, the transactions described in 131109  
division (B)(11)(a) of this section are not sales for the 131110  
purposes of this chapter or Chapter 5741. of the Revised Code. 131111  
The tax commissioner shall order that the collection of taxes 131112  
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 131113  
5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 131114  
for transactions occurring on or after that date. 131115

(12) All transactions by which a specified digital product 131116  
is provided for permanent use or less than permanent use, 131117  
regardless of whether continued payment is required. 131118

(13) All transactions by a delivery network company for 131119  
the company's delivery network services, provided the company 131120  
has a waiver issued under section 5741.072 of the Revised Code. 131121

Except as provided in this section, "sale" and "selling" 131122  
do not include transfers of interest in leased property where 131123  
the original lessee and the terms of the original lease 131124  
agreement remain unchanged, or professional, insurance, or 131125  
personal service transactions that involve the transfer of 131126  
tangible personal property as an inconsequential element, for 131127

which no separate charges are made. 131128

(C) "Vendor" means the person providing the service or by 131129  
whom the transfer effected or license given by a sale is or is 131130  
to be made or given and, for sales described in division (B) (3) 131131  
(i) of this section, the telecommunications service vendor that 131132  
provides the nine hundred telephone service; if two or more 131133  
persons are engaged in business at the same place of business 131134  
under a single trade name in which all collections on account of 131135  
sales by each are made, such persons shall constitute a single 131136  
vendor. 131137

Physicians, certified nurse-midwives, clinical nurse 131138  
specialists, certified nurse practitioners, dentists, hospitals, 131139  
and veterinarians who are engaged in selling tangible personal 131140  
property as received from others, such as eyeglasses, 131141  
mouthwashes, dentifrices, or similar articles, are vendors. 131142  
Veterinarians who are engaged in transferring to others for a 131143  
consideration drugs, the dispensing of which does not require an 131144  
order of a licensed veterinarian, physician, certified nurse- 131145  
midwife, clinical nurse specialist, or certified nurse 131146  
practitioner under federal law, are vendors. 131147

The operator of any peer-to-peer car sharing program shall 131148  
be considered to be the vendor. 131149

(D) (1) "Consumer" means the person for whom the service is 131150  
provided, to whom the transfer effected or license given by a 131151  
sale is or is to be made or given, to whom the service described 131152  
in division (B) (3) (f) or (i) of this section is charged, or to 131153  
whom the admission is granted. 131154

(2) Physicians, certified nurse-midwives, clinical nurse 131155  
specialists, certified nurse practitioners, dentists, hospitals, 131156

and blood banks operated by nonprofit institutions and persons 131157  
licensed to practice veterinary medicine, surgery, and dentistry 131158  
are consumers of all tangible personal property and services 131159  
purchased by them in connection with the practice of medicine, 131160  
dentistry, the rendition of hospital or blood bank service, or 131161  
the practice of veterinary medicine, surgery, and dentistry. In 131162  
addition to being consumers of drugs administered by them or by 131163  
their assistants according to their direction, veterinarians 131164  
also are consumers of drugs that under federal law may be 131165  
dispensed only by or upon the order of a licensed veterinarian, 131166  
physician, certified nurse-midwife, clinical nurse specialist, 131167  
or certified nurse practitioner, when transferred by them to 131168  
others for a consideration to provide treatment to animals as 131169  
directed by the veterinarian. 131170

(3) A person who performs a facility management, or 131171  
similar service contract for a contractee is a consumer of all 131172  
tangible personal property and services purchased for use in 131173  
connection with the performance of such contract, regardless of 131174  
whether title to any such property vests in the contractee. The 131175  
purchase of such property and services is not subject to the 131176  
exception for resale under division (E) of this section. 131177

(4) (a) In the case of a person who purchases printed 131178  
matter for the purpose of distributing it or having it 131179  
distributed to the public or to a designated segment of the 131180  
public, free of charge, that person is the consumer of that 131181  
printed matter, and the purchase of that printed matter for that 131182  
purpose is a sale. 131183

(b) In the case of a person who produces, rather than 131184  
purchases, printed matter for the purpose of distributing it or 131185  
having it distributed to the public or to a designated segment 131186

of the public, free of charge, that person is the consumer of 131187  
all tangible personal property and services purchased for use or 131188  
consumption in the production of that printed matter. ~~That~~ 131189  
~~person is not entitled to claim exemption under division (B) (42)~~ 131190  
~~(f) of section 5739.02 of the Revised Code for any material~~ 131191  
~~incorporated into the printed matter or any equipment, supplies,~~ 131192  
~~or services primarily used to produce the printed matter.~~ 131193

(c) The distribution of printed matter to the public or to 131194  
a designated segment of the public, free of charge, is not a 131195  
sale to the members of the public to whom the printed matter is 131196  
distributed or to any persons who purchase space in the printed 131197  
matter for advertising or other purposes. 131198

(5) A person who makes sales of any of the services listed 131199  
in division (B) (3) of this section is the consumer of any 131200  
tangible personal property used in performing the service. The 131201  
purchase of that property is not subject to the resale exception 131202  
under division (E) of this section. 131203

(6) A person who engages in highway transportation for 131204  
hire is the consumer of all packaging materials purchased by 131205  
that person and used in performing the service, except for 131206  
packaging materials sold by such person in a transaction 131207  
separate from the service. 131208

(7) In the case of a transaction for health care services 131209  
under division (B) (11) of this section, a medicaid health 131210  
insuring corporation is the consumer of such services. The 131211  
purchase of such services by a medicaid health insuring 131212  
corporation is not subject to the exception for resale under 131213  
division (E) of this section or to the exemptions provided under 131214  
divisions (B) (12), (18), (19), and (22) of section 5739.02 of 131215  
the Revised Code. 131216

(E) "Retail sale" and "sales at retail" include all sales, 131217  
except those in which the purpose of the consumer is to resell 131218  
the thing transferred or benefit of the service provided, by a 131219  
person engaging in business, in the form in which the same is, 131220  
or is to be, received by the person. 131221

(F) "Business" includes any activity engaged in by any 131222  
person with the object of gain, benefit, or advantage, either 131223  
direct or indirect. "Business" does not include the activity of 131224  
a person in managing and investing the person's own funds. 131225

(G) "Engaging in business" means commencing, conducting, 131226  
or continuing in business, and liquidating a business when the 131227  
liquidator thereof holds itself out to the public as conducting 131228  
such business. Making a casual sale is not engaging in business. 131229

(H) (1) (a) "Price," except as provided in divisions (H) (2), 131230  
(3), and (4) of this section, means the total amount of 131231  
consideration, including cash, credit, property, and services, 131232  
for which tangible personal property or services are sold, 131233  
leased, or rented, valued in money, whether received in money or 131234  
otherwise, without any deduction for any of the following: 131235

(i) The vendor's cost of the property sold; 131236

(ii) The cost of materials used, labor or service costs, 131237  
interest, losses, all costs of transportation to the vendor, all 131238  
taxes imposed on the vendor, including the tax imposed under 131239  
Chapter 5751. of the Revised Code, and any other expense of the 131240  
vendor; 131241

(iii) Charges by the vendor for any services necessary to 131242  
complete the sale; 131243

(iv) Delivery charges. As used in this division, "delivery 131244  
charges" means charges by the vendor for preparation and 131245



delivery to a location designated by the consumer of tangible 131246  
personal property or a service, including transportation, 131247  
shipping, postage, handling, crating, and packing. 131248

(v) Installation charges; 131249

(vi) Credit for any trade-in. 131250

(b) "Price" includes consideration received by the vendor 131251  
from a third party, if the vendor actually receives the 131252  
consideration from a party other than the consumer, and the 131253  
consideration is directly related to a price reduction or 131254  
discount on the sale; the vendor has an obligation to pass the 131255  
price reduction or discount through to the consumer; the amount 131256  
of the consideration attributable to the sale is fixed and 131257  
determinable by the vendor at the time of the sale of the item 131258  
to the consumer; and one of the following criteria is met: 131259

(i) The consumer presents a coupon, certificate, or other 131260  
document to the vendor to claim a price reduction or discount 131261  
where the coupon, certificate, or document is authorized, 131262  
distributed, or granted by a third party with the understanding 131263  
that the third party will reimburse any vendor to whom the 131264  
coupon, certificate, or document is presented; 131265

(ii) The consumer identifies the consumer's self to the 131266  
seller as a member of a group or organization entitled to a 131267  
price reduction or discount. A preferred customer card that is 131268  
available to any patron does not constitute membership in such a 131269  
group or organization. 131270

(iii) The price reduction or discount is identified as a 131271  
third party price reduction or discount on the invoice received 131272  
by the consumer, or on a coupon, certificate, or other document 131273  
presented by the consumer. 131274

(c) "Price" does not include any of the following: 131275

(i) Discounts, including cash, term, or coupons that are 131276  
not reimbursed by a third party that are allowed by a vendor and 131277  
taken by a consumer on a sale; 131278

(ii) Interest, financing, and carrying charges from credit 131279  
extended on the sale of tangible personal property or services, 131280  
if the amount is separately stated on the invoice, bill of sale, 131281  
or similar document given to the purchaser; 131282

(iii) Any taxes legally imposed directly on the consumer 131283  
that are separately stated on the invoice, bill of sale, or 131284  
similar document given to the consumer. For the purpose of this 131285  
division, the tax imposed under Chapter 5751. of the Revised 131286  
Code is not a tax directly on the consumer, even if the tax or a 131287  
portion thereof is separately stated. 131288

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of 131289  
this section, any discount allowed by an automobile manufacturer 131290  
to its employee, or to the employee of a supplier, on the 131291  
purchase of a new motor vehicle from a new motor vehicle dealer 131292  
in this state. 131293

(v) The dollar value of a gift card that is not sold by a 131294  
vendor or purchased by a consumer and that is redeemed by the 131295  
consumer in purchasing tangible personal property or services if 131296  
the vendor is not reimbursed and does not receive compensation 131297  
from a third party to cover all or part of the gift card value. 131298  
For the purposes of this division, a gift card is not sold by a 131299  
vendor or purchased by a consumer if it is distributed pursuant 131300  
to an awards, loyalty, or promotional program. Past and present 131301  
purchases of tangible personal property or services by the 131302  
consumer shall not be treated as consideration exchanged for a 131303

gift card. 131304

(2) In the case of a sale of any new motor vehicle by a 131305  
new motor vehicle dealer, as defined in section 4517.01 of the 131306  
Revised Code, in which another motor vehicle is accepted by the 131307  
dealer as part of the consideration received, "price" has the 131308  
same meaning as in division (H)(1) of this section, reduced by 131309  
the credit afforded the consumer by the dealer for the motor 131310  
vehicle received in trade. 131311

(3) In the case of a sale of any watercraft or outboard 131312  
motor by a watercraft dealer licensed in accordance with section 131313  
1547.543 of the Revised Code, in which another watercraft, 131314  
watercraft and trailer, or outboard motor is accepted by the 131315  
dealer as part of the consideration received, "price" has the 131316  
same meaning as in division (H)(1) of this section, reduced by 131317  
the credit afforded the consumer by the dealer for the 131318  
watercraft, watercraft and trailer, or outboard motor received 131319  
in trade. As used in this division, "watercraft" includes an 131320  
outdrive unit attached to the watercraft. 131321

(4) In the case of transactions for health care services 131322  
under division (B)(11) of this section, "price" means the amount 131323  
of managed care premiums received each month by a medicaid 131324  
health insuring corporation. 131325

(I) "Receipts" means the total amount of the prices of the 131326  
sales of vendors, provided that the dollar value of gift cards 131327  
distributed pursuant to an awards, loyalty, or promotional 131328  
program, and cash discounts allowed and taken on sales at the 131329  
time they are consummated are not included, minus any amount 131330  
deducted as a bad debt pursuant to section 5739.121 of the 131331  
Revised Code. "Receipts" does not include the sale price of 131332  
property returned or services rejected by consumers when the 131333

full sale price and tax are refunded either in cash or by 131334  
credit. 131335

(J) "Place of business" means any location at which a 131336  
person engages in business. 131337

(K) "Premises" includes any real property or portion 131338  
thereof upon which any person engages in selling tangible 131339  
personal property at retail or making retail sales and also 131340  
includes any real property or portion thereof designated for, or 131341  
devoted to, use in conjunction with the business engaged in by 131342  
such person. 131343

(L) "Casual sale" means a sale of an item of tangible 131344  
personal property that was obtained by the person making the 131345  
sale, through purchase or otherwise, for the person's own use 131346  
and was previously subject to any state's taxing jurisdiction on 131347  
its sale or use, and includes such items acquired for the 131348  
seller's use that are sold by an auctioneer employed directly by 131349  
the person for such purpose, provided the location of such sales 131350  
is not the auctioneer's permanent place of business. As used in 131351  
this division, "permanent place of business" includes any 131352  
location where such auctioneer has conducted more than two 131353  
auctions during the year. 131354

(M) "Hotel" means every establishment kept, used, 131355  
maintained, advertised, or held out to the public to be a place 131356  
where sleeping accommodations are offered to guests, in which 131357  
five or more rooms are used for the accommodation of such 131358  
guests, whether the rooms are in one or several structures, 131359  
except as otherwise provided in section 5739.091 of the Revised 131360  
Code. 131361

(N) "Transient guests" means persons occupying a room or 131362

rooms for sleeping accommodations for less than thirty 131363  
consecutive days. 131364

(O) "Making retail sales" means the effecting of 131365  
transactions wherein one party is obligated to pay the price and 131366  
the other party is obligated to provide a service or to transfer 131367  
title to or possession of the item sold. "Making retail sales" 131368  
does not include the preliminary acts of promoting or soliciting 131369  
the retail sales, other than the distribution of printed matter 131370  
which displays or describes and prices the item offered for 131371  
sale, nor does it include delivery of a predetermined quantity 131372  
of tangible personal property or transportation of property or 131373  
personnel to or from a place where a service is performed. 131374

(P) "Used directly in the rendition of a public utility 131375  
service" means that property that is to be incorporated into and 131376  
will become a part of the consumer's production, transmission, 131377  
transportation, or distribution system and that retains its 131378  
classification as tangible personal property after such 131379  
incorporation; fuel or power used in the production, 131380  
transmission, transportation, or distribution system; and 131381  
tangible personal property used in the repair and maintenance of 131382  
the production, transmission, transportation, or distribution 131383  
system, including only such motor vehicles as are specially 131384  
designed and equipped for such use. Tangible personal property 131385  
and services used primarily in providing highway transportation 131386  
for hire are not used directly in the rendition of a public 131387  
utility service. In this definition, "public utility" includes a 131388  
citizen of the United States holding, and required to hold, a 131389  
certificate of public convenience and necessity issued under 49 131390  
U.S.C. 41102. 131391

(Q) "Refining" means removing or separating a desirable 131392

product from raw or contaminated materials by distillation or 131393  
physical, mechanical, or chemical processes. 131394

(R) "Assembly" and "assembling" mean attaching or fitting 131395  
together parts to form a product, but do not include packaging a 131396  
product. 131397

(S) "Manufacturing operation" means a process in which 131398  
materials are changed, converted, or transformed into a 131399  
different state or form from which they previously existed and 131400  
includes refining materials, assembling parts, and preparing raw 131401  
materials and parts by mixing, measuring, blending, or otherwise 131402  
committing such materials or parts to the manufacturing process. 131403  
"Manufacturing operation" does not include packaging. 131404

(T) "Fiscal officer" means, with respect to a regional 131405  
transit authority, the secretary-treasurer thereof, and with 131406  
respect to a county that is a transit authority, the fiscal 131407  
officer of the county transit board if one is appointed pursuant 131408  
to section 306.03 of the Revised Code or the county auditor if 131409  
the board of county commissioners operates the county transit 131410  
system. 131411

(U) "Transit authority" means a regional transit authority 131412  
created pursuant to section 306.31 of the Revised Code or a 131413  
county in which a county transit system is created pursuant to 131414  
section 306.01 of the Revised Code. For the purposes of this 131415  
chapter, a transit authority must extend to at least the entire 131416  
area of a single county. A transit authority that includes 131417  
territory in more than one county must include all the area of 131418  
the most populous county that is a part of such transit 131419  
authority. County population shall be measured by the most 131420  
recent census taken by the United States census bureau. 131421

(V) "Legislative authority" means, with respect to a 131422  
regional transit authority, the board of trustees thereof, and 131423  
with respect to a county that is a transit authority, the board 131424  
of county commissioners. 131425

(W) "Territory of the transit authority" means all of the 131426  
area included within the territorial boundaries of a transit 131427  
authority as they from time to time exist. Such territorial 131428  
boundaries must at all times include all the area of a single 131429  
county or all the area of the most populous county that is a 131430  
part of such transit authority. County population shall be 131431  
measured by the most recent census taken by the United States 131432  
census bureau. 131433

(X) "Providing a service" means providing or furnishing 131434  
anything described in division (B) (3) of this section for 131435  
consideration. 131436

(Y) (1) (a) "Automatic data processing" means processing of 131437  
others' data, including keypunching or similar data entry 131438  
services together with verification thereof, or providing access 131439  
to computer equipment for the purpose of processing data. 131440

(b) "Computer services" means providing services 131441  
consisting of specifying computer hardware configurations and 131442  
evaluating technical processing characteristics, computer 131443  
programming, and training of computer programmers and operators, 131444  
provided in conjunction with and to support the sale, lease, or 131445  
operation of taxable computer equipment or systems. 131446

(c) "Electronic information services" means providing 131447  
access to computer equipment by means of telecommunications 131448  
equipment for the purpose of either of the following: 131449

(i) Examining or acquiring data stored in or accessible to 131450

the computer equipment; 131451

(ii) Placing data into the computer equipment to be 131452  
retrieved by designated recipients with access to the computer 131453  
equipment. 131454

"Electronic information services" does not include 131455  
electronic publishing. 131456

(d) "Automatic data processing, computer services, or 131457  
electronic information services" shall not include personal or 131458  
professional services. 131459

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 131460  
section, "personal and professional services" means all services 131461  
other than automatic data processing, computer services, or 131462  
electronic information services, including but not limited to: 131463

(a) Accounting and legal services such as advice on tax 131464  
matters, asset management, budgetary matters, quality control, 131465  
information security, and auditing and any other situation where 131466  
the service provider receives data or information and studies, 131467  
alters, analyzes, interprets, or adjusts such material; 131468

(b) Analyzing business policies and procedures; 131469

(c) Identifying management information needs; 131470

(d) Feasibility studies, including economic and technical 131471  
analysis of existing or potential computer hardware or software 131472  
needs and alternatives; 131473

(e) Designing policies, procedures, and custom software 131474  
for collecting business information, and determining how data 131475  
should be summarized, sequenced, formatted, processed, 131476  
controlled, and reported so that it will be meaningful to 131477  
management; 131478



(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	131479 131480 131481
(g) Testing of business procedures;	131482
(h) Training personnel in business procedure applications;	131483
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	131484 131485 131486 131487 131488 131489 131490
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	131491 131492
(k) Providing digital advertising services;	131493
(l) Providing services to electronically file any federal, state, or local individual income tax return, report, or other related document or schedule with a federal, state, or local government entity or to electronically remit a payment of any such individual income tax to such an entity. For the purpose of this division, "individual income tax" does not include federal, state, or local taxes withheld by an employer from an employee's compensation.	131494 131495 131496 131497 131498 131499 131500 131501
The services listed in divisions (Y) (2) (a) to (l) of this section are not automatic data processing or computer services.	131502 131503
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	131504 131505 131506

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

"Highway transportation for hire" does not include delivery network services.

(AA) (1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow 131536  
data to be generated, acquired, stored, processed, or retrieved 131537  
and delivered by an electronic transmission to a consumer where 131538  
the consumer's primary purpose for the underlying transaction is 131539  
the processed data or information; 131540

(b) Installation or maintenance of wiring or equipment on 131541  
a customer's premises; 131542

(c) Tangible personal property; 131543

(d) Advertising, including directory advertising; 131544

(e) Billing and collection services provided to third 131545  
parties; 131546

(f) Internet access service; 131547

(g) Radio and television audio and video programming 131548  
services, regardless of the medium, including the furnishing of 131549  
transmission, conveyance, and routing of such services by the 131550  
programming service provider. Radio and television audio and 131551  
video programming services include, but are not limited to, 131552  
cable service, as defined in 47 U.S.C. 522(6), and audio and 131553  
video programming services delivered by commercial mobile radio 131554  
service providers, as defined in 47 C.F.R. 20.3; 131555

(h) Ancillary service; 131556

(i) Digital products delivered electronically, including 131557  
software, music, video, reading materials, or ring tones. 131558

(2) "Ancillary service" means a service that is associated 131559  
with or incidental to the provision of telecommunications 131560  
service, including conference bridging service, detailed 131561  
telecommunications billing service, directory assistance, 131562  
vertical service, and voice mail service. As used in this 131563

division: 131564

(a) "Conference bridging service" means an ancillary 131565  
service that links two or more participants of an audio or video 131566  
conference call, including providing a telephone number. 131567  
"Conference bridging service" does not include 131568  
telecommunications services used to reach the conference bridge. 131569

(b) "Detailed telecommunications billing service" means an 131570  
ancillary service of separately stating information pertaining 131571  
to individual calls on a customer's billing statement. 131572

(c) "Directory assistance" means an ancillary service of 131573  
providing telephone number or address information. 131574

(d) "Vertical service" means an ancillary service that is 131575  
offered in connection with one or more telecommunications 131576  
services, which offers advanced calling features that allow 131577  
customers to identify callers and manage multiple calls and call 131578  
connections, including conference bridging service. 131579

(e) "Voice mail service" means an ancillary service that 131580  
enables the customer to store, send, or receive recorded 131581  
messages. "Voice mail service" does not include any vertical 131582  
services that the customer may be required to have in order to 131583  
utilize the voice mail service. 131584

(3) "900 service" means an inbound toll telecommunications 131585  
service purchased by a subscriber that allows the subscriber's 131586  
customers to call in to the subscriber's prerecorded 131587  
announcement or live service, and which is typically marketed 131588  
under the name "900 service" and any subsequent numbers 131589  
designated by the federal communications commission. "900 131590  
service" does not include the charge for collection services 131591  
provided by the seller of the telecommunications service to the 131592

subscriber, or services or products sold by the subscriber to 131593  
the subscriber's customer. 131594

(4) "Prepaid calling service" means the right to access 131595  
exclusively telecommunications services, which must be paid for 131596  
in advance and which enables the origination of calls using an 131597  
access number or authorization code, whether manually or 131598  
electronically dialed, and that is sold in predetermined units 131599  
or dollars of which the number declines with use in a known 131600  
amount. 131601

(5) "Prepaid wireless calling service" means a 131602  
telecommunications service that provides the right to utilize 131603  
mobile telecommunications service as well as other non- 131604  
telecommunications services, including the download of digital 131605  
products delivered electronically, and content and ancillary 131606  
services, that must be paid for in advance and that is sold in 131607  
predetermined units or dollars of which the number declines with 131608  
use in a known amount. 131609

(6) "Value-added non-voice data service" means a 131610  
telecommunications service in which computer processing 131611  
applications are used to act on the form, content, code, or 131612  
protocol of the information or data primarily for a purpose 131613  
other than transmission, conveyance, or routing. 131614

(7) "Coin-operated telephone service" means a 131615  
telecommunications service paid for by inserting money into a 131616  
telephone accepting direct deposits of money to operate. 131617

(8) "Customer" has the same meaning as in section 5739.034 131618  
of the Revised Code. 131619

(BB) "Laundry and dry cleaning services" means removing 131620  
soil or dirt from towels, linens, articles of clothing, or other 131621

fabric items that belong to others and supplying towels, linens, 131622  
articles of clothing, or other fabric items. "Laundry and dry 131623  
cleaning services" does not include the provision of self- 131624  
service facilities for use by consumers to remove soil or dirt 131625  
from towels, linens, articles of clothing, or other fabric 131626  
items. 131627

(CC) "Magazines distributed as controlled circulation 131628  
publications" means magazines containing at least twenty-four 131629  
pages, at least twenty-five per cent editorial content, issued 131630  
at regular intervals four or more times a year, and circulated 131631  
without charge to the recipient, provided that such magazines 131632  
are not owned or controlled by individuals or business concerns 131633  
which conduct such publications as an auxiliary to, and 131634  
essentially for the advancement of the main business or calling 131635  
of, those who own or control them. 131636

(DD) "Landscaping and lawn care service" means the 131637  
services of planting, seeding, sodding, removing, cutting, 131638  
trimming, pruning, mulching, aerating, applying chemicals, 131639  
watering, fertilizing, and providing similar services to 131640  
establish, promote, or control the growth of trees, shrubs, 131641  
flowers, grass, ground cover, and other flora, or otherwise 131642  
maintaining a lawn or landscape grown or maintained by the owner 131643  
for ornamentation or other nonagricultural purpose. However, 131644  
"landscaping and lawn care service" does not include the 131645  
providing of such services by a person who has less than five 131646  
thousand dollars in sales of such services during the calendar 131647  
year. 131648

(EE) "Private investigation and security service" means 131649  
the performance of any activity for which the provider of such 131650  
service is required to be licensed pursuant to Chapter 4749. of 131651

the Revised Code, or would be required to be so licensed in 131652  
performing such services in this state, and also includes the 131653  
services of conducting polygraph examinations and of monitoring 131654  
or overseeing the activities on or in, or the condition of, the 131655  
consumer's home, business, or other facility by means of 131656  
electronic or similar monitoring devices. "Private investigation 131657  
and security service" does not include special duty services 131658  
provided by off-duty police officers, deputy sheriffs, and other 131659  
peace officers regularly employed by the state or a political 131660  
subdivision. 131661

(FF) "Information services" means providing conversation, 131662  
giving consultation or advice, playing or making a voice or 131663  
other recording, making or keeping a record of the number of 131664  
callers, and any other service provided to a consumer by means 131665  
of a nine hundred telephone call, except when the nine hundred 131666  
telephone call is the means by which the consumer makes a 131667  
contribution to a recognized charity. 131668

(GG) "Research and development" means designing, creating, 131669  
or formulating new or enhanced products, equipment, or 131670  
manufacturing processes, and also means conducting scientific or 131671  
technological inquiry and experimentation in the physical 131672  
sciences with the goal of increasing scientific knowledge which 131673  
may reveal the bases for new or enhanced products, equipment, or 131674  
manufacturing processes. 131675

(HH) "Qualified research and development equipment" means 131676  
either of the following: 131677

(1) Capitalized tangible personal property, and leased 131678  
personal property that would be capitalized if purchased, used 131679  
by a person primarily to perform research and development; 131680

(2) Any tangible personal property used by a megaproject operator primarily to perform research and development at the site of a megaproject that satisfies the criteria described in division (A) (11) (a) (ii) of section 122.17 of the Revised Code during the period that the megaproject operator has an agreement for such megaproject with the tax credit authority under division (D) of that section that remains in effect and has not expired or been terminated.

"Qualified research and development equipment" does not include tangible personal property primarily used in testing, as defined in division (A) (4) of section 5739.011 of the Revised Code, or used for recording or storing test results, unless such property is primarily used by the consumer in testing the product, equipment, or manufacturing process being created, designed, or formulated by the consumer in the research and development activity or in recording or storing such test results.

(II) "Building maintenance and janitorial service" means cleaning the interior or exterior of a building and any tangible personal property located therein or thereon, including any services incidental to such cleaning for which no separate charge is made. However, "building maintenance and janitorial service" does not include the providing of such service by a person who has less than five thousand dollars in sales of such service during the calendar year. As used in this division, "cleaning" does not include sanitation services necessary for an establishment described in 21 U.S.C. 608 to comply with rules and regulations adopted pursuant to that section.

(JJ) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or



structure, or the area surrounding a building or structure, and 131711  
includes activities to inspect, detect, or prevent vermin 131712  
infestation of a building or structure. 131713

(KK) "Physical fitness facility service" means all 131714  
transactions by which a membership is granted, maintained, or 131715  
renewed, including initiation fees, membership dues, renewal 131716  
fees, monthly minimum fees, and other similar fees and dues, by 131717  
a physical fitness facility such as an athletic club, health 131718  
spa, or gymnasium, which entitles the member to use the facility 131719  
for physical exercise. 131720

(LL) "Recreation and sports club service" means all 131721  
transactions by which a membership is granted, maintained, or 131722  
renewed, including initiation fees, membership dues, renewal 131723  
fees, monthly minimum fees, and other similar fees and dues, by 131724  
a recreation and sports club, which entitles the member to use 131725  
the facilities of the organization. "Recreation and sports club" 131726  
means an organization that has ownership of, or controls or 131727  
leases on a continuing, long-term basis, the facilities used by 131728  
its members and includes an aviation club, gun or shooting club, 131729  
yacht club, card club, swimming club, tennis club, golf club, 131730  
country club, riding club, amateur sports club, or similar 131731  
organization. 131732

(MM) "Livestock" means farm animals commonly raised for 131733  
food, food production, or other agricultural purposes, 131734  
including, but not limited to, cattle, sheep, goats, swine, 131735  
poultry, and captive deer. "Livestock" does not include 131736  
invertebrates, amphibians, reptiles, domestic pets, animals for 131737  
use in laboratories or for exhibition, or other animals not 131738  
commonly raised for food or food production. 131739

(NN) "Livestock structure" means a building or structure 131740

used exclusively for the housing, raising, feeding, or 131741  
sheltering of livestock, and includes feed storage or handling 131742  
structures and structures for livestock waste handling. 131743

(OO) "Horticulture" means the growing, cultivation, and 131744  
production of flowers, fruits, herbs, vegetables, sod, 131745  
mushrooms, and nursery stock. As used in this division, "nursery 131746  
stock" has the same meaning as in section 927.51 of the Revised 131747  
Code. 131748

(PP) "Horticulture structure" means a building or 131749  
structure used exclusively for the commercial growing, raising, 131750  
or overwintering of horticultural products, and includes the 131751  
area used for stocking, storing, and packing horticultural 131752  
products when done in conjunction with the production of those 131753  
products. 131754

(QQ) "Newspaper" means an unbound publication bearing a 131755  
title or name that is regularly published, at least as 131756  
frequently as biweekly, and distributed from a fixed place of 131757  
business to the public in a specific geographic area, and that 131758  
contains a substantial amount of news matter of international, 131759  
national, or local events of interest to the general public. 131760

(RR) (1) "Feminine hygiene products" means tampons, panty 131761  
liners, menstrual cups, sanitary napkins, and other similar 131762  
tangible personal property designed for feminine hygiene in 131763  
connection with the human menstrual cycle, but does not include 131764  
grooming and hygiene products. 131765

(2) "Grooming and hygiene products" means soaps and 131766  
cleaning solutions, shampoo, toothpaste, mouthwash, 131767  
antiperspirants, and sun tan lotions and screens, regardless of 131768  
whether any of these products are over-the-counter drugs. 131769

(3) "Over-the-counter drugs" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. 201.66, which label includes a drug facts panel or a statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation.

(SS) (1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h) (1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include:

(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the transfer of title upon completion of the required payments;

(b) A transfer of possession or control of tangible personal property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars or one per cent of the total required payments;

(c) Providing tangible personal property along with an operator for a fixed or indefinite period of time, if the operator is necessary for the property to perform as designed. For purposes of this division, the operator must do more than maintain, inspect, or set up the tangible personal property.

(2) "Lease" and "rental," as defined in division (SS) of this section, shall not apply to leases or rentals that exist before June 26, 2003.

(3) "Lease" and "rental" have the same meaning as in division (SS)(1) of this section regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, Title XIII of the Revised Code, or other federal, state, or local laws.

(TT) "Mobile telecommunications service" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

(UU) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(VV) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

(WW) "Tangible personal property" means personal property 131828  
that can be seen, weighed, measured, felt, or touched, or that 131829  
is in any other manner perceptible to the senses. For purposes 131830  
of this chapter and Chapter 5741. of the Revised Code, "tangible 131831  
personal property" includes motor vehicles, electricity, water, 131832  
gas, steam, and prewritten computer software. 131833

(XX) "Municipal gas utility" means a municipal corporation 131834  
that owns or operates a system for the distribution of natural 131835  
gas. 131836

(YY) "Computer" means an electronic device that accepts 131837  
information in digital or similar form and manipulates it for a 131838  
result based on a sequence of instructions. 131839

(ZZ) "Computer software" means a set of coded instructions 131840  
designed to cause a computer or automatic data processing 131841  
equipment to perform a task. 131842

(AAA) "Delivered electronically" means delivery of 131843  
computer software from the seller to the purchaser by means 131844  
other than tangible storage media. 131845

(BBB) "Prewritten computer software" means computer 131846  
software, including prewritten upgrades, that is not designed 131847  
and developed by the author or other creator to the 131848  
specifications of a specific purchaser. The combining of two or 131849  
more prewritten computer software programs or prewritten 131850  
portions thereof does not cause the combination to be other than 131851  
prewritten computer software. "Prewritten computer software" 131852  
includes software designed and developed by the author or other 131853  
creator to the specifications of a specific purchaser when it is 131854  
sold to a person other than the purchaser. If a person modifies 131855  
or enhances computer software of which the person is not the 131856

author or creator, the person shall be deemed to be the author 131857  
or creator only of such person's modifications or enhancements. 131858  
Prewritten computer software or a prewritten portion thereof 131859  
that is modified or enhanced to any degree, where such 131860  
modification or enhancement is designed and developed to the 131861  
specifications of a specific purchaser, remains prewritten 131862  
computer software; provided, however, that where there is a 131863  
reasonable, separately stated charge or an invoice or other 131864  
statement of the price given to the purchaser for the 131865  
modification or enhancement, the modification or enhancement 131866  
shall not constitute prewritten computer software. 131867

(CCC) (1) "Food" means substances, whether in liquid, 131868  
concentrated, solid, frozen, dried, or dehydrated form, that are 131869  
sold for ingestion or chewing by humans and are consumed for 131870  
their taste or nutritional value. "Food" does not include 131871  
alcoholic beverages, dietary supplements, soft drinks, or 131872  
tobacco. 131873

(2) As used in division (CCC) (1) of this section: 131874

(a) "Dietary supplements" means any product, other than 131875  
tobacco, that is intended to supplement the diet and that is 131876  
intended for ingestion in tablet, capsule, powder, softgel, 131877  
gelcap, or liquid form, or, if not intended for ingestion in 131878  
such a form, is not represented as conventional food for use as 131879  
a sole item of a meal or of the diet; that is required to be 131880  
labeled as a dietary supplement, identifiable by the "supplement 131881  
facts" box found on the label, as required by 21 C.F.R. 101.36; 131882  
and that contains one or more of the following dietary 131883  
ingredients: 131884

(i) A vitamin; 131885

(ii) A mineral;	131886
(iii) An herb or other botanical;	131887
(iv) An amino acid;	131888
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	131889 131890
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (CCC) (2) (a) (i) to (v) of this section.	131891 131892 131893
(b) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	131894 131895 131896 131897 131898
(DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.	131899 131900 131901 131902 131903 131904 131905 131906 131907
(EEE) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.	131908 131909 131910 131911
(FFF) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that	131912 131913

can withstand repeated use, is primarily and customarily used to 131914  
serve a medical purpose, generally is not useful to a person in 131915  
the absence of illness or injury, and is not worn in or on the 131916  
body. "Durable medical equipment" does not include mobility 131917  
enhancing equipment. 131918

(GGG) "Mobility enhancing equipment" means equipment, 131919  
including repair and replacement parts for such equipment, that 131920  
is primarily and customarily used to provide or increase the 131921  
ability to move from one place to another and is appropriate for 131922  
use either in a home or a motor vehicle, that is not generally 131923  
used by persons with normal mobility, and that does not include 131924  
any motor vehicle or equipment on a motor vehicle normally 131925  
provided by a motor vehicle manufacturer. "Mobility enhancing 131926  
equipment" does not include durable medical equipment. 131927

(HHH) "Prosthetic device" means a replacement, corrective, 131928  
or supportive device, including repair and replacement parts for 131929  
the device, worn on or in the human body to artificially replace 131930  
a missing portion of the body, prevent or correct physical 131931  
deformity or malfunction, or support a weak or deformed portion 131932  
of the body. As used in this division, before July 1, 2019, 131933  
"prosthetic device" does not include corrective eyeglasses, 131934  
contact lenses, or dental prosthesis. On or after July 1, 2019, 131935  
"prosthetic device" does not include dental prosthesis but does 131936  
include corrective eyeglasses or contact lenses. 131937

(III) (1) "Fractional aircraft ownership program" means a 131938  
program in which persons within an affiliated group sell and 131939  
manage fractional ownership program aircraft, provided that at 131940  
least one hundred airworthy aircraft are operated in the program 131941  
and the program meets all of the following criteria: 131942

(a) Management services are provided by at least one 131943



program manager within an affiliated group on behalf of the 131944  
fractional owners. 131945

(b) Each program aircraft is owned or possessed by at 131946  
least one fractional owner. 131947

(c) Each fractional owner owns or possesses at least a 131948  
one-sixteenth interest in at least one fixed-wing program 131949  
aircraft. 131950

(d) A dry-lease aircraft interchange arrangement is in 131951  
effect among all of the fractional owners. 131952

(e) Multi-year program agreements are in effect regarding 131953  
the fractional ownership, management services, and dry-lease 131954  
aircraft interchange arrangement aspects of the program. 131955

(2) As used in division (III) (1) of this section: 131956

(a) "Affiliated group" has the same meaning as in division 131957  
(B) (3) (e) of this section. 131958

(b) "Fractional owner" means a person that owns or 131959  
possesses at least a one-sixteenth interest in a program 131960  
aircraft and has entered into the agreements described in 131961  
division (III) (1) (e) of this section. 131962

(c) "Fractional ownership program aircraft" or "program 131963  
aircraft" means a turbojet aircraft that is owned or possessed 131964  
by a fractional owner and that has been included in a dry-lease 131965  
aircraft interchange arrangement and agreement under divisions 131966  
(III) (1) (d) and (e) of this section, or an aircraft a program 131967  
manager owns or possesses primarily for use in a fractional 131968  
aircraft ownership program. 131969

(d) "Management services" means administrative and 131970  
aviation support services furnished under a fractional aircraft 131971

ownership program in accordance with a management services 131972  
agreement under division (III) (1) (e) of this section, and 131973  
offered by the program manager to the fractional owners, 131974  
including, at a minimum, the establishment and implementation of 131975  
safety guidelines; the coordination of the scheduling of the 131976  
program aircraft and crews; program aircraft maintenance; 131977  
program aircraft insurance; crew training for crews employed, 131978  
furnished, or contracted by the program manager or the 131979  
fractional owner; the satisfaction of record-keeping 131980  
requirements; and the development and use of an operations 131981  
manual and a maintenance manual for the fractional aircraft 131982  
ownership program. 131983

(e) "Program manager" means the person that offers 131984  
management services to fractional owners pursuant to a 131985  
management services agreement under division (III) (1) (e) of this 131986  
section. 131987

(JJJ) "Electronic publishing" means providing access to 131988  
one or more of the following primarily for business customers, 131989  
including the federal government or a state government or a 131990  
political subdivision thereof, to conduct research: news; 131991  
business, financial, legal, consumer, or credit materials; 131992  
editorials, columns, reader commentary, or features; photos or 131993  
images; archival or research material; legal notices, identity 131994  
verification, or public records; scientific, educational, 131995  
instructional, technical, professional, trade, or other literary 131996  
materials; or other similar information which has been gathered 131997  
and made available by the provider to the consumer in an 131998  
electronic format. Providing electronic publishing includes the 131999  
functions necessary for the acquisition, formatting, editing, 132000  
storage, and dissemination of data or information that is the 132001  
subject of a sale. 132002

(KKK) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

(LLL) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

(MMM) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (OOO) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally 132032  
recognized in the ordinary and usual sense as a book. 132033

(4) "Electronically transferred" means obtained by the 132034  
purchaser by means other than tangible storage media. 132035

(PPP) "Digital advertising services" means providing 132036  
access, by means of telecommunications equipment, to computer 132037  
equipment that is used to enter, upload, download, review, 132038  
manipulate, store, add, or delete data for the purpose of 132039  
electronically displaying, delivering, placing, or transferring 132040  
promotional advertisements to potential customers about products 132041  
or services or about industry or business brands. 132042

(QQQ) "Peer-to-peer car sharing program" has the same 132043  
meaning as in section 4516.01 of the Revised Code. 132044

(RRR) "Megaproject" and "megaproject operator" have the 132045  
same meanings as in section 122.17 of the Revised Code. 132046

(SSS) (1) "Diaper" means an absorbent garment worn by 132047  
humans who are incapable of, or have difficulty, controlling 132048  
their bladder or bowel movements. 132049

(2) "Children's diaper" means a diaper marketed to be worn 132050  
by children. 132051

(3) "Adult diaper" means a diaper other than a children's 132052  
diaper. 132053

(TTT) "Sales tax holiday" means three or more dates on 132054  
which sales of all eligible tangible personal property are 132055  
exempt from the taxes levied under sections 5739.02, 5739.021, 132056  
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 132057  
the Revised Code. 132058

(UUU) "Eligible tangible personal property" means any item 132059

of tangible personal property that meets both of the following 132060  
requirements: 132061

(1) The price of the item does not exceed five hundred 132062  
dollars; 132063

(2) The item is not a watercraft or outboard motor 132064  
required to be titled pursuant to Chapter 1548. of the Revised 132065  
Code, a motor vehicle, an alcoholic beverage, tobacco, a vapor 132066  
product as defined in section 5743.01 of the Revised Code, or an 132067  
item that contains marijuana as defined in section 3796.01 of 132068  
the Revised Code. 132069

(VVV) "Alcoholic beverages" means beverages that are 132070  
suitable for human consumption and contain one-half of one per 132071  
cent or more of alcohol by volume. 132072

(WWW) "Tobacco" means cigarettes, cigars, chewing or pipe 132073  
tobacco, or any other item that contains tobacco. 132074

(XXX) (1) "Delivery network company" means a person that 132075  
operates a business platform, including a web site or mobile 132076  
application, to facilitate delivery network services. 132077

(2) "Delivery network courier" means an individual 132078  
connected to a consumer through a delivery network company and 132079  
who provides delivery network services to that consumer. 132080

(3) "Delivery network services" means both of the 132081  
following when performed as part of a single transaction: 132082

(a) Pickup of a local product by a delivery network 132083  
courier from a local merchant that is not under common ownership 132084  
or control of the delivery network company through which the 132085  
transaction was initiated, and which may include selection, 132086  
collection, and purchase of the local product; 132087

(b) Delivery by the delivery network courier of that local 132088  
product to a location designated by the consumer that is not 132089  
more than seventy-five miles from the local merchant's place of 132090  
business where the pickup described in division (XXX) (3) (a) of 132091  
this section occurs. 132092

(4) "Local merchant" means a person engaged in selling 132093  
local products from a temporary or fixed place of business in 132094  
this state, including a kitchen, restaurant, grocery store, 132095  
retail store, or convenience store. 132096

(5) "Local product" means any tangible personal property, 132097  
including food, but excluding freight, mail, or a package to 132098  
which postage is affixed. 132099

**Sec. 5739.011.** (A) As used in this section: 132100

(1) "Manufacturer" means a person who is engaged in 132101  
manufacturing, processing, assembling, or refining a product for 132102  
sale and, solely for the purposes of division (B) (12) of this 132103  
section, a person who meets all the qualifications of that 132104  
division. 132105

(2) "Manufacturing facility" means a single location where 132106  
a manufacturing operation is conducted, including locations 132107  
consisting of one or more buildings or structures in a 132108  
contiguous area owned or controlled by the manufacturer. 132109

(3) "Materials handling" means the movement of the product 132110  
being or to be manufactured, during which movement the product 132111  
is not undergoing any substantial change or alteration in its 132112  
state or form. 132113

(4) "Testing" means a process or procedure to identify the 132114  
properties or assure the quality of a material or product. 132115

(5) "Completed product" means a manufactured item that is 132116  
in the form and condition as it will be sold by the 132117  
manufacturer. An item is completed when all processes that 132118  
change or alter its state or form or enhance its value are 132119  
finished, even though the item subsequently will be tested to 132120  
ensure its quality or be packaged for storage or shipment. 132121

(6) "Continuous manufacturing operation" means the process 132122  
in which raw materials or components are moved through the steps 132123  
whereby manufacturing occurs. Materials handling of raw 132124  
materials or parts from the point of receipt or preproduction 132125  
storage or of a completed product, to or from storage, to or 132126  
from packaging, or to the place from which the completed product 132127  
will be shipped, is not a part of a continuous manufacturing 132128  
operation. 132129

(7) "Food" has the same meaning as in section 3717.01 of 132130  
the Revised Code. 132131

(B) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 132132  
section 5739.02 of the Revised Code, the "thing transferred" 132133  
includes, but is not limited to, any of the following: 132134

(1) Production machinery and equipment that act upon the 132135  
product or machinery and equipment that treat the materials or 132136  
parts in preparation for the manufacturing operation; 132137

(2) Materials handling equipment that moves the product 132138  
through a continuous manufacturing operation; equipment that 132139  
temporarily stores the product during the manufacturing 132140  
operation; or, excluding motor vehicles licensed to operate on 132141  
public highways, equipment used in intraplant or interplant 132142  
transfers of work in process where the plant or plants between 132143  
which such transfers occur are manufacturing facilities operated 132144

by the same person; 132145

(3) Catalysts, solvents, water, acids, oil, and similar 132146  
consumables that interact with the product and that are an 132147  
integral part of the manufacturing operation; 132148

(4) Machinery, equipment, and other tangible personal 132149  
property used during the manufacturing operation that control, 132150  
physically support, produce power for, lubricate, or are 132151  
otherwise necessary for the functioning of production machinery 132152  
and equipment and the continuation of the manufacturing 132153  
operation; 132154

(5) Machinery, equipment, fuel, power, material, parts, 132155  
and other tangible personal property used to manufacture 132156  
machinery, equipment, or other tangible personal property used 132157  
in manufacturing a product for sale; 132158

(6) Machinery, equipment, and other tangible personal 132159  
property used by a manufacturer to test raw materials, the 132160  
product being manufactured, or the completed product; 132161

(7) Machinery and equipment used to handle or temporarily 132162  
store scrap that is intended to be reused in the manufacturing 132163  
operation at the same manufacturing facility; 132164

(8) Coke, gas, water, steam, and similar substances used 132165  
in the manufacturing operation; machinery and equipment used 132166  
for, and fuel consumed in, producing or extracting those 132167  
substances; machinery, equipment, and other tangible personal 132168  
property used to treat, filter, pump, or otherwise make the 132169  
substance suitable for use in the manufacturing operation; and 132170  
machinery and equipment used for, and fuel consumed in, 132171  
producing electricity for use in the manufacturing operation; 132172

(9) Machinery, equipment, and other tangible personal 132173



property used to transport or transmit electricity, coke, gas, 132174  
water, steam, or similar substances used in the manufacturing 132175  
operation from the point of generation, if produced by the 132176  
manufacturer, or from the point where the substance enters the 132177  
manufacturing facility, if purchased by the manufacturer, to the 132178  
manufacturing operation; 132179

(10) Machinery, equipment, and other tangible personal 132180  
property that treats, filters, cools, refines, or otherwise 132181  
renders water, steam, acid, oil, solvents, or similar substances 132182  
used in the manufacturing operation reusable, provided that the 132183  
substances are intended for reuse and not for disposal, sale, or 132184  
transportation from the manufacturing facility; 132185

(11) Parts, components, and repair and installation 132186  
services for items described in division (B) of this section; 132187

(12) Machinery and equipment, detergents, supplies, 132188  
solvents, and any other tangible personal property located at a 132189  
manufacturing facility that are used in the process of removing 132190  
soil, dirt, or other contaminants from, or otherwise preparing 132191  
in a suitable condition for use, towels, linens, articles of 132192  
clothing, floor mats, mop heads, or other similar items, to be 132193  
supplied to a consumer as part of laundry and dry cleaning 132194  
services, only when the towels, linens, articles of clothing, 132195  
floor mats, mop heads, or other similar items belong to the 132196  
provider of the services; 132197

(13) Equipment and supplies used to clean processing 132198  
equipment that is part of a continuous manufacturing operation 132199  
to produce food for human consumption. 132200

(C) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 132201  
section 5739.02 of the Revised Code, the "thing transferred" 132202

does not include any of the following: 132203

(1) Tangible personal property used in administrative, 132204  
personnel, security, inventory control, record-keeping, 132205  
ordering, billing, or similar functions; 132206

(2) Tangible personal property used in storing raw 132207  
materials or parts prior to the commencement of the 132208  
manufacturing operation or used to handle or store a completed 132209  
product, including storage that actively maintains a completed 132210  
product in a marketable state or form; 132211

(3) Tangible personal property used to handle or store 132212  
scrap or waste intended for disposal, sale, or other 132213  
disposition, other than reuse in the manufacturing operation at 132214  
the same manufacturing facility; 132215

(4) Tangible personal property that is or is to be 132216  
incorporated into realty; 132217

(5) Machinery, equipment, and other tangible personal 132218  
property used for ventilation, dust or gas collection, humidity 132219  
or temperature regulation, or similar environmental control, 132220  
except machinery, equipment, and other tangible personal 132221  
property that totally regulates the environment in a special and 132222  
limited area of the manufacturing facility where the regulation 132223  
is essential for production to occur; 132224

(6) Tangible personal property used for the protection and 132225  
safety of workers, unless the property is attached to or 132226  
incorporated into machinery and equipment used in a continuous 132227  
manufacturing operation; 132228

(7) Tangible personal property used to store fuel, water, 132229  
solvents, acid, oil, or similar items consumed in the 132230  
manufacturing operation; 132231

(8) Except as provided in division (B) (13) of this 132232  
section, machinery, equipment, and other tangible personal 132233  
property used to clean, repair, or maintain real or personal 132234  
property in the manufacturing facility; 132235

(9) Motor vehicles registered for operation on public 132236  
highways. 132237

(D) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 132238  
section 5739.02 of the Revised Code, if the "thing transferred" 132239  
is a machine used by a manufacturer in both a taxable and an 132240  
exempt manner, it shall be totally taxable or totally exempt 132241  
from taxation based upon its quantified primary use. If the 132242  
"things transferred" are fungibles, they shall be taxed based 132243  
upon the proportion of the fungibles used in a taxable manner. 132244

**Sec. 5739.02.** For the purpose of providing revenue with 132245  
which to meet the needs of the state, for the use of the general 132246  
revenue fund of the state, for the purpose of securing a 132247  
thorough and efficient system of common schools throughout the 132248  
state, for the purpose of affording revenues, in addition to 132249  
those from general property taxes, permitted under 132250  
constitutional limitations, and from other sources, for the 132251  
support of local governmental functions, and for the purpose of 132252  
reimbursing the state for the expense of administering this 132253  
chapter, an excise tax is hereby levied on each retail sale made 132254  
in this state. 132255

(A) (1) The tax shall be collected as provided in section 132256  
5739.025 of the Revised Code. The rate of the tax shall be five 132257  
and three-fourths per cent. The tax applies and is collectible 132258  
when the sale is made, regardless of the time when the price is 132259  
paid or delivered. 132260

(2) In the case of the lease or rental, with a fixed term 132261  
of more than thirty days or an indefinite term with a minimum 132262  
period of more than thirty days, of any motor vehicles designed 132263  
by the manufacturer to carry a load of not more than one ton, 132264  
watercraft, outboard motor, or aircraft, or of any tangible 132265  
personal property, other than motor vehicles designed by the 132266  
manufacturer to carry a load of more than one ton, to be used by 132267  
the lessee or renter primarily for business purposes, the tax 132268  
shall be collected by the vendor at the time the lease or rental 132269  
is consummated and shall be calculated by the vendor on the 132270  
basis of the total amount to be paid by the lessee or renter 132271  
under the lease agreement. If the total amount of the 132272  
consideration for the lease or rental includes amounts that are 132273  
not calculated at the time the lease or rental is executed, the 132274  
tax shall be calculated and collected by the vendor at the time 132275  
such amounts are billed to the lessee or renter. In the case of 132276  
an open-end lease or rental, the tax shall be calculated by the 132277  
vendor on the basis of the total amount to be paid during the 132278  
initial fixed term of the lease or rental, and for each 132279  
subsequent renewal period as it comes due. As used in this 132280  
division, "motor vehicle" has the same meaning as in section 132281  
4501.01 of the Revised Code, and "watercraft" includes an 132282  
outdrive unit attached to the watercraft. 132283

A lease with a renewal clause and a termination penalty or 132284  
similar provision that applies if the renewal clause is not 132285  
exercised is presumed to be a sham transaction. In such a case, 132286  
the tax shall be calculated and paid on the basis of the entire 132287  
length of the lease period, including any renewal periods, until 132288  
the termination penalty or similar provision no longer applies. 132289  
The taxpayer shall bear the burden, by a preponderance of the 132290  
evidence, that the transaction or series of transactions is not 132291

a sham transaction. 132292

(3) Except as provided in division (A) (2) of this section, 132293  
in the case of a sale, the price of which consists in whole or 132294  
in part of the lease or rental of tangible personal property, 132295  
the tax shall be measured by the installments of that lease or 132296  
rental. 132297

(4) In the case of a sale of a physical fitness facility 132298  
service or recreation and sports club service, the price of 132299  
which consists in whole or in part of a membership for the 132300  
receipt of the benefit of the service, the tax applicable to the 132301  
sale shall be measured by the installments thereof. 132302

(B) The tax does not apply to the following: 132303

(1) Sales to the state or any of its political 132304  
subdivisions, or to any other state or its political 132305  
subdivisions if the laws of that state exempt from taxation 132306  
sales made to this state and its political subdivisions 132307  
including either of the following: 132308

(a) Sales or rentals of tangible personal property by 132309  
construction contractors or subcontractors to provide temporary 132310  
traffic control or temporary structures, including material and 132311  
equipment used to comply with the Ohio manual of uniform traffic 132312  
control devices adopted pursuant to section 4511.09 of the 132313  
Revised Code, whereby the state or any of its political 132314  
subdivisions take title to, or permanent or temporary possession 132315  
of, such tangible personal property for use by the state or any 132316  
of its political subdivisions, including for use by the general 132317  
public thereof; 132318

(b) Sales of services by construction contractors or 132319  
subcontractors to provide temporary traffic control or 132320

structures, including labor used to comply with the Ohio manual 132321  
of uniform traffic control devices adopted pursuant to section 132322  
4511.09 of the Revised Code, whereby the state or any of its 132323  
political subdivisions, including the general public thereof, 132324  
receive the benefit of such services. 132325

As used in divisions (B) (1) (a) and (b) of this section, 132326  
"temporary structures" include temporary roads, bridges, drains, 132327  
and pavement. 132328

(2) Sales of food for human consumption off the premises 132329  
where sold; 132330

(3) Sales of food sold to students only in a cafeteria, 132331  
dormitory, fraternity, or sorority maintained in a private, 132332  
public, or parochial school, college, or university; 132333

(4) Sales of ~~newspapers and sales or transfers of~~ 132334  
magazines distributed as controlled circulation publications; 132335

(5) The furnishing, preparing, or serving of meals without 132336  
charge by an employer to an employee provided the employer 132337  
records the meals as part compensation for services performed or 132338  
work done; 132339

(6) (a) Sales of motor fuel upon receipt, use, 132340  
distribution, or sale of which in this state a tax is imposed by 132341  
the law of this state, but this exemption shall not apply to the 132342  
sale of motor fuel on which a refund of the tax is allowable 132343  
under division (A) of section 5735.14 of the Revised Code; and 132344  
the tax commissioner may deduct the amount of tax levied by this 132345  
section applicable to the price of motor fuel when granting a 132346  
refund of motor fuel tax pursuant to division (A) of section 132347  
5735.14 of the Revised Code and shall cause the amount deducted 132348  
to be paid into the general revenue fund of this state; 132349

(b) Sales of motor fuel other than that described in 132350  
division (B) (6) (a) of this section and used for powering a 132351  
refrigeration unit on a vehicle other than one used primarily to 132352  
provide comfort to the operator or occupants of the vehicle. 132353

(7) Sales of natural gas by a natural gas company or 132354  
municipal gas utility, of water by a water-works company, or of 132355  
steam by a heating company, if in each case the thing sold is 132356  
delivered to consumers through pipes or conduits, and all sales 132357  
of communications services by a telegraph company, all terms as 132358  
defined in section 5727.01 of the Revised Code, and sales of 132359  
electricity delivered through wires; 132360

(8) Casual sales by a person, or auctioneer employed 132361  
directly by the person to conduct such sales, except as to such 132362  
sales of motor vehicles, watercraft or outboard motors required 132363  
to be titled under section 1548.06 of the Revised Code, 132364  
watercraft documented with the United States coast guard, 132365  
snowmobiles, and all-purpose vehicles as defined in section 132366  
4519.01 of the Revised Code; 132367

(9) (a) Sales of services or tangible personal property, 132368  
other than motor vehicles, mobile homes, and manufactured homes, 132369  
by churches, organizations exempt from taxation under section 132370  
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 132371  
organizations operated exclusively for charitable purposes as 132372  
defined in division (B) (12) of this section, provided that the 132373  
number of days on which such tangible personal property or 132374  
services, other than items never subject to the tax, are sold 132375  
does not exceed six in any calendar year, except as otherwise 132376  
provided in division (B) (9) (b) of this section. If the number of 132377  
days on which such sales are made exceeds six in any calendar 132378  
year, the church or organization shall be considered to be 132379

engaged in business and all subsequent sales by it shall be 132380  
subject to the tax. In counting the number of days, all sales by 132381  
groups within a church or within an organization shall be 132382  
considered to be sales of that church or organization. 132383

(b) The limitation on the number of days on which tax- 132384  
exempt sales may be made by a church or organization under 132385  
division (B) (9) (a) of this section does not apply to sales made 132386  
by student clubs and other groups of students of a primary or 132387  
secondary school, or a parent-teacher association, booster 132388  
group, or similar organization that raises money to support or 132389  
fund curricular or extracurricular activities of a primary or 132390  
secondary school. 132391

(c) Divisions (B) (9) (a) and (b) of this section do not 132392  
apply to sales by a noncommercial educational radio or 132393  
television broadcasting station. 132394

(10) Sales not within the taxing power of this state under 132395  
the Constitution or laws of the United States or the 132396  
Constitution of this state including either of the following: 132397

(a) Sales or rentals of tangible personal property by 132398  
construction contractors or subcontractors to provide temporary 132399  
traffic control or temporary structures, including material and 132400  
equipment used to comply with the Ohio manual of uniform traffic 132401  
control devices adopted pursuant to section 4511.09 of the 132402  
Revised Code, whereby the United States takes title to, or 132403  
permanent or temporary possession of, such tangible personal 132404  
property for use by the United States including for use by the 132405  
general public thereof; 132406

(b) Sales of services by construction contractors or 132407  
subcontractors to provide temporary traffic control or 132408



structures, including labor used to comply with the Ohio manual 132409  
of uniform traffic control devices adopted pursuant to section 132410  
4511.09 of the Revised Code, whereby the United States, 132411  
including the general public thereof, receives the benefit of 132412  
such services. 132413

As used in divisions (B) (10) (a) and (b) of this section, 132414  
"temporary structures" include temporary roads, bridges, drains, 132415  
and pavement. 132416

(11) Except for transactions that are sales under division 132417  
(B) (3) (p) of section 5739.01 of the Revised Code, the 132418  
transportation of persons or property, unless the transportation 132419  
is by a private investigation and security service; 132420

(12) Sales of tangible personal property or services to 132421  
churches, to organizations exempt from taxation under section 132422  
501(c) (3) of the Internal Revenue Code of 1986, and to any other 132423  
nonprofit organizations operated exclusively for charitable 132424  
purposes in this state, no part of the net income of which 132425  
inures to the benefit of any private shareholder or individual, 132426  
and no substantial part of the activities of which consists of 132427  
carrying on propaganda or otherwise attempting to influence 132428  
legislation; sales to offices administering one or more homes 132429  
for the aged or one or more hospital facilities exempt under 132430  
section 140.08 of the Revised Code; and sales to organizations 132431  
described in division (D) of section 5709.12 of the Revised 132432  
Code. 132433

"Charitable purposes" means the relief of poverty; the 132434  
improvement of health through the alleviation of illness, 132435  
disease, or injury; the operation of an organization exclusively 132436  
for the provision of professional, laundry, printing, and 132437  
purchasing services to hospitals or charitable institutions; the 132438

operation of a home for the aged, as defined in section 5701.13 132439  
of the Revised Code; the operation of a radio or television 132440  
broadcasting station that is licensed by the federal 132441  
communications commission as a noncommercial educational radio 132442  
or television station; the operation of a nonprofit animal 132443  
adoption service or a county humane society; the promotion of 132444  
education by an institution of learning that maintains a faculty 132445  
of qualified instructors, teaches regular continuous courses of 132446  
study, and confers a recognized diploma upon completion of a 132447  
specific curriculum; the operation of a parent-teacher 132448  
association, booster group, or similar organization primarily 132449  
engaged in the promotion and support of the curricular or 132450  
extracurricular activities of a primary or secondary school; the 132451  
operation of a community or area center in which presentations 132452  
in music, dramatics, the arts, and related fields are made in 132453  
order to foster public interest and education therein; the 132454  
production of performances in music, dramatics, and the arts; or 132455  
the promotion of education by an organization engaged in 132456  
carrying on research in, or the dissemination of, scientific and 132457  
technological knowledge and information primarily for the 132458  
public. 132459

Nothing in this division shall be deemed to exempt sales 132460  
to any organization for use in the operation or carrying on of a 132461  
trade or business, or sales to a home for the aged for use in 132462  
the operation of independent living facilities as defined in 132463  
division (A) of section 5709.12 of the Revised Code. 132464

(13) Building and construction materials and services sold 132465  
to construction contractors for incorporation into a structure 132466  
or improvement to real property under a construction contract 132467  
with this state or a political subdivision of this state, or 132468  
with the United States government or any of its agencies; 132469

building and construction materials and services sold to 132470  
construction contractors for incorporation into a structure or 132471  
improvement to real property that are accepted for ownership by 132472  
this state or any of its political subdivisions, or by the 132473  
United States government or any of its agencies at the time of 132474  
completion of the structures or improvements; building and 132475  
construction materials sold to construction contractors for 132476  
incorporation into a horticulture structure or livestock 132477  
structure for a person engaged in the business of horticulture 132478  
or producing livestock; building materials and services sold to 132479  
a construction contractor for incorporation into a house of 132480  
public worship or religious education, or a building used 132481  
exclusively for charitable purposes under a construction 132482  
contract with an organization whose purpose is as described in 132483  
division (B) (12) of this section; building materials and 132484  
services sold to a construction contractor for incorporation 132485  
into a building under a construction contract with an 132486  
organization exempt from taxation under section 501(c) (3) of the 132487  
Internal Revenue Code of 1986 when the building is to be used 132488  
exclusively for the organization's exempt purposes; tangible 132489  
personal property sold for incorporation into the construction 132490  
of a sports facility under section 307.696 of the Revised Code; 132491  
building and construction materials and services sold to a 132492  
construction contractor for incorporation into real property 132493  
outside this state if such materials and services, when sold to 132494  
a construction contractor in the state in which the real 132495  
property is located for incorporation into real property in that 132496  
state, would be exempt from a tax on sales levied by that state; 132497  
building and construction materials for incorporation into a 132498  
transportation facility pursuant to a public-private agreement 132499  
entered into under sections 5501.70 to 5501.83 of the Revised 132500  
Code; until one calendar year after the construction of a 132501

convention center that qualifies for property tax exemption 132502  
under section 5709.084 of the Revised Code is completed, 132503  
building and construction materials and services sold to a 132504  
construction contractor for incorporation into the real property 132505  
comprising that convention center; and building and construction 132506  
materials sold for incorporation into a structure or improvement 132507  
to real property that is used primarily as, or primarily in 132508  
support of, a manufacturing facility or research and development 132509  
facility and that is to be owned by a megaproject operator upon 132510  
completion and located at the site of a megaproject that 132511  
satisfies the criteria described in division (A) (11) (a) (ii) of 132512  
section 122.17 of the Revised Code, provided that the sale 132513  
occurs during the period that the megaproject operator has an 132514  
agreement for such megaproject with the tax credit authority 132515  
under division (D) of section 122.17 of the Revised Code that 132516  
remains in effect and has not expired or been terminated. 132517

This division does not apply to building and construction 132518  
materials and services sold to construction contractors for 132519  
incorporation into a structure or improvement to real property 132520  
under a construction contract with a port authority if the 132521  
contract is subject to section 4582.72 of the Revised Code but 132522  
approval from the appropriate board of county commissioners, as 132523  
required by that section, has not been obtained. 132524

(14) Sales of ships or vessels or rail rolling stock used 132525  
or to be used principally in interstate or foreign commerce, and 132526  
repairs, alterations, fuel, and lubricants for such ships or 132527  
vessels or rail rolling stock; 132528

(15) Sales to persons primarily engaged in any of the 132529  
activities mentioned in division (B) (42) (a), ~~(g)~~ (f), or ~~(h)~~ (g) 132530  
of this section, to persons engaged in making retail sales, or 132531

to persons who purchase for sale from a manufacturer tangible 132532  
personal property that was produced by the manufacturer in 132533  
accordance with specific designs provided by the purchaser, of 132534  
packages, including material, labels, and parts for packages, 132535  
and of machinery, equipment, and material for use primarily in 132536  
packaging tangible personal property produced for sale, 132537  
including any machinery, equipment, and supplies used to make 132538  
labels or packages, to prepare packages or products for 132539  
labeling, or to label packages or products, by or on the order 132540  
of the person doing the packaging, or sold at retail. "Packages" 132541  
includes bags, baskets, cartons, crates, boxes, cans, bottles, 132542  
bindings, wrappings, and other similar devices and containers, 132543  
but does not include motor vehicles or bulk tanks, trailers, or 132544  
similar devices attached to motor vehicles. "Packaging" means 132545  
placing in a package. Division (B) (15) of this section does not 132546  
apply to persons engaged in highway transportation for hire. 132547

(16) Sales of food to persons using supplemental nutrition 132548  
assistance program benefits to purchase the food. As used in 132549  
this division, "food" has the same meaning as in 7 U.S.C. 2012 132550  
and federal regulations adopted pursuant to the Food and 132551  
Nutrition Act of 2008. 132552

(17) Sales to persons engaged in farming, agriculture, 132553  
horticulture, or floriculture, of tangible personal property for 132554  
use or consumption primarily in the production by farming, 132555  
agriculture, horticulture, or floriculture of other tangible 132556  
personal property for use or consumption primarily in the 132557  
production of tangible personal property for sale by farming, 132558  
agriculture, horticulture, or floriculture; or material and 132559  
parts for incorporation into any such tangible personal property 132560  
for use or consumption in production; and of tangible personal 132561  
property for such use or consumption in the conditioning or 132562

holding of products produced by and for such use, consumption, 132563  
or sale by persons engaged in farming, agriculture, 132564  
horticulture, or floriculture, except where such property is 132565  
incorporated into real property; 132566

(18) Sales of drugs for a human being that may be 132567  
dispensed only pursuant to a prescription; insulin as recognized 132568  
in the official United States pharmacopoeia; urine and blood 132569  
testing materials when used by diabetics or persons with 132570  
hypoglycemia to test for glucose or acetone; hypodermic syringes 132571  
and needles when used by diabetics for insulin injections; 132572  
epoetin alfa when purchased for use in the treatment of persons 132573  
with medical disease; hospital beds when purchased by hospitals, 132574  
nursing homes, or other medical facilities; and medical oxygen 132575  
and medical oxygen-dispensing equipment when purchased by 132576  
hospitals, nursing homes, or other medical facilities; 132577

(19) Sales of prosthetic devices, durable medical 132578  
equipment for home use, or mobility enhancing equipment, when 132579  
made pursuant to a prescription and when such devices or 132580  
equipment are for use by a human being. 132581

(20) Sales of emergency and fire protection vehicles and 132582  
equipment to nonprofit organizations for use solely in providing 132583  
fire protection and emergency services, including trauma care 132584  
and emergency medical services, for political subdivisions of 132585  
the state; 132586

(21) Sales of tangible personal property manufactured in 132587  
this state, if sold by the manufacturer in this state to a 132588  
retailer for use in the retail business of the retailer outside 132589  
of this state and if possession is taken from the manufacturer 132590  
by the purchaser within this state for the sole purpose of 132591  
immediately removing the same from this state in a vehicle owned 132592

by the purchaser; 132593

(22) Sales of services provided by the state or any of its 132594  
political subdivisions, agencies, instrumentalities, 132595  
institutions, or authorities, or by governmental entities of the 132596  
state or any of its political subdivisions, agencies, 132597  
instrumentalities, institutions, or authorities; 132598

(23) Sales of motor vehicles to nonresidents of this state 132599  
under the circumstances described in division (B) of section 132600  
5739.029 of the Revised Code; 132601

(24) Sales to persons engaged in the preparation of eggs 132602  
for sale of tangible personal property used or consumed directly 132603  
in such preparation, including such tangible personal property 132604  
used for cleaning, sanitizing, preserving, grading, sorting, and 132605  
classifying by size; packages, including material and parts for 132606  
packages, and machinery, equipment, and material for use in 132607  
packaging eggs for sale; and handling and transportation 132608  
equipment and parts therefor, except motor vehicles licensed to 132609  
operate on public highways, used in intraplant or interplant 132610  
transfers or shipment of eggs in the process of preparation for 132611  
sale, when the plant or plants within or between which such 132612  
transfers or shipments occur are operated by the same person. 132613  
"Packages" includes containers, cases, baskets, flats, fillers, 132614  
filler flats, cartons, closure materials, labels, and labeling 132615  
materials, and "packaging" means placing therein. 132616

(25) (a) Sales of water to a consumer for residential use; 132617

(b) Sales of water by a nonprofit corporation engaged 132618  
exclusively in the treatment, distribution, and sale of water to 132619  
consumers, if such water is delivered to consumers through pipes 132620  
or tubing. 132621

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	132622 132623
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	132624 132625 132626 132627
(a) To prepare food for human consumption for sale;	132628
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	132629 132630 132631 132632
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	132633 132634
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	132635 132636
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	132637 132638 132639 132640
(30) <del>Sales and installation of agricultural land tile, as defined in division (B) (5) (a) of section 5739.01 of the Revised Code</del> of a child restraint device or booster seat that meets the national highway traffic safety administration standard for child restraint systems under 49 C.F.R. 571.213;	132641 132642 132643 132644 132645
(31) <del>Sales and erection or installation of portable grain bins, as defined in division (B) (5) (b) of section 5739.01 of the Revised Code</del> of cribs intended to provide sleeping accommodations for children that comply with the United States consumer product	132646 132647 132648 132649



safety commission's safety standard for full-size baby cribs 132650  
under 16 C.F.R. 1219 or the commission's safety standard for 132651  
non-full-size baby cribs under 16 C.F.R. 1220; 132652

(32) The sale, lease, repair, and maintenance of, parts 132653  
for, or items attached to or incorporated in, motor vehicles 132654  
that are primarily used for transporting tangible personal 132655  
property belonging to others by a person engaged in highway 132656  
transportation for hire, except for packages and packaging used 132657  
for the transportation of tangible personal property; 132658

(33) Sales to the state headquarters of any veterans' 132659  
organization in this state that is either incorporated and 132660  
issued a charter by the congress of the United States or is 132661  
recognized by the United States veterans administration, for use 132662  
by the headquarters; 132663

(34) Sales to a telecommunications service vendor, mobile 132664  
telecommunications service vendor, or satellite broadcasting 132665  
service vendor of tangible personal property and services used 132666  
directly and primarily in transmitting, receiving, switching, or 132667  
recording any interactive, one- or two-way electromagnetic 132668  
communications, including voice, image, data, and information, 132669  
through the use of any medium, including, but not limited to, 132670  
poles, wires, cables, switching equipment, computers, and record 132671  
storage devices and media, and component parts for the tangible 132672  
personal property. The exemption provided in this division shall 132673  
be in lieu of all other exemptions under division (B) (42) (a) or 132674  
(n) of this section to which the vendor may otherwise be 132675  
entitled, based upon the use of the thing purchased in providing 132676  
the telecommunications, mobile telecommunications, or satellite 132677  
broadcasting service. 132678

~~(35) (a) Sales where the purpose of the consumer is to use~~ 132679

~~or consume the things transferred in making retail sales and~~ 132680  
~~consisting of newspaper inserts, catalogues, coupons, flyers,~~ 132681  
~~gift certificates, or other advertising material that prices and~~ 132682  
~~describes tangible personal property offered for retail sale.~~ 132683

~~(b) Sales to direct marketing vendors of preliminary~~ 132684  
~~materials such as photographs, artwork, and typesetting that~~ 132685  
~~will be used in printing advertising material; and of printed~~ 132686  
~~matter that offers free merchandise or chances to win sweepstake~~ 132687  
~~prizes and that is mailed to potential customers with~~ 132688  
~~advertising material described in division (B) (35) (a) of this~~ 132689  
~~section;~~ 132690

~~(c) Sales of equipment such as telephones, computers,~~ 132691  
~~facsimile machines, and similar tangible personal property~~ 132692  
~~primarily used to accept orders for direct marketing retail~~ 132693  
~~sales.~~ 132694

~~(d) Sales of automatic food vending machines that preserve~~ 132695  
~~food with a shelf life of forty-five days or less by~~ 132696  
~~refrigeration and dispense it to the consumer.~~ 132697

~~For purposes of division (B) (35) of this section, "direct~~ 132698  
~~marketing" means the method of selling where consumers order~~ 132699  
~~tangible personal property by United States mail, delivery~~ 132700  
~~service, or telecommunication and the vendor delivers or ships~~ 132701  
~~the tangible personal property sold to the consumer from a~~ 132702  
~~warehouse, catalogue distribution center, or similar fulfillment~~ 132703  
~~facility by means of the United States mail, delivery service,~~ 132704  
~~or common carrier~~ 132705  
(35) Sales of strollers meant for transporting 132705  
children from infancy to about thirty-six months of age that 132706  
meet the United States consumer product safety commission safety 132707  
standard for carriages and strollers under 16 C.F.R. 1227.2. 132708

(36) Sales to a person engaged in the business of 132709  
horticulture or producing livestock of materials to be 132710  
incorporated into a horticulture structure or livestock 132711  
structure; 132712

(37) Sales of personal computers, computer monitors, 132713  
computer keyboards, modems, and other peripheral computer 132714  
equipment to an individual who is licensed or certified to teach 132715  
in an elementary or a secondary school in this state for use by 132716  
that individual in preparation for teaching elementary or 132717  
secondary school students; 132718

(38) Sales of tangible personal property that is not 132719  
required to be registered or licensed under the laws of this 132720  
state to a citizen of a foreign nation that is not a citizen of 132721  
the United States, provided the property is delivered to a 132722  
person in this state that is not a related member of the 132723  
purchaser, is physically present in this state for the sole 132724  
purpose of temporary storage and package consolidation, and is 132725  
subsequently delivered to the purchaser at a delivery address in 132726  
a foreign nation. As used in division (B) (38) of this section, 132727  
"related member" has the same meaning as in section 5733.042 of 132728  
the Revised Code, and "temporary storage" means the storage of 132729  
tangible personal property for a period of not more than sixty 132730  
days. 132731

(39) Sales of used manufactured homes and used mobile 132732  
homes, as defined in section 5739.0210 of the Revised Code, made 132733  
on or after January 1, 2000; 132734

(40) Sales of tangible personal property and services to a 132735  
provider of electricity used or consumed directly and primarily 132736  
in generating, transmitting, or distributing electricity for use 132737  
by others, including property that is or is to be incorporated 132738

into and will become a part of the consumer's production, 132739  
transmission, or distribution system and that retains its 132740  
classification as tangible personal property after 132741  
incorporation; fuel or power used in the production, 132742  
transmission, or distribution of electricity; energy conversion 132743  
equipment as defined in section 5727.01 of the Revised Code; and 132744  
tangible personal property and services used in the repair and 132745  
maintenance of the production, transmission, or distribution 132746  
system, including only those motor vehicles as are specially 132747  
designed and equipped for such use. The exemption provided in 132748  
this division shall be in lieu of all other exemptions in 132749  
division (B) (42) (a) or ~~(n)~~ (m) of this section to which a 132750  
provider of electricity may otherwise be entitled based on the 132751  
use of the tangible personal property or service purchased in 132752  
generating, transmitting, or distributing electricity. 132753

(41) Sales to a person providing services under division 132754  
(B) (3) (p) of section 5739.01 of the Revised Code of tangible 132755  
personal property and services used directly and primarily in 132756  
providing taxable services under that section. 132757

(42) Sales where the purpose of the purchaser is to do any 132758  
of the following: 132759

(a) To incorporate the thing transferred as a material or 132760  
a part into tangible personal property to be produced for sale 132761  
by manufacturing, assembling, processing, or refining; or to use 132762  
or consume the thing transferred directly in producing tangible 132763  
personal property for sale by mining, including, without 132764  
limitation, the extraction from the earth of all substances that 132765  
are classed geologically as minerals, or directly in the 132766  
rendition of a public utility service, except that the sales tax 132767  
levied by this section shall be collected upon all meals, 132768

drinks, and food for human consumption sold when transporting 132769  
persons. This paragraph does not exempt from "retail sale" or 132770  
"sales at retail" the sale of tangible personal property that is 132771  
to be incorporated into a structure or improvement to real 132772  
property. 132773

(b) To hold the thing transferred as security for the 132774  
performance of an obligation of the vendor; 132775

(c) To resell, hold, use, or consume the thing transferred 132776  
as evidence of a contract of insurance; 132777

(d) To use or consume the thing directly in commercial 132778  
fishing; 132779

(e) To incorporate the thing transferred as a material or 132780  
a part into, or to use or consume the thing transferred directly 132781  
in the production of, magazines distributed as controlled 132782  
circulation publications; 132783

~~(f) To use or consume the thing transferred in the 132784  
production and preparation in suitable condition for market and 132785  
sale of printed, imprinted, overprinted, lithographic, 132786  
multilithic, blueprinted, photostatic, or other productions or 132787  
reproductions of written or graphic matter; 132788~~

~~(g)~~ To use the thing transferred, as described in section 132789  
5739.011 of the Revised Code, primarily in a manufacturing 132790  
operation to produce tangible personal property for sale; 132791

~~(h)~~ (g) To use the benefit of a warranty, maintenance or 132792  
service contract, or similar agreement, as described in division 132793  
(B) (7) of section 5739.01 of the Revised Code, to repair or 132794  
maintain tangible personal property, if all of the property that 132795  
is the subject of the warranty, contract, or agreement would not 132796  
be subject to the tax imposed by this section; 132797

~~(i)~~ (h) To use the thing transferred as qualified research 132798  
and development equipment; 132799

~~(j)~~ (i) To use or consume the thing transferred primarily 132800  
in storing, transporting, mailing, or otherwise handling 132801  
purchased sales inventory in a warehouse, distribution center, 132802  
or similar facility when the inventory is primarily distributed 132803  
outside this state to retail stores of the person who owns or 132804  
controls the warehouse, distribution center, or similar 132805  
facility, to retail stores of an affiliated group of which that 132806  
person is a member, or by means of direct marketing. This 132807  
division does not apply to motor vehicles registered for 132808  
operation on the public highways. As used in this division, 132809  
"affiliated group" has the same meaning as in division (B) (3) (e) 132810  
of section 5739.01 of the Revised Code and "direct marketing" 132811  
~~has the same meaning as in division (B) (35) of this section~~ means 132812  
the method of selling where consumers order tangible personal 132813  
property by United States mail, delivery service, or 132814  
telecommunication and the vendor delivers or ships the tangible 132815  
personal property sold to the consumer from a warehouse, 132816  
catalogue distribution center, or similar fulfillment facility 132817  
by means of the United States mail, delivery service, or common 132818  
carrier. 132819

~~(k)~~ (j) To use or consume the thing transferred to fulfill 132820  
a contractual obligation incurred by a warrantor pursuant to a 132821  
warranty provided as a part of the price of the tangible 132822  
personal property sold or by a vendor of a warranty, maintenance 132823  
or service contract, or similar agreement the provision of which 132824  
is defined as a sale under division (B) (7) of section 5739.01 of 132825  
the Revised Code; 132826

~~(l)~~ (k) To use or consume the thing transferred in the 132827

production of a newspaper for distribution to the public; 132828

~~(m)~~ (1) To use tangible personal property to perform a 132829  
service listed in division (B) (3) of section 5739.01 of the 132830  
Revised Code, if the property is or is to be permanently 132831  
transferred to the consumer of the service as an integral part 132832  
of the performance of the service; 132833

~~(n)~~ (m) To use or consume the thing transferred primarily 132834  
in producing tangible personal property for sale by farming, 132835  
agriculture, horticulture, or floriculture. Persons engaged in 132836  
rendering farming, agriculture, horticulture, or floriculture 132837  
services for others are deemed engaged primarily in farming, 132838  
agriculture, horticulture, or floriculture. This paragraph does 132839  
not exempt from "retail sale" or "sales at retail" the sale of 132840  
tangible personal property that is to be incorporated into a 132841  
structure or improvement to real property. 132842

~~(o) To use or consume the thing transferred in acquiring,~~ 132843  
~~formatting, editing, storing, and disseminating data or~~ 132844  
~~information by electronic publishing;~~ 132845

~~(p) To provide the thing transferred to the owner or~~ 132846  
~~lessee of a motor vehicle that is being repaired or serviced, if~~ 132847  
~~the thing transferred is a rented motor vehicle and the~~ 132848  
~~purchaser is reimbursed for the cost of the rented motor vehicle~~ 132849  
~~by a manufacturer, warrantor, or provider of a maintenance,~~ 132850  
~~service, or other similar contract or agreement, with respect to~~ 132851  
~~the motor vehicle that is being repaired or serviced;~~ 132852

~~(q)~~ (n) To use or consume the thing transferred directly 132853  
in production of crude oil and natural gas for sale. Persons 132854  
engaged in rendering production services for others are deemed 132855  
engaged in production. 132856

As used in division ~~(B) (42) (g)~~ (B) (42) (n) of this section, 132857  
"production" means operations and tangible personal property 132858  
directly used to expose and evaluate an underground reservoir 132859  
that may contain hydrocarbon resources, prepare the wellbore for 132860  
production, and lift and control all substances yielded by the 132861  
reservoir to the surface of the earth. 132862

(i) For the purposes of division ~~(B) (42) (g)~~ (B) (42) (n) of 132863  
this section, the "thing transferred" includes, but is not 132864  
limited to, any of the following: 132865

(I) Services provided in the construction of permanent 132866  
access roads, services provided in the construction of the well 132867  
site, and services provided in the construction of temporary 132868  
impoundments; 132869

(II) Equipment and rigging used for the specific purpose 132870  
of creating with integrity a wellbore pathway to underground 132871  
reservoirs; 132872

(III) Drilling and workover services used to work within a 132873  
subsurface wellbore, and tangible personal property directly 132874  
used in providing such services; 132875

(IV) Casing, tubulars, and float and centralizing 132876  
equipment; 132877

(V) Trailers to which production equipment is attached; 132878

(VI) Well completion services, including cementing of 132879  
casing, and tangible personal property directly used in 132880  
providing such services; 132881

(VII) Wireline evaluation, mud logging, and perforation 132882  
services, and tangible personal property directly used in 132883  
providing such services; 132884



(VIII) Reservoir stimulation, hydraulic fracturing, and	132885
acidizing services, and tangible personal property directly used	132886
in providing such services, including all material pumped	132887
downhole;	132888
 (IX) Pressure pumping equipment;	132889
 (X) Artificial lift systems equipment;	132890
 (XI) Wellhead equipment and well site equipment used to	132891
separate, stabilize, and control hydrocarbon phases and produced	132892
water;	132893
 (XII) Tangible personal property directly used to control	132894
production equipment.	132895
 (ii) For the purposes of division <del>(B) (42) (a)</del> <u>(B) (42) (n)</u> of	132896
this section, the "thing transferred" does not include any of	132897
the following:	132898
 (I) Tangible personal property used primarily in the	132899
exploration and production of any mineral resource regulated	132900
under Chapter 1509. of the Revised Code other than oil or gas;	132901
 (II) Tangible personal property used primarily in storing,	132902
holding, or delivering solutions or chemicals used in well	132903
stimulation as defined in section 1509.01 of the Revised Code;	132904
 (III) Tangible personal property used primarily in	132905
preparing, installing, or reclaiming foundations for drilling or	132906
pumping equipment or well stimulation material tanks;	132907
 (IV) Tangible personal property used primarily in	132908
transporting, delivering, or removing equipment to or from the	132909
well site or storing such equipment before its use at the well	132910
site;	132911

(V) Tangible personal property used primarily in gathering 132912  
operations occurring off the well site, including gathering 132913  
pipelines transporting hydrocarbon gas or liquids away from a 132914  
crude oil or natural gas production facility; 132915

(VI) Tangible personal property that is to be incorporated 132916  
into a structure or improvement to real property; 132917

(VII) Well site fencing, lighting, or security systems; 132918

(VIII) Communication devices or services; 132919

(IX) Office supplies; 132920

(X) Trailers used as offices or lodging; 132921

(XI) Motor vehicles of any kind; 132922

(XII) Tangible personal property used primarily for the 132923  
storage of drilling byproducts and fuel not used for production; 132924

(XIII) Tangible personal property used primarily as a 132925  
safety device; 132926

(XIV) Data collection or monitoring devices; 132927

(XV) Access ladders, stairs, or platforms attached to 132928  
storage tanks. 132929

The enumeration of tangible personal property in division 132930  
~~(B) (42) (q) (ii)~~ (B) (42) (n) (ii) of this section is not intended to 132931  
be exhaustive, and any tangible personal property not so 132932  
enumerated shall not necessarily be construed to be a "thing 132933  
transferred" for the purposes of division ~~(B) (42) (q)~~ (B) (42) (n) 132934  
of this section. 132935

The commissioner shall adopt and promulgate rules under 132936  
sections 119.01 to 119.13 of the Revised Code that the 132937  
commissioner deems necessary to administer division ~~(B) (42) (q)~~ 132938

(B) (42) (n) of this section. 132939

As used in division (B) (42) of this section, "thing" 132940  
includes all transactions included in divisions (B) (3) (a), (b), 132941  
and (e) of section 5739.01 of the Revised Code. 132942

(43) Sales conducted through a coin operated device that 132943  
activates vacuum equipment or equipment that dispenses water, 132944  
whether or not in combination with soap or other cleaning agents 132945  
or wax, to the consumer for the consumer's use on the premises 132946  
in washing, cleaning, or waxing a motor vehicle, provided no 132947  
other personal property or personal service is provided as part 132948  
of the transaction. 132949

(44) Sales of replacement and modification parts for 132950  
engines, airframes, instruments, and interiors in, and paint 132951  
for, aircraft used primarily in a fractional aircraft ownership 132952  
program, and sales of services for the repair, modification, and 132953  
maintenance of such aircraft, and machinery, equipment, and 132954  
supplies primarily used to provide those services. 132955

~~(45) Sales of telecommunications service that is used~~ 132956  
~~directly and primarily to perform the functions of a call~~ 132957  
~~center. As used in this division, "call center" means any~~ 132958  
~~physical location where telephone calls are placed or received~~ 132959  
~~in high volume for the purpose of making sales, marketing,~~ 132960  
~~customer service, technical support, or other specialized~~ 132961  
~~business activity, and that employs at least fifty individuals~~ 132962  
~~that engage in call center activities on a full-time basis, or~~ 132963  
~~sufficient individuals to fill fifty full-time equivalent~~ 132964  
~~positions.~~  
The fee imposed by section 3743.22 of the Revised Code, 132965  
if it is separately stated on the invoice, bill of sale, or 132966  
similar document given by the vendor to the consumer for a 132967  
retail sale made in this state. 132968

(46) Sales by a telecommunications service vendor of 900 132969  
service to a subscriber. This division does not apply to 132970  
information services. 132971

(47) Sales of value-added non-voice data service. This 132972  
division does not apply to any similar service that is not 132973  
otherwise a telecommunications service. 132974

(48) Sales of feminine hygiene products. 132975

(49) Sales of materials, parts, equipment, or engines used 132976  
in the repair or maintenance of aircraft or avionics systems of 132977  
such aircraft, and sales of repair, remodeling, replacement, or 132978  
maintenance services in this state performed on aircraft or on 132979  
an aircraft's avionics, engine, or component materials or parts. 132980  
As used in division (B) (49) of this section, "aircraft" means 132981  
aircraft of more than six thousand pounds maximum certified 132982  
takeoff weight or used exclusively in general aviation. 132983

(50) Sales of full flight simulators that are used for 132984  
pilot or flight-crew training, sales of repair or replacement 132985  
parts or components, and sales of repair or maintenance services 132986  
for such full flight simulators. "Full flight simulator" means a 132987  
replica of a specific type, or make, model, and series of 132988  
aircraft cockpit. It includes the assemblage of equipment and 132989  
computer programs necessary to represent aircraft operations in 132990  
ground and flight conditions, a visual system providing an out- 132991  
of-the-cockpit view, and a system that provides cues at least 132992  
equivalent to those of a three-degree-of-freedom motion system, 132993  
and has the full range of capabilities of the systems installed 132994  
in the device as described in appendices A and B of part 60 of 132995  
chapter 1 of title 14 of the Code of Federal Regulations. 132996

(51) Any transfer or lease of tangible personal property 132997

between the state and JobsOhio in accordance with section 132998  
4313.02 of the Revised Code. 132999

(52) (a) Sales to a qualifying corporation. 133000

(b) As used in division (B) (52) of this section: 133001

(i) "Qualifying corporation" means a nonprofit corporation 133002  
organized in this state that leases from an eligible county 133003  
land, buildings, structures, fixtures, and improvements to the 133004  
land that are part of or used in a public recreational facility 133005  
used by a major league professional athletic team or a class A 133006  
to class AAA minor league affiliate of a major league 133007  
professional athletic team for a significant portion of the 133008  
team's home schedule, provided the following apply: 133009

(I) The facility is leased from the eligible county 133010  
pursuant to a lease that requires substantially all of the 133011  
revenue from the operation of the business or activity conducted 133012  
by the nonprofit corporation at the facility in excess of 133013  
operating costs, capital expenditures, and reserves to be paid 133014  
to the eligible county at least once per calendar year. 133015

(II) Upon dissolution and liquidation of the nonprofit 133016  
corporation, all of its net assets are distributable to the 133017  
board of commissioners of the eligible county from which the 133018  
corporation leases the facility. 133019

(ii) "Eligible county" has the same meaning as in section 133020  
307.695 of the Revised Code. 133021

(53) Sales to or by a cable service provider, video 133022  
service provider, or radio or television broadcast station 133023  
regulated by the federal government of cable service or 133024  
programming, video service or programming, audio service or 133025  
programming, or electronically transferred digital audiovisual 133026

or audio work. As used in division (B) (53) of this section, 133027  
"cable service" and "cable service provider" have the same 133028  
meanings as in section 1332.01 of the Revised Code, and "video 133029  
service," "video service provider," and "video programming" have 133030  
the same meanings as in section 1332.21 of the Revised Code. 133031

~~(54) Sales of a digital audio work electronically 133032~~  
~~transferred for delivery through use of a machine, such as a 133033~~  
~~juke box, that does all of the following: 133034~~

~~(a) Accepts direct payments to operate; 133035~~

~~(b) Automatically plays a selected digital audio work for 133036~~  
~~a single play upon receipt of a payment described in division 133037~~  
~~(B) (54) (a) of this section; 133038~~

~~(c) Operates exclusively for the purpose of playing 133039~~  
~~digital audio works in a commercial establishment 133040~~  
~~eligible 133041~~  
~~tangible personal property occurring during the period of a 133042~~  
~~sales tax holiday held pursuant to section 5739.41 of the 133043~~  
~~Revised Code.~~

(55) (a) Sales of the following occurring on the first 133044  
Friday of August and the following Saturday and Sunday of any 133045  
year, except in 2024 or any subsequent year in which a sales tax 133046  
holiday is held pursuant to section 5739.41 of the Revised Code: 133047

(i) An item of clothing, the price of which is seventy- 133048  
five dollars or less; 133049

(ii) An item of school supplies, the price of which is 133050  
twenty dollars or less; 133051

(iii) An item of school instructional material, the price 133052  
of which is twenty dollars or less. 133053

(b) As used in division (B) (55) of this section: 133054

(i) "Clothing" means all human wearing apparel suitable 133055  
for general use. "Clothing" includes, but is not limited to, 133056  
aprons, household and shop; athletic supporters; baby receiving 133057  
blankets; bathing suits and caps; beach capes and coats; belts 133058  
and suspenders; boots; coats and jackets; costumes; diapers, 133059  
children and adult, including disposable diapers; earmuffs; 133060  
footlets; formal wear; garters and garter belts; girdles; gloves 133061  
and mittens for general use; hats and caps; hosiery; insoles for 133062  
shoes; lab coats; neckties; overshoes; pantyhose; rainwear; 133063  
rubber pants; sandals; scarves; shoes and shoe laces; slippers; 133064  
sneakers; socks and stockings; steel-toed shoes; underwear; 133065  
uniforms, athletic and nonathletic; and wedding apparel. 133066  
"Clothing" does not include items purchased for use in a trade 133067  
or business; clothing accessories or equipment; protective 133068  
equipment; sports or recreational equipment; belt buckles sold 133069  
separately; costume masks sold separately; patches and emblems 133070  
sold separately; sewing equipment and supplies including, but 133071  
not limited to, knitting needles, patterns, pins, scissors, 133072  
sewing machines, sewing needles, tape measures, and thimbles; 133073  
and sewing materials that become part of "clothing" including, 133074  
but not limited to, buttons, fabric, lace, thread, yarn, and 133075  
zippers. 133076

(ii) "School supplies" means items commonly used by a 133077  
student in a course of study. "School supplies" includes only 133078  
the following items: binders; book bags; calculators; cellophane 133079  
tape; blackboard chalk; compasses; composition books; crayons; 133080  
erasers; folders, expandable, pocket, plastic, and manila; glue, 133081  
paste, and paste sticks; highlighters; index cards; index card 133082  
boxes; legal pads; lunch boxes; markers; notebooks; paper, 133083  
loose-leaf ruled notebook paper, copy paper, graph paper, 133084  
tracing paper, manila paper, colored paper, poster board, and 133085

construction paper; pencil boxes and other school supply boxes; 133086  
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 133087  
and writing tablets. "School supplies" does not include any item 133088  
purchased for use in a trade or business. 133089

(iii) "School instructional material" means written 133090  
material commonly used by a student in a course of study as a 133091  
reference and to learn the subject being taught. "School 133092  
instructional material" includes only the following items: 133093  
reference books, reference maps and globes, textbooks, and 133094  
workbooks. "School instructional material" does not include any 133095  
material purchased for use in a trade or business. 133096

(56) (a) Sales of adult diapers or incontinence underpads 133097  
sold pursuant to a prescription, for the benefit of a medicaid 133098  
recipient with a diagnosis of incontinence, and by a medicaid 133099  
provider that maintains a valid provider agreement under section 133100  
5164.30 of the Revised Code with the department of medicaid, 133101  
provided that the medicaid program covers diapers or 133102  
incontinence underpads as an incontinence garment. 133103

(b) As used in division (B) (56) (a) of this section, 133104  
"incontinence underpad" means an absorbent product, not worn on 133105  
the body, designed to protect furniture or other tangible 133106  
personal property from soiling or damage due to human 133107  
incontinence. 133108

(57) Sales of investment metal bullion and investment 133109  
coins. "Investment metal bullion" means any bullion described in 133110  
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 133111  
whether that bullion is in the physical possession of a trustee. 133112  
"Investment coin" means any coin composed primarily of gold, 133113  
silver, platinum, or palladium. 133114



(58) Sales of tangible personal property used primarily 133115  
for any of the following purposes by a megaproject operator at 133116  
the site of a megaproject that satisfies the criteria described 133117  
in division (A) (11) (a) (ii) of section 122.17 of the Revised 133118  
Code, provided that the sale occurs during the period that the 133119  
megaproject operator has an agreement for such megaproject with 133120  
the tax credit authority under division (D) of section 122.17 of 133121  
the Revised Code that remains in effect and has not expired or 133122  
been terminated: 133123

(a) To store, transmit, convey, distribute, recycle, 133124  
circulate, or clean water, steam, or other gases used in or 133125  
produced as a result of manufacturing activity, including items 133126  
that support or aid in the operation of such property; 133127

(b) To clean or prepare inventory, at any stage of storage 133128  
or production, or equipment used in a manufacturing activity, 133129  
including chemicals, solvents, catalysts, soaps, and other items 133130  
that support or aid in the operation of property; 133131

(c) To regulate, treat, filter, condition, improve, clean, 133132  
maintain, or monitor environmental conditions within areas where 133133  
manufacturing activities take place; 133134

(d) To handle, transport, or convey inventory during 133135  
production or manufacturing. 133136

(59) Documentary services charges imposed pursuant to 133137  
section 4517.261 or 4781.24 of the Revised Code. 133138

(60) Sales of children's diapers. 133139

(61) Sales of therapeutic or preventative creams and wipes 133140  
marketed primarily for use on the skin of children. 133141

~~(62) Sales of a child restraint device or booster seat~~ 133142

~~that meets the national highway traffic safety administration-~~ 133143  
~~standard for child restraint systems under 49 C.F.R. 571.213.-~~ 133144

~~(63) Sales of cribs intended to provide sleeping-~~ 133145  
~~accommodations for children that comply with the United States-~~ 133146  
~~consumer product safety commission's safety standard for full-~~ 133147  
~~size baby cribs under 16 C.F.R. 1219 or the commission's safety-~~ 133148  
~~standard for non-full-size baby cribs under 16 C.F.R. 1220.-~~ 133149

~~(64) Sales of strollers meant for transporting children-~~ 133150  
~~from infancy to about thirty-six months of age that meet the-~~ 133151  
~~United States consumer product safety commission safety standard~~ 133152  
~~for carriages and strollers under 16 C.F.R. 1227.2.-~~ 133153

~~(65) The fee imposed by section 3743.22 of the Revised-~~ 133154  
~~Code, if it is separately stated on the invoice, bill of sale,~~ 133155  
~~or similar document given by the vendor to the consumer for a-~~ 133156  
~~retail sale made in this state.-~~ 133157

~~(66) Sales of eligible tangible personal property-~~ 133158  
~~occurring during the period of a sales tax holiday held pursuant~~ 133159  
~~to section 5739.41 of the Revised Code.-~~ 133160

(C) For the purpose of the proper administration of this 133161  
chapter, and to prevent the evasion of the tax, it is presumed 133162  
that all sales made in this state are subject to the tax until 133163  
the contrary is established. 133164

(D) The tax collected by the vendor from the consumer 133165  
under this chapter is not part of the price, but is a tax 133166  
collection for the benefit of the state, and of counties levying 133167  
an additional sales tax pursuant to section 5739.021 or 5739.026 133168  
of the Revised Code and of transit authorities levying an 133169  
additional sales tax pursuant to section 5739.023 of the Revised 133170  
Code. Except for the discount authorized under section 5739.12 133171

of the Revised Code and the effects of any rounding pursuant to 133172  
section 5703.055 of the Revised Code, no person other than the 133173  
state or such a county or transit authority shall derive any 133174  
benefit from the collection or payment of the tax levied by this 133175  
section or section 5739.021, 5739.023, or 5739.026 of the 133176  
Revised Code. 133177

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or 133178  
section 5739.051 of the Revised Code, the tax imposed by or 133179  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 133180  
the Revised Code shall be paid by the consumer to the vendor, 133181  
and each vendor shall collect from the consumer, as a trustee 133182  
for the state of Ohio, the full and exact amount of the tax 133183  
payable on each taxable sale, in the manner and at the times 133184  
provided as follows: 133185

(1) If the price is, at or prior to the provision of the 133186  
service or the delivery of possession of the thing sold to the 133187  
consumer, paid in currency passed from hand to hand by the 133188  
consumer or the consumer's agent to the vendor or the vendor's 133189  
agent, the vendor or the vendor's agent shall collect the tax 133190  
with and at the same time as the price; 133191

(2) If the price is otherwise paid or to be paid, the 133192  
vendor or the vendor's agent shall, at or prior to the provision 133193  
of the service or the delivery of possession of the thing sold 133194  
to the consumer, charge the tax imposed by or pursuant to 133195  
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 133196  
Code to the account of the consumer, which amount shall be 133197  
collected by the vendor from the consumer in addition to the 133198  
price. Such sale shall be reported on and the amount of the tax 133199  
applicable thereto shall be remitted with the return for the 133200  
period in which the sale is made, and the amount of the tax 133201

shall become a legal charge in favor of the vendor and against the consumer.

(B) (1) (a) If any sale is claimed to be exempt under division (E) of section 5739.01 of the Revised Code or under section 5739.02 of the Revised Code, with the exception of divisions (B) (1) to (11), (28), (48), (54), (55), or (59), ~~or~~ ~~(66)~~ of section 5739.02 of the Revised Code, the consumer must provide to the vendor, and the vendor must obtain from the consumer, a certificate specifying the reason that the sale is not legally subject to the tax. The certificate shall be in such form, and shall be provided either in a hard copy form or electronic form, as the tax commissioner prescribes.

(b) A vendor that obtains a fully completed exemption certificate from a consumer is relieved of liability for collecting and remitting tax on any sale covered by that certificate. If it is determined the exemption was improperly claimed, the consumer shall be liable for any tax due on that sale under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 5741. of the Revised Code. Relief under this division from liability does not apply to any of the following:

(i) A vendor that fraudulently fails to collect tax;

(ii) A vendor that solicits consumers to participate in the unlawful claim of an exemption;

(iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its web site

an exemption certificate form that clearly and affirmatively 133231  
indicates that the claimed exemption is not available in this 133232  
state; 133233

(iv) A vendor that accepts an exemption certificate from a 133234  
consumer who claims a multiple points of use exemption under 133235  
division (D) of section 5739.033 of the Revised Code, if the 133236  
item purchased is tangible personal property, other than 133237  
prewritten computer software. 133238

(2) The vendor shall maintain records, including exemption 133239  
certificates, of all sales on which a consumer has claimed an 133240  
exemption, and provide them to the tax commissioner on request. 133241

(3) The tax commissioner may establish an identification 133242  
system whereby the commissioner issues an identification number 133243  
to a consumer that is exempt from payment of the tax. The 133244  
consumer must present the number to the vendor, if any sale is 133245  
claimed to be exempt as provided in this section. 133246

(4) If no certificate is provided or obtained within 133247  
ninety days after the date on which such sale is consummated, it 133248  
shall be presumed that the tax applies. Failure to have so 133249  
provided or obtained a certificate shall not preclude a vendor, 133250  
within one hundred twenty days after the tax commissioner gives 133251  
written notice of intent to levy an assessment, from either 133252  
establishing that the sale is not subject to the tax, or 133253  
obtaining, in good faith, a fully completed exemption 133254  
certificate. 133255

(5) Certificates need not be obtained nor provided where 133256  
the identity of the consumer is such that the transaction is 133257  
never subject to the tax imposed or where the item of tangible 133258  
personal property sold or the service provided is never subject 133259

to the tax imposed, regardless of use, or when the sale is in 133260  
interstate commerce. 133261

(6) If a transaction is claimed to be exempt under 133262  
division (B) (13) of section 5739.02 of the Revised Code, the 133263  
contractor shall obtain certification of the claimed exemption 133264  
from the contractee. This certification shall be in addition to 133265  
an exemption certificate provided by the contractor to the 133266  
vendor. A contractee that provides a certification under this 133267  
division shall be deemed to be the consumer of all items 133268  
purchased by the contractor under the claim of exemption, if it 133269  
is subsequently determined that the exemption is not properly 133270  
claimed. The certification shall be in such form as the tax 133271  
commissioner prescribes. 133272

(7) If a transaction is claimed to be exempt under 133273  
division (B) (13) of section 5739.02 of the Revised Code, the 133274  
person that leases a sports facility, as defined in section 133275  
307.696 of the Revised Code, wholly owned by a county may 133276  
provide and sign, on behalf of the county, an exemption 133277  
certificate required under this section for that exemption. 133278

(C) As used in this division, "contractee" means a person 133279  
who seeks to enter or enters into a contract or agreement with a 133280  
contractor or vendor for the construction of real property or 133281  
for the sale and installation onto real property of tangible 133282  
personal property. 133283

Any contractor or vendor may request from any contractee a 133284  
certification of what portion of the property to be transferred 133285  
under such contract or agreement is to be incorporated into the 133286  
realty and what portion will retain its status as tangible 133287  
personal property after installation is completed. The 133288  
contractor or vendor shall request the certification by 133289

certified mail delivered to the contractee, return receipt 133290  
requested. Upon receipt of such request and prior to entering 133291  
into the contract or agreement, the contractee shall provide to 133292  
the contractor or vendor a certification sufficiently detailed 133293  
to enable the contractor or vendor to ascertain the resulting 133294  
classification of all materials purchased or fabricated by the 133295  
contractor or vendor and transferred to the contractee. This 133296  
requirement applies to a contractee regardless of whether the 133297  
contractee holds a direct payment permit under section 5739.031 133298  
of the Revised Code or provides to the contractor or vendor an 133299  
exemption certificate as provided under this section. 133300

For the purposes of the taxes levied by this chapter and 133301  
Chapter 5741. of the Revised Code, the contractor or vendor may 133302  
in good faith rely on the contractee's certification. 133303  
Notwithstanding division (B) of section 5739.01 of the Revised 133304  
Code, if the tax commissioner determines that certain property 133305  
certified by the contractee as tangible personal property 133306  
pursuant to this division is, in fact, real property, the 133307  
contractee shall be considered to be the consumer of all 133308  
materials so incorporated into that real property and shall be 133309  
liable for the applicable tax, and the contractor or vendor 133310  
shall be excused from any liability on those materials. 133311

If a contractee fails to provide such certification upon 133312  
the request of the contractor or vendor, the contractor or 133313  
vendor shall comply with the provisions of this chapter and 133314  
Chapter 5741. of the Revised Code without the certification. If 133315  
the tax commissioner determines that such compliance has been 133316  
performed in good faith and that certain property treated as 133317  
tangible personal property by the contractor or vendor is, in 133318  
fact, real property, the contractee shall be considered to be 133319  
the consumer of all materials so incorporated into that real 133320

property and shall be liable for the applicable tax, and the 133321  
construction contractor or vendor shall be excused from any 133322  
liability on those materials. 133323

This division does not apply to any contract or agreement 133324  
where the tax commissioner determines as a fact that a 133325  
certification under this division was made solely on the 133326  
decision or advice of the contractor or vendor. 133327

(D) Notwithstanding division (B) of section 5739.01 of the 133328  
Revised Code, whenever the total rate of tax imposed under this 133329  
chapter is increased after the date after a construction 133330  
contract is entered into, the contractee shall reimburse the 133331  
construction contractor for any additional tax paid on tangible 133332  
property consumed or services received pursuant to the contract. 133333

(E) A vendor who files a petition for reassessment 133334  
contesting the assessment of tax on sales for which the vendor 133335  
obtained no valid exemption certificates and for which the 133336  
vendor failed to establish that the sales were properly not 133337  
subject to the tax during the one-hundred-twenty-day period 133338  
allowed under division (B) of this section, may present to the 133339  
tax commissioner additional evidence to prove that the sales 133340  
were properly subject to a claim of exception or exemption. The 133341  
vendor shall file such evidence within ninety days of the 133342  
receipt by the vendor of the notice of assessment, except that, 133343  
upon application and for reasonable cause, the period for 133344  
submitting such evidence shall be extended thirty days. 133345

The commissioner shall consider such additional evidence 133346  
in reaching the final determination on the assessment and 133347  
petition for reassessment. 133348

(F) Whenever a vendor refunds the price, minus any 133349



separately stated delivery charge, of an item of tangible 133350  
personal property on which the tax imposed under this chapter 133351  
has been paid, the vendor shall also refund the amount of tax 133352  
paid, minus the amount of tax attributable to the delivery 133353  
charge. 133354

**Sec. 5739.07.** (A) When, pursuant to this chapter, a vendor 133355  
has paid taxes to the tax commissioner or the commissioner's 133356  
agent, the commissioner shall refund to the vendor the amount of 133357  
taxes paid, and any penalties assessed with respect to such 133358  
taxes, if the vendor has refunded to the consumer the full 133359  
amount of taxes the consumer paid illegally or erroneously or if 133360  
the vendor has illegally or erroneously billed the consumer but 133361  
has not collected the taxes from the consumer. 133362

(B) When, pursuant to this chapter, a consumer has paid 133363  
taxes directly to the tax commissioner or the commissioner's 133364  
agent, and the payment or assessment was illegal or erroneous, 133365  
the commissioner shall refund to the consumer the full amount of 133366  
illegal or erroneous taxes paid and any penalties assessed with 133367  
respect to such taxes. 133368

(C) The commissioner shall refund to the consumer amounts 133369  
paid illegally or erroneously to a vendor only if: 133370

(1) The commissioner has not refunded the tax to the 133371  
vendor and the vendor has not refunded the tax to the consumer; 133372  
or 133373

(2) The consumer has received a refund from a manufacturer 133374  
or other person, other than the vendor, of the full purchase 133375  
price, but not the tax, paid to the vendor in settlement of a 133376  
complaint by the consumer about the property or service 133377  
purchased. 133378

The commissioner may require the consumer to obtain or the  
vendor to provide a written statement confirming that the vendor  
has not refunded the tax to the consumer and has not filed an  
application for refund of the tax with the commissioner.

(D) Subject to division (E) of this section, an  
application for refund shall be filed with the tax commissioner  
on the form prescribed by the commissioner within four years  
from the date of the illegal or erroneous payment, unless the  
vendor or consumer waives the time limitation under division (A)  
(3) of section 5739.16 of the Revised Code. If the time  
limitation is waived, the refund application period shall be  
extended for the same period as the waiver.

(E) An application for refund shall be filed in accordance  
with division (D) of this section unless a person is subject to  
an assessment that is subject to the time limit of division (B)  
of section 5703.58 of the Revised Code for amounts not reported  
and paid between the four-year time limit described in division  
(D) of this section and the seven-year limit described in  
division (B) of section 5703.58 of the Revised Code, in which  
case the person may file an application within six months after  
the date the assessment is issued. Any refund allowed under this  
division shall not exceed the amount of the assessment due for  
the same period.

(F) On the filing of an application for a refund, the  
commissioner shall determine the amount of refund to which the  
applicant is entitled. If the amount is not less than that  
claimed, the commissioner shall certify that amount to the  
director of budget and management and the treasurer of state for  
payment from the tax refund fund created by section 5703.052 of  
the Revised Code. If the amount is less than that claimed, the

commissioner shall proceed in accordance with section 5703.70 of 133409  
the Revised Code. 133410

(G) When a refund is granted under this section, it shall 133411  
include interest thereon as provided by section 5739.132 of the 133412  
Revised Code, except that no such interest shall be granted when 133413  
a refund is granted for illegal or erroneous payments made 133414  
pursuant to a direct payment permit issued under section 133415  
5739.031 of the Revised Code or division (I) of section 122.175 133416  
of the Revised Code. 133417

**Sec. 5739.09.** (A) (1) A board of county commissioners may, 133418  
by resolution adopted by a majority of the members of the board, 133419  
levy an excise tax not to exceed three per cent on transactions 133420  
by which lodging by a hotel is or is to be furnished to 133421  
transient guests. The board shall establish all regulations 133422  
necessary to provide for the administration and allocation of 133423  
the tax. The regulations may prescribe the time for payment of 133424  
the tax, and may provide for the imposition of a penalty or 133425  
interest, or both, for late payments, provided that the penalty 133426  
does not exceed ten per cent of the amount of tax due, and the 133427  
rate at which interest accrues does not exceed the rate per 133428  
annum prescribed pursuant to section 5703.47 of the Revised 133429  
Code. Except as otherwise provided in this section, the 133430  
regulations shall provide, after deducting the real and actual 133431  
costs of administering the tax, for the return to each municipal 133432  
corporation or township that does not levy an excise tax on the 133433  
transactions, a uniform percentage of the tax collected in the 133434  
municipal corporation or in the unincorporated portion of the 133435  
township from each transaction, not to exceed thirty-three and 133436  
one-third per cent. Except as provided in this section, the 133437  
remainder of the revenue arising from the tax shall be deposited 133438  
in a separate fund and shall be spent either (a) to make 133439

contributions to the convention and visitors' bureau operating 133440  
within the county, including a pledge and contribution of any 133441  
portion of the remainder pursuant to an agreement authorized by 133442  
section 307.678 or 307.695 of the Revised Code or (b) to pay, if 133443  
authorized in the regulations, for public safety services in a 133444  
resort area designated under section 5739.101 of the Revised 133445  
Code. 133446

(2) If the board of county commissioners of an eligible 133447  
county as defined in section 307.678 or 307.695 of the Revised 133448  
Code adopts a resolution amending a resolution levying a tax 133449  
under division (A) of this section to provide that revenue from 133450  
the tax shall be used by the board as described in either 133451  
division (D) of section 307.678 or division (H) of section 133452  
307.695 of the Revised Code, the remainder of the revenue shall 133453  
be used as described in the resolution making that amendment. 133454

(3) Except as provided in division (B), (C), (D), (E), 133455  
(F), (G), (H), (I), (J), (K), or (Q) of this section, on and 133456  
after May 10, 1994, a board of county commissioners may not levy 133457  
an excise tax pursuant to division (A) of this section in any 133458  
municipal corporation or township located wholly or partly 133459  
within the county that has in effect an ordinance or resolution 133460  
levying an excise tax pursuant to division (B) of section 133461  
5739.08 of the Revised Code. 133462

(4) The board of a county that has levied a tax under 133463  
division (M) of this section may, by resolution adopted within 133464  
ninety days after July 15, 1985, by a majority of the members of 133465  
the board, amend the resolution levying a tax under division (A) 133466  
of this section to provide for a portion of that tax to be 133467  
pledged and contributed in accordance with an agreement entered 133468  
into under section 307.695 of the Revised Code. A tax, any 133469

revenue from which is pledged pursuant to such an agreement, 133470  
shall remain in effect at the rate at which it is imposed for 133471  
the duration of the period for which the revenue from the tax 133472  
has been so pledged. 133473

(5) The board of county commissioners of an eligible 133474  
county as defined in section 307.695 of the Revised Code may, by 133475  
resolution adopted by a majority of the members of the board, 133476  
amend a resolution levying a tax under division (A) of this 133477  
section to provide that the revenue from the tax shall be used 133478  
by the board as described in division (H) of section 307.695 of 133479  
the Revised Code, in which case the tax shall remain in effect 133480  
at the rate at which it was imposed for the duration of any 133481  
agreement entered into by the board under section 307.695 of the 133482  
Revised Code, the duration during which any securities issued by 133483  
the board under that section are outstanding, or the duration of 133484  
the period during which the board owns a project as defined in 133485  
section 307.695 of the Revised Code, whichever duration is 133486  
longest. 133487

(6) The board of county commissioners of an eligible 133488  
county as defined in section 307.678 of the Revised Code may, by 133489  
resolution, amend a resolution levying a tax under division (A) 133490  
of this section to provide that revenue from the tax, not to 133491  
exceed five hundred thousand dollars each year, may be used as 133492  
described in division (E) of section 307.678 of the Revised 133493  
Code. 133494

(7) Notwithstanding division (A) of this section, the 133495  
board of county commissioners of a county described in division 133496  
(H) (1) of this section may, by resolution, amend a resolution 133497  
levying a tax under division (A) of this section to provide that 133498  
all or a portion of the revenue from the tax, including any 133499

revenue otherwise required to be returned to townships or 133500  
municipal corporations under that division, may be used or 133501  
pledged for the payment of debt service on securities issued to 133502  
pay the costs of constructing, operating, and maintaining sports 133503  
facilities described in division (H) (2) of this section. 133504

(8) The board of county commissioners of a county 133505  
described in division (I) of this section may, by resolution, 133506  
amend a resolution levying a tax under division (A) of this 133507  
section to provide that all or a portion of the revenue from the 133508  
tax may be used for the purposes described in section 307.679 of 133509  
the Revised Code. 133510

(B) A board of county commissioners that levies an excise 133511  
tax under division (A) of this section on June 30, 1997, at a 133512  
rate of three per cent, and that has pledged revenue from the 133513  
tax to an agreement entered into under section 307.695 of the 133514  
Revised Code or, in the case of the board of county 133515  
commissioners of an eligible county as defined in section 133516  
307.695 of the Revised Code, has amended a resolution levying a 133517  
tax under division (M) of this section to provide that proceeds 133518  
from the tax shall be used by the board as described in division 133519  
(H) of section 307.695 of the Revised Code, may, at any time by 133520  
a resolution adopted by a majority of the members of the board, 133521  
amend the resolution levying a tax under division (A) of this 133522  
section to provide for an increase in the rate of that tax up to 133523  
seven per cent on each transaction; to provide that revenue from 133524  
the increase in the rate shall be used as described in division 133525  
(H) of section 307.695 of the Revised Code or be spent solely to 133526  
make contributions to the convention and visitors' bureau 133527  
operating within the county to be used specifically for 133528  
promotion, advertising, and marketing of the region in which the 133529  
county is located; and to provide that the rate in excess of the 133530

three per cent levied under division (A) of this section shall 133531  
remain in effect at the rate at which it is imposed for the 133532  
duration of the period during which any agreement is in effect 133533  
that was entered into under section 307.695 of the Revised Code 133534  
by the board of county commissioners levying a tax under 133535  
division (A) of this section, the duration of the period during 133536  
which any securities issued by the board under division (I) of 133537  
section 307.695 of the Revised Code are outstanding, or the 133538  
duration of the period during which the board owns a project as 133539  
defined in section 307.695 of the Revised Code, whichever 133540  
duration is longest. The amendment also shall provide that no 133541  
portion of that revenue need be returned to townships or 133542  
municipal corporations as would otherwise be required under 133543  
division (A) of this section. 133544

(C) (1) As used in division (C) of this section, "cost" and 133545  
"facility" have the same meanings as in section 351.01 of the 133546  
Revised Code, and "convention center" has the same meaning as in 133547  
section 307.695 of the Revised Code. 133548

(2) A board of county commissioners that levies a tax 133549  
under division (A) of this section on March 18, 1999, at a rate 133550  
of three per cent may, by resolution adopted not later than 133551  
forty-five days after March 18, 1999, amend the resolution 133552  
levying the tax to provide for all of the following: 133553

(a) That the rate of the tax shall be increased by not 133554  
more than an additional four per cent on each transaction; 133555

(b) That all of the revenue from the increase in the rate 133556  
shall be pledged and contributed to a convention facilities 133557  
authority established by the board of county commissioners under 133558  
Chapter 351. of the Revised Code on or before November 15, 1998, 133559  
and used to pay costs of constructing, maintaining, operating, 133560

and promoting a facility in the county, including paying bonds, 133561  
or notes issued in anticipation of bonds, as provided by that 133562  
chapter; 133563

(c) That no portion of the revenue arising from the 133564  
increase in rate need be returned to municipal corporations or 133565  
townships as otherwise required under division (A) of this 133566  
section; 133567

(d) That the increase in rate shall not be subject to 133568  
diminution by initiative or referendum or by law while any 133569  
bonds, or notes in anticipation of bonds, issued by the 133570  
authority under Chapter 351. of the Revised Code to which the 133571  
revenue is pledged, remain outstanding in accordance with their 133572  
terms, unless provision is made by law or by the board of county 133573  
commissioners for an adequate substitute therefor that is 133574  
satisfactory to the trustee if a trust agreement secures the 133575  
bonds. 133576

(3) Division (C) of this section does not apply to the 133577  
board of county commissioners of any county in which a 133578  
convention center or facility exists or is being constructed on 133579  
November 15, 1998, or of any county in which a convention 133580  
facilities authority levies a tax pursuant to section 351.021 of 133581  
the Revised Code on that date. 133582

(D) (1) As used in division (D) of this section, "cost" has 133583  
the same meaning as in section 351.01 of the Revised Code, and 133584  
"convention center" has the same meaning as in section 307.695 133585  
of the Revised Code. 133586

(2) A board of county commissioners that levies a tax 133587  
under division (A) of this section on June 30, 2002, at a rate 133588  
of three per cent may, by resolution adopted not later than 133589



September 30, 2002, amend the resolution levying the tax to 133590  
provide for all of the following: 133591

(a) That the rate of the tax shall be increased by not 133592  
more than an additional three and one-half per cent on each 133593  
transaction; 133594

(b) That all of the revenue from the increase in rate 133595  
shall be pledged and contributed to a convention facilities 133596  
authority established by the board of county commissioners under 133597  
Chapter 351. of the Revised Code on or before May 15, 2002, and 133598  
be used to pay costs of constructing, expanding, maintaining, 133599  
operating, or promoting a convention center in the county, 133600  
including paying bonds, or notes issued in anticipation of 133601  
bonds, as provided by that chapter; 133602

(c) That no portion of the revenue arising from the 133603  
increase in rate need be returned to municipal corporations or 133604  
townships as otherwise required under division (A) of this 133605  
section; 133606

(d) That the increase in rate shall not be subject to 133607  
diminution by initiative or referendum or by law while any 133608  
bonds, or notes in anticipation of bonds, issued by the 133609  
authority under Chapter 351. of the Revised Code to which the 133610  
revenue is pledged, remain outstanding in accordance with their 133611  
terms, unless provision is made by law or by the board of county 133612  
commissioners for an adequate substitute therefor that is 133613  
satisfactory to the trustee if a trust agreement secures the 133614  
bonds. 133615

(3) Any board of county commissioners that, pursuant to 133616  
division (D)(2) of this section, has amended a resolution 133617  
levying the tax authorized by division (A) of this section may 133618

further amend the resolution to provide that the revenue 133619  
referred to in division (D) (2) (b) of this section shall be 133620  
pledged and contributed both to a convention facilities 133621  
authority to pay the costs of constructing, expanding, 133622  
maintaining, or operating one or more convention centers in the 133623  
county, including paying bonds, or notes issued in anticipation 133624  
of bonds, as provided in Chapter 351. of the Revised Code, and 133625  
to a convention and visitors' bureau to pay the costs of 133626  
promoting one or more convention centers in the county. 133627

(4) A county having a population of seven hundred thousand 133628  
or less may not levy the increased rate described in division 133629  
(D) (2) of this section on or after the first day of the first 133630  
month beginning after the effective date of this amendment. 133631

(E) (1) As used in division (E) of this section: 133632

(a) "Port authority" means a port authority created under 133633  
Chapter 4582. of the Revised Code. 133634

(b) "Port authority military-use facility" means port 133635  
authority facilities on which or adjacent to which is located an 133636  
installation of the armed forces of the United States, a reserve 133637  
component thereof, or the national guard and at least part of 133638  
which is made available for use, for consideration, by the armed 133639  
forces of the United States, a reserve component thereof, or the 133640  
national guard. 133641

(2) For the purpose of contributing revenue to pay 133642  
operating expenses of a port authority that operates a port 133643  
authority military-use facility, the board of county 133644  
commissioners of a county that created, participated in the 133645  
creation of, or has joined such a port authority may do one or 133646  
both of the following: 133647

(a) Amend a resolution previously adopted under division 133648  
(A) of this section to designate some or all of the revenue from 133649  
the tax levied under the resolution to be used for that purpose, 133650  
notwithstanding that division; 133651

(b) Amend a resolution previously adopted under division 133652  
(A) of this section to increase the rate of the tax by not more 133653  
than an additional two per cent and use the revenue from the 133654  
increase exclusively for that purpose. 133655

(3) If a board of county commissioners amends a resolution 133656  
to increase the rate of a tax as authorized in division (E) (2) 133657  
(b) of this section, the board also may amend the resolution to 133658  
specify that the increase in rate of the tax does not apply to 133659  
"hotels," as otherwise defined in section 5739.01 of the Revised 133660  
Code, having fewer rooms used for the accommodation of guests 133661  
than a number of rooms specified by the board. 133662

(F) (1) A board of county commissioners of a county 133663  
organized under a county charter adopted pursuant to Article X, 133664  
Section 3, Ohio Constitution, and that levies an excise tax 133665  
under division (A) of this section at a rate of three per cent 133666  
and levies an additional excise tax under division (O) of this 133667  
section at a rate of one and one-half per cent may, by 133668  
resolution adopted not later than January 1, 2008, by a majority 133669  
of the members of the board, amend the resolution levying a tax 133670  
under division (A) of this section to provide for an increase in 133671  
the rate of that tax by not more than an additional one per cent 133672  
on transactions by which lodging by a hotel is or is to be 133673  
furnished to transient guests. Notwithstanding divisions (A) and 133674  
(O) of this section, the resolution shall provide that all of 133675  
the revenue from the increase in rate, after deducting the real 133676  
and actual costs of administering the tax, shall be used to pay 133677

the costs of improving, expanding, equipping, financing, or 133678  
operating a convention center by a convention and visitors' 133679  
bureau in the county. 133680

(2) The increase in rate shall remain in effect for the 133681  
period specified in the resolution, not to exceed ten years, and 133682  
may be extended for an additional period of time not to exceed 133683  
ten years thereafter by a resolution adopted by a majority of 133684  
the members of the board. 133685

(3) The increase in rate shall be subject to the 133686  
regulations adopted under division (A) of this section, except 133687  
that the resolution may provide that no portion of the revenue 133688  
from the increase in the rate shall be returned to townships or 133689  
municipal corporations as would otherwise be required under that 133690  
division. 133691

(G) (1) Division (G) of this section applies only to a 133692  
county with a population greater than sixty-five thousand and 133693  
less than seventy thousand according to the most recent federal 133694  
decennial census and in which, on December 31, 2006, an excise 133695  
tax is levied under division (A) of this section at a rate not 133696  
less than and not greater than three per cent, and in which the 133697  
most recent increase in the rate of that tax was enacted or took 133698  
effect in November 1984. 133699

(2) The board of county commissioners of a county to which 133700  
division (G) of this section applies, by resolution adopted by a 133701  
majority of the members of the board, may increase the rate of 133702  
the tax by not more than one per cent on transactions by which 133703  
lodging by a hotel is or is to be furnished to transient guests. 133704  
The increase in rate shall be for the purpose of paying expenses 133705  
deemed necessary by the convention and visitors' bureau 133706  
operating in the county to promote travel and tourism. 133707

(3) The increase in rate shall remain in effect for the 133708  
period specified in the resolution, not to exceed twenty years, 133709  
provided that the increase in rate may not continue beyond the 133710  
time when the purpose for which the increase is levied ceases to 133711  
exist. If revenue from the increase in rate is pledged to the 133712  
payment of debt charges on securities, the increase in rate is 133713  
not subject to diminution by initiative or referendum or by law 133714  
for so long as the securities are outstanding, unless provision 133715  
is made by law or by the board of county commissioners for an 133716  
adequate substitute for that revenue that is satisfactory to the 133717  
trustee if a trust agreement secures payment of the debt 133718  
charges. 133719

(4) The increase in rate shall be subject to the 133720  
regulations adopted under division (A) of this section, except 133721  
that the resolution may provide that no portion of the revenue 133722  
from the increase in the rate shall be returned to townships or 133723  
municipal corporations as would otherwise be required under 133724  
division (A) of this section. 133725

(5) A resolution adopted under division (G) of this 133726  
section is subject to referendum under sections 305.31 to 305.99 133727  
of the Revised Code. 133728

(H) (1) Division (H) of this section applies only to a 133729  
county satisfying all of the following: 133730

(a) The population of the county is greater than one 133731  
hundred seventy-five thousand and less than two hundred twenty- 133732  
five thousand according to the most recent federal decennial 133733  
census. 133734

(b) An amusement park with an average yearly attendance in 133735  
excess of two million guests is located in the county. 133736

(c) On December 31, 2014, an excise tax was levied in the 133737  
county under division (A) of this section at a rate of three per 133738  
cent. 133739

(2) The board of county commissioners of a county to which 133740  
division (H) of this section applies, by resolution adopted by a 133741  
majority of the members of the board, may increase the rate of 133742  
the tax by not more than one per cent on transactions by which 133743  
lodging by a hotel is or is to be furnished to transient guests. 133744  
The increase in rate shall be used to pay the costs of 133745  
constructing and maintaining facilities owned by the county or 133746  
by a port authority created under Chapter 4582. of the Revised 133747  
Code, and designed to host sporting events and expenses deemed 133748  
necessary by the convention and visitors' bureau operating in 133749  
the county to promote travel and tourism with reference to the 133750  
sports facilities, and to pay or pledge to the payment of debt 133751  
service on securities issued to pay the costs of constructing, 133752  
operating, and maintaining the sports facilities. 133753

(3) The increase in rate shall remain in effect for the 133754  
period specified in the resolution. If revenue from the increase 133755  
in rate is pledged to the payment of debt charges on securities, 133756  
the increase in rate is not subject to diminution by initiative 133757  
or referendum or by law for so long as the securities are 133758  
outstanding, unless provision is made by law or by the board of 133759  
county commissioners for an adequate substitute for that revenue 133760  
that is satisfactory to the trustee if a trust agreement secures 133761  
payment of the debt charges. 133762

(4) The increase in rate shall be subject to the 133763  
regulations adopted under division (A) of this section, except 133764  
that the resolution may provide that no portion of the revenue 133765  
from the increase in the rate shall be returned to townships or 133766

municipal corporations as would otherwise be required under 133767  
division (A) of this section. 133768

(I) (1) The board of county commissioners of a county with 133769  
a population greater than seventy-five thousand and less than 133770  
seventy-eight thousand, by resolution adopted by a majority of 133771  
the members of the board not later than October 15, 2015, may 133772  
increase the rate of the tax by not more than one per cent on 133773  
transactions by which lodging by a hotel is or is to be 133774  
furnished to transient guests. The increase in rate shall be for 133775  
the purposes described in section 307.679 of the Revised Code or 133776  
for the promotion of travel and tourism in the county, including 133777  
travel and tourism to sports facilities. 133778

(2) The increase in rate shall remain in effect for the 133779  
period specified in the resolution and as necessary to fulfill 133780  
the county's obligations under a cooperative agreement entered 133781  
into under section 307.679 of the Revised Code. If the 133782  
resolution is adopted by the board before September 29, 2015, 133783  
but after that enactment becomes law, the increase in rate shall 133784  
become effective beginning on September 29, 2015. If revenue 133785  
from the increase in rate is pledged to the payment of debt 133786  
charges on securities, or to substitute for other revenues 133787  
pledged to the payment of such debt, the increase in rate is not 133788  
subject to diminution by initiative or referendum or by law for 133789  
so long as the securities are outstanding, unless provision is 133790  
made by law or by the board of county commissioners for an 133791  
adequate substitute for that revenue that is satisfactory to the 133792  
trustee if a trust agreement secures payment of the debt 133793  
charges. 133794

(3) The increase in rate shall be subject to the 133795  
regulations adopted under division (A) of this section, except 133796

that no portion of the revenue from the increase in the rate 133797  
shall be returned to townships or municipal corporations as 133798  
would otherwise be required under division (A) of this section. 133799

(J) (1) Division (J) of this section applies only to 133800  
counties satisfying either of the following: 133801

(a) A county that, on July 1, 2015, does not levy an 133802  
excise tax under division (A) of this section and that has a 133803  
population of at least thirty-nine thousand but not more than 133804  
forty thousand according to the 2010 federal decennial census; 133805

(b) A county that, on July 1, 2015, levies an excise tax 133806  
under division (A) of this section at a rate of three per cent 133807  
and that has a population of at least seventy-one thousand but 133808  
not more than seventy-five thousand according to 2010 federal 133809  
decennial census. 133810

(2) The board of county commissioners of a county to which 133811  
division (J) of this section applies, by resolution adopted by a 133812  
majority of the members of the board, may levy an excise tax at 133813  
a rate not to exceed three per cent on transactions by which 133814  
lodging by a hotel is or is to be furnished to transient guests 133815  
for the purpose of acquiring, constructing, equipping, or 133816  
repairing permanent improvements, as defined in section 133.01 133817  
of the Revised Code. 133818

(3) If the board does not levy a tax under division (A) of 133819  
this section, the board shall establish regulations necessary to 133820  
provide for the administration of the tax, which may prescribe 133821  
the time for payment of the tax and the imposition of penalty or 133822  
interest subject to the limitations on penalty and interest 133823  
provided in division (A) of this section. No portion of the 133824  
revenue shall be returned to townships or municipal corporations 133825



in the county unless otherwise provided by resolution of the 133826  
board. 133827

(4) The tax shall apply throughout the territory of the 133828  
county, including in any township or municipal corporation 133829  
levying an excise tax under division (A) or (B) of section 133830  
5739.08 of the Revised Code. The levy of the tax is subject to 133831  
referendum as provided under section 305.31 of the Revised Code. 133832

(5) The tax shall remain in effect for the period 133833  
specified in the resolution. If revenue from the increase in 133834  
rate is pledged to the payment of debt charges on securities, 133835  
the increase in rate is not subject to diminution by initiative 133836  
or referendum or by law for so long as the securities are 133837  
outstanding unless provision is made by law or by the board for 133838  
an adequate substitute for that revenue that is satisfactory to 133839  
the trustee if a trust agreement secures payment of the debt 133840  
charges. 133841

(K) (1) The board of county commissioners of an eligible 133842  
county, as defined in section 307.678 of the Revised Code, that 133843  
levies an excise tax under division (A) of this section on July 133844  
1, 2017, at a rate of three per cent may, by resolution adopted 133845  
by a majority of the members of the board, amend the resolution 133846  
levying the tax to increase the rate of the tax by not more than 133847  
an additional three per cent on each transaction. 133848

(2) No portion of the revenue shall be returned to 133849  
townships or municipal corporations in the county unless 133850  
otherwise provided by resolution of the board. Otherwise, the 133851  
revenue from the increase in the rate shall be distributed and 133852  
used in the same manner described under division (A) of this 133853  
section or distributed or used to provide credit enhancement 133854  
facilities as authorized under section 307.678 of the Revised 133855

Code. 133856

(3) The increase in rate shall remain in effect for the 133857  
period specified in the resolution. If revenue from the increase 133858  
in rate is pledged to the payment of debt charges on securities, 133859  
the increase in rate is not subject to diminution by initiative 133860  
or referendum or by law for so long as the securities are 133861  
outstanding unless provision is made by law or by the board for 133862  
an adequate substitute for that revenue that is satisfactory to 133863  
the trustee if a trust agreement secures payment of the debt 133864  
charges. 133865

(L) (1) As used in division (L) of this section: 133866

(a) "Eligible county" means a county that has a population 133867  
greater than one hundred ninety thousand and less than two 133868  
hundred thousand according to the 2010 federal decennial census 133869  
and that levies an excise tax under division (A) of this section 133870  
at a rate of three per cent. 133871

(b) "Professional sports facility" means a sports facility 133872  
that is intended to house major or minor league professional 133873  
athletic teams, including a stadium, together with all parking 133874  
facilities, walkways, and other auxiliary facilities, real and 133875  
personal property, property rights, easements, and interests 133876  
that may be appropriate for, or used in connection with, the 133877  
operation of the facility. 133878

(2) Subject to division (L) (3) of this section, the board 133879  
of county commissioners of an eligible county, by resolution 133880  
adopted by a majority of the members of the board, may increase 133881  
the rate of the tax by not more than one per cent on 133882  
transactions by which lodging by a hotel is or is to be 133883  
furnished to transient guests. Revenue from the increase in rate 133884

shall be used for the purposes of paying the costs of 133885  
constructing, improving, and maintaining a professional sports 133886  
facility in the county and paying expenses considered necessary 133887  
by the convention and visitors' bureau operating in the county 133888  
to promote travel and tourism with respect to that professional 133889  
sports facility. The tax shall take effect only after the 133890  
convention and visitors' bureau enters into a contract for the 133891  
construction, improvement, or maintenance of a professional 133892  
sports facility that is or will be located on property acquired, 133893  
in whole or in part, with revenue from the increased rate, and 133894  
thereafter shall remain in effect for the period specified in 133895  
the resolution. If revenue from the increase in rate is pledged 133896  
to the payment of debt charges on securities, the increase in 133897  
rate is not subject to diminution by initiative or referendum or 133898  
by law for so long as the securities are outstanding, unless a 133899  
provision is made by law or by the board of county commissioners 133900  
for an adequate substitute for that revenue that is satisfactory 133901  
to the trustee if a trust agreement secures payment of the debt 133902  
charges. The increase in rate shall be subject to the 133903  
regulations adopted under division (A) of this section, except 133904  
that the resolution may provide that no portion of the revenue 133905  
from the increase in the rate shall be returned to townships or 133906  
municipal corporations as would otherwise be required under 133907  
division (A) of this section. 133908

(3) If, on December 31, 2019, the convention and visitors' 133909  
bureau has not entered into a contract for the construction, 133910  
improvement, or maintenance of a professional sports facility 133911  
that is or will be located on property acquired, in whole or in 133912  
part, with revenue from the increased rate, the authority to 133913  
levy the tax under division (L) (2) of this section is hereby 133914  
repealed on that date. 133915

(M) (1) For the purposes described in section 307.695 of 133916  
the Revised Code and to cover the costs of administering the 133917  
tax, a board of county commissioners of a county where a tax 133918  
imposed under division (A) of this section is in effect may, by 133919  
resolution adopted within ninety days after July 15, 1985, by a 133920  
majority of the members of the board, levy an additional excise 133921  
tax not to exceed three per cent on transactions by which 133922  
lodging by a hotel is or is to be furnished to transient guests. 133923  
The tax authorized by division (M) of this section shall be in 133924  
addition to any tax that is levied pursuant to divisions (A) to 133925  
(L) of this section, but it shall not apply to transactions 133926  
subject to a tax levied by a municipal corporation or township 133927  
pursuant to section 5739.08 of the Revised Code. 133928

(2) The board shall establish all regulations necessary to 133929  
provide for the administration and allocation of the tax. The 133930  
regulations may prescribe the time for payment of the tax, and 133931  
may provide for the imposition of a penalty or interest, or 133932  
both, for late payments, provided that the penalty does not 133933  
exceed ten per cent of the amount of tax due, and the rate at 133934  
which interest accrues does not exceed the rate per annum 133935  
prescribed pursuant to section 5703.47 of the Revised Code. 133936

(3) All revenues arising from the tax shall be expended in 133937  
accordance with section 307.695 of the Revised Code. The board 133938  
of county commissioners of an eligible county as defined in 133939  
section 307.695 of the Revised Code may, by resolution adopted 133940  
by a majority of the members of the board, amend the resolution 133941  
levying a tax under this division to provide that the revenue 133942  
from the tax shall be used by the board as described in division 133943  
(H) of section 307.695 of the Revised Code. 133944

(4) A tax imposed under this division shall remain in 133945

effect at the rate at which it is imposed for the duration of 133946  
the period during which any agreement entered into by the board 133947  
under section 307.695 of the Revised Code is in effect, the 133948  
duration of the period during which any securities issued by the 133949  
board under division (I) of section 307.695 of the Revised Code 133950  
are outstanding, or the duration of the period during which the 133951  
board owns a project as defined in section 307.695 of the 133952  
Revised Code, whichever duration is longest. 133953

(N) (1) For the purpose of providing contributions under 133954  
division (B) (1) of section 307.671 of the Revised Code to enable 133955  
the acquisition, construction, and equipping of a port authority 133956  
educational and cultural facility in the county and, to the 133957  
extent provided for in the cooperative agreement authorized by 133958  
that section, for the purpose of paying debt service charges on 133959  
bonds, or notes in anticipation of bonds, described in division 133960  
(B) (1) (b) of that section, a board of county commissioners, by 133961  
resolution adopted within ninety days after December 22, 1992, 133962  
by a majority of the members of the board, may levy an 133963  
additional excise tax not to exceed one and one-half per cent on 133964  
transactions by which lodging by a hotel is or is to be 133965  
furnished to transient guests. The excise tax authorized by 133966  
division (N) of this section shall be in addition to any tax 133967  
that is levied pursuant to divisions (A) to (M) of this section, 133968  
to any excise tax levied pursuant to section 5739.08 of the 133969  
Revised Code, and to any excise tax levied pursuant to section 133970  
351.021 of the Revised Code. 133971

(2) The board of county commissioners shall establish all 133972  
regulations necessary to provide for the administration and 133973  
allocation of the tax that are not inconsistent with this 133974  
section or section 307.671 of the Revised Code. The regulations 133975  
may prescribe the time for payment of the tax, and may provide 133976

for the imposition of a penalty or interest, or both, for late 133977  
payments, provided that the penalty does not exceed ten per cent 133978  
of the amount of tax due, and the rate at which interest accrues 133979  
does not exceed the rate per annum prescribed pursuant to 133980  
section 5703.47 of the Revised Code. 133981

(3) All revenues arising from the tax shall be expended in 133982  
accordance with section 307.671 of the Revised Code and division 133983  
(N) of this section. The levy of a tax imposed under division 133984  
(N) of this section may not commence prior to the first day of 133985  
the month next following the execution of the cooperative 133986  
agreement authorized by section 307.671 of the Revised Code by 133987  
all parties to that agreement. 133988

(4) The tax shall remain in effect at the rate at which it 133989  
is imposed for the period of time described in division (C) of 133990  
section 307.671 of the Revised Code for which the revenue from 133991  
the tax has been pledged by the county to the corporation 133992  
pursuant to that section, but, to any extent provided for in the 133993  
cooperative agreement, for no lesser period than the period of 133994  
time required for payment of the debt service charges on bonds, 133995  
or notes in anticipation of bonds, described in division (B) (1) 133996  
(b) of that section. 133997

(O) (1) For the purpose of paying the costs of acquiring, 133998  
constructing, equipping, and improving a municipal educational 133999  
and cultural facility, including debt service charges on bonds 134000  
provided for in division (B) of section 307.672 of the Revised 134001  
Code, and for any additional purposes determined by the county 134002  
in the resolution levying the tax or amendments to the 134003  
resolution, including subsequent amendments providing for paying 134004  
costs of acquiring, constructing, renovating, rehabilitating, 134005  
equipping, and improving a port authority educational and 134006

cultural performing arts facility, as defined in section 307.674 134007  
of the Revised Code, and including debt service charges on bonds 134008  
provided for in division (B) of section 307.674 of the Revised 134009  
Code, the legislative authority of a county, by resolution 134010  
adopted within ninety days after June 30, 1993, by a majority of 134011  
the members of the legislative authority, may levy an additional 134012  
excise tax not to exceed one and one-half per cent on 134013  
transactions by which lodging by a hotel is or is to be 134014  
furnished to transient guests. The excise tax authorized by 134015  
division (O) of this section shall be in addition to any tax 134016  
that is levied pursuant to divisions (A) to (N) of this section, 134017  
to any excise tax levied pursuant to section 5739.08 of the 134018  
Revised Code, and to any excise tax levied pursuant to section 134019  
351.021 of the Revised Code. 134020

(2) The legislative authority of the county shall 134021  
establish all regulations necessary to provide for the 134022  
administration and allocation of the tax. The regulations may 134023  
prescribe the time for payment of the tax, and may provide for 134024  
the imposition of a penalty or interest, or both, for late 134025  
payments, provided that the penalty does not exceed ten per cent 134026  
of the amount of tax due, and the rate at which interest accrues 134027  
does not exceed the rate per annum prescribed pursuant to 134028  
section 5703.47 of the Revised Code. 134029

(3) All revenues arising from the tax shall be expended in 134030  
accordance with section 307.672 of the Revised Code and this 134031  
division. The levy of a tax imposed under this division shall 134032  
not commence prior to the first day of the month next following 134033  
the execution of the cooperative agreement authorized by section 134034  
307.672 of the Revised Code by all parties to that agreement. 134035  
The tax shall remain in effect at the rate at which it is 134036  
imposed for the period of time determined by the legislative 134037

authority of the county. That period of time shall not exceed 134038  
fifteen years, except that the legislative authority of a county 134039  
with a population of less than two hundred fifty thousand 134040  
according to the most recent federal decennial census, by 134041  
resolution adopted by a majority of its members before the 134042  
original tax or any extension thereof expires, may extend the 134043  
duration of the tax for an additional period of time. The 134044  
additional period of time by which a legislative authority 134045  
extends a tax levied under division (O) of this section shall 134046  
not exceed fifteen years. 134047

(P)(1) The legislative authority of a county that has 134048  
levied a tax under division (O) of this section may, by 134049  
resolution adopted within one hundred eighty days after January 134050  
4, 2001, by a majority of the members of the legislative 134051  
authority, amend the resolution levying a tax under that 134052  
division to provide for the use of the proceeds of that tax, to 134053  
the extent that it is no longer needed for its original purpose 134054  
as determined by the parties to a cooperative agreement 134055  
amendment pursuant to division (D) of section 307.672 of the 134056  
Revised Code, to pay costs of acquiring, constructing, 134057  
renovating, rehabilitating, equipping, and improving a port 134058  
authority educational and cultural performing arts facility, 134059  
including debt service charges on bonds provided for in division 134060  
(B) of section 307.674 of the Revised Code, and to pay all 134061  
obligations under any guaranty agreements, reimbursement 134062  
agreements, or other credit enhancement agreements described in 134063  
division (C) of section 307.674 of the Revised Code. 134064

(2) The resolution may also provide for the extension of 134065  
the tax at the same rate for the longer of the period of time 134066  
determined by the legislative authority of the county, but not 134067  
to exceed an additional twenty-five years, or the period of time 134068



required to pay all debt service charges on bonds provided for 134069  
in division (B) of section 307.672 of the Revised Code and on 134070  
port authority revenue bonds provided for in division (B) of 134071  
section 307.674 of the Revised Code. 134072

(3) All revenues arising from the amendment and extension 134073  
of the tax shall be expended in accordance with section 307.674 134074  
of the Revised Code and divisions (O) and (P) of this section. 134075

(Q) (1) As used in division (Q) of this section: 134076

(a) "Convention facilities authority" has the same meaning 134077  
as in section 351.01 of the Revised Code. 134078

(b) "Convention center" has the same meaning as in section 134079  
307.695 of the Revised Code. 134080

(2) Notwithstanding any contrary provision of division (N) 134081  
of this section, the legislative authority of a county with a 134082  
population of one million or more according to the most recent 134083  
federal decennial census that has levied a tax under division 134084  
(N) of this section may, by resolution adopted by a majority of 134085  
the members of the legislative authority, provide for the 134086  
extension of such levy and may provide that the proceeds of that 134087  
tax, to the extent that they are no longer needed for their 134088  
original purpose as defined by a cooperative agreement entered 134089  
into under section 307.671 of the Revised Code, shall be 134090  
deposited into the county general revenue fund. The resolution 134091  
shall provide for the extension of the tax at a rate not to 134092  
exceed the rate specified in division (N) of this section for a 134093  
period of time determined by the legislative authority of the 134094  
county, but not to exceed an additional forty years. 134095

(3) The legislative authority of a county with a 134096  
population of one million or more that has levied a tax under 134097

division (A) of this section may, by resolution adopted by a 134098  
majority of the members of the legislative authority, increase 134099  
the rate of the tax levied by such county under division (A) of 134100  
this section to a rate not to exceed five per cent on 134101  
transactions by which lodging by a hotel is or is to be 134102  
furnished to transient guests. Notwithstanding any contrary 134103  
provision of division (A) of this section, the resolution may 134104  
provide that all collections resulting from the rate levied in 134105  
excess of three per cent, after deducting the real and actual 134106  
costs of administering the tax, shall be deposited in the county 134107  
general fund. 134108

(4) The legislative authority of a county with a 134109  
population of one million or more that has levied a tax under 134110  
division (A) of this section may, by resolution adopted on or 134111  
before August 30, 2004, by a majority of the members of the 134112  
legislative authority, provide that all or a portion of the 134113  
proceeds of the tax levied under division (A) of this section, 134114  
after deducting the real and actual costs of administering the 134115  
tax and the amounts required to be returned to townships and 134116  
municipal corporations with respect to the first three per cent 134117  
levied under division (A) of this section, shall be deposited in 134118  
the county general fund, provided that such proceeds shall be 134119  
used to satisfy any pledges made in connection with an agreement 134120  
entered into under section 307.695 of the Revised Code. 134121

(5) No amount collected from a tax levied, extended, or 134122  
required to be deposited in the county general fund under 134123  
division (Q) of this section shall be contributed to a 134124  
convention facilities authority, corporation, or other entity 134125  
created after July 1, 2003, for the principal purpose of 134126  
constructing, improving, expanding, equipping, financing, or 134127  
operating a convention center unless the mayor of the municipal 134128

corporation in which the convention center is to be operated by 134129  
that convention facilities authority, corporation, or other 134130  
entity has consented to the creation of that convention 134131  
facilities authority, corporation, or entity. Notwithstanding 134132  
any contrary provision of section 351.04 of the Revised Code, if 134133  
a tax is levied by a county under division (Q) of this section, 134134  
the board of county commissioners of that county may determine 134135  
the manner of selection, the qualifications, the number, and 134136  
terms of office of the members of the board of directors of any 134137  
convention facilities authority, corporation, or other entity 134138  
described in division (Q) (5) of this section. 134139

(6) (a) No amount collected from a tax levied, extended, or 134140  
required to be deposited in the county general fund under 134141  
division (Q) of this section may be used for any purpose other 134142  
than paying the direct and indirect costs of constructing, 134143  
improving, expanding, equipping, financing, or operating a 134144  
convention center and for the real and actual costs of 134145  
administering the tax, unless, prior to the adoption of the 134146  
resolution of the legislative authority of the county 134147  
authorizing the levy, extension, increase, or deposit, the 134148  
county and the mayor of the most populous municipal corporation 134149  
in that county have entered into an agreement as to the use of 134150  
such amounts, provided that such agreement has been approved by 134151  
a majority of the mayors of the other municipal corporations in 134152  
that county. The agreement shall provide that the amounts to be 134153  
used for purposes other than paying the convention center or 134154  
administrative costs described in division (Q) (6) (a) of this 134155  
section be used only for the direct and indirect costs of 134156  
capital improvements, including the financing of capital 134157  
improvements, except that the agreement may subsequently be 134158  
amended by the parties that have entered into that agreement to 134159

authorize such amounts to instead be used for any costs related 134160  
to the promotion or support of tourism or tourism-related 134161  
programs. 134162

(b) If the county in which the tax is levied has an 134163  
association of mayors and city managers, the approval of that 134164  
association of an agreement described in division (Q) (6) (a) of 134165  
this section shall be considered to be the approval of the 134166  
majority of the mayors of the other municipal corporations for 134167  
purposes of that division. 134168

(7) Each year, the auditor of state shall conduct an audit 134169  
of the uses of any amounts collected from taxes levied, 134170  
extended, or deposited under division (Q) of this section and 134171  
shall prepare a report of the auditor of state's findings. The 134172  
auditor of state shall submit the report to the legislative 134173  
authority of the county that has levied, extended, or deposited 134174  
the tax, the speaker of the house of representatives, the 134175  
president of the senate, and the leaders of the minority parties 134176  
of the house of representatives and the senate. 134177

(R) (1) As used in division (R) of this section: 134178

(a) "Convention facilities authority" has the same meaning 134179  
as in section 351.01 of the Revised Code. 134180

(b) "Convention center" has the same meaning as in section 134181  
307.695 of the Revised Code. 134182

(2) Notwithstanding any contrary provision of division (N) 134183  
of this section, the legislative authority of a county with a 134184  
population of one million two hundred thousand or more according 134185  
to the most recent federal decennial census or the most recent 134186  
annual population estimate published or released by the United 134187  
States census bureau at the time the resolution is adopted 134188

placing the levy on the ballot, that has levied a tax under 134189  
division (N) of this section may, by resolution adopted by a 134190  
majority of the members of the legislative authority, provide 134191  
for the extension of such levy and may provide that the proceeds 134192  
of that tax, to the extent that the proceeds are no longer 134193  
needed for their original purpose as defined by a cooperative 134194  
agreement entered into under section 307.671 of the Revised Code 134195  
and after deducting the real and actual costs of administering 134196  
the tax, shall be used for paying the direct and indirect costs 134197  
of constructing, improving, expanding, equipping, financing, or 134198  
operating a convention center. The resolution shall provide for 134199  
the extension of the tax at a rate not to exceed the rate 134200  
specified in division (N) of this section for a period of time 134201  
determined by the legislative authority of the county, but not 134202  
to exceed an additional forty years. 134203

(3) The legislative authority of a county with a 134204  
population of one million two hundred thousand or more that has 134205  
levied a tax under division (A) of this section may, by 134206  
resolution adopted by a majority of the members of the 134207  
legislative authority, increase the rate of the tax levied by 134208  
such county under division (A) of this section to a rate not to 134209  
exceed five per cent on transactions by which lodging by a hotel 134210  
is or is to be furnished to transient guests. Notwithstanding 134211  
any contrary provision of division (A) of this section, the 134212  
resolution shall provide that all collections resulting from the 134213  
rate levied in excess of three per cent, after deducting the 134214  
real and actual costs of administering the tax, shall be used 134215  
for paying the direct and indirect costs of constructing, 134216  
improving, expanding, equipping, financing, or operating a 134217  
convention center. 134218

(4) The legislative authority of a county with a 134219

population of one million two hundred thousand or more that has 134220  
levied a tax under division (A) of this section may, by 134221  
resolution adopted on or before July 1, 2008, by a majority of 134222  
the members of the legislative authority, provide that all or a 134223  
portion of the proceeds of the tax levied under division (A) of 134224  
this section, after deducting the real and actual costs of 134225  
administering the tax and the amounts required to be returned to 134226  
townships and municipal corporations with respect to the first 134227  
three per cent levied under division (A) of this section, shall 134228  
be used to satisfy any pledges made in connection with an 134229  
agreement entered into under section 307.695 of the Revised Code 134230  
or shall otherwise be used for paying the direct and indirect 134231  
costs of constructing, improving, expanding, equipping, 134232  
financing, or operating a convention center. 134233

(5) Any amount collected from a tax levied or extended 134234  
under division (R) of this section may be contributed to a 134235  
convention facilities authority created before July 1, 2005, but 134236  
no amount collected from a tax levied or extended under division 134237  
(R) of this section may be contributed to a convention 134238  
facilities authority, corporation, or other entity created after 134239  
July 1, 2005, unless the mayor of the municipal corporation in 134240  
which the convention center is to be operated by that convention 134241  
facilities authority, corporation, or other entity has consented 134242  
to the creation of that convention facilities authority, 134243  
corporation, or entity. 134244

(S) As used in division (S) of this section, "soldiers' 134245  
memorial" means a memorial constructed and funded under Chapter 134246  
345. of the Revised Code. 134247

The board of county commissioners of a county with a 134248  
population between one hundred three thousand and one hundred 134249

seven thousand according to the most recent federal decennial census, by resolution adopted by a majority of the members of the board within six months after September 15, 2014, may levy a tax not to exceed three per cent on transactions by which a hotel is or is to be furnished to transient guests. The purpose of the tax shall be to pay the costs of expanding, maintaining, or operating a soldiers' memorial and the costs of administering the tax. All revenue arising from the tax shall be credited to one or more special funds in the county treasury and shall be spent solely for the purposes of paying those costs.

The board of county commissioners shall adopt all rules necessary to provide for the administration of the tax subject to the same limitations on imposing penalty or interest under division (A) of this section.

(T) As used in division (T) of this section:

(1) "Eligible county" means a county in which a county agricultural society or independent agricultural society is organized under section 1711.01 or 1711.02 of the Revised Code, provided the agricultural society owns a facility or site in the county at which an annual harness horse race is conducted where one-day attendance equals at least forty thousand attendees.

(2) "Permanent improvements," "debt charges," and "financing costs" have the same meanings as in section 133.01 of the Revised Code.

(3) "Costs of permanent improvements" include all costs allowed in section 133.15 of the Revised Code.

A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on

transactions by which lodging by a hotel is or is to be 134279  
furnished to transient guests for the purpose of paying the 134280  
costs of permanent improvements at sites at which one or more 134281  
agricultural societies conduct fairs or exhibits, including 134282  
paying financing costs and debt charges on bonds, or notes in 134283  
anticipation of bonds, paying the costs of maintaining or 134284  
operating such permanent improvements, and paying the costs of 134285  
administering the tax. 134286

A resolution adopted under division (T) of this section, 134287  
other than a resolution that only extends the period of time for 134288  
which the tax is levied, shall direct the board of elections to 134289  
submit the question of the proposed lodging tax to the electors 134290  
of the county at a special election held on the date specified 134291  
by the board in the resolution, provided that the election 134292  
occurs not less than ninety days after a certified copy of the 134293  
resolution is transmitted to the board of elections. A 134294  
resolution submitted to the electors under division (T) of this 134295  
section shall not go into effect unless it is approved by a 134296  
majority of those voting upon it. The resolution takes effect on 134297  
the date the board of county commissioners receives notification 134298  
from the board of elections of an affirmative vote. 134299

The tax shall remain in effect for the period specified in 134300  
the resolution, not to exceed five years, and may be extended 134301  
for an additional period of years that is at least the number of 134302  
years required for payment of the debt charges on bonds or notes 134303  
in anticipation of bonds authorized under this division but not 134304  
in excess of fifteen years thereafter by a resolution adopted by 134305  
a majority of the members of the board. A resolution extending 134306  
the period of time for which the tax is in effect is not subject 134307  
to approval of the electors of the county, but is subject to 134308  
referendum under sections 305.31 to 305.99 of the Revised Code. 134309



All revenue arising from the tax shall be credited to one or 134310  
more special funds in the county treasury and shall be spent 134311  
solely for the purposes of paying the costs of such permanent 134312  
improvements, including paying financing costs and debt charges 134313  
on bonds, or notes in anticipation of bonds, and maintaining or 134314  
operating the improvements. Revenue allocated for the use of a 134315  
county agricultural society may be credited to the county 134316  
agricultural society fund created in section 1711.16 of the 134317  
Revised Code upon appropriation by the board. If revenue is 134318  
credited to that fund, it shall be expended only as provided in 134319  
that section. 134320

The board of county commissioners shall adopt all rules 134321  
necessary to provide for the administration of the tax. The 134322  
rules may prescribe the time for payment of the tax, and may 134323  
provide for the imposition or penalty or interest, or both, for 134324  
late payments, provided that the penalty does not exceed ten per 134325  
cent of the amount of tax due, and the rate at which interest 134326  
accrues does not exceed the rate per annum prescribed in section 134327  
5703.47 of the Revised Code. 134328

The board of county commissioners may issue bonds, or 134329  
notes in anticipation thereof, pursuant to Chapter 133. of the 134330  
Revised Code, for the purpose of paying the costs of permanent 134331  
improvements as authorized in this division and pledge the 134332  
revenue arising from the tax for that purpose. The board of 134333  
county commissioners may pledge or contribute the revenue 134334  
arising from the tax levied under this division to a port 134335  
authority created under Chapter 4582. of the Revised Code, and 134336  
the port authority may issue bonds, or notes in anticipation 134337  
thereof, pursuant to that chapter, for the purpose of paying the 134338  
costs of permanent improvements as authorized in this division. 134339

(U) As used in division (U) of this section, "eligible county" means a county in which a tax is levied under division (A) of this section at a rate of three per cent and whose territory includes a part of Lake Erie the shoreline of which represents at least fifty per cent of the linear length of the county's border with other counties of this state.

The board of county commissioners of an eligible county that has entered into an agreement with a port authority in the county under section 4582.56 of the Revised Code may levy an additional lodging tax on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of financing lakeshore improvement projects constructed or financed by the port authority under that section. The resolution levying the tax shall specify the purpose of the tax, the rate of the tax, which shall not exceed two per cent, and the number of years the tax will be levied or that it will be levied for a continuing period of time. The tax shall be administered pursuant to the regulations adopted by the board under division (A) of this section, except that all the proceeds of the tax levied under this division shall be pledged to the payment of the costs, including debt charges, of lakeshore improvements undertaken by a port authority pursuant to the agreement under section 4582.56 of the Revised Code. No revenue from the tax may be used to pay the current expenses of the port authority.

A resolution levying a tax under division (U) of this section is subject to referendum under sections 305.31 to 305.41 and 305.99 of the Revised Code.

(V) (1) As used in division (V) of this section:

(a) "Tourism development district" means a district

designated by a municipal corporation under section 715.014 of 134370  
the Revised Code or by a township under section 503.56 of the 134371  
Revised Code. 134372

(b) "Lodging tax" means a tax levied pursuant to this 134373  
section or section 5739.08 of the Revised Code. 134374

(c) "Tourism development district lodging tax proceeds" 134375  
means all proceeds of a lodging tax derived from transactions by 134376  
which lodging by a hotel located in a tourism development 134377  
district is or is to be provided to transient guests. 134378

(d) "Eligible county" has the same meaning as in section 134379  
307.678 of the Revised Code. 134380

(2) (a) Notwithstanding division (A) of this section, the 134381  
board of county commissioners, board of township trustees, or 134382  
legislative authority of any county, township, or municipal 134383  
corporation that levies a lodging tax on September 29, 2017, and 134384  
in which any part of a tourism development district is located 134385  
on or after that date shall amend the ordinance or resolution 134386  
levying the tax to require either of the following: 134387

(i) In the case of a tax levied by a county, that all 134388  
tourism development district lodging tax proceeds from that tax 134389  
be used exclusively to foster and develop tourism in the tourism 134390  
development district; 134391

(ii) In the case of a tax levied by a township or 134392  
municipal corporation, that all tourism development district 134393  
lodging tax proceeds from that tax be used exclusively to foster 134394  
and develop tourism in the tourism development district. 134395

(b) Notwithstanding division (A) of this section, any 134396  
ordinance or resolution levying a lodging tax adopted on or 134397  
after September 29, 2017, by a county, township, or municipal 134398

corporation in which any part of a tourism development district 134399  
is located on or after that date shall require that all tourism 134400  
development district lodging tax proceeds from that tax be used 134401  
exclusively to foster and develop tourism in the tourism 134402  
development district. 134403

(c) A county shall not use any of the proceeds described 134404  
in division (V) (2) (a) (i) or (V) (2) (b) of this section unless the 134405  
convention and visitors' bureau operating within the county 134406  
approves the manner in which such proceeds are used to foster 134407  
and develop tourism in the tourism development district. Upon 134408  
obtaining such approval, the county may pay such proceeds to the 134409  
bureau to use for the agreed-upon purpose. 134410

A municipal corporation or township shall not use any of 134411  
the proceeds described in division (V) (2) (a) (ii) or (V) (2) (b) of 134412  
this section unless the convention and visitors' bureau 134413  
operating within the municipal corporation or township approves 134414  
the manner in which such proceeds are used to foster and develop 134415  
tourism in the tourism development district. Upon obtaining such 134416  
approval, the municipal corporation or township may pay such 134417  
proceeds to the bureau to use for the agreed-upon purpose. 134418

(3) (a) Notwithstanding division (A) of this section, the 134419  
board of county commissioners of an eligible county that levies 134420  
a lodging tax on March 23, 2018, may amend the resolution 134421  
levying that tax to require that all or a portion of the 134422  
proceeds of that tax otherwise required to be spent solely to 134423  
make contributions to the convention and visitors' bureau 134424  
operating within the county shall be used to foster and develop 134425  
tourism in a tourism development district. 134426

(b) Notwithstanding division (A) of this section, the 134427  
board of county commissioners of an eligible county that adopts 134428

a resolution levying a lodging tax on or after March 23, 2018, 134429  
may require that all or a portion of the proceeds of that tax 134430  
otherwise required to be spent solely to make contributions to 134431  
the convention and visitors' bureau operating within the county 134432  
pursuant to division (A) of this section shall be used to foster 134433  
and develop tourism in a tourism development district. 134434

(c) A county shall not use any of the proceeds in the 134435  
manner described in division (V) (3) (a) or (b) of this section 134436  
unless the convention and visitors' bureau operating within the 134437  
county approves the manner in which such proceeds are used to 134438  
foster and develop tourism in the tourism development district. 134439  
Upon obtaining such approval, the county may pay such proceeds 134440  
to the bureau to use for the agreed upon purpose. 134441

(W) (1) As used in division (W) of this section: 134442

(a) "Eligible county" means a county with a population 134443  
greater than three hundred thousand and less than three hundred 134444  
fifty thousand that levies a tax under division (A) of this 134445  
section at a rate of three per cent; 134446

(b) "Cost" and "facility" have the same meanings as in 134447  
section 351.01 of the Revised Code. 134448

(2) A board of county commissioners of an eligible county, 134449  
by resolution adopted by a majority of the members of the board, 134450  
may levy an excise tax at the rate of up to three per cent on 134451  
transactions by which lodging by a hotel is or is to be 134452  
furnished to transient guests. All of the revenue from the tax 134453  
shall be used to pay the costs of administering the tax or 134454  
pledged and contributed to a convention facilities authority 134455  
established by the board of county commissioners under Chapter 134456  
351. of the Revised Code and used by the authority to pay the 134457

cost of constructing a facility in the county, including paying 134458  
bonds, or notes issued in anticipation of bonds, as provided by 134459  
that chapter, or paying the expenses of maintaining, operating, 134460  
or promoting such a facility. No portion of the revenue arising 134461  
from the tax need be returned to municipal corporations or 134462  
townships as required for taxes levied under division (A) of 134463  
this section. 134464

(3) A resolution adopted under division (W) of this 134465  
section shall direct the board of elections to submit the 134466  
question of the proposed lodging tax to the electors of the 134467  
county at a special election held on the date specified by the 134468  
board in the resolution, provided that the election occurs not 134469  
less than ninety days after a certified copy of the resolution 134470  
is transmitted to the board of elections. A resolution submitted 134471  
to the electors under division (W) of this section shall not go 134472  
into effect unless it is approved by a majority of those voting 134473  
upon it. The resolution takes effect on the date the board of 134474  
county commissioners receives notification from the board of 134475  
elections of an affirmative vote. 134476

(4) Once the tax is approved by the electors of the county 134477  
pursuant to division (W) (3) of this section, it shall not be 134478  
subject to diminution by initiative or referendum or by law 134479  
while any bonds, or notes in anticipation of bonds, issued by 134480  
the authority under Chapter 351. of the Revised Code to which 134481  
the revenue is pledged, remain outstanding in accordance with 134482  
their terms, unless provision is made by law or by the board of 134483  
county commissioners for an adequate substitute therefore that 134484  
is satisfactory to the trustee if a trust agreement secures the 134485  
bonds. 134486

(5) The tax authorized by division (W) of this section 134487

shall be in addition to any other tax that is levied pursuant to 134488  
this section. 134489

(X) (1) As used in division (X) of this section: 134490

(a) "Convention facilities authority," "cost," and 134491  
"facility" have the same meanings as in section 351.01 of the 134492  
Revised Code, except that "facility" does not include a "sports 134493  
facility," as that term is defined in that section, other than a 134494  
facility intended to house a major league soccer team. 134495

(b) "Eligible county" means a county with a population 134496  
greater than eight hundred thousand but less than one million 134497  
that levies a tax under division (A) of this section. 134498

(c) "Port authority" means a port authority created under 134499  
Chapter 4582. of the Revised Code. 134500

(2) A board of county commissioners or the legislative 134501  
authority of an eligible county may, by resolution adopted by a 134502  
majority of the members of the board or legislative authority, 134503  
levy an excise tax at a rate not to exceed one per cent on 134504  
transactions by which lodging by a hotel is or is to be 134505  
furnished to transient guests. All revenue arising from the tax 134506  
shall be used to pay the costs of administering the tax or 134507  
pledged and contributed to the convention and visitors' bureau 134508  
operating within the applicable eligible county, a convention 134509  
facilities authority within the applicable eligible county, or a 134510  
port authority and used by the convention and visitors' bureau, 134511  
the convention facilities authority, or the port authority to 134512  
pay the cost of acquiring, constructing, renovating, expanding, 134513  
maintaining, or operating one or more facilities in the county, 134514  
including paying bonds, or notes issued in anticipation of 134515  
bonds, or paying the expenses of maintaining, operating, or 134516

promoting one or more facilities. No portion of the revenue 134517  
arising from the tax need be returned to municipal corporations 134518  
or townships as required for taxes levied under division (A) of 134519  
this section. 134520

(3) The tax authorized by division (X) of this section 134521  
shall be in addition to any other tax that is levied pursuant to 134522  
this section. 134523

(4) Any board of county commissioners of an eligible 134524  
county that, pursuant to division (D) (2) of this section, has 134525  
amended a resolution levying the tax authorized by division (A) 134526  
of this section may further amend the resolution to provide that 134527  
all or a portion of the revenue referred to in division (D) (2) 134528  
(b) of this section and division (A) of this section may be 134529  
pledged and contributed to pay the costs of acquiring, 134530  
constructing, renovating, expanding, maintaining, or operating 134531  
one or more facilities in the county, including paying bonds, or 134532  
notes issued in anticipation of bonds, or paying the expenses of 134533  
maintaining, operating, or promoting one or more facilities. 134534

(Y) For the purpose of contributing revenue to pay for 134535  
public safety services in a resort area designated under section 134536  
5739.101 of the Revised Code, a board of county commissioners 134537  
may amend a resolution adopted under division (A) of this 134538  
section to increase the rate of the tax by not more than an 134539  
additional one per cent, so long as the total tax rate levied 134540  
under this section by that county does not exceed five per cent. 134541  
The revenue from that increase shall be used exclusively to pay 134542  
for public safety services in the resort area. 134543

**Sec. 5739.092.** (A) Except as provided in division (B) or 134544  
(C) of this section, money collected by a county and distributed 134545  
under section 5739.09 of the Revised Code to a convention and 134546



visitors' bureau in existence as of June 30, 2013, except for 134547  
any such money pledged, as of that date, to the payment of debt 134548  
service charges on bonds, notes, securities, or lease 134549  
agreements, shall be used solely for tourism sales, marketing 134550  
and promotion, and their associated costs, including operational 134551  
and administrative costs of the bureau, sales and marketing, and 134552  
maintenance of the physical bureau structure. 134553

(B) A convention and visitors' bureau that has entered 134554  
into an agreement under section 307.678 of the Revised Code may 134555  
use revenue it receives from a tax levied under division (A) of 134556  
section 5739.09 of the Revised Code as described in division (E) 134557  
of section 307.678 of the Revised Code. 134558

(C) The convention and visitors' bureau of a county with a 134559  
population of less than one hundred thousand and annual receipts 134560  
from one or more taxes levied pursuant to section 5739.09 of the 134561  
Revised Code in excess of five hundred thousand dollars, may, in 134562  
addition to the purposes specified in division (A) of this 134563  
section, spend revenue from a tax levied under section 5739.09 134564  
of the Revised Code to pay the costs of public safety services, 134565  
an economic development project, or an infrastructure project, 134566  
provided the services or project impact tourism. 134567

**Sec. 5739.101.** (A) The legislative authority of a 134568  
municipal corporation, by ordinance or resolution, or of a 134569  
township, by resolution, may declare the municipal corporation 134570  
or township to be a resort area for the purposes of this 134571  
section, if all of the following criteria are met: 134572

(1) According to statistics published by the federal 134573  
government based on data compiled during the most recent 134574  
decennial census of the United States, at least sixty-two per 134575  
cent of total housing units in the municipal corporation or 134576

township are classified as "for seasonal, recreational, or 134577  
occasional use"; 134578

(2) Entertainment and recreation facilities are provided 134579  
within the municipal corporation or township that are primarily 134580  
intended to provide seasonal leisure time activities for persons 134581  
other than permanent residents of the municipal corporation or 134582  
township; 134583

(3) The municipal corporation or township experiences 134584  
seasonal peaks of employment and demand for government services 134585  
as a direct result of the seasonal population increase. 134586

(B) For the purpose of providing revenue for its general 134587  
fund, the legislative authority of a municipal corporation or 134588  
township, in its ordinance or resolution declaring itself a 134589  
resort area under this section, may levy a tax on the privilege 134590  
of engaging in the business of either of the following: 134591

(1) Making sales in the municipal corporation or township, 134592  
whether wholesale or retail, but including sales of food only to 134593  
the extent such sales are subject to the tax levied under 134594  
section 5739.02 of the Revised Code; 134595

(2) Intrastate transportation of passengers or property 134596  
primarily to or from the municipal corporation or township by a 134597  
railroad, watercraft, or motor vehicle subject to regulation by 134598  
the public utilities commission, except not including 134599  
transportation of passengers as part of a tour or cruise in 134600  
which the passengers will stay in the municipal corporation or 134601  
township for no more than one hour. 134602

The tax is imposed upon and shall be paid by the person 134603  
making the sales or transporting the passengers or property. ~~The~~ 134604  
Except as provided in division (G) of this section, the rate of 134605

the tax shall be one-half, one, or one and one-half per cent of 134606  
the person's gross receipts derived from making the sales or 134607  
transporting the passengers or property to or from the municipal 134608  
corporation or township. 134609

(C) For the purpose of fostering and developing tourism in 134610  
a tourism development district designated under section 503.56 134611  
or 715.014 of the Revised Code, the legislative authority of a 134612  
municipal corporation or township, by ordinance or resolution 134613  
adopted on or before December 31, 2020, may levy a tax on the 134614  
privilege of engaging in the business of making sales in the 134615  
tourism development district, whether wholesale or retail, but 134616  
including sales of food only to the extent such sales are 134617  
subject to the tax levied under section 5739.02 of the Revised 134618  
Code. 134619

The tax is imposed upon and shall be paid by the person 134620  
making the sales. The rate of the tax shall be one-half, one, 134621  
one and one-half, or two per cent of the person's gross receipts 134622  
derived from making the sales in the tourism development 134623  
district. 134624

(D) A tax levied under division (B) or (C) of this section 134625  
shall take effect on the first day of the month that begins at 134626  
least sixty days after the effective date of the ordinance or 134627  
resolution by which it is levied. The legislative authority 134628  
shall certify copies of the ordinance or resolution to the tax 134629  
commissioner and treasurer of state within five days after its 134630  
adoption. In addition, one time each week during the two weeks 134631  
following the adoption of the ordinance or resolution, the 134632  
legislative authority shall cause to be published in a newspaper 134633  
of general circulation in the municipal corporation or township, 134634  
or as provided in section 7.16 of the Revised Code, a notice 134635

explaining the tax and stating the rate of the tax, the date it 134636  
will take effect, and that persons subject to the tax must 134637  
register with the tax commissioner under section 5739.103 of the 134638  
Revised Code. 134639

(E) No more than once a year, and subject to the rates 134640  
prescribed in division (B) or (C) of this section, the 134641  
legislative authority of the municipal corporation or township, 134642  
by ordinance or resolution, may increase or decrease the rate of 134643  
a tax levied under this section. The legislative authority, by 134644  
ordinance or resolution, at any time may repeal such a tax. The 134645  
legislative authority shall certify to the tax commissioner and 134646  
treasurer of state copies of the ordinance or resolution 134647  
repealing or changing the rate of the tax within five days after 134648  
its adoption. In addition, one time each week during the two 134649  
weeks following the adoption of the ordinance or resolution, the 134650  
legislative authority shall cause to be published in a newspaper 134651  
of general circulation in the municipal corporation or township, 134652  
or as provided in section 7.16 of the Revised Code, notice of 134653  
the repeal or change. 134654

(F) A person may separately or proportionately bill or 134655  
invoice a tax levied pursuant to division (B) or (C) of this 134656  
section to another person. 134657

(G) The legislative authority of a municipal corporation, 134658  
by ordinance or resolution, or of a township, by resolution, may 134659  
increase the rate of the tax levied under division (B) of this 134660  
section to two or two and one-half per cent with the approval of 134661  
a majority of the electors of the municipal corporation or 134662  
township voting on the question at a general or special 134663  
election. The municipal corporation or township shall certify a 134664  
copy of the ordinance or resolution to the tax commissioner 134665

within five days after its adoption. In addition, one time each 134666  
week during the two weeks following the adoption of the 134667  
ordinance or resolution, the legislative authority shall cause 134668  
to be published in a newspaper of general circulation in the 134669  
municipal corporation or township, or as provided in section 134670  
7.16 of the Revised Code, a notice explaining the tax and 134671  
stating the current rate of the tax, what the rate would be if 134672  
subject to the proposed increase, and the date it will take 134673  
effect, if approved by electors. 134674

The legislative authority of the municipal corporation or 134675  
township shall file with the board of elections at least ninety 134676  
days before the day of the election a copy of the ordinance or 134677  
resolution, which shall specify the date the election is to be 134678  
held and directs the board of elections to conduct the election. 134679  
The ballot shall be in the following form: "Shall the rate of a 134680  
resort area tax levied by \_\_\_\_\_ (name of municipal corporation or 134681  
township) from \_\_\_\_\_ % to \_\_\_\_\_ % be passed? 134682  
134683

<u>For the resort area tax</u> <u>increase</u>	
<u>Against the resort area</u> <u>tax increase</u>	

"  
—

A tax levied under division (G) of this section takes 134684  
effect on the first day of the calendar quarter that begins at 134685  
least sixty-five days after the date the tax commissioner 134686  
receives notice of the affirmative vote. 134687

**Sec. 5739.12.** (A) (1) Each person who has or is required to 134688  
have a vendor's license, on or before the twenty-third day of 134689  
each month, shall make and file a return for the preceding month 134690

in the form prescribed by the tax commissioner, and shall pay 134691  
the tax shown on the return to be due. The return shall be filed 134692  
electronically using the Ohio business gateway, as defined in 134693  
section 718.01 of the Revised Code, the Ohio telefile system, or 134694  
any other electronic means prescribed by the commissioner. 134695  
Payment of the tax shown on the return to be due shall be made 134696  
electronically in a manner approved by the commissioner. The 134697  
commissioner may require a vendor that operates from multiple 134698  
locations or has multiple vendor's licenses to report all tax 134699  
liabilities on one consolidated return. The return shall show 134700  
the amount of tax due from the vendor to the state for the 134701  
period covered by the return and such other information as the 134702  
commissioner deems necessary for the proper administration of 134703  
this chapter. The commissioner may extend the time for making 134704  
and filing returns and paying the tax, and may require that the 134705  
return for the last month of any annual or semiannual period, as 134706  
determined by the commissioner, be a reconciliation return 134707  
detailing the vendor's sales activity for the preceding annual 134708  
or semiannual period. The reconciliation return shall be filed 134709  
by the last day of the month following the last month of the 134710  
annual or semiannual period. The commissioner may remit all or 134711  
any part of amounts or penalties that may become due under this 134712  
chapter and may adopt rules relating thereto. Such return shall 134713  
be filed electronically as directed by the tax commissioner, and 134714  
payment of the amount of tax shown to be due thereon, after 134715  
deduction of any discount provided for under this section, shall 134716  
be made electronically in a manner approved by the tax 134717  
commissioner. 134718

(2) Any person required to file returns and make payments 134719  
electronically under division (A)(1) of this section may apply 134720  
to the tax commissioner on a form prescribed by the commissioner 134721

to be excused from that requirement. For good cause shown, the 134722  
commissioner may excuse the person from that requirement and may 134723  
permit the person to file the returns and make the payments 134724  
required by this section by nonelectronic means. 134725

(B) (1) If the return is filed and the amount of tax shown 134726  
thereon to be due is paid on or before the date such return is 134727  
required to be filed, the vendor shall be entitled to a discount 134728  
of the lesser of seven hundred fifty dollars per vendor's 134729  
license for each month covered by the return or three-fourths of 134730  
one per cent of the amount shown to be due on the return. 134731

(2) A vendor that has selected a certified service 134732  
provider as its agent shall not be entitled to the discount if 134733  
the certified service provider receives a monetary allowance 134734  
pursuant to section 5739.06 of the Revised Code for performing 134735  
the vendor's sales and use tax functions in this state. Amounts 134736  
paid to the clerk of courts pursuant to section 4505.06 of the 134737  
Revised Code shall be subject to the applicable discount. The 134738  
discount shall be in consideration for prompt payment to the 134739  
clerk of courts and for other services performed by the vendor 134740  
in the collection of the tax. 134741

(C) (1) Upon application to the tax commissioner, a vendor 134742  
who is required to file monthly returns may be relieved of the 134743  
requirement to report and pay the actual tax due, provided that 134744  
the vendor agrees to remit to the commissioner payment of not 134745  
less than an amount determined by the commissioner to be the 134746  
average monthly tax liability of the vendor, based upon a review 134747  
of the returns or other information pertaining to such vendor 134748  
for a period of not less than six months nor more than two years 134749  
immediately preceding the filing of the application. Vendors who 134750  
agree to the above conditions shall make and file an annual or 134751

semiannual reconciliation return, as prescribed by the 134752  
commissioner. The reconciliation return shall be filed 134753  
electronically as directed by the tax commissioner, and payment 134754  
of the amount of tax shown to be due thereon, after deduction of 134755  
any discount provided in this section, shall be made 134756  
electronically in a manner approved by the commissioner. Failure 134757  
of a vendor to comply with any of the above conditions may 134758  
result in immediate reinstatement of the requirement of 134759  
reporting and paying the actual tax liability on each monthly 134760  
return, and the commissioner may at the commissioner's 134761  
discretion deny the vendor the right to report and pay based 134762  
upon the average monthly liability for a period not to exceed 134763  
two years. The amount ascertained by the commissioner to be the 134764  
average monthly tax liability of a vendor may be adjusted, based 134765  
upon a review of the returns or other information pertaining to 134766  
the vendor for a period of not less than six months nor more 134767  
than two years preceding such adjustment. 134768

(2) The commissioner may authorize vendors whose tax 134769  
liability is not such as to merit monthly returns, as 134770  
ascertained by the commissioner upon the basis of administrative 134771  
costs to the state, to make and file returns at less frequent 134772  
intervals. When returns are filed at less frequent intervals in 134773  
accordance with such authorization, the vendor shall be allowed 134774  
the discount provided in this section in consideration for 134775  
prompt payment with the return, provided the return is filed and 134776  
payment is made of the amount of tax shown to be due thereon, at 134777  
the time specified by the commissioner, but a vendor that has 134778  
selected a certified service provider as its agent shall not be 134779  
entitled to the discount. 134780

(D) Any vendor who fails to file a return or to pay the 134781  
full amount of the tax shown on the return to be due in the 134782



manner prescribed under this section and the rules of the 134783  
commissioner may, for each such return, be required to forfeit 134784  
and pay into the state treasury an additional charge not 134785  
exceeding fifty dollars or ten per cent of the tax required to 134786  
be paid for the reporting period, whichever is greater, as 134787  
revenue arising from the tax imposed by this chapter, and such 134788  
sum may be collected by assessment in the manner provided in 134789  
section 5739.13 of the Revised Code. The commissioner may remit 134790  
all or a portion of the additional charge and may adopt rules 134791  
relating to the imposition and remission of the additional 134792  
charge. 134793

(E) If the amount required to be collected by a vendor 134794  
from consumers is in excess of the applicable percentage of the 134795  
vendor's receipts from sales that are taxable under section 134796  
5739.02 of the Revised Code, or in the case of sales subject to 134797  
a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 134798  
of the Revised Code, in excess of the percentage equal to the 134799  
aggregate rate of such taxes and the tax levied by section 134800  
5739.02 of the Revised Code, such excess shall be remitted along 134801  
with the remittance of the amount of tax due under section 134802  
5739.10 of the Revised Code. 134803

(F) The commissioner, if the commissioner deems it 134804  
necessary in order to insure the payment of the tax imposed by 134805  
this chapter, may require returns and payments to be made for 134806  
other than monthly periods. 134807

(G) Any vendor required to file a return and pay the tax 134808  
under this section whose total payment for a year equals or 134809  
exceeds the amount shown in division (A) of section 5739.122 of 134810  
the Revised Code is subject to the accelerated tax payment 134811  
requirements in divisions (B) and (C) of that section. For a 134812

vendor that operates from multiple locations or has multiple 134813  
vendor's licenses, in determining whether the vendor's total 134814  
payment equals or exceeds the amount shown in division (A) of 134815  
that section, the vendor's total payment amount shall be the 134816  
amount of the vendor's total tax liability for the previous 134817  
calendar year for all of the vendor's locations or licenses. 134818

**Sec. 5739.13.** (A) If any vendor collects the tax imposed 134819  
by or pursuant to section 5739.02, 5739.021, 5739.023, or 134820  
5739.026 of the Revised Code, and fails to remit the tax to the 134821  
state as prescribed, or on the sale of a motor vehicle, 134822  
watercraft, or outboard motor required to be titled, fails to 134823  
remit payment to a clerk of a court of common pleas as provided 134824  
in section 1548.06 or 4505.06 of the Revised Code, the vendor 134825  
shall be personally liable for any tax collected and not 134826  
remitted. The tax commissioner may make an assessment against 134827  
such vendor based upon any information in the commissioner's 134828  
possession. 134829

If any vendor fails to collect the tax or any consumer 134830  
fails to pay the tax imposed by or pursuant to section 5739.02, 134831  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 134832  
transaction subject to the tax, the vendor or consumer shall be 134833  
personally liable for the amount of the tax applicable to the 134834  
transaction. The commissioner may make an assessment against 134835  
either the vendor or consumer, as the facts may require, based 134836  
upon any information in the commissioner's possession. 134837

An assessment against a vendor when the tax imposed by or 134838  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 134839  
the Revised Code has not been collected or paid, shall not 134840  
discharge the purchaser's or consumer's liability to reimburse 134841  
the vendor for the tax applicable to such transaction. 134842

An assessment issued against either, pursuant to this 134843  
section, shall not be considered an election of remedies, nor a 134844  
bar to an assessment against the other for the tax applicable to 134845  
the same transaction, provided that no assessment shall be 134846  
issued against any person for the tax due on a particular 134847  
transaction if the tax on that transaction actually has been 134848  
paid by another. 134849

The commissioner may make an assessment against any vendor 134850  
who fails to file a return or remit the proper amount of tax 134851  
required by this chapter, or against any consumer who fails to 134852  
pay the proper amount of tax required by this chapter. When 134853  
information in the possession of the commissioner indicates that 134854  
the amount required to be collected or paid under this chapter 134855  
is greater than the amount remitted by the vendor or paid by the 134856  
consumer, the commissioner may audit a sample of the vendor's 134857  
sales or the consumer's purchases for a representative period, 134858  
to ascertain the per cent of exempt or taxable transactions or 134859  
the effective tax rate and may issue an assessment based on the 134860  
audit. The commissioner shall make a good faith effort to reach 134861  
agreement with the vendor or consumer in selecting a 134862  
representative sample. 134863

The commissioner may make an assessment, based on any 134864  
information in the commissioner's possession, against any person 134865  
who fails to file a return or remit the proper amount of tax 134866  
required by section 5739.102 of the Revised Code. 134867

The commissioner may issue an assessment on any 134868  
transaction for which any tax imposed under this chapter or 134869  
Chapter 5741. of the Revised Code was due and unpaid on the date 134870  
the vendor or consumer was informed by an agent of the tax 134871  
commissioner of an investigation or audit. If the vendor or 134872

consumer remits any payment of the tax for the period covered by 134873  
the assessment after the vendor or consumer was informed of the 134874  
investigation or audit, the payment shall be credited against 134875  
the amount of the assessment. 134876

The commissioner shall give the party assessed written 134877  
notice of the assessment in the manner provided in section 134878  
5703.37 of the Revised Code. With the notice, the commissioner 134879  
shall provide instructions on how to petition for reassessment 134880  
and request a hearing on the petition. 134881

(B) Unless the party assessed files with the commissioner 134882  
within sixty days after service of the notice of assessment, ~~—~~ 134883  
~~either personally or by certified mail,~~ a written petition for 134884  
reassessment, signed by the party assessed or that party's 134885  
authorized agent having knowledge of the facts, the assessment 134886  
becomes final and the amount of the assessment is due from the 134887  
party assessed and payable to the treasurer of state and 134888  
remitted to the tax commissioner. The petition shall indicate 134889  
the objections of the party assessed, but additional objections 134890  
may be raised in writing if received by the commissioner prior 134891  
to the date shown on the final determination. If the petition 134892  
has been properly filed, the commissioner shall proceed under 134893  
section 5703.60 of the Revised Code. 134894

(C) After an assessment becomes final, if any portion of 134895  
the assessment remains unpaid, including accrued interest, a 134896  
certified copy of the commissioner's entry making the assessment 134897  
final may be filed in the office of the clerk of the court of 134898  
common pleas in the county in which the place of business of the 134899  
party assessed is located or the county in which the party 134900  
assessed resides. If the party assessed maintains no place of 134901  
business in this state and is not a resident of this state, the 134902

certified copy of the entry may be filed in the office of the 134903  
clerk of the court of common pleas of Franklin county. 134904

Immediately upon the filing of the entry, the clerk shall 134905  
enter a judgment for the state against the party assessed in the 134906  
amount shown on the entry. The judgment may be filed by the 134907  
clerk in a loose-leaf book entitled "special judgments for 134908  
state, county, and transit authority retail sales tax" or, if 134909  
appropriate, "special judgments for resort area excise tax," and 134910  
shall have the same effect as other judgments. Execution shall 134911  
issue upon the judgment upon the request of the tax 134912  
commissioner, and all laws applicable to sales on execution 134913  
shall apply to sales made under the judgment except as otherwise 134914  
provided in this chapter. 134915

If the assessment is not paid in its entirety within sixty 134916  
days after the date the assessment was issued, the portion of 134917  
the assessment consisting of tax due shall bear interest at the 134918  
rate per annum prescribed by section 5703.47 of the Revised Code 134919  
from the day the tax commissioner issues the assessment until 134920  
the assessment is paid or until it is certified to the attorney 134921  
general for collection under section 131.02 of the Revised Code, 134922  
whichever comes first. If the unpaid portion of the assessment 134923  
is certified to the attorney general for collection, the entire 134924  
unpaid portion of the assessment shall bear interest at the rate 134925  
per annum prescribed by section 5703.47 of the Revised Code from 134926  
the date of certification until the date it is paid in its 134927  
entirety. Interest shall be paid in the same manner as the tax 134928  
and may be collected by issuing an assessment under this 134929  
section. 134930

(D) All money collected by the tax commissioner under this 134931  
section shall be paid to the treasurer of state, and when paid 134932

shall be considered as revenue arising from the taxes imposed by 134933  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 134934

**Sec. 5739.132.** (A) If a tax, fee, or charge due under this 134935  
chapter or Chapter 128. or 5741. of the Revised Code is not paid 134936  
on or before the day the payment is required to be paid, 134937  
interest shall accrue on the unpaid tax, fee, or charge at the 134938  
rate per annum prescribed by section 5703.47 of the Revised Code 134939  
from the day the tax, fee, or charge was required to be paid 134940  
until the tax, fee, or charge is paid or until the day an 134941  
assessment is issued under section 5739.13 or 5739.15 of the 134942  
Revised Code, whichever occurs first. Interest shall be paid in 134943  
the same manner as the tax, fee, or charge, and may be collected 134944  
by assessment. 134945

~~(B) Interest~~ (B) (1) Except as provided in division (B) (2) 134946  
of this section, interest shall be allowed and paid on any 134947  
refund granted pursuant to section 128.47, 5739.07, or 5741.10 134948  
of the Revised Code from the date of the overpayment. The 134949  
interest shall be computed at the rate per annum prescribed by 134950  
section 5703.47 of the Revised Code. 134951

(2) No interest shall be allowed or paid on a refund of a 134952  
tax levied pursuant to section 5739.021, 5739.026, 5741.021, or 134953  
5741.023 of the Revised Code. 134954

**Sec. 5739.31.** (A) (1) No person shall engage in the 134955  
business of selling at retail or sell at retail incidental to 134956  
any other regularly conducted business without having a license 134957  
therefor, as required by sections 5739.01 to 5739.31 of the 134958  
Revised Code. 134959

(2) No person shall engage in the business of selling at 134960  
retail as a transient vendor, as defined in section 5739.17 of 134961

the Revised Code, without first having obtained a license as 134962  
required by that section. 134963

(B) No person shall continue to engage in the business of 134964  
selling at retail or sell at retail incidental to any other 134965  
regularly conducted business after the license issued to that 134966  
person pursuant to section 5739.17 of the Revised Code has been 134967  
suspended by the tax commissioner under division (B)(2) of 134968  
section 5739.30 of the Revised Code, nor shall any person obtain 134969  
a new license from ~~the~~ any county auditor or the tax 134970  
commissioner while such suspension is in effect. If a 134971  
corporation's license has been suspended, none of its officers, 134972  
or employees having control or supervision of or charged with 134973  
the responsibility of filing returns and making payments of tax 134974  
due, shall obtain a license from ~~the~~ any county auditor or the 134975  
tax commissioner during the period of such suspension. The tax 134976  
commissioner may cancel any licenses granted while the 134977  
suspension is in effect. 134978

**Sec. 5743.021.** (A) As used in this section, "qualifying 134979  
regional arts and cultural district" means a regional arts and 134980  
cultural district created under section 3381.04 of the Revised 134981  
Code in a county ~~having that either has a population of at least~~ 134982  
~~eight hundred thousand but not more than one million two hundred~~ 134983  
~~thousand or more according to the 2000 federal decennial~~ 134984  
~~census~~ or has adopted a charter under Ohio Constitution, Article 134985  
X, Section 3. 134986

(B) For one or more of the purposes for which a tax may be 134987  
levied under section 3381.16 of the Revised Code and for the 134988  
purposes of paying the expenses of administering the tax and the 134989  
expenses charged by a board of elections to hold an election on 134990  
a question submitted under this section, the board of county 134991

commissioners of a county that has within its territorial 134992  
boundaries a qualifying regional arts and cultural district may 134993  
levy a tax on the sale of cigarettes sold for resale at retail 134994  
in the county composing the district computed on each cigarette 134995  
sold. The rate of the tax, when added to the rate of any other 134996  
tax concurrently levied by the board under this section, shall 134997  
equal one of the following: 134998

(1) If the tax begins to apply before May 1, 2023, up to 134999  
fifteen mills per cigarette; 135000

(2) If the tax begins to apply on or after ~~the first day~~ 135001  
~~of the first month after the effective date of this amendment~~May 135002  
1, 2023, the rate, in mills per cigarette, specified in the 135003  
resolution levying the tax. 135004

Only one sale of the same article shall be used in 135005  
computing the amount of tax due. The tax may be levied for any 135006  
number of years not exceeding ten years. 135007

The tax shall be levied pursuant to a resolution of the 135008  
board of county commissioners approved by a majority of the 135009  
electors in the county voting on the question of levying the 135010  
tax. The resolution shall specify the rate of the tax, the 135011  
number of years the tax will be levied, and the purposes for 135012  
which the tax is levied. The election may be held on the date of 135013  
a general, primary, or special election held not sooner than 135014  
ninety days after the date the board certifies its resolution to 135015  
the board of elections. If approved by the electors, the tax 135016  
shall take effect on the first day of the month specified in the 135017  
resolution but not sooner than the first day of the month that 135018  
is at least sixty days after the certification of the election 135019  
results by the board of elections. A copy of the resolution 135020  
levying the tax shall be certified to the tax commissioner at 135021



least sixty days prior to the date on which the tax is to become effective. 135022  
135023

A board of county commissioners may adopt a resolution 135024  
under this division proposing to replace a tax levied under 135025  
division (B) (1) of this section with a tax levied under division 135026  
(B) (2) of this section. Such a resolution shall state, in 135027  
addition to other information required under this division, that 135028  
the existing levy or levies terminate upon the passage of the 135029  
replacement levy. The failure of the electors to approve a 135030  
replacement levy does not terminate the existing levy or levies. 135031

(C) (1) The form of the ballot in an election held to 135032  
propose a tax under division (B) (1) of this section shall be as 135033  
follows, or in any other form acceptable to the secretary of 135034  
state: 135035

"For the purpose of \_\_\_\_\_ (insert the purpose or 135036  
purposes of the tax), shall an excise tax be levied throughout 135037  
\_\_\_\_\_ County for the benefit of the \_\_\_\_\_ (name of 135038  
the qualifying regional arts and cultural district) on the sale 135039  
of cigarettes at wholesale at the rate of \_\_\_\_ mills per 135040  
cigarette for \_\_\_\_ years? 135041  
135042

	For the tax
	Against the tax

"

(2) The form of the ballot in an election held to propose 135043  
a tax under division (B) (2) of this section shall be as follows, 135044  
or in any other form acceptable to the secretary of state: 135045

"For the purpose of \_\_\_\_\_ (insert the purpose or 135046  
purposes of the tax), shall an excise tax be levied throughout 135047

\_\_\_\_\_ County for the benefit of the \_\_\_\_\_ (name of  
the qualifying regional arts and cultural district) on the sale  
of cigarettes at wholesale at the rate of \_\_\_\_\_ mills per  
cigarette for \_\_\_\_\_ years?

135048  
135049  
135050  
135051  
135052

	For the tax
	Against the tax

"

"

135053

If the resolution of the board of county commissioners  
provides that an existing levy or levies will be terminated upon  
the passage of a replacement levy, the ballot must, for each  
levy that will be terminated, include a statement that: "An  
existing tax of \_\_\_\_\_ mills (stating the millage of the existing  
tax) per cigarette, having \_\_\_\_\_ years remaining, will be  
terminated and replaced upon the passage of this tax."

135054  
135055  
135056  
135057  
135058  
135059  
135060

(D) All money arising from taxes levied on behalf of each  
district under this section and section 5743.321 of the Revised  
Code shall be credited as follows:

135061  
135062  
135063

(1) To the tax refund fund created by section 5703.052 of  
the Revised Code, amounts equal to the refunds from each tax  
levied under this section and section 5743.321 of the Revised  
Code and certified by the tax commissioner pursuant to section  
5743.05 of the Revised Code;

135064  
135065  
135066  
135067  
135068

(2) Following the crediting of amounts pursuant to  
division (D) (1) of this section:

135069  
135070

(a) To the permissive tax distribution fund created under  
section 4301.423 of the Revised Code, an amount equal to ninety-  
eight per cent of the remainder collected;

135071  
135072  
135073

(b) To the local excise tax administrative fund, which is 135074  
hereby created in the state treasury, an amount equal to two per 135075  
cent of such remainder, for use by the tax commissioner in 135076  
defraying costs incurred in administering the tax. 135077

On or before the tenth day of each month, the tax 135078  
commissioner shall distribute the amount credited to the 135079  
permissive tax distribution fund during the preceding month by 135080  
providing for payment of the appropriate amount to the county 135081  
treasurer of the county in which the tax is levied. 135082

(E) No tax shall be levied under divisions (B) (1) and (2) 135083  
of this section during the same month. 135084

**Sec. 5743.024.** (A) For the purposes of section 307.696 of 135085  
the Revised Code, to pay the expenses of administering the tax, 135086  
and to pay any or all of the charge the board of elections makes 135087  
against the county to hold the election on the question of 135088  
levying the tax, or for such purposes and to provide revenues to 135089  
the county for permanent improvements, the board of county 135090  
commissioners may levy a tax on sales of cigarettes sold for 135091  
resale at retail in the county. The tax shall not exceed two and 135092  
twenty-five hundredths of a mill per cigarette, and shall be 135093  
computed on each cigarette sold. The tax may be levied for any 135094  
number of years not exceeding twenty. Only one sale of the same 135095  
article shall be used in computing the amount of tax due. 135096

The tax shall be levied pursuant to a resolution of the 135097  
county commissioners approved by a majority of the electors in 135098  
the county voting on the question of levying the tax. The 135099  
resolution shall specify the rate of the tax, the number of 135100  
years the tax will be levied, and the purposes for which the tax 135101  
is levied. Such election may be held on the date of a general or 135102  
special election held not sooner than ninety days after the date 135103

the board certifies its resolution to the board of elections. If 135104  
approved by the electors, the tax shall take effect on the first 135105  
day of the month specified in the resolution but not sooner than 135106  
the first day of the month that is at least sixty days after the 135107  
certification of the election results by the board of elections. 135108  
A copy of the resolution levying the tax shall be certified to 135109  
the tax commissioner at least sixty days prior to the date on 135110  
which the tax is to become effective. 135111

A resolution under this section may be joined on the 135112  
ballot as a single question with a resolution adopted under 135113  
section 307.697 or 4301.421 of the Revised Code to levy a tax 135114  
for the same purposes and for the purpose of paying the expenses 135115  
of administering the tax. The form of the ballot in an election 135116  
held pursuant to this section shall be as prescribed in section 135117  
307.697 of the Revised Code. 135118

(B) All money arising from each county's taxes levied 135119  
under this section and section 5743.323 of the Revised Code 135120  
shall be credited as follows: 135121

(1) To the tax refund fund created by section 5703.052 of 135122  
the Revised Code, amounts equal to the refunds from each tax 135123  
levied under this section certified by the tax commissioner 135124  
pursuant to section 5743.05 of the Revised Code; 135125

(2) Following the crediting of amounts pursuant to 135126  
division (B) (1) of this section: 135127

(a) To the permissive tax distribution fund created by 135128  
division (B) (1) of section 4301.423 of the Revised Code, an 135129  
amount equal to ninety-eight per cent of the remainder 135130  
collected; 135131

(b) To the local excise tax administrative fund, which is 135132

hereby created in the state treasury, an amount equal to two per 135133  
cent of such remainder, for use by the tax commissioner in 135134  
defraying costs incurred in administering the tax. 135135

On or before the tenth day of each month, the tax 135136  
commissioner shall distribute the amount credited to the 135137  
permissive tax distribution fund during the preceding month by 135138  
providing for payment of the appropriate amount to the county 135139  
treasurer of each county levying the tax. 135140

(C) The board of county commissioners of a county in which 135141  
a tax is imposed under this section on the effective date of the 135142  
amendment of this section by H.B. 59 of the 130th general 135143  
assembly, September 29, 2013, may levy a tax for the purpose of 135144  
section 307.673 of the Revised Code regardless of whether or not 135145  
the cooperative agreement authorized under that section has been 135146  
entered into prior to the day the resolution adopted under 135147  
division (C) (1) or (2) of this section is adopted, for the 135148  
purpose of reimbursing a county for costs incurred in the 135149  
construction of a sports facility pursuant to an agreement 135150  
entered into by the county under section 307.696 of the Revised 135151  
Code, or for the purpose of paying the costs of capital repairs 135152  
of and improvements to a sports facility. The tax shall be 135153  
levied and approved in one of the manners prescribed by division 135154  
(C) (1) or (2) of this section. 135155

(1) The tax may be levied pursuant to a resolution adopted 135156  
by a majority of the members of the board of county 135157  
commissioners not later than forty-five days after July 19, 135158  
1995. A board of county commissioners approving a tax under 135159  
division (C) (1) of this section may approve a tax under division 135160  
(D) (1) of section 307.697 or division (B) (1) of section 4301.421 135161  
of the Revised Code at the same time. Subject to the resolution 135162

being submitted to a referendum under sections 305.31 to 305.41 135163  
of the Revised Code, the resolution shall take effect 135164  
immediately, but the tax levied pursuant to the resolution shall 135165  
not be levied prior to the day following the last day that any 135166  
tax previously levied pursuant to this division may be levied. 135167

(2) The tax may be levied pursuant to a resolution adopted 135168  
by a majority of the members of the board of county 135169  
commissioners not later than September 1, 2015, and approved by 135170  
a majority of the electors of the county voting on the question 135171  
of levying the tax. The board of county commissioners shall 135172  
certify a copy of the resolution to the board of elections 135173  
immediately upon adopting a resolution under division (C) (2) of 135174  
this section. The election may be held on the date of a general 135175  
or special election held not sooner than ninety days after the 135176  
date the board certifies its resolution to the board of 135177  
elections. The form of the ballot shall be as prescribed by 135178  
division (C) of section 307.697 of the Revised Code, except that 135179  
the phrase "paying not more than one-half of the costs of 135180  
providing a sports facility together with related redevelopment 135181  
and economic development projects" shall be replaced by the 135182  
phrase "paying the costs of constructing, renovating, improving, 135183  
or repairing a sports facility and reimbursing a county for 135184  
costs incurred by the county in the construction of a sports 135185  
facility," and the phrase ", beginning \_\_\_\_\_ (here insert 135186  
the earliest date the tax would take effect)" shall be appended 135187  
after "years." A board of county commissioners submitting the 135188  
question of a tax under division (C) (2) of this section may 135189  
submit the question of a tax under division (D) (2) of section 135190  
307.697 or division (B) (2) of section 4301.421 of the Revised 135191  
Code as a single question, and the form of the ballot shall 135192  
include each of the proposed taxes. 135193

If approved by a majority of electors voting on the 135194  
question, the tax shall take effect on the day specified on the 135195  
ballot, which shall not be earlier than the day following the 135196  
last day that any tax previously levied pursuant to this 135197  
division may be levied. 135198

The rate of a tax levied pursuant to division (C) (1) or 135199  
(2) of this section shall not exceed the rate specified in 135200  
division (A) of this section. A tax levied pursuant to division 135201  
(C) (1) or (2) of this section may be levied for any number of 135202  
years not exceeding twenty. 135203

A board of county commissioners adopting a resolution 135204  
under this division shall certify a copy of the resolution to 135205  
the tax commissioner immediately upon adoption of the 135206  
resolution. 135207

(D) The board of county commissioners of a county whose 135208  
population is greater than one million one hundred thousand but 135209  
less than one million three hundred thousand may levy a tax 135210  
under this division for the purpose of section 307.673 of the 135211  
Revised Code regardless of whether or not the cooperative 135212  
agreement authorized under that section has been entered into 135213  
prior to the day the resolution adopted under division (D) of 135214  
this section is adopted, for the purpose of reimbursing a county 135215  
for costs incurred in the construction of a sports facility 135216  
pursuant to an agreement entered into by the county under 135217  
section 307.696 of the Revised Code, or for the purpose of 135218  
paying the costs of constructing, equipping, furnishing, 135219  
maintaining, renovating, improving, or repairing a sports 135220  
facility. The tax may be levied for any number of years or for a 135221  
continuing period of time. 135222

The tax may be levied pursuant to a resolution adopted by 135223

the board of county commissioners and approved by a majority of 135224  
the electors of the county voting on the question of levying the 135225  
tax. The board of county commissioners shall certify a copy of 135226  
the resolution to the board of elections immediately upon 135227  
adopting a resolution under division (D) of this section. The 135228  
election may be held on the date of a general or special 135229  
election held not sooner than ninety days after the date the 135230  
board certifies its resolution to the board of elections. The 135231  
form of the ballot shall be as follows: 135232

"For the purpose of \_\_\_\_\_ (state the purpose or 135233  
purposes), shall an excise tax be levied by \_\_\_\_\_ county at 135234  
the rate of \_\_\_\_\_ mills per cigarette on the sale of cigarettes 135235  
at wholesale in the county for \_\_\_\_\_ (number of years or a 135236  
continuing period of time), the tax beginning on \_\_\_\_\_ (the 135237  
earliest date the tax would take effect)? 135238

	<u>Yes</u>
	<u>No</u>

"  
—

A board of county commissioners submitting the question of 135240  
a tax under division (D) of this section may submit the question 135241  
of a tax under section 5743.511, division (E) of section 135242  
307.697, or division (C) of section 4301.421 of the Revised 135243  
Code, or all, as a single question, provided that each tax is 135244  
for the same purpose and period of time and the form of the 135245  
ballot states the rate of each of the proposed taxes. 135246

If approved by a majority of electors voting on the 135247  
question, the tax shall take effect on the date specified in the 135248  
resolution but not sooner than the first day of the month that 135249  
is at least sixty days after the certification of the election 135250



results by the board of elections. The tax levied under division 135251  
(D) of this section may be approved and take effect before the 135252  
expiration of the tax levied under division (C) of this section. 135253  
The tax levied under division (D) of this section shall 135254  
supersede and replace any tax levied under division (C) of this 135255  
section, and the tax levied under division (C) of this section 135256  
shall no longer be levied once the tax levied under division (D) 135257  
of this section takes effect. 135258

The rate of tax levied pursuant to division (D) shall be 135259  
imposed at a rate not to exceed four and one-half mills per each 135260  
cigarette sold for resale at retail in the county. The tax 135261  
levied pursuant to division (D) of this section shall be in 135262  
addition to the tax imposed by section 5743.02 of the Revised 135263  
Code. 135264

Only one sale of the same article shall be used in 135265  
computing, reporting, and paying the amount of tax due. 135266

A board of county commissioners adopting a resolution 135267  
under division (D) of this section shall certify a copy of the 135268  
resolution to the tax commissioner immediately upon adoption of 135269  
the resolution. 135270

(E) No tax shall be levied under division (A) of this 135271  
section on or after September 23, 2008. This division does not 135272  
apply to a tax levied under division (C) or (D) of this section, 135273  
and does not prevent the collection of any tax levied under this 135274  
section before September 23, 2008, so long as that tax remains 135275  
effective. 135276

**Sec. 5743.081.** (A) If any wholesale dealer or retail 135277  
dealer fails to pay the tax levied under section 5743.02, 135278  
5743.021, 5743.024, or 5743.026 of the Revised Code as required 135279

by sections 5743.01 to 5743.20 of the Revised Code, and by the 135280  
rules of the tax commissioner, or fails to collect the tax from 135281  
the purchaser or consumer, the commissioner may make an 135282  
assessment against the wholesale or retail dealer based upon any 135283  
information in the commissioner's possession. 135284

The commissioner may make an assessment against any 135285  
wholesale or retail dealer who fails to file a return required 135286  
by section 5743.03 or 5743.025 of the Revised Code. 135287

No assessment shall be made against any wholesale or 135288  
retail dealer for any taxes imposed under section 5743.02, 135289  
5743.021, 5743.024, or 5743.026 of the Revised Code more than 135290  
three years after the last day of the calendar month that 135291  
immediately follows the monthly period prescribed in section 135292  
5743.03 of the Revised Code in which the sale was made, or more 135293  
than three years after the return for the month in which the 135294  
sale was made is filed, whichever is later. This section does 135295  
not bar an assessment against any wholesale or retail dealer who 135296  
fails to file a return as required by section 5743.025 or 135297  
5743.03 of the Revised Code, or who files a fraudulent return. 135298

A penalty of up to thirty per cent may be added to the 135299  
amount of every assessment made under this section. The 135300  
commissioner may adopt rules providing for the imposition and 135301  
remission of penalties added to assessments made under this 135302  
section. 135303

The commissioner shall give the party assessed written 135304  
notice of the assessment in the manner provided in section 135305  
5703.37 of the Revised Code. The notice shall specify separately 135306  
any portion of the assessment that represents a county tax. With 135307  
the notice, the commissioner shall provide instructions on how 135308  
to petition for reassessment and request a hearing on the 135309

petition. 135310

(B) Unless the party assessed files with the tax 135311  
commissioner within sixty days after service of the notice of 135312  
assessment, ~~either personally or by certified mail,~~ a written 135313  
petition for reassessment signed by the party assessed or that 135314  
party's authorized agent having knowledge of the facts, the 135315  
assessment becomes final and the amount of the assessment is due 135316  
and payable from the party assessed to the treasurer of state. 135317  
The petition shall indicate the objections of the party 135318  
assessed, but additional objections may be raised in writing if 135319  
received by the commissioner prior to the date shown on the 135320  
final determination. If the petition has been properly filed, 135321  
the commissioner shall proceed under section 5703.60 of the 135322  
Revised Code. 135323

(C) After an assessment becomes final, if any portion of 135324  
the assessment remains unpaid, including accrued interest, a 135325  
certified copy of the tax commissioner's entry making the 135326  
assessment final may be filed in the office of the clerk of the 135327  
court of common pleas in the county in which the wholesale or 135328  
retail dealer's place of business is located or the county in 135329  
which the party assessed resides. If the party assessed 135330  
maintains no place of business in this state and is not a 135331  
resident of this state, the certified copy of the entry may be 135332  
filed in the office of the clerk of the court of common pleas of 135333  
Franklin county. 135334

Immediately upon the filing of the commissioner's entry, 135335  
the clerk shall enter a judgment for the state against the party 135336  
assessed in the amount shown on the entry. The judgment may be 135337  
filed by the clerk in a loose-leaf book entitled "special 135338  
judgments for state cigarette sales tax," and shall have the 135339

same effect as other judgments. Execution shall issue upon the 135340  
judgment upon the request of the tax commissioner, and all laws 135341  
applicable to sales on execution shall apply to sales made under 135342  
the judgment, except as otherwise provided in sections 5743.01 135343  
to 5743.20 of the Revised Code. 135344

If the assessment is not paid in its entirety within sixty 135345  
days after the assessment was issued, the portion of the 135346  
assessment consisting of tax due shall bear interest at the rate 135347  
per annum prescribed by section 5703.47 of the Revised Code from 135348  
the day the commissioner issues the assessment until it is paid 135349  
or until it is certified to the attorney general for collection 135350  
under section 131.02 of the Revised Code, whichever comes first. 135351  
If the unpaid portion of the assessment is certified to the 135352  
attorney general for collection, the entire unpaid portion of 135353  
the assessment shall bear interest at the rate per annum 135354  
prescribed by section 5703.47 of the Revised Code from the date 135355  
of certification until the date it is paid in its entirety. 135356  
Interest shall be paid in the same manner as the tax and may be 135357  
collected by the issuance of an assessment under this section. 135358

(D) All money collected by the tax commissioner under this 135359  
section shall be paid to the treasurer of state, and when paid 135360  
shall be considered as revenue arising from the taxes imposed by 135361  
sections 5743.01 to 5743.20 of the Revised Code. 135362

**Sec. 5743.323.** (A) For the purposes of section 307.696 of 135363  
the Revised Code and to pay the expenses of levying the tax or 135364  
for such purposes and to provide revenues to the county for 135365  
permanent improvements, the board of county commissioners of a 135366  
county that levies a tax under division (A) of section 5743.024 135367  
of the Revised Code shall by resolution adopted by a majority of 135368  
the board levy a tax at the same rate on the use, consumption, 135369

or storage for consumption of cigarettes by consumers in the 135370  
county, provided that the tax shall not apply if the tax levied 135371  
by division (A) of section 5743.024 of the Revised Code has been 135372  
paid. The tax shall take effect on the date that a tax levied 135373  
under division (A) of section 5743.024 of the Revised Code takes 135374  
effect, and shall remain in effect as long as the tax levied 135375  
under such division remains effective. 135376

No tax shall be levied under division (A) of this section 135377  
on or after September 23, 2008. This paragraph does not prevent 135378  
the collection of any tax levied under this section before that 135379  
date so long as that tax remains effective. 135380

(B) For the purposes of section 307.696 of the Revised 135381  
Code and to pay the expenses of levying the tax or for such 135382  
purposes and to provide revenues to the county for permanent 135383  
improvements, the board of county commissioners of a county that 135384  
levies a tax under division (C) of section 5743.024 of the 135385  
Revised Code shall by resolution adopted by a majority of the 135386  
board levy a tax at the same rate on the use, consumption, or 135387  
storage for consumption of cigarettes by consumers in the 135388  
county, provided that the tax shall not apply if the tax levied 135389  
by division (C) of section 5743.024 of the Revised Code has been 135390  
paid. The tax shall take effect on the date that a tax levied 135391  
under division (C) of section 5743.024 of the Revised Code takes 135392  
effect, and shall remain in effect as long as the tax levied 135393  
under such division remains effective. 135394

(C) For the purposes set forth in division (D) of section 135395  
5743.024 of the Revised Code and to pay the expenses of levying 135396  
the tax or for such purposes and to provide revenues to the 135397  
county for permanent improvements, the board of county 135398  
commissioners of a county that levies a tax under division (D) 135399

of section 5743.024 of the Revised Code shall adopt a resolution 135400  
levying a tax at the same rate, on the use, consumption, or 135401  
storage for consumption of cigarettes by consumers in the 135402  
county, provided that the tax shall not apply if the tax levied 135403  
by division (D) of section 5743.024 of the Revised Code has been 135404  
paid. The tax levied by division (C) of this section shall take 135405  
effect on the date that a tax levied under division (D) of 135406  
section 5743.024 of the Revised Code takes effect, and shall 135407  
remain in effect as long as the tax levied under division (D) of 135408  
section 5743.024 of the Revised Code remains effective. The tax 135409  
levied under division (C) of this section shall be in addition 135410  
to the tax levied under section 5743.32 of the Revised Code. 135411

**Sec. 5743.511.** The board of county commissioners of a 135412  
county whose population is greater than one million one hundred 135413  
thousand but less than one million three hundred thousand may 135414  
levy a tax under this section for the purpose of section 307.673 135415  
of the Revised Code regardless of whether or not the cooperative 135416  
agreement authorized under that section has been entered into 135417  
prior to the day the resolution adopted under this section is 135418  
adopted, for the purpose of reimbursing a county for costs 135419  
incurred in the construction of a sports facility pursuant to an 135420  
agreement entered into by the county under section 307.696 of 135421  
the Revised Code, or for the purpose of paying the costs of 135422  
constructing, equipping, furnishing, maintaining, renovating, 135423  
improving, or repairing a sports facility. The tax may be levied 135424  
for any number of years or for a continuing period of time. 135425

The tax may be levied pursuant to a resolution adopted by 135426  
the board of county commissioners and approved by a majority of 135427  
the electors of the county voting on the question of levying the 135428  
tax. The board of county commissioners shall certify a copy of 135429  
the resolution to the board of elections immediately upon 135430

adopting a resolution under this section. The election may be 135431  
held on the date of a general or special election held not 135432  
sooner than ninety days after the date the board certifies its 135433  
resolution to the board of elections. The form of the ballot 135434  
shall be as follows: 135435

"For the purpose of \_\_\_\_\_ (state the purpose or 135436  
purposes), shall an excise tax be levied by \_\_\_\_\_ county at 135437  
the rate of \_\_\_\_\_ per cent of the price of other tobacco 135438  
products (aside from little cigars) sold at wholesale in the 135439  
county, \_\_\_\_\_ per cent of the price of little cigars sold at 135440  
wholesale in the county, and \_\_\_\_\_ cents per vapor volume of 135441  
vapor products sold at wholesale in the county, for \_\_\_\_\_ (number 135442  
of years or a continuing period of time), the tax beginning on 135443  
\_\_\_\_\_ (the earliest date the tax would take effect)? 135444  
135445

	<u>Yes</u>
	<u>No</u> "

A board of county commissioners submitting the question of 135446  
a tax under this section may submit the question of a tax under 135447  
division (E) of section 307.697, division (C) of section 135448  
4301.421, or division (D) of section 5743.024 of the Revised 135449  
Code, or all, as a single question, provided that each tax is 135450  
for the same purpose and period of time and the form of the 135451  
ballot states the rate of each of the proposed taxes. 135452

If approved by a majority of electors voting on the 135453  
question, the tax shall take effect on the date specified in the 135454  
resolution but not sooner than the first day of the month that 135455  
is at least sixty days after the certification of the election 135456  
results by the board of elections. 135457

The rate of tax levied pursuant to this section shall be 135458  
imposed as follows: 135459

(A) At a rate not to exceed eighty-five hundredths per 135460  
cent of the wholesale price of other tobacco products, aside 135461  
from little cigars, received by a distributor in the county, 135462  
sold by a manufacturer to a retail dealer located in the county, 135463  
or delivered to a consumer in the county for storage, use, or 135464  
other consumption; 135465

(B) At a rate not to exceed one and eighty-five hundredths 135466  
per cent of the wholesale price of little cigars received by a 135467  
distributor in the county, sold by a manufacturer to a retail 135468  
dealer located in the county, or delivered to a consumer in the 135469  
county for storage, use, or other consumption; 135470

(C) At a rate not to exceed one-twentieth of one cent 135471  
multiplied by the vapor volume of vapor products the first time 135472  
such products are received by a vapor distributor in the county 135473  
or when vapor products are delivered to a consumer in the county 135474  
for storage, use, or other consumption. 135475

Only one sale of the same article shall be used in 135476  
computing, reporting, and paying the amount of tax due. The tax 135477  
levied under this section shall be in addition to the tax levied 135478  
under section 5743.51 of the Revised Code. 135479

A board of county commissioners adopting a resolution 135480  
under this section shall certify a copy of the resolution to the 135481  
tax commissioner immediately upon adoption of the resolution. 135482

**Sec. 5743.52.** (A) Each distributor of tobacco products or 135483  
vapor distributor subject to the tax levied by section 5743.51 135484  
or 5743.511 of the Revised Code, on or before the twenty-third 135485  
day of each month, shall file with the tax commissioner a return 135486



for the preceding month showing any information the tax 135487  
commissioner finds necessary for the proper administration of 135488  
this chapter, together with remittance of the tax due. The 135489  
return and payment of the tax required by this section shall be 135490  
filed and made electronically on or before the twenty-third day 135491  
of the month following the reporting period. If the return is 135492  
filed and the amount of tax shown on the return to be due is 135493  
paid on or before the date the return is required to be filed, 135494  
the distributor or vapor distributor is entitled to a discount 135495  
equal to two and five-tenths per cent of the amount shown on the 135496  
return to be due. 135497

(B) Any person who fails to timely file the return and 135498  
make payment of taxes as required under this section, section 135499  
5743.62, or section 5743.63 of the Revised Code may be required 135500  
to pay an additional charge not exceeding the greater of fifty 135501  
dollars or ten per cent of the tax due. Any additional charge 135502  
imposed under this section may be collected by assessment as 135503  
provided in section 5743.56 of the Revised Code. 135504

(C) If any tax due is not paid timely in accordance with 135505  
this section or section 5743.62 or 5743.63 of the Revised Code, 135506  
the person liable for the tax shall pay interest, calculated at 135507  
the rate per annum as prescribed by section 5703.47 of the 135508  
Revised Code, from the date the tax payment was due to the date 135509  
of payment or to the date an assessment is issued under section 135510  
5743.56 of the Revised Code, whichever occurs first. The 135511  
commissioner may collect such interest by assessment pursuant to 135512  
section 5743.56 of the Revised Code. 135513

(D) The commissioner may authorize the filing of returns 135514  
and the payment of the tax required by this section, section 135515  
5743.62, or section 5743.63 of the Revised Code for periods 135516

longer than a calendar month. 135517

(E) The commissioner may order any taxpayer to file with 135518  
the commissioner security to the satisfaction of the 135519  
commissioner conditioned upon filing the return and paying the 135520  
taxes required under this section, section 5743.62, or section 135521  
5743.63 of the Revised Code if the commissioner believes that 135522  
the collection of the tax may be in jeopardy. 135523

Sec. 5743.521. In addition to the return required by 135524  
section 5743.52 of the Revised Code, each retail dealer of 135525  
tobacco products or vapor products in a county in which a tax is 135526  
levied under section 5743.511 of the Revised Code shall, within 135527  
thirty days after the date on which the tax takes effect, make 135528  
and file a return, on a form prescribed by the tax commissioner, 135529  
showing the total number of tobacco products or vapor products 135530  
which such retail dealer had on hand as of the beginning of 135531  
business on the date on which the tax takes effect and such 135532  
other information as the commissioner deems necessary for the 135533  
administration of that section. Each such retail dealer shall 135534  
deliver the return together with a remittance of the additional 135535  
amount of tax due on the tobacco products or the vapor products 135536  
shown on such return to the commissioner. Any retail dealer of 135537  
tobacco products or vapor products who fails to file a return 135538  
under this section shall, for each day the retail dealer so 135539  
fails, forfeit and pay into the state treasury the sum of one 135540  
dollar as revenue arising from the tax imposed by section 135541  
5743.511 of the Revised Code, and such sum may be collected by 135542  
assessment in the manner provided in section 5743.56 of the 135543  
Revised Code. For thirty days after the effective date of a tax 135544  
imposed by section 5743.511 of the Revised Code, a retail dealer 135545  
may possess for sale or sell in the county in which the tax is 135546  
levied tobacco products or vapor products if the tax has or will 135547

be paid. 135548

**Sec. 5743.54.** (A) Each distributor of tobacco products and 135549  
each vapor distributor of vapor products shall maintain complete 135550  
and accurate records of all purchases and sales of tobacco 135551  
products or vapor products, and shall procure and retain all 135552  
invoices, bills of lading, and other documents relating to the 135553  
purchases and sales of those products. The distributor or vapor 135554  
distributor shall keep open records and documents during 135555  
business hours for the inspection of the tax commissioner, and 135556  
shall preserve them for a period of three years from the date 135557  
the return was due or was filed, whichever is later, unless the 135558  
commissioner, in writing, consents to their destruction within 135559  
that period, or orders that they be kept for a longer period of 135560  
time. 135561

(B) (1) Each distributor of tobacco products and each vapor 135562  
distributor of vapor products subject to the tax levied by 135563  
section 5743.51 or 5743.511 of the Revised Code shall mark on 135564  
the invoices of tobacco products or vapor products sold that the 135565  
tax levied by that section has been paid and shall indicate the 135566  
distributor's or vapor distributor's account number as assigned 135567  
by the commissioner. 135568

(2) Each vapor distributor subject to the tax imposed by 135569  
section 5743.51 of the Revised Code shall mark on all invoices 135570  
the total weight of the vapor product, rounded to the nearest 135571  
one-tenth of one gram, if the vapor product is not sold in 135572  
liquid form. If the vapor product is sold in liquid form, the 135573  
invoice shall instead indicate the total volume of the vapor 135574  
product, rounded to the nearest one-tenth of one milliliter. 135575

(C) No person shall make a false entry upon any invoice or 135576  
record upon which an entry is required by this section and no 135577

person shall present any false entry for the inspection of the 135578  
commissioner with the intent to evade the tax levied under 135579  
section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 5743.63, or 135580  
5743.631 of the Revised Code. 135581

**Sec. 5743.55.** Whenever the tax commissioner discovers any 135582  
tobacco products or vapor products, subject to the tax levied 135583  
under section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 5743.63, 135584  
or 5743.631 of the Revised Code upon which the tax has not been 135585  
paid or the commissioner has reason to believe the tax is being 135586  
avoided, the commissioner may seize and take possession of the 135587  
tobacco products or vapor products, which, upon seizure, shall 135588  
be forfeited to the state. Within a reasonable time after 135589  
seizure, the commissioner may sell the forfeited products. From 135590  
the proceeds of this sale, the commissioner shall pay the costs 135591  
incurred in the seizure and sale, and any proceeds remaining 135592  
after the sale shall be considered as revenue arising from the 135593  
tax. The seizure and sale shall not relieve any person from the 135594  
fine or imprisonment provided for violation of sections 5743.51 135595  
to 5743.66 of the Revised Code. The commissioner shall make the 135596  
sale where it is most convenient and economical, but may order 135597  
the destruction of the forfeited products if the quantity or 135598  
quality is not sufficient to warrant their sale. 135599

**Sec. 5743.56.** (A) Any person required to pay the tax 135600  
imposed by section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 135601  
5743.63, or 5743.631 of the Revised Code is personally liable 135602  
for the tax. The tax commissioner may make an assessment, based 135603  
upon any information in the commissioner's possession, against 135604  
any person who fails to file a return or pay any tax, interest, 135605  
or additional charge as required by this chapter. The 135606  
commissioner shall give the person assessed written notice of 135607  
such assessment in the manner provided in section 5703.37 of the 135608

Revised Code. With the notice, the commissioner shall provide 135609  
instructions on how to petition for reassessment and request a 135610  
hearing on the petition. 135611

(B) When the information in the possession of the tax 135612  
commissioner indicates that a person liable for the tax imposed 135613  
by section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 5743.63, or 135614  
5743.631 of the Revised Code has not paid the full amount of tax 135615  
due, the commissioner may audit a representative sample of the 135616  
person's business and may issue an assessment based on such 135617  
audit. 135618

(C) A penalty of up to fifteen per cent may be added to 135619  
all amounts assessed under this section. The tax commissioner 135620  
may adopt rules providing for the imposition and remission of 135621  
such penalties. 135622

(D) Unless the person assessed files with the tax 135623  
commissioner within sixty days after service of the notice of 135624  
assessment, ~~either personally or by certified mail~~, a written 135625  
petition for reassessment signed by the person assessed or that 135626  
person's authorized agent having knowledge of the facts, the 135627  
assessment becomes final and the amount of the assessment is due 135628  
and payable from the person assessed to the treasurer of state. 135629  
A petition shall indicate the objections of the person assessed, 135630  
but additional objections may be raised in writing if received 135631  
by the commissioner prior to the date shown on the final 135632  
determination. If the petition has been properly filed, the 135633  
commissioner shall proceed under section 5703.60 of the Revised 135634  
Code. 135635

(E) After an assessment becomes final, if any portion of 135636  
the assessment, including accrued interest, remains unpaid, a 135637  
certified copy of the tax commissioner's entry making the 135638

assessment final may be filed in the office of the clerk of the 135639  
court of common pleas in the county in which the person assessed 135640  
resides or in which the person assessed conducts business. If 135641  
the person assessed maintains no place of business in this state 135642  
and is not a resident of this state, the certified copy of the 135643  
entry may be filed in the office of the clerk of the court of 135644  
common pleas of Franklin county. 135645

Immediately upon the filing of the entry, the clerk shall 135646  
enter a judgment for the state against the person assessed in 135647  
the amount shown on the entry. The judgment may be filed by the 135648  
clerk in a loose-leaf book entitled "special judgments for state 135649  
tobacco products tax," and shall have the same effect as other 135650  
judgments. Execution shall issue upon the judgment upon the 135651  
request of the commissioner, and all laws applicable to sales on 135652  
execution shall apply to sales made under the judgment. 135653

If the assessment is not paid in its entirety within sixty 135654  
days after the day the assessment is issued, the portion of the 135655  
assessment consisting of tax due shall bear interest at the rate 135656  
per annum prescribed by section 5703.47 of the Revised Code from 135657  
the day the commissioner issues the assessment until the 135658  
assessment is paid or until it is certified to the attorney 135659  
general for collection under section 131.02 of the Revised Code, 135660  
whichever comes first. If the unpaid portion of the assessment 135661  
is certified to the attorney general for collection, the entire 135662  
unpaid portion of the assessment shall bear interest at the rate 135663  
per annum prescribed by section 5703.47 of the Revised Code from 135664  
the date of certification until the date it is paid in its 135665  
entirety. Interest shall be paid in the same manner as the tax 135666  
and may be collected by issuing an assessment under this 135667  
section. 135668

(F) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (E) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the legal representative of the person assessed, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (D) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(G) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the tax imposed by sections 5743.51, 5743.62, and 5743.63 of the Revised Code.

**Sec. 5743.57.** (A) If any corporation, limited liability company, or business trust required to file returns pursuant to section 5743.52, 5743.62, or 5743.63 of the Revised Code fails to remit to the state any tax due under section 5743.51, 5743.511, 5743.62, or 5743.631, ~~or 5743.621~~, or 5743.631 of the Revised Code, any of its employees having control or supervision of or charged with the responsibility of filing returns and making payments, and any of its officers, members, managers,

trustees, or other persons who are responsible for the execution 135700  
of the corporation's, limited liability company's, or business 135701  
trust's fiscal responsibilities, is personally liable for the 135702  
failure to remit the tax. The dissolution, termination, or 135703  
bankruptcy of the corporation, limited liability company, or 135704  
business trust does not discharge a responsible person's 135705  
liability for the corporation's, limited liability company's, or 135706  
business trust's failure to remit the tax due. The tax 135707  
commissioner may assess a responsible person under section 135708  
5743.56 of the Revised Code. 135709

(B) Except for assessments against responsible persons 135710  
under division (A) of this section, no assessment of the tax 135711  
imposed by section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 135712  
5743.63, or 5743.631 of the Revised Code shall be made by the 135713  
tax commissioner more than three years after the date on which 135714  
the return for the period assessed was due or was filed, 135715  
whichever date is later. This section does not bar an assessment 135716  
when any of the following occurs: 135717

(1) The person assessed failed to file a return required 135718  
by section 5743.52, 5743.62, or 5743.63 of the Revised Code; 135719

(2) The person assessed knowingly filed a false or 135720  
fraudulent return; 135721

(3) The person assessed and the tax commissioner have 135722  
waived in writing the time limitation. 135723

**Sec. 5743.59.** (A) No retail dealer of tobacco products or 135724  
vapor products shall have in the retail dealer's possession 135725  
tobacco products or vapor products on which the tax imposed by 135726  
section 5743.51 and, if applicable, section 5743.511 of the 135727  
Revised Code has not been paid unless the retail dealer is 135728



licensed under section 5743.61 of the Revised Code. Payment may 135729  
be evidenced by invoices from distributors or vapor distributors 135730  
stating the tax has been paid. 135731

(B) The tax commissioner may inspect any place where 135732  
tobacco products or vapor products subject to the tax levied 135733  
under section 5743.51 or 5743.511 of the Revised Code are sold 135734  
or stored. 135735

(C) No person shall prevent or hinder the commissioner 135736  
from making a full inspection of any place where tobacco 135737  
products or vapor products subject to the tax imposed by section 135738  
5743.51 or 5743.511 of the Revised Code are sold or stored, or 135739  
prevent or hinder the full inspection of invoices, books, or 135740  
records required to be kept by section 5743.54 of the Revised 135741  
Code. 135742

**Sec. 5743.60.** No person shall prepare for shipment, ship, 135743  
transport, deliver, prepare for distribution, or distribute 135744  
tobacco products or vapor products, or otherwise engage or 135745  
participate in the business of distributing tobacco products or 135746  
vapor products, with the intent to avoid payment of the tax 135747  
levied by section 5743.51, 5743.511, 5743.62, or 5743.621, 135748  
5743.63, or 5743.631 of the Revised Code, when the wholesale 135749  
price of the tobacco products or, in the case of a tax levied 135750  
under section 5743.511, 5743.621, or 5743.631 of the Revised 135751  
Code, the vapor products exceeds three hundred dollars, or when 135752  
the vapor volume of the vapor products exceeds five hundred 135753  
milliliters or five hundred grams, as applicable, during any 135754  
twelve-month period. 135755

**Sec. 5743.62.** (A) To provide revenue for the general 135756  
revenue fund of the state, an excise tax is hereby levied on the 135757  
seller of tobacco products or vapor products in this state at 135758

one of the following rates: 135759

(1) For tobacco products other than little cigars or 135760  
premium cigars, seventeen per cent of the wholesale price of the 135761  
tobacco product whenever the tobacco product is delivered to a 135762  
consumer in this state for the storage, use, or other 135763  
consumption of such tobacco products. 135764

(2) For little cigars, thirty-seven per cent of the 135765  
wholesale price of the little cigars whenever the little cigars 135766  
are delivered to a consumer in this state for the storage, use, 135767  
or other consumption of the little cigars. 135768

(3) For premium cigars, whenever the premium cigars are 135769  
delivered to a consumer in this state for the storage, use, or 135770  
other consumption of the premium cigars, the lesser of seventeen 135771  
per cent of the wholesale price of such premium cigars or the 135772  
maximum tax amount per each such premium cigar. 135773

(4) For vapor products, one cent multiplied by the vapor 135774  
volume of vapor products when the vapor products are delivered 135775  
to a consumer in this state for the storage, use, or other 135776  
consumption of the vapor products. 135777

The tax imposed by this section applies only to sellers 135778  
having substantial nexus with this state, as defined in section 135779  
5741.01 of the Revised Code. 135780

(B) A seller of tobacco products or vapor products who has 135781  
substantial nexus with this state as defined in section 5741.01 135782  
of the Revised Code shall register with the tax commissioner and 135783  
supply any information concerning the seller's contacts with 135784  
this state as may be required by the tax commissioner. A seller 135785  
who does not have substantial nexus with this state may 135786  
voluntarily register with the tax commissioner. A seller who 135787

voluntarily registers with the tax commissioner is entitled to 135788  
the same benefits and is subject to the same duties and 135789  
requirements as a seller required to be registered with the tax 135790  
commissioner under this division. 135791

(C) Each seller of tobacco products or vapor products 135792  
subject to the tax levied by this section or section 5743.621 of 135793  
the Revised Code, on or before the twenty-third day of each 135794  
month, shall file with the tax commissioner a return for the 135795  
preceding month showing any information the tax commissioner 135796  
finds necessary for the proper administration of sections 135797  
5743.51 to 5743.66 of the Revised Code, together with remittance 135798  
of the tax due, payable to the treasurer of state. The return 135799  
and payment of the tax required by this section shall be filed 135800  
in such a manner that it is received by the tax commissioner on 135801  
or before the twenty-third day of the month following the 135802  
reporting period. If the return is filed and the amount of the 135803  
tax shown on the return to be due is paid on or before the date 135804  
the return is required to be filed, the seller is entitled to a 135805  
discount equal to two and five-tenths per cent of the amount 135806  
shown on the return to be due. 135807

(D) The tax commissioner shall immediately forward to the 135808  
treasurer of state all money received from the tax levied by 135809  
this section, and the treasurer shall credit the amount to the 135810  
general revenue fund. 135811

(E) Each seller of tobacco products or vapor products 135812  
subject to the tax levied by this section or section 5743.621 of 135813  
the Revised Code shall mark on the invoices of tobacco products 135814  
or vapor products sold that the tax levied by that section has 135815  
been paid and shall indicate the seller's account number as 135816  
assigned by the tax commissioner. 135817

Sec. 5743.621. For the same purposes for which it levies a 135818  
tax under section 5743.511 of the Revised Code, the board of 135819  
county commissioners of a county that levies a tax under that 135820  
section shall adopt a resolution levying a tax at the same rate 135821  
on the sellers of tobacco products or vapor products, as 135822  
applicable, whenever the tobacco product or vapor product is 135823  
delivered to a consumer in the county in which that tax is 135824  
levied for the storage, use, or other consumption of such 135825  
product. The tax shall take effect on the date that the tax 135826  
levied under section 5743.511 of the Revised Code takes effect, 135827  
and shall remain in effect as long as the tax levied under that 135828  
section remains in effect. The tax imposed by this section 135829  
applies only to sellers having substantial nexus with this 135830  
state, as defined in section 5741.01 of the Revised Code. The 135831  
tax levied under this section shall be in addition to the tax 135832  
levied under section 5743.62 of the Revised Code. 135833

**Sec. 5743.63.** (A) To provide revenue for the general 135834  
revenue fund of the state, an excise tax is hereby levied on the 135835  
storage, use, or other consumption of tobacco products or vapor 135836  
products at one of the following rates: 135837

(1) For tobacco products other than little cigars or 135838  
premium cigars, seventeen per cent of the wholesale price of the 135839  
tobacco product. 135840

(2) For little cigars, thirty-seven per cent of the 135841  
wholesale price of the little cigars. 135842

(3) For premium cigars, the lesser of seventeen per cent 135843  
of the wholesale price of the premium cigars or the maximum tax 135844  
amount per each premium cigar. 135845

(4) For vapor products, one cent multiplied by the vapor 135846

volume of the vapor products. 135847

The tax levied under division (A) of this section is 135848  
imposed only if the tax has not been paid by the seller as 135849  
provided in section 5743.62 of the Revised Code, or by the 135850  
distributor or vapor distributor as provided in section 5743.51 135851  
of the Revised Code. 135852

(B) Each person subject to the tax levied by this section\_ 135853  
or section 5743.631 of the Revised Code, on or before the 135854  
twenty-third day of each month, shall file with the tax 135855  
commissioner a return for the preceding month showing any 135856  
information the commissioner finds necessary for the proper 135857  
administration of sections 5743.51 to 5743.66 of the Revised 135858  
Code, together with remittance of the tax due, payable to the 135859  
treasurer of state. The return and payment of the tax required 135860  
by this section shall be filed in such a manner that it is 135861  
received by the commissioner on or before the twenty-third day 135862  
of the month following the reporting period. 135863

(C) The tax commissioner shall immediately forward to the 135864  
treasurer of state all money received from the tax levied by 135865  
this section, and the treasurer shall credit the amount to the 135866  
general revenue fund. 135867

**Sec. 5743.631.** For the same purposes for which it levies a 135868  
tax under section 5743.511 of the Revised Code, the board of 135869  
county commissioners of a county that levies a tax under that 135870  
section shall adopt a resolution levying a tax at the same rate 135871  
on the use, consumption, or storage for consumption of tobacco 135872  
products or vapor products, as applicable, by consumers in the 135873  
county in which that tax is levied. The tax shall take effect on 135874  
the date that the tax levied under section 5743.511 of the 135875  
Revised Code takes effect and shall remain in effect as long as 135876

the tax levied under that section remains effective. The tax 135877  
levied under this section is imposed only if the tax has not 135878  
been paid by the seller as provided in section 5743.621 of the 135879  
Revised Code, or by the distributor or vapor distributor as 135880  
provided in section 5743.511 of the Revised Code. The tax levied 135881  
under this section shall be in addition to the tax levied under 135882  
section 5743.63 of the Revised Code. 135883

**Sec. 5743.64.** No person shall transport within this state 135884  
tobacco products that have a wholesale value in excess of three 135885  
hundred dollars, or vapor products with a vapor volume in excess 135886  
of five hundred milliliters or five hundred grams, as 135887  
applicable, unless the person has obtained consent to transport 135888  
the tobacco products or vapor products from the tax commissioner 135889  
prior to transportation. The consent is not required if the 135890  
applicable tax levied under section 5743.51, 5743.511, 5743.62, 135891  
~~or~~ 5743.621, 5743.63, or 5743.631 of the Revised Code has been 135892  
paid or will be paid by the distributor, vapor distributor, or 135893  
seller. Application for the consent shall be in the form 135894  
prescribed by the commissioner. 135895

Every person transporting tobacco products or vapor 135896  
products with the department's consent shall have the consent 135897  
with the person while transporting or possessing the tobacco 135898  
products or vapor products within this state and shall produce 135899  
the consent upon request of any law enforcement officer or 135900  
authorized agent of the tax commissioner. 135901

Any person transporting tobacco products or vapor products 135902  
without the consent required by this section shall be subject to 135903  
the provisions of sections 5743.51 to 5743.66 of the Revised 135904  
Code, including the tax imposed by section 5743.51, 5743.511, 135905  
5743.62, ~~or~~ 5743.621, 5743.63, or 5743.631 of the Revised Code. 135906

**Sec. 5745.03.** (A) For each taxable year, each taxpayer 135907  
shall file an annual report with the tax commissioner not later 135908  
than the fifteenth day of the fourth month after the end of the 135909  
taxpayer's taxable year, and shall remit with that report the 135910  
amount of tax due as shown on the report less the amount paid 135911  
for the year under section 5745.04 of the Revised Code. The 135912  
~~remittance shall be made in the form prescribed by the~~ 135913  
~~commissioner. If the amount payable with the report exceeds one~~ 135914  
~~thousand dollars, the taxpayer shall remit the any amount due~~ 135915  
~~with the report electronically in a manner prescribed by the~~ 135916  
commissioner. The commissioner shall credit ninety-eight and 135917  
one-half per cent of such remittances to the municipal income 135918  
tax fund, which is hereby created in the state treasury, and 135919  
credit the remainder to the municipal income tax administrative 135920  
fund, which is hereby created in the state treasury. 135921

(B) Any taxpayer that has been granted an extension for 135922  
filing a federal income tax return ~~may request shall~~ 135923  
automatically receive an extension for filing the return 135924  
required under this section ~~by filing with the tax commissioner~~ 135925  
~~a copy of the taxpayer's request for the federal filing~~ 135926  
~~extension. The request shall be filed not later than the last~~ 135927  
~~day for filing the return as required under division (A) of this~~ 135928  
~~section. If such a request is properly and timely filed, and the~~ 135929  
commissioner shall extend the last day for filing the return 135930  
required under this section ~~for the same period for which the~~ 135931  
~~federal filing extension was granted. The commissioner may deny~~ 135932  
~~the filing extension request only if the taxpayer fails to~~ 135933  
~~timely file the request, fails to file a copy of the federal~~ 135934  
~~extension request, owes past due taxes, interest, or penalty~~ 135935  
~~under this chapter, or has failed to file a required report or~~ 135936  
~~other document for a prior taxable year~~ to the fifteenth day of 135937

the eleventh month after the last day of the taxable year to 135938  
which the return relates. The granting of an extension under 135939  
this section does not extend the last day for paying taxes 135940  
without penalty pursuant to this chapter unless the commissioner 135941  
extends the payment date. 135942

(C) A taxpayer that has not requested or received an 135943  
extension for filing the taxpayer's federal income tax return 135944  
may request that the commissioner grant the taxpayer a seven 135945  
month extension of the date for filing the taxpayer's tax 135946  
return. If the commissioner receives the request on or before 135947  
the date the tax return is due, the commissioner shall grant the 135948  
taxpayer's extension request. 135949

(D) The annual report shall include statements of the 135950  
following facts as of the last day of the taxpayer's taxable 135951  
year: 135952

(1) The name of the taxpayer; 135953

~~(2) The name of the state or country under the laws of~~ 135954  
~~which it is incorporated;~~ 135955

~~(3) The location of its principal office in this state~~ 135956  
~~and, in the case of a taxpayer organized under the laws of~~ 135957  
~~another state, the principal place of business in this state and~~ 135958  
~~the name and address of the officer or agent of the taxpayer in~~ 135959  
~~charge of the business conducted in this state;~~ 135960

~~(4) The names of the president, secretary, treasurer, and~~ 135961  
~~statutory agent in this state, with the post-office address of~~ 135962  
~~each;~~ 135963

~~(5)~~ (2) The date on which the taxpayer's taxable year 135964  
begins and ends; 135965



~~(6)~~ (3) The taxpayer's federal taxable income during the 135966  
taxpayer's taxable year; 135967

~~(7)~~ (4) Any other information the tax commissioner requires 135968  
for the proper administration of this chapter. 135969

~~(D)~~ (E) The tax commissioner may require any reports 135970  
required under this chapter to be filed in an electronic format. 135971

~~(E)~~ (F) A municipal corporation may not require a taxpayer 135972  
required to file a report under this section to file a report of 135973  
the taxpayer's income, but a municipal corporation may require a 135974  
taxpayer to report to the municipal corporation the value of the 135975  
taxpayer's real and tangible personal property situated in the 135976  
municipal corporation, compensation paid by the taxpayer to its 135977  
employees in the municipal corporation, and sales made in the 135978  
municipal corporation by the taxpayer, to the extent necessary 135979  
for the municipal corporation to compute the taxpayer's 135980  
municipal property, payroll, and sales factors for the municipal 135981  
corporation. 135982

~~(F)~~ (G) On or before the thirty-first day of January each 135983  
year, each municipal corporation imposing a tax on income shall 135984  
certify to the tax commissioner the rate of the tax in effect on 135985  
the first day of January of that year. If any municipal 135986  
corporation fails to certify its income tax rate as required by 135987  
this division, the commissioner shall notify the director of 135988  
budget and management, who, upon receiving such notification, 135989  
shall withhold from each payment made to the municipal 135990  
corporation under section 5745.05 of the Revised Code fifty per 135991  
cent of the amount of the payment otherwise due the municipal 135992  
corporation under that section as computed on the basis of the 135993  
tax rate most recently certified until the municipal corporation 135994  
certifies the tax rate in effect on the first day of January of 135995

that year. 135996

The tax rate used to determine the tax payable to a 135997  
municipal corporation under this section for a taxpayer's 135998  
taxable year shall be the tax rate in effect in a municipal 135999  
corporation on the first day of January in that taxable year. If 136000  
a taxpayer's taxable year is for a period less than twelve 136001  
months that does not include the first day of January, the tax 136002  
rate used to determine the tax payable to a municipal 136003  
corporation under this section for the taxpayer's taxable year 136004  
shall be the tax rate in effect in a municipal corporation on 136005  
the first day of January in the preceding taxable year. 136006

**Sec. 5745.04.** (A) As used in this section, "combined tax 136007  
liability" means the total of a taxpayer's income tax 136008  
liabilities to all municipal corporations in this state for a 136009  
taxable year. 136010

(B) Each taxpayer shall file a declaration of estimated 136011  
tax report with, and remit estimated taxes to, the tax 136012  
commissioner, payable to the treasurer of state, at the times 136013  
and in the amounts prescribed in divisions (B)(1) to (4) of this 136014  
section. The first taxable year a taxpayer is subject to this 136015  
chapter, the estimated taxes the taxpayer is required to remit 136016  
under this section shall be based solely on the current taxable 136017  
year and not on the liability for the preceding taxable year. 136018

(1) Not less than twenty-five per cent of the combined tax 136019  
liability for the preceding taxable year or twenty per cent of 136020  
the combined tax liability for the current taxable year shall 136021  
have been remitted not later than the fifteenth day of the 136022  
fourth month after the end of the preceding taxable year. 136023

(2) Not less than fifty per cent of the combined tax 136024

liability for the preceding taxable year or forty per cent of 136025  
the combined tax liability for the current taxable year shall 136026  
have been remitted not later than the fifteenth day of the sixth 136027  
month after the end of the preceding taxable year. 136028

(3) Not less than seventy-five per cent of the combined 136029  
tax liability for the preceding taxable year or sixty per cent 136030  
of the combined tax liability for the current taxable year shall 136031  
have been remitted not later than the fifteenth day of the ninth 136032  
month after the end of the preceding taxable year. 136033

(4) Not less than one hundred per cent of the combined tax 136034  
liability for the preceding taxable year or eighty per cent of 136035  
the combined tax liability for the current taxable year shall 136036  
have been remitted not later than the fifteenth day of the 136037  
twelfth month after the end of the preceding taxable year. 136038

(C) Each taxpayer shall report on the declaration of 136039  
estimated tax report the portion of the remittance that the 136040  
taxpayer estimates that it owes to each municipal corporation 136041  
for the taxable year. 136042

(D) Upon receiving a declaration of estimated tax report 136043  
and remittance of estimated taxes under this section, the tax 136044  
commissioner shall credit ninety-eight and one-half per cent of 136045  
the remittance to the municipal income tax fund and credit the 136046  
remainder to the municipal income tax administrative fund. 136047

(E) ~~If any remittance of estimated taxes is for one~~ 136048  
~~thousand dollars or more, the~~ The taxpayer shall make the 136049  
remittance of estimated taxes electronically as prescribed by 136050  
section 5745.041 of the Revised Code. 136051

(F) Notwithstanding section 5745.08 or 5745.09 of the 136052  
Revised Code, no penalty or interest shall be imposed on a 136053

taxpayer if the declaration of estimated tax report is properly 136054  
filed, and the estimated tax is paid, within the time prescribed 136055  
by division (B) of this section. 136056

**Sec. 5745.09.** (A) In case of any underpayment of the 136057  
estimated tax under section 5745.04 of the Revised Code, ~~there~~ 136058  
~~shall be added~~ the tax commissioner may add to the tax an amount 136059  
determined at the rate per annum prescribed by section 5703.47 136060  
of the Revised Code upon the amount of underpayment for the 136061  
period of underpayment. 136062

(B) The amount of the underpayment shall be the excess of 136063  
division (B)(1) over division (B)(2) of this section: 136064

(1) The amount of the estimated tax payment that would be 136065  
required to be paid for the taxable year if the total estimated 136066  
tax were equal to the total tax shown to be due on the annual 136067  
report, or if no report was filed, the tax for such year; 136068

(2) The amount, if any, of the estimated tax paid on or 136069  
before the last day prescribed for such payment. 136070

(C) The period of the underpayment shall run from the date 136071  
the estimated tax payment was required to be made to the date on 136072  
which such payment is made. For purposes of this section, a 136073  
payment of estimated tax on any payment date shall be considered 136074  
a payment of any previous underpayment only to the extent such 136075  
payment exceeds the amount of the payment presently due. 136076

(D) All amounts collected under this section shall be 136077  
considered as taxes collected under this chapter and shall be 136078  
credited and distributed to municipal corporations in the same 136079  
proportions as the taxpayer's taxes are distributed for the 136080  
reporting period under section 5745.05 of the Revised Code or, 136081  
if the taxpayer has filed the annual report for the year under 136082

section 5745.03 of the Revised Code, in the amounts found to be 136083  
due to such municipal corporations on the basis of the annual 136084  
report. 136085

**Sec. 5745.12.** (A) If any taxpayer required to file a 136086  
report under this chapter fails to file the report within the 136087  
time prescribed, files an incorrect report, or fails to remit 136088  
the full amount of the tax due for the period covered by the 136089  
report, the tax commissioner may make an assessment against the 136090  
taxpayer for any deficiency for the period for which the report 136091  
or tax is due, based upon any information in the commissioner's 136092  
possession. 136093

The tax commissioner shall not make or issue an assessment 136094  
against a taxpayer more than three years after the later of the 136095  
final date the report subject to assessment was required to be 136096  
filed or the date the report was filed. Such time limit may be 136097  
extended if both the taxpayer and the commissioner consent in 136098  
writing to the extension. Any such extension shall extend the 136099  
three-year time limit in section 5745.11 of the Revised Code for 136100  
the same period of time. There shall be no bar or limit to an 136101  
assessment against a taxpayer that fails to file a report 136102  
subject to assessment as required by this chapter, or that files 136103  
a fraudulent report. The commissioner shall give the taxpayer 136104  
assessed written notice of the assessment as provided in section 136105  
5703.37 of the Revised Code. With the notice, the commissioner 136106  
shall provide instructions on how to petition for reassessment 136107  
and request a hearing on the petition. 136108

(B) Unless the taxpayer assessed files with the tax 136109  
commissioner within sixty days after service of the notice of 136110  
assessment, ~~either personally or by certified mail,~~ a written 136111  
petition for reassessment signed by the authorized agent of the 136112

taxpayer assessed having knowledge of the facts, the assessment 136113  
becomes final, and the amount of the assessment is due and 136114  
payable from the taxpayer to the treasurer of state. The 136115  
petition shall indicate the taxpayer's objections, but 136116  
additional objections may be raised in writing if received by 136117  
the commissioner prior to the date shown on the final 136118  
determination. If the petition has been properly filed, the 136119  
commissioner shall proceed under section 5703.60 of the Revised 136120  
Code. 136121

(C) After an assessment becomes final, if any portion of 136122  
the assessment remains unpaid, including accrued interest, a 136123  
certified copy of the tax commissioner's entry making the 136124  
assessment final may be filed in the office of the clerk of the 136125  
court of common pleas in the county in which the taxpayer has an 136126  
office or place of business in this state, the county in which 136127  
the taxpayer's statutory agent is located, or Franklin county. 136128

Immediately upon the filing of the entry, the clerk shall 136129  
enter a judgment against the taxpayer assessed in the amount 136130  
shown on the entry. The judgment may be filed by the clerk in a 136131  
loose-leaf book entitled "special judgments for municipal income 136132  
taxes," and shall have the same effect as other judgments. 136133  
Execution shall issue upon the judgment upon the request of the 136134  
tax commissioner, and all laws applicable to sales on execution 136135  
shall apply to sales made under the judgment. 136136

If the assessment is not paid in its entirety within sixty 136137  
days after the day the assessment was issued, the portion of the 136138  
assessment consisting of tax due shall bear interest at the rate 136139  
per annum prescribed by section 5703.47 of the Revised Code from 136140  
the day the commissioner issues the assessment until the 136141  
assessment is paid or until it is certified to the attorney 136142

general for collection under section 131.02 of the Revised Code, 136143  
whichever comes first. If the unpaid portion of the assessment 136144  
is certified to the attorney general for collection, the entire 136145  
unpaid portion of the assessment shall bear interest at the rate 136146  
per annum prescribed by section 5703.47 of the Revised Code from 136147  
the date of certification until the date it is paid in its 136148  
entirety. Interest shall be paid in the same manner as the tax 136149  
and may be collected by issuing an assessment under this 136150  
section. 136151

(D) All money collected under this section shall be 136152  
credited and distributed to the municipal corporation to which 136153  
the money is owed based on the assessment issued under this 136154  
section. 136155

(E) If the tax commissioner believes that collection of 136156  
the tax imposed by this chapter will be jeopardized unless 136157  
proceedings to collect or secure collection of the tax are 136158  
instituted without delay, the commissioner may issue a jeopardy 136159  
assessment against the taxpayer liable for the tax. Immediately 136160  
upon the issuance of the jeopardy assessment, the commissioner 136161  
shall file an entry with the clerk of the court of common pleas 136162  
in the manner prescribed by division (C) of this section. Notice 136163  
of the jeopardy assessment shall be served on the taxpayer 136164  
assessed or the taxpayer's legal representative in the manner 136165  
provided in section 5703.37 of the Revised Code within five days 136166  
of the filing of the entry with the clerk. The total amount 136167  
assessed is immediately due and payable, unless the taxpayer 136168  
assessed files a petition for reassessment in accordance with 136169  
division (B) of this section and provides security in a form 136170  
satisfactory to the commissioner and in an amount sufficient to 136171  
satisfy the unpaid balance of the assessment. Full or partial 136172  
payment of the assessment does not prejudice the commissioner's 136173

consideration of the petition for reassessment. 136174

(F) Notwithstanding the fact that a petition for 136175  
reassessment is pending, the taxpayer may pay all or a portion 136176  
of the assessment that is the subject of the petition. The 136177  
acceptance of a payment by the treasurer of state does not 136178  
prejudice any claim for refund upon final determination of the 136179  
petition. 136180

If upon final determination of the petition an error in 136181  
the assessment is corrected by the tax commissioner, upon 136182  
petition so filed or pursuant to a decision of the board of tax 136183  
appeals or any court to which the determination or decision has 136184  
been appealed, so that the amount due from the taxpayer under 136185  
the corrected assessment is less than the portion paid, there 136186  
shall be issued to the taxpayer, its assigns, or legal 136187  
representative a refund in the amount of the overpayment as 136188  
provided by section 5745.11 of the Revised Code, with interest 136189  
on that amount as provided by section 5745.11 of the Revised 136190  
Code. 136191

**Sec. 5747.01.** Except as otherwise expressly provided or 136192  
clearly appearing from the context, any term used in this 136193  
chapter that is not otherwise defined in this section has the 136194  
same meaning as when used in a comparable context in the laws of 136195  
the United States relating to federal income taxes or if not 136196  
used in a comparable context in those laws, has the same meaning 136197  
as in section 5733.40 of the Revised Code. Any reference in this 136198  
chapter to the Internal Revenue Code includes other laws of the 136199  
United States relating to federal income taxes. 136200

As used in this chapter: 136201

(A) "Adjusted gross income" or "Ohio adjusted gross 136202



income" means federal adjusted gross income, as defined and used 136203  
in the Internal Revenue Code, adjusted as provided in this 136204  
section: 136205

(1) Add interest or dividends on obligations or securities 136206  
of any state or of any political subdivision or authority of any 136207  
state, other than this state and its subdivisions and 136208  
authorities. 136209

(2) Add interest or dividends on obligations of any 136210  
authority, commission, instrumentality, territory, or possession 136211  
of the United States to the extent that the interest or 136212  
dividends are exempt from federal income taxes but not from 136213  
state income taxes. 136214

(3) Deduct interest or dividends on obligations of the 136215  
United States and its territories and possessions or of any 136216  
authority, commission, or instrumentality of the United States 136217  
to the extent that the interest or dividends are included in 136218  
federal adjusted gross income but exempt from state income taxes 136219  
under the laws of the United States. 136220

(4) Deduct disability and survivor's benefits to the 136221  
extent included in federal adjusted gross income. 136222

(5) Deduct the following, to the extent not otherwise 136223  
deducted or excluded in computing federal or Ohio adjusted gross 136224  
income: 136225

(a) Benefits under Title II of the Social Security Act and 136226  
tier 1 railroad retirement; 136227

(b) Railroad retirement benefits, other than tier 1 136228  
railroad retirement benefits, to the extent such amounts are 136229  
exempt from state taxation under federal law. 136230

(6) Deduct the amount of wages and salaries, if any, not 136231  
otherwise allowable as a deduction but that would have been 136232  
allowable as a deduction in computing federal adjusted gross 136233  
income for the taxable year, had the work opportunity tax credit 136234  
allowed and determined under sections 38, 51, and 52 of the 136235  
Internal Revenue Code not been in effect. 136236

(7) Deduct any interest or interest equivalent on public 136237  
obligations and purchase obligations to the extent that the 136238  
interest or interest equivalent is included in federal adjusted 136239  
gross income. 136240

(8) Add any loss or deduct any gain resulting from the 136241  
sale, exchange, or other disposition of public obligations to 136242  
the extent that the loss has been deducted or the gain has been 136243  
included in computing federal adjusted gross income. 136244

(9) Deduct or add amounts, as provided under section 136245  
5747.70 of the Revised Code, related to contributions made to or 136246  
tuition units purchased under a qualified tuition program 136247  
established pursuant to section 529 of the Internal Revenue 136248  
Code. 136249

(10)(a) Deduct, to the extent not otherwise allowable as a 136250  
deduction or exclusion in computing federal or Ohio adjusted 136251  
gross income for the taxable year, the amount the taxpayer paid 136252  
during the taxable year for medical care insurance and qualified 136253  
long-term care insurance for the taxpayer, the taxpayer's 136254  
spouse, and dependents. No deduction for medical care insurance 136255  
under division (A)(10)(a) of this section shall be allowed 136256  
either to any taxpayer who is eligible to participate in any 136257  
subsidized health plan maintained by any employer of the 136258  
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 136259  
entitled to, or on application would be entitled to, benefits 136260

under part A of Title XVIII of the "Social Security Act," 49 136261  
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 136262  
division (A)(10)(a) of this section, "subsidized health plan" 136263  
means a health plan for which the employer pays any portion of 136264  
the plan's cost. The deduction allowed under division (A)(10)(a) 136265  
of this section shall be the net of any related premium refunds, 136266  
related premium reimbursements, or related insurance premium 136267  
dividends received during the taxable year. 136268

(b) Deduct, to the extent not otherwise deducted or 136269  
excluded in computing federal or Ohio adjusted gross income 136270  
during the taxable year, the amount the taxpayer paid during the 136271  
taxable year, not compensated for by any insurance or otherwise, 136272  
for medical care of the taxpayer, the taxpayer's spouse, and 136273  
dependents, to the extent the expenses exceed seven and one-half 136274  
per cent of the taxpayer's federal adjusted gross income. 136275

(c) For purposes of division (A)(10) of this section, 136276  
"medical care" has the meaning given in section 213 of the 136277  
Internal Revenue Code, subject to the special rules, 136278  
limitations, and exclusions set forth therein, and "qualified 136279  
long-term care" has the same meaning given in section 7702B(c) 136280  
of the Internal Revenue Code. Solely for purposes of division 136281  
(A)(10)(a) of this section, "dependent" includes a person who 136282  
otherwise would be a "qualifying relative" and thus a 136283  
"dependent" under section 152 of the Internal Revenue Code but 136284  
for the fact that the person fails to meet the income and 136285  
support limitations under section 152(d)(1)(B) and (C) of the 136286  
Internal Revenue Code. 136287

(11)(a) Deduct any amount included in federal adjusted 136288  
gross income solely because the amount represents a 136289  
reimbursement or refund of expenses that in any year the 136290

taxpayer had deducted as an itemized deduction pursuant to 136291  
section 63 of the Internal Revenue Code and applicable United 136292  
States department of the treasury regulations. The deduction 136293  
otherwise allowed under division (A) (11) (a) of this section 136294  
shall be reduced to the extent the reimbursement is attributable 136295  
to an amount the taxpayer deducted under this section in any 136296  
taxable year. 136297

(b) Add any amount not otherwise included in Ohio adjusted 136298  
gross income for any taxable year to the extent that the amount 136299  
is attributable to the recovery during the taxable year of any 136300  
amount deducted or excluded in computing federal or Ohio 136301  
adjusted gross income in any taxable year. 136302

(12) Deduct any portion of the deduction described in 136303  
section 1341(a) (2) of the Internal Revenue Code, for repaying 136304  
previously reported income received under a claim of right, that 136305  
meets both of the following requirements: 136306

(a) It is allowable for repayment of an item that was 136307  
included in the taxpayer's adjusted gross income for a prior 136308  
taxable year and did not qualify for a credit under division (A) 136309  
or (B) of section 5747.05 of the Revised Code for that year; 136310

(b) It does not otherwise reduce the taxpayer's adjusted 136311  
gross income for the current or any other taxable year. 136312

(13) Deduct an amount equal to the deposits made to, and 136313  
net investment earnings of, a medical savings account during the 136314  
taxable year, in accordance with section 3924.66 of the Revised 136315  
Code. The deduction allowed by division (A) (13) of this section 136316  
does not apply to medical savings account deposits and earnings 136317  
otherwise deducted or excluded for the current or any other 136318  
taxable year from the taxpayer's federal adjusted gross income. 136319

(14) (a) Add an amount equal to the funds withdrawn from a 136320  
medical savings account during the taxable year, and the net 136321  
investment earnings on those funds, when the funds withdrawn 136322  
were used for any purpose other than to reimburse an account 136323  
holder for, or to pay, eligible medical expenses, in accordance 136324  
with section 3924.66 of the Revised Code; 136325

(b) Add the amounts distributed from a medical savings 136326  
account under division (A) (2) of section 3924.68 of the Revised 136327  
Code during the taxable year. 136328

(15) Add any amount claimed as a credit under section 136329  
5747.059 of the Revised Code to the extent that such amount 136330  
satisfies either of the following: 136331

(a) The amount was deducted or excluded from the 136332  
computation of the taxpayer's federal adjusted gross income as 136333  
required to be reported for the taxpayer's taxable year under 136334  
the Internal Revenue Code; 136335

(b) The amount resulted in a reduction of the taxpayer's 136336  
federal adjusted gross income as required to be reported for any 136337  
of the taxpayer's taxable years under the Internal Revenue Code. 136338

(16) Deduct the amount contributed by the taxpayer to an 136339  
individual development account program established by a county 136340  
department of job and family services pursuant to sections 136341  
329.11 to 329.14 of the Revised Code for the purpose of matching 136342  
funds deposited by program participants. On request of the tax 136343  
commissioner, the taxpayer shall provide any information that, 136344  
in the tax commissioner's opinion, is necessary to establish the 136345  
amount deducted under division (A) (16) of this section. 136346

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 136347  
(v) of this section, add five-sixths of the amount of 136348

depreciation expense allowed by subsection (k) of section 168 of 136349  
the Internal Revenue Code, including the taxpayer's 136350  
proportionate or distributive share of the amount of 136351  
depreciation expense allowed by that subsection to a pass- 136352  
through entity in which the taxpayer has a direct or indirect 136353  
ownership interest. 136354

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 136355  
of this section, add five-sixths of the amount of qualifying 136356  
section 179 depreciation expense, including the taxpayer's 136357  
proportionate or distributive share of the amount of qualifying 136358  
section 179 depreciation expense allowed to any pass-through 136359  
entity in which the taxpayer has a direct or indirect ownership 136360  
interest. 136361

(iii) Subject to division (A) (17) (a) (v) of this section, 136362  
for taxable years beginning in 2012 or thereafter, if the 136363  
increase in income taxes withheld by the taxpayer is equal to or 136364  
greater than ten per cent of income taxes withheld by the 136365  
taxpayer during the taxpayer's immediately preceding taxable 136366  
year, "two-thirds" shall be substituted for "five-sixths" for 136367  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 136368

(iv) Subject to division (A) (17) (a) (v) of this section, 136369  
for taxable years beginning in 2012 or thereafter, a taxpayer is 136370  
not required to add an amount under division (A) (17) of this 136371  
section if the increase in income taxes withheld by the taxpayer 136372  
and by any pass-through entity in which the taxpayer has a 136373  
direct or indirect ownership interest is equal to or greater 136374  
than the sum of (I) the amount of qualifying section 179 136375  
depreciation expense and (II) the amount of depreciation expense 136376  
allowed to the taxpayer by subsection (k) of section 168 of the 136377  
Internal Revenue Code, and including the taxpayer's 136378

proportionate or distributive shares of such amounts allowed to 136379  
any such pass-through entities. 136380

(v) If a taxpayer directly or indirectly incurs a net 136381  
operating loss for the taxable year for federal income tax 136382  
purposes, to the extent such loss resulted from depreciation 136383  
expense allowed by subsection (k) of section 168 of the Internal 136384  
Revenue Code and by qualifying section 179 depreciation expense, 136385  
"the entire" shall be substituted for "five-sixths of the" for 136386  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 136387

The tax commissioner, under procedures established by the 136388  
commissioner, may waive the add-backs related to a pass-through 136389  
entity if the taxpayer owns, directly or indirectly, less than 136390  
five per cent of the pass-through entity. 136391

(b) Nothing in division (A) (17) of this section shall be 136392  
construed to adjust or modify the adjusted basis of any asset. 136393

(c) To the extent the add-back required under division (A) 136394  
(17) (a) of this section is attributable to property generating 136395  
nonbusiness income or loss allocated under section 5747.20 of 136396  
the Revised Code, the add-back shall be situated to the same 136397  
location as the nonbusiness income or loss generated by the 136398  
property for the purpose of determining the credit under 136399  
division (A) of section 5747.05 of the Revised Code. Otherwise, 136400  
the add-back shall be apportioned, subject to one or more of the 136401  
four alternative methods of apportionment enumerated in section 136402  
5747.21 of the Revised Code. 136403

(d) For the purposes of division (A) (17) (a) (v) of this 136404  
section, net operating loss carryback and carryforward shall not 136405  
include the allowance of any net operating loss deduction 136406  
carryback or carryforward to the taxable year to the extent such 136407

loss resulted from depreciation allowed by section 168(k) of the 136408  
Internal Revenue Code and by the qualifying section 179 136409  
depreciation expense amount. 136410

(e) For the purposes of divisions (A) (17) and (18) of this 136411  
section: 136412

(i) "Income taxes withheld" means the total amount 136413  
withheld and remitted under sections 5747.06 and 5747.07 of the 136414  
Revised Code by an employer during the employer's taxable year. 136415

(ii) "Increase in income taxes withheld" means the amount 136416  
by which the amount of income taxes withheld by an employer 136417  
during the employer's current taxable year exceeds the amount of 136418  
income taxes withheld by that employer during the employer's 136419  
immediately preceding taxable year. 136420

(iii) "Qualifying section 179 depreciation expense" means 136421  
the difference between (I) the amount of depreciation expense 136422  
directly or indirectly allowed to a taxpayer under section 179 136423  
of the Internal Revised Code, and (II) the amount of 136424  
depreciation expense directly or indirectly allowed to the 136425  
taxpayer under section 179 of the Internal Revenue Code as that 136426  
section existed on December 31, 2002. 136427

(18) (a) If the taxpayer was required to add an amount 136428  
under division (A) (17) (a) of this section for a taxable year, 136429  
deduct one of the following: 136430

(i) One-fifth of the amount so added for each of the five 136431  
succeeding taxable years if the amount so added was five-sixths 136432  
of qualifying section 179 depreciation expense or depreciation 136433  
expense allowed by subsection (k) of section 168 of the Internal 136434  
Revenue Code; 136435

(ii) One-half of the amount so added for each of the two 136436



succeeding taxable years if the amount so added was two-thirds 136437  
of such depreciation expense; 136438

(iii) One-sixth of the amount so added for each of the six 136439  
succeeding taxable years if the entire amount of such 136440  
depreciation expense was so added. 136441

(b) If the amount deducted under division (A) (18) (a) of 136442  
this section is attributable to an add-back allocated under 136443  
division (A) (17) (c) of this section, the amount deducted shall 136444  
be situated to the same location. Otherwise, the ~~add-back~~ 136445  
deduction shall be apportioned using the apportionment factors 136446  
for the taxable year in which the deduction is taken, subject to 136447  
one or more of the four alternative methods of apportionment 136448  
enumerated in section 5747.21 of the Revised Code. 136449

(c) No deduction is available under division (A) (18) (a) of 136450  
this section with regard to any depreciation allowed by section 136451  
168(k) of the Internal Revenue Code and by the qualifying 136452  
section 179 depreciation expense amount to the extent that such 136453  
depreciation results in or increases a federal net operating 136454  
loss carryback or carryforward. If no such deduction is 136455  
available for a taxable year, the taxpayer may carry forward the 136456  
amount not deducted in such taxable year to the next taxable 136457  
year and add that amount to any deduction otherwise available 136458  
under division (A) (18) (a) of this section for that next taxable 136459  
year. The carryforward of amounts not so deducted shall continue 136460  
until the entire addition required by division (A) (17) (a) of 136461  
this section has been deducted. 136462

(19) Deduct, to the extent not otherwise deducted or 136463  
excluded in computing federal or Ohio adjusted gross income for 136464  
the taxable year, the amount the taxpayer received during the 136465  
taxable year as reimbursement for life insurance premiums under 136466

section 5919.31 of the Revised Code. 136467

(20) Deduct, to the extent not otherwise deducted or 136468  
excluded in computing federal or Ohio adjusted gross income for 136469  
the taxable year, the amount the taxpayer received during the 136470  
taxable year as a death benefit paid by the adjutant general 136471  
under section 5919.33 of the Revised Code. 136472

(21) Deduct, to the extent included in federal adjusted 136473  
gross income and not otherwise allowable as a deduction or 136474  
exclusion in computing federal or Ohio adjusted gross income for 136475  
the taxable year, military pay and allowances received by the 136476  
taxpayer during the taxable year for active duty service in the 136477  
United States army, air force, navy, marine corps, or coast 136478  
guard or reserve components thereof or the national guard. The 136479  
deduction may not be claimed for military pay and allowances 136480  
received by the taxpayer while the taxpayer is stationed in this 136481  
state. 136482

(22) Deduct, to the extent not otherwise allowable as a 136483  
deduction or exclusion in computing federal or Ohio adjusted 136484  
gross income for the taxable year and not otherwise compensated 136485  
for by any other source, the amount of qualified organ donation 136486  
expenses incurred by the taxpayer during the taxable year, not 136487  
to exceed ten thousand dollars. A taxpayer may deduct qualified 136488  
organ donation expenses only once for all taxable years 136489  
beginning with taxable years beginning in 2007. 136490

For the purposes of division (A) (22) of this section: 136491

(a) "Human organ" means all or any portion of a human 136492  
liver, pancreas, kidney, intestine, or lung, and any portion of 136493  
human bone marrow. 136494

(b) "Qualified organ donation expenses" means travel 136495

expenses, lodging expenses, and wages and salary forgone by a 136496  
taxpayer in connection with the taxpayer's donation, while 136497  
living, of one or more of the taxpayer's human organs to another 136498  
human being. 136499

(23) Deduct, to the extent not otherwise deducted or 136500  
excluded in computing federal or Ohio adjusted gross income for 136501  
the taxable year, amounts received by the taxpayer as retired 136502  
personnel pay for service in the uniformed services or reserve 136503  
components thereof, or the national guard, or received by the 136504  
surviving spouse or former spouse of such a taxpayer under the 136505  
survivor benefit plan on account of such a taxpayer's death. If 136506  
the taxpayer receives income on account of retirement paid under 136507  
the federal civil service retirement system or federal employees 136508  
retirement system, or under any successor retirement program 136509  
enacted by the congress of the United States that is established 136510  
and maintained for retired employees of the United States 136511  
government, and such retirement income is based, in whole or in 136512  
part, on credit for the taxpayer's uniformed service, the 136513  
deduction allowed under this division shall include only that 136514  
portion of such retirement income that is attributable to the 136515  
taxpayer's uniformed service, to the extent that portion of such 136516  
retirement income is otherwise included in federal adjusted 136517  
gross income and is not otherwise deducted under this section. 136518  
Any amount deducted under division (A) (23) of this section is 136519  
not included in a taxpayer's adjusted gross income for the 136520  
purposes of section 5747.055 of the Revised Code. No amount may 136521  
be deducted under division (A) (23) of this section on the basis 136522  
of which a credit was claimed under section 5747.055 of the 136523  
Revised Code. 136524

(24) Deduct, to the extent not otherwise deducted or 136525  
excluded in computing federal or Ohio adjusted gross income for 136526

the taxable year, the amount the taxpayer received during the 136527  
taxable year from the military injury relief fund created in 136528  
section 5902.05 of the Revised Code. 136529

(25) Deduct, to the extent not otherwise deducted or 136530  
excluded in computing federal or Ohio adjusted gross income for 136531  
the taxable year, the amount the taxpayer received as a veterans 136532  
bonus during the taxable year from the Ohio department of 136533  
veterans services as authorized by Section 2r of Article VIII, 136534  
Ohio Constitution. 136535

(26) Deduct, to the extent not otherwise deducted or 136536  
excluded in computing federal or Ohio adjusted gross income for 136537  
the taxable year, any income derived from a transfer agreement 136538  
or from the enterprise transferred under that agreement under 136539  
section 4313.02 of the Revised Code. 136540

(27) Deduct, to the extent not otherwise deducted or 136541  
excluded in computing federal or Ohio adjusted gross income for 136542  
the taxable year, Ohio college opportunity or federal Pell grant 136543  
amounts received by the taxpayer or the taxpayer's spouse or 136544  
dependent pursuant to section 3333.122 of the Revised Code or 20 136545  
U.S.C. 1070a, et seq., and used to pay room or board furnished 136546  
by the educational institution for which the grant was awarded 136547  
at the institution's facilities, including meal plans 136548  
administered by the institution. For the purposes of this 136549  
division, receipt of a grant includes the distribution of a 136550  
grant directly to an educational institution and the crediting 136551  
of the grant to the enrollee's account with the institution. 136552

(28) Deduct from the portion of an individual's federal 136553  
adjusted gross income that is business income, to the extent not 136554  
otherwise deducted or excluded in computing federal adjusted 136555  
gross income for the taxable year, one hundred twenty-five 136556

thousand dollars for each spouse if spouses file separate 136557  
returns under section 5747.08 of the Revised Code or two hundred 136558  
fifty thousand dollars for all other individuals. 136559

(29) Deduct, as provided under section 5747.78 of the 136560  
Revised Code, contributions to ABLE savings accounts made in 136561  
accordance with sections 113.50 to 113.56 of the Revised Code. 136562

(30) (a) Deduct, to the extent not otherwise deducted or 136563  
excluded in computing federal or Ohio adjusted gross income 136564  
during the taxable year, all of the following: 136565

(i) Compensation paid to a qualifying employee described 136566  
in division (A) (14) (a) of section 5703.94 of the Revised Code to 136567  
the extent such compensation is for disaster work conducted in 136568  
this state during a disaster response period pursuant to a 136569  
qualifying solicitation received by the employee's employer; 136570

(ii) Compensation paid to a qualifying employee described 136571  
in division (A) (14) (b) of section 5703.94 of the Revised Code to 136572  
the extent such compensation is for disaster work conducted in 136573  
this state by the employee during the disaster response period 136574  
on critical infrastructure owned or used by the employee's 136575  
employer; 136576

(iii) Income received by an out-of-state disaster business 136577  
for disaster work conducted in this state during a disaster 136578  
response period, or, if the out-of-state disaster business is a 136579  
pass-through entity, a taxpayer's distributive share of the 136580  
pass-through entity's income from the business conducting 136581  
disaster work in this state during a disaster response period, 136582  
if, in either case, the disaster work is conducted pursuant to a 136583  
qualifying solicitation received by the business. 136584

(b) All terms used in division (A) (30) of this section 136585

have the same meanings as in section 5703.94 of the Revised Code. 136586  
136587

(31) For a taxpayer who is a qualifying Ohio educator, 136588  
deduct, to the extent not otherwise deducted or excluded in 136589  
computing federal or Ohio adjusted gross income for the taxable 136590  
year, the lesser of ~~two~~three hundred ~~fifty~~ dollars or the 136591  
amount of expenses described in subsections (a) (2) (D) (i) and 136592  
(ii) of section 62 of the Internal Revenue Code paid or incurred 136593  
by the taxpayer during the taxpayer's taxable year in excess of 136594  
the amount the taxpayer is authorized to deduct for that taxable 136595  
year under subsection (a) (2) (D) of that section. 136596

(32) Deduct, to the extent not otherwise deducted or 136597  
excluded in computing federal or Ohio adjusted gross income for 136598  
the taxable year, amounts received by the taxpayer as a 136599  
disability severance payment, computed under 10 U.S.C. 1212, 136600  
following discharge or release under honorable conditions from 136601  
the armed forces of the United States, as defined in section 136602  
5907.01 of the Revised Code. 136603

(33) Deduct, to the extent not otherwise deducted or 136604  
excluded in computing federal adjusted gross income or Ohio 136605  
adjusted gross income, amounts not subject to tax due to an 136606  
agreement entered into under division (A) (2) of section 5747.05 136607  
of the Revised Code. 136608

(34) Deduct amounts as provided under section 5747.79 of 136609  
the Revised Code related to the taxpayer's qualifying capital 136610  
gains and deductible payroll. 136611

To the extent a qualifying capital gain described under 136612  
division (A) (34) of this section is business income, the 136613  
taxpayer shall deduct those gains under this division before 136614

deducting any such gains under division (A) (28) of this section. 136615

(35) (a) For taxable years beginning in or after 2026, 136616  
deduct, to the extent not otherwise deducted or excluded in 136617  
computing federal or Ohio adjusted gross income for the taxable 136618  
year: 136619

(i) One hundred per cent of the capital gain received by 136620  
the taxpayer in the taxable year from a qualifying interest in 136621  
an Ohio venture capital operating company attributable to the 136622  
company's investments in Ohio businesses during the period for 136623  
which the company was an Ohio venture operating company; and 136624

(ii) Fifty per cent of the capital gain received by the 136625  
taxpayer in the taxable year from a qualifying interest in an 136626  
Ohio venture capital operating company attributable to the 136627  
company's investments in all other businesses during the period 136628  
for which the company was an Ohio venture operating company. 136629

(b) Add amounts previously deducted by the taxpayer under 136630  
division (A) (35) (a) of this section if the director of 136631  
development certifies to the tax commissioner that the 136632  
requirements for the deduction were not met. 136633

(c) All terms used in division (A) (35) of this section 136634  
have the same meanings as in section 122.851 of the Revised 136635  
Code. 136636

(d) To the extent a capital gain described in division (A) 136637  
(35) (a) of this section is business income, the taxpayer shall 136638  
apply that division before applying division (A) (28) of this 136639  
section. 136640

(36) Add, to the extent not otherwise included in 136641  
computing federal or Ohio adjusted gross income for any taxable 136642  
year, the taxpayer's proportionate share of the amount of the 136643

tax levied under section 5747.38 of the Revised Code and paid by 136644  
an electing pass-through entity for the taxable year. 136645

Notwithstanding any provision of the Revised Code to the 136646  
contrary, the portion of the addition required by division (A) 136647  
(36) of this section related to the apportioned business income 136648  
of the pass-through entity shall be considered business income 136649  
under division (B) of this section. Such addition is eligible 136650  
for the deduction in division (A) (28) of this section, subject 136651  
to the applicable dollar limitations, and the tax rate 136652  
prescribed by division (A) (4) (a) of section 5747.02 of the 136653  
Revised Code. The taxpayer shall provide, upon request of the 136654  
tax commissioner, any documentation necessary to verify the 136655  
portion of the addition that is business income under this 136656  
division. 136657

(37) Deduct, to the extent not otherwise deducted or 136658  
excluded in computing federal or Ohio adjusted gross income for 136659  
the taxable year, amounts delivered to a qualifying institution 136660  
pursuant to section 3333.128 of the Revised Code for the benefit 136661  
of the taxpayer or the taxpayer's spouse or dependent. 136662

(38) Deduct, to the extent not otherwise deducted or 136663  
excluded in computing federal or Ohio adjusted gross income for 136664  
the taxable year, amounts received under the Ohio adoption grant 136665  
program pursuant to section ~~5101.191~~ 5180.451 of the Revised 136666  
Code. 136667

(39) Deduct, to the extent included in federal adjusted 136668  
gross income, income attributable to amounts provided to a 136669  
taxpayer for any of the purposes for which an exclusion would 136670  
have been authorized under section 139 of the Internal Revenue 136671  
Code if the train derailment near the city of East Palestine on 136672  
February 3, 2023, had been a qualified disaster pursuant to that 136673



section, or to compensate for lost business resulting from that 136674  
derailment, if such amounts are provided by any of the 136675  
following: 136676

(a) A federal, state, or local government agency; 136677

(b) A railroad company, as that term is defined in section 136678  
5727.01 of the Revised Code; 136679

(c) Any subsidiary, insurer, or agent of a railroad 136680  
company or any related person. 136681

Notwithstanding any provision to the contrary, the 136682  
derailment is not required to meet the definition of a 136683  
"qualified disaster" pursuant to section 139 of the Internal 136684  
Revenue Code to qualify for the deduction under this section. 136685

(40) Deduct, to the extent included in federal adjusted 136686  
gross income, income attributable to loan repayments on behalf 136687  
of the taxpayer under the rural practice incentive program under 136688  
section 3333.135 of the Revised Code. 136689

(41) Add any income taxes deducted in computing federal or 136690  
Ohio adjusted gross income to the extent the income taxes were 136691  
derived from income subject to a tax levied in another state or 136692  
the District of Columbia when such tax was enacted for purposes 136693  
of complying with internal revenue service notice 2020-75. 136694

Notwithstanding any provision of the Revised Code to the 136695  
contrary, the portion of the addition required by division (A) 136696  
(41) of this section related to the apportioned business income 136697  
of the pass-through entity shall be considered business income 136698  
under division (B) of this section. Such addition is eligible 136699  
for the deduction in division (A) (28) of this section, subject 136700  
to the applicable dollar limitations, and the tax rate 136701  
prescribed by division (A) (4) (a) of section 5747.02 of the 136702

Revised Code. The taxpayer shall provide, upon request of the 136703  
tax commissioner, any documentation necessary to verify the 136704  
portion of the addition that is business income under this 136705  
division. 136706

(42) Deduct amounts contributed to a homeownership savings 136707  
account and calculated pursuant to divisions (B) and (C) of 136708  
section 5747.85 of the Revised Code. 136709

(43) If the taxpayer is the account owner, ~~add the amount~~ 136710  
~~of funds withdrawn from a homeownership savings account not used~~ 136711  
~~for eligible expenses, regardless of who deposited those funds~~ 136712  
of a homeownership savings account, upon withdrawal or transfer 136713  
of funds from the account, or closure of the account containing 136714  
funds that are not used for eligible expenses, add the amount of 136715  
such funds not used for an eligible expense. The addition 136716  
required under this division shall not exceed the sum of the 136717  
amounts deducted by the taxpayer for such account under division 136718  
(A) (42) of this section in any taxable year and the amount of 136719  
any funds deposited in the account by a contributor other than 136720  
the account owner. As used in division (A) (43) of this section, 136721  
"homeownership savings account," "contributor," "account owner," 136722  
and "eligible expenses" have the same meanings as in section 136723  
5747.85 of the Revised Code. 136724

(B) "Business income" means income, including gain or 136725  
loss, arising from transactions, activities, and sources in the 136726  
regular course of a trade or business and includes income, gain, 136727  
or loss from real property, tangible property, and intangible 136728  
property if the acquisition, rental, management, and disposition 136729  
of the property constitute integral parts of the regular course 136730  
of a trade or business operation. "Business income" includes 136731  
income, including gain or loss, from a partial or complete 136732

liquidation of a business, including, but not limited to, gain 136733  
or loss from the sale or other disposition of goodwill or the 136734  
sale of an equity or ownership interest in a business. 136735

As used in this division, the "sale of an equity or 136736  
ownership interest in a business" means sales to which either or 136737  
both of the following apply: 136738

(1) The sale is treated for federal income tax purposes as 136739  
the sale of assets. 136740

(2) The seller materially participated, as described in 26 136741  
C.F.R. 1.469-5T, in the activities of the business during the 136742  
taxable year in which the sale occurs or during any of the five 136743  
preceding taxable years. 136744

(C) "Nonbusiness income" means all income other than 136745  
business income and may include, but is not limited to, 136746  
compensation, rents and royalties from real or tangible personal 136747  
property, capital gains, interest, dividends and distributions, 136748  
patent or copyright royalties, or lottery winnings, prizes, and 136749  
awards. 136750

(D) "Compensation" means any form of remuneration paid to 136751  
an employee for personal services. 136752

(E) "Fiduciary" means a guardian, trustee, executor, 136753  
administrator, receiver, conservator, or any other person acting 136754  
in any fiduciary capacity for any individual, trust, or estate. 136755

(F) "Fiscal year" means an accounting period of twelve 136756  
months ending on the last day of any month other than December. 136757

(G) "Individual" means any natural person. 136758

(H) "Internal Revenue Code" means the "Internal Revenue 136759  
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 136760

(I) "Resident" means any of the following: 136761

(1) An individual who is domiciled in this state, subject 136762  
to section 5747.24 of the Revised Code; 136763

(2) The estate of a decedent who at the time of death was 136764  
domiciled in this state. The domicile tests of section 5747.24 136765  
of the Revised Code are not controlling for purposes of division 136766  
(I) (2) of this section. 136767

(3) A trust that, in whole or part, resides in this state. 136768  
If only part of a trust resides in this state, the trust is a 136769  
resident only with respect to that part. 136770

For the purposes of division (I) (3) of this section: 136771

(a) A trust resides in this state for the trust's current 136772  
taxable year to the extent, as described in division (I) (3) (d) 136773  
of this section, that the trust consists directly or indirectly, 136774  
in whole or in part, of assets, net of any related liabilities, 136775  
that were transferred, or caused to be transferred, directly or 136776  
indirectly, to the trust by any of the following: 136777

(i) A person, a court, or a governmental entity or 136778  
instrumentality on account of the death of a decedent, but only 136779  
if the trust is described in division (I) (3) (e) (i) or (ii) of 136780  
this section; 136781

(ii) A person who was domiciled in this state for the 136782  
purposes of this chapter when the person directly or indirectly 136783  
transferred assets to an irrevocable trust, but only if at least 136784  
one of the trust's qualifying beneficiaries is domiciled in this 136785  
state for the purposes of this chapter during all or some 136786  
portion of the trust's current taxable year; 136787

(iii) A person who was domiciled in this state for the 136788

purposes of this chapter when the trust document or instrument 136789  
or part of the trust document or instrument became irrevocable, 136790  
but only if at least one of the trust's qualifying beneficiaries 136791  
is a resident domiciled in this state for the purposes of this 136792  
chapter during all or some portion of the trust's current 136793  
taxable year. If a trust document or instrument became 136794  
irrevocable upon the death of a person who at the time of death 136795  
was domiciled in this state for purposes of this chapter, that 136796  
person is a person described in division (I)(3)(a)(iii) of this 136797  
section. 136798

(b) A trust is irrevocable to the extent that the 136799  
transferor is not considered to be the owner of the net assets 136800  
of the trust under sections 671 to 678 of the Internal Revenue 136801  
Code. 136802

(c) With respect to a trust other than a charitable lead 136803  
trust, "qualifying beneficiary" has the same meaning as 136804  
"potential current beneficiary" as defined in section 1361(e)(2) 136805  
of the Internal Revenue Code, and with respect to a charitable 136806  
lead trust "qualifying beneficiary" is any current, future, or 136807  
contingent beneficiary, but with respect to any trust 136808  
"qualifying beneficiary" excludes a person or a governmental 136809  
entity or instrumentality to any of which a contribution would 136810  
qualify for the charitable deduction under section 170 of the 136811  
Internal Revenue Code. 136812

(d) For the purposes of division (I)(3)(a) of this 136813  
section, the extent to which a trust consists directly or 136814  
indirectly, in whole or in part, of assets, net of any related 136815  
liabilities, that were transferred directly or indirectly, in 136816  
whole or part, to the trust by any of the sources enumerated in 136817  
that division shall be ascertained by multiplying the fair 136818

market value of the trust's assets, net of related liabilities, 136819  
by the qualifying ratio, which shall be computed as follows: 136820

(i) The first time the trust receives assets, the 136821  
numerator of the qualifying ratio is the fair market value of 136822  
those assets at that time, net of any related liabilities, from 136823  
sources enumerated in division (I)(3)(a) of this section. The 136824  
denominator of the qualifying ratio is the fair market value of 136825  
all the trust's assets at that time, net of any related 136826  
liabilities. 136827

(ii) Each subsequent time the trust receives assets, a 136828  
revised qualifying ratio shall be computed. The numerator of the 136829  
revised qualifying ratio is the sum of (1) the fair market value 136830  
of the trust's assets immediately prior to the subsequent 136831  
transfer, net of any related liabilities, multiplied by the 136832  
qualifying ratio last computed without regard to the subsequent 136833  
transfer, and (2) the fair market value of the subsequently 136834  
transferred assets at the time transferred, net of any related 136835  
liabilities, from sources enumerated in division (I)(3)(a) of 136836  
this section. The denominator of the revised qualifying ratio is 136837  
the fair market value of all the trust's assets immediately 136838  
after the subsequent transfer, net of any related liabilities. 136839

(iii) Whether a transfer to the trust is by or from any of 136840  
the sources enumerated in division (I)(3)(a) of this section 136841  
shall be ascertained without regard to the domicile of the 136842  
trust's beneficiaries. 136843

(e) For the purposes of division (I)(3)(a)(i) of this 136844  
section: 136845

(i) A trust is described in division (I)(3)(e)(i) of this 136846  
section if the trust is a testamentary trust and the testator of 136847

that testamentary trust was domiciled in this state at the time 136848  
of the testator's death for purposes of the taxes levied under 136849  
Chapter 5731. of the Revised Code. 136850

(ii) A trust is described in division (I)(3)(e)(ii) of 136851  
this section if the transfer is a qualifying transfer described 136852  
in any of divisions (I)(3)(f)(i) to (vi) of this section, the 136853  
trust is an irrevocable inter vivos trust, and at least one of 136854  
the trust's qualifying beneficiaries is domiciled in this state 136855  
for purposes of this chapter during all or some portion of the 136856  
trust's current taxable year. 136857

(f) For the purposes of division (I)(3)(e)(ii) of this 136858  
section, a "qualifying transfer" is a transfer of assets, net of 136859  
any related liabilities, directly or indirectly to a trust, if 136860  
the transfer is described in any of the following: 136861

(i) The transfer is made to a trust, created by the 136862  
decedent before the decedent's death and while the decedent was 136863  
domiciled in this state for the purposes of this chapter, and, 136864  
prior to the death of the decedent, the trust became irrevocable 136865  
while the decedent was domiciled in this state for the purposes 136866  
of this chapter. 136867

(ii) The transfer is made to a trust to which the 136868  
decedent, prior to the decedent's death, had directly or 136869  
indirectly transferred assets, net of any related liabilities, 136870  
while the decedent was domiciled in this state for the purposes 136871  
of this chapter, and prior to the death of the decedent the 136872  
trust became irrevocable while the decedent was domiciled in 136873  
this state for the purposes of this chapter. 136874

(iii) The transfer is made on account of a contractual 136875  
relationship existing directly or indirectly between the 136876

transferor and either the decedent or the estate of the decedent 136877  
at any time prior to the date of the decedent's death, and the 136878  
decedent was domiciled in this state at the time of death for 136879  
purposes of the taxes levied under Chapter 5731. of the Revised 136880  
Code. 136881

(iv) The transfer is made to a trust on account of a 136882  
contractual relationship existing directly or indirectly between 136883  
the transferor and another person who at the time of the 136884  
decedent's death was domiciled in this state for purposes of 136885  
this chapter. 136886

(v) The transfer is made to a trust on account of the will 136887  
of a testator who was domiciled in this state at the time of the 136888  
testator's death for purposes of the taxes levied under Chapter 136889  
5731. of the Revised Code. 136890

(vi) The transfer is made to a trust created by or caused 136891  
to be created by a court, and the trust was directly or 136892  
indirectly created in connection with or as a result of the 136893  
death of an individual who, for purposes of the taxes levied 136894  
under Chapter 5731. of the Revised Code, was domiciled in this 136895  
state at the time of the individual's death. 136896

(g) The tax commissioner may adopt rules to ascertain the 136897  
part of a trust residing in this state. 136898

(J) "Nonresident" means an individual or estate that is 136899  
not a resident. An individual who is a resident for only part of 136900  
a taxable year is a nonresident for the remainder of that 136901  
taxable year. 136902

(K) "Pass-through entity" has the same meaning as in 136903  
section 5733.04 of the Revised Code. 136904

(L) "Return" means the notifications and reports required 136905



to be filed pursuant to this chapter for the purpose of 136906  
reporting the tax due and includes declarations of estimated tax 136907  
when so required. 136908

(M) "Taxable year" means the calendar year or the 136909  
taxpayer's fiscal year ending during the calendar year, or 136910  
fractional part thereof, upon which the adjusted gross income is 136911  
calculated pursuant to this chapter. 136912

(N) "Taxpayer" means any person subject to the tax imposed 136913  
by section 5747.02 of the Revised Code or any pass-through 136914  
entity that makes the election under division (D) of section 136915  
5747.08 of the Revised Code. 136916

(O) "Dependents" means one of the following: 136917

(1) For taxable years beginning on or after January 1, 136918  
2018, and before January 1, 2026, dependents as defined in the 136919  
Internal Revenue Code; 136920

(2) For all other taxable years, dependents as defined in 136921  
the Internal Revenue Code and as claimed in the taxpayer's 136922  
federal income tax return for the taxable year or which the 136923  
taxpayer would have been permitted to claim had the taxpayer 136924  
filed a federal income tax return. 136925

(P) "Principal county of employment" means, in the case of 136926  
a nonresident, the county within the state in which a taxpayer 136927  
performs services for an employer or, if those services are 136928  
performed in more than one county, the county in which the major 136929  
portion of the services are performed. 136930

(Q) As used in sections 5747.50 to 5747.55 of the Revised 136931  
Code: 136932

(1) "Subdivision" means any county, municipal corporation, 136933

park district, or township. 136934

(2) "Essential local government purposes" includes all 136935  
functions that any subdivision is required by general law to 136936  
exercise, including like functions that are exercised under a 136937  
charter adopted pursuant to the Ohio Constitution. 136938

(R) "Overpayment" means any amount already paid that 136939  
exceeds the figure determined to be the correct amount of the 136940  
tax. 136941

(S) "Taxable income" or "Ohio taxable income" applies only 136942  
to estates and trusts, and means federal taxable income, as 136943  
defined and used in the Internal Revenue Code, adjusted as 136944  
follows: 136945

(1) Add interest or dividends, net of ordinary, necessary, 136946  
and reasonable expenses not deducted in computing federal 136947  
taxable income, on obligations or securities of any state or of 136948  
any political subdivision or authority of any state, other than 136949  
this state and its subdivisions and authorities, but only to the 136950  
extent that such net amount is not otherwise includible in Ohio 136951  
taxable income and is described in either division (S) (1) (a) or 136952  
(b) of this section: 136953

(a) The net amount is not attributable to the S portion of 136954  
an electing small business trust and has not been distributed to 136955  
beneficiaries for the taxable year; 136956

(b) The net amount is attributable to the S portion of an 136957  
electing small business trust for the taxable year. 136958

(2) Add interest or dividends, net of ordinary, necessary, 136959  
and reasonable expenses not deducted in computing federal 136960  
taxable income, on obligations of any authority, commission, 136961  
instrumentality, territory, or possession of the United States 136962

to the extent that the interest or dividends are exempt from 136963  
federal income taxes but not from state income taxes, but only 136964  
to the extent that such net amount is not otherwise includible 136965  
in Ohio taxable income and is described in either division (S) 136966  
(1) (a) or (b) of this section; 136967

(3) Add the amount of personal exemption allowed to the 136968  
estate pursuant to section 642(b) of the Internal Revenue Code; 136969

(4) Deduct interest or dividends, net of related expenses 136970  
deducted in computing federal taxable income, on obligations of 136971  
the United States and its territories and possessions or of any 136972  
authority, commission, or instrumentality of the United States 136973  
to the extent that the interest or dividends are exempt from 136974  
state taxes under the laws of the United States, but only to the 136975  
extent that such amount is included in federal taxable income 136976  
and is described in either division (S) (1) (a) or (b) of this 136977  
section; 136978

(5) Deduct the amount of wages and salaries, if any, not 136979  
otherwise allowable as a deduction but that would have been 136980  
allowable as a deduction in computing federal taxable income for 136981  
the taxable year, had the work opportunity tax credit allowed 136982  
under sections 38, 51, and 52 of the Internal Revenue Code not 136983  
been in effect, but only to the extent such amount relates 136984  
either to income included in federal taxable income for the 136985  
taxable year or to income of the S portion of an electing small 136986  
business trust for the taxable year; 136987

(6) Deduct any interest or interest equivalent, net of 136988  
related expenses deducted in computing federal taxable income, 136989  
on public obligations and purchase obligations, but only to the 136990  
extent that such net amount relates either to income included in 136991  
federal taxable income for the taxable year or to income of the 136992

S portion of an electing small business trust for the taxable 136993  
year; 136994

(7) Add any loss or deduct any gain resulting from sale, 136995  
exchange, or other disposition of public obligations to the 136996  
extent that such loss has been deducted or such gain has been 136997  
included in computing either federal taxable income or income of 136998  
the S portion of an electing small business trust for the 136999  
taxable year; 137000

(8) Except in the case of the final return of an estate, 137001  
add any amount deducted by the taxpayer on both its Ohio estate 137002  
tax return pursuant to section 5731.14 of the Revised Code, and 137003  
on its federal income tax return in determining federal taxable 137004  
income; 137005

(9) (a) Deduct any amount included in federal taxable 137006  
income solely because the amount represents a reimbursement or 137007  
refund of expenses that in a previous year the decedent had 137008  
deducted as an itemized deduction pursuant to section 63 of the 137009  
Internal Revenue Code and applicable treasury regulations. The 137010  
deduction otherwise allowed under division (S) (9) (a) of this 137011  
section shall be reduced to the extent the reimbursement is 137012  
attributable to an amount the taxpayer or decedent deducted 137013  
under this section in any taxable year. 137014

(b) Add any amount not otherwise included in Ohio taxable 137015  
income for any taxable year to the extent that the amount is 137016  
attributable to the recovery during the taxable year of any 137017  
amount deducted or excluded in computing federal or Ohio taxable 137018  
income in any taxable year, but only to the extent such amount 137019  
has not been distributed to beneficiaries for the taxable year. 137020

(10) Deduct any portion of the deduction described in 137021

section 1341(a)(2) of the Internal Revenue Code, for repaying 137022  
previously reported income received under a claim of right, that 137023  
meets both of the following requirements: 137024

(a) It is allowable for repayment of an item that was 137025  
included in the taxpayer's taxable income or the decedent's 137026  
adjusted gross income for a prior taxable year and did not 137027  
qualify for a credit under division (A) or (B) of section 137028  
5747.05 of the Revised Code for that year. 137029

(b) It does not otherwise reduce the taxpayer's taxable 137030  
income or the decedent's adjusted gross income for the current 137031  
or any other taxable year. 137032

(11) Add any amount claimed as a credit under section 137033  
5747.059 of the Revised Code to the extent that the amount 137034  
satisfies either of the following: 137035

(a) The amount was deducted or excluded from the 137036  
computation of the taxpayer's federal taxable income as required 137037  
to be reported for the taxpayer's taxable year under the 137038  
Internal Revenue Code; 137039

(b) The amount resulted in a reduction in the taxpayer's 137040  
federal taxable income as required to be reported for any of the 137041  
taxpayer's taxable years under the Internal Revenue Code. 137042

(12) Deduct any amount, net of related expenses deducted 137043  
in computing federal taxable income, that a trust is required to 137044  
report as farm income on its federal income tax return, but only 137045  
if the assets of the trust include at least ten acres of land 137046  
satisfying the definition of "land devoted exclusively to 137047  
agricultural use" under section 5713.30 of the Revised Code, 137048  
regardless of whether the land is valued for tax purposes as 137049  
such land under sections 5713.30 to 5713.38 of the Revised Code. 137050

If the trust is a pass-through entity investor, section 5747.231 137051  
of the Revised Code applies in ascertaining if the trust is 137052  
eligible to claim the deduction provided by division (S) (12) of 137053  
this section in connection with the pass-through entity's farm 137054  
income. 137055

Except for farm income attributable to the S portion of an 137056  
electing small business trust, the deduction provided by 137057  
division (S) (12) of this section is allowed only to the extent 137058  
that the trust has not distributed such farm income. 137059

(13) Add the net amount of income described in section 137060  
641(c) of the Internal Revenue Code to the extent that amount is 137061  
not included in federal taxable income. 137062

(14) ~~Deduct~~ Add or deduct the amount the taxpayer would be 137063  
required to add or deduct under division ~~(A) (18)~~ (A) (17) or (18) 137064  
of this section if the taxpayer's Ohio taxable income ~~were~~ was 137065  
computed in the same manner as an individual's Ohio adjusted 137066  
gross income is computed under this section. 137067

(15) Add, to the extent not otherwise included in 137068  
computing taxable income or Ohio taxable income for any taxable 137069  
year, the taxpayer's proportionate share of the amount of the 137070  
tax levied under section 5747.38 of the Revised Code and paid by 137071  
an electing pass-through entity for the taxable year. 137072

(16) Add any income taxes deducted in computing federal 137073  
taxable income or Ohio taxable income to the extent the income 137074  
taxes were derived from income subject to a tax levied in 137075  
another state or the District of Columbia when such tax was 137076  
enacted for purposes of complying with internal revenue service 137077  
notice 2020-75. 137078

(T) "School district income" and "school district income 137079

tax" have the same meanings as in section 5748.01 of the Revised Code. 137080  
137081

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 137082  
(7) of this section, "public obligations," "purchase 137083  
obligations," and "interest or interest equivalent" have the 137084  
same meanings as in section 5709.76 of the Revised Code. 137085

(V) "Limited liability company" means any limited 137086  
liability company formed under former Chapter 1705. of the 137087  
Revised Code as that chapter existed prior to February 11, 2022, 137088  
Chapter 1706. of the Revised Code, or the laws of any other 137089  
state. 137090

(W) "Pass-through entity investor" means any person who, 137091  
during any portion of a taxable year of a pass-through entity, 137092  
is a partner, member, shareholder, or equity investor in that 137093  
pass-through entity. 137094

(X) "Banking day" has the same meaning as in section 137095  
1304.01 of the Revised Code. 137096

(Y) "Month" means a calendar month. 137097

(Z) "Quarter" means the first three months, the second 137098  
three months, the third three months, or the last three months 137099  
of the taxpayer's taxable year. 137100

(AA) (1) "Modified business income" means the business 137101  
income included in a trust's Ohio taxable income after such 137102  
taxable income is first reduced by the qualifying trust amount, 137103  
if any. 137104

(2) "Qualifying trust amount" of a trust means capital 137105  
gains and losses from the sale, exchange, or other disposition 137106  
of equity or ownership interests in, or debt obligations of, a 137107

qualifying investee to the extent included in the trust's Ohio 137108  
taxable income, but only if the following requirements are 137109  
satisfied: 137110

(a) The book value of the qualifying investee's physical 137111  
assets in this state and everywhere, as of the last day of the 137112  
qualifying investee's fiscal or calendar year ending immediately 137113  
prior to the date on which the trust recognizes the gain or 137114  
loss, is available to the trust. 137115

(b) The requirements of section 5747.011 of the Revised 137116  
Code are satisfied for the trust's taxable year in which the 137117  
trust recognizes the gain or loss. 137118

Any gain or loss that is not a qualifying trust amount is 137119  
modified business income, qualifying investment income, or 137120  
modified nonbusiness income, as the case may be. 137121

(3) "Modified nonbusiness income" means a trust's Ohio 137122  
taxable income other than modified business income, other than 137123  
the qualifying trust amount, and other than qualifying 137124  
investment income, as defined in section 5747.012 of the Revised 137125  
Code, to the extent such qualifying investment income is not 137126  
otherwise part of modified business income. 137127

(4) "Modified Ohio taxable income" applies only to trusts, 137128  
and means the sum of the amounts described in divisions (AA) (4) 137129  
(a) to (c) of this section: 137130

(a) The fraction, calculated under section 5747.013, and 137131  
applying section 5747.231 of the Revised Code, multiplied by the 137132  
sum of the following amounts: 137133

(i) The trust's modified business income; 137134

(ii) The trust's qualifying investment income, as defined 137135



in section 5747.012 of the Revised Code, but only to the extent 137136  
the qualifying investment income does not otherwise constitute 137137  
modified business income and does not otherwise constitute a 137138  
qualifying trust amount. 137139

(b) The qualifying trust amount multiplied by a fraction, 137140  
the numerator of which is the sum of the book value of the 137141  
qualifying investee's physical assets in this state on the last 137142  
day of the qualifying investee's fiscal or calendar year ending 137143  
immediately prior to the day on which the trust recognizes the 137144  
qualifying trust amount, and the denominator of which is the sum 137145  
of the book value of the qualifying investee's total physical 137146  
assets everywhere on the last day of the qualifying investee's 137147  
fiscal or calendar year ending immediately prior to the day on 137148  
which the trust recognizes the qualifying trust amount. If, for 137149  
a taxable year, the trust recognizes a qualifying trust amount 137150  
with respect to more than one qualifying investee, the amount 137151  
described in division (AA) (4) (b) of this section shall equal the 137152  
sum of the products so computed for each such qualifying 137153  
investee. 137154

(c) (i) With respect to a trust or portion of a trust that 137155  
is a resident as ascertained in accordance with division (I) (3) 137156  
(d) of this section, its modified nonbusiness income. 137157

(ii) With respect to a trust or portion of a trust that is 137158  
not a resident as ascertained in accordance with division (I) (3) 137159  
(d) of this section, the amount of its modified nonbusiness 137160  
income satisfying the descriptions in divisions (B) (2) to (5) of 137161  
section 5747.20 of the Revised Code, except as otherwise 137162  
provided in division (AA) (4) (c) (ii) of this section. With 137163  
respect to a trust or portion of a trust that is not a resident 137164  
as ascertained in accordance with division (I) (3) (d) of this 137165

section, the trust's portion of modified nonbusiness income 137166  
recognized from the sale, exchange, or other disposition of a 137167  
debt interest in or equity interest in a section 5747.212 137168  
entity, as defined in section 5747.212 of the Revised Code, 137169  
without regard to division (A) of that section, shall not be 137170  
allocated to this state in accordance with section 5747.20 of 137171  
the Revised Code but shall be apportioned to this state in 137172  
accordance with division (B) of section 5747.212 of the Revised 137173  
Code without regard to division (A) of that section. 137174

If the allocation and apportionment of a trust's income 137175  
under divisions (AA) (4) (a) and (c) of this section do not fairly 137176  
represent the modified Ohio taxable income of the trust in this 137177  
state, the alternative methods described in division (C) of 137178  
section 5747.21 of the Revised Code may be applied in the manner 137179  
and to the same extent provided in that section. 137180

(5) (a) Except as set forth in division (AA) (5) (b) of this 137181  
section, "qualifying investee" means a person in which a trust 137182  
has an equity or ownership interest, or a person or unit of 137183  
government the debt obligations of either of which are owned by 137184  
a trust. For the purposes of division (AA) (2) (a) of this section 137185  
and for the purpose of computing the fraction described in 137186  
division (AA) (4) (b) of this section, all of the following apply: 137187

(i) If the qualifying investee is a member of a qualifying 137188  
controlled group on the last day of the qualifying investee's 137189  
fiscal or calendar year ending immediately prior to the date on 137190  
which the trust recognizes the gain or loss, then "qualifying 137191  
investee" includes all persons in the qualifying controlled 137192  
group on such last day. 137193

(ii) If the qualifying investee, or if the qualifying 137194  
investee and any members of the qualifying controlled group of 137195

which the qualifying investee is a member on the last day of the 137196  
qualifying investee's fiscal or calendar year ending immediately 137197  
prior to the date on which the trust recognizes the gain or 137198  
loss, separately or cumulatively own, directly or indirectly, on 137199  
the last day of the qualifying investee's fiscal or calendar 137200  
year ending immediately prior to the date on which the trust 137201  
recognizes the qualifying trust amount, more than fifty per cent 137202  
of the equity of a pass-through entity, then the qualifying 137203  
investee and the other members are deemed to own the 137204  
proportionate share of the pass-through entity's physical assets 137205  
which the pass-through entity directly or indirectly owns on the 137206  
last day of the pass-through entity's calendar or fiscal year 137207  
ending within or with the last day of the qualifying investee's 137208  
fiscal or calendar year ending immediately prior to the date on 137209  
which the trust recognizes the qualifying trust amount. 137210

(iii) For the purposes of division (AA) (5) (a) (iii) of this 137211  
section, "upper level pass-through entity" means a pass-through 137212  
entity directly or indirectly owning any equity of another pass- 137213  
through entity, and "lower level pass-through entity" means that 137214  
other pass-through entity. 137215

An upper level pass-through entity, whether or not it is 137216  
also a qualifying investee, is deemed to own, on the last day of 137217  
the upper level pass-through entity's calendar or fiscal year, 137218  
the proportionate share of the lower level pass-through entity's 137219  
physical assets that the lower level pass-through entity 137220  
directly or indirectly owns on the last day of the lower level 137221  
pass-through entity's calendar or fiscal year ending within or 137222  
with the last day of the upper level pass-through entity's 137223  
fiscal or calendar year. If the upper level pass-through entity 137224  
directly and indirectly owns less than fifty per cent of the 137225  
equity of the lower level pass-through entity on each day of the 137226

upper level pass-through entity's calendar or fiscal year in 137227  
which or with which ends the calendar or fiscal year of the 137228  
lower level pass-through entity and if, based upon clear and 137229  
convincing evidence, complete information about the location and 137230  
cost of the physical assets of the lower pass-through entity is 137231  
not available to the upper level pass-through entity, then 137232  
solely for purposes of ascertaining if a gain or loss 137233  
constitutes a qualifying trust amount, the upper level pass- 137234  
through entity shall be deemed as owning no equity of the lower 137235  
level pass-through entity for each day during the upper level 137236  
pass-through entity's calendar or fiscal year in which or with 137237  
which ends the lower level pass-through entity's calendar or 137238  
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 137239  
shall be construed to provide for any deduction or exclusion in 137240  
computing any trust's Ohio taxable income. 137241

(b) With respect to a trust that is not a resident for the 137242  
taxable year and with respect to a part of a trust that is not a 137243  
resident for the taxable year, "qualifying investee" for that 137244  
taxable year does not include a C corporation if both of the 137245  
following apply: 137246

(i) During the taxable year the trust or part of the trust 137247  
recognizes a gain or loss from the sale, exchange, or other 137248  
disposition of equity or ownership interests in, or debt 137249  
obligations of, the C corporation. 137250

(ii) Such gain or loss constitutes nonbusiness income. 137251

(6) "Available" means information is such that a person is 137252  
able to learn of the information by the due date plus 137253  
extensions, if any, for filing the return for the taxable year 137254  
in which the trust recognizes the gain or loss. 137255

(BB) "Qualifying controlled group" has the same meaning as 137256  
in section 5733.04 of the Revised Code. 137257

(CC) "Related member" has the same meaning as in section 137258  
5733.042 of the Revised Code. 137259

(DD) (1) For the purposes of division (DD) of this section: 137260

(a) "Qualifying person" means any person other than a 137261  
qualifying corporation. 137262

(b) "Qualifying corporation" means any person classified 137263  
for federal income tax purposes as an association taxable as a 137264  
corporation, except either of the following: 137265

(i) A corporation that has made an election under 137266  
subchapter S, chapter one, subtitle A, of the Internal Revenue 137267  
Code for its taxable year ending within, or on the last day of, 137268  
the investor's taxable year; 137269

(ii) A subsidiary that is wholly owned by any corporation 137270  
that has made an election under subchapter S, chapter one, 137271  
subtitle A of the Internal Revenue Code for its taxable year 137272  
ending within, or on the last day of, the investor's taxable 137273  
year. 137274

(2) For the purposes of this chapter, unless expressly 137275  
stated otherwise, no qualifying person indirectly owns any asset 137276  
directly or indirectly owned by any qualifying corporation. 137277

~~(EE) For purposes of this chapter and Chapter 5751. of the~~ 137278  
~~Revised Code:~~ 137279

~~(1) "Trust" does not include a qualified pre-income tax~~ 137280  
~~trust.~~ 137281

~~(2) A "qualified pre-income tax trust" is any pre-income~~ 137282

~~tax trust that makes a qualifying pre-income tax trust election-~~ 137283  
~~as described in division (EE) (3) of this section.~~ 137284

~~(3) A "qualifying pre-income tax trust election" is an~~ 137285  
~~election by a pre-income tax trust to subject to the tax imposed~~ 137286  
~~by section 5751.02 of the Revised Code the pre-income tax trust-~~ 137287  
~~and all pass-through entities of which the trust owns or~~ 137288  
~~controls, directly, indirectly, or constructively through~~ 137289  
~~related interests, five per cent or more of the ownership or~~ 137290  
~~equity interests. The trustee shall notify the tax commissioner-~~ 137291  
~~in writing of the election on or before April 15, 2006. The~~ 137292  
~~election, if timely made, shall be effective on and after~~ 137293  
~~January 1, 2006, and shall apply for all tax periods and tax-~~ 137294  
~~years until revoked by the trustee of the trust.~~ 137295

~~(4) A "pre-income tax trust" is a trust that satisfies all~~ 137296  
~~of the following requirements:~~ 137297

~~(a) The document or instrument creating the trust was~~ 137298  
~~executed by the grantor before January 1, 1972;~~ 137299

~~(b) The trust became irrevocable upon the creation of the~~ 137300  
~~trust; and~~ 137301

~~(c) The grantor was domiciled in this state at the time-~~ 137302  
~~the trust was created~~ "Casino gaming" has the same meaning as in 137303  
section 3772.01 of the Revised Code, "lottery sports gaming" has 137304  
the same meaning as in section 3770.23 of the Revised Code, 137305  
"sports gaming" has the same meaning as in section 3775.01 of 137306  
the Revised Code, and "video lottery terminal" has the same 137307  
meaning as in section 3770.21 of the Revised Code. 137308

~~(FF) "Uniformed services" means all of the following:~~ 137309

~~(1) "Armed forces of the United States" as defined in~~ 137310  
~~section 5907.01 of the Revised Code;~~ 137311

(2) The commissioned corps of the national oceanic and 137312  
atmospheric administration; 137313

(3) The commissioned corps of the public health service. 137314

(GG) "Taxable business income" means the amount by which 137315  
an individual's business income that is included in federal 137316  
adjusted gross income exceeds the amount of business income the 137317  
individual is authorized to deduct under division (A) (28) of 137318  
this section for the taxable year. 137319

(HH) "Employer" does not include a franchisor with respect 137320  
to the franchisor's relationship with a franchisee or an 137321  
employee of a franchisee, unless the franchisor agrees to assume 137322  
that role in writing or a court of competent jurisdiction 137323  
determines that the franchisor exercises a type or degree of 137324  
control over the franchisee or the franchisee's employees that 137325  
is not customarily exercised by a franchisor for the purpose of 137326  
protecting the franchisor's trademark, brand, or both. For 137327  
purposes of this division, "franchisor" and "franchisee" have 137328  
the same meanings as in 16 C.F.R. 436.1. 137329

(II) "Modified adjusted gross income" means Ohio adjusted 137330  
gross income plus any amount deducted under divisions (A) (28) 137331  
and (34) of this section for the taxable year. 137332

(JJ) "Qualifying Ohio educator" means an individual who, 137333  
for a taxable year, qualifies as an eligible educator, as that 137334  
term is defined in section 62 of the Internal Revenue Code, and 137335  
who holds a certificate, license, or permit described in Chapter 137336  
3319. or section 3301.071 of the Revised Code. 137337

(KK) "Professional employer organization," "professional 137338  
employer organization agreement," and "professional employer 137339  
organization reporting entity" have the same meanings as in 137340

section 4125.01 of the Revised Code. 137341

(LL) "Alternate employer organization" and "alternate 137342  
employer organization agreement" have the same meanings as in 137343  
section 4133.01 of the Revised Code. 137344

**Sec. 5747.02.** (A) For the purpose of providing revenue for 137345  
the support of schools and local government functions, to 137346  
provide relief to property taxpayers, to provide revenue for the 137347  
general revenue fund, and to meet the expenses of administering 137348  
the tax levied by this chapter, there is hereby levied on every 137349  
individual, trust, and estate residing in or earning or 137350  
receiving income in this state, on every individual, trust, and 137351  
estate earning or receiving lottery winnings, prizes, or awards 137352  
pursuant to Chapter 3770. of the Revised Code, on every 137353  
individual, trust, and estate earning or receiving winnings on 137354  
casino or sports gaming, and on every individual, trust, and 137355  
estate otherwise having nexus with or in this state under the 137356  
Constitution of the United States, an annual tax measured as 137357  
prescribed in divisions (A) (1) to (4) of this section. 137358

(1) In the case of trusts, the tax imposed by this section 137359  
shall be measured by modified Ohio taxable income under division 137360  
~~(D)~~ (C) of this section and levied in the same amount as the tax 137361  
is imposed on estates as prescribed in division (A) (2) of this 137362  
section. 137363

(2) In the case of estates, the tax imposed by this 137364  
section shall be measured by Ohio taxable income. ~~The~~ If the 137365  
estate has not more than twenty-six thousand fifty dollars of 137366  
such income, the tax shall be levied on such income at the rate 137367  
of 1.38462% for the first twenty-six thousand fifty dollars of 137368  
such income and, for taxable years beginning in 2024, 1.31287% 137369  
for taxable years beginning in 2025, and 1.27448% for taxable 137370



years beginning in 2026 and thereafter. If the estate has income 137371  
in excess of that amount, the tax shall be levied at the same 137372  
rates prescribed in division (A) (3) of this section for 137373  
individuals. 137374

(3) In the case of individuals, the tax imposed by this 137375  
section on income other than taxable business income shall be 137376  
measured by Ohio adjusted gross income, less taxable business 137377  
income and less an exemption for the taxpayer, the taxpayer's 137378  
spouse, and each dependent as provided in section 5747.025 of 137379  
the Revised Code. If the balance thus obtained is equal to or 137380  
less than twenty-six thousand fifty dollars, no tax shall be 137381  
imposed on that balance. If the balance thus obtained is greater 137382  
than twenty-six thousand fifty dollars, the tax is hereby levied 137383  
as follows: 137384

(a) ~~For taxable years beginning in 2023:—~~ 137385  
137386

1

2

A ~~OHIO ADJUSTED GROSS INCOME LESS TAX~~  
~~TAXABLE BUSINESS INCOME AND EXEMPTIONS~~  
~~(INDIVIDUALS) OR MODIFIED OHIO TAXABLE~~  
~~INCOME (TRUSTS) OR OHIO TAXABLE INCOME~~  
~~(ESTATES)—~~

B ~~More than \$26,050 but not more than \$360.69 plus 2.75% of the~~  
~~\$100,000— amount in excess of \$26,050—~~

C ~~More than \$100,000 but not more than \$2,394.32 plus 3.688% of the~~  
~~\$115,300 amount in excess of \$100,000—~~

D ~~More than \$115,300 \$2,958.58 plus 3.75% of the~~

~~amount in excess of \$115,300~~

~~(b) For taxable years beginning in 2024 and thereafter:~~ 137387

137388

137389

1

2

A OHIO ADJUSTED GROSS INCOME LESS TAXABLE TAX  
BUSINESS INCOME AND EXEMPTIONS  
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE  
INCOME (TRUSTS) OR OHIO TAXABLE INCOME  
(ESTATES)

B More than \$26,050 but not more than \$360.69 plus 2.75% of the  
\$100,000 amount in excess of  
\$26,050

C More than \$100,000 \$2,394.32 plus 3.5% of  
the amount in excess of  
\$100,000

(b) For taxable years beginning in 2025: 137390

137391

1

2

A OHIO ADJUSTED GROSS INCOME LESS TAXABLE TAX  
BUSINESS INCOME AND EXEMPTIONS  
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE  
INCOME (TRUSTS) OR OHIO TAXABLE INCOME  
(ESTATES)

B More than \$26,050 but not more than \$342.00 plus 2.75% of the

	<u>\$100,000</u>	<u>amount in excess of</u> <u>\$26,050</u>	
C	<u>More than \$100,000</u>	<u>\$2,394.32 plus 3.125% of</u> <u>the amount in excess of</u> <u>\$100,000</u>	
	<u>(c) For taxable years beginning in 2026 and thereafter,</u>		137392
	<u>\$332.00 plus 2.75% of the amount in excess of \$26,050.</u>		137393
	(4) (a) In the case of individuals, the tax imposed by this		137394
	section on taxable business income shall equal three per cent of		137395
	the result obtained by subtracting any amount allowed under		137396
	division (A) (4) (b) of this section from the individual's taxable		137397
	business income.		137398
	(b) If the exemptions allowed to an individual under		137399
	division (A) (3) of this section exceed the taxpayer's Ohio		137400
	adjusted gross income less taxable business income, the excess		137401
	shall be deducted from taxable business income before computing		137402
	the tax under division (A) (4) (a) of this section.		137403
	(5) Except as otherwise provided in this division, in		137404
	August of each year, the tax commissioner shall make a new		137405
	adjustment to the income amounts prescribed in divisions (A) (2)		137406
	and (3) of this section by multiplying the percentage increase		137407
	in the gross domestic product deflator computed that year under		137408
	section 5747.025 of the Revised Code by each of the income		137409
	amounts resulting from the adjustment under this division in the		137410
	preceding year, adding the resulting product to the		137411
	corresponding income amount resulting from the adjustment in the		137412
	preceding year, and rounding the resulting sum to the nearest		137413
	multiple of fifty dollars. The tax commissioner also shall		137414

recompute each of the tax dollar amounts to the extent necessary 137415  
to reflect the new adjustment of the income amounts. To 137416  
recompute the tax dollar amount corresponding to the lowest tax 137417  
rate in division (A) (3) of this section, the commissioner shall 137418  
multiply the tax rate prescribed in division (A) (2) of this 137419  
section by the income amount specified in that division and as 137420  
adjusted according to this paragraph. The rates of taxation 137421  
shall not be adjusted. 137422

The adjusted amounts apply to taxable years beginning in 137423  
the calendar year in which the adjustments are made and to 137424  
taxable years beginning in each ensuing calendar year until a 137425  
calendar year in which a new adjustment is made pursuant to this 137426  
division. The tax commissioner shall not make a new adjustment 137427  
in any year in which the amount resulting from the adjustment 137428  
would be less than the amount resulting from the adjustment in 137429  
the preceding year. 137430

~~(B) If the director of budget and management makes a 137431~~  
~~certification to the tax commissioner under division (B) of 137432~~  
~~section 131.44 of the Revised Code, the amount of tax as 137433~~  
~~determined under divisions (A) (1) to (3) of this section shall 137434~~  
~~be reduced by the percentage prescribed in that certification 137435~~  
~~for taxable years beginning in the calendar year in which that 137436~~  
~~certification is made. 137437~~

~~(C) (1)~~ (B) (1) The tax imposed by this section on a trust 137438  
shall be computed by multiplying the Ohio modified taxable 137439  
income of the trust by the rates prescribed by division (A) of 137440  
this section. 137441

(2) A resident trust may claim a credit against the tax 137442  
computed under division ~~(C)~~ (B) of this section equal to the 137443  
lesser of (a) the tax paid to another state or the District of 137444

Columbia on the resident trust's modified nonbusiness income, 137445  
other than the portion of the resident trust's nonbusiness 137446  
income that is qualifying investment income as defined in 137447  
section 5747.012 of the Revised Code, or (b) the effective tax 137448  
rate, based on modified Ohio taxable income, multiplied by the 137449  
resident trust's modified nonbusiness income other than the 137450  
portion of the resident trust's nonbusiness income that is 137451  
qualifying investment income. The credit applies before any 137452  
other applicable credits. 137453

(3) Any credit authorized against the tax imposed by this 137454  
section applies to a trust subject to division ~~(C)~~(B) of this 137455  
section only if the trust otherwise qualifies for the credit. To 137456  
the extent that the trust distributes income for the taxable 137457  
year for which a credit is available to the trust, the credit 137458  
shall be shared by the trust and its beneficiaries. The tax 137459  
commissioner and the trust shall be guided by applicable 137460  
regulations of the United States treasury regarding the sharing 137461  
of credits. 137462

~~(D)~~(C) For the purposes of this section, "trust" means any 137463  
trust described in Subchapter J of Chapter 1 of the Internal 137464  
Revenue Code, excluding trusts that are not irrevocable as 137465  
defined in division (I) (3) (b) of section 5747.01 of the Revised 137466  
Code and that have no modified Ohio taxable income for the 137467  
taxable year, charitable remainder trusts, qualified funeral 137468  
trusts and preneed funeral contract trusts established pursuant 137469  
to sections 4717.31 to 4717.38 of the Revised Code that are not 137470  
qualified funeral trusts, endowment and perpetual care trusts, 137471  
qualified settlement trusts and funds, designated settlement 137472  
trusts and funds, and trusts exempted from taxation under 137473  
section 501(a) of the Internal Revenue Code. 137474

~~(E)~~ (D) Nothing in division (A) (3) of this section shall 137475  
prohibit an individual with an Ohio adjusted gross income, less 137476  
taxable business income and exemptions, of twenty-six thousand 137477  
fifty dollars or less from filing a return under this chapter to 137478  
receive a refund of taxes withheld or to claim any refundable 137479  
credit allowed under this chapter. 137480

**Sec. 5747.021.** In addition to the tax levied under section 137481  
5747.02 of the Revised Code, the tax commissioner shall charge 137482  
the tax imposed on the school district income of an individual 137483  
~~or estate~~ by a school district under Chapter 5748. of the 137484  
Revised Code by multiplying the rate certified to be charged 137485  
under such chapter by the taxpayer's school district income with 137486  
respect to that district. 137487

**Sec. 5747.025.** (A) The personal exemption for the 137488  
taxpayer, the taxpayer's spouse, and each dependent shall be one 137489  
of the following amounts, provided the taxpayer's modified 137490  
adjusted gross income is less than seven hundred fifty thousand 137491  
dollars for taxable years beginning in 2025 or five hundred 137492  
thousand dollars for taxable years beginning in 2026 or 137493  
thereafter: 137494

(1) Two thousand three hundred fifty dollars if the 137495  
taxpayer's modified adjusted gross income for the taxable year 137496  
as shown on an individual or joint annual return is less than or 137497  
equal to forty thousand dollars; 137498

(2) Two thousand one hundred dollars if the taxpayer's 137499  
modified adjusted gross income for the taxable year as shown on 137500  
an individual or joint annual return is greater than forty 137501  
thousand dollars but less than or equal to eighty thousand 137502  
dollars; 137503

(3) One thousand eight hundred fifty dollars if the 137504  
taxpayer's modified adjusted gross income for the taxable year 137505  
as shown on an individual or joint annual return is greater than 137506  
eighty thousand dollars. 137507

(B) For taxable years beginning in 2020 and thereafter, 137508  
the personal exemption amounts prescribed in division (A) of 137509  
this section shall be adjusted each year in the manner 137510  
prescribed in division (C) of this section. In the case of an 137511  
individual with respect to whom an exemption under section 137512  
5747.02 of the Revised Code is allowable to another taxpayer for 137513  
a taxable year beginning in the calendar year in which the 137514  
individual's taxable year begins, the exemption amount 137515  
applicable to such individual for such individual's taxable year 137516  
shall be zero. 137517

(C) Except as otherwise provided in this division, in 137518  
August of each year, the tax commissioner shall determine the 137519  
percentage increase in the gross domestic product deflator 137520  
determined by the bureau of economic analysis of the United 137521  
States department of commerce from the first day of January of 137522  
the preceding calendar year to the last day of December of the 137523  
preceding year, and make a new adjustment to the personal 137524  
exemption amount for taxable years beginning in the current 137525  
calendar year by multiplying that amount by the percentage 137526  
increase in the gross domestic product deflator for that period; 137527  
adding the resulting product to the personal exemption amount 137528  
for taxable years beginning in the preceding calendar year; and 137529  
rounding the resulting sum upward to the nearest multiple of 137530  
fifty dollars. The adjusted amount applies to taxable years 137531  
beginning in the calendar year in which the adjustment is made 137532  
and to taxable years beginning in each ensuing calendar year 137533  
until a calendar year in which a new adjustment is made pursuant 137534

to this division. The commissioner shall not make a new 137535  
adjustment in any calendar year in which the amount resulting 137536  
from the adjustment would be less than the amount resulting from 137537  
the adjustment in the preceding calendar year. 137538

**Sec. 5747.05.** As used in this section, "income tax" 137539  
includes both a tax on net income and a tax measured by net 137540  
income. 137541

The following credits shall be allowed against the 137542  
aggregate income tax liability imposed by section 5747.02 of the 137543  
Revised Code on individuals and estates: 137544

(A) (1) The amount of tax otherwise due under section 137545  
5747.02 of the Revised Code on such portion of the combined 137546  
adjusted gross income and taxable business income of any 137547  
nonresident taxpayer that is not allocable or apportionable to 137548  
this state pursuant to sections 5747.20 to 5747.23 of the 137549  
Revised Code. The credit provided under this division shall not 137550  
exceed the total tax due under section 5747.02 of the Revised 137551  
Code. 137552

(2) The tax commissioner may enter into an agreement with 137553  
the taxing authorities of any state or of the District of 137554  
Columbia that imposes an income tax to provide that compensation 137555  
paid in this state to a nonresident taxpayer shall not be 137556  
subject to the tax levied in section 5747.02 of the Revised Code 137557  
so long as compensation paid in such other state or in the 137558  
District of Columbia to a resident taxpayer shall likewise not 137559  
be subject to the income tax of such other state or of the 137560  
District of Columbia. 137561

(B) The lesser of division (B) (1) or (2) of this section: 137562

(1) The aggregate amount of tax otherwise due under 137563



section 5747.02 of the Revised Code on such portion of the 137564  
combined adjusted gross income and taxable business income of a 137565  
resident taxpayer that in another state or in the District of 137566  
Columbia is subjected to an income tax. The credit provided 137567  
under division (B) (1) of this section shall not exceed the total 137568  
tax due under section 5747.02 of the Revised Code. 137569

(2) The amount of income tax liability to another state or 137570  
the District of Columbia on the portion of the combined adjusted 137571  
gross income and taxable business income of a resident taxpayer 137572  
that in another state or in the District of Columbia is 137573  
subjected to an income tax. The credit provided under division 137574  
(B) (2) of this section shall not exceed the total amount of tax 137575  
otherwise due under section 5747.02 of the Revised Code. 137576

(3) For the purpose of divisions (B) (1) and (2) of this 137577  
section, a resident taxpayer's combined adjusted gross income 137578  
and taxable business income that is subject to an income tax 137579  
levied in another state or in the District of Columbia includes 137580  
income that is subject to either (a) a tax similar to the tax 137581  
imposed by division (D) (1) (a) of section 5747.08 of the Revised 137582  
Code or (b) a tax enacted for purposes of complying with 137583  
internal revenue service notice 2020-75. In computing a resident 137584  
taxpayer's income tax paid or accrued to another state or the 137585  
District of Columbia, the deduction authorized by division (A) 137586  
(28) of section 5747.01 of the Revised Code shall first be 137587  
deducted against business income apportioned to this state. 137588

(4) If the credit provided under division (B) of this 137589  
section is affected by a change in either the portion of the 137590  
combined adjusted gross income and taxable business income of a 137591  
resident taxpayer subjected to an income tax in another state or 137592  
the District of Columbia or the amount of income tax liability 137593

that has been paid to another state or the District of Columbia, 137594  
the taxpayer shall report the change to the tax commissioner 137595  
within ninety days of the change in such form as the 137596  
commissioner requires. 137597

(a) In the case of an underpayment, the report shall be 137598  
accompanied by payment of any additional tax due as a result of 137599  
the reduction in credit together with interest on the additional 137600  
tax and is a return subject to assessment under section 5747.13 137601  
of the Revised Code solely for the purpose of assessing any 137602  
additional tax due under this division, together with any 137603  
applicable penalty and interest. It shall not reopen the 137604  
computation of the taxpayer's tax liability under this chapter 137605  
from a previously filed return no longer subject to assessment 137606  
except to the extent that such liability is affected by an 137607  
adjustment to the credit allowed by division (B) of this 137608  
section. 137609

(b) In the case of an overpayment, an application for 137610  
refund may be filed under this division within the ninety-day 137611  
period prescribed for filing the report even if it is beyond the 137612  
period prescribed in section 5747.11 of the Revised Code if it 137613  
otherwise conforms to the requirements of such section. An 137614  
application filed under this division shall only claim refund of 137615  
overpayments resulting from an adjustment to the credit allowed 137616  
by division (B) of this section unless it is also filed within 137617  
the time prescribed in section 5747.11 of the Revised Code. It 137618  
shall not reopen the computation of the taxpayer's tax liability 137619  
except to the extent that such liability is affected by an 137620  
adjustment to the credit allowed by division (B) of this 137621  
section. 137622

(5) No credit shall be allowed under division (B) of this 137623

section: 137624

(a) For income tax paid or accrued to another state or to 137625  
the District of Columbia if the taxpayer, when computing federal 137626  
adjusted gross income, has directly or indirectly deducted, or 137627  
was required to directly or indirectly deduct, the amount of 137628  
that income tax; 137629

Division (B) (5) (a) of this section does not apply to 137630  
income taxes included in the computation of Ohio adjusted gross 137631  
income under division (A) (41) of section 5747.01 of the Revised 137632  
Code and not deducted from Ohio adjusted gross income under 137633  
division (A) (28) of that section or to income taxes included in 137634  
Ohio taxable income under division (S) (16) of section 5747.01 of 137635  
the Revised Code. 137636

(b) For compensation that is not subject to the income tax 137637  
of another state or the District of Columbia as the result of an 137638  
agreement entered into by the tax commissioner under division 137639  
(A) (3) of this section; or 137640

(c) For income tax paid or accrued to another state or the 137641  
District of Columbia if the taxpayer fails to furnish such proof 137642  
as the tax commissioner shall require that such income tax 137643  
liability has been paid. 137644

(C) An individual who is a resident for part of a taxable 137645  
year and a nonresident for the remainder of the taxable year is 137646  
allowed the credits under divisions (A) and (B) of this section 137647  
in accordance with rules prescribed by the tax commissioner. In 137648  
no event shall the same income be subject to both credits. 137649

(D) The credit allowed under division (A) of this section 137650  
shall be calculated based upon the amount of tax due under 137651  
section 5747.02 of the Revised Code after subtracting any other 137652

credits that precede the credit under that division in the order 137653  
required under section 5747.98 of the Revised Code. The credit 137654  
allowed under division (B) of this section shall be calculated 137655  
based upon the amount of tax due under section 5747.02 of the 137656  
Revised Code after subtracting any other credits that precede 137657  
the credit under that division in the order required under 137658  
section 5747.98 of the Revised Code. 137659

(E) (1) On a joint return filed by a husband and wife, each 137660  
of whom had adjusted gross income of at least five hundred 137661  
dollars, exclusive of interest, dividends and distributions, 137662  
royalties, rent, and capital gains, a credit equal to the lesser 137663  
of six hundred fifty dollars or the percentage shown in column B 137664  
that corresponds with the taxpayer's modified adjusted gross 137665  
income, less exemptions for the taxable year, of the total 137666  
amount of tax due after allowing for any other credit that 137667  
precedes this credit as required under section 5747.98 of the 137668  
Revised Code, subject to division (E) (2) of this section: 137669  
137670

	1	2
A	A.	B.
B	IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
C	\$25,000 or less	20%
D	More than \$25,000 but not more than \$50,000	15%
E	More than \$50,000 but not more than	10%

\$75,000

F More than \$75,000 5%

(2) The credit shall be claimed in the order required 137671  
under section 5747.98 of the Revised Code.—No taxpayer shall 137672  
claim this credit unless the taxpayer's modified adjusted gross 137673  
income is less than seven hundred fifty thousand dollars for 137674  
taxable years beginning in 2025 or less than five hundred 137675  
thousand dollars for taxable years beginning in 2026 or 137676  
thereafter. 137677

(F) No claim for credit under this section shall be 137678  
allowed unless the claimant furnishes such supporting 137679  
information as the tax commissioner prescribes by rules. 137680

**Sec. 5747.062.** As used in this section, ~~"transferee"~~: 137681

"Transferee" has the same meaning as in section 3770.10 of 137682  
the Revised Code, ~~and "recipient"~~. 137683

"Recipient" includes a transferee. 137684

"Lottery prize award" does not include a prize award from 137685  
a video lottery terminal and does not include winnings from 137686  
lottery sports gaming, except that "lottery prize award" 137687  
includes winnings from lottery sports gaming wagers placed 137688  
through a terminal described in division (B)(3) of section 137689  
3770.24 of the Revised Code. 137690

(A) (1) Before making any other deduction required by 137691  
Chapter 3770. of the Revised Code, the state lottery commission 137692  
shall deduct and withhold an amount equal to ~~four~~ three and one- 137693  
eighth per cent for calendar year 2025, after the effective date 137694  
of this amendment, and three per cent for calendar year 2026 and 137695

thereafter of the payment from each lottery prize award payment 137696  
that is of an amount for which reporting to the internal revenue 137697  
service of the amount is required by section 6041 of the 137698  
Internal Revenue Code, as amended. 137699

(2) On or before the tenth day of each month, the state 137700  
lottery commission, and each transferee required to deduct and 137701  
withhold amounts pursuant to section 3770.072 of the Revised 137702  
Code, shall file a return and remit to the tax commissioner all 137703  
amounts deducted and withheld pursuant to this section during 137704  
the preceding month. 137705

(3) On or before the thirty-first day of January of each 137706  
year, the state lottery commission, and each transferee required 137707  
to deduct and withhold amounts pursuant to section 3770.072 of 137708  
the Revised Code, shall file with the commissioner an annual 137709  
return, in the form prescribed by the tax commissioner, 137710  
indicating the total amount deducted and withheld pursuant to 137711  
this section or section 3770.072 of the Revised Code during the 137712  
preceding calendar year. At the time of filing that return, the 137713  
state lottery commission or transferee shall remit any amount 137714  
deducted and withheld during the preceding calendar year that 137715  
was not previously remitted. 137716

(4) The state lottery commission, and each transferee 137717  
required to deduct and withhold amounts pursuant to section 137718  
3770.072 of the Revised Code, shall issue to each person with 137719  
respect to whom tax has been deducted and withheld by the 137720  
commission or transferee pursuant to this section or section 137721  
3770.072 of the Revised Code during the preceding calendar year, 137722  
an information return in the form prescribed by the 137723  
commissioner. 137724

(B) (1) Division (B) (1) of this section does not apply to 137725

persons classified for federal income tax purposes as 137726  
associations taxable as corporations. 137727

Amounts withheld pursuant to this section or section 137728  
3770.072 of the Revised Code shall be allowed as a credit 137729  
against payment of the tax imposed pursuant to section 5747.02 137730  
of the Revised Code upon the lottery prize award recipient, upon 137731  
a beneficiary of such a recipient, or upon any investor in such 137732  
a recipient if the recipient is a pass-through entity or 137733  
disregarded entity, and shall be treated as taxes paid by the 137734  
recipient, beneficiary, or investor for purposes of section 137735  
5747.09 of the Revised Code. The credit is available to the 137736  
recipient, beneficiary, or investor even if the commission or 137737  
transferee does not remit to the tax commissioner the amount 137738  
withheld. 137739

(2) Division (B) (2) of this section applies only to 137740  
persons classified for federal income tax purposes as 137741  
associations taxable as corporations. 137742

Amounts withheld pursuant to this section or section 137743  
3770.072 of the Revised Code shall be treated as a credit 137744  
against the tax imposed pursuant to section 5733.06 of the 137745  
Revised Code for the tax year immediately following the date on 137746  
which those amounts are deducted and withheld, upon the lottery 137747  
prize award recipient, upon a beneficiary of such a recipient, 137748  
or upon an investor in such a recipient if the recipient is a 137749  
pass-through entity or disregarded entity, and shall be treated 137750  
as paid by the recipient, beneficiary, or investor on the date 137751  
on which those amounts are deducted and withheld. The credit is 137752  
a refundable credit and shall be claimed in the order required 137753  
under section 5733.98 of the Revised Code. The credit is 137754  
available to the recipient, beneficiary, or investor even if the 137755

commission or transferee does not remit to the tax commissioner 137756  
the amount withheld. 137757

(3) Nothing in division (B) (1) or (2) of this section 137758  
shall be construed to allow more than one person to claim the 137759  
credit for any portion of each amount deducted and withheld. 137760

(C) Failure of the commission or any transferee to deduct 137761  
and withhold the required amounts from lottery prize awards or 137762  
to remit amounts withheld as required by this section and 137763  
section 3770.072 of the Revised Code shall not relieve a 137764  
taxpayer described in division (B) of this section from 137765  
liability for the tax imposed by section 5733.06 or 5747.02 of 137766  
the Revised Code. 137767

**Sec. 5747.063.** The requirements imposed under this section 137768  
are in addition to the municipal income tax withholding 137769  
requirements under section 718.031 of the Revised Code. As used 137770  
in this section, "sports gaming proprietor" and "sports gaming 137771  
facility" have the same meanings as in section 3775.01 of the 137772  
Revised Code. 137773

(A) (1) If Subject to division (F) of this section, if a 137774  
person's winnings from casino gaming or from sports gaming are 137775  
an amount for which reporting to the internal revenue service of 137776  
the amount is required by section 6041 of the Internal Revenue 137777  
Code, as amended, a casino operator or sports gaming proprietor 137778  
shall deduct and withhold Ohio income tax from the person's 137779  
winnings at a rate of four-three and one-eighth per cent for 137780  
calendar year 2025, after the effective date of this amendment, 137781  
and three per cent for calendar year 2026 and thereafter of the 137782  
amount won. A person's amount of winnings from casino gaming 137783  
shall be determined each time the person exchanges amounts won 137784  
in tokens, chips, casino credit, or other prepaid 137785



representations of value for cash or a cash equivalent. The 137786  
casino operator or sports gaming proprietor shall issue, to a 137787  
person from whose winnings an amount has been deducted and 137788  
withheld, a receipt for the amount deducted and withheld, and 137789  
also shall obtain from the person additional information that 137790  
will be necessary for the casino operator or sports gaming 137791  
proprietor to prepare the returns required by this section. 137792

(2) If a person's winnings from casino gaming or sports 137793  
gaming require reporting to the internal revenue service under 137794  
division (A) (1) of this section, the casino operator or sports 137795  
gaming proprietor also shall require the person to state in 137796  
writing, under penalty of falsification, whether the person is 137797  
in default under a support order. 137798

(B) Amounts deducted and withheld by a casino operator or 137799  
sports gaming proprietor are held in trust for the benefit of 137800  
the state. 137801

(1) On or before the tenth day of each month, the casino 137802  
operator or sports gaming proprietor shall file a return 137803  
electronically with the tax commissioner identifying the persons 137804  
from whose winnings amounts were deducted and withheld, the 137805  
amount of each such deduction and withholding during the 137806  
preceding calendar month, the amount of the winnings from which 137807  
each such amount was withheld, the type of casino gaming or 137808  
sports gaming that resulted in such winnings, and any other 137809  
information required by the tax commissioner. With the return, 137810  
the casino operator or sports gaming proprietor shall remit 137811  
electronically to the commissioner all the amounts deducted and 137812  
withheld during the preceding month. 137813

(2) (a) A casino operator or sports gaming proprietor shall 137814  
maintain a record of each written statement provided under 137815

division (A) (2) of this section in which a person admits to 137816  
being in default under a support order. The casino operator or 137817  
sports gaming proprietor shall make these records available to 137818  
the director of job and family services upon request. 137819

(b) A casino operator or sports gaming proprietor shall 137820  
maintain copies of receipts issued under division (A) (1) of this 137821  
section and of written statements provided under division (A) (2) 137822  
of this section and shall make these copies available to the tax 137823  
commissioner upon request. 137824

(c) A casino operator or sports gaming proprietor shall 137825  
maintain the information described in divisions (B) (2) (a) and 137826  
(b) of this section in accordance with section 5747.17 of the 137827  
Revised Code and any rules adopted pursuant thereto. 137828

(3) Annually, on or before the thirty-first day of 137829  
January, a casino operator or sports gaming proprietor shall 137830  
file an annual return electronically with the tax commissioner 137831  
indicating the total amount deducted and withheld during the 137832  
preceding calendar year. The casino operator or sports gaming 137833  
proprietor shall remit electronically with the annual return any 137834  
amount that was deducted and withheld and that was not 137835  
previously remitted. If the identity of a person and the amount 137836  
deducted and withheld with respect to that person were omitted 137837  
on a monthly return, that information shall be indicated on the 137838  
annual return. 137839

(4) (a) A casino operator or sports gaming proprietor who 137840  
fails to file a return and remit the amounts deducted and 137841  
withheld is personally liable for the amount deducted and 137842  
withheld and not remitted. The commissioner may impose a penalty 137843  
up to one thousand dollars if a return is filed late, if amounts 137844  
deducted and withheld are remitted late, if a return is not 137845

filed, or if amounts deducted and withheld are not remitted. 137846  
Interest accrues on past due amounts deducted and withheld at 137847  
the rate prescribed in section 5703.47 of the Revised Code. The 137848  
commissioner may collect past due amounts deducted and withheld 137849  
and penalties and interest thereon by assessment under section 137850  
5747.13 of the Revised Code as if they were income taxes 137851  
collected by an employer. 137852

(b) If a casino operator or sports gaming proprietor sells 137853  
the casino facility or sports gaming facility, or otherwise 137854  
quits the casino or sports gaming business, the amounts deducted 137855  
and withheld and any penalties and interest thereon are 137856  
immediately due and payable. The successor shall withhold an 137857  
amount of the purchase money that is sufficient to cover the 137858  
amounts deducted and withheld and penalties and interest thereon 137859  
until the predecessor casino operator or sports gaming 137860  
proprietor produces either a receipt from the commissioner 137861  
showing that the amounts deducted and withheld and penalties and 137862  
interest thereon have been paid or a certificate from the 137863  
commissioner indicating that no amounts deducted and withheld or 137864  
penalties and interest thereon are due. If the successor fails 137865  
to withhold purchase money, the successor is personally liable 137866  
for payment of the amounts deducted and withheld and penalties 137867  
and interest thereon, up to the amount of the purchase money. 137868

~~(C)(1)~~ (C) Annually, on or before the thirty-first day of 137869  
January, a casino operator or sports gaming proprietor shall 137870  
issue an information return to each person with respect to whom 137871  
an amount has been deducted and withheld during the preceding 137872  
calendar year. The information return shall show the total 137873  
amount deducted from the person's winnings by the casino 137874  
operator or sports gaming proprietor during the preceding 137875  
calendar year. 137876

~~(2) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall provide to the commissioner a copy of each information return issued under division (C) (1) of this section for the preceding calendar year. The commissioner may require that the copies be transmitted electronically.~~

(D) Amounts deducted and withheld shall be allowed as a credit against payment of the tax imposed by section 5747.02 of the Revised Code and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(E) The failure of a casino operator or sports gaming proprietor to deduct and withhold the required amount from a person's winnings does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to those winnings. And compliance with this section does not relieve a casino operator or sports gaming proprietor or a person who has winnings from casino gaming or sports gaming from compliance with relevant provisions of federal tax laws.

(F) A sports gaming proprietor that offers lottery sports gaming through a terminal described in division (B) (3) of section 3770.24 of the Revised Code shall not withhold amounts under this section from winnings from wagers placed through that terminal. The state lottery commission shall withhold amounts from those winnings under section 5747.062 of the Revised Code.

(G) The commissioner shall prescribe the form of the receipt and returns required by this section. The director of job and family services shall prescribe the form of the statement required by this section.

~~(G)~~ (H) The commissioner may adopt rules that are necessary 137906  
to administer this section. 137907

**Sec. 5747.064.** The requirements imposed under this section 137908  
are in addition to the municipal income tax withholding 137909  
requirements under section 718.031 of the Revised Code. 137910

(A) As used in this section: 137911

~~(1) "Video lottery terminal", "video lottery sales agent"~~ 137912  
has the same meaning as in section ~~3770.21~~ 3770.10 of the 137913  
Revised Code. 137914

~~(2) "Lottery sports gaming" has the same meaning as in~~ 137915  
~~section 3770.23 of the Revised Code.~~ 137916

(B) If a person's prize award from a video lottery 137917  
terminal ~~or from lottery sports gaming offered in a video~~ 137918  
~~lottery terminal facility~~ is an amount for which reporting to 137919  
the internal revenue service of the amount is required by 137920  
section 6041 of the Internal Revenue Code, as amended, the video 137921  
lottery sales agent shall deduct and withhold Ohio income tax 137922  
from the person's prize award at a rate of ~~four~~ three and one- 137923  
eighth per cent for calendar year 2025, after the effective date 137924  
of this amendment, and three per cent for calendar year 2026 and 137925  
thereafter of the amount won. The video lottery sales agent 137926  
shall issue, to a person from whose prize award an amount has 137927  
been deducted or withheld, a receipt for the amount deducted and 137928  
withheld, and also shall obtain from the person additional 137929  
information that will be necessary for the video lottery sales 137930  
agent to prepare the returns required by this section. 137931

(C) Amounts deducted and withheld by a video lottery sales 137932  
agent are held in trust for the benefit of the state. 137933

(1) On or before the tenth day of each month, the video 137934

lottery sales agent shall file a return electronically with the 137935  
tax commissioner identifying the persons from whose prize awards 137936  
amounts were deducted and withheld, the amount of each such 137937  
deduction and withholding during the preceding month, the amount 137938  
of the prize award from which each such amount was withheld, and 137939  
any other information required by the commissioner. With the 137940  
return, the video lottery sales agent shall remit electronically 137941  
to the commissioner all the amounts deducted and withheld during 137942  
the preceding month. 137943

(2) A video lottery sales agent shall maintain a record of 137944  
all receipts issued under division (B) of this section and shall 137945  
make those records available to the commissioner upon request. 137946  
Such records shall be maintained in accordance with section 137947  
5747.17 of the Revised Code and any rules adopted pursuant 137948  
thereto. 137949

(3) Annually, on or before the thirty-first day of 137950  
January, a video lottery sales agent shall file an annual return 137951  
electronically with the tax commissioner indicating the total 137952  
amount deducted and withheld during the preceding calendar year. 137953  
The video lottery sales agent shall remit electronically with 137954  
the annual return any amount that was deducted and withheld and 137955  
that was not previously remitted. If the identity of a person 137956  
and the amount deducted and withheld with respect to that person 137957  
were omitted on a monthly return, that information shall be 137958  
indicated on the annual return. 137959

(4) (a) A video lottery sales agent who fails to file a 137960  
return and remit the amounts deducted and withheld is personally 137961  
liable for the amount deducted and withheld and not remitted. 137962  
The commissioner may impose a penalty of up to one thousand 137963  
dollars if a return is filed late, if amounts deducted and 137964

withheld are remitted late, if a return is not filed, or if 137965  
amounts deducted and withheld are not remitted. Interest accrues 137966  
on past due amounts deducted and withheld at the rate prescribed 137967  
in section 5703.47 of the Revised Code. The commissioner may 137968  
collect past due amounts deducted and withheld and penalties and 137969  
interest thereon by assessment under section 5747.13 of the 137970  
Revised Code as if they were income taxes collected by an 137971  
employer. 137972

(b) If a video lottery sales agent ceases to operate video 137973  
lottery terminals, the amounts deducted and withheld and any 137974  
penalties and interest thereon are immediately due and payable. 137975  
A successor of the video lottery sales agent that purchases the 137976  
video lottery terminals from the agent shall withhold an amount 137977  
of the purchase money that is sufficient to cover the amounts 137978  
deducted and withheld and penalties and interest thereon until 137979  
the predecessor video lottery sales agent produces either a 137980  
receipt from the tax commissioner showing that the amounts 137981  
deducted and withheld and penalties and interest thereon have 137982  
been paid or a certificate from the commissioner indicating that 137983  
no amounts deducted and withheld or penalties and interest 137984  
thereon are due. If the successor fails to withhold purchase 137985  
money, the successor is personally liable for payment of the 137986  
amounts deducted and withheld and penalties and interest 137987  
thereon, up to the amount of the purchase money. 137988

~~(D)~~ (1) (D) Annually, on or before the thirty-first day of 137989  
January, a video lottery sales agent shall issue an information 137990  
return to each person with respect to whom an amount has been 137991  
deducted and withheld during the preceding calendar year. The 137992  
information return shall show the total amount deducted from the 137993  
person's prize award by the video lottery sales agent during the 137994  
preceding year. 137995

~~(2) Annually, on or before the thirty-first day of January, a lottery sales agent shall provide to the tax commissioner a copy of each information return issued under division (D) (1) of this section for the preceding calendar year. The commissioner may require that such copies be transmitted electronically.~~

(E) Amounts deducted and withheld shall be allowed as a credit against payment of the tax imposed by section 5747.02 of the Revised Code and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(F) The failure of a video lottery sales agent to deduct and withhold the required amount from a person's prize award does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to that income. Compliance with this section does not relieve a video lottery sales agent or a person who has a prize award from compliance with relevant provisions of federal tax laws.

(G) The commissioner shall prescribe the form of the receipt and returns required by this section and may promulgate any rules necessary to administer the section.

**Sec. 5747.07.** (A) As used in this section:

(1) "Partial weekly withholding period" means a period during which an employer directly, indirectly, or constructively pays compensation to, or credits compensation to the benefit of, an employee, and that consists of a consecutive Saturday, Sunday, Monday, and Tuesday or a consecutive Wednesday, Thursday, and Friday. There are two partial weekly withholding periods each week, except that a partial weekly withholding



period cannot extend from one calendar year into the next 138025  
calendar year; if the first day of January falls on a day other 138026  
than Saturday or Wednesday, the partial weekly withholding 138027  
period ends on the thirty-first day of December and there are 138028  
three partial weekly withholding periods during that week. 138029

(2) "Undeposited taxes" means the taxes an employer is 138030  
required to deduct and withhold from an employee's compensation 138031  
pursuant to section 5747.06 of the Revised Code that have not 138032  
been remitted to the tax commissioner pursuant to this section 138033  
or section 5747.072 of the Revised Code. 138034

(3) A "week" begins on Saturday and concludes at the end 138035  
of the following Friday. 138036

~~(4) "Professional employer organization," "professional~~ 138037  
~~employer organization agreement," and "professional employer~~ 138038  
~~organization reporting entity" have the same meanings as in~~ 138039  
~~section 4125.01 of the Revised Code.~~ 138040

~~(5) "Alternate employer organization" and "alternate~~ 138041  
~~employer organization agreement" have the same meanings as in~~ 138042  
~~section 4133.01 of the Revised Code.~~ 138043

~~(6) "Client employer" has the same meaning as in section~~ 138044  
4125.01 of the Revised Code in the context of a professional 138045  
employer organization or a professional employer organization 138046  
reporting entity, or the same meaning as in section 4133.01 of 138047  
the Revised Code in the context of an alternate employer 138048  
organization. 138049

(B) Except as provided in divisions (C) and (D) of this 138050  
section and in division (A) of section 5747.072 of the Revised 138051  
Code, every employer required to deduct and withhold any amount 138052  
under section 5747.06 of the Revised Code shall file a return 138053

and shall pay the amount required by law as follows: 138054

(1) An employer who accumulates or is required to 138055  
accumulate undeposited taxes of one hundred thousand dollars or 138056  
more during a partial weekly withholding period shall make the 138057  
payment of the undeposited taxes by the close of the first 138058  
banking day after the day on which the accumulation reaches one 138059  
hundred thousand dollars. If required under division (I) of this 138060  
section, the payment shall be made electronically under section 138061  
5747.072 of the Revised Code. 138062

(2) Except as required by division (B)(1) of this section, 138063  
an employer whose actual or required payments under this section 138064  
were at least eighty-four thousand dollars during the twelve- 138065  
month period ending on the thirtieth day of June of the 138066  
preceding calendar year shall make the payment of undeposited 138067  
taxes within three banking days after the close of a partial 138068  
weekly withholding period during which the employer was required 138069  
to deduct and withhold any amount under this chapter. If 138070  
required under division (I) of this section, the payment shall 138071  
be made electronically under section 5747.072 of the Revised 138072  
Code. 138073

(3) Except as required by divisions (B)(1) and (2) of this 138074  
section, if an employer's actual or required payments were more 138075  
than two thousand dollars during the twelve-month period ending 138076  
on the thirtieth day of June of the preceding calendar year, the 138077  
employer shall make the payment of undeposited taxes for each 138078  
month during which they were required to be withheld no later 138079  
than fifteen days following the last day of that month. The 138080  
employer shall file the return prescribed by the tax 138081  
commissioner with the payment. 138082

(4) Except as required by divisions (B)(1), (2), and (3) 138083

of this section, an employer shall make the payment of 138084  
undeposited taxes for each calendar quarter during which they 138085  
were required to be withheld no later than the last day of the 138086  
month following the last day of March, June, September, and 138087  
December each year. The employer shall file the return 138088  
prescribed by the tax commissioner with the payment. 138089

(C) The return and payment schedules prescribed by 138090  
divisions (B) (1) and (2) of this section do not apply to the 138091  
return and payment of undeposited school district income taxes 138092  
arising from taxes levied pursuant to Chapter 5748. of the 138093  
Revised Code. Undeposited school district income taxes shall be 138094  
returned and paid pursuant to divisions (B) (3) and (4) of this 138095  
section, as applicable. 138096

(D) (1) The requirements of division (B) of this section 138097  
are met if the amount paid is not less than ninety-five per cent 138098  
of the actual tax withheld or required to be withheld for the 138099  
prior quarterly, monthly, or partial weekly withholding period, 138100  
and the underpayment is not due to willful neglect. Any 138101  
underpayment of withheld tax shall be paid within thirty days of 138102  
the date on which the withheld tax was due without regard to 138103  
division (D) (1) of this section. An employer described in 138104  
division (B) (1) or (2) of this section shall make the payment 138105  
electronically under section 5747.072 of the Revised Code. 138106

(2) If the tax commissioner believes that quarterly or 138107  
monthly payments would result in a delay that might jeopardize 138108  
the remittance of withholding payments, the commissioner may 138109  
order that the payments be made weekly, or more frequently if 138110  
necessary, and the payments shall be made no later than three 138111  
banking days following the close of the period for which the 138112  
jeopardy order is made. An order requiring weekly or more 138113

frequent payments shall be delivered to the employer in the 138114  
manner provided in section 5703.37 of the Revised Code and 138115  
remains in effect until the commissioner notifies the employer 138116  
to the contrary. 138117

(3) If compelling circumstances exist concerning the 138118  
remittance of undeposited taxes, the commissioner may order the 138119  
employer to make payments under any of the payment schedules 138120  
under division (B) of this section. The order shall be delivered 138121  
to the employer in the manner provided in section 5703.37 of the 138122  
Revised Code and shall remain in effect until the commissioner 138123  
notifies the employer to the contrary. For purposes of division 138124  
(D) (3) of this section, "compelling circumstances" exist if 138125  
either or both of the following are true: 138126

(a) Based upon annualization of payments made or required 138127  
to be made during the preceding calendar year and during the 138128  
current calendar year, the employer would be required for the 138129  
next calendar year to make payments under division (B) (2) of 138130  
this section. 138131

(b) Based upon annualization of payments made or required 138132  
to be made during the current calendar year, the employer would 138133  
be required for the next calendar year to make payments under 138134  
division (B) (2) of this section. 138135

(E) (1) In addition to other returns required to be filed 138136  
and payments required to be made under this section, every 138137  
employer required to deduct and withhold taxes shall file, not 138138  
later than the thirty-first day of January of each year, an 138139  
annual return covering, but not limited to, both the aggregate 138140  
amount deducted and withheld and the aggregate amount required 138141  
to be deducted and withheld during the entire preceding year for 138142  
the tax imposed under section 5747.02 of the Revised Code and 138143

for each tax imposed under Chapter 5748. of the Revised Code. At 138144  
the time of filing that return, the employer shall pay over any 138145  
amounts of undeposited taxes for the preceding year, whether 138146  
actually deducted and withheld or required to be deducted and 138147  
withheld, that have not been previously paid. The employer shall 138148  
make the annual report, to each employee and to the tax 138149  
commissioner, of the compensation paid and each tax withheld, as 138150  
the commissioner by rule may prescribe. 138151

(2) Each employer required to deduct and withhold any tax 138152  
is liable for the payment of that amount required to be deducted 138153  
and withheld, whether or not the tax has in fact been withheld, 138154  
unless the failure to withhold was based upon the employer's 138155  
good faith in reliance upon the statement of the employee as to 138156  
liability, and the amount shall be deemed to be a special fund 138157  
in trust for the general revenue fund. 138158

(F) Each employer shall file with the employer's annual 138159  
return the following items of information on employees for whom 138160  
withholding is required under section 5747.06 of the Revised 138161  
Code: 138162

(1) The full name of each employee, the employee's 138163  
address, the employee's school district of residence, and in the 138164  
case of a nonresident employee, the employee's principal county 138165  
of employment; 138166

(2) The social security number of each employee; 138167

(3) The total amount of compensation paid before any 138168  
deductions to each employee for the period for which the annual 138169  
return is made; 138170

(4) The amount of the tax imposed by section 5747.02 of 138171  
the Revised Code and the amount of each tax imposed under 138172

Chapter 5748. of the Revised Code withheld from the compensation 138173  
of the employee for the period for which the annual return is 138174  
made. The commissioner may extend upon good cause the period for 138175  
filing any notice or return required to be filed under this 138176  
section and may adopt rules relating to extensions of time. If 138177  
the extension results in an extension of time for the payment of 138178  
the amounts withheld with respect to which the return is filed, 138179  
the employer shall pay, at the time the amount withheld is paid, 138180  
an amount of interest computed at the rate per annum prescribed 138181  
by section 5703.47 of the Revised Code on that amount withheld, 138182  
from the day that amount was originally required to be paid to 138183  
the day of actual payment or to the day an assessment is issued 138184  
under section 5747.13 of the Revised Code, whichever occurs 138185  
first. 138186

(5) In addition to all other interest charges and 138187  
penalties imposed, all amounts of taxes withheld or required to 138188  
be withheld and remaining unpaid after the day the amounts are 138189  
required to be paid shall bear interest from the date prescribed 138190  
for payment at the rate per annum prescribed by section 5703.47 138191  
of the Revised Code on the amount unpaid, in addition to the 138192  
amount withheld, until paid or until the day an assessment is 138193  
issued under section 5747.13 of the Revised Code, whichever 138194  
occurs first. 138195

(G) An employee of a corporation, limited liability 138196  
company, or business trust having control or supervision of or 138197  
charged with the responsibility of filing the report and making 138198  
payment, or an officer, member, manager, or trustee of a 138199  
corporation, limited liability company, or business trust who is 138200  
responsible for the execution of the corporation's, limited 138201  
liability company's, or business trust's fiscal 138202  
responsibilities, shall be personally liable for failure to file 138203

the report or pay the tax due as required by this section. The 138204  
dissolution, termination, or bankruptcy of a corporation, 138205  
limited liability company, or business trust does not discharge 138206  
a responsible officer's, member's, manager's, employee's, or 138207  
trustee's liability for a failure of the corporation, limited 138208  
liability company, or business trust to file returns or pay tax 138209  
due. 138210

(H) If an employer required to deduct and withhold income 138211  
tax from compensation and to pay that tax to the state under 138212  
sections 5747.06 and 5747.07 of the Revised Code sells the 138213  
employer's business or stock of merchandise or quits the 138214  
employer's business, the taxes required to be deducted and 138215  
withheld and paid to the state pursuant to those sections prior 138216  
to that time, together with any interest and penalties imposed 138217  
on those taxes, become due and payable immediately, and that 138218  
person shall make a final return within fifteen days after the 138219  
date of selling or quitting business. The employer's successor 138220  
shall withhold a sufficient amount of the purchase money to 138221  
cover the amount of the taxes, interest, and penalties due and 138222  
unpaid, until the former owner produces a receipt from the tax 138223  
commissioner showing that the taxes, interest, and penalties 138224  
have been paid or a certificate indicating that no such taxes 138225  
are due. If the purchaser of the business or stock of 138226  
merchandise fails to withhold purchase money, the purchaser 138227  
shall be personally liable for the payment of the taxes, 138228  
interest, and penalties accrued and unpaid during the operation 138229  
of the business by the former owner. If the amount of taxes, 138230  
interest, and penalties outstanding at the time of the purchase 138231  
exceeds the total purchase money, the tax commissioner in the 138232  
commissioner's discretion may adjust the liability of the seller 138233  
or the responsibility of the purchaser to pay that liability to 138234

maximize the collection of withholding tax revenue. 138235

(I) An employer whose actual or required payments under 138236  
this section exceeded eighty-four thousand dollars during the 138237  
twelve-month period ending on the thirtieth day of June of the 138238  
preceding calendar year shall make all payments required by this 138239  
section for the year electronically under section 5747.072 of 138240  
the Revised Code. 138241

(J) (1) Every professional employer organization, 138242  
professional employer organization reporting entity, and 138243  
alternate employer organization shall file a report with the tax 138244  
commissioner within thirty days after commencing business in 138245  
this state that includes all of the following information: 138246

(a) The name, address, number the employer receives from 138247  
the secretary of state to do business in this state, if 138248  
applicable, and federal employer identification number of each 138249  
client employer of the organization or entity; 138250

(b) The date that each client employer became a client of 138251  
the organization or entity; 138252

(c) The names and mailing addresses of the chief executive 138253  
officer and the chief financial officer of each client employer 138254  
for taxation of the client employer. 138255

(2) Beginning with the calendar quarter ending after a 138256  
professional employer organization, professional employer 138257  
organization reporting entity, or alternate employer 138258  
organization files the report required under division (J) (1) of 138259  
this section, and every calendar quarter thereafter, the 138260  
organization or entity shall file an updated report with the tax 138261  
commissioner. The organization or entity shall file the updated 138262  
report not later than the last day of the month following the 138263



end of the calendar quarter and shall include all of the 138264  
following information in the report: 138265

(a) If an entity became a client employer of the 138266  
professional employer organization, professional employer 138267  
organization reporting entity, or alternate employer 138268  
organization at any time during the calendar quarter, all of the 138269  
information required under division (J)(1) of this section for 138270  
each new client employer; 138271

(b) If an entity terminated the professional employer 138272  
organization agreement or the alternate employer organization 138273  
agreement between the entity and the professional employer 138274  
organization, professional employer organization reporting 138275  
entity, or alternate employer organization, as applicable, at 138276  
any time during the calendar quarter, the information described 138277  
in division (J)(1)(a) of this section for that entity, the date 138278  
during the calendar quarter that the entity ceased being a 138279  
client of the organization or reporting entity, if applicable, 138280  
or the date the entity ceased business operations in this state, 138281  
if applicable; 138282

(c) If the name or mailing address of the chief executive 138283  
officer or the chief financial officer of a client employer has 138284  
changed since the professional employer organization, 138285  
professional employer organization reporting entity, or 138286  
alternate employer organization previously submitted a report 138287  
under division (J)(1) or (2) of this section, the updated name 138288  
or mailing address, or both, of the chief executive officer or 138289  
the chief financial officer, as applicable; 138290

(d) If none of the events described in divisions (J)(2)(a) 138291  
to (c) of this section occurred during the calendar quarter, a 138292  
statement of that fact. 138293

Sec. 5747.071. (A) As used in this section: 138294

(1) "Retirement system" means the public employees 138295  
retirement system, state teachers retirement system, school 138296  
employees retirement system, Ohio police and fire pension fund, 138297  
state highway patrol retirement system, and any municipal 138298  
retirement system. 138299

(2) "Retirement plan" means a person, other than a 138300  
retirement system, that manages a group or individual retirement 138301  
account, fund, or plan. 138302

(3) "Benefits" means all annuities, allowances, pensions, 138303  
and other benefits paid by a retirement system or retirement 138304  
plan. 138305

~~(3)~~(4) "Recipient" means any person receiving benefits 138306  
from a retirement system or retirement plan. 138307

(B) Any recipient may request the recipient's retirement 138308  
system or retirement plan to deduct and withhold from the 138309  
recipient's benefits an amount during the calendar year 138310  
reasonably estimated to be equal to the tax due from the 138311  
recipient under this chapter and Chapter 5748. of the Revised 138312  
Code for the year with respect to the recipient's benefits from 138313  
the retirement system or retirement plan that are included in 138314  
the recipient's adjusted gross income. The request shall be made 138315  
pursuant to an application filed with the retirement system or 138316  
retirement plan, on a form the system or plan shall supply, and 138317  
shall include ~~the an~~ estimate ~~of from~~ the recipient of the 138318  
amount of state income taxes that will be due in the ensuing 138319  
calendar year with respect to the benefits from the retirement 138320  
system or retirement plan. 138321

(C) A retirement system or retirement plan with which an 138322

application is filed under this section, commencing with the 138323  
calendar year following the year in which the application is 138324  
filed, shall withhold from the benefits of the recipient an 138325  
amount that equals for the calendar year, the amount of taxes 138326  
that the recipient estimated would be due for the year. The 138327  
amount to be withheld for a calendar year shall be apportioned 138328  
throughout the calendar year. 138329

(D) A recipient may submit an amended application to 138330  
increase or decrease the amount that will be withheld by the 138331  
retirement system or retirement plan in an ensuing year. 138332

(E) A retirement system or retirement plan that withholds 138333  
a portion of the benefits of a recipient under this section 138334  
shall file returns and pay the amounts withheld in accordance 138335  
with the requirements of section 5747.07 of the Revised Code. 138336  
The tax commissioner may collect from a retirement plan past due 138337  
amounts deducted and withheld and penalties and interest thereon 138338  
by assessment under section 5747.13 of the Revised Code as if 138339  
those amounts were income taxes collected by an employer. 138340

(F) Every retirement system or retirement plan required to 138341  
deduct and withhold tax from benefits pursuant to this section 138342  
shall furnish to the recipient, with respect to the benefits 138343  
paid to the recipient during the calendar year, on or before the 138344  
thirty-first day of January of the succeeding year, a written 138345  
statement showing the amount of benefits deducted and withheld 138346  
as state income tax, any amount deducted and withheld as school 138347  
district income tax for each applicable school district, and 138348  
such other information as the tax commissioner requires. 138349

(G) A retirement system or, in the case of a retirement 138350  
plan, the tax commissioner may adopt rules governing withholding 138351  
under this section. 138352

Sec. 5747.073. (A) As used in this section: 138353

(1) "Bulk filer" means a payroll service provider or 138354  
similar entity that is registered with the tax commissioner to 138355  
submit employer withholding tax returns in accordance with this 138356  
section. 138357

(2) "Payroll service provider" means a third party that 138358  
assists an employer with payroll administration and state 138359  
employer withholding tax obligations. A payroll service provider 138360  
may include a professional employer organization or alternate 138361  
employer organization. 138362

(3) "Client company" means an employer on whose behalf a 138363  
bulk filer agrees to submit employer withholding returns in 138364  
accordance with this section. 138365

(B) (1) An employer may elect to use a bulk filer to comply 138366  
with its state and school district income tax withholding 138367  
obligations under this chapter. 138368

(2) (a) Within five days after becoming a client company, 138369  
the employer shall notify the tax commissioner, in a format 138370  
prescribed by the commissioner, of the name of the approved bulk 138371  
filer it is electing to use and the taxes the bulk filer will be 138372  
remitting on its behalf. 138373

(b) When using a bulk filer, the client company shall 138374  
maintain all registrations required by the tax commissioner 138375  
related to electronic filing and payment of the amounts 138376  
described in divisions (A) and (E) of section 5747.06 of the 138377  
Revised Code. 138378

(C) (1) The tax commissioner shall approve each bulk filer 138379  
before the bulk filer can file withholding tax returns on behalf 138380  
of client companies. The commissioner shall prescribe guidelines 138381

and conditions of participation in the bulk file program that 138382  
include standards of conduct, software tests, and file formats. 138383

(2) The commissioner shall maintain a list of approved 138384  
bulk filers on the department of taxation's official web site. 138385  
Such information is not prohibited from disclosure under section 138386  
5703.21 of the Revised Code. 138387

(3) Each bulk filer shall comply with all requirements of 138388  
law pertaining to employers maintaining an office or transacting 138389  
business in this state and paying compensation to an employee 138390  
who is a taxpayer. 138391

(4) A bulk filer that is not a professional employer 138392  
organization, professional employer organization reporting 138393  
entity, or alternate employer organization shall file a report 138394  
in the same manner and frequency as required of a professional 138395  
employer organization, professional employer organization 138396  
reporting entity, or alternate employer organization under 138397  
division (J) of section 5747.07 of the Revised Code. For 138398  
purposes of this division, "client company" shall be substituted 138399  
for "client employer" wherever "client employer" appears in that 138400  
division. 138401

(D) All returns, reports, and payments filed or remitted 138402  
by a bulk filer shall be made through an electronic means as 138403  
prescribed by the tax commissioner, regardless of the bulk 138404  
filer's number of client companies, or the number of returns, 138405  
reports, or payments being filed or remitted. The bulk filer 138406  
shall register for and maintain all accounts needed to 138407  
electronically make such filings and payments. 138408

(E) (1) A bulk filer's authorization under this section is 138409  
valid until either of the following events occurs: 138410

(a) The bulk filer dissolves, loses its existence as the 138411  
result of a merger, or otherwise ceases business; 138412

(b) The authorization is rescinded or suspended by the tax 138413  
commissioner for failure to meet the guidelines and conditions 138414  
of participation in the bulk file program, including any 138415  
guidelines or conditions established or modified after the bulk 138416  
filer receives its authorization. 138417

(2) A bulk filer shall notify its client companies within 138418  
five days after the bulk filer's authorization is rescinded, 138419  
suspended, or is otherwise no longer valid or active. If an 138420  
entity no longer meets the requirements to be a bulk filer, the 138421  
client companies of the former bulk filer shall immediately 138422  
resume their state and school district withholding filing and 138423  
payment obligations under this chapter. 138424

(F) (1) The tax commissioner may collect past due amounts 138425  
from a bulk filer, including penalties and interest thereon, by 138426  
assessment under section 5747.13 of the Revised Code as if the 138427  
amounts were taxes collected by an employer. 138428

(2) A bulk filer is subject to all applicable penalties 138429  
under Title LVII of the Revised Code as if the bulk filer were 138430  
the client company. 138431

(3) Notwithstanding the commissioner's authority under 138432  
division (F) (1) of this section, a client company remains 138433  
subject to assessment if its bulk filer fails to timely file all 138434  
returns or reports, or to timely remit any payment, on the 138435  
client company's behalf. The use of a bulk filer does not 138436  
abrogate the ability of the commissioner to hold employees, 138437  
officers, members, managers, or trustees of the client company 138438  
personally liable under division (G) of section 5747.07 of the 138439

<u>Revised Code.</u>	138440
<u>(4) Any liability assessed against both a bulk filer and a</u>	138441
<u>client company shall be joint and several.</u>	138442
<u>(5) A client company is not responsible for filings or</u>	138443
<u>amounts that a bulk filer fails to make or remit on behalf of</u>	138444
<u>another client company.</u>	138445
<u>(6) A bulk filer is subject to division (H) of section</u>	138446
<u>5747.07 of the Revised Code as if it were an employer subject to</u>	138447
<u>that section.</u>	138448
<u>(G) A bulk filer may file a refund application pursuant to</u>	138449
<u>section 5747.11 of the Revised Code on behalf of one or more of</u>	138450
<u>its client companies.</u>	138451
<b>Sec. 5747.09.</b> (A) As used in this section:	138452
(1) "Estimated taxes" means the amount that the taxpayer	138453
estimates to be the taxpayer's combined tax liability under this	138454
chapter and Chapter 5748. of the Revised Code for the current	138455
taxable year.	138456
(2) "Tax liability" means the total taxes due for the	138457
taxable year, after allowing any credit to which the taxpayer is	138458
entitled, but prior to applying any estimated tax payment,	138459
withholding payment, or refund from another tax year.	138460
(3) "Taxes paid" include payments of estimated taxes made	138461
under division (C) of this section, taxes withheld from the	138462
taxpayer's compensation, and tax refunds applied by the taxpayer	138463
in payment of estimated taxes.	138464
(4) "Required installment" means a payment equal to	138465
twenty-five per cent of the lesser of the following:	138466

(a) Ninety per cent of the tax liability for the taxable  
year; 138467  
138468

(b) One hundred per cent of the tax liability shown on the  
return of a taxpayer for the preceding taxable year. 138469  
138470

Division (A) (4) (b) of this section applies only if the  
taxpayer filed a return under section 5747.08 of the Revised  
Code for the preceding taxable year and if the preceding taxable  
year was a twelve-month taxable year. 138471  
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(B) Every taxpayer shall make declaration of estimated  
taxes for the current taxable year, in the form that the tax  
commissioner shall prescribe, if the amount payable as estimated  
taxes, less the amount to be withheld from the taxpayer's  
compensation, is more than five hundred dollars. For purposes of  
this section, taxes withheld from compensation shall be  
considered as paid in equal amounts on each payment date unless  
the taxpayer establishes the dates on which all amounts were  
actually withheld, in which case the amounts withheld shall be  
considered as paid on the dates on which the amounts were  
actually withheld. Taxpayers filing joint returns pursuant to  
section 5747.08 of the Revised Code shall file joint  
declarations of estimated taxes. A taxpayer may amend a  
declaration under rules prescribed by the commissioner. A  
taxpayer having a taxable year of less than twelve months shall  
make a declaration under rules prescribed by the commissioner.  
The declaration of estimated taxes for an individual under a  
disability shall be made and filed by the person who is required  
to file the income tax return. 138475  
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The declaration of estimated taxes shall be filed on or  
before the fifteenth day of April of each year or on or before  
the fifteenth day of the fourth month after the taxpayer becomes 138494  
138495  
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subject to tax for the first time. 138497

Taxpayers reporting on a fiscal year basis shall file a 138498  
declaration on or before the fifteenth day of the fourth month 138499  
after the beginning of each fiscal year or period. 138500

The declaration shall be filed upon a form prescribed by 138501  
the commissioner and furnished by or obtainable from the 138502  
commissioner. 138503

The original declaration or any subsequent amendment may 138504  
be increased or decreased on or before any subsequent quarterly 138505  
payment day as provided in this section. 138506

(C) The required portion of the tax liability for the 138507  
taxable year that shall be paid through estimated taxes made 138508  
payable to the treasurer of state, including the application of 138509  
tax refunds to estimated taxes, and withholding on or before the 138510  
applicable payment date shall be as follows: 138511

(1) On or before the fifteenth day of the fourth month 138512  
after the beginning of the taxable year, twenty-two and one-half 138513  
per cent of the tax liability for the taxable year; 138514

(2) On or before the fifteenth day of the sixth month 138515  
after the beginning of the taxable year, forty-five per cent of 138516  
the tax liability for the taxable year; 138517

(3) On or before the fifteenth day of the ninth month 138518  
after the beginning of the taxable year, sixty-seven and one- 138519  
half per cent of the tax liability for the taxable year; 138520

(4) On or before the fifteenth day of the first month of 138521  
the following taxable year, ninety per cent of the tax liability 138522  
for the taxable year. 138523

When an amended return has been filed, the unpaid balance 138524

shown due on the amended return shall be paid in equal 138525  
installments on or before the remaining payment dates. 138526

On or before the fifteenth day of the fourth month of the 138527  
year following that for which the declaration or amended 138528  
declaration was filed, an annual return shall be filed and any 138529  
balance which may be due shall be paid with the return in 138530  
accordance with section 5747.08 of the Revised Code. 138531

(D) In the case of any underpayment of estimated taxes, an 138532  
interest penalty ~~shall~~ may be added to the taxes for the tax 138533  
year at the rate per annum prescribed by section 5703.47 of the 138534  
Revised Code upon the amount of underpayment for the period of 138535  
underpayment, unless the underpayment is due to reasonable cause 138536  
as described in division (E) of this section. The amount of the 138537  
underpayment shall be determined as follows: 138538

(1) For the first payment of estimated taxes each year, 138539  
the required installment less the amount of taxes paid by the 138540  
date prescribed for that payment; 138541

(2) For the second payment of estimated taxes each year, 138542  
the required installment less the amount of taxes paid by the 138543  
date prescribed for that payment; 138544

(3) For the third payment of estimated taxes each year, 138545  
the required installment less the amount of taxes paid by the 138546  
date prescribed for that payment; 138547

(4) For the fourth payment of estimated taxes each year, 138548  
the required installment less the amount of taxes paid by the 138549  
date prescribed for that payment. 138550

The period of the underpayment shall run from the day the 138551  
estimated payment was required to be made to the date on which 138552  
the payment is made. For purposes of this section, a payment of 138553

estimated taxes on or before any payment date shall be 138554  
considered a payment of any previous underpayment only to the 138555  
extent the payment of estimated taxes exceeds the amount of the 138556  
payment presently required to be paid to avoid any penalty. 138557

The tax commissioner may abate, in whole or in part, the 138558  
interest penalty imposed under division (D) of this section. Any 138559  
such penalty imposed shall be in lieu of any other interest 138560  
charge or penalty imposed for failure to file an estimated 138561  
return and make estimated payments as required by this section. 138562

(E) An underpayment of estimated taxes determined under 138563  
division (D) of this section shall be due to reasonable cause 138564  
and the interest penalty imposed by this section shall not be 138565  
added to the taxes for the tax year if either of the following 138566  
apply: 138567

(1) The amount of tax that was paid equals at least ninety 138568  
per cent of the tax liability for the current taxable year, 138569  
determined by annualizing the income received during the year up 138570  
to the end of the month immediately preceding the month in which 138571  
the payment is due; 138572

(2) The amount of tax that was paid equals at least one 138573  
hundred per cent of the tax liability shown on the return of the 138574  
taxpayer for the preceding taxable year, provided that the 138575  
immediately preceding taxable year reflected a period of twelve 138576  
months and the taxpayer filed a return under section 5747.08 of 138577  
the Revised Code for that year. 138578

The tax commissioner may waive the requirement for filing 138579  
a declaration of estimated taxes for any class of taxpayers 138580  
after finding that the waiver is reasonable and proper in view 138581  
of administrative costs and other factors. 138582

**Sec. 5747.10.** (A) As used in this section: 138583

(1) "Audited partnership" means a partnership subject to 138584  
an examination by the internal revenue service pursuant to 138585  
subchapter C, chapter 63, subtitle F of the Internal Revenue 138586  
Code resulting in a federal adjustment. 138587

(2) (a) "Direct investor" means a partner or other investor 138588  
that holds a direct interest in a pass-through entity. 138589

(b) "Indirect investor" means a partner or other investor 138590  
that holds an interest in a pass-through entity that itself 138591  
holds an interest, directly or through another indirect partner 138592  
or other investor, in a pass-through entity. 138593

(3) "Exempt partner" means a partner that is neither a 138594  
pass-through entity nor a person subject to the tax imposed by 138595  
section 5747.02 of the Revised Code. 138596

(4) "Federal adjustment" means a change to an item or 138597  
amount required to be determined under the Internal Revenue Code 138598  
that directly or indirectly affects a taxpayer's aggregate tax 138599  
liability under section 5747.02 or Chapter 5748. of the Revised 138600  
Code and that results from an action or examination by the 138601  
internal revenue service, or from the filing of an amended 138602  
federal tax return, a claim for a federal tax refund, or an 138603  
administrative adjustment request filed by a partnership under 138604  
section 6227 of the Internal Revenue Code. 138605

(5) "Federal adjustments return" means the form or other 138606  
document prescribed by the tax commissioner for use by a 138607  
taxpayer in reporting final federal adjustments. 138608

(6) "State partnership representative" means either of the 138609  
following: 138610

(a) The person who served as the partnership's representative for federal income tax purposes, pursuant to section 6223(a) of the Internal Revenue Code, during the corresponding federal partnership audit;

(b) The person designated, on a form prescribed by the tax commissioner, to serve as the partnership's representative during the state partnership audit. The commissioner may establish reasonable qualifications and procedures for a person to be designated as a state partnership representative under this division.

(7) A federal adjustment is "final" or "agreed to or finally determined for federal income tax purposes" on any of the following:

(a) The day after which the period for appeal of a federal assessment has expired;

(b) The date on a refund check issued by the internal revenue service; or

(c) For agreements required to be signed by the internal revenue service and the taxpayer or audited partnership, the date on which the last party signed the agreement.

(B) (1) If any of the facts, figures, computations, or attachments required in a taxpayer's annual return to determine the tax charged by this chapter or Chapter 5748. of the Revised Code must be altered as the result of a final federal adjustment, and the federal adjustment is not required to be reported under division (C) of this section, the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The amended return shall be filed not later than ninety days after the federal adjustment has been

agreed to or finally determined for federal income tax purposes. 138640

(2) "One hundred eighty" shall be substituted for "ninety" 138641  
in divisions (B)(1) and (E)(1) of this section if, for any 138642  
taxable year, the final federal adjustment results from taxes 138643  
paid by the taxpayer on an amount described in division (A)(32) 138644  
of section 5747.01 of the Revised Code. 138645

(C) Except for adjustments required to be reported for 138646  
federal purposes pursuant to section 6225(a)(2) of the Internal 138647  
Revenue Code and adjustments that are taken into account on a 138648  
federal amended return or similar report filed pursuant to 138649  
section 6225(c)(2) of the Internal Revenue Code, partnerships 138650  
and partners shall report final federal adjustments and make 138651  
payments as required under division (C) of this section. 138652

(1) With respect to an action required or permitted to be 138653  
taken by a partnership under this section, and any petition for 138654  
reassessment or appeal to the board of tax appeals or any court 138655  
with respect to such an action, the state partnership 138656  
representative shall have the sole authority to act on behalf of 138657  
the audited partnership, and the partnership's direct and 138658  
indirect investors shall be bound by those actions. 138659

(2) Unless an audited partnership makes the election under 138660  
division (C)(3) of this section: 138661

(a) The audited partnership, through its state partnership 138662  
representative, shall do all of the following within ninety days 138663  
after the federal adjustment is final: 138664

(i) File a federal adjustments return with the tax 138665  
commissioner, including a copy of the notifications provided 138666  
under division (C)(2)(a)(ii) of this section; 138667

(ii) Notify each of its direct investors, on a form 138668

prescribed by the commissioner, of the investor's distributive 138669  
share of the final federal adjustments; 138670

(iii) File an amended tax return on behalf of its 138671  
nonresident direct investors and pay any additional tax that 138672  
would have been due under sections 5733.41 and 5747.41, or 138673  
division (D) of section 5747.08, of the Revised Code with 138674  
respect to those direct investors had the final federal 138675  
adjustments been reported properly on the original filing. 138676

(b) Each direct investor that is subject to the tax 138677  
imposed by section 5747.02 of the Revised Code shall file an 138678  
original or amended tax return to include the investor's 138679  
distributive share of the adjustments reported to the direct 138680  
investor under division (C) (2) (a) of this section, and pay any 138681  
additional tax due, within ninety days after the audited 138682  
partnership files its federal adjustments return with the 138683  
commissioner. 138684

(c) (i) Each direct and indirect investor of an audited 138685  
partnership that is a pass-through entity and all investors in 138686  
such a pass-through entity that are subject to the filing and 138687  
payment requirements of Chapters 5733. and 5747. of the Revised 138688  
Code are subject to the reporting and payment requirements of 138689  
division (C) (2) or, upon a timely election, division (C) (3) of 138690  
this section. 138691

(ii) Such direct and indirect investors shall make the 138692  
required returns and payments within ninety days after the 138693  
deadline for filing and furnishing statements under section 138694  
6226(b) (4) of the Internal Revenue Code and applicable treasury 138695  
regulations. 138696

(3) If an audited partnership makes the election under 138697

this division, the audited partnership, through its state 138698  
partnership representative, shall do all of the following within 138699  
ninety days after all federal adjustments are final: 138700

(a) File a federal adjustments return with the tax 138701  
commissioner indicating the partnership has made the election 138702  
under division (C) (3) of this section; 138703

(b) Pay the amount of combined additional tax due under 138704  
division (D) (2) of this section, calculated by multiplying the 138705  
highest rate of tax set forth in section 5747.02 of the Revised 138706  
Code by the sum of the following: 138707

(i) The distributive shares of the final federal 138708  
adjustments that are allocable or apportionable to this state of 138709  
each investor who is a nonresident taxpayer or pass-through 138710  
entity; 138711

(ii) The distributive share of the final federal 138712  
adjustments for each investor who is a resident taxpayer. 138713

(c) Notify each of its direct investors, on a form 138714  
prescribed by the commissioner, of the investor's distributive 138715  
share of the final federal adjustments and the amount paid on 138716  
their behalf pursuant to division (C) (3) (b) of this section. 138717

(4) (a) A direct investor of an audited partnership is not 138718  
required to file an amended return or pay tax otherwise due 138719  
under section 5747.02 of the Revised Code if the audited 138720  
partnership properly reports and pays the tax under division (C) 138721  
(3) of this section. 138722

(b) (i) Nothing in division (C) of this section precludes a 138723  
direct or indirect investor in the audited partnership from 138724  
filing a return to report the investor's share of the final 138725  
federal adjustments. Such an investor who files a return and 138726



reports the income related to the final federal adjustments is 138727  
entitled to a refundable credit for taxes paid by the audited 138728  
partnership under division (C) (3) (b) of this section. The credit 138729  
shall be computed and claimed in the same manner as the credit 138730  
allowed under division (I) of section 5747.08 of the Revised 138731  
Code. 138732

(ii) Notwithstanding division (C) (4) (b) (i) of this 138733  
section, an exempt partner, whether a direct or indirect 138734  
investor, may file an application for refund of its 138735  
proportionate share of the amounts erroneously paid by the 138736  
audited partnership pursuant to division (C) (3) (b) of this 138737  
section on the exempt partner's behalf. 138738

(5) Upon request by an audited partnership, the tax 138739  
commissioner may agree, in writing, to allow an alternative 138740  
method of reporting and payment than required by division (C) (2) 138741  
or (3) of this section. The request must be submitted to the 138742  
commissioner in writing before the applicable deadline for 138743  
filing a return under division (C) (2) (a) or (3) of this section. 138744  
The commissioner's decision on whether to enter into an 138745  
agreement under this division is not subject to further 138746  
administrative review or appeal. 138747

(6) Nothing in division (C) of this section precludes 138748  
either of the following: 138749

(a) A resident taxpayer from filing a return to claim the 138750  
credit under division (B) of section 5747.05 or division ~~(D) (2)~~ 138751  
(B) (2) of section 5747.02 of the Revised Code based upon any 138752  
amounts paid by the audited partnership on such investor's 138753  
behalf to another state. 138754

(b) The tax commissioner from issuing an assessment under 138755

this chapter against any direct or indirect investor for taxes 138756  
due from the investor if an audited partnership, or direct and 138757  
indirect investor of an audited partnership that is a pass- 138758  
through entity, fails to timely file any return or remit any 138759  
payment required by this section or underreports income or 138760  
underpays tax on behalf of an indirect investor who is a 138761  
resident taxpayer. 138762

(D) In the case of an underpayment, and unless otherwise 138763  
agreed to in writing by the tax commissioner: 138764

(1) The taxpayer's amended return shall be accompanied by 138765  
payment of any combined additional tax due together with 138766  
interest thereon. An amended return required by this section is 138767  
a return subject to assessment under section 5747.13 of the 138768  
Revised Code for the purpose of assessing any additional tax due 138769  
under this section, together with any applicable penalty and 138770  
interest. It shall not reopen those facts, figures, 138771  
computations, or attachments from a previously filed return no 138772  
longer subject to assessment that are not affected, either 138773  
directly or indirectly, by the final federal adjustment to the 138774  
taxpayer's federal income tax return. 138775

(2) The audited partnership's federal adjustments return 138776  
shall be accompanied by payment of any combined additional tax 138777  
due together with interest thereon. The federal adjustments 138778  
return required by this section is a return subject to 138779  
assessment under section 5747.13 of the Revised Code for the 138780  
purpose of assessing any additional tax due under this section, 138781  
together with any applicable penalty and interest. It shall not 138782  
reopen those facts, figures, computations, or attachments from a 138783  
previously filed return no longer subject to assessment that are 138784  
not affected, either directly or indirectly, by the final 138785

federal adjustment. 138786

(3) The tax commissioner may accept estimated payments of 138787  
the tax arising from pending federal adjustments before the date 138788  
for filing a federal adjustments return. The commissioner may 138789  
adopt rules for the payment of such estimated taxes. 138790

(E) In the case of an overpayment, and unless otherwise 138791  
agreed to in writing by the tax commissioner: 138792

(1) A taxpayer may file an application for refund under 138793  
this division within the ninety-day period prescribed for filing 138794  
the amended return even if it is filed beyond the period 138795  
prescribed in section 5747.11 of the Revised Code if it 138796  
otherwise conforms to the requirements of such section. An 138797  
application filed under this division shall claim refund of 138798  
overpayments resulting from alterations to only those facts, 138799  
figures, computations, or attachments required in the taxpayer's 138800  
annual return that are affected, either directly or indirectly, 138801  
by the final federal adjustment to the taxpayer's federal income 138802  
tax return unless it is also filed within the time prescribed in 138803  
section 5747.11 of the Revised Code. It shall not reopen those 138804  
facts, figures, computations, or attachments that are not 138805  
affected, either directly or indirectly, by the adjustment to 138806  
the taxpayer's federal income tax return. 138807

(2) (a) Except as otherwise provided in division (E) (2) (b) 138808  
of this section, an audited partnership may file an application 138809  
for a refund under this division within the ninety-day period 138810  
prescribed for filing the federal adjustments return, even if it 138811  
is filed beyond the period prescribed by section 5747.11 of the 138812  
Revised Code, if it otherwise conforms to the requirements of 138813  
that section. An application filed under this division may claim 138814  
a refund of overpayments resulting only from final federal 138815

adjustments unless it is also filed within the time prescribed 138816  
by section 5747.11 of the Revised Code. It shall not reopen 138817  
those facts, figures, computations, or attachments that are not 138818  
affected, either directly or indirectly, by the federal 138819  
adjustment. 138820

(b) An audited partnership may not file an application for 138821  
refund under division (E) of this section based on final federal 138822  
adjustments described in section 6225(a)(2) of the Internal 138823  
Revenue Code. 138824

(3) Any refund granted to a pass-through entity filing an 138825  
application for refund under division (E) of this section shall 138826  
be reduced by amounts previously claimed as a credit under 138827  
section 5747.059 or division (I) of section 5747.08 of the 138828  
Revised Code by the pass-through entity's direct or indirect 138829  
investors. 138830

(F) Excluding the deadline in division (C)(2)(c)(ii) of 138831  
this section, an audited partnership, or a direct or indirect 138832  
investor of an audited partnership that is a pass-through 138833  
entity, may automatically extend the deadline for reporting, 138834  
payments, and refunds under this section by sixty days if the 138835  
entity has ten thousand or more direct investors and notifies 138836  
the commissioner of such extension, in writing, before the 138837  
unextended deadline. 138838

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 138839  
section 5747.11 of the Revised Code who wishes to contribute any 138840  
part of the taxpayer's refund to the natural areas and preserves 138841  
fund created in section 1517.11 of the Revised Code, the nongame 138842  
and endangered wildlife fund created in section 1531.26 of the 138843  
Revised Code, the military injury relief fund created in section 138844  
5902.05 of the Revised Code, the Ohio history fund created in 138845

section 149.308 of the Revised Code, the breast and cervical 138846  
cancer project income tax contribution fund created in section 138847  
3701.601 of the Revised Code, the wishes for sick children 138848  
income tax contribution fund created in section 3701.602 of the 138849  
Revised Code, the companion animal fund created in section 138850  
955.202 of the Revised Code, or all of those funds may designate 138851  
on the taxpayer's income tax return the amount that the taxpayer 138852  
wishes to contribute to the fund or funds. A designated 138853  
contribution is irrevocable upon the filing of the return and 138854  
shall be made in the full amount designated if the refund found 138855  
due the taxpayer upon the initial processing of the taxpayer's 138856  
return, after any deductions including those required by section 138857  
5747.12 of the Revised Code, is greater than or equal to the 138858  
designated contribution. If the refund due as initially 138859  
determined is less than the designated contribution, the 138860  
contribution shall be made in the full amount of the refund. The 138861  
tax commissioner shall subtract the amount of the contribution 138862  
from the amount of the refund initially found due the taxpayer 138863  
and shall certify the difference to the director of budget and 138864  
management and treasurer of state for payment to the taxpayer in 138865  
accordance with section 5747.11 of the Revised Code. For the 138866  
purpose of any subsequent determination of the taxpayer's net 138867  
tax payment, the contribution shall be considered a part of the 138868  
refund paid to the taxpayer. 138869

(B) The tax commissioner shall provide a space on the 138870  
income tax return form in which a taxpayer may indicate that the 138871  
taxpayer wishes to make a donation in accordance with this 138872  
section. The tax commissioner shall also print in the 138873  
instructions accompanying the income tax return form a 138874  
description of the purposes for which the natural areas and 138875  
preserves fund, the nongame and endangered wildlife fund, the 138876

military injury relief fund, the Ohio history fund, the breast 138877  
and cervical cancer project income tax contribution fund, ~~and~~ 138878  
the wishes for sick children income tax contribution fund, and 138879  
the companion animal fund were created and the use of moneys 138880  
from the income tax refund contribution system established in 138881  
this section. No person shall designate on the person's income 138882  
tax return any part of a refund claimed under section 5747.11 of 138883  
the Revised Code as a contribution to any fund other than the 138884  
natural areas and preserves fund, the nongame and endangered 138885  
wildlife fund, the military injury relief fund, the Ohio history 138886  
fund, the breast and cervical cancer project income tax 138887  
contribution fund, ~~or~~ the wishes for sick children income tax 138888  
contribution fund, or the companion animal fund. 138889

(C) The money collected under the income tax refund 138890  
contribution system established in this section shall be 138891  
deposited by the tax commissioner into the natural areas and 138892  
preserves fund, the nongame and endangered wildlife fund, the 138893  
military injury relief fund, the Ohio history fund, the breast 138894  
and cervical cancer project income tax contribution fund, ~~and~~ 138895  
the wishes for sick children income tax contribution fund, and 138896  
the companion animal fund in the amounts designated on the tax 138897  
returns. 138898

(D) If the total amount contributed to a fund under this 138899  
section, as annually determined by the tax commissioner, is less 138900  
than fifty thousand dollars in each of five consecutive calendar 138901  
years, no person may designate a contribution to that fund for 138902  
any taxable year ending after the last day of that five-year 138903  
period. In such a case, the commissioner shall remove the space 138904  
dedicated to the fund on the income tax return and the 138905  
description of the fund in the instructions accompanying the 138906  
income tax return. 138907

~~(E) The general assembly may authorize taxpayer refund- 138908  
contributions to no more than six funds under the income tax- 138909  
refund contribution system established in this section. If the- 138910  
general assembly authorizes income tax refund contributions to a 138911  
fund other than the natural areas and preserves fund, the- 138912  
nongame and endangered wildlife fund, the military injury relief 138913  
fund, the Ohio history fund, the breast and cervical cancer- 138914  
project income tax contribution fund, or the wishes for sick- 138915  
children income tax contribution fund, such contributions may be 138916  
authorized only for a period of two calendar years. 138917~~

With the exception of the Ohio history fund and the 138918  
companion animal fund, the general assembly may authorize income 138919  
tax refund contributions to a fund only if all the money in the 138920  
fund will be expended or distributed by a state agency as 138921  
defined in section 1.60 of the Revised Code. 138922

(F) (1) The director of natural resources, in January of 138923  
every odd-numbered year, shall report to the general assembly on 138924  
the effectiveness of the income tax refund contribution system 138925  
as it pertains to the natural areas and preserves fund and the 138926  
nongame and endangered wildlife fund. The report shall include 138927  
the amount of money contributed to each fund in each of the 138928  
previous five years, the amount of money contributed directly to 138929  
each fund in addition to or independently of the income tax 138930  
refund contribution system in each of the previous five years, 138931  
and the purposes for which the money was expended. 138932

(2) The director of veterans services, the director of the 138933  
Ohio history connection, the director of the Ohio pet fund, and 138934  
the director of health, in January of every odd-numbered year, 138935  
each shall report to the general assembly on the effectiveness 138936  
of the income tax refund contribution system as it pertains to 138937

the military injury relief fund, the Ohio history fund, the 138938  
companion animal fund, the breast and cervical cancer project 138939  
income tax contribution fund, and the wishes for sick children 138940  
income tax contribution fund respectively. The report shall 138941  
include the amount of money contributed to the fund in each of 138942  
the previous five years, the amount of money contributed 138943  
directly to the fund in addition to or independently of the 138944  
income tax refund contribution system in each of the previous 138945  
five years, and the purposes for which the money was expended. 138946

Sec. 5747.124. (A) If a person entitled to a refund under 138947  
this chapter is a judgment debtor indebted to a judgment 138948  
creditor, as defined in section 2716.01 of the Revised Code, the 138949  
amount refundable shall be subject to an order of garnishment of 138950  
property, other than personal earnings, issued under sections 138951  
2716.11 and 2716.13 of the Revised Code. Upon receipt of such an 138952  
order, the tax commissioner shall pay the amount of the refund 138953  
not already paid to the person entitled to the refund to the 138954  
clerk of court that issued the order. 138955

(B) If the person also has one or more debts described in 138956  
division (A) of section 5747.12 of the Revised Code or overdue 138957  
child support subject to section 5747.121 of the Revised Code, 138958  
the debt described in that division and overdue child support 138959  
described in that section shall be satisfied first. 138960

(C) If the amount refundable is less than the amount 138961  
stated on the order of garnishment, it may be applied in partial 138962  
satisfaction of that amount. If the amount refundable is greater 138963  
than the amount stated on the order, the amount remaining after 138964  
satisfaction of the order shall be refunded. 138965

(D) The tax commissioner shall charge each respective 138966  
judgment creditor a fee of fifteen dollars for the 138967



commissioner's cost in applying refunds to satisfy an order of 138968  
garnishment. 138969

(E) If the tax commissioner receives multiple orders of 138970  
garnishment of property, other than personal earnings for 138971  
amounts owed by the same person, the commissioner shall satisfy 138972  
the orders in the sequence they were received. 138973

(F) In the case of persons filing a joint income tax 138974  
return, the amount of the refund available for satisfaction of 138975  
the order shall be one-half of the refund due to the person who 138976  
is the obligor on the debt unless both filers are named in the 138977  
order, in which case the entire refund is available. 138978

**Sec. 5747.13.** (A) If any employer collects the tax imposed 138979  
by section 5747.02 or under Chapter 5748. of the Revised Code 138980  
and fails to remit the tax as required by law, or fails to 138981  
collect the tax, the employer is personally liable for any 138982  
amount collected that the employer fails to remit, or any amount 138983  
that the employer fails to collect. If any taxpayer fails to 138984  
file a return or fails to pay the tax imposed by section 5747.02 138985  
or under Chapter 5748. of the Revised Code, the taxpayer is 138986  
personally liable for the amount of the tax. 138987

If any employer, taxpayer, qualifying entity, or electing 138988  
pass-through entity required to file a return under this chapter 138989  
fails to file the return within the time prescribed, files an 138990  
incorrect return, fails to remit the full amount of the taxes 138991  
due for the period covered by the return, or fails to remit any 138992  
additional tax due as a result of a reduction in the amount of 138993  
the credit allowed under division (B) of section 5747.05 of the 138994  
Revised Code together with interest on the additional tax within 138995  
the time prescribed by that division, the tax commissioner may 138996  
make an assessment against any person liable for any deficiency 138997

for the period for which the return is or taxes are due, based 138998  
upon any information in the commissioner's possession. 138999

An assessment issued against either the employer or the 139000  
taxpayer pursuant to this section shall not be considered an 139001  
election of remedies or a bar to an assessment against the other 139002  
for failure to report or pay the same tax. No assessment shall 139003  
be issued against any person if the tax actually has been paid 139004  
by another. 139005

No assessment shall be made or issued against an employer, 139006  
a taxpayer, a qualifying entity, or an electing pass-through 139007  
entity more than four years after the final date the return 139008  
subject to assessment was required to be filed or the date the 139009  
return was filed, whichever is later. However, the commissioner 139010  
may assess any balance due as the result of a reduction in the 139011  
credit allowed under division (B) of section 5747.05 of the 139012  
Revised Code, including applicable penalty and interest, within 139013  
four years of the date on which the taxpayer reports a change in 139014  
either the portion of the taxpayer's adjusted gross income 139015  
subjected to an income tax or tax measured by income in another 139016  
state or the District of Columbia, or the amount of liability 139017  
for an income tax or tax measured by income to another state or 139018  
the District of Columbia, as required by division (B)(4) of 139019  
section 5747.05 of the Revised Code. Such time limits may be 139020  
extended if both the employer, taxpayer, qualifying entity, or 139021  
electing pass-through entity and the commissioner consent in 139022  
writing to the extension or if an agreement waiving or extending 139023  
the time limits has been entered into pursuant to section 139024  
122.171 of the Revised Code. Any such extension shall extend the 139025  
four-year time limit in division (B) of section 5747.11 of the 139026  
Revised Code for the same period of time. There shall be no bar 139027  
or limit to an assessment against an employer for taxes withheld 139028

from employees and not remitted to the state, against an 139029  
employer, a taxpayer, a qualifying entity, or an electing pass- 139030  
through entity that fails to file a return subject to assessment 139031  
as required by this chapter, or against an employer, a taxpayer, 139032  
a qualifying entity, or an electing pass-through entity that 139033  
files a fraudulent return. 139034

The commissioner shall give the party assessed written 139035  
notice of the assessment in the manner provided in section 139036  
5703.37 of the Revised Code. With the notice, the commissioner 139037  
shall provide instructions on how to petition for reassessment 139038  
and request a hearing on the petition. 139039

(B) Unless the party assessed files with the tax 139040  
commissioner within sixty days after service of the notice of 139041  
assessment, ~~either personally or by certified mail,~~ a written 139042  
petition for reassessment, signed by the party assessed or that 139043  
party's authorized agent having knowledge of the facts, the 139044  
assessment becomes final, and the amount of the assessment is 139045  
due and payable from the party assessed to the commissioner with 139046  
remittance made payable to the treasurer of state. The petition 139047  
shall indicate the objections of the party assessed, but 139048  
additional objections may be raised in writing if received by 139049  
the commissioner prior to the date shown on the final 139050  
determination. If the petition has been properly filed, the 139051  
commissioner shall proceed under section 5703.60 of the Revised 139052  
Code. 139053

(C) After an assessment becomes final, if any portion of 139054  
the assessment remains unpaid, including accrued interest, a 139055  
certified copy of the tax commissioner's entry making the 139056  
assessment final may be filed in the office of the clerk of the 139057  
court of common pleas in the county in which the employer's, 139058

taxpayer's, qualifying entity's, or electing pass-through 139059  
entity's place of business is located or the county in which the 139060  
party assessed resides. If the party assessed is not a resident 139061  
of this state, the certified copy of the entry may be filed in 139062  
the office of the clerk of the court of common pleas of Franklin 139063  
county. 139064

Immediately upon the filing of the entry, the clerk shall 139065  
enter a judgment against the party assessed in the amount shown 139066  
on the entry. The judgment shall be filed by the clerk in one of 139067  
two loose-leaf books, one entitled "special judgments for state 139068  
and school district income taxes," and the other entitled 139069  
"special judgments for qualifying entity and electing pass- 139070  
through entity taxes." The judgment shall have the same effect 139071  
as other judgments. Execution shall issue upon the judgment upon 139072  
the request of the tax commissioner, and all laws applicable to 139073  
sales on execution shall apply to sales made under the judgment. 139074

If the assessment is not paid in its entirety within sixty 139075  
days after the assessment was issued, the portion of the 139076  
assessment consisting of tax due shall bear interest at the rate 139077  
per annum prescribed by section 5703.47 of the Revised Code from 139078  
the day the tax commissioner issues the assessment until it is 139079  
paid or until it is certified to the attorney general for 139080  
collection under section 131.02 of the Revised Code, whichever 139081  
comes first. If the unpaid portion of the assessment is 139082  
certified to the attorney general for collection, the entire 139083  
unpaid portion of the assessment shall bear interest at the rate 139084  
per annum prescribed by section 5703.47 of the Revised Code from 139085  
the date of certification until the date it is paid in its 139086  
entirety. Interest shall be paid in the same manner as the tax 139087  
and may be collected by the issuance of an assessment under this 139088  
section. 139089

(D) All money collected under this section shall be 139090  
considered as revenue arising from the taxes imposed by this 139091  
chapter or Chapter 5733. or 5748. of the Revised Code, as 139092  
appropriate. 139093

(E) If the party assessed files a petition for 139094  
reassessment under division (B) of this section, the person, on 139095  
or before the last day the petition may be filed, shall pay the 139096  
assessed amount, including assessed interest and assessed 139097  
penalties, if any of the following conditions exists: 139098

(1) The person files a tax return reporting Ohio adjusted 139099  
gross income, less the exemptions allowed by section 5747.025 of 139100  
the Revised Code, in an amount less than one cent, and the 139101  
reported amount is not based on the computations required under 139102  
division (A) of section 5747.01 or section 5747.025 of the 139103  
Revised Code. 139104

(2) The person files a tax return that the tax 139105  
commissioner determines to be incomplete, false, fraudulent, or 139106  
frivolous. 139107

(3) The person fails to file a tax return, and the basis 139108  
for this failure is not either of the following: 139109

(a) An assertion that the person has no nexus with this 139110  
state; 139111

(b) The computations required under division (A) of 139112  
section 5747.01 of the Revised Code or the application of 139113  
credits allowed under this chapter has the result that the 139114  
person's tax liability is less than one dollar and one cent. 139115

(F) Notwithstanding the fact that a petition for 139116  
reassessment is pending, the petitioner may pay all or a portion 139117  
of the assessment that is the subject of the petition. The 139118

acceptance of a payment by the treasurer of state does not 139119  
prejudice any claim for refund upon final determination of the 139120  
petition. 139121

If upon final determination of the petition an error in 139122  
the assessment is corrected by the tax commissioner, upon 139123  
petition so filed or pursuant to a decision of the board of tax 139124  
appeals or any court to which the determination or decision has 139125  
been appealed, so that the amount due from the party assessed 139126  
under the corrected assessment is less than the portion paid, 139127  
there shall be issued to the petitioner or to the petitioner's 139128  
assigns or legal representative a refund in the amount of the 139129  
overpayment as provided by section 5747.11 of the Revised Code, 139130  
with interest on that amount as provided by such section, 139131  
subject to section 5747.12 of the Revised Code. 139132

**Sec. 5747.29.** (A) As used in this section: 139133

(1) "Candidate" has the same meaning as in section 3517.01 139134  
of the Revised Code, but is limited to candidates for the public 139135  
offices specified in this section. 139136

(2) "Contribution" has the same meaning as in section 139137  
3517.01 of the Revised Code, but is limited to contributions of 139138  
money only. 139139

(B) A nonrefundable credit is allowed against a taxpayer's 139140  
aggregate tax liability under section 5747.02 of the Revised 139141  
Code for contributions of money made to the campaign committee 139142  
of candidates for any of the following public offices: governor, 139143  
lieutenant governor, secretary of state, auditor of state, 139144  
treasurer of state, attorney general, ~~member of the state board~~ 139145  
~~of education~~, chief justice of the supreme court, justice of the 139146  
supreme court, or member of the general assembly. The amount of 139147

the credit for a taxable year equals the lesser of the combined 139148  
total contributions made during the taxable year by each 139149  
taxpayer filing a return required to be filed under section 139150  
5747.08 of the Revised Code or the amount of fifty dollars, in 139151  
the case of an individual return, or one hundred dollars, in the 139152  
case of a joint return. 139153

The taxpayer shall claim the credit in the order required 139154  
under section 5747.98 of the Revised Code. The credit for a 139155  
taxable year shall not exceed the aggregate amount of tax 139156  
otherwise due for that year after allowing for any other credits 139157  
that precede the credit under this section in that order. 139158

**Sec. 5747.40.** Any term used in sections 5747.40 to 5747.43 139159  
of the Revised Code has the same meaning as defined in section 139160  
5733.40 of the Revised Code. 139161

The purpose of sections 5747.40 to 5747.43 of the Revised 139162  
Code is to complement and to reinforce the tax levied under 139163  
section 5747.02 of the Revised Code. Those sections do not apply 139164  
to a pass-through entity if all of the investors of the pass- 139165  
through entity are resident taxpayers for the purposes of this 139166  
chapter for the entire qualifying taxable year of the pass- 139167  
through entity, or to a trust if all of the beneficiaries of the 139168  
trust are resident taxpayers for the purposes of this chapter 139169  
for the entire qualifying taxable year of the trust, except that 139170  
sections 5747.42 and 5747.43 of the Revised Code apply to all 139171  
pass-through entities that elect to be subject to the tax levied 139172  
under section 5747.38 of the Revised Code. 139173

**Sec. 5747.43.** (A) As used in this section: 139174

(1) "Estimated taxes" means the amount that a qualifying 139175  
entity or electing pass-through entity estimates to be the sum 139176

of its liability under sections 5733.41 and 5747.41 or section 139177  
5747.38 of the Revised Code for its current qualifying taxable 139178  
year or taxable year, as applicable. 139179

(2) "Tax liability" means the total of the taxes and 139180  
withholding taxes due under sections 5733.41 and 5747.41 of the 139181  
Revised Code or the tax due under section 5747.38 of the Revised 139182  
Code for the applicable taxable year prior to applying any 139183  
estimated tax payment or refund from another year. 139184

(3) "Taxes paid" includes payments of estimated taxes made 139185  
under division (C) of this section and tax refunds applied by 139186  
the qualifying entity or electing pass-through entity in payment 139187  
of estimated taxes. 139188

(4) "Required installment" means a payment equal to 139189  
twenty-five per cent of the lesser of the following: 139190

(a) Ninety per cent of the tax liability for the 139191  
qualifying taxable year; 139192

(b) One hundred per cent of the tax liability shown on the 139193  
return of a qualifying entity or an electing pass-through entity 139194  
for the preceding taxable year. 139195

Division (A) (4) (b) of this section applies only if the 139196  
entity filed a return under section 5747.42 of the Revised Code 139197  
for the preceding taxable year and if the preceding taxable year 139198  
was a twelve-month taxable year. 139199

(B) In addition to the return required to be filed 139200  
pursuant to section 5747.42 of the Revised Code, each qualifying 139201  
entity or electing pass-through entity that is subject to the 139202  
tax imposed under section 5733.41 and to the withholding tax 139203  
imposed by section 5747.41 of the Revised Code or that is 139204  
subject to the tax imposed under section 5747.38 of the Revised 139205



Code shall file an estimated tax return and pay a portion of the  
entity's tax liability for its taxable year. The portion of  
those taxes required to be paid, and the last day prescribed for  
payment thereof, shall be as prescribed by divisions (B) (1),  
(2), (3), and (4) of this section:

(1) On or before the fifteenth day of the fourth month  
~~following after the last day of the first quarter of beginning~~  
of the entity's taxable year, twenty-two and one-half per cent  
of the entity's estimated tax liability for that taxable year;

(2) On or before the fifteenth day of the sixth month  
~~following after the last day of the second quarter of beginning~~  
of the entity's taxable year, forty-five per cent of the  
entity's estimated tax liability for that taxable year;

(3) On or before the fifteenth day of the ninth month  
~~following after the last day of the third quarter of beginning~~  
of the entity's taxable year, sixty-seven and one-half per cent  
of the entity's estimated tax liability for that taxable year;

(4) On or before the fifteenth day of the first month  
~~following of the last day of the fourth quarter of the entity's~~  
following taxable year, ninety per cent of the entity's  
estimated tax liability for that taxable year.

Payments of estimated taxes shall be made payable to the  
treasurer of state.

(C) If a payment of estimated taxes is not paid in the  
full amount required under division (B) of this section, a  
penalty ~~shall~~ may be added to the taxes charged for the  
qualifying taxable year or taxable year, as applicable, unless  
the underpayment is due to reasonable cause as described in  
division (D) of this section. The penalty shall accrue at the

rate per annum prescribed by section 5703.47 of the Revised Code 139235  
upon the amount of underpayment from the day the estimated 139236  
payment was required to be made to the day the payment is made. 139237

The amount of the underpayment upon which the penalty 139238  
shall accrue shall be determined as follows: 139239

(1) For the first payment of estimated taxes each year, 139240  
the required installment less the amount of taxes paid by the 139241  
date prescribed for that payment; 139242

(2) For the second payment of estimated taxes each year, 139243  
the required installment less the amount of taxes paid by the 139244  
date prescribed for that payment; 139245

(3) For the third payment of estimated taxes each year, 139246  
the required installment less the amount of taxes paid by the 139247  
date prescribed for that payment; 139248

(4) For the fourth payment of estimated taxes each year, 139249  
the required installment less the amount of taxes paid by the 139250  
date prescribed for that payment. 139251

For the purposes of this section, a payment of estimated 139252  
taxes on or before any payment date shall be considered a 139253  
payment of a previous underpayment only to the extent the 139254  
payment of estimated taxes exceeds the amount of the payment 139255  
presently required to be paid to avoid any penalty. 139256

The tax commissioner may abate, in whole or in part, the 139257  
penalty imposed under division (C) of this section. Any such 139258  
penalty is in lieu of any other interest charge or penalty 139259  
imposed for failure to file a declaration of estimated tax 139260  
report and make estimated payments as required by this section. 139261

(D) An underpayment of estimated taxes determined under 139262

division (C) of this section is due to reasonable cause if any 139263  
of the following apply: 139264

(1) The amount of tax that was paid equals at least ninety 139265  
per cent of the tax liability for the current taxable year, 139266  
determined by annualizing the income received during that year 139267  
up to the end of the month immediately preceding the month in 139268  
which the payment is due; 139269

(2) The amount of tax liability that was paid equals at 139270  
least ninety per cent of the tax liability for the current 139271  
taxable year; 139272

(3) The amount of tax liability that was paid equals at 139273  
least one hundred per cent of the tax liability shown on the 139274  
return of the entity for the preceding taxable year, provided 139275  
that the immediately preceding taxable year reflected a period 139276  
of twelve months and the entity filed a return under section 139277  
5747.42 of the Revised Code for that year. 139278

(E) (1) Divisions (B) and (C) of this section do not apply 139279  
for a taxable year if either of the following applies to the 139280  
entity: 139281

(a) For the immediately preceding taxable year, the entity 139282  
computes in good faith and in a reasonable manner that the sum 139283  
of its adjusted qualifying amounts or its qualifying taxable 139284  
income, as applicable, is ten thousand dollars or less. 139285

(b) For the taxable year the entity computes in good faith 139286  
and in a reasonable manner that the sum of its adjusted 139287  
qualifying amounts or its qualifying taxable income, as 139288  
applicable, is ten thousand dollars or less. 139289

(2) Notwithstanding any other provision of Title LVII of 139290  
the Revised Code to the contrary, the entity shall establish by 139291

a preponderance of the evidence that its computation of the 139292  
adjusted qualifying amounts or qualifying taxable income, as 139293  
applicable, for the immediately preceding taxable year and the 139294  
taxable year was, in fact, made in good faith and in a 139295  
reasonable manner. 139296

(F) The tax commissioner may waive the requirement for 139297  
filing a declaration of estimated taxes for any class of 139298  
qualifying entities if the commissioner finds the waiver is 139299  
reasonable and proper in view of administrative costs and other 139300  
factors. 139301

(G) Estimated taxes paid by a qualifying entity or an 139302  
electing pass-through entity may be applied to satisfy the 139303  
entity's tax liability under section 5733.41, 5747.38, or 139304  
5747.41 of the Revised Code. Nothing in this section authorizes 139305  
such an entity to apply estimated taxes paid against more than 139306  
one tax. 139307

**Sec. 5747.502.** (A) As used in this section: 139308

(1) "Traffic law photo-monitoring device" has the same 139309  
meaning as in section 4511.092 of the Revised Code. 139310

(2) "School zone" has the same meaning as in section 139311  
4511.21 of the Revised Code. 139312

(3) "Transportation district" means a territorial district 139313  
established by the director of transportation under section 139314  
5501.14 of the Revised Code. 139315

(4) "District deputy director" means the person appointed 139316  
and assigned by the director of transportation under section 139317  
5501.14 of the Revised Code to administer the activities of a 139318  
transportation district. 139319

- (5) "Gross amount" means the entire amount of traffic camera fines and fees paid by a driver. 139320  
139321
- (6) "Local government fund adjustment" or "LGF adjustment" means the sum of: 139322  
139323
- (a) The gross amount of all traffic camera fines collected by a local authority during the preceding fiscal year, as reported under division (B) (1) of this section, if such a report is required; plus 139324  
139325  
139326  
139327
- (b) The residual adjustment computed for the local authority under division (B) (4) of this section, if such an adjustment applies. 139328  
139329  
139330
- (7) "Local government fund payments" or "LGF payments" means the payments a local authority would receive under sections 5747.503, 5747.51, and 5747.53, and division (C) of section 5747.50 of the Revised Code, as applicable, if not for the reductions required by divisions (C) and (D) of this section. 139331  
139332  
139333  
139334  
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139336
- (8) "Residual adjustment" means the most recent LGF adjustment computed for a local authority under division (B) (2) or (3) of this section minus the sum of the reductions applied after that computation under division (C) of this section to the local authority's LGF payments. 139337  
139338  
139339  
139340  
139341
- (9) "Traffic camera fines" means civil fines for any violation of any local ordinance or resolution that are based upon evidence recorded by a traffic law photo-monitoring device. 139342  
139343  
139344
- (10) "Qualifying village" has the same meaning as in section 5747.503 of the Revised Code. 139345  
139346
- (11) "Local authority" means a municipal corporation, 139347

county, or township. 139348

(B) (1) Annually, on or before the thirty-first day of 139349  
July, any local authority that directly or indirectly collected 139350  
traffic camera fines during the preceding fiscal year shall file 139351  
a report with the tax commissioner that includes a detailed 139352  
statement of the gross amount of all traffic camera fines the 139353  
local authority collected during that period and the gross 139354  
amount of such fines that the local authority collected for 139355  
violations that occurred within a school zone. 139356

(2) Annually, on or before the tenth day of August, and 139357  
except as otherwise provided in this division, the commissioner 139358  
shall compute a local government fund adjustment for each local 139359  
authority that files a report under division (B) (1) of this 139360  
section or with respect to which a residual adjustment applies. 139361  
Subject to division (B) (3) of this section, the LGF adjustment 139362  
shall be used by the commissioner to determine the amount of the 139363  
reductions required under division (C) of this section for each 139364  
of the next twelve months, starting with the month in which the 139365  
LGF adjustment is computed. After those twelve months, the LGF 139366  
adjustment ceases to apply and, if an LGF adjustment continues 139367  
to be required, the amount of the reductions required under 139368  
division (C) of this section shall be determined based on an 139369  
updated LGF adjustment computed under this division. 139370

After the effective date of this amendment, no LGF 139371  
adjustment shall be calculated for a county or township 139372  
prohibited from operating a traffic law photo-monitoring device 139373  
by section 4511.093 of the Revised Code. An LGF adjustment that 139374  
applies to a county or township on the effective date of this 139375  
amendment ceases to apply as of that date. 139376

(3) Upon receipt of a report described by division (B) (1) 139377

of this section that is not timely filed, the commissioner shall 139378  
do both of the following: 139379

(a) If one or more payments to the local authority has 139380  
been withheld under division (D) of this section because of the 139381  
local authority's failure to file the report, notify the county 139382  
auditor and county treasurer of the appropriate county that the 139383  
report has been received and that, subject to division (C) of 139384  
this section, payments to the local authority from the undivided 139385  
local government fund are to resume. 139386

(b) Compute the local authority's LGF adjustment using the 139387  
information in the report. An LGF adjustment computed under this 139388  
division shall be used by the commissioner to determine the 139389  
amount of the reductions required under division (C) of this 139390  
section starting with the next required reduction. The LGF 139391  
adjustment ceases to apply on the thirty-first day of the 139392  
ensuing July, following which, if an LGF adjustment continues to 139393  
be required, the amount of the reductions required under 139394  
division (C) of this section shall be determined based on an 139395  
updated LGF adjustment computed under division (B) (2) of this 139396  
section. 139397

(4) Annually, on or before the tenth day of August, the 139398  
commissioner shall compute a residual adjustment for each local 139399  
authority whose LGF adjustment for the preceding year exceeds 139400  
the amount by which the local authority's LGF payments were 139401  
reduced during that year under division (C) of this section. The 139402  
residual adjustment shall be used to compute the LGF adjustment 139403  
for the ensuing year under division (B) (2) of this section. 139404

(C) The commissioner shall do the following, as 139405  
applicable, respecting any local authority to which an LGF 139406  
adjustment computed under division (B) of this section applies: 139407

(1) If the local authority is a municipal corporation with 139408  
a population of one thousand or more, reduce payments to the 139409  
municipal corporation under division (C) of section 5747.50 of 139410  
the Revised Code by one-twelfth of the LGF adjustment. If one- 139411  
twelfth of the LGF adjustment exceeds the amount of money the 139412  
municipal corporation would otherwise receive under division (C) 139413  
of section 5747.50 of the Revised Code, the commissioner also 139414  
shall reduce payments to the appropriate county undivided local 139415  
government fund under division (B) of section 5747.50 of the 139416  
Revised Code by an amount equal to the lesser of (a) one-twelfth 139417  
of the excess, or (b) the amount of the payment the municipal 139418  
corporation would otherwise receive from the fund under section 139419  
5747.51 or 5747.53 of the Revised Code. 139420

(2) If the local authority is a township or qualifying 139421  
village, reduce the supplemental payments to the appropriate 139422  
county undivided local government fund under section 5747.503 of 139423  
the Revised Code by the lesser of one-twelfth of the LGF 139424  
adjustment, or the amount of money the township or qualifying 139425  
village would otherwise receive under that section. If one- 139426  
twelfth of the LGF adjustment exceeds the amount of money the 139427  
township or qualifying village would otherwise receive under 139428  
section 5747.503 of the Revised Code, the commissioner also 139429  
shall reduce payments to the appropriate county undivided local 139430  
government fund under division (B) of section 5747.50 of the 139431  
Revised Code by an amount equal to the lesser of (a) one-twelfth 139432  
of the excess, or (b) the amount of the payment the township or 139433  
qualifying village would otherwise receive from the fund under 139434  
section 5747.51 or 5747.53 of the Revised Code. 139435

(3) If the local authority is a county, reduce payments to 139436  
the appropriate county undivided local government fund under 139437  
division (B) of section 5747.50 of the Revised Code by an amount 139438



equal to the lesser of (a) one-twelfth of the LGF adjustment, or 139439  
(b) the amount of the payment the county would otherwise receive 139440  
from the fund under section 5747.51 or 5747.53 of the Revised 139441  
Code. 139442

(4) For any local authority, on or before the tenth day of 139443  
each month a reduction is made under division (C)(1), (2), or 139444  
(3) of this section, make a payment to the local authority in an 139445  
amount equal to the lesser of (a) one-twelfth of the gross 139446  
amount of traffic camera fines the local authority collected in 139447  
the preceding fiscal year for violations that occurred within a 139448  
school zone, as indicated on the report filed by the local 139449  
authority pursuant to division (B)(1) of this section, or (b) 139450  
the amount by which the local authority's LGF payments were 139451  
reduced that month pursuant to division (C)(1), (2), or (3) of 139452  
this section. Payments received by a local authority under this 139453  
division shall be used by the local authority for school safety 139454  
purposes. 139455

(D) Upon discovery, based on information in the 139456  
commissioner's possession, that a local authority required to 139457  
file a report under division (B)(1) of this section has failed 139458  
to do so, the commissioner shall do the following, as 139459  
applicable: 139460

(1) If the local authority is a municipal corporation with 139461  
a population of one thousand or more, cease providing for 139462  
payments to the municipal corporation under section 5747.50 of 139463  
the Revised Code beginning with the next required payment and 139464  
until such time as the report is received by the commissioner; 139465

(2) If the local authority is a township or qualifying 139466  
village, reduce the supplemental payments to the appropriate 139467  
county undivided local government fund under section 5747.503 of 139468

the Revised Code by an amount equal to the amount of such 139469  
payments the local authority would otherwise receive under that 139470  
section, beginning with the next required payment and until such 139471  
time as the report is received by the commissioner; 139472

(3) For any local authority, reduce payments to the 139473  
appropriate county undivided local government fund under 139474  
division (B) of section 5747.50 of the Revised Code by an amount 139475  
equal to the amount of such payments the local authority would 139476  
otherwise receive under section 5747.51 or 5747.53 of the 139477  
Revised Code, beginning with the next required payment and until 139478  
such time as the report is received by the commissioner; 139479

(4) For any local authority, notify the county auditor and 139480  
county treasurer that such payments are to cease until the 139481  
commissioner notifies the auditor and treasurer under division 139482  
(E) of this section that the payments are to resume. 139483

(E) The commissioner shall notify the county auditor and 139484  
county treasurer on or before the day the commissioner first 139485  
reduces a county undivided local government fund payment to that 139486  
county under division (C) of this section. The notice shall 139487  
include the full amount of the reduction, a list of the local 139488  
authorities to which the reduction applies, and the amount of 139489  
reduction attributed to each such local authority. The 139490  
commissioner shall send an updated notice to the county auditor 139491  
and county treasurer any time the amount the reduction 139492  
attributed to any local authority changes. 139493

A county treasurer that receives a notice from the 139494  
commissioner under this division or division (B) (3) (a) or (D) (4) 139495  
of this section shall reduce, cease, or resume payments from the 139496  
undivided local government fund to the local authority that is 139497  
the subject of the notice as specified by the commissioner in 139498

the notice. Unless otherwise specified in the notice, the 139499  
payments shall be reduced, ceased, or resumed beginning with the 139500  
next required payment. 139501

(F) There is hereby created in the state treasury the Ohio 139502  
highway and transportation safety fund. On or before the tenth 139503  
day of each month, the commissioner shall deposit in the fund an 139504  
amount equal to the total amount by which payments to local 139505  
authorities were reduced or ceased under division (C) or (D) of 139506  
this section minus the total amount of payments made under 139507  
division (C) (4) of this section. The amount deposited with 139508  
respect to a local authority shall be credited to an account to 139509  
be created in the fund for the transportation district in which 139510  
that local authority is located. If the local authority is 139511  
located within more than one transportation district, the amount 139512  
credited to the account of each such transportation district 139513  
shall be prorated on the basis of the number of centerline miles 139514  
of public roads and highways in both the local authority and the 139515  
respective districts. Amounts credited to a transportation 139516  
district's account shall be used by the department of 139517  
transportation and the district deputy director exclusively to 139518  
enhance public safety on public roads and highways within that 139519  
transportation district. 139520

**Sec. 5747.51.** (A) On or before the twenty-fifth day of 139521  
July of each year, the tax commissioner shall make and certify 139522  
to the county auditor of each county an estimate of the amount 139523  
of the local government fund to be allocated to the undivided 139524  
local government fund of each county for the ensuing calendar 139525  
year, adjusting the total as required to account for 139526  
subdivisions receiving local government funds under section 139527  
5747.502 of the Revised Code. 139528

(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised Code, each auditor shall present to the commission the certificate of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local government fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the commission has provided for a formula pursuant to section 5747.53 of the Revised Code. The commissioner shall reduce the amount of funds from the undivided local government fund to a subdivision required to receive reduced funds under section 5747.502 of the Revised Code.

Nothing in this section prevents the budget commission, for the purpose of apportioning the undivided local government fund, from inquiring into the claimed needs of any subdivision as stated in its tax budget, or from adjusting claimed needs to reflect actual needs. For the purposes of this section, "current operating expenses" means the lawful expenditures of a subdivision, except those for permanent improvements and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of indebtedness of the subdivision.

(C) The commission shall determine the combined total of the estimated expenditures, including transfers, from the general fund and any special funds other than special funds

established for road and bridge; street construction, 139560  
maintenance, and repair; state highway improvement; and gas, 139561  
water, sewer, and electric public utilities operated by a 139562  
subdivision, as shown in the subdivision's tax budget for the 139563  
ensuing calendar year. 139564

(D) From the combined total of expenditures calculated 139565  
pursuant to division (C) of this section, the commission shall 139566  
deduct the following expenditures, if included in these funds in 139567  
the tax budget: 139568

(1) Expenditures for permanent improvements as defined in 139569  
division (E) of section 5705.01 of the Revised Code; 139570

(2) In the case of counties and townships, transfers to 139571  
the road and bridge fund, and in the case of municipalities, 139572  
transfers to the street construction, maintenance, and repair 139573  
fund and the state highway improvement fund; 139574

(3) Expenditures for the payment of debt charges; 139575

(4) Expenditures for the payment of judgments. 139576

(E) In addition to the deductions made pursuant to 139577  
division (D) of this section, revenues accruing to the general 139578  
fund and any special fund considered under division (C) of this 139579  
section from the following sources shall be deducted from the 139580  
combined total of expenditures calculated pursuant to division 139581  
(C) of this section: 139582

(1) Taxes levied within the ten-mill limitation, as 139583  
defined in section 5705.02 of the Revised Code; 139584

(2) The budget commission allocation of estimated county 139585  
public library fund revenues to be distributed pursuant to 139586  
section 5747.48 of the Revised Code; 139587

(3) Estimated unencumbered balances as shown on the tax 139588  
budget as of the thirty-first day of December of the current 139589  
year in the general fund, but not any estimated balance in any 139590  
special fund considered in division (C) of this section; 139591

(4) Revenue, including transfers, shown in the general 139592  
fund and any special funds other than special funds established 139593  
for road and bridge; street construction, maintenance, and 139594  
repair; state highway improvement; and gas, water, sewer, and 139595  
electric public utilities, from all other sources except those 139596  
that a subdivision receives from an additional tax or service 139597  
charge voted by its electorate or receives from special 139598  
assessment or revenue bond collection. For the purposes of this 139599  
division, where the charter of a municipal corporation prohibits 139600  
the levy of an income tax, an income tax levied by the 139601  
legislative authority of such municipal corporation pursuant to 139602  
an amendment of the charter of that municipal corporation to 139603  
authorize such a levy represents an additional tax voted by the 139604  
electorate of that municipal corporation. For the purposes of 139605  
this division, any measure adopted by a board of county 139606  
commissioners pursuant to section 322.02, 4504.02, or 5739.021 139607  
of the Revised Code, including those measures upheld by the 139608  
electorate in a referendum conducted pursuant to section 139609  
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 139610  
considered an additional tax voted by the electorate. 139611

~~Subject to division (F) of section 5705.29 of the Revised~~ 139612  
~~Code, money~~ Money in a reserve balance account established by a 139613  
county, township, or municipal corporation under section 5705.13 139614  
of the Revised Code shall not be considered an unencumbered 139615  
balance or revenue under division (E)(3) or (4) of this section. 139616  
Money in a reserve balance account established by a township 139617  
under section 5705.132 of the Revised Code shall not be 139618

considered an unencumbered balance or revenue under division (E) 139619  
(3) or (4) of this section. 139620

If a county, township, or municipal corporation has 139621  
created and maintains a nonexpendable trust fund under section 139622  
5705.131 of the Revised Code, the principal of the fund, and any 139623  
additions to the principal arising from sources other than the 139624  
reinvestment of investment earnings arising from such a fund, 139625  
shall not be considered an unencumbered balance or revenue under 139626  
division (E) (3) or (4) of this section. Only investment earnings 139627  
arising from investment of the principal or investment of such 139628  
additions to principal may be considered an unencumbered balance 139629  
or revenue under those divisions. 139630

(F) The total expenditures calculated pursuant to division 139631  
(C) of this section, less the deductions authorized in divisions 139632  
(D) and (E) of this section, shall be known as the "relative 139633  
need" of the subdivision, for the purposes of this section. 139634

(G) The budget commission shall total the relative need of 139635  
all participating subdivisions in the county, and shall compute 139636  
a relative need factor by dividing the total estimate of the 139637  
undivided local government fund by the total relative need of 139638  
all participating subdivisions. 139639

(H) The relative need of each subdivision shall be 139640  
multiplied by the relative need factor to determine the 139641  
proportionate share of the subdivision in the undivided local 139642  
government fund of the county; provided, that the maximum 139643  
proportionate share of a county shall not exceed the following 139644  
maximum percentages of the total estimate of the undivided local 139645  
government fund governed by the relationship of the percentage 139646  
of the population of the county that resides within municipal 139647  
corporations within the county to the total population of the 139648

county as reported in the reports on population in Ohio by the 139649  
department of development as of the twentieth day of July of the 139650  
year in which the tax budget is filed with the budget 139651  
commission: 139652  
139653

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A	Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
B	Less than forty-one per cent	Sixty per cent
C	Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
D	Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the 139654  
limitations established in this division, the budget commission 139655  
shall adjust the proportionate shares determined pursuant to 139656  
this division so that the proportionate share of the county does 139657  
not exceed these limitations, and it shall increase the 139658  
proportionate shares of all other subdivisions on a pro rata 139659  
basis. In counties having a population of less than one hundred 139660  
thousand, not less than ten per cent shall be distributed to the 139661  
townships therein. 139662

(I) The proportionate share of each subdivision in the 139663  
undivided local government fund determined pursuant to division 139664  
(H) of this section for any calendar year shall not be less than 139665  
the product of the average of the percentages of the undivided 139666  
local government fund of the county as apportioned to that 139667  
subdivision for the calendar years 1968, 1969, and 1970, 139668



multiplied by the total amount of the undivided local government fund of the county apportioned pursuant to former section 5739.23 of the Revised Code for the calendar year 1970. For the purposes of this division, the total apportioned amount for the calendar year 1970 shall be the amount actually allocated to the county in 1970 from the state collected intangible tax as levied by section 5707.03 of the Revised Code and distributed pursuant to section 5725.24 of the Revised Code, plus the amount received by the county in the calendar year 1970 pursuant to division (B) (1) of former section 5739.21 of the Revised Code, and distributed pursuant to former section 5739.22 of the Revised Code. If the total amount of the undivided local government fund for any calendar year is less than the amount of the undivided local government fund apportioned pursuant to former section 5739.23 of the Revised Code for the calendar year 1970, the minimum amount guaranteed to each subdivision for that calendar year pursuant to this division shall be reduced on a basis proportionate to the amount by which the amount of the undivided local government fund for that calendar year is less than the amount of the undivided local government fund apportioned for the calendar year 1970.

(J) On the basis of such apportionment, the county auditor shall compute the percentage share of each such subdivision in the undivided local government fund and shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. No payment shall be made from the undivided local government fund, except in accordance with such percentage shares.

Within ten days after the budget commission has made its apportionment, whether conducted pursuant to section 5747.51 or 5747.53 of the Revised Code, the auditor shall publish a list of

the subdivisions and the amount each is to receive from the 139700  
undivided local government fund and the percentage share of each 139701  
subdivision, in a newspaper or newspapers of countywide 139702  
circulation, and send a copy of such allocation to the tax 139703  
commissioner. 139704

The county auditor shall also send a copy of such 139705  
allocation by ordinary or electronic mail to the fiscal officer 139706  
of each subdivision entitled to participate in the allocation of 139707  
the undivided local government fund of the county. This copy 139708  
shall constitute the official notice of the commission action 139709  
referred to in section 5705.37 of the Revised Code. 139710

All money received into the treasury of a subdivision from 139711  
the undivided local government fund in a county treasury shall 139712  
be paid into the general fund and used for the current operating 139713  
expenses of the subdivision. 139714

If a municipal corporation maintains a municipal 139715  
university, such municipal university, when the board of 139716  
trustees so requests the legislative authority of the municipal 139717  
corporation, shall participate in the money apportioned to such 139718  
municipal corporation from the total local government fund, 139719  
however created and constituted, in such amount as requested by 139720  
the board of trustees, provided such sum does not exceed nine 139721  
per cent of the total amount paid to the municipal corporation. 139722

If any public official fails to maintain the records 139723  
required by sections 5747.50 to 5747.55 of the Revised Code or 139724  
by the rules issued by the tax commissioner, the auditor of 139725  
state, or the treasurer of state pursuant to such sections, or 139726  
fails to comply with any law relating to the enforcement of such 139727  
sections, the local government fund money allocated to the 139728  
county may be withheld until such time as the public official 139729

has complied with such sections or such law or the rules issued 139730  
pursuant thereto. 139731

**Sec. 5747.86.** Terms used in this section have the same 139732  
meanings as in section 122.84 of the Revised Code. 139733

There is hereby allowed a nonrefundable credit against a 139734  
taxpayer's aggregate tax liability under section 5747.02 of the 139735  
Revised Code for a taxpayer who is issued, or to whom is 139736  
transferred, a tax credit certificate under section 122.84 of 139737  
the Revised Code. The credit equals the amount stated on the 139738  
certificate and may be claimed for the taxable year that 139739  
includes the first day of the investment period that was the 139740  
subject of the application for the certificate under that 139741  
section or for the ensuing taxable year. For a credit issued 139742  
during the July application round each year, the credit may also 139743  
be claimed for the preceding taxable year. A taxpayer applying a 139744  
credit for the preceding taxable year shall file an amended 139745  
return or apply that amendment on the taxpayer's original 139746  
return, for that year. 139747

If the certificate is held by a pass-through entity, any 139748  
taxpayer that is a direct or indirect investor in the pass- 139749  
through entity on the last day of the entity's qualifying 139750  
taxable year may claim the taxpayer's proportionate or 139751  
distributive share of the credit against the taxpayer's 139752  
aggregate amount of tax levied under section 5747.02 of the 139753  
Revised Code. 139754

The credit shall be claimed in the order required under 139755  
section 5747.98 of the Revised Code. If the credit exceeds the 139756  
taxpayer's aggregate tax due under section 5747.02 of the 139757  
Revised Code for that taxable year after allowing for credits 139758  
that precede the credit under this section in that order, such 139759

excess shall be allowed as a credit in each of the ensuing five 139760  
taxable years, but the amount of any excess credit allowed in 139761  
any such taxable year shall be deducted from the balance carried 139762  
forward to the ensuing taxable year. 139763

No credit shall be claimed under this section to the 139764  
extent the credit was claimed under section 5725.38, 5726.61, or 139765  
5729.21 of the Revised Code. 139766

Sec. 5747.87. There is allowed a nonrefundable credit 139767  
against a taxpayer's aggregate tax liability under section 139768  
5747.02 of the Revised Code for a taxpayer who holds the rights 139769  
to a tax credit certificate that is issued on or after the 139770  
effective date of this section under section 122.09 of the 139771  
Revised Code. The credit equals the amount stated on the 139772  
certificate and may be claimed for the taxable year ending in 139773  
the calendar year specified in the certificate or in the ensuing 139774  
calendar year. The credit shall be claimed in the order required 139775  
under section 5747.98 of the Revised Code. If the credit exceeds 139776  
the taxpayer's aggregate tax due under section 5747.02 of the 139777  
Revised Code for that taxable year after allowing for credits 139778  
that precede the credit under this section in that order, the 139779  
excess may be carried forward for five ensuing taxable years, 139780  
but the amount of any excess credit allowed in any such taxable 139781  
year shall be deducted from the balance carried forward to the 139782  
ensuing taxable year. Nothing in this section limits or 139783  
disallows pass-through treatment of the credit if the person 139784  
holding the rights to a tax credit certificate is a pass-through 139785  
entity. 139786

No credit shall be claimed under this section to the 139787  
extent the certificate was used to claim a credit under section 139788  
5725.35, 5726.62, or 5729.18 of the Revised Code. 139789

**Sec. 5747.98.** (A) To provide a uniform procedure for 139790  
calculating a taxpayer's aggregate tax liability under section 139791  
5747.02 of the Revised Code, a taxpayer shall claim any credits 139792  
to which the taxpayer is entitled in the following order: 139793

Either the retirement income credit under division (B) of 139794  
section 5747.055 of the Revised Code or the lump sum retirement 139795  
income credits under divisions (C), (D), and (E) of that 139796  
section; 139797

Either the senior citizen credit under division (F) of 139798  
section 5747.055 of the Revised Code or the lump sum 139799  
distribution credit under division (G) of that section; 139800

The dependent care credit under section 5747.054 of the 139801  
Revised Code; 139802

The credit for displaced workers who pay for job training 139803  
under section 5747.27 of the Revised Code; 139804

~~The campaign contribution credit under section 5747.29 of~~ 139805  
~~the Revised Code;~~ 139806

The twenty-dollar personal exemption credit under section 139807  
5747.022 of the Revised Code; 139808

The joint filing credit under division ~~(G)~~(E) of section 139809  
5747.05 of the Revised Code; 139810

The earned income credit under section 5747.71 of the 139811  
Revised Code; 139812

The nonrefundable credit for education expenses under 139813  
section 5747.72 of the Revised Code; 139814

The nonrefundable credit for donations to scholarship 139815  
granting organizations under section 5747.73 of the Revised 139816

Code;	139817
The nonrefundable credit for tuition paid to a	139818
nonchartered nonpublic school under section 5747.75 of the	139819
Revised Code;	139820
The nonrefundable vocational job credit under section	139821
5747.057 of the Revised Code;	139822
The nonrefundable job retention credit under division (B)	139823
of section 5747.058 of the Revised Code;	139824
The enterprise zone credit under section 5709.66 of the	139825
Revised Code;	139826
The credit for beginning farmers who participate in a	139827
financial management program under division (B) of section	139828
5747.77 of the Revised Code;	139829
The credit for commercial vehicle operator training	139830
expenses under section 5747.82 of the Revised Code;	139831
The nonrefundable welcome home Ohio (WHO) program credit	139832
under section 122.633 of the Revised Code;	139833
<u>The nonrefundable credit for transformational mixed use</u>	139834
<u>development tax credit certificate holders under section 5747.87</u>	139835
<u>of the Revised Code;</u>	139836
The credit for selling or renting agricultural assets to	139837
beginning farmers under division (A) of section 5747.77 of the	139838
Revised Code;	139839
The credit for purchases of qualifying grape production	139840
property under section 5747.28 of the Revised Code;	139841
The small business investment credit under section 5747.81	139842
of the Revised Code;	139843

The nonrefundable lead abatement credit under section	139844
5747.26 of the Revised Code;	139845
The opportunity zone investment credit under section	139846
5747.86 of the Revised Code;	139847
The enterprise zone credits under section 5709.65 of the	139848
Revised Code;	139849
The research and development credit under section 5747.331	139850
of the Revised Code;	139851
The credit for rehabilitating a historic building under	139852
section 5747.76 of the Revised Code;	139853
The nonrefundable Ohio low-income housing tax credit under	139854
section 5747.83 of the Revised Code;	139855
The nonrefundable affordable single-family home credit	139856
under section 5747.84 of the Revised Code;	139857
The nonresident credit under division (A) of section	139858
5747.05 of the Revised Code;	139859
The credit for a resident's out-of-state income under	139860
division (B) of section 5747.05 of the Revised Code;	139861
The refundable motion picture and Broadway theatrical	139862
production credit under section 5747.66 of the Revised Code;	139863
<del>The refundable credit for film and theater capital</del>	139864
<del>improvement projects under section 5747.67 of the Revised Code;</del>	139865
The refundable jobs creation credit or job retention	139866
credit under division (A) of section 5747.058 of the Revised	139867
Code;	139868
The refundable credit for taxes paid by a qualifying	139869
entity granted under section 5747.059 of the Revised Code;	139870

The refundable credits for taxes paid by a qualifying 139871  
pass-through entity granted under division (I) of section 139872  
5747.08 of the Revised Code; 139873

The refundable credit under section 5747.80 of the Revised 139874  
Code for losses on loans made to the Ohio venture capital 139875  
program under sections 150.01 to 150.10 of the Revised Code; 139876

The refundable credit for rehabilitating a historic 139877  
building under section 5747.76 of the Revised Code; 139878

The refundable credit under section 5747.39 of the Revised 139879  
Code for taxes levied under section 5747.38 of the Revised Code 139880  
paid by an electing pass-through entity. 139881

(B) For any credit, except the refundable credits 139882  
enumerated in this section and the credit granted under division 139883  
(H) of section 5747.08 of the Revised Code, the amount of the 139884  
credit for a taxable year shall not exceed the taxpayer's 139885  
aggregate amount of tax due under section 5747.02 of the Revised 139886  
Code, after allowing for any other credit that precedes it in 139887  
the order required under this section. Any excess amount of a 139888  
particular credit may be carried forward if authorized under the 139889  
section creating that credit. Nothing in this chapter shall be 139890  
construed to allow a taxpayer to claim, directly or indirectly, 139891  
a credit more than once for a taxable year. 139892

**Sec. 5748.01.** As used in this chapter: 139893

(A) "School district income tax" means an income tax 139894  
adopted under one of the following: 139895

(1) Former section 5748.03 of the Revised Code as it 139896  
existed prior to its repeal by Amended Substitute House Bill No. 139897  
291 of the 115th general assembly; 139898



(2) Section 5748.03 of the Revised Code as enacted in 139899  
Substitute Senate Bill No. 28 of the 118th general assembly; 139900

(3) Section 5748.08 of the Revised Code as enacted in 139901  
Amended Substitute Senate Bill No. 17 of the 122nd general 139902  
assembly; 139903

(4) Section 5748.021 of the Revised Code; 139904

(5) Section 5748.081 of the Revised Code; 139905

(6) Section 5748.09 of the Revised Code. 139906

(B) "Individual" means an individual subject to the tax 139907  
levied by section 5747.02 of the Revised Code. 139908

(C) ~~"Estate" means an estate subject to the tax levied by~~ 139909  
~~section 5747.02 of the Revised Code~~ "Market value" and "estimated 139910  
effective rate" have the same meanings as in section 5705.01 of 139911  
the Revised Code. 139912

(D) "Taxable year" means a taxable year as defined in 139913  
division (M) of section 5747.01 of the Revised Code. 139914

(E) "Taxable income" means÷ 139915

~~(1) In the case of an individual,~~ one of the following, as 139916  
specified in the resolution imposing the tax: 139917

~~(a)~~ (1) Modified adjusted gross income for the taxable 139918  
year, as defined in section 5747.01 of the Revised Code, less 139919  
the exemptions provided by section 5747.025 of the Revised Code; 139920

~~(b)~~ (2) Wages, salaries, tips, and other employee 139921  
compensation to the extent included in modified adjusted gross 139922  
income as defined in section 5747.01 of the Revised Code, and 139923  
net earnings from self-employment, as defined in section 1402(a) 139924  
of the Internal Revenue Code, to the extent included in modified 139925

adjusted gross income. 139926

~~(2) In the case of an estate, taxable income for the~~ 139927  
~~taxable year as defined in division (S) of section 5747.01 of~~ 139928  
~~the Revised Code.~~ 139929

(F) "Resident" of the school district means: 139930

~~(1) An~~ an individual who is a resident of this state as 139931  
defined in division (I) of section 5747.01 of the Revised Code 139932  
during all or a portion of the taxable year and who, during all 139933  
or a portion of such period of state residency, is domiciled in 139934  
the school district or lives in and maintains a permanent place 139935  
of abode in the school district; 139936

~~(2) An estate of a decedent who, at the time of death, was~~ 139937  
~~domiciled in the school district.~~ 139938

(G) "School district income" means: 139939

~~(1) With respect to an individual,~~ the portion of the 139940  
taxable income of an individual that is received by the 139941  
individual during the portion of the taxable year that the 139942  
individual is a resident of the school district and the school 139943  
district income tax is in effect in that school district. An 139944  
individual may have school district income with respect to more 139945  
than one school district. 139946

~~(2) With respect to an estate, the taxable income of the~~ 139947  
~~estate for the portion of the taxable year that the school~~ 139948  
~~district income tax is in effect in that school district.~~ 139949

(H) "Taxpayer" means an individual ~~or estate~~ having school 139950  
district income upon which a school district income tax is 139951  
imposed. 139952

(I) "School district purposes" means any of the purposes 139953

for which a tax may be levied pursuant to division (A) of 139954  
section 5705.21 of the Revised Code, including the combined 139955  
purposes authorized by section 5705.217 of the Revised Code. 139956

~~(J) "The county auditor's appraised value" and "effective~~ 139957  
~~rate" have the same meanings as in section 5705.01 of the~~ 139958  
~~Revised Code.~~ 139959

**Sec. 5748.02.** (A) The board of education of any school 139960  
district, except a joint vocational school district, may 139961  
declare, by resolution, the necessity of raising annually a 139962  
specified amount of money for school district purposes. The 139963  
resolution shall specify whether the income that is to be 139964  
subject to the tax is taxable income ~~of individuals and estates~~ 139965  
as defined in ~~divisions (E) (1) (a) and~~ division (E) (1) or (2) of 139966  
section 5748.01 of the Revised Code ~~or taxable income of~~ 139967  
~~individuals as defined in division (E) (1) (b) of that section.~~ A 139968  
copy of the resolution shall be certified to the tax 139969  
commissioner no later than one hundred days prior to the date of 139970  
the election at which the board intends to propose a levy under 139971  
this section. Upon receipt of the copy of the resolution, the 139972  
tax commissioner shall estimate both of the following: 139973

(1) The property tax rate that would have to be imposed in 139974  
the current year by the district to produce an equivalent amount 139975  
of money; 139976

(2) The income tax rate that would have had to have been 139977  
in effect for the current year to produce an equivalent amount 139978  
of money from a school district income tax. 139979

Within ten days of receiving the copy of the board's 139980  
resolution, the commissioner shall prepare these estimates and 139981  
certify them to the board. Upon receipt of the certification, 139982

the board may adopt a resolution proposing an income tax under 139983  
division (B) of this section at the estimated rate contained in 139984  
the certification rounded to the nearest one-fourth of one per 139985  
cent. The commissioner's certification applies only to the 139986  
board's proposal to levy an income tax at the election for which 139987  
the board requested the certification. If the board intends to 139988  
submit a proposal to levy an income tax at any other election, 139989  
it shall request another certification for that election in the 139990  
manner prescribed in this division. 139991

(B) (1) Upon the receipt of a certification from the tax 139992  
commissioner under division (A) of this section, a majority of 139993  
the members of a board of education may adopt a resolution 139994  
proposing the levy of an annual tax for school district purposes 139995  
on school district income. The proposed levy may be for a 139996  
continuing period of time or for a specified number of years. 139997  
The resolution shall set forth the purpose for which the tax is 139998  
to be imposed, the rate of the tax, which shall be the rate set 139999  
forth in the commissioner's certification rounded to the nearest 140000  
one-fourth of one per cent, the number of years the tax will be 140001  
levied or that it will be levied for a continuing period of 140002  
time, the date on which the tax shall take effect, which shall 140003  
be the first day of January of any year following the year in 140004  
which the question is submitted, and the date of the election at 140005  
which the proposal shall be submitted to the electors of the 140006  
district, which shall be on the date of a primary, general, or 140007  
special election the date of which is consistent with section 140008  
3501.01 of the Revised Code. The resolution shall specify 140009  
whether the income that is to be subject to the tax is taxable 140010  
~~income of individuals and estates as defined in divisions (E)(1)~~ 140011  
~~(a) and division (E)(1) or (2) of section 5748.01 of the Revised~~ 140012  
~~Code or taxable income of individuals as defined in division (E)~~ 140013

~~(1) (b) of that section.~~ The specification shall be the same as 140014  
the specification in the resolution adopted and certified under 140015  
division (A) of this section. 140016

If the tax is to be levied for current expenses and 140017  
permanent improvements, the resolution shall apportion the 140018  
annual rate of the tax. The apportionment may be the same or 140019  
different for each year the tax is levied, but the respective 140020  
portions of the rate actually levied each year for current 140021  
expenses and for permanent improvements shall be limited by the 140022  
apportionment. 140023

If the board of education currently imposes an income tax 140024  
pursuant to this chapter that is due to expire and a question is 140025  
submitted under this section for a proposed income tax to take 140026  
effect upon the expiration of the existing tax, the board may 140027  
specify in the resolution that the proposed tax renews the 140028  
expiring tax. Two or more expiring income taxes may be renewed 140029  
under this paragraph if the taxes are due to expire on the same 140030  
date. If the tax rate being proposed is no higher than the total 140031  
tax rate imposed by the expiring tax or taxes, the resolution 140032  
may state that the proposed tax is not an additional income tax. 140033

(2) A board of education adopting a resolution under 140034  
division (B) (1) of this section proposing a school district 140035  
income tax for a continuing period of time and limited to the 140036  
purpose of current expenses may propose in that resolution to 140037  
reduce the rate or rates of one or more of the school district's 140038  
property taxes levied for a continuing period of time in excess 140039  
of the ten-mill limitation for the purpose of current expenses. 140040  
The reduction in the rate of a property tax may be any amount, 140041  
not exceeding the rate at which the tax is authorized to be 140042  
levied. The reduction in the rate of a tax shall first take 140043

effect for the tax year that includes the day on which the 140044  
school district income tax first takes effect, and shall 140045  
continue for each tax year that both the school district income 140046  
tax and the property tax levy are in effect. 140047

In addition to the matters required to be set forth in the 140048  
resolution under division (B)(1) of this section, a resolution 140049  
containing a proposal to reduce the rate of one or more property 140050  
taxes shall state for each such tax the maximum rate at which it 140051  
currently may be levied and the maximum rate at which the tax 140052  
could be levied after the proposed reduction, expressed in mills 140053  
for each one dollar of taxable value, and that the tax is levied 140054  
for a continuing period of time. 140055

A board proposing to reduce the rate of one or more 140056  
property taxes under division (B)(2) of this section shall 140057  
comply with division (B) of section 5705.03 of the Revised Code. 140058  
In addition to the amounts required in division (B)(2) of that 140059  
section, the county auditor shall certify to the board the 140060  
levy's effective rate for both the last year before the levy's 140061  
proposed reduction and the first year that the reduction 140062  
applies, both expressed in dollars for each one hundred thousand 140063  
dollars of ~~the county auditor's appraised market~~ value. 140064

If a board of education proposes to reduce the rate of one 140065  
or more property taxes under division (B)(2) of this section, 140066  
the board, when it makes the certification required under 140067  
division (A) of this section, shall designate the specific levy 140068  
or levies to be reduced, the maximum rate at which each levy 140069  
currently is authorized to be levied, and the rate by which each 140070  
levy is proposed to be reduced. The tax commissioner, when 140071  
making the certification to the board under division (A) of this 140072  
section, also shall certify the reduction in the total effective 140073

tax rate for current expenses for each class of property that 140074  
would have resulted if the proposed reduction in the rate or 140075  
rates had been in effect the previous tax year. As used in this 140076  
paragraph, "effective tax rate" has the same meaning as in 140077  
section 323.08 of the Revised Code. 140078

(C) A resolution adopted under division (B) of this 140079  
section shall go into immediate effect upon its passage, and no 140080  
publication of the resolution shall be necessary other than that 140081  
provided for in the notice of election. Immediately after its 140082  
adoption and at least ninety days prior to the election at which 140083  
the question will appear on the ballot, a copy of the resolution 140084  
and, if applicable, the county auditor's certifications under 140085  
section 5705.03 of the Revised Code shall be certified to the 140086  
board of elections of the proper county, which shall submit the 140087  
proposal to the electors on the date specified in the 140088  
resolution. The board of education shall send to the tax 140089  
commissioner a copy of the resolution certified to the board of 140090  
elections. The form of the ballot shall be as provided in 140091  
section 5748.03 of the Revised Code. Publication of notice of 140092  
the election shall be made in a newspaper of general circulation 140093  
in the county once a week for two consecutive weeks, or as 140094  
provided in section 7.16 of the Revised Code, prior to the 140095  
election. If the board of elections operates and maintains a web 140096  
site, the board of elections shall post notice of the election 140097  
on its web site for thirty days prior to the election. The 140098  
notice shall contain the time and place of the election and the 140099  
question to be submitted to the electors. The question covered 140100  
by the resolution shall be submitted as a separate proposition, 140101  
but may be printed on the same ballot with any other proposition 140102  
submitted at the same election, other than the election of 140103  
officers. 140104

(D) No board of education shall submit the question of a tax on school district income to the electors of the district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

(E) (1) No board of education may submit to the electors of the district the question of a tax on school district income on ~~the taxable income of individuals as defined in division (E) (1)~~ (b) (E) (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on ~~the taxable income of individuals and estates as defined in divisions (E) (1) (a) and~~ (2) division (E) (1) of that section.

(2) No board of education may submit to the electors of the district the question of a tax on school district income on ~~the taxable income of individuals and estates as defined in divisions (E) (1) (a) and (2)~~ division (E) (1) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on ~~the taxable income of individuals as defined in division (E) (1) (b)~~ (E) (2) of that section.

**Sec. 5748.021.** A board of education that levies a tax under section 5748.02 of the Revised Code on the school district income of individuals ~~and estates as defined in divisions (G) and (E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised Code may declare, at any time, by a resolution adopted by a majority of its members, the necessity of raising annually a specified amount of money for school district purposes by replacing the existing tax with a tax on ~~the school district income of individuals as defined in divisions (G) (1) (G) and (E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. The specified amount of money to be raised annually may be the same



as, or more or less than, the amount of money raised annually by 140135  
the existing tax. 140136

The board shall certify a copy of the resolution to the 140137  
tax commissioner not later than the eighty-fifth day before the 140138  
date of the election at which the board intends to propose the 140139  
replacement to the electors of the school district. Not later 140140  
than the tenth day after receiving the resolution, the tax 140141  
commissioner shall estimate the tax rate that would be required 140142  
in the school district annually to raise the amount of money 140143  
specified in the resolution. The tax commissioner shall certify 140144  
the estimate to the board. 140145

Upon receipt of the tax commissioner's estimate, the board 140146  
may propose, by a resolution adopted by a majority of its 140147  
members, to replace the existing tax on ~~the~~ school district 140148  
income ~~of individuals and estates~~ as defined in divisions (G) 140149  
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 140150  
Code with the levy of an annual tax on ~~the~~ school district 140151  
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~ 140152  
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. In the 140153  
resolution, the board shall specify the rate of the replacement 140154  
tax, whether the replacement tax is to be levied for a specified 140155  
number of years or for a continuing time, the specific school 140156  
district purposes for which the replacement tax is to be levied, 140157  
the date on which the replacement tax will begin to be levied, 140158  
the date of the election at which the question of the 140159  
replacement is to be submitted to the electors of the school 140160  
district, that the existing tax will cease to be levied and the 140161  
replacement tax will begin to be levied if the replacement is 140162  
approved by a majority of the electors voting on the 140163  
replacement, and that if the replacement is not approved by a 140164  
majority of the electors voting on the replacement the existing 140165

tax will remain in effect under its original authority for the 140166  
remainder of its previously approved term. The resolution goes 140167  
into immediate effect upon its adoption. Publication of the 140168  
resolution is not necessary, and the information that will be 140169  
provided in the notice of election is sufficient notice. At 140170  
least seventy-five days before the date of the election at which 140171  
the question of the replacement will be submitted to the 140172  
electors of the school district, the board shall certify a copy 140173  
of the resolution to the board of elections. The board of 140174  
education shall send to the tax commissioner a copy of the 140175  
resolution certified to the board of elections. 140176

The replacement tax shall have the same specific school 140177  
district purposes as the existing tax, and its rate shall be the 140178  
same as the tax commissioner's estimate rounded to the nearest 140179  
one-fourth of one per cent. The replacement tax shall begin to 140180  
be levied on the first day of January of the year following the 140181  
year in which the question of the replacement is submitted to 140182  
and approved by the electors of the school district or on the 140183  
first day of January of a later year, as specified in the 140184  
resolution. The date of the election shall be the date of an 140185  
otherwise scheduled primary, general, or special election. 140186

The board of elections shall make arrangements to submit 140187  
the question of the replacement to the electors of the school 140188  
district on the date specified in the resolution. The board of 140189  
elections shall publish notice of the election on the question 140190  
of the replacement in one newspaper of general circulation in 140191  
the school district once a week for four consecutive weeks or as 140192  
provided in section 7.16 of the Revised Code. The notice shall 140193  
set forth the question to be submitted to the electors and the 140194  
time and place of the election thereon. 140195

The question shall be submitted to the electors of the school district as a separate proposition, but may be printed on the same ballot with other propositions that are submitted at the same election, other than the election of officers. The form of the ballot shall be substantially as follows:

"Shall the existing tax of \_\_\_\_\_ (state the rate) on the school district income of individuals ~~and estates~~ imposed by \_\_\_\_\_ (state the name of the school district) be replaced by a tax of \_\_\_\_\_ (state the rate) on the earned income of individuals residing in the school district for \_\_\_\_\_ (state the number of years the tax is to be in effect or that it will be in effect for a continuing time), beginning \_\_\_\_\_ (state the date the new tax will take effect), for the purpose of \_\_\_\_\_ (state the specific school district purposes of the tax)? If the new tax is not approved, the existing tax will remain in effect under its original authority, for the remainder of its previously approved term.

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

"

The board of elections shall conduct and canvass the election in the same manner as regular elections in the school district for the election of county officers. The board shall certify the results of the election to the board of education and to the tax commissioner. If a majority of the electors voting on the question vote in favor of the replacement, the existing tax shall cease to be levied, and the replacement tax shall begin to be levied, on the date specified in the ballot question. If a majority of the electors voting on the question

vote against the replacement, the existing tax shall continue to 140223  
be levied under its original authority, for the remainder of its 140224  
previously approved term. 140225

A board of education may not submit the question of 140226  
replacing a tax more than twice in a calendar year. If a board 140227  
submits the question more than once, one of the elections at 140228  
which the question is submitted shall be on the date of a 140229  
general election. 140230

If a board of education later intends to renew a 140231  
replacement tax levied under this section, it shall repeat the 140232  
procedure outlined in this section to do so, the replacement tax 140233  
then being levied being the "existing tax" and the renewed 140234  
replacement tax being the "replacement tax." 140235

**Sec. 5748.03.** (A) The form of the ballot on a question 140236  
submitted to the electors under section 5748.02 of the Revised 140237  
Code shall be as follows: 140238

"Shall an annual income tax of \_\_\_\_\_ (state the proposed 140239  
rate of tax) on the school district income of individuals ~~and of~~ 140240  
~~estates~~ be imposed by \_\_\_\_\_ (state the name of the school 140241  
district), for \_\_\_\_\_ (state the number of years the tax would 140242  
be levied, or that it would be levied for a continuing period of 140243  
time), beginning \_\_\_\_\_ (state the date the tax would first 140244  
take effect), for the purpose of \_\_\_\_\_ (state the purpose of 140245  
the tax)? 140246

	FOR THE TAX
	AGAINST THE TAX

"

(B) (1) If the question submitted to electors proposes a 140248

school district income tax only on ~~the taxable income of~~ 140249  
~~individuals~~ as defined in division ~~(E) (1) (b)~~ (E) (2) of section 140250  
5748.01 of the Revised Code, the form of the ballot shall be 140251  
modified by stating that the tax is to be levied on the "earned 140252  
income of individuals residing in the school district" in lieu 140253  
of the "school district income of individuals ~~and of estates.~~" 140254

(2) If the question submitted to electors proposes to 140255  
renew one or more expiring income tax levies, the ballot shall 140256  
be modified by adding the following language immediately after 140257  
the name of the school district that would impose the tax: "to 140258  
renew an income tax (or income taxes) expiring at the end of 140259  
\_\_\_\_\_ (state the last year the existing income tax or taxes 140260  
may be levied)." 140261

(3) If the question includes a proposal under division (B) 140262  
(2) of section 5748.02 of the Revised Code to reduce the rate of 140263  
one or more school district property taxes, the ballot shall 140264  
state that the purpose of the school district income tax is for 140265  
current expenses, and the form of the ballot shall be modified 140266  
by adding the following language immediately after the statement 140267  
of the purpose of the proposed income tax: ", and shall the rate 140268  
of an existing tax on property, currently levied for the purpose 140269  
of current expenses at the rate of \_\_\_\_\_ mills, be REDUCED to 140270  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to a 140271  
reduction from \$\_\_\_\_\_ (effective rate) to \$\_\_\_\_\_ (effective 140272  
rate) for each \$100,000 of ~~the county auditor's appraised market~~ 140273  
value, that the county auditor estimates will collect \$\_\_\_\_\_ 140274  
annually, the reduction continuing until any such time as the 140275  
income tax is repealed." In lieu of "for the tax" and "against 140276  
the tax," the phrases "for the issue" and "against the issue," 140277  
respectively, shall be used. If a board of education proposes a 140278  
reduction in the rates of more than one tax, the ballot language 140279

shall be modified accordingly to express the rates at which 140280  
those taxes currently are levied and the rates to which the 140281  
taxes will be reduced. 140282

(C) The board of elections shall certify the results of 140283  
the election to the board of education and to the tax 140284  
commissioner. If a majority of the electors voting on the 140285  
question vote in favor of it, the income tax, the applicable 140286  
provisions of Chapter 5747. of the Revised Code, and the 140287  
reduction in the rate or rates of existing property taxes if the 140288  
question included such a reduction shall take effect on the date 140289  
specified in the resolution. If the question approved by the 140290  
voters includes a reduction in the rate of a school district 140291  
property tax, the board of education shall not levy the tax at a 140292  
rate greater than the rate to which the tax is reduced, unless 140293  
the school district income tax is repealed in an election under 140294  
section 5748.04 of the Revised Code. 140295

(D) If the rate at which a property tax is levied and 140296  
collected is reduced pursuant to a question approved under this 140297  
section, the tax commissioner shall compute the percentage 140298  
required to be computed for that tax under division (D) of 140299  
section 319.301 of the Revised Code each year the rate is 140300  
reduced as if the tax had been levied in the preceding year at 140301  
the rate at which it has been reduced. If the rate of a property 140302  
tax increases due to the repeal of the school district income 140303  
tax pursuant to section 5748.04 of the Revised Code, the tax 140304  
commissioner, for the first year for which the rate increases, 140305  
shall compute the percentage as if the tax in the preceding year 140306  
had been levied at the rate at which the tax was authorized to 140307  
be levied prior to any rate reduction. 140308

**Sec. 5748.04.** (A) The question of the repeal of a school 140309

district income tax levied for more than five years may be 140310  
initiated not more than once in any five-year period by filing 140311  
with the board of elections of the appropriate counties not 140312  
later than ninety days before the general election in any year 140313  
after the year in which it is approved by the electors a 140314  
petition requesting that an election be held on the question. 140315  
The petition shall be signed by qualified electors residing in 140316  
the school district levying the income tax equal in number to 140317  
ten per cent of those voting for governor at the most recent 140318  
gubernatorial election. 140319

The board of elections shall determine whether the 140320  
petition is valid, and if it so determines, it shall do ~~both~~ all 140321  
of the following: 140322

(1) Submit the question to the electors of the district at 140323  
the next general election; 140324

(2) Send a copy of the petition to the tax commissioner; 140325

(3) If the rate of one or more property tax levies was 140326  
reduced for the duration of the income tax levy pursuant to 140327  
division (B) (2) of section 5748.02 of the Revised Code, request 140328  
that the county auditor certify to the board, in the same manner 140329  
as required for a tax levy under section 5705.03 of the Revised 140330  
Code, an estimate of the levies' annual collections for the 140331  
first year in which the levies are increased, rounded to the 140332  
nearest dollar, and the levies' effective rates for the year 140333  
before the proposed increase and the levies' effective rates for 140334  
the first year that the increase applies, both of which shall be 140335  
expressed in dollars, rounded to the nearest dollar, for each 140336  
one hundred thousand dollars of ~~the county auditor's appraised~~ 140337  
market value. 140338

The county auditor shall certify such information to the board of elections within ten days after receiving the board's request. If a school district is located in more than one county, the county auditor shall obtain from the county auditor of each other county in which the district is located the tax valuation applicable to the portion of the district in that county.

The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the time and place of the election and the question to be submitted to the electors. The form of the ballot cast at the election shall be as follows:

"Shall the annual income tax of \_\_\_\_\_ per cent, currently levied on the school district income of individuals ~~and estates~~ by \_\_\_\_\_ (state the name of the school district) for the purpose of \_\_\_\_\_ (state purpose of the tax), be repealed?

	For repeal of the income tax
	Against repeal of the income tax

"

(B) (1) If the tax is imposed on taxable income as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that



the tax currently is levied on the "earned income of individuals 140366  
residing in the school district" in lieu of the "school district 140367  
income of individuals~~and estates~~." 140368

(2) If the rate of one or more property tax levies was 140369  
reduced for the duration of the income tax levy pursuant to 140370  
division (B) (2) of section 5748.02 of the Revised Code, the form 140371  
of the ballot shall be modified by adding the following language 140372  
immediately after "repealed": ", and shall the rate of an 140373  
existing tax on property for the purpose of current expenses, 140374  
which rate was reduced for the duration of the income tax, be 140375  
INCREASED from \_\_\_\_\_ mills to \_\_\_\_\_ mills for each \$1 of taxable 140376  
value which amounts to an increase from \$\_\_\_\_\_ (effective rate) 140377  
to \$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county~~ 140378  
~~auditor's appraised market~~ value, that the county auditor 140379  
estimates will collect \$\_\_\_\_\_ annually, beginning in \_\_\_\_\_ 140380  
(state the first year for which the rate of the property tax 140381  
will increase)." In lieu of "for repeal of the income tax" and 140382  
"against repeal of the income tax," the phrases "for the issue" 140383  
and "against the issue," respectively, shall be substituted. 140384

(3) If the rate of more than one property tax was reduced 140385  
for the duration of the income tax, the ballot language shall be 140386  
modified accordingly to express the rates at which those taxes 140387  
currently are levied and the rates to which the taxes would be 140388  
increased. 140389

(C) The question covered by the petition shall be 140390  
submitted as a separate proposition, but it may be printed on 140391  
the same ballot with any other proposition submitted at the same 140392  
election other than the election of officers. If a majority of 140393  
the qualified electors voting on the question vote in favor of 140394  
it, the result shall be certified immediately after the canvass 140395

by the board of elections to the board of education of the 140396  
school district and the tax commissioner, who shall thereupon, 140397  
after the current year, cease to levy the tax, except that if 140398  
notes have been issued pursuant to section 5748.05 of the 140399  
Revised Code the tax commissioner shall continue to levy and 140400  
collect under authority of the election authorizing the levy an 140401  
annual amount, rounded upward to the nearest one-fourth of one 140402  
per cent, as will be sufficient to pay the debt charges on the 140403  
notes as they fall due. 140404

(D) If a school district income tax repealed pursuant to 140405  
this section was approved in conjunction with a reduction in the 140406  
rate of one or more school district property taxes as provided 140407  
in division (B) (2) of section 5748.02 of the Revised Code, then 140408  
each such property tax may be levied after the current year at 140409  
the rate at which it could be levied prior to the reduction, 140410  
subject to any adjustments required by the county budget 140411  
commission pursuant to Chapter 5705. of the Revised Code. Upon 140412  
the repeal of a school district income tax under this section, 140413  
the board of education may resume levying a property tax, the 140414  
rate of which has been reduced pursuant to a question approved 140415  
under section 5748.02 of the Revised Code, at the rate the board 140416  
originally was authorized to levy the tax. A reduction in the 140417  
rate of a property tax under section 5748.02 of the Revised Code 140418  
is a reduction in the rate at which a board of education may 140419  
levy that tax only for the period during which a school district 140420  
income tax is levied prior to any repeal pursuant to this 140421  
section. The resumption of the authority to levy the tax upon 140422  
such a repeal does not constitute a tax levied in excess of the 140423  
one per cent limitation prescribed by Section 2 of Article XII, 140424  
Ohio Constitution, or in excess of the ten-mill limitation. 140425

(E) This section does not apply to school district income 140426

tax levies that are levied for five or fewer years. 140427

**Sec. 5748.08.** (A) The board of education of a city, local, 140428  
or exempted village school district, at any time by a vote of 140429  
two-thirds of all its members, may declare by resolution that it 140430  
may be necessary for the school district to do all of the 140431  
following: 140432

(1) Raise a specified amount of money for school district 140433  
purposes by levying an annual tax on school district income; 140434

(2) Issue general obligation bonds for permanent 140435  
improvements, stating in the resolution the necessity and 140436  
purpose of the bond issue and the amount, approximate date, 140437  
estimated rate of interest, and maximum number of years over 140438  
which the principal of the bonds may be paid; 140439

(3) Levy a tax outside the ten-mill limitation to pay debt 140440  
charges on the bonds and any anticipatory securities; 140441

(4) Submit the question of the school district income tax 140442  
and bond issue to the electors of the district at a special 140443  
election. 140444

The resolution shall specify whether the income that is to 140445  
be subject to the tax is taxable income ~~of individuals and~~ 140446  
~~estates as defined in divisions (E) (1) (a) and division (E) (1) or~~ 140447  
~~(2) of section 5748.01 of the Revised Code or taxable income of~~ 140448  
~~individuals as defined in division (E) (1) (b) of that section.~~ 140449

On adoption of the resolution, the board shall certify a 140450  
copy of it to the tax commissioner and the county auditor no 140451  
later than one hundred five days prior to the date of the 140452  
special election at which the board intends to propose the 140453  
income tax and bond issue. Not later than ten days of receipt of 140454  
the resolution, the tax commissioner, in the same manner as 140455

required by division (A) of section 5748.02 of the Revised Code, 140456  
shall estimate the rates designated in divisions (A) (1) and (2) 140457  
of that section and certify them to the board. Not later than 140458  
ten days of receipt of the resolution, the county auditor shall 140459  
estimate and certify to the board the average annual property 140460  
tax rate required throughout the stated maturity of the bonds to 140461  
pay debt charges on the bonds, in the same manner as under 140462  
division (C) of section 133.18 of the Revised Code. 140463

(B) On receipt of the tax commissioner's and county 140464  
auditor's certifications prepared under division (A) of this 140465  
section, the board of education of the city, local, or exempted 140466  
village school district, by a vote of two-thirds of all its 140467  
members, may adopt a resolution proposing for a specified number 140468  
of years or for a continuing period of time the levy of an 140469  
annual tax for school district purposes on school district 140470  
income and declaring that the amount of taxes that can be raised 140471  
within the ten-mill limitation will be insufficient to provide 140472  
an adequate amount for the present and future requirements of 140473  
the school district; that it is necessary to issue general 140474  
obligation bonds of the school district for specified permanent 140475  
improvements and to levy an additional tax in excess of the ten- 140476  
mill limitation to pay the debt charges on the bonds and any 140477  
anticipatory securities; and that the question of the bonds and 140478  
taxes shall be submitted to the electors of the school district 140479  
at a special election, which shall not be earlier than ninety 140480  
days after certification of the resolution to the board of 140481  
elections, and the date of which shall be consistent with 140482  
section 3501.01 of the Revised Code. The resolution shall 140483  
specify all of the following: 140484

(1) The purpose for which the school district income tax 140485  
is to be imposed and the rate of the tax, which shall be the 140486

rate set forth in the tax commissioner's certification rounded 140487  
to the nearest one-fourth of one per cent; 140488

(2) Whether the income that is to be subject to the tax is 140489  
taxable income ~~of individuals and estates as defined in~~ 140490  
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 140491  
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 140492  
~~defined in division (E) (1) (b) of that section.~~ The specification 140493  
shall be the same as the specification in the resolution adopted 140494  
and certified under division (A) of this section. 140495

(3) The number of years the tax will be levied, or that it 140496  
will be levied for a continuing period of time; 140497

(4) The date on which the tax shall take effect, which 140498  
shall be the first day of January of any year following the year 140499  
in which the question is submitted; 140500

(5) The amount of the estimated average annual property 140501  
tax levy, expressed in mills for each one dollar of taxable 140502  
value and dollars for each one hundred thousand dollars of ~~the~~ 140503  
~~county auditor's appraised market~~ value, as certified by the 140504  
county auditor under division (A) of this section. 140505

(C) A resolution adopted under division (B) of this 140506  
section shall go into immediate effect upon its passage, and no 140507  
publication of the resolution shall be necessary other than that 140508  
provided for in the notice of election. Immediately after its 140509  
adoption and at least ninety days prior to the election at which 140510  
the question will appear on the ballot, the board of education 140511  
shall certify a copy of the resolution, along with copies of the 140512  
auditor's estimate and its resolution under division (A) of this 140513  
section, to the board of elections of the proper county. The 140514  
board of education shall send to the tax commissioner a copy of 140515

the resolution adopted under division (B) of this section and 140516  
certified to the board of elections. The board of elections 140517  
shall make the arrangements for the submission of the question 140518  
to the electors of the school district, and the election shall 140519  
be conducted, canvassed, and certified in the same manner as 140520  
regular elections in the district for the election of county 140521  
officers. 140522

The resolution shall be put before the electors as one 140523  
ballot question, with a majority vote indicating approval of the 140524  
school district income tax, the bond issue, and the levy to pay 140525  
debt charges on the bonds and any anticipatory securities. The 140526  
board of elections shall publish the notice of the election in a 140527  
newspaper of general circulation in the school district once a 140528  
week for two consecutive weeks, or as provided in section 7.16 140529  
of the Revised Code, prior to the election. If the board of 140530  
elections operates and maintains a web site, it also shall post 140531  
notice of the election on its web site for thirty days prior to 140532  
the election. The notice of election shall state all of the 140533  
following: 140534

- (1) The questions to be submitted to the electors; 140535
- (2) The rate of the school district income tax; 140536
- (3) The principal amount of the proposed bond issue; 140537
- (4) The permanent improvements for which the bonds are to 140538  
be issued; 140539
- (5) The maximum number of years over which the principal 140540  
of the bonds may be paid; 140541
- (6) The estimated additional average annual property tax 140542  
rate to pay the debt charges on the bonds, as certified by the 140543  
county auditor, and expressed in mills for each one dollar of 140544

taxable value and in dollars for each one hundred thousand 140545  
dollars of ~~the county auditor's appraised market~~ value; 140546

(7) The time and place of the special election. 140547

(D) The form of the ballot on a question submitted to the 140548  
electors under this section shall be as follows: 140549

"Shall the \_\_\_\_\_ school district be authorized to do 140550  
both of the following: 140551

(1) Impose an annual income tax of \_\_\_\_\_ (state the 140552  
proposed rate of tax) on the school district income of 140553  
~~individuals and of estates~~, for \_\_\_\_\_ (state the number of 140554  
years the tax would be levied, or that it would be levied for a 140555  
continuing period of time), beginning \_\_\_\_\_ (state the date 140556  
the tax would first take effect), for the purpose of \_\_\_\_\_ 140557  
(state the purpose of the tax)? 140558

(2) Issue bonds for the purpose of \_\_\_\_\_ in the 140559  
principal amount of \$\_\_\_\_\_, to be repaid annually over a 140560  
maximum period of \_\_\_\_\_ years, and levy a property tax outside 140561  
the ten-mill limitation estimated by the county auditor to 140562  
average over the bond repayment period \_\_\_\_\_ mills for each \$1 140563  
of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 140564  
~~the county auditor's appraised market~~ value, to pay the annual 140565  
debt charges on the bonds, and to pay debt charges on any notes 140566  
issued in anticipation of those bonds? 140567  
140568

	FOR THE INCOME TAX AND BOND ISSUE	"
	AGAINST THE INCOME TAX AND BOND ISSUE	

(E) If the question submitted to electors proposes a 140569  
school district income tax only on the taxable income of 140570

individuals as defined in division ~~(E)(1)(b)~~ (E)(2) of section 140571  
5748.01 of the Revised Code, the form of the ballot shall be 140572  
modified by stating that the tax is to be levied on the "earned 140573  
income of individuals residing in the school district" in lieu 140574  
of the "school district income of individuals ~~and of estates.~~" 140575

(F) The board of elections promptly shall certify the 140576  
results of the election to the tax commissioner and the county 140577  
auditor of the county in which the school district is located. 140578  
If a majority of the electors voting on the question vote in 140579  
favor of it, the income tax and the applicable provisions of 140580  
Chapter 5747. of the Revised Code shall take effect on the date 140581  
specified in the resolution, and the board of education may 140582  
proceed with issuance of the bonds and with the levy and 140583  
collection of the property taxes to pay debt charges on the 140584  
bonds, at the additional rate or any lesser rate in excess of 140585  
the ten-mill limitation. Any securities issued by the board of 140586  
education under this section are Chapter 133. securities, as 140587  
that term is defined in section 133.01 of the Revised Code. 140588

(G) After approval of a question under this section, the 140589  
board of education may anticipate a fraction of the proceeds of 140590  
the school district income tax in accordance with section 140591  
5748.05 of the Revised Code. Any anticipation notes under this 140592  
division shall be issued as provided in section 133.24 of the 140593  
Revised Code, shall have principal payments during each year 140594  
after the year of their issuance over a period not to exceed 140595  
five years, and may have a principal payment in the year of 140596  
their issuance. 140597

(H) The question of repeal of a school district income tax 140598  
levied for more than five years may be initiated and submitted 140599  
in accordance with section 5748.04 of the Revised Code. 140600



(I) No board of education shall submit a question under 140601  
this section to the electors of the school district more than 140602  
twice in any calendar year. If a board submits the question 140603  
twice in any calendar year, one of the elections on the question 140604  
shall be held on the date of the general election. 140605

**Sec. 5748.081.** A board of education of a school district 140606  
that, under divisions (A) (1), (D) (1), and (E) of section 5748.08 140607  
or under section 5748.09 of the Revised Code, levies a tax on 140608  
the school district income of individuals ~~and estates~~ as defined 140609  
in divisions (G) and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 140610  
of the Revised Code may replace that tax with a tax on ~~the~~ 140611  
school district income ~~of individuals~~ as defined in divisions 140612  
~~(G) (1) (G)~~ and ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 140613  
Code by following the procedure outlined in, and subject to the 140614  
conditions specified in, section 5748.021 of the Revised Code, 140615  
as if the existing tax levied under section 5748.08 or 5748.09 140616  
were levied under section 5748.02 of the Revised Code. The tax 140617  
commissioner and the board of elections shall perform duties in 140618  
response to the actions of the board of education under this 140619  
section as directed in section 5748.021 of the Revised Code. 140620

**Sec. 5748.09.** (A) The board of education of a city, local, 140621  
or exempted village school district, at any time before the 140622  
effective date of this amendment by a vote of two-thirds of all 140623  
its members, may declare by resolution that it may be necessary 140624  
for the school district to do all of the following: 140625

(1) Raise a specified amount of money for school district 140626  
purposes by levying an annual tax on school district income; 140627

(2) Levy an additional property tax in excess of the ten- 140628  
mill limitation for the purpose of providing for the necessary 140629  
requirements of the district, stating in the resolution the 140630

amount of money to be raised each year for such purpose; 140631

(3) Submit the question of the school district income tax 140632  
and property tax to the electors of the district at a special 140633  
election. 140634

The resolution shall specify whether the income that is to 140635  
be subject to the tax is taxable income ~~of individuals and~~ 140636  
~~estates as defined in divisions (E) (1) (a) and division (E) (1) or~~ 140637  
~~(2) of section 5748.01 of the Revised Code or taxable income of~~ 140638  
~~individuals as defined in division (E) (1) (b) of that section.~~ 140639

On adoption of the resolution, the board shall certify a 140640  
copy of it to the tax commissioner and the county auditor not 140641  
later than one hundred days prior to the date of the special 140642  
election at which the board intends to propose the income tax 140643  
and property tax. Not later than ten days after receipt of the 140644  
resolution, the tax commissioner, in the same manner as required 140645  
by division (A) of section 5748.02 of the Revised Code, shall 140646  
estimate the rates designated in divisions (A) (1) and (2) of 140647  
that section and certify them to the board. Not later than ten 140648  
days after receipt of the resolution, the county auditor, ~~in the~~ 140649  
~~same manner as required by section 5705.195 of the Revised Code,~~ 140650  
shall make the calculation specified in that section and certify 140651  
it to the board. 140652

(B) On receipt of the tax commissioner's and county 140653  
auditor's certifications prepared under division (A) of this 140654  
section, the board of education of the city, local, or exempted 140655  
village school district, by a vote of two-thirds of all its 140656  
members, may adopt a resolution declaring that the amount of 140657  
taxes that can be raised by all tax levies the district is 140658  
authorized to impose, when combined with state and federal 140659  
revenues, will be insufficient to provide an adequate amount for 140660

the present and future requirements of the school district, and 140661  
that it is therefore necessary to levy, for a specified number 140662  
of years or for a continuing period of time, an annual tax for 140663  
school district purposes on school district income, and to levy, 140664  
for a specified number of years not exceeding ten or for a 140665  
continuing period of time, an additional property tax in excess 140666  
of the ten-mill limitation for the purpose of providing for the 140667  
necessary requirements of the district, and declaring that the 140668  
question of the school district income tax and property tax 140669  
shall be submitted to the electors of the school district at a 140670  
special election, which shall not be earlier than ninety days 140671  
after certification of the resolution to the board of elections, 140672  
and the date of which shall be consistent with section 3501.01 140673  
of the Revised Code. The resolution shall specify all of the 140674  
following: 140675

(1) The purpose for which the school district income tax 140676  
is to be imposed and the rate of the tax, which shall be the 140677  
rate set forth in the tax commissioner's certification rounded 140678  
to the nearest one-fourth of one per cent; 140679

(2) Whether the income that is to be subject to the tax is 140680  
taxable income ~~of individuals and estates as defined in~~ 140681  
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 140682  
~~5748.01 of the Revised Code or taxable income of individuals as~~ 140683  
~~defined in division (E) (1) (b) of that section.~~ The specification 140684  
shall be the same as the specification in the resolution adopted 140685  
and certified under division (A) of this section. 140686

(3) The number of years the school district income tax 140687  
will be levied, or that it will be levied for a continuing 140688  
period of time; 140689

(4) The date on which the school district income tax shall 140690

take effect, which shall be the first day of January of any year 140691  
following the year in which the question is submitted; 140692

(5) The amount of money it is necessary to raise for the 140693  
purpose of providing for the necessary requirements of the 140694  
district for each year the property tax is to be imposed; 140695

(6) The number of years the property tax will be levied, 140696  
or that it will be levied for a continuing period of time; 140697

(7) The tax list upon which the property tax shall be 140698  
first levied, which may be the current year's tax list; 140699

(8) The amount of the average tax levy, expressed in 140700  
dollars for each one hundred thousand dollars of ~~the county~~ 140701  
~~auditor's appraised market~~ value as well as in mills for each 140702  
one dollar of taxable value, estimated by the county auditor 140703  
under division (A) of this section. 140704

(C) A resolution adopted under division (B) of this 140705  
section shall go into immediate effect upon its passage, and no 140706  
publication of the resolution shall be necessary other than that 140707  
provided for in the notice of election. Immediately after its 140708  
adoption and at least ninety days prior to the election at which 140709  
the question will appear on the ballot, the board of education 140710  
shall certify a copy of the resolution, along with copies of the 140711  
county auditor's certification and the resolution under division 140712  
(A) of this section, to the board of elections of the proper 140713  
county. The board of education shall send to the tax 140714  
commissioner a copy of the resolution adopted under division (B) 140715  
of this section and certified to the board of elections. The 140716  
board of education shall make the arrangements for the 140717  
submission of the question to the electors of the school 140718  
district, and the election shall be conducted, canvassed, and 140719

certified in the same manner as regular elections in the 140720  
district for the election of county officers. 140721

The resolution shall be put before the electors as one 140722  
ballot question, with a majority vote indicating approval of the 140723  
school district income tax and the property tax. The board of 140724  
elections shall publish the notice of the election in a 140725  
newspaper of general circulation in the school district once a 140726  
week for two consecutive weeks, or as provided in section 7.16 140727  
of the Revised Code, prior to the election. If the board of 140728  
elections operates and maintains a web site, ~~also the board~~ 140729  
shall also post the notice of the election on its web site for 140730  
thirty days prior to the election. The notice of the election 140731  
shall state all of the following: 140732

(1) The questions to be submitted to the electors as a 140733  
single ballot question; 140734

(2) The rate of the school district income tax; 140735

(3) The number of years the school district income tax 140736  
will be levied or that it will be levied for a continuing period 140737  
of time; 140738

(4) The annual proceeds of the proposed property tax levy 140739  
for the purpose of providing for the necessary requirements of 140740  
the district; 140741

(5) The number of years during which the property tax levy 140742  
shall be levied, or that it shall be levied for a continuing 140743  
period of time; 140744

(6) The estimated average additional tax rate of the 140745  
property tax, expressed in dollars for each one hundred thousand 140746  
dollars of ~~the county auditor's appraised market~~ value as well 140747  
as in mills for each one dollar of taxable value, outside the 140748

limitation imposed by Section 2 of Article XII, Ohio 140749  
Constitution, as certified by the county auditor; 140750

(7) The time and place of the special election. 140751

(D) The form of the ballot on a question submitted to the 140752  
electors under this section shall be as follows: 140753

"Shall the \_\_\_\_\_ school district be authorized to do both 140754  
of the following: 140755

(1) Impose an annual income tax of \_\_\_\_\_ (state the 140756  
proposed rate of tax) on the school district income of 140757  
individuals ~~and of estates~~, for \_\_\_\_\_ (state the number of 140758  
years the tax would be levied, or that it would be levied for a 140759  
continuing period of time), beginning \_\_\_\_\_ (state the date 140760  
the tax would first take effect), for the purpose of \_\_\_\_\_ 140761  
(state the purpose of the tax)? 140762

(2) Impose a property tax levy outside of the ten-mill 140763  
limitation for the purpose of providing for the necessary 140764  
requirements of the district in the sum of \$ \_\_\_\_\_ 140765  
(here insert annual amount the levy is to produce), estimated by 140766  
the county auditor to average \_\_\_\_\_ mills for each \$1 140767  
of taxable value, which amounts to \$ \_\_\_\_\_ for each 140768  
\$100,000 of ~~the county auditor's appraised market~~ value, for 140769  
\_\_\_\_\_ (state the number of years the tax is to be 140770  
imposed or that it will be imposed for a continuing period of 140771  
time), commencing in \_\_\_\_\_ (first year the tax is to be 140772  
levied), first due in calendar year \_\_\_\_\_ (first calendar 140773  
year in which the tax shall be due)? 140774

140775

	FOR THE INCOME TAX AND PROPERTY TAX
--	-------------------------------------

	AGAINST THE INCOME TAX AND PROPERTY TAX	"
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If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it:

(1) The income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution.

(2) The board of education of the school district may make the additional property tax levy necessary to raise the amount specified on the ballot for the purpose of providing for the necessary requirements of the district. The property tax levy shall be included in the next tax budget that is certified to the county budget commission.

(F) (1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed

five years, and may have a principal payment in the year of 140804  
their issuance. 140805

(2) After the approval of a question under this section 140806  
and prior to the time when the first tax collection from the 140807  
property tax levy can be made, the board of education may 140808  
anticipate a fraction of the proceeds of the levy and issue 140809  
anticipation notes in an amount not exceeding the total 140810  
estimated proceeds of the levy to be collected during the first 140811  
year of the levy. Any anticipation notes under this division 140812  
shall be issued as provided in section 133.24 of the Revised 140813  
Code, shall have principal payments during each year after the 140814  
year of their issuance over a period not to exceed five years, 140815  
and may have a principal payment in the year of their issuance. 140816

(G) (1) The question of repeal of a school district income 140817  
tax levied for more than five years may be initiated and 140818  
submitted in accordance with section 5748.04 of the Revised 140819  
Code. 140820

(2) A property tax levy for a continuing period of time 140821  
may be reduced in the manner provided under section 5705.261 of 140822  
the Revised Code. 140823

(H) No board of education shall submit a question under 140824  
this section to the electors of the school district more than 140825  
twice in any calendar year. If a board submits the question 140826  
twice in any calendar year, one of the elections on the question 140827  
shall be held on the date of the general election. 140828

(I) If the electors of the school district approve a 140829  
question under this section, and if the last calendar year the 140830  
school district income tax is in effect and the last calendar 140831  
year of collection of the property tax are the same, the board 140832



of education of the school district may propose, before the 140833  
effective date of this amendment, to submit under this section 140834  
the combined question of a school district income tax to take 140835  
effect upon the expiration of the existing income tax and a 140836  
property tax to be first collected in the calendar year after 140837  
the calendar year of last collection of the existing property 140838  
tax, and specify in the resolutions adopted under this section 140839  
that the proposed taxes would renew the existing taxes. The form 140840  
of the ballot on a question submitted to the electors under 140841  
division (I) of this section shall be as follows: 140842

"Shall the \_\_\_\_\_ school district be authorized to do 140843  
both of the following: 140844

(1) Impose an annual income tax of \_\_\_\_\_ (state the 140845  
proposed rate of tax) on the school district income of 140846  
individuals ~~and of estates~~ to renew an income tax expiring at 140847  
the end of \_\_\_\_\_ (state the last year the existing income tax 140848  
may be levied) for \_\_\_\_\_ (state the number of years the tax 140849  
would be levied, or that it would be levied for a continuing 140850  
period of time), beginning \_\_\_\_\_ (state the date the tax would 140851  
first take effect), for the purpose of \_\_\_\_\_ (state the 140852  
purpose of the tax)? 140853

(2) Impose a property tax levy renewing an existing levy 140854  
outside of the ten-mill limitation for the purpose of providing 140855  
for the necessary requirements of the district in the sum of 140856  
\$\_\_\_\_\_ (here insert annual amount the levy is to 140857  
produce), estimated by the county auditor to average 140858  
\_\_\_\_\_ mills for each \$1 of taxable value, which 140859  
amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county~~ 140860  
~~auditor's appraised market~~ value, for \_\_\_\_\_ (state the 140861  
number of years the tax is to be imposed or that it will be 140862

imposed for a continuing period of time), commencing in 140863  
\_\_\_\_\_ (first year the tax is to be levied), first due in 140864  
calendar year \_\_\_\_\_ (first calendar year in which the tax 140865  
shall be due)? 140866  
140867

	FOR THE INCOME TAX AND PROPERTY TAX	"
	AGAINST THE INCOME TAX AND PROPERTY TAX	

If the question submitted to electors proposes a school 140868  
district income tax only on the taxable income of individuals as 140869  
defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the 140870  
Revised Code, the form of the ballot shall be modified by 140871  
stating that the tax is to be levied on the "earned income of 140872  
individuals residing in the school district" in lieu of the 140873  
"school district income of individuals ~~and of estates.~~" 140874

(J) (1) If the electors of the school district approve a 140875  
question under this section, and if the last calendar year the 140876  
school district income tax is in effect and the last calendar 140877  
year in which the property tax is collected are the same, the 140878  
board of education of the school district may propose, before 140879  
the effective date of this amendment, to submit under this 140880  
section the combined question of all of the following: 140881

(a) The renewal of the school district income tax levied 140882  
under this section, to take effect upon the expiration of the 140883  
existing income tax; 140884

(b) The renewal of the property tax levied under this 140885  
section, to be levied beginning in the tax year after the tax 140886  
year in which the existing property tax expires; 140887

(c) The renewal of a property tax levied under section 140888

5705.194 of the Revised Code, regardless of the year it expires, 140889  
to be levied beginning in the same tax year that the tax 140890  
described in division (J) (1) (b) of this section is first levied. 140891

If the combined question is approved, the existing tax 140892  
levied under section 5705.194 of the Revised Code may not be 140893  
levied for the first tax year the renewal tax is levied or any 140894  
following tax year. 140895

(2) In its resolution to be submitted to the tax 140896  
commissioner and county auditor, the board of education shall 140897  
include, in addition to the applicable requirements of division 140898  
(A) of this section, a declaration of the necessity for the 140899  
renewal of the property tax levied under section 5705.194 of the 140900  
Revised Code, the purpose of the tax as specified under that 140901  
section, and the necessity of the submission of the question of 140902  
the renewal of the school district income tax and both property 140903  
taxes to the electors of the district at a special election. Not 140904  
later than ten days after receipt of the resolution, the county 140905  
auditor shall make a separate calculation and certification with 140906  
respect to the renewal tax described in division (J) (1) (c) of 140907  
~~this section in the same manner as required by section 5705.195~~ 140908  
~~of the Revised Code.~~ 140909

In its resolution adopted upon receipt of the 140910  
commissioner's and county auditor's certifications, the board of 140911  
education shall include, in addition to the applicable 140912  
requirements of division (B) of this section, a declaration that 140913  
the amount of taxes that can be raised by all tax levies the 140914  
district is authorized to impose, when combined with state and 140915  
federal revenues, will be insufficient to provide an adequate 140916  
amount for the present and future requirements of the school 140917  
district, and that it is therefore necessary to renew the 140918

existing property tax being levied in excess of the ten-mill 140919  
limitation under section 5705.194 of the Revised Code for the 140920  
purpose as specified in that section, for a specified number of 140921  
years not exceeding ten or for a continuing period of time, and 140922  
that the question of the renewal of the school district income 140923  
tax and of both property taxes shall be submitted to the 140924  
electors of the school district at a special election as 140925  
described in division (B) of this section. With respect to the 140926  
renewal tax described in division (J) (1) (c) of this section, the 140927  
resolution shall specify the amount of money it is necessary to 140928  
raise for the specified purpose for each calendar year the 140929  
millage is to be imposed, the tax year that tax is to be first 140930  
levied, and the estimated rate of that tax, expressed in dollars 140931  
for each one hundred thousand dollars of ~~the county auditor's~~ 140932  
~~appraised market~~ value as well as in mills for each one dollar 140933  
of taxable value, as certified by the county auditor. 140934

(3) In addition to the requirements of division (C) of 140935  
this section, the notice of election shall separately state, 140936  
with respect to the renewal tax described in division (J) (1) (c) 140937  
of this section, the annual proceeds of the proposed levy for 140938  
the specified purpose; the number of years the proposed tax will 140939  
be levied, or that it shall be levied for a continuing period of 140940  
time; and the estimated rate of the proposed levy, expressed in 140941  
dollars for each one hundred thousand dollars of ~~the county~~ 140942  
~~auditor's appraised market~~ value as well as in mills for each 140943  
one dollar of taxable value, as certified by the county auditor. 140944

(4) The form of the ballot on a question submitted to the 140945  
electors under division (J) of this section shall be identical 140946  
to the form of the ballot prescribed in division (I) of this 140947  
section, except that the following shall be added after the 140948  
third paragraph and in place of the voting box: "(3) Impose a 140949

property tax levy renewing an existing levy outside of the ten- 140950  
mill limitation for the purpose of \_\_\_\_\_ (here insert 140951  
purpose of levy as specified in section 5705.194 of the Revised 140952  
Code and determined by the board of education) in the sum of \$ 140953  
\_\_\_\_\_ (here insert annual amount the levy is to produce), 140954  
estimated by the county auditor to average \_\_\_\_\_ mills for 140955  
each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 140956  
\$100,000 of ~~the county auditor's appraised market~~ value, for 140957  
\_\_\_\_\_ (state the number of years the tax is to be imposed 140958  
or that it will be imposed for a continuing period of time), 140959  
commencing in \_\_\_\_\_ (first year the tax is to be levied), 140960  
first due in calendar year \_\_\_\_\_ (first calendar year in 140961  
which the tax shall be due)? 140962

	FOR THE INCOME TAX AND PROPERTY TAXES	
	AGAINST THE INCOME TAX AND PROPERTY TAXES	"

If the existing property tax being levied under section 140964  
5705.194 of the Revised Code is scheduled to expire in a tax 140965  
year different from that of the existing property tax being 140966  
levied under this section, the form of the ballot shall be 140967  
modified by adding the following statement at the end of the 140968  
paragraph prescribed in this division: "If approved, any 140969  
remaining tax years on the existing levy will not be levied 140970  
after tax year \_\_\_\_\_ (last tax year the tax will be levied), 140971  
last due in \_\_\_\_\_ (last calendar year in which the tax shall 140972  
be due)." 140973

(5) If a majority of the electors voting on the question 140974  
submitted under division (J) of this section vote in favor of 140975  
it, the board of education of the school district may, in 140976

addition to any other authorization in the Revised Code and 140977  
prior to the time when the first tax collection from the renewal 140978  
tax levy can be made, anticipate a fraction of the proceeds of 140979  
the renewal levy described in division (J)(1)(c) of this section 140980  
and issue anticipation notes in an amount not exceeding the 140981  
total estimated proceeds of the levy to be collected during the 140982  
first year of the levy. Any such anticipation notes shall be 140983  
issued as provided in section 133.24 of the Revised Code, shall 140984  
have principal payments during each year after the year of their 140985  
issuance over a period not to exceed five years, and may have a 140986  
principal payment in the year of their issuance. 140987

(K) The question of a renewal levy under division (I) or 140988  
(J) of this section shall not be placed on the ballot unless the 140989  
question is submitted on a date on which a special election may 140990  
be held under section 3501.01 of the Revised Code, except for 140991  
the first Tuesday after the first Monday in August, during the 140992  
last year the existing property tax levy described in division 140993  
(J)(1)(b) of this section may be extended on the real and public 140994  
utility property tax list and duplicate, or at any election held 140995  
in the ensuing year. 140996

The failure by the electors to approve the question of a 140997  
renewal levy under division (I) or (J) of this section does not 140998  
terminate the authority previously granted by the electors to 140999  
levy the taxes proposed to be renewed for their previously 141000  
approved duration. 141001

(L) If the electors of the school district approve a 141002  
question under this section, the board of education of the 141003  
school district may propose to renew any of the existing taxes 141004  
as individual ballot questions in accordance with section 141005  
5748.02 of the Revised Code, for the school district income tax, 141006

or section 5705.194 of the Revised Code, for the property tax or 141007  
taxes. 141008

**Sec. 5749.02.** (A) For the purpose of providing revenue to 141009  
administer the state's coal mining and reclamation regulatory 141010  
program, to meet the environmental and resource management needs 141011  
of this state, and to reclaim land affected by mining, an excise 141012  
tax is hereby levied on the privilege of engaging in the 141013  
severance of natural resources from the soil or water of this 141014  
state. The tax shall be imposed upon the severer at the rates 141015  
prescribed by this section: 141016

- (1) ~~Ten~~Eight cents per ton of coal; 141017
- (2) Four cents per ton of salt; 141018
- (3) Two cents per ton of limestone or dolomite; 141019
- (4) Two cents per ton of sand and gravel; 141020
- (5) Ten cents per barrel of oil; 141021
- (6) Two and one-half cents per thousand cubic feet of 141022  
natural gas; 141023

- (7) One cent per ton of clay, sandstone or conglomerate, 141024  
shale, gypsum, or quartzite; 141025

- (8) Except as otherwise provided in this division or in 141026  
rules adopted by the reclamation forfeiture fund advisory board 141027  
under section 1513.182 of the Revised Code, an additional 141028  
fourteen cents per ton of coal produced from an area under a 141029  
coal mining and reclamation permit issued under Chapter 1513. of 141030  
the Revised Code for which the performance security is provided 141031  
under division (C) (2) of section 1513.08 of the Revised Code. 141032  
Beginning July 1, 2007, if at the end of a fiscal biennium the 141033  
balance of the reclamation forfeiture fund created in section 141034

1513.18 of the Revised Code is equal to or greater than ten 141035  
million dollars, the rate levied shall be twelve cents per ton. 141036  
Beginning July 1, 2007, if at the end of a fiscal biennium the 141037  
balance of the fund is at least five million dollars, but less 141038  
than ten million dollars, the rate levied shall be fourteen 141039  
cents per ton. Beginning July 1, 2007, if at the end of a fiscal 141040  
biennium the balance of the fund is less than five million 141041  
dollars, the rate levied shall be sixteen cents per ton. 141042  
Beginning July 1, 2009, not later than thirty days after the 141043  
close of a fiscal biennium, the chief of the division of mineral 141044  
resources management shall certify to the tax commissioner the 141045  
amount of the balance of the reclamation forfeiture fund as of 141046  
the close of the fiscal biennium. Any necessary adjustment of 141047  
the rate levied shall take effect on the first day of the 141048  
following January and shall remain in effect during the calendar 141049  
biennium that begins on that date. 141050

(9) An additional one and two-tenths cents per ton of coal 141051  
mined by surface mining methods. 141052

(B) After the director of budget and management transfers 141053  
money from the severance tax receipts fund as required in 141054  
division (H) of section 5749.06 of the Revised Code, money 141055  
remaining in the severance tax receipts fund, except for money 141056  
in the fund from the amounts due under section 1509.50 of the 141057  
Revised Code, shall be credited as follows: 141058

(1) All of the moneys in the fund from the tax levied in 141059  
division (A)(1) of this section shall be credited to the mining 141060  
regulation and safety fund created in section 1513.30 of the 141061  
Revised Code. 141062

(2) The money in the fund from the tax levied in division 141063  
(A)(2) of this section shall be credited to the mining 141064



regulation and safety fund. 141065

(3) Of the moneys in the fund from the tax levied in 141066  
divisions (A) (3) and (4) of this section, seven and five-tenths 141067  
per cent shall be credited to the geological mapping fund and 141068  
the remainder shall be credited to the mining regulation and 141069  
safety fund created in section 1513.30 of the Revised Code. 141070

(4) Of the moneys in the fund from the tax levied in 141071  
divisions (A) (5) and (6) of this section, ninety per cent shall 141072  
be credited to the oil and gas well fund and ten per cent shall 141073  
be credited to the geological mapping fund. 141074

(5) All of the moneys in the fund from the tax levied in 141075  
division (A) (7) of this section shall be credited to the mining 141076  
regulation and safety fund. 141077

(6) All of the moneys in the fund from the tax levied in 141078  
division (A) (8) of this section shall be credited to the 141079  
reclamation forfeiture fund. 141080

(7) All of the moneys in the fund from the tax levied in 141081  
division (A) (9) of this section shall be credited to the mining 141082  
regulation and safety fund. 141083

(C) When, at the close of any fiscal year, the chief finds 141084  
that the balance of the reclamation forfeiture fund, plus the 141085  
estimated revenues from the tax levied by division (A) (8) of 141086  
this section for the remainder of the calendar year that 141087  
includes the close of the fiscal year, are sufficient to 141088  
complete the reclamation of all lands for which the performance 141089  
security has been provided under division (C) (2) of section 141090  
1513.08 of the Revised Code, the purposes for which the tax 141091  
under division (A) (8) of this section is levied shall be deemed 141092  
accomplished at the end of that calendar year. The chief, within 141093

thirty days after the close of the fiscal year, shall certify 1411094  
those findings to the tax commissioner, and the tax levied under 1411095  
division (A) (8) of this section shall cease to be imposed for 1411096  
the subsequent calendar year after the last day of that calendar 1411097  
year on coal produced under a coal mining and reclamation permit 1411098  
issued under Chapter 1513. of the Revised Code if the permittee 1411099  
has made tax payments under division (A) (8) of this section 1411100  
during each of the preceding five full calendar years. Not later 1411101  
than thirty days after the close of a fiscal year, the chief 1411102  
shall certify to the tax commissioner the identity of any 1411103  
permittees who accordingly no longer are required to pay the tax 1411104  
levied under division (A) (8) of this section for the subsequent 1411105  
calendar year. 1411106

**Sec. 5749.07.** (A) If any severer required by this chapter 1411107  
to make and file returns and pay the tax levied by section 1411108  
5749.02 of the Revised Code, or any severer or owner liable for 1411109  
the amounts due under section 1509.50 of the Revised Code, fails 1411110  
to make such return or pay such tax or amounts, the tax 1411111  
commissioner may make an assessment against the severer or owner 1411112  
based upon any information in the commissioner's possession. 1411113

No assessment shall be made or issued against any severer 1411114  
for any tax imposed by section 5749.02 of the Revised Code or 1411115  
against any severer or owner for any amount due under section 1411116  
1509.50 of the Revised Code more than four years after the 1411117  
return was due or was filed, whichever is later. This section 1411118  
does not bar an assessment against a severer or owner who fails 1411119  
to file a return as required by this chapter, or who files a 1411120  
fraudulent return. 1411121

The commissioner shall give the party assessed written 1411122  
notice of such assessment in the manner provided in section 1411123

5703.37 of the Revised Code. With the notice, the commissioner 141124  
shall provide instructions on how to petition for reassessment 141125  
and request a hearing on the petition. 141126

(B) Unless the party assessed files with the commissioner 141127  
within sixty days after service of the notice of assessment, ~~—~~ 141128  
~~either personally or by certified mail,~~ a written petition for 141129  
reassessment signed by the party assessed or that party's 141130  
authorized agent having knowledge of the facts, the assessment 141131  
becomes final and the amount of the assessment is due and 141132  
payable from the party assessed to the treasurer of state. The 141133  
petition shall indicate the objections of the party assessed, 141134  
but additional objections may be raised in writing if received 141135  
by the commissioner prior to the date shown on the final 141136  
determination. If the petition has been properly filed, the 141137  
commissioner shall proceed under section 5703.60 of the Revised 141138  
Code. 141139

(C) After an assessment becomes final, if any portion of 141140  
the assessment remains unpaid, including accrued interest, a 141141  
certified copy of the commissioner's entry making the assessment 141142  
final may be filed in the office of the clerk of the court of 141143  
common pleas in the county in which the party assessed resides 141144  
or in which the party's business is conducted. If the party 141145  
assessed maintains no place of business in this state and is not 141146  
a resident of this state, the certified copy of the entry may be 141147  
filed in the office of the clerk of the court of common pleas of 141148  
Franklin county. 141149

Immediately upon the filing of such entry, the clerk shall 141150  
enter a judgment for the state against the party assessed in the 141151  
amount shown on the entry. The judgment may be filed by the 141152  
clerk in a loose-leaf book entitled "special judgments for state 141153

severance tax," and shall have the same effect as other 141154  
judgments. Execution shall issue upon the judgment upon the 141155  
request of the commissioner, and all laws applicable to sales on 141156  
execution shall apply to sales made under the judgment. 141157

If the assessment is not paid in its entirety within sixty 141158  
days after the day the assessment is issued, the portion of the 141159  
assessment consisting of tax due or amounts due under section 141160  
1509.50 of the Revised Code shall bear interest at the rate per 141161  
annum prescribed by section 5703.47 of the Revised Code from the 141162  
day the commissioner issues the assessment until it is paid or 141163  
until it is certified to the attorney general for collection 141164  
under section 131.02 of the Revised Code, whichever comes first. 141165  
If the unpaid portion of the assessment is certified to the 141166  
attorney general for collection, the entire unpaid portion of 141167  
the assessment shall bear interest at the rate per annum 141168  
prescribed by section 5703.47 of the Revised Code from the date 141169  
of certification until the date it is paid in its entirety. 141170  
Interest shall be paid in the same manner as the tax and may be 141171  
collected by the issuance of an assessment under this section. 141172

(D) All money collected by the commissioner under this 141173  
section shall be paid to the treasurer of state, and when paid 141174  
shall be considered as revenue arising from the tax imposed by 141175  
section 5749.02 of the Revised Code and the amount due under 141176  
section 1509.50 of the Revised Code, as applicable. 141177

**Sec. 5751.01.** As used in this chapter: 141178

(A) "Person" means, but is not limited to, individuals, 141179  
combinations of individuals of any form, receivers, assignees, 141180  
trustees in bankruptcy, firms, companies, joint-stock companies, 141181  
business trusts, estates, partnerships, limited liability 141182  
partnerships, limited liability companies, associations, joint 141183

ventures, clubs, societies, for-profit corporations, S 141184  
corporations, qualified subchapter S subsidiaries, qualified 141185  
subchapter S trusts, trusts, entities that are disregarded for 141186  
federal income tax purposes, and any other entities. 141187

(B) "Consolidated elected taxpayer" means a group of two 141188  
or more persons treated as a single taxpayer for purposes of 141189  
this chapter as the result of an election made under section 141190  
5751.011 of the Revised Code. 141191

(C) "Combined taxpayer" means a group of two or more 141192  
persons treated as a single taxpayer for purposes of this 141193  
chapter under section 5751.012 of the Revised Code. 141194

(D) "Taxpayer" means any person, or any group of persons 141195  
in the case of a consolidated elected taxpayer or combined 141196  
taxpayer treated as one taxpayer, required to register or pay 141197  
tax under this chapter. "Taxpayer" does not include excluded 141198  
persons. 141199

(E) "Excluded person" means any of the following: 141200

(1) Any person with not more than one hundred fifty 141201  
thousand dollars of taxable gross receipts during the calendar 141202  
year. Division (E)(1) of this section does not apply to a person 141203  
that is a member of a consolidated elected taxpayer. 141204

(2) A public utility that paid the excise tax imposed by 141205  
section 5727.24 or 5727.30 of the Revised Code based on one or 141206  
more measurement periods that include the entire tax period 141207  
under this chapter, except in the following circumstances: 141208

(a) A public utility that is a combined company is a 141209  
taxpayer with regard to the following gross receipts: 141210

(i) Taxable gross receipts directly attributed to a public 141211

utility activity, but not directly attributed to an activity 141212  
that is subject to the excise tax imposed by section 5727.24 or 141213  
5727.30 of the Revised Code; 141214

(ii) Taxable gross receipts that cannot be directly 141215  
attributed to any activity, multiplied by a fraction whose 141216  
numerator is the taxable gross receipts described in division 141217  
(E) (2) (a) (i) of this section and whose denominator is the total 141218  
taxable gross receipts that can be directly attributed to any 141219  
activity; 141220

(iii) Except for any differences resulting from the use of 141221  
an accrual basis method of accounting for purposes of 141222  
determining gross receipts under this chapter and the use of the 141223  
cash basis method of accounting for purposes of determining 141224  
gross receipts under section 5727.24 of the Revised Code, the 141225  
gross receipts directly attributed to the activity of a natural 141226  
gas company shall be determined in a manner consistent with 141227  
division (D) of section 5727.03 of the Revised Code. 141228

(b) A heating company that became exempt from the excise 141229  
tax imposed by section 5727.30 of the Revised Code on May 1, 141230  
2023, shall not be an excluded person for tax periods beginning 141231  
on or after July 1, 2023. 141232

As used in division (E) (2) of this section, "combined 141233  
company" and "public utility" have the same meanings as in 141234  
section 5727.01 of the Revised Code. 141235

(3) A financial institution, as defined in section 5726.01 141236  
of the Revised Code, that paid the tax imposed by section 141237  
5726.02 of the Revised Code based on one or more taxable years 141238  
that include the entire tax period under this chapter; 141239

(4) A person directly or indirectly owned by one or more 141240

financial institutions, as defined in section 5726.01 of the 141241  
Revised Code, that paid the tax imposed by section 5726.02 of 141242  
the Revised Code based on one or more taxable years that include 141243  
the entire tax period under this chapter. 141244

For the purposes of division (E) (4) of this section, a 141245  
person owns another person under the following circumstances: 141246

(a) In the case of corporations issuing capital stock, one 141247  
corporation owns another corporation if it owns fifty per cent 141248  
or more of the other corporation's capital stock with current 141249  
voting rights; 141250

(b) In the case of a limited liability company, one person 141251  
owns the company if that person's membership interest, as 141252  
defined in section 1706.01 of the Revised Code, is fifty per 141253  
cent or more of the combined membership interests of all persons 141254  
owning such interests in the company; 141255

(c) In the case of a partnership, trust, or other 141256  
unincorporated business organization other than a limited 141257  
liability company, one person owns the organization if, under 141258  
the articles of organization or other instrument governing the 141259  
affairs of the organization, that person has a beneficial 141260  
interest in the organization's profits, surpluses, losses, or 141261  
distributions of fifty per cent or more of the combined 141262  
beneficial interests of all persons having such an interest in 141263  
the organization. 141264

(5) A domestic insurance company or foreign insurance 141265  
company, as defined in section 5725.01 of the Revised Code, that 141266  
paid the insurance company premiums tax imposed by section 141267  
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 141268  
insurance company whose gross premiums are subject to tax under 141269

section 3905.36 of the Revised Code based on one or more 141270  
measurement periods that include the entire tax period under 141271  
this chapter; 141272

(6) A person that solely facilitates or services one or 141273  
more securitizations of phase-in-recovery property pursuant to a 141274  
final financing order as those terms are defined in section 141275  
4928.23 of the Revised Code. For purposes of this division, 141276  
"securitization" means transferring one or more assets to one or 141277  
more persons and then issuing securities backed by the right to 141278  
receive payment from the asset or assets so transferred. 141279

(7) Except as otherwise provided in this division, a pre- 141280  
income tax trust ~~as defined in section 5747.01 of the Revised~~ 141281  
~~Code~~ and any pass-through entity of which such pre-income tax 141282  
trust owns or controls, directly, indirectly, or constructively 141283  
through related interests, more than five per cent of the 141284  
ownership or equity interests. ~~If the pre-income tax trust has~~ 141285  
~~made a qualifying pre-income tax trust election under division~~ 141286  
~~(EE) of section 5747.01 of the Revised Code, then the trust and~~ 141287  
~~the pass-through entities of which it owns or controls,~~ 141288  
~~directly, indirectly, or constructively through related~~ 141289  
~~interests, more than five per cent of the ownership or equity~~ 141290  
~~interests, shall not be excluded persons for purposes of the tax~~ 141291  
~~imposed under section 5751.02 of the Revised Code~~As used in 141292  
division (E) (7) of this section, "pre-income tax trust" means a 141293  
trust that satisfies all of the following: 141294

(a) The document or instrument creating the trust was 141295  
executed by the grantor before January 1, 1972; 141296

(b) The trust became irrevocable upon the creation of the 141297  
trust; 141298



(c) The grantor was domiciled in this state at the time 141299  
the trust was created. 141300

(8) Nonprofit organizations or the state and its agencies, 141301  
instrumentalities, or political subdivisions. 141302

(F) Except as otherwise provided in divisions (F) (2), (3), 141303  
and (4) of this section, "gross receipts" means the total amount 141304  
realized by a person, without deduction for the cost of goods 141305  
sold or other expenses incurred, that contributes to the 141306  
production of gross income of the person, including the fair 141307  
market value of any property and any services received, and any 141308  
debt transferred or forgiven as consideration. 141309

(1) The following are examples of gross receipts: 141310

(a) Amounts realized from the sale, exchange, or other 141311  
disposition of the taxpayer's property to or with another; 141312

(b) Amounts realized from the taxpayer's performance of 141313  
services for another; 141314

(c) Amounts realized from another's use or possession of 141315  
the taxpayer's property or capital; 141316

(d) Any combination of the foregoing amounts. 141317

(2) "Gross receipts" excludes the following amounts: 141318

(a) Interest income except interest on credit sales; 141319

(b) Dividends and distributions from corporations, and 141320  
distributive or proportionate shares of receipts and income from 141321  
a pass-through entity as defined under section 5733.04 of the 141322  
Revised Code; 141323

(c) Receipts from the sale, exchange, or other disposition 141324  
of an asset described in section 1221 or 1231 of the Internal 141325

Revenue Code, without regard to the length of time the person 141326  
held the asset. Notwithstanding section 1221 of the Internal 141327  
Revenue Code, receipts from hedging transactions also are 141328  
excluded to the extent the transactions are entered into 141329  
primarily to protect a financial position, such as managing the 141330  
risk of exposure to (i) foreign currency fluctuations that 141331  
affect assets, liabilities, profits, losses, equity, or 141332  
investments in foreign operations; (ii) interest rate 141333  
fluctuations; or (iii) commodity price fluctuations. As used in 141334  
division (F)(2)(c) of this section, "hedging transaction" has 141335  
the same meaning as used in section 1221 of the Internal Revenue 141336  
Code and also includes transactions accorded hedge accounting 141337  
treatment under statement of financial accounting standards 141338  
number 133 of the financial accounting standards board. For the 141339  
purposes of division (F)(2)(c) of this section, the actual 141340  
transfer of title of real or tangible personal property to 141341  
another entity is not a hedging transaction. 141342

(d) Proceeds received attributable to the repayment, 141343  
maturity, or redemption of the principal of a loan, bond, mutual 141344  
fund, certificate of deposit, or marketable instrument; 141345

(e) The principal amount received under a repurchase 141346  
agreement or on account of any transaction properly 141347  
characterized as a loan to the person; 141348

(f) Contributions received by a trust, plan, or other 141349  
arrangement, any of which is described in section 501(a) of the 141350  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 141351  
1, Subchapter (D) of the Internal Revenue Code applies; 141352

(g) Compensation, whether current or deferred, and whether 141353  
in cash or in kind, received or to be received by an employee, 141354  
former employee, or the employee's legal successor for services 141355

rendered to or for an employer, including reimbursements 141356  
received by or for an individual for medical or education 141357  
expenses, health insurance premiums, or employee expenses, or on 141358  
account of a dependent care spending account, legal services 141359  
plan, any cafeteria plan described in section 125 of the 141360  
Internal Revenue Code, or any similar employee reimbursement; 141361

(h) Proceeds received from the issuance of the taxpayer's 141362  
own stock, options, warrants, puts, or calls, or from the sale 141363  
of the taxpayer's treasury stock; 141364

(i) Proceeds received on the account of payments from 141365  
insurance policies, except those proceeds received for the loss 141366  
of business revenue; 141367

(j) Gifts or charitable contributions received; membership 141368  
dues received by trade, professional, homeowners', or 141369  
condominium associations; payments received for educational 141370  
courses, meetings, meals, or similar payments to a trade, 141371  
professional, or other similar association; and fundraising 141372  
receipts received by any person when any excess receipts are 141373  
donated or used exclusively for charitable purposes; 141374

(k) Damages received as the result of litigation in excess 141375  
of amounts that, if received without litigation, would be gross 141376  
receipts; 141377

(l) Property, money, and other amounts received or 141378  
acquired by an agent on behalf of another in excess of the 141379  
agent's commission, fee, or other remuneration; 141380

(m) Tax refunds, other tax benefit recoveries, and 141381  
reimbursements for the tax imposed under this chapter made by 141382  
entities that are part of the same combined taxpayer or 141383  
consolidated elected taxpayer group, and reimbursements made by 141384

entities that are not members of a combined taxpayer or 141385  
consolidated elected taxpayer group that are required to be made 141386  
for economic parity among multiple owners of an entity whose tax 141387  
obligation under this chapter is required to be reported and 141388  
paid entirely by one owner, pursuant to the requirements of 141389  
sections 5751.011 and 5751.012 of the Revised Code; 141390

(n) Pension reversions; 141391

(o) Contributions to capital; 141392

(p) Sales or use taxes collected as a vendor or an out-of- 141393  
state seller on behalf of the taxing jurisdiction from a 141394  
consumer or other taxes the taxpayer is required by law to 141395  
collect directly from a purchaser and remit to a local, state, 141396  
or federal tax authority; 141397

(q) In the case of receipts from the sale of cigarettes, 141398  
tobacco products, or vapor products by a wholesale dealer, 141399  
retail dealer, distributor, manufacturer, vapor distributor, or 141400  
seller, all as defined in section 5743.01 of the Revised Code, 141401  
an amount equal to the federal and state excise taxes paid by 141402  
any person on or for such cigarettes, tobacco products, or vapor 141403  
products under subtitle E of the Internal Revenue Code or 141404  
Chapter 5743. of the Revised Code; 141405

(r) In the case of receipts from the sale, transfer, 141406  
exchange, or other disposition of motor fuel as "motor fuel" is 141407  
defined in section 5736.01 of the Revised Code, an amount equal 141408  
to the value of the motor fuel, including federal and state 141409  
motor fuel excise taxes and receipts from billing or invoicing 141410  
the tax imposed under section 5736.02 of the Revised Code to 141411  
another person; 141412

(s) In the case of receipts from the sale of beer or 141413

intoxicating liquor, as defined in section 4301.01 of the 141414  
Revised Code, by a person holding a permit issued under Chapter 141415  
4301. or 4303. of the Revised Code, an amount equal to federal 141416  
and state excise taxes paid by any person on or for such beer or 141417  
intoxicating liquor under subtitle E of the Internal Revenue 141418  
Code or Chapter 4301. or 4305. of the Revised Code; 141419

(t) Receipts realized by a new motor vehicle dealer or 141420  
used motor vehicle dealer, as defined in section 4517.01 of the 141421  
Revised Code, from the sale or other transfer of a motor 141422  
vehicle, as defined in that section, to another motor vehicle 141423  
dealer for the purpose of resale by the transferee motor vehicle 141424  
dealer, but only if the sale or other transfer was based upon 141425  
the transferee's need to meet a specific customer's preference 141426  
for a motor vehicle; 141427

(u) Receipts from a financial institution described in 141428  
division (E) (3) of this section for services provided to the 141429  
financial institution in connection with the issuance, 141430  
processing, servicing, and management of loans or credit 141431  
accounts, if such financial institution and the recipient of 141432  
such receipts have at least fifty per cent of their ownership 141433  
interests owned or controlled, directly or constructively 141434  
through related interests, by common owners; 141435

(v) Receipts realized from administering anti-neoplastic 141436  
drugs and other cancer chemotherapy, biologicals, therapeutic 141437  
agents, and supportive drugs in a physician's office to patients 141438  
with cancer; 141439

(w) Funds received or used by a mortgage broker that is 141440  
not a dealer in intangibles, other than fees or other 141441  
consideration, pursuant to a table-funding mortgage loan or 141442  
warehouse-lending mortgage loan. Terms used in division (F) (2) 141443

(w) of this section have the same meanings as in section 1322.01 141444  
of the Revised Code, except "mortgage broker" means a person 141445  
assisting a buyer in obtaining a mortgage loan for a fee or 141446  
other consideration paid by the buyer or a lender, or a person 141447  
engaged in table-funding or warehouse-lending mortgage loans 141448  
that are first lien mortgage loans. 141449

(x) Property, money, and other amounts received by a 141450  
professional employer organization, as defined in section 141451  
4125.01 of the Revised Code, or an alternate employer 141452  
organization, as defined in section 4133.01 of the Revised Code, 141453  
from a client employer, as defined in either of those sections 141454  
as applicable, in excess of the administrative fee charged by 141455  
the professional employer organization or the alternate employer 141456  
organization to the client employer; 141457

(y) In the case of amounts retained as commissions by a 141458  
permit holder under Chapter 3769. of the Revised Code, an amount 141459  
equal to the amounts specified under that chapter that must be 141460  
paid to or collected by the tax commissioner as a tax and the 141461  
amounts specified under that chapter to be used as purse money; 141462

(z) Qualifying distribution center receipts as determined 141463  
under section 5751.40 of the Revised Code; 141464

(aa) Receipts of an employer from payroll deductions 141465  
relating to the reimbursement of the employer for advancing 141466  
moneys to an unrelated third party on an employee's behalf; 141467

(bb) Cash discounts allowed and taken; 141468

(cc) Returns and allowances; 141469

(dd) Bad debts from receipts on the basis of which the tax 141470  
imposed by this chapter was paid in a prior quarterly tax 141471  
payment period. For the purpose of this division, "bad debts" 141472

means any debts that have become worthless or uncollectible 141473  
between the preceding and current quarterly tax payment periods, 141474  
have been uncollected for at least six months, and that may be 141475  
claimed as a deduction under section 166 of the Internal Revenue 141476  
Code and the regulations adopted under that section, or that 141477  
could be claimed as such if the taxpayer kept its accounts on 141478  
the accrual basis. "Bad debts" does not include repossessed 141479  
property, uncollectible amounts on property that remains in the 141480  
possession of the taxpayer until the full purchase price is 141481  
paid, or expenses in attempting to collect any account 141482  
receivable or for any portion of the debt recovered. 141483

(ee) Any amount realized from the sale of an account 141484  
receivable to the extent the receipts from the underlying 141485  
transaction giving rise to the account receivable were included 141486  
in the gross receipts of the taxpayer; 141487

(ff) Any receipts directly attributed to a transfer 141488  
agreement or to the enterprise transferred under that agreement 141489  
under section 4313.02 of the Revised Code; 141490

(gg) Qualified uranium receipts as determined under 141491  
section 5751.41 of the Revised Code; 141492

(hh) In the case of amounts collected by a licensed casino 141493  
operator from casino gaming, amounts in excess of the casino 141494  
operator's gross casino revenue. In this division, "casino 141495  
operator" and "casino gaming" have the meanings defined in 141496  
section 3772.01 of the Revised Code, and "gross casino revenue" 141497  
has the meaning defined in section 5753.01 of the Revised Code. 141498

(ii) Receipts realized from the sale of agricultural 141499  
commodities by an agricultural commodity handler, both as 141500  
defined in section 926.01 of the Revised Code, that is licensed 141501

by the director of agriculture to handle agricultural 141502  
commodities in this state; 141503

(jj) Qualifying integrated supply chain receipts as 141504  
determined under section 5751.42 of the Revised Code; 141505

(kk) In the case of a railroad company described in 141506  
division (D) (9) of section 5727.01 of the Revised Code that 141507  
purchases dyed diesel fuel directly from a supplier as defined 141508  
by section 5736.01 of the Revised Code, an amount equal to the 141509  
product of the number of gallons of dyed diesel fuel purchased 141510  
directly from such a supplier multiplied by the average 141511  
wholesale price for a gallon of diesel fuel as determined under 141512  
section 5736.02 of the Revised Code for the period during which 141513  
the fuel was purchased multiplied by a fraction, the numerator 141514  
of which equals the rate of tax levied by section 5736.02 of the 141515  
Revised Code less the rate of tax computed in section 5751.03 of 141516  
the Revised Code, and the denominator of which equals the rate 141517  
of tax computed in section 5751.03 of the Revised Code; 141518

(ll) Receipts realized by an out-of-state disaster 141519  
business from disaster work conducted in this state during a 141520  
disaster response period pursuant to a qualifying solicitation 141521  
received by the business. Terms used in division (F) (2) (ll) of 141522  
this section have the same meanings as in section 5703.94 of the 141523  
Revised Code. 141524

(mm) In the case of receipts from the sale or transfer of 141525  
a mortgage-backed security or a mortgage loan by a mortgage 141526  
lender holding a valid certificate of registration issued under 141527  
Chapter 1322. of the Revised Code or by a person that is a 141528  
member of the mortgage lender's consolidated elected taxpayer 141529  
group, an amount equal to the principal balance of the mortgage 141530  
loan; 141531



(nn) Amounts of excess surplus of the state insurance fund 141532  
received by the taxpayer from the Ohio bureau of workers' 141533  
compensation pursuant to rules adopted under section 4123.321 of 141534  
the Revised Code; 141535

(oo) Except as otherwise provided in division (B) of 141536  
section 5751.091 of the Revised Code, receipts of a megaproject 141537  
supplier from sales of tangible personal property directly to a 141538  
megaproject operator in this state for use at the site of the 141539  
megaproject operator's megaproject, provided that the sale 141540  
occurs during the period that the megaproject operator has an 141541  
agreement with the tax credit authority for the megaproject 141542  
under division (D) of section 122.17 of the Revised Code that 141543  
remains in effect and has not expired or been terminated, and 141544  
provided the megaproject supplier holds a certificate for such 141545  
megaproject issued under section 5751.052 of the Revised Code 141546  
for the calendar year in which the sales are made and, if the 141547  
megaproject supplier meets the requirements described in 141548  
division (A) (13) (b) of section 122.17 of the Revised Code, the 141549  
megaproject supplier holds a certificate for such megaproject 141550  
issued under division (D) (11) of section 122.17 of the Revised 141551  
Code on the first day of that calendar year; 141552

(pp) Receipts from the sale of each new piece of capital 141553  
equipment that has a cost in excess of one hundred million 141554  
dollars and that is used at the site of a megaproject that 141555  
satisfies the criteria described in division (A) (11) (a) (ii) of 141556  
section 122.17 of the Revised Code, provided that the sale 141557  
occurs during the period that a megaproject operator has an 141558  
agreement for that megaproject with the tax credit authority 141559  
under division (D) of section 122.17 of the Revised Code that 141560  
remains in effect and has not expired or been terminated; 141561

(qq) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(rr) Amounts received from any federal, state, or local grant, and amounts of indebtedness discharged or forgiven pursuant to federal, state, or local law, for providing or expanding access to broadband service in this state. As used in this division, "broadband service" has the same meaning as in section 188.01 of the Revised Code.

(ss) Receipts provided to a taxpayer to compensate for lost business resulting from the train derailment near the city of East Palestine on February 3, 2023, by any of the following:

(i) A federal, state, or local government agency;

(ii) A railroad company, as that term is defined in section 5727.01 of the Revised Code;

(iii) Any subsidiary, insurer, or agent of a railroad company or any related person.

(tt) An amount equal to the fee imposed by section 3743.22 of the Revised Code billed to the purchaser, collected by the taxpayer, and remitted to the fire marshal during the tax period, provided that the fee is separately stated on the invoice, bill of sale, or similar document given to the purchaser of 1.4G fireworks in this state;

(uu) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state;

(vv) Receipts from fees imposed under sections 128.41 and 141591  
128.42 of the Revised Code. 141592

(3) In the case of a taxpayer when acting as a real estate 141593  
broker, "gross receipts" includes only the portion of any fee 141594  
for the service of a real estate broker, or service of a real 141595  
estate salesperson associated with that broker, that is retained 141596  
by the broker and not paid to an associated real estate 141597  
salesperson or another real estate broker. For the purposes of 141598  
this division, "real estate broker" and "real estate 141599  
salesperson" have the same meanings as in section 4735.01 of the 141600  
Revised Code. 141601

(4) A taxpayer's method of accounting for gross receipts 141602  
for a tax period shall be the same as the taxpayer's method of 141603  
accounting for federal income tax purposes for the taxpayer's 141604  
federal taxable year that includes the tax period. If a 141605  
taxpayer's method of accounting for federal income tax purposes 141606  
changes, its method of accounting for gross receipts under this 141607  
chapter shall be changed accordingly. 141608

(G) "Taxable gross receipts" means gross receipts sitused 141609  
to this state under section 5751.033 of the Revised Code. 141610

(H) A person has "substantial nexus with this state" if 141611  
any of the following applies. The person: 141612

(1) Owns or uses a part or all of its capital in this 141613  
state; 141614

(2) Holds a certificate of compliance with the laws of 141615  
this state authorizing the person to do business in this state; 141616

(3) Has bright-line presence in this state; 141617

(4) Otherwise has nexus with this state to an extent that 141618

the person can be required to remit the tax imposed under this 141619  
chapter under the Constitution of the United States. 141620

(I) A person has "bright-line presence" in this state for 141621  
a reporting period and for the remaining portion of the calendar 141622  
year if any of the following applies. The person: 141623

(1) Has at any time during the calendar year property in 141624  
this state with an aggregate value of at least fifty thousand 141625  
dollars. For the purpose of division (I)(1) of this section, 141626  
owned property is valued at original cost and rented property is 141627  
valued at eight times the net annual rental charge. 141628

(2) Has during the calendar year payroll in this state of 141629  
at least fifty thousand dollars. Payroll in this state includes 141630  
all of the following: 141631

(a) Any amount subject to withholding by the person under 141632  
section 5747.06 of the Revised Code; 141633

(b) Any other amount the person pays as compensation to an 141634  
individual under the supervision or control of the person for 141635  
work done in this state; and 141636

(c) Any amount the person pays for services performed in 141637  
this state on its behalf by another. 141638

(3) Has during the calendar year taxable gross receipts of 141639  
at least five hundred thousand dollars; 141640

(4) Has at any time during the calendar year within this 141641  
state at least twenty-five per cent of the person's total 141642  
property, total payroll, or total gross receipts; 141643

(5) Is domiciled in this state as an individual or for 141644  
corporate, commercial, or other business purposes. 141645

(J) "Tangible personal property" has the same meaning as 141646  
in section 5739.01 of the Revised Code. 141647

(K) "Internal Revenue Code" means the Internal Revenue 141648  
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 141649  
used in this chapter that is not otherwise defined has the same 141650  
meaning as when used in a comparable context in the laws of the 141651  
United States relating to federal income taxes unless a 141652  
different meaning is clearly required. Any reference in this 141653  
chapter to the Internal Revenue Code includes other laws of the 141654  
United States relating to federal income taxes. 141655

(L) "Calendar quarter" means a three-month period ending 141656  
on the thirty-first day of March, the thirtieth day of June, the 141657  
thirtieth day of September, or the thirty-first day of December. 141658

(M) "Tax period" means the calendar quarter on the basis 141659  
of which a taxpayer is required to pay the tax imposed under 141660  
this chapter. 141661

(N) "Agent" means a person authorized by another person to 141662  
act on its behalf to undertake a transaction for the other, 141663  
including any of the following: 141664

(1) A person receiving a fee to sell financial 141665  
instruments; 141666

(2) A person retaining only a commission from a 141667  
transaction with the other proceeds from the transaction being 141668  
remitted to another person; 141669

(3) A person issuing licenses and permits under section 141670  
1533.13 of the Revised Code; 141671

(4) A lottery sales agent holding a valid license issued 141672  
under section 3770.05 of the Revised Code; 141673

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 141674  
141675

(O) "Received" includes amounts accrued under the accrual method of accounting. 141676  
141677

(P) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 141678  
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141684

(Q) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code. 141685  
141686  
141687

(R) "Exclusion amount" means three million dollars beginning in 2024 and six million dollars beginning in 2025. 141688  
141689

**Sec. 5751.02.** (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The 141690  
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tax levied under this section is imposed on the person receiving 141703  
the gross receipts and is not a tax imposed directly on a 141704  
purchaser. The tax imposed by this section is an annual 141705  
privilege tax for the calendar year that contains all tax 141706  
periods in the calendar year. A taxpayer is subject to the 141707  
annual privilege tax for doing business during any portion of 141708  
such calendar year. 141709

(B) The tax imposed by this section is a tax on the 141710  
taxpayer and shall not be billed or invoiced to another person. 141711  
Even if the tax or any portion thereof is billed or invoiced and 141712  
separately stated, such amounts remain part of the price for 141713  
purposes of the sales and use taxes levied under Chapters 5739. 141714  
and 5741. of the Revised Code. Nothing in division (B) of this 141715  
section prohibits: 141716

(1) A person from including in the price charged for a 141717  
good or service an amount sufficient to recover the tax imposed 141718  
by this section; or 141719

(2) A lessor from including an amount sufficient to 141720  
recover the tax imposed by this section in a lease payment 141721  
charged, or from including such an amount on a billing or 141722  
invoice pursuant to the terms of a written lease agreement 141723  
providing for the recovery of the lessor's tax costs. The 141724  
recovery of such costs shall be based on an estimate of the 141725  
total tax cost of the lessor during the tax period, as the tax 141726  
liability of the lessor cannot be calculated until the end of 141727  
that period. 141728

(C) (1) The commercial activities tax receipts fund is 141729  
hereby created in the state treasury and shall consist of money 141730  
arising from the tax imposed under this chapter. Sixty-five one- 141731  
hundredths of one per cent of the money credited to that fund 141732

shall be credited to the revenue enhancement fund and shall be 141733  
used to defray the costs incurred by the department of taxation 141734  
in administering the tax imposed by this chapter and in 141735  
implementing tax reform measures. The remainder of the money in 141736  
the commercial activities tax receipts fund shall first be 141737  
credited to the ~~funds~~ fund described in division (C) (2) of this 141738  
section, as provided in that division, and the remainder shall 141739  
be credited to the general revenue fund. 141740

(2) Not later than the twentieth day of February, May, 141741  
August, and November of each year, the commissioner shall 141742  
provide for payment ~~of the following amounts from the commercial~~ 141743  
~~activities tax receipts fund:—~~ 141744

~~(a) To to~~ the commercial activity tax motor fuel receipts 141745  
fund, of an amount that bears the same ratio to the balance in 141746  
the commercial activities tax receipts fund that (a) the taxable 141747  
gross receipts attributed to motor fuel used for propelling 141748  
vehicles on public highways as indicated by returns filed by the 141749  
tenth day of that month for a liability that is due and payable 141750  
on or after July 1, 2013, for a tax period ending before July 1, 141751  
2014, bears to (b) all taxable gross receipts as indicated by 141752  
those returns for such liabilities; 141753

~~(b) To the school district tangible property tax—~~ 141754  
~~replacement fund, which is hereby created in the state treasury—~~ 141755  
~~for the purpose of making the payments described in section—~~ 141756  
~~5709.92 of the Revised Code, an amount necessary to make those—~~ 141757  
~~payments;—~~ 141758

~~(c) To the local government tangible property tax—~~ 141759  
~~replacement fund, which is hereby created in the state treasury—~~ 141760  
~~for the purpose of making the payments described in section—~~ 141761  
~~5709.93 of the Revised Code, an amount necessary to make those—~~ 141762



~~payments.~~ 141763

~~(D) (1) On or after the first day of June of each year, the~~ 141764  
~~director of budget and management may transfer any balance in~~ 141765  
~~the school district tangible property tax replacement fund to~~ 141766  
~~the general revenue fund.~~ 141767

~~(2) On or after the first day of June of each year, the~~ 141768  
~~director of budget and management may transfer any balance in~~ 141769  
~~the local government tangible property tax replacement fund to~~ 141770  
~~the general revenue fund.~~ 141771

~~(E) (1)~~ (D) (1) There is hereby created in the state treasury 141772  
the commercial activity tax motor fuel receipts fund. 141773

(2) On or before the fifteenth day of June of each fiscal 141774  
year beginning with fiscal year 2015, the director of the Ohio 141775  
public works commission shall certify to the director of budget 141776  
and management the amount of debt service paid from the general 141777  
revenue fund in the current fiscal year on bonds issued to 141778  
finance or assist in the financing of the cost of local 141779  
subdivision public infrastructure capital improvement projects, 141780  
as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, 141781  
Ohio Constitution, that are attributable to costs for 141782  
construction, reconstruction, maintenance, or repair of public 141783  
highways and bridges and other statutory highway purposes. That 141784  
certification shall allocate the total amount of debt service 141785  
paid from the general revenue fund and attributable to those 141786  
costs in the current fiscal year according to the applicable 141787  
section of the Ohio Constitution under which the bonds were 141788  
originally issued. 141789

(3) On or before the thirtieth day of June of each fiscal 141790  
year beginning with fiscal year 2015, the director of budget and 141791

management shall determine an amount up to but not exceeding the 141792  
amount certified under division ~~(E) (2)~~ (D) (2) of this section and 141793  
shall reserve that amount from the cash balance in the petroleum 141794  
activity tax public highways fund or the commercial activity tax 141795  
motor fuel receipts fund for transfer to the general revenue 141796  
fund at times and in amounts to be determined by the director. 141797  
The director shall transfer the cash balance in the petroleum 141798  
activity tax public highways fund or the commercial activity tax 141799  
motor fuel receipts fund in excess of the amount so reserved to 141800  
the highway operating fund on or before the thirtieth day of 141801  
June of the current fiscal year. 141802

**Sec. 5751.09.** (A) The tax commissioner may make an 141803  
assessment, based on any information in the commissioner's 141804  
possession, against any person that fails to file a return or 141805  
pay any tax as required by this chapter. The commissioner shall 141806  
give the person assessed written notice of the assessment as 141807  
provided in section 5703.37 of the Revised Code. With the 141808  
notice, the commissioner shall provide instructions on the 141809  
manner in which to petition for reassessment and request a 141810  
hearing with respect to the petition. The commissioner shall 141811  
send any assessments against consolidated elected taxpayer and 141812  
combined taxpayer groups under section 5751.011 or 5751.012 of 141813  
the Revised Code to the taxpayer's reporting person. The 141814  
reporting person shall notify all members of the group of the 141815  
assessment and all outstanding taxes, interest, and penalties 141816  
for which the assessment is issued. 141817

(B) Unless the person assessed, within sixty days after 141818  
service of the notice of assessment, files with the tax 141819  
commissioner, ~~either personally or by certified mail,~~ a written 141820  
petition signed by the person or the person's authorized agent 141821  
having knowledge of the facts, the assessment becomes final, and 141822

the amount of the assessment is due and payable from the person 141823  
assessed to the treasurer of state. The petition shall indicate 141824  
the objections of the person assessed, but additional objections 141825  
may be raised in writing if received by the commissioner prior 141826  
to the date shown on the final determination. 141827

If a petition for reassessment has been properly filed, 141828  
the commissioner shall proceed under section 5703.60 of the 141829  
Revised Code. 141830

(C) (1) After an assessment becomes final, if any portion 141831  
of the assessment, including accrued interest, remains unpaid, a 141832  
certified copy of the tax commissioner's entry making the 141833  
assessment final may be filed in the office of the clerk of the 141834  
court of common pleas in the county in which the person resides 141835  
or has its principal place of business in this state, or in the 141836  
office of the clerk of court of common pleas of Franklin county. 141837

(2) Immediately upon the filing of the entry, the clerk 141838  
shall enter judgment for the state against the person assessed 141839  
in the amount shown on the entry. The judgment may be filed by 141840  
the clerk in a loose-leaf book entitled, "special judgments for 141841  
the commercial activity tax" and shall have the same effect as 141842  
other judgments. Execution shall issue upon the judgment at the 141843  
request of the tax commissioner, and all laws applicable to 141844  
sales on execution shall apply to sales made under the judgment. 141845

(3) If the assessment is not paid in its entirety within 141846  
sixty days after the day the assessment was issued, the portion 141847  
of the assessment consisting of tax due shall bear interest at 141848  
the rate per annum prescribed by section 5703.47 of the Revised 141849  
Code from the day the tax commissioner issues the assessment 141850  
until it is paid or until it is certified to the attorney 141851  
general for collection under section 131.02 of the Revised Code, 141852

whichever comes first. If the unpaid portion of the assessment 141853  
is certified to the attorney general for collection, the entire 141854  
unpaid portion of the assessment shall bear interest at the rate 141855  
per annum prescribed by section 5703.47 of the Revised Code from 141856  
the date of certification until the date it is paid in its 141857  
entirety. Interest shall be paid in the same manner as the tax 141858  
and may be collected by the issuance of an assessment under this 141859  
section. 141860

(D) If the tax commissioner believes that collection of 141861  
the tax will be jeopardized unless proceedings to collect or 141862  
secure collection of the tax are instituted without delay, the 141863  
commissioner may issue a jeopardy assessment against the person 141864  
liable for the tax. Immediately upon the issuance of the 141865  
jeopardy assessment, the commissioner shall file an entry with 141866  
the clerk of the court of common pleas in the manner prescribed 141867  
by division (C) of this section. Notice of the jeopardy 141868  
assessment shall be served on the person assessed or the 141869  
person's authorized agent in the manner provided in section 141870  
5703.37 of the Revised Code within five days of the filing of 141871  
the entry with the clerk. The total amount assessed is 141872  
immediately due and payable, unless the person assessed files a 141873  
petition for reassessment in accordance with division (B) of 141874  
this section and provides security in a form satisfactory to the 141875  
commissioner and in an amount sufficient to satisfy the unpaid 141876  
balance of the assessment. Full or partial payment of the 141877  
assessment does not prejudice the commissioner's consideration 141878  
of the petition for reassessment. 141879

(E) The tax commissioner shall immediately forward to the 141880  
treasurer of state all amounts the commissioner receives under 141881  
this section, and such amounts shall be considered as revenue 141882  
arising from the tax imposed under this chapter. 141883

(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (A) of section 5751.08 of the Revised Code for the same period of time. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the tax commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code.

**Sec. 5751.53.** (A) As used in this section:

(1) "Net income" and "taxable year" have the same meanings as in section 5733.04 of the Revised Code.

(2) "Franchise tax year" means "tax year" as defined in 141914  
section 5733.04 of the Revised Code. 141915

(3) "Deductible temporary differences" and "taxable 141916  
temporary differences" have the same meanings as those terms 141917  
have for purposes of paragraph 13 of the statement of financial 141918  
accounting standards, number 109. 141919

(4) "Qualifying taxpayer" means a taxpayer under this 141920  
chapter that has a qualifying Ohio net operating loss 141921  
carryforward equal to or greater than the qualifying amount. 141922

(5) "Qualifying Ohio net operating loss carryforward" 141923  
means an Ohio net operating loss carryforward that the taxpayer 141924  
could deduct in whole or in part for franchise tax year 2006 141925  
under section 5733.04 of the Revised Code but for the 141926  
application of division (H) of this section. A qualifying Ohio 141927  
net operating loss carryforward shall not exceed the amount of 141928  
loss carryforward from franchise tax year 2005 as reported by 141929  
the taxpayer either on a franchise tax report for franchise tax 141930  
year 2005 pursuant to section 5733.02 of the Revised Code or on 141931  
an amended franchise tax report prepared in good faith for such 141932  
year and filed before July 1, 2006. 141933

(6) "Disallowed Ohio net operating loss carryforward" 141934  
means the lesser of the amounts described in division (A) (6) (a) 141935  
or (b) of this section, but the amounts described in divisions 141936  
(A) (6) (a) and (b) of this section shall each be reduced by the 141937  
qualifying amount. 141938

(a) The qualifying taxpayer's qualifying Ohio net 141939  
operating loss carryforward; 141940

(b) The Ohio net operating loss carryforward amount that 141941  
the qualifying taxpayer used to compute the related deferred tax 141942

asset reflected on its books and records on the last day of its 141943  
taxable year ending in 2004, adjusted for return to accrual, but 141944  
this amount shall be reduced by the qualifying related valuation 141945  
allowance amount. For the purposes of this section, the 141946  
"qualifying related valuation allowance amount" is the amount of 141947  
Ohio net operating loss reflected in the qualifying taxpayer's 141948  
computation of the valuation allowance account, as shown on its 141949  
books and records on the last day of its taxable year ending in 141950  
2004, with respect to the deferred tax asset relating to its 141951  
Ohio net operating loss carryforward amount. 141952

(7) "Other net deferred tax items apportioned to this 141953  
state" is the product of (a) the amount of other net deferred 141954  
tax items and (b) the fraction described in division (B)(2) of 141955  
section 5733.05 for the qualifying taxpayer's franchise tax year 141956  
2005. 141957

(8) (a) Subject to divisions (A) (8) (b) to (d) of this 141958  
section, the "amount of other net deferred tax items" is the 141959  
difference between (i) the qualifying taxpayer's deductible 141960  
temporary differences, net of related valuation allowance 141961  
amounts, shown on the qualifying taxpayer's books and records on 141962  
the last day of its taxable year ending in 2004, and (ii) the 141963  
qualifying taxpayer's taxable temporary differences as shown on 141964  
those books and records on that date. The amount of other net 141965  
deferred tax items may be less than zero. 141966

(b) For the purposes of computing the amount of the 141967  
qualifying taxpayer's other net deferred tax items described in 141968  
division (A) (8) (a) of this section, any credit carryforward 141969  
allowed under Chapter 5733. of the Revised Code shall be 141970  
excluded from the amount of deductible temporary differences to 141971  
the extent such credit carryforward amount, net of any related 141972

valuation allowance amount, is otherwise included in the 141973  
qualifying taxpayer's deductible temporary differences, net of 141974  
related valuation allowance amounts, shown on the qualifying 141975  
taxpayer's books and records on the last day of the qualifying 141976  
taxpayer's taxable year ending in 2004. 141977

(c) No portion of the disallowed Ohio net operating loss 141978  
carryforward shall be included in the computation of the amount 141979  
of the qualifying taxpayer's other net deferred tax items 141980  
described in division (A) (8) (a) of this section. 141981

(d) In no event shall the amount of other net deferred tax 141982  
items apportioned to this state exceed twenty-five per cent of 141983  
the qualifying Ohio net operating loss carryforward. 141984

(9) "Amortizable amount" means: 141985

(a) If the qualifying taxpayer's other net deferred tax 141986  
items apportioned to this state is equal to or greater than 141987  
zero, eight per cent of the sum of the qualifying taxpayer's 141988  
disallowed Ohio net operating loss carryforward and the 141989  
qualifying taxpayer's other net deferred tax items apportioned 141990  
to this state; 141991

(b) If the amount of the qualifying taxpayer's other net 141992  
deferred tax items apportioned to this state is less than zero 141993  
and if the absolute value of the amount of qualifying taxpayer's 141994  
other net deferred tax items apportioned to this state is less 141995  
than the qualifying taxpayer's disallowed net operating loss, 141996  
eight per cent of the difference between the qualifying 141997  
taxpayer's disallowed net operating loss carryforward and the 141998  
absolute value of the qualifying taxpayer's other net deferred 141999  
tax items apportioned to this state; 142000

(c) If the amount of the qualifying taxpayer's other net 142001



deferred tax items apportioned to this state is less than zero 142002  
and if the absolute value of the amount of qualifying taxpayer's 142003  
other net deferred tax items apportioned to this state is equal 142004  
to or greater than the qualifying taxpayer's disallowed net 142005  
operating loss, zero. 142006

(10) "Books and records" means the qualifying taxpayer's 142007  
books, records, and all other information, all of which the 142008  
qualifying taxpayer maintains and uses to prepare and issue its 142009  
financial statements in accordance with generally accepted 142010  
accounting principles. 142011

(11) (a) Except as modified by division (A) (11) (b) of this 142012  
section, "qualifying amount" means fifty million dollars per 142013  
person. 142014

(b) If for franchise tax year 2005 the person was a member 142015  
of a combined franchise tax report, as provided by section 142016  
5733.052 of the Revised Code, the "qualifying amount" is, in the 142017  
aggregate, fifty million dollars for all members of that 142018  
combined franchise tax report, and for purposes of divisions (A) 142019  
(6) (a) and (b) of this section, those members shall allocate to 142020  
each member any portion of the fifty million dollar amount. The 142021  
total amount allocated to the members who are qualifying 142022  
taxpayers shall equal fifty million dollars. 142023

(B) For each calendar period beginning prior to January 1, 142024  
2030, there is hereby allowed a nonrefundable tax credit against 142025  
the tax levied each year by this chapter on each qualifying 142026  
taxpayer, on each consolidated elected taxpayer having one or 142027  
more qualifying taxpayers as a member, and on each combined 142028  
taxpayer having one or more qualifying taxpayers as a member. 142029  
The credit shall be claimed in the order specified in section 142030  
5751.98 of the Revised Code and is allowed only to reduce the 142031

first one-half of any tax remaining after allowance of the 142032  
credits that precede it in section 5751.98 of the Revised Code. 142033  
No credit under division (B) of this section shall be allowed 142034  
against the second one-half of such remaining tax. 142035

Except as otherwise limited by divisions (C) and (D) of 142036  
this section, the maximum amount of the nonrefundable credit 142037  
that may be used against the first one-half of the remaining tax 142038  
for each calendar year is as follows: 142039

(1) For calendar year 2010, ten per cent of the 142040  
amortizable amount; 142041

(2) For calendar year 2011, twenty per cent of the 142042  
amortizable amount, less all amounts previously used; 142043

(3) For calendar year 2012, thirty per cent of the 142044  
amortizable amount, less all amounts previously used; 142045

(4) For calendar year 2013, forty per cent of the 142046  
amortizable amount, less all amounts previously used; 142047

(5) For calendar year 2014, fifty per cent of the 142048  
amortizable amount, less all amounts previously used; 142049

(6) For calendar year 2015, sixty per cent of the 142050  
amortizable amount, less all amounts previously used; 142051

(7) For calendar year 2016, seventy per cent of the 142052  
amortizable amount, less all amounts previously used; 142053

(8) For calendar year 2017, eighty per cent of the 142054  
amortizable amount, less all amounts previously used; 142055

(9) For calendar year 2018, ninety per cent of the 142056  
amortizable amount, less all amounts previously used; 142057

(10) For each of calendar years 2019 through 2029, one 142058

hundred per cent of the amortizable amount, less all amounts 142059  
used in all previous years. 142060

In no event shall the cumulative credit ~~used for calendar-~~ 142061  
~~years 2010 through 2029~~ claimed under this section exceed one 142062  
hundred per cent of the amortizable amount. 142063

~~(C) (1) Except as otherwise set forth in division (C) (2) of~~ 142064  
~~this section~~ (C) For tax periods beginning January 1, 2030, and 142065  
thereafter, a refundable nonrefundable credit is allowed in- 142066  
~~calendar year 2030~~ for any portion of the qualifying taxpayer's 142067  
amortizable amount that is not used in accordance with division 142068  
(B) of this section against the tax levied by this chapter on 142069  
all taxpayers. The credit shall be claimed in the order 142070  
prescribed in section 5751.98 of the Revised Code and shall not 142071  
exceed the tax due after allowance of any other credits that 142072  
precede it in that order. The balance of the qualifying 142073  
taxpayer's amortizable amount may be carried forward until fully 142074  
used, provided that the amount of the credit claimed against the 142075  
tax for any tax period shall be deducted from the balance 142076  
carried forward to the next period. 142077

~~(2) Division (C) (1) of this section shall not apply and no~~ 142078  
~~refundable credit shall be available to any person if during any~~ 142079  
~~portion of the calendar year 2030 the person is not subject to~~ 142080  
~~the tax imposed by this chapter.~~ 142081

(D) Not later than June 30, 2006, each qualifying 142082  
taxpayer, consolidated elected taxpayer, or combined taxpayer 142083  
that will claim for any year the credit allowed in divisions (B) 142084  
and (C) of this section shall file with the tax commissioner a 142085  
report setting forth the amortizable amount available to such 142086  
taxpayer and all other related information that the 142087  
commissioner, by rule, requires. If the taxpayer does not timely 142088

file the report or fails to provide timely all information 142089  
required by this division, the taxpayer is precluded from 142090  
claiming any credit amounts described in divisions (B) and (C) 142091  
of this section. Unless extended by mutual consent, the tax 142092  
commissioner may, until June 30, 2010, audit the accuracy of the 142093  
amortizable amount available to each taxpayer that will claim 142094  
the credit, and adjust the amortizable amount or, if 142095  
appropriate, issue any assessment or final determination, as 142096  
applicable, necessary to correct any errors found upon audit. 142097

(E) For the purpose of calculating the amortizable amount, 142098  
if the tax commissioner ascertains that any portion of that 142099  
amount is the result of a sham transaction as described in 142100  
section 5703.56 of the Revised Code, the commissioner shall 142101  
reduce the amortizable amount by two times the adjustment. 142102

(F) If one entity transfers all or a portion of its assets 142103  
and equity to another entity as part of an entity organization 142104  
or reorganization or subsequent entity organization or 142105  
reorganization for which no gain or loss is recognized in whole 142106  
or in part for federal income tax purposes under the Internal 142107  
Revenue Code, the credits allowed by this section shall be 142108  
computed in a manner consistent with that used to compute the 142109  
portion, if any, of federal net operating losses allowed to the 142110  
respective entities under the Internal Revenue Code. The tax 142111  
commissioner may prescribe forms or rules for making the 142112  
computations required by this division. 142113

(G) (1) Except as provided in division (F) of this section, 142114  
no person shall pledge, collateralize, hypothecate, assign, 142115  
convey, sell, exchange, or otherwise dispose of any or all tax 142116  
credits, or any portion of any or all tax credits allowed under 142117  
this section. 142118

(2) No credit allowed under this section is subject to 142119  
execution, attachment, lien, levy, or other judicial proceeding. 142120

(H) (1) (a) Except as set forth in division (H) (1) (b) of 142121  
this section and notwithstanding division (I) (1) of section 142122  
5733.04 of the Revised Code to the contrary, each person timely 142123  
and fully complying with the reporting requirements set forth in 142124  
division (D) of this section shall not claim, and shall not be 142125  
entitled to claim, any deduction or adjustment for any Ohio net 142126  
operating loss carried forward to any one or more franchise tax 142127  
years after franchise tax year 2005. 142128

(b) Division (H) (1) (a) of this section applies only to the 142129  
portion of the Ohio net operating loss represented by the 142130  
disallowed Ohio net operating loss carryforward. 142131

(2) Notwithstanding division (I) of section 5733.04 of the 142132  
Revised Code to the contrary, with respect to all franchise tax 142133  
years after franchise tax year 2005, each person timely and 142134  
fully complying with the reporting requirements set forth in 142135  
division (D) of this section shall not claim, and shall not be 142136  
entitled to claim, any deduction, exclusion, or adjustment with 142137  
respect to deductible temporary differences reflected on the 142138  
person's books and records on the last day of its taxable year 142139  
ending in 2004. 142140

(3) (a) Except as set forth in division (H) (3) (b) of this 142141  
section and notwithstanding division (I) of section 5733.04 of 142142  
the Revised Code to the contrary, with respect to all franchise 142143  
tax years after franchise tax year 2005, each person timely and 142144  
fully complying with the reporting requirements set forth in 142145  
division (D) of this section shall exclude from Ohio net income 142146  
all taxable temporary differences reflected on the person's 142147  
books and records on the last day of its taxable year ending in 142148

2004. 142149

(b) In no event shall the exclusion provided by division 142150  
(H) (3) (a) of this section for any franchise tax year exceed the 142151  
amount of the taxable temporary differences otherwise included 142152  
in Ohio net income for that year. 142153

(4) Divisions (H) (2) and (3) of this section shall apply 142154  
only to the extent such items were used in the calculations of 142155  
the credit provided by this section. 142156

**Sec. 5751.98.** (A) To provide a uniform procedure for 142157  
calculating the amount of tax due under this chapter, a taxpayer 142158  
shall claim any credits to which it is entitled in the following 142159  
order: 142160

The nonrefundable jobs retention credit under division (B) 142161  
of section 5751.50 of the Revised Code; 142162

The nonrefundable credit for qualified research expenses 142163  
under division (B) of section 5751.51 of the Revised Code; 142164

The nonrefundable credit for a borrower's qualified 142165  
research and development loan payments under division (B) of 142166  
section 5751.52 of the Revised Code; 142167

The nonrefundable credit for ~~calendar years 2010 to 2029~~ 142168  
~~for~~ unused net operating losses under ~~division (B) of~~ section 142169  
5751.53 of the Revised Code; 142170

The refundable motion picture and Broadway theatrical 142171  
production credit under section 5751.54 of the Revised Code; 142172

~~The refundable credit for film and theater capital~~ 142173  
~~improvement projects under section 5751.55 of the Revised Code;~~ 142174

The refundable jobs creation credit or job retention 142175

credit under division (A) of section 5751.50 of the Revised Code;— 142176  
142177

~~The refundable credit for calendar year 2030 for unused 142178~~  
~~net operating losses under division (C) of section 5751.53 of 142179~~  
~~the Revised Code. 142180~~

(B) For any credit except the refundable credits 142181  
enumerated in this section, the amount of the credit for a tax 142182  
period shall not exceed the tax due after allowing for any other 142183  
credit that precedes it in the order required under this 142184  
section. Any excess amount of a particular credit may be carried 142185  
forward if authorized under the section creating the credit. 142186

**Sec. 5753.031.** (A) For the purpose of receiving and 142187  
distributing, and accounting for, revenue received from the tax 142188  
levied by section 5753.021 of the Revised Code and from fines 142189  
imposed under Chapter 3775. of the Revised Code, the following 142190  
funds are created in the state treasury: 142191

(1) The sports gaming revenue fund; 142192

(2) The sports gaming tax administration fund, which the 142193  
tax commissioner shall use to defray the costs incurred in 142194  
administering the tax levied by section 5753.021 of the Revised 142195  
Code; 142196

(3) The sports gaming profits education fund, which shall 142197  
be used for the support of public and nonpublic education for 142198  
students in grades kindergarten through twelve as determined in 142199  
appropriations made by the general assembly. 142200

(4) The problem sports gaming fund. 142201

(B) (1) All of the following shall be deposited into the 142202  
sports gaming revenue fund: 142203

(a) All money collected from the tax levied under section	142204
5753.021 of the Revised Code;	142205
(b) The remainder of the fees described in division (G) (2)	142206
of section 3775.02 of the Revised Code, after the Ohio casino	142207
control commission deposits the required amount in the sports	142208
gaming profits veterans fund under that division;	142209
(c) Unclaimed winnings collected under division (F) of	142210
section 3775.10 of the Revised Code;	142211
(d) Any fines collected under Chapter 3775. of the Revised	142212
Code.	142213
(2) All other fees collected under Chapter 3775. of the	142214
Revised Code shall be deposited into the casino control	142215
commission fund created under section 5753.03 of the Revised	142216
Code.	142217
(C) (1) From the sports gaming revenue fund, the director	142218
of budget and management shall transfer as needed to the tax	142219
refund fund amounts equal to the refunds certified by the tax	142220
commissioner under section 5753.06 of the Revised Code and	142221
attributable to the tax levied under section 5753.021 of the	142222
Revised Code.	142223
(2) Not later than the fifteenth day of each month, the	142224
director of budget and management shall transfer from the sports	142225
gaming revenue fund to the sports gaming tax administration fund	142226
the amount necessary to reimburse the department of taxation's	142227
actual expenses incurred in administering the tax levied under	142228
section 5753.021 of the Revised Code.	142229
(3) Of the amount in the sports gaming revenue fund	142230
remaining after making the transfers required by divisions (C)	142231
(1) and (2) of this section, the director of budget and	142232



management shall transfer, on or before the fifteenth day of the 142233  
month following the end of each calendar quarter, amounts to 142234  
each fund as follows: 142235

(a) Ninety-eight per cent to the sports gaming profits 142236  
education fund; 142237

(b) Two per cent to the problem sports gaming fund. 142238

(D) ~~All interest~~ Interest generated by the following funds 142239  
created under this section shall be credited back to them: 142240

(1) The sports gaming revenue fund; 142241

(2) The sports gaming tax administration fund; 142242

(3) The problem sports gaming fund. 142243

**Sec. 5753.07.** (A) (1) The tax commissioner may issue an 142244  
assessment, based on any information in the tax commissioner's 142245  
possession, against a taxpayer who fails to pay the tax levied 142246  
under section 5753.02 or 5753.021 of the Revised Code or to file 142247  
a return under section 5753.04 of the Revised Code. The tax 142248  
commissioner shall give the taxpayer written notice of the 142249  
assessment under section 5703.37 of the Revised Code. With the 142250  
notice, the tax commissioner shall include instructions on how 142251  
to petition for reassessment and on how to request a hearing 142252  
with respect to the petition. 142253

(2) Unless the taxpayer, within sixty days after service 142254  
of the notice of assessment, files with the tax commissioner, ~~—~~ 142255  
~~either personally or by certified mail,~~ a written petition 142256  
signed by the taxpayer, or by the taxpayer's authorized agent 142257  
who has knowledge of the facts, the assessment becomes final, 142258  
and the amount of the assessment is due and payable from the 142259  
taxpayer to the treasurer of state. The petition shall indicate 142260

the taxpayer's objections to the assessment. Additional 142261  
objections may be raised in writing if they are received by the 142262  
tax commissioner before the date shown on the final 142263  
determination. 142264

(3) If a petition for reassessment has been properly 142265  
filed, the tax commissioner shall proceed under section 5703.60 142266  
of the Revised Code. 142267

(4) After an assessment becomes final, if any portion of 142268  
the assessment, including penalties and accrued interest, 142269  
remains unpaid, the tax commissioner may file a certified copy 142270  
of the entry making the assessment final in the office of the 142271  
clerk of the court of common pleas of Franklin county or in the 142272  
office of the clerk of the court of common pleas of the county 142273  
in which the taxpayer resides, the taxpayer's casino facility or 142274  
sports gaming facility is located, or the taxpayer's principal 142275  
place of business in this state is located. Immediately upon the 142276  
filing of the entry, the clerk shall enter a judgment for the 142277  
state against the taxpayer assessed in the amount shown on the 142278  
entry. The judgment may be filed by the clerk in a loose-leaf 142279  
book entitled, "special judgments for the gross casino revenue 142280  
tax and sports gaming receipts tax." The judgment has the same 142281  
effect as other judgments. Execution shall issue upon the 142282  
judgment at the request of the tax commissioner, and all laws 142283  
applicable to sales on execution apply to sales made under the 142284  
judgment. 142285

(5) If the assessment is not paid in its entirety within 142286  
sixty days after the day the assessment was issued, the portion 142287  
of the assessment consisting of tax due shall bear interest at 142288  
the rate per annum prescribed by section 5703.47 of the Revised 142289  
Code from the day the tax commissioner issued the assessment 142290

until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax levied under section 5753.02 or 5753.021 of the Revised Code, as applicable, and may be collected by the issuance of an assessment under this section.

(B) If the tax commissioner believes that collection of the tax levied under section 5753.02 or 5753.021 of the Revised Code will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer that is liable for the tax. Immediately upon the issuance of a jeopardy assessment, the tax commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (A) (4) of this section, and the clerk shall proceed as directed in that division. Notice of the jeopardy assessment shall be served on the taxpayer or the taxpayer's authorized agent under section 5703.37 of the Revised Code within five days after the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment under division (A) (2) of this section and provides security in a form satisfactory to the tax commissioner that is in an amount sufficient to satisfy the unpaid balance of the assessment. If a petition for reassessment has been filed, and if satisfactory security has been provided, the tax commissioner shall proceed

under division (A) (3) of this section. Full or partial payment 142322  
of the assessment does not prejudice the tax commissioner's 142323  
consideration of the petition for reassessment. 142324

(C) The tax commissioner shall immediately forward to the 142325  
treasurer of state all amounts the tax commissioner receives 142326  
under this section, and the amounts forwarded shall be treated 142327  
as if they were revenue arising from the tax levied under 142328  
section 5753.02 or 5753.021 of the Revised Code, as applicable. 142329

(D) Except as otherwise provided in this division, no 142330  
assessment shall be issued against a taxpayer for the tax levied 142331  
under section 5753.02 or 5753.021 of the Revised Code more than 142332  
four years after the due date for filing the return for the tax 142333  
period for which the tax was reported, or more than four years 142334  
after the return for the tax period was filed, whichever is 142335  
later. This division does not bar an assessment against a 142336  
taxpayer who fails to file a return as required by section 142337  
5753.04 of the Revised Code or who files a fraudulent return, or 142338  
when the taxpayer and the tax commissioner waive in writing the 142339  
time limitation. 142340

(E) If the tax commissioner possesses information that 142341  
indicates that the amount of tax a taxpayer is liable to pay 142342  
under section 5753.02 or 5753.021 of the Revised Code exceeds 142343  
the amount the taxpayer paid, the tax commissioner may audit a 142344  
sample of the taxpayer's gross casino revenue or sports gaming 142345  
receipts, as applicable, over a representative period of time to 142346  
ascertain the amount of tax due, and may issue an assessment 142347  
based on the audit. The tax commissioner shall make a good faith 142348  
effort to reach agreement with the taxpayer in selecting a 142349  
representative sample. The tax commissioner may apply a sampling 142350  
method only if the tax commissioner has prescribed the method by 142351

rule. 142352

(F) If the whereabouts of a taxpayer who is liable for the 142353  
tax levied under section 5753.02 or 5753.021 of the Revised Code 142354  
are unknown to the tax commissioner, the tax commissioner shall 142355  
proceed under section 5703.37 of the Revised Code. 142356

**Sec. 5907.11.** ~~(A)~~—The superintendent of the Ohio veterans' 142357  
homes, with the approval of the director of veterans services, 142358  
may establish a local fund for each veterans' home to be used 142359  
for the entertainment and welfare of the residents of the home. 142360  
Each fund shall be designated as the residents' benefit fund and 142361  
shall be operated for the exclusive benefit of the residents of 142362  
the associated home. Each fund shall receive all revenue from 142363  
the sale of commissary items at the associated home and shall 142364  
receive all moneys received as donations by the associated home 142365  
from any source. 142366

~~(B) The superintendent, subject to the approval of the 142367  
director, shall establish rules for the operation of the 142368  
residents' benefit funds. 142369~~

**Sec. 5907.17.** (A) As used in this section, 142370  
~~"physician" "clinician" means an individual authorized under 142371  
Chapter 4731. of the Revised Code to practice medicine and 142372  
surgery or osteopathic medicine and surgery~~any of the following: 142373

(1) An advanced practice registered nurse, licensed 142374  
practical nurse, physician, physician's assistant, or registered 142375  
nurse as defined in section 4723.01 of the Revised Code; 142376

(2) An individual registered in the state nurse aide 142377  
registry pursuant to section 3721.32 of the Revised Code; 142378

(3) Any Ohio veterans' home employee who is a licensed 142379  
medical professional in this state and is not exempt from a 142380

student loan repayment program under a union contract or other 142381  
law. 142382

(B) The department of veterans services may establish a 142383  
~~physician-clinician~~ recruitment program under which the 142384  
department agrees to repay all or part of the principal and 142385  
interest of a governmental or other educational loan incurred by 142386  
a ~~physician-clinician~~ who agrees to provide services to 142387  
institutions under the department's administration. 142388

(C) A ~~physician-clinician~~ is eligible to participate in 142389  
the recruitment program if the ~~physician attended a medical or~~ 142390  
~~osteopathic medical school that was, at the time of attendance,~~ 142391  
~~either located in the United States and accredited by the~~ 142392  
~~liaison committee on medical education or the American~~ 142393  
~~osteopathic association or located outside the United States and~~ 142394  
~~acknowledged by the world health organization and verified by a~~ 142395  
~~member state of that organization as operating within that~~ 142396  
~~state's jurisdiction~~ clinician meets all of the following 142397  
requirements: 142398

(1) The clinician is licensed in this state by the 142399  
appropriate licensing authority and works in that discipline at 142400  
an Ohio veterans' home; 142401

(2) The clinician has worked at an Ohio veterans' home for 142402  
at least one year; 142403

(3) The clinician has not been subject to formal 142404  
discipline while employed by an Ohio veterans' home; 142405

(4) The clinician provides evidence sufficient for the 142406  
director of veterans services, or the director's designee, to 142407  
determine that the clinician attended a school or medical 142408  
program accredited by a national or regional accrediting 142409

organization; 142410

(5) The clinician agrees to the contract terms subject to 142411  
division (D) of this section and any rules adopted under 142412  
division (E) of this section. 142413

(D) The department and each ~~physician-clinician~~ it 142414  
recruits shall enter into a contract that includes all of the 142415  
following terms: 142416

(1) The ~~physician-clinician~~ agrees to maintain appropriate 142417  
licensure and provide a specified scope of medical or 142418  
~~osteopathic medical health care~~ services for a specified number 142419  
of hours per week and for a specified number of years of one or 142420  
more years to patients-residents of one or more specified 142421  
~~institutions administered by the department~~ the Ohio veterans' 142422  
homes. 142423

(2) The department agrees to repay all or a specified 142424  
portion of the principal and interest of a governmental or other 142425  
educational loan taken by the ~~physician-clinician~~ for the 142426  
following expenses if the ~~physician-clinician~~ meets the service 142427  
obligation agreed to and the expenses were incurred while the 142428  
~~physician-clinician~~ was enrolled in, for up to a maximum of four 142429  
years, a school or medical program accredited by a national or 142430  
regional accrediting organization ~~that qualifies the physician to~~ 142431  
~~participate in the program:~~ 142432

(a) Tuition; 142433

(b) Other educational expenses for specific purposes, 142434  
including fees, books, and laboratory expenses, in amounts 142435  
determined to be reasonable in accordance with rules adopted 142436  
under division (E) of this section; 142437

(c) Room and board, in an amount determined to be 142438

reasonable in accordance with rules adopted under division (E) 142439  
of this section. 142440

(3) The ~~physician-clinician~~ agrees to pay the department a 142441  
specified amount, which shall be not less than the amount 142442  
already paid by the department pursuant to its agreement, as 142443  
damages if the ~~physician-clinician~~ fails to complete the service 142444  
obligation agreed to or fails to comply with other specified 142445  
terms of the contract. The contract may vary the amount of 142446  
damages based on the portion of the ~~physician's-clinician's~~ 142447  
service obligation that remains uncompleted as determined by the 142448  
department. 142449

(4) Other terms agreed upon by the parties. 142450

(E) The department shall adopt rules under Chapter 119. of 142451  
the Revised Code that establish all of the following: 142452

(1) Criteria for designating institutions for which 142453  
~~physicians-clinicians~~ will be recruited; 142454

(2) Criteria for selecting ~~physicians-clinicians~~ for 142455  
participation in the program; 142456

(3) Criteria for determining the portion of a ~~physician's-~~  
clinician's loan that the department will agree to repay; 142457  
142458

(4) Criteria for determining reasonable amounts of the 142459  
expenses described in divisions (D) (2) (b) and (c) of this 142460  
section; 142461

(5) Procedures for monitoring compliance by ~~physicians-~~  
clinicians with the terms of their contracts; and 142462  
142463

(6) Any other criteria or procedures necessary to 142464  
implement the program. 142465



(F) The director or the director's designee may allocate 142466  
funds among clinicians recruited under the program for any 142467  
purpose the director or director's designee considers necessary 142468  
to best serve clinician staffing needs, including department 142469  
eligibility for benefits from incentive programs from federal or 142470  
other entities, in consideration of maximizing the overall 142471  
benefit to the Ohio veterans' homes. 142472

**Sec. 5923.30.** Whenever it is ascertained by the adjutant 142473  
general ~~or the auditor of state~~ that any officer of the 142474  
organized militia is unable to properly account for the property 142475  
or moneys in ~~his~~ the officer's possession-he, the adjutant 142476  
general shall give immediate notice thereof to the attorney 142477  
general for action against such officer and ~~his bondsmen~~ the 142478  
officer's bonder, and the attorney general shall bring such 142479  
action. 142480

**Sec. 6101.53.** To maintain, operate, and preserve the 142481  
reservoirs, ditches, drains, dams, levies, canals, sewers, 142482  
pumping stations, treatment and disposal works, or other 142483  
properties or improvements acquired or made pursuant to this 142484  
chapter, to strengthen, repair, and restore the same, when 142485  
needed, and to defray the current expenses of the conservancy 142486  
district, the board of directors of the district may, upon the 142487  
substantial completion of the improvements and on or before the 142488  
thirtieth day of September in each year thereafter, levy an 142489  
assessment upon each tract or parcel of land and upon each 142490  
public corporation within the district, subject to assessments 142491  
under this chapter, to be known as a conservancy maintenance 142492  
assessment. No assessment shall be made with respect to works 142493  
and improvements acquired or constructed for the purpose of 142494  
providing a water supply for domestic, industrial, and public 142495  
use within the district, when the water supply can be metered or 142496

measured when furnished to persons or public corporations. If 142497  
the district, for the benefit of one or more persons or 142498  
political subdivisions, provides a water supply that recharges 142499  
underground aquifers and thereby replenishes wells or provides a 142500  
source of water for new wells, or increases the natural low flow 142501  
of a stream used for water supply, or creates an impoundment, in 142502  
such a way that the augmented use of water cannot be metered or 142503  
measured for individual or public consumption, the board may 142504  
make a maintenance assessment against benefited property and 142505  
public corporations in the same manner provided in this section 142506  
for maintenance of other properties or improvements. 142507

The maintenance assessment shall be apportioned upon the 142508  
basis of the total appraisal of benefits accruing for original 142509  
and subsequent construction, shall not exceed one per cent of 142510  
the total appraisal of benefits in any one year unless the court 142511  
by its order authorizes an assessment of a larger percentage, 142512  
~~shall not be less than two dollars,~~ and shall be certified to 142513  
the county auditor of each county in which lands of the district 142514  
are located in the conservancy assessment record but in a 142515  
separate column in like manner and at the same time as the 142516  
annual installment of the assessment levied under section 142517  
6101.48 of the Revised Code is certified, under the heading 142518  
maintenance assessment. The auditor shall certify the same to 142519  
the county treasurer of the county at the same time that the 142520  
auditor certifies the annual installment of the assessments 142521  
levied under that section, and the sum of the levies for any 142522  
tract or public corporation may be certified as a single item. 142523  
The treasurer shall demand and collect the maintenance 142524  
assessment and make return of it, and shall be liable for the 142525  
same penalties for failure to do so as are provided for the 142526  
annual installment of the assessment levied under section 142527

6101.48 of the Revised Code. 142528

The amount of the maintenance assessment paid by any 142529  
parcel of land or public corporation shall not be credited 142530  
against the benefits assessed against the parcel of land or 142531  
public corporation, but the maintenance assessment shall be in 142532  
addition to any assessment that has been or can be levied under 142533  
section 6101.48 of the Revised Code. 142534

To maintain, operate, and preserve the works and 142535  
improvements of the district acquired or constructed for the 142536  
purpose of providing a water supply, to strengthen, repair, and 142537  
restore the same, and to defray the current expenses of the 142538  
district for this purpose, the board may impose rates for the 142539  
sale of water to public corporations and persons within the 142540  
district. The rates to be charged for the water shall be fixed 142541  
and adjusted by the board at intervals of not less than one 142542  
year, so that the income thus produced will be adequate to 142543  
provide a maintenance fund for the purpose of water supply. 142544  
Contracts for supplying water to public corporations and persons 142545  
shall be entered into before the service is rendered by the 142546  
district. Contracts shall specify the maximum quantity of water 142547  
to be furnished to the public corporation or person, and the 142548  
quantity shall be fixed so as equitably to distribute the 142549  
supply. Preference shall be given to water supply furnished to 142550  
public corporations for domestic and public uses. Bills for 142551  
water supplied to public corporations shall be rendered at 142552  
regular intervals and shall be payable from the waterworks fund 142553  
of the public corporation or, if it is not sufficient, from the 142554  
general fund. 142555

For tax years 2020 to 2024, qualifying real property, as 142556  
defined in section 727.031 of the Revised Code, is exempt from 142557

special assessments levied under this section, provided no 142558  
delinquent special assessments and related interest and 142559  
penalties are levied or assessed against any property owned by 142560  
the owner and operator of the qualifying real property for that 142561  
tax year. 142562

**Sec. 6101.54.** Whenever the owners or representatives of 142563  
twenty-five per cent or more of the acreage or value of the 142564  
lands in a conservancy district or the board of directors of a 142565  
conservancy district file a petition with the clerk of the court 142566  
having jurisdiction in the original case, stating that there has 142567  
been a material change in the values of the property in the 142568  
district or additional benefits are being derived from the works 142569  
and the improvements of the district since the last previous 142570  
appraisal of benefits, and praying for a readjustment of the 142571  
appraisal of benefits for the purpose of making a more equitable 142572  
basis for the levy of the maintenance assessment under section 142573  
6101.53 of the Revised Code, the clerk shall give notice of the 142574  
filing and of a hearing of the petition by publication. 142575

Upon hearing of the petition, if the court finds there has 142576  
been a material change in the values of property in the 142577  
district, or that additional benefits are derived from the works 142578  
and improvements of the district, or both, since the last 142579  
previous appraisal of benefits, the court shall order that there 142580  
be a readjustment of the appraisal of benefits for the purpose 142581  
of providing a basis upon which to levy the maintenance 142582  
assessment of the district. The court then shall direct the 142583  
board of appraisers of the conservancy district to make the 142584  
readjustment in the manner provided in this chapter, and the 142585  
board shall make its report. The same proceedings shall be had 142586  
on it, as nearly as may be, as are provided in this chapter for 142587  
the appraisal of benefits accruing for original construction. In 142588

making the readjustment of the appraisal of benefits, the 142589  
readjusted appraisal shall not be limited to the aggregate 142590  
amount of or to the benefits or properties or persons listed in 142591  
the original or any previous appraisal of benefits, and, after 142592  
the making of the readjustment, the limitation of the annual 142593  
maintenance assessment to one per cent of the total appraised 142594  
benefits, ~~but not less than two dollars,~~ shall apply to the 142595  
amount of the benefits as readjusted. There shall be no 142596  
readjustment of benefits more often than once in six years. 142597

**Sec. 6101.55.** The board of directors of a conservancy 142598  
district shall each year after the original assessment has been 142599  
levied determine, order, and levy the annual levy, which shall 142600  
include all assessments, or installments of assessments, 142601  
together with interest, levied under this chapter, which become 142602  
due in the ensuing year. The annual levy shall be due and be 142603  
collected at the same time that state and county taxes are due 142604  
and collected. After bonds have been sold, in the determination 142605  
of an annual levy, the rate of interest upon the unpaid 142606  
installments of an assessment shall be the rate borne by the 142607  
bonds that have been issued and sold pursuant to the assessment. 142608  
The annual levy shall be recorded in the conservancy assessment 142609  
record, shall be signed and certified by the president of the 142610  
board and by the secretary of the conservancy district not later 142611  
than the thirtieth day of September each year, and shall 142612  
thereafter become a permanent record in the office of the 142613  
district. 142614

The certificate of the annual levy shall be substantially 142615  
as set forth in section 6101.84 of the Revised Code. Then shall 142616  
follow both of the following: 142617

(A) The descriptions of the property opposite the names of 142618

the owners; 142619

(B) The total amount of the annual levy on each piece of 142620  
property and on each public corporation for the account of all 142621  
funds and the amount of each item making up the total. 142622

The form of the annual levy portion of the conservancy 142623  
assessment record as prescribed in this section may be modified 142624  
with the approval of the ~~auditor of state~~court. The certificate 142625  
of the annual levy and the annual levy portion of the 142626  
conservancy assessment record shall be named " Assessment Record 142627  
of \_\_\_\_\_ District, \_\_\_\_\_ County, Ohio." 142628

One copy of that part of the assessment record affecting 142629  
lands and public corporations in any county shall be forwarded 142630  
to the county auditor of that county. The auditor of each county 142631  
shall set up as a charge upon the county treasurer the total 142632  
amount of assessments levied as shown by the assessment record, 142633  
and shall certify the record as other tax records to the county 142634  
treasurer of the county. The treasurer shall collect the amount 142635  
according to law. The assessment record shall be the treasurer's 142636  
warrant and authority to demand and receive the assessments due 142637  
in the county as found in the record. 142638

In the event of any failure of the board to determine and 142639  
order an annual levy for the purpose of paying the interest and 142640  
principal of any bonds pursuant to this chapter, the auditor of 142641  
the county in which the lands and public corporations subject to 142642  
the assessments are situated shall make and complete a levy of 142643  
the special assessments necessary for the purpose against the 142644  
lands and public corporations in the district, and each piece of 142645  
property in that county against which benefits have been 142646  
appraised. Any assessment so made and completed by the auditor 142647  
shall be made and completed by the auditor in the manner 142648

provided for the making and completion of an assessment by the 142649  
board, and shall have the same effect as a levy of assessments 142650  
determined and ordered by the board. 142651

**Sec. 6111.01.** As used in this chapter: 142652

(A) "Pollution" means the placing of any sewage, sludge, 142653  
sludge materials, industrial waste, or other wastes in any 142654  
waters of the state. 142655

(B) "Sewage" means any liquid waste containing sludge, 142656  
sludge materials, or animal or vegetable matter in suspension or 142657  
solution, and may include household wastes as commonly 142658  
discharged from residences and from commercial, institutional, 142659  
or similar facilities. 142660

(C) "Industrial waste" means any liquid, gaseous, or solid 142661  
waste substance resulting from any process of industry, 142662  
manufacture, trade, or business, or from the development, 142663  
processing, or recovery of any natural resource, together with 142664  
such sewage as is present. 142665

(D) "Other wastes" means garbage, refuse, decayed wood, 142666  
sawdust, shavings, bark, and other wood debris, lime, sand, 142667  
ashes, offal, night soil, oil, tar, coal dust, dredged or fill 142668  
material, or silt, other substances that are not sewage, sludge, 142669  
sludge materials, or industrial waste, and any other 142670  
"pollutants" or "toxic pollutants" as defined in the Federal 142671  
Water Pollution Control Act that are not sewage, sludge, sludge 142672  
materials, or industrial waste. 142673

(E) "Sewerage system" means pipelines or conduits, pumping 142674  
stations, and force mains, and all other constructions, devices, 142675  
appurtenances, and facilities used for collecting or conducting 142676  
water-borne sewage, industrial waste, or other wastes to a point 142677

of disposal or treatment, but does not include plumbing 142678  
fixtures, building drains and subdrains, building sewers, and 142679  
building storm sewers. 142680

(F) "Treatment works" means any plant, disposal field, 142681  
lagoon, dam, pumping station, building sewer connected directly 142682  
to treatment works, incinerator, or other works used for the 142683  
purpose of treating, stabilizing, blending, composting, or 142684  
holding sewage, sludge, sludge materials, industrial waste, or 142685  
other wastes, except as otherwise defined. 142686

(G) "Disposal system" means a system for disposing of 142687  
sewage, sludge, sludge materials, industrial waste, or other 142688  
wastes and includes sewerage systems and treatment works. 142689

(H) "Waters of the state" means all streams, lakes, ponds, 142690  
marshes, watercourses, waterways, wells, springs, irrigation 142691  
systems, drainage systems, and other bodies or accumulations of 142692  
water, surface and underground, natural or artificial, 142693  
regardless of the depth of the strata in which underground water 142694  
is located, that are situated wholly or partly within, or border 142695  
upon, this state, or are within its jurisdiction, except those 142696  
private waters that do not combine or effect a junction with 142697  
natural surface or underground waters. "Waters of the state" 142698  
does not include an ephemeral feature for which the United 142699  
States army corps of engineers lacks the authority to issue a 142700  
permit under 33 U.S.C. 1344. 142701

(I) "Person" means the state, any municipal corporation, 142702  
any other political subdivision of the state, any person as 142703  
defined in section 1.59 of the Revised Code, any interstate body 142704  
created by compact, or the federal government or any department, 142705  
agency, or instrumentality thereof. 142706



(J) "Industrial water pollution control facility" means 142707  
any disposal system or any treatment works, pretreatment works, 142708  
appliance, equipment, machinery, pipeline or conduit, pumping 142709  
station, force main, or installation constructed, used, or 142710  
placed in operation primarily for the purpose of collecting or 142711  
conducting industrial waste to a point of disposal or treatment; 142712  
reducing, controlling, or eliminating water pollution caused by 142713  
industrial waste; or reducing, controlling, or eliminating the 142714  
discharge into a disposal system of industrial waste or what 142715  
would be industrial waste if discharged into the waters of the 142716  
state. 142717

(K) "Schedule of compliance" means a schedule of remedial 142718  
measures including an enforceable sequence of actions or 142719  
operations leading to compliance with standards and rules 142720  
adopted under sections 6111.041 and 6111.042 of the Revised Code 142721  
or compliance with terms and conditions of permits set under 142722  
division (J) of section 6111.03 of the Revised Code. 142723

(L) "Federal Water Pollution Control Act" means the 142724  
"Federal Water Pollution Control Act Amendments of 1972," 86 142725  
Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act 142726  
of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other 142727  
amendments to that act. 142728

(M) "Historically channelized watercourse" means the 142729  
portion of a watercourse on which an improvement, as defined in 142730  
divisions (C) (2) to (4) of section 6131.01 of the Revised Code, 142731  
was constructed pursuant to Chapter 940., 6131., or 6133. of the 142732  
Revised Code or a similar state law that preceded any of those 142733  
chapters and authorized such an improvement. 142734

(N) "Sludge" means sewage sludge and a solid, semi-solid, 142735  
or liquid residue that is generated from an industrial 142736

wastewater treatment process and that is applied to land for 142737  
agronomic benefit. "Sludge" does not include ash generated 142738  
during the firing of sludge in a sludge incinerator, grit and 142739  
screening generated during preliminary treatment of sewage in a 142740  
treatment works, animal manure, residue generated during 142741  
treatment of animal manure, or domestic septage. 142742

(O) "Sludge materials" means solid, semi-solid, or liquid 142743  
materials derived from sludge and includes products from a 142744  
treatment works that result from the treatment, blending, or 142745  
composting of sludge. 142746

(P) "Storage of sludge" means the placement of sludge on 142747  
land on which the sludge remains for not longer than two years, 142748  
but does not include the placement of sludge on land for 142749  
treatment. 142750

(Q) "Sludge disposal program" means any program used by an 142751  
entity that begins with the generation of sludge and includes 142752  
treatment or disposal of the sludge, as "treatment" and 142753  
"disposal" are defined in division ~~(Y)~~(X) of section 3745.11 of 142754  
the Revised Code. 142755

(R) "Agronomic benefit" means any process that promotes or 142756  
enhances plant growth and includes, but is not limited to, a 142757  
process that increases soil fertility and moisture retention. 142758

(S) "Sludge management" means the use, storage, treatment, 142759  
or disposal of, and management practices related to, sludge and 142760  
sludge materials. 142761

(T) "Sludge management permit" means a permit for sludge 142762  
management that is issued under division (J) of section 6111.03 142763  
of the Revised Code. 142764

(U) "Sewage sludge" has the same meaning as in division 142765

~~(Y)~~ (X) of section 3745.11 of the Revised Code. 142766

(V) "Ephemeral feature" means surface water flowing or 142767  
pooling only in direct response to precipitation, such as rain 142768  
or snow. "Ephemeral feature" does not include a wetland, as 142769  
defined in section 6111.02 of the Revised Code. 142770

**Sec. 6111.04.** (A) Both of the following apply except as 142771  
otherwise provided in division (A) or (F) of this section: 142772

(1) No person shall cause pollution or place or cause to 142773  
be placed any sewage, sludge, sludge materials, industrial 142774  
waste, or other wastes in a location where they cause pollution 142775  
of any waters of the state. 142776

(2) Such an action prohibited under division (A) (1) of 142777  
this section is hereby declared to be a public nuisance. 142778

Divisions (A) (1) and (2) of this section do not apply if 142779  
the person causing pollution or placing or causing to be placed 142780  
wastes in a location in which they cause pollution of any waters 142781  
of the state holds a valid, unexpired permit, or renewal of a 142782  
permit, governing the causing or placement as provided in 142783  
sections 6111.01 to 6111.08 of the Revised Code or if the 142784  
person's application for renewal of such a permit is pending. 142785

(B) If the director of environmental protection 142786  
administers a sludge management program pursuant to division (R) 142787  
of section 6111.03 of the Revised Code, both of the following 142788  
apply except as otherwise provided in division (B) or (F) of 142789  
this section: 142790

(1) No person, in the course of sludge management, shall 142791  
place on land located in the state or release into the air of 142792  
the state any sludge or sludge materials. 142793

(2) An action prohibited under division (B) (1) of this section is hereby declared to be a public nuisance.

Divisions (B) (1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.

(D) No person to whom a sludge management permit has been issued shall place on the land or release into the air of the state any sludge or sludge materials in excess of the permissive amounts specified under the existing sludge management permit without first receiving a modification of the existing sludge management permit or a new sludge management permit to do so from the director.

(E) The director may require the submission of plans, specifications, and other information that the director considers relevant in connection with the issuance of permits.

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

(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are

entirely confined to the land under the control of the person 142823  
engaged in the recovery and processing of the sand, gravel, 142824  
other aggregates, or mineral products and do not result in the 142825  
pollution of waters of the state; 142826

(2) Water, gas, or other material injected into a well to 142827  
facilitate, or that is incidental to, the production of oil, 142828  
gas, artificial brine, or water derived in association with oil 142829  
or gas production and disposed of in a well, in compliance with 142830  
a permit issued under Chapter 1509. of the Revised Code, or 142831  
sewage, industrial waste, or other wastes injected into a well 142832  
in compliance with an injection well operating permit. Division 142833  
(F)(2) of this section does not authorize, without a permit, any 142834  
discharge that is prohibited by, or for which a permit is 142835  
required by, regulation of the United States environmental 142836  
protection agency. 142837

(3) Application of any materials to land for agricultural 142838  
purposes or runoff of the materials from that application or 142839  
pollution by residual farm products, manure, or soil sediment, 142840  
including attached substances, resulting from farming, 142841  
silvicultural, or earthmoving activities regulated by Chapter 142842  
307. or 939. of the Revised Code. Division (F)(3) of this 142843  
section does not authorize, without a permit, any discharge that 142844  
is prohibited by, or for which a permit is required by, the 142845  
Federal Water Pollution Control Act or regulations adopted under 142846  
it. As used in division (F)(3) of this section, "residual farm 142847  
products" and "manure" have the same meanings as in section 142848  
939.01 of the Revised Code. 142849

(4) The excrement of domestic and farm animals defecated 142850  
on land or runoff therefrom into any waters of the state. 142851  
Division (F)(4) of this section does not authorize, without a 142852

permit, any discharge that is prohibited by, or for which a 142853  
permit is required by, the Federal Water Pollution Control Act 142854  
or regulations adopted under it. 142855

(5) On and after the date on which the United States 142856  
environmental protection agency approves the NPDES program 142857  
submitted by the director of agriculture under section 903.08 of 142858  
the Revised Code, any discharge that is within the scope of the 142859  
approved NPDES program submitted by the director of agriculture; 142860

(6) The discharge of sewage, industrial waste, or other 142861  
wastes into a sewerage system tributary to a treatment works. 142862  
Division (F)(6) of this section does not authorize any discharge 142863  
into a publicly owned treatment works in violation of a 142864  
pretreatment program applicable to the publicly owned treatment 142865  
works or any discharge to a privately owned treatment works in 142866  
violation of any permit conditions established in accordance 142867  
with 40 C.F.R. 122.44(m). 142868

(7) A household sewage treatment system or a small flow 142869  
on-site sewage treatment system, as applicable, as defined in 142870  
section 3718.01 of the Revised Code that is installed in 142871  
compliance with Chapter 3718. of the Revised Code and rules 142872  
adopted under it. Division (F)(7) of this section does not 142873  
authorize, without a permit, any discharge that is prohibited 142874  
by, or for which a permit is required by, regulation of the 142875  
United States environmental protection agency. 142876

(8) Exceptional quality sludge generated outside of this 142877  
state and contained in bags or other containers not greater than 142878  
one hundred pounds in capacity. As used in division (F)(8) of 142879  
this section, "exceptional quality sludge" has the same meaning 142880  
as in division ~~(Y)~~(X) of section 3745.11 of the Revised Code. 142881

(G) The holder of a permit issued under section 402 (a) of 142882  
the Federal Water Pollution Control Act need not obtain a permit 142883  
for a discharge authorized by the permit until its expiration 142884  
date. Except as otherwise provided in this division, the 142885  
director of environmental protection shall administer and 142886  
enforce those permits within this state and may modify their 142887  
terms and conditions in accordance with division (J) of section 142888  
6111.03 of the Revised Code. On and after the date on which the 142889  
United States environmental protection agency approves the NPDES 142890  
program submitted by the director of agriculture under section 142891  
903.08 of the Revised Code, the director of agriculture shall 142892  
administer and enforce those permits within this state that are 142893  
issued for any discharge that is within the scope of the 142894  
approved NPDES program submitted by the director of agriculture. 142895

**Section 101.02.** That existing sections 3.15, 9.03, 9.07, 142896  
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5753.07, 5907.11, 5907.17, 5923.30, 6101.53, 6101.54, 6101.55, 143097  
6111.01, and 6111.04 of the Revised Code are hereby repealed. 143098

**Section 105.01.** That sections 9.47, 101.38, 103.053, 143099  
103.054, 103.24, 103.72, 103.73, 113.06, 117.113, 117.251, 143100  
117.441, 117.51, 122.451, 122.55, 122.56, 122.561, 122.57, 143101  
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5163.05, 5165.261, 5166.45, 5180.23, 5180.24, 5180.34, 5310.05, 143113  
5310.06, 5310.07, 5310.08, 5310.09, 5310.10, 5310.11, 5310.12, 143114  
5310.13, 5310.14, 5537.24, 5705.195, 5705.196, 5705.197, 143115  
5726.59, 5747.67, 5751.55, 5902.06, and 5902.20 of the Revised 143116  
Code are hereby repealed. 143117

**Section 105.05.** That sections 103.60, 107.034, 113.78, 143118  
3354.24, 5705.192, 5739.071, and 5747.29 of the Revised Code are 143119  
hereby repealed, as of the dates specified below in the sections 143120  
prefixed with number 105. 143121

**Section 105.10.** That section 3354.24 of the Revised Code 143122  
is hereby repealed, effective June 30, 2027. 143123

**Section 105.20.** That section 107.034 of the Revised Code 143124  
is hereby repealed, effective July 1, 2026. 143125

**Section 105.30.** That section 113.78 of the Revised Code is 143126  
hereby repealed, effective July 1, 2026. 143127

**Section 105.40.** That section 103.60 of the Revised Code is 143128  
hereby repealed, effective December 31, 2025. 143129

**Section 105.50.** That section 5739.071 of the Revised Code 143130  
is hereby repealed, effective January 1, 2026." 143131

**Section 105.60.** That section 5747.29 of the Revised Code 143132

is hereby repealed, effective January 1, 2026. 143133

**Section 105.70.** That section 5705.192 of the Revised Code 143134

is hereby repealed, effective January 1, 2026. 143135

**Section 107.10.** That Section 733.61 of H.B. 166 of the 143136

133rd General Assembly (as amended by H.B. 33 of the 135th 143137

General Assembly) be amended to codify it as section 3313.6033 143138

of the Revised Code to read as follows: 143139

**Sec. ~~733.61~~ 3313.6033.** (A) Notwithstanding section 143140

3319.236 of the Revised Code, ~~for the 2019-2020 school year~~ 143141

~~through the 2024-2025 school year only,~~ a school district, 143142

community school established under Chapter 3314. of the Revised 143143

Code, or science, technology, engineering, and mathematics 143144

school established under Chapter 3326. of the Revised Code may 143145

permit an individual who holds a valid educator license in any 143146

of grades kindergarten through twelve to teach a computer 143147

science course if, ~~prior to teaching the course in the last five~~ 143148

~~years,~~ the individual ~~completes~~ has completed a professional 143149

development program approved by the district superintendent or 143150

school principal that provides content knowledge specific to the 143151

course the individual will teach. To continue teaching computer 143152

science under this section, an individual shall complete the 143153

professional development program every five years in accordance 143154

with the educator licensure recertification process. The 143155

superintendent or principal shall approve any professional 143156

development program endorsed by the organization that creates 143157

and administers the national ~~Advanced Placement~~ advanced 143158

placement examinations as appropriate for the course the 143159

individual will teach. 143160

(B) Nothing in this section shall permit an individual 143161

described in division (A) of this section to teach a computer 143162

science course in a school district or school other than the 143163  
school district or school that employed the individual at the 143164  
time the individual completed the professional development 143165  
program required by that division. 143166

~~(C) Beginning July 1, 2025, a school district or public 143167  
school shall permit an individual to teach a computer science 143168  
course only in accordance with section 3319.236 of the Revised 143169  
Code. 143170~~

~~(D) Notwithstanding section 3301.012 of the Revised Code, 143171  
as used in this section, "computer science course" means any 143172  
course that is reported in the education management information 143173  
system established under section 3301.0714 of the Revised Code 143174  
as a computer science course. 143175~~

**Section 107.11.** That existing Section 733.61 of H.B. 166 143176  
of the 133rd General Assembly (as amended by H.B. 33 of the 143177  
135th General Assembly) is hereby repealed. 143178

**Section 125.10.** The amendment by this act of section 143179  
4785.041 of the Revised Code does not supersede the repeal of 143180  
that section on April 3, 2033, as prescribed by Sections 4 and 5 143181  
of H.B. 107 of the 134th General Assembly. 143182

**Section 125.20.** That the versions of sections 117.12 and 143183  
117.56 of the Revised Code that are scheduled to take effect 143184  
October 1, 2025, are hereby repealed. 143185

**Section 125.21.** That Section 101.02 of H.B. 54 of the 143186  
136th General Assembly be amended to read as follows: 143187

**Sec. 101.02.** That existing sections 101.27, ~~117.12,~~ 143188  
154.01, 306.30, 306.35, 306.43, 717.02, 1548.061, 2935.03, 143189  
3503.11, 3704.14, 4501.01, 4503.10, 4503.102, 4503.103, 4503.21, 143190  
4505.08, 4506.01, 4506.09, 4506.11, 4507.01, 4507.061, 4507.13, 143191



4507.21, 4507.52, 4508.02, 4511.01, 4511.031, 4511.09, 4511.091, 143192  
4511.092, 4511.093, 4511.094, 4511.11, 4511.13, 4511.131, 143193  
4511.132, 4511.18, 4511.204, 4511.21, 4511.211, 4511.214, 143194  
4511.432, 4511.46, 4511.48, 4511.512, 4511.61, 4511.62, 4511.64, 143195  
4511.65, 4511.68, 4511.701, 4511.712, 4511.76, 4513.071, 143196  
4513.38, 4513.41, 4517.02, 4517.24, 4519.401, 4955.50, 4955.51, 143197  
5501.20, 5501.41, 5501.441, 5512.07, 5513.01, 5515.01, 5515.02, 143198  
5515.99, 5517.02, 5517.021, 5521.01, 5525.03, 5525.04, 5525.08, 143199  
5525.14, 5525.16, 5537.02, 5571.01, and 5747.502 of the Revised 143200  
Code are hereby repealed. 143201

**Section 125.22.** That existing Section 101.02 of H.B. 54 of 143202  
the 136th General Assembly is hereby repealed. 143203

**Section 125.23.** That Section 820.50 of H.B. 54 of the 143204  
136th General Assembly is hereby repealed. 143205

**Section 125.24.** Sections 125.20 and 125.21 of this act 143206  
remove the limitations imposed on the continued existence of 143207  
section 117.12 of the Revised Code. 143208

**Section 201.10.** APPROPRIATIONS 143209

Except as otherwise provided in this act, all 143210  
appropriation items in this act are appropriated out of any 143211  
moneys in the state treasury to the credit of the designated 143212  
fund that are not otherwise appropriated. For all appropriations 143213  
made in this act, the amounts in the first column are for fiscal 143214  
year 2026 and the amounts in the second column are for fiscal 143215  
year 2027. 143216

**Section 203.10.** 143217  
143218

A	ACC ACCOUNTANCY BOARD OF OHIO		
B	Dedicated Purpose Fund Group		
C	4J80 889601 CPA Education Assistance	\$260,000	\$275,000
D	4K90 889609 Operating Expenses	\$1,359,075	\$1,400,531
E	Dedicated Purpose Fund Group Total	\$1,619,075	\$1,675,531
F	TOTAL ALL BUDGET FUND GROUPS	\$1,619,075	\$1,675,531

**Section 205.10.**

143219

143220

1	2	3	4	5
A	ADJ ADJUTANT GENERAL			
B	General Revenue Fund			
C	GRF 745401 Ohio Military Reserve	\$56,162	\$56,162	
D	GRF 745404 Air National Guard	\$2,406,436	\$2,689,830	
E	GRF 745407 National Guard Benefits	\$174,000	\$174,000	
F	GRF 745409 Central Administration	\$3,585,342	\$3,684,085	
G	GRF 745499 Army National Guard	\$5,402,863	\$6,082,457	
H	GRF 745503 Ohio Cyber Reserve	\$1,151,000	\$1,151,000	
I	GRF 745504 Ohio Cyber Range	\$2,650,000	\$2,650,000	
J	GRF 745505 State Active Duty	\$70,000	\$70,000	

K	General Revenue Fund Total	\$15,495,803	\$16,557,534
L	Dedicated Purpose Fund Group		
M	5340 745612 Property Operations Management	\$682,195	\$682,292
N	5360 745620 Camp Perry and Buckeye Inn Operations	\$1,064,057	\$1,074,431
O	5370 745604 Ohio National Guard Facilities Maintenance	\$60,131	\$60,131
P	5U80 745613 Community Match Armories	\$349,965	\$349,965
Q	Dedicated Purpose Fund Group Total	\$2,156,348	\$2,166,819
R	Federal Fund Group		
S	3420 745616 Army National Guard Service Agreement	\$24,076,820	\$24,316,615
T	3E80 745628 Air National Guard Operations and Maintenance	\$18,934,892	\$19,380,313
U	3R80 745603 Counter Drug Operations	\$26,606	\$26,606
V	Federal Fund Group Total	\$43,038,318	\$43,723,534
W	TOTAL ALL BUDGET FUND GROUPS	\$60,690,469	\$62,447,887

**Section 205.20.** NATIONAL GUARD BENEFITS 143221

The foregoing appropriation item 745407, National Guard 143222

Benefits, shall be used for purposes of sections 5919.31 and 143223  
5919.33 of the Revised Code, and for administrative costs of the 143224  
associated programs. 143225

If necessary, in order to pay benefits in a timely manner 143226  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, 143227  
the Adjutant General may request that the Director of Budget and 143228  
Management transfer appropriation from any appropriation item 143229  
used by the Adjutant General to appropriation item 745407, 143230  
National Guard Benefits. Such amounts are hereby appropriated. 143231  
The Adjutant General may subsequently seek Controlling Board 143232  
approval to restore the appropriation in the appropriation item 143233  
from which such a transfer was made. 143234

For active duty members of the Ohio National Guard who 143235  
died after October 7, 2001, while performing active duty, the 143236  
death benefit, pursuant to section 5919.33 of the Revised Code, 143237  
shall be paid to the beneficiary or beneficiaries designated on 143238  
the member's Service members' Group Life Insurance Policy. 143239

OHIO CYBER RESERVE 143240

The foregoing appropriation item 745503, Ohio Cyber 143241  
Reserve, shall be used for purposes of providing support for the 143242  
administration of the Ohio Cyber Reserve, a civilian cyber 143243  
reserve force that is part of the Ohio organized militia, 143244  
capable of being expanded and trained to educate and protect all 143245  
levels of state government, critical infrastructure, and the 143246  
citizens of this state from cyber attacks and incidences under 143247  
sections 5922.01, 5922.02, and 5922.08 of the Revised Code, as 143248  
well as for the purpose of paying expenses related to cyber 143249  
state active duty of members of the Ohio Cyber Reserve, in 143250  
accordance with a proclamation or order of the Governor. 143251  
Expenses include, but are not limited to, the cost of equipment, 143252

supplies, and services, as determined by the Adjutant General. 143253

OHIO CYBER RANGE 143254

The foregoing appropriation item 745504, Ohio Cyber Range, 143255  
shall be used by the Adjutant General's Department to establish 143256  
and maintain the cyber range for purposes of providing cyber 143257  
training and education to K-12 students, higher education 143258  
students, members of the Ohio National Guard, federal employees, 143259  
and state and local government employees, and provide for 143260  
emergency preparedness exercises and trainings. 143261

The Adjutant General's Department, in conjunction and 143262  
collaboration with the Department of Administrative Services, 143263  
the Department of Public Safety, the Department of Higher 143264  
Education, and the Department of Education and Workforce shall 143265  
establish and maintain a cyber range. The Adjutant General's 143266  
Department may work with federal agencies to assist in 143267  
accomplishing this objective. The state agencies identified in 143268  
this paragraph may procure any necessary goods and services 143269  
including, but not limited to, contracted services, hardware, 143270  
networking services, maintenance costs, and the training and 143271  
management costs of a cyber range. These state agencies shall 143272  
determine the amount of funds each agency will contribute from 143273  
available funds and appropriations enacted herein in order to 143274  
establish and maintain a cyber range. 143275

STATE ACTIVE DUTY 143276

The foregoing appropriation item 745505, State Active 143277  
Duty, shall be used for the purpose of paying expenses related 143278  
to state active duty of members of the Ohio organized militia, 143279  
not including the civilian cyber security reserve forces, in 143280  
accordance with a proclamation or order of the Governor. 143281

Expenses include, but are not limited to, cost of equipment, 143282  
supplies, and services, as determined by the Adjutant General. 143283

**Section 207.10.** 143284  
143285

	1	2	3	4	5
A	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				
B	General Revenue Fund				
C	GRF	100413	EDCS Lease Rental Payments	\$9,300,000	\$9,300,000
D	GRF	100414	MARCS Lease Rental Payments	\$6,450,000	\$6,450,000
E	GRF	100415	OAKS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	100416	STARS Lease Rental Payments	\$1,100,000	\$1,100,000
G	GRF	100447	Administrative Buildings Lease Rental Bond Payments	\$45,500,000	\$60,500,000
H	GRF	100456	State IT Services	\$978,412	\$1,512,297
I	GRF	100459	Ohio Business Gateway	\$14,325,421	\$14,368,107
J	GRF	100469	Aronoff Center Building Maintenance	\$222,000	\$222,000
K	GRF	130321	State Agency Support	\$28,000,000	\$28,000,000

Services

L	General Revenue Fund Total	\$108,325,833	\$123,902,404
M	Dedicated Purpose Fund Group		
N	4K90 100673 Ohio Professionals Licensing System	\$7,175,727	\$7,439,069
O	5AB1 100674 Next Generation 9-1-1	\$3,500,000	\$0
P	5L70 100610 Professional Development	\$2,013,841	\$2,014,854
Q	5NM0 100663 9-1-1 Program	\$956,663	\$980,078
R	5V60 100619 Employee Educational Development	\$1,234,461	\$1,268,484
S	7093 100675 Next Generation 9-1-1	\$13,469,622	\$14,804,264
T	Dedicated Purpose Fund Group Total	\$28,350,314	\$26,506,749
U	Internal Service Activity Fund Group		
V	1120 100616 DAS Administration	\$14,683,912	\$15,113,177
W	1170 100644 General Services Division - Operating	\$23,091,398	\$22,574,348
X	1220 100637 Fleet Management	\$25,449,633	\$22,866,905
Y	1250 100622 Human Resources Division - Operating	\$26,081,909	\$26,319,177
Z	1250 100657 Benefits Communication	\$620,036	\$628,275

AA 1300	100606	Risk Management Reserve	\$24,015,458	\$24,051,115
AB 1320	100631	DAS Building Management	\$53,101,399	\$54,715,341
AC 1330	100607	IT Services Delivery	\$194,935,390	\$197,374,206
AD 2100	100612	State Printing	\$31,450,162	\$32,512,922
AE 2290	100630	IT Governance	\$40,176,321	\$40,741,507
AF 2290	100640	Consolidated IT Purchases	\$28,265,838	\$28,265,838
AG 4270	100602	Investment Recovery	\$1,835,187	\$1,891,267
AH 4N60	100617	Major IT Purchases	\$3,984,131	\$3,984,131
AI 5C20	100605	MARCS Administration	\$35,336,608	\$35,689,974
AJ 5EB0	100635	OAKS Support Organization	\$101,832,561	\$104,303,226
AK 5EB0	100656	OAKS Updates and Developments	\$11,427,405	\$11,403,567
AL 5KZ0	100659	Building Improvement	\$2,276,705	\$2,777,458
AM 5LJ0	100661	IT Development	\$12,839,922	\$12,839,922
AN 5PC0	100665	Enterprise Applications	\$14,160,852	\$14,244,654
AO 5WU0	100672	Ohio Benefits	\$151,980,462	\$0
AP	Internal Service Activity Fund Group Total		\$797,545,289	\$652,297,010
AQ	Fiduciary Fund Group			



AR 5UH0 100670 Enterprise Transactions	\$1,590,000	\$1,640,000
AS Fiduciary Fund Group Total	\$1,590,000	\$1,640,000
AT TOTAL ALL BUDGET FUND GROUPS	\$935,811,436	\$804,346,163

**Section 207.20. EDCS LEASE RENTAL PAYMENTS** 143286

The foregoing appropriation item 100413, EDCS Lease Rental 143287  
Payments, shall be used to make payments during the period from 143288  
July 1, 2025, through June 30, 2027, pursuant to leases and 143289  
agreements entered into under Chapter 125. of the Revised Code, 143290  
as supplemented by Section 701.10 of H.B. 529 of the 132nd 143291  
General Assembly, as amended by Section 601.10 of H.B. 166 of 143292  
the 133rd General Assembly, and other prior acts of the General 143293  
Assembly, with respect to financing the costs associated with 143294  
the acquisition, development, implementation, and integration of 143295  
the Enterprise Data Center Solutions (EDCS) information 143296  
technology initiative. 143297

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL 143298  
PAYMENTS 143299

The foregoing appropriation item 100414, MARCS Lease 143300  
Rental Payments, shall be used to make payments during the 143301  
period from July 1, 2025, through June 30, 2027, pursuant to 143302  
leases and agreements entered into under Chapter 125. of the 143303  
Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 143304  
of the 130th General Assembly and other prior acts of the 143305  
General Assembly, with respect to financing the costs associated 143306  
with the acquisition, development, implementation, and 143307  
integration of the Multi-Agency Radio Communications System 143308  
(MARCS) upgrade. 143309

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS	143310
The foregoing appropriation item 100415, OAKS Lease Rental	143311
Payments, shall be used to make payments during the period from	143312
July 1, 2025, through June 30, 2027, pursuant to leases and	143313
agreements entered into under Chapter 125. of the Revised Code,	143314
as supplemented by Section 701.10 of H.B. 529 of the 132nd	143315
General Assembly and other prior acts of the General Assembly,	143316
with respect to financing the costs associated with the	143317
acquisition, development, implementation, and integration of the	143318
Ohio Administrative Knowledge System (OAKS).	143319
STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL	143320
PAYMENTS	143321
The foregoing appropriation item 100416, STARS Lease	143322
Rental Payments, shall be used to make payments during the	143323
period from July 1, 2025, through June 30, 2027, pursuant to	143324
leases and agreements entered into under Chapter 125. of the	143325
Revised Code, as supplemented by Section 701.30 of H.B. 529 of	143326
the 132nd General Assembly and other prior acts of the General	143327
Assembly, with respect to financing the costs associated with	143328
the acquisition, development, implementation, and integration of	143329
the State Taxation Accounting and Revenue System (STARS).	143330
ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS	143331
The foregoing appropriation item 100447, Administrative	143332
Buildings Lease Rental Bond Payments, shall be used to meet all	143333
payments during the period from July 1, 2025, through June 30,	143334
2027, by the Department of Administrative Services pursuant to	143335
leases and agreements under Chapters 152. and 154. of the	143336
Revised Code. These appropriations are the source of funds	143337
pledged for bond service charges on related obligations issued	143338

under Chapters 152. and 154. of the Revised Code. 143339

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 143340

FUND 143341

The foregoing appropriation item 130321, State Agency 143342  
Support Services, may be used to provide funding for the cost of 143343  
property appraisals or building studies that the Department of 143344  
Administrative Services may be required to obtain for property 143345  
that is being sold by the state or property under consideration 143346  
to be renovated or purchased by the state. 143347

Notwithstanding section 125.28 of the Revised Code, the 143348  
foregoing appropriation item 130321, State Agency Support 143349  
Services, also may be used to pay the operating expenses of 143350  
state facilities maintained by the Department of Administrative 143351  
Services that are not billed to building tenants, other costs 143352  
associated with the Voinovich Center in Youngstown, Ohio, or 143353  
costs of repairing vehicles donated pursuant to section 125.13 143354  
of the Revised Code. These expenses may include, but are not 143355  
limited to, the costs for vacant space and space undergoing 143356  
renovation, and the rent expenses of tenants that are relocated 143357  
because of building renovations. These payments may be processed 143358  
by the Department of Administrative Services through intrastate 143359  
transfer vouchers and placed into the Building Management Fund 143360  
(Fund 1320). 143361

At least once per year, the portion of appropriation item 143362  
130321, State Agency Support Services, that is not used for the 143363  
regular expenses of the appropriation item may be processed by 143364  
the Department of Administrative Services through intrastate 143365  
transfer voucher and placed in the Building Improvement Fund 143366  
(Fund 5KZ0). 143367

**Section 207.30.** PROFESSIONAL DEVELOPMENT FUND 143368

Of the foregoing appropriation item 100610, Professional 143369  
Development, up to \$1,400,000 in each fiscal year shall be used 143370  
to make payments from the Professional Development Fund (Fund 143371  
5L70) under section 124.182 of the Revised Code. 143372

Of the foregoing appropriation item 100610, Professional 143373  
Development, up to \$1,200,000 during the FY 2026-FY 2027 143374  
biennium may be used by the Director of Administrative Services 143375  
for the creation, staffing, and administration of the Ohio 143376  
Digital Academy. The Ohio Digital Academy shall exist to 143377  
generate high-tech workforce capacity and serve the state of 143378  
Ohio in advanced technology and cybersecurity needs. The goals 143379  
of the Ohio Digital Academy shall be to educate, train, and 143380  
subsequently employ analysts in completing boot camps, 143381  
certifications, or degree programs in cybersecurity, coding, 143382  
software engineering, user experience designers, and related 143383  
fields. 143384

In consultation with CyberOhio, the Department of 143385  
Administrative Services shall have full authority to select 143386  
qualified candidates for the Ohio Digital Academy. Candidates 143387  
shall be subject to all applicable background checks and if 143388  
selected, shall be required to commit to three years of service 143389  
with the state of Ohio. Ohio Digital Academy candidates may be 143390  
placed in an unclassified, administrative staff position 143391  
pursuant to division (A)(30) of section 124.11 of the Revised 143392  
Code for which the Director of Administrative Services is hereby 143393  
given specific authority to set compensation, or with other 143394  
public or private employers identified by the Department with 143395  
which a partnership agreement has been established. 143396  
Notwithstanding any provision of law to the contrary, the 143397

Department may use the foregoing appropriation to reimburse 143398  
selected students' tuition expenses for coursework, 143399  
certification achieved, or other necessary expenses, prior to 143400  
acceptance in the program, which is directly attributable to the 143401  
targeted skills of the program if completed within one year 143402  
prior to the effective date of this section. Upon hiring, 143403  
candidates shall also be eligible for reimbursement of costs for 143404  
continuing education or certification at the discretion of the 143405  
Director to support the development of specialized skills in the 143406  
areas of information technology and cybersecurity. Each 143407  
candidate shall be responsible for any tax implications 143408  
associated with the tuition. The Department reserves the right 143409  
to recover all or a portion of funds provided to an Ohio Digital 143410  
Academy participant who fails to complete the agreed upon three 143411  
years of service commitment to the state. 143412

On July 1, 2025, or as soon as possible thereafter, the 143413  
Department of Administrative Services may select and enter into 143414  
a subgrant agreement with a regionally accredited Ohio 143415  
institution of higher education with demonstrated significant 143416  
coursework and programming in cybersecurity to serve as a 143417  
Digital Analyst Training Academy (D.A.T.A.) Center. The Center 143418  
shall be responsible for paying for costs associated with the 143419  
work of the Ohio Digital Academy as designated by the Department 143420  
of Administrative Services. On behalf of the Center, the 143421  
selected institution shall do all the following: 143422

(A) Provide necessary educational coursework or training 143423  
for the selected students' successful completion of a 143424  
certificate or degree program as prescribed by the Department of 143425  
Administrative Services at no cost to the selected students; 143426

(B) Administer weekly professional development programs 143427

for students in an academic setting;	143428
(C) Prepare analysts for summer mandatory recruit training	143429
as prescribed by the Department of Administrative Services;	143430
(D) Coordinate and manage summer scenarios;	143431
(E) Submit a quarterly report to the Department of	143432
Administrative Services that contains detailed information on	143433
the amount of grant funds expended for the aforementioned	143434
purposes;	143435
(F) Submit an annual report to the Department of	143436
Administrative Services of all achievements, including a status	143437
report of all expenditures, number of students enrolled by	143438
program area, number of students graduated or certifications	143439
achieved by program area, program expansion opportunities, and	143440
projected costs to continue operating the Center.	143441
Additional Centers may be added over the biennium subject	143442
to the approval of the Director of Administrative Services.	143443
9-1-1 PROGRAM	143444
The foregoing appropriation item 100663, 9-1-1 Program,	143445
shall be used by the Department of Administrative Services to	143446
pay the administrative and educational costs of the Statewide	143447
Emergency Services Internet Protocol Network program.	143448
EMPLOYEE EDUCATIONAL DEVELOPMENT	143449
The foregoing appropriation item 100619, Employee	143450
Educational Development, shall be used to make payments from the	143451
Employee Educational Development Fund (Fund 5V60) under section	143452
124.86 of the Revised Code. The fund shall be used to pay the	143453
costs of administering educational programs under existing	143454
collective bargaining agreements with District 1199, the Health	143455

Care and Social Service Union, Service Employees International 143456  
Union; State Council of Professional Educators; Ohio Education 143457  
Association and National Education Association; the Fraternal 143458  
Order of Police State of Ohio, Unit 2 Association; and the Ohio 143459  
State Troopers Association, Units 1 and 15. 143460

If it is determined by the Director of Budget and 143461  
Management that additional amounts are necessary, the amounts 143462  
are hereby appropriated. 143463

**Section 207.40. GENERAL SERVICE CHARGES** 143464

The Department of Administrative Services, with the 143465  
approval of the Director of Budget and Management, shall 143466  
establish charges for recovering the costs of administering the 143467  
programs funded by the General Services Fund (Fund 1170) and the 143468  
State Printing Fund (Fund 2100). 143469

**COLLECTIVE BARGAINING ARBITRATION EXPENSES** 143470

The Department of Administrative Services may seek 143471  
reimbursement from state agencies for the actual costs and 143472  
expenses the Department incurs in the collective bargaining 143473  
arbitration process. The reimbursements shall be processed 143474  
through intrastate transfer vouchers and credited to the Human 143475  
Resources Services Fund (Fund 1250). 143476

**RISK MANAGEMENT RESERVE** 143477

The foregoing appropriation item 100606, Risk Management 143478  
Reserve, shall be used to make payments from the Risk Management 143479  
Reserve Fund (Fund 1300) pursuant to section 9.823 of the 143480  
Revised Code. 143481

**CONSOLIDATED IT PURCHASES** 143482

The foregoing appropriation item 100640, Consolidated IT 143483

Purchases, shall be used by the Department of Administrative 143484  
Services acting as the purchasing agent for one or more 143485  
government entities under the authority of division (G) of 143486  
section 125.18 of the Revised Code to make information 143487  
technology purchases at a lower aggregate cost than each 143488  
individual government entity could have obtained independently 143489  
for that information technology purchase. 143490

INVESTMENT RECOVERY FUND 143491

Notwithstanding division (B) of section 125.14 of the 143492  
Revised Code, cash balances in the Investment Recovery Fund 143493  
(Fund 4270) may be used to support the operating expenses of the 143494  
Federal Surplus Operating Program created in sections 125.84 to 143495  
125.90 of the Revised Code. 143496

MAJOR IT PURCHASES CHARGES 143497

Upon the request of the Director of Administrative 143498  
Services, the Director of Budget and Management may transfer up 143499  
to \$2,000,000 cash in each fiscal year of the amount collected 143500  
for statewide indirect costs attributable to debt service paid 143501  
for the enterprise data center solutions project from the 143502  
General Revenue Fund to the Major Information Technology 143503  
Purchases Fund (Fund 4N60). 143504

MARCS ADMINISTRATION 143505

Of the foregoing appropriation item 100605, MARCS 143506  
Administration, \$10,500,000 in each fiscal year shall be used to 143507  
reduce MARCS subscriber fees paid by villages, municipal 143508  
corporations, townships, counties, and regional public safety 143509  
and first response agencies. 143510

PROFESSIONS LICENSING SYSTEM 143511



The foregoing appropriation item, 100673, Ohio  
Professionals Licensing System, shall be used to purchase the  
equipment, products, and services necessary to update and  
maintain an automated licensing system for the professional  
licensing boards.

The Department of Administrative Services shall establish  
charges for recovering the costs of ongoing maintenance of the  
system that are not otherwise recovered under section 125.18 of  
the Revised Code. The charges shall be proportionate to each  
benefiting state agency, board, or commission's use of the  
system. For agencies, boards, or commissions whose operations  
are not funded by appropriations from the Occupational Licensing  
and Regulatory Fund (Fund 4K90), the Director of Administrative  
Services shall certify to the Director of Budget and Management  
these entities' proportionate charges for use of the state's  
enterprise electronic licensing system. The Director of Budget  
and Management shall transfer cash equaling the certified  
amounts from these entities' respective operating funds into the  
Occupational Licensing and Regulatory Fund (Fund 4K90).

On July 1, 2025, or as soon as possible thereafter, the  
State Board of Education shall consult with the Department of  
Administrative Services on the utilization of the Ohio  
Professional Licensing System. As part of this consultation, the  
State Board of Education shall consider opportunities to reduce  
the number of license and certification types.

**Section 207.45. BUILDING IMPROVEMENT FUND**

The foregoing appropriation item 100659, Building  
Improvement, shall be used to make payments from the Building  
Improvement Fund (Fund 5KZ0) for major maintenance or  
improvements required in facilities maintained by the Department

of Administrative Services. The Department of Administrative 143542  
Services shall conduct or contract for regular assessments of 143543  
these buildings and may maintain a cash balance in Fund 5KZ0 143544  
equal to the cost of the repairs and improvements that are 143545  
recommended to occur within the next five years, with the 143546  
following exception described below. 143547

Upon request of the Director of Administrative Services, 143548  
the Director of Budget and Management may transfer cash from 143549  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay 143550  
costs of operating and maintaining facilities managed by the 143551  
Department of Administrative Services that are not charged to 143552  
tenants during the same fiscal year. 143553

Should the cash balance in Fund 1320 be determined to be 143554  
sufficient, the Director of Administrative Services may request 143555  
that the Director of Budget and Management transfer cash from 143556  
Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash 143557  
transfer made under this section. 143558

INFORMATION TECHNOLOGY DEVELOPMENT 143559

The foregoing appropriation item 100661, IT Development, 143560  
shall be used by the Department of Administrative Services to 143561  
pay the costs of modernizing the state's information technology 143562  
management and investment practices away from a limited, agency- 143563  
specific focus in favor of a statewide methodology supporting 143564  
development of enterprise solutions. This appropriation item may 143565  
be used to pay the costs of enterprise information technology 143566  
initiatives affecting state agencies or their customers. 143567

Notwithstanding any provision of law to the contrary, the 143568  
Department of Administrative Services, with the approval of the 143569  
Director of Budget and Management, may charge state agencies an 143570

information technology development assessment based on state 143571  
agencies' information technology expenditures or other 143572  
methodology and may assess fees or charges to entities that are 143573  
not state agencies to offset the cost of specific technology 143574  
events or services. The revenue from these assessments, fees, or 143575  
charges shall be deposited into the Information Technology 143576  
Development Fund (Fund 5LJ0), which is hereby created. 143577

ENTERPRISE APPLICATIONS 143578

The foregoing appropriation item 100665, Enterprise 143579  
Applications, shall be used for the operation and management of 143580  
information technology applications that support state agencies' 143581  
objectives. Charges billed to benefiting agencies shall be 143582  
deposited to the credit of the Enterprise Applications Fund 143583  
(Fund 5PC0). 143584

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION 143585

The Director of Administrative Services shall determine 143586  
and implement strategies that benefit the enterprise by 143587  
improving efficiency, reducing costs, or enhancing capacity of 143588  
information technology (IT) services. Such improvements and 143589  
efficiencies may result in the consolidation and transfer of 143590  
such services. As determined to be necessary for successful 143591  
implementation of this section and notwithstanding any provision 143592  
of law to the contrary, the Director of Administrative Services 143593  
may request the Director of Budget and Management to consolidate 143594  
or transfer IT-specific budget authority between agencies or 143595  
within an agency as necessary to implement enterprise IT cost 143596  
containment strategies and related efficiencies. Once the 143597  
Director of Budget and Management is satisfied that the proposed 143598  
initiative is cost advantageous to the enterprise, the Director 143599  
of Budget and Management may request Controlling Board approval 143600

to transfer appropriations, funds, and cash to implement the 143601  
proposed initiative. The establishment of any new fund or 143602  
additional appropriation as a result of this section shall also 143603  
be subject to Controlling Board approval. 143604

The Director of Budget and Management and the Director of 143605  
Administrative Services may transfer any employees, assets, and 143606  
liabilities, including, but not limited to, records, contracts, 143607  
and agreements in order to facilitate the improvements 143608  
determined in accordance with this section. 143609

**Section 209.10.** 143610  
143611

1	2	3	4	5
A	AGE DEPARTMENT OF AGING			
B	General Revenue Fund			
C	GRF	490321 Operating Expenses	\$1,944,405	\$2,033,308
D	GRF	490410 Long-Term Care Ombudsman	\$3,117,148	\$3,122,195
E	GRF	490411 Senior Community Services	\$11,107,903	\$11,145,146
F	GRF	490414 Alzheimer's and Other Dementia Respite	\$4,300,000	\$4,300,000
G	GRF	490510 Community Projects	\$485,000	\$0
H	GRF	656423 Long-Term Care Budget - State	\$5,222,431	\$5,339,477
I	General Revenue Fund Total		\$26,176,887	\$25,940,126

J	Dedicated Purpose Fund Group				
K	4800	490606	Senior Community Outreach and Education	\$150,000	\$150,000
L	4C40	490609	Regional Long-Term Care Ombudsman Program	\$1,000,000	\$1,000,000
M	5BA0	490620	Long-Term Care Quality Initiatives	\$12,417,919	\$12,417,919
N	5K90	490613	Long-Term Care Consumers Guide	\$1,770,000	\$1,780,000
O	5MT0	490627	Board of Executives of Long-Term Services and Supports	\$850,000	\$875,000
P	5T40	656625	Health Care Grants - State	\$695,940	\$695,939
Q	5W10	490616	Resident Services Coordinator Program	\$262,500	\$262,500
R	Dedicated Purpose Fund Group Total			\$17,146,359	\$17,181,358
S	Federal Fund Group				
T	3220	490618	Federal Aging Grants	\$10,500,000	\$10,500,000
U	3C40	656623	Long-Term Care Budget - Federal	\$7,462,626	\$7,979,625
V	3M40	490612	Federal Independence	\$66,495,000	\$69,820,000

Services

W	Federal Fund Group Total	\$84,457,626	\$88,299,625
X	TOTAL ALL BUDGET FUND GROUPS	\$127,780,872	\$131,421,109

**Section 209.20. LONG-TERM CARE** 143612

Pursuant to an interagency agreement, the Department of 143613  
Medicaid may designate the Department of Aging to perform 143614  
assessments under section 5165.04 of the Revised Code. The 143615  
Department of Aging shall provide long-term care consultations 143616  
under section 173.42 of the Revised Code to assist individuals 143617  
in planning for their long-term health care needs. 143618

The Department of Aging shall administer the Medicaid 143619  
waiver-funded PASSPORT Home Care Program, the Assisted Living 143620  
Program, and PACE as delegated by the Department of Medicaid in 143621  
an interagency agreement. 143622

**PERFORMANCE-BASED REIMBURSEMENT** 143623

In order to improve health outcomes among populations 143624  
served by PASSPORT administrative agencies, the Department of 143625  
Aging, through rules adopted in accordance with Chapter 119. of 143626  
the Revised Code, may design and utilize a payment method for 143627  
PASSPORT administrative agency operations that includes a pay- 143628  
for-performance incentive component that is earned by a PASSPORT 143629  
administrative agency when defined consumer and policy outcomes 143630  
are achieved. Prior to filing with the Joint Committee on Agency 143631  
Rule Review, as provided in section 119.03 of the Revised Code, 143632  
a proposed rule related to a payment method that includes a pay- 143633  
for-performance incentive component, the Department shall submit 143634  
a report to the Joint Medicaid Oversight Committee outlining the 143635

payment method. 143636

**Section 209.30. MYCARE OHIO** 143637

The authority of the Office of the State Long-Term Care 143638  
Ombudsman as described in sections 173.14 to 173.28 of the 143639  
Revised Code extends to MyCare Ohio during the period of the 143640  
federal financial alignment demonstration program. 143641

**SENIOR COMMUNITY SERVICES** 143642

The foregoing appropriation item 490411, Senior Community 143643  
Services, may be used for programs, services, and activities 143644  
designated by the Department of Aging, including, but not 143645  
limited to, home-delivered meals, congregate dining, 143646  
transportation, personal care, respite, adult day services, home 143647  
maintenance and chores, minor home modification, case 143648  
management, evidence-based disease prevention and health 143649  
promotion, and information assistance. Funds may also be used to 143650  
provide grants to community organizations to support and expand 143651  
older adult programming. Services priority shall be given to 143652  
low-income, high-need persons, and/or persons with a cognitive 143653  
impairment who are sixty years of age or over. The Department 143654  
shall not use any of these funds for administrative expenses. 143655

**COMMUNITY PROJECTS** 143656

Of the foregoing appropriation item 490510, Community 143657  
Projects, \$285,000 in fiscal year 2026 shall be distributed to 143658  
Jewish Family Services to support Ohio's Holocaust survivors. 143659

Of the foregoing appropriation item 490510, Community 143660  
Projects, \$200,000 in fiscal year 2026 shall be distributed to 143661  
the Benjamin Rose Institute on Aging. These funds shall be used 143662  
to provide services to disadvantaged seniors that address food 143663  
insecurity, mental health, and financial literacy. 143664

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 143665

The foregoing appropriation item 490627, Board of 143666  
Executives of Long-Term Services and Supports, may be used by 143667  
the Board of Executives of Long-Term Services and Supports to 143668  
administer and enforce Chapter 4751. of the Revised Code and 143669  
rules adopted under it. 143670

**Section 211.10.** 143671  
143672

1	2	3	4	5
A	AGR DEPARTMENT OF AGRICULTURE			
B	General Revenue Fund			
C	GRF	700401 Animal Health Programs	\$8,683,000	\$8,893,400
D	GRF	700403 Dairy Division	\$1,569,000	\$1,613,000
E	GRF	700406 Consumer Protection Lab	\$1,880,000	\$1,906,000
F	GRF	700407 Food Safety	\$1,705,000	\$1,752,000
G	GRF	700410 Plant Industry	\$542,000	\$594,000
H	GRF	700412 Weights and Measures	\$825,000	\$849,000
I	GRF	700415 Poultry Inspection	\$1,597,500	\$1,619,500
J	GRF	700418 Livestock Regulation Program	\$1,600,000	\$1,649,000
K	GRF	700424 Livestock Testing and Inspections	\$135,000	\$138,000



L	GRF	700426	Dangerous Animals and Emergency Management	\$708,000	\$716,000
M	GRF	700427	High Volume Breeder Kennel Control	\$1,545,000	\$1,553,000
N	GRF	700428	Soil and Water Division	\$4,179,000	\$4,357,000
O	GRF	700499	Meat Inspection Program - State Share	\$8,080,000	\$8,304,000
P	GRF	700501	County Agricultural Societies	\$630,000	\$630,000
Q	GRF	700509	Soil and Water District Support	\$12,527,000	\$12,533,000
R	GRF	700511	Ride Inspection	\$779,000	\$801,000
S	GRF	700674	Plant Testing	\$247,000	\$218,000
T			General Revenue Fund Total	\$47,231,500	\$48,125,900
U			Dedicated Purpose Fund Group		
V	4900	700651	License Plates - Sustainable Agriculture	\$16,800	\$16,800
W	4940	700612	Agricultural Commodity Marketing Program	\$125,000	\$125,000
X	4960	700626	Ohio Grape Industries	\$1,200,000	\$1,200,000
Y	4970	700627	Grain Warehouse Program	\$500,000	\$500,000

Z	4C90	700605	Commercial Feed and Seed	\$2,273,000	\$2,329,000
AA	4D20	700609	Auction Education	\$53,000	\$54,000
AB	4E40	700606	Utility Radiological Safety	\$136,000	\$142,000
AC	4P70	700610	Food Safety Inspection	\$1,353,000	\$1,396,000
AD	4R00	700636	Ohio Proud Marketing	\$25,000	\$25,000
AE	4R20	700637	Dairy Industry Inspection	\$1,751,000	\$1,787,000
AF	4T60	700611	Poultry and Meat Inspection	\$113,500	\$117,000
AG	5780	700620	Ride Inspection	\$1,245,000	\$1,273,000
AH	5B80	700629	Auctioneers	\$230,000	\$236,000
AI	5BV0	700660	Heidelberg Water Quality Lab	\$275,000	\$275,000
AJ	5BV0	700661	Soil and Water Districts	\$10,507,000	\$10,509,000
AK	5FC0	700648	Plant Pest Program	\$1,200,000	\$1,200,000
AL	5H20	700608	Metrology Lab and Scale Certification	\$1,194,000	\$1,240,000
AM	5L80	700604	Livestock Management Program	\$186,800	\$189,800
AN	5MR0	700658	Commercial Dog Breeding	\$450,000	\$465,000

AO 5MS0 700659	Animal and Consumer Protection	\$8,400	\$8,400
AP 5QW0 700653	Watershed Assistance	\$857,000	\$832,000
AQ 5WJ0 700671	Hemp Program	\$367,000	\$375,000
AR 6520 700634	Animal, Consumer, and ATL Labs	\$8,483,900	\$8,328,800
AS 6690 700635	Pesticide, Fertilizer, and Lime Inspection Program	\$4,533,000	\$4,649,000
AT 6H20 700670	H2Ohio	\$46,100,000	\$46,100,000
AU	Dedicated Purpose Fund Group Total	\$83,183,400	\$83,372,800
AV	Internal Service Activity Fund Group		
AW 5DA0 700644	Laboratory Administration Support	\$1,300,000	\$1,339,000
AX 5GH0 700655	Administrative Support	\$7,614,000	\$7,990,000
AY	Internal Service Activity Fund Group Total	\$8,914,000	\$9,329,000
AZ	Capital Projects Fund Group		
BA 7057 700632	Clean Ohio Agricultural Easement Operating	\$512,000	\$515,000
BB	Capital Projects Fund Group Total	\$512,000	\$515,000

BC Federal Fund Group

BD 3260 700618 Meat Inspection Program - Federal Share	\$5,891,000	\$6,133,000
BE 3360 700617 Ohio Farm Loan - Revolving	\$317,000	\$200,000
BF 3820 700601 Federal Cooperative Contracts	\$11,612,000	\$9,669,000
BG 3J40 700607 Federal Administrative Programs	\$2,000,000	\$2,055,000
BH 3R20 700614 Federal Plant Industry	\$6,843,000	\$7,189,000
BI Federal Fund Group Total	\$26,663,000	\$25,246,000
BJ TOTAL ALL BUDGET FUND GROUPS	\$166,503,900	\$166,588,700

**Section 211.20.** 143673

COUNTY AGRICULTURAL SOCIETIES 143674

Of the foregoing appropriation item 700501, County 143675  
 Agricultural Societies, up to \$380,000 in each fiscal year shall 143676  
 be used to reimburse county and independent agricultural 143677  
 societies for expenses related to Junior Fair activities. 143678

Of the foregoing appropriation item 700501, County 143679  
 Agricultural Societies, up to \$250,000 in each fiscal year shall 143680  
 be used to support the Future Farmers of America, urban 143681  
 agriculture, and agriculture literacy programs around the state. 143682

SUPPORT FOR SOIL AND WATER DISTRICTS 143683

Of the foregoing appropriation item 700509, Soil and Water District Support, \$4,200,000 in each fiscal year shall be used to support county soil and water conservation districts in priority regions as defined by the director of Agriculture, for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and H2Ohio Program support.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

H2OHIO FUND

The Department of Agriculture shall establish programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin and other critical regions in the state as defined by the Director of Agriculture.

The foregoing appropriation item 700670, H2Ohio, shall be used to support the programs described above, which may include,

but not be limited to, the following: (1) equipment for 143713  
subsurface placement of nutrients into the soil; (2) equipment 143714  
for nutrient placement based on geographic information system 143715  
data; (3) soil testing; (4) implementation of variable rate 143716  
technology; (5) equipment implementing manure transformation and 143717  
manure conversion technologies; (6) tributary monitoring; (7) 143718  
best management practices recognized to reduce nutrients; (8) a 143719  
revolving loan program; and (9) matching funds for the 143720  
Conservation Reserve Enhancement Program. 143721

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 143722

The foregoing appropriation item 700632, Clean Ohio 143723  
Agricultural Easement Operating, shall be used by the Department 143724  
of Agriculture in administering Clean Ohio Agricultural Easement 143725  
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, 143726  
and 5301.67 to 5301.70 of the Revised Code. 143727

**Section 213.10.** 143728

143729

	1	2	3	4	5
A	AIR AIR QUALITY DEVELOPMENT AUTHORITY				
B	Dedicated Purpose Fund Group				
C	4Z90	898602	Small Business Ombudsman	\$246,000	\$248,000
D	5700	898601	Operating Expenses	\$3,600,000	\$4,300,000
E	5A00	898603	Small Business Assistance	\$150,000	\$225,000
F	Dedicated Purpose Fund Group Total			\$3,996,000	\$4,773,000
G	TOTAL ALL BUDGET FUND GROUPS			\$3,996,000	\$4,773,000

**Section 213.20.** REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 143730  
AUTHORITY TRUST ACCOUNT 143731

Notwithstanding any other provision of law to the 143732  
contrary, the Air Quality Development Authority may reimburse 143733  
the Air Quality Development Authority trust account established 143734  
under section 3706.10 of the Revised Code from all operating 143735  
funds of the agency for expenses pertaining to the 143736  
administration and shared costs incurred by the Air Quality 143737  
Development Authority in the execution of responsibilities as 143738  
prescribed in Chapter 3706. of the Revised Code. The 143739  
reimbursement shall occur in accordance with an administrative 143740  
cost recovery plan approved by the Air Quality Development 143741  
Authority Board. 143742

**Section 215.10.** 143743  
143744

	1	2	3	4	5
A			ARC ARCHITECTS BOARDS		
B			Dedicated Purpose Fund Group		
C	4K90	891609	Operating	\$674,000	\$690,001
D			Dedicated Purpose Fund Group Total	\$674,000	\$690,001
E			TOTAL ALL BUDGET FUND GROUPS	\$674,000	\$690,001

**Section 217.10.** 143745  
143746

	1	2	3	4	5
A			ART OHIO ARTS COUNCIL		

B	General Revenue Fund		
C	GRF 370321 Operating Expenses	\$3,172,595	\$3,243,201
D	GRF 370502 State Program Subsidies	\$23,538,000	\$23,538,000
E	General Revenue Fund Total	\$26,710,595	\$26,781,201
F	Dedicated Purpose Fund Group		
G	4600 370602 Arts Council Program Support	\$345,000	\$345,000
H	4B70 370603 Percent For Art Acquisitions	\$165,000	\$165,000
I	Dedicated Purpose Fund Group Total	\$510,000	\$510,000
J	Federal Fund Group		
K	3140 370601 Federal Support	\$1,350,000	\$1,350,000
L	Federal Fund Group Total	\$1,350,000	\$1,350,000
M	TOTAL ALL BUDGET FUND GROUPS	\$28,570,595	\$28,641,201

**Section 217.20. FEDERAL SUPPORT** 143747

Notwithstanding any provision of law to the contrary, the 143748  
foregoing appropriation item 370601, Federal Support, shall be 143749  
used by the Ohio Arts Council for subsidies only, and not for 143750  
its administrative costs, unless the Council is required to use 143751  
a portion of the funds for administrative costs under conditions 143752  
of the federal grant. 143753

**Section 219.10.** 143754



143755

	1	2	3	4	5
A	ATH ATHLETIC COMMISSION				
B	Dedicated Purpose Fund Group				
C	4K90	175609	Operating Expenses	\$367,022	\$371,995
D	Dedicated Purpose Fund Group Total			\$367,022	\$371,995
E	TOTAL ALL BUDGET FUND GROUPS			\$367,022	\$371,995

**Section 221.10.**

143756

143757

	1	2	3	4	5
A	AGO ATTORNEY GENERAL				
B	General Revenue Fund				
C	GRF	055321	Operating Expenses	\$92,785,225	\$92,785,225
D	GRF	055405	Law-Related Education	\$68,000	\$68,000
E	GRF	055406	BCIRS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	055411	County Sheriffs' Pay Supplement	\$1,111,257	\$1,130,685
G	GRF	055415	County Prosecutors' Pay Supplement	\$1,476,937	\$1,502,753
H	GRF	055431	Drug Abuse Response Team	\$0	\$1,500,000

		Grants		
I	GRF	055432 Drug Testing Equipment	\$964,000	\$964,000
J	GRF	055434 Internet Crimes Against Children Task Force	\$500,000	\$500,000
K	GRF	055441 Victims of Crime	\$6,700,000	\$5,700,000
L	GRF	055446 Cyber Crime Division	\$1,000,000	\$1,000,000
M	GRF	055501 Rape Crisis Centers	\$15,300,000	\$15,300,000
N	GRF	055502 School Safety Training Grants	\$10,000,000	\$10,000,000
O	GRF	055504 Domestic Violence Programs	\$10,000,000	\$10,000,000
P	GRF	055505 Pike County Capital Case	\$600,000	\$0
Q	GRF	055509 Law Enforcement Training	\$30,000,000	\$35,000,000
R		General Revenue Fund Total	\$172,955,419	\$177,900,663
S		Dedicated Purpose Fund Group		
T	1060	055612 Attorney General Operating	\$63,216,225	\$64,034,683
U	4020	055616 Victims of Crime	\$11,500,000	\$12,000,000
V	4170	055621 Domestic Violence Shelter	\$25,000	\$25,000
W	4180	055615 Charitable Foundations	\$11,500,000	\$11,000,000

X	4190	055623	Claims Section	\$77,520,063	\$86,393,854
Y	4190	055668	Collections System Lease Rental Payments	\$4,165,000	\$4,165,000
Z	4200	055603	Attorney General Antitrust	\$1,500,000	\$0
AA	4210	055617	Police Officers' Training Academy Fee	\$3,555,387	\$3,528,018
AB	4L60	055606	DARE Programs	\$2,308,099	\$2,310,841
AC	4Y70	055608	Title Defect Recision	\$1,032,267	\$1,038,534
AD	4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$2,000,000	\$2,000,000
AE	5900	055633	Peace Officer Private Security Training	\$101,306	\$103,330
AF	5A90	055618	Telemarketing Fraud Enforcement	\$10,000	\$10,000
AG	5LR0	055655	Peace Officer Training - Casino	\$7,726,217	\$8,183,287
AH	5TL0	055659	Organized Crime Law Enforcement Trust	\$100,000	\$100,000
AI	5TZ0	055610	Drug Abuse Response Team Grants	\$1,800,000	\$0
AJ	5TZ0	055614	Narcotics Task Forces	\$500,000	\$500,000

AK 5VL0 055435	Stop Bullying License Plate	\$2,500	\$2,500
AL 6310 055637	Consumer Protection Enforcement	\$10,500,000	\$11,000,000
AM 6590 055641	Solid and Hazardous Waste Background Investigations	\$359,895	\$367,319
AN U087 055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$2,500,000	\$2,500,000
AO	Dedicated Purpose Fund Group Total	\$201,921,959	\$209,262,366
AP	Internal Service Activity Fund Group		
AQ 1950 055660	Workers' Compensation Section	\$9,570,750	\$9,905,726
AR	Internal Service Activity Fund Group Total	\$9,570,750	\$9,905,726
AS	Holding Account Fund Group		
AT 5BY1 055674	Charitable Law Distributions	\$750,000	\$750,000
AU R004 055631	General Holding Account	\$1,000,000	\$1,000,000
AV R005 055632	Antitrust Settlements	\$1,000,000	\$1,000,000
AW R018 055630	Consumer Frauds	\$1,000,000	\$1,000,000

AX R042 055601 Organized Crime	\$750,000	\$750,000
Commission Distributions		
AY R054 055650 Collection Payment	\$4,500,000	\$4,500,000
Redistribution		
AZ Holding Account Fund Group Total	\$9,000,000	\$9,000,000
BA Federal Fund Group		
BB 3060 055620 Medicaid Fraud Control	\$17,059,070	\$17,887,905
BC 3830 055634 Crime Victims Assistance	\$40,000,000	\$40,000,000
BD 3E50 055638 Attorney General Pass-	\$8,020,999	\$8,020,999
Through Funds		
BE 3FV0 055656 Crime Victim Compensation	\$7,200,000	\$7,400,000
BF 3R60 055613 Attorney General Federal	\$5,500,000	\$5,500,000
Funds		
BG Federal Fund Group Total	\$77,780,069	\$78,808,904
BH TOTAL ALL BUDGET FUND GROUPS	\$471,228,197	\$484,877,659

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 143758  
143759

Of the foregoing appropriation item 055321, Operating 143760  
Expenses, \$650,000 in each fiscal year shall be used for the 143761  
Ohio Center for the Future of Forensic Science at Bowling Green 143762  
State University. The purpose of the Center shall be to foster 143763  
forensic science research techniques (BCI Eminent Scholar) and 143764  
to create professional training opportunities to students (BCI 143765

Scholars) in the forensic science fields. 143766

DOMESTIC VIOLENCE PROGRAM 143767

Of the foregoing appropriation item 055321, Operating 143768  
Expenses, \$100,000 in each fiscal year may be used by the 143769  
Attorney General for the purpose of providing funding to 143770  
domestic violence programs as defined in section 109.46 of the 143771  
Revised Code. 143772

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) 143773  
LEASE RENTAL PAYMENTS 143774

The foregoing appropriation item 055406, BCIRS Lease 143775  
Rental Payments, shall be used for payments during the period 143776  
from July 1, 2025, through June 30, 2027, pursuant to leases and 143777  
agreements entered into pursuant to Section 701.40 of S.B. 310 143778  
of the 131st General Assembly and other prior acts of the 143779  
General Assembly, with respect to financing the costs associated 143780  
with the acquisition, development, implementation, and 143781  
integration of the BCIRS. 143782

COUNTY SHERIFFS' PAY SUPPLEMENT 143783

The foregoing appropriation item 055411, County Sheriffs' 143784  
Pay Supplement, shall be used for the purpose of supplementing 143785  
the annual compensation of county sheriffs as required by 143786  
section 325.06 of the Revised Code. 143787

At the request of the Attorney General, the Director of 143788  
Budget and Management may transfer appropriation from 143789  
appropriation item 055321, Operating Expenses, to appropriation 143790  
item 055411, County Sheriffs' Pay Supplement. Any appropriation 143791  
so transferred shall be used to supplement the annual 143792  
compensation of county sheriffs as required by section 325.06 of 143793  
the Revised Code. 143794

COUNTY PROSECUTORS' PAY SUPPLEMENT	143795
The foregoing appropriation item 055415, County	143796
Prosecutors' Pay Supplement, shall be used for the purpose of	143797
supplementing the annual compensation of certain county	143798
prosecutors as required by section 325.111 of the Revised Code.	143799
At the request of the Attorney General, the Director of	143800
Budget and Management may transfer appropriation from	143801
appropriation item 055321, Operating Expenses, to appropriation	143802
item 055415, County Prosecutors' Pay Supplement. Any	143803
appropriation so transferred shall be used to supplement the	143804
annual compensation of county prosecutors as required by section	143805
325.111 of the Revised Code.	143806
DRUG ABUSE RESPONSE TEAM GRANT PROGRAM	143807
The Attorney General shall maintain the Drug Abuse	143808
Response Team Grant Program for the purpose of replicating or	143809
expanding successful law enforcement programs that address the	143810
opioid epidemic similar to the Drug Abuse Response Team	143811
established by the Lucas County Sheriff's Department, and the	143812
Quick Response Teams established in Colerain Township's	143813
Department of Public Safety in Hamilton County and Summit	143814
County. Any grants awarded by this grant program may include	143815
requirements for private or nonprofit matching support.	143816
The foregoing appropriation items 055431, Drug Abuse	143817
Response Team Grants, and 055610, Drug Abuse Response Team	143818
Grants, shall be used by the Attorney General to fund grants to	143819
law enforcement or other government agencies; the primary	143820
purpose of the grants shall be to replicate or expand successful	143821
law enforcement programs that address the opioid epidemic	143822
similar to the Drug Abuse Response Team established by the Lucas	143823

County Sheriff's Department and the Quick Response Teams 143824  
established in Colerain Township's Department of Public Safety 143825  
in Hamilton County and Summit County. 143826

Each recipient of a grant under this program shall, within 143827  
six months of the end date of the grant, submit a written report 143828  
describing the outcomes that resulted from the grant to the 143829  
Governor, the President of the Senate, the Speaker of the House 143830  
of Representatives, the Minority Leader of the Senate, and the 143831  
Minority Leader of the House of Representatives. 143832

DRUG TESTING EQUIPMENT 143833

The foregoing appropriation item 055432, Drug Testing 143834  
Equipment, shall be used to purchase, operate, and maintain drug 143835  
testing equipment for the Bureau of Criminal Identification and 143836  
Investigation. 143837

INTERNET CRIMES AGAINST CHILDREN TASK FORCE 143838

The foregoing appropriation item 055434, Internet Crimes 143839  
Against Children Task Force, shall be used by the Attorney 143840  
General in support of the Ohio Internet Crimes Against Children 143841  
Task Force for the purposes described in section 195.02 of the 143842  
Revised Code. 143843

VICTIMS OF CRIME 143844

The foregoing appropriation item 055441, Victims of Crime, 143845  
shall be allocated to the Crime Victim Compensation Program. 143846  
Prior to using the funds from this appropriation item, the 143847  
Attorney General shall, to the extent possible, first use funds 143848  
related to the federal Victims of Crime Act. 143849

CLEVELAND RAPE CRISIS CENTER 143850

Of the foregoing appropriation item 055501, Rape Crisis 143851



Centers, \$300,000 in each fiscal year shall be distributed to 143852  
the Cleveland Rape Crisis Center to provide services for at-risk 143853  
youth through the Cleveland Rape Crisis Center Human Trafficking 143854  
Drop-in Center. 143855

SCHOOL SAFETY TRAINING GRANTS 143856

(A) The foregoing appropriation item 055502, School Safety 143857  
Training Grants, shall be used by the Attorney General, in 143858  
consultation with the Director of Education and Workforce and 143859  
the Director of Behavioral Health, solely to make grants to 143860  
public and chartered nonpublic schools, educational service 143861  
centers, local law enforcement agencies, and schools operated by 143862  
county boards of developmental disabilities administering 143863  
special education services programs pursuant to section 5126.05 143864  
of the Revised Code for school safety and school climate 143865  
programs and training. 143866

(B) The use of the grants includes, but is not limited to, 143867  
all of the following: 143868

(1) The support of school resource officer certification 143869  
training; 143870

(2) Any type of active shooter and school safety training 143871  
or equipment; 143872

(3) All grade level type educational resources; 143873

(4) Training to identify and assist students with mental 143874  
health issues; 143875

(5) School supplies or equipment related to school safety 143876  
or for implementing the school's safety plan; 143877

(6) Any other training, supplies, services, or equipment 143878  
related to school safety. 143879

(C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B) (1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency, or to a nonprofit or charitable law enforcement training organization on the law enforcement agency's behalf, shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.

(D) The Attorney General is authorized to make payments directly to school or law enforcement nonprofit or charitable training organizations on behalf of any public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services.

(E) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.

DOMESTIC VIOLENCE PROGRAMS

The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM

Of the foregoing appropriation item 055504, Domestic

Violence Programs, \$300,000 in each fiscal year shall be 143909  
distributed to the Battered Women's Shelter of Summit and Medina 143910  
counties for expenses related to the creation and implementation 143911  
of a pilot program called "Finding my Childhood Again." 143912

BATTERED WOMEN'S SHELTER 143913

Of the foregoing appropriation item 055504, Domestic 143914  
Violence Programs, \$50,000 in each fiscal year shall be 143915  
distributed to the Battered Women's Shelter of Summit and Medina 143916  
counties for the cost of operating the commercial kitchen 143917  
located at its Market Street Facility, and \$50,000 in each 143918  
fiscal year shall be distributed to the Battered Women's Shelter 143919  
of Portage County. 143920

TRANSPORTATION GRANTS 143921

Of the foregoing appropriation item 055504, Domestic 143922  
Violence Programs, \$25,000 in fiscal year 2026 shall be provided 143923  
as grants to Ohio domestic violence shelters to buy 143924  
transportation vouchers, ridesharing credits, or gas cards for 143925  
eligible clients. The Attorney General shall adopt any rules 143926  
necessary for the administration of the grant program. 143927

PIKE COUNTY CAPITAL CASE 143928

An amount equal to the unexpended, unencumbered balance of 143929  
appropriation item 055505, Pike County Capital Case, at the end 143930  
of fiscal year 2025 is hereby reappropriated to the same 143931  
appropriation item for the same purpose in fiscal year 2026. 143932

An amount equal to the unexpended, unencumbered balance of 143933  
appropriation item 055505, Pike County Capital Case, at the end 143934  
of fiscal year 2026 is hereby reappropriated to the same 143935  
appropriation item for the same purpose in fiscal year 2027. 143936

LAW ENFORCEMENT TRAINING	143937
The foregoing appropriation item 055509, Law Enforcement Training, shall be used by the Attorney General for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code.	143938 143939 143940 143941
Of the foregoing appropriation item 055509, Law Enforcement Training, the Attorney General may use up to \$150,000 in each fiscal year for administrative expenses associated with the program, including curriculum development.	143942 143943 143944 143945
ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS	143946
The foregoing appropriation item 055668, Collections System Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Section 701.10 of S.B. 310 of the 133rd General Assembly or Section 709.01 of H.B. 687 of the 134th General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Attorney General New Collection System.	143947 143948 143949 143950 143951 143952 143953 143954 143955
NARCOTICS TASK FORCES	143956
The foregoing appropriation item 055614, Narcotics Task Forces, shall be used to support narcotics task forces funded by the Attorney General.	143957 143958 143959
WORKERS' COMPENSATION SECTION	143960
The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the	143961 143962 143963 143964

Ohio Industrial Commission during the fiscal year. 143965

In addition, the Bureau of Workers' Compensation shall 143966  
transfer payments for the support of the Workers' Compensation 143967  
Fraud Unit. 143968

All amounts shall be mutually agreed upon by the Attorney 143969  
General, the Bureau of Workers' Compensation, and the Ohio 143970  
Industrial Commission. 143971

GENERAL HOLDING ACCOUNT 143972

The foregoing appropriation item 055631, General Holding 143973  
Account, shall be used to distribute moneys under the terms of 143974  
relevant court orders or other settlements received in a variety 143975  
of cases involving the Office of the Attorney General. If it is 143976  
determined that additional amounts are necessary for this 143977  
purpose, the amounts are hereby appropriated. 143978

ANTITRUST SETTLEMENTS 143979

The foregoing appropriation item 055632, Antitrust 143980  
Settlements, shall be used to distribute moneys under the terms 143981  
of relevant court orders or other out-of-court settlements in 143982  
antitrust cases or antitrust matters involving the Office of the 143983  
Attorney General. If it is determined that additional amounts 143984  
are necessary for this purpose, the amounts are hereby 143985  
appropriated. 143986

CHARITABLE SETTLEMENT HOLDING ACCOUNT 143987

The foregoing appropriation item 055674, Charitable 143988  
Settlement Holding Account, shall be used to distribute money in 143989  
the Charitable Settlements Holding Account Fund (Fund 5BY1), 143990  
which is created in the state treasury, under the terms of 143991  
relevant court orders or other settlements received in the 143992

charitable law cases involving the Office of the Attorney 143993  
General. If it is determined that additional amounts are 143994  
necessary for this purpose, the amounts are hereby appropriated. 143995

On July 1, 2025, or as soon as possible thereafter, the 143996  
Attorney General shall certify to the Director of Budget and 143997  
Management the amount of cash receipts related to settlements 143998  
received in charitable law cases and credited to the General 143999  
Holding Account (Fund R004). The Director of Budget and 144000  
Management shall transfer the amounts certified to the 144001  
Charitable Settlements Holding Account Fund (Fund 5BY1). 144002

CONSUMER FRAUDS 144003

The foregoing appropriation item 055630, Consumer Frauds, 144004  
shall be used for distribution of moneys from court-ordered 144005  
judgments against sellers in actions brought by the Office of 144006  
the Attorney General under sections 1334.08 and 4549.48 and 144007  
division (B) of section 1345.07 of the Revised Code. These 144008  
moneys shall be used to provide restitution to consumers 144009  
victimized by the fraud that generated the court-ordered 144010  
judgments. If it is determined that additional amounts are 144011  
necessary for this purpose, the amounts are hereby appropriated. 144012

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 144013

The foregoing appropriation item 055601, Organized Crime 144014  
Commission Distributions, shall be used by the Organized Crime 144015  
Investigations Commission, as provided by section 177.011 of the 144016  
Revised Code, to reimburse political subdivisions for the 144017  
expenses the political subdivisions incur when their law 144018  
enforcement officers participate in an organized crime task 144019  
force and to support the operations of the retail theft task 144020  
force. If it is determined that additional amounts are necessary 144021

for this purpose, the amounts are hereby appropriated. 144022

COLLECTION PAYMENT REDISTRIBUTION 144023

The foregoing appropriation item 055650, Collection 144024  
Payment Redistribution, shall be used for the purpose of 144025  
allocating the revenue where debtors mistakenly paid the client 144026  
agencies instead of the Attorney General's Collections 144027  
Enforcement Section. If it is determined that additional amounts 144028  
are necessary for this purpose, the amounts are hereby 144029  
appropriated. 144030

**Section 221.30.** On January 15, 2027, or as soon as 144031  
possible thereafter, the Attorney General shall certify and 144032  
remit to the Director of Budget and Management the balance of 144033  
all proceeds received by the state under the settlement 144034  
agreement in State of Ohio v. McKesson Corp., Case No. 144035  
CVH20180055 (C.P. Madison Co., settlement agreement of October 144036  
7, 2021). Upon certification, the Director of Budget and 144037  
Management shall remit the amounts certified to the Targeted 144038  
Addiction Assistance Fund (Fund 5TZ0), created in section 126.67 144039  
of the Revised Code. 144040

**Section 223.10.** 144041  
144042

	1	2	3	4	5
A	AUD AUDITOR OF STATE				
B	General Revenue Fund				
C	GRF	070401	Audit Management and Services	\$15,067,887	\$16,035,566
D	GRF	070402	Performance Audits	\$3,505,464	\$3,257,092

E	GRF	070403	Fiscal Distress Technical Assistance	\$650,000	\$650,000
F	GRF	070404	Fraud/Corruption Audits and Investigations	\$4,915,927	\$5,534,546
G	GRF	070412	Local Government Audit Support	\$21,000,000	\$23,250,000
H			General Revenue Fund Total	\$45,139,278	\$48,727,204
I			Dedicated Purpose Fund Group		
J	1090	070601	Public Audit Expense - Intrastate	\$13,737,026	\$13,914,164
K	4220	070602	Public Audit Expense - Local Government	\$33,000,000	\$33,000,000
L	5840	070603	Training Program	\$250,000	\$250,000
M	5JZ0	070606	Auditor's Innovation Fund	\$300,000	\$300,000
N	5VP0	070611	Local Government Audit Support Fund	\$21,000,000	\$23,250,000
O	6750	070605	Uniform Accounting Network	\$7,306,872	\$6,804,086
P			Dedicated Purpose Fund Group Total	\$75,593,898	\$77,518,250
Q			TOTAL ALL BUDGET FUND GROUPS	\$120,733,176	\$126,245,454



The foregoing appropriation item 070401, Audit Management 144044  
and Services, shall be used pursuant to section 117.13 of the 144045  
Revised Code to support costs of the Auditor of State that are 144046  
not recovered through charges to local governments and state 144047  
entities, including costs that cannot be recovered from audit 144048  
clients under federal indirect cost allocation guidelines. This 144049  
appropriation item also shall be used to cover costs of the 144050  
Local Government Services Section that are not charged to 144051  
clients. 144052

PERFORMANCE AUDITS 144053

The foregoing appropriation item 070402, Performance 144054  
Audits, shall be used pursuant to section 117.13 of the Revised 144055  
Code to support costs of the Auditor of State related to the 144056  
provision of performance audits for local governments, school 144057  
districts, state agencies, and colleges and universities that 144058  
are not recovered through charges to those entities, including 144059  
costs that cannot be recovered from audit clients under federal 144060  
indirect cost allocation guidelines. 144061

Of the foregoing appropriation item 070402, Performance 144062  
Audits, up to \$500,000 in fiscal year 2026 shall be used to 144063  
conduct a performance audit of indigent defense services within 144064  
Ohio. The performance audit shall review the challenges of the 144065  
delivery of indigent defense services, including, but not 144066  
limited to, the costs, accounting, and payment processes of the 144067  
Office of the Public Defender and at least five counties that 144068  
represent each of the various indigent defense delivery methods 144069  
in the state. The audit shall be completed and a report 144070  
submitted to the President and Minority Leader of the Senate and 144071  
to the Speaker and Minority Leader of the House of 144072  
Representatives by January 1, 2027. 144073

FISCAL DISTRESS TECHNICAL ASSISTANCE					144074
The foregoing appropriation item 070403, Fiscal Distress					144075
Technical Assistance, shall be used to support costs of the					144076
Auditor of State responsibilities under Chapters 118., 3316.,					144077
and 3345. of the Revised Code to provide services to local					144078
governments, schools, or colleges and universities in, or at					144079
risk of entering, a state of fiscal caution, watch, or					144080
emergency.					144081
LOCAL GOVERNMENT AUDIT SUPPORT					144082
The foregoing appropriation item 070412, Local Government					144083
Audit Support, shall be used pursuant to section 117.13 of the					144084
Revised Code to support costs of the Auditor of State that are					144085
not recovered through charges to local governments, including					144086
costs that cannot be recovered from audit clients under federal					144087
indirect cost allocation guidelines.					144088
LOCAL GOVERNMENT AUDIT SUPPORT FUND					144089
The foregoing appropriation item 070611, Local Government					144090
Audit Support Fund, shall be used pursuant to section 117.131 of					144091
the Revised Code to offset costs of audits that would otherwise					144092
be charged to local public offices in the absence of the fund.					144093
<b>Section 229.10.</b>					144094
					144095
1	2	3	4	5	
A	OBM OFFICE OF BUDGET AND MANAGEMENT				
B	General Revenue Fund				
C	GRF 042321 Operating Expenses		\$4,400,000	\$4,592,000	

D	GRF 042435	Gubernatorial Transition	\$0	\$250,000
E	General Revenue Fund Total		\$4,400,000	\$4,842,000
F	Dedicated Purpose Fund Group			
G	5AT1 042637	Statewide Children's Vision Initiative	\$5,000,000	\$0
H	5AY1 042509	One Time Strategic Community Investments	\$1,000,000	\$0
I	Dedicated Purpose Fund Group Total		\$6,000,000	\$0
J	Internal Service Activity Fund Group			
K	1050 042603	Financial Management	\$27,744,976	\$28,843,309
L	Internal Service Activity Fund Group Total		\$27,744,976	\$28,843,309
M	Fiduciary Fund Group			
N	5EH0 042604	Forgery Recovery	\$30,000	\$30,000
O	Fiduciary Fund Group Total		\$30,000	\$30,000
P	TOTAL ALL BUDGET FUND GROUPS		\$38,174,976	\$33,715,309

**Section 229.20.** STATEWIDE CHILDREN'S VISION INITIATIVE 144096

The foregoing appropriation item 042637, Statewide	144097
Children's Vision Initiative, shall be used for the purpose of	144098
delivering a statewide vision care project and an independent	144099
evaluator contract. The Director of Budget and Management shall	144100

consult with the Ohio Optometric Foundation regarding the 144101  
implementation of the vision project and the use of funds before 144102  
distributing funds from appropriation item 042637. 144103

Any unexpended and unencumbered amount of appropriation 144104  
item 042637, Statewide Children's Vision Initiative, remaining 144105  
at the end of fiscal year 2026 is hereby reappropriated in 144106  
fiscal year 2027, to be used for the same purpose. 144107

**Section 229.30. ONE TIME STRATEGIC COMMUNITY INVESTMENTS** 144108

The foregoing appropriation item 042509, One Time 144109  
Strategic Community Investments, shall be used by the Office of 144110  
Budget and Management to provide grants for the projects listed 144111  
in this section in the amounts listed. Prior to disbursing a 144112  
grant to a recipient, the Office of Budget and Management shall 144113  
enter into a grant agreement with the recipient. As part of the 144114  
grant agreement, the recipient shall agree to complete a final 144115  
report, in a form and manner to be prescribed by the Office of 144116  
Budget and Management, detailing how the recipient used the 144117  
grant and submit the report to the Office of Budget and 144118  
Management. 144119

An amount equal to the unexpended, unencumbered balance of 144120  
the foregoing appropriation item 042509, One Time Strategic 144121  
Community Investments, at the end of fiscal year 2026 is hereby 144122  
reappropriated for the same purpose in fiscal year 2027. 144123  
144124

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A	Project	Amount
B	Say Yes Cleveland	\$750,000

C	University Circle	\$250,000	
	AUDIT COSTS		144125
	All centralized audit costs associated with either Single		144126
	Audit Schedules or financial statements prepared in conformance		144127
	with generally accepted accounting principles for the state		144128
	shall be paid from the foregoing appropriation item 042603,		144129
	Financial Management.		144130
	Costs associated with the audit of the Auditor of State		144131
	shall be paid from the foregoing appropriation item 042321,		144132
	Operating Expenses.		144133
	SHARED SERVICES CENTER		144134
	The foregoing appropriation item 042603, Financial		144135
	Management, shall be used by the Director of Budget and		144136
	Management to support the Shared Services program pursuant to		144137
	division (D) of section 126.21 of the Revised Code.		144138
	The Director of Budget and Management shall include the		144139
	recovery of costs to operate the Shared Services program in the		144140
	accounting and budgeting services payroll rate and through		144141
	direct charges using intrastate transfer vouchers billed to		144142
	agencies for services rendered using a methodology determined by		144143
	the Director of Budget and Management. Such cost recovery		144144
	revenues shall be deposited to the credit of the Accounting and		144145
	Budgeting Fund (Fund 1050).		144146
	INTERNAL AUDIT		144147
	The Director of Budget and Management shall include the		144148
	recovery of costs to operate the Internal Audit Program pursuant		144149
	to section 126.45 of the Revised Code in the accounting and		144150

budgeting services payroll rate using a methodology determined 144151  
by the Director of Budget and Management. Such cost recovery 144152  
revenues shall be deposited to the credit of Fund 1050. 144153

FORGERY RECOVERY 144154

The foregoing appropriation item 042604, Forgery Recovery, 144155  
shall be used to reissue warrants that have been certified as 144156  
forgeries by the rightful recipient as determined by the Bureau 144157  
of Criminal Identification and Investigation and the Treasurer 144158  
of State. Upon receipt of funds to cover the reissuance of the 144159  
warrant, the Director of Budget and Management shall reissue a 144160  
state warrant of the same amount. Any additional amounts needed 144161  
to reissue warrants backed by the receipt of funds are hereby 144162  
appropriated. 144163

**Section 229.40.** MAJOR SPORTS FACILITIES PERFORMANCE GRANTS 144164

On January 1, 2026, or as soon as possible thereafter, of 144165  
the unclaimed funds and interest that escheat to the state under 144166  
division (I) of section 169.08 of the Revised Code, the Director 144167  
of Commerce shall remit \$600,000,000 to the state treasury for 144168  
deposit into the Ohio Cultural and Sports Facility Performance 144169  
Grant Fund (Fund 5CY1). Notwithstanding section 123.282 or 144170  
division (I)(4) of section 169.08 of the Revised Code, the 144171  
remaining portion of the unclaimed funds and interest that 144172  
escheat to the state on January 1, 2026, shall be deposited into 144173  
the Ohio Escheatment Fund, which is hereby created in the state 144174  
treasury. After January 1, 2026, unclaimed funds and interest 144175  
that escheat to the state shall be deposited into the Ohio 144176  
Cultural and Sports Facility Performance Grant Fund (Fund 5CY1) 144177  
in accordance with section 123.282 and division (I)(4) of 144178  
section 169.08 of the Revised Code. 144179

There is hereby appropriated \$600,000,000 in fiscal year 144180  
2026 to appropriation item 042428, Major Sports Facilities 144181  
Performance Grants, from revenues received in the Ohio Cultural 144182  
and Sports Facility Performance Grant Fund (Fund 5CY1). The 144183  
Office of Budget and Management shall use appropriation item 144184  
042428, Major Sports Facilities Performance Grants, to support 144185  
construction of a transformational major sports facility mixed- 144186  
use project pursuant to section 123.281 of the Revised Code that 144187  
is associated with a Brook Park economic development project, 144188  
except that no performance grants from appropriation item 144189  
042428, Major Sports Facilities Performance Grants, shall be 144190  
disbursed prior to February 1, 2026. 144191

Given that the Brook Park economic development project, 144192  
which is to be located in the territorial boundary of a 144193  
transformational major sports facility mixed-use project 144194  
district, will be under construction in calendar years 2026, 144195  
2027, and 2028, the base professional sports franchise state tax 144196  
revenues will be realized and offset by the actual revenues 144197  
generated each of those years by the continuing economic 144198  
activity and state taxes levied at the current stadium in 144199  
Cleveland. As a result, in accordance with section 123.28 of the 144200  
Revised Code, for that three-year period only, the General 144201  
Assembly establishes that the base professional sports franchise 144202  
state tax revenues will be equal to the actual state tax 144203  
revenues generated at the Cleveland stadium, and that the 144204  
incremental major sports facility mixed-use project district 144205  
state tax revenues will be equal to the state taxes levied under 144206  
Chapters 5739., 5741., 5747., and 5751. of the Revised Code for 144207  
the construction of, and the purchasing of or leasing of 144208  
materials and items used in the construction of, the project. 144209  
For calendar year 2029 and beyond, the base professional sports 144210

franchise state tax revenues and the incremental major sports 144211  
facility mixed-use project district state tax revenues shall be 144212  
determined as provided in section 123.28 of the Revised Code. 144213  
Further, nothing in this section modifies, changes, or otherwise 144214  
alters the four-year target amounts described under division (H) 144215  
(5) (a) of section 123.281 of the Revised Code. 144216

An amount equal to the unexpended, unencumbered balance of 144217  
the foregoing appropriation item 042428, Major Sports Facilities 144218  
Performance Grants, at the end of fiscal year 2026 is hereby 144219  
reappropriated to the same appropriation item in fiscal year 144220  
2027. 144221

**Section 231.10.** 144222  
144223

1	2	3	4	5
A	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			
B	General Revenue Fund			
C	GRF	874321 Operating Expenses	\$7,003,530	\$7,212,135
D	GRF	874400 Statehouse Facility Improvements	\$6,000,000	\$0
E	General Revenue Fund Total		\$13,003,530	\$7,212,135
F	Dedicated Purpose Fund Group			
G	2080	874601 Underground Parking Garage Operations	\$4,245,906	\$4,245,906
H	4G50	874603 Capitol Square Education Center and Arts	\$6,000	\$6,000



I	5AN1 874608 Capitol Square Improvements	\$1,927,921	\$0
J	Dedicated Purpose Fund Group Total	\$6,179,827	\$4,251,906
K	Internal Service Activity Fund Group		
L	4S70 874602 Statehouse Gift Shop/Events	\$1,000,000	\$1,000,000
M	Internal Service Activity Fund Group Total	\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS	\$20,183,357	\$12,464,041

**Section 231.20. OPERATING EXPENSES** 144224

Of the foregoing appropriation item 874321, Operating 144225  
Expenses, up to \$50,000 in each fiscal year shall be used to 144226  
display inside the Statehouse borrowed or purchased United 144227  
States, Ohio, or Ohio military flags that have historical 144228  
significance to the state of Ohio. 144229

On July 1, 2025, or as soon as possible thereafter, the 144230  
Executive Director of the Capitol Square Review and Advisory 144231  
Board may certify to the Director of Budget and Management an 144232  
amount up to the unexpended, unencumbered balance of the 144233  
foregoing appropriation item 874321, Operating Expenses, at the 144234  
end of fiscal year 2025 to be reappropriated for fiscal year 144235  
2026. The amount certified is hereby reappropriated to the same 144236  
appropriation item 874321, Operating Expenses, for fiscal year 144237  
2026. 144238

On July 1, 2026, or as soon as possible thereafter, the 144239  
Executive Director of the Capitol Square Review and Advisory 144240

Board may certify to the Director of Budget and Management an 144241  
amount up to the unexpended, unencumbered balance of the 144242  
foregoing appropriation item 874321, Operating Expenses, at the 144243  
end of fiscal year 2026 to be reappropriated for fiscal year 144244  
2027. The amount certified is hereby reappropriated to the same 144245  
appropriation item 874321, Operating Expenses, for fiscal year 144246  
2027. 144247

STATEHOUSE FACILITY IMPROVEMENTS 144248

On July 1, 2026, or as soon as possible thereafter, the 144249  
Executive Director of the Capitol Square Review and Advisory 144250  
Board may certify to the Director of Budget and Management an 144251  
amount up to the unexpended, unencumbered balance of the 144252  
foregoing appropriation item 874400, Statehouse Facility 144253  
Improvements, at the end of fiscal year 2026 to be 144254  
reappropriated for fiscal year 2027. The amount certified is 144255  
hereby reappropriated to the same appropriation item 874400, 144256  
Statehouse Facility Improvements, for fiscal year 2027. 144257

CAPITOL SQUARE IMPROVEMENTS 144258

On July 1, 2025, or as soon as possible thereafter, the 144259  
Executive Director of the Capitol Square Review and Advisory 144260  
Board may certify to the Director of Budget and Management an 144261  
amount up to the unexpended, unencumbered balance of the 144262  
foregoing appropriation item 874608, Capitol Square 144263  
Improvements, at the end of fiscal year 2025 to be 144264  
reappropriated for fiscal year 2026. The amount certified is 144265  
hereby appropriated to the same appropriation item 874608, 144266  
Capitol Square Improvements, for fiscal year 2026. 144267

On July 1, 2026, or as soon as possible thereafter, the 144268  
Executive Director of the Capitol Square Review and Advisory 144269

Board may certify to the Director of Budget and Management an 144270  
amount up to the unexpended, unencumbered balance of the 144271  
foregoing appropriation item 874608, Capitol Square 144272  
Improvements, at the end of fiscal year 2026 to be 144273  
reappropriated for fiscal year 2027. The amount certified is 144274  
hereby appropriated to the same appropriation item 874608, 144275  
Capitol Square Improvements, for fiscal year 2027. 144276

UNDERGROUND PARKING GARAGE FUND 144277

Notwithstanding division (G) of section 105.41 of the 144278  
Revised Code and any other provision to the contrary, moneys in 144279  
the Underground Parking Garage Fund (Fund 2080) may be used for 144280  
personnel and operating costs related to the operations of the 144281  
Statehouse and the Statehouse Underground Parking Garage. 144282

HOUSE AND SENATE PARKING REIMBURSEMENT 144283

On July 1 of each fiscal year, or as soon as possible 144284  
thereafter, the Director of Budget and Management shall transfer 144285  
\$500,000 cash from the General Revenue Fund to the Underground 144286  
Parking Garage Fund (Fund 2080). The amounts transferred under 144287  
this section shall be used to reimburse the Capitol Square 144288  
Review and Advisory Board for legislative parking costs. 144289

UNDERGROUND PARKING GARAGE FUND TRANSFER 144290

On July 1, 2025, or as soon as possible thereafter, the 144291  
Director of Budget and Management shall transfer \$1,000,000 cash 144292  
from the Underground Parking Garage Fund (Fund 2080) to the 144293  
Statehouse Gift Shop/Events Fund (Fund 4S70). The amount 144294  
transferred under this section shall be used for personnel and 144295  
operating costs related to the operations of the Statehouse Gift 144296  
Shop and events. 144297

**Section 233.10.** 144298

144299

	1	2	3	4	5
A			SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS		
B			Dedicated Purpose Fund Group		
C	4K90	233601	Operating Expenses	\$581,189	\$593,979
D			Dedicated Purpose Fund Group Total	\$581,189	\$593,979
E			TOTAL ALL BUDGET FUND GROUPS	\$581,189	\$593,979

**Section 235.10.**

144300

144301

	1	2	3	4	5
A			CAC CASINO CONTROL COMMISSION		
B			Dedicated Purpose Fund Group		
C	5HS0	955321	Operating Expenses	\$17,855,928	\$18,849,195
D	5NU0	955601	Casino Commission Enforcement	\$156,680	\$200,547
E	5YR0	955602	Problem Sports Gaming	\$3,500,000	\$3,500,000
F			Dedicated Purpose Fund Group Total	\$21,512,608	\$22,549,742
G			TOTAL ALL BUDGET FUND GROUPS	\$21,512,608	\$22,549,742

**Section 237.10.**

144302

144303

	1	2	3	4	5
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A	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 930609 Operating Expenses	\$1,337,144	\$1,487,262
D	5CF1 930600 Peer Support Program	\$292,500	\$30,000
E	Dedicated Purpose Fund Group Total	\$1,629,644	\$1,517,262
F	TOTAL ALL BUDGET FUND GROUPS	\$1,629,644	\$1,517,262

**Section 239.10.**

144304

144305

1	2	3	4	5
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A	CHR STATE CHIROPRACTIC BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 878609 Operating Expenses	\$625,713	\$639,017
D	Dedicated Purpose Fund Group Total	\$625,713	\$639,017
E	TOTAL ALL BUDGET FUND GROUPS	\$625,713	\$639,017

**Section 241.10.**

144306

144307

1	2	3	4	5
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A	CIV OHIO CIVIL RIGHTS COMMISSION		
B	General Revenue Fund		
C	GRF 876321 Operating Expenses	\$7,464,880	\$7,763,235

D	General Revenue Fund Total	\$7,464,880	\$7,763,235
E	Dedicated Purpose Fund Group		
F	2170 876604 Operations Support	\$5,000	\$5,000
G	Dedicated Purpose Fund Group Total	\$5,000	\$5,000
H	Federal Fund Group		
I	3340 876601 Federal Programs	\$3,614,239	\$3,676,006
J	Federal Fund Group Total	\$3,614,239	\$3,676,006
K	TOTAL ALL BUDGET FUND GROUPS	\$11,084,119	\$11,444,241

**Section 243.10.**

144308

144309

	1	2	3	4	5
A	COM DEPARTMENT OF COMMERCE				
B	Dedicated Purpose Fund Group				
C	4B20	800631	Real Estate Appraisal Recovery	\$35,000	\$35,000
D	4H90	800608	Cemeteries	\$326,349	\$332,990
E	4X20	800619	Financial Institutions	\$2,129,695	\$2,138,176
F	5430	800602	Unclaimed Funds - Operating	\$17,777,906	\$17,249,752
G	5430	800625	Unclaimed Funds - Claims	\$90,000,000	\$90,000,000

H	5440	800612	Banks	\$11,467,455	\$11,775,392
I	5460	800610	Fire Marshal	\$30,366,505	\$31,171,353
J	5460	800639	Fire Department Grants	\$7,515,000	\$7,515,000
K	5480	800611	Real Estate Recovery	\$50,000	\$50,000
L	5490	800614	Real Estate	\$7,808,917	\$8,014,934
M	5500	800617	Securities	\$9,782,453	\$10,204,710
N	5520	800604	Credit Union	\$5,194,284	\$4,831,282
O	5530	800607	Consumer Finance	\$6,440,712	\$7,215,971
P	5560	800615	Industrial Compliance	\$33,508,390	\$33,692,610
Q	5BG1	800659	Fireworks Fee Firefighter Training	\$3,000,000	\$3,000,000
R	5F10	800635	Small Government Fire Departments	\$600,000	\$600,000
S	5FW0	800616	Financial Literacy Education	\$150,000	\$150,000
T	5GK0	800609	Securities Investor Education/Enforcement	\$742,863	\$542,863
U	5HV0	800641	Cigarette Enforcement	\$27,324	\$27,324
V	5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$200,000	\$200,000

W	5LNO	800645	Liquor Operating Services	\$18,105,130	\$18,371,853
X	5LP0	800646	Liquor Regulatory Operating Expenses	\$17,782,397	\$17,681,629
Y	5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$50,000	\$50,000
Z	5SY0	800650	Medical Marijuana Control Program	\$16,339,688	\$16,180,201
AA	5VD0	800653	Real Estate Home Inspector Recovery	\$10,000	\$10,000
AB	5X60	800623	Video Service	\$429,981	\$441,076
AC	5XK0	800657	Ohio Investor Recovery	\$2,500,000	\$2,500,000
AD	6530	800629	UST Registration/Permit Fee	\$2,813,369	\$2,824,398
AE	Dedicated Purpose Fund Group Total			\$285,153,418	\$286,806,514
AF	Internal Service Activity Fund Group				
AG	1630	800620	Division of Administration	\$11,532,983	\$11,239,902
AH	1630	800637	Information Technology	\$12,728,427	\$13,134,526
AI	Internal Service Activity Fund Group Total			\$24,261,410	\$24,374,428
AJ	Federal Fund Group				



AK 3480 800622 Underground Storage Tanks	\$779,620	\$779,620
AL 3480 800624 Leaking Underground Storage Tanks	\$1,899,016	\$1,899,016
AM Federal Fund Group Total	\$2,678,636	\$2,678,636
AN TOTAL ALL BUDGET FUND GROUPS	\$312,093,464	\$313,859,578

**Section 243.20. UNCLAIMED FUNDS - OPERATING** 144310

Of the foregoing appropriation item 800602, Unclaimed 144311  
Funds - Operating, \$1,000,000 in each fiscal year shall be used 144312  
by the Division of Unclaimed Funds to use technologies, 144313  
outreach, advertising, and other direct or indirect methods to 144314  
locate and notify owners of unclaimed funds, or persons with an 144315  
established right to ownership of unclaimed funds, and assist 144316  
them with filing claims to those unclaimed funds. 144317

**UNCLAIMED FUNDS PAYMENTS** 144318

The foregoing appropriation item 800625, Unclaimed Funds- 144319  
Claims, shall be used to pay claims under section 169.08 of the 144320  
Revised Code. If it is determined by the Director of Commerce 144321  
that additional appropriation amounts are necessary to make such 144322  
payments, the Director of Commerce may request that the Director 144323  
of Budget and Management approve such increases. Any approved 144324  
increases are hereby appropriated. 144325

**DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING** 144326

The foregoing appropriation item 800631, Real Estate 144327  
Appraisal Recovery, shall be used to pay settlements, judgments, 144328  
and court orders under section 4763.16 of the Revised Code. If 144329  
it is determined by the Director of Commerce that additional 144330

appropriation amounts are necessary to make such payments, the 144331  
Director of Commerce may request that the Director of Budget and 144332  
Management approve such increases. Any approved increases are 144333  
hereby appropriated. 144334

The foregoing appropriation item 800611, Real Estate 144335  
Recovery, shall be used to pay settlements, judgments, and court 144336  
orders under section 4735.12 of the Revised Code. If it is 144337  
determined by the Director of Commerce that additional 144338  
appropriation amounts are necessary to make such payments, the 144339  
Director of Commerce may request that the Director of Budget and 144340  
Management approve such increases. Any approved increases are 144341  
hereby appropriated. 144342

The foregoing appropriation item 800653, Real Estate Home 144343  
Inspector Recovery, shall be used to pay settlements, judgments, 144344  
and court orders under section 4764.21 of the Revised Code. If 144345  
it is determined by the Director of Commerce that additional 144346  
appropriation amounts are necessary to make such payments, the 144347  
Director of Commerce may request that the Director of Budget and 144348  
Management approve such increases. Any approved increases are 144349  
hereby appropriated. 144350

FIRE DEPARTMENT GRANTS 144351

(A) The foregoing appropriation item 800639, Fire 144352  
Department Grants, shall be used to make annual grants to the 144353  
following eligible recipients: volunteer fire departments, fire 144354  
departments that serve one or more small municipalities or small 144355  
townships, joint fire districts comprised of fire departments 144356  
that primarily serve small municipalities or small townships, 144357  
local units of government responsible for such fire departments, 144358  
and local units of government responsible for the provision of 144359  
fire protection services for small municipalities or small 144360

townships. For the purposes of these grants, a private fire 144361  
company, as that phrase is defined in section 9.60 of the 144362  
Revised Code, that is providing fire protection services under a 144363  
contract to a political subdivision of the state, is an 144364  
additional eligible recipient for a training grant. 144365

Eligible recipients that consist of small municipalities 144366  
or small townships that all intend to contract with the same 144367  
fire department or private fire company for fire protection 144368  
services may jointly apply and be considered for a grant. If a 144369  
joint applicant is awarded a grant, the State Fire Marshal 144370  
shall, if feasible, proportionately award the grant and any 144371  
equipment purchased with grant funds to each of the joint 144372  
applicants based upon each applicant's contribution to and 144373  
demonstrated need for fire protection services. For the purpose 144374  
of this grant program, an eligible recipient or any firefighting 144375  
entity that is contracted to serve an eligible recipient may 144376  
only file, be listed as joint applicant, or be designated as a 144377  
service provider on one grant application per fiscal year. 144378

If the grant awarded to joint applicants is an equipment 144379  
grant and the equipment to be purchased cannot be readily 144380  
distributed or possessed by multiple recipients, each of the 144381  
joint applicants shall be awarded by the State Fire Marshal an 144382  
ownership interest in the equipment so purchased in proportion 144383  
to each applicant's contribution to and demonstrated need for 144384  
fire protection services. The joint applicants shall then 144385  
mutually agree on how the equipment is to be maintained, 144386  
operated, stored, or disposed of. If, for any reason, the joint 144387  
applicants cannot agree as to how jointly owned equipment is to 144388  
be maintained, operated, stored, or disposed of or any of the 144389  
joint applicants no longer maintain a contract with the same 144390  
fire protection service provider as the other applicants, then 144391

the joint applicants shall, with the assistance of the State 144392  
Fire Marshal, mutually agree as to how the jointly owned 144393  
equipment is to be maintained, operated, stored, disposed of, or 144394  
owned. If the joint applicants cannot agree how the grant 144395  
equipment is to be maintained, operated, stored, disposed of, or 144396  
owned, the State Fire Marshal may, in its discretion, require 144397  
all of the equipment acquired by the joint applicants with grant 144398  
funds to be returned to the State Fire Marshal. The State Fire 144399  
Marshal may then award the returned equipment to any eligible 144400  
recipients. For this paragraph only, an "equipment grant" also 144401  
includes a MARCS Grant. 144402

(B) Except as otherwise provided in this section, the 144403  
grants shall be used by recipients to purchase firefighting or 144404  
rescue equipment or gear or similar items, to provide full or 144405  
partial reimbursement for the documented costs of firefighter 144406  
training, or, at the discretion of the State Fire Marshal, to 144407  
cover fire department costs for providing fire protection 144408  
services in that grant recipient's jurisdiction. 144409

(1) Of the foregoing appropriation item 800639, Fire 144410  
Department Grants, up to \$1,300,000 per fiscal year may be used 144411  
to pay for the State Fire Marshal's costs of providing 144412  
firefighter I certification classes or other firefighter classes 144413  
approved by the State Fire Marshal at no cost to selected 144414  
students attending the Ohio Fire Academy or other class 144415  
providers approved by the State Fire Marshal. The State Fire 144416  
Marshal may establish the qualifications and selection processes 144417  
for students to attend such classes by written policy, and such 144418  
students shall be considered eligible recipients of fire 144419  
department grants for the purposes of this portion of the grant 144420  
program. 144421

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$4,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity

may receive a grant for up to \$15,000 per fiscal year for full 144452  
or partial reimbursement of the documented costs of firefighter 144453  
training. For each fiscal year, the State Fire Marshal shall 144454  
determine the total amounts to be allocated for each eligible 144455  
purpose. 144456

(C) The grants shall be administered by the State Fire 144457  
Marshal in accordance with rules the State Fire Marshal adopts 144458  
as part of the state fire code adopted pursuant to section 144459  
3737.82 of the Revised Code that are necessary for the 144460  
administration and operation of the grant program. The rules may 144461  
further define the entities eligible to receive grants and 144462  
establish criteria for the awarding and expenditure of grant 144463  
funds, including methods the State Fire Marshal may use to 144464  
verify the proper use of grant funds or to obtain reimbursement 144465  
for or the return of equipment for improperly used grant funds. 144466  
To the extent consistent with this section and until the rules 144467  
are updated, the existing rules in the state fire code adopted 144468  
pursuant to section 3737.82 of the Revised Code for fire 144469  
department grants under this section apply to MARCS Grants. Any 144470  
amounts in appropriation item 800639, Fire Department Grants, in 144471  
excess of the amount allocated for these grants may be used for 144472  
the administration of the grant program. 144473

**Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE** 144474  
**OPERATING FUND** 144475

If the Real Estate Recovery Fund (Fund 5480) cash balance 144476  
exceeds \$250,000 during the biennium ending June 30, 2027, the 144477  
Director of Budget and Management, upon the written request of 144478  
the Director of Commerce, and subject to Controlling Board 144479  
approval, may transfer cash from Fund 5480 to the Division of 144480  
Real Estate Operating Fund (Fund 5490), such that the amount 144481

available in Fund 5480 is not less than \$250,000. 144482

If the Real Estate Appraiser Recovery Fund (Fund 4B20) 144483  
cash balance exceeds \$200,000 during the biennium ending June 144484  
30, 2027, the Director of Budget and Management, upon the 144485  
written request of the Director of Commerce, and subject to 144486  
Controlling Board approval, may transfer cash from Fund 4B20 to 144487  
the Division of Real Estate Operating Fund (Fund 5490), such 144488  
that the amount available in Fund 4B20 is not less than 144489  
\$200,000. 144490

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT 144491  
SERVICES REVOLVING LOAN FUND 144492

Upon the written request of the Director of Commerce, the 144493  
Director of Budget and Management, subject to Controlling Board 144494  
approval, may transfer up to \$600,000 in cash from the State 144495  
Fire Marshal Fund (Fund 5460) to the Small Government Fire 144496  
Department Services Revolving Loan Fund (Fund 5F10) during the 144497  
biennium ending June 30, 2027. 144498

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 144499

Upon the written request of the Director of Commerce, the 144500  
Director of Budget and Management may transfer up to \$2,500,000 144501  
in each fiscal year from the Division of Securities Fund (Fund 144502  
5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the 144503  
biennium ending June 30, 2027. The Director of Commerce may 144504  
request the transfer of cash in addition to the \$2,500,000, and 144505  
the Director of Budget and Management may transfer additional 144506  
cash in an amount agreed upon with the Director of Commerce, if 144507  
sufficient cash is available in Fund 5500. An amount equal to 144508  
the additional cash transferred under this section is hereby 144509  
appropriated to appropriation item 800657, Ohio Investor 144510

Recovery. 144511

The foregoing appropriation item 800657, Ohio Investor 144512  
Recovery, shall be used by the Department of Commerce pursuant 144513  
to section 1707.47 of the Revised Code to provide restitution 144514  
assistance to victims who: (1) are identified in a final 144515  
administrative order issued by the Division of Securities or a 144516  
final court order in a civil or criminal proceeding initiated by 144517  
the Division as a purchaser damaged by a sale or contract for 144518  
sale made in violation of Chapter 1707. of the Revised Code; and 144519  
(2) have not received the full amount of any restitution ordered 144520  
in a final order before the application for restitution 144521  
assistance is due. 144522

CASH TRANSFERS TO THE OHIO FINANCIAL LITERACY EDUCATION 144523  
FUND 144524

Upon the written request of the Director of Commerce, the 144525  
Director of Budget and Management, at least once every three 144526  
months, may transfer cash equal to five per cent of all charges, 144527  
penalties, and forfeitures received into the Consumer Finance 144528  
Fund (Fund 5530) to the Financial Literacy Education Fund (Fund 144529  
5FW0) created under section 121.085 of the Revised Code. 144530

**Section 245.10.** 144531  
144532

1 2 3 4 5

A OCC OFFICE OF CONSUMERS' COUNSEL

B Dedicated Purpose Fund Group

C 5F50 053601 Consumers' Counsel \$6,720,220 \$6,972,030  
Operating



D	Dedicated Purpose Fund Group Total	\$6,720,220	\$6,972,030
E	TOTAL ALL BUDGET FUND GROUPS	\$6,720,220	\$6,972,030

**Section 247.10.**

144533

144534

1	2	3	4	5
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A CEB CONTROLLING BOARD

B Internal Service Activity Fund Group

C	5KM0 911614 Controlling Board	\$10,000,000	\$10,000,000
	Emergency		
	Purposes/Contingencies		

D	Internal Service Activity Fund Group	\$10,000,000	\$10,000,000
	Total		

E	TOTAL ALL BUDGET FUND GROUPS	\$10,000,000	\$10,000,000
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**Section 247.20. FEDERAL SHARE**

144535

In transferring appropriations to or from appropriation	144536
items that have federal shares identified in this act, the	144537
Controlling Board shall add or subtract corresponding amounts of	144538
federal matching funds at the percentages indicated by the state	144539
and federal division of the appropriations in this act. Such	144540
changes are hereby appropriated.	144541

**Section 249.10.**

144542

144543

1	2	3	4	5
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A	COS COSMETOLOGY AND BARBER BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 879609 Operating Expenses	\$5,523,412	\$5,841,066
D	Dedicated Purpose Fund Group Total	\$5,523,412	\$5,841,066
E	TOTAL ALL BUDGET FUND GROUPS	\$5,523,412	\$5,841,066

**Section 251.10.**

144544

144545

1	2	3	4	5
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A	CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 899609 Operating Expenses	\$2,161,054	\$2,291,375
D	Dedicated Purpose Fund Group Total	\$2,161,054	\$2,291,375
E	TOTAL ALL BUDGET FUND GROUPS	\$2,161,054	\$2,291,375

**Section 253.10.**

144546

144547

1	2	3	4	5
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A	CLA COURT OF CLAIMS		
B	General Revenue Fund		
C	GRF 015321 Operating Expenses	\$3,318,213	\$3,468,684
D	GRF 015403 Public Records	\$1,145,161	\$1,199,582

Adjudication

E	General Revenue Fund Total	\$4,463,374	\$4,668,266
F	Dedicated Purpose Fund Group		
G	5K20 015603 CLA Victims of Crime	\$622,100	\$649,822
H	5TE0 015604 Public Records	\$2,800	\$2,800
I	Dedicated Purpose Fund Group Total	\$624,900	\$652,622
J	TOTAL ALL BUDGET FUND GROUPS	\$5,088,274	\$5,320,888

**Section 255.10.**

144548

144549

1	2	3	4	5
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A DEN STATE DENTAL BOARD

B Dedicated Purpose Fund Group

C	4K90 880609 Operating Expenses	\$2,281,030	\$2,372,258
D	Dedicated Purpose Fund Group Total	\$2,281,030	\$2,372,258
E	TOTAL ALL BUDGET FUND GROUPS	\$2,281,030	\$2,372,258

**Section 257.10.**

144550

144551

1	2	3	4	5
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A BDP BOARD OF DEPOSIT

B Dedicated Purpose Fund Group

C	4M20 974601 Board of Deposit	\$1,688,400	\$1,688,400
D	Dedicated Purpose Fund Group Total	\$1,688,400	\$1,688,400
E	TOTAL ALL BUDGET FUND GROUPS	\$1,688,400	\$1,688,400

**Section 257.20.** BOARD OF DEPOSIT EXPENSE FUND 144552

Upon receiving certification of expenses from the 144553  
Treasurer of State, the Director of Budget and Management shall 144554  
transfer cash from the Investment Earnings Redistribution Fund 144555  
(Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). 144556  
The latter fund shall be used pursuant to section 135.02 of the 144557  
Revised Code to pay for any and all necessary expenses of the 144558  
Board of Deposit or for banking charges and fees required for 144559  
the operation of the State of Ohio Regular Account. 144560

**Section 259.10.** 144561

144562

1	2	3	4	5
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A DEV DEPARTMENT OF DEVELOPMENT

B General Revenue Fund

C	GRF 195402 Coal Research and Development Program	\$175,000	\$175,000
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D	GRF 195405 Minority Business Development	\$7,500,000	\$8,500,000
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E	GRF 195415 Business Development Services	\$3,864,894	\$3,807,217
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F	GRF	195423	Workforce Housing Accelerator	\$2,500,000	\$7,500,000
G	GRF	195426	Redevelopment Assistance	\$1,125,000	\$1,141,982
H	GRF	195453	Technology Programs and Grants	\$859,360	\$868,648
I	GRF	195454	Small Business and Export Assistance	\$3,537,643	\$3,807,014
J	GRF	195455	Appalachia Assistance	\$9,930,362	\$9,932,630
K	GRF	195497	CDBG Operating Match	\$1,445,867	\$1,473,181
L	GRF	195499	BSD Federal Programs Match	\$13,441,064	\$13,499,251
M	GRF	195503	Local Development Projects	\$85,000	\$0
N	GRF	195537	Ohio-Israel Agricultural Initiative	\$500,000	\$500,000
O	GRF	195553	Industry Sector Partnerships	\$5,000,000	\$5,000,000
P	GRF	195556	TechCred Program	\$23,205,470	\$24,207,322
Q	GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$4,050,000	\$2,525,000
R	GRF	195905	Third Frontier Research and Development General	\$45,000,000	\$45,000,000

		Obligation Bond Debt Service		
S		General Revenue Fund Total	\$122,219,660	\$127,937,245
T		Dedicated Purpose Fund Group		
U	4500 195624	Minority Business Bonding Program Administration	\$9,875	\$9,875
V	4510 195649	Business Assistance Programs	\$3,000,000	\$3,000,000
W	4F20 195639	State Special Projects	\$500,000	\$500,000
X	4F20 195655	Workforce Development Programs	\$188,100	\$188,100
Y	4F20 195699	Utility Community Assistance	\$686,947	\$0
Z	4W10 195646	Minority Business Enterprise Loan	\$2,000,000	\$2,000,000
AA	5AI1 1956G9	Broadband Pole Replacement and Undergrounding Program	\$31,361,299	\$0
AB	5A00 1956H2	Priority Projects	\$3,475,000	\$3,075,000
AC	5AP1 1956H3	Welcome Home Ohio Program	\$45,625,000	\$45,625,000
AD	5AZ0 1956C1	Housing Finance Agency Personal Services	\$19,760,000	\$20,485,000
AE	5CT1 1956B8	Residential Development	\$90,000,000	\$0

		Revolving Loan Program		
AF	5GT0	195550	Broadband Development Grants	\$2,800,000      \$2,800,000
AG	5JR0	195635	Tax Incentives Operating	\$1,200,000      \$1,200,000
AH	5KM0	1956B7	One-Time Emergency Projects	\$500,000      \$0
AI	5KP0	195645	Historic Rehabilitation Operating	\$1,800,000      \$1,800,000
AJ	5M40	195659	Low Income Energy Assistance (USF)	\$336,627,830      \$176,222,102
AK	5M50	195660	Advanced Energy Loan Programs	\$8,932,168      \$8,940,462
AL	5MH0	195644	SiteOhio Administration	\$5,000      \$5,000
AM	5MJ0	195683	TourismOhio Administration	\$7,500,000      \$7,500,000
AN	5UL0	195627	Brownfields Revolving Loan Program	\$1,750,000      \$1,750,000
AO	5UY0	195496	Sports Events Grants	\$3,000,000      \$3,000,000
AP	5W60	195691	International Trade Cooperative Projects	\$50,000      \$50,000
AQ	5XH0	195632	Women Owned Business Loans	\$5,000,000      \$5,000,000
AR	5XH0	195694	Micro-Loan	\$2,500,000      \$2,500,000

AS 5XH0 1956I1	Minority Business Development Loan Administration	\$2,000,000	\$2,000,000
AT 5YE0 1956A2	Brownfield Remediation	\$100,000,000	\$100,000,000
AU 5YF0 1956A3	Demolition and Site Revitalization	\$21,500,000	\$21,500,000
AV 6170 195654	Volume Cap Administration	\$40,000	\$40,000
AW 6460 195638	Low- and Moderate-Income Housing Programs	\$64,402,825	\$64,435,386
AX	Dedicated Purpose Fund Group Total	\$756,214,044	\$473,625,925
AY	Internal Service Activity Fund Group		
AZ 1350 195684	Development Operations	\$15,263,246	\$15,609,260
BA 6850 195636	Development Services Reimbursable Expenditures	\$250,000	\$250,000
BB	Internal Service Activity Fund Group Total	\$15,513,246	\$15,859,260
BC	Facilities Establishment Fund Group		
BD 4Z60 195647	Rural Industrial Park Loan	\$5,000,000	\$5,000,000
BE 5S90 195628	Capital Access Loan Program	\$1,000,000	\$1,000,000
BF 7009 195664	Innovation Ohio	\$17,426,036	\$0



BG 7010 195665 Research and Development	\$36,032,990	\$0
BH 7037 195615 Facilities Establishment	\$10,000,000	\$10,000,000
BI Facilities Establishment Fund Group	\$69,459,026	\$16,000,000
Total		
BJ Bond Research and Development Fund Group		
BK 7011 195686 Third Frontier Tax Exempt - Operating	\$1,000,000	\$1,000,000
BL 7011 195687 Third Frontier Research and Development Projects	\$1,000,000	\$1,000,000
BM 7014 195620 Third Frontier Taxable - Operating	\$2,710,000	\$2,710,000
BN 7014 195692 Research and Development Taxable Bond Projects	\$100,000,000	\$20,000,000
BO Bond Research and Development Fund Group Total	\$104,710,000	\$24,710,000
BP Federal Fund Group		
BQ 3080 195581 Energy Efficiency Revolving Loan Fund Capitalization Grant	\$2,500,000	\$2,500,000
BR 3080 195602 Appalachian Regional Commission	\$7,500,000	\$7,500,000
BS 3080 195603 Housing Assistance	\$12,571,729	\$12,576,756

		Programs		
BT	3080	195609	Small Business Administration Grants	\$5,550,000 \$5,550,000
BU	3080	195618	Energy Grants	\$11,650,326 \$11,661,160
BV	3080	195670	Home Weatherization Program	\$86,079,636 \$0
BW	3080	195672	Manufacturing Extension Partnership	\$6,600,000 \$6,600,000
BX	3080	195675	Procurement Technical Assistance	\$1,500,000 \$1,500,000
BY	3080	195696	State Trade and Export Promotion	\$500,000 \$500,000
BZ	3350	195610	Energy Programs	\$350,000 \$350,000
CA	3AE0	195643	Workforce Development Initiatives	\$2,000,000 \$2,000,000
CB	3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$2,000,000 \$2,000,000
CC	3IC0	1956D9	Growth Capital Fund	\$3,250,000 \$3,250,000
CD	3IC0	1956E1	Early-Stage Focus Fund	\$1,500,000 \$1,500,000
CE	3IC0	1956E2	Community Development Financial Institution Loan	\$10,000,000 \$10,000,000

	Participation		
CF 3IC0 1956E3	Collateral Enhancement Program	\$6,000,000	\$6,000,000
CG 3IC0 1956H5	State Small Business Credit Initiative Technical Assistance	\$1,500,000	\$1,500,000
CH 3IF0 1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$793,000,000	\$0
CI 3IF0 1956E5	Broadband Digital Equity Acts Program	\$23,800,000	\$476,000
CJ 3IM0 195582	Home-Owner Managing Energy Savings Rebate Program	\$15,000,000	\$15,000,000
CK 3IM0 195583	High-Efficiency Electric Home Rebate Program	\$15,000,000	\$15,000,000
CL 3K80 195613	Community Development Block Grant	\$57,500,000	\$57,500,000
CM 3K90 195611	Home Energy Assistance Block Grant	\$180,000,000	\$0
CN 3K90 195614	HEAP Weatherization	\$44,000,000	\$0
CO 3L00 195612	Community Services Block Grant	\$32,000,000	\$0
CP 3V10 195601	HOME Program	\$53,750,000	\$53,750,000

CQ Federal Fund Group Total	\$1,375,101,691	\$216,713,916
CR TOTAL ALL BUDGET FUND GROUPS	\$2,443,217,667	\$874,846,346

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 144563

The foregoing appropriation item 195402, Coal Research and 144564  
Development Program, shall be used for the operating expenses of 144565  
the Community Services Division in support of the Ohio Coal 144566  
Development Office. 144567

MINORITY BUSINESS DEVELOPMENT 144568

The foregoing appropriation item 195405, Minority Business 144569  
Development, shall be used to support the activities of the 144570  
Minority Business Development Division, including providing 144571  
grants to local nonprofit organizations to support economic 144572  
development activities that promote minority business 144573  
development, in conjunction with local organizations funded 144574  
through appropriation item 195454, Small Business and Export 144575  
Assistance. 144576

BUSINESS DEVELOPMENT SERVICES 144577

The foregoing appropriation item 195415, Business 144578  
Development Services, shall be used for the operating expenses 144579  
of the Office of Strategic Business Investments and the regional 144580  
economic development offices. 144581

Of the foregoing appropriation item 195415, Business 144582  
Development Services, \$1,550,000 in fiscal year 2026 and 144583  
\$1,450,000 in fiscal year 2027 shall be allocated to Development 144584  
Projects, Inc., for economic development programs and the 144585  
creation of new jobs to leverage and support mission gains at 144586  
Department of Defense and related facilities in Ohio by working 144587

with future base realignment and closure activities and ongoing 144588  
Department of Defense efficiency and partnership initiatives, 144589  
assisting efforts to secure Department of Defense support 144590  
contracts for Ohio companies, assessing and supporting regional 144591  
job and workforce development needs generated by the Department 144592  
of Defense and the Ohio aerospace industry, promoting technology 144593  
transfer to Ohio businesses, and for expanding job training and 144594  
economic development programs in human performance and cyber 144595  
security-related initiatives. 144596

REDEVELOPMENT ASSISTANCE 144597

The foregoing appropriation item 195426, Redevelopment 144598  
Assistance, shall be used to fund the costs of administering the 144599  
energy, redevelopment, and other revitalization programs that 144600  
may be implemented, and may be used to match federal grant 144601  
funding. 144602

TECHNOLOGY PROGRAMS AND GRANTS 144603

The foregoing appropriation item 195453, Technology 144604  
Programs and Grants, shall be used for operating expenses 144605  
incurred in administering the Ohio Third Frontier Programs and 144606  
other technology focused programs that may be implemented. 144607

SMALL BUSINESS AND EXPORT ASSISTANCE 144608

The foregoing appropriation item 195454, Small Business 144609  
and Export Assistance, may be used to provide a range of 144610  
business assistance, including grants to local organizations to 144611  
support economic development activities that promote small 144612  
business development, entrepreneurship, and exports of Ohio's 144613  
goods and services, in conjunction with local organizations 144614  
funded through appropriation item 195405, Minority Business 144615  
Development. The foregoing appropriation item shall also be used 144616

as matching funds for grants from the United States Small 144617  
Business Administration and other federal agencies, pursuant to 144618  
Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and 144619  
regulations and policy guidelines for the programs pursuant 144620  
thereto. 144621

APPALACHIA ASSISTANCE 144622

The foregoing appropriation item 195455, Appalachia 144623  
Assistance, may be used for the administrative costs of planning 144624  
and liaison activities for the Governor's Office of Appalachia, 144625  
to provide financial assistance to projects in Ohio's 144626  
Appalachian counties, to support four local development 144627  
districts, and to pay dues for the Appalachian Regional 144628  
Commission. These funds may be used to match federal funds from 144629  
the Appalachian Regional Commission. Programs funded through the 144630  
appropriation item shall be identified and recommended by the 144631  
local development districts and approved by the Governor's 144632  
Office of Appalachia. The Department of Development shall 144633  
conduct compliance and regulatory review of the programs 144634  
recommended by the local development districts. Moneys allocated 144635  
under the appropriation item may be used to fund projects 144636  
including, but not limited to, those designated by the local 144637  
development districts as community investment and rapid response 144638  
projects. 144639

Of the foregoing appropriation item 195455, Appalachia 144640  
Assistance, in each fiscal year, \$210,000 shall be allocated to 144641  
the Ohio Valley Regional Development Commission, \$210,000 shall 144642  
be allocated to the Ohio Mid-Eastern Government Association, 144643  
\$210,000 shall be allocated to the Buckeye Hills Regional 144644  
Council, and \$210,000 shall be allocated to the Eastgate 144645  
Regional Council of Governments. Local development districts 144646

receiving funding under this section shall use the funds for the 144647  
implementation and administration of programs and duties under 144648  
section 107.21 of the Revised Code. 144649

Of the foregoing appropriation item 195455, Appalachia 144650  
Assistance, in each fiscal year, \$2,750,000 shall be allocated 144651  
to the Foundation for Appalachian Ohio. 144652

CDBG OPERATING MATCH 144653

The foregoing appropriation item 195497, CDBG Operating 144654  
Match, shall be used as matching funds for grants from the 144655  
United States Department of Housing and Urban Development 144656  
pursuant to the Housing and Community Development Act of 1974 144657  
and regulations and policy guidelines for the programs pursuant 144658  
thereto. 144659

BSD FEDERAL PROGRAMS MATCH 144660

The foregoing appropriation item 195499, BSD Federal 144661  
Programs Match, shall be used as matching funds for grants from 144662  
the U.S. Department of Commerce, National Institute of Standards 144663  
and Technology Manufacturing Extension Partnership Program and 144664  
Department of Defense APEX Accelerator Program, and other 144665  
federal agencies, pursuant to Pub. L. No. 96-302 as amended by 144666  
Pub. L. No. 98-395, and regulations and policy guidelines for 144667  
the programs pursuant thereto. The appropriation item shall also 144668  
be used for operating expenses of the Business Services 144669  
Division. 144670

LOCAL DEVELOPMENT PROJECTS 144671

Of the foregoing appropriation item 195503, Local 144672  
Development Projects, \$85,000 in fiscal year 2026 shall be 144673  
granted to the Stark County Minority Business Association to 144674  
support the development and operation of the Kirk Schuring 144675

Business Development Center and Innovation Hub.	144676
OHIO-ISRAEL AGRICULTURAL INITIATIVE	144677
The foregoing appropriation item 195537, Ohio-Israel	144678
Agricultural Initiative, shall be used for the Ohio-Israel	144679
Agricultural Initiative. The appropriation shall not be used for	144680
travel and entertainment expenses incurred under the initiative.	144681
SECTOR PARTNERSHIP NETWORKS	144682
The foregoing appropriation item 195553, Industry Sector	144683
Partnerships, shall be used for the grant program described in	144684
section 122.179 of the Revised Code.	144685
TECHCRED PROGRAM	144686
The foregoing appropriation item 195556, TechCred Program,	144687
shall be used for the programs described under sections 122.178	144688
and 122.1710 of the Revised Code.	144689
WORKFORCE HOUSING ACCELERATOR	144690
The foregoing appropriation item 195423, Workforce Housing	144691
Accelerator, shall be used to issue grants to support workforce	144692
housing development under section 122.635 of the Revised Code.	144693
An amount equal to the unexpended, unencumbered balance of	144694
appropriation item 195423, Workforce Housing Accelerator, at the	144695
end of fiscal year 2026 is hereby reappropriated to the same	144696
appropriation item for the same purpose in fiscal year 2027.	144697
<b>Section 259.25.</b> COAL RESEARCH AND DEVELOPMENT GENERAL	144698
OBLIGATION BOND DEBT SERVICE	144699
The foregoing appropriation line item 195901, Coal	144700
Research and Development General Obligation Bond Debt Service,	144701
shall be used to pay all debt service and related financing	144702



costs during the period July 1, 2025, through June 30, 2027, on 144703  
obligations issued under sections 151.01 and 151.07 of the 144704  
Revised Code. 144705

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 144706  
BOND DEBT SERVICE 144707

The foregoing appropriation item 195905, Third Frontier 144708  
Research and Development General Obligation Bond Debt Service, 144709  
shall be used to pay all debt service and related financing 144710  
costs during the period from July 1, 2025, through June 30, 144711  
2027, on obligations issued under sections 151.01 and 151.10 of 144712  
the Revised Code. 144713

**Section 259.30.** 144714

BUSINESS ASSISTANCE PROGRAMS 144715

The foregoing appropriation item 195649, Business 144716  
Assistance Programs, shall be used for administrative expenses 144717  
associated with the operation of loan incentives. 144718

STATE SPECIAL PROJECTS 144719

The State Special Projects Fund (Fund 4F20), may be used 144720  
for the deposit of private-sector funds from utility companies 144721  
and for the deposit of other miscellaneous state funds. State 144722  
moneys so deposited may also be used to match federal funding 144723  
and to support programs of the Community Service Division and 144724  
Business Services Division. 144725

MINORITY BUSINESS ENTERPRISE LOAN 144726

The foregoing appropriation item 195646, Minority Business 144727  
Enterprise Loan, shall be used for awards under the Minority 144728  
Business Enterprise Loan Program and to cover operating expenses 144729  
of the Minority Business Development Division. All repayments 144730

from the Minority Development Financing Advisory Board Loan 144731  
Program shall be deposited in the state treasury to the credit 144732  
of the Minority Business Enterprise Loan Fund (Fund 4W10). 144733

BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM 144734

The foregoing appropriation item 1956G9, Broadband Pole 144735  
Replacement and Undergrounding Program, shall be used by the 144736  
Department of Development to support the Broadband Pole 144737  
Replacement and Undergrounding Program under section 191.27 of 144738  
the Revised Code. 144739

TRANSFER FROM THE BROADBAND POLE REPLACEMENT FUND TO THE 144740  
OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND 144741

On July 1, 2025, or as soon as possible thereafter, the 144742  
Director of Budget and Management shall transfer \$3,600,000 cash 144743  
from the Broadband Pole Replacement and Undergrounding Program 144744  
Fund (Fund 5AI1) to the Ohio Residential Broadband Expansion 144745  
Grant Program Fund (Fund 5GT0). 144746

ONE-TIME EMERGENCY PROJECTS 144747

The foregoing appropriation item 195687, One-Time 144748  
Emergency Projects, shall be granted to Boardman Township to 144749  
provide matching funds for the flood mitigation assistance grant 144750  
awarded to the township by the Federal Emergency Management 144751  
Agency. 144752

PRIORITY PROJECTS 144753

(A) Of the foregoing appropriation item 1956H2, Priority 144754  
Projects, \$750,000 in each fiscal year shall be allocated to the 144755  
Center on Appalachian Innovation at Marietta College. 144756

(B) Of the foregoing appropriation item 1956H2, Priority 144757  
Projects, \$625,000 in each fiscal year shall be allocated to the 144758

Excellence Training Center at Youngstown State University. 144759

(C) Of the foregoing appropriation item 1956H2, Priority 144760  
Projects, \$500,000 in each fiscal year shall be used to continue 144761  
support and expansion of the Clark County unmanned and general 144762  
aviation STEM pilot programs in all Ohio counties. 144763

(D) Of the foregoing appropriation item 1956H2, Priority 144764  
Projects, \$500,000 in each fiscal year shall be used to support 144765  
the Ohio Aerospace Institute's Space Grant Consortium. 144766

(E) Of the foregoing appropriation item 1956H2, Priority 144767  
Projects, \$400,000 in fiscal year 2026 shall be distributed to 144768  
the Showers Family Foundation to support the high school 144769  
education of students with multiple disabilities, including 144770  
Autism and Down Syndrome, provided that a local match in the 144771  
same amount is provided. 144772

(F) Of the foregoing appropriation item 1956H2, Priority 144773  
Projects, \$250,000 in each fiscal year shall be used to support 144774  
the U.S. Route 30 expansion in Carroll, Stark, and Columbiana 144775  
counties. 144776

(G) Of the foregoing appropriation item 1956H2, Priority 144777  
Projects, \$350,000 in each fiscal year shall be distributed to 144778  
the Fairfield County Workforce Center to support pre- 144779  
apprenticeship program costs, including those for instructors, 144780  
certification exams, books, software licenses, and tools needed 144781  
for students. 144782

(H) Of the foregoing appropriation item 1956H2, Priority 144783  
Projects, \$100,000 in each fiscal year shall be distributed to 144784  
S.U.C.C.E.S.S. for Autism to expand an interprofessional pilot 144785  
program for the purpose of training professionals in The 144786  
S.U.C.C.E.S.S. Approach, a comprehensive neurodevelopmental 144787

learning model for all students. 144788

WELCOME HOME OHIO PROGRAM 144789

The foregoing appropriation item 1956H3, Welcome Home Ohio 144790  
Program, shall be used for grants under the Welcome Home Ohio 144791  
Program established in sections 122.631 through 122.633 of the 144792  
Revised Code. Of the foregoing appropriation item 1956H3, 144793  
Welcome Home Ohio Program, \$22,812,500 in each fiscal year shall 144794  
be used to distribute grants to purchase residential property at 144795  
foreclosure sales under section 122.631 of the Revised Code. Of 144796  
the foregoing appropriation item 1956H3, Welcome Home Ohio 144797  
Program, \$22,812,500 in each fiscal year shall be used to 144798  
distribute grants to rehabilitate or construct residential 144799  
property for income-restricted owners under section 122.632 of 144800  
the Revised Code. 144801

On July 1, 2025, or as soon as possible thereafter, the 144802  
Director of Budget and Management shall transfer \$50,000,000 144803  
cash from the Local Government Tangible Property Tax Replacement 144804  
Fund (Fund 7081) to the Welcome Home Ohio Fund (Fund 5AP1). 144805

ADVANCED ENERGY LOAN PROGRAMS 144806

The foregoing appropriation item 195660, Advanced Energy 144807  
Loan Programs, shall be used to provide financial assistance to 144808  
customers for eligible advanced energy projects for residential, 144809  
commercial, and industrial business, local government, 144810  
educational institution, nonprofit, and agriculture customers. 144811  
The appropriation item may be used to match federal grant 144812  
funding and to pay for the program's administrative costs as 144813  
provided in sections 4928.61 to 4928.63 of the Revised Code and 144814  
rules adopted by the Director of Development. 144815

SPORTS EVENTS GRANTS 144816

The foregoing appropriation item 195496, Sports Events 144817  
Grants, shall be used for grants as described in sections 122.12 144818  
and 122.121 of the Revised Code. 144819

WOMEN OWNED BUSINESS LOAN 144820

The foregoing appropriation item 195632, Women Owned 144821  
Business Loan, shall be used to operate the Women Owned Business 144822  
Loan Program. 144823

MINORITY BUSINESS MICRO-LOAN 144824

The foregoing appropriation item 195694, Micro-Loan, shall 144825  
be used to operate the Minority Business Micro-Loan Program. 144826

MBD LOAN ADMINISTRATION 144827

The foregoing appropriation item 195611, MBD Loan 144828  
Administration, shall be used to operate the Women Owned Loan 144829  
and Minority Business Micro-Loan Programs. 144830

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE 144831  
FUND TO THE MBD FINANCIAL ASSISTANCE FUND 144832

On July 1, 2025, or as soon as possible thereafter, the 144833  
Director of Budget and Management may transfer \$4,000,000 cash 144834  
from the State Small Business Credit Initiative Fund (Fund 3FJ0) 144835  
to the MBD Financial Assistance Fund (Fund 5XH0). All repayments 144836  
of loans issued under Fund 5XH0 shall be credited to the fund. 144837

Upon the completion of the original Collateral Enhancement 144838  
Program, the Director of Development shall certify to the 144839  
Director of Budget and Management the remaining cash balance in 144840  
the State Small Business Credit Initiative Fund (Fund 3FJ0). The 144841  
Director of Budget and Management may transfer the certified 144842  
amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund 144843  
5XH0). 144844

ALL OHIO FUTURE FUND	144845
The foregoing appropriation item 195576, All Ohio Future	144846
Fund, shall be used for the purposes enumerated in section	144847
126.62 of the Revised Code.	144848
BROWNFIELD REMEDIATION	144849
The foregoing appropriation item 1956A2, Brownfield	144850
Remediation, shall be used to award grants under the Brownfield	144851
Remediation Program as described in section 122.6511 of the	144852
Revised Code. Of the foregoing appropriation item 1956A2,	144853
Brownfield Remediation, up to two and one-half percent in each	144854
fiscal year may be used to pay the administrative costs of the	144855
program.	144856
On July 1, 2025, or as soon as possible thereafter, the	144857
Director of Budget and Management shall transfer \$200,000,000	144858
cash from the All Ohio Future Fund (Fund 5XM0) to the Brownfield	144859
Remediation Fund (Fund 5YE0).	144860
DEMOLITION AND SITE REVITALIZATION	144861
The appropriation item 1956A3, Demolition and Site	144862
Revitalization, shall be used to award grants and to pay	144863
associated administrative costs under the Building Demolition	144864
and Site Revitalization Program as described in section 122.6512	144865
of the Revised Code.	144866
An amount equal to the unexpended, unencumbered balance of	144867
appropriation item 1956A3, Demolition and Site Revitalization,	144868
at the end of fiscal year 2026 is hereby reappropriated to the	144869
same appropriation item for the same purpose in fiscal year	144870
2027.	144871
On July 1 of each fiscal year, or as soon as possible	144872

thereafter, the Director of Budget and Management shall transfer 144873  
\$20,000,000 cash from the Local Government Tangible Property Tax 144874  
Replacement Fund (Fund 7081) to the Building Demolition and Site 144875  
Revitalization Fund (Fund 5YF0). 144876

VOLUME CAP ADMINISTRATION 144877

The foregoing appropriation item 195654, Volume Cap 144878  
Administration, shall be used for expenses related to the 144879  
administration of the Volume Cap Program. Revenues received by 144880  
the Volume Cap Administration Fund (Fund 6170) shall consist of 144881  
application fees, forfeited deposits, and interest earned from 144882  
the custodial account held by the Treasurer of State. 144883

RESIDENTIAL DEVELOPMENT REVOLVING LOAN PROGRAM 144884

The foregoing appropriation item 1956B8, Residential 144885  
Development Revolving Loan Program, shall be used to award loans 144886  
under the Residential Development Loan Program as described in 144887  
sections 122.98 and 122.981 of the Revised Code. 144888

The unexpended, unencumbered balance of appropriation item 144889  
1956B8, Residential Development Revolving Loan Program, at the 144890  
end of fiscal year 2026 is hereby reappropriated to the same 144891  
appropriation item for the same purpose in fiscal year 2027. 144892

**Section 259.40. DEVELOPMENT OPERATIONS** 144893

The Director of Development may assess offices of the 144894  
department for the cost of central service operations. An 144895  
assessment shall contain the characteristics of administrative 144896  
ease and uniform application. A division's payments shall be 144897  
credited to the Supportive Services Fund (Fund 1350) using an 144898  
intrastate transfer voucher. 144899

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 144900

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

**Section 259.50. RURAL INDUSTRIAL PARK LOAN**

The foregoing appropriation item 195647, Rural Industrial Park Loan, shall be used to award loans under the Rural Industrial Park Loan Program established in section 122.24 of the Revised Code. Rural Industrial Park Loans awarded under the appropriation item shall not exceed \$4,000,000.

TRANSFER FROM THE RESEARCH AND DEVELOPMENT LOAN FUND TO THE BUSINESS ASSISTANCE FUND

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer up to \$3,000,000 cash in each fiscal year from the Research and Development Loan Fund (Fund 7010) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.

**CAPITAL ACCESS LOAN PROGRAM**

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.



The Director of Budget and Management may transfer an 144930  
amount not to exceed \$1,000,000 cash in each fiscal year between 144931  
the Minority Business Enterprise Loan Fund (Fund 4W10) and the 144932  
Capital Access Loan Fund (Fund 5S90), subject to Controlling 144933  
Board approval. 144934

FACILITIES ESTABLISHMENT 144935

The foregoing appropriation item 195615, Facilities 144936  
Establishment, shall be used for the purposes of the Facilities 144937  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 144938  
Code. 144939

In the biennium ending June 30, 2027, notwithstanding 144940  
section 127.14 and division (B) of section 131.35 of the Revised 144941  
Code, the Controlling Board may authorize expenditures, in 144942  
excess of the amount appropriated, but not to exceed the 144943  
limitation set in division (E) of section 131.35 of the Revised 144944  
Code, using the Facilities Establishment Fund (Fund 7037) for 144945  
purposes consistent with Chapter 166. of the Revised Code. The 144946  
amounts authorized by the Controlling Board are hereby 144947  
appropriated. 144948

**Section 259.60.** THIRD FRONTIER OPERATING COSTS 144949

The foregoing appropriation items 195686, Third Frontier 144950  
Tax Exempt Operating, and 195620, Third Frontier Taxable - 144951  
Operating, shall be used for operating expenses incurred in 144952  
administering projects pursuant to sections 184.10 to 184.20 of 144953  
the Revised Code. Operating expenses paid from appropriation 144954  
item 195686 shall be limited to the administration of projects 144955  
funded from the Third Frontier Research and Development Fund 144956  
(Fund 7011), and operating expenses paid from appropriation item 144957  
195620 shall be limited to the administration of projects funded 144958

from the Third Frontier Research and Development Taxable Bond 144959  
Project Fund (Fund 7014). 144960

THIRD FRONTIER RESEARCH AND DEVELOPMENT TAXABLE AND TAX 144961  
EXEMPT PROJECTS 144962

The foregoing appropriation items 195687, Third Frontier 144963  
Research and Development Projects, and 195692, Research and 144964  
Development Taxable Bond Projects, shall be used to fund 144965  
selected projects, which may include internship programs. 144966  
Eligible costs are those costs of research and development 144967  
projects to which the proceeds of Fund 7011 and Fund 7014 are to 144968  
be applied. 144969

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 144970

The Director of Budget and Management may approve written 144971  
requests from the Director of Development for the transfer of 144972  
appropriations between appropriation items 195687, Third 144973  
Frontier Research and Development Projects, and 195692, Research 144974  
and Development Taxable Bond Projects, based upon awards 144975  
recommended by the Third Frontier Commission. 144976

In fiscal year 2026, the Director of Development may 144977  
request that the Director of Budget and Management reappropriate 144978  
any unexpended, unencumbered balances of the prior fiscal year's 144979  
appropriation to the foregoing appropriation items 195687, Third 144980  
Frontier Research and Development Projects, and 195692, Research 144981  
and Development Taxable Bond Projects, for fiscal year 2026. The 144982  
Director of Budget and Management may request additional 144983  
information necessary for evaluating these requests, and the 144984  
Director of Development shall provide the requested information 144985  
to the Director of Budget and Management. Based on the 144986  
information provided by the Director of Development, the 144987

Director of Budget and Management shall determine the amounts to 144988  
be reappropriated, and those amounts are hereby reappropriated 144989  
for fiscal year 2026. 144990

**Section 259.70.** BROADBAND EQUITY, ACCESS, AND DEPLOYMENT 144991  
PROGRAM (BEAD) 144992

The foregoing appropriation item 1956E4, Broadband Equity, 144993  
Access, and Deployment Program (BEAD), shall be used to build 144994  
infrastructure that supports the adoption of high-speed 144995  
internet. 144996

HEAP WEATHERIZATION 144997

Up to twenty-five per cent of the federal funds deposited 144998  
to the credit of the Home Energy Assistance Block Grant Fund 144999  
(Fund 3K90) may be expended from appropriation item 195614, HEAP 145000  
Weatherization, to provide home weatherization services in the 145001  
state as determined by the Director of Development. 145002

**Section 261.10.** 145003

145004

	1	2	3	4	5
A			DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES		
B			General Revenue Fund		
C	GRF	320411	Special Olympics	\$100,000	\$100,000
D	GRF	320412	Protective Services	\$3,200,000	\$3,200,000
E	GRF	320415	Developmental	\$27,500,000	\$24,200,000
			Disabilities Facilities		
			Lease Rental Bond		

Payments

F	GRF	322422	Multi System Youth	\$5,000,000	\$5,000,000
G	GRF	322423	Technology First	\$2,700,000	\$2,700,000
H	GRF	322508	Employment First Initiative	\$2,700,000	\$2,700,000
I	GRF	322509	Community Supports and Rental Assistance	\$890,000	\$890,000
J	GRF	653321	Medicaid Program Support - State	\$8,163,217	\$8,300,000
K	GRF	653407	Medicaid Services	\$1,127,127,000	\$1,140,627,000
L			General Revenue Fund Total	\$1,177,380,217	\$1,187,717,000
M			Dedicated Purpose Fund Group		
N	2210	322620	Supplement Service Trust	\$500,000	\$500,000
O	4890	653632	Developmental Centers Direct Care Services	\$7,000,000	\$7,000,000
P	5DK0	322629	Capital Replacement Facilities	\$750,000	\$750,000
Q	5EV0	653627	Medicaid Program Support	\$2,540,000	\$2,540,000
R	5GE0	320606	Central Office Operating Expenses	\$20,914,384	\$21,180,026
S	5GE0	653606	ICF/IID and Waiver Match	\$60,000,000	\$60,000,000

T	5H00	322619	Medicaid Repayment	\$900,000	\$900,000
U	5S20	653622	Medicaid Administration and Oversight	\$36,000,000	\$36,000,000
V	5Z10	653624	County Board Waiver Match	\$688,000,000	\$752,000,000
W			Dedicated Purpose Fund Group Total	\$816,604,384	\$880,870,026
X			Internal Service Activity Fund Group		
Y	1520	653609	DC and Residential Facilities Operating Services	\$20,000,000	\$20,000,000
Z			Internal Service Activity Fund Group Total	\$20,000,000	\$20,000,000
AA			Federal Fund Group		
AB	3250	322612	Community Social Service Programs	\$15,075,000	\$15,075,000
AC	3A40	653654	Medicaid Services	\$3,385,530,510	\$3,545,767,920
AD	3A40	653655	Medicaid Support	\$92,000,000	\$97,000,000
AE	3A50	320613	Developmental Disabilities Council	\$3,369,230	\$3,408,234
AF			Federal Fund Group Total	\$3,495,974,740	\$3,661,251,154
AG			TOTAL ALL BUDGET FUND GROUPS	\$5,509,959,341	\$5,749,838,180

The foregoing appropriation item 320411, Special Olympics, 145006  
shall be distributed by the Ohio Department of Developmental 145007  
Disabilities to the Special Olympics of Ohio in support of the 145008  
Ohio Special Olympics Summer Games. 145009

**Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES** 145010  
**LEASE-RENTAL BOND PAYMENTS** 145011

The foregoing appropriation item 320415, Developmental 145012  
Disabilities Facilities Lease Rental Bond Payments, shall be 145013  
used to meet all payments during the period from July 1, 2025, 145014  
through June 30, 2027, by the Department of Developmental 145015  
Disabilities pursuant to leases and agreements made under 145016  
section 154.20 of the Revised Code. These appropriations are the 145017  
source of funds pledged for bond service charges on related 145018  
obligations issued under Chapter 154. of the Revised Code. 145019

**Section 261.40. MULTI-SYSTEM YOUTH** 145020

Of the foregoing appropriation item 322422, Multi-System 145021  
Youth, a portion may be used to provide a subsidy to eligible 145022  
county boards of developmental disabilities for the provision of 145023  
respite services and other services and supports for youth with 145024  
complex or multi-system needs to enable them to remain in their 145025  
homes with their families or in their communities. The Director 145026  
of Developmental Disabilities shall establish the total amount 145027  
available for the subsidy, a formula for distributing the 145028  
subsidy to eligible county boards, and the eligibility 145029  
requirements county boards must satisfy to receive the subsidy. 145030

**Section 261.50. TECHNOLOGY FIRST** 145031

Of the foregoing appropriation item 322423, Technology 145032  
First, a portion may be used to increase access and utilization 145033  
of innovative technology for people with developmental 145034

disabilities in accordance with the Technology First Policy 145035  
established in section 5123.025 of the Revised Code. 145036

**Section 261.60.** EMPLOYMENT FIRST INITIATIVE 145037

The foregoing appropriation item 322508, Employment First 145038  
Initiative, shall be used to increase employment opportunities 145039  
for individuals with developmental disabilities through the 145040  
Employment First Initiative in accordance with section 5123.022 145041  
of the Revised Code. 145042

Of the foregoing appropriation item, 322508, Employment 145043  
First Initiative, the Director of Developmental Disabilities 145044  
shall transfer, in each fiscal year, to the Opportunities for 145045  
Ohioans with Disabilities Agency an amount agreed upon by the 145046  
Director of Developmental Disabilities and the Executive 145047  
Director of the Opportunities for Ohioans with Disabilities 145048  
Agency. The transfer shall be made via an intrastate transfer 145049  
voucher. The transferred funds shall be used to support the 145050  
Employment First Initiative. The Opportunities for Ohioans with 145051  
Disabilities Agency shall use the funds transferred as state 145052  
matching funds to obtain available federal grant dollars for 145053  
vocational rehabilitation services. Any federal match dollars 145054  
received by the Opportunities for Ohioans with Disabilities 145055  
Agency shall be used for the initiative. The Director of 145056  
Developmental Disabilities and the Executive Director of the 145057  
Opportunities for Ohioans with Disabilities Agency shall enter 145058  
into an interagency agreement in accordance with section 145059  
3304.181 of the Revised Code that will specify the 145060  
responsibilities of each agency under the initiative. Under the 145061  
interagency agreement, the Opportunities for Ohioans with 145062  
Disabilities Agency shall retain responsibility for eligibility 145063  
determination, order of selection, plan approval, plan 145064

amendment, and release of vendor payments. 145065

The remainder of appropriation item 322508, Employment 145066  
First Initiative, shall be used to develop a long-term, 145067  
sustainable system that places individuals with developmental 145068  
disabilities in community employment, as defined in section 145069  
5123.022 of the Revised Code. 145070

**Section 261.61. ACHIEVEMENT CENTERS FOR CHILDREN** 145071

Of the foregoing appropriation item 322509, Community 145072  
Supports and Rental Assistance, \$190,000 in each fiscal year 145073  
shall be distributed to the Achievement Centers for Children to 145074  
provide family support services and respite care for children 145075  
with disabilities and their families. 145076

**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 145077

The foregoing appropriation item 322509, Community 145078  
Supports and Rental Assistance, may be used by the Director of 145079  
Developmental Disabilities to provide funding to county boards 145080  
of developmental disabilities for rental assistance to 145081  
individuals with developmental disabilities receiving home and 145082  
community-based services as defined in section 5123.01 of the 145083  
Revised Code pursuant to section 5124.60 of the Revised Code or 145084  
section 5124.69 of the Revised Code and individuals with 145085  
developmental disabilities who enroll in a Medicaid waiver 145086  
component providing home and community-based services after 145087  
receiving preadmission counseling pursuant to section 5124.68 of 145088  
the Revised Code. The Director shall establish the methodology 145089  
for determining the amount and distribution of such funding. 145090

**Section 261.80. MEDICAID SERVICES** 145091

(A) As used in this section: 145092



(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	145093 145094
(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.	145095 145096
(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	145097 145098 145099
(1) Home and community-based services;	145100
(2) ICF/IID services; and	145101
(3) Other programs as identified by the Director of Developmental Disabilities.	145102 145103
<b>Section 261.90.</b> CENTRAL OFFICE OPERATING EXPENSES	145104
Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	145105 145106 145107 145108 145109
<b>Section 261.100.</b> COUNTY BOARD SHARE OF WAIVER SERVICES	145110
As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	145111 145112 145113
The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2026 and fiscal year 2027 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the	145114 145115 145116 145117 145118 145119

Director shall submit to a county board written notice of the 145120  
amount the county board is to pay for that quarter. The notice 145121  
shall specify when the payment is due. 145122

**Section 261.110.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 145123

If a county board of developmental disabilities does not 145124  
fully pay any amount owed to the Department of Developmental 145125  
Disabilities by the due date established by the Department, the 145126  
Director of Developmental Disabilities may withhold the amount 145127  
the county board did not pay from any amounts due to the county 145128  
board. The Director may use any appropriation item or fund used 145129  
by the Department to transfer cash to any other fund used by the 145130  
Department in an amount equal to the amount owed the Department 145131  
that the county board did not pay. Transfers under this section 145132  
shall be made using an intrastate transfer voucher. 145133

**Section 261.120.** ODODD INNOVATIVE PILOT PROJECTS 145134

(A) In fiscal year 2026 and fiscal year 2027, the Director 145135  
of Developmental Disabilities may authorize the continuation or 145136  
implementation of one or more innovative pilot projects that, in 145137  
the judgment of the Director, are likely to assist in promoting 145138  
the objectives of Chapter 5123. or 5126. of the Revised Code. 145139  
Subject to division (B) of this section and notwithstanding any 145140  
provision of Chapters 5123. and 5126. of the Revised Code and 145141  
any rule adopted under either chapter, a pilot project 145142  
authorized by the Director may be continued or implemented in a 145143  
manner inconsistent with one or more provisions of either 145144  
chapter or one or more rules adopted under either chapter. 145145  
Before authorizing a pilot program, the Director shall consult 145146  
with entities interested in the issue of developmental 145147  
disabilities, including the Ohio Provider Resource Association, 145148  
Ohio Association of County Boards of Developmental Disabilities, 145149

Ohio Health Care Association/Ohio Centers for Intellectual 145150  
Disabilities, the Values and Faith Alliance, and ARC of Ohio. 145151

(B) The Director may not authorize a pilot project to be 145152  
implemented in a manner that would cause the state to be out of 145153  
compliance with any requirements for a program funded in whole 145154  
or in part with federal funds. 145155

**Section 261.130.** PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 145156  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 145157

(A) As used in this section: 145158

(1) "Converted facility" means an ICF/IID, or former 145159  
ICF/IID, that converted some or all of its beds to providing 145160  
home and community-based services under the IO Waiver pursuant 145161  
to section 5124.60 of the Revised Code. 145162

(2) "Developmental center" and "ICF/IID" have the same 145163  
meanings as in section 5124.01 of the Revised Code. 145164

(3) "IO Waiver" means the Medicaid waiver component, as 145165  
defined in section 5166.01 of the Revised Code, known as 145166  
Individual Options. 145167

(4) "Medicaid provider" has the same meaning as in section 145168  
5164.01 of the Revised Code. 145169

(5) "Public hospital" has the same meaning as in section 145170  
5122.01 of the Revised Code. 145171

(6) "Qualifying IO enrollee" means an IO Waiver enrollee 145172  
to whom all of the following apply: 145173

(a) The enrollee resided in a developmental center, 145174  
converted facility, or public hospital immediately before 145175  
enrolling in the IO Wavier. 145176

(b) The enrollee did not receive before July 1, 2011, 145177  
routine homemaker/personal care services from the Medicaid 145178  
provider that is to be paid the Medicaid rate authorized by this 145179  
section for providing such services to the enrollee during the 145180  
period specified in division (C) of this section. 145181

(c) The Director of Developmental Disabilities has 145182  
determined that the enrollee's special circumstances (including 145183  
the enrollee's diagnosis, service needs, or length of stay at 145184  
the developmental center, converted facility, or public 145185  
hospital) warrants paying the Medicaid rate authorized by this 145186  
section. 145187

(B) The total Medicaid payment rate for each fifteen 145188  
minutes of routine homemaker/personal care services that a 145189  
Medicaid provider provides to a qualifying IO enrollee during 145190  
the period specified in division (C) of this section shall be 145191  
fifty-two cents higher than the Medicaid payment rate in effect 145192  
on the day the services are provided for each fifteen minutes of 145193  
routine homemaker/personal care services that a Medicaid 145194  
provider provides to an IO enrollee who is not a qualifying IO 145195  
enrollee. 145196

(C) Division (B) of this section applies to the first 145197  
twelve months, consecutive or otherwise, that a Medicaid 145198  
provider, during the period beginning July 1, 2025, and ending 145199  
July 1, 2027, provides routine homemaker/personal care services 145200  
to a qualifying IO enrollee. 145201

(D) Of the foregoing appropriation items 653407, Medicaid 145202  
Services, and 653654, Medicaid Services, portions shall be used 145203  
to pay the Medicaid payment rate determined in accordance with 145204  
this section for routine homemaker/personal care services 145205  
provided to qualifying IO enrollees. 145206

**Section 261.140.** ICF WORKFORCE DEVELOPMENT PAYMENTS 145207

Of the foregoing appropriation items 653407, Medicaid 145208  
Services, and 653654, Medicaid Services, a portion of each 145209  
appropriation item shall be used in fiscal year 2026 in 145210  
accordance with this section and section 5124.15 of the Revised 145211  
Code. The funds shall be used to maintain rates supporting the 145212  
professional workforce development payment, as provided in 145213  
division (A) (5) (c) of section 5124.15 of the Revised Code. 145214

**Section 263.10.** 145215  
145216

1	2	3	4	5
A	SBE STATE BOARD OF EDUCATION			
B	Dedicated Purpose Fund Group			
C	4K90 210602 Operating Expenses		\$15,010,991	\$15,519,872
D	Dedicated Purpose Fund Group Total		\$15,010,991	\$15,519,872
E	Federal Fund Group			
F	3IS0 210601 Title II A/Supporting Effective Instruction		\$1,355,000	\$1,355,000
G	Federal Fund Group Total		\$1,355,000	\$1,355,000
H	TOTAL ALL BUDGET FUND GROUPS		\$16,365,991	\$16,874,872

**Section 263.20.** CASH TRANSFER FROM THE STATE BOARD OF 145217  
EDUCATION LICENSURE FUND TO THE OCCUPATIONAL LICENSING AND 145218  
REGULATORY FUND 145219

On July 1, 2025, or as soon as possible thereafter, the 145220

Director of Budget and Management shall transfer the cash 145221  
balance in the State Board of Education Licensure Fund (Fund 145222  
4L20) to the Occupational Licensing and Regulatory Fund (Fund 145223  
4K90). Upon completion of the transfer, Fund 4L20 is hereby 145224  
abolished. The Director shall cancel any existing encumbrances 145225  
against appropriation item 210600, Operating Expenses, and 145226  
reestablish them against appropriation item 210602, Operating 145227  
Expenses. The reestablished encumbrance amounts are hereby 145228  
appropriated. 145229

**Section 265.10.**

145230  
145231

	1	2	3	4	5
A			EDU DEPARTMENT OF EDUCATION AND WORKFORCE		
B			General Revenue Fund		
C	GRF	200321	Operating Expenses	\$14,474,898	\$15,054,312
D	GRF	200416	Career Technical Education	\$2,500,000	\$2,500,000
E	GRF	200420	Information Technology Development and Support	\$4,231,479	\$4,316,527
F	GRF	200422	School Management Assistance	\$2,800,000	\$2,800,000
G	GRF	200424	Policy Analysis	\$500,000	\$516,419
H	GRF	200426	Ohio Educational Computer Network	\$18,994,000	\$18,994,000

I	GRF	200427	Academic Standards	\$5,035,410	\$5,429,033
J	GRF	200437	Student Assessment	\$50,609,125	\$50,882,346
K	GRF	200439	Accountability/Report Cards	\$7,369,440	\$7,437,742
L	GRF	200446	Education Management Information System	\$9,958,226	\$10,325,278
M	GRF	200448	Educator and Principal Preparation	\$2,163,493	\$2,176,754
N	GRF	200455	Community Schools and Choice Programs	\$4,370,165	\$4,446,705
O	GRF	200465	Education Technology Resources	\$2,893,949	\$2,906,346
P	GRF	200478	Industry-Recognized Credentials High School Students	\$16,000,000	\$16,000,000
Q	GRF	200502	Pupil Transportation	\$881,585,414	\$958,729,701
R	GRF	200505	School Meal Programs	\$13,163,000	\$13,163,000
S	GRF	200511	Auxiliary Services	\$170,292,963	\$172,262,613
T	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$76,935,110	\$77,824,960
U	GRF	200540	Special Education Enhancements	\$192,272,426	\$192,272,426

V	GRF	200545	Career-Technical Education Enhancements	\$12,913,000	\$12,913,000
W	GRF	200550	Foundation Funding - All Students	\$8,445,848,772	\$8,704,217,991
X	GRF	200566	Literacy Improvement	\$2,472,674	\$2,500,000
Y	GRF	200572	Adult Education Programs	\$9,348,399	\$15,688,404
Z	GRF	200574	Half-Mill Maintenance Equalization	\$6,420,640	\$6,152,450
AA	GRF	200576	Adaptive Sports Program	\$350,000	\$350,000
AB	General Revenue Fund Total			\$9,953,502,583	\$10,299,860,007
AC	Dedicated Purpose Fund Group				
AD 4520		200638	Charges and Reimbursements	\$1,500,000	\$1,500,000
AE 5980		200659	Auxiliary Services Reimbursement	\$650,000	\$650,000
AF 5DA1		2006B1	Education Demonstration Projects	\$5,000,000	\$10,000,000
AG 5H30		200687	School District Solvency Assistance	\$2,000,000	\$2,000,000
AH 5KX0		200691	Ohio School Sponsorship Program	\$1,900,000	\$1,900,000
AI 5MM0		200677	Child Nutrition Refunds	\$550,000	\$550,000



AJ 5U20 200685	National Education Statistics	\$185,000	\$185,000
AK 5VS0 200604	Foundation Funding - All Students	\$600,000,000	\$600,000,000
AL 5Y00 200491	Public and Nonpublic Education Support	\$171,200,000	\$171,200,000
AM 6200 200615	Educational Improvement Grants	\$600,000	\$600,000
AN	Dedicated Purpose Fund Group Total	\$783,585,000	\$788,585,000
AO	Internal Service Activity Fund Group		
AP 1380 200606	Information Technology Development and Support	\$18,394,387	\$18,597,721
AQ 4R70 200695	Indirect Operational Support	\$9,944,311	\$10,166,435
AR 4V70 200633	Interagency Program Support	\$3,000,000	\$3,000,000
AS	Internal Service Activity Fund Group Total	\$31,338,698	\$31,764,156
AT	State Lottery Fund Group		
AU 7017 200612	Foundation Funding - All Students	\$1,427,583,202	\$1,380,174,884
AV 7017 200614	Accelerate Great Schools	\$1,500,000	\$1,500,000

AW 7017 200631	Quality Community and Independent STEM Schools Support	\$115,000,000	\$125,000,000
AX 7017 200684	Community School Facilities	\$99,155,000	\$108,155,000
AY 7017 2006A7	Literacy Coaches	\$12,000,000	\$12,000,000
AZ	State Lottery Fund Group Total	\$1,655,238,202	\$1,626,829,884
BA	Federal Fund Group		
BB 3120 2006A9	Aspire - Federal	\$0	\$18,996,799
BC 3670 200607	School Food Services	\$13,379,350	\$13,379,350
BD 3700 200624	Education of Exceptional Children	\$1,750,000	\$1,750,000
BE 3AF0 657601	Schools Medicaid Administrative Claims	\$150,000	\$150,000
BF 3EH0 200620	Migrant Education	\$1,700,000	\$1,700,000
BG 3EJ0 200622	Homeless Children Education	\$4,823,000	\$5,112,380
BH 3GE0 200674	Summer Food Service Program	\$23,000,000	\$23,000,000
BI 3GG0 200676	Fresh Fruit and Vegetable Program	\$5,500,000	\$6,000,000
BJ 3HF0 200649	Federal Education Grants	\$5,000,000	\$5,000,000

BK	3HI0	200634	Student Support and Academic Enrichment	\$54,131,000	\$50,604,930
BL	3HL0	200678	Comprehensive Literacy State Development Program	\$14,630,000	\$14,630,000
BM	3L60	200617	Federal School Lunch	\$565,999,000	\$595,000,000
BN	3L70	200618	Federal School Breakfast	\$195,000,000	\$205,000,000
BO	3L80	200619	Child/Adult Food Programs	\$116,000,000	\$118,000,000
BP	3L90	200621	Career-Technical Education Basic Grant	\$56,680,000	\$58,947,200
BQ	3M00	200623	ESEA Title 1A	\$677,740,000	\$698,072,200
BR	3M20	200680	Individuals with Disabilities Education Act	\$530,400,000	\$541,008,000
BS	3Y20	200688	21st Century Community Learning Centers	\$47,940,000	\$48,898,800
BT	3Y60	200635	Improving Teacher Quality	\$77,157,900	\$78,701,058
BU	3Y70	200689	English Language Acquisition	\$13,728,000	\$14,277,120
BV	3Y80	200639	Rural and Low Income Technical Assistance	\$3,300,000	\$3,300,000
BW	3Z20	200690	State Assessments	\$11,500,000	\$11,500,000
BX	3Z30	200645	Consolidated Federal	\$15,000,000	\$15,000,000

Grant Administration

BY Federal Fund Group Total \$2,434,508,250 \$2,528,027,837

BZ TOTAL ALL BUDGET FUND GROUPS \$14,858,172,733 \$15,275,066,884

**Section 265.20. CAREER-TECHNICAL EDUCATION** 145232

A portion of the foregoing appropriation item 200416, 145233  
Career-Technical Education, shall be used by the Department of 145234  
Education and Workforce to provide matching funds related to 145235  
career-technical education under 20 U.S.C. 2321. 145236

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND** 145237  
**SUPPORT** 145238

The foregoing appropriation item 200420, Information 145239  
Technology Development and Support, shall be used to support the 145240  
development and implementation of information technology 145241  
solutions designed to improve the performance and services of 145242  
the Department of Education and Workforce. Funds may be used for 145243  
personnel, maintenance, and equipment costs related to the 145244  
development and implementation of these technical system 145245  
projects. Implementation of these systems shall allow the 145246  
Department to provide greater levels of assistance to school 145247  
districts and to provide more timely information to the public, 145248  
including school districts, administrators, and legislators. 145249  
Funds may also be used to support data-driven decision-making 145250  
and differentiated instruction, as well as to communicate 145251  
academic content standards and curriculum models to schools 145252  
through web-based applications. 145253

**Section 265.40. SCHOOL MANAGEMENT ASSISTANCE** 145254

The foregoing appropriation item 200422, School Management 145255

Assistance, shall be used by the Department of Education and 145256  
Workforce to provide fiscal technical assistance and inservice 145257  
education for school district management personnel and to 145258  
administer, monitor, and implement the fiscal caution, fiscal 145259  
watch, and fiscal emergency provisions under Chapter 3316. of 145260  
the Revised Code. 145261

**Section 265.50. POLICY ANALYSIS** 145262

The foregoing appropriation item 200424, Policy Analysis, 145263  
shall be used by the Department of Education and Workforce to 145264  
support a system of administrative and statistical education 145265  
information to be used for policy analysis. Staff supported by 145266  
this appropriation shall administer the development of reports, 145267  
analyses, and briefings regarding current trends in education 145268  
practice, efficient and effective use of resources, and 145269  
evaluation of programs to improve education results. A portion 145270  
of these funds shall be used to maintain a longitudinal database 145271  
to support the assessment of the impact of policies and programs 145272  
on Ohio's education and workforce development systems. The 145273  
research efforts supported by this appropriation item shall be 145274  
used to supply information and analysis of data to and in 145275  
consultation with the General Assembly and other state 145276  
policymakers, including the Office of Budget and Management and 145277  
the Legislative Service Commission. 145278

**Section 265.60. OHIO EDUCATIONAL COMPUTER NETWORK** 145279

The foregoing appropriation item 200426, Ohio Educational 145280  
Computer Network, shall be used by the Department of Education 145281  
and Workforce to maintain a system of information technology 145282  
throughout Ohio and to provide technical assistance for such a 145283  
system. 145284

Of the foregoing appropriation item 200426, Ohio 145285  
Educational Computer Network, up to \$8,425,500 in each fiscal 145286  
year shall be used by the Department to support connection of 145287  
all public school buildings and participating chartered 145288  
nonpublic schools to the state's education network, to each 145289  
other, and to the Internet. In each fiscal year, the Department 145290  
shall use these funds to assist information technology centers 145291  
or school districts with the operational costs associated with 145292  
this connectivity. The Department shall develop a formula and 145293  
guidelines for the distribution of these funds to information 145294  
technology centers or individual school districts. As used in 145295  
this section, "public school building" means a school building 145296  
of any city, local, exempted village, or joint vocational school 145297  
district, any community school established under Chapter 3314. 145298  
of the Revised Code, any college preparatory boarding school 145299  
established under Chapter 3328. of the Revised Code, any STEM 145300  
school established under Chapter 3326. of the Revised Code, any 145301  
educational service center building used for instructional 145302  
purposes, the Ohio School for the Deaf and the Ohio State School 145303  
for the Blind, high schools chartered by the Ohio Department of 145304  
Youth Services, or high schools operated by Ohio Department of 145305  
Rehabilitation and Corrections' Ohio Central School System. 145306

Of the foregoing appropriation item 200426, Ohio 145307  
Educational Computer Network, up to \$6,305,000 in each fiscal 145308  
year shall be used, through a formula and guidelines devised by 145309  
the Department, to support the activities of designated 145310  
information technology centers, as defined by Department of 145311  
Education and Workforce rules, to provide school districts and 145312  
chartered nonpublic schools with computer-based student and 145313  
teacher instructional and administrative information services, 145314  
including approved computerized financial accounting, to ensure 145315

the effective operation of local automated administrative and 145316  
instructional systems, and to monitor and support the quality of 145317  
data submitted to the Department. 145318

Of the foregoing appropriation item 200426, Ohio 145319  
Educational Computer Network, up to \$1,650,000 in each fiscal 145320  
year shall be used by the Department to support cybersecurity 145321  
initiatives led by the Management Council of the Ohio Computer 145322  
Education Network in public and nonpublic schools. Efforts may 145323  
include, but shall not be limited to, vulnerability management, 145324  
security awareness training, multifactor authentication, and 145325  
endpoint detection and response capabilities. In determining the 145326  
specific cybersecurity programs and initiatives the foregoing 145327  
appropriation item will support, the Department shall consult 145328  
with the Governor's Cybersecurity Strategic Advisor. 145329

The remainder of appropriation item 200426, Ohio 145330  
Educational Computer Network, shall be used to support the work 145331  
of the development, maintenance, and operation of a network of 145332  
uniform and compatible computer-based information systems as 145333  
well as the teacher student linkage/roster verification process 145334  
and systems to support electronic sharing of student records and 145335  
transcripts between entities. This technical assistance shall 145336  
include, but not be restricted to, development and maintenance 145337  
of adequate computer software systems to support network 145338  
activities. In order to improve the efficiency of network 145339  
activities, the Department and information technology centers 145340  
may jointly purchase equipment, materials, and services from 145341  
funds provided under this appropriation for use by the network 145342  
and, when considered practical by the Department, may utilize 145343  
the services of appropriate state purchasing agencies. 145344

**Section 265.70. ACADEMIC STANDARDS** 145345

The foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education and Workforce to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curricula.

**Section 265.80. STUDENT ASSESSMENT**

Of the foregoing appropriation item 200437, Student Assessment, up to \$622,713 in each fiscal year shall be used to reimburse a portion of the costs associated with Advanced Placement and College-Level Examination Program tests for low-income students, as determined by the Department. If the funds provided by the Department through this set-aside and federal funds are not sufficient to cover the costs of Advanced Placement, College-Level Examination, and International Baccalaureate tests for low-income students, school districts and other public schools shall pay the remainder of the costs using other funds.

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. The funds may also be used to update and develop diagnostic assessments administered under sections 3301.079, 3301.0715, and 3313.608 of the Revised Code and to support readiness assessments for students in grades three and higher that assist districts and schools with identifying and benchmarking student progress.



DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION 145376  
TRANSFERS FOR STUDENT ASSESSMENT 145377

In fiscal year 2026 and fiscal year 2027, if the Director 145378  
of Education and Workforce determines that additional funds are 145379  
needed to fully fund the requirements of sections 3301.0710, 145380  
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this 145381  
act for assessments of student performance, the Director may 145382  
recommend to the Director of Budget and Management the 145383  
reallocation of unexpended and unencumbered General Revenue Fund 145384  
appropriations within the Department of Education and Workforce 145385  
to appropriation item 200437, Student Assessment. If the 145386  
Director of Budget and Management determines that such a 145387  
reallocation is required, the Director, subject to Controlling 145388  
Board approval, may transfer unexpended and unencumbered 145389  
appropriations within the Department of Education and Workforce 145390  
as necessary to appropriation item 200437, Student Assessment. 145391

**Section 265.90. ACCOUNTABILITY/REPORT CARDS** 145392

Of the foregoing appropriation item 200439, 145393  
Accountability/Report Cards, a portion in each fiscal year shall 145394  
be used to train district and regional specialists and district 145395  
educators in the use of the value-added progress dimension and 145396  
in the use of data as it relates to improving student 145397  
achievement. This training may include teacher and administrator 145398  
professional development in the use of data to improve 145399  
instruction and student learning, and teacher and administrator 145400  
training in understanding teacher value-added reports and how 145401  
they can be used as a component in measuring teacher and 145402  
administrator effectiveness. 145403

The remainder of appropriation item 200439, 145404  
Accountability/Report Cards, shall be used by the Department of 145405

Education and Workforce to incorporate a statewide value-added 145406  
progress dimension into performance ratings for school districts 145407  
and for the development of an accountability system that 145408  
includes the preparation and distribution of school report 145409  
cards, funding and expenditure accountability reports under 145410  
sections 3302.03 and 3302.031 of the Revised Code, the 145411  
development and maintenance of teacher value-added reports, the 145412  
teacher student linkage/roster verification process, and the 145413  
performance management section of the Department's web site 145414  
required by section 3302.26 of the Revised Code. 145415

**Section 265.100. EDUCATION MANAGEMENT INFORMATION SYSTEM** 145416

The foregoing appropriation item 200446, Education 145417  
Management Information System, shall be used by the Department 145418  
of Education and Workforce to maintain and improve the Education 145419  
Management Information System (EMIS). 145420

Of the foregoing appropriation item 200446, Education 145421  
Management Information System, up to \$405,000 in each fiscal 145422  
year shall be used to support grants to information technology 145423  
centers to provide professional development opportunities to 145424  
district and school personnel related to the EMIS, with a focus 145425  
placed on data submission and data quality. 145426

Of the foregoing appropriation item 200446, Education 145427  
Management Information System, up to \$950,000 in each fiscal 145428  
year shall be distributed to designated information technology 145429  
centers for costs relating to processing, storing, and 145430  
transferring data for the effective operation of the EMIS. These 145431  
costs may include, but are not limited to, personnel, hardware, 145432  
software development, communications connectivity, professional 145433  
development, and support services. 145434

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support the data definitions and standards outlined in the EMIS guidelines adopted under section 3301.0714 of the Revised Code, to implement recommendations of the EMIS Advisory Council and the Director of Education and Workforce, to enhance data quality assurance practices, and to support responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations.

**Section 265.110. EDUCATOR AND PRINCIPAL PREPARATION**

(A) Of the foregoing appropriation item 200448, Educator and Principal Preparation, up to \$1,612,500 in each fiscal year shall be used, in consultation with the Department of Veterans Services, to support the Ohio Military Veteran Educators Program, which may do all of the following:

(1) Administer a grant program for institutions of higher education to provide financial incentives and assistance for eligible military individuals, as defined in section 3319.285 of the Revised Code, to enroll in and complete an educator preparation program approved under section 3333.048 of the Revised Code;

(2) Subsidize the costs for eligible military individuals associated with completing college coursework or professional development in pedagogy for the purpose of obtaining an alternative military educator license pursuant to section 3319.285 of the Revised Code or advancing to the professional license pursuant to section 3319.22 of the Revised Code;

(3) Provide funds to public schools, educational service centers, and county boards of developmental disabilities to

support activities to recruit eligible military individuals to 145464  
work in public schools and support bonuses to public schools 145465  
that hire eligible military individuals; 145466

(4) Reimburse public schools, educational service centers, 145467  
and county boards of developmental disabilities that pay 145468  
financial bonuses to eligible military individuals who complete 145469  
at least one year of employment with the school; 145470

(5) In consultation with the Department of Veterans 145471  
Services, establish and support the Governor's Ohio Military 145472  
Veteran Educators Fellowship Pilot Program to recruit and train 145473  
eligible military individuals to become licensed to teach in 145474  
low-performing public schools. 145475

(B) Of the foregoing appropriation item 200448, Educator 145476  
and Principal Preparation, up to \$350,993 in fiscal year 2026 145477  
and up to \$364,254 in fiscal year 2027 may be used by the 145478  
Department of Education and Workforce to monitor and support 145479  
Ohio's State System of Support, as defined by the Every Student 145480  
Succeeds Act. 145481

(C) Of the foregoing appropriation item 200448, Educator 145482  
and Principal Preparation, \$200,000 in each fiscal year shall be 145483  
used to support selected school staff through the FASTER Saves 145484  
Lives Program for the purpose of stopping active shooters and 145485  
treating casualties. 145486

(D) Notwithstanding any provision of law to the contrary, 145487  
awards under this section may be used by recipients for award- 145488  
related expenses incurred for a period not to exceed two years 145489  
from the date of the award. 145490

**Section 265.120. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 145491

The foregoing appropriation item 200455, Community Schools 145492

and Choice Programs, may be used by the Department of Education 145493  
and Workforce for the oversight and support of community schools 145494  
established under Chapter 3314. of the Revised Code, community 145495  
school sponsors, and nonpublic schools; and the administration 145496  
of school choice programs. The funds may be used to support the 145497  
sponsor evaluation system in accordance with section 3314.016 of 145498  
the Revised Code. 145499

**Section 265.130. EDUCATION TECHNOLOGY RESOURCES** 145500

Of the foregoing appropriation item 200465, Education 145501  
Technology Resources, up to \$2,500,000 in each fiscal year shall 145502  
be used for the Union Catalog and InfOhio Network and to support 145503  
the provision of electronic resources with priority given to 145504  
resources that support the teaching of state academic content 145505  
standards in all public schools and resources in support of 145506  
Ohio's Plan to Raise Literacy Achievement. The Department of 145507  
Education and Workforce shall consider coordinating the 145508  
allocation of these moneys with the efforts of Libraries Connect 145509  
Ohio, whose members include OhioLINK, the Ohio Public 145510  
Information Network, and the State Library of Ohio. 145511

**Section 265.140. INDUSTRY-RECOGNIZED CREDENTIALS HIGH** 145512  
**SCHOOL STUDENTS** 145513

City, local, and exempted village school districts, 145514  
community schools, STEM schools, and joint vocational school 145515  
districts shall inform students enrolled in career-technical 145516  
education courses that lead to an industry-recognized credential 145517  
about the opportunity to earn these credentials. The educating 145518  
entity shall pay for the cost of the credential. 145519

The foregoing appropriation item 200478, Industry- 145520  
Recognized Credentials High School Students, shall be used by 145521

the Department of Education and Workforce and the Governor's 145522  
Office of Workforce Transformation to operate the Innovative 145523  
Workforce Incentive Program. The Office of Workforce 145524  
Transformation shall maintain a list of credentials that qualify 145525  
for the program. The Department of Education and Workforce shall 145526  
pay each city, local, and exempted village school district, 145527  
community school, STEM school, and joint vocational school 145528  
district an amount equal to \$725 for each qualifying credential 145529  
a student attending the district or school earned in the school 145530  
year preceding the fiscal year in which the funds are 145531  
appropriated. If the amount appropriated is not sufficient, the 145532  
Department shall prorate the amounts so that the aggregate 145533  
amount appropriated is not exceeded. 145534

**Section 265.150. PUPIL TRANSPORTATION** 145535

Of the foregoing appropriation item 200502, Pupil 145536  
Transportation, up to \$1,088,930 in each fiscal year may be used 145537  
by the Department of Education and Workforce for training 145538  
prospective and experienced school bus drivers in accordance 145539  
with training programs prescribed by the Department. A portion 145540  
of these funds may also be used to pay for costs associated with 145541  
the enrollment of bus drivers in the retained applicant 145542  
fingerprint database. 145543

Of the foregoing appropriation item 200502, Pupil 145544  
Transportation, up to \$176,897,678 in fiscal year 2026 and up to 145545  
\$194,820,866 in fiscal year 2027 may be used by the Department 145546  
for special education transportation reimbursements to school 145547  
districts, educational service centers, and county boards of 145548  
developmental disabilities for transportation operating costs as 145549  
provided in divisions (C) and (F) of section 3317.024 of the 145550  
Revised Code. 145551

Of the foregoing appropriation item 200502, Pupil 145552  
Transportation, up to \$250,000 in fiscal year 2026 shall be used 145553  
to support the Montgomery County Pupil Transportation Pilot 145554  
Program established in Section 265.550 of H.B. 33 of the 135th 145555  
General Assembly, as amended by this act. 145556

The remainder of the foregoing appropriation item 200502, 145557  
Pupil Transportation, shall be used to distribute the amounts 145558  
calculated for transportation aid under division (A) (2) of 145559  
section 3317.019 and divisions (E), (F), (G), (H), and (I) of 145560  
section 3317.0212 of the Revised Code. 145561

**PAYMENTS IN LIEU OF TRANSPORTATION** 145562

For purposes of division (D) of section 3327.02 of the 145563  
Revised Code, if a parent, guardian, or other person in charge 145564  
of a pupil accepts an offer from a school district of payment in 145565  
lieu of providing transportation for the pupil, the school 145566  
district shall pay that parent, guardian, or other person an 145567  
amount not less than fifty per cent and not more than the amount 145568  
determined by the Department under division (C) of section 145569  
3317.0212 of the Revised Code for the most recent school year 145570  
for which data is available. Payment may be prorated if the time 145571  
period involved is only a part of the school year. 145572

**Section 265.160. SCHOOL MEAL PROGRAMS** 145573

(A) The foregoing appropriation item 200505, School Meal 145574  
Programs, shall be used to support the reimbursements required 145575  
by section 3301.91 of the Revised Code and provide matching 145576  
funds to obtain federal funds for the school lunch program. 145577

(B) Any remaining appropriation after providing matching 145578  
funds for the school lunch program may be used to do the 145579  
following: 145580

(1) Partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department;

(2) Support the Summer EBT Program in coordination with the Department of Job and Family Services.

**Section 265.170. AUXILIARY SERVICES**

Of the foregoing appropriation item 200511, Auxiliary Services, up to \$2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education and Workforce shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code.

The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department to make payments under division (E) of section 3317.024 of the Revised Code to implement sections 3317.06 and 3317.062 of the Revised Code. Notwithstanding any provision of law to the contrary, for fiscal year 2026, school districts or chartered nonpublic schools may use the auxiliary services funding provided under division (E) of section 3317.024 of the Revised Code to provide diagnostic or therapeutic mental health services to students enrolled in chartered nonpublic schools at any time during the fiscal year.

**Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT**

The foregoing appropriation item 200532, Nonpublic



Administrative Cost Reimbursement, shall be used by the 145610  
Department of Education and Workforce for the purpose of 145611  
implementing section 3317.063 of the Revised Code. Payments made 145612  
by the Department for this purpose shall not exceed four hundred 145613  
seventy-five dollars per student for each school year. 145614

**Section 265.190. SPECIAL EDUCATION ENHANCEMENTS** 145615

Of the foregoing appropriation item 200540, Special 145616  
Education Enhancements, up to \$33,945,594 in each fiscal year 145617  
shall be used to fund special education and related services at 145618  
county boards of developmental disabilities for eligible 145619  
students under section 3317.20 of the Revised Code and at 145620  
institutions for eligible students under section 3317.201 of the 145621  
Revised Code. If necessary, the Department of Education and 145622  
Workforce shall proportionately reduce the amount calculated for 145623  
each county board of developmental disabilities and institution 145624  
so as not to exceed the amount appropriated in each fiscal year. 145625

Of the foregoing appropriation item 200540, Special 145626  
Education Enhancements, up to \$1,350,000 in each fiscal year 145627  
shall be used for parent mentoring programs. 145628

Of the foregoing appropriation item 200540, Special 145629  
Education Enhancements, up to \$3,000,000 in each fiscal year may 145630  
be used for school psychology interns. 145631

The remainder of appropriation item 200540, Special 145632  
Education Enhancements, shall be distributed by the Department 145633  
of Education and Workforce to school districts and institutions, 145634  
as defined in section 3323.091 of the Revised Code, for 145635  
preschool special education funding under section 3317.0213 of 145636  
the Revised Code. 145637

The Department may reimburse school districts and 145638

institutions for services provided by instructional assistants, 145639  
related services, as defined in rule 3301-51-11 of the 145640  
Administrative Code, physical therapy services provided by a 145641  
licensed physical therapist or physical therapist assistant 145642  
under the supervision of a licensed physical therapist, as 145643  
required under Chapter 4755. of the Revised Code and Chapter 145644  
4755-27 of the Administrative Code, and occupational therapy 145645  
services provided by a licensed occupational therapist or 145646  
occupational therapy assistant under the supervision of a 145647  
licensed occupational therapist, as required under Chapter 4755. 145648  
of the Revised Code and Chapter 4755-7 of the Administrative 145649  
Code. Nothing in this section authorizes occupational therapy 145650  
assistants or physical therapist assistants to generate or 145651  
manage their own caseloads. 145652

The Department shall require school districts, educational 145653  
service centers, county boards of developmental disabilities, 145654  
and institutions serving preschool children with disabilities to 145655  
adhere to Ohio's early learning program standards, participate 145656  
in the Step Up to Quality Program established pursuant to 145657  
section 5104.29 of the Revised Code, and document child progress 145658  
using research-based indicators prescribed by the Department and 145659  
report results annually. The reporting dates and method shall be 145660  
determined by the Department. All programs shall be rated 145661  
through the Step Up to Quality Program. 145662

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 145663

Of the foregoing appropriation item 200545, Career- 145664  
Technical Education Enhancements, up to \$5,000,000 in each 145665  
fiscal year shall be used to pay career awareness and 145666  
exploration funds pursuant to division (E) of section 3317.014 145667  
of the Revised Code. If the amount appropriated is not 145668

sufficient, the Department of Education and Workforce shall 145669  
prorate the amounts so that the aggregate amount appropriated is 145670  
not exceeded. 145671

Of the foregoing appropriation item 200545, Career- 145672  
Technical Education Enhancements, up to \$2,563,000 in each 145673  
fiscal year shall be used to fund secondary career-technical 145674  
education at institutions and Ohio Deaf and Blind Education 145675  
Services using a grant-based methodology, notwithstanding 145676  
section 3317.05 of the Revised Code. 145677

Of the foregoing appropriation item 200545, Career- 145678  
Technical Education Enhancements, up to \$4,000,000 in each 145679  
fiscal year shall be used by the Department to fund competitive 145680  
grants to an entity in each of the JobsOhio regions to expand 145681  
the number of students with access to career-technical 145682  
education, to support and provide technical assistance to 145683  
schools and districts in the provision and expansion of career- 145684  
technical education, to provide mentoring and career planning 145685  
and advising to students attending public and chartered 145686  
nonpublic schools, and to support adults who have a high school 145687  
diploma but have never enrolled in post-secondary education. 145688  
Notwithstanding any provision of law to the contrary, awards 145689  
under this paragraph may be used by recipients for award-related 145690  
expenses according to guidelines established by the Department 145691  
of Education and Workforce for a period not to exceed two years 145692  
from the date of the award. 145693

Of the foregoing appropriation item 200545, Career- 145694  
Technical Education Enhancements, up to \$600,000 in each fiscal 145695  
year shall be used by the Department to enable students in 145696  
agricultural programs to enroll in a fifth quarter of 145697  
instruction based on the agricultural education model of 145698

delivering work-based learning through supervised agricultural 145699  
experience. The Department shall determine eligibility criteria 145700  
and the reporting process for the Agriculture 5th Quarter 145701  
Project and shall fund as many programs as possible given the 145702  
set-aside. The eligibility criteria developed by the Department 145703  
shall allow these funds to support supervised agricultural 145704  
experience that occurs anytime outside of the regular school 145705  
day. 145706

Of the foregoing appropriation item 200545, Career- 145707  
Technical Education Enhancements, up to \$500,000 in each fiscal 145708  
year may be used to support career planning and reporting 145709  
through the OhioMeansJobs web site. 145710

Of the foregoing appropriation item 200545, Career- 145711  
Technical Education Enhancements, \$250,000 in each fiscal year 145712  
shall be used to prepare students for careers in culinary arts 145713  
and restaurant management under the Ohio ProStart school 145714  
restaurant program. 145715

**Section 265.210. FOUNDATION FUNDING - ALL STUDENTS** 145716

Of the portion of the formula aid distributed to city, 145717  
local, and exempted village school districts, joint vocational 145718  
school districts, community schools, and STEM schools under this 145719  
section, an amount in each fiscal year, as calculated by the 145720  
Department of Education and Workforce, shall be used for the 145721  
purposes of division (B) of section 3317.0215 of the Revised 145722  
Code. 145723

Of the foregoing appropriation item 200550, Foundation 145724  
Funding - All Students, up to \$5,733,404 in each fiscal year 145725  
shall be used to fund gifted education at educational service 145726  
centers. The Department shall distribute the funding through the 145727

unit-based funding methodology in place under division (L) of 145728  
section 3317.024, division (E) of section 3317.05, and divisions 145729  
(A), (B), and (C) of section 3317.053 of the Revised Code as 145730  
they existed prior to fiscal year 2010. 145731

Of the foregoing appropriation item 200550, Foundation 145732  
Funding - All Students, up to \$49,152,105 in fiscal year 2026 145733  
and up to \$51,023,465 in fiscal year 2027 shall be reserved to 145734  
fund the state reimbursement of educational service centers 145735  
under section 3317.11 of the Revised Code. 145736

Of the foregoing appropriation item 200550, Foundation 145737  
Funding - All Students, up to \$3,500,000 in each fiscal year 145738  
shall be distributed to educational service centers for school 145739  
improvement initiatives and for the provision of technical 145740  
assistance to schools and districts consistent with requirements 145741  
of section 3312.01 of the Revised Code. The Department may 145742  
distribute these funds through a competitive grant process. 145743

Of the foregoing appropriation item 200550, Foundation 145744  
Funding - All Students, up to \$7,000,000 in each fiscal year 145745  
shall be reserved for payments under the section of this act 145746  
entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is 145747  
not sufficient, the Director of Education and Workforce may 145748  
reallocate excess funds for other purposes supported by this 145749  
appropriation item in order to fully pay the amounts required by 145750  
that section, provided that the aggregate amount appropriated in 145751  
appropriation item 200550, Foundation Funding - All Students, is 145752  
not exceeded. 145753

Of the foregoing appropriation item 200550, Foundation 145754  
Funding - All Students, up to \$10,400,000 in fiscal year 2026 145755  
and up to \$10,800,000 in fiscal year 2027 shall be used to 145756  
support the administration of state scholarship programs. 145757

Of the foregoing appropriation item 200550, Foundation 145758  
Funding - All Students, up to \$1,000,000 in each fiscal year 145759  
shall be distributed to the Cleveland Municipal School District 145760  
to provide tutorial assistance as provided in division (B) of 145761  
section 3313.979 of the Revised Code. The Cleveland Municipal 145762  
School District shall report the use of these funds in the 145763  
district's three-year continuous improvement plan as described 145764  
in section 3302.04 of the Revised Code in a manner approved by 145765  
the Department. 145766

Of the foregoing appropriation item 200550, Foundation 145767  
Funding - All Students, up to \$3,000,000 in each fiscal year may 145768  
be used for payment of the College Credit Plus Program for 145769  
students instructed at home pursuant to section 3321.04 of the 145770  
Revised Code. 145771

Of the foregoing appropriation item 200550, Foundation 145772  
Funding - All Students, an amount shall be available in each 145773  
fiscal year to be paid to joint vocational school districts in 145774  
accordance with sections 3317.16 and 3317.162 of the Revised 145775  
Code and the section of this act entitled "FORMULA TRANSITION 145776  
SUPPLEMENT." 145777

Of the foregoing appropriation item 200550, Foundation 145778  
Funding - All Students, up to \$700,000 in each fiscal year shall 145779  
be used by the Department for a program to pay for educational 145780  
services for youth who have been assigned by a juvenile court or 145781  
other authorized agency to any of the facilities described in 145782  
division (A) of the section of this act entitled "PRIVATE 145783  
TREATMENT FACILITY PROJECT." 145784

Of the foregoing appropriation item 200550, Foundation 145785  
Funding - All Students, a portion may be used to pay college- 145786  
preparatory boarding schools the per pupil boarding amount 145787

pursuant to section 3328.34 of the Revised Code. 145788

Of the foregoing appropriation item 200550, Foundation 145789  
Funding - All Students, up to \$1,500,000 in each fiscal year 145790  
shall be distributed to the Ohio STEM Learning Network to 145791  
support the expansion of free STEM programming aligned to Ohio's 145792  
STEM priorities, to create regional STEM supports targeting 145793  
underserved student populations, and to support the Ohio STEM 145794  
Committee's STEM school designation process. 145795

The remainder of the foregoing appropriation item 200550, 145796  
Foundation Funding - All Students, shall be used to distribute 145797  
the amounts calculated for formula aid under division (A)(1) of 145798  
section 3317.019 of the Revised Code, sections 3317.022 and 145799  
3317.22 of the Revised Code, and the sections of this act 145800  
entitled "FORMULA TRANSITION SUPPLEMENT" and "FUNDING 145801  
SUPPLEMENTS." 145802

Appropriation items 200502, Pupil Transportation, and 145803  
200550, Foundation Funding - All Students, other than specific 145804  
set-asides, are collectively used in each fiscal year to pay 145805  
state formula aid obligations for school districts, community 145806  
schools, STEM schools, college preparatory boarding schools, 145807  
joint vocational school districts, and state scholarship 145808  
programs under this act. The first priority of these 145809  
appropriation items, with the exception of specific set-asides, 145810  
is to fund state formula aid obligations. It may be necessary to 145811  
reallocate funds among these appropriation items or use excess 145812  
funds from other General Revenue Fund appropriation items in the 145813  
Department of Education and Workforce's budget, including 145814  
appropriation item 200903, Property Tax Reimbursement - 145815  
Education, in each fiscal year in order to meet state formula 145816  
aid obligations. If it is determined that it is necessary to 145817

transfer funds among these appropriation items or to transfer 145818  
funds from other General Revenue Fund appropriations in the 145819  
Department's budget to meet state formula aid obligations, the 145820  
Director of Education and Workforce shall seek approval from the 145821  
Director of Budget and Management to transfer funds as needed. 145822

The Director of Education and Workforce shall make 145823  
payments, transfers, and deductions, as authorized by Title 145824  
XXXIII of the Revised Code in amounts substantially equal to 145825  
those made in the prior year, or otherwise, at the discretion of 145826  
the Director, until at least the effective date of the 145827  
amendments and enactments made to Title XXXIII of the Revised 145828  
Code by this act. Any funds paid to districts or schools under 145829  
this section shall be credited toward the annual funds 145830  
calculated for the district or school after the changes made to 145831  
Title XXXIII of the Revised Code in this act are effective. Upon 145832  
the effective date of changes made to Title XXXIII of the 145833  
Revised Code in this act, funds shall be calculated as an annual 145834  
amount. 145835

**Section 265.215. ECONOMICALLY DISADVANTAGED STUDENT COUNT** 145836

(A) As used in this section: 145837

(1) "Directly certified ADM" means the number of students 145838  
enrolled in a district or school for a fiscal year who are 145839  
certified as categorically eligible for free meals as described 145840  
in 7 C.F.R. 245.6 or successor regulations, as determined by the 145841  
Department of Education and Workforce. 145842

(2) "District or school" means any of the following: 145843

(a) A city, local, or exempted village school district; 145844

(b) A joint vocational school district; 145845



(c) A community school established under Chapter 3314. of 145846  
the Revised Code; 145847

(d) A STEM school established under Chapter 3326. of the 145848  
Revised Code. 145849

(C) Notwithstanding anything in the Revised Code to the 145850  
contrary, for fiscal years 2026 and 2027, the number of 145851  
economically disadvantaged students for a district or school is 145852  
the number of economically disadvantaged students certified or 145853  
reported to the Department for fiscal year 2025, as of June 1, 145854  
2025, under section 3314.08, 3317.03, or 3326.32 of the Revised 145855  
Code. The Department shall calculate disadvantaged pupil impact 145856  
aid for each district or school under section 3317.022, 145857  
3317.026, or 3317.16 of the Revised Code for fiscal years 2026 145858  
and 2027, as follows: 145859

(The district's or school's number of economically disadvantaged 145860  
students X 0.75 for fiscal year 2026 or 0.65 for fiscal year 145861  
2027) + (The district's or school's directly certified ADM for 145862  
the fiscal year X 0.25 for fiscal year 2026 or 0.35 for fiscal 145863  
year 2027) 145864

**Section 265.220. PHASE-IN PERCENTAGES** 145865

For purposes of division (X) (1) of section 3317.02 of the 145866  
Revised Code, the General Assembly has determined that the 145867  
general phase-in percentage for fiscal year 2026 shall be 83.33 145868  
per cent and the general phase-in percentage for fiscal year 145869  
2027 shall be 100 per cent. 145870

For purposes of division (X) (2) of section 3317.02 of the 145871  
Revised Code, the General Assembly has determined that the 145872  
phase-in percentage for disadvantaged pupil impact aid for 145873  
fiscal year 2026 shall be 83.33 per cent and the phase-in 145874

percentage for disadvantaged pupil impact aid for fiscal year 145875  
2027 shall be 100 per cent. 145876

**Section 265.230.** FORMULA TRANSITION SUPPLEMENT 145877

(A) (1) For fiscal years 2026 and 2027, the Department of 145878  
Education and Workforce shall pay a formula transition 145879  
supplement to each city, local, and exempted village school 145880  
district according to the following formula: 145881

(The district's funding base for fiscal year 2021) - (the 145882  
district's payments for the fiscal year for which the supplement 145883  
is calculated under sections 3317.019, 3317.022, and 3317.0212 145884  
of the Revised Code) 145885

If the computation made under division (A) (1) of this 145886  
section for a fiscal year results in a negative number, the 145887  
district's formula transition supplement for that fiscal year 145888  
shall be zero. 145889

(2) For purposes of division (A) (1) of this section, a 145890  
city, local, or exempted village school district's "funding base 145891  
for fiscal year 2021" means the amount calculated as follows: 145892

(a) Compute the sum of the following: 145893

(i) The amount calculated for the district for fiscal year 145894  
2021 under division (A) (1) of Section 265.220 of H.B. 166 of the 145895  
133rd General Assembly after any adjustments required under 145896  
Section 265.227 of H.B. 166 of the 133rd General Assembly and 145897  
before any funding reductions authorized by Executive Order 145898  
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 145899  
issued on January 22, 2021; 145900

(ii) The amount calculated for the district for fiscal 145901  
year 2021 under division (A) (2) of Section 265.220 of H.B. 166 145902

of the 133rd General Assembly before any funding reductions 145903  
authorized by Executive Order 2020-19D, issued on May 7, 2020, 145904  
and Executive Order 2021-01D, issued on January 22, 2021; 145905

(iii) The amount calculated for the district for fiscal 145906  
year 2021 under division (B) of Section 265.220 of H.B. 166 of 145907  
the 133rd General Assembly; 145908

(iv) The district's payments for fiscal year 2021 under 145909  
divisions (C) (1), (2), (3), and (4) of section 3313.981 of the 145910  
Revised Code as those divisions existed for payments for fiscal 145911  
year 2021; 145912

(v) The district's payments for fiscal year 2021 under 145913  
section 3317.0219 of the Revised Code as that section existed 145914  
for payments for fiscal year 2021 and under Section 20 of S.B. 145915  
310 of the 133rd General Assembly. 145916

(b) Subtract from the amount calculated in division (A) (2) 145917  
(a) of this section the sum of the following: 145918

(i) The payments deducted from the district and paid to a 145919  
community school established under Chapter 3314. of the Revised 145920  
Code for fiscal year 2021 under divisions (C) (1) (a), (b), (c), 145921  
(d), (e), (f), and (g) of section 3314.08 of the Revised Code 145922  
and division (D) of section 3314.091 of the Revised Code, as 145923  
those divisions existed for deductions and payments for fiscal 145924  
year 2021, in accordance with division (A) of Section 265.230 of 145925  
H.B. 166 of the 133rd General Assembly, before any funding 145926  
reductions authorized by Executive Order 2020-19D, issued on May 145927  
7, 2020, and Executive Order 2021-01D, issued on January 22, 145928  
2021; 145929

(ii) The payments deducted from the district and paid to a 145930  
science, technology, engineering, and mathematics school 145931

established under Chapter 3326. of the Revised Code for fiscal 145932  
year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) 145933  
of section 3326.33 of the Revised Code as those divisions 145934  
existed for deductions and payments for fiscal year 2021, in 145935  
accordance with division (A) of Section 265.235 of H.B. 166 of 145936  
the 133rd General Assembly, before any funding reductions 145937  
authorized by Executive Order 2020-19D, issued on May 7, 2020, 145938  
and Executive Order 2021-01D, issued on January 22, 2021; 145939

(iii) The payments deducted from the district for fiscal 145940  
year 2021 under division (C) of section 3310.08 of the Revised 145941  
Code as that division existed for deductions for fiscal year 145942  
2021, division (C)(2) of section 3310.41 of the Revised Code, as 145943  
that division existed for deductions for fiscal year 2021, and 145944  
section 3310.55 of the Revised Code as that section existed for 145945  
deductions for fiscal year 2021 and, in the case of a pilot 145946  
project school district as defined in section 3313.975 of the 145947  
Revised Code, the funds deducted from the district for fiscal 145948  
year 2021 under Section 265.210 of H.B. 166 of the 133rd General 145949  
Assembly to operate the pilot project scholarship program for 145950  
fiscal year 2021 under sections 3313.974 to 3313.979 of the 145951  
Revised Code; 145952

(iv) The payments subtracted from the district for fiscal 145953  
year 2021 under divisions (B)(1), (2), and (3) of section 145954  
3313.981 of the Revised Code, as those divisions existed for 145955  
subtractions from the district for fiscal year 2021. 145956

(B)(1) For fiscal years 2026 and 2027, the Department of 145957  
Education and Workforce shall pay a formula transition 145958  
supplement to each joint vocational school district according to 145959  
the following formula: 145960

(The district's funding base for fiscal year 2021) - (the 145961

district's payments for the fiscal year for which the supplement 145962  
is calculated under sections 3317.16 and 3317.162 of the Revised 145963  
Code) 145964

If the computation made under division (B)(1) of this 145965  
section for a fiscal year results in a negative number, the 145966  
district's formula transition supplement for that fiscal year 145967  
shall be zero. 145968

(2) For purposes of division (B)(1) of this section, a 145969  
joint vocational district's "funding base for fiscal year 2021" 145970  
means the sum of the following: 145971

(a) The district's payments for fiscal year 2021 under 145972  
Section 265.225 of H.B. 166 of the 133rd General Assembly after 145973  
any adjustments required under Section 265.227 of H.B. 166 of 145974  
the 133rd General Assembly; 145975

(b) The district's payments for fiscal year 2021 under 145976  
divisions (D)(1) and (2) of section 3313.981 of the Revised 145977  
Code, as those divisions existed for payments for fiscal year 145978  
2021; 145979

(c) The district's payments for fiscal year 2021 under 145980  
section 3317.163 of the Revised Code as that section existed for 145981  
payments for fiscal year 2021 and under Section 20 of S.B. 310 145982  
of the 133rd General Assembly. 145983

(C)(1) For fiscal years 2026 and 2027, the Department of 145984  
Education and Workforce shall pay a formula transition 145985  
supplement to each community school established under Chapter 145986  
3314. of the Revised Code according to the following formula: 145987

[(The school's funding base for fiscal year 2021 / the number of 145988  
students enrolled in the school for fiscal year 2021) - (the sum 145989  
of the school's payments under sections 3317.022 and 3317.0212 145990

of the Revised Code for the fiscal year for which the supplement 145991  
is calculated / the number of students enrolled in the school 145992  
for the fiscal year for which the supplement is calculated)] X 145993  
the number of students enrolled in the school for the fiscal 145994  
year for which the supplement is calculated. 145995

If the computation made under division (C)(1) of this 145996  
section for a fiscal year results in a negative number, the 145997  
school's formula transition supplement for that fiscal year 145998  
shall be zero. 145999

(2) For purposes of division (C)(1) of this section, a 146000  
community school's "funding base for fiscal year 2021" means the 146001  
sum of the following: 146002

(a) The amount calculated for the school for fiscal year 146003  
2021 under division (C)(1) of section 3314.08 of the Revised 146004  
Code as that section existed for payments for fiscal year 2021, 146005  
before any funding reductions authorized by Executive Order 146006  
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 146007  
issued on January 22, 2021; 146008

(b) The amount calculated for the school for fiscal year 146009  
2021 under section 3314.085 of the Revised Code as that section 146010  
existed for payments for fiscal year 2021; 146011

(c) The amount calculated for the school for fiscal year 146012  
2021 under division (D)(1) of section 3314.091 of the Revised 146013  
Code as that division existed for payments for fiscal year 2021; 146014

(d) The amount calculated for the school for fiscal year 146015  
2021 under section 3314.088 of the Revised Code as that section 146016  
existed for payments for fiscal year 2021 and under Section 20 146017  
of S.B. 310 of the 133rd General Assembly. 146018

(D)(1) For fiscal years 2026 and 2027, the Department of 146019

Education and Workforce shall pay a formula transition supplement to each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code according to the following formula:

$$\left[ \frac{\text{(The school's funding base for fiscal year 2021 / the number of students enrolled in the school for fiscal year 2021)} - \text{(the school's payments for the fiscal year for which the supplement is calculated under section 3317.022 of the Revised Code / the number of students enrolled in the school for the fiscal year for which the supplement is calculated)}}{\text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated.}} \right] \times \text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated.}$$

If the computation made under division (D)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (D)(1) of this section, a science, technology, engineering, and mathematics school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under section 3326.33 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 146049  
2021 under section 3326.42 of the Revised Code as that section 146050  
existed for payments for fiscal year 2021 and under Section 20 146051  
of S.B. 310 of the 133rd General Assembly. 146052

**Section 265.237. FUNDING SUPPLEMENTS** 146053

(A) As used in this section, "traditional school district" 146054  
means a city, local, or exempted village school district. 146055

(B) For fiscal years 2026 and 2027, the Department of 146056  
Education and Workforce shall pay each traditional school 146057  
district an enrollment growth supplement, as follows: 146058

(1) The Department shall calculate an enrollment change 146059  
percentage for the district for the fiscal year, as follows: 146060

(a) For fiscal year 2026, the percentage is calculated 146061  
according to the following formula: 146062

(The district's enrolled ADM for fiscal year 2025 - the 146063  
district's enrolled ADM for fiscal year 2022) / the district's 146064  
enrolled ADM for fiscal year 2022 X 100% 146065

(b) For fiscal year 2027, the percentage is calculated 146066  
according to the following formula: 146067

(The district's enrolled ADM for fiscal year 2026 - the 146068  
district's enrolled ADM for fiscal year 2023) / the district's 146069  
enrolled ADM for fiscal year 2023 X 100% 146070

(2) For fiscal year 2026, for a district that has an 146071  
enrollment change percentage that is five per cent or higher for 146072  
the fiscal year, the Department shall pay the district an amount 146073  
equal to the product of the district's enrolled ADM for the 146074  
fiscal year multiplied by \$225. The Department shall not make a 146075  
payment for fiscal year 2026 to a district that has an 146076



enrollment change percentage for the fiscal year that is less 146077  
than five per cent. 146078

(3) For fiscal year 2027, for a district that has an 146079  
enrollment change percentage that is three per cent or higher 146080  
for the fiscal year, the Department shall pay the district an 146081  
amount equal to the product of the district's enrolled ADM for 146082  
the fiscal year multiplied by \$250. The Department shall not 146083  
make a payment for fiscal year 2027 to a district that has an 146084  
enrollment change percentage for the fiscal year that is less 146085  
than three per cent. 146086

(C) For fiscal years 2026 and 2027, the Department shall 146087  
pay each traditional school district a per-pupil performance 146088  
supplement, as follows: 146089

(1) The Department shall determine whether a district is 146090  
eligible for the supplement based on whether the district 146091  
received any of the following on the state report card issued 146092  
under section 3302.03 of the Revised Code for the 2023-2024 146093  
school year: 146094

(a) An overall performance rating of four or more stars; 146095

(b) A performance rating of three or more stars for the 146096  
Progress component; 146097

(c) A higher performance rating on the Progress component 146098  
than the district received for that component on the state 146099  
report card issued for the 2022-2023 school year. 146100

(2) The Department shall calculate and pay the supplement 146101  
to an eligible district for a fiscal year, as follows: 146102

The district's enrolled ADM for the fiscal year X \$26 X the 146103  
greater of the number of stars the district received for either 146104

the overall performance rating or the performance rating for the 146105  
Progress component on the state report card for the 2023-2024 146106  
school year 146107

**Section 265.240. POWER PLANT VALUATION ADJUSTMENT** 146108

(A) (1) On or before May 15, 2026, the Tax Commissioner 146109  
shall determine all of the following for each city, local, 146110  
exempted village, and joint vocational school district that has 146111  
at least one power plant located within its territory: 146112

(a) Whether the taxable value of all utility tangible 146113  
personal property subject to taxation by the district in tax 146114  
year 2025 was less than the taxable value of such property 146115  
during tax year 2017; 146116

(b) Whether the taxable value of all utility tangible 146117  
personal property subject to taxation by the district in tax 146118  
year 2025 was less than the taxable value of such property 146119  
during tax year 2024. 146120

(2) If the decrease determined under division (A) (1) (a) or 146121  
(b) of this section exceeds ten per cent and the overall change 146122  
in utility tangible personal property subject to taxation is 146123  
negative, the Tax Commissioner shall certify all of the 146124  
following to the Department of Education and Workforce and the 146125  
Office of Budget and Management: 146126

(a) The district's total taxable value for tax year 2025; 146127  
  
(b) The change in taxes charged and payable on the 146128  
district's total taxable value for tax year 2017 and tax year 146129  
2025; 146130

(c) The taxable value of the utility tangible personal 146131  
property decrease, which shall be considered a change in 146132

valuation; 146133

(d) The change in taxes charged and payable on such change 146134  
in taxable value calculated in the same manner as in division 146135  
(A) (3) of section 3317.021 of the Revised Code. 146136

(3) Upon receipt of a certification under division (A) (2) 146137  
of this section, the Department of Education and Workforce shall 146138  
replace the three-year average valuations that were used in 146139  
computing the district's state education aid for fiscal year 146140  
2019 with the taxable value certified under division (A) (2) (a) 146141  
of this section and shall recompute the district's state 146142  
education aid for fiscal year 2019 without applying any funding 146143  
limitations enacted by the General Assembly to the computation. 146144  
The Department shall pay to the district an amount equal to the 146145  
greater of the following: 146146

(a) The lesser of the following: 146147

(i) The positive difference between the district's state 146148  
education aid for fiscal year 2019 prior to the recomputation 146149  
under division (A) (3) of this section and the district's 146150  
recomputed state education aid for fiscal year 2019; 146151

(ii) The absolute value of the amount certified under 146152  
division (A) (2) (b) of this section. 146153

(b) The absolute value of the amount certified under 146154  
division (A) (2) (b) of this section X 0.50. 146155

(B) (1) On or before May 15, 2027, the Tax Commissioner 146156  
shall determine for each city, local, exempted village, and 146157  
joint vocational school district that has at least one power 146158  
plant located within its territory: 146159

(a) Whether the taxable value of all utility tangible 146160

personal property subject to taxation by the district in tax 146161  
year 2026 was less than the taxable value of such property 146162  
during tax year 2017; 146163

(b) Whether the taxable value of all utility tangible 146164  
personal property subject to taxation by the district in tax 146165  
year 2026 was less than the taxable value of such property 146166  
during tax year 2025. 146167

(2) If the decrease determined under division (B) (1) (a) or 146168  
(b) of this section exceeds ten per cent and the overall change 146169  
in utility tangible personal property subject to taxation is 146170  
negative, the Tax Commissioner shall certify all of the 146171  
following to the Department of Education and Workforce and the 146172  
Office of Budget and Management: 146173

(a) The district's total taxable value for tax year 2026; 146174

(b) The change in taxes charged and payable on the 146175  
district's total taxable value for tax year 2017 and tax year 146176  
2026; 146177

(c) The taxable value of the utility tangible personal 146178  
property decrease, which shall be considered a change in 146179  
valuation; 146180

(d) The change in taxes charged and payable on such change 146181  
in taxable value calculated in the same manner as in division 146182  
(A) (3) of section 3317.021 of the Revised Code. 146183

(3) Upon receipt of a certification under division (B) (2) 146184  
of this section, the Department of Education and Workforce shall 146185  
replace the three-year average valuations that were used in 146186  
computing the district's state education aid for fiscal year 146187  
2019 with the taxable value certified under division (B) (2) (a) 146188  
of this section and shall recompute the district's state 146189

education aid for fiscal year 2019 without applying any funding 146190  
limitations enacted by the General Assembly to the computation. 146191  
The Department shall pay to the district an amount equal to the 146192  
greater of the following: 146193

(a) The lesser of the following: 146194

(i) The positive difference between the district's state 146195  
education aid for fiscal year 2019 prior to the recomputation 146196  
under division (B) (3) of this section and the district's 146197  
recomputed state education aid for fiscal year 2019; 146198

(ii) The absolute value of the amount certified under 146199  
division (B) (2) (b) of this section. 146200

(b) The absolute value of the amount certified under 146201  
division (B) (2) (b) of this section X 0.50. 146202

(C) The Department of Education and Workforce shall make 146203  
payments under division (A) (3) of this section between June 1, 146204  
2026, and June 30, 2026, and the Department shall make payments 146205  
under division (B) (3) of this section between June 1, 2027, and 146206  
June 30, 2027. The Department shall not calculate or make 146207  
payments under section 3317.028 of the Revised Code for fiscal 146208  
years 2026 and 2027. 146209

**Section 265.250. LITERACY IMPROVEMENT** 146210

The foregoing appropriation item 200566, Literacy 146211  
Improvement, shall be used by the Department of Education and 146212  
Workforce to support literacy activities to align state, local, 146213  
and federal efforts in order to bolster all students' reading 146214  
success. Funds may be distributed to educational service centers 146215  
to establish and support regional literacy professional 146216  
development teams consistent with section 3312.01 of the Revised 146217  
Code. A portion of the funds may be used by the Department for 146218

program administration, monitoring, technical assistance, 146219  
support, research, and evaluation. 146220

LITERACY COACHES 146221

The foregoing appropriation item 2006A7, Literacy Coaches, 146222  
shall be used for coaches to provide literacy supports to school 146223  
districts, community schools, and STEM schools with the lowest 146224  
rates of proficiency in literacy based on their performance on 146225  
the English language arts assessments prescribed under section 146226  
3301.0710 of the Revised Code. The coaches shall have training 146227  
in the science of reading and evidence-based strategies for 146228  
effective literacy instruction and intervention and shall 146229  
implement Ohio's Coaching Model, as described in Ohio's Plan to 146230  
Raise Literacy Achievement. The coaches shall be under the 146231  
direction of the Department but shall not be employed by the 146232  
Department. 146233

**Section 265.260.** ADULT EDUCATION PROGRAMS 146234

A portion of the foregoing appropriation item 200572, 146235  
Adult Education Programs, shall be used to make payments under 146236  
sections 3313.902, 3314.38, and 3345.86 of the Revised Code, as 146237  
reenacted by this act. 146238

Each career-technical planning district shall reimburse 146239  
individuals taking a nationally recognized high school 146240  
equivalency examination approved by the Department of Education 146241  
and Workforce for the first time for application fees, 146242  
examination fees, or both, in excess of \$40, up to a maximum 146243  
reimbursement per individual of \$80. Each career-technical 146244  
planning district shall designate a site or sites where 146245  
individuals may register and take an approved examination. For 146246  
each individual who registers for an approved examination, the 146247

career-technical planning district shall make available and 146248  
offer career counseling services, including information on adult 146249  
education programs that are available. A portion of the 146250  
foregoing appropriation item 200572, Adult Education Programs, 146251  
may be used to reimburse the Department of Youth Services and 146252  
the Department of Rehabilitation and Correction for individuals 146253  
in these facilities who have taken an approved examination for 146254  
the first time. The amounts reimbursed shall not exceed the per- 146255  
individual amounts reimbursed to other individuals under this 146256  
section for an approved examination. 146257

Of the foregoing appropriation item 200572, Adult 146258  
Education Programs, \$6,322,267 shall be used to support the 146259  
Aspire program in fiscal year 2027. The supported programs shall 146260  
satisfy the state match and maintenance of effort requirements 146261  
for the state-administered grant program. The funds may be used 146262  
to support students that speak English as their second language. 146263

A portion of the foregoing appropriation item 200572, 146264  
Adult Education Programs, may be used for program 146265  
administration, technical assistance, support, research, and 146266  
evaluation of adult education programs, including high school 146267  
equivalency examinations approved by the Department of Education 146268  
and Workforce. 146269

**Section 265.270. HALF-MILL MAINTENANCE EQUALIZATION** 146270

The foregoing appropriation item 200574, Half-Mill 146271  
Maintenance Equalization, shall be used to make payments 146272  
pursuant to section 3318.18 of the Revised Code. If the amount 146273  
appropriated is not sufficient, the Department of Education and 146274  
Workforce shall prorate the amounts so that the aggregate amount 146275  
appropriated is not exceeded. 146276

ADAPTIVE SPORTS PROGRAM 146277

The foregoing appropriation item 200576, Adaptive Sports 146278  
Program, shall be used by the Department of Education and 146279  
Workforce, in collaboration with the Adaptive Sports Program of 146280  
Ohio, to fund adaptive sports programs in school districts 146281  
across the state for students with disabilities. 146282

**Section 265.287.** EDUCATION DEMONSTRATION PROJECTS 146283

The foregoing appropriation item 2006B1, Education 146284  
Demonstration Projects, shall be used to support grants for 146285  
primary education-related demonstration projects. The Department 146286  
shall develop application procedures and guidelines for awarding 146287  
grants under this section and shall advertise for proposals from 146288  
organizations that have a demonstrated record of increased 146289  
student achievement or improved test results. The Department 146290  
shall award the initial round of grants under this section not 146291  
later than January 1, 2026. 146292

**Section 265.290.** SCHOOL DISTRICT SOLVENCY ASSISTANCE 146293

(A) The foregoing appropriation item 200687, School 146294  
District Solvency Assistance, shall be allocated to the School 146295  
District Shared Resource Account and the Catastrophic 146296  
Expenditures Account in amounts determined by the Director of 146297  
Education and Workforce. These funds shall be used to provide 146298  
assistance and grants to school districts to enable them to 146299  
remain solvent under section 3316.20 of the Revised Code. 146300  
Assistance and grants shall be subject to approval by the 146301  
Controlling Board. Except as provided under division (C) of this 146302  
section, any required reimbursements from school districts for 146303  
solvency assistance shall be made to the appropriate account in 146304  
the School District Solvency Assistance Fund (Fund 5H30). 146305



(B) Notwithstanding any provision of law to the contrary, 146306  
upon the request of the Director of Education and Workforce and 146307  
the approval of the Controlling Board, the Director of Budget 146308  
and Management may make transfers to the School District 146309  
Solvency Assistance Fund (Fund 5H30) from any fund used by the 146310  
Department of Education and Workforce, the Lottery Profits 146311  
Education Reserve Fund (Fund 7018), or the General Revenue Fund 146312  
to maintain sufficient cash balances in Fund 5H30 in fiscal 146313  
years 2026 and 2027. Any cash transferred is hereby 146314  
appropriated. The transferred cash may be used by the Department 146315  
to provide assistance and grants to school districts to enable 146316  
them to remain solvent and to pay unforeseeable expenses of a 146317  
temporary or emergency nature that the school district is unable 146318  
to pay from existing resources. 146319

**Section 265.300. FOUNDATION FUNDING - ALL STUDENTS** 146320

The foregoing appropriation item 200604, Foundation 146321  
Funding - All Students, shall be used in conjunction with 146322  
appropriation items 200550, Foundation Funding - All Students, 146323  
and 200612, Foundation Funding - All Students, to distribute the 146324  
amounts calculated for disadvantaged pupil impact aid under 146325  
sections 3317.022 and 3317.16 of the Revised Code and the 146326  
portions of the state share of the base cost calculated under 146327  
those sections that are attributable to the staffing cost for 146328  
the student wellness and success component of the base cost, as 146329  
determined by the Department of Education and Workforce. 146330

**Section 265.310. PUBLIC AND NONPUBLIC EDUCATION SUPPORT** 146331

The foregoing appropriation item 200491, Public and 146332  
Nonpublic Education Support, shall be used in conjunction with 146333  
appropriation item 200550, Foundation Funding - All Students, to 146334  
distribute the amounts calculated for formula aid under section 146335

3317.022 of the Revised Code. 146336

**Section 265.330. LOTTERY PROFITS EDUCATION FUND** 146337

The foregoing appropriation item 200612, Foundation 146338  
Funding - All Students, shall be used in conjunction with 146339  
appropriation item 200550, Foundation Funding - All Students, to 146340  
distribute the amounts calculated for formula aid under section 146341  
3317.022 of the Revised Code. 146342

The Department of Education and Workforce, with the 146343  
approval of the Director of Budget and Management, shall 146344  
determine the monthly distribution schedules of appropriation 146345  
item 200550, Foundation Funding - All Students, and 146346  
appropriation item 200612, Foundation Funding - All Students. If 146347  
adjustments to the monthly distribution schedule are necessary, 146348  
the Department shall make such adjustments with the approval of 146349  
the Director. 146350

**Section 265.340. ACCELERATE GREAT SCHOOLS** 146351

The foregoing appropriation item 200614, Accelerate Great 146352  
Schools, shall be used by the Department of Education and 146353  
Workforce to support the Accelerate Great Schools public-private 146354  
partnership. 146355

**Section 265.350. QUALITY COMMUNITY AND INDEPENDENT STEM** 146356  
**SCHOOLS SUPPORT** 146357

The foregoing appropriation item 200631, Quality Community 146358  
and Independent STEM Schools Support, shall be used to 146359  
distribute the amounts calculated under sections 3317.27 and 146360  
3317.29 of the Revised Code for the Quality Community School 146361  
Support and the Quality Independent STEM School Support 146362  
programs. If the amount appropriated is not sufficient, the 146363  
Department shall prorate the amounts so that the aggregate 146364

amount appropriated is not exceeded. 146365

**Section 265.360. COMMUNITY SCHOOL FACILITIES** 146366

The foregoing appropriation item 200684, Community School 146367  
Facilities, shall be used to distribute the amounts calculated 146368  
under section 3317.31 of the Revised Code for assistance with 146369  
the cost associated with facilities. If the amount appropriated 146370  
is not sufficient, the Department shall prorate the amounts so 146371  
that the aggregate amount appropriated is not exceeded. 146372

**Section 265.370. LOTTERY PROFITS EDUCATION RESERVE FUND** 146373

(A) There is hereby created the Lottery Profits Education 146374  
Reserve Fund (Fund 7018) in the State Treasury. 146375

(B) Notwithstanding any other provision of law to the 146376  
contrary, the Director of Budget and Management may transfer 146377  
cash from Fund 7018 to the Lottery Profits Education Fund (Fund 146378  
7017) in fiscal year 2026 and fiscal year 2027. 146379

(C) On July 15, 2025, or as soon as possible thereafter, 146380  
the Director of the Ohio Lottery Commission shall certify to the 146381  
Director of Budget and Management the amount by which lottery 146382  
profit transfers received by Fund 7017 exceeded \$1,440,000,000 146383  
in fiscal year 2025. 146384

(D) On July 15, 2026, or as soon as possible thereafter, 146385  
the Director of the Ohio Lottery Commission shall certify to the 146386  
Director of Budget and Management the amount by which lottery 146387  
profit transfers received by Fund 7017 exceeded \$1,465,138,202 146388  
in fiscal year 2026. 146389

(E) Notwithstanding any provision of law to the contrary, 146390  
in fiscal year 2026 and fiscal year 2027, the Director of Budget 146391  
and Management may transfer cash in excess of the amounts 146392

necessary to support appropriations in Fund 7017 from that fund 146393  
to Fund 7018. 146394

**Section 265.375.** STUDENT SUPPORT AND ACADEMIC ENRICHMENT 146395

The foregoing appropriation item 200634, Student Support 146396  
and Academic Enrichment, may be used by school districts, in 146397  
accordance with state objectives and applicable federal grant 146398  
requirements, to do the following: 146399

(A) Provide a well-rounded education, including emphasis 146400  
on numeracy and the science of reading; 146401

(B) Provide a safe and drug-free learning environment and 146402  
healthy students through use of the "Success Sequence" as 146403  
provided by Ohio Adolescent Health Centers; 146404

(C) Promote the effective use of technology through use of 146405  
the "Success Sequence" as provided by Ohio Adolescent Health 146406  
Centers. 146407

**Section 265.380.** Notwithstanding division (C) of Section 146408  
265.355 of H.B. 110 of the 134th General Assembly and any other 146409  
provision of law to the contrary, the Department of Education 146410  
and Workforce shall use the funds authorized under Title II, 146411  
Sec. 2001(f)(1) and (4) of the federal "American Rescue Plan Act 146412  
of 2021," Pub. L. No. 117-2, as necessary to support the After 146413  
school Child Enrichment (ACE) Educational Savings Account 146414  
Program pursuant to section 3310.70 of the Revised Code in 146415  
fiscal year 2026. Notwithstanding division (C)(1) of section 146416  
3310.70 of the Revised Code, the Department may extend the 146417  
contract with the vendor administering the program as of the 146418  
effective date of this amendment through fiscal year 2026 and 146419  
may pay the vendor more than three per cent of the amount 146420  
appropriated for the program for fiscal year 2026. 146421

**Section 265.390.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 146422  
ASSESSMENT OF EDUCATIONAL PROGRESS 146423

The General Assembly intends for the Director of Education 146424  
and Workforce to provide for school district participation in 146425  
the administration of the National Assessment of Educational 146426  
Progress in accordance with section 3301.27 of the Revised Code. 146427  
Each school and school district selected for participation by 146428  
the Director shall participate. 146429

**Section 265.400.** EARMARK ACCOUNTABILITY 146430

At the request of the Director of Education and Workforce, 146431  
any entity that receives a budget earmark under the Department 146432  
of Education and Workforce shall submit annually to the 146433  
Department a report that includes a description of the services 146434  
supported by the funds, a description of the results achieved by 146435  
those services, an analysis of the effectiveness of the program, 146436  
and an opinion as to the program's applicability to other school 146437  
districts. For an earmarked entity that received state funds 146438  
from an earmark in the prior fiscal year, no funds shall be 146439  
provided by the Department to an earmarked entity for a fiscal 146440  
year until its report for the prior fiscal year has been 146441  
submitted. 146442

**Section 265.410.** COMMUNITY SCHOOL OPERATING FROM HOME 146443

A community school established under Chapter 3314. of the 146444  
Revised Code that was open for operation as a community school 146445  
as of May 1, 2005, may operate from or in any home, as defined 146446  
in section 3313.64 of the Revised Code, located in the state, 146447  
regardless of when the community school's operations from or in 146448  
a particular home began. 146449

**Section 265.420.** USE OF VOLUNTEERS 146450

The Department of Education and Workforce may utilize the 146451  
services of volunteers to accomplish any of the purposes of the 146452  
Department. The Director of Education and Workforce shall 146453  
approve for what purposes volunteers may be used and for these 146454  
purposes may recruit, train, and oversee the services of 146455  
volunteers. The Director may reimburse volunteers for necessary 146456  
and appropriate expenses in accordance with state guidelines and 146457  
may designate volunteers as state employees for the purpose of 146458  
motor vehicle accident liability insurance under section 9.83 of 146459  
the Revised Code, for immunity under section 9.86 of the Revised 146460  
Code, and for indemnification from liability incurred in the 146461  
performance of their duties under section 9.87 of the Revised 146462  
Code. 146463

**Section 265.430. FLEXIBLE FUNDING FOR FAMILIES AND 146464**  
CHILDREN 146465

In collaboration with the County Family and Children First 146466  
Council, a city, local, or exempted village school district, 146467  
community school, STEM school, joint vocational school district, 146468  
educational service center, or county board of developmental 146469  
disabilities that receives allocations from the Department of 146470  
Education and Workforce from appropriation item 200550, 146471  
Foundation Funding - All Students, or appropriation item 200540, 146472  
Special Education Enhancements, may transfer portions of those 146473  
allocations to a flexible funding pool authorized by the section 146474  
of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 146475  
POOL." Allocations used for maintenance of effort or for federal 146476  
or state funding matching requirements shall not be transferred 146477  
unless the allocation may still be used to meet such 146478  
requirements. 146479

**Section 265.440. PRIVATE TREATMENT FACILITY PROJECT 146480**

(A) As used in this section:	146481
(1) The following are "participating residential treatment centers":	146482 146483
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2026 or fiscal year 2027 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	146484 146485 146486 146487 146488 146489
(b) Abraxas, in Shelby;	146490
(c) Paint Creek, in Bainbridge;	146491
(d) F.I.R.S.T., in Mansfield.	146492
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	146493 146494 146495
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	146496 146497
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	146498 146499 146500 146501 146502
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	146503 146504 146505
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a	146506 146507

residential treatment facility specified in division (A) of this 146508  
section shall be enrolled in an approved educational program 146509  
located in or near the facility. Approval of the educational 146510  
program shall be contingent upon compliance with the criteria 146511  
established for such programs by the Department of Education and 146512  
Workforce. The educational program shall be provided by a school 146513  
district or educational service center, or by the residential 146514  
facility itself. Maximum flexibility shall be given to the 146515  
residential treatment facility to determine the provider. In the 146516  
event that a voluntary agreement cannot be reached and the 146517  
residential facility does not choose to provide the educational 146518  
program, the educational service center in the county in which 146519  
the facility is located shall provide the educational program at 146520  
the treatment center to children under twenty-two years of age 146521  
residing in the treatment center. 146522

(C) Any school district responsible for tuition for a 146523  
residential child shall, notwithstanding any conflicting 146524  
provision of the Revised Code regarding tuition payment, pay 146525  
tuition for the child for fiscal year 2026 and fiscal year 2027 146526  
to the education program provider and in the amount specified in 146527  
this division. If there is no school district responsible for 146528  
tuition for a residential child and if the participating 146529  
residential treatment center to which the child is assigned is 146530  
located in the city, exempted village, or local school district 146531  
that, if the child were not a resident of that treatment center, 146532  
would be the school district where the child is entitled to 146533  
attend school under sections 3313.64 and 3313.65 of the Revised 146534  
Code, that school district, notwithstanding any conflicting 146535  
provision of the Revised Code, shall pay tuition for the child 146536  
for fiscal year 2026 and fiscal year 2027 under this division 146537  
unless that school district is providing the educational program 146538



to the child under division (B) of this section. 146539

A tuition payment under this division shall be made to the 146540  
school district, educational service center, or residential 146541  
treatment facility providing the educational program to the 146542  
child. 146543

The amount of tuition paid shall be: 146544

(1) The amount of tuition determined for the district 146545  
under division (A) of section 3317.08 of the Revised Code; 146546

(2) In addition, for any student receiving special 146547  
education pursuant to an individualized education program as 146548  
defined in section 3323.01 of the Revised Code, a payment for 146549  
excess costs. This payment shall equal the actual cost to the 146550  
school district, educational service center, or residential 146551  
treatment facility of providing special education and related 146552  
services to the student pursuant to the student's individualized 146553  
education program, minus the tuition paid for the child under 146554  
division (C) (1) of this section. 146555

A school district paying tuition under this division shall 146556  
not include the child for whom tuition is paid in the district's 146557  
average daily membership certified under division (A) of section 146558  
3317.03 of the Revised Code. 146559

(D) In each of fiscal years 2026 and 2027, the Department 146560  
of Education and Workforce shall reimburse, from appropriations 146561  
made for the purpose, a school district, educational service 146562  
center, or residential treatment facility, whichever is 146563  
providing the service, that has demonstrated that it is in 146564  
compliance with the funding criteria for each served child for 146565  
whom a school district must pay tuition under division (C) of 146566  
this section. The amount of the reimbursement shall be the 146567

amount appropriated for this purpose divided by the full-time 146568  
equivalent number of children for whom reimbursement is to be 146569  
made. 146570

(E) Funds provided to a school district, educational 146571  
service center, or residential treatment facility under this 146572  
section shall be used to supplement, not supplant, funds from 146573  
other public sources for which the school district, service 146574  
center, or residential treatment facility is entitled or 146575  
eligible. 146576

(F) The Department of Education and Workforce shall track 146577  
the utilization of funds provided to school districts, 146578  
educational service centers, and residential treatment 146579  
facilities under this section and monitor the effect of the 146580  
funding on the educational programs they provide in 146581  
participating residential treatment facilities. The Department 146582  
shall monitor the programs for educational accountability. 146583

**Section 265.450.** Notwithstanding anything to the contrary 146584  
in section 3317.011 of the Revised Code, for fiscal years 2026 146585  
and 2027, the Department of Education and Workforce shall do all 146586  
of the following: 146587

(A) Calculate a school district's academic co-curricular 146588  
activities cost under division (E)(4) of that section using the 146589  
sum of the enrolled ADM of every school district that reported 146590  
the data specified in division (E)(4)(a) of that section; 146591

(B) Calculate a district's supplies and academic content 146592  
cost under division (E)(6) of that section using the sum of the 146593  
enrolled ADM of every school district that reported the data 146594  
specified in division (E)(6)(a) of that section; 146595

(C) Calculate a district's athletic co-curricular 146596

activities base cost under division (H) of that section using 146597  
the sum of the enrolled ADM of every school district that 146598  
reported the data specified in division (H) (2) of that section; 146599

(D) Calculate a district's building operations cost under 146600  
division (G) (3) of that section using the sum of the enrolled 146601  
ADM of every city, local, and exempted village school district 146602  
that reported the data specified in divisions (G) (3) (a) (i) and 146603  
(ii) of that section. 146604

**Section 265.660.** For fiscal year 2026, each school 146605  
district board of education shall make the initial submission of 146606  
current budget information and three-year projections required 146607  
under division (A) of section 5705.391 of the Revised Code not 146608  
later than October 15, 2025. Each board shall submit the 146609  
required information in accordance with the joint rules of the 146610  
Department of Education and Workforce and the Auditor of State 146611  
existing as of the effective date of this section. 146612

**Section 269.10.** 146613  
146614

	1	2	3	4	5
A	FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS				
B	General Revenue Fund				
C	GRF	881500	Indigent Burial and Cremation Support	\$250,000	\$250,000
D	General Revenue Fund Total			\$250,000	\$250,000
E	Dedicated Purpose Fund Group				
F	4K90	881609	Operating Expenses	\$1,156,000	\$1,213,000

G	Dedicated Purpose Fund Group Total	\$1,156,000	\$1,213,000
H	TOTAL ALL BUDGET FUND GROUPS	\$1,406,000	\$1,463,000

**Section 271.10.**

146615

146616

1	2	3	4	5
A	PAY EMPLOYEE BENEFITS FUNDS			
B	Fiduciary Fund Group			
C	1240 995673	Payroll Deductions	\$1,017,970,800	\$1,048,509,924
D	8050 995675	Commuter Benefits	\$1,845,860	\$1,967,540
E	8060 995666	Accrued Leave Fund	\$128,408,784	\$132,260,611
F	8070 995667	Disability Fund	\$27,805,294	\$28,337,915
G	8080 995668	State Employee Health Benefit Fund	\$1,068,647,159	\$1,132,765,988
H	8090 995669	Dependent Care Spending Account	\$2,996,802	\$3,196,895
I	8100 995670	Life Insurance Investment Fund	\$2,644,330	\$2,723,060
J	8110 995671	Parental Leave Benefit Fund	\$18,601,000	\$19,159,030
K	8130 995672	Health Care Spending Account	\$19,690,922	\$20,694,694

L	Fiduciary Fund Group Total	\$2,288,610,951	\$2,389,615,657
M	TOTAL ALL BUDGET FUND GROUPS	\$2,288,610,951	\$2,389,615,657

**Section 271.20. PAYROLL DEDUCTION FUND** 146617

The foregoing appropriation item 995673, Payroll 146618  
Deductions, shall be used to make payments from the Payroll 146619  
Deduction Fund (Fund 1240) pursuant to section 125.21 of the 146620  
Revised Code. If it is determined by the Director of Budget and 146621  
Management that additional amounts are necessary, the amounts 146622  
are hereby appropriated. 146623

**ACCRUED LEAVE LIABILITY FUND** 146624

The foregoing appropriation item 995666, Accrued Leave 146625  
Fund, shall be used to make payments from the Accrued Leave 146626  
Liability Fund (Fund 8060) pursuant to section 125.211 of the 146627  
Revised Code. If it is determined by the Director of Budget and 146628  
Management that additional amounts are necessary, the amounts 146629  
are hereby appropriated. 146630

**STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND** 146631

The foregoing appropriation item 995667, Disability Fund, 146632  
shall be used to make payments from the State Employee 146633  
Disability Leave Benefit Fund (Fund 8070) pursuant to section 146634  
124.83 of the Revised Code. If it is determined by the Director 146635  
of Budget and Management that additional amounts are necessary, 146636  
the amounts are hereby appropriated. 146637

**STATE EMPLOYEE HEALTH BENEFIT FUND** 146638

The foregoing appropriation item 995668, State Employee 146639  
Health Benefit Fund, shall be used to make payments from the 146640  
State Employee Health Benefit Fund (Fund 8080) pursuant to 146641

section 124.87 of the Revised Code. If it is determined by the 146642  
Director of Budget and Management that additional amounts are 146643  
necessary, the amounts are hereby appropriated. 146644

DEPENDENT CARE SPENDING FUND 146645

The foregoing appropriation item 995669, Dependent Care 146646  
Spending Account, shall be used to make payments from the 146647  
Dependent Care Spending Fund (Fund 8090) to employees eligible 146648  
for dependent care expenses pursuant to section 124.822 of the 146649  
Revised Code. If it is determined by the Director of Budget and 146650  
Management that additional amounts are necessary, the amounts 146651  
are hereby appropriated. 146652

LIFE INSURANCE INVESTMENT FUND 146653

The foregoing appropriation item 995670, Life Insurance 146654  
Investment Fund, shall be used to make payments from the Life 146655  
Insurance Investment Fund (Fund 8100) for the costs and expenses 146656  
of the state's life insurance benefit program pursuant to 146657  
section 125.212 of the Revised Code. If it is determined by the 146658  
Director of Budget and Management that additional amounts are 146659  
necessary, the amounts are hereby appropriated. 146660

PARENTAL LEAVE BENEFIT FUND 146661

The foregoing appropriation item 995671, Parental Leave 146662  
Benefit Fund, shall be used to make payments from the Parental 146663  
Leave Benefit Fund (Fund 8110) to employees eligible for 146664  
parental leave benefits pursuant to sections 124.136 and 124.137 146665  
of the Revised Code. If it is determined by the Director of 146666  
Budget and Management that additional amounts are necessary, the 146667  
amounts are hereby appropriated. 146668

HEALTH CARE SPENDING ACCOUNT FUND 146669

The foregoing appropriation item 995672, Health Care  
Spending Account, shall be used to make payments from the Health  
Care Spending Account Fund (Fund 8130) for payments pursuant to  
state employees' participation in a flexible spending account  
for nonreimbursed health care expenses and section 124.821 of  
the Revised Code. If it is determined by the Director of Budget  
and Management that additional amounts are necessary, the  
amounts are hereby appropriated.

COMMUTER BENEFITS

The foregoing appropriation item 995675, Commuter  
Benefits, shall be used to make payments from the Commuter  
Benefits Fund (Fund 8050) for employees who elect to participate  
in the Commuter Benefits Program. If the Director of Budget and  
Management determines that additional amounts are necessary, the  
amounts are hereby appropriated.

**Section 273.10.**

1	2	3	4	5
A	ERB STATE EMPLOYMENT RELATIONS BOARD			
B	General Revenue Fund			
C	GRF 125321 Operating Expenses		\$4,533,029	\$4,655,023
D	General Revenue Fund Total		\$4,533,029	\$4,655,023
E	Dedicated Purpose Fund Group			
F	5720 125603 Training and Publications		\$138,000	\$138,972
G	Dedicated Purpose Fund Group Total		\$138,000	\$138,972

H	TOTAL ALL BUDGET FUND GROUPS	\$4,671,029	\$4,793,995
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**Section 275.10.**

146687

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1	2	3	4	5
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A	ENG STATE BOARD OF ENGINEERS AND SURVEYORS		
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B	Dedicated Purpose Fund Group		
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C	4K90 892609 Operating Expenses	\$1,378,866	\$1,465,930
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D	Dedicated Purpose Fund Group Total	\$1,378,866	\$1,465,930
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E	TOTAL ALL BUDGET FUND GROUPS	\$1,378,866	\$1,465,930
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**Section 277.10.**

146689

146690

1	2	3	4	5
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A	EPA ENVIRONMENTAL PROTECTION AGENCY		
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B	General Revenue Fund		
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C	GRF 715502 Auto Emissions E-Check Program	\$13,232,534	\$13,265,775
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D	General Revenue Fund Total	\$13,232,534	\$13,265,775
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E	Dedicated Purpose Fund Group		
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F	4D50 715618 Recycled State Materials	\$11,500	\$11,500
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G	4J00 715638 Underground Injection Control	\$514,242	\$530,276
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H	4K20	715648	Clean Air - Non Title V	\$4,516,349	\$4,593,901
I	4K30	715649	Solid Waste	\$14,791,311	\$15,098,763
J	4K40	715650	Surface Water Protection	\$11,864,197	\$12,101,940
K	4K50	715651	Drinking Water Protection	\$8,774,797	\$9,027,993
L	4P50	715654	Cozart Landfill	\$7,500	\$7,500
M	4R50	715656	Scrap Tire Management	\$3,558,044	\$3,581,336
N	4R90	715658	Voluntary Action Program	\$1,188,026	\$1,217,345
O	4T30	715659	Clean Air - Title V Permit Program	\$10,942,818	\$11,148,464
P	5000	715608	Immediate Removal Special Account	\$747,051	\$769,463
Q	5030	715621	Hazardous Waste Facility Management	\$2,788,523	\$2,842,749
R	5050	715623	Hazardous Waste Cleanup	\$9,334,680	\$9,559,074
S	5050	715698	Response and Investigations	\$3,822,060	\$4,211,500
T	5320	715646	Recycling and Litter Control	\$4,888,354	\$5,146,276
U	5410	715670	Site Specific Cleanup	\$17,744,091	\$17,746,631
V	5420	715671	Risk Management Reporting	\$144,047	\$147,307

W	5860	715637	Scrap Tire Market Development	\$1,000,000	\$1,000,000
X	5BC0	715622	Local Air Pollution Control	\$2,100,000	\$2,100,000
Y	5BC0	715624	Surface Water	\$6,936,269	\$6,936,269
Z	5BC0	715672	Air Pollution Control	\$9,354,059	\$9,354,059
AA	5BC0	715673	Drinking and Ground Water	\$4,024,215	\$4,133,956
AB	5BC0	715676	Assistance and Prevention	\$4,204,000	\$4,359,000
AC	5BC0	715677	Laboratory	\$4,235,216	\$4,360,265
AD	5BC0	715678	Corrective Actions	\$1,271,429	\$1,271,429
AE	5BC0	715687	Areawide Planning Agencies	\$450,000	\$450,000
AF	5BC0	715692	Administration	\$19,684,900	\$20,654,900
AG	5BC0	715694	Environmental Resource Coordination	\$814,339	\$832,027
AH	5BT0	715679	C&DD Groundwater Monitoring	\$50,000	\$50,000
AI	5PZ0	715696	Drinking Water Loan Fee	\$4,109,640	\$4,388,600
AJ	5Y30	715685	Surface Water Improvement	\$520,000	\$520,000
AK	5YY0	715405	National Priorities List Remedial Support Fund	\$1,500,000	\$1,000,000

AL 6440 715631	Emergency Response Radiological Safety	\$274,997	\$280,510
AM 6760 715642	Water Pollution Control Loan Administration	\$5,120,000	\$5,282,500
AN 6760 715699	Water Quality Administration	\$5,123,741	\$5,250,489
AO 6790 715636	Emergency Planning	\$2,917,000	\$2,917,000
AP 6960 715643	Air Pollution Control Administration	\$150,000	\$150,000
AQ 6990 715644	Water Pollution Control Administration	\$307,859	\$307,858
AR 6A10 715645	Environmental Education	\$550,316	\$550,427
AS 6H20 715695	H2Ohio	\$7,500,000	\$7,500,000
AT	Dedicated Purpose Fund Group Total	\$177,835,570	\$181,391,307
AU	Internal Service Activity Fund Group		
AV 1990 715602	Laboratory Services	\$500,000	\$500,000
AW 2190 715604	Central Support Indirect	\$10,657,300	\$10,657,300
AX 4A10 715640	Operating Expenses	\$1,092,000	\$1,117,000
AY	Internal Service Activity Fund Group Total	\$12,249,300	\$12,274,300
AZ	Federal Fund Group		

BA 3530	715612	Public Water Supply	\$2,564,882	\$2,626,504
BB 3570	715619	Air Pollution Control - Federal	\$6,806,147	\$6,929,318
BC 3620	715605	Underground Injection Control - Federal	\$165,382	\$169,516
BD 3BU0	715684	Water Quality Protection	\$16,230,503	\$16,230,503
BE 3CS0	715688	Federal NRD Settlements	\$1,500,000	\$1,500,000
BF 3F30	715632	Federally Supported Cleanup and Response	\$13,779,323	\$14,061,350
BG 3HE0	715697	Volkswagen Clean Air Act Settlement	\$6,827,000	\$6,841,000
BH 3T30	715669	Drinking Water State Revolving Fund	\$3,054,165	\$3,145,894
BI 3V70	715606	Agencywide Grants	\$746,900	\$746,900
BJ	Federal Fund Group Total		\$51,674,302	\$52,250,985
BK	TOTAL ALL BUDGET FUND GROUPS		\$254,991,706	\$259,182,367

**Section 277.20.** AREAWIDE PLANNING AGENCIES 146691

The Director of Environmental Protection may award grants	146692
from appropriation item 715687, Areawide Planning Agencies, to	146693
areawide planning agencies engaged in areawide water quality	146694
management and planning activities in accordance with Section	146695
208 of the "Federal Clean Water Act," 33 U.S.C. 1288.	146696

AUTOMOBILE EMISSION TESTING PROGRAM 146697

The foregoing appropriation item GRF 715502, Auto 146698  
Emissions E-Check Program, shall be used by the Environmental 146699  
Protection Agency to support the automobile emission testing 146700  
program. On July 1, 2025, or as soon as possible thereafter, the 146701  
Director of Environmental Protection may request that the 146702  
Director of Administrative Services extend the contract with the 146703  
vendor operating in accordance with division (A) (1) of section 146704  
3704.14 of the Revised Code for not longer than twelve months. 146705  
The Director of Administrative Services may enter into a 146706  
contract extension provided that the contract contains the same 146707  
terms and no funds are paid for incomplete work, utilizing 146708  
appropriation item GRF 715502, Auto Emissions E-Check Program, 146709  
in the event that the contractor selected in accordance with 146710  
division (A) (2) of section 3704.14 of the Revised Code cannot 146711  
complete the required work prior to July 1, 2025. 146712

**Section 279.10.** 146713  
146714

1 2 3 4 5

A EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION

B General Revenue Fund

C GRF 172321 Operating Expenses \$730,000 \$765,000

D General Revenue Fund Total \$730,000 \$765,000

E TOTAL ALL BUDGET FUND GROUPS \$730,000 \$765,000

**Section 281.10.** 146715  
146716

	1	2	3	4	5
A			ETC BROADCAST EDUCATIONAL MEDIA COMMISSION		
B			General Revenue Fund		
C	GRF	935401	Statehouse News Bureau	\$402,000	\$402,000
D	GRF	935402	Ohio Government Telecommunications Services	\$2,344,400	\$2,344,400
E	GRF	935410	Content Development, Acquisition, and Distribution	\$3,409,000	\$2,909,000
F	GRF	935430	Broadcast Education Operating	\$4,108,706	\$4,008,569
G			General Revenue Fund Total	\$10,264,106	\$9,663,969
H			Dedicated Purpose Fund Group		
I	5FK0	935608	Media Services	\$50,000	\$50,000
J	5VB0	935650	Facility Rental	\$10,000	\$10,000
K			Dedicated Purpose Fund Group Total	\$60,000	\$60,000
L			Internal Service Activity Fund Group		
M	4F30	935603	Affiliate Services	\$4,200	\$4,200
N	4T20	935605	Government Television/ Telecommunications	\$55,459	\$0

Operating

O	Internal Service Activity Fund Group	\$59,659	\$4,200
	Total		

P	TOTAL ALL BUDGET FUND GROUPS	\$10,383,765	\$9,728,169
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**Section 281.20.** STATEHOUSE NEWS BUREAU 146717

The foregoing appropriation item 935401, Statehouse News 146718  
Bureau, shall be used solely to support the operations of the 146719  
Ohio Statehouse News Bureau. 146720

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 146721

The foregoing appropriation item 935402, Ohio Government 146722  
Telecommunications Services, shall be used solely to support the 146723  
operations of Ohio Government Telecommunications Services which 146724  
include providing multimedia support to the state government and 146725  
its affiliated organizations and broadcasting the activities of 146726  
the legislative, judicial, and executive branches of state 146727  
government, among its other functions. 146728

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 146729

The foregoing appropriation item 935410, Content 146730  
Development, Acquisition, and Distribution, shall be used for 146731  
the development, acquisition, and distribution of information 146732  
resources by public media and radio reading services and for 146733  
educational use in the classroom and online. 146734

Of the foregoing appropriation item 935410, Content 146735  
Development, Acquisition, and Distribution, up to \$841,567 in 146736  
fiscal year 2026 and \$718,134 in fiscal year 2027 shall be 146737  
allocated equally among the Ohio educational television 146738

stations. Funds shall be used for the production of interactive 146739  
instructional programming series with priority given to 146740  
resources aligned with state academic content standards. 146741

Of the foregoing appropriation item 935410, Content 146742  
Development, Acquisition, and Distribution, up to \$2,311,039 in 146743  
fiscal year 2026 and \$1,972,077 in fiscal year 2027 shall be 146744  
distributed by the Broadcast Educational Media Commission to 146745  
Ohio's qualified public educational television stations and 146746  
educational radio stations to support their operations. The 146747  
funds shall be distributed pursuant to an allocation formula 146748  
used by the Broadcast Educational Media Commission in 146749  
consultation with Ohio's qualified public educational television 146750  
stations and educational radio stations. 146751

Of the foregoing appropriation item 935410, Content 146752  
Development, Acquisition, and Distribution, up to \$256,394 in 146753  
fiscal year 2026 and \$218,789 in fiscal year 2027 shall be 146754  
distributed by the Broadcast Educational Media Commission to 146755  
Ohio's qualified radio reading services to support their 146756  
operations. The funds shall be distributed pursuant to an 146757  
allocation formula used by the Broadcast Educational Media 146758  
Commission in consultation with Ohio's qualified radio reading 146759  
services. 146760

**Section 283.10.** 146761  
146762

1 2 3 4 5

A ETH OHIO ETHICS COMMISSION

B General Revenue Fund

C GRF 146321 Operating Expenses \$2,480,744 \$2,603,142



D	General Revenue Fund Total	\$2,480,744	\$2,603,142
E	Dedicated Purpose Fund Group		
F	4M60 146601 Operating Support	\$649,781	\$670,793
G	Dedicated Purpose Fund Group Total	\$649,781	\$670,793
H	TOTAL ALL BUDGET FUND GROUPS	\$3,130,525	\$3,273,935

**Section 285.10.**

146763

146764

	1	2	3	4	5
A	EXP OHIO EXPOSITIONS COMMISSION				
B	General Revenue Fund				
C	GRF	723403	Junior Fair Subsidy	\$380,000	\$380,000
D	General Revenue Fund Total			\$380,000	\$380,000
E	Dedicated Purpose Fund Group				
F	4N20	723602	Ohio State Fair Harness Racing	\$350,000	\$350,000
G	5060	723601	Operating Expenses	\$20,000,000	\$20,000,000
H	5060	723604	Grounds Maintenance and Repairs	\$300,000	\$300,000
I	Dedicated Purpose Fund Group Total			\$20,650,000	\$20,650,000
J	TOTAL ALL BUDGET FUND GROUPS			\$21,030,000	\$21,030,000

**Section 285.20.** STATE FAIR RESERVE 146765

The General Manager of the Expositions Commission, in 146766  
consultation with the Director of Budget and Management, may 146767  
submit a request to the Controlling Board to use available 146768  
amounts in the State Fair Reserve Fund (Fund 6400) if revenues 146769  
from either the 2025 or the 2026 Ohio State Fair are 146770  
unexpectedly low. 146771

On July 1 of each fiscal year, or as soon as possible 146772  
thereafter, the Director of Budget and Management, in 146773  
consultation with the General Manager of the Expositions 146774  
Commission, may determine that the Ohio Expositions Fund (Fund 146775  
5060) has a cash balance in excess of the anticipated operating 146776  
costs of the Exposition Commission in that fiscal year. 146777  
Notwithstanding section 991.04 of the Revised Code, the Director 146778  
of Budget and Management may transfer an amount up to the excess 146779  
cash from Fund 5060 to Fund 6400 in each fiscal year. 146780

**Section 287.10.** 146781  
146782

1	2	3	4	5
A	FCC OHIO FACILITIES CONSTRUCTION COMMISSION			
B	General Revenue Fund			
C	GRF	230321 Operating Expenses	\$10,750,000	\$10,750,000
D	GRF	230401 Cultural Facilities Lease	\$37,500,000	\$37,500,000
		Rental Bond Payments		
E	GRF	230908 Common Schools General	\$255,000,000	\$230,000,000
		Obligation Bond Debt		

Service

F	General Revenue Fund Total	\$303,250,000	\$278,250,000
G	Internal Service Activity Fund Group		
H	1310 230639 State Construction Management Operations	\$9,590,355	\$10,233,822
I	Internal Service Activity Fund Group Total	\$9,590,355	\$10,233,822
J	TOTAL ALL BUDGET FUND GROUPS	\$312,840,355	\$288,483,822

**Section 287.20.** CULTURAL FACILITIES LEASE RENTAL BOND 146783  
PAYMENTS 146784

The foregoing appropriation item 230401, Cultural 146785  
Facilities Lease Rental Bond Payments, shall be used to meet all 146786  
payments during the period from July 1, 2025, through June 30, 146787  
2027, by the Ohio Facilities Construction Commission pursuant to 146788  
leases and agreements for cultural and sports facilities made 146789  
under section 154.23 of the Revised Code. These appropriations 146790  
are the source of funds pledged for bond service charges on 146791  
related obligations issued under Chapter 154. of the Revised 146792  
Code. 146793

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 146794

The foregoing appropriation item 230908, Common Schools 146795  
General Obligation Bond Debt Service, shall be used to pay all 146796  
debt service and related financing costs during the period from 146797  
July 1, 2025, through June 30, 2027, on obligations issued under 146798  
sections 151.01 and 151.03 of the Revised Code. 146799

**Section 287.30.** SCHOOL FACILITIES ENCUMBRANCES AND 146800  
REAPPROPRIATION 146801

At the request of the Executive Director of the Ohio 146802  
Facilities Construction Commission, the Director of Budget and 146803  
Management may cancel encumbrances for school district projects 146804  
from a previous biennium if the district has not raised its 146805  
local share of project costs within sixteen months of receiving 146806  
Controlling Board approval under section 3318.05 or 3318.41 of 146807  
the Revised Code. The Executive Director of the Ohio Facilities 146808  
Construction Commission shall certify the amounts of the 146809  
canceled encumbrances to the Director of Budget and Management 146810  
on a quarterly basis. The amounts of the canceled encumbrances 146811  
are hereby appropriated. 146812

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 146813  
APPROPRIATIONS 146814

On July 1, 2025, or as soon as possible thereafter, the 146815  
Executive Director of the Ohio Facilities Construction 146816  
Commission shall certify to the Director of Budget and 146817  
Management the amount of cash receipts and related investment 146818  
income, irrevocable letters of credit from a bank, or 146819  
certification of the availability of funds that have been 146820  
received from a county or a municipal corporation for deposit 146821  
into the Capital Donations Fund (Fund 5A10) and that are related 146822  
to an anticipated project. These amounts are hereby appropriated 146823  
to appropriation item C230E2, Capital Donations. Prior to 146824  
certifying these amounts to the Director, the Executive Director 146825  
shall make a written agreement with the participating entity on 146826  
the necessary cash flows required for the anticipated 146827  
construction or equipment acquisition project. 146828

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 146829

MAINTENANCE LEVY 146830

The Ohio Facilities Construction Commission shall amend 146831  
the project agreement between the Commission and a school 146832  
district that is participating in the Accelerated Urban School 146833  
Building Assistance Program as of September 29, 2018, if the 146834  
Commission determines that it is necessary to do so in order to 146835  
comply with division (B) (3) (c) of section 3318.38 of the Revised 146836  
Code. 146837

**Section 287.60.** Notwithstanding any other provision of law 146838  
to the contrary, the Ohio Facilities Construction Commission may 146839  
determine the amount of funding available for disbursement in a 146840  
given fiscal year for any project approved under sections 146841  
3318.01 to 3318.20 of the Revised Code in order to keep 146842  
aggregate state capital spending within approved limits and may 146843  
take actions including, but not limited to, determining the 146844  
schedule for design or bidding of approved projects, to ensure 146845  
appropriate and supportable cash flow. 146846

**Section 287.70.** RETURNED OR RECOVERED FUNDS 146847

Notwithstanding any provision of law to the contrary, any 146848  
moneys a school district transfers to the Ohio Facilities 146849  
Construction Commission under division (C) (2) or (3) of section 146850  
3318.12 of the Revised Code as well as any moneys recovered from 146851  
settlements with or judgments against parties relating to their 146852  
involvement in a classroom facilities project shall be deposited 146853  
into the fund from which the capital appropriation for the 146854  
project was made. In any fiscal year in which the Commission has 146855  
made a deposit under this section, the Executive Director of the 146856  
Ohio Facilities Construction Commission may seek Controlling 146857  
Board approval to increase appropriations from those funds and 146858  
specified appropriation items in an amount equal to the amount 146859

of the funds deposited under this section. The additional 146860  
amounts, if approved, shall be used in accordance with the 146861  
purposes of Chapter 3318. of the Revised Code for projects 146862  
pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 146863  
3318.45 of the Revised Code. Upon approval of the Controlling 146864  
Board, the additional amounts are hereby appropriated. 146865

**Section 289.10.**

146866

146867

	1	2	3	4	5
A			GOV OFFICE OF THE GOVERNOR		
B			General Revenue Fund		
C	GRF	040321	Operating Expenses	\$3,481,221	\$3,580,624
D			General Revenue Fund Total	\$3,481,221	\$3,580,624
E			Internal Service Activity Fund Group		
F	5AK0	040607	Government Relations	\$715,600	\$734,442
G			Internal Service Activity Fund Group	\$715,600	\$734,442
			Total		
H			TOTAL ALL BUDGET FUND GROUPS	\$4,196,821	\$4,315,066

**Section 289.20. GOVERNMENT RELATIONS**

146868

The Office of the Governor may issue an intrastate 146869  
transfer voucher to charge any state agency of the executive 146870  
branch such amounts necessary to represent the interests of Ohio 146871  
to federal, state, and local government units and to cover the 146872  
costs or membership dues related to Ohio's participation in 146873

national and regional associations. Amounts collected shall be 146874  
deposited in the Government Relations Fund (Fund 5AK0). 146875

**Section 291.10.**

146876

146877

1	2	3	4	5
A		DOH DEPARTMENT OF HEALTH		
B		General Revenue Fund		
C	GRF	440413 Local Health Department Support	\$2,379,000	\$2,379,000
D	GRF	440416 Mothers and Children Safety Net Services	\$4,639,763	\$4,690,570
E	GRF	440431 Free Clinic Safety Net Services	\$1,755,837	\$1,758,067
F	GRF	440438 Breast and Cervical Cancer Screening	\$1,190,549	\$1,199,779
G	GRF	440444 AIDS Prevention	\$3,610,779	\$3,623,351
H	GRF	440451 Public Health Laboratory	\$3,893,355	\$3,926,237
I	GRF	440452 Child and Family Health Services Match	\$667,650	\$683,513
J	GRF	440453 Health Care Quality Assurance	\$6,868,538	\$7,023,632
K	GRF	440454 Environmental Health/Radiation	\$5,241,349	\$5,241,615

			Protection		
L	GRF	440465	FQHC Primary Care Workforce Initiative	\$2,695,268	\$2,698,697
M	GRF	440472	Alcohol Testing	\$1,313,349	\$1,338,992
N	GRF	440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$1,968,750	\$2,195,097
O	GRF	440483	Infectious Disease Prevention and Control	\$4,924,753	\$4,988,016
P	GRF	440484	Public Health Technology Innovation	\$909,147	\$929,959
Q	GRF	440485	Health Program Support	\$9,625,000	\$9,625,000
R	GRF	440495	Toxicology Screenings	\$1,000,000	\$1,000,000
S	GRF	440505	Children and Youth with Special Health Care Needs	\$13,115,000	\$12,615,000
T	GRF	440507	Targeted Healthcare Services - Over 21	\$2,000,000	\$2,000,000
U	GRF	440527	Lead Abatement	\$250,000	\$250,000
V	GRF	440672	Youth Homelessness	\$2,504,474	\$2,505,903
W	GRF	654453	Medicaid - State Health Program Support	\$4,478,896	\$4,581,836
X			General Revenue Fund Total	\$75,031,457	\$75,254,264



Y	Highway Safety Fund Group		
Z	4T40 440603 Child Highway Safety	\$200,000	\$200,000
AA	Highway Safety Fund Group Total	\$200,000	\$200,000
AB	Dedicated Purpose Fund Group		
AC	4700 440647 Fee Supported Programs	\$32,650,000	\$33,629,000
AD	4710 440619 Certificate of Need	\$408,045	\$408,045
AE	4730 440622 Lab Operating Expenses	\$8,985,000	\$9,254,001
AF	4770 440627 Children and Youth with Special Health Care Needs Audit	\$4,942,318	\$4,973,075
AG	4D60 440608 Genetics Services	\$3,316,583	\$3,416,000
AH	4F90 440610 Sickle Cell Disease Control	\$850,000	\$850,000
AI	4G00 440636 Heirloom Birth Certificate	\$15,000	\$15,000
AJ	4G00 440637 Birth Certificate Surcharge	\$15,000	\$15,000
AK	4L30 440609 HIV Care and Miscellaneous Expenses	\$52,697,000	\$52,697,000
AL	4P40 440628 Ohio Physician Loan Repayment	\$1,000,000	\$1,000,000

AM 4V60	440641	Save Our Sight	\$2,505,000	\$2,580,000
AN 5B50	440616	Quality, Monitoring, and Inspection	\$5,753,000	\$5,925,000
AO 5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$6,000,000	\$6,000,000
AP 5D60	440620	Second Chance Trust	\$1,892,541	\$1,892,541
AQ 5ED0	440651	Smoke Free Indoor Air	\$280,000	\$280,000
AR 5G40	440639	Adoption Services	\$100,000	\$100,000
AS 5KM0	440605	Emergency Preparation and Response	\$2,500,000	\$2,500,000
AT 5PE0	440659	Breast and Cervical Cancer Services	\$500,000	\$500,000
AU 5QJ0	440662	Dental Hygienist Loan Repayments	\$100,000	\$100,000
AV 5SH0	440520	Children's Wish Grant Program	\$275,000	\$275,000
AW 5YS0	440491	Chiropractic Loan Repayment	\$30,000	\$30,000
AX 5Z70	440624	Ohio Dentist Loan Repayment	\$275,000	\$275,000
AY 6100	440626	Radiation Emergency	\$1,551,682	\$1,598,000

	Response		
AZ 6660 440607	Children and Youth with Special Health Care Needs - County Assessments	\$24,060,000	\$24,060,001
BA 6980 440634	Nurse Aide Training	\$126,600	\$126,600
BB	Dedicated Purpose Fund Group Total	\$150,827,769	\$152,499,263
BC	Internal Service Activity Fund Group		
BD 1420 440646	Agency Health Services	\$11,575,000	\$11,575,000
BE 2110 440613	Central Support Indirect Costs	\$39,575,839	\$40,763,000
BF	Internal Service Activity Fund Group Total	\$51,150,839	\$52,338,000
BG	Holding Account Fund Group		
BH R014 440631	Vital Statistics	\$155,000	\$155,000
BI R048 440625	Refunds, Grants Reconciliation, and Audit Settlements	\$20,000	\$20,000
BJ	Holding Account Fund Group Total	\$175,000	\$175,000
BK	Federal Fund Group		
BL 3200 440601	Maternal Child Health Block Grant	\$25,000,000	\$25,750,000

BM 3870	440602	Preventive Health Block Grant	\$11,800,000	\$12,154,000
BN 3890	440604	Women, Infants, and Children	\$250,000,000	\$250,000,001
BO 3910	440606	Medicare Survey and Certification	\$21,800,000	\$22,454,000
BP 3920	440618	Federal Public Health Programs	\$149,503,000	\$153,988,000
BQ 3GD0	654601	Medicaid Program Support	\$41,186,077	\$41,508,003
BR 3GN0	440660	Public Health Emergency Preparedness	\$75,825,000	\$78,099,000
BS 3HP0	440673	Public Health Emergency Response	\$100,500,000	\$100,500,000
BT 3HP0	440686	ELC Strengthening HAI/AR Grant	\$10,000,000	\$10,000,000
BU	Federal Fund Group Total		\$685,614,077	\$694,453,004
BV	TOTAL ALL BUDGET FUND GROUPS		\$962,999,142	\$974,919,531

**Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 146878

Of the foregoing appropriation item 440416, Mothers and	146879
Children Safety Net Services, up to \$200,000 in each fiscal year	146880
may be used to assist families with children who have hearing	146881
loss or hearing disorders under twenty-six years of age in	146882
purchasing hearing aids and hearing assistive technology. The	146883
Director of Health shall adopt rules governing the distribution	146884

of these funds, including rules that do both of the following: 146885  
(1) establish eligibility criteria to include families with 146886  
incomes at or below four hundred per cent of the federal poverty 146887  
guidelines as defined in section 5101.46 of the Revised Code and 146888  
(2) develop a sliding scale of disbursements under this section 146889  
based on family income. The Director may adopt other rules as 146890  
necessary to implement this section. Rules adopted under this 146891  
section shall be adopted in accordance with Chapter 119. of the 146892  
Revised Code. 146893

FREE CLINIC SAFETY NET SERVICES 146894

The foregoing appropriation item 440431, Free Clinic 146895  
Safety Net Services, shall be provided to the Charitable 146896  
Healthcare Network. Funds may be used to reimburse free clinics 146897  
for health care services provided, as well as for administrative 146898  
services, information technology costs, infrastructure repair, 146899  
or other clinic necessities. Additionally, the Director of 146900  
Health may designate up to five per cent of the appropriation in 146901  
each fiscal year to pay the administrative costs the Department 146902  
of Health incurs for operating the program. 146903

AIDS PREVENTION 146904

The foregoing appropriation item 440444, AIDS Prevention, 146905  
shall be used to administer educational and other prevention 146906  
initiatives. 146907

FQHC PRIMARY CARE WORKFORCE INITIATIVE 146908

The foregoing appropriation item 440465, FQHC Primary Care 146909  
Workforce Initiative, shall be provided to the Ohio Association 146910  
of Community Health Centers to administer the FQHC Primary Care 146911  
Workforce Initiative. The Initiative shall provide medical, 146912  
dental, behavioral health, physician assistant, and advanced 146913

practice nursing students with clinical rotations through 146914  
federally qualified health centers. Additionally, the Director 146915  
of Health may designate up to five per cent of the appropriation 146916  
in each fiscal year to pay the administrative costs the 146917  
Department of Health incurs for operating the program. 146918

CHRONIC DISEASE, INJURY PREVENTION, AND DRUG OVERDOSE 146919

Of the foregoing appropriation item 440482, Chronic 146920  
Disease, Injury Prevention, and Drug Overdose, \$1,200,000 in 146921  
fiscal year 2026 and \$200,000 in fiscal year 2027 shall be used 146922  
to administer the Parkinson's disease registry, in accordance 146923  
with section 3701.25 of the Revised Code, and the stroke 146924  
registry database, in accordance with section 3727.131 of the 146925  
Revised Code. The Department of Health shall develop the 146926  
Parkinson's disease registry utilizing an existing public health 146927  
population system managed under the Department. 146928

The remainder of appropriation item 440482, Chronic 146929  
Disease, Injury Prevention, and Drug Overdose, shall be used to 146930  
support the Department of Health's ongoing health improvement 146931  
and wellness efforts, health promotion, and related activities. 146932

HEALTH PROGRAM SUPPORT 146933

Of the forgoing appropriation item 440485, Health Program 146934  
Support, \$7,500,000 in each fiscal year shall be used by the 146935  
Department of Health, in consultation with the Department of 146936  
Education and Workforce, to support school-based health centers 146937  
in high-need counties, as determined by the departments. A 146938  
school-based health center shall obtain parental consent prior 146939  
to providing services to a child. This does not apply in 146940  
emergency situations, first aid, other unanticipated minor 146941  
health care services, or health care services provided pursuant 146942

to a student's IEP or a school district's obligation under 146943  
section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794. 146944

Of the foregoing appropriation item 440485, Health Program 146945  
Support, \$1,000,000 in each fiscal year shall be distributed to 146946  
Ohio organizations currently providing all of the following 146947  
services: wraparound care, including multidisciplinary clinical 146948  
care; local case management services by health care 146949  
professionals; durable medical and augmentative communication 146950  
devices; state and federal advocacy; and support groups and 146951  
patient grants for those diagnosed with amyotrophic lateral 146952  
sclerosis (ALS). The distribution of funds shall be based on 146953  
each awarded organization's identified Ohio county coverage and 146954  
by the prevalence rate of persons living with ALS using the most 146955  
recent population estimates available from the United States 146956  
Census Bureau. Funds shall be used to support persons living 146957  
with ALS, including any of the following: wraparound care, case 146958  
management, purchase and distribution of durable medical 146959  
equipment and augmentative communication devices, and patient 146960  
grants for disease-related expenses. Funding is required to be 146961  
designated in service to Ohioans and shall not be used for 146962  
persons living outside of the state of Ohio. 146963

Of the foregoing appropriation item 440485, Health Program 146964  
Support, \$125,000 in each fiscal year shall be provided to Ohio 146965  
Adolescent Health Centers to support sexual risk avoidance 146966  
programs in schools. 146967

TOXICOLOGY SCREENINGS 146968

The foregoing appropriation item 440495, Toxicology 146969  
Screenings, shall be used to reimburse county coroners in 146970  
counties in which the coroner has performed toxicology 146971  
screenings on victims of a drug overdose. The Director of Health 146972

shall transfer the funds to the counties in proportion to the 146973  
numbers of toxicology screenings performed per county. 146974

TARGETED HEALTH CARE SERVICES-OVER 21 146975

The foregoing appropriation item 440507, Targeted Health 146976  
Care Services-Over 21, shall be used to administer the Cystic 146977  
Fibrosis Program and to implement the Hemophilia Insurance 146978  
Premium Payment Program. The Department of Health shall expend 146979  
up to \$100,000 in each fiscal year to implement the Hemophilia 146980  
Insurance Premium Payment Program. 146981

The foregoing appropriation item 440507, Targeted Health 146982  
Care Services-Over 21, shall also be used to do the following: 146983  
cover services provided to adults over the age of twenty-one 146984  
with Cystic Fibrosis who are eligible for treatment under the 146985  
Cystic Fibrosis Program; provide essential medications; and pay 146986  
the copayments for drugs approved by the Department of Health 146987  
and covered by Medicare Part D that are dispensed to Program for 146988  
Children and Youth with Special Health Care Needs participants 146989  
for the Cystic Fibrosis Program. 146990

LEAD ABATEMENT 146991

Of the foregoing appropriation item 440527, Lead 146992  
Abatement, \$250,000 in each fiscal year shall be used by the 146993  
Department of Health to distribute funds to local governments 146994  
for projects that include, but are not limited to, lead hazard 146995  
control and housing rehabilitation initiatives that expand the 146996  
Department's lead hazard control and prevention efforts. 146997

YOUTH HOMELESSNESS 146998

The foregoing appropriation item 440672, Youth 146999  
Homelessness, shall be used to address homelessness in youth and 147000  
pregnant women by providing assertive outreach to provide stable 147001



housing, including recovery housing. No funds shall be 147002  
distributed to youth shelters that promote or affirm social 147003  
gender transition, in which an individual goes from identifying 147004  
with and living as a gender that corresponds to the individual's 147005  
biological sex to identifying with and living as a gender 147006  
different from the individual's biological sex. 147007

FEE SUPPORTED PROGRAMS 147008

Of the foregoing appropriation item 440647, Fee Supported 147009  
Programs, \$2,160,000 in each fiscal year shall be used to 147010  
distribute subsidies, on a per capita basis, to local health 147011  
departments accredited through the Public Health Accreditation 147012  
Board, or local health departments that are in the process of 147013  
earning accreditation. 147014

Of the foregoing appropriation item 440647, Fee Supported 147015  
Programs, \$1,840,000 in each fiscal year shall be used to 147016  
distribute subsidies to local health departments accredited 147017  
through the Public Health Accreditation Board on a per capita 147018  
basis. 147019

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 147020

The Children and Youth with Special Health Care Needs 147021  
Audit Fund (Fund 4770) shall receive revenue from audits of 147022  
hospitals and recoveries from third-party payers. Moneys may be 147023  
expended for payment of audit settlements and for costs directly 147024  
related to obtaining recoveries from third-party payers and for 147025  
encouraging Program for Children and Youth with Special Health 147026  
Care Needs recipients to apply for third-party benefits. Moneys 147027  
also may be expended for payments for diagnostic and treatment 147028  
services on behalf of children and youth with special health 147029  
care needs, as defined in division (A) of section 3701.022 of 147030

the Revised Code, and Ohio residents who are twenty-one or more 147031  
years of age and who are suffering from cystic fibrosis or 147032  
hemophilia. Moneys may also be expended for administrative 147033  
expenses incurred in operating the Program for Children and 147034  
Youth with Special Health Care Needs. 147035

GENETICS SERVICES 147036

The foregoing appropriation item 440608, Genetics 147037  
Services, shall be used by the Department of Health to 147038  
administer programs authorized by sections 3701.501 and 3701.502 147039  
of the Revised Code. None of these funds shall be used to 147040  
counsel or refer for abortion. 147041

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 147042

Of the foregoing appropriation item 440656, Tobacco Use 147043  
Prevention, Cessation, and Enforcement, \$1,000,000 in each 147044  
fiscal year shall be used by the Director of Health, in 147045  
consultation with the Director of Children and Youth, to award 147046  
funds to private, nonprofit, or government entities. The 147047  
Directors shall determine how the funds are to be distributed, 147048  
but shall prioritize awards to entities that serve women who 147049  
reside in communities that have the highest infant mortality 147050  
rates in this state, as identified under section 3701.142 of the 147051  
Revised Code. Recognizing the significant health risks posed to 147052  
women and their children by tobacco use during and after 147053  
pregnancy, the Department of Health shall award grants to 147054  
private, nonprofit, or government entities that demonstrate the 147055  
ability to deliver evidence-based tobacco cessation 147056  
interventions to women. 147057

The remainder of appropriation item 440656, Tobacco Use 147058  
Prevention, Cessation, and Enforcement, shall be used to 147059

administer tobacco use prevention and cessation activities and 147060  
programs, to administer compliance checks, retailer education, 147061  
and programs related to legal age restrictions, and to enforce 147062  
the Ohio Smoke-Free Workplace Act. 147063

EMERGENCY PREPARATION AND RESPONSE 147064

Notwithstanding section 127.19 of the Revised Code, the 147065  
foregoing appropriation item 440605, Emergency Preparation and 147066  
Response, shall be used to support public health emergency 147067  
preparedness and response efforts. This appropriation may also 147068  
be used to support data infrastructure projects and other data 147069  
analysis and analytics work. 147070

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 147071  
ASSESSMENTS 147072

The foregoing appropriation item 440607, Children and 147073  
Youth with Special Health Care Needs - County Assessments, shall 147074  
be used to make payments under division (E) of section 3701.023 147075  
of the Revised Code. 147076

FEDERAL PUBLIC HEALTH PROGRAMS 147077

Of the foregoing appropriation item 440618, Federal Public 147078  
Health Programs, \$7,800,000 in each fiscal year shall be 147079  
provided to Ohio Adolescent Health Centers. 147080

**Section 293.10.** 147081  
147082

1 2 3 4 5

A HEF HIGHER EDUCATIONAL FACILITY COMMISSION

B Dedicated Purpose Fund Group

C	4610 372601 Operating Expenses	\$15,513	\$15,513
D	Dedicated Purpose Fund Group Total	\$15,513	\$15,513
E	TOTAL ALL BUDGET FUND GROUPS	\$15,513	\$15,513

**Section 295.10.**

147083

147084

	1	2	3	4	5
A	SPA COMMISSION ON HISPANIC/LATINO AFFAIRS				
B	General Revenue Fund				
C	GRF	148321 Operating Expenses	\$466,248	\$483,670	
D	General Revenue Fund Total		\$466,248	\$483,670	
E	Dedicated Purpose Fund Group				
F	6010	148602 Special Initiatives	\$50,000	\$50,000	
G	Dedicated Purpose Fund Group Total		\$50,000	\$50,000	
H	TOTAL ALL BUDGET FUND GROUPS		\$516,248	\$533,670	

**Section 297.10.**

147085

147086

	1	2	3	4	5
A	OHS OHIO HISTORY CONNECTION				
B	General Revenue Fund				
C	GRF	360400 Holocaust and Genocide	\$1,110,000	\$1,110,000	

			Memorial and Education Commission		
D	GRF	360401	Ohio Commission for the U.S. Semiquincentennial	\$7,500,000	\$2,000,000
E	GRF	360402	UNESCO World Heritage Sites	\$2,000,000	\$2,500,000
F	GRF	360501	Education and Collections	\$6,139,320	\$6,147,040
G	GRF	360502	Site and Museum Operations	\$8,252,200	\$8,252,200
H	GRF	360504	Ohio Preservation Office	\$965,287	\$965,287
I	GRF	360505	National Afro-American Museum	\$811,000	\$811,000
J	GRF	360506	Hayes Presidential Center	\$750,000	\$750,000
K	GRF	360508	State Historical Grants	\$700,000	\$700,000
L			General Revenue Fund Total	\$28,227,807	\$23,235,527
M			Dedicated Purpose Fund Group		
N	5KL0	360602	Ohio History Tax Check- off	\$150,000	\$150,000
O	5PD0	360603	Ohio History License Plate	\$10,000	\$10,000
P			Dedicated Purpose Fund Group Total	\$160,000	\$160,000

Q TOTAL ALL BUDGET FUND GROUPS \$28,387,807 \$23,395,527

**Section 297.20. SUBSIDY APPROPRIATION** 147087

Upon approval by the Director of Budget and Management, 147088  
the foregoing appropriation items shall be released to the Ohio 147089  
History Connection in quarterly amounts that in total do not 147090  
exceed the annual appropriations. The funds and fiscal records 147091  
of the Ohio History Connection for fiscal year 2026 and fiscal 147092  
year 2027 shall be examined by independent certified public 147093  
accountants approved by the Auditor of State, and a copy of the 147094  
audited financial statements shall be filed with the Office of 147095  
Budget and Management. 147096

The foregoing appropriations shall be considered to be the 147097  
contractual consideration provided by the state to support the 147098  
state's offer to contract with the Ohio History Connection under 147099  
section 149.30 of the Revised Code. 147100

**HOLOCAUST AND GENOCIDE MEMORIAL COMMISSION** 147101

Of the foregoing appropriation item 360400, Holocaust and 147102  
Genocide Memorial and Education Commission, \$125,000 in each 147103  
fiscal year shall be used for The Nancy and David Wolf Holocaust 147104  
and Humanity Center. 147105

**UNESCO WORLD HERITAGE SITES** 147106

The foregoing appropriation item 360402, UNESCO World 147107  
Heritage Sites, shall be used for operating costs for approved 147108  
United Nations Educational, Scientific and Cultural Organization 147109  
(UNESCO) World Heritage sites in Ohio. 147110

**STATE HISTORICAL GRANTS** 147111

Of the foregoing appropriation item 360508, State 147112

Historical Grants, \$350,000 in each fiscal year shall be used 147113  
for the Western Reserve Historical Society, and \$350,000 in each 147114  
fiscal year shall be used for the Cincinnati Museum Center. 147115

**Section 299.10.** 147116  
147117

	1	2	3	4	5
A	REP OHIO HOUSE OF REPRESENTATIVES				
B	General Revenue Fund				
C	GRF	025321	Operating Expenses	\$35,100,000	\$36,210,000
D	General Revenue Fund Total			\$35,100,000	\$36,210,000
E	Internal Service Activity Fund Group				
F	1030	025601	House of Representatives Reimbursement	\$1,433,664	\$1,433,664
G	4A40	025602	Miscellaneous Sales	\$50,000	\$50,000
H	Internal Service Activity Fund Group Total			\$1,483,664	\$1,483,664
I	TOTAL ALL BUDGET FUND GROUPS			\$36,583,664	\$37,693,664

**Section 299.20. OPERATING EXPENSES** 147118

On July 1, 2025, or as soon as possible thereafter, the 147119  
Chief Administrative Officer of the House of Representatives may 147120  
certify to the Director of Budget and Management an amount up to 147121  
the unexpended, unencumbered balance of the foregoing 147122  
appropriation item 025321, Operating Expenses, at the end of 147123

fiscal year 2025 to be reappropriated to fiscal year 2026. The 147124  
amount certified is hereby reappropriated to the same 147125  
appropriation item for fiscal year 2026. 147126

On July 1, 2026, or as soon as possible thereafter, the 147127  
Chief Administrative Officer of the House of Representatives may 147128  
certify to the Director of Budget and Management an amount up to 147129  
the unexpended, unencumbered balance of the foregoing 147130  
appropriation item 025321, Operating Expenses, at the end of 147131  
fiscal year 2026 to be reappropriated to fiscal year 2027. The 147132  
amount certified is hereby reappropriated to the same 147133  
appropriation item for fiscal year 2027. 147134

HOUSE REIMBURSEMENT 147135

If it is determined by the Chief Administrative Officer of 147136  
the House of Representatives that additional appropriations are 147137  
necessary for the foregoing appropriation item 025601, House of 147138  
Representatives Reimbursement, the amounts are hereby 147139  
appropriated. 147140

**Section 303.10.** 147141  
147142

1	2	3	4	5
A	IGO OFFICE OF THE INSPECTOR GENERAL			
B	General Revenue Fund			
C	GRF 965321 Operating Expenses		\$2,079,000	\$2,158,000
D	General Revenue Fund Total		\$2,079,000	\$2,158,000
E	Internal Service Activity Fund Group			



F	5FA0 965603	Deputy Inspector General for ODOT	\$400,000	\$400,000
G	5FT0 965604	Deputy Inspector General for BWC/OIC	\$425,000	\$425,000
H	Internal Service Activity Fund Group Total		\$825,000	\$825,000
I	TOTAL ALL BUDGET FUND GROUPS		\$2,904,000	\$2,983,000

**Section 305.10.**

147143

147144

	1	2	3	4	5
A	INS DEPARTMENT OF INSURANCE				
B	Dedicated Purpose Fund Group				
C	5540 820401	Examination		\$11,242,604	\$11,690,798
D	5540 820601	Operating Expenses - OSHIIP		\$400,670	\$414,002
E	5540 820606	Operating Expenses		\$36,479,179	\$37,595,513
F	Dedicated Purpose Fund Group Total			\$48,122,453	\$49,700,313
G	Federal Fund Group				
H	3U50 820602	OSHIIP Operating Grant		\$3,050,000	\$3,050,000
I	Federal Fund Group Total			\$3,050,000	\$3,050,000
J	TOTAL ALL BUDGET FUND GROUPS			\$51,172,453	\$52,750,313

**Section 305.20.** MARKET CONDUCT EXAMINATION 147145

When conducting a market conduct examination of any 147146  
insurer doing business in this state, the Superintendent of 147147  
Insurance may assess the costs of the examination against the 147148  
insurer. The Superintendent may enter into consent agreements to 147149  
impose administrative assessments or fines for conduct 147150  
discovered that may be violations of statutes or rules 147151  
administered by the Superintendent. All costs, assessments, or 147152  
fines collected shall be deposited to the credit of the 147153  
Department of Insurance Operating Fund (Fund 5540). 147154

**Section 307.10.** 147155  
147156

1	2	3	4	5
A	JFS DEPARTMENT OF JOB AND FAMILY SERVICES			
B	General Revenue Fund			
C	GRF	600410 TANF State Maintenance of Effort	\$147,169,083	\$147,169,083
D	GRF	600450 Program Operations	\$152,325,446	\$153,655,581
E	GRF	600502 Child Support - Local	\$26,400,000	\$26,400,000
F	GRF	600521 Family Assistance - Local	\$50,000,000	\$50,000,000
G	GRF	600533 Child, Family, and Community Protection Services	\$13,500,000	\$13,500,000
H	GRF	600534 Adult Protective Services	\$9,720,000	\$9,720,000

I	GRF	655425	Medicaid Program Support	\$15,779,739	\$16,393,535
J	GRF	655522	Medicaid Program Support - Local	\$44,000,000	\$44,000,000
K	GRF	655523	Medicaid Program Support - Local Transportation	\$43,530,000	\$43,530,000
L			General Revenue Fund Total	\$502,424,268	\$504,368,199
M			Dedicated Purpose Fund Group		
N	4A80	600658	Public Assistance Activities	\$21,400,000	\$21,400,000
O	4A90	600607	Unemployment Compensation Administration Fund	\$45,180,000	\$36,670,000
P	5CI1	6006B6	Utility Community Assistance	\$0	\$686,947
Q	5ES0	600630	Food Bank Assistance	\$500,000	\$500,000
R	5RY0	600698	Human Services Project	\$10,000,000	\$10,000,000
S			Dedicated Purpose Fund Group Total	\$77,080,000	\$69,256,947
T			Internal Service Activity Fund Group		
U	5HL0	600602	State and County Shared Services	\$2,000,000	\$2,000,000
V	5WU0	6006C2	Ohio Benefits	\$0	\$169,005,914
W			Internal Service Activity Fund Group	\$2,000,000	\$171,005,914

Total				
X Fiduciary Fund Group				
Y	1920	600646	Child Support Intercept- Federal	\$100,000,000 \$100,000,000
Z	5830	600642	Child Support Intercept- State	\$13,000,000 \$13,000,000
AA	5B60	600601	Food Assistance Intercept	\$9,000,000 \$9,000,000
AB	Fiduciary Fund Group Total			\$122,000,000 \$122,000,000
AC Holding Account Fund Group				
AD	R012	600643	Refunds and Audit Settlements	\$500,000 \$500,000
AE	Holding Account Fund Group Total			\$500,000 \$500,000
AF Federal Fund Group				
AG	3310	600615	Veterans Programs	\$9,729,693 \$10,046,576
AH	3310	600624	Employment Services	\$33,757,412 \$33,361,820
AI	3310	600686	Workforce Programs	\$3,726,601 \$3,831,863
AJ	3840	600610	Food Assistance Programs	\$353,577,548 \$355,477,007
AK	3850	600614	Refugee Services	\$43,221,914 \$47,817,949
AL	3950	600616	Federal Discretionary Grants	\$4,500,000 \$4,500,000

AM 3960	600620	Social Services Block Grant	\$38,100,747	\$38,339,506
AN 3970	600626	Child Support - Federal	\$206,615,245	\$206,484,306
AO 3F01	655624	Medicaid Program Support - Federal	\$221,532,699	\$222,146,496
AP 3FI0	6006B4	Home Weatherization Program	\$0	\$45,000,000
AQ 3K90	6006B3	Home Energy Assistance Block Grant	\$0	\$180,000,000
AR 3K90	6006B7	HEAP Weatherization	\$0	\$44,000,000
AS 3L00	6006B8	Community Services Block Grant	\$0	\$32,000,000
AT 3S50	600622	Child Support Projects	\$539,000	\$539,000
AU 3V00	600688	Workforce Innovation and Opportunity Act Programs	\$165,467,651	\$172,078,185
AV 3V40	600632	Trade Programs	\$3,001,000	\$3,001,000
AW 3V40	600678	Federal Unemployment Programs	\$122,666,388	\$125,686,620
AX 3V40	600679	Unemployment Compensation Review Commission-Federal	\$6,068,609	\$6,249,573
AY 3V60	600689	TANF Block Grant	\$561,481,981	\$561,481,981
AZ		Federal Fund Group Total	\$1,773,986,488	\$2,092,041,882

<b>Section 307.20. COUNTY ADMINISTRATIVE FUNDS</b>	147157
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(B) Of the foregoing appropriation item 600521, Family	147162
Assistance -Local, an additional \$2,500,000 in each fiscal year	147163
shall be provided to assist county departments that submit an	147164
approved plan on increasing fraud prevention, early detection of	147165
fraud, and investigations on potential fraud that may be	147166
occurring in public assistance programs.	147167

(C) The foregoing appropriation item 655522, Medicaid	147168
Program Support - Local, shall be provided to county departments	147169
of job and family services to administer the Medicaid program	147170
and the State Children's Health Insurance program.	147171

(D) At the request of the Director of Job and Family	147172
Services, the Director of Budget and Management may transfer	147173
appropriations between the following appropriation items to	147174
ensure county administrative funds are expended from the proper	147175
appropriation item:	147176

(1) Appropriation item 600521, Family Assistance - Local,	147177
and appropriation item 655522, Medicaid Program Support - Local;	147178
and	147179

(2) Appropriation item 655523, Medicaid Program Support -	147180
Local Transportation, and appropriation item 655522, Medicaid	147181
Program Support - Local.	147182

**Section 307.30.** NAME OF FOOD STAMP PROGRAM 147183

The Director of Job and Family Services is not required to 147184  
amend rules regarding the Food Stamp Program to change the name 147185  
of the program to the Supplemental Nutrition Assistance Program. 147186  
The Director may refer to the program as the Food Stamp Program, 147187  
the Supplemental Nutrition Assistance Program, or the Food 147188  
Assistance Program in rules and documents of the Department of 147189  
Job and Family Services. 147190

**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS 147191

Of the foregoing appropriation items 600410, TANF State 147192  
Maintenance of Effort, 600658, Public Assistance Activities, and 147193  
600689, TANF Block Grant, a total of up to \$22,050,000 in each 147194  
fiscal year shall be used to provide funds to the Ohio 147195  
Association of Food Banks to purchase and distribute food 147196  
products, support Innovative Summer Meals programs for children, 147197  
provide SNAP outreach and free tax filing services, and provide 147198  
capacity building equipment for food pantries and soup kitchens. 147199

Notwithstanding section 5101.46 of the Revised Code and 147200  
any other provision in this act, the Director of Job and Family 147201  
Services shall provide assistance from eligible funds to the 147202  
Ohio Association of Food Banks in an amount up to \$24,550,000 in 147203  
each fiscal year. This amount includes the funds designated to 147204  
the Ohio Association of Food Banks in the first paragraph of 147205  
this section. 147206

Eligible nonfederal expenditures made by member food banks 147207  
of the Association shall be counted by the Department of Job and 147208  
Family Services toward the TANF maintenance of effort 147209  
requirements of 42 U.S.C. 609(a)(7). The Director of Job and 147210  
Family Services shall enter into an agreement with the Ohio 147211

Association of Food Banks, in accordance with sections 5101.80 147212  
and 5101.801 of the Revised Code, to carry out the requirements 147213  
under this section. 147214

**Section 307.50. OHIO ASSOCIATION OF FOODBANKS SUBGRANT** 147215

The Department of Job and Family Services shall enter into 147216  
a subgrant agreement with the Ohio Association of Foodbanks to 147217  
enable the Association to provide food distribution to low- 147218  
income families and individuals via the statewide charitable 147219  
emergency food provider network and to support transportation of 147220  
meals for the Governor's Office of Faith-Based and Community 147221  
Initiatives Innovative Summer Meals programs for children and 147222  
provide capacity building equipment for food pantries and soup 147223  
kitchens. 147224

The Ohio Association of Foodbanks shall do all of the 147225  
following: 147226

(A) Purchase food for the Agriculture Clearance and Ohio 147227  
Food Programs. Information regarding the food purchase shall be 147228  
reflected in the plan for statewide distribution of food 147229  
products to local food distribution agencies. 147230

(B) Support the Capacity Building Grant program and 147231  
purchase equipment for partner agencies that is needed to 147232  
increase their capacity to serve more families eligible under 147233  
the Temporary Assistance for Needy Families program with 147234  
perishable foods, fruits, and vegetables. This equipment 147235  
purchase shall include, but is not limited to, shelving, pallet 147236  
jacks, commercial refrigerators, and commercial freezers. 147237

(C) Submit a quarterly report to the Department of Job and 147238  
Family Services not later than sixty days after the close of the 147239  
quarter to which the report pertains. The quarterly report shall 147240



include all of the following: 147241

(1) A summary of the allocation and expenditure of grant 147242  
funds; 147243

(2) Product type and pounds distributed by foodbank 147244  
service region and county; 147245

(3) The number of households, households with children, a 147246  
breakdown of individuals served by age, including those over the 147247  
age of sixty, those between the ages of nineteen and fifty-nine, 147248  
and those up to the age of eighteen, and the number of meals 147249  
served. 147250

(D) Submit an annual report to the Agreement Manager at 147251  
the Department of Job and Family Services not later than one 147252  
hundred twenty days after the end of the fiscal year. The annual 147253  
report shall include the following: 147254

(1) A summary of the allocation and expenditure of grant 147255  
funds; 147256

(2) The number of households, households with children, a 147257  
breakdown of individuals served by age, including those over the 147258  
age of sixty, those between the ages of nineteen and fifty-nine, 147259  
and those up to the age of eighteen, and the number of meals 147260  
served. 147261

(3) The quantity and type of food distributed and the 147262  
total per pound cost of the food purchased; 147263

(4) Information on the cost of storage, transportation, 147264  
and processing; 147265

(5) An evaluation of the success in achieving expected 147266  
performance outcomes. 147267

**Section 307.60.** FOOD STAMPS TRANSFER 147268

On July 1, 2025, or as soon as possible thereafter, and 147269  
upon request of the Director of Job and Family Services, the 147270  
Director of Budget and Management may transfer up to \$1,000,000 147271  
cash from the Food Stamp Offset Fund (Fund 5B60), to the Food 147272  
Assistance Fund (Fund 5ES0). 147273

**Section 307.70.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 147274

The foregoing appropriation item 600658, Public Assistance 147275  
Activities, shall be used by the Department of Job and Family 147276  
Services to meet the TANF maintenance of effort requirements of 147277  
42 U.S.C. 609(a)(7). When the state is assured that it will meet 147278  
the maintenance of effort requirement, the Department of Job and 147279  
Family Services may use funds from appropriation item 600658, 147280  
Public Assistance Activities, to support public assistance 147281  
activities. 147282

**Section 307.80.** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES 147283  
FUNDS 147284

(A) Of the foregoing appropriation items 600410, TANF 147285  
State Maintenance of Effort, and 600689, TANF Block Grant, up to 147286  
\$13,410,000 in each fiscal year shall be used, in accordance 147287  
with sections 5101.80 and 5101.801 of the Revised Code, to 147288  
provide support to programs or organizations that provide 147289  
services that align with the mission and goals of the Governor's 147290  
Office of Faith-Based and Community Initiatives, as outlined in 147291  
section 107.12 of the Revised Code, and that further at least 147292  
one of the four purposes of the TANF program, as specified in 42 147293  
U.S.C. 601. 147294

(B) Of the foregoing appropriation items 600410, TANF 147295  
State Maintenance of Effort, and 600689, TANF Block Grant, 147296

\$8,500,000 in each fiscal year shall be provided, in accordance 147297  
with sections 5101.80 and 5101.801 of the Revised Code, to the 147298  
Ohio Alliance of Boys and Girls Clubs to provide after-school 147299  
and summer programs that protect at-risk children and enable 147300  
youth to become responsible adults. 147301

(C) Of the foregoing appropriation item 600689, TANF Block 147302  
Grant, \$2,500,000 in each fiscal year shall be provided, in 147303  
accordance with sections 5101.80 and 5101.801 of the Revised 147304  
Code, to the Children's Hunger Alliance to assist with meal 147305  
sponsorship, early child care programs, child care, 147306  
consultations and nutrition education, school district nutrition 147307  
programs, after school nutrition programs, and summer nutrition 147308  
programs. 147309

(D) Of the foregoing appropriation item 600689, TANF Block 147310  
Grant, \$250,000 in each fiscal year shall be provided to the 147311  
Toledo Seagate Foodbank, in accordance with sections 5101.80 and 147312  
5101.801 of the Revised Code. 147313

(E) Of the foregoing appropriation item 600689, TANF Block 147314  
Grant, \$1,500,000 in each fiscal year shall be provided, in 147315  
accordance with sections 5101.80 and 5101.801 of the Revised 147316  
Code, to Open Doors Academy. 147317

(F) Of the foregoing appropriation item 600689, TANF Block 147318  
Grant, \$1,000,000 in each fiscal year shall be provided, in 147319  
accordance with sections 5101.80 and 5101.801 of the Revised 147320  
Code, to Produce Perks. 147321

(G) Of the foregoing appropriation item 600689, TANF Block 147322  
Grant, \$100,000 in each fiscal year shall be provided, in 147323  
accordance with sections 5101.80 and 5101.801 of the Revised 147324  
Code, to the Ohio YMCA to support day camps and before and after 147325

school programs to help students remove barriers to their 147326  
learning. 147327

(H) Of the foregoing appropriation item 600689, TANF Block 147328  
Grant, \$100,000 in each fiscal year shall be provided, in 147329  
accordance with sections 5101.80 and 5101.801 of the Revised 147330  
Code, to the Country Neighbor Program. 147331

(I) Of the foregoing appropriation item 600689, TANF Block 147332  
Grant, \$400,000 in each fiscal year shall be provided, in 147333  
accordance with sections 5101.80 and 5101.801 of the Revised 147334  
Code, to the Southside Life Station Food Pantry in Toledo. 147335

(J) Of the foregoing appropriation item 600689, TANF Block 147336  
Grant, \$400,000 in each fiscal year shall be provided, in 147337  
accordance with sections 5101.80 and 5101.801 of the Revised 147338  
Code, to the Simon Kenton Council for the administration of the 147339  
ScoutReach program. Funding shall be used for the following: to 147340  
expand access to scouting in under-resourced communities; to 147341  
provide financial assistance for participating families; to hire 147342  
two additional program coordinators, a risk manager, and a 147343  
social worker; to purchase program supplies; and to provide 147344  
marketing resources to enhance outreach and engagement. Funds 147345  
shall be distributed in accordance with guidelines established 147346  
for nonprofit educational and youth development programs. The 147347  
Simon Kenton Council shall submit an annual report to the 147348  
Department of Job and Family Services detailing the program's 147349  
expansion, impact, and financial expenditures. 147350

**Section 307.90. PROGRAM OPERATIONS** 147351

Of the foregoing appropriation item 600450, Program 147352  
Operations, \$7,000,000 in each fiscal year shall be allocated 147353  
for the GRIT program to be administered by the Department of Job 147354

and Family Services, in coordination with the Governor's Office 147355  
of Appalachia and the Department of Development. The program 147356  
shall expand the qualified worker pipeline, remove barriers to 147357  
fill local and remote jobs, and promote entrepreneurial 147358  
endeavors in economically distressed and at-risk areas within 147359  
the Appalachian region of Ohio, as defined in section 107.21 of 147360  
the Revised Code, and other like counties within the state. The 147361  
amount set aside for the GRIT program under this section shall 147362  
be used for the following: 147363

(A) To establish, in collaboration with private businesses 147364  
and public sector partners, virtual workforce development 147365  
centers and supportive resources and to place unemployed and 147366  
underemployed youth and adults into jobs; 147367

(B) To support assessment, coaching, wraparound services, 147368  
and other career development and training activities for both 147369  
high school youth and adults. 147370

The amount set aside for the GRIT program under this 147371  
section may be used for operating costs. 147372

**Section 307.100. CHILD, FAMILY, AND COMMUNITY PROTECTION 147373**  
**SERVICES 147374**

(A) The foregoing appropriation item 600533, Child, 147375  
Family, and Community Protection Services, shall be distributed 147376  
to county departments of job and family services. County 147377  
departments shall use the funds distributed to them under this 147378  
section as follows, in accordance with the written plan of 147379  
cooperation entered into under section 307.983 of the Revised 147380  
Code: 147381

(1) To assist individuals in achieving or maintaining 147382  
self-sufficiency, including by reducing or preventing dependency 147383

among individuals with family income not exceeding two hundred 147384  
per cent of the federal poverty guidelines; 147385

(2) Subject to division (B) of this section, to respond to 147386  
reports of abuse, neglect, or exploitation of children and 147387  
adults, including through the differential response approach 147388  
program; 147389

(3) To provide outreach and referral services regarding 147390  
home and community-based services to individuals at risk of 147391  
placement in a group home or institution, regardless of the 147392  
individuals' family income and without need for a written 147393  
application; 147394

(4) To provide outreach, referral, application assistance, 147395  
and other services to assist individuals to receive assistance, 147396  
benefits, or services under Medicaid; Title IV-A programs, as 147397  
defined in section 5101.80 of the Revised Code; the Supplemental 147398  
Nutrition Assistance Program; and other public assistance 147399  
programs. 147400

(B) Protective services may be provided to a child or 147401  
adult as part of a response, under division (A) (2) of this 147402  
section, to a report of abuse, neglect, or exploitation without 147403  
regard to a child or adult's family income and without need for 147404  
a written application. The protective services may be provided 147405  
if the case record documents circumstances of actual or 147406  
potential abuse, neglect, or exploitation. 147407

**Section 307.110. ADULT PROTECTIVE SERVICES** 147408

Of the foregoing appropriation item 600534, Adult 147409  
Protective Services, \$7,040,000 in each fiscal year shall be 147410  
used to provide an initial allocation of \$80,000 to each county. 147411  
The remainder of appropriation item 600534 shall be provided to 147412

counties in accordance with the formula established in section 147413  
5101.612 of the Revised Code. 147414

**Section 307.117.** UNEMPLOYMENT COMPENSATION FUND 147415

A portion of the foregoing appropriation item 600607, 147416  
Unemployment Compensation Administration Fund, in each fiscal 147417  
year shall be used to make payments pursuant to leases and 147418  
agreements entered into under Chapter 125. of the Revised Code, 147419  
as supplemented by Section 701.40 of H.B. 529 of the 132nd 147420  
General Assembly, with respect to financing the costs associated 147421  
with the acquisition, development, implementation, and 147422  
integration of the Unemployment Insurance System. 147423

**Section 307.119.** TEMPORARY TRANSFER TO UNEMPLOYMENT 147424  
COMPENSATION SPECIAL ADMINISTRATIVE FUND 147425

On July 1, 2025, or as soon as possible thereafter, the 147426  
Director of Budget and Management may transfer up to \$15,000,000 147427  
cash from any fund used by the Department of Job and Family 147428  
Services, except General Revenue Funds, to the Unemployment 147429  
Compensation Special Administrative Fund (Fund 4A90) to pay the 147430  
costs of building and developing a new unemployment insurance 147431  
information technology system. 147432

Not later than June 30, 2027, the Director of Budget and 147433  
Management, upon the request of the Director of Job and Family 147434  
Services, shall transfer cash equal to the amount previously 147435  
transferred to Fund 4A90 from the fund selected above in fiscal 147436  
year 2026, from Fund 4A90 back into the selected fund. 147437

**Section 307.120.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 147438

The Fiduciary Fund Group and Holding Account Fund Group 147439  
shall be used to hold revenues until the appropriate fund is 147440  
determined or until the revenues are directed to the appropriate 147441

governmental agency other than the Department of Job and Family 147442  
Services. Any Department of Job and Family Services refunds or 147443  
reconciliations received or held by the Department of Medicaid 147444  
shall be transferred or credited to the Refunds and Audit 147445  
Settlement Fund (Fund R012). If receipts credited to the Support 147446  
Intercept - Federal Fund (Fund 1920), the Support Intercept - 147447  
State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), 147448  
or the Refunds and Audit Settlements Fund (Fund R012) exceed the 147449  
amounts appropriated from the fund, the Director of Job and 147450  
Family Services may request the Director of Budget and 147451  
Management to authorize expenditures from the fund in excess of 147452  
the amounts appropriated. Upon the approval of the Director of 147453  
Budget and Management, the additional amounts are hereby 147454  
appropriated. 147455

**Section 307.130. HEAP WEATHERIZATION** 147456

Up to twenty-five per cent of the federal funds deposited 147457  
to the credit of the Home Energy Assistance Block Grant (Fund 147458  
3K90) may be expended from appropriation item 6006B7, HEAP 147459  
Weatherization, to provide home weatherization services in the 147460  
state as determined by the Director of Job and Family Services. 147461

**Section 307.140. SUMMER ELECTRONIC BENEFITS TRANSFER FOR** 147462  
**CHILDREN FUND** 147463

(A) The Summer Electronic Benefits Transfer for Children 147464  
Fund is created, which shall be in the custody of the Treasurer 147465  
of State but shall not be part of the state treasury. The fund 147466  
shall consist of all money awarded by the United States 147467  
Department of Agriculture as benefits under 42 U.S.C. 1762. All 147468  
money in the fund shall be used by the Director of Job and 147469  
Family Services solely for the purpose of paying eligible 147470  
charges incurred by children and families eligible for, and 147471



participating in, the Summer Electronic Benefits Transfer for 147472  
Children Program. 147473

(B) On or before August 1 of each fiscal year, the 147474  
Director shall submit to the Governor, the Director of Budget 147475  
and Management, the President of the Senate, the Speaker of the 147476  
House of Representatives, the Minority Leader of the Senate, and 147477  
the Minority Leader of the House of Representatives information 147478  
regarding the Summer Electronic Benefits Transfer for Children 147479  
Program created under 42 U.S.C. 1762, including the amount of 147480  
federal funding received for the program in the previous fiscal 147481  
year. 147482

**Section 307.150. WORK REQUIREMENTS** 147483

The Director of Job and Family Services may refer Ohio 147484  
Works First and Supplemental Nutrition Assistance Program 147485  
participants who have indicated that they have a mental or 147486  
physical illness or impairment to the agency for vocational 147487  
rehabilitation assessment and support services. Such 147488  
participants must continue with vocational rehabilitation 147489  
services pursuant to this section in order to meet Ohio Works 147490  
First and Supplemental Nutrition Assistance Program work 147491  
requirements, unless they are determined unable to work by the 147492  
Opportunities for Ohioans with Disabilities agency, or otherwise 147493  
meet minimum program work requirements. Participants who are not 147494  
determined unable to work by the Opportunities for Ohioans with 147495  
Disabilities agency and who do not participate with vocational 147496  
rehabilitation services pursuant to this section or otherwise 147497  
meet minimum program work requirements will have benefits 147498  
terminated in accordance with federal regulations. 147499

**Section 309.10.** 147500

147501

	1	2	3	4	5
A			JCR JOINT COMMITTEE ON AGENCY RULE REVIEW		
B			General Revenue Fund		
C	GRF	029321	Operating Expenses	\$570,000	\$570,000
D			General Revenue Fund Total	\$570,000	\$570,000
E			TOTAL ALL BUDGET FUND GROUPS	\$570,000	\$570,000

**Section 309.20. OPERATING GUIDANCE** 147502

The Legislative Service Commission shall act as fiscal 147503  
agent for the Joint Committee on Agency Rule Review. Members of 147504  
the Committee shall be paid in accordance with section 101.35 of 147505  
the Revised Code. 147506

**OPERATING EXPENSES** 147507

On July 1, 2025, or as soon as possible thereafter, the 147508  
Executive Director of the Joint Committee on Agency Rule Review 147509  
may certify to the Director of Budget and Management an amount 147510  
up to the unexpended, unencumbered balance of the foregoing 147511  
appropriation item 029321, Operating Expenses, at the end of 147512  
fiscal year 2025 to be reappropriated to fiscal year 2026. The 147513  
amount certified is hereby reappropriated to the same 147514  
appropriation item for fiscal year 2026. 147515

On July 1, 2026, or as soon as possible thereafter, the 147516  
Executive Director of the Joint Committee on Agency Rule Review 147517  
may certify to the Director of Budget and Management an amount 147518  
up to the unexpended, unencumbered balance of the foregoing 147519  
appropriation item 029321, Operating Expenses, at the end of 147520

fiscal year 2026 to be reappropriated to fiscal year 2027. The 147521  
amount certified is hereby reappropriated to the same 147522  
appropriation item for fiscal year 2027. 147523

**Section 313.10.**

147524

147525

1	2	3	4	5
A	JMO JOINT MEDICAID OVERSIGHT COMMITTEE			
B	General Revenue Fund			
C	GRF 048321 Operating Expenses	\$530,532	\$654,606	
D	General Revenue Fund Total	\$530,532	\$654,606	
E	TOTAL ALL BUDGET FUND GROUPS	\$530,532	\$654,606	

**Section 313.20. OPERATING EXPENSES**

147526

The foregoing appropriation item 048321, Operating 147527  
Expenses, shall be used to support expenses related to the Joint 147528  
Medicaid Oversight Committee created by section 103.41 of the 147529  
Revised Code. 147530

On July 1, 2025, or as soon as possible thereafter, the 147531  
Executive Director of the Joint Medicaid Oversight Committee may 147532  
certify to the Director of Budget and Management an amount up to 147533  
the unexpended, unencumbered balance of the foregoing 147534  
appropriation item 048321, Operating Expenses, at the end of 147535  
fiscal year 2025 to be reappropriated to fiscal year 2026. The 147536  
amount certified is hereby reappropriated to the same 147537  
appropriation item for fiscal year 2026. 147538

On July 1, 2026, or as soon as possible thereafter, the 147539

Executive Director of the Joint Medicaid Oversight Committee may 147540  
certify to the Director of Budget and Management an amount up to 147541  
the unexpended, unencumbered balance of the foregoing 147542  
appropriation item 048321, Operating Expenses, at the end of 147543  
fiscal year 2026 to be reappropriated to fiscal year 2027. The 147544  
amount certified is hereby reappropriated to the same 147545  
appropriation item for fiscal year 2027. 147546

**Section 315.10.**

147547  
147548

	1	2	3	4	5
A			JCO JUDICIAL CONFERENCE OF OHIO		
B			General Revenue Fund		
C	GRF	018321	Operating Expenses	\$1,398,265	\$1,475,131
D			General Revenue Fund Total	\$1,398,265	\$1,475,131
E			Dedicated Purpose Fund Group		
F	4030	018601	Ohio Jury Instructions	\$746,000	\$814,899
G			Dedicated Purpose Fund Group Total	\$746,000	\$814,899
H			TOTAL ALL BUDGET FUND GROUPS	\$2,144,265	\$2,290,030

**Section 315.20. STATE COUNCIL OF UNIFORM STATE LAWS**

147549

Notwithstanding section 105.26 of the Revised Code, of the 147550  
foregoing appropriation item 018321, Operating Expenses, up to 147551  
\$103,315 in fiscal year 2026 and up to \$108,481 in fiscal year 147552  
2027 shall be used to pay the expenses of the State Council of 147553  
Uniform State Laws, including membership dues to the National 147554

Conference of Commissioners on Uniform State Laws. 147555

OHIO JURY INSTRUCTIONS FUND 147556

The Ohio Jury Instructions Fund (Fund 4030) shall consist 147557  
of grants, royalties, dues, conference fees, bequests, devises, 147558  
and other gifts received for the purpose of supporting costs 147559  
incurred by the Judicial Conference of Ohio in its activities as 147560  
a part of the judicial system of the state as determined by the 147561  
Judicial Conference Executive Committee. Fund 4030 shall be used 147562  
by the Judicial Conference of Ohio to pay expenses incurred in 147563  
its activities as a part of the judicial system of the state as 147564  
determined by the Judicial Conference Executive Committee. All 147565  
moneys accruing to Fund 4030 in excess of the amount 147566  
appropriated for the current fiscal year are hereby appropriated 147567  
for the purposes authorized. No money in Fund 4030 shall be 147568  
transferred to any other fund by the Director of Budget and 147569  
Management or the Controlling Board. 147570

**Section 317.10.** 147571

147572

	1	2	3	4	5
A			JSC THE JUDICIARY/SUPREME COURT		
B			General Revenue Fund		
C	GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$215,911,023	\$227,757,735
D	GRF	005401	State Criminal Sentencing Commission	\$1,506,142	\$1,601,731
E	GRF	005406	Law-Related Education	\$250,000	\$250,000

F	GRF	005409	Ohio Courts Technology Initiative	\$1,155,000	\$1,155,000
G			General Revenue Fund Total	\$218,822,165	\$230,764,466
H			Dedicated Purpose Fund Group		
I	4C80	005605	Attorney Services	\$10,718,083	\$10,721,022
J	5HT0	005617	Court Interpreter Certification	\$9,000	\$9,000
K	5SP0	005626	Civil Justice Grant Program	\$425,000	\$425,000
L	5T80	005609	Grants and Awards	\$1,000	\$1,000
M	6720	005601	Continuing Judicial Education	\$37,500	\$37,500
N			Dedicated Purpose Fund Group Total	\$11,190,583	\$11,193,522
O			Fiduciary Fund Group		
P	5JY0	005620	County Law Library Resources Boards	\$313,800	\$318,500
Q			Fiduciary Fund Group Total	\$313,800	\$318,500
R			Federal Fund Group		
S	3J00	005603	Federal Grants	\$1,810,907	\$1,157,600
T			Federal Fund Group Total	\$1,810,907	\$1,157,600

U TOTAL ALL BUDGET FUND GROUPS \$232,137,455 \$243,434,088

**Section 317.20.** STATE CRIMINAL SENTENCING COMMISSION 147573

The foregoing appropriation item 005401, State Criminal 147574  
Sentencing Commission, shall be used for the operation of the 147575  
State Criminal Sentencing Commission established by section 147576  
181.21 of the Revised Code. 147577

LAW-RELATED EDUCATION 147578

Of the foregoing appropriation item 005406, Law-Related 147579  
Education, \$250,000 in each fiscal year shall be distributed 147580  
directly to the Ohio Center for Law-Related Education for the 147581  
purposes of providing continuing citizenship education 147582  
activities to primary and secondary students, expanding 147583  
delinquency prevention programs, increasing activities for at- 147584  
risk youth, and accessing additional public and private money 147585  
for new programs. 147586

ATTORNEY SERVICES 147587

The Attorney Registration Fund (Fund 4C80) shall consist 147588  
of money received by the Supreme Court (The Judiciary) pursuant 147589  
to the Rules for the Government of the Bar of Ohio. In addition 147590  
to funding other activities considered appropriate by the 147591  
Supreme Court, the foregoing appropriation item 005605, Attorney 147592  
Services, may be used to compensate employees and to fund 147593  
appropriate activities of the following offices established by 147594  
the Supreme Court: the Office of Disciplinary Counsel, the Board 147595  
of Commissioners on Grievances and Discipline, the Clients' 147596  
Security Fund, and the Attorney Services Division which include 147597  
the Office of Bar Admissions. If it is determined by the 147598  
Administrative Director of the Supreme Court that changes to the 147599

appropriation are necessary, the amounts are hereby 147600  
appropriated. 147601

No money in Fund 4C80 shall be transferred to any other 147602  
fund by the Director of Budget and Management or the Controlling 147603  
Board. Interest earned on money in Fund 4C80 shall be credited 147604  
to the fund. 147605

COURT INTERPRETER CERTIFICATION 147606

The Court Interpreter Certification Fund (Fund 5HT0) shall 147607  
consist of money received by the Supreme Court (The Judiciary) 147608  
pursuant to Rules 80 through 87 of the Rules of Superintendence 147609  
for the Courts of Ohio. The foregoing appropriation item 005617, 147610  
Court Interpreter Certification, shall be used to provide 147611  
training, to provide the written examination, and to pay 147612  
language experts to rate, or grade, the oral examinations of 147613  
those applying to become certified court interpreters. If it is 147614  
determined by the Administrative Director of the Supreme Court 147615  
that changes to the appropriation are necessary, the amounts are 147616  
hereby appropriated. 147617

No money in Fund 5HT0 shall be transferred to any other 147618  
fund by the Director of Budget and Management or the Controlling 147619  
Board. Interest earned on money in Fund 5HT0 shall be credited 147620  
to the fund. 147621

CIVIL JUSTICE GRANT PROGRAM 147622

The Civil Justice Program Fund (Fund 5SP0) shall consist 147623  
of (1) \$50 voluntary donations made as part of the biennium 147624  
attorney registration process and (2) \$150 of the pro hac vice 147625  
fees for out-of-state attorneys pursuant to Government of the 147626  
Bar Rule amendments. The foregoing appropriation item 005626, 147627  
Civil Justice Grant Program, shall be used by the Supreme Court 147628



of Ohio for grants to not-for-profit organizations and agencies 147629  
dedicated to providing civil legal aid to underserved 147630  
populations, to fund innovative programs directed at this 147631  
purpose, and to increase access to judicial service to that 147632  
population. If it is determined by the Administrative Director 147633  
of the Supreme Court that changes to the appropriation are 147634  
necessary, the amounts are hereby appropriated. 147635

No money in Fund 5SP0 shall be transferred to any other 147636  
fund by the Director of Budget and Management or the Controlling 147637  
Board. Interest earned on money in Fund 5SP0 shall be credited 147638  
to the fund. 147639

GRANTS AND AWARDS 147640

The Grants and Awards Fund (Fund 5T80) shall consist of 147641  
grants and other money awarded to the Supreme Court (The 147642  
Judiciary) by the State Justice Institute, the Division of 147643  
Criminal Justice Services, or other entities. The foregoing 147644  
appropriation item 005609, Grants and Awards, shall be used in a 147645  
manner consistent with the purpose of the grant or award. If it 147646  
is determined by the Administrative Director of the Supreme 147647  
Court that changes to the appropriation are necessary, the 147648  
amounts are hereby appropriated. 147649

No money in Fund 5T80 shall be transferred to any other 147650  
fund by the Director of Budget and Management or the Controlling 147651  
Board. Interest earned on money in Fund 5T80 shall be credited 147652  
or transferred to the General Revenue Fund. 147653

JUDICIARY/SUPREME COURT EDUCATION 147654

The Judiciary/Supreme Court Education Fund (Fund 6720) 147655  
shall consist of fees paid for attending judicial and public 147656  
education on the law, reimbursement of costs for judicial and 147657

public education on the law, and other gifts and grants received 147658  
for the purpose of judicial and public education on the law. The 147659  
foregoing appropriation item 005601, Continuing Judicial 147660  
Education, shall be used to pay expenses for judicial education 147661  
courses for judges, court personnel, and those who serve the 147662  
courts, and for public education on the law. If it is determined 147663  
by the Administrative Director of the Supreme Court that changes 147664  
to the appropriation are necessary, the amounts are hereby 147665  
appropriated. 147666

No money in Fund 6720 shall be transferred to any other 147667  
fund by the Director of Budget and Management or the Controlling 147668  
Board. Interest earned on money in Fund 6720 shall be credited 147669  
to the fund. 147670

COUNTY LAW LIBRARY RESOURCES BOARDS 147671

The Statewide Consortium of County Law Library Resources 147672  
Boards Fund (Fund 5JY0) shall consist of moneys deposited 147673  
pursuant to section 307.515 of the Revised Code into a county's 147674  
law library resources fund and forwarded by that county's 147675  
treasurer for deposit in the state treasury pursuant to division 147676  
(E) (1) of section 3375.481 of the Revised Code. The foregoing 147677  
appropriation item 005620, County Law Library Resources Boards, 147678  
shall be used for the operation of the Statewide Consortium of 147679  
County Law Library Resources Boards. If it is determined by the 147680  
Administrative Director of the Supreme Court that changes to the 147681  
appropriation are necessary, the amounts are hereby 147682  
appropriated. 147683

No money in Fund 5JY0 shall be transferred to any other 147684  
fund by the Director of Budget and Management or the Controlling 147685  
Board. Interest earned on money in Fund 5JY0 shall be credited 147686  
to the fund. 147687

FEDERAL GRANTS 147688

The Federal Grants Fund (Fund 3J00) shall consist of 147689  
grants and other moneys awarded to the Supreme Court (The 147690  
Judiciary) by the United States Government or other entities 147691  
that receive the moneys directly from the United States 147692  
Government and distribute those moneys to the Supreme Court (The 147693  
Judiciary). The foregoing appropriation item 005603, Federal 147694  
Grants, shall be used in a manner consistent with the purpose of 147695  
the grant or award. If it is determined by the Administrative 147696  
Director of the Supreme Court that changes to the appropriation 147697  
are necessary, the amounts are hereby appropriated. 147698

No money in Fund 3J00 shall be transferred to any other 147699  
fund by the Director of Budget and Management or the Controlling 147700  
Board. However, interest earned on money in Fund 3J00 shall be 147701  
credited or transferred to the General Revenue Fund. 147702

**Section 319.10.** 147703

147704

1	2	3	4	5
A	LEC LAKE ERIE COMMISSION			
B	Dedicated Purpose Fund Group			
C	4C00 780601 Lake Erie Protection		\$900,000	\$940,000
D	6H20 780604 H2Ohio		\$132,000	\$132,000
E	Dedicated Purpose Fund Group Total		\$1,032,000	\$1,072,000
F	Federal Fund Group			
G	3EP0 780603 LEC Federal Grants		\$1,140,000	\$1,140,000

H	Federal Fund Group Total	\$1,140,000	\$1,140,000
I	TOTAL ALL BUDGET FUND GROUPS	\$2,172,000	\$2,212,000

<b>Section 319.20.</b>	CASH TRANSFERS TO THE LAKE ERIE PROTECTION	147705
FUND		147706

On July 1 of each fiscal year, or as soon as possible	147707
thereafter, the Director of Budget and Management may transfer	147708
cash from the funds specified below, up to the amounts specified	147709
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00	147710
may accept contributions and transfers made to the fund.	147711
	147712

1	2	3	4	5
A	Fund Fund Name	User	FY 2026	FY 2027
B	5BC0 Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000
C	6690 Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000
D	4700 General Operations	Department of Health	\$25,000	\$25,000
E	1570 Program Support	Department of Natural Resources	\$25,000	\$25,000
F	1350 Supportive Services	Department of Development	\$25,000	\$25,000

<b>Section 321.10.</b>	147713
	147714

	1	2	3	4	5
A	JLE JOINT LEGISLATIVE ETHICS COMMITTEE				
B	General Revenue Fund				
C	GRF	028321	Legislative Ethics Committee	\$713,000	\$713,000
D	General Revenue Fund Total			\$713,000	\$713,000
E	Dedicated Purpose Fund Group				
F	4G70	028601	Joint Legislative Ethics Committee	\$150,000	\$150,000
G	5HN0	028602	Investigations and Financial Disclosure	\$10,000	\$10,000
H	Dedicated Purpose Fund Group Total			\$160,000	\$160,000
I	TOTAL ALL BUDGET FUND GROUPS			\$873,000	\$873,000

**Section 321.20. LEGISLATIVE ETHICS COMMITTEE** 147715

On July 1, 2025, or as soon as possible thereafter, the 147716  
Legislative Inspector General of the Joint Legislative Ethics 147717  
Committee may certify to the Director of Budget and Management 147718  
an amount up to the unexpended, unencumbered balance of the 147719  
foregoing appropriation item 028321, Legislative Ethics 147720  
Committee, at the end of fiscal year 2025 to be reappropriated 147721  
to fiscal year 2026. The amount certified is hereby 147722  
reappropriated to the same appropriation item for fiscal year 147723  
2026. 147724

On July 1, 2026, or as soon as possible thereafter, the  
Legislative Inspector General of the Joint Legislative Ethics  
Committee may certify to the Director of Budget and Management  
an amount up to the unexpended, unencumbered balance of the  
foregoing appropriation item 028321, Legislative Ethics  
Committee, at the end of fiscal year 2026 to be reappropriated  
to fiscal year 2027. The amount certified is hereby  
reappropriated to the same appropriation item for fiscal year  
2027.

**Section 323.10.**

1	2	3	4	5
A	LSC LEGISLATIVE SERVICE COMMISSION			
B	General Revenue Fund			
C	GRF	035321 Operating Expenses	\$24,800,000	\$24,800,000
D	GRF	035402 Legislative Fellows	\$1,200,000	\$1,200,000
E	GRF	035405 Correctional Institution Inspection Committee	\$497,000	\$522,000
F	GRF	035407 Legislative Task Force on Redistricting	\$100,000	\$0
G	GRF	035409 National Associations	\$712,000	\$712,000
H	GRF	035410 Legislative Information Systems	\$15,000,000	\$15,000,000
I	GRF	035501 Litigation	\$1,000,000	\$1,000,000

J	General Revenue Fund Total	\$43,309,000	\$43,234,000
K	TOTAL ALL BUDGET FUND GROUPS	\$43,309,000	\$43,234,000

**Section 323.20. OPERATING EXPENSES** 147736

On July 1, 2025, or as soon as possible thereafter, the 147737  
Director of the Legislative Service Commission may certify to 147738  
the Director of Budget and Management an amount up to the 147739  
unexpended, unencumbered balance of the foregoing appropriation 147740  
item 035321, Operating Expenses, at the end of fiscal year 2025 147741  
to be reappropriated to fiscal year 2026. The amount certified 147742  
is hereby reappropriated to the same appropriation item for 147743  
fiscal year 2026. 147744

On July 1, 2026, or as soon as possible thereafter, the 147745  
Director of the Legislative Service Commission may certify to 147746  
the Director of Budget and Management an amount up to the 147747  
unexpended, unencumbered balance of the foregoing appropriation 147748  
item 035321, Operating Expenses, at the end of fiscal year 2026 147749  
to be reappropriated to fiscal year 2027. The amount certified 147750  
is hereby reappropriated to the same appropriation item for 147751  
fiscal year 2027. 147752

**CORRECTIONAL INSTITUTION INSPECTION COMMITTEE** 147753

On July 1, 2025, or as soon as possible thereafter, the 147754  
Director of the Legislative Service Commission may certify to 147755  
the Director of Budget and Management an amount up to the 147756  
unexpended, unencumbered balance of the foregoing appropriation 147757  
item 035405, Correctional Institution Inspection Committee, at 147758  
the end of fiscal year 2025 to be reappropriated to fiscal year 147759  
2026. The amount certified is hereby reappropriated to the same 147760  
appropriation item for fiscal year 2026. 147761

On July 1, 2026, or as soon as possible thereafter, the 147762  
Director of the Legislative Service Commission may certify to 147763  
the Director of Budget and Management an amount up to the 147764  
unexpended, unencumbered balance of the foregoing appropriation 147765  
item 035405, Correctional Institution Inspection Committee, at 147766  
the end of fiscal year 2026 to be reappropriated to fiscal year 147767  
2027. The amount certified is hereby reappropriated to the same 147768  
appropriation item for fiscal year 2027. 147769

LEGISLATIVE TASK FORCE ON REDISTRICTING 147770

An amount equal to the unexpended, unencumbered balance of 147771  
the foregoing appropriation item 035407, Legislative Task Force 147772  
on Redistricting, at the end of fiscal year 2025 is hereby 147773  
reappropriated to the Legislative Service Commission for the 147774  
same purpose for fiscal year 2026. 147775

An amount equal to the unexpended, unencumbered balance of 147776  
the foregoing appropriation item 035407, Legislative Task Force 147777  
on Redistricting, at the end of fiscal year 2026 is hereby 147778  
reappropriated to the Legislative Service Commission for the 147779  
same purpose for fiscal year 2027. 147780

LEGISLATIVE INFORMATION SYSTEMS 147781

On July 1, 2025, or as soon as possible thereafter, the 147782  
Director of the Legislative Service Commission may certify to 147783  
the Director of Budget and Management an amount up to the 147784  
unexpended, unencumbered balance of the foregoing appropriation 147785  
item 035410, Legislative Information Systems, at the end of 147786  
fiscal year 2025 to be reappropriated to fiscal year 2026. The 147787  
amount certified is hereby reappropriated to the same 147788  
appropriation item for fiscal year 2026. 147789

On July 1, 2026, or as soon as possible thereafter, the 147790



Director of the Legislative Service Commission may certify to 147791  
the Director of Budget and Management an amount up to the 147792  
unexpended, unencumbered balance of the foregoing appropriation 147793  
item 035410, Legislative Information Systems, at the end of 147794  
fiscal year 2026 to be reappropriated to fiscal year 2027. The 147795  
amount certified is hereby reappropriated to the same 147796  
appropriation item for fiscal year 2027. 147797

LITIGATION 147798

The foregoing appropriation item 035501, Litigation, shall 147799  
be used for any lawsuit in which the General Assembly, or either 147800  
house of the General Assembly, is made a party. The chairperson 147801  
and vice-chairperson of the Legislative Service Commission shall 147802  
both approve the use of the appropriated moneys. 147803

An amount equal to the unexpended, unencumbered balance of 147804  
the foregoing appropriation item 035501, Litigation, at the end 147805  
of fiscal year 2025 is hereby reappropriated to the Legislative 147806  
Service Commission for the same purpose for fiscal year 2026. 147807

An amount equal to the unexpended, unencumbered balance of 147808  
the foregoing appropriation item 035501, Litigation, at the end 147809  
of fiscal year 2026 is hereby reappropriated to the Legislative 147810  
Service Commission for the same purpose for fiscal year 2027. 147811

**Section 325.10.** 147812  
147813

1	2	3	4	5
A	LIB STATE LIBRARY BOARD			
B	Dedicated Purpose Fund Group			
C	4590 350603 Services for Libraries	\$6,748,455	\$6,783,244	

D	4S40	350604	Ohio Public Library Information Network	\$5,567,715	\$5,587,432
E	5CW1	350608	Ohioana Library Association	\$310,516	\$310,516
F	5CX1	350609	Regional Library Systems	\$494,000	\$494,000
G	5CZ1	350607	Operating Expenses	\$4,527,036	\$4,527,474
H	5GB0	350605	Library for the Blind	\$1,274,194	\$1,274,194
I			Dedicated Purpose Fund Group Total	\$18,921,916	\$18,976,860
J			Internal Service Activity Fund Group		
K	1390	350602	Services for State Agencies	\$8,000	\$8,000
L			Internal Service Activity Fund Group Total	\$8,000	\$8,000
M			Federal Fund Group		
N	3130	350601	LSTA Federal	\$5,554,767	\$5,609,015
O			Federal Fund Group Total	\$5,554,767	\$5,609,015
P			TOTAL ALL BUDGET FUND GROUPS	\$24,484,683	\$24,593,875

**Section 325.20. OHIOANA LIBRARY ASSOCIATION** 147814

Of the foregoing appropriation item 350608, Ohioana	147815
Library Association, \$191,000 in each fiscal year shall be used	147816
to support the operating expenses of the Martha Kinney Cooper	147817

Ohioana Library Association under section 3375.61 of the Revised Code. 147818  
147819

The remainder of the foregoing appropriation item 350608, 147820  
Ohioana Library Association, shall be used to pay the rental 147821  
expenses of the Martha Kinney Cooper Ohioana Library Association 147822  
under section 3375.61 of the Revised Code. 147823

REGIONAL LIBRARY SYSTEMS 147824

The foregoing appropriation item 350609, Regional Library 147825  
Systems, shall be used to support regional library systems 147826  
eligible for funding under sections 3375.83 and 3375.90 of the 147827  
Revised Code. 147828

OHIO PUBLIC LIBRARY INFORMATION NETWORK 147829

(A) The foregoing appropriation item 350604, Ohio Public 147830  
Library Information Network, shall be used for an information 147831  
telecommunications network linking public libraries in the state 147832  
and such others as may participate in the Ohio Public Library 147833  
Information Network (OPLIN). 147834

The Ohio Public Library Information Network Board of 147835  
Trustees created under section 3375.65 of the Revised Code may 147836  
make decisions regarding use of the foregoing appropriation item 147837  
350604, Ohio Public Library Information Network. 147838

(B) The OPLIN Board shall research and assist or advise 147839  
local libraries with regard to emerging technologies and methods 147840  
that may be effective means to control access to obscene and 147841  
illegal materials. The OPLIN Director shall provide written 147842  
reports upon request within ten days to the Governor, the 147843  
Speaker and Minority Leader of the House of Representatives, and 147844  
the President and Minority Leader of the Senate on any steps 147845  
being taken by OPLIN and public libraries in the state to limit 147846

and control such improper usage as well as information on 147847  
technological, legal, and law enforcement trends nationally and 147848  
internationally affecting this area of public access and 147849  
service. 147850

(C) The Ohio Public Library Information Network, INFOhio, 147851  
and OhioLINK shall, to the extent feasible, coordinate and 147852  
cooperate in their purchase or other acquisition of the use of 147853  
electronic databases for their respective users and shall 147854  
contribute funds in an equitable manner to such effort. 147855

LIBRARY FOR THE BLIND 147856

The foregoing appropriation item 350605, Library for the 147857  
Blind, shall be used for the statewide Talking Book Program to 147858  
assist the blind and disabled. 147859

TRANSFER TO OPLIN TECHNOLOGY FUND 147860

Notwithstanding sections 5747.03 and 5747.47 of the 147861  
Revised Code and any other provision of law to the contrary, in 147862  
accordance with a schedule established by the Director of Budget 147863  
and Management, the Director of Budget and Management shall 147864  
transfer \$3,689,788 cash in each fiscal year from the Public 147865  
Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 147866  
4S40). 147867

TRANSFER TO LIBRARY FOR THE BLIND FUND 147868

Notwithstanding sections 5747.03 and 5747.47 of the 147869  
Revised Code and any other provision of law to the contrary, in 147870  
accordance with a schedule established by the Director of Budget 147871  
and Management, the Director of Budget and Management shall 147872  
transfer \$1,274,194 cash in each fiscal year from the Public 147873  
Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 147874  
5GB0). 147875

TRANSFER TO STATE LIBRARY OPERATING EXPENSES FUND	147876
Notwithstanding sections 5747.03 and 5747.47 of the	147877
Revised Code and any other provision of law to the contrary, in	147878
accordance with a schedule established by the Director of Budget	147879
and Management, the Director of Budget and Management shall	147880
transfer \$4,527,036 cash in fiscal year 2026 and \$4,527,474 cash	147881
in fiscal year 2027 from the Public Library Fund (Fund 7065) to	147882
the State Library Operating Expenses Fund (Fund 5CZ1), which is	147883
hereby created in the state treasury.	147884
TRANSFER TO THE OHIOANA LIBRARY ASSOCIATION FUND	147885
Notwithstanding sections 5747.03 and 5747.47 of the	147886
Revised Code and any other provision of law to the contrary, in	147887
accordance with a schedule established by the Director of Budget	147888
and Management, the Director of Budget and Management shall	147889
transfer \$310,516 cash in each fiscal year from the Public	147890
Library Fund (Fund 7065) to the Ohioana Library Association Fund	147891
(Fund 5CW1), which is hereby created in the state treasury.	147892
TRANSFER TO REGIONAL LIBRARY SYSTEMS FUND	147893
Notwithstanding sections 5747.03 and 5747.47 of the	147894
Revised Code and any other provision of law to the contrary, in	147895
accordance with a schedule established by the Director of Budget	147896
and Management, the Director of Budget and Management shall	147897
transfer \$494,000 cash in each fiscal year from the Public	147898
Library Fund (Fund 7065) to the Regional Library Systems Fund	147899
(Fund 5CX1), which is hereby created in the state treasury.	147900
<b>Section 327.10.</b>	147901
	147902

A	LCO LIQUOR CONTROL COMMISSION		
B	Dedicated Purpose Fund Group		
C	5LP0 970601 Commission Operating Expenses	\$1,177,114	\$1,241,735
D	Dedicated Purpose Fund Group Total	\$1,177,114	\$1,241,735
E	TOTAL ALL BUDGET FUND GROUPS	\$1,177,114	\$1,241,735

**Section 329.10.**

147903

147904

1	2	3	4	5
A	LOT STATE LOTTERY COMMISSION			
B	State Lottery Fund Group			
C	7044 950321 Operating Expenses	\$70,000,000	\$71,000,000	
D	7044 950402 Advertising Contracts	\$30,811,375	\$30,811,375	
E	7044 950403 Gaming Contracts	\$123,355,327	\$128,639,066	
F	7044 950601 Direct Prize Payments	\$183,030,000	\$183,282,000	
G	7044 950605 Responsible Gambling	\$5,000,000	\$5,000,000	
H	8710 950602 Annuity Prizes	\$35,637,000	\$34,737,000	
I	State Lottery Fund Group Total	\$447,833,702	\$453,469,441	
J	TOTAL ALL BUDGET FUND GROUPS	\$447,833,702	\$453,469,441	

**Section 329.20. OPERATING EXPENSES**

147905

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amount appropriated in each fiscal year, up to a maximum of 10 per cent of the amount appropriated that fiscal year in the foregoing appropriation item 950321, Operating Expenses. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,465,138,202 in fiscal year 2026 and \$1,471,729,884 in

fiscal year 2027. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

**Section 333.10.**

1	2	3	4	5
A	MCD DEPARTMENT OF MEDICAID			
B	General Revenue Fund			
C	GRF	651425 Medicaid Program Support - State	\$164,527,244	\$158,222,590
D	GRF	651525 Medicaid Health Care Services - Total	\$19,965,971,019	\$20,803,854,551
E		Medicaid Health Care Services - State	\$5,548,774,202	\$5,727,316,637
F		Medicaid Health Care Services - Federal	\$14,417,196,817	\$15,076,537,914
G	GRF	651526 Medicare Part D	\$745,500,073	\$829,099,684
H	General Revenue Fund Total		\$20,875,998,336	\$21,791,176,825
I	Dedicated Purpose Fund Group			
J	4E30	651605 Resident Protection Fund	\$7,000,000	\$7,000,000
K	5AN0	651686 State Directed Payment Program	\$233,410,621	\$233,212,717



L	5DL0	651639	Medicaid Services - Recoveries	\$938,907,575	\$896,537,969
M	5DL0	651685	Medicaid Recoveries - Program Support	\$89,560,719	\$91,388,371
N	5DL0	651690	Multi-system Youth Custody Relinquishment	\$20,000,000	\$20,000,000
O	5FX0	651638	Medicaid Services - Payment Withholding	\$12,000,000	\$12,000,000
P	5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$2,632,211,017	\$3,030,014,270
Q	5R20	651608	Medicaid Services-Long Term	\$451,000,000	\$451,000,000
R	5TN0	651684	Medicaid Services-HIC Fee	\$879,876,850	\$869,039,656
S	6510	651649	Medicaid Services-Hospital Care Assurance Program	\$320,543,800	\$168,455,600
T	Dedicated Purpose Fund Group Total			\$5,584,510,582	\$5,778,648,583
U	Holding Account Fund Group				
V	R055	651644	Refunds and Reconciliation	\$14,001,665	\$14,001,665
W	Holding Account Fund Group Total			\$14,001,665	\$14,001,665
X	Federal Fund Group				

Y	3F00	651623	Medicaid Services - Federal	\$13,049,087,897	\$13,875,349,283
Z	3F00	651624	Medicaid Program Support - Federal	\$499,974,494	\$495,333,992
AA	3FA0	651680	Health Care Grants - Federal	\$7,000,000	\$7,000,000
AB	3G50	651655	Medicaid Interagency Pass Through	\$264,653,075	\$264,644,638
AC	Federal Fund Group Total			\$13,820,715,466	\$14,642,327,913
AD	TOTAL ALL BUDGET FUND GROUPS			\$40,295,226,049	\$42,226,154,986

**Section 333.12.** DIVERSITY EQUITY AND INCLUSION 147940

To the extent permitted by federal law, no funds 147941  
appropriated in Section 333.10 shall be used for diversity, 147942  
equity, and inclusion initiatives. This section does not apply 147943  
to funds appropriated to provide services that support access to 147944  
the community for Medicaid recipients with intellectual and 147945  
developmental disabilities. 147946

**Section 333.13.** SOCIAL GENDER TRANSITION 147947

To the extent permitted by federal law, no funds 147948  
appropriated in Section 333.10 of this act shall be distributed 147949  
for mental health services that promote or affirm social gender 147950  
transition, in which an individual goes from identifying with 147951  
and living as a gender that corresponds to the individual's 147952  
biological sex to identifying with and living as a gender 147953  
different from the individual's biological sex. 147954

**Section 333.15. MEDICAID IN SCHOOLS PROGRAM** 147955

Of the foregoing appropriation items 651425, Medicaid 147956  
Program Support - State, and 651624, Medicaid Program Support - 147957  
Federal, \$349,925 in each line item in fiscal year 2026 and 147958  
\$358,362 in each line item in fiscal year 2027 shall be used by 147959  
the Department of Medicaid to support the Medicaid in Schools 147960  
Program. 147961

**Section 333.30. LODGING FOR FAMILIES** 147962

Of the foregoing appropriation item 651525, Medicaid 147963  
Health Care Services, \$2,500,000 in each fiscal year shall be 147964  
used by the Medicaid Director to work with the Centers for 147965  
Medicare and Medicaid Services to continue lodging as an 147966  
administrative service affiliated with Ohio children's hospitals 147967  
available for families with children who have special health 147968  
care needs. 147969

**Section 333.40. PERSONAL NEEDS ALLOWANCE SUPPORT** 147970

Upon the request of the Medicaid Director, the Director of 147971  
Budget and Management may transfer up to \$2,200,000 147972  
appropriation in fiscal year 2026 and \$4,400,000 appropriation 147973  
in fiscal year 2027 from appropriation item 651525, Medicaid 147974  
Health Care Services, to appropriation items in the Department 147975  
of Developmental Disabilities. This funding shall be used to 147976  
support an increase in the personal needs allowance for 147977  
individuals residing in an intermediate care facility for 147978  
individuals with intellectual disabilities. The Medicaid 147979  
Director may transfer federal funds as the state's single state 147980  
agency for Medicaid reimbursements, as drawn for these 147981  
transactions. Any amounts transferred are hereby appropriated. 147982

**Section 333.50. MEDICARE PART D** 147983

The foregoing appropriation item 651526, Medicare Part D, 147984  
may be used by the Department of Medicaid for the implementation 147985  
and operation of the Medicare Part D requirements contained in 147986  
the "Medicare Prescription Drug, Improvement, and Modernization 147987  
Act of 2003," Pub. L. No. 108-173, as amended. Upon the request 147988  
of the Medicaid Director, the Director of Budget and Management 147989  
may transfer the state share of appropriations between 147990  
appropriation item 651525, Medicaid Health Care Services, and 147991  
appropriation item 651526, Medicare Part D. If the state share 147992  
of appropriation item 651525, Medicaid Health Care Services, is 147993  
adjusted, the Director of Budget and Management shall adjust the 147994  
federal share accordingly. The Department of Medicaid shall 147995  
provide notification to the Controlling Board of any transfers 147996  
at the next scheduled Controlling Board meeting. 147997

**Section 333.70. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 147998**  
COSTS 147999

Upon the request of the Medicaid Director, the Director of 148000  
Budget and Management may transfer state share appropriations in 148001  
each fiscal year between appropriation item 651525, Medicaid 148002  
Health Care Services, within the Department of Medicaid, and 148003  
655522, Medicaid Program Support - Local, within the Department 148004  
of Job and Family Services. If such a transfer occurs, the 148005  
Director of Budget and Management shall adjust, using the 148006  
federal reimbursement rate, the federal share appropriations of 148007  
appropriation item 651525, Medicaid Health Care Services, within 148008  
the Department of Medicaid, and appropriation item 655624, 148009  
Medicaid Program Support - Federal, within the Department of Job 148010  
and Family Services. Any increase in funding shall be provided 148011  
to county departments of job and family services and shall only 148012  
be used for costs related to processing cases for work 148013  
requirements for the expansion eligibility group that are 148014

established under the medicaid waiver component required under 148015  
section 5166.37 of the Revised Code, and as prescribed by the 148016  
Medicaid Director. These funds shall not be used for existing 148017  
and ongoing operating expenses. The Medicaid Director shall 148018  
establish criteria for distributing these funds and for county 148019  
departments of job and family services to submit allowable 148020  
expenses. 148021

**Section 333.80.** DEPOSITS TO THE HEALTH CARE/MEDICAID 148022  
SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT 148023

Of the amount received by the Department of Medicaid 148024  
during fiscal year 2026 and fiscal year 2027 from the 148025  
intergovernmental transfers paid under any directed payment 148026  
program as authorized under 42 CFR 438.6(c), the Medicaid 148027  
Director shall deposit a portion of the payments into the state 148028  
treasury to the credit of the Health Care/Medicaid Support and 148029  
Recoveries Fund (Fund 5DL0). The Director of Budget and 148030  
Management may adjust appropriations in line item 651685, 148031  
Medicaid Recoveries - Program Support, along with the 148032  
corresponding federal share in line item 651624, Medicaid 148033  
Program Support - Federal, based on the amount of the deposits 148034  
to Fund 5DL0 made under this section. Any adjusted amounts are 148035  
hereby appropriated. 148036

**Section 333.85.** DEPOSITS TO THE STATE DIRECTED PAYMENT 148037  
PROGRAM FUND 148038

(A) Transfers made for the Hospital Directed Payment 148039  
Program or a state directed payment program authorized by the 148040  
Joint Medicaid Oversight Committee under section 5162.25 of the 148041  
Revised Code shall be deposited into the State Directed Payment 148042  
Program Fund (Fund 5AN0). The state share of the program shall 148043  
be derived from deposits attributable to the intergovernmental 148044

transfers received for the Hospital Directed Payment Program, 148045  
and the corresponding federal share in appropriation item 148046  
651623, Medicaid Services - Federal, shall be used for the 148047  
Hospital Directed Payment Program. Except for deposits under 148048  
Section 333.80 of this act, the Director of Budget and 148049  
Management may transfer any remaining cash in Fund 5DL0 at the 148050  
end of the fiscal year 2025 attributable to the Hospital 148051  
Directed Payment Program to Fund 5AN0 to the credit of the 148052  
Hospital Directed Payment Program. 148053

(B) If the Medicaid Director determines additional amounts 148054  
are needed to support any authorized State Directed Payment 148055  
Programs, the Director may certify the amount to the Director of 148056  
Budget and Management. The Director of Budget and Management 148057  
shall increase appropriation item 651686, State Directed Payment 148058  
Program, subject to division (C) of this section, as well as 148059  
adjusting corresponding federal share in appropriation item 148060  
651623, Medicaid Services - Federal. Any adjusted amounts are 148061  
hereby appropriated. 148062

(C) During fiscal year 2026, the Director of Budget and 148063  
Management shall not increase appropriations in appropriation 148064  
item 651686, State Directed Payment Program, beyond 148065  
\$300,000,000, unless such increases are approved by the 148066  
Controlling Board. 148067

During fiscal year 2027, the Director of Budget and 148068  
Management shall not increase appropriations in appropriation 148069  
item 651686, State Directed Payment Program, beyond 148070  
\$850,000,000, unless such increases are approved by the 148071  
Controlling Board. 148072

(D) The Medicaid Director shall terminate the Hospital 148073  
Directed Payment Program if funds deposited are insufficient to 148074

operate the program. 148075

**Section 333.90.** DEPOSITS TO THE HEALTH CARE/MEDICAID 148076  
SUPPORT AND RECOVERIES FUND 148077

Of the amount received by the Department of Medicaid 148078  
during fiscal year 2026 and fiscal year 2027 from the first 148079  
installment of assessments paid under section 5168.06 of the 148080  
Revised Code and intergovernmental transfers made under section 148081  
5168.07 of the Revised Code, the Medicaid Director shall deposit 148082  
\$2,500,000 cash in each fiscal year into the state treasury to 148083  
the credit of the Health Care/Medicaid Support and Recoveries 148084  
Fund (Fund 5DL0). 148085

**Section 333.100.** CASH TRANSFERS FROM THE HEALTH 148086  
CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL 148087  
HEALTH CARE FUND 148088

Upon the request of the Medicaid Director, the Director of 148089  
Budget and Management may transfer up to \$2,200,000 cash in each 148090  
fiscal year from the Health Care/Medicaid Support and Recoveries 148091  
Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), 148092  
used by the Department of Behavioral Health. Any transferred 148093  
funds shall be used to support Centers of Excellence and related 148094  
activities. Any transferred amounts are hereby appropriated. 148095

**Section 333.110.** HOSPITAL FRANCHISE FEE PROGRAM 148096

The Director of Budget and Management may authorize 148097  
additional expenditures from appropriation item 651623, Medicaid 148098  
Services - Federal, appropriation item 651525, Medicaid Health 148099  
Care Services, and appropriation item 651656, Medicaid Services 148100  
- Hospital Franchise Fee, in order to implement the programs 148101  
authorized by sections 5168.20 through 5168.28 of the Revised 148102  
Code. Any amounts authorized are hereby appropriated. 148103

**Section 333.120.** HEALTH INSURING CORPORATION CLASS 148104  
FRANCHISE FEE 148105

If receipts credited to the Health Insuring Corporation 148106  
Class Franchise Fee Fund (Fund 5TN0) exceed the amounts 148107  
appropriated from the fund, the Medicaid Director may request 148108  
the Director of Budget and Management to authorize expenditures 148109  
from the fund in excess of the amounts appropriated. If any 148110  
additional amounts are authorized, the Director of Budget and 148111  
Management shall adjust, using the federal reimbursement rate, 148112  
the federal appropriation item identified by the Medicaid 148113  
Director accordingly. Any authorized amounts and any 148114  
corresponding federal adjustments are hereby appropriated. 148115

**Section 333.130.** HOSPITAL CARE ASSURANCE MATCH 148116

If receipts credited to the Health Care Federal Fund (Fund 148117  
3F00) exceed the amounts appropriated from the fund for making 148118  
the hospital care assurance program distribution, the Medicaid 148119  
Director may request the Director of Budget and Management to 148120  
authorize expenditures from the fund in excess of the amounts 148121  
appropriated. Upon the approval of the Director of Budget and 148122  
Management, the additional amounts are hereby appropriated. 148123

The foregoing appropriation item 651649, Medicaid Services 148124  
- Health Care Assurance Program, shall be used by the Department 148125  
of Medicaid for distributing the state share of all hospital 148126  
care assurance program funds to hospitals under section 5168.09 148127  
of the Revised Code. If receipts credited to the Hospital Care 148128  
Assurance Program Fund (Fund 6510) exceed the amounts 148129  
appropriated from the fund for making the hospital care 148130  
assurance program distribution, the Medicaid Director may 148131  
request the Director of Budget and Management to authorize 148132  
expenditures from the fund in excess of the amounts 148133



appropriated. Upon the approval of the Director of Budget and 148134  
Management, the additional amounts are hereby appropriated. 148135

**Section 333.140.** HOSPITAL ADDITIONAL PAYMENTS PROGRAM 148136

The Hospital Additional Payment Program is created. The 148137  
program shall be a state directed payment program for inpatient 148138  
and outpatient hospital services provided to Medicaid care 148139  
management system enrollees receiving care at in-state 148140  
hospitals. Participating hospitals or hospital industry 148141  
representatives shall work collaboratively with the Department 148142  
of Medicaid to establish quality improvement initiatives that 148143  
are approved by the Medicaid Director and that align with and 148144  
advance the goals of the Department of Medicaid's quality 148145  
strategy required under 42. C.F.R. 438.340. Participating 148146  
hospitals shall receive payments directly for services provided 148147  
under the program. 148148

The non-federal share of services under the program shall 148149  
be funded through the hospital franchise fee. Hospital franchise 148150  
fees made for this program shall be deposited into the Medicaid 148151  
Hospital Fund (Fund 5GF0). The state share of this program shall 148152  
be derived from deposits attributable to the incremental 148153  
franchise fee for the program, and the corresponding federal 148154  
share in appropriation item 651623, Medicaid Services - Federal, 148155  
shall be used for the HAP Program. The Medicaid Director shall 148156  
seek approval from the Centers for Medicare and Medicaid 148157  
Services for the program in accordance with section 5162.07 of 148158  
the Revised Code. 148159

**Section 333.150.** REFUNDS AND RECONCILIATION FUND 148160

If estimated receipts to the Refunds and Reconciliation 148161  
Fund (Fund R055) exceed the amounts appropriated from the fund, 148162

the Medicaid Director may request the Director of Budget and 148163  
Management to authorize expenditures from the fund in excess of 148164  
the amounts appropriated. Upon approval of the Director of 148165  
Budget and Management, the additional amounts are hereby 148166  
appropriated. 148167

**Section 333.160. NON-EMERGENCY MEDICAL TRANSPORTATION** 148168

In order to ensure access to a non-emergency medical 148169  
transportation brokerage program established pursuant to section 148170  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a) 148171  
(70), upon the request of the Medicaid Director, the Director of 148172  
Budget and Management may transfer the state share 148173  
appropriations between General Revenue Fund appropriation item 148174  
651525, Medicaid Health Care Services, within the Department of 148175  
Medicaid and 655523, Medicaid Program Support - Local 148176  
Transportation, within the Department of Job and Family 148177  
Services. If such a transfer occurs, the Director of Budget and 148178  
Management shall adjust, using the federal reimbursement rate, 148179  
the federal share appropriations of appropriation item 651525, 148180  
Medicaid Health Care Services, within the Department of 148181  
Medicaid, and appropriation item 655624, Medicaid Program 148182  
Support - Federal, within the Department of Job and Family 148183  
Services. The Medicaid Director may transfer federal funds as 148184  
the state's single state agency for Medicaid reimbursements, as 148185  
drawn for these transactions. Any amounts transferred are hereby 148186  
appropriated. 148187

**Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY** 148188  
**REDETERMINATIONS** 148189

Up to \$5,000,000 in each fiscal year of funds within 148190  
appropriation item 655522, Medicaid Program Support - Local, may 148191  
be distributed based on performance criteria established by the 148192

Ohio Department of Medicaid. Performance based amounts and 148193  
criteria, and criteria for transfer approval may include but are 148194  
not limited to timeliness and accuracy of application and 148195  
renewal processing. 148196

**Section 333.210.** CASH TRANSFERS FROM FRANCHISE PERMIT FEE 148197  
FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING 148198

Upon the request of the Medicaid Director, the Director of 148199  
Budget and Management may transfer up to \$5,000,000 cash in each 148200  
fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) 148201  
to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used 148202  
by the Department of Health. Also, upon the request of the 148203  
Medicaid Director, the Director of Budget and Management may 148204  
transfer up to \$9,300,000 cash in each fiscal year from the 148205  
Nursing Home Franchise Fee Fund (Fund 5R20) to the Ombudsman 148206  
Support Fund (Fund 5BA0), used by the Department of Aging. All 148207  
transferred funds shall be utilized in accordance with section 148208  
5168.54 of the Revised Code. At the end of each fiscal year, the 148209  
Department of Health and the Department of Aging shall report on 148210  
spending activities to the Office of Budget and Management. 148211

**Section 333.230.** MEDICAID INTERAGENCY PASS-THROUGH 148212

The Medicaid Director may request the Director of Budget 148213  
and Management to increase appropriation item 651655, Medicaid 148214  
Interagency Pass-Through. Upon the approval of the Director of 148215  
Budget and Management, the additional amounts are hereby 148216  
appropriated. 148217

**Section 333.240.** MEDICAID SERVICES RECOVERIES 148218

The Medicaid Director may request the Director of Budget 148219  
and Management to increase appropriation item 651639, Medicaid 148220  
Services Recoveries. Upon the approval of the Director of Budget 148221

and Management, the additional amounts are hereby appropriated. 148222

**Section 333.250. MYCARE OHIO EXPANSION** 148223

(A) As required by H.B. 33 of the 135th General Assembly, 148224  
the Medicaid Director shall continue, during fiscal years 2026 148225  
and 2027, to expand the Integrated Care Delivery System, as that 148226  
phrase is defined in section 5164.01 of the Revised Code, or if 148227  
the Director terminates the Integrated Care Delivery System, the 148228  
successor program developed by the Director and approved by the 148229  
United States Centers for Medicare and Medicaid Services, to all 148230  
counties of this state. 148231

(B) The entities selected for the expanded Integrated Care 148232  
Delivery System shall be selected by the Department. 148233

(C) The Department shall establish requirements for care 148234  
management and coordination of waiver services in the expanded 148235  
Integrated Care Delivery System, subject to all of the 148236  
following: 148237

(1) The entities selected pursuant to division (B) of this 148238  
section shall employ the applicable area agency on aging to be 148239  
coordinators of home and community-based services available 148240  
under a Medicaid waiver component available for eligible 148241  
individuals over the age of fifty-nine; 148242

(2) The entities may delegate to the applicable area 148243  
agency on aging full care coordination function for home and 148244  
community-based services and other health care services received 148245  
by those eligible individuals; 148246

(3) Individuals enrolled in an entity's plan or plans may 148247  
choose the entity or its designee as the care coordinator as an 148248  
alternative to the area agency on aging; 148249

(4) The Department may specify an alternative approach to 148250  
care management and coordination of waiver services if the 148251  
performance of the area agency on aging does not meet the 148252  
requirements of the Integrated Care Delivery System or if the 148253  
Department determines that the needs of a defined group of 148254  
individuals requires an alternative approach. 148255

**Section 333.260.** INCREASING CHILDREN'S ACCESS TO VISION 148256  
AND DENTAL SERVICES 148257

Upon the request of the Medicaid Director, the Director of 148258  
Budget and Management may transfer up to \$4,660,000 in 148259  
appropriations in fiscal year 2026 and \$4,295,000 in 148260  
appropriations in fiscal year 2027 from appropriation item 148261  
651525, Medicaid Health Care Services, to appropriation items in 148262  
the Department of Health. This funding shall be used to support 148263  
public health programs or the provision of certain services, 148264  
including preventive care and other interventions, to improve 148265  
the health of low-income children. 148266

Of the transferred funds, up to \$2,660,000 in fiscal year 148267  
2026 and \$2,295,000 in fiscal year 2027 shall be used to 148268  
increase children's access to vision care, and up to \$2,000,000 148269  
in each fiscal year shall be used to increase children's access 148270  
to dental care. The Director of Medicaid may transfer federal 148271  
funds as the state's single state agency for Medicaid 148272  
reimbursements, as drawn for these transactions. Any transferred 148273  
amounts are hereby appropriated. 148274

**Section 333.263.** MEDICAID ADD-ON PAYMENT FOR NURSING 148275  
FACILITY DIALYSIS SERVICES 148276

For fiscal year 2026 and fiscal year 2027, the Department 148277  
of Medicaid shall pay a rate add-on of one hundred ten dollars 148278

per treatment for dialysis services provided in a nursing 148279  
facility, as defined in section 5165.01 of the Revised Code, to 148280  
a resident enrolled in the Medicaid program. 148281

**Section 333.270. HCBS DIRECT CARE WORKER WAGES** 148282

The Department of Medicaid, jointly, with the Department 148283  
of Aging and the Department of Developmental Disabilities, shall 148284  
collect data from providers regarding the wages paid to direct 148285  
care workers providing direct care services under the Medicaid 148286  
home and community-based waiver components administered by those 148287  
agencies. Not later than the last day in December of each fiscal 148288  
year of the biennium, the Department of Medicaid shall compile a 148289  
report and submit the report to the Governor, the President and 148290  
Minority Leader of the Senate, the Speaker and Minority Leader 148291  
of the House of Representatives, and the chairperson of the 148292  
standing committees handling Medicaid matters in both the House 148293  
of Representatives and the Senate. 148294

**Section 333.280. GRADUAL IMPLEMENTATION OF PDPM TO** 148295  
**CALCULATE NURSING FACILITY DIRECT CARE RATES** 148296

For fiscal year 2026, a nursing facility's quarterly case 148297  
mix score from June 30, 2025, shall be used to determine the 148298  
facility's direct care rate from July 1, 2025, through December 148299  
31, 2025. Beginning January 1, 2026, the increase or decrease in 148300  
a nursing facility's direct care rate shall be one-third of the 148301  
difference between the direct care rate on January 1, 2025, and 148302  
the direct care rate determined utilizing case mix scores 148303  
calculated in accordance with section 5165.192 of the Revised 148304  
Code. 148305

In fiscal year 2027, the increase or decrease to a nursing 148306  
facility's direct care rate shall be two-thirds of the 148307

difference between the direct care rate on January 1, 2025, and 148308  
the direct care rate determined utilizing case mix scores 148309  
calculated in accordance with section 5165.192 of the Revised 148310  
Code. Thereafter, a nursing facility's direct care rate shall be 148311  
determined utilizing case mix scores calculated in accordance 148312  
with section 5165.192 of the Revised Code. 148313

**Section 333.290. RURAL OHIO HOSPITAL TAX PILOT PROGRAM** 148314

(A) As used in this section: 148315

(1) "Critical access hospital" means a hospital certified 148316  
as a critical access hospital by the United States Centers for 148317  
Medicare and Medicaid Services and designated as a critical 148318  
access hospital by the department of health pursuant to section 148319  
3701.073 of the Revised Code. 148320

(2) "Hospital tax assessment" means an assessment imposed 148321  
under Section 333.300 of this act to fund the nonfederal share 148322  
of the Rural Ohio Hospital Tax Pilot Program. 148323

(3) "Preprint" means a form created by the United States 148324  
Centers for Medicare and Medicaid Services to request approval 148325  
of a state directed payment program as required under 42 C.F.R. 148326  
438.6(c). 148327

(4) "Rural hospital" means a hospital located in a county 148328  
that is not classified into core based statistical areas as 148329  
designated in the inpatient prospective payment system case-mix 148330  
and wage index table published by the United States Centers for 148331  
Medicare and Medicaid Services. 148332

(B) The Rural Ohio Hospital Tax Pilot Program Fund (Fund 148333  
5CM1) is created. Investment earnings of the Rural Ohio Hospital 148334  
Tax Pilot Program Fund shall be credited to the fund. 148335

(C) The Medicaid Director may create a Rural Ohio Hospital Tax Pilot Program for directed payments to rural Ohio hospitals, and their related health systems, that meet the following criteria:

(1) The hospital is a rural hospital or a critical access hospital.

(2) The hospital is enrolled as a provider in the Medicaid program.

(D) The Rural Ohio Hospital Tax Pilot Program established pursuant to this section shall comply with the requirements of 42 C.F.R. 438.6(c), including all of the following:

(1) The program shall be approved by the United States Centers for Medicare and Medicaid Services, and the Medicaid Director shall seek approval for the program in accordance with section 5162.07 of the Revised Code.

(2) Directed payments under the program shall not exceed the average commercial rate under a preprint as approved by the United States Centers for Medicare and Medicaid Services.

(3) The program shall be subject to an evaluation plan, in accordance with 42 C.F.R. 438.6(c) (2) (ii) (D).

(E) Hospital providers participating in the Rural Ohio Hospital Tax Pilot Program shall do all of the following:

(1) Enter into one or more contracts related to the program as necessary, as determined by the Department of Medicaid;

(2) Comply with average commercial rate reporting requirements established by the Department, related to the requirements set forth in 42 C.F.R. 438.6(c) (2) (iii);



(3) Comply with the Department's quality measure set, 148364  
including the metrics and targets set by the Department to 148365  
advance the goals and objectives in the Department's quality 148366  
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 148367  
C.F.R. 438.340; 148368

(4) Cooperate with any evaluation or reporting 148369  
requirements established by the Department related to the 148370  
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F). 148371

(F) Any hospital provider contracts required under 148372  
division (E) (1) of this section shall be executed not later than 148373  
the first day of October preceding the first fiscal year of a 148374  
biennium. A contract required under this section may be entered 148375  
into in accordance with section 5162.32 of the Revised Code. 148376

(G) All funds supporting the Rural Ohio Tax Pilot Program 148377  
shall comply with the requirements specified in 42 C.F.R. Part 148378  
433. No hospital provider may participate in the Rural Ohio 148379  
Hospital Tax Pilot Program unless sufficient tax funds are 148380  
assessed, collected, obligated, and appropriated. 148381

(H) The Director may terminate or decline to establish the 148382  
Rural Ohio Hospital Tax Pilot Program if federal or local tax 148383  
funding is not available or sufficient to sustain the program. 148384  
The Department shall not at any time be required to provide 148385  
funding for the Rural Ohio Hospital Tax Pilot Program. The 148386  
requirements of this section apply only as long as the United 148387  
States Centers for Medicare and Medicaid Services determines 148388  
that the assessment imposed under Section 333.300 of this act is 148389  
a permissible health care-related tax pursuant to the "Social 148390  
Security Act," section 1903(w), 42 U.S.C. 1396b(w). If the 148391  
Department is informed that the assessment is an impermissible 148392  
health care related tax, the Department shall promptly refund to 148393

each hospital the amount of money currently in the Rural Ohio  
Hospital Tax Pilot Program Fund (Fund 5CM1) that has been paid  
by the hospital under Section 333.300 of this act, plus any  
investment earnings on that amount.

(I) The nonfederal share of the directed payments shall be  
funded exclusively by a hospital tax assessment pursuant to  
Section 333.300 of this act and must be remitted to the  
Department through intergovernmental transfer from a county or  
multi-county funding district, as specified in that section.

(J) Transfers made for the program shall be deposited into  
the Rural Ohio Hospital Tax Pilot Program Fund (Fund 5CM1). The  
state share of this program shall be derived from deposits  
attributable to the intergovernmental transfers received for the  
Rural Ohio Hospital Tax Pilot Program, and the corresponding  
federal share in appropriation item 651623, Medicaid Services -  
Federal, shall be used for the Rural Ohio Hospital Tax Pilot  
Program.

**Section 333.300. RURAL OHIO HOSPITAL PILOT PROGRAM**  
ASSESSMENTS

(A) (1) As used in this section, "county" means a county  
that contains a rural hospital or critical access hospital as  
defined in Section 333.290 of this act.

(2) For purposes of this section, one or more contiguous  
counties may create a multi-county funding district. The  
boundary of any multi-county funding district shall be  
coextensive with the combined boundaries of the counties  
contained in the multi-county funding district.

(B) In establishing a multi-county funding district, all  
of the following apply:

(1) A multi-county funding district is a governmental 148423  
entity. 148424

(2) The board of county commissioners of each county 148425  
within the boundaries of a proposed multi-county funding 148426  
district shall pass a resolution or ordinance establishing the 148427  
multi-county funding district and appointing one county 148428  
commissioner to serve on the district's governing board. Upon 148429  
the adoption of a resolution or ordinance by each board of 148430  
county commissioners, the multi-county funding district is 148431  
created. Following the creation of a multi-county funding 148432  
district, each resolution or ordinance required to establish the 148433  
district shall be amended before a new county may join the 148434  
district. 148435

(3) The governing board of a multi-county funding district 148436  
shall be comprised solely of the county commissioners appointed 148437  
by each county within the boundaries of the district. A county 148438  
may replace its appointment to the governing board by resolution 148439  
or ordinance. 148440

(4) The governing board of a multi-county funding district 148441  
shall delegate the operational and administrative burdens of the 148442  
districts to the counties that comprise the district. Within 148443  
sixty days of the establishment of a multi-county funding 148444  
district, the governing board shall designate at least one 148445  
county to serve as the operational and administrative lead for 148446  
the district. The governing board may change this designation at 148447  
any time. 148448

(C) A county or multi-county funding district may 148449  
establish a local hospital assessment to provide the nonfederal 148450  
share for Medicaid payments under division (G) of Section 148451  
333.290 of this act. Any local assessment established under this 148452

section shall comply with all of the requirements applicable to 148453  
provider assessments, as specified in 42 U.S.C. 1396b(w) and 42 148454  
C.F.R. 433.68. 148455

(1) Each county or multi-county funding district shall set 148456  
the annual rate of the local hospital assessment. 148457

(2) An assessment established under this section shall 148458  
apply uniformly to all non-public hospitals within the 148459  
jurisdiction of the county or multi-county funding district. A 148460  
county or multi-county funding district may apply the assessment 148461  
to public hospitals. 148462

(3) A county or multi-county funding district shall set 148463  
the rate of the assessment such that, in the aggregate, the 148464  
assessment will generate sufficient revenue to cover both of the 148465  
following: 148466

(a) The nonfederal share of Medicaid payments that benefit 148467  
hospitals in the county or multi-county funding district; 148468

(b) The administrative expenses of the county or multi- 148469  
county funding district in administering the local hospital 148470  
assessment, except that administrative expenses shall not exceed 148471  
one hundred fifty thousand dollars annually. 148472

(4) Implementation of an assessment established under this 148473  
section shall further the state's evolving quality goals, 148474  
including improving mental health, substance abuse prevention, 148475  
and advancing maternal health. 148476

(5) A county or multi-county funding district may impose 148477  
penalties upon a hospital that is subject to an assessment that 148478  
fails to pay the assessment in a timely manner. 148479

**Section 333.360.** GROUP VIII TRANSITION PLAN 148480

As used in this section, "expansion eligibility group" has 148481  
the same meaning as in section 5163.01 of the Revised Code. 148482

If, during fiscal year 2026 or fiscal year 2027, the 148483  
federal medical assistance percentage for the Medicaid expansion 148484  
eligibility group is set below ninety percent, and individuals 148485  
enrolled in Medicaid on the basis of being enrolled in the 148486  
expansion eligibility group are no longer eligible to be 148487  
enrolled in the Medicaid program in accordance with section 148488  
5163.04 of the Revised Code, the Department of Medicaid shall 148489  
implement a phased transition plan to assist those individuals 148490  
by redirecting them to private insurance subsidies or charity 148491  
care programs that provide medical assistance. 148492

**Section 335.10.** 148493  
148494

	1	2	3	4	5
A	MED STATE MEDICAL BOARD				
B	Dedicated Purpose Fund Group				
C	5C60	883609	Operating Expenses	\$14,315,005	\$14,891,225
D	Dedicated Purpose Fund Group Total			\$14,315,005	\$14,891,225
E	TOTAL ALL BUDGET FUND GROUPS			\$14,315,005	\$14,891,225

**Section 337.10.** 148495  
148496

	1	2	3	4	5
A	MHA DEPARTMENT OF BEHAVIORAL HEALTH				

B General Revenue Fund

C	GRF	336321	Program Support and Operations	\$56,671,000	\$56,671,000
D	GRF	336402	Resident Trainees	\$380,000	\$380,000
E	GRF	336406	Prevention and Wellness	\$5,500,000	\$5,500,000
F	GRF	336407	Crisis Services and Stablization	\$17,000,000	\$22,000,000
G	GRF	336412	Hospital Services	\$326,500,000	\$335,000,000
H	GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000
I	GRF	336421	Continuum of Care Services	\$103,830,000	\$103,830,000
J	GRF	336422	Criminal Justice Services	\$27,250,000	\$27,250,000
K	GRF	336425	Specialized Docket Support	\$11,282,469	\$11,287,028
L	GRF	336504	Community Innovations	\$8,375,000	\$8,375,000
M	GRF	336510	Residential State Supplement	\$24,000,000	\$24,000,000
N	GRF	336516	Appalachian Children Coalition	\$2,500,000	\$2,500,000
O	GRF	336519	Community Projects	\$3,800,000	\$3,750,000

P	GRF	336522	9-8-8 Suicide Crisis	\$23,000,000	\$20,000,000
Q	GRF	652321	Medicaid Support	\$478,055	\$492,396
R	General Revenue Fund Total			\$638,066,524	\$645,235,424
S	Dedicated Purpose Fund Group				
T	4750	336623	Statewide Treatment and Prevention	\$24,000,000	\$24,000,000
U	4850	336632	Mental Health Operating	\$19,000,000	\$24,200,000
V	5AU0	336615	Behavioral Health Care	\$11,000,000	\$11,000,000
W	5JL0	336629	Problem Gambling and Casino Addiction	\$9,000,000	\$7,750,000
X	5T90	336641	Problem Gambling Services	\$3,200,000	\$3,200,000
Y	5TZ0	336669	State of Ohio Action Resiliency Network	\$7,500,000	\$0
Z	5VV0	336645	Transcranial Magnetic Stimulation Program	\$5,000,000	\$5,000,000
AA	6320	336616	Community Capital Replacement	\$350,000	\$350,000
AB	6890	336640	Education and Conferences	\$200,000	\$200,000
AC	Dedicated Purpose Fund Group Total			\$79,250,000	\$75,700,000
AD	Internal Service Activity Fund Group				

AE 1490 336609	Hospital Operating Expenses	\$16,000,000	\$16,000,000
AF 1490 336610	Operating Expenses	\$7,350,000	\$7,350,000
AG 1510 336601	Ohio Pharmacy Services	\$124,937,150	\$146,503,708
AH 4P90 336604	Community Mental Health Projects	\$250,000	\$250,000
AI Internal Service Activity Fund Group Total		\$148,537,150	\$170,103,708
AJ Federal Fund Group			
AK 3240 336605	Medicaid/Medicare	\$18,000,000	\$18,000,000
AL 3A70 336612	Social Services Block Grant	\$8,500,000	\$8,500,000
AM 3A80 336613	Federal Grants	\$8,600,000	\$8,600,000
AN 3A90 336614	Mental Health Block Grant	\$52,000,000	\$46,000,000
AO 3B10 652636	Community Medicaid Legacy Support	\$1,600,000	\$1,600,000
AP 3G40 336618	Substance Abuse Block Grant	\$87,000,000	\$86,000,000
AQ 3H80 336606	Demonstration Grants	\$16,000,000	\$16,000,000
AR 3HB1 336644	State Opioid Response	\$170,000,000	\$170,000,000
AS 3N80 336639	Administrative	\$1,000,000	\$1,000,000



Reimbursement

AT Federal Fund Group Total	\$362,700,000	\$355,700,000
AU TOTAL ALL BUDGET FUND GROUPS	\$1,228,553,674	\$1,246,739,132

**Section 337.20. STATE BLOCK GRANTS** 148497

(A) As used in this section: 148498

(1) "Drug used in withdrawal management or detoxification" 148499  
means a drug approved by the United States Food and Drug 148500  
Administration for use in, or a drug in standard use for, 148501  
mitigating alcohol or opioid withdrawal symptoms or assisting 148502  
with detoxification. 148503

(2) "Jail" has the same meaning as in section 2929.01 of 148504  
the Revised Code. 148505

(3) "Medication-assisted treatment" has the same meaning 148506  
as in section 340.01 of the Revised Code. 148507

(4) "Medication-assisted treatment drug court program" 148508  
means a session of any of the following that holds initial or 148509  
final certification from the Supreme Court of Ohio as a 148510  
specialized docket program for drugs and that uses medication- 148511  
assisted treatment as part of its specialized docket program: a 148512  
common pleas court, municipal court, or county court, or a 148513  
division of any of those courts. 148514

(5) "Alcohol and drug addiction services," "mental health 148515  
services," "recovery housing residence," and "recovery supports" 148516  
have the same meanings as in section 5119.01 of the Revised 148517  
Code. 148518

(B) In fiscal years 2026 and 2027, the Department of 148519

Behavioral Health may allocate General Revenue Funds described 148520  
in this section, as well as any other General Revenue Funds and 148521  
Dedicated Purpose Funds determined by the Department, to boards 148522  
of alcohol, drug addiction, and mental health services through 148523  
state block grants. These state block grants shall serve to 148524  
provide flexibility within established allowable uses for the 148525  
boards to disburse funds to behavioral health providers to 148526  
provide harm reduction, prevention, substance use disorder 148527  
treatment, mental health treatment, recovery supports, and 148528  
crisis services in local communities. The Director of Behavioral 148529  
Health shall adopt guidelines on the eligible uses of these 148530  
block grants. 148531

(C) The Director of Behavioral Health shall create a 148532  
uniform reporting structure related to the expenditures, uses, 148533  
and outcomes of the state block grants described in this 148534  
section, including how expenditures, uses, and outcomes relate 148535  
to the community addiction and mental health plans that boards 148536  
of alcohol, drug addiction, and mental health services are 148537  
required to submit to the Department in accordance with section 148538  
340.03 of the Revised Code. The reporting structure shall ensure 148539  
that thorough and accurate data is reported with a focus on 148540  
transparency, accountability, process improvement, outcomes, and 148541  
return on investment. Data points to be collected include, but 148542  
are not limited to: 148543

(1) The type of service provided and number of individuals 148544  
served; 148545

(2) The amount spent for each state block grant broken 148546  
down by primary, secondary, tertiary, and targeted expenditures; 148547

(3) Data regarding provider determination and monitoring 148548  
activities; 148549

(4) Key performance indicators and outcomes achieved. 148550

This data shall be made available in accordance with state 148551  
of Ohio data governance best practices and federal and state 148552  
security and privacy laws, regulations, and standards. 148553

(D) The Department of Behavioral Health shall disburse the 148554  
state block grant funds to boards of alcohol, drug addiction, 148555  
and mental health services in accordance with distribution 148556  
methodologies determined by the Director of Behavioral Health. 148557  
In determining the methodologies, the Director shall consider, 148558  
at a minimum, all of the following factors: population 148559  
indicators, poverty rates, health workforce shortage statistics, 148560  
relevant emerging behavioral health trends, and the amounts of 148561  
fiscal year 2025 awards made to each board of alcohol, drug 148562  
addiction, and mental health services for related programs that 148563  
are eligible uses of the state block grant funds. 148564

(E) A portion of the foregoing appropriation item 336406, 148565  
Prevention and Wellness, shall be used to create a Prevention 148566  
State Block Grant that boards of alcohol, drug addiction, and 148567  
mental health services shall use to fund the provision of 148568  
evidence-based or evidence-informed early intervention, suicide 148569  
prevention, and other prevention services. 148570

The Director of Behavioral Health shall establish 148571  
allowable uses for the Prevention State Block Grant that 148572  
include, but are not limited to, all of the following: 148573

(1) Prevention across the lifespan; 148574

(2) Suicide prevention across the lifespan; 148575

(3) Early intervention; 148576

(4) Cross-system collaborative effort to address 148577

prevention needs in the community. 148578

(F) A portion of the foregoing appropriation item 336407, 148579  
Crisis Services and Stabilization, shall be used to create a 148580  
Crisis Services State Block Grant that shall be used by boards 148581  
of alcohol, drug addiction, and mental health services to fund 148582  
the provision of crisis services and supports. 148583

The Director of Behavioral Health shall establish 148584  
allowable uses for the Crisis Services State Block Grant that 148585  
include, but are not limited to, all of the following: 148586

(1) Substance use and mental health crisis stabilization 148587  
centers; 148588

(2) Crisis stabilization and crisis prevention services 148589  
and supports; 148590

(3) Cross-systems collaborative efforts to address crisis 148591  
services needs in the community. 148592

(G) A portion of the foregoing appropriation item 336421, 148593  
Continuum of Care Services, shall be used to create a Mental 148594  
Health State Block Grant that shall be used by boards of 148595  
alcohol, drug addiction, and mental health services to fund the 148596  
provision of mental health services and recovery supports. 148597

The Director of Behavioral Health shall establish 148598  
allowable uses for the Mental Health State Block Grant that 148599  
include, but are not limited to, all of the following: 148600

(1) Mental health services, including the treatment of 148601  
indigent mentally ill persons subject to court order in 148602  
hospitals or inpatient units licensed by the Department of 148603  
Behavioral Health under section 5119.33 of the Revised Code; 148604

(2) Cross-system collaborative efforts to serve adults 148605

with serious mental illness who are involved in multiple human 148606  
services or criminal justice systems; 148607

(3) Other initiatives designed to address mental health 148608  
needs. 148609

(H) A portion of the foregoing appropriation item 336421, 148610  
Continuum of Care Services, shall be used to create a Substance 148611  
Use Disorder State Block Grant that shall be used by boards of 148612  
alcohol, drug addiction, and mental health services to fund the 148613  
provision of alcohol and drug addiction services and recovery 148614  
supports. 148615

The Director of Behavioral Health shall establish 148616  
allowable uses for the Substance Use Disorder State Block Grant 148617  
that include, but are not limited to, all of the following: 148618

(1) Initiatives concerning alcohol and drug addiction 148619  
services; 148620

(2) Substance use stabilization centers; 148621

(3) Cross-system collaborative efforts to address 148622  
substance use disorder needs in the community. 148623

(I) A portion of the foregoing appropriation item 336421, 148624  
Continuum of Care Services, shall be used to create a Recovery 148625  
Supports State Block Grant that shall be used by boards of 148626  
alcohol, drug addiction, and mental health services to fund the 148627  
provision of recovery supports. 148628

The Director of Behavioral Health shall establish 148629  
allowable uses for the Recovery Supports State Block Grant that 148630  
include, but are not limited to, all of the following: 148631

(1) Subsidized support for psychotropic and substance use 148632  
disorder treatment medication needs of indigent citizens in the 148633

community to reduce unnecessary hospitalization due to lack of	148634
medication;	148635
(2) Peer support;	148636
(3) Operational expenses and minor facility improvements	148637
to class two and class three residential facilities licensed	148638
under section 5119.34 of the Revised Code and recovery housing	148639
residences;	148640
(4) Community reintegration supports;	148641
(5) Cross-system collaborative efforts to address recovery	148642
support needs in the community.	148643
(J) A portion of the foregoing appropriation item 336422,	148644
Criminal Justice Services, shall be used to create a Criminal	148645
Justice State Block Grant that shall be used by boards of	148646
alcohol, drug addiction, and mental health services to fund the	148647
provision of services and supports to incarcerated individuals	148648
and individuals being discharged from prisons and jails.	148649
The Director of Behavioral Health shall establish	148650
allowable uses for the Criminal Justice State Block Grant that	148651
include, but are not limited to, all of the following:	148652
(1) Medication-assisted treatment and treatment involving	148653
drugs used in withdrawal management or detoxification;	148654
(2) Community reintegration supports;	148655
(3) Substance use disorder treatment and mental health	148656
treatment, including the provision of such treatment as an	148657
alternative to incarceration, as well as recovery supports;	148658
(4) Forensic monitoring and tracking of individuals on	148659
conditional release;	148660

- (5) Forensic and crisis response training; 148661
- (6) Projects that assist courts and law enforcement in 148662  
identifying and developing appropriate alternative services to 148663  
incarceration for nonviolent offenders with mental illness; 148664
- (7) The provision of services to incarcerated individuals 148665  
in jails with a substance use disorder, severe mental illness, 148666  
or both, including screening and clinically appropriate 148667  
treatment; 148668
- (8) Linkages to, and the provision of, substance use 148669  
disorder treatment, mental health treatment, recovery supports, 148670  
and specialized re-entry services for incarcerated individuals 148671  
leaving prisons and jails; 148672
- (9) The support of specialized dockets, including the 148673  
expansion of existing medication-assisted treatment drug court 148674  
programs, the creation of new medication-assisted treatment drug 148675  
court programs, and assistance with the administrative expenses 148676  
of participating courts, community addiction services providers, 148677  
and community mental health services providers; 148678
- (10) Cross-system collaborative efforts to address the 148679  
needs of individuals involved in the criminal justice system. 148680

**Section 337.30. PREVENTION AND WELLNESS** 148681

The foregoing appropriation item 336406, Prevention and 148682  
Wellness, shall be used as follows: 148683

(A) Up to \$3,000,000 in each fiscal year shall be 148684  
allocated to boards of alcohol, drug addiction, and mental 148685  
health services through the Prevention State Block Grant 148686  
established in division (E) of Section 337.20 of this act. 148687

(B) Up to \$2,500,000 in each fiscal year shall be used to 148688

support suicide prevention efforts. 148689

**Section 337.50. HOSPITAL SERVICES** 148690

The foregoing appropriation item 336412, Hospital 148691  
Services, may be used for any of the following purposes: 148692

(A) Supporting all operations related to the hospitals 148693  
established, controlled, or supervised by the Department of 148694  
Behavioral Health under Chapter 5119. of the Revised Code; 148695

(B) Supporting physical environments that are designed for 148696  
patients to receive assessment, evaluation, and stabilization 148697  
interventions within general hospitals; 148698

(C) Providing jails and associated health care providers 148699  
with access to telehealth consultations with psychiatric 148700  
specialists, such as psychiatrists and psychiatric nurse 148701  
practitioners. 148702

**Section 337.60. MENTAL HEALTH FACILITIES LEASE RENTAL BOND** 148703  
**PAYMENTS** 148704

The foregoing appropriation item 336415, Mental Health 148705  
Facilities Lease Rental Bond Payments, shall be used to meet all 148706  
payments during the period from July 1, 2025, through June 30, 148707  
2027, by the Department of Behavioral Health pursuant to leases 148708  
and agreements made under section 154.20 of the Revised Code. 148709  
These appropriations are the source of funds pledged for bond 148710  
service charges on obligations issued pursuant to Chapter 154. 148711  
of the Revised Code. 148712

**Section 337.70. CONTINUUM OF CARE SERVICES** 148713

The foregoing appropriation item 336421, Continuum of Care 148714  
Services, shall be used as follows: 148715



(A) Up to \$69,500,000 in each fiscal year shall be 148716  
allocated to boards of alcohol, drug addiction, and mental 148717  
health services through the Mental Health State Block Grant 148718  
established in division (G) of Section 337.20 of this act; 148719

(B) Up to \$9,500,000 in each fiscal year shall be 148720  
allocated to boards of alcohol, drug addiction, and mental 148721  
health services through the Substance Use Disorder State Block 148722  
Grant established in division (H) of Section 337.20 of this act; 148723

(C) Up to \$19,500,000 in each fiscal year shall be 148724  
allocated to boards of alcohol, drug addiction, and mental 148725  
health services through the Recovery Supports State Block Grant 148726  
established in division (I) of Section 337.20 of this act; 148727

(D) Up to \$4,000,000 in each fiscal year shall be used to 148728  
expand statewide access to rapid mobile response and 148729  
stabilization services provided to youth experiencing an 148730  
emotional or behavioral health crisis and their families; 148731

(E) Up to \$455,000 in each fiscal year shall be used to 148732  
implement sections 5119.39 to 5119.397 of the Revised Code; 148733

(F) Up to \$400,000 in each fiscal year shall be used to 148734  
provide funding for community projects across the state that 148735  
focus on support for families, assisting families in avoiding 148736  
crisis, and crisis intervention; 148737

(G) \$225,000 in each fiscal year shall be allocated to 148738  
LifeTown Columbus to provide additional support for facility 148739  
renovations and operations, including professional development, 148740  
curriculum development, education materials, equipment, 148741  
marketing, and recruitment; and 148742

(H) \$250,000 in each fiscal year shall be allocated to 148743  
Flying Horse Farms. 148744

**Section 337.80. CRIMINAL JUSTICE SERVICES** 148745

(A) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$5,115,483 in fiscal year 2026 and \$5,077,378 in fiscal year 2027 shall be allocated to boards of alcohol, drug addiction, and mental health services through the Criminal Justice State Block Grant established in division (J) of Section 337.20 of this act. 148746  
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148749  
148750  
148751

(B) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$6,500,000 in each fiscal year shall be allocated to the Behavioral Health Drug Reimbursement Program established in section 5119.19 of the Revised Code. 148752  
148753  
148754  
148755

(C) The remainder of appropriation item 336422, Criminal Justice Services, shall be used for all of the following: 148756  
148757

(1) The provision of forensic psychiatric evaluations to courts of common pleas; 148758  
148759

(2) The completion of evaluations of patients of forensic status in facilities operated or designated by the Department of Behavioral Health prior to each patient's conditional release to the community; 148760  
148761  
148762  
148763

(3) Workforce, training, and technological initiatives that support the items specified in divisions (C)(1) and (2) of this section; 148764  
148765  
148766

(4) Support therapeutic communities; 148767

(5) Provide forensic and crisis response training; 148768

(6) Establish and administer outpatient and jail-based competency restoration services; 148769  
148770

(7) Establish and administer pre-trial diversion programs; 148771

(8) Support assisted outpatient treatment programs;	148772
(9) Link and provide behavioral health treatment and recovery supports, including housing assistance, to incarcerated individuals with a substance use disorder, severe mental illness, or both, upon their release from jail or prison;	148773 148774 148775 148776
(10) Support jail-based treatment and symptom management;	148777
(11) Support specialized dockets, including the expansion of existing medication-assisted treatment drug court programs, the creation of new medication-assisted treatment drug court programs, and assistance with the administrative expenses of participating courts and community addiction services providers and community mental health services providers;	148778 148779 148780 148781 148782 148783
(12) Establish and administer outpatient competency restoration services. The services shall be provided by forensic centers described in section 5119.10 of the Revised Code or, to the extent a forensic center in a community does not provide outpatient competency restoration services, a psychiatric program or facility selected by a board of alcohol, drug addiction, and mental health services to provide such services.	148784 148785 148786 148787 148788 148789 148790
<b>Section 337.90. SPECIALIZED DOCKET SUPPORT</b>	148791
(A) Except as otherwise provided in this section, the foregoing appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency treatment docket. The foregoing appropriation item 336425, Specialized Docket Support, may also be used to defray costs associated with	148792 148793 148794 148795 148796 148797 148798 148799 148800

treatment services and recovery supports for participants. 148801

(B) To be eligible, the specialized docket must have 148802  
received Supreme Court of Ohio initial or final certification 148803  
and include participants with behavioral health needs in its 148804  
target population. 148805

(C) Of the foregoing appropriation item 336425, 148806  
Specialized Docket Support, the Department of Behavioral Health 148807  
shall use up to one per cent of the funds appropriated in each 148808  
fiscal year to pay the cost it incurs in administering the 148809  
duties established in this section. 148810

(D) The Department, in consultation with the Supreme Court 148811  
of Ohio, may adopt funding distribution methodology, guidelines, 148812  
and procedures as necessary to carry out the purposes of this 148813  
section. 148814

**Section 337.100. COMMUNITY INNOVATIONS** 148815

The foregoing appropriation item 336504, Community 148816  
Innovations, may be used by the Department of Behavioral Health 148817  
to make targeted investments in programs, projects, or systems 148818  
operated by or under the authority of other state agencies, 148819  
governmental entities, or private not-for-profit agencies that 148820  
impact, or are impacted by, the operations and functions of the 148821  
Department, with the goal of achieving a net reduction in 148822  
expenditure of state general revenue funds and/or improved 148823  
outcomes for Ohio citizens without a net increase in state 148824  
general revenue fund spending. 148825

The Director shall identify and evaluate programs, 148826  
projects, or systems proposed or operated, in whole or in part, 148827  
outside of the authority of the Department, where targeted 148828  
investment of these funds in the program, project, or system is 148829

expected to decrease demand for the Department or other 148830  
resources funded with state general revenue funds, and/or to 148831  
measurably improve outcomes for Ohio citizens with mental 148832  
illness or with alcohol, drug, or gambling addictions. The 148833  
Director shall have discretion to provide funds from this 148834  
appropriation item to private not-for-profit entities in 148835  
amounts, and subject to conditions, that the Director determines 148836  
most likely to achieve state savings and/or improved outcomes. 148837  
Distribution of funds from this appropriation item shall not be 148838  
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 148839  
Code. 148840

The Department shall enter into an agreement with each 148841  
recipient of community innovation funds, identifying the 148842  
following: allowable expenditure of the funds; other commitment 148843  
of funds or other resources to the program, project, or system; 148844  
expected state savings and/or improved outcomes and proposed 148845  
mechanisms for measurement of such savings or outcomes; and 148846  
required reporting regarding expenditure of funds and savings or 148847  
outcomes achieved. 148848

Of the foregoing appropriation item 336504, Community 148849  
Innovations, up to \$3,000,000 in each fiscal year shall be used 148850  
to support workforce development initiatives. 148851

Of the foregoing appropriation item 336504, Community 148852  
Innovations, up to \$1,500,000 in each fiscal year shall be used 148853  
to provide behavioral health access and opportunities. 148854

Of the foregoing appropriation item 336504, Community 148855  
Innovations, up to \$3,000,000 in each fiscal year shall be used 148856  
to support the creation and expansion of programs established by 148857  
peer-run organizations in this state for the purpose of offering 148858  
individuals with a mental illness, or a mental illness and co- 148859

occurring substance use disorder, opportunities for employment, 148860  
housing, education, and access to medical and psychiatric 148861  
services. Programs and facilities shall be operated in 148862  
accordance with model standards and benchmarks selected by the 148863  
Department of Behavioral Health. 148864

**Section 337.110. RESIDENTIAL STATE SUPPLEMENT** 148865

The foregoing appropriation item 336510, Residential State 148866  
Supplement, may be used by the Department of Behavioral Health 148867  
to implement and operate the Residential State Supplement (RSS) 148868  
Program required by section 5119.41 of the Revised Code. 148869

**Section 337.115. APPALACHIAN CHILDREN COALITION** 148870

The foregoing appropriation item 336516, Appalachian 148871  
Children Coalition, shall be provided to the Appalachian 148872  
Children Coalition to address systemic challenges children face 148873  
in Appalachian Ohio. 148874

**Section 337.117. COMMUNITY PROJECTS** 148875

Of the foregoing appropriation item 336519, Community 148876  
Projects, \$700,000 in each fiscal year shall be allocated to the 148877  
Social Advocates for Youth (S.A.Y.) Program at the Bellefaire 148878  
Jewish Children's Bureau. These funds shall be used to support 148879  
the expansion of school-based prevention and crises intervention 148880  
services for youth including community crisis and trauma 148881  
services, school-based counselors, behavioral health-trained 148882  
teachers and intervention specialists, and a dedicated 148883  
researcher to document outcomes. 148884

Of the foregoing appropriation item 336519, Community 148885  
Projects, \$300,000 in each fiscal year shall be used in 148886  
accordance with the section of this act entitled "HIGH-THC 148887  
CANNABIS IMPACT RESEARCH STUDY. 148888

Of the foregoing appropriation item 336519, Community 148889  
Projects, \$2,000,000 in each fiscal year shall be distributed to 148890  
the Values-In-Action Foundation for the Kindland initiative. 148891

Of the foregoing appropriation item 336519, Community 148892  
Projects, \$50,000 in fiscal year 2026 shall be provided to Ohio 148893  
Special Initiatives by Brothers and Sisters, or OHIO SIBS, for 148894  
sustaining programs and to support those with a sibling with a 148895  
developmental disability to empower them to take an active role 148896  
in the life of the developmentally disabled sibling. 148897

Of the foregoing appropriation item 336519, Community 148898  
Projects, \$750,000 in each fiscal year shall be distributed to 148899  
Cornerstone of Hope to launch and expand the Ohio Traumatic Loss 148900  
Response Team. 148901

**Section 337.120. MEDICAID SUPPORT** 148902

The foregoing appropriation item 652321, Medicaid Support, 148903  
shall be used to fund specified Medicaid Services as delegated 148904  
by the state's single agency responsible for the Medicaid 148905  
Program. 148906

**Section 337.130. 9-8-8 LIFELINE** 148907

(A) As used in this section, "9-8-8 Suicide and Crisis 148908  
Lifeline" means the 9-8-8 universal telephone number designated 148909  
for use within the United States under section 251(e) of the 148910  
"Communications Act of 1934," 47 U.S.C. 251(e), as amended by 148911  
the "National Suicide Hotline Designation Act of 2020," Pub. L. 148912  
No. 116-172, for the purpose of the national suicide prevention 148913  
and mental health crisis hotline system. 148914

(B) The foregoing appropriation item 336522, 9-8-8 Suicide 148915  
Crisis, shall be used to support statewide operations and 148916  
related activities of the 9-8-8 Suicide and Crisis Lifeline and 148917

mental health treatment and response. 148918

**Section 337.145. BEHAVIORAL HEALTH CARE** 148919

Of the foregoing appropriation item 336615, Behavioral 148920  
Health Care, \$750,000 in fiscal year 2026 shall be distributed 148921  
to Empowering to Elevate Academy and used to enhance security 148922  
and improve facilities at the former Mohican Young Star Academy 148923  
in Ashland County. 148924

**Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION** 148925

A portion of appropriation item 336629, Problem Gambling 148926  
and Casino Addiction, shall be allocated to boards of alcohol, 148927  
drug addiction, and mental health services in accordance with a 148928  
distribution methodology determined by the Director of 148929  
Behavioral Health. 148930

**Section 337.155. STATE OF OHIO ACTION RESILIENCY NETWORK** 148931

The foregoing appropriation item 336669, State of Ohio 148932  
Action Resiliency Network, shall be used by the Department of 148933  
Behavioral Health for the State of Ohio Action for Resiliency 148934  
Network and a strategic research agenda and capacity needed to 148935  
conduct research, clinical trials, direct care, telehealth, data 148936  
collection, and workforce training pertaining to innovative 148937  
practices in behavioral prevention, harm reduction, treatment, 148938  
and recovery. 148939

**Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM** 148940

The foregoing appropriation item 336645, Transcranial 148941  
Magnetic Stimulation Program, shall be used for the 148942  
Electroencephalogram (EEG) Combined Transcranial Magnetic 148943  
Stimulation Program as described in section 5119.20 of the 148944  
Revised Code. 148945



**Section 337.170.** ACCESS SUCCESS II PROGRAM 148946

To the extent cash is available, the Director of Budget 148947  
and Management may transfer cash from a fund designated by the 148948  
Medicaid Director, to the Sale of Goods and Services Fund (Fund 148949  
1490), used by the Department of Behavioral Health. The 148950  
transferred cash is hereby appropriated. 148951

The Department of Behavioral Health shall use the 148952  
transferred funds to administer the Access Success II Program to 148953  
help non-Medicaid patients in any hospital established, 148954  
controlled, or supervised by the Department under Chapter 5119. 148955  
of the Revised Code to transition from inpatient status to a 148956  
community setting. 148957

**Section 337.180.** CASH TRANSFER FROM THE INDIGENT DRIVERS 148958  
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 148959  
FUND 148960

On a schedule determined by the Director of Budget and 148961  
Management, the Director of Behavioral Health shall certify to 148962  
the Director of Budget and Management the amount of excess 148963  
license reinstatement fees that are available pursuant to 148964  
division (F)(2)(c) of section 4511.191 of the Revised Code to be 148965  
transferred from the Indigent Drivers Alcohol Treatment Fund 148966  
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 148967  
4750). Upon certification, the Director of Budget and Management 148968  
may transfer cash from the Indigent Drivers Alcohol Treatment 148969  
Fund to the Statewide Treatment and Prevention Fund. 148970

**Section 337.185.** CASH TRANSFER FROM THE 9-8-8 SUICIDE AND 148971  
CRISIS RESPONSE FUND TO THE GENERAL REVENUE FUND 148972

On July 1, 2025, or as soon as possible thereafter, the 148973  
Director of Budget and Management shall transfer the cash 148974

balance in the 9-8-8 Suicide and Crisis Response Fund (Fund 148975  
5AA1) to the General Revenue Fund. Upon completion of the 148976  
transfer, Fund 5AA1 is hereby abolished. The Director shall 148977  
cancel any existing encumbrances against appropriation item 148978  
336661, 9-8-8 Suicide and Crisis Response, and reestablish them 148979  
against appropriation item 336522, 9-8-8 Suicide Crisis. The 148980  
reestablished encumbrance amounts are hereby appropriated. 148981

**Section 337.190. STATEWIDE MOBILE CRISIS SYSTEM** 148982

(A) The Department of Behavioral Health, in coordination 148983  
with local, state, and federal government entities, shall assist 148984  
with the development and implementation of a statewide system of 148985  
mobile crisis services for adults and children. 148986

(B) The development of a statewide mobile crisis system is 148987  
contingent on the availability of state and federal funding. 148988  
Should state and federal funding be insufficient for the 148989  
development of a full system or limit the extent to which the 148990  
system can be developed, the Department shall determine whether 148991  
and to what extent pilot projects or other initiatives for the 148992  
provision of mobile crisis services could be implemented. 148993

**Section 337.200. COMMUNITY BEHAVIORAL HEALTH CLINICS** 148994

The ability of the Department of Behavioral Health to 148995  
establish a process and standards for the state certification of 148996  
certified community behavioral health clinics under section 148997  
5119.211 of the Revised Code is contingent on the availability 148998  
of state and federal funding. Should state or federal funding be 148999  
insufficient for the state certification of certified community 149000  
behavioral health clinics, the Department shall determine 149001  
whether and to what extent pilot projects or other initiatives 149002  
to support an integrated care approach for the provision of 149003

substance use disorder treatment and mental health treatment 149004  
could be implemented. 149005

**Section 339.10.**

149006

149007

1	2	3	4	5
A	MIH COMMISSION ON MINORITY HEALTH			
B	General Revenue Fund			
C	GRF	149321 Operating Expenses	\$844,088	\$855,455
D	GRF	149501 Demonstration Grants	\$1,352,000	\$1,352,000
E	GRF	149502 Lupus Program	\$118,000	\$118,000
F	GRF	149503 Infant Mortality Health Grants	\$4,970,489	\$4,974,489
G	General Revenue Fund Total		\$7,284,577	\$7,299,944
H	Dedicated Purpose Fund Group			
I	4C20	149601 Minority Health Conference	\$35,000	\$35,000
J	Dedicated Purpose Fund Group Total		\$35,000	\$35,000
K	Federal Fund Group			
L	3J90	149405 Healthier Communities	\$1,000,000	\$1,000,000
M	Federal Fund Group Total		\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS		\$8,319,577	\$8,334,944

**Section 341.10.**

149008

149009

1	2	3	4	5
A	CRB MOTOR VEHICLE REPAIR BOARD			
B	Dedicated Purpose Fund Group			
C	4K90 865601 Operating Expenses		\$781,067	\$821,804
D	Dedicated Purpose Fund Group Total		\$781,067	\$821,804
E	TOTAL ALL BUDGET FUND GROUPS		\$781,067	\$821,804

**Section 343.10.**

149010

149011

1	2	3	4	5
A	DNR DEPARTMENT OF NATURAL RESOURCES			
B	General Revenue Fund			
C	GRF 725401 Division of Wildlife - Operating Subsidy		\$1,700,000	\$1,700,000
D	GRF 725413 Parks and Recreational Facilities Lease Rental Bond Payments		\$57,500,000	\$76,500,000
E	GRF 725456 Canal Lands		\$118,000	\$118,000
F	GRF 725459 Buckeye State Tree Nursery		\$1,134,650	\$1,134,650
G	GRF 725460 LWCF Recreation Lands		\$262,646	\$266,995

H	GRF	725505	Healthy Lake Erie Program	\$450,000	\$0
I	GRF	725507	Coal and Mine Safety Programs	\$3,222,147	\$3,297,340
J	GRF	725903	Natural Resources General Obligation Bond Debt Service	\$14,300,000	\$14,300,000
K	GRF	727321	Division of Forestry	\$10,000,000	\$10,000,000
L	GRF	729321	Office of Information Technology	\$526,055	\$526,337
M	GRF	730321	Parks and Recreation	\$27,500,000	\$47,500,000
N	GRF	736321	Division of Engineering	\$2,431,760	\$2,476,358
O	GRF	737321	Division of Water Resources	\$2,402,230	\$2,403,759
P	GRF	738321	Office of Real Estate and Land Management	\$1,038,539	\$1,060,089
Q	GRF	741321	Division of Natural Areas and Preserves	\$5,104,211	\$5,205,199
R			General Revenue Fund Total	\$127,690,238	\$166,488,727
S			Dedicated Purpose Fund Group		
T	2270	725406	Parks Projects Personnel	\$4,831,529	\$4,976,475
U	4300	725671	Canal Lands	\$479,012	\$479,012

V	4S90	725622	NatureWorks Personnel	\$317,806	\$327,341
W	4U60	725668	Scenic Rivers Protection	\$58,860	\$58,860
X	5090	725602	State Forest	\$10,852,951	\$11,010,594
Y	5110	725646	Ohio Geological Mapping	\$6,123,647	\$6,323,883
Z	5120	725605	State Parks Operations	\$43,122,931	\$43,358,465
AA	5140	725606	Lake Erie Shoreline	\$1,694,771	\$1,732,863
AB	5160	725620	Water Management	\$3,256,522	\$3,562,000
AC	5180	725643	Oil and Gas Regulation and Safety	\$31,230,432	\$31,784,411
AD	5180	725677	Oil and Gas Well Plugging	\$47,734,902	\$48,022,027
AE	5210	725627	Off-Road Vehicle Trails	\$1,781,723	\$286,068
AF	5220	725656	Natural Areas and Preserves	\$585,191	\$600,500
AG	5290	725639	Mining Regulation and Safety	\$4,004,552	\$4,090,096
AH	5310	725648	Reclamation Forfeiture	\$195,573	\$195,579
AI	5BJ1	7256A6	Parks and Recreation	\$27,500,000	\$7,500,000
AJ	5BJ1	7256A7	Wildlife Area Land Royalties	\$3,000,000	\$0
AK	5EL0	725612	Wildlife Law Enforcement	\$11,826	\$11,826

AL	5HK0	725625	Ohio Nature Preserves	\$9,239	\$9,239
AM	5LD0	725458	Oil and Gas Leasing Commission	\$10,000	\$10,000
AN	5P20	725634	Wildlife Boater Angler Administration	\$5,968,330	\$5,968,330
AO	5TD0	725514	Park Maintenance	\$1,540,331	\$1,540,331
AP	6150	725661	Dam Safety	\$5,673,950	\$6,473,950
AQ	6970	725670	Submerged Lands	\$667,210	\$679,080
AR	6H20	725681	H2Ohio	\$21,200,000	\$21,200,000
AS	7015	740401	Division of Wildlife Conservation	\$84,946,128	\$87,919,242
AT	7086	725414	Waterways Improvement	\$5,782,184	\$5,880,807
AU	7086	739401	Watercraft Operations	\$28,432,898	\$28,922,532
AV	8150	725636	Cooperative Management Projects	\$625,271	\$625,271
AW	8160	725649	Wetlands Habitat	\$659,691	\$659,691
AX	8170	725655	Wildlife Conservation Checkoff	\$1,923,060	\$1,923,060
AY	8180	725629	Cooperative Fisheries Research	\$1,500,000	\$1,500,000
AZ	8190	725685	Ohio River Management	\$43,786	\$43,786

BA 81B0 725688 Wildlife Habitats	\$1,359,102	\$1,359,102
BB Dedicated Purpose Fund Group Total	\$347,123,408	\$329,034,421
BC Internal Service Activity Fund Group		
BD 1550 725601 Departmental Projects	\$1,566,470	\$1,586,980
BE 1570 725651 Program Support	\$26,713,040	\$27,292,005
BF 5100 725631 Maintenance - State-owned Residences	\$43,713	\$43,713
BG Internal Service Activity Fund Group Total	\$28,323,223	\$28,922,698
BH Capital Projects Fund Group		
BI 7061 725405 Clean Ohio Trail Operating	\$267,307	\$273,030
BJ Capital Projects Fund Group Total	\$267,307	\$273,030
BK Fiduciary Fund Group		
BL 5ZT0 7256A2 State Park Lodges Maintenance and Repair	\$11,950,641	\$11,950,641
BM Fiduciary Fund Group Total	\$11,950,641	\$11,950,641
BN Holding Account Fund Group		
BO R017 725659 Performance Cash Bond Refunds	\$450,999	\$450,999



BP R043 725624 Forestry	\$2,104,919	\$2,104,919
BQ Holding Account Fund Group Total	\$2,555,918	\$2,555,918
BR Federal Fund Group		
BS 3320 725669 Federal Mine Safety Grant	\$306,979	\$316,189
BT 3B30 725640 Federal Forest Pass-Thru	\$419,535	\$419,535
BU 3B40 725641 Federal Flood Pass-Thru	\$106,648	\$106,648
BV 3B50 725645 Federal Abandoned Mine Lands	\$69,114,806	\$69,268,735
BW 3B60 725653 Federal Land and Water Conservation Grants	\$10,800,000	\$25,800,000
BX 3B70 725654 Reclamation - Regulatory	\$1,311,309	\$1,340,625
BY 3IR0 7256A5 Long Term Abandoned Mine Land Reclamation	\$100,000	\$100,000
BZ 3P10 725632 Geological Survey - Federal	\$805,102	\$786,700
CA 3P20 725642 Oil and Gas - Federal	\$20,109,957	\$20,115,008
CB 3P20 725698 Oil And Gas - Federal Orphan Well Plug	\$22,363,120	\$22,363,120
CC 3P30 725650 Coastal Management - Federal	\$3,953,487	\$4,013,587
CD 3P40 725660 Federal - Soil and Water	\$416,420	\$422,292

Resources

CE 3R50 725673 Acid Mine Drainage	\$860,489	\$860,489
Abatement/Treatment		
CF 3Z50 725657 Federal Recreation and	\$1,122,594	\$1,127,603
Trails		
CG Federal Fund Group Total	\$131,790,446	\$147,040,531
CH TOTAL ALL BUDGET FUND GROUPS	\$649,701,181	\$686,265,966

**Section 343.20.** DIVISION OF WILDLIFE-OPERATING SUBSIDY 149012

The foregoing appropriation item 725401, Division of 149013  
Wildlife-Operating Subsidy, shall be used to pay the direct and 149014  
indirect costs of the Division of Wildlife. 149015

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND 149016  
PAYMENTS 149017

The foregoing appropriation item 725413, Parks and 149018  
Recreational Facilities Lease Rental Bond Payments, shall be 149019  
used to meet all payments during the period from July 1, 2025, 149020  
through June 30, 2027, by the Department of Natural Resources 149021  
pursuant to leases and agreements made under section 154.22 of 149022  
the Revised Code. These appropriations are the source of funds 149023  
pledged for bond service charges on related obligations issued 149024  
under Chapter 154. of the Revised Code. 149025

HEALTHY LAKE ERIE PROGRAM 149026

The foregoing appropriation item 725505, Healthy Lake Erie 149027  
Program, shall be used by the Director of Natural Resources, in 149028  
support of the following: (1) conservation measures in the 149029

Western Lake Erie Basin as determined by the Director; (2) 149030  
funding assistance for soil testing, winter cover crops, edge of 149031  
field testing, tributary monitoring, and animal waste abatement; 149032  
and (3) any additional efforts to reduce nutrient runoff as the 149033  
Director may decide. The Director shall give priority to 149034  
recommendations that encourage farmers to adopt agricultural 149035  
production guidelines commonly known as 4R nutrient stewardship 149036  
practices. 149037

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 149038

The foregoing appropriation item 725903, Natural Resources 149039  
General Obligation Bond Debt Service, shall be used to pay all 149040  
debt service and related financing costs during the period July 149041  
1, 2025, through June 30, 2027, on obligations issued under 149042  
sections 151.01 and 151.05 of the Revised Code. 149043

PARKS AND RECREATION 149044

The Director of Natural Resources shall consult with the 149045  
Loramie Watershed Association to identify portions of Lake 149046  
Loramie that are negatively affected by hard pan sediment and 149047  
hard clay debris. Of the foregoing appropriation item 730321, 149048  
Parks and Recreation, \$250,000 in each fiscal year shall be used 149049  
to contract with a third-party vendor for channel excavation and 149050  
the removal of hard pan sediment and hard clay debris at Lake 149051  
Loramie. 149052

Of the foregoing appropriation item 730321, Parks and 149053  
Recreation, \$172,000 in fiscal year 2026 shall be used for 149054  
channel excavation and removal of sediment at Grand Lake St. 149055  
Marys. 149056

Of the foregoing appropriation item 730321, Parks and 149057  
Recreation, \$250,000 in fiscal year 2026 shall be used to 149058

support the Indian Lake Watershed Project. 149059

**Section 343.30. WELL LOG FILING FEES** 149060

The Chief of the Division of Water Resources shall deposit 149061  
fees forwarded to the Division pursuant to section 1521.05 of 149062  
the Revised Code into the Water Management Fund (Fund 5160) for 149063  
the purposes described in that section. 149064

**PARKS CAPITAL EXPENSES FUND** 149065

The Director of Natural Resources shall submit to the 149066  
Director of Budget and Management the estimated design, 149067  
engineering, and planning costs of capital-related work to be 149068  
done by Department of Natural Resources staff for parks projects 149069  
within the Ohio Parks and Recreation Improvement Fund (Fund 149070  
7035). If the Director of Budget and Management approves the 149071  
estimated costs, the Director may release appropriations from 149072  
Fund 7035 appropriation item C725E6, Project Planning, for those 149073  
purposes. Upon release of the appropriations, the Department of 149074  
Natural Resources shall pay for these expenses from the Parks 149075  
Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 149076  
shall be reimbursed by Fund 7035 using an intrastate transfer 149077  
voucher. 149078

**NATUREWORKS CAPITAL EXPENSES FUND** 149079

The Department of Natural Resources shall submit to the 149080  
Director of Budget and Management the estimated design, 149081  
planning, and engineering costs of capital-related work to be 149082  
done by Department of Natural Resources staff for each capital 149083  
improvement project within the Ohio Parks and Natural Resources 149084  
Fund (Fund 7031). If the Director of Budget and Management 149085  
approves the estimated costs, the Director may release 149086  
appropriations from Fund 7031 appropriation item C725E5, Project 149087

Planning, for those purposes. Upon release of the 149088  
appropriations, the Department of Natural Resources shall pay 149089  
for these expenses from the Capital Expenses Fund (Fund 4S90). 149090  
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 149091  
using an intrastate transfer voucher. 149092

PARKS AND RECREATION 149093

The foregoing appropriation item 7256A6, Parks and 149094  
Recreation, shall be used in conjunction with appropriation item 149095  
730321, Parks and Recreation, to support the Division of Parks 149096  
and Watercraft. 149097

PARK MAINTENANCE 149098

The foregoing appropriation item 725514, Park Maintenance, 149099  
shall be used by the Department of Natural Resources to pay the 149100  
costs of projects supported by the State Park Maintenance Fund 149101  
(Fund 5TD0) under section 1501.08 of the Revised Code. 149102

On July 1 of each fiscal year or as soon as possible 149103  
thereafter, the Director of Natural Resources shall certify the 149104  
amount of five percent of the average of the previous five years 149105  
of deposits in the State Park Fund (Fund 5120) to the Director 149106  
of Budget and Management. The Director of Budget and Management 149107  
may transfer up to \$2,200,000 from Fund 5120 to the State Park 149108  
Maintenance Fund (Fund 5TD0). 149109

**Section 343.50.** CLEAN OHIO TRAIL OPERATING EXPENSES 149110

The foregoing appropriation item 725405, Clean Ohio Trail 149111  
Operating, shall be used by the Department of Natural Resources 149112  
in administering Clean Ohio Trail Fund (Fund 7061) projects 149113  
pursuant to section 1519.05 of the Revised Code. 149114

**Section 343.60.** (A) As used in this section: 149115

(1) "Locally administer" means to supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of a capital facility project without the assistance of the Ohio Facilities Construction Commission.

(2) "Capital facility project" means any activities, projects, or improvements described in division (B) (1) of section 1501.011 of the Revised Code. "Capital facility project" does not include the construction of a new facility, structure, or lodge.

(B) Notwithstanding section 123.21 of the Revised Code or any other provision of law to the contrary, for fiscal years 2026 and 2027, the Department of Natural Resources may locally administer any capital facility project commenced within those fiscal years, regardless of estimated cost.

(C) The Department shall do both of the following regarding a capital facility project that is locally administered:

(1) Comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code;

(2) Track all project information in the Ohio Administrative Knowledge System capital improvements application pursuant to Ohio Facilities Construction Commission guidelines as though the Department is administering the project pursuant to section 123.211 of the Revised Code and all generally applicable laws.

(D) Nothing in this section interferes with the powers of the Department of Natural Resources authorized in Chapter 1501. of the Revised Code.

**Section 345.10.**

149145

149146

1	2	3	4	5
A	NUR STATE BOARD OF NURSING			
B	Dedicated Purpose Fund Group			
C	4K90 884609 Operating Expenses		\$13,033,034	\$13,491,425
D	5AC0 884602 Nurse Education Grant Program		\$1,350,000	\$1,350,000
E	Dedicated Purpose Fund Group Total		\$14,383,034	\$14,841,425
F	TOTAL ALL BUDGET FUND GROUPS		\$14,383,034	\$14,841,425

**Section 347.10.**

149147

149148

1	2	3	4	5
A	PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD			
B	Dedicated Purpose Fund Group			
C	4K90 890609 Operating Expenses		\$1,352,852	\$1,434,859
D	Dedicated Purpose Fund Group Total		\$1,352,852	\$1,434,859
E	TOTAL ALL BUDGET FUND GROUPS		\$1,352,852	\$1,434,859

**Section 353.10.**

149149

149150

1	2	3	4	5
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A	OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY		
B	General Revenue Fund		
C	GRF 415402	Independent Living Council	\$252,000 \$252,000
D	GRF 415406	Assistive Technology	\$26,000 \$26,000
E	GRF 415431	Brain Injury	\$750,000 \$750,000
F	GRF 415506	Services for Individuals with Disabilities	\$40,015,000 \$40,015,000
G	GRF 415508	Services for the Deaf	\$527,000 \$527,000
H	GRF 415511	Centers for Independent Living	\$1,500,000 \$1,500,000
I	GRF 415512	Visually Impaired Reading Services	\$50,000 \$50,000
J	GRF 415513	Accessible Ohio	\$1,000,000 \$1,000,000
K	General Revenue Fund Total		\$44,120,000 \$44,120,000
L	Dedicated Purpose Fund Group		
M	4670 415609	Business Enterprise Operating Expenses	\$913,127 \$918,806
N	4680 415618	Third Party Services Funding	\$3,725,233 \$3,725,233
O	4L10 415619	Services for	\$2,000,000 \$2,000,000



Rehabilitation

P	Dedicated Purpose Fund Group Total	\$6,638,360	\$6,644,039
Q	Internal Service Activity Fund Group		
R	4W50 415606 Program Management	\$17,083,462	\$17,539,339
S	Internal Service Activity Fund Group Total	\$17,083,462	\$17,539,339
T	Federal Fund Group		
U	3170 415620 Disability Determination	\$88,981,907	\$90,733,204
V	3790 415616 Federal-Vocational Rehabilitation	\$170,000,000	\$175,100,000
W	3GH0 415602 Personal Care Assistance	\$3,995,399	\$4,017,337
X	3GH0 415604 Community Centers for the Deaf	\$772,420	\$772,420
Y	3GH0 415613 Independent Living	\$2,737,411	\$2,737,411
Z	3GH0 415627 Independent Living Projects	\$100,000	\$100,000
AA	3ILO 415629 Works4Me Disability Innovation Fund Grant	\$2,300,000	\$2,300,000
AB	3L40 415615 Federal-Supported Employment	\$1,200,000	\$1,200,000
AC	3L40 415617 Independent Living Older	\$2,567,746	\$2,908,622

Blind

AD Federal Fund Group Total	\$272,654,883	\$279,868,994
AE TOTAL ALL BUDGET FUND GROUPS	\$340,496,705	\$348,172,372

**Section 353.20. INDEPENDENT LIVING** 149151

The foregoing appropriation item 415402, Independent 149152  
Living Council, shall be provided to the Ohio Statewide 149153  
Independent Living Council to support its operations under the 149154  
State Plan for Independent Living. 149155

Of the foregoing appropriation item 415511, Centers for 149156  
Independent Living, the amount needed in each fiscal year for 149157  
state matching funds for the Federal Independent Living Grant 149158  
shall be provided to support the state independent living 149159  
programs and centers under Title VII of the federal 149160  
"Rehabilitation Act of 1973," 29 U.S.C. 701, et seq., as amended 149161  
by the Rehabilitation Act Amendments of 1992 and known as the 149162  
federal Independent Living Services and Centers for Independent 149163  
Living. 149164

Of the foregoing appropriation item 415511, Centers for 149165  
Independent Living, up to \$1,355,608 in each fiscal year may be 149166  
used as state matching funds to provide vocational 149167  
rehabilitation services to Ohioans with disabilities. 149168

Of the foregoing appropriation item 415511, Centers for 149169  
Independent Living, \$74,124 in each fiscal year shall be used as 149170  
state matching funds for vocational rehabilitation innovation 149171  
and expansion activities. 149172

The foregoing appropriation item 415613, Independent 149173  
Living, shall be used to support the operations of the Centers 149174

for Independent Living in accordance with the State Plan for 149175  
Independent Living. 149176

ASSISTIVE TECHNOLOGY 149177

The foregoing appropriation item 415406, Assistive 149178  
Technology, shall be provided to Assistive Technology of Ohio to 149179  
provide grants and assistive technology services for people with 149180  
disabilities in the state of Ohio. 149181

BRAIN INJURY 149182

Of the foregoing appropriation item 415431, Brain Injury, 149183  
\$450,000 in each fiscal year shall be provided to The Ohio State 149184  
University College of Medicine to support the Brain Injury 149185  
Program established under section 3335.60 of the Revised Code. 149186

The remainder of appropriation item 415431, Brain Injury, 149187  
shall be provided to the Brain Injury Association of Ohio for 149188  
direct services and supports for brain injury survivors and 149189  
caregivers. 149190

SERVICES FOR INDIVIDUALS WITH DISABILITIES 149191

Of the foregoing appropriation item 415506, Services for 149192  
Individuals with Disabilities, up to \$1,000,000 in each fiscal 149193  
year shall be used by the Opportunities for Ohioans with 149194  
Disabilities Agency, in collaboration with the Department of 149195  
Education and Workforce, to build capacity to deliver a regional 149196  
system of training, support, coordination, and direct service 149197  
for secondary transition services for students with disabilities 149198  
beginning at fourteen years of age. These special education 149199  
enhancements shall support all students with disabilities, 149200  
regardless of partner agency eligibility requirements, to 149201  
provide stand-alone direct secondary transition services by 149202  
school districts. Secondary transition services shall include, 149203

but not be limited to, job exploration counseling, work-based 149204  
learning experiences, counseling on opportunities for enrollment 149205  
in comprehensive transition or post-secondary educational 149206  
programs at institutions of higher education, workplace 149207  
readiness training to develop occupational skills, social skills 149208  
and independent living skills, and instruction in self-advocacy. 149209  
Regional training shall support the expansion of transition to 149210  
work endorsement opportunities for middle school and secondary 149211  
level special education intervention specialists in order to 149212  
develop the necessary skills and competencies to meet the 149213  
secondary transition needs of students with disabilities 149214  
beginning at fourteen years of age. 149215

SERVICES FOR THE DEAF 149216

The foregoing appropriation item 415508, Services for the 149217  
Deaf, shall be used to support community centers for the deaf. 149218

VISUALLY IMPAIRED READING SERVICES 149219

The foregoing appropriation item 415512, Visually Impaired 149220  
Reading Services, shall be used to support VOICEcorps Reading 149221  
Services to provide reading services for blind individuals. 149222

SIGHT CENTERS 149223

Of the foregoing appropriation item 415617, Independent 149224  
Living Older Blind, \$30,000 in each fiscal year shall be used to 149225  
contract in equal amounts with the Cleveland Sight Center, the 149226  
Cincinnati Association for the Blind and Visually Impaired, and 149227  
the Sight Center of Northwest Ohio to provide outreach to the 149228  
community of individuals with blindness or low vision. 149229

**Section 361.10.** 149230

149231

	1	2	3	4	5
A	PEN PENSION SUBSIDIES				
B	General Revenue Fund				
C	GRF	090524	Police and Fire Disability Pension Fund	\$300	\$300
D	GRF	090534	Police and Fire Ad Hoc Cost of Living	\$14,000	\$14,000
E	GRF	090554	Police and Fire Survivor Benefits	\$138,000	\$138,000
F	GRF	090575	Police and Fire Death Benefits	\$40,000,000	\$40,000,000
G	General Revenue Fund Total			\$40,152,300	\$40,152,300
H	TOTAL ALL BUDGET FUND GROUPS			\$40,152,300	\$40,152,300

**Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND** 149232

The foregoing appropriation item 090575, Police and Fire 149233  
 Death Benefits, shall be disbursed quarterly by the Treasurer of 149234  
 State at the beginning of each quarter of each fiscal year to 149235  
 the Board of Trustees of the Ohio Police and Fire Pension Fund, 149236  
 which serves as trustees of the Ohio Public Safety Officers 149237  
 Death Benefit Fund pursuant to section 742.62 of the Revised 149238  
 Code. The Treasurer of State shall certify such amounts 149239  
 quarterly to the Director of Budget and Management. By the 149240  
 twentieth day of June of each fiscal year, the Board of Trustees 149241  
 shall certify to the Treasurer of State the amount disbursed in 149242  
 the current fiscal year to make the payments required by 149243

sections 124.824 and 742.63 of the Revised Code and shall return 149244  
to the Treasurer of State moneys received from this 149245  
appropriation item but not disbursed. 149246

Notwithstanding any provision of section 124.824 of the 149247  
Revised Code to the contrary, for each death benefit fund 149248  
recipient who participates in health, medical, hospital, dental, 149249  
surgical, or vision benefits under section 124.824 of the 149250  
Revised Code, the Board of Trustees of the Ohio Police and Fire 149251  
Pension Fund shall forward as a pass-through from the revenue 149252  
received from the foregoing appropriation item 090575, Police 149253  
and Fire Death Benefits, the percentage of the cost for the 149254  
applicable benefits that would be paid by a state employer for a 149255  
state employee who elects that coverage and any applicable 149256  
administrative costs, which shall not exceed two per cent of the 149257  
total cost of the benefits. The Board of Trustees shall also 149258  
withhold from the benefits paid to a death benefit fund 149259  
recipient under section 742.63 of the Revised Code the 149260  
percentage of the cost for such benefits that would be paid by a 149261  
state employee, and forward the withheld amounts to the 149262  
Department of Administrative Services from the revenue received 149263  
from the foregoing appropriation item 090575, Police and Fire 149264  
Death Benefits. 149265

In fiscal year 2026 or 2027, if it is determined by the 149266  
Director of Administrative Services, in consultation with the 149267  
Chairperson of the Board of Trustees of the Ohio Police and Fire 149268  
Pension Fund, or designee, that additional amounts are necessary 149269  
to pay the cost of providing benefits under section 124.824 or 149270  
742.63 of the Revised Code, the Director of Administrative 149271  
Services may certify the additional amount necessary to the 149272  
Director of Budget and Management. The amount certified is 149273  
hereby appropriated. 149274

**Section 363.10.**

149275

149276

	1	2	3	4	5
A	UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD				
B	Dedicated Purpose Fund Group				
C	6910	810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$1,778,594	\$1,910,092
D	Dedicated Purpose Fund Group Total			\$1,778,594	\$1,910,092
E	TOTAL ALL BUDGET FUND GROUPS			\$1,778,594	\$1,910,092

**Section 367.10.**

149277

149278

	1	2	3	4	5
A	PRX STATE BOARD OF PHARMACY				
B	Dedicated Purpose Fund Group				
C	4A50	887605	Drug Law Enforcement	\$50,000	\$50,000
D	4K90	658605	OARRS Integration - State	\$207,657	\$208,860
E	4K90	887609	Operating Expenses	\$13,773,784	\$14,491,459
F	5SG0	887612	Drug Database	\$2,826,000	\$2,865,000
G	Dedicated Purpose Fund Group Total			\$16,857,441	\$17,615,319

H Federal Fund Group

I	3HD0 887614 Pharmacy Federal Grants	\$2,094,643	\$2,111,622
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J	3HH0 658601 OARRS Integration - Federal	\$642,117	\$645,729
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K	Federal Fund Group Total	\$2,736,760	\$2,757,351
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L	TOTAL ALL BUDGET FUND GROUPS	\$19,594,201	\$20,372,670
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<b>Section 367.20.</b>	CASH TRANSFER FROM THE MEDICAL MARIJUANA	149279
	CONTROL PROGRAM FUND TO THE DRUG DATABASE FUND	149280

Upon the request of the Executive Director of the State	149281
Board of Pharmacy, the Director of Budget and Management may	149282
transfer up to \$2,745,500 in cash in each fiscal year from the	149283
Medical Marijuana Control Program Fund (Fund 5SY0), used by the	149284
Department of Commerce, to the Drug Database Fund (Fund 5SG0),	149285
used by the State Board of Pharmacy.	149286

<b>Section 369.10.</b>	149287
	149288

1	2	3	4	5
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A	PSY STATE BOARD OF PSYCHOLOGY
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B Dedicated Purpose Fund Group

C	4K90 882609 Operating Expenses	\$975,010	\$1,011,722
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D	Dedicated Purpose Fund Group Total	\$975,010	\$1,011,722
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E	TOTAL ALL BUDGET FUND GROUPS	\$975,010	\$1,011,722
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Section 371.10.

149289

149290

1	2	3	4	5
A	PUB OHIO PUBLIC DEFENDER COMMISSION			
B	General Revenue Fund			
C	GRF	019401 State Legal Defense Services	\$13,227,100	\$13,467,000
D	GRF	019406 Northwest Regional Hub Support	\$3,350,000	\$3,350,000
E	GRF	019501 County Reimbursement	\$173,719,360	\$178,930,940
F	General Revenue Fund Total		\$190,296,460	\$195,747,940
G	Dedicated Purpose Fund Group			
H	1010	019607 Juvenile Legal Assistance	\$217,456	\$223,980
I	4060	019603 Training and Publications	\$75,000	\$75,000
J	4070	019604 County Representation	\$375,000	\$375,000
K	4080	019605 Client Payments	\$800,000	\$800,000
L	4C70	019601 Multi-County: County Share	\$594,900	\$624,300
M	4N90	019613 Gifts and Grants	\$13,400	\$13,400
N	5740	019606 Civil Legal Aid	\$37,000,000	\$33,000,000

O	5CX0 019617 Civil Case Filing Fee	\$620,000	\$620,000
P	5DY0 019618 Indigent Defense Support - County Share	\$22,908,000	\$22,908,000
Q	5DY0 019619 Indigent Defense Support - State Office	\$4,692,000	\$4,692,000
R	Dedicated Purpose Fund Group Total	\$67,295,756	\$63,331,680
S	Federal Fund Group		
T	3IQ0 019626 Reforming Reentry Program	\$350,000	\$85,321
U	3S80 019608 Federal Representation	\$38,300	\$38,300
V	Federal Fund Group Total	\$388,300	\$123,621
W	TOTAL ALL BUDGET FUND GROUPS	\$257,980,516	\$259,203,241

**Section 371.20. STATE LEGAL DEFENSE SERVICES** 149291

Of the foregoing appropriation item 019401, State Legal 149292  
 Defense Services, up to \$50,000 in each fiscal year shall be 149293  
 used by the Ohio Public Defender to provide legal training 149294  
 programs at no cost for private appointed counsel who represent 149295  
 at least one indigent defendant at no cost and for state and 149296  
 county public defenders and attorneys who contract with the Ohio 149297  
 Public Defender to provide indigent defense services. 149298

**INDIGENT DEFENSE SUPPORT** 149299

The foregoing appropriation item 019501, County 149300  
 Reimbursement, shall be used to reimburse counties for the costs 149301  
 of operating county public defender offices, joint county public 149302

defender offices and county appointed counsel systems, the 149303  
counties' costs and expenses of conducting the defense in 149304  
capital cases, the counties' costs and expenses of appointed 149305  
counsel covered by section 2941.51 of the Revised Code, and the 149306  
costs and expenses of contracting with the state public defender 149307  
or with any nonprofit organization to provide legal 149308  
representation to indigent persons. 149309

FEDERAL REPRESENTATION 149310

The foregoing appropriation item 019608, Federal 149311  
Representation, shall be used to support representation provided 149312  
by the Ohio Public Defender in federal court cases. 149313

COUNTY INDIGENT DEFENSE BUDGETS 149314

Not later than July 31, 2026, each county through its 149315  
county commission shall submit a biannual indigent defense cost 149316  
projection report to the Ohio Public Defender. The report shall 149317  
contain data on the most current projected costs of the indigent 149318  
defense services in the county for the next two upcoming state 149319  
fiscal years at the time of submission. 149320

**Section 371.30. NORTHWEST REGIONAL HUB** 149321

(A) In fiscal year 2026 and fiscal year 2027, the Ohio 149322  
Public Defender shall create the Northwest Regional Hub pilot 149323  
program to provide indigent defense services in the counties 149324  
that elect to join, in lieu of managing those services directly 149325  
and applying for reimbursement. 149326

(B) The following counties may elect to participate in the 149327  
Northwest Regional Hub, and no other counties are permitted to 149328  
participate: 149329

(1) Allen County; 149330

(2) Hardin County; 149331

(3) Putnam County. 149332

(C) On or after the effective date of this section, any 149333  
county listed in division (B) of this section may elect, by 149334  
resolution, to become part of the Northwest Regional Hub and 149335  
thereby transfer administration of the county's indigent defense 149336  
system to the Ohio Public Defender for the period of the pilot 149337  
program. 149338

(D) If a county elects to become part of the Northwest 149339  
Regional Hub and transfer indigent defense services to the Ohio 149340  
Public Defender pursuant to this section, the Ohio Public 149341  
Defender shall assume responsibility for representation of 149342  
indigent persons in the proceedings set forth in division (A) of 149343  
section 120.16 of the Revised Code, to the extent that 149344  
representation is not provided by outside counsel in accordance 149345  
with section 120.33 of the Revised Code. 149346

(E) (1) The Ohio Public Defender shall consult with the 149347  
county commissioners, judiciary, and local attorneys in counties 149348  
that have opted to participate in the Northwest Regional Hub to 149349  
determine the number of indigent defense cases the public 149350  
defender will handle directly. 149351

(2) Except as provided in division (E) (4) of this section, 149352  
in a county that elects to participate in the Northwest Regional 149353  
Hub, the Ohio Public Defender shall provide direct 149354  
representation to indigent defendants in not more than eighty 149355  
per cent of indigent defense cases. 149356

(3) In cases where the Ohio Public Defender does not 149357  
provide direct representation, the court shall appoint counsel 149358  
in accordance with section 120.33 of the Revised Code. 149359

(4) If the Ohio Public Defender, in consultation with the county commissioners, judiciary, and local attorneys, determines that there is insufficient local counsel available to fill an appointment under division (E) (3) of this section, the Ohio Public Defender shall provide direct representation in the case.

(F) A county that wishes to withdraw from the Northwest Regional Hub and resume responsibility for the delivery of indigent defense services shall do all of the following:

(1) Hold a public meeting regarding the withdrawal and provide notice to all of the following, seven or more days before the meeting:

(a) The local bar association;

(b) Every judge serving in the county;

(c) The county prosecutor;

(d) The county public defender;

(e) Every attorney who is on the court's roster for appointment to provide indigent defense in accordance with section 120.33 of the Revised Code.

(2) Provide the Ohio Public Defender with a copy of the resolution electing to withdraw.

(G) When a county transfers indigent defense services to the Ohio Public Defender pursuant to this section, and the transferring county operates a county public defender office at the time of the transfer, the employees of the transferring county public defender may be appointed as employees of the Ohio Public Defender as the Ohio Public Defender determines to be necessary for successful implementation of this section.

(H) Notwithstanding any provision of law to the contrary, 149387  
the Ohio Public Defender may, in consultation with the Director 149388  
of Administrative Services, do either of the following: 149389

(1) Assign any employee of the transferring county to a 149390  
classification that is not subject to Chapter 4117. of the 149391  
Revised Code and do both of the following for such an employee: 149392

(a) Assign the employee to the appropriate compensation, 149393  
classification, step placement, and step advancement; 149394

(b) Determine appropriate service credit for purposes of 149395  
vacation and longevity. 149396

(2) Assign any employee of the transferring county to a 149397  
bargaining unit classification that is subject to Chapter 4117. 149398  
of the Revised Code if the Ohio Public Defender and the 149399  
Department of Administrative Services determine that the 149400  
bargaining unit classification is the proper classification for 149401  
that employee. 149402

(I) Notwithstanding any provision of law to the contrary, 149403  
employees of a transferring county may be eligible for any state 149404  
benefit plan administered by the Department of Administrative 149405  
Services with coverage commencing as determined by the Director 149406  
of Administrative Services. 149407

(J) Actions taken by the Ohio Public Defender and the 149408  
Director of Administrative Services pursuant to this section are 149409  
not subject to appeal to the State Personnel Board of Review. 149410

NORTHWEST REGIONAL HUB SUPPORT 149411

The foregoing appropriation item 019406, Northwest 149412  
Regional Hub Support, shall be used by the Ohio Public Defender 149413  
to pay for all the costs of providing indigent defense services 149414

in counties that have transferred administration of those	149415
services pursuant to this section. Expenses may include the cost	149416
of operating public defender offices, reimbursement of expenses	149417
of court appointed counsel, and other associated costs of	149418
providing legal representation to indigent persons as covered by	149419
section 120.04 of the Revised Code.	149420

**Section 373.10.**

149421  
149422

	1	2	3	4	5
A	DPS DEPARTMENT OF PUBLIC SAFETY				
B	General Revenue Fund				
C	GRF	761403	Recovery Ohio Law Enforcement	\$0	\$3,250,000
D	GRF	761411	Ohio Narcotics Intelligence Center	\$0	\$7,050,000
E	GRF	763403	EMA Operating	\$8,931,000	\$9,102,000
F	GRF	763513	Security Grants	\$4,500,000	\$4,500,000
G	GRF	765401	Emergency Medical Services Operating	\$5,497,851	\$5,768,030
H	GRF	767420	Investigative Unit Operating	\$12,554,073	\$10,718,860
I	GRF	768425	Justice Program Services	\$17,995,430	\$18,175,918
J	GRF	768435	Community Police Relations	\$2,445,800	\$2,607,939

K	GRF	769406	Homeland Security - Operating	\$4,946,000	\$5,046,000
L	GRF	769407	Driver Safety	\$6,425,545	\$6,458,591
M	GRF	769412	Ohio School Safety Center	\$8,963,284	\$9,367,524
N			General Revenue Fund Total	\$72,258,983	\$82,044,862
O			Highway Safety Fund Group		
P	5TM0	762321	Operating Expense - BMV	\$128,500,000	\$129,645,783
Q	5TM0	762637	Local Immobilization Reimbursement	\$87,000	\$90,000
R	5TM0	764321	Operating Expense - Highway Patrol	\$404,019,560	\$416,140,146
S	5TM0	764605	Motor Carrier Enforcement Expenses	\$709,000	\$730,000
T	5TM0	769636	Administrative Expenses - Highway Purposes	\$56,062,283	\$58,959,468
U	8370	764602	Turnpike Policing	\$13,652,000	\$14,117,000
V	83C0	764630	Contraband, Forfeiture, and Other	\$500,000	\$500,000
W	83F0	764657	Law Enforcement Automated Data System	\$6,216,213	\$6,380,428
X	83G0	764633	OMVI Enforcement/Education	\$156,727	\$157,703



Y	83M0	765640	EMS Grants	\$2,900,000	\$2,900,000
Z	8400	764607	State Fair Security	\$1,788,386	\$1,842,038
AA	8400	764617	Security and Investigations	\$14,376,926	\$14,808,233
AB	8400	764626	State Fairgrounds Police Force	\$1,031,556	\$1,062,502
AC	8460	761625	Motorcycle Safety Education	\$4,215,000	\$4,220,000
AD	8490	762627	Automated Title Processing Board	\$11,000,000	\$10,950,000
AE	8490	762630	Electronic Liens and Titles	\$2,008,000	\$2,008,000
AF	Highway Safety Fund Group Total			\$647,222,651	\$664,511,301
AG	Dedicated Purpose Fund Group				
AH	4P60	768601	Justice Program Services	\$95,000	\$100,000
AI	4V30	763662	EMA Service and Reimbursements	\$559,000	\$562,000
AJ	5330	763601	State Disaster Relief	\$1,000,000	\$1,000,000
AK	5390	762614	Motor Vehicle Dealers Board	\$140,000	\$140,000
AL	5AZ1	761680	eWarrant Local Integration	\$1,390,000	\$1,405,000

AM 5B90	766632	Private Investigator and Security Guard Provider	\$2,134,000	\$2,203,000
AN 5BC1	769638	Ohio School Safety and Security Center Training Fees	\$100,000	\$100,000
AO 5BK0	768687	Criminal Justice Services - Operating	\$770,000	\$795,000
AP 5BK0	768689	Family Violence Shelter Programs	\$1,550,000	\$1,550,000
AQ 5ET0	768625	Drug Law Enforcement	\$3,750,000	\$3,750,000
AR 5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$1,400,000	\$1,400,000
AS 5LM0	768698	Criminal Justice Services Law Enforcement Support	\$850,000	\$850,000
AT 5ML0	769635	Infrastructure Protection	\$89,000	\$91,000
AU 5RH0	767697	OIU Special Projects	\$750,000	\$750,000
AV 5TZ0	761682	Recovery Ohio Law Enforcement	\$6,500,000	\$3,250,000
AW 5TZ0	761683	Ohio Narcotics Intelligence Center	\$13,200,000	\$6,750,000
AX 5Y10	764695	State Highway Patrol Continuing Professional Training	\$148,000	\$148,000

AY 5Y10 767696	Ohio Investigative Unit Continuing Professional Training	\$10,000	\$10,000
AZ 6220 767615	Investigative, Contraband, and Forfeiture	\$61,000	\$61,000
BA 6570 763652	Utility Radiological Safety	\$1,420,000	\$1,467,000
BB 6810 763653	SARA Title III Hazmat Planning	\$400,000	\$331,000
BC	Dedicated Purpose Fund Group Total	\$36,316,000	\$26,713,000
BD	Fiduciary Fund Group		
BE 5J90 761678	Federal Salvage/GSA	\$600,000	\$600,000
BF 5V10 762682	License Plate Contributions	\$2,900,000	\$3,000,000
BG	Fiduciary Fund Group Total	\$3,500,000	\$3,600,000
BH	Holding Account Fund Group		
BI R024 762619	Unidentified Motor Vehicle Receipts	\$1,641,000	\$1,641,000
BJ R052 762623	Security Deposits	\$50,000	\$50,000
BK	Holding Account Fund Group Total	\$1,691,000	\$1,691,000
BL	Federal Fund Group		

BM	3370	763515	COVID Relief - Federal	\$150,000,000	\$150,000,000
BN	3370	763609	Federal Disaster Relief	\$73,500,000	\$73,500,000
BO	3FP0	767620	Ohio Investigative Unit Justice Contraband	\$10,000	\$10,000
BP	3GL0	768619	Justice Assistance Grants	\$10,000,000	\$10,000,000
BQ	3GR0	764693	Highway Patrol Justice Contraband	\$227,000	\$227,000
BR	3GS0	764694	Highway Patrol Treasury Contraband	\$80,000	\$80,000
BS	3GT0	767691	Investigative Unit Federal Equity Share	\$100,000	\$100,000
BT	3GU0	761610	Information and Education Grant	\$435,000	\$435,000
BU	3GU0	764608	Fatality Analysis Report System Grant	\$175,000	\$175,000
BV	3GU0	764610	Highway Safety Programs Grant	\$5,226,000	\$5,333,000
BW	3GU0	764659	Motor Carrier Safety Assistance Program Grant	\$11,242,000	\$11,582,000
BX	3GU0	769610	Investigations Grants - Food Stamps, Liquor, and Tobacco Laws	\$1,000,000	\$1,000,000

BY 3GU0 769631 Homeland Security	\$1,500,000	\$1,500,000
Disaster Grants		
BZ 3GV0 761612 Traffic Safety Action	\$31,625,000	\$31,685,000
Plan Grant		
CA 3L50 768604 Justice Program	\$25,000,000	\$25,000,000
CB Federal Fund Group Total	\$310,120,000	\$310,627,000
CC TOTAL ALL BUDGET FUND GROUPS	\$1,071,108,634	\$1,089,187,163

**Section 373.20. RECOVERY OHIO LAW ENFORCEMENT** 149423

The foregoing appropriation item 761682, Recovery Ohio Law 149424  
Enforcement, shall be used in conjunction with appropriation 149425  
item 761403, Recovery Ohio Law Enforcement, to support the 149426  
RecoveryOhio Initiative. 149427

Of the foregoing appropriation items 761682, Recovery Ohio 149428  
Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 149429  
total of up to \$3,400,000 in each fiscal year may be used by the 149430  
Office of Criminal Justice Services to support local law 149431  
enforcement narcotics task forces that focus on cartel 149432  
trafficking interdiction. The interdiction task forces shall be 149433  
designated Ohio Organized Crime Commission task forces subject 149434  
to approval and supervision of the Commission. This earmarked 149435  
amount may also be used to provide funding to local law 149436  
enforcement agencies, the Commission for task force-related 149437  
equipment purchases, and for operating expenses of the Office of 149438  
Criminal Justice Services related to the narcotics interdiction 149439  
task force program. 149440

Of the foregoing appropriation items 761682, Recovery Ohio 149441

Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 149442  
total of up to \$2,500,000 in each fiscal year may be used by the 149443  
Office of Criminal Justice Services for Ohio's narcotics task 149444  
forces in order to build new and strengthen existing 149445  
partnerships with local law enforcement. This earmarked amount 149446  
may also be used to provide funding to local law enforcement 149447  
agencies and for operating expenses of the Office of Criminal 149448  
Justice Services related to the Ohio narcotics task force 149449  
program. 149450

Of the foregoing appropriation items 761682, Recovery Ohio 149451  
Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 149452  
total of up to \$600,000 in each fiscal year may be used to 149453  
partner with the Office of Information Technology in the 149454  
Department of Administrative Services to enhance and maintain a 149455  
uniform records management and data intelligence system, and 149456  
provide case management, collaboration, data sharing, and data 149457  
analytics tools for Ohio narcotics task forces and law 149458  
enforcement agencies. 149459

OHIO NARCOTICS INTELLIGENCE CENTER 149460

The foregoing appropriation item 761683, Ohio Narcotics 149461  
Intelligence Center, shall be used in conjunction with 149462  
appropriation item 761411, Ohio Narcotics Intelligence Center, 149463  
to support the Ohio Narcotics Intelligence Center. 149464

**Section 373.30. SECURITY GRANTS** 149465

(A) The foregoing appropriation item 763513, Security 149466  
Grants, shall be used to make competitive grants of up to 149467  
\$100,000 to nonprofit organizations, houses of worship, 149468  
chartered nonpublic schools, and licensed preschools for all of 149469  
the following purposes: 149470

(1) Eligible security improvements that assist the	149471
organization in preventing, preparing for, or responding to acts	149472
of terrorism;	149473
(2) Acquiring or retaining the services of a resource	149474
officer, special duty police officer, or licensed armed security	149475
guards, including the training, licensing, or certification of	149476
resource officers;	149477
(3) The lease or purchase of qualified equipment,	149478
including equipment for emergency and crisis communication,	149479
crisis management, or trauma and crisis response to assist in	149480
preventing, preparing for, or responding to acts of terrorism;	149481
(4) Placing the qualified equipment at alternative	149482
locations that are off the premises belonging to the grantee,	149483
provided that the grantee receives prior permission from any	149484
appropriate county, municipal corporation, local law enforcement	149485
agency, local emergency management agency, or local	149486
transportation agency, as applicable;	149487
(5) Funding coordinated training between law enforcement,	149488
counterterrorism agencies, and emergency responders on either	149489
the premises of a nonprofit corporation or through community-	149490
wide training efforts;	149491
(6) Continuing coverage of costs that were authorized and	149492
paid for by a grant issued previously to the grantee in	149493
accordance with this section in previous bienniums under the	149494
program.	149495
(B) (1) In addition to the purposes listed in division (A)	149496
of this section, a nonprofit organization that serves a broad	149497
community or geographic area may apply for and receive grants to	149498
provide antiterrorism related services for its serviced	149499

community or area, including providing armed security personnel. 149500  
Prior to receiving a grant under division (B) of this section, 149501  
the nonprofit organization shall provide the Emergency 149502  
Management Agency with any appropriate compliance documentation. 149503  
The Agency shall establish what compliance documentation is 149504  
required prior to issuing grants under this division. 149505

(2) If more than one nonprofit organization is located at 149506  
the same address listed on the application, each nonprofit 149507  
organization may apply for the full amount of a grant issued 149508  
under this section. Each nonprofit organization shall explain in 149509  
its application how it will use the grant money to address a 149510  
different vulnerability than the other applicant nonprofit 149511  
organizations that are located at the same address. 149512

(C) The Emergency Management Agency shall administer and 149513  
award the grants described in division (B) of this section. The 149514  
Agency shall establish procedures and forms by which applicants 149515  
may apply for a grant, a competitive process for ranking 149516  
applicants and awarding the grants, and procedures for 149517  
distributing grants to recipients. The procedures shall require 149518  
each applicant to do all of the following: 149519

(1) Identify and substantiate prior threats or attacks by 149520  
a terrorist organization, network, or cell against the nonprofit 149521  
organization, house of worship, chartered nonpublic school, or 149522  
licensed preschool; 149523

(2) Indicate the symbolic or strategic value of one or 149524  
more sites that renders the site a possible target of terrorism; 149525

(3) Discuss potential consequences to the organization if 149526  
the site is damaged, destroyed, or disrupted by a terrorist; 149527

(4) Describe how the grant will be used to integrate 149528



organizational preparedness with broader state and local 149529  
preparedness efforts; 149530

(5) Submit either a vulnerability assessment conducted by 149531  
experienced security, law enforcement, or military personnel, or 149532  
a credible intelligence and threat analysis from one or more 149533  
qualified homeland security, counterintelligence, or anti- 149534  
terrorism experts, and a description of how the grant will be 149535  
used to address the vulnerabilities identified in the 149536  
assessment. 149537

The Agency shall consider all of the above factors in 149538  
evaluating grant applications. The grantee shall have twenty- 149539  
four months from the date of the first disbursement to meet 149540  
program requirements. The Agency shall include information about 149541  
the grants and the application process on its web site. 149542

(D) The Emergency Management Agency may prioritize a 149543  
portion of funding, but not more than \$1,000,000 in each fiscal 149544  
year, for innovative community-public safety partnerships 149545  
addressing counterterrorism prevention, provided the grantee is 149546  
eligible to receive the grant as a nonprofit organization that 149547  
is at risk of terror attack. The Emergency Management Agency may 149548  
use up to \$1,000,000 in each fiscal year for community police 149549  
partnerships that focus on collaboration, increased 149550  
efficiencies, or otherwise assisting both a nonprofit 149551  
organization and one or more law enforcement, emergency 149552  
management, or homeland security agencies to serve and protect 149553  
at-risk nonprofit organizations. 149554

(E) Any grant submission described in division (I) of 149555  
section 3313.536 of the Revised Code or section 149.433 of the 149556  
Revised Code is not a public record under section 149.43 of the 149557  
Revised Code and is not subject to mandatory release or 149558

disclosure under that section. 149559

(F) The Emergency Management Agency may use up to two and 149560  
one-half per cent of the total amount appropriated to administer 149561  
the program, a portion of which may be used to pay costs 149562  
incurred by the Department of Public Safety to provide security- 149563  
related or specialized assistance in reviewing vulnerability 149564  
assessments and prioritizing grant applications. 149565

(G) As used in this section: 149566

(1) "Eligible security improvements" means any of the 149567  
following: 149568

(a) Physical security enhancement equipment or inspection 149569  
and screening equipment included on the Authorized Equipment 149570  
List published by the United States Department of Homeland 149571  
Security; 149572

(b) Attendance fees and associated materials, supplies, 149573  
and equipment costs for security-related training courses and 149574  
programs regarding the protection of critical infrastructure and 149575  
key resources, physical and cyber security, target hardening, or 149576  
terrorism awareness or preparedness. Personnel and travel costs 149577  
associated with training shall not be considered an eligible 149578  
expense of the grant; 149579

(c) The purchase, upgrade, or maintenance of high-speed 149580  
internet for those utilizing it for security purposes. 149581

(2) "Nonprofit organization" means a corporation, 149582  
association, group, institution, society, or other organization 149583  
that is exempt from federal income taxation under section 501(c) 149584  
(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(c) (3), 149585  
as amended. 149586

(3) "Resource officer" means any law enforcement officer 149587  
of an accredited local law enforcement agency providing special 149588  
duty services in a school setting to create or maintain a safe, 149589  
secure, and orderly environment. A resource officer may include 149590  
a special duty police officer, off-duty police officer, deputy 149591  
sheriff, or other peace officer of the applicable local law 149592  
enforcement agency in which the chartered nonpublic school or 149593  
licensed preschool is located or qualifying personnel of an 149594  
accredited local law enforcement agency for any jurisdiction in 149595  
this state. 149596

(4) "Terrorism" means any act taken by a group or 149597  
individual used to intimidate or coerce a nonprofit 149598  
organization, house of worship, chartered nonpublic school, or 149599  
licensed preschool, its employees, and anyone who is or in the 149600  
future may be associated with it, as well as their families; to 149601  
influence the policy of the nonprofit organization, house of 149602  
worship, chartered nonpublic school, or licensed preschool; and 149603  
to affect the conduct of the nonprofit organization, house of 149604  
worship, chartered nonpublic school, or licensed preschool. 149605

(H) Notwithstanding division (A) of this section, of the 149606  
foregoing appropriation item 763513, Security Grants, \$300,000 149607  
in fiscal year 2026 shall be used to award competitive grants to 149608  
chartered nonpublic schools for school resource officer or 149609  
special duty officer programs. The grant period shall last for 149610  
two years and preference shall be given to those institutions 149611  
that can show a high risk of terror attack. 149612

JUSTICE PROGRAM SERVICES 149613

Of the foregoing appropriation item 768425, Justice 149614  
Program Services, up to \$5,000,000 in each fiscal year shall be 149615  
used by the Office of Criminal Justice Services to administer 149616

and distribute grants to state and local law enforcement 149617  
agencies to implement or enhance body-worn camera programs. 149618

Of the foregoing appropriation item 768425, Justice 149619  
Program Services, up to \$4,531,000 in each fiscal year shall be 149620  
used by the Office of Criminal Justice Services to support anti- 149621  
human trafficking efforts in the areas of prosecution, victim 149622  
services to specifically include assistance for child victims, 149623  
and prevention and policy to implement the priorities of the 149624  
Governor's Ohio Human Trafficking Task Force. 149625

Of the foregoing appropriation item 768425, Justice 149626  
Program Services, up to \$4,000,000 in each fiscal year shall be 149627  
used by the Office of Criminal Justice Services to administer 149628  
and distribute grants to state and local law enforcement 149629  
agencies to assist local communities in reducing and preventing 149630  
crime through the use of promising or proven crime reduction 149631  
strategies. The use of the grants includes, but is not limited 149632  
to, overtime, equipment, technical assistance, and analytical 149633  
support to implement crime reduction strategies. 149634

Of the foregoing appropriation item 768425, Justice 149635  
Program Services, up to \$1,500,000 in each fiscal year shall be 149636  
used to support state and local law enforcement agencies in the 149637  
recruitment, hiring, and training of qualified individuals to 149638  
serve as peace officers; to support state and local first 149639  
responder agencies in mental, physical, and emotional wellness; 149640  
and to administer and distribute grants to state and local first 149641  
responder agencies to assist in recruitment, retention, and 149642  
wellness of their workforce. Of these funds, \$500,000 in each 149643  
fiscal year shall be distributed as follows: 149644

(A) \$150,000 in each fiscal year to First Responders' 149645  
Bridge to pay for their programs supporting first responders 149646

suffering from Post Traumatic Stress Disorder, depression, 149647  
anxiety, and other mental health conditions; 149648

(B) \$150,000 in each fiscal year to Save A Warrior 149649  
Foundation to pay for their programs supporting first responders 149650  
suffering from Post Traumatic Stress Disorder, depression, 149651  
anxiety, and other mental health conditions; and 149652

(C) \$200,000 in each fiscal year to Tri-State Peer Support 149653  
Team to pay the administrative costs of providing peer support 149654  
and mental health services for first responders and related 149655  
program development. 149656

Of the foregoing appropriation item 768425, Justice 149657  
Program Services, up to \$1,000,000 in each fiscal year shall be 149658  
used by the Office of Criminal Justice Services to distribute 149659  
grants to state and/or local law enforcement to conduct 149660  
investigations on sexual assault kit testing results and related 149661  
expenses. 149662

Of the foregoing appropriation item 768425, Justice 149663  
Program Services, up to \$200,000 in each fiscal year shall be 149664  
used by the Office of Criminal Justice Services to implement 149665  
recommendations of the Governor's Warrant Task Force. 149666

**Section 373.40. MOTOR VEHICLE REGISTRATION** 149667

The Director of Public Safety may deposit revenues to meet 149668  
the cash needs of the Public Safety - Highway Purposes Fund 149669  
(Fund 5TM0) established in section 4501.06 of the Revised Code, 149670  
obtained under section 4503.02 of the Revised Code, less all 149671  
other available cash. Revenue deposited pursuant to this 149672  
paragraph shall support in part appropriations for the 149673  
administration and enforcement of laws relative to the operation 149674  
and registration of motor vehicles, for payment of highway 149675

obligations and other statutory highway purposes. 149676  
Notwithstanding section 4501.03 of the Revised Code, the 149677  
revenues shall be paid into Fund 5TM0 before any revenues 149678  
obtained pursuant to section 4503.02 of the Revised Code are 149679  
paid into any other fund. The deposit of revenues to meet the 149680  
aforementioned cash needs shall be in approximately equal 149681  
amounts on a monthly basis or as otherwise approved by the 149682  
Director of Budget and Management. Prior to July 1 of each 149683  
fiscal year, the Director of Public Safety shall submit a plan 149684  
to the Director of Budget and Management requesting approval of 149685  
the anticipated revenue amounts to be deposited into Fund 5TM0 149686  
pursuant to this paragraph. If during the fiscal year changes to 149687  
the plan as approved by the Director of Budget and Management 149688  
are necessary, the Director of Public Safety shall submit a 149689  
revised plan to the Director of Budget and Management for 149690  
approval prior to any change in the deposit of revenues. 149691

VALIDATION STICKER REQUIREMENTS 149692

Validation stickers are required for the annual 149693  
registration of passenger, commercial, motorcycle, and other 149694  
vehicles and are produced in accordance with section 4503.191 of 149695  
the Revised Code. Notwithstanding section 4503.191 of the 149696  
Revised Code, the Registrar of Motor Vehicles may adopt rules 149697  
authorizing validation stickers to be produced at any location. 149698

OPERATING EXPENSE - HIGHWAY PATROL 149699

Any new revenue derived from an increase of the Highway 149700  
Safety fee as prescribed in section 4503.10 of the Revised Code 149701  
that becomes effective with any application for registration or 149702  
registration renewal received on or after January 1, 2026, shall 149703  
be used exclusively for the State Highway Patrol. 149704

**Section 373.50.** CASH BALANCE FUND REVIEW 149705

The Director of Public Safety shall review the cash 149706  
balances for each fund in the State Highway Safety Fund Group, 149707  
and may submit a request in writing to the Director of Budget 149708  
and Management to transfer amounts from any fund in the State 149709  
Highway Safety Fund Group to the credit of the Public Safety - 149710  
Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt 149711  
of such a request, and subject to the approval of the 149712  
Controlling Board, the Director of Budget and Management may 149713  
make appropriate transfers as requested by the Director of 149714  
Public Safety or as otherwise determined by the Director of 149715  
Budget and Management. 149716

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND 149717  
POLICING FUND 149718

Notwithstanding any other provision of law to the 149719  
contrary, the Director of Budget and Management, upon written 149720  
request of the Director of Public Safety and approval of the 149721  
Controlling Board, may approve the transfer of cash from the 149722  
State Highway Patrol Contraband, Forfeiture, and Other Fund 149723  
(Fund 83C0) to the Security, Investigations and Policing Fund 149724  
(Fund 8400). 149725

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY 149726  
MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 149727

On July 1 of each fiscal year, or as soon as possible 149728  
thereafter, the Director of Budget and Management shall transfer 149729  
\$450,000 cash from the State Fire Marshal Fund (Fund 5460) to 149730  
the Emergency Management Agency Service and Reimbursement Fund 149731  
(Fund 4V30). 149732

Of the foregoing appropriation item 763662, EMA Service 149733

and Reimbursements, \$250,000 in each fiscal year shall be 149734  
distributed to the Ohio Task Force One - Urban Search and Rescue 149735  
Unit to pay for its operating expenses and developing new 149736  
programs. 149737

Of the foregoing appropriation item 763662, EMA Service 149738  
and Reimbursements, \$200,000 in each fiscal year shall be 149739  
distributed to the Ohio Task Force One - Urban Search and Rescue 149740  
Unit, other similar urban search and rescue units around the 149741  
state, and for maintenance of the statewide fire emergency 149742  
response plan by an entity recognized by the Ohio Emergency 149743  
Management Agency. 149744

TRANSFER FROM CONTROLLING BOARD EMERGENCY 149745  
PURPOSES/CONTINGENCIES FUND TO STATE DISASTER RELIEF FUND 149746

On July 1 of each fiscal year, or as soon as possible 149747  
thereafter, the Director of Budget and Management shall transfer 149748  
\$1,000,000 cash from the Controlling Board Emergency 149749  
Purposes/Contingencies Fund (Fund 5KM0) to the State Disaster 149750  
Relief Fund (Fund 5330). 149751

STATE DISASTER RELIEF 149752

The State Disaster Relief Fund (Fund 5330) may accept 149753  
transfers of cash or appropriations from Controlling Board 149754  
appropriation items for the Ohio Emergency Management Agency 149755  
disaster response costs and disaster program management costs, 149756  
and may also be used for the following purposes: 149757

(A) To accept transfers of cash or appropriations from 149758  
Controlling Board appropriation items for Ohio Emergency 149759  
Management Agency recovery and mitigation program match costs to 149760  
reimburse eligible local governments and private nonprofit 149761  
organizations for costs related to disasters; 149762



(B) To accept transfers of cash or appropriations from 149763  
Controlling Board appropriation items to cover costs incurred 149764  
and to reimburse government entities for Emergency Management 149765  
Assistance Compact (EMAC) missions; 149766

(C) To accept disaster related reimbursement from federal, 149767  
state, and local governments. The Director of Budget and 149768  
Management may transfer cash from reimbursements received by 149769  
this fund to other funds of the state from which transfers were 149770  
originally approved by the Controlling Board. 149771

(D) To accept transfers of cash or appropriations from 149772  
Controlling Board appropriation items to fund the State Disaster 149773  
Relief Program, for disasters that qualify for the program by 149774  
written authorization of the Governor, and the State Individual 149775  
Assistance Program for disasters that have been declared by the 149776  
federal Small Business Administration and that qualify for the 149777  
program by written authorization from the Governor. 149778

(E) The State Disaster Relief Fund (Fund 5330) may accept, 149779  
hold, administer, and expend any cash received from a gift, 149780  
donation, bequest, devise, or contribution. 149781

DRUG LAW ENFORCEMENT FUND 149782

Notwithstanding division (D) of section 5502.68 of the 149783  
Revised Code, in each of fiscal years 2026 and 2027, the 149784  
cumulative amount of funding provided to any single drug task 149785  
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 149786  
exceed \$500,000 in any calendar year. 149787

SARA TITLE III HAZMAT PLANNING 149788

The SARA Title III Hazmat Planning Fund (Fund 6810) is 149789  
entitled to receive grant funds from the Emergency Response 149790  
Commission to implement the Emergency Management Agency's 149791

responsibilities under Chapter 3750. of the Revised Code. 149792

**Section 373.60. COLLECTIVE BARGAINING INCREASES** 149793

Notwithstanding division (D) of section 127.14 and 149794  
division (B) of section 131.35 of the Revised Code, except for 149795  
the General Revenue Fund, the Controlling Board may, upon the 149796  
request of either the Director of Budget and Management, or the 149797  
Department of Public Safety with the approval of the Director of 149798  
Budget and Management, authorize expenditures in excess of 149799  
appropriations and transfer appropriations, as necessary, for 149800  
any fund used by the Department of Public Safety, to assist in 149801  
paying the costs of increases in employee compensation that have 149802  
occurred pursuant to collective bargaining agreements under 149803  
Chapter 4117. of the Revised Code and, for exempt employees, 149804  
under section 124.152 of the Revised Code. Any money approved 149805  
for expenditure under this paragraph is hereby appropriated. 149806

**Section 375.10.** 149807

149808

1	2	3	4	5
A	PUC PUBLIC UTILITIES COMMISSION OF OHIO			
B	Dedicated Purpose Fund Group			
C	4A30 870614	Grade Crossing Protection	\$1,200,000	\$1,200,000
		Devices - State		
D	4L80 870617	Pipeline Safety - State	\$350,000	\$360,000
E	5610 870606	Power Siting Board	\$1,100,000	\$1,100,000
F	5F60 870622	Utility and Railroad	\$45,851,137	\$47,757,281
		Regulation		

G	5F60	870624	NARUC/NRRI Subsidy	\$45,340	\$45,340
H	5LT0	870640	Intrastate Registration	\$230,298	\$237,207
I	5LT0	870641	Unified Carrier Registration	\$451,794	\$465,348
J	5LT0	870643	Non-Hazardous Materials Civil Forfeiture	\$278,202	\$286,548
K	5LT0	870644	Hazardous Materials Civil Forfeiture	\$1,167,567	\$1,178,594
L	5LT0	870645	Motor Carrier Enforcement	\$5,680,962	\$5,786,733
M	5Q50	870626	Telecommunications Relay Service	\$1,020,000	\$1,020,000
N	5QR0	870646	Underground Facilities Protection	\$20,000	\$20,000
O	5QS0	870647	Underground Facilities Administration	\$239,729	\$246,776
P	Dedicated Purpose Fund Group Total			\$57,635,029	\$59,703,827
Q	Federal Fund Group				
R	3330	870601	Gas Pipeline Safety	\$1,683,226	\$1,733,723
S	3500	870608	Motor Carrier Safety	\$16,103,547	\$16,288,415
T	3500	870648	Motor Carrier Administration High Priority Activities	\$750,000	\$750,000

		Grants and Cooperative Agreements		
U	3ID0 870649	Department of Energy Grid Resiliency	\$7,122,706	\$7,122,706
V	3IE0 870650	Hazardous Material Commercial Vehicle Inspection Grants	\$300,000	\$300,000
W	Federal Fund Group Total		\$25,959,479	\$26,194,844
X	TOTAL ALL BUDGET FUND GROUPS		\$83,594,508	\$85,898,671

**Section 377.10.**

149809

149810

	1	2	3	4	5
A	PWC PUBLIC WORKS COMMISSION				
B	General Revenue Fund				
C	GRF	150904	Conservation General Obligation Bond Debt Service	\$46,500,000	\$39,000,000
D	GRF	150907	Infrastructure Improvement General Obligation Bond Debt Service	\$225,000,000	\$240,000,000
E	General Revenue Fund Total			\$271,500,000	\$279,000,000
F	Capital Projects Fund Group				

G	7038	150321	State Capital	\$974,304	\$991,125
			Improvements Program -		
			Operating Expenses		
H	7056	150403	Clean Ohio Conservation	\$324,768	\$330,375
			Operating		
I	Capital Projects Fund Group Total			\$1,299,072	\$1,321,500
J	TOTAL ALL BUDGET FUND GROUPS			\$272,799,072	\$280,321,500

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 149811  
SERVICE 149812

The foregoing appropriation item 150904, Conservation 149813  
General Obligation Bond Debt Service, shall be used to pay all 149814  
debt service and related financing costs during the period from 149815  
July 1, 2025, through June 30, 2027, on obligations issued under 149816  
sections 151.01 and 151.09 of the Revised Code. 149817

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 149818  
SERVICE 149819

The foregoing appropriation item 150907, Infrastructure 149820  
Improvement General Obligation Bond Debt Service, shall be used 149821  
to pay all debt service and related financing costs during the 149822  
period from July 1, 2025, through June 30, 2027, on obligations 149823  
issued under sections 151.01 and 151.08 of the Revised Code. 149824

CLEAN OHIO CONSERVATION OPERATING 149825

The foregoing appropriation item 150403, Clean Ohio 149826  
Conservation Operating, shall be used by the Ohio Public Works 149827  
Commission in administering Clean Ohio Conservation Fund (Fund 149828  
7056) projects pursuant to sections 164.20 to 164.27 of the 149829

Revised Code. 149830

STATE CAPITAL IMPROVEMENT PROGRAM - OPERATING EXPENSES 149831

The foregoing appropriation item 150321, State Capital 149832  
Improvements Program - Operating Expenses, shall be used by the 149833  
Ohio Public Works Commission to administer the State Capital 149834  
Improvement Program under sections 164.01 to 164.16 of the 149835  
Revised Code. 149836

DISTRICT ADMINISTRATION COSTS 149837

The Director of the Public Works Commission is authorized 149838  
to create a District Administration Costs Program from proceeds 149839  
of the Capital Improvements Fund and Local Transportation 149840  
Improvement Program Fund. The program shall be used to provide 149841  
for the direct costs of district administration of the nineteen 149842  
public works districts. Districts choosing to participate in the 149843  
program shall only expend State Capital Improvements Fund moneys 149844  
for State Capital Improvements Fund costs and Local 149845  
Transportation Improvement Program Fund moneys for Local 149846  
Transportation Improvement Program Fund costs. The District 149847  
Administration Costs Program account shall not exceed \$1,235,000 149848  
per fiscal year. Each public works district may be eligible for 149849  
up to \$65,000 per fiscal year from its district allocation as 149850  
provided in sections 164.08 and 164.14 of the Revised Code. 149851

The Director, by rule, shall define allowable and non- 149852  
allowable costs for the purpose of the District Administration 149853  
Costs Program. Non-allowable costs include indirect costs, 149854  
elected official salaries and benefits, and project-specific 149855  
costs. No district public works committee may participate in the 149856  
District Administration Costs Program without the approval of 149857  
those costs by the district public works committee under section 149858

164.04 of the Revised Code. 149859

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 149860

The Director of the Public Works Commission is authorized 149861  
to create a District Administration Costs Program for districts 149862  
represented by natural resource assistance councils. The program 149863  
shall be funded from proceeds of the Clean Ohio Conservation 149864  
Fund. The program shall be used by natural resource assistance 149865  
councils to provide for administration costs of the nineteen 149866  
natural resource assistance councils for the direct costs of 149867  
council administration. Councils choosing to participate in this 149868  
program may be eligible for up to \$15,000 per fiscal year from 149869  
their district allocation as provided in section 164.27 of the 149870  
Revised Code. 149871

The Director, by rule, shall define allowable and non- 149872  
allowable costs for the purpose of the District Administration 149873  
Costs Program. Non-allowable costs include indirect costs, 149874  
elected official salaries and benefits, and project specific 149875  
costs. 149876

**Section 379.10.** 149877

149878

1 2 3 4 5

A RAC STATE RACING COMMISSION

B Dedicated Purpose Fund Group

C 5620 875601 Thoroughbred Development \$870,555 \$873,434

D 5630 875602 Standardbred Development \$1,246,399 \$1,246,970

E 5650 875604 Racing Commission \$3,473,682 \$3,503,170

	Operating		
F	5JK0 875610 Horse Racing Development - Casino	\$10,499,999	\$10,499,999
G	5NL0 875611 Revenue Redistribution	\$12,800,000	\$12,800,000
H	Dedicated Purpose Fund Group Total	\$28,890,635	\$28,923,573
I	Fiduciary Fund Group		
J	5C40 875607 Simulcast Horse Racing Purse	\$3,921,226	\$3,921,226
K	Fiduciary Fund Group Total	\$3,921,226	\$3,921,226
L	Holding Account Fund Group		
M	R021 875605 Bond Reimbursements	\$108,700	\$108,700
N	Holding Account Fund Group Total	\$108,700	\$108,700
O	TOTAL ALL BUDGET FUND GROUPS	\$32,920,561	\$32,953,499

**Section 381.10.**

149879

149880

	1	2	3	4	5
A	DPS DEPARTMENT OF HIGHER EDUCATION				
B	General Revenue Fund				
C	GRF	235321	Operating Expenses	\$8,750,000	\$9,250,000
D	GRF	235402	Sea Grants	\$308,000	\$308,000



E	GRF	235406	Articulation and Transfer	\$2,269,500	\$2,314,890
F	GRF	235408	Midwest Higher Education Compact	\$115,000	\$115,000
G	GRF	235413	Computer Science	\$4,004,863	\$4,006,508
H	GRF	235414	Grants and Scholarship Administration	\$922,538	\$985,378
I	GRF	235417	Technology Maintenance and Operations	\$4,520,396	\$4,528,397
J	GRF	235425	Ohio Work Ready Grant	\$10,000,000	\$10,000,000
K	GRF	235428	Appalachian New Economy Workforce Partnership	\$3,955,000	\$3,955,000
L	GRF	235438	Choose Ohio First Scholarship	\$32,000,000	\$32,000,000
M	GRF	235443	Aspire - State	\$6,322,267	\$0
N	GRF	235444	Ohio Technical Centers	\$22,138,000	\$22,138,000
O	GRF	235474	Area Health Education Centers Program Support	\$899,000	\$899,000
P	GRF	235475	Campus Security Support Program	\$4,000,000	\$0
Q	GRF	235476	Campus Student Safety Grant Program	\$1,000,000	\$1,000,000
R	GRF	235501	State Share of	\$2,156,383,406	\$2,177,772,240

Instruction

S	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$25,000,000	\$30,000,000
T	GRF	235507	OhioLINK	\$6,447,000	\$6,447,000
U	GRF	235508	Air Force Institute of Technology	\$2,000,000	\$2,000,000
V	GRF	235510	Ohio Supercomputer Center	\$5,086,000	\$5,086,000
W	GRF	235511	The Ohio State University Extension Service	\$25,504,000	\$25,504,000
X	GRF	235514	Central State Supplement	\$12,768,910	\$13,151,977
Y	GRF	235515	Case Western Reserve University School of Medicine	\$2,100,000	\$2,100,000
Z	GRF	235519	Family Practice	\$3,098,000	\$3,098,000
AA	GRF	235520	Shawnee State Supplement	\$12,000,000	\$12,000,000
AB	GRF	235525	Geriatric Medicine	\$511,000	\$511,000
AC	GRF	235526	Primary Care Residencies	\$1,468,000	\$1,468,000
AD	GRF	235530	Governor's Merit Scholarship	\$47,000,000	\$56,410,000
AE	GRF	235535	Ohio State Agricultural Research	\$37,169,000	\$37,169,000

AF GRF	235536	The Ohio State University Clinical Teaching	\$9,461,000	\$9,461,000
AG GRF	235537	University of Cincinnati Clinical Teaching	\$8,085,000	\$8,085,000
AH GRF	235538	University of Toledo Clinical Teaching	\$6,065,000	\$6,065,000
AI GRF	235539	Wright State University Clinical Teaching	\$4,447,000	\$4,447,000
AJ GRF	235540	Ohio University Clinical Teaching	\$2,849,000	\$2,849,000
AK GRF	235541	Northeast Ohio Medical University Clinical Teaching	\$2,930,000	\$2,930,000
AL GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$500,000	\$500,000
AM GRF	235546	Central State Agricultural Research and Development	\$5,828,000	\$5,828,000
AN GRF	235548	Central State Cooperative Extension Services	\$5,168,000	\$5,168,000
AO GRF	235552	Capital Component	\$1,236,561	\$1,236,561
AP GRF	235555	Library Depositories	\$700,000	\$500,000

AQ GRF	235556	Ohio Academic Resources Network	\$3,568,000	\$3,568,000
AR GRF	235558	Long-term Care Research	\$318,000	\$318,000
AS GRF	235563	Ohio College Opportunity Grant	\$220,600,000	\$207,400,000
AT GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	\$7,500,000	\$7,500,000
AU GRF	235572	The Ohio State University Clinic Support	\$750,000	\$750,000
AV GRF	235578	Federal Research Network	\$5,099,000	\$5,099,000
AW GRF	235585	Educator Preparation Programs	\$600,000	\$600,000
AX GRF	235595	Commercial Truck Driver Student Aid Program	\$3,000,000	\$3,000,000
AY GRF	235599	National Guard Scholarship Program	\$18,399,750	\$18,399,750
AZ GRF	235909	Higher Education General Obligation Bond Debt Service	\$250,000,000	\$210,000,000
BA	General Revenue Fund Total		\$2,994,844,191	\$2,967,921,701
BB	Dedicated Purpose Fund Group			

BC	2200	235614	Program Approval and Reauthorization	\$769,126	\$789,679
BD	4560	235603	Sales and Services	\$129,725	\$133,017
BE	4E80	235602	Higher Educational Facility Commission Administration	\$69,839	\$73,807
BF	5AH1	235688	Super RAPIDS	\$10,000,000	\$0
BG	5CJ1	2356A2	Strategic Square Footage Reduction	\$82,650,000	\$0
BH	5D40	235675	Conference/Special Purposes	\$125,000	\$125,000
BI	5FR0	235650	State and Non-Federal Grants and Awards	\$1,405,944	\$1,412,670
BJ	5P30	235663	Variable Savings Plan	\$8,522,034	\$8,522,034
BK	5YD0	235494	Second Chance Grant Program	\$2,000,000	\$2,000,000
BL	5ZD0	235426	Rural Practice Incentive Program	\$1,500,000	\$1,500,000
BM	5ZY0	235592	Grow Your Own Teacher Program	\$2,500,000	\$2,500,000
BN	6450	235664	Guaranteed Savings Plan	\$1,110,131	\$1,110,132
BO	6820	235606	Nursing Loan Program	\$1,203,730	\$1,210,344

BP Dedicated Purpose Fund Group Total	\$111,985,529	\$19,376,683
BQ Bond Research and Development Fund Group		
BR 7014 235639 Research Incentive Third Frontier - Tax	\$8,000,000	\$8,000,000
BS Bond Research and Development Fund Group Total	\$8,000,000	\$8,000,000
BT Federal Fund Group		
BU 3120 235611 Gear-up Grant	\$2,956,000	\$2,956,000
BV 3120 235612 Carl D. Perkins Grant/Plan Administration	\$1,371,939	\$1,388,525
BW 3120 235641 Aspire - Federal	\$18,996,799	\$0
BX 3120 235669 Industry Credential Transfer Assurance Guides Initiative	\$300,000	\$300,000
BY 3BG0 235651 Gear Up Grant Scholarships	\$3,100,000	\$3,100,000
BZ 3N60 235658 John R. Justice Student Loan Repayment Program	\$128,000	\$128,000
CA Federal Fund Group Total	\$26,852,738	\$7,872,525
CB TOTAL ALL BUDGET FUND GROUPS	\$3,141,682,458	\$3,003,170,909

(A) Of the foregoing appropriation item 235321, Operating Expenses, up to \$1,200,000 in each fiscal year shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services.

(B) Enhanced security operations and services shall benefit all members of OH-TECH and may include, but shall not be limited to:

- (1) Establishing an enterprise security operations center;
- (2) Configuration management in the area of data loss prevention;
- (3) Endpoint patch and compliance;
- (4) Log aggregation;
- (5) Web application firewall;
- (6) Vulnerability management across the consortium;
- (7) Other critical security enhancement services as determined appropriate by the Chancellor.

(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited to, the National Institutes of Health, the National Science Foundation, and the Department of Defense.

SEA GRANTS

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support

by The Ohio State University's Sea Grant program, including 149909  
Stone Laboratory, for research, education, and outreach to 149910  
enhance the economic value, public utilization, and responsible 149911  
management of Lake Erie and Ohio's coastal resources. 149912

**Section 381.30. ARTICULATION AND TRANSFER** 149913

The foregoing appropriation item 235406, Articulation and 149914  
Transfer, shall be used by the Chancellor of Higher Education to 149915  
maintain and expand the work of the Articulation and Transfer 149916  
Network Advisory Council to develop a system of transfer 149917  
policies to ensure that students at state institutions of higher 149918  
education can transfer and have coursework apply to their majors 149919  
and degrees at any other state institution of higher education 149920  
without unnecessary duplication or institutional barriers under 149921  
sections 3333.16, 3333.161, 3333.162, and 3333.164 of the 149922  
Revised Code. 149923

**Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE** 149924  
**COMPACT** 149925

The foregoing appropriation item 235408, Midwest Higher 149926  
Education Compact, shall be distributed by the Chancellor of 149927  
Higher Education under section 3333.40 of the Revised Code. 149928

**Section 381.80. COMPUTER SCIENCE** 149929

The foregoing appropriation item 235413, Computer Science, 149930  
shall be used to administer and award grants under the Teach CS 149931  
Grant Program established in section 3333.129 of the Revised 149932  
Code. 149933

**Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION** 149934

The foregoing appropriation item 235414, Grants and 149935  
Scholarship Administration, shall be used by the Chancellor of 149936



Higher Education to manage and administer student financial aid 149937  
programs created by the General Assembly and grants for which 149938  
the Department of Higher Education is responsible. The 149939  
appropriation item also shall be used to support all state 149940  
financial aid audits and student financial aid programs created 149941  
by Congress, and to provide fiscal and administrative services 149942  
for the Ohio National Guard Scholarship Program. 149943

**Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS** 149944

The foregoing appropriation item 235417, Technology 149945  
Maintenance and Operations, shall be used by the Chancellor of 149946  
Higher Education to support the development and implementation 149947  
of information technology solutions designed to improve the 149948  
performance and capacity of the Department of Higher Education. 149949  
The information technology solutions may be provided by the Ohio 149950  
Technology Consortium (OH-TECH). 149951

Of the foregoing appropriation item 235417, Technology 149952  
Maintenance and Operations, a portion in each fiscal year may be 149953  
used by the Chancellor to support the continued implementation 149954  
of eStudent Services, a consortium organized under division (T) 149955  
of section 3333.04 of the Revised Code to expand access to dual 149956  
enrollment opportunities for high school students, continue the 149957  
support of the statewide eTutoring program, and for any other 149958  
strategic priorities of the Chancellor. 149959

Of the foregoing appropriation item 235417, Technology 149960  
Maintenance and Operations, a portion in each fiscal year shall 149961  
be used by the Chancellor to implement a high priority data 149962  
warehouse, advanced analytics, and visualization integration 149963  
services associated with the Higher Education Information (HEI) 149964  
system. The services may be facilitated by OH-TECH. 149965

Of the foregoing appropriation item 235417, Technology  
Maintenance and Operations, \$150,000 in each fiscal year shall  
be used to support Ohio Reach to provide mentoring and support  
services to former foster youth attending college.

**Section 381.160.** OHIO WORK READY GRANT 149970

The foregoing appropriation item 235425, Ohio Work Ready  
Grant, shall be used by the Chancellor of Higher Education to  
establish and operate the Ohio Work Ready Grant Program pursuant  
to section 3333.24 of the Revised Code.

**Section 381.180.** APPALACHIAN NEW ECONOMY WORKFORCE  
PARTNERSHIP 149975  
149976

The foregoing appropriation item 235428, Appalachian New  
Economy Workforce Partnership, shall be distributed to Ohio  
University's Voinovich School to continue a multi-campus and  
multi-agency coordinated effort to link Appalachia to the new  
economy. Ohio University shall use these funds to provide  
leadership in the development and implementation of initiatives  
in the areas of entrepreneurship, management, education, and  
technology.

**Section 381.190.** CHOOSE OHIO FIRST SCHOLARSHIP 149985

The foregoing appropriation item 235438, Choose Ohio First  
Scholarship, shall be used to operate the program prescribed in  
sections 3333.60 to 3333.69 of the Revised Code.

**Section 381.200.** ASPIRE 149989

The foregoing appropriation item 235443, Aspire - State,  
shall be used to support the Aspire program. The supported  
programs shall satisfy the state match and maintenance of effort  
requirements for the state-administered grant program in fiscal

year 2026. The funds may be used to support students that speak 149994  
English as their second language. 149995

**Section 381.210.** OHIO TECHNICAL CENTERS FUNDING 149996

The foregoing appropriation item 235444, Ohio Technical 149997  
Centers, shall be used by the Chancellor of Higher Education to 149998  
support post-secondary adult career-technical education and 149999  
secondary students enrolling in Ohio Technical Center programs 150000  
pursuant to section 3313.901 of the Revised Code. The Chancellor 150001  
shall provide coordination for Ohio Technical Centers through 150002  
program approval processes, data collection of program and 150003  
student outcomes, and subsidy disbursements from the foregoing 150004  
appropriation item 235444, Ohio Technical Centers. 150005

(A) (1) As soon as possible in each fiscal year, in 150006  
accordance with instructions of the Chancellor, each Ohio 150007  
Technical Center shall report its actual data, consistent with 150008  
the definitions in the Higher Education Information (HEI) 150009  
system's files, to the Chancellor. 150010

(a) In defining the number of full-time equivalent 150011  
students for state subsidy purposes, the Chancellor shall 150012  
exclude all students who are not residents of Ohio. 150013

(b) A full-time equivalent student shall be defined as a 150014  
student who completes 450 hours. Those students that complete 150015  
some portion of 450 hours shall be counted as a partial full- 150016  
time equivalent for funding purposes, while students that 150017  
complete more than 450 hours shall be counted as proportionally 150018  
greater than one full-time equivalent. 150019

(c) In calculating each Ohio Technical Center's full-time 150020  
equivalent students, the Chancellor shall use a three-year 150021  
average. 150022

(d) Ohio Technical Centers shall operate with, or be an 150023  
active candidate for, accreditation by an accreditor authorized 150024  
by the United States Department of Education to be eligible to 150025  
receive subsidies from the foregoing appropriation item 235444, 150026  
Ohio Technical Centers. 150027

(2) In each fiscal year, 25 per cent of the allocation for 150028  
Ohio Technical Centers shall be distributed based on the 150029  
proportion of each Center's full-time equivalent students to the 150030  
total full-time equivalent students who complete a post- 150031  
secondary technical workforce training program approved by the 150032  
Chancellor with a grade of C or better or a grade of pass if the 150033  
program is evaluated on a pass/fail basis. 150034

(3) In each fiscal year, 20 per cent of the allocation for 150035  
Ohio Technical Centers shall be distributed based on the 150036  
proportion of each Center's full-time equivalent students to the 150037  
total full-time equivalent students who complete 50 per cent of 150038  
a program of study as a measure of student retention. 150039

(4) In each fiscal year, 50 per cent of the allocation for 150040  
Ohio Technical Centers shall be distributed based on the 150041  
proportion of each Center's full-time equivalent students to the 150042  
total full-time equivalent students who have found employment, 150043  
entered military service, or enrolled in additional post- 150044  
secondary education and training in accordance with the 150045  
placement definitions of the Strengthening Career and Technical 150046  
Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). 150047  
The calculation for eligible full-time equivalent students shall 150048  
be based on the per cent of Perkins placements for students who 150049  
have completed at least 50 per cent of a program of study. 150050

(5) In each fiscal year, five per cent of the allocation 150051  
for Ohio Technical Centers shall be distributed based on the 150052

proportion of each Center's full-time equivalent students to the 150053  
total full-time equivalent students who have earned a credential 150054  
from an industry-recognized third party. 150055

(B) Of the foregoing appropriation item 235444, Ohio 150056  
Technical Centers, up to 2.38 per cent in each fiscal year may 150057  
be distributed by the Chancellor to the Ohio Central School 150058  
System, up to \$48,000 in each fiscal year may be utilized for 150059  
assistance for Ohio Technical Centers, and up to \$2,000,000 in 150060  
each fiscal year may be distributed by the Chancellor to Ohio 150061  
Technical Centers that provide customized training and business 150062  
consultation services with matching local dollars, with 150063  
preference to industries on the in-demand jobs list created 150064  
under section 6301.11 of the Revised Code, industries in 150065  
regionally emerging fields, or local businesses and industries. 150066  
Each center meeting this requirement shall receive at least 150067  
\$25,000 but not more than a maximum amount determined by the 150068  
Chancellor. 150069

(C) The remainder of the foregoing appropriation item 150070  
235444, Ohio Technical Centers, in each fiscal year shall be 150071  
distributed in accordance with division (A) of this section. 150072

**Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM** 150073  
**SUPPORT** 150074

The foregoing appropriation item 235474, Area Health 150075  
Education Centers Program Support, shall be used by the 150076  
Chancellor of Higher Education to support the medical school 150077  
regional area health education centers' educational programs for 150078  
the continued support of medical and other health professions 150079  
education and for support of the Area Health Education Center 150080  
Program. 150081

CAMPUS SECURITY SUPPORT PROGRAM 150082

The foregoing appropriation item 235475, Campus Security 150083  
Support Program, shall be distributed by the Chancellor of 150084  
Higher Education to institutionally sanctioned student 150085  
organizations, located on or off campus, affiliated with 150086  
communities that are at risk for increased threats of violent 150087  
crime, terror attacks, hate crimes, or harassment to enhance 150088  
security measures and increase student safety at institutions of 150089  
higher education throughout the state. A portion of the 150090  
foregoing appropriation item 235475, Campus Security Support 150091  
Program, may be used by the Chancellor to administer the 150092  
program. 150093

CAMPUS STUDENT SAFETY GRANT PROGRAM 150094

The foregoing appropriation item 235476, Campus Student 150095  
Safety Grant Program, shall be used by the Chancellor of Higher 150096  
Education to support the Campus Student Safety Grant Program 150097  
pursuant to section 3333.80 of the Revised Code. 150098

CAMPUS SECURITY SUPPORT AND STUDENT SAFETY GRANT REPORTS 150099

Not later than July 1, 2026, the Chancellor of Higher 150100  
Education shall submit reports regarding the programs funded 150101  
under the foregoing appropriation items 235475, Campus Security 150102  
Support Program, and 235476, Campus Student Safety Grant 150103  
Program, to the chairpersons of the committees of each house 150104  
that considers higher education legislation. Each report shall 150105  
include, but not be limited to, information about the number of 150106  
award recipients and how the funds have been spent under each 150107  
program. 150108

**Section 381.240.** STATE SHARE OF INSTRUCTION FORMULAS 150109

The Chancellor of Higher Education shall establish 150110

procedures to allocate the foregoing appropriation item 235501, 150111  
State Share of Instruction, based on the formulas detailed in 150112  
this section that utilize the enrollment, course completion, 150113  
degree attainment, and student achievement factors reported 150114  
annually by each state institution of higher education 150115  
participating in the Higher Education Information (HEI) system. 150116  
A state institution that does not report data for a full 150117  
academic year for any of the years included in the three-year 150118  
reporting period for a fiscal year's state share of instruction 150119  
allocations shall not receive an allocation for that fiscal year 150120  
unless the Chancellor determines that exceptional circumstances 150121  
warrant the institution receiving a full or partial allocation. 150122

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 150123  
COMPLETIONS 150124

(1) As soon as possible during each fiscal year of the 150125  
biennium ending June 30, 2027, in accordance with instructions 150126  
of the Department of Higher Education, each state institution of 150127  
higher education shall report its actual data, consistent with 150128  
the definitions in the Higher Education Information (HEI) 150129  
system's enrollment files, to the Chancellor. 150130

(2) In defining the number of full-time equivalent 150131  
students for state subsidy instructional cost purposes, the 150132  
Chancellor shall exclude all undergraduate students who are not 150133  
residents of Ohio or who do not meet the definition of residency 150134  
for state subsidy and tuition surcharge purposes, except those 150135  
charged in-state fees in accordance with reciprocity agreements 150136  
made under section 3333.17 of the Revised Code or employer 150137  
contracts entered into under section 3333.32 of the Revised 150138  
Code. 150139

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 150140

For purposes of calculating state share of instruction 150141  
allocations, the total instructional costs per full-time 150142  
equivalent student shall be: 150143  
150144

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	\$12,218	\$12,710
C	ARTS AND HUMANITIES 2	\$16,282	\$16,938
D	ARTS AND HUMANITIES 3	\$20,250	\$21,066
E	ARTS AND HUMANITIES 4	\$28,250	\$29,388
F	ARTS AND HUMANITIES 5	\$45,031	\$46,846
G	ARTS AND HUMANITIES 6	\$41,346	\$43,013
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$12,297	\$12,793
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$12,723	\$13,235
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$15,491	\$16,116
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$16,941	\$17,623
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,293	\$24,232



M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$28,346	\$29,488
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,425	\$35,812
O	DOCTORAL 1	\$52,586	\$54,705
P	DOCTORAL 2	\$57,637	\$59,960
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$12,059	\$12,545
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$15,367	\$15,986
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$17,403	\$18,105
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$19,364	\$20,144
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$24,715	\$25,711
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,736	\$22,612

W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$28,839	\$30,001
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$42,767	\$44,491
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$60,542	\$62,982

Doctoral I and Doctoral II models shall be allocated in	150145
accordance with division (D) (2) of this section.	150146

Medical I and Medical II models shall be allocated in	150147
accordance with divisions (D) (3) and (D) (4) of this section.	150148

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS	150149
	150150

For the purpose of implementing the recommendations of the	150151
2006 State Share of Instruction Consultation and the Higher	150152
Education Funding Study Council that priority be given to	150153
maintaining state support for science, technology, engineering,	150154
mathematics, medicine, and graduate programs, the costs in	150155
division (B) of this section shall be weighted by the amounts	150156
provided below:	150157
	150158

	1	2	3
A Model		Fiscal Year 2026	Fiscal Year 2027
B ARTS AND HUMANITIES 1		1.0000	1.0000

C	ARTS AND HUMANITIES 2	1.0000	1.0000
D	ARTS AND HUMANITIES 3	1.0000	1.0000
E	ARTS AND HUMANITIES 4	1.0000	1.0000
F	ARTS AND HUMANITIES 5	1.0425	1.0425
G	ARTS AND HUMANITIES 6	1.0425	1.0425
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425
O	DOCTORAL 1	1.0000	1.0000
P	DOCTORAL 2	1.0000	1.0000

Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675
Y	SCIENCE, TECHNOLOGY,	1.1361	1.1361

ENGINEERING, MATHEMATICS,  
MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 150159  
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES 150160

(1) Of the foregoing appropriation item 235501, State 150161  
Share of Instruction, 50 per cent of the appropriation for 150162  
universities, as established in division (B) (1) (b) of the 150163  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150164  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150165  
reserved for support of associate, baccalaureate, master's, and 150166  
professional level degree attainment. 150167

The degree attainment funding shall be allocated to 150168  
universities in proportion to each campus's share of the total 150169  
statewide degrees granted, weighted by the cost of the degree 150170  
programs. The degree cost calculations shall include the model 150171  
cost weights for the science, technology, engineering, 150172  
mathematics, and medicine models as established in division (C) 150173  
of this section. 150174

For degrees including credits earned at multiple 150175  
institutions, degree attainment funding shall be allocated to 150176  
universities in proportion to each campus's share of the 150177  
student-specific cost of earned credits for the degree. Each 150178  
institution shall receive its prorated share of degree funding 150179  
for credits earned at that institution. Cost of credits not 150180  
earned at a university main or regional campus shall be credited 150181  
to the degree-granting institution for the first degree earned 150182  
by a student at each degree level. The cost credited to the 150183  
degree-granting institution shall not be eligible for at-risk 150184  
weights and shall be limited to 12.5 per cent of the student- 150185

specific degree costs. However, the 12.5 per cent limitation 150186  
shall not apply if the student transferred 12 or fewer credits 150187  
into the degree granting institution. 150188

In calculating the subsidy entitlements for degree 150189  
attainment for universities, the Chancellor shall use the 150190  
following count of degrees and degree costs: 150191

(a) The subsidy eligible undergraduate degrees shall be 150192  
defined as follows: 150193

(i) The subsidy eligible degrees conferred to students 150194  
identified as residents of the state of Ohio in any term of 150195  
their studies, as reported through the Higher Education 150196  
Information (HEI) system student enrollment file, shall be 150197  
weighted by a factor of 1. 150198

(ii) The subsidy eligible degrees conferred to students 150199  
identified as out-of-state residents during all terms of their 150200  
studies, as reported through the Higher Education Information 150201  
(HEI) system student enrollment file, who remain in the state of 150202  
Ohio at least one year after graduation, as calculated based on 150203  
the three-year average in-state residency rate using the 150204  
Unemployment Wage data for out-of-state graduates at each 150205  
institution, shall be weighted by a factor of 50 per cent. 150206

(iii) Subsidy eligible associate degrees are defined as 150207  
those earned by students attending any state-supported 150208  
university main or regional campus. 150209

(b) In calculating each campus's count of degrees, the 150210  
Chancellor shall use the three-year average associate, 150211  
baccalaureate, master's, and professional degrees awarded for 150212  
the most recent completed three-year period that is practicable 150213  
as agreed to by the Inter-University Council and the Chancellor. 150214

(i) If a student is awarded an associate degree and, 150215  
subsequently, is awarded a baccalaureate degree, the amount 150216  
funded for the baccalaureate degree shall be limited to either 150217  
the difference in cost between the cost of the baccalaureate 150218  
degree and the cost of the associate degree paid previously, or 150219  
if the associate degree has a higher cost than the baccalaureate 150220  
degree, the cost of the credits earned by the student after the 150221  
associate degree was awarded. 150222

(ii) If a student earns an associate degree then, 150223  
subsequently, earns a baccalaureate degree, the associate degree 150224  
granting institution shall only receive the prorated share of 150225  
the baccalaureate degree funding for the credits earned at that 150226  
institution after the associate degree is awarded. 150227

(iii) If a student earns more than one degree at the same 150228  
institution at the same degree level in the same fiscal year, 150229  
the funding for the highest cost degree shall be prorated among 150230  
institutions based on where the credits were earned and 150231  
additional degrees shall be funded at 25 per cent of the cost of 150232  
the degrees. 150233

(c) Associate degrees and baccalaureate degrees earned by 150234  
a student defined as at-risk based on academic under- 150235  
preparation, age, minority status, financial status, or first 150236  
generation post-secondary status based on neither parent 150237  
completing any education beyond high school, shall be defined as 150238  
degrees earned by an at-risk student and shall be weighted by 150239  
the following: 150240

A student-specific degree completion weight, where the 150241  
weight is calculated based on the at-risk factors of the 150242  
individual student, determined by calculating the difference 150243  
between the percentage of students with each risk factor who 150244

earned a degree and the percentage of non-at-risk students who 150245  
earned a degree. 150246

(2) Of the foregoing appropriation item 235501, State 150247  
Share of Instruction, up to 11.78 per cent of the appropriation 150248  
for universities, as established in division (B) (1) (b) of the 150249  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150250  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150251  
reserved for support of doctoral programs to implement the 150252  
funding recommendations made by representatives of the 150253  
universities. The amount so reserved shall be referred to as the 150254  
doctoral set-aside. 150255

In each fiscal year, the doctoral set-aside funding 150256  
allocation shall be allocated to universities as follows: 150257

(a) 25 per cent of the doctoral set-aside shall be 150258  
allocated to universities in proportion to their share of the 150259  
statewide total earnings of each state institution's three-year 150260  
average course completions. The subsidy eligible enrollments by 150261  
model shall equal only those FTE students who successfully 150262  
complete the course as defined and reported through the Higher 150263  
Education Information (HEI) system course enrollment file. 150264  
Course completion earnings shall be determined by multiplying 150265  
the amounts listed above in divisions (B) and (C) of this 150266  
section by the subsidy-eligible FTEs for the most recent 150267  
completed three-year period that is practicable as agreed to by 150268  
the Inter-University Council and the Chancellor for all doctoral 150269  
enrollments in graduate-level models. 150270

(b) 50 per cent of the doctoral set-aside shall be 150271  
allocated to universities in proportion to each campus's share 150272  
of the total statewide doctoral degrees, weighted by the cost of 150273  
the doctoral discipline. In calculating each campus's doctoral 150274



degrees the Chancellor shall use the three-year average doctoral 150275  
degrees awarded for the most recent completed three-year period 150276  
that is practicable as agreed to by the Inter-University Council 150277  
and the Chancellor. 150278

(c) 25 per cent of the doctoral set-aside shall be 150279  
allocated to universities in proportion to their share of 150280  
research grant activity. Funding for this component shall be 150281  
allocated to eligible universities in proportion to their share 150282  
of research grant activity published by the National Science 150283  
Foundation. Grant awards from the Department of Health and Human 150284  
Services shall be weighted at 50 per cent. 150285

(3) Of the foregoing appropriation item 235501, State 150286  
Share of Instruction, 6.41 per cent of the appropriation for 150287  
universities, as established in division (B) (1) (b) of the 150288  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150289  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150290  
reserved for support of Medical II FTEs. The amount so reserved 150291  
shall be referred to as the medical II set-aside. 150292

The medical II set-aside shall be allocated to 150293  
universities in proportion to their share of the statewide total 150294  
of each state institution's three-year average Medical II FTEs 150295  
as calculated in division (A) of this section. 150296

In calculating the core subsidy entitlements for Medical 150297  
II models only, students repeating terms may be no more than 150298  
five per cent of current year enrollment. 150299

(4) Of the foregoing appropriation item 235501, State 150300  
Share of Instruction, 1.69 per cent of the appropriation for 150301  
universities, as established in division (B) (1) (b) of the 150302  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150303

FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150304  
reserved for support of Medical I FTEs. The amount so reserved 150305  
shall be referred to as the medical I set-aside. 150306

In each fiscal year, the medical I set-aside shall be 150307  
allocated to universities as follows: 150308

(a) 12.34 per cent of the medical I set-aside shall be 150309  
allocated to universities in proportion to their share of the 150310  
statewide total of each state institution's three-year average 150311  
Medical I FTEs, as calculated in division (A) of this section, 150312  
enrolled in public colleges of podiatric medicine. 150313

(b) 87.66 per cent of the medical I set-aside shall be 150314  
allocated to universities in proportion to their share of the 150315  
statewide total of each state institution's three-year average 150316  
Medical I FTEs, as calculated in division (A) of this section, 150317  
enrolled in public colleges of dentistry and veterinary 150318  
medicine. 150319

(5) In calculating the course completion funding for 150320  
universities, the Chancellor shall use the following count of 150321  
FTE students: 150322

(a) The subsidy eligible enrollments by model shall equal 150323  
only those FTE students who successfully complete the course as 150324  
defined and reported through the Higher Education Information 150325  
(HEI) system course enrollment file; 150326

(b) Those undergraduate FTE students with successful 150327  
course completions, identified in division (D)(5)(a) of this 150328  
section, that are defined as at-risk based on academic under- 150329  
preparation or financial status shall have their eligible 150330  
completions weighted by the following: 150331

(i) Institution-specific course completion indexes, where 150332

the indexes are calculated based upon the number of at-risk 150333  
students enrolled during the prior three calendar years; and 150334

(ii) A statewide average at-risk course completion weight 150335  
determined for each subsidy model. The statewide average at-risk 150336  
course completion weight shall be determined by calculating the 150337  
difference between the percentage of traditional students who 150338  
complete a course and the percentage of at-risk students who 150339  
complete the same course. 150340

(c) The course completion earnings shall be determined by 150341  
multiplying the amounts listed above in divisions (B) and (C) of 150342  
this section by the subsidy-eligible FTEs for the most recent 150343  
completed three-year period that is practicable as agreed to by 150344  
the Inter-University Council and the Chancellor for all models 150345  
except Medical I and Medical II. 150346

(d) For universities, the Chancellor shall compute the 150347  
course completion earnings by dividing the appropriation for 150348  
universities, established in division (B)(1)(b) of the section 150349  
of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 150350  
YEARS 2026 AND 2027," less the degree attainment funding as 150351  
calculated in division (D)(1) of this section, less the doctoral 150352  
set-aside, less the medical I set-aside, and less the medical II 150353  
set-aside, by the sum of all campuses' instructional costs as 150354  
calculated in division (D)(5) of this section. 150355

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 150356  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 150357

(1) Of the foregoing appropriation item 235501, State 150358  
Share of Instruction, 50 per cent of the appropriation for 150359  
state-supported community colleges, state community colleges, 150360  
and technical colleges as established in division (B)(1)(a) of 150361

the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150362  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150363  
reserved for course completion FTEs as aggregated by the subsidy 150364  
models defined in division (B) of this section. 150365

The course completion funding shall be allocated to 150366  
campuses in proportion to each campus's share of the total 150367  
sector's course completions, weighted by the instructional cost 150368  
of the subsidy models. 150369

To calculate the subsidy entitlements for course 150370  
completions at community colleges, state community colleges, and 150371  
technical colleges, the Chancellor shall use the following 150372  
calculations: 150373

(a) In calculating each campus's count of FTE course 150374  
completions, the Chancellor shall use a three-year average for 150375  
course completions for the three-year period ending in the prior 150376  
year for students identified as residents of the state of Ohio 150377  
in any term of their studies, as reported through the Higher 150378  
Education Information (HEI) system student enrollment file. 150379

(b) The subsidy eligible enrollments by model shall equal 150380  
only those FTE students who successfully complete the course as 150381  
defined and reported through the Higher Education Information 150382  
(HEI) system course enrollment file. 150383

(c) Those students with successful course completions, 150384  
that are defined as access students based on financial status, 150385  
minority status, age, or academic under-preparation shall have 150386  
their eligible course completions weighted by a statewide access 150387  
weight. The weight given to any student that meets any access 150388  
factor shall be 15 per cent for all course completions. 150389

(d) The model costs as used in the calculation shall be 150390

augmented by the model weights for science, technology, 150391  
engineering, mathematics, and medicine models as established in 150392  
division (C) of this section. 150393

(2) Of the foregoing appropriation item 235501, State 150394  
Share of Instruction, 25 per cent of the appropriation for 150395  
state-supported community colleges, state community colleges, 150396  
and technical colleges as established in division (B) (1) (a) of 150397  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150398  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150399  
reserved for colleges in proportion to their share of college 150400  
student success factors. 150401

Student success factors shall be awarded at the 150402  
institutional level for each subsidy-eligible student that 150403  
successfully: 150404

(a) Completes a college-level math course within the first 150405  
30 hours of completed coursework. 150406

(b) Completes a college-level English course within the 150407  
first 30 hours of completed coursework. 150408

(c) Completes 12 semester credit hours of college-level 150409  
coursework. 150410

(d) Completes 24 semester credit hours of college-level 150411  
coursework. 150412

(e) Completes 36 semester credit hours of college-level 150413  
coursework. 150414

(3) Of the foregoing appropriation item 235501, State 150415  
Share of Instruction, 25 per cent of the appropriation for 150416  
state-supported community colleges, state community colleges, 150417  
and technical colleges as established in division (B) (1) (a) of 150418

the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150419  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150420  
reserved for completion milestones. 150421

Completion milestones shall include baccalaureate degrees, 150422  
associate degrees, technical certificates over 30 credit hours 150423  
as designated by the Department of Higher Education, and 150424  
students transferring to any four-year institution with at least 150425  
12 credit hours of college-level coursework earned at that 150426  
community college, state community college, or technical 150427  
college. 150428

The completion milestone funding shall be allocated to 150429  
colleges in proportion to each institution's share of the 150430  
sector's total completion milestones, weighted by the 150431  
instructional cost of the degree, certificate, or transfer 150432  
models. Costs for technical certificates over 30 hours shall be 150433  
weighted at one-half of the associate degree model costs and 150434  
transfers with at least 12 credit hours of college-level 150435  
coursework shall be weighted at one-fourth of the average cost 150436  
for all associate degree model costs. 150437

(4) To calculate the subsidy entitlements for completions 150438  
at community colleges, state community colleges, and technical 150439  
colleges, the Chancellor shall use the following calculations: 150440

(a) In calculating each campus's count of completions, the 150441  
Chancellor shall use a three-year average for completion 150442  
milestones awarded to students identified as subsidy eligible in 150443  
any term of their studies, as reported through the Higher 150444  
Education Information (HEI) system student enrollment file. 150445

(b) The subsidy eligible completion milestones by model 150446  
shall equal only those students who successfully complete a 150447

baccalaureate or an associate degree, or technical certificate 150448  
over 30 credit hours, or transfer to any four-year institution 150449  
with at least 12 credit hours of college-level coursework as 150450  
defined and reported in the Higher Education Information (HEI) 150451  
system. Student completions reported in HEI shall have an 150452  
accompanying course enrollment record in order to be subsidy 150453  
eligible. 150454

(c) Those students with successful completions for 150455  
baccalaureate or associate degrees, technical certificates over 150456  
30 credit hours, or transfer to any four-year institution with 150457  
at least 12 credit hours of college-level coursework, identified 150458  
in division (E) (3) of this section, that are defined as access 150459  
students based on financial status, minority status, age, or 150460  
academic under-preparation shall have their eligible completions 150461  
weighted by a statewide access weight. The weight shall be 25 150462  
per cent for students with one access factor, 66 per cent for 150463  
students with two access factors, 150 per cent for students with 150464  
three access factors, and 200 per cent for students with four 150465  
access factors. 150466

(d) For those students who complete more than one 150467  
completion milestone, funding for each additional degree or 150468  
technical certificate over 30 credit hours designated as such by 150469  
the Department of Higher Education shall be funded at 50 per 150470  
cent of the model costs as defined in division (E) (3) of this 150471  
section. 150472

(5) For purposes of the calculations made in division (E) 150473  
of this section, the Chancellor shall only include subsidy- 150474  
eligible students identified as residents of the state of Ohio 150475  
in any term of their studies, as reported through the Higher 150476  
Education Information (HEI) system student enrollment file. The 150477

Chancellor shall be prohibited from including nonresident 150478  
students as subsidy-eligible except for those students otherwise 150479  
identified as subsidy-eligible in division (A) (2) of this 150480  
section. 150481

(F) CAPITAL COMPONENT DEDUCTION 150482

After all other adjustments have been made, state share of 150483  
instruction earnings shall be reduced for each campus by the 150484  
amount, if any, by which debt service charged in H.B. 16 of the 150485  
126th General Assembly, H.B. 699 of the 126th General Assembly, 150486  
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 150487  
127th General Assembly for that campus exceeds that campus's 150488  
capital component earnings. The sum of the amounts deducted 150489  
shall be transferred to appropriation item 235552, Capital 150490  
Component, in each fiscal year. 150491

(G) EXCEPTIONAL CIRCUMSTANCES 150492

Adjustments may be made to the state share of instruction 150493  
payments and other subsidies distributed by the Chancellor to 150494  
state colleges and universities for exceptional circumstances. 150495  
No adjustments for exceptional circumstances may be made without 150496  
the recommendation of the Chancellor and the approval of the 150497  
Controlling Board. 150498

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 150499  
INSTRUCTION 150500

The standard provisions of the state share of instruction 150501  
calculation as described in the preceding sections of temporary 150502  
law shall apply to any reductions made to appropriation item 150503  
235501, State Share of Instruction, before the Chancellor has 150504  
formally approved the final allocation of the state share of 150505  
instruction funds for any fiscal year. 150506



Any reductions made to appropriation item 235501, State 150507  
Share of Instruction, after the Chancellor has formally approved 150508  
the final allocation of the state share of instruction funds for 150509  
any fiscal year, shall be uniformly applied to each campus in 150510  
proportion to its share of the final allocation. 150511

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 150512

The state share of instruction payments to the 150513  
institutions shall be in substantially equal monthly amounts 150514  
during the fiscal year, unless otherwise determined by the 150515  
Director of Budget and Management pursuant to section 126.09 of 150516  
the Revised Code. Payments during the first six months of the 150517  
fiscal year may be based upon the state share of instruction 150518  
appropriation estimates made for the various institutions of 150519  
higher education, and payments during the last six months of the 150520  
fiscal year may be based on the final data from the Chancellor. 150521  
If agreed to by the Chancellor and the Inter-University Council, 150522  
payments to universities in each month of a fiscal year shall be 150523  
based on final data in the higher education information system 150524  
for the selected three-year period that is acceptable to both 150525  
parties. 150526

**Section 381.250.** STATE SHARE OF INSTRUCTION FOR FISCAL 150527  
YEARS 2026 AND 2027 150528

(A) (1) Of the foregoing appropriation item 235501, State 150529  
Share of Instruction, up to \$100,000,000 in each fiscal year 150530  
shall be distributed according to a formula devised by the 150531  
Chancellor of Higher Education based on the following order of 150532  
priority, using data from the United States Census Post- 150533  
Secondary Employment Outcomes project: 150534

(a) Retention-rate outcomes based on factors, including, 150535

but not limited to, the number of graduates employed by an Ohio- 150536  
based employer and employment outcomes of the graduates of each 150537  
college and university. In counting students under division (A) 150538  
(1) (a) of this section, graduates who are residents of this 150539  
state under rules adopted under section 3333.31 of the Revised 150540  
Code and are employed by an Ohio-based employer shall be 150541  
weighted the highest, followed by graduates who are employed by 150542  
an Ohio-based employer but are not residents of this state; 150543

(b) Employment outcomes of the graduates of each college 150544  
and university. In counting students under division (A) (1) (b) of 150545  
this section, the Chancellor shall use as a factor employment by 150546  
the graduates of each institution, measured at the 2-digit level 150547  
of the Classification of Instructional Programs codes published 150548  
by the National Center for Education Statistics. 150549

(2) Of the foregoing appropriation item 235501, State 150550  
Share of Instruction, up to \$10,000,000 in each fiscal year 150551  
shall be distributed according to a formula devised by the 150552  
Chancellor that provides funding bonuses of \$10,000 per graduate 150553  
for technician-aligned associate degrees, as determined by the 150554  
Governor's Office of Workforce Transformation, that are produced 150555  
above a historical baseline of institutional production, as 150556  
calculated by the Chancellor. In developing a formula under 150557  
division (A) (2) of this section, the Chancellor shall give 150558  
priority to retention-based outcomes, as specified in division 150559  
(A) (1) (a) of this section, and count only graduates that are 150560  
employed by an Ohio-based employer. 150561

(3) Of the amount set aside in division (A) (1) of this 150562  
section for each fiscal year, 76.8 per cent shall be distributed 150563  
to state-supported university main and regional campuses and 150564  
23.2 per cent shall be distributed to state-supported community 150565

colleges, state community colleges, and technical colleges. 150566

(4) Of the foregoing appropriation item 235501, State 150567  
Share of Instruction, \$100,000,000 in fiscal year 2027 shall be 150568  
distributed according to a formula devised by the Chancellor 150569  
based on the per cent share of funds calculated in division (B) 150570  
(1) (b) of this section. No state university shall receive funds 150571  
from the amount set aside in division (A) (4) of this section for 150572  
fiscal year 2027 unless the chairs of the standing committees of 150573  
the House of Representatives and the Senate that consider higher 150574  
education legislation determine that the state university has 150575  
fully complied with sections 3333.045, 3345.029, 3345.0216, 150576  
3345.0217, 3345.382, 3345.451, 3345.453, and 3345.591 of the 150577  
Revised Code for the previous fiscal year. To make this 150578  
determination, each state university shall, not later than April 150579  
1, 2026, submit a report to the chairs, in a form and manner 150580  
determined by the chairs, that demonstrates the state 150581  
university's compliance with those sections. Following the 150582  
submission of the reports, each state university shall testify 150583  
on its compliance in informal hearings conducted by the standing 150584  
committees of the House of Representatives and the Senate that 150585  
consider higher education legislation. Not later than April 30, 150586  
2026, the chairs shall jointly determine whether each state 150587  
university has fully complied with those sections for the 150588  
previous fiscal year and report that determination to the Office 150589  
of Budget and Management. The Controlling Board shall consider 150590  
the release of funds from the amount set aside in division (A) 150591  
(4) of this section for fiscal year 2027 only for compliant 150592  
universities. The release of funds shall be subject to 150593  
Controlling Board approval. Payments for fiscal year 2027 shall 150594  
be issued to compliant universities in monthly payments in the 150595  
manner provided in division (I) of the section of this act 150596

entitled "STATE SHARE OF INSTRUCTION FORMULAS." For any 150597  
university determined noncompliant, the Chancellor shall reduce 150598  
payments for that university by an amount equal to that 150599  
university's per cent share of the total funds calculated 150600  
pursuant to division (B)(1)(b) of this section. 150601

(5) Of the foregoing appropriation item 235501, State 150602  
Share of Instruction, \$8,500,000 in each fiscal year shall be 150603  
distributed to The Ohio State University to support the Salmon 150604  
P. Chase Center for Civics, Culture, and Society established 150605  
under section 3335.39 of the Revised Code. 150606

(6) Of the foregoing appropriation item 235501, State 150607  
Share of Instruction, \$3,000,000 in each fiscal year shall be 150608  
distributed to the University of Toledo to support the Institute 150609  
of American Constitutional Thought and Leadership established 150610  
under section 3364.07 of the Revised Code. 150611

(7) Of the foregoing appropriation item 235501, State 150612  
Share of Instruction, \$2,000,000 in each fiscal year shall be 150613  
distributed to Miami University to support the center for 150614  
civics, culture, and society established under section 3339.06 150615  
of the Revised Code. 150616

(8) Of the foregoing appropriation item 235501, State 150617  
Share of Instruction, \$2,000,000 in each fiscal year shall be 150618  
distributed to Cleveland State University to support the center 150619  
for civics, culture, and society established under section 150620  
3344.07 of the Revised Code. 150621

(9) Of the foregoing appropriation item 235501, State 150622  
Share of Instruction, \$2,000,000 in each fiscal year shall be 150623  
distributed to Wright State University to support the center for 150624  
civics, culture, and workforce development established under 150625

section 3352.16 of the Revised Code. 150626

(B) (1) The remainder of the foregoing appropriation item 150627  
235501, State Share of Instruction, shall be distributed 150628  
according to the section of this act entitled "STATE SHARE OF 150629  
INSTRUCTION FORMULAS." Of these funds: 150630

(a) 23.2 per cent in each fiscal year shall be distributed 150631  
to state-supported community colleges, state community colleges, 150632  
and technical colleges; 150633

(b) 76.8 per cent in each fiscal year shall be distributed 150634  
to state-supported university main and regional campuses. 150635

(2) Any increases in the amount distributed to an 150636  
institution from the funds set aside in division (B) of this 150637  
section that are above the prior year may be used by the 150638  
institution to provide need-based aid and to provide counseling, 150639  
support services, and workforce preparation services to 150640  
students. 150641

**Section 381.260. RESTRICTION ON FEE INCREASES** 150642

(A) In fiscal years 2026 and 2027, the boards of trustees 150643  
of state institutions of higher education shall restrain 150644  
increases in in-state undergraduate instructional and general 150645  
fees. 150646

(1) For the 2025-2026 and 2026-2027 academic years, each 150647  
community college established under Chapter 3354., state 150648  
community college established under Chapter 3358., or technical 150649  
college established under Chapter 3357. of the Revised Code may 150650  
increase its in-state undergraduate instructional and general 150651  
fees by not more than ten dollars per credit hour over what the 150652  
institution charged for the previous academic year. 150653

(2) The limitations under division (A) (1) of this section 150654  
do not apply to student health insurance, fees for auxiliary 150655  
goods or services provided to students at the cost incurred to 150656  
the institution, fees assessed to students as a pass-through for 150657  
licensure and certification examinations, fees in elective 150658  
courses associated with travel experiences, elective service 150659  
charges, fines, and voluntary sales transactions. 150660

(B) The limitations under this section shall not apply to 150661  
increases required to comply with institutional covenants 150662  
related to their obligations or to meet unfunded legal mandates 150663  
or legally binding obligations incurred or commitments made 150664  
prior to the effective date of this section with respect to 150665  
which the institution had identified such fee increases as the 150666  
source of funds. Any increase required by such covenants and any 150667  
such mandates, obligations, or commitments shall be reported by 150668  
the Chancellor of Higher Education to the Controlling Board. 150669  
These limitations may also be modified by the Chancellor, with 150670  
the approval of the Controlling Board, to respond to exceptional 150671  
circumstances as identified by the Chancellor. 150672

(C) Institutions offering an undergraduate tuition 150673  
guarantee pursuant to section 3345.48 of the Revised Code may 150674  
increase instructional and general fees pursuant to that 150675  
section. 150676

**Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES** 150677

(A) Funds appropriated for instructional subsidies at 150678  
colleges and universities may be used to provide such branch or 150679  
other off-campus undergraduate courses of study and such 150680  
master's degree courses of study as may be approved by the 150681  
Chancellor of Higher Education. 150682

(B) In providing instructional and other services to 150683  
students, boards of trustees of state institutions of higher 150684  
education shall supplement state subsidies with income from 150685  
charges to students. Except as otherwise provided in this act, 150686  
each board shall establish the fees to be charged to all 150687  
students, including an instructional fee for educational and 150688  
associated operational support of the institution and a general 150689  
fee for noninstructional services, including locally financed 150690  
student services facilities used for the benefit of enrolled 150691  
students. The instructional fee and the general fee shall 150692  
encompass all charges for services assessed uniformly to all 150693  
enrolled students. Each board may also establish special purpose 150694  
fees, service charges, and fines as required; such special 150695  
purpose fees and service charges shall be for services or 150696  
benefits furnished individual students or specific categories of 150697  
students and shall not be applied uniformly to all enrolled 150698  
students. A tuition surcharge shall be paid by all students who 150699  
are not residents of Ohio. 150700

The board of trustees of a state institution of higher 150701  
education shall not authorize a waiver or nonpayment of 150702  
instructional fees or general fees for any particular student or 150703  
any class of students other than waivers specifically authorized 150704  
by law or approved by the Chancellor. This prohibition is not 150705  
intended to limit the authority of boards of trustees to provide 150706  
for payments to students for services rendered the institution, 150707  
nor to prohibit the budgeting of income for staff benefits or 150708  
for student assistance in the form of payment of such 150709  
instructional and general fees. 150710

Each board may authorize a lower differential tuition rate 150711  
of instructional or general fees equal to the default rate 150712  
options provided under the College Credit Plus Program pursuant 150713

to Chapter 3365. of the Revised Code or equal to rates 150714  
established pursuant to an agreement for an alternative payment 150715  
structure pursuant to section 3365.07 of the Revised Code for 150716  
nonpublic and home schooled students participating in that 150717  
program that are not publicly funded. Each board may establish a 150718  
lower differential tuition rate for in-state undergraduate 150719  
instructional fees or general fees for students enrolled 150720  
exclusively in online courses, as well as a lower differential 150721  
tuition rate for the surcharge for nonresidents enrolled 150722  
exclusively in online courses, provided a surcharge is still 150723  
assessed. 150724

Each board may authorize a lower tuition rate for courses 150725  
taken by high school students that do not qualify for funding 150726  
under the College Credit Plus program under section 3365.07 of 150727  
the Revised Code. These tuition rates must align with the 150728  
institution's tuition rates charged for courses eligible for 150729  
funding under the College Credit Plus Program. 150730

Each state institution of higher education in its 150731  
statement of charges to students shall separately identify the 150732  
instructional fee, the general fee, the tuition charge, and the 150733  
tuition surcharge. Fee charges to students for instruction shall 150734  
not be considered to be a price of service but shall be 150735  
considered to be an integral part of the state government 150736  
financing program in support of higher educational opportunity 150737  
for students. 150738

(C) The boards of trustees of state institutions of higher 150739  
education shall ensure that faculty members devote a proper and 150740  
judicious part of their work week to the actual instruction of 150741  
students. Total class credit hours of production per academic 150742  
term per full-time faculty member is expected to meet the 150743



standards set forth in the budget data submitted by the 150744  
Chancellor. 150745

(D) The authority of government vested by law in the 150746  
boards of trustees of state institutions of higher education 150747  
shall in fact be exercised by those boards. Boards of trustees 150748  
may consult extensively with appropriate student and faculty 150749  
groups. Administrative decisions about the utilization of 150750  
available resources, about organizational structure, about 150751  
disciplinary procedure, about the operation and staffing of all 150752  
auxiliary facilities, and about administrative personnel shall 150753  
be the exclusive prerogative of boards of trustees. Any 150754  
delegation of authority by a board of trustees in other areas of 150755  
responsibility shall be accompanied by appropriate standards of 150756  
guidance concerning expected objectives in the exercise of such 150757  
delegated authority and shall be accompanied by periodic review 150758  
of the exercise of this delegated authority to the end that the 150759  
public interest, in contrast to any institutional or special 150760  
interest, shall be served. 150761

**Section 381.280. WAR ORPHANS AND SEVERELY DISABLED 150762**  
VETERANS' CHILDREN SCHOLARSHIPS 150763

The foregoing appropriation item 235504, War Orphans and 150764  
Severely Disabled Veterans' Children Scholarships, shall be used 150765  
to reimburse state institutions of higher education for waivers 150766  
of instructional fees and general fees provided by them, to 150767  
provide grants to institutions that have received a certificate 150768  
of authorization from the Chancellor of Higher Education under 150769  
Chapter 1713. of the Revised Code, in accordance with the 150770  
provisions of section 5910.04 of the Revised Code, and to fund 150771  
additional scholarship benefits provided by section 5910.032 of 150772  
the Revised Code. 150773

During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans and Severely Disabled Veterans' Children Scholarship Reserve Fund (Fund 5PW0).

**Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION**

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior-year obligations to higher education institutions under the State Share of Instruction formulas, as determined by the Chancellor. Notwithstanding any provisions of law to the contrary, the Director of Budget and Management, upon the request of the Chancellor, may transfer cash in an amount up to the amounts certified for State Share of Instruction reconciliation from the State Financial Aid Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The amounts certified for State Share of Instruction reconciliation are hereby appropriated to appropriation item 235505, State Share of Instruction Reconciliation.

**Section 381.300. OHIOLINK**

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic

library information and retrieval system, which provides access 150804  
statewide to an extensive set of electronic databases and 150805  
resources, the library holdings of Ohio's public and 150806  
participating private nonprofit colleges and universities, and 150807  
the State Library of Ohio. 150808

**Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY** 150809

(A) Of the foregoing appropriation item 235508, Air Force 150810  
Institute of Technology, \$75,000 in each fiscal year shall be 150811  
allocated to the Aerospace Professional Development Center in 150812  
Dayton for statewide workforce development services in the 150813  
aerospace industry. 150814

(B) The remainder of the foregoing appropriation item 150815  
235508, Air Force Institute of Technology, shall be used to do 150816  
both of the following: 150817

(1) Strengthen the research and educational linkages 150818  
between the Wright Patterson Air Force Base and institutions of 150819  
higher education in Ohio; and 150820

(2) Support the Defense Associated Graduate Student 150821  
Innovators, an engineering graduate consortium of Wright State 150822  
University, the University of Dayton, and the Air Force 150823  
Institute of Technology, with the participation of the 150824  
University of Cincinnati and The Ohio State University. 150825

**Section 381.320. OHIO SUPERCOMPUTER CENTER** 150826

The foregoing appropriation item 235510, Ohio 150827  
Supercomputer Center, shall be used by the Chancellor of Higher 150828  
Education to support the operation of the Ohio Supercomputer 150829  
Center, a consortium organized under division (T) of section 150830  
3333.04 of the Revised Code, located at The Ohio State 150831  
University. The Ohio Supercomputer Center is a statewide 150832

resource available to Ohio research universities both public and 150833  
private. It is also intended that the center be made accessible 150834  
to private industry as appropriate. 150835

The Ohio Supercomputer Center's services shall support 150836  
Ohio's colleges, universities, and businesses to make Ohio a 150837  
leader in using computational science, modeling, and simulation 150838  
to promote higher education, research, and economic 150839  
competitiveness. 150840

**Section 381.330.** THE OHIO STATE UNIVERSITY EXTENSION 150841  
SERVICE 150842

The foregoing appropriation item 235511, The Ohio State 150843  
University Extension Service, shall be disbursed through the 150844  
Chancellor of Higher Education to The Ohio State University in 150845  
monthly payments, unless otherwise determined by the Director of 150846  
Budget and Management under section 126.09 of the Revised Code. 150847

**Section 381.340.** CENTRAL STATE SUPPLEMENT 150848

The foregoing appropriation item 235514, Central State 150849  
Supplement, shall be disbursed by the Chancellor of Higher 150850  
Education to Central State University. Funds shall be used in a 150851  
manner consistent with the goals of increasing enrollment, 150852  
improving course completion, and increasing the number of 150853  
degrees conferred. 150854

**Section 381.350.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 150855  
MEDICINE 150856

The foregoing appropriation item 235515, Case Western 150857  
Reserve University School of Medicine, shall be disbursed to 150858  
Case Western Reserve University through the Chancellor of Higher 150859  
Education in accordance with agreements entered into under 150860  
section 3333.10 of the Revised Code, provided that the state 150861

support per full-time medical student shall not exceed that 150862  
provided to full-time medical students at state universities. 150863

**Section 381.360. FAMILY PRACTICE** 150864

The foregoing appropriation item 235519, Family Practice, 150865  
shall be distributed in each fiscal year, based on each medical 150866  
school's share of residents placed in a family practice and 150867  
graduates practicing in a family practice. 150868

**Section 381.370. SHAWNEE STATE SUPPLEMENT** 150869

The foregoing appropriation item 235520, Shawnee State 150870  
Supplement, shall be disbursed by the Chancellor of Higher 150871  
Education to Shawnee State University. Funds shall be used in a 150872  
manner consistent with the goals of improving course completion, 150873  
increasing the number of degrees conferred, and furthering the 150874  
university's mission of service to the Appalachian region. 150875

**Section 381.380. GERIATRIC MEDICINE** 150876

The Chancellor of Higher Education shall distribute 150877  
appropriation item 235525, Geriatric Medicine, consistent with 150878  
existing criteria and guidelines. 150879

**Section 381.390. PRIMARY CARE RESIDENCIES** 150880

The foregoing appropriation item 235526, Primary Care 150881  
Residencies, shall be distributed in each fiscal year, based on 150882  
each medical school's share of residents placed in a primary 150883  
care field and graduates practicing in a primary care field. 150884

**Section 381.400. GOVERNOR'S MERIT SCHOLARSHIP** 150885

(A) The foregoing appropriation item 235530, Governor's 150886  
Merit Scholarship, shall be used by the Chancellor of Higher 150887  
Education to administer the Governor's Merit Scholarship Program 150888

and to award merit-based aid to qualifying institutions on 150889  
behalf of eligible students. Funds awarded under this section 150890  
shall be used in a manner consistent with the goal of allowing 150891  
high-achieving high school graduates to remain in Ohio to pursue 150892  
their post-secondary studies and contribute to Ohio's expanding 150893  
economic opportunities. 150894

(B) In awarding funds under this section, and to the 150895  
extent that funds are sufficient to do so, the Chancellor shall 150896  
provide per-student awards as follows: 150897

(1) \$5,000 per academic year to eligible students who 150898  
first received a scholarship for the 2024-2025 academic year; 150899

(2) \$5,000 per academic year to eligible students who 150900  
first receive a scholarship for the 2025-2026 academic year and 150901  
who are determined to be in the top five per cent of their 150902  
public or nonpublic high school graduating class at the end of 150903  
their junior year, as determined by their public or nonpublic 150904  
high school using criteria established by the Chancellor in 150905  
consultation with the Director of Education and Workforce; and 150906

(3) \$5,000 per academic year to eligible students who 150907  
first receive a scholarship for the 2026-2027 academic year and 150908  
who are determined to be in the top two per cent of their public 150909  
or nonpublic high school graduating class at the end of their 150910  
junior year, as determined by their public or nonpublic high 150911  
school using criteria established by the Chancellor in 150912  
consultation with the Director of Education and Workforce. The 150913  
Chancellor shall award a scholarship under this division to at 150914  
least one eligible student per high school. 150915

School districts and nonpublic high schools shall provide 150916  
the information as requested by the Chancellor to determine 150917

scholarship eligibility. Eligible students shall receive an 150918  
award for up to the equivalent of four academic years of 150919  
instruction at a qualifying institution, contingent on 150920  
satisfactory academic progress. 150921

(C) The Chancellor, in consultation with the Director, 150922  
shall determine eligibility for graduating high school students 150923  
who were home schooled to provide a level of access to the 150924  
program described in this section that is reasonably 150925  
commensurate with the merit-based criteria used to determine 150926  
eligibility for students graduating from a public or nonpublic 150927  
high school. 150928

(D) The Governor's Merit Scholarship shall be used to pay 150929  
eligible expenses, as determined by the Chancellor, included 150930  
within the published cost of attendance at a qualifying 150931  
institution. 150932

(E) A qualifying institution shall not make changes to 150933  
scholarship or financial aid programs offered by that 150934  
institution that have the goal or net effect of shifting the 150935  
cost burden of those programs to the program described in this 150936  
section. Institutions of higher education that enroll students 150937  
receiving merit-based financial aid grants under this section 150938  
shall maintain the same level of merit-based financial aid the 150939  
institution provided in the most recent academic year in the 150940  
aggregate to all students or on a per-student basis. 150941

(F) Notwithstanding any provision of law to the contrary, 150942  
the Chancellor may establish guidelines for the purpose of 150943  
implementing this section, except that the Chancellor shall not 150944  
place limits on the number of students receiving an award under 150945  
this section that enroll at a qualifying institution. 150946

(G) As used in this section, "qualifying institution" 150947  
means any of the following: 150948

(1) A state institution of higher education, as defined in 150949  
section 3345.011 of the Revised Code; 150950

(2) A private nonprofit institution of higher education 150951  
holding a certificate of authorization under Chapter 1713. of 150952  
the Revised Code. 150953

**Section 381.420. OHIO STATE AGRICULTURAL RESEARCH** 150954

The foregoing appropriation item 235535, Ohio State 150955  
Agricultural Research, shall be disbursed through the Chancellor 150956  
of Higher Education to The Ohio State University in monthly 150957  
payments, unless otherwise determined by the Director of Budget 150958  
and Management under section 126.09 of the Revised Code. 150959

The Ohio Agricultural Research and Development Center, an 150960  
entity of the College of Food, Agricultural, and Environmental 150961  
Sciences of The Ohio State University, shall further its mission 150962  
of enhancing Ohio's economic development and job creation by 150963  
continuing to internally allocate on a competitive basis 150964  
appropriated funding of programs based on demonstrated 150965  
performance. Academic units, faculty, and faculty-driven 150966  
programs shall be evaluated and rewarded consistent with agreed- 150967  
upon performance expectations as called for in the College's 150968  
Expectations and Criteria for Performance Assessment. 150969

**Section 381.430. STATE UNIVERSITY CLINICAL TEACHING** 150970

The foregoing appropriation items 235536, The Ohio State 150971  
University Clinical Teaching; 235537, University of Cincinnati 150972  
Clinical Teaching; 235538, University of Toledo Clinical 150973  
Teaching; 235539, Wright State University Clinical Teaching; 150974  
235540, Ohio University Clinical Teaching; and 235541, Northeast 150975



Ohio Medical University Clinical Teaching, shall be distributed 150976  
through the Chancellor of Higher Education. 150977

Of the foregoing appropriation item 235539, Wright State 150978  
University Clinical Teaching, \$1,500,000 in each fiscal year 150979  
shall be used to support the Aerospace Medicine and Human 150980  
Performance Center at Wright State University. 150981

**Section 381.440.** CENTRAL STATE AGRICULTURAL RESEARCH AND 150982  
DEVELOPMENT 150983

The foregoing appropriation item 235546, Central State 150984  
Agricultural Research and Development, shall be used in 150985  
conjunction with appropriation item 235548, Central State 150986  
Cooperative Extension Services, by Central State University for 150987  
its state match requirement as an 1890 land grant university. 150988

**Section 381.450.** CAPITAL COMPONENT 150989

The foregoing appropriation item 235552, Capital 150990  
Component, shall be used by the Chancellor of Higher Education 150991  
to provide funding for prior commitments made pursuant to the 150992  
state's former capital funding policy for state colleges and 150993  
universities that was originally established in H.B. 748 of the 150994  
121st General Assembly. 150995

Appropriations from this item shall be distributed to all 150996  
campuses for which the estimated campus debt service 150997  
attributable to qualifying capital projects was less than the 150998  
campus's formula-determined capital component allocation. Campus 150999  
allocations shall be determined by subtracting the estimated 151000  
campus debt service attributable to qualifying capital projects 151001  
from the campus's formula-determined capital component 151002  
allocation. Moneys distributed from this appropriation item 151003  
shall be restricted to capital-related purposes. 151004

Any campus for which the estimated campus debt service 151005  
attributable to qualifying capital projects is greater than the 151006  
campus's formula-determined capital component allocation shall 151007  
have the difference subtracted from its State Share of 151008  
Instruction allocation in each fiscal year. Appropriation equal 151009  
to the sum of all such amounts shall be transferred from 151010  
appropriation item 235501, State Share of Instruction, to 151011  
appropriation item 235552, Capital Component. 151012

**Section 381.460. LIBRARY DEPOSITORIES** 151013

The foregoing appropriation item 235555, Library 151014  
Depositories, shall be distributed to the state's five regional 151015  
depository libraries for the cost-effective storage of and 151016  
access to lesser-used materials in university library 151017  
collections. The depositories shall be administrated by the 151018  
Chancellor of Higher Education, or by OhioLINK at the discretion 151019  
of the Chancellor. 151020

**Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 151021

The foregoing appropriation item 235556, Ohio Academic 151022  
Resources Network, shall be used by the Chancellor of Higher 151023  
Education to support the operations of the Ohio Academic 151024  
Resources Network, a consortium organized under division (T) of 151025  
section 3333.04 of the Revised Code, which shall include support 151026  
for Ohio's colleges and universities in maintaining and 151027  
enhancing network connections, using new network technologies to 151028  
improve research, education, and economic development programs, 151029  
and sharing information technology services. To the extent 151030  
network capacity is available, OARnet shall support allocating 151031  
bandwidth to eligible programs directly supporting Ohio's 151032  
economic development. 151033

<b>Section 381.480.</b> LONG-TERM CARE RESEARCH	151034
The foregoing appropriation item 235558, Long-term Care	151035
Research, shall be disbursed to Miami University for long-term	151036
care research.	151037
<b>Section 381.490.</b> OHIO COLLEGE OPPORTUNITY GRANT	151038
(A) (1) As used in this section:	151039
(a) "Eligible institution" means any institution described	151040
in divisions(B) (2) (a) to (c) of section 3333.122 of the Revised	151041
Code.	151042
(b) The three "sectors" of institutions of higher	151043
education consist of the following:	151044
(i) State colleges and universities, community colleges,	151045
state community colleges, university branches, and technical	151046
colleges;	151047
(ii) Eligible private nonprofit institutions of higher	151048
education;	151049
(iii) Eligible private for-profit career colleges and	151050
schools.	151051
(2) (a) Awards under section 3333.122 of the Revised Code	151052
shall be as follows for fiscal year 2026 and fiscal year 2027:	151053
(i) \$4,000 per student at a state institution of higher	151054
education;	151055
(ii) \$5,000 per student at an eligible nonprofit	151056
institution of higher education;	151057
(iii) \$2,000 per student at a private for-profit career	151058
college or school.	151059

(b) For students attending an eligible institution year- 151060  
round, awards may be distributed on an annual basis, once Pell 151061  
grants have been exhausted. 151062

(3) Notwithstanding anything to the contrary in section 151063  
3333.122 of the Revised Code, the Chancellor of Higher Education 151064  
shall make awards under that section in fiscal year 2026 and 151065  
fiscal year 2027 to students with a student aid index, or any 151066  
federal successor, of three thousand seven hundred fifty or 151067  
less. 151068

(4) If the Chancellor determines that the amounts 151069  
appropriated for support of the Ohio College Opportunity Grant 151070  
program are inadequate to provide grants to all eligible 151071  
students as specified under division (D) of section 3333.122 of 151072  
the Revised Code, the Chancellor may follow methods established 151073  
in division (C) (1) (a) or (b) of section 3333.122 of the Revised 151074  
Code. If the Chancellor determines that reductions in award 151075  
amounts are necessary, the Chancellor shall reduce the award 151076  
amounts proportionally among the sectors of institutions 151077  
specified in division (A) (1) of this section in a manner 151078  
determined by the Chancellor. The Chancellor shall notify the 151079  
Controlling Board of the distribution method. Any formula 151080  
calculated under this division shall be complete and established 151081  
to coincide with the start of each academic year. 151082

(B) Prior to determining the amount of funds available to 151083  
award under this section and section 3333.122 of the Revised 151084  
Code, the Chancellor shall use the foregoing appropriation item 151085  
235563, Ohio College Opportunity Grant, to pay for waivers of 151086  
tuition and student fees for eligible students under the Ohio 151087  
Safety Officer's College Memorial Fund Program under section 151088  
3333.26 of the Revised Code and for grants to qualifying 151089

institutions on behalf of eligible students under the adoption 151090  
grant program established under section 3333.128 of the Revised 151091  
Code. 151092

In each fiscal year, with the exception of sections 151093  
3333.121 and 3333.124 of the Revised Code and the section of 151094  
this act entitled "STATE FINANCIAL AID RECONCILIATION," the 151095  
Chancellor shall not distribute or obligate or commit to be 151096  
distributed an amount greater than what is appropriated under 151097  
the foregoing appropriation item 235563, Ohio College 151098  
Opportunity Grant. 151099

(C) The Chancellor shall establish, and post on the 151100  
Department of Higher Education's web site, award tables based on 151101  
the amounts specified under division (A) of this section. The 151102  
Chancellor shall notify students and institutions of any 151103  
reductions in awards. 151104

(D) Notwithstanding section 3333.122 of the Revised Code, 151105  
no student shall be eligible to receive an Ohio College 151106  
Opportunity Grant for more than ten semesters, fifteen quarters, 151107  
or the equivalent of five academic years, less the number of 151108  
semesters or quarters in which the student received an Ohio 151109  
Instructional Grant. 151110

(E) During each fiscal year, the Chancellor, as soon as 151111  
possible after cancellation, may certify to the Director of 151112  
Budget and Management the amount of canceled prior-year 151113  
encumbrances in appropriation item 235563, Ohio College 151114  
Opportunity Grant. Upon receipt of the certification, the 151115  
Director of Budget and Management may transfer cash, up to the 151116  
certified amount, from the General Revenue Fund to the Ohio 151117  
College Opportunity Grant Program Reserve Fund (Fund 5PU0). 151118

(F) No eligible institution that enrolls Ohio College 151119  
Opportunity Grant recipients shall make any change to its 151120  
scholarship or financial aid programs with the goal or net 151121  
effect of shifting the cost burden of those programs to the Ohio 151122  
College Opportunity Grant program. 151123

Each eligible institution that enrolls Ohio College 151124  
Opportunity Grant recipients shall provide at least the same 151125  
level of needs-based financial aid to its students as it 151126  
provided in the immediately prior academic year in terms of 151127  
either the aggregate aid to all students or on a per student 151128  
basis. The Chancellor may grant an eligible institution a 151129  
temporary waiver from that requirement if the Chancellor 151130  
determines exceptional circumstances make it necessary. The 151131  
Chancellor shall determine the terms of the waiver. 151132

**Section 381.500.** THE OHIO STATE UNIVERSITY COLLEGE OF 151133  
VETERINARY MEDICINE SUPPLEMENT 151134

The foregoing appropriation item 235569, The Ohio State 151135  
University College of Veterinary Medicine Supplement, shall be 151136  
distributed through the Chancellor of Higher Education to The 151137  
Ohio State University College of Veterinary Medicine to provide 151138  
supplemental support for education, research, and operations in 151139  
order to increase student enrollment. 151140

**Section 381.510.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 151141

The foregoing appropriation item 235572, The Ohio State 151142  
University Clinic Support, shall be distributed through the 151143  
Chancellor of Higher Education to The Ohio State University for 151144  
support of dental and veterinary medicine clinics. 151145

**Section 381.520.** FEDERAL RESEARCH NETWORK 151146

The foregoing appropriation item 235578, Federal Research 151147

Network, shall be allocated to The Ohio State University to 151148  
collaborate with federal installations in Ohio, state 151149  
institutions of higher education as defined in section 3345.011 151150  
of the Revised Code, private nonprofit institutions of higher 151151  
education holding certificates of authorization under Chapter 151152  
1713. of the Revised Code, and the private sector to align the 151153  
state's research assets with emerging missions and job growth 151154  
opportunities emanating from federal installations, strengthen 151155  
related workforce development and technology commercialization 151156  
programs, and better position the state's university system to 151157  
directly impact new job creation in Ohio. A portion of the 151158  
foregoing appropriation item 235578, Federal Research Network, 151159  
shall be used to support the growth of small business federal 151160  
contractors in the state and to expand the participation of Ohio 151161  
businesses in the federal Small Business Innovation Research 151162  
Program and related federal programs. 151163

**Section 381.525. EDUCATOR PREPARATION PROGRAMS** 151164

The foregoing appropriation item 235585, Educator 151165  
Preparation Programs, shall be used by the Chancellor of Higher 151166  
Education to implement and administer sections 3333.048, 151167  
3333.049, 3333.0411, and 3333.0419 of the Revised Code or other 151168  
educator preparation programs, such as the Ohio Teacher 151169  
Apprenticeship Program, as determined by the Chancellor. 151170

Notwithstanding any provision of law to the contrary, 151171  
beginning with the first full academic year following the 151172  
adoption of new standards, each educator preparation program at 151173  
an institution of higher education shall include in its 151174  
curriculum standards for social studies that align with the 151175  
standards adopted by the Department of Education and Workforce 151176  
to ensure that educators and other school personnel are 151177

adequately prepared and trained in social studies. 151178

Within six months of the beginning of the first full 151179  
academic year in which the new standards are used, the 151180  
Chancellor shall complete a review and evaluation process to 151181  
assess the degree to which every educator preparation program at 151182  
an institution of higher education is teaching social studies in 151183  
alignment with the standards. 151184

**Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID** 151185  
**PROGRAM** 151186

The foregoing appropriation item 235595, Commercial Truck 151187  
Driver Student Aid Program, shall be used by the Chancellor of 151188  
Higher Education to administer and provide grants and loans 151189  
under the Commercial Truck Driver Student Aid Program 151190  
established in section 3333.125 of the Revised Code. 151191

**Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM** 151192

The Chancellor of Higher Education shall disburse funds 151193  
from appropriation item 235599, National Guard Scholarship 151194  
Program. During each fiscal year, the Chancellor, as soon as 151195  
possible after cancellation, may certify to the Director of 151196  
Budget and Management the amount of canceled prior-year 151197  
encumbrances in appropriation item 235599, National Guard 151198  
Scholarship Program. Upon receipt of the certification, the 151199  
Director of Budget and Management may transfer cash, up to the 151200  
certified amount, from the General Revenue Fund to the National 151201  
Guard Scholarship Reserve Fund (Fund 5BM0). A portion of the 151202  
foregoing appropriation item 235599, National Guard Scholarship 151203  
Program, may be used to administer the program with the 151204  
concurrence of the Adjutant General. 151205

**Section 381.570. PLEDGE OF FEES** 151206



Any new pledge of fees, or new agreement for adjustment of 151207  
fees, made in the biennium ending June 30, 2027, to secure bonds 151208  
or notes of a state institution of higher education for a 151209  
project for which bonds or notes were not outstanding on the 151210  
effective date of this section, to secure a refund of prior debt 151211  
that is anticipated to increase the total cost of retiring the 151212  
original debt, or to extend the period in which that full debt 151213  
is retired shall be effective only after approval by the 151214  
Chancellor of Higher Education, unless approved in a previous 151215  
biennium. 151216

**Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND** 151217  
**DEBT SERVICE** 151218

The foregoing appropriation item 235909, Higher Education 151219  
General Obligation Bond Debt Service, shall be used to pay all 151220  
debt service and related financing costs during the period from 151221  
July 1, 2025, through June 30, 2027, for obligations issued 151222  
under sections 151.01 and 151.04 of the Revised Code. 151223

**Section 381.590. SALES AND SERVICES** 151224

The Chancellor of Higher Education is authorized to charge 151225  
and accept payment for the provision of goods and services. Such 151226  
charges shall be reasonably related to the cost of producing the 151227  
goods and services. Except as otherwise provided by law, no 151228  
charges may be levied for goods or services that are produced as 151229  
part of the routine responsibilities or duties of the 151230  
Chancellor. All revenues received by the Chancellor shall be 151231  
deposited into Fund 4560 and may be used by the Chancellor to 151232  
pay for the costs of producing the goods and services. 151233

**Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION** 151234  
**ADMINISTRATION** 151235

The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by the Chancellor of Higher Education for operating expenses related to the Chancellor's support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management may transfer cash in an amount up to the amount appropriated from the foregoing appropriation item 235602, Higher Educational Facility Commission Administration, in each fiscal year from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

**Section 381.635. SUPER RAPIDS**

(A) (1) The foregoing appropriation item 235688, Super RAPIDS, shall be used by the Governor's Office of Workforce Transformation and the Chancellor of Higher Education to support collaborative projects among qualifying institutions to strengthen education and training opportunities that maximize workforce development efforts in defined areas of the state. These funds shall be used to support efforts that build capacity, remove employment and training barriers for prospective and unemployed workers, develop and strengthen business-led strategies in the impacted industries, and provide local guided solutions to employment for communities in economic transition. Under the program, the Chancellor shall distribute funds to Ohio regions or subsets of regions, as defined by the Governor's Office of Workforce Transformation.

(2) Of the foregoing appropriation item 235688, Super RAPIDS, a portion in each fiscal year may be used by the Governor's Office of Workforce Transformation to meet urgent workforce development and job creation needs throughout the

state. 151266

(B) The Governor's Office of Workforce Transformation 151267  
shall consult with the Department of Development, the 151268  
Chancellor, and other stakeholders as determined to be 151269  
appropriate, when defining regions and awarding funds under this 151270  
section. 151271

(C) The Chancellor and the Governor's Office of Workforce 151272  
Transformation shall develop and use a proposal and review 151273  
process to award funds under the program. In reviewing proposals 151274  
and making awards, priority shall be given to proposals that 151275  
demonstrate all of the following: 151276

(1) Clear compliance with all applicable state and federal 151277  
rules and regulations; 151278

(2) Collaboration between and among state institutions of 151279  
higher education, as defined in section 3345.011 of the Revised 151280  
Code, Ohio Technical Centers, and other education and workforce- 151281  
related entities as determined to be appropriate by the 151282  
Governor's Office of Workforce Transformation and the Department 151283  
of Higher Education; 151284

(3) Evidence of meaningful business support and 151285  
engagement; 151286

(4) Identification of targeted occupations and industries 151287  
supported by data, which sources shall include the Governor's 151288  
Office of Workforce Transformation, OhioMeansJobs, labor market 151289  
information from the Department of Job and Family Services, and 151290  
lists of in-demand occupations; 151291

(5) Sustainability beyond the grant period with the 151292  
opportunity to provide continued value and impact to the region; 151293

(6) Evidence of a strong commitment to invest in one or more of the following areas:	151294 151295
(a) Broadband/5G;	151296
(b) Cybersecurity;	151297
(c) Healthcare;	151298
(d) Transportation;	151299
(e) Advanced manufacturing;	151300
(f) Trades.	151301
(D) As used in this section:	151302
"Qualifying institution" means any of the following:	151303
(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	151304 151305
(2) An Ohio Technical Center, as defined in section 3333.94 of the Revised Code;	151306 151307
(3) Other secondary and postsecondary education and workforce-related entities, as determined by the Chancellor.	151308 151309
<b>Section 381.640. STATE FINANCIAL AID RECONCILIATION</b>	151310
By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).	151311 151312 151313 151314 151315 151316 151317 151318 151319

**Section 381.650.** SECOND CHANCE GRANT PROGRAM 151320

The foregoing appropriation item 235494, Second Chance 151321  
Grant Program, shall be distributed by the Chancellor of Higher 151322  
Education to qualifying institutions of higher education and 151323  
Ohio Technical Centers to provide grants to eligible students 151324  
under the Second Chance Grant Program established in section 151325  
3333.127 of the Revised Code. 151326

RURAL PRACTICE INCENTIVE PROGRAM 151327

The foregoing appropriation item 235426, Rural Practice 151328  
Incentive Program, shall be used to provide loan repayments on 151329  
behalf of certain attorneys as described in section 3333.131 of 151330  
the Revised Code. 151331

**Section 381.655.** GROW YOUR OWN TEACHER PROGRAM 151332

The foregoing appropriation item 235592, Grow Your Own 151333  
Teacher Program, shall be used by the Chancellor of Higher 151334  
Education to implement and administer the Grow Your Own Teacher 151335  
Program pursuant to sections 3333.393 and 3333.394 of the 151336  
Revised Code and the Ohio Teacher Apprenticeship Program. 151337

**Section 381.660.** NURSING LOAN PROGRAM 151338

The foregoing appropriation item 235606, Nursing Loan 151339  
Program, shall be used to administer the nurse education 151340  
assistance program. 151341

**Section 381.670.** RESEARCH INCENTIVE THIRD FRONTIER - TAX 151342

(A) The foregoing appropriation item 235639, Research 151343  
Incentive Third Frontier - Tax, shall be used by the Chancellor 151344  
of Higher Education to advance collaborative research at 151345  
institutions of higher education. Of the foregoing appropriation 151346  
item 235639, Research Incentive Third Frontier - Tax, a portion 151347

in each fiscal year shall be used by the Chancellor to support 151348  
and promote research that is intended to be commercialized. 151349  
Research funded under division (A) of this section shall include 151350  
a condition that the discoveries, inventions, or patents 151351  
developed therein be retained by the researcher, unless all or a 151352  
portion of the interests therein are specifically granted to the 151353  
state college or university at which the researcher is employed. 151354  
In reviewing proposals and making awards under division (A) of 151355  
this section, the Chancellor may enlist the assistance of the 151356  
Ohio Technology Transfer Officer's Council. 151357

(B) Of the foregoing appropriation item 235639, Research 151358  
Incentive Third Frontier - Tax, up to \$2,000,000 in each fiscal 151359  
year may be allocated toward research regarding the improvement 151360  
of water quality, up to \$750,000 in each fiscal year may be 151361  
allocated for spinal cord research, up to \$750,000 in each 151362  
fiscal year may be allocated toward research regarding cyber 151363  
security initiatives, up to \$300,000 in each fiscal year may be 151364  
allocated toward the I-Corps@Ohio program, and up to \$200,000 in 151365  
each fiscal year may be allocated toward the Ohio Innovation 151366  
Exchange program. 151367

**Section 381.680. VETERANS PREFERENCES** 151368

The Chancellor of Higher Education shall work with the 151369  
Department of Veterans Services to develop specific veterans 151370  
preference guidelines for higher education institutions. These 151371  
guidelines shall ensure that the institutions' hiring practices 151372  
are in accordance with the intent of Ohio's veterans' preference 151373  
laws. 151374

**Section 381.690. (A) As used in this section:** 151375

(1) "Board of trustees" includes the managing authority of 151376

a university branch district. 151377

(2) "State institution of higher education" has the same 151378  
meaning as in section 3345.011 of the Revised Code. 151379

(B) The board of trustees of any state institution of 151380  
higher education, notwithstanding any rule of the institution to 151381  
the contrary, may adopt a policy providing for mandatory 151382  
furloughs of employees, including faculty, to achieve spending 151383  
reductions necessitated by institutional budget deficits. 151384

**Section 381.700. EFFICIENCY REPORTS** 151385

In each fiscal year, the board of trustees of each public 151386  
institution of higher education shall approve the institution's 151387  
efficiency report submitted to the Chancellor of Higher 151388  
Education under section 3333.95 of the Revised Code. 151389

**MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS** 151390

For each fiscal year, each institution of higher education 151391  
that receives funds from the foregoing appropriation items 151392  
235515, Case Western Reserve University School of Medicine, 151393  
235519, Family Practice, 235525, Geriatric Medicine, 235526, 151394  
Primary Care Residencies, 235536, The Ohio State University 151395  
Clinical Teaching, 235537, University of Cincinnati Clinical 151396  
Teaching, 235538, University of Toledo Clinical Teaching, 151397  
235539, Wright State University Clinical Teaching, 235540, Ohio 151398  
University Clinical Teaching, 235541, Northeast Ohio Medical 151399  
University Clinical Teaching, 235543, Kent State University 151400  
College of Podiatric Medicine Clinic Subsidy, 235558, Long-term 151401  
Care Research, and 235572, The Ohio State University Clinic 151402  
Support, shall report to the Chancellor of Higher Education the 151403  
residency status of graduates from the respective programs 151404  
receiving support from those appropriation items one year and 151405

five years after graduating. 151406

**Section 381.710.** The Chancellor of Higher Education shall 151407  
support the continued development of the Ohio Innovation 151408  
Exchange for the purpose of showcasing the research expertise of 151409  
Ohio's university and college faculty in a variety of fields, 151410  
including, but not limited to, engineering, biomedicine, and 151411  
information technology, and to identify institutional research 151412  
equipment available in the state. 151413

**Section 381.730.** EASTERN GATEWAY COMMUNITY COLLEGE 151414

The Chancellor of Higher Education, in consultation with 151415  
postsecondary educational institutions and other stakeholders as 151416  
determined to be appropriate, shall monitor and evaluate the 151417  
ongoing availability of postsecondary educational offerings 151418  
within the four-county service district formerly served by 151419  
Eastern Gateway Community College. To the extent practicable, 151420  
the Chancellor shall seek to ensure a strong continuity of 151421  
postsecondary educational access to residents of the region, 151422  
with a particular focus on access to programs aligned with 151423  
regional workforce priorities. If determined to be necessary, 151424  
the Chancellor may seek to achieve favorable outcomes by 151425  
engaging with other postsecondary educational institutions to 151426  
encourage uninterrupted access to educational opportunities. 151427  
This may include, but not be limited to, outcomes associated 151428  
with academic program offerings, program-related equipment, or 151429  
physical facilities. 151430

**Section 381.740.** CREDENTIAL AND WORK EXPERIENCE 151431  
CONSIDERATION 151432

Prior to admitting any students applying for enrollment 151433  
after July 1, 2025, each state institution of higher education, 151434



as defined in section 3345.011 of the Revised Code, shall 151435  
consider an applicant's work experience and credentials earned 151436  
as part of the admissions process. An applicant's work 151437  
experience or credential does not need to align to the program 151438  
or discipline the applicant is seeking to pursue to be 151439  
considered by the state institution as a positive reason to 151440  
accept the applicant as a student at the institution. 151441

At the time of the student's acceptance, an institution 151442  
shall either grant credit for prior learning or experience or 151443  
detail the potential opportunities and required documentation 151444  
needed to grant such credit based on the review of the student's 151445  
specific information provided in the application. 151446

**Section 381.750. GENERAL EDUCATION REQUIREMENTS** 151447

(A) Not later than December 31, 2025, the board of 151448  
trustees of each state institution of higher education, as 151449  
defined in section 3345.011 of the Revised Code, shall formally 151450  
review and evaluate the components of the state institution's 151451  
general education curriculum and adopt a resolution 151452  
acknowledging the board's completion of that review. Each board 151453  
shall submit a copy of its resolution to the Chancellor of 151454  
Higher Education. 151455

(B) Not later than March 31, 2026, the board of trustees 151456  
of each state institution of higher education shall formally 151457  
evaluate the state institution's general education curriculum to 151458  
enhance content that furthers the state's post-secondary 151459  
education attainment and workforce goals. In conducting the 151460  
evaluation, the board shall consider adjusting the general 151461  
education curriculum in the following areas: 151462

(1) Civics, culture, and society, including United States 151463

and Ohio history, the foundations of American representative 151464  
government, how to disagree in a civil manner, and the 151465  
principles of civil discourse; 151466

(2) Artificial intelligence, STEM, and computational 151467  
thinking; 151468

(3) Entrepreneurship and the principles of innovation; 151469

(4) Workforce readiness, including fundamental skills 151470  
necessary for Ohio's graduates to gain employment in in-demand 151471  
occupations. 151472

(C) Not later than June 30, 2026, the board of trustees of 151473  
each state institution of higher education shall adopt a 151474  
resolution summarizing changes to the state institution's 151475  
general education curriculum resulting from the evaluation 151476  
process and submit a copy of the resolution to the Chancellor. 151477

(D) The Chancellor shall provide a copy of each resolution 151478  
submitted under this section to the Governor, the President of 151479  
the Senate, and the Speaker of the House of Representatives. 151480

(E) Adjustments made to a state institution of higher 151481  
education's general education curriculum pursuant to this 151482  
section are not exempt from the requirements of the Chancellor's 151483  
program approval process. 151484

**Section 381.770. DIRECT ADMISSIONS** 151485

(A) As used in this section: 151486

(1) "Academic record" includes grade point average, high 151487  
school and college transcript information, standardized 151488  
assessment scores, scores on the end-of-course examinations 151489  
prescribed under section 3301.0712 of the Revised Code, and any 151490  
other measure of postsecondary readiness determined appropriate 151491

by the Chancellor of Higher Education. 151492

(2) "Postsecondary institution" means any of the 151493  
following: 151494

(a) A state institution of higher education, as defined in 151495  
section 3345.011 of the Revised Code; 151496

(b) A private nonprofit institution of higher education 151497  
that holds a certificate of authorization under Chapter 1713. of 151498  
the Revised Code; 151499

(c) An Ohio technical center, as defined in section 151500  
3333.94 of the Revised Code. 151501

(3) "School governing body" means the board of education 151502  
of a city, local, exempted village, or joint vocational school 151503  
district, the governing authority of a chartered nonpublic 151504  
school, the governing authority of a community school 151505  
established under Chapter 3314. of the Revised Code, or the 151506  
governing body of a STEM school established under Chapter 3326. 151507  
of the Revised Code. 151508

(B) The Chancellor of Higher Education, in consultation 151509  
with the Director of Education and Workforce, shall establish a 151510  
direct admissions pilot program to notify students enrolled at 151511  
participating high schools about whether they meet the 151512  
admissions criteria for participating postsecondary 151513  
institutions. 151514

Under the pilot program, the Chancellor shall establish a 151515  
process that uses a student's academic record to determine 151516  
whether the student meets the admissions requirements. To the 151517  
extent practicable, and in accordance with applicable law, the 151518  
Chancellor shall use existing primary, secondary, and higher 151519  
education student information systems to automate the process 151520

and use information held by a participating student's high 151521  
school to minimize the need for the student to provide any 151522  
additional information. 151523

The Chancellor shall endeavor to implement the pilot 151524  
program so that students graduating in the 2026-2027 school year 151525  
may participate in the program. 151526

(C) The Chancellor may do any of the following: 151527

(1) Establish eligibility requirements for students, 151528  
school governing bodies, and postsecondary institutions who 151529  
elect to participate in the pilot program; 151530

(2) Consult with stakeholders and form advisory councils 151531  
as necessary to design and operate the pilot program; 151532

(3) Terminate the pilot program if the Chancellor 151533  
determines its operation is impracticable. 151534

(D) A school governing body or postsecondary institution 151535  
shall apply to participate in the pilot program in a form and 151536  
manner prescribed by the Chancellor. 151537

A participating school governing body may adopt a written 151538  
policy authorizing any high school it operates to participate in 151539  
the pilot program. Not later than ninety days after the adoption 151540  
of the policy, the school governing body shall transmit an 151541  
electronic copy of the policy to the Chancellor and the Director 151542  
of Education and Workforce. 151543

A participating school governing body shall develop a 151544  
procedure to determine whether a student who wants to 151545  
participate in the pilot program meets any eligibility 151546  
requirements established under division (C) of this section. 151547

(E) At least once each school year, the Chancellor, in 151548

consultation with the Director of Education and Workforce, shall 151549  
issue a report on the pilot program. The Chancellor shall set a 151550  
deadline for the report's issuance. The report shall include 151551  
information about the number of students who participate in the 151552  
program. The report also shall evaluate, to the extent 151553  
practicable, the impact of the program on postsecondary outcomes 151554  
for students from populations traditionally underserved in 151555  
higher education. 151556

The Chancellor shall submit the report to the Governor, 151557  
the President of the Senate, the Speaker of the House of 151558  
Representatives, the Director of Education and Workforce, the 151559  
Director of Budget and Management, and the Governor's Office of 151560  
Workforce Transformation. 151561

(F) No student, school governing body, or postsecondary 151562  
institution shall be required to participate in the pilot 151563  
program. 151564

**Section 383.10.** 151565  
151566

1	2	3	4	5
A	DRC DEPARTMENT OF REHABILITATION AND CORRECTION			
B	General Revenue Fund			
C	GRF	501321 Institutional Operations	\$1,476,713,893	\$1,554,983,411
D	GRF	501405 Reentry, Housing, and Support Services	\$87,700,200	\$90,558,100
E	GRF	501406 Adult Correctional Facilities Lease Rental	\$42,000,000	\$60,000,000

Bond Payments

F	GRF	501407	Community Nonresidential Programs	\$71,472,947	\$74,153,531
G	GRF	501408	Community Misdemeanor Programs	\$10,101,000	\$10,555,545
H	GRF	501411	Probation Improvement and Incentive Grants	\$5,512,500	\$5,760,562
I	GRF	501501	Community Residential Programs - Community Based Correctional Facilities	\$99,715,600	\$100,161,800
J	GRF	503321	Parole and Community Operations	\$135,000,000	\$135,000,000
K	GRF	504321	Administrative Operations	\$29,927,970	\$31,394,440
L	GRF	505321	Institution Medical Services	\$374,507,269	\$397,184,187
M	GRF	506321	Institution Education Services	\$51,146,437	\$55,515,093
N	General Revenue Fund Total			\$2,383,797,816	\$2,515,266,669
O	Dedicated Purpose Fund Group				
P	4B00	501601	Sewer Treatment Services	\$600,000	\$600,000
Q	4D40	501603	Prisoner Programs	\$400,000	\$400,000

R	4L40	501604	Transitional Control	\$2,450,000	\$2,450,000
S	4S50	501608	Education Services	\$4,660,000	\$4,660,000
T	5AF0	501609	State and Non-Federal Awards	\$1,300,000	\$1,300,000
U	5H80	501617	Offender Financial Responsibility	\$1,860,000	\$1,860,000
V	5ZQ0	501505	Local Jail Grants	\$75,000,000	\$0
W			Dedicated Purpose Fund Group Total	\$86,270,000	\$11,270,000
X			Internal Service Activity Fund Group		
Y	1480	501602	Institutional Services	\$3,500,000	\$3,500,000
Z	2000	501607	Ohio Penal Industries	\$46,515,000	\$46,515,000
AA	4830	501605	Leased Property Maintenance and Operating	\$7,500,000	\$7,500,000
AB	5710	501606	Corrections Training Maintenance and Operating	\$940,000	\$940,000
AC	5L60	501611	Information Technology Services	\$500,000	\$500,000
AD			Internal Service Activity Fund Group Total	\$58,955,000	\$58,955,000
AE			Federal Fund Group		
AF	3230	501619	Federal Grants	\$4,500,000	\$4,500,000

AG 3CW0 501622 Federal Equitable Sharing	\$300,000	\$300,000
AH Federal Fund Group Total	\$4,800,000	\$4,800,000
AI TOTAL ALL BUDGET FUND GROUPS	\$2,533,822,816	\$2,590,291,669

**Section 383.20. EXPEDITED PARDON INITIATIVE** 151567

Of the foregoing appropriation item 501321, Institutional 151568  
Operations, up to \$500,000 in each fiscal year may be used by 151569  
the Department of Rehabilitation and Correction to support 151570  
projects connecting rehabilitated citizens with community 151571  
partners to advance the expedited pardon initiative and help 151572  
eligible individuals navigate the process and access clemency. 151573

**OSU MEDICAL CHARGES** 151574

Notwithstanding section 341.192 of the Revised Code, at 151575  
the request of the Department of Rehabilitation and Correction, 151576  
the Ohio State University Medical Center, including the Arthur 151577  
G. James Cancer Hospital and Richard J. Solove Research 151578  
Institute and the Richard M. Ross Heart Hospital, shall provide 151579  
necessary care to persons who are confined in state adult 151580  
correctional facilities. The provision of necessary inpatient 151581  
care billed to the Department shall be reimbursed at a rate not 151582  
to exceed the authorized reimbursement rate for the same service 151583  
established by the Department of Medicaid under the Medicaid 151584  
Program. 151585

**TRANSITIONAL HOUSING FUNDING** 151586

Of the foregoing appropriation item 501405, Reentry, 151587  
Housing, and Support Services, priority shall be given to 151588  
residential providers that accept and place individuals released 151589  
from institutions operated by the Department of Rehabilitation 151590



and Correction to the supervision of the Adult Parole Authority 151591  
who were previously rejected by all other residential providers. 151592

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 151593

The foregoing appropriation item 501406, Adult 151594  
Correctional Facilities Lease Rental Bond Payments, shall be 151595  
used to meet all payments during the period from July 1, 2025, 151596  
through June 30, 2027, by the Department of Rehabilitation and 151597  
Correction pursuant to leases and agreements for facilities made 151598  
under Chapters 152. and 154. of the Revised Code. These 151599  
appropriations are the source of funds pledged for bond service 151600  
charges on related obligations issued under Chapters 152. and 151601  
154. of the Revised Code. 151602

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 151603

The foregoing appropriation item 501411, Probation 151604  
Improvement and Incentive Grants, shall be allocated by the 151605  
Department of Rehabilitation and Correction to municipalities as 151606  
Probation Improvement and Incentive Grants with an emphasis on: 151607  
(1) providing services to those addicted to opiates and other 151608  
illegal substances, and (2) supplementing the programs and 151609  
services funded by grants distributed from the foregoing 151610  
appropriation item 501407, Community Nonresidential Programs. 151611

**Section 383.30. LOCAL JAIL GRANTS** 151612

The foregoing appropriation item 501505, Local Jail 151613  
Grants, shall be used for the construction and renovation of 151614  
county jails. The Department of Rehabilitation and Correction 151615  
shall designate the projects involving the construction and 151616  
renovation of county jails. 151617

To determine which projects will receive funding, the 151618  
Department of Rehabilitation and Correction shall rank each 151619

county based on its financial need with a percentile ranking 151620  
using the following funding formula, as calculated by the 151621  
Department of Taxation. 151622

The Department of Taxation shall determine the total value 151623  
of all property in the county listed and assessed for taxation 151624  
on the tax list as reported by the Department of Taxation in the 151625  
preceding tax year, and list each county in order of total 151626  
value, ascending, so that the county with the lowest value is 151627  
number one on the list, which shall be called its property tax 151628  
ranking. 151629

The Department of Taxation also shall rank each county 151630  
based on the estimate of the gross amount of taxable retail 151631  
sales sourced to the county as reported by the Department for 151632  
the preceding calendar year, computed by dividing the total 151633  
amount of tax revenue received by the county during that period 151634  
from taxes levied under sections 5739.021, 5739.026, 5741.021, 151635  
and 5741.023 of the Revised Code by the aggregate tax rate 151636  
levied by the county under sections 5739.021 and 5739.026 of the 151637  
Revised Code on the last day of the preceding calendar year, and 151638  
list each county in order of total value, ascending, so that the 151639  
county with the lowest value is number one on the list, except 151640  
that any county that does not currently levy taxes under section 151641  
5739.021 or 5739.026 of the Revised Code shall be ranked at 151642  
number eighty-eight on the list, which ranking shall be called 151643  
its sales tax ranking. 151644

The Department of Taxation shall then, for each county, 151645  
add the property tax ranking to the sales tax ranking, and shall 151646  
order the counties according to the sum of the two rankings, the 151647  
county with the lowest sum being number one on the list, to 151648  
determine the county's final ranking. The percentile ranking 151649

shall be determined by taking the county's final ranking, 151650  
dividing it by eighty-eight, and multiplying it by one hundred. 151651

If the final ranking is the same for two or more counties, 151652  
the county with the lowest population shall receive the lowest 151653  
final ranking. The final ranking for the counties shall be 151654  
numbers one through eighty-eight, the lowest ranking county 151655  
being number one, and the highest number eighty-eight. 151656

Upon receiving the final rankings, the Department of 151657  
Rehabilitation and Correction shall select a number of counties 151658  
among the lowest ranking counties and invite the selected 151659  
counties to apply for assistance. Two or more counties may 151660  
jointly apply for assistance as long as at least one of the 151661  
counties was invited to apply. 151662

The Department of Rehabilitation and Correction shall 151663  
adopt guidelines to accept and review applications and designate 151664  
projects. The guidelines shall require the county or counties to 151665  
justify the need for the project and to comply with timelines 151666  
for the submission of documentation pertaining to the project 151667  
and project location. The guidelines may require applications 151668  
for multicounty jail facilities to provide evidence that the 151669  
counties all are in agreement regarding each county's respective 151670  
share of the basic project cost and each county's respective 151671  
share of the operations and maintenance of the proposed jail 151672  
facility and evidence that each county will be able to generate 151673  
adequate revenue to fund its respective portion of the basic 151674  
project cost and the operations and maintenance of the proposed 151675  
jail facility. 151676

Upon the application of a county so invited, the 151677  
Department of Rehabilitation and Correction shall proceed with a 151678  
needs assessment. 151679

Under a needs assessment, the Department shall make a 151680  
determination of all of the following: 151681

(1) The need of the county for additional jail facilities, 151682  
or for renovations or improvements to existing jail facilities, 151683  
based on whether and to what extent existing facilities comply 151684  
with the standards in section 5120.10 of the Revised Code, 151685  
including the age and condition of the jail facilities; 151686

(2) The number of jail facilities to be included in a 151687  
project; 151688

(3) The estimated annual, monthly, or daily cost of 151689  
operating the facility once it is operational, as reported and 151690  
certified by the county auditor; 151691

(4) The estimated basic project cost of constructing, 151692  
acquiring, reconstructing, or making additions to each facility; 151693

(5) Whether the county has recently received a grant from 151694  
the state to construct or renovate jail facilities. 151695

The Department, following the completion of a needs 151696  
assessment, shall make a determination in favor of constructing, 151697  
acquiring, reconstructing, or making additions to a jail 151698  
facility only upon evidence that the proposed project conforms 151699  
to the construction and renovation standards described in 151700  
divisions (D) and (E) of section 5120.10 of the Revised Code, 151701  
and that it keeps with the needs of the county or counties as 151702  
determined by the needs assessment. Exceptions shall be 151703  
authorized only in those areas where topography, sparsity of 151704  
population, and other factors make larger jail facilities 151705  
impracticable. 151706

Except as otherwise provided in this section, the portion 151707  
of the basic project cost supplied by the state for each 151708

approved county shall be the difference between one hundred per 151709  
cent, and a per cent equal to one per cent of the basic project 151710  
costs times the percentile in which the county ranks according 151711  
to the percentile ranking under this section, for the fiscal 151712  
year preceding the fiscal year in which the Department approved 151713  
the county's or counties' project. 151714

At no time shall the state's portion of the basic project 151715  
cost be less than twenty-five per cent of the total basic 151716  
project cost. If a county's portion of the basic project cost is 151717  
calculated to be greater than seventy-five per cent of the total 151718  
basic project cost, the county's portion shall be seventy-five 151719  
per cent of the basic project cost. In the case of a multicounty 151720  
jail facility, if the sum of two or more counties' portions of 151721  
the total basic project cost are calculated to be greater than 151722  
seventy-five per cent of the total basic project cost, the 151723  
counties' portions shall be determined pro rata, so that the sum 151724  
of their portions shall be equal to seventy-five per cent of the 151725  
total basic project cost. 151726

The Department of Rehabilitation and Correction shall 151727  
award the funds to selected counties not later than July 1, 151728  
2027. 151729

**Section 387.10.** 151730  
151731

1	2	3	4	5
A	RDF STATE REVENUE DISTRIBUTIONS			
B	General Revenue Fund			
C	GRF 110403 Personal Property Tax	\$3,770,000	\$3,170,000	
	Replacement Phase Out -			

		Local Government		
D	GRF	110908	Property Tax	\$694,064,172 \$709,416,877
			Reimbursement - Local	
			Government	
E	GRF	200417	Personal Property Tax	\$46,478,241 \$42,618,185
			Replacement Phase Out -	
			School District	
F	GRF	200903	Property Tax	\$1,303,717,108 \$1,332,278,846
			Reimbursement - Education	
G			General Revenue Fund Total	\$2,048,029,521 \$2,087,483,908
H			Revenue Distribution Fund Group	
I	5JG0	110633	Gross Casino Revenue	\$168,320,000 \$166,460,000
			Payments - County	
J	5JH0	110634	Gross Casino Revenue	\$112,210,000 \$110,970,000
			Payments - School	
			Districts	
K	5JJ0	110636	Gross Casino Revenue -	\$16,530,000 \$16,400,000
			Host City	
L	7049	336900	Indigent Drivers Alcohol	\$1,800,000 \$1,800,000
			Treatment	
M	7050	762900	International	\$26,000,000 \$26,000,000
			Registration Plan	
			Distribution	

N	7051	762901	Auto Registration Distribution	\$379,000,000	\$391,000,000
O	7065	110965	Public Library Fund	\$490,000,000	\$500,000,000
P	7066	800966	Undivided Liquor Permits	\$14,600,000	\$14,600,000
Q	7069	110969	Local Government Fund	\$530,900,000	\$541,200,000
R	7082	110982	Horse Racing Tax	\$31,200	\$31,200
S	7083	700900	Ohio Fairs Fund	\$471,000	\$471,000
T	7106	110659	Host Community Cannabis Payments	\$20,000,000	\$0
U			Revenue Distribution Fund Group Total	\$1,759,862,200	\$1,768,932,200
V			Fiduciary Fund Group		
W	4P80	001698	Cash Management Improvement Fund	\$1,000,000	\$1,000,000
X	5VR0	110902	Municipal Net Profit Tax	\$241,330,000	\$253,400,000
Y	6080	001699	Investment Earnings	\$1,050,000,000	\$975,000,000
Z	7001	110996	Horse Racing Tax Local Government Payments	\$120,000	\$120,000
AA	7062	110962	Resort Area Excise Tax Distribution	\$2,540,000	\$2,650,000
AB	7063	110963	Permissive Sales Tax Distribution	\$3,706,800,000	\$3,788,700,000

AC 7067 110967	School District Income Tax Distribution	\$748,610,000	\$778,170,000
AD 7085 800985	Volunteer Firemen's Dependents Fund	\$300,000	\$300,000
AE 7094 110641	Wireless 9-1-1 Government Assistance	\$35,500,000	\$31,300,000
AF 7095 110995	Municipal Income Tax	\$8,100,000	\$8,100,000
AG 7099 762902	Permissive Tax Distribution - Auto Registration	\$262,000,000	\$270,000,000
AH	Fiduciary Fund Group Total	\$6,056,300,000	\$6,108,740,000
AI	Holding Account Fund Group		
AJ R045 110617	International Fuel Tax Distribution	\$101,700,000	\$108,200,000
AK	Holding Account Fund Group Total	\$101,700,000	\$108,200,000
AL	TOTAL ALL BUDGET FUND GROUPS	\$9,965,891,721	\$10,073,356,108

**Section 387.20.** ADDITIONAL APPROPRIATIONS 151732

Appropriation items in Section 387.10 of this act shall be	151733
used for the purpose of administering and distributing the	151734
designated revenue distribution funds according to the Revised	151735
Code. If it is determined that additional appropriations are	151736
necessary for this purpose in any appropriation items in Section	151737
387.10 of this act, such amounts are hereby appropriated.	151738



TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS 151739

The foregoing appropriation items 200417, Personal 151740  
Property Tax Replacement Phase Out-School District, and 110403, 151741  
Personal Property Tax Replacement Phase Out - Local Government, 151742  
shall be used to make reimbursement payments to school districts 151743  
and other local taxing units under sections 5709.92 and 5709.93 151744  
of the Revised Code. If it is determined that additional 151745  
appropriations are needed to make those reimbursement payments 151746  
in full, such amounts are hereby appropriated. 151747

Notwithstanding division (I) of section 5709.92 of the 151748  
Revised Code, any school district that has a nuclear power plant 151749  
located within its territory shall receive no less under this 151750  
section in fiscal year 2027 than paid in fiscal year 2026. 151751

PROPERTY TAX REIMBURSEMENT - EDUCATION 151752

The foregoing appropriation item 200903, Property Tax 151753  
Reimbursement - Education, is appropriated to pay for the 151754  
state's costs incurred because of the homestead exemption, the 151755  
property tax rollback, and payments required under division (C) 151756  
of section 5705.2110 of the Revised Code. In cooperation with 151757  
the Department of Taxation, the Department of Education and 151758  
Workforce shall distribute these funds directly to the 151759  
appropriate school districts of the state, notwithstanding 151760  
sections 321.24 and 323.156 of the Revised Code, which provide 151761  
for payment of the homestead exemption and property tax rollback 151762  
by the Tax Commissioner to the appropriate county treasurer and 151763  
the subsequent redistribution of these funds to the appropriate 151764  
local taxing districts by the county auditor. 151765

Upon receipt of these amounts, each school district shall 151766  
distribute the amount among the proper funds as if it had been 151767

paid as real or tangible personal property taxes. Payments for 151768  
the costs of administration shall continue to be paid to the 151769  
county treasurer and county auditor as provided for in sections 151770  
319.54, 321.26, and 323.156 of the Revised Code. 151771

Any sums, in addition to the amount specifically 151772  
appropriated in appropriation item 200903, Property Tax 151773  
Reimbursement - Education, for the homestead exemption and the 151774  
property tax rollback payments, and payments required under 151775  
division (C) of section 5705.2110 of the Revised Code, which are 151776  
determined to be necessary for these purposes, are hereby 151777  
appropriated. 151778

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 151779

The foregoing appropriation item 110908, Property Tax 151780  
Reimbursement-Local Government, is hereby appropriated to pay 151781  
for the state's costs incurred due to the Homestead Exemption, 151782  
the Manufactured Home Property Tax Rollback, and the Property 151783  
Tax Rollback. The Tax Commissioner shall distribute these funds 151784  
directly to the appropriate local taxing districts, except for 151785  
school districts, notwithstanding the provisions in sections 151786  
321.24 and 323.156 of the Revised Code, which provide for 151787  
payment of the Homestead Exemption, the Manufactured Home 151788  
Property Tax Rollback, and Property Tax Rollback by the Tax 151789  
Commissioner to the appropriate county treasurer and the 151790  
subsequent redistribution of these funds to the appropriate 151791  
local taxing districts by the county auditor. 151792

Upon receipt of these amounts, each local taxing district 151793  
shall distribute the amount among the proper funds as if it had 151794  
been paid as real property taxes. Payments for the costs of 151795  
administration shall continue to be paid to the county treasurer 151796  
and county auditor as provided for in sections 319.54, 321.26, 151797

and 323.156 of the Revised Code. 151798

Any sums, in addition to the amounts specifically 151799  
appropriated in appropriation item 110908, Property Tax 151800  
Allocation - Local Government, for the Homestead Exemption, the 151801  
Manufactured Home Property Tax Rollback, and the Property Tax 151802  
Rollback payments, which are determined to be necessary for 151803  
these purposes, are hereby appropriated. 151804

MUNICIPAL INCOME TAX 151805

The foregoing appropriation item 110995, Municipal Income 151806  
Tax, shall be used to make payments to municipal corporations 151807  
under section 5745.05 of the Revised Code. If it is determined 151808  
that additional appropriations are necessary to make such 151809  
payments, such amounts are hereby appropriated. 151810

MUNICIPAL NET PROFIT TAX 151811

The foregoing appropriation item 110902, Municipal Net 151812  
Profit Tax, shall be used to make payments to municipal 151813  
corporations under section 718.83 of the Revised Code. If it is 151814  
determined that additional amounts are necessary to make such 151815  
payments, such amounts are hereby appropriated. 151816

During fiscal year 2026 and fiscal year 2027, if the Tax 151817  
Commissioner determines that there is insufficient cash in the 151818  
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 151819  
distribution obligations under section 718.83 of the Revised 151820  
Code, the Tax Commissioner shall certify to the Director of 151821  
Budget and Management the amount of additional cash necessary to 151822  
satisfy those obligations. In addition, the Commissioner shall 151823  
submit a plan to the Director requesting the necessary cash be 151824  
transferred from one or a combination of the following funds: 151825  
the Municipal Income Tax Administrative Fund, the Local Sales 151826

Tax Administrative Fund, the General School District Income Tax 151827  
Administrative Fund, the Motor Fuel Tax Administrative Fund, the 151828  
Property Tax Administrative Fund, or the General Revenue Fund. 151829  
This plan shall include a proposed repayment schedule to 151830  
reimburse those funds for any cash transferred in accordance 151831  
with this section. After receiving the certification and funding 151832  
plan from the Tax Commissioner and if the Director determines 151833  
that sufficient cash is available, the Director may transfer the 151834  
cash to the Municipal Net Profit Tax Fund in accordance with the 151835  
plan submitted by the Tax Commissioner or as otherwise 151836  
determined by the Director of Budget and Management. The 151837  
Director of Budget and Management may transfer cash from the 151838  
Municipal Net Profit Tax Fund to reimburse the funds from which 151839  
cash was transferred for the purpose outlined in this section. 151840

LOCAL GOVERNMENT FUND 151841

Notwithstanding the requirement in division (A) of section 151842  
131.51 of the Revised Code that the Director of Budget and 151843  
Management credit to the Local Government Fund one and seven- 151844  
tenths per cent of the total tax revenue credited to the General 151845  
Revenue Fund during the preceding month, the Director shall 151846  
instead calculate these amounts during fiscal year 2026 and 151847  
fiscal year 2027 using one and seventy-five one-hundredths as 151848  
the percentage. 151849

HOST COMMUNITY CANNABIS PAYMENTS 151850

The foregoing appropriation item 110659, Host Community 151851  
Cannabis Payments, shall be used to make payments to municipal 151852  
corporations and townships under division (E) (1) of section 151853  
3780.22 of the Revised Code. 151854

On July 1, 2025, or as soon as possible thereafter, the 151855

Director of Budget and Management shall transfer \$20,000,000 151856  
cash from the Adult Use Tax Fund (Fund QG18) to the Host 151857  
Community Cannabis Fund (Fund 7106). 151858

**Section 391.10.**

151859

151860

	1	2	3	4	5
A	OSB DEAF AND BLIND EDUCATION SERVICES				
B	General Revenue Fund				
C	GRF	226321 Operations		\$32,700,258	\$33,454,668
D	General Revenue Fund Total			\$32,700,258	\$33,454,668
E	Dedicated Purpose Fund Group				
F	4H80	226602 Blind School State Grants		\$350,000	\$350,000
G	4M00	226400 Deaf School Educational Program Expenses		\$250,000	\$250,000
H	4M10	226401 Deaf School State Grants		\$25,000	\$25,000
I	4M50	226601 Blind School Educational Program Expenses		\$330,000	\$340,000
J	5H60	226402 Early Childhood Education		\$65,000	\$65,000
K	5NJ0	226622 Employee Food Service Charges		\$22,467	\$23,141
L	Dedicated Purpose Fund Group Total			\$1,042,467	\$1,053,141

M	Federal Fund Group		
N	3100 226626 Blind School Federal Grants	\$1,099,000	\$1,099,000
O	3110 226403 Deaf School Federal Grants	\$574,000	\$574,000
P	3DT0 226621 Ohio Transition Collaborative	\$230,000	\$230,000
Q	3P50 226643 Medicaid Professional Services Reimbursement	\$459,500	\$459,500
R	Federal Fund Group Total	\$2,362,500	\$2,362,500
S	TOTAL ALL BUDGET FUND GROUPS	\$36,105,225	\$36,870,309

**Section 395.10.**

151861

151862

	1	2	3	4	5
A	SOS SECRETARY OF STATE				
B	General Revenue Fund				
C	GRF	050321	Operating Expenses	\$3,505,147	\$3,510,274
D	GRF	050407	Poll Workers Training	\$0	\$500,000
E	GRF	050509	County Voting Systems Lease Rental Payments	\$12,200,000	\$12,200,000
F	General Revenue Fund Total			\$15,705,147	\$16,210,274

G	Dedicated Purpose Fund Group		
H	4120 050609	Notary Commission	\$541,455      \$555,487
I	4S80 050610	Board of Voting Machine Examiners	\$14,400      \$14,400
J	5990 050603	Business Services Operating Expenses	\$28,686,668      \$29,281,310
K	5990 050629	Statewide Voter Registration Database	\$705,000      \$730,000
L	5990 050630	Elections Support Supplement	\$4,458,687      \$4,545,000
M	5990 050631	Precinct Election Officials Training	\$0      \$500,000
N	5990 050636	County Election Officials Training	\$240,000      \$240,000
O	5CS1 050604	Ohio Election Integrity Commission	\$250,000      \$0
P	5SN0 050626	Address Confidentiality	\$375,000      \$400,000
Q	Dedicated Purpose Fund Group Total		\$35,271,210      \$36,266,197
R	Holding Account Fund Group		
S	R002 050606	Corporate/Business Filing Refunds	\$85,000      \$85,000
T	Holding Account Fund Group Total		\$85,000      \$85,000

U Federal Fund Group

V	3AS0 050616 Help America Vote Act (HAVA)	\$100,000	\$100,000
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W	Federal Fund Group Total	\$100,000	\$100,000
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X	TOTAL ALL BUDGET FUND GROUPS	\$51,161,357	\$52,661,471
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**Section 395.20. POLL WORKERS TRAINING** 151863

The foregoing appropriation item 050407, Poll Workers  
Training, shall be used to provide funding to county boards of  
elections for precinct election official (PEO) training pursuant  
to section 3501.27 of the Revised Code. 151864  
151865  
151866  
151867

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 151868

The foregoing appropriation item 050509, County Voting  
Systems Lease Rental Payments, shall be used to make payments  
during the period from July 1, 2025, through June 30, 2027,  
pursuant to leases and agreements entered into under Section 4  
of S.B. 135 of the 132nd General Assembly with respect to  
financing the costs associated with the acquisition,  
development, installation, and implementation of county voting  
systems. 151869  
151870  
151871  
151872  
151873  
151874  
151875  
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BOARD OF VOTING SYSTEMS EXAMINERS 151877

The foregoing appropriation item 050610, Board of Voting  
Systems Examiners, shall be used to pay for the services and  
expenses of the members of the Board of Voting Systems  
Examiners, and for other expenses that are authorized to be paid  
from the Board of Voting Systems Examiners Fund (Fund 4S80)  
created in section 3506.05 of the Revised Code. Moneys not used 151878  
151879  
151880  
151881  
151882  
151883



shall be returned to the person or entity submitting equipment 151884  
for examination. If it is determined by the Secretary of State 151885  
that additional appropriation amounts are necessary, the 151886  
Secretary of State may request that the Director of Budget and 151887  
Management approve such amounts. Upon approval of the Director 151888  
of Budget and Management, such amounts are hereby appropriated. 151889

BALLOT ADVERTISING COSTS 151890

Notwithstanding division (G) of section 3501.17 of the 151891  
Revised Code, upon requests submitted by the Secretary of State, 151892  
the Controlling Board may approve cash and appropriation 151893  
transfers from the Controlling Board Emergency 151894  
Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot 151895  
Advertising Fund (Fund 5FH0) in order to pay for the cost of 151896  
public notices associated with statewide ballot initiatives. 151897

ABSENT VOTER'S BALLOT APPLICATION MAILING 151898

Notwithstanding division (B) of section 111.31 of the 151899  
Revised Code, upon the request of the Secretary of State, the 151900  
Controlling Board may approve cash and appropriation transfers 151901  
from the Controlling Board Emergency Purposes/Contingencies Fund 151902  
(Fund 5KM0) to the Absent Voter's Ballot Application Mailing 151903  
Fund (Fund 5RG0) to be used by the Secretary of State to pay the 151904  
costs of printing and mailing unsolicited applications for 151905  
absent voters' ballots for the general election to be held in 151906  
November 2026. 151907

ADDRESS CONFIDENTIALITY PROGRAM 151908

Upon the request of the Secretary of State, the Director 151909  
of Budget and Management may transfer up to \$400,000 per fiscal 151910  
year in cash from the Business Services Operating Expenses Fund 151911  
(Fund 5990) to the Address Confidentiality Program Fund (Fund 151912

5SN0) . 151913

CORPORATE/BUSINESS FILING REFUNDS 151914

The foregoing appropriation item 050606, 151915  
Corporate/Business Filing Refunds, shall be used to hold 151916  
revenues until they are directed to the appropriate accounts or 151917  
until they are refunded. If it is determined by the Secretary of 151918  
State that additional appropriation amounts are necessary, the 151919  
Secretary of State may request that the Director of Budget and 151920  
Management approve such amounts. Upon approval of the Director 151921  
of Budget and Management, such amounts are hereby appropriated. 151922

HAVA FUNDS 151923

An amount equal to the unexpended, unencumbered portion of 151924  
appropriation item 050616, Help America Vote Act (HAVA), at the 151925  
end of fiscal year 2025 is hereby reappropriated for the same 151926  
purpose in fiscal year 2026. 151927

An amount equal to the unexpended, unencumbered portion of 151928  
appropriation item 050616, Help America Vote Act (HAVA), at the 151929  
end of fiscal year 2026 is hereby reappropriated for the same 151930  
purpose in fiscal year 2027. 151931

**Section 395.30. ELECTRONIC POLLBOOKS** 151932

The appropriation item 050638, Electronic Pollbooks, shall 151933  
be used by the Secretary of State to pay eighty-five per cent of 151934  
the calculated allocation cost of acquiring electronic 151935  
pollbooks, as defined in section 3506.05 of the Revised Code, 151936  
and ancillary equipment, for county boards of elections in 151937  
accordance with this section. 151938

An amount equal to the unexpended, unencumbered portion of 151939  
the appropriation item 050638, Electronic Pollbooks, at the end 151940

of fiscal year 2025 is hereby reappropriated to the Secretary of 151941  
State for the same purpose in fiscal year 2026. 151942

When required, pursuant to state purchasing requirements 151943  
and at the request of the Secretary of State, the Office of 151944  
Procurement Services within the Department of Administrative 151945  
Services shall initiate a competitive solicitation for the 151946  
purpose of identifying and securing contracts with qualified 151947  
vendors that can provide electronic pollbooks, as defined in 151948  
section 3506.05 of the Revised Code, and ancillary equipment. 151949  
The Department shall maintain such contracts for use by county 151950  
boards of elections in accordance with this section. 151951

The Secretary of State shall calculate the portion of 151952  
appropriation item 050638, Electronic Pollbooks, to be allocated 151953  
to each county board of elections in proportion to the number of 151954  
registered voters in each county as recorded in the statewide 151955  
voter registration database as of July 1, 2022. The Secretary of 151956  
State, in conjunction with the Office of Procurement Services 151957  
within the Department of Administrative Services, shall use the 151958  
funding allocated to each county board of elections to reimburse 151959  
them for the cost of acquiring electronic pollbooks and 151960  
ancillary equipment as follows: 151961

(A) For electronic pollbooks and ancillary equipment to be 151962  
acquired from vendors identified through competitive 151963  
solicitation by the Office of Procurement Services within the 151964  
Department of Administrative Services after the effective date 151965  
of this section, upon request by a county board of elections, 151966  
the Secretary of State shall provide a list of the vendors and 151967  
electronic pollbooks certified in accordance with section 151968  
3506.05 of the Revised Code. The board of elections shall select 151969  
electronic pollbooks from this list, notify the Secretary of 151970

State of its selection, and shall acquire the selected 151971  
electronic pollbooks and any other necessary equipment. The 151972  
board of elections shall enter into a memorandum of 151973  
understanding with the applicable board of county commissioners 151974  
and the Secretary of State concerning those acquisitions. The 151975  
Secretary of State shall reimburse the board of elections for 151976  
the lesser amount of either eighty-five per cent of the cost of 151977  
those acquisitions, or the amount of the allocation as 151978  
determined by the Secretary of State under this section. 151979

(B) If, between December 31, 2019 and July 1, 2023, a 151980  
board of elections acquired electronic pollbooks or ancillary 151981  
equipment and is otherwise in compliance with all applicable 151982  
directives and statutes, the Secretary of State shall reimburse 151983  
the board of elections for the lesser amount of either eighty- 151984  
five per cent of the cost of that acquisition, or the amount of 151985  
the allocation as determined by the Secretary of State under 151986  
this section. Reimbursement shall be paid to the county board of 151987  
elections. 151988

**Section 397.10.**

1	2	3	4	5
A	SEN THE OHIO SENATE			
B	General Revenue Fund			
C	GRF 020321 Operating Expenses		\$23,000,000	\$23,000,000
D	General Revenue Fund Total		\$23,000,000	\$23,000,000
E	Internal Service Activity Fund Group			

F	1020 020602 Senate Reimbursement	\$425,800	\$425,800
G	4090 020601 Miscellaneous Sales	\$34,497	\$34,497
H	Internal Service Activity Fund Group	\$460,297	\$460,297
	Total		
I	TOTAL ALL BUDGET FUND GROUPS	\$23,460,297	\$23,460,297

**Section 397.20. OPERATING EXPENSES** 151991

On July 1, 2025, or as soon as possible thereafter, the 151992  
Clerk of the Senate may certify to the Director of Budget and 151993  
Management an amount up to the unexpended, unencumbered balance 151994  
of the foregoing appropriation item 020321, Operating Expenses, 151995  
at the end of fiscal year 2025 to be reappropriated to fiscal 151996  
year 2026. The amount certified is hereby reappropriated to the 151997  
same appropriation item for fiscal year 2026. 151998

On July 1, 2026, or as soon as possible thereafter, the 151999  
Clerk of the Senate may certify to the Director of Budget and 152000  
Management an amount up to the unexpended, unencumbered balance 152001  
of the foregoing appropriation item 020321, Operating Expenses, 152002  
at the end of fiscal year 2026 to be reappropriated to fiscal 152003  
year 2027. The amount certified is hereby reappropriated to the 152004  
same appropriation item for fiscal year 2027. 152005

**Section 399.10.** 152006

152007

1 2 3 4 5

A CSV COMMISSION ON SERVICE AND VOLUNTEERISM

B General Revenue Fund

C	GRF 866321 CSV Operations	\$694,000	\$694,000
D	General Revenue Fund Total	\$694,000	\$694,000
E	Dedicated Purpose Fund Group		
F	5GN0 866605 Serve Ohio Support	\$10,000	\$2,103
G	Dedicated Purpose Fund Group Total	\$10,000	\$2,103
H	Federal Fund Group		
I	3R70 866617 AmeriCorps Programs	\$13,923,794	\$13,956,503
J	Federal Fund Group Total	\$13,923,794	\$13,956,503
K	TOTAL ALL BUDGET FUND GROUPS	\$14,627,794	\$14,652,606

**Section 401.10.**

152008

152009

	1	2	3	4	5
A	CSF COMMISSIONERS OF THE SINKING FUND				
B	Debt Service Fund Group				
C	7070	155905	Third Frontier Research and Development Bond Retirement Fund	\$45,000,000	\$45,000,000
D	7072	155902	Highway Capital Improvement Bond Retirement Fund	\$118,500,000	\$131,500,000
E	7073	155903	Natural Resources Bond	\$14,300,000	\$14,300,000

		Retirement Fund		
F	7074	155904 Conservation Projects	\$46,500,000	\$39,000,000
		Bond Retirement Fund		
G	7076	155906 Coal Research and	\$4,050,000	\$2,525,000
		Development Bond		
		Retirement Fund		
H	7077	155907 State Capital Improvement	\$225,000,000	\$240,000,000
		Bond Retirement Fund		
I	7078	155908 Common Schools Bond	\$255,000,000	\$230,000,000
		Retirement Fund		
J	7079	155909 Higher Education Bond	\$250,000,000	\$210,000,000
		Retirement Fund		
K	7080	155901 Persian Gulf,	\$975,000	\$0
		Afghanistan, and Iraq		
		Conflict Bond Retirement		
		Fund		
L		Debt Service Fund Group Total	\$959,325,000	\$912,325,000
M		TOTAL ALL BUDGET FUND GROUPS	\$959,325,000	\$912,325,000

**Section 401.20.** ADDITIONAL APPROPRIATIONS 152010

Appropriation items in this section are for the purpose of	152011
paying debt service and financing costs during the period from	152012
July 1, 2025, through June 30, 2027, on bonds or notes of the	152013
state issued under the Ohio Constitution, Revised Code, and acts	152014
of the General Assembly. If it is determined that additional	152015

amounts are necessary for this purpose, such amounts are hereby 152016  
appropriated. 152017

**Section 404.10.**

152018

152019

	1	2	3	4	5
A					
B					
C	4K90	123609	Operating Expenses	\$649,200	\$665,400
D			Dedicated Purpose Fund Group Total	\$649,200	\$665,400
E			TOTAL ALL BUDGET FUND GROUPS	\$649,200	\$665,400

**Section 407.10.**

152020

152021

	1	2	3	4	5
A					
B					
C	GRF	116321	Operating Expenses	\$2,110,000	\$2,160,000
D			General Revenue Fund Total	\$2,110,000	\$2,160,000
E			TOTAL ALL BUDGET FUND GROUPS	\$2,110,000	\$2,160,000

**Section 409.10.**

152022

152023

	1	2	3	4	5
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A	TAX DEPARTMENT OF TAXATION		
B	General Revenue Fund		
C	GRF 110321	Operating Expenses	\$63,000,000 \$67,000,000
D	GRF 110404	Tobacco Settlement Enforcement	\$163,000 \$166,271
E	General Revenue Fund Total		\$63,163,000 \$67,166,271
F	Dedicated Purpose Fund Group		
G	2280 110628	CAT Administration	\$13,368,132 \$13,072,718
H	4350 110607	Local Tax Administration	\$38,632,001 \$39,008,489
I	4360 110608	Motor Vehicle Audit Administration	\$1,282,300 \$1,282,300
J	4380 110609	School District Income Tax Administration	\$9,651,710 \$9,732,886
K	4C60 110616	International Registration Plan Administration	\$697,635 \$706,187
L	4R60 110610	Tire Tax Administration	\$138,123 \$138,123
M	5BP0 110639	Wireless 9-1-1 Administration	\$251,418 \$251,418
N	5JM0 110637	Casino Tax Administration	\$101,000 \$101,000
O	5N50 110605	Municipal Income Tax	\$115,848 \$115,848

		Administration		
P	5N60	110618 Kilowatt Hour Tax	\$63,415	\$63,415
		Administration		
Q	5NY0	110643 Petroleum Activity Tax	\$1,114,260	\$1,114,260
		Administration		
R	5V70	110622 Motor Fuel Tax	\$6,713,625	\$6,871,008
		Administration		
S	5V80	110623 Property Tax	\$5,477,332	\$5,509,569
		Administration		
T	5YQ0	110651 Sports Gaming Tax	\$5,000	\$5,000
		Administration Operating		
		Expenses		
U	5ZA0	110650 Ohio Tax System Operating	\$7,000,000	\$8,000,000
		Expenses		
V	6390	110614 Cigarette Tax Enforcement	\$1,087,029	\$1,114,117
W	6880	110615 Local Excise Tax	\$391,778	\$392,536
		Administration		
X		Dedicated Purpose Fund Group Total	\$86,090,606	\$87,478,874
Y		Fiduciary Fund Group		
Z	4250	110635 Tax Refunds	\$3,082,044,000	\$3,082,044,000
AA	5CZ0	110631 Vendor's License	\$575,000	\$575,000
		Application		

AB Fiduciary Fund Group Total	\$3,082,619,000	\$3,082,619,000
AC Holding Account Fund Group		
AD R010 110611 Tax Distributions	\$25,000	\$25,000
AE R011 110612 Miscellaneous Tax Receipts	\$500	\$500
AF Holding Account Fund Group Total	\$25,500	\$25,500
AG TOTAL ALL BUDGET FUND GROUPS	\$3,231,898,106	\$3,237,289,645

**Section 409.20. TAX REFUNDS** 152024

The foregoing appropriation item 110635, Tax Refunds, 152025  
shall be used to pay refunds under section 5703.052 of the 152026  
Revised Code. If it is determined that additional appropriations 152027  
are necessary for this purpose, such amounts are hereby 152028  
appropriated. 152029

**VENDOR'S LICENSE PAYMENTS** 152030

The foregoing appropriation item 110631, Vendor's License 152031  
Application, shall be used to make payments to county auditors 152032  
under section 5739.17 of the Revised Code. If it is determined 152033  
that additional appropriations are necessary to make such 152034  
payments, such amounts are hereby appropriated. 152035

**INTERNATIONAL REGISTRATION PLAN ADMINISTRATION** 152036

The foregoing appropriation item 110616, International 152037  
Registration Plan Administration, shall be used under section 152038  
5703.12 of the Revised Code for audits of persons with vehicles 152039  
registered under the International Registration Plan. 152040

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 152041

Of the foregoing appropriation item 110607, Local Tax 152042  
Administration, the Tax Commissioner may disburse funds, if 152043  
available, for the purposes of paying travel expenses incurred 152044  
by members of Ohio's delegation to the Streamlined Sales Tax 152045  
Project, as appointed under section 5740.02 of the Revised Code. 152046  
Any travel expense reimbursement paid for by the Department of 152047  
Taxation shall be done in accordance with applicable state laws 152048  
and guidelines. 152049

TOBACCO SETTLEMENT ENFORCEMENT 152050

The foregoing appropriation item 110404, Tobacco 152051  
Settlement Enforcement, shall be used by the Tax Commissioner to 152052  
pay costs incurred in the enforcement of divisions (F) and (G) 152053  
of section 5743.03 of the Revised Code. 152054

OHIO TAX SYSTEM SUPPORT FUND 152055

The foregoing appropriation item 110650, Ohio Tax System 152056  
Operating Expenses, shall be used to pay costs incurred in the 152057  
maintenance and support of the department's Ohio Tax System. The 152058  
Tax Commissioner shall submit a plan to the Director of Budget 152059  
and Management requesting the necessary cash be transferred to 152060  
the Ohio Tax System Support Fund (Fund 5ZA0) which is hereby 152061  
created in the state treasury. Cash shall be transferred from 152062  
any fund used by the Department of Taxation that is otherwise 152063  
allowable under state or federal law, except the General Revenue 152064  
Fund. This plan shall include a schedule of cash transfers. 152065  
After receiving the funding plan from the Tax Commissioner and 152066  
if the Director determines that sufficient cash is available, 152067  
the Director may transfer the cash to the Ohio Tax System 152068  
Support Fund with the plan submitted by the Tax Commissioner or 152069

as otherwise determined by the Director of Budget and 152070  
Management. The transfers of cash to the Ohio Tax System Support 152071  
Fund shall not exceed \$15,000,000 in the fiscal year 2026-2027 152072  
biennium. 152073

MISCELLANEOUS TAX RECEIPTS 152074

The foregoing appropriation item 110612, Miscellaneous Tax 152075  
Receipts, shall be used to hold miscellaneous tax payments 152076  
received by the Tax Commissioner until the appropriate account 152077  
or fund is identified and the money can be transferred for the 152078  
identified purpose. If the Director of Budget and Management 152079  
determines that additional amounts are necessary for this 152080  
purpose, such amounts are hereby appropriated. 152081

**Section 411.10.** 152082

152083

1	2	3	4	5
A	DOT DEPARTMENT OF TRANSPORTATION			
B	General Revenue Fund			
C	GRF	772456 Unmanned Aerial Systems Center	\$500,000	\$500,000
D	GRF	775470 Public Transportation - State	\$37,014,636	\$37,014,636
E	GRF	776400 Rail Development One-Time Grants	\$6,750,000	\$0
F	GRF	776465 Rail Development	\$3,000,000	\$3,000,000
G	GRF	777471 Airport Improvements -	\$10,000,000	\$10,000,000

State

H	General Revenue Fund Total	\$57,264,636	\$50,514,636
I	Dedicated Purpose Fund Group		
J	5QT0 776670 Ohio Maritime Assistance Program	\$4,000,000	\$4,000,000
K	Dedicated Purpose Fund Group Total	\$4,000,000	\$4,000,000
L	TOTAL ALL BUDGET FUND GROUPS	\$61,264,636	\$54,514,636

**Section 411.15.** RAIL DEVELOPMENT ONE-TIME GRANTS 152084

The foregoing appropriation item 776400, Rail Development 152085  
One-Time Grants, shall be distributed to the lead Ohio 152086  
partnering agency preparing the Step 2-Service Development Plan 152087  
supporting Ohio's portion of the Midwest Connect rail line for 152088  
the completion of that plan and associated activities. 152089

**Section 411.20.** 152090

OHIO MARITIME ASSISTANCE PROGRAM 152091

The foregoing appropriation item 776670, Ohio Maritime 152092  
Assistance Program, shall be used to provide grants under the 152093  
Ohio Maritime Assistance Program established under section 152094  
5501.91 of the Revised Code. 152095

An amount equal to the unexpended, unencumbered balance of 152096  
the foregoing appropriation item 776670, Ohio Maritime 152097  
Assistance Program, at the end of fiscal year 2026 is hereby 152098  
reappropriated to the same appropriation item in fiscal year 152099  
2027. 152100

Section 413.10.

152101

152102

1	2	3	4	5
A		TOS TREASURER OF STATE		
B		General Revenue Fund		
C	GRF 090321	Operating Expenses	\$5,432,000	\$5,432,000
D		General Revenue Fund Total	\$5,432,000	\$5,432,000
E		Dedicated Purpose Fund Group		
F	4E90 090603	Securities Lending Income	\$12,972,444	\$13,408,214
G	4E90 090639	STABLE Maintenance Fee Subsidy	\$900,000	\$900,000
H	4X90 090614	Political Subdivision Obligation	\$38,332	\$39,460
I	5770 090605	Investment Pool Reimbursement	\$1,838,291	\$1,885,100
J	5BD1 090576	County Recorder Electronic Record Supplement	\$1,750,000	\$0
K	5BE1 090638	Ohio Treasurer of State Information Technology Reserve	\$1,459,000	\$1,459,000
L	5C50 090602	County Treasurer Education	\$250,000	\$250,000

M	6050 090609	Treasurer of State	\$1,820,361	\$1,827,252
		Administrative Fund		
N		Dedicated Purpose Fund Group Total	\$21,028,428	\$19,769,026
O		Fiduciary Fund Group		
P	4250 090635	Tax Refunds	\$12,000,000	\$12,000,000
Q		Fiduciary Fund Group Total	\$12,000,000	\$12,000,000
R		TOTAL ALL BUDGET FUND GROUPS	\$38,460,428	\$37,201,026

**Section 413.20.** COUNTY RECORDER ELECTRONIC RECORD 152103  
MODERNIZATION PROGRAM 152104

An amount equal to the unexpended, unencumbered balance of 152105  
appropriation item 090409, County Recorder Electronic 152106  
Modernization Program, at the end of fiscal year 2025 is hereby 152107  
reappropriated to the same appropriation item for the same 152108  
purpose in fiscal year 2026. 152109

TAX REFUNDS 152110

The foregoing appropriation item 090635, Tax Refunds, 152111  
shall be used to pay refunds under section 5703.052 of the 152112  
Revised Code. If the Director of Budget and Management 152113  
determines that additional amounts are necessary for this 152114  
purpose, such amounts are hereby appropriated. 152115

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 152116  
PAYMENTS 152117

The foregoing appropriation item 090406, Treasury 152118  
Management System Lease Rental Payments, shall be used to make 152119  
payments during the period from July 1, 2025, through June 30, 152120



2027, pursuant to leases and agreements entered into under 152121  
Section 701.20 of H.B. 497 of the 130th General Assembly and 152122  
other prior acts of the General Assembly with respect to 152123  
financing the costs associated with the acquisition, 152124  
development, implementation, and integration of the Treasury 152125  
Management System. 152126

**Section 413.40. STABLE MAINTENANCE FEE SUBSIDY** 152127

The foregoing appropriation item 090639, STABLE 152128  
Maintenance Fee Subsidy, shall be used to subsidize costs of 152129  
monthly fees incurred by STABLE account holders for eligible 152130  
individuals with disabilities. 152131

**Section 413.50. COUNTY RECORDER ELECTRONIC RECORD** 152132  
**MODERNIZATION FUND** 152133

The County Recorder Electronic Modernization Fund (Fund 152134  
5BD1) is created in the state treasury. Money in the fund shall 152135  
be used to distribute funds to reimburse counties under the 152136  
County Recorder Electronic Record Modernization Program, for use 152137  
by county recorder's offices to implement the requirements set 152138  
forth in divisions (E) and (F) of section 317.13 of the Revised 152139  
Code. The Treasurer of State shall reimburse counties on a 152140  
rolling basis until the appropriation is expended. Counties that 152141  
met the requirements set forth in divisions (E) and (F) of 152142  
section 317.13 of the Revised Code on October 24, 2024, are 152143  
ineligible for funds under the Program. To be eligible for 152144  
reimbursement under the Program, an expense must be incurred on 152145  
or after October 24, 2024; expenses incurred before that date 152146  
are not eligible for reimbursement. A county that receives funds 152147  
under the Program shall credit those funds to the Recorder's 152148  
Technology Fund at least to the extent necessary to reimburse 152149  
the fund for money the county recorder spent to implement the 152150

requirements set forth in divisions (E) and (F) of section 152151  
317.13 of the Revised Code. 152152

On July 1, 2025, or as soon as possible thereafter, the 152153  
Treasurer of State shall transfer the cash balance including 152154  
accrued interest and investment earnings from the Torrens Law 152155  
Assurance Fund in the custody of the Treasurer of State, to the 152156  
County Recorder Electronic Modernization Fund (Fund 5BD1). Upon 152157  
completion of the transfer and on the effective date of its 152158  
repeal by this act, the Torrens Law Assurance Fund is hereby 152159  
abolished. 152160

**Section 414.10.** 152161  
152162

1	2	3	4	5
A	VTO VETERANS' ORGANIZATIONS			
B	General Revenue Fund			
C	GRF	743501 American Ex-Prisoners of War	\$45,000	\$45,000
D	GRF	746501 Army and Navy Union, USA, Inc.	\$85,000	\$85,000
E	GRF	747501 Korean War Veterans	\$85,000	\$85,000
F	GRF	748501 Jewish War Veterans	\$62,000	\$62,000
G	GRF	749501 Catholic War Veterans	\$85,000	\$85,000
H	GRF	750501 Military Order of the Purple Heart	\$85,000	\$85,000

I	GRF	751501	Vietnam Veterans of America	\$310,000	\$310,000
J	GRF	752501	American Legion of Ohio	\$450,000	\$450,000
K	GRF	753501	AMVETS	\$450,000	\$450,000
L	GRF	754501	Disabled American Veterans	\$450,000	\$450,000
M	GRF	756501	Marine Corps League	\$214,000	\$214,000
N	GRF	757501	37th Division Veterans' Association	\$17,000	\$17,000
O	GRF	758501	Veterans of Foreign Wars	\$450,000	\$450,000
P	General Revenue Fund Total			\$2,788,000	\$2,788,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$2,788,000	\$2,788,000

**Section 415.10.**

152163

152164

	1	2	3	4	5
A	DVS DEPARTMENT OF VETERANS SERVICES				
B	General Revenue Fund				
C	GRF	900321	Veterans' Homes	\$51,956,758	\$52,999,692
D	GRF	900402	Hall of Fame	\$74,317	\$75,966
E	GRF	900408	Department of Veterans Services	\$5,077,924	\$5,178,649

F	GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$1,559,990	\$1,559,990
G	GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$975,000	\$0
H	General Revenue Fund Total			\$59,643,989	\$59,814,297
I	Dedicated Purpose Fund Group				
J	4840	900603	Veterans' Homes Services	\$680,004	\$700,000
K	4E20	900602	Veterans' Homes Operating	\$14,000,000	\$14,000,000
L	5DB0	900643	Military Injury Relief Program	\$97,000	\$97,000
M	5YP0	900650	Sports Gaming - Veterans	\$75,000	\$75,000
N	Dedicated Purpose Fund Group Total			\$14,852,004	\$14,872,000
O	Federal Fund Group				
P	3680	900614	Veterans Training	\$980,404	\$1,021,705
Q	3BX0	900609	Medicare Services	\$1,000,000	\$2,059,273
R	3L20	900601	Veterans' Homes Operations - Federal	\$31,500,000	\$31,500,000
S	Federal Fund Group Total			\$33,480,404	\$34,580,978
T	TOTAL ALL BUDGET FUND GROUPS			\$107,976,397	\$109,267,275

**Section 415.20.** VETERANS ORGANIZATIONS' RENT 152165

The foregoing appropriation item 900408, Department of 152166  
Veterans Services, shall be used to pay veterans organizations' 152167  
rent in buildings managed by the Department of Administrative 152168  
Services. 152169

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 152170

The foregoing appropriation item 900901, Veterans 152171  
Compensation General Obligation Bond Debt Service, shall be used 152172  
to pay all debt service and related financing costs during the 152173  
period from July 1, 2025, through June 30, 2027, on obligations 152174  
issued under Section 2r of Article VIII, Ohio Constitution. 152175

VETERANS HOME MODERNIZATION 152176

An amount equal to the unexpended and unencumbered 152177  
portions of appropriation item 900411, Veterans Homes 152178  
Modernization, under the Veterans Homes Modernization Fund (Fund 152179  
5Z00) plus an amount equal to cash previously expended but 152180  
returned to the fund at the end of fiscal year 2025 are hereby 152181  
reappropriated for the same purpose in fiscal year 2026. 152182

An amount equal to the unexpended and unencumbered 152183  
portions of appropriation item 900411, Veterans Homes 152184  
Modernization, under the Veterans Homes Modernization Fund (Fund 152185  
5Z00) plus an amount equal to cash previously expended but 152186  
returned to the fund at the end of fiscal year 2026 are hereby 152187  
reappropriated for the same purpose in fiscal year 2027. 152188

**Section 417.10.** 152189

152190

A	DVM STATE VETERINARY MEDICAL LICENSING BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 888609 Operating Expenses	\$532,551	\$554,811
D	5YG0 888603 Veterinarian Student Debt Assistance Program	\$100,000	\$100,000
E	Dedicated Purpose Fund Group Total	\$632,551	\$654,811
F	Internal Service Activity Fund Group		
G	5BU0 888602 Veterinary Student Loan Program	\$20,000	\$20,000
H	Internal Service Activity Fund Group Total	\$20,000	\$20,000
I	TOTAL ALL BUDGET FUND GROUPS	\$652,551	\$674,811

**Section 419.10.**

152191

152192

	1	2	3	4	5
A	VPB STATE VISION PROFESSIONALS BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	129609	Operating Expenses	\$609,659	\$668,146
D	Dedicated Purpose Fund Group Total			\$609,659	\$668,146
E	TOTAL ALL BUDGET FUND GROUPS			\$609,659	\$668,146

Section 421.10.

152193

152194

1	2	3	4	5
A	DYS DEPARTMENT OF YOUTH SERVICES			
B	General Revenue Fund			
C	GRF	470401 RECLAIM Ohio	\$207,000,000	\$218,000,000
D	GRF	470412 Juvenile Correctional Facilities Lease Rental Bond Payments	\$17,500,000	\$17,500,000
E	GRF	470510 Youth Services	\$16,702,000	\$16,702,000
F	GRF	472321 Parole Operations	\$11,547,202	\$11,926,365
G	GRF	477321 Administrative Operations	\$17,177,391	\$18,017,753
H	General Revenue Fund Total		\$269,926,593	\$282,146,118
I	Dedicated Purpose Fund Group			
J	1470	470612 Vocational Education	\$1,436,125	\$1,494,968
K	1750	470613 Education Services	\$4,140,884	\$4,317,416
L	4790	470609 Employee Food Service	\$30,300	\$30,300
M	4A20	470602 Child Support	\$95,000	\$95,000
N	4G60	470605 Juvenile Special Revenue - Non-Federal	\$115,000	\$115,000

O	5BN0 470629 E-Rate Program	\$71,000	\$71,000
P	Dedicated Purpose Fund Group Total	\$5,888,309	\$6,123,684
Q	Federal Fund Group		
R	3210 470601 Education	\$1,899,343	\$1,956,154
S	3210 470603 Juvenile Justice Prevention	\$2,473,806	\$2,481,942
T	3210 470606 Nutrition	\$1,551,000	\$1,551,000
U	3210 470614 Title IV-E Reimbursements	\$1,521,776	\$1,529,243
V	3V50 470604 Juvenile Justice/Delinquency Prevention	\$1,657,737	\$1,731,824
W	Federal Fund Group Total	\$9,103,662	\$9,250,163
X	TOTAL ALL BUDGET FUND GROUPS	\$284,918,564	\$297,519,965

**Section 421.20. COMMUNITY PROGRAMS** 152195

For purposes of implementing juvenile sentencing reforms, 152196  
and notwithstanding any provision of law to the contrary, the 152197  
Department of Youth Services may use up to \$1,375,000 of the 152198  
unexpended, unencumbered balance of the portion of appropriation 152199  
item 470401, RECLAIM Ohio, that is allocated to juvenile 152200  
correctional facilities in each fiscal year to expand Targeted 152201  
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 152202  
other evidence-based community programs. 152203

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND 152204



PAYMENTS 152205

The foregoing appropriation item 470412, Juvenile 152206  
Correctional Facilities Lease Rental Bond Payments, shall be 152207  
used to meet all payments during the period from July 1, 2025, 152208  
through June 30, 2027, by the Department of Youth Services under 152209  
the leases and agreements for facilities made under Chapters 152210  
152. and 154. of the Revised Code. These appropriations are the 152211  
source of funds pledged for bond service charges on related 152212  
obligations issued under Chapters 152. and 154. of the Revised 152213  
Code. 152214

EDUCATION SERVICES 152215

The foregoing appropriation item 470613, Education 152216  
Services, shall be used to fund the operating expenses of 152217  
providing educational services to youth supervised by the 152218  
Department of Youth Services. Operating expenses include, but 152219  
are not limited to, teachers' salaries, maintenance costs, and 152220  
educational equipment. 152221

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 152222

In collaboration with the county family and children first 152223  
council, the juvenile court of that county that receives 152224  
allocations from one or both of the foregoing appropriation 152225  
items 470401, RECLAIM Ohio, and 470510, Youth Services, may 152226  
transfer portions of those allocations to a flexible funding 152227  
pool as authorized by the section of this act titled "FAMILY AND 152228  
CHILDREN FIRST FLEXIBLE FUNDING POOL." 152229

**Section 423.10.** 152230

152231

A	KID DEPARTMENT OF CHILDREN AND YOUTH			
B	General Revenue Fund			
C	GRF	650400	Medicaid Program Support - State	\$1,393,000      \$1,393,000
D	GRF	830321	Children and Youth Program Management	\$55,000,000      \$55,500,000
E	GRF	830400	Child Care State/Maintenance of Effort	\$93,636,000      \$93,636,000
F	GRF	830402	Maternal and Infant Housing Assistance	\$500,000      \$500,000
G	GRF	830403	Help Me Grow	\$60,000,000      \$63,000,000
H	GRF	830404	Infant Vitality	\$18,000,000      \$18,000,000
I	GRF	830405	Part C Early Intervention	\$30,000,000      \$32,000,000
J	GRF	830406	Strong Families Strong Communities	\$2,500,000      \$2,500,000
K	GRF	830407	Early Childhood Education	\$130,319,450      \$130,320,617
L	GRF	830409	Early Care and Education Learning Standards	\$6,052,091      \$6,150,959
M	GRF	830410	Family and Children First	\$2,706,000      \$2,706,000
N	GRF	830411	Imagination Library	\$8,250,000      \$8,250,000

O	GRF	830415	Parenting and Pregnancy Program	\$10,000,000	\$10,000,000
P	GRF	830416	Adoption Grant Program	\$34,000,000	\$34,000,000
Q	GRF	830418	Child Care Provider Recruitment	\$1,750,000	\$1,000,000
R	GRF	830419	Children's Crisis Care	\$1,350,000	\$1,350,000
S	GRF	830420	Community Projects and Assistance	\$2,500,000	\$2,500,000
T	GRF	830421	Responsible Fatherhood Initiative Grant Program	\$5,000,000	\$15,000,000
U	GRF	830500	Early Care and Education	\$141,285,000	\$141,285,000
V	GRF	830501	Kinship Permanency Incentive Program	\$1,000,000	\$1,000,000
W	GRF	830502	Court Appointed Special Advocates	\$1,000,000	\$1,000,000
X	GRF	830503	Adoption Services	\$23,992,000	\$23,992,000
Y	GRF	830505	Infant and Early Childhood Mental Health (ECMH)	\$4,000,000	\$4,000,000
Z	GRF	830506	Family and Children Services	\$264,059,990	\$272,197,490
AA	General Revenue Fund Total			\$898,293,531	\$921,281,066

AB Dedicated Purpose Fund Group

AC 1980	830600	Children's Trust Fund	\$5,770,407	\$5,800,246
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AD 2320	830613	Family and Children First	\$2,485,214	\$2,514,051
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AE 4E70	830615	Family and Children Services Collections	\$650,000	\$650,000
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AF 4F10	830607	Family and Children Activities	\$655,000	\$655,000
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AG 5BN1	830618	Child Welfare Training Support	\$7,387,465	\$7,387,465
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AH 5B01	830620	Children and Youth Community Initiatives	\$20,000,000	\$10,000,000
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AI 5BP1	830621	Agency Oversight and Support	\$9,000,000	\$9,000,000
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AJ 5CN0	830617	Choose Life	\$80,000	\$80,000
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AK 5U60	830619	Family and Children Support	\$400,000	\$400,000
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AL		Dedicated Purpose Fund Group Total	\$46,428,086	\$36,486,762
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AM Federal Fund Group

AN 3201	830608	Maternal and Child Health Block Grant	\$5,000,000	\$5,000,000
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AO 3270	830601	Child Welfare	\$31,024,665	\$31,147,396
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AP 3980	830612	Adoption Program	\$215,000,000	\$215,000,000
AQ 3A91	830622	Mental Health Block Grant	\$1,698,892	\$1,698,892
AR 3C50	830610	Preschool Special Education	\$16,026,864	\$16,026,864
AS 3D30	830602	Children's Trust Fund	\$7,030,643	\$7,048,243
AT 3F02	650600	Medicaid Program Support - Federal	\$1,393,000	\$1,393,000
AU 3H70	830604	Child Care	\$646,049,427	\$591,221,224
AV 3IT0	830609	Community Social Service Programs	\$22,803,908	\$22,803,908
AW 3IU0	830623	Federal Children and Youth Grants	\$52,000,000	\$52,000,000
AX 3N00	830603	Foster Care Program	\$337,778,385	\$338,091,973
AY 3V62	830605	TANF Block Grant	\$327,850,000	\$327,850,000
AZ	Federal Fund Group Total		\$1,663,655,784	\$1,609,281,500
BA	TOTAL ALL BUDGET FUND GROUPS		\$2,608,377,401	\$2,567,049,328

**Section 423.20. MATERNAL AND INFANT HOUSING ASSISTANCE** 152232

Of the foregoing appropriation item 830402, Maternal and	152233
Infant Housing Assistance, up to \$500,000 in each fiscal year	152234
shall be used to support stable housing initiatives for pregnant	152235
mothers and their families to improve maternal and infant health	152236
outcomes.	152237

**Section 423.30. INFANT VITALITY GRANTS AND PROGRAMS** 152238

Of the foregoing appropriation item, 830404, Infant 152239  
Vitality, up to \$5,000,000 in each fiscal year shall be used to 152240  
support programming by community and local faith-based service 152241  
providers that invests in maternal health programs, provides 152242  
services and support to pregnant mothers, and improves both 152243  
maternal and infant health outcomes. 152244

The remainder of appropriation item 830404, Infant 152245  
Vitality, shall be used to fund a multi-pronged population 152246  
health approach to address infant mortality. This approach may 152247  
include the following: increasing awareness; supporting data 152248  
collection; analysis and interpretation to inform decision- 152249  
making and ensure accountability; targeting resources where the 152250  
need is greatest; and implementing quality improvement science 152251  
and programming that is evidence-based or based on emerging 152252  
practices. Measurable interventions may include activities 152253  
related to safe sleep, community engagement, group prenatal 152254  
care, preconception education, continuous support for women 152255  
during pregnancy and childbirth, patient navigators, community 152256  
health workers, early childhood home visiting, safe birth 152257  
spacing, gestational diabetes, smoking cessation tailored for 152258  
pregnant women, breastfeeding, care coordination, and 152259  
progesterone. 152260

**Section 423.40. PART C EARLY INTERVENTION** 152261

Of the foregoing appropriation item 830405, Part C Early 152262  
Intervention, up to \$7,000,000 in fiscal year 2026 and up to 152263  
\$9,000,000 in fiscal year 2027 may be used by the Department of 152264  
Children and Youth to subgrant or contract with county boards of 152265  
developmental disabilities for the provision of early 152266  
intervention evaluations, assessments, and service coordination. 152267

County boards of developmental disabilities that accept these 152268  
funds shall maintain the level of local funding for early 152269  
intervention at the same funding level as the prior fiscal year. 152270

Of the foregoing appropriation item 830405, Part C Early 152271  
Intervention, \$1,000,000 in total in each fiscal year shall be 152272  
used to contract with the Cleveland Sight Center, the Cincinnati 152273  
Association for the Blind and Visually Impaired, and the Sight 152274  
Center of Northwest Ohio to provide early intervention special 152275  
instruction services and family support to children under the 152276  
age of three with blindness or low vision. 152277

**Section 423.50. CHILDREN'S MENTAL HEALTH** 152278

Of the foregoing appropriation item 830406, Strong 152279  
Families Strong Communities, up to \$2,000,000 in each fiscal 152280  
year shall be used to provide funding for community projects 152281  
across the state that focus on support for families, assisting 152282  
families in avoiding crisis, and crisis intervention. 152283

Of the foregoing appropriation item 830406, Strong 152284  
Families Strong Communities, \$500,000 in each fiscal year shall 152285  
be provided to Riveon Mental Health and Recovery to support 152286  
primary care integration. 152287

The foregoing appropriation item 830505, Infant and Early 152288  
Childhood Mental Health, shall be used to promote identification 152289  
and intervention for early childhood mental health and to 152290  
enhance healthy social emotional development in order to reduce 152291  
preschool expulsions and promote kindergarten readiness. Funds 152292  
shall be used by the Department of Children and Youth, in 152293  
coordination with Department of Behavioral Health, to support 152294  
infant and early childhood mental health credentialed 152295  
professionals and consultation services, as well as 152296

administration, workforce development for the program, and 152297  
program evaluation. 152298

**Section 423.70. EARLY CHILDHOOD EDUCATION** 152299

The foregoing appropriation item 830407, Early Childhood 152300  
Education, shall be used to pay the costs of the Early Childhood 152301  
Education Grant Program to provide quality preschool instruction 152302  
to improve kindergarten readiness. The Department shall 152303  
distribute such funds directly to qualifying providers as 152304  
specified in section 5104.53 of the Revised Code. 152305

**Section 423.80. EARLY CARE AND EDUCATION LEARNING** 152306  
STANDARDS 152307

The foregoing appropriation item 830409, Early Care and 152308  
Education Learning Standards, shall be used to support the 152309  
state's early learning assessment work, the assessments required 152310  
under section 3301.0715 of the Revised Code, and the 152311  
implementation of curricula, assessments, and learning 152312  
activities that are aligned with the science of reading and the 152313  
early learning and development standards. 152314

**Section 423.90. PARENTING AND PREGNANCY PROGRAM** 152315

The foregoing appropriation item 830415, Parenting and 152316  
Pregnancy Program, shall be used, in accordance with section 152317  
5180.71 of the Revised Code, to support the Ohio Parenting and 152318  
Pregnancy Program. 152319

An amount equal to the unexpended, unencumbered balance of 152320  
appropriation item 830415, Parenting and Pregnancy Program, at 152321  
the end of fiscal year 2026 is hereby reappropriated to the same 152322  
appropriation item for the same purpose in fiscal year 2027. 152323

**Section 423.100. ADOPTION GRANT PROGRAM** 152324



The foregoing appropriation item 830416, Adoption Grant Program, shall be used to administer grants to adoptive parents through the Adoption Grant Program, in accordance with sections 5180.451 and 5180.452 of the Revised Code.

**Section 423.103.** CHILD CARE PROVIDER RECRUITMENT 152329

The foregoing appropriation item 830418, Child Care Provider Recruitment, shall be used for the Child Care Provider Recruitment and Mentorship Grant Program established in Section 751.30 of this act.

**Section 423.106.** DIAGNOSTIC ULTRASOUND MACHINE PROGRAM 152334

The Director of Children and Youth shall create a grant program through which entities may apply to receive diagnostic ultrasound machines purchased in accordance with this section. The Director shall establish the grant application and administration process. To be eligible to receive a diagnostic ultrasound machine through the grant program, all of the following must apply to an entity:

(A) The entity must meet all conditions set forth in division (B) of section 5180.71 of the Revised Code, including that the entity does not charge a fee for diagnostic ultrasound services provided to pregnant women and women who suspect they may be pregnant and does not promote abortion, perform abortion-related medical procedures, or make referrals for abortions.

(B) The entity is physically located in Ohio.

(C) The entity is not a hospital, federally qualified health center, or ambulatory surgical facility.

The foregoing appropriation item 830420, Community Projects and Assistance, shall be used by the Director of

Children and Youth to competitively bid for the purchase of new 152353  
three-dimensional diagnostic ultrasound machines." 152354

**Section 423.108.** RESPONSIBLE FATHERHOOD INITIATIVE GRANTS 152355

The foregoing appropriation item 830421, Responsible 152356  
Fatherhood Initiative Grants, shall be used to award grants 152357  
under the Responsible Fatherhood Initiative Grant Program, in 152358  
accordance with section 5180.706 of the Revised Code. Of this 152359  
amount, not more than two per cent in each fiscal year shall be 152360  
used for administrative purposes. 152361

On June 30 of each fiscal year, the Department of Children 152362  
and Youth shall encumber an amount equal to any unexpended funds 152363  
in appropriation item 830421, Responsible Fatherhood Initiative 152364  
Grants. Funds encumbered shall be used for the same purposes in 152365  
the following fiscal year. 152366

**Section 423.110.** COURT APPOINTED SPECIAL ADVOCATES 152367

Of the foregoing appropriation item 830502, Court 152368  
Appointed Special Advocates, up to \$333,333 in each fiscal year 152369  
shall be used to support administrative costs associated with 152370  
existing court-appointed special advocate programs. 152371

Of the foregoing appropriation item 830502, Court 152372  
Appointed Special Advocates, up to \$666,667 in each fiscal year 152373  
shall be used to establish court-appointed special advocate 152374  
programs in areas of the state that are not served by an 152375  
existing program and to support existing programs. 152376

**Section 423.120.** FAMILY AND CHILDREN SERVICES AND 152377  
ACTIVITIES 152378

Of the foregoing appropriation item 830506, Family and 152379  
Children Services, up to \$25,000,000 in each fiscal year shall 152380

be provided to assist with the expense of providing services to 152381  
youth requiring support from multiple systems. These funds may 152382  
be used for youth currently in the custody of a public children 152383  
services agency or to prevent children from entering into the 152384  
custody of a public children services agency by custody 152385  
relinquishment or another mechanism. The Director of Children 152386  
and Youth shall adopt rules in accordance with section 111.15 of 152387  
the Revised Code to administer the funding. 152388

Of the foregoing appropriation item 830506, Family and 152389  
Children Services, up to \$7,500,000 in each fiscal year may be 152390  
used to incentivize best practices. The Director of Children and 152391  
Youth shall adopt rules in accordance with section 111.15 of the 152392  
Revised Code to administer the funding. 152393

Of the foregoing appropriation item, 830506, Family and 152394  
Children Services, up to \$162,750,000 in fiscal year 2026 and up 152395  
to \$170,887,500 in fiscal year 2027 shall be provided by the 152396  
Department of Children and Youth, in coordination with the 152397  
Department of Job and Family Services, to public children 152398  
services agencies. Of that amount, \$17,600,000 in each fiscal 152399  
year shall be used to provide an initial allocation of \$200,000 152400  
to each county and the remainder shall be provided using the 152401  
formula in section 5180.41 of the Revised Code. 152402

If the funds available for distribution under section 152403  
5180.41 of the Revised Code in fiscal year 2026 and fiscal year 152404  
2027 exceed the amount appropriated in fiscal year 2019, each 152405  
county contributing local funds in county fiscal year 2019 to 152406  
the county children services fund shall contribute moneys to the 152407  
children services fund described in section 5180.411 of the 152408  
Revised Code. 152409

The Director of Children and Youth, in consultation and 152410

coordination with the Director of Job and Family Services shall 152411  
adopt rules, in accordance with section 111.15 of the Revised 152412  
Code, to determine the amount of local funds each county must 152413  
contribute to the children services fund based on past 152414  
contributions. Rules must include a hardship provision 152415  
identifying circumstances in which the county contribution may 152416  
be waived or reduced. 152417

Of the foregoing appropriation item 830506, Family and 152418  
Children Services, up to \$35,309,990 in each fiscal year shall 152419  
be used to support activities associated with the delivery of 152420  
children services activities, including recruiting and retaining 152421  
foster parents, identifying and supporting kinship providers, 152422  
family preservation, prevention, direct services, and best 152423  
practices. 152424

Of the foregoing appropriation item 830506, Family and 152425  
Children Services, up to \$17,000,000 in each fiscal year shall 152426  
be used for federal match requirements for Title IV-B and Title 152427  
IV-E of the "Social Security Act," 42 U.S.C. 601-687 funding. 152428

Of the foregoing appropriation item 830506, Family and 152429  
Children Services, up to \$3,000,000 in each fiscal year shall be 152430  
provided to the Ohio Network of Children's Advocacy Centers to 152431  
administer and distribute grants to Child Advocacy Centers to 152432  
coordinate statewide access to investigation, prosecution, and 152433  
treatment of child sexual abuse, while helping children heal. 152434

The foregoing appropriation item 830607, Family and 152435  
Children Activities, shall be used to expend miscellaneous 152436  
foundation funds and grants to support family and children 152437  
services activities. 152438

**Section 423.130.** KINSHIP CARE NAVIGATOR PROGRAM 152439

Of the foregoing appropriation item 830506, Family and Children Services, up to \$8,500,000 in each fiscal year shall be used to support the Kinship Care Navigator Program, and may be used to match eligible federal Title IV-E of the "Social Security Act," 42 U.S.C. 601-687 funds.

**Section 423.140. WENDY'S WONDERFUL KIDS**

Of the foregoing appropriation items 830601, Child Welfare, and 830612, Adoption Program, a total of up to \$10,000,000 in each fiscal year may be used to provide funds to the Dave Thomas Foundation for Adoption to implement statewide the Wendy's Wonderful Kids program of professional recruiters who use a child-focused model to find permanent homes for children in Ohio foster care.

**Section 423.150. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL**

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools is subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues

allocated to local entities to support the provision of services 152469  
to families and children; 152470

(D) The amounts transferred to the flexible funding pool 152471  
shall be limited to amounts that can be redirected without 152472  
impairing the achievement of the objectives for which the 152473  
initial allocation is designated; and 152474

(E) Each amount transferred to the flexible funding pool 152475  
from a specific allocation shall be approved for transfer by the 152476  
director of the local agency that was the original recipient of 152477  
the allocation. 152478

In collaboration with the county family and children first 152479  
council, a county department of job and family services or 152480  
public children services agency that receives an allocation from 152481  
the Department of Children and Youth, in consultation and 152482  
coordination with the Department of Job and Family Services, 152483  
from the foregoing appropriation item 830506, Family and 152484  
Children Services, or 830502, Court Appointed Special Advocates, 152485  
may transfer a portion of either or both allocations to a 152486  
flexible funding pool as authorized by this section. 152487

**Section 423.160. CHILDRENS CRISIS CARE** 152488

The foregoing appropriation item 830419, Childrens Crisis 152489  
Care, shall be allocated by the Department of Children and Youth 152490  
in each fiscal year to children's crisis care facilities as 152491  
defined in section 5103.13 of the Revised Code. The Director of 152492  
Children and Youth shall calculate funds semi-annually and 152493  
allocate funds quarterly based on the total number of days of 152494  
care for each child residing in the facility, which is 152495  
determined by calculating the total days each child resides at 152496  
the crisis care facility, including the date of admission, but 152497

not the day of discharge. A children's crisis care facility may 152498  
decline to receive funds provided under this section. A 152499  
children's crisis care facility that accepts funds provided 152500  
under this section shall use the funds in accordance with 152501  
section 5103.13 of the Revised Code and any rules adopted under 152502  
that section. 152503

**Section 423.170. MATERNAL AND CHILD HEALTH BLOCK GRANT** 152504

Of the foregoing appropriation item 830608, Maternal and 152505  
Child Health Block Grant, up to \$5,000,000 in each fiscal year 152506  
shall be used to implement Title V Maternal and Child Health 152507  
Services Block Grant activities in the prenatal, maternal, 152508  
perinatal, and infant domains. 152509

**Section 423.180. MENTAL HEALTH BLOCK GRANT** 152510

The foregoing appropriation item 830622, Mental Health 152511  
Block Grant, shall be used for infant and early childhood mental 152512  
health activities. 152513

**Section 423.190. CHILD CARE CHOICE VOUCHER PROGRAM** 152514

(A) Of the foregoing appropriation item, 830604, Child 152515  
Care, a portion in each fiscal year, along with \$50,000,000 in 152516  
each fiscal year in appropriation item 830605, TANF Block Grant, 152517  
shall be used by the Department of Children and Youth to 152518  
establish and administer the Child Care Choice Voucher Program. 152519  
Subject to available funds, the program shall provide support, 152520  
in the form of vouchers, to families to assist them with child 152521  
care costs. To be eligible to participate in the program, a 152522  
family must meet all of the following conditions: 152523

(1) The caretaker parent is employed or participating in a 152524  
program of education or training for an amount of time 152525  
reasonably related to the time that the parent's children are 152526

receiving child care. 152527

(2) The family does not meet the income conditions for 152528  
initial eligibility under the Publicly Funded Child Care Program 152529  
administered by the Department as described in section 5104.30 152530  
of the Revised Code, but the maximum amount of the family's 152531  
income does not exceed two hundred percent of the federal 152532  
poverty line. 152533

(3) The family meets any other condition established by 152534  
the Department. 152535

(B) In providing vouchers under this section, both of the 152536  
following apply: 152537

(1) The program shall utilize, not later than November 1, 152538  
2026, the publicly funded child care payment rates established 152539  
in section 5104.30 of the Revised Code, except that such payment 152540  
rates shall not be enhanced payment rates as described in 152541  
division (E) (2) (c) of that section. 152542

(2) If a participating family uses its voucher at a type A 152543  
family child care home or licensed type B family child care 152544  
home, the program shall not require the family child care home 152545  
to be rated through the Step Up to Quality Program administered 152546  
by the Department as described in section 5104.29 of the Revised 152547  
Code. 152548

**Section 423.200. COMMUNITY SOCIAL SERVICE PROGRAMS** 152549

A portion of the foregoing appropriation item 830609, 152550  
Community Social Service Programs, may be used by the Early 152551  
Intervention Services Advisory Council for the following 152552  
purposes: 152553

(A) In addition to other necessary and allowed uses of 152554



funds and in accordance with 20 U.S.C. 1441(d), the Early 152555  
Intervention Services Advisory Council established pursuant to 152556  
section 5123.0422 of the Revised Code, may, in its discretion, 152557  
use budgeted funds to do all of the following: 152558

(1) Conduct forums and hearings; 152559

(2) Reimburse council members for reasonable and necessary 152560  
expenses, including child care expenses for parent 152561  
representatives, for attending council meetings and performing 152562  
council duties; 152563

(3) Pay compensation to a council member if the member is 152564  
not employed or must forfeit wages from other employment when 152565  
performing official council business; 152566

(4) Hire staff; 152567

(5) Obtain the services of professional, technical, and 152568  
clerical personnel as necessary to carry out the performance of 152569  
its lawful functions. 152570

(B) Except as provided in division (A) of this section, 152571  
council members shall serve without compensation or 152572  
reimbursement. 152573

**Section 423.210. FEDERAL CHILDREN AND YOUTH GRANTS** 152574

Of the foregoing appropriation item 830623, Federal 152575  
Children and Youth Grants, up to \$195,000 in each fiscal year 152576  
shall be used for the training of guardians ad litem and court- 152577  
appointed special advocates as well as to conduct a study to 152578  
demonstrate the impact of court-appointed special advocate 152579  
volunteers on outcomes for children who are in child welfare 152580  
custody as a result of abuse, neglect, or dependency. 152581

**Section 423.220. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES** 152582

BLOCK GRANT 152583

Of the foregoing appropriation item 830605, TANF Block 152584  
Grant, up to \$5,000,000 in each fiscal year shall be used for 152585  
the Kinship Permanency Incentive Program established under 152586  
section 5180.52 of the Revised Code to promote a permanent 152587  
commitment by kinship caregivers through becoming guardians and 152588  
custodians over minor children who would otherwise be unsafe or 152589  
at risk of harm if they remained in their own homes. 152590

Of the foregoing appropriation item 830605, TANF Block 152591  
Grant, up to \$2,500,000 in each fiscal year shall be provided, 152592  
in accordance with sections 5101.80 and 5101.801 of the Revised 152593  
Code, to the Ohio Commission on Fatherhood. 152594

Of the foregoing appropriation item 830605, TANF Block 152595  
Grant, up to \$1,000,000 in each fiscal year shall be provided, 152596  
in accordance with sections 5101.80 and 5101.801 of the Revised 152597  
Code, to the Ohio Children's Trust Fund. 152598

**Section 423.230. PUBLICLY FUNDED CHILD CARE ELIGIBILITY** 152599

Beginning on the effective date of this section and 152600  
through June 30, 2027, all of the following apply to a family's 152601  
eligibility for publicly funded child care as described in 152602  
division (A) of section 5104.38 of the Revised Code: 152603

(A) Except as provided in division (B) of this section, 152604  
the maximum amount of income that a family may have for initial 152605  
eligibility shall not exceed one hundred forty-five per cent of 152606  
the federal poverty line; 152607

(B) For special needs child care, as defined in section 152608  
5104.01 of the Revised Code, the maximum amount of income that 152609  
the family may have for initial eligibility shall not exceed one 152610  
hundred fifty per cent of the federal poverty line; 152611

(C) The maximum amount of income that a family may have 152612  
for continued eligibility shall not exceed three hundred per 152613  
cent of the federal poverty line. 152614

**Section 425.10.** 152615  
152616

	1	2	3	4	5
A	NAI NEW AFRICAN IMMIGRANTS COMMISSION				
B	General Revenue Fund				
C	GRF	061501	Operating Expenses	\$250,000	\$250,000
D	General Revenue Fund Total			\$250,000	\$250,000
E	TOTAL ALL BUDGET FUND GROUPS			\$250,000	\$250,000

**Section 503.10. PERSONAL SERVICE EXPENSES** 152617

Unless otherwise prohibited by law, any appropriation from 152618  
which personal service expenses are paid shall bear the 152619  
employer's share of public employees' retirement, workers' 152620  
compensation, disabled workers' relief, and insurance programs; 152621  
the costs of centralized financial services, centralized payroll 152622  
processing, and related reports and services; centralized human 152623  
resources services, including affirmative action and equal 152624  
employment opportunity programs; the Office of Collective 152625  
Bargaining; centralized information technology management 152626  
services; administering the enterprise resource planning system; 152627  
and administering the state employee merit system as required by 152628  
section 124.07 of the Revised Code. These costs shall be 152629  
determined in conformity with the appropriate sections of law 152630  
and paid in accordance with procedures specified by the Office 152631

of Budget and Management. Expenditures from appropriation item 152632  
070601, Public Audit Expense - Intra-State, may be exempted from 152633  
the requirements of this section. 152634

**Section 503.15.** APPROPRIATIONS FOR EMPLOYEE COMPENSATION 152635  
CHANGES 152636

Notwithstanding any provision of law to the contrary, 152637  
beginning with the pay period that includes July 1, 2025, each 152638  
state appointing authority is authorized to make expenditures 152639  
from current state operating appropriations contained in this 152640  
act or any other act necessary to provide for the changes to 152641  
compensation provisions pursuant to approved collective 152642  
bargaining agreements between employee organizations and State 152643  
of Ohio public employers and pursuant to provisions of law, as 152644  
amended by this act, for employees exempt from collective 152645  
bargaining to allow parity for those employees. 152646

**Section 503.20.** SATISFACTION OF JUDGMENTS AND SETTLEMENTS 152647  
AGAINST THE STATE 152648

Except as otherwise provided in this section, an 152649  
appropriation in this act may be used for the purpose of 152650  
satisfying judgments, settlements, or administrative awards 152651  
ordered or approved by the Court of Claims or by any other court 152652  
of competent jurisdiction in connection with civil actions 152653  
against the state. This authorization does not apply to 152654  
appropriations to be applied to or used for payment of 152655  
guarantees by or on behalf of the state, or for payments under 152656  
lease agreements relating to, or debt service on, bonds, notes, 152657  
or other obligations of the state. Notwithstanding any other 152658  
statute to the contrary, this authorization includes 152659  
appropriations from funds into which proceeds of direct 152660  
obligations of the state are deposited only to the extent that 152661

the judgment, settlement, or administrative award is for, or 152662  
represents, capital costs for which the appropriation may 152663  
otherwise be used and is consistent with the purpose for which 152664  
any related obligations were issued or entered into. Nothing 152665  
contained in this section is intended to subject the state to 152666  
suit in any forum in which it is not otherwise subject to suit, 152667  
and is not intended to waive or compromise any defense or right 152668  
available to the state in any suit against it. 152669

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 152670

This section specifies an additional and supplemental 152671  
procedure to provide for payments of judgments and settlements 152672  
if the Director of Budget and Management determines, pursuant to 152673  
division (C) (4) of section 2743.19 of the Revised Code, that 152674  
sufficient unencumbered moneys do not exist in the fund to 152675  
support a particular appropriation to pay the amount of a final 152676  
judgment rendered against the state or a state agency, including 152677  
the settlement of a claim approved by a court, in an action upon 152678  
and arising out of a contractual obligation for the construction 152679  
or improvement of a capital facility if the costs under the 152680  
contract were payable in whole or in part from a state capital 152681  
projects appropriation. In such a case, the Director may either 152682  
proceed pursuant to division (C) (4) of section 2743.19 of the 152683  
Revised Code or apply to the Controlling Board to increase an 152684  
appropriation or create an appropriation out of any unencumbered 152685  
moneys in the state treasury to the credit of the capital 152686  
projects fund from which the initial state appropriation was 152687  
made. The amount of an increase in appropriation or new 152688  
appropriation approved by the Controlling Board is hereby 152689  
appropriated from the applicable capital projects fund and made 152690  
available for the payment of the judgment or settlement. 152691

If the Director does not make the application authorized 152692  
by this section or the Controlling Board disapproves the 152693  
application, and the Director does not make application under 152694  
division (C) (4) of section 2743.19 of the Revised Code, the 152695  
Director shall for the purpose of making that payment make a 152696  
request to the General Assembly as provided for in division (C) 152697  
(5) of that section. 152698

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 152699

In order to provide funds for the reissuance of voided 152700  
warrants under section 126.37 of the Revised Code, there is 152701  
hereby appropriated, out of moneys in the state treasury from 152702  
the fund credited as provided in section 126.37 of the Revised 152703  
Code, that amount sufficient to pay such warrants when approved 152704  
by the Office of Budget and Management. 152705

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 152706  
**BALANCES OF OPERATING APPROPRIATIONS** 152707

(A) Notwithstanding the original year of appropriation or 152708  
encumbrance, the unexpended balance of an operating 152709  
appropriation or reappropriation that a state agency lawfully 152710  
encumbered prior to the close of fiscal year 2025 or fiscal year 152711  
2026 is hereby reappropriated on the first day of July of the 152712  
following fiscal year from the fund from which it was originally 152713  
appropriated or reappropriated for the period of time listed in 152714  
this section and shall remain available only for the purpose of 152715  
discharging the encumbrance: 152716

(1) For an encumbrance for personal services, maintenance, 152717  
equipment, or items for resale not otherwise identified in this 152718  
section, for a period of not more than five months from the end 152719  
of the fiscal year; 152720

(2) For an encumbrance for an item of special order 152721  
manufacture not available on state contract or an item not 152722  
available in the open market, for a period of not more than five 152723  
months from the end of the fiscal year or, with the written 152724  
approval of the Director of Budget and Management, for a period 152725  
of not more than twelve months from the end of the fiscal year; 152726

(3) For an encumbrance for reclamation of land or oil and 152727  
gas wells, for a period ending when the encumbered appropriation 152728  
is expended; 152729

(4) For an encumbrance for any other type of expense not 152730  
otherwise identified in division (A) (1), (2), or (3) of this 152731  
section, for such period as the Director approves, provided such 152732  
period does not extend beyond the FY 2026 - FY 2027 biennium. 152733

(B) Any operating appropriations for which unexpended 152734  
balances are reappropriated in fiscal year 2026 or fiscal year 152735  
2027 pursuant to division (A) (2) of this section shall be 152736  
reported to the Controlling Board by the Director of Budget and 152737  
Management by the thirty-first day of December of each year. The 152738  
report shall include the item, the cost of the item, and the 152739  
name of the vendor. The report shall be updated on a quarterly 152740  
basis for encumbrances remaining open. 152741

(C) Upon the expiration of the reappropriation period set 152742  
out in division (A) of this section, a reappropriation made by 152743  
this section lapses and the Director of Budget and Management 152744  
shall cancel the encumbrance of the unexpended reappropriation 152745  
not later than the end of the weekend following the expiration 152746  
of the reappropriation period. 152747

(D) If the Controlling Board approved a purchase, that 152748  
approval remains in effect so long as the appropriation used to 152749

make that purchase remains encumbered. 152750

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 152751

(A) The Director of Budget and Management may correct 152752  
accounting errors committed by the staff of the Office of Budget 152753  
and Management, such as reestablishing encumbrances or 152754  
appropriations canceled in error, during the cancellation of 152755  
operating encumbrances in November and of non-operating 152756  
encumbrances in December. 152757

(B) The Director of Budget and Management may at any time 152758  
correct accounting errors committed by staff or a state agency 152759  
or state institution of higher education, as defined in section 152760  
3345.011 of the Revised Code, such as reestablishing prior year 152761  
non-operating encumbrances canceled or modified in error. The 152762  
reestablished encumbrance amounts are hereby appropriated. 152763

**Section 503.70. TEMPORARY REVENUE HOLDING** 152764

The Director of Budget and Management may create funds in 152765  
the state treasury solely for the purpose of temporarily holding 152766  
revenue required to be credited to a fund in the state treasury, 152767  
whose disposition is not immediately known at the time of 152768  
receipt. Once identified, the Director shall credit the revenue 152769  
to the appropriate fund in the state treasury. 152770

Notwithstanding section 153.63 of the Revised Code or any 152771  
other provision of law to the contrary, upon certification by a 152772  
director or head of a state agency, in lieu of banks, buildings 152773  
and loan associations, or other institutions, the Director of 152774  
Budget and Management may create funds in the state treasury on 152775  
behalf of an agency when the agency is required by law to detain 152776  
funds in escrow. All investment earnings of the fund shall be 152777  
credited to the fund while the detained amounts remain in 152778



escrow. The Director of Budget and Management may transfer cash 152779  
between funds within the state treasury to satisfy escrow 152780  
requirements. 152781

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS 152782  
AND RE-ESTABLISHMENT OF ENCUMBRANCES 152783

Any cash transferred by the Director of Budget and 152784  
Management under section 126.15 of the Revised Code is hereby 152785  
appropriated. Any amounts necessary to re-establish 152786  
appropriations or encumbrances under section 126.15 of the 152787  
Revised Code are hereby appropriated. 152788

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 152789

The Director of Budget and Management may transfer 152790  
appropriations between the Third Frontier Research and 152791  
Development Fund (Fund 7011) and the Third Frontier Research and 152792  
Development Taxable Bond Fund (Fund 7014) as necessary to 152793  
maintain the exclusion from the calculation of gross income for 152794  
federal income taxation purposes under the Internal Revenue Code 152795  
with respect to obligations issued to fund projects appropriated 152796  
from the Third Frontier Research and Development Fund (Fund 152797  
7011). 152798

The Director may also create new appropriation items 152799  
within the Third Frontier Research and Development Taxable Bond 152800  
Fund (Fund 7014) and make transfers of appropriations to them 152801  
for projects originally funded from appropriations made from the 152802  
Third Frontier Research and Development Fund (Fund 7011). 152803

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 152804

There are hereby appropriated out of any moneys in the 152805  
state treasury to the credit of the General Revenue Fund, which 152806  
are not otherwise appropriated, funds sufficient to make any 152807

payment required by division (B) (2) of section 5747.03 of the 152808  
Revised Code. 152809

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 152810  
APPROVED BY THE CONTROLLING BOARD 152811

Any money that the Controlling Board approves for 152812  
expenditure or any increase in appropriation that the 152813  
Controlling Board approves under sections 127.14, 131.35, and 152814  
131.39 of the Revised Code or any other provision of law is 152815  
hereby appropriated for the period ending June 30, 2027. 152816

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 152817  
RESIDENCE 152818

If the Governor's Residence Fund (Fund 4H20) receives 152819  
payment for use of the residence pursuant to section 107.40 of 152820  
the Revised Code, the amounts so received are hereby 152821  
appropriated to appropriation item 100604, Governor's Residence 152822  
Gift. 152823

**Section 503.140.** FUND INVESTMENT EARNINGS 152824

Not later than July 15, 2025, the Office of Budget and 152825  
Management shall redirect the investment earnings of the 152826  
following funds to the General Revenue Fund from that date 152827  
forward: 152828

(A) The Capitol Square Improvement Fund (Fund 5AN1); 152829

(B) The Health Care/Medicaid Support and Recoveries Fund 152830  
(Fund 5DL0); 152831

(C) The Ohio Workforce Incumbent Job Training Fund (Fund 152832  
5NH0). 152833

**Section 504.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 152834

Certain appropriations are in this act for the purpose of 152835  
paying debt service and financing costs on general obligation 152836  
bonds or notes of the state issued pursuant to the Ohio 152837  
Constitution, Revised Code, and acts of the General Assembly. If 152838  
it is determined that additional appropriations are necessary 152839  
for this purpose, such amounts are hereby appropriated. 152840

**Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE** 152841

Certain appropriations are in this act for the purpose of 152842  
making lease rental payments pursuant to leases and agreements 152843  
relating to bonds, notes, or other obligations issued by or on 152844  
behalf of the state pursuant to the Ohio Constitution, Revised 152845  
Code, and acts of the General Assembly. If it is determined that 152846  
additional appropriations are necessary for this purpose, such 152847  
amounts are hereby appropriated. 152848

**Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND** 152849  
**OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS** 152850

The Office of Budget and Management shall process payments 152851  
from general obligation and lease rental payment appropriation 152852  
items during the period from July 1, 2025, through June 30, 152853  
2027, relating to bonds, notes, or other obligations issued by 152854  
or on behalf of the state pursuant to the Ohio Constitution, 152855  
Revised Code, and acts of the General Assembly. Payments shall 152856  
be made upon certification by the Treasurer of State of the 152857  
dates and the amounts due on those dates. 152858

**Section 505.10. ARBITRAGE REBATE AUTHORIZATION** 152859

If it is determined that a payment is necessary in the 152860  
amount computed at the time to represent the portion of 152861  
investment income to be rebated or amounts in lieu of or in 152862  
addition to any rebate amount to be paid to the federal 152863

government in order to maintain the exclusion from gross income 152864  
for federal income tax purposes of interest on those state 152865  
obligations under section 148(f) of the Internal Revenue Code, 152866  
such an amount is hereby appropriated from those funds 152867  
designated by or pursuant to the applicable proceedings 152868  
authorizing the issuance of state obligations. 152869

Payments for this purpose shall be approved and vouchered 152870  
by the Office of Budget and Management. 152871

**Section 505.20.** STATEWIDE INDIRECT COST RECOVERY 152872

Whenever the Director of Budget and Management determines 152873  
that an appropriation made to a state agency from a fund of the 152874  
state is insufficient to provide for the recovery of statewide 152875  
indirect costs under section 126.12 of the Revised Code, the 152876  
amount required for such purpose is hereby appropriated from the 152877  
available receipts of such fund. 152878

**Section 505.30.** TRANSFERS ON BEHALF OF THE STATEWIDE 152879  
INDIRECT COST ALLOCATION PLAN 152880

The total transfers made from the General Revenue Fund by 152881  
the Director of Budget and Management under this section shall 152882  
not exceed the amounts transferred into the General Revenue Fund 152883  
under section 126.12 of the Revised Code. 152884

The director of an agency may certify to the Director of 152885  
Budget and Management the amount of expenses not allowed to be 152886  
included in the Statewide Indirect Cost Allocation Plan under 152887  
federal regulations, from any fund included in the Statewide 152888  
Indirect Cost Allocation Plan, prepared as required by section 152889  
126.12 of the Revised Code. 152890

Upon determining that no alternative source of funding is 152891  
available to pay for such expenses, the Director of Budget and 152892

Management may transfer cash from the General Revenue Fund into 152893  
the fund for which the certification is made, up to the amount 152894  
of the certification. The director of the agency receiving such 152895  
funds shall include, as part of the next budget submission 152896  
prepared under section 126.02 of the Revised Code, a request for 152897  
funding for such activities from an alternative source such that 152898  
further federal disallowances would not be required. 152899

The director of an agency may certify to the Director of 152900  
Budget and Management the amount of expenses paid in error from 152901  
a fund included in the Statewide Indirect Cost Allocation Plan. 152902  
The Director of Budget and Management may transfer cash from the 152903  
fund from which the expenditure should have been made into the 152904  
fund from which the expenses were erroneously paid, up to the 152905  
amount of the certification. 152906

The director of an agency may certify to the Director of 152907  
Budget and Management the amount of expenses or revenues not 152908  
allowed to be included in the Statewide Indirect Cost Allocation 152909  
Plan under federal regulations, for any fund included in the 152910  
Statewide Indirect Cost Allocation Plan, for which the federal 152911  
government requires payment. If the Director of Budget and 152912  
Management determines that an appropriation made to a state 152913  
agency from a fund of the state is insufficient to pay the 152914  
amount required by the federal government, the amount required 152915  
for such purpose is hereby appropriated from the available 152916  
receipts of such fund, up to the amount of the certification. 152917

**Section 505.35. TRANSFERS TO OAKS SUPPORT ORGANIZATION** 152918  
**FUND** 152919

Transfers from the General Revenue Fund to the OAKS 152920  
Support Organization Fund (Fund 5EB0) under division (A) (2) (b) 152921  
of section 126.12 of the Revised Code shall not exceed 152922

\$1,250,000 cash in each fiscal year of the biennium ending June 152923  
30, 2027. 152924

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 152925

Notwithstanding any provision of law to the contrary, on 152926  
or before the first day of September of each fiscal year, the 152927  
Director of Budget and Management, in order to reduce the 152928  
payment of adjustments to the federal government, as determined 152929  
by the plan prepared under division (A) of section 126.12 of the 152930  
Revised Code, may designate such funds as the Director considers 152931  
necessary to retain their own interest earnings. 152932

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 152933

Pursuant to the plan for compliance with the Federal Cash 152934  
Management Improvement Act required by section 131.36 of the 152935  
Revised Code, the Director of Budget and Management may cancel 152936  
and re-establish all or part of encumbrances in like amounts 152937  
within the funds identified by the plan. The amounts necessary 152938  
to re-establish all or part of encumbrances are hereby 152939  
appropriated. 152940

**Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS** 152941

Notwithstanding section 113.09 of the Revised Code, the 152942  
Director of Budget and Management may designate any fund within 152943  
the state treasury that receives federal revenue to be credited 152944  
with investment earnings to comply with federal law. 152945

**Section 505.70. REPAYMENT OF FEDERAL FUNDS** 152946

Any unexpended federal revenue received into the state 152947  
treasury remaining at the end of its applicable period for 152948  
expenditure which must be returned in compliance with federal 152949  
law, is hereby appropriated to the fund in which it was 152950

received, for that purpose. 152951

**Section 505.75. STATE FISCAL RECOVERY FUND** 152952

An amount equal to the unexpended and unencumbered 152953  
portions of appropriation items under the State Fiscal Recovery 152954  
Fund (Fund 5CV3) plus an amount equal to cash previously 152955  
expended but returned to the fund at the end of fiscal year 2025 152956  
are hereby reappropriated for the same purpose in fiscal year 152957  
2026. An amount equal to the unexpended and unencumbered 152958  
portions of appropriation items under Fund 5CV3 plus an amount 152959  
equal to cash previously expended but returned to the fund at 152960  
the end of fiscal year 2026 are hereby reappropriated for the 152961  
same purpose in fiscal year 2027. 152962

The Director of Budget and Management may create new 152963  
appropriation items under Fund 5CV3. In each fiscal year, the 152964  
Director may transfer appropriation among newly created or 152965  
existing appropriation items under Fund 5CV3. The Director shall 152966  
report appropriation transfers made under this section to the 152967  
Controlling Board no later than January 30, 2027. 152968

**Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF** 152969  
**FUNDS** 152970

Amounts equal to the unexpended portions of appropriation 152971  
items under the following recovery and relief funds, at the end 152972  
of fiscal year 2025 are hereby reappropriated to the same 152973  
appropriation items and shall be used for the same purposes in 152974  
fiscal year 2026: CARES Act School Relief Fund (Fund 3HS0), 152975  
Governor's Emergency Education Relief Fund (Fund 3HQ0), 152976  
Emergency Rental Assistance Fund (5CV2), ARPA Capital Projects 152977  
Fund (5CV5), ARPA Home and Community Based Services - Federal 152978  
Fund (Fund 3HC8), and ARPA Home and Community Based Services 152979

Fund (Fund 5HC8). 152980

Amounts equal to the unexpended portions of appropriation 152981  
items under the following recovery and relief funds, at the end 152982  
of fiscal year 2026, are hereby reappropriated to the same 152983  
appropriation items and shall be used for the same purposes in 152984  
fiscal year 2027: ARPA Home and Community Based Services - 152985  
Federal Fund (Fund 3HC8), Governor's Emergency Education Relief 152986  
Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), 152987  
Emergency Rental Assistance Fund (Fund 5CV2), ARPA Capital 152988  
Projects Fund (Fund 5CV5), and ARPA Home and Community Based 152989  
Services Fund (Fund 5HC8). 152990

**Section 506.10. ONE TIME STRATEGIC COMMUNITY INVESTMENTS** 152991

Notwithstanding Section 200.30 of H.B. 2 of the 135th 152992  
General Assembly, the Office of Budget and Management shall not 152993  
provide a grant from appropriation item 042509, One Time 152994  
Strategic Community Investments, to the Chardon High School 152995  
Athletic Boosters for the Chardon Memorial Stadium Restroom and 152996  
Concession Project. If any amount has been released prior to the 152997  
effective date of this section, Chardon High School Athletic 152998  
Boosters shall promptly return the unexpended portion of that 152999  
amount, as of the effective date of this section, to the state 153000  
treasury to the credit of the One Time Strategic Community 153001  
Investments Fund (Fund 5AY1). The Office of Budget and 153002  
Management shall distribute the amount returned by Chardon High 153003  
School Athletic Boosters, if any, as follows: forty per cent to 153004  
South Ridge Christian Academy for school building and roof 153005  
renovations and sixty per cent to Agricultural Career Education 153006  
Academy for DOPR career-technical program and infrastructure 153007  
projects. This amount is hereby appropriated. 153008

**Section 509.10. TRANSFERS INTO GENERAL REVENUE FUND** 153009



INTEREST EARNED 153010

Notwithstanding any provision of law to the contrary, the 153011  
Director of Budget and Management, through June 30, 2027, may 153012  
transfer interest earned by any state fund to the General 153013  
Revenue Fund. This section does not apply to funds whose source 153014  
of revenue is restricted or protected by the Ohio Constitution, 153015  
federal tax law, or the "Cash Management Improvement Act of 153016  
1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as 153017  
amended. 153018

NON-GRF FUNDS 153019

Notwithstanding any provision of law to the contrary, the 153020  
Director of Budget and Management may transfer up to 153021  
\$150,000,000 cash in fiscal year 2027 from non-General Revenue 153022  
Funds that are not constitutionally restricted to the General 153023  
Revenue Fund. The Director shall report any such transfers to 153024  
the Controlling Board within thirty days of making the transfer. 153025

TANGIBLE PROPERTY TAX REPLACEMENT FUNDS 153026

On July 1, 2026, or as soon as possible thereafter, the 153027  
Director of Budget and Management shall transfer a total of 153028  
\$300,000,000 cash from the School District Tangible Property Tax 153029  
Replacement Fund (Fund 7047) and the Local Government Tangible 153030  
Property Tax Replacement Fund (Fund 7081) to the General Revenue 153031  
Fund. 153032

ALL OHIO FUTURE FUND 153033

On July 1, 2025, or as soon as possible thereafter, the 153034  
Director of Budget and Management shall transfer \$250,000,000 153035  
cash from the All Ohio Future Fund (Fund 5XM0) to the General 153036  
Revenue Fund. 153037

SUPER RAPIDS FUND 153038

On July 1, 2025, or as soon as possible thereafter, the 153039  
Director of Budget and Management shall transfer up to 153040  
\$10,000,000 cash from the Super RAPIDS Fund (Fund 5AH1) to the 153041  
General Revenue Fund. 153042

ADULT USE TAX FUND 153043

On July 1, 2025, or as soon as possible thereafter, the 153044  
Director of Budget and Management shall transfer the remaining 153045  
cash balance of the Adult Use Tax Fund (Fund QG18) at the end of 153046  
fiscal year 2025 after transferring cash to the Host Community 153047  
Cannabis Fund (Fund 7106) under section 387.20 of this act, from 153048  
Fund QG18 to the General Revenue Fund. 153049

GROW YOUR OWN TEACHER PROGRAM FUND 153050

On July 1, 2025, or as soon as possible thereafter, the 153051  
Director of Budget and Management shall transfer up to 153052  
\$9,000,000 cash from the Grow Your Own Teacher Program Fund 153053  
(Fund 5ZY0) to the General Revenue Fund. 153054

AUDIT SETTLEMENTS AND CONTINGENCY FUND 153055

On July 1, 2025, or as soon as possible thereafter, the 153056  
Director of Budget and Management shall transfer \$4,000,000 cash 153057  
from the Audit Settlements and Contingency Fund (Fund 5BP1) to 153058  
the General Revenue Fund. 153059

PRE-SECURITIZATION TOBACCO PAYMENTS FUND 153060

On July 1, 2025, or as soon as possible thereafter, the 153061  
Director of Budget and Management shall transfer \$20,000,000 153062  
cash from the Pre-Securitization Tobacco Payments Fund (Fund 153063  
5LS0) to the General Revenue Fund. 153064

LITERACY IMPROVEMENT FUND	153065
On July 1, 2025, or as soon as possible thereafter, the	153066
Director of Budget and Management shall transfer up to	153067
\$10,000,000 cash from the Literacy Improvement Fund (Fund 5AQ1)	153068
to the General Revenue Fund.	153069
INFORMATION TECHNOLOGY DEVELOPMENT FUND	153070
On July 1 of each fiscal year, or as soon as possible	153071
thereafter, the Director of Budget and Management shall transfer	153072
\$2,500,000 cash from the Information Technology Development Fund	153073
(Fund 5LJ0) to the General Revenue Fund.	153074
HUMAN SERVICES PROJECT FUND	153075
On July 1 of each fiscal year, or as soon as possible	153076
thereafter, the Director of Budget and Management shall transfer	153077
\$5,000,000 cash from the Human Services Projects Fund (Fund	153078
5RY0) to the General Revenue Fund.	153079
BROADBAND POLE REPLACEMENT FUND	153080
On July 1, 2025, or as soon as possible thereafter, the	153081
Director of Budget and Management shall transfer \$15,000,000	153082
cash from the Broadband Pole Replacement Fund (Fund 5AI1) to the	153083
General Revenue Fund.	153084
WORKFORCE DEVELOPMENT PROJECTS FUND	153085
Notwithstanding section 6301.19 of the Revised Code, on	153086
July 1, 2025, or as soon as possible thereafter, the Director of	153087
Budget and Management shall transfer \$1,000,000 cash from the	153088
Workforce Development Projects Fund (Fund 5RX0) to the General	153089
Revenue Fund.	153090
RAIL SAFETY CROSSING FUND	153091

On July 1, 2025, or as soon as possible thereafter, the 153092  
Director of Budget and Management shall transfer \$15,000,000 153093  
cash from the Rail Safety Crossing Fund (Fund 5ZP0) to the 153094  
General Revenue Fund. 153095

ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 153096

Notwithstanding section 5101.073 of the Revised Code, on 153097  
July 1 of each fiscal year, or as soon as possible thereafter, 153098  
the Director of Budget and Management shall transfer \$4,000,000 153099  
cash from the ODJFS Audit Settlements and Contingency Fund (Fund 153100  
5DM0) to the General Revenue Fund. 153101

**Section 512.10.** TRANSFERS OUT OF GENERAL REVENUE FUND 153102

STATE MARKETING OFFICE FUND 153103

On July 1, 2025, or as soon as possible thereafter, the 153104  
Director of Budget and Management shall transfer up to 153105  
\$15,000,000 cash from the General Revenue Fund to the State 153106  
Marketing Office Fund (Fund 5MJ0). 153107

FOUNDATION FUNDING - ALL STUDENTS FUND 153108

Notwithstanding any provision of law to the contrary, the 153109  
Director of Budget and Management may transfer up to 153110  
\$600,000,000 cash, in each fiscal year, from the General Revenue 153111  
Fund to the Foundation Funding - All Students Fund (Fund 5VS0). 153112

SECOND CHANCE GRANT PROGRAM FUND 153113

On July 1, 2025, or as soon as possible thereafter, the 153114  
Director of Budget and Management shall transfer up to 153115  
\$4,000,000 cash from the General Revenue Fund to the Second 153116  
Chance Grant Program Fund (Fund 5YD0). 153117

MARCS ADMINISTRATION FUND 153118

On July 1 of each fiscal year, or as soon as possible 153119  
thereafter, the Director of Budget and Management may transfer 153120  
up to \$10,500,000 cash from the General Revenue Fund to the 153121  
MARCS Administration Fund (Fund 5C20). 153122

WILDLIFE FUND 153123

On July 1 of each fiscal year, or as soon as possible 153124  
thereafter, the Director of Budget and Management may transfer 153125  
\$500,000 cash from the General Revenue Fund to the Wildlife Fund 153126  
(Fund 7015). 153127

TRANSCRANIAL MAGNETIC STIMULATION FUND 153128

On July 1 of each fiscal year, or as soon as possible 153129  
thereafter, the Director of Budget and Management may transfer 153130  
\$5,000,000 cash from the General Revenue Fund to the 153131  
Transcranial Magnetic Stimulation Fund (Fund 5VV0). 153132

H2OHIO FUND 153133

On July 1, 2025, or as soon as possible thereafter, the 153134  
Director of Budget and Management may transfer \$150,000,000 from 153135  
the General Revenue Fund to the H2Ohio Fund (Fund 6H20). 153136

OHIO MARITIME ASSISTANCE PROGRAM 153137

On July 1, 2025, or as soon as possible thereafter, the 153138  
Director of Budget and Management shall transfer \$8,000,000 cash 153139  
from the General Revenue Fund to the Ohio Maritime Assistance 153140  
Fund (Fund 5QT0). 153141

RESIDENTIAL DEVELOPMENT REVOLVING LOAN 153142

On July 1, 2025, or as soon as possible thereafter, the 153143  
Director of Budget and Management shall transfer \$90,000,000 153144  
cash from the General Revenue Fund to the Residential 153145

Development Revolving Loan Fund (Fund 5CT1). 153146

STATEWIDE CHILDREN'S VISION INITIATIVE 153147

On July 1, 2025, or as soon as possible thereafter, the 153148  
Director of Budget and Management shall transfer \$5,000,000 cash 153149  
from the General Revenue Fund to the Statewide Children's Vision 153150  
Initiative Fund (Fund 5AT1). 153151

EDUCATION DEMONSTRATION PROJECTS FUND 153152

On July 1, 2025, or as soon as possible thereafter, the 153153  
Director of Budget and Management shall transfer \$5,000,000 cash 153154  
from the General Revenue Fund to the Education Demonstration 153155  
Projects Fund (Fund 5DA1), which is hereby created in the state 153156  
treasury. On July 1, 2026, or as soon as possible thereafter, 153157  
the Director of Budget and Management shall transfer \$10,000,000 153158  
cash from the General Revenue Fund to the Education 153159  
Demonstration Projects Fund (Fund 5DA1). 153160

RURAL PRACTICE INCENTIVE FUND 153161

On July 1, 2025, or as soon as possible thereafter, the 153162  
Director of Budget and Management shall transfer \$3,000,000 cash 153163  
from the General Revenue Fund to the Rural Practice Incentive 153164  
Fund (Fund 5ZD0). 153165

**Section 513.10.** FISCAL YEARS 2025 AND 2026 GENERAL REVENUE 153166  
FUND ENDING BALANCE 153167

Notwithstanding section 131.44 of the Revised Code and 153168  
except as provided in section 5163.04 of the Revised Code, the 153169  
cash balance of the General Revenue Fund on June 30, 2025, and 153170  
on June 30, 2026, shall remain in the General Revenue Fund. 153171

**Section 514.10.** UTILITY RADIOLOGICAL SAFETY BOARD 153172  
ASSESSMENTS 153173

Unless the agency and nuclear electric utility mutually 153174  
agree to a higher amount by contract, the maximum amounts that 153175  
may be assessed against nuclear electric utilities under 153176  
division (B) (2) of section 4937.05 of the Revised Code and 153177  
deposited into the specified funds are as follows: 153178  
153179

	1	2	3	4
A	Fund	User	FY 2026	FY 2027
B	Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$136,000	\$142,000
C	Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,551,682	\$1,598,000
D	ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$274,997	\$280,510
E	Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,420,000	\$1,467,000

**Section 515.40. EMPLOYEE BENEFITS FUNDS CASH TRANSFERS** 153180

Notwithstanding any provision of law to the contrary, upon 153181  
request of the Director of Administrative Services, the Director 153182  
of Budget and Management may make temporary cash transfers 153183  
between the Accrued Leave Liability Fund (Fund 8060), the State 153184  
Employee Health Benefit Fund (Fund 8080), the Dependent Care 153185  
Spending Fund (Fund 8090), the Life Insurance Investment Fund 153186  
(Fund 8100), the Parental Leave Benefit Fund (Fund 8110), and 153187  
the Health Care Spending Account Fund (Fund 8130) to ensure 153188

appropriate and supportable cash flow. 153189

**Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 153190

(A) On July 1, 2025, or as soon as possible thereafter, 153191  
the Director of Budget and Management may transfer the cash 153192  
balance from each of the funds as indicated in the table below 153193  
to the fund also indicated in the table below. Upon completion 153194  
of each transfer and on the effective date of its repeal by this 153195  
act, where applicable, the fund from which the cash balance was 153196  
transferred is hereby abolished. 153197  
153198

	1	2	3	4	5
A	Transfer from:			Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name
C	AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund
D	AGR	5MA0	Dangerous and Restricted Animal Fund	5MS0	Animal and Consumer Protection Fund
E	AGR	5PL0	Pet Store License Fund	5MR0	Commercial Dog Breeding Fund
F	DAS	5MV0	Theatre Equipment Maintenance Fund	GRF	General Revenue Fund
G	DAS	1280	Collective	1250	Human Resources



			Bargaining Fund		Services Fund
H	MHA	3A60	Federal- Miscellaneous Fund	5AU0	Behavioral Health Care Fund
I	DPS	3HT0	Justice Emergency Supplemental Funding Fund	GRF	General Revenue Fund
J	DPS	5RS0	Community Police Relations Fund	5AZ1	eWarrant Local Integration Fund
K	MCD	5XY0	Hospital Directed Payment Fund	5AN0	State Directed Payments Fund
L	OOD	3L10	Social Security Reimbursement Fund	3790	Consolidated Federal Fund
M	TOS	7090	Job Ready Site Development Bond Retirement Fund	GRF	General Revenue Fund
N	LSC	4100	Sale of Publications Fund	GRF	General Revenue Fund
O	LSC	4F60	Legislative Budget Services Fund	GRF	General Revenue Fund
P	LSC	5EF0	Legislative Agency Telephone Usage Fund	GRF	General Revenue Fund
Q	BOR	5RA0	Workforce and Higher Education Programs Fund	GRF	General Revenue Fund

R DOH 5UA0 Emergency GRF General Revenue Fund  
Preparation and  
Response Fund

S EDU 5VU0 School Bus Purchase GRF General Revenue Fund  
Fund

(B) The following funds are hereby abolished on the 153199  
effective date of their repeal by this act: 153200  
153201

	1	2	3
A	User Agency Fund	Fund Name	
B	AGR	5HP0	Ohio Livestock Care Standards Fund
C	DDD	4U40	Developmental Disabilities Trust Fund
D	MCD	3ER0	Health Information Technology Fund
E	OBM	5AT1	Statewide Children's Vision Initiative Fund
F	OBM	5CV1	Coronavirus Relief Fund
G	PRX	3DV0	Enhancing Ohio's PMP Fund
H	PRX	3BC0	Dangerous Drug Database Fund
I	PRX	3EB0	NASPER Fund
J	PRX	3EY0	Administration of PMIX HUB Fund
K	PRX	3EZ0	NASPER 10 Fund
L	PRX	3CT0	2008 Developing/Enhancing PMP Fund

(C) On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

	1	2	3	4	5
A	Transfer from:			Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name
C	DEV	5KN0	Local Government Innovation Fund	GRF	General Revenue Fund

**Section 516.30. CASH TRANSFERS TO PRIORITY PROJECTS FUND**

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer cash as indicated in the table below from each of the funds also as indicated in the table below to the Priority Projects Fund (Fund 5A00).

	1	2	3
A	<u>Fund</u>	<u>FY 2026</u>	<u>FY 2027</u>
B	State Small Business Credit Initiative Fund (Fund 3FJ0)	\$600,000	\$600,000
C	Business Assistance Fund (Fund 4510)	\$750,000	\$750,000

D	Roadwork Development Fund (Fund 4W00)	\$2,500,000	\$2,500,000
E	Minority Business Enterprise Loan Fund (Fund 4W10)	\$1,000,000	\$1,000,000
F	Rural Industrial Park Loan Fund (Fund 4Z60)	\$5,000,000	\$5,000,000
G	State Fire Marshal Fund (Fund 5460)	\$3,000,000	\$3,000,000
H	Industrial Compliance Operating Fund (Fund 5560)	\$1,500,000	\$1,500,000
I	Securities Investor Education/Enforcement Fund (Fund 5GK0)	\$500,000	\$500,000
J	Capital Access Loan Fund (Fund 5S90)	\$1,000,000	\$1,000,000
K	Innovation Ohio Loan Fund (Fund 7009)	\$3,000,000	\$3,000,000
L	Research and Development Loan Fund (Fund 7010)	\$4,000,000	\$4,000,000
M	Facilities Establishment Fund (Fund 7037)	\$5,000,000	\$5,000,000

<b>Section 518.10.</b> OHIO STATE SMALL BUSINESS CREDIT	153217
INITIATIVE VENTURE CAPITAL PROGRAM FUND	153218
The Ohio State Small Business Credit Initiative Venture	153219
Capital Program Fund (Fund 3IC0) is hereby created in the state	153220

treasury. Money in the fund shall be used to pay the expenses of 153221  
the Ohio Department of Development for the Ohio Growth Capital, 153222  
Ohio Early-Stage Focus, Certified Development Financial 153223  
Institution Loan, and Collateral Enhancement programs, including 153224  
administrative expenses. All federal funds received from the 153225  
State Small Business Credit Initiative of the United States 153226  
Department of the Treasury shall be credited to the fund. All 153227  
investment earnings of the fund shall be credited to the fund. 153228

**Section 525.10.** (A) As used in this section, "Ohio 153229  
Benefits Program" means the integrated enterprise solution 153230  
administered by the Department of Administrative Services that 153231  
assists individuals in verifying eligibility for, and applying 153232  
for, benefits offered through various programs administered by 153233  
the Department of Job and Family Services and the Department of 153234  
Medicaid, including the Medicaid program, Supplemental Nutrition 153235  
Assistance Program, and Temporary Assistance for Needy Families. 153236

(B) Not later than July 1, 2026, the Director of 153237  
Administrative Services and the Director of Job and Family 153238  
Services shall develop a detailed organizational plan and enter 153239  
into a memorandum of understanding to transfer administration of 153240  
the Ohio Benefits Program from the Department of Administrative 153241  
Services to the Department of Job and Family Services. 153242

(C) Not later than July 1, 2027, the Director of 153243  
Administrative Services may transfer the Director's 153244  
responsibility for administering the Ohio Benefits Program to 153245  
the Director of Job and Family Services. If the Director of 153246  
Administrative Services transfers the program, all of the 153247  
following apply: 153248

(1) All contracts, records, documents, files, equipment, 153249  
assets, materials, and staff resources that relate to the Ohio 153250

Benefits Program shall be transferred to the Director of Job and 153251  
Family Services. 153252

(2) Any business commenced, but not completed, by July 1, 153253  
2027, by the Director of Administrative Services with respect to 153254  
the Ohio Benefits Program shall be completed by the Director of 153255  
Job and Family Services in the same manner, and with the same 153256  
effect, as if completed by the Director of Administrative 153257  
Services. 153258

(3) No validation, cure, right, privilege, remedy, 153259  
obligation, or liability is lost or impaired by reason of the 153260  
transfer of the Ohio Benefits Program. 153261

(D) If the Director of Administrative Services transfers 153262  
the program, no action or proceeding pending on the date of the 153263  
transfer is affected by the transfer, and any such action or 153264  
proceeding shall be prosecuted or defended in the name of the 153265  
Director of Job and Family Services or Department of Job and 153266  
Family Services. In all such actions or proceedings, the 153267  
Director or Department, on application to the court, shall be 153268  
substituted as a party. 153269

(E) If the Director of Administrative Services transfers 153270  
the program, all rules, orders, and determinations issued with 153271  
respect to the Ohio Benefits Program continue in effect as if 153272  
issued by the Director of Job and Family Services until modified 153273  
or rescinded by the Director. Pursuant to section 103.05 of the 153274  
Revised Code and at the request of the Director of Job and 153275  
Family Services, the Director of the Legislative Service 153276  
Commission may renumber any rules related to the Ohio Benefits 153277  
Program to reflect its transfer. 153278

(F) If the Director of Administrative Services transfers 153279

the program, the Director of Administrative Services and the 153280  
Director of Job and Family Services, jointly or separately, may 153281  
enter into a contract with a public or private entity for staff 153282  
training and development to facilitate the transfer of the Ohio 153283  
Benefits Program. Division (B) of section 127.16 of the Revised 153284  
Code does not apply to a contract entered into under this 153285  
division. 153286

(G) Subject to the layoff provisions of sections 124.321 153287  
to 124.328 of the Revised Code, if the Director of 153288  
Administrative Services transfers the program, all of the 153289  
Director of Administrative Service's employees, as identified by 153290  
the Director, whose primary responsibilities include 153291  
administering the Ohio Benefits Program are transferred to the 153292  
Department of Job and Family Services. Except as provided in 153293  
division (H) of this section, employees transferred under this 153294  
division retain their positions and all of the benefits accruing 153295  
thereto. Any changes to an employee's position or benefits that 153296  
occur after the employee is transferred to the Department under 153297  
this division are subject to Chapter 124. of the Revised Code. 153298  
Any actions taken under this division are not appealable to the 153299  
State Personnel Board of Review. 153300

(H) If the Director of Administrative Services transfers 153301  
the program, the Director of Job and Family Services may do all 153302  
of the following: 153303

(1) Establish, change, or abolish positions within the 153304  
Department of Job and Family Services; 153305

(2) Assign, reassign, classify, reclassify, transfer, 153306  
reduce, promote, or demote employees of the Department who are 153307  
not subject to Chapter 4117. of the Revised Code; 153308

(3) Assign or reassign an exempt employee, as defined in 153309  
section 124.152 of the Revised Code, to a bargaining unit for 153310  
purposes of Chapter 4117. of the Revised Code if the Director 153311  
determines the bargaining unit is the appropriate bargaining 153312  
unit with respect to that exempt employee. 153313

(I) If, in accordance with division (H) of this section, 153314  
the Director of Job and Family Services assigns, reassigns, 153315  
classifies, reclassifies, transfers, reduces, or demotes an 153316  
employee paid in accordance with schedule E-1 of section 124.152 153317  
of the Revised Code to a position in a lower classification, 153318  
both of the following apply: 153319

(1) The Director of Job and Family Services, or if the 153320  
employee is transferred outside of the Department of Job and 153321  
Family Services, the Director of Administrative Services, shall 153322  
assign the employee to the appropriate classification and place 153323  
the employee in pay step X. 153324

(2) The employee shall not receive an increase in 153325  
compensation until the maximum rate of pay for that 153326  
classification exceeds the employee's compensation. 153327

(J) If the Director of Administrative Services transfers 153328  
the program, the Director of Job and Family Services, with the 153329  
approval of the Director of Budget and Management, may establish 153330  
a retirement incentive plan for employees transferred to the 153331  
Department of Job and Family Services under division (G) of this 153332  
section. Notwithstanding any provision to the contrary in 153333  
section 145.297 of the Revised Code, if the Director establishes 153334  
such a plan under this division, it shall remain in effect until 153335  
December 31, 2027. 153336

(K) Notwithstanding any provision to the contrary in 153337



sections 4117.08 and 4117.10 of the Revised Code, the transfer 153338  
of the Ohio Benefits Program and the transfer of employees 153339  
described under division (J) of this section, and the 153340  
reassignment of administering the Ohio Benefits Program, are not 153341  
appropriate subjects for collective bargaining under Chapter 153342  
4117. of the Revised Code. 153343

(L) Notwithstanding any provision of law to the contrary, 153344  
if the Director of Administrative Services transfers the 153345  
program, the Director of Budget and Management shall make budget 153346  
and accounting changes to implement the transfer. The Director 153347  
may rename funds, create new funds, transfer funds, consolidate 153348  
funds, or make other administrative changes. If necessary, the 153349  
Director may cancel or establish encumbrances or parts of 153350  
encumbrances in the appropriate funds and appropriation items 153351  
for the same purposes and for payments to the same vendor. Such 153352  
encumbrances are hereby appropriated. If necessary for the 153353  
continued efficient administration of the Ohio Benefits Program, 153354  
the Director may transfer appropriations between the Department 153355  
of Job and Family Services and the Department of Administrative 153356  
Services to continue levels of program services and efficiently 153357  
deliver funding to the program as appropriated under this 153358  
division. Such changes are hereby appropriated. 153359

**Section 525.20. PROGRAM TRANSFERS** 153360

(A) Notwithstanding any provision of law to the contrary, 153361  
before July 1, 2027, the Department of Development shall 153362  
transfer the entirety of its responsibility of managing the 153363  
following programs to the Ohio Department of Job and Family 153364  
Services: 153365

(1) Energy Efficiency and Weatherization Program; 153366

(2) Consumer Education Program; 153367

(3) Community Services Block Grant. 153368

(B) Any business commenced but not completed by July 1, 153369  
2027, within the Department of Development that is planned to be 153370  
transferred pursuant to this section shall be completed by the 153371  
Department of Job and Family Services in the same manner and 153372  
with the same effect as if completed by the Department of 153373  
Development. 153374

(C) By July 1, 2026, the Director of Job and Family 153375  
Services and the Director of Development, or their designees, 153376  
shall develop a detailed organizational plan to implement the 153377  
transfer of duties and functions of the programs listed in this 153378  
section from the Department of Development to the Department of 153379  
Job and Family Services. Pursuant to this plan, the directors of 153380  
the respective departments shall enter into a memorandum of 153381  
understanding to implement the transfer of duties and functions 153382  
of the programs listed in this section from the Department of 153383  
Development to the Department of Job and Family Services. 153384

(D) The Director of Job and Family Services and the 153385  
Director of Development may jointly or separately enter into one 153386  
or more contracts with public or private entities for staff 153387  
training and development to facilitate the transfer of duties 153388  
and functions of the programs listed in this section from the 153389  
Department of Development to the Department of Job and Family 153390  
Services. Division (B) of section 127.16 of the Revised Code 153391  
does not apply to contracts entered into under this section. 153392

(E) All Department of Development employees and resources 153393  
identified by the Director of Development to be associated with 153394  
the work of the programs listed in this section are transferred 153395

to the Department of Job and Family Services on July 1, 2027, or 153396  
an earlier date identified by the respective directors. Subject 153397  
to the layoff provisions of sections 124.321 to 124.381 of the 153398  
Revised Code, employees who are transferred retain their same 153399  
positions and all benefits accruing thereto. Once transferred to 153400  
the Department of Job and Family Services, changes to positions 153401  
or benefits for employees shall be controlled by Chapter 124. of 153402  
the Revised Code, or other applicable Revised Code or 153403  
Administrative Code sections. Actions taken under this section 153404  
are not subject to appeal to the State Personnel Board of 153405  
Review. 153406

(1) Notwithstanding division (E) of this section, the 153407  
Director of Job and Family Services has the authority to 153408  
establish, change, and abolish positions for the Department of 153409  
Job and Family Services, and to assign, reassign, classify, 153410  
reclassify, transfer, reduce, promote, or demote all employees 153411  
of the Department of Job and Family Services who are not subject 153412  
to Chapter 4117. of the Revised Code. 153413

(2) The authority granted under division (E)(1) of this 153414  
section includes assigning or reassigning an exempt employee, as 153415  
defined in section 124.152 of the Revised Code, to a bargaining 153416  
unit classification if the Director of Job and Family Services 153417  
determines that the bargaining unit classification is the proper 153418  
classification for that employee. If an employee in the E-1 pay 153419  
range is to be assigned, reassigned, classified, reclassified, 153420  
transferred, reduced, or demoted to a position in a lower 153421  
classification, the Director of Job and Family Services, or in 153422  
the case of a position transferred outside of the Department, 153423  
the Director of Development, shall assign the employee to the 153424  
appropriate classification and place the employee in Step X. The 153425  
employee shall not receive any increase in compensation until 153426

the maximum rate of pay for that classification exceeds the 153427  
employee's compensation. 153428

(3) Notwithstanding any provision to the contrary in 153429  
sections 4117.08 and 4117.10 of the Revised Code, the transfer 153430  
of programs and employees under this section, and the 153431  
reassignment of certain functions and duties, are not 153432  
appropriate subjects for collective bargaining under Chapter 153433  
4117. of the Revised Code. 153434

(4) The Director of Job and Family Services may, with the 153435  
approval of the Office of Budget and Management, establish a 153436  
retirement incentive plan for eligible employees of those 153437  
agencies who are members of the Public Employee Retirement 153438  
System whose job duties will be transferred to the Department of 153439  
Job and Family Services. Notwithstanding any provision of 153440  
section 145.297 of the Revised Code to the contrary, a 153441  
retirement incentive plan established pursuant to this section 153442  
shall remain in effect until December 31, 2027. 153443

(F) No validation, cure, right, privilege, remedy, 153444  
obligation, or liability is lost or impaired by reason of the 153445  
transfer required by this section but shall be administered by 153446  
the Department of Job and Family Services. No action or 153447  
proceeding pending on the effective date of the transfer of 153448  
duties, functions, and programs to the Department of Job and 153449  
Family Services is affected by the transfer and shall be 153450  
prosecuted or defended in the name of the Department or 153451  
Director, as appropriate. In all such actions for those 153452  
transferred duties, functions, and programs, the Department or 153453  
Director shall be substituted as a party. 153454

(G) Effective July 1, 2027, or on an earlier date 153455  
determined by the directors identified in this division, all 153456

contracts, records, documents, files, equipment, assets, and 153457  
other materials of the programs and staff resources transferred 153458  
under this section are to be transferred to the Department of 153459  
Job and Family Services. 153460

(H) All rules, orders, and determinations made or 153461  
undertaken related to programs listed in this section shall 153462  
continue in effect as rules, orders, and determinations of the 153463  
Department of Job and Family Services until modified or 153464  
rescinded by the Department of Job and Family Services. If 153465  
necessary to ensure the integrity of the numbering of the 153466  
Administrative Code and at the request of the Director of Job 153467  
and Family Services, the Director of the Legislative Service 153468  
Commission may renumber the rules related to the programs listed 153469  
in this section to reflect this transfer. 153470

(I) Notwithstanding any provision of law to the contrary, 153471  
the Director of Budget and Management shall make budget and 153472  
accounting changes to implement the transfer of duties, 153473  
functions, and program of the programs listed in this section to 153474  
the Department of Job and Family Services as described in this 153475  
section, including administrative organization, renaming of 153476  
funds, creation of new funds, transfer of state funds, and 153477  
consolidation of funds. The Director of Budget and Management 153478  
may, if necessary, cancel or establish encumbrances or parts of 153479  
encumbrances in the appropriate funds and appropriation items 153480  
for the same purposes and for payment to the same vendor. Such 153481  
encumbrances are hereby appropriated. If necessary for the 153482  
continued efficient administration of programs listed in this 153483  
section, the Director of Budget and Management may transfer 153484  
appropriations between the Department of Job and Family Services 153485  
and the Department of Development to continue levels of program 153486  
services and efficiently deliver state funding to those programs 153487

as appropriated herein. Such changes are hereby appropriated. 153488

**Section 525.40.** On the effective date of this section, the 153489  
Ohio Public Employees Deferred Compensation Board is abolished. 153490  
All records, assets, and liabilities of the Ohio Public 153491  
Employees Deferred Compensation Board shall be transferred to 153492  
the Public Employees Retirement Board. The Public Employees 153493  
Retirement Board is successor to, and assumes the obligations 153494  
of, the Ohio Public Employees Deferred Compensation Board. 153495

Any business commenced, but not completed by, the Ohio 153496  
Public Employees Deferred Compensation Board or the Executive 153497  
Director of that Board on the effective date of this section 153498  
shall be completed by the Public Employees Retirement Board or 153499  
the Executive Director of the Public Employees Retirement System 153500  
in the same manner, and with the same effect, as if completed by 153501  
the Ohio Public Employees Deferred Compensation Board or the 153502  
Executive Director of that Board. No validation, cure, right, 153503  
privilege, remedy, obligation, or liability is lost or impaired 153504  
by reason of the transfer required by this section. 153505

All employees of the Ohio Public Employees Deferred 153506  
Compensation Board are transferred to the Public Employees 153507  
Retirement System and retain their positions and all of the 153508  
benefits accruing thereto. 153509

No action or proceeding pending on the effective date of 153510  
this section is affected by the transfer, and any such action or 153511  
proceeding shall be prosecuted or defended in the name of the 153512  
Public Employees Retirement Board or the Executive Director of 153513  
the Public Employees Retirement System. In all such actions and 153514  
proceedings, the Public Employees Retirement Board or the 153515  
Executive Director of the Public Employees Retirement System, on 153516  
application to the court, shall be substituted as a party. 153517

**Section 525.50.** (A) Notwithstanding any contrary provision 153518  
of sections 102.08, 109.02, 145.054, 145.055, 145.99, 742.043, 153519  
742.044, 742.99, 3307.073, 3307.074, 3307.99, 3309.073, 153520  
3309.074, 3309.99, 3501.05, 3513.10, 3517.01, 3517.08, 3517.081, 153521  
3517.10, 3517.102, 3517.105, 3517.106, 3517.107, 3517.109, 153522  
3517.1011, 3517.1012, 3517.11, 3517.121, 3517.13, 3517.152, 153523  
3517.153, 3517.154, 3517.155, 3517.157, 3517.20, 3517.21, 153524  
3517.22, 3517.23, 3517.992, 3517.993, 3599.03, 3921.22, 153525  
4123.442, 4503.03, 5505.045, 5505.046, and 5505.99 of the 153526  
Revised Code as amended by this act, sections 3517.152 153527  
(3517.14), 3517.153 (3517.15), 3517.154 (3517.16), 3517.155 153528  
(3517.17), 3517.157 (3517.18), 3517.992 (3517.99), and 3517.993 153529  
(3517.171) of the Revised Code as renumbered by this act, or new 153530  
section 3517.991 and sections 111.29 and 3517.1010 of the 153531  
Revised Code as enacted by this act, and notwithstanding the 153532  
repeal of sections 3517.14, 3517.151, 3517.156, 3517.99, and 153533  
3517.991 of the Revised Code by this act, the provisions of 153534  
those sections that were in effect immediately before the 153535  
effective date of this section continue to apply to the Ohio 153536  
Elections Commission until the Commission is abolished on 153537  
January 1, 2026. The Commission shall continue to hear and issue 153538  
decisions concerning complaints filed with the Commission before 153539  
January 1, 2026, in accordance with those provisions. 153540

(B) (1) The Ohio Elections Commission is abolished on 153541  
January 1, 2026. 153542

(2) On January 1, 2026, any complaint pending before the 153543  
Ohio Elections Commission, is transferred to the secretary of 153544  
state for disposition in accordance with sections 153545  
3517.154(3517.16), 3517.155(3517.17), 3517.157(3517.18), and 153546  
3517.993(3517.171) of the Revised Code, as amended and 153547  
renumbered by this act. The Commission shall provide all records 153548

regarding the complaint to the secretary of state. 153549

(3) All other records of the Ohio Elections Commission and 153550  
all of its other assets and liabilities shall be transferred to 153551  
the Ohio Election Integrity Commission. The Ohio Election 153552  
Integrity Commission is successor to, and assumes the 153553  
obligations of, the Ohio Elections Commission. 153554

(C) Except for the disposition of a complaint pending 153555  
before the Ohio Elections Commission, any business commenced but 153556  
not completed by the Ohio Elections Commission or its Executive 153557  
Director on January 1, 2026, shall be completed by the Ohio 153558  
Election Integrity Commission in the same manner, and with the 153559  
same effect, as if completed by the Ohio Elections Commission or 153560  
by its Executive Director. No validation, cure, right, 153561  
privilege, remedy, obligation, or liability is lost or impaired 153562  
by reason of the transfer required by this section. 153563

(D) Subject to the lay-off provisions of sections 124.321 153564  
to 124.328 of the Revised Code, all of the Ohio Elections 153565  
Commission's employees are transferred to the Ohio Election 153566  
Integrity Commission and retain their positions and all of the 153567  
benefits accruing thereto. 153568

(E) On January 1, 2026, or as soon as possible thereafter, 153569  
the Director of Budget and Management shall transfer the cash 153570  
balance of the Ohio Elections Commission Fund (Fund 4P20) to the 153571  
Ohio Election Integrity Commission Fund (Fund 5CS1). Upon 153572  
completion of the transfer, Fund 4P20 is abolished. The Director 153573  
shall cancel any existing encumbrances against appropriation 153574  
item 051601, Operating Support, and reestablish them against 153575  
appropriation item 050604, Ohio Election Integrity Commission. 153576  
The reestablished encumbrance amounts are hereby appropriated. 153577



(F) Whenever the Ohio Elections Commission or its  
Executive Director is referred to in any law, contract, or other  
document, the reference shall be deemed to refer to the Ohio  
Election Integrity Commission.

(G) Except for the disposition of a complaint pending  
before the Ohio Elections Commission, no action or proceeding  
pending on January 1, 2026, is affected by the transfer, and any  
such action or proceeding shall be prosecuted or defended in the  
name of the Ohio Election Integrity Commission. In all such  
actions and proceedings, the Ohio Election Integrity Commission,  
on application to the court, shall be substituted as a party.

**Section 610.10.** That Sections 125.10 (as amended by H.B.  
33 of the 135th General Assembly) and 125.11 (as amended by H.B.  
33 of the 135th General Assembly) of H.B. 59 of the 130th  
General Assembly are hereby repealed.

**Section 610.20.** That Section 755.60 of H.B. 54 of the  
136th General Assembly be amended to read as follows:

**Sec. 755.60.** (A) The Department of Transportation and the  
Ohio Turnpike and Infrastructure Commission shall work together  
to create a joint plan regarding the feasibility of connecting  
U.S. Route 23 to Interstate Route 71 ~~by doing through~~ one of the  
following options:

- (1) Expanding State Route 229 in northern Delaware County;
- (2) Expanding another similar state route or other highway  
in northern Delaware County;
- (3) Creating a new freeway between U.S. Route 23 and  
Interstate Route 71 in northern Delaware County;
- (4) Creating a toll road between U.S. Route 23 and

Interstate Route 71 in northern Delaware County; 153606

(5) Creating a new freeway, which may be a toll road, in 153607  
the region between State Route 529 and Waldo, Ohio heading 153608  
eastward toward Interstate Route 71 north of Marengo, Ohio in 153609  
Marion County and Morrow County; 153610

(6) Any other alignment considered appropriate by the 153611  
Department and the Commission. 153612

~~(B) As part of the plan, related to the options specified-~~ 153613  
~~in divisions (A) (3) and (4) of this section, the~~ 153614  
~~Not later than~~ 153615  
~~October 1, 2025, the Department and Commission shall prepare a~~ 153616  
~~preliminary engineering submit an interim report that determines~~ 153617  
~~the most feasible routes for the new freeway or toll road. As~~ 153618  
~~part of the report, the Department and Commission shall~~ 153619  
~~determine five potential alignments for the freeway or toll road~~ 153620  
~~and specify which alignment is the preferred route~~ 153621  
includes both  
of the following:

(1) An identification and evaluation of conceptual 153622  
corridor alternatives related to the options and alignments 153623  
specified in division (A) of this section; 153624

(2) A preliminary assessment of the toll feasibility, 153625  
including whether the Commission's statutory authority is 153626  
sufficient to make the project a turnpike project. 153627

~~(C) The plan shall be completed not later than three-~~ 153628  
~~months after the effective date of this section.~~ 153629

~~(D) As part of the plan, the Department and the Commission~~ 153630  
~~shall determine whether construction~~ 153631  
Not later than October 1, 153632  
2026, the Department and Commission shall submit a final joint 153633  
plan that includes all of the following:

(1) Identification of a preferred route connecting U.S. 153634  
Route 23 to Interstate Route 71; 153635

(2) Completion of preliminary engineering assessments, 153636  
including the preliminary design of the preferred route 153637  
specified in division (C) (1) of this section, the cost estimates 153638  
of construction, and the right-of-way and environmental impacts; 153639

(3) A recommendation regarding whether implementation 153640  
would be best conducted by the Department or the Commission. If 153641  
~~construction~~ implementation is best conducted by the Commission, 153642  
the plan also shall include an evaluation of whether the 153643  
Commission's statutory authority is sufficient to make the 153644  
project a turnpike project. 153645

~~(E)~~ (D) The Department and Commission shall submit ~~their~~ 153646  
both the interim report and the final joint plan specified under 153647  
divisions (B) and (C) of this section to the President of the 153648  
Senate, the Speaker of the House of Representatives, the 153649  
Minority Leaders of both the Senate and the House of 153650  
Representatives, and the chairpersons of the respective 153651  
committees of the House of Representatives and Senate 153652  
responsible for transportation related matters. 153653

**Section 610.21.** That existing Section 755.60 of H.B. 54 of 153654  
the 136th General Assembly is hereby repealed. 153655

**Section 620.10.** That Section 265.550 of H.B. 33 of the 153656  
135th General Assembly (as amended by H.B. 250 of the 135th 153657  
General Assembly) be amended to read as follows: 153658

**Sec. 265.550.** PUPIL TRANSPORTATION PILOT ~~PROGRAM~~ PROGRAMS 153659

(A) The Department of Education and Workforce shall 153660  
establish two pilot programs under which two educational service 153661  
centers shall provide transportation to students in lieu of the 153662

students receiving transportation from their resident school 153663  
district. Not later than October 15, 2023, the Department shall 153664  
select both of the following to participate in a pilot program 153665  
under this section: 153666

(1) One service center that is in a county located in 153667  
central Ohio with a population of 1,323,807, according to the 153668  
2020 United States census; 153669

(2) One service center that is in a county located in 153670  
southwest Ohio with a population of 537,309, according to the 153671  
2020 United States census. 153672

(B) (1) The service center selected under division (A) (1) 153673  
of this section shall identify students who are struggling with 153674  
transportation issues, as determined by their resident school 153675  
district, and are served by the service center, community 153676  
schools, or chartered nonpublic schools that enroll students 153677  
from the district or districts for whom the service center will 153678  
provide transportation during the 2024-2025 school year. 153679

(2) The service center selected under division (A) (2) of 153680  
this section shall provide transportation during the 2024-2025\_ 153681  
and 2025-2026--school--year--years to any student whom the district 153682  
and the educational service center determine is struggling with 153683  
transportation issues that meets either of the following 153684  
criteria: 153685

(a) The student attends a school different from the one to 153686  
which the student would be assigned in the student's resident 153687  
school district. 153688

(b) The student is a child with a disability for whom the 153689  
student's resident school district is required to provide 153690  
transportation as a related service. 153691

(3) In addition to providing transportation to and from a student's place of residence, the service center selected under division (A) (2) of this section also may provide transportation to and from a student's place of employment. 153692  
153693  
153694  
153695

(4) Both service centers shall report to the Department, 153696  
in the manner prescribed by the Department, students who are 153697  
transported by the service center. 153698

(C) No community school or chartered nonpublic school 153699  
shall be required to participate in either pilot program. 153700

~~(D) Each~~ (D) Each participating educational service center 153701  
shall do all of the following for ~~the 2024-2025~~ each applicable 153702  
school year: 153703

(1) Arrange for the use of a sufficient number of school 153704  
buses or other approved vehicles designed to transport not more 153705  
than nine passengers, not including the driver, and bus drivers 153706  
or other individuals authorized to transport students in other 153707  
approved vehicles, to transport students from participating 153708  
schools who qualify for transportation under section 3327.01 of 153709  
the Revised Code and the school district's transportation 153710  
policy. However, nothing shall preclude the service center from 153711  
providing transportation to other students enrolled in the 153712  
schools. 153713

(2) Collaborate with participating schools to designate 153714  
daily start and end times for ~~the 2024-2025~~ each applicable 153715  
school year that will enable timely and efficient transportation 153716  
of the schools' students; 153717

(3) On behalf of participating schools, notify the school 153718  
district ~~that those~~ of the students that they will not require 153719  
transportation for the ~~2024-2025~~ applicable school year. 153720

(E) (1) Except as described in division (E) (2) of this 153721  
section, the Department shall deduct from the school district's 153722  
transportation payment under section 3317.0212 of the Revised 153723  
Code and pay to the educational service center the statewide 153724  
average cost per student for the qualifying ridership, under 153725  
section 3317.0212 of the Revised Code, for each student 153726  
transported by the service center in compliance with this 153727  
section. 153728

(2) In the case of a student described in division (C) (1) 153729  
of section 3317.024 of the Revised Code, the service center 153730  
shall not receive a payment under division (E) (1) of this 153731  
section. Instead, the department shall make a payment to the 153732  
service center for such student in the manner prescribed under 153733  
division (C) of section 3317.024 of the Revised Code. 153734

(F) The educational service centers and the school 153735  
districts shall not be subject to section 3327.021 of the 153736  
Revised Code during ~~the 2024-2025~~ each school year in which the 153737  
pilot program they participate in operates with regard to 153738  
students enrolled in participating schools. Notwithstanding 153739  
section 3314.46 of the Revised Code, the service centers may 153740  
provide transportation to any participating community school 153741  
they sponsor. 153742

(G) The educational service centers shall comply with all 153743  
transportation requirements for students with disabilities as 153744  
specified in the individualized education programs developed for 153745  
the students pursuant to Chapter 3323. of the Revised Code 153746

(H) The Department shall evaluate ~~each~~ the pilot program 153747  
in which the service center selected under division (A) (1) of 153748  
this section participates and issue a report of its findings not 153749  
later than September 15, 2025. The Department shall evaluate the 153750

pilot program in which the service center selected under 153751  
division (A) (2) of this section participates and issue a report 153752  
of its findings not later than September 15, 2026. The 153753  
educational service centers and participating schools shall 153754  
submit data and other information to the Department, in a manner 153755  
determined by the Department, for the purpose of conducting the 153756  
evaluation. 153757

**Section 620.11.** That existing Section 265.550 of H.B. 33 153758  
of the 135th General Assembly (as amended by H.B. 250 of the 153759  
135th General Assembly) is hereby repealed. 153760

**Section 620.20.** That Sections 200.30 (as amended by H.B. 153761  
54 of the 136th General Assembly), 221.15 (as amended by S.B. 54 153762  
of the 135th General Assembly), 243.10, 363.10, 371.20 (as 153763  
amended by S.B. 54 of the 135th General Assembly), and 373.15 153764  
(as amended by S.B. 54 of the 135th General Assembly) of H.B. 2 153765  
of the 135th General Assembly be amended to read as follows: 153766

**Sec. 200.30.** ONE TIME STRATEGIC COMMUNITY INVESTMENTS 153767

On June 28, 2024, or as soon as possible thereafter, the 153768  
Director of Budget and Management shall transfer \$17,800,000 153769  
cash from the General Revenue Fund to the One Time Strategic 153770  
Community Investments Fund (Fund 5AY1). 153771

The foregoing appropriation item 042509, One Time 153772  
Strategic Community Investments, shall be used by the Office of 153773  
Budget and Management to provide grants for the projects listed 153774  
in this section in the amounts listed. Prior to disbursing a 153775  
grant to a recipient, the Office of Budget and Management shall 153776  
enter into a grant agreement with the recipient. As part of the 153777  
grant agreement, the recipient shall agree to complete a final 153778  
report, in a form and manner to be prescribed by the Office of 153779

Budget and Management, detailing how the recipient used the 153780  
grant and submit the report to the Office of Budget and 153781  
Management. 153782

An amount equal to the unexpended, unencumbered balance of 153783  
the foregoing appropriation item 042509, One Time Strategic 153784  
Community Investments, at the end of fiscal year 2025 is hereby 153785  
reappropriated for the same purpose in fiscal year 2026. 153786  
153787

1	2
A Project	Amount
B Adams County Fairgrounds Improvements	\$400,000
C Adams County Welcome Center	\$350,000
D Adams County Community Foundation	\$200,000
E West Union Wastewater Plant Improvements	\$200,000
F Lima Veterans Memorial Hall Improvements	\$10,000,000
G Allen County Airport Fuel Farm	\$1,000,000
H Rhodes State Advanced Manufacturing Equipment and Lab	\$440,000
I Allen County Child Support Enforcement Agency Facility	\$375,000
J Heir Force Community School Land Acquisition	\$250,000
K Temple Christian School Building Expansion	\$250,000



L	Boys and Girls Club of Lima	\$100,000
M	Ashland County Fair	\$1,100,000
N	Cinnamon Lake Sewer District Lift Station	\$1,000,000
O	Charles Mill Marina Houseboat and Path Renovation	\$910,000
P	Hugo Young Theatre	\$248,554
Q	Davy McClure Outdoor Education Shelter	\$200,000
R	Ashland County Fire Training Facility	\$200,000
S	Hickory Street Sanitary Sewer Lift Station	\$76,000
T	Rowsborg Community Center	\$30,000
U	Hayesville Pedestrian Walkway	\$25,000
V	SPIRE Institute	\$1,000,000
W	Ashtabula Juvenile Court Improvements	\$800,000
X	Boys and Girls Club of Ashtabula	\$132,274
Y	Country Neighbor Program	\$101,600
Z	VFW Roof Repairs Geneva Post 6846	\$99,037
AA	Ashtabula Arts Center Restroom Project	\$45,000
AB	Athens Regional Training Center	\$2,500,000
AC	The Appalachian Center for Economic Networks	\$700,000

	Food Sector Accelerator Project	
AD	Nelsonville-York Elementary School (NYES) Playground Renovation	\$250,000
AE	York Township VFD Project	\$250,000
AF	City of Nelsonville Dog Park	\$139,731
AG	Boys and Girls Club of Athens	\$100,000
AH	Buchtel Village Park Project	\$100,000
AI	Edna Brooks Domestic Violence Shelter	\$36,800
AJ	Village of Waynesfield Veteran's Park Enhancement	\$352,950
AK	Saint Mary's Reservoir Mill	\$250,000
AL	New Bremen Public Library Renovation	\$200,000
AM	YMCA Auglaize-Mercer Recreation Complex	\$200,000
AN	Barton VFD Station	\$1,000,000
AO	Belmont Volunteer Fire Department New Station	\$1,000,000
AP	The Sargus Center Revitalization and Sustainability Initiative	\$500,000
AQ	Mead Township Hall and Garage Project	\$300,000
AR	VFW Roof Repairs Powhatan Point Post 5565	\$24,900

AS	Future Plans Sanctuary	\$3,000,000
AT	Brown County Junior Fair Covered Horse Arena	\$400,000
AU	Water Infrastructure Bramel Mobile Home Park	\$400,000
AV	Millikin Interchange Improvements	\$8,500,000
AW	Madison Township Firehouse Improvements	\$1,750,000
AX	BCRTA Outdoor Workforce Training	\$1,000,000
AY	Riversedge Amphitheater Expansion	\$1,000,000
AZ	Shuler Benninghofen Mixed-Use Project	\$1,000,000
BA	VOA MetroPark Museum Grand Entrance	\$1,000,000
BB	Oxford Student Safety Project	\$800,000
BC	Liberty Playground Replacement Project	\$500,000
BD	Madison Township Park Revitalization	\$500,000
BE	Welding Lab Program Expansion in Fairfield Township	\$450,000
BF	Monroe Plaza South Project	\$400,000
BG	Hamilton YWCA Domestic Violence Project	\$400,000
BH	World Class Clubs: Repairing Community Gymnasium	\$225,000
BI	Boys and Girls Club of West Chester/Liberty	\$218,796

BJ	VFW Roof Repairs West Chester Post 7696	\$15,560
BK	Carroll County Annex Building Rehab	\$500,000
BL	Seven Ranges Scout Reservation Facility Upgrades	\$500,000
BM	Dellroy Village Storm Drain and Street Repair	\$250,000
BN	Carroll County Agricultural Service Center	\$200,000
BO	Minerva Downtown Revitalization Project	\$200,000
BP	Dellroy Village Offices/Garage Renovations	\$195,250
BQ	Champaign Aviation Museum Improvements	\$20,000
BR	Champion City Sports and Wellness Center	\$4,000,000
BS	A.B. Graham Memorial	\$750,000
BT	Champion Center Arena Improvements	\$250,000
BU	Goshen Fire Department Station 18 Rebuild	\$2,500,000
BV	Felicity Veterans Village Housing Project	\$1,000,000
BW	Milford Five Points Landing	\$400,000
BX	Union Township Community Splash Pad	\$268,125
BY	Nisbet Park Amphitheater	\$250,000
BZ	Moscow Ohio River Stabilization, Phase III	\$240,000
CA	Williamsburg Township Emergency Services	\$150,000

	Upgrades	
CB	Owensville Historical Society Museum	\$132,000
CC	Williamsburg Community Park Trail Extension	\$86,770
CD	VFW Roof Repairs Loveland Post 5354	\$28,505
CE	VFW Roof Repairs New Richmond Post 6770	\$20,894
CF	Boys and Girls Club of Clermont	\$18,921
CG	Wilmington Runway Reopening and Improvements	\$3,500,000
CH	Doan-Walnut-Short Street Water Main	\$500,000
CI	Columbiana County Annex/Drug Task Force Building	\$2,900,000
CJ	Utica Shale Academy Improvements	\$2,500,000
CK	East Palestine Village Safety Complex	\$1,000,000
CL	Hanover Township Fire and Emergency Medical Services Expansion Initiative	\$250,000
CM	Lepper Restoration Project	\$175,000
CN	City of Coshocton Fire Training Tower	\$1,000,000
CO	Coshocton Skip's Landing and Downtown Revitalization	\$750,000
CP	City of Coshocton Roscoe Cemetery Improvements	\$460,000

CQ	City of Coshocton Pickleball Court Upgrades	\$300,000
CR	City of Coshocton Water Plant Electrical Upgrades	\$300,000
CS	City of Coshocton Town Hall Roof Project	\$240,000
CT	City of Coshocton Emergency Generator Project	\$200,000
CU	Coshocton County Library Masonry Project	\$48,000
CV	Maplecrest Community Center	\$500,000
CW	The Galion Depot Canopy Restoration Project	\$200,000
CX	The New Washington Veteran's Memorial Park Project	\$34,460
CY	Cuyahoga County Northcoast Connector	\$20,000,000
CZ	Bedrock Riverfront Development	\$8,000,000
DA	Rock and Roll Hall of Fame Museum Expansion and Renovation Project	\$7,000,000
DB	Cleveland Port Bulk Terminal Modernization	\$5,000,000
DC	West Side Market in Cleveland	\$2,400,000
DD	Cahoon Park	\$2,000,000
DE	Cleveland Zoo Primate Forest	\$2,000,000
DF	Irishtown Bend Park	\$2,000,000

DG	Valor Acres Brecksville Veterans Affairs Hospital Site Redevelopment	\$2,000,000
DH	Blue Abyss	\$1,800,000
DI	Two Foundation Building Purchase and Renovation	\$1,625,000
DJ	Park Synagogue	\$1,500,000
DK	The Music Settlement - Gries House Redevelopment	\$1,500,000
DL	Brook Park Community Center Restoration	\$1,000,000
DM	Cleveland Women's Soccer Stadium	\$1,000,000
DN	Electric Building Renovation	\$1,000,000
DO	Independence Selig Drive Emergency Access	\$1,000,000
DP	Shaker Heights Doan Brook Park	\$1,000,000
DQ	YMCA of Greater Cleveland - New Facility Construction	\$1,000,000
DR	Argonaut Project - Advancing Aviation and Maritime Pipeline	\$800,000
DS	Birthing Beautiful Communities Birth Center	\$800,000
DT	Connecting the Circle	\$800,000
DU	Glenville YMCA	\$800,000

DV	Saint Edwards High School Sustainable Urban Agriculture	\$800,000
DW	Cleveland Public Square Improvements	\$750,000
DX	University Heights Municipal Sewer Project	\$700,000
DY	University Hospitals Breast Center - Parma	\$700,000
DZ	Cleveland Habitat Building Project	\$507,500
EA	Cleveland Airport NEOFIX	\$500,000
EB	Euclid Public Library Green Branch Improvements	\$500,000
EC	Hospice of the Western Reserve Center for Community Engagement and Hospice Care	\$500,000
ED	JumpStart Northern Ohio Operations	\$500,000
EE	Ohio Aerospace Institute Sensitive Information Research Facility	\$500,000
EF	Rocky River Fire Station Improvements	\$500,000
EG	Saint Casimir Parish Improvements	\$500,000
EH	Seven Hills Fire Department	\$500,000
EI	Vocational Guidance Services Renovation Cleveland Facility	\$500,000
EJ	YWCA of Greater Cleveland	\$500,000



EK	Boys and Girls Club of Broadway in Cuyahoga County	\$485,005
EL	Maltz Museum of Jewish Heritage	\$480,000
EM	Richmond Heights Salt Bin	\$450,000
EN	Magnolia Clubhouse	\$400,000
EO	Middleburg Heights Central Park Phase 1	\$400,000
EP	Cleveland Institute of Art - Interactive Media Lab	\$365,000
EQ	Greenstone Lifeline Connection Improvements	\$327,867
ER	Chagrin Valley Volunteer Fire Station	\$300,000
ES	Berea City Hall and Police Station Upgrades	\$250,000
ET	Jenning's Center for Older Adults	\$250,000
EU	Journey Center for Safety and Healing/Domestic Violence Shelter	\$200,000
EV	Lyndhurst Community Center Audio Visual Project	\$200,000
EW	MetroHealth Emergency Department Refresh	\$200,000
EX	Northeast Ohio Music Arts Development Hub	\$200,000
EY	Olmsted Falls Visibility Project	\$200,000
EZ	Camp Cheerful Reimagined	\$175,000

FA	VFW Roof Repairs Solon Post 1863	\$88,787
FB	VFW Roof Repairs Parma Post 1974	\$28,633
FC	VFW Roof Repairs Cleveland Post 2533	\$17,208
FD	Western Ohio Regional Fire Training Facility	\$750,000
FE	Eldora Speedway Public Safety Upgrades	\$400,000
FF	Historic Bear's Mill Infrastructure Restoration	\$275,000
FG	The Darke County Fish and Game Association	\$120,000
FH	Ney/Washington Township Fire Department Building	\$300,000
FI	Veterans Memorial Park at Latty's Grove Rehabilitation Project	\$200,000
FJ	Little Brown Jug Grandstand Renovation	\$2,500,000
FK	Sunbury Ohio-to-Erie Trail Expansion	\$1,250,000
FL	Boardman Arts Park Improvements Whimsy Venue	\$1,000,000
FM	Stockhands Horses for Healing, Capital Improvement Project	\$908,000
FN	Dempsey Wildlife and Education Renovation	\$600,000
FO	Delaware County Bicentennial Barn Renovation	\$500,000
FP	Powell Adventure Park Expansion	\$480,000

FQ	"Smuirfield" Golf Project	\$225,000
FR	Ohio Fallen Heroes Memorial	\$70,000
FS	VFW Roof Repairs Sunbury Post 8736	\$58,440
FT	Worenstaff Memorial Public Library Renovation	\$34,000
FU	The Landing in Erie County	\$3,000,000
FV	Battery Park Coastal Improvements	\$1,000,000
FW	NW Ohio Water Quality Improvements/Cold Creek Foundation	\$800,000
FX	Camp Timberlane Infrastructure Improvements	\$600,000
FY	Kelley's Island East Lakeshore Shoreline Protection	\$400,000
FZ	Erie County Fairgrounds Infrastructure Improvements	\$250,000
GA	Erie County Jail Surveillance Upgrades	\$200,000
GB	Huron Boat Basin and Amphitheater Capital Improvement Project	\$200,000
GC	Sawmill Creek Wastewater Treatment Plant Expansion	\$200,000
GD	Violet Township Event Center	\$2,100,000
GE	Gateway Mixed Use District	\$2,000,000

GF	Government Services Building Acquisition and Renovation	\$2,000,000
GG	Wendel Pool Dehumidification System Replacement	\$550,000
GH	Walnut Township Flood Mitigation	\$500,000
GI	Pickerington Covered Bridge Rehabilitation	\$350,000
GJ	Pickerington Connects	\$234,410
GK	Elmwood Playground	\$225,000
GL	Expanding Horizons - Meals on Wheels Senior Services Center	\$200,000
GM	Historic Lancaster Bell and Clock Tower	\$150,000
GN	Sycamore Creek Park Pond Restoration	\$125,000
GO	Wagnalls Memorial Window Project	\$50,000
GP	American Legion Post 283 Improvements	\$20,000
GQ	Rushville Union Lions Club Accessible Parking	\$5,500
GR	Jeffersonville Rattlesnake Water System Improvements	\$1,000,000
GS	Wayne Township Firehouse Community Shelter	\$175,000
GT	The Ohio Center for Advanced Technologies	\$20,000,000
GU	Columbus Symphony Orchestra - Music for All	\$18,500,000

GV	Downtown Columbus Capital Line	\$10,000,000
GW	Heritage Trail Expansion	\$8,000,000
GX	John Glenn International Airport Improvements	\$7,500,000
GY	OP Chaney Grain Elevator Restoration	\$2,800,000
GZ	Downtown Security Command Center	\$1,500,000
HA	Unverferth House Revitalization and Expansion Campaign	\$1,500,000
HB	Historic Dublin Riverfront Revitalization	\$1,230,000
HC	Heartland Music Incubator	\$1,000,000
HD	Norwich Township Fire Department Station 84	\$1,000,000
HE	Westland Mall Renovations	\$1,000,000
HF	Hilliard First Responders Park	\$800,500
HG	Green Lawn Cemetery Chapel	\$750,000
HH	Heinzerling Facility Improvements	\$750,000
HI	Whitehall Police Department Emergency Facility	\$605,220
HJ	Knoll View Place	\$600,000
HK	Tolles Cybersecurity Lab Renovation	\$600,000
HL	Edison Welding Institute Renovations	\$500,000

HM	Elevate Northland	\$500,000
HN	LifeTown Kindness Center	\$500,000
HO	National Center for Urban Solutions Facility	\$500,000
HP	Scioto Rise Place	\$500,000
HQ	Dublin Brand Road Pedestrian Tunnel Flood Mitigation	\$468,000
HR	OZEM Gardner House Rehabilitation	\$375,000
HS	Somali Community Link Center	\$350,000
HT	The Refuge	\$250,000
HU	Grandview Heights Fire EMS Police Facility	\$200,000
HV	Grandview Heights McKinley Field Park	\$200,000
HW	Tawnya Salyer Memorial Statue	\$200,000
HX	Columbus Urban League Career Connect Hub	\$150,000
HY	Boys and Girls Club of J. Ashburn	\$138,585
HZ	VFW Roof Repairs Reynoldsburg Post 9473	\$32,695
IA	Building the Future of 4-H Camp Palmer	\$1,825,000
IB	Community Event and Recreational Facility Renovation in Wauseon	\$500,000
IC	Fulton County Fairgrounds Arts and Craft	\$80,000

	Building	
ID	Gallia County Council on Aging New Facility	\$2,500,000
IE	Reservoir Enhancement Project	\$2,250,000
IF	Gallia County Sheriff Office Renovation	\$225,000
IG	Hambden Fire Station Project	\$2,000,000
IH	Montville Fire Station Construction	\$1,250,000
II	Chardon Fire Department Equipment Project	\$1,000,000
IJ	Burton Berkshire Local Schools Career Pathways Program	\$915,037
IK	Geauga County Fair	\$500,000
IL	Russell Township Community Building	\$370,905
IM	Chester Township Police Department Building Renovation	\$348,875
IN	Chardon Memorial Stadium Restroom and Concession Project	\$250,000
IO	Geauga County Safety Center Parking Lot	\$250,000
IP	Salt Dome Structural Repairs	\$155,000
IQ	St. Mary School Playground Enhancements	\$4,000
IR	Cedarville Opera House	\$12,000,000

IS	Clifton Union School Improvements	\$3,900,000
IT	Future Development of Wright-Patterson	\$3,500,000
IU	Clifton Opera House	\$1,900,000
IV	Skyway SCIF Center	\$1,000,000
IW	Spring House Park: Phase One	\$1,000,000
IX	WSU: Archive Facility Upgrades	\$500,000
IY	OhioMeansJobs Greene County Improving Accessibility Project	\$175,000
IZ	Ohio Veterans' Children's Home Expansion and Upgrade, Phase 1	\$150,000
JA	Cambridge YMCA	\$3,000,000
JB	Route 40 East Sewer Extension	\$1,000,000
JC	Cambridge Fire Department Renovations	\$560,000
JD	Old Washington Community VFD Station	\$250,000
JE	Hamilton County Convention Center District Development	\$46,000,000
JF	University of Cincinnati Health	\$16,750,000
JG	Xavier University College of Osteopathic Medicine	\$9,750,000
JH	Riverbend 2.0	\$8,000,000



JI	Blue Line Foundation HQ and Regional Training Center	\$1,000,000
JJ	605 Plum Convention Center Garage Renovation	\$945,771
JK	Boys and Girls Club of Taft	\$300,978
JL	Boys and Girls Club of East Hamilton	\$194,722
JM	Boys and Girls Club of Sheakley	\$58,529
JN	Findlay YMCA	\$1,250,000
JO	Hancock County Fair	\$500,000
JP	Hancock County Park District	\$250,000
JQ	Owens State Community College CDL Facilities	\$250,000
JR	Ada War Memorial Park	\$500,000
JS	Hardin County Fair	\$500,000
JT	Kenton Fire Department	\$500,000
JU	Ohio Northern University HealthWise Mobile Health Clinic	\$500,000
JV	Pump House Funding - Rodney Hensel	\$200,000
JW	Hardin County Veterans Memorial Park District	\$50,000
JX	Alger Baseball Field	\$40,000
JY	Harrison County Fairground Replacement and	\$720,000

	Enhancement	
JZ	Regional Safety Center at Tappan Lake	\$650,000
KA	Jewett Fire and Emergency Equipment Storage Building	\$325,000
KB	Village of Bowerston VFD	\$205,000
KC	Village of Bowerston Maintenance Building	\$100,000
KD	Napoleon Public Library Improvements	\$1,000,000
KE	The Henry County Community Event Center Office Addition	\$1,000,000
KF	Corn City Regional Fire District New Fire Station	\$500,000
KG	Napoleon Water Tower Upgrades	\$135,000
KH	Core Networking Equipment at The Center for Child and Family Advocacy (CCFA) in Henry County	\$72,000
KI	Malinta Community Historical Society Site Project	\$45,000
KJ	Highland County Engineer Truck Barn	\$1,000,000
KK	Camp Wyandot Historic Camper Cabin Project	\$50,000
KL	Union Furnace / Starr Township Improvements	\$35,000
KM	Agricultural Society Millersburg Expo	\$750,000

KN	Safe Harbor Ohio	\$500,000
KO	Winesburg Park Improvements	\$250,000
KP	West Holmes Local Schools Robotics Program	\$22,000
KQ	Norwalk Theater Restoration	\$2,000,000
KR	Norwalk Public Library Rehab	\$400,000
KS	Feichtner Memorial Building Improvements	\$250,000
KT	Huron County Transfer Station Scale Replacement	\$202,000
KU	Jackson County Memorial Building Renovation	\$2,500,000
KV	City of Jackson Park and Trail Revitalization	\$1,000,000
KW	Jackson County Courthouse Building and Grounds Renovation	\$600,000
KX	Blamer Park Renovation	\$392,038
KY	Wellston Food Pantry Turn-Key Renovation	\$200,000
KZ	Wellston Fire Department Training Academy	\$175,000
LA	Jefferson County Agricultural Society Small Animal Barn	\$35,000
LB	Mount Vernon Police Station	\$2,000,000
LC	Fredericktown Water Infrastructure Improvements	\$750,000

LD	Family Fun Grounds in Knox County	\$125,000
LE	Willoughby Osborne Park Shoreline Protection	\$2,000,000
LF	Uptown Mentor Revitalization	\$1,500,000
LG	ISTEM Painesville Township Haden Facility and Crowns Project	\$1,000,000
LH	Mentor Fire Station	\$1,000,000
LI	University Hospitals TriPoint Breast Center - Painesville	\$938,750
LJ	Concord Township Waterline Extension Project	\$500,000
LK	Lake Erie College Center for Health Sciences	\$500,000
LL	Lake Metro Parks Lakefront Trail	\$500,000
LM	Kirtland Public Library Roof Project	\$340,625
LN	Mentor on the Lake - Lake Overlook	\$300,000
LO	Rabbit Run Theater Improvements	\$100,000
LP	VFW Roof Repairs Mentor Post 9295	\$35,478
LQ	Resources for Restoring Lives and Providing Safety and Security	\$15,328
LR	Wayne National Forest Welcome Center	\$5,000,000
LS	Coal Grove Village Riverfront Park	\$1,250,000

LT	Lawrence County School Communications	\$750,000
LU	Necco Center Improvements	\$375,000
LV	Boys and Girls Club of Portsmouth	\$100,000
LW	Buckeye Lake North Shore Park and Pier	\$8,500,000
LX	Memorial Health Systems Education and Event Center	\$3,000,000
LY	Johnstown - Mink Street Water Infrastructure	\$500,000
LZ	Newark Towne Center Project	\$1,854,000
MA	Buckeye Valley Family YMCA Pataskala Childcare Center	\$200,000
MB	Mary Ann Township Fire Department	\$66,000
MC	Hanover Hains Hill Drive Drainage Improvements	\$52,000
MD	Junior Achievement - Regional Satellite Learning Center	\$50,000
ME	Boys and Girls Club of Newark	\$46,195
MF	Indian Lake Advocacy Group	\$5,000,000
MG	Logan County Sewer District Flat Branch Upgrades	\$1,500,000
MH	Bellefontaine Calvary Christian School	\$250,000

MI	Indian Lake Pickleball	\$150,000
MJ	Lorain County Community College Desich Entrepreneurship Center 3rd Floor Microelectronics Training Hub	\$2,500,000
MK	Lorain County Fairs	\$2,500,000
ML	Boys and Girls Club of Elyria South	\$1,000,000
MM	Lorain County PACE Site Modifications	\$1,000,000
MN	The Nord Center Capital Improvement Project	\$1,000,000
MO	French Creek Sports Complex	\$925,000
MP	Lorain County <del>Administrative Building</del> <u>Justice Center</u>	\$750,000
MQ	North Ridgeville Cypress Avenue Project	\$700,000
MR	Sheffield Lake Field House Rec Complex	\$600,000
MS	Black River Landing Amphitheater	\$500,000
MT	Haven Center Emergency Shelter / Neighborhood Alliance	\$500,000
MU	Vocational Guidance Services (VGS) Project - Lorain	\$500,000
MV	Lorain County Health and Dental Facility	\$375,000
MW	Elyria Public Library West River Branch	\$300,000

MX	Lorain Hispanic Veterans Memorial	\$300,000
MY	Lorain County Kennel Project	\$250,000
MZ	El Centro Facility Improvements	\$200,000
NA	Good Knights Bed Building Center	\$150,000
NB	Sheffield Village Colorado Avenue Side Path	\$150,000
NC	Carlisle Township Hall Project	\$100,000
ND	VFW Roof Repairs Wellington Post 6941	\$12,276
NE	Lucas County Seawall and River Edge Reconstruction Project	\$3,000,000
NF	Toledo Innovation Center	\$3,000,000
NG	Inclusive Multigenerational Community and Recreation Center (IMCRC)	\$2,900,000
NH	Virginia Stranahan Trail and Senior Affordable Housing/Senior Center Development	\$2,700,000
NI	Eugene F. Kranz Toledo Express Airport Terminal Renovation Project	\$2,000,000
NJ	Toledo YWCA Domestic Shelter Project	\$2,000,000
NK	Toledo Zoo Reptile House	\$1,740,000
NL	Toledo Fire and Rescue Department Facility Repairs	\$1,600,000

NM	Ottawa Park Revitalization Phase 1	\$950,000
NN	Imagination Station; Toledo Science Center World of Discovery Exhibit	\$750,000
NO	Homer Hanham Boys and Girls Club Renovation	\$650,000
NP	Toledo Seagate Food Bank	\$650,000
NQ	Pre-Medical and Health Science Academy at Mercy College	\$500,000
NR	Toledo School for the Performing Arts Replacement Windows	\$500,000
NS	Sylvania Township Safety Training and Grounds Improvement	\$485,000
NT	Toledo Safe Haven Ronald McDonald Facility	\$300,000
NU	Whitney Manor	\$300,000
NV	Toledo Hensville Entertainment District	\$250,000
NW	Ottawa Hills Walk Path Project	\$175,000
NX	Glass City Mural Wall Lighting (Toledo)	\$100,000
NY	Lucas County Sheriff Substation Renovation	\$100,000
NZ	Toledo Broadway Commercial Redevelopment Project	\$100,000
OA	Madison County Airport Improvements	\$35,938



OB	Animal Charity of Ohio Infrastructure Expansion	\$1,500,000
OC	Community Learning Center	\$1,000,000
OD	West Branch Regional Community Education and Wellness Training Center in Mahoning County	\$875,000
OE	Mahoning Valley Historical Society Expansion and Improvement	\$750,000
OF	Campbell Access and Safety Project	\$660,000
OG	Mahoning County Veterans Center	\$650,000
OH	Salem Airpark Improvements	\$600,000
OI	Youngstown Area Jewish Federation Building Expansion	\$501,389
OJ	Mahoning Valley Regional Multi-Jurisdictional Infrastructure Initiative	\$450,000
OK	Boys and Girls Club of Youngstown	\$300,000
OL	Youngstown Playhouse Roof	\$238,000
OM	<del>Sheridan Road Multi-Use Trail</del> <u>Village of Poland</u>	\$185,000
ON	Boys and Girls Club of Oak Hill	\$159,131
OO	City of Struthers Mauthe Park Splash Pad	\$103,150
OP	Rich Center for Autism Building for Tomorrow	\$100,000

Phase 2

OQ	OCCHA Renovado Capital Campaign	\$93,500
OR	Canfield Police Department Drone Program	\$60,000
OS	War Vet Museum Facility and Program Improvement Project	\$60,000
OT	Austintown 9-11 Memorial Park	\$50,000
OU	VFW Roof Repairs Ellsworth Post 9571	\$14,480
OV	Marion Harding Performing Arts Center	\$500,000
OW	Marion Soldiers and Sailors Memorial Chapel	\$450,000
OX	George W. King Mansion - Etowah	\$300,000
OY	Boys and Girls Club of Oak Street	\$277,170
OZ	Terradise Nature Center Interpretive Center	\$200,000
PA	Women's History Resource Center Phase II	\$185,000
PB	City of Wadsworth Brickyard Athletic Complex and Fixler Reservation	\$2,500,000
PC	Lake Medina	\$1,500,000
PD	Akron Childrens Medina Health Center	\$1,400,000
PE	Medina County Career Center Modular Fire Training Tower	\$1,000,000

PF	Oenslager Nature Center	\$500,000
PG	City of Medina Multi-Use Uptown Loop Phase 1	\$396,000
PH	Medina County Radio System - Seville Tower	\$450,000
PI	Medina County Sheriff Office Jail Safety Enhancement	\$200,000
PJ	Equine Assisted Mental Health Community Campus	\$200,000
PK	Majestic Equine Connections	\$200,000
PL	Main Street Medina Facade Improvement	\$150,000
PM	Medina County Achievement Center Renovation and Innovative Vocational Training Building	\$100,000
PN	Serenite Restaurant and Culinary Institute Roof/Gutter Repair	\$65,000
PO	Main Street Medina South Town Gateway	\$62,000
PP	VFW Roof Repairs Medina Post 5137	\$60,898
PQ	Homer Township Tornado Siren Project	\$36,834
PR	Chippewa Lake Area Emergency Siren	\$35,000
PS	Ohio University Airport Improvements	\$2,500,000
PT	Meigs County Transportation Hub	\$1,500,000
PU	Racine Entertainment District	\$1,500,000

PV	1872 Hall Complex	\$250,000
PW	Meigs County Fair	\$250,000
PX	Fort Recovery Water Tower	\$600,000
PY	Troy Great Miami River Recreation Connectivity Project	\$2,000,000
PZ	Troy-Miami County Public Library Improvements	\$500,000
QA	Bethel Township VFD Improvements	\$400,000
QB	Graysville and Community VFD Improvements	\$250,000
QC	Bethel Community Center Improvements	\$183,000
QD	Woodsfield Government and Community Center	\$100,000
QE	Midway Community and Senior Citizens	\$70,000
QF	Laings Community Center	\$23,000
QG	VFW Roof Repairs Sardis Post 9930	\$19,836
QH	Miami Chapel Inspire Zone Youth Workforce Development Center - Boys & Girls Club	\$3,000,000
QI	Dayton Aviation Heritage Site (Wright Factory)	\$2,000,000
QJ	Dayton International Airport Concourse B	\$2,000,000
QK	Future Development of Wright-Patterson	\$1,500,000

QL	Healthy Family Market / Dayton Children's Pediatric Center	\$1,500,000
QM	Tri-Cities North Regional Wastewater Authority	\$1,500,000
QN	Kettering Business Park	\$1,250,000
QO	West Carrollton River District and Whitewater Park	\$500,000
QP	Countryside Park Revitalization	\$1,000,000
QQ	Ronald McDonald House of Dayton	\$1,000,000
QR	Schuster Center	\$1,000,000
QS	Union Ring Road Completion Project - Phase II	\$1,000,000
QT	Uptown Centerville Connectivity and Development Improvements	\$1,000,000
QU	Harrison Township Police Headquarters Renovation	\$950,000
QV	Saint Vincent de Paul Community Donation Intake Facility	\$800,000
QW	Saint Vincent de Paul Social Services Emergency Shelter for Men	\$500,000
QX	Homefull Housing, Food and Jobs Center	\$750,000
QY	Jefferson Township Community Improvements	\$600,000

QZ	BOLT Innovation Center	\$500,000
RA	Centerville Schools Safety Access	\$500,000
RB	Dayton Dream Center Transitional Housing	\$500,000
RC	East End Whole Family Services Hub Facility Expansion and Renovation in Dayton	\$500,000
RD	Union Ring Road Completion Project - Phase III	\$500,000
RE	Robinette Park	\$400,000
RF	Homefull's Healthy Start Child Care & Early Learning Center West Dayton	\$350,000
RG	Dayton Airshow	\$300,000
RH	Germantown Covered Bridge	\$275,000
RI	Dayton Clothes that Work! Facility Improvements	\$250,000
RJ	Flyghtwood Sports Life and Leadership Campus	\$250,000
RK	Grant Park Accessibility Improvements	\$250,000
RL	K-12 Gallery and TEJAS Acquisition Project	\$250,000
RM	Miami Township Public Works	\$250,000
RN	Old North Dayton Park Expansion Project	\$250,000
RO	Catholic Social Services Supervised	\$200,000

	Visitation Center	
RP	Dayton Alvis, Inc.	\$195,149
RQ	Boys and Girls Club of Dayton	\$154,851
RR	Preservation of Dayton Woman's Club Historic Mansion	\$100,000
RS	West Memory Gardens Flood Mitigation Project	\$75,000
RT	German Township Channel Maintenance	\$60,000
RU	Miamisburg Historical Society Improvements	\$40,000
RV	Pennsville Volunteer Fire Department - New Building Construction	\$1,500,000
RW	Historic Preservation, Job Creation, and Healthcare Expansion at the Stanbery Building (McConnelsville)	\$500,000
RX	Malta/McConnelsville Equipment Project	\$325,000
RY	Chesterhill VFD Station	\$250,000
RZ	Morgan County Emergency Communications Center	\$250,000
SA	Morgan County Fair	\$250,000
SB	Reinersville Volunteer Fire Department	\$50,000
SC	Flying Horse Farms Renovation and Updates to Facilities	\$350,000

SD	Morrow County Engineers Facility	\$250,000
SE	Morrow County Health Department Renovations	\$250,000
SF	Water Filter Installation for Legacy Phosphorus Fields	\$500,000
SG	The Wilds Giraffe Barn and Innovative Guest Lodging	\$2,500,000
SH	Avondale Youth Center HVAC Upgrade	\$450,000
SI	The Tribe Athletic Complex Track	\$1,000,000
SJ	Ottawa County Workforce Hub and Center for Career Advancement	\$1,250,000
SK	Skills Academy in Ottawa County	\$250,000
SL	Ottawa County Fairgrounds Upgrades	\$200,000
SM	Put-In-Bay Downtown Promenade Renovation	\$200,000
SN	Genoa Civic Theatre Improvements	\$100,000
SO	Paulding County Agricultural Society Racetrack Lighting Improvement	\$41,000
SP	Antwerp Rotary Basketball Court	\$40,000
SQ	Perry County Community Access and Workforce Training	\$500,000
SR	Reading Township Volunteer Fire Department	\$1,250,000



SS	Thornville AMVETS 51	\$80,000
ST	South Bloomfield Corridor Improvements	\$1,500,000
SU	Ohio Christian University for Science	\$500,000
SV	Pickaway County Library	\$250,000
SW	Memorial Hall Window Replacement Project	\$200,000
SX	Pike Emergency Operations Backup Power Project	\$750,000
SY	Ravenna Health Center	\$1,500,000
SZ	Serenity House Residential Facility	\$700,000
TA	Happy Trails Farm Animal Sanctuary Welcome Center	\$500,000
TB	Kent Safety Town	\$250,000
TC	Shalersville Park	\$225,000
TD	Freedom Township Historical Society Historical Museum	\$105,000
TE	Buchert Park Improvements	\$51,000
TF	Portage County Children's Advantage HVAC	\$40,000
TG	Windham Historical Society	\$27,950
TH	Preble County Fairgrounds Stall Barns	\$700,000

TI	Preble Gratis Well Reconstruction	\$50,000
TJ	Fort Jennings Park Pedestrian Bridge and Park Improvements	\$350,000
TK	The Ottoville Park Community Wellness and Recreation Enhancement Project	\$213,000
TL	Womens Policy and Resource Center	\$100,000
TM	Buckeye Park Improvements	\$40,000
TN	Mansfield Christian School Improvements	\$1,500,000
TO	Avita Comprehensive Cancer Center	\$1,150,000
TP	Plymouth Fire Department Building Replacement	\$600,000
TQ	Mansfield Theater "Road to 100" Renovation	\$500,000
TR	YMCA-North Central Ohio Sports Complex	\$500,000
TS	Main Street Plaza Improvement Project	\$250,000
TT	Richland County Agricultural Society	\$100,000
TU	VFW Roof Repairs Mansfield Post 3494	\$27,964
TV	Ohio Genealogical Society Archives Security	\$10,000
TW	Hopewell Regional Visitor Center	\$5,000,000
TX	Union Township Fire Department Project	\$175,000
TY	Fremont Downtown Revitalization	\$1,350,000

TZ	Hayes Presidential Library Improvements	\$300,000
UA	Fremont Water Access Emergency Response	\$150,000
UB	Shawnee State University College of Health and Human Services	\$5,000,000
UC	Appalachian Youth Behavioral Health Services Expansion	\$2,000,000
UD	Scioto County Safety Operations Center	\$696,000
UE	Scioto County Fairgrounds	\$600,000
UF	Green Township Garage	\$500,000
UG	Installer Technician Registered Apprenticeship in Scioto County	\$323,150
UH	Portsmouth Courtroom Renovations	\$240,000
UI	Bloom-Vernon Local Schools Lighting	\$51,600
UJ	Seneca County Agricultural Center	\$370,000
UK	Fostoria Learning Center Security	\$352,000
UL	Seneca County Museum Interior Revitalization	\$190,000
UM	Bettsville Emergency Medical Services Renovation	\$150,000
UN	Attica-Venice Township Joint Cemetery Mausoleum	\$93,742

UO	Court Street Streetscape Project	\$50,000
UP	Ritz Theatre Marquee Renovation	\$30,000
UQ	Fort Loramie Industrial Park	\$724,000
UR	Midwest Regional ESC Resilient Heights Improvements	\$600,000
US	Shelby County Community Workforce Training Center	\$500,000
UT	Boys and Girls Club of Massillon	\$193,904
UU	VFW Roof Repairs Louisville Post 7490	\$42,970
UV	Hall of Fame Village	\$9,763,126
UW	Pro Football Hall of Fame Modernization	\$7,000,000
UX	Stark County Juvenile Detention System Demolition	\$64,200
UY	Cascade Plaza	\$5,000,000
UZ	New Franklin Sewer Project	\$3,800,000
VA	Akron-Canton Airport West Side Development for Aeronautic Activity	\$3,200,000
VB	Cuyahoga Falls Regional Fire Training Complex	\$3,000,000
VC	Akron Art Museum - Center for Digital Discovery	\$2,000,000

VD	Akron Zoo Veterinary Hospital	\$1,750,000
VE	Akron Community Health Center Addiction One Campus Expansion	\$1,250,000
VF	Barberton City Hall and Justice Center	\$1,000,000
VG	Summit County Mobile Medical Project	\$1,000,000
VH	Boston Heights Safety Center	\$986,831
VI	Middle School Trades Education Center in Summit County	\$750,000
VJ	Hudson Inclusive Playground	\$680,000
VK	Summit County Fairgrounds New Agriculture Center	\$600,000
VL	Macedonia Service Center	\$500,000
VM	Child Guidance and Family Solutions - Multi- Campus	\$450,000
VN	Boys and Girls Club - Steve Wise	\$440,913
VO	Akron Urban League Building Improvements	\$400,000
VP	Legacy Building Project Improvements	\$400,000
VQ	Bath North Fork Preserve Improvements	\$170,000
VR	Copley Road Trail East	\$150,000
VS	G.A.R. Hall Rehabilitation	\$150,000

VT	Stark State Oil and Natural Gas Job Training Equipment	\$100,000
VU	Stow First Responders Memorial	\$95,863
VV	Special Education Cornerstone Community School	\$76,393
VW	Boston Township Hall ADA Upgrades	\$50,000
VX	Cortland Safety Service Complex / Training Facility	\$2,150,000
VY	West Warren Industrial Park Traffic and Fire Suppression Improvements	\$1,500,000
VZ	Holy Trinity Orthodox Christian Academy and Preschool	\$1,000,000
WA	Eastwood Field Renovations	\$500,000
WB	Trumbull County Fairgrounds Grandstand Renovation	\$500,000
WC	Cortland's Outdoor Education & Event Space	\$350,000
WD	Bloomfield Regional Emergency Medical Services Renovation Project	\$345,000
WE	Mosquito Lake State Park Water Improvements	\$330,350
WF	Camp Sugarbush Infrastructure Improvements	\$300,000
WG	John F. Kennedy Renovation Project	\$300,000

WH	Hubbard Outpost Sanitary Sewer Project	\$175,000
WI	Liberty Township Fencing Project	\$100,000
WJ	Victory Christian School Renovation	\$100,000
WK	Tuscarawas County Facilities Investments in Health, Safety, and Election Security	\$2,500,000
WL	Tuscarawas County Engineer Building	\$1,350,000
WM	Cleveland Clinic Union Hospital Cancer Center	\$1,000,000
WN	Fire, EMT, Law Enforcement Burn Building	\$500,000
WO	Norma Johnson Center Improvements (Red Barn and Brandywine)	\$250,000
WP	Dover Public Library Roof Replacement Project	\$85,731
WQ	Transportation Research Center, Inc. Impact Lab Upgrades	\$24,000,000
WR	Richwood Pickleball	\$218,000
WS	Leesburg Township Walking Trail and Playground Project	\$162,545
WT	The Village of Richwood Fairgrounds	\$49,849
WU	Northwest State Community College Van Wert Campus Renovation	\$1,000,000
WV	Van Wert Regional Airport Runway Project	\$600,000

WW	VFW Roof Repairs Van Wert Post 5803	\$41,754
WX	Middle Point Memorial Park	\$25,000
WY	Moser Park Concession Stand Replacement	\$19,860
WZ	Wilkesville Township Outdoor Warning Siren	\$35,000
XA	Cincinnati Open Tennis Tournament	\$27,500,000
XB	Warren County Ion Exchange Project	\$200,000
XC	Waynesville and Maineville Girl Scout Camp Improvements	\$200,000
XD	VFW Roof Repairs Mason Post 9622	\$9,969
XE	Mid Ohio Valley Aquatic Center	\$750,000
XF	Decatur Township Building Construction	\$350,000
XG	Boys and Girls Club of Marietta	\$213,909
XH	Marietta Saint Mary of the Assumption Roof Project	\$150,000
XI	Betsy Mills Drainage Project	\$79,000
XJ	Marietta College Womens Softball Complex	\$50,000
XK	VFW Roof Repairs New Matamoras Post 6387	\$13,740
XL	Shreve Wastewater Treatment Plant System Improvements	\$1,750,000



XM	Wooster Community Hospital Improvements	\$1,000,000
XN	Wayne County Agricultural Society, Inc.	\$415,000
XO	Wayne County Airport Hangar Construction Project	\$350,000
XP	Wayne County Emergency Vehicle Drivers Training Course	\$300,000
XQ	Boys and Girls Club of Orrville	\$280,318
XR	Boys and Girls Club of Edgewood	\$186,771
XS	Foodsphere Commercial Kitchen/Food Marketplace	\$100,000
XT	Edgerton Community Center	\$425,000
XU	Installation of Elevator to North Annex Building in Williams County	\$187,076
XV	Wabash Cannonball Trail: Design Engineering	\$153,500
XW	Wood County Engineer Garage and Maintenance Facility (Bowling Green)	\$1,000,000
XX	Wood County Educational Service Center	\$750,000
XY	Positive Community Connections Center Project (Bowling Green)	\$600,000
XZ	Wood County Committee on Aging	\$500,000
YA	City of Perrysburg	\$200,000

YB	North Baltimore Public Library Emergency Repairs	\$100,000
YC	Wood County Public Library Heating Project	\$100,000
YD	Upper Sandusky Midway Industrial Park	\$400,000
YE	VFW Roof Repairs Carey Post 3759	\$20,712

<b>Sec. 221.15.</b>	<b>COMMUNITY SUPPORT</b>	153788
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The foregoing appropriation item C58050, Community	153789
Support, shall be used to support the projects listed in this	153790
section.	153791
	153792

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A	Cleveland Christian Home - Child Wellness Campus	\$1,500,000
B	Boys & Girls Club of Greater Cincinnati	\$1,400,000
C	Lindner Center	\$1,000,000
D	The Buckeye Ranch	\$1,000,000
E	Bellefaire Child and Youth Services Center	\$750,000
F	LADD Forever Home	\$720,000
G	Best Point West Cincinnati Early Childhood and Mental Health Center Construction	\$650,000
H	St. Vincent de Paul Child and Family Advocacy Center	\$600,000
I	Clark County Family Justice Center	\$500,000

J	Horses on the Hill	\$500,000
K	Netcare Facility Improvements	\$500,000
L	New Main Office for Community Counseling Center of Ashtabula County	\$500,000
M	Ravenwood Health Renovation	\$500,000
N	Toledo YWCA Domestic Shelter Project	\$500,000
O	Tri-County Response Center Project	\$500,000
P	Vista Village	\$500,000
Q	The Crossroads Center New Recovery Treatment Center	\$430,000
R	Applewood Centers Inc.	\$425,000
S	Harcum House	\$400,000
T	Maryhaven Residential Treatment Facility Improvements	\$400,000
U	May Dugan Center Renovation	\$400,000
V	YWCA of Greater Cincinnati Domestic Violence Shelter	\$400,000
W	Integrated Community Solutions Community Center	\$350,000
X	Shelby Health & Wellness Renovation Project	\$350,000
Y	Journey Center for Safety and Healing	\$300,000
Z	Alliance Area Domestic Violence Shelter	\$250,000
AA	Alliance YWCA Headquarters Improvements	\$250,000

AB	Ashtabula County Transitional Housing for Homeless Youth	\$250,000
AC	CommQuest Reception Project	\$250,000
AD	Lower Lights Christian Health Center	\$250,000
AE	Paint Creek Youth Center - Multipurpose Community Building	\$250,000
AF	St. Vincent Behavioral Health Project	\$250,000
AG	The Refuge - New Building	\$250,000
AH	Tobacco Treatment Center of Ohio	\$250,000
AI	Wayfinders Ohio Emergency Homeless Shelter	\$250,000
AJ	Addiction Services Council Facility Expansion	\$230,000
AK	Richland County Shelter Renovation Project	\$217,235
AL	Cincinnati Children's Hospital Youth Mental Health Facility	\$210,000
AM	Child Guidance & Family Solutions (CGFS) - Akron Project	\$200,000
AN	Child Guidance & Family Solutions (CGFS) - Stow Buildout	\$200,000
AO	Hancock County ADAMH Board	\$200,000
AP	Sanctuary Night - Expanding to Meet the Need	\$200,000

AQ	Canton Domestic Violence Shelter	\$175,000
AR	OhioGuidestone Youth and Family Resiliency Center	\$150,000
AS	Lorain County Safe Harbor	\$115,000
AT	Foundations Community Childcare, Inc. (FCC)	\$101,129
AU	Shelby Mercy Mission House Renovations	\$101,000
AV	Beyond the Walls	\$100,000
AW	Blue Line Foundation HQ & Regional Training Center	\$100,000
AX	Haven Home Renovations	\$100,000
AY	Livingston Avenue Community New Direction Project	\$100,000
AZ	Mansfield Domestic Violence Shelter Child Advocacy Center Renovation	\$100,000
BA	The Cocoon Project for Survivors of Domestic and Sexual Violence	\$100,000
BB	Toledo Lutheran Social Services Expansion Project	\$100,000
BC	Muskingum Behavioral Health Improvements	\$57,000
BD	Veterans Resource Center Project	\$50,000

<u>The Department of Behavioral Health shall distribute the</u>	153793
<u>foregoing earmark to Vista Village notwithstanding sections</u>	153794
<u>153.06 and 153.07 of the Revised Code.</u>	153795

<b>Sec. 243.10.</b>	153796
	153797

1	2	3
A	PWC PUBLIC WORKS COMMISSION	
B	State Capital Improvements Fund (Fund 7038)	
C	C15000 Local Public Infrastructure	\$400,000,000
D	State Capital Improvements Fund (Fund 7038) Total	\$400,000,000
E	State Capital Improvements Revolving Loan Fund (Fund 7040)	
F	C15030 Revolving Loan	\$100,000,000
G	State Capital Improvements Revolving Loan Fund (Fund 7040) Total	\$100,000,000
H	Clean Ohio Conservation Fund (Fund 7056)	
I	C15060 Clean Ohio Conservation	\$75,300,000
J	Clean Ohio Conservation Fund (Fund 7056) Total	\$75,300,000
K	TOTAL ALL FUNDS	\$575,300,000

LOCAL PUBLIC INFRASTRUCTURE	153798
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Capital appropriations in <del>this act</del> <u>H.B. 2 of the 135th</u>	153799
<u>General Assembly</u> made from the State Capital Improvements Fund	153800
(Fund 7038) shall be used in accordance with sections 164.01 to	153801
164.12 of the Revised Code. The Director of the Public Works	153802
Commission may certify to the Director of Budget and Management	153803
that a need exists to appropriate investment earnings to be used	153804
in accordance with sections 164.01 to 164.12 of the Revised	153805
Code. If the Director of Budget and Management determines	153806

pursuant to division (D) of section 164.08 and section 164.12 of 153807  
the Revised Code that investment earnings are available to 153808  
support additional appropriations, such amounts are hereby 153809  
appropriated. 153810

If the Public Works Commission receives refunds due to 153811  
project overpayments that are discovered during a post-project 153812  
audit, the Director of the Public Works Commission may certify 153813  
to the Director of Budget and Management that refunds have been 153814  
received. In certifying the refunds, the Director of the Public 153815  
Works Commission shall provide the Director of Budget and 153816  
Management information on the project refunds. The certification 153817  
shall detail by project the source and amount of project 153818  
overpayments received and include any supporting documentation 153819  
required or requested by the Director of Budget and Management. 153820  
Upon receipt of the certification, the Director of Budget and 153821  
Management shall determine if the project refunds are necessary 153822  
to support existing appropriations. If the project refunds are 153823  
available to support additional appropriations, these amounts 153824  
are hereby appropriated to appropriation item C15000, Local 153825  
Public Infrastructure/State CIP. 153826

STATE CAPITAL IMPROVEMENT PROGRAM - SMALL GOVERNMENTS 153827

Up to \$10,000,000 in fiscal year 2026 shall be used for 153828  
State Capital Improvement Program (SCIP) projects in townships 153829  
with populations of less than five thousand persons within their 153830  
unincorporated areas. 153831

REVOLVING LOAN 153832

Capital appropriations in ~~this act~~ H.B. 2 of the 135th 153833  
General Assembly made from the State Capital Improvements 153834  
Revolving Loan Fund (Fund 7040) shall be used in accordance with 153835

sections 164.01 to 164.12 of the Revised Code. 153836

If the Public Works Commission receives refunds due to 153837  
project overpayments that are discovered during a post-project 153838  
audit, the Director of the Public Works Commission may certify 153839  
to the Director of Budget and Management that refunds have been 153840  
received. In certifying the refunds, the Director of the Public 153841  
Works Commission shall provide the Director of Budget and 153842  
Management information on the project refunds. The certification 153843  
shall detail by project the source and amount of project 153844  
overpayments received and include any supporting documentation 153845  
required or requested by the Director of Budget and Management. 153846  
Upon receipt of the certification, the Director of Budget and 153847  
Management shall determine if the project refunds are necessary 153848  
to support existing appropriations. If the project refunds are 153849  
available to support additional appropriations, these amounts 153850  
are hereby appropriated to appropriation item C15030, Revolving 153851  
Loan. 153852

CLEAN OHIO CONSERVATION GRANT REPAYMENTS 153853

Capital appropriations in ~~this act~~ H.B. 2 of the 135th 153854  
General Assembly made from the Clean Ohio Conservation Fund 153855  
(Fund 7056) shall be used in accordance with sections 164.20 to 153856  
164.27 of the Revised Code. 153857

Any amount in grant repayments received by the Public 153858  
Works Commission and deposited into the Clean Ohio Conservation 153859  
Fund pursuant to section 164.261 of the Revised Code is hereby 153860  
appropriated through the foregoing appropriation item C15060, 153861  
Clean Ohio Conservation. 153862

**Sec. 363.10.** 153863

153864



	1	2	3
A		DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	
B			Reappropriations
C		Building Improvement Fund (Fund 5KZ0)	
D	C10035	Building Improvement	\$210,942
E		TOTAL Building Improvement Fund	\$210,942
F		Administrative Building Taxable Bond Fund (Fund 7016)	
G	C10041	MARCS - Taxable	\$5,045,730
H	C10044	Lorain County MARCS Tower/Sheffield Lake	\$250,000
I	C10052	Symmes Valley Tower Project in Lawrence County	\$1,000
J	C10055	Highland County MARCS Tower	\$1,000
K		TOTAL Administrative Building Taxable Bond Fund	\$5,297,730
L		Administrative Building Fund (Fund 7026)	
M	C10000	Governor's Residence	\$2,536,996
N	C10010	Office Services Building Renovations	\$64,539
O	C10015	SOCB Renovations	\$622,172
P	C10019	25 S. Front Street Renovations	\$11,801

Q	C10020	North High Building Complex Renovations	\$400,000
R	C10021	Office Space Planning	\$5,000,000
S	C10034	Aronoff Center Systems Replacements and Upgrades	\$1,150,000
T	C10038	Riffe Renovations	\$710,702
U	C10042	IT Projects	\$4,000,000
V	C10051	Fleet Sustainability	\$250,000
W	TOTAL Administrative Building Fund		\$14,746,210
X	Capital IT Projects Fund (Fund 7091)		
Y	C10054	Statewide IT Projects	\$10,000,000
Z	TOTAL Capital IT Projects Fund		\$10,000,000
AA	TOTAL ALL FUNDS		\$30,254,882

MARCS <del>STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS</del>	153865
SYSTEM	153866

<del>(A) There is hereby continued a Multi-Agency Radio</del>	153867
<del>Communications System (MARCS) Steering Committee consisting of</del>	153868
<del>the following members:</del>	153869

<del>(1) The directors, or designees thereof, of Administrative</del>	153870
<del>Services, Public Safety, Natural Resources, Transportation,</del>	153871
<del>Rehabilitation and Correction, and Budget and Management, and</del>	153872
<del>the State Fire Marshal or the State Fire Marshal's designee;</del>	153873

~~(2) The following members appointed by the Governor:~~ 153874

~~(a) One representative of the Ohio Chapter of the~~ 153875  
~~Association of Public Safety Communications Officials or its~~ 153876  
~~successor organization;~~ 153877

~~(b) One representative of the Buckeye State Sheriff's~~ 153878  
~~Association or its successor organization;~~ 153879

~~(c) One representative of the Ohio Association of Chiefs~~ 153880  
~~of Police or its successor organization;~~ 153881

~~(d) One representative of the Ohio Fire Chiefs'~~ 153882  
~~Association or its successor organization.~~ 153883

~~(3) Two members of the House of Representatives appointed~~ 153884  
~~by the Speaker of the House of Representatives, one from the~~ 153885  
~~majority party and one from the minority party;~~ 153886

~~(4) Two members of the Senate appointed by the President~~ 153887  
~~of the Senate, one from the majority party and one from the~~ 153888  
~~minority party.~~ 153889

~~(B) The Director of Administrative Services or the~~ 153890  
~~Director's designee shall chair the Committee.~~ 153891

~~(C) The Committee shall provide assistance to the Director~~ 153892  
~~of Administrative Services for effective and efficient~~ 153893  
~~implementation of MARCS as well as develop policies for the~~ 153894  
~~ongoing management of the system. Upon dates prescribed by the~~ 153895  
~~Directors of Administrative Services and Budget and Management,~~ 153896  
~~the MARCS Steering Committee shall report to the Directors on~~ 153897  
~~the progress of MARCS implementation and the development of~~ 153898  
~~policies related to the system.~~ 153899

~~(D) The Committee shall establish a subcommittee to~~ 153900  
~~represent MARCS users on the local government level. The~~ 153901

~~chairperson of the subcommittee shall serve as a member of the~~ 153902  
~~MARCS Steering Committee.~~ 153903

~~(E)~~ The foregoing appropriation item C10041, MARCS - 153904  
Taxable, shall be used to purchase or construct the components 153905  
of MARCS that are not specific to any one agency. The equipment 153906  
may include, but is not limited to, computer and 153907  
telecommunications equipment used for the functioning and 153908  
integration of the system, communications towers, tower sites, 153909  
tower equipment, and linkages among towers. The Director of 153910  
Administrative Services shall, ~~with the concurrence of the MARCS~~ 153911  
~~Steering Committee,~~ determine the specific use of funds. 153912  
Expenditures from this appropriation shall not be subject to 153913  
Chapters 123. and 153. of the Revised Code. 153914

MEDINA COUNTY RADIO SYSTEM-SEVILLE TOWER 153915

The amount reappropriated for the foregoing appropriation 153916  
item C10057, Medina County Radio System-Seville Tower, is the 153917  
unencumbered balance as of June 30, 2024, in appropriation items 153918  
C230FM, Cultural and Sports Facilities Projects, earmarked for 153919  
Westfield Center Community Center ADA Improvement Project and 153920  
the Medina County and Brunswick Historical Societies 153921  
Project/Wadsworth Historical Society, and C58001, Community 153922  
Assistance Projects, earmarked for Westfield Center 153923  
Improvements. 153924

BUILDING IMPROVEMENT 153925

The amount reappropriated for the foregoing appropriation 153926  
item C10035, Building Improvement, is the unencumbered balance 153927  
as of June 30, 2024, in appropriation item C10035, Building 153928  
Improvement, plus up to \$293,343. Prior to the expenditure of 153929  
this additional appropriation, the Department of Administrative 153930

Services shall certify to the Director of Budget and Management 153931  
canceled encumbrances up to \$293,343 from appropriation item 153932  
C10035, Building Improvement. 153933

MARCS - TAXABLE 153934

The amount reappropriated for the foregoing appropriation 153935  
item C10041, MARCS - Taxable, is the unencumbered balance as of 153936  
June 30, 2024, in appropriation item C10041, MARCS - Taxable, 153937  
plus up to \$45,731. Prior to the expenditure of this additional 153938  
appropriation, the Department of Administrative Services shall 153939  
certify to the Director of Budget and Management canceled 153940  
encumbrances up to \$45,731 from appropriation item C10041, MARCS 153941  
- Taxable. 153942

LORAIN COUNTY MARCS TOWER/SHEFFIELD LAKE 153943

The amount reappropriated for the foregoing appropriation 153944  
item C10044, Lorain County MARCS Tower/Sheffield Lake, is the 153945  
unencumbered balance as of June 30, 2024, in appropriation item 153946  
C10044, Lorain County MARCS Tower/Sheffield Lake, plus the 153947  
unencumbered balance as of June 30, 2024, in appropriation item 153948  
C10048, Williams County MARCS Tower. 153949

OFFICE SERVICES BUILDING RENOVATIONS 153950

The amount reappropriated for the foregoing appropriation 153951  
item C10010, Office Services Building Renovations, is the 153952  
unencumbered balance as of June 30, 2024, in appropriation item 153953  
C10010, Office Services Building Renovations, plus up to 153954  
\$64,539. Prior to the expenditure of this additional 153955  
appropriation, the Department of Administrative Services shall 153956  
certify to the Director of Budget and Management canceled 153957  
encumbrances up to \$64,539 from appropriation item C10010, 153958  
Office Services Building Renovations. 153959

SOCC RENOVATIONS 153960

The amount reappropriated for the foregoing appropriation 153961  
item C10015, SOCC Renovations, is the unencumbered balance as of 153962  
June 30, 2024, in appropriation item C10015, SOCC Renovations, 153963  
plus up to \$873,760. Prior to the expenditure of this additional 153964  
appropriation, the Department of Administrative Services shall 153965  
certify to the Director of Budget and Management canceled 153966  
encumbrances up to \$873,760 from appropriation item C10015, SOCC 153967  
Renovations. 153968

25 S. FRONT STREET RENOVATIONS 153969

The amount reappropriated for the foregoing appropriation 153970  
item C10019, 25 S. Front Street Renovations, is the unencumbered 153971  
balance as of June 30, 2024, in appropriation item C10019, 25 S. 153972  
Front Street Renovations, plus up to \$28,717. Prior to the 153973  
expenditure of this additional appropriation, the Department of 153974  
Administrative Services shall certify to the Director of Budget 153975  
and Management canceled encumbrances up to \$28,717 from 153976  
appropriation item C10019, 25 S. Front Street Renovations. 153977

ARONOFF CENTER SYSTEMS REPLACEMENTS AND UPGRADES 153978

The amount reappropriated for the foregoing appropriation 153979  
item C10034, Aronoff Center Systems Replacements and Upgrades, 153980  
is the unencumbered balance as of June 30, 2024, in 153981  
appropriation item C10034, Aronoff Center Systems Replacements 153982  
and Upgrades, plus up to \$385,580. Prior to the expenditure of 153983  
this additional appropriation, the Department of Administrative 153984  
Services shall certify to the Director of Budget and Management 153985  
canceled encumbrances up to \$385,580 from appropriation item 153986  
C10034, Aronoff Center Systems Replacements and Upgrades. 153987

RIFFE RENOVATIONS 153988

The amount reappropriated for the foregoing appropriation 153989  
item C10038, Riffe Renovations, is the unencumbered balance as 153990  
of June 30, 2024, in appropriation item C10038, Riffe 153991  
Renovations, plus up to \$11,514. Prior to the expenditure of 153992  
this additional appropriation, the Department of Administrative 153993  
Services shall certify to the Director of Budget and Management 153994  
canceled encumbrances up to \$11,514 from appropriation item 153995  
C10038, Riffe Renovations. 153996

**Sec. 371.20. COMMUNITY SUPPORT** 153997

The foregoing appropriation item C58050, Community 153998  
Support, shall be equal to the amount of all projects specified 153999  
in this section, unless the amounts are released prior to June 154000  
30, 2024, plus any unexpended amounts in appropriation item 154001  
C58001, Community Assistance Projects, for projects that are not 154002  
specified in this section, if the Director of Budget and 154003  
Management determines that such amounts are needed to complete 154004  
the projects for which they were appropriated. 154005

The amount reappropriated for the foregoing appropriation 154006  
item C58050, Community Support, is the unencumbered balance as 154007  
of June 30, 2024, in appropriation item C58050, Community 154008  
Support, plus the unencumbered balance as of June 30, 2024, in 154009  
appropriation items C25537, YMCA Dayton - Huber Heights Campus, 154010  
minus \$250,000, C58033, Transforming Vital Services, C58044, 154011  
Women Community Reentry Project, and C58046, Seek Inc., plus a 154012  
portion of the unencumbered balance as of June 30, 2024, in 154013  
appropriation item C58001, Community Assistance Projects, needed 154014  
to complete the projects specified in this section. 154015

The amount reappropriated for the foregoing appropriation 154016  
item C58050, Community Support, earmarked for Dayton Boys and 154017  
Girls Club (Miami Chapel Inspire Zone), is the unencumbered 154018

balance as of June 30, 2024, in appropriation item C37755, 154019  
 Comprehensive Outpatient Program Expansion (COPE). 154020

The amount reappropriated for the foregoing appropriation 154021  
 item C58050, Community Support, earmarked for Faith Mission Life 154022  
 Safety and Critical Improvements, is the unencumbered balance as 154023  
 of June 30, 2024, in appropriation items C315HS, Charitable 154024  
 Pharmacy and Market, C315IT, Culture Markets, C315JC, Negev 154025  
 Foundation - Smart Water Stations, C58001, Community Assistance 154026  
 Projects, earmarked for Save a Warrior Project and YWCA Family 154027  
 Center - Columbus, and C725E2, Local Parks, Recreation, and 154028  
 Conservation Projects, earmarked for Harrisburg Baseball 154029  
 Complex. 154030  
 154031

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A Project List

B	Gracehaven-Multipurpose Building	\$2,500,000
C	Dayton Boys and Girls Club (Miami Chapel Inspire Zone)	\$1,000,000
D	Cuyahoga County Mental Health Diversion Center	\$1,700,000
E	Bellefaire Jewish Children's Bureau Child and Youth Service Center	\$1,000,000
F	Greater Dayton Regional Hospital Association	\$800,000
G	Cleveland Clinic Akron General	\$700,000



H	Cleveland Christian Home	\$700,000
I	Providence House East Side Campus Community Hub	\$700,000
J	Faith Mission Life Safety and Critical Improvements	\$560,000
K	Neighborhood Alliance YMCA Renovation	\$500,000
L	<del>Unison Health Poe Road Crisis Residential Center</del> <u>Whitney Manor</u>	\$500,000
M	Lorain County Health and Dentistry	\$500,000
N	Tri-County Board of Recovery and Mental Health Services	\$450,000
O	Medina County Emergency Housing Shelter	\$450,000
P	Providence House	\$400,000
Q	Ashtabula City - Samaritan House	\$400,000
R	May Dugan Building Renovation and Expansion	\$350,000
S	Western Reserve Area on Aging	\$300,000
T	Alvis House	\$300,000
U	Tiffin Community Kitchen	\$300,000
V	House of Hope-Friends of the Homeless	\$300,000

W	Saint Vincent de Paul Social Services Emergency Shelter for Men	\$250,000
X	Adams County	\$250,000
Y	Cedar Hills Transformation Camp	\$250,000
Z	YWCA Greater Cincinnati Domestic Violence Shelter East	\$250,000
AA	Sisters of Charity Health System and Sisters of Charity Foundation of Cleveland	\$250,000
AB	Center for Addiction Treatment Recovery House	\$250,000
AC	TCH Outpatient Community Behavioral Health (Best Point) Building	\$250,000
AD	Toledo YWCA Domestic Violence Shelter	\$250,000
AE	CHC Addiction Services	\$250,000
AF	West Dayton Community Services Center (Easter Seals Miami Valley)	\$200,000
AG	CommQuest Recovery Campus Improvements	\$200,000
AH	Star House	\$200,000
AI	Union Miles Development Corp (Walt Collins Veterans Housing Facility)	\$200,000
AJ	Washington County Boys and Girls Club	\$175,000

AK	City of Franklin	\$150,000
AL	Y-Haven YMCA of Greater Cleveland	\$150,000
AM	Pathways for Women	\$150,000
AN	Square One Meigs	\$150,000
AO	Maryhaven	\$125,000
AP	Uptown Smiles Clinical Renovations	\$125,000
AQ	Forbes House Domestic Violence Project	\$120,000
AR	Henry County	\$110,000
AS	Seven Hills Trauma Recovery Center	\$105,000
AT	CommQuest	\$100,000
AU	Comprehensive Health Care at the Centers, Gordon Square	\$100,000
AV	Y-Haven YWCA of Greater Cleveland	\$100,000
AW	Women's Resource Center of Hancock County	\$100,000
AX	YMCA Competitive Sports Training Facility	\$75,000
AY	Grace House Akron, Inc.	\$50,000
AZ	Cadence Care Network Family and Community Resource Center	\$50,000
BA	Cornerstone of Hope	\$50,000

BB	Harbor Crisis Stabilization Unit	\$50,000
BC	Homesafe - Ashtabula	\$40,000
BD	The Commons at Springfield	\$25,000
BE	Women's Recovery Center	\$13,000

**Sec. 373.15.** The foregoing appropriation item C725E2, 154032  
Local Parks, Recreation, and Conservation Projects, shall be 154033  
equal to the amount of all unreleased local parks projects and 154034  
allowable administrative costs specified in this section, unless 154035  
amounts are released prior to June 30, 2024. 154036

Of the foregoing appropriation item C725E2, Local Parks, 154037  
Recreation, and Conservation Projects, an amount equal to two 154038  
per cent of the projects listed may be used by the Department of 154039  
Natural Resources for the administration of local projects. 154040

The amount reappropriated for the foregoing appropriation 154041  
item C725E2, Local Parks, Recreation, and Conservation Projects, 154042  
earmarked for Mandel Jewish Community Center Preston's H.O.P.E. 154043  
Playground, is the unencumbered balance as of June 30, 2024, in 154044  
appropriation item C26086, Mandel Jewish Community Center. 154045

The amount reappropriated for the foregoing appropriation 154046  
item C725E2, Local Parks, Recreation, and Conservation Projects, 154047  
earmarked for Geller Park Pickleball Court Complex, is the 154048  
unencumbered balance as of June 30, 2024, in appropriation item 154049  
C315GR, Heath Port Authority Primary Standards Lab, minus 154050  
\$41,000. 154051

The amount reappropriated for the foregoing appropriation 154052  
item C725E2, Local Parks, Recreation, and Conservation Projects, 154053  
earmarked for Lake Erie Council - Boys Scouts of America 154054

Beaumont Scout Camp, is the unencumbered balance as of June 30, 154055  
2024, in appropriation item C38335, Lake Erie Council - Boys 154056  
Scouts of America Beaumont Scout Camp. 154057

The amount reappropriated for the foregoing appropriation 154058  
item C725E2, Local Parks, Recreation, and Conservation Projects, 154059  
earmarked for Lima Simmons Field Sports Complex, is the 154060  
unencumbered balance as of June 30, 2024, in appropriation item 154061  
C38124, Allen County Airport Communications. 154062

The amount reappropriated for the foregoing appropriation 154063  
item C725E2, Local Parks, Recreation, and Conservation Projects, 154064  
earmarked for Beverly Island Park Bridge and Mid-Ohio Aquatic 154065  
Center, is the unencumbered balance as of June 30, 2024, in 154066  
appropriation item C230FM, Cultural and Sports Facilities 154067  
Projects, earmarked for the Carnes Center. 154068

The amount reappropriated for the foregoing appropriation 154069  
item C725E2, Local Parks, Recreation, and Conservation Projects, 154070  
earmarked for Rootstown TWP Community Park Improvements Project, 154071  
is the unencumbered balance as of June 30, 2024, in 154072  
appropriation item C23062, Village of Edinburg Veterans 154073  
Memorial. 154074

The amount reappropriated for the foregoing appropriation 154075  
item C725E2, Local Parks, Recreation, and Conservation Projects, 154076  
earmarked for Lagore Memorial Dog Park at Caesar Creek, is the 154077  
unencumbered balance as of June 30, 2024, in appropriation item 154078  
C230FM, Cultural and Sports Facilities Projects, earmarked for 154079  
Warren County Community Services. 154080

The amount reappropriated for the foregoing appropriation 154081  
item C725E2, Local Parks, Recreation, and Conservation Projects, 154082  
earmarked for Versailles Heritage Park, is the unencumbered 154083

balance as of June 30, 2024, in appropriation item C230J7, 154084  
Cardinal Center. 154085

The amount reappropriated for the foregoing appropriation 154086  
item C725E2, Local Parks, Recreation, and Conservation Projects, 154087  
earmarked for GRIT Chesapeake Community Center, is the 154088  
unencumbered balance as of June 30, 2024, in appropriation item 154089  
C32231, GRIT Chesapeake Community Center. 154090

The amount reappropriated for the foregoing appropriation 154091  
item C725E2, Local Parks, Recreation, and Conservation Projects, 154092  
earmarked for Vienna Air Heritage Park, is the unencumbered 154093  
balance as of June 30, 2024, in appropriation item C34567, 154094  
Western Reserve Port Authority. 154095  
154096

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A Project List

B	Downtown Cleveland Lakefront Access Project	\$5,000,000
C	Mentor Erosion Mitigation	\$3,000,000
D	Heritage Trail Extension	\$2,500,000
E	Cleveland Tower City and Bedrock Development Activities	\$2,000,000
F	Smale Riverfront Park	\$1,700,000
G	Cincinnati Findlay Community and Recreation Center	\$1,200,000
H	Gateway to Freedom Park	\$1,200,000

I	Akron Area YMCA Camp Y-Noah Capital Improvement	\$1,000,000
J	South Point Community Pool	\$1,000,000
K	Cincinnati Zoo and Botanical Garden Pedestrian Bridge	\$900,000
L	The Wilds RV Park and Campground	\$900,000
M	Conneaut Marina Improvement	\$850,000
N	Irishtown Bend and Canal Basin Park	\$850,000
O	Auglaize Mercer Recreational Complex	\$750,000
P	Copley Ridgewood Trail	\$750,000
Q	Delhi Towne Square	\$750,000
R	Environmental Education Pavilion at Forest Lawn Stormwater Park	\$750,000
S	Glen Helen Nature Preserve Accessibility Improvements	\$750,000
T	Sandusky Bay Pathway/Landing Park	\$750,000
U	<del>Seranton Trail Project</del> <u>Detroit Shoreway Project</u>	\$750,000
V	GRIT Chesapeake Community Center	\$750,000
W	Dublin Bridge Park and Greenways Project	\$650,000
X	Kurt Tunnell Memorial Trail	\$500,000

Y	Massillon Park Splash Pad	\$500,000
Z	North Ridgeville Mills Creek	\$500,000
AA	Oak Harbor Waterfront	\$500,000
AB	Sidney Feeder Canal Bike Trail	\$500,000
AC	The Foundry	\$500,000
AD	Geneva Township Park - Old Lake Road Shoreline Restoration	\$450,000
AE	Hamilton-Clover Groff Trail Project	\$450,000
AF	McCord Park Renovations	\$450,000
AG	Mentor Marsh Observation Tower	\$450,000
AH	Wadsworth Memorial Park Improvements	\$420,000
AI	Mosquito Creek Lake Park Improvements	\$404,000
AJ	Buckeye Lake Feeder Channel Restoration	\$400,000
AK	Chagrin Meadows Preserve	\$400,000
AL	Kelleys Island East Lakeshore Shoreline Protection	\$400,000
AM	Lake Metroparks Lake Erie Shoreline Trail and Revetment Wall	\$400,000
AN	McDonald Commons Renovation and Construction	\$400,000



AO	Solon to Chagrin Falls Multi- Purpose Trail	\$400,000
AP	Lake Erie Council - Boys Scouts of America Beaumont Scout Camp	\$350,000
AQ	Dover Riverfront <del>Trail Connector</del> <u>Park Improvements</u>	\$350,000
AR	Alum Creek Pedestrian/Bike Bridge - Bexley	\$350,000
AS	Boeckling Building Pier	\$350,000
AT	Elyria Intergenerational Community Center	\$350,000
AU	Fairport Harbor Marina Boat Launch	\$350,000
AV	Gateway Regional Sports Complex	\$350,000
AW	Wauseon Community Social and Recreational Center	\$350,000
AX	Sheffield Village French Creek Project	\$325,000
AY	Lima Simmons Field Sports Complex	\$300,000
AZ	Camp Joy	\$300,000
BA	Canal Fulton Community Park	\$300,000
BB	Chagrin River Trail	\$300,000
BC	Creston Community Park Renovations	\$300,000
BD	Glenford Earthworks Phase III	\$300,000
BE	Kalida St. Michael Holy Name Ballpark	\$300,000
BF	Magic Mile Trail	\$300,000

BG	Massillon Park Splash Pad	\$300,000
BH	Mayerson JCC Expansion	\$300,000
BI	Niles Bike Path Bridge Improvements	\$300,000
BJ	North Canton Price Park Recreation and Accessibility Improvements	\$300,000
BK	Plain Township Diamond Park Historic Barn	\$300,000
BL	Portage Lakes Drive Community Park	\$300,000
BM	Reservoir Connector Trail Phase 2	\$300,000
BN	Solon-Chagrin Falls Multi-purpose Trail	\$300,000
BO	Wadsworth City Park	\$300,000
BP	Grailville Park Improvements	\$260,000
BQ	Cave Lake Center for Community Leadership	\$250,000
BR	Coke Oven Community Civic Center Park	\$250,000
BS	Rotary Lodge at River Cliff Park Renovation	\$250,000
BT	Covington - Schoolhouse Park	\$250,000
BU	Heights to Hudson Trail	\$250,000
BV	J. Babe Stern Ball Field	\$250,000
BW	Johnstown Splash Pad	\$250,000
BX	Lockington Trail Bridge	\$250,000

BY	SPIRE Institute and Academy	\$250,000
BZ	Timken Gatehouse Renovation	\$250,000
CA	West Carrollton Whitewater Park	\$250,000
CB	Wooster Barnes Preserve	\$250,000
CC	Beverly Island Park Bridge	\$250,000
CD	Mid-Ohio Aquatic Center	\$250,000
CE	Vienna Air Heritage Park	\$250,000
CF	Valleyview Park	\$240,000
CG	Cave Lake Dam	\$225,000
CH	Dan Beard Scout Camp Flooding and Erosion Mitigation	\$223,000
CI	Chillicothe Paint Creek Recreational Trail	\$215,000
CJ	Lawrence County Union Rome Trails and Walkways	\$214,000
CK	Mandel Jewish Community Center Preston's H.O.P.E Playground	\$210,000
CL	Geller Park Pickleball Court Complex	\$210,000
CM	Bradstreet's Landing Pier, Lakefront Access and Resiliency Improvements	\$200,000
CN	Camp Oty'Okwa Capital Improvements	\$200,000

CO	Center Gateway Improvement Project - Rocky River	\$200,000
CP	Centerville Benham's Grove	\$200,000
CQ	City of Monroe Lookout Point	\$200,000
CR	Franklin Furnace Park	\$200,000
CS	Great Miami River Trail - Middletown to Monroe Segment Construction Project	\$200,000
CT	Home Road Trail Extension	\$200,000
CU	Lorain County Metro Park Connector	\$200,000
CV	Mayerson JCC Improvements	\$200,000
CW	Mount Aloysius Community Recreational Center	\$200,000
CX	Munson Springs Nature Preserve and Historical Site	\$200,000
CY	Portage Bike and Hike Trail - Mill Race Segment	\$200,000
CZ	Shared Use Path Connector (Goosepond Road-Licking Health Department)	\$200,000
DA	Sheffield Village Trails	\$200,000
DB	Union and Rome Township Trails Project	\$200,000
DC	Shawnee West Buckeye Trail	\$195,000
DD	Jim Terrell Park Canoe/Kayak Launch	\$190,000

DE	Darke County Art Trail	\$180,000
DF	Bryn Du Barn	\$175,000
DG	Norton Bicentennial Park	\$175,000
DH	Antrim Community Center	\$150,000
DI	Brown County Board of Developmental Disabilities Resource and Community Center	\$150,000
DJ	Buckeye Lake Boat Ramps and Pier Enabling Project	\$150,000
DK	Findlay Playground/Grant Park/Over-the-Rhine Recreation Center	\$150,000
DL	Forest Park Central Park Improvements	\$150,000
DM	Lancaster All Accessible Sports Complex and Park	\$150,000
DN	Mansfield B&O Trail Connector	\$150,000
DO	Mansfield Central Park	\$150,000
DP	Medina County Rocky River Trail West Branch	\$150,000
DQ	Mill Creek Valley Conservancy District Corridor Revitalization	\$150,000
DR	Mount Gilead Park Site Preparations	\$150,000
DS	North Kingsville Village - Community Park	\$150,000
DT	North Olmsted Community Park Improvements	\$150,000

DU	Pickerington Soccer Association Facility Improvements	\$150,000
DV	Restore Rockefeller	\$150,000
DW	Rio Grande Reservoir and Park Improvements	\$150,000
DX	Swanton Railroad Park	\$150,000
DY	Wellsville Marina Dredging	\$150,000
DZ	West Union SR 41 Shared Use Path Phase II	\$140,000
EA	Bellefontaine Blue Jacket Park	\$135,000
EB	Wadsworth Durling Park Improvements	\$135,000
EC	Carey Splash Pad	\$125,000
ED	Fairlawn Gully Water Quality Basins	\$125,000
EE	Flight Line: East Dayton Rails-to-Trails	\$125,000
EF	Friedt Park	\$125,000
EG	Old Murray City School Building Demolition	\$125,000
EH	Willard Park Improvements	\$110,000
EI	Lodi's Richman Field Splash Pad	\$105,000
EJ	Avon Lake Weiss Field Park Pavilion Replacement Project	\$100,000
EK	Brunswick Hills Township Park	\$100,000

EL	Sylvania Plummer Pool	\$100,000
EM	Cobblestone Park - Medina	\$100,000
EN	Columbia Township Wooster Pike Bike Trail	\$100,000
EO	Fairfax Ziegler Park Improvements	\$100,000
EP	Holden Arboretum All-Season Trails	\$100,000
EQ	Mansfield Sterkel Park	\$100,000
ER	Mecca Township Recreation Center	\$100,000
ES	Miracle Field Complex	\$100,000
ET	Mitchell Park Trail Connector	\$100,000
EU	Ottawa Memorial Pool Splash Pad	\$100,000
EV	Outdoor Theater and Performing Arts Community Park - Hillsboro	\$100,000
EW	Pickleball Courts at Patricia Allyn Park	\$100,000
EX	Plain City Heritage Trail	\$100,000
EY	The Pony Wagon Trail	\$100,000
EZ	The Wilds Shade and Shelter Improvements	\$100,000
FA	Veterans Memorial at Rose Run Park	\$100,000
FB	Village of Bellville Historic Bandstand Renovations	\$100,000

FC	Weatherstone Park - Wadsworth	\$100,000
FD	Whitehall Community Park Revitalization	\$100,000
FE	Acres of Adventure Learning Center	\$90,000
FF	Byesville Patriot Park	\$90,000
FG	Lagore Memorial Dog Park at Caesar Creek	\$75,000
FH	4-H Camp Piedmont Upgrades	\$75,000
FI	Brook Park Central Park	\$75,000
FJ	Buckeye Lake Crystal Lagoon	\$75,000
FK	Fairborn Memorial Park	\$75,000
FL	Geneva-on-the-Lake Shoreline Protection Project	\$75,000
FM	Independence Pool Facility Improvements	\$75,000
FN	Leipsic Buckeye Park	\$75,000
FO	Little Miami River Access and Park Development	\$75,000
FP	McConnelsville Community Recreational Building	\$75,000
FQ	Middleport-Pomeroy Walking Path Project Phase IV	\$75,000
FR	Mt. Sterling Mason Park	\$75,000
FS	New Concord Swimming Pool	\$75,000
FT	Outdoor Sports Court Revitalization - Springdale	\$75,000



FU	Sharon Nature Preserve Trails Phase I	\$75,000
FV	Summit Lake Vision Plan	\$75,000
FW	Hiestand Woods Park and Preserve	\$75,000
FX	Versailles Heritage Park	\$75,000
FY	Wadsworth Safety Town Park	\$75,000
FZ	Western Reserve Greenway Bike Trail	\$75,000
GA	Voice of America MetroPark Tylersville Road Entrance	\$70,000
GB	Ellsworth Hills Learning Lab	\$65,000
GC	Buckeye Trail East Fork Wildlife Area	\$57,000
GD	Avon Lake Veterans Park Gazebo	\$50,000
GE	Bellaire Walking Trail	\$50,000
GF	Big Walnut Trail Extension and Park	\$50,000
GG	Big Walnut Trail SE Columbus - Eastland Area	\$50,000
GH	Brunswick Lake ADA Canoe/Kayak Launch	\$50,000
GI	Buckeye Lake Crystal Lagoon and Public Park	\$50,000
GJ	Caldwell Race Track Upgrades	\$50,000
GK	Camp Sherman Park	\$50,000
GL	Center Ice Foundation	\$50,000

GM	Cleveland Botanical Garden Public Accessible Garden Path	\$50,000
GN	Drews Trak Memorial Pump Track Expansion	\$50,000
GO	Greenwich Reservoir Park	\$50,000
GP	Harmar Pedestrian Bridge Restoration Projects	\$50,000
GQ	Jeromesville Square Park	\$50,000
GR	Keener Park Renovations/Pickleball Courts	\$50,000
GS	Kelley Nature Preserve Boat Ramp	\$50,000
GT	Levitt Pavilion Dayton	\$50,000
GU	Madison Village Dana's Park	\$50,000
GV	Madison Village Wetland Trail	\$50,000
GW	Milford Center Rail Depot	\$50,000
GX	Millersport Lions Park	\$50,000
GY	P&G MLB Cincinnati Reds Youth Academy	\$50,000
GZ	Pomeroy Multimodal Path	\$50,000
HA	Prairie Trail/Stitt Park Improvements	\$50,000
HB	Richmond Heights Community Park Gazebo	\$50,000
HC	Salt Fork State Park	\$50,000
HD	Shade Community Center Upgrades	\$50,000

HE	Village of Bloomdale Reservoir Project	\$50,000
HF	West Union Pedestrian Bike Path	\$50,000
HG	Bruce L. Chapin Bridge- Northcoast Inland Trail	\$45,000
HH	Selby Building Revitalization	\$45,000
HI	Village of Dunkirk Splash Pad and Storage Building	\$45,000
HJ	Burr Oak State Park	\$44,000
HK	Chippewa Falls Rail Trail Parking Lot	\$40,000
HL	Chippewa Park Shelter House	\$40,000
HM	Monroe Community Park Activity Center	\$40,000
HN	Nimisila Park Excavating	\$40,000
HO	Rittman Splash Pad	\$40,000
HP	Waverly Canal Park	\$40,000
HQ	Rootstown TWP Community Park Improvements	\$35,000
HR	Jeromesville Community Garden	\$35,000
HS	Village of Highland Hills Gazebo	\$35,000
HT	Monroeville Clark Park - North Coast Inland Trail Connection	\$33,000
HU	Camp McKinley Improvements	\$30,000

HV	Keener Park Sledding Hill	\$30,000
HW	Perry Township Community Recreation Center	\$30,000
HX	Village of Weston Community Splash Pad	\$30,000
HY	Aurora Kayak Launch Platform	\$26,000
HZ	Blue Heron Park Trail Phase II	\$25,000
IA	Charlement Reservation Stable	\$25,000
IB	East Liverpool Park Improvements	\$25,000
IC	Gloria Glens Southwest Park Grading	\$25,000
ID	YMCA Auglaize-Mercer Recreation Complex	\$25,000
IE	Rayland Friendship Park Restroom Project	\$25,000
IF	Willshire Ballpark Enhancements	\$25,000
IG	Oakwood Community Park	\$22,610
IH	Blue Heron Park Flood Mitigation	\$20,000
II	Clifton to Yellow Springs Bike Trail	\$20,000
IJ	Hardin County Veterans Memorial Park	\$20,000
IK	Moser Park Concession Stand Replacement	\$20,000
IL	Zuck Riparian Preserve Trail	\$18,000
IM	Wakeman Trail Connector	\$17,000

IN	Sardinia Veteran's Community Park Revitalization	\$15,000
IO	Seville Memorial Park Public Restroom Facilities	\$15,000
IP	Kokosing Gap Trail	\$14,000
IQ	Village of Albany Bike Paths	\$10,000
IR	Paulding County Trails Project	\$7,500
IS	Buckeye Trail Boesel Easement Bridge	\$2,800

**Section 620.21.** That existing Sections 200.30 (as amended 154097  
by H.B. 54 of the 136th General Assembly), 221.15 (as amended by 154098  
S.B. 54 of the 135th General Assembly), 243.10, 363.10, 371.20 154099  
(as amended by S.B. 54 of the 135th General Assembly), and 154100  
373.15 (as amended by S.B. 54 of the 135th General Assembly) of 154101  
H.B. 2 of the 135th General Assembly are hereby repealed. 154102

**Section 620.30.** That Sections 335.20 and 757.60 of H.B. 33 154103  
of the 135th General Assembly are hereby repealed. 154104

**Section 620.40.** That Section 14 of H.B. 238 of the 135th 154105  
General Assembly be amended to read as follows: 154106

**Sec. 14.** ~~(A)~~ (A) (1) The Ohio Medical Quality Foundation, 154107  
described in section 3701.89 of the Revised Code, is retained 154108  
under division (E) of section 101.83 of the Revised Code and 154109  
expires as a statutory entity at the end of December 31, 2025. 154110

~~(B)~~ (2) It is the intent of the General Assembly, through 154111  
the repeal by ~~this act~~ H.B. 238 of the 135th General Assembly of 154112  
section 3701.89 of the Revised Code, to abolish the Ohio Medical 154113  
Quality Foundation as a statutory entity on January 1, 2026. 154114

~~(C)~~ (3) As soon as practicable ~~after the effective date of~~ 154115

~~this section but not later than April 1, 2025,~~ the Foundation, 154116  
through its corporate trustee, shall transfer all of its 154117  
remaining unencumbered funds, to the extent possible under law 154118  
and contract, to the Medical Quality Assurance Fund established 154119  
under section 113.78 of the Revised Code. 154120

~~(D)~~ (4) As soon as practicable after the transfer described 154121  
in division ~~(C)~~ (A) (3) of this section, the trustees of the 154122  
Foundation shall prepare a written report identifying the 154123  
following: 154124

~~(1)~~ (a) Any encumbered funds unable to be transferred to 154125  
the Medical Quality Assurance Fund, including the amounts still 154126  
to be distributed pursuant to contracts in effect at the time of 154127  
the report's preparation; 154128

~~(2)~~ (b) The duration of any contracts in effect at the time 154129  
of the report's preparation; 154130

~~(3)~~ (c) The dates on which any remaining funds will be 154131  
considered unencumbered. 154132

The trustees shall submit the report to the Treasurer of 154133  
State, Governor, Senate President, and Speaker of the House of 154134  
Representatives. 154135

~~(E) Following the repeal of section 3701.89 of the Revised~~ 154136  
~~Code on January 1, 2026, the Treasurer of State shall assume the~~ 154137  
~~contractual duties of the Foundation, its trustees, and its~~ 154138  
~~corporate trustee, as identified under any contracts in effect~~ 154139  
~~on that date. If any payments owed by the Foundation remain in~~ 154140  
~~arrears on or after January 1, 2026, the Treasurer of State may~~ 154141  
~~make the payments on behalf of the Foundation.~~ 154142

(5) For the purposes specified in ~~this division~~ divisions 154143  
(A) (1) to (4) of this section and any others that the Treasurer 154144

of State considers necessary in winding down the affairs of the 154145  
Foundation, the Treasurer of State shall be given access to the 154146  
Foundation's records. 154147

(B) (1) Not later than thirty days after the Treasurer of 154148  
State receives notice under section 4731.226 of the Revised Code 154149  
that the foundation described in that section has been created, 154150  
the Treasurer of State shall transfer all unencumbered money 154151  
remaining in the Medical Quality Assurance Fund to the 154152  
monitoring organization under contract with the State Medical 154153  
Board pursuant to section 4731.25 of the Revised Code. 154154

(2) Not later than thirty days after the monitoring 154155  
organization receives the money transferred under division (B) 154156  
(1) of this section, the monitoring organization shall submit 154157  
the money to the foundation's governing board described in 154158  
section 4731.226 of the Revised Code. 154159

(3) On January 1, 2026, or the thirtieth day after the 154160  
foundation's governing board receives the money submitted 154161  
division (B) (2) of this section, whichever is later, the 154162  
governing board shall complete its initial disbursement of funds 154163  
in accordance with section 4731.226 of the Revised Code. 154164

**Section 620.41.** That existing Section 14 of H.B. 238 of 154165  
the 135th General Assembly is hereby repealed. 154166

**Section 630.10.** That Section 6 of H.B. 150 of the 134th 154167  
General Assembly is hereby repealed. 154168

**Section 630.20.** That Section 5 of S.B. 202 of the 134th 154169  
General Assembly is hereby repealed. 154170

**Section 630.30.** That Section 5 of H.B. 554 of the 134th 154171  
General Assembly (as amended by H.B. 101 of the 135th General 154172  
Assembly) be amended to read as follows: 154173

**Sec. 5.** (A) This section applies to a community school 154174  
described in Section 16 of H.B. 583 of the 134th General 154175  
Assembly and to any other community school that is operated by a 154176  
management company that operates a community school subject to 154177  
that section. 154178

(B) Notwithstanding division (H) of section 3314.08 of the 154179  
Revised Code, a community school established under Chapter 3314. 154180  
of the Revised Code and to which this section applies may report 154181  
to the Department of Education and Workforce the number of 154182  
students enrolled in the community school on a full-time 154183  
equivalent basis for the 2022-2023, 2023-2024, ~~and 2024-2025,~~ 154184  
and 2025-2026 school years using the lesser of the following: 154185

(1) The maximum full-time equivalency for the portion of 154186  
the school year for which the student is enrolled in the school; 154187

(2) The sum of one-sixth of the full-time equivalency 154188  
based on attendance for the portion of the school year for which 154189  
the student is enrolled in the school and one-sixth the full- 154190  
time equivalency based on each credit of instruction earned 154191  
during the enrollment period, not to exceed five credits. 154192

(C) (1) The Department of Education and Workforce shall 154193  
complete a review of each community school that reports the 154194  
full-time equivalency of students under division (B) of this 154195  
section in accordance with division (K) of section 3314.08 of 154196  
the Revised Code. 154197

(2) If the Department determines a school has been 154198  
overpaid based on a review completed under division (C) (1) of 154199  
this section, it shall require a repayment of the overpaid funds 154200  
and may require the school to establish a plan to improve the 154201  
reporting of enrollment. 154202



(D) Notwithstanding any provision to the contrary in the Revised Code or the Administrative Code, for purposes of reporting attendance and meeting minimum school year requirements under sections 3313.48 and 3314.03 of the Revised Code, a community school to which this section applies may report attendance to the Department of Education and Workforce consistent with the attendance policy approved by the governing authority of the school.

**Section 630.31.** That existing Section 5 of H.B. 554 of the 134th General Assembly (as amended by H.B. 101 of the 135th General Assembly) is hereby repealed.

**Section 701.30.** (A) As used in this section, "exempt employee" has the same meaning as in section 124.152 of the Revised Code, as amended by this act.

(B) Effective July 1, 2025, any exempt employee paid in accordance with section 124.152 of the Revised Code who is being paid a salary or wage at step 6 of pay range 17 of the version of pay schedule E-1 that was in effect before the effective date of this section is eligible to move to step 7 of pay range 17 in the pay schedule, provided the exempt employee did not advance a step within the twelve-month period immediately preceding the date on which the pay schedule takes effect. A step increase pursuant to this division applies to the first day of the pay period immediately following the pay period that includes July 1, 2025.

(C) An exempt employee paid in accordance with section 124.152 of the Revised Code who is being paid a salary or wage at step 6 of pay range 17 of the version of pay schedule E-1 that was in effect before the effective date of this section who is ineligible under division (B) of this section to move up to

step 7 of pay range 17 in the pay schedule is eligible for 154233  
advancement in accordance with division (G) of section 124.15 of 154234  
the Revised Code. 154235

**Section 701.60.** When calculating the state appropriation 154236  
limitation for fiscal year 2028, the Governor shall determine 154237  
the limitation taking into account the amendments to or 154238  
enactments of sections 107.032 to 107.034 of the Revised Code 154239  
contained in Section 101.01 of this act. 154240

**Section 701.70.** All public officers whose compensation 154241  
cannot be changed during the officer's term under Ohio 154242  
Constitution, Article II, Section 20, shall continue receiving 154243  
for the remainder of the officer's term the amount the official 154244  
is entitled to under section 325.18, 505.24, or 507.09 of the 154245  
Revised Code before the effective date of the amendments to 154246  
those sections made by this act until the officer begins a new 154247  
term and may constitutionally receive the changed compensation 154248  
amount. 154249

**Section 701.90.** In addition to the performance audits the 154250  
Auditor of State is required to conduct under section 117.46 of 154251  
the Revised Code, the Auditor of State shall conduct a 154252  
performance audit of the Ohio Power Siting Board and a 154253  
performance audit of the Public Utilities Commission of Ohio in 154254  
accordance with sections 117.46 to 117.463 of the Revised Code. 154255  
The Auditor of State shall release the audits not later than 154256  
December 31, 2026. 154257

**Section 701.100.** The Rare Disease Advisory Council shall 154258  
prepare and submit a final report to the General Assembly, in 154259  
accordance with division (B) of section 101.68 of the Revised 154260  
Code, not later than December 31, 2025. 154261

**Section 703.10.** A county coroner who, before the effective  
date of this section, was elected to office may complete the  
balance of the coroner's term. Any county coroners appointed  
after the effective date of this section shall be appointed in  
accordance with section 313.01 of the Revised Code, as amended  
by this act.

**Section 709.10.** Of the two additional members appointed to  
the Ohio Grape Industries Committee under section 924.51 of the  
Revised Code as amended by this act, the initial term of office  
of one member shall be for a term of one year and the initial  
term of office of one member shall be for a term of two years.  
Thereafter, terms of those members shall be for three years as  
provided in that section.

**Section 719.10.** A clerk of a municipal court whose  
compensation will change under the amendments to section 1901.31  
of the Revised Code made by this act shall continue, until the  
clerk begins a new term on or after the effective date of those  
amendments, receiving the compensation the clerk is receiving  
before the effective date of those amendments.

**Section 731.10.** A county prevention specialist who is  
serving an existing term on a child abuse and child neglect  
regional prevention council in accordance with section 3109.172  
of the Revised Code as of the effective date of this section may  
complete the council member's term of office.

**Section 733.20.** (A) Notwithstanding the repeal of former  
sections 3313.902, 3314.38, and 3345.86 of the Revised Code and  
sections 3317.23, 3317.231, and 3317.24 of the Revised Code by  
this act, any individual enrolled in a program established under  
one of those sections may do either of the following:

(1) Complete the program in accordance with the applicable 154291  
section, as it existed prior to the section's repeal or repeal 154292  
and reenactment by this act, provided the individual completes 154293  
the program not later than June 30, 2027; 154294

(2) Complete a program described in section 3313.902, 154295  
3314.38, or 3345.86 of the Revised Code in accordance with the 154296  
applicable section, as enacted by this act. 154297

(B) The Department of Education and Workforce shall pay an 154298  
eligible institution or eligible provider as required by the 154299  
section under which the individual completes the program. 154300

**Section 733.30.** Notwithstanding anything to the contrary 154301  
in division (D) of section 3301.079 and section 3301.0715 of the 154302  
Revised Code, as amended by this act, for the 2025-2026 school 154303  
year, school districts, community schools established under 154304  
Chapter 3314., and STEM schools established under Chapter 3326. 154305  
of the Revised Code shall administer each diagnostic assessment 154306  
in accordance with those sections as they existed prior to the 154307  
effective date of their amendment by this act. 154308

**Section 733.40.** Notwithstanding anything to the contrary 154309  
in Revised Code, nothing prohibits any other community college, 154310  
as defined in section 3333.168 of the Revised Code, from serving 154311  
the counties previously served by Eastern Gateway Community 154312  
College under section 3354.24 of the Revised Code. 154313

Nothing in this section exempts a community college from 154314  
academic program approval by the Chancellor of Higher Education 154315  
under section 3333.04 of the Revised Code or from seeking 154316  
approval under rules adopted by the Chancellor. 154317

**Section 733.60.** The Department of Education and Workforce 154318  
shall establish and administer a community school transportation 154319

pilot program for the 2025-2026 and 2026-2027 school years. 154320  
Under the pilot program, the Department shall assist community 154321  
schools established under Chapter 3314. of the Revised Code in 154322  
providing transportation services to their students in those 154323  
school years. 154324

**Section 737.10.** (A) The Director of Environmental 154325  
Protection shall conduct a review to assess the motor vehicle 154326  
inspection and maintenance program that is implemented in 154327  
accordance with section 3704.14 of the Revised Code. The 154328  
Director shall include all of the following in the review: 154329

(1) A determination of the necessity of the program; 154330

(2) An evaluation of whether each county that is subject 154331  
to the program during the prior calendar year has achieved, and 154332  
has the ability to maintain, compliance with federal ozone 154333  
standards without implementation of the program in that county. 154334  
The evaluation shall include the most recent air quality 154335  
monitoring data and predictive modeling of future compliance. 154336

(3) An analysis of whether a revision to Ohio's state 154337  
implementation plan could be submitted to the United States 154338  
Environmental Protection Agency to discontinue the program while 154339  
maintaining compliance with national ambient air quality 154340  
standards. If the Director's analysis finds that compliance may 154341  
be achieved without participation in the program, the Director 154342  
shall formally submit a request to the United States 154343  
Environmental Protection Agency for reconsideration of the 154344  
program's implementation in affected regions. 154345

(4) After proper monitoring, an analysis of weather 154346  
patterns over northeast Ohio and the entire great lakes region 154347  
with respect to how those patterns impact ozone levels, air 154348

circulation, and overall emissions. The analysis shall include a 154349  
review of temperature inversions, seasonal variations, and other 154350  
meteorological factors that could contribute to emissions 154351  
buildup or dispersion. The analysis also shall evaluate current 154352  
ozone levels and how such weather patterns affect compliance 154353  
status with the national ambient air quality standards. 154354

(5) Any potential alternative measures for maintaining air 154355  
quality if the program is altered or discontinued. 154356

(B) Not later than eighteen months after the effective 154357  
date of this section, the Director shall compile the findings of 154358  
the review into a report. The Director shall submit the report 154359  
to the General Assembly and make the report available to the 154360  
public on the Environmental Protection Agency's web site. 154361

**Section 739.10. AMBULANCE REIMBURSEMENT UNDER HEALTH 154362**  
BENEFIT PLANS 154363

The amendment by this act of section 3902.51 of the 154364  
Revised Code applies to health benefit plans that are issued, 154365  
renewed, or modified in this state on or after the effective 154366  
date of this section. 154367

**Section 741.10.** (A) As used in this section, 154368  
"contributions," "contributory employer," "payments in lieu of 154369  
contributions," and "wages" have the same meanings as in section 154370  
4141.01 of the Revised Code. 154371

(B) Except as provided in division (E) of this section, 154372  
the Director of Job and Family Services shall, in accordance 154373  
with division (C) of this section, collect a technology and 154374  
customer service fee from all contributory employers and all 154375  
nonprofit organizations, or groups of such organizations, that 154376  
elect to become liable for payments in lieu of contributions 154377

under section 4141.241 of the Revised Code. 154378

(C) (1) The Director shall collect a technology and 154379  
customer service fee of not more than fifteen-hundredths of one 154380  
per cent of wages per employee subject to this chapter from each 154381  
contributory employer. The Director shall collect any fee due 154382  
under this section from a contributory employer at the same time 154383  
and in the same manner as contributions due under section 154384  
4141.25 of the Revised Code. 154385

(2) At the time a nonprofit organization, or group of such 154386  
organizations, that elects to become liable for payments in lieu 154387  
of contributions files or renews a surety bond with the Director 154388  
in accordance with division (C) of section 4141.241 of the 154389  
Revised Code, the Director shall collect a technology and 154390  
customer service fee of not more than thirteen dollars and fifty 154391  
cents from the organization or group of organizations. 154392

(D) Technology and customer service fees collected under 154393  
this section shall be paid into the Unemployment Compensation 154394  
Special Administrative Fund established in section 4141.11 of 154395  
the Revised Code. 154396

(E) The technology and customer service fee required under 154397  
this section applies only to the period beginning December 31, 154398  
2025, and ending December 31, 2027. 154399

**Section 747.10. TRANSITION OF PEER SUPPORTER CERTIFICATION** 154400

(A) (1) Beginning one year after the effective date of this 154401  
section, an individual who holds, on the effective date of this 154402  
section, a valid certificate that is accepted under rules 154403  
adopted pursuant to section 5119.36 of the Revised Code as 154404  
authority to practice as a peer recovery supporter, youth peer 154405  
supporter, or family peer supporter, may apply to the Chemical 154406

Dependency Professionals Board to continue practicing as a peer 154407  
supporter under the certificate issued by the Department of 154408  
Behavioral Health. 154409

(2) At the Board's discretion and notwithstanding section 154410  
4758.02 of the Revised Code, the Board may allow an individual 154411  
to continuing practicing as a peer recovery supporter, youth 154412  
peer supporter, or family peer supporter until a date the Board 154413  
specifies. The date the Board specifies shall not be later than 154414  
the date that is one year after the effective date of the 154415  
Board's initial rules regarding peer recovery supporters, youth 154416  
peer supporters, or family peer supporters adopted under section 154417  
4758.20 of the Revised Code. 154418

(3) An individual who is permitted to continue practicing 154419  
under a certificate issued by the Department of Behavioral 154420  
Health under this section may perform services within the scope, 154421  
standards, and ethics of the certificate issued by the 154422  
Department until the date specified by the Board. 154423

(B) Notwithstanding the amendments made by this act to 154424  
sections 4758.10, 4758.11, and 4758.13 of the Revised Code, both 154425  
of the following apply regarding the position on the Board that 154426  
is to be held by a peer recovery supporter, youth peer 154427  
supporter, or family peer supporter certified by the Board: 154428

(1) The Governor may delay filling the position until the 154429  
Board's certification of such individuals has been initiated or 154430  
may choose to fill the position before that time by appointing 154431  
an individual who otherwise meets the same qualifications. 154432

(2) If the Governor delays filling the position on the 154433  
Board as described in division (B)(1) of this section, the Board 154434  
shall operate by making corresponding adjustments to the 154435



required number of members who must be present to constitute a 154436  
quorum. 154437

**Section 751.30.** (A) (1) The Child Care Provider Recruitment 154438  
and Mentorship Grant Program is created in the Department of 154439  
Children and Youth. Under the program, the Department shall 154440  
award grants to eligible organizations for the following 154441  
purposes: 154442

(a) To increase, through recruitment efforts, Ohio's 154443  
supply of licensed child care providers, including at least one 154444  
hundred twenty new family child care homes, especially in areas 154445  
or communities of the state most in need of such care; 154446

(b) To assist entities and individuals recruited under the 154447  
program in establishing and operating child care businesses and 154448  
adopting business practices to best serve the needs of Ohio's 154449  
families. 154450

(2) The Department shall operate the program described in 154451  
division (A) (1) of this section until July 1, 2027. 154452

(3) Each grant recipient shall do all of the following 154453  
over the course of the recipient's grant period: 154454

(a) With the assistance of the Department and relevant 154455  
stakeholders, identify and recruit entities and individuals 154456  
interested in operating family child care homes, in particular, 154457  
in areas and communities with limited access to such homes; 154458

(b) Partner with prospective child care providers to 154459  
assist them in developing and implementing child care business 154460  
models; 154461

(c) Assist prospective child care providers in obtaining 154462  
licensure under Chapter 5104. of the Revised Code; 154463

(d) Mentor licensed child care providers in such topics as 154464  
operating, maintaining, and expanding child care businesses. 154465

(B) An organization seeking a program grant shall apply to 154466  
the Department in the manner prescribed by the Department. To be 154467  
eligible for a program grant, an applicant shall demonstrate 154468  
that it is able to do all of the following: 154469

(1) In collaboration with the Department and relevant 154470  
stakeholders, plan, staff, and hold events, either in-person or 154471  
virtually, to identify and recruit prospective child care 154472  
providers; 154473

(2) Develop informational materials to assist licensed 154474  
child care providers with marketing, advertising, and outreach; 154475

(3) Establish a software platform, with a customizable 154476  
dashboard, that may be accessed by licensed child care providers 154477  
to assist them with tasks such as marketing their businesses, 154478  
enrolling children, communicating with families, billing for 154479  
services, and reporting expenses; 154480

(4) Offer and provide coaching and training to child care 154481  
staff employed by licensed child care providers, which may 154482  
include in-person, group training sessions, on-site coaching 154483  
visits, community forums, and other events; 154484

(5) Perform any other activity the Department considers 154485  
relevant. 154486

The Department shall review each application it receives 154487  
under this section. After receiving an application it considers 154488  
complete, the Department shall determine whether the applicant 154489  
meets the eligibility conditions described in this division. If 154490  
the eligibility conditions are met, and subject to available 154491  
funds, the Department shall award a grant to the recipient. Each 154492

grant shall expire at the close of fiscal year 2027. 154493

(C) The Department shall require each grant recipient, as 154494  
a condition of continued funding, to submit to the Department on 154495  
a periodic basis reports describing the recipient's progress in 154496  
partnering with, assisting, and mentoring prospective and 154497  
licensed child care providers, in particular the number and 154498  
content of trainings offered by the recipient, the types of 154499  
software or web site platforms the recipient makes available to 154500  
child care providers, and any other information the Department 154501  
considers necessary. The reports shall be completed and 154502  
submitted in the manner and at the intervals prescribed by the 154503  
Department. 154504

**Section 751.70.** Not later than December 31, 2027, the 154505  
Auditor of State shall conduct both a performance audit and 154506  
fiscal audit of the Department of Medicaid's next generation 154507  
system that went into effect on February 1, 2023. The Auditor of 154508  
State shall submit a copy of the audit reports to the Executive 154509  
Director of the Joint Medicaid Oversight Committee. 154510

In conducting audits under this section, the Auditor of 154511  
State shall examine all of the following components of the 154512  
system: 154513

(A) The Provider Network Management; 154514

(B) The Ohio Medicaid Enterprise System; 154515

(C) The Ohio Resilience Through Integrated Systems and 154516  
Excellence (OhioRISE) Program; 154517

(D) The Electronic Data Interchange; 154518

(E) The Medicaid state pharmacy benefit manager that was 154519  
selected in accordance with section 5167.24 of the Revised Code; 154520

(F) Centralized Provider Credentialing;	154521
(G) Prior authorization requirements;	154522
(H) Issues with late payments to Medicaid providers;	154523
(I) Any other aspects of the system that the Auditor of State considers relevant.	154524 154525
<b>Section 751.80. PRIVATE INSURANCE OUTREACH PROGRAM</b>	154526
During Fiscal Year 2027, the Department of Medicaid shall create and administer an outreach program to provide information, awareness, and assistance to Medicaid recipients to help them transition from Medicaid to private insurance.	154527 154528 154529 154530
<b>Section 751.90. HIGH-THC CANNABIS IMPACT RESEARCH STUDY</b>	154531
(A) As used in this section, "cannabis" and "THC" have the same meanings as in section 3780.01 of the Revised Code.	154532 154533
(B) The Department of Behavioral Health, in collaboration with the Department of Commerce, shall conduct a study in partnership with a qualified Ohio public university, public safety agency, or research consortium selected by the Department of Behavioral Health to assess the potential health risks and benefits of cannabis and hemp-derived product use and to review state-level program evaluations from other states and peer- reviewed research regarding the following:	154534 154535 154536 154537 154538 154539 154540 154541
(1) Physical, behavioral, cognitive, and neurodevelopmental effects of chronic or early use of high- potency THC cannabis products, particularly among individuals under the age of twenty-five;	154542 154543 154544 154545
(2) Cannabis-induced psychosis and schizophrenia;	154546
(3) Cannabis hyperemesis syndrome;	154547

(4) The relationship between cannabis use and depression,  
anxiety, suicidal ideation, completed suicides, and cannabis use  
disorder;

(5) The relationship between cannabis use and cognitive  
and neurodevelopmental impairments such as decline in memory and  
executive functioning;

(6) Disproportionate impacts of cannabis use on vulnerable  
populations, including youth, pregnant women, unborn children,  
and individuals with a history of trauma or mental illness;

(7) The relationship between cannabis use and IQ loss;

(8) Recommended guidelines for potency and usage.

(C) The Department of Behavioral Health shall submit two  
reports to the Governor and the General Assembly in accordance  
with section 101.68 of the Revised Code and shall publish a copy  
of each report on the Department's web site. The initial report  
shall be submitted by June 30, 2026, and the final report shall  
be submitted by June 30, 2027. Each report shall include the  
following:

(1) A comparative analysis of THC regulations, potency  
limits, and health outcomes from other states' cannabis  
programs;

(2) A synthesis of peer-reviewed research and reputable  
state program data;

(3) Recommendations for cannabis regulation, prevention  
education, public education campaigns, and outreach efforts for  
stakeholders such as the General Assembly, state agencies,  
employers, educators, and the general public.

(D) The Department of Behavioral Health shall seek the

input of the following as necessary to complete the report 154576  
required by division (C) of this section: 154577

- (1) The Department of Health; 154578
- (2) RecoveryOhio; 154579
- (3) The Bureau of Workers' Compensation; 154580
- (4) The Department of Public Safety; 154581
- (5) The Attorney General; 154582
- (6) The State Medical Board; 154583
- (7) The Ohio High Intensity Drug Trafficking Area; 154584
- (8) Prevention consultants certified by the Chemical  
Dependency Professionals Board; 154585  
154586
- (9) Children's hospitals. 154587

**Section 751.100. PLACEMENT OF CHILDREN IN GROUP HOMES** 154588

(A) As used in this section, "group home" has the same 154589  
meaning as "group home for children" in section 5103.05 of the 154590  
Revised Code. 154591

(B) The operator of a group home shall not displace a 154592  
child who is placed in the group home as of the effective date 154593  
of this section in order to comply with the ratio requirements 154594  
established in rules adopted under division (B) (3) of section 154595  
5103.0520 of the Revised Code. The operator shall not accept the 154596  
placement of additional children until the group home has 154597  
complied with the ratio requirements. 154598

**Section 751.111. MONITORING OF FEDERAL MEDICAID CHANGES** 154599

(A) The Department of Medicaid shall monitor and track 154600  
legislative enactments from the 119th Congress, including any 154601

federal policy changes related to the Medicaid program. As part 154602  
of this monitoring and tracking, the Department shall identify 154603  
state flexibilities, authorities, and requirements relating to 154604  
program integrity, eligibility, accountability, and efficiency 154605  
in the Medicaid program, including all of the following: 154606

(1) Changes related to presumptive eligibility 154607  
determinations made by hospitals; 154608

(2) The establishment of work requirements as a condition 154609  
of continued participation in the Medicaid program; 154610

(3) The establishment of new responsibilities on Medicaid 154611  
enrollees as a condition of continued participation in the 154612  
Medicaid program, such as cost sharing requirements or program 154613  
premiums. 154614

(B) If the Department identifies federal legislative or 154615  
policy changes, the Department shall conduct a feasibility study 154616  
regarding implementation of those changes. The study shall 154617  
evaluate the administrative costs related to implementing 154618  
changes, the level of effort and staffing resources needed to 154619  
implement and operate the changes, the necessary timeframe for 154620  
implementing the changes, and the estimated savings and costs 154621  
for implementing the changes. 154622

(C) The Department shall prepare and submit a report to 154623  
the Joint Medicaid Oversight Committee related to its findings 154624  
and recommendations that result from any feasibility study 154625  
conducted under this section. 154626

**Section 751.120.** The Department of Medicaid shall conduct 154627  
a request for information to study the feasibility of requiring 154628  
Medicaid managed care organizations to conduct internal data 154629  
cross checks. 154630

**Section 751.130.** (A) It is the intent of this state and 154631  
the General Assembly to create a sustainable developmental 154632  
disabilities service system grounded in quality, efficiency, and 154633  
accountability that ensures access to high-quality supports for 154634  
individuals with developmental disabilities now and in the 154635  
future. 154636

(B) The General Assembly shall establish a Legislative 154637  
Committee on the Sustainability of the Developmental 154638  
Disabilities Service System, comprised of legislators and 154639  
supported by state agencies, individuals with developmental 154640  
disabilities, families of individuals with developmental 154641  
disabilities, service providers, and other stakeholders. The 154642  
committee shall develop a System Efficiency and Sustainability 154643  
Plan to guide the modernization and long-term viability of 154644  
Ohio's developmental disability service system. The plan shall 154645  
do the following: 154646

(1) Evaluate the current system structure, financing 154647  
mechanisms, and service delivery models to identify reforms that 154648  
improve efficiency, equity, and alignment with statewide goals; 154649

(2) Assess the adequacy, composition, and distribution of 154650  
the provider network, including analysis of provider capacity, 154651  
provider type, service deserts, and unmet needs across 154652  
populations and regions; 154653

(3) Examine the continuum of care to determine whether the 154654  
current system supports the full range of needs, including 154655  
access to specialized services and supports for individuals with 154656  
complex medical, behavioral, or forensic profiles; 154657

(4) Review case management and coordination practices and 154658  
explore the feasibility of alternative payment structures, such 154659



as per member per month or value based, that reward quality, 154660  
outcomes, and system stewardship; 154661

(5) Identify and recommend strategies to reduce 154662  
fragmentation and streamline funding, with the goal of improving 154663  
coordination and reducing administrative burden; 154664

(6) Analyze the impact of unfunded mandates, compliance 154665  
costs, and regulatory complexity on providers and the 154666  
sustainability of service delivery; 154667

(7) Develop a rate methodology that reflects the actual 154668  
costs of service provision, including costs associated with 154669  
compliance, training, quality expectations, and the unique needs 154670  
of specific populations; 154671

(8) Promote innovation and cost-effective practices, 154672  
including the use of technology such as telehealth, remote 154673  
supports, and electronic health records, to enhance outcomes and 154674  
reduce reliance on high-cost services; 154675

(9) Develop statewide quality and system performance 154676  
measures that promote person-centered outcomes, accountability, 154677  
and continuous improvement. 154678

(C) The Committee shall be composed of the following four 154679  
members, appointed as follows: 154680

(a) One member of the House of Representatives appointed 154681  
by the Speaker of the House of Representatives; 154682

(b) One member of the House of Representatives appointed 154683  
by the Minority Leader of the House of Representatives; 154684

(c) One member of the Senate appointed by the President of 154685  
the Senate; 154686

(d) One member of the Senate appointed by the Minority	154687
Leader of the Senate.	154688
(D) The Committee shall collaborate with the following	154689
stakeholders to create the System Efficiency and Sustainability	154690
Plan:	154691
(1) The Department of Medicaid;	154692
(2) The Department of Youth Services;	154693
(3) The Department of Health;	154694
(4) County boards of developmental disabilities;	154695
(5) The Ohio Provider Resource Association;	154696
(6) The Ohio Health Care Association;	154697
(7) The Ohio Association of County Boards of Developmental	154698
Disabilities;	154699
(8) Individuals with developmental disabilities;	154700
(9) Family members of individuals with developmental	154701
disabilities;	154702
(10) Independent providers of services to individuals with	154703
developmental disabilities;	154704
(11) Agency providers of services to individuals with	154705
developmental disabilities;	154706
(12) Advocacy and self-advocacy organizations;	154707
(13) Any other stakeholders identified by the Department	154708
of Developmental Disabilities.	154709
(E) By June 30, 2026, the Committee shall submit the final	154710
System Efficiency and Sustainability Plan to the Joint Medicaid	154711

Oversight Committee and the General Assembly in accordance with 154712  
section 101.68 of the Revised Code. 154713

(F) The Committee ceases to exist on the submission of the 154714  
report described in division (B) of this section. 154715

**Section 751.140.** (A) (1) The Director of Job and Family 154716  
Services shall conduct an analysis of the public assistance 154717  
programs it administers, including the funding for those 154718  
programs, to identify opportunities to do all of the following: 154719

(a) Prioritize employment as the primary way to satisfy 154720  
work requirements in public assistance programs and make 154721  
training and education opportunities secondary objectives; 154722

(b) Help public assistance recipients obtain meaningful 154723  
employment; 154724

(c) Meet local workforce needs. 154725

(2) As part of its analysis, the Department may consider 154726  
state and federal regulations that conflict with the 154727  
Department's ability to successfully fulfill the requirements of 154728  
this section. 154729

(B) After conducting the analysis described in division 154730  
(A) of this section, the Department shall develop a strategic 154731  
plan to increase the number of individuals receiving public 154732  
assistance benefits that are employed. The plan may include 154733  
funding recommendations, including the reallocation of resources 154734  
related to work supports, work stabilization services, and 154735  
infrastructure for individualized case management in all 154736  
counties. 154737

(C) Not later than July 1, 2026, the Department shall 154738  
prepare and submit a report to the General Assembly in 154739

accordance with section 101.68 of the Revised Code regarding the 154740  
analysis conducted and strategic plan established under this 154741  
section. 154742

**Section 757.10.** The amendment by this act of section 154743  
5747.05 of the Revised Code is intended to clarify the meaning 154744  
of that section as it existed before the effective date of this 154745  
section and is not intended to change the meaning in any way. 154746

**Section 757.20.** The amendment by this act of section 154747  
5747.40 of the Revised Code is intended to clarify the meaning 154748  
of that section as it existed prior to the effective date of 154749  
this section. It is not intended to change the meaning of 154750  
section 5747.40 of the Revised Code in any way. 154751

**Section 757.40. BUSINESS INCENTIVE TAX CREDITS** 154752

In order to facilitate an understanding of business 154753  
incentive tax credits, as defined in section 107.036 of the 154754  
Revised Code, the following table provides an estimate of the 154755  
amount of credits that may be authorized in each fiscal year of 154756  
the 2026-2027 biennium, an estimate of the credits expected to 154757  
be claimed in each fiscal year of that biennium, and an estimate 154758  
of the amount of credits authorized that will remain outstanding 154759  
at the end of that biennium. In totality, this table provides an 154760  
estimate of the state revenue forgone due to business incentive 154761  
tax credits in the 2026-2027 biennium and future bienniums. 154762  
154763

	1	2	3	4	5	6
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A                      Biennial Business Incentive Tax Credit Estimates

(All Figures in Thousands of Dollars)

B	Estimate of total	Estimate of tax	Expected
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		value of tax credits authorized		credits issued/claimed		Out- standing Credits
C	Tax Credit	FY 2026	FY 2027	FY 2026	FY 2027	End of Biennium
D	Job Creation	\$170,000	\$175,000	\$139,200	\$145,000	\$705,000
E	Job Retention	\$0	\$0	\$15,300	\$10,710	\$23,000
F	Historic Preservation	\$60,000	\$60,000	\$122,300	\$86,100	\$372,000
G	Film	\$50,000	\$50,000	\$40,000	\$35,000	\$100,000
H	Film and Theatre	\$25,000	\$25,000	\$15,000	\$25,000	\$70,000
I	New Markets	\$10,000	\$10,000	\$7,500	\$7,500	\$46,000
J	R&D Loan	\$0	\$0	\$0	\$0	\$5,000
K	InvestOhio Program	\$5,000	\$5,000	\$3,750	\$3,750	\$7,500
L	Ohio Rural Business Growth	\$0	\$0	\$18,750	\$18,750	\$7,500
M	Ohio Opportunity Zone	\$25,000	\$25,000	\$25,000	\$25,000	\$0
N	Transformational Mixed-Use Development	\$0	\$0	\$136,200	\$110,600	\$237,500

Revised Code, each county budget commission or, if applicable, 154765  
joint budget commission, shall convene not later than October 154766  
31, 2025, to proceed as described in that section. At that 154767  
meeting, the commission shall review the certification required 154768  
for fiscal year 2025 under section 5705.36 of the Revised Code 154769  
for each city, local, or exempted village school district in the 154770  
county. If the carry-over balance in a district's general 154771  
operating budget exceeds fifty per cent of the district's 154772  
general fund expenditures made in that fiscal year, the 154773  
commission shall reduce the rate of, or the annual amount of 154774  
money to be raised by, any or all of the current expense taxes 154775  
levied by the district for tax year 2025 to the extent described 154776  
in section 5705.316 of the Revised Code. A board may, by 154777  
resolution certified to the commission on or before October 1, 154778  
2025, designate an amount of the district's carry-over balance 154779  
as reserved for current or future permanent improvements 154780  
expenditures, and the commission shall not consider the 154781  
designated amount as described in that section. If such funds 154782  
are not expended as designated within those three years, the 154783  
commission shall consider them as a part of the carry-over 154784  
balance in all subsequent years. 154785

This section does not apply to an island school district 154786  
or a joint state school district. 154787

**Section 757.120.** (A) The Tax Commissioner shall not make 154788  
adjustments in 2025 or 2026 to the income amounts in divisions 154789  
(A) (2) and (3) of section 5747.02 of the Revised Code, as 154790  
otherwise required by division (A) (5) of that section, or make 154791  
adjustments in 2025 or 2026 to the personal exemption amounts 154792  
prescribed in division (A) of section 5747.025 of the Revised 154793  
Code, as otherwise required by divisions (B) and (C) of that 154794  
section. 154795

(B) Notwithstanding any rule adopted pursuant to section 154796  
5747.06 of the Revised Code, the Tax Commissioner shall adjust 154797  
the income tax withholding rate tables published pursuant to 154798  
those rules to reflect all amendments to the income tax rates 154799  
prescribed in section 5747.02 of the Revised Code, as amended by 154800  
this act, such that not more than one hundred million dollars in 154801  
General Revenue Fund revenue is forgone in fiscal year 2026 and 154802  
not more than two hundred fifteen million dollars in General 154803  
Revenue Fund revenue is forgone in fiscal year 2027 as the 154804  
result of such adjustments. 154805

**Section 757.130.** The amendment by this act of sections 154806  
323.152 and 4503.065 of the Revised Code applies, in the case of 154807  
property on the real property tax list, to tax year 2025 and, in 154808  
the case of property on the manufactured home tax list, to tax 154809  
year 2026. 154810

The Tax Commissioner shall not make adjustments for tax 154811  
year 2025 or 2026 to the income threshold and reduction amounts 154812  
described in divisions (A) (1) (b) (iii), (A) (1) (c) (i), (A) (2), and 154813  
(A) (3) of section 323.152 of the Revised Code, as otherwise 154814  
required by division (A) (1) (d) of that section, or make 154815  
adjustments for tax year 2026 or 2027 to the income threshold 154816  
and reduction amounts described in divisions (A) (2) (a) (iii), (A) 154817  
(2) (c) (iii), (A) (2) (b) (i), (A) (2) (d) (i), (B) (1), (B) (2), (C) (1), 154818  
and (C) (2) of section 4503.065 of the Revised Code, as otherwise 154819  
required by division (A) (2) (e) of that section. 154820

**Section 757.140.** The owner of a tax credit certificate 154821  
issued under section 122.852 of the Revised Code, as it existed 154822  
prior to that section's repeal by this act, may claim the credit 154823  
in the manner prescribed in that section and sections 5726.59, 154824  
5747.67, and 5751.55 of the Revised Code, as those sections 154825

existed prior to their repeal by this act. 154826

**Section 757.150.** (A) For the first year in which the 154827  
property tax relief screening system established under section 154828  
5703.83 of the Revised Code is operational, notwithstanding 154829  
division (C)(3) of section 323.153 or division (B)(2) of section 154830  
4503.066 of the Revised Code, no charges, penalties, or interest 154831  
shall be imposed against a parcel of real property or a 154832  
manufactured or mobile home based on a determination under the 154833  
property tax relief screening system that the parcel or home 154834  
received one or more reductions for which the parcel or home was 154835  
not eligible, except if the county auditor determines that the 154836  
parcel or home's reduction was procured through fraud, a false 154837  
statement, or a knowing omission as described in divisions (D), 154838  
(E), or (F) of section 323.153 or divisions (C), (D), or (E) of 154839  
section 4503.066 of the Revised Code. The county auditor and 154840  
county treasurer shall disqualify such ineligible parcels and 154841  
homes from receiving the reduction or reductions beginning with 154842  
the tax year in which the county auditor makes a final 154843  
determination that the parcel or home is not eligible for such 154844  
reduction or reductions. 154845

(B) A county treasurer shall ensure that any tax bill 154846  
issued under section 323.13 or 4503.06 of the Revised Code in 154847  
that year for a parcel receiving the reduction in taxes 154848  
authorized under division (A) or (B) of section 323.152 or 154849  
section 4503.065 of the Revised Code, as applicable to the 154850  
parcel, clearly informs the owner of the eligibility 154851  
requirements for that applicable reduction and notifies the 154852  
owner of the one-year amnesty for self-reporting improper 154853  
receipt of the reduction provided under division (A) of this 154854  
section. 154855



**Section 801.10.** Section 4141.29 of the Revised Code, as 154856  
amended by this act, applies to valid applications for 154857  
determination of benefit rights filed on or after the effective 154858  
date of this section. 154859

**Section 801.20.** (A) The amendment by this act of division 154860  
(A) (18) of section 5747.01 of the Revised Code is intended to 154861  
clarify the meaning of that division as it existed before the 154862  
effective date of this section and is not intended to change its 154863  
meaning in any way. 154864

(B) The amendment by this act of division (S) (14) of 154865  
section 5747.01 of the Revised Code applies to taxable years 154866  
beginning on and after January 1, 2025. 154867

(C) The amendment by this act of division (A) (31) of 154868  
section 5747.01 of the Revised Code applies to taxable years 154869  
ending on or after the effective date of this section. 154870

**Section 801.40.** The amendment by this act of section 154871  
5747.09 and division (C) of section 5747.43 of the Revised Code 154872  
applies to taxable years beginning on or after January 1, 2025. 154873

**Section 801.60.** The repeal and reenactment by this act of 154874  
section 3780.22 of the Revised Code applies on and after July 1, 154875  
2025. 154876

**Section 801.70.** The amendment by this act of sections 154877  
5748.02, 5748.021, 5748.04, 5748.08, and 5748.09 of the Revised 154878  
Code involving notice to the tax commissioner applies to 154879  
resolutions adopted under sections 5748.02, 5748.021, 5748.08, 154880  
and 5748.09 and petitions filed under section 5748.04 of the 154881  
Revised Code on or after the effective date of those amendments. 154882

**Section 801.90.** The amendment by this act of division (B) 154883  
of section 5747.43 of the Revised Code applies to taxable years 154884

beginning on or after January 1, 2026. 154885

**Section 801.100.** The amendment by this act of sections 154886  
5747.021, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 154887  
5748.081, and 5748.09 of the Revised Code involving eliminating 154888  
school district income taxes on estates applies to any school 154889  
district income tax, as defined in section 5748.01 of the 154890  
Revised Code, in effect, levied, or renewed on or after January 154891  
1, 2026. The amendments do not invalidate or modify any portions 154892  
of a properly enacted tax in effect on that date, other than 154893  
those applicable to estates. For any school district income tax 154894  
in effect on that date, the school district is not required to 154895  
adopt a new resolution or obtain voter approval for the tax in 154896  
order to effectuate those amendments. 154897

**Section 801.120.** The amendment by this act of every 154898  
portion except the changes to the withholding rate under 154899  
sections 5747.062, 5747.063, and 5747.064 and sections 718.031, 154900  
3123.89, 3123.90, 3770.071, 3770.072, 3770.073, 3770.10, 154901  
3770.25, and 3775.16 of the Revised Code and the enactment by 154902  
this act of sections 3770.074 and 3770.075 of the Revised Code 154903  
apply to amounts deducted and withheld on or after January 1, 154904  
2026. 154905

**Section 801.130.** The amendment by this act of section 154906  
5747.071 of the Revised Code applies to withholding requests 154907  
made under that section on or after January 1, 2027. 154908

**Section 801.150.** The enactment by this act of section 154909  
5747.073 of the Revised Code applies to income tax withholding 154910  
returns, reports, or payments filed or remitted on or after 154911  
January 1, 2026. 154912

**Section 801.160.** The amendment by this act of section 154913

5739.07 of the Revised Code applies to refunds made pursuant to 154914  
applications that are filed on or after the effective date of 154915  
this section. 154916

**Section 801.170.** The amendment by this act of section 154917  
5739.132 of the Revised Code applies to refunds allowed on and 154918  
after the effective date of that amendment. 154919

**Section 801.190.** The amendment by this act of section 154920  
718.01 of the Revised Code applies to taxable years ending on or 154921  
after the effective date of this section. 154922

**Section 801.210.** The amendment by this act of division (A) 154923  
(1) of section 5749.02 of the Revised Code applies to calendar 154924  
quarters ending on or after the effective date of this section. 154925

**Section 801.230.** The amendment by this act of section 154926  
5747.29 of the Revised Code applies to taxable years beginning 154927  
on or after the effective date of this section. 154928

**Section 801.240.** The amendment by this act of division (B) 154929  
(1) of section 5739.12 of the Revised Code applies to returns 154930  
required to be filed on and after January 1, 2026. 154931

**Section 801.250.** (A) The amendment by this act of division 154932  
(EE) of section 5747.01 of the Revised Code applies to taxable 154933  
years beginning on and after January 1, 2026. 154934

(B) The amendment by this act of division (E) (7) of 154935  
section 5751.01 of the Revised Code applies to tax periods 154936  
beginning on and after January 1, 2026. 154937

**Section 801.260.** The amendment by this act of section 154938  
5739.02 of the Revised Code, except division (B) (13) of that 154939  
section, applies on and after January 1, 2026. 154940

**Section 801.270.** The amendment by this act of division (B) 154941

(8) of section 5739.01 of the Revised Code applies on and after 154942  
January 1, 2026. 154943

**Section 801.280.** The amendment by this act of division (E) 154944  
(1) of section 319.301 of the Revised Code applies to tax years 154945  
beginning on or after the effective date of this section. 154946

**Section 801.290.** The amendment by this act of section 154947  
5713.34 of the Revised Code applies to the conversion of land 154948  
devoted exclusively to agricultural use, as defined in section 154949  
5713.30 of the Revised Code, occurring on or after the effective 154950  
date of this section. 154951

**Section 801.300.** The amendment by this act of sections 154952  
133.18, 3318.06, 3318.061, 3318.062, 3318.063, 3318.36, 3318.45, 154953  
5705.194, 5705.21, 5705.215, 5705.2111, and 5705.2113 of the 154954  
Revised Code requiring two-thirds of a school board or other 154955  
governing body to approve the submission of a tax levy to voters 154956  
applies to elections held on or after the one hundredth day 154957  
after the effective date of this section. 154958

**Section 801.310.** (A) Except as otherwise provided in 154959  
Sections 801.70, 801.100, and 801.300 of this act, the amendment 154960  
by this act of sections 133.18, 306.32, 306.322, 345.01, 345.03, 154961  
345.04, 505.37, 505.48, 505.481, 511.28, 511.34, 513.18, 154962  
755.181, 1545.041, 1545.21, 1711.30, 3311.50, 3318.01, 3318.06, 154963  
3318.061, 3318.062, 3318.063, 3318.361, 3318.45, 3381.03, 154964  
4582.024, 4582.26, 5705.01, 5705.03, 5705.17, 5705.21, 5705.212, 154965  
5705.213, 5705.215, 5705.217, 5705.218, 5705.219, 5705.2111, 154966  
5705.2114, 5705.233, 5705.25, 5705.251, 5705.261, 5705.55, 154967  
5748.01, 5748.02, 5748.03, 5748.08, and 5748.09 of the Revised 154968  
Code applies to elections held on or after January 1, 2026, 154969  
except as otherwise provided in those amendments. 154970

(B) As used in this division, "former section 5705.192 of the Revised Code" means section 5705.192 of the Revised Code as it existed before the effective date of its repeal by this act.

If a taxing authority, as defined in former section 5705.192 of the Revised Code, acts under that section prior to its repeal by this act to replace an existing levy and submit the question to electors at an election held before January 1, 2026, then a board of elections shall proceed to submit that question in accordance with that former section, notwithstanding the effective date of its repeal by this act. No replacement of a tax proposed under former section 5705.192 of the Revised Code shall be submitted to electors at an election held on or after January 1, 2026.

**Section 801.320.** The amendment or enactment by this act of sections 307.696, 307.697, 4301.421, 5743.024, 5743.323, 5743.511, 5743.621, and 5743.631 of the Revised Code applies to any proceedings commenced after the effective date of this section, and, so far as their provisions support the actions taken, also apply to proceedings that on that effective date are pending, in progress, or completed, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior resolution, ordinance, order, advertisement, notice, or other proceeding. Any proceedings pending or in progress on that effective date of that amendment or enactment shall be deemed to have been taken in conformity with the amendment or enactment.

**Section 801.330.** The amendment by this act of division (A) (43) of section 5747.01 of the Revised Code is remedial in nature and applies to taxable years beginning on or after January 1, 2024, including any petition for reassessment or

appeal thereof pending on or after the effective date of this 155001  
section. A taxpayer who previously added amounts under division 155002  
(A) (43) of section 5747.01 of the Revised Code, as that division 155003  
existed before the effective date of this section, may file an 155004  
amended return to revise the addition consistent with the 155005  
amendment by this act. Such amended returns must be filed within 155006  
one year after the effective date of this section. 155007

**Section 805.10. SEVERABILITY** 155008

The items of law contained in this act, and their 155009  
applications, are severable. If any item of law contained in 155010  
this act, or if any application of any item of law contained in 155011  
this act, is held invalid, the invalidity does not affect other 155012  
items of law contained in this act and their applications that 155013  
can be given effect without the invalid item of law or 155014  
application. 155015

**Section 810.10. NO EFFECT AFTER END OF BIENNIUM** 155016

An item of law, other than an amending, enacting, or 155017  
repealing clause, that composes the whole or part of an 155018  
uncodified section contained in this act has no effect after 155019  
June 30, 2027, unless its context clearly indicates otherwise. 155020

**Section 820.10.** Sections of this act prefixed with numbers 155021  
in the 200s, 300s, 400s, and 500s of this act are exempt from 155022  
the referendum under Ohio Constitution, Article II, Section 1d, 155023  
and therefore take immediate effect when this act becomes law. 155024

**Section 820.20.** The amendment, enactment, or repeal by 155025  
this act of the sections listed below is exempt from the 155026  
referendum under Ohio Constitution, Article II, section 1d and 155027  
section 1.471 of the Revised Code and therefore takes effect 155028  
immediately when this act becomes law or, if a later effective 155029

date is specified below, on that date. 155030

Sections 131.51, 3302.03, 3319.51, 3780.02, 3780.03, 155031  
3780.10, 3780.18, 3780.19, 3780.22, 3780.23, 3780.26, 3780.30, 155032  
4743.05, 4927.01, 4927.22, 5119.211, 5124.15, 5709.93, and 155033  
5751.02 of the Revised Code. 155034

**Section 820.30.** SUBJECT TO REFERENDUM 155035

Except as otherwise provided in this act, the amendment, 155036  
enactment, or repeal by this act of a section is subject to the 155037  
referendum under Ohio Constitution, Article II, section 1c and 155038  
therefore takes effect on the ninety-first day after this act is 155039  
filed with the Secretary of State or, if a later effective date 155040  
is specified below, on that date. 155041

**Section 820.60.** Sections 3312.01, 3312.02, 3312.03, 155042  
3312.04, 3312.05, 3312.06, 3312.07, 3312.08, 3312.09, 3312.10, 155043  
and 3312.13 of the Revised Code as amended, enacted, reenacted, 155044  
and repealed by this act take effect on July 1, 2026. 155045

**Section 820.70.** Section 1547.54 of the Revised Code, as 155046  
amended by this act, takes effect January 1, 2027. 155047

**Section 820.80.** Section 127.13 of the Revised Code as 155048  
amended by this act take effect on January 1, 2026. 155049

**Section 820.90.** Section 2303.201 of the Revised Code as 155050  
amended by this act takes effect six months after the effective 155051  
date of this section. 155052

**Section 820.100.** Sections 3305.05 and 3305.053 of the 155053  
Revised Code, as amended by this act, take effect one year after 155054  
the effective date of this section. 155055

**Section 820.110.** Sections 107.032 to 107.034 of the 155056  
Revised Code, as amended or enacted by Section 101.01 of this 155057

act, take effect July 1, 2026. 155058

**Section 830.10.** The General Assembly, applying the 155059  
principle stated in division (B) of section 1.52 of the Revised 155060  
Code that amendments are to be harmonized if reasonably capable 155061  
of simultaneous operation, finds that the following sections, 155062  
presented in this act as composites of the sections as amended 155063  
by the acts indicated, are the resulting versions of the 155064  
sections in effect prior to the effective date of the sections 155065  
as presented in this act: 155066

Section 102.08 of the Revised Code as amended by both H.B. 155067  
285 and H.B. 492 of the 120th General Assembly. 155068

Section 123.28 of the Revised Code as amended by both H.B. 155069  
64 and H.B. 141 of the 131st General Assembly. 155070

Section 149.43 of the Revised Code as amended by H.B. 265, 155071  
H.B. 315, S.B. 29, and S.B. 109, all of the 135th General 155072  
Assembly. 155073

Section 173.38 of the Revised Code as amended by both H.B. 155074  
110 and S.B. 217 of the 134th General Assembly. 155075

Section 173.381 of the Revised Code as amended by both 155076  
H.B. 110 and S.B. 217 of the 134th General Assembly. 155077

Section 323.152 of the Revised Code as amended by both 155078  
H.B. 33 and S.B. 43 of the 135th General Assembly. 155079

Section 505.37 of the Revised Code as amended by both H.B. 155080  
315 and H.B. 496 of the 135th General Assembly. 155081

Section 1901.31 of the Revised Code as amended by both 155082  
H.B. 33 and S.B. 21 of the 135th General Assembly. 155083

Section 2925.14 of the Revised Code as amended by both 155084



H.B. 29 and S.B. 95 of the 135th General Assembly.	155085
Section 2929.12 of the Revised Code as amended by both	155086
H.B. 234 and H.B. 531 of the 135th General Assembly.	155087
Section 2929.15 of the Revised Code as amended by H.B.	155088
110, H.B. 281, and S.B. 288, all of the 134th General Assembly.	155089
Section 3302.03 of the Revised Code as amended by both	155090
S.B. 104 and S.B. 168 of the 135th General Assembly.	155091
Section 3314.03 of the Revised Code as amended by H.B. 8,	155092
H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	155093
all of the 135th General Assembly.	155094
Section 3326.11 of the Revised Code as amended by H.B. 8,	155095
H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	155096
all of the 135th General Assembly.	155097
Section 3328.24 of the Revised Code as amended by both	155098
S.B. 208 and S.B. 234 of the 135th General Assembly.	155099
Section 3517.11 of the Revised Code as amended by both	155100
H.B. 166 and S.B. 107 of the 133rd General Assembly.	155101
Section 3701.79 of the Revised Code as amended by both	155102
H.B. 281 and S.B. 157 of the 134th General Assembly.	155103
Section 4141.29 of the Revised Code as amended by both	155104
H.B. 49 and H.B. 158 of the 132nd General Assembly.	155105
Section 4501.21 of the Revised Code as amended by both	155106
H.B. 315 and S.B. 163 of the 135th General Assembly.	155107
Section 4503.065 of the Revised Code as amended by both	155108
H.B. 33 and S.B. 43 of the 135th General Assembly.	155109
Section 4511.213 of the Revised Code as amended by both	155110
H.B. 95 and S.B. 127 of the 132nd General Assembly.	155111

Section 4517.01 of the Revised Code as amended by both	155112
H.B. 33 and H.B. 195 of the 135th General Assembly.	155113
Section 4725.48 of the Revised Code as amended by both	155114
H.B. 509 and S.B. 131 of the 134th General Assembly.	155115
Section 4731.22 of the Revised Code as amended by both	155116
S.B. 95 and S.B. 109 of the 135th General Assembly.	155117
Section 4751.20 of the Revised Code as amended by both	155118
H.B. 509 and S.B. 131 of the 134th General Assembly.	155119
Section 4758.46 of the Revised Code as amended by both	155120
H.B. 113 and H.B. 230 of the 131st General Assembly.	155121
Section 5101.35 of the Revised Code as amended by both	155122
H.B. 33 and S.B. 21 of the 135th General Assembly.	155123
Section 5117.07 of the Revised Code as amended by both	155124
H.B. 283 and S.B. 3 of the 123rd General Assembly.	155125
Section 5122.03 of the Revised Code as amended by both	155126
H.B. 281 and S.B. 2 of the 134th General Assembly.	155127
Section 5122.15 of the Revised Code as amended by both	155128
H.B. 7 and H.B. 281 of the 134th General Assembly.	155129
Section 5123.169 of the Revised Code as amended by H.B.	155130
263 of the 133rd General Assembly and S.B. 3 of the 134th	155131
General Assembly.	155132
Section 5123.41 of the Revised Code as amended by both	155133
H.B. 158 and H.B. 483 of the 131st General Assembly.	155134
Section 5123.42 of the Revised Code as amended by both	155135
H.B. 158 and H.B. 483 of the 131st General Assembly.	155136
Section 5739.01 of the Revised Code as amended by both	155137
H.B. 315 and S.B. 196 of the 135th General Assembly.	155138

Section 5739.31 of the Revised Code as amended by both	155139
S.B. 143 and S.B. 200 of the 124th General Assembly.	155140
Section 5747.01 of the Revised Code as amended by both	155141
H.B. 101 and S.B. 154 of the 135th General Assembly.	155142
Section 6111.04 of the Revised Code as amended by both	155143
H.B. 49 and S.B. 2 of the 132nd General Assembly.	155144